

Legal Profession (Barristers Rules) Notice 2025

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, provide this human rights certificate with respect to the *Legal Profession (Barristers Rules) Notice 2025* (the Notice) made under section 225 of the *Legal Profession Act 2007* (the Act).

In my opinion, the Notice, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Section 220 of 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 purpose of the Notice is to notify the making of the ‘Barristers’ 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.

Human Rights Issues

The amendments to the Rules, to which the Notice gives effect, do not raise any human rights issues.

Conclusion

I consider that the Notice is compatible with the *Human Rights Act 2019* because it does not affect or engage human rights.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice
Minister for Integrity

© The State of Queensland 2025