

2006

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

LEGAL PROFESSION AMENDMENT REGULATION 2006 (No 1)

SL2006-49

EXPLANATORY STATEMENT

Circulated by authority of
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Attorney General

Legal Profession Amendment Regulation 2006 (No 1)

Background

The *Legal Profession Act 2006* (the Act) provides for the regulation of legal practice in the ACT and facilitates the regulation of legal practice on a national basis, in conjunction with the National Legal Profession Model Laws Project. The project involved the development of a model Legal Profession Bill and model Legal Profession Regulations.

The Legal Profession Regulation 2006 commenced on 1 July 2006. Numerous provisions of the model Legal Profession Regulations were not implemented at that time, either because certain policy matters had not been settled or because the commencement of certain relevant parts of the Act was postponed to a later date.

The provisions relating to that postponement are found in Chapter 10 of the Act. Sections 606 to 608 deal with the operation of Part 3.2 of the Act, which relates to costs, and in particular to costs disclosure.

This amending regulation changes the date of commencement of Part 3.2 of the Act from 1 January 2007 to 1 May 2007, to allow the ACT legal profession adequate opportunity to effectively implement the new costing requirements in the Act.

OUTLINE OF PROVISIONS

PART 1 PRELIMINARY

Section 1 – Name of regulation

Specifies the name of the Regulation – the *Legal Profession Amendment Regulation 2006 (No 1)* (the amendment).

Section 2 – Commencement

States that the Regulation commences on the day after it is notified on the ACT Legislation Register.

Section 3 – Legislation amended

This regulation amends the *Legal Profession Regulation 2006*.

Section 4 – New part 10

Section 4 inserts into the Regulation a new part 10 (Transitional), containing new sections 36 to 38, dealing with transitional provisions.

- Section 36 (Modification of Act, ch 10, s606(2) – Act, s618) amends section 606(2) so that the costs provisions in the repealed *Legal Practitioners Act 1970* (the existing costs provisions) will apply until 30 April 2007 (rather than 31 December 2006).
- Under section 37 of the amendment:
 - section 606 (Continuing application of provisions of Legal Practitioners Act about costs) of the Act will now expire on 1 May 2007, rather than on 1 January 2007;
 - section 607 (Costs disclosure) of the Act is amended so that part 3.2 of the Act applies to matters on which instructions were given by the client before 1 May 2007 (rather than 1 January 2007);
 - section 608 (Notice for taxation of costs) of the Act is amended so that the provisions of part 3.2 of the Act will apply to requests for taxation of costs from 1 May 2007 (rather than 1 January 2007).
- Section 38 provides for part 10 of the Regulation to expire on 2 May 2007.