

NT Presence at POLA

Terry Gardner and Jim Campbell are attending the 9th Annual Conference of Presidents of Law Associations in Asia.

The conference is being held in Sydney and Canberra. Its theme of is *Globalisation and the Law*. It is the first time that representatives of the Law Society of the Northern Territory have been invited to attend this annual conference.

The invitation to the Law Society follows representations that Jim Campbell and I have made on behalf of the Law Society. Given the Northern Territory's support for LAWASIA, our proximity to Asia and the connection with clients in Asia that are being established by Northern Territory practitioners, it is important that representatives of the Law Society are present on such occasions.

In addition to the reports to be presented by the various countries attending the conference and observers representing international organisations, papers which are to be presented at the 9th Annual Conference will cover such topics as *Regulation of Foreign Legal Practice*, *Transnational Practice for the Legal Profession* and *Commercial Mediation*.

Delegates who will be attending the conference include Mr Ren Jisheng, President of the Bar Association of India, Mr Shigeru Kobori, President of the Japan Federation of Bar Associations, Mr Jose Aguila Grapilon, National President of the Integrated Bar Associations of the Philippines and Mr George Lim, President of the Law Society of Singapore.

Other matters which the Law So-

ciety is currently considering include:

1. What should be the Law Society's involvement with the Law Council of Australia and what should be our involvement with the national legal services market. The latter topic is a matter I hope to raise with the Chief Minister and Attorney-General, the Hon Mr Shane Stone QC at our next meeting.
2. The structure of the legal profession. "Nationalisation" of the legal profession requires consideration to be given to matters such as a uniform code of conduct, whether the liability of legal practitioners should be limited and the consequence this may have for insurance premiums and multi-discipline practices, and who should discipline interstate practitioners for misconduct in the "away" jurisdiction. The Legal Structure Committee which is convened by Alan Lindsay will be having its meeting in the week commencing 4 May 1998.
3. The proposed amendments to the Supreme Court Rules including Order 48. Various Council members have been delegated to write a response to various parts of the proposed amendments and it is hoped that the Law Society submission will be close to being finalised at a meeting of the Rules Committee which is to be held in the week commencing 27 April 1998. The Convenor of the committee is Ian Morris.
4. The rehabilitations provisions of the *Work Health Act*. Discussions



Steve Southwood, President

have been held by Ian Morris with those reviewing these provisions of the *Work Health Act* and a written report will be provided to the next meeting of Council.

5. The Law Society has resolved to support a recommendation by Justice Mildren that the *Legal Practitioners Rules* should be amended as follows:

"1. Rule 11(b) to be drafted along the following lines:

"(b) a practical course of Legal Skills training recognised by the court or by another Australian superior court as satisfying the requirements for practical training and experience in legal skills for admission to practice as a legal practitioner of the court or that of that court."

2. A similar amendment would be required to Rule 11(c).

3. A new Rule as follows:

"(d) a combination of a practical course of legal skills training and practical experience (not necessarily being articles of clerkship) recognised by the court or by any other Australian superior court as satisfying the requirements for practical legal training and experience in legal skills for admission to practice as

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Local News

Former Chief Magistrate "Ungagged"

The response from the legal community to an opportunity to hear former Chief Magistrate, Ian Gray speak as a private citizen and a member of the Council of Aboriginal Reconciliation indicated the high level of interest in the subject of Aboriginal reconciliation amongst local legal practitioners.

Over 100 members of the legal profession and the wider legal community attended a dinner at *Yots* in Cullen Bay, hosted by Lawyers For Reconciliation, where Mr Gray was to speak "ungagged".

In welcoming the speaker on behalf of the Lawyers for Reconciliation, Bruce Taylor paid tribute to Mr Gray, who had attended the function largely at his own expense.

Mr Gray prefaced his address by acknowledging the Larrakia people on whose land the function was held.

