

**LAW SOCIETY**  
**Northern Territory**  
**Annual Report**  
**2010 - 2011**





# Law Society Northern Territory

## EXECUTIVE

PRESIDENT // MR MATTHEW STOREY  
VICE-PRESIDENT // MS PEGGY CHEONG  
TREASURER // MR NIGEL BROWNE  
SECRETARY // MS CANDICE MACLEAN

## LAW SOCIETY NORTHERN TERRITORY

Suite 2, Ground Floor, Beagle House  
38 Mitchell Street, DARWIN NT 0800

GPO Box 2388, DARWIN NT 0801  
Telephone: (08) 8981 5104  
Facsimile: (08) 8941 1623  
Email: [lawsoc@lawsocnt.asn.au](mailto:lawsoc@lawsocnt.asn.au)  
Website: [www.lawsocietynt.asn.au](http://www.lawsocietynt.asn.au)

## COUNCILLORS

LAW COUNCIL OF AUSTRALIA NT REPRESENTATIVE // MR DUNCAN MCCONNEL  
MS FIONA HUSSIN  
MS MARGARET ORWIN  
MR JARED SHARP  
MR TASS LIVERIS  
MS ASHLEY MARSH  
ALICE SPRINGS REPRESENTATIVE // MR ASHLEY DEWELL  
ALICE SPRINGS ALTERNATE REPRESENTATIVE // MR MARK O'REILLY  
NT BAR ASSOCIATION REPRESENTATIVE // MR DAVID ALDERMAN  
YOUNG LAWYERS REPRESENTATIVE // MS DONNA STOREY  
YOUNG LAWYERS ALTERNATE REPRESENTATIVE // MR NICHOLAS JOHANSEN

## SECRETARIAT

CHIEF EXECUTIVE OFFICER // MS MEGAN LAWTON  
MANAGER CORPORATE SERVICES // MS JULIE DAVIS  
MANAGER REGULATORY SERVICES AND PROFESSIONAL STANDARDS // MS ALLISON SMART  
PUBLIC RELATIONS OFFICER // MS SUZIE SIMMONS  
PROJECT OFFICER - RESEARCH AND POLICY // MS SOPHIE ANDERSON  
TRUST ACCOUNT SUPERVISOR // MS JILL FARRAND  
PROFESSIONAL DEVELOPMENT OFFICER // MS KAREN BEACH  
PERSONAL ASSISTANT TO CEO // MS SONIA OLIVERA  
ADMINISTRATION OFFICER REGULATORY SERVICES // MS ELIZABETH MCDONALD  
FINANCE OFFICER // MS DAGMAR BRAUTIGAM  
LICENSING OFFICER // MS DANIELLE SAWYER  
RECEPTIONIST // MS EMILY BOSWELL



3	MISSION STATEMENT
4	OBJECTS
5	PRESIDENT'S REPORT // MR MATTHEW STOREY
7	TREASURER'S REPORT // MR NIGEL BROWNE
8	CHIEF EXECUTIVE OFFICER'S REPORT // MS MEGAN LAWTON
9	REGISTER OF SUBMISSIONS
10	COUNCIL ATTENDANCE
11	MEMBER SERVICES // MS SUZIE SIMMONS
12	PROBONO // MS SOPHIE ANDERSON
13	ROLL OF HONOUR
20	MANAGER REGULATORY SERVICES: COMPLAINTS AND DISCIPLINE // MS ALLISON SMART
21	TRUST ACCOUNTS REPORT // MS JILL FARRAND
22	CONTINUING PROFESSIONAL DEVELOPMENT // MR MATTHEW STOREY
24	MANAGER CORPORATE SERVICES' // MS JULIE DAVIS
25	LAW SOCIETY PUBLIC PURPOSES TRUST REPORT // MS DAGMAR BRAUTIGAM
26	ALICE SPRINGS REPRESENTATIVE'S REPORT // MR ASHLEY DEWELL
27	COMMITTEE REPORTS
27	YOUNG LAWYERS COMMITTEE REPORT // MS SOPHIE ANDERSON
28	COMMERCIAL LAW // MS LUN BENNETT
29	LEGAL PRACTICE // MS PEGGY CHEONG
30	SOCIAL JUSTICE // MS FIONA HUSSIN
31	FAMILY LAW // MS MEGAN LAWTON
32	PROFESSIONAL INDEMNITY INSURANCE // MS PEGGY CHEONG
33	SECRETARIAT

## MISSION STATEMENT

The Law Society Northern Territory promotes the interests of its members and the public by providing leadership in a time of change, and by:

- (a) facilitating and improving the delivery of fair, economic and efficient legal services;
- (b) enhancing access to justice, improving the law and maintaining individual rights; being accountable for and maintaining the highest standards of professional conduct; and
- (c) representing and promoting the Northern Territory legal profession and the legal services it provides to the community.



## Objects

### THE OBJECTS OF THE SOCIETY ARE TO:

- (a) carry out its objects and exercise the powers granted to it pursuant to the Legal Profession Act;
- (b) advance the study of law;
- (c) promote the administration of justice and development and improvement of law throughout the Territory;
- (d) encourage and assist suitable persons to enter into the legal profession;
- (e) promote the establishment in the Territory of facilities for legal training;
- (f) support and protect the character, status and interest of the legal profession and legal practitioners generally in the Territory;
- (g) promote honourable practice, to suppress malpractice, professional misconduct, unprofessional conduct and unprofessional practice on the part of legal practitioners;
- (h) settle disputed points of practice and to decide all questions of professional usage or courtesy between or among legal practitioners;
- (i) uphold the honour of the profession of the law, and encourage cordial intercourse among members of the legal profession and to arrange social and sporting functions and gatherings among the legal profession, and also social and sporting functions in which the legal profession and other professions may participate;
- (j) consider proposed changes in the law and to aid such amendments and reforms thereof as are likely to benefit the public;
- (k) consider all questions affecting the interest of the legal profession in the Territory and in that interest to initiate and watch over, and if necessary to petition parliament or promote deputations, in relation to general measures affecting the legal profession and to procure changes of law or practice and the promotion of improvements in the principles and administration of the law;
- (l) represent the views and wishes of the legal profession;
- (m) promote information on legal subjects by lectures, discussions, books, correspondence with public bodies and individuals or otherwise;
- (n) seek, receive and disseminate information;
- (o) provide rooms and other facilities for members;
- (p) afford assistance to members in their practices as legal practitioners by the provision of services and facilities of all kinds including, where appropriate, services and facilities for which fees may be charged;
- (q) promote and administer or assist in the administration of insurance schemes, retirement and assurance schemes, superannuation schemes or provident funds for members or the employees of members;
- (r)
  - (i) make arrangements with banks for the payment to the Society of amounts equivalent in amount to/or representing interest on trust moneys held by legal practitioners or firms of legal practitioners in trust accounts with banks in the Territory;
  - (ii) receive from banks any moneys that may be paid to the Society in accordance with arrangements made under the preceding sub-clause and to hold and stand possessed of all such moneys for public charitable purposes upon the trusts of a Public Purposes Trust Fund, and to that end to enter into and execute a Deed of Trust to establish such a Public Purposes Trust Fund on such terms and conditions as the Society may deem appropriate;
  - (iii) promote and administer or assist in the promotion and administration of a Public Purposes Trust Fund as hereinbefore referred to and for such purposes to undertake the office of trustee of such a Public Purposes Trust Fund and to perform and discharge the duties and functions incidental thereto;
  - (iv) amend, vary or alter from time to time any such arrangements, trusts, terms and conditions in such manner as the Society may deem appropriate; and
- (s) do all such things as are incidental or conducive to the attainment of all or any of the above objects.



After two years as President this will be my last President's report to an Annual General Meeting. Looking back on those two years there are several key themes that I would like to focus on in this report. These are: the *materiel* position of the Society; the progress of the National Legal Profession Reform (NLPR) project; legal education and Territory *politik*. I should note in my report for last year there were so many judicial retirements and appoints that I had to include a separate section just to report them all. This year I am glad to say that all I need do is to report the Society's heartfelt congratulations on his appointment to the bench of the Supreme Court to Justice Peter Barr and to note the satisfaction of the Society at having a Supreme Court bench comprised entirely of appointments from the local profession.

### THE POSITION OF THE SOCIETY

When I assumed the position of President I was less than optimistic in relation to the future *materiel* position of the Society. NLPR was being championed by (then) Prime Minister Rudd with a passion and the models under consideration raised the very real prospect of the Society being left as a mere shopfront for a remote national bureaucracy (1300 Law Society!). Two years later the NLPR models that are proposed do not seem to raise this prospect for the Society (although see the further comments below) and much of the impetus behind the rush to implement NLPR seems to have evaporated.

In the meantime I am pleased to report that due in large part to the prudent management of the Legal Practitioners' Fidelity Fund by the Funds Management Committee (established under the *Legal Profession Act*) the position of the Society has in fact improved in the intervening two years with a moderate increase in staffing levels and an (essentially a commensurate) increase in funding. This has been achieved while holding the cost of practising certificates stable. The Society is now well established in its new premises and the material position of the Society into the next few years at least looks stable. I think the one area that is likely to see significant development into the future is that of the Society's electronic presence both in areas of administration (such as greater ease of online transactions) and more excitingly in the online delivery of continuing professional development programs.

Finally, it is immensely pleasing to see that the costs of PII have been able to be largely contained over the previous two years. Thanks

for this are due firstly to the Society's members for conducting their practices in an orderly and professional manner and particularly to Cheryl Richardson and Marsh for their tireless efforts on our behalf.

### NATIONAL LEGAL PROFESSION REFORM

As I noted above the current model for NLPR is much more palatable than that originally floated. While creating the impetus for national uniformity through a National Legal Services Board the model encompasses significant jurisdictional presence through a process of delegations to existing regulatory authorities (i.e. in the Territory the Society). While this development is pleasing, and on this basis the Society has supported the proposal, there remain significant matters to be finalised. The Society's ongoing support for any proposed NLPR model has always been expressed as dependent upon: guarantees regarding the integrity of the Legal Practitioners' Fidelity Fund and an equitable allocation of interest from any single national trust account model; adequate measures to ensure maintenance of the Territory's favourable PII outcomes; and, structures to ensure adequate jurisdictional presence. At the time of writing the very viability of the current NLPR proposal seems in doubt due to the lack of support of half of the jurisdictions. My strong belief is that clarification of the matters the Society has identified above as central for its ongoing support would also lead to much broader jurisdictional support for the proposal.

I am pleased to note that the Attorney-General has been supportive of the Society's position in the NLPR discussion and I take this opportunity to thank her for that support. I believe in this matter the Society and Government have a shared objective of ensuring the best possible outcome for both the providers and consumers of legal services in the Territory.

