

Year of the catfish

Around this time last year I was a mere vice-president of the Law Society of the Northern Territory happily going about my duties in a supportive role. Then I put my hand up for the top job (no, not Prime Minister or the Pope) and BANG, the catfish was out and I was standing in the middle of the maelstrom that is our professional body.

Not that I'm complaining.

On the contrary, my year in the job has been challenging, at times frustrating, satisfying and above all, very, very busy.

Going over my diary for the year has revealed a fair number of meetings (both here and interstate) and functions, amounting to about 450 hours on Law Society business of various sorts.

There have been some substantial changes to the manner in which we do things within the Society itself and a power of work done by the Forward Planning Committees and the Secretariat.

Let me touch on just a few.

INTERNAL CHANGES

Fidelity Fund

Over the year we have assumed the administration of the Fidelity Fund as secretarial and accounting support to the Master of the Supreme Court.

This means we are now, under the management of two committees chaired by the Master, responsible for the day-to-day running of the Fidelity Fund and its associated Legal Practitioners' Trust Committee.

This involves, under the direction of the committees, the collection of the funds and their investment and the consequent administration of two investment committees (for the Fidelity Fund and the Legal Practitioners' Trust Committee).

Complaints Investigations Officer
Josephine Stone was appointed as the first dedicated complaints officer.

In some way this appointment is a sad acknowledgement of the complexity and frequency of complaints.

The appointment has meant that we

have been able to process complaints much more quickly, and also to clean up some outstanding matters, including the recent strike off of two practitioners.

Josephine's appointment means that we are able to run the more serious complaints matters internally and thereby save a considerable amount in legal costs.

Technology

This year has seen us upgrade substantially the technology used by the Secretariat. This much needed step has involved the installation of upgraded computers and wiring (or lack of it as we now use a radio LAN) and new fax/e-mail/photocopier.

The upgrade has allowed us to introduce a new database to deal with the increased regulatory functions caused in part by the Fidelity Fund and the National Travelling Practising Certificate.

It has also created a quicker, more efficient system for day-to-day functions of the Secretariat and more professional output by the Society as a whole.

Web Site

Our IT Committee headed by Duncan Maclean has spent a considerable amount of time upgrading the web site.

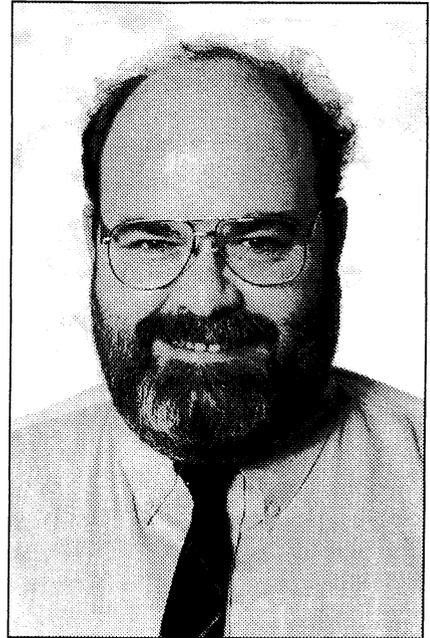
Although it is still a "work in progress", it will enable much of the Secretariat's work to be done electronically, and will offer more to you as members of the Society.

It will also act as a conduit between the Society and the general public.

LEGISLATIVE CHANGES

National Practising

I have said quite a bit about the foreshadowed changes in national



Ian Morris, president

practice that will mean changes to our local practice.

I am told by the Attorney that there will be eight Bills introduced in the near future to effect the decisions of SCAG.

All of these will have to be vetted by the Society's LPA Committee and recommendations will be made to the profession.

Do not expect that these changes will be painless for the local profession! But you can hope that some of them will improve the way in which we are able to practice.

The examination of these papers and bills is exhausting and labour intensive work.

Local Practising

There have been movements in local practice as well.

