

# Victorian Legal Admissions Board Annual Report 2015-2016

Victorian Legal Admissions Board



## Contents

<b>1</b>	<b>Chairman’s Report</b> .....	<b>3</b>
<b>2</b>	<b>Introduction</b> .....	<b>4</b>
<b>3</b>	<b>Uniform Law</b> .....	<b>4</b>
<b>4</b>	<b>Structure</b> .....	<b>4</b>
4.1	Board, Committees and Staff.....	4
4.1.1	Victorian Legal Admissions Board.....	4
4.1.2	Secretariat Committee .....	5
4.1.3	Victorian Legal Admissions Committee .....	5
4.1.4	Overseas Application Committee .....	5
4.1.5	Academic Course Appraisal Committee.....	6
4.1.6	Practical Legal Training Committee.....	6
4.1.7	Secretarial Support .....	6
<b>5</b>	<b>Admissions</b> .....	<b>7</b>
5.1	Gender Balance.....	7
5.2	Total Admissions .....	8
5.3	Mutual Recognition Admissions .....	8
5.4	Public Notary Appointments .....	9
<b>6</b>	<b>Overseas Assessments</b> .....	<b>10</b>
<b>7</b>	<b>Accreditation</b> .....	<b>11</b>
<b>8</b>	<b>Concurrent Study</b> .....	<b>12</b>
<b>9</b>	<b>Supervised Legal Training</b> .....	<b>12</b>
<b>10</b>	<b>Assessment of Qualifications</b> .....	<b>12</b>
<b>11</b>	<b>Suitability</b> .....	<b>13</b>
<b>12</b>	<b>Document information</b> .....	<b>14</b>

# 1 Chairman's Report

From 1893 until 2015, we have had, in Victoria, the Board of Examiners for Barristers and Solicitors. For almost all of that time, the Board was half barristers, half solicitors, along with the Attorney-General and Solicitor-General. From 1903 until 2015, we have had the Council of Legal Education, chaired by the Chief Justice, and with a considerable contribution from sitting Judges of the Supreme Court.

Following on the enactment of the Legal Profession Uniform Law Application Act 2014, we now have the Victorian Legal Admission Board (VLAB). There are two retired judges on VLAB, but no sitting judges, and that makes it significantly different from its counterpart in New South Wales. VLAB has delegated to the Victorian Legal Admission Committee (VLAC), still effectively half barristers and half solicitors, the pro bono work performed by the old Board of Examiners. VLAB has delegated to other committees other functions, as noted elsewhere in this report.

In most respects, there is little difference in how matters are dealt with by VLAB and VLAC as compared with their predecessors. The assessment of stale qualifications is now routine. There are significant differences in how New South Wales and Victoria bodies deal with applicants for admission to practise law. In New South Wales, so much is done on the papers, whereas in Victoria, the emphasis is much more on hearings and preliminary discussions.

A recent academic article has compared the Victorian and New South Wales approaches, expressing a final opinion preferring the latter, an opinion respected but rejected by Victoria. Our meetings and hearings do involve a significant pro bono commitment for many senior members of the profession, but all the indications are that the traumatic educational experience for applicants has major long term benefits.

Despite the differences, the first year of "Uniform Law" changes has seen much increased liaison between the two states, and that could only prove, and has proved, beneficial. During the 2015-2016 year, VLAC had five special hearings and 14 regular meetings. It rejected only one applicant, who opted not to appeal. The percentage of disclosure cases involving significant Centrelink overpayments and academic misconduct has continued to grow.

Plans for the coming year include:

- Enabling applicants to make their applications on line
- Improving the information, particularly as to recent disclosure cases, available to applicants who are unfamiliar with disclosure processes, for whom the burden of being candid in spades is troubling
- Considering changes in disclosure guidelines as to mental health issues to move the focus from the condition to the conduct linked to the condition, with a view to encouraging early appropriate treatment

Even a very short report, like this one, could not be completed without a sincere thankyou to Richard Besley and Deborah Jones, and those working with them in what has been a challenging year.

**The Honourable Bernard Teague AO**

## 2 Introduction

The Victorian Legal Admissions Board is a statutory body established under the *Legal Profession Uniform Law* which determines the eligibility and suitability of persons seeking admission as Australian Lawyers.

