

Disclosure obligations of Queensland Solicitors – what you need to tell the Society and when

This is a guide to what Queensland solicitors need to disclose to the Queensland Law Society Inc (**Society**) under the *Legal Profession Act 2007* (Qld) (**Act**), *Legal Profession Regulation 2017* (Qld) (**Regulation**), *Queensland Law Society Administration Rule 2005* (**Administration Rule**), *Queensland Law Society Indemnity Rule 2005* (**Indemnity Rule**). It is relevant to those who hold practising certificates issued by the Society.

On each application for renewal of a practising certificate, a solicitor is asked to disclose all relevant show cause events and suitability matters, to declare that their personal details are true and correct and that they will comply with the Indemnity Rule. They are required to make a declaration under the *Oaths Act 1867* (Qld) that those details are true and correct.

Notification forms are found on the Society's website: qls.com.au/For_the_profession/Practice_support/Resources/Legal_profession_forms

This guide does not deal with notification of trust accounting matters except for the obligation at s260 of the Act (see the [Trust Accounting Guide](#)) or costs matters.

What	When	Legislation or rule	Additional references
Changes in personal details	Notify the Society within 14 days if you change any of your personal details you used on your last application for grant or renewal of practising certificate.	Rule 18A of the Administration Rule	
Charged with a serious offence	<p>Notify the Society within 7 days.</p> <p>A 'serious offence' is defined in Schedule 2 of the Act to include an indictable offence against the law of the Commonwealth or any jurisdiction, whether or not dealt with summarily. Also see the other sub-definitions about offences against laws of other jurisdictions.</p> <p>Under s3 of the Criminal Code, crimes and misdemeanours are indictable offences, and so are serious offences. Simple offences and regulatory offences are not serious offences.</p>	<p>Section 57 of the Act</p> <p>Definition of 'serious offence' in Schedule 2 of the Act</p>	<p>Form 6 LPA</p> <p>Section 57 guidelines</p> <p>If convicted of the serious offence, it becomes a show cause event, so the process in s.68 of the Act must then be followed.</p>

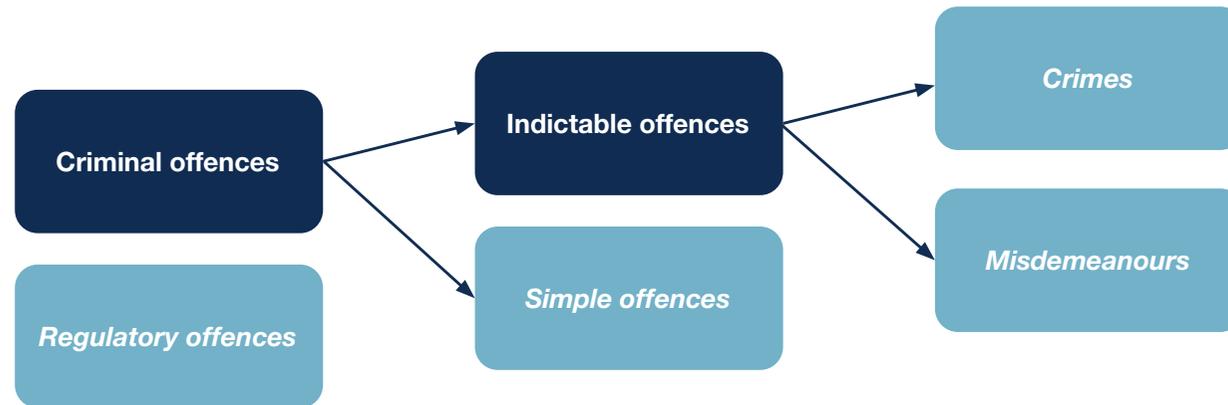
What	When	Legislation or rule	Additional references
Convicted of an offence that would have to be disclosed under the admission rules for an application for admission	<p>Notify the Society within 7 days.</p> <p>A 'conviction' for an offence includes a finding of guilt or the acceptance of a plea of guilty, regardless of whether a conviction is recorded (s.11(1) of the Act).</p> <p>'Offence' is taken to mean an act or omission which renders the person doing the act or making the omission liable to punishment.</p> <p>Please note the obligation of disclosure upon application for admission is broad and the duty is 'to disclose any matter which does or might reflect negatively on your honesty, candour, respect for the law or ability to meet professional standards'.</p>	<p>Section 57 of the Act</p> <p>Definition of 'conviction' in s.11(1) of the Act</p>	<p>Section 57 guidelines</p> <p>Form 6 LPA</p> <p>See also LACC disclosure guidelines</p>
Convicted of a 'tax offence'	<p>Notify the Society within 7 days.</p> <p>Within 28 days, provide a statement explaining why, despite the event, the solicitor continues to be a fit and proper person to hold the certificate.</p> <p>A 'tax offence' means an offence under the <i>Taxation Administration Act 1953</i> (Cth), whether committed in or outside this jurisdiction.</p> <p>A tax offence is a 'show cause event'.</p> <p>If a 'show cause event' happens, the process in s.68 of the Act must be followed.</p>	<p>Section 68 of the Act</p> <p>Schedule 2 – definitions of 'tax offence' and 'show cause event'</p> <p>Definition of 'conviction' in s.11(1) of the Act</p>	<p>Form 7</p>
Convicted of a 'serious offence'	<p>Notify the Society within 7 days.</p> <p>Within 28 days, provide a statement explaining why, despite the event, the solicitor continues to be a fit and proper person to hold the certificate.</p> <p>If convicted of a serious offence, it becomes a 'show cause event', so the process in s.68 of the Act must then be followed.</p>	<p>Section 68 of the Act</p> <p>Definitions of 'serious offence' and 'show cause event' in Schedule 2 of the Act</p> <p>Definition of 'conviction' in s.11(1) of the Act</p>	<p>Form 7</p>

