

for the record

A legislation "overload"?

One thing that this job involves is legislation and policy issues and there seems a plethora of it around at the moment.

As you would be aware (unless you were in Antarctica the last couple of months) the Legal Practitioners Amendment (Costs and Advertising) Act commenced on 1 June 2004. The Law Society now has powers in relation to Costs and Conditional Costs Agreements. Those who infringe the legislation run the risk of a professional misconduct charge. Practitioners are making every attempt to comply, hopefully with the assistance of draft costs and conditional costs agreements developed by the Law Society. There are some glitches with the legislation and it is hoped that some of these can be "fixed up" by Government in the short term.

We are still working on explanatory materials for the Legal Practitioners Amendment (Incorporated Legal Practices and Multi Disciplinary Partnerships) Act. A CLE scheduled for 15 June 2004 was not held, however it will be reconvened at a later date. The ILP structure has been popular in NSW with a wide variety of firms adopting the new structure and there is no reason to think it could not be the same here.

My column in the last edition of *Balance* dealt with the National Model Legal Practice Bill (Model Bill) and a Law Council article on this topic features in this edition. The Law Society is working closely

with Department of Justice and others in the development of NT-specific legislation and is represented on Law Council Reference and Working Groups. Whilst the Model Bill is over 500 clauses long it does not deal with all matters and a Working Group is looking at such matters as the structure of the Law Society, funding issues and FSR. We also need to ensure that other issues, like those relating to community legal centres, are properly dealt with.

The Law Society is still represented on Working Groups looking at matters related to the implementation of the Civil Liabilities (Civil Claims) Act - which is throwing up a number of difficult issues, and remaining lpp recommendations, some of them arguably problematic.

It is understood Government will shortly be looking at proportionate liability and as at the time of writing has just released a discussion paper and draft Bill on proposed Professional Standards Legislation. More on this to come. Interested parties can get more information from the NT Government website.

The NT Government has recently released a discussion paper on proposed whistleblowers legislation. Comments are sought. We are also



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looking at costs.

Most of this is Northern Territory legislation, however a lot of it is part of a broader national process.

There are many national measures which impact on those involved in business and those advising businesses. An example at the national level is CLERP which has just been enacted and has major implications for company directors and auditors.

The Law Society joined a number of other organisations, including CAALAS, NAALAS, NTLAC, CAWLS and TEWLS, in appearing before the Public Accounts Committee Inquiry into the provision of Indigenous Legal Aid Services in July 2004. The Law Society has worked closely with the Law Council on this issue; Tony Whitelum and I assisted in the development of its submission.①

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