

Legal Services Council Strategic Plan Financial Years 2019-2021

Our Strategic Plan articulates our role, vision, goals, objectives, stakeholders and the strategies we will focus on during the next 3 years.

Our Role

The Legal Services Council (LSC) and Commissioner for Uniform Legal Services Regulation (Commissioner) oversee the operation of the Legal Profession Uniform Law scheme – a regulatory framework to promote the efficient administration of justice and an effective Australian legal profession. The Legal Profession Uniform Law (Uniform Law) has applied to legal practitioners in New South Wales and Victoria since 1 July 2015.

Our Vision

Our vision is to achieve uniform regulation of a national legal profession and legal services in Australia.

Goals

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

Objective of the Council

The objectives of the LSC are to:-

- monitor the implementation of the Uniform Law and ensure its consistent application across participating jurisdictions;
- ensure that the Uniform Law scheme remains targeted and effective, and promotes the maintenance of high professional standards;
- ensure that the Uniform Law scheme promotes the efficient delivery of legal services to meet the community's legal needs and balances the interests of the profession and the protection of clients of law practices.

Objectives of the Commissioner

The objectives of the Commissioner are to:-

- promote compliance with the requirements of the Uniform Law and the Uniform Rules;
- ensure the consistent and effective implementation of the provisions of Chapter 5 of the Uniform Law and supporting Uniform Rules, through the development and issuance of appropriate guidelines and directions;
- raise awareness of the Uniform Law scheme and its objectives.

Our Stakeholders

Our close partnerships and collaborative working relationships in NSW and Victoria with the Departments of Justice, Local Regulatory Authorities, professional associations, consumer groups and members of the legal profession have been and continue to be critical to our success.

Strategies supporting Goals

1. Achieve national implementation of the Uniform Law
 - 1.1 Work with the Standing Committee, the LSC, the Departments of Justice in Victoria, New South Wales and Western Australia to achieve national implementation
 - 1.2 Continued engagement with the participating jurisdictions to collaborate on the operation of the Uniform Law
 - 1.3 Continued engagement with the non-participating jurisdictions to understand their perspectives, address any issues and to promote the Uniform Law
2. Ensure that the Uniform Law is a responsive regulatory regime for the legal profession in Australia
 - 2.1 Ensure the Uniform Law remains an effective regulatory regime
 - 2.1.1 Uniform Law Changes
 - 2.1.2 Uniform Law Rules and Guidelines Changes
 - 2.1.3 Uniform Law Policy Projects
 - 2.2 Support the Admissions Committee
 - 2.2.1 Assist the Admissions Committee to review the Uniform Admission Rules
 - 2.2.2 Provide policy, technical and administrative support
3. Build awareness of the Uniform Law by consulting with stakeholders
 - 3.1 Provide legal practitioners and consumers with timely and accurate information about the Uniform Law scheme
 - 3.2 Enhance the profile of the LSC and the Admissions Committee in the legal profession
 - 3.3 Promote the Uniform Law scheme in non-participating jurisdictions
 - 3.4 Develop and implement a LSC Marketing Plan
4. Continue to develop a well-governed organisation
 - 4.1 Provide support for the Council, the Admissions Committee and Audit and Risk Committee
 - 4.1.1 Legal Services Council
 - 4.1.2 Admissions Committee
 - 4.1.3 Audit and Risk Committee
 - 4.2 Comply with statutory reporting requirements
 - 4.2.1 Publish Annual reports for the LSC and for the Commissioner for Uniform Legal Services Regulation
 - 4.2.2 Finalise LSC Triennial Budgets
 - 4.3 Develop and review LSC's governance and business arrangements
 - 4.3.1 Annual review and update of key documents
 - 4.3.2 Settle service support arrangements
 - 4.4 Foster a productive and collegiate workplace
 - 4.4.1 Encourage effective teamwork
 - 4.4.2 Train and develop staff to maximise their potential
 - 4.4.3 Settle new office accommodation

Our Strategic Plan

Goal 1 Achieve national implementation of the Uniform Law	Responsible Person	Timing
1.1 Work with the Standing Committee, the LSC, the Departments of Justice in Victoria, New South Wales and Western Australia to achieve national implementation		
<p>Work with the Standing Committee</p> <ul style="list-style-type: none"> - Meetings as required - Six monthly reports to outline main achievements - Annual reports <p>Work with the LSC</p> <ul style="list-style-type: none"> - Five Council meetings per year - Regular liaison with the Chair and Council members <p>Work with the Departments of Justice in Victoria, NSW and Western Australia</p> <ul style="list-style-type: none"> - Meetings as required - Regular liaison about policy matters - Assist to settle future intergovernmental agreements 	CEO Commissioner & Secretariat	Ongoing

