

BALANCE

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Beyond the Berrimah Line



Practising in Remote Territory

It's All About Me....

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The other day my 13 year old daughter said to me "Mum, did you know that to become old and wise, you would have had to have been young and stupid!" I smiled, knowing the implication of what she was saying and the point she thought she was going to get over me. In response, I said, "darling, who said I was old and / or wise, I am more than happy to stay young and stupid!" She said not another word and walked away.

Her comment did set other trains of thought in motion. I recall young and stupid, and when it was all about me. Unfortunately I was slow to adopt common sense; I really thought it was all about me for a very, very long time. I remember that a few months after I started working for Ian Morris and Meredith Day (at the then Elston & Gilchrist Law), they both accepted that "it was all about Peggy" and they had their job cut out to tone down my belief in that phrase.

"It is all about me" has served me well from time to time. I believe it gave me the confident, outspokenness and personality towards my career as a lawyer, a slightly more mature person (neither old, nor wise) and a mother. However, I have no doubt that I was (from time to time) a nightmare to live with in my younger years and my poor mother and sister had to put up with a lot from me, and usually with more grace than I.

It was all about me when I was a child, it was all about me when I was a teenager, it was still all about

me when I was married but all that almost came to an end when my daughter arrived. It is now more about the child and less about me; perish the thought, sad though that may be, it is true. I had thought that having a child would change many things but never appreciated that the mantra "it was all about me" would also change. Unfortunately the child has my genes and knows "it is all about her" now!

Now that I have your attention, let me say something more about me. Since my last *Balance* article, my activities as President of the Society have been very social and enjoyable. Festivities such as Christmas, New Year, Chinese New Year and the like took over. The Society held its Members' Christmas drinks at the Novotel Atrium in December to celebrate the end of 2011. The drinks were well attended and I believe everyone had a good time. I was particularly partial to the non-alcoholic Mojito cocktails they had in jugs at the bar. Holidays intervened in January 2012 so all was relatively quiet at the Society, I was especially absent, freezing in Japan, pretending to ski and having a great time despite the cold (-10 to -20 degrees).

Back on deck after Australia Day, preparations were being finalised for commemoration of the Opening of the Legal Year (OLY). The Darwin OLY lunch was held at Parliament House. There was a tremendous turnout and I thank you all for coming along and supporting the event; it was good to see all of you, to catch up and to have a toast to the Opening of the Legal Year once

more. Speeches by the Attorney-General and Chief Justice Riley were followed by keynote speaker, Jonathan Temm, President of the Law Society of New Zealand. Mr Temm's speech was particularly informative and thought-provoking. He spoke of the Christchurch earthquakes, the challenges facing legal aid funding in New Zealand, which is not dissimilar to the problems we face in Australia, and the abolishment of the Rule of Law in governance of Fiji. The lunch was a huge success and the feedback I received has been very encouraging and again I thank you for your support.

In Alice Springs, we had an OLY dinner at the Crown Plaza; again well attended. At the same time the Society also took the opportunity to conduct a CPD, presented by Cheryl Richardson from Marsh Insurance Brokers, in relation to the launch of a self-audit risk management program for practitioners in the Territory. The self-audit program was introduced as a continuation and a progression of the risk management program that the Society and its Professional Indemnity Insurance Committee has endorsed previously, and which is part of the overall professional indemnity insurance program. The self-audit program will no doubt be a challenge to practitioners initially, however, on a personal note, I believe that it is a useful tool and a system that will assist practitioners to review their files, be aware of possible concerns and maintain a good and efficient practice in the overall management of their files and clients.

During the dinner, His Honour Chief Justice Riley mentioned (again) how successful the mock trial was in the Darwin Supreme Court last year ("there was standing room only" – Riley CJ); and then suggested, "wouldn't it be nice to have a mock trial or something similar in Alice Springs, the public would really enjoy it". Well, the Chief Justice has spoken and enquiries are progressing as to whether such an event can be held in Alice Springs. I understand that there will not be any difficulty finding a solicitor in Alice Springs to play the part of the accused, there may be such competition for this part that auditions may be required. Seriously however, I can indicate that efforts are being made in this regard as the Society would dearly like to not to have to disappoint the Chief Justice.

