



## Message from the CEO, Megan Pitt

As we come to the end of 2019, it is timely to reflect on our achievements this year and plan for 2020.

During the year, highlights have been the meetings that our Chair, the Hon Michael Black AC QC FAAL and I have had with the Attorneys General of NSW, Mark Speakman SC MP; Victoria, Jill Hennessy MP; Western Australia, John Quigley MLA and recently, South Australia, Vickie Chapman MP, to discuss our work and progress on expanding the Uniform Law Scheme. It has been valuable to hear the perspectives of the Attorneys General about the Uniform Law and to engage with them about related issues.

This year, we have progressed several important projects:

- Electronic Data Sharing of Complaints and Admissions data which is starting to allow comparison of year on year trends;
- The review of foreign lawyer admissions provisions;
- The making of new Uniform Law (UL) Rules specifically about Barristers'; Admissions (Accreditation and reaccreditation of law courses and PLT providers) and Indexation;
- The review of Managed Investment Schemes Rules;
- The First Priority Amendments Project which has prioritised UL Rule and Law changes, and
- The official launch of the Australian Legal Profession Register on our website.

I would like to express our appreciation to everyone who has been involved in these projects. All of our stakeholders bring different and valuable perspectives to the effective functioning of the UL Scheme, and you have all enriched the Scheme by your contributions over the last year.

We look forward to working with you all next year. Have a safe and relaxing break !

## Council news

### Meeting with the South Australian Deputy Premier and Attorney General

On 15 November, LSC Chair, the Hon Michael Black AC QC FAAL and CEO, Megan Pitt, met with the South Australian Deputy Premier and Attorney General, Vickie Chapman MP and her adviser, Madeleine Church, to discuss issues relevant to South Australia's (SA) consideration of joining the UL Scheme.

The LSC updated the Attorney General on the progress of the expansion of the Scheme to other jurisdictions, and particularly the work being done in Western Australia (WA).

Also discussed were the Intergovernmental Agreement between NSW, Victoria and WA; the features and benefits of the Scheme; the recent work of the LSC and various SA-specific legal regulatory issues.

The Attorney General advised that she will be monitoring WA's progress in joining the Scheme and considering relevant issues over time.

The meeting was a valuable opportunity to engage with the Attorney General and to further understand her perspectives on the Uniform Law and her priorities for South Australia as Deputy Premier and Attorney General.



*The Hon Vickie Chapman MP, Deputy Premier and Attorney General of South Australia.*

### LSC November Meeting

The LSC met for the last time this year on 27 November in Melbourne. At the meeting, the Council discussed the remaining proposed First Priority Amendments to the UL and Rules that had been suggested by the DLRAs and heard an update on the expansion of the UL Scheme to other jurisdictions.

The LSC considered the review of managed investment scheme (MIS) rules (91A-91D of the Uniform General Rules 2015). Three key issues emerged from the MIS consultation - that the purpose

and operation of s 258 of the UL is not well understood across the profession; whether r 91B should be amended to address any unnecessary compliance burden on law practices; and whether r 91C should be amended to overcome a lack of clarity in the existing drafting.

The Council also considered the issue of registered foreign lawyers practising Australian law in-house in Australia.

## Working with our stakeholders

### Conference of Regulatory Officers 2019

On 15 and 16 October, CEO Megan Pitt, Senior Executive Officer, Bridget Sordo, Senior Principal Policy Officer, Chelly Milliken and Principal Policy Officer, Cora Groenewegen attended the annual Conference of Regulatory Officers (CORO) in Melbourne.

The conference, themed 'Different Perspectives', was hosted by the Victorian Legal Services Board and Commissioner (VLSB+C) and attended by representatives from legal regulators, law societies and professional associations from all States and Territories, as well as New Zealand and the United Kingdom.

After the Welcome to Country, conference delegates were treated to a dance performance by Djirri Djirri, a Wurundjeri women's dance group.

Robert Fitzgerald AM, the inaugural NSW Ageing and Disability Commissioner, gave the keynote address. He reflected on the role regulators play in shaping the culture of the legal profession and highlighted the importance of lawyers acting ethically and in the best interest of consumers and the community.

