

Ferae naturae

by Maria Ceresa, Executive Officer



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One of the best things about the Territory is the eternal optimism and "can do" attitude of its citizens. And in the past six months an active Council of the Society has turned "can do" into "will do" and in many instances has "done".

The impetus has been the strategic plan outlined in January and the energetic leadership of President, Steve Southwood.

My initiation, of course, were the Law Weeks - plural because they happened in Alice Springs as well as Darwin, so both events allowed me, along with Justice Terry Worthington, to get to know many in the profession in ways that would otherwise have been impossible. The diversity of the profession, and the many difficulties and challenges they face, became quickly apparent.

This was followed by all the fun and educational benefits of the schools mock trial competition, with Katherine triumphant.

Then there was the robust debate provoked by the National Legal Services Market seminars in Darwin and Alice Springs. As a result legislation for the national practising certificate is expected to be introduced in November. Positions concerning the more contentious national changes are being developed by the hardworking Legal Structure Committee.

Other hardworking committees include the Access to Justice Committee tackling the question of delay (see front page) while the newly formed Interpreter Services Committee looks at positive steps to improve the access of Aboriginal people to interpreters.

Further the Constitution Committee of the Law Society of NT has drafted some much needed changes to our constitution. This will be received by members along with AGM agenda prior to the 9 September meeting.

The profile of the Law Society in the local media has been substantially lifted, with comment requested on all manner of legally related subjects including mandatory sentencing.

If that's not enough - work on a complaints manual has started and a committee is being convened to plan a Sports and the Law seminar to coincide with next year's Darwin Cup Carnival.

With much achieved and a lot to accomplish it's time for some fun and Salsa at the Law Society's annual dinner on September 4.

I'll see you there!

Greater competition for Commonwealth legal work

Australia's legal profession enters a new era from 1 September this year as Commonwealth Government agencies will be able to use private law firms for most Commonwealth litigation.

Agencies are currently able to use a private law firm for most types of legal work but work involving litigation in court has been tied to the Australian Government Solicitor and requests by agencies to use private law firms to undertake this work have required consideration on a case by case basis by my Department.

For private law firms, the untying of most litigation represents a significant change in the type of legal work that they will be able to offer agencies.

Arrangements to provide legal services and, in particular, the choice between in-house or external lawyers, and, where applicable, the selection of external lawyers remain primarily matters for individual agencies. Given the increased scope of legal services now able to be provided by private lawyers, it is likely that agencies which have not already tendered for legal services will consider doing so.

However, these decisions are for agencies to make, having regard to their responsibility for ensuring that the legal work undertaken for them is handled efficiently,

An article by Commonwealth Attorney General the Hon Daryl Williams AM QC MP

effectively and provides value for money.

Some areas of Commonwealth legal work (primarily Constitutional, Cabinet, national security and public international law) will continue to remain tied to Government lawyers, both in litigation and other legal work. This will allow consistent interpretations and applications of these central areas of law to be maintained.

The Australian Government Solicitor will be a separate statutory authority within my portfolio, with the Minister for Finance and Administration and myself as joint shareholders. It will be financially independent from the Commonwealth and mechanisms have been put in place to ensure that it will not enjoy any net competitive advantage over its competitors by virtue of its public ownership. In particular, it will be required to pay dividends to the Commonwealth and to make tax equivalent payments.

Legal Services Directions will be designed to ensure that Commonwealth

legal work is carried out at a high standard and consistent with the public interest. The Directions will set general rules or provide specific instructions regarding the conduct of the Commonwealth's legal affairs. General Directions, largely based on existing policies and guidelines applicable in this area, will be in place from the commencement of the Act.

The Office of Legal Services Coordination (OLSC) within my Department has prepared draft Directions for my consideration and will also be responsible for providing advice on the Commonwealth legal services market. The reforms to the Commonwealth legal market will allow private firms to contribute their expertise to the delivery of almost all Commonwealth legal services.

Agencies will have greater flexibility to choose from a market that will be competing to provide quality services at the best value, whilst ensuring that appropriate safeguards are in place.

Further information about the reforms to the Commonwealth legal services market and the current policies relating to Commonwealth legal services is available on OLSC's website at www.law.gov.au/olsc.