

Progress against our Strategic Plan 2018-2019

For the period 1 July 2018 – 31 December 2018

| Goal 1: Achieve national implementation of the Uniform Law | |
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| Priority Actions | Work undertaken/completed |
| <p>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> | |
| <p>Work with the Standing Committee (SC)</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. See s1.3 below. | <ul style="list-style-type: none"> - Meeting held with NSW AG in December 2018 - Six monthly report sent to SC in January 2019 - Annual Report completed and sent to SC in October 2018 - Since July 2018 Council has met in August and November 2018 - Scheduled meetings for 2019 are in March, June, September and November. - The Chair and SEO met with the WA Attorney General and Solicitor General in Perth in October 2018 to discuss plans for WA to join the UL. - WA Solicitor General attended the November Council meeting and will continue to attend meetings throughout the year, as an observer. |

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| <p>1.2 Continued engagement with the participating jurisdictions to understand their perspectives, address any issues and to promote the Uniform Law.</p> | <ul style="list-style-type: none"> - Since July 2018, there has been constructive engagement with stakeholders in NSW and Victoria including: <ul style="list-style-type: none"> o NSW Legal Services Commissioner (OLSC) o Law Society of NSW (LSNSW) o Legal Profession Admission Board (NSW) (LPAB) o NSW Bar Association o Victorian Legal Services Board and Commissioner (VLSB+C) o Law Institute of Victoria (LIV) o Victorian Legal Admissions Board (VLAB) o Victorian Bar o Supreme Courts of NSW and Victoria o Tribunals – NCAT and VCAT o Consumer groups and Community Legal Centres - Since July 2018, the CEO has continued this active engagement by attending over 55 meetings with stakeholders; supporting two LSC meetings, two Audit and Risk Committee (ARC) meetings and one Admissions Committee meeting. <ul style="list-style-type: none"> - The UL Commissioners met on 10 July and 21 November. - Strategic round-table meetings were held with the Victorian DRLA on 12 July and a UL joint summit with all DLRAs on 12 September. - The CEO also convened a joint UL summit on 12 September with the DLRAs from Victoria and NSW to settle a joint UL list of priority issues to be considered by the LSC in 2019. |
| <p>1.3 Continued engagement with the non-participating jurisdictions to understand their perspectives, address any issues and to promote the Uniform Law</p> | |

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| <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 - Continued engagement with UL jurisdiction stakeholders and focus on non-participating jurisdiction stakeholders, in particular, Western Australia. | <ul style="list-style-type: none"> - The Council, the Chair and the CEO have continued to engage with other jurisdictions to encourage their participation in the UL Scheme as follows: - On 23 and 24 October, the Chair and CEO travelled to WA to meet with key UL stakeholders: <ul style="list-style-type: none"> o The WA AG, the Hon John Quigley, MLA and WA Solicitor General, Joshua Thomson SC. o The Law Society of WA o The Legal Practice Board of WA (LPBWA) o The WA Bar Association o The WA Department of Justice - The new WA Solicitor General was invited to attend future LSC meetings as an observer, and he attended his first meeting on 20 November 2018 in Melbourne. - In November 2018, Joshua Thomson SC in his capacity as the WA Solicitor General, attended a LSC meeting as an observer and will continue to do so in 2019. |
| <p>Other non-participating jurisdictions</p> | <ul style="list-style-type: none"> - In October during the national Conference of Regulatory Officers (CORO 2018), the LSC's CEO, the Senior Executive Officer and the Senior Policy Officer engaged with representatives from South Australia, Queensland, Australian Capital Territory, Northern Territory and Tasmania. - <i>South Australia</i> In December 2018 LSC provided a response to issues raised by SA in 2018 and a meeting will be arranged to discuss these issues in 2019. |

