

RPA Alert

Regulation. Prosecution. Action.

Alert to all practitioners from the Legal Services Board and the Legal Services Commissioner

RPA Alert #12

June 2014

Uniform Legal Profession Regulation

I believe it is now timely to update practitioners on the commencement of the Legal Profession Uniform Law. The Victorian Attorney-General, the Hon Robert Clark MP and the NSW Attorney-General, the Hon Brad Hazzard MP, have confirmed these details about the scheme's implementation.

The Uniform Law harmonises the regulation of the legal profession in Victoria and New South Wales, covering over 70% of Australia's lawyers in those two jurisdictions. The scheme will be implemented in two stages;

- stage one will establish structures;
- stage two will commence the uniform regulation of practitioners.

The first stage will establish the Legal Services Council, supported by a secretariat based in Sydney. The Commissioner for Uniform Legal Services Regulation will also assume responsibilities as the CEO of the Council. It is intended that those parts of the Uniform Law needed to set up the elements of uniform regulation under the first stage will be commenced in July 2014. Under the first stage the Legal Profession Acts of each jurisdiction will continue to apply without change until the second stage.

Once the Council is established, its first tasks will include drafting, settling and then formally making the Legal Profession Uniform Rules. The scheme cannot commence without the Rules. The Council will also be required to appoint an Admissions Committee and develop the Admissions Rules, which will form a part of the Uniform Rules. The new joint bodies will have primary responsibility for developing uniform legal regulation policy and for issuing guidance to ensure the uniform application of the scheme.

The second stage will involve commencing the remainder of the Uniform Law and regulating the profession under that law. This will include repealing the existing Legal Profession Act in each jurisdiction and replacing it with the standardised provisions in the Uniform Law. The second stage is intended to commence in early 2015, subject to advice from the Council about its progress in making the Rules.

The existing legal regulatory bodies in NSW and Victoria will perform functions that largely correspond to their current functions, but they will apply the new standardised scheme from early 2015.

The Board and Commissioner will provide further detailed information about the changes anticipated under the Uniform Law as it becomes available.

Michael McGarvie
CEO Legal Services Board
Legal Services Commissioner

Contact Us

Phone: (03) 9679 8000

Email: RPAAlerts@lsb.vic.gov.au