

BALANCE

LAW SOCIETY NORTHERN TERRITORY

Edition 3/2007
May & June



Law Week 2007

Law Week has finished but there's plenty happening in the legal profession

Another fantastic week (or fortnight!) of Law Week activities has come to an end. 28 May – 8 June was a busy time for the Territory's legal profession, with a great debate, a theatrical legal performance and the traditional Marsh Cricket Match being among the highlights. Thank you to those who answered my call to fill the President's XI team for the cricket. A special mention must go to our very own "Rose", Kate O'Fathartaigh, who was persuaded over from the "dark side" when the teams took the field on the day to help even up the numbers. Hopefully next year we will be able to go one better and take the trophy back from the Chief Justice's XI, who played a fine game of cricket.

We are currently in the process of reviewing Law Week so we can ensure it remains relevant to the needs of the legal profession, and the community at large.

The Law Society would welcome any feedback you have regarding this year's program. Perhaps you have an idea for an aspect of community legal education that you feel is currently unmet? A speaker you'd like to see at the lunch?

The Society has received some feedback to date, and one theme seems to be that the traditional tug-of-war competition has seen its day, so we will be reviewing this. We would certainly be interested in hearing of any activities for the public launch that practitioners could suggest as an alternative.

For 2008, we will call on legal service organisations/firms in the Territory to take greater ownership of Law Week events, as we see this as a fantastic way for firms/organisations to promote awareness of their valuable services to the community. Of course this will also improve community awareness of the legal profession and its role

in our society. In 2008 we hope to engage more people across the whole of the Territory, and we will be calling on regional legal service organisations and practitioners for their assistance with this.

A special thanks must go to our project manager, Marilyn Lehmann, for the fantastic job she did taking over Law Week less than two months out from the event, after Public Relations Officer Zoe Malone's departure.

Thank you also to our sponsor, Marsh Pty Ltd. for their support of Law Week events.

During Law Week, we were fortunate to have Law Council Australia President, Tim Bugg, take some time out of his jet-setting schedule to speak at our Darwin and Alice Springs lunches. Tim shared with us interesting and amusing anecdotes of his time as Law Council President, which will come to an end in late September. You can read about his speech on page seven.

Another person well known to the legal profession, whose tenure is coming to an end, is Northern Territory Administrator, his Honour Mr Ted Egan AO.

The Law Society has enjoyed an excellent relationship with the Administrator during his tenure, and he and partner Nerys have been enthusiastic attendees at a number of Law Society events. It will be our privilege to be able to farewell his Honour at our Annual Dinner on Friday 10 August. The Society is also pleased to confirm the venue of the event is the new Hanuman at the Holiday Inn Esplanade. A popular restaurant with the local legal fraternity, we are excited that the new premises will be able to host the dinner, and by joining us you may be among the first to enjoy the new Hanuman.

Incidentally, the Annual Dinner



*Allison Robertson,
President*

will be my final formal event as President before I relinquish the reins at the annual general meeting in October – how these last two years have flown!

I have recently had the pleasure of determining the winner of the biennial Law Society Contribution to the Community Award, with fellow judges Justice Sally Thomas and Daryl Manzie. The winner, selected out of a field of nine nominees, will be announced at the Annual Dinner. The lucky community group that nominated the winner will receive \$1,000 from sponsor, Marsh Pty Ltd.

Occupying a great deal of our thoughts as a Council at the moment is the Australian Government's response to the Wild/Anderson "Little Children are Sacred" report and follow up action by the Commonwealth Government.

As you will see on page five of *Balance*, I have written a letter to Prime Minister Howard regarding the Australian Government's intervention. The letter involved considerable thought and input from our Council and Legal Aid/Pro Bono Committee and Indigenous Issues Committee members.

Continued page 4

Interestingly, at the meeting of the two committees that led to the writing of that letter, there was unanimous agreement as to what should constitute the Law Society's response. Anyone who sits on a Law Society committee will realise that this is quite uncommon, given the often disparate membership and lawyers' passion for debate.

One of the Society's concerns at present is the lack of a concrete proposal to which we can offer our response. As you will see in my letter to Prime Minister Howard, the Law Society has asked to be

consulted on any further developments in regards to this important issue. Law Society members have a considerable degree of expertise and cultural understanding which we believe would be immensely valuable in the development and implementation of any initiatives undertaken by either the Australian or the Territory Government.

The next edition of *Balance* will be a feature on the Wild/Anderson report and its aftermath, and we invite you to offer your viewpoints by submitting an article. Please contact Rebecca Mitchell on publicrelations@lawsocnt.asn.au

before 23 July if you would like to be involved.

Lastly, Law Council Australia President, Tim Bugg, reminded us at the Law Week lunch of the valuable service that AustLII provides to legal practitioners, and we are pleased to give our support to keep it online. At our June meeting, Council resolved to make a \$2,500 donation to the ongoing running costs of AustLII, which is suffering financial difficulties. You can make your own donation by visiting the link on the Law Society website home page.

FOR THE RECORD

End of financial year reflections

As we have come to the end of the Financial Year, it is time to reflect on some of the major issues of the moment.

The most serious is the release of the Wild/Anderson report and the follow up "initiatives" from the Commonwealth, some of which appear to be only incidentally connected with the problem of child sex abuse.

At the time of writing it appears that developments are occurring almost daily and a number of issues are involved. The Society has released an open letter, a copy of which is included in *Balance*, and which was prepared after consideration of the matters by the Indigenous Issues Committee and the Council. The Society is also liaising with the Law Council of Australia.

The next issue of *Balance* will be devoted to these issues, and contributions are sought.

There are also major issues for family lawyers with the commencement of the Family Law Amendment (Shared Parental Responsibility) Act, and for the compulsory family law dispute resolution process. Copies of letters from the Family Court

and Federal Magistrates Court are included in *Balance*.

The Financial Year has seen the effective commencement of the Legal Profession Act and Regulations relating to Trust Accounts. Of most immediate importance to many legal practices is the operation of the trust account provisions from 1 July 2007. A lot of explanatory material has been developed and this process will continue.

A major issue coming up is the requirement for compliance with the costs provisions of Part 3.3 from 31 December 2007. An exhaustive CPD programme will be developed and new draft costs agreements will be drafted. That will also include a new Family Law Costs Agreement which will be developed by the Family Law Section of the Law Council of Australia.

Importantly, the Society has now established its funding arrangements to enable it to properly implement and enforce the Legal Profession Act, quite an extensive task.

Practitioners are still invited to make queries about matters under the Legal Profession Act.

Finally, law practices have now



*Barbara Bradshaw,
Chief Executive Officer*

renewed their PII arrangements for 2007-2008 and have enjoyed lower premiums, particularly if they have undertaken Quality Practice Reviews.

It is likely to be an interesting, challenging and busy year ahead for Territory practitioners.

I would particularly like to thank Allison Robertson, President, and Council for their support during what has been an incredibly busy year.

Secretariat staff members have, and continue to, put in a major effort and the legal profession can be pleased at their professionalism and dedication.