### LEGAL EDUCATION

In previous Annual Reports I have expressed my concerns regarding legal education in the Territory. I comment on this matter further elsewhere in this report as Chair of the CDU/CPD committee. At this point I would just like to note that it is immensely pleasing to see the increased support being provided to the Law School under Vice Chancellor Professor Barney Glover and with Professor Les McCrimmon as Head of Law and particularly pleasing to see the results this support is producing particularly in the area of post graduate research. Despite



# President's Report

these results these are difficult times for isolated regional Law Schools and the performance of the law school deserves constant attention to ensure that it can continue to play its crucial role in the development of the local profession.

## TERRITORY POLITIK

The previous two years has seen a significant concentration on "law and order" issues from both sides of politics. The Society has attempted to ensure this attention produces results that are beneficial to the Territory community and preserves the principles of the Rule of Law and freedoms upon which our community is based. This is not always an easy task. The Territory community faces many challenges. One of the greatest of these is, to my mind, the effects of alcohol abuse particularly as it impacts upon the criminal justice system.

Given the catastrophic consequences of these challenges, some form of Governmental action was desperately needed and long overdue. The current Government provided these with its alcohol and corrections policies. In large part (although not unreservedly) the Society has supported these initiatives. The alcohol policy had the crucial feature of not criminalising an essentially health issue. The corrections policy focussed upon delivering better rehabilitation outcomes and creating alternatives to incarceration. The success of these programs though will depend upon the delivery of the resources necessary to implement them. This is a hard task for a marginal government. There are no votes in better outcomes for prisoners and therapeutic programs for alcoholics. A government that delivers on these issues deserves the Society's support. However, that support must always be critical. It must be dependent upon the reality matching the rhetoric and implementation continuing to honour essential principles of due process.

In the coming months, leading up to the Territory election, the Society is likely to be called upon to play a role in the evolution of the Territory

community's responses to these challenges. I am confident it will continue to be a positive role.

## THANKS TO...

First a particular congratulation to the Supreme Court on achieving its centenary and many thanks to all of those involved in organising the celebrations to mark this event, in particular Justice Dean Mildren for finishing his history of the Court to coincide so perfectly.

More generally though, I can report that the past two years as President of the Society have been an exciting and challenging time. I trust I have been able to contribute to the development of the profession and the principals for which it stands in the Territory. Whatever contribution I have been able to make would not have been possible without the support assistance and encouragement of many people. Naming individuals always runs the risk of overlooking some of the deserving. Noting this risk and apologising to those I overlook I would like to extend my thanks for the support and efforts to the staff of the secretariat, the members of the Council and its committees and to my colleagues in the Aboriginal Land Division of the SFNT. I would like to extend particular thanks though to my wife Donna for her support and forbearance and to Barbara Bradshaw, whose contribution has been so enormous that it defies description.

Finally I wish all the very best to the incoming President and our new Chief Executive Officer, Megan Lawton.



**Matthew Storey**

**President**  
Law Society Northern Territory



Consistent with previous Annual Reports I would like to acknowledge the tireless efforts of Julie Davis, the Manager Corporate Services, and Finance Officer Dagmar Brautigam, for their continued hard work in preparing the Law Society's budget, funding submissions, monthly reports and the annual financial statements. The Law Society is well served by their financial and business expertise.

Budgeting for this financial year commenced in January 2010 when activities for the 10/11 financial year are planned and a draft budget is formulated for approval by Council and submission to the Funds Management Committee for recommendation to the Attorney General.

Some of the foreseeable issues provided for in the budget were the impending six months maternity leave of the Regulatory Services Manager, staff recruitment, improvements for the databases and website, and increased general expenses/operational costs. Two alternatives

were budgeted for in relation to the position of the Regulatory Services Manager; a) recruitment of a temporary Regulatory Services Manager for six months or b) continue to manage the administration in house and outsource individual complaints investigations as necessary.

These provisions resulted in a submission to the Legal Practitioners Fidelity Fund for an amount of from \$1,496,056 or \$124,671 per month(average). This was an increase of \$22,516 over the 09/10 submission.

The financial statements show that the final cost to the Legal Practitioners Fidelity Fund was \$1,477,470\* or \$123,122\* per month.

The result for the Law Society was a surplus of \$69,780\*, made up of \$18,566\* cash and the remaining \$51,214\* in capital assets.

The table below shows the reconciliation of funding from the Legal Practitioners Fidelity Fund:-

2007-2008	2008-2009	2009/2010	2009/2010	2010/2011*
LSNT Submission No. 2	LSNT Submission No. 3	LSNT Submission No. 4	Relocation Submission No. 5	LSNT Submission No. 6
2008 (6 months)	2008 / 2009 (12 months)	2009 / 2010 (12 months)	Relocation Costs (95%)	2010 / 2011 (12 Months)
\$568,400	\$1,265,298	\$1,473,541	\$80,940	\$1,496,056
Expended \$686,490	Expended \$1,299,319	Expended \$1,448,435	Expended \$73,430	Expended \$1,477,470*
Remit to LPFF \$10,632	Deficit carried forward -\$23,389	Remit to LPFF \$98,536	Remit to LPFF \$7,510	Remit to LPFF \$18,586*

The audit of the 10/11 financial statements is incomplete at this time and therefore these figures may be subject to change. The audited financial statements will be provided as soon as possible.

The table below shows the practicing certificates issued for the past four years, noting the 2007-2008 year was a nine month period:-

Class	07/08 (9 month PC year)	08/09	09/10	10/11
Unrestricted Barrister & Solicitor	111	119	117	120
Unrestricted Barrister	39	43	49	44
Restricted Barrister & Solicitor	303	314	374	369
Restricted Corporate Lawyer	17	23	21	20
Total	470	499	561	552



**Nigel Browne**

**Treasurer**  
Law Society Northern Territory



# Chief Executive Officer's Report

Looking back it was the ambition of Council expressed in the minutes of the strategic planning meeting in October 2009 "to get more interest in the Society's activities". I believe the SGM of May 2011 attests to some achievement in this regard.

Members are also demonstrating their increasing awareness of their professional obligations under the Legal Profession Act 2006 and the provisions relating to trust enters the 5<sup>th</sup> year. The Trust Account Supervisor performs a very important regulatory function on behalf of the Society Jill Farrand having been in the role since January 2010. Increasing attention has been paid to compliance in this area and on a positive note practitioners are increasingly seeking assistance from the Society. Developments will continue and the Legal Practice Committee will also provide input into this area.

I thank members for this continued interest. I continue to enthusiastically receive input from members on how the Society is working well and how it may improve.

## COMMITTEES

The streamlining of the various Committees in October 2010 from 14 to 6 saw a significant easing in the secretariat workload without diminution of outcomes. The Committees are:

- Professional Indemnity Insurance
- Commercial Law
- Family Law
- Ethics
- CPD
- Social Justice

The Committees addressed many policy areas throughout the year including by way of example Alcohol Policy, Prisons, Child Protection Review, rural regional and remote issues (and retention), Vendor Disclosure and the new Contract of Sale, remote housing, immigration detention. I thank those many dedicated Committee Members for their hard work. The new Council will once again be invited to review the work of Committees and

identify any opportunities for improvement and reflect upon recent changes.

The Society's involvement in NLPR in the reporting period was shouldered mainly by Ms Barbara Bradshaw, Mr Matthew Storey and Mr Duncan McConnel who contributed extensively to the evolution of the National Reform package that went to COAG in December 2010. The Society continues to work on this issue to ensure that any benefits of national regulation are not overshadowed by negative impacts on PII premiums, the Fidelity Fund nor any diminution of services to the profession and the public in the Territory.

The Society most frequently but not always in the guise of the CEO participates in an extraordinary number of committees/working parties. Whilst in some cases the rationale for this involvement is readily apparent the Society is also keen to represent the profession broadly to the community. I can report much positive feedback on the events throughout the year particularly the events of Law Week coinciding with the Centenary of the Supreme Court. I receive regular positive comments about the secretariat staff at these functions.

Whilst there has been increased functionality on the website, it is foreshadowed that the next year will see a more thorough review and improvement to the website. Whilst the publication of *Balance* continues to be a significant resource commitment I believe that members and the dedicated readership have benefited from this hard work.

I take this opportunity to thank the secretariat staff for their forbearance as I have been getting up to speed on the work of the Society. I see the key challenges of the Society going forward to draw abreast other jurisdictions on the regulatory issues, improving the online presence and formulating concrete strategies to deliver on key issues for the profession such as health and wellbeing, retention and gender imbalance. I thank the Council for their time and commitment and look forward to working together in the future.



**Megan Lawton**

**Chief Executive Officer**  
Law Society Northern Territory





## LETTERS AND SUBMISSIONS MADE DURING THE 2010 - 2011 FINANCIAL YEAR

DATE	TOPIC	SUBMISSION TO	SUBMISSION BY
21.07.10	CPD Requirements	Department of Justice	Barbara Bradshaw
28.07.10	Matters relating to Department	Department of Health	Barbara Bradshaw
05.08.10	New Era Corrections and Programs	Minister for Corrections	Matthew Storey
10.08.10	Secure Care Facilities	Department of Health	Barbara Bradshaw
13.08.10	National Legal Profession Reform	National Legal Profession Reform Taskforce	Barbara Bradshaw
14.08.10	Secure Care Facilities – mentally ill prisoners	Northern Territory Attorney-General	Barbara Bradshaw
16.08.10	National Legal Profession Reform	Northern Territory Attorney-General	Barbara Bradshaw
24.09.10	<i>Youth Justice Amendment Act</i>	Department of Health	Barbara Bradshaw
30.09.10	Northern Territory Tenancy Service	Department of Local Government and Housing	Sophie Anderson
10.11.10	National Legal Profession Reform	Northern Territory Attorney-General	Barbara Bradshaw
17.11.10	National Legal Profession Reform	Northern Territory Attorney-General	Barbara Bradshaw
22.11.10	Alcohol policy released	Legal Practitioners and Northern Territory Attorney-General	Matthew Storey
23.11.10	SMART Court Bill and ParCSM Bill	Northern Territory Attorney-General	Matthew Storey
01.12.10	Northern Territory Legal Aid funding	Northern Territory Attorney-General	Barbara Bradshaw
08.12.10	Child Protection Inquiry - submission following release of report	Minister for Health	Barbara Bradshaw
24.01.11	National Legal Profession Reform	Northern Territory Attorney-General	Barbara Bradshaw
25.03.11	Independent Child Representatives in Family Matters Court	Chief Magistrate	Barbara Bradshaw
28.03.11	Contract of Sale	Department of Justice	Barbara Bradshaw
04.04.11	Uniform Evidence Bill	Department of Justice	Barbara Bradshaw
30.06.11	Public Housing Safety Officers	Department of Housing, Local Government and Regional Service	Julie Davis (Acting CEO)



