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6 November 2009

Mr Roger Wilkins AO
Chair, National Legal Profession Reform Taskforce
Office of the Secretary
Attorney-General's Department
3-5 National Circuit
Barton ACT 2600

Dear Mr Wilkins

Re: Council of Chief Justices & National Legal Profession Reform Taskforce

As you are aware, Mr Laurie Glanfield AM and Mr Bill Grant, both members of the National Legal Profession Reform Taskforce attended the meeting of the Council of Chief Justices held in Adelaide on 21 October 2009. Mr Glanfield gave the Council a clear and comprehensive overview of the possible legislation models for national legal profession reform and the preferred "applied laws" model.

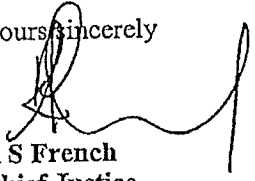
Members of the Council have asked me to express their concern that any proposed model must maintain independence of the legal profession from the Executive Government. That independence is a corollary of the independence of the judiciary. Reflecting that independence, the majority of the members of the National Legal Services Board should be members of the legal profession appointed independently of governments and of the Standing Committee of Attorneys-General. The issue of independence is most acute in relation to the setting of ethical standards. The Council would be concerned if the National body, particularly if appointed wholly or entirely by the Standing Committee of Attorneys-General were to be given the power to set ethical standards capable of enforcement through processes of delegation or direct conferral of power upon State agencies. The Council is also of the view that it would be appropriate that the Chair of the proposed Board be appointed by the Council.

The Council is happy to continue the current arrangements under which Mr Andrew Phelan acts as an observer on its behalf on the National Legal Profession Reform Consultative Group.

As more details of the preferred model emerge, individual members of the Council may be in communication with their own Attorneys-General. Council looks forward to being kept informed through Mr Phelan of the deliberations of the Taskforce.

Once again our thanks to Mr Glanfield and Mr Grant for their attendance at the meeting of the Council.

Yours sincerely


R S French
Chief Justice