

LAW SOCIETY
Northern Territory
Annual Report
2011 - 2012





Law Society Northern Territory

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VICE-PRESIDENT // MS CANDICE MACLEAN
TREASURER // MR TASS LIVERIS
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FINANCE OFFICER // MS DAGMAR BRAUTIGAM
LICENSING OFFICER // MS DANIELLE SAWYER
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MISSION STATEMENT: EFFECTIVE 10 OCTOBER 2012

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.



President's Report

My first year as president has been both enjoyable and challenging. It has been an absolute privilege to be the president, and I am really, truly and thoroughly enjoying my time. I have to thank all the staff at the Society, without them, I would not have been able to do so much. All staff at the secretariat work extremely hard to make the Society operate smoothly and efficiently at all times.

Special thanks to my CEO, Megan Lawton, who still managed a trip to France and Ireland while working very hard. I also express similar gratitude to Julie Davies our CFO, who keeps the Council focused on our finances and spending; and lastly but not least, to our Manager of Regulatory Services, Kellie Grainger who works tirelessly on the complaint matters and supervising licensing, CPD and Trust Accounts.

I have also been involved in the various committees of the Society which are made up of councillors and the legal profession. I thank committee members for their work and contribution to the Society throughout the year. Without their efforts the Society would not be able to produce the high standard of submissions, advocacy and advice to Council. At present I chair the Society's Ethics Committee, the PII Committee, and the Legal Practice Committee and am a member of the Social Justice Committee. As president I am also on the Funds Management Committee the Legal Practitioners Admissions Board, the NT Law Reform Committee and various Supreme Court and Local Court users groups. With this workload, 'agendas' have become my new best friend.

As President I also represent the profession on the national stage as a Director of the Law Council of Australia (LCA) and through the Council of Law Societies. There have been some interesting developments in the National Legal Profession Reforms (NLPR). Previously the ACT Law Society indicated it did not support NLPR and the Queensland Law Society had expressed qualified support. In recent times the position of both societies has changed to a position of support for the reforms and we now await the decisions of their respective Attorneys-General. Victoria will soon pass

legislation to be applied by NSW and other participating jurisdictions. NSW will host the National Board and National Commission. The Society is still monitoring progress and liaising with the Attorney-General on the issue. Council is continually assessing the benefits or otherwise of the reform for legal practitioners in the Northern Territory, and particularly the cost of implementation at the local level.

The Australian Solicitors Conduct Rules (ASCR) passed by the Law Council of Australia has been adopted by Queensland and South Australia with NSW and Victoria through their legal services commissioners indicating that adoption will be considered after review of the commentary. The LCA draft commentary on the ASCR has been reviewed by the Legal Practice Committee, the Ethics Committee and the Council and the Society advised the LCA that it supported broader consultation of the commentary. The size of the commentary appears far lengthier than the Rules themselves. The commentary is intended to explain and simplify the purpose, application and operation of the ASCR and makes interesting reading.

Law Week activities were well supported by the community and profession generally. In particular the Northern Territory Legal Aid Commission's forum on mandatory disclosure drew significant attention. Once again the Society is grateful for the assistance of the profession and others who participated during this week and particularly the community legal education sector. Also the annual cricket match between the President's XI and the Chief Justice's XI. My team did not win, despite the assistance of then Attorney-General, Rob Knight.

August 2012 saw a change in the government of the Northern Territory. Needless to say the Society will continue to advocate in relation to alcohol policy, the remote tenancy and housing issues in communities, protection of children as well as ongoing difficulties with resources for legal aid, access to justice for all Territorians and Court facilities. In particular the Society will continue to lobby regarding access to justice issues of immigration detainees particularly un-accompanied minors.

2012/2013 is likely to continue to be interesting and challenging times for the Territory and for the legal profession generally. I look forward to the upcoming changes and developments within the legal profession locally and nationally and hope that I will be able to contribute to the ongoing improvement and maintenance of the work and lifestyle balance for practitioners in the Territory.



Peggy Cheong

President
Law Society Northern Territory



Thank you to the staff at the Secretariat for their assistance in preparing the budget, submissions and reports throughout the year. The work of many, particularly Julie Davis and Dagmar Brautigam, contributed to the success of the financial year as well as planning to meet the challenges of forthcoming years.

The Society commences the annual budgetary process in January each year following on from the Annual General Meeting and the new Council's Strategic Planning meeting that is usually held in October/November. The draft budget is approved by Council and a supporting submission is prepared for consideration by the Funds Management Committee (FMC) in April/May. The FMC may require further information or explanation and may request that changes be made to the funding submission in order that it makes a recommendation to the Attorney-General. This financial year, the funding amount sought from the Legal Practitioners Fidelity Fund (LPFF) was \$1,594,820.00. The budget

estimates included provision for ongoing work to the Society's databases, IT upgrades, regulatory investigation, intervention and management, public service rate salary increases, an increase to the Trust Account Supervisor position from part time (0.6) to full time and anticipated C.P.I. increases to general overheads.

The reconciliation table below shows that of the \$1,594,820.00 funds provided by the LPFF, \$1,433,697.00* was expended and an amount of \$161,123.00* will be remitted back to the LPFF. The unspent funds are mainly attributable to less than anticipated expenditure on regulatory investigations and unanticipated staff vacancies, which has a flow on effect on reducing expenses on conferences and seminar costs, printing and stationery and staff training, wages/ superannuation and telephone costs.

The financial statements show that the result for the Society was an increase in member funds of \$16,645.00 after taking into account depreciation and disposal of assets.

2008-2009	2009/2010	2009/2010	2010/2011	2011/12
LSNT Sub No. 3	LSNT Sub No. 4	Relocation Sub No. 5	LSNT Sub No. 6	LSNT Sub No. 7
2008 / 2009 (12 Months)	2009 / 2010 (12 months)	Relocation Costs (95%)	2010 / 2011 (12 Months)	2011 / 2012 (12 Months)
\$1,265,298	\$1,473,541	\$80,940	\$1,496,056	\$1,594,820
Expended \$1,299,319	Expended \$1,448,435	Expended \$73,430	Expended \$1,477,470	Expended \$1,433,697*
Deficit carried forward -\$23,389	Funds remitted to LPFF \$98,536	Funds remitted to LPFF \$7,510	Remit to LPFF \$18,586	Remit to LPFF \$161,123*

*The audit of the 11/12 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	08/09	09/10	10/11	11/12
Unrestricted Barrister & Solicitor	119	117	120	121
Barrister	43	49	44	42
Restricted Barrister & Solicitor	314	374	369	384
Restricted Corporate Lawyer	23	21	20	21
Total	499	561	552	568



Tass Liveriss

Treasurer
Law Society Northern Territory



Chief Executive Officer's Report

In the 2011 annual report I identified the key challenges of the Society as drawing abreast other jurisdictions on regulatory issues, improving the Society's online presence and formulating concrete strategies to deliver on key issues for the profession such as health and wellbeing, retention and gender imbalance. These goals have been substantially met, with still much to do.

COMMUNICATIONS

The website has undergone a significant overhaul. More people than ever are accessing the site with mobile devices and as this sector continues to grow the Society will be ensuring that communicating with the profession adapts to the technology with a focus on new media.

MENTAL HEALTH STRATEGY

2011 saw the Council consider 'Celebrating Collegiality – Mental Health strategy 2011-14'. The Society sought to raise awareness of the issue of mental health in the profession and encourage pro-active preventative help. This included the breakfast in October 2011 as part of international mental health week which was attended by 76 people. Each year an edition of *Balance* will be focused on this topic and we gratefully acknowledge the contribution of Marie Jepsom co-founder of the Tristan Jepsom memorial foundation to the event and the publication. In addition a mental health section was added to the Society's website including links to sporting associations as well as mental health resources.

Awareness of the role of alcohol saw the Christmas drinks 2011 in Darwin offer non-alcoholic cocktails which were a welcome alternative at a hot and thirsty time of year. The Society also obtained materials which were distributed to the profession such as the *resilience@law* DVD and materials from Beyond Blue including *Taking Care of Yourself and Your Family* by John Ashfield which are readily available to members attending functions of the Society.

DISCRIMINATION IN THE PROFESSION

The Council has considered issues surrounding retention of female lawyers, indigenous lawyers and female barristers. The Society promotes the principles of the LCA equitable briefing policy but determined that it would not be adopted by the Society given the small numbers of women at the bar and acknowledging that other activities would be more productive. The

Society has consulted with other stakeholders about gender imbalance such as Northern Territory Women Lawyers Association and the Northern Territory Bar Association. One edition of *Balance* was devoted to highlighting many achievements of legal women in the Territory and promoting women at the bar. The Society supported NTWLA and the Australian Women Lawyers conference.

- **2011/12** of the 45 barristers seven were female
- **2012/13** of the 45 barristers six are female (as at today's date)

The Society was represented at the National Indigenous Lawyers Conference in 2011 and supported Central Australian Aboriginal Legal Advice Service bid to host this event in October 2013. Over the 2011/12 practising year the Society had 11 practitioners identifying as Aboriginal or Torres Strait Islander significant representation of a profession of approximately 560.

