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Legal Profession Reform in Queensland: changing the divide between barristers and solicitors?

In Queensland, barristers and solicitors are separately admitted to practice and regulated. In this respect, the legal profession is divided in form and function.

The debate in Queensland about whether to fuse the two branches of the legal profession, or to maintain a separate Bar, is one aspect of the wider questions that arise in relation to reform of the profession in general. In 1998, the Queensland Government implemented a wide-ranging review of the legal profession in Queensland with a view to its reform. The Government is also conducting an independent review of the legislation governing the regulation of the legal profession as part of its obligations to give effect to national competition policy.

Cathy Green

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Mr Wayne Jarred, Senior Parliamentary Research Officer (07) 3406 7422

Ms Nicolee Dixon, Parliamentary Research Officer (07) 3406 7409

Ms Cathy Green (part time), Parliamentary Research Officer (07) 3406 7641

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Inquiries should be addressed to:
Director, Research Publications & Resources
Queensland Parliamentary Library
Parliament House
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Email: Mary.Seefried@parliament.qld.gov.au

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1 INTRODUCTION

The legal profession in Australia is divided into two main groups:

- lawyers who practise exclusively as barristers; and
- lawyers who practise as solicitors or as both barristers and solicitors.[1]

In Queensland, the legal profession is divided into two branches: solicitors and barristers. Barristers and solicitors are separately admitted to practice, with the Bar Association of Queensland and the Queensland Law Society regulating barristers and solicitors respectively. In this respect, the Queensland legal profession is divided in form and function.

Each of the other States and Territories provide for the common admission of lawyers, and in Tasmania barristers may also be admitted separately. A rigid division between barristers exists in some parts of Australia, while a more flexible structure prevails in other parts. Independent Bars, made up of practitioners who are either admitted separately to practice as a barrister or practice in the style of a barrister, operate in each Australian jurisdiction.

The debate in Queensland about whether to fuse the two branches of the legal profession, or to maintain a separate Bar, is one aspect of the wider questions that arise in relation to reform of the profession in general. In 1998, the Queensland Government implemented a wide-ranging review of the legal profession in Queensland with a view to its reform. The Government is also conducting an on-going independent review of the legislation governing the regulation of the legal profession as part of its obligations to give effect to national competition policy.

This *Research Brief* focuses on the reform proposals that relate to common admission and the issue of practising certificates to barristers and solicitors. The Brief also provides an overview of the divided structure of the Queensland legal profession and its consequences; outlines the review process in Queensland and relevant reform proposals; and compares the position in Queensland with other Australian States and Territories.

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[1] *Halsbury's Laws of Australia* on CD-ROM, para [250-10].

2 A PRELIMINARY NOTE ON THE CLASSIFICATION OF THE STRUCTURE OF THE LEGAL PROFESSION

In Australia, the distinction between the jurisdictions where the legal profession is fused and where it is divided is not precise.[2]

The classification of the structure of the legal profession in a particular jurisdiction as to whether it is divided or fused is dependent on the emphasis given to its various components. Legal commentators suggest that, in assessing the classification of a structure, the position in relation to the admission to the profession and general regulation is of particular significance but is not necessarily conclusive:

> *If barristers and solicitors are admitted separately and have separate governing bodies, the structure is likely to be divided. If there is common admission and a common regulatory body, it is likely to be flexible. But if, for example, there is common admission yet separate general regulatory bodies, the structure may be divided or flexible, depending on the number and nature of other distinctions.*
>
> *We adopt the ... distinction between "divided' and "flexible" structures in preference to the more traditional distinction between "divided" and "fused" structures. We do so largely because the terms "fused" and "fusion" in this context have a history of ambiguity and misinterpretation ...* [S]*ome ... opponents of "fusion" assume that it involves a prohibition on practice in the style of a barrister. ... Some people consider that the distinction between divided and fused structures depends entirely on whether there is common or separate admission.* [3]

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[2] Australian barristers do not hold monopoly rights on appearances in court even where the legal profession is divided. The flexibility of this approach enhances the competitiveness of the legal profession and ensures a range of choices for both practitioners and clients: Law Council of Australia, *2010: A Discussion Paper - Challenges for the Legal Profession*, September 2001, p 8. See Sections 6 and 8 of this Research Brief for a description of the structure of the legal profession in Queensland and other States and Territories.

[3] Julian Disney, John Basten, Paul Redmond & Stan Ross, *Lawyers*, 2nd edn, The Law Book Company Limited, Sydney, 1986, p 93. The authors adopted the broad distinction drawn by the New South Wales Law Reform Commission between divided structures and flexible structures. A divided structure is one in which a number of practitioners practise in the style of a barrister and in which distinctions are drawn by law or official practice between practitioners who practise in the style of barristers and those in practice in some other style. A flexible structure is one in which, although some of these characteristics may exist, few if any distinctions are drawn by law or official practice between barristers and solicitors. The structure of the legal profession may be divided or flexible depending on the number and nature of distinctions: Disney, Basten, Redmond & Ross, p 92.

3 HISTORICAL OVERVIEW[4]

When Queensland separated from the colony of New South Wales in 1859, it inherited a legal profession with a divided structure. Legal historians have noted that the colony experienced pressure from mercantile interests to amalgamate the branches although moves for reform, made over several decades, were not successful. When fusion statutes were enacted their effect was *"largely illusory"* and the functional division of the profession remained.[5] The *Legal Practitioners Act* of 1881 provided that each branch might also practise as members of the other but retained separate requirements for admission to practice, court rolls and educational requirements. The cross-practice rights, little used in practice, were abrogated in 1938. The *Supreme Court Act 1867* was amended in 1973 to grant solicitors (who had rights of audience in the Magistrates and District Courts) full rights of audience before the Supreme Court.[6] The change appeared to have little effect upon ingrained patterns of solicitor advocacy.[7]

In modern times, successive Queensland Governments continue to address the issue of fusion of the legal profession. In the early 1990s, the Goss Labour Government proposed plans to implement a system of common admission for Queensland lawyers. However, in 1996, the then Queensland Attorney-General under the Borbridge Coalition Government, the Hon Denver Beanland MLA, announced that the Queensland legal profession would not be restructured.[8] In 1998, as a result of its election commitments, the Beattie Government implemented a wide-ranging review of the legal profession with a

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[4] The Bar Association of Queensland notes that, in colonial Australia, the legal profession developed three different structures:

- A profession that was formally divided into barristers and solicitors in Queensland and New South Wales;
- A profession that, at a formal level, was fused but practised separately in Victoria; and
- A profession that was fused both formally and in practice in the smaller colonies of South Australia, Western Australia and Tasmania: Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Discussion Paper on Legal Profession Reform, pp 2, 3.

