

PRO BONO PUBLICO

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It seems that every silver lining has a cloud, and for the Federal Government, and probably others as well, the pro bono trend has come back to bite it. The Tampa crisis is an example in point. The lawyers who have provided the pro bono service for the refugees have been criticised in the same way as we have faced criticism for our opposition to the mandatory sentencing regime: an unfair assertion that they have used the law to usurp the well being of the people. Interesting, isn't it, that work pro bono publico can be said to be male publico. Even worse, there is some suggestion that the Federal Government will seek costs from those representing the refugees. I guess it depends on the 'publico' the politicians say they speak for.

Therein lies the difference between the high profile work, and the everyday work that comprises our contribution to society. Neither should be preferred in opposition to the other as both, regardless of what politics are yours, are for the benefit of our public, for the independence of the law should know no preferences.

The new movement ignores the fact that many of the profession provide legal services for free, but, in the main, that fact is not known by the public. Pound for pound I would expect the old way exceeds the benefit of the new, but it is the new that takes the glory, and seems to be leading the profession to believe that free work should be provided in that way. I think that would be a mistake.

What should be done is that the publicity imbalance needs to be addressed. How that might be done is something the Society will work on during the coming year. In order for us to be able to do this, we need to have the profession provide us with the information to do so. We will be circulating a 'pro bono' questionnaire to all the profession so that we compile a pro bono register, and, with the permission of the members and the consent of the recipients, will be using the information in a campaign to bring awareness to the public of the benefit it receives from the profession.

So, get out your trumpets and let us hear your call!

BIENNIAL AUSTRALIAN LEGAL CONVENTION

Northern Territory legal representatives joined over 450 registrants at the 32nd Australian Legal Convention titled "2001 — The Century of Federation: rights and responsibilities of governments; rights and freedoms of individuals" held at the Hyatt Hotel in Canberra from 11 - 14 October 2001.

The Convention followed a "meeting of meetings" format with a range of committees and associations gathering over the four day period. Plenary sessions included eminent speakers, the Hon Justice Michael Kirby, the Hon Chief Justice Murray Gleeson and the Hon Daryl Williams.

With the Convention focus on the Century of Federation, delegates were addressed on the challenges of cooperative federalism and the state of the judiciary and legal profession in a contemporary and historical context.

The Hon Justice Michael Kirby's opening address examined the Australian constitution and reflected on the impact of the events of 11 September on the world, its economy, its confidence and legal systems.

Chief Justice Murray Gleeson considered issues for members of the judiciary and courts, including costs and delay, the impact of information technology, judicial management and training, and guidelines for judicial conduct and review.

Federal Attorney-General Daryl Williams argued strongly for a truly national legal profession.

"In my view, the capacity of Australian lawyers to provide top quality legal services both domestically and internationally has been hindered somewhat by the lack of a national regulatory framework for the legal profession in Australia. Until we remove the barriers that prevent lawyers in different states and territories from practising on an equal footing, we run the risk of impeding the growth of the Australian legal profession both domestically and internationally," he said.

Law Council of Australia President Ms Anne Trimmer challenged attacks made on the legal profession by commentators. She highlighted the "extraordinary acts" done by "ordinary lawyers" undertaking pro bono work, arguing that the impact of the commercial world has not removed the "social trustee" characteristic of the profession.

Law Society President Ian Morris, Immediate Past President and Law Council of Australia (LCA) member Jon Tippett and LCA Executive member Steve Southwood QC attended the Convention. Steve Southwood was reelected as a LCA Executive member following the Annual General Meeting held on Saturday 13 October.

Other Territory delegates who attended sessions included Law Society Executive Officer Maria Ceresa, LawAsia Acting Director Janet Neville and Legal Aid Director Richard Coates.

"I didn't get to attend many of the plenary sessions," said Mr Coates. "I was overloaded attending a range of meetings. The first two days I was at a National Legal Aid meeting, followed by a LCA Access to Justice Committee meeting. I also went to an AIJA meeting and a LCA Criminal Law Liaison Committee meeting."

Mr Terry Coulehan, Master of the Supreme Court of the Northern Territory, attended a national meeting of Masters. President of the NT Bar Association Mr John Reeves QC joined other Bar Association presidents for a Bar Leader's forum.

Two lawyers from Cridlands made the journey to Canberra. Samantha Miles was present for the Equalising Opportunities in Law Committee meeting. Guy Riley joined the Property Group meeting.

Reinis Dancis, President of the NT Young Lawyers Association met with young lawyer representatives for a national meeting. His report of the meeting is on page 15 of this *Balance*.