



Message from the CEO, Megan Pitt

Welcome to our June newsletter.

Welcome to our June newsletter, which provides an update on the recent work of the Legal Services Council (LSC), its Admissions Committee, and our ongoing engagement with stakeholders.

Over the last few months, the LSC and Secretariat has continued to meet with stakeholders to discuss a range of Uniform Law (UL) issues. We greatly value your time and contributions to these discussions, which serve to improve and strengthen the scheme.

The LSC also maintains its ongoing interest in the states and territories that are not part of the UL scheme. In June we met with the ACT Law Society, following our meetings with legal regulatory bodies in Tasmania. We hope to meet with legal regulators in other jurisdictions soon.

Highlights

Update on Western Australia (WA)

On 23 June, the [Legal Profession Uniform Law Application Bill 2021](#) and the [Legal Profession Uniform Law Application \(Levy\) Bill 2021](#) were re-introduced, following the WA state election in March. The UL is expected to commence in WA on 1 January 2022.

Meeting with the ACT Law Society

On 7 June, the LSC's Chair, Alan Cameron AO, and CEO, Megan Pitt, were pleased to meet with the President, Elizabeth Carroll, and CEO, Simone Carton, of the ACT Law Society (ACTLS) in Canberra.

The purpose of the meeting was to open a dialogue with the ACTLS about the UL scheme. Topics of discussion included the main features of the UL scheme as compared to the

current ACT regulatory framework, an update on WA's progress in joining the UL scheme, the LSC's discussions with other jurisdictions, and specific ACT regulatory issues.

The ACTLS advised about its current priorities and issues, and that joining the UL scheme is not currently on its agenda. The LSC offered to provide any assistance that might be useful to the ACTLS if it decides to consider joining the UL scheme in the future.



L-R: Alan Cameron AO, Simone Carton, Elizabeth Carroll, Megan Pitt

Council News

Council meeting

The LSC met on 27 April in Sydney and via video-conference. At the meeting, the LSC considered the Law Council of Australia's (LCA's) consultation on Rule 42 of the Australian Solicitors' Conduct Rules, the recommendations of the Victorian Royal Commission into the Management of Police Informants, admissions matters and the LSC's triennial budget FY22-24.



L-R: Elizabeth Harris, Alan Cameron AO (Chair), Juliana Warner



L-R: Joshua Thomson SC, Murray Baird

LSC and Admission Committee Chair's meeting

On 28 April, the LSC Chair, Alan Cameron AO, met with the Chair of the Admissions Committee, the Hon Acting Justice Arthur Emmett AO, to renew acquaintance and discuss current UL admission matters.

Topics discussed included the upcoming appointments of new Admissions Committee members, the proposed changes to the UL foreign lawyer provisions, Recommendation 77 of the Victorian Royal Commission into the Management of Police Informants and the Council of Australian Law Deans' (CALD's) review of the academic requirements for admissions.

The meeting also provided a good opportunity to discuss the interaction between the LSC and the Admissions Committee and to plan future work.



L-R: Alan Cameron AO and the Hon Acting Justice Arthur Emmett AO

Admissions Committee

At its meeting on 10 June, the Admissions Committee farewelled Dr Elizabeth Boros and Mr Stuart Clark AM, the appointed nominees of the Australian Bar Association (ABA) and the LCA respectively, after many years of dedicated service. The Chair, speaking on behalf of the Committee, expressed gratitude and best wishes to these longest serving members, noting their valuable contributions.

The LSC has appointed Dr Elisabeth Peden SC (ABA nominee) and Mr Ross Drinnan (LCA nominee) to the Admissions Committee for terms of three years, commencing on 1 July 2021. The Admissions Committee considered the following matters: -

Admission of foreign lawyers

Between 1 April and 7 May, the Committee conducted consultation about the Legal Profession Uniform Admissions Amendment (Qualifications) Rule 2021 (Draft Rule) with the Chief Justices and admitting authorities of NSW, Victoria and WA. Following feedback, a further Draft Rule was prepared and public consultation on the further Draft Rule commenced on 23 June.

