

# Proposed changes to the *Australian Solicitors' Conduct Rules 2023*

The proposed amendments to the *Australian Solicitors' Conduct Rules 2023* are:

- **Rule 8**

Rule 8 be amended by inserting the underlined words:

**Client instructions**

8.1 A solicitor must only accept and follow a client's lawful, proper and competent instructions.

- **Rule 13**

The following definition of *just cause* be inserted for the purposes of Rule 13.1.3 noted below:

**Completion or termination of engagement**

13.1 A solicitor with designated responsibility for a client's matter must ensure completion of the legal services for that matter UNLESS:

13.1.1 the client has otherwise agreed;

13.1.2 the law practice is discharged from the engagement by the client;

13.1.3 the law practice terminates the engagement for just cause and on reasonable notice; or

13.1.4 the engagement comes to an end by operation of law.

**just cause** includes:

(a) instructions that require, or any circumstance where continuation of the engagement would cause, a solicitor to breach the solicitor's ethical duties and professional responsibilities;

(b) any circumstance where a solicitor is no longer able to act in the client's best interests;

(c) any circumstance where a client has not provided all information requested of them that is required to fulfil a solicitor's statutory obligations.

- **Rule 29.13**

Update the reference in this rule by changing the 'Criminal Justice Commission' to the 'Crime and Corruption Commission'.

**Prosecutor's duties**

29.13 A solicitor who appears as counsel assisting an inquisitorial body such as the ~~Criminal Justice Commission~~ Crime and Corruption Commission, the Australian Crime Commission, the Australian Securities and Investments Commission, the ACCC, a Royal Commission or other statutory tribunal or body

having investigative powers must act in accordance with Rules 29.1, 29.3 and 29.4 as if the body is a court referred to in those Rules and any person whose conduct is in question before the body is an accused referred to in Rule 29.

- **Rule 41**

Reinstate part of the previous Rule 41 which was removed in 2024:

**Mortgage Financing**

A solicitor must not engage in mortgage financing as part of their law practice.