

18 December 2017

The Hon Martin Pakula MP
Attorney-General
GPO Box 123
Melbourne
VICTORIA 3001

Dear Attorney General,

Re: Victorian Legal Admissions Board Statement of Expectations 2016-2017

RISK BASED STRATEGIES

I expect the VLAB to continually review its existing processes to ensure they are appropriately targeted to risks, thereby minimising regulatory burden

Improvement

Work with the joint Victorian-NSW Admissions Committee to amend the Admission Rules to identify and, if necessary, remove unnecessary application requirements (for example, the requirement to produce a police report from each jurisdiction in which the applicant has resided).

Response

Following consultation between Victorian Legal Admissions Board (VLAB) and Legal Profession Admission Board of NSW (LPAB) it was recommended to the Admissions Committee that Rule 18 of the Admission Rules be simplified as it required any applicant who had lived overseas to obtain a police report from every jurisdiction in which they had previously lived. This proved very difficult and expensive for many applicants.

The recommendation was approved and Rule 18 now provides for all applicants to provide an Australian police report and if the Board so directs, to provide a foreign police report from any country or jurisdiction that the applicant has previously lived.

The amendment relieves applicants of the obligation of obtaining a foreign police report in all circumstances and is now considered on a case by case basis.

Guidelines were also introduced to ensure consistency and transparency when imposing the requirement for a foreign police report and the requirement would usually come as a result of having some kind of concern about fitness or propriety rather than based on a more general criteria like how long they resided overseas.

Each application is assessed on its own merits in light of the information lodged in support of the application and VLAB continues to ensure that applicants are well informed of the requirements and continues to review its existing processes to minimise regulatory burden.

TIMELINESS

To encourage regulatory compliance and reduce burden I expect the VLAB to further develop online systems to promote internet based applications for admission.

Improvement

Create an online application process to replace the existing paper based process, incorporating an online payment gateway to facilitate a single payment for all three fees associated with admission.

Response

VLAB recognised the burden a bulky paper based admission system placed on applicants. This approach to the admission of future lawyers was cumbersome and utilised outdated practises and technologies. In the 2015-2016 financial period, VLAB undertook a two year exercise to analyse, map, develop and deploy an online admission process including a client portal and online payment gateway to replace the paper based system. Consultation with a vast array of internal and external contributors during this period, including LPAB, Department of Justice and Regulation and Supreme Court of Victoria was instrumental in ensuring a database, client portal and online payment gateway was built that accurately reflected the needs of the applicant. In total ten application types were identified including practical legal training, foreign lawyer assessments and early assessment of suitability.

In December 2017, the trio of new technologies were launched. An online client portal that enabled applicants to undertake the process of applying for admission from start to end, including upload of relevant documents thus greatly reducing environmental impact. As the portal is cloud based, applicants could commence, amend or complete an application in their own time without the constraints of office opening or closing hours.

The backend database feeds off the client portal in real time thus allowing staff to prioritise the tasks and activities associated with an applicant's admission process. The database has full reporting capabilities that enable staff to review and report on actions such as admission ceremony numbers, foreign assessment tracking and persons of interest identification. Email templates, automated compliance certificate generation and documentation tracking has been vital in safeguarding a successful admission application.

An online payment portal was established allowing applicants to pay one single fee via a web browser at a time of their choosing. The portal was developed in conjunction with the Department of Justice and Regulation utilising a Westpac gateway entitled JOTE (Justice Online Transaction Environment). A bridge was built that links payments directly from the portal to the database in real time enabling applicants to receive notification that a ceremony booking is available to them. The ability to quickly refund or find payments is essential in the ongoing support of applicant's requirements.

In summary, the technologies achieved have provided a fast turnaround time for users with some applications processed in three days or less compared with previous averages of two months or more. In turn this means that admission ceremonies can book out up to three months in advance. User feedback has been positive and encouraging for VLAB to continue to strive for better technologies for its staff and stakeholders.

COMPLIANCE RELATED ASSISTANCE AND ADVICE

I expect the VLAB to provide accessible information related to its role and functions, particularly in relation to new functions and processes established since the commencement of the Legal Profession Uniform Law on 1 July 2015.

Improvement

Develop and publish guidelines for applicants for conditional admission, a pathway to admission to the Australian legal profession for overseas qualified lawyers.