[5] Disney, Basten, Redmond & Ross, p 31. See for a fuller discussion of the history of the early fusion Bills introduced into the Queensland Parliament: T O'Dwyer, 'Queensland Lawyers United on their Division', *Proctor*, October 1996, p 7.

[6] *Supreme Court Act Amendment Act 1973* (Qld), inserting s 38A. Solicitors retained statutory rights of audience in the Magistrates and District Courts: Disney, Basten, Redmond & Ross, p 33. Section 38A of the Supreme Court Act 1867 was relocated to the *Supreme Court Act 1995* Qld) – see s 209.

[7] Disney, Basten, Redmond & Ross, p 33.

[8] O'Dwyer, p 7.

view to its reform. The review process culminated in a Green Paper in 1999 and wide-ranging proposals for systemic reform in December 2000 (under the then Attorney-General and Minister for the Arts, the Hon Matt Foley MP).

In 2001, the Queensland Government also implemented an independent review of the Queensland legal practice legislation[9] as part of its obligation under National Competition Policy.

In March 2002, the current Attorney-General and Minister for Justice, the Hon Rod Welford MP, announced the Government would enact measures to reform the legal profession in Queensland in two stages in the middle, and at the end, of 2002.[10] The Attorney-General has previously indicated that some of the December 2000 proposals may be refined or changed under the legislative reform package.[11]

The legal profession review proposals are interlinked with the outcome of the national competition policy review and arrangements made by the Standing Committee of Attorneys-General to achieve a national legal practice model.

4 THE WORK OF SOLICITORS AND BARRISTERS

The work of solicitors and barristers may be distinguished in a number of ways.

A solicitor is primarily engaged in the drafting of legal documents, fact gathering, providing preliminary opinions, maintaining a client relationship, drafting pleadings, commencing litigation and the preparation of briefs to barristers. Solicitors also have rights of appearance in courts and other forums. Solicitors may practise on their own account or in partnership with other solicitors.

Barristers in private practice function principally as advocates and specialist consultants. Barristers' work is confined to preparing for, and appearing as, an advocate in a court or other forum, mediation or pre-trial process, the settlement of cases, giving legal advice,

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9 The following Queensland legislation governs the regulation of the legal profession: *Queensland Law Society Act 1952* (Qld); *Queensland Law Society Rule 1987* (Qld); *Queensland Law Society Indemnity Rule 1987* (Qld); *Continuing Legal Education Rule* (Qld); *Queensland Law Society (Solicitors Complaints Tribunal) Rule 1997* (Qld); *Legal Practitioners Act 1995* (Qld); *Supreme Court of Queensland Act 1991* (Qld); *Solicitors' Admission Rules 1968* (Qld); *Barristers' Admission Rules 1975* (Qld).

10 Chris Griffith, 'Historic Accord frees up lawyers', *Courier-Mail*, 9 March 2002, p 8.

11 Sue Monk, 'Welford may ease clamp on lawyers', *Courier Mail*, 2 March 2001, p 4; Marcus Priest, 'Law society may lose power on ethics', *Australian Financial Review*, 9 November 2001, p 50; Chris Griffith, 'Fast track for legal reforms', *Courier-Mail*, 10 December 2001, p 7.

acting as a referee, arbitrator or mediator.[12] A solicitor is legally permitted to undertake these functions and some do so. While solicitors can practise as advocates, they cannot describe themselves as barristers.

Some of the fundamental differences between barristers and solicitors lie in their rules of practice. The 'sole practice' rule and the 'cab rank' rule are rules of practice that apply to barristers.[13] The sole practice rule stipulates that a barrister must practise as a sole practitioner. The cab rank rule stipulates that no barrister may decline to accept a brief to appear before a court or tribunal in a field in which he or she practises, save in such limited circumstances as the existence of a conflict of interest.[14]

As a barrister is permitted to undertake a more limited nature of legal work, he or she will generally have to deal with fewer clients at any one time than does a lawyer practising solely as a solicitor. In contrast, the average solicitor provides professional services to a large number of clients in any one day, which may preclude his or her appearance before courts and tribunals. As a result, the number of solicitors who regularly appear in courts and tribunals is comparatively smaller.[15]

As barristers generally see fewer clients, and do not maintain clients' files, manage clients' funds or keep clients' documents, their need for staff is smaller than that of the average solicitor and their financial overheads are lower. While maintaining their role as independent and sole practitioners, most barristers are able to share the secretarial and administrative services necessary to run their practices with one or more colleagues in nearby chambers.[16]

5 THE BENEFITS AND RESTRICTIONS OF A DIVIDED LEGAL PROFESSION

There is a diversity of views about the consequences of a divided legal profession. This section broadly summarises some of the perceived benefits and restrictions of the divided structure.

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[12] Queensland Barristers' Rules, r 74.

[13] Queensland Barristers' Rules, rr 81-84.

[14] Queensland Barristers' Rules, rr 85-86.

[15] G Moloney, 'The Victorian Bar Inc: One Profession, Two Branches', October 2001, 7 pp, p 4.

[16] G Moloney, p 4.

5.1 PERCEIVED BENEFITS OF A DIVIDED LEGAL PROFESSION

- The use of two separate practitioners in a matter, where the practitioners do not have common business interests, ensures outside scrutiny of the conduct of a client's case and the advice provided to the client as to the merits of a case.[17]
- The divided structure leads to experience in advocacy and opinion work being concentrated in the relatively small group of lawyers at the Bar, and thus tends to promote a "special excellence in that group".[18]
- Rules of practice such as the sole practice rule and the cab rank rule are designed to preserve the independence and neutrality of the bar and facilitate access to justice by ensuring that any client can have access to the specialist skills of an advocate. The Bar Association of Queensland perceives that there are systemic benefits in the sole practice rule:

  The present system whereby most barristers share the administrative and other expenses, but conduct practices which compete in every other way, represents a robust and modern balance of those private interests and the more important public interest in the administration of justice.[19]

- The practice of barristers as sole practitioners, rather than as partners or employees of other practitioners, leaves them free of possible conflicts between the interests of their clients and their partners or employers or clients of their partners or employers. Such conflicts may undermine the primacy of the duty to the court.[20]
- The separation of the profession provides a convenient division of labour, not a multiplication of labour:

  Law is ... infinitely complex and no one person could possibly cope with all aspects of all branches of the law. ... If the one person is placed in the position where he does both jobs [of solicitor and barrister], *he will do each*

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[17] New South Wales, *National Competition Policy Review of the Legal Practice Act 1987 (NSW)*: *Issues Paper*, Chapter Four - Separate Licensing of Solicitors and Barristers, paras 4.14, 4.18

[18] New South Wales Law Reform Commission, *First Report on the Legal Profession*, 1982, pp 59-73, in Disney, Basten, Redmond & Ross, p 103.