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Personal insolvency – show cause event	<p>Notify the Society within 7 days.</p> <p>Within 28 days, provide a statement explaining why, despite the event, the solicitor continues to be a fit and proper person to hold the certificate.</p> <p>The definition of ‘show cause event’ in subparagraphs (a) to (c) are broad and extend beyond bankruptcy, for example it includes being served with a creditor’s petition and making certain arrangements with creditors.</p> <p>If any of those events in (a) to (c) of the definition of show cause event occur, the process in s.68 of the Act must then be followed.</p>	<p>Section 68 of the Act</p> <p>Definition of ‘show cause event’ in Schedule 2 of the Act</p>	Form 7
Solicitor as legal practitioner director of an incorporated legal practice (ILP) that becomes a chapter 5 body corporate or as a director of a corporation that becomes a chapter 5 body corporate – show cause event	<p>Notify the Society within 7 days.</p> <p>Within 28 days, provide a statement explaining why, despite the event, the solicitor continues to be a fit and proper person to hold the certificate.</p> <p>The definition of ‘show cause event’ in subparagraphs:</p> <p>(d) the person being a legal practitioner director of an ILP that becomes a chapter 5 body corporate;</p> <p>(e) the person being a director of a corporation that becomes a chapter 5 body corporate.</p> <p>If any of those events in subparagraphs (d) and (e) of the definition of show cause event occur, the process in s.68 of the Act must then be followed.</p>	<p>Section 68 of the Act</p> <p>Definition of ‘show cause event’ in Schedule 2 of the Act</p> <p>Definitions of ‘legal practitioner director’ and ‘incorporated legal practice’ in the Act</p> <p>Definitions of ‘director’, ‘corporation’, ‘chapter 5 body corporate’ in the <i>Corporations Act 2001</i></p>	Form 7
Suitability matters generally	<p>Declare on the next application for renewal of practising certificate.</p> <p>Any matter that may be a suitability matter under ss.9 or 46 of the Act.</p> <p>Please note the obligation of disclosure is broad and the duty is to disclose any matter which does or might reflect negatively on your honesty, candour, respect for the law or ability to meet professional standards.</p>	Suitability matters in ss.9 and 46 of the Act	Application for renewal of practising certificate
Principal of a law practice that is not meeting its tax and superannuation obligations	<p>Declare on the next application for renewal of practising certificate.</p>	Section 46(2)(i) of the Act	Tax policy

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Mental health matters impacting a solicitor's ability to carry out the inherent requirements of legal practice	Declare immediately when concerns arise or, at latest, on next application for renewal of practising certificate.	Section 9(1)(o) of the Act	Mental health policy
Will not be covered by professional indemnity insurance that complies with the Act	Notify the Society as soon as practicable. Note, a solicitor must not engage in legal practice unless they comply with the obligations in s.353 of the Act regarding professional indemnity insurance.	Section 354(2) of the Act Section 353 of the Act Section 73 of the Regulation	Form 4
Trust accounting irregularities	Notify the Society as soon as practicable. Applies to principals, employed solicitors and consultants when they become aware of trust accounting irregularities in their law practice AND if they reasonably believe there is an irregularity with another law practice's trust accounting.	Section 260 of the Act	Trust Accounting Guide at 3.9
Notice of intention to start providing legal services (by an ILP)	Before a corporation commences engaging in legal practice in Queensland, it must give notice of its intention to the Society.	Section 114 of the Act	Form 23
Notice of termination of legal services (by an ILP)	Within 14 day of termination of provision of legal services in Queensland, the corporation must give notice of that fact to the Society.	Section 116 of the Act	Form 25
ILP does not have a legal practitioner director for more than 7 days	The corporation must give notice of that fact to the Society as soon as practicable.	Section 119 of the Act	Form 26
Employing a 'disqualified person' or person convicted of a 'serious offence'	Prior to employing such a person as a lay associate, the principal of a law practice must ensure that the person has the approval of the Society to work as a lay associate of that law practice.	Section 26 of the Act	

Note on types of offences

Under s.3 of the Criminal Code, crimes and misdemeanours are indictable offences and so are serious offences under the Act.



Simple offences and regulatory offences are not serious offences under the Act.

Simple offences under the Criminal Code are also called summary offences because they may be dealt with by a Magistrate summarily (eg trespass or public nuisance).

Regulatory offences may be an offence against the *Regulatory Offences Act 1985* (Qld) (eg leaving a shop or hotel without paying, unauthorised damage to property) or against another enactment such as *Transport Operations (Road Use Management) Act 1995* (Qld).

Offences against some Acts other than the Criminal Code may be indictable offences if described as such in the Act (eg certain offences against the *Domestic and Family Violence Protection Act 2012* (Qld)).

Always check the Act under which a person is charged or convicted to determine the type of offence.