



THE LAW SOCIETY OF SOUTH AUSTRALIA

MEMORANDUM

TO: Conference of Law Societies and Bar Associations

FROM: Richard Mellows, President

DATE: 25 November 2009

SUBJECT: COAG National Legal Profession Reform Project
Proposed Model of Regulation

Further to the agreement reached by CEO's at the teleconference of 24 November 2009, please find below the Law Society of South Australia's comments in relation to COAG's proposed model of regulation.

The Discussion draft proposes a National Legal Services Board appointed by SCAG.

The Society rejects any model which undermines the independence of the legal profession. In this regard it strongly endorses the comments of the Chief Justice of the High Court in his letter of 6 November 2009 and the comments of the Chief Justice of New South Wales in his letter of 13 November 2009, that any proposed model must maintain independence of the legal profession from the Executive Government.

Specifically, we submit that (as stated by Tony Abbott in his letter of 3 November 2009 to Professor Lavarch)

1. the Board should include and probably be chaired by a current or recently retired judge of eminence;
2. the great majority of members of the Board should have substantial practising legal profession experience;
3. at least one of the members of the Board should be or have had experience as a legal profession body representative;
4. the Board should number at least seven;
5. the members of the Board, and the principal executive servicing the Board, should only be appointed after meaningful consultation with the President of the Law Council (at least - it would be expected that the President would in turn consult with State and Territory legal professional bodies and others). This should be an express legislative requirement.

LSSA believes the appointment referred to in (5) should be independent of Executive Government.

We also contend that the Board should be legislatively required, before promulgating national standards and policies, to consult meaningfully with the LCA and State legal profession bodies.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Richard Mellows", with a horizontal line underneath it.

Richard Mellows
PRESIDENT