

(As presented)

 Clerk

(Attorney-General)

Legal Practitioners (Consequential Amendments) Bill 1997


A BILL
FOR

An Act to amend certain laws in consequence of the enactment of the *Legal Practitioners (Amendment) Act (No. 2) 1997* and for related purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

5 1. This Act may be cited as the *Legal Practitioners (Consequential Amendments) Act 1997*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

0 (2) The remaining provisions commence on the day on which the provisions of the *Legal Practitioners (Amendment) Act (No. 2) 1997*, other than sections 1, 2 and 3, commence.

87064 (1997/102) (T64/1997)

Amendments of Acts

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Amendments of Regulations

5 4. The Regulations specified in Schedule 2 are amended as set out in that Schedule.

Amendment of Rules

5. The Rules specified in Schedule 3 are amended as set out in that Schedule.

SCHEDULE 1

Section 3

AMENDMENTS OF ACTS

Administration and Probate Act 1929

Section 79—

Omit “solicitor”, substitute “legal practitioner”.

Administrative Appeals Tribunal Act 1989

5 Paragraph 6 (1) (b)—

Omit “enrolled as a legal practitioner of the High Court, of another federal court, of the Supreme Court or of the Supreme Court of a State or of another Territory and has been so enrolled”, substitute “a legal practitioner and has been”.

10 Subsection 6 (2)—

Omit “enrolled as a legal practitioner of the High Court, of another federal court, of the Supreme Court or of the Supreme Court of a State or of another Territory and has been so enrolled”, substitute “a legal practitioner and has been”.

15 Paragraph 6 (3) (a)—

Omit “enrolled as a legal practitioner of the High Court, of another federal court, of the Supreme Court or of the Supreme Court of a State or of another Territory and has been so enrolled”, substitute “a legal practitioner and has been”.

20 Paragraph 6 (4) (a)—

Omit “enrolled as a legal practitioner of the High Court, of another federal court, of the Supreme Court or of the Supreme Court of a State or of another Territory”, substitute “a legal practitioner”.

Paragraph 20A (4) (c)—

25 Omit “enrolled as a legal practitioner of the High Court, of another federal court, of the Supreme Court or of the Supreme Court of a State or of another Territory who has been so enrolled”, substitute “a legal practitioner and has been”.

Paragraph 36 (7) (a)—

30 Omit “barrister, solicitor”, substitute “legal practitioner”.

Subsections 40 (5) and 51 (2)—

Omit “barrister, solicitor”, substitute “legal practitioner”.

SCHEDULE 1—continued

Adoption Act 1993

Subsection 112 (2)—

Omit “counsel, solicitors”, substitute “legal practitioners”.

Agents Act 1968

5 **Paragraph 3 (1) (c)—**

Omit “person practising as a solicitor, or as a barrister and solicitor, in the Territory”, substitute “legal practitioner”.

Subsection 9 (1)—

Omit the subsection, substitute the following subsection:

10 “(1) The Board shall consist of 7 members, of whom 1 at least shall be a legal practitioner.”.

Subsection 88 (12)—

Omit the subsection.

Subsection 95 (1)—

15 Omit “barrister, solicitor”, substitute “legal practitioner”.

Architects Act 1959

Subsection 23 (2)—

Omit “counsel, a solicitor”, substitute “a legal practitioner”.

Subsection 23 (4)—

20 Omit “counsel or a solicitor”, substitute “a legal practitioner”.

Associations Incorporation Act 1991

Section 3 (definition of “legal practitioner”)—

Omit the definition.

Bail Act 1992

25 **Paragraph 19 (5) (a)—**

Omit “solicitor or counsel”, substitute “legal practitioner”.

Subsection 30 (3)—

Omit “counsel or a solicitor”, substitute “a legal practitioner”.

SCHEDULE 1—continued

Birth (Equality of Status) Act 1988

Section 3 (definition of “legal practitioner”)—

Omit the definition.

Building Act 1972

5 Subsections 12 (1) and (2)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Paragraph 32 (1) (d)—

Omit “solicitor”, substitute “legal practitioner”.

