

30 July 2010

Mr Warren Mundy
Associate Commissioner
Productivity Commission
GPO Box 1428
Canberra City ACT 2601, Australia

Email to regulatoryburdens@pc.gov.au

Dear Commissioner,

Annual Review of Regulatory Burdens on Business: Business and Consumer Services

Thank you for the opportunity to contribute to the Review of Regulatory Burdens on Business.

This submission is forwarded in my capacity as Legal Services Commissioner and as Chief Executive Officer of the Legal Services Board. The Legal Services Board is an independent statutory authority responsible for the regulation of the legal profession in Victoria. The Legal Services Commissioner has a statutory responsibility under the *Legal Profession Act 2004* (Vic) to handle complaints against legal practitioners including disputes between law practices or legal practitioners and clients. I have considered the submissions of the Law Council of Australia, Courtyard Legal Salvation Army and others particularly in relation to the impact that different regulatory schemes may have on legal practitioners providing pro bono assistance to disadvantaged or vulnerable consumers on migration matters.

It is my view that there is an absence of experience to suggest that the regulatory costs for legal practitioners providing migration services are excessive, in light of the consumer protection benefits of migration services regulation. I recommend that MARS ought to be preserved in its current form. I acknowledge the possible negative impact of dual regulation on consumers of pro bono migration services. In that regard, I consider that the Salvation Army's proposal for the provision of migration services in refugee and humanitarian cases and for family stream visas warrants consideration.

Given the commitment of the Office of the Legal Services Commissioner and the Legal Services Board to the minimisation of regulatory burdens, I support any efforts to improve the interaction between local legal services regulation and MARS. Both agencies are willing to contribute to any future work in this area, such as establishing a nationally consistent approach to the referrals process between agencies.

If you wish to discuss this matter further, please contact Nicole King, Manager, Policy, Legal Services Board.

Yours faithfully

Michael McGarvie
Legal Services Commissioner
& CEO Legal Services Board