

National Legal Profession Reform

Consultative Group Paper: Guiding Principles

20 August 2009

The Taskforce aims to produce draft legislation and make recommendations on regulatory structures for the uniform regulation of the legal profession across Australia by 30 April 2010. The work will aim to deliver:

- **A national legal profession and a national legal services market through simplified uniform legislation and regulatory standards**
 - Legislation that is uniform in substance and form.
 - The fundamental principles underpinning the national regime will be clearly enunciated.
 - The draft legislation will take a simplified approach by eliminating excessively prescriptive procedures or process in legislation, and by adopting an approach that provides for setting national standards, policies and practices wherever possible and appropriate.
 - There should no longer be a distinction between core and non-core provisions, uniform and non-uniform provisions.
 - Ensure that legal practitioners can move freely between Australian jurisdictions and that law practices can operate on a national basis.
 - Increase the competitiveness of Australian law practices and facilitate the international legal services market.

- **Clear and accessible consumer protection, so that consumers have the same rights and remedies available to them regardless of where they live**
 - Enhance the protection of consumers of the services of the legal profession and the public generally.
 - Empower consumers to make informed choices about the courses of action they pursue and the costs involved.
 - Aim to protect consumers from poor quality or unethical legal advice or representation.
 - Provide a quick, cheap and efficient complaints resolution scheme.
 - Create consistency in complaints-handling and discipline across jurisdictions.
 - Produce a system that takes into account the different needs of retail and large corporate consumers.

- **A system of regulation that is efficient and effective**
 - Regulation should be directed at those areas where it is needed and should be effective and proportional to the issue being addressed.
 - Regulation should be aimed at reducing the administrative burden and reducing costs for Australian law practices/businesses.
 - Establish mechanisms for ensuring that regulation remains robust, relevant and effective over time – responsive to future challenges.
 - Create certainty and confidence in regulatory machinery and the administrative policies and practices that put it into operation.