Casino Control Act 1988

10 Paragraph 26 (2) (b)—

Omit “enrolled as a legal practitioner (however described) of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner”.

Children’s Services Act 1986

15 Subsection 4 (1) (definition of “barrister and solicitor”)—

Omit the definition.

Further amendments—

The following provisions are amended by omitting “barrister and solicitor” (wherever occurring) and substituting “legal practitioner”:

- 20** Subparagraph 30 (1) (d) (iii), paragraphs 82 (1) (d), 82 (2C) (d) and 93 (5) (c), subsections 93 (6) and 163 (1) and paragraphs 167 (1) (a) and 169 (1) (b).

Common Boundaries Act 1981

Section 14—

- 25** Omit “barrister and solicitor”, substitute “legal practitioner”.

Compensation (Fatal Injuries) Act 1968

Subsection 15 (2)—

Omit “counsel”, substitute “a barrister”.

SCHEDULE 1—continued

Consumer Affairs Act 1973

Subsection 15C (3A)—

Omit “adviser”, substitute “practitioner”.

Consumer Credit (Administration) Act 1996

5 **Section 3 (definition of “legal practitioner”)—**

Omit the definition.

Conveyancing and Law of Property Act 1898 (NSW) in its application in the Territory

Paragraph 107 (1) (a)—

10 Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

Subsections 117 (1) and (3)—

Omit “solicitor”, substitute “legal practitioner”.

Coroners Act 1956

Subsection 2 (1) (definition of “legal practitioner”)—

15 Omit the definition.

Section 53—

Omit “counsel or solicitor”, substitute “a legal practitioner”.

Crimes Act 1900

Subsection 4 (1) (definition of “Counsel”)—

20 Omit the definition.

Section 402—

Omit “counsel”, substitute “a legal practitioner”.

Subsection 406 (4)—

Omit “solicitor”, substitute “legal practitioner”.

25 **Subsection 428 (1)—**

Omit “counsel”, substitute “legal practitioner”.

Subsection 470 (3)—

Omit “counsel, or”, substitute “the parties or the legal practitioners representing”.

SCHEDULE 1—continued

Subsection 563 (3)—

Omit “attorney”, substitute “solicitor”.

Criminal Injuries Compensation Act 1983

Subsection 5 (4)—

5 Omit “solicitor or barrister”, substitute “legal practitioner”.

Crown Proceedings Act 1992

Paragraph 16 (b)—

Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

*Dental Technicians and Dental Prosthetists Registration Act
1988*

10

Section 48 (definition of “barrister and solicitor”)—

Omit the definition.

Subsections 55 (1) and (2)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

15 **Subsection 60 (1)—**

Omit “and solicitor”.

Director of Public Prosecutions Act 1990

Subsection 11 (3)—

Omit “counsel or solicitor”, substitute “the legal practitioner”.

20 **Paragraph 16 (a) (i)—**

Omit “barrister and solicitor within the meaning of the *Legal Practitioners Act 1970*”, substitute “legal practitioner”.

Subsection 16A (1)—

25 Omit “barrister and solicitor within the meaning of the *Legal Practitioners Act 1970*”, substitute “legal practitioner”.

Paragraph 22 (4) (a)—

Omit “barrister and solicitor within the meaning of the *Legal Practitioners Act 1970*”, substitute “legal practitioner”.

SCHEDULE 1—continued

Domestic Relationships Act 1994

Section 31 (definition of “solicitor”)—

Omit the definition.

Paragraph 33 (1) (d)—

5 Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

Domestic Violence Act 1986

Section 3 (definition of “legal practitioner”)—

Omit the definition.

Drugs of Dependence Act 1989

10 **Subsection 130 (3)—**

Omit the subsection.

Subsection 192 (3)—

Omit “representative”, substitute “practitioner”.

Paragraph 194 (6) (c)—

15 Omit “representative”, substitute “practitioner”.

Electoral Act 1992

Section 282—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Electricity Act 1971

20 **Paragraph 55 (3) (d)—**

Omit “barrister and solicitor”, substitute “legal practitioner”.

