



Message from the CEO, Megan Pitt

Welcome to our September newsletter and Farewell

As many of you will be aware, my five year term of appointment as CEO of the Legal Services Council and Commissioner for Uniform Legal Services Regulation ends on 2 October 2022, and as I have decided to retire, this will be my last newsletter.

Over the last five years, the Uniform Law scheme has developed significantly and we should all be proud of these achievements. All of you and your organisations, have played a major part in this success.

Importantly, on 1 July this year, we celebrated the scheme's expansion to include WA, resulting in 75% of all Australian legal practitioners being covered by the Uniform Law (UL).

Having WA join the scheme and getting to know our WA colleagues has been a highlight for me – as has been the opportunity to get to know all our UL partners better and make some valuable friendships along the way.

For my first three years, it was a delight to work with the inaugural Chair of the Council, the Hon Michael Black AC KC; the first Council members, and our first WA observer, the Chief Justice of WA, the Hon Peter Quinlan SC; when he was the WA Solicitor General. I was fortunate to follow the inaugural CEO/Commissioner Dale Boucher, who laid the solid foundations of the scheme, together with the Council.

During the last two years, it has been a pleasure to work with the current Chair of the Council, Alan Cameron AO; all members of the Council and our WA observer, Joshua Thomson SC the WA Solicitor General; the Chair of the Admissions Committee, the Hon Arthur Emmett AO KC and Committee members; and the Audit and Risk Committee, chaired by Geoffrey Applebee.

I want to pay special tribute to the representatives of our Designated Local Regulatory Authorities in NSW, Victoria and WA. Without exception, their professionalism, expertise and commitment to performing their work to the highest standards, to enhance legal regulation and to ensure consumer protection, has been impressive.

I also want to recognise our many other stakeholders, professional associations and representatives of the Departments of Justice in NSW and Victoria, and the State Solicitor's Office in WA for their respective contributions to the work of the Council and the UL scheme.

I have been well supported by our small but talented secretariat – Chelly Milliken, who expertly leads our skilled policy team of Ella Howard and Jessica Wardle; my terrific EA Tina O'Brien and former secretariat members - Bridget Sordo, Cora Groenewegen, Sonya Kim, Julia Langham and Maureen Shaw.

I would also like to acknowledge and thank the Standing Committee of Attorneys General for its support of me and the Council.

Finally, thank you all so much for sharing the last five years with me and for leaving me with some special memories. I will continue to watch the progress of the Uniform Law scheme with interest, and I am certain that it will continue its positive trajectory.

All the very best to all of you for the future.

Megan



Megan Pitt, CEO and Commissioner

Highlights

Looking back over the last five years, there have been some significant highlights achieved by the Council, the Admissions Committee and the UL scheme including:

- Establishing an **Australian Legal Profession Register** to make data on NSW and Victorian and soon, WA legal practitioners publicly available and with links to State Registers of Disciplinary Action;
- Enhancing the **Uniform Law Library through AustLII** that contains Uniform Law legislation, case law, guidelines and directions;
- Making amendments to the **Uniform Conduct Rules for solicitors**, recommended by the Law Council of Australia;
- Making amendments to the **Uniform Conduct Rules for barristers**, recommended by the Australian Bar Association, in relation to anti-discrimination and harassment and CPD;
- Undertaking a **major review** of the Uniform Law and Rules to improve legal regulation, in consultation with the legal regulators;
- Completing a **five year review** of the **External Examiners Course of Education**;
- Progressing amendments in relation to the **admission of foreign lawyers**, to allow skills and experience to be more easily recognised;
- Making a Solicitors' Conduct Rule to **reinstate the prohibition period of two years for returning judicial officers**, at the suggestion of the **Federal Circuit and Family Court**;
- Establishing rules to prohibit law practices from operating and promoting **managed investment schemes** and then reviewing and modifying these rules to exclude litigation funding;
- Making a new rule relating to the **interest rate payable on fidelity fund claims**, consistent with economic changes;
- Making a UL General Rule on **indexation** to ensure that legal regulators maintain their jurisdictions to determine costs disputes in line with inflation;
- Examining the categories of proceedings where **conditional cost agreements** are prohibited under the UL, to determine whether these should be expanded;
- Considering the implications of the **Solicitors Qualifying Examination** for admission of lawyers from England and Wales, in Australia;
- Enhancing **electronic sharing of complaints and admissions data**, so the data can be compared and trends analysed across jurisdictions;
- Completing a range of matters relating to **WA joining the UL scheme**.

