

Queensland Law Society Administration Rule 2005

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VERSION 31 NOTE

This version of the *Queensland Law Society Administration Rule 2005* incorporates amendments made by –

- 1 the Executive Committee of the Council of the Queensland Law Society at its meeting on 18 April 2005, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2005*;
- 2 the Council of the Queensland Law Society at its meeting on 30 September 2005, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2005*;
- 3 the Council of the Queensland Law Society at its meeting on 30 September 2005, as set out in the *Queensland Law Society Administration Amendment Rule (No. 3) 2005*;
- 4 the Council of the Queensland Law Society at its meeting on 30 September 2005, as set out in the *Queensland Law Society Administration Amendment Rule (No. 4) 2005*;
- 5 the Council of the Queensland Law Society at its meeting on 9 December 2005, as set out in the *Queensland Law Society Administration Amendment Rule (No. 5) 2005*;
- 6 the Council of the Queensland Law Society at its meeting on 31 March 2006, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2006*;
- 7 the Executive Committee of the Queensland Law Society at its meeting on 28 April 2006;
- 8 the Council of the Queensland Law Society at its meeting on 22 September 2006, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2006*;
- 9 the Council of the Queensland Law Society at its meeting on 9 February 2007, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2007*;
- 10 the Council of the Queensland Law Society at its meeting on 13 April 2007, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2007* and the *Queensland Law Society Administration Amendment Rule (No. 3) 2007*;
- 11 the Council of the Queensland Law Society at its meeting on 21 June 2007, as set out in the *Queensland Law Society Administration Amendment Rule (No. 4) 2007*;
- 12 the Council of the Queensland Law Society at its meeting on 27 September 2007, as set out in the *Queensland Law Society Administration Amendment Rule (No. 5) 2007*;
- 13 the Council of the Queensland Law Society, at its meeting on 15 November 2007, as set out in the *Queensland Law Society Administration Amendment Rule (No. 6) 2007*;
- 14 the Council of the Queensland Law Society, at its meeting on 31 January 2008, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2008*;
- 15 the Council of the Queensland Law Society, at its meeting on 27 March 2008, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2008*;
- 16 the Council of the Queensland Law Society, at its meeting on 29 May 2008, as set out in the *Queensland Law Society Administration Amendment Rule (No. 3) 2008*;
- 17 the Council of the Queensland Law Society, at its meeting on 26 September 2008, as set out in the *Queensland Law Society Administration Amendment Rule (No. 4) 2008*;

- 18 the Council of the Queensland Law Society, at its meeting on 2 April 2009, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2009*;
- 19 the Council of the Queensland Law Society, at its meeting on 25 March 2010, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2010*;
- 20 the Council of the Queensland Law Society, at its meeting on 27 April 2010, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2010* and the *Queensland Law Society Administration Amendment Rule (No. 3) 2010*;
- 21 the Council of the Queensland Law Society, at its meeting on 28 May 2010, as set out in the *Queensland Law Society Administration Amendment Rule (No. 4) 2010*;
- 22 the Council of the Queensland Law Society, at its meeting on 24 June 2010, as set out in the *Queensland Law Society Administration Amendment Rule (No. 5) 2010*;
- 23 the Council of the Queensland Law Society, at its meeting on 14 April 2011, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2011*;
- 24 the Council of the Queensland Law Society at its meeting on 28 April 2011, as set out in the *Queensland Law Society Administration Amendment Rule (No.2) 2011*;
- 25 the Executive Committee of the Council of the Queensland Law Society by Flying Minute on 5 April 2012, as set out in the *Queensland Law Society Administration Amendment Rule (No.1) 2012*;
- 26 the Council of the Queensland Law Society at its meeting on 31 January 2013, as set out in the *Queensland Law Society Administration Amendment Rule (No.1) 2013*;
- 27 the Council of the Queensland Law Society, at its meeting on 31 January 2013, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2013*;
- 28 the Council of the Queensland Law Society, at its meeting on 27 March 2013, as set out in the *Queensland Law Society Administration Amendment Rule (No.3) 2013*;
- 29 the Executive Committee of the Council of the Queensland Law Society by Flying Minute on 15 April 2013, as set out in the *Queensland Law Society Administration Amendment Rule (No. 4) 2013*;
- 30 the Council of the Queensland Law Society, at its meeting on 24 October 2013, as set out in the *Queensland Law Society Administration Amendment Rule (No.5) 2013*;
- 31 the Council of the Queensland Law Society, at its meeting on 20 March 2014, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2014*;
- 32 the Council of the Queensland Law Society, at its meeting on 19 March 2015, as set out in the *Queensland Law Society Administration Amendment Rule (No. 1) 2015*;
33. the Council of the Queensland Law Society, at its meeting on 23 March 2016, as set out in the *Queensland Law Society Administration Amendment Rule (No.1) 2016*;
34. the Council of the Queensland Law Society, at its meeting on 24 November 2016, as set out in the *Queensland Law Society Administration Amendment Rule (No. 2) 2016*; and
35. the Council of the Queensland Law Society, by Flying Minute dated .xxx, as set out in the *Queensland Law Society Administration Amendment Rule (No. 3) 2016*,

to the *Queensland Law Society Administration Rule 2005*, as originally adopted by the Council of the Queensland Law Society at its meeting on 20 March 2005.

Queensland Law Society Administration Rule 2005

PART 1 – PRELIMINARY

1 Preliminary

These rules may be cited as the *Queensland Law Society Administration Rule 2005*.

2 Commencement

Unless otherwise provided, these rules commence immediately after Part O (Practising Certificates), rules 94-106, of the *Queensland Law Society Rule 1987* is repealed or expires.

3 Interpretation

The dictionary in schedule 1 defines particular words used in these rules.

4 Words and expressions have the same meaning as in Act

Words and expressions used in the Act have the same respective meaning in these rules.

PART 2 – SOLICITORS’ PRACTISING CERTIFICATES

Division 1 – Categories of practising certificates

6 Categories of practising certificates [Act subsection 231(2)(a)]

Subject to rule 7, the Society may issue the following categories of solicitors’ practising certificates –

- (a) principal practising certificates;
- (b) employee practising certificates; or
- (c) volunteer practising certificates.

7 Sub-categories of practising certificates

(1) A principal practising certificate may be either –

- (a) restricted;
- (b) unrestricted; or
- (c) limited.

(2) An employee practising certificate may be either –

- (a) restricted; or
- (b) unrestricted.

(3) A volunteer practising certificate may be either –

- (a) restricted; or
- (b) unrestricted.

8 Supervised and unsupervised legal practice

A practising certificate must state, subject to rule 23, whether the holder of that certificate is, pursuant to section 56 of the Act, entitled to engage in –

- (a) supervised legal practice only; or,
- (b) unsupervised legal practice.

Division 2 – Eligibility for different categories of practising certificates

9 Eligibility for restricted and unrestricted principal practising certificate

- (1) Subject to subrule (2), rule 31 of these rules and the *Queensland Law Society Indemnity Rule 2005*, a legal practitioner who holds a current PMC Statement issued pursuant to rule 39 of these rules or is granted a waiver or deferment pursuant to rule 40 of these rules is eligible to be issued a restricted principal practising certificate if the legal practitioner is entitled to engage in only supervised legal practice, or is eligible to be issued with an unrestricted principal practising certificate if the legal practitioner is entitled to engage in unsupervised legal practice.
- (2) A legal practitioner who was admitted as a solicitor in this jurisdiction before 17 December 1988 is eligible to be issued a principal practising certificate for the purposes of subrule (1) without holding a current PMC Statement.
- (3) An interstate legal practitioner or an interstate lawyer, who holds qualifications gained in another jurisdiction which, in the opinion of the Council, are equivalent to those required of a Queensland legal practitioner for the issue of a principal practising certificate, may be granted a principal practising certificate.
- (4) A New Zealand practitioner who is permitted to practice on their own account either in partnership or as a sole practitioner in New Zealand under a law of that country and who, subsequent to admission, applies for a practising certificate under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) as applied by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*, is eligible to hold a principal practising certificate that entitles them to undertake the activities they are currently entitled to undertake in New Zealand.

Example –

A New Zealand practitioner who is entitled to engage in legal practice on their own account either in partnership or as a sole practitioner who is not entitled to operate a trust account in New Zealand may be eligible to apply for a principal practising certificate that is subject to a condition that they cannot operate a trust account until they have successfully undertaken the Trust Account segment of the Practice Management Course.

10 Eligibility for limited principal practising certificates

A limited principal practising certificate may be issued only to –

- (a) the person in charge of a community legal service, or a person engaged by that community legal service, and nominated by the person in charge for this purpose; or,
- (b) the chief executive officer of Legal Aid Queensland, appointed pursuant to section 64 of the *Legal Aid Queensland Act 1997*, or to other persons employed by Legal Aid Queensland, and nominated by the chief executive officer for this purpose; or,
- (c) a legal practitioner engaged in legal practice on his or her own account either as a sole practitioner or in a law firm whose legal practice consists solely of matters pertaining to the assessment of costs either under division 7 of part 3.4 of the Act or otherwise.