Admission of lawyers in Victoria is governed by the Legal Profession Uniform Admission Rules 2015.

VLAB administers the appointment of Public Notaries in accordance with the *Public Notaries Act 2001*

VLAB accredits academic law courses and practical legal training courses.

## 3 Uniform Law

The *Legal Profession Uniform Law* commenced on 1 July 2015 and created a uniform system of regulation for Victoria and New South Wales.

The Legal Services Council and Commissioner oversees the *Legal Profession Uniform Law*.

The Admissions Committee was appointed by the Legal Services Council to develop admission rules and now has a broader role in providing advice to the Legal Services Council on admission matters.

Victoria remains in consultation with other admitting authorities through the Law Admissions Consultative Committee (LACC). LACC is a consultative committee that makes recommendation to the Australian admitting authorities with the aim of achieving uniformity of admission requirements in Australia.

## 4 Structure

### 4.1 Board, Committees and Staff

#### 4.1.1 Victorian Legal Admissions Board

Table 1: Victorian Legal Admissions Board Committee

Member	Appointment	Term
The Hon. Bernard Teague AO (Chairman)	Person nominated by the Chief Justice	1 July 2015 to 30 June 2018
The Hon. David Habersberger QC	Retired judge nominated by the Chief Justice	1 July 2015 to 30 June 2018
Dr Suzanne McNicol QC	Person nominated by the Victorian Bar	1 July 2015 to 30 June 2018
Ms Caroline Counsel	Person nominated by the Law Institute	1 July 2015 to 30 June 2018
Ms Magda Karagiannakis	Person nominated by the Attorney-General who has experience in the provisions of legal education	1 July 2015 to 30 June 2018

### 4.1.2 Secretariat Committee

Under an Instrument of Delegation, VLAB established the Secretariat Committee to facilitate efficient administrative decision making and enable the secretariat to effectively manage the day to day operations of VLAB.

Table 2: Secretariat Committee

Member
The Hon. Bernard Teague AO
Mrs Deborah Jones

### 4.1.3 Victorian Legal Admissions Committee

Under an Instrument of Delegation, VLAB established the Victorian Legal Admissions Committee to assess applicants for admission in Victoria and to grant Compliance Certificates under s19 of the *Legal Profession Uniform Law*.

Table 3: Victorian Legal Admissions Committee

Member
The Hon. Bernard Teague AO
The Hon. David Habersberger QC
Mr Peter Jopling AM QC
Mr Ian Waller QC
Ms Kerri Judd QC
Mr Matthew Connock QC
Ms Aileen Ryan QC
Ms Lisa Nichols
Ms Caroline Counsel
Mr Peter Holloway
Ms Mary Padbury
Mr John Mengolian
Ms Alison O'Brien

### 4.1.4 Overseas Application Committee

Under an Instrument of Delegation, VLAB established the Overseas Applications Committee to assess the overseas qualifications of persons for the purpose of admission in Victoria.

Table 4 Overseas Application Committee

Member
Prof. Sandford Clark
Mr Richard Besley

#### 4.1.5 Academic Course Appraisal Committee

Under an Instrument of Delegation, VLAB established the Academic Course Appraisal Committee to accredit, monitor and review academic law courses in Victoria.

*Table 5: Academic Course Appraisal Committee*

Member
Dr Elizabeth Boros
Mr Ian Hardingham QC
Prof. Simon Evans
Prof. Breen Creighton
Ms Magda Karagiannakis

#### 4.1.6 Practical Legal Training Committee

Under an Instrument of Delegation, VLAB established the Practical Legal Training Committee to accredit, monitor and review practical legal training providers in Victoria.

