

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Law Reform (Miscellaneous Provisions) Amendment Bill 2002

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## Law Reform (Miscellaneous Provisions) Amendment Bill 2002

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### A Bill for

An Act to amend the *Law Reform (Miscellaneous Provisions) Act 1955*

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

1 **1 Name of Act**

2 This Act is the *Law Reform (Miscellaneous Provisions) Amendment*  
3 *Act 2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 **3 Act amended**

7 This Act amends the *Law Reform (Miscellaneous Provisions) Act*  
8 *1955*.

9 **4 Division 12.14**

10 *omit*

11 **5 Part 13, heading**

12 *substitute*

13 **Part 13 Stipulations in contracts**

14 **6 New part 14**

15 *insert*

16 **Part 14 Abolition of maintenance,**  
17 **champerty and a form of**  
18 **barratry**

19 **68 Abolition of certain common law offences**

20 The following common law offences are abolished:

21 (a) maintenance;

- 1 (b) champerty;  
2 (c) being a common barrator.

3 **69 Abolition of torts of maintenance and champerty**

4 The torts of maintenance and champerty are abolished.

5 **70 Preservation of liability under certain contracts**

6 This Act does not affect any rule of law about the illegality or  
7 avoidance of contracts that are tainted with maintenance or are  
8 champertous.

9 **71 Lawyers' conduct not affected**

10 This Act does not affect any rule of law relating to the misconduct  
11 of a lawyer who—

- 12 (a) engages in conduct that would have been maintenance at  
13 common law; or  
14 (b) is a party to a champertous agreement.

15 **72 Saving of existing rights and liabilities**

16 The *Legislation Act 2001*, section 84 (Saving of operation of  
17 repealed and amended laws) applies to the abolition of an offence  
18 under section 68 and a tort under section 69 as if each of those  
19 sections repealed a law.  
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**Endnote**

**Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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