



Message from the CEO, Megan Pitt

Welcome to our June newsletter.

It has been a busy period since our last March newsletter.

I am pleased to advise that the Legal Profession Uniform Law Application Bill 2021 has passed the Western Australian Parliament and the Uniform Law scheme will become operational in Western Australia on 1 July 2022.

To mark this historic occasion, we will be publishing a special edition newsletter in July featuring Western Australia joining the Uniform Law scheme. Information about our recent Uniform Law Summit 2022, Uniform Law Dinner, other events held in Perth, and matters relating to Western Australia joining the Uniform Law scheme, will be detailed in that edition.

In April, the Legal Services Council (Council) repealed recent amendments to rule 38 of the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, relating to returning judicial officers, to allow the Law Council of Australia to undertake consultation with the courts, tribunals, the Australian Bar Association and other relevant stakeholders about this rule.

In June, Legal Profession Uniform Law (Indexed Amounts) Notice 2022, made in accordance with rule 111A of the Legal Profession Uniform General Rules 2015, was published. The new indexed amounts, which ensure that the NSW Legal Services Commissioner and the Victorian Civil and Administrative Tribunal maintain their jurisdiction to determine costs disputes in line with inflation, are detailed in this edition.

As COVID travel restrictions have now eased, our Council intends to reinstate its practice of holding its meetings in each of the Uniform Law jurisdictions throughout the year. Accordingly, our next Council meeting will be in Melbourne on 20 July 2022. This practice of holding meetings in Sydney, Melbourne, and Perth, will enable our Council to meet in person with our designated regulatory authorities and other stakeholders, to discuss their perspectives, views, and Uniform Law priorities. We will report on these meetings in future editions of this newsletter.

I hope you enjoy this edition of our newsletter.

Council News

Council meeting

On 1 June, the Council met in person in Perth and by videoconference. The Council considered the prohibitions on conditional costs agreements in the Uniform Law to ensure consistency across the jurisdictions in light of Western Australia joining the scheme, received an update on Admissions Committee work and other matters relating to Western Australia joining the Uniform Law scheme.

Admissions Committee

On 6 May, the Council appointed Mr Robert Hollo SC to the Admissions Committee for a term commencing immediately and ending on 30 June 2025. Mr Hollo is a nominee of the Australian Bar Association (ABA) following the resignation of the Hon Justice Elisabeth Peden after her appointment to the Supreme Court of NSW in April 2022.



Mr Robert Hollo SC

Mr Hollo is an experienced commercial silk at Sixth Floor Chambers in Sydney. He was appointed Senior Counsel in 2011 and regularly appears in the Federal Court, State Supreme Court and tribunals around the country. Mr Hollo is the Chair of the Education Committee of the NSW Bar Association, a member of the NSW Bar Association's Exam Working Party, a moderator of the Bar Exams and regularly presents at the NSW Bar Association's Practice Course. He is also a member of the NSW Bar Association's Professional Conduct Committee.

On 2 June, the Admissions Committee held a special meeting in Perth and 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.



Admissions Committee

In person (L-R): Mr Robert Hollo SC, the Hon Arthur Emmett AO QC (Chair), Professor Jenni Lightowers, the Hon David Habersberger QC, the Hon Rene Le Miere QC (Observer)
 On screen: The Hon Justice Francois Kunc, Ross Drinnan

Meeting with the Solicitors Regulation Authority of England and Wales

On 26 May, Megan Pitt, LSC CEO, Ella Howard, Principal Policy Officer and representatives of the Admissions Committee's SQE Working Group, the Hon Arthur Emmett AO QC, the Hon David Habersberger QC and Kristen Murray, met with representatives of the Solicitors Regulation Authority of England and Wales (SRA), Julie Brannan, Juliet Olive, Carol Cook, Maxine Warr and Tracy Vegro to discuss the introduction of the Solicitors Qualifying Examination (SQE) in England and Wales and the implications for Australian admitting authorities.

The SQE is a new centralised assessment for qualification as a lawyer in England and Wales. It does not require lawyers to have an underlying law degree. This is a significant change for Australian admitting authorities, as admission of foreign lawyers in Australia currently takes into account the academic qualifications of foreign lawyers.