Evidence Act 1971

Paragraph 17 (2) (b)—

Omit the paragraph, substitute the following paragraph:

25 “(b) a legal practitioner;”.

Section 67—

Omit “counsel or solicitor”, substitute “legal practitioner”.

SCHEDULE 1—continued

Paragraph 70 (2) (a)—

Omit “counsel or solicitor”, substitute “legal practitioner”.

Subparagraphs 72 (6) (b) (i) and (ii)—

Omit “counsel or solicitor”, substitute “legal practitioner”.

5 **Paragraph 73 (1) (c)—**

Omit “counsel or solicitor”, substitute “legal practitioner”.

Subsection 74 (1)—

Omit “counsel for the Crown”, substitute “the legal practitioner representing the prosecution”.

10 **Paragraph 85C (4) (b)—**

(a) Omit “representative of”, substitute “practitioner representing”.

(b) Omit “representatives”, substitute “practitioners”.

Fair Trading Act 1992

Paragraph 26 (2) (g)—

15 Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

Fire Brigade (Administration) Act 1974

Subsection 64 (1)—

Omit “and solicitor”.

Subsection 70 (2)—

20 Omit “barrister and solicitor” (wherever occurring), substitute “legal practitioner”.

Food Act 1992

Subsection 72 (2)—

Omit “representative”, substitute “practitioner”.

25

Gaming Machine Act 1987

Subsection 9 (7)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

SCHEDULE 1—continued

Subsection 12 (2)—

(a) Omit “barrister and solicitor” (first occurring), substitute “legal practitioner”.

(b) Omit “and solicitor” (last occurring).

5

Government Solicitor Act 1989

Subsections 5 (3) and (8)—

Omit “barrister and solicitor” (wherever occurring), substitute “legal practitioner”.

Subsections 5 (9) and (11)—

10 Omit “barrister and solicitor”, substitute “legal practitioner”.

Guardianship and Management of Property Act 1991

Section 4 (definition of “lawyer”)—

Omit the definition.

Subsection 36 (3)—

15 Omit “lawyer”, substitute “legal practitioner”.

Section 40—

Omit “lawyer”, substitute “legal practitioner”.

Paragraph 58 (2) (b)—

20 Omit “enrolled as a barrister, solicitor, barrister and solicitor or legal practitioner of the High Court, any federal court or the Supreme Court of a State or Territory and has been so enrolled for at least”, substitute “a legal practitioner and has been for not less than”.

Health Professions Boards (Procedures) Act 1981

Section 3 (definition of “barrister and solicitor”)—

25 Omit the definition.

Subsection 32 (1)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 33 (1)—

Omit “and solicitor”.

SCHEDULE 1—continued

Inquiries Act 1991

Subsection 3 (1) (definition of “legal practitioner”)—

Omit the definition.

Section 15—

5 Omit “as counsel”.

Section 17—

Omit “counsel”, substitute “a legal practitioner”.

Paragraphs 24 (c) and 25 (a)—

Omit “counsel”, substitute “a legal practitioner”.

10

Instruments Act 1933

Section 12—

Omit “solicitor of the High Court”, substitute “legal practitioner”.

Subsection 14 (3)—

Omit “solicitor of the High Court”, substitute “legal practitioner”.

15

Interpretation Act 1967

Subsection 14 (1)—

Insert the following definitions:

“ ‘barrister’ means a legal practitioner who practises as a barrister;

20 ‘legal practitioner’ means a barrister, solicitor, barrister and solicitor or
legal practitioner entered onto the High Court Register of
Practitioners or on the roll, however described, of the Supreme
Court of a State or Territory;

‘solicitor’ means a legal practitioner who practises as a solicitor;”.

Intoxicated Persons (Care and Protection) Act 1994

25 **Subsection 3 (1) (definition of “legal representative”)—**

Omit the definition.

**Subsection 3 (1) (definition of “responsible person”, paragraph
(b))—**

Omit “representative”, substitute “practitioner”.

