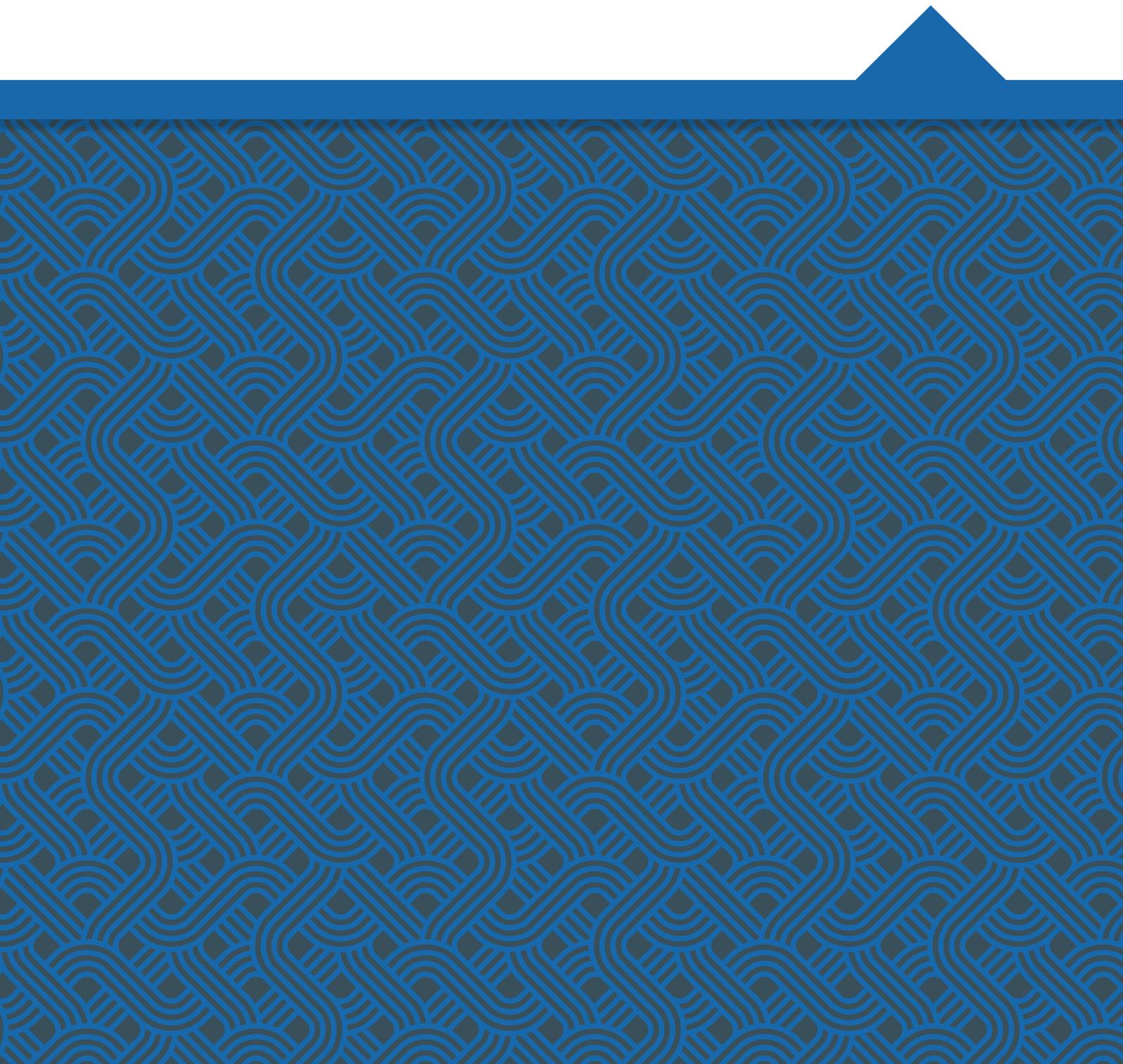




PROFESSIONAL
STANDARDS
THE LAW SOCIETY
OF NEW SOUTH WALES

Legal Regulation Department Annual Report 2025



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Senior Vice President: R. MacSweeney

Junior Vice President: J. Dawson

Immediate Past President: B. McGrath

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M. Saville, T. Spirovski, J. Tyrrell, E. Yazdani

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A. Yazdani (Councillor and Deputy Chairperson)

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Disclosure Committee (as at 30 June 2025)

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Introduction

The Annual Report of the Legal Regulation Department (**Department**) of the Law Society of New South Wales (**Law Society**) encapsulates the important work of the Law Society in performing its statutory functions, including the education and improvement of the standards of the legal profession in New South Wales. Through its co-regulatory role with the New South Wales Legal Services Commissioner (**Commissioner**), the Law Society upholds high professional standards and is committed to protecting members of the public.

Utilising powers under the Legal Profession Uniform Law (NSW) (**Uniform Law**), and subordinate regulatory instruments, the Department advises the Council of the Law Society (**Council**) and its delegates. The Department undertakes a range of regulatory functions in relation to solicitors. Under the co-regulatory regime, it works closely with the Commissioner and the Office of the Legal Service Commissioner (**OLSC**) in relation to the complaints process and policy development.

Specifically, the Department:

- conducts preliminary assessments and investigations of complaints under Chapter 5 of the Uniform Law against solicitors who are referred to the Council by the Commissioner, and from Courts and Tribunals. It makes recommendations to the Professional Conduct Committee (**PCC**) about appropriate action under the particular circumstances of each case;
- assesses disclosures that are made by solicitors pursuant to the Uniform Law and recommends appropriate action to the Disclosure Committee and Council. This includes the assessment of Automatic Show Cause Events and Designated Show Cause Events. Where required disclosures are not made pursuant to the Uniform Law, those matters are assessed and recommendations made; and
- advises Council on matters referred to it that identify significant 'fitness' issues in relation to solicitors. These include matters arising from trust account investigations, matters transferred from other areas of the Law Society, and those referred by external parties. Action taken may include, but is not limited to, the following:
 - suspension, variation or cancellation of practising certificates;
 - making complaints to the Commissioner; or
 - recommending external intervention in a law practice.

The Department also conducts litigation on behalf of Council, including disciplinary proceedings in the New South Wales Civil and Administrative Tribunal (**Tribunal**) and various Courts.

Furthermore, the Department investigates allegations about persons who engage in legal practice when they are not entitled to do so, referred to as Unqualified Legal Practice. These matters are criminal in nature and are prosecuted in the Local Court.

> Introduction

Our Mission

The mission of the Legal Regulation Department is to:

- Promote and improve professional standards
- Regulate solicitors
- Implement the law relating to professional standards and educate legal practitioners
- Protect members of the public
- Provide timely and practical guidance to the profession
- Conduct timely and impartial investigations

Our Values

The Legal Regulation Department embodies the Law Society values in its work, namely:

- Integrity
- Personal and professional effectiveness
- Teamwork
- Achievement

Many Chapter 5 complaints dealt with by the Department involve serious and complex conduct issues. Complaints and other matters are reported to and considered by the PCC, the Disclosure Committee and Council. In undertaking its statutory functions, the Department acts objectively and impartially, ensuring that all complaints are dealt with as efficiently and expeditiously as possible.

In 2023, the Law Society released its Statement of Regulatory Approach. The document explains the risk-based, outcomes-focused approach to the exercise of our regulatory functions. It describes the Department's decision-making process, with a focus on the importance of the administration of justice, and where there is a serious risk of harm posed to the public.

The work of the Department encompasses more than dealing with complaints and other regulatory matters. It also provides guidance, assistance and education to the legal profession through its Professional Support Unit (**PSU**).

This Annual Report is an overview of the work undertaken by the Law Society from 1 July 2024 to 30 June 2025 (2024/2025). Where relevant, comparative data for the period from 1 July 2023 to 30 June 2024 (the previous reporting period) as well as prior years may be provided. The statistical information set out in this report, in conjunction with the Law Society Annual Report, complies with the reporting requirements of the legal profession legislation.

President's Report



Jennifer Ball
2025 President,
The Law Society of New South Wales

I am pleased to present the 2025 Annual Report of the Legal Regulation Department of the Law Society of New South Wales.

This report provides information and case studies of the regulatory activities undertaken in 2024/2025 and demonstrates the ongoing professional role the Law Society plays in serving the public and leading the legal profession in New South Wales.

Providing an annual report is an essential part of our regulatory processes and illustrates the varied and important work we undertake. It also demonstrates how we maintain and uphold the professional standards of the legal profession in our co-regulatory role with the Office of the NSW Legal Services Commissioner (OLSC).

Inquiry, investigation and prosecution

In New South Wales, the OLSC has designated responsibility under the Legal Profession Uniform Law (NSW) (**Uniform Law**) to receive complaints about the conduct of solicitors licenced to practise law in NSW. In accordance with Chapter 5 of the Uniform Law, the OLSC is able to refer select matters to the Council of the Law Society of New South Wales for further investigation and, if required, disciplinary action.

In addition to investigating complaints about the conduct of solicitors, the Law Society is also responsible for investigating reports of unqualified legal practice pursuant to section 14 of the Uniform Law.

In this financial year, we saw a record number of complaints referred to us by the OLSC. Family law was the practice area associated with most complaints, which is consistent with trends identified in previous years. Further, we successfully prosecuted two reports of unqualified legal practice.

Every complaint and report that is investigated by the Law Society is done so in accordance with the principles of natural justice and procedural fairness. This rigorous process not only reflects the seriousness with which we take our role as co-regulator and but also our commitment to being a model litigant.

Our co-regulatory role and commitment to the objectives of the Uniform Law

In conjunction with other Uniform Law regulatory authorities, we are committed to providing a practical, consistent and transparent means of regulating NSW solicitors, as well as ensuring the objectives of the Uniform Law are fulfilled. This includes the protection of clients of law practices and the protection of the public generally.

> President's Report

In 2024/2025, the NSW Law Society participated in research conducted by the Commissioner for the Uniform Legal Services Regulation, Legal Services Council, which aimed to understand how consumer remedies under the Uniform Law have been impacting the local regulatory authorities across the Uniform Law jurisdictions, as well as consumers and practitioners. The research findings, which are set out in the report *"Consumer Remedies under the Legal Profession Uniform Law"* demonstrate that regulators, practitioners and consumers have seen improvements to the consumer complaints process under the Uniform Law compared to the previous legal profession regulatory regime¹.

