

# UNIFORM LAW Transitional Arrangements

## What is Uniform Law?

The Legal Profession Uniform Law (Uniform Law) will create a common legal services market across NSW, Victoria & Western Australia, encompassing more than three quarters of Australia's lawyers. Uniform Law creates a simpler and more efficient system for both a law practice and clients by cutting red tape, better protecting consumers and ensuring consistency across our borders.

Western Australia is one step closer to joining the Uniform Law, with enabling legislation introduced into State Parliament on 18 March 2020. The Legal Profession Uniform Law Application Bill 2020, when passed by parliament, details the transitional arrangements for the commencement date.

## Admission

An application for admission to the Australian Legal Profession will still be made to the Supreme Court of Western Australia.

If you have applied to the Supreme Court of Western Australia for admission to the Australian Legal Profession as an Australian lawyer prior to the commencement date of the Uniform Law and no decision about your admission has been made, then your admission application will still be valid and is taken to be an application for admission under the Uniform Law.

If you have been admitted to the Legal Profession as a local lawyer by the Supreme Court of Western Australia prior to the commencement date of the Uniform Law, then your admission as a local lawyer is still valid for all purposes under the new Uniform Law legislation.

## Practising Certificates

If you hold a current local practising certificate or a local registration certificate allowing you to practice law in Western Australia, your certificate will still be valid until it expires. You will not be required to apply for a new practising certificate or registration certificate under the Uniform Law until your existing one expires.

More information regarding changes to practising certificates and registration certificates under Uniform law will be made available prior to the expiry of current certificates.



## QUICK FACTS

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

If you have been admitted as a local practitioner prior to the commencement date your admission as a local lawyer is still valid.

If you hold a current Local Practising Certificate your certificate will still be valid until it expires

CPD points earned prior to the commencement day will carry over under Uniform Law.

New powers have been included to aid the timely and effective resolution of disputes

Costs disclosure will vary under Uniform Law with different time frames for complaints, different cost thresholds & a new raft of provisions to assist with resolution of complaints.

## Continuing Professional Development

Your current continuing professional development (CPD) requirements will still apply to your current practising certificate. CPD points earned in the CPD period commencing immediately prior to the commencement date will be recognised under Uniform Law.

Any supervised legal practice requirements associated with your practising certificate will remain unchanged while you hold your current practising certificate. In the unlikely event that anything changes we will contact you to discuss the changes.

## Dispute Resolution

There is a change to dispute resolution under the Uniform Law with a greater emphasis on the timely and effective resolution of disputes. New powers have been included to aid the resolution of complaints either informally or formally. This should reduce the need for time consuming and expensive litigation in certain cases.

Any complaint received or investigation that was started before the commencement date of the Uniform Law will continue to be dealt with under the *Legal Profession Act 2008*.

Many complaints received after the commencement date, even if the events in question took place prior to that date, can be dealt with under the Uniform Law.

## Costs disclosure

If a client first instructs a lawyer or law practice after the commencement date, then the costs agreement will need to meet the requirements of the Uniform Law.

If the law practice or lawyer was first instructed before the commencement date, the provisions of the *Legal Profession Act 2008* may still apply.

If matters change after the commencement date and a new costs agreement is required then it should meet the requirements of the Uniform Law.

Costs disclosure will vary under the Uniform law with different time frames for complaints, different cost thresholds & a new raft of provisions to assist with resolution of complaints.