

Memorandum



To: Presidents and Chief Executive Officers, Law Society of New South Wales, New South Wales Bar Association, Law Institute of Victoria and Victorian Bar Association

From: Jonathan Smithers, Chief Executive Officer

Date: 28 March 2019

Subject: Law Admissions Committee, Legal Services Council

Action Request

Nominations are sought by **COB, Friday 12 April 2019** identifying persons suitable for nomination by the Law Council of Australia to the Admissions Committee (the "Committee") established under section 402 of the *Legal Profession Uniform Law* (the "Uniform Law").

Key Issues

Section 402 of the *Legal Profession Uniform Law* requires the Legal Services Council (the "LSC") to establish an Admissions Committee. Pursuant to clause 21 of Schedule 1 to the Uniform Law, the Committee is to consist of 7 persons, drawn from participating jurisdictions, and appointed by the LSC. The Uniform Law further provides that Law Council is to nominate one person, with expertise or experience in legal practice, to the Committee.

The terms of appointment to the Committee are determined by the LSC. On 13 March 2019 the LSC advised that the term of appointment of the Law Council's most recent nominee, Mr S Stuart Clark AM will end on 30 June 2019. The LSC has asked the Law Council for a nominee for the next term of the Committee and advised that it is open to the Law Council to re-nominate the current appointee.

The Law Council Executive Committee has resolved to seek advice from the Law Society of New South Wales, the New South Wales Bar Association, the Law Institute of Victoria and the Victorian Bar Association about persons who might be considered by the Law Council for nomination to the Committee.

Background

The statutory functions of the Committee are to: develop Admission Rules (which apply in participating jurisdictions); to give advice to the LSC about guidelines and directions relating to admission matters; and to give advice to the LSC about any matters referred to the Committee by the LSC.

The Committee consists of 7 persons drawn from participating jurisdictions, being: 2 current or former Supreme Court judges; 1 person nominated by each of the Law Council and the Australian Bar Association; 2 persons nominated by Deans of Law Schools and heads of professional legal training bodies; and 1 person nominated by the Standing Committee of Attorneys-General of participating jurisdictions.

It should also be noted the Uniform law provides that a member of the Committee does not have a representational role in relation to any particular group or body to which he or she belongs, or in relation to any particular jurisdiction. Further, members of the Committee are not required to be remunerated by their nominating bodies.

As mentioned above, the Uniform Law contains two criteria for appointment of a person nominated by the Law Council – that the person be from a participating jurisdiction, and that the person has expertise of experience in legal practice.

While the Admission Rules developed by the Committee, and the admission guidelines and directions made by the Council on advice from the Committee, only apply in the participating jurisdictions, they sit alongside the Uniform Admission Rules developed by the Law Admissions Consultative Committee to the Australasian Council of Chief Justices. These Uniform Admission Rules, which have been adopted by the other States and the Territories, are a core aspect of nation-wide uniformity in the academic and practical legal training requirements for admission and underpin the mutual recognition of admission embodied in the various Legal Profession Acts, as well as the Uniform Law. In identifying persons who might be suitable for nomination to the Committee, you may therefore wish to consider the extent to which persons have expertise in admission requirements and processes more generally.

A handwritten signature in blue ink, appearing to read 'Jonathan Smithers', with a long horizontal stroke extending to the right.

Jonathan Smithers
Chief Executive Officer