

CHANGING PLACES Domenic Conidi

On 1st January 1997, there was a grand old pub known as the Hotel Darwin. A place for people to meet and enjoy a light ale in the open, sometimes breezy setting of the Green Room. Darwin boasted an 'old Supreme Court' and mandatory sentencing was two months away. Shane Stone had not yet been called upon by the monarch to advise, nor had he uttered terms such as 'another whinging whining black' or labeled property offenders as 'grubs'. Nobody was at risk of being 'monstered and stomped on'.

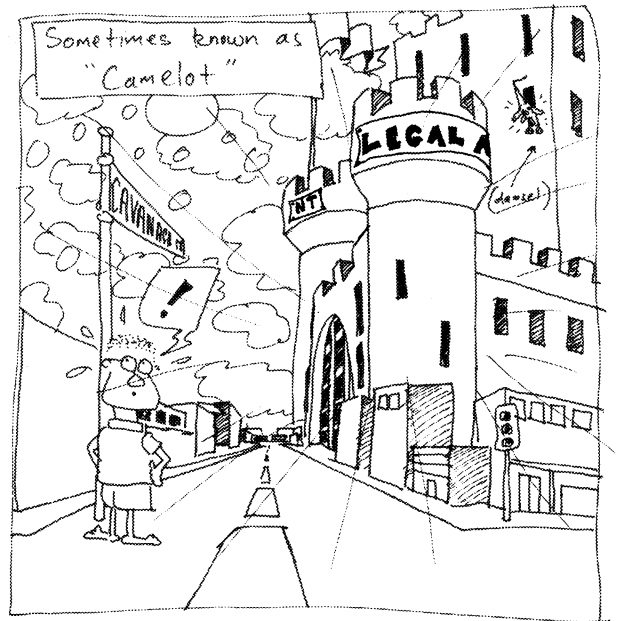
Thus my arrival in Darwin was for me at least, a happy occasion, despite being welcomed by Cyclone Rachel who huffed and puffed but decided to move on. An equally turbulent welcome awaited me at NAALAS. Although my stay there was short lived, it is a time that I look upon fondly. Not least for the friendships formed, but for the experience it provided. The Tiwi Islands, Port Keats and Groote Eylandt were a long way from the comfort and predictability of Melbourne, Sunshine, Williamstown, Broadmeadows and Moonee Ponds Magistrates Courts.

I joined NT Legal Aid (sometimes known as Camelot) in May of 1997 and remained until June 2000 when the desert beckoned. Britt Lardelli ("the Intended") and I packed every spare inch of the Telstar with our valuables, including my most valued

memento of Darwin, a blue roof tile from the Hotel Darwin (given to me by the licensee in recognition of my loyal patronage) and set off for Alice Springs.

I took up a job with CAALAS and the Intended took off to Vanuatu. I sit in the shadow of Mt. Gillen, she swims in lagoons. I suspect that when the Chief Minister refers to 'blow ins' and 'Southern do-gooders' he may be referring to people like me, so I'd best keep my opinions to myself and refer to some more obvious differences between life in Alice Springs and Darwin.

I wouldn't say that there is much rivalry between the two cities. They are too diverse for a Sydney/Melbourne type standoff. It sometimes appears that the only thing uniting us is a stretch of road, the touring Supreme Court and of course the Law Society. Whereas Darwin is a 'smart' burgeoning city, ready to tear down its icons, not to mention weed out its mangroves in its forward march to the future, Alice is a little insular, remote and not at all boisterous. I recently read *The Rock*, by Barry Hill, the first significant work on Uluru since



Bill Harney's *To Ayers Rock and Beyond*. The author quotes Tony Tjamiwa, a traditional owner as saying: 'Bill Harney didn't know anything.....I told him — you're not from around here. You're a fish. You're a crocodile'. You have to live here a 'long time' to understand the difference. Not really a subject for 'blow ins'.

In Darwin I had a magnificent sixth story office view of the bay. Clients would always marvel at it before we got down to talking about armed robbery, grievous harm, indiscretions of the 'light fingered' variety and other unspeakable alleged offences. The McDonald Ranges are an impressive substitute for the bay. Bright red in the morning sun, a purple haze in the afternoon.

