



Message from the CEO, Megan Pitt

Welcome to our first newsletter for 2019.

It has been an eventful quarter as we prepare for another busy year.

In January, the Legal Services Council (LSC) made the Legal Profession Uniform Conduct (Barristers) Amendment (Refusal of Briefs) Rule. The effect of the new rule 101A, which replaces 101n, is to reduce the period of prohibition on a barrister appearing before tribunals of which they were formerly a member, from five years to two, and limits the retrospectivity of the prohibition. Thanks to everyone who contributed to the consultation process.

We have also made a Uniform General Rule on Indexation to ensure the NSW and Victorian Legal Services Commissioners and the Victorian Civil and Administrative Tribunal maintain their jurisdiction to determine costs disputes in line with inflation. This will apply from 1 July 2019.

Our Annual Report is now public, after being tabled in both the NSW and Vic Parliaments and I encourage you to download a copy from our Publications page on our [website](#) or request a copy.

Finally, it was a pleasure to host a low key office opening afternoon tea to mark the Secretariat's new headquarters in O'Connell Street and to thank our stakeholders.

I hope you enjoy this issue.

Council news

Admissions Committee review of foreign lawyers

On 1 March 2018 the Legal Services Council Admissions Committee (Committee) resolved to review the operation of legislation, rules and conventions relating to the admission of foreign lawyers in Victoria and New South Wales. Currently a foreign lawyer can be admitted with or without conditions in these jurisdictions.

The Steering Committee comprising: the Hon Acting Justice Arthur Emmett AO, Chair of the Admissions Committee and the Legal Profession Admission Board (LPAB); the Hon Bernard Teague AO, Chair of the VLAB; the Hon David Habersberger, Deputy Chair of the VLAB; Stuart Clark AM; Megan Pitt; Kristen Murray, VLAB Principal Policy Officer and Cora Groenewegen, LSC Senior Policy Officer (Admissions) was tasked with the review.

After gathering information from stakeholders and collecting and analysing admissions data and processes throughout the year, the Steering Committee (absent the Hon Bernard Teague) met on 31 January 2019 and settled its findings and recommendations. It then reported these to the Admissions Committee for consideration at its March 2019 meeting.



From left: the Hon Acting Justice Arthur Emmett AO, Megan Pitt, the Hon David Habersberger, Kristen Murray, Stuart Clark AM and Cora Groenewegen.

Working with our stakeholders

Law Society of England and Wales

The Legal Services Council Secretariat was delighted to host a meeting with the Law Society of England and Wales' President, Christina Blacklaws and International Policy Assistant for Asia, Catherine Brims. Joining them at the 29 January meeting were LSC CEO Megan Pitt, LSC policy officers, Sonya Kim and Cora Groenewegen and Kellie Blakemore, Policy Manager at NSW DOJ.

The discussion centred on regulation of foreign lawyers in Uniform Law jurisdictions. The Uniform Law works to encourage and facilitate the internationalisation of legal services whilst ensuring high professional standards to enhance the protection of consumers of legal services. Megan spoke about the Council's recommendation to amend s 70 of

the UL to extend the forms of practice available to registered foreign lawyers.

The meeting was very informative, as Ms Blacklaws shared toolkits to promote women in leadership in law (including Male Champions for Change) as well as news of developments in the UK, particularly relating to advances in technology affecting the legal profession.



From left: Sonya Kim, Megan Pitt, Cora Groenewegen, Kellie Blakemore, Catherine Brims and Christina Blacklaws.

Uniform Law DLRA Meeting

On 27 March, Megan Pitt hosted a meeting of designated local regulatory authorities (DLRAs) to discuss the current work of the LSC and the DLRAs and areas for future collaboration. Attendees included Victorian Legal Services Commissioner, Fiona McLeay; NSW Legal Services Commissioner, John McKenzie; NSW Bar Association Executive Director, Greg Tolhurst and Senior Strategy and Projects Manager, NSW Law Society, Heather Moore.

