

Legal Profession (Society Rules) (Membership) Amendment Notice 2018

Explanatory notes for SL 2018 No. 14

made under the

Legal Profession Act 2007

General Outline

Short title

Legal Profession (Society Rules) (Membership) Amendment Notice 2018

Authorising law

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

Policy objectives and the reasons for them

Section 696 of the Act allows 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; to provide for the way of electing or appointing the presidential members and other council members; for the admission, re-admission, resignation and expulsion of QLS 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) (Membership) Amendment Notice 2018* (the Notice) is to give notice of the making of the *Legal Profession (Society) Amendment Rule (No. 3) 2017* (the Amendment Rule) by the QLS Council.

The Amendment Rule amends the Society Rules to:

- create a further category of membership for incorporated legal practices (consistent with amendments to section 684 of the Act included in the *Court and Civil Legislation Amendment Act 2017*), and to make consequential amendments resulting from the new category of membership;

- permit honorary members of the QLS to attend and address general meetings of the QLS; and
- provide that, for an election of QLS Council members, the returning officer must appoint a day (not less than 14 days and not more than 28 days from the day the returning officer provides access to the ballot pursuant to rule 35 (rather than the day of nomination)) on which the poll must close.

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.