



Australian Capital Territory

Legal Profession Amendment Regulation 2007 (No 2)

Subordinate Law SL2007-10

The Australian Capital Territory Executive makes the following regulation under the *Legal Profession Act 2006*.

Dated 16 May 2007.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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made under the

Legal Profession Act 2006

1 Name of regulation

This regulation is the *Legal Profession Amendment Regulation 2007 (No 2)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Legal Profession Regulation 2006*.

J2007-201

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 Section 10 heading

substitute

10 Criteria for grant or renewal of unrestricted practising certificate—Act, s 35

5 Section 10

omit

a local practising certificate

substitute

an unrestricted practising certificate

6 New section 15A

insert

15A Prescribed agency—Act s 82 (5), definition of *government agency*

The Australian Government Solicitor, established under the *Judiciary Act 1903* (Cwlth), is a government agency.

7 Part 10

substitute

Part 10 Transitional

36 Application of section 15A—prescribed agency

Section 15A (Prescribed agency—Act s 82 (5), definition of *government agency*) is taken to have applied to the Australian Government Solicitor on and after the commencement day for the Act, chapter 10 (Transitional).

37 Modification of Act, ch 10, s 605 (2)—Act, s 618

The Act, section 605 (2) is modified by omitting everything before paragraph (a) and substituting the following:

- (2) For the period beginning on the commencement day and ending on 30 September 2007—

38 Modification of Act, ch 10, s 605 (3)—Act, s 618

The Act, section 605 (3) is modified by omitting it and substituting the following:

- (3) This section expires on 1 October 2007.

39 Modification of Act, ch 10, s 606 (2)—Act, s 618

The Act, section 606 (2) is modified by omitting everything before paragraph (a) and substituting the following:

- (2) For the period beginning on the commencement day and ending on 30 September 2007—

40 Modification of Act, ch 10, s 606 (3)—Act, s 618

The Act, section 606 (3) is modified by omitting it and substituting the following:

- (3) This section expires on 1 October 2007.

41 Modification of Act, ch 10, s 607 (2)—Act, s 618

The Act, section 607 (2) is modified by omitting everything before paragraph (a) and substituting the following:

- (2) If a client of a law practice first instructs the law practice in relation to a matter before 1 October 2007—

42 Modification of Act, ch 10, s 607 (3)—Act, s 618

The Act, section 607 (3) is modified by omitting everything before paragraph (a) and substituting the following:

- (3) If a law practice is retained by another law practice on behalf of a client on or after 1 October 2007 in relation to a matter for which the other law practice was retained by the client before 1 October 2007—

43 Modification of Act, ch 10, s 608 (1)—Act, s 618

The Act, section 608 (1) is modified by omitting it and substituting the following:

- (1) This section applies if—
 - (a) before 1 October 2007 a person gives notice to the registrar under the repealed Act, section 180 (including that section as applied as a provision of this Act) that the person wishes to have a statement of costs and disbursements determined by taxation; and
 - (b) immediately before 1 October 2007 the taxation has not been completed or the notice withdrawn.

44 Modification of Act, ch 10, new section 612A —Act, s 618

The Act, chapter 10 is modified by inserting the following:

612A Pending complaints before bar council committee

- (1) This section applies in relation to a complaint made under the repealed barrister rules and in relation to which, immediately before the commencement day, the complaint had not been finally dealt with.
- (2) The complaint is to be dealt with as if—
 - (a) this Act had not been enacted; and

- (b) the *Legal Profession (Barrister) Rules 2006* had not been made.
- (3) Despite the repeal of the repealed barrister rules, the provisions of the repealed barrister rules continue to apply in relation to the complaint.
- (4) For subsection (3)—
- (a) the committee established by the bar council to deal with the complaint continues in existence but only for this section; and
- (b) the bar council may deal with the complaint under the provisions of the repealed barrister rules; and
- (c) the disciplinary tribunal may deal with the complaint as if it were a disciplinary tribunal under the repealed barrister rules, rule 120.
- (5) The complainant or the person about whom the complaint is made may appeal to the disciplinary tribunal against a decision of the bar council in relation to the complaint.
- (6) For an appeal under subsection (5), the disciplinary tribunal may make any decision that could be made by a disciplinary tribunal under the repealed barrister rules, rule 120.
- (7) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (8) In this section:
- repealed barrister rules*** means the Australian Capital Territory Barristers' Rules as in force immediately before 1 July 2006.

45 Modification of Act, ch 10, new section 617A —Act, s 618

The Act, chapter 10 is modified by inserting the following:

617A Application of dictionary, definition of *supervised legal practice*

The dictionary, definition of *supervised legal practice*, applies to legal practice by an Australian legal practitioner on and after the commencement day as if it contained the following paragraph:

- (ca) as a government lawyer, if the person engages in legal practice under the supervision of an Australian lawyer who holds, or otherwise meets the criteria for the grant or renewal of, an unrestricted practising certificate; or

46 Expiry—pt 10

This part expires on 2 October 2007.

Endnotes

1 Notification

Notified under the Legislation Act on 17 May 2007.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