We also collaborated with the local regulatory authorities in Victoria and Western Australia to support research on mental health and wellbeing in the legal profession. This research culminated in the report, *"Lawyer Wellbeing, Workplace Experiences and Ethics: A Research Report"*, which provides valuable insight into factors that contribute to the wellbeing of lawyers and lays the groundwork for areas of improvement for all parts of the legal profession.

Building solicitors' mental health and well-being is one of my President's Priorities for 2025 and I am proud of our contribution to this important piece of work.

Guidance in professional standards

The Law Society continues to provide information and guidance to the legal profession with comprehensive education programs and resources covering the topics of ethics, professional responsibility and regulatory compliance. Recently, we expanded our suite of support for the profession to include guidance on anti-money laundering and counter-terrorism financing.

This educative work is integral to supporting practitioners to understand and abide by their ethical, professional and regulatory obligations in legal practice.

“Every complaint and report that is investigated by the Law Society is done so in accordance with the principles of natural justice and procedural fairness. This rigorous process not only reflects the seriousness with which we take our role as co-regulator and but also our commitment to being a model litigant.”

In addition to the regulatory activities undertaken by the Law Society, this report provides information about the work undertaken by the Law Society's Professional Support Unit, a service which offers complimentary and confidential guidance to solicitors on the Uniform Law and new obligations arising out of the recently amended Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (**AML/CTF Act**).

As solicitors navigate the changes to the AML/CTF Act and the growing influence of generative artificial intelligence in legal practice, we recognise that ongoing education and guidance to solicitors is critical to maintaining the high professional standards of our profession.

As President of the Law Society of New South Wales, it is with great pride that I present this Annual Report of the Legal Regulation Department for 2025.

1. Legal Services Council (December 2024) *Consumer Remedies Under the Legal Profession Uniform Law*, https://legalservicescouncil.org.au/documents/Research_report_Consumer_remedies_under_the_Legal_Profession_Uniform_Law_December_2024.pdf (accessed 10 October 2025), page 40.

The Legal Regulation Department

The Law Society has a statutory obligation to uphold and improve the standards of the legal profession in New South Wales. The Department fulfils this obligation through a number of key activities, detailed below.

Key Activities

Management

- Discharge responsibilities and accountabilities in accordance with statutory requirements.
- Develop and meet budgetary targets.
- Consult with relevant stakeholders in relation to legal profession legislation, including changes and national uniformity.
- Supervise staff to ensure quality outcomes within appropriate timeframes.
- Take appropriate action in relation to aged files.
- Review and update processes and policies to improve the function and operation of the Department.
- Manage complainant and solicitor expectations through education and communication.

Investigations

- Conduct timely and impartial preliminary assessments of complaints referred from the OLSC. Where appropriate, initiate investigations in relation to solicitors, unqualified practitioners and associates of legal practices.
- Conduct efficient investigations of disclosure, compliance and suitability matters within suitable timeframes.
- Prepare reports and make recommendations on conduct and fitness issues to the Director, PCC, the Disclosure Committee and/or Council.
- Resolve matters where appropriate.

Litigation

- Institute and conduct, on behalf of Council, proceedings before the Tribunal and Courts.
- Respond, on behalf of Council, to various applications made before the Tribunal and Courts.
- Provide regular and informative reports to PCC and Council concerning litigation matters.
- Recover costs from any successful disciplinary action taken against solicitors.

Education

- The PSU provides assistance and guidance to solicitors in relation to ethics, costs and regulatory compliance issues arising under the Uniform Law to ensure solicitors understand their obligations and rights pursuant to the legal profession legislation.

Costs

- Prepare matters for the Law Society's Costs Committee (**Costs Committee**).
- Assist the Costs Committee to identify and respond to policy issues associated with the legal profession legislation, including the effectiveness of the Costs Assessment Scheme and issues associated with legal costs.
- Provide continuing professional development sessions related to costs and billing obligations arising under the Uniform Law.
- Prepare educational materials, including articles for the Ethics and Standards Quarterly, on costs.
- Updating the Costs Guidebook, a prime resource for practitioners on legal costs, including client engagement, disclosure and assessment.
- Answer enquiries from the legal profession in relation to costs.

> The Legal Regulation Department

Ethics

- Provide prompt guidance to solicitors consistent with established ethical and legal principles.
- Research and keep abreast of relevant ethical and legal developments.
- Submit timely and informative reports to the Law Society's Ethics Committee (**Ethics Committee**).
- Provide Ethics remedial sessions as a result of work undertaken by the wider Legal Regulation Department.
- Maintain accurate records of enquiries.
- Provide legal ethics education through various means, including the publication of articles in *Monday Briefs*, *The Law Society Journal* and *Ethics and Standards Quarterly*, addressing the profession and interested groups.

Regulatory compliance

- Assist solicitors in dealing with issues of a regulatory nature required for compliance with the legal profession legislation.
- Educate solicitors in relation to changes introduced by new regulatory initiatives, including preparation of online material, factsheets and toolkits.
- Undertake research into appropriate compliance standards.

- Review and advise on practice structures permitted under the legal profession legislation.
- Provide continuing professional development sessions to legal practitioners on matters relating to compliance with the Uniform Law.

Administration

- Maintain accurate data and timely information stored on the Law Society's databases.
- Provide administrative management and support to ensure the efficient running of the Department, including paralegal support, agenda preparation for the PCC and Disclosure Committees, high level document and file management and financial records administration.
- Provide administrative support to the Director, Legal Regulation as well as the staff solicitors.

Disclosure

- Investigate show cause events and other disclosures.
- Prepare matters for the Disclosure Committee.
- Refer appropriate matters to Council.

Work undertaken by the Legal Regulation Department

	2024/2025	2023/2024
Ethics Queries	3,593	2,831
Regulatory Queries	3,359	4,412
Cost Queries	498	930
Complaint Files	844	654
Disclosure Files Opened	667	566
Litigation/Intervention	21	21
Unqualified Practitioner Enquiries	102	79

Complaints

The complaints process

A complaint may be made by any person or body, including the Commissioner and the Law Society.

Under Chapter 5 of the Uniform Law, all complaints must be made to or by the Commissioner, who may, among other things, refer the complaint to Council for assessment, and, if appropriate, investigate pursuant to a delegation issued by the Commissioner. The Law Society may also make complaints to the Commissioner (discussed below).

Complaints made on or after 1 July 2015 are dealt with in accordance with Chapter 5.

The Department has certain statutory obligations in relation to its handling of complaints, including ensuring that procedural fairness is afforded and that complaints are dealt with as efficiently and expeditiously as possible. The Department ensures that all complaints are dealt with in an impartial and fair manner.

The Department deals predominantly with those complaints which are provisionally identified, upon referral by the Commissioner, as 'disciplinary matters'. A disciplinary matter relates to conduct of a solicitor or law practice that would, if the conduct is established, amount to professional misconduct or unsatisfactory professional conduct.

In dealing with disciplinary matters, the Department undertakes a preliminary assessment of the complaint. Following that preliminary assessment, a determination may be made to close the complaint, or to progress to an investigation.

The Department has prepared a brochure entitled "*Complaints Process Information*", which outlines the complaints process, including the Law Society's role in dealing with complaints. A copy of this brochure is sent to complainants and solicitors for their assistance and information and is also available on the Law Society's website.

Referrals from the Legal Services Commissioner

In 2024/2025:

- The Commissioner received a total of 3,275 written complaints about solicitors.
- The Department was referred a total of 844 complaints.
- 10 findings of unsatisfactory professional conduct were made by the PCC and 9 matters were referred to the Tribunal for determination.
- 614 matters were closed in total, with 417 complaints closed by the PCC during the year.
- At 30 June 2025, 789 Chapter 5 complaints remained open.

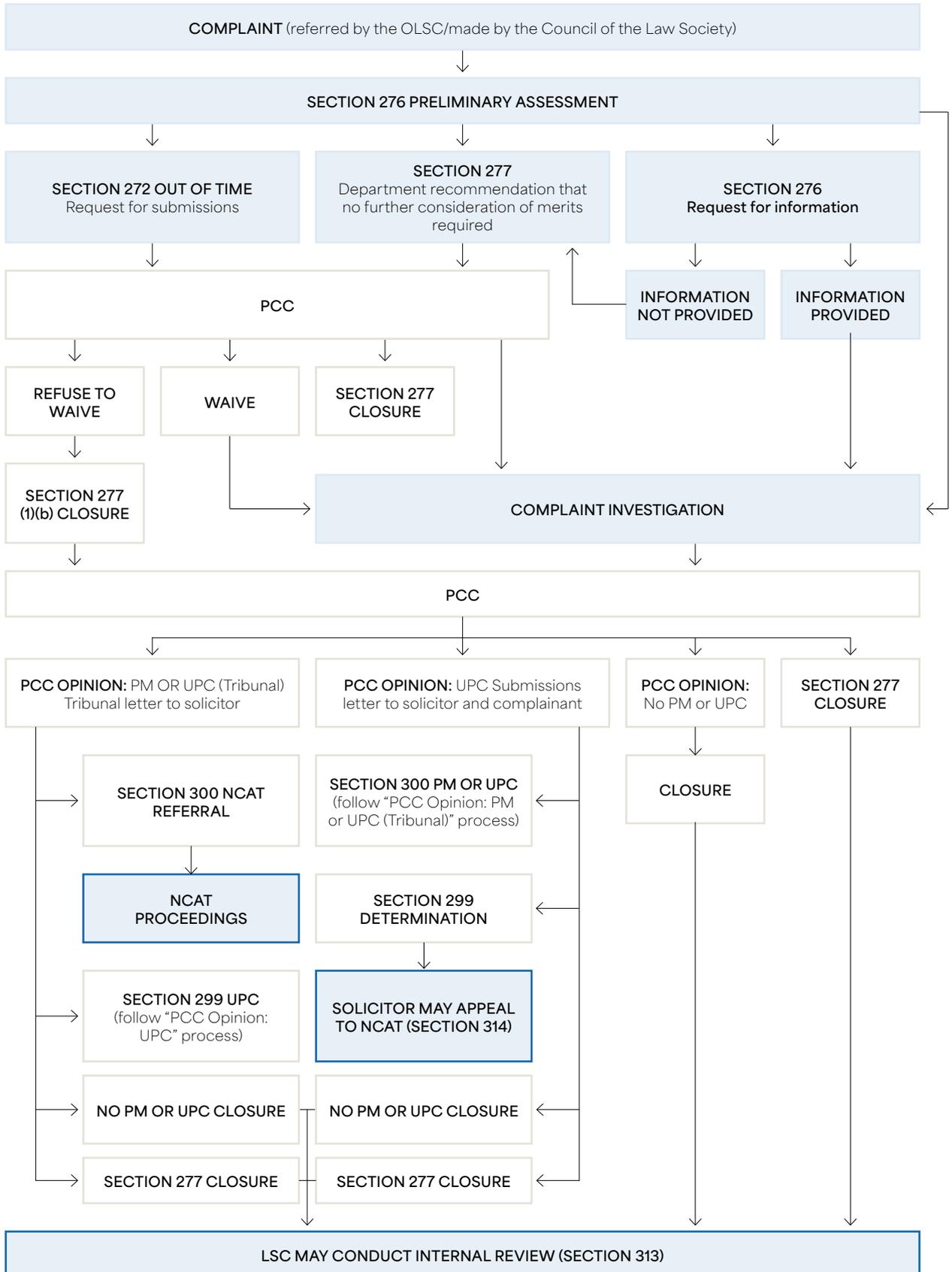
Complaints made by the Law Society

The Law Society may, pursuant to section 266 of the Uniform Law, make its own complaints to the Commissioner about the conduct of solicitors.

