

Legal Profession Legislation Amendment (Advertising) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Legal Profession Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998:

- (a) to expand the power to make regulations under those Acts to regulate advertising by legal practitioners by providing that the regulations can regulate or prohibit advertising by or on behalf of legal practitioners and advertising by any person in connection with the provision of legal services or of services connected with personal or work injuries, and
- (b) to ensure that the regulations under the *Legal Profession Act 1987* with respect to advertising can regulate any conduct with respect to the marketing of legal services (in line with the power conferred under the *Workplace Injury Management and Workers Compensation Act 1998*), and
- (c) to increase the penalty that advertising regulations under the *Legal Profession Act 1987* can impose from 10 to 200 penalty units (that is, from \$1,100 to \$22,000) (in line with the maximum penalty applicable under the *Workplace Injury Management and Workers Compensation Act 1998*), and
- (d) to empower the Law Society Council (in the case of solicitors), the Bar Council (in the case of barristers) and the Legal Services Commissioner (in the case of solicitors or barristers) to apply to the Administrative Decisions Tribunal for a direction that a person cease advertising or other conduct considered to be in breach of the regulations (with a person who contravenes such a direction being guilty of an offence in addition to any offence in respect of the advertising or other conduct itself), and
- (e) to give the Minister administering the *Legal Profession Act 1987* and the Minister administering the *Workplace Injury Management and Workers Compensation Act 1998* the same power to issue a direction to any person to cease advertising or other conduct without the involvement of the Administrative Decisions Tribunal, and
- (f) to make consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Legal Profession Act 1987* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Workplace Injury Management and Workers Compensation Act 1998* set out in Schedule 2.

Schedules 1 and 2 contain the amendments outlined in the Overview.