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MASTER BUILDERS' FEDERATION OF AUSTRALIA

HOUSING COST CONFERENCE

ADELAIDE, 17 APRIL 1982

TOWARDS A MORE COST EFFICIENT TITLE TRANSFER SYSTEM?

The Hon. Mr. Justice M.D. Kirby
Chairman of the Australian Law Reform Commission

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A SHELTERED LIFE

Judges live sheltered lives. I am no exception. Most judges will not venture far without their tipstaff to accompany them. These burley officials, most of them former naval persons, usually bearing a long rod surmounted by a golden crown, accompany judges around court buildings to protect them, presumably from approaches by witnesses or the ire of disappointed litigants. I know one judge who will not even have a haircut without his tipstaff being nearby : I assume to stem the flow of blood should the razor slip.

In my peregrinations around Australia, I have dispensed with this old-fashioned ceremonial. But late last year an event occurred, relevant to my talk to you today, which led me to believe that perhaps I should revive the tipstaff and have one always close by. I was presiding at a dinner in a colonial setting in my capacity as President of the National Book Council. The venue was the University Club, Sydney. The old fans were working for it was a hot Sydney evening. Present at the dinner were some of the most distinguished literary names in the country. But after the presentation of the Annual Awards, a middle-aged, greying, quite distinguished-looking man approached me, menacingly. Identifying himself as a solicitor, he declared 'I don't approve of what you are saying about land conveyancing. You are disloyal to the legal profession'. After a few more words in somewhat stronger language (I will spare you the details) this worthy, respectable officer of the law set into me. I received a few firm body blows. For a few moments I did not know whether to be more hurt by the affront to my dignity or the assault on my stomach. I pulled myself up and said with as much composure as I could muster 'This is not the time for us to have this discussion'.

Well, now is the time for us to have the discussion. I told you this tale to give you an indication of the strong views that exist in at least some quarters in the legal profession about cut-price conveyancing. The conduct of this solicitor was grossly atypical. But the feeling may not be atypical. Indeed, it may be understandable.

The ..e income from land conveyancing constitutes slightly less than half of the total income of the legal profession of Australia. For a lot of solicitors this is the overwhelming bulk of their life's work. The steady stream of land conveyancing income is for many the staple upon which the rest of the practice depends. The existence of this staple and the guarantee of it, in most States legislation assuring a monopoly for lawyers, is said to be the reaso.i that we can afford to have them in remote country towns, available to deal with the less remunerative or perfectly unremunerative work that takes up such a large place in legal practice, particularly in the country and the suburbs.

THE NEW INFORMATION TECHNOLOGY

What can be done about this? What should be done? Is there anything that could be recommended that would promise a more cost-efficient title transfer system, to the advantage of the home purchaser in particular? Let me start on an optimistic note. I believe that, whoever does land title conveyancing, it will become cheaper as a factor in home purchase costs as a result of the likely computerisation of titles. The process of transferring the Torrens Title to computerised format is not without difficulty. It has been under study in a number of jurisdictions of Australasia. I have heard a senior New Zealand land title officer, brought up in the heady atmosphere of velum, parchment and leather-bound certificates of title protesting that it would never prove possible to reduce land titles to electronic data. A few years ago, I held a post as Chairman of an OECD committee examining one aspect of international data movements : computers in one country chattering away to computers in another via satellite and other means. I learned something about the potential of the new information technology. For my part, I have no doubt that computerisation of land titles is just a matter of time. In fact it is already beginning. A system of computer retrieval of land data has already been established in Adelaide. Just before the recent Victorian elections, the then Victorian Attorney-General announced the planned expenditure of $10 million for the transfer of land registration details to computerised format. Mr. Storey said the change was 'expected to involve the transfer of 17 million items on to the computer register'. He said that there were also plans to transfer more than 150 sub-division plans on to microfilm to preserve the original records and to improve public access at the Titles Office in Melbourne. He predicted that by 1983 large legal firms and lending institutions would be able to 'plug in' to the central computer system in the Victorian Titles Office, enabling them to search titles from their offices.[1] The President of the Law Institute of Victoria, Mr. Matt Walsh, pointed out that if the system were to take the next step of providing a more general land use data base, for example to show whether a particular piece of land was zoned or subject to Acts such as the Historic Buildings Act or levied for rates and taxes, significant law reform would be required in the legislation presently governing the transfer of lands.[2]

Attitudinal resistance will stand in the way. Technical problems will have to be overcome. At a time of restraint, the initial costs of computerisation will be daunting to any government for the detail and the backlog and the need for absolute and complete accuracy will be a heavy burden. In the slow moving parliamentary process, the necessities of ancillary law reform will also slow the pace. The necessities of consultation to ensure that such legislation is absolutely correct will take time. The probable necessity to establish a common insurance fund against the inevitable occasional mistakes in the computer and the obligation for trial runs of the computer program, particularly as it embraces general land use data, all will take time. And it will involve considerable cost.