Generally, complaints made by the Law Society arise from the following types of matters:

- Matters identified by the Trusts team. These typically involve a solicitor's mishandling of trust money or a solicitor's failure to comply with trust accounting requirements.
- Matters referred to the Department by Registry, usually involving practising certificate issues.
- Matters referred to the Department by the Disclosure Committee typically involving misconduct arising outside the practice of law.
- Matters referred to the Department by judicial officers or court registrars, usually involving conduct of a solicitor arising in the course of proceedings before a Court or Tribunal.
- Matters referred to the Department by government agencies and other regulatory bodies, typically involving conduct of a lawyer/solicitor in the course of their investigation.

Complaints investigation process



PM Professional Misconduct
UPC Unsatisfactory Professional Conduct

> Complaints

Categories of Complaints

The following section provides a snapshot summary of the type and nature of complaints opened by the Department in 2024/2025.

Conduct most complained about

In 2024/2025:

- “Ethical Matters” (for example: misleading or dishonest conduct, acting in a conflict of interest, acting without instructions, the failure to comply with an undertaking and breach of confidentiality) was the category most complained about, making up 452 of the total complaints.
- “Communication” (including, failing to respond or discourteous correspondence) accounted for 182 of the total complaints.
- “Costs” issues (for example: failing to provide costs disclosure, overcharging or failing to pay a third party) accounted for 81 of the total complaints.
- “Trust Fund” (for example: refusing to release trust money, failing to account or breaching trust regulations) accounted for 56 of the total complaints.
- “Quality of Service” issues (for example: negligence, failure to supervise or delay) accounted for 44 of the total complaints.
- “Compliance Matters” (for example: failure to comply with a compulsive notice, breach of practising certificate conditions, or failure to comply with court orders) accounted for 23 of the total complaints.
- “Documents” (including, failure to return a client’s file or losing client documents) accounted for 6 of the total complaints.

Ethical Matters	452
Communication	182
Costs	81
Trust Fund	56
Quality of Service	44
Compliance Matters	23
Documents	6

Areas of law with the most complaints

Other Civil	277
Family / Defacto	126
Commercial / Corporations / Franchise	88
Probate / Family Provisions	63
Criminal	48
Employment Law	43
Wills / Power of Attorney	38
Personal injuries	33
Conveyancing	29
Leases / Mortgages	19
Building Law	17
Strata Bodies / Corporates	16
Immigration	12
Insolvency	12
Workers Compensation	9
Professional Negligence	8
Land and Environment	6

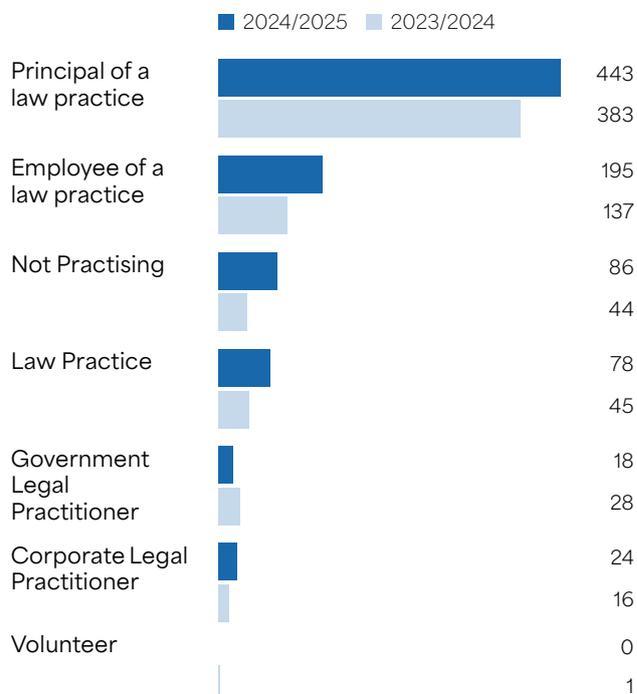
> Complaints

Complaints by solicitor type

In 2024/2025:

- 443 complaints were made against principals of a law practice (comprising 52.48% of the complaints made).
- 195 complaints were made against employees of a law practice (comprising 23.10% of the complaints made).
- From a geographical perspective, 46.32% of complaints made related to solicitors practising in suburban Sydney, 26.77% related to solicitors practising in Sydney's CBD, 0.94% were interstate and 20.37% were made against solicitors practising in rural New South Wales.
- 31.63% of complaints concerned female solicitors, 59.12% of complaints were made against male solicitors, with the remaining 9.25% complaints made against Law Practices.

Note: Percentages quoted are based on all complaints received but one solicitor may generate several complaints, either separately or in the same matter.



Categories of Complainants

In 2024/2025:

- The largest number of complaints were made by third parties (as opposed to clients) who accounted for 42.77% of the total complaints.
- Complaints made by the client(s) or former client(s) of a solicitor or law practice accounted for 17.53% of the total complaints.
- Complaints made by a solicitor accounted for 9.59% of the total complaints.
- Complaints made by barristers accounted for 2.01% of the total complaints. These complaints often related to the non-payment of outstanding fees.

	2024/2025	2023/2024
3rd Party (Other Side)	361	272
Client/Former Client	148	111
Third Party	98	82
Solicitor	81	75
Beneficiary	40	45
Solicitor on behalf of Client	30	17
Non-Client	22	7
Barrister	17	14
Other	12	5
Government Department	10	9
Executor	8	9
Law Society	7	6
Administrator	3	1
Parliamentary Minister	3	0
Legal Aid Commission	2	0
Trust Account Inspector	1	0
Attorney General	0	1

> Complaints

Finalisation of Complaints

In 2024/2025:

The Department closed 614 complaints.

Complaints closed under the Uniform Law

Outcome	Number
209 No Further Investigation Required - (S277(1)(H)	395
200 Complaint Withdrawn - S273(1)	47
201 Misconceived/Lacking Substance - S277 (1)(A)	38
204 Failure/Inadequate Response To Request For Info - S277(1)(C)	32
211 Public Interest Closure - S277(1)(J)	28
205 Complaint Already Has Been Investigated - S277(1)(D)	16
235 Referred Back to the Legal Services Commissioner	16
206 Complaint Better Dealt With By Law Enforcement/Investigatory Body - S277(1)(C)	11
224 Reprimand - S299(1)(B)	10
202 Time Limit Not Waived Under S272(1) - S277(1)(B)	9
230 Initiate Tribunal Proceedings - S300(1)	9
210 No Power To Investigate Complaint - S277(1)(I)	2
223 Caution - S299(1)(A)	1

> Complaints

Decisions of the Professional Conduct Committee

Council delegates to the PCC certain functions under Chapter 5 of the Uniform Law.

The PCC is one of the Law Society's largest committees and plays an essential role in relation to the regulatory functions of the Law Society. In 2024/2025, there were 40 members of the PCC, comprising 6 Councillors of the Law Society, 27 solicitors, 1 Australian Lawyer and 6 lay members.

Members of the PCC contribute many hours on a voluntary basis. The PCC is reflective of a broad range of legal expertise, insights and experience. The PCC generally meets every two to three weeks to consider the reports and recommendations of the Department in relation to complaints.

Following its consideration of a complaint, the PCC may:

- Close the complaint.
- Initiate proceedings in the Tribunal against the solicitor.
- Find that the solicitor has engaged in unsatisfactory professional conduct and order that the solicitor:
 - be cautioned;
 - be reprimanded;
 - apologise to the complainant;
 - re-do the work that is the subject of the complaint at no cost or waive or reduce the fees for the work;
 - undertake education, training, counselling or be supervised; or
- pay a fine of a specified amount not exceeding \$25,000 to the Public Purpose Fund.
- Recommend a specified condition be imposed on the solicitor's practising certificate.

In 2024/2025:

- Of the 614 matters finalised by the Department, 417 complaints were closed by PCC.
- Of the complaints closed by the PCC:
 - 1 caution and 9 reprimands were consequently ordered by the PCC.
 - 9 matters were referred to the Tribunal for the commencement of disciplinary proceedings.
- 86.48% were closed for one or more of the grounds provided under section 277 of the Uniform Law including that the complaint was misconceived or lacking in substance (277(1)(a)); the complainant had not responded, or responded inadequately to a request for further information (277(1)(c)); the subject matter of the complaint had already been investigated (277(1)(d)); or that it was otherwise in the public interest to close the complaint (for example, in circumstances where the solicitor's name may already have been removed from the roll) (277(1)(j)).

In September 2022, Council delegated the power to deal with complaints to the Director, Legal Regulation. In practice, the Director closes complaints only under those grounds specified in s277. During the year the Director closed 134 matters.

Complaint outcomes

	2024/2025	2023/2024
Reprimand	9	13
Caution/Other Order	1	4
Solicitor referred to the Tribunal	9	6
Closed pursuant to s277	532	620
Referred back to OLSC	16	36
Complaint Withdrawn	47	42
Other	0	1

> Complaints

Complaints management

The staff practices and procedures of the Department are regularly reviewed and updated to ensure complaints are handled as efficiently and expeditiously as possible.

