

Legal Profession (Australian Solicitors Conduct Rules) Notice 2022

Explanatory notes for SL 2022 No. 117

Made under the

Legal Profession Act 2007

General Outline

Short Title

Legal Profession (Australian Solicitors Conduct Rules) Notice 2022

Authorising law

Section 225 of the *Legal Profession Act 2007* (the Act).

Policy objectives and the reasons for them

Section 219 of the Act allows the Queensland Law Society (QLS) to make rules about legal practice in this jurisdiction engaged in by Australian legal practitioners as solicitors, and about engaging in legal practice in this jurisdiction as an Australian-registered foreign lawyer (solicitors rules).

Under section 225(1)(a) of the Act, solicitors rules have no effect unless the Minister notifies the making of them. Under section 225(2) of the Act, a notice under subsection (1) is subordinate legislation.

The *Legal Profession (Australian Solicitors Conduct Rules) Notice 2012* (expiring Notice), which notifies the 'Australian Solicitors Conduct Rules' as solicitors rules under section 225 of the Act, expires on 1 September 2022 under section 54 of the *Statutory Instruments Act 1992*.

Achievement of policy objectives

The *Legal Profession (Australian Solicitors Conduct Rules) Notice 2022* (Notice) repeals and replaces the expiring Notice to ensure that the already notified Australian Solicitors Conduct Rules continue to have effect.

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

The benefit of the Notice is that it ensures the already notified Australian Solicitors Conduct Rules continue to have effect. There are no costs associated with the Notice.

Consistency with fundamental legislative principles

The Notice is consistent with fundamental legislative principles.

Consultation

The QLS has been consulted and supports the making of the Notice.

The Office of Best Practice Regulation has not been consulted because the Notice is excluded from regulatory impact analysis under the *Queensland Government Guide to Better Regulation* as a regulatory proposal of a machinery nature.