



Legal Profession Amendment (Transitional) Regulation 2004

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 make provision of a transitional nature as a consequence of the proposed commencement of provisions of the *Legal Profession Amendment (National Competition Policy Review) Act 2002* that change the way that practising certificate fees are determined.

This Regulation:

- (a) continues the effect of practising certificate fee determinations made under the *Legal Profession Act 1987* before the commencement of the new provisions, but only in respect of practising certificates that have effect for a period ending before 1 July 2005, and
- (b) allows the Bar Council and Law Society Council to charge a fee for membership of the Bar Association or Law Society (as appropriate) under the new provisions, but only for membership on or after the date those provisions commence.

The Regulation also amends a cross-reference as a consequence of the commencement of the new provisions.

This Regulation is made under the *Legal Profession Act 1987*, including sections 29C and 216 (the general regulation-making power), and clause 1A of Schedule 8.

2004 No 184

Clause 1 Legal Profession Amendment (Transitional) Regulation 2004

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Legal Profession Act 1987

1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Transitional) Regulation 2004*.

2 Commencement

- (1) This Regulation commences on 16 April 2004, except as provided by subclause (2).
- (2) Schedule 1 [1] commences on the date of commencement of Schedule 1 [5] to the *Legal Profession Amendment (National Competition Policy Review) Act 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 6 Late fee: section 29C

Omit “section 29 (3) of the Act”. Insert instead “section 29C of the Act”.

[2] Schedule 5 Savings and transitional provisions

Insert after clause 17:

18 Legal Profession Amendment (National Competition Policy Review) Act 2002—transitional

- (1) Section 29 of the Act, and the regulations under section 29, as in force before the repeal of section 29 by the amending Act, continue to apply in respect of an application for a practising certificate if the practising certificate is to have effect for a period ending before 1 July 2005. Sections 29A–29C (as inserted by the amending Act) do not apply in respect of such an application.
- (2) Accordingly, the fee or fees determined by a Council and approved by the Attorney General under section 29 before the repeal of that section, and any late fee payable under that section, continue to apply in respect of any such application.
Note. See also clause 92 of Schedule 8 to the Act, which provides that section 29 continues to apply in respect of practising certificates issued before the repeal of section 29.
- (3) A fee for membership of the Bar Association or the Law Society may be charged under section 57M or 57MA, as inserted by the amending Act, before the commencement of those sections. However, any such fee may be charged only for membership of the Bar Association or Law Society on or after the date of commencement of Schedule 1 [32] to the amending Act.
- (4) In this clause:

amending Act means the *Legal Profession Amendment (National Competition Policy Review) Act 2002*.