DISASTER PLANNING

The Society has enjoyed a positive and constructive relationship with the Attorney-General Delia Lawrie, and subsequently Rob Knight throughout this year. The willingness to consult with the Society and engage and support the profession has been an invaluable asset. The Society looks forward to continuing this constructive relationship with the incoming Attorney-General. The Society also acknowledges the Chief Justice and Chief Magistrate in their engagement with the Society and the profession generally throughout the year.

2011 also saw the inaugural meeting of the Northern Territory Legal Assistance Forum. To date the legal services sector has informally supported colleagues much to the surprise of our southern counterparts. This fora has provided an important opportunity to collectively progress and prioritise issues and recognises the maturity of the jurisdiction. The Society looks forward to the work of this fora in 2012/13.

The Society has continued to participate in the evolution of the national legal profession. The Society's has worked on this issue in collaboration with other law societies and through the Law Council of Australia (LCA), Council of Law Societies (COLS), and also through the informal network of regulators which includes the Legal Services Commissioners of



NSW, Qld and Victoria.

The Society has maintained a high level of advocacy work across a number of areas. Importantly the Society has been well represented in the media with an almost 100% take-up of media releases. The Society has made significant contributions to national submissions through the LCA and COLS and has raised issues to national attention through these networks. The Society continues to be consulted on various policy initiatives and is also proactive in law reform.

Within the secretariat there has been extensive revision of policies and procedures instigated in the first part by the change in personnel, but secondly in response to member feedback. The Society remains in a state of constant improvement and this will be consolidated over 2012/13. I also thank the members for their invaluable feedback and their balancing of the regulatory and governance roles.

I take this opportunity to thank the secretariat for their continued dedication to the organisation its goals and objectives. Additionally I thank the members of the various committees for their many hours of volunteer work.



 **Megan Lawton**
Chief Executive Officer
Law Society Northern Territory



Information Act Compliance s11

The object of the *Information Act* (the Act) is to create a right of a person to access information relating to the functions of a public sector organisation but also personal information held by public sector organisations, and includes a right to correct personal information. The Act includes exemptions for certain information. In addition, the Act sets standards for the retention of records and requires the annual report of the public sector organisations to make statements regarding compliance with the Act.

Pursuant to s646 the *Legal Profession Act 2006* (LPA) the Society is a public sector organisation under the *Information Act*. The LPA expressly states that this includes a reference to Council.

Importantly, sections 46 and 49 of the Act states that information is exempt under section 44 if it prejudices the investigation of a breach or possible breach of the law (whether generally or in a particular case) or discloses information about a proceeding or other matter before a body such as the Society which is established under the LPA and has quasi-judicial functions.

Under Section 11 of the Act, a public sector organisation must publish a statement about its structure and functions, the types of information usually held by it, a description of the organisation's procedures for providing access to its information and a description of the organisation's procedures for correcting information.

Information concerning the organisation and functions of the Society can be found

Organisation:

<http://www.lawsocietynt.asn.au/about-lsnt/about-lsnt>

Functions:

<http://www.lawsocietynt.asn.au/about-lsnt/mission-statement-a-objectives>

PROCEDURES FOR PROVIDING ACCESS TO INFORMATION

Documents available

The following documents are available for inspection or purchase on request:

- **Brochures:** No charge
- **Annual Report:** free/ \$20.00 for the purchase of a hard copy of the report
- **Balance:** Cover charge applies
- **Little Red Book of Advocacy:** \$20.00 plus \$5.00 postage and handling
- **Policy Statements:** No charge

Administrative Arrangements for Access to Information

General inquiries and requests for access to documents may be made in person, by telephone or in writing addressed to the CEO of the Society. Parties to a current or past complaint such as the complainant or the practitioner should address inquiries to the Manager Regulatory Services. The Society is open between 8.30am and 5.00pm on weekdays.

Access under the Information Act

For a party seeking access under the *Information Act* applications forms may be obtained from the Office of the Information Commissioner website at www.privacy.nt.gov.au or by contacting the CEO of the Society.

INFORMATION HELD BY THE LAW SOCIETY NORTHERN TERRITORY

The Society holds information in the following categories:

- Information relating to inquiries and complaints investigations against Legal Practitioners. This information includes: complaints; correspondence and consultations with complainants and the subject of the complaint including other parties to any proceedings; and other information sources such as background material, records of conversation, analysis and advice and reports;
- Information relating to the Society's role as an advocate on legal issues and on behalf of the profession and legal reform. This includes information stored by subject research and background materials relating to submissions to inquiries or comments upon policy or legislation.



- Information relating to the Society's management of the secretariat, including personnel, contracting and financial records and information about asset management. This also includes various membership activities such as events and publications. This includes information relating to other entities for which the Society provides administrative secretariat services.
- Information relating to the Society's licensing and other regulatory functions such as practitioner registration files; firm and trust account records; and in relation to the continuing professional development functions.
- Information relating to the work of the Society's advisory committees and the Council including minutes of such meetings.

The following are specific types of information held by the Society:

Administrative and policy files

The Society maintains files of correspondence and other documents, indexed by subject matter, on issues concerning office administration and management. There are records on a wide range of policy and general questions concerning the functions and powers of the Society. Access to information held on these files may be provided depending on the content of the relevant documents. Charges may also apply (see 'Procedures for Providing Access to Information' below).

Practitioner, firm, trust account files

The Society maintains an electronic database of legal practitioners, law firms and trust account information as required by the LPA. This is complemented by paper files. The Society also maintains electronic and hard copy records of firm and trust account information as required by the LPA. Access to the information on these files is generally restricted depending on who is seeking the information.

Complaint files

The Society keeps files of documents relating to each written complaint made under the LPA and records of telephone inquiries regarding complaints. The files are indexed in several

ways, including the complainant's name, and the practitioner subject of the complaint. The Society maintains a computer-based register of all complaints and inquiries. A paper based file is also maintained.

On completion of inquiries, complaint files or documents are stored in the Darwin office.

Access to the information on these files is generally restricted depending on who is seeking the information.

Legal opinions

The Society maintains a copy of legal opinions it has obtained. These opinions cover issues arising during the investigation of complaints and matters before Courts or tribunals such as the Legal Practitioners Disciplinary Tribunal and issues involving the Society's functions and powers.

Information Sheets

The Society has a range of information available to the public and the legal profession. The material details the functions of the Society and provides a guide to making complaints, continuing professional development and rules of professional conduct. Some printed copies of these brochures are available free of charge from the Society's Office and some are available for downloading from the Society's website.

Minutes/ Agendas/ reports

The Society's Council minutes are maintained in accordance with the requirements of the *Associations Act* and are available for inspection by officers of the Society Council free of charge. Minutes of any general meeting of the Society are available for inspection by members at the Society's office free of charge. Minutes of the Society's advisory committees are available for inspection by members of those committees and Council. Minutes of meetings of the executive are available for inspection by the Council. Minutes of Council meetings are not generally available for inspection but limited access may be given to resolutions of Council in relation to regulatory matters relating to the party requesting the information.



Information Act Compliance s11

Manuals and guidelines

The Society has various policies and procedural information for use by the secretariat employees relating to employment and operational processes. Access to information contained in these manuals may be provided depending on the content of the relevant documents. Charges may also apply (see 'Procedures for Providing Access to Information' below).

Publications

The Society publishes a journal, *Balance*, to members and subscribers 5-6 times per year. Past editions may be obtained from the Society subject to availability and will be charged according to the cover price. The Society also publishes an e-newsletter called *Practitioner* which can be accessed from the Society's website. Copies of the current Annual Report and some previous Annual Reports are available for downloading from the Society's website at www.lawsocietynt.asn.au. Some printed copies of the current Annual Reports are available free of charge soon after publication (subject to availability).

DISCLOSURE OF INFORMATION

The LPA expressly prohibits disclosure of information obtained for the purpose of an investigation or certain information obtained in the course of carrying out the regulatory functions under the LPA. Information the Society holds may be disclosed:

- As required by law or
- On request, for example, in relation to information sought by a complainant about the investigation of his or her own complaint, where the documents are routine, an ongoing investigation will not be prejudiced and there is no other interest likely to be adversely affected by disclosure, and the information is not personal information as defined in the Act.