The SRA provided helpful information on the policy rationale for the SQE and its operation, including data available from the results of the first SQE1 assessment in November 2021.



Top row (L-R): The Hon David Habersberger QC, Kristen Murray, the Hon Arthur Emmett AO QC
 Middle row: Maxine Warr, Ella Howard, Tracy Vegro
 Bottom row: Carol Cook, Juliet Oliver, Megan Pitt, Julie Brannan

On 16 June, the SQE Working Group met by videoconference to discuss the outcomes of the meeting with the SRA and correspondence received from the New Zealand Council of Legal Education (NZCLE). The SQE Working Group resolved to liaise further with both the SRA and the NZCLE about this matter.



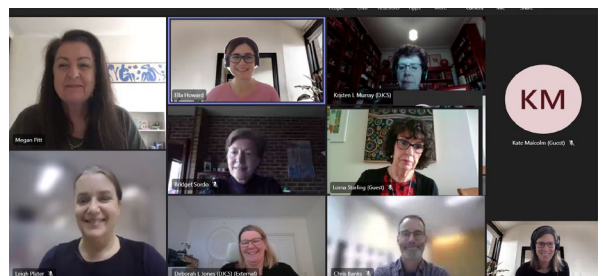
Top row (L-R): The Hon David Habersberger QC, Megan Pitt, Chris Banks
 Bottom row: Kristen Murray, Jennifer Sheean, Sabina Schlink, the Hon Arthur Emmett AO QC, Ella Howard

Working with our stakeholders

Uniform Law admitting authorities' meeting

On 30 June, Megan Pitt, Ella Howard, Chelly Milliken, Senior Principal Policy Officer and Bridget Sordo, Senior Executive Officer met via videoconference with the executive and policy officers of the Uniform Law admitting authorities in NSW (Chris Banks and Leigh Plater), Victoria (Deborah Jones and Kristen Murray) and Western Australia (Kate Malcolm and Lorna Starling).

Meeting attendees discussed recent work of the Admissions Committee and the Law Admissions Consultative Committee, as well as the work currently being undertaken by each of the admitting authorities.



Top row (L-R): Megan Pitt, Ella Howard, Kristen Murray, Kate Malcom
 Middle row: Bridget Sordo, Lorna Starling
 Bottom row: Leigh Plater, Deborah Jones, Chris Banks, Chelly Milliken

Uniform Law data sharing meetings

On 6 April, Bridget Sordo met with staff from the Law Society of NSW and the Victorian Legal Admissions Board to discuss refinements to the data mapping in the Uniform Law database. On 29 April, Ms Sordo met again with those stakeholders to discuss new approaches to the collection of data about the gender of legal practitioners and reporting of that data.

Ms Sordo has also been meeting with Uniform Law regulators to make arrangements for the Council to receive data from Western Australia about complaints and admissions, and information for the Australian Legal Practitioner Register, after

Western Australia formally joins the scheme. On 3 March, Ms Sordo met with the Legal Practice Board of Western Australia and the Law Society of NSW to establish a timeline for Western Australian data integration and the Uniform Law database specifications for data maps.

On 31 May, Ms Sordo and Ella Howard met with the Legal Profession Admission Board of NSW, Victorian Legal Admissions Board and the Legal Practice Board of Western Australia to progress WA data integration for complaints, admissions and the Australian Legal Profession Register.



Top row (L-R): Analisa Zainal, Chris Banks, Nicole O'Connor
Bottom row: Bridget Sordo, Maria Di Palma, Maria Wizbicki, Ella Howard

Meeting with Deputy Secretary, Victorian Department

On 9 May, Megan Pitt and Chelly Milliken met with Marion Chapman, Deputy Secretary; Sam Gifford, Associate Deputy Secretary and General Counsel; Tom Saunders, Deputy General Counsel; and Rachel Stelfox, Legal Policy Manager from the Victorian Department of Justice and Community Safety to discuss Uniform Law matters.

Australian legal regulators teleconference

On 9 June, Megan Pitt attended the Australian legal regulators teleconference chaired by the Queensland Legal Services Commission and attended by legal regulators from all Australian jurisdictions. Matters discussed included the Conference of Regulatory Officers 2022 which is due to be held in Brisbane later in the year.

