

Busy year ahead

I trust you all had a good Christmas and New Year and that you are all enjoying the start of the new legal year.

NTWL has a busy year planned with many social events in the pipeline. Our next function is the QUIZ NIGHT, which will be held on 12 APRIL 2002 at a venue to be announced. The cost will be \$10 per person in tables of eight. There are some very interesting prizes and an extremely interesting door prize. All will be revealed later. Start getting your tables together now. It will be a great fun night.

Congratulations to Megan Lennie, one of our Committee members, who has had an article published in the Australian Property Law Bulletin, entitled 'Changes to the Northern Territory Stamp Duty Act'.

Membership

Memberships are now due. I have noted the increasing number of women lawyers admitted to practice in the Northern Territory and I invite you all to join NTWL. If you wish to find out more about our organisation please contact me on 8981 3133.

I would like to thank Justice Sally Thomas for taking on the role of Patron of the NTWL. Justice Thomas is a respected member of our legal community and we are very fortunate to have her as our Patron.

Alice Springs

Justice Thomas has kindly agreed to have Patron's Drinks at the Supreme Court in Alice Springs in June. I would appreciate it if someone in Alice Springs would take on the role of assisting us in



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the preparation of this function. Please contact me if you can assist.

To all our members

If you have any ideas on functions, articles or issues that you think we should take an interest in, please contact me. REMEMBER start getting those tables for our great quiz night. All will be revealed in the next issue of Balance.

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It is intended also that the director will be paid the same salary and allowances as a Supreme Court judge. The high status of the director's position, and the security of tenure provided, will ensure that the director is freed from any suggestion or appearance that he or she is open to political pressure. There will be no reason to fear that the director may make decisions to curry favour with the Government of the day, in order to secure reappointment or advancement".

The statement of the Leader of the Opposition on 25 January 2002 should be considered against that background. It proposed, in summary, the establishment of a parliamentary oversight committee with powers to require the DPP to explain and justify his/her decisions, to veto the appointment of a person as DPP [a power already possessed by the Parliamentary Committee on the Office of the Ombudsman – section 4A of the DPP Act], comment on the DPP's budget management [there is already an Executive Board with external membership] and report to Parliament on the DPP's performance [the DPP reports annually to Parliament].

The Opposition would also establish a fixed term of appointment for seven years, to "ensure and enhance the independence and integrity of the DPP"!

(The Leader of the Opposition, reportedly, has "left open the possibility of extending the fixed-term principle to the state judiciary" – SMH Editorial, 29 January 2002.)

As the media release by the Australian Bar Association on 25 January 2002 pointed out, the proposal to establish a parliamentary committee of oversight was not new.

The Opposition has trotted it out in October 1995, September 1997, August 2000 and April 2001 and in statements on other occasions.

It is said that if it is good enough for the ICAC, the Ombudsman and the State Crime Commission to be superintended in such a way, then the DPP should also be subject to such oversight.

But these bodies have investigatory and compulsive powers that can impinge upon the rights of any citizen and it may be argued that the exercise of such powers should be accountable to Parliament in this way.

The DPP has no such powers and operates, in effect, simply as a legal firm. The DPP does not investigate and has no coercive powers at all.

It has been suggested that there is a precedent for such a committee in England and Wales. That is not so.

There is a Home Affairs Select Committee attended from time to time by the DPP; but it is clearly established, in theory and in practice (confirmed by my English counterpart), that the DPP is in no sense accountable to the Select Committee (or to the Public Accounts Committee) and any attempt by a member to explore a prosecutorial decision would be (and has been) firmly curtailed.

The Premier has said on radio that the government is reviewing the term of the appointment of the DPP. That was news to me. It is true that only in NSW and Tasmania, among the nine Australian DPPs, does the DPP have tenure. However, the words of Terry Sheahan in 1986 hold true today. If a limited term is introduced it creates the risk of decision making calculated to promote personal advancement in the future.

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