

A cliff with no fence

Tass Liveris

President
Law Society Northern Territory



Over the last 12 months or so, a lot has been written and said about Australia's under-funded legal aid system. However, through all of the debate and in overview, the fact is that 20 years ago the federal government set up a funding model that has resulted in its contribution to legal aid funding being eroded from \$11.22 per capita in 1997 to around \$7.84 today.

The immediate specific concern is for community legal centres ("CLCs"), which it is widely known are on the edge of a funding cliff and will suffer a nation-wide funding reduction of 30% from 1 July 2017. As I have previously reported, in November 2016 all of the Australian law societies jointly wrote to the Prime Minister and Attorney-General about the inadequacy of CLC funding levels, which is a core element of the Law Council of Australia's ("LCA") Legal Aid Matters campaign.

The recent and considerable lobbying by the legal profession and others garnered strong support in sections of the Australian parliament, including the Senate crossbenchers. On 29 March 2017, a co-sponsored crossbench motion was passed in the Senate calling on the government to amongst other things, reverse the imminent funding cuts to CLCs and commit to adequate and sustainable longer-term funding contributions to the legal assistance sector.

On 24 April 2017, the federal government made the very late and surprise but welcome announcement that

the decision to cut CLC funding had been reversed. Although there is still a long way to go to achieve a sustainable and properly funded legal aid system, the announcement staved off the crisis, which was set to have a disproportionate impact on the already small and under-resourced CLCs in the Territory. The announcement was also a wonderful reward for the effort and dedication that was invested by the national legal profession in the LCA's Legal Aid Matters campaign.

In addition to the continuation of the Legal Aid Matters campaign, the first few months of the year have been busy for the Society. In February, the opening of the legal year was celebrated in Darwin and Alice Springs with collegiality and success. I thank the keynote speaker Bernard Collaery, for supporting the occasion and the Society's staff, for the hard work done in organising the event. In Darwin, the audience enjoyed the opportunity to hear from both the Attorney-General and the Chief Justice about some of their plans for 2017 and beyond.

On 10 February 2017, I attended the Northern Territory Board of Studies Student Awards ceremony to present the Law Society Northern Territory award for legal studies. These annual awards recognise the outstanding academic achievements of high school leavers across the Territory in several general and specific categories. I was delighted to present the legal studies award to Lucy Quinlan and I was especially delighted that she is from my old high school, Darwin High School. Lucy has now commenced her law





degree and I congratulate her on her award and wish her ongoing success in her tertiary studies.

Also in February, the Society welcomed the Territory government's announcement that an additional \$18.2 million, including \$10 million in new funding, will be spent annually in youth justice. Apart from the increased annual funds and services and the immediacy with which the policy took effect, the announcement represents a significant and welcome philosophical shift in youth justice policy in the Northern Territory and places the system well to deliver better outcomes for offenders, victims and the community.

The Society supports the announcement as a step in the right direction, particularly the increased focus on diversion, bail support, youth conferencing and the 52 new youth justice workers that have been employed to provide professional support towards achieving these objectives. The announcement is a welcome start towards achieving long-term, generational change in the Northern Territory. It is also important in the context of the government's review of the youth justice and care and protection systems in the Northern Territory and the Society is working closely

with Territory Families and many other stakeholders in this important, wholesale review.

At the Council level, I congratulate Alice Springs councillor Mark O'Reilly on his appointment as an ordinary member of the Northern Territory Civil and Administrative Tribunal ("NTCAT") in Alice Springs. Mark's appointment is an extremely welcome one for Alice Springs and the regions and is an important recognition of the community need for access to NTCAT in the centre.

Mark's appointment is a wonderful achievement for him and great for Alice Springs, but it is the Society's loss in that he resigned from the Council in early-February 2017. Mark has represented Alice Springs on the Council since 2011. In addition, he has been on many of the Society's committees and is a past-chair of the CPD committee. Recently, he has been the Society's representative on the LCA's National Human Rights Committee.

Mark occupied these volunteer roles in addition to being the principal legal officer at the Central Australian Aboriginal Legal Aid Service ("CAALAS") and more recently the principal of O'Reilly Legal. He has been a great

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representative of central Australia on the Council and his skills and experience will be missed.

Following Mark's resignation, the Council called for nominations in central Australia to fill the casual vacancy and it was wonderful to see a high level of interest from central Australian practitioners in joining the Council. Ultimately, the Council resolved to appoint Glen Dooley as the Alice Springs representative, who was until then the alternate representative and Carly Ingles from the DPP as the Alice Springs alternate representative. On behalf of the Council, I congratulate both Glen and Carly and welcome them to their new roles. I look forward to working with them both in maintaining and improving the interests of central Australian practitioners.

Those interests are further bolstered by the Northern Territory Young Lawyers' ("NTYL") new leadership team recently being welcomed onto the Council and I congratulate co-presidents Lokesh Kashyap from CAALAS and Melissa Chen from the Northern Territory Legal Aid Commission. It is significant that in 2017, the NTYL has co-presidents in both Alice Springs and Darwin and Lokesh and Melissa are already doing a great job in picking up where Hugh Bond left off.

At the LCA level, in March 2017 I attended the quarterly directors meeting in Melbourne, as well as the corresponding meetings of the Conference of Law Societies. The key current issues for the legal profession nationally include:

- The Legal Aid Matters campaign.
- The national debate about ss.18C and 18D of the Racial Discrimination Act.
- The uniform law and the ongoing question of entry by the non-participating jurisdictions, particularly Western Australia which recently elected a new state government.
- The Australian Solicitors Conduct Rules. As previously reported, the final consultation draft is extremely close to completion and distribution.
- The proposed application of the Anti-Money Laundering and Counter-Terrorism Financing Act to the legal profession.
- The unconscious bias training package for lawyers provided by Symmetra. To that end, I am delighted that the Council has wholeheartedly supported and endorsed this training, which is an interactive, online course that teaches about the concept of unconscious bias and how it affects our thinking and decision making. The training can be accessed through the Society's website and attracts 1 CPD point and I encourage all practitioners to complete the training.

I enjoy hearing from new and established members from across the Territory about all manner of issues and I look forward to continuing the productive and open dialogue between the Council and the members this year.

SUPPLEMENTARY CPD CERTIFICATES

DUE 30 JUNE 2017

time is running out

