



AUSTRALIAN CAPITAL TERRITORY

Legal Practitioners (Amendment) Ordinance (No. 2) 1990

No. 11 of 1990

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 26 June 1990.

BILL HAYDEN
Governor-General

By His Excellency's Command,

R. McMULLAN
Parliamentary Secretary to the Treasurer for and on behalf
of the Attorney-General

An Ordinance to amend the *Legal Practitioners Ordinance 1970*

(Ord. 11/90)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Short title

1. This Ordinance may be cited as the *Legal Practitioners (Amendment) Ordinance (No. 2) 1990*.¹

Principal Ordinance

2. In this Ordinance, “Principal Ordinance” means the *Legal Practitioners Ordinance 1970*.²

Notification to Law Society of details of trust accounts

3. Section 52 of the Principal Ordinance is amended—

- (a) by omitting from subsection (2) “his” and substituting “the solicitor’s”;
- (b) by omitting from subsection (2) “seven” and substituting “7”;
- (c) by inserting in subsection (2) “and number” after “title”;
- (d) by inserting in subsection (3) “or number” after “title” (first occurring);
- (e) by omitting from subsection (3) “sub-section (2)” and substituting “subsection (1)”;
- (f) by inserting in subsection (3) “, number” after “title” (last occurring); and
- (g) by renumbering subsections (2) and (3) as subsections (1) and (2), respectively.

Quarterly statements

4. Section 57 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) all the words from and including “Within” to and including “each year,” (last occurring) and substituting—

“If at the end of a quarter a solicitor holds any trust moneys, within 14 days of the end of the quarter or, in the case of the quarter ending on the last day of December, within 1 month of the end of that quarter,”;
- (b) by omitting from subsection (1) “period” (last occurring) and substituting “quarter”;

- (c) by omitting from paragraph (1) (c) “section 48 of this Ordinance; and” and substituting “section 48;”;
- (d) by adding at the end of subsection (1) the following word and paragraph:
 - “; and (e) in relation to each trust bank account kept by the solicitor in accordance with this Part—
 - (i) the total amount of all cheques drawn on the account which have not been presented for payment; and
 - (ii) the total of all amounts deposited in the account which have not been credited to the account”; and
- (e) by omitting subsection (2) and substituting the following subsection:
 - “(2) In subsection (1)—
 - ‘quarter’ means the period of 3 months ending on the last day of June, September, December or March in each year.”.

Auditors’ qualifications

5. Section 59 of the Principal Ordinance is amended—
- (a) by inserting in subsection (1) “natural” before “person”;
 - (b) by inserting in subsection (1) “he or she” after “if”;
 - (c) by omitting from paragraphs (1) (a), (b), (c) and (d) “he”;
 - (d) by inserting in paragraph (1) (c) “or de-facto spouse” after “spouse”; and
 - (e) by omitting paragraphs (2) (a) and (b) and substituting the following paragraph:
 - “(a) at least 1 member of the firm is—
 - (i) ordinarily resident in Australia; and
 - (ii) a registered company auditor within the meaning of the *Companies Act 1981*; and”.

Auditors’ reports

6. Section 61 of the Principal Ordinance is amended—
- (a) by omitting from subsection (1) “he” and substituting “the auditor”;

- (b) by omitting from paragraph (2) (a) “his” and substituting “the auditor’s”;
- (c) by omitting from paragraph (2) (a) “he” and substituting “the solicitor”;
- (d) by inserting after subsection (2) the following subsection:

“(2A) Where a firm of auditors prepares a report under subsection (2), a member of the firm who is a registered company auditor within the meaning of the *Companies Act 1981* shall sign the report.”;
- (e) by omitting from subsections (3A) and (4) “him” and substituting “the solicitor”;
- (f) by omitting from subsection (3A) “30 June” and substituting “31 May”; and
- (g) by omitting from subsection (4) “seven” and substituting “7”.

Interim auditors’ reports

7. Section 62 of the Principal Ordinance is amended—

- (a) by omitting “him to audit them” and substituting “them to be audited”;
- (b) by omitting from the penalty at its foot “Two hundred and fifty dollars” and substituting “\$250”; and
- (c) by adding at the end the following subsection:

“(2) Where a firm of auditors prepares a report under subsection (1), a member of the firm who is a registered company auditor within the meaning of the *Companies Act 1981* shall sign the report.”.

Insertion

8. After section 74 of the Principal Ordinance, the following section is inserted:

Statutory Deposits Trust Account

“74AA. (1) The Law Society shall open and maintain an account at a bank in the Territory under the title of the ‘Statutory Deposits Trust Account’.

“(2) The Law Society shall deposit in the Statutory Deposits Trust Account—

- (a) the moneys deposited with the Society by a solicitor in accordance with this Division; and
- (b) any other moneys required by law to be deposited in that account.

“(3) The Law Society shall operate the Statutory Deposits Trust Account for the purposes of this Division.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 4 July 1990.
2. Ordinance No. 43, 1970, as amended to date. For further amendments, *see* Note 2 to No. 3, 1990 and *see also* No. 3, 1990.