11 Eligibility for unrestricted employee practising certificate

- (1) A legal practitioner who, not being the holder of a principal practising certificate, may engage in unsupervised legal practice, pursuant to rule 23 and section 56 of the Act, is eligible to be issued with an unrestricted employee practising certificate.
- (2) A New Zealand practitioner who is currently entitled to engage in unsupervised legal practice in New Zealand who, subsequent to admission, applies for a practising certificate under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) as applied by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*, is eligible to be issued with an unrestricted employee practising certificate.

12 Eligibility for restricted employee practising certificate

- (1) A legal practitioner who is not eligible to hold either a principal practising certificate or an unrestricted employee practising certificate but who is qualified to engage in legal practice in this jurisdiction may hold a restricted employee practising certificate.
- (2) A New Zealand practitioner who is only entitled to engage in supervised legal practice in New Zealand who, subsequent to admission, applies for a practising certificate under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) as applied by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*, is eligible to be issued with a restricted employee practising certificate.

12A Eligibility for unrestricted volunteer practising certificate

- (1) A legal practitioner who, not being the holder of a principal or employee practising certificate, may engage in unsupervised legal practice, pursuant to rule 23 and section 56 of the Act, is eligible to be issued with an unrestricted volunteer practising certificate.
- (2) A New Zealand practitioner who is currently entitled to engage in unsupervised legal practice in New Zealand who, subsequent to admission, applies for a practising certificate under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) as applied by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*, is eligible to be issued with an unrestricted volunteer practising certificate.

12B Eligibility for restricted volunteer practising certificate

- (1) A legal practitioner who is not eligible to hold a principal practising certificate, an unrestricted employee practising certificate or an unrestricted volunteer practising certificate, and does not hold a restricted employee practising certificate, but who is qualified to engage in legal practice in this jurisdiction, may hold a restricted volunteer practising certificate.
- (2) A New Zealand practitioner who is only entitled to engage in supervised legal practice in New Zealand who, subsequent to admission, applies for a practising certificate under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) as applied by the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*, is eligible to be issued with a restricted volunteer practising certificate.

Division 3 – Entitlements pertaining to different categories of practising certificates

13 Entitlement of holder of principal practising certificate

- (1) A practitioner who holds an unrestricted principal practising certificate is entitled to engage in legal practice on his or her own account either as a partner of a law firm or as a sole practitioner or as a legal practitioner director or as a legal practitioner partner.
- (2) A practitioner who holds a restricted principal practising certificate is entitled to engage in legal practice on his or her own account as:
 - (a) a partner of a law firm; or
 - (b) 1 of at least 2 legal practitioner directors; or
 - (c) 1 of at least 2 legal practitioner partners,under the supervision of a legal practitioner who holds an unrestricted principal practising certificate, and is not entitled to engage in legal practice on his or her own account as a sole practitioner or as a sole legal practitioner director or as a sole legal practitioner partner.
- (3) A practitioner who holds a limited principal practising certificate is entitled to engage in legal practice only as –
 - (a) the person in charge of a community legal service, or a person engaged by that community legal service, and nominated by the person in charge for this purpose; or,
 - (b) the chief executive officer of Legal Aid Queensland, appointed pursuant to section 64 of the *Legal Aid Queensland Act 1997*, or to other persons employed by Legal Aid Queensland, and nominated by the chief executive officer for this purpose; or,
 - (c) a legal practitioner engaged in legal practice on his or her own account either as a sole practitioner or in a law firm whose legal practice consists solely of matters pertaining to the assessment of costs either under division 7 of part 3.4 of the Act or otherwise.
- (4) A practitioner who holds a principal practising certificate that is subject to some condition, is entitled to engage in legal practice subject to compliance with that condition.

14 Entitlement of holder of unrestricted employee practising certificate

A practitioner who holds an unrestricted employee practising certificate may engage in legal practice, subject to any conditions imposed on his or her practising certificate, and may supervise an office of the law practice by which he or she is employed, subject to rule 23.

15 Entitlement of holder of restricted employee practising certificate

A practitioner who holds a restricted employee practising certificate may engage in legal practice, subject to any conditions imposed on his or her practising certificate, but may not supervise the office of the law practice by which he or she is employed.

15A Entitlement of holder of unrestricted volunteer practising certificate

- (1) A practitioner who holds an unrestricted volunteer practising certificate may engage in legal practice only as a volunteer for:
 - (a) a corporation mentioned in section 6 of the Regulation; and/or
 - (b) a pro bono project approved by the National Pro Bono Resource Centre (ACN 102 444 557), subject to any conditions imposed on his or her practising certificate.
- (2) The practitioner may:
 - (a) supervise an office of the corporation mentioned in section 6 of the Regulation for which he or she volunteers, subject to rule 23; and
 - (b) subject to Council approval, sign cheques drawn on any trust account operated by that corporation.'

15B Entitlement of holder of restricted volunteer practising certificate

- (1) A practitioner who holds a restricted volunteer practising certificate may engage in legal practice only as a volunteer for:
 - (a) a corporation mentioned in section 6 of the Regulation; and/or
 - (b) a pro bono project approved by the National Pro Bono Resource Centre (ACN 102 444 557), subject to any conditions imposed on his or her practising certificate.
- (2) The practitioner may not:
 - (a) supervise the office of the corporation mentioned in section 6 of the Regulation for which he or she volunteers; or
 - (b) sign cheques drawn on any trust account operated by that corporation.

Division 4 – Application for grant or renewal of practising certificate

16 Manner of application [Act subsection 50(1)]

- (1) The application for the grant or renewal of a practising certificate must be lodged with the Council.
- (2) Unless exempted by the Council in any particular case, a completed application form must be accompanied by the following –
 - (a) the prescribed fee as specified in rule 19;
 - (b) if the application is for the grant of a practising certificate – a completed application for professional indemnity insurance/waiver in the form approved by the Council;
 - (c) if the applicant was admitted as a legal practitioner in another Australian jurisdiction and has not previously applied for a solicitor's practising certificate in this jurisdiction –
 - (i) a certified copy of his or her certificate of admission; and
 - (ii) if the applicant has engaged in legal practice – a statutory declaration outlining his or her employment history;
 - (ca) if the applicant was admitted as a legal practitioner in this jurisdiction and has not previously applied for a solicitor's practising certificate in this jurisdiction, but has practised as a barrister – a certificate of good standing from the appropriate authority;
 - (cb) if the applicant has previously applied for a practising certificate in this jurisdiction and has since practised in another jurisdiction – a certificate of good standing from the appropriate authority in that jurisdiction;
 - (d) if the applicant was admitted as a legal practitioner in this jurisdiction pursuant to an application made under the *Mutual Recognition (Queensland) Act 1992* or the *Trans-Tasman Mutual Recognition (Queensland) Act 2003* –
 - (i) a copy of the documents lodged with the Registrar of the Supreme Court for the purposes of making that application; and
 - (ii) if the applicant has engaged in legal practice – a statutory declaration outlining his or her employment history;
 - (e) if the applicant is an interstate lawyer or interstate legal practitioner or a New Zealand practitioner, a copy of a certificate of fitness or certificate of good standing from the appropriate authority or, if the applicant has not engaged in legal practice, a statutory declaration to that effect;
 - (f) if the applicant is an interstate lawyer or interstate legal practitioner and the application is for the grant of a principal practising certificate – a copy of documentation certifying that he or she has completed the equivalent of the Practice Management Course in an Australian jurisdiction, or if the applicant is a New Zealand practitioner and the application is for the grant of a principal practising certificate – a copy of documentation certifying that the New Zealand practitioner is registered to practice on their own account in New Zealand and a copy of documentation certifying whether the New Zealand practitioner is registered to operate a trust account in New Zealand;

- (g) if the application is for the grant of a principal practising certificate, a copy of the applicant's current PMC Statement; and
 - (h) any other document specified by the Council in a particular case.
- (3) Despite sub-rule 16(2)(a), an applicant for the grant or renewal of a practising certificate may indicate on the application form that the applicant's employer law practice will pay the prescribed fee for the grant or renewal of the applicant's practising certificate.

17 Time for making application for renewal of practising certificate [Act subsection 50(1)(c)]

- (1) An application for the renewal of a practising certificate must be made by the thirty-first day of May in the year of currency of the practitioner's existing practising certificate.
- (2) An application for the renewal of a practising certificate may be made after the thirty-first day of May in the year of currency of the practitioner's existing practising certificate only if it is made before the first day of July and the application is accompanied by the additional late fee prescribed in sub-rule 19(4).
- (3) Despite sub-rule (1) and sub-rule 16(2)(a), an applicant for the renewal of a practising certificate who has indicated on the application form that the applicant's employer law practice will pay the prescribed fee and who has made an application prior to the thirty-first day of May in the year of currency of the practitioner's existing practising certificate will not incur a late fee as prescribed by sub-rule 19(4) provided the law practice pays the prescribed fee before the fourteenth day of June in the relevant year.

