

ADVICE OF CHIEF PARLIAMENTARY COUNSEL***Legal Profession (Solicitors' Conduct) Amendment Rules 2022***

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *Legal Profession Act 2007*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *Legal Profession Act 2007*; and
- (c) appears to be within the general objectives of the *Legal Profession Act 2007*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 23 February, 2022.



Robyn Webb
Chief Parliamentary Counsel

TASMANIA

**LEGAL PROFESSION (SOLICITORS' CONDUCT)
AMENDMENT RULES 2022**

STATUTORY RULES 2022, No.

CONTENTS

1. Short title
2. Commencement
3. Principal Rules
4. Rule 41 amended (Where practitioner, partner, &c., is member of statutory tribunal other than Tasmanian Civil and Administrative Tribunal)
5. Rule 41A inserted
 - 41A. Where practitioner, partner, &c., is member of Tasmanian Civil and Administrative Tribunal

LEGAL PROFESSION (SOLICITORS' CONDUCT) AMENDMENT RULES 2022

The Council of the Law Society of Tasmania makes the following rules under section 221 of the *Legal Profession Act 2007*.

1. Short title

These rules may be cited as the *Legal Profession (Solicitors' Conduct) Amendment Rules 2022*.

2. Commencement

These rules take effect on the day on which their making is notified in the *Gazette*.

3. Principal Rules

In these rules, the *Legal Profession (Solicitors' Conduct) Rules 2020** are referred to as the Principal Rules.

4. Rule 41 amended (Where practitioner, partner, &c., is member of statutory tribunal other than Tasmanian Civil and Administrative Tribunal)

Rule 41 of the Principal Rules is amended by inserting before subrule (1) the following subrule:

(1AA) In this rule –

statutory tribunal does not include the
Tasmanian Civil and
Administrative Tribunal.

*S.R. 2020, No. 55

r. 5

5. Rule 41A inserted

After rule 41 of the Principal Rules, the following rule is inserted in Division 5:

41A. Where practitioner, partner, &c., is member of Tasmanian Civil and Administrative Tribunal

(1) In this rule –

assigned means assigned under the *Tasmanian Civil and Administrative Tribunal Act 2020*;

stream of the Tribunal means a stream, of the Tribunal, that is established under the *Tasmanian Civil and Administrative Tribunal Act 2020*;

Tribunal means the Tasmanian Civil and Administrative Tribunal.

- (2) A practitioner who is a member of the Tribunal must not undertake work on behalf of a client in relation to, or appear in, any proceedings before the Tribunal that are in a stream of the Tribunal to which the member is assigned.
- (3) A practitioner must not appear in any proceedings before the Tribunal on behalf of a client, if a partner, employer or employee of the practitioner is sitting

as a member of the Tribunal for the purposes of those proceedings.

- (4) A practitioner must not undertake work on behalf of a client in relation to, or appear in, any proceedings before the Tribunal that are in a stream of the Tribunal to which a partner, employer or employee of the practitioner who is a member of the Tribunal is assigned, unless –
- (a) the practitioner advises his or her client and any other party to the proceedings that a partner, employer or employee of the practitioner is a member of the Tribunal who is assigned to that stream of the Tribunal; and
 - (b) that advice is given as soon as is practicable.
- (5) A reference to a partner of a practitioner is a reference to a partner, principal or director of the law practice of which the practitioner is a partner, principal or director.
- (6) A reference to an employee of a practitioner includes a reference to a practitioner employed by a law practice of which the first practitioner is a partner, principal or director.

Legal Profession (Solicitors' Conduct) Amendment Rules 2022
Statutory Rules 2022, No.

These rules were made by the Law Society of Tasmania at a meeting held on20 .

The common seal of the Law Society of Tasmania was affixed on20 , in the presence of –

President

Member

Member

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These rules are administered in the Department of Justice.

EXPLANATORY NOTE
(This note is not part of the rules)

These rules amend the *Legal Profession (Solicitors' Conduct) Rules 2020* so as to modify the requirements of the rules in relation to practitioners who are members of the Tasmanian Civil and Administrative Tribunal.