

Letters to the Editor

Payment of Proceedings Costs

Recently some solicitors at NAALAS have been involved in representing clients in contested proceedings where, prior to the determination of the proceedings, solicitors and counsel acting for the other party have informed NAALAS that if our client was unsuccessful in the proceedings an order for costs would be sought against NAALAS (not our client).

The reasons for such an application are, we are told, that our client's case has no merit and little chance of success.

We wish to draw to practitioners attention the English authority of Orchard v South Eastern Electricity Board [1987] 1 All ER. 95. which states that such threats as to costs against the other party's solicitor are objectionable as being contrary to the interest of justice and might in

certain circumstances amount to contempt of court particularly in cases where the client is legally aided.

The Court also made observations about how such threats amount to "brow beating".

We trust that practitioners will take account of this authority in the future.

*John Duguid
Senior Civil Solicitor
NAALAS*

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Farewell to Darwin & the Territory

I write to advise that due to continuing ill-health I have decided to retire as Director of Public Prosecutions. Regrettably, my health is such that it is inadvisable for me to remain in office.

I would like to thank you and the fellow members of your Executive for the ever-ready assistance and kindness which you have extended to me. It has been much appreciated and has made my years in the Territory much more pleasant than they might otherwise have been. Indeed, I have received every courtesy and assistance, together with much good fellowship, from all members of the legal profession in the Territory. I leave with a very high respect for the ethics and standing of NT Practitioners. It has been great fun working with such pleasant people and Mary and I will undoubtedly miss it very much.

In thanking you and all your members, might I also earnestly seek support for my successor. I believe the Territory now has a prosecuting service of quality which is thoroughly independent and, I hope, both efficient and fair. It is in the utmost interest of all members of the profession and the public generally that that standard of service be preserved. I leave behind a dedicated and efficient staff, all of whom are persons of great integrity. I am sure they will continue to give you every support in the future.

— Len Flanagan QC



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