

Criminal Lawyers' Association

President's Column

I've got to be honest. I voted "No". It was not an easy decision. I had sleepless nights before the election. Finally fear prevailed. I was weak and tired when I at last arrived at the election booth. I gave way to the fear. I realise now that I was feeble minded. Even if we became a State the speed limit would not be reduced to 110kph. I did not understand it then but now that I do I spend hours lost in thought wishing that I could travel back in time to the moment when the point of my pencil touched the ballot paper and began to fashion the word 'no'. I now realise that my beloved speed limits, or rather lack of them, were never in danger. I am certain now but for speed limits I would have voted 'yes'. Unfortunately, I have been told that the opportunity to do so has been lost for all time. I suffer a sense of that loss.

I blame my lamentable grasp of history upon the purchase of a brand new bright yellow Ducati 748 SPS motorcycle. At once I understood the blunt but beguiling message of Hunter S Thompson's "Song of the Sausage Creature". I, too, am not without scars on my brain and my body and I, too can live with them.

There are some things nobody needs in this world and a bright yellow Ducati motorcycle is one of them. But I wanted one anyway and that's where the trouble started. I could not have a State and a Ducati. What's a Ducati without an open speed limit? I was trapped and I knew it. I grew uncertain and fearful. What's the point of having a thundering warp-speed super bike when it means toddling along the open road at 110kph?

I mean at 4000 RPMs the machine is already at 120kph and it doesn't redline until 12000 RPMs

So I fell from grace. I feel like the angel, wings ablaze, eyelids drawn back in terror into the darkness of lost opportunity. For me it was the open road. For you it might have been fire crackers. In the end it doesn't matter. We all meet the Sausage Creature.

The Bali Conference

In an effort to move from the psychiatrist's couch and issues of state I wish to draw practitioners' attention to the forthcoming Bali Conference.

Shortly, the CLANT committee, will be travelling to Bali to investigate a suitable site and accommodation for the conference next year. Before setting once again on Bali as an appropriate location for the conference the

committee considered alternatives like Alice Springs, Broome, Queensland and Malaysia. After detailed discussion and investigation including the cost of alternative venues, Bali remained the outstanding choice. In addition to practical considerations it was decided the tradition of the Bali Conference should be maintained. It is now a well known and well respected legal event on the Australian Legal Calendar. It maintains the Northern Territory's link with Asia, something the original organisers had very much in mind and which each subsequent organising committee has regarded as being of particular importance.

The 7th Conference will be held between 26 June and 2 July 1999 at a location to be announced shortly. Until now Sanur and more particularly the Bali Hyatt has been the preferred spot. However, we hope to secure a venue on the Legian side for 1999.

We have already obtained a sitting High Court Judge as Keynote Speaker. That

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person's name will be announced once all the details are in place and we have secured consent to use it in the pre conference materials. Presently, the committee is negotiating the attendance of a retired High Court Judge to also deliver a paper.

The Victorian Criminal Lawyers have already indicated a desire to take a significant role in both the financial and administrative aspects of the event as well as sending along a large number of delegates. Our Conference Organiser, Lyn Wild, has had numerous expressions of interest from lawyers throughout the Australian legal community. The interest in the conference at this time is much greater than it has ever been in the past.

The organising committee's desire is that the event remains a particularly special event for the Northern Territory Legal Commu-

nity. In the Past it has been well supported by our judicial officers both from the ranks of the Magistrates and Supreme Court Judges. Their contribution by way of delivering papers and in the often frank discussions during conference sessions has been of particular significance.

Because of their interest and support and the uniqueness of the event the Association has also been able to attract a large number of important contributions from well known and highly regarded lawyers from other parts of the country. I can assure people who are thinking of attending that the array of speakers at next year's conference will be very special indeed.

The Criminal Lawyers Association has always viewed the Bali Conference as having a character and style that is important to maintain. The size of the Conference has been the key to that. Too many delegates and the intimacy and frank exchange of views as well as the opportunity to examine closely the development of our Criminal Justice System is in danger of being lost.

It is important, therefore, for Territory lawyers to register early as there is real possibility of the need to cap the number of delegates able to attend if the interest remains at the already high level.

A Conference Program is presently in preparation and will be available shortly. We encourage Territory Lawyers to present papers. So think about it and when you have thought about it, do it. We want your view and ideas.

Above all set aside the dates for the Conference in your diaries now. Every Bali Conference to date has been unforgettable. should add that the organising committee is also negotiating with the Solicitor General Mr Thomas Pauling QC to bring back "Tom's Terrific Tours". If we are successful, and the initial approach has been encouraging, make sure you book your seats on the bus. The Beatles Magical Mystery Tour would boot your socks off by comparison.

Statistics

In conclusion I thought I should leave you with an interesting twist upon the old argument that there are lies, damned lies and statistics.

In a recent trial, Justice Angel was required to direct the jury as to how they should use statistics. He did it in the following fashion:

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James F Hannan

James Hannan, Magistrate
extraordinaire, striving every daily, to
be just and very fair.

Dispensing law and order in places
far and near. From Alice Springs
to Darwin, Oenpelli to Waderr.

"Community service or home
detention? What's the answer to
crime prevention? Should this man
be granted Bail? Or should I send
him straight to Jail?"

The law requires a Magistrate to
cogitate and contemplate to think of
things that aggravate and consider
those that mitigate.

You've thought and pondered
many a claim. You've had to
exonerate and to blame.
You've heard it all and then some
more - arguments, excuses,
submissions galore.

Briefly I mention your Work
Health Court, with legal problems
it is fraught.

Should the worker have
compensation? Oh! Who
understands this legislation?

And Oft as coroner
you had to act
to sort the fiction from the fact.
Did he die by evil intent?
or was it just an accident?

James F Hannan with your
permission, I would like to make
this last submission. To Petty
Sessions we should now return,
your Court is ready to adjourn.

Justice Sally Thomas

Criminal Lawyers Association

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"Now there is great danger in your jump-
ing to conclusions about that evidence and
what it proves and what it is capable of
proving. You remember Mr Tippet, in the
course of his submission, told you about
lies, damn lies and statistics. I do not know
whether any of you have been to Adelaide
in South Australia. Many years ago there
used to be, and there may still be for all I
know, I have not been there for a long time,
there may still be a stationer, a well known
stationer called Leal, L-E-A-L. Old man
Leal died some years ago but he was a home
spun philosopher and it was very fashion-
able back in the 1960s, at least when I was
going to school, for there to be bus tickets
and some of his home spun philosophy was
on the back of bus tickets. And one of the
home spun bits of Mr Leal's philosophy
was this, he uses statistics like a drunk uses
a lamp post, to lean on rather than for
illumination."

Jon Tippet
President

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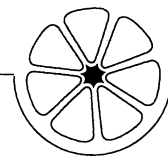
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