



Speech by

**JULIE ATTWOOD**

**Member for MOUNT OMMANEY**

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Hansard 27 November 2003

### **LEGAL PROFESSION BILL**

**Mrs ATTWOOD** (Mount Ommaney—ALP) (11.56 a.m.): This bill provides reforms to the regulation of the Queensland legal profession in the interests of protecting consumers and for the management of our justice and legal services. The bill also smooths the way for national standards for legal practice across Australia.

This is the first stage of the Beattie government's reforms of the legal profession. These reforms signify a revolution in the management of legal services standards for legal consumers in Queensland. They will raise professional standards, give consumers of legal services better access to information about the profession and establish a complaints system that ordinary Queenslanders can trust. People need to be confident that they receive fair, honest and professional legal services. Public belief in our legal profession is crucial to the genuine delivery of justice.

The principal measures address public dissatisfaction with the current complaints and disciplinary processes for lawyers. We have all read and heard about the shameful practice of unqualified people pretending to be qualified solicitors and the appalling behaviour of some legal firms. There will be greater independence, accountability and transparency in the complaints and disciplinary processes for lawyers. The bill establishes a new independent statutory office of the Legal Services Commissioner to receive and manage the investigation of complaints against lawyers and prosecute improper professional conduct charges in appropriate cases. Charges for minor professional conduct breaches will be heard by the legal practice committee appointed by the Governor in Council. More serious matters potentially involving suspension, striking off the register of practising solicitors or serious fines would be heard by the Legal Practice Tribunal. This would be chaired by a Supreme Court judge, assisted by a professional member and a lay member.

There are many top-quality law firms and lawyers in Mount Ommaney including Westside Lawyers, Zappulla Trikham & Partners, Holloway Jenkins, JA Sherwood & Co., Steven Watkinson and Pattisons, employing dozens of dedicated, honest solicitors. Unfortunately, there are also those who have little regard for the welfare of their clients and are only out to feather their own nest. These unconscionable operators give the rest of the profession a bad name and do not appear to care. They give bad advice and rip people's money off. They know that the chance of being scrutinised is remote. If they were found to have committed a wrong, the penalty imposed would be negligible.

The Queensland Law Society is responsible for investigating complaints against solicitors and the Legal Ombudsman does not have investigative powers. This system has been widely criticised for not being sufficiently independent of the profession. An effective complaints and discipline regime is therefore vital in maintaining public confidence in the justice system. Greater independence, accountability and transparency will be brought to these processes through the proposed appointment of a Legal Services Commissioner, with sufficient teeth to make sure the system works effectively.

Over a period of time a number of reviews and much public debate of the legal profession have found that a consistent national approach in relation to the admission of legal practitioners is required. There needs to be a statutory basis for the regulation of barristers. Facilitating legal practice by interstate legal practitioners in Queensland should be easier. Setting and enforcing a higher level of professional ethics and standards needs to be addressed. There is a requirement for greater independence, accountability and transparency in the complaints handling and disciplinary processes for lawyers, and a scheme for the registration of foreign lawyers is needed. The system introduced by

the Attorney-General will be harsh on those found guilty of wrongdoing, but also just and fair. No-one I have spoken to wants the shonks to stay in the business. Everyone appears to be willing to give these reforms a chance to succeed.

Responsibility for the statutory deposit scheme in respect of solicitors' trust accounts and arrangements for the payments of interest on those accounts will be transferred from the Queensland Law Society to the Department of Justice and Attorney-General. Interest earned on statutory deposit accounts will be paid to the Legal Practitioner Interest on Trust Accounts Fund and will be allocated for statutory purposes specified in the legislation as approved by the minister on the recommendation of the chief executive of the department.

The legal profession rules in relation to conduct matters will be made a subordinate legislation and will therefore be enforceable in disciplinary proceedings against mischief makers and offenders. The public needs to have confidence that any complaint against a lawyer will be dealt with fairly and objectively and I believe this bill will go a long way to achieving this and I congratulate the minister and the Attorney-General. I commend the bill to the House.