But within ten years — or at the most 20 years — a very great proportion of Australia's land title and related data will be on computer. The tedious, time-consuming attendances, scrutiny and correspondence that are presently cited to justify the significant professional costs may, to a very large extent at least, be reduced to the non-professional tapping of a few keyboards and the automatic printout of aggregate data that both facilities, expedites and cheapens the process of land conveyancing. This is not a dream world. It is not science fiction. Anyone who reflects upon the capacities of computers today and the rapid penetration of computications throughout our society will know that the march of the new information technology has begun. It will not be deflected by Torrens Title systems. Indeed Colonel Torrens, as he contemplated the dream of the future city of Adelaide, might well have had the glint of a computer in his eye. His whole grid and its procedures lend themselves to computerisation by its central registry, its system of registered transfer and its guaranteed title open to public inspection.

Let there be no doubt that lawyers will continue to play a part in the future of land title transfer. They have continued to do so in South Australia and Western Australia, despite the presence of land brokers and settlement agents. They will continue to do so in the age of computerised land title conveyancing, even though the professional content and routine aspects of the work will probably be reduced by computerisation.

The involvement of lawyers is not in issue. What is in issue is whether there is potential to reduce the costs of title transfer, below the savings that will be achieved by technology. Is it desirable to limit or control the monopoly currently enjoyed by lawyers in some States of Australia in the business of paid title transfers in the hope of further cost efficiency? Some recent commentators have suggested that a bracing exposure to at least some market forces, under appropriate conditions to assure the quality of the operation, would be beneficial and would help lower costs. Other commentators are dubious or frankly opposed. The chief purpose of this talk is to exposé this issue for your consideration.

A F / DEVELOPMENTS

In an address in December 1980 at a Christmas luncheon of the Association of Co-operative Building Societies of New South Wales, I examined the conveyancing monopoly enjoyed by lawyers in Eastern States of Australia. I canvassed, fairly I hope, the arguments for and against continuance of the monopoly. And I then raised the question of whether savings might not be effected, in the wake of a removal or modification of the statutory monopoly, by adopting alternative procedures. This is what I then said:

> The establishment of a bureaucratic solution, by which a government agency assists in land conveyancing, has been dismissed by some critics as unthinkable.[3] Yet such a system worked, apparently with some success, in Canberra for a number of years when the Department of the Capital Territorys provided conveyancing services, initially for $50 per transaction, to purchasers in the Capital Territory. In its heyday the department was performing about 35% of all conveyancing in the ACT. It handled about 2,300 settlements before its services were terminated in 1977. It was constantly criticised by the local Law Society.
>
> The provision of conveyancing services by financial organisations is also not without precedent in Australia. For many years the War Service Homes Division of the Defence Service Homes and the Australian Housing Corporation provided services similar to those offered by solicitors for purchasers of land. The average charge for the service was less than $150 per transaction, well below solicitors' charges. Similar services could be provided for a large number of home purchasers if banks and co-operative building societies were able to make available the facility of their conveyancing staff or to employ solicitors or even skilled clerks to act in the purchase of land and the preparation of necessary documents. Indeed, even if external solicitors had to be engaged in such cases, there could be considerable savings offered to many purchasers.[4]

I pointed out that critics had asserted that building societies and banks would never enter this market for they enjoyed a 'symbiotic' relationship with the legal profession and have neither motivation nor the desire to 'rock the boat'. More thoughtful critics had pointed to the fact that building societies and banks may not have precisely the same interest as the home purchaser and so may not be as concerned, as an independent adviser would be, to ensure a good title.[5]

In February 1981, soon after that speech was delivered, a useful paper was prepared by the working group appointed by the Ministerial Council on Housing Costs, to report on 'Land and House Purchase Transaction Costs — Conveyancing Costs'.[6] The report is contained in the papers of the Ministerial Council on Housing Costs. It is a most useful review of the topic. After examining the scales of costs for paid conveyancing and comparing different State systems, the paper isolates the possible lines of action designed to reduce transaction costs. These are:

- actions to encourage greater competition;
- actions to improve efficiency of the present system;
- actions to vary present fee scales;
- establishment of government conveyancing service.

