



Hon Greg Smith SC MP

Attorney General
Minister for Justice

MEDIA RELEASE

24 June 2011

LEAD ROLE FOR NSW ON NATIONAL PROFESSION

The NSW Government will take a leading role in the national regulation of the legal profession, NSW Attorney General Greg Smith announced today.

“Lawyers, law practices and consumers alike will benefit from these national reforms,” Mr Smith said.

“Streamlined legislation and a uniform set of national rules will result in simpler regulation, greater flexibility within the regulatory system and consistent consumer protections across Australia.”

The Council of Australian Governments, with the exception of South Australia and Western Australia, gave in-principle agreement to the proposed national scheme at its February 2011 meeting. The reforms are part of COAG’s commitment to deliver a seamless national economy.

“As the dominant player in the Australian legal services market, Sydney would be the most appropriate place to establish the new national regulators, the National Legal Services Board and Commissioner,” Mr Smith said.

The proposed scheme will substantially reduce red tape for the legal profession and provide uniform protection for consumers against overcharging and other misconduct.

“NSW lawyers are trusted advisors to local and international businesses and the legal profession also plays an essential role in ensuring access to justice for our community. Less red tape will allow lawyers to spend more time servicing the needs of this diverse range of consumers.”

“In addition, a single national practising certificate will entitle NSW legal practitioners, many of whom are leaders in their field, to practise in any location across Australia.”

The national law will protect consumers by placing an overriding duty on law practices to:

- charge fair and reasonable legal costs;
- take reasonable steps to satisfy themselves that the client understands and consents to the proposed course of action and costs; and,

- ensure that a principal of their practice takes responsibility for bills for legal services (in cases of overcharging, the principal could be subject to disciplinary proceedings, along with other practitioners who issued or authorised the bill).

There is also a new consumer complaints regime designed to resolve disputes with law practices more efficiently. The process, to be conducted by independent bodies in each State and Territory, will encourage parties to reach an agreement through mediation.

“A range of new, more flexible, remedies will be available to assist in resolving disputes between consumers and lawyers, giving consumers access to the types of resolutions that they have told the Reform Taskforce they want,” Mr Smith said. “Often, a simple apology is all that the consumer is after.”

In NSW, the Office of the Legal Services Commissioner would continue to handle complaints and investigate allegations of unsatisfactory professional conduct and professional misconduct.

The package for national regulation of the legal profession was developed in consultation with Attorneys General, the courts, the legal profession and consumers. More than 160 submissions on the reforms were received during the consultation period last year. COAG is expected to consider the reforms next month.