

# Mandatory reporting requirement for lawyers proposal continued

The Victorian Government's proposal for a mandatory reporting requirement for lawyers stems from the Royal Commission into Management of Police Informants, which recommended:

*That the Victorian Government, within 12 months, pursues through the Council of Attorneys-General and the Legal Services Council, an amendment to the Legal Profession Uniform Law introducing a mandatory requirement for lawyers to report the suspected misconduct of other lawyers. The Victorian Government should ensure the Victorian Legal Services Board and Commissioner is appropriately resourced to implement this recommendation.*

*If the amendment incorporating a mandatory reporting obligation has not been agreed within 12 months, the Victorian Government should, within a further 12 months, introduce a mandatory reporting requirement for Victorian lawyers to report the suspected misconduct of other lawyers.*

The Victorian Government has since committed to implementing this recommendation and plans on submitting a proposal to the Standing Committee of Attorneys-General to have the requirement incorporated into the Uniform Law.

In September 2021, the NSW Law Society provided feedback to Victoria's consultation on the potential construction of a mandatory reporting requirement for lawyers. In that submission, we expressed our opposition to the introduction of a mandatory reporting requirement. We were critical that a requirement would:

- place an unreasonable burden on lawyers having to determine whether another lawyer's conduct was considered reportable
- likely lead to regulators being flooded with unmeritorious reports
- create a further barrier to jurisdictions joining the Uniform Law Scheme

Importantly, we expressed that no evidence had been presented that there was unreported widespread misconduct among the legal profession to justify introducing such an onerous requirement. That said, the Society like all lawyers was appalled at the circumstances that led to the Royal Commission in the Victoria, but as an isolated instance it does not justify a heavy-handed intervention as proposed with such wide-ranging impacts on the profession.

In our most recent submission to the Victorian Government, we again oppose the introduction of a mandatory reporting requirement as currently formulated. We believe the proposal is still too broad and ambiguous for practical application and remain concerned that there continues to be no evidence that a mandatory reporting requirement for lawyers in Australia is necessary or beneficial. Our response also asked that guidance on the proposal be made available now for review and comment.

