

CASE NOTES (cont)

APPEARANCES

Applicant - Moses/Geoff James (Solicitor).

First Respondent - Reeves QC/Cridlands.

Second Respondent - Pauling QC,S-G/Solicitor for the Northern Territory.

COMMENTARY

¹ The Oxford Dictionary defines felicitous as "well chosen".

² In his judgment Weinberg J analyses the evidence of Mr Michael Jones in relation to a much publicised but legally inconsequential home visit which he said he unexpectedly received on the evening of 4 April 2000 from the (then) president of the Law Society Northern Territory.

The remuneration and conditions of Mr Bradley's appointment are contained in a document which Weinberg J called the "Special Determination".

His Honour noted that the acceptance by Mr Bradley of a component of the Special Determination, designed to compensate him for a short term appointment, is currently an issue to be agitated by NAALAS in its appeal to the Full Court from His Honour's judgment in the principal proceeding.

³ Senior Counsel for Mr Bradley informed the Court that since judgment was handed down in the principal proceeding on 7 December last year, his client has not elected to repay any part of his salary to the Territory.

Equality before the law launched in Darwin

Gay and Lesbian Law Reform in the Northern Territory has been given a boost with the launch of a submission to the government by the Darwin Community Legal Service recently.

The impetus for the submission was the Annual Pride Week Forum in September 2001 organised by the Aids Council of the Northern Territory.

Forum participants expressed strong views about the continuing operation of laws in the NT which treat gay lesbian and bisexual people less favourably than other members of the community.

The issues specifically covered in the DCLS submission include: the age of consent to sexual intercourse, the definition of spouse for the purposes of the Domestic Violence Act, and an exemption to discriminate where work involves the care of children, or where an employer is a religious body.

progress reform

The submission calls on the Northern Territory Government to progress reform on behalf of gay, lesbian and bisexual citizens, and to undertake a comprehensive review of NT laws with a view to equalising their effect on Territorians, regardless of sexuality.

The Council of the Law Society of the NT supported the submission with the exception of the recommendation relating to excluding a provocation defence under the Criminal Code.

In writing to DCLS, President Ian Morris said: "While the Law Society supports the tenor of the remarks of Kirby J in *Green v R*, it is the view of the Society that the decision as to



Above: It's a piece of cake – DCLS staff and supporters launch the submission at Twilight on Lindsay.

whether a defence is made out is a matter for the jury as arbiters of the 'ordinary person'.

"Further if one distasteful defence was to be excluded, then a number of others would also need to be excluded on the same grounds."

In support, Mr Morris said the submission met three aspects of the Society's mission statement.

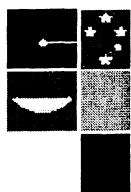
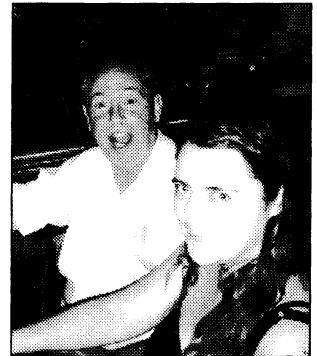
The DCLS submission can be found