

# OFF BALANCE

BY PRESIDENT  
NEVILLE HENWOOD

## COJI report short on specific reforms

On 26 February the profession, along with other well wishers, marked the retirement of the former Chief Justice, now the Honorable Austin Asche QC, who has accepted the position of Administrator of the Northern Territory.

On behalf of Council and members of the Society, I wish his Honour and Dr Asche well for the future, and thank his Honour for his co-operation and assistance in the past.

Doubtless, his Honour will retain a keen interest in the profession and we shall see him in his new capacity from time to time.

It was also announced that Justice Martin would be appointed Chief Justice in his stead, and on behalf of the Society, I extend

warmest congratulations to His Honour.

The new Chief Justice's term will no doubt be marked by significant and dramatic changes to the courts and the legal profession.

**T**he forces for change and reform of the legal system and legal profession continue to mount.

Whilst in many instances reforms are recognised as necessary or desirable, it is to be hoped that those advocating change are able to recognise those which are necessary rather than seeking change for change's sake.

We have already had the abolition of Queen's Counsel in NSW and the NT. Other states are to follow. An alternative view, although I do not necessarily agree with everything he says, is to be found in the comments of Justice Kirby of the NSW Court of Appeal contained in the current edition of *Australian Lawyer*.

Perhaps more significantly, the report by the Senate Standing Committee on Legal and Constitutional Affairs in relation to the Cost of Justice, has now been published.

Thankfully, the report is not the lawyer-bashing exercise which was feared, and there is recognition in the report of the fundamental importance of the law and the legal system, and recognition of the strengths together with the weaknesses of that system.

Although the profession is urged to consider reforms and comes in for its share of criticism, the parliament and executive governments are also given attention for their contribution to the complexity, and therefore cost, of legal proceedings.

In general, though, the report is long on statements of principle and short on specific proposals for reform. Given the enormous cost and time spent conducting the inquiry, perhaps we could have hoped for more.

Nevertheless, the report is recommended reading for all involved in the legal system.

**V**ice-President, Terry Gardner, will present a CLE on professional conduct and ethics next month.

He is keen to hear from practitioners who may have instances he can use as examples in his presentation. For example, practitioners making submissions, sitting, then rising to add afterthoughts, practitioners seeking orders during submissions, throwaway lines in the presence of clients, service of documents in court, etc. Any practitioner who is able to assist should contact Terry on 431444.

**P**ractitioners may be aware that the *Legal Practitioners Act* is to undergo a significant review.

Any suggestions for amendments are welcome and should be delivered to the Society as soon as possible.

**T**he Department of Law has released an Issues Paper on Unclaimed Money, Treasure Trove and Other Unclaimed Property and is seeking comment by 31 March.

Any practitioner interested in reading the Issues Paper and/or providing comment to the Department should contact the Society for a copy.