

Toohey responds to Lawrence

an edited version of a letter from Paul Toohey, The Australian

Dear Editor,

Regarding John Lawrence's diatribe against me in his article *Reflections on a month of horror and law* (Balance, Oct 2002, p 8-9).

He writes that the Pascoe case was "so wrongfully reported by *The Australian*", he does not say what part of the story was wrong. There was nothing wrong with the story at all.

He writes that "really, one can't help but wonder what is going on when one looks at the front page of *The Australian*". In the next paragraph, he says the article "really makes one wonder what on earth is going on".

Clearly, he keeps wondering what is going on because he doesn't have a clue.

There was no criticism of Justice Gallop in any of my stories on this case, as he suggests.

It was John Ah Kit who, as Minister Assisting the Chief Minister on Indigenous Affairs, told parliament the judge "failed in his broader duty to the law of the Northern Territory, the nation and the international community".

Does Mr Lawrence also think the media ought not report comments made in parliament?

And where is his criticism of Ah Kit?

But Ah Kit's an Aborigine. Better say nothing.

As for Justice Gallop, he took care of himself when he said the 15-year-old "knew what was expected of her" in tribal law. I made no comment on this but the remark spoke for itself.

The Judge went beyond the facts presented to him when he arrived at this personal conclusion.

What Mr Lawrence must understand is that the media are not necessarily confined to the same rules as lawyers.

We are entitled to look behind the cases, whether he likes it or not.

Maybe he'd prefer for courtrooms to be lit up with "closed" signs so that public debate never offends his view that everything is best quietly left in the hands of lawyers.

And the story was not about customary law. It was lawyers who presented it as a case of customary law, not the media.

But, for questioning whether one 50-year-old man took this 15-year-old in circumstances which were not entirely customary, I am, says Mr Lawrence, an "intrepid stirrer" hellbent on undermining customary law.

The real point of these stories is twofold: that Aboriginal women in the Northern Territory are victims of a violence epidemic; and they are pathetically unprotected by both lawyers and the courts.

John Lawrence can easily see the divide in Bali. It's a pity he can't see it over his own back fence.

Our letters/responses policy

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Family Law Superannuation seminar

The Family Law Section of the Law Council of Australia will present a national seminar series in all major Australian venues from 3 February next year.

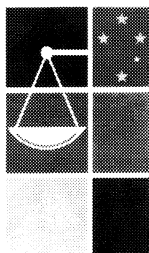
The seminars will give family law practitioners practical advice and resources to enable them to work with the new scheme. Stephen Bourke, an architect of the reforms, has designed the seminars with the LCA's Family Law Section.

Emphasis will include basic procedures, drafting agreements and orders and protecting clients from traps. Details of dates and venues will be available later this month. ①

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