18 Consideration of application

The Council must consider each application and, in particular, whether or not –

- (a) the application is made under the Act and these rules; and
- (b) the applicant is eligible to hold practising certificate as a solicitor under the Act and these rules; and
- (c) the applicant is a fit and proper person to hold, or to continue to hold, a practising certificate under the Act and these rules, including having regard to all suitability matters in relation to the applicant to the extent appropriate; and
- (d) there are other matters the Council may consider relevant.

18A Obligation to notify changes in details

- (1) A holder of a practising certificate granted or renewed by the law society under section 51 of the Act must notify the law society of any changes in the details shown on the form lodged by the holder, or in amended details previously notified to the law society, within seven days of those changes occurring.
- (2) A holder of a practising certificate who intends to enter into a new partnership, or to dissolve an existing partnership, must notify the law society before the partnership commences or is dissolved, as the case may be.

Division 5 – Fees for practising certificates

19 Fees for practising certificates [Act section 83]

(1) Subject to subrules (2), (3) and (4), the fees for practising certificates issued in respect of the financial year –

(a) commencing 1 July 2015 are-

(i) principal practising certificate	\$893
(ii) employee practising certificate	\$447
(iii) volunteer practising certificate	\$nil.

(b) commencing 1 July 2016 are -

(i) principal practising certificate	\$916
(ii) employee practising certificate	\$458
(iii) volunteer practising certificate	\$nil.

(1A) However, a person employed solely by a corporation mentioned in section 6 of the Regulation, who applies for the grant or renewal of a practising certificate, must pay as the application fee an amount equal to the following percentage of the relevant fee set out in subrule (1) for the whole of the year –

- (a) if the person works more than 30 hours per week – 100%;
- (b) if the person works more than 22.5 hours but not more than 30 hours per week – 80%;
- (c) if the person works more than 15 hours but not more than 22.5 hours per week – 60%;
- (d) if the person works more than 7.5 hours but not more than 15 hours per week – 40%; and
- (e) if the person works 7.5 hours or less per week – 20%.

(2) Further, a person applying for the grant of a practising certificate, but not for the renewal of a certificate, at a particular time during a financial year must pay as the application fee an amount equal to the following percentage of the relevant fee set out in subrules (1) and (1A) of this rule for the whole of the year, depending on the time when the application is made –

- (a) if the application is made no later than 30 September of the financial year – 100%;
- (b) if the application is made after 30 September of the financial year but no later than 31 December of the financial year – 75%;
- (c) if the application is made after 31 December of the financial year but no later than 31 March of the financial year – 50%; and
- (d) if the application is made after 31 March of the financial year but no later than 30 June of the financial year – 25%.

- (3) The amounts set out in subrule (1) do not include amounts in respect of the contribution to the Legal Practitioners' Fidelity Guarantee Fund, any levy which might be imposed for that fund nor any premium or other fees and charges payable in respect of professional indemnity insurance.
- (4) If an applicant for the renewal of a practising certificate fails to comply with the requirements of subrule 17(1) or 17(3) but lodges an application for renewal of a practising certificate before the first day of July in the relevant year, the applicant must pay an additional late fee of \$250.
- (5) The council may waive all or part of any late fee payable by an applicant pursuant to subrule (4) if the applicant has a reasonable excuse for failing to pay the prescribed fee in accordance with subrule 16(2)(a), rule 17 and rule 19.

20 Fee for duplicate copy of practising certificate [Act section 83]

The Council, on a request from a legal practitioner and the payment of a fee of \$20 excluding any applicable GST by that practitioner, may issue a duplicate copy of a current practising certificate, provided the Council is satisfied as to the purpose for which the duplicate certificate is required.

21 Deleted

Division 7 – Conditions on practising certificates

22 Address for notice under section 57 of the Act [Act subsection 57(3)]

A legal practitioner who is required to give notification of an offence to the law society under a statutory condition of a practising certificate pursuant to section 57 of the Act must send the notice to the Council—

- (a) by delivery to Level 2 Law Society House, 179 Ann Street, Brisbane;
- (b) by post to GPO Box 1785, Brisbane QLD 4001; or
- (c) by facsimile to 07 3221 9329.

23 Condition on practising certificates about supervised and unsupervised legal practice [Act section 56]

(1) Notwithstanding any other conditions that the Council may place on a practising certificate, the grant or renewal of a practising certificate by the Council must be made subject to the condition that a person is eligible for a practising certificate providing for unsupervised legal practice only –

- (a) if the person completed supervised legal training to qualify – the person has undertaken a period or periods equivalent to 18 months supervised legal practice, worked out under section 8 of the Regulation, after the date the practitioner’s first practising certificate was granted; or,
- (b) if the person completed other practical legal training to qualify – the practitioner has undertaken a period or periods equivalent to two years supervised legal practice, worked out under section 8 of the Regulation, after the date the practitioner’s first practising certificate was granted.

(2) ‘**Supervised legal practice**’ as defined in schedule 2 of the Act shall include legal practice by a person who is an Australian legal practitioner as:

- (a) an employee of, or other person working under supervision in, a body corporate;
- (b) a government legal officer as set out in section 12 of the Act; or
- (c) an employee of any person who is not an Australian legal practitioner,

where the person engages in legal practice under the supervision of a person who –

- (i) holds an unrestricted practising certificate, or
- (ii) holds, or is eligible to hold, an Australian practising certificate, and that person has completed the period of supervised legal practice set out in subsections 56(1)(a) or (b) of the Act, or the equivalent provision of a corresponding law.

- (3) An application for exemption or reduction pursuant to sub-section 56(3) of the Act must be made to Council.
- (4) If pursuant to subrule (3) an application made to the Council has been determined by a delegate of the Council and the applicant is aggrieved by the delegate's decision, the applicant may apply for the decision of the delegate to be reviewed by the Council, the conduct of which review cannot be delegated.
- (5) An application for review pursuant to subrule (4) must be lodged with the Council by giving it to the delegate within 14 days of the applicant being advised by the delegate of his or her decision.
- (6) Unless the contrary is proven, the applicant is deemed to have been advised by the delegate of his or her decision two working days after the posting of the notice of decision to the applicant's address.
- (7) An application for review:
 - (a) is by way of rehearing the matter *de novo*; and
 - (b) must be in writing and accompanied by any documentary evidence, written submission or other material sought to be relied upon by the applicant, whether or not the material was placed before the delegate.
- (8) The Council may, upon consideration of an application for review of its delegate's decision, make any decision it considers appropriate.

PART 3 – EXTERNAL INTERVENTION

24 Recovery of salaries paid to Society officers, pursuant to section 83, while performing duty as external interveners under Chapter 5 of the Act

The Society is entitled to recover from a law practice for which an officer of the law society has been appointed as an external intervener an amount, in respect of the salary of that officer, calculated on the following basis –

Officer's annual salary + superannuation at 9% + overheads at 25% of salary and superannuation ÷ 1,630 (being the number of working hours each year).

PART 4 – LEGAL PRACTITIONERS’ FIDELITY GUARANTEE FUND

25 Contribution to fidelity fund by local lawyers and local legal practitioners [Act section 368]

- (1) Subject to subrule (2), a person who applies to the law society for the grant or renewal of a local practising certificate must pay a contribution to the fidelity fund with that application if that application is in relation to the financial year –
 - (a) commencing on 1 July 2015 in the sum of \$200 for that financial year; or
 - (b) commencing on 1 July 2016 in the sum of \$100 for that financial year.
- (2) However, a person applying for the grant of a practising certificate, but not for the renewal of a certificate, at a particular time during a financial year must pay as the contribution to the fidelity fund an amount equal to the following percentage of the relevant fee set out in subrule (1) for the whole of the year, depending on the time when the application is made –
 - (a) if the application is made no later than 30 September of the financial year – 100%;
 - (b) if the application is made after 30 September of the financial year but no later than 31 December of the financial year – 75%;
 - (c) if the application is made after 31 December of the financial year but no later than 31 March of the financial year – 50%
 - (d) if the application is made after 31 March of the financial year but no later than 30 June of the financial year – 25%.
- (3) If a person has previously made 20 annual contributions to the fidelity fund, either pursuant to the requirements of the *Queensland Law Society Act 1952* (as in force immediately before 1 July 2004), the *Legal Profession Act 2004* (as in force immediately before 1 July 2007), or the Act, the amount payable by that person under subrule (1) is reduced by \$20.

25A Contribution to fidelity fund by locally registered foreign lawyers [Act sections 176 and 368]

- (1) Subject to subrule (2), a person who applies to the law society for the grant or renewal of registration as an Australian-registered foreign lawyer, and who practises or intends to practise foreign law in this jurisdiction as an associate of a law practice, must pay a contribution to the fidelity fund with the application in the sum of \$120 for the financial year commencing 1 July 2010.
- (1A) Subject to subrule (2), a person who applies to the law society for the grant or renewal of registration as an Australian-registered foreign lawyer, and who practises or intends to practise foreign law in this jurisdiction as an associate of a law practice, must pay a contribution to the fidelity fund with the application in the sum of \$120 for the financial year commencing 1 July 2011.