Goal 1 Achieve national implementation of the Uniform Law	Responsible Person	Timing
1.2 Continued engagement with the participating jurisdictions to collaborate on the operation of the Uniform Law		
<p>Regular liaison with Local Regulatory Authorities including:-</p> <ul style="list-style-type: none"> - Law Society of New South Wales - NSW Legal Services Commissioner - Legal Profession Admission Board (NSW) - Bar Council of New South Wales - Victorian Legal Services Board and Commissioner - Victorian Bar Association - Victorian Legal Admissions Board <p>Regular liaison with stakeholders including:-</p> <ul style="list-style-type: none"> - Law Council Australia - Australian Bar Association - Law Institute of Victoria - Law Firms Australia - Courts and Tribunals in NSW and Victoria - Law Admissions Consultative Committee - Council of Australian Law Deans - Community Legal Centres - Community bodies - Association of Corporate Counsel - Legal Aid Commissions 	CEO Commissioner & Secretariat	Ongoing

Goal 1 Achieve national implementation of the Uniform Law	Responsible Person	Timing
1.3 Continued engagement with the non-participating jurisdictions to understand their perspectives, address any issues and to promote the Uniform Law		
<p>Western Australia</p> <ul style="list-style-type: none"> - Assist the Standing Committee to complete the process for WA to adopt the Uniform Law - Regular liaison with the WA Solicitor General - Regular liaison with the Departments of Justice in Victoria and NSW on WA involvement - Regular liaison with key WA stakeholders, the Legal Practice Board of WA, the WA Law Society, the WA Bar Association and the Supreme Court of WA - Convene meetings between WA stakeholders and their counterparts in NSW and Victoria to discuss policy issues - Arrange for WA Solicitor General to participate in LSC meetings as an observer <p>Other non-participating jurisdictions</p> <p><i>Australian Capital Territory</i> Engagement with key stakeholders, ACT Justice and Community Safety Directorate, the Law Society of the ACT, ACT Bar Association, Legal Practitioners Admission Board, Supreme Court of the ACT</p> <p><i>Northern Territory</i> Engagement with key stakeholders, Department of the Attorney-General and Justice, Northern Territory Law Society, Northern Territory Bar Association, Legal Practitioners Admission Board, Supreme Court of the Northern Territory</p> <p><i>Queensland</i> Engagement with key stakeholders, Department of Justice and the Attorney-General, Queensland Law Society, Bar Association of Queensland, the Legal Services Commission, Legal Practitioners Admission Board, Supreme Court of Queensland</p> <p><i>South Australia</i> Engagement with key stakeholders, Attorney General's Department, the Law Society of South Australia, South Australia Bar Association, Legal Profession Conduct Commissioner, Legal Practitioners Education and Admission Council, Supreme Court of South Australia</p> <p><i>Tasmania</i> Engagement with key stakeholders, Department of Justice, the Law Society of Tasmania, the Tasmanian Bar, Legal Profession Board of Tasmania, Supreme Court of Tasmania</p>	<p>CEO Commissioner & Secretariat</p>	<p>FY2019</p> <p>Ongoing</p>

Goal 2 Ensure that the Uniform Law scheme is a responsive regulatory regime for the legal profession in Australia	Responsible Person	Timing
2.1 Ensure the Uniform Law remains an effective regulatory regime		
2.1.1 Uniform Law Changes		
<p>Managed Investment Schemes</p> <ul style="list-style-type: none"> - Amendment to s258 to balance law practice business needs and the protection of clients - New Uniform Rules, pursuant to s258(3) and s259 of the Uniform Law <p>Registration of Foreign Lawyers Review of Part 3.4 of the Uniform Law regarding the registration of Foreign Lawyers to include those working in-house and in government</p> <p>Designated show cause events (Charter Task) LSC to consider whether the category of “designated show events” is superfluous given the overlap with provisions relating to variation, suspension and cancellation of licences.</p> <p>Other Uniform Law legislative changes, as required</p>	CEO Commissioner & Secretariat	1 July 2018 FY2019 FY2019 - 2020 Ongoing
2.1.2 Uniform Law Rules and Guidelines Changes		
<p>External Examiners “revocation of status” proposed rule reinstating the power to Legal Regulatory Authorities to revoke the appointment of an external examiner</p> <p>Barristers’ Conduct Rule New Rule 101(n) proposed by the Australian Bar Association to reduce former Tribunal members’ period of preclusion from practice from 5 years to 2 years.</p> <p>Australian Solicitors’ Conduct Rules (ASCRs) Project Review of ASCRs to harmonise with the relevant Bar Rules.</p> <p>Indexation A new Uniform Rule pursuant to s471(b) of the Uniform Law to determine how the jurisdictional limits in ss291, 292 and 293 may be indexed.</p>	CEO Commissioner & Secretariat	FY2019 FY2019 FY2019 FY2019