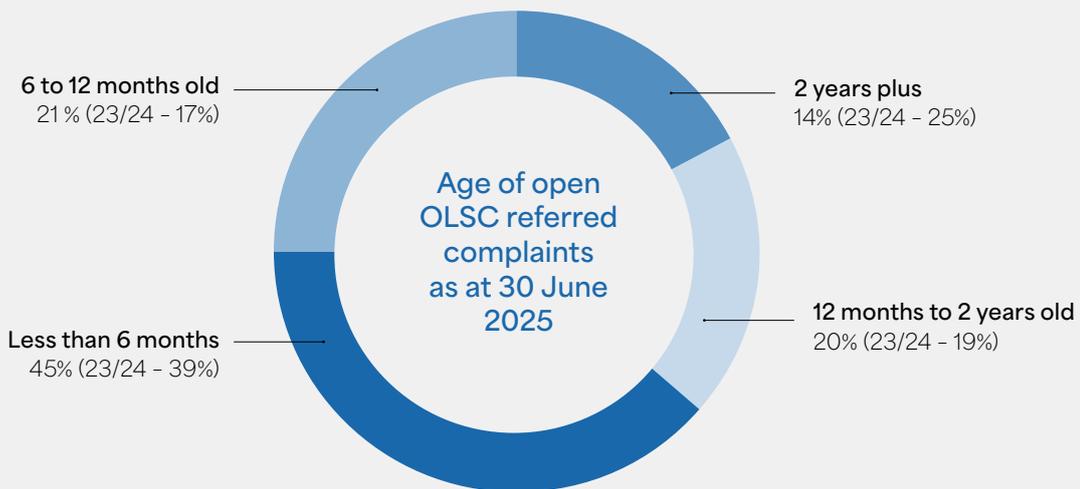
There has been a substantial improvement in closure times, particularly in aged matters.

The Department also liaises regularly with the Commissioner concerning the status and progress of all complaints referred to the Law Society.

During the reporting period, the Department has continued to review its procedures to improve the handling of complaints.

Progress of complaint investigations can be adversely impacted where the subject matter of the complaint is also involved in court proceedings related to the complaint.

In some circumstances, the Law Society may close the complaint as more appropriately dealt with by the court. Closure may also occur where another body, agency or regulator (such as law enforcement) is more appropriately positioned to conduct the investigation.



Reviews by the New South Wales Legal Services Commissioner

The decisions and determinations of Council and its delegates in relation to complaints are subject to review. The avenue of review that may be available under the legal profession legislation will depend upon the type of decision or determination made.

For example, in relation to a complaint which has been closed by the PCC under s277 of the Uniform Law, an application for review must be made to the Commissioner within 30 days of the date of notice of the decision.

The Commissioner has the absolute discretion to conduct an internal review of that decision if she considers it appropriate to do so.

Reviews conducted by the Commissioner are one of the criteria used by the Department to measure its key complaint handling objectives.

In 2024/2025, the Commissioner declined 66 requests for internal review. Of the 66 requests, 29 were received in 2024/2025, and 37 were received in previous years.

Litigation and external intervention

New South Wales Civil and Administrative Tribunal

Once the PCC determines that the alleged conduct of a solicitor may amount to unsatisfactory professional conduct or professional misconduct, proceedings in the Tribunal may be initiated in relation to that conduct.

Proceedings are commenced in the Tribunal pursuant to section 300(1) of the Uniform Law. This is done on behalf of Council by the filing of an Application for Disciplinary Findings and Orders. Applications must be filed within six months of the PCC's decision.

Many of the matters referred to the Tribunal are complex and quite often involve multiple issues of alleged conduct.

The table commencing on page 16 sets out the types of conduct that the Tribunal considered in disciplinary proceedings that Council commenced, and the orders that it made in those proceedings in 2024/2025.

The Tribunal Orders for reprimands, fines or recommendations for removal from the Roll - FY2025 (as at 30 June 2025)

See below the trend of disciplinary outcomes, namely, reprimands, fines, and recommendations for removal from the Roll issued by the Tribunal over each financial year.

Year	Reprimand	Fine	Recommendations for removal from the roll
2024/2025	2	1	1
2023/2024	3	0	1
2022/2023	2	1	0
2021/2022	6	1	1
2020/2021	9	4	1
2019/2020	4	2	1
2018/2019	23	19	8
2017/2018	13	7	8
2016/2017	8	5	11
2015/2016	15	3	9

> Litigation and external intervention

The Tribunal – Disciplinary proceedings

In 2024/2025:

- the Council commenced four proceedings in respect of four respondent solicitors in the Tribunal pursuant to section 300(1) of the Uniform Law;
- the Tribunal published decisions in relation to four disciplinary proceedings that Council had commenced in the Tribunal, in a previous period, pursuant to section 300(1) of the Uniform Law; and
- the Tribunal dismissed one of Council’s applications following an application to withdraw the proceedings.

Outcomes of disciplinary proceedings in the Tribunal

Name of solicitor	Conduct	Finding(s)	Orders made	Date of orders
Pei Sze Lee	<p>Failed to co-operate with, and thereby obstructed, the manager appointed to the Law Practice under section 334 of the Uniform Law.</p> <p>Participated in the affairs of the Law Practice after service on her of notice of the appointment of the manager contrary to section 335(1) of the Uniform Law.</p> <p>Engaged in legal practice when she was not entitled to do so contrary to section 10 of the Uniform Law.</p> <p>Engaged in legal practice without holding professional indemnity insurance.</p> <p>Failed to maintain legal files to a standard of competence and diligence of a reasonably competent lawyer.</p> <p>Caused a Transfer to be stamped with a transaction number when she knew that duty had not been paid on the transaction, or she did not know and ought to have known whether duty had been paid on the transaction.</p> <p>Caused a Transfer to be stamped with transaction number when she knew that the Declaration for ‘Off the Plan’ Purchases had not been completed, or she did not know and ought to have known whether the Declaration for ‘Off the Plan’ Purchases had been completed.</p> <p>Failed to comply with a notice issued to her pursuant to section 371 of the Uniform Law.</p>	Professional misconduct and unsatisfactory professional conduct	Reprimand Fine Prohibition on applying for a practising certificate Education course Costs	25 July 2024

> Litigation and external intervention

Name of solicitor	Conduct	Finding(s)	Orders made	Date of orders
George Sideris (Stage 2)	<p>Sending certain correspondence directly to the Salvation Army (TSA), which was represented by another solicitor, despite being asked not to send direct communications.</p> <p>Sending communications to TSA and TSA's solicitors which were discourteous in nature.</p>	Professional misconduct	<p>Roll removal recommendation</p> <p>Costs</p>	9 August 2024
Jason Robert Moody (Stage 1)	<p>Caused to be published, or knowingly authorised or permitted the publication of, an article (Article) on the website (Website) of Moody Law Pty Ltd (Law Practice), in circumstances where he knew, or ought reasonably to have known, that such publication may prejudice a fair trial or may be prejudicial to, or diminish public confidence in, the administration of justice.</p> <p>From at least about 25 November 2021 to about 2 February 2022, caused, or knowingly authorised or permitted, the Article to remain on the Law Practice's Website, in circumstances where he knew, or ought reasonably to have known, that such publication may prejudice a fair trial or may be prejudicial to, or diminish public confidence in, the administration of justice.</p>	Professional misconduct	The Respondent is guilty of professional misconduct	8 January 2025
Lillian Duren	<p>Without reasonable excuse, caused deficiencies in a trust account and/or statutory deposit account.</p> <p>Disbursed trust monies without direction of the person(s) for whom the money was held.</p> <p>Mixed trust money with other money without the authority of the Council.</p> <p>Failed to give written notice of trust account irregularities to the Council in circumstances where she was aware of such irregularities.</p>	Professional misconduct	<p>Reprimand</p> <p>Prohibition on applying for a practising certificate</p> <p>Education course</p> <p>Costs</p>	17 June 2025

> Litigation and external intervention

Section 314 (appeal) proceedings

A person admitted to the legal profession against whom the PCC resolved to make disciplinary orders may, pursuant to section 314 of the Uniform Law, commence proceedings in the Tribunal against Council to seek review of that resolution.

In 2024/2025:

- one matter was commenced in the Tribunal against Council by a solicitor pursuant to section 314.
- the Tribunal published decisions in relation to proceedings that solicitors had commenced against the Council, as follows:
 1. *Kazas-Rogaris v Council of the Law Society of New South Wales* [2024] NSWCATOD 166 - Decision published 15 October 2024 - The PCC found Ms Anne Kazas-Rogaris had engaged in unsatisfactory professional conduct in respect of the following conduct:
 - a. Ms Kazas-Rogaris, in breach of rules 34.1.1 and 34.1.3 of the Conduct Rules:
 - i. made a statement which grossly exceeded the legitimate assertion of the rights or entitlements of her client, and which mislead or intimidated another person; and
 - ii. used tactics that went beyond legitimate advocacy, and which were primarily designed to embarrass or frustrate another person.

The PCC made orders:

- a. reprimanding Ms Kazas-Rogaris; and
- b. requiring Ms Kazas-Rogaris to pay a \$2,500 fine.

The Tribunal made orders affirming the PCC's finding that Ms Kazas-Rogaris had engaged in unsatisfactory professional conduct and disciplinary orders.

2. *Lu v Council of the Law Society of New South Wales* [2025] NSWCATOD 11 - Decision published 31 January 2025 - The PCC found that Mr Jonathan Lu had engaged in unsatisfactory professional conduct in respect of the following conduct:

- a. Mr Lu acted in a conflict of interest in lending \$300,000 to his client without the fully informed consent of his client.

The PCC made orders:

- a. reprimanding Mr Lu; and
- b. requiring Mr Lu to undertake and complete an ethics training course within six months from the date of the PCC's decision.

The Tribunal made orders affirming:

- a. the PCC's finding that Mr Lu had engaged in unsatisfactory professional conduct; and
- b. the orders of the PCC:
 - i. reprimanding Mr Lu; and

- b. requiring Mr Lu to undertake and complete an ethics training course. However, the Tribunal ordered that that this training be completed within six months from the date of the Tribunal's decision.

