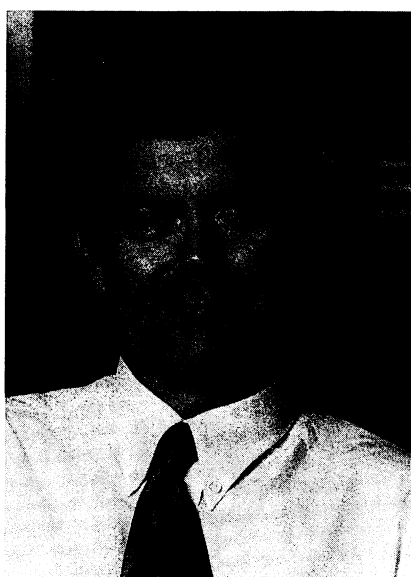


To my mind the most enduring image of this year is of Buddhist monks in the Supreme Court. As I entered the building with the forlorn hope of persuading yet another judicial mind to break ranks and taste the freedom of ideas, there they were. Silent men in saffron robes working together in the garden of their beliefs to reproduce the mystical circle of life. Surrounding the mandala were the rooms occupied by the High Priests of the law. In a short time they would begin the daily struggle to break the unleavened bread of argument. That moment of peace before the Passchendaele of accusation and counter-accusation swept away my sullenness and my bleak views about judges and ideas. For surely allowing the Supreme Court building to be utilised in that way was a real gift to the community. It was a wonderful experience but not a panacea. Sometimes judges just can't help themselves.

The worst moment was being duped. The Law Society, the Criminal Lawyer's Association and the Bar Association had worked hard to persuade the government that mandatory sentencing was a blight upon our legal system. A new man occupied the office of Attorney General. We were told the matter would be reconsidered. We were offered hope that political grandstanding would be cast aside and that good government of the people would be a predominate consideration. The new Attorney General was out of town when a representative from each organisation was summoned to discuss the proposed amendments of the *Sentencing Act* with government officials.

The nature of the amendments in the form of a copy of the bill was made available only minutes before the meeting took place. A quick glance at the document immediately disclosed serious flaws. In good faith and in the belief that the meeting was designed to discuss the content of the bill the representatives outlined the problems and suggested changes that would in reasonable measure return discretion to the courts. It was pointed out to government the devastating affect the legislation was having on fellow Aboriginal citizens, particularly in the bush, and of the affront to commonsense it pre-



President, Jon Tippett

sented in dealing with children. We were led to believe the points raised would be considered.

Not long after the meeting it was discovered that the bill was already on the floor of the house and its second reading speech being read at the same time as our earnest entreaties to government were taking place. There had been no consultation that was worth a shekel. It was a notable moment but from it I think we have learnt the importance of resilience. On mandatory sentencing we must succeed before the first death in custody arises from a mandatory sentence from a minor property offence. The Law Society will continue, in good faith, to take a seat at the table on crime issues and the many other less politically charged issues effecting the profession.

The year also saw the first rounds fired in the battle for freedom of information legislation. The importance of individuals in a democracy having access to information and a procedure by which it can be obtained it seems to me to be fundamental. It lies at the very heart of open and accountable government. By contrast locking up information is a sign of fear or mistrust. That is fear of what might be discovered or mistrust of the community who might seek to discover it. A certain authoritarianism accompanies the rejection of freedom of information and the words of Bacon are apt

when he says *It is a strange desire to seek power and to lose liberty*. Whatever be the reason it is unhealthy for the Northern Territory not to take the step that other jurisdictions in our country have taken and provide for freedom of information legislation. You can expect that this organisation will continue to press the government to move upon the issue into the new year.

Speaking of the new year it hit me the other day that very soon we will be writing the date, for the first time in a thousand years with a double zero,00. I recently saw the symbols printed on my credit cards. They appeared to be familiar, and I was concerned to know why until I recalled that I had seen them often enough written in the results column of my maths tests at school. Thus for me the numerological significance of the coming year equates with the word challenge. Unfortunately it is a word not unknown to the legal life. It usually means working till 2.00am night after night and dealing with witnesses whose memory is often at odds with their proof of evidence. For those in legal offices it is the yoke of the time sheet. The struggle to get the unit onto paper and the fear of a diligent partners review of the file. A monthly nightmare. Next year the GST will inject itself into that maelstrom to confuse and confound and ultimately add to the cost of litigation. But liquor will be cheaper. If not it should be. After a week fending off fusillades of interlocutory applications the fridge is the only island of solace for an embattled lawyer. I do admit however some prefer to go out and have a good long run, though I have always wondered why.

