



Message from the CEO, Megan Pitt

Welcome to our March newsletter.

A comprehensive review of the Australian Solicitors' Conduct Rules by the Law Council of Australia has now culminated in the Legal Services Council (Council) amending the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 to give effect to the proposed amendments. The amendments commence on 1 April 2022. The Council expresses its gratitude to those who contributed to the review process.

The Council has also amended rules 123 and 125 of the Legal Profession Uniform Conduct (Barristers) Rules 2015 (Barristers' Conduct Rules), which relate to anti-discrimination and harassment. The amendments were developed by the Australian Bar Association, following stakeholder consultation, and commenced on 4 March 2022.

I am pleased to advise the Western Australian Legal Progression Uniform Law application legislation has been passed by the Legislative Council, which brings the commencement of the legislation a step closer. The Council eagerly awaits passage of the amended legislation through the Legislative Assembly and the announcement of a commencement date of the scheme in Western Australia.

Our Annual Reports are now public after being tabled in both the NSW and Victorian Parliaments and I encourage you to download the reports from the Publications page on our website [here](#).

I hope you enjoy this edition of our newsletter.

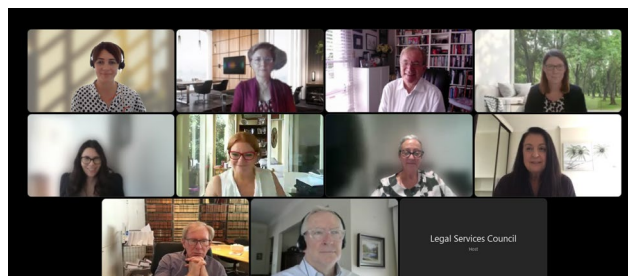
Council News

Council meetings

On 23 February, the Council met by videoconference. At this meeting, the Council made the Legal Profession Uniform Conduct (Barristers) Amendment Rule 2022, which amends the Barristers' Conduct Rules. The Council also considered work being done by

the Victorian Department of Justice and Community Safety (Victorian Department) in relation to the recommendations of the Royal Commission into the Management of Police Informants (Royal Commission), and a range of transitional matters to support Western Australia in joining the Uniform Law scheme.

The Council also received an update on work being done by the Admissions Committee in relation to the admission of foreign lawyers in Uniform Law jurisdictions and consideration being given to the Solicitors Qualifying Examination (SQE) for lawyers in England and Wales.

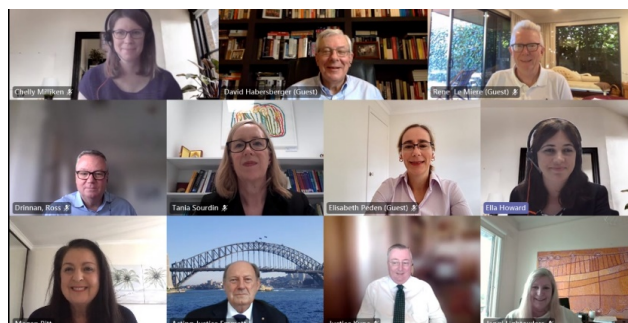


Top row (L-R): Ella Howard, Bridget Sordo, Alan Cameron AO, Chelly Milliken
Middle row: Jessica Wardle, Juliana Warner, Liz Harris, Megan Pitt
Bottom row: Noel Hutley, Murray Baird

Admissions Committee

On 23 February, the Council appointed the Hon Justice David Habersberger QC for a further term on the Admissions Committee until 30 June 2025.

On 17 March, the Admissions Committee met 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.



Top row (L-R): Chelly Milliken, The Hon David Habersberger QC, The Hon Rene Le Miere QC (Observer)
Middle row: Ross Drinnan, Professor Tania Sourdin, Dr Elisabeth Peden SC, Ella Howard
Bottom row: Megan Pitt, The Hon Arthur Emmett AO QC (Chair), The Hon Justice Francois Kunc, Professor Jenni Lightowlers

The Admissions Committee also received the first report from its Working Group established to consider the implications for admission in Australia of lawyers from England and Wales who qualified under the SQE.

The Working Group met on 3 March 2022 to discuss the issues arising from the SQE. The Working Group resolved to liaise with the Solicitors Regulation Authority of England and Wales to seek further information about qualification under the SQE and with the New Zealand Council of Legal Education as to their views on the SQE qualification pathway and how it will be addressed for foreign lawyers seeking admission in New Zealand.



SQE Working Group
 Top row (L-R): Megan Pitt, The Hon David Habersberger QC, Chris Banks, Sabina Schlink
 Bottom row: Kristen Murray, Chelly Milliken, The Hon Arthur Emmett AO QC, Juliana Warner, Ella Howard

Law Admissions Consultative Committee (LACC)

On 17 March, LACC met by videoconference. Members discussed ongoing work in relation to law schools currently named in the Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession and matters relating to its previous decision to discontinue its protocol for the accreditation of overseas law courses.