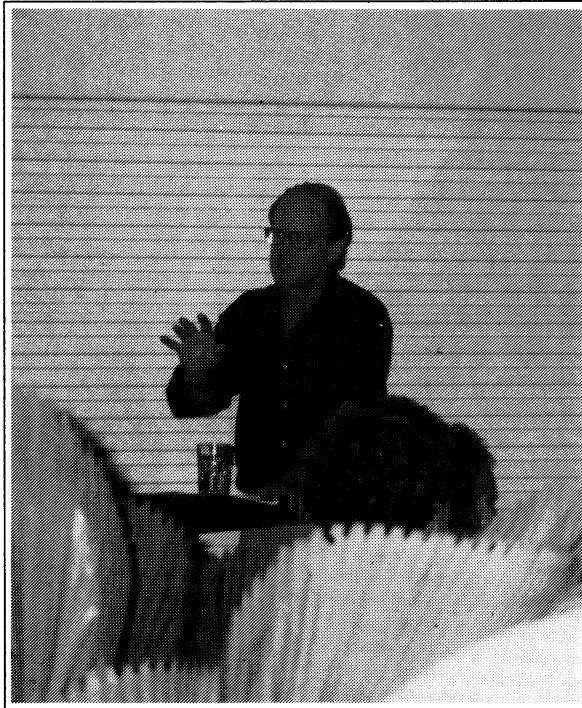
He began by pointing to the unjustness of the Territory's mandatory sentencing regime, suggesting that this system had led to a situation where the existing disadvantages to Aboriginal people had, in effect, become a cause of incarceration.

From a national perspective, he expressed concern that that opportunities for a leap in reconciliation had been lost over recent issues.

Both the recent national and NT Constitutional Conventions had afforded opportunities to take the presently unoccupied moral high ground, but a lack of leadership in this area ensured that the nation was left questioning its political maturity.

He noted that the advancement of the cause of reconciliation by recognising indigenous rights and laws during the process of developing constitutions provided an opportunity for Australia to display its maturity and suggested that the nation remains diminished unless justice, with a fair go for all was identified as a priority.

At the local level, the failure to adopt the Hatton model for the process of statehood



Ian Gray

was another wasted opportunity to promote these principles. Mr Gray identified this model as reconciliatory in approach with its recognition of Aboriginal law and Aboriginal rights as part of the source of law for the NT. He reminded that audience that a good number of Territorians were bound by customary law and questioned why there needed to be such controversy over two sets of law.

He viewed as significant the recent gesture by the NTFL in which it backed down from a decision to display a banner at its Grand Final with the legend *NTFL proudly promotes reconciliation*.

Mr Gray suggested that this sentiment was hardly radical and questioned why the lesser gesture of spraying the logo on the grass had been adopted. He noted the difficulty in promoting principles of reconciliation in the current climate created by the leadership.

His address concluded with the notion that a national people's movement towards reconciliation would prevail despite the odds.

Following Mr Gray's address, several speakers took the floor to speak to issues related to reconciliation and to the recent constitutional convention.

President's Column

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a legal practitioner of the court or of that court."

The purpose of the amendments is to enable graduates of the Northern Territory University who are not able to obtain articles in the Northern Territory but who complete a duly recognised legal practical training course interstate to be admitted in the Northern Territory without having to obtain an exemption pursuant to Rule 11 (3). The proposed amendments have the advantage of relieving the court (but not the Legal Practitioners' Admission Board) of having to enquire into courses offered in other states and would give clear guidance to graduates as to which courses are acceptable. The question of compliance would then be a matter for the Board to report to the court.

Further about Rules – practitioners should be aware that the Amendments come to the *Motor Accidents (Compensation) Act Appeal Tribunal Rules* will come into operation this week or thereabouts. The amendments, inter alia, give increased powers to the Master.

6. Reaccreditation of the LLB degree offered at the Northern Territory University – the Law Society has provided short submissions to the Faculty of Law as part of the reaccreditation process. In particular, the Society has opposed the introduction of compulsory non-law common units.



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