

Overview of the Uniform Law

The Legal Profession Uniform Law (Uniform Law)¹ commenced on 1 July 2015 in Victoria and New South Wales. This was an important step towards a national legal profession.

For the first time there is a common market for legal services across NSW and Victoria, encompassing 70 per cent of Australia's legal practitioners.

The Uniform Law harmonises regulation of the legal profession, cuts red tape and creates a single system to govern legal practice. The scheme also promotes informed consumer choice and has strong consumer protection measures.

Objectives of the Uniform Law

To promote the administration of justice and an efficient and effective Australian legal profession through:

- inter-State consistency in the law applying to the Australian legal profession;
- ensuring legal practitioners are competent and maintain high ethical and professional standards;
- enhancing the protection of clients and the public;
- empowering clients to make informed choices about their legal options;
- efficient, effective, targeted and proportionate regulation; and
- a co-regulatory framework with an appropriate level of independence for the legal profession.

Overall framework

The Uniform Law establishes a new five member Legal Services Council and the office of the Commissioner for Uniform Legal Services Regulation. The Council sets the rules and policy to underpin the Uniform Law, ensuring it is applied consistently across participating States. The Commissioner oversees the dispute resolution and compliance functions.

Existing Legal Services Commissioners, Victorian Legal Services Board and professional bodies continue to carry out complaints and investigation functions, grant practising certificates and provide professional development.

The Admissions Committee develops Admission Rules used by the local admission boards and advises the Council on admissions policy.

Benefits for consumers

Clients of law practices have the same protections, rights and remedies in Victoria and NSW. Important new obligations to promote better communication with clients and help avoid disputes include:

- legal costs must be *fair and reasonable*, and law practices must avoid unnecessary delay that results in increased costs;
- a law practice must provide an estimate of total legal costs and information that enables their clients to make informed choices about costs and legal options;
- principals of law practices are responsible for the legal costs charged;
- new low cost ways to resolve complaints and costs disputes with law practices;
- access to pro-bono legal services is improved with more flexible practising entitlements and the creation of a low cost volunteer's practising certificate.

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Benefits for legal practitioners

The Uniform Law means a simpler legal framework for the profession. Economic benefits flow from shorter, less complex legislation that provides:

- the ability to practise seamlessly across the two States under uniform regulatory standards with a single costs agreement and identical back office systems and precedents;
- the standard costs disclosure form - a simple tool practitioners can use to meet their disclosure obligations in matters under \$3000 that delivers need-to-know information to clients;
- the independence of the legal profession preserved through direct contributions to the Uniform Rules from the Law Council of Australia and the Australian Bar Association;
- the ability to move between private, in-house and government practice with new practising certificate requirements.

¹ In Victoria, the Uniform Law comprises Schedule 1 of the *Legal Profession Uniform Law Application Act 2014* (Vic). In NSW, the *Legal Profession Uniform Law (NSW) 2014* operates in conjunction with the *Legal Profession Uniform Law Application Act 2014* (NSW). All Uniform Rules are published on the NSW legislation website.