

# BALANCE

LAW SOCIETY NORTHERN TERRITORY

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**2008 - The year ahead**

# A successful start to '08!

This Australia Day I achieved a great personal milestone. Having just clocked up my 25th year in the Territory, I caught my first Barra. And, of course, I brought it in on a trusted Gold Bomber.

I think I must have been in some sort of slumber for the first 20 years here. Perhaps I was too intent on what lay over the horizon (ie. SA or QLD border) to see, and really appreciate, what was around me. My experience that Saturday highlights why it is that the Territory is so damned hard to leave.

At 6.00am on a still, typical wet season morning, we launched at Buffalo Creek, gliding out past the mangrove forests to our right, their woody roots reaching down to the wind like so many claws. Deep black holes on the muddy bank offered a teasing prospect of pots full of muddies, but today we were going to greener pastures. On our left, already one or two landlocked diehards with their throw nets and buckets were settling in for a day of toil along the creek's sandy reaches. We sped out across Shoal Bay under a crimson sunrise, muted by a herringbone sky and the remnants of a morning storm dumped somewhere over Marrakai or Adelaide River.

We came upon the 'Crabbers Golden Mile'. Once there, we eagerly stuffed an old Barra frame and some freezer burnt chops into crab pots and dumped them over the side, at the front of a muddy gutter. We sped on, sweeping around graceful bends of the 'Little Howard'. As the stream grew ever narrower, the mangrove forest began to shrink, and at first glimpses, then whole expanses of the tidal flats were on either side of us. The stream was barely

wider than our boat, and the water a yellow-gray, like iced coffee.

We settled on a spot that looked promising. With still  $\frac{1}{2}$  to  $\frac{3}{4}$  of an hour to the top of the tide, we had come upon a junction with a swirling colour change, where the tea-coloured run off met the tidal push. A couple of snaggy tree trunks completed the picture.

As the sun began to build, and the January conditions began to kick in, we could see the movement of the water slow. Armies of soldier crabs watched us from their salt crusted castles, and all grew quiet. Just the 'swish ...plop.....whoosh whoosh' as we cast and wound, cast and wound, trying to entice a nice tasty Barra from under the flooded mangroves.

Then: Whack! I'm on.

He's not a biggie, but he's on, and this time I'm not making any mistakes.

Rod up! Tension on!

Let him run. Let him run!

Oh no, he's gone under a snag. No worry, he's still on tight. Keep the rod up. Keep the tension on.

He's on the move again. Let him run, wind in a bit...Keep the tension on him.

A flash of silver. He's definitely a Barra. Get the net! Get the #\*&ing net!!

Alright. Keep winding him in nice and steady. I see him now, guide him over the net. Don't baulk him. That's it, he's in now, lift him up. Yahooooo!!!!

Mr Barra is mine!!!

Every past failure is washed away in this moment, as I view my beautiful silver prize (I measure him later-63cm - and a beautiful silvery hue



*Duncan McConnel,  
Law Society President*

indicating he's from the salt water, not a muddy billabong).

So a beautiful day was now perfect. But time was running out if we wanted to get out of there before the next high tide, a wait of eight hours. We sped back to our pots, but unfortunately, no interest this morning.

Next we were off to Gunn Point to try our luck on the reefs. On the way out we could see in the distance a rocky shore with white edging like Caltite cliffs. The fish finder said this was the spot to trawl for Queenfish and Trevally. Worth checking out.

As we came closer, to our amazement we saw that the white cliffs were actually waterfalls created by the falling tide, no more than four feet high in any one place but extending across two or three kilometres of the coastline. From 100 metres out, you could hear the roar of the water as it rushed off the edge of the flat rock exposed by the outgoing tide. We were in three metres of water, yet we could

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## A busy year ahead for the Society

What does 2008 have in store for the Society? It's probably too late in 2008 to make resolutions, but it is possible to make some predictions on the major issues that will be occupying the Council, Secretariat and indeed the Territory legal profession over the next year.

### Legal Profession Act

We are about to "celebrate" the first anniversary of the commencement of the *Legal Profession Act*. The costs provisions became fully operational on 31 December 2007 (subject to transitional provisions), and I am currently answering queries, looking at problems arising and reviewing the draft costs documents prepared by the Society. They will require some amendments.

The Society is confident that most practitioners are well on the way to getting the 12 CPD points required by 31 March 2008, and a number of CPDs will be held in the coming weeks to facilitate compliance with the requirements.

