



Message from the CEO, Megan Pitt

Welcome to our March newsletter.

The year has been off to a busy start for the Legal Services Council, its Committees and our Secretariat. This issue of our newsletter includes information about the recent meetings of the Council, the Audit and Risk Committee and the Admissions Committee, as well as our ongoing engagement with stakeholders, including in relation to the Uniform Law data sharing project.

This year, we have commenced a new initiative of regular liaison meetings between the Secretariat policy officers and the DLRA and admitting authorities' policy officers, and with representatives of the Departments of Justice in the Uniform Law jurisdictions. These meetings will provide a forum for enhanced information sharing and collaboration, and the further development of working relationships with our key stakeholders. Some information about the first of those meetings is set out in this newsletter.

In this quarter, our Chair and I met with the Law Society of Tasmania and the Tasmanian Legal Profession Board to discuss the Uniform Law scheme. We hope to be able to meet with regulators of the legal profession in other jurisdictions throughout this year.

Our Annual Reports are now public after being tabled in both the NSW and Victorian Parliaments and I encourage you to download our reports from the Publications page on our website.

We hope you enjoy this issue of our newsletter.

Highlights

Meetings with Tasmania

In January, our Chair and I were optimistic about the prospect of visiting Tasmania for the opening of the Law Year 2021 and to meet with the Attorney General of Tasmania, the Hon Elise Archer MP and key representatives of the Law Society of Tasmania and the Tasmanian Legal Profession Board, to discuss the Uniform Law (UL) scheme.

Unfortunately, due to travel restrictions, we were unable to visit Tasmania and instead, we reverted to conducting some meetings by video-conference, with others to be re-scheduled for in-person meetings, later in the year.

Law Society of Tasmania (LST)

On 29 January, our Chair and I met with Luke Rheinberger, Executive Director, of the Law Society of Tasmania to discuss the UL scheme, by video-conference.

Our meeting covered the salient features of the UL framework, the recent work of the Council and the Admissions Committee, and how the scheme operates in practice.

In relation to the expansion of the UL scheme, we provided an update on the progress of WA joining the scheme, and on our discussions with other jurisdictions.

Mr Rheinberger indicated that, whilst joining the UL scheme was not currently on the LST's agenda, he was interested to hear from us. He indicated that, at some point, a comparison between the UL provisions and the Tasmanian legislation could be undertaken. We offered future assistance to the LST in that regard.



Trevor McKenna



Luke Rheinberger

Later that day, our Chair and I met by video-conference with the President of the LST, Trevor McKenna and LST Council, in the presence of Mr Rheinberger. During this meeting, we discussed similar issues to those covered earlier in the day.

Legal Profession Board of Tasmania (LPBT)

On 12 February 2021, our Chair and I met by video-conference with the LPBT Chair, Keyran Pitt QC and CEO, Frank Ederle.

The LPBT representatives were also interested in the progress of WA joining the UL and relevant features of the UL framework.

The LPBT indicated that, when travel restrictions ease, we would be welcome to attend a Board meeting to discuss the UL scheme.



Keyran Pitt QC



Frank Ederle

Council News

Council meeting

The Legal Services Council met for the first time this year on 9 February in Sydney and by video-conference. At the meeting, the Council considered a number of matters including the Law Council of Australia's final report on the review of the Australian Solicitors' Conduct Rules, the outcomes of the Law Council of Australia's recent consultation on proposed new Rule 11A of the Australian Solicitors' Conduct Rules and the recommendations of the Victorian Royal Commission into the Management of Police Informants.



In person (L-R): Alan Cameron AO, Juliana Warner, Liz Harris and Noel Hutley SC
By video (L-R): Joshua Thomson SC and Murray Baird

Audit and Risk Committee

The Legal Services Council's Audit and Risk Committee (ARC) met on 9 February in Sydney with two new Legal Services Council members: Liz Harris and Murray Baird. Geoffrey Applebee continues his appointment as the independent member and has stepped into the role of Chair of the ARC for this year.



In person: Liz Harris
By video (L-R): Geoff Appleby and Murray Baird

At this meeting, the ARC approved its annual plan of activities, reviewed key governance documents and discussed various financial controls, in preparation for the FY2021 external audit by the NSW Audit Office.

Admissions Committee – new appointment

On 10 February, the Council appointed Professor Jenni Lightowers, Dean of Deakin Law School, to the Admissions Committee, following the resignation of Professor Michael Stuckey. The Committee thanks Professor Stuckey for his contributions and looks forward to receiving those of Professor Lightowers.



