

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Legal Profession Amendment Bill 2009

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## Legal Profession Amendment Bill 2009

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### A Bill for

An Act to amend the *Legal Profession Act 2006*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Legal Profession Amendment Act 2009*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Legal Profession Act 2006*.

**4 Appointment of investigators  
New section 234 (3) and (4)**

*insert*

(3) An appointment may be made subject to conditions—

- (a) stated in the instrument of appointment; or
- (b) stated in a written notice given by the licensing body to the investigator during the term of appointment; or
- (c) prescribed by regulation.

(4) The licensing body may end the appointment of an investigator if the investigator breaches a condition of appointment.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

**5 Appointment of investigator for complaint  
New section 407 (2) and (3)**

*after note 3, insert*

- (2) An appointment may be made subject to conditions—
- (a) stated in the instrument of appointment; or
  - (b) stated in a written notice given by the relevant council to the investigator during the term of appointment; or
  - (c) prescribed by regulation.
- (3) The relevant council may end the appointment of an investigator if the investigator breaches a condition of appointment.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

**6 Section 521**

*omit everything before the definition of **complaint investigation**,  
substitute*

**521 Definitions—ch 6**

In this chapter:

**7 Power to enter premises  
Section 530 (4)**

*omit*

relevant council

*substitute*

licensing body

**8 New section 530 (4A)**

*insert*

(4A) An authorisation under subsection (4) may be subject to conditions stated by the licensing body.

*Note* The licensing body may give an investigator a written notice stating conditions of appointment during the term of the investigator's appointment (see s 234 (3) (b)).

**9 Compensation for exercise of enforcement powers  
Section 549 (1)**

*substitute*

(1) A person may claim compensation from the relevant council if the person suffers loss or damage because of conduct of an investigator—

(a) in the exercise or purported exercise of a function under this part; and

(b) that is unlawful or unreasonable.

**10 New section 549 (5)**

*insert*

(5) In this section:

***conduct*** means an act or omission to do an act.

**11 Dictionary, new definition of *complaint investigation***

*insert*

***complaint investigation***, for chapter 6 (Investigations)—see section 521.

**12 Dictionary, definition of *investigator***

*substitute*

*investigator*—

(a) for part 3.1 (Trust money and trust accounts)—see section 210 (2); or

(b) for chapter 6 (Investigations)—see section 521.

**13 Dictionary, new definitions**

*insert*

***ILP compliance audit***, for chapter 6 (Investigations)—see section 521.

***trust account examination***, for chapter 6 (Investigations)—see section 521.

***trust account investigation***, for chapter 6 (Investigations)—see section 521.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2009.

**2 Notification**

Notified under the Legislation Act on 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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