# Council Attendance 2010-2011

NAME	POSITION	COUNCIL MEETINGS	SPECIAL MEETINGS	TOTAL ATTENDANCE	POSSIBLE TOTAL*
Matthew Storey	President	11	1	12	14
Peggy Cheong	Vice-President	10	1	11	14
Jason Schoolmeester <sup>4</sup>	Treasurer	3	0	3	3
Nigel Browne <sup>3</sup>	Treasurer	3	1	3	9
Ben Wild <sup>4</sup>	Secretary	1	0	1	3
Candice Maclean <sup>3</sup>	Secretary	7	1	8	9
David Alderman	NTBA Rep	12	1	13	14
Mark O'Reilly <sup>3</sup>	Alice Springs Representative	2	0	2	9
Ashley Dewell	Alice Springs Representative	10	2	12	14
Tom Svikart <sup>4</sup>	Alternate Alice Springs Representative	0	0	0	3
Duncan McConnel	Councillor	7	2	9	14
Fiona Hussin	Councillor	8	0	8	14
Melanie Warbrooke <sup>4</sup>	Councillor	3	0	3	3
Tass Liveris <sup>3</sup>	Councillor	8	1	9	10
Ashley Marsh <sup>3</sup>	Councillor	6	2	8	10
Kevin Banbury <sup>4</sup>	Councillor	2	0	2	3
Margaret Orwin	Councillor	10	2	12	14
Jared Sharp	Councillor	6	1	7	14
Donna Storey	NTYL Representative	11	1	12	14
Nick Johansen	NTYL Alternate Representative	1	0	1	14
Barbara Bradshaw	CEO, LSNT	10	1	11	14
Julie Davis	MCS, LSNT	10	2	12	14
Allison Smart	MRS, LSNT	0	1	1	1

**Notes:**

\* There were 12 ordinary meetings and 2 special meetings from 1 July 2010 to 30 June 2011

1 = Resigned during 10 -11 Year

2 = Joined during 10 -11 Year

3 = New Councillor for 10 -11 Year

4 = Did not re-nominate for 10 -11 Year



### OPENING OF THE LEGAL YEAR 2011

Support of the Opening of the Legal Year lunch and dinner has remained positive but attendance of the ecumenical services has declined over the years to the point of being untenable. The membership was surveyed in 2010 and in a break with tradition, members voted for just a lunch/dinner function with a keynote speaker.

The Hon Chief Justice Trevor Riley kindly agreed to be the keynote speaker for the 2011 celebrations in Darwin and Alice Springs. Very good turnouts attended the luncheon at the Crowne Plaza, Darwin and particularly the dinner at the Lasseters Hotel Sukra Restaurant, Alice Springs, where partners are now being encouraged to attend evening functions.

### LAW WEEK 2011

National Law Week and ran from 16-20 May 2011. This clashed with the Supreme Court Centenary Celebrations so Law Week activities were kept to a bare minimum.

The Darwin lunch was held at Sky City Casino and dinner at the Crowne Plaza Alice Springs, with keynote speaker Mr Alex Ward, President of the Law Council of Australia.

The Society continued to support the Loud Shirt Day charity for Law Week and raised donations through the information fair barbeque, and from a \$1.50 donation included in the Law Week lunch and dinner ticket prices.

The Marsh Law Week Cricket Match was postponed until August due to pitch unavailability.

### OTHER FUNCTIONS

The Law Society assisted the Northern Territory Bar Association in hosting the annual Ian Morris Golf Day in August 2010.

The annual dinner to farewell Chief Justice Brian Martin was held at Cornucopia in August 2010.

A successful members' Christmas drinks function

was again held at Char in December 2010.

The Society assisted the Supreme Court of the Northern Territory with the Kreiwalddt Address, 2Law Way presentation and Gala Ball as part of its centenary celebrations held in May 2011.

### PUBLICATIONS

Following last year's very well received major overhaul of *Balance*, it has continued to evolve in line with the larger and well resourced interstate law society publications. The Society continues to receive requests for the inclusion of more local content, but numerous calls for members to submit articles (which attract CPD points), have yielded very little.

*The Practitioner* e-newsletter is now distributed roughly once a fortnight, depending upon the amount of new content available. There have ongoing distribution problems, with many members believing that they have been removed from the distribution list however, this is not the case. *The Practitioner* was designed to be automatically distributed from the Society's website however, it is apparent that each time a software upgrade is applied by website designers, the firewalls at the government and several firms block *The Practitioner* from being delivered. *The Practitioner* will now be distributed via normal e-mail until a further solution is found.

A fresh template has been designed to give a facelift to the Annual Report and associated forms, practicing certificate application forms and information sheets for the public.

### LAWCARE COUNSELLING

The Lawcare counseling service has been in place for two years now and has been used by a small number of members. The Society is alert to the high incidence of stress and depression within the legal profession and believes that Lawcare is a very important initiative to have in place for its members.

### CORPORATE PARTNERSHIP

Again we extend our gratitude to Marsh Pty Ltd for their continued sponsorship and support of Law Week and the Law Society.



**Suzie Simmons**

Public Relations Officer  
Law Society Northern Territory



The purpose of the Law Society's Pro Bono Clearing House (the Clearing House) is to assist individuals and organisations with legal problems when they do not fit within the guidelines of Northern Territory Legal Aid or Community Legal Centres and they cannot finance the services of a legal practitioner.

The Clearing House has particular requirements an applicant must meet to access the services of one of the practitioners on the register. A small panel looks at the applications and decides whether the matter is an eligible one. The Clearing House will then aim to match an eligible pro bono applicant with a legal practitioner who is on the clearing house register - at no stage is the practitioner obliged to take the matter on.

It has become clear in 2011/2011 that the general public have little awareness about what legal services are available to them in the Northern Territory. A large proportion of the work undertaken by the pro bono clearing house co-ordinator has involved taking queries from the public about a legal concern and directing them to an appropriate legal service in the first instance.

The bulk of applications to the clearing house have concerned the following matters:

- Not for profit organisations who require legal advice on their constitutions or contracts
- Criminal matters requiring legal representation in the Supreme Court whether in Darwin or Alice Springs
- Personal injury matters
- Unfair dismissal matters

A number of issues have also come to the attention to the Clearing House over the past year which has been particularly concerning. These have included:

- **The inability for the Northern Territory Legal Aid Commission to attend at Bush Court's**

Unfortunately, the Northern Territory Legal Aid Commission no longer has the financial resources to send practitioners to *Bush Court's* and this has proven problematic. The only other representation afforded to people in these situations comes from the Northern Australian Aboriginal Justice Agency (NAAJA) and as such conflicts have arisen. This has implications not only for the unrepresented client but for the prosecution and the functioning of the Court and administration of justice.

- **Asylum Seekers**

The Clearing House has received a large number of phone calls and queries from the Darwin Detention Centre. Asylum seekers were told to contact the Society's Pro Bono Co-ordinator to assist them with legal representation for judicial review matters after Legal Aid had assessed their application as having no merit. This situation has proven problematic as the Clearing House does not have legal practitioners with relevant experience in these matters.

The Society will be working on these issues in the near future and lobbying Government to address these concerns.

Looking ahead, the Society and the Clearing House will look at implementing a disaster response plan in light of the report from the National Pro Bono Resource Centre and the Law Council of Australia titled, *"Emergency Preparedness and Disaster Planning for the Legal Profession"*.

The Society would like to thank the practitioners currently on the register and invite other practitioners, particularly barristers, to share to the load and help people access justice for themselves or their organisation.



**Sophie Anderson**

Co-ordinator

Law Society Northern Territory Pro Bono Clearing House



## 1968:

Ronald John Withnall (President)  
 Alexander Robert Rorrison (Vice President)  
 Richard G. Kemp (Secretary)  
 Penelope Holmes (Treasurer)  
 Godfrey Foy Hall (Alice Springs Representative)  
 George William Cridland  
 Richard Keller  
 Peter Massie  
 Jim Williams

## 1969:

Alexander Robert Rorrison (President)  
 Brian St Leger Kelly (Vice President)  
 Richard G. Kemp (Secretary)  
 Cecil Albert Black (Treasurer)  
 Ian McClelland Barker (Alice Spring Representative)  
 Graeme Innes-Ker MacNish  
 Michael Ward  
 Jim Williams  
 Keith Williamson

## 1970:

Ian McClelland Barker (President)  
 Brian St Leger Kelly (Vice President)  
 Richard G. Kemp (Secretary)  
 Thomas Ian Pauling (Treasurer)  
 Graeme Innes-Ker MacNish  
 Walter Arnold Raby  
 Alexander Robert Rorrison  
 Jim Williams  
 Nerolie Phyllis Withnall

## 1971:

Ian McClelland Barker (President)  
 Thomas Ian Pauling (Vice President)  
 Allan Michael O'Neil (Secretary)  
 Nerolie Phyllis Withnall (Treasurer)  
 Brian Frank Martin (Alice Springs Representative)  
 Kenneth Arnold Conway  
 Peter Donald James  
 Graeme Innes-Ker MacNish  
 Alexander Robert Rorrison

## 1972:

Ian McClelland Barker (President)  
 Brian Frank Martin (Vice President)  
 Dean Mildren (Secretary)  
 Nerolie Phyllis Withnall (Treasurer)  
 Brian Frank Martin (Alice Springs Representative)  
 Peter Donald James  
 Alisdair McGregor  
 Allan Michael O'Neil  
 Alexander Robert Rorrison  
 Alexander Henty Silvester

## 1973:

Dean Mildren (President)  
 Gregory Reginald James (Vice President)  
 Peter Donald James (Secretary)  
 Allan Michael O'Neil (Treasurer)  
 Brian Frank Martin (Alice Springs Representative)  
 Ian McClelland Barker  
 Paul Anthony Edward Everingham  
 Janice Montes McFarlane  
 Clement John O'Sullivan  
 Michael Winter

## 1974:

Dean Mildren (President)  
 Peter Donald James (Vice President)  
 Pamela Noel Gray (Secretary)  
 Janice Montes McFarlane (Treasurer)  
 Brian Frank Martin (Alice Springs Representative)  
 Ian McClelland Barker  
 Paul Anthony Edward Everingham  
 Allan Michael O'Neil  
 Clement John O'Sullivan

## 1975:

Paul Anthony Edward Everingham (President)  
 Thomas Ian Pauling (Vice President)  
 Anna Mayo Norgard (Secretary)  
 Patrick Loftus (Treasurer)  
 Brian Frank Martin (Alice Springs Representative)  
 Hugh Burton Bradley  
 Narendra Manubhai Patel  
 Gordon Charles Pelletier  
 John Bascomb Waters

## 1976:

Paul Anthony Edward Everingham (President)  
 John Peluso (Secretary)  
 Patrick Loftus (Treasurer)  
 Terence Frances Coulehan  
 Narendra Manubhai Patel  
 John Bascomb Waters

## 1977:

John Peluso (Secretary)

