

Legislative Council—No 12

As introduced and read a first time, 5 June 2014

South Australia

**Statutes Amendment (Legal Practitioners)
Bill 2014**

A BILL FOR

An Act to amend the *Fair Trading Act 1987* and the *Legal Practitioners Act 1981*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Legal Practitioners) Act 2014*.

2—Commencement

- 5 This Act will come into operation—
 - (a) on the day on which it is assented to by the Governor; or
 - (b) immediately after Part 2 of the *Legal Practitioners (Miscellaneous) Amendment Act 2013* comes into operation,whichever occurs later.

10 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Fair Trading Act 1987*

4—Insertion of section 25A

Before section 26 insert:

25A—Application of Australian Consumer Law (SA) to bills under *Legal Practitioners Act 1981*

Section 101 of the Australian Consumer Law (SA) does not apply to a contract for the provision of legal services to which the *Legal Practitioners Act 1981* applies.

Part 3—Amendment of *Legal Practitioners Act 1981*

5—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *corporation* insert:

corresponding authority means—

- (a) a person or body having powers or functions under a corresponding law; or
- (b) when used in the context of a person or body having powers or functions under this Act (the *local authority*)—
 - (i) a person or body having corresponding powers or functions under a corresponding law; and
 - (ii) without limiting subparagraph (i), if the powers or functions of the local authority relate to local legal practitioners generally or are limited to any particular class of local legal practitioners—a person or body having corresponding powers or functions under a corresponding law regardless of whether they relate to interstate legal practitioners generally or are limited to any particular class of interstate legal practitioners;

6—Amendment of section 57—Fidelity Fund

(1) Section 57(3)(c) and (ca)—delete paragraphs (c) and (ca) and substitute:

- (c) the money credited by the Society to the Fidelity Fund under section 95; and

(2) Section 57(4)—after paragraph (1) insert:

- (1a) the payment of the salaries and related expenses of the Commissioner and his or her staff;

7—Amendment of section 77H—Report on investigation

Section 77H(2)—after "committed" insert:

by a legal practitioner or former legal practitioner

~~8—Amendment of section 95—Application of certain revenues~~

~~Section 95(1) after "practising certificate fees" insert:~~

~~, fees paid by corporations under Schedule 1 clauses 4(1) and 5(2)~~

9—Amendment of Schedule 4—Investigatory powers

5 (1) Schedule 4, clause 19(2)—delete "or a person employed or engaged on work related to the affairs of the Commissioner" and substitute:

or the Council, or a person employed or engaged on work related to the affairs of the Commissioner,

(2) Schedule 4, clause 19(3)—delete "or complaint investigation" and substitute:

10 , complaint investigation or ILP compliance audit

Schedule 1—Transitional provision

1—Fidelity Fund

15 Money in the Fidelity Fund (within the meaning of the *Legal Practitioners Act 1981*) may be applied for the purpose of reimbursing the expenses incurred by the Crown in funding the establishment and operation of the Office of the Legal Profession Conduct Commissioner, including the costs associated with the salaries and related expenses of the Commissioner and his or her staff, in the period commencing 1 February 2014 (the Commissioner's date of appointment) and ending on the day on which this clause comes into operation.