[19] Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Discussion Paper on Legal Profession Reform, pp 26-27.

[20] Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Discussion Paper on Legal Profession Reform, p 26.

> *of them less thoroughly than if he is able to confine his attention to one of them.*[21]

5.2 PERCEIVED RESTRICTIONS OF A DIVIDED LEGAL PROFESSION

- The formalised division between barristers and solicitors may result in undesirable professional practices such as unnecessary duplication of work with attendant delay and additional cost.[22]
- The preservation of the distinctions between barristers and solicitors promotes the use of barristers by clients in matters in which solicitor-advocates could act, because it creates a perception that barristers are more skilled than solicitor advocates in certain areas. Conversely, restrictions on the ability of barristers to perform tasks in the nature of solicitors' work may reduce the freedom of choice of barristers and their clients. The most obvious of these is the rule that barristers must operate as sole practitioners.
- The sole practice rule may restrict the style of a barrister's work.[23]
- The abrogation of advocacy and complex advice work to barristers may undermine the ability of solicitors to undertake their own advocacy and advise on difficult questions of law.[24]

6 THE LEGAL PROFESSION IN QUEENSLAND

In Queensland persons are admitted to practise as solicitors or barristers. Separate admission rules, prescribed by the judges of the Supreme Court of Queensland, govern each stream. Practitioners must practise as one or the other and cannot practise as both.

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[21] New South Wales Bar Association, 'Division of the Legal Profession in Two Branches' (Submission to the New South Wales Law Reform Commission, 1977), p 8, in Disney, Basten, Redmond & Ross, p 100.

[22] Western Australia, *Inquiry into the Future Organisation of the Legal Profession in Western Australia*: Report, May 1983, paras 2.15-18, 20-21, 23-26, 30, in Disney, Basten, Redmond & Ross, pp 110, 111.

[23] New South Wales Law Reform Commission, in Disney, Basten, Redmond & Ross, p 99.

[24] New South Wales Law Reform Commission, in Disney, Basten, Redmond & Ross, p 107.

6.1 REQUIREMENTS FOR ADMISSION AND PRACTICE

6.1.1 Solicitors

In Queensland, the Solicitors' Board is responsible for administering the *Solicitors' Admission Rules 1968* (Qld) that relate to the admission of solicitors of the Supreme Court of Queensland.

Applicants for admission as a solicitor are required to complete an approved degree in law from a tertiary institute in Queensland or another State and fulfil specified practical legal training criteria such as articles of clerkship, acting as a judge's associate or a practical legal training course.[25]

All solicitors are required to hold a current practising certificate in order to practise law. The Queensland Law Society (QLS) is the professional body that regulates solicitors in Queensland. The QLS may issue any one of five different classes of practising certificate to a practitioners at: unconditional principal level, conditional principal level, unconditional employee level, conditional employee level and interim level. [26]

6.1.2 Barristers

The admission of barristers in Queensland is regulated by the *Barristers' Admission Rules 1975* (Qld). The Barristers' Board of Queensland administers these rules.

Applicants for admission as a barrister must obtain certain tertiary qualifications such as an approved degree in law and complete a course of practical legal training.[27] Currently, a solicitor who has been in practice for 5 years may be admitted as a barrister without the need to undertake the usual pre-admission legal training for barristers. A barrister in practice for 3 years or who has served 3 years of articles or 3 years as a law clerk to a solicitor may apply for admission as a solicitor without undertaking the usual pre-admission training for a solicitor.

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[25] *Solicitors' Admission Rules 1968* (Qld), rr 15A, 17.

[26] Annual practising certificates for solicitors are issued under s 40 of the *Queensland Law Society Act 1952* (Qld). Sections 38 and 39 of the *Queensland Law Society Act 1952* (Qld) require all practitioners other than those employed in any Department of Commonwealth or State Governments to hold current practising certificates. See also *Queensland Law Society Act 1952* (Qld), Part 4 – 'Annual Practising Certificates and Rules', and Rules of the Queensland Law Society Part O – 'Practising Certificates'.

[27] Barristers' Admission Rules, rr 15, 25.

Barristers are not required to hold a practising certificate to practise in Queensland.

The Bar Association of Queensland is the professional association for barristers in Queensland. Membership is voluntary, although almost all barristers in private practice belong to the Association.

7 LEGAL PROFESSION REFORM IN QUEENSLAND

7.1 DISCUSSION PAPER ON LEGAL PROFESSION REFORM (DECEMBER 1998)

As a result of its election commitments, the Beattie Government implemented a wide-ranging review of the legal profession in Queensland. The objectives of the review were:

- to provide a regulatory scheme which promotes efficiency and high standards of service delivery by the legal profession;
- to promote competitive practices;
- to enhance the accountability of the profession to clients;
- to enhance the accountability of the professional bodies in the performance of their regulatory functions to the public and their members;
- to facilitate the practice of law on a national basis;
- to eliminate unnecessary regulation of the profession; and
- to simplify and streamline the legislation in respect of the profession.[28]

In December 1998, the Department of Justice and the Attorney-General in Queensland released a Discussion Paper on Legal Profession Reform. The Discussion Paper noted that it is government policy to provide for the common admission to the legal profession of solicitors and barristers as legal practitioners. The Discussion Paper also referred to national competition policy issues as to whether the functional division of the profession restricts competition and contributes to unnecessary duplication and costs.[29]

The Discussion Paper noted that:

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[28] Queensland, Department of Justice and Attorney-General, Legal Profession Reform, *Discussion Paper*, December 1998, p 2. Available online at http://www.justice.qld.gov.au/ourlaws/papers/legalreform.htm

[29] Queensland, Department of Justice and Attorney-General, *Discussion Paper*, pp 2, 3.