| Goal 2: Ensure that the Uniform Law scheme is a responsive regulatory regime for the legal profession in Australia | |
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| Priority Actions | Work undertaken/completed |
| 2.1 Ensure the Uniform Law remains an effective regulatory regime | |
| 2.1.1 Uniform Law Changes | |
| Managed Investment Schemes | <ul style="list-style-type: none"> - On 1 July 2018, s 258 and the new s 258(1A) commenced. These amendments narrow the broad prohibition by the UL on legal practices conducting or promoting MIS. - On 1 July, the Legal Profession Uniform General Amendment (Managed Investment Schemes) Rules 2018 took effect, following the SC's approval on 27 June 2018. In July 2019 the LSC, as requested by the SC, will review the effectiveness and regulatory impact of the MIS rules after 12 months of operation. |
| Registration of foreign lawyers as in-house counsel and in government positions | <ul style="list-style-type: none"> - On 22 February 2018, the LSC sought approval from the SC to amend s 70 to expand the forms of practice for Australian-registered foreign lawyers to include in-house lawyers and government lawyers. This is currently before the SC. |

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| <p>Designated show cause events</p> <ul style="list-style-type: none"> - 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. | <ul style="list-style-type: none"> - This will be progressed in 2019 |
| <p><i>2.1.2 Uniform Law Rules and Guidelines Changes</i></p> | |
| <p>External Examiners “revocation of status” proposed rule reinstating the power to Legal Regulatory Authorities to revoke the appointment of an external examiner</p> | <ul style="list-style-type: none"> - On 27 June the SC approved the LSC’s request to make new rules to empower DLRAs to revoke a person’s designation as an EE of a law practice, as a safeguard of the integrity of the external examination process, and to deal with instances where questions about their competence and/or suitability arise. The LSC made the rule on 22 August and it took effect on 3 September 2018. |
| <p>Barristers’ Conduct Rule</p> <ul style="list-style-type: none"> - To reduce the period of practice prohibition after tribunal appointments | <ul style="list-style-type: none"> - Rule 101(n) of the Legal Profession Uniform Conduct (Barristers) Rules 2015 states that former tribunal members and former judicial officers must, for a period of five years, refuse or return briefs to appear before a court after they have ceased to be a member or judicial officer of that court or the court to which an appeal lies. The ABA requested that the LSC consider amending this rule to shorten the preclusion period for former tribunal members to two years and to make the rule not retrospective. - Following consultation by the ABA, on 14 December the LSC requested the SC to approve the new rule under s 428 UL, which it did on 14 January 2019. |

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| <p>Australian Solicitors Conduct Rules Project</p> <ul style="list-style-type: none"> - Review LCA proposal on the changes to the Solicitors Conduct Rules to update them and to harmonise relevant rules with the Bar Rules - Implement Law Council of Australia improved Australian Solicitors Conduct Rules (ASCRs) | <ul style="list-style-type: none"> - On 31 May submissions to the LCA on the Review of the ASCRs Consultation Discussion Paper closed. After consideration of all reasonable submissions in accordance with s 427(5) UL, the LCA is expected to submit a final draft of the ASCRs together with a compliance report to the LSC in the first half of 2019. Following the NSW PCO advice, the LSC intends to submit the approved ASCRs to the SC, before formally making the rules under s 428 UL. |
| <p>Indexation</p> <ul style="list-style-type: none"> - To update the jurisdictional thresholds for costs disputes under the UL. | <ul style="list-style-type: none"> - In response to the VLSB+C's request to consider indexation for the jurisdictional thresholds for costs disputes under ss 291, 292 and 293 UL (cost dispute thresholds for DLRA determinations), the LSC approved the development of a new rule. Following consultation under s 425 UL, on 20 December the LSC requested the SC to approve the new rule under s 428 UL. |
| <p>E-Conveyancing and use of the PEXA source account</p> | <ul style="list-style-type: none"> - The LSC is working with the VLSB+C to monitor the impact of the PEXA source account on consumer protection and the Victorian Public Purpose Fund. |
| <p><i>2.1.3 Uniform Law Policy Projects</i></p> | |
| <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"> o Stage 3 Legal Practice data and reporting o Stage 4 Trust Money and Fidelity Fund data and reporting o 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 | <ul style="list-style-type: none"> - The LSC UL database now includes data shared by DLRA's in relation to their functions in respect of complaints and admissions under the UL. This data is published in the 2017/2018 Commissioner's Annual Report. - The work on reports for practising certificates data and registration certificates data (Chapter 3 UL) has been progressed with the DLRA's and is expected to be completed in 2019. |

