

Australian Capital Territory

Legal Profession (Barristers) Rules 2026

Subordinate law SL2026-1

made under the

Legal Profession Act 2006, s 579(1) (Rules for barristers)

EXPLANATORY STATEMENT

Background

The *Legal Profession Act 2006* (ACT) (LPA) empowers the Bar Association of the ACT (Bar Association) to make Rules for or in relation to practice as a barrister, as an Australian-registered foreign lawyer and for incorporated legal practices and multi-disciplinary partnerships.

The *Legal Profession (Barristers) Rules 2026* replaces the *Legal Profession (Barristers) Rules 2021*.

At the Annual General Meeting of the Bar Association held on 11 September 2025, members resolved to make an amendment to Rule 81.

As required by section 583 of the LPA, the Bar Association wrote to the ACT Attorney-General and published a public notice in the Canberra Times and ACT Government website seeking public comment on the proposal to adopt the revised Rules.

The Rules amend Rule 81:

81. A barrister must be a sole practitioner, and must not practise:

- (a) in partnership with any person;
- (b) as the employer of any legal practitioner who acts as a legal practitioner in the course of that employment; or
- (c) as the employee of any person.

To include:

- (d) a barrister must not hold or have any interest in a law practice, other than a barrister's own practice, whether directly or indirectly, unless that interest is a shareholding in an incorporated legal practice which is a listed public company.

Purpose

The Rules provide a framework for ethical decision-making to ensure that Australian barristers are bound by a common set of professional obligations and ethical principles when dealing with their clients, the courts, their fellow legal practitioners and the wider community.

Section 585 of the LPA provides that the Rules are binding on legal practitioners to whom they apply. Failure to comply with the Rules can amount to unsatisfactory professional conduct or professional misconduct.

Current rule 81 provides that a barrister must practice independently and cannot operate in a partnership, employ other legal practitioners or be employed by anyone else. New Rule 81 (d) extends barristers' responsibilities, by imposing that a barrister practices impartially and holds no interest in a law practice, unless the interest is a shareholding in an incorporated legal practice which is a listed public company.

The addition to rule 81 is designed to:

- (i) Ensure a barrister has impartiality when being briefed
- (ii) Does not influence a law practice's operations and who they may brief.