Common admission would not prevent practice in the style of a barrister eg as a specialist advocate in sole practice who generally only accepts clients referred to them by other legal practitioners. Instead, market forces would determine the extent to which legal services are to be provided in the traditional style of barristers, without imposing anti-competitive restrictions on the choices of practitioners and consumers.[30]

The Discussion Paper outlined that the implementation of a common admission regime in Queensland would require structural and systemic changes such as:

- new admission rules to replace the current separate admission rules for the separate streams;
- the establishment of a new body to replace the Barristers' Board and the Solicitors' Board; and
- a review of the current system of pre-admission and post-admission practical legal training. Matters under the current system of articles of clerkship such as formal training requirements and length of articles would also need to be reviewed.[31]

The Bar Association of Queensland, in its response to the Discussion Paper, did not oppose the policy of common admission of barristers and solicitors.[32] The Bar Association preferred a model based on the New South Wales regime. Under this model, an admissions board would set the academic and practical training requirements for admission as a legal practitioner and certify as to their compliance while the Supreme Court would retain its traditional role as the admitting authority, with jurisdiction to deal with routine admissions, disputes as to compliance and applications to dispense with compliance.[33] The Bar Association envisaged that a newly admitted legal practitioner would be required to obtain a practising certificate from either the Bar Association to practise as a barrister or from the Queensland Law Society to practise as a solicitor.

The Bar Association, in its response to the Discussion Paper, submitted that a practising certificate system should be implemented for the Queensland Bar as a whole. The Bar Association suggested that the use of practising certificates represented the most effective way to ensure that a person is unable to falsely hold himself or herself out as a qualified lawyer. The Bar Association perceived that the issue of practising certificates to

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30 Queensland, Department of Justice and Attorney-General, *Discussion Paper*, p 6.

31 Queensland, Department of Justice and Attorney-General, *Discussion Paper*, p 7.

32 Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Discussion Paper on Legal Profession Reform, p 11.

33 Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Discussion Paper on Legal Profession Reform, pp 11, 18.

barristers offered a range of advantages, particularly in the areas of the maintenance of quality assurance, discipline, supervision, continued professional development and professional indemnity insurance. The Bar Association suggested that, as barristers and solicitors perform different types of work, the public was likely to receive less information about the type of service offered by the relevant professional if practitioners were subject to the use of a single name and a single form of licensing.[34]

7.2 The Queensland Government Green Paper on Legal Profession Reform (June 1999)

After a review of public submissions made in response to the 1998 Discussion Paper, in June 1999 the Queensland Cabinet approved the release of a Green Paper outlining the Government's proposals in relation to legal profession reform.[35]

In respect of the issue of common admission for legal practitioners in Queensland, the majority of respondents supported the common admission of lawyers as solicitors and barristers based on the perceived advantages of increased flexibility and efficiency in practice and the creation of a common standard in the profession. Critics of common admission perceived it as undermining the independence of the Bar.[36]

The Green Paper proposed a common admission regime whereby a proposed new regulatory body, the Legal Practice Authority, would issue separate practising certificates for lawyers as both solicitors and barristers or barristers only. This distinction allowed the differentiation of lawyers for insurance and trust account purposes and was understood by the community and used by jurisdictions for mutual recognition purposes.[37]

Another proposed new body, the Legal Practice Committee, would approve the admission rules and decide applications for admission; minimum conduct rules and standards, as rules of court; eligibility criteria for various classes of practising certificates, and specialist accreditation and conditions attaching to such certificates and accreditations.[38]

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[34] Bar Association of Queensland, Submission in Response to Discussion Paper, p 20.

[35] Queensland, Department of Justice and Attorney-General, Legal Profession Reform, *Green Paper*, June 1999.

[36] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 14.

[37] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 14.

[38] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 8.

The regime relied on the self-regulation of solicitors to practise only within the areas of their expertise and made provision for specialist accreditation. The Green Paper also suggested that the Legal Practice Authority might enhance "consumer information" with the implementation of voluntary registers of details related to lawyers and law firms such as their professional qualifications and expertise, indemnity insurance arrangements and fee structures.[39]

The Green Paper also proposed post-admission compulsory academic or practical legal training for restricted lawyers and continuing legal education for unrestricted lawyers. A barrister who elected to practise as a principal of a law firm would need to complete a course in the scheme of the current Practice Management Course. Advocacy training such as that provided in the Bar Practice course would be desirable for barristers who elect to practice as advocates. For those issued with practising certificates under the mutual recognition regime, compliance with the post-admission practical legal training would be voluntary. This aspect emphasised the need for consistent standards to be applied by legal profession regulatory authorities nationally. The Green Paper also envisaged that the *Trust Accounts Act 1973* (Qld) could also require the completion of appropriate academic and practical legal training before a practitioner could operate a trust account.[40]

The Green Paper proposed the retention of the current entitlements of currently admitted solicitors to be admitted as barristers and currently admitted barristers to be admitted as solicitors in conjunction with supplementary academic and practical legal training. Alternatively, the name of a lawyer currently admitted either on the role of solicitors or the role of barristers might be recorded on the other role as the same date as his or her original admission.[41]

The majority of respondents supported the concept of an independent Bar and the right of practitioners to associate in that way. The Green Paper did not oppose the right of advocates to practice as sole practitioners. Advocates could be employed or in a partnership, or retain their right to practise as an advocate with a sole practice.[42]

The Green Paper proposed the replacement of articles of clerkship with the concept of supervised work. The Green Paper envisaged that the proposed Legal Practice Authority would implement this policy and decide matters about the phasing out of existing articles, employment conditions under the new system and transitional

[39] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 14.

[40] Queensland, Department of Justice and Attorney-General, *Green Paper*, pp 14, 15.

[41] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 15.

[42] Queensland, Department of Justice and Attorney-General, *Green Paper*, p 15.

arrangements. Changes to the system of articles of clerkship would also need to be reflected in the relevant statutory rules governing the instruction and supervision of trainee legal practitioners, including those within the government legal sector.[43]

7.3 RESPONSE TO THE PROPOSAL TO FUSE THE LEGAL PROFESSION UNDER THE GREEN PAPER

The senior members of the Queensland judiciary and key professional bodies of the Queensland legal profession responded to the reform proposals in the Green Paper. This section briefly summarises the relevant parts of those responses in respect of common admission and related issues.

