

**LEGAL PROFESSION ACT 1987—REGULATION**

(Legal Profession Transitional Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Legal Profession Act 1987, has been pleased to make the Regulation set forth hereunder.

JOHN P. HANNAFORD, M.L.C.,  
Attorney General.

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**Citation**

1. This Regulation may be cited as the Legal Profession Transitional Regulation 1994.

**Commencement**

2. This Regulation commences on 15 April 1994.

**Authority**

3. This Regulation is made pursuant to clause 1A of Schedule 8 to the Principal Act.

**Definitions**

4. In this Regulation:

“the **Principal Act**” means the Legal Profession Act 1987;

“the **Reform Act**” means the Legal Profession Reform Act 1993.

**Legal Practitioners Admission Board—constitution and rules**

5. The provisions of sections 6, 7, 9 (except section 9 (2)) and 10 and of Schedule 2 (which are to be inserted in the Principal Act on the commencement of Schedule 1 (2) and (12) to the Reform Act) are taken to have effect on 1 May 1994 and anything may be done under those provisions (as if they had commenced on that day) pending the commencement of Schedule 1 (2) and (12) to the Reform Act.

**Legal Services Commissioner—appointment and administration**

6. The provisions of sections 129, 130, 132, 133 and 171T (which are to be inserted in the Principal Act on the commencement of Schedule 2 (2) to the Reform Act) are taken to have effect on 15 April 1994 and anything may be done under those provisions (as if they had commenced on that day) pending the commencement of Schedule 2 (2) to the Reform Act.

**Legal Services Tribunal—constitution and rules**

7. The provisions of sections 162 and 166 and of Schedule 6 (which are to be inserted in the Principal Act on the commencement of Schedule 2 (2) and (5) to the Reform Act) are taken to have effect on 1 May 1994 and anything may be done under those provisions (as if they had commenced on that day) pending the commencement of Schedule 2 (2) and (5) to the Reform Act.

**Costs assessors' rules committee—establishment and rules**

8. The provisions of sections 208R, 208S (except section 208S (2)) and 208U and of Schedule 7 (which are to be inserted in the Principal Act on the commencement of Schedule 3 (1) and (4) to the Reform Act) are taken to have effect on 1 May 1994 and anything may be done under those provisions (as if they had commenced on that day) pending the commencement of Schedule 3 (1) and (4) to the Reform Act.

**Administration costs**

9. The provisions of section 67 of the Principal Act have effect as if amended by Schedule 4 (8) (a) and (c) to the Reform Act for the purposes only of making payments from the Statutory Interest Account of the costs related to the administration of sections 129, 130, 132, 133, 162, 166, 208R and 208S as referred to in clauses 6, 7 and 8.

**Rules made by virtue of transitional operation do not impinge on existing rules**

10. Any rules made by virtue of the operation of clause 5, 7 or 8 have no effect until the commencement of the relevant provisions of the Reform Act referred to in those clauses.

**Transitional constitution of bodies does not impinge on existing bodies and their functions**

11. (1) The constitution of a Legal Practitioners Admission Board by virtue of the operation of clause 5 does not affect the continuation or functions of the existing Barristers Admission Board or Solicitors Admission Board under Part 2 of the Principal Act.

(2) The constitution of a Legal Services Tribunal by virtue of the operation of clause 7 does not affect the continuation or functions of the existing Legal Profession Disciplinary Tribunal or Legal Profession Standards Board under Part 10 of the Principal Act.

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**EXPLANATORY NOTE**

The object of this Regulation is to make provision for the interim operation of certain provisions of the Legal Profession Act 1987 which are to be inserted or amended by the Legal Profession Reform Act 1993.

The provisions would allow early action to be taken for the recruitment of a Legal Services Commissioner and the establishment of the Commissioner's office. This would mean that when the provisions containing the substantive functions of the Commissioner commenced, the Commissioner and some or all of the staff of the Commissioner would be ready to commence their duties without delay.

Likewise, the provisions would allow for the interim constitution or establishment of a Legal Practitioners Admission Board, the Legal Services Tribunal and a costs assessors' rules committee and the preparation of rules by those bodies. However, the interim existence of the new Board and new Tribunal, and the interim making of rules, would not impinge on the functions of the existing equivalent bodies, or on the present equivalent rules, under the Legal Profession Act 1987.

The provisions would also allow the expenses incurred in the interim period in relation to the Commissioner, the Tribunal and the committee to be paid from the Statutory Interest Account, in keeping with the scheme of the Reform Act.

This Regulation is made under clause 1A of Schedule 8 to the Legal Profession Act 1987 (the transitional regulation-making power as amended by Schedule 4 (12) (a) to the Reform Act).

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