Following OLY, I attended a Directors Retreat for the Law Council of Australia in Sydney. Being my first such retreat, the whole experience was quite eye opening. The retreat was held at the Law Society of NSW. There were about 30 or more attendees, all directors of LCA. The main focus was about Corporate Governance and how that may be applied and should be applied, avoiding conflicts of interest in Director's duties to various entities. For example, my duty as President of the Society may raise issues that could interfere with my interest and role as director of the LCA. Although such issues may occur rarely, nevertheless they can exist and how one deals with such conflicts in the work of corporate governance was quite interesting. I do not claim to know what to do in those circumstances, but the presentation and discussion that occurred at the retreat was useful and informative.

At the retreat, there were also discussions regarding the National Legal Profession Reform. It would appear that notwithstanding the fact that Victoria and New South Wales have been chosen as the

key players for the implementation of the legislative reforms, the action to progress NLPR in these jurisdictions appears to have slowed somewhat. You may be aware that more recently, Queensland Attorney-General's Department has had concerns with the NLPR provisions, and unless such concerns are addressed, Queensland may or may not continue to support the national scheme. It would appear that these issues will continue to be floated and unlikely to be crystallised until the Queensland election in March has been completed and the people of Queensland, including the Queensland Law Society, knows who will be in government there and who is likely to be the Attorney-General in Queensland moving forward. I understand that the recently elected Queensland Law Society president, Mr John de Groot, does personally support a national scheme for legal practitioners. There, in relation to NLPR, we will have to continue to "watch this space".

Hot on the heels of NLPR, the issue of the national Australian Solicitors Conduct Rules continue to be considered by the Society's Council. I advise that the date for submissions from local practitioners as to their views and comments on the proposed ASCR closed at the end of January 2012. The submissions that have been received have now been circulated to all Councillors and I am hopeful that the Council will then consider, discuss and debate the ASCR in light of the submissions received to decide whether or not the Territory will also move towards adoption of the proposed national ASCR. I understand that Queensland has now formally adopted the Rules and some have been approved by their outgoing Attorney-General. I am hopeful that after deliberations and debate by Council, the Society will be able to, by the end of March, maybe April 2012, provide to the local profession a general summary and views of the position that Society decides to take with

these Rules.

Finally, the annual professional indemnity insurance renewal will all take place in March 2012. Your Council has recently approved to place the professional indemnity insurance cover for 2012/2013 with QBE, who has been providing PII cover to legal practitioners in the NT for some years now. Expressions of interest to provide such insurance cover were sought through the hard work of Cheryl Richardson from Marsh Insurance brokers. Essentially, three quotes /expression of interest were received and after consideration of such quotes, and the service and support that the Society and the local profession has received from QBE in the past in the same role, Council resolved and approved in its February meeting to place the insurance cover for the next 12 months with QBE again. Thanks to the efforts of Cheryl Richardson in assisting us tirelessly with the insurance issues.

The above pretty much brings me up to date on my travels and activities on behalf of the Society. Suffice to say, life as President and legal practitioner at a private firm continues to be busy and challenging. I am continuing to enjoy my role as President and would welcome any feedback or comments in relation to any issue(s) that you may wish to raise in relation to Legal Practice in the Territory, and/or my report in *Balance*. In closing, the title and start of my article always reminds me of lyrics from a Beatles classic:

*"when I was younger,
So much younger than today
I never needed anybody's
Help in any way
But now those days are gone
I'm not so self assured
Now I find I've changed my mind
I've opened up the door....
... Help me if you can...."*

Therefore all assistance and indulgence gratefully received and appreciated in or out of "it's all about me" time! ●