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Western Australia to join national lawyers scheme

by [Michael Pelly](#)

Western Australia is poised to join the national scheme for lawyers, a move that will boost the numbers involved to about 80 per cent of the profession.

WA Attorney-General John Quigley is expected to inform the other states and territories at a meeting of the Council of Attorneys-General in Perth on Friday that negotiations are well advanced and July 1, 2019, has been slated as the start date.

The move, which has the support of the WA Law Society, will revive hopes for a national legal services market. Only NSW and Victoria signed up to the Legal Profession Uniform Law scheme in 2015, with Queensland and WA the most vocal opponents.

Mr Quigley was tight-lipped on Thursday, saying only that the matter was "still under consideration".

Federal Attorney-General Christian Porter said he would welcome WA's involvement.

"In my former position as Western Australia Attorney-General, when the initial process to establish a national legal profession was instituted I took the view that the Western Australian profession – ably represented by the WA Bar Association and the WA Law Society – would need to be in favour of the reform, which at the time they were not.

"If that position has changed, it certainly is a significant development in moves towards a national profession."

Australia has almost 80,000 registered lawyers and when the deal is finalised, the national scheme will cover almost 65,000. There are almost 36,000 solicitors and barristers in NSW

and just shy of 22,500 in Victoria. WA has almost 6200 registered legal practitioners.

There are hopes that South Australia will follow the lead of WA during the next year. However, there is still limited enthusiasm for the national scheme in Queensland, the third-largest jurisdiction with almost 13,000 lawyers.

After Labor won the 2017 state election, Mr Quigley established a working group led by Solicitor-General Peter Quinlan, SC, to investigate issues around the possible adoption of the Uniform Law in Western Australia.

Final sticking points

It is believed some final sticking points were resolved two weeks ago when Mr Quinlan was in Sydney for a meeting with the chair of the Legal Services Council, former Federal Court chief justice Michael Black, and the Commissioner for Uniform Legal Services Regulation, Megan Pitt.

The most significant sticking point was that there would be a permanent seat for a Western Australian representative on the Legal Services Council. It was also agreed there would be no amendments to the operating legislation without the assent of WA Parliament. This will be enshrined in an inter-governmental agreement to be signed by WA, Victoria and NSW.

Crucially, Mr Quigley has the support of the The Law Society of Western Australia, which vehemently opposed joining the scheme in 2015. It complained then that it was tailored to the big states (NSW and Victoria) and would surrender too much power, especially on regulation and oversight. These fears have been allayed.

WA law society president Hayley Cormann said adoption of the Uniform Law in the state was "in the best interests of both the profession and the community".

"The health sector unlocked the benefits of a national health profession and uniformity amongst regulation of its professionals in 2010, with the net effects flowing to consumers of medical services," Ms Cormann said.

Cut red tape

"The time is right for the legal profession to do the same; with the simplification and standardisation of regulatory obligations for lawyers across the country; cut red tape for law

firms, particularly those with multi-jurisdictional practices, and overall, to achieve a greater consistency of experience across jurisdictions for consumers of legal services."

A national profession – with lawyers operating seamlessly across all jurisdictions – has been floated since the mid-1990s. The biggest supporters have been the big law firms with national practices that face multiple regimes on matters such as admission procedures, practice rules, cost disclosures and trust accounts.

The chair of Law Firms Australia (formerly known as the Large Law Firm Group), Ross Drinnan of Allens, said the expansion of the Uniform Law "would benefit practitioners and clients".

'Creature from the past'

"Having different cost and regulatory schemes across the states and territories is a creature of the past; it makes it more difficult for lawyers to deliver services to clients in the most efficient and cost-effective way," he said.

"We need to make sure our regulatory framework is contemporary and in our view that means uniform across the country."

When NSW and Victoria agreed to go it alone in 2015, they agreed that complaints still would be investigated by the legal services commissioners in both states, in conjunction with the local body of bars and solicitors. As Commissioner for Uniform Legal Services Regulation, Ms Pitt has only an oversight role and limited investigatory powers.

The Law Society of NSW, which represents 33,000 solicitors, said it could "see enormous benefits" in WA joining the scheme.

"It proves the uniform model is adaptable," society chief executive Michael Tidball said.

"It's rollout to WA – and its different, resource-based economy – means the benefits of uniformity will now stretch across the continent."