

# Another year bites the dust

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President

Law Society Northern Territory



Having served on council for several years prior to starting my presidency a year ago, I was acutely aware of the demands of the role, and I can honestly say that it has been a challenging and rewarding experience. There is still a lot of work to be done to progress issues currently faced by the legal profession and I hope to continue working with the Council to develop strategies to enhance the professions ability to practise the law in the NT.

I thank members of Council and the committee members for volunteering their time to support the profession. Without such support, the Society would struggle, if not cease, to function in its present form. I also thank the members of the legal profession and judiciary for their encouragement and ongoing support of the Society.

With this year being the 50th anniversary of the Society, I've been fortunate enough to be involved in all the celebrations that go with marking such a milestone. Most notably, the ceremonial sittings held by the Supreme Court and the launch of

*Mandatory Reading* at the Celebratory Dinners in Alice Springs and Darwin. Both events were gratifyingly well-supported by the profession, and for those of you who are yet to purchase our publication *Mandatory Reading*, I encourage you to do so. We are incredibly grateful to those members of the profession and judiciary who agreed to share their stories for our publication. *Mandatory Reading* is a glimpse into our profession of the last 50 years.

In addition to the 50th anniversary celebrations, other noteworthy highlights of the year have included:

- A new *constitution* being adopted by members in November 2017.
- The employment of an additional regulatory officer (part-time) to improve the Society's capacity to efficiently resolve regulatory matters.
- The establishment of the Law Reform Advocacy Committee of the Society to proactively advocate for legislative reform.

- Law Week was a tremendous success—we are currently in the process of planning for next year!
- Consultations with members of the private profession in Darwin, Katherine and Alice Springs to discuss their needs/concerns and their ideas on how the Society can improve and assist them with their day-to-day practice.
- Consultations with Chief Justice Grant and Chief Judge Lowndes which has resulted in an agreed model for a Judicial Commission which has been submitted to the Attorney-General for consideration.
- Advocating for an increase in the fees paid to the private practitioners undertaking legal aid work.
- The adoption of a Health and Wellbeing Program for our profession. This will see an increase in the type and frequency of health, mental health and wellbeing CPDs throughout next year.





- The privilege of speaking at the High Court’s ceremonial sitting to celebrate the High Court’s first sitting in the NT.

In the last edition of *Balance*, I touched on a the Society’s commitment to formulating a plan of action in response to the Royal Commission’s Recommendations and the NTG Implementation plan to deliver the recommendations of the Commission for the protection and detention of children in the Territory. The Society maintains involved in discussions with various stakeholders in order to develop and advance effective strategies to address these issues.

This edition of *Balance* is dedicated to the issues raised during the Royal Commission and the NTG Implementation Plan and to get members thinking about this important issue. In September 2018, the Society was asked to comment on an opinion piece published by John Lawrence SC in *The Australian*. While extracts of our response were published in *The Australian*, I consider it appropriate to share our entire response:

“The Society agrees with Mr Lawrence SC that the Northern Territory youth justice system, and in particular the facilities for detaining young people, remain in crisis. Children are still being jailed and subjected to inhumane conditions. This is unacceptable.

The Society doesn’t share Mr Lawrence’s pessimistic view that the Royal Commission findings and recommendations won’t lead to any improvement for young people in the justice system in the Northern Territory. It has been less than a year since these findings and recommendations were delivered and less than 6 months since the government outlined its Implementation Plan in response to those recommendations.

The Society however is becoming increasingly concerned at the delay in seeing real change in addressing the systemic issues within the Northern Territory youth justice system. From the Society’s perspective it is not a lack of desire on the part of government to bring about change in the youth justice system that is the concern, the issue is the delay in actioning the recommendations and the proper resourcing of the various government agencies to implement the changes.

The Society is actively engaged with its members about their concerns from the coalface. Historically the Society has acknowledged when the government has moved to implement change but also called out for quicker progression of some of the simpler measures that the Society considers would bring about short term but important changes [see for example the

Society’s media releases Youth justice reform hailed, government urged to do more issued 11 May 2018 and Youth Justice: A step in the right direction issued 8 February 2017].

The Society continues at every opportunity in its advocacy with government and the Opposition to press for changes to the which it considers would go a significant way towards addressing the number of young people in detention on remand.

The Society welcomes continued attention to the issues relating to the detention of young people in the Northern Territory. The fact that this is now and continues to be the subject of public discussion is important to ensure that the momentum to implement the changes recommended by the Royal Commission are not lost. Only by continuing to shine a spotlight on these issues will we achieve the impetus for change.

It is the Society’s view that the serious under-resourcing of the legal assistance sector has a role to play in the capacity of legal services to respond to systemic issues within the youth justice system. The Society supports the recommendations of the Final Report of the Law Council of Australia’s Justice Project calling for increased funding to the legal assistance sector.

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The Society is the regulator of the legal profession in the Northern Territory. If any member of the legal profession or the community considers that a legal practitioner's representation of a young person falls below the standard of a competent and diligent practitioner representing a young person, specific information about that conduct can be shared with the Society or a formal complaint about the legal practitioner's conduct can be made to the

Society. Any information received would be treated seriously in line with the Society's commitment to upholding the standards of the profession and any complaint made would be considered, investigated and dealt with pursuant to the statutory framework under which the Society operates."

This is an important issue which will leave an indelible mark on the Territory. I encourage the profession to keep itself well-informed of the

issues and if you would like to share your views and/or ideas, please feel free to contact me or the members of Council.

I thank the Council, Secretariat and members for their ongoing support and I hope that together we can continue to advance our profession in the New Year.

# Merry Christmas

*Wishing you all a joy-filled holiday season and a prosperous New Year.*



Christmas closure: The Society will close its doors from 5:00 pm, Friday 21 December and will reopen Wednesday 2 January at 8:30 am.