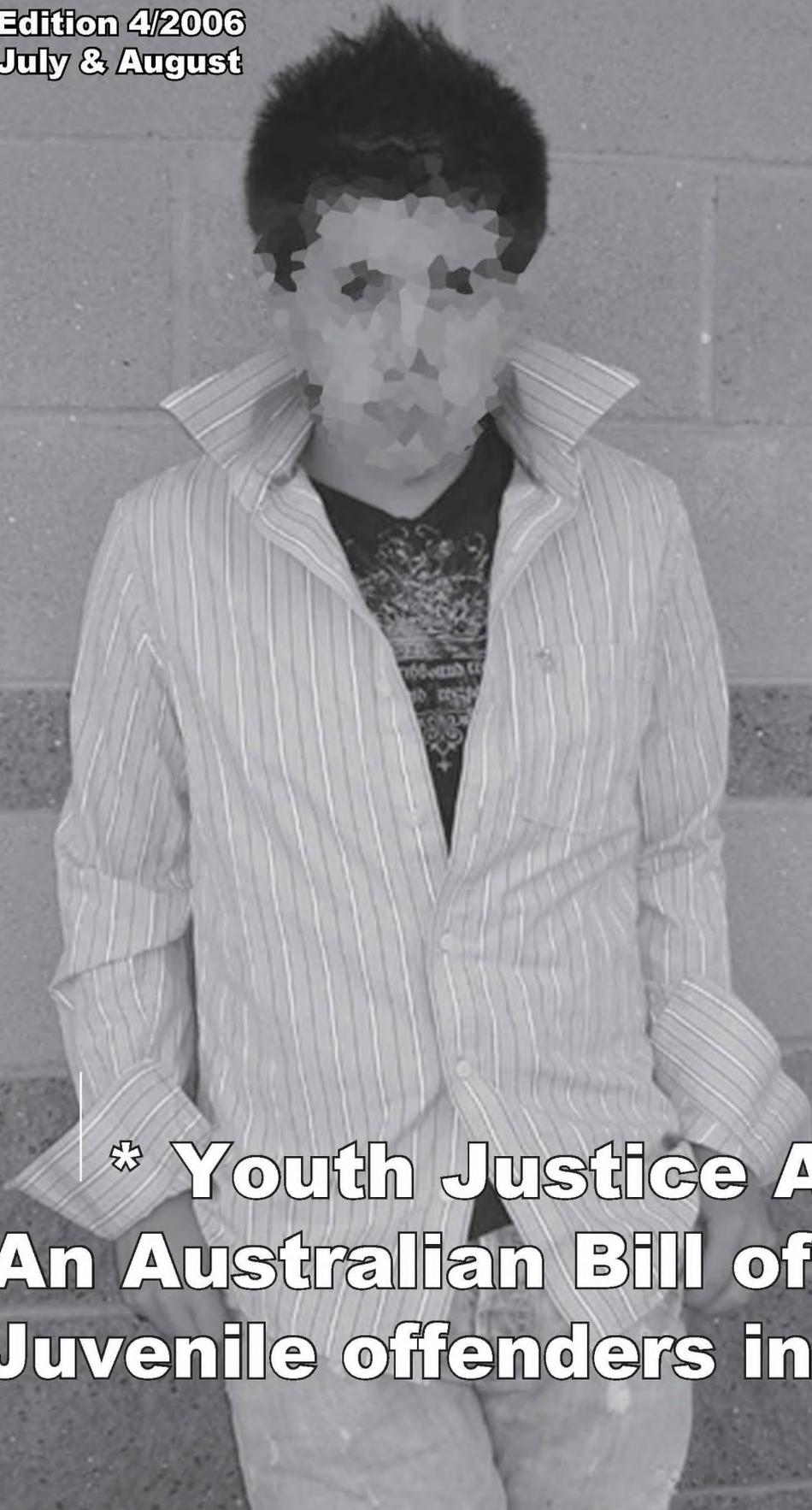


# BALANCE

LAW SOCIETY NORTHERN TERRITORY

**Edition 4/2006  
July & August**



- \* **Youth Justice Act**
- \* **An Australian Bill of Rights**
- \* **Juvenile offenders in the NT**

# Reflecting on the year that was

**They do say that a year is a long time in politics, but in the world of legal politics, a year's Presidency seems to have gone by (or have nearly gone by) terribly fast.**

It is that time of year when we start getting busy once more with preparation of annual reports, nomination forms, audited accounts and practising certificate renewals, so it is pertinent for me to say a few things on those themes.

## ANNUAL GENERAL MEETING

The Law Society's AGM will be held on Wednesday 11 October 2006, and I would like to take this opportunity to thank all those who have given up their valuable time to serve as councillors and committee members during 2005/06. The investment of time by practitioners is significant, and crucial to the functioning of the Society.

I would especially like to note the achievements of the Commercial Law Committee for its work on the new approved Contract of Sale; the Professional Standards Committee for its diligence in the handling and determination of the various complaints submitted to the Society; the Tort Law committee, including its additional co-opted members, for its "drop everything" response to the Victims of Crime Assistance legislation and work on preparing a survey on the impact of the 2003 changes to tort law claims; the CPD Committee for overseeing seminar program that has been interesting, diverse and full during the year; and the Legal Aid/Pro Bono Committee, for its perseverance in trying to get a Pro Bono conference off the ground in 2006, which has now borne fruit with the conference to be held on 19 and 20 October.