Kate Jenkins, Sex Discrimination Commissioner, led a panel discussion on recent research into sexual harassment in Australian workplaces, and some current regulatory responses to this issue by legal regulators in Australia and New Zealand. Panel members included the Victorian and NSW Legal Services Commissioners, Fiona McLeay and John McKenzie respectively, who outlined the ground-breaking work being undertaken in the UL jurisdictions to address sexual harassment issues in the legal profession.

Other panel discussions challenged conference delegates to think of new, innovative and efficient ways to regulate the legal profession through insights gained from regulators in other sectors of the economy; the role of legal regulators in tackling the issue of poor lawyer wellbeing; and regulation from a consumer perspective.

The conference also included breakout sessions on a range of topics including costs, professional suitability, CPD and unbundled service provision, and provided many opportunities for LSC staff to discuss a range of UL issues with stakeholders.

Congratulations to Fiona McLeay and her team for organising such a successful conference!



Victorian Legal Services Commissioner Fiona McLeay at CORO 2019.



L-R: NSW Legal Services Commissioner, John McKenzie, Victorian Legal Services Commissioner, Fiona McLeay, Mary Ollivier, Director Regulatory, New Zealand Law Society and Kate Jenkins, Australian Human Rights Commission Sex Discrimination Commissioner (Photos courtesy VLSB+C).



Bridget Sordo and Chelly Milliken with the LSC banner at CORO 2019.

### Uniform Law DLRA Meeting

On 17 October the last of the 2019 quarterly meetings between the LSC and the designated regulatory authorities (DLRAs) under the UL was held in Melbourne at the offices of the VLSB+C.

The meeting was chaired by Megan Pitt and attended by Victorian Legal Services Commissioner, Fiona McLeay; VLSB+C Director Policy & Outreach, Kerri-anne Millard; NSW Legal Services Commissioner, John McKenzie; the NSW Law Society's (LSNSW) Senior Manager Strategy and Projects, Heather Moore (by telephone); the Western Australian Legal Practice Board's (LPBWA) Executive Director, Libby Fulham; and Manager of the Legal Profession Complaints Committee Rapid Resolution Team, Cath Carroll.

Matters discussed included the LSC's UL work over the last quarter including a report on the September Council meeting and the recent Admissions Committee meeting; a progress report on the First Priority Amendment project; and an update on the expansion of the UL Scheme to other jurisdictions. The DLRAs provided an update on their priorities, and the agenda for the UL Summit to be held in Sydney on 5 December was settled.

## National Trust Investigators Meetings

On 14 October, Bridget Sordo met with Anna Young, Senior Trust Account Inspector, LPBWA to discuss the implementation of the UL in WA - specifically in relation to trust accounting and external examiners.

Later that day, Bridget attended the National Trust Investigators meeting hosted by the Law Institute of Victoria (LIV). Discussion ranged from e-conveyancing, cybercrime and specific issues experienced in relation to the use of BPAY payments, computerised accounting systems and external examiners' fees. Bridget provided an update on the work of the LSC on changes to the UL and Rules relating to trust money in response to requests made by the DLRAs in the previous 12 months.

The group was subsequently provided with the UL end of trust year examination form templates, currently undergoing an annual review in the UL States. In 2019, a DRLA survey conducted in respect of the external examiners report form showed that 74% of respondents were either satisfied or extremely satisfied that the form was easy to understand and complete.

After the national meeting, representatives from the UL States were briefed on the status of the First Priority Amendments relating to trust money provisions; and they met Chelly Milliken. A new approach to the review of the external examiners' course was also discussed.

## NSW DLRA Meetings

On 1 October, Megan Pitt and Chelly Milliken met with NSW based DLRAs to provide an opportunity to introduce Chelly to these stakeholders during her first week at the LSC and to share an update on the work of the LSC.

The first meeting was with Greg Tolhurst, Executive Director, NSW Bar Association and Jennifer Pearce, Director Legal. Matters discussed included an update on the First Priority Amendment project, WA jurisdictional legislation and the December UL Summit.

Megan and Chelly then met with John McKenzie and Assistant Commissioner (Legal), Samantha Gulliver. At that meeting, John and Samantha provided an overview on the work of the Office of the Legal Services Commissioner (OLSC), including in relation to disclosures on sexual harassment in the legal profession.

Finally, Megan and Chelly met with Heather Moore and Nadya Haddad, Acting Director Professional Standards, LSNSW. Topics included the Review of Managed Investment Scheme Rules, the Australian Legal Profession Register and data sharing arrangements for complaints and admissions data.