On 4 May, the Committee asked the 21 law course providers in NSW and Victoria whether they were willing to teach courses tailored to the needs of foreign lawyers who are required to complete more study prior to admission. Some

providers already offer intensive mode courses and others are interested in the area, depending on the subjects commonly prescribed and the numbers likely to enroll.

On 20 May, the LSC's CEO, Megan Pitt and Principal Policy Officer, Cora Groenewegen met with Kellie Blakemore of the NSW Department of Communities and Justice (DCJ) and with Brittany Quayle and Rachel Stelfox of the Victorian Department of Justice and Community Safety (DJCS) to discuss issues about the admission of foreign lawyers, subject to the condition that they complete more study. These discussions are ongoing.

Cost of admission

The Admissions Committee and the Law Admissions Consultative Committee worked together to gather information about the costs of admission in their jurisdictions. All members noted that given the costs of travel between the jurisdictions, the variable costs of admission were unlikely to give rise to forum shopping.



L-R: Hon Acting Justice Arthur Emmett AO, Hon Justice Trish Henry, Professor Lesley Hitchens, Professor Jenni Lightowers, Hon David Habersberger QC, Hon Justice Rene Le Miere (WA observer), Mr Stuart Clark AM

Law Admissions Consultative Committee (LACC)

The LSC continues to provide secretariat services to LACC. During this quarter, Acting Justice Porter's appointment to the Tasmanian Board of Legal Education Board expired and he is no longer Tasmania's LACC representative. His Honour thanked all Committee members for their collegiality and assistance given to him and the Tasmanian Board. The Chair, on behalf of LACC members, expressed his appreciation to Justice Porter for his work on the Committee. Luke Rheinberger of the Tasmanian Board of Legal Education will attend the LACC meetings, until a formal appointment is made.



Top row to bottom row (L-R): Greg Moroney (Qld), Professor Lesley Hitchens (CALD), Associate Justice Vince Luppino (NT), Hon Acting Justice Arthur Emmett AO (Chair), Hon David Habersberger QC (Vic), Peter Garrisson SC (ACT), Lewis Patrick (APLEC), Hon Justice Trish Henry (NSW), Juliana Warner (LCA), Hon Justice Rene Le Miere (WA)

At LACC's meeting on 10 June, state and territory representatives discussed their admitting authorities' approach to applications for admission in which qualifications has been obtained many years before and were considered stale. While each application is considered on its merits, members are working towards developing a uniform threshold after which time qualifications will be deemed stale.

Working with our stakeholders

Meeting with the LCA and ABA

On 23 April, the LSC's Chair, Alan Cameron AO, CEO, Megan Pitt and Senior Principal Policy Officer, Chelly Milliken met with Michael Tidball, CEO of the LCA, and Greg Tolhurst, CEO of the ABA, to discuss the Victorian Royal Commission into the Management of Police Informants.

The Royal Commission recommended that the LSC, LCA and ABA work together to clarify and harmonise the duty of confidentiality in the conduct rules for solicitors and barristers (Recommendation 78) and harmonise the powers of DLRAs in the continuing professional development (CPD) rules for solicitors and barristers (Recommendation 85). The meeting provided an opportunity to discuss the initial views of the LCA and ABA on these recommendations.



L-R: Michael Tidball, Alan Cameron AO, Greg Tolhurst

NSW Bar Association: New Executive Director

On 11 June, Greg Tolhurst completed his five-year appointment as Executive Director of the NSW Bar Association (NSW Bar). Greg will continue as CEO of the ABA whilst returning to his role as Professor of Commercial Law at the University of Sydney Law School.



L-R: John McKenzie AO, Andreas Heger, Greg Tolhurst, Megan Pitt

In June, Andreas Heger was appointed as the new Executive Director of the NSW Bar, coming from NSW DCJ where he was Director of Criminal Justice and Crime Policy. We welcome Andreas and look forward to working with him in the future.

On 8 June, NSW Legal Services Commissioner, John McKenzie AO and the LSC's CEO, Megan Pitt, met with Andreas and Greg, as part of their hand-over at the NSW Bar in Sydney.

WA Admissions Registration Committee (ARC)

On 22 April, the LSC's CEO, Megan Pitt and Principal Policy Officer, Cora Groenewegen met with representatives of the WA ARC and VLAB to discuss the UL provisions relating to the admission of foreign lawyers.