SCHEDULE 1—continued

Judgment Creditors' Remedies Act 1901 (NSW) in its application in the Territory

Subsection 24 (1)—

Omit “attorney” (wherever occurring), substitute “legal practitioner”.

5 **Subsection 24 (3)—**

Omit “attorney”, substitute “legal practitioner”.

Judicial Commissions Act 1994

Section 3 (definition of “legal practitioner”)—

Omit the definition.

10 **Section 26—**

Omit “as counsel”.

Subparagraph 28 (1) (a) (iii)—

Omit “counsel”, substitute “a legal practitioner”.

Paragraphs 41 (c) and 42 (a)—

15 Omit “counsel”, substitute “a legal practitioner”.

Subsection 55 (2) (definition of “officer of a Commission”, paragraph (c))—

Omit “counsel”, substitute “a legal practitioner”.

Juries Act 1967

20 **Paragraph 11 (g)—**

Omit “barristers and solicitors”, substitute “legal practitioners”.

Subsection 29 (2)—

(a) Omit “Counsel for the Crown”, substitute “The legal practitioner representing the prosecution”.

25 (b) Omit “counsel or solicitor”, substitute “legal practitioner”.

Subsection 29 (3)—

Omit “counsel or solicitor”, substitute “legal practitioner”.

Subsections 32 (1) and (3)—

Omit “counsel” (wherever occurring), substitute “legal practitioner”.

SCHEDULE 1—continued

Paragraphs 32 (4) (a) and (b)—

- (a) Omit “counsel” (first occurring), substitute “the legal practitioner”.
- (b) Omit “counsel” (second occurring), substitute “legal practitioner”.
- 5 (c) Omit “counsel” (third occurring), substitute “the legal practitioners”.
- (d) Omit “counsel” (last occurring), substitute “a legal practitioner”.

Subsection 32 (5)—

Omit “counsel”, substitute “legal practitioner”.

Subsection 32 (6)—

- 10 Omit “counsel”, substitute “a legal practitioner”.

Subsection 32 (10)—

Omit the subsection.

Subsection 33 (1)—

- 15 Omit “counsel for the Crown”, substitute “the legal practitioner representing the prosecution”.

Subsection 34 (2)—

Omit “counsel or solicitor”, substitute “legal practitioner”.

Section 36—

Omit “counsel or solicitor”, substitute “legal practitioner”.

20 ***Jurisdiction of Courts (Cross-vesting) Act 1993***

Subsection 5 (8)—

Omit “barrister or solicitor, or as both a barrister and a solicitor”, substitute “legal practitioner”.

Land Titles Act 1925

25 **Subsection 30 (1)—**

Omit “solicitor agent or attorney”, substitute “legal practitioner or agent”.

Section 34—

Omit “solicitor”, substitute “legal practitioner”.

SCHEDULE 1—continued

Subsections 73 (2), 97 (1) and 103A (2)—

Omit “solicitor”, substitute “legal practitioner”.

Paragraph 104 (1) (b)—

Omit “solicitor”, substitute “legal practitioner”.

5 Subsection 104 (2)—

Omit “solicitor or agent or attorney”, substitute “legal practitioner or agent”.

Paragraph 104B (a)—

Omit “solicitor”, substitute “legal practitioner”.

10 Subsection 148 (2)—

Omit “counsel”, substitute “legal practitioner”.

Paragraphs 160 (1) (a) and 162A (a)—

Omit “solicitor”, substitute “legal practitioner”.

Subsection 164A (1)—

15 Omit “solicitor”, substitute “legal practitioner”.

Landlord and Tenant Act 1949

Section 86—

Omit “counsel, solicitor”, substitute “a legal practitioner”.

Legal Aid Act 1977

20 Subsection 5 (1) (definition of “duty lawyer services”)—

Omit “solicitor or a barrister and solicitor”, substitute “legal practitioner”.

Paragraph 11 (c)—

Omit “lawyer”, substitute “legal practitioner”.

25 Subsection 15 (3)—

Omit “lawyer”, substitute “legal practitioner”.