The trust account external examination process (replacing "audit") will begin in April 2008, and practicing certificate renewal will be issued in April 2008.

The Professional Indemnity Insurance (PII) renewal process has begun, and we are awaiting advice on likely renewal terms.

The Society is working under the new disciplinary provisions, and the Legal Practitioners Disciplinary Tribunal has commenced operation. A CPD will be held on those matters shortly.

The Law Council of Australia will be establishing a Committee to look at harmonisation initiatives for the various Legal Profession Acts.

Possible national minimum standards for PII are also being

considered.

### Member Services

The Member Services Committee of the Society is discussing how our members can get access to some of the schemes that practitioners in other jurisdictions enjoy.

Another priority for this Council year is setting up a scheme to help practitioners who are experiencing mental or other problems because of the strains of legal practice.

Many good schemes are in operation interstate, and we hope to develop one suitable to the Territory, and one that meets the special factors applying here.

### Legislative Issues

At the local level, there are some major projects in train. They include the Local Government Bill, about which some practitioners have "issues", the *Care and Protection of Children Act* which will commence in a few months (and about which we will be further consulted) and the *Domestic and Family Violence Act*. It is understood a draft Liquor Bill will shortly be circulated, and there will be major criminal law amendments. It also appears that with the "reactivation" of the Standing Committee of Attorneys-General, there will be pressure to further advance projects such as the *Uniform Evidence Act* and succession initiatives (not that they have been ignored by the Attorney and his Department). The review of Unit Titles legislation should also proceed.

I am awaiting an update on progress relating to the Vendor Disclosure Discussion Paper, noting it is being reworked to reflect concerns advanced by the Society, and others.

At a Commonwealth level, a



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matter of major concern is what will happen with the Intervention initiatives. Developments will be watched closely by the Council and Law Society Indigenous Issues Committee.

Of major concern is what happens with the second tranche of the amendments relating to Anti-Money Laundering, in particular how they will be applied to lawyers. Issues include how legal professional privilege will be dealt with, the checks required by lawyers and the disclosure requirements. The Law Council of Australia has been vigorously lobbying government. More information on developments should be released shortly.

### Functions and Events

This year's Opening of the Legal Year events were particularly successful, however the Society invites feedback from practitioners, particularly in regards to the format of the event and the relevance (or otherwise) of an ecumenical service.

Practitioners can then look forward

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## A busy year ahead for the Society...cont.

to the commemoration dinner being held for Justices Angel and Thomas, at the Supreme Court Foyer on 12 April 2008.

Law Week, which will look at Indigenous issues, will start on 26 May 2008. The Society is seeking expressions of interest from agencies wishing to co-ordinate, or be involved in, an event during this busy educational week.

The Law Society and Statutory

Supervisor will host the annual Conference of Regulatory Officers on 12 and 13 June, and Darwin will host a Law Council of Australia Directors Meeting on 13 and 14 June 2008.

### Congratulations

The last *Balance* included some details of some of the achievements of current and former Society members. The Australia Day Honours List announced the

award of an Australian Public Service Medal to Robert Bradshaw, Director Legislative Policy at the Department of Justice. The Society offers its congratulations!

Congratulations also, to Rosemary Jacob, of Robert Welfare Barristers and Solicitors, on her admission to legal practice at age 72. I can only hope that I'll be as active and ambitious at Rosemary's age!

## President's report: My successful start to '08!...

clearly see rocks and sand beneath the boat, and the occasional flash of a marine creature, too fast to be identified as it kicked up the sand and darted away.

Unfortunately, the only things we could attract to our lines were a couple of sharks, which we let off with a warning. Our day on the reef was cut short by a spectacular storm that had built up over the Tiwi Islands. As it grew, it began growling at us, more or less as if to say "don't push your luck fellas". I'm no hero and I had my trophy in the icebox already, so without too much hesitation we turned and headed for home, a mere 20 minute burn across flat seas to the creek mouth.

All of these wonders were within a half-hour of our launch site at Buffalo Creek on the edge of the suburbs of the city. To think that such pristine nature, great adventure and a complete other world is just at our doorstep, what an escape! That's what holidays are all about.

But now, the summer tennis is over, the test cricket is gone, and it's time to get back to work. Future fishing trips will have to be squeezed into weekends and Easter, between kids sport, client expectations and future *Balance* articles.


Work must begin. Still, the picture

in my mind of that first silver flash in the brown salty water, will be enough to remind me of why it is we go to work, and make sure to make time for life.


Till next time...



*Duncan McConnel,  
Law Society  
President*



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