## 1978:

Nerolie Phyllis Withnall (President)  
 Allan Michael O'Neil (Vice President)  
 Patrick Loftus (Secretary)  
 David Holt Avery (Treasurer)  
 Peter George Howard (Alice Springs Representative)  
 Ian McClelland Barker  
 John Michael George  
 Michael David Andrew Maurice  
 Trevor John Riley



# LSNT Council Roll of Honour

**1979:**

Dean Mildren ( President)  
Peter Donald James (Vice President)  
John Michael George (Secretary)  
Stephanie Anne Forgie (Treasurer)  
Peter George Howard (Alice Springs Representative)  
Graham Eric Hiley  
Athol Geoffrey James  
Brian Edward McMillan  
Anthony Cecil Thursfield

**1980:**

Dean Mildren (President)  
Peter Donald James (Vice President)  
Geoffrey Robert Clark (Secretary)  
Peter William Walker (Treasurer)  
John Edward Reeves (Alice Springs Representative)  
Terence Francis Coulehan  
Graham Eric Hiley  
Robert Andrew Kimber  
Brian Edward McMillan

**1981:**

Terence Francis Coulehan (President)  
Peter William Walker (Vice President)  
Geoffrey Robert Clark (Secretary)  
Kim Latrobe Graves (Treasurer)  
John Edward Reeves ( Alice Springs Representative)  
Graham Eric Hiley  
Robert Andrew Kimber  
Brian Edward McMillan  
Gordon Charles Pelletier  
Trevor Marius Dorsman (Provisional Councillor)  
Danny Charles Masters (Provisional Councillor)

**1982:**

Terence Francis Coulehan (President)  
Hugh Burton Bradley (Vice President)  
Brian Edward McMillan (Secretary)  
Kim Latrobe Graves (Treasurer)  
John Edward Reeves (Alice Springs Representative)  
Trevor Marius Dorsman  
Phillip Michael Hamblin  
Graham Eric Hiley  
Margaret Patricia Lyons  
Allan Michael O'Neil

**1983:**

Hugh Burton Bradley (President)  
Margaret Patricia Lyons (Vice President)  
Allan Michael O'Neil  
Kim Latrobe Graves  
Maxwell Ferris Horton (Alice Springs Representative)  
Steven Ronald Bailey  
Kevin Maxwell Curnow  
Michael James Gillooly  
Neil Raymond Halfpenny  
Graham Eric Hiley

Colin Rodney McDonald

**1984:**

Hugh Burton Bradley (President)  
Margaret Patricia Lyons (Vice President)  
Michael James Gillooly (Secretary)  
Kim Latrobe Graves (Treasurer)  
Maxwell Ferris Horton (Alice Springs Representative)  
Steven Ronald Bailey  
Kevin Maxwell Curnow  
Richard Grant Giles  
Patrick Loftus  
John McCormack  
John Russell Munn

**1985:**

Richard Grant Giles (President)  
Peter Donald James (Vice President)  
Michael James Gillooly (Secretary)  
Kim Latrobe Graves (Treasurer)  
Maxwell Ferris Horton (Alice Springs Representative)  
Roy David Ellis  
John Michael George  
Patrick Loftus  
Peter Donald McNab  
John Edward Reeves  
Peter John Butler Tiffin

**1986:**

Richard Grant Giles (President)  
Graham Eric Hiley (Vice President)  
John Michael George (Secretary)  
Kim Latrobe Graves (Treasurer)  
Maxwell Ferris Horton (Alice Springs Representative)  
Ian David Logan Briggs  
Roy David Ellis  
Peter Donald James  
Kym Pelham Livesley  
Peter Donald McNab  
Peter John Butler Tiffin

**1987:**

Graham Eric Hiley (President)  
Kim Latrobe Graves  
Peter Francis Conran (Secretary)  
Ian David Logan Briggs (Treasurer)  
Maxwell Ferris Horton (Alice Springs Representative)  
Gordon Munro Berner  
Tanya Pauline Fong Lim  
Peter Donald McNab  
John Edward Reeves  
Stephen Roger Southwood  
David de Lappe Winter

**1988:**

Kim Latrobe Graves (President)  
Stephen Roger Southwood (Vice President)  
Meredith Denise Smith Harrison (Secretary)



Ian David Logan Briggs (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 Richard Andrew Andruszko  
 Tanya Pauline Fong Lim  
 Ian Leslie Gray  
 Robert Andrew Kimber  
 John Edward Reeves  
 Peter Michael Robinson

**1989:**

Ian David Logan Briggs (President)  
 Trevor John Riley QC (Vice President)  
 Meredith Denise Smith Harrison (Secretary)  
 Peter Michael Robinson (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 Brian Sinclair Cooney  
 Terence Michael Gardner  
 Neville John Henwood  
 Stephen Roger Southwood  
 John Thomas Stewart  
 Daynor Wilmott Easom Trigg

**1990:**

Geoffrey John Stirk (President)  
 Terence Michael Gardner (Vice President)  
 Meredith Denise Smith Harrison (Secretary)  
 Brian John Cassells (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 David Graham Alderman  
 Diana Mary Elliott  
 Kim Latrobe Graves  
 Neville John Henwood  
 Leanne May Robertson  
 Markus Andreas Spazzapan  
 (Ian David Logan Briggs – Immediate Past President)

**1991:**

Geoffrey John Stirk (President)  
 Terence Michael Gardner (Vice President)  
 Neville John Henwood (Secretary)  
 Brian John Cassells (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 David Graham Alderman  
 Richard James Coates  
 Diana Mary Elliott  
 David Sydney Farquhar  
 Judith Clair Kelly  
 Leanne May Robertson

**1992:**

Neville John Henwood (President)  
 Terence Michael Gardner (Vice President)  
 Judith Clair Kelly (Secretary)  
 Jan Macpherson (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 David Craig Anderson  
 Alison Lois Cassells  
 Richard James Coates

Diana Mary Elliott  
 David Sydney Farquhar  
 John Michael Roberts Neill  
 (Geoffrey John Stirk – Immediate Past President)

**1993:**

Neville John Henwood (President)  
 Terence Michael Gardner (Vice President)  
 Richard James Coates (Secretary)  
 David Craig Anderson (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 Gordon Joseph Kennedy  
 John Michael Roberts Neill  
 Guy Andrew Riley  
 Eileen Marie Terrill  
 Peter John Butler Tiffin  
 Janet Denise Trier

**1994:**

Terence Michael Gardner (President)  
 Diana Mary Elliott (Vice President)  
 Guy Andrew Riley (Secretary)  
 David Craig Anderson (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 David Robert Davies  
 James Thomas Moore  
 John Thomas Stewart  
 Eileen Marie Terrill  
 Peter John Butler Tiffin  
 Janet Denise Trier  
 (Neville John Henwood – Immediate Past President)

**1995:**

Terry Michael Gardner (President)  
 Diana Mary Elliott (Vice President)  
 Janet Denise Trier (Secretary)  
 James Thomas Moore (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 Donna Maira Isabella Dreier  
 Peter John Butler Tiffin  
 Eileen Marie Terrill  
 Samantha Julie Miles  
 Christopher Gordon Fanning  
 John Thomas Stewart  
 Neville John Henwood – Immediate Past President)

**1996:**

Terry Michael Gardner (President)  
 Diana Mary Elliott (Vice President)  
 Samantha Julie Miles (Secretary)  
 James Thomas Moore (Treasurer)  
 Maxwell Ferris Horton (Alice Springs Representative)  
 Eileen Marie Terrill  
 Donna Maira Isabella Dreier  
 Peter John Butler Tiffin  
 Susan Jane Porter  
 John Benjamin Lawrence  
 Anthony David Young



# LSNT Council Roll of Honour

Neville John Henwood – Immediate Past President)

**1997:**

Stephen Roger Southwood (President),  
Alan John Lindsay (Vice President),  
Eileen Marie Terrill (Secretary),  
Donna Maira Isabella Dreier (Treasurer),  
Wojciech Jacek Karczewski,  
Stuart Andrew Barr,  
Richard James Coates,  
Susan Jane Porter,  
Maxwell Ferris Horton (Alice Springs Representative),  
Duncan Charles McConnel.  
(Terry Michael Gardner – Immediate Past President)

**1998:**

Stephen Roger Southwood (President),  
Alan John Lindsay (Vice President),  
Eileen Marie Terrill (Secretary),  
Donna Maira Isabella Dreier (Treasurer),  
Max Horton (Alice Springs Representative),  
John William Arthur Birch (Alice Springs Alternate Representative),  
Richard James Coates,  
Ian McDonald Morris,  
Duncan Charles McConnel,  
Alastair John Shields,  
Merran Kathleen Short,  
Kevin Royce Stephens.  
(Terry Michael Gardner – Immediate Past President)

**1999:**

Jon Courtland Arthur Tippet (President),  
Ian McDonald Morris (Vice President),  
Eileen Marie Terrill (Secretary),  
Donna Maira Isabella Dreier (Treasurer),  
Katrina Joanna Budrikis (Alice Springs Representative),  
John William Arthur Birch (Alice Springs Alternate),  
Robert Angus Gosford,  
Elizabeth Jane Morris,  
Duncan Charles McConnel,  
Alastair John Shields,  
Merran Kathleen Short,  
Kevin Royce Stephens,  
(Stephen Roger Southwood – Immediate Past President)

**2000:**

Jon Courtland Arthur Tippet (President),  
Ian McDonald Morris (Vice President),  
Merran Kathleen Short (Secretary),  
Eileen Marie Terrill (Treasurer),  
Katrina Joanna Budrikis (Alice Springs Representative),  
Domenico Conidi (Alice Springs Alternate),  
Suzanne Francis Oliver,  
Elizabeth Jane Morris,

James Thomas Moore,  
Duncan Charles McConnel,  
Timothy Donald Jacobs,  
Sarah Laurie Hawke,  
(Stephen Roger Southwood - Immediate Past President).

**2001:**

Ian McDonald Morris (President),  
Merran Kathleen Short (Vice President),  
Duncan Wilson Maclean (Secretary),  
Eileen Marie Terrill (Treasurer),  
Stephen Roger Southwood QC (NT Bar Association Representative),  
Katrina Joanna Budrikis (Alice Springs Representative),  
Anthony Ross Whitelum (Alice Springs Alternate Rep),  
Sarah Laurie Hawke  
Timothy Donald Jacobs,  
Duncan Charles McConnel,  
James Thomas Moore,  
Suzanne Francis Oliver.  
(Jon Courtland Arthur Tippet - Immediate Past President).

**2002:**

Ian McDonald Morris (President),  
Merran Kathleen Short (Vice President),  
Duncan Wilson Maclean (Treasurer),  
Eileen Marie Terrill (Secretary),  
Michael Patrick Grant (NT Bar Association Representative),  
Anthony Ross Whitelum (Alice Springs Representative),  
Nardine Rosemary Collier (Alice Springs Alternate Representative),  
Suzanne Francis Oliver,  
Melanie Jane Little  
Markus Andreas Spazzapan,  
Michael John McKillop Grove,  
Glen Meyers Dooley,  
Stuart Andrew Barr,  
Christopher David Booth (Replacement Councillor),  
Jennifer Hardy (Replacement Councillor).

