

TASMANIA

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

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**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



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

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
12 September 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.

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

s. 3

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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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\*No. 24 of 2007

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

s. 4

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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 –

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

s. 4

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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 –

- (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:

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

s. 5

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- (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
- (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.