These comments only represent a small selection of the activities and achievements of councillors and committee members, and more detail of the work of each committee will appear in the annual report.

## COUNCIL AND COMMITTEE NOMINATIONS

It is worth noting that nominations for council positions will close on 4 October 2006, and I would like to encourage practitioners to give consideration to nominating for council, or to submit an expression of interest for membership



*Allison Robertson, President*

of one or more of the committees. It is particularly important that we have a good mix of senior and junior practitioners, from all sectors, represented. The commitment for a councillor is probably 3-5 hours a month, preparing for and attending Council meetings, and occasional input (generally by email) to issues that need determination outside of meetings. Committee members could also expect to spend a few hours a month at meetings and on email communications.

A planning meeting of the newly elected council is generally held within a couple of weeks of the AGM, to set strategic goals and plan activities for the council and committees. Expressions of interest for committee membership area required by that time, if not received prior.

For my part, I can say that I have enjoyed my time as President very much, and intend to stand for a second term. If you have any questions about the Council or committees, please feel free to contact either myself or Barbara Bradshaw.

## THE YEAR AHEAD

You have probably been hearing it for a long time now, but we can finally say with confidence that during 2006/07, the legal profession in the NT will join its colleagues in Queensland, New South Wales, Victoria and the ACT in being regulated by a new Legal Practitioners Act based on the National Model Law. It is currently anticipated that the NT legislation will commence on 1 March 2007. The fact that the NT will not be the last of Australia's jurisdictions to implement the National Model (WA, SA and Tasmania are still to progress their legislation) is something we can be proud of, given the size of the project and the relatively tiny amount of resources available in the NT for the project.

Final implementation of this legislation will represent  
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If parliament at this stage won't act, we believe the community will.

Our Human Rights Act campaign started in response to the concerns of the readers of New Matilda.

New Matilda is an online weekly magazine, devoted to better public policy and a stronger democracy.

As soon as New Matilda started up, contributors and readers expressed disgust and amazement at the practices in detention centres, the desperate plight of adults and children seeking our assistance, and other daily acts of government that flew in the face of international treaties on human rights.

If these repugnant acts of government and its agencies were actually legal, then the challenge was to change the law.

We asked ourselves how in the current political climate how we could pursue such a reform.

Inspired by the readers of New Matilda, we formed a small committee and prepared a draft bill that embodies all major civil and political rights, and economic and cultural rights set out in the UN conventions.

Last October we published this draft bill, and invited public input and comment, on [newmatilda.com](http://newmatilda.com), and through public forums throughout Australia.

We have had discussions with dozens of community, ethnic, civil liberties and church groups, and some members of parliament.

#### **WHY DID WE PREPARE A DRAFT BILL AND PUBLISH IT IN THIS WAY?**

We wanted to get a genuine community debate going, to help educate the community about rights and to highlight for parliament what could and should be done.

We were convinced that it would be much more practical and fruitful to debate human rights law with an actual bill out there for consideration than trying to discuss these matters in abstract.

Our open and consultative approach is working. Citizens have welcomed the chance to consider and comment.

Now we are holding our final consultation in Darwin. After this we will refine the draft bill. We will then relaunch it; 13 August, in Melbourne.

We are lobbying all parties for its introduction into parliament as a Private Member's Bill with cross party support.

We hope to have the bill in the parliament this year. The campaign can succeed, as long as we get extensive community support. In the absence of national  
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#### **PRESIDENT'S REPORT**

### **Reflecting on the year that was cont...**

sent the culmination of an enormous effort by a number of people. The National Model project, which has been a collaboration of the Standing Committee of Attorneys-General (SCAG), the Law Council of Australia (LCA) and its various constituent Law Societies and Bar Associations, had its infancy when Ian Morris was President of the Society. Our CEO, Barbara Bradshaw, has played a very significant role, participating in the National Practice Working Group of the LCA, and coordinating liaison with the NT government and Department of Justice.

The commencement of the new legislation will undoubtedly present some challenges for NT practitioners, and there will be an extensive education program starting off in the late part of 2006 so that you can be prepared for the key elements. Among these will be the compulsory continuing professional development (CPD) requirements; enhanced costs disclosure obligations; adjustments to disciplinary arrangements; and fairly significant alterations to trust accounting. While some of these things will require some getting used to, and may not be without their teething problems, we are confident that the new legislation will bring the profession into the 21st century in many respects.

Other challenges for the year ahead will include dealing with what will undoubtedly be a continuing focus on Indigenous social and legal issues, and I commend those practitioners who have indicated their willingness to participate in an Indigenous Issues Committee – the Society will benefit from having the expert input of practitioners working in Indigenous justice when being called upon for comment and participation by government and the media. Changes in law (including tort law, CVA, and unfair dismissal to name a few) affecting the nature of legal work in the private profession, along with price-sensitivity among consumers of legal services, will also present a continuing challenge for those operating legal practices and those working in them. The legal profession has always been known for its resilience and creativity though, and I trust those qualities will allow legal practitioners to meet the challenges of the year ahead successfully.