

# CENTRALIAN COLLEGE TAKES THE TROPHY

Centralian College teacher Mr Ian Sharp accompanied his team to Darwin to compete in the grand final of the 2000 Interscholar Mock Trial Competition. The competition is made possible by a grant from the Law Society Public Purposes Trust. The following account is his story of the final deciding round.

The Centralian A team won the Law Society's mock trial competition after defeating Katherine High School in the final at the Supreme Court in Darwin.

With Chief Justice Brian Martin presiding, the Centralian team had to prosecute a villain charged with assault and criminal damage. The Katherine team, last year's winners, were charged with the task of defending this doer of dastardly deeds.

Centralian were represented by Demelza-Jane Rumbal (solicitor), Ryan Coppola and Dylan Fitzsimons (barristers), Luke Rowe (Court Officer) with Rouslun Churches and Tom Sharp as the witnesses. They were accompanied on the trip to Darwin by their coach from Morgan Buckley Mr Tony Whitelum and teacher Mr Ian Sharp.

The trial was thrown into confusion right at the start when barrister Ryan Coppola applied to have the charge amended before proceedings began. After a couple of adjournments, and much legal argument, CJ Martin granted the application. It looked like the team had made a good start but then the witnesses were brought in — Rouslun and Tom were

"doormen" at a pub and had to convince the court that they were cool, calm professional crowd controllers, not thuggish bouncers.

All went well until Katherine wheeled in the defendant — instead of being a yobbo, football hooligan type, the role was played by a sweet, demure young thing who soon had the court convinced that she and her friend had been set upon and thrown down the steps of the hotel and then beaten. Her tears in the witness box were too much for everyone except barrister Coppola who tried to rip her story to shreds in the witness box, only to find His Honour intervening to restrain him.

All came down to the closing address of second barrister Dylan Fitzsimons who tried to expose the dreadful lies that had been told to the court (not by our witnesses! by theirs!) It was, however, no easy task. CJ Martin continually interrupted to question, to argue, to clarify — but Dylan battled on and did his best to sum up our case under very difficult circumstances.

The team was surprised and ecstatic when His Honour announced that they had won the contest by a score of 126 to 120. He has tested them sternly and they had come through. The Katherine team were not only worthy opponents, they were good sports, taking the result well. The two teams socialised together happily at the presentation dinner later in the evening.

A further highlight of the trip was the invitation from CJ Martin to attend an evening session in his court to see a jury deliver its verdict. The effect of the "not guilty" verdict on the defendant and his family was quite emotional. The next day the team also sat in on a murder trial. The chief



*Centralian College, left, present their case in the Supreme Court while Katherine High, right, take notes.*

prosecution witness was in his third day in the witness box, being cross examined by Jon Tippett. Quiet an education for aspiring barristers!

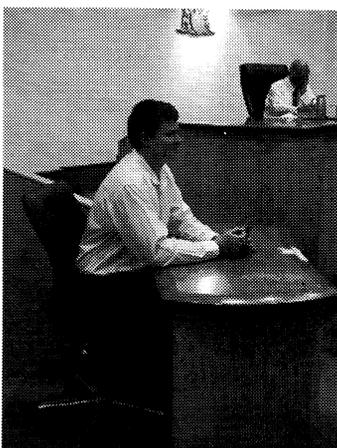
The team had managed to get through the Alice Springs rounds of the competition undefeated after close tussles with Our Lady of the Sacred Heart, St Phillips and the Centralian College B team.

According to team member Luke Rowe "after we won the first two rounds we only had to beat the College Year 11 team to make the final, and they hadn't had a win so far, so we thought we were pretty safe. That was a mistake, they nearly beat us, it was the closest result we had in the series!"

Other members of the A team were Bryan Coughlin, Sandra Fry, Leiana Hewitt and Petrina Turkington. During the competition eight students had a go at being a barrister, standing up and examining witnesses and arguing points of law.

We are very grateful to the NT Law Society for organising this competition and to Qantas for sponsoring it, it really gives students a chance to experience first hand how the court system works.

Thanks to the many local solicitors who have given up their Wednesday evenings to come down to the law courts and be involved as magistrates and coaches. Special thanks to our coaches Tony Whitelum and Kevin Banbury from Povey Stirk. We appreciate their efforts on our behalf.



*Katherine High's second witness Mr Jordan Tune.*

# AN INDEPENDENT, ACCOUNTABLE JUDICIARY

Continued from page 1

"In taking steps to modernise the judiciary it is important that this be done without undermining the fundamental concept of the independence of the judiciary", Justice Denham told her audience. "The independence of the judiciary is for the benefit of the community, not the judges. It is a duty not a privilege for a judge.

"The independence of the judiciary is not a curtain behind which the judiciary should hide. It is a fundamental principle for the benefit of the community. It is a principle for the advantage of the people. It is a principle to ensure that when a litigant seeks a remedy the judge is independent to make the decision," she said.

Her Honour acknowledged that preserving the independence of a judge

whilst striving for accountability and transparency is a complex matter. Accountability of the judiciary takes a different form from people holding office in other organs of the state.

Judge Denham looked to what she called "a modern method of accountability" — a complaints procedure — as a mode of judicial accountability. She examined debate and proposals to tackle judicial accountability in England, New Zealand, Canada and South Africa and looked to recent developments on the Australian judicial landscape.

"I understand there is an ongoing debate in Australia as to accountability of federal judicial officers. It appears to me that it is very similar to the debate which is proceeding in Ireland. At issue is whether there should be a body which

could consider complaints about judges' conduct and if so what form it should take.

"It is entirely right and proper that the judiciary should have a body within which a process may be established to consider ethical principles and to hear complaints of judicial conduct. This would protect the independence of the judiciary and the separation of powers, for the benefit of society as a whole," she said.

The AIJA conference featured seminars and workshops in related aspects under the general theme of judicial accountability, including sessions on judicial education, judicial benchmarking and productivity, courts and the community and courts governance.

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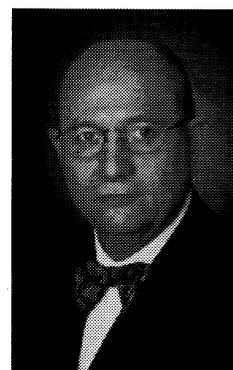
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