

# BALANCE

LAW SOCIETY NORTHERN TERRITORY

**Edition 5/2006**  
**September & October**



**Pro Bono in the Territory**



# Winding down, or is it all really just beginning?

The humidity is steadily rising, the mangoes are ripening fast, the final Mindil Beach market night has been and gone, we have held our Annual General Meeting and strategic planning meeting for the year, and now the party season is upon us.

For some there can be no rest though, particularly as work continues at pace with the analysing and digesting the Legal Profession Bill 2006, which is no easy task given that it is the largest bill in NT parliamentary history.

In case you have not been following the National Practice Model Laws Project, it in fact has a long history. In 1994, the Law Council of Australia (LCA) adopted a "Blueprint for the Structure of the Legal Profession", which has guided the LCA, its Constituent Bodies (which includes the Law Society NT) and governments since then.

In March 2002, the Standing Committee of Attorneys-General (SCAG) commenced a further phase of examining the regulation of laws through the National Practice Model Laws Project. This project coincided with the LCA's National Practice Project and was essentially directed at reviewing and seeking national consistency in the standards and 'rules' applying to the regulation of lawyers.

The first step in the National Practice project was the establishment of the "travelling practising certificate" regime, allowing easier movement of practitioners between jurisdictions.

At the August 2003 SCAG meeting, Commonwealth, State and Territory Attorneys-General agreed to endorse comprehensive model provisions as a basis for consistent laws to remove barriers to the national practice of law and deliver a range of benefits for lawyers and consumers. This landmark agreement was a significant milestone in the Project, bringing Australia closer to achieving a truly national legal services market.

Now, over three years on, new Legal Profession Bills based on the national Model Bill, have been introduced and/or commenced in NSW, Victoria, Queensland, the ACT and the NT. South Australia, Tasmania and Western Australia are still developing their legislation, with only Western Australia remaining without a consultation draft



*Allison Robertson, President*

at this stage.

As with most things in life, change can be unsettling, confronting and even frightening, and no doubt the Legal Profession Bill 2006 may give rise to those feelings amongst many of you. The good news is that much of what is contained in the Bill will not impact in a significant way, if at all, on your daily practice of the law, but there are clearly areas in which there will be an impact.

The LSNT Council and Secretariat are developing a variety of education mechanisms for practitioners and others involved in the operation of legal practices (accounts managers, auditors etc), which will assist in an understanding of the new regulatory regime prior to its anticipated commencement in March or April 2007.

At the same time, a lot of hard work is going into the consultation process with government in relation to development of regulations under the Bill, and consequential amendments.

I encourage all practitioners to take some time to look at the Bill, which can be located electronically at <http://notes.nt.gov.au/dcm/legislat/Acts.nsf> (and follow the link through "Bills before the Legislative Assembly") or by contacting the Law Society for an email copy. If there are specific issues you wish to raise or questions you wish ask, please do not hesitate to do so.

The last couple of months have also been busy with preparation for and holding of our Annual General and Strategic Planning meetings, both of which are reported on in more detail in the body of this edition. I would like to thank those members of the profession who have volunteered their time to serve on the LSNT Council and various committees for 2006/07.

Since our last edition, we have also farewelled

**Continued page 6...**



# Changing of the guard as the NT welcomes a new Attorney-General

On Tuesday 29 August, Northern Territory Attorney-General Peter Toyne announced his resignation from Parliament.

"Today I announce my retirement from the NT Ministry, effective midnight Friday 1 September. I will also be leaving Parliament once the Chief Minister arranges the necessary by-election for my seat of Stuart," he said.

"I am retiring as a result of medical advice. While it is always difficult to leave public life, I have accepted the time has come.

"It has been a privilege to serve Territorians in the roles I have been given over the past 10 years and I believe my efforts have delivered some benefit. I have always believed that to lead is to serve.

Dr Toyne has held the seat of Stuart for 10 years and has served as a Minister in the portfolios of Primary Industry and Fisheries, Sport and Recreation, Corporate and Information Services, Communications, Regional Development, Justice and Attorney-General and Health.

Dr Toyne counts among his achievements a raft of law reform, including the removal of mandatory sentencing and most recently the criminal responsibility reforms. Prison reform and community justice initiatives have been at the forefront of his efforts in the portfolio.

While the Minister for Health, Dr Toyne worked on achieving increased funding to allow efficiencies in service delivery and has been a constant advocate for child and maternal health.

With the retirement of Dr Toyne from Parliament, Deputy Chief Minister Syd Stirling has taken up the Justice portfolio and the role of Attorney-General.

He is also the Deputy Chief Minister, Treasurer and Minister for Statehood.

Mr Stirling has been the Member for Nhulunbuy since 1990 and his personal interests include Australian history, politics and the union movement, reading, fishing and Australian Rules Football.

The Law Society Northern Territory would like to welcome Mr Stirling to his new role as Attorney-General. We look forward to continue a close



working relationship with the position.

Mr Stirling has certainly taken on the job at an exciting time, with a raft of legislative reform and the recent introduction of the Legal Profession Bill 2006, which will result in significant changes for the legal profession.

## Winding down, or is it all really just beginning?

Dr Peter Toyne and welcomed Syd Stirling as the Attorney-General. Mr Stirling probably thought it was something of a "hospital pass" to be left with the job of introducing our new Bill, but all indications are that he is settling into the role with enthusiasm and we are confident of continuing a productive relationship with government through the Attorney's office.

Finally, as the festive season cranks up, I trust that you will all be able to find some time for celebration, rest and relaxation, so that you are all ready to attack the challenges of 2007 with enthusiasm. You should note that the LSNT will be holding Christmas Drinks for members again this year, on Tuesday 21 November, 5pm-7pm at the Novotel Atrium, please RSVP on 8981 5104 and we will look forward to seeing you there.