

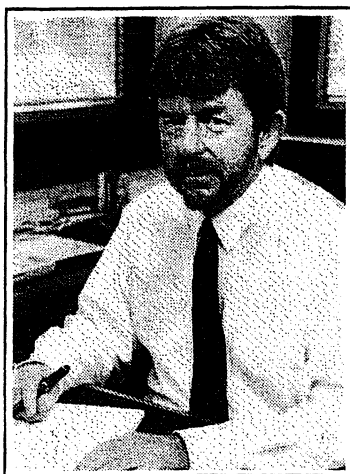
BALANCE

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Law Society of the Northern Territory

Justice Riley Supreme Court of the Northern Territory



Justice Trevor Riley

The Northern Territory Legal Profession is extremely pleased and honoured by the appointment of Trevor John Riley QC to the Bench of the Supreme Court of the Northern Territory.

Although Western Australian born, His Honour is a very distinctive product of the Northern Territory and of the Northern Territory Bar. He made his decision to go to the Bar in a canoe he and Graham Hiley QC were rowing down the Katherine River!

His Honour was educated at Merredin Senior High School in Western Australia and at the University of Western Australia. Thereafter, in rapid succession, His Honour completed articles of clerkship at Darbyshire, Gillet and Huelin in Perth, was admitted as a barrister and solicitor in the State of Western Australia and became a partner in the law firm Huelin, Gladstone and Riley.

After 3 years of practice in Western Australia His Honour decided to travel the world. He got as far as Darwin. In 1974 Ian Barker retained him as an employed solicitor with the Darwin firm Withnall and Barker. His Honour joined Ward Keller in 1975 and became a partner in that firm in 1977.

His Honour was called to the Bar in the Northern Territory in 1985 - he signed the Bar Roll on 1 April 1985. Despite the date he was not playing a practical joke on his partners at Ward Keller. His Honour quickly built a substantial general practice in Work Health, personal injuries, insurance and commercial law. He took silk on 28 April 1989. After taking silk His Honour's practice continued to expand, particularly in equity, commercial and administrative law.

His Honour has appeared in the High court many times including appearances in the case of Perrett v Robinson (1987-88) 169 CLR 172 (as junior counsel to David Bennett QC) (conflict of laws, assessment of damages); Secretary, Department Health and Community Services

Deregulating the Profession

As a result of the national move to implement a national legal services market and the national competition policy significant changes are proposed to the structure of the legal profession in the Northern Territory. The Council of the Law Society believes the following changes should be made.

Travelling Practising Certificates

To date a person could not practice as a legal practitioner in the Northern Territory without being admitted in the Northern Territory. NSW, Victoria, ACT (and soon SA) have all passed legislation to entitle interstate practitioners to practice within each other's jurisdiction without seeking admission in the new jurisdiction. This scheme (of, in effect, full mutual recognition) has been labelled the Travelling Practising Certificate scheme. It operates in a similar way to the way in which interstate drivers licences operate.

The Northern Territory Law Society has agreed to enter into this scheme and has made arrangements with the Law Council of Australia to recoup revenue lost from Northern Territory admissions.

Professional Conduct Rules

To assist in practice across borders and to update the Professional Conduct Rules of the NT the Law Society has also reviewed the national Model Rules of Conduct and Practice and believes the existing NT Professional Conduct Rules should be replaced by the plain English national Model Rules of Professional Conduct and Practice.

A paper on, and comparison of, the national Model Rules of Professional Conduct and Practice and the NT Professional Conduct Rules is available from the Law Society.

Legal Companies not Guaranteed by Directors

Law firms and practitioners are already able to use all the ordinary forms of business structures to carry on their practice. That is, legal firms may be sole traders, partnerships or corporations.

It is now proposed to remove the provision in the *Legal Practitioners Act* which provides that the directors must personally guarantee all the debts of a legal practice company. Therefore, lawyers may obtain the same benefits of incorporation (most notably limited liability) as other businesses in the community.

Subject to the following comments on multidisciplinary practices restrictions would remain on the directors, secretaries and shareholders of legal companies.

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Justice Riley - Supreme Court of the Northern Territory

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v JWB & SMB (1991-1992) 175 CLR 218 (jurisdiction of the Family Court to authorise sterilisation of intellectually disabled minors); PMT Partners Pty Ltd (In Liq) v Australian National Parks and Wildlife Service (1995) 184 CLR 301 (commercial arbitration, agreement to arbitrate); Newcrest Mining (WA) Ltd v The Commonwealth (1997) 71 ALJR 1346 (constitutional law, power to acquire property, just terms, Territories). Re Z (still to be decided) (constitutional law, inconsistency Community Welfare Act (NT) with provisions of Family Law Act). He appeared on behalf of the Northern Territory Government in the Royal Commission into Aboriginal Deaths in Custody. He also has the distinction of having acted for the plaintiff who obtained the highest damages verdict in Australia in a personal injuries case (Rosecrance v Rosecrance 105 NTR 1).

His Honour enjoyed life at the Bar to the full. Indeed, he flourished in its mix of friendship, intellectual challenges and plain hard work. Justice Riley's services as a barrister were eagerly sought by both the Commonwealth and Northern Territory Governments and the largest firms for their important cases. Nonetheless he made time to contribute a great deal to the life of the Bar, to junior practitioners and students and to the community. His Honour was Junior Vice President of the Australian Bar Association (1993-

1994), Vice President of the Law Society of the Northern Territory (1989) and President of the Northern Territory Bar Association (1993 to 1997).

He served on one of the most important statutory bodies associated with the legal profession, the Legal Practitioners Complaints Committee and was also a member of the Law Reform Committee.

His Honour is well known in the Darwin community. He is a former Vice President of the Marriage Guidance Council and is a Commander in St John's Ambulance. He was a founding member of the Northern Territory Football League and is a past Commissioner of the League's Disciplinary Tribunal.

As a barrister, His Honour had an interest in training students and junior members of the profession in Advocacy and Civil Procedure. He has been a part time lecturer in Civil Procedure and an Occasional Lecturer in Advocacy at the Northern Territory University. He has also been a member of the Law Faculty Board at the university.

In 1996 and 1997 His Honour was a member of the Instructing Team for the Intensive Trial Advocacy Workshops conducted in Dhaka, Bangladesh by the Australian Bar Council and the Bangladesh Bar Council.

His Honour has agreed to write a column in Balance on Advocacy.

As a legal practitioner, His Honour always displayed discipline, sacrifice and a sense of duty to the Court and to his client. He had the great gifts of being able to organise the presentation of large cases and for expressing difficult points of fact or law in simple language. The essence of His Honour's work as a legal practitioner has been careful and detailed preparation.

His Honour has the confidence, support and best wishes of the members of the Law Society. We warmly congratulate His Honour on his appointment.



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