

TASMANIA

**LEGAL PROFESSION (PRESCRIBED
AUTHORITIES) REGULATIONS 2018**

STATUTORY RULES 2018, No. 31

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LEGAL PROFESSION (PRESCRIBED AUTHORITIES) REGULATIONS 2018

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Legal Profession Act 2007*.

Dated 18 June 2018.

C. WARNER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

1. Short title

These regulations may be cited as the *Legal Profession (Prescribed Authorities) Regulations 2018*.

2. Commencement

These regulations take effect on 9 July 2018.

3. Interpretation

In these regulations –

Act means the *Legal Profession Act 2007*.

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4. Prescribed authority

- (1) The Law Society is the prescribed authority for the purposes of the provisions of the Act specified in Schedule 1.
- (2) The Board is the prescribed authority for the purposes of the provisions of the Act specified in Schedule 2.

**SCHEDULE 1 – PROVISIONS OF ACT (LAW
SOCIETY)**

Regulation 4(1)

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| 1. | Section 21 (Register of approvals and prohibition orders) |
| 2. | Section 35 (Roll of local lawyers) |
| 3. | Section 42 (Local practising certificates) |
| 4. | Section 43 (Suitability to hold local practising certificate) |
| 5. | Section 44 (Duration of local practising certificate) |
| 6. | Section 45 (Requirement for professional indemnity insurance) |
| 7. | Section 46 (Continuing obligation for professional indemnity insurance for local practising certificate) |
| 8. | Section 48 (Application for grant or renewal of local practising certificate) |
| 9. | Section 50 (Advice relating to grant or renewal of local practising certificates) |
| 10. | Section 51 (Timing of application for renewal of local practising certificate) |
| 11. | Section 53 (Grant or renewal of local practising certificate) |
| 12. | Section 54 (Advice to Board of grant, renewal or refusal to grant or renew local practising certificate) |
| 13. | Section 55 (Conditions generally) |
| 14. | Section 56 (Conditions imposed by prescribed authority) |

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| 15. | Section 57 (Imposition or variation of conditions pending criminal proceedings) |
| 16. | Section 59 (Statutory condition regarding legal practice) |
| 17. | Section 60 (Statutory condition regarding notification of offence) |
| 18. | Section 65 (Amending, suspending or cancelling local practising certificate) |
| 19. | Section 66 (Advice to Board of decision to amend, suspend or cancel local practising certificate) |
| 20. | Section 68 (Immediate suspension of local practising certificate) |
| 21. | Section 69 (Advice to Board of immediate suspension of local practising certificate and revocation of suspension) |
| 22. | Section 70 (Other ways of amending or cancelling local practising certificate) |
| 23. | Section 72 (Applicant for local practising certificate – show cause event) |
| 24. | Section 73 (Holder of local practising certificate – show cause event) |
| 25. | Section 74 (Refusal, amendment, suspension or cancellation of local practising certificate – failure to show cause) |
| 26. | Section 75 (Restriction on making further applications) |
| 27. | Section 77 (Surrender and cancellation of local practising certificate) |
| 28. | Section 78 (Return of local practising certificate) |

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| 29. | Section 80 (Extent of entitlement of interstate legal practitioner to practise in this jurisdiction) |
| 30. | Section 81 (Additional conditions on practice of interstate legal practitioners) |
| 31. | Section 84 (Appeal against decisions about local practising certificates) |
| 32. | Section 85 (Appeal against decisions about interstate legal practitioners) |
| 33. | Section 86 (Protocols) |
| 34. | Section 87 (Consideration and investigation of applicants or holders) |
| 35. | Section 88 (Register of local practising certificates) |
| 36. | Section 90 (Supreme Court orders about conditions) |
| 37. | Section 92 (Fees) |
| 38. | Section 99 (Prescribed authority to notify other jurisdictions of certain matters) |
| 39. | Section 100 (Lawyer to give notice of removal in another jurisdiction) |
| 40. | Section 101 (Lawyer to give notice of interstate orders) |
| 41. | Section 102 (Lawyer to give notice of foreign regulatory action) |
| 42. | Section 105 (Peremptory cancellation of local practising certificate following removal of name from interstate roll) |

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| 43. | Section 107 (Show cause procedure for cancellation of local practising certificate following foreign regulatory action) |
| 44. | Section 115 (Notice of intention to start providing legal services) |
| 45. | Section 117 (Notice of termination of provision of legal services) |
| 46. | Section 120 (Incorporated legal practice without legal practitioner director) |
| 47. | Section 134 (Disclosure of information to Australian Securities and Investments Commission) |
| 48. | Section 135 (External administration proceedings under <i>Corporations Act 2001</i> of the Commonwealth) |
| 49. | Section 136 (External administration proceedings under other legislation) |
| 50. | Section 138 (Incorporated legal practice that is subject to receivership under this Act and external administration under other legislation) |
| 51. | Section 146 (Notice of intention to start practice in multi-disciplinary partnership) |
| 52. | Section 163 (Definitions) |
| 53. | Section 221 (Rules for Australian legal practitioners) |
| 54. | Section 222 (Rules for Australian-registered foreign lawyers) |
| 55. | Section 224 (Prior consultation with professional associations and Board) |