Goal 2 Ensure that the Uniform Law scheme is a responsive regulatory regime for the legal profession in Australia	Responsible Person	Timing
2.1.2 Uniform Law Rules and Guidelines Changes (continued)		
<p>E-Conveyancing and use of the PEXA source account Monitor developments in e-conveyancing in the lead up to mandatory e-conveyancing in Uniform Law states, including the impact of increased use of the PEXA Source Account on consumer protection in relation to e-conveyancing transactions involving legal practitioners.</p> <p>Other Uniform Law rule changes, as required</p>		<p>Ongoing</p> <p>Ongoing</p>
2.1.3 Uniform Law Policy Projects		
<p>Uniform Law Data Sharing Project (Charter Task)</p> <ul style="list-style-type: none"> - Implement electronic data sharing for all Chapters of the Uniform Law to enable analysis of the Uniform Law <ul style="list-style-type: none"> - Stage 3 – Legal Practice data and reporting - Stage 4 – Trust Money and Fidelity Fund data and reporting - Stage 5 – External Intervention - Monitor effectiveness of reports generated from the Uniform Law Data Sharing Project for all chapters of the Uniform Law and conduct review <p>Australian Legal Profession Register Project (Charter task)</p> <ul style="list-style-type: none"> - Develop an electronic Australian Legal Profession Register containing legal practitioner details for Uniform Law states - Roll out the Australian Legal Profession Register across all participating jurisdictions <p>Term ‘Law Practice’ by multi-jurisdictional law firms (Charter task)</p> <p>Clarify meaning in Uniform Law in the case of multi-jurisdictional law firms. Does term ‘law practice’ refer to that branch of the law practice resident in the jurisdiction <u>or</u> all branches of the law practice in multiple Uniform Law states?</p> <p>Other Uniform Law policy changes, as required</p>	<p>CEO Commissioner & Secretariat</p>	<p>FY2019 - 2020</p> <p>FY2019</p> <p>FY2020</p> <p>Ongoing</p>

Goal 2 Ensure that the Uniform Law scheme is a responsive regulatory regime for the legal profession in Australia	Responsible Person	Timing
2.2 Support the Admissions Committee		
2.2.1 Assist the Admissions Committee to review the Uniform Admission Rules		
<p>Admission Rules 7 and 8 Consider amendment to include a power to conditionally accredit law courses after the Accreditation of Law Schools pilot study is completed</p> <p>Admission Rule, Clause 5 of Schedule 2 regarding Practical Legal Training (PLT) Standards Amend Schedule 2 to reflect changes to Law Admissions Consultative Committee (LACC) PLT competency standards requiring 15 hours of work experience to be undertaken in 2 consecutive days or 4 half days.</p> <p>Other Admission rule changes, as required</p>	CEO Commissioner & Secretariat	FY2019 FY2019 Ongoing
2.2.2 Provide policy, technical and administrative support		
<p>Manage Admissions Committee appointments</p> <p>Support the Admissions Committee to develop guidelines or directions for conditional admission of foreign lawyers for s20 of the Uniform Law (Charter Task) Standing Committee asked LSC to work with admitting authorities “to develop processes for monitoring compliance with conditions imposed on admission”.</p> <p>Liaise with LACC Assuring Professional Competence Committee</p> <p>Approve LACC Disclosure Guidelines for Uniform Law admitting authorities to achieve consistency in UL states</p> <p>Other Admissions policy, technical and administrative support, as required</p>	CEO Commissioner & Secretariat	Ongoing FY2019 FY2019 Ongoing Ongoing

