



Western Australia.

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

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No. VI.

AN ACT to further amend and to extend an Act intituled "An Act to regulate the Admission in certain cases of Barristers of the Supreme Court of Western Australia, &c."

[ Assented to, 29th November, 1889. ]

WHEREAS it is expedient to further amend and to extend a certain Act of the Legislative Council, passed in the forty-fifth year of Her Majesty, intituled "An Act to regulate the Admission in certain cases of Barristers of the Supreme Court of Western Australia, &c.": Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited for all purposes as "The Barristers' Board Act, 1889." Short Title.

2. THE Board mentioned in the first section of the 45 Victoria, No. 1, instead of being constituted as therein prescribed, shall consist of the following persons:—

The Attorney General for the time being;

The Crown Solicitor for the time being;

Amendment of 45 Vic., No. 1, Sec. 1.

# 53° VICTORIÆ, No. 6.

## *The Barristers' Board Act, 1889.*

Every one of Her Majesty's Counsel learned in the law, resident for the time being in Western Australia, and not being a Judge or Acting Judge of the Supreme Court;

A practising Barrister of the Supreme Court elected as in the said section mentioned: Provided that in default of such election it shall be competent for the other members of the Board to appoint such practising Barrister.

**3.** IT shall be lawful for any person who shall deem himself aggrieved by reason of the illegal, unprofessional, negligent, dishonest, or extortionate conduct of any solicitor or proctor of the Supreme Court to petition the said Board by a memorial in writing, setting forth the grievances alleged to have been sustained by him.

Persons aggrieved by the conduct of legal practitioners may petition the Board.

**4.** THEREUPON it shall be lawful for the said Board to summon to appear before it the petitioner and the legal practitioner whose conduct is impugned by the petitioner, and who shall be called the respondent.

The Board may summon before it the petitioner and the respondent.

**5.** IT shall also be lawful for the Board to summon to appear before it any person as a witness for the purpose of being examined by the said Board. Any person disobeying such summons without reasonable excuse, of which excuse the Board shall be the judge, shall be guilty of a misdemeanour, and on conviction thereof before two Justices of the Peace may be fined any sum not exceeding Ten pounds, or imprisonment for any period not exceeding three months.

The Board may summon other persons as witnesses.

**6.** THE Board shall inquire into the truth of the allegations contained in any memorial presented as aforesaid, and shall have power to examine upon oath the petitioner and the respondent and all witnesses called by or on behalf of the petitioner or the respondent, and also any witnesses which may be summoned by the Board itself, and such witnesses may be examined by the Board either before or after the examination of any witnesses called by or on behalf of the parties. If the respondent fail to appear, after being duly summoned, the Board may in his absence inquire into the truth of the allegation, and determine and report thereon.

The Board may hear the charge.

**7.** THE Board may, if it deem fit, report to the Supreme Court the result of its inquiry as aforesaid. In the event of the Board finding and reporting that any legal practitioner has been guilty of unprofessional, negligent, dishonest, or extortionate conduct, its report shall be final and conclusive; and the only question for the Supreme Court, on the reception of such report, will be to determine whether any or what punishment shall be inflicted on such practitioner,

The Board may report to the Supreme Court.

## 53° VICTORIÆ, No. 6.

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### *The Barristers' Board Act, 1889.*

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tioner, and whether by way of striking off the roll, suspending, or reprimanding, or otherwise punishing him.

8. THE powers by this Act conferred on the said Board shall not derogate from any powers now vested in the Crown exercisable <sup>Saving.</sup> by the Attorney General or otherwise, nor abolish nor diminish any jurisdiction now vested in the Supreme Court.

In the name and on behalf of the Queen I hereby assent  
to this Act.

F. NAPIER BROOME, Governor.