



**Message from the CEO, Megan Pitt**

**Welcome to our first newsletter for 2020.**

The new year is off to a flying start and we continue to focus on our four strategic goals. These are to:

1. Achieve national implementation of the Uniform Law (UL)
2. Ensure that the UL is a responsive regulatory regime for the legal profession in Australia
3. Build awareness of the UL by consulting with stakeholders, and
4. Continue to develop a well governed organisation.

Thank you to all who attended our 2nd UL Summit held in December in Sydney. This forum was a useful way to hear from our key stakeholders and focus our attention on the year ahead, to ensure our goals are met. On the day, we were also pleased to officially launch the new Australian Legal Profession Register.

The UL scheme continues to depend on strong, collegiate and cooperative working relationships with our key stakeholders with whom we share information, ideas, experiences and best practices. We greatly value your contributions and appreciate that the operation of the UL is enriched by a wide range of voices.

**Council news**

**Australian Legal Profession Register launched**

On 5 December, the Hon Michael Black AC QC FAAL, LSC Chair, launched the new Australian Legal Practitioner Register (ALPR); an online tool that allows consumers to quickly check the credentials of legal practitioners in UL States.

Accessed via the LSC website, the ALPR is an important search tool to make data on NSW and Victorian legal practitioners publicly available from a single search point and with links to State Registers of Disciplinary Action.

The LSC is grateful for the generous support and assistance of the Law Society of NSW (LSNSW) in establishing the ALPR and providing ongoing IT expertise.

The LSC also expresses its appreciation to the legal regulators in Victoria and NSW who provided the data for the ALPR - the Victorian Legal Services Board and Commissioner (VLSB+C), the NSW Bar Association (NSW Bar), and the LSNSW. Details of Western Australian legal practitioners will be added when WA joins the UL scheme in 2020.

The ALPR has resulted from a great team effort by so many people in our UL scheme, each of whom has contributed to the success of this initiative.

The ALPR is already proving to be a useful resource for both consumers and the legal profession with more than 900 page views since its launch.

The ALPR is at [www.legalservicescouncil.org.au/alpr](http://www.legalservicescouncil.org.au/alpr)



*L-R: Steven Stevens (LSC), Michael Tidball (LSNSW CEO) and Michael Black AC QC FAAL (LSC Chair).*



*L-R: Michael Black AC QC FAAL (LSC Chair), Michael Tidball (LSNSW CEO), Katherine Lorenz (Victorian Bar CEO), John McKenzie (NSW Legal Services Commissioner), Greg Tolhurst (NSW Bar Executive Director), Megan Pitt (LSC CEO) and Fiona McLeay (Victorian Legal Services Commissioner).*

## Legal Services Council 2<sup>nd</sup> Annual Uniform Law Summit



Participants at the 2<sup>nd</sup> annual UL Summit.

On 5 December, the LSC held its second annual UL Summit in Sydney. The Summit brought together the UL's key stakeholders in NSW, Victoria and WA to discuss the achievements and challenges of the last year, review our progress, and to develop and plan UL priorities for 2020.

Attending the Summit were representatives from the LSNSW, the Office of the Legal Services Commissioner, the NSW Bar, the NSW Legal Profession Admission Board, the VLBSB+C, the Victorian Bar (Vic Bar), the Victorian Legal Admission Board (VLAB), the Legal Practice Board of Western Australia (LPBWA), the WA Legal Profession Complaints Committee (WALPCC), the Victorian Department of Justice and Community Safety (Vic DJCS) and the NSW Department of Communities and Justice (NSW DCJ), the LSC Chair, Michael Black AC QC FAAL, Council member Steven Stevens and the LSC Secretariat.

After a warm welcome from Chair Black and an overview of the LSC's work by Megan Pitt, a range of speakers discussed topics ranging from electronic data sharing, admissions data, the review of the law relating to the admission of foreign lawyers and the review of the managed investment scheme rules. These sessions were presented by Maria di Palma, Senior Advisor, VLAB; and the LSC's Cora Groenewegen, Chelly Milliken and Bridget Sordo.

Michael Tidball, CEO, LSNSW gave an international perspective on legal regulation, with insights from his work as Secretary-General of LawAsia; Fiona McLeay, Victorian Legal Services Commissioner, discussed the insights from the 2019 International Conference of Legal Regulators; and Heather Moore, Senior Manager Strategy and Projects, LSNSW, discussed the findings from the latest LSNSW National Profile of Solicitors.

Greg Tolhurst, Acting CEO, Australian Bar Association (ABA) and Executive Director, NSW Bar, described a case study of the ABA's rule making process. The LSC's First Priority Amendment Project was explored in depth by John McKenzie, NSW Legal Services Commissioner, together with Warwick Mitchell from the Vic DJCS, and Philippa Hetherton from the NSW DCJ.



Fiona McLeay (VLBSB+C) and Anthony Lean (Director Legal Regulation LSNSW).



