

OFF BALANCE

BY PRESIDENT
NEVILLE HENWOOD

Dynamic times for law

Congratulations are in order for the Chief Justice who will take up his position as Administrator for the Northern Territory in December.

Early in September John Stirk, Jim Campbell and I attended the Conference of Law Societies and the Law Council of Australia's annual general meeting in Perth.

It was comforting to note that many of the difficulties presently facing the states are common to those facing us.

It was gratifying in many respects that we are ahead of the pack. For instance, many states are still grappling with the possibility of introduction of conveyancing agents, improving public image and difficulties with disciplinary aspects.

In the case of pro bono schemes, although the NT doesn't have a formal system,

our community legal service and other volunteer schemes are still being looked at by other states.

The Mutual recognition legislation was to have gone before Parliament during the September/October sittings.

In other states the legislation is apparently some way off.

This proposed legislation is of major concern to some other law societies and, in particular, bar associations.

The President of the Bar Association, Graham Hiley QC, and I have written to the Chief Minister requesting the legislation be deferred.

Mr Perron has agreed to defer the legislation pending further discussions.

There are essentially two concerns as the legislation is presently drafted. First, the prospect of decisions of the admitting authority (the Supreme Court) being reviewed by the Administrative Appeals Tribunal, although I understand the Attorneys-General have accepted the Law Council's recommendations in respect of this and the proposed legislation will be amended accordingly.

Second is the provision which prevents an admitting authority or licensing authority imposing conditions or restrictions on an interstate practitioner which are more onerous than would be the case in the practitioner's state of origin.

There are three aspects to this.

The first is legal training.

To a large extent, this aspect is out of our hands and rests with the universities, although I understand there are moves afoot for uniformity of core units in the law schools.

Admission requirements are the next aspect.

In Victoria and South Australia it is either proposed or possible that a scheme will be adopted whereby stu-

dents are admitted to practice upon graduation, that is, without any requirement for articles or post-graduate practical training.

The reason for this in both states is insufficient places for articulated clerks and both the Victorian and South Australian post-graduate training institutions are in severe financial difficulty.

With the enormous increase in the number of law students it will be impossible to provide post-graduate training for all of them, hence the proposal to allow admission after a student obtains a degree.

It is regrettable that decisions such as this are funding-driven and appear to pay scant regard to the interests of the public.

Whilst Victoria proposes that university degrees would need to incorporate more practical training, the view of the universities appears to be that this is also difficult because of funding constraints.

The next issue is that of practising certificates and uniformity of classes of certificate. It was resolved at the Conference of Law Societies to move towards uniformity in this area, and as a result, most states and territories can expect to be asked to change practising certificate classes and requirements in the near future. Hopefully, this can be achieved before the legislation takes effect.

FOR SALE

CCH Australian Torts Reporter Vols 1-4 & Australian Torts Reports 1990 and 1991

CCH Australian Social Security Guide Vols 1-2

Butterworths Carters Criminal Law of Queensland Vols 1-2
LBCs Summary Justice

Further information from Margaret at the DCLS on 413394.