

President's Column

The National Legal Services Market Seminar held at the Supreme Court earlier this month has served to focus Northern Territory practitioners on market changes occurring in other jurisdictions and to enable the NT profession to take an active role in change which is preferable to having the landscape altered without input.

The day-long seminar, officially opening by Attorney General Mr Denis Burke, was well attended by more than 50 practitioners who were addressed by the Dean of the Law Faculty at the Northern Territory University, Ms Sue Oliver and three knowledgeable interstate speakers, Jack Rush QC, Ron Heinrich and Paul McCafferty.

Sue Oliver has previously prepared papers on the National Legal Services Market which are available to practitioners on request from the Law Society.



Jack Rush QC, Victorian Bar Association and Sue Oliver, Dean of the Law Faculty of the Northern Territory University, were two of the presenters at the National Legal Services Market Seminar.

The papers from this seminar are available from the Law Society. A video presentation of this Seminar will be held in Alice Springs on Friday July 7, 1999.

At the conclusion of the seminar it was apparent that there was broad acceptance of the move to a travelling practising certificate regime. This was heartening as the Northern Territory has lagged behind the rest of the country on this issue. The Travelling Practising Certificate is the cornerstone of the national competition policy.

As a result of this broad acceptance the Council of the Law Society has resolved to make recommendations to the Attorney General on "going ahead" with travelling practising certificates.

Joining the scheme from the NT practitioner's point of view means when travelling to member states such as NSW, Victoria, South Australia or the ACT, there will no longer be a requirement to apply, and pay for, a practising certificate in those jurisdictions and vice versa.

If the Alice Springs practitioners, who have not attended the seminar on travelling practising certificates as yet, have objections to this course they should contact the Law Society.

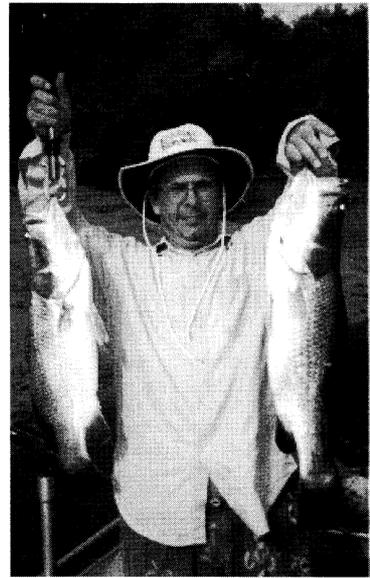
In contrast the issues of capping of liability, reservation of work for lawyers and the issue of Multi-Disciplinary Practices, although supported by the majority of practitioners, proved to be more controversial. I urge all Alice Springs practitioners to attend the 9 July seminar to voice their opinions on all these matters.

After the Alice Springs profession have had a chance to view the video tape at the seminar and discuss these issues, the Law Society's Legal Structure Committee will meet to develop final recommendations to government on these matters.

This position will be circulated widely among the profession for comment.

Those in any doubt about the affect the national arena can have on the local profession need look no further than across the border to Western Australia where the Australian Competition and Consumer Commission has moved to stamp out anti-competition policies in legal practice.

As reported on Radio National's program The Law Report, two Perth cases



Society President, Steve Southwood, urges Law Society members to swim with the big fish.

have highlighted the importance of ensuring all advice complies with pro-competition principles as the ACCC will take action against practitioners to ensure compliance with the Act.

One involved the ACCC taking a lawyer, accused of Third Line Forcing in a house sale conveyancing scheme, to court. In this case the vendor in a sure-sale would tell clients that they would sell their house as long as settlement and conveyancing services came from a particular law firm. The case was recently settled.

In the second case the ACCC alleged a lawyer who assisted their landlord client extract a \$70,000 premium out of a lessee who failed to extend their lease in time. The ACCC argues the lawyer's involvement by way of drawing up the lease documents, by negotiating that figure was unconscionable.

The radio program suggested there was a fear among the legal profession that if practitioners, were unfairly targeted by the ACCC for trying to give honest advice, they may become more conservative.

The import of these changes cannot be underestimated. I am of the firm view that we have to swim in the same direction as practitioners in the rest of the country. Otherwise sooner or later the Northern Territory profession will find itself under increasing pressure from all directions and change may be imposed.

We have to swim with the big fish. I call on all members of the profession to be involved in the changes being considered.