

National Legal Profession Reform Update

The Council of Australian Governments (COAG) has announced a major review of the national legal profession model laws. This review stems from concerns at the complexity of the new laws, the lack of uniformity between the various jurisdictions and the number of regulators involved.

The process is being oversighted by COAG and the Standing Committee of Attorneys-General is likely to discuss the issue at its August 2009 Meeting in Alice Springs.

It is proposed that a draft bill be prepared by April 2010 which has imposed a busy timetable on the many people involved.

The various groups involved are as follows:

The National Legal Profession Reform Task Force- consisting of Chief Executive Officers of the Commonwealth, New South Wales, Victorian and ACT Attorney Generals or equivalent Departments, as well as the Secretary General of the Law Council of Australia.

The National Legal Profession Reform Working Group chaired by a senior officer of the Commonwealth Attorney-General's Department.

A 19 person National Legal Profession Reform Consultative Group chaired by the Hon Michael Lavarch, Executive Dean of the Faculty of Law at QUT, though it is understood there will be wide ranging general consultation. The Consultative Group consists

of various regulators, constituent body people, persons involved in the Admissions process, large law firm representatives and consumer representatives. I have the dubious honour of being the sole Northern Territory person on this group (and indeed on any of the implementation groups described). A major purpose will be ensuring the interests of Territory practitioners, and the Society is protected. At the time of writing the Consultative Group is shortly to hold its first teleconference.

The Law Council of Australia Directors and various Law Societies and Bars are heavily involved in this process and working closely to try to achieve the best possible outcomes. It is probable at this stage at least that there will still be some state based regulation though possibly some standing setting process or other mechanism to facilitate uniformity of regulation and actual practice in areas such as trust accounting, costs, admission and discipline. Complicated issues are also involved concerning funding and Professional Indemnity Insurance.

Concerns expressed include that the interests of the smaller jurisdictions and their practitioners will be not taken properly into account, that the legislation, centrally developed, may not properly meet the issues of the profession.

The Society and I will be anxious to consult with other Northern Territory entities/organisations involved and keep practitioners



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involved.

Please let me know if you have any queries.

CLANT Bali Conference

I had the pleasure of attending the CLANT Bali Criminal Lawyers Conference. I was very impressed by the speakers (whilst not of course agreeing with everything said). Criminal lawyers have a number of challenges ahead in part caused by what is seen as increasing punitive legislative provisions being introduced by governments of all political character and in all jurisdictions. The moneys available for legal aid appear insufficient to deal with increasing workloads. Indigenous issues in particular continue to present challenges. It is noted however there are some successful initiatives that are having some success and these should be encouraged.

The Hypothetical and vignettes presented by Justice Mildren

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and Rex Wild QC were highlights (Administrator Tom Pauling again showing his thespian qualities). The social functions were also enjoyable and it was pleasant lazing around Sanur.

Congratulations to all responsible for organising the conference particularly John Lawrence, Ruth Brebner, Jodi Truman and Lyn Wild who must have breathed a sigh of relief when she got all her charges explained or otherwise dealt with.

Changes

This period of 2009 has been a period of change, both good and bad for the profession (fortunately mostly good). The first day back at work after the conference, I heard about the

passing of Ian Morris. The Law Society Annual Dinner which commemorated the retirement of Justice Sally Thomas and Master Coulehan. It has since been announced that Judith Kelly SC will be the new Justice and His Honour Vince Luppino SM the new Master.

Justice Reeves has moved to Brisbane though both His Honour and Justice Mansfield have been appointed as visiting Justices of the Supreme Court of the Northern Territory.

There are vacancies in the ranks of magistrates, and I have heard Duncan McConnel and Tom Anderson will both be going to the Bar to augment the depleted resources of William Forster Chambers.

At a Department of Justice level Robert Bradshaw PSM is moving from Policy to act as Commissioner for Public Interest Disclosures (otherwise known as Whistleblowers Commissioner).

I particularly wish to wish all the best to Justice Sally Thomas on her retirement. She has been a great ornament of the Territory legal community. However it would appear that being retired will only enable her to have more time to devote to her other personal and community interests. The Society hopes to have many more dealings with her Honour in the future but hopes she realises retirement should (it is felt by some) involve some rest and repose. }

New Whistleblower Law Begins

Released by Hon Delia Lawrie MLA, Minister for Justice and Attorney-General, 31 July 2009

Attorney-General, Delia Lawrie, said new legislation to protect whistleblowers and ensure a more open and transparent Northern Territory Government begin today.

From 31 July, Territorians will be able to report improper conduct in Northern Territory public bodies to a new Commissioner for Public Interest Disclosures, without fear of reprisal.

“The *Public Interest Disclosure Act* protects Territorians who speak out for the good of the community,” Ms Lawrie said. “It is about ensuring the Northern Territory public sector continues to operate fairly and professionally.”

The new legislation also creates an independent Commissioner

to investigate disclosures and to ensure that public bodies are transparent and accountable.

Ms Lawrie said respected lawyer and long-term Territorian Robert Bradshaw has been appointed as the Acting Commissioner for Public Interest Disclosures.

“Mr. Bradshaw brings to this position a keen intellect, and a strong commitment to justice and integrity,” she said. “He has more than 30 years experience working with commercial and government laws in the Territory and previously served as the Director of Legal Policy, the Commissioner for Consumer Affairs and as the Registrar-General.”

The Commissioner for Public Interest Disclosures will

investigate allegations of serious improper conduct by Northern Territory Government Departments, members of Parliament, public schools, public hospitals, public nursing homes, universities, as well as local government councils and most statutory bodies.

The new laws make it an offence to sue, sack, or discriminate against someone because they are a whistleblower.

Anyone who wishes to report improper conduct can contact the Commissioner on the free call number 1800 250 918. Disclosers can even choose to remain anonymous.

For more information about the Act, visit: <http://www.blowthewhistle.nt.gov.au>. }