Court of Appeal proceedings

The Council may commence proceedings in the New South Wales Court of Appeal (Court of Appeal) against a person who has been admitted to the legal profession in New South Wales to seek:

1. a declaration that the person is not a fit and proper person to remain on the roll of Australian Lawyers (Roll); and
2. an order removing the person's name from the Roll, pursuant to section 23 of the Uniform Law.

In 2024/2025:

- five matters were commenced by the Council pursuant to section 23 of the Uniform Law.
- the Court of Appeal delivered decisions in the following six disciplinary proceedings that the Council had commenced:

1. *Council of the Law Society of New South Wales v Croke* [2024] NSWCA 195 - Decision published 8 August 2024 - The Court of Appeal made a declaration that Mr Michael Anthony Croke is not a fit and proper person to remain on the Roll and made an order removing his name from the Roll.
2. *Council of the Law Society of New South Wales v Li* [2024] NSWCA 218 - Decision published 9 September 2024 - The Court of Appeal made a declaration that Mr Gen (James) Li is not a fit and proper person to remain on the Roll and made an order removing his name from the Roll.
3. *Council of the Law Society of New South Wales v Vo; Council of the Law Society of New South Wales v Dinh* [2024] NSWCA 275 - Decision published 22 November 2024 - The Court of Appeal made declarations that Mr Dung Quoc Vo and Ms Thi To Ngoc Dinh are not fit and proper persons to remain on the Roll and made orders removing their names from the Roll.
4. *Council of the Law Society of New South Wales v Ghobrial* [2024] NSWCA 307 - Decision published 20 December 2024 - The Court of Appeal made a declaration that Mr Michael Ghobrial is not a fit and proper person to remain on the Roll and made an order removing his name from the Roll.
5. *Council of the Law Society of New South Wales v XX* [2025] NSWCA 4 - Decision published 4 February 2025 - The Court of Appeal made a declaration that a lawyer assigned the pseudonym 'XX' is not a fit and proper person to remain on the Roll and made an order removing his name from the Roll.

> Litigation and external intervention

Other matters

In 2024/2025:

- Two matters were commenced by two legal practitioners in the Supreme Court of New South Wales (**Supreme Court**) to seek a review of the Council's decision regarding their practising certificates. One of those proceedings also seeks a review of the Council's decision to appoint a manager to a law practice.
- Council intervened in Supreme Court Proceedings commenced against the Legal Profession Admission Board by a person seeking re-admission.
- Council was given notice by the Tribunal of three applications made to the Tribunal by people seeking approval pursuant to section 121 of the Uniform Law to work as a lay associate at a law practice. The Tribunal granted the Council leave to appear at the hearing and participate in these proceedings.
- The Tribunal handed down the following decisions in proceedings involving Council:
 1. *Payne v Council of the Law Society of New South Wales* [2024] NSWCATOD 118 - Decision published 9 August 2024 - Mr Peter Desmond Payne commenced proceedings in the Tribunal against the Council seeking an administrative review of the Council's decision to cancel his practising certificate and prohibit him from applying for a practising certificate for five years. The Tribunal made orders varying the Council's decision by:
 - a. making a declaration that Mr Payne is a fit and proper person to hold a practising certificate;
 - b. suspending Mr Payne's practising certificate until such time that the community corrections order has been fully served; and
 - c. ordering after the conclusion of the suspension of Mr Payne's practising certificate, Mr Payne be issued with a practising certificate with conditions to be imposed as set out in the decision.
 2. *Abboud v Council of the Law Society of New South Wales* [2025] NSWCATOD 34 - Decision published 9 April 2025 - Mr Leslie Abboud commenced proceedings in the Tribunal against the Council seeking an administrative review of the Council's decision to cancel his practising certificate and prohibit him from applying for a practising certificate for three years. The Tribunal made orders:
 - a. affirming the Council's decision to cancel Mr Abboud's practising certificate; and
 - b. varying the Council's decision prohibiting Mr Abboud from applying for a practising certificate for three years to one year from the date of the Tribunal's decision.
 3. *Council of the Law Society of New South Wales v Sideris* [2025] NSWCATOD 26 - Decision published 11 March 2025 - The Council commenced disciplinary proceedings against Mr George Sideris in the Tribunal in May 2024. An application was made by Council to stay or adjourn those proceedings until after determination of proceedings that Council had subsequently commenced in the NSW Court of Appeal seeking the removal of Mr Sideris' name from the roll of solicitors. The Tribunal made an order that the proceedings are stayed until finalisation of Court of Appeal proceedings.
 4. *Shapkin v Council of the Law Society of New South Wales* [2025] NSWCATOD 66 - Decision published 2 June 2025 - Mr Vladimir Shapkin commenced proceedings in the Tribunal against the Council seeking an administrative review of Council's decision to refuse his application for a practising certificate for the 2024/2025 practising certificate year. The Tribunal made an order dismissing Mr Shapkin's application for want of jurisdiction.

> Litigation and external intervention

Unqualified legal practice

The Law Society's role includes investigating queries about entities who are alleged to have breached sections 10(1) and/or 11 of the Uniform Law.

Where appropriate, the Department will take action, including commencement of criminal proceedings in the Local Court.

Section 10 of the Uniform Law prohibits unqualified entities from engaging in legal practice in New South Wales.

Section 11 prohibits entities from holding themselves, and other specified entities, out as entitled to engage in legal practice.

In dealing with queries about possible breaches of sections 10 and 11, the Law Society will typically, in the first instance, attempt to address any alleged issues without commencing legal proceedings by liaising directly with the entity subject of the enquiry.

In 2024/25:

- 102 enquiries about unqualified practice were reviewed, which constitutes an increase from 79 enquiries in the previous reporting period.
- 93 enquiries about unqualified practice were closed.
- The Law Society commenced one prosecution in the Local Court alleging offences contrary to sections 10(1) and 11 of the Uniform Law.

In 2024/2025, the Local Court found a person guilty of unqualified legal practice, and imposed fines and a community corrections order.

In 2024/2025 the District Court delivered its decision regarding an appeal of a successful unqualified practice prosecution in the Local Court. The conviction appeal was dismissed and the severity appeal was upheld. The Court shorted the term of the community correction orders in relation to the section 10 offences and recorded a conviction pursuant to s 10A of the Crimes (Sentencing Procedure) Act 1999 (NSW), with no further penalty in relation to the section 11 offences.

Disqualification of individuals

Council may commence proceedings in the Tribunal to seek an order, pursuant to section 119 of the Uniform Law, which renders a person (other than a legal practitioner) a 'disqualified person' for the purposes of the Uniform Law.

Grounds for disqualification include the following circumstances:

- the individual has been convicted of a serious offence;
- the individual is not a fit and proper person to be employed or paid in connection with the practice of law, or to be involved in the management of a law practice;
- the individual was formerly an Australian legal practitioner and has been guilty of conduct that constituted unsatisfactory professional conduct or professional misconduct; or
- the individual has been guilty of conduct that, if the person were an Australian legal practitioner, would have constituted unsatisfactory professional conduct or professional misconduct.

In 2024/2025:

- Council commenced one set of proceedings in the Tribunal pursuant to section 119 of the Uniform Law.
- The Tribunal handed down the following decision:
 1. Council of the Law Society of New South Wales v Chand [2024] NSWCATOD 131 - Decision published 22 August 2024 - The Tribunal made an order disqualifying Mr Harry Chand indefinitely pursuant to s 119(1) of the Uniform Law.

> Litigation and external intervention

External intervention

In certain circumstances, Council may determine to initiate external intervention in relation to a law practice. The circumstances in which external intervention may be warranted are outlined in section 326 of the Uniform Law and include:

- where a solicitor ceases to hold a practising certificate;
- where a law practice or an unincorporated legal practice has been wound up or dissolved;
- where the Law Society believes on reasonable grounds that a law practice is not dealing with trust money adequately or where there has been a serious irregularity in relation to trust money;
- where a solicitor is in prison;
- where a solicitor has failed to comply with the requests of an investigator or external examiner duly appointed; or,
- where a solicitor ceases to be engaged in legal practice without making provision for properly dealing with trust money or not properly winding up the affairs of the law practice.

The facts and circumstances may warrant the appointment, by Council, of an external investigator.

Managers

Council may resolve to appoint a manager to a law practice under section 334 of the Uniform Law. Managers are generally appointed to ensure the orderly conduct of the matters of a law practice, for example, upon the death or ill health of a sole practitioner. A manager must hold a Principal of a Law Practice practising certificate and will take over all of the duties and responsibilities of a solicitor's law practice and dispose of the law practice appropriately.

In 2024/2025, Council appointed a total of 36 managers and re-appointed 3 managers.

During the same year, the Director, Legal Regulation, acting as Council's delegate appointed a total of 4 managers, re-appointed 9 managers and terminated the appointment of 9 managers.

Supervisors

Council may resolve to appoint a supervisor of trust money of a law practice pursuant to section 329 of the Uniform Law. A supervisor of trust money of a law practice has the powers and duties of a law practice in relation to all trust money, that is, to receive trust money into a law practice, to open and close trust accounts and to make payments to those parties entitled.

In 2024/2025, Council did not appoint any supervisors of trust money.

During the same year, the Director, Legal Regulation, acting as Council's delegate, re-appointed 2 supervisors of trust money.

Receivers

Council may resolve to apply to the Supreme Court of New South Wales for the appointment of a receiver to a law practice pursuant to the grounds set out in the Uniform Law, including where a solicitor has ceased to hold a practising certificate, is mentally or physically infirm, has abandoned his or her practice, or has died, or when a client cannot obtain trust property.

A receiver's powers are extensive and include taking possession of all trust property of the law practice.

In 2024/2025, Council resolved to apply to the Supreme Court of New South Wales for the appointment of a receiver to 1 law practice.

Investigators

Council may also appoint an external investigator if there is a suspicion of improper conduct or irregularity by a solicitor's law practice with their trust account obligations under Chapter 4 of the Uniform Law. The external investigator may be either a solicitor or an accountant and is tasked to examine the affairs of the law practice.

In 2024/2025, Council did not appoint any external investigators.

Disclosure, compliance and fitness matters

Disclosures

The legal profession legislation requires applicants for, and holders of, practising certificates to disclose certain matters to the Law Society.

