



# THE LAW SOCIETY OF TASMANIA

## Conduct Rules & Rules of Practice are Changing on 1 October 2020

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I am pleased to let the profession know that from 1 October 2020 the rules governing legal practitioner conduct and certain operations of legal practice are changing.

The **Rules of Practice 1994** (ROP) have undergone substantial amendment and will contain only 11 rules covering:

- Attendance at practice
- Firm names and professional description
- Indemnity cover
- Charging of commission
- Barrister professional indemnity insurance
- Transfer of a solicitor's practice
- Debt collection or mercantile agency
- Conducting another business
- Litigation lending

A number of the deleted ROP have a conduct rule equivalent. An explanatory table is provided in the materials that accompany this memo.

The **Legal Profession (Solicitors' Conduct) Rules 2020** (SCR) are based on the Australian Solicitors Conduct Rules. From 1 October Tasmanian practitioners will be subject to the same ethical obligations as their counterparts in the ACT, South Australia, Queensland, New South Wales and Victoria. The SCR are based on established common law principles. Those principles have traditionally formed the basis of the ethical obligations of Tasmanian practitioners.

The SCR and ROP will be published on the [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) website from 1 October. The final version of the SCR and the ROP amendments are attached to this memo also.

The Rules are broken into convenient categories:

- Fundamental duties of solicitors
- Relations with clients
- Advocacy and litigation
- Relations with other solicitors
- Law practice management

Many practitioners have been using the Australian Solicitors Conduct Rules as an ethical guide even though they had not been adopted in Tasmania. As a result, there will not be a dramatic change to the ethical or practice obligations of Tasmanian practitioners and firms. Having said that, all practitioners should familiarise themselves with both the SCR and the amendments to the ROP.

Attached with this memorandum are the following:

- Information sheet on the *Legal Profession (Solicitors' Conduct) Rules 2020*
- Information sheet on the *Rules of Practice Amendment Rules 2020*
- *Legal Profession (Solicitors' Conduct) Rules 2020*
- *Rules of Practice Amendment Rules 2020*
- Australian Solicitors Conduct Rules 2011 and Commentary. This publication is in the process of being updated. The 2013 edition remains a useful resource in providing additional information and guidance in understanding how the Rules might apply. The commentary can also be found online at:  
[https://www.lawcouncil.asn.au/files/web-pdf/SolicitorsConductRulesHandbook\\_Ver3.pdf](https://www.lawcouncil.asn.au/files/web-pdf/SolicitorsConductRulesHandbook_Ver3.pdf)

The adoption of the Rules provides a national framework for the profession in the pursuit of the highest level of ethical and professional conduct in dealing with our clients, the Courts, our fellow legal practitioners, regulators and other persons. The Rules will continue to ensure the integrity of the administration of justice within the community, and our ongoing service to the law.



**Crystal Garwood**  
**President**

10 September 2020