The paper concentrates on impediments to competition and fee scales. It outlined the four basic impediments to competition in conveyancing namely:

- legislation guaranteeing the lawyer's monopoly in paid conveyancing work, except in South Australia and Western Australia;
- legislation in most jurisdictions setting fixed scales for lawyers' charges;
- prohibition on fee cutting by lawyers; and
- prohibition on advertising by lawyers of cheaper fees or quicker services.

The paper came to the conclusion that greater competition in land title conveyancing is desirable and that it is 'highly likely to lead to more efficient and lower cost conveyancing'. As a result of the recommendations in the paper, the Ministerial Council resolved that greater competition was desirable. It agreed that there should be continued investigations concerning simplification of the process of conveyancing. It referred the recommendations to the Standing Committee of Attorneys-General noting that to increase competition, amendments of State and Territory laws would be needed to remove the impediments identified. Amongst follow-up action recommended was examination by Departments and State law reform commissions of the 'detailed procedural steps required' to bring about greater competition among lawyers in the field of conveyancing and/or allow others besides solicitors to offer conveyancing services for fee.[7]

Since the above resolutions were adopted by the Ministers, action has not been what I would call headstrong or dramatic. There have been developments in Victoria and New South Wales. I can briefly summarise these:

DE. .OPMENTS IN VICTORIA

In Victoria, a report on conveyancing charges in that State was delivered in 1979. A further report, dated 1980, became available later.[8] The report was named for its Chairman, Mr. Daryl Dawson QC, the State Solicitor-General. The Dawson Committee was asked to report on 'any necessary or desirable changes' in conveyancing laws, practices and costs in Victoria. It recommended that the legal profession should retain its monopoly in paid conveyancing work; that scale fees should be reviewed annually and retained for transactions up to the average price for a home. For more expensive transactions, scale fees should be dispensed with. The interim report was not convinced by the fact that in South Australia, where lawyers compete for work with land agents, the costs per service was significantly lower than in Victoria. It pointed to differences between the jurisdictions. I set out a table comparing fees to a purchaser for conveyancing of registered title in all States of Australia. Solicitors' fees for conveyancing in the Capital Territory are negotiable:

TABLE[9]

Purchase Price ($)	Solicitors fees ($)						Land brokers' fees, S.A. ($)	Settlement agents fees, W.A. ($)
	N.S.W.	Vic.	Old	N.T.	W.A.	Tas.		
$25 000	358	346	250	295	156	240	171.50	96
$30 000	382	386	275	328	156	299	171.50	102
$35 000	406	445	315	382	174	325	186.00	108
$40 000	430	485	350	437	174	374	186.00	114
$45 000	454	542	395	437	210	400	200.50	120
$50 000	478	582	440	546	228	426	200.50	126
$55 000	507	616	480	546	246	468	215.00	132
$60 000	524	638	480	624	264	496	215.00	138
$65 000	545	673	540	624	277	538	229.50	144
$70 000	568	698	540	686	286	566	229.50	150
$75 000	590	733	590	686	295	608	244.00	156
$80 000	612	757	590	749	424	636	244.00	162

Note that the South Australian fees were increased by about 12% in December 1981. Furthermore, certain functions performed by solicitors in Eastern States are sometimes performed, and separately charged for, by real estate agents in South Australia.

Put shortly, the approach of the Dawson Report was to maintain the status quo but to suggest an alternative and lower scale. In September 1981, the Law Institute of Victoria proposed that the maximum scale of fees for conveyancing should be abandoned. The President of the Institute claimed that this would create competition in favour of the consumer. However, as one correspondent to the Law Institute Journal in November 1981 noted:

> The rules of professional conduct prohibiting price-cutting (Rule 4) and touting (Rule 2(i)) will be rendered useless by the body responsible for their enforcement.[10]

Put the other way, and somewhat more critically, a sceptical observation by John Nieuwenhuysen and Marina Williams-Wynn, in their forthcoming book 'Professions in the Market Place' observed:

> Neither of these outcomes [creation of competition or favour to the consumer] is likely. Conveyancing for reward is a lawyers' monopoly, under which price or other advertising is not permitted.[11]

Meanwhile, the Consumer Affairs Council of Victoria delivered a report on conveyancing. It is known as the Brunt Report after Professor Maureen Brunt, Chairman of the Council. The report examined closely the Dawson Committee conclusions. It came to five principal conclusions:

- that the solicitors' monopoly of paid land title conveyancing was contrary to the public interest;
- that the times were right for change because simplification and computerisation of conveyancing were inevitable;
- that some restrictions on people performing conveyancing were desirable as an aspect of consumer protection;
- that conveyancing agents, as in Western Australia and South Australia, could do the job;
- that conveyancing charges should be left to the free market and not determined by cost scales, whether recommended or maximum.[12]

This report was taken to pieces in the December 1981 issue of the Victorian Law Institute Journal. The headline declared that it 'was based on preconceived ideas'.[13] The Law Institute President, Mr. Walsh, criticised the Council for failing to seek the views of the Law Institute, the Registrar of Titles or other persons who had substantial experience and for failing to analyse the 'differences between practices prevailing in South Australia and Western Australia':

> The justification for change seems to be based on the unsubstantiated assertion that most conveyancing work does not demand legal training. What the writers of the report completely overlook is that whilst there is on occasions the delegation of work to unqualified staff, the staff are under the direction and supervision of a solicitor who ultimately takes responsibility for the work.[14]

Mr. Walsh argues that scales of fees have been an historical part of the practice of lawyers and that fees for conveyancing were fixed by a committee which included a Justice of the Supreme Court. As an indication of the fact that this is no theoretical issue, the November 1981 issue of the Law Institute Journal contains a report that disciplinary proceedings were brought against a solicitor for breach of the Solicitors' (Professional Conduct and Practice) Rules. He was fined for touting and attracting business unfairly. The case arose out of a cut-price conveyancing operation.[15]

By this time the then Victorian Attorney-General, Mr. Storey, had two reports and a lot of material before him. He announced that 'urgent consideration' would be given to the suggestion of the Consumer Affairs Council that conveyancing scales be abolished in Victoria. When, towards the end of the year, draft legislation was introduced, this particular recommendation emerged as part of the draft.[16] Apparently Mr. Storey decided to accept the decision of the Consumer Affairs Council in preference to the Dawson Report. But then the Victorian election intervened. Everything now depends upon the attitude of the incoming government. One legal journal repeatedly telephoned Mr. John Cain's office during the election campaign to seek Labor policy. It was told that the Labor Party intended to establish an independent body to set legal scales. Whether this implies scales for lawyers in all their operations including land conveyancing, or whether the Labor Government will favour releasing land conveyancing to the operations of the marketplace is not at this stage clear.[17] But abolition of the old scale would by itself have little practical effect to increase competition and thereby reduce this factor in the costs of buying a house. If lawyers cannot advertise, if they cannot promote their services as quicker and cheaper without running foul of professional conduct rules, if there are no means of bringing the competition to the notice of the community, competition will be theoretical not real. And beyond competition among solicitors, there still remains the more fundamental question of whether, as the Consumer Affairs Council suggested, there should be competition from outside by land agents or other para-legal personnal equipped to offer an expert conveyancing service, but without the necessity of training the operator not only in the intricacies of real property law but also, as at present, in the exquisite detail of family law, the doctrine of res ipsa loquitur, the niceties of criminology and the elegant necessities of accurate court pleading.

DE. .OPMENTS IN NEW SOUTH WALES

In New South Wales, the State law reform commission is examining the reform of various aspects of the organisation and professional conduct of the legal profession. Earlier this month it delivered a major report on the subject. It is not presently looking at computerisation of land titles, although it might get a general reference on the matter at some time in the future on this topic, particularly as its new Chairman, Professor Ronald Sackville, is a national authority on land law. The Commission is a discussion paper on advertising by solicitors, called for modification of the rules that currently inhibit informative professional advertising, including of fees.[18]