Relevantly, these are:

1. **“Automatic show cause events”** – Part 3.5 of the Uniform Law sets out certain “automatic show cause events” that solicitors must disclose to the Law Society. These “automatic show cause events” are defined in section 86 of the Uniform Law and include a bankruptcy-related event, conviction for a serious offence (indictable offences) or a tax offence.
2. **Matters requiring disclosure under section 51 of the Uniform Law** – Such matters include a charge or conviction for a serious offence, a tax offence or an offence specified in rule 15 of the Legal Profession Uniform General Rules (NSW) (General Rules), or disciplinary proceedings brought against a solicitor in a foreign country.
3. **Matters referred to in Rule 13** – At the time a solicitor renews or applies for a practising certificate, they are required to disclose each of the matters referred to in rule 13(1) of the General Rules for the Law Society to determine whether or not they are fit and proper to hold a practising certificate.

Applicants for the grant of a practising certificate are also required to make the same disclosures as those applying to renew their practising certificates, including for events occurring prior to admission such as convictions and any other matters that may impact on their fitness.

The Uniform Law sets out various processes for Council to consider these disclosures.

Compliance matters

Compliance files are opened by the Department where:

- The Tribunal orders that a solicitor take certain steps (such as complete education or pay a fine)
- PCC makes orders that a solicitor completes certain obligations (such as an apology to a complainant, completing an educational requirement or payment a fine).

Conditions are placed on a solicitor’s practising certificate requiring their compliance (for example, further supervision, medical or financial reporting, further education). These can be imposed either by Council, a delegate, or in voluntary agreement with the solicitor.

Other fitness issues

Attention may be drawn to issues concerning whether or not a person is fit and proper to hold a practising certificate and/or engage in legal practice, such as:

- Matters referred by Courts and Tribunals;
- Matters referred by another regulatory body or government department;
- Notifications under s 154 of Uniform Law of a trust account irregularity; and,
- From other parts of the Law Society, for example the Licensing Department.

These matters are assessed by the Department and if appropriate, recommendations are made to Council, the Professional Conduct Committee or the Disclosure Committee.

> Disclosure, compliance and fitness matters

“The Law Society expects that all relevant persons engaging, or seeking to engage, in legal practice in New South Wales are aware of, and comply with, mandatory disclosure obligations.”

Disclosure Committee

The Disclosure Committee, under delegation of Council, deals with certain matters that solicitors are required to disclose to the Law Society. These matters include show cause events, matters involving convictions and bankruptcy-related events.

The Disclosure Committee does not have the power to make a determination to cancel or suspend a practising certificate, or to refuse an application for a practising certificate. That power is reserved for Council. The Disclosure Committee can, however, impose conditions on practising certificates.

In 2024/2025, there were 17 members of the Disclosure Committee, comprising 3 councillors of the Law Society, 10 solicitors, 1 Australian Lawyer and 3 lay members.

The Disclosure Committee generally meets monthly to make decisions on the matters before it.

Disclosures received by the Law Society

This year, the Department’s report separates the disclosures made by current solicitors from new applicants.

In 2024/2025 for current PC holders, 236 solicitors disclosed matters. Of the disclosures received:

- 51 involved serious offences which may include: aggravated break and enter, affray, larceny, destroying and damaging property, indecent assault, common assault (domestic violence related), stalking and intimidating, assaulting police and resisting/ hindering arrest, breaching domestic apprehended violence orders, recklessly dealing with the proceeds of crime, accessory after the fact to murder, child pornography offences, obtaining financial advantage by deception, fraud, conspiracy to defraud, breaching security regulation and participating in a criminal group.
- 56 involved Summary Offences consisting predominantly of: driving offences (such as drink-driving, negligent driving, driving without a licence, traffic and parking infringements), possession of prohibited drugs, academic misconduct, Centrelink overpayments, disorderly behaviour, failure to attend jury duty, failure to vote, failure to leave licensed premises, drinking in public, public nuisance, jaywalking, possessing a knife in public, failure to submit to breath test, behaving in an offensive manner, breaching biotechnology regulations, breaching customs regulations and using false identification.
- 11 disclosures were notifications of bankruptcy
- 2 related to tax offences.
- 3 related to health issues of the practitioner.
- 113 other matters were disclosed under Rule 13 of the General Rules.

> Disclosure, compliance and fitness matters

For new applicants, 431 disclosed matters. These ranged from serious offences to minor matters such as Centrelink overpayments, parking fines and minor traffic offences. These are set out in the table below.

Disclosures made to the Law Society - solicitors with practising certificates

Summary Offence	56
Rule 13 - LPUL	113
Serious Offence	51
Tax Offence	2
Bankruptcy	11
Health	3

Disclosures made to the Law Society - new applicants

Summary Offence	191
Rule 13 - LPUL	175
Serious Offence	25
Tax Offence	7
Bankruptcy	8
Health	25

Compliance matters

During the year, the Department opened 39 compliance files, and closed 50 matters. Most matters were closed because the solicitor complied with their obligations. However, a small number resulted in further regulatory action being taken against the solicitor for non-compliance.

Other fitness matters considered by the Department

During the year, the Department opened 177 files to deal with fitness matters. The table below shows the source of the matters.

Fitness matter	Number
External referral	63
Licensing referral	27
Trust referral	87

> Disclosure, compliance and fitness matters

Regulatory actions

Council and its delegates may make a range of decisions in dealing with the above matters. The most serious actions involve refusal, suspension or cancellation of a practising certificate. Such decisions must be made by Council. Other actions that may be taken include:

- Imposing conditions on a practising certificate
- Appointing a manager or supervisor
- Issuing warnings or advisory letters
- Making complaints to the OLSC.

The overwhelming majority of matters result in no further action. This is because the matters disclosed or identified do not impact on a solicitor's fitness to practice, or because another event has occurred (e.g. charges are withdrawn).

In 2024/25, the following significant regulatory actions were taken to respond to disclosures and suitability matters:

Action taken	Number
PC Refusal	15
PC Cancelled	6
PC Application Withdrawn	1
PC Renewal with conditions	2
PC Suspension	4
PC Variation	5
Further PC Restriction - S.94	1
Conditions Imposed On PC	4
Undertaking Given - No PC Condition	2
Director's advisory letter	3
Complaint Made	5

Professional Support Ethics Unit

The Ethics Unit of the PSU (**Ethics Unit**) and the Ethics Committee provide professional assistance and specialist services to the legal profession and help on a wide range of topics.

These activities have resulted in the maintenance and enhancement of ethical and professional standards within the legal profession.

Overview

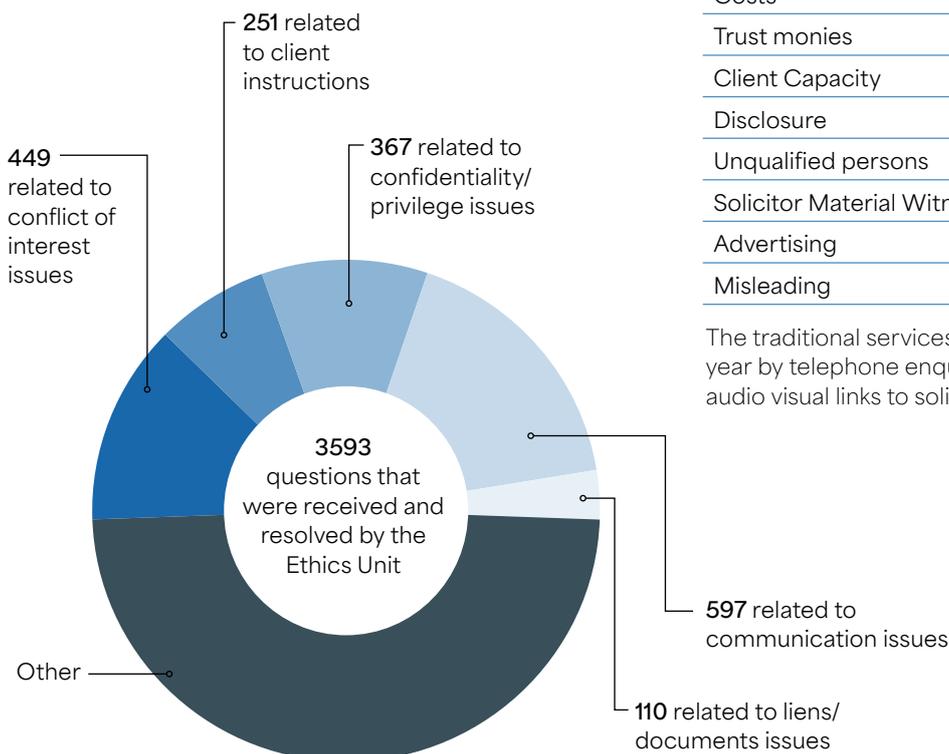
During 2024/25 the Ethics Unit was heavily utilized by legal professionals. They were provided with timely and practical information and guidance, assisting them to maintain ethical practices and avoid inappropriate conduct.

The Ethics Unit responded to all questions from the profession by telephone, in writing or by personal attendance. Additional matters were referred to the Ethics Committee when requested by enquiring solicitors.

The Ethics Unit received and resolved 3,593 questions arising from 2,401 individual enquiries. The number of enquiries remains steady from the previous reporting period. The 3,593 questions received were related to the following areas:

Ethics questions

Miscellaneous/Other	1,293
Communications	597
Conflict of Interest	449
Confidentiality/Privilege	367
Client Instructions	251
Lien/Documents	110
Fraudulent activity	103
Termination of retainer	100
Costs	96
Trust monies	79
Client Capacity	67
Disclosure	25
Unqualified persons	20
Solicitor Material Witness	14
Advertising	13
Misleading	9



The traditional services were maintained throughout the year by telephone enquiry line, an ethics email inbox and audio visual links to solicitors.

> Professional Support Ethics Unit

In addition to answering inquiries from the profession, the Ethics Unit contributed a number of new educational resources, primarily through the *Law Society Journal* and the *Ethics and Standards Quarterly*. Topics included:

- Use of social media and maintaining professional integrity;
- Confidentiality and information barriers;
- When might a solicitor need to apologise to a client;
- Court etiquette; and
- Updates on AI in legal practice.

The Ethics Committee and its functions

The Ethics Committee formally obtains its functions from the directives of Council, including the general delegation of power and discretion of the Ethics Committee. The activity of the Committee is also subject to review by Council each year to maintain and promote the high ethical standards of the legal profession.

