

# Legal Profession (Barristers Rules) Notice 2025

Explanatory notes for SL 2025 No. 32

Made under the

*Legal Profession Act 2007*

## General Outline

### Short Title

*Legal Profession (Barristers Rules) Notice 2025*

### Authorising law

Section 225 of the *Legal Profession Act 2007*

### Policy objectives and the reasons for them

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

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

The policy objectives of the *Legal Profession (Barristers Rules) Notice 2025* (the Notice) are to notify the making of the 'Barrister's Conduct Rules, as amended' (the Rules) by the BAQ and to repeal the *Legal Profession (Barristers Rules) Notice 2024*.

The Rules incorporate amendments to rules 1 and 9(c). The key amendments are to rule 9(c), which previously provided for the application of the Rules to a barrister who is employed by the Crown or who holds a statutory office, save that the barrister is exempted from rules 15-24B and 95-106 while acting pursuant to that employment or office.

The amendments to rule 9(c):

- (a) replace the term "employed by the Crown" with "a government legal officer" to be consistent with the definitions and terminology of the Act;

- (b) extend to barristers employed by Legal Aid Queensland and the Aboriginal and Torres Strait Islander Legal Service the exemption from compliance with certain rules currently afforded to barristers “employed by the Crown or who hold a statutory office”;
- (c) remove the inclusion of rule 15 from the exemption, so that all barristers, whether employed or not, are required to engage in one or more forms of barristers’ work when practising as a legal practitioner; and
- (d) remove the inclusion of rule 100 from the exemption, relating to speculative fee agreements.

Further amendments to rule 1 provide that the Rules may be cited as the ‘Barristers’ Conduct Rules, as amended’ instead of the ‘2011 Barristers’ Rule, as amended’, and provide for the commencement of the Rules on the date of notification.

## **Achievement of policy objectives**

The Notice achieves the stated objective of giving effect to the Rules.

## **Consistency with policy objectives of authorising law**

The Notice is consistent with the policy objectives of the Act, which provides for the making of barristers rules.

## **Inconsistency with policy objectives of other legislation**

The Notice is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the Notice is that it gives effect to the Rules. There are no implementation costs associated with the Notice.

## **Consistency with fundamental legislative principles**

The Notice is consistent with fundamental legislative principles.

## **Consultation**

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