



# Welcome to the Uniform Law Scheme



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## On 5 April 2022, the *Legal Profession Uniform Law Application Bill 2021* passed the Western Australian Parliament.

The Uniform Law scheme will become operational in Western Australia on 1 July 2022.

This event is a tremendous milestone, in terms of the expansion of the Uniform Law scheme, and a significant step towards the goal of Australia having a national legal profession under a national regulatory regime.

This article provides an overview of the Uniform Law scheme for the information

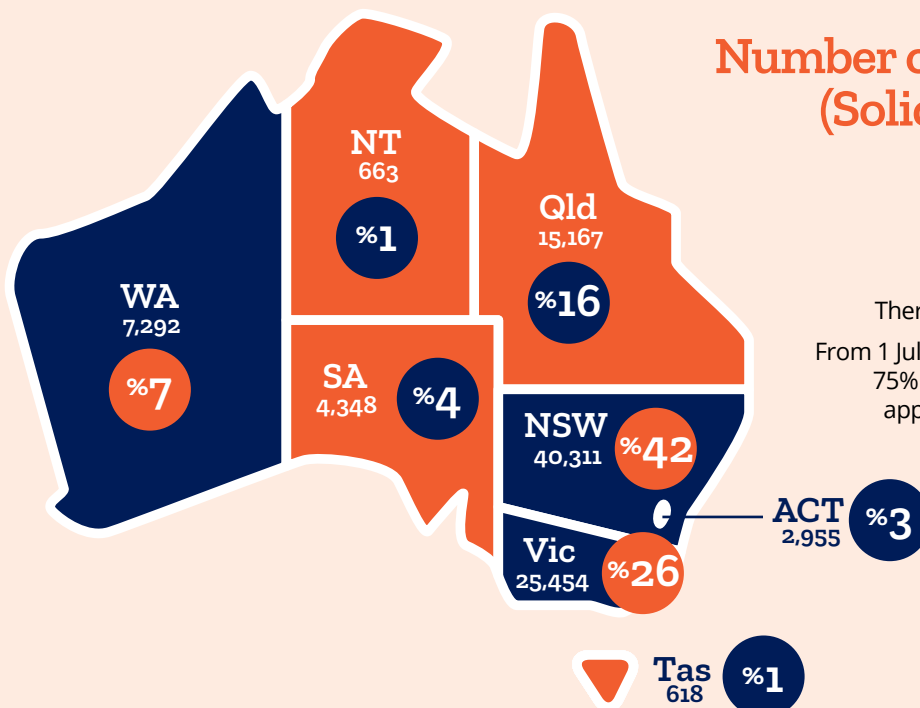
of legal practitioners in Western Australia. Specific details about the operation of the Uniform Law and Rules, in terms of their regulatory impact on legal practitioners in Western Australia, has been and will continue to be provided by the Law Society of Western Australia, the Western Australian Bar Association and the Legal Practice Board of Western Australia.

## Overview of the Uniform Law Scheme

In 2014, the Uniform Law was enacted in Victoria, adopted as an applied law in NSW in May 2014, and commenced on 1 July 2015.

The Legal Services Council (Council) oversees the Uniform Law which regulates the legal profession in Victoria and NSW and soon, WA. The Uniform Law scheme currently covers 68% of the Australian legal profession and soon, will cover over 75% of the profession nationally.

The Uniform Law creates two new inter-jurisdictional bodies to oversee the regulatory regime: the Standing Committee of Attorneys General of the participating jurisdictions, and the Council. A diagram showing each of the bodies under the Uniform Law scheme, including the relevant Western Australian bodies, is shown on the opposite page.



## Number of Legal Practitioners (Solicitors and Barristers) Australia wide

As at 30 June 2021

Percentage values have been rounded

There are 96,808 legal practitioners in Australia. From 1 July 2022, the Uniform Law scheme will cover 75% of legal practitioners in Australia, as it then applies in NSW, Victoria and Western Australia.

