

TASMANIA

**LEGAL PROFESSION AMENDMENT
(VALIDATION) BILL 2019**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 361 amended (Application to Minister for payment from Guarantee Fund)
5. Repeal of Act

Consultation Draft

**LEGAL PROFESSION AMENDMENT
(VALIDATION) BILL 2019**

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Legal Profession Act 2007*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Legal Profession Amendment (Validation) Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Legal Profession Act 2007** is referred to as the Principal Act.

*No. 24 of 2007

Legal Profession Amendment (Validation) Act 2019
Act No. of 2019

s. 4

4. Section 361 amended (Application to Minister for payment from Guarantee Fund)

Section 361 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “may invite –” and substituting “may invite a relevant person including, but not limited to –”;
- (b) by omitting from subsection (2)(a) “as the Minister may approve”;
- (c) by omitting from subsection (2)(b) “Tasmania; and” and substituting “Tasmania –”;
- (d) by omitting paragraph (c) from subsection (2);
- (e) by omitting from subsection (3) “made” and substituting “invited to be made”;
- (f) by inserting the following subsections after subsection (7):
 - (8) An application made in respect of, or an approval of, a grant of money under subsection (5), before the commencement of the *Legal Profession Amendment Act 2019*, is not invalid solely on the basis that the application was made by or on behalf of, or the approval was granted in respect

Legal Profession Amendment (Validation) Act 2019
Act No. of 2019

s. 4

of, a person, or body, that meets one or more of the following:

- (a) the person, or body, provided legal services, or other law related assistance or services, other than as part of a legal assistance scheme;
- (b) the person or body was a relevant person;
- (c) the body was not a person.

(9) In this section –

Government Agency means the following:

- (a) a Government department within the meaning of the *State Service Act 2000*;
- (b) an incorporated or unincorporated body that –
 - (i) is established, constituted or continued by or under an Act or under the royal

Legal Profession Amendment (Validation) Act 2019
Act No. of 2019

s. 4

prerogative;
and

- (ii) is, or has a governing authority that is, wholly or partly comprised of a person or persons appointed by the Governor, a Minister of the Crown or other such body;

relevant person includes, but is not limited to –

- (a) a Government Agency; and
- (b) a court, tribunal or similar person or body acting judicially; and
- (c) a person or body, however constituted, that provides either or both of the following:
- (i) legal services or other law related assistance or services;

Legal Profession Amendment (Validation) Act 2019
Act No. of 2019

s. 5

- (ii) advice, or opinions, recommendations or reviews, on legal or law related matters affecting the State; and
- (d) such other persons or bodies as may be prescribed.

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commences.