

Model Laws update

The new Legal Practitioners Bill 2006 (NT Bill) adopting the national model laws for the NT legal profession is now getting closer to finalization.

At the request of the Department of Justice, the Law Society Northern Territory Council has recently provided comments on a number of outstanding policy issues.

At the national level, the next version of the Model Bill is close to finalization and should be released in late July 2006. The Law Council of Australia (LCA) National Practice Working Group, of which I am a member, has been considering a number of outstanding policy issues and providing comments to the Officers Working Group, which consists of a number of Standing Committee of Attorneys-General Officers and some LCA representatives. The LCA has made securing user-friendly legislation a priority.

The work being put in to finalizing the Model Bill has been considerable and finalization of the document is close, although some issues of disagreement remain and a number of issues will require ongoing consideration. The NT Bill is still in its drafting stage and will require some amendment to include amendments to the Model Bill.

Legislation based on earlier versions of the Model Bill has been enacted in some other jurisdiction (it in turn is being amended to pick up amendments to the Model Bill).

It is likely, at this stage, that the NT Bill will be introduced at the October 2006 Legislative Assembly Sittings. Subject to passage at the December 2006



Barbara Bradshaw, Chief Executive Officer

Sittings, the NT Bill is expected to commence on 1 March 2007.

Based on the experience of other jurisdictions, it would appear at this stage that the major areas of concern for NT practitioners are likely to be the following:

- * Practising certificate issues
- * Costs
- * Trust accounting requirement

It is likely that the Northern Territory's Mandatory CPD scheme will commence at the same time as this legislation.

The Council of the Law Society Northern Territory is beginning to consider practical issues. We will shortly commence a CPD program which outlines some of the major issues relating to the NT Bill. This will be based on those being used in other jurisdictions, but will be tailored for Territory practitioners.

Law and justice in Indigenous communities cont...

The mandatory sentencing experience clearly showed us that one-size-fits-all sentencing doesn't work and is contrary to the principles of justice. Continued attempts to curtail the independence of the judiciary only undermine the legal systems attempts to deliver justice.

ENDNOTES

1. Office of Crime Prevention (2005) Northern Territory Department of Justice Correctional Services Statistical Summary 2004 - 2005. Available from: http://www.nt.gov.au/justice/ocp/docs/statistics/20051201_NTCS_StatsSummary.pdf.
2. Law Council of Australia Aboriginal Customary Law - Submission to the Law Reform Commission of Western Australia (29 May 2006). Available from <http://www.lawcouncil.asn.au/sublist.html?section=LCA&year=2006>

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July - August edition - Monday 24 July including a health and well-being feature

September - October edition - Friday 22

September including a feature on pro bono issues in the NT

November - December edition - Monday 20 November