

20 February 2020

Ms Megan Pitt  
Chief Executive Officer, Legal Services Council  
Commissioner for Uniform Legal Services Regulation  
PO Box H326  
AUSTRALIA SQUARE NSW 1215

*By email: [submissions@legalservicescouncil.org.au](mailto:submissions@legalservicescouncil.org.au)*

Dear Ms Pitt

**CONSULTATION PAPER ON PROPOSED AMENDMENTS TO THE LEGAL PROFESSION  
UNIFORM LAW**

I refer to your letter dated 31 January 2020 and the consultation paper on proposed amendments to the Uniform Law contained therein. VLAB welcomes the opportunity to contribute. My comments are confined to the proposed amendment to section 29 of the Uniform Law.

The consultation paper observes that section 29, as presently drafted, is limited to accrediting and reaccrediting law courses or providers of practical legal training (PLT). Accordingly, its reach does not extend to providers of law courses and PLT courses. VLAB has been informed by the former Chair of the Admissions Committee that the statutory deficiency in the drafting of section 29 was noted early in the history of the Legal Services Council.

The consultation paper helpfully sets out the legislation and rules in effect in Victoria from time to time, prior to the commencement of the Uniform Law and the Uniform Admission Rules. This analysis confirms that Victorian law has consistently recognised both academic institutions and providers of PLT, and law courses and legal training courses offered by both bodies. It was certainly the practice of the Council of Legal Education, which preceded VLAB, to accredit both providers and courses of formal and PLT, consistent with the governing regulatory instruments.

The proposed amendment to section 29 was discussed by VLAB at its meeting on 10 February 2020. Members were unanimous in their support for an amendment to clarify that regulatory authorities can accredit and reaccredit providers and courses. VLAB considers that it is neither possible nor desirable to attempt to delineate between the matters relevant to provider and course accreditation.

There is often significant overlap between the two, in areas such as the adequacy of facilities, staff members' qualifications, teaching methods, and access to legal education resources. The practical indivisibility of 'provider' and 'course' factors has recently arisen in the context of an application for accreditation by a new PLT provider. The process of settling the terms of reference for the review revealed the artificiality of seeking to circumscribe the elements of each assessment, as well as the potential for matters germane to the accreditation function to be excluded.

In VLAB's view any amendment to section 29 should make it clear that the Board can accredit and reaccredit all of the following:

- (a) academic law courses;
- (b) providers of academic law courses;
- (c) PLT courses;
- (d) providers of PLT courses.

The proposed amendment only addresses items (a) and (c). Accordingly, VLAB cannot support the amendment in its current form.

Yours sincerely

**Deborah Jones**  
**CEO**