

The dilemma of a national profession

Executive Officer Jim Campbell and I attended the forum - Australian Lawyers: National Practice and Competition - in Parliament House, Sydney earlier this month.

The forum was hosted by The Law Society of New South Wales and something that emerged very clearly over the course of the day was that opinions are distinctly divided over the merits of a national profession and the further reform of the profession. The Law Society of New South Wales President David Fairlie officially opened the forum. This was followed by three sessions and a lively panel discussion with several legal experts from the southern states.

Session one began with a speech, The Development of A National Legal Profession, by Federal Attorney General Michael Lavarch. New South Wales Attorney General John Hannafor continued the morning with The Reforms in New South Wales in the Context of a National Profession. Federal Justice Minister Duncan Kerr also spoke on The Role of the Access to Justice Advisory Committee. David Fairlie again took the floor after morning tea to present The Law Society Proposals for a National Profession.

Afterwards, an eight-member panel shared their views on the rights and wrongs of adopting a national approach. They included: Panel Chairman Don Mackay (Sly & Weigall); Professor Fred Hilmer (Chairman - National Competition Policy Review Committee); John Broome (Deputy Chairman - Trade Practices Commission); Professor Julian Disney (Australian National University); Justice Mahoney (Supreme Court of New South Wales); Murray Tobias QC (President - New South Wales Bar Association); and Patrick Fair (Coun-

cillor - Law Society of New South Wales).

The post-lunch sessions proved to be more interactive and included such topics as Client Care: Should Lawyers Embrace Competition Principles? by Professor Warren Pengilly of the University of Newcastle, and National Regulations - A Model by Frank Riley, who is the Chief Executive Officer of The Law Society of New South Wales.

Principal issues raised at the forum that now require attention are:

- * The development of a legislative scheme involving the co-operation of the Commonwealth and States to provide the framework within which uniformity of national practice might be achieved.
- * Adoption of a uniform approach to legal education, practical legal training, restricted

practice, admission and licensing requirements.

* The determination of uniform legislative provisions for the structure and regulation of the profession.

* Adoption of a common definition, and regulatory scheme, of "legal practice".

* Adoption of uniform rules of professional conduct and practice.

* Determination of a process by which a national regulatory scheme could be maintained without the addition of new centralist regulatory structures.

The issue is a profound one for every State and Territory but particularly so for those with small legal populations who may be seen as more vulnerable. Hot debate is not just expected but assured when the Law Council of Australia and the Law Societies hold their quarterly meeting in Canberra to discuss the above issues and other problems currently confronting the legal profession.

Community Living Areas Tribunal

The positions of Chairman and Deputy Chairman of the Community Living Areas Tribunal, continued under S93 of the Pastoral Land Act, are to be nominated by the Chief Justice and appointed by the Minister.

Any such appointee must be a person who has been enrolled as a Legal Practitioner of the High Court or of the Supreme Court, a state or Territory of the Commonwealth, for not less than 10 years who is practising as a Legal Practitioner in the Territory.

It is anticipated that both positions will need to be filled in the near future. The Minister anticipates that the combined workload for the Chairman and Deputy Chairman over the next twelve months will be in the order of twenty full sittings with several hours per month for preparation of reports.

Remuneration and allowances are payable. Further information may be obtained from the present Chairman, Graham Hiley QC, William Forster Chambers, Darwin, on telephone 818322.

All qualified persons wishing to be considered for nomination are invited to express their interest in writing to the Chief Justice within the next fourteen days.

Associate to the Chief Justice
Supreme Court Building
DARWIN NT 0801