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Dale Boucher
Commissioner for Uniform Legal Services Regulation
Legal Services Council

By email: submissions@legalservicescouncil.org.au

16 January 2015

Draft Proposed General Uniform Rules

Dear Mr Boucher

We thank the Legal Services Council for the opportunity to provide feedback on the draft proposed General Uniform Rules.

As you are aware, the National Association of Community Legal Centres (NACLC) is the peak national body of Australia's community legal centres (CLCs). CLCs are a key provider of legal assistance services in Australia.

NACLC has made a separate submission to the Law Council of Australia in relation to the Draft Proposed Solicitors Legal Profession Conduct and Legal Practice Rules. This submission is limited to one particular issue in the General Uniform Rules.

Cost Disclosures

Part 4.3, Division 3 of the Uniform Law deals with cost disclosure obligations. Where costs in a matter are unlikely to exceed \$750, there is no obligation to provide a written costs disclosure document. In matters where costs are likely to be between \$750 and \$3,000, r 68 of the proposed General Uniform Rules provides that a lawyer may either provide a client with a written costs disclosure using the draft standard disclosure form contained in Schedule 1 of the General Rules, or otherwise provide the client with costs information in accordance with s 174 of the Legal Profession Uniform Law.

As a matter of consumer protection principle, NACLC supports mechanisms that encourage the provision of early, specific information about expected legal costs and the method of calculating those costs. NACLC supports the view expressed by the Productivity Commission that 'regulatory requirements for costs disclosure should promote brief, clear and easily understood documents ... It is important that the objective—ensuring that the client is adequately informed—is not forgotten'.¹

¹ Productivity Commission of Australia, *Access to Justice Arrangements*, Inquiry Report (2014) Vol 1, 202.

Appropriate and accessible disclosure of amounts over \$750 is vital, recognising that for many members of the community any such amount is very significant and should therefore not be subject to a lesser disclosure standard than those amounts over \$3,000. This is particularly important in light of what NACLC understands to be a relatively high level of complaints relating to costs under \$3,000.

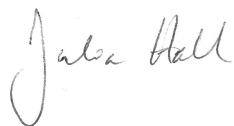
With respect to the form, at a minimum, NACLC considers that the following items should be included: the name of the client and of the lawyer; an understandable, Plain English description of the work; the best estimate of the costs of the matter including disbursements; the method of calculating those costs; as well as a notice about the potential and effect of changes in costs or circumstances and the rights of the client, should be included in any such form or disclosure document. The draft uniform standard disclosure form included at schedule 1 of the Rules appears to require the provision of this type of information. However, as drafted it does not contain accessible language and may be difficult for clients to understand. NACLC suggests revision of the form with this in mind.

Conclusion

NACLC has confined its submission to this issue but notes that a number of individual CLCs as well as state and territory CLC associations are intending to make submissions on others issues arising under the draft proposed General Uniform Rules.

Please feel free contact Amanda Alford, Deputy Director, Policy and Advocacy on 02 9264 9595 or amanda.alford@clc.net.au me should you wish to discuss this submission further.

Yours sincerely



Julia Hall
Executive Director
National Association of Community Legal Centres