When you get the chance, try driving into Alice from the north at about four in the afternoon. It is a magnificent sight. Every bend in the last three or four kilometers of road that winds into town provides a different perspective of the Ranges. The colours are breath taking, as is the scenery. There is only one way into Darwin, and that's through Palmerston. Once you pass the 'Berrimah Line', a road sign welcomes the unsuspecting traveler. To the left of that sign is another Territory icon that has 'enjoyed' an influx of visitors — the jail. The irony of this unusual juxtaposition reminds me of the Burke & Wills memorial statue in Melbourne



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— it stood over a fountain in the City Square.

The lazy pint at Shenannigans on a Saturday afternoon has been replaced by a round of golf, an early preoccupation of mine in Alice Springs. Unfortunately, I recently injured my shoulder which has put me out of action for the time being. The golf course doubles up as a housing estate. Modern, smartly designed houses line the fairways and greens. It is the posh side of town. People can sit on their balcony and watch you putt for a birdie, or in the case of my golfing partners, quadruple bogeys.

Getting out of town is the real attraction of living in Alice Springs. This usually means four or five kilometres in any direction from Casa Nostra. The further out you venture, the more impressive the landscape becomes. Recently I camped with a group of others on a creek bed in the Finke Gorge National Park. We camped beside a water hole, had a swim and feasted on a BBQ. We were visited by the biggest King Brown snake I have seen outside of captivity. It boldly slithered past the camp site, perhaps attracted by the aroma of chilly sausages and a respectable red wine. As a result, one happy but nervous camper decided to sleep on the roof of the Hilux. I won't tell you his name, lest he be laughed out of the desert.

Alice itself is small with few trappings of larger cities — major roads that have the appearance of parking lots at peak hour, baton charges by police etc. Like Darwin, it is not without some serious social and racial problems. But fortunately, the Lord Mayor of Alice has not called upon the police to 'harass, harass, harass!' When I returned to Darwin in September for the Law Society meeting, there was a comfortable familiarity about the place, but it was so much bigger than when I left in June and as always, full of little surprises. I suspect that the longer one stays in Alice the bigger Darwin will become. But there is much to recommend the place.

Cartoons provided by Chris Howse.

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ALTERNATIVE DISPUTE RESOLUTION GROWS UP

Alternative dispute resolution in Australia has grown up and is facing a bright future says Chief Executive Peter Condliffe of peak industry body, the Institute of Arbitrators and Mediators which celebrated its 25th anniversary in October.

To accommodate the changing needs of business, alternative dispute resolution offers a non-confrontational process that is more cost and time effective and less complex than more traditional processes.

Peter Condliffe says that as the volume of litigation increases in Australia, the desire for parties to seek out alternatives to costly fees and long legal battles grows.

"The past 25 years of the Institute have been spent largely promoting and demonstrating the value of arbitration and mediation in Australia," said Mr Condliffe, "most noticeably in the construction industry."

Although big business and government are recognising the benefits that alternative dispute resolution presents, recent surveys show that only five per cent of small businesses are using the process.

The work of the Institute is significant in that it helps the legal system cope with the flow of litigation by removing a large

volume of cases that would otherwise go before the courts.

"Of course society is constantly changing, and in our 25th year it is timely that we take a look at where we've come from and where we're going," Peter Condliffe said. "It is absolutely critical that we continue to be relevant to Australian society and that we are able to offer the right services to meet community needs."

A step forward is the introduction of new industry based schemes that will allow ready access to dispute resolution services across a range of sectors including banking and insurance, sale and repair of motor vehicles, retail trading, the furniture industry, computer retailing and manufacturing.

"The schemes will markedly expand the current provision of resolution services nationally," said Mr Condliffe. "We recognise that there is strong demand for a range of services and the initiative will ensure there is a means of prompt, cost effective dispute resolution available where it is needed."

Organisations like Standards Australia and the Australian Competition and Consumer Commission have published guidelines to further facilitate these initiatives.

SEASONS GREETINGS FROM *BALANCE*

Balance wishes all readers a safe and merry Christmas season.

We look forward to a sharing the news and views of the Territory and national legal profession with you when we return in January 2001.