

Territory Parliament debates Legal Profession Bill

At its December sittings, the Northern Territory Parliament debated the biggest ever bill in the history of the Northern Territory.

"The 400 page, 800 clause bill is not only the largest piece of Legislation, but it is very important because it sets out new guidelines for the legal profession," said NT Attorney-General Syd Stirling.

"The Legal Profession Legislation will make it easier for lawyers to practice across State and Territory borders by removing differences in regulations between jurisdictions.

"It is better for their clients because it will better ensure that legal work is carried out by properly qualified lawyers.

"It is also better for regulatory bodies like the Law Society as it will make doing business more efficient."

The Bill provides for :

- Uniform definitions of misconduct preventing lawyers struck off or penalised in one jurisdiction from simply moving to practice law in another jurisdiction;
- A uniform standard for law degrees and practical legal training, and Australia wide recognition of those qualifications;
- Uniform rules dealing with trust accounts and fidelity funds;
- Standardised requirements for disclosing information on legal costs to clients. This will ensure that both clients and lawyers will have the same understanding of their rights and obligations regardless of where they live or practice in Australia; and
- A nationally uniform system governing the entitlements of foreign lawyers to practice the law of their home country in Australia.

"The Legal Profession Bill expands the Law Society's powers to investigate and regulate the legal profession," said Law Society NT President Allison Robertson.

"The new Act aligns the Territory legal profession with national standards.

"This will provide better protection for legal consumers through increased accountability and more transparent fee arrangements.

"We would like to congratulate all those who worked to hard on this Bill – the largest in the NT Parliament's history."

The Legal Profession Bill and other light holiday reading cont...

will be preparing a submission, which will either be supported or supplemented by submissions of law societies and bar associations. We will keep you informed of any developments in relation to this most important enquiry.

Also on your list of holiday reading should be any material emanating from the office of the Federal Minister for Indigenous Affairs, Mal Brough. Having spent much of 2006 trying to steal the limelight and moral high ground on a variety of Indigenous issues, there would appear to be no let-up in sight, with the latest round being the somewhat extraordinary proposition that the provision of Federal assistance for "non-essential" services such as school and housing facilities should be tied to the execution of 99-year leases by traditional owners over their land (*see page 14*).

The Society has recently established a committee on Indigenous Legal Affairs, which it is hoped will provide advice and support to the LSNT council on issues as they arise, and which will also be able to liaise with the Law Council's Indigenous Issues Advisory Committee, which will be continuing to deal with the Federal Government on matters such as land tenure and the permit system.

Finally, if that does not give you enough reading material to fill your Christmas break, there is always the multiplicity of publications generated by the Murdoch/Falconio trial – personally, I'll just wait for the movie!

On behalf of the council and secretariat, I wish you and yours a very happy, safe and restful Christmas break and fruitful New Year.

'Oops I did it again' addendum

The September-October edition of *Balance* included an article entitled "Oops I did it again" by Josephine Stone.

The article indicated that the policy excess on PII is only payable for payout of a claim. Currently, the policy excess is payable once defence costs are incurred or on payout of a claim.