*L-R: Jennifer Pearce (NSW Bar Association), Chelly Milliken (LSC) and Greg Tolhurst (NSW Bar Association).*



*L-R: Sam Gulliver and John McKenzie (OLSC), Chelly Milliken (LSC).*



*L-R: Heather Moore (LSNSW), Chelly Milliken (LSC) and Nadya Haddad (LSNSW).*

## Complaints Data Reporting Review

The electronic data sharing project has been working well with the LSC UL database revealing some interesting complaints statistics across both UL jurisdictions since 1 July 2015.

The LSC has commenced a review of the way the data is currently presented to further improve the reports and document all business rules. Over October and November, Bridget Sordo met separately with each DLRA to identify areas for enhancement of data quality and reporting formats. The LSC is grateful to the DLRAs for their ideas and will work with the LSC UL database team to implement as many suggestions as we can next year.



*L-R: Brad Roberts, Jim Papadimitriou and Tina Stagliano (VLSB+C).*

## NSW Department of Communities and Justice

On 2 October, Megan Pitt and Chelly Milliken met with Kathrina Lo, Deputy Secretary, Law Reform and Legal Services, at the Department of Communities and Justice (DCJ).

On 3 October, Megan Pitt, Chelly Milliken, Cora Groenewegen and Bridget Sordo met with Phillipa Hetherington, Director, and Michelle Gardiner, Policy Manager, from the DCJ Policy, Reform and Legislation Branch.

These meetings covered a range of topics including the First Priority Amendment Project, the Managed Investment Scheme Rule Review, UL Summit, WA jurisdictional legislation, the Australian Legal Profession Register and the LSC Annual Report.



L-R: Cora Groenewegen, Bridget Sordo, Chelly Milliken, Megan Pitt (LSC), Phillipa Hetherton and Michelle Gardiner (DCJ).

## Victorian DLRA Meetings

On 22 October, a meeting was held to introduce Chelly Milliken to the VLSB+C and to discuss matters including the MIS Review. Present were LSC's Megan Pitt and Chelly Milliken, VLSB+C's Kerri-ane Millard; Michelle Marfurt, and Natalie Neal.



L-R: Michelle Marfurt, Natalie Neal, Kerri-ane Millard (VLSB+C) and Chelly Milliken (LSC).

## 20<sup>th</sup> meeting of Administrators of Australasian Law Admitting Authorities

Two objectives of the UL are to promote jurisdictional consistency in the law applying to the Australian legal profession and to ensure that lawyers are competent. To that end, on 14 October, Megan Pitt and Cora Groenewegen were very pleased to attend the morning session of the 20<sup>th</sup> meeting of Administrators of Australasian Law Admitting Authorities hosted by the Victorian Legal Admissions Board (VLAB) in Melbourne. Also present were administrators from Western Australia, Tasmania, Queensland, NSW and New Zealand.

Bernard Teague AO, VLAB Chair, welcomed all, and commented on the value of such meetings in bringing together admitting authorities from all jurisdictions to share information, experiences and practices.

The administrators exchanged ideas regarding processes to deal with applications (including cases for appeal and re-admission), highlighting the indicators of suitability for admission, and, in the UL jurisdictions, sharing registers for stale qualifications and conditional admission to secure consistency of practice. The topics discussed included English language proficiency; foreign assessments; confidentiality; accreditation and re-accreditation of academic courses and PLT providers; the importance of

institutions teaching law courses consistently with the terms of accreditation; and electronic admission procedures.

Megan Pitt spoke about the LSC's Admissions Committee, its place in the UL Scheme, its constitution, functions and the value of its interactions with and understanding of the perspectives of all admitting authorities and the Law Admissions Consultative Committee. Cora explained various specifics about the UL relating to admissions including that where a person may be unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner they may be determined as unfit and improper for the purposes of admission under the UL.

Cora also discussed the process of admissions rule making and consultation set out in the UL, and demonstrated that when considering new Admission Rules, the Admissions Committee is interested in the views of all jurisdictions and actively seeks and appreciates their comments. Finally, she referred to judicial comments about the language of some Admission Rules, stating that the Admissions Committee will consider recommending changes to better align with the language of the UL.

The meeting provided an excellent opportunity for the LSC to engage with the representatives of all admitting authorities in attendance. Through the administrators' cooperation and collaboration, their commitment to apply prevailing law consistently to achieve the best outcomes for the legal profession and the consumers of its services, was clearly evident.