- (2) However, a person applying for the grant of registration as a foreign lawyer, but not for the renewal of such registration, at a particular time during a financial year must pay as the contribution to the fidelity fund an amount equal to the following percentage of the relevant fee set out in subrule (1) for the whole of the year, depending on the time when the application is made –
- (a) if the application is made no later than 30 September of the financial year – 100%;
 - (b) if the application is made after 30 September of the financial year but no later than 31 December of the financial year – 75%;
 - (c) if the application is made after 31 December of the financial year but no later than 31 March of the financial year – 50%;
 - (d) if the application is made after 31 March of the financial year but no later than 30 June of the financial year – 25%.

26 Quorum for Committee of Management [Act section 366]

A quorum of the Committee of Management consists of a majority of committee members for the time being holding office.

PART 5 – PRACTICE MANAGEMENT COURSE

27 Deliberately omitted.

28 Purpose of this part

- (1) The purpose of this part is to set out the rules about the courses of study, and matters relating to such courses (including exemptions), that an Australian lawyer is required to complete to be eligible for the issue of a principal practising certificate.
- (2) The course of study that an Australian lawyer is required to complete to be eligible to be issued with a principal practising certificate is the Practice Management Course as provided for in this Rule.
- (3) The purpose of this part is also to enable the Council to provide from time to time the Practice Management Course in accordance with this Rule.

29 Definitions for part 5

In this part,

participant means a person undertaking a Practice Management Course;

PMC Committee means the Practice Management Course Committee appointed by the Council pursuant to Rule 57A of the *Legal Profession (Society) Rules 2007* and constituted under this Rule;

PMC means a Practice Management Course conducted by the Society or any other service provider approved by the Council.

30 Practice Management Course Committee

- (1) The Council may appoint a PMC Committee to oversee the conduct and management of the PMC conducted by the Queensland Law Society.
- (2) The PMC Committee is to consist of the following members –
 - (a) six members appointed by the Council; and
 - (b) one Council member.
- (3) The Chairperson of the PMC Committee must be appointed by the Council.
- (4) The quorum for any meeting of the PMC Committee consists of four members.
- (5) Members of the PMC Committee may be appointed for a term of two years.
- (6) Appointment to a vacancy among members is to be made by the Council for the remaining term of the member who vacated the PMC Committee.
- (7) A member is eligible for re-appointment to the PMC Committee.

- (8) The PMC Committee may determine its own operational rules for the effective discharge of its duties in accordance with the Queensland Law Society Committee Charter published by the Queensland Law Society from time to time.
- (9) The PMC Committee must annually submit a written report to the Council in respect of its activities during the preceding year and include in it any recommendations for changes to these rules.

30A Practice Management Course and Council

- (1) The Council may develop and provide from time to time the PMC as provided by these rules.
- (2) The Council has general jurisdiction for all matters pertaining to this part and may –
 - (a) administer the PMC program;
 - (b) consider recommendations to it from the PMC Committee and other service providers approved by the Council that it adopt and publish guidelines relating to the administration of each course;
 - (c) set standards of assessment, minimum course attendance requirements, procedures for the review of assessments, and appeals against assessment;
 - (d) appoint or engage appropriately qualified persons to be primarily or wholly responsible for assessment procedures and the marking of examinations/assignments in courses offered by it;
 - (e) determine as to whether any participant has successfully completed any course offered by it;
 - (f) determine applications with respect to enrolment of courses offered by it;
 - (g) determine applications with respect to deferment and exemption;
 - (h) approve other service providers to provide a PMC as provided for in this part; and
 - (i) make determinations and do all necessary and incidental things as are required to carry out its responsibilities to better administer and put into effect this part and the objects of each PMC.

31 Requirement to undertake the Practice Management Course

When a legal practitioner obtains his or her first PMC Statement pursuant to these rules and does not within the period commencing on the date of issue of the PMC Statement and concluding on that 30 June which is five years after the 30 June next following the date of issue of such PMC Statement, commence actual practice in Queensland as a principal, then –

- (a) such first PMC Statement will cease to be current for the purposes of rule 9 at the conclusion of such period; and
- (b) subject to rule 40, the legal practitioner will be required to undertake the PMC again.

32 Eligibility

- (1) Subject to subrule (2), a PMC is open to all Australian lawyers.
- (2) The Council or Council's delegate must determine applications with respect to enrolment, and must give preference for enrolment, in a PMC offered by it to legal practitioners who wish to complete such courses as a prerequisite to obtaining a principal practising certificate or who have been directed or ordered to undertake the PMC, in whole or part, by the Legal Practice Tribunal, Legal Practice Committee, Queensland Civil and Administrative Tribunal or other disciplinary body.

33 Course funding

For the conduct of a PMC undertaken by the Queensland Law Society, the Society will provide premises, plant and equipment and staff including all necessary administrative support and will be responsible for the costs thereof which costs are to be met from fees, levies or charges imposed pursuant to subrule 42(a) and from the general resources of the Society and such other sources as may be provided for by the Act or this part.

34 Content

- (1) The Council must determine the content of any PMC from time to time, provided that each PMC is designed to create and maintain a high level of legal and management skills in the provision of legal services by practitioners to the public.
- (2) The Council must notify other service providers approved by the Council of the content of any PMC and of any changes to the content of any PMC.
- (3) Without in any way limiting or prescribing the content of any PMC, the Council may include all or any of the following –
 - (a) general office practice management procedures and training skills;
 - (b) bookkeeping, accounting and financial management skills;
 - (c) stress management and psychological aspects of or associated with legal practice;
 - (d) marketing, file and time management skills;
 - (e) advocacy and meeting procedure skills and the application of theoretical and practical legal skills;
 - (f) ethical rules and standards of professional conduct of legal practitioners;
 - (g) procedures for the prevention of civil liability arising out of professional practice;
 - (h) obligations and responsibilities of practitioners as trustees under the *Legal Profession Act 2007* or otherwise;
 - (i) undertaking of practical and theoretical exercises and participation in workshops and attendance at particular lectures or seminars as specified from time to time.

35 Duration of Practice Management Courses

- (1) Each PMC must be conducted over a continuous period not exceeding twelve months in duration.
- (2) Each PMC must be structured in such a way that, as far as reasonably practicable, it may be undertaken on a part time basis by persons otherwise engaged in full time employment.
- (3) In addition to availability on a part time basis, a PMC may also, at the discretion of the Council, be offered on a full time basis.
- (4) Participants may, with the prior consent of the Council, enrol in and undertake part of each of two separate PMC provided that any such participant will be required to satisfactorily complete all those parts of each PMC for which he or she is enrolled within a continuous period not exceeding two years, or such further period as the Council may determine.

36 Deliberately omitted.

37 Course participation

- (1) Substantial participation in all activities forming part of a PMC is required of a participant in the course and shall be taken into account in assessing whether or not the participant has satisfactorily undertaken the course.
- (2) The Council or the Council's delegate may, at its discretion, waive the requirement for a participant unable to meet that requirement without undue hardship.
- (3) Persons who, in the opinion of the Council, are appropriately qualified or experienced may be appointed by the Queensland Law Society from time to time to assist with the training and assessment of participants in a PMC conducted by it.

38 Assessment

- (1) The Council may set standards of assessment from time to time.
- (2) Assessment may include, but is not limited to, on-line assessment, progressive and final assignments, assignments, oral and/or written examinations and assessment of a participant's participation in activities forming part of any course.
- (3) Any person who, in the opinion of the Council, is appropriately qualified or experienced, may be appointed by the Queensland Law Society to be primarily or wholly responsible for assessment procedures and marking of examinations or assignments for any PMC conducted by it but any determination of whether participants have satisfactorily completed any course shall be made by the PMC Committee whose decision shall be final subject only to the right of review to the Council as provided for in these rules and any other rights at law.
- (4) For any PMC conducted by other service providers approved by the Council, the Council shall determine, when granting approval to those service providers, whether those persons conducting a PMC are appropriately qualified or experienced to undertake assessment procedures and marking of examinations or assignments but any determination of whether participants have satisfactorily completed any course shall be made by the service provider approved by the Council whose decision shall be final subject only to the right of review by the Council as provided for in these rules and any other rights at law.

39 Issue of PMC Statement

The Council or a service provider approved by the Council must issue or cause to be issued to every participant who, in the opinion of the Council or the service provider approved by the Council, has satisfactorily completed a PMC, a PMC Statement which states that the participant has satisfactorily completed that course.

40 Deferment and exemption

- (1) Subject to subrule (3), only Council or Council's delegate may, upon application from a legal practitioner, exempt or defer compliance with the necessity of the practitioner undertaking a PMC.
- (2) Such an exemption or deferment may apply to all or part of a PMC, and the requirement to complete the program or part thereof within a prescribed time.
- (3) A legal practitioner cannot seek to apply to the Council for an exemption or deferment under subrule (1) if the practitioner was directed or ordered to undertake the PMC, in whole or part, by the Legal Practice Tribunal, Legal Practice Committee, Queensland Civil and Administrative Tribunal or other disciplinary body.
- (4) In considering an application under subrule (1) for exemption or deferment, the Council or Council's delegate may have regard to any of the following –
 - (a) the qualifications and experience of the practitioner, including periods of supervised legal practice;
 - (b) the experience of the practitioner in the subject matters of the practice management course;
 - (c) whether the practitioner proposes to practise as a:
 - (i) sole practitioner;
 - (ii) sole legal practitioner director of an incorporated legal practice;
 - (iii) sole legal practitioner partner of a multi-disciplinary partnership; or
 - (iv) member of an existing partnership,
which has another unrestricted principal practising certificate holder;
 - (d) the nature of the practice into which the practitioner proposes to enter and the experience and nature of work of his or her proposed partners;
 - (e) the professional indemnity insurance claims history or records of complaints and trust account audits of the practitioner; and
 - (f) any other special circumstances the Council or Council's delegate considers relevant.

