



REGULATORY SERVICES

Assisting the community to receive professional services that are affordable, accountable and of a high standard

Legal Practitioners Admission Board

Executive Officer: Roger Wescombe

- Administers functions associated with the education of law students and the admission of legal practitioners in NSW.
- Approves the appointment of Public Notaries and maintains the Roll of Public Notaries.

Legal Profession Advisory Council

Secretary: Maurice Polkinghorne

- Reviews the structure of the legal profession.
- Ensures quality legal services are accessible, affordable and accountable to the community.

Office of the Legal Services Commissioner

Commissioner: Steve Mark

- Receives all complaints against legal practitioners and licensed conveyancers in NSW.
- Oversees the investigation of complaints by professional bodies about the conduct of legal practitioners.
- Resolves disputes between consumers and legal practitioners or licensed conveyancers.

Professional Standards Council

Secretary: Bernie Marden

- Approves and monitors schemes to improve professional standards, protect consumers, and limit civil liability of professional groups.
- Encourages and supports self-regulation of members of professional organisations to improve professional standards.

Legal Practitioners Admission Board

The Legal Practitioners Admission Board (LPAB) makes rules for, and approves, the admission of legal practitioners in NSW, helping to ensure that those who enter the legal profession are capable of providing a high standard of service. This role includes assessing interstate and overseas qualifications, accrediting NSW law courses and providing accessible examinations for law students.

LPAB also regulates and administers the appointment and enrolment of Public Notaries, including determining the educational requirements for their qualification.



Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

This year, LPAB approved and administered the admission of 1,343 legal practitioners, the appointment of 34 public notaries, and the registration of 606 students-at-law.

The first full year of operation of the amended rules relating to admission to legal practice was completed during the year. The implementation of the new rules resulted in a 52 per cent annual increase in the number of overseas qualified lawyers being granted academic exemptions by LPAB.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

LPAB introduced a number of activities to improve client service and the conditions under which appropriate persons could be admitted.

With the assistance of the Centre for Legal Education, LPAB conducted a major review of its policies and practices relating to:

- applications for exemption from practical training;
- admission to practice of overseas trained lawyers;
- accreditation of academic and practical training courses;
- the determination of applications for readmission to legal practice;
- the governance and management of the Board's academic course; and
- the registration of probationary law students.

The purpose of the review was to ensure that LPAB's policies and procedures are able to adapt to a changing professional and social environment, and to position LPAB to play a national leadership role in legal admission.

The Year Ahead

The key priorities of LPAB will be to:

- consult with stakeholders about a range of proposals arising from the LPAB's review of its policies and practices, and implement change where appropriate;

- upgrade its records and archive management practices; and
- retain its fees at the current level, despite the cost of implementing the Goods and Services Tax.

Legal Profession Advisory Council

The Legal Profession Advisory Council (LPAC) keeps the structure and regulation of the legal profession under constant review.

Goal: Contribute to the development of the legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

One role of the LPAC is to periodically review the professional conduct and practice rules for lawyers and make recommendations for change if such rules impose restrictive or anti-competitive practices which are not in the public interest. As part of this role the LPAC in its review of the professional rules focused on the following areas:

- acting for more than one party;
- fee agreements and costs disclosure; and
- the role of the legal profession in the caseload management process of the courts and whether court sanctions and punitive professional conduct rules are necessary.

An extensive review of the licensing of legal practitioners and the reservation of legal work was also conducted. The LPAC concluded that general legal work should be preserved to licensed lawyers for the protection and benefit of the public. However, if a scheme was established to accredit non-lawyer specialists in particular areas of the law, then the LPAC recommended that licensed lawyers should not be excluded from such areas.

The Council also investigated and prepared a report on the distribution of legal market information for the general public.

It recommended that such a scheme should be undertaken in conjunction with the State Library's Legal Information Access Centre and

centred on the courthouses throughout NSW, to provide a comprehensive customer network for the benefit of the public enabling greater access to general legal information. Such a scheme is to be Internet based with the aid of pamphlet information and kits supplied by LIAC.

The Year Ahead

The key priorities of LPAC will be to:

- respond to referrals made by the Attorney General;
- respond to submissions made by members of the legal profession and the public;
- review certain elements of the structure of the professions;
- review the professional rules of the Law Society and the Bar Association; and
- enhance the effectiveness of the LPAC website.

Office of the Legal Services Commissioner

The Office of the Legal Services Commissioner (OLSC) receives all complaints about solicitors, barristers and licensed conveyancers in NSW. Some complaints are consumer disputes; others involve alleged unsatisfactory professional conduct or professional misconduct by a legal practitioner. Once a complaint is received, the OLSC decides whether to investigate it as a possible breach of professional standards, to attempt to resolve it through mediation, or to refer it to the Law Society of NSW, the NSW Bar Association or – in the case of licensed conveyancers – the NSW Department of Fair Trading.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

This year the OLSC received a total of 2,901 complaints, of which 701 were referred to either the Law Society or the Bar Association. While complaints often raised more than one issue, the most common grounds for complaint were costs,

negligence and communication problems. Other common grounds for complaint were ethics, delays and misleading conduct. During the year the OLSC finalised a total of 2,099 complaints: 1,442 of the complaints received during the year and 657 complaints received in earlier years. The Law Society and the Bar Association finalised a further 914 complaints, including 198 of the complaints received during the year.