Heather Moore (LSNSW).



Greg Tolhurst (NSW Bar), Warwick Mitchell (Vic DJCS) and Philippa Hetherton (NSW DCJ)



L-R: Deborah Jones (VLAB), Libby Fulham and Deb MacDonald (LPBWA).

Libby Fulham, Executive Director, LPBWA gave an update on WA's progress and next steps in joining the UL scheme.

The LSC appreciated the feedback from participants which included:

*'It was not only informative but a wonderful chance to meet other regulators and discuss and hear about how others engage in ensuring the Uniform Law is at the forefront of regulation in Australia now and moving forward.'*

*'The potential for the exchange and improvement of ideas and ways of working under the LPUL is one of its benefits and the Summit was a good example of what that can look like.'*

*'Thank you for a well-organised, informative and productive Summit ... It brought all the major stakeholders and officers together and I found the presentations very informative and thought-provoking.'*

We thank all our stakeholders who attended and provided such a firm grounding for our continued work together in 2020.



Katherine Lorenz (Vic Bar) and Michael Black AC QC FAAL.



Maria Di Palma (VLAB) and Michelle Marfurt (VLSB).



L-R: Steven Stevens (LSC), Nadya Haddad (Deputy Director Investigations LSNSW), Heather Moore (LSNSW) and John McKenzie (OLSC).

## Legal Services Council meeting

The LSC met for the first time this year on 25 February in Melbourne. At the meeting, the Council considered a number of matters including the First Priority Amendments Project, the Review of Managed Investment Scheme Rules, the WA UL Project and a proposal by the Australian Taxation Office to deter promoter conduct by legal practitioners.

The WA Solicitor General Joshua Thomson SC also attended as an observer and provided valuable advice about WA's perspectives on agenda items.

## Changes to the Admissions Committee

In February, the LSC appointed the Hon David Habersberger QC to the Admissions Committee to take up the position formally occupied by the Hon Justice Emilios Kyrrou of the Supreme Court of Victoria. Mr Habersberger is also a member of the Law Admissions Consultative Committee.

Following an invitation by the Chair of the Admissions Committee, the Hon Acting Justice Arthur Emmett AO, the Attorney General of WA, the Hon John Quigley MLA nominated the Hon Justice Rene Le Miere, Senior Judge of the Supreme Court of WA, as an observer of the Admissions Committee, in advance of WA joining the UL scheme.

The LSC warmly thanks Justice Kyrrou for his five years of valuable service to the Admissions Committee and welcomes Mr Habersberger and Justice Le Miere to the Committee.



The Hon Justice Rene Le Miere



The Hon David Habersberger QC

## LSC Audit and Risk Committee

The LSC's Audit and Risk Committee (ARC) met on 25 February in Melbourne. The meeting considered the ARC Annual Plan, LSC governance and financial matters, and noted NSW Audit Office dates for 2020.

# Working with our stakeholders

## WA Uniform Law Project

On 29 and 30 January, the LSC CEO and Secretariat were joined by key stakeholders for a two-day project management workshop in Sydney, focusing on Western Australia adopting the UL as the case study. As 1 July 2020 is the target date for WA to join the UL scheme, this workshop provided a timely opportunity for the key players to meet and jointly devise a coordinated, strategic project management plan for this expansion of the UL.

Libby Fulham and Russell Daily, Law Complaints Officer, WALPCC attended together with John McKenzie; Natalie Neal, Senior Policy Officer, VLSB; and Phillipa Hetherton, Director, and Kajhal McIntyre, Policy Officer, NSW DCJ.

The workshop was facilitated by Stuart Patch, a Project Management Consultant from IPAA NSW, who traversed project management theory and practice, and we then applied these principles to our WA UL case study.



*L-R: Chelly Milliken, Natalie Neal, Bridget Sordo, Kajhal McIntyre, Julia Langham, Cora Groenewegen, Tina O'Brien, Stuart Patch, Phillipa Hetherton, John McKenzie, Russell Daily, Libby Fulham and Megan Pitt.*

Over the two days, the group scoped the issues to be addressed, tasks to be undertaken, key deliverables and milestones, and relevant timeframes.

It was agreed that the LSC will be the project sponsor, draft a project management plan and coordinate the project overall, assisted by a project team that includes the LSC together with WA, DLRA and Departmental representatives. In WA, Libby Fulham will continue to manage the project.

There was a strong spirit of collegiality, cooperation and goodwill demonstrated by all participants with many offers of support and assistance to our WA stakeholders. The general feedback from attendees was that the workshop was a very worthwhile exercise, enabling everyone to understand the scope of the project, the roles we all need to play and timing considerations - in addition to providing a forum for discussing a range of relevant issues.

This project management approach and plan for WA's UL adoption should provide an excellent blueprint to follow when other jurisdictions decide to join the UL scheme.

