

This important work will continue to be at the top of the Law Council's agenda over the coming year. The end result though will be a legal profession which will serve the Australian community well in the future. It will ensure that lawyers may practise law across Australia without impediments. It will ensure that in that process they will do so in vigorous competition with each other, but still maintain the principles of the rule of law and preserve that vital objective of service to the Australian community and quality of service to their clients.

### Endnotes

<sup>1</sup> Law Council of Australia, A response to Access to Justice – An Action Plan, Access to Justice Advisory Committee, August 1994

<sup>2</sup> It should be appreciated however that uniformity of regulation has not been the goal in itself through out the process – but rather a consequence in a number of regulatory 'streams' where it is necessary to overcome regulation that is dysfunctional in terms of national practice.

<sup>3</sup> Members include the Law Society of New South Wales, ACT Bar Association, Bar Association of Queensland; Law Institute of Victoria, Law Society of the ACT, Law Society of the Northern Territory, Law Society of South Australia, Law Society of Tasmania, Law Society of Western Australia, New South Wales Bar Association, Northern Territory Bar Association, Queensland Law Society, the Victorian Bar, and Western Australian Bar Association.

<sup>4</sup> On this matter, the model provisions anticipate that a person becomes qualified for admission as a lawyer as a result of undertaking academic study and practical legal training in accordance with standards developed by the Law Admissions Consultative Committee (LACC). Admission takes place at a state and territory level in accordance with the Uniform Admission Rules developed by LACC. The structures and

processes however by which the rules are applied are matters for each state and territory, and national practice is facilitated by means of the mutual recognition by each state and territory of the admission of a lawyer by any of the state or territories.

<sup>5</sup> Generally, a lawyer may practise on a visiting basis in any jurisdiction without meeting additional requirements. As a general rule, a lawyer will be brought into the regulatory orbit of the second jurisdiction upon the opening of an office in a second jurisdiction (see for instance, trust account regulation and fidelity fund cover), or the lodgement of a complaint against a lawyer in a second jurisdiction.

<sup>6</sup> National practice is facilitated by means of consistent regulatory requirements for the purposes of interstate practice, mutual recognition of the licence to practice, as well as of any restrictions or conditions placed on the practising certificate by the home jurisdiction and any disciplinary orders issued by the relevant authorities in each Australia jurisdiction (where relevant). There are also uniform definitions of 'unsatisfactory professional conduct' and 'professional misconduct' to support this approach.

<sup>7</sup> The Model Bill adopts a common law approach to identifying the areas of work reserved to lawyers (cf the Law Council model which promotes a list approach)

<sup>8</sup> Western Australia introduced its legal profession regulatory reforms in late 2003. These reforms anticipated the Model Bill standards. Further amendments will be necessary to bring that legislation in line with core provisions of the Model Bill that require textual uniformity.<sup>①</sup>

## New chairman for National Pro Bono Centre

Tony Fitzgerald QC has been appointed as the new chairman of the National Pro Bono Centre, which is based at the University of New South Wales.

Mr Fitzgerald has held the positions of President of the Queensland Court of Appeal (1991-1998) and was a member of the NSW Court of Appeal (1998-2001). He retains chambers in Sydney and now works as a consultant undertaking commercial mediations and arbitrations.

Former chair Andrea Durbach will stay on as a director.

The Board has also announced the appointment of three new directors: Peter Stapleton (consultant, Blake Dawson Waldron); Michelle Hannon (Pro Bono Co-ordinator for Gilbert & Tobin); and Shirley Southgate (director of the Human Rights WA Community Legal Centre).

"The new directors bring unique expertise and experience to the Board which will be of great benefit to the Centre in supporting and promoting pro bono legal services throughout Australia", said John Corker, the Director of the Centre.

The Centre was established in 2002 by the Federal Government as a key recommendation of its National Pro Bono Taskforce and is supported by the Commonwealth Attorney-General's Department and the UNSW Law Faculty.

The Centre works with the legal profession to increase the provision of high quality pro bono legal services and with the community sector to match services with the clients and groups most in need of assistance.<sup>①</sup>