Already invitations to the dizzy round of pre Christmas drinks have begun to flutter in. If you play your cards right you can maintain a constant level of insobriety over days without outlaying a dollar. Those gay circumstances survive until reality hits the legal practitioner as he or she passes through the doors of the Casuarina shopping centre into a very special and exquisite hell. There is nothing quite so challenging as the Christmas shopping trip on a raging hangover. In days of yore there was the rack and lots of hot iron. Now there are escalators and shopping trolleys to be negotiated through

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LOOK BACK with OPTIMISM and in ANGER *Continued from page 3.*

the teeming mass of ones own kind. The desperate foray to ensure that everyone has been catered for and there is always one who hasn't.

Most of the people I know are spending Christmas in Darwin having exhausted their financial ability to travel elsewhere earlier in the year. The holiday is bound to be a cosy time as it always is in the Top End with humidity running at 90% and the temperature hazing at 33 degrees C. Distant in the mind the threat of cyclones adds to the tension. In Alice we can look forward to that delicious wall of heat that almost knocks a person over as he or she

walks out the front door. Inside it is all sleigh bells and tinsel on the tree. Odd business Christmas in the Northern Territory.

Christmas day is to many lawyers a testing time. Their forensic skills are called upon to be applied to the instructions that accompany the toys that Santa brought, but which Santa did not foresee would require the skills of a mechanical engineer to put together. Over warm champagne the lawyer labours until the comforting words "Don't worry darling we'll get some glue and fix it tomorrow", are uttered. Often that is followed by a

gentle Christmassy discussion between the lawyer and his or her partner which ends with "But I thought you were going to buy the batteries". A sortie in hope of an open service station is the next step usually in the company of a little person clutching an inanimate object that only electricity will bring to life. If there is rain everybody stays inside together which is wonderful for the first two or three hours until it becomes necessary to remind oneself that it is Christmas after all and it beats making an application for an urgent interlocutory injunction.

Finally, this year has seen the passing of one of the great gentlemen of the law in the Northern Territory. James Muirhead or just Jim as he preferred to be called touched all who met him with his warmth of spirit and irreverent sense of humour. He liked people and they liked him. He was a practical judge who was patient with counsel and there was a lot of call for that trait in his time. Always a courteous man, he looked for the best in people and where he could help he did. I remember the twinkle that he got in his eye over a beer and when he sang "You are My Sunshine" on stage with a country and western band in Alice Springs. Some years after he had acquitted me of a charge of contempt upon appeal on grounds that the words didn't interfere with the cause of justice he asked me: "Did you really intend to say what you did to that Magistrate?" When I answered yes. He said "I thought so. At another time I might have said the same thing myself". That was Jim Muirhead.

Well, go ahead and enjoy your Christmas. I certainly will. But think of pulling a few dollars out of your pockets and giving to the Salvos. They make Christmas for a lot of people and it feels good to be able to be a part of it. I will leave you with a thought for the new year, in the words of Moshe Dayan; *It is better to struggle with a stallion when the problem is how to hold it back, than to urge on a bull which refuses to budge.*

A safe Christmas and New Year to each of you and your families.

New Civil Registrar at Magistrates Court

The Darwin Magistrates Court has appointed Paul Mossman as the new Civil Registrar.

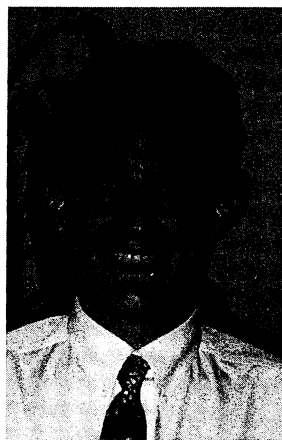
Mr Mossman comes to Darwin with his wife Marina and young son Nathanael from NSW where he worked within the NSW Local Courts.

He began his career with the NSW Attorney Generals Department at Wollongong Court House in 1990, moved to the position of Circuit Monitor at Taree Local Court in 1993, followed by a promotion to Registrar at Gloucester Court House in 1995. Mr Mossman covered the area from Newcastle in the south to Maclean in the north and Narromine in the west. In 1998 he was appointed a Coroner for the State of NSW.

Whilst working at the Local Courts in NSW Mr Mossman was part of a quality team who developed policies relating to the implementation of risk management and the minimisation of checking. This strategy saved the Department some \$4.5 million per year by freeing up 150,000

hours in senior graded officer's time to deal with client services initiatives.

"I am a client-focused manager and believe in team leadership and empowerment of staff. I have an open-door policy so please; any matter you wish to discuss, just call me. If you have any ideas in improvements to client service within the Registry also give me a call," said Mr Mossman.



"I am enrolled in the Northern Territory University in a Diploma of Human Resource Management, and I am hoping to continue a career in this field. I believe that the best asset anyone can have is a well-trained motivated team - with this, you can achieve any goal."

Mr Mossman's hobbies include rugby league and photography. He has refereed rugby league in front of 40,000 people at the Sydney Football Stadium and enjoys chasing storms with his camera.

The Law Society welcomes the Mossman family to Darwin.