

Lawyers meet with TPC chief

A delegation comprising members of Council, practitioners and the President of the NT Bar Association met with Professor Allan Fels, Chairman of the Trade Practices Commission, last month.

Professor Fels wanted to meet members of the profession to discuss the TPC's investigation of trade practices in the legal profession.

The TPC has defined the principal aims of its study as: (a) clarification of the role of trade practices law and competition policy in the legal profession; (b) identification of the nature and extent of public benefits arising from various regulations and restrictions applicable to legal services; (c) examination of the likely effects of current restrictions on cost, quality and availability of legal services; and (d) canvassing options for reform of regulatory arrangements with a view to greater competition and efficiency without jeopardising public benefits.

"However, the TPC recognises that there can be a public benefit in keeping various rules, notwithstanding their apparent anti-competitive effect," Professor Fels said.

He said this was so that "consumers are not disadvantaged by a lack of information or by inadequate avenues

for complaints; third parties are not damaged by unsatisfactory contracts drawn up by careless or unqualified persons; lawyers can adhere to ethical conduct and avoid conflicts of interest; and the system of justice can operate impartially and fairly."

The Executive Officer of the Society, Jim Campbell, said the meeting was constructive.

"We were able to make a couple of important distinctions between how legal practitioners operate in the Territory by comparison with the larger states," he said.

"For example, practices which are considered restrictive in the other states -- such as the two counsel rule -- simply don't apply here.

"Similarly, the distinction between barrister and solicitor is negligible because practitioners are admitted, and may practice, as either or both," he said.

Mr Campbell said although the Society did not believe the inquiry was necessary given other recent inquiries, a side benefit may be to eliminate some of the mystique surrounding the role of law societies in the legal system and the need for certain rules and regulations which have been implemented to protect the consumer.

During the meeting, the question of duplication of inquiries was raised (for example, the Cost of Justice Inquiry and the Victorian Law Reform Commission's investigation).

Professor Fels said he was conscious of the other inquiries and hoped to avoid duplication, although he found that in some areas the other studies complemented the present TPC inquiry.

The TPC has released a detailed issues paper and, following consultation with the Law Council of Australia, its deadline for submissions has been extended beyond the initial deadline of 30 August.

The Law Council requested the extension of time because of the very broad scope of the inquiry.

A spokesman for the Law Council said that the LCA had sought to limit the scope of the study in discussions with the TPC because the inquiry may go beyond its statutory authority and because it would stretch resources of both the Law Council and the various societies to the limit.

The Deputy Chairman of the Commission, Professor Brian Johns, agreed, but said that was necessary to fully understand the mechanics of the profession.

Harrison gets Law post

Meredith Harrison has been confirmed as Secretary of the Department of Law.

Ms Harrison has been acting in the position since November last year.

The Attorney-General, Daryl Manzie, announced Ms Harrison's appointment late last month, saying he was delighted that she had accepted the position.

"The selection process was lengthy and arduous, and I am pleased to say Ms Harrison was clearly the top choice for the job," Mr Manzie said.

Ms Harrison graduated from the

University of Adelaide in 1969.

She practiced in Adelaide from 1970 to 1975 and lectured at the SAIT.

From 1977 to 1982 she practiced as an Attorney in California, then joined the Office of the Crown Solicitor of the NT in 1983.

In 1987 she was appointed Assistant Secretary (Legal Services) and was responsible for conducting litigation on behalf of the Northern Territory.

In 1988 she was appointed Deputy Secretary of the Department.

She became Acting Secretary when

Peter Conran left the department to take up a position in the Chief Minister's department.

Ms Harrison is a former Councillor and secretary of the Law Society.

The President of the Society, John Stirk, welcomed Ms Harrison's appointment and said she was the logical choice.

"An incumbent with the experience of Ms Harrison would be extremely difficult to beat," he said.

Mr Stirk said he was delighted that an appointment could be made from within the Northern Territory.