

# DALIA

Edition: November/December 2003



## **ABORIGINAL LEGAL SERVICES**

**\* Bush Courts and KRALAS**

**\* Alcohol, violence and customary law in Central Australia**

**\* Funding KRALAS**

**\* TEWLS Aboriginal Women's outreach project**

## **A pre-Christmas update**

Have you ever known someone quite well for a number of years and then find out something about them that leaves you amazed? More on that later, but first down to business.

### **PROFESSIONAL INDEMNITY INSURANCE**

Starting with the most exciting news first... we have secured Professional Indemnity Insurance (PII) for Northern Territory lawyers for the next 18 months. On advice from our brokers, Marsh Pty Ltd, we are shifting our insurance year from January/December to July/June.

I am very pleased to advise that we secured PII premiums at about \$700 less per practitioner than last year (for the first nine-month period, the second period will be higher reflecting the larger coverage). We have arranged to split the 18 months into two nine-month policies. For the first nine months risk will remain at \$1,000,000 per claim, increasing in the second nine months (in line with the likely requirement in the proposed model laws) to \$1,500,000.

Claims remain on a "claims made" basis and we have negotiated with QBE for a ten percent per practitioner discount for firms or sole practitioners who enrol in the Quality Review Assessment (QRA) with LeMessurier Harrington Consulting.

The QRA is cost effective and can result in significantly reduced premiums. Cheryl Richardson (from Marsh) and Sue Harrington (from LeMessurier Harrington) will co-ordinate week-long visits beginning 16 February 2004. QRA will also be available to our Alice Springs and Katherine members. Please contact Marsh or the Law Society for further information. *(Please see page 12 for more information about the QRA process).*

This is a positive step towards better practice and risk management. I have already had considerable positive feedback from some members and encourage everyone to participate.

In the current insurance climate, I believe we have secured a favourable outcome for our members. It has taken nearly 12 months of negotiations and

I would like to thank Ian Morris (Immediate Past President), Cheryl Richardson and Barbara Bradshaw for their hard work and contributions in securing this outcome.

### **FSRA**

The Law Council of Australia (LCA) has made submissions to the Federal Government regarding the impact of the Financial Services Reform Act (FSRA) on lawyers. I am pleased to advise that in response to these submissions, we are hopeful that lawyers providing legal advice will be exempt from the FSRA.

Of course none of you should take this as a suggestion not to make your own arrangements. Such exemptions do not apply to the Law Society and Barbara Bradshaw is continuing to work very hard on our applications for exemptions and/or preparing the appropriate applications.

As I write this, I have just heard that ASIC has agreed to grant interim relief to the Law Society though no word as to the terms and conditions of that interim relief.

Did I mention we have signed off on PII for 18 months?

### **OPENING OF THE LEGAL YEAR**

Arrangements are well under way for the opening of the Legal Year (OLY) ceremonies, which will include ceremonial sittings in Darwin and Alice Springs to welcome the new Chief Justice. The schedule is still being finalised, but OLY will be on 2 February 2004 in Darwin and 4 February 2004 in Alice Springs. The ecumenical church services will be at the Supreme Court followed by lunch.

Kriss Will, managing director of Kriss Will Consulting Pty Ltd, will be the guest speaker at the Darwin and Alice Springs lunches. Kriss Will Consulting Pty Ltd is a consultancy firm which specialises in management consulting, training and development. Kriss holds (or has held) various honorary positions,



*Merran Short, President*

including as an executive of the General Legal Practice of the Law Council of Australia, the Victorian Women Lawyer's Association and the Australian Legal Practice Management Association and a committee member of the Quality Committee of the Law Institute of Victoria. Kriss was a founder of the Legal Practice section of the LCA and currently holds the position of Chairman. At last count Kriss had over 40 articles published and her abilities in this area were recognised when she was appointed as international expert on the Legal Management Editorial Advisory Board in 1998.

Kriss has also kindly agreed to run a couple of workshops, which will occur in late January 2004. She will run a workshop specifically for solicitors and another directed at partners. More information about this will be provided by the Law Society closer to the time. And, did I mention we have secured PII for the next 18 months?

### **THE LAW SOCIETY COUNCIL**

The Law Society Council met on 27 November 2003 for the last meeting of the year. I would like to thank all councillors for their assistance and hard work to date. Especially for attending the two additional meetings and the strategic planning day, details of which were provided in the last edition of *Balance*. Their hard work has allowed the Law Society to secure and sign off on the PII (for the next 18

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## A pre-Christmas update cont...

months), identify the issues for the coming year and establish relevant committees.