*Table 6: Academic Course Appraisal Committee*

Member
Prof. Sandford Clark
Prof. Breen Creighton
Prof. Adrian Evans
Mr Hugh Murray

#### 4.1.7 Secretarial Support

VLAB and its Committees are supported by employees of Civil Justice, Department of Justice and Regulations:

*Table 7: Secretarial Support*

Staff Member	Position
Deborah Jones	Acting Chief Executive Officer
Maria Di Palma	Project Manager
Gayle Camilleri	Administrator
Vanessa Wilde	Administrator
Janette Ibarra	Administrator
Irene Boltuc	Administrative Support Officer

## 5 Admissions

The Supreme Court of Victoria may admit a person to the Australian legal profession as an Australian Lawyer if the person:

- (i) has attained the specified academic qualifications prerequisite;
- (ii) has satisfactorily completed the specified practical legal training prerequisite; and
- (iii) is a fit and proper person to be admitted to the Australian legal profession.

VLAB will assess and determine an application for a compliance certificate, and if satisfied of the eligibility and suitability of an applicant, VLAB may issue the Supreme Court with a compliance certificate in respect of the applicant.

During the period under review (1 July 2015 to 30 June 2016):

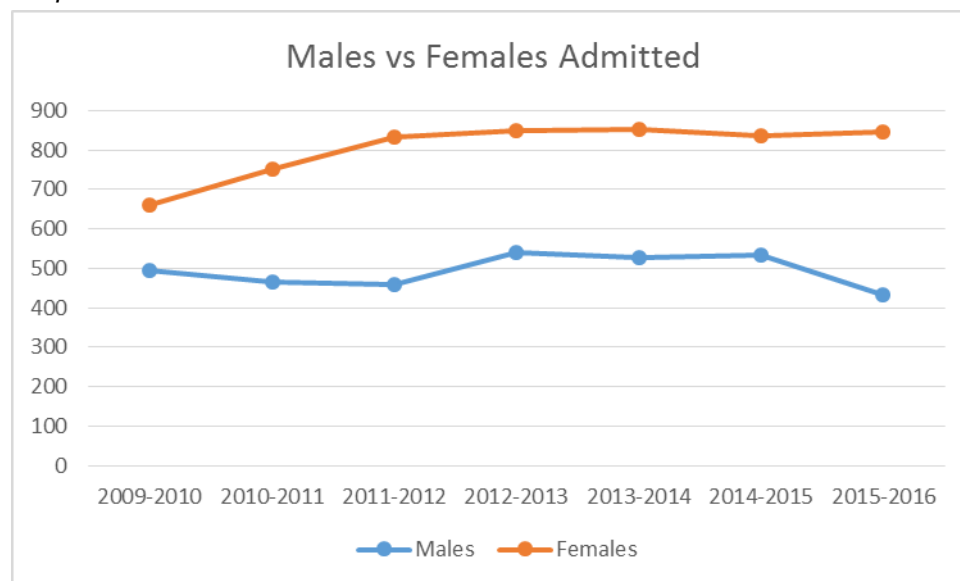
- 1277 persons were admitted who held qualifications in law obtained wholly or partly in Australia.
- 32 New Zealand practitioners were admitted under the *Trans-Tasman Mutual Recognition Act 1997*
- 12 Australian legal practitioners were appointed as public notaries.

### 5.1 Gender Balance

Table 8: Breakdown of Gender Balance

Year (Financial)	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
Number of Females admitted	661	750	834	848	853	837	845
Number of Males admitted	495	464	457	541	526	533	432

Graph 1 :Male Vs Female Admissions

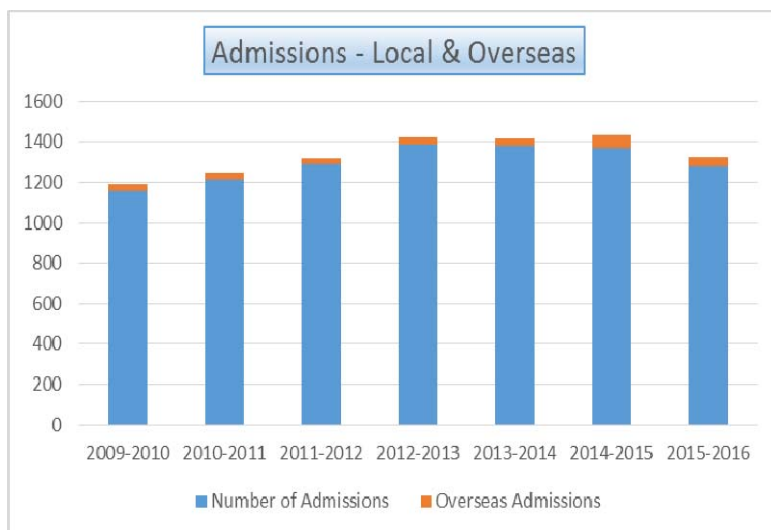


## 5.2 Total Admissions

Table 9: Admissions Including Overseas

Year (Financial)	Total Admissions	Overseas Admissions
2009-2010	1156	33
2010-2011	1214	37
2011-2012	1291	30
2012-2013	1389	32
2013-2014	1379	37
2014-2015	1370	63
2015-2016	1277	49