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| 56. | Section 225 (Public notice of proposed legal profession rules) |
| 57. | Section 226 (Rules) |
| 58. | Section 228 (Availability of rules) |
| 59. | Section 230 (Purposes) |
| 60. | Section 233 (Determinations about status of money) |
| 61. | Section 235 (Protocols for determining where trust money is received) |
| 62. | Section 251 (Intermixing money) |
| 63. | Section 254 (Reporting certain irregularities and suspected irregularities) |
| 64. | Section 260 (Appointment of investigators) |
| 65. | Section 263 (Investigator's report) |
| 66. | Section 264 (When costs of investigation are debt) |
| 67. | Section 265 (Designation of external examiners) |
| 68. | Section 266 (Trust records to be externally examined) |
| 69. | Section 268 (Designation and appointment of associates as external examiners) |
| 70. | Section 269 (Final examination of trust records) |
| 71. | Section 271 (External examiner's report) |
| 72. | Section 272 (Law practice liable for costs of examination) |
| 73. | Section 273 (Approval of ADIs) |

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| 74. | Section 275 (Reports, records and information) |
| 75. | Section 280 (Disclosure of accounts used to hold money entrusted to law practice or legal practitioner associate) |
| 76. | Section 281 (Regulations) |
| 77. | Section 352 (Deposit of trust money into designated trust deposit account) |
| 78. | Section 353 (Withdrawals) |
| 79. | Section 355 (Interest on trust account) |
| 80. | Section 356 (Division does not apply to controlled money accounts) |
| 81. | Section 357 (Trust to invest interest) |
| 82. | Section 367 (Prohibition on withdrawal of certain property) |
| 83. | Section 370 (Advertisements) |
| 84. | Section 409 (Interstate legal practitioner becoming authorised to withdraw from local trust account) |
| 85. | Section 432 (Board to advise prescribed authority of complaint) |
| 86. | Section 435 (Board to advise prescribed authority of dismissal or withdrawal) |
| 87. | Section 446 (Interim order for suspension or non-issue of practising certificate) |
| 88. | Section 447 (Board to advise prescribed authority of outcome of investigation) |

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| 89. | Section 452 (Board to advise prescribed authority of decision) |
| 90. | Section 454 (Determination of Board) |
| 91. | Section 457 (Notice of determination) |
| 92. | Section 459 (Record of decision) |
| 93. | Section 480 (Compliance with determinations and orders of Tribunal) |
| 94. | Section 481 (Cost orders of Tribunal) |
| 95. | Section 482 (Notification of result of proceedings, &c., before Tribunal) |
| 96. | Section 489 (Supreme Court to notify Board) |
| 97. | Section 493 (Making of compensation orders) |
| 98. | Section 497 (Register of Disciplinary Action) |
| 99. | Section 500 (Liability for publicising disciplinary action) |
| 100. | Section 512 (Referral of matter involving crimes) |
| 101. | Section 515 (Protection from liability) |
| 102. | Section 523 (Circumstances warranting external intervention) |
| 103. | Section 524 (Determination regarding external intervention) |
| 104. | Section 525 (Appointment of supervisor of trust money) |
| 105. | Section 526 (Notice of appointment) |
| 106. | Section 528 (Role of supervisor of trust money) |

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| 107. | Section 530 (Termination of supervisor's appointment) |
| 108. | Section 532 (Notice of appointment) |
| 109. | Section 554 (Conditions on appointment of external intervener) |
| 110. | Section 562 (Reports by external intervener) |
| 111. | Section 564 (Provisions relating to requirements under this Part) |
| 112. | Section 566 (Protection from liability) |
| 113. | Section 573 (Provisions relating to requirements under this Part) |
| 114. | Section 581 (Inspection of books) |
| 115. | Section 582 (Power to hold hearings) |
| 116. | Section 583 (Failure to comply with investigation) |
| 117. | Section 586 (Obligation of Australian lawyers) |
| 118. | Section 587 (Permitted disclosure of confidential information) |
| 119. | Section 598 (Funds of Board) |
| 120. | Section 601 (Annual report) |
| 121. | Section 602 (Confidentiality) |
| 122. | Section 614 (Confidentiality) |
| 123. | Section 638 (Accounts, reports and audit) |
| 124. | Section 640 (Service on the Board or prescribed authority) |

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| 125. | Section 643 (Evidentiary matters) |
| 126. | Section 649 (Duty to report suspected offences) |
| 127. | Section 653 (Prescribed authority to report to Board) |
| 128. | Section 655 (Confidentiality of prescribed authority) |
| 129. | Section 656 (Protection from liability for prescribed authority) |

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SCHEDULE 2 – PROVISIONS OF ACT (BOARD)

Regulation 4(2)

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| 1. | Section 106 (Show cause procedure for removal of lawyer's name from local roll following foreign regulatory action) |
| 2. | Section 130 (Audit of incorporated legal practices) |
| 3. | Section 132 (Banning of incorporated legal practices) |
| 4. | Section 133 (Disqualification from managing incorporated legal practice) |
| 5. | Section 158 (Prohibition on partnerships with certain partners who are not Australian legal practitioners) |

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 June 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe the Law Society of Tasmania as the prescribed authority for the purposes of certain provisions of the *Legal Profession Act 2007*; and
- (b) prescribe the Legal Profession Board of Tasmania as the prescribed authority for the purposes of certain provisions of the *Legal Profession Act 2007*; and
- (c) are made consequentially on the repeal of the *Legal Profession (Prescribed Authorities) Regulations 2008* under section 11 of the *Subordinate Legislation Act 1992*.