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## Changes to the *Legal Practitioners Act*

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The *Legal Practitioners (Miscellaneous) Amendment Act 2019 (2019 Amendment Act)* came into operation on 1 December 2019. It makes three main changes to the Act.

The first relates to section 72(2) of the Act, which currently says that the Commissioner can, “*with the approval of the Attorney-General, fix, and require the payment of, fees in connection with the performance of functions of the Commissioner under this Act*”. That is, the Commissioner can say that a complainant must pay a fee to lodge a complaint, if the Attorney first approves him doing so.

The 2019 Amendment Act has amended section 72(2) so as to give the Commissioner the power also to waive the payment of, or refund, the whole or part of any such fee that is charged.

The Commissioner hasn’t previously required a fee to be paid to lodge a complaint. However, now that the 2019 Amendment Act has come into operation, the Attorney-General will most likely approve the Commissioner fixing a fee to lodge a complaint. It is likely that such a scheme will commence on 1 January 2020. The Commissioner will also publish some relatively straight-forward guidelines as to the circumstances in which he will waive or refund a fee.

The second change relates to the Commissioner’s jurisdiction to make a binding determination in relation to a costs dispute. Previously, he could only do so if the amount in dispute was no more than \$10,000. From 1 December 2019, that limit has been changed to \$50,000.

The increase in the amount that can be in dispute for the Commissioner to make a binding Determination only relates to an overcharging complaint that is received on or after 1 December 2019.

It is important to note that the Commissioner can in any event only make a binding determination if he has first had a costs assessment undertaken. For an overcharging complaint received on or after 1 December 2019, the Commissioner will be able to, and will usually, require a complainant to pay the reasonable costs of getting such a costs assessment. If ultimately the Commissioner finds that there is overcharging, then he will be able to refund that amount to the complainant.

The third change relates to the time within which a charge must be laid in the Tribunal, which will now be 5 years from the date on which the person laying the charge becomes aware of the conduct.

**GREG MAY**

Legal Profession Conduct Commissioner  
2 December 2019