**2003:**

Merran Kathleen Short (President),  
Duncan Wilson Maclean (Vice President), Resigned  
Michael John McKillop Grove (Treasurer),  
Glen Meyers Dooley (Secretary),  
Anthony David Young (NT Bar Association Representative),  
Anthony Ross Whitelum (Alice Springs Representative),  
Nardine Rosemary Collier (Alice Springs Alternate Representative),  
Christopher David Booth (Young Lawyers





Representative)  
 Jennifer Hardy  
 Danielle Sue Howard  
 Margaret Catherine Orwin  
 Markus Andreas Spazzapan  
 Matthew Gladwell Storey  
 Jo-Ann Marie Tomlinson  
 Allison Margaret Robertson (Replacement Councillor).

#### 2004:

Merran Kathleen Short (President),  
 Allison Margaret Robertson (Vice President),  
 Jacqueline May Presbury (Treasurer),  
 Glen Meyers Dooley (Secretary),  
 John William (Jack) Lewis (NT Bar Association Representative),  
 Anthony Ross Whitelum (Alice Springs Representative),  
 Allan David Forrest Cockburn (Sam) Salmon (Alice Springs Alternate Representative),  
 Lisa-Gaye O'Donohue (Young Lawyers Representative),  
 Kate Helena Hughes,  
 Jodi Alva Mather,  
 Rhona Mary Douglas Millar,  
 Jo-Ann Marie Pattinson (nee Tomlinson),  
 Markus Andreas Spazzapan,  
 Matthew Gladwell Storey

#### 2005:

Allison Margaret Robertson (President)  
 Rhona Mary Douglas Millar (Vice President)  
 Jacqueline May Presbury (Treasurer)  
 Jodi Marie Truman (Secretary)  
 John William (Jack) Lewis (NT Bar Association Representative) - Resigned  
 Patrick Francis McIntyre (NT Bar Association Representative)  
 Gottlieb Thomas (Tom) Svikart (Alice Springs Representative) - Resigned  
 Kim Margaret Raine (Alice Springs Representative)  
 Rennie Douglas Anderson (Alice Springs Alternate Representative)  
 Caroline Heske (Young Lawyers Representative)  
 Kate Helena Hughes - Resigned  
 Jodi Alva Mather  
 Lisa-Gaye O'Donohue  
 Jo-Ann Marie Pattinson (nee Tomlinson)  
 Markus Andreas Spazzapan  
 Matthew Gladwell Storey  
 Ian Leonard Read (Replacement Councillor)

#### 2006:

Allison Margaret Robertson (President)  
 Rhona Mary Douglas Millar (Vice President)  
 Jacqueline May Presbury (Treasurer)  
 Jodi Marie Truman (Secretary)  
 Patrick Francis McIntyre (NT Bar Association

Representative)  
 Kim Margaret Raine (Alice Springs Representative)  
 Rennie Douglas Anderson (Alice Springs Alternate Representative)  
 Caroline Heske (NT Young Lawyers Representative)  
 Markus Andreas Spazzapan  
 Jodi Alva Mather  
 Ian Leonard Read  
 Jo-Ann Marie Pattinson (nee Tomlinson)  
 Matthew Gladwell Storey  
 Lisa-Gaye O'Donohue

#### 2007:

Allison Margaret Robertson (President)  
 Duncan Charles McConnel (Vice-President)  
 Matthew Gladwell Storey (Secretary)  
 Jo-Ann Marie Pattinson (nee Tomlinson) (Treasurer)  
 Kim Margaret Raine (Alice Springs Representative)  
 Rennie Douglas Anderson (Alice Springs Alternate Representative)  
 Charles Andrew Martel (Alice Springs Alternate Representative)  
 Markus Andreas Spazzapan  
 Jodi Marie Truman  
 Caroline Elizabeth Bicheno  
 Jason Gary Schoolmeester  
 Ian Leonard Read  
 Katarzyna Rutowska  
 Patrick Francis McIntyre (NT Bar Association Representative)  
 Katherine O'Fathartaigh (NT Young Lawyers Representative)  
 Catherine Hamilton (NT Young Lawyers Alternate Representative)

#### 2008:

Duncan Charles McConnel (President)  
 Matthew Gladwell Storey (Vice President)  
 Jason Gary Schoolmeester/Caroline Bicheno (Secretary)  
 Jo-Ann Marie Pattinson/Jason Gary Schoolmeester (Treasurer)  
 Rennie Douglas Anderson (Alice Springs Representative)  
 Gottlieb Thomas Svikart (Alice Springs Alternate Representative)  
 Ian Leonard Read (Councillor)  
 Allison Margaret Robertson (Councillor)  
 Peggy Siew Meng Cheong (Councillor)  
 Ruth Ellen Brebner (Councillor)  
 Cameron Samuel Ernest Ford/VACANT (Councillor)  
 Caroline Elizabeth Bicheno/VACANT (Councillor)  
 Kate Alexandra Kensell (Young Lawyers Representative)  
 Callum Leigh Dolman (Young Lawyers Alternate Representative)  
 David Graham Alderman (NT Bar Association Representative)



# LSNT Council Roll of Honour

**2009:**

Duncan Charles McConnel (President)  
 Matthew Gladwell Storey (Vice President)  
 Peggy Siew Meng Cheong (Secretary)  
 Jason Gary Schoolmeester (Treasurer)  
 Rennie Douglas Anderson (Alice Springs Representative)  
 Gottlieb Thomas Svikart (Alice Springs Alternate Representative)  
 Linda Ann Morgan (Councillor)  
 Allison Margaret Robertson (Councillor)  
 Margaret Catherine Orwin (Councillor)  
 Fiona Levene Hussin (Councillor)  
 Ruth Ellen Brebner (Councillor)  
 Marcus Andreas Spazzapan (Councillor)  
 Caroline Elizabeth Bicheno (Councillor)  
 Kate Alexandra Kensell (Councillor)  
 Melanie Jane Warbrooke (Councillor)  
 Patricia Angela Horvat (Young Lawyers Representative)  
 Nicholas Ryan Johansen (Young Lawyers Alternate Representative)  
 David Graham Alderman (NT Bar Association Representative)

Duncan Charles McConnel (Councillor)  
 Fiona Levene Hussin (Councillor)  
 Margaret Catherine Orwin (Councillor)  
 Anastasis Andrew Liveris (Councillor)  
 Ashley James Marsh (Councillor)  
 Jared Nathaniel Sharp (Replacement Councillor)  
 Donna Irene Lynette Storey (Young Lawyers Representative)  
 Nicholas Ryan Johansen (Young Lawyers Alternate Representative)  
 David Graham Alderman (NT Bar Association Representative)

**2010:**

Matthew Gladwell Storey (President)  
 Peggy Siew Meng Cheong (Vice President)  
 Jason Gary Schoolmeester (Treasurer)  
 Ben Wild (Secretary)  
 Rennie Douglas Anderson (Alice Springs Representative)  
 Ashley Graham Dewell (Replacement Alice Springs Representative)  
 Gottlieb Thomas Svikart (Alice Springs Alternate Representative)  
 Duncan Charles McConnel (Councillor)  
 Fiona Levene Hussin (Councillor)  
 Melanie Jane Warbrooke (Councillor)  
 Kevin Francis Banbury (Councillor)  
 Margaret Catherine Orwin (Councillor)  
 Julian Quentin Johnson (Councillor)  
 Jared Nathaniel Sharp (Replacement Councillor)  
 Nicholas Ryan Johansen (Young Lawyers Representative)  
 Donna Irene Lynette Ward (Young Lawyers Alternate Representative)  
 David Graham Alderman (NT Bar Association Representative)

**2011:**

Matthew Gladwell Storey (President)  
 Peggy Siew Meng Cheong (Vice President)  
 Nigel James Browne (Treasurer)  
 Candice Louise Maclean (Secretary)  
 Ashley Graham Dewell (Alice Springs Representative)  
 Mark Gerard O'Reilly (Alice Springs Alternate Representative)



## Regulatory Services Manager Report: Complaints and Discipline

The most interesting aspect of the complaints and disciplinary area was the fact that the statistics show remarkable consistency with the previous couple of years.

The Legal Practitioners Disciplinary Tribunal again dealt with a small number of matters, and rules and forms for the Tribunal were promulgated in late April 2011.

There was one disciplinary matter brought against a practitioner in the Tribunal which resulted in a finding of professional misconduct, with a public reprimand, fine and order for costs being imposed by the Tribunal.

The Society is a respondent to two appeals lodged by complainants during the 2010/11 year in relation to the dismissal of their complaints.

COMPLAINT STATISTICS	2008/2009	2009/2010	2010/2011
Number of complaints disposed of	27	61	44
Open complaints at end of year		36	30
Open complaints over six months duration		13	18
Open complaints over one year duration	25	7	13
Average time taken to resolve a complaint	295	108	304
Complaints dismissed		37	35
Complaints withdrawn		7	7
Public reprimands		0	1
Private reprimands		1	1

KEY AREAS IN WHICH COMPLAINTS WERE GENERATED	2008/2009	2009/2010	2010/2011
Criminal & Family law	48%	40%	59%
Civil litigation	28%	26%	13%
Commercial/conveyancing	14%	20%	15%



**Allison Smart**

Manager Regulatory Services and Professional Standards

Small percentages were in workers compensation, unspecified or general practice areas.

The most common issues raised by complainants (and in general more than one issue is raised in each complaint) are costs, communication, incompetence and failing to follow instructions. Complaints in relation to costs and overcharging are very often linked to communication issues, as are complaints of failing to follow instructions, which underscores the need for practitioners to ensure that communications with clients are clear, consistent and regular.

Most if not all practitioners are now well familiarised with the requirements of cost disclosure under the *Legal Profession Act* so costs issues relate not so much to a failure to disclose at the outset, but much more commonly to a failure to keep a client advised of the costs that are accruing or are likely to accrue during the course of a matter.

The Society continues to administer applications for general costs assessments under Part 3.3 of the *Legal Profession Act*, and there remain five general costs assessors appointed by the Society. Applications to the Society for costs assessment average one per month. At this time there are no costs assessors acting under appointment by the Chief Justice or Chief Magistrate in relation to applications relating to costs of proceedings in the Supreme and Local Courts respectively. The Society can, and does, refer complaints that are largely or wholly based on allegations of overcharging to costs assessors for review before determining complaints based on costs, and costs assessors also have a duty to refer to the Society any matter in which they believe, on the basis of material put before them, that the costs charged by the legal practice are grossly excessive or where the costs assessment raises another matter that may amount to professional misconduct or unsatisfactory professional conduct.

