

# A snapshot of the life and times of an ex-President

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Prior to becoming the President of the Law Society Northern Territory (the Society), I often wondered what I would have to do, what would be expected of me in that role. Now nearing the end of my third year as President, I have a better appreciation of the time and efforts that previous Presidents had expended on the job. It is not easy, it is not hard, and at times not that time consuming, but it does take perseverance, a level of patience that I did not have and not sure that I have acquired, and tact. Liking people generally would be of assistance and I have long believed that *I do not like people!*

I am immensely proud of what I have achieved in my presidency and it is very rewarding to be the figurehead of our organisation. As President I have spent many hours planning strategically and strategically planning. Apart from the mind-blowing wins in the cricket I also reflect happily on assisting the new CEO who is now well entrenched. I also look forward to the launch of a Reconciliation Action Plan later this year and our move to new premises (somehow this was part of my job too).

So to provide a snapshot of what happens in a month as President of the Society, I thought I would set out for you excerpts from my reports to Council meetings.

One of the many key responsibilities of the President is to maintain working relationships with Government. I am pleased to note that throughout my presidency I met regularly with the Attorney's General. I particularly enjoyed the frank, and at times robust and productive discussions with Minister Elferink. Some issues discussed include:

## Corrections Bill

- I noted again our concern at the very short and limited timeframe within which the Society was invited to comment on the Bill. I noted our grave concerns with the contents of the Bill and the fact that it fails to recognise the basic rights and entitlements of prisoners;
- The Bill has some very draconian provisions and a literal interpretation of the provisions will greatly disadvantage the prisoners and those in the corrections system;
- I asked if the Attorney-General will still receive submissions on the Bill as I indicated that certainly the Criminal Lawyers Association Northern Territory and other similar organisations may wish to put in submissions on the substance of the Bill, he responded affirmatively and

indicated that he will receive further submissions and will consider any useful and reasonable recommendations.

## Alcohol Protection Orders

Turning to another point, I also raised the issue and concerns of many in relation to the Police use, and exercise of the APO powers. He indicated that it is difficult for the Department and Attorney-General to take any action on these concerns unless they are documented and in writing as it is difficult for them to act on verbal advice of such issues. As always, if any such correspondence can be copied to the Society so that we can continue to raise these problems and this issue with the Attorney-General.

## Uniform Legal Profession

It is also part of my role to keep the Attorney-General informed about the ULPR and the Society's position. We advised him of the report from Victoria regarding the ULPR and again indicated to him that costs is a major issue and at present the Society continues to monitor the progress of New South Wales and Victoria regarding the ULPR implementation. At this stage, we do not believe that the



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reforms are suitable for a small jurisdiction such as the Northern Territory.

## *Summary Offences*

We also discussed the Attorney-General's proposed Bill to amend the Summary Offences (Procedures) Act. The Chief Stipendiary Magistrate (CSM) has recently put in place pre-trial / pre-contested hearings disclosure and communication requirements for the prosecution and defence lawyers. We urged him to provide the CSM practice directions (promulgated recently on the same issues and procedures) with some time to operate and see if they work to alleviate his concerns regarding the time spent by police at their desks and in the court, prior to proceeding with the amendment Bill.

## *Law Society Potential New Premises*

I also had the pleasure of advising the Attorney-General that the Society anticipates moving to new and more secure office premises on Cavenagh Street, closer to the Courts. He indicated he would be happy and honoured to officially open the venue.



## Law Week

As usual the President is kept busy during Law Week. Law Week 2014 proceeded well, thanks to all staff at secretariat that work very hard to put this event / week on as well as other legal services that always participate with enthusiasm.

Lunch at Hanuman Darwin was great... speaker was inspirational... I shall never get up in the morning and whinge about having to get ready for work... (well, I will try in any event). Graham Innes was also very well received at the dinner in Alice Springs, held at Sukra in the Casino, which was a

very good venue, with atmosphere, mood lighting and "cosy".

I also attended at the morning tea at CAWLS and found out they had much more and better promotional stuff than any other organisation I know!

# Another important role for the President is to represent the Society and maintain relationships with other key stakeholders

## Law Council of Australia (LCA)

During my presidency I was the Society's director at LCA. I attended the June meeting of LCA in Sydney. As per usual it was a good meeting. I thank the LCA for their work in their paper dealing with Asylum seekers access to legal assistance as we used their submissions for local purposes. Amongst representatives from the legal profession across the nation there were discussions as to the independence of the judiciary as news of Tim Carmody's appointment from Chief Magistrate to Chief Justice of Supreme Court broke during the meeting. As you may know, this had caused the resignation of the President of the Queensland Bar Association just hours prior to the LCA meeting.

## Conference of Law Societies (COLS)

COLS is often the quiet achiever and during my presidency the Presidents of law societies commenced their own informal meeting which has been helpful in forming closer ties to other

Societies. Amongst the Presidents there were discussions as to what process is available to the legal profession where a judicial officer is acting inappropriately, is a bully, is rude and complaints to the chief judicial officer have led to no action and no modification of the behaviour. Not surprisingly this was an interesting discussion but no conclusion was reached as to what can be done, if anything at all.

