Speech by

RACHEL NOLAN

MEMBER FOR IPSWICH

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LEGAL PROFESSION BILL

Ms NOLAN (Ipswich—ALP) (12.14 p.m.): I am pleased to support the Legal Profession Bill which will greatly assist in preserving confidence in our system of justice by ensuring that we have an effective and open complaints and disciplinary regime for the legal profession. Few professions, it seems to me, are as prone to being misunderstood by the public as that of lawyers.

Mr Terry Sullivan: And us.

Ms NOLAN: I take that interjection. The complexity and extent of our common and statute law means that ordinary people are very often absolutely dependent on their legal advisers for some of the most common but important issues in their lives. Whether it is buying a house, setting up a business, getting divorced or writing a will, many people will be utterly reliant on the skill, promptness and honesty of their lawyers. It is really only through those lawyers that people will be able to access justice. Any perception that misconduct or incompetent behaviour by lawyers will be covered up or not openly addressed will lead to the entire profession being held in disdain. Indeed the suspicion that lawyers are somehow removed from ordinary circles and standards of behaviour has been a constant battle for the profession, certainly since Shakespeare suggested legal reform in *Henry VI* along the lines of 'the first thing we do—let's kill all the lawyers.'

This bill adopts a slightly different approach—an approach which is more conciliatory. It introduces a fair and independent statutory regime for handling complaints against solicitors and barristers. This will be achieved by the appointment of the Legal Services Commissioner who, unlike the Legal Ombudsman currently, will receive and also investigate all complaints against both branches of the legal profession. The Legal Services Commissioner will have the ability to call on the resources of the Queensland Law Society and the Bar Association but, importantly, will also have Legal Services Commission staff available to assist in the investigation of complaints.

The commissioner will decide whether or not disciplinary action is taken in any complaint against a lawyer, which will end the unacceptable perception among some legal services consumers that the current system had Caesar judging Caesar. The disciplinary regime which currently involves the Solicitors Complaints Tribunal, made up of two solicitors and a lay member, is being strengthened by now being chaired by a judge assisted by a professional member and a lay member. Barristers will, for the first time, be subject to this complaints and disciplinary regime. Because there is no truth without light, there will now be a public register of the findings of professional misconduct by the tribunal.

I just want to touch briefly on another aspect of the bill which is something that the legal profession has wanted for many years—that is, the incorporation of legal practices. In this day and age it seems strange that lawyers have been in the situation of recommending to their clients the most effective structure for their business as being a company and yet being unable to take their own advice. The incorporation of legal practices will be consistent with the proposed model laws for the legal profession currently being developed by the Standing Committee of Attorneys-General.

These reforms and the many others in this bill herald the start of a new era for the legal profession in Australia with the start of a timely national legal system. Interstate lawyers will be able to practise in Queensland without needing to apply for a local practising certificate and we will see much greater movement and flexibility in the profession in the years to come. In these circumstances, consumer protection is more rather than less necessary. The legal practitioners of Queensland are vital to all Queenslanders and this bill will help to preserve and enhance public confidence in their ability.

I sincerely commend the Attorney-General on his work in putting together this bill. There have been a number of legal reforms which he has instituted in his tenure as Attorney-General which very strongly reflected broadly held community perceptions of what needs to happen to the law. This is a sensible measure. It is a measure which I would suggest is long overdue. I commend the bill to the House.