Allison Smart took maternity leave between September 2010 and April 2011. Caroline Bicheno, David Alderman and Peggy Cheong were appointed as investigators of complaints between September 2010 to June 2011, and support with complaint investigations was also provided by secretariat members Sophie Anderson and Barbara Bradshaw.



## ONGOING IMPROVEMENTS

The Society aims for ongoing quality improvement in trust account regulation and responds to input from members. Web based notifications continue to be reviewed and refined and the programme developers have increased functionality of the software. Now the data is being imported directly into the Society's database, a great time saving.

With a view to national regulation of the profession the Society continues to foster communication and alignment with other states across the common features of existing trust account regulation. The Society participated with interstate colleagues in developing a submission on the trust account provisions in the proposed National Law.

## EDUCATION, BRIEFINGS AND CPDS

Education and information regarding trust account obligations continues to be a priority. This included:

- Eight CPDs were conducted
- Direct in house trust account training upon request
- Self-examination check list developed
- Increasing phone enquiries and this will continue to grow
- Information sheets
- Work with Charles Darwin University to deliver the trust account component

Four new practices commenced in the period of which only one declared they provide legal services in such away so as to require a general trust account. Reviews are yet to be undertaken but assistance has been provided to those which have opened a general trust account.

## EXTERNAL EXAMINERS

This continues to be an area which requires monitoring. A new application system for external examiners was implemented for the 2011 reporting period. Additional checks were



**Jill Farrand**  
Trust Account Supervisor  
Law Society Northern Territory

undertaken by the Society to improve the quality of examinations. Prior to the commencement of the examination period four educative briefings were provided to all examiners. The increase in identified breaches this year may reflect the increased understanding of the examiners in light of these briefings.

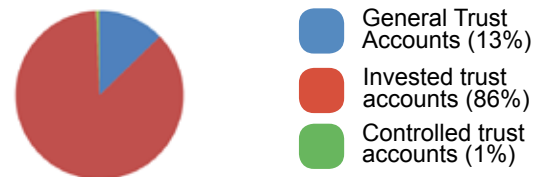
## ENTRUSTED FUNDS

Unclaimed trust money continues to be a compliance issue with practices failing to have internal protocols to identify and undertake corrective action in this area. In examining the data there has been a significant reduction in the value of funds held in trust accounts over his reporting period.

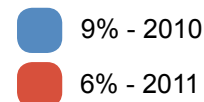
## INVESTIGATIONS

Twenty six practices have been investigated during the period March 2010 to July 2011 with investigations for established practices moving from simple compliance audits to more comprehensive reviews.

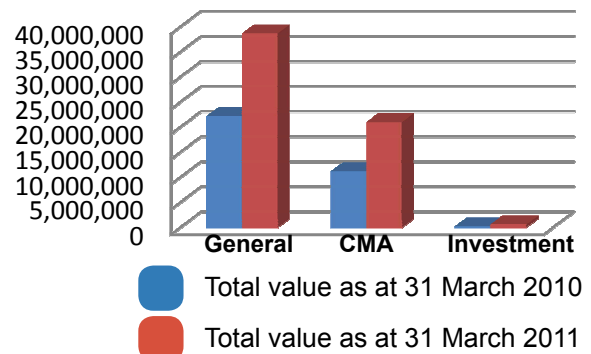
## ACCOUNT TYPE HELD BY PRACTICES



## OVERDRAWN ACCOUNTS (CLIENT, LEDGER OR BANK)



## ENTRUSTED FUNDS HELD BY TRUST ACCOUNT TYPE



# Continuing Professional Development (CPD)/ Charles Darwin University (CDU) Committee

This report will cover the three broad areas of the Committee's activities: CPD program delivery; CPD regulation and Legal Education. I am sure all members will join with me in congratulating Karen on superb management of the delivery of the Society's CPD program. Karen has made a truly outstanding contribution to this aspect of the Society's activities.

## CPD PROGRAM DELIVERY

The program over the last twelve months has managed to increase its presence in Alice Springs and continue to experiment with on-line delivery. Attempts have been made to ensure a balance of specialised subject matter and more generalist material appropriate for more junior practitioners. Into the coming period the Society aims to develop further two aspects of the program. The first is collaborative delivery with other professional bodies. Programs delivered already in conjunction with accountants and valuers are examples of this direction and experience suggests they can be especially rewarding because of the diversity. They also enhance the prospects of delivering in regional centres.

Perhaps the most exciting future enhancement lies in developing further the Society's on-line CPD capability. This technology not only permits CPD delivery to remote centres but also raises the prospect of a vastly increased range of presenters who will not need to be physically transported to Darwin. Further into the future it also raises the possibility of the Society delivering on-line CPDs to practitioners in other jurisdictions.

## CPD REGULATION

CPD obligations as a condition of practising certificate renewal have been in place for some years now. On the whole compliance rates are excellent although there is some tendency towards tardiness in reporting. There are very few examples of non-compliance and appropriate action has been taken in these cases.



**Matthew Storey**

Chair  
CPD Committee

As part of the National Legal Profession Reform push, uniform CPD rules have been developed by a national committee under the auspices of the Law Council of Australia. These uniform rules reduce a practitioner's CPD obligations to ten (from twelve) points in a year and remove the rule imposing a maximum of six CPD points from single activity. They also impose additional mandatory requirements in regard to the "category 1" activities. The Society has made comment on (particularly this latter) aspect and has also communicated to the Attorney General on a number of occasions suggesting that in the interim period prior to establishment of the nation regime the NT CPD rules could be amended to include the relaxation of the six point rule and the reduction from twelve points to ten. Hopefully these suggestions will be taken up shortly (particularly in light of the apparent uncertainty regarding the NLPR project).

## LEGAL EDUCATION

I have referred to the positive changes at the Law School in my President's Report and will not repeat those comments here. The CPD/CDU Committee has focussed some attention on the issue of Practical Legal Training (PLT) in the Territory. The Graduate Diploma in Legal Practice (GDLP) is the most usual manifestation of pre-admission PLT. A law graduate has discretion as to which PLT program they undertake to fulfil their admission requirements. Several institutions around the country provide the necessary programs. However these all require some training in a city other than Darwin. A PLT program delivered that was delivered either in Darwin or on-line was offered by CDU in partnership with ANU until 2009 when CDU withdrew from the partnership. ANU has continued to deliver the program since then. However the Society has expressed grave reservations regarding matters such as local (NT) content in the course materials and appropriate supervision of placements. At the time of writing the CPD/CDU committee is investigating the possibility of encouraging an alternative PLT provider to deliver programs locally. The Society has though continued to express its disappointment that CDU has continued to decline to undertake this important legal education function.



## SPEAKERS LIST

We would like to thank ...

Adrian Van Nunen	Jodi Tabalotny
Alistair Wyvill SC	Jon Tippet QC
Anthony Young	Katrina Halse
Barbara Bradshaw	Leon Loganathan
Ben O'Loughlin	Lex Silvester
Brett Walker- Roberts	Lynn Davie
Brian Cassells	John Birch SM
Brian Djangirrawuy Garawiritja	Mark Hunter
Cheryl Richardson	Master, Vince Luppino
David Alderman	Matthew Storey
David Baldry	Melanie Robinson
David Spear	Michael O'Donnell
Dr John Lowndes	Noel Hemming's QC
Duncan McConnel	Pat McIntyre
Toni Lucev FM	Peter Barr QC
Fiona Hardy	Professor Les McCrimmon
Georgia McMaster	Raelene Webb QC
Graham Hiley QC	Renelle Gandjitjwuy Gondarra
Grahame Buckley	Rex Wild QC
Hilary Hannam CM	Robert Chamberlain
Hon Chief Justice Trevor Riley	Russell Goldflam
Hon Justice Dean Mildren RFD	Stephen Ralph
Hon Justice John Mansfield AM	Sue Harrington
Hon Justice Judith Kelly	Tass Liveris
Hon Justice Stephen Southwood	Tony Young
Ian Read	Vernon Sawyers
Jane Le Messurier	Vincent Peters
Jennifer Scott	Wade Roper
Jill Farrand	

Area	Apr - Jun 2010	Jul - Sep 2010	Oct - Dec 2010	Jan - Mar 2011	TOTAL	2009 - 2010
Darwin	15	14	11	13	<b>53</b>	41
Alice Springs	1	4	3	4	<b>11</b>	16
Total CPD's	16	18	14	17	<b>65</b>	57
Total Attendance	518	360	248	550	<b>1676</b>	1101
Average Attendance	32	36	18	30	<b>25</b>	19



## Manager Corporate Services' Report

This year the Society welcomed Megan Lawton who accepted the challenge of Chief Executive Officer, Danielle Sawyer commenced as Licencing Officer, Sonia Oliveira as Personal Assistant to the CEO and Emily Boswell as Administration Assistant and Receptionist.

In facilitating the functions of the Society, the Secretariat has focussed on the refinement of documentation developed under the LPA, the efficient exchange and automation of electronic information and improved electronic reporting. The area most advanced in this respect is Trust Account compliance where reporting information is now able to be lodged via the Law Society website and that information is checked and authorised for importation to the trust account database. A lot of effort is put in to the development of electronic forms to provide maximum ease of use and automated assistance to the user throughout the process. This has been a big step for some practices to embrace; however, the efficiency dividends are evident for both the profession and the regulatory administrators. Following on from this success we are resolved to develop all possible services to practitioners via the internet.

The Chief Financial Officers from all jurisdictions meet twice a year to discuss common issues and it is always a valuable exercise. The Council of the Law Society has approved the hosting of the meeting of CFO's in Darwin in May 2012.

The Law Council of Australia is co-ordinating the development of a national database of legal practitioners and hold intermittent meetings to progress the matter, although this year it has somewhat taken a back seat to the National Legal Profession Reform project.

Under the recommendations of the review of the Secretariat conducted in February 2010, a reporting regime was introduced to measure the activities of the Society in relation to the KPI's identified and tied to the funding arrangements

with the Legal Practitioners Fidelity Fund. This year has been the first full year of reporting under this regime, and will, over the coming years provide the data for a more detailed cost analysis of each areas of regulation of the profession.

It has been a pleasure to work with our Treasurer, Nigel Browne, whose insight and support has guided the financial management of the Society.



**Julie Davis**

**Manager Corporate Services**  
Law Society Northern Territory





The objects of the Law Society Public Purposes Trust are:

1. To advance the education of the community, and any section of it, with respect to the law;
2. To advance the collection, assessment and dissemination to the community, and any section of it, of information relating to the law;
3. To improve the access of the community, and any section of it, to legal services;
4. To improve the quality, standard and effectiveness of legal services available to the community or any section of it; and
5. To protect any member of the community using or seeking to use legal services.

