

FACT SHEET

Legal Profession Amendment Bill 2013

The Legal Profession Board of Tasmania is established by the *Legal Profession Act 2007* as the primary regulator of the legal profession in Tasmania. One of the express powers of the Board is to advise the Minister on any matter relating to the Act. Pursuant to this power the Board has recommended a number of amendments to the Act to clarify and improve its operation.

The majority of the amendments are of a minor technical nature.

New provisions are inserted that will allow the Tasmanian Bar to make rules for legal practitioners practising only as barristers. This function is presently undertaken by the Law Society. The Society is happy to have this function transferred.

An appeal to the Supreme Court about a decision of the Tribunal is presently by way of a hearing de novo – that is a new hearing. A complete new hearing is onerous on the parties involved, and incongruous with normal practice on appeal. The Bill will amend this requirement so that an appeal is now by way of a re-hearing, meaning that it is a reconsideration of the evidence already provided to the Tribunal originally.

Legal stakeholders have been consulted on the proposed amendments and varying views taken into account in drafting the Bill. As a result the Law Society and the Tasmanian Bar have expressed general support for the Bill.