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| <p>Australian Legal Profession Register (ALPR) 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 | <ul style="list-style-type: none"> - In December 2018 and January 2019 MOUs were signed between LSC, VLSC+C and NSW Bar Association to agree on data transfer for the ALPR. - A software agreement and MOU with LSNSW is to be signed early 2019. |
| <p>Term ‘Law Practice’ by multi-jurisdictional law firms</p> <ul style="list-style-type: none"> - 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>2.2 Support the Admissions Committee</p> | |
| <p>2.2.1 Assist the Admissions Committee to review the Uniform Admission Rules</p> | |
| <p>Review of UARs 3, 4, 7 and 8 to include a power to reaccredit law courses with conditions</p> <ul style="list-style-type: none"> - Consider amendment to include a power to conditionally accredit law courses after the Accreditation of Law Schools pilot study is completed | <ul style="list-style-type: none"> - The VLAB sought the Admissions Committee assistance to amend UARs 7 and 8 stating that the current rules, while dealing with accreditation and reaccreditation are silent on: <ul style="list-style-type: none"> o whether courses that were previously accredited for an indeterminate period can have their accreditation continued, or made subject to new or altered conditions; o the purpose of a review conducted under UAR 8; and o whether a course reviewer appointed under UAR 8(2)(a) can make recommendations to the admitting authorities. - The Admissions Committee agreed to consider the VLAB proposal and obtained the LSC’s approval on 20 November to conduct public consultation in accordance with s 426(3)(b) UL. |

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| <p>Admission Rule, Clause 5 of Schedule 2 regarding Practical Legal Training (PLT) Standards</p> | <ul style="list-style-type: none"> - The Law Admissions Consultative Committee (LACC) recommended that the Admissions Committee seek amendments to UARs Sch 2 cl 5 in order to adopt LACC's approach to PLT outlined in cl 4.2(d) of its PLT Standards. LACC's approach is to specify a concentrated work pattern for the completion of PLT. The UARs provide that PLT may be completed by 15 days' workplace experience but there is no provision for a pattern as to how those 15 days should be accumulated. - On 18 October, the Admissions Committee considered LACC's recommendation and resolved to await LACC's decision about the final reading of its cl 4.2(d) before further considering any change to the UARs. This matter will be considered by the Admissions Committee at its meeting in March 2019. |
| <p><i>2.2.2 Provide policy, technical and administrative support</i></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)</p> <ul style="list-style-type: none"> - Standing Committee asked LSC to work with admitting authorities "to develop processes for monitoring compliance with conditions imposed on admission". | <ul style="list-style-type: none"> - On 18 October the Admissions Committee agreed a revised timetable for the review into the admission of foreign lawyers with the next meeting in Sydney in January 2019. - The Admissions Committee will consider the review at its next meeting in March 2019. |
| <p>Approve LACC Disclosure Guidelines for Uniform Law admitting authorities to achieve consistency in UL states</p> | <ul style="list-style-type: none"> - After consultation with the LSC, the Admitting Authorities agreed to remove from their websites their agreed Health Assessments Policy which appeared to unfairly target mental illness, and to rely upon the LACC Disclosure Guidelines in assessing whether an applicant for admission is currently unable to carry out satisfactorily the inherent requirements of practice as an Australian legal practitioner. |