Audit and Risk Committee

On 8 February, the Council's Audit and Risk Committee (ARC) met via videoconference. At this meeting, the ARC approved the 2022 annual plan of activities, an internal processes chart and key governance documents including the Council's Risk Register, Privacy Management Plan and Business Continuity Plan.

The ARC also endorsed the Council's Agency Information Guide developed to ensure that the Council and Commissioner meet their obligations under the Government Information (Public Access) Act 2009 (NSW). The Guide is published on the Council's website [here](#).

Working with our stakeholders

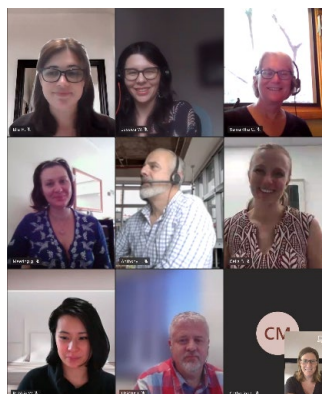
Uniform Law DLRA meetings

On 3 March, Chelly Milliken, Ella Howard and Jessica Wardle of the Secretariat met via videoconference with representatives of the Victorian Legal Service Board and Commissioner (VLSB+C) (Michelle Marfurt), Law Society of NSW (LSNSW) (Anthony Lean

and Bobbie Wan), NSW Office of the Legal Services Commissioner (Sam Gulliver), NSW Bar Association (Celia Barnett-Chu) and Legal Practice Board of Western Australia (LPBWA) (Dale Wescombe and Catherine McKinnon).

Meeting attendees discussed the amendments to the barristers' and solicitors' conduct rules, progress of the WA Application Bill, progress of the first priority amendments to the Uniform Law, work done in relation to the Royal Commission into the Management of Police Informants and admission matters.

Each of the regulators provided an update on their current Uniform Law work and other projects.



Top row (L-R): Ella Howard, Jessica Wardle, Samantha Gulliver
 Middle row: Michelle Marfurt, Anthony Lean, Celia Barnett-Chu
 Bottom row: Bobbie Wan, Dale Wescombe, Chelly Milliken

Department liaison meetings

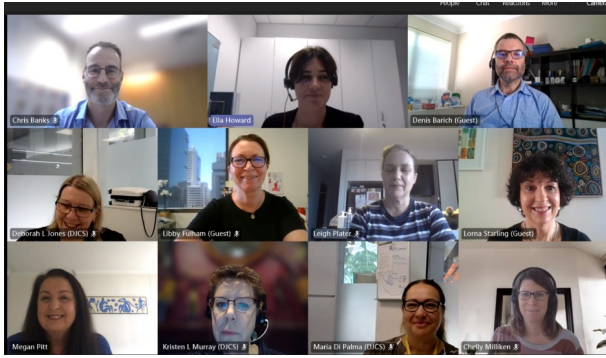
On 10 February, Chelly Milliken and Ella Howard of the Secretariat met via videoconference with Caroline Smith of the NSW Department of Communities and Justice (NSW Department) and Rachel Stelfox and Harley Ng of the Victorian Department to discuss Uniform Law matters. These included the implementation of the Royal Commission's recommendations, amendments to the solicitors' and barristers' conduct rules, conditional costs agreements and the first priority amendments to the Uniform Law.



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

Uniform Law admitting authorities' meeting

On 24 March, Megan Pitt, CEO, Chelly Milliken and Ella Howard of the Secretariat met via videoconference with the executive and policy officers of the Uniform Law admitting authorities in NSW (Chris Banks, Leigh Plater), Victoria (Deborah Jones, Kristen Murray, Maria Di Palma) and Western Australia (Libby Fulham, Denis Barich, Lorna Starling). Meeting attendees discussed recent work of the Admissions Committee and LACC, as well as the work currently being undertaken by each of the admitting authorities.



Top row (L-R): Chris Banks, Ella Howard, Denis Barich
 Middle row: Deborah Jones, Libby Fulham, Leigh Plater, Lorna Starling
 Bottom row: Megan Pitt, Kristen Murray, Maria Di Palma, Chelly Milliken

Admission of foreign lawyers

On 20 January, Megan Pitt, CEO, Chelly Milliken and Ella Howard of the Secretariat, along with representatives of the NSW Legal Profession Admission Board (Chris Banks and Leigh Plater) and the Victorian Legal Admission Board (Kristen Murray), met with representatives of the NSW Department (Caroline Smith) and the Victorian Department (Thomas Saunders and Rachel Stelfox) to further discuss the proposed amendments to the admissions process for foreign lawyers, including the draft Legal Profession Uniform Admission Amendment (Qualifications) Rule 2021.

This was a productive meeting and a helpful opportunity to respond to questions raised by the Departments before these amendments are formally submitted to the Standing Committee of Attorneys General.



Top row (L-R): Leigh Plater, Chris Banks, Chelly Milliken, Thomas Saunders
 Bottom row: Rachel Stelfox, Megan Pitt, Caroline Smith, Kristen Murray, Ella Howard

Uniform Law External Examiners Course five-year review

On 6 December, the External Examiners' Working Group (EEWG) consisting of representatives from the VLBSB+C, LSNSW, NSW Bar Association and the LPBWA submitted, for approval, the revised Course of Education for External Examiners of the Trust Records of Law Practices, Barristers and Approved Clerks, resulting from a five-year review.

