

# **Legal Profession (Community Legal Service Practitioners) Amendment Regulation 2018**

Explanatory notes for SL 2018 No. 47

made under the

*Legal Profession Act 2007*

## **General Outline**

Short Title

*Legal Profession (Community Legal Service Practitioners) Amendment Regulation 2018*

## **Authorising law**

Section 715 of the *Legal Profession Act 2007*.

## **Policy objectives and the reasons for them**

Section 231 of the *Legal Profession Act 2007* (the Act) provides for the Queensland Law Society (QLS) to make administration rules for various purposes, including setting fees, contributions and levies.

Under section 233 of the Act, a regulation may be made by Governor in Council in relation to any matter for which administration rules may be made.

Under section 368 of the Act, a person who applies to the QLS for the grant or renewal of a local practising certificate in relation to a financial year must pay a contribution for the financial year to the Legal Practitioners' Fidelity Guarantee Fund (fidelity fund) under the QLS administration rules. Subsection (4)(b) provides that the section does not apply to local legal practitioners of a particular class prescribed under a regulation.

Local legal practitioners who are employees of a community legal service are a prescribed class of local legal practitioners under section 75 of the *Legal Profession Regulation 2017* (the Regulation). Section 75 provides for this class to contribute on a concessional basis to the fidelity fund (currently \$50.00).

The *Queensland Law Society Administration Amendment Rule (No. 1) 2018* (Amendment Rule) made by the QLS sets the general fidelity fund contribution for 2018-2019 at \$30.00 and at \$10.00 for practitioners employed by community legal services.

The purpose of the *Legal Profession (Community Legal Service Practitioners) Amendment Regulation 2018* (Amendment Regulation) is to amend the Regulation to be consistent with the fidelity fund contributions set in the Amendment Rule.

## **Achievement of policy objectives**

This amendment ensures that employees of community legal services continue to contribute to the fidelity fund on a concessional basis.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation 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 Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Amendment Regulation is made at the request of the QLS.

The Queensland Productivity Commission was consulted and has advised that no further analysis or assessment is required under the Queensland Government Guide to Better Regulation.