

Legal Profession Legal Practice (Solicitors) Rules 2023

1 Citation

1.1 These Rules are designated as Legal Profession Legal Practice Rules and may be cited as the *Legal Profession Legal Practice (Solicitors) Rules 2023*.

2 Commencement

2.1 These Rules come into operation on **[insert date]**.

3 Objective

3.1 The objective of these Rules is to regulate aspects of legal practice by solicitors.

4 Authorising provisions

4.1 These Rules were developed by the Queensland Law Society in accordance with section 696 of the *Legal Profession Act 2007*.

5 Definitions

5.1 In these Rules:
[insert] means **[insert]**.

6 Loan and security documents

6.1 This rule applies where:

6.1.1 a solicitor is engaged to give advice to a proposed signatory that will be:

6.1.1.1 a borrower, a grantor of a security interest, or a security provider (**a borrower**) in loan or security documents, or

6.1.1.2 a third party security provider, guarantor, surety mortgagor or indemnifier (**a guarantor**) providing a guarantee of or indemnity in relation to (or a security interest to secure) the obligations and liabilities of a borrower, and

6.1.2 the solicitor has been asked to provide evidence of the advice.

6.2 The solicitor providing the advice must verify the identity of the proposed signatory:

6.2.1 using the Verification of Identity Standard contained in Schedule 8 to the *Model Participation Rules* determined by the Australian Registrars' National Electronic Conveyancing Council as adopted and made by each jurisdiction pursuant to section 32 of the Electronic Conveyancing National Law, or

6.2.2 in some other way that constitutes the taking of reasonable steps.

6.3 The evidence of advice provided by a solicitor to a borrower must be in the form of a Queensland Law Society Solicitor's Certificate – Borrower (Schedule 1).

6.4 The evidence of advice provided by a solicitor to a guarantor must be in the form of a Queensland Law Society Solicitor's Certificate – Guarantor (Schedule 2).

6.5 Where an interpreter or translator is present while the advice is being provided:

6.5.1 the name of the interpreter or translator must be included on the relevant Queensland Law Society Solicitor's Certificate, and

6.5.2 the interpreter or translator must be asked to complete a certificate in the form of a Queensland Law Society Interpreter/Translator Certificate (Schedule 3) and attach it to the Solicitor's Certificate

6.6 The solicitor providing the advice must obtain the following documents for retention on the solicitor's file:

6.6.1 a copy of the relevant Queensland Law Society Solicitor's Certificate, and

6.6.2 a copy of the Queensland Law Society Interpreter/Translator Certificate (Schedule 3), and

6.6.3 the loan and security documents.

6.7 A solicitor (e.g. a solicitor acting for the lender) must not aid, abet, counsel or procure any other solicitor to provide evidence otherwise than in conformity with this rule.