The meeting agenda included a report of the LSC's March Council meeting, an update on WA joining the UL scheme, a progress report on the development of the Australian Legal Profession Register and the costs disclosure thresholds project and the Agreed Priority Amendments to the UL. The regulators reported on their work and VLSB+C's projects on costs disclosure, lawyer well-being and the establishment of a consumer panel.

These DLRA meetings will be held on a quarterly basis throughout 2019 with the next meeting to take place in July.



L-R: Fiona McLeay, Heather Moore, Megan Pitt, John McKenzie and Greg Tolhurst.

Law Institute of Victoria (LIV) Conference

LSC CEO Megan Pitt attended the 2019 LIV Conference of Council in Melbourne on 4 February, along with over 80 delegates including the LIV Directors, Section and Committee Chairs, Victorian Regional Law Associations, representatives of the Law Council of Australia, Law Societies of NSW and Queensland, the Victorian Legal Services Commissioner and Law Firms Australia (LFA).

New LIV President, Stuart Webb, opened the conference and introduced Victorian Attorney General, the Hon Jill Hennessey MP who gave an engaging and impressive keynote address outlining her priorities for her term.

LIV CEO Adam Awty chaired an impressive panel comprising the Right Hon Lord Mayor, Sally Capp and Elizabeth Proust AO who spoke about building strong, resilient and ethical institutions. Amongst other sessions, the LIV also consulted delegates about its Strategic Plan for 2020.

The conference was a great opportunity to meet with the above speakers, LIV Council members, regulators and legal association representatives.



Victorian Attorney General, the Hon Jill Hennessey MP addresses the LIV Conference. (Photo by David Johns courtesy of the Law Institute of Victoria.)



From left: Stuart Webb, Megan Pitt and Adam Awty.

LIV National Costs Conference 2019

Megan Pitt attended the Law Institute of Victoria's (LIV) National Costs Conference on 22 February, which brought together legal regulators, Law Societies and costs experts from around Australia. The conference was a unique opportunity for specialists working in the legal costs area to hear updates, discuss current practices and issues of concern and to hear from relevant speakers.

Legal Services Commissioner, Fiona McLeay, gave the keynote address on the need for lawyers to keep up with changing technology. Associate Justice Jamie Wood of the Victorian Costs Court spoke about best practice in the Costs Court and a panel of expert costs lawyers from Victoria, NSW and WA presented an overview of recent costs law.

Law Council of Australia

On 6 February, Megan Pitt met with Jonathan Smithers, CEO of the Law Council of Australia (LCA) during his visit to Sydney.

Matters discussed included an update on LSC and LCA priorities for 2019, the Australian Solicitors' Conduct Rules and the work of the Steering Committee on the review of the admission of foreign lawyers in Australia that is being conducted by the LSC's Admissions Committee.



Megan Pitt and Jonathan Smithers.

Law Society of NSW

On 1 February 2019, LSC CEO Megan Pitt and Senior Policy Adviser, Sonya Kim met with Regulatory Compliance solicitors at the Law Society of New South Wales (LSNSW), Frances Moffitt and Glenda Carry.

The meeting was to discuss a broad range of Uniform Law issues relating to corporate legal practitioners, related entities and unincorporated legal practices.

All attendees appreciated the opportunity to think through the policy and compliance implications of possible changes to the Uniform Law that are expected to be progressed in 2019.



From left: Frances Moffatt, Glenda Carry, Megan Pitt and Sonya Kim.

On 25 March, LSC Senior Policy Adviser, Sonya Kim and Senior Executive Officer, Bridget Sordo met with Acting Director, Professional Standards, Nadya Haddad, and Senior Manager, Strategy & Projects, Heather Moore from LSNSW.

