



**Message from the CEO, Megan Pitt**

**Welcome to our first LSC newsletter**

As I have now been in the dual roles of Legal Service Council (LSC) CEO and Commissioner for Uniform Legal Services Regulation for six months, it seems timely to reach out to our key stakeholders to provide an update on our recent work.

During this period I have had the great pleasure of meeting and working with many experienced and dedicated people who have informed our work and valuably contributed their knowledge and expertise to our initiatives, some of which are detailed below.

I would like to thank the Chair, our Council members and Committees, our hard-working Sydney-based Secretariat and all our partners, stakeholders and members of the legal profession for such a warm welcome.

We are interested in your feedback about the Uniform Law and this newsletter, so please don't hesitate to contact us.



*LSC Secretariat from left: Bridget Sordo, Senior Executive Officer, Megan Pitt, CEO, Julia Langham, Communications Officer, Cora Groenewegen, Senior Policy Officer, Sonya Kim, Senior Policy Adviser and Maureen Shaw, Executive Assistant.*

**Legal Services Council**

The current Legal Services Council, chaired by the Hon Michael Black AC QC, was reappointed for a three year term until October 2020. The LSC meets every two months alternating between Sydney and Melbourne.



*LSC members from left: Steven Stevens, Kim Boettcher, Michael Black AC QC (Chair), Bret Walker SC (absent: Fiona Bennett – see photo below).*

**Admissions Committee**

The Admissions Committee of the LSC develops rules and advises on legal admissions issues. The Committee's members are the Hon Acting Justice Arthur Emmett AO QC (Chair), Dr Elizabeth Boros, Mr Stuart Clark AM, Professor Lesley Hitchens, the Hon Justice Emilio Kyrou, Professor Bronwyn Naylor and the Hon Justice Richard White.



*Justice Emmett AO QC  
Admissions C'ttee Chair*



*Fiona Bennett  
Risk and Audit C'ttee Chair*

**Risk and Audit Committee**

The Risk and Audit Committee is an advisory committee appointed by the LSC to oversee our statutory and governance obligations. It comprises two members of the LSC, Fiona Bennett (Chair) and Steven Stevens and independent member, Geoffrey Applebee, a former Senior Partner at Ernst & Young.

# Working with our stakeholders

## Standing Committee

The Standing Committee, consisting of the Attorneys-General of Victoria and NSW, oversees the LSC and Commissioner for Uniform Legal Services Regulation (Commissioner) and designated local regulatory authorities (DLRAs) to ensure they are fulfilling their duties consistent with the Uniform Law's (UL) objectives and to approve Uniform Law changes.

## Department of Justice and Regulation Victoria (DOJR)

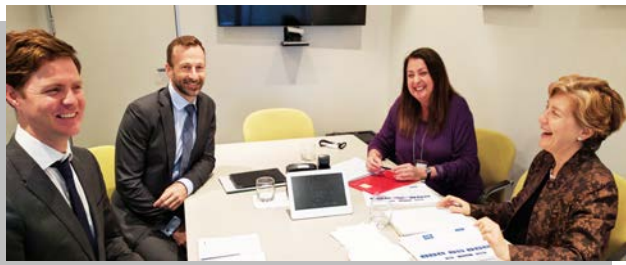
The host jurisdiction for the UL is Victoria. The LSC CEO Megan Pitt and Chair, Michael Black AC QC meet with representatives of the DOJR to discuss UL policy issues. The proposed changes to s258 of the UL in respect of Managed Investment Schemes (MIS) and to s70 in relation to foreign lawyers were recent issues for discussion.



*From left: Megan Pitt, Michael Black, Warwick Mitchell, Assistant Director Civil Law Policy and Donald Speagle, Deputy Secretary, Civil Justice, DOJR.*

## NSW Department of Justice (DOJ)

As NSW is the host jurisdiction for the LSC and Commissioner, the DOJ provides policy advice and the LSC's corporate services including finance, IT and HR. The LSC has been assisted by DOJ on the MIS inquiry and the review of the Australian Solicitors' Conduct Rules (ASCRs).



*From left: Stephen Bray, A/Director, Civil Law, DOJ, Paul Miller, Deputy Secretary, Justice Strategy and Policy, DOJ, Megan Pitt and Bridget Sordo.*



*DOJ Deputy Secretary, Justice Services, Kathrina Lo, and Megan Pitt.*

## NSW Legal Services Commissioner (OLSC) & Victorian Legal Services Board + Commissioner (VLSB+C)

The LSC CEO regularly meets with the Commissioners of NSW and Victoria to ensure consistent application of the UL and to promote best practice. The Legal Commissioners handle consumer complaints about lawyers and provide dispute resolution services in accordance with Chapter 5 of the UL. The Commissioners' support and assistance in the identification of emerging trends in NSW and Victoria has been invaluable.

At a recent meeting of the Commissioners and the Law Society NSW CEO, current challenges facing the legal profession were high on the agenda.



*From left: Megan Pitt, Law Society NSW CEO, Michael Tidball, new Victorian Legal Services Commissioner and Legal Services Board CEO, Fiona McLeay and NSW Legal Services Commissioner, John McKenzie.*

## Law Institute of Victoria (LIV)

As the professional association representing Victorian solicitors to governments and other bodies, the LIV provides feedback from the profession and legal policy advice to inform our work, such as the inquiry into MIS, the External Examiners' Course and harmonisation of the External Examiners' reporting timeframes. The CEO has been very helpful in offering LIV communication channels to aid our consultation processes.



From left: Bridget Sordo, Elissa Watson, LIV General Manager, Professional Practice & Compliance, LIV CEO, Nerida Wallace, Megan Pitt and Michael Black AC QC.

