

# **CHILD SAFETY LEGISLATION AMENDMENT BILL 2004**

## **EXPLANATORY NOTES**

### **FOR**

### **AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE**

*Peter Beattie MP*

#### **Title of Bill**

Child Safety Legislation Amendment Bill 2004.

#### **Objectives of the Amendments**

It is proposed to make committee amendments to the Bill to amend the *Legal Profession Act 2004*.

The amendments are proposed to ensure a smooth transition to the new regulatory regime commencing on 1 July 2004 and to avoid the need for later retrospective legislation.

#### **Achievement of the Objectives**

The amendments are for the following purposes:

- to clarify the wording of a provision which restricts investment-related claims on the Fidelity Fund to monies and property received and invested in the ordinary course of legal practice;
- to ensure that the complaints and discipline regime applies to former law practice employees;
- to allow approved forms for the disciplinary tribunal to be approved by its chairperson;

- to ensure that fees received by the Admissions Board can be retained by the board and applied to reimburse the Queensland Law Society for the cost of its services to the board;
- to correct a reference from “part” to “chapter”.

### **Alternative ways of Achieving Policy Objectives**

There are no alternative ways of achieving the policy objectives.

### **Administrative cost to Government of implementation**

There should not be any cost to government associated with the implementation of the amendments.

### **Consistency with Fundamental Legislative Principles**

The provisions do not breach the fundamental legislative principles.

### **Consultation**

Given the subject matter and nature, these amendments have not warranted consultation.

## **NOTES ON PROVISIONS**

*Amendment 1* provides for Part 7A, as inserted by amendment 2, to commence 1 July 2004.

*Amendment 2* inserts new Part 7A –Amendment of the *Legal Profession Act 2004*.

#### ***Clause 99A***

*Clause 99A* provides that the part amends the *Legal Profession Act 2004*.

#### ***Clause 99B***

*Clause 99B* amends section 161(2) of the *Legal Profession Act 2004*. The amendment clarifies the wording of a provision which restricts

investment-related claims on the Fidelity Fund to monies and property received and invested in the ordinary course of legal practice.

***Clause 99C***

*Clause 99C* ensures that the complaints and discipline regime applies to former law practice employees.

***Clause 99D***

*Clause 99D* is an amendment of a drafting nature.

***Clauses 99E and 99F***

*Clauses 99E and 99F* ensure that fees received by the Admissions Board can be retained by the board and applied to reimburse the Queensland Law Society for the cost of its services to the board.

***Clause 99G***

*Clause 99G* allows approved forms for the disciplinary tribunal to be approved by its chairperson.