



Legal Profession Amendment (Transitional Provisions) Regulation 2002

under the

Legal Profession Act 1987

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to prescribe transitional provisions in relation to certain amendments made by the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*. The amendments concerned change the way in which the Administrative Decisions Tribunal is to be constituted when hearing complaints under the *Legal Profession Act 1987* and provide that appeals from decisions of the Tribunal under that Act are to be heard by the Supreme Court (rather than an Appeal Panel of the Tribunal) when the original constitution of the Tribunal included a Judge of the District Court.

The Regulation also contains some minor law revision amendments.

This Regulation is made under the *Legal Profession Act 1987*, including section 216 (the general regulation-making power) and clause 1A of Schedule 8.

2002 No 855

Clause 1 Legal Profession Amendment (Transitional Provisions) Regulation 2002

Legal Profession Amendment (Transitional Provisions) Regulation 2002

under the

Legal Profession Act 1987

1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Transitional Provisions) Regulation 2002*.

2 Commencement

This Regulation commences on 22 November 2002.

3 Amendment of Legal Profession Regulation 2002

The *Legal Profession Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 5 Period for holder to apply for new certificate: sections 27 (3) and 28 (3)

Omit “15 May” from clause 5 (1). Insert instead “7 June”.

[2] Clause 5 (2)

Omit “7 June” from clause 5 (2). Insert instead “15 May”.

[3] Clause 45 Particulars in bill of costs

Omit clause 45 (1) (d). Insert instead:

(d) a statement:

- (i) in a case where the bill of costs is given to a client—that the client may apply to have the costs assessed under Part 11 of the Act, but that if the costs have been wholly or partly paid, the application must be made within 12 months after the client is given the bill of costs, or
- (ii) in a case where the bill of costs is given by a barrister or solicitor who was retained by another barrister or solicitor to act on behalf of a client and the bill of costs is given to that other barrister or solicitor—that the barrister or solicitor who is given the bill of costs may apply to have the costs assessed under Part 11 of the Act within 30 days after the bill of costs is given,

[4] Schedule 2 Costs for legal services in workers compensation matters

Omit “\$56” from item 5 of Part 1. Insert instead “\$5”.

[5] Schedule 5 Savings and transitional provisions

Insert after clause 15:

16 Matters relating to Administrative Decisions Tribunal and appeals

(1) In this clause:

commencement date means the day on which Schedule 2.1 to the amending Act commenced.

new provisions means clause 4 (1) of Part 3 of Schedule 2 to the *Administrative Decisions Tribunal Act 1997* (as substituted by the amending Act).

old provisions means clause 4 (1) of Part 3 of Schedule 2 to the *Administrative Decisions Tribunal Act 1997* (as in force immediately before its substitution by the amending Act).

the amending Act means the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*.

- (2) Subject to subclause (4), the old provisions continue to apply in relation to proceedings in respect of a complaint that were instituted in the Administrative Decisions Tribunal before the commencement date.
- (3) Subject to subclause (4), the new provisions apply only in relation to proceedings in respect of a complaint that are instituted in the Administrative Decisions Tribunal on or after the commencement date.
- (4) The President of the Administrative Decisions Tribunal may determine that, for the purpose of conducting a hearing into a complaint where the relevant proceedings were instituted in the Tribunal before the commencement date, the Tribunal is to be constituted in accordance with the new provisions.
- (5) The President is to make a determination under subclause (4) only if the President is of the opinion that it would be impracticable or undesirable to constitute the Tribunal in accordance with the old provisions, having regard to the length of time before which the hearing will occur or to any other matter that the President considers relevant.

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- (6) The amendments made to section 171F of the Act by the amending Act do not apply in relation to orders or decisions made by the Administrative Decisions Tribunal before the commencement of those amendments.