



Message from the CEO, Megan Pitt

Welcome to our June newsletter.

The Legal Services Council (LSC, Council) has been busy as we come to the end of another financial year and it is fitting to reflect on what we have achieved together with our stakeholders over the past year.

I am pleased to report that our joint NSW and Victorian Priority Amendments process is working well, not only as the DLRA's are drawing attention to areas of the Uniform Law (UL) that need review, but also prioritising the work of the Council. So far, we have received 54 proposals to amend various parts of the UL and Rules and the Council is considering these.

Increasingly, we have involved Western Australian representatives in the considerations of UL issues by the Council and the Admissions Committee to familiarise them with the UL Scheme and to integrate their perspectives into our work, in the lead up to WA joining the UL Scheme on 1 July 2020.

We have also had informative discussions with two non-participating jurisdictions – South Australia and Queensland – to address areas of the UL of concern to these jurisdictions.

Thank you all for your valuable contributions to the UL.

Council news

Meeting with Attorneys General

On 27 June, our LSC Chair, the Hon Michael Black AC QC, and CEO were very pleased to meet with the NSW and WA Attorneys General, the Hon Mark Speakman MP and the Hon John Quigley MLA in Adelaide, prior to their Council of Attorneys General meeting.

The meeting provided the opportunity to update the Attorneys on the UL and the work of the LSC and to discuss the position of other States and Territories in relation to the UL Scheme. The

Chair and CEO will meet with the Victorian Attorney General on 6 September in Melbourne.



*NSW Attorney General,
the Hon Mark Speakman SC*



*WA Attorney General, the Hon
John Quigley MLA*

June Council meeting

The LSC met on Thursday 27 June in Sydney. Western Australian Solicitor General, Joshua Thomson SC, again joined as an observer, giving the Council an update on the progress of WA joining the UL Scheme. Matters on the agenda included a number of First Priority Amendments to the UL and Rules, jointly suggested by the Victorian and NSW DLRA's. The chapters of the UL considered were Chapter 5 dispute resolution and professional discipline, and Chapter 9 miscellaneous provisions including the non-compellability of DLRA former staff and extending clients' rights to include barristers' clients under s 472.

The report of the LSC Working Group on e-conveyancing and the UL was also discussed as was the ABA's proposal to amend the Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 to specify CPD activities. NSW Legal Services Commissioner, John McKenzie, at the Council's invitation, elaborated on some of the joint proposals for changes to the UL and the Council was updated on finance and audit matters.

LSC Admissions Committee matters

This year the Admissions Committee (Committee) has engaged in widespread consultation with UL and non-UL stakeholders and has valued their contributions to our work. Stakeholders were invited to comment about incorporating the Law Admissions Consultative Committee's (LACC's) altered PLT requirements into the Uniform Admission Rules (UARs). All Australian admitting authorities; the Deans of law schools and practical legal training (PLT) providers in NSW and Victoria; LACC and the public were consulted about the UARs relating to the accreditation and reaccreditation of law courses and PLT providers, resulting in improved rules.

On 27 June, the Committee commenced consultation on a new rule relating to the admission of foreign lawyers, with public consultation to commence on 12 August. Following a proposal by the Admissions & Registration Committee of the Legal Practice Board of WA, the Committee recommended, and the LSC agreed, to seek an amendment of s 29 of the UL to accredit law courses rather than providers.

Over the past year the Committee has valued the insightful contributions of its member, Ruth McColl AO, first as a Judge and

then in retirement. Our Committee Chair, the Hon Acting Justice Arthur Emmett AO expressed our gratitude to her and good wishes as she takes up her position as Chair of the Australian Dispute Resolution Advisory Council.

The Committee was pleased to receive feedback from the Standing Committee of the Attorneys General of NSW and Victoria, for the LSC's work in "ensuring that the Uniform Law continues to reflect modern forms of legal practice and for responding to stakeholder concerns". More information on the [Committee](#) is available on our website.



