

AUSTRALIAN LEGAL CONVENTION

The presence of over 400 delegates at the 32nd Australian Legal Convention in Canberra was a visible example of the number of lawyers in Australia committed to their profession and to upholding principles such as access to justice and the rule of law. Held only a month after the September 11 bombings in America, the Convention was also a time of reflection and consideration for the role of lawyers as we move further into a new century.

Seen through the eyes of Ms Anne Trimmer, the immediate past president of the Law Council of Australia, the Australian profession is characterised by "ordinary lawyers doing extraordinary things". In a speech which rebuked the extensive criticism of the legal profession experienced during her time in office Ms Trimmer concluded that the defining characteristic of the profession — from the time of federation to the present — "is a commitment of service to our community".

"At a time when we could be excused for cynicism, driven in part by the attacks of some on the worthlessness of our profession, there is much that is being done that should lift our spirits and make us value our profession. There is also much to value in our profession at a time when our society suddenly feels uncertain and confused about the future. It is a legal profession that provides the voice of calm reason and a reassuring commitment to the values that matter in our society — in particular a commitment to the preeminent role of the rule of law," Ms Trimmer told delegates.

Justice Michael Kirby told delegates that the importance of upholding the rule of law has become even more evident after the terrorist attacks of 11 September.

"In the course of a century, we, the lawyers of Australia, have made many errors. We have sometimes laughed at and belittled citizens who, appearing for themselves, fumbled and could not reach justice. We have sometimes gone along with unjust laws and procedures.

We have occasionally been instruments of discrimination and it is still there in our law books. We have not done enough for law reform or legal aid. We have not cared enough for justice. We have been just too busy to repair the wrongs that we saw. Yet at critical moments in our nation's story, lawyers have upheld the best values of our pluralist democracy. In the future, we must do so more wholeheartedly. To preserve liberty, we must preserve the rule of law. That is our justification as a profession. It is our continuing challenge after September 11."

Guest speakers at the Convention cited other challenges facing the profession, including the development of a truly national legal profession, keeping up with technological change and meeting the need to be flexible in an increasingly open market.

Federal Attorney General Mr Daryl Williams advocated the establishment of a taskforce to consider the practical framework for a national profession able to meet these needs.

"In my view, the greatest challenge facing the Australian legal profession is the need to remain relevant, flexible and competitive in an increasingly borderless world. To allow the profession to embrace change we must deliver a foundation on which it can do so unimpeded by jurisdictional barriers. That is why, in my view, it is imperative that we strive for a truly national legal profession," said Mr Williams.

Following last year's "a meeting of meetings" format the Convention included workshops and discussion sessions for a range of groups and agencies, including Law Societies, Bar Associations, young lawyer and women lawyer associations, and national Access to Justice and Criminal Law committees to name a few.

The Convention provided an opportunity for the challenges facing the profession to be examined in practical detail by people from all jurisdictions.

Keynote addresses from the Convention can be downloaded from the Law Council's website: www.lawcouncil.asn.au.

Cridlands lawyer Guy Riley is the Northern Territory delegate to the property sub-committee of the General Practice Section of the Law Council of Australia. He attended the Legal Convention in Canberra and provided a report to *Balance*.

"The principal item on our agenda was electronic conveyancing. We received a presentation from the Electronic Conveyancing Victoria Group who are looking at a data input system whereby the parties to a conveyance participate in what they describe as a 'cover sheet'," said Mr Riley.

"Each party's access to the information in that cover sheet would be restricted depending upon their role in the conveyance," he said.

"With standard form contracts and mortgage documents, data going directly into the cover sheet from government records would be generated automatically. Once all relevant parties sign off and agree to the terms of each document, all necessary data will be transmitted to the Titles Office and form part of the Register. At settlement, money would be automatically transferred to the vendor's account and to various government departments and municipal governments for registration fees, stamp duty, council rates, etc."

According to Mr Riley the major obstacles to this plan are identification and security issues and the willingness/ability of banks to instantly transfer funds.

"Personally, I think the concept of having a national sale contract is a pipe dream (unless the states do something about adopting uniform property laws), but the system will still work if each jurisdiction has its own standard form contract that is available free of charge to the public. The contract model can be identified in the cover sheet," he said.

Other issues which were discussed were: Retail Tenancy Legislation, participation in a joint industry body campaign for uniformity of laws, the new Queensland system for the registration of covenants to protect environment values, and the Primary Industries Levies and Charges Collection Act 1991.