Professor Jenni Lightowers



Professor Michael Stuckey

Foreign Lawyers Working Group

The large body of work carried out by Admissions Committee's Foreign Lawyers Working Group (FLWG) has borne fruit with the development of several initiatives to support the admission of experienced foreign lawyers, all of which were adopted by the Admissions Committee at its meeting on 18 February.

The initiatives include an investigation of the feasibility of intensive mode courses and exams for those applicants who are required by the admitting authorities to supplement their legal education prior to admission and proposals for new Admission Rules to assist admitting authorities when determining whether or not to exempt an applicant from further study or practical legal training.

The work undertaken by the FLWG has been complex, technical and voluminous, and could not have been completed without the helpful assistance of the admitting authorities. The Admissions Committee is grateful to the Working Group and to Debbie Jones and Kristen Murray, Victorian Legal Admission Board, and Chris Banks and Leigh Plater, NSW Legal Practice Admission Board, who met in January to finalise the proposed rules.

The Admissions Committee is also aware of a current difference between NSW and Victoria in the cost of removal of

conditions from admission under s 20(3) of the Uniform Law and has sought assistance from the Law Admissions Consultative Committee (LACC) to consider the cost of admission in all Australian states and territories.

Law Admissions Consultative Committee (LACC)

The College of Law's Chief Academic Officer and Deputy CEO, Lewis Patrick has now replaced Ms Naomi Bryant as the Australasian Professional Legal Education Council's 2021 representative on LACC.

The LACC met on 18 February. At that meeting LACC members considered Recommendation 77 of the Victorian Royal Commission into the Management of Police Informants and agreed to give consideration to whether their jurisdictions had experienced problems with obtaining information about an applicant seeking admission.



Lewis Patrick

LACC members are also working with the Admissions Committee to provide details of the costs of all aspects of admission in their state or territory, together with the rationale for those costs.

Working with our stakeholders

Meeting with NSW Parliamentary Counsel

The LSC's CEO and Senior Principal Policy Officer, Chelly Milliken met with Annette O'Callaghan, NSW Parliamentary Counsel, and James Cross, Paralegal, NSW Parliamentary Counsel's Office (NSW PCO) on 10 March 2021. NSW PCO is responsible for drafting amendments to the Uniform Rules and has recently assisted the Council with a number of legislative drafting projects.



L-R: Megan Pitt, Annette O'Callaghan, James Cross and Chelly Milliken

The meeting provided an opportunity to discuss the status of those projects as well as possible future projects, including amendments to the Uniform Rules recommended by the

Victorian Royal Commission into the Management of Police Informants.

Uniform Law Policy Officer meeting

On 23 February, the LSC's CEO, along with Chelly Milliken and Ella Howard of the LSC Secretariat met via video-conference with policy officers of Uniform Law designated local regulatory authorities (DLRAs). Attendees included Michelle Marfurt (Victorian Legal Services Board and Commissioner), Heather Moore (Law Society of NSW), Sam Gulliver (NSW Office of the Legal Services Commissioner), Jennifer Pearce (NSW Bar Association) and Cath Carroll, Dale Wescombe and Catherine McKinnon (Legal Practice Board of Western Australia).

Meeting attendees discussed the LSC's current work on the review of the Australian Solicitors' Conduct Rules and the Royal Commission into the Management of Police Informants, as well as ongoing work in relation to managed investment schemes. Each of the DLRAs provided an update on their current Uniform Law policy work.



L-R (top row): Ella Howard, Chelly Milliken, Heather Moore, Cath Carroll, Dale Wescombe and Catherine McKinnon

L-R (bottom row): Megan Pitt, Michelle Marfurt, Samantha Gulliver and Jennifer Pearce (by telephone)

Uniform Law Admitting Authorities' meeting

On 25 February, the LSC hosted a video-conference with the policy officers from the Uniform Law admitting authorities. The LSC provided an update on the outcomes of the February Admissions Committee meeting and the admitting authorities provided an update on the current work in their jurisdictions.



L-R (top row): Lorna Starling (LPBWA), Deb MacDonal (LPBWA), Cora Groenewegen (LSC) and Megan Pitt (LSC)

L-R (middle row): Ella Howard (LSC), Dale Wescombe (LPBWA), Deborah Jones (VLAB) and Kristen Murray (VLAB)

L-R (bottom row): Chris Banks and Leigh Plater (LPAB), Chelly Milliken (LSC), Maria Di Palma (VLAB) and Bridget Sordo (LSC)

Data sharing project

On 12 February, Bridget Sordo, the LSC's Senior Executive Officer, met with the Law Society of NSW's Business Intelligence Analyst, Slavica Nikiforovska and Maria Di Palma, Senior Advisor at the Victorian Legal Admissions Board (VLAB).