LSC Admissions Committee L-R: the Hon Justice Emilios Kyrrou, Prof Lesley Hitchens, The Hon Justice Ruth McColl AO, the Hon Acting Justice Arthur Emmett AO (Chair), Prof Bronwyn Naylor, Dr Elizabeth Boros and Stuart Clark AM

LSC Audit and Risk Committee

The LSC's Audit and Risk Committee (ARC) met on 30 April in Melbourne. Topics on the agenda included an overview of the LSC's operations, governance matters, including the terms of reference for the ARC, the Audit Office program for 2019 and other financial matters. Independent member, Geoffrey Applebee, was reappointed by the LSC for a further two years to 31 December 2021.

Working with our stakeholders

Changes to Victorian Department of Justice and Community Safety

Our host department in Victoria has restructured and created a Justice Policy and Data Reform Division under Deputy Secretary, Anna Faithfull. The LSC will continue to liaise with Warwick Mitchell, now Deputy General Counsel for Policy in the Office of the General Counsel in that Division.

Changes to NSW Department of Justice

From 1 July 2019, the LSC's host department in NSW, the Department of Justice, has merged with the Department of Family & Community Services to become the new Department of Communities and Justice (DCAJ) under Secretary, Michael Coutts-Trotter.

The LSC will be supported by the new Law Reform and Legal Services Division, headed by Deputy Secretary, Kathrina Lo. The Division encompasses the Department's legal policy and legal administration work.

Meeting with DCAJ Finance

On 18 June, Joy Milag, the newly appointed Director Financial Management & Reporting at the DCAJ, met with Megan Pitt and LSC Senior Executive Officer, Bridget Sordo, to discuss mutual expectations in complying with all end of year financial reporting requirements. The meeting was an opportunity to become familiar with relevant functions and operating procedures.



L-R: Bridget Sordo, Megan Pitt and Joy Milag

Professional Standards Forum

On 11 April, Bridget Sordo and Senior Policy Adviser, Sonya Kim attended the Professional Standards Forum at the Sydney Mint, exploring the subject of Complaints as a Risk Management Tool. Deputy Chair of the Professional Standards Council, Andrew Lumsden, spoke on professional standards legislation which is adopted in each state in Australia. The objective of this law is to protect consumers by improving standards of professional services and facilitating standards schemes across professions.

Victorian Legal Services Commissioner, Fiona McLeay, spoke about improving regulatory outcomes for the legal services. Fiona outlined the VLSB+C's strategic aim to maintain public trust and confidence in lawyers. In respect of the use of complaints data to assist in the regulatory task, Fiona described the partnership with Melbourne University's Dr Bismark in 2016 to review and analyse 10 years of data and identify characteristics of complaint prone lawyers.

Fiona Brown, Chief Executive of the Society of Consumer Affairs Professionals, spoke about the return on investment in effective complaints handling.

Lawcover

On 14 May, Megan Pitt and Bridget Sordo met with Lawcover's CEO Michael Halliday and Manager, Practice Support Services Janice Purvis to discuss legal profession insurance issues.

Both CEOs identified areas of mutual oversight and coverage. The discussion also focussed on professional indemnity insurance and issues relating to the introduction of e-conveyancing.

Lawcover's representatives have a wealth of experience and expertise in insurance matters and willingly shared their

knowledge and insights with the LSC's representatives. The meeting was extremely useful from the LSC's perspective as were follow-on discussions that have occurred.



L-R: Megan Pitt, Michael Halliday, Bridget Sordo and Janice Purvis

The meeting discussed the similarities and differences between the UL and the *Legal Practitioners Act 1981* (SA). The discussion concluded that there were few issues of contention and where there are differences, solutions may be found. The meeting was a great opportunity for the LSC to understand the LSSA's perspectives and for the LSSA to appreciate how the UL has evolved since 2015.



L-R: Michael Black, Stephen Hodder, Amy Nikolovski, Rosalind Burke, Megan Pitt and Sonya Kim

Other jurisdictions

Queensland Law Society

On 8 May, Queensland Law Society's (QLS) General Manager of Policy, Public Affairs and Governance, Matt Dunn, met with Megan Pitt, Bridget Sordo and Sonya Kim in Sydney to discuss issues relating to Queensland joining the UL Scheme. Whilst Queensland remains neutral about the prospect of joining the scheme at this stage, the QLS is keeping its Council informed of relevant issues and monitoring the process of WA's entry into the Scheme.