Goal 3 Build awareness of the Uniform Law by consulting with stakeholders	Responsible Person	Timing
3.1 Provide legal practitioners and consumers with timely and accurate information about the Uniform Law scheme		
<p>Regularly update LSC website to reflect Uniform Law developments</p> <p>Advise stakeholders of specific Uniform Law developments</p> <p>Publish the Annual Reports of the LSC and Commissioner for Uniform Legal Services Regulation to inform stakeholders of the work of the Council and the Commissioner</p>	CEO Commissioner & Secretariat	Ongoing Ongoing Ongoing
3.2 Enhance the profile of the LSC and the Admissions Committee in the legal profession		
<p>Continue to engage with the legal profession to promote and discuss the role of the LSC and Admissions Committee</p> <ul style="list-style-type: none"> - Update appointed members' profiles on website - Report annually to the public to maintain LSC and Admissions Committee profile in the legal profession - Regularly meet with stakeholders to discuss the LSC, Admissions Committee and the Uniform Law 	CEO Commissioner & Secretariat	Ongoing Ongoing Ongoing
3.3 Promote the Uniform Law scheme in non-participating jurisdictions		
Engage and consult with stakeholders in non-participating jurisdictions on joining the UL scheme.	CEO Commissioner & Secretariat	Ongoing
3.4 Develop and implement a LSC Marketing Plan		
<p>Marketing strategies include:-</p> <ul style="list-style-type: none"> - Use LSC website to consult with stakeholders and to inform on the development of rules, guidelines and policies - Update relationships with stakeholders media contacts - Develop a LSC quarterly newsletter for stakeholders - Submit relevant Uniform Law articles to legal publications - Support CEO speaking engagements with stakeholder groups 	CEO Commissioner & Secretariat	Ongoing

Goal 4 Continue to develop a well-governed organisation	Responsible Person	Timing
4.1 Provide support for the Council, the Admissions Committee and Audit and Risk Committee		
4.1.1 Legal Services Council		
<p>Effectively support the LSC by:</p> <ul style="list-style-type: none"> - Undertake policy development and implementation - Arrange regular meetings with business papers - Provide administrative and logistical support - Provide accurate financial reporting to LSC 	CEO Commissioner & Secretariat	Ongoing
4.1.2 Admissions Committee		
<p>Effectively support the Admissions Committee by:</p> <ul style="list-style-type: none"> - Co-ordinate nomination of and appointment of members by LSC - Undertake policy development and implementation - Arrange regular meetings with business papers - Provide administrative and logistical support - Assist the Committee to report to the LSC 	CEO Commissioner & Secretariat	Ongoing
4.1.3 Audit and Risk Committee		
<p>Effectively support the Audit and Risk Committee by:</p> <ul style="list-style-type: none"> - Develop an annual Committee plan to ensure that all Committee responsibilities in the Terms of Reference are covered over the course of the year including: <ul style="list-style-type: none"> - convene meetings at least three times a year - review risk management framework - review the annual financial statements and process for complying with Financial Management and System Certification - review processes for monitoring legislative compliance - review and recommend to the Council the Triennial operating budget 	CEO Commissioner & Secretariat	Annually

Goal 4 Continue to develop a well-governed organisation	Responsible Person	Timing
4.2 Comply with statutory reporting requirements	CEO Commissioner & Secretariat	
4.2.1 Publish Annual reports for the LSC and for the Commissioner for Uniform Legal Services Regulation		
Annual Reports tabled in NSW and Victorian Parliaments in November annually		Annually
4.2.2 Finalise LSC Triennial Operating Budgets		
<ul style="list-style-type: none"> - Develop a triennial operating budget for 2019-2021 - Develop a triennial operating budget for 2022-2025 - Submit triennial operating budgets for the approval by the Standing Committee 		Annually
4.3 Develop and review LSC's governance and business arrangements		
4.3.1 Annual review and update of key documents		
<ul style="list-style-type: none"> - Governance Manual - Business Continuity Plan - Risk Register - Privacy Management Plan 		Annually
4.3.2 Settle service support arrangements		
Settle and review Service Level Agreements with NSW Department of Justice for the provision of human resources, digital technology services and finance services to LSC		Ongoing
4.4 Foster a productive and collegiate workplace		
4.4.1 Encourage effective teamwork		
<ul style="list-style-type: none"> - Settle appropriate supervision arrangements - Monitor effective work distribution - Collaborate on policy proposals - Conduct team meetings - Establish a WHS Committee 	Ongoing	

4.4.2 Train and develop staff to maximise their potential	CEO Commissioner & Secretariat	
<ul style="list-style-type: none"> - Settle support agreements and conduct performance reviews - Support staff training and development 		Ongoing
4.4.3 Settle new office accommodation		
Arrange new premises for Secretariat		October 2018