| Goal 3: Build awareness of the Uniform Law by consulting with stakeholders | |
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| Priority Actions | Achievements |
| <p>3.1 Provide legal practitioners and consumers with timely and accurate information about the Uniform Law scheme</p> <ul style="list-style-type: none"> - Regularly update LSC website to reflect Uniform Law developments - Advise stakeholders of specific Uniform Law developments - 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 | <ul style="list-style-type: none"> - The period 1 July to 30 January 2019 saw approximately 11,000 visits to the LSC website. New articles and announcements on our website since July include: <ul style="list-style-type: none"> 10 Jul 2018: Admission of foreign lawyers in Victoria and New South Wales 03 Sep 2018: New rule to revoke the status of External Examiners 13 Sep 2018: Have your say on the proposed Indexation rule 19 Sep 2018: The Legal Services Council has moved 27 Sep 2018: Public consultation on changes to the Barristers' Conduct Rules 18 Dec 2018: CEO's end of year message 24 Dec 2018: Have your say on new draft rule - The LSC's marketing and communication strategy includes a quarterly newsletter which is available on the LSC's website. |

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| | <ul style="list-style-type: none"> - The Annual Report will be circulated and published on the website after it has been tabled in the Victorian Parliament. This is expected in Feb/March 2019. |
| 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 | <ul style="list-style-type: none"> - Members' online profiles are reviewed and amended where required or when new members are appointed. - The Admissions Committee provides a report within the Annual Report of the LSC and Commissioner. - The CEO/Commissioner has continued to build awareness of the UL by regular liaison with stakeholders, meetings and speaking engagements during the last six months. |
| 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. | <ul style="list-style-type: none"> - The Council, the Chair and the Commissioner have continued to engage with other jurisdictions to encourage their participation in the UL Scheme. See section 1.3 for details. |
| 3.4 Develop and implement a LSC Marketing Plan | |
| <p>Marketing strategies include:</p> <ul style="list-style-type: none"> - Use LSC website, email and stakeholder publications to consult with stakeholders and to inform on the development of rules, guidelines and policies | <ul style="list-style-type: none"> - The Communications Officer posts rules, guidelines and policies on the LSC website and informs stakeholders by email. - Media lists were updated in December 2018. - By December 2018 four LSC newsletters had been published and |

- 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

circulated to our stakeholders.

- Two UL articles have been published in legal publications.
- The CEO and Chair are supported with speaking points, as required.

| Goal 4: Continue to develop a well-governed organisation | |
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| Priority Actions | Achievements |
| 4.1 Provide support for the Council, the Admissions Committee and Audit and Risk Committee | |
| <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 | <ul style="list-style-type: none"> - Since 1 July the Secretariat has supported three Council meetings. Specifically: 22 August, 20 November and 11 December (by circular resolution). - The Secretariat has supported the LSC with policy, administrative and logistical support. |
| 4.1.2 Admissions Committee | |
| <p>Effectively support the Admissions Committee by:</p> <ul style="list-style-type: none"> - Co-ordinating nomination of and appointment of members by LSC - Undertaking policy development and implementation - Arranging regular meetings with business papers - Providing administrative and logistical support - Assisting the Committee to report to the LSC | <ul style="list-style-type: none"> - On 29 June 2018 the Hon Justice Ruth McColl AO was appointed to the Admissions Committee, replacing the Hon Justice Richard White who retired. - The Secretariat has supported one Admissions Committee meeting on 18 October with policy, administrative and logistical support. - The Secretariat reported on Admissions matters to the LSC at its meetings during this period. |