NAME	CURRENT POSITION / PRIOR POSITION	COUNCIL MEETINGS	TOTAL ATTENDANCE	POSSIBLE TOTAL
Peggy Cheong	President / Vice President	11	11	11
Candice Maclean	Vice-President / Secretary	10	10	11
Tass Liveris	Treasurer / Councillor	11	11	11
Nigel Browne	Secretary / Treasurer	5	5	11
Ashley Dewell ¹	Alice Springs Rep	4	4	4
Mark O'Reilly	Alice Springs Representative / Alice Springs Alternate Representative	7	7	8
Tony Whitelum ³	Alice Springs Alternate Representative	1	1	1
Duncan McConnel ²	Councillor / Councillor	6	6	9
Matthew Storey ¹	Councillor / President	5	5	5
Fiona Hussin	Councillor / Councillor	7	7	11
David Alderman	NT Bar Association	11	11	11
Ashley Marsh ¹	NTYL Representative / NTYL Alternate Representative	7	7	7
Olivia Go	NTYL Representative / NTYL Alternate Representative	3	3	7
Donna Storey ¹	NTYL Representative	4	4	4
Margret Orwin	Councillor / Councillor	7	7	11
Jared Sharp	Councillor / Councillor	7	7	11
Maria Savvas ³	Councillor	6	6	8
Bruce Taylor ³	Councillor	5	5	8

Notes:

* There were 11 ordinary meetings and 0 special meetings from 1 July 2011 to 30 June 2012

1 = Resigned during 11-12 Year

2 = Joined during 11-12 Year

3 = New Councillor for 11-12 Year

4 = Did not re-nominate for 11-12



Register of Submissions

DATE	TOPIC	SUBMISSION TO
17.07.11	Legal Representation in the Alcohol and Drugs Tribunal	Northern Territory Attorney General
26.07.11	Northern Territory Youth Justice Review	Department of Justice and Department of Children and Families
09.08.11	Northern Territory Remote Tenancy Legal Advice Service	Department of Housing, Local Government and Regional Services
18.08.11	NT Jurisdictional Forum	Northern Territory Attorney-General
23.08.11	Programs within the new Correctional setting	Minister for Correctional Services
23.08.11	Legal Profession Regulations and CDP Requirements	Department of Justice
14.09.11	Northern Territory Sentencing Advisory Council	Northern Territory Attorney-General
05.10.11	National Legal Profession Reform (NLPR)	Northern Territory Attorney-General
31.10.11	Australian Solicitor Conduct Rules (ASCR)	Northern Territory Attorney-General, Chief Justice and Northern Territory Bar Association
10.11.11	Future COAG Regulatory Reform Agenda Stakeholder Consultation	Department of Finance and Deregulation
14.11.11	Champetry and Maintenance	Northern Territory Attorney-General
23.11.11	Justice and other Legislation Amendment Bill (no2) of 2011	Department of Justice
28.11.11	The possible role of pro bono lawyers in alternative dispute resolution (ADR) process	National Pro-Bono Resource Centre
30.11.11	Alcohol Reform (Prevention of Alcohol –related Crime and Substance Misuse) Act 2011	Magistrates Court
22.12.11	National Legal Profession Reform Project – CPD Rules	Department of Justice
05.01.12	Effects of hearing impairment and cultural and linguistic barriers on engagement by Indigenous Australians with the criminal justice system	Law Council of Australia
13.01.12	Notification of Forthcoming Gazettal -Department of Health Supervision Directions Pursuant to Section 43ZA Criminal Code Amendments (Mental Impairment and Unfitness for Trial) Act	Department of Health
19.01.12	Community Courts for Adult Offenders	Department of Justice
03.02.12	Stronger Futures in the Northern Territory and 2 related bills	Senate Standing Committees on Community Affairs



DATE	TOPIC	SUBMISSION TO
14.02.12	Draft Adult Decision Making Bill	Department of Health
19.02.12	National Human Rights Action Plan	Law Council of Australia
28.03.12	Optional Protocol to Convention against Torture	Law Council of Australia
04.04.12	Care and Protection of Children (Therapeutic Orders) Amendment Bill (Secure Care Facilities for Children)	Department of Children and Families and Northern Territory Attorney-General
11.04.12	Care and Protection of Children Act	Department of Children and Families
13.04.12	Use of Aboriginal Interpreter Service	Aboriginal Interpreter Service
17.04.12	Trial of Expanded Video-Link Mentions between Darwin Correctional Centre, Don Dale Detention Centre and Courts	Chief Magistrate
24.04.12	Business Tenancies (Fair Dealings) Act	Department of Justice
14.05.12	National Anti-Racism Strategy	Australian Human Rights Commission
16.05.12	Implementation of orders within the new Correctional setting	Department of Justice
16.05.12	Alcohol and Other Drugs Tribunal - Income Management	Northern Territory Attorney-General
16.05.12	Legal Advice and Support Service for Asylum Seekers in the Northern Territory	Northern Territory Attorney-General
17.05.12	Independent Legal Representation of Unaccompanied Minors	Department of Immigration and Citizenship
07.06.12	Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012	Law Council of Australia
22.06.12	Care and Protection of Children (Therapeutic Orders) Amendment Bill 2012	Department of Children and Families



Member Services

OPENING OF THE LEGAL YEAR 2012

It was decided again in conjunction with the Chief Justice to dispense with the ecumenical services previously held at the Supreme Court.

Attorney-General the Hon Rob Knight MLA hosted the Darwin lunch at the Parliament House Dining Room. The Attorney and the Hon Chief Justice Trevor Riley addressed the audience prior to the keynote speaker, Mr Jonathon Temm, President of the New Zealand Law Society, who gave a thought-provoking presentation about the Christchurch earthquakes and ongoing aftermath, Legal Aid and Fiji's unjust legal arena.

The Alice Springs dinner, attended by the profession and their partners, was held at the Crowne Plaza Hotel. The audience was again addressed by the Chief Justice and Mr Temm.

OLY ATTENDANCE	2010	2011	2012
Speaker	Paul Everingham	Riley CJ	Jonathon Temm
Alice Springs Dinner	30	56	51
Darwin Lunch	117	120	139

NATIONAL LAW WEEK 14 - 18 MAY 2012

Following discussion at the 2011 Strategic Planning Meeting, the Law Week launch usually held at Raintree Park was abandoned as the renovated venue was no longer suitable for media photo-op activities such as the *Tug of Law*, and public interest in the information stalls remained low.

The Darwin lunch was held at the Hanuman restaurant, and dinner at the Crowne Plaza Alice Springs, with catering by Hanuman. The keynote speaker was Elizabeth O'Shea who is responsible for Maurice Blackburn's Social Justice practice.

The Marsh Law Week Cricket Match was won by the Chief Justice's XI. Appreciation goes to



Suzie Simmons

Public Relations Officer
Law Society Northern Territory

Attorney-General the Hon Rob Knight MLA for putting in a good innings for the President's XI.

LAW WEEK ATTENDANCE	2010	2011	2012
Speaker	Sue Oliver SM	Alex Ward	Elizabeth O'Shea
Alice Springs Dinner	43	55	25
Darwin Lunch	102	65	80

OTHER FUNCTIONS

In the 2011/2012 financial year no annual dinner was held as the profession's social calendar made way for the Supreme Court's Gala Ball, held as part of its centenary celebrations during May 2011.

In a new initiative, a *Mental Health Week* breakfast was held at parliament House, sponsored by Attorney-General the Hon Delia Lawrie MLA. A passionate, heartfelt presentation was made by Marie Jepson, co-founder of the Tristan Jepson Memorial Foundation.

A successful members' Christmas drinks function was held at the Novotel Atrium in December 2011.

Details of Alice Springs Events are contained in report by the Alice Springs Representative.

PUBLICATIONS

Automatic distribution of *The Practitioner* e-newsletter from the Society's website has been abandoned. Distribution via normal e-mail channels appears to have overcome issue of firewalls at the government and several firms blocking *The Practitioner* from being delivered.

LAWCARE COUNSELLING

The *Lawcare* counseling service has been in place for three 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.



The Law Society Northern Territory runs a Pro Bono Clearing House which aims to match an eligible pro bono applicant with a lawyer who is on the pro bono register. Both individuals and organisations can apply for pro bono assistance 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.

WHAT DOES THE CLEARING HOUSE DO?

The Clearing House deals with two types of matters:

- a) "Public interest" law matters that affect a significant number of people or raise a matter of broad public concern, which should be addressed "for the common good"; and
- b) "Private interest" law matters, litigation or otherwise. Where the matter involves litigation, the litigation must have reasonable prospects of success. Where the matter does not involve litigation, the matter must have reasonable prospects of being achieved or completed.

The Law Society's Clearing House has specific eligibility criteria an applicant must meet such as income limits before the Law Society's Pro Bono Clearing House Panel makes a decision 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.

ACHIEVEMENTS in 2011-12

The reinvigoration of the Clearing House, both panel and register, was a main focus in 2011–12. On the occasion of National Pro Bono Day and to kick off Law Week, the Law Society hosted a pro bono morning tea in May 2012. The turnout of 12 legal practitioners used the opportunity to meet like-minded people and find out more about the Clearing House and pro bono opportunities.



Manuela Seiberth

Co-ordinator

Law Society Northern Territory Pro Bono Clearing House

Currently, the Clearing House has 14 practitioners on its register and nine panel members.

The bulk of applications to the Clearing House have concerned the following matters:

- Property and housing matters
- Unfair dismissal matters
- Not for profit organisations who require legal advice on their constitutions or contracts
- Native title matters

CHALLENGES for 2012-13

It is anticipated that the Clearing House will be having more queries from asylum seekers needing legal assistance for judicial review matters in 2012-13. The Law Society has been advocating for a legal advice and support service for asylum seekers in the Northern Territory. Both Federal and Northern Territory Governments denied the requests. Up to August 2012 Northern Territory Legal Aid was representing asylum seekers on judicial reviews with merit. However, due to the lack of funding Legal Aid had to terminate its service.

