

Uniform Law Framework

The Legal Profession Uniform Law (Uniform Law) and Uniform Rules provide the regulatory framework for the legal profession in NSW and Victoria. This information sheet outlines the main elements of that framework.

Legal Services Council

The Legal Services Council makes the Uniform Rules and monitors implementation of the law to ensure consistency across participating States. The Council can issue guidelines or directions to local authorities to achieve a consistent approach (except in relation to complaints and professional discipline).

The Commissioner

The Commissioner for Uniform Legal Services Regulation is responsible for raising awareness of and promoting compliance with the Uniform Law. The Commissioner also monitors and reviews the complaint handling and professional discipline functions. The Commissioner can issue guidelines and directions to local authorities concerning complaints and professional discipline to ensure consistency across participating States.

Local regulatory bodies

The Council and the Commissioner do not have a direct role in the regulation of law practices and legal practitioners, and cannot intervene in individual cases.

Day to day regulation of the legal profession remains with the State based Legal Services Commissioners and professional bodies. Local admissions boards maintain their role in the admissions process.

Uniform Law and Uniform Rules

The Uniform Law governs:

- admission to the Australian legal profession
- legal practice

- business practice and professional conduct
- legal costs
- dispute resolution and professional discipline
- functions and power of local authorities.

The Uniform Rules provide the operational detail of the Uniform Law. Core areas covered by the Uniform Rules are summarised as follows:

General Rules

- issue and renewal of practising certificates
- professional indemnity insurance
- management of trust money and trust accounts
- billing
- registers
- legal costs – standard costs disclosure forms and anti-voiding rule

Admission Rules

- qualification and training required for admission
- procedure for admission to the legal profession.

Legal Practice Rules (Solicitors)

- transfer of a law practice
- conduct of business
- litigation lending, loan and security documents.

Conduct Rules

The Legal Profession Uniform Conduct Rules set out ethical conduct rules for solicitors and barristers.

The conduct rules for solicitors are the Australian Solicitor's Conduct Rules and govern:

- fundamental duties of solicitors
- relations with clients
- advocacy and litigation

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- relations with other persons
- law practice management.

The conduct rules for barristers govern:

- fundamental duties of barristers
- advocacy rules
- briefs
- confidentiality and conflicts.

Continuing Professional Development Rules

- minimum requirements for continuing professional development for solicitors and barristers.

Local Application Acts

In each State, local legislation deals with:

- functions and powers of local authorities
- admission fees
- transitional arrangements and exemptions.

For more information

www.legalservicescouncil.org.au

The Uniform Law is part of the Legal Profession Uniform Law Application Acts 2014 of Victoria and NSW. All Uniform Rules are published on the NSW legislation website.

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