Section 18—

Omit “has been admitted to practise as a barrister and solicitor of the Supreme Court and holds a current unrestricted practising certificate”,

SCHEDULE 1—continued

substitute “is a legal practitioner who holds a current unrestricted practising certificate issued under the *Legal Practitioners Act 1970*”.

Subsection 22 (5)—

5 Omit “whose name is on the Roll of Barristers and Solicitors referred to in section 20H of the *Legal Practitioners Act 1970*”, substitute “who is a legal practitioner”.

Subsection 22 (11)—

Omit “barristers and solicitors” (wherever occurring), substitute “legal practitioners”.

10 **Paragraph 23 (1) (a)—**

Omit “solicitor”, substitute “legal practitioner”.

Subsection 23 (1)—

Omit “solicitor” (last occurring), substitute “legal practitioner”.

Paragraph 50 (1) (b)—

15 Omit “enrolled as a barrister, as a solicitor, or as a barrister and solicitor of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for a period of”, substitute “a legal practitioner and has been for”.

Subsections 50 (2) and (3)—

20 Omit “enrolled as a barrister, as a solicitor, or as a barrister and solicitor, of a court, whether in the Territory or elsewhere”, substitute “a legal practitioner”.

Section 61—

Omit “barrister or solicitor”, substitute “legal practitioner”.

25 **Subsection 90A (2)—**

Omit “practising in the Territory as a barrister, as a solicitor or as a barrister and solicitor, on his or her own account or in partnership”, substitute “a private legal practitioner”.

Liquor Act 1975

30 **Subsection 12D (1)—**

Omit “enrolled as a legal practitioner (however described) of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner”.

SCHEDULE 1—continued

Section 101—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 103A (2)—

- 5 (a) Omit “barrister and solicitor” (first occurring), substitute “legal practitioner”.
- (b) Omit “have” (first occurring), substitute “has”.
- (c) Omit “and solicitor have”, substitute “has”.

Magistrates Court Act 1930

Subsection 5 (definition of “legal practitioner”)—

10 Omit the definition.

Section 8—

Omit “enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory and has been so enrolled”, substitute “a legal practitioner and has been”.

15 **Subparagraph 248C (2) (e) (ii)—**

Omit “representative of”, substitute “practitioner representing”.

Magistrates Court (Civil Jurisdiction) Act 1982

Subsection 26 (1)—

Omit “by the solicitor”, substitute “on the legal practitioner”.

20 **Subsection 26 (2)—**

Omit “solicitor” (first occurring), substitute “legal practitioner”.

Paragraphs 26 (2) (a), (b) and (c)—

Omit “solicitor”, substitute “legal practitioner”.

Paragraph 26 (2) (d)—

25 Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

Subsections 44 (2) and 45 (2)—

- (a) Omit “solicitor or counsel”, substitute “legal practitioner”.
- (b) Omit “solicitor” (last occurring), substitute “legal practitioner”.

SCHEDULE 1—continued

Paragraph 202 (7) (d)—

Omit “counsel”, substitute “barrister”.

Subsection 259 (3)—

Omit “counsel’s” (wherever occurring), substitute “barrister’s”.

5 **Section 263—**

Omit “barrister or solicitor”, substitute “legal practitioner”.

Section 264—

Omit “counsel or to a solicitor”, substitute “a legal practitioner”.

Subsections 265 (1)—

10 Omit “counsel”, substitute “barrister”.

Subsection 265 (2)—

Omit “counsel”, substitute “ barristers”.

Paragraph 266 (1) (a)—

Omit “counsel”, substitute “a barrister”.

15 **Subsection 266 (1)—**

Omit “counsel” (last occurring), substitute “the barrister”.

Subsection 266 (2)—

(a) Omit “counsel” (first occurring), substitute “a barrister”.

(b) Omit “counsel” (last occurring), substitute “the barrister”.

20 **Subsections 267 (1) and (3)—**

Omit “counsel”, substitute “a barrister”.

