

Public Registers of External Examiners

Purpose

1. This Direction seeks to promote consistency in the exercise of the functions of local regulatory authorities in relation to the designation of persons eligible to be appointed as External Examiners under the Legal Profession Uniform General Rules 2015 (Uniform General Rules). External Examiners report to regulators on the trust records of law practices.
2. It also seeks to advance the objective stated in section 126(a) of the Legal Profession Uniform Law (Uniform Law) to ensure that appropriate safeguards in relation to business practice and professional conduct are in place, to maintain the integrity of legal services.
3. On 3 September 2018, rule 65A of the Uniform General Rules commenced in New South Wales and Victoria.
4. Rule 65A provides the designated local regulatory authorities with the power to revoke a person's designation as an external examiner under the Uniform Law (usually an accountant or an auditor), as a safeguard to deal with instances where questions about their competence and/or suitability arise.
5. A 'show cause' process is included in rule 65A so that written notice must be provided to the person subject to the proposed disqualification, and that person will be invited to make submissions for the consideration of the designated local regulatory authority.
6. The Legal Services Council resolved that public registers of eligible external examiners, maintained by the designated local regulatory authorities of the participating jurisdictions, and linked to the Legal Services Council website, will inform relevant stakeholders.

Direction

Having regard to its opinion that the following direction is necessary and appropriate to ensure that the designated local regulatory authorities act in a manner that promotes inter-jurisdictional consistency in the application of the Legal Profession Uniform Law and of the Uniform Rules, the Legal Services Council

HEREBY GIVES A DIRECTION TO:

- The Council of the Law Society of NSW
- The Victorian Legal Services Board; and
- The Legal Practice Board in Western Australia to maintain a public register of eligible external examiners, subject to applicable privacy law, linked to the Legal Services Council website, so that law practices, consumers of legal services, designated local regulatory authorities, other relevant regulatory bodies in Australia, the Council and the general public may be informed of persons who satisfy rule 65 and whose status as a designated person is not revoked under rule 65A of the Legal Profession Uniform General Rules 2015.

This direction does not require the public registers to disclose information about a person whose consent to such disclosure has not been obtained.

Heather Moore
Chief Executive Officer
Legal Services Council
1 February 2023

¹ The Legal Services Council is empowered to issue guidelines and directions under section 407 of the Legal Profession Uniform Law.

² This Direction was originally issued by the Legal Services Council on 3 September 2018 and was re-issued on 1 February 2023 to include the Legal Practice Board in Western Australia