

The catfish and the swamp

We're facing a challenge. Recently I attended at the Law Council of Australia meeting held in Brisbane. I have been mentioning in my column the national changes that were coming upon us in the profession, and the Law Council is where it all happens.

What seems clear to me is that not many people know about the Law Council, and most consider it as some arcane association that has its place in one of the later chapters of *Fellowship of the Ring*.

In the past the Society's attendance at the Law Council has been in a triad: the immediate Past President, the President and the Executive Officer. We do that because there are in fact three meetings: the first is the meeting of executive officers on the Friday morning; the second, the meeting of the presidents of law societies on the Friday afternoon and then the meeting of the Law Council on the Saturday.

The agenda for each of the meetings is more or less the same, and the people at each are sort of the same. Only XOs go to the first meeting, XOs and Presidents go to the next meeting and then in third meeting XOs, Presidents and Delegates.

It is kind of repetitive, but the **nuts and bolts stuff** is done at the XO meeting, and the deals are done on Friday night at the dinner and more often after the dinner in the wee hours of the morning. The actual meeting is a bit tame as a result.

I should set the scene of a typical Law Council meeting for you.

It is a funny set up. There are two or three rows of people sitting around a long boardroom table. The actual Law Council members sit at one end and down each side from that end sits the delegates or vice versa. So far pretty normal, but what then occurs is the second and sometimes third row of advisors that sit behind the delegates: these are not the silent watchers, as one would expect, busy writing notes on 'post-it pads' and passing them to the hard talking delegates, but often more noise seems to come from the ranks.

As I paid rapt attention to the vibrant

discussion flashing across the, double seated table, I began to remember my third year science project. I did the project on the treatment of sewage water, and its conversion to waste that was either safe to drink or safe to pump out into the ocean. It was not a bad project either. I got a "B" as I remember, and when it was copied by unscrupulous students in the following few years (at different schools, I think although there is some memory of it coming back to the same school), it got better marks. Galling, I thought at the time, till I rationalised that standards had slipped.

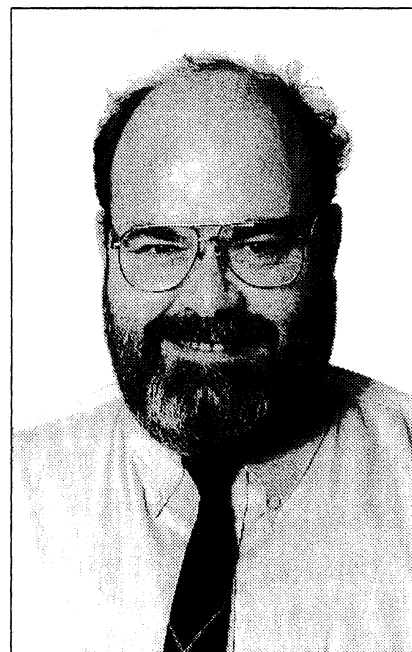
Anyway it introduced me to the concept of "eutrophic" development. That is what happens when bodies of water, normally in the shape of some fragrant pond, deteriorate due to lack of oxygen into an odiferous swamp.

Generally that sort of thing happens when there is not enough fresh water coming in to the pond, oxygen levels start to fall, photosynthesis fails and the weeds start to die and fall to the bottom, and fish start to die and float to the top.

Not that I think the Law Council is an odiferous swamp, by any means.

The drive to federalism has caused the Law Council to walk down the hall of mirrors and give itself a long hard look.

It is currently an unincorporated association, and now it wants to be something more formal than that and has chosen a company limited by guarantee. I must say this is a creature out of myth as far as I am concerned. I had heard about these paper creatures when I did "Associations" in Law School, but I had never seen one.



Ian Morris, president

I thought that if they had asked me I might have suggested an incorporated association, but then I am not known for commercial advice.

However, back to the story. Having had a good long hard look at itself it also decided to consider its own internal governance. It commissioned Peter Levy to provide a report. Peter must have read Genesis at some stage because his report is the Law Council created in its/his own image. Probably the best part of the report was an addendum from the current President, Tony Abbott, who summarised the threatened withdrawals of the various member associations. There have been three really serious threatened walkouts within the short history of the LCA.

The proposal, formulated by the Levy report was to divide the members of the LCA by the figures of 1000 and 7000, and to give different votes for those figures, so that the members no longer had one vote, but had three if they were over the higher limit, two votes in the middle and one vote at the low end.

That fits nicely into the apparent power of the various members now. It makes the bigger states the most powerful, that is NSW and Victoria.

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It leaves Queensland as a second level member because they only have 5500 members (or thereabouts). They aren't happy chappies about this. No prizes for guessing what might happen, we are entering serious dummy spit territory. And they aren't the only State in a bit of a state about it. I might say that these proposed changes don't do much for us, but then again we are really small compared to everyone else, so our chances of doing anything about it are about the same proportion. That gives us the luxury of sitting back and watching what happens.

I thought one way forward for the Law Council and to refine the decisions being made now was for it to decide what it was now supposed to be rather than what it has been. The changes wrought by the introduction of the national practicing certificate have introduced the prospect of a traditional federal system comprising of the State Law Societies and the Law Council.

The LCA started as the federal representative of the Law Societies and Barristers Associations. The natural progression it could have undergone would either have been to be the National Law Society, with the state organisations becoming branch offices, or to become a Federal Law Society looking after the federal legal bodies, such as the national law firms, and administering the national schemes, such as fidelity funds. This could cause problems, as the Law Council would not be seen as truly representative of the States and Territories, and seen more as representing its own constituents, that is, the federal law firms.

Unfortunately there does not seem to have been a decision made so far about what will be produced by all this national initiative. In the first two possibilities the current review of governance is sort of useless, and in the last two revamping of the governance of the Law Council is fraught with the problems that I have referred to above.

To complicate things, there also seems to be a drive to establish another national body that represents the Law Societies of the States. This is a body separate from that of the Australian Bar Association, and its associated Bar Associations and is said to represent the interests of solicitors, rather than barristers. This is a direct result of one of the dummy spits referred to above, and really does not seem to make much sense to those States who have a fused profession.

So that is a snapshot of the federal scene. When I was on our Council as an ordinary member, I was unaware of all this, and to some extent I rather wish that I, (in the words Bob Seger), "Didn't know now what I didn't know then". *

(* of course the catfish's favourite song is "Feelers"):(

CCH buys the Entrepreneur Business Centre

Business publisher CCH says it has extended its business partner network further in the small to medium enterprise sector (SME) by buying the Entrepreneur Business Centre (EBC).

CCH is a major provider of information tools for business professionals, serving legal, tax, business and education markets.

The EBC is a main player in providing online, telephone and printed support to SMEs across Australia.

"Our goal is to equip small and medium sized business owners so they can make better informed business decisions faster, faster, smarter and with more confidence," CCH Regional Director Willem van Zanten said.

EBC managing director Greg Hart says the relationship will continue to empower SMEs.

Awards "open"

Nominations are now open for the 2002 Children's Lawyer Awards.

The Awards endeavour to recognise both commitment to quality representation as well as single instances of outstanding representation and/or advocacy.

Nomination forms and further information can be obtained from the National Children's and Youth Law Centre on (02) 9398 7388 or email: ncylc@unsw.edu.au.



Drinks night change for August

We're trying something new – come and catch up with the NT Young Lawyers at Madison's on Mitchell.

We'll be there from 5.30pm on Friday, 9 August
Join the NTYL and get a complimentary beer, wine, basic spirit or soft drink.

Hope to see you there!