41 Appeals to the Council

- (1) Any person –
 - (a) who has been refused enrolment in any PMC by the Queensland Law Society or other service provider approved by the Council; or
 - (b) who has been refused enrolment in any PMC by the Queensland Law Society or other service provider approved by the Council except on terms and conditions not of general application to other persons in similar circumstances; or

- (c) whose enrolment in any PMC has been cancelled by the Queensland Law Society or other service provider approved by the Council; or
- (d) who, in the opinion of the Queensland Law Society or other service provider approved by the Council, has failed to successfully undertake or complete all or any of the PMC; or
- (e) whose application for an exemption or deferment to a Council delegate has been rejected;

may appeal to the Council for the decision to be reviewed, the conduct of which review cannot be delegated.

- (2) An appeal pursuant to subrule (1) must be lodged with the Corporate Secretary of the Queensland Law Society within 14 days of the practitioner being advised by the decision-maker of its decision and must be accompanied by the fee set by Council from time to time.
- (3) Unless the contrary is proven, a practitioner is deemed to have been advised by the decision-maker of its decision two working days after the posting of the notice of decision to the practitioner's address.
- (4) An appeal must be in writing and accompanied by any documentary evidence, written submission or other material sought to be relied upon by the practitioner.
- (5) The Council may, upon consideration of the appeal affirm, alter, vary or set aside any decision of the original decision-maker.

42 Fees

The Council may –

- (a) impose fees on practitioners for attendance at a PMC and for the provision of any published material relating to those courses offered by it;
- (b) vary the fees payable by any practitioner or class of practitioners (to effect a full or partial rebate) for courses offered by it, having regard to the place of residence or practice of any practitioner or class of practitioners;
- (c) impose fees on practitioners for applications for deferment from the requirement to undertake a PMC;
- (d) impose fees on any person who lodges an appeal pursuant to rule 41.

42A Delegation by Council

- (1) The Council may delegate, pursuant to section 683 of the Act, any or all of its powers under rules 38 and 39 to the PMC Committee, an officer or employee of the Queensland Law Society or to any other service provider approved by the Council.
- (2) A delegation to any other service provider approved by the Council or an officer or employee of the Queensland Law Society who is not an Australian lawyer shall be under section 683(e) of the Act and the requirements of that section shall be taken into account when the Council determines whether to approve the service provider to conduct a PMC under this Rule.
- (3) The Council may delegate, pursuant to section 683 of the Act any or all of its powers under rule 32(2), rule 37(2) and rule 40 to a person prescribed in section 683(1)(a) to (e) of the Act.

42B Approval process for service providers

- (1) Service providers who wish to conduct a PMC must apply to the Council in the approved form to be approved as a service provider under section 231(7) of the Act.
- (2) Applicants must submit to the Council:
 - (a) a completed application form setting out the details of the organisation and details of the training and assessment history for the organisation;
 - (b) information regarding the ownership and management structure of the organisation;
 - (c) details of how the organisation will meet the standards for teaching, learning and assessment set by the Council;
 - (d) details of staff, facilities, equipment and training and assessment materials to be used in conducting the PMC;
 - (e) details of the qualifications and experience of persons who will conduct a PMC, including references for those persons;
 - (f) information regarding how the organisation proposes to conduct a PMC and assessment for a PMC proposed to be conducted by it, including procedures for the internal review of assessments;
 - (g) details about support services for candidates undertaking the PMC proposed to be conducted by it;
 - (h) details of insurance regarding public liability and professional indemnity, including a copy of its certificate of currency;
 - (i) information regarding the ability of the organisation to deliver a PMC and to continue to deliver the PMC once a candidate has commenced the PMC and paid the fee, including details about any refund policies;
 - (j) information about its financial viability and ability for continued operation; and
 - (k) any other matter which the Council considers is relevant in order to assess the ability of the organisation to fulfil its obligations in relation to the delivery of a PMC.
- (3) The application for approval must be accompanied by an application processing fee in an amount to be set by Council from time to time.
- (4) In assessing whether the organisation is an appropriate organisation to deliver a PMC, the Council must assess the suitability of the organisation and the persons proposed to deliver the training, including whether those persons are a fit and proper person to deliver the training.
- (5) In assessing whether a person is a fit and proper person under sub-rule (4) the Council may make inquiries of any relevant professional, law enforcement body or other relevant organisation about the person.
- (6) If the application is approved, the Council will issue a statement to the organisation granting approval to conduct a PMC for a period of two years.
- (7) If the application is not approved, the Council will notify the organisation and will provide reasons for rejecting the application.

- (8) A refusal to approve an application does not prevent the organisation from reapplying for approval.
- (9) The organisation must apply, no earlier than 6 months and no less than 3 months before the expiration of the initial two year term referred to in subrule 6, and thereafter on an annual basis, on the approved form for its approval to be renewed and such application is to be accompanied by the fee set by Council from time to time.
- (10) The Council may set fees payable on an application for approval which are non-refundable regardless of whether the application is approved or not approved.
- (11) Organisations approved to conduct a PMC must provide the Council with an annual report in relation to its activities during the preceding year and include in it any recommendations for changes to the rules or the PMC.
- (12) Organisations approved to conduct a PMC must provide the Council with information in writing regarding any change in ownership, management or financial arrangements or financial viability within seven (7) days of that change.
- (13) Organisations approved to conduct a PMC must provide the Council, on the first anniversary of its approval and thereafter at the time of its application for renewal under subrule (9), a copy of its certificates of currency for its insurances required by subrule (2)(h).
- (14) Council may revoke approval for any service provider if Council is of the view that the service provider is not conducting the PMC to the standards set by Council or should there be any change notified to the Council under subrule (12) regarding the service provider's financial arrangements or financial viability that may affect the service provider's ability to continue to conduct a PMC.
- (15) Organisations approved to conduct a PMC must advise the Council of those candidates who have successfully completed the PMC.
- (16) Organisations approved to conduct a PMC must give preference for enrolment in a PMC offered by it to legal practitioners who wish to complete such courses as a prerequisite to obtaining a principal practising certificate or who have been directed or ordered to undertake the PMC, in whole or part, by the Legal Practice Tribunal, Legal Practice Committee, Queensland Civil and Administrative Tribunal or other disciplinary body.
- (17) In any review under rule 41, an organisation approved to conduct a PMC is entitled to be provided with the material lodged by the applicant for the review and is entitled to provide submissions to the Council as to its reasons for making any decision the subject of the review within 14 days of being provided with that material.

PART 6 – CONTINUING PROFESSIONAL DEVELOPMENT

43 Commencement of this part

This part commences immediately after the *Queensland Law Society (Continuing Legal Education) Rule 1988* is repealed or expires.

44 Definitions for Part 6

In this part,

CPD Committee means the Continuing Professional Development Committee appointed under this part;

CPD means continuing professional development;

continuing professional development means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors;

CPD year means the year starting 1 April and ending 31 March;

CPD unit means an hour of continuing professional development activity approved under this part, except in the case of –

- (a) participation in a committee or like activity to which subrule 48(10) applies – each two hours of participation constitutes one CPD unit; and
- (b) research, preparation, or editing of an article to which sub-rule 48(8) applies – 1,000 words constitutes one CPD unit; and
- (c) a course whose content is, in the opinion of the CPD Committee, not of a direct legal nature, for which the CPD Committee may determine the number of CPD points applicable to that course.

*Examples of types of courses which are not of a direct legal nature –
Speed reading, public speaking.*

course includes –

- (a) face-to-face sessions, including those delivered by an authorised distance learning provider;
- (b) a course wholly provided by distance learning that involves assessment by dissertation and written examination;
- (c) structured coaching sessions, delivered face to face, of one hour or more, which have written aims and objectives, and are documented showing an outcome; or
- (d) structured mentoring sessions involving professional development, of one hour or more, which have written aims and objectives, and are documented showing an outcome.

Law Council of Australia means the Law Council of Australia Ltd (ABN 85 005 260 622)

45 Objects of this part

- (1) This part is intended to assist practitioners holding solicitors' practising certificates to discharge their continuing obligation to themselves and to the community to participate in professional development that improves their ability to engage in the practice of law by extending their knowledge and skills in areas that are relevant to the needs of current practice.
- (2) CPD activities undertaken by a practitioner pursuant to this part must have regard to, and be likely to further the objects of, this part.

