

BALANCE

FEB 97

The Official Publication of the Law Society of the Northern Territory

Legal Year Opens with an Eye to the Future

Monday 3 February saw the Opening of the Legal Year in Darwin and a day filled with activity for members of the profession.

The day commenced with a special sitting of the Supreme Court to welcome Justice Bailey to the Territory. Present on the Bench were the Chief Justice, Justices Mildren, Angel, Bailey and they were joined by former Administrator and Chief Justice, Austin Asche and visiting Federal Court judge and Law Society guest Catherine Branson.

Before the official welcome to Justice Bailey, the Chief Justice presented Colin McDonald and Rex Wild to the Court as Queen's Counsel.

The Chief Justice then proceeded to welcome Justice Bailey to the Supreme Court of the Northern Territory and called upon the Attorney-General, the Hon Denis Burke, the Vice President of the NT Bar Association, Colin McDonald and the President of the Law Society, Terry Gardner to make speeches of welcome to the new judge.

The day continued with a church service at St Mary's Cathedral which was attended by the Chief Justice, members of the judiciary, the Lord Mayor of Darwin and approximately 90 dignitaries and members of the profession.

The Opening of the Legal Year lunch in Darwin was held at *Raymond's Restaurant* and her Honour, Justice Catherine Branson addressed a full house of 75. Her topic, *Will the Third Millennium Need Lawyers?* led her through changes in public perception of lawyers brought about by an increasing need to apply the law in a wider arena to her principle point that "lawyers are probably no more qualified than any other group in a community to work out **what** it is that the community wants, but as a group we are particularly qualified to work out **how** what is wanted is achieved, and to implement that how."

Justice Branson went on to point to a tendency in the law to move away from "rigid and technical rules and to place greater reliance on broader standards and the exercise of judicial discretions."

She continued with the proposition that lawyers may need to work outside strict legal rules and be prepared to "identify the values of an enduring kind ... and to understand matters with which we have to deal against the background of those values." In addition Justice Branson cited the importance of life experience as a determinant of attitudes, values and behaviour, suggesting that "an assumption that all right-minded persons



Justices Mildren, Branson and LS representative Max Horton at OLY luncheon. Alice Springs

should act in the same or a similar way when faced with the same circumstances is likely to be unfair to many individuals in a diverse society."

Justice Branson felt that the Northern Territory was an appropriate place to air these issues as, with its small but diverse population, the need to "promote community cohesion [was] perhaps more urgent than in larger communities which can function without being unified." She anticipated that the NT would remain a frontier in so far as it may be expected to experiment with legal solutions to social concerns and suggested that lawyers who could function well in the NT would be lawyers well equipped to set an example for all Australian lawyers as the profession moved into an undoubtedly important role in the third millennium.

Alice Springs

The legal year opened in Alice Springs on Wednesday 5 February where the profession gathered firstly at Our Lady of the Sacred Heart Church to attend a service led by Reverend Brian Healey, Parish Priest of Alice Springs and arranged by Pastor Colin Crago of the Assemblies of God, who also preached the sermon.

Miss Daisy's provided the venue for a luncheon for the legal community in Alice Springs where 35 members of the legal community gathered to hear Justice Branson's views and enjoy a social beginning to the legal year.