

LEGAL PROFESSION UNIFORM LAW AUSTRALIAN SOLICITORS'  
CONDUCT AMENDMENT (NO. 2) RULES 2022

822. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Legal Profession Uniform Law Australian Solicitors' Conduct Amendment (No. 2) Rules 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the rules;
- (b) who was consulted prior to these amendment rules being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;
- (e) have the finalised amendment rules addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The *Legal Profession Uniform Law Australian Solicitors' Conduct Amendment (No. 2) Rules 2022* amend the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* by repealing rule 38 and reinstating the version of rule 38 that was in force immediately prior to 1 April 2022. This was as a result of concerns raised by the Federal Circuit and Family Court with the amendments made to rule 38 in the *Legal Profession Uniform Law Australian Solicitors' Conduct Amendment Rules 2022*, which increased restrictions on the ability of returning judicial officers to accept or retain a brief of instruction to appear before a court of which they were formerly a judge or a court from which appeals lie to the court of which they were formerly a judge.
- (b) It is understood the Legal Services Council made the *Legal Profession Uniform Law Australian Solicitors' Conduct Amendment (No. 2) Rules 2022* following consultation with the Federal Circuit and Family Court of Australia, the Law Council of Australia and the Australian Bar Association, in accordance with section 430(3) of the Legal Profession Uniform Law.
- (c) No.
- (d)–(f) Not applicable.