L-R: Maria Di Palma, Bridget Sordo and Slavica Nikiforovska

Ms Nikiforovska demonstrated the versatility of the Uniform Law database on the Power BI digital services and Ms Sordo and Ms Di Palma verified the accuracy of the recent six-monthly Uniform Law admissions data report. Ms Sordo expressed the Council's appreciation to the VLAB for its consistent and reliable approach.

On 17 February, Ms Sordo and Ms Nikiforovska had a very productive meeting with Louise Baber, Practice Compliance Manager and Maryanna Qiao, Information Services and Systems Project Officer from the NSW Office of the Legal Services Commissioner (OLSC) to settle the transfer and integration of complaints data from the new OLSC complaints database to the Uniform Law database.



L-R: Louise Baber, Maryanna Qiao and Slavica Nikiforovska

Law Institute of Victoria's National Costs Law Conference 2021

On 19 February, Chelly Milliken and Ella Howard of the LSC Secretariat attended the Law Institute of Victoria's (LIV's) 2021 National Costs Law Conference, held via video-conference, under the leadership of CEO, Adam Awty.



Tania Wolf



Adam Awty

This year's conference theme was "A 'Broad Brush' of Costing Issues" and the event commenced with an address from the Law Institute of Victoria's President, Tania Wolf. The conference featured a line-up of speakers from around Australia and the UK, including a special keynote address by the Right Honourable Sir Rupert Jackson, retired Justice of the Court of Appeal of England and Wales and Master Jennifer James, Costs Judge, Supreme Court of the United Kingdom.

The conference was chaired by Cate Dealehr, Principal, Australian Legal Costing Group. The conference was a valuable opportunity for legal practitioners to hear updates from cost experts from around Australia and internationally, and the LSC attendees found the conference to be both interesting and informative.

Review of legal education by the Council of Australian Law Deans

The Council of Australian Law Deans (CALD) is conducting a review of various aspects of legal education in Australia, headed by Adjunct Professor Sally Kift of the Queensland University of Technology Law School.

The Hon Acting Justice Emmett AO, Chair of the Admissions Committee, Professor Kift and the LSC's CEO and Cora Groenewegen, Principal Policy Officer, met on 24 February to discuss the review and any contribution the LSC might make.



Professor Sally Kift

Lawcover's 14th Annual Claims Prevention Seminar

On 5 March Bridget Sordo, Senior Executive Officer at the LSC, attended Lawcover's One Day Claims Prevention Seminar along with some 300 participants. The program was both thought provoking and entertaining. There were many useful tips for lawyers on how to avoid falling victim to cyberattacks, specifically on how to protect conveyancing funds from being lost to fraudsters (a trend which was reported to have risen exponentially since 2017).

Other topics covered were employment law risks for small practices adjusting to COVID-19, risks for litigators and how to mitigate these. The resilient lawyer was insightful and the ethics trivia quiz led by Julian Morrow was a timely refresher.

Congratulation to Kerrie Lalich, CEO of Lawcover, and her team for another interesting and informative seminar.



L-R: Kerrie Lalich, and Elissa Baxter, General Counsel and Head of Legal and Compliance, Lawcover

Recent consultations

Royal Commission into Management of Police Informants

On 30 November 2020, the Victorian Royal Commission into the Management of Police Informants handed down its [final report](#) and recommendations to the Governor of Victoria. The Victorian Government has committed to implementing all of the Royal Commission's recommendations. The LSC is referred to in three of the Royal Commission's recommendations and is interested in others that relate to the Uniform Law scheme. The Secretariat is consulting with DLRA's, Departments and other key stakeholders about these recommendations.

On 26 March, the LSC's Chelly Milliken and Ella Howard attended a meeting of the Legal Profession Regulation Working Group, convened by the Victorian Department of Justice and Community Safety, to discuss the Royal Commission's recommendations and current work that is being undertaken by the Victorian Legal Services Board and Commissioner, Law Institute of Victoria, Victorian Bar and LSC.

Amendment to the definition of Board

The definition of "Board" in Rule 4 of the Legal Profession Uniform Admission Rules 2015 needs to be amended in order to accommodate Western Australia joining the Uniform Law scheme. The Admissions Committee is consulting with the Chief Justices of NSW, Victoria and WA and the DLRA's about the proposed amendment, pursuant to s 426(3)(a) of the Uniform Law.

For more information

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

Or contact us at lsc@legalservicescouncil.org.au