

House of Assembly—No 66

As laid on the table and read a first time, 17 June 2020

South Australia

**Legal Practitioners (Senior and Queen's Counsel)
Amendment Bill 2020**

A BILL FOR

An Act to amend the *Legal Practitioners Act 1981*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Legal Practitioners Act 1981*

- 4 Insertion of Part 7
 - Part 7—Appointment of Senior Counsel, Queen's Counsel etc
 - 91 Appointment of Senior Counsel
 - 92 Appointment of Queen's Counsel etc
 - 93 Revocation and resignation of appointments

Schedule 1—Transitional provisions

- 1 Application of section 92
 - 2 Application of section 93
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Legal Practitioners (Senior and Queen's Counsel) Amendment Act 2020*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions

- 10 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 *Legal Practitioners Act 1981*

4—Insertion of Part 7

After Part 6 insert:

Part 7—Appointment of Senior Counsel, Queen's Counsel etc

15

91—Appointment of Senior Counsel

- (1) The Chief Justice may, on behalf of the Supreme Court and in accordance with the Rules of the Court, appoint any legal practitioner as a Senior Counsel.

- (2) The Chief Justice must ensure that notice of the appointment of a legal practitioner as a Senior Counsel is published in the Gazette as soon as practicable.

92—Appointment of Queen's Counsel etc

- 5 (1) The Attorney-General must, at the request of a legal practitioner who is a Senior Counsel, recommend to the Governor that the legal practitioner be appointed as a Queen's Counsel or King's Counsel (as the case may require) (and the Attorney-General may only make such a recommendation to the Governor on receipt of a request from a Senior Counsel in accordance with this subsection).
- 10 (2) The Governor may, on the recommendation of the Attorney-General, by notice in the Gazette, appoint a legal practitioner as a Queen's Counsel or King's Counsel (as the case may require).
- 15 (3) If a legal practitioner is appointed as a Queen's Counsel or King's Counsel, the legal practitioner—
- (a) ceases to be a Senior Counsel; and
 - (b) will take precedence, as a Queen's Counsel or King's Counsel, in accordance with their former precedence as a Senior Counsel.

93—Revocation and resignation of appointments

- 20 (1) The Chief Justice may, on behalf of the Supreme Court and in accordance with the Rules of the Court, revoke the appointment of any legal practitioner as a Senior Counsel or as a Queen's Counsel or King's Counsel.
- 25 (2) A legal practitioner who has been appointed as a Senior Counsel, or as a Queen's Counsel or King's Counsel, may, by written notice to the Chief Justice, resign from that appointment.
- 30 (3) The Chief Justice must ensure that notice of a revocation of, or resignation from, an appointment as a Senior Counsel, or as a Queen's Counsel or King's Counsel, is published in the Gazette as soon as practicable.

Schedule 1—Transitional provisions

1—Application of section 92

35 Section 92 of the *Legal Practitioners Act 1981* (as enacted by this Act) applies in relation to a legal practitioner who has been appointed as a Senior Counsel by the Chief Justice of the Supreme Court before or after the commencement of that section.

2—Application of section 93

40 Section 93 of the *Legal Practitioners Act 1981* (as enacted by this Act) applies in relation to a legal practitioner who has been appointed as a Senior Counsel by the Chief Justice of the Supreme Court, or as a Queen's Counsel, before or after the commencement of that section.