

# LSNT Thoughts

## on National Legal Professional Reform

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The Society first became aware of the COAG decision in February 2009. One of the first things we noted was the April 2010 date for a paper and the possible problems it will present for the Society and practitioners in the Territory, whilst at the same time fully acknowledging the need for streamlining of many of the procedures under the Model Bill legislation, which has been in force since 2007.

We were also aware that many practitioners would be saying “not again” and feeling at risk of regulatory overload. Many people working in law societies across Australia have the same feeling.

The Council of the Society initially agreed that this issue would be a priority matters more than the Society itself the needs of practitioners in the Territory had to be preserved, noting we have some specific issues.

We must acknowledge the support of the Northern Territory Attorney-General who raised some concerns at SCAG at an early stage.

Work on the project commenced with a Task Force chaired by Roger Wilkins AO of the Commonwealth Attorney-General’s department and

a Working group consisting mainly of public servants.

A 19 person Consultative Group was formed in late June 2009 with myself as the only NT person on it (again thanks to the Attorney for this). In this capacity I have been liaising with Government, the NTBA Statutory Supervisor, Chief Justice and others. It has held a phone hook up and a face to face meeting at which a regulatory framework was discussed. It is meeting again on 17 November to consider papers on costs and the establishment of a Legal Ombudsman which it is proposed would not necessarily deal with local handling of complaints. We have objected to this and are looking at ways around it. Other papers such as on practising certificates, trust accounts, PII and ILPs will follow shortly.

I have also worked with the Law Council and other Society CEOs on developing what would, in the circumstances, be the most acceptable model. This was mentioned in John Corcoran’s article on the previous page and is available from myself.

Whilst a team of public servants have been working on the

project, as well as a consultant parliamentary counsel, they will have a big task to get a draft Bill available for consideration by April 2010. It will also need state support at least. There would then need to be application of laws and administration acts developed.

The issue of finance has been described as the “elephant in the room” and there are some complicated issues involved such as what happens with money in the Fidelity Fund and the basis of Law Society funding. One issue we have is the need to retain a viable Society. These matters are currently being addressed.

One of the main themes coming through is the need to retain the independence of the legal profession and the role of the courts. Consumer issues are also getting a lot of consideration. In line with this the Law Council is developing a new set of uniform rules of Professional Conduct which will be considered at the next Law Council Meeting of 27 November 2009.

A very interesting period is ahead and I would be happy to answer any queries. ↓

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