

# FERAE NATURAE

A threat by the Federal Attorney-General Daryl Williams to use Commonwealth powers to legislate for a national practice scheme aimed primarily at national firms, has not only prompted state and territory attorneys-general to pledge support and action to bring William's vision to fruition but has sent the Law Council of Australia a sharp "hurry up" and sent shock waves through legal communities in all jurisdictions.

The rhetoric that appeared in *The Australian Financial Review* on 8 March 2002 in "Williams gets tough on states", should be of grave concern.

In this article Mr Williams outlines his desire to use Commonwealth powers to take over the regulation of the nation's biggest law firms unless the states move quickly to national uniform rules governing the profession. This leaves the states and territories to regulate local firms not operating across state boundaries.

Mr Williams is quoted saying:

*Given the history, a co-operative approach is much to be preferred. But to get a co-operative approach you have got to have unanimous agreement and a commitment to work towards it.*

*The interest of the major law firms and the national interest is definitely in favour of a nationally regulated profession.*

So far absent in this push for unanimity, is the interests of the small firms, the sole practitioners and of course the public.

Of particular concern to this Society is the availability of affordable legal services in a broad range of areas for the Northern Territory public.

The Law Society Northern Territory was quick to recognise and embrace the benefits the national traveling practicing certificate provides. Those benefits will continue to flow.

It is up to this Society whilst supporting national practice, to ensure the voices of the small people are heard and that

policy is not made on the say so of big business to the detriment of affordable legal services being available to the public, particularly those handicapped by far away geographic locations. One off-shoot from this national scheme could be the establishment of a national scheme for professional indemnity insurance.

If the Territory's one truly national firm was to prefer this scheme and if the Territory's largest scheme were financially advantaged by such a scheme, the premium pool of the Territory would not be viable. This may be a good thing or a bad thing depending on your ability to obtain affordable PII insurance. But there is no use boxing at shadows.

We need facts. Work must be done on all facets of the proposed change to establish a mean for all members of the profession.

The Law Council has recognised this and the Northern Territory Society has supported a motion at the Law Council meeting this month seeking that actuarial and legal advice be commissioned to look at the viability of such a national PII scheme and the flow-on effects for each of the state and territory schemes.

The Law Council has established working groups that mirror the SCAG advisory groups. The topics being dealt with include; admission, complaints and



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discipline, business structures, costs disclosure, professional indemnity insurance, fidelity funds, regulation of practice, trust accounts and reservation of legal work. First round papers on each of the issues will be prepared by the Law Council groups by April/May 2002, with the final position to be voted on by the June meeting of the Law Council of Australia.

The Council of the Law Society recognises that the Northern Territory profession needs to have input into this process. In order to do so positions on each facet of the move to national practice will need to be formulated.

Mr Williams has set a tight timetable and is wielding a big stick.

The Society urges you to consider the national moves afoot and let your views be known to the Society. ①



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June	28-30 Darwin	General Advocacy Skills
July	26-28 Nth Qld	General Advocacy Skills
August	9-11 Hobart 16-18 Brisbane	General Advocacy Skills General Advocacy Skills
September	27-29 Sydney	General Advocacy Skills
October	11-13 Melbourne	General Advocacy Skills

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