### LAW COUNCIL OF AUSTRALIA

On 4 and 5 December, Duncan Maclean, Barbara Bradshaw and I attended at the final LCA meeting in Canberra. The Council of Law Societies (COLS) met on the Friday and the LCA met on the Saturday. During the COLS meeting I spoke to an agenda item on tort law reform and medical indemnity insurance. The Law Society is very concerned that we have not seen the end of tort law reform.

Following on from our discussion at COLS on 5 December 2003, the Directors of the Law Council of Australia resolved that:

1. Tort law reform in respect of medical negligence and workers' compensation be re-prioritised in our strategic plan to highest priority status, with the objective of protecting and restoring the rights of injured people.
2. A full-time staff member co-ordinator be immediately appointed from the staff of the Law Council of Australia.
3. That a working group be set up to advise on the funding and other resources to be directed immediately:
  - (a) to research, compile and collate, statistical and other information and,
  - (b) to develop a strategy to achieve our objectives.
4. A working party be established which includes Ms Merran Short (Northern Territory Law Society), Mr Bill Redpath (Law Society of the ACT), and Mr Glenn Ferguson (Queensland Law Society), Steve Southwood QC (LCA President Elect), and a representative of the Legal Practice Section of the Law Council.
5. The co-ordinator and the working party meet by phone no later than 19 December 2003.
6. The co-ordinator and working party consult with constituent bodies and other appropriate bodies with a

view to presenting a strategy, including *inter alia*, a grass-roots media campaign, to address our objectives.

7. The working party circulate a report which addresses, *inter alia*, governance issues and financial implications by 31 January, 2004.

### CARRIED UNANIMOUSLY

On a much more pleasant note the LCA resolved to admit the Northern Territory Bar Association (NTBA) and the Western Australian Bar Association as members of the LCA.

From the Northern Territory's perspective, this is a great achievement as it means that from March 2004 we will have three representatives sitting on the Law Council - myself as the LSNT representative, Steven Southwood QC on the Executive and John Reeves QC as the NTBA representative.

I congratulate the NTBA and look forward to their contribution to LCA and their continued support of the Law Society NT.

All in all the LCA meetings were very productive and informative, which brings me back to my opening paragraph. Have you thought you know someone, only to discover... that they can tinkle the ivories like a Broadway performer, have a voice which (whilst not Pavarotti) certainly puts most of us to shame and a repertoire to impress. LCA members were provided with after-dinner entertainment in the Hyatt Hotel lobby by our very own Duncan Maclean, who knew? It was midnight and a few noise complaints ensued (they go to bed early in the ACT) so the very accommodating Hyatt Manager, Mike, kindly offered us the "Presidential Suite", where Duncan continued to serenade us into the wee hours of the morning. There were a few sore heads the next day, but it was worth it.

As this is my last column for the year, I would like to thank the Secretariat for their assistance and support, and extend season's greetings to all of you and hope that you have a safe and happy Christmas and a prosperous New Year.<sup>(1)</sup>

# Quality Practice Review

In early December, Sue Harrington of LeMessurier Harrington Consultants, in conjunction with Cheryl Richardson of Marsh Pty Ltd, presented a series of risk management seminars in Darwin.

Sue Harrington also made a presentation setting out the procedure for the Quality Practice Reviews instigated by the Society. These procedures are outlined in this article. Reviews will be conducted in the week commencing Monday 16 February 2004.

It is important to note that the results of a review are strictly confidential and only statistical information will be provided to the Society.

*The review is designed as a support to practitioners in managing their practice and is not intended as a check up, since the results of the review will only be available to the firm concerned.*

### Cost

First Phase - Questionnaire, Visit, Report - \$1,375.00 (incl GST).

Additional hours, which may be required by larger firms, @ \$275.00 per hour (incl GST)

Second Phase - Visit, Interviews, Report - \$825.00 (incl GST).

Additional hours, which may be required by larger firms, @ \$275.00 per hour (incl GST).

Disbursements will be covered by the contribution from the insurer for those firms that participate in the Northern Territory PII scheme. For those firms who do not participate in the NT PII scheme, disbursements will be additional.

### Discount

Firms conducting the First Phase of the Quality Practice Review by 31 August 2004 will be eligible for a ten percent discount on premium for the September

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