7.3.1 Response of the Judges of the Supreme Court to the Green Paper

In response to the Green Paper, the judges of the Supreme Court of Queensland published a position paper that identified two main problems with the legal profession: the maintenance of professional standards and the assessment of costs.[44] The judges generally endorsed the direction of the Green Paper but with specific fundamental reservations, one of which related to the maintenance of the independent Bar.

The judges cautioned against any diminution of the independent role of barrister, noting that:

> *"The efficient, timely and economical disposition of the Court's work is directly related to the existence of a capable and experienced body of men and women who have chosen to practise full time as advocates. The Bar has served the Court and the public well in the past. The disposal of cases before the Court depends to a very large extent on the knowledge, professional judgment and advocacy skills of those who practise as barristers ... the Court relies on their generally high level of skill and integrity ... the existence of a separate and independent Bar has fostered a tradition of providing the Court (and clients) with this kind of assistance. Without it the Judges would have to investigate cases to a much greater extent than is presently necessary. This would necessitate a substantially greater number of Judges and the allocation of far greater resources to the judicial system."*

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43 Queensland, Department of Justice and Attorney-General, *Green Paper*, p 16.

44 Judges of the Supreme Court of Queensland, 'Response of the Judges of the Supreme Court of Queensland to the Queensland Government Green Paper on Legal Profession Reform ', *Position Paper*, pp 3, 4. Available online at http://www.courts.qld.gov.au/publications/articles/speeches/judgesPosition.htm

Implementation of the proposals would reduce the significance of the independent Bar. Barristers might work in firms or for firms, and the functions of the Bar Association would be substantially limited if not superseded. Any general diminution of the independent role of barrister would not be in the public interest. Many barristers play an important part in public life. The preservation and encouragement of the independence of the Bar are important for the reasons identified above, and should underpin the further development of the proposal.[45]

7.3.2 Response of the Queensland Law Society (QLS)

The QLS, in its response to the Green Paper, mainly focussed on the proposed changes to the regulatory structure.

The QLS proposed that Queensland adopt the New South Wales model for regulation of the legal profession but that the QLS should retain its regulatory functions in relation to the issue of practising certificates and regulation of trust accounts. In the view of the QLS, this would utilise the existing unique systems and expertise of the QLS and eliminate the need and cost to otherwise develop duplicate systems.[46]

7.3.3 Response of the Bar Association of Queensland

The Bar Association of Queensland formulated a response to the Green Paper that addressed a broad range of issues raised therein. The Bar Association accepted "*the logic of the Green Paper proposal for common admission as a legal practitioner*"[47], but viewed the quite different functions performed by the two branches of the profession as warranting the retention of the present distinction in practice:

... there is no benefit in creating a "new" category of legal practitioner, that of barristers and solicitors where such a category has not existed in the past. The use of the term by practitioners who have not undergone the specialist training required of a barrister will have a tendency to mislead consumers of

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45 Judges of the Supreme Court of Queensland, p 8.

46 Queensland Law Society, QLS Response to the Green Paper on Legal Profession Reform, August 1999, para 1.6.

47 Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Green Paper on Legal Profession Reform, p 13.

> *legal services. Solicitors of course have and will continue to have unrestricted rights of audience.*[48]

The Bar Association reiterated its earlier view that it is appropriate that there be separate practising certificates for those wishing to practise as barristers only compared to those who wish only to practice as solicitors. In the case of a practising certificate issued to a barrister, the Bar Association suggested the imposition of conditions consistent with the sole practice rule:

- The holder is not authorised to receive trust monies
- The holder is authorised to engage in legal practice as a sole practitioner only. The Bar Association submission in this respect distinguished a barrister in sole practice from a barrister employed as an advocate in a firm where the latter is likely to be affected by different cost structures and trust account matters. Additionally, such advocates may not able to be insured under a policy of professional indemnity insurance formulated to cover sole practitioners.

The Bar Association also suggested that there be relevant practising certificates, with appropriate conditions attached, for barristers and solicitors in government law offices.

The Bar Association contended that it would be the appropriate body to administer and issue practice certificates for barristers.[49]

7.4 DECEMBER 2000 PROPOSALS AND BEYOND

In December 2000, the Queensland Government announced a broad range of proposals for legal profession reform.[50] In relation to admission and practice requirements of lawyers, the Government specifically proposed:

- common admission and the modernisation of the current admission rules;
- transferring the current role of the admission boards to the court registry and the professional bodies;
- facilitating interstate and foreign lawyer practising certificates; and
- practising certificates, a complaints/disciplinary regime and professional indemnity insurance requirements for barristers.

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48 Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Green Paper on Legal Profession Reform, p 13.

49 Bar Association of Queensland, Submission in Response to the Queensland Department of Justice and Attorney-General on its Green Paper on Legal Profession Reform, pp 12- 14.

50 Hon M Foley MP, Attorney-General and Minister for Justice/The Arts, 'Legal Profession Reform', *Queensland Media Statement*, 13 December 2000.

The Government at that stage also raised a number of other matters for further consideration, including the possibility of a consistent national regulatory framework.

As noted in **Section 3** of this Brief, in March 2002, the current Attorney-General and Minister for Justice, the Hon Rod Welford MP, announced the Government would enact measures to reform the legal profession in Queensland in two stages in the middle, and at the end, of 2002. The Attorney-General has previously indicated that some of the December 2000 proposals may be refined or changed under the legislative reform package.

7.5 QUEENSLAND NATIONAL COMPETITION POLICY REVIEW REGULATION OF LEGAL PROFESSION ISSUES PAPER NOVEMBER 2001 – COMPETITION ISSUES

As a party to the Competition Principles Agreement, Queensland must review its legal practice legislation under clause 5 of the *Competition Principles Agreement*[51] which provides that legislation must not restrict competition unless the public benefit outweighs the cost. One focus of the review is the examination of the policy objectives for regulating the legal profession and the appropriate balance between regulation by government and the legal profession.[52]

In November 2001, the Queensland Government published an Issues Paper, *National Competition Policy Review: Regulation of Legal Profession*,[53] about competition issues in Queensland relevant to the review. The Issues Paper canvassed competition issues in various aspects of admission and practice and raised a number of alternative models to the current regime in these areas. The Issues Paper suggested that common admission of solicitors and barristers could enable Queensland legal practitioners to be mutually admitted in the other jurisdictions and would have greater flexibility as to their

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[51] The Competition Principles Agreement, signed on 5 April 1995 by Commonwealth State and Territory Governments, was one of three agreements to give effect to National Competition Policy.

