

BALANCE

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Legal Aid Contingency Fund almost ready to go

A trust deed to amend the *Public Purposes Trust Act* and allow a seeding grant to establish the Legal Aid Contingency Fund (LACF) has been executed by Council as Trustee and approved by the Attorney-General.

To formalise the seeding grant of \$200,000 the deed must be tabled at the next parliamentary sittings.

The LACF is consistent with WA's Litigation Assistance Fund and SA's legal insurance scheme in that it is designed to assist middle Australia.

In the case of WA's scheme, applicants' cases are assessed by a panel of practitioners.

Meritorious cases with a good chance of success are funded and, in the event of success, the money plus a small amount of interest is repaid.

The NT's Legal Aid Contingency Fund is somewhat different in that only disbursements are funded, and firms or practitioners will be required to "punt" the action.

Merit and the chances of success, however, are the criteria by which cases will be considered.

The Fund should ease the financial burden on people who are ineligible for legal aid, but who cannot afford to fund an action.

The Legal Aid Contingency Fund will not be widely advertised, but will rely on solicitors referring cases to the assessment panel for consideration.

The President of the Law Society, Neville Henwood, said although the fund is relatively small, it is a very good starting point for the Northern Territory.

"It is a credit to the profession in the NT that we are able to set up this type of fund.

"Some states don't have anything like this," he said.

"Other states took years to agree on the best way of providing some sort of financial relief to middle-level income earners."

The LACF will be administered by the Legal Aid Commission which means that no money from the fund will be spent on administration.

The fund will provide disbursements only for civil cases.

Mr Henwood said Council of the Society had considered its options and decided that the most efficient and least costly method would be to set up the fund under the administrative umbrella of the Legal Aid Commission.

The *Legal Aid Act* provides for the establishment of the LACF.

The Fund will have its own assessment panel and procedures, the finer points of which have yet to be resolved.

Mr Henwood said the Society expects that the fund will be operative by October or November this year.

New Council elected

The Law Society has a new Council following the Annual General Meeting last month.

The new President is Neville Henwood of Cridlands.

Terry Gardner (Australian Government Solicitor) is the Vice-President.

Judith Kelly (Philip & Mitaros) is Secretary and Jan Macpherson (Noonans) is Treasurer.

Evergreen Max Horton (Martin & Partners) remains the Alice Springs representative.

Other Councillors are: Diana Elliott (Waters James McCormack), Allison Cassells and John Neill (Ward Keller), Richard Coates (Legal Aid Commission), David Anderson (Department of Law), David Farquhar (Cridlands).

Outgoing Councillors were David Alderman (Ward Keller), Leanne Robertson (Department of Law) and Brian Cassells (William Forster Chambers).

John Stirk (McBride and Stirk) will remain as Immediate Past President.