This meeting provided another valuable opportunity for the LSC Secretariat to understand Queensland's perspectives and regulatory framework, following on from an earlier meeting between the Secretariat and the President and CEO of the QLS in March. The similarities and differences between the UL and the *Legal Profession Act 2007* (Qld) in terms of structure, operation and regulation were also considered. The LSC looks forward to continuing its positive relationship with the QLS through more productive discussions such as these in the future.



L-R: Sonya Kim, Bridget Sordo, Matt Dunn and Megan Pitt

Law Society of South Australia

On 4 April, Michael Black, Megan Pitt and Sonya Kim met with the Law Society of South Australia (LSSA) President, Amy Nikolovski, CEO Stephen Hodder and Director (Ethics and Practice) Rosalind Burke in Adelaide.

Legal Profession Conduct Commissioner, South Australia

On 4 April, Michael Black, Megan Pitt and Sonya Kim met with Greg May, Legal Profession Conduct Commissioner of South Australia.

At the meeting, matters discussed included the UL provisions relevant to the work of the Commissioner, the process relating to WA joining the UL Scheme and the complementary work of the LSC and Commissioner for Uniform Legal Services Regulation. It was a beneficial meeting which allowed for a useful exchange of information about UL and SA issues.



L-R: Sonya Kim, Greg May, Michael Black and Megan Pitt

Strategic initiatives

Uniform Law Working Group meeting

At its meeting in April, the Council agreed to convene a UL Working Group to examine matters around e-conveyancing and in particular, any possible negative impacts on consumers and/or

public purpose funds. The Group met on 7 June in Sydney, chaired by LSC Council member Bret Walker SC, and comprised members of the DLRAs and the Secretariat.

The meeting provided the opportunity to discuss shared concerns about the risk of hacking resulting in financial loss for consumers and the importance of effective regulation of the operators of e-conveyancing, currently PEXA and Sympli. The Group concluded that whilst there is no identifiable basis for the LSC to take action under the UL, there may be action available to the DLRAs to manage the impact of e-conveyancing, through consultation with the operators and/or legal practitioners.



The UL Working Group considers e-conveyancing matters

Uniform Rule changes

New General Rule on Indexation

From 1 July 2019, the new rule on Indexation, [r 111 A of the Legal Profession Uniform General Rules 2015](#), applies to ss 291-293 of the UL and s 99 of the *Legal Profession Uniform Application Act 2014* (Vic).

This new rule was made in January 2019, to ensure the Victorian and NSW Legal Services Commissioners, and the Victorian Civil and Administrative Tribunal, maintain their jurisdiction to determine costs disputes in line with inflation.

[The Legal Profession Uniform Law \(Indexed Amounts\) Notice 2019](#) shows the actual indexed amounts that will apply to \$10,000 (\$10,685), \$100,000 (\$106,835) and \$25,000 (\$26,710) referred to in the UL from 1 July 2019 to 30 June 2020. The calculation of the indexed amounts is based on the latest CPI number published by the Australian Statistician and in accordance with r 111A of the Uniform General Rules.

Amended Admission Rules relating to accreditation of law courses and practical legal training providers

On 7 June, the LSC made the [Legal Profession Uniform Admission Amendment \(Accreditation\) Rule 2019](#). The new rule amends rules 3, 4, 7, 8 and Sch 2 cl 4 of the Legal Profession Uniform Admission Rules 2015, relating to the accreditation and reaccreditation of law courses and PLT providers and commenced on 7 June 2019.

These amendments are expected to offer stakeholders clarity regarding the purpose of reviews of law courses and PLT providers and certainty that the reports of the reviews will be taken into account by the Boards. Additionally, the amendments allow an interim, shorter and less expensive review of conditions attached to accreditation.

Secretariat news

Farewell Sonya!

Sonya Kim left the Secretariat at the end of June to take up an exciting new role with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Over the past two years Sonya has worked tirelessly on legal policy around the Managed Investment Scheme law changes, e-conveyancing, the priority amendments and costs disclosure, to name just a few. We wish her all the very best for the future and will be recruiting for a permanent replacement over the next few months.



For more information

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

Or contact us at lsc@legalservicescouncil.org.au