[52] The main objective of the legal practice legislation in Queensland is, through the rules relating to admission, practice and the associated disciplinary regime, to protect the interests of those members of the community who engage legal services by providing a standard for those practitioners who hold themselves out to the public as fit and competent to do so. Another legislative objective is to facilitate the administration of justice: Queensland, Department of Justice and Attorney-General, National Competition Policy Review: Regulation of Legal Profession, *Issues Paper*, p 4.

[53] Queensland, Department of Justice and Attorney-General, National Competition Policy Review: Regulation of Legal Profession, *Issues Paper*, November 2001.

mode of practice following admission. In respect of the issue of practising certificates, the Issues Paper suggested that separate practising certificates could draw a clear distinction for consumers in respect of whether a practitioner is a barrister only or a solicitor.[54]

7.6 Agreement of the Standing Committee of Attorneys-General on the National Uniform Regulation of the Legal Profession

On 8 March 2002, the Commonwealth Attorney-General, the Hon Daryl Williams MP, announced that the Standing Committee of Attorneys-General (SCAG) had reached agreement on the need for uniform national regulation of the legal profession. The agreement addressed the core concepts required to establish a national legal profession in Australia, including the issues of admission and the structure of legal practices.

The concept of national practice comprises the rules applying to the admission of lawyers, post-admission training, the business structures through which law is practised, the requirement to have indemnity insurance and contribute to fidelity funds, and the relationship with clients in matters like cost agreements, trust accounts and complaints procedures.[55]

It is anticipated that the Commonwealth, State and Territory Attorneys-General Departments will develop policy proposals to establish model laws and regulations in each individual aspect of legal practice. If agreed to at the July 2002 Ministerial meeting, laws will be drafted for a further approval process in November 2002 and each jurisdiction will progressively enact the new regime in 2003.[56]

8 LEGAL PROFESSION MODELS IN OTHER AUSTRALIAN JURISDICTIONS: MODE OF ADMISSION AND ISSUE OF PRACTISING CERTIFICATES

Each Australian State and Territory has enacted legal practice legislation to regulate the legal profession in its jurisdiction. The legal practice legislation of each Australian jurisdiction is listed in **Appendix A**.

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[54] Queensland, Department of Justice and Attorney-General, National Policy Review: Regulation of Legal Profession, *Issues Paper*, pp 9, 28.

[55] Law Council of Australia, 'SCAG agreement on National Practice', *Australian Lawyer*, April 2002, p 1 available at http://www.lawcouncil.asn.au.

[56] Law Council of Australia, 'SCAG agreement on National Practice', p 1.

Queensland and Tasmania are the only Australian States that have provision for persons to be admitted to practise as barristers only. Persons are admitted in Queensland, either as 'barristers' or as 'solicitors', and in Tasmania, as either 'barristers' or 'legal practitioners'. The other States and Territories provide for the common admission of all legal practitioners. In Victoria and South Australia practitioners are admitted as 'barristers and solicitors', in the New South Wales, the Northern Territory and the Australian Capital Territory as 'legal practitioners' and in Western Australia as 'practitioners'.

It is a condition of private practice in all Australian jurisdictions that solicitors are required to hold a current practising certificate in order to practise law. In Queensland and the Australian Capital Territory, persons who wish to practise solely as barristers do not need practising certificates. In South Australia, Western Australia and Tasmania there is one practising certificate for all legal practitioners. In New South Wales and Victoria, practitioners are issued with practising certificates to practise as a barrister or barrister and solicitor. The Northern Territory provides for the issue of various classes of practising certificates to legal practitioners, including those in exclusive practice as barristers.

Precise demarcation between the functions of a barrister and solicitor is difficult and varies with the jurisdiction. Notwithstanding this, each State and Territory has developed an independent Bar made up of practitioners who are either admitted separately to practice as a barrister, or who practise in the style of a barrister.

NEW SOUTH WALES

The *Legal Profession Act 1987* (NSW) introduced a comprehensive scheme for the regulation of the legal profession in New South Wales. Amendments made to the Act in 1993, by the *Legal Profession Reform Act 1993* (NSW), implemented reforms to legal practice, costs and the complaints system. These changes were designed to foster competition within the profession and make the profession more accountable.

New South Wales completed a joint national competition policy review and legislative review of its legal practice legislation in 1999. The review found there was public benefit in the issue of separate practising certificates for barristers and solicitors as it enables clients to identify the branch of the profession of a legal practitioner and provides a mechanism to achieve accountability and regulation of barristers.[57] **Appendix B** lists the findings of the review in respect of the separate licensing of solicitors and barristers in New South Wales.

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[57] New South Wales, National Competition Policy Review of the Legal Profession Act 1987, *Final Report*, Chapter 4, paras 4.1, 4.2.

In New South Wales, all lawyers are admitted as **legal practitioners** of the Supreme Court.[58] A legal practitioner may elect to practise as a **barrister** or as a **solicitor and barrister** and is entitled to be issued with a practising certificate as a barrister or a solicitor and barrister issued by the Bar Council or the Law Society Council.[59] A practitioner cannot simultaneously hold certificates issued by both bodies.[60] The 1993 amendments provided for the common admission of legal practitioners but retained the separate licensing system in respect of the issue of practising certificates. Barristers and solicitors are also governed by separate rules, made by the Bar Council and the Law Society Council respectively.[61]

8.1 VICTORIA

The legal profession in Victoria became fused more than 100 years ago.[62] The legislation that governs lawyers in Victoria, the *Legal Practice Act 1996* (Vic), provides that all practitioners are admitted to legal practice as **barristers and solicitors**.[63] A person admitted to practice must also sign the roll of practitioners kept by the Supreme Court.[64]

Victorian lawyers are historically divided into two main groups - those who practise exclusively as barristers and those who practise as solicitors or as both barristers and solicitors. A person admitted as a "barrister and solicitor" of the Supreme Court of Victoria must make an election whether they wish to be inscribed on the Roll of Counsel or on the Roll of Solicitors.