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



LSNT Council Roll of Honour

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



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)



LSNT Council Roll of Honour

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



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)

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 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.
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 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



LSNT Council Roll of Honour

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

2004:

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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:

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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:

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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)



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)

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)

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)

2012:

Peggy Siew Meng Cheong (President)
 Candice Louise Maclean (Vice-President)
 Nigel James Browne (Secretary)
 Anastasis Andrew Liveris (Treasurer)
 Mark Gerard O'Reilly (Alice Springs Representative)
 Anthony Ross Whitelum (Alice Springs Alternate Representative)
 Ashley Graham Dewell (Alice Springs Representative)
 Matthew Gladwell Storey (Councillor)
 Duncan Charles McConnel (Replacement Councillor)
 Fiona Levene Hussin (Councillor)
 Margaret Catherine Orwin (Councillor)
 Bruce Cameron Taylor (Councillor)
 Maria Savvas (Councillor)
 Jared Nathaniel Sharp (Councillor)
 Donna Irene Lynette Storey (Young Lawyers Representative)
 Ashley James Marsh (Young Lawyers Representative)
 Olivia Gail Saio Go (Replacement Young Lawyers Alternate Representative)
 David Graham Alderman (NT Bar Association Representative)

Regulatory Services Manager: Complaints and Discipline

As with previous years, lack of clear communication between legal practitioner and client continues to be an underlying feature of a number of complaints, particularly those complaints alleging conduct of legal practitioners failing to follow instructions, acting without instructions and excessive costs.

Whilst there has been a notable decline in the number of complaints received in the areas of family law and criminal law (down by almost half compared to previous years), there has been a significant increase in complaints designated as arising in "Other" areas of practice. Almost 55% of new complaints made during 2011/12 were in this category. Complaints that come within this category related to general practice, specialised areas of practice such as Migration law or lack of compliance by practitioners with certain regulatory requirements. The Society initiated seven own motion complaints for investigation during this year on grounds such as engaging in legal practice whilst not holding a practising certificate, failure to comply with trust account requirements, overcharging, supervision of employed staff and inappropriate termination of a client's retainer.

The vast majority of complaints received were from clients about their own legal practitioner, but a small number of complaints were received from members of the public or legal practitioners about the conduct of the legal practitioner acting for another party.

No disciplinary actions were initiated in the Legal Practitioners Disciplinary Tribunal during the

year. However, on 31 May 2012 the Council determined to commence proceedings against a legal practitioner in the Disciplinary Tribunal (the application not having been filed by 30 June 2012). The Society is respondent to one appeal brought in the Disciplinary Tribunal against the Society's decision to dismiss a complaint. This appeal began during the 2010/11 year and is still proceeding.

During the last quarter of 2011/12 Secretariat staff began recording in the Society's database telephone and other enquiries made by members of the public about legal practitioners' conduct. Of the twenty-three enquiries received during that quarter only one subsequently resulted in a formal complaint being lodged against a practitioner.

Additionally statistics are now being kept in relation to the informal mediation of consumer disputes between clients and their legal practitioner. A consumer dispute is defined in the *Legal Profession Act 2006* as a dispute between a person and a legal practitioner about that legal practitioner's conduct but only to the extent it doesn't involve an issue of unsatisfactory professional conduct or professional misconduct. Five consumer disputes were dealt with during the last quarter of 2011/12. Largely these related to the client's concern about lack of communication or lack of responsiveness by the legal practitioner and all consumer disputes were resolved, generally with an informal intervention by the Manager Regulatory Services.

Allison Smart left the position of Manager

COMPLAINT STATISTICS	2009/ 2010	2010/ 2011	2011/ 2012
Number of complaints disposed of	61	44	44
Open complaints at end of year	36	30	36
Open complaints over six months duration	13	18	6
Open complaints over one year duration	7	13	10
Average time taken to resolve a complaint	108	304	168
Complaints dismissed	37	35	21
Complaints withdrawn	7	7	7
Number of fines imposed			4
Public reprimands	1	1	2
Private reprimands	0	1	2

Regulatory Services Manager: Complaints and Discipline



KEY AREAS IN WHICH COMPLAINTS WERE GENERATED	2009/ 2010	2010/ 2011	2011/ 2012
Criminal law & Family law	40%	59%	25%
Civil litigation	26%	13%	11%
Commercial/conveyancing	20%	15%	9%

Regulatory Services with the Society on 13 February 2012 and Kellie Grainger commenced in that position on 19 March 2012.

COMPLAINTS & DISCIPLINE

The Ethics Committee usually meets monthly to consider complaints matters and met on ten occasions during 2011/12. The Ethics Committee has the initial responsibility for reviewing investigation reports arising from complaints matters and making recommendations for Council, or in certain instances the Chief Executive Officer as the Council's delegate. The recommendations from the Ethics Committee address how each complaint should be dealt with and can include recommendations such as further investigations that may be required (for example if additional grounds of complaint are identified or a costs assessment is considered necessary on a complaint of overcharging), dismissal of complaints, summary determination of complaints (by way of fines or reprimands that can be imposed by the Council) and possible reference

of a legal practitioner to the Legal Practitioners Disciplinary Tribunal. Ultimately the Council has the responsibility to determine the outcome of a complaint to the Society about a legal practitioner's conduct but the recommendations of the Ethics Committee are an important aid to Council in carrying out its regulatory function.



Kellie Grainger
Manager Regulatory Services and Professional Standards



During the 2011/12 year six new general trust accounts were opened and twelve general trust accounts were closed. As at 30 June 2012 the Society has records of 58 open general trust accounts, although a small number of these have been identified as trust accounts that have been closed by firms without formal notification being provided to the Society.

There have been eleven law practices operating controlled money accounts during the 2011/12 year.

During this past year the Secretariat staff have routinely dealt with telephone and email enquiries from law practices in relation to a variety of matters pertaining to trust account obligations, including their annual notifications, such as Part A and Part B declarations, as well as the ad hoc notifications required for irregularities detected.

EXTERNAL EXAMINERS

The self-examination checklist was used again this past year as part of the ongoing monitoring and improvement of the external examination process. The Society has continued with the policy of requiring external examiners to undertake the Society's training before being appointed as an external examiner each year.

INVESTIGATIONS

Prior to her departure from the Society, Ms Farrand undertook a number of routine compliance investigations of trust accounts.

EXTERNAL INTERVENTION

There were two external interventions undertaken during the 2011/12 year. Ms Farrand was appointed as Trust Accounts Supervisor under the *Legal Profession Act 2006* in respect of two trust accounts. Both trust accounts had dormant balances for a number of years and the principal had ceased to be engaged in private practice. The external interventions enabled both trust accounts to be finalised with funds returned to clients where they could be identified and contacted or otherwise dealt with as unclaimed trust monies.

UNCLAIMED TRUST MONIES

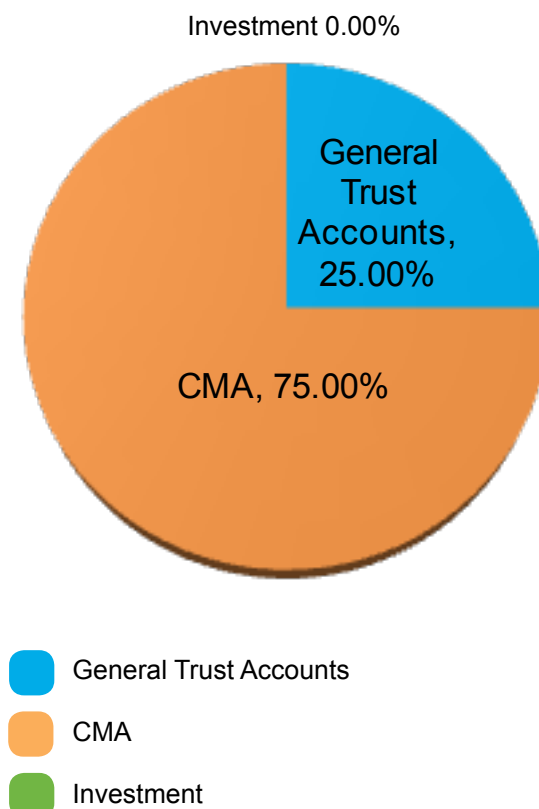
Work was also undertaken with a number of firms during the year to address compliance with the requirements of the *Legal Profession Act 2006* in relation to unclaimed trust monies. Generally an issue that presented was the lack of enquiries undertaken by the law practice

to identify the depositor of the funds, make enquiries of the depositor as to the appropriate recording of the funds in the trust ledger and ascertain the proper disbursement of the trust monies. With increasing numbers of clients utilising online banking services and direct deposit arrangements this will continue to be a difficulty that law practices will need to address in complying with their trust account obligations.

