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The following excerpt from the Court's decision exemplifies this:

The current approach of the Netherlands[government]...which entrusts the Bar of the Netherlands with responsibility for adopting regulations designed to ensure the proper practice of the profession, is that the essential rules adopted for that purpose are, in particular, the duty to act for clients in complete independence and in their sole interest, the duty ... to avoid all risk of conflict of interest and the duty to observe strict professional secrecy.

Those obligations of professional conduct have not

inconsiderable implications for the structure of the market in legal services, and more particularly for the possibilities for the practice of law jointly with other liberal professions which are active on that market.

Thus, they require of members of the Bar that they should be in a situation of independence vis-à-vis the public authorities, other operators and third parties, by whom they must never be influenced. They must furnish, in that respect, guarantees that all steps taken in a case are taken in the sole interest of the client.

By contrast, the profession of accountant is not subject, in general, and more particularly,

in the Netherlands, to comparable requirements of professional conduct.

MDPs should be rejected in Australia

Given the endorsement of these important principles in these two major world economic systems, one would hope that Australia's competition authorities do not succeed in making Australia the odd one out by forcing MDPs on the Australian legal profession.

If they do, the duties of loyalty and confidentiality, the unique role of the legal profession and the protection of legal professional privilege are likely to gradually disappear.

On the latter, it must be more than a coincidence that the ACCC has been at the forefront of legal challenges to the continuing existence of legal professional privilege. ①

Vale Barbara James

The Northern Territory lost one of its most respected historians with the passing of Barbara James in late March this year.

Variously described as much-loved, brave, kind, vastly intelligent and, simply, a friend, Barbara was paid tribute to by family and friends at a service in Darwin's Anglican Church. It was "standing room only" at the service which was attended by Labor party leaders, past and present - a testament to Barbara's dedication to the party.

For the Law Society NT, she was the author of an historical text about the Society titled: *Twenty Years On, a history of the NT Law Society (1969-1988) and a glance at pre-Society legal life in the north*. She was also a close friend of many LSNT members, past and present.

Born in Nebraska, Barbara came to the Northern Territory in 1967. She worked as a journalist before becoming an historian and spent time as a political advisor to Bob Collins when he was the NT's Labor Leader and later when he was a Senator for the Northern Territory.

She was an author of publications including the acclaimed *No Man's Land*, a book lauded as the first to highlight the contribution of women to the Northern Territory.

Her joy at Labor's historic NT election win in 2001 was captured by photographer David Hancock at the victory party.

Holding her wig (a result of chemotherapy) aloft and moving to embrace a victorious Chief Minister-elect Clare Martin, Barbara celebrated the success for which she had worked so hard for for many years.

The LSNT extends its sympathies to Barbara's friends and families for the loss of this great lady. ①



Above: An historic win...Barbara James (centre) with Clare Martin (left) and Rosemary Tipoloura (right)...Photo: David Hancock/Skyscans