



Understanding the U in Uniform Law

WHAT WILL
THE NEW
REGIME MEAN
FOR YOU?

As a young lawyer it is essential to keep abreast of changes not only to the substantive laws in your area of practice but also changes in the laws that regulate the way you practice.

This has probably never been as critical to your legal career as it is now, with the anticipated commencement of the *Legal Profession Uniform Law Application Act 2014* (Vic) (the Uniform Law).

Whether you are engaged in legal practice or plan to be some time in the future, the Uniform Law will apply to you as it does to all lawyers across Victoria and New South Wales. The LIV is committed to ensuring that you are well-informed about the operation of the Uniform Law and how it might impact you.

Where did the Uniform Law come from?

The Uniform Law was developed from work undertaken with the involvement of all Australian jurisdictions through a Council of Australian Governments reform process that started in 2009. The

Uniform Law has since been simplified and developed by the Victorian and NSW governments with the aim of minimising administration and regulatory costs by using existing local level regulatory structures to provide regulatory services.

The Uniform Law was enacted in 2014 and will replace the *Legal Profession Act 2004* (Vic). The Uniform Law is complemented by a series of uniform rules, which cover general rules as well as conduct, practice, continuing professional development and admission rules. In order to fully understand your responsibilities under the Uniform Law, it is important that you become familiar with both the Uniform Law and the various uniform rules.

What is the Uniform Law trying to achieve?

The main objective of the Uniform Law (according to the Act itself) is to promote the administration of justice and an efficient and effective Australian legal profession by:

- providing and promoting inter-jurisdictional consistency in the law applying to the Australian legal profession;
- ensuring lawyers are competent and maintain high ethical and professional standards in the provision of legal services;
- enhancing the protection of clients of law practices and the protection of the public generally;
- empowering clients of law practices to make informed choices about the services they access and the costs involved;
- promoting regulation of the legal profession that is efficient, effective, targeted and proportionate; and
- providing a co-regulatory framework within which an appropriate level of independence of the legal profession from the executive arm of government is maintained.

Who is responsible for the Uniform Law?

The Uniform Law established a new Legal Services Council and the office of Commissioner for Uniform Legal Services Regulation.

The Legal Services Council monitors the implementation of the Uniform Law and ensures its consistent application across NSW, Victoria and other Australian jurisdictions that elect to join the scheme in the future.

The Commissioner for Uniform Legal Services Regulation is the CEO of the Legal Services Council, supporting the Council in the performance of its functions and providing advice.

The Commissioner promotes compliance with the Uniform Law and the uniform rules, as well as raising awareness of this new regulatory framework and its objectives. The Commissioner will also oversee implementation of the dispute resolution and professional discipline elements of the Uniform Law.

The Legal Services Board and Commissioner (the LSBC) will continue to

carry out day to day regulatory functions in Victoria. You should be familiar with the website (www.lsb.vic.gov.au) and operations as you will still need to contact the LSBC for a number of regulatory requirements such as applying for or renewing your practising certificate.

What does the Uniform Law mean for you?

The Uniform Law and associated rules will result in changes relating to a number of areas of the legal profession. These include:

- admission processes (at the time of writing, the admission rules are still to be finalised);
- practising certificates;
- continuing professional development requirements;
- legal costs requirements;
- trust accounting; and
- complaints and professional discipline issues.

Some of the changes are not significant, such as in relation to continuing professional development requirements and the need

to complete 10 units a year. However, there are some new provisions which differ considerably from the current regulatory scheme. These include obligations to ensure that legal costs are fair and reasonable, as well as providing appropriate costs disclosure to clients. Also, government lawyers will now be required to hold practising certificates (unless exempted).

To assist you in learning about and adapting to the requirements under the Uniform Law, we have released a number of fact sheets which provide details on various changes under the Uniform Law including in the areas listed above.

We are also offering a series of professional development seminars leading up to and following commencement of the Uniform Law. Please view our events calendar for seminar dates.

We encourage you to review the material on our Uniform Law webpages (www.liv.asn.au/UniformLaw) and to regularly visit for updates and new resources.

For any queries on the Uniform Law please feel free to contact the LIV at lpul@liv.asn.au ■

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