Subsections 271 (1) and (2)—

Omit “counsel’s”, substitute “barrister’s”.

Subsection 274 (4)—

25 Omit “counsel”, substitute “barrister”.

Section 284—

Omit “counsel”, substitute “a barrister”.

SCHEDULE 1—continued

Subsection 309 (2)—

Omit “barrister or solicitor”, substitute “legal practitioner”.

Paragraph 309 (2) (b)—

Omit “barrister or solicitor”, substitute “legal practitioner”.

5 **Paragraph 406 (1) (a)—**

Omit “solicitor or counsel”, substitute “a legal practitioner”.

Subsection 406 (3)—

Omit “barrister or solicitor”, substitute “legal practitioner”.

Schedule (Forms 16 and 19)—

10 (a) Omit “*solicitor or barrister*”, substitute “*legal practitioner*”.

(b) Omit “*solicitor*” (last occurring), substitute “*legal practitioner*”.

Further amendments—

The following provisions are amended by omitting “solicitor” (wherever occurring) and substituting “legal practitioner”:

15 Subsection 3 (4), paragraphs 15 (f) and (g), section 16, subsections 28 (3), 38 (2), 53 (2), 77 (10), 89 (2) and 90 (1), paragraph 97 (3) (a), subsections 98 (2), 249 (2) and (3) and 408 (1), sections 409, 410 and 411 and the Schedule (Forms 1, 2, 3, 23, 24, 31, 32, 42, 47, 48, 49, 64 and 67).

20 ***Mental Health (Treatment and Care) Act 1994***

Section 4 (definition of “lawyer”)—

Omit the definition.

Paragraph 19 (c)—

Omit “lawyer”, substitute “legal practitioner”.

25 **Subsection 20 (1)—**

Omit “lawyer”, substitute “legal practitioner”.

Subsection 20 (2)—

Omit “lawyer” (wherever occurring), substitute “legal practitioner”.

Paragraph 34 (a)—

30 Omit “lawyer”, substitute “legal practitioner”.

SCHEDULE 1—continued

Paragraph 34 (b)—

Omit “lawyer” (wherever occurring), substitute “legal practitioner”.

Paragraph 45 (a)—

Omit “lawyer”, substitute “legal practitioner”.

5 **Paragraph 45 (b)—**

Omit “lawyer” (wherever occurring), substitute “legal practitioner”.

Paragraph 67 (1) (c)—

Omit “lawyer”, substitute “legal practitioner”.

Paragraphs 68 (3) (h) and (j)—

10 Omit “representative”, substitute “practitioner”.

Subparagraph 76 (a) (ii)—

15 Omit “enrolled as a legal practitioner (however described) of the High Court, another federal court or the Supreme Court of the Territory, a State or another Territory and has been so enrolled for at least”, substitute “a legal practitioner and has been for not less than”.

Subsection 89 (3)—

Omit “lawyer”, substitute “legal practitioner”.

Paragraph 90 (5) (c)—

Omit “lawyer”, substitute “legal practitioner”.

20 **Section 100—**

Omit “lawyer”, substitute “legal practitioner”.

Milk Authority Act 1971

Section 52—

Omit “barrister, solicitor”, substitute “legal practitioner”.

25 **Subsection 53 (1)—**

Omit “barrister, solicitor”, substitute “legal practitioner”.

Notaries Public Act 1984

Paragraph 13 (3) (a)—

(a) Omit “barrister and solicitor”, substitute “legal practitioner”.

SCHEDULE 1—continued

- (b) Omit “Barristers and Solicitors”, substitute “Legal Practitioners kept pursuant to the Legal Practitioners Act”.

Paragraph 13 (3) (b)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

5

Oaths and Affirmations Act 1984

Section 4 (definition of “barrister and solicitor”)—

Omit the definition.

Paragraph 11 (1) (a)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

10

Occupational Health and Safety Act 1989

Subsection 84Q (2)—

Omit “barrister, solicitor”, substitute “legal practitioner”.

Parole Act 1976

Paragraph 9 (5) (b)—

15

Omit “enrolled as a legal practitioner (however described) of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner”.