The Admissions and Registration Coordinator of the Legal Practice Board of WA (LPBWA), Deb MacDonald and Lorna Starling, Admissions Officer, raised various questions which were answered by the LSC. The VLAB's Kristen Murray advised of the views of VLAB in relation to the proposed changes and how these would operate in practice.



Top row (L-R): Megan Pitt, Lorna Starling, Cora Groenewegen
Bottom row (L-R): Kristen Murray, Deb MacDonald

Uniform Law DLRA Executive meeting

On 17 May, the first DLRA Executive meeting for 2021 was held by video-conference. These meetings are convened to bring together the key Executives in the UL scheme to share and discuss significant strategic initiatives, and to assist the LSC in setting its priorities.

The meeting was chaired by LSC's CEO Megan Pitt and attended by Fiona McLeay, Victorian Legal Services Commissioner and CEO of the Victorian Legal Services Board and Commissioner (VLSB+C); Sonya Stewart, CEO, Law Society of NSW (LSNSW); John McKenzie AO, NSW Legal Services Commissioner; Greg Tolhurst, Executive Director, NSW Bar; Libby Fulham, Executive Director, LPBWA and Russell Daily, Law Complaints Officer, Legal Profession Complaints Committee.

The LSC's current priorities and work were discussed. Other issues covered included the review of the Australian Solicitors' Conduct Rules, the recommendations of the Victorian Royal Commission into the Management Police Informants, the VLSB+C's CPD review and workplace culture survey, the regulation of migration lawyers and addressing sexual harassment in the legal profession through CPD training.

The WA representatives provided an update on the process of WA joining the UL scheme.



Top row (L-R): Russell Daily, Libby Fulham, Megan Pitt
Bottom row (L-R): John McKenzie AO, Greg Tolhurst, Fiona McLeay

Committee and the admitting authorities to keep each other in the loop.



Top row (L-R): Cora Groenewegen, Lorna Starling, Chelly Milliken
Middle row (L-R): Kirsten Murray, Leigh Plater, Maria Di Palma
Bottom row (L-R): Chris Banks, Deborah Jones, Megan Pitt

Uniform Law Policy Officer meetings

On 3 May, the LSC’s Senior Principal Policy Officer, Chelly Milliken and Principal Policy Officer, Ella Howard met via video-conference with policy officers of the VLSB+C (Michelle Marfurt), LSNSW (Heather Moore), NSW Office of the Legal Services Commissioner (Sam Gulliver), the NSW Bar (Jennifer Pearce) and the LPBWA (Cath Carroll, Dale Wescombe and Catherine McKinnon).

Meeting attendees discussed the LSC’s current work on the review of the Australian Solicitors’ Conduct Rules and the recommendations made by the Royal Commission into the Management of Police Informants, as well as ongoing work in relation to managed investment schemes. Each of the DLRAs provided an update on their current UL work.

Royal Commission into the Management of Police Informants

On 21 May and 25 June, Chelly Milliken and Ella Howard attended meetings of the Legal Profession Regulation Working Group, convened by the Victorian DJCS, to discuss the Royal Commission’s recommendations and current work that is being undertaken by the VLSB+C, Law Institute of Victoria, Victorian Bar and LSC.

Uniform Law Departmental meeting

On 3 June, Chelly Milliken and Ella Howard met via video-conference with Kellie Blakemore and Kimberlee Hunter (NSW DCJ), Thomas Saunders and Rachel Stelfox (Victorian DJCS) and Joshua Berson (WA State Solicitor’s Office) to discuss various UL matters, including the Royal Commission’s recommendations, the review of the Australian Solicitors’ Conduct Rules and managed investment schemes.

Uniform Law Admitting Authorities’ meeting

On 17 June, Megan Pitt, Chelly Milliken and Cora Groenewegen met via video-conference with executives and policy officers of the admitting authorities in NSW (Chris Banks, Leigh Plater), Victoria (Deborah Jones, Kristen Murray, Maria Di Palma) and WA (Lorna Starling).