SECRETARIAT'S TRUST ACCOUNTS SUPERVISOR

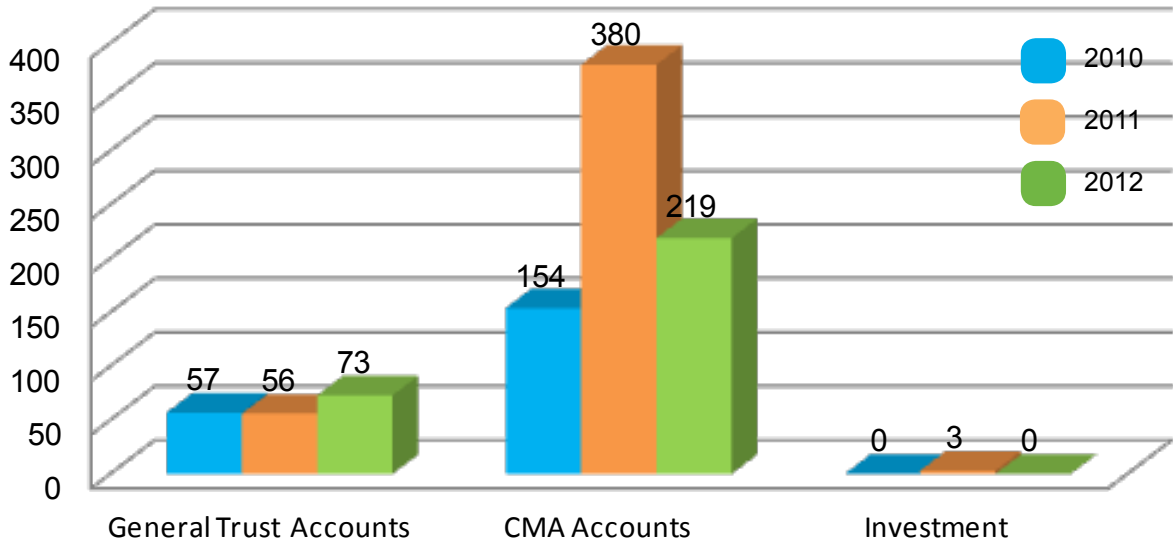
Jill Farrand left her employment with the Society on 1 February 2012. A replacement was not found to fill this position. Since her commencement as Manager Regulatory Services Kellie Grainger has overseen the supervision of trust account regulation and compliance with the assistance of the Regulation Services Officer, Elizebeth McDonald.

ACCOUNT TYPE HELD BY PRACTICES DURING 2011 - 2012

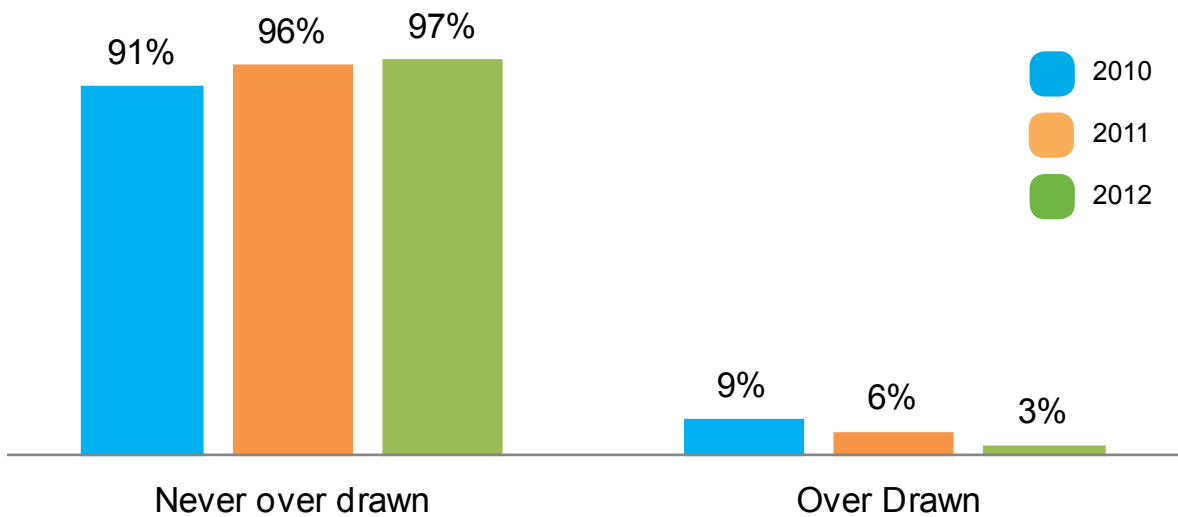




ENTRUSTED FUNDS HELD BY TRUST ACCOUNT TYPE



OVERDRAWN ACCOUNTS



Kellie Grainger
 Manager Regulatory Services and Professional Standards



Continuing Professional Development

The Continuing Professional Development and Charles Darwin University Committee farewelled Karen Beach after two productive years as Professional Development Officer, and welcomed Bella Basilides into the role. Karen and Bella have ensured the delivery of a varied and interesting CPD program that is consistently reaching a large number of practitioners throughout the Territory.

CPD PROGRAM DELIVERY

During the course of the year, a total of 45 CPD sessions were delivered, with approximately 1370 attendees. Video-conferencing arrangements enabled practitioners in Alice Springs, Katherine and Tennant Creek to participate in seminars, and 10 seminars were also delivered in Alice Springs itself. A highlight of this year's program was the presentation by his Honour Chief Justice Riley and Rex Wild QC of an expanded Practical Advocacy Workshop covering both criminal and civil litigation advocacy techniques. The workshop was a well attended and very well received valuable tool for the development of skills for those practitioners involved in or interested in advocacy work. A presentation of the workshop in Alice Springs is scheduled to take place in late 2012.

The Society has received consistent feedback from practitioners regarding possible topics for CPD seminars, and a number of practitioners have volunteered throughout the year to present seminars, which assists the Society in enhancing the content of the program. A big thankyou goes to all who have been engaged in the program in that way.

Previously, the Society has investigated and partially trialled options for on-line delivery of CPD, with mixed results. This remains an aspect of the CPD program that the Society would like to enhance, and efforts are continuing to determine the most appropriate

and cost-effective platform for delivery of high-quality on-line CPD.

CPD REGULATION

The rate of compliance with CPD requirements continues to be high, although there remains a tendency for practitioners to overlook the need to submit their compliance declarations by 31 March. Ultimately, only a small number of practitioners remained non-compliant as at 30 June 2012, and most non-compliance or seeking of exemptions from compliance was in the context of either maternity leave, ill-health or retirement from practice.

The significant regulatory achievement of the year was the finalisation of amendments to the CPD Regulations contained in Schedule 2 of the *Legal Profession Regulation*. The Society had liaised with government over several years regarding aligning the Territory's CPD scheme with the uniform national provisions, and amended regulations have now been gazetted, with a commencement date of 1 October 2012. The amended regulations will apply to the CPD year ending 31 March 2013, with transitional arrangements included in the regulations to cater for the changes in requirements in relation to the overall number of CPD points, and the number of points in the core competency areas. The Society will be delivering information sessions and explanatory documents in relation to the new regulations as they come into effect.

The alignment with other jurisdictions should assist in overcoming any difficulties that may have been experienced in the past by practitioners moving into or out of the Territory.

LEGAL EDUCATION

It was reported last year that the Society was investigating the possibility of encouraging an alternative practical legal training provider to

AREA	APRIL-JUNE 2011	JULY-SEPT 2011	OCT-DEC 2011	JAN - MARCH 2012	TOTAL	2009 2010
Darwin	6	14	5	9	34	53
Alice Springs	3	2	2	3	10	11
Katherine	0	0	1	0	1	-
Total CPDs	9	16	8	12	45	65
Total Attendance	332	359	214	464	1369	1676
Average Attendance	38	25	28	38	32	25



SPEAKERS LIST

We would like to thank ...

Alistair Wyvill SC
Barbara Bradshaw
Brett Walker Roberts
Cheryl Richardson
Hon Justice Carolyn Martin
Chris Beale
Chris Pearce
Danial Kelly
David Alderman
David Bergman
David Gomez
Hon Justice Dean Mildren RFD
Graham Nicholson
Greg Lyon SC
Jane Le Messurier
Jeswynn Yogaratnam
Jodi Truman
John Laurence SC
Hon Justice John Mansfield AM
Kerry Sibley
Dr John Lowndes SM

Leanne Turner FM
Leonique Swart
Professor Les McCrimmon
Marie Jepson
Michael Croucher SC
Nick Rushworth
Nikolai Christrup
Noel Hemmings QC
Pat McIntyre
Peggy Cheong
Peter Cole FM
Peter Skinner
Raelene Webb QC
Ric Trevaskis
Professor Ron McCullum
Sonia Brownhill
Sue Harrington
Tass Liveris
Tom Anderson
Tony Young
Wade Roper

deliver PLT programs to law graduates, with a greater emphasis on local content in the course materials and appropriate supervision of placements in local firms. At this stage the Society has progressed discussions to some degree with the College of Law, but no final agreement has been reached. The Society remains committed to assisting local law graduates to access quality practical legal education and training so that their PLT

requirements for admission can be adequately met here in Darwin.

On recommendation of this committee, the Society has also clarified the supervision requirements of section 73 of the LPA. Importantly, those applicants that have completed GDLP must undergo two years supervision before they are eligible for an unrestricted Practising Certificate.



Allison Smart
Chair
CPD/CDU Committee



Manager Corporate Services

This financial year the Society welcomed five new staff compared to six in the previous financial year. One position, Trust Account Supervisor, was not filled. Elizebeth McDonald joined us as Administration Officer Regulation, Manuela Seiberth as Policy Officer Research and Projects, Lilyan Coe as Receptionist/Administration Assistant, Bella Basilides as Professional Development Officer and Kellie Grainger as Manager Regulatory Services.

In spite of the surge protection devices in place, many businesses in Darwin City were affected by lightning strike/power surge or outages during the wet season and we were faced with such an experienced in February which resulted in a damaged switch board and brought our communications to a brief halt. We were very fortunate to have had swift attention and a temporary switch board was installed within a couple of hours. The Society also managed other disruptions arising from the internal painting of the premises and refurbishment of the kitchenette.