The Law Society appointed two new members to the Allocations Committee, Fiona Hussin and Nigel Browne, who together with David Lisson accomplished the hard task of considering

all the applications before them in detail and arriving at the final recommendations. The Law Society thanks them sincerely for their effort and donation of time.

Outgoing members Jason Schoolmeester and Markus Spazzapan also receive a vote of thanks from the Society.

During the financial year the Trust received eight Grant Applications totalling \$206,821. The Allocations Committee at their meeting considered all applications and recommended that six be approved. These recommendations, totalling \$131,156, were approved by the Northern Territory Attorney General, the Hon. Delia Lawrie MLA.

The approved grants are set out in the table below.

Applications for grants have to fall within the objects of the Trust as set out in the Trust Deed:

ORGANISATION	PROJECT	AMOUNT
Northern Territory Young Lawyers	National Golden Gavel Competition – travel expenses.	\$ 1,200
The Multicultural Council of the Northern Territory	Interpreter assisted information about NT road rules and safety legislation for recently arrived refugees.	\$ 12,276
North Australian Aboriginal Justice Agency & Northern Territory Legal Aid Commission	Creation & Production of a NT Duty Lawyer’s Handbook.	\$ 53,934
Law Society Northern Territory	Law Week 2011.	\$ 18,000
Corrugated Iron Youth Arts	Production of “2Law Way” for the Supreme Court’s Centenary Celebrations.	\$ 40,000
Law Society Northern Territory	Martin Kriewaldt Memorial Address 2011.	\$ 5,746
<b>Total</b>		<b>\$ 131,156</b>



**Dagmar Brautigam**  
Secretary  
Public Purposes Trust



## Alice Springs Representative Report

It has been a busy year in Alice Springs for the legal profession and the Courts. Some of the highlights include:

- The Opening of Legal Year Dinner at the Samphire Restaurant with an address by the Hon Chief Justice Trevor Riley.
- The inaugural Alice Springs Courts Quiz Night (won by the CAALAS team).
- The Law Week Dinner at Crowne Plaza with an address by the Hon Justice Peter Barr.
- Two major training workshops:

### ADVOCACY WORKSHOP

Participants examined witness statements, developed a case concept, and then conducted an examination in chief to fit that concept. Participants then received feedback and coaching from Chief Justice Riley and Rex Wild QC.

### 'A BIT OF EVERYTHING FOR YOUNG LAWYERS'

Justice Peter Barr, John Neill SM, Nannette Rogers SC, Tanya Collins, Rennie Anderson and Tony Whitelum provided instructive presentations on topics including ethics, court etiquette, civil and criminal practice and the drafting of court documents. Each presenter also took the time to prepare a handout outlining the key points of their presentation.

- The Hon Justice Peter Barr hosted drinks for the legal profession and the Court staff at Alice in the Territory.
- Chief Justice French's Kriewaldt Address by way of video link.

- The play reading: "*The Territory Inquisition(s) Into the Death of Azaria Chantell Chamberlain (and the Presumption of Innocence)*".



**Ashley Dewell**  
Alice Springs Representative  
Law Society Northern Territory



The 2010/2011 year has been a busy and fulfilling time for Northern Territory Young Lawyers (NTYL).

The committee consists of:

1. Sophie Anderson (Co-President)
2. Ashley Marsh (Co-President)
3. Emma Farnell (Vice President)
4. Imogen Taylor (Secretary)
5. Nick Johansen (Treasurer)
6. Nestor Sanchez
7. Donna Storey (LSNT representative)
8. Olive Go
9. Claire Henderson

The committee meets monthly to discuss and plan upcoming events and to generate new ideas for the committee to work on.

It is important for NTYL to have a voice at a national level through the Australian Young Lawyers Committee and Ashley Marsh has been representing NTYL where he regularly attends on teleconference and has met once in person in 2011.

The retention of young lawyers in the NT is important to NTYL and we have been looking at what makes young lawyers leave the Territory and what things could make them stay. We are looking at putting a submission together to Government to address these issues.

As a voluntary committee we rely on the support of the Society and the generosity of local firms and legal organisations when holding events such as the Golden Gavel. The Society has been incredibly supportive of NTYL and we thank them for their encouragement during 2010/2011.

Our main aim is to engage and enjoy the company of other Young Lawyers through our many functions we have throughout the year. These have included:



**Sophie Anderson**

**Co-President**  
Northern Territory Young Lawyers

## 2010 MINTER ELLISON GOLDEN GAVEL

NTYL held the NT Golden Gavel event on Friday 10 September 2010 at Crowne Plaza. Marty Aust won the competition with the speech, "Such is life: Ben Cousin's guide to professional responsibility". Minter Ellison was the main supporter of the evening after winning the 'naming rights' to the event at the Law Week lunch auction. We also had a number of secondary sponsors who donated \$150 to go toward the event. Again, it was a fantastic night and we thank the judges Peter Barr QC, Duncan McConnell and Ben Wild, and adjudicator Grant McAveney from Minter Ellison.

Marty Aust then competed at the National Golden Gavel Final on 29 October. Marty represented the NT speaking at the National Press Club with the topic, "*Defame me- I like it*".

## 2010 CHRISTMAS DRINKS

The 2010 Christmas Drinks were held at Shenanigans Irish Bar. NTYL had a small room and said goodbye to the year with friends.

## LAW WEEK DEBATE 2011

Each year during Law Week NTYL present the 'Great Debate' between Senior and Junior Lawyers. And any willing orators are allowed to participate.

The celebration of the Supreme Court's 100<sup>th</sup> year saw the 2011 debate take on a centenary flavour with the topic, "*Practising law in the NT was more fun 100 years ago*". Court 1 was full to see which team would take out the title. The junior lawyers consisted of Damien Jones, Klarin Sivyer and Camille Carey and the senior team was made up of Suzan Cox QC, Alistair Wyvill SC and Wade Roper. the Hon Justice Southwood adjudicated the event, keeping everyone 'in line', whilst providing witty commentary throughout the evening. After a great night of debate the title was given to the young lawyers.

Thank you to Justice Southwood and all of the competitors. Also, a special thank you to the Law Society for providing the after refreshment's which were enjoyed in the Supreme Court foyer.

Thank you very much to our small, hard working team who bring these functions together.



## Commercial Law

The membership of the Committee was affirmed by the Council at the planning day on 23 October 2010. Members during this year were Barbara Bradshaw (then CEO), Brett Miden, Gordon Berner, Guy Riley, Nick Johansen, Richard Henschke and Robert Chamberlain (for part of the year), with myself as Chair. It was pleasing that the Council commented on the committee's high output during the previous year. I would like to take this opportunity to sincerely thank the members for their conscientious participation in what has again been a busy year. Issues that were considered by the Committee are summarised below.

### VENDOR DISCLOSURE

The *Sale of Land (Rights and Duties of Parties) Act* and associated regulations have been passed but are yet to commence. The Committee provided comment on this reform and particularly the revision of what will become the new standard Contract of Sale required to be used by licensed conveying and real estate agents and optional for use by legal practitioners.

### CONTRACT OF SALE

Section 121A of the *Agents Licensing Act* restricts licensed real estate agents and conveyancing agents from arranging for the preparation or execution of contracts for the sale of land unless the contract is approved by either, the Registrar of Land Business and Conveyancing Agents or by the Law Society. Due to the proposed introduction of the vendor disclosure regime in the *Sale of Land (Rights and Duties of Parties) Act* amendments were required to the approved contract. The final version of the consultation draft contract was released by the Department of Justice for further comment on 15 March 2011. The Committee made its submissions on 28 March 2011 identifying some residual significant concerns. A further draft of the document was released by the Department on 22 August

2011 and the Committee is about to complete its review of this version and submit what will, hopefully, be its final comments.

### NATIONAL E-CONVEYANCING SYSTEM

The Committee continues its monitoring of progress of this national initiative and to have input on behalf of NT practitioners, as required. The Northern Territory will not be participating in the initial stages of the launch of the system, but it is hoped that in due course the NT will have the capacity to participate. The committee's involvement included providing advice through the auspices of the Law Council of Australia's working parties on issues such as electronic client identity verification and all aspects of the proposed settlement process. The Committee will continue to monitor these issues and has been pleased with the positive attitude and willingness to liaise with our jurisdiction, despite the NT at this point not having financially contributed to the development of the system.

The Committee is about to turn its attention to the Government's announced review of the *Business Tenancies (Fair Dealings) Act* (which the Committee has been pressing for now for many years) and it is anticipated that some review will also be taking place in the near future of the legislation around unit titles.

 **Lyn Bennett**  
Chair  
Commercial Law Committee



The Law Society Northern Territory Legal Practice Committee was formed in the last strategic planning meeting of the Council following the 2010 AGM. I have to confess that I have not been the most active of Chair for this committee. In my defence, it would appear that the overall business of the Legal Practice Committee has not been overwhelming since its inception, although I do expect the Committee to be more active in the coming year.

At the meeting of Legal Practice Committee, the members considered issues relating to:

1. The Uniform Evidence Act
2. Costs issues (billable hours), and the costs issues being considered by the Supreme Court Costs Committee, chaired by the Hon Justice Dean Mildren;
3. The ongoing review of Court legislation, such as consideration of the Justices Act, Local Court Act, and provisions relating to Administrative Appeals;
4. Discovery process and procedure in the Federal Court;
5. Legal Profession Mental Health Reports;
6. The possibility for an increase in the role of the Legal Community in disaster planning.

The above issues will continue to be a focus for discussions for this Committee in the coming 12 months. In addition I believe that the ongoing issues surrounding NLPR and the Australian Solicitor Conduct Rules will also be considered by the Committee in due course and as required as these national agenda continue to move forward in 2011 and 2012.

I thank my committee members, Barbara Bradshaw, Sophie Anderson, David Alderman, Duncan McConnell, Tass Liveris, Megan Lawton, Mellissa Dunn and Candice McLean for putting up with me as Chair and look forward to working with you all and any other interested practitioners in the coming year.



 **Peggy Cheong**  
Chair  
Legal Practice Committee



The Social Justice Committee is the amalgamation of the former Indigenous Issues, Criminal Justice and Access to Justice Committees. Legal practitioners with relevant experience in particular areas may be invited to be on the working parties on particular issues.

The Committee focuses largely on Northern Territory issues and the impact these have on legal practitioners, clients and the community.

The Committee also maintains a national focus and we have provided policy input to the Law Council of Australia on issues such as Indigenous Recognition in the Constitution and the Consolidation of Anti-Discrimination Laws.

### ALCOHOL REFORMS & SMART COURT

The Committee was supportive of the introduction of new laws in relation to alcohol related offending, however is concerned about the legal representation in the Tribunal.

The Committee was also supportive of the SMART Court initiative, but was disappointed with the Government's announcement that violent offenders would be excluded from the SMART Court's functions. The Committee will continue to monitor progress of these initiatives and is hopeful it will go some way in addressing the behaviour of offenders and produce long term solutions.

