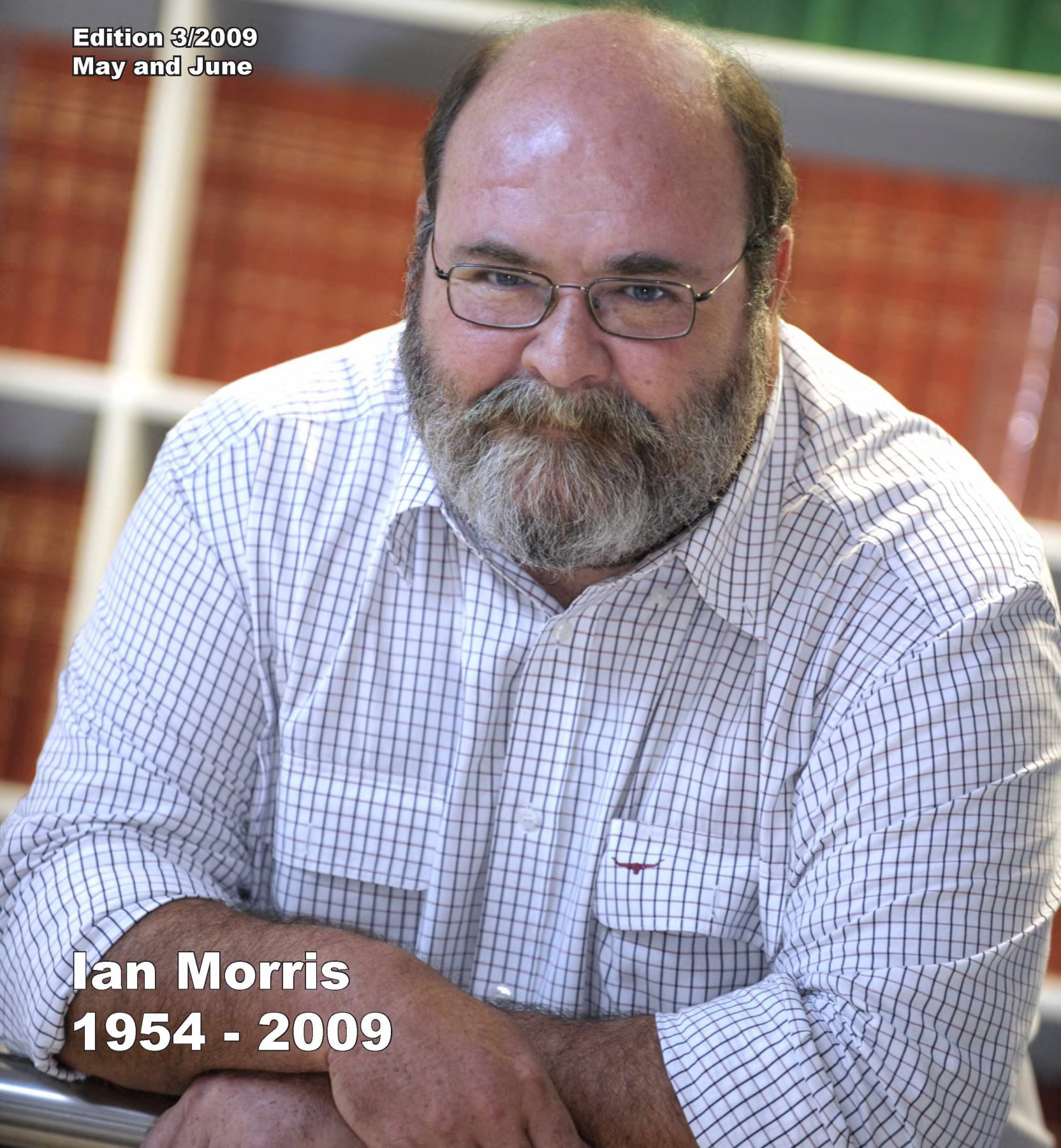


BALANCE

LAW SOCIETY NORTHERN TERRITORY

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Ian Morris
1954 - 2009

Ruminations from Singapore: The way ahead for Darwin

This issue of *Balance* is brought with mixed emotions, as it documents the departure of the first of three of our most significant legal 'characters' from the Territory profession; with accounts of the second and third departures to follow in subsequent issues.

Ian Morris passed away suddenly on 6th July 2009. Morrie aka the Catfish made a contribution to the profession that will only begin to be felt long after he has left us – that was the mark of the man. He didn't seek any fanfare for what he did; he just went about doing it. The revelation after his death of the depth of his involvement in community causes, in the modernisation of the legal profession, and of the important place he held in advocating for the disadvantaged will have surprised more than a few.

