

Legal Profession (Society Rules) Amendment Notice (No 2) 2023

Explanatory notes for SL 2023 No. 79.

Made under the

Legal Profession Act 2007

General Outline

Short Title

Legal Profession (Society Rules) Amendment Notice (No 2) 2023

Authorising law

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

Policy objectives and the reasons for them

Section 696(1) of the Act provides for the Queensland Law Society (QLS) to make rules (society rules) for various purposes, including to provide for the way of election or appointment of the presidential members and other council members, and filling of a vacancy of a council member, other than an appointed member or person appointed because the person is the immediate past president.

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

The purpose of the *Legal Profession (Society Rules) Amendment Notice (No. 2) 2023* (the Notice) is to give notice of the making of the *Legal Profession (Society) Amendment Rule (No. 2) 2023* (Amendment Rule) by the QLS Council.

The Amendment Rule changes:

- a. the voting methodology to be adopted for Council elections requiring members to vote for exactly the number of ordinary member positions required to be elected; and
- b. the process for appointments to casual vacancies in the offices of ordinary members on Council occurring within the first 18 months of the ordinary member's term,

removing the requirement to give QLS members the option to requisition an election for such vacancies and instead providing for a fair and flexible process for Council to make such appointments.

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, which provides for the making of society rules.

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 gives effect to the mentioned amendments to the Society Rules. There are no costs associated with implementation of the Notice.

Consistency with fundamental legislative principles

The Notice is consistent with fundamental legislative principles.

Consultation

The Notice is made at the request of the QLS.

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