46 The CPD committee

- (1) The Council may establish a CPD Committee with powers as provided for under this part.
- (2) The CPD Committee is to consist of seven members appointed by the Council.
- (3) One member of the CPD Committee must be a Council member.
- (4) The quorum for any meeting of the CPD Committee consists of four members.
- (5) Members of the CPD Committee are to be appointed for a term of two years.
- (6) Appointment to a vacancy among members is to be made by the Council for the remaining term of the member who vacated the CPD Committee.
- (7) A member is eligible for re-appointment to the CPD Committee.
- (8) The Committee has general jurisdiction for all matters pertaining to this part and may –
 - (a) administer the CPD program;
 - (b) establish and publish procedures and guidelines for the implementation of the CPD program;
 - (c) make recommendations to the Council for amendments to the CPD program;
 - (d) hear applications with respect to exemptions;
 - (e) determine applications for extensions of time; and
 - (f) recommend to the Council that action be taken against a practitioner for failing to fulfil the practitioner's CPD obligations in accordance with subrule 51(5).

47 Obligations of legal practitioners

- (1) In each CPD year in which a practitioner holds a practising certificate as a solicitor, a legal practitioner must, unless exempted in whole or part, complete ten CPD units.
- (2) The smallest fraction of a CPD unit that may be claimed is half a unit.

Example –

A practitioner may claim two and a half CPD units for attending a two and a half hour seminar, but may not claim two and a quarter CPD units for attending a two and a quarter hour seminar, as they will only be entitled to claim two CPD units for attending that seminar.

- (3) CPD units acquired during the period 1 January to 31 March may be counted in the current or following CPD year, but not both.
- (4) In each CPD year a legal practitioner must complete at least one CPD unit in each of the following mandatory core areas:
 - (a) practical legal ethics;
 - (b) practice management and business skills; and
 - (c) professional skills.
- (5) A legal practitioner may determine which core area the CPD activity fits into according to the content and context of the CPD activity.

Example –

A two-hour seminar on taking a witness statement that included some content on professional obligations, interviewing skills and recent cases could, at a practitioner's election, count as two points in one of the core areas of practical legal ethics or professional skills or one point in each of those core areas.

- (6) Council may, from time to time, approve a non-exhaustive list of topics which will satisfy the requirements of subrule (4).
- (7) A legal practitioner who commences or recommences legal practice on or after the start of a CPD year must complete on a pro-rata basis during the balance of the CPD year the CPD units as set out in the following table:

Commencement date	CPD units
April	10
May	9
June	8
July	7
August	6
September	5
October	4
November	3
December	2
January	1
February	0
March	0

48 Approved CPD activities

- (1) With regard to the object of these rules, approved CPD activities –
 - (a) must be of significant intellectual or practical content and must deal primarily with matters directly related to the practice of law;
 - (b) must be conducted by persons who are qualified by practical or academic experience in the subject covered;
 - (c) must be relevant to a legal practitioner's immediate or long term needs in relation to the practitioner's professional development and to the practice of law.

- (2) A CPD activity may consist of a course; physical attendance at an education program, seminar, work shop lecture, conference or discussion group; participation in a multimedia or website based program; the research, preparation or editing of an article published in a legal publication or a legal article published in a non-legal publication; listening to or viewing recorded material (for example, audio tapes, videos, DVDs) of an event that occurred in the relevant CPD year; postgraduate study relevant to a legal practitioner's practice needs; or any combination of two or more of those activities.

To remove any doubt, the listening to or viewing of recorded material of an event that occurred in the period 1 January to 31 March may, in accordance with rule 47(3), be counted in the current or following CPD year, but not both.

- (3) Engaging in legal practice is not a CPD activity for the purposes of these rules.
- (4) Practitioners who complete all pieces of assessment for a specialist accreditation program will be deemed to have completed a specified course of approved CPD to the value of ten CPD scheme units in the year of their so doing.
- (5) Activities undertaken to achieve or maintain specialist accreditation may be claimed as CPD units if those activities otherwise meet the requirements of these rules.
- (6) Legal practitioners who complete all pieces of assessment for the practice management course, as defined in part 5, will be deemed to have completed a specified course of approved CPD to the value of ten CPD scheme units in the year of their doing so.
- (7) The preparation and presentation of material to be used in the course of CPD to assist practitioners in complying with these rules is approved CPD but, in any CPD year, a practitioner may not claim more than five CPD points for the preparation of material to be used in a CPD course and five CPD points for the presentation of the material in a CPD course.
- (8) The research, preparation or editing of an article published in a legal publication or a legal article published in a non-legal publication is approved CPD provided that it assists the practitioner in complying with this part.
- (9) A legal practitioner is entitled to one CPD unit for every thousand words of such an article but, in any CPD year a practitioner may not claim more than five CPD units for the research, preparation or editing of an article or articles published.
- (10) Subject to subrule (11), a legal practitioner who is a member or an invited participant of a committee, or a taskforce of the law society, the Law Council of Australia, or a practice section of a law association or similar body, and regularly attends its meetings, may claim one CPD unit for every period of two hours engaged in, providing the work so performed is of substantial significance to the practitioner's practice of law and is reasonably likely to assist the practitioner's professional development but, in any CPD year a practitioner may not claim more than three CPD units for such participation.
- (11) A legal practitioner may claim the CPD points for such participation referred to in subrule (10) only if the practitioner does not seek to claim for CPD under the operation of subrules (7), (8) or (9).
- (12) Subject to sub-rule (2), private study does not constitute an approved CPD activity for the purpose of this Part.

49 Exemptions

- (1) In a CPD year, the CPD Committee may, upon application in writing from a legal practitioner in a form approved by the CPD Committee, exempt in whole or in part a practitioner from compliance with this part during the CPD year on such conditions as it may specify, if –
- (a) the practitioner has been in practice for a period exceeding forty years, and –
- (i) holds a practising certificate other than a principal practising certificate; or
- (ii) is a Notary Public whose sole reason for holding a practising certificate is to continue to act as a Notary Public; or

- (b) by reason of the practitioner's geographical location, a physical disability or any particular exigencies of the practitioner's practice, the practitioner has experienced particular hardship or difficulty in complying with these rules;
 - (c) the practitioner has been substantially absent from practice because of parenting leave, unemployment or illness; or
 - (d) the CPD Committee considers that there are special circumstances warranting it doing so.
- (2) A legal practitioner who commences or recommences practice on or after the start of the CPD year must undertake during the balance of the CPD year such continuing professional development as is referable to the balance of the CPD year, on a pro rata basis but, a practitioner who holds a practicing certificate for less than 28 days in a CPD year is exempt from the obligation to comply with these rules during the CPD year.

49A Extensions

The CPD Committee may, upon application in writing from a legal practitioner prior to the expiry of a CPD year, grant the practitioner an extension of time within which to comply with this Part upon any conditions the CPD Committee considers appropriate.

50 Application to review a decision of the CPD Committee

- (1) A legal practitioner who is aggrieved by a decision of the CPD Committee with regard to a decision under subrule 49(1) may apply to the Council for the decision of the CPD Committee to be reviewed by the Council, the conduct of which review cannot be delegated.
- (2) An application for review pursuant to subrule (1) must be lodged with the Council within 14 days of the practitioner being advised by the CPD Committee of its decision.
- (3) Unless the contrary is proven, a legal practitioner is deemed to have been advised by the CPD Committee of its decision two working days after the posting of the notice of decision to the practitioner's address.
- (4) An application for review must be in writing and accompanied by any documentary evidence, written submission or other material sought to be relied upon by the practitioner.
- (5) The Council may, upon consideration of the application;
 - (a) uphold the decision of the CPD Committee; or
 - (b) subject to any conditions imposed by it, grant the exemption.

51 Certification and audit of CPD activity

- (1) When applying for renewal of a practising certificate, a legal practitioner must provide such information and certification as the CPD Committee may reasonably require as to the CPD activities in which the practitioner has participated in the CPD year prior to that application.
- (2) The CPD Committee may at any time require a legal practitioner to verify that the practitioner has complied with these rules by providing it with a statement (in a form approved by the CPD Committee) that sets out –
 - (a) the number of CPD units claimed for the period covered by the statement;
 - (b) the activity undertaken by the practitioner in respect of which the CPD units have been claimed;

- (c) the reasons for claiming that the activities for which CPD units have been claimed satisfy the criteria set out in these rules; and
 - (d) particulars of any exemptions granted pursuant to these rules.
- (3) A legal practitioner must comply with a requirement under subrule (2) within 14 days of the date when the requirement was made.
- (4) If a legal practitioner fails to comply with subrules (2) or (3), the CPD Committee may issue a notice in writing to the practitioner –
- (a) drawing the attention of the practitioner to the failure to comply; and
 - (b) requiring that the practitioner file with the CPD Committee within 14 days from the date of the notice a proposal in writing that details a plan to be implemented by the practitioner to make up within 90 days from the date of filing of the plan the deficiency in the practitioner's compliance with these rules.
- (5) If in breach of subrule (4) –
- (a) a practitioner fails within 14 days to file with the CPD Committee a plan to be implemented by the practitioner to make up within 90 days from the date of the filing of the plan the deficiency in the practitioner's compliance with these rules; or
 - (b) having filed such a plan the practitioner fails to comply with the plan to be implemented by the practitioner to make up within 90 days from the date of the filing of the plan the deficiency in the practitioner's compliance with these rules;
- the matter must be referred by the CPD Committee to the Council for its determination.
- (6) The Council may by resolution, refuse to issue, cancel or suspend or place further conditions on the practitioner's practising certificate.
- (7) At least one week before the meeting of the Council at which a resolution of the nature referred to in subrule (6) is to be considered the Council must give the practitioner notice of –
- (a) the meeting;
 - (b) what is alleged against the practitioner;
 - (c) the motion to be put at the meeting; and
 - (d) the practitioner's right to give to the Council a written explanation, or if appropriate, apply for an exemption.
- (8) At the meeting of the Council, and before Council votes on the motion, the practitioner must have the opportunity to give a written explanation, or if appropriate, apply for an exemption.
- (9) If, at the meeting of the Council, the motion is passed, the practitioner concerned is dealt with as provided for by the resolution.
- (10) A resolution of the Council takes effect 14 days after the decision is notified to the practitioner.
- (11) A notice from the law society properly addressed and posted or delivered to a document exchange is taken to be served on the practitioner at 10:00am on the next business day after the date it is posted or delivered.