Each lawyer admitted to legal practice in Victoria is entitled to engage in any form of legal practice, be it the work traditionally done by a solicitor or by a barrister or by both. All legal practitioners who have a current practising certificate issued by one or other of the two Recognised Professional Associations (RPAs) have unlimited rights of audience in all courts and most tribunals. These practitioners who chose to practise as both barristers

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[58] *Legal Profession Act 1987* (NSW), s 4.

[59] *Legal Profession Act 1987* (NSW), ss 25, 26, 27, 28.

[60] *Legal Profession Act 1987* (NSW), s 38D.

[61] *Legal Profession Act 1987* (NSW), ss 38G, 38H, 57A, 57B. The Bar Council and the Law Society Council may also make joint rules with respect to barristers or solicitors: s 57C, 57D.

[62] Under the now repealed *Legal Practice Act 1891*, existing members of each branch of the legal profession became 'barristers and solicitors'.

[63] *Legal Practice Act 1996* (Vic), s 8.

[64] *Legal Practice Act 1996* (Vic), ss 6(2), (3).

and solicitors are not bound by the rules of conduct of the Victorian Bar but are governed by the rules of the Victorian Lawyers RPA.[65]

Legal practitioners admitted in Victoria may only practise after first having obtained a practising certificate from the Victorian Lawyers RPA Limited (to practise as a barrister and solicitor) or The Victorian Bar Incorporated (to practise as a barrister). Each of these professional associations is responsible, in conjunction with other statutory authorities, for the regulation and oversight of the legal practitioners to whom it has issued practising certificates.

8.2 SOUTH AUSTRALIA

The *Legal Practitioners Act 1981* (SA) provides that every practitioner is admitted and enrolled as a **barrister and solicitor** of the Supreme Court of South Australia.[66] While the Supreme Court of South Australia is the admitting authority, it is the assigned function of the Law Society of South Australia to issue practising certificates.[67] Practising certificates do not differentiate between practitioners who practise as solicitors or barristers or both except in respect of the amount paid for professional indemnity insurance by practitioners who practise exclusively as barristers.[68]

Prior to 1993, the Act allowed the Supreme Court, on application of the law society, to divide legal practitioners into the separate classes of barristers or solicitors.[69] The Act was later amended to affirm that fused nature of the profession, but does not prohibit the development of a separate bar on a voluntary basis.[70] Whether practitioners are styled as barristers or solicitors or both is their commercial choice. The South Australian Bar Association Incorporated is a small voluntary bar association that operates as a purely professional association.

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65 G Moloney, p 4.

66 *Legal Practice Act 1981* (SA), s 15.

67 *Legal Practice Act 1981* (SA), s 16, Law Society of South Australia, 'Practising Certificates', Law Society of South Australia website, downloaded on 16 April 2002.

68 Communication from an officer of the Law Society of South Australia Inc, 16 April 2002.

69 Section 6 of the *Legal Practice Act 1981* (SA) prior to its amendment in 1993.

70 Section 6 of the *Legal Practice Act 1981* (SA), substituted by the *Legal Practitioners (Reform) Amendment Act 1993* (SA), s 3.

8.3 WESTERN AUSTRALIA

Western Australia has a fused legal profession, although a separate, independent Bar has emerged. A 1983 report of an inquiry into the future of the organisation of the legal profession in Western Australia concluded that, although the existence of a separate bar offers advantages to the public and the administration of justice and to the remainder of the practising profession, the formal division of the profession in Western Australia was not desirable or necessary.[71]

All lawyers are admitted as **practitioners**. The *Legal Practitioners Act 1893* (WA) vests statutory authority over the admission and discipline of all legal practitioners in the Legal Practice Board.[72]

The Legal Practice Board has the power to regulate the issue, review and renewal or refusal of practice certificates, the conditions to which such certificates may be made subject, and the fees to be charged.[73] A practitioner who wishes to practise in Western Australia must hold a practice certificate. There is no special practice certificate issued to practitioners who practise as barristers at the Bar.

Practitioners who seek to move to the Bar must present themselves to the Full Court of the Supreme Court to announce their intention of moving.[74] There is a separate voluntary Bar Association in Western Australia.

8.4 TASMANIA

In Tasmania, a person is admitted to the Supreme Court as a **legal practitioner** or a **barrister**.[75] Admission is governed by the *Legal Profession Act 1993* (Tas). Section 51 of the Act stipulates that a person who is admitted as a legal practitioner may apply to

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71 *Inquiry into the Future Organisation of the Legal Profession in Western Australia*, paras 2.15-2.18, 20-21, 23-26, 30, in Disney, Basten, Redmond & Ross, pp 108-110.

72 *Legal Practitioners Act* 1893 (WA), s 6.

73 *Legal Practitioners Act* 1893 (WA), s 6(1)(h).

74 Communication from officer of the Bar Association of Western Australia, 22 April 2002; Communication from officer of the Registry, Supreme Court of Western Australia, 22 April 2002.

75 *Legal Profession Act* 1993 (Tas), ss 24, 28.

the Law Society of Tasmania for a practising certificate to practise as a barrister and solicitor or as a barrister.[76]

There has been a small, separate Bar in Tasmania for many years. There is no statutory recognition of this association; however it does have independent rules and regulations.

8.5 AUSTRALIAN CAPITAL TERRITORY

In the Australian Capital Territory, lawyers are admitted as **legal practitioners**.[77] Once a person has been entered on and signed the roll of barristers and solicitors, they are then entitled to practise as a **barrister and solicitor**, as a **barrister**, or as a **solicitor**.[78] The *Legal Practitioners Act 1970* (ACT) governs the issue of practising certificates.[79] The Law Society of the ACT is the body responsible for the issue of practising certificates to solicitors and barristers and solicitors. Legal practitioners in practice as barristers only do not require a practising certificate.

A small, separate bar has developed in the ACT. There is also a voluntary Bar Association.

8.6 NORTHERN TERRITORY

Lawyers in the Northern Territory are admitted to practice as **legal practitioners**. Once admitted, a legal practitioner is entitled to practise as a **barrister and solicitor**, a **solicitor** or a **barrister**.[80] A person whose name is entered on the roll of legal practitioners with a notation that he or she is a Counsel must not practise otherwise than as a barrister and independently of another legal practitioner.[81]

Part 4 of the *Legal Practitioners Act 1974* (NT) regulates the issue of practising certificates to legal practitioners and the limitations that can be imposed on those certificates. The Act stipulates that, as a prerequisite to practice, a legal practitioner must

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[76] Barristers in Tasmania are required to obtain a practising certificate under the *Legal Profession Act 1993* (Tas): Communication received on 18 April 2002 from the Law Society of Tasmania, on advice of the Office of the Solicitor-General of Tasmania.