Graph 2 :Local Vs Overseas Admissions



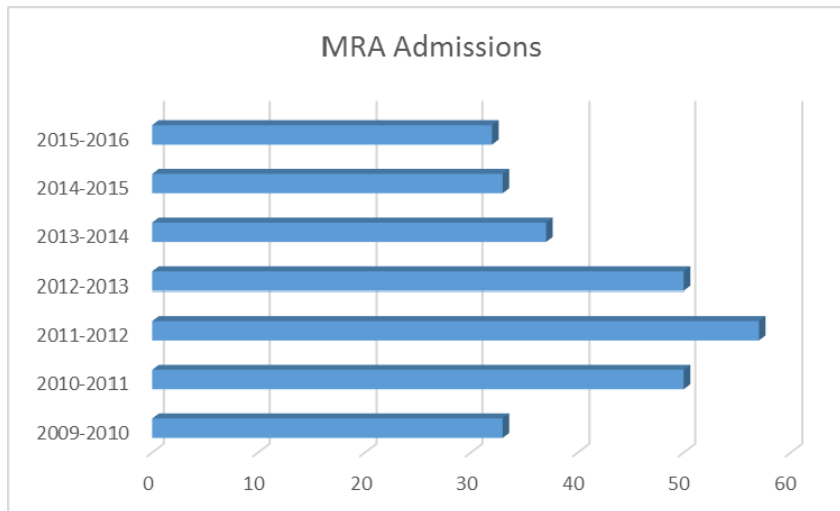
## 5.3 Mutual Recognition Admissions

Table 10: Mutual Recognition Admissions

Year (Financial)	MRA Admissions
2009-2010	33
2010-2011	50
2011-2012	57
2012-2013	50
2013-2014	37
2014-2015	33
2015-2016	32



Graph 3 :Mutual Recognition Admissions

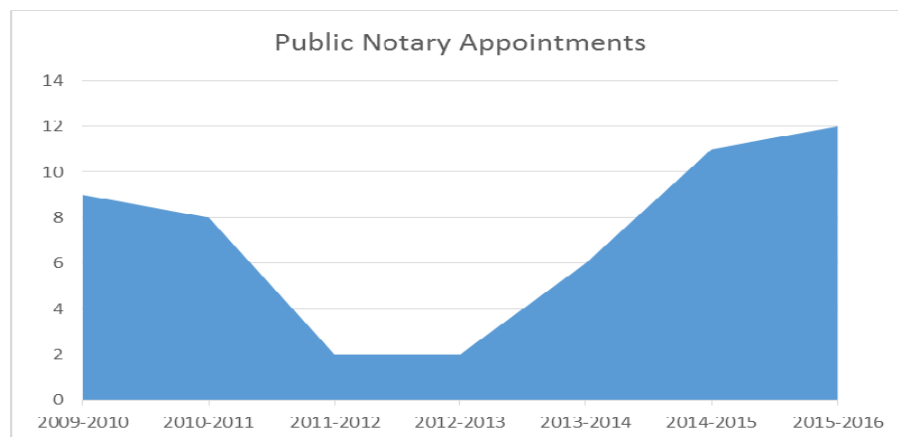


## 5.4 Public Notary Appointments

Table 11: Public Notary Appointments

Year (Financial)	Public Notary Appointments
2009-2010	9
2010-2011	8
2011-2012	2
2012-2013	2
2013-2014	6
2014-2015	11
2015-2016	12