- (12) Where the law society sends a notice by facsimile, the notice is taken to have been served on the practitioner at the time the facsimile is sent if the correct facsimile number appears on the facsimile transmission report produced by the sender's facsimile machine.
- (13) When the law society sends a notice by electronic transmission, the notice is taken as served on the practitioner at the time the electronic transmission is sent if the correct electronic transfer address appears on the electronic transmission record of the sender.
- (14) An application for review to the Council may not be made more than once in a CPD year in respect of the same or substantially similar grounds.

51A Delegation by the Committee

The CPD Committee may delegate any or all of its powers under this Part 6 to an officer or employee of the Queensland Law Society.

PART 7 – REPEALS

52 Repealed provisions

The following administration rules are repealed –

- (a) Rules numbers 1, 2 and 3 of the administration rules made by Council resolution on 26 August 2004;
- (b) Rule number 4 made by Council resolution on 21 October 2004.

SCHEDULE 1 DICTIONARY

rule 3

Act means the *Legal Profession Act 2007*.

community legal centre means a community legal service which is included in the schedule to the *Personal Injuries Proceedings Regulation 2002* made pursuant to section 12 of that regulation.

Council means the council of the law society established under section 685 of the Act.

New Zealand practitioner means a person enrolled in New Zealand as a barrister and solicitor of the High Court of New Zealand who holds a current practising certificate granted under a law of that country.

PMC Statement means a statement of attainment issued for successful completion of a PMC or refresher course pursuant to rule 39.

Practice Management Course means the course of legal practice management training established and conducted pursuant to these rules.

Regulation means the *Legal Profession Regulation 2007*.

ENDNOTES

History

- 1 The *Queensland Law Society Administration Rule* was originally made by the Council of the Queensland Law Society at its meeting on 20 March 2005.
- 2 It was amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2005* which was approved by the Executive Committee of the Council of the Queensland Law Society at its meeting on 18 April 2005.
- 3 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2005* which was approved by the Council of the Queensland Law Society at its meeting on 30 September 2005.
- 4 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 3) 2005* which was approved by the Council of the Queensland Law Society at its meeting on 30 September 2005.
- 5 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 4) 2005* which was approved by the Council of the Queensland Law Society at its meeting on 30 September 2005.
- 6 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 5) 2005* which was approved by the Council of the Queensland Law Society at its meeting on 9 December 2005.
- 7 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2006* which was approved by the Council of the Queensland Law Society at its meeting on 31 March 2006.
- 8 It was further amended by the Executive Committee at its meeting on 28 April 2006.
- 9 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2006* which was approved by the Council of the Queensland Law Society at its meeting on 22 September 2006.
- 10 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2007* which was approved by the Council of the Queensland Law Society at its meeting on 9 February 2007.
- 11 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2007* and the *Queensland Law Society Administration Amendment Rule (No. 3) 2007* which were approved by the Council of the Queensland Law Society at its meeting on 13 April 2007.
- 12 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 4) 2007* which was approved by the Council of the Queensland Law Society at its meeting on 21 June 2007.
- 13 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 5) 2007*, which was approved by the Council of the Queensland Law Society at its meeting on 27 September 2007.
- 14 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 6) 2007*, which was approved by the Council of the Queensland Law Society at its meeting on 15 November 2007.
- 15 It was further amended by the *Queensland Law Society Administration Rule Amendment (No. 1) 2008*, which was approved by the Council of the Queensland Law Society at its meeting on 31 January 2008.
- 16 It was further amended by the *Queensland Law Society Administration Rule Amendment (No. 2) 2008*, which was approved by the Council of the Queensland Law Society at its meeting on 27 March 2008.

- 17 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 3) 2008*, which was approved by the Council of the Queensland Law Society at its meeting on 29 May 2008.
- 18 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 4) 2008*, which was approved by the Council of the Queensland Law Society at its meeting on 26 September 2008.
- 19 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2009*, which was approved by the Council of the Queensland Law Society at its meeting on 2 April 2009.
- 20 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2010*, which was approved by the Council of the Queensland Law Society at its meeting on 25 March 2010.
- 21 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2010* and the *Queensland Law Society Administration Amendment Rule (No. 3) 2010*, which were approved by the Council of the Queensland Law Society at its meeting on 27 April 2010.
- 22 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 4) 2010* which was approved by the Council of the Queensland Law Society at its meeting on 28 May 2010.
- 23 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 5) 2010* which was approved by the Council of the Queensland Law Society at its meeting on 24 June 2010.
- 24 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2011* which was approved by the Council of the Queensland Law Society at its meeting on 14 April 2011.
- 25 It was further amended by the Council of the Queensland Law Society at its meeting on 28 April 2011.
- 26 It was further amended by the *Queensland Law Society Administration Amendment Rule (No.1) 2012* which was approved by the Executive Committee of the Council of the Queensland Law Society by Flying Minute on 5 April 2012.
- 27 It was further amended by the *Queensland Law Society Administration Amendment Rule (No.1) 2013* which was approved by the Council of the Queensland Law Society at its meeting on 31 January 2013.
- 28 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2013* which was approved by the Council of the Queensland Law Society at its meeting on 31 January 2013.
- 29 It was further amended by the *Queensland Law Society Administration Amendment Rule (No.3) 2013* which was approved by the Council of the Queensland Law Society at its meeting on 27 March 2013.
- 30 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 4) 2013* which was approved by the Executive Committee of the Council of the Queensland Law Society by Flying Minute on 15 April 2013.
- 31 It was further amended by the *Queensland Law Society Administration Amendment Rule (No.5) 2013* which was approved by the Council of the Queensland Law Society at its meeting on 24 October 2013.
- 32 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2014* which was approved by the Council of the Queensland Law Society at its meeting on 20 March 2014.
- 33 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 1) 2015* which was approved by the Council of the Queensland Law Society at its meeting on 19 March 2015.
- 34 It was further amended by the *Queensland Law Society Administration Amendment Rule (No.1) 2016* which was approved by the Council of the Queensland Law Society at its meeting on 23 March 2016.
- 35 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 2) 2016* which was approved by the Council of the Queensland Law Society at its meeting on 24 November 2016.
- 36 It was further amended by the *Queensland Law Society Administration Amendment Rule (No. 3) 2016* which was approved by the Council of the Queensland Law Society by Flying Minute dated xxx.

List of Annotations

Preliminary

Rule 1 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Words and expressions have the same meaning as in Act

Rule 4 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Forms

Rule 5 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 5 – deleted by *Queensland Law Society Administration Amendment Rule (No. 4) 2010*.

Application of Division 1A of Part 2

Rule 5A expired on 1 June 2005.

Categories of practising certificates

Rule 6 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 6(c) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Sub-category of principal practising certificates

Rule 7 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.

Rule 7 – renumbered and amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Sub-categories of employee practising certificates

Rule 7(1) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 8 – renumbered and amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Sub-categories of practising certificates

Rule 7(3) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Supervised and unsupervised legal practice

Rule 9 – renumbered by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 8 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Eligibility for restricted and unrestricted principal practicing certificate

- Rule 9(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 9(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
- Rule 9(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 9(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
- Rule 10 – renumbered by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 10(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 10(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 10(4) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2005*.
- Rule 10(4)(a) – renumbered and amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 10(4)(b) – removed by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Eligibility for limited principal practicing certificate

- Rule 10 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Eligibility for unrestricted employee practising certificate

- Rule 11(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2005*.
- Rule 11(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
- Rule 11(2) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2005*.
- Rule 11(2)(a) – renumbered and amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 11(2)(b) – removed by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 11(3) – inserted by *Queensland Law Society Administration Amendment Rule (No. 4) 2005*.
- Rule 11(3) – removed by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Eligibility for restricted employee practising certificate

- Rule 12(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2005*.
- Rule 12(2) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2005*.
- Rule 12(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Eligibility for unrestricted volunteer practising certificate

- Rule 12A – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Eligibility for restricted volunteer practising certificate

- Rule 12B – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Entitlement of holder of principal practising certificate

- Rule 13 – replaced by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
- Rule 13(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 4) 2008*.