### INCARCERATION GROWTH AND PROGRAMS TO REDUCE RECIDIVISM

The Committee remains concerned at the growth in prisoner numbers and that the incarceration rate in the Northern Territory is almost four times that of the national average. The Committee remains concerned at the limited access which prisoners have to rehabilitative programs shown to reduce the likelihood that they will re-offend. The Committee has taken great interest in the programs announced under the 'New Era' in Corrections and will continue to monitor the impact of these initiatives.



**Fiona Hussin**  
Chair  
Social Justice Committee

### FACILITY FOR 'SAFE CUSTODY'

There are currently no appropriate secure facilities in the Northern Territory to accommodate long term prison inmates who are on supervision 'safe custody' orders following either a decision that they are unfit to stand trial, or a decision that they suffer from a mental impairment (or both). In our view there is a critical need for such a facility. The Committee has supported calls for such a facility from the community at large as well as the judiciary

The Committee continues to support the establishment of a secure care facility which is designed and resourced to provide for people who are the subject of safe custody orders made under Part IIA of the *Criminal Code*.

### TENANTS ADVICE SERVICE FOR ALL TERRITORIANS.

Because of changes to the delivery of housing in remote communities, the resourcing of the Tenants Advice Services through the Darwin Community Legal Service is insufficient to assist the increasing number of tenants needing help in relation to their legal rights and responsibilities. Maintaining a tenancy is a vital factor in preventing homelessness. Tenancy support, including legal help, is vital to the maintenance of tenancies. The Committee has been advocating for an allocation of additional funding to enable NT Legal Services to deliver this service more broadly across the Northern Territory.

### ASYLUM SEEKERS

An emerging issue identified by the Committee is the resourcing of legal representation for asylum seekers. This demand has increased since the case of *M61*,<sup>1</sup> which determined that people in detention who have been refused a protection visa (or a right to apply for a protection visa) must be able effectively to exercise their rights to access the court for judicial review.

We continue to voice concerns to Government about these issues and encourage members to contact the Law Society or members of the committee about areas of interest.

1. *Plaintiff M61/2010E v Commonwealth of Australia* [2010] HCA 41



The 2010/2011 year has been a busy year for the Society's Family Law Committee (the Committee) and for family law practitioners in general. The Society extends a big thank you to the dedicated and hard working committee members for their participation throughout the year. The Society also thanks Michelle Giacomo who has been the Committee's committed and passionate Chairperson over the last three years – Michelle has recently left the Territory to pursue her practice in New South Wales.

The Committee considered many issues throughout the year. Some of these have included:

1. Training and funding of Independent Children's Lawyers (ICL's).
2. Enthusiasm for the staggered list within the Federal Court so practitioners will be aware when matters are called.
3. Expressed concerns to the Local Court in Darwin about the security risks to practitioners within Courts 8 and 9.
4. Stamp duties and Binding Financial Agreements in the Northern Territory not moving with the *Family Law Act*.
5. Roll out of family group conferencing in Alice Springs and the role of the child advocate within the conferences.
6. Ms Terrill and Ms Elliot attended the Family Law Conference in Canberra and reported the major issues included: mental health, alcohol and drug abuse, subpoenas and ICL's.
7. The Government's roll out of the 'Ochre Card' to work with children and the legal implications.
8. Attendance at the Child Protection Inquiry Legal Forum. The Committee was invited to

verbally flesh out issues which were raised in the Society's submission to the Inquiry.

9. Review of the *Care and Protection of Children Act* following the Inquiry. The Committee sent a follow up submission to the Minister for Health outlining the Committee's views on the report. The Society is also a member of the Information Sharing and Legislative Reform group facilitated by the Department of Children and Families. The Committee will be contributing further submissions to the review of the legislation and will be inviting all family law practitioners in the Northern Territory to provide any comment.

Michelle Giacomo and Nardine Collier continued in their roles as representatives on the Remote and Regional Committee of the Family Law Section of the Law Council of Australia. Due to Michelle's departure Nardine will now continue in the role.



**Megan Lawton**

**Chair**  
Family Law Committee



# Professional Indemnity Insurance

The balance of 2010 and 2011 proved to be a challenging and good year for professional indemnity insurance through the Law Society Northern Territory. As usual, the Committee members worked very hard throughout the months leading up to the PII renewal date to secure the best outcome for legal practitioners. There was some concern that premiums were again on the rise due to the overall economic climate and insurance industry concerns.

Notwithstanding the previous deterioration in the claims experience, the Committee was able to negotiate a very competitive and reasonable insurance package for members. Although premiums did increase, the increase was slight and in the Committee's view, bearable by all practitioners in the Territory. The insurer again took into account the ongoing claims history and overall economic and national factors. Once again the rise in premiums was relatively modest, and the overall premiums per practitioner were still a reasonable sum.

The good outcome was achieved through significant efforts by our broker, Marsh Limited, who assisted at all stages of the renewal process, including testing the market for insurance options. We have remained with QBE as they again offered the best options, terms and premiums for practitioners in this jurisdiction. Marsh's assistance, in particular the efforts of Cheryl Richardson in the entire renewal process have been invaluable. Marsh continues to provide significant support to the Society in the renewal process as well as other areas such as sponsorships of local events and donations from time to time.

The Society, together with Marsh, monitors the status and progress of claims, which is further assisted by the claims management committee. The claims management committee does not report to the PII committee for reasons of confidentiality of the subject matter of the claims and the parties involved. Through the work of the claims management committee, the PII committee has been able to identify areas of

practice which pose risks for practitioners and provide CPD training as required. Reducing risks would hopefully and ultimately lead to a reduction in premiums in the next renewal period.

The PII Committee has also considered alternative risk management strategies for the Northern Territory profession. In the current period of insurance, Le Messurier Harrington has refined their assistance and education for Territory practitioners to selected areas, targeting potential risk factors in the industry. The Society continues to welcome the assistance and input of LeMessurier Harrington in the legal practice risk management area.

In light of the ongoing discussions about the National Legal Profession Reforms, there remains continuing uncertainty surrounding the future of PII in the Northern Territory for all practitioners, from the sole practitioner practices to the larger law firms. The national profession legislation is unlikely to be able to cater for all practitioners given the variety of practices, types of work, sizes of law firms and the like, and as such it will continue to be important for the Society to be involved in the NLPR developments and consider its impact on the future PII position for practitioners in the Territory.



**Peggy Cheong**  
Chair  
PII Committee





## CEO Unit



### Megan Lawton

#### Chief Executive Officer

The Chief Executive Officer's role is to provide support to the President and Council. The CEO oversees complaints and responds to sensitive issues raised by practitioners and the public, with *Legal Profession Act* issues a major priority. The CEO promotes the Society and its services, and represents the Society to key stakeholders such as the Law Council of Australia, government, industry, business and community organisations. The CEO responds on behalf of the Council of the Society on legal reforms, research papers for comment, draft bills and prepares appropriate policy and research position papers. Additionally the CEO oversees the financial management, public relations activities and regulatory functions.

### Suzie Simmons

#### Public Relations Officer

The Public Relations Officer is responsible for member and community activities and event management, including the Opening of the Legal Year and Law Week. The role includes editorship of *Balance* (the Law Society's magazine), production and distribution of *The Practitioner* (a weekly electronic newsletter), maintenance of the website, media management, and represents the Society on a number of Law Council of Australia and other committees. All staff assist with the work of this position.



### Sophie Anderson

#### Project Officer - Policy and Research

The Project and Policy Officer researches and prepares submissions and reports of the Society. The Project and Policy Officer participates in the Family Law, Social Justice and Ethics Committees, also providing secretarial support. In addition the role provides para-legal support for the Ethics and Professional Standards Solicitor. This role is responsible for the Northern Territory Pro Bono Clearinghouse.

### Sonia Olivera

#### Personal Assistant to CEO

The Personal Assistant to the CEO provides administrative secretarial assistance to the Chief Executive Officer of the Society and to the Manager Corporate Services. The role is responsible for secretarial support to Council and other committees.



## Allison Smart

### Manager Regulatory Services and Professional Standards (MRSPS)

The Manager Regulatory Services and Professional Standards develops policy documents and guidelines relating to professional standards of legal practitioners. The MRSPS investigates complaints against legal practitioners and in effect she has the role of in house Counsel. The MRSPS also prepares advices to the Council of the Law Society on the *Legal Profession Act* and comparative penalties.

## Jill Farrand

### Trust Account Supervisor (part-time)

The Trust Account Supervisor provides regulatory oversight of the management of trust accounts under the *Legal Profession Act 2006* and Regulations. The role's main objective has been to assist law practices understand their trust accounting obligations. The Society also manages the external examination of trust accounts. The Trust Account Supervisor also undertakes investigations reporting to the CEO.



## Karen Beach

### Professional Development Officer

The Professional Development Officer is the co-ordinator of the Continuing Professional Development (CPD) Program for the Society, in line with the *Legal Profession Act 2006*. The role liaises with the CPD Committee to organise speakers, venues, video conferencing and attendance to CPDs. The role deals with member questions, management and record keeping of attendance and performs random audits of practitioners' CPD declarations.

## Elizebeth McDonald

### Administration Officer - Regulatory Services

The Administration Officer provides administration support to the Regulatory Services Unit. This role also maintains the complaints database and reporting system, co-ordinates, arranges and assists with meetings.



## Danielle Sawyer

### Licensing Officer

The Licensing Officer delivers information services to practitioners and members of the public, and handles enquiries in relation to admission to the Supreme Court of the Northern Territory, practising certificates, membership and general practice queries. Additionally the Licensing Officer provides reception support, maintains operational databases, and assists with customer accounts, co-ordinates Council Room facilities.



## Corporate Services Unit



### Julie Davis

#### Manager Corporate Services

The Manager Corporate Services is responsible for the finances and financial records of the Law Society Northern Territory, the Public Purposes Trust, NT Council of Law Reporting Inc., and the Legal Practitioners' Fidelity Fund. The role includes management of human and administrative resources, delivery of services to Council and members, oversight of database and other office systems. Additionally, the functions of Secretary of the Legal Practitioners Fidelity Fund and minute secretary for the Council of the Law Society are undertaken, and involvement with the Investments Committee and PII Committee.

### Dagmar Brautigam

#### Finance Officer

The Finance Officer provides bookkeeping support to the Manager Corporate Services in relation to the accounts of the Society, Legal Practitioners' Fidelity Fund, Law Society Public Purposes Trust and Northern Territory Council of Law Reporting, and is also Secretary of the Law Society Public Purposes Trust.



### Emily Boswell

#### Reception and Administration Assistant

The Receptionist and Administration Assistant deals with general enquiries from members of the public and legal practitioners and provides standard information, attends to daily incoming and outgoing mail services including daily rounds, data entry, assists with meetings and functions and undertakes special projects as required.