This is a significant body of work, that has been achieved by the collective efforts of all members of the Uniform Law scheme.

Various initiatives have been undertaken to build awareness of the UL scheme, the Council and the Admissions Committee, including:

- Meeting with the **Attorneys General of NSW, Victoria and WA** to discuss the UL scheme;
- Arranging for the Council to **meet in-person** with our **DLRAs**, to hear about their perspectives and operational issues at Council meetings;
- Regular **liaison meetings** with the DLRAs, the Admission Boards and the Justice Departments and counterparts in NSW, Victoria, and WA;
- Providing secretariat support to the **Legal Admissions Consultative Commission (LACC)** and supporting enhanced collaboration between the LACC and the Admissions Committee;
- Presentations on the UL scheme at **seminars and forums**, such as the Conference of Regulatory Officers (**CORO**); the Administrators of Australasian Law Admitting Authorities (**AALAA**) and events hosted by various Law Societies;
- Holding a **UL Dinner** in Perth to celebrate WA joining the UL scheme;
- Holding an **annual UL Summit** to bring together individuals and bodies in the UL framework;
- Compiling an **archive of photos** of people in the UL scheme;
- Publishing a **quarterly newsletter** to advise of the work of the Commissioner and the Council.

Council News

Meeting with the Victorian Attorney-General

On 19 July, the Council's Chair, Alan Cameron AO and CEO/Commissioner, Megan Pitt met with the Victorian Attorney-General, the Hon Jaclyn Symes, and her adviser Simon Monk, in the Attorney's office in Melbourne.

During the meeting, topics discussed included the entry of Western Australia into the Uniform Law scheme and related matters within the responsibility of the Standing Committee of Attorneys General, of which the Victorian Attorney-General is a member.



L-R: Megan Pitt, the Hon Jaclyn Symes, Attorney-General of Victoria, Alan Cameron AO

Other matters discussed were the current and future work of the Council including on foreign lawyers, the first priority amendments project, proposals relating to the Victorian Royal Commission into Management of Police Informants and the expansion of the Uniform Law scheme.

This meeting was an excellent opportunity to meet the Victorian Attorney-General in person and to understand her perspectives, in relation to Uniform Law issues and priorities.

Council meeting

On 20 July, the Council met in Melbourne. The Council received an update on matters relating to Western Australia joining the Uniform Law scheme, including work to update the Council's website, discussed the proposals relating to recommendations of the Victorian Royal Commission into Management of Police Informants and received an update on Admissions Committee matters.

On 15 September, the Council met in Sydney and by videoconference. The Council discussed matters relating to record keeping requirements for barristers, matters related to Western Australia joining the Uniform Law scheme including amending the Direction on Public Registers of External Examiners to include the Legal Practice Board in Western Australia and received an update on Admissions Committee matters.

Meeting with DJCS

On 19 July, the Council Chair, Alan Cameron AO and CEO/Commissioner Megan Pitt, met with Marian Chapman, Deputy Secretary, and Kathryn Bannon, Executive Director, Department Justice and Community Safety in Melbourne.

The purpose of the meeting was to have discussions about strategic and significant Uniform Law matters at the Departmental Executive level. Topics discussed included Western Australia's entry into the Uniform Law scheme, the recent Uniform Law Summit and current Council projects that have involved the DJCS.



L-R: Kathryn Bannon, Alan Cameron AO, Marian Chapman (on screen), Megan Pitt

The meeting was a timely opportunity to discuss priority Uniform Law issues. Other similar meetings will be organised in the future, to continue the Council's engagement with DJCS representatives at the Executive level.

On 19 July, Chelly Milliken, Senior Principal Policy Officer, and Ella Howard, Principal Policy Officer, met with Rachel Stelfox, Manager, Jessica Clothier, Senior Legal Policy Officer, Rosie Debb, Legal Policy Officer, and Harley Ng, Legal Policy Officer,

at DJCS's offices in Melbourne to discuss current Uniform Law projects.