On 17 December, the revised Course was approved under rule 65 of the Legal Profession Uniform General Rules 2015 by the Commissioner for Uniform Legal Services Regulation under delegation from the Council. The Council is grateful to each EEWG representative for their professionalism and perseverance in conducting the five-year review.

On 21 January, the CEO and Bridget Sordo of the Secretariat met with the EEWG to discuss future reviews of trust money forms and course assessment questions and the development of an online external examination course. The next five-year review will be held in 2026, and in preparation for that, the Secretariat will be seeking feedback from the EEWG as to improvements that can be made to the review process.

Royal Commission into the Management of Police Informants

On 18 March, Chelly Milliken and Ella Howard attended a meeting of the Legal Profession Regulation Working Group, convened by the Victorian Department, to discuss the Royal Commission's recommendations and current work that is being undertaken by the VLBSB+C, Law Institute of Victoria, Law Council of Australia and Australian Bar Association.

On 24 March, Chelly Milliken met by videoconference with the Royal Commission Implementation Monitor Secretariat and a representative of the Law Council of Australia to discuss work done in relation to the Royal Commission's recommendations that refer to the Council, Law Council of Australia and Australian Bar Association.

Lawcover annual seminar on claims prevention

On 4 March, Bridget Sordo of the Secretariat attended Lawcover's Annual One Day Claims Prevention seminar. This seminar addressed emerging and current risks in law practices, as evidenced by Lawcover claims over the previous 12 months.

The seminar included an informative presentation by Lawcover's CEO, Kerrie Lalich, who noted that the most common areas of law represented in the FY2021 claims received by Lawcover related to conveyancing and litigation. The top two common issues in Lawcover claims were poor communication followed by inadequate knowledge of the law.



Top row (L-R): Maya Lohar, Glenda Carry, Jane Whipp, Jessica Subba
 Bottom row: Malcolm Heath, Jen McMillan

The seminar also included a summary of instructive cases relating to claims made presented by Jen McMillan, Manager, Practice Support Services and Glenda Carry, Legal Risk Manager.

Once again, the session on preventing cyber-assisted fraud was both timely and sobering. Overall, an enlightening program which was facilitated by Malcolm Heath, Lawcover's Practice Risk Manager.

Rules

Uniform Admission Rules

On 14 January, the definition of “Board” in rule 4 of the Legal Profession Uniform Admission Rules 2015 was amended to include the Legal Practice Board of Western Australia before Western Australia joins the Uniform Law scheme in 2022, and other jurisdictions joining in the future.

The Legal Profession Uniform Admission Amendment (Board) Rule 2021 is available to view [here](#).

Solicitors’ Conduct Rules

On 10 February, the Council made the Legal Profession Uniform Law Australian Solicitors’ Conduct Amendment Rules 2022. The Amendment Rules amend the Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015 to give effect to the amendments recommended by the Law Council of Australia following its review of the Australian Solicitors’ Conduct Rules, including amendments to rule 42 (Anti-discrimination and harassment).

The amendments will commence on 1 April 2022, to allow time for the profession to become familiar with the changes before they commence. The Amendment Rules are available to view [here](#).

Barristers’ Conduct Rules

On 23 February, the Council made the Legal Profession Uniform Conduct (Barristers) Amendment Rule 2022. That Rule amends rules 123 and 125 of the Barristers’ Conduct Rules, which relate to anti-discrimination and harassment. The amendments were developed by the Australian Bar Association, following stakeholder consultation.

The amendments commenced on 4 March 2022 and are available to view [here](#).

Secretariat News

Promotions

On 13 January, Ella Howard was promoted to the Principal Policy Officer position that was vacant, following the retirement of Cora Groenewegen.



Ella Howard

Ella joined us as a Principal Policy Officer on 1 October 2020 and has primarily been responsible for supporting the policy work of the Council including work in relation to the proposed

amendments to the Solicitors’ and Barristers’ Conduct Rules and the Royal Commission into the Management of Police Informants. Ella also managed our recent transition to a new electronic documents and records management system.

Ella will be the main contact in our Secretariat for admissions work and will support the Admissions Committee and LACC. She will also handle other Council policy work, as required

Recruitment

On 21 February, Jessica Wardle commenced with the Council. As a Principal Policy Officer in our Secretariat, Jessica will be primarily responsible for supporting the policy work of the Council, including work in relation to conditional costs agreements.

From September 2011, Jessica had been employed by the NSW Crown Solicitor’s Office and was most recently a Principal Solicitor in the Regulatory and Environment Practice Group, Inquiries and Criminal Law Division. Between December 2012 and May 2014, she was the Senior Solicitor on the Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle. Prior to working at the Crown Solicitor’s Office, Jessica was employed as a solicitor in the property team at Clayton Utz.



Jessica Wardle

For more information

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

Or contact us at lsc@legalservicescouncil.org.au