First priority amendments working group

The Standing Committee of Attorneys General has approved, in principle, 34 proposed amendments to the Uniform Law, recommended by the Council following extensive consultation with local regulatory authorities and other stakeholders. The proposed amendments aim to clarify the effect and operation of the Uniform Law.

A Working Group has been established to respond to questions from the Victorian Department of Justice and Community Safety in relation to the proposed amendments.

On 29 April, Chelly Milliken and Jessica Wardle, Principal Policy Officer convened the first meeting of the First Priority Amendment Working Group which was attended by representatives from the Victorian Legal Service Board and Commissioner (Michelle Marfurt), Law Society of NSW (Anthony Lean and Bobbie Wan), NSW Office of the Legal

Services Commissioner (Sam Gulliver) and NSW Bar Association (Celia Barnett-Chu).

The working group will continue to progress this project during 2022.

Rules

Rule 38 of the Solicitors' Conduct Rules

On 22 April, the Legal Profession Uniform Law Australian Solicitors' Conduct Amendment (No 2) Rule 2022 commenced.

This Rule amends the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 by repealing rule 38, which relates to returning judicial officers, and reinstating the version of rule 38 that was in force immediately prior to 1 April 2022.

This amendment was made on an urgent basis to alleviate an unintended consequence of the application of rule 38 to Registrars and other non-tenured judicial officers. This amendment reinstates the previous status quo and it will also allow more time for the Law Council of Australia to undertake consultation with the courts, tribunals, Australian Bar Association and other relevant stakeholders about rule 38.

Indexation

On 17 May, the Council's CEO authorised the Legal Profession Uniform Law (Indexed Amounts) Notice 2022. The Notice is made in accordance with rule 111A of the Legal Profession Uniform General Rules 2015.

The Notice shows the actual indexed amounts that apply to sums of \$10,000 (\$14,940); \$100,000 (\$149,375) referred to in sections 291 to 293 of the Uniform Law; and \$25,000 (\$37,345) referred to in section 99 of the *Legal Profession Uniform Law Application Act 2014* (Vic) from 1 July 2022 to 30 June 2023.

The calculation of the indexed amounts is based on the latest consumer price index published by the Australian Statistician in April and ensures that the NSW and Victorian Legal Services Commissioners and the Victorian Civil and Administrative Tribunal maintain their jurisdiction to determine costs disputes in line with inflation.



Secretariat News

Bridget Sordo's retirement

On 31 August, Bridget Sordo, our Senior Executive Officer, will be leaving the Council as she has decided to retire. Bridget has been with the Council for six years and she has an extensive understanding of the Uniform Law framework and corporate knowledge of the Council's operations.



Bridget Sordo

During this time, Bridget has handled a significant range of our corporate work, including finance, HR, and IT matters. She has supported the former and current Chair and Council and the CEOs/Commissioners. She has also worked with our Admissions Committee and taken the lead in providing secretariat support for our Risk and Audit Committee.

In her work, Bridget has liaised with representatives of all our designated local regulatory authorities and our key stakeholders. Bridget has also been in regular contact with representatives of the Departments of Justice in NSW and Victoria in relation to the Council's corporate matters.

Bridget is well known and liked across the Uniform Law community. She will be missed by her colleagues in the Secretariat and others in the Uniform Law world. We thank Bridget for her significant contribution to the Uniform Law scheme and we wish her all the very best for her upcoming retirement and the future.

LSC Office location

The LSC Office will remain at 19 O'Connell Street, Sydney until 2025, following a recent extension of our lease at these premises.



LSC's Office, Level 3, 19 O'Connell Street, Sydney

LSC Records and Information Management

In April, due to the foreshadowed amendments to the *State Records Act 1998* (NSW), the Secretariat participated in a state-wide record monitoring exercise conducted by the NSW Office of State Records and Archives (SARA) to provide a baseline and overview of the management of state records in NSW government. The Council's document management system (OneTRIM) is compliant with SARA requirements.

The Secretariat has also developed a Records Management and Information Policy which establishes a formal governance framework for the creation, capture, control, use, maintenance and disposal of records and information.

For more information

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

Or contact us at lsc@legalservicescouncil.org.au