Pesticides Act 1989

Subsection 77 (3)—

20

Omit “representative”, substitute “practitioner”.

Plumbers, Drainers and Gasfitters Board Act 1982

Paragraph 36 (3) (d)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 36 (7)—

25

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 36 (8)—

Omit “barrister and solicitor” (wherever occurring), substitute “legal practitioner”.

SCHEDULE 1—continued

Subsection 41 (1)—

- (a) Omit “barrister and solicitor” (first occurring), substitute “legal practitioner”.
- (b) Omit “and solicitor” (last occurring).

5 ***Proceeds of Crime Act 1991***

Paragraph 70 (1) (c)—

Omit “barrister or solicitor”, substitute “legal practitioner”.

Subparagraph 70 (2) (a) (iii)—

Omit “barrister or solicitor”, substitute “legal practitioner”.

10 ***Public Trustee Act 1985***

Subsection 4 (1) (definition of “barrister and solicitor”)—

Omit the definition.

Paragraph 24 (2) (a)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

15 **Subsections 68 (1) and (2)—**

Omit “barrister and solicitor” (wherever occurring), substitute “legal practitioner”.

Royal Commissions Act 1991

Subsection 3 (1) (definition of “legal practitioner”)—

20 Omit the definition.

Section 18—

Omit “as counsel”.

Subparagraph 20 (1) (a) (iii)—

Omit “counsel”, substitute “a legal practitioner”.

25 **Paragraphs 32 (c) and 33 (a)—**

Omit “counsel”, substitute “a legal practitioner”.

Subsection 45 (2) (definition of “officer of a Commission”, paragraph (c))—

Omit “counsel”, substitute “a legal practitioner”.

SCHEDULE 1—continued

Sale of Goods (Vienna Convention) Act 1987

Subsection 7 (2)—

Omit the subsection.

Sale of Motor Vehicles Act 1977

5 **Subsection 49 (7)—**

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 49 (8)—

Omit “barrister and solicitor” (wherever occurring), substitute “legal practitioner”.

10 **Subsection 53 (1)—**

(a) Omit “barrister and solicitor” (first occurring), substitute “legal practitioner”.

(b) Omit “and solicitor” (last occurring).

Small Claims Act 1974

15 **Subsection 3 (1) (definition of “barrister and solicitor”)—**

Omit the definition.

Subparagraphs 10A (9) (a) (i) and (b) (i)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Subsection 25A (2)—

20 Omit “solicitor”, substitute “legal practitioner”.

Paragraphs 42 (1) (b) and (2) (a)—

Omit “barrister and solicitor”, substitute “legal practitioner”.

Schedule (Form 7C)—

(a) Omit “*solicitor or barrister*”, substitute “*legal practitioner*”.

25 (b) Omit “*solicitor*” (last occurring), substitute “*legal practitioner*”.

Supreme Court Act 1933

Subparagraph 4 (2) (a) (ii)—

30 Omit “enrolled for not less than 5 years as a legal practitioner of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner for not less than 5 years”.

SCHEDULE 1—continued

Paragraph 4A (3) (b)—

Omit “enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner”.

Subsection 11 (1)—

5 Omit “to practise as a barrister and solicitor”, substitute “as a legal practitioner”.

Paragraph 36 (1) (c)—

Omit “to practise as barristers and solicitors”, substitute “as legal practitioners”.

10 **Subparagraph 37 (1) (a) (i)—**

Omit “barristers and solicitors”, substitute “legal practitioners”.

Subsection 40 (2)—

Omit “enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory”, substitute “a legal practitioner”.

15 **Paragraph 55 (1) (b)—**

Omit “solicitor”, substitute “legal practitioner”.

Section 56—

Omit “barrister or solicitor”, substitute “legal practitioner”.

Paragraph 68B (1) (b)—

20 Omit “barrister or solicitor”, substitute “legal practitioner”.

Surveyors Act 1967

Subsection 26 (2)—

Omit “counsel, a solicitor”, substitute “a legal practitioner”.

