

National scheme: view from the Territory

On the face of it the idea of a uniform legal profession is pretty innocuous. In fact many of the principles expounded in the documents prepared by departmental officers in the lead up to the Standing Committee of Attorney-Generals (SCAG) outline objectives and standards that the Law Society Northern Territory is striving to achieve.

The NT profession has to date embraced moves to a national profession with the introduction of the National Traveling Practising Certificate and the adoption of the national rules of professional conduct and practice.

A lot of what is mooted is a good idea. Most of it is not too radical. Much of it is possible but some of it may place too much of a financial burden on the Northern Territory profession.

For this reason the NT Law Society has been prompt in formulating a position on each of the proposals and forwarding those comments to the Law Council of Australia. The Law Council in turn will use this information in formulating a response for consideration by the Attorney-Generals at their next meeting scheduled in July.

This frenzy of activity has been prompted by a push by the Federal Attorney General Daryl Williams at the apparent behest of the big national firms, to establish a truly national profession that allows seamless practice across jurisdictional borders and reform of the current fragmented regulatory system.

An introductory paper explains that the current regulatory system that imposes different local requirements on legal practitioners, places an unreasonable burden on legal practitioners and their clients. The paper states that consumers would be the ultimate beneficiaries of a less fragmented approach to the legal system. The objective is not to increase the overall level of regulation but to make adjustments to different regulatory regimes to promote uniformity.

The paper notes that: "while the national

industry does continue to develop, there is a large section of legal work performed by locally based legal practitioners who have no relevant interstate or international interests."

This is the majority of us. It is the contention of the Law Society Northern Territory that the majority of legal work in Australia is performed, and will be continued to be performed, locally. The Society is seeking to enhance national practice in a way that does not adversely affect the provision of legal services in the Northern Territory.

At the moment legal practitioners in the Northern Territory have the second cheapest professional indemnity insurance in the country and the lowest level of basic cover. We also have the lowest Fidelity Fund contribution fee. Some of the changes advocated in these two areas may affect the bottom line of an NT practice. In these two areas the Law Society has supported options that require the least change and guarantee the viability of the current schemes in the Northern Territory.

But in relation to areas such as trust accounts, costs and disclosure, regulation and practice, the Society agrees that uniform legislation based on the NSW legislation may be applicable to this jurisdiction. Of course the options canvassed in these papers are not so black and white and raise a large number of related issues.



Maria Ceresa, Executive Officer

But the Law Society has sought to move toward best practice legislation within the limits of our size and economic capability.

For instance the issue of uniform standards in relation to admission raises the problem of pre-admission training. If standards are to be adopted nationally then the Northern Territory will clearly have to be in a position to provide training during and after articulated years in all of the competencies outlined broadly by the Priestley 11 and agreed by the Law Admission Consultative Committee.

Currently there is not a firm in the Northern Territory that on its own can provide articulated clerks with training that meets all these competencies. The Law Society has sought time to implement a locally accessible accredited PLT training course before any requirement of programmed training as part of articles be imposed.

The Society's initial submission on the uniform practice project is available by contacting the Secretariat. ①



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