Figures are based on practising certificates issued by State and Territory authorities as at 30 June 2021

## Standing Committee of Attorneys General (Standing Committee)

The Standing Committee appoints the Council, approves changes to the law and rules that are recommended by the Council and has a general supervisory role over the Council. Through the involvement of the Attorneys General, the scheme ensures that the interests of each jurisdiction are taken into account.



The Honourable  
Jaclyn Symes MP

Victoria



The Honourable  
Mark Speakman SC MP

New South Wales



The Honourable  
John Quigley MLA

Western Australia

# Role of Bodies Under the Legal Profession Uniform Law

## Standing Committee – NSW, Victorian and Western Australian Attorneys General

Supervises the Legal Services Council, Commissioner for Uniform Legal Services Regulation and local regulatory authorities to ensure they fulfil their duties consistently with the Uniform Law's objectives.

Approves Uniform Rules.

### Admissions Committee

Develops rules about admission to the legal profession.

Gives advice to the Legal Services Council about admissions related matters.

### Legal Services Council

Monitors the Uniform Law's implementation and operation.

Develops General Rules and makes all Uniform Rules.

Issues guidelines and directions to local regulatory authorities about the exercise of their functions.

### Commissioner for Uniform Legal Services Regulation

Promotes compliance with the Uniform Law and Rules.

Ensures the consistent and effective implementation of Chapter 5 of the Uniform Law.

Raises awareness of the Uniform Law framework and its objectives.

Issues guidelines and directions to local regulatory authorities about Chapter 5 functions.

## Local Regulatory Authorities for Functions and Regulation of The Legal Profession

### Admission to the Legal Profession

Legal Profession Admission Board (NSW)

Victorian Legal Admissions Board

Legal Practice Board WA

### Australian Practising and Registration Certificates

Bar Council (NSW)

Law Society Council (NSW)

Victorian Legal Services Board

Legal Practice Board WA

### Trust Money and Trust Accounting

Bar Council (NSW)

Law Society Council (NSW)

Victorian Legal Services Board

Legal Practice Board WA

### Compliance Audits and Management System Directions

NSW Legal Services Commissioner

Law Society and Bar Councils (NSW)

Victorian Legal Services Board

Legal Practice Board WA

### Chapter 5 Consumer Complaints, Dispute Resolution and Professional Discipline

NSW Legal Services Commissioner

Law Society and Bar Councils (NSW)

Victorian Legal Services Commissioner

Legal Services and Complaints Committee (WA)

## Courts and Tribunals

### Supreme Court

Appeal or review of some DLRA decisions, disqualification of entities from providing legal services, admission to and removal from the roll of Australian lawyers, appointment of receivers, injunctive relief.

### Local Court of NSW

### Magistrates Court of Victoria

### Magistrates Court of Western Australia

Prosecution of summary offences.

### Civil and Administrative Tribunals

Chapter 5 consumer complaints, dispute resolution and professional discipline.



# UNIFORM LAW SCHEME

## Intergovernmental Agreement

On 5 December 2013, the states of NSW and Victoria signed the Bilateral Agreement on the Legal Profession Uniform Framework, pursuant to which NSW and Victoria enacted the Uniform Law in their jurisdictions.

From February 2019, that agreement was replaced by the Intergovernmental Agreement on the Legal Profession

Uniform Framework (Intergovernmental Agreement), made between the states of NSW, Victoria and Western Australia.

The Intergovernmental Agreement sets out the principles and processes for cooperation between NSW, Victoria and Western Australia to expand the Uniform Law framework and addresses the role of the Standing Committee, implementation of the Uniform Law framework, maintenance of national consistency and amendment of the framework,

appointments to the Council and funding arrangements.

Since 2019, Western Australia has been regarded as part of the Uniform Law scheme and has been involved in all consultations undertaken by the Legal Services Council and its Admissions Committee.

## Legal Services Council

The Council oversees the operation of the Uniform Law scheme. It formally makes the Uniform Rules and can make recommendations for changes to the Uniform Law, to the Standing Committee.

From 14 October 2014 to 13 October 2020, the Chair of the Council was the Hon Michael Black AC QC FAAL.