Subsection 26 (4)—

25 Omit “counsel or a solicitor”, substitute “a legal practitioner”.

Trustee Act, 1925-1942 (NSW) in its application in the Territory

Subsection 53 (1)—

Omit “solicitor”, substitute “legal practitioner.”.

SCHEDULE 1—continued

Subsection 63 (3)—

Omit “, his counsel, or solicitor”, substitute “or his or her legal practitioner”.

Section 88—

- 5 Omit “counsel or solicitor”, substitute “legal practitioner”.

Trustee Companies Act 1947

Subsection 33 (1)—

Omit “practising”.

Witness Protection Act 1996

- 10 **Subsection 15 (2)—**

Omit “representative”, substitute “practitioner”.

Workers’ Compensation Act 1951

Subsection 25A (1)—

Omit “solicitor”, substitute “legal practitioner”.

- 15 **Schedule 4 (Item 13)—**

Omit “solicitor” (wherever occurring), substitute “legal practitioner”.

SCHEDULE 2

Section 4

AMENDMENTS OF REGULATIONS

Adoption Regulations

Subparagraph 7 (2) (a) (iii)—

Omit "barrister or solicitor" (wherever occurring), substitute "legal practitioner".

Magistrates Court (Civil Jurisdiction) Regulations

Subregulations 11 (1) and (2)—

Omit "solicitor", substitute "legal practitioner".

Proceeds of Crime Regulations

Schedule 2 (Forms 1 to 3 (inclusive))—

Omit "solicitor", substitute "legal practitioner".

Workers' Compensation Regulations

Regulation 12—

Omit "barrister or solicitor", substitute "legal practitioner".

Schedule 1 (Forms 1 and 2)—

Omit "barrister or solicitor", substitute "legal practitioner".

SCHEDULE 3

Section 5

AMENDMENT OF RULES

Magistrates Court Rules

Rule 98—

Omit "solicitor" (wherever occurring), substitute "legal practitioner".

NOTES

Section headings

On the day on which the Acts specified below are amended by this Act, headings to sections in those Acts are altered as set out in the following table:

Section	Alteration
	<i>Administrative Appeals Tribunal Act 1989</i>
51	Omit from the heading “barristers”, substitute “legal practitioner”.
	<i>Agents Act 1968</i>
95	Omit from the heading “barristers”, substitute “legal practitioner”.
	<i>Crimes Act 1900</i>
402	Omit from the heading “counsel”, substitute “a legal practitioner”.
	<i>Inquiries Act 1991</i>
15	Omit from the heading “Counsel”, substitute “Legal practitioner”.
	Judgment Creditors’ Remedies Act 1901 (NSW) in its application in the Territory
24	Omit from the heading “attorney”, substitute “legal practitioner”.
	<i>Legal Aid Act 1977</i>
23	Omit from the heading “Solicitor”, substitute “Legal practitioner”.
	<i>Magistrates Court (Civil Jurisdiction) Act 1982</i>
26	Omit from the headings “solicitor”, substitute “legal practitioner”.
264	Omit from the heading “counsel or solicitor”, substitute “legal practitioner”.
265, 267 and 284	Omit from the headings “counsel”, substitute “barrister”.
400, 408, 409, 410 and 411	Omit from the headings “solicitor”, substitute “legal practitioner”.

Section	Alteration
	<i>Mental Health (Treatment and Care) Act 1994</i>
20 and 34	Omit from the headings “ lawyer ”, substitute “ legal practitioner ”.
	<i>Milk Authority Act 1971</i>
53	Omit from the heading “ barristers ”, substitute “ legal practitioners ”.
	<i>Supreme Court Act 1933</i>
56	Omit from the heading “ barrister or solicitor ”, substitute “ legal practitioner ”.

Rule heading

On the day on which the Rules specified below are amended by this Act, the heading to the rule in those Rules is altered as set out in the following table:

Rule	Alteration
	Magistrates Court Rules
98	Omit from the heading “ solicitor ”, substitute “ legal practitioner ”.