



THE LAW SOCIETY
OF NEW SOUTH WALES

14 February 2020

Ms Megan Pitt
Chief Executive Officer, Legal Services Council
Commissioner for Uniform Legal Services Regulation
PO Box H326
Australia Square NSW 1215

Via email: _____

Dear Megan

Proposed amendment to the Legal Profession Uniform Admission Rules 2015 to remove the word 'fame'

Thank you for consulting the Law Society of NSW on proposed amendments to the *Legal Profession Uniform Admission Rules 2015* (Admission Rules) to remove the word 'fame'. The Law Society makes the following comments:

Removing the word 'fame'

As set out in the Admissions Committee's background paper, there was discussion of the word 'fame' in the judgment of *Council of the Law Society of New South Wales v Parente [2019] NSWCA 33*. You may also be aware of the discussion in *Council of the Law Society of New South Wales v Michael Arthur Hislop [2019] NSWCA 302*, which refers to an element of 'public disgrace' being incompatible with the concept of good fame (at 43):

It is of course clear that unfitness may be manifested by conduct not directly connected with professional practice, because such conduct may show that the practitioner lacks requisite personal qualities for membership of the profession, including that a lawyer be of "good fame and character". Conviction for a serious offence, particularly if accompanied by a sentence of imprisonment, is often incompatible with "good fame and character", not only because of the underlying conduct, but also because of the public disgrace involved.

The Law Society agrees that the term 'fame' is outdated and does not oppose it being removed from the Admission Rules. In relation to the proposed amendments, we suggest that a wider review of the case law, including *Hislop*, would assist in ensuring that the draft rules capture those aspects of the term 'fame' which should be retained.

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Implementation issues

It was flagged with DLRAs in late 2019 that the proposal to remove the word 'fame' from the Admission Rules would be considered by the Legal Services Council with a view to making consistent changes to Rule 13 of the *Legal Profession Uniform General Rules 2015* (General Rules). It is important that the factors to be considered under rule 13 of the General Rules and the Admission Rules are consistent and that any changes commence simultaneously. This will avoid any period of time during which the admission boards and the DLRAs responsible for issuing practising certificates are applying different factors. The admission boards and DLRAs should also be consulted on the timeframe for commencement of any amended rules and whether lead-in time is required for implementation.

We hope this feedback is helpful. Should your office have any queries, the contact officer is Heather Moore, Senior Manager Strategy and Projects

Yours sincerely

Michael Tidball
Chief Executive Officer