We have also seen the retirement of Justice Sally Thomas and of the Master, Terry Coulehan. Happily, I suspect we will continue to regularly see "Sally J" and Master Coulehan both socially and in different professional guises, notwithstanding their official Retirement.

I spoke recently to the Master about his future plans, and he hinted at the possibility of pursuing mediation and arbitration services in the Territory. Mediation and Arbitration have become the darlings of dispute resolution of late, not just here but throughout the profession. One only needs to look at the recent Commonwealth Attorney-

General's press release about the "multi door court house" to see where things are potentially going.

As I write this article, I am sitting waiting for the Jetstar counter to open at Singapore's Changi Airport. I am returning from a two day workshop being held as part of APEC 2009 on the liberalisation of legal services markets among the 43 APEC economies. It has been an interesting experience, to say the least.

A trip to Singapore is a feast for the senses in its own right. The sheer magnitude of the scale of development in this city state is breathtaking. I looked out of the boardroom of Allens Arthur Robinsons Singapore office to see a stretch of harbour as far as the eye could see, literally sprinkled with freighters and cargo ships of every size and shape. (Days earlier, I had quietly marvelled at the increased shipping traffic in and out of Darwin Harbour, as two or three boats crossed a magnificent setting sun as I drove home on East Point road – perspective is a fine thing!)

The whole focus of the workshop was on enabling lawyers to assist clients (mostly corporates of course) in entering into ventures in foreign countries – typically emerging economies in South East Asia – through the relaxation of their domestic rules of legal practice. Many countries simply do not permit foreign lawyers to practice law in their countries, period.



*Duncan McConnell,
Law Society President*

It did get me thinking however, about the changes that the Territory and Darwin in particular, are going through at the present time. In the not-too-distant future, most of the Territory expects that Inpex will commit to the development of its onshore processing plant for gas piped from the Ichthys gas field in the Timor Sea. We are told that we can expect something of a domino effect once this occurs, as extracting of gas becomes more and more feasible once the trailblazers have set the scene. We are told we can expect 'downstream' opportunities to emerge as well. Establishment of gas-dependent industry and processed petroleum products will be the natural evolution from the first stage of gas resource extraction.

Should these opportunities come to pass; the Territory's economy will be transformed. Western Australia's experience in the 1960s and 1970s is an interesting

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comparison to what we can expect. Similarly, the local legal profession can expect to enjoy the benefits of greater economic activity in the Territory.

This does not just mean money making, of course. A significant opportunity for the Territory legal profession is to capture some of the emerging practice areas that will develop. Resources transactions are the obvious example. But coming with those resources transactions will be greater shipping activity and the inevitable issues that arise from it. Will we see the realisation of Darwin as a major strategic port in the next 10 to 20 years?

If so, will there be an increase in maritime law issues to be dealt with by local lawyers, and the courts alike? Will there be disputes which call for commercial arbitration? Even if those parties have agreed to submit to UK law for arbitration and dispute resolution, there will no doubt be a need for activity on the ground.

The development and presence of such areas of legal work in the

Territory economy will be a great attraction for lawyers seeking to engage in such work. It is potentially a real draw card.

A unique aspect of our economic development will be the natural focus on indigenous involvement. The Territory has a chequered history of adequately addressing indigenous disadvantage. The Intervention is all the proof we need of that. Indigenous Territorians are gaining stronger and more effective representation at all levels of government, and this is adding to pressure to ensure that the economic future of the Territory includes a plan for its Indigenous citizens.

The challenge for our local legal profession, if we want to participate in the opportunities that will present themselves, is to harness these features of our future development, and continue to demonstrate our capacity to deliver legal services at world class standards. The winners will be those lawyers and firms who can innovate and adapt to these opportunities and make themselves indispensable to parties doing business here.

The challenge for the Society will be to maintain a relevant role as a representative organisation for our members and as a regulator. As more of our membership become part of national and even international organisations, the pressure to achieve uniformity of our regulation of the profession will increase. Hence, the Council of Australian Governments has launched a fresh round of activity to try and achieve nationally consistent legislation governing the provision of legal services. As commercial legal services become increasingly commoditised and internationalised, the traditional supervisory role of the courts may seem less relevant. Yet the supervision of the courts has been the cornerstone of the development a civilised legal profession. That extends to commercial transactions that cross jurisdictional borders and it must continue. }

CALLING FOR EXPRESSIONS OF INTEREST FAMILY LAW COMMITTEE

The Law Society Northern Territory is calling for expressions of interest from people interested in joining the LSNT Family Law Committee. Interested parties should register their interest by e-mail or post with Barbara Bradshaw, including a short summary of their relevant experience and expertise.

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