

# BALANCE

dition: June 2003



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# The light at the end of the tunnel...

I am sure that you are all aware of the old saying, determining whether the light at the end of the tunnel is a sign of salvation or the headlight of an onrushing train. For me, it is a sign of salvation as my presidency winds down to a close but for the profession the jury is still out, as they say, as we collectively try to determine whether the wave of legislation changing the way in which we all do business is going to carry us closer to the safety of the beach or dump us unceremoniously on the rocks.

My article this month is mercifully short as the place my meandering thoughts normally occupy in *Balance* is taken up with an examination of the new tort reform legislation. I thought that it would be worthwhile to summarise the nature of the wave I had averted to above so that you know the work that your Society will be doing over the next few months and, if you are inclined, you might choose to assist in performing as well.

**1. Tort law reform:** the next stage of consultation with the Government will concern the drafting of the various rules and regulations necessary to implement the amendments to the Legal Practitioners Act (Costs and Advertising) and the introduction of the new civil procedure. In the future there will be some further discussions with the Government in respect of implementation of the IPP reforms that have not been so far attended to. A committee that will consult with the Government and other interested parties will be formed to attend these duties over the next six months or so.

**2. National Competition Policy:** the Government is finalising its position in relation to the examination of the Legal Practitioners Act and the legal profession in general set against the framework of National Competition Policy. The Society will be consulting with the Government to assist in the formulation of the Government's position. This will occur over the next six months or so.

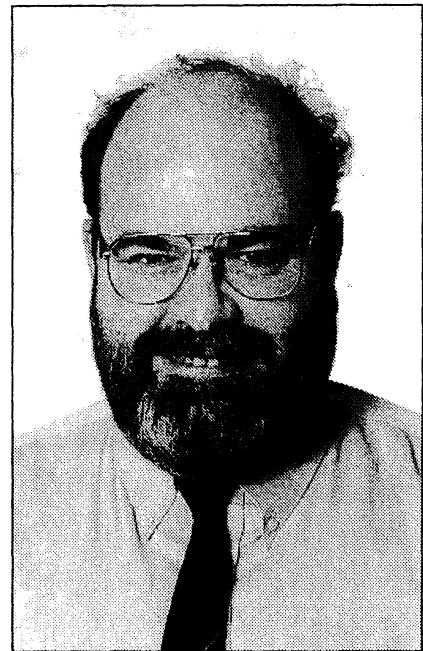
**3. Multi-disciplinary practices:** the Society will be consulting with the Government to consider the implementation of the proposed legislation that will enable practices of

this nature to exist in the Northern Territory. The Society's comments are due within a week and we would expect that there would be some conclusion reached by the Government within the next three months.

**4. National model laws:** the consideration of these laws has reached the level of the Standing Committee of Attorney's General. The Law Council has been instrumental in putting submissions to the Standing Committee and the Society has examined the legislation proposed and has commented upon that to both the Law Council and our Attorney General. There is considerable work to be done in relation to the finalisation of many of the requirements for rules and regulations that, notwithstanding they are not part of the main legislation, will contain many of the most important distinctions and positions in the operation of any national model.

**5. Work Health Act amendments:** There is currently a review of some sections of the Work Health Act under review by a committee in respect of which the Society is represented. The main thrust is a review of the definition of the term "worker". In addition there is a national review of workers compensation legislation and the Society has been ably represented by Barbara Bradshaw in the hearings that have been conducted in Darwin.

**6. Professional indemnity insurance:** the Society is shortly to meet with its brokers Marsh to discuss the manner in which we might go to the market to arrange Professional Indemnity Insurance for the next insurance period. Thus far we have had no written responses from the



Ian Morris, president

profession concerning the matters raised in the last *Balance* and unless otherwise indicated it looks as if we will move along the same path as this year. On a happier note I have heard anecdotal stories of a softening in the market so that the crisis we currently face might ease of its own accord. The Society will be having meetings with Marsh over the next two to three months.

**7. Priestly 12:** the Society has been meeting with the Admissions Board and representatives of interstate universities and colleges to formulate a proposal to the Chief Justice and the Government to deal with the requirement that post degree/pre-admission education must accord with the standard of the Priestly 12. A final formulation will have to occur within the next two months to enable steps to be putting place for next year.

As you can gather from the seven items above, the Society is inordinately busy at the moment and in addition faces elections in September this year that will result in a new Council. The pressure on the staff of the Society and upon the new Council to attend to all those matters I have described above (and whatever comes up in the meantime) will be immense. The catfish, of course, wishing them all well, will by then have returned to the security of the mud at the bottom of the stream. ①