In monitoring the implementation of the conditional admission arrangements, identify applicants by employing entity type, in order to assess the appropriateness of the guidelines for small business.

Response

Conditional admission enables foreign lawyers who are required to comply with academic and PLT prerequisites to be admitted subject to targeted and proportionate conditions to be fulfilled following admission.

Ongoing consultation between VLAB and LPAB of an applicant's legal skills and relevant experience enabled agreement to be reached on what conditions are appropriate. VLAB and LPAB have developed agreed interim procedures for admitting applicants relying on qualifications, skills or experience outside Australia.

The published agreed interim procedures recommend a number of conditions which may assist the foreign lawyer to adjust to practising law effectively and efficiently in Australia and to help the foreign lawyers provide a professional quality legal service to clients in Australia. The procedures are published on VLAB's website and twitter pages.

The cooperative protocol anticipates VLAB and LPAB to create a Conditional Admission Register. The Register will encompass data pertaining to all applicants who have sought conditional admission irrespective of success of application. VLAB and LPAB will utilise this register to apply consistency of the interim procedures and to allow for transparency of decision.

The appropriateness of the interim procedures will continue to be monitored and improved. The experience acquired in applying the interim procedures will enable the development of an agreed list of specialised areas of legal practice. The list will assist an applicant to practise under conditions framed in a consistent manner.

Monitoring the implementation of the conditional admission arrangements has enabled VLAB to identify applicants by employing entity type to assess the appropriateness of the interim procedures for small business. VLAB in its consultations with LPAB has proactively sought to cover businesses including small business in its implementation and dissemination of the interim procedures.

Measurement of the success of small business inclusion. Although the conditional admission numbers in its infancy period have been low, a third of all admitted were from a small business. VLAB are notifying foreign applicants who seek an assessment that may be eligible to seek conditional admission. This further enables those who wish to seek employment with small business to progress to practice in a shorter timeframe.

As VLAB continues to grow in this space, the expectation is that conditional admission to small businesses from regional and rural areas will also increase.

CLEAR AND CONSISTENT REGULATORY ACTIVITIES

I expect the VLAB to adopt standards and processes that are clear to its key industry stakeholders. In particular this requires adopting transparent criteria for use in performing the regulatory function of accrediting law schools as providers of approved academic law courses.

Improvement

In consultation with other state and territory admitting authorities, develop and disseminate criteria for the accreditation of academic law schools.

Response

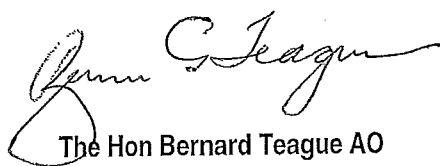
VLAB participated in the development of new standards for the accreditation and review of Australian law courses, under the auspice of the Law Admissions Consultative Committee (LACC). The draft standards were prepared by LACC to complement the standards employed by other regulators or external reviewers, including the Council of Australian Law Deans (CALD) Standards for Australian Law Schools. The LACC Standards are designed to provide greater certainty to law schools about the matters which an admitting authority will consider relevant when accrediting, monitoring or reaccrediting a law course. LACC have also developed principles for integrating academic and PLT courses. In addition, VLAB have adopted certain principles published by LACC about the design and operation of courses which integrate the academic and practical legal training elements of legal education.

The primary purpose of the reviews is to apply the LACC standards to assess whether students have acquired and can demonstrate appropriate understanding and competence in each element of the academic areas of knowledge contained in Schedule 1 of the Legal Profession Uniform Admission Rules 2015.

Following further consideration of the accreditation standards by LACC, VLAB will prepare a timetable for reviews of the law schools and their approved law courses (LLB and JD) against the LACC standards. Law schools will be meeting the costs associated with the reviews. VLAB will continue in discussion about collaborative between law schools and the VLAB reviews, in consultation with LACC and CALD, in order to lessen the burden on law schools.

VLAB has utilised the developed LACC standards to disseminate criteria for the accreditation of academic law schools. The standards allow for consistency in accreditation, ease of dissemination and transparency across the board. LACC are working towards consistency with LPAB for its standards. VLAB continues to closely scrutinise applications by law schools to vary the content or delivery of their approved law courses.

Yours sincerely



The Hon Bernard Teague AO
Chairman