

Legal Profession (Barristers Rules) Notice 2024

Explanatory notes for SL 2024 No. 236

Made under the

Legal Profession Act 2007

General Outline

Short Title

Legal Profession (Barristers Rules) Notice 2024

Authorising law

Section 225 of the *Legal Profession Act 2007*

Policy objectives and the reasons for them

Section 220 of the *Legal Profession Act 2007* (the Act) provides for the Bar Association of Queensland (BAQ) to make rules about legal practice in Queensland engaged in by Australian legal practitioners as barristers (barristers rules). Under section 222 of the Act, barristers rules may make provision about any aspect of legal practice, including the standards of conduct expected of barristers.

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

The policy objectives of the *Legal Profession (Barristers Rules) Notice 2024* (the Notice) are to notify the making of the '2011 Barristers' Rule, as amended' (the Rule) and to repeal the *Legal Profession (Barristers Rules) Notice 2018*.

The Rule incorporates amendments to rules 1 and 16. The amendments to rule 16 provide that a barrister must not hold or have any interest in a law practice, other than a barrister's own practice, whether directly or indirectly, subject to an exception where a barrister owns a shareholding in an incorporated legal practice which is a publicly listed company. Further amendments to rules 1 and 16 are of a consequential nature.

The purpose of the amendments to rule 16 is to expressly prohibit barristers from having any interest, or shareholding, in an incorporated legal practice, other than one that is a publicly listed company. This is to ensure that a barrister's overriding duty of independence

is upheld, so that barristers may provide services of the highest standard unaffected by personal interest.

Achievement of policy objectives

The Notice achieves the stated objective of giving effect to the 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 barristers 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 Rule. There are no implementation costs associated with the Notice.

Consistency with fundamental legislative principles

The Notice is consistent with fundamental legislative principles.

Consultation

The BAQ has consulted on the Rule as required by section 223 of the Act. The Notice is made at the request of the BAQ.