The OLSC also operates a telephone inquiry line which handles questions and complaints about the conduct of members of the legal profession. This year there were over 9,000 calls to the inquiry line, an increase of 18.6 per cent.

There has been another increase in the number of complaints that have been referred to the Administrative Decisions Tribunal (ADT) for hearing and determination: four referred by the OLSC and 40 by the Professional Councils. The ADT has the power to impose various sanctions where appropriate.

Again this year the number of requests for the OLSC to review decisions made by the Law Society or the Bar Association in relation to complaints against legal practitioners fell, to 148. Of these, 128 reviews were finalised. The average turnaround time for reviews fell from 4.4 months to 3.5 months.

[Jim Milne and Jacqueline Roarty of the Office of the Legal Services Commissioner discuss the resolution of a consumer dispute.](#)





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Goal: Continuously improve our services and increase satisfaction among our diverse clients.

During the year the OLSC underwent a significant restructuring aimed at fostering a team based approach to service delivery. The restructure involved the creation of two Assistant Commissioner positions, one focusing on complaints handling and the other on legal matters, as well as new Legal and Policy Officer and Administrative Assistant (Legal) positions to strengthen the capacity of the office to deal with issues relating to the reform of the profession and a new Client Liaison Officer position to assist in handling complaints and inquiries. The positions of Principal Legal Officer, Deputy Commissioner and Client Liaison Officer Manager were deleted.

The OLSC also continued to develop the new *Complaints Tracking System*, which was installed in 1999. While some components of the system are not yet functioning to full capacity, it is already delivering improvements in case management.

Another ongoing priority of the OLSC has been education. During the year the office increased its presence in ethics courses at universities across NSW as well as working through the NSW College of Law and other continuing legal education programs. The educational activities of the office, which contribute to improving standards of practice in the legal profession and ultimately reducing the number of complaints, will receive continuing emphasis in the coming year.

The Year Ahead

The key priorities of the OLSC in 2000–2001 will be:

- to explore issues relating to multi-disciplinary practices and the proposal to allow incorporation of legal firms;
- to assist practitioners in understanding and meeting client expectations by improving the capacity of the office to extract useful information from the complaints-handling process;
- to achieve consistency in the data collection and reporting standards of the OLSC and its co-regulatory partners;

- to participate actively in the NSW Law Reform Commission review of Part 10 of the *Legal Profession Act*, which governs the co-regulatory complaints-handling system; and
- to make submissions for the improvement of the *Legal Profession Act* so that it addresses the concerns of both the legal profession and consumers of legal services more effectively.

Professional Standards Council

The Professional Standards Council (PSC) is an independent body which approves professional standards schemes to ensure that practitioners are accountable and consumers are protected. The Council works in partnership with occupational associations to ensure that standards are continuously improved and are effective.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

Professional standards schemes, which operate under the *Professional Standards Act 1994*, involve over 11,000 practitioners from a range of professional groups. This framework provides for the adoption of an array of strategies to improve standards, including quality assurance, best practice, codes of ethics, continuing professional development, compulsory insurance and complaints and discipline systems. When all these features combine under a professional standards scheme they foster a culture of excellence designed to simultaneously deliver high professional standards and provide protection to consumers of professional services.

All professional standards schemes are required to include a complaints and discipline system. This is a key feature of providing avenues to ensure consumer confidence and protection. Recognising the importance of complaints and discipline systems, the PSC has undertaken research to establish baseline standards for complaints and discipline systems that will serve as a foundation for improving the systems currently adopted by occupational associations.

A consultative paper was also prepared and released by the Council that explored whistleblowing within the context of the professions. The consultation process has sought suggestions as to how occupational associations are best able to support members, clients and others who seek to provide information about the misconduct of a professional.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

The Council launched the Cover of Excellence™ initiative in March 2000. This initiative which includes the use of a trade marked logo is a means by which practitioners participating in professional standards schemes can convey to their clients their commitment to providing a high standard of professional service and consumer care. The Cover of Excellence™ promotes values and traits associated with professional practice including: competency, accountability, quality, ethical behaviour and practices, integrity and honesty, responsiveness to consumers, and acting in the public interest.

The PSC has also sought to increase satisfaction by making information more accessible. Our

newsletter *Update* is distributed on a more regular basis, and our website now contains information about individual schemes, the process involved in applying for a scheme, consultative papers, and the Cover of Excellence™ initiative. This has enabled us to receive international inquiries about the innovative approach undertaken in NSW in regard to professional standards.

The Year Ahead

The key priorities of the Council will be to:

- build community demand for professional standards schemes by supporting the Cover of Excellence™ and increase awareness amongst professional associations and consumers about the benefits of schemes;
- continue to work with scheme administrators to ensure that the integrity of existing schemes is maintained and continuously improved; and
- undertake primary research into areas of occupational standards, risk management and consumer protection.

Warwick Wilkinson, AM, Chair of the Professional Standards Council, at the launch of the Cover of Excellence™ in March 2000. The Cover of Excellence™ logo can be displayed by practitioners participating in professional standards schemes, and demonstrates their commitment to provide a high standard of professional service and consumer care.

