Speech by

Annastacia Palaszczuk

MEMBER FOR INALA

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LEGAL PROFESSION BILL

Ms PALASZCZUK (Inala—ALP) (8.05 pm): I rise to support this bill. It is a great honour to speak to this bill, not only as a member of the House but also as a person who was recently admitted as a lawyer. Last October I was proud to be sworn in as the member for Inala. One week later, I was admitted as a lawyer. It did not help matters having to sit my final civil procedure exam on the day before the state election.

I thank Sciaccas Lawyers, and in particular Sam Sciacca and Luke Gribben, for their guidance. I especially thank Brian Kilmartin for providing practical tuition and acting as my mentor during my studies for a Graduate Diploma of Legal Practice, which I completed through the Australian National University.

It does not matter where in Australia one studies as the laws are now uniform for the regulation of the legal profession. Essentially, the same core subjects are being taught so the principles that I studied in trust accounting and ethics are applicable throughout Australia. Uniform laws are good for consistency. The member for Southport also touched on this point, stressing the importance of having consistency of standards.

I now turn to the bill. As the member for Nicklin pointed out, the Legal Profession Bill is by no means a small piece of legislation. In fact, it is 549 pages long.

Mr Bombolas: How many?

Ms PALASZCZUK: It is 549 pages. When one comes to regulating the legal profession, it comes as no surprise that no stone is left unturned by the lawyers.

Mr Bombolas: I hope not, after 549 pages.

Ms PALASZCZUK: It is a very good read.

As the Attorney-General stated in his second reading speech, the Legal Profession Bill 2007 will complete the government's legal profession regulatory reform program. The bill proposes amendments to the Legal Profession Act 2004 to include the remaining parts of the national model bill in relation to trust accounts, cost disclosure, cost agreements and cost review. Related amendments transfer the regulatory arrangements in relation to solicitors' trust accounts from the Queensland Law Society Act 1952 and the Trust Accounts Act 1973, and provide for the cost assessment function to be subject to the supervision of the Supreme Court.

Drafting of the model bill was not complete when the Legal Profession Act was enacted and the amendments are required to better align the Legal Profession Act with the model bill and to incorporate a number of amendments to the model bill based on the experience of some jurisdictions that were recently approved by the Standing Committee of Attorneys-General. SCAG has also agreed that jurisdictions will adopt chapter and part numbering consistent with that used in New South Wales and Victorian acts.

These amendments are consistent with Queensland's commitment to the national model reform process. These reforms have long been recognised as essential for the legal profession, its regulators and

consumers of legal services. It should be appreciated that the reforms also place Australia at the forefront of legal profession regulation internationally.

In relation to costs, the new cost provisions build on current requirements relating to cost disclosure, cost agreements, and bill and costs assessments. Some important elements include cooperative arrangements among jurisdictions about how interjurisdictional issues are to operate, a cost disclosure regime that will benefit consumers of legal services, the provision for the setting aside of unfair costs agreements and the list goes on.

While law practices will be able to comply with the new cost provisions from commencement, the transitional provisions will allow them to continue under the current regulatory regime up until 1 January 2008 to allow for an appropriate lead time. The member for Southport has also touched on costs agreement. The costs provisions build on current requirements relating to cost disclosure, costs agreements, billing and costs assessments.

Under the new requirements there will be clear, consistent national costs regulation which will be of great assistance to national firms and those practising on an interstate basis. There will be clear nationally consistent disclosure obligations to ensure that clients are well informed in relation to prospective costs and are regularly updated for material changes with regard to costs.

As the member for Nicklin pointed out, one of the most important provisions of this new bill is clause 308, which is about new client rights—the rights to costs disclosure and assessment under the bill as they apply to clients. Some clients are unaware of the obligations that solicitors have to disclose to them, and this new clause will grant them a greater degree of certainty. I know that the member for Caloundra has also addressed this issue, so I do not propose to go through all the points but I draw the attention of members to clause 308, which outlines certain things such as the basis on which legal costs will be calculated, a client's right to negotiate a costs agreement with the law practice, to receive a bill from the law practice and to request an itemised bill after receipt of a lump sum bill. These are very good provisions that will obviously help clients in the long run.

This bill is consistent with the national model laws. It recognises that others who may be liable for costs have a right to costs disclosure and to have their costs assessed. These persons are referred to in the bill as third-party payers. I understand that both the Queensland Law Society and the Bar Association have been consulted extensively on these amendments. I congratulate the Attorney-General in bringing about these necessary changes, and I commend the bill to the House.