The first was sorting out the QC problem, and you are aware that both Jon Tippet and Jack Karczewski received their appointment, although somewhat belatedly in Jon's case.

The protocol has been extended to include consultation with the Federal Court judges for those who practice predominately in that area.

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*The year of the catfish,
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Other areas worth noting:

- legislation dealing with community legal centres; and
- a new Legal Practitioners Incorporation Act (still in the works).

I also commend to you the report of the Legal Practitioner Act Amendment Committee. You will see there a number of amendments that are recommended to correct the inadequacies of our own Act.

To an extent these may be overtaken by the introduction of “model” legislation, but as a result of the work of that Committee, we are in a uniquely prepared position to respond to any suggested changes from the national bodies.

CONSTITUTIONAL CHANGES

There are some suggested amendments to the constitution and the professional conduct rules for the profession to consider.

Nominations for Council

This proposal is intended to reduce the amount of time spent at the elections and to assist people in selecting those for whom they wish to vote, particularly those handing over their proxy. The requirement that nominations be received a certain period before the election is not an unusual one.

Complaints By-Laws

This is an important step forward for our complaints process.

The new by-laws are intended to remove the doubts and problems inherent in the current system and to introduce the concept of a “lay observer” to ameliorate perceptions that the Society looks after its own in the manner in which a particular complaint is dealt with.

The new by-laws can be matched with the amendments we are trying to make to streamline the appeal process.

Professional Conduct

It is a sad indictment on our own profession that the conduct of practitioners complained against and their advisors can sometimes lack

common decency and politeness.

I suppose ours is a combative profession and that is why there are conduct rules that require that we treat each other in a polite manner.

But to date there has been no real obligation to deal with the Society in the same manner, and I believe there is a need to extend the politeness we come to expect amongst ourselves to the Society.

On a more personal note, I have had the honour of representing the Society at a number of forums from Law Council conferences, to meetings with the judiciary, the government and the membership to Law Society functions organised by the Secretariat and other official duties.

The support by the profession for Society activities such as the Trial of the Century (October 2001), the Openings of the Legal Year in Darwin and Alice Springs (February 2002), Law Week (May 2002) and more recently the Annual Dinner (incorporating the McGregor tribute) has been heartening. I hope the trend of more interest in the Society’s events continues in the future.

The increased enthusiasm of the Alice Springs profession towards Society functions deserves acknowledgement and it’s hoped there will be more activities for the Red Centre in the coming year. One day I hope we can afford a Council meeting in Alice Springs, followed by some drinks, of

course.

More often than not many of these events are the public face of the Society and consequently of the profession.

Also part of publicising the Society is the handling of media inquiries, usually relating to adversarial topics.

Public liability became of interest to the media and as well as attending various meetings on the issue, I gave lengthy interviews to ABC Radio and Top FM putting forth the lawyers’ side of the argument.

On the home front, I’ve been fortunate to have a very supportive Secretariat with extremely hard working staff backing up the Council.

Much of the back room work is done by the Secretariat and members should be aware that the dedication of staff ensures that most of the Law Society’s work gets done.

All-in-all, as I said before, it’s been a busy year. Challenging, frustrating and satisfying.

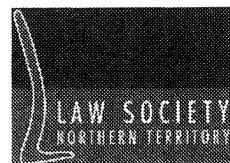
Finally, an admission. Writing a monthly article for Balance has been a delight and a horror (okay, mostly a horror).

As I said in my first President’s report last year up until then, I hadn’t had to write an essay for about 20 years.

But the platform was there and I hope I’ve managed to get at least some of you interested in my ramblings.

See you at the AGM. ①

Law Society Annual General Meeting



**At the Function Rooms, Darwin Central
Hotel, cnr Smith & Knuckey**

**4.30pm
Wednesday 4 September**

**All members urged to attend. Please be early to register.
For agenda items, contact Julie Davis on 89815104**