



TASMANIA

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

No. 41 of 2019

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

No. 41 of 2019

An Act to amend the Legal Profession Act 2007

[Royal Assent 13 November 2019]

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.

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3. Principal Act

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

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),

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before the commencement of the *Legal Profession Amendment (Validation) 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 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 –

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(i) is established, constituted or continued by or under an Act or under the royal 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 –

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- (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;
 - (ii) advice, or opinions, recommendations or reviews, on legal or law related matters affecting the State; and

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- (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.

*[Second reading presentation speech made in:—
House of Assembly on 11 September 2019
Legislative Council on 17 October 2019]*