The members of the Ethics Committee provide a diverse pool of practical skills, drawing on its membership of practitioners from government departments and private practice (large, medium and small) across a range of locations - city, suburban and rural. This provides a broad and comprehensive base of experience of specialist expert guidance on ethical issues for solicitors.

There are currently 27 members of the legal profession on the Committee.

Regular meetings of the Ethics Committee are held each month to review a broad range of ethical matters affecting the legal profession.

The year in review - service and guidance

The 2024/25 year continued to present interesting ethical issues for the legal profession. The growth of generative AI, changes to anti-money laundering legislation and new graduates entering the workforce who were trained during the COVID pandemic have continued to present challenges.

The education program has been an ongoing and essential component of the services provided to the legal profession. This financial year, 112 continuing professional development sessions were provided to assist lawyers in meeting their ethics learning requirements and deepening their understanding of this topic of central importance to the legal profession.

Professional Support Costs Unit

The Legal Costs Unit of the PSU (**Costs Unit**) provides specialist costs guidance and education to all solicitors in New South Wales, regardless of their membership status, to ensure compliance with the legislation.

It promotes this service in the *Law Society Journal*, the *Law Society Members' Services Guide* and by writing regularly for the *Ethics and Standards Quarterly*.

This year, the Costs Unit has been busy promoting its services and providing costs guidance and education sessions to the legal profession. Over the 2024/2025 financial year, the Costs Unit has contributed the following educational articles to the *Ethics and Standards Quarterly*, including:

- The meaning of successful outcome in a conditional costs agreement
- How liens can assist in legal practice
- The forgotten disclosure – a review of section 174(3) of the Legal Profession Uniform Law (NSW)
- Refresher on costs in Probate and Letters of Administration

Costs disclosure revisited (following the decision in the matter of *A.C.N. 627 087 030 Pty Ltd atf The YBL Trust v Elisabeth Theodore*; *A.C.N. 627 087 030 Pty Ltd atf The YBL Trust v Andrew John Price* [2024] NSWDC 592

The Costs Unit, in conjunction with the Costs Committee, has also been reviewing and updating the Law Society's updated Costs Guidebook.

This year, the Costs Unit handled 498 questions arising from 348 inquiries. The most common problem faced by solicitors requiring assistance was on proper billing practices as required under the Uniform Law.

Inquiries relating to billing amounted to 33% of all enquiries, followed by costs disclosure (18%) and costs recovery (16%).

Education

The Costs Unit continues to provide CPD seminars in the areas most frequently requested (namely, costs disclosure, agreements, assessment and recovery). This year, the Costs Unit provided nine seminars specific to costs law.

The Costs Unit has also been involved in regulatory policy issues, including providing feedback to the Legal Service Council's review into costs disclosure thresholds.

Other work

The Costs Unit has a key role in providing legal and compliance information in relation to costs to the legal profession.

This year, the Costs Unit researched and provided seminars in person, online and on-demand interactive seminars on:

- The Uniform Law framework, definition of legal costs, costs disclosure, costs agreements and billing under the Uniform Law;
- Security on costs, costs disputes and resolving them through negotiation, costs assessments and/or court action; and
- determinations by the Commissioner and compensation orders under the Uniform Law, and updates and analysis on recent cases on costs.

> Professional Support Costs Unit

The Costs Committee

The Costs Committee consists of practitioners from a range of legal practice.

The Costs Committee:

- promotes understanding of costs among the legal profession;
- provides education and guidance to the profession on costs;
- monitors and reviews policy and legislation relating to costs; and
- comments on cost issues.

These activities aim to reduce the regulatory burden for solicitors, simplify the provisions in the legislation and ensure its effectiveness.

The Costs Committee also produces a range of information resources such as the *Costs Guidebook*, and, where appropriate, provides guidance and handles inquiries from solicitors. The 8th edition of the *Costs Guidebook* was released in the 2024/2025 financial year, following review and amendments by the Costs Committee.

The Costs Unit continues to provide assistance to the Costs Committee, including providing at least one responsible legal officer to assist the Committee. It is also committed to facilitating communication between the legal profession and the Costs Committee.

Cost enquiry topics for 2024/2025

Topic	Number of questions
Other	125
Costs billing	100
Costs disclosure	55
Costs recovery	50
Costs agreement	46
Costs assessment	41
Costs trust account	41
Liens	16
Regulated costs	11
File transfer	10
Third party costs	2
Party party costs	1

Professional Support Regulatory Compliance

The Regulatory Compliance Unit (**Compliance Unit**) provides guidance to solicitors and other stakeholders on compliance issues related to the provision of legal services under the Uniform Law.

The Compliance Unit also provides complimentary continuing professional development sessions and creates educational resources throughout the year for practitioners.

The Compliance Unit often liaises with other departments within the Law Society and, where necessary, seeks the views of designated local regulatory authorities from other Uniform Law jurisdictions to provide thorough and consistent regulatory guidance.

Overview

During the 2024/2025 financial year, the Compliance Unit handled and resolved 3,359 questions arising out of 1,935 enquiries.

The most common identifiable enquiry topics concerned:

- practice management;
- practising certificates;
- supervised legal practice;
- consultants and independent contractors; and
- practice structures.

Regulatory compliance questions

Miscellaneous/Other	1,340	Advertising	42
Practice certificate	347	Certifying and witnessing documents	36
Practising management	339	Professional standards scheme	31
Supervised legal practice	147	Foreign legal practice	32
Consultants and independent contractors	118	Solicitor complaints	26
Practice structures	117	Disclosures	26
Establishing a new law practice	108	In-house legal practice	21
Principal's responsibility and liability	97	Unqualified practice	20
Professional indemnity insurance	78	Cybersecurity	15
File management	76	Migration agents	14
Business development	69	Law practice succession	13
Business names and titles	65	Volunteer and pro bono work	10
Interstate practice	64	Conveyancing	5
Continuing professional development	54	Loan documents	3
Transfer of practice	46		

> Professional Support Regulatory Compliance

Educational resources

This year, the Compliance Unit prepared a high volume of educational resources to support practitioners on their obligations under the Uniform Law, particularly in the management of their legal practice.

Educational resources produced by the Compliance Unit often reflect emerging issues and challenges faced by practitioners. This year, guidance material was created on the following topics:

- File ownership;
- File handling and safe custody;
- Solicitors with two or more legal practices;
- Contingency and succession planning;
- Overseas practice;
- Lawyer versus solicitor - what is the difference;
- Social media; and
- Solicitor impersonations.

Supporting solicitors' Continuing Professional Development

The Compliance Unit provided 34 CPD seminars for practitioners in both metropolitan and regional NSW. CPDs were delivered face-to-face and online, depending on the needs of the audience.

Collaboration on licensing issues

The Compliance Unit continued to work closely with Registry staff and Licensing solicitors on regulatory issues, including:

- Registration of business names;
- Incorporated Legal Practice;
- Interstate practice including interstate practice by ILPs;
- Labour hire arrangements;
- Supervised legal practice (including remote supervision);
- Pro bono practice;
- Registration of foreign lawyers; and
- Conditional Admission of foreign lawyers

Professional Support – Anti-Money Laundering and Counter-Terrorism Financing

In 2024/2025, PSU expanded its service to include an additional Unit (**AML/CTF Unit**), dedicated to providing education, support and guidance to solicitors navigating the changes and new obligations under Australia’s new anti-money laundering and counter-terrorism financing (**AML/CTF**) regime, brought about by the recently amended Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (**AML/CTF Act**).

Overview

With one of the 2025 President’s Priorities being helping legal practices navigate new regulatory hurdles, education was a major focus for the AML/CTF Unit during 2024/2025.

The recent expansion of Australia’s AML/CTF regime has led to the NSW Law Society prioritising supporting the profession through the reforms. This includes educating the profession about the AML/CTF reforms and steps that solicitors can take to prepare themselves and their practices for 1 July 2026, when obligations under the AML/CTF Act will commence for solicitors and law practices that provide a ‘designated service’, as defined by the AML/CTF Act.

In addition to supporting practitioners through education, a dedicated support line was also established to answer queries from the profession about AML/CTF.

Enquiries to the AML/CTF support line have varied, with practitioners enquiring about:

- reporting obligations under the now repealed *Financial Transactions Reports Act 1988* (Cth);
- how to determine whether they provided a ‘designated service’;
- customer due diligence obligations; and
- software solutions that can assist with AML/CTF compliance.

The highest percentage of enquiries (23%) related to determining whether a legal practice provided a ‘designated service’ under the amended AML/CTF Act.

While demand for the support line has so far been modest, it is expected to increase significantly over the course of the next year and beyond as awareness of AML/CTF obligations increase.

Continuing professional development

The AML/CTF Unit delivered 17 continuing professional development (CPD) seminars and courses in 2024/2025. These were delivered online as well as face to face and across different regions in NSW. Topics included:

- Overview of requirements under the amended AML/CTF Act
- Knowing your AML/CTF obligations
- Getting your legal practice ready for AML/CTF compliance
- Strengthening your legal practice against money laundering and terrorism financing risks
- Money laundering and terrorism financing risk assessments for legal practices

The AML/CTF Unit also participated in numerous panel discussions for the Law Society of NSW and external CPD events, including in conjunction with AUSTRAC, Australia’s AML/CTF regulator.

> Professional Support – Anti-Money Laundering and Counter-Terrorism Financing

The AML/CTF Hub

During 2024/2025, a dedicated ‘AML/CTF Hub’ was developed on the Law Society of NSW website. The Hub is a central repository of information about the AML/CTF reforms and obligations for captured legal practices. It also connects practitioners to educational and training material and the latest updates provided by AUSTRAC.

Educational resources and articles

In November 2024, the AML/CTF Unit delivered two webinars on the upcoming reforms to Australia, as well as experiences and lessons learnt from AML regimes in the United Kingdom and New Zealand. These webinars were titled:

- The effect of the Australian AML/CTF reforms on solicitors: Key things to know
- Overview of AML/CTF obligations for solicitors and experience in other jurisdictions

In early 2025, the AML/CTF Unit created a new on-demand interactive educational resource, titled, ‘*Preparing for Australia’s regime*’.

The course provided an update on Australia’s AML/CTF reforms. It also provided an overview of solicitor and practice obligations under the new AML/CTF regime, and suggested ways practitioners can prepare their practice for compliance with the amended AML/CTF legislation.

