



New South Wales

Legal Profession Amendment Regulation 1999

under the

Legal Profession Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 1987*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to prohibit unlawful discrimination (including unlawful sexual harassment) under the *Anti-Discrimination Act 1977* by legal practitioners in connection with the practice of law, and
- (b) to include in the mandatory continuing legal education of legal practitioners a management course that deals with equal employment opportunity, unlawful discrimination (including unlawful sexual harassment) and occupational health and safety.

Under the *Anti-Discrimination Act 1977*, unlawful discrimination includes discrimination on the grounds of race, sex, transgender, marital status, disability, homosexuality and age if the discrimination arises in connection with employment, the provision of services and certain other matters. The Regulation makes it clear that unlawful discrimination (including unlawful sexual harassment) by a legal practitioner in connection with the practice of law is prohibited under the *Legal Profession Act 1987* and, accordingly, may constitute grounds for disciplinary action under that Act against the legal practitioner.

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Explanatory note

The mandatory continuing legal education course under the Regulation is to comprise a 2-unit course at least once every 3 years.

This Regulation is made under the *Legal Profession Act 1987*, including section 216.

Legal Profession Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Legal Profession Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 22 October 1999.

3 Amendment of Legal Profession Regulation 1994

The *Legal Profession Regulation 1994* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clauses 69B, 69C

Insert after clause 69A:

69B Discriminatory conduct (including sexual harassment) prohibited

A legal practitioner must not, in connection with the practice of law, engage in any conduct, whether consisting of an act or omission, that constitutes unlawful discrimination (including unlawful sexual harassment) under the *Anti-Discrimination Act 1977* against any person.

69C Mandatory continuing legal education—special requirement

- (1) If the holder of a practising certificate is required to undertake continuing legal education, that continuing legal education must include a course in connection with the management of the practice of law that deals only with the following issues:
 - (a) equal employment opportunity,
 - (b) unlawful discrimination (including unlawful sexual harassment),
 - (c) occupational health and safety.
- (2) The course is to be undertaken at least once every 3 years and is to comprise at least one-fifth of the minimum number of units of courses to be undertaken in the year concerned.
- (3) In this clause:

continuing legal education means courses of continuing legal education that the holder of a practising certificate is required to undertake under the conditions attached to the certificate.

BY AUTHORITY