



## NATIONAL LEGAL PROFESSION – DEVELOPMENTS AND CURRICULUM

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*Internationalising the Australian Law Curriculum  
for Enhanced Global Legal Education and Practice*

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# National Legal Profession Reform – BACKGROUND

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- COAG commenced looking at legal profession regulation in 2009
  
- Establishment of:
  - Taskforce
  - National Legal Profession working group
  - Consultative group



# National Legal Profession Reform – BACKGROUND

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- Reform agenda included:
  - National practice achieved by removal of constraints on interstate practice
  - Mutual recognition of practising certificates, based on common pre-admission standards
  - National uniformity in areas such as professional conduct and ethics, regulation of foreign lawyers, trust accounting rules and the management of fidelity funds



# National Legal Profession Reform – BACKGROUND

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- A public consultation process was held from May to August 2010 to consider:
  - Draft Bill
  - Consultation report from Taskforce
  - National Rules
  - Economic analysis of the changes
- Amended legislation released Sept 2011



# National Legal Profession Reform – CURRENT STATUS

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- Agreement that legislation to be introduced in Victoria, with other participating jurisdictions to accept it simultaneously
- Intergovernmental agreement needs to be reached to support the Act.

# National Legal Profession Reform – CURRENT STATUS

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- National Legal Services Board to be established in NSW, with Commissioner rather than Ombudsman
- Board membership nomination process:
  - 3 nominated by Attorneys General of participating jurisdictions
  - 2 nominated by LCA, 1 by ABA
  - Chair agreed among AGs, LCA and ABA



## National Legal Profession Reform – CURRENT STATUS

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- Participating jurisdictions expected to be NSW, Vic, NT and Qld, covering 85% of practising lawyers in Australia; however, State election in Queensland may change this.
- Each state will still need local legislation to operate jurisdictional based bodies.



# National Legal Profession Reform – IMPLICATIONS FOR LEGAL EDUCATION

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- Requirements for admission as a legal practitioner remain the same:
  - Recognised law degree
  - Approved practical legal training
  - Fit and proper character
- New element will be that the application for admission as an Australian legal practitioner will be to the National Board.





# National Legal Profession Reform – IMPLICATIONS FOR LEGAL EDUCATION

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- National Admissions Committee will consist of 9 members:
  - 3 current or former Supreme Court Judges
  - 3 persons nominated by the LCA
  - 1 person nominated by the ABA
  - 1 person from a State or Territory Justice Department or equivalent government department
  - 1 Dean of a Law School/Faculty or equivalent status/functions



# National Legal Profession Reform – IMPLICATIONS FOR LEGAL EDUCATION

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- The Board will issue compliance certificate to the Supreme Court in the jurisdiction nominated by the applicant
- Any non-straightforward matters will be delegated to the local authority to investigate
- National Rules will need to be established for admission (LACC rules will be starting point).



# National Legal Profession Reform – IMPLICATIONS FOR LEGAL EDUCATION

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## □ Questions:

- Will the national Board/Admissions Committee consider accreditation of law programs and curriculum, given the overarching aim of achieving national consistency? And will LACC disappear?
- Or will accreditation be delegated to local bodies to handle as at present?



# National Legal Profession Reform – IMPLICATIONS FOR LEGAL EDUCATION

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## □ Questions:

- If accreditation becomes national, how will this sit with university requirements to answer to TEQSA and the AQF, as well as the CALD standards and the TLOs for the law discipline?
- Will a truly national profession enable better engagement on the international stage?