After something of a flourish following my Christmas speech in 1980, things settled down in New South Wales to a battle of litigation between the Law Society and cut-price conveyancing operators who were seeking to circumvent the legislative monopoly. In one case, a summons was taken out by the New South Wales Law Society against a discount conveyancer known as the Conveyancing Centre. The Centre and its proprietor was alleged to be in breach of s.40C of the Legal Practitioners Act of New South Wales in performing land title transfers for fee, though unqualified. The case came before a Parramatta Stipendiary Magistrate, Mr. J.A. Dunn. However, Mr. Dunn was told by one of the Conveyancing Centre's panel solicitors that he had prepared the documents which were the subject of the information. The magistrate dismissed the case. The Law Society has asked him to prepare a case stated for the Supreme Court. The Society claims that though the document was drawn by a solicitor, it was retyped by an unqualified person and therefore prepared by that unqualified person and in breach of the Act.[19]

No doubt we shall all be wiser concerning the legal implications of this and other cases when the Supreme Court has ruled either in the Parramatta case or in other proceedings commenced in the Equity Division where declarations and injunctions are sought against the Conveyancing Centre. The Law Society, in the proceedings against this body and others in country and metropolitan areas, claims it is merely performing its task of enforcing the law and protecting consumers against unscrupulous cut-price conveyancers. One report of a comment by the proprietor of the Conveyancing Centre declares that 'the technique of the Law Society seems to be to aim to bleed to death selected discounters with protracted and endless litigation'.[20]

Coinciding with the Victorian developments late in 1981, an editorial in the Sydney Morning Herald under the banner 'Legal Monopoly' concluded that the monopoly in New South Wales was 'on shaky ground':

> At present the 5,000 or so solicitors in the State have a monopoly over what is a $2,000 million-a-year business turnover. Cut-price conveyancing firms have challenged the monopoly only to be threatened with legal action by the Law Society of New South Wales. ... South Australia and Western Australia have already broken with the lawyers' monopoly. In those States property purchase has been simplified (with a few legal checks) in much the same way as the purchase of a car is in this State. There does not seem to be much general alarm over corrupt cut-price firms. Indeed, these cut-price firms have been operating in Western Australia, for example, for over 15 years. They now deal with about 75% of the State's conveyancing. The fees charged are about a quarter of what they are in NSW and Victoria. ...[21]

The reaction to this editorial was predictable with numerous letters asserting that conveyancing was a job for lawyers, that it was one of the most important legal transactions entered into by the average citizen, that the solicitor's fee was 'a small price to pay for so much peace of mind'[22] and that there were important differences between the situations in the State and in Western Australia and South Australia.

Nothing much happened after this cri-de-coeur from the Sydney Morning Herald until the report on 1 April 1982 as the lead story on the front page of the Herald declared 'Wran's Cut-Price Conveyancing Plan That Wasn't'.[23] The report quoted from Mr. Wran's speech at the opening of the campaign for the Drummoyne By-election in late March. Mr. Wran announced that the State Bank of New South Wales had concluded negotiations to merge with a major building society to form the State Building Society. And he promised:

> As a tangible immediate benefit conveyancing and valuations will be made available to home purchasers through a centralised service provided by the State Bank at significantly reduced costs.[24]

According to the Herald's legal correspondent, Mr. John Slee, this announcement was seen by many solicitors as 'promising a powerful government-operated version of the cut-price conveyancing companies which have begun operating in the past three years [which] challenge the solicitors' monopoly on conveyancing work'.[25] Such an idea would not have been entirely novel in Australia. It would simply have picked up the kind of system that was implemented in the ACT by Mr. Whitlam's government but abolished in 1977.

The Herald report of 1 April makes it clear that full conveyancing by the new State enterprise was not in the NSW Government's mind. Quoting a spokesman for the Premier, the promise was clarified:

> It means cheaper valuation fees, searches and legal fees. But there is no suggestion of cut-price conveyancing.[26]

A spokesman from the State Bank cited in the same article indicated that the bank would be able to help customers of the bank and the proposed building society with 'front end payments', just as banks and building societies already do. But the actual conveyancing and the preparation of documents that transfer title in property would be done, as usual, by a solicitor who would charge the prevailing fee.

There the debate rests in New South Wales and Victoria and indeed for the rest of our country. Prosecutions of cut-price conveyancers and those associated with them continue. Rules of ethics and law against touting and advertising limit what even lawyers might want to do, if released from conveyancing scales. In most jurisdictions of this country the conveyancing monopoly remains firmly in place. Though in their private moments members of the legal profession may be political 'dries' — many of them monetarists who would make Milton Friedman proud — in respect of land conveyancing, they argue strongly for the need for legal protectionism — not, it should be emphasised, just protection for themselves but protection for the home purchaser, for the integrity of titles in real property and for the removal from this area of activity of charlatans and amateurs.

