

Uniform Law framework

The Legal Profession Uniform Law¹ (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 complaint handling and professional discipline functions).

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 complaint handling and professional discipline functions to ensure consistency across participating States.

Local regulatory authorities

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

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.

Uniform Rules

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

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.

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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
- 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.

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.