

# Progress on the Model Laws Bill

As I write this article I look back at a busy May 2004 with Law Week and the commencement of the *Legal Practitioners Amendment (Incorporated Legal Practices and Multi-Disciplinary Partnerships) Act* on 1 May 2004 and the commencement of the *Legal Practitioners Amendment (Costs and Advertising) Act (Costs and Advertising Act)* on 1 June 2004.

The commencement of the Costs and Advertising Act has required a lot of work by the LSNT Costs and Advertising sub-committee and the Secretariat. The LSNT is currently checking the agreements which have been distributed and working on explanatory statements.

Costing will continue to be both a difficult and complicated area for practitioners and clients – it is essential to follow “best practice” procedures, where possible.

The provisions in these two Acts are replicated to some extent in the Model Legal Profession Bill (Model Bill) which has recently been released. The Model Bill also deals with a number of issues including:

- \* Reservation of legal work and legal titles;
- \* Admission to practice;
- \* Practising certificate requirements;
- \* Trust accounts;
- \* Complaints and discipline;
- \* External intervention;
- \* Fidelity fund cover;
- \* Foreign lawyer requirements; and
- \* Legal profession rules.

The LSNT has been extensively consulted in the development of the Model Bill at a local level and in our capacity as a Constituent Body of the Law Council of Australia.

The Model Bill contains Core Uniform, Core Non-Uniform and Non-Core provisions. We are generally happy with most of the provisions. Written comments will be provided to Department of Justice in due course. We are hoping for an ongoing process of consultation.

The Model Bill requires approval of the NT Cabinet before drafting can commence and it is hoped that Cabinet will give a favourable response.

The provisions are designed to facilitate national practice. However they will also provide for improved practice in a number of areas.

Copies of the Model Bill are available from the Law Society or from the Law Council website, [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au).

The Model Bill does not cover all issues. A Working Party including representatives of the Law Society, the NT Bar Association and the Consumer Affairs Council will be meeting shortly to consider a



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number of issues which are not provided for in the Model Bill.

These issues include:

- \* The structure of the Law Society and its overseeing functions;
- \* Other trust account issues including what should happen to interest on trust accounts;
- \* Should the NT retain the concept of QC's or should they become SCs and what should the method of appointment be; and
- \* Issues relating to FSRA and the Law Society and various related activities.

Updated reports will be provided. The “saga” has some way to go before, hopefully, new legislation is successfully bedded down.

I would be happy to answer any queries about this process.)

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