

6 May 2016

Ms Stefanie Garber
Acting Editor
Lawyers Weekly

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Dear Ms Garber

Letter to the Editor

Lawyers Weekly reported this week that Bruce Doyle, a former Queensland Law Society President, has said the Legal Profession Uniform Law is a flawed model of regulation and that other jurisdictions, apart from NSW and Victoria, should resist it as a model of regulation for the Australian legal profession.

I refute these claims, which miss the point. The Australian legal profession has long aspired for a national system of regulation, something which has had the strong support of the Law Council of Australia and the Australian Bar Association. The Uniform Law provides a good model for this and consumers and the profession as a whole are the big winners.

The Uniform Law has been adopted as a single piece of legislation to regulate lawyers in NSW and Victoria and has been in operation since 1 July 2015. It covers over 70% of the Australian legal profession.

The Uniform Law eases the regulatory burden on legal practitioners, especially on those who engage in multi-jurisdictional practices. The entire legal profession in NSW and Victoria is realising the benefits of working from the same legislation in the different jurisdictions. It should be remembered that this includes small practices and large, corporate and government lawyers, as well as regulators and governments.

It is essential in all of this that we do not forget our clients. Under the Uniform Law, firms must provide estimates of total legal costs and keep these up to date from time to time. This is not very different to the obligations that lawyers have long had to provide costs estimates to their clients, but now there is more emphasis on keeping clients in the picture, all the time. The Legal Services Council has prescribed a simplified cost disclosure form and a new Rule 72A to help with this.

Another important difference with the Uniform Law scheme is that it gives a permanent place at the regulatory table for the legal profession. The Law Council of Australia and the Australian Bar Association can propose rules governing solicitors and barristers, which the LSC makes.

With benefits comes responsibility. The Uniform Law enables the profession not only to propose rules for its regulation but also gives it the responsibility of thinking more widely about the community.

Contrary to statements that the Uniform Law still requires separate trust accounts to be kept in each jurisdiction, there is a provision to exempt law practices from this requirement with the approval of the relevant local regulatory authority¹. This will benefit smaller law practices on the borders, as well as national firms. Furthermore, we are investigating ways to streamline provisions like this.

Another way in which the Uniform Law assists lawyers and their clients alike is that dispute resolution provisions have been reformed. This is starting to show significant cost benefits in both States. For example in Victoria, far fewer matters are going to VCAT. More matters are being resolved at the local regulator level, at less cost to all concerned.

The costs of the Council and the Commissioner for Uniform Legal Services Regulation are not large. The current budget for the Legal Services Council and Commissioner is \$1.35m, shared between participating jurisdictions. There are several options to source these funds, whether they are from admission fees, practising certificates, interest on trust accounts or otherwise.

A national regulatory scheme covering all legal practitioners in Australia would cost less than \$20 per legal practitioner, per year. Members of the legal profession can participate in improving its standing for about \$0.50 cents a week, per lawyer. Anything that is worthwhile has some cost and the costs of the Uniform Law are not great by any measure.

Each new State joining the Scheme will be another step towards the continuing growth of a national legal profession and an integrated national legal system. This is important in a country as small in population terms as Australia.

A united legal profession under the Uniform Law can only enhance Australia's international and local reputation for the provision of legal services.

Yours sincerely



Dale Boucher
CEO, Legal Services Council and
Commissioner for Uniform Legal Services Regulation