In addition to the AML/CTF Hub, a variety of articles and educational resources were developed for the *Ethics and Standards Quarterly*. Examples of topics covered by those resources include:

- Changes to Australia’s AML/CTF legislation – key things to note
- AML update for practitioners
- Top five tips to prepare for AML reforms
- AML/CTF Frequently Asked Questions

Appendix

Table 1 - Chapter 5 complaints referred by OLSC, by type of complaint

Disciplinary matters	15	16	17	18	19	20	21	22	23	24	25
Personal Conduct	226	284	202	260	228	228	236	272	250	254	436
Unethical Conduct	77	113	122	91	155	106	102	136	100	60	106
Negligence	24	20	44	23	31	45	17	29	52	45	102
Misleading	23	58	45	35	24	18	19	10	16	10	84
Conflict of Interest	16	12	31	18	27	18	22	32	22	43	50
Failure to Transfer Documents	3	2	4	6	4	6	3	3	1	11	7
Communicating with a Client of Another Solicitor	8	9	7	7	2	5	12	10	7	14	7
Breach Confidentiality	2	5	6	5	2	3	6	4	4	3	12
False Swearing of Documents	3	2	13	3	3	6	12	6	8	16	12
Undue Pressure	0	0	1	3	2	3	0	0	1	1	2
Threatening Behaviour	7	4	8	10	10	15	42	39	38	48	51
Failure to Assist Law Society	2	0	1	0	0	2	0	0	0	0	0
Borrowing from Client	0	1	2	1	0	1	1	3	1	3	3
Cost / Payment Issues	48	59	68	49	48	76	66	49	77	48	62
Failure to Pay Third Party	29	43	34	33	24	21	47	36	55	31	48
Overcharging	5	8	17	11	1	2	4	7	5	11	9
No Costs Disclosure	12	6	8	3	19	3	3	0	0	0	0
Failure to Provide a Detailed Account	1	0	5	1	1	9	7	5	17	2	3
Transfer Costs Without Authority	1	2	4	1	3	2	1	1	0	1	0
Liens	0	0	0	0	0	2	2	0	0	3	2
Unethical Conduct	0	0	0	0	0	37	2	0	0	0	0
Communication / Service	67	68	75	65	50	48	77	48	59	68	95
No Communication	10	11	14	13	12	11	4	1	4	0	4
Failure to Carry Out Instructions	18	11	15	13	6	10	6	4	3	11	2
No Client Advice	3	6	0	2	2	3	2	0	0	0	1
Discourtesy	13	6	8	13	9	11	15	5	15	13	21
Act Without/Contrary to Instructions	13	19	15	11	12	6	34	25	16	20	9
Delay	7	11	15	11	8	5	2	3	8	14	33
Lack of Supervision	3	3	7	0	0	1	0	0	5	0	5
No Advice on Progress	0	1	1	2	1	1	0	0	0	0	1
Failure to respond to correspondence	0	0	0	0	0	0	14	10	8	10	19

Appendix

Table 1 - Chapter 5 complaints referred by OLSC, by type of complaint (continued)

Disciplinary matters	15	16	17	18	19	20	21	22	23	24	25
Non-Compliance	45	42	102	63	33	39	122	209	179	241	189
Not Complying with Undertaking	8	8	19	9	9	2	3	8	10	3	6
Practising without a Practising Certificate	11	7	36	15	1	4	3	3	6	8	7
Not Complying with a s.660 Notice	4	3	2	0	0	0	0	0	0	0	0
Not Complying with Legal Profession Act/Regulations	15	20	41	38	21	30	108	191	152	213	155
Not Complying with Fiscal Obligations	7	4	4	1	2	1	1	5	4	6	8
Practising contrary to practising certificate	0	0	0	0	0	2	2	1	5	4	9
Failure to disclose	0	0	0	0	0	0	5	1	2	7	4
Trust Account matters	47	40	57	33	15	52	41	22	24	22	62
Breach of Sections of Act / Regs relating to Trust Moneys	23	17	19	2	0	32	37	21	19	2	9
Failure to Account	11	10	22	23	8	6	0	0	0	15	44
Misappropriation	13	13	16	8	7	14	3	1	5	5	9
Intermingling Money	0	0	0	0	0	0	1	0	0	0	0
Other	6	13	14	69	92	7	8	6	0	21	0
OLSC Enquiry	0	0	0	0	69	7	8	0	0	0	0
Total Number Of Disciplinary Matters	378	448	600	481	498	450	550	606	589	654	844
Consumer Disputes	30	1	0								
Total Number Of Complaints Opened	408	449	600	481	498	450	550	606	589	654	844

Appendix

Table 2 - Number of complaints opened, by type of complainant

Complainant type	15	16	17	18	19	20	21	22	23	24	25
Client/Former Client	116	115	179	134	115	116	80	83	95	111	148
Law Society	73	60	111	90	104	14	10	7	6	6	7
Solicitor	73	70	72	56	40	47	83	78	84	75	81
Third Party	69	70	69	80	103	74	152	63	64	82	98
Third Party (Other Side)	35	94	121	77	98	149	160	218	225	272	361
Barrister	22	20	22	16	9	14	23	20	27	14	17
Solicitor for Client	11	7	6	13	7	12	17	35	28	17	30
Legal Services Commissioner	4	7	11	3	2	0	1	1	0	0	1
Other ¹	2	6	5	9	16	24	24	8	19	16	30
Beneficiary	0	0	0	0	0	0	0	36	33	45	40
Non-Client	0	0	0	0	0	0	0	53	5	7	22
Trust Account Inspector	0	0	0	0	1	0	0	0	0	0	1
Executor	2	0	2	3	1	0	0	3	3	9	8
Attorney General	1	0	2	0	2	0	0	1	0	0	0
Total number of complaints opened	408	449	600	481	498	450	550	606	589	654	844

Notes: 1 Other includes Legal Aid Commission, Government Department and Judge

Table 3 - Complaints opened, by solicitor type

Solicitor type	Number of complaints	Complaints as % of total active sols	% of total complaints
Principal of Law Practice	443	1.015%	52.48%
Employee of Law Practice	195	0.447%	23.10%
Not Practising/Ceased Practising	86	0.197%	10.18%
Complaints Against Firms	78	0.178%	9.24%
Corporate Legal Practitioner	24	0.055%	2.84%
Government Legal Practitioner	18	0.041%	2.13%
Total number of complaints opened	844		

Notes: At 30 June 2025 total active solicitors 43,619

Appendix

Table 4 - Complaints opened, by practice region

Region	Number of complaints
Sydney City	226
Suburban	391
Regional/Rural	172
Interstate	8
Overseas	1
Other	46
Total number of complaints opened	844

Table 5 - Number of complaints closed, by result, 2024/2025

Result Type	2025
209 No Further Investigation Required - (S277(1)(H)	395
200 Complaint Withdrawn - S273(1)	47
201 Misconceived/Lacking Substance - S277 (1)(A)	38
204 Failure/Inadequate Response To Request For Info - S277(1)(C)	32
211 Public Interest Closure - S277(1)(J)	28
205 Complaint Already Has Been Investigated - S277(1)(D)	16
235 Referred Back to the Legal Services Commissioner	16
206 Complaint Better Dealt With By Law Enforcement/Investigatory Body - S277(1)(C)	11
224 Reprimand - S299(1)(B)	10
202 Time Limit Not Waived Under S272(1) - S277(1)(B)	9
230 Initiate Tribunal Proceedings - S300(1)	9
210 No Power To Investigate Complaint - S277(1)(I)	2
223 Caution - S299(1)(A)	1
Total	614

Appendix

Table 6 - Number of Complaints opened and Complaints closed within the 2024/2025 reporting period

Complaint type	Opened	Closed
Act Without/Contrary Instructions	9	15
Borrowing From Clients	3	1
Breach Of Confidentiality	12	4
Breach Section 138 LPUL	3	4
Causing A Deficiency In The Trust Account	1	1
Communication With Another Solicitors Client	7	17
Conflict Of Interest	50	30
Delay	33	12
Discourtesy	21	15
Fail To Carry Out Instructions	2	4
Failing To Pay Third Party	48	42
Failure To Account	44	12
Failure To Disclose	4	3
Failure To Provide Detailed Account	3	2
Failure To Respond To Correspondence	19	13
Failure To Supervise	5	6
Failure To Transfer Documents	7	5
False Swearing Docs	12	5
Handling Trust Money - Contrary To PC	1	0
Liens	2	3
Misappropriation	9	11
Misleading	84	41
Negligence	102	71
No Advice Progress	1	0
No Client Advice	1	0
No Communication	4	1
No Costs Disclosure	0	2
Non Compliance With Fiscal Obligation	8	5
Non Compliance With LPUL./Regs/Rules	144	119
Non Compliance With Undertaking	6	8
OLSC Enquiry	0	5
Other	11	6
Other Trust Breaches	6	9
Overcharging	9	12
Practising Contrary To Practising Certificate	8	6
Practising Without A PC - Post Admission	6	3
Practising Without A PC - Pre Admission	1	2
Threatening Behaviour	51	47
Transfer Costs Without Authority	0	1
Undue Pressure	2	1
Unethical Conduct	104	70
Unsupervised Practice - Contrary To PC	1	0
Total	844	614

Appendix

Table 7 - Practising solicitor statistics at 30 June

Gender of Solicitors	
Female	24,434
Male	19,184
No Data	1
Total	43,619

Category of Solicitors	
Employee of a Law Practice	19,334
Principal of a Law Practice	10,484
Corporate Legal Practitioner	8,742
Government Legal Practitioner	4,969
Volunteer	90
Total	43,619

Location of Solicitors	
City	21,128
Suburban (Sydney)	11,624
Rural	4,333
Overseas	1,956
Interstate	357
No Location Data	4,221
Total	43,619

Table 8 - Amounts expended by the Public Purpose Fund and Fidelity Fund on Regulation, 2024/2025

Expense Description	Recoverable From	Total
Legal Regulation Department/ General Regulatory Expenses	Public Purpose Fund	11,226,320
External Interventions	Public Purpose Fund	599,988
Trust Account Inspections / Investigations	Public Purpose Fund	3,654,716
Fidelity Fund Administration	Fidelity Fund	865,767
Total Regulatory Costs		16,346,791
Total Paid From Public Purpose Fund		15,481,024
Total Paid From Fidelity Fund		865,767

Legal Regulation Department Annual Report 2025

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**PROFESSIONAL
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THE LAW SOCIETY
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