

Legal Profession (Society Rules) Amendment Notice (No. 2) 2019

Explanatory notes for SL 2019 No. 62

made under the

Legal Profession Act 2007

General Outline

Short Title

Legal Profession (Society Rules) Amendment Notice (No. 2) 2019

Authorising law

Section 697 of the *Legal Profession Act 2007* (the Act).

Policy objectives and the reasons for them

Section 696 of the Act provides for the Queensland Law Society (QLS) to make society rules for various purposes, including: to define, and carry out, the objects of the QLS; for the regulation and good government of the QLS and its members; and to fix fees, levies and subscriptions in relation to QLS membership.

Under section 697(1) of the Act, QLS rules have no effect unless the Minister notifies the making of the rules. Under subsection (2), the notice is subordinate legislation. The rules made and notified to date under sections 696 and 697 of the Act are consolidated in the *Legal Profession (Society) Rules 2007* (the Society Rules).

The purpose of the *Legal Profession (Society Rules) Amendment Notice (No. 2) 2019* (the Notice) is to give notice of the making of the *Legal Profession (Society) Amendment Rule (No. 1) 2019* (the Amendment Rule) by the QLS Council.

The Amendment Rule amends rule 16 of the Society Rules to insert the membership fees for the 2019-2020 financial year and delete the redundant fee provision for the 2017-2018 financial year.

The Amendment Rule also amends the Society Rules to:

- require QLS membership from only legal practitioner directors of incorporated legal practices, rather than all employed solicitors of such practices, for the practice to be entitled to incorporated legal practice membership;

- remove the provision allowing the QLS to provide other rights to use services offered by the QLS, as determined by the QLS Council, for insurance members;
- include the power to refund (as well as waive) all or part of any annual subscription payable by any member or class of member; and
- amend the definition of “member” in the Dictionary to include incorporated legal practice members.

Achievement of policy objectives

The Notice gives effect to the Amendment Rule.

Consistency with policy objectives of authorising law

The Notice is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The Notice is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the implementation of the Notice.

Consistency with fundamental legislative principles

The Notice is consistent with fundamental legislative principles.

Consultation

The Notice is being made at the request of the QLS.