CONCLUSIONS

It is not for me to offer conclusions on this debate. The issues will be explored later this afternoon. I am especially glad that John Nieuwenhuysen and Rod McGeogh will be taking part, for I know them both. Mr. Nieuwenhuysen has recently written an excellent analysis of the professions in Australia from an economist's point of view. The book titled 'Professions in the Market Place' will, as I have said, be published shortly. It examines the conveyancing monopoly as a case study of the competition between professional claims and market forces. Rod McGeogh is a young lawyer who is open-minded and forward-looking. He will be more aware than many of the legal profession of the great challenge that lies before it. In the ultimate analysis that challenge comes, in my view, less from the cut-price conveyancers and official reports than from the inexorable march of technology. No-one will be prepared to pay high fees at professional cost levels when the land transfer system is largely reduced to the operational activity of a young person at a video display unit. The technology is already with us. Its impact on land title transfer is inevitable. The debate is about when, not whether.

I have no relish in saying this. It is just as sad for conveyancing lawyers to suffer from the impact of the microchip as it was for skilled car workers or the splendid and highly trained watchmaking industry of Switzerland which was overtaken by the technology of the ugly digital watch. Furthermore, I realise perhaps more keenly than most that we must try to find attractive, remunerative and professionally suitable work to sustain lawyers at a fair level of professional income, spread across the face of this continent, servicing suburbs, country towns and little people as well as city dwellers and the well-lawyered corporation. But I remember from my youth the song 'The World Owes Me a Living'. 'Tra-la-la-la-la-la-la'. In these times, in hard times, in times of change and above all in times of mature science and technology, the world does not owe even my distinguished, indispensable, ancient profession a living. The cold wind of competition is blowing in the market place. It is blowing towards the professions. It will have implications for the land transfer system. It holds out the prospect that the costs of land title transfer may be reduced to the benefit of the purchasers of homes in this country.

FOOTNOTES

* The views stated in this talk are the personal views of Mr. Justice Kirby only. The Australian Law Reform Commission has no reference on land title conveyancing and the views expressed may not reflect the views of other members of the Law Reform Commission.

1. The Age, 11 March 1982, 1.

2. ibid.

3. J. Payne, 'Cut-Price Lawyers', The Sun (Sydney), 16 October 1980, 9.

4. M.D. Kirby, 'Building Societies, Conveyancing and Reform of the Legal Profession', unpublished address to the Association of Co-operative Building Societies of New South Wales, 1 December 1980, mimeo, 9.

5. Payne, 5. See also Law Consumers' Association, Bulletin, No. 7, September/October 1980 ('The Monopoly Protector').

6. Working Group Report, 'House and Land Purchase Transaction Costs — Conveyancing Costs' in Papers for the Ministerial Council on Housing Costs, Australia, December 1981, A15.

7. Resolutions of the Ministerial Council on Housing Costs, ibid, vii.

8. Victoria, Committee of Inquiry Into Conveyancing (Mr. D. Dawson QC, Chairman), Interim Report, 1980. See also ibid, Further and Final Report, 1980.

9. Reproduced in J. Nieuwenhuysen and M. Williams-Wynn, Professions in the Market Place, MUP, 1982, 30.

10. Letter, A.E. Cutler, 'Conveyancing Reforms' in (1981) 55 Law Institute Journal (Vic), 733.

11. Nieuwenhuysen and Williams-Wynn, 33.

12. Victoria, Consumer Affairs Council, Report on Conveyancing, mimeo, September 1981, 2.

13. (1981) Law Institute Journal (Vic), 793-4.

14. ibid.

15. (1981) 55 Law Institute Journal ????

16. As reported in Justinian, No. 21, February 1982, 2.

17. 'Conveyancing Reform Delayed', Justinian, No. 21, February 1982, 2-3.

18. NSW Law Reform Commission, Discussion Paper No. 5, Legal Profession, Advertising of Specialisation, 1981. See [1982] Reform 26.

19. As reported in Justinian, No. 21, February 1982, 4.

20. ibid.

21. Sydney Morning Herald, 22 September 1981, 6.

22. Law Society of NSW quoted in ibid.

23. Sydney Morning Herald, 1 April 1982, 1.

24. ibid.

25. id.

26. id.