The inaugural Council's members included Ms Fiona Bennett, Ms Kim Boettcher, Mr Steve Stevens and Mr Bret Walker SC.

The current Council was appointed in October 2020. The members of the Council are:

- One member appointed as the Chair by the Standing Committee – Mr Alan Cameron AO
- Two members recommended by the Australian Bar Association and Law Council of Australia respectively – Mr Noel Hutley SC and Ms Juliana Warner

- Two members appointed by the Standing Committee on the basis of their expertise in legal practice, consumer protection, legal profession regulation or financial management – Mr Murray Baird and Ms Elizabeth Harris.

**Hon Michael Black AC QC FAAL**  
Former Chair



Chair from 2014 to 2020. Previously, the Hon Michael Black AC QC FAAL was the Chief Justice of the Federal Court of Australia for 19 years, from 1991 to 2010. He commenced practice at the Victorian Bar in 1964 and was appointed Queen's Counsel in 1980. During his outstanding career, he has held various academic, committee and international appointments.

**Mr Alan Cameron AO**  
Chair



Chair from 2020 to date. Previously, Alan Cameron AO occupied a range of senior roles in both the private and public sectors, including as Commonwealth and Defence Force Ombudsman, Chairman of the Australian Securities and Investments Commission from 1993 to 2000, and Chairperson of the NSW Law Reform Commission from 2015 to 2022.

**Mr Murray Baird**  
Member



Murray Baird was the inaugural Assistant Commissioner and General Counsel at the Australian Charities and Not-for-profits Commission (ACNC) from its inception in 2012 until 2019, following a career in private practice as a Partner and Chair of Moores Legal in Melbourne. He is a member of the Law Institute of Victoria's and Law Council of Australia's Charities and Not for Profit Committees.

**Ms Liz Harris**  
Member



Liz Harris is a recognised expert in costs law and has been a member of the Victorian Supreme Court Costs Committee, VCAT Legal Practice List and Chair of the LIV Advisory Board on Costs Law and its Cost Lawyers section. Liz consults to government and corporate legal departments and appears as an expert witness in litigation.

**Mr Noel Hutley sc**  
Member



Noel Hutley is a NSW barrister who was appointed as Senior Counsel in 1996 and as Queen's Counsel in Western Australia in 1997. Noel has previously been President of the NSW Bar Association and President of the Australian Bar Association.

**Ms Juliana Warner**  
Member



Juliana Warner is a Partner of the Sydney office of Herbert Smith Freehills and was the President of the Law Society of NSW in 2021. Juliana is also a Director of the Law Council of Australia, a Trustee of the Public Purpose Fund of NSW and a Director of Law Firms Australia.

## Western Australia Observers

Since Western Australia indicated its interest in joining the Uniform Law scheme, the Council has had the benefit of an observer from Western Australia. In 2017, the first observer was the Hon Chief Justice of Western Australia, Peter Quinlan QC, when he was the Solicitor General of Western Australia and the current observer is Mr Joshua Thomson, the current Solicitor General.

These Western Australia observers have assisted the Council to understand Western Australia's perspectives and their involvement has enabled Western Australia to gain a greater understanding of the operations of the Council and the Uniform Law scheme. The contribution that these observers have made to the Uniform Law has been significant.

When Western Australia joins the scheme, a permanent appointment to the Council from Western Australia will be made, so that Western Australia will have a direct voice in the scheme. The Law Council of Australia will also nominate an additional Council member.

**The Hon Peter Quinlan sc**  
Chief Justice of Western Australia



**Mr Joshua Thomson sc**  
Solicitor General of Western Australia







## Legal Services Council Admissions Committee

The Council's Admissions Committee, chaired by the Hon Arthur Emmett AO QC, is responsible for developing Admission Rules and provides advice to the Council about admission matters generally.

Admission Committee members are nominated by a range of bodies, including the Chief Justice of Victoria with the concurrence of the Chief Justice of each of the other participating jurisdictions, the Law Council of

Australia, the Australian Bar Association, the Dean of a Law School or Faculty of Law, and the Standing Committee. The Council appoints the Committee members and must ensure that there is at least one member from each participating jurisdiction.