L-R: Mary Ollivier, Director Regulatory, New Zealand Law Society; Deb MacDonald, Admissions & Registrations Coordinator, LPBWA; Lorna Starling, Admissions Officer, LPBWA; Mel Timmins, Secretary, LPAB Qld; Kristen Murray, Principal Policy Officer, VLAB; Lisa Rozanitis, VLAB; Debbie Jones, Chief Executive Officer, VLAB; Maria Di Palma, Senior Advisor, VLAB; Megan Pitt; Cora Groenewegen; Gayle Johnston, Manager Operations, LPB Tas; Chris Banks, Executive Officer, LPAB(NSW); Luke Rheinberger, Secretary, Board of Legal Education Tas; Libby Fulham, Executive Director, LPBWA.

## Meeting with Legal Profession Admission Board (NSW)

The LSC's Admissions Committee works closely with the admitting authorities in NSW and Victoria, gathering data, understanding their processes and identifying trends. As it is always good to see the face behind the emails, Megan and Cora were delighted to meet Mr Chris Banks, Executive Officer of the Legal Practitioner Admission Board (LPAB NSW) on 9 October. Mr Banks has been re-appointed to this position after an absence of two years. After just a few weeks in the job, he was on top of

matters of interest to the Committee, particularly data sharing, the admission of foreign lawyers and the accreditation of law courses, whether academic or practical. We look forward to working with Chris and continuing our productive relationship with the LPAB (NSW).



*Cora Groenewegen (LSC) and Chris Banks (LPAB).*

### Professional Standards Authority Seminar

On 29 October, Chelly Milliken attended a seminar organised by the Professional Standards Authority to hear John Rogers from Law Mutual (WA) speak about their program on the identification and mitigation of risks in legal practice. The seminar was also attended by representatives from the LSNSW and OLSC.



*L-R: Chelly Milliken (LSC), Roxane Marcelle-Shaw, CEO, Professional Standards Authority, John Rogers, General Manager Law Mutual (WA) and John Rappell, Director Professional Standards Regulation, Professional Standards Authority.*

## Strategic initiatives

### Managed Investment Scheme Rule Review

On 21 October, a consultation meeting on the Review of Managed Investments Scheme Rules was held in Sydney. The meeting was attended by LSC's Megan Pitt and Chelly Milliken; John McKenzie; NSW Legal Services Commissioner, Mitch Hillier, Executive Director, Law Firms Australia; Derek Heath, Consultant, Allens; Heather Moore and Nadya Haddad of the Law Society of NSW.

On 22 October, consultation meetings were held in Melbourne with the VLSB+C and LIV. The consultation meeting with the VLSB+C was attended by Megan Pitt; Chelly Milliken; Kerri-anne Millard; Michelle Marfurt, Manager, Policy & Regulatory Strategy; and Natalie Neal, Senior Policy Officer, Policy & Regulatory Strategy.

The consultation meeting with the LIV was attended by CEO, Adam Awty; Marco Zanon, Manager of Trust Consulting and Quality Assurance; and Peter Docherty, Head of Professional Standards and Quality Assurance.

Professor Pamela Hanrahan, who has been engaged by the Council as an expert adviser to this review also attended the consultation meetings to provide expert technical guidance.



*Chelly Milliken (LSC) and Prof Pamela Hanrahan.*

### 'Corporate Legal Practitioner' definition meeting

On 6 November, Bridget Sordo and Chelly Milliken met with Heather Moore; Chris Drummer, Director, Policy, Projects and Advocacy, Association of Corporate Counsel; and Tony de Govrik, General Counsel & Assistant Company Secretary, Probus South Pacific Ltd; to discuss a joint proposal by the LSNSW and the ACC to amend the UL definition of "corporate legal practitioner". Natalie Neal and Libby Fulham attended the meeting by phone. The proposed amendment is being considered by the LSC as part of the First Priority Amendment project.



*L-R: Chelly Milliken, Bridget Sordo (LSC), Heather Moore (LSNSW), Chris Drummer (ACC) and Tony de Govrik (Probus South Pacific).*

## Secretariat news

### Season's Greetings to All!

The LSC's office will be closed on the public holidays over December and January.

We would like to wish all of our readers an enjoyable and relaxing holiday season and we look forward to working together with you in 2020.