The meeting was the first of a series of meetings the LSC will have with the UL DLRAs on law reform proposals which arose out of the successful Joint Uniform Law Summit in September 2018. The Summit yielded over 50 ideas for change in the UL, Uniform Rules or LSC Guidelines. A face to face meeting on

the Law Society's proposals on chapter 4 of the UL, on business practice and professional conduct, was useful to better understand the issues which led to the proposals for change. The LSC will consider all proposals over a number of Council meetings, ultimately for recommendation to the Standing Committee.

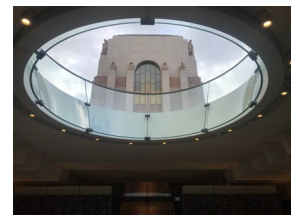


From left: Sonya Kim, Bridget Sordo (LSC), Heather Moore and Nadya Haddad (NSW Law Society).

Justice Services Executive meeting at ANZAC Memorial

On 19 March Megan Pitt attended a meeting of the NSW Department of Justice (DOJ) Justice Services Division Executive, held at the ANZAC Memorial in Hyde Park followed by a dinner.

The LSC, together with the NSW Office of the Legal Services Commissioner (OLSC) and the NSW Legal Profession Admission Board (LPAB) are administratively part of the Justice Services Division of DOJ. The meeting was chaired by Deputy Secretary, Kathrina Lo. Also attending were Legal Services Commissioner, John McKenzie, Siew McKeogh, Executive Director LPAB and Adam Dent, Trustee & Guardian CEO, amongst others. The meeting covered various finance and human resources matters and was followed by a tour of the fascinating, recently upgraded ANZAC Memorial.



Hyde Park War Memorial.



Featured from front left: Siew McKeogh (LPAB), Kathrina Lo (DOJ back left), Adam Dent (Trustee & Guardian CEO), Megan Pitt and John McKenzie (OLSC).

DTS Business Partner meeting

On 20 February LSC Senior Executive Officer, Bridget Sordo and Executive Assistant, Tina O'Brien met with Kiera Brown, our Digital Technology Business Partner from the DOJ to discuss various LSC IT matters.

The meeting covered the establishment of our Virtual Private Network (VPN) to be used to access our UL data and the iFrame project that will support the Australian Legal Profession Register. Kiera's expertise and assistance in progressing these projects and addressing our issues over the last year has been extremely valuable.



From Left: Tina O'Brien, Kiera Brown and Bridget Sordo.

Professional Standards Australia (PSA) and Councils

On 15 February, Megan Pitt together with Sonya Kim, gave a presentation about the work of the LSC and Commissioner to the PSA and its Councils in Sydney. The PSA audience comprised its CEO and Executives and Council members from around Australia.

The PSA is the national regulatory agency that protects Australian Consumers by improving professional standards by promoting the objects of the Professional Standards legislation and monitoring professional standards schemes including those of lawyer associations such as the NSW Law Society, NSW Bar Association, LIV and Victorian Bar.

The presentation covered an overview of the UL Scheme, the role of the LSC and Commissioner, the similarities and differences between the two organisations and the LSC's work on professional standards.

The PSA was particularly interested to explore ways in which the PSA and LSC might work together in the future. Areas identified and discussed included policy and research on regulation and self-regulation; participation in risk and other educational workshops and identifying national and international best practice in CPD training, regulatory reporting, responding to the impact of digital innovation and statistical and trend analysis.



From left: Megan Pitt and Roxane Marcelle-Shaw (PSA).

ANU Roundtable on Mutual Recognition of Professional Qualifications

On 19 March Megan Pitt and Senior Project Adviser (Admissions), Cora Groenewegen, attended a Roundtable on Mutual Recognition of Professional Qualifications between Australia and the UK on Legal Services.

The event was held at the Law Society of NSW and hosted by the ANU's Centre for European Studies.

Participants discussed the idea of a Mutual Recognition Agreement (MRA) with the UK, the key factors determining professional demand for MRAs; factors that might prevent MRAs being negotiated in practice and the prospects of an MRA between Australia and the UK in relation to legal services.

