

Legal Profession Amendment Regulations (No. 2) 2019

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Legal Profession Amendment Regulations (No. 2) 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Legal Profession Regulations 2009*.

4. Regulation 83 amended

- (1) In regulation 83 delete “In this” and insert:

(1) In this

- (2) In regulation 83 delete the definition of *exempt practitioner* and insert:

exempt practitioner has the meaning given in subregulations (2) and (3);

- (3) At the end of regulation 83 insert:

(2) A reference in this Part to an exempt practitioner under regulation 97(1) in relation to legal practice engaged in by the practitioner is a reference to an Australian legal practitioner who is exempt under regulation 97(1) from the requirement to comply with regulation 96(a) or (b) in relation to that legal practice.

(3) A reference in this Part to an exempt practitioner under regulation 97(1A) is a reference to an Australian legal practitioner who is exempt under regulation 97(1A)

from any requirement under these regulations to be covered by professional indemnity insurance because the practitioner is not engaged in legal practice in this jurisdiction.

5. Regulation 95 amended

In regulation 95 delete “an exempt practitioner in relation to all legal practice engaged in by the associate as part of the associate’s duties in the law practice.” and insert:

either —

- (a) an exempt practitioner under regulation 97(1) in relation to all legal practice engaged in by the associate as part of the associate’s duties in the law practice; or
- (b) an exempt practitioner under regulation 97(1A).

6. Regulation 96 amended

In regulation 96(c) after “exempt practitioner” insert:

under regulation 97(1)

7. Regulation 97 amended

After regulation 97(1) insert:

- (1A) An Australian legal practitioner is exempt from any requirement under these regulations to be covered by professional indemnity insurance during a period in which the practitioner does not engage in legal practice in this jurisdiction.

8. Regulation 98 amended

- (1) In regulation 98(1) delete “exempt practitioner under regulation 97 in relation to any legal practice engaged in by the practitioner” and insert:

exempt practitioner under regulation 97(1) in relation to any legal practice engaged in by the practitioner (the *relevant legal practice*), or an exempt practitioner under regulation 97(1A),

- (2) Delete regulation 98(3)(a) and (b) and insert:
 - (a) specifying —

- (i) the Australian legal practitioner who gave the notice of claim; and
 - (ii) in the case of a claim to be an exempt practitioner under regulation 97(1) — the relevant legal practice;
- and
- (b) stating either —
 - (i) that the Law Society considers that the practitioner is an exempt practitioner under regulation 97(1) in relation to the relevant legal practice or an exempt practitioner under regulation 97(1A); or
 - (ii) that the Law Society is not satisfied, on the basis of the information submitted under subregulation (2)(c) or any other relevant information before it, that the practitioner is an exempt practitioner under regulation 97(1) in relation to the relevant legal practice or an exempt practitioner under regulation 97(1A).

9. Regulation 99 amended

- (1) In regulation 99(1)(b) delete “exempt practitioner in relation to any legal practice to be engaged in by the Australian lawyer,” and insert:

exempt practitioner under regulation 97(1) in relation to any legal practice to be engaged in by the Australian lawyer (the *relevant legal practice*), or an exempt practitioner under regulation 97(1A),

- (2) Delete regulation 99(3)(a) and (b) and insert:

- (a) specifying —
 - (i) the Australian lawyer who gave the notice of claim; and
 - (ii) in the case of a claim to be an exempt practitioner under regulation 97(1) — the relevant legal practice;
- and
- (b) stating either —
 - (i) that the Law Society considers that the Australian lawyer will, if granted a local practising certificate, be an exempt practitioner under regulation 97(1) in relation to the relevant legal practice or

- an exempt practitioner under regulation 97(1A); or
- (ii) that the Law Society is not satisfied, on the basis of the information submitted under subregulation (2)(c) or any other relevant information before it, that the Australian lawyer will, if granted a local practising certificate, be an exempt practitioner under regulation 97(1) in relation to the relevant legal practice or an exempt practitioner under regulation 97(1A).

10. Regulation 101 amended

In regulation 101(2) delete “exempt practitioner in relation to any legal practice engaged in by the practitioner” and insert:

exempt practitioner under regulation 97(1) in relation to any legal practice engaged in by the practitioner, or an exempt practitioner under regulation 97(1A),

11. Regulation 104 amended

Delete regulation 104(2)(b) and insert:

- (b) an Australian legal practitioner making a claim under regulation 98;

12. Part 13 Division 9 inserted

At the end of Part 13 insert:

Division 9 — Provisions for *Legal Profession Amendment Regulations (No. 2) 2019*

125. Notices given under r. 98 or 99 in relation to claim for exemption under former r. 97(1)(f)

- (1) In this regulation —
former regulation 97(1)(f) means regulation 97(1)(f) as in force immediately before the coming into operation of the *Legal Profession Amendment Regulations 2019* regulation 10.
- (2) This regulation applies if a notice has been given in relation to the 2019-20 insurance year before the day on which the *Legal Profession Amendment Regulations*

(No. 2) 2019 regulation 7 comes into operation
(*amendment day*) —

- (a) under regulation 98(1) or (3) in relation to an Australian legal practitioner's claim to be exempt under former regulation 97(1)(f); or
 - (b) under regulation 99(1) or (3) in relation to an Australian lawyer's claim that the Australian lawyer will, if granted a local practising certificate, be exempt under former regulation 97(1)(f).
- (3) The notice is taken, on and after amendment day, to relate to a claim to be exempt under regulation 97(1A).

D. FOSTER, Clerk of the Executive Council.