Graph 4 :Public Notary Appointments

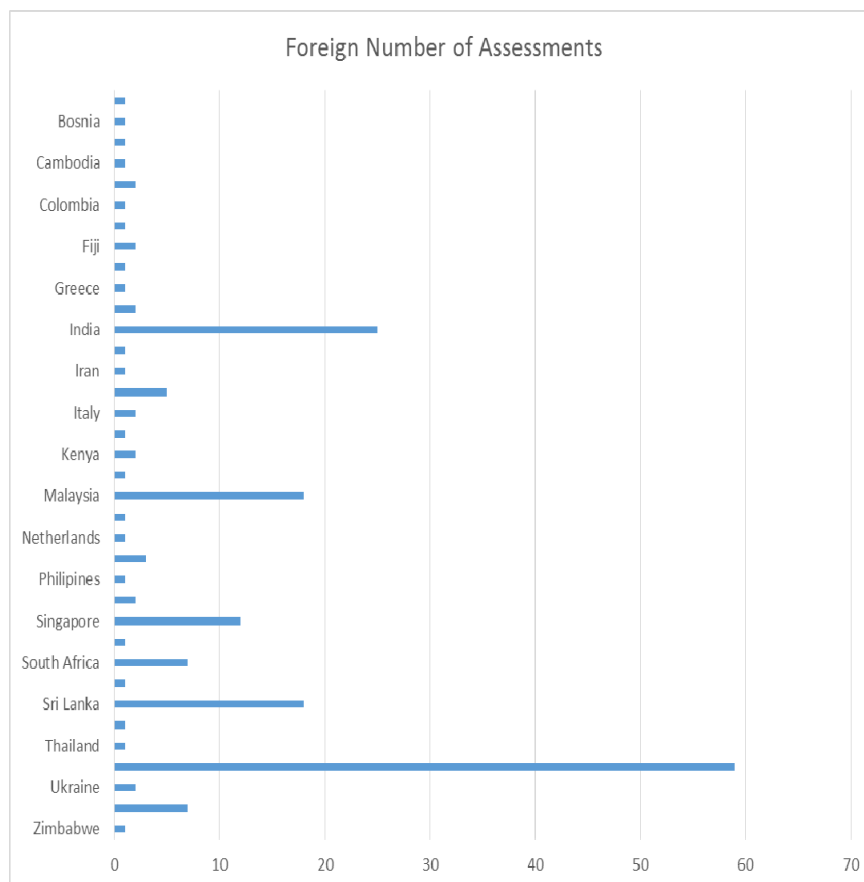


## 6 Overseas Assessments

Table 12: Breakdown of Assessments Received by Country, 2015-2016

Country	Number of Assessments
Bangladesh	1
Bosnia	1
Brazil	1
Cambodia	1
Canada	2
Colombia	1
Egypt	1
Fiji	2
France	1
Greece	1
Hong Kong	2
India	25
Indonesia	1
Iran	1
Ireland	5
Italy	2
Jamaica	1
Kenya	2
Lebanon	1
Malaysia	1
Mauritius	1
Netherlands	1
Nigeria	3
Philippines	1
Scotland	2
Singapore	12
Slovenia	1
South Africa	7
South Sudan	1
Sri Lanka	18
Syria	1
Thailand	1
UK	59
Ukraine	2
USA	7
Zimbabwe	1
<b>TOTAL</b>	<b>188</b>

Graph 5 : Assessments Received by Country, 2015-2016



VLAB has received 188 applications for assessment of overseas qualifications in this reporting period.

The Overseas Application Committee assesses foreign graduates and lawyers for admission and has regard to the “Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Legal Profession (Uniform Principles)” prepared by the Law Admissions Consultative Committee (LACC).

## 7 Accreditation

In the State of Victoria, eight universities have been approved by the Victorian Legal Admissions Board to provide academic law courses:

- The University of Melbourne
- Monash University
- Deakin University
- La Trobe University
- Victoria University
- RMIT University
- Australian Catholic University
- Swinburne University of Technology

VLAB recognises any Australian law degree that meets admission requirements in the Australian State or Territory in which it is obtained provided all of the prescribed areas of knowledge as set out in the *Legal Profession Uniform Rules 2015* are met.