Rule 13(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 4) 2008*.

Rule 13(3)(b) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Entitlement of holder of unrestricted employee practising certificate

Rule 14 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 14 – amended by *Queensland Law Society Administration Amendment Rule (No. 4) 2008*.

Entitlement of holder of restricted employee practising certificate

Rule 15 – amended by *Queensland Law Society Administration Amendment Rule (No. 6) 2007*.

Entitlement of holder of unrestricted volunteer practising certificate

Rule 15A – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 15A – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2010*.

Entitlement of holder of restricted volunteer practising certificate

Rule 15B – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 15B – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2010*.

Manner of application [Act s 50(1)]

Rule 16 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(a) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Rule 16(2)(b) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(c) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(c)(i) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 16(2)(ca) – inserted by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(cb) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2008*.

Rule 16(2)(d) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 16(2)(d) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(e) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 16(2)(e) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(f) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 16(2)(f) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(g) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 16(2)(g) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(h) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 16(2)(h) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 16(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 16(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 16(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 16(2) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 16(2)(h) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 16(3) - inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2016*.

Time for making application for renewal of practising certificate

Rule 17 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 17 – the existing provision was numbered as sub-rule (1) by the *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Rule 17(2) – a new sub-rule (2) was inserted by the *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Rule 17(3) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2016*.

Consideration of application

Rule 18(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 18(1)(c) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Rule 18(2) & (3) – deleted by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Rule 18(1) – was renumbered by deleting the reference to sub-rule(1), by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.

Obligation to notify changes in details

Rule 18A – inserted by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.

Rule 18A(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 18A(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2007*.

Fees for practising certificates [Act s 83]

Rule 19 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2006*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2008*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2009*.

Rule 19(1) – amended by the *Queensland Law Society Administration Amendment Rule (No. 3) 2010*.

Rule 19(1A) – inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 19(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 19(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 19(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2011*.

Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No.1) 2012*.
Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 4) 2013*.
Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2014*.
Rule 19(5) – inserted by *Queensland Law Society Administration Amendment Rule (No. 1) 2014*.
Rule 19(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.
Rule 19(4) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2015*.
Rule 19(1) – amended by the *Queensland Law Society Administration Amendment Rule (No.1) 2016*.
Rule 19(4) - amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2016*.
Rule 19(4) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2016*.

Fee for duplicate copy of practising certificate [Act s 83]

Rule 20 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 20 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 20 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 20 - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Delegation

Rule 21 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 21 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 21 – deleted by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Address for notice under s57 of the Act [Act s 57(3)]

Rule 22 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 22 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 22 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 22 - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Condition on practising certificates about supervised and unsupervised legal practice [Act s 56]

Rule 23 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 23 – renumbered by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 23(1) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.
Rule 23(1A) – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2006*.
Rule 23(1A) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 23(2) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(2) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.
Rule 23(3) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 23(3) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 23(4) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(4) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 23(4) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.
Rule 23(5) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(5) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.
Rule 23(6) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(7) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.
Rule 23(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 23(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 23(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 23(4) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 23(5) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Rule 23(7) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.
Subrules (1A) to (7) renumber to (2) to (8) by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(3) replaced by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(4) amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(5) amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(6) amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(7) replaced by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.
Rule 23(8) replaced by *Queensland Law Society Administration Amendment Rule (No. 5) 2013*.

Recovery of salaries paid to Society officers, pursuant to section 83, while performing duty as external interveners under Chapter 5 of the Act

Rule 24 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Contribution to fidelity fund by local lawyers and local legal practitioners

Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.
Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2006*.
Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.
Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.
Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 4) 2007*.
Rule 25 – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2008*.
Rule 25(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2009*.
Rule 25(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2010*.
Rule 25(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2007*.
Rule 25(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2011*.
Rule 25(1) – amended by resolution of the Council of the Queensland Law Society at its meeting on 28 April 2011.
Rule 25(1) – amended by *Queensland Law Society Amendment Rule (No.1) 2012*.
Rule 25(1) – amended by *Queensland Law Society Amendment Rule (No. 4) 2013*.
Rule 25(1) – amended by *Queensland Law Society Amendment Rule (No. 1) 2014*.
Rule 25(1) – amended by *Queensland Law Society Amendment Rule (No. 1) 2015*.

Rule 25(1) – amended by *Queensland Law Society Amendment Rule (No.1) 2016*.

Contribution to fidelity fund by locally registered foreign lawyers

Rule 25A – inserted by *Queensland Law Society Administration Amendment Rule (No. 4) 2007*.

Rule 25A(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2009*.

Rule 25A(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2010*.

Rule 25A(1A) – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2008*.

Rule 25A(1A) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2009*.

Rule 25A(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2011*.

Rule 25A(1A) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2011*.

Quorum for Committee of Management

Rule 26 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Part 5 Practice Management Course

Part 5 repealed by *Queensland Law Society Administration Amendment Rule (No.1) 2013* and new Part 5 inserted.

Practice Management Course and Council

Rule 30A(2)(g) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Deferment and Waiver

Rule 40 heading – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 40(1) – (4) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 40(4)(c) – amended by *Queensland Law Society Administration Amendment Rule (No.3) 2013*.

Rules 40(12) – (14) – renumbered by *Queensland Law Society Administration Amendment Rule (No.3) 2013*.

Rules 40(12) – (14) inserted by *Queensland Law Society Administration Amendment Rule (No.3) 2013*.

Appeals to the Council

Rule 41(1)(e) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Fees

Rule 42(1)(b) - renumbered and new rule 42(1)(b) inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Definitions for part 6

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 44 – amended by resolution of the Executive Committee at its meeting on 28 April 2006.

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2007*.

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2008*.

Rule 44 – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

The CPD committee

Rule 46(2)(b) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 46(2)(b) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 46(2)(b) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 46(2) – deleted and a new rule 46(2) inserted by *Queensland Law Society Administration Amendment Rule (No. 3) 2016*.

Rule 46(7) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2010*.

Rule 46(8) – amended by resolution of the Executive Committee at its meeting on 28 April 2006.

Rule 46(8)(d) – omitted by *Queensland Law Society Administration Amendment Rule (No. 1) 2008*.

Rule 46(8)(e) and (f) – renumbered by *Queensland Law Society Administration Amendment Rule (No. 1) 2008*.

Rule 46(8)(e) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2008*.

Rule 46(8)(f) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 46(8) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2007*.

Rule 46(8)(e) – renumbered and new rule 42(8)(e) inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Quality Assurance of external and in-house providers

Rules 47(1), (2), (3), and (5) – amended by resolution of the Executive Committee at its meeting on 28 April 2006.

Rule 47(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 47 – omitted by *Queensland Law Society Administration Amendment Rule (No. 1) 2008*.

Obligations of legal practitioners

Rule 48(4) – amended by *Queensland Law Society Administration Amendment Rule (No. 3) 2007*.

Rule 48(5) – inserted by *Queensland Law Society Administration Amendment Rule (No. 5) 2007*.

Rule 48 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 48(2), (3), (4) and (5) – replaced by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 47(7) – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Approved CPD Activities

Rules 49(5) and 49(7) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rules 49(11) and 49(12) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 49(11) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2007*.

Rule 49 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 49(1)(a) – omitted by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 49(1)(b), (c) and (d) – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 49(2) – amended by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 49(3) – omitted by *Queensland Law Society Administration Rule Amendment (No. 1) 2008* and balance of subrules renumbered.

Rule 49(7)-(11) – amended by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 48(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 48(8) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 48(9) – amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Rule 48(12) – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Extension of time

Rule 49A – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Exemptions

Rule 50(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Rule 50(3) – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 50(3) – omitted by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 50 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 50(1) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 50(1) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Rule 50(2) – amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2010*.

Rule 50(2) - amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2013*.

Application to review a decision of the CPD committee

Rule 51 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 51 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*

Delegation by the Committee

Rule 51A – inserted by *Queensland Law Society Administration Amendment Rule (No. 2) 2016*.

Certification and audit of CPD activity

Rule 52 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.

Rule 52 – amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Rule 52 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Rule 52(13) – amended by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Failure to comply

Rule 53 – deleted by *Queensland Law Society Administration Amendment Rule (No. 2) 2005*.

Rule 54 (Repealed provisions)

Rule 52 – renumbered by *Queensland Law Society Administration Rule Amendment (No. 1) 2008*.

Schedule 1 – Dictionary

Amended by *Queensland Law Society Administration Amendment Rule (No. 5) 2005*.

Amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Amended by *Queensland Law Society Administration Amendment Rule (No. 2) 2010*.

Amended by *Queensland Law Society Administration Amendment Rule (No.3) 2013*.

Schedule 2 – Approved forms

Amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2005*.

Amended by *Queensland Law Society Administration Amendment Rule (No. 1) 2007*.

Deleted by *Queensland Law Society Administration Amendment Rule (No. 4) 2010*.