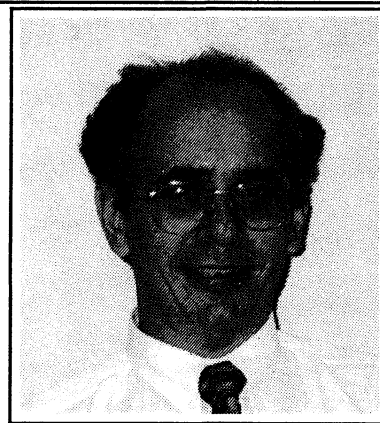


Law Reform Working Party



Steve Southwood, President

The Northern Territory Government has established a working party to deal with issues of law reform.

The Chief Minister advised the Law Society of the establishment of the working party on 18 November 1997.

Membership of the working party to date includes:

- the Attorney-General
- the Hon Austin Asche AC QC
- the President of the Law Society
- the President of the Bar Association
- a lay community member.

It is not anticipated that the work of this group will cut across the Law Reform Committee. The working party will be able to refer matters to the Law Reform Committee and also to make recommendations to the Attorney-General with a view to reforms, amendments or repealing legislation being carried through to Cabinet.

An area of law reform which I will be recommending to the working party is the introduction of Freedom of Information legislation. Such legislation has been in existence at the Commonwealth level and in most states for some time. The consideration of such legislation will necessarily involve a consideration of other administrative reforms including administrative review.

Such legislation is based interdependently on the right of citizens to know and on the principle of open government. It should aim at ensuring that Northern Territory people have the greatest access possible to information in the possession of the Government and that citizens can know why Government decisions were taken and where necessary seek redress. It assists in maintaining a strong and healthy democracy.

It may be that one of the existing legislative packages, for example the Commonwealth's regime, can be adopted with necessary amendments for local circumstances.

There are three significant aspects which are of benefit in the Commonwealth legislation. They are:

1. Government agencies must publish information about their functions and their decision-making and other powers and make available rules and practices affecting members of the public in their dealings with the agencies.
2. Subject to exemptions, members of the public by the procedure of a written request are given a right of access to documents held by Ministers, Departments and public authorities.
3. Members of the public who find mistakes in their personal files have the right to have the files corrected.

Exemptions relate to documents

such as Cabinet documents, documents affecting personal privacy and documents to which secrecy provisions of enactments apply. This is an area which may need to be reviewed. However, certain kinds of exemptions are generally acknowledged as being necessary to facilitate the proper working of Government.

The Commonwealth legislation also provides for review of decisions refusing access to documents.

Complaints Handling

Members will be aware that the Law Society from time to time receives enquiries from their clients about whether their legal practitioner is properly conducting their matter or whether they have grounds for complaint or as to what can be done to ensure full attention is being given to the matter. Members are advised that it is the current practice of the Law Society not to advise them of such client enquiries unless a formal complaint is made or until at least 2 or 3 such enquiries are made by clients of the same practitioner. Where 2 or 3 enquiries are made either the practitioner or the managing partner of the firm (in the case of a junior practitioner) is notified of the enquiries. This approach has been adopted in the interests of maintaining the solicitor/client relationship.

A manual of complaints handling is being prepared by the Law Society and should be available early in 1998.

- Steve Southwood