

Road to No Where?????...

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As I am writing this article I am at home contemplating being back at the office following three weeks holiday in France, Southern England and Scotland. My holiday included a visit to the WWI battlefields where my grandfathers, their brothers cousins and even a future stepmother of one grandfathers made various contributions to “winning” World War 1. It was all very sobering and increased my respect for them.

My Scotland trip included a visit to various places where what were no doubt ancestors of local practitioners were involved in the many wars, clearances and murders that enliven Scottish history.

Anyway, back to reality...

The Annual dinner went reasonably well, in spite of the “buildup” deciding to arrive a couple of weeks early (for those from the south this is the period in Darwin of hot and humid weather that proceeds the Wet Season rains aka “the troppo season”, the mango madness or “suicide season”. I have been now

through 28 such seasons in the Territory and it never gets much easier.

This event happened to coincide with the voting after the 2010 election with many diners surreptitiously looking at the provided television, enabling them to know by the end of the dinner that the most possible outcome was a Hung Parliament. Many people will remember the dinner for this reason when others are long forgotten. I was well into my holiday before the outcome, such as it was become clear.

There is certainly change taking place in the Territory legal profession. The dinner marked the farewell from the Society to the Chief Justice the Hon Brian R. Martin. His Honour spent six years in the position and it was certainly a most impressive period of service not only to the profession, but to the Territory community. One thing that impressed me was his desire to understand and deal with in his judicial capacity the major problems of alcohol abuse and

the sometimes resultant problems of extreme violence and the way he reached out to Indigenous communities. He rightly noted, on more than one occasion, that the courts saw the end of the process and it was essential governments and others address the problems at the source.

It was very nice to see His Honour's father at the various festivities. His Honour obviously had a great upbringing on the orchard and I think it was reflected in his subsequent achievements. It is very good that he did not follow the advice of his vocational guidance advisor at high school and join the army.

On a more sombre note, the speeches made at the Darwin farewell sittings noted that His Honour had an impressive AFL background, playing with Sturt football Club. This did not prevent his having a shortened cricket career after damaging an Achilles tendon during his inaugural President's X1 vs. CJ's 11 Cricket match at what has been renamed Achilles Oval in honour of this event. I can still remember hearing the “crack”. Apparently His Honour did further injury recently whilst watching an Adelaide Crows football match having to show Kurt Tippett how to kick the footy. This sight would have been useful on the night of the dinner as the Crows, playing a night match, went down to Collingwood by three points. It was that sort of night.

It is likely his Honour and wife Leigh, who contributed so much to his successful career, will come back to

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the Territory often to visit his family here including granddaughter Darcy who gave the cry of delight "Papa" shortly after seeing His Honour arrive on the bench for the start of the sittings. This is reflected in some photos included in *Balance*.

The Society will enjoy welcoming His Honour Riley J to the position of Chief Justice on 4 October 2010 (maybe apart from quaking at the competition he will be providing at the next Cricket match). Peter Barr QC has been appointed to fill in the gap created and will no doubt be part of future judicial teams.

His Honour Justice Riley has worked in the Territory for many years and was a former member of the Society. We are looking forward to enhancing our close working relationship. He is also the author of the Little Red Book of Advocacy.

Whilst many practitioners are concerned that they will no longer be able to brief Peter Barr QC, they would congratulate him on his elevation to the Bench.

The Territory also has a new Chief Magistrate, Ms Hilary Hannam, who has now started her appointment and we also look forward to getting to know her and working with her as she addresses the challenges ahead.

FM Turner has also become our resident Federal Magistrate. This edition of *Balance* includes an interview with her. She has also embraced the task ahead.

We also wish Jodeen Carney, Shadow Attorney-General well on her resignation from the Territory Parliament. She has contributed a lot to the Territory and was one of Parliament's finest performers.

On a Society level our Annual General Meeting is on 14 October 2010 and we are already planning

priorities for the 2010-2011 Council Year.

Marsh Pty Limited the Executive and I are starting to look at next year's Professional Indemnity Insurance renewal process. Le Messurier Harrington has indicated they want to wind back their Quality Practice Review programme. They made a major contribution to the Territory profession, provided a lot of support to many law practices and probably contributed to a great reduction in claims.

Over the next period we will be discussing their continued, reduced involvement as well as other risk management options.

Renewal discussions start next week.

It is important with the issues ahead that the profession still focus on minimising risk.

Council will also be focussing on such issues as law and order, outcomes of the Child Protection Inquiry and measures required to combat the so called "rivers of grog".

The biggest national issue affecting the Society is National Legal Profession Reform. The close off date for consultation on the package was 13 August 2010 and the Society submitted a letter outlining some major territory concerns, having also contributed to the 83 page Law Council of Australia submission. Both potential Commonwealth Attorneys discussed it when they met during the campaign. My understanding is the Task Force is still working to provision of a Bill for December 2010. COAG and we are not sure at the level of future consultation before the Bill is finalised.

In any event, around 200 of the 277 submissions are on the NLPR

website along with the results of a consumer survey.

There are also some major outstanding issues such as costing of the new system. No information has come out from the Task Force and we have some concerns that it will not be provided before the final report goes to COAG. It is understood there will be further targeted consultation but I am not sure who this will be with and indeed whether we will be part of this. The Society is continuing to put our views forward to the Northern Territory Attorney-General with the aim of getting the best possible outcome for the legal profession in the Territory, as well as the Society.

New professional conduct rules remain on the agenda. Finalisation of a set is a priority project. A previous consultation draft which was widely circulated drew few comments in the Territory.

There are some major other legal issues such as access to justice, family law matters, Indigenous matters, court procedures, national criminal law issues, and human rights that will need to be addressed but which have been given low priority. We will be working with the Law Council on these matters

Assistance to those practices, organisations and lawyers wanting to provide legal services in Rural Remote and Regional areas is also a priority and the Society is currently particularly seeking the views of young lawyers.

All these various matters will throw up challenges for the Society in the next year which we will be looking to work through.

Maybe we should be thinking of the Chinese curse "That you live in interesting times". ●

Council of Australian Governments (COAG) National Legal Profession Reform

<http://www.ag.gov.au/legalprofession>