[77] *Legal Practitioners Act* 1970 (ACT), s 16B.

[78] *Legal Practitioners Act* 1970 (ACT), s 20.

[79] *Legal Practitioners Act* 1970 (ACT), Part 7.

[80] *Legal Practitioners Act* 1974 (NT), s 19.

[81] *Legal Practitioners Act* 1974 (NT), s 16.

hold an appropriate class of practising certificate.[82] There are four classes of practising certificates that may be issued: unrestricted and restricted classes 1, 2 and 3.[83]

The Law Society of the Northern Territory is responsible for issuing practising certificates in relation to legal practitioners. The Northern Territory Bar Association is a voluntary association of members of the Northern Territory Bar.

9 CONCLUSION

The Queensland legal profession is divided into two branches: barristers and solicitors. In recent years, the Queensland Government has implemented a wide-ranging review of the Queensland legal profession with a view to its reform. The proposals arising from the review about common admission, the issue of practising certificates and related matters contemplate the continued existence of a separate Bar.

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82 *Legal Practitioners Act* 1974 (NT), s 22. For exceptions see s 22(3a), 30.

83 A barrister may be issued with: an unrestricted practising certificate (barrister with more than two years post-admission experience) or a restricted practising certificate class 2 (barrister undertaking pupillage).

APPENDIX A – LEGISLATION AND RULES REGULATING THE LEGAL PROFESSION IN AUSTRALIA

Jurisdiction	ACT/RULES/REGULATONS
AUSTRALIAN CAPITAL TERRITORY	Legal Practitioners Act 1970 ACT Law Society Professional Conduct Rules ACT Bar Association Rules
NEW SOUTH WALES	Legal Profession Act 1987 Legal Practitioners Amendment (Incorporated Legal Practices) Act 2000 NSW Solicitors' Rules Legal Profession Regulations 1994 Barristers Rules
NORTHERN TERRITORY	Legal Practitioners Act Legal Practitioners Amendment (Incorporated Legal Practices) Act 2000 Legal Practitioners (Incorporation) Act Legal Practitioners Regulations Legal Practitioners (PII) Regulations 1982 Professional Conduct Rules Legal Practitioners Rules Legal Practitioners (Complaint Committee) Rules
QUEENSLAND	Legal Practitioners Act 1995 Queensland Law Society Act 1952 Legal Practitioners Regulations 1996 Queensland Law Society (Solicitor's Complaint Tribunal) Rule 1997 Queensland Law Society Rules Queensland Barristers' Rules
SOUTH AUSTRALIA	Legal Practioners Act 1981 Legal Practioners Regulations 1994 Professional Conduct Rules
TASMANIA	Legal Profession Act 1993 Rules of Practice
VICTORIA	Legal Practice Act 1996 Solicitors' Practice Rules Victorian Bar Inc Practice Rules
WESTERN AUSTRALIA	Legal Practitioners Act 1893 Legal Practice Board Rules 1949 Legal Contribution Trust Act 1967 Legal Practitioners (PII) Regulations 1995 Law Society of WA Professional Conduct Rules Legal Practitioners Disciplinary Tribunal Rules 1993 Legal Contribution Trust Regulations 1968

Source: Table 24 'Regulation of the Legal Profession' in *2010: A Discussion Paper - Challenges for the Legal Profession*, Law Council of Australia, September 2001, p161: www.lawcouncil.asn.au/publications.html

APPENDIX B – REVIEW OF THE LEGAL PROFESSION ACT

FINAL REPORT

CHAPTER 4 - SEPARATE LICENSING OF SOLICITORS AND BARRISTERS

QUESTIONS

4.1 What are the benefits to the public of the issue of separate practising certificates for barristers and solicitors? Do these benefits outweigh the competitive disadvantages of the restrictions, both to consumers and practitioners?

> The issue of separate practising certificates enables clients to identify the branch of the profession of a legal practitioner. There does not appear to be support within the profession for change. Practitioners are able to choose which branch of the profession they wish to join and the titles and type of practice they wish to undertake. While barristers offer specialist advocacy services, solicitors can practise solely as advocates if they choose to and can use the title 'solicitor and barrister'.

4.2 Is there a need for a separate Bar, offering specialist advocacy services?

> The existence of a separate, specialist Bar facilitates access to specialist advocacy services by the public, and promotes a high standard of advocacy by barristers.

4.3 Is there any public benefit in legislative provisions supporting the existence of a separate Bar, or could a voluntary Bar serve a similar purpose?

> It is possible a voluntary Bar could serve a purpose similar to that of the Bar established under the Act. However, the existence of separate practising certificates complements the enforcement of the Barristers' Rules by ensuring that barristers are accountable to their clients and that clients are made aware of the professional rules which govern barristers.
>
> The existence of the compulsory scheme provides a means of accountability and supervision of barristers and it is unclear whether these outcomes could be achieved by a voluntary scheme.

4.4 What are the benefits to the public of restrictions in the Bar Rules on the practice of barristers? Do these rules unreasonably restrict the ability of barristers to compete with solicitors?

> An advocate may choose to practise as a solicitor and barrister if he or she wishes to be subject to the Solicitors' Rules. While those rules confer greater freedom on solicitors to accept work and form business associations, they do not affect the ability of a solicitor to practise solely as an advocate. It therefore appears that any restrictions in the Barristers' Rules can be overcome if a legal practitioner instead seeks to practise as a solicitor and barrister.

4.5 Do the remaining restrictions on the use of titles by barristers and solicitors respectively restrict the ability of the two branches of the profession to compete with each other?

> There does not appear to be any evidence that competition between the branches of the profession is impeded by restrictions on the use of titles.

Source: Executive Summary of the *Report of the National Competition Policy Review of the Legal Profession Act 1987*: *Final Report*, Lawlink NSW, NSW Attorney General's Department website, downloaded on 18 April 2002: http://www.agd.nsw.gov.au/report/lpd_reports.nsf/pages/ncpf_exec

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