



ANNO TRICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1986

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No. 50 of 1986

An Act to amend the Legal Practitioners Act, 1981.

[Assented to 11 September 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Legal Practitioners Act Amendment Act, 1986”. Short title.

(2) The Legal Practitioners Act, 1981, is in this Act referred to as “the principal Act”.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 26 of the principal Act is repealed. Repeal of s. 26.

4. Section 53 of the principal Act is amended—

(a) by striking out subsection (4) and substituting the following subsection: Amendment of s. 53—  
Duty to deposit trust moneys with the Society.

(4) A legal practitioner is not obliged to deposit money with the Society in relation to a particular half-year—

(a) if—

(i) the legal practitioner requires the money for the purpose of meeting an existing claim upon his or her trust account;

or

(ii) the legal practitioner reasonably requires the money for the purpose of establishing or maintaining a balance in his or her trust account sufficient to meet claims upon that account occurring in the ordinary course of legal practice,

and the legal practitioner has on or before the day on which deposits are required in relation

to that half-year given written notice to the Society accordingly;

or

(b) if at any time during the period of 6 months immediately preceding the commencement of that half-year the balance of the trust account of the legal practitioner and the amounts (if any) previously deposited by him or her, and then remaining on deposit, with the Society, amount in aggregate to less than \$300 (or such other sum as is prescribed);

and

(b) by inserting after subsection (12) the following subsection:

(13) Where—

(a) a notice is given by a legal practitioner under subsection (4);

or

(b) a demand is made by a legal practitioner under subsection (7),

the auditor's report for the year in which the notice is given or the demand is made must contain a statement of whether, in the auditor's opinion, the giving of the notice or the making of the demand was justified in the circumstances that existed on the date on which the notice was given or the demand was made.

Amendment of  
s. 96—  
Proceedings.

5. Section 96 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) Proceedings for an offence against this Act must be commenced within 2 years after the date on which the offence is alleged to have been committed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor