

# Uniform Law

## What is Uniform Law?

Western Australia is one step closer to joining the Legal Profession Uniform Law (Uniform Law), with enabling legislation introduced into State Parliament on 18 March 2020.

The Uniform Law will create a common legal services market across NSW, Victoria & Western Australia, encompassing more than three quarters of Australia's lawyers.

In February 2019, Western Australia signed a landmark agreement with New South Wales and Victoria to join the scheme. The passage of the Legal Profession Uniform Law Application Bill 2020 (WA) (Application Act) will allow new uniform laws for the legal profession to commence in WA as required under the agreement.

The Uniform Law harmonises regulation of the legal profession, cuts red tape and creates a single system to govern legal practice. The scheme also promotes informed consumer choice and has strong consumer protection measures.

The Uniform Law's overall objectives are to promote the administration of justice and an efficient and effective Australian legal profession through:

- consistency between States and Territories in the law applying to the Australian legal profession;
- ensuring legal practitioners are competent and maintain high ethical and professional standards;
- enhancing the protection of clients and the public;
- empowering clients to make informed choices about their legal options;
- efficient, effective, targeted and proportionate regulation; and
- a co-regulatory framework with appropriate independence for the legal profession.

The Application Act and regulations in each participating jurisdiction will allow for certain jurisdiction-specific arrangements, including the operation of local authorities and fees.

Once the Application Act is passed through parliament, the Uniform Law and associated Uniform Rules & Regulations will replace the *Legal Profession Act 2008*.



## QUICK FACTS

Uniform Law creates a common legal services market across NSW, Victoria & Western Australia

The Uniform Law will have a unique application act for Western Australia

The Uniform Law is accompanied by Uniform Rules and Regulations

The Legal Services Council can release guidelines and directions to ensure uniformity across jurisdictions

The Commissioner for Uniform Legal Services Regulation can release guidelines and direction concerning complaint handling and professional discipline functions

The Council and the Commissioner cannot intervene in individual cases in Western Australia

## **Legal Services Council**

The Legal Services Council makes the Uniform Rules and monitors implementation of the law to ensure consistency across participating jurisdictions. 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).

These changes include Western Australia having a place on the Legal Services Council and in standing committees.

## **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 Legal Practice Board and its committees.

## **Uniform Law**

The Uniform Law governs:

- admission to the Australian legal profession
- legal practice
- continuing professional development
- 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
- Admission Rules
- Legal Profession Uniform Conduct (Barristers) Rules
- Legal Profession Uniform Conduct (Solicitors) Rules
- Legal Practice Rules (Solicitors)
- Continuing Professional Development Rules