

OVERVIEW OF THE UNIFORM LAW

The Legal Profession Uniform Law (Uniform Law) will likely commence on 1 January 2022 in Western Australia. This is an important step towards a national legal profession.

For the first time there will be a common legislation for legal services across Western Australia, New South Wales and Victoria, encompassing 75 per cent of Australia's legal practitioners.

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

Objectives of the Uniform Law

To promote the administration of justice and an efficient and effective Australian legal profession through:

- inter-state consistency 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 an appropriate level of independence for the legal profession.

Overall framework

The Uniform Law is governed by the Legal Services Council and the office of the Commissioner for Uniform Legal Services Regulation. Once the Uniform Law is adopted Western Australia will have a representative on the Council.

The Council sets the rules and policy to underpin the Uniform Law, ensuring it is applied consistently across participating States. The Commissioner oversees the dispute resolution and compliance functions.

The WA Legal Services and Complaints Committee (formerly the Legal Profession Complaints Committee) and the Legal Practice Board will continue to carry out complaints and investigation functions, grant practising certificates and provide professional development.

Benefits for consumers

Clients of law practices in Western Australia will have the same protections, rights and remedies as clients of practices in Victoria and New South Wales. Important new obligations to promote better communication with clients and help avoid disputes include:

- legal costs must be fair and reasonable, and law practices must avoid unnecessary delay that results in increased costs;
- a law practice must provide an estimate of total legal costs and information that enables their clients to make informed choices about costs and legal options;
- principals of law practices are responsible for the legal costs charged;
- new low cost ways to resolve complaints and costs disputes with law practices;
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Further, access to pro-bono legal services is improved with more flexible practising entitlements and the creation of a low cost volunteer's practising certificate.

Further Information

For further assistance or information please contact:
The Law Society of Western Australia

Call: (08) 9324 8600

Email: info@lawsocietywa.asn.au

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