Top row (L-R): Jessica Clothier, Chelly Milliken
Bottom row: Harley Ng, Rachel Stelfox, Ella Howard

Meeting with the VLSB+C

On 20 July, the Council met with Fiona McLeay, Victorian Legal Services Commissioner and CEO of the Victorian Legal Services Board, and Michelle Marfurt, Manager, Policy and Regulatory Strategy at the VLSB+C. Meeting attendees discussed the entry of Western Australia into the Uniform Law scheme, the proposals relating to the Victorian Royal Commission into Management of Police Informants and the current operation of the Uniform Law scheme.



Top row (L-R): Joshua Thomson, Liz Harris, Juliana Warner, Alan Cameron AO, Megan Pitt, Murray Baird, Chelly Milliken
Bottom row: Michelle Marfurt, Fiona McLeay

On 19 July, Chelly Milliken and Ella Howard met with Kerri-anne Millard, Director, and Michelle Marfurt of the VLSB+C to discuss current policy projects.

Meeting with the VLAB

On 20 July, the Council met with the Hon David Habersberger KC, Chair, and Deborah Jones, Chief Executive Officer of the Victorian Law Admissions Board. Meeting attendees discussed a range of Uniform Law matters, including the entry of Western Australia into the Uniform Law scheme, the appointment of the Hon Rene Le Miere KC to the Admissions Committee and current admissions projects, including the Working Group set up to consider the introduction of the Solicitors Qualifying Examination in England and Wales.



Top row (L-R): Megan Pitt, Juliana Warner, Alan Cameron AO, Murray Baird, Deborah Jones, Liz Harris
Bottom row: Joshua Thomson SC, The Hon David Habersberger KC

On 19 July, Chelly Milliken and Ella Howard met with Deborah Jones, as well as Kristen Murray, Principal Policy Officer, and Maria Di Palma, Senior Advisor, at the VLAB's offices to discuss current Council projects relating to admissions and work being progressed by the VLAB.



L-R: Chelly Milliken, Kristen Murray, Ella Howard, Maria Di Palma, Deborah Jones

Admissions Committee

With the commencement of the Uniform Law in Western Australia, membership of the Admissions Committee has increased to include a current or former Supreme Court Judge from Western Australia, nominated by the Chief Justice of Victoria with the concurrence of the Chief Justices in NSW and Western Australia.

On 1 July, the Council appointed the Hon Rene Le Miere KC, former Judge of the Supreme Court of Western Australia, to the Admissions Committee. Mr Le Miere KC was previously the Western Australian observer on the Committee and in that role he assisted the Committee by providing the Western Australian perspective on admissions matters.

The Council congratulates Mr Le Miere KC on his appointment and looks forward to the contribution it is sure he will make as a member of the Committee.



The Hon Rene Le Miere KC

On 1 September, the Admissions Committee met in Sydney and by videoconference. The Committee received an update on the progress of its project regarding the admission of foreign lawyers under the Uniform Law as well as the review of legal education and training being undertaken by the Council of Australian Law Deans.

The Committee also considered a proposal from the Uniform Law admitting authorities to update the gender options included on application forms for admission, consistent with updated Australian Government standards, and how these changes can be accommodated by the Uniform Law Database.



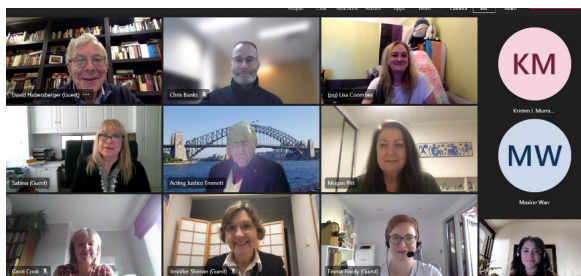
L-R: Robert Hollo SC, the Hon David Habersberger KC (on screen), the Hon Arthur Emmett AO KC, Ross Drinnan, Professor Jenni Lightowlers and the Hon Rene Le Miere KC (on screen)

The Admissions Committee also received an update on the work that has been undertaken by the SQE Working Group.

Solicitors Qualifying Examination (SQE) Working Group

On 14 July, the SQE Working Group, along with Megan Pitt and Ella Howard, met with representatives of the Solicitors Regulation Authority of England and Wales (SRA), Maxine Warr and Carol Cook, and their colleagues from Kaplan, Lisa Coombes and Emma Hardy.

