

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

LEGAL PRACTITIONERS (AMENDMENT) ORDINANCE 1990

Ordinance No. 3, 1990

EXPLANATORY STATEMENT

Section 1 provides that the proposed Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance 1990.

Section 2 defines the Principal Ordinance to mean the Legal Practitioners Ordinance 1970.

Section 3 amends section 74A of the Principal Ordinance. New paragraph 74A(4)(ce) allows the Statutory Interest Fund to be used to assist in the preparation of an ACT Supplement to the Law Handbook (NSW).

Section 4 provides for the insertion of a new section 79A in the Principal Ordinance. New subsection 79A(1) contains definitions of 'failure to account' and 'pecuniary loss'. 'Failure to account' is defined to include failure to account for money or other valuable property and 'pecuniary loss' is defined to include the costs of the failure to account, the costs of making an application for compensation and any interest that, but for the failure to account, the claimant would be entitled to receive. New subsection 79A(2) provides that the 'failure to account' relates only money or valuable property entrusted to a solicitor in the course of the solicitor's practice.

Section 5 amends subsection 80(1) of the Principal Ordinance. The amendment provides, in effect, that persons who suffer 'pecuniary loss' as a result of a solicitor's 'failure to account' may apply to the Law Society for compensation. Currently subsection 80(1) provides that an application may only be made to the Law Society where there is a pecuniary loss arising from a defalcation of trust moneys.

Section 6 amends subsection 81(1) of the Principal Ordinance. The amendment provides, in effect, that the Law Society may publish in a daily newspaper a notice requiring claims for 'pecuniary loss' to be made within a specified time.

Section 7 amends section 82 of the Principal Ordinance. The amendments to section 82 are minor drafting improvements and consequential amendments to substitute the term 'pecuniary loss' for 'defalcation' as appropriate.

Section 8 amends section 83 of the Principal Ordinance. The amendments to section 83 are minor drafting improvements and consequential amendments to substitute the term 'pecuniary loss' for 'defalcation' as appropriate.

Section 9 amends section 84 of the Principal Ordinance. The amendments to section 84 are minor drafting improvements and consequential amendments to substitute 'pecuniary loss' and/or 'failure to account' for 'defalcation' and consequential amendments as appropriate.

Section 10 amends section 85 of the Principal Ordinance. The amendments to section 85 are minor drafting improvements.

Section 11 amends section 86 of the Principal Ordinance. The amendments to section 86 are minor drafting amendments and consequential amendments to substitute 'failure to account' for 'defalcation'.

Section 12 amends section 87 of the Principal Ordinance. The amendment to section 87 is a consequential amendment substituting 'failure to account' for 'defalcation'.

Section 13 amends section 88 of the Principal Ordinance. The amendments to section 88 are minor drafting amendments and consequential amendments to substitute 'pecuniary loss' and 'failure to account' for 'defalcation' as appropriate.

Authorised by the
Minister of State for
Justice and Consumer
Affairs