With the co-operation of Council, a secure internet file sharing service was introduced for the distribution of Council papers. This has been a successful transition and will be extended to other Committees over the coming months.

The Council has approved the Society entering into a memorandum of understanding with the Queensland Law Society to offer a Legal Support Staff Qualification in the Northern Territory. Negotiations are underway and work will need to be undertaken to tailor the course material to Northern Territory law. We will keep the profession informed of developments.

Every six months, Chief Financial Officers from each of the jurisdictions meet to discuss matters of common interest. These meetings provide a valuable exchange of information and we are also able to observe trends and share information and research. I attended the National CFO's group in Adelaide in November

2011 in person and attended the Melbourne meeting by phone in May 2012. It was planned to hold the National CFO group's May meeting in Darwin; however, due to the extended travel time involved, the Darwin meeting was postponed until May 2013.

As you may be aware, the Society is a Not-for-profit entity and is exempt from paying income tax. As such the Society has been monitoring developments in relation to the Government's reform of the Not-for-profit sector. In May 2011, the Hon Tanya Pliibersek MP, Minister for Human Services and Social Inclusion announced the establishment of the Australian Charities and Not-for-profits Commission (ACNC). This reform was recommended in the *Report of the Enquiry into the Definition of Charities and Related Organisations* back in 2001 and has been sought for many years by the sector. In July 2011, the Federal Treasurer announced the appointment of Susan Pascoe as Chair of the Implementation Taskforce for the ACNC. The Implementation Taskforce had the role of ensuring that the ACNC is ready for operation by 1 July 2012. This has since been delayed to 1 October 2012. In October 2011, Treasury released their new newsletter on Not-for-profit reforms as a mechanism to inform NFPs of the reform agenda and provide opportunities for feedback. We have been following these developments and the ACNC will commence operations from 1 October 2012. The initial focus of the ACNC will be charities with the new governance standards and financial reporting framework to commence on 1 July 2013.



Julie Davis
Manager Corporate Services
Law Society Northern Territory



The Allocations Committee of Fiona Hussin, Nigel Browne and David Lisson accomplished the hard task of considering all the applications before them in detail to arrive at their final recommendations to the Attorney General. The Law Society thanks them sincerely for their effort and donation of time.

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

Eight grant applications totalling \$216,584.00 were received by the Trust. The Allocations Committee considered all applications and recommended seven for the approval of the Attorney General. The seven recommendations, totalling \$104,685.00, were approved by the Northern Territory Attorney-General, the Hon. Rob Knight MLA as set out in the table below.

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.

ORGANISATION	PROJECT	AMOUNT
Darwin City Council Library	Purchase of handbooks, dictionaries and guides on legal topics .	\$ 2,000
NT Committee for Human Rights	To be put toward the total budget for a human rights education and enhancement program for school teachers.	\$30,000
Environmental Defenders Office NT	For the publication of online fact sheets on environmental Law in the Northern Territory.	\$22,000
Law Society Northern Territory	To engage a speaker for the Opening of the Legal Year 2012	\$ 6.500
Law Society Northern Territory	Law Week 2011 community education purposes.	\$23,500
NT Legal Aid Commission	For the publishing of <i>Inside/Outside: a guide for prisoners and their families</i>	\$10,685
National Assoc. of Community	For the production of a DVD on Remote Tenancy Rights and Responsibilities	\$10,000
Total		\$ 104,685



Dagmar Brautigam
Secretary
Public Purposes Trust



Alice Springs Representative

There has been quite an intense focus on Alice Springs over the past year. Unfortunately much of the focus has been negative and it has found its way into the National media. There is growing concern in the community around alcohol abuse, “anti-social behaviour”, social dysfunction and incarceration rates. These issues all impact on legal practice in Central Australia. The courts and practitioners continue to be busy in the areas of Criminal Law and Child Protection. Some of the local concerns were addressed in the “*Beyond the Berrimah Line*” edition of *Balance* earlier in the year. Local practitioners are keenly aware of the crisis in infrastructure and resources in Central Australia. It was pleasing to see a recognition of those issues in *Balance*.

Court responses to the volume of listings have seen the tendency towards specialisation of magistrates. We now have particular magistrates presiding over the SMART Court, Youth Justice Court and Family Matters Court. This has meant that there is also a tendency for practitioners to become more specialised. We have seen the addition of some Court space with the Youth Justice Court and the Family Matters Court uneasily sharing space with the new Alcohol and Other Drugs Tribunal. The Supreme Court’s search for more Court space is ongoing. Demands on practitioners seem to be ever increasing.

On a lighter note:

- The Law Society hosted Christmas drinks for Alice Springs practitioners at the Elkira Resort in December.
- The Opening of the Legal Year at the Crowne Plaza was well attended and the address by Jonathon Temm was well received.
- The Law Week Dinner was also at the Crowne Plaza and the address by Elizabeth O’Shea was thought provoking and elicited some impromptu audience participation.

- Law Week also saw local practitioners/ thespians shine in the Mock Court session in Court 1.
- Justice Barr presented a forum on sentencing which was open to the public and provided some insight into the intricacies of sentencing in Criminal Matters.
- Practitioners provided information on local Legal services and the Law Society arranged various CPD sessions in Alice Springs.
- A number of Alice Springs practitioners and interpreters attended the Language and The Law conference in Darwin in May. The feedback was that this was an invaluable forum exploring an important feature of practice in Central Australia.



Mark O’Reilly
Alice Springs Representative
Law Society Northern Territory



The 2011/2012 financial year kept the Northern Territory Young Lawyers (NTYL) Committee very busy with a wide range of events.

The NTYL Committee consists of:

1. Olive Go (Co-President and LSNT representative)
2. Ashley Marsh (former Co-President, LSNT and AYLC representative)
3. Imogen Taylor (Secretary)
4. Emma Farnell (Treasurer and alternative LSNT representative)
5. Nicola MacCarron (current AYLC representative)
6. Melanie Warbrooke
7. Che Walsh
8. James Mack
9. Nestor Sanchez
10. James O'Brien

The NTYL Committee meets every month to discuss issues, brainstorm ideas and plan events. The structure is informal and all work is undertaken on a voluntary basis. We also aim to address issues which affect young lawyers such as retention and mental health. On the national level, NTYL also has a voice through the Australian Young Lawyers Committee. Our representative attends a face-to-face meeting and regular teleconferences with interstate counterparts.

NTYL also has a representative on the Law Society Council which ensures that we have a say on issues affecting the legal profession in general.

NTYL largely engages with young lawyers through our events.

Events this year included:



Olive Go
Co-President
Northern Territory Young Lawyers

2011 WILLIAM FORSTER CHAMBERS GOLDEN GAVEL COMPETITION

The competition was held at the Crowne Plaza on 15 July 2011 thanks to the sponsorship of William Forster Chambers, who won the naming rights during the Law Week lunch auction, and also to the secondary sponsorship of local firms. Trevor Moses, who opened his speech wearing a dress, won the People's Choice Award. The winning title was nabbed by Klarin Sivyer who went on to compete in the National Golden Gavel Final in Melbourne, where she came a commendable third. Highly esteemed judges for our event were the Honourable Chief Justice Trevor Riley, the Honourable Justice Peter Barr and Wade Roper from William Forster Chambers.

2011 CHRISTMAS PARTY

Drinks and nibbles were provided to young lawyers at Shenanigans Irish Bar to help them end the year with a bang. A Christmas raffle raised funds and it was a very enjoyable evening.

WINE TASTING

A wine tasting event was held at William Forster Chambers showcasing Trevor Griffin wines from South Australia.

WELCOME DRINKS

Welcome drinks were held at Il Lido on 15 June 2012 to usher in the dry season. The event drew in a large number of young lawyers. Drinks and nibbles were provided and it was a good opportunity to meet and network.

SENIOR VS JUNIOR LAWYERS DEBATE

The Great Debate was held during Law Week this year at the Supreme Court. This year's topic was: "Let's welcome the Marines: triggering a boom period for lawyers". The Junior Lawyers team comprising of Marty Aust, Sarah Newman and Crystal Triggs, arguing the affirmative, managed to secure victory over the Senior Lawyers Team which comprised Sonia Brownhill, Wade Roper and Miles Crawley.

A big thank you to our dedicated Committee whose efforts made the year very much a success for NTYL. We also thank members of the legal profession, local firms and the Law Society for supporting us throughout the year.



Committee Membership Terms of Reference

PROFESSIONAL INDEMNITY INSURANCE

The Committee considers all issues relating to Professional Indemnity Insurance Scheme in the Northern Territory.

Chairperson: Peggy Cheong

Members: Candice Maclean, Duncan McConnel, Barbara Bradshaw¹ Maria Savvas

ETHICS COMMITTEE

The Committee considers the reports of investigators and makes recommendations to Council and the CEO

Chairperson: Peggy Cheong

Members: David Alderman, Peter Mariotto, Margaret Orwin, Kerry Sibley, Eileen Terrill, Geoff Clift, Caitlin Perry, Barbara Bradshaw¹

LEGAL PRACTICE COMMITTEE

The Committee considers all areas of legal practice including alternate dispute resolution excluding Commercial law and family law

Chairperson: Peggy Cheong

Members: Candice Maclean, David Alderman, Duncan McConnel, Melissa Dunn, Tass Liveris, Bruce Taylor, Ben O'Loughlin, Allison Smart¹

COMMERCIAL LAW COMMITTEE

The Committee considers all areas of law and legislative reform relevant to the practice of a commercial lawyer at a local and national level.

