

LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2021
LEGAL PROFESSION UNIFORM LAW APPLICATION (LEVY) BILL 2021

Second Reading — Cognate Debate

Resumed from an earlier stage of the sitting.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.02 pm] — in reply: I do not have a lot more to add on this debate; I just want to cover off a few short things. Obviously, given the scope of this reform and the size of the bill, much of this material will be dealt with in the committee stage and elaborated on further, I am sure. Hon Nick Goiran raised a number of issues, one of which related to the legal profession uniform rules and regulations. I am trying to remember the exact question. I think it was, to what extent had any of the rules or regulations been finalised. Uniform rules and regulations are currently in force under the uniform law framework and are available on the Legal Services Council website. Those rules include the conduct rules that will apply and the continuing professional development rules.

The member asked further about consultation on the local regulations. I can confirm that officers from the State Solicitor's Office met with various stakeholders, including the Law Society, in the second half of 2020 to discuss the topics required for the local regulations to inform the drafting of those regulations. Work has commenced on the local regulations, but has not yet reached a stage at which a consultation draft is available to stakeholders. Some work has been done, but, as I say, we have not got to the point of consultation on regulations in that regard. I think the normal practice is for the bills to pass Parliament before we get to that stage in any event. Information is available about changes to the conduct rules, the continuing professional development rules, and how firms deal with cost agreement and cost disclosures. The Legal Practice Board has maintained a frequently asked questions page and has today published fact sheets on the uniform law, the transitional arrangements, the cost disclosure and the dispute resolutions and complaints.

Helpfully, the Law Society has also published fact sheets on a range of topics, described as follows: overview of the uniform law; cost disclosures under the legal profession uniform law; legal profession uniform law cost disclosure—reasonable steps; billing under the legal profession uniform law; consumer complaints involving cost disputes under the uniform law; prohibition on engaging in legal practice by unqualified entities; incorporated legal practices under the legal profession uniform law; law practices—unincorporated legal practice; practising in WA under the legal profession uniform law—individuals; solicitor stamps under the legal profession uniform law; and party/party cost assessment procedure.

The member asked about the commencement date and consultation. I would prefer to get into the details of that during Committee of the Whole. Obviously, the commencement date is an ongoing issue because the bill has not passed and the timing of the passing of the bill will have an impact on its commencement. I think the member also mentioned that in his short speech on the second reading.

In terms of the consultation, there was general support from stakeholders for the uniform law in Western Australia and no opposition or objection to the substance of the reform. Stakeholders were consulted through the drafting process. That drafting process obviously included the 2020 bill that was introduced during the last parliamentary term. I might add that there are some changes—I am sure the member will address those—between the 2020 bill and the 2021 bill. Largely, those changes are of minor consequence. Some more significant ones have arisen because we have passed other legislation since that bill was first introduced in 2020 until now. There have to be some amendments. I think there has also been some progress in the Victorian jurisdiction, where the enabling laws come into that, which has made some changes. Again, we will probably get into the details during the committee stage.

Stakeholders have been engaged throughout the drafting process. They have also engaged in ad hoc consultation with the Legal Practice Board as the key designated local regulatory authority under the uniform law scheme. A consultation draft was sent to key stakeholders in November 2019. The following stakeholders were provided with a consultation draft at that time and were consulted on the proposed contents of the local regulations: the Aboriginal Legal Service of Western Australia, community legal centres in Western Australia, the Law Society of Western Australia, the Legal Aid Commission of Western Australia, the Legal Contribution Trust, the Legal Practice Board, the Legal Profession Complaints Committee, the New South Wales Department of Communities and Justice, the State Administrative Tribunal, the Supreme Court of Western Australia and the Western Australian Bar Association. Some of the amendments between the 2020 bill and the 2021 bill arose out of stakeholder consultation on the proposed content of the local regulations.

I turn to the 136th report of the Standing Committee on Uniform Legislation and Statutes Review, a committee of which I am a member but which I was subbed out of in favour of my comrade Hon Pierre Yang. I thank Hon Pierre Yang for stepping in for me and for the work that the committee has done. The house has obviously already adopted

the first recommendation of that report. It would be best if we addressed the details of the other recommendations, which are not opposed by the government, when we get to the committee stage. Some of those recommendations will be waived because the second recommendation was that we hold off on the third reading of the bill until we sorted out standing order 67(1). I thank the Leader of the House and the members for progressing that at the beginning of last week. That was helpful.

I do not have a lot to say about the two bills at this stage because there will be a lot to say during the committee stage. This is an important reform for the legal profession and will hopefully deliver some benefits to consumers of legal services in Western Australia. It will certainly be of benefit to practitioners who want to move between jurisdictions. We commend the bills to the house.

The PRESIDENT: Hon Dr Brian Walker, are you standing to contribute to the second reading because if you are, the parliamentary secretary has just delivered the second reading in reply and the opportunity to contribute to the second reading debate is no longer available to you.

Questions put and passed.

Bills read a second time.