## Charles Darwin University (CDU) Law Prizes

It is the President's lucky role to present prizes to recipients of the Society's sponsored awards at the CDU prize night. I attended this presentation at Supreme Court on 28 May 2014, and there were recipients on line and in person.... A large portion of recipients were mature age students and the Chief Justice's medal winner was a pharmacist who does not intend to practice in the law as he runs his own business which is doing very well. The Attorney-General's medal winner was also a high achiever, both very deserving. All recipients came from diverse

backgrounds but apart from doing their law degrees, were also involved in other areas of interest and achievements.

## Course Advisory Group (CAG) – CDU Law School

I was also pleased to attend the inaugural meeting of the CAG to provide assistance to the Law School in relation to the subjects offered, as their current legal course is going through a re-accreditation process at present. In addition to the core Priestley 11 units which must be offered by the Law School, discussions and decisions were made to the choice of electives to be offered to law students with the view to limiting the number of such electives to 20 or 22. The Law School would of course welcome any assistance that the local legal profession can provide in relation to guest lecturers from time to time or any other way possible. The course units that were ultimately finalised do provide the CDU Law course with a well-rounded and diversified legal background, as well as having topics that are more specific to the





Territory, in particular, Indigenous issues and customary law. It looks like a very good course overall.

### *NT Law Reform Committee (NTLRC)*

The Society President also sits on the NTLRC which received a further reference to the above review of Tort Law Reform in the Territory from the Attorney-General, asking us to consider the liability of road authorities. The NTLRC is hopeful of finalising its report to the Attorney-General on this reference in the next few months.

### *Handbook for Self Represented Litigants in the Magistrates Court*

I am pleased to have met with Dr. Lowndes CSM in relation to drafting a handbook for self-represented litigants in the Magistrates court which is a project that His Honour is very keen to progress.

Subject to the final product, the CSM is keen to have this on the Court's website with interactive icons (if possible), as well as hard copies for distribution as required. His honour confirmed that this is a project supported by the joint efforts of the Magistrates Court and the Society, although CDU has indicated an interest in assisting where appropriate.

### *Northern Territory Bar Association (NTBA) Conference – Dili, Timor Leste 10 to 12 July 2014*

Another "perk" of the presidency is the opportunity to attend conferences! The NTBA conference was at a nice Hotel at Timor Plaza, close to the airport. I have never been to Dili before, which in some ways feels very much like Bali. WIFI was problematic, which was a difficulty for me given my close bond to my phone, laptop and tablet...

The program of the conference was interesting although not really in my area of practice. The Rule of Law and access to justice are major issues for Timorese and the Northern Territory / Australia continues to assist local legal practitioners and authorities to work through their applicable systems and legal processes. There are limited resources available for legal issues in Timor. The conference was very well attended with over 50 local delegates as well as delegates from Territory and other States of Australia. I anticipate it will be held again in 2016.

### *Meeting with AUSTLII representatives*

The Society is also a sponsor of AUSTLII which we know is an important resource to the legal profession. 2015 is the 20<sup>th</sup> anniversary for AUSTLII. We met with their Development Manager, Producer and Executive Director who were visiting Darwin in July. They confirmed that AUSTLII is a small organisation that relies entirely on funding or donations from legal organisations as well as companies and government grants.

### *Media*

The President is also the media spokesperson for the Society. This at times can mean early morning or late night phone calls. In July there were two radio interviews. The first dealt with the review report on the Alcohol Mandatory Treatment Program. The Review Report provides some useful recommendations and I urged the Government to adopt and implement those recommendations, as well as the need to ensure that the program continues to be provided with sufficient resources such as interpreters and the like to ensure that mandatory participants can properly understand the process and engage with the program.

The second radio interview dealt

with the Corrections Amendment Bill which was in fact introduced in the last day of the parliamentary sittings in June. In the course of the ABC interview I expressed the Society's concerns with the proposed amendments and the lack of key provisions in the new Bill that were present in the current legislation and the fact that the objects of the Act have also been omitted. I expressed the Society's concerns that the Bill does not meet the minimum standards for the treatment of prisoners to which the Territory is a signatory. I urged the Government to review and consider favourably the extensive submissions that have been made by CLANT, the North Australian Aboriginal Justice Agency, the Human Rights Law Centre and the Society.

### *Cricket Match*

One final duty of the President is to captain the President's XI team in the annual cricket match. Despite my best efforts the Society has been on a winning streak and this may be my greatest legacy. What a Triumph... thanks to all those who played on my team and all those who came and supported the event.. it was a very good day and a great match... two runs only but still a Victory!

### *LSNT Annual Dinner*

Finally, a big thank you to everyone who came along to my last dinner / supper as President of the Society which was held at the Ballroom at Sky City Casino. A great evening was had by all. ●