Judicial members of the Committee include the Hon David Habersberger QC, formerly of the Victorian Supreme Court, and the Hon Justice Francois Kunc of the NSW Supreme Court.

Since Western Australia expressed an interest in joining the Uniform Law scheme, the Hon Rene Le Miere SC, formerly a judge of the Supreme Court of Western Australia, has been an observer on the Admissions Committee and has made valuable contributions to its work.

A permanent appointment to the Admissions Committee will be made when Western Australia joins the Uniform Law scheme.

**The Hon Arthur R Emmett AO QC**  
Chair



**The Hon David Habersberger QC**  
Member



**The Hon Justice Francois Kunc**  
Member



**The Hon Rene Le Miere QC**  
Observer



**Ross Drinnan**  
Member



**Professor Jenni Lightowlers**  
Member



**Professor Tania Sourdin**  
Member



**Robert Hollo sc**  
Member



# Law Admissions Consultative Committee (LACC)

The LACC was set up by the Council of Chief Justices of Australia and New Zealand before the Uniform Law scheme was established, to forge consensus on admission matters nationally. The LACC comprises a delegate of each Australian State or Territory, together with a nominee of the Australian Professional Legal Education Council, the Council of Australian Law Deans and the Law Council of Australia.

Since the Uniform Law scheme came into existence, the Admissions Committee

has worked constructively with the LACC, to promote consensus on admission matters as between the Uniform Law jurisdictions and other Australian jurisdictions.

Recently, the Council of Chief Justices of Australia and New Zealand resolved that in the interests of uniformity, a Chair and as many people in common as possible should carry out the admissions advisory functions in the participating and non-participating jurisdictions. In response, appointments to the LACC resulted in

five joint appointees across both the Admissions Committee and the LACC, including the Chair and the Western Australia observer on the Admissions Committee.

The Council provides secretariat services to the LACC. Both Committees meet three times per year on the same day and inform themselves of the other's issues and business, working cooperatively to maximise uniformity in admissions matters between all Australian jurisdictions.

## CEO and Commissioner

The CEO of the Council supports the Council in the performance of its functions, provides advice and heads the Secretariat and its operations.

The CEO is also the Commissioner for Uniform Legal Services Regulation and ensures the dispute resolution and professional discipline arrangements set out in Chapter 5 of the Uniform Law are implemented consistently and effectively. The Commissioner also promotes compliance with the Uniform Law and raises awareness about the scheme and its objectives.

The Commissioner furthers these objectives through regular meetings with the Executives of the DLRAs to discuss their operations under the Uniform Law and obtaining complaints data that is input into a national Uniform Law database. Other mechanisms employed are the Council's website, which highlights developments in the Uniform Law, guidelines and practice directions, annual reports and a quarterly newsletter that is distributed to Uniform Law stakeholders. Additionally, the Council's annual Uniform Law Summit brings together representatives of the

bodies in the Uniform Law framework, to discuss issues and plan priorities.

From 29 September 2014 to 29 September 2017, the inaugural CEO and Commissioner was Dale Boucher. Since 3 October 2017, the CEO and Commissioner has been Megan Pitt.

## Secretariat

The Secretariat provides support to the Council and the CEO in administering the day-to-day matters of the Council. It has a policy team led by Chelly Milliken and including Ella Howard and Jessica Wardle. Its corporate work is supported by Bridget Sordo and Tina O'Brien. The Secretariat has extensive experience in legal policy and in advising corporate bodies and committees.

## Designated Local Regulatory Authorities (DLRAs)

Under the Uniform Law, regulatory functions are conferred on DLRAs in each jurisdiction. The Council and Commissioner do not have a direct role in the regulation of legal practitioners and law practices and cannot intervene in individual cases.