There are four approved practical legal training providers in Victoria:

- Leo Cussen Institute
- The College of Law
- Australian National University
- Monash University (Not currently offering a course)

VLAB recognises PLT courses undertaken in other jurisdictions for the purpose of admission if the course has been approved as meeting the PLT requirements for admission in the Australian jurisdiction which it was completed.

## 8 Concurrent Study

VLAB has received 112 applications for permission to commence PLT prior to completion of a law degree in this reporting period. All but 6 applications have been granted.

The Legal Profession Uniform Admission Rules 2015 provide for a practical legal training course to be undertaken concurrently with an academic qualification in law in the following circumstances:

- (iv) When an applicant has no more than two academic subjects to complete, neither of which are academic requirements for admission;
- (v) When an applicant is enrolled in the two remaining subjects while undertaking a practical legal training course;
- (vi) When prior permission has been obtained from the Board.

## 9 Supervised Legal Training

Supervised legal training is a minimum 12-month period of supervised training under an eligible supervisor during which the trainee must acquire an appropriate understanding of and competence in each element of the skills, values and practice areas set out in the Legal Profession Admission Rules.

Many competencies can be completed within supervised legal training but Ethics and Professional Responsibility, Lawyer's Skills and the Risk Management element of Work Management and Business Skills must be completed through an approved practical legal training provider or another provider approved by the Board. An employer may seek approval to provide training in these areas and that approval will be ongoing

PERIOD	SWT/SLT
July 2010 to June 2011	193
July 2011 to June 2012	258
July 2012 to June 2013	196
July 2013 to June 2014	174
July 2014 to June 2015	159
July 2015 to June 2016	195

## 10 Assessment of Qualifications

Any person relying on qualifications completed more than five years prior to applying for a compliance certificate, must seek an assessment from VLAB.

In circumstances where an academic qualification is more than five years VLAB may require the applicant to undertake further academic subjects or pass any further examinations.

In circumstances of practical legal training, VLAB may require further practical legal training.

In appropriate cases, VLAB will require the applicant to undertake one or more of the following:

- (i) legal research refresher course;
- (ii) academic studies in either or both of Equity and Administrative Law; and
- (iii) additional academic studies

In most cases an applicant will not have previously undertaken practical legal training, however VLAB may require the following training areas to be completed:

- (i) Ethics & Professional Responsibility;
- (ii) Lawyer's Skills;
- (iii) Trust & Office Accounting; and
- (iv) Work Management and Business Skills.

The primary purpose of imposing further requirements is to refresh and renew the previous qualification and experience of an applicant.

During the period under review VLAB assessed 56 applications. 10 applicants were required to undertake 1 to 4 additional subjects.

## 11 Suitability

VLAC determines whether an applicant for admission is of good reputation and character and a fit and proper person to be admitted to the Supreme Court of Victoria.

What is highly relevant to VLAC is the attitude of an applicant at the time of seeking admission to events which occurred in the past. VLAB takes into account the candour with which an applicant discloses past events together with an understanding of their involvement in those events.

VLAC expects a full and frank disclosure and considers all the circumstances and determines whether an applicant is a fit and proper person at the time of making an application.

VLAC has considered 849 disclosure statements and 56 capacity statements during the period reported.

The Chairman and CEO have conducted 52 informal meetings with applicants. The applicant is asked questions about the matters disclosed and the discussion is intended to be frank and honest although informal.

22 applicants have appeared before VLAC at 14 regular meeting.

VLAC has conducted 5 special hearings. Special hearings are held in the Supreme Court where witnesses give sworn evidence. VLAC engage counsel to ask questions of the applicant and make submissions to the Committee.

One applicant was refused a compliance certificate and another applicant was refused but may apply again in the future. All other applicants were issued compliance certificates.

## 12 Document information

### Document details

Criteria	Details
TRIM ID:	N/A
Document title:	Victorian Legal Admissions Board Annual Report 2015-2016
Document owner:	Deborah Jones, Acting Chief Executive Officer

### Version control

Version	Date	Description	Author
V0.1	07.11.16	First draft	Deborah Jones
V0.2	09.11.16	Second Draft	Deborah Jones
V0.3	10.11.16	Third Draft	Deborah Jones
V0.4	05.12.16	FINAL	Deborah Jones