
Guidance and information

New ACCC commissioner



Mr Ed Willett, was appointed commissioner on 20 January 2003. He has taken over the chairmanship of the ACCC Energy Committee from Commissioner John Martin and is now responsible for energy matters. Commissioner Martin continues as a member of the energy

committee.

Mr Willett is also a member of the enforcement committee.

ACCC submission to SCAG on regulating national rules for the legal profession

In November 2002 the Commission provided a submission to the Commonwealth Attorney-General, the Hon. Daryl Williams, in response to the Standing Committee of Attorneys-General report on proposed model national laws governing Australia's legal profession.

The Commission welcomes the development of a national framework for legal practitioners. The Commission believes that the development of a more integrated market for legal services in Australia would benefit consumers and the legal profession.

The submission's main recommendations included:

- adopting a more flexible and targeted approach to the licensing of legal professionals which may provide a public benefit. The Commission suggested that the Ontario Health legislation

may provide a model worth considering for regulating the Australian market for legal professionals and associated professions.

- removing the functional separation between barristers and solicitors by introducing common admission. This would enhance the commercial choices available to legal practitioners and their clients for advocacy services, reduce barriers to entry to the advocacy services market, and increase competition between advocates.
- introducing flexible practising certificates so that practitioners are free to choose the style of practice that best suits their professional and commercial objectives and the needs of their clients.
- introducing measures so that the practising certificates of lawyers who have been admitted to practice in any other Australian jurisdiction would be automatically recognised.
- maintaining compulsory professional indemnity insurance. However, individual lawyers should be free to choose the insurer that best meets their needs as long as coverage complies with set minimum requirements.
- having appropriate complaints-handling and dispute-resolution mechanisms to ensure adequate consumer protection in the legal services market. Complaints-handling mechanisms should be consumer friendly and not controlled by the profession. It is in the public interest that complaints-handling and dispute-resolution mechanisms are governed by an independent regulator.

The Commission welcomes the report's proposal for full disclosure of legal costs by legal practitioners to their clients to enable consumers to give financial consent before engaging the services of a legal practitioner.

The Commission's submission also recognises that while there is a need for uniformity across the Australian jurisdictions, it is important to keep in

mind that uniformity for its own sake is not sufficient. Indeed, a national scheme could well be developed and still retain some unjustified restrictions on competition. The Commission believes that it is essential to ensure that moves towards a more uniform national regulatory framework do not impose restrictions on competition, beyond what is strictly necessary to protect users of legal services and the public interest.

Extension of mandatory standard expiry dates

Sunglasses

The consumer product safety standard for sunglasses and fashion spectacles was originally scheduled to terminate on 31 December 2002. This was extended to 30 September 2003 in Consumer Protection Notice No. 8 of 2002, as published in the *Commonwealth of Australia Gazette*, No. GN 50 of 18 December 2002.

The extension of time is to allow Commonwealth Treasury to undertake further research, inquiries and analysis of submissions. The Treasury will then complete a comprehensive regulation impact assessment on the need for a mandatory standard for sunglasses and fashion spectacles.

Portable fire extinguishers

The consumer product safety standard for portable fire extinguishers was originally scheduled to terminate on 31 December 2002. This was extended to 31 March 2003 in Consumer Protection Notice No. 9 of 2002, as published in the *Commonwealth of Australia Gazette*, No. GN 50 of 18 December 2002.

The extension of the expiry date for portable fire extinguishers is also to allow Commonwealth Treasury to undertake further research, inquiries and analysis of submissions to complete a comprehensive regulation impact assessment on the need for a mandatory standard for portable fire extinguishers.

Amendment to disposable cigarette lighter regulations

On 20 December 2002 the Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Amendment Regulations 2002 were introduced. The amendment, which was effective from 1 March 2003, widens the application of the regulations to cover lighters imported into Australia, or supplied under an ex-works agreement, up to the value of \$5 (previously \$2).