The work of the Admissions Committee and LACC as well as the work done jointly by them was discussed. Each admitting authority also spoke of issues that were current for them. These meetings are an efficient way for the Admissions

External Examiners Working Group

On 23 April, the External Examiners Working Group (EEWG) met via video-conference. The EEWG and LSC mapped out the final stages of the review of the current UL External Examiners’ Course that is designed to preserve a uniform approach to the external examination process and the role of course presenters.

The LSC appreciates the work of Gavin Connor from the Law Society of NSW (LSNSW) and Christine Bell from the VLSB+C to date and also thanks the Law Institute of Victoria, NSW Bar and the LPBWA representatives for their ongoing input. As a result of these joint efforts, this review will be completed by the end of the year.

DCJ Finance Meeting

On 18 June, the LSC’s CEO, Megan Pitt, Executive Officer, Tina O’Brien and Senior Executive Officer, Bridget Sordo met with Ken Chaves, Strategic Finance, NSW DCJ for an end of year review of the LSC’s finances. The LSC thanks Ken and his manager, Sokbee Lim for their expert finance advice during this year.



L-R: Tina O’Brien, Ken Chaves, Bridget Sordo

Recent consultations

Consultation on Uniform General Rules 91B and 91BA

The LSC recently conducted a public consultation on proposed amendments to Rule 91B and 91BA of the Legal Profession Uniform General Rules 2015 (Uniform General Rules), which closed on 7 June. The proposed amendment to Rule 91B gives effect to a recommendation arising from the 2019 review of the Uniform General Rules relating to managed investment schemes.

Rule 91BA was made in August 2020 to resolve a serious and unintended consequence of the Commonwealth reforms to regulate litigation funding as managed investment schemes. The current rule ceases to have effect on 22 August 2021. The proposed amendments would make the interim Rule 91BA an ongoing rule. The LSC will consider these rules at its July meeting.



Amendment to the definition of “Board”

The Admissions Committee recently consulted with the Chief Justices of NSW, Victoria and WA and the admitting authorities in Victoria, NSW and WA about a proposed amendment to the definition of “Board” in Rule 4 of the Legal Profession Uniform Admission Rules 2015, which needs to be amended to accommodate WA joining the UL scheme.

The proposed amendment was broadly supported and, at its meeting on 10 June, the Admissions Committee resolved to submit the amendment to the LSC for consideration at its July meeting.

Proposed amendments to the Legal Profession Uniform Conduct (Barristers) Rules 2015

On 24 June, the ABA commenced a public consultation on proposed amendments to Rules 123 and 125 of the Legal Profession Uniform Conduct (Barristers) Rules 2015. The proposal to amend the Rules stems from the ABA’s consideration of the Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces. The consultation closes on 2 August.

Uniform Rules

Australian Solicitors’ Conduct Rules

In April, the LSC considered the LCA’s final report regarding proposed amendments to the Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015, which were the result of extensive consultation with the legal profession. The LSC has submitted the proposed amendments to the Standing Committee of Attorneys General, in accordance with section 427 of the UL and awaits its response.

Uniform General Rule 111A on Indexation

Since 1 July 2019, the rule on Indexation, rule 111A of the Uniform General Rules, has applied to sections 291-293 of

the UL and section 99 of the *Legal Profession Uniform Application Act 2014* (Vic). The rule ensures that 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.

On 27 May, the LSC released the [Legal Profession Uniform Law \(Indexed Amounts\) Notice 2021](#) which shows the actual indexed amounts that apply to sums of \$10,000 (\$12,880); \$100,000 (\$128,760) in the UL; and \$25,000 (\$32,190) in the Victorian Application Act from 1 July 2021 to 30 June 2022.



Secretariat News

LSC Business Continuity Plan validation

On 3 June, the LSC met with Jean-Charles Rateau, Business Continuity Management, NSW DCJ to undertake a validation exercise of the LSC Business Continuity Plan.

This interactive exercise confirmed that the LSC is prepared and able to continue its operations, in case the of an adverse event affecting its critical business activities, eg, a cyber security incident.



L-R: Ella Howard, Megan Pitt, Bridget Sordo, Cora Groenewegen, Chelly Milliken, Tina O’Brien, Jean-Charles Rateau

For more information

Visit the LSC website: www.legalservicescouncil.org.au

Or contact us at lsc@legalservicescouncil.org.au