



Your Ref:  
Our Ref: TA:TA19201018

18 October 2021

To The Directors  
Light Year Docs Pty Ltd  
Toowong Tower  
Level 5 9 Sherwood Road  
TOOWONG QLD 4066  
Australia

**LIGHTYEAR UESERS – EXCLUSION FROM THE PROVISION  
OF LEGAL ADVICE FOR DOCUMENTS**

We have received a request to provide advice in relation to whether users of the Lightyear documentation system, structure and strategy management platform are engaging and or providing legal advice or legal services to their clients.

**Who is Abbott & Mourly Legal?**

Abbott & Mourly is a boutique firm of solicitors. The firm specialises in tax structuring, self-managed superannuation fund advice, tax and superannuation litigation and estate planning.

**Executive Summary**

1. In summary and based upon your instructions, we advise as follows;
  - 2.1 Subject to the various *Legal Profession Acts throughout Australia*, we confirm that the Lightyear users are not engaging in legal practice, legal advice and or legal services provided they are using the document templates for structures only;
  - 2.2 In our view the users – generally accountants and financial planners are not in breach of any provisions under the Australian *Legal Profession Acts*; and

**Tony Anamourlis**

ABN 37 167 921 048

Liability Limited by a  
Scheme Approved  
Under the Professional  
Standards Legislation

**MELBOURNE**

Level 16, Suite 1601  
530 Little Collins Street  
Melbourne VIC 3000

P: 03 9034 6464 | F: 03 9034 6465  
E: tanamourlis@tgalegal.com.au

**SYDNEY**

Level 6, Suite 602,  
50 York Street  
Sydney NSW 2000  
*Only by Appointment*

E: tanamourlis@tgalegal.com.au

- 2.3 The users are in the business, amongst other services, of providing accounting or financial planning advice and not legal advice, nor a legal service nor are the users engaging in legal practice.
- 2.4 In some complex areas such as the insertion of a varied range of client instructions into a SMSF Will or other such documents the user must be mindful of the extent to which a document is being drafted by the user rather than merely the administrative task of completing a form where the relevant fields are inserted into the reviewed and signed off legal document provided by Abbott & Mourly.

### **Disclaimer**

2. This advice is being provided to Lightyear Docs, as to whether, in our opinion the users of the system are engaging and or providing legal advice or legal services by accessing various tax estate planning, and superannuation documents through the Lightyear online platform.
3. The issues raised above will be dealt with in turn and separately.
4. We are not advising any other parties, nor have we been asked to provide advice on any other issues. The opinion is being provided on the basis that we do not accept any responsibility to any other such party. Any other party wishing to know the legal position generally, or in relation to their particular circumstances should seek and rely upon their own independent advice from their own solicitor.

### **Scope of the Advice**

5. Our advice is limited to our instructions, which are set out at the commencement of this opinion. We are not advising on other laws such as the Income Tax Assessment Act 1997, the Superannuation Industry Supervision Act 1993, the Corporations Act 2001 nor other laws not covered in our instructions. If a foreign law or other State law operates over any aspect of the matter or our instructions and or background facts are incorrect, incomplete or there is alteration in circumstances, then our advice may also alter.
6. This advice may only be relied upon by current Lightyear strategist members that are up to date with their subscriptions. No other entity is entitled to rely upon it without prior express permission including Lightyear pay as you go pay members.
7. As legal advice, this advice is subject to a claim of legal professional privilege. This is a right in the person to whom the advice is addressed and cannot be waived by any other person or entity without the prior permission of the entity to whom this advice is addressed.

### ***The Issues and the Law:***

*Are Lightyear users being accountants or financial planners engaging in legal practice or providing legal advice or legal services to its members via the production of documents in the company's online document platform?*

### ***The Law - The Legal Profession Act***

8. Pursuant to the various State Legal Profession Acts and or the Legal Profession Uniform laws , it prohibits a person from engaging in legal practice or representing or advertising that the person is qualified to engage in legal practice, unless that person is an Australian legal practitioner – a person who holds a current legal practising certificate.
9. It is difficult to define *legal practice* and no definition exists in the Act. However it is possible to broadly classify legal practice as “...doing something which, in order that the public might be adequately protected, is required to be done only by those who have the necessary training and expertise in the law.”(*Cornall v Nagle* [1995] 2VR 188 at 210).
10. A person may have engaged in unqualified legal practice where that person does not hold a current practising certificate and either –;
  - a) provides legal services (see paragraph 2 below); or
  - b) behaves in a way which creates a reasonable inference that the person is qualified to provide legal services.

### **Actions that are legal services and the provision of legal advice**

11. The provision of legal services may include, inter alia:
  - a) drawing and drafting documents of a legal nature;
  - b) giving legal advice;
  - c) appearing in Court; or
  - d) using the name of barrister, solicitor, Australian legal practitioner or any other name used to describe someone who is qualified to engage in legal practice.

### **Actions that are not legal services nor legal advice**

12. Undertaking work in association with the law will not necessarily constitute engaging in legal practice. Examples may include:
  - a) clerical or administrative tasks such as inserting parties’ names in a document;
  - b) selling of legal documents; or
  - c) advising of incidental legal requirements by a person in the pursuit of an occupation other than law - tax agents advising on the requirements of tax legislation.

### **Lightyear users and their position**

13. We have reviewed the Lightyear document management platform extensively and have prepared the documents on the platform for the exclusive use by Lightyear strategist users. This includes but not limited to discretionary trust, unit trust, partnership, self- managed super fund trust and various other superannuation and tax documents.

14. These documents have been reviewed and signed off by solicitors with practicing certificates. At no time, due to inbuilt legal protection and security measures can a user change or amend a document on the Lightyear platform that has been signed off by a practicing solicitor. To do so would result in the user drafting a document of a legal nature and engaging in the provision of legal services.
15. In our opinion when completing the form fields through the Lightyear platform users and their employees are merely carrying out an administrative task which is not the provision of legal advice.
16. With the latest integrations the user is not actually completing any form fields as these are automatically completed on behalf of the client by the system which has been reviewed by Abbott & Mourly. In this instance, without any work being completed by a Lightyear user can they be said to be engaging in legal practice.
17. However, there are some areas where a user may be required to take detailed instructions from a client, review these instructions and then insert them into a legal document such as a Will. In these cases, great care should be taken not to breach the Legal Profession Act and or its corresponding State Acts as detailed insertion of ancillary clauses may amount to the partial drafting of a legal document.
18. At all times Abbott & Mourly may be engaged by users to review and provide bespoke drafting for specific client situations and this is the recommended course of action.

Should you have any queries or require further information, please do not hesitate to contact Mr Tony Anamourlis of this office.

Yours faithfully  
**Abbott & Mourly**

Tony Anamourlis  
Principal