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Queensland resists national legal profession push



by [Michael Pelly](#)

Queensland looms as the final obstacle to a national legal profession, after Western Australia said it would join with NSW and Victoria and challenged "parochial" states to follow suit.

West Australian Attorney-General John Quigley confirmed [reports in *The Australian Financial Review*](#) and said he would press the issue when he hosts a meeting of state and federal attorneys general in Perth on Friday.

While South Australian Attorney-General Vickie Chapman said she had started discussions about joining, her Queensland counterpart, Yvette D'Ath, said there was no support for the idea among the local profession.

"A 'one size fits all' approach does not necessarily suit all jurisdictions," Ms D'Ath said.

A push by the Rudd Labor government to get all states to sign up to uniform legislation broke down in 2012 amid concerns from smaller states. However, in 2015 NSW and Victoria pressed ahead with their own agreement, which covers more than 70 per cent of the Australian legal profession.

Large law firms have been strong supporters of national regulation since the idea was first floated in 1994 by the Law Council of Australia. King & Wood Malleson's global chief executive, Sue Kench, said on Thursday that it was "a must for our profession, our clients and the broader business community".

Mr Quigley said he was "heavily committed to bringing WA into the national legal profession".

"We are going to get there," the Attorney-General said.

He expressed frustration, though, at the delay in producing an inter-governmental agreement, saying he feared the Berejiklian government would scupper his chosen date of July 1.

"We are at the door knocking loudly to come in, and they are saying not yet," Mr Quigley said.

On Tuesday the West Australian solicitor-general, Joshua Thomson, SC, attended a meeting of the Legal Services Council in Melbourne and affirmed the state's commitment to adopting uniform rules, which have applied in NSW and Victoria since July 1, 2015.

While all three states have agreed on principles, NSW Attorney-General Mark Speakman has told WA he will have to take the inter-governmental agreement to cabinet.

"I am concerned that with the NSW government going into caretaker mode in February [before the March election] that if this is not approved prior to that then my target date of July 1 is in jeopardy," Mr Quigley said.

"There will be new trust accounting rules under the uniform law and it would be good to have them in place – and have a clean start with the trust accounts from July 1."

Mr Quigley told the Rise 2018 conference hosted by the Australian and NSW Bar Associations last weekend that WA hoped its move would convince the other hold-out states – led by Queensland – to follow suit.

"Once Western Australia joins we will get a critical mass and other states might see Western Australia, on the other side of the black stump, wasn't so parochial or scared to join with New South Wales and Victoria and I think we can get other states coming into this as well.

"It will be a good thing ...

"We arrived in the 21st century with a national rail network but we still haven't got a national legal profession."

Australia has almost 80,000 registered lawyers. There are about 36,000 solicitors and barristers in NSW and just shy of 22,500 in Victoria. WA has almost 6200 registered legal practitioners.

Queensland is the third-largest jurisdiction with almost 13,000 lawyers and its inclusion is seen as vital to the credibility of the national project. However, Ms D'Ath, who is Deputy

Premier and Attorney-General, indicated the state was still some way off from joining.

"This issue is one that impacts on the broader legal profession across Queensland and as such needs to have the profession's support before the Palaszczuk government would sign up. Currently this is not the case," she said.

She added that she will "watch with interest how the scheme works in NSW, Victoria and WA".

South Australia's Ms Chapman said she had "begun the process of discussing the National Legal Profession at a local level".

"As Attorney-General Quigley said over the weekend in Sydney, he is committed to signing up and I look forward to speaking to him further about this in Perth on Friday and I will keep a keen interest in what all states are doing in this area."

Federal Attorney-General Christian Porter said he was "encouraged by Mr Quigley's comments".

"There are certainly benefits to a national profession, provided it is well supported."

Ms Kench welcomed the renewed push, saying "uniformity would ease the burden of regulation and enable a greater focus on innovation, entrepreneurship, competition and efficiency".

"State-based systems and rules which add duplication, complexity, inconsistency and cost to administer do not encourage competition and impact the ease of doing business, productivity and growth," she said.

"Trade and commerce and investment operate nationally and across state borders. Our profession must be structured and organised to enable us to advise business and our clients seamlessly and efficiently."

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