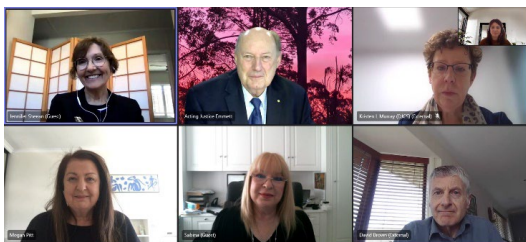
This meeting was arranged to discuss the development and structure of the SQE assessments, as well as how the assessments are reviewed and monitored. The SRA and Kaplan were able to provide valuable information about the way in which the assessments had been developed and how they are run in practice.



Top row (L-R): The Hon David Habersberger KC, Chris Banks, Lisa Coombes, Kristen Murray
 Middle row: Sabina Schlink, the Hon Arthur Emmett AO KC, Megan Pitt, Maxine Warr
 Bottom row: Carol Cook, Jennifer Sheean, Emma Hardy, Ella Howard

On 15 August, representatives of the SQE Working Group, along with Megan Pitt and Ella Howard, met with Associate Professor David Brown, Senior Policy Advisor to the New Zealand Council of Legal Education.

The purpose of the meeting was to discuss the approach that New Zealand is taking in relation to the recognition of lawyers who have qualified via the SQE and relevance of mutual recognition arrangements currently in place between Australia and New Zealand.



Top row (L-R): Jennifer Sheean, the Hon Arthur Emmett AO KC, Kristen Murray, Ella Howard (inset)
Bottom row: Megan Pitt, Sabina Schlink, Associate Professor David Brown

The SQE Working Group met on 15 September, both in Sydney and by videoconference, to receive an update on this project so far and to discuss next steps.



Top row (L-R): The Hon Arthur Emmett AO KC (on screen), Megan Pitt, the Hon David Habersberger KC, Chris Banks (on screen), Juliana Warner (on screen)
Bottom row: Kristen Murray (on screen), Sabina Schlink (on screen)

Law Admissions Consultative Committee (LACC)

On 1 September 2022, the LACC met in Sydney and by videoconference. Members discussed the ongoing work in relation to law schools' names in the Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession. Members also considered the possible impact on the admission of foreign lawyers in Australia of recently signed treaties and agreements, such as the Australia-India Economic Cooperation and Trade Agreement and the Australia-United Kingdom Free Trade Agreement. The LACC also received an update on the work that has been undertaken by the SQE Working Group.

Meeting with the New Zealand Legal Regulation Review

On 2 August, the Council's CEO/Commissioner, Megan Pitt, together with the NSW Legal Services Commissioner, John McKenzie AM met with the Chair of the Independent Review of the Regulation of Lawyers and Legal Services in New Zealand, Emeritus Professor Ron Paterson, who is also a Professor of Law at the University of Auckland.

The Law Society of New Zealand has commissioned the Legal Regulation Review to examine whether the current arrangements for the regulation and representation of lawyers and legal services in New Zealand are fit for purpose.

At this meeting, Professor Paterson was very interested in the Uniform Law framework and its operation in NSW, Victoria and

Western Australia. It was also an engaging and wide-ranging discussion about legal regulatory regimes in Australia, and in particular, independent regulation, independent complaint handling and regulatory responses to issues, such as sexual harassment and bullying.

During his trip to Australia, Professor Paterson also met with the Victorian Legal Services Commissioner and CEO of the Victorian Legal Services Board, Fiona McLeay and the Legal Practice Board in Western Australia's Executive Director, Libby Fulham and Legal Services and Complaints Officer, Russell Daily.

The New Zealand Review panel has also had discussions with legal regulators in England and Wales and also Scotland. The Review is due to report in November and a link to its discussion document is [here](#).

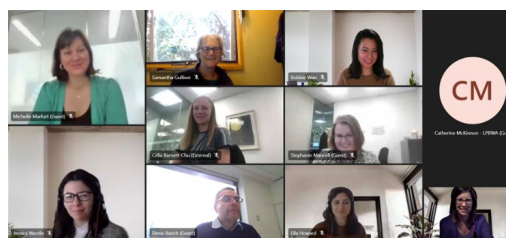


L-R: Emeritus Professor Ron Paterson, John McKenzie AM and Megan Pitt

Working with our stakeholders

Uniform Law DLRA meetings

On 4 August, Chelly Milliken, Ella Howard and Jessica Wardle met via videoconference with representatives of the VLSB+C (Michelle Marfurt), Law Society of NSW (Bobbie Wan), NSW Office of the Legal Services Commissioner (Sam Gulliver), NSW Bar Association (Celia Barnett-Chu and Stephanie Mancell) and the Legal Practice Board in Western Australia (Catherine McKinnon and Denis Barich).



