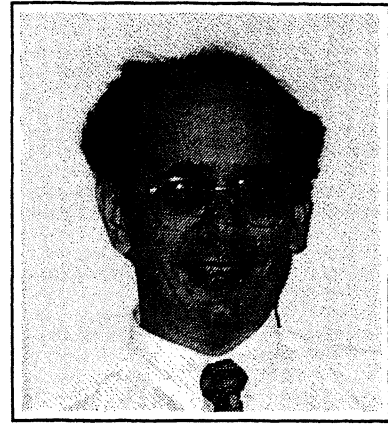


Profession Must Consider Changes



Steve Southwood, President

The Chief Minister and Attorney-General, Mr Stone has announced to the Law Society that, consistent with the government's support of Northern Territory businesses, the Attorney-General's Department will, where possible, be retaining local firms and legal practitioners to provide legal services and advice to the Northern Territory Government. Mr Stone is to be applauded for this decision. It recognises the depth of legal experience, expertise and skill which has existed in the Northern Territory for some time.

The original discussion paper which was produced by the Attorney-General's Department has been withdrawn and is to be replaced by a further paper. Once the new paper is released, the Society will distribute copies to all firms and offices so the Society's response may then be formulated. It is anticipated that the new paper will still raise for discussion the following matters:-

- (a) the abrogation of the limited liability which barristers enjoy in relation to actions for negligence. That is, it will raise for discussion whether *Giannarelli v Wraith* should be legislatively overturned;
- (b) a minimum wage for articulated clerks;

(c) advertising guidelines.

It is also hoped that the question of whether the legislation which governs the legal profession in the Northern Territory should not differentiate between barrister and solicitor will remain a matter for discussion. Consistent with current trends aimed at maximising competition within the profession, the starting position should be that the legislation should recognise one category only, that is, the legal practitioner. This has historically been the position in the Northern Territory.

Any qualification of this position should not be aimed at separating the various sectors of the profession but rather at:

1. maximising competition for legal services and allowing market forces to operate as freely as possible (for example it may be that the public should have direct access to barristers);
2. providing maximum choice as to available legal services to members of the public;
3. maximising access to the courts by members of the public;
4. ensuring no particular section of the profession has an unfair advantage over another section and that no monopolistic forces are allowed to operate in any area;

5. high standards of professional conduct are maintained;
6. ensuring that no section of the profession should be elitist.

The Society is still to complete its response in relation to the *Work Health Act* and in relation to Section 48 of the Supreme Court Rules.

LAWASIA has recently hosted the attendance in the Northern Territory of four Indonesian judges, Bapak Yahya Harahap, Deputy Chief Justice (Criminal Law) of the Supreme Court of Indonesia, Bapak Johannes, Bapak Poulus and Bapak Barita. This was the first visit of its kind and it is hoped to set up further exchanges between the Supreme Court of the Northern Territory and the Supreme Court of Indonesia. The visit was very important in terms of strengthening regional ties. While the judges were in Darwin they were able to confer with the Chief Justice of Australia and to sit in court with Justice Kearney and Justice Mildren.



Have you joined the Qantas deal yet?

For further information contact the Law Society