Meeting with Queensland Law Society

On 4 March, CEO Megan Pitt and Senior Policy Adviser, Sonya Kim met with the Queensland Law Society (QLS) President Bill Potts and CEO Rolf Moses at the LSC offices in Sydney. It was a very useful discussion which enhanced the LSC's appreciation of the perspectives of the QLS and its membership.

We were encouraged to hear that the QLS is keeping a watching brief on the LSC and the Uniform Law, including by subscribing to the LSC newsletter. The LSC values the opportunity to engage with non-participating jurisdictions about the concerns of the legal profession around the country.



From left: Sonya Kim, Megan Pitt, Rolf Moses and Bill Potts.

Strategic initiatives

LSC Uniform Law Database – Complaints, Admissions and Practising Certificate reports

The LSC Uniform Law Database is a repository of information and knowledge about the operation of the UL, identifying

trends and demonstrating progress towards uniformity between the participating States. The UL DLRA provides statistical de-identified data to the LSC Uniform Law database on a regular basis. The Reports are published each year in the Commissioner's Annual Report.

The database currently captures complaints data relating to Chapter 5 and admissions data relating to Chapter 2. This was achieved with the assistance of the Law Society of NSW (LSNSW), which is hosting the database for the Legal Services Council.

The Secretariat is currently working with the LSNSW, the Victorian Legal Services Board and Commissioner and the NSW Bar Association to map and capture data relating to practising certificates and registration of foreign lawyers certificates.



A 'data mapping' meeting with from left: Cora Groenewegen, Bridget Sordo, Jennifer Pearce, Legal Director NSW Bar Association and Matthew Vickers, NSW Bar Association IT Contractor.

Review of External Examiner's Course

The LSC External Examiners Working Group will focus its attention on the External Examiners Course complete materials and slides with a view to review and update. DLRA Trust money experts Christine Bell (VLSB+C), Marco Zanon (LIV), Angela Huang (NSW Bar) and Gavin Connor (LSNSW) have been working since January to complete MARK II of the Course materials before the end of the year and we greatly appreciate their attention to this.



Gavin Connor (LSNSW) and Bridget Sordo, LSC Senior Executive Officer, review the External Examiner Course notes.

Uniform Rule changes

New Barristers Rule

From 18 January 2019 the [Legal Profession Uniform Conduct \(Barristers\) Amendment \(Refusal of Briefs\) Rule 2018](#) applies. The new rule comprises r101A of the Legal Profession Uniform Conduct (Barristers) Rules 2015 (r 101A) and replaces r101(n).

The effect of r101A is to reduce the period of prohibition on a barrister appearing before tribunals of which they were formerly a member, from five years to two; and to limit the retrospectivity of the prohibition. The former amendment seeks to treat barristers who previously sat as tribunal members differently from barristers who previously sat as judges. The latter amendment seeks to preserve the position of barristers who accepted judicial appointments in Victoria before 1 July 2015 and acted as Judges for less than five years before resigning after 1 July 2015.

New Indexation Rule to commence 1 July 2019

In January 2019, the Legal Services Council (LSC) made a Uniform General Rule on Indexation to ensure the Victorian and NSW Legal Services Commissioners, and the Victorian Civil and Administrative Tribunal, maintain their jurisdiction to determine costs disputes in line with inflation. From 1 July 2019, the new rule, [r111 A of the Legal Profession Uniform General Rules 2015](#), will apply to ss291-293 of the Uniform Law and s 99 of the *Legal Profession Uniform Application Act 2014* (Vic).

The Standing Committee thanked the LSC for ensuring the Uniform Law continues to reflect modern forms of legal practice. The LSC consulted with all designated local regulatory authorities, including VCAT, NSW Civil and Administrative Tribunal and the public on this Indexation rule.

In accordance with the rule, the Commissioner for Uniform Legal Services Regulation will notify the NSW Parliamentary Counsel of the indexed amounts for the next financial year once the Australian Statistician publishes the latest CPI number.

The Commissioner will also give public notice on the LSC website of the actual amounts applying in each financial year resulting from indexation under this rule.