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| <p>4.1.3 Audit and Risk Committee</p> | |
| <p>Effectively support the Audit and Risk Committee by:</p> <ul style="list-style-type: none"> - Developing 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"> o convene meetings at least three times a year o review risk management framework o review the annual financial statements and process for complying with Financial Management and System Certification o review processes for monitoring legislative compliance | <ul style="list-style-type: none"> - The Secretariat has supported two ARC meetings on 2 August and 5 September. - LSC Risk Register reviewed in December 2018 - Finalised the FY18 Annual Financial Statements in October 2018 - Reviewed processes for mandatory legislative compliance in September 2018 |
| <p>4.2 Comply with statutory reporting requirements</p> | |
| <p>Publish Annual reports for the LSC and for the Commissioner for Uniform Legal Services Regulation</p> | <ul style="list-style-type: none"> - The Annual Report for the LSC and the Commissioner were forwarded to the Standing Committee before the statutory deadline of 31 October 2018. Reports tabled in the NSW Parliament on 22 November 2018 and are expected to be tabled in the Victorian Parliament early in 2019. |
| <p>4.2.2 Finalise LSC Triennial Operating Budgets</p> | |
| <p>Develop a triennial operating budget for 2019-2021 Develop a triennial operating budget for 2022-2025</p> | <ul style="list-style-type: none"> - The Standing Committee approved the Triennial Budget for 2019-2021 on 10 September 2018 and provided a statement of financial support until 30 June 2021. |

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| <p>4.3 Develop and review LSC’s governance and business arrangements</p> | |
| <p>4.3.1 Annual review and update of key documents</p> | |
| <ul style="list-style-type: none"> - Governance Manual - Business Continuity Plan - Risk Register - Privacy Management Plan | <ul style="list-style-type: none"> - These key documents are reviewed in the first quarter of each year and updated where applicable on the LSC website. |
| <p>4.3.2 Settle service support arrangements</p> | |
| <p>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</p> | <ul style="list-style-type: none"> - A new Service Partnership Agreement between NSW DOJ and LSC for Corporate Services was signed on 27 August 2018. |
| <p>4.4 Foster a productive and collegiate workplace</p> | |
| <p>4.4.1 Encourage effective teamwork</p> | |
| <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 | <ul style="list-style-type: none"> - Fortnightly team meetings are held to consider and progress matters listed in the Work Plan and ensure effective work allocation and collaboration within the team. - The LSC has appointed the EA to be our fire warden and participate on the T&G WHS Committee. - Participation in building evacuation drill / fire warden training on 6 February 2019. |

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| <p>4.4.2 Train and develop staff to maximise their potential</p> | |
| <ul style="list-style-type: none"> - Settle support agreements and conduct performance reviews - Support staff training and development | <ul style="list-style-type: none"> - Performance agreements and reviews will be conducted in January 2019. - Staff training and development is encouraged and promoted within the Secretariat. Since July 2018 the following training has taken place: <ul style="list-style-type: none"> o 14 September 2018 <i>FLIP conference, The Future of law and innovation in the profession</i>, Law Society of New South Wales o 20 September 2018 <i>In-house corporate lawyer forum</i> on Corporate Culture, LSNSW o 20 September 2018 <i>AI in ADR</i> - Bathurst CJ attended by NSW Advanced Policy Development attended by LSC Senior Policy Officer (Admissions) o 16 & 17 October 2018 Institute of Public Administration Australia NSW <i>Advanced Policy Development</i> attended by LSC Senior Policy Officer (Admissions) o 17 October 2018 – LSNSW CPD Program (<i>Business & Accounting</i>) and <i>Ethics</i> attended by SEO. o 25-26 October 2018 - <i>Conference of Regulatory Officers</i> attended by CEO. SEO and LSC Senior Policy Officer (Admissions) o 29 September 2018 - SAP Record Working Time and Flex training – EA o 4 October 2018 – information session FPT - Justice workshop - EA o 24 & 31 October 2018 - JSAP Travel and Expense Project - User Acceptance Testing (UAT) – EA |
| <p>4.4.3 Settle new office accommodation</p> | |
| <p>Arrange new premises for Secretariat</p> | <ul style="list-style-type: none"> - On 13 October the Secretariat moved into new premises located at the Public Trustee Building, level 3, 19 O’Connell St, Sydney on a lease from the NSW Trustee and Guardian for a period of five years, with a five year option to extend. |