When Western Australia joins the scheme, the Legal Practice Board of Western Australia and the Legal Services and Complaints Committee will be

**Dale Boucher**  
Former CEO and Commissioner



CEO and Commissioner from 2014 to 2017. Previously, Dale Boucher was the first Chairman of the Tax Practitioners Board, from 2009 to 2013, the CEO of the Australian Government Solicitor and he held the personal office of the Australian Government Solicitor between 1993 and 1997.

**Megan Pitt**  
Current CEO and Commissioner



CEO and Commissioner from 2017 to date. Previously, Megan Pitt led the Sydney office of the Australian Government Solicitor as its Director for over 20 years. Megan has a strong background in Commonwealth litigation and legal practice management, and has chaired various Commonwealth and State-based legal networks.



the DLRAs. The Legal Services and Complaints Committee is a renaming of the current Legal Profession Complaints Committee.

In NSW, the local regulatory authorities are the NSW Legal Services Commissioner, the Law Society of NSW, the NSW Bar Association, the Legal Profession Admission Board and the Civil and Administrative Tribunal of NSW.

In Victoria, the local regulatory authorities are the Victorian Legal Services Board and Commissioner, the Victorian Bar and the Victorian Legal Admissions Board.

The local Admission Boards and Supreme Courts maintain their role in the admissions process under the Uniform Law.

The Council does not interfere with the operation of the DLRAs, except to ensure that the Uniform Law is operating effectively and consistently with the objectives of the Uniform Law.

## Western Australian involvement in the Uniform Law Scheme

The Uniform Law scheme has some unique features that distinguish it from the earlier proposed national model. Unlike the previous model for national law, the scheme provides for uniformity, while allowing participating jurisdictions to retain existing local features, as long as they are not inconsistent or irreconcilable with the Uniform Law.

Accordingly, when the Uniform Law commences in Western Australia, although there will be some changes, much will remain the same. In addition, Western Australian legal practitioners will be able to access features of the Uniform Law scheme that are currently available to legal practitioners in NSW and Victoria.

### Retention of Western Australian regulatory bodies and provisions

The retention of the Western Australian legal and regulatory bodies is an important feature of the Uniform Law scheme, including the Legal Practice Board and the Legal Profession Complaints Committee, as well as the Law Complaints Officer, the Legal Costs Committee and the Legal Contribution Trust.

Western Australia will also retain some provisions that are important and unique to it, such as the ability of a barrister to accept direct briefs on a pro bono basis or pursuant to a direct grant of legal aid, without breaching the Uniform Law Barristers Conduct Rules.

By enabling Western Australia and other jurisdictions to keep historically important and unique bodies and practices, the Uniform Law framework is inclusive and embracing of difference, rather than requiring total conformity.

### Uniform Law data sharing

Western Australia's legal complaints and admissions data will soon be included in the Legal Services Council's national database. This will enable broader analysis of trends and enhance the ability to compare Western Australia's performance against relevant benchmarks, as is the case with NSW and Victoria.

### Australian Legal Profession Register

The Council's online Australian Legal Profession Register, available on its website, will soon include the names, practising certificate types and locations of Western Australia legal practitioners. With links to the Registers of Disciplinary Action in the Uniform Law jurisdictions, the ALPR will be a useful enquiry tool for the legal profession and for the protection of consumers in Western Australia, as it is in NSW and Victoria.

### Australasian Legal Information Institute Uniform Law Library

The Australasian Legal Information Institute Uniform Law Library, known as the AustLII Uniform Law Library, will include relevant Western Australia case law in the near future. This will assist Western Australian legal practitioners to keep up to date with relevant Uniform Law developments, as it does legal practitioners in NSW and Victoria.

### Ongoing collaboration between Western Australia and the Council

The success of the Uniform Law scheme is dependent upon the collaboration and cooperation of all bodies in the Uniform Law framework. The Council has actively directed its efforts towards ensuring that this collaborative and collegial spirit exists, by its ongoing consideration

of the significant views of all bodies and jurisdictions in the scheme.

The Council will continue to actively involve Western Australian stakeholders in its decision making and to consult with the Western Australian legal profession directly, and through the Law Society of Western Australia, the Western Australian Bar Association and the Legal Practice Board of Western Australia in the future.