## Law Institute of Victoria Law Year opening

On 9 and 10 February, at the invitation of the President of the Law Institute of Victoria (LIV), Sam Pandya and CEO Adam Awty, Megan Pitt attended the LIV's State of the Profession – Essential Briefing 2020 and dinner.

The conference was opened by the Victorian Attorney-General, the Hon Jill Hennessey MP and included presentations from the Hon Chief Justice of the Family Court and Federal Circuit Court, William Alstergren, Fiona McLeay and a panel of managing partners from law firms, chaired by Adam Awty.

The conference was attended by representatives from the LIV, VLSB+C, Vic Bar, Legal Practitioners' Liability Committee, Law Council of Australia and Law Firms Australia and Presidents and CEOs of the NSW and SA Law Societies, amongst others. It was a good opportunity to catch up with many of the LSC's current and future key stakeholders.



*Sam Pandya  
(LIV President)*



*Adam Awty (LIV CEO)*

## Alignment with DCJ Information and Digital Services Plan

The LSC's Megan Pitt, Bridget Sordo and Chelly Milliken met with Kiera Brown, our NSW DCJ Information and Digital Services (IDS) business partner, and with Subee Bista and James Cui from Third Horizon, to discuss the LSC's future information technology needs within the context of the NSW DCJ's overall IDS Plan.

A key objective for the LSC in the future is to enhance its reporting capability as well as to enable the DLRA's to share data with the LSC's UL database more easily.



*L-R: Bridget Sordo, Chelly Milliken, Subee Bista, James Cui and Kiera Brown.*

## Meeting with Victorian DJCS

On 24 February, Megan Pitt and Chelly Milliken met with our new contact Brittany Quayle, Manager, Office of the General Counsel, at the Victorian Department of Justice and Community Safety in Melbourne.

Discussion topics included the UL First Priority Amendments Project, the WA UL Project, the review of the managed investment scheme rules and the Department's role in relation to these projects.

Our former contact Warwick Mitchell is now the Principal Registrar at VCAT. Warwick was of valuable assistance to the LSC over the last five years and we warmly thank him and wish him all the best for the future.



Brittany Quayle



Warwick Mitchell

## Recent consultations

The LSC recently consulted on a number of important changes to the UL and Rules. Thanks to all who gave feedback during these recent consultations.

### Proposed amendments to the Uniform Law

In January, the LSC published a [Consultation Paper](#) on proposed amendments to the UL which aim to:

- clarify the effect and operation of certain provisions
- enhance protection of consumers of legal services
- empower clients to make informed choices about costs
- expand the category of people who can make consumer complaints
- remove the potential for unintended consequences and perverse outcomes to arise
- improve administrative efficiencies, and
- resolve inconsistencies and drafting anomalies

The consultation closed on 28 February and submissions are under consideration.

### Legal Profession Admission Rules

In November, the LSC's Admissions Committee commenced consultation on a rule to amend the Admission Rules to align their wording with the UL.

The question whether a person is of 'good fame and character' is applied by Australian admitting authorities when assessing applications for admission.

The word 'fame' appears in Admission Rules 10(f), 14(1)(c), 16(6) and 17(1) and (7), as part of the phrase 'fame and character'. However, it is not used in the UL.

The consultation closed on 28 February and submissions are under consideration.

## Review of Managed Investment Scheme Rules

In December, the LSC published a [Consultation Paper](#) that set out the findings of the [Review of Managed Investment Scheme Uniform General Rules 91A-91D](#) and invited feedback on the recommended options for addressing each issue.

The paper was based on submissions received on the [Terms of Reference](#) and consultation conducted during October with industry associations and regulators in NSW and Victoria.

The consultation closed on 31 January. The LSC considered the submissions at its February meeting and has reported to the Standing Committee on the outcome of the review.

## Uniform Rule changes

### Uniform General Rules

On 6 December, after consulting widely with stakeholders and the public, the LSC made the [Legal Profession Uniform General Amendment \(Miscellaneous\) Rule 2019](#) under s 419 of the UL.

As well as clarifying the usual duration of a practising certificate, the Rule amends the Uniform General Rules (UGRs) that support various provisions in Chapter 4 of the UL, specifically UGRs 17, 38, 54, 63, 64 and 93; and creates new UGRs 91E and 95A. The Rule commenced on 13 December.

### Barristers' CPD Rules

On 6 December, after consultation with all Australian Bars, regulatory authorities in NSW, Victoria, and the public, the LSC made the [Legal Profession Uniform Continuing Professional Development \(Barristers\) Amendment \(CPD Activity\) Rule 2019](#) under s 419 of the UL.

The Rule amends rules 5 and 6 and creates a new rule 6A of the Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 and it commenced on 13 December.

The effect of the amendments is to plainly state that a CPD activity must be relevant to a barrister's professional development needs in relation to the barrister's practice of the law; and to demonstrate the types of activities in various formats that may comprise a CPD activity.