



Law Council  
OF AUSTRALIA

*From the Office of  
the President*

12 February 2010

Mr Roger Wilkins AO  
Secretary  
Attorney-General's Department  
Central Office  
3-5 National Circuit  
BARTON ACT 2600

Glenn Ferguson  
president@lawcouncil.asn.au

Dear Mr Wilkins

I write in relation to the National Legal Profession Reform Project and in particular regarding the paper dated 28 January 2010, submitted by a number of legal profession Consultative Group members concerning the Taskforce Discussion Paper on the Regulatory Framework.

As with my letter to you of 3 February 2010 in relation to the other papers submitted by the Consultative Group members, I generally endorse the comments in this paper and would provide the following additional comments:

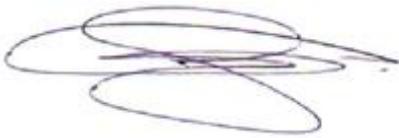
1. The Law Council strongly supports the idea of a National Legal Services Board, as a small national body for setting uniform, national standards.
2. The Board would be assisted in its work of setting national standards by specialist committees which draw heavily on the expertise and experience of the practising legal profession.
3. The primary aim of the Board would be to ensure nationally-consistent regulatory policies and practices and nationally-consistent approaches to interpretation and application of legislation, regulations and national standards.
4. In carrying out its functions, the Board would utilise jurisdictionally-based regulatory authorities operating collaboratively in administering uniform national legislation and standards.
5. If there is to be a National Ombudsman, then there must be a clear delineated line between the roles and responsibilities of the Board as the national standard setter and that of the Ombudsman (the Law Council would prefer the term 'Legal Services Commissioner') as the complaint handler.
6. It would seem that new requirements for the regulation of the profession will be established by the new Act, by Regulations under the Act and by Rules set by the Board. It is essential that only appropriate matters are set out in the Regulations and Rules and any provisions setting out substantive rights and responsibilities should be in the legislation.

In relation to the composition of the Board, the Law Council has already set out its position in this regard in its letter by my predecessor to you of 1 December 2009. To reiterate, the majority of the members of the proposed Board should be appointed by the legal profession and the judiciary, independent of Government.

I understand that there will be no further papers issued by the Taskforce and that the Taskforce will shortly release a package of material including a draft Bill and proposed Rules to be in place for the commencement of the legislation. The Law Council looks forward to the release of this material and to providing comment thereon.

The Law Council is grateful for the continuing dialogue with the Taskforce and expects that the legislative package ultimately released will be much more appropriate and effective through this consultative process.

Yours sincerely

A handwritten signature in purple ink, consisting of several overlapping loops and a horizontal line, positioned below the text 'Yours sincerely'.

Glenn Ferguson