Secretariat news

Mock Mediation Competition

On 25 March, LSC Senior Policy Adviser Sonya Kim volunteered as an adjudicator for the team at Our Lady of Mercy College Parramatta in round 1 of the 2019 Mock Mediation Competition held by the Law Society of New South Wales.

The competition is open to Year 9-10 students and is a lead-up event to the Mock Trial Competition in senior years. The scenario was a dispute between four school friends over the ownership of an app they developed together. Two of the four friends set up a business to commercialise the app without agreement of the other two friends.

The students embodied the characters well and experienced the emotions of a real conflict. The mediators used the structured problem solving process to work towards an agreement that met the needs of all parties. The LSC, as part of the legal profession, is pleased to support this initiative that helps students to increase their skills such as active listening, public speaking and personal development.

Our Office Opening

On 7 March, the LSC held an afternoon tea to celebrate our new home in the NSW Public Trustee Building. The event was a chance for guests to meet members of the LSC Council; the WA Solicitor General, who attends LSC meetings and members of the Admissions Committee, as well as the Secretariat.

The LSC Chair, Michael Black AC QC, warmly welcomed our guests and introduced the Council members present: Bret Walker SC; Steven Stevens, Melbourne based solicitor; Kim Boettcher, Sydney barrister and Joshua Thomson SC, Solicitor General for Western Australia. Our Chair also acknowledged fellow guests, the Chair of the LSC's Admissions Committee, the Hon Acting Justice Arthur Emmett AO and members, the Hon Ruth McColl AO and Stuart Clark AM.

The event was a great opportunity to mark our office move to O'Connell Street, and also to celebrate the joint announcement by the Attorneys General of NSW, Victoria and Western Australia about WA joining the UL Scheme. In his remarks the Chair emphasised the significance of this milestone in the expansion of the coverage of the Uniform Law and in the development of a nationally regulated legal profession.

Megan Pitt thanked our guests for their collegiality, collaboration and goodwill in supporting the LSC and our work, and for their valuable individual and organisational contributions to the operation and development of the Uniform Law.

Amongst the guests present were representatives from our UL DLRA's: the NSW Law Society; NSW Office of Legal Services Commissioner; NSW Bar Association; and the NSW & Victoria Legal Admissions Boards. Other stakeholders included the NSW Department of Justice, NSW Supreme Court, NSW Parliamentary Counsel's Office, NSW Audit Office; Law Council of Australia; Australian Bar Association, AustLII and our landlord, the NSW Trustee & Guardian.



L-R: Chair Black, Michael Tidball (LSNSW), Joshua Thomson SC and Elizabeth Espinosa (LSNSW).



Featured L-R: John McKenzie (OLSC), Bret Walker SC (LSC), Hon Ruth McColl AO (Admissions Committee), Rebel Kenna (NSW Supreme Court), Steven Stevens (LSC), Mitch Hillier (Law Firms Australia).



L-R: Stuart Clark AM (Admissions Committee), the Hon Acting Justice Emmett AO (Chair Admissions Committee)



LSC Secretariat from left: Tina O'Brien, Sonya Kim, Bridget Sordo, Cora Groenewegen and Julia Langham.



L-R: Mitch Hillier (Law Firms Australia), Stuart Clark (Admissions Committee), Megan Pitt, John McKenzie (OLSC).



Samantha Gulliver (OLSC) and Roger Gimblett (OLSC).



L-R Siew McKeogh (LPAB), Maria Di Palma (VLAB) and Sonya Kim (LSC).



L-R Kellie Blakemore (DOJ), Stephen Bray (DOJ) and Rebel Kenna (NSW Supreme Court).



L-R: Jonathan Smithers (LCA), Megan Pitt and Arthur Moses SC (LCA).



L-R: Greg Tolhurst (NSW Bar), Sonya Kim (LSC) and Cindy Penrose (ABA).

For more information

Visit the LSC website:

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Or contact us at:

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