

FACT SHEET

Legal Profession Amendment (Validation Bill) 2019

The *Legal Profession Amendment (Validation) Bill 2019* ("the Bill") amends section 361 of the *Legal Profession Act 2007* ("the Act").

Section 361 of the Act allows the Minister for Justice to approve grants of money from the SGF where the SGF exceeds the prescribed minimum threshold, which is currently \$8.7 million (*Legal Profession Regulations 2018*, regulation 69) taking into account ascertained and contingent liabilities.

This Bill amends the Act to clarify the range and type of persons or organisations that the Minister for Justice can invite to make application for grants of money from the excess funds in the Solicitors' Guarantee Fund.

In particular, it clarifies that the persons or organisation who can make application for grants are those that provide legal or legal-related services, and includes instrumentalities of the Crown.

Specifically, the Bill amends section 361 to provide that the Minister for Justice may invite applications from and/or approve grants to relevant persons.

The phrase *relevant person* is defined to include:

- a Government Agency;
- a court, tribunal or similar person or body acting judicially;
- a person or body, however constituted, that provides legal services or other law related assistance or services and/or advice, or opinions, recommendations or reviews, on legal or law related matters affecting the State; and
- such other persons or bodies as may be prescribed.

Relevant person also includes the Legal Aid Commission of Tasmania and the Law Foundation of Tasmania.

The Bill also contains an amendment that validates certain past decisions to invite and/or approve grants from the excess funds in the Solicitors' Guarantee Fund so long as they would have been valid if made under the new amended version of section 361.