## Law Society of NSW (LSNSW)

As the representative body for NSW solicitors, the LSNSW has partnered with the LSC on strategic initiatives such as the External Examiners' Course and the Uniform Law Database. Recently, the LSNSW has assisted in the development of policy to include in-house lawyers in corporations and government in the UL registration of foreign lawyers. The LSC acknowledges the CEO for his continuing support of the UL, the assistance provided by his staff and the interest shown by the current President in the LSC's work.



Law Society NSW President, Doug Humphreys and LSC CEO, Megan Pitt.

## NSW Bar Association and the Victorian Bar

CEO Megan Pitt has met with Executive Director of the NSW Bar Association, Greg Tolhurst, to discuss how the UL cost disclosure requirements are being met by barristers. The CEO has also met with the Victorian Bar CEO, Sarah Fregon to discuss issues of interest to barristers including the UL Legal Profession Register under development.

# Uniform Law changes

## Managed Investment Schemes

The inquiry into the Managed Investment Schemes (MIS) and the Legal Profession was a priority project for the LSC in 2017-2018 with new restrictions under the UL due to come into effect on

1 July 2018. MIS are collective investments which include solicitors' mortgages and other arrangements, such as property syndicates or investment pools.

In this inquiry, headed by expert consultant, Professor Pamela Hanrahan, we consulted with small and medium sized law practices whose business interests are directly affected by the upcoming law change. We also consulted with consumer groups and regulators about managing solicitors' conflicts of interest.

The LSC recommended law reform that achieves a balance between the business needs of law practices and the protection of clients. Following the decision of the Standing Committee, the LSC will provide guidance to law practices on the new regime.



LSC Senior Policy Adviser, Sonya Kim with Professor Pamela Hanrahan.

# Uniform Rule changes

## DLRA power to revoke appointment of External Examiners

The LSC approved a Consultation Draft Rule to grant power to the DLRA to revoke the status of External Examiners as 'designated persons' under the UL. This draft rule is proposed as a safeguard to deal with instances where questions of competence or suitability to act as a designated person may arise.

In January 2018 the draft rule was released to DLRA the CPA Australia, the CA (ANZ), the Institute of Public Accountants and to the public. The LSC will consider the submissions and recommend to the Standing Committee a new Uniform General Rule in April 2018.

## External Examiners' reporting time

Effective from 1 January 2018, the LSC resolved to extend the reporting time of external examinations to 31 May each year, with the trust year ending on 31 March and reports due 31 May. This was in response to industry feedback and it will also harmonise dates with non-participating jurisdictions.

## Australian Solicitors' Conduct Rules

In February, the Law Council of Australia (LCA) released for consultation, the Review of the Australian Solicitors' Conduct Rules (ASCRs).

The ASCRs were collaboratively developed by the LCA's constituent professional bodies and the LSC, as an agreed set of professional conduct rules for all solicitors in Australia.

This is the first comprehensive review of the Rules since 2011. The Consultation Discussion Paper canvasses views on a wide range of issues and suggested amendments. Submissions close on 31 May 2018.



From left: Sonya Kim, CEO Law Council of Australia, Jonathan Smithers, Megan Pitt and Bridget Sordo.

## A new Admission Rule regarding Professional Legal Training (PLT) standards

The Council supported the proposal to clarify how the minimum requirement of 15 days of workplace experience is to be completed for PLT. The proposed rule, which reflects the Law Admissions Consultative Committee's (LACC) national PLT Competency Standards, prescribes that workplace experience is to be undertaken by attending two full days per week or four half days per week.

The LSC approved the release of a draft amendment for public consultation pursuant to sub sections 426(3)(b) of the UL. An invitation for written submissions was placed on the LSC website.

## Strategic initiatives

### Uniform Law Database Project

We continue to build on the UL Database Project which has been completed for Chapter 5 of the UL, Dispute Resolution and Professional Discipline.

When completed and in operation, we will be better placed to evaluate the effectiveness of the UL and share data with our stakeholders.

Our focus is now on Chapter 2, Admissions Data being collected from the [Victorian Legal Profession Admissions Board](#) and the [NSW Legal Profession Admission Board](#). The Acting CEO and Executive Director of these boards have been extremely helpful in identifying and mapping consistent admissions data, together with the NSW Law Society and DOJ.



From left: Megan Pitt, Bridget Sordo, Slavica Nikiforovska (LSNSW), Brian Piggott (NSW DOJ), Lisa Vartuli (LSNSW), Keira Brown (NSW DOJ), Maria Di Palma (VLAB), Deborah Jones (Acting CEO VLAB), Louise Pritchard (Executive Officer LPAB).

### Uniform Law AustLII Library

The Legal Profession Uniform Law Library (Australia) has been established within the Australasian Legal Information Institute (AustLII) database and we are seeking feedback as to whether it meets our end users' needs.

The aim of the online library is to offer all material pertaining to the UL in the one place, allowing for easier keyword searches for the law and cases involving the UL.

The library can be accessed at:  
[www.austlii.edu.au/au/special/lpuniformlaw/](http://www.austlii.edu.au/au/special/lpuniformlaw/)

AustLII is jointly administered through the UTS and UNSW Faculties of Law.



From left: Julia Langham, AustLII Executive Director, Philip Chung, Bridget Sordo and Cora Groenewegen.

### For more information

Visit the LSC website:  
[www.legalservicescouncil.org.au](http://www.legalservicescouncil.org.au)

Contact our Communications Officer:  
[julia.langham@legalservicescouncil.org.au](mailto:julia.langham@legalservicescouncil.org.au)