Top row (L-R): Michelle Marfurt, Sam Gulliver, Bobbie Wan
Middle row: Celia Barnett-Chu, Stephanie Mancell
Bottom row: Jessica Wardle, Denis Baric, Ella Howard, Chelly Milliken

Meeting attendees discussed Western Australia recently joining the Uniform Law scheme, the Council's consultation on conditional costs agreements and the work of the SQE Working Group. Each of the regulators provided an update on their current Uniform Law work and other projects.

Victorian Royal Commission into the Management of Police Informants

On 22 July and 26 September, Chelly Milliken and Ella Howard attended a meeting of the Legal Profession Regulation Working Group, convened by the DJCS, to discuss the Royal Commission's recommendations relating to legal profession regulation.

Uniform Law data sharing meetings

On 18 August, Bridget Sordo and Ella Howard met with representatives of the Legal Profession Admission Board of NSW (Chris Banks), VLAB (Maria Di Palma), the Legal Practice Board in Western Australia (Analisa Zainal) and the Law Society of NSW (Maria Wizbicki) to discuss UL Data sharing.

The meeting covered common issues relating to the Uniform Law Admissions data reports, settled the FY2022 admissions data reporting for the Commissioner's Annual Report, and progressed Western Australian data integration for complaints, admissions and the Australian Legal Profession Register.



L-R: Maria Wizbicki, Ella Howard, Analisa Zainal (on screen), Maria Di Palma, Chris Banks

Rules and consultation

Costs Disclosure Thresholds Review

The Council will soon be announcing a Review of the Costs Disclosure Thresholds in the Uniform Law.

The Review will consider and report on the effectiveness and regulatory impact of the Costs Disclosure Thresholds referred to in section 174(4) and (5) of the Uniform Law, including whether they meet the objectives of the Uniform Law. The Terms of Reference for the Review will be available on the Council's website.

The Council has appointed Dr Matthew Butlin as the expert independent consultant and leader of the Review. Dr Butlin's former roles have included Commissioner of the Australian Productivity Commission, Executive Chair of the Victorian Competition and Efficiency Commission and the South Australian Productivity Commission, and the Victorian Red Tape Commissioner. Dr Butlin is also an honorary Enterprise Professor at the Melbourne University's Institute of Applied Economic and Social Research.

The Council will contact relevant bodies to arrange consultation meetings in due course. A public consultation paper, inviting

submissions, will also be published once initial consultations have taken place.

Conditional costs agreements

On 4 July, the Legal Profession Uniform General Amendment (Conditional Costs Agreements) Rule 2022 commenced. The Rule prohibits the use of conditional costs agreements in relation to proceedings under the *Family Court Act 1997 (WA)* to ensure consistency with the existing prohibition in relation to proceedings under the *Family Law Act 1975 (Cth)*, set out in s 181(7)(c) of the Uniform Law.

On 18 July, the Council commenced a public consultation on the draft Legal Profession Uniform Amendment (Conditional Costs Agreements) Rule (No 2) 2022 which would prohibit the use of conditional costs agreements in relation to proceedings under the following legislation:

- *Guardianship Act 1987 (NSW)*
- *Guardianship and Administration Act 2019 (Vic)*
- *Guardianship and Administration Act 1990 (WA)*
- *Adoption Act 2000 (NSW)*
- *Adoption Act 1984 (Vic)*
- *Adoption Act 1994 (WA)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Children and Community Services Act 2004 (WA)*
- *Child Support (Assessment) Act 1989 (Cth)*.

The consultation paper also sought views on the continuation of the prohibition in relation to proceedings under the *Family Court Act 1997 (WA)*.

The consultation closed on 19 August and the Council will consider the submissions received at its November meeting.

Secretariat news

On 19 August, the Secretariat farewelled Bridget Sordo, Senior Executive Officer, who retired on 31 August. It was a bittersweet opportunity to acknowledge the extensive contribution that Bridget has made to the Council and the Uniform Law over six years, and to wish her well on her retirement.



L-R: Tina O'Brien, Jessica Wardle, Bridget Sordo, Ella Howard, Chelly Milliken