Chairperson: Lyn Bennett

Members: Gordon Berner, Brett Midena, Guy Riley, Nick Johansen, Richard Henschke,

CPD / CDU COMMITTEE

The Committee supervises and directs the delivery of the CPD Program, considers CPD rules and regulation and comments on legal education issues.

Chairperson: Allison Smart

Members: Mark O'Reilly, David Price, Kerry Sibley, Geoff Clift, Kellie Grainger, Ashley Marsh¹

FAMILY LAW COMMITTEE

The Committee considers all matters relevant to Family Law practices including child protection.

Chairperson: Megan Lawton

Members: Clara Mills, Deborah Noll, Diana Elliott, Eileen Terrill, Jacquie Palavra, Sally Bolton, Tracey Marris, Nardine Collier, Lindy Morgan¹

SOCIAL JUSTICE COMMITTEE

The Committee incorporates the work of the Indigenous Legal Issues Committee and the Criminal Justice Committee and considers all issues relating to Social justice issues at a local and national level.

Chairperson: Fiona Hussin

Members: Peggy Cheong, Benjamin Grimes, Lisa Coffey, Steve Barlow, Shanna Satya, Tony Whitelum, Olivia Go¹, Steve Barlow, Seranie Gamble², Nigel Browne, Caitlin Perry.

NOTES:

All Committee members were approved by Council at the first meeting after the AGM.

- 1 = Resigned
- 2 = Approved by Council



In many ways the year could be defined as a watching brief on outstanding matters with a few new issues emerging.

CONTRACT OF SALE

Once again the committee provided extensive input into the new standard form contract of sale which was to be implemented for use following commencement of the *Sale of Land (Rights and Duties of Parties) Act*. Unfortunately the election delayed the commencement of the legislation, and as this report was being drafted, the newly elected Government announced its intention not to proceed with the commencement of the regime in the Northern Territory.

PROPOSED INTRODUCTION OF THE NATIONAL E-CONVEYANCING SCHEME

The commercial law committee has had ongoing input this year into the development of the National E-Conveyancing Scheme. As chair of the committee, I have had active involvement in the Law Council of Australia's (LCA) working group on this topic, which is now gaining some momentum. The relevant law and model participation rules are in the process of being drafted and the LCA working group has been instrumental in ensuring the proposed law will adequately protect the interests of practitioners and will not impose greater risk than currently exists in the paper-based conveyancing system. This has involved submissions on issues associated with risk, implications for PII insurance, the cost for lawyers of implementation and use of the scheme and review of the proposed auditing and compliance processes. The committee will continue its involvement over the next year when it is expected the law will be implemented.

MODEL UNIFORM TORRENS TITLE SYSTEM

The Property Law Reform Alliance is continuing its quest for the adoption of a national Uniform Torrens Title Act and the committee maintains input on this through the LCA's Property Law Group, on which again I contribute on behalf of the Society. It is unclear if there is interest in the



Lyn Bennett

Chair
Commercial Law Committee

Northern Territory for the adoption of a uniform law and the issue is still in the early stages of development.

BUSINESS TENANCIES

The committee has for many years now been lobbying Government, with the Property Council, for the promised statutory review of the *Business Tenancies (Fair Dealings) Act*. This review has now commenced and the committee has made submissions, principally identifying concerns regarding the definitions in the Act and the basis for inclusion or exclusion of some commercial tenancies, seeking a clearer and more logical application of the legislation and the language used within it. We await Government's next step in this process.

NATIONAL REVIEW OF CONTRACT LAW

I participated as the Society's nominee to an LCA working party on a national review of contract law initiated by the Australian Attorney-General. Copies of that submission are available on the LCA website.

PROPERTY AND COMMERCIAL LAW TASKFORCE

The Society continues to be represented on the Northern Territory Government's Property and Commercial Law Taskforce. The taskforce brings together all parties interested in the property law sector and provides advice to the Government across a range of property and commercial law-related issues.

PROPOSED NATIONAL MANDATORY RESIDENTIAL ENERGY EFFICIENCY SCHEME

The committee also developed the Society's response to the *Mandatory disclosure of residential building energy, greenhouse and water performance: Consultation Regulation Impact Statement* which was issued by the Australian Government in July 2011. The committee was concerned that the proposal was fundamentally flawed because regulatory options that were explored did not fit with equanimity across the country (and particularly not in smaller or tropical jurisdictions). I express my heartfelt thanks to my committee; I acknowledge their efforts throughout the year and the significant body of work that is undertaken out of working hours. It is regrettable that this year, much of that work has been rendered wasted for reasons not of our making.



The LSNT Legal Practice Committee has met several times since our last AGM. I thank all members of this committee for their continued attendance, support and contributions throughout the year which have been gratefully received.

At the various meetings of the Legal Practice Committee in the last 12 months, the members have considered issues relating to:

1. Proposed changes and reforms to the Supreme Court Costs structure and regime;
2. Proposed changes to the Supreme Court Rules to facilitate the process of civil litigation through the Court, taking into account the ongoing high costs of such litigation, access to justice, the discovery process, and formal incorporation of the requirements of PD6 into the Rules.
3. Ongoing monitoring of the progress of the National legal profession reform through the other States and Territories, in particular the responses of the QLD and ACT Law Societies to their position on NLPR
4. Continue to provide input and monitor the progress of the implementation of the Australian Solicitor Conduct Rules in other States and Territories, noting that the draft commentary of these Rules are now available and can be circulated for comments.
5. Participation in the Civil Court Users Groups in both the Magistrates Court and Supreme Court, with a view to addressing any issues practitioners may have in relation to their practice in those Courts directly with the Magistrates and Judges respectively.
6. Consideration of the proposal from the College of Law in relation to provision of a GDLP program in the Northern Territory for local graduates, the Society is considering supporting such a proposal and where possible assisting the College of Law to set up such a program in the Northern Territory.

7. Monitoring the eventual implementation and passing of the Uniform Evidence legislation for the Northern Territory which was missed / overlooked at the last sittings of Parliament prior to the recent change in Government. This legislation is now expected to come into force later this year.

The above issues will continue to have an impact on legal practice in the Northern Territory and for the local legal profession generally. They will continue to be a focus for discussions for this Committee in the next 12 months and beyond. In addition, it will continue to be interesting to monitor the development and implementation of NLPR in Victoria and NSW, now that the QLD and ACT law societies have indicated their support for the reforms.

The progress, use and application of the Australian Solicitors Conduct Rules will also be enlightening now that the draft commentary of the intended effect of those Rules has been considered by the Council and should soon be available for broader consultation. Our own Supreme Court in the Northern Territory is also likely to effect changes to its own rules of practice and costs regime in the coming year and local practitioners will have to become familiar with such changes sooner rather than later... I suspect!



Peggy Cheong
Chair
Legal Practice Committee



The Social Justice Committee currently has 14 members including government, private and legal service lawyers, and Law Society staff. It meets monthly to consider Northern Territory and national matters of concern, and develop strategies regarding Indigenous policies, criminal justice and access to justice.

SUBMISSIONS

Submissions have been made on the Stronger Futures legislation, Adult Decision Making Bill, Secure Care Facilities for Children, National Anti-Racism Strategy and the Expert Panel on Asylum Seekers. Policy input was provided to the Law Council of Australia on issues such as the National Children's Commissioner and Australia's ratification of the Optional Protocol to the Convention Against Torture.

NEW ERA IN CORRECTIONS

The implementation of two new community orders within the new Correctional setting have been monitored; the Community Custody Order and Community Based Orders since the commencement of the legislation introducing them, the *Justice (Corrections) and Other Legislation Amendment Act 2011*, in February 2012. The Committee has been in correspondence with the Department of Justice in order to ensure availability and access for eligible candidates, particularly in remote areas.

ASYLUM SEEKERS

The Committee has been advocating for two major issues: a legal advice and support service to meet the demand emerging from the new immigration detention facilities in the Northern Territory; and the crucial need for independent guardianship and legal representation of children in immigration detention (accompanied and unaccompanied minors).

In June delegates of the Committee visited the NIDC and DAL immigration detention centres and discussed issues with DIAC and Serco personnel.

Advocacy work includes correspondence with the Minister of Immigration and Citizenship,

Attorneys-General (Federal and Northern Territory), submission to the Expert Panel on asylum seekers, policy input to the Law Council of Australia, networking with legal and social services (The Society is a member of the NTCOSS Asylum Seeker Network which meets bi-monthly), feature article in *Balance* edition 2/2012, and media work.

SECURE CARE FACILITIES FOR CHILDREN

The Committee made a submission on the *Care and Protection of Children (Therapeutic Orders) Amendment Bill 2012* after the visit to the facility in June. Key concerns are the lack of practice standards, precise eligibility criteria and minimum age.

STRONGER FUTURES

In January 2012 a very detailed submission on the Stronger Futures legislation seeking, for instance, the recognition of the legal needs created by the framework and adequate funding to ensure those needs are met was provided to the Senate Standing Committee on Community Affairs. The Committee also monitored the public hearings when the Senate Committee came to Darwin in late February 2012.

REMOTE TENANCY LEGAL ADVICE SERVICE

Rollout of the remote housing framework in the Territory has resulted in an increase in the need of remote tenants to independent advice and assistance about their rights and responsibilities as tenants. The Society has been calling for funding to enable the establishment of a Northern Territory Remote Tenancy Legal Advice Service since 2009. The initial proposal to both the Territory and Commonwealth Governments was made in October 2009. Since then there have been numerous meetings and consultations with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Territory Housing and other stakeholders. It is the aim of the Committee to pursue this issue as a priority in 2012/13.

The Committee will continue to monitor all the above mentioned initiatives and emerging issues.

I would like to thank the members of the committee for their dedication to the issues and a special thanks to the Law Society staff, in particular Sophie Anderson and Manuela Seiberth for their extremely valuable support.

1. The Northern Territory Government built two facilities, one in Alice Springs and one in Darwin.



Fiona Hussin

Chair
Social Justice Committee



The Family Law Committee continued its work throughout 2011/12 financial year.

CHILD PROTECTION / LOCAL COURT

The committee underpinned the Society’s advocacy in relation to the Department of Children and Families legislative reforms. This included oversight of the Information Sharing initiative which commenced on 01 July 2012. The committee met with Barbara Bradshaw and Meredith Day in relation to legislative reform, information sharing and secure care of children. The committee made an extensive submission to the discussion paper regarding proposals for legislative reform of the *Care & Protection of Children Act*. The Bill was not presented to the Legislative Assembly prior to the Northern Territory election.

The committee has also grappled with the various procedural issues in relation to the representation of minors in child protection matters. This included the question of when and by whom the appointment should be made and extended to the consideration of best interest’s representation and direct representation and who decides. The committee also informed the Society’s delegate to the Family Matters Users Group of the Local Court chaired by Hannam CM which discusses many issues and is presently contributing to the development of Practice Directions. Submissions were also made in relation to concerns regarding the proposals on secure care facilities for children. Whilst these facilities have been constructed they remain vacant at the time of writing.

FEDERAL MAGISTRATES COURT/ FAMILY COURT

Although most family law practitioners will be members of the Family Law Section of the Law Council of Australia it does not have a local committee. The Society was pleased that Nardine Collier of Alice Springs accepted a nomination as the Society’s representative on

the Family Law Section, Regional Committee.

I take this opportunity to thank the committee for their work.

FAMILY LAW REFRESHER

The committee was pleased to facilitate the Family Law refresher with the generous support of Peter Cole FM and the Federal Magistrates Court. This initiative was well received with 37 in attendance. In light of the success of this event it is hoped to create a regular fixture in the Society’s CPD calendar.

The committee also supported Alice Springs practitioners and advocated in relation to the closure of the federal magistrates court in Alice Springs. This closure in August 2011 whilst initially temporary remains ongoing and subject to the Commonwealth review of Family Law Courts.



Megan Lawton
Chair
Family Law Committee



The balance of 2011 and 2012 continued to be a challenge and was generally a reasonable year for professional indemnity insurance through the Society. As usual, the Committee members worked hard throughout the months leading up to the PII renewal date to obtain and 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 some ongoing deterioration in claims experience, the Committee was able to negotiate a competitive and reasonable insurance package for the profession. Although premiums did increase, the increase was slight and in the Committee's view, bearable in light of global economic conditions, by all practitioners in the Territory. The insurer again took into account the ongoing claims history and overall global economic and national factors. 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 and costs of claims would hopefully and ultimately lead to a reduction in premiums in the next renewal period.

The PII Committee has also supported the implementation of alternative risk management strategies for the Northern Territory profession. In the current period of insurance, the Society has implemented a self audit program for local practitioners, that was suggested and prepared largely by Cheryl Richardson from Marsh and undertaking this program provided practitioners with a QPR discount in their premiums. Le Messurier Harrington continues to refine their assistance and education for Territory practitioners in selected areas and on specific topics, targeting potential risk factors in the industry.

In light of the ongoing discussions about the National Legal Profession Reforms, there remains continuing uncertainty surrounding the future of PII in the 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.

The Committee will continue to monitor the evolution of the NLPR legislation and impacts on PII in the Territory.



Peggy Cheong
Chair
PII Committee



CEO Unit



Megan Lawton

Chief Executive Officer

The Legal Profession Act creates the position of Chief Executive Officer of the Society. Pursuant to s641 of the LPA the CEO is, subject to the directions of the Council, responsible for the day-to-day management of the Law Society's affairs. Pursuant to the LPA the CEO has roles as public or principal officer under the Associations Act and Ombudsmans Act. The CEO also sits on the Funds Management Committee. In general terms the CEO is responsible for developing and overseeing the implementation and reporting against the strategic plan of the Society and particularly developing and maintaining relationships with stakeholders.

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 and social media pages, 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.



Manuela Seiberth

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.





Kellie Grainger

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. The MRSPS provides regulatory oversight of the management of trust accounts under the *Legal Profession Act 2006* and Regulations. The MRSPS also manages the external examination of trust accounts.

Elizabeth 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, and provides assistance to the Professional Development Officer.



Bella Basilides

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.

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. The Licensing Officer assists the Public Relations Officer with event management activities.





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 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

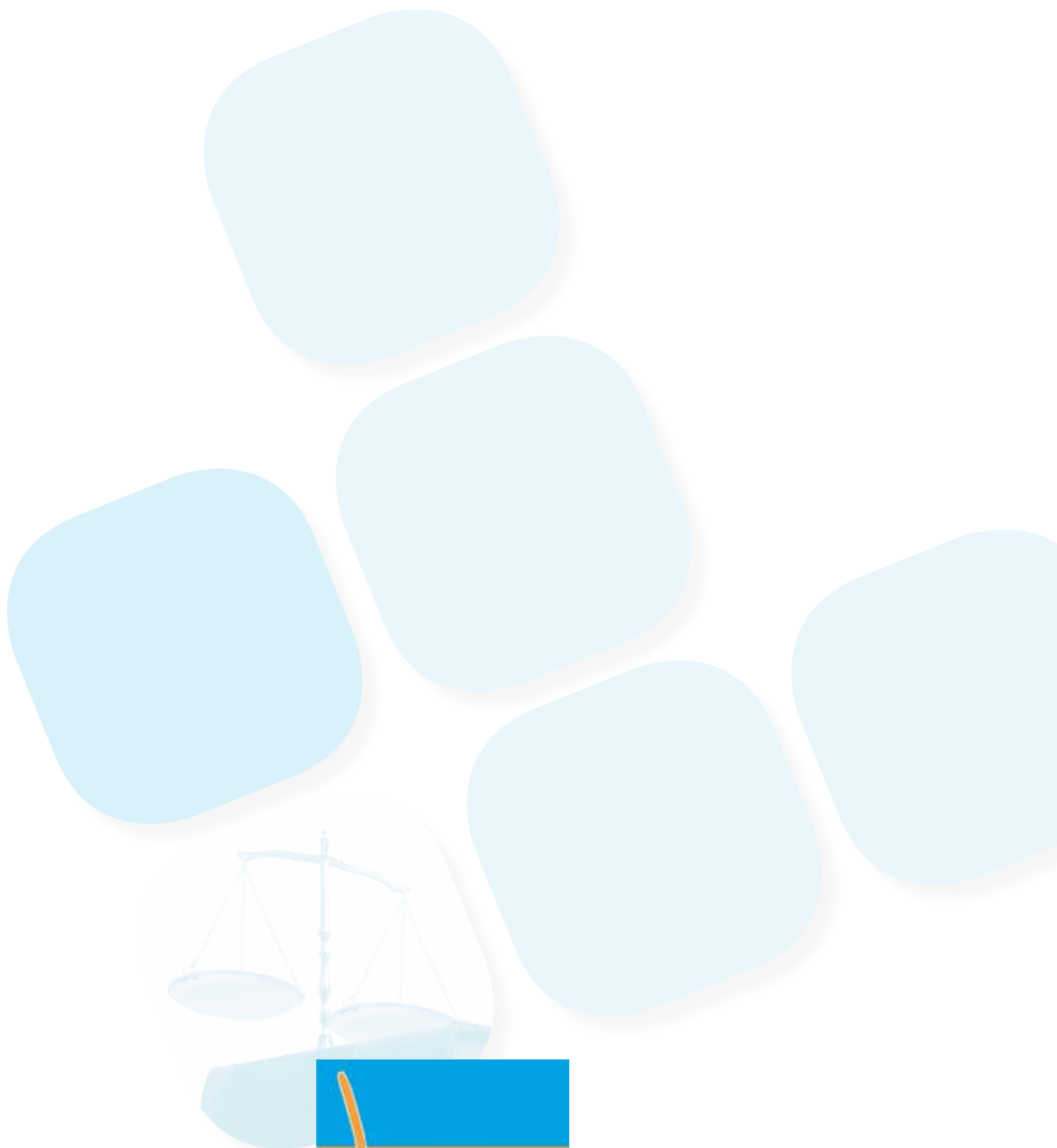
The Finance Officer provides bookkeeping support to the Manager Corporate Services in relation to the accounts of the Society, Legal Practitioners' Fidelity Fund, Law Society Public Purposes Trust and Northern Territory Council of Law Reporting, and is also Secretary of the Law Society Public Purposes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



Lily Coe

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.



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