

**Queensland**



**Subordinate Legislation 1996 No. 15**

*Queensland Law Society Act 1952*

**QUEENSLAND LAW SOCIETY (INDEMNITY)  
AMENDMENT RULE (No. 1) 1996**

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**Short title**

1. This rule may be cited as the *Queensland Law Society (Indemnity) Amendment Rule (No. 1) 1996*.

**Rule amended**

2. This rule amends the *Queensland Law Society (Indemnity) Rule 1987*.

**Amendment of s 8 (Law Claims Levy Fund)**

3.(1) Section 8—

*insert—*

‘(4A) The Law Claims Levy Fund may be used for the following purposes—

- (a) meeting amounts payable for—
  - (i) the investigation, defence or settlement of a claim made against an assured practitioner; or
  - (ii) the investigation of circumstances that may result in a claim against an assured practitioner;
- (b) paying a premium or other amount payable under—
  - (i) the Master Policy (to the extent the Council determines not to require direct payment by practitioners); or
  - (ii) another policy arranged under this Rule;
- (c) enabling or facilitating the establishment and maintenance of any insurance facility whose principal purpose is to provide professional indemnity cover for practitioners and former practitioners, including lending or transferring directly or indirectly (with or without consideration) capital to an insurance company whose principal objective is the provision of insurance cover to practitioners and former practitioners;
- (d) meeting the administrative expenses of the Law Claims Levy Fund.’

(2) Section 8(6)—

*omit, insert—*

‘(6) The Council may only make payments from, and transfer the whole or part of the assets of, the Law Claims Levy Fund for one or more of the purposes mentioned in subsection (4A).

‘(6A) In administering the Law Claims Levy Fund and other matters required by this Rule, the Council must take into consideration the relevant present and future needs of practitioners who are required to maintain professional indemnity insurance.’.

(3) Section 8(7), from ‘An amount’ to ‘may include’—

*omit, insert—*

‘An amount payable under section 8(6) in relation to a purpose in section 8(4A)(a) may include’.

(4) Section 8—

*insert—*

‘(10) In addition to the Master Policy, the Society may, as the Council considers appropriate, take out and maintain insurance in relation to the loss described in section 5A(1)(ha) of the Act to the extent it is not, or may not, be covered by a Master Policy—

- (a) with insurers carrying on insurance business approved by the Council; and
- (b) upon the terms and conditions the Council approves.

‘(11) In this section—

“**assured practitioner**” includes a former practitioner.’.

## Insertion of new s 8A

4. After section 8—

*insert—*

### ‘Saving

‘8A.(1) To remove any doubt, it is declared that an assured practitioner

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has the same entitlements under this Rule after the commencement of this section, in relation to a claim against the practitioner after the commencement, as the practitioner had before the commencement.

‘(2) This section does not limit the operation of the *Acts Interpretation Act 1954*, section 20.<sup>1</sup>

‘(3) In this section—  
“**assured practitioner**” includes a former practitioner.’.

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#### ENDNOTES

1. Made by the Council of the Queensland Law Society Incorporated on 16 January 1996.
2. Approved by the Governor in Council on 1 February 1996.
3. Notified in the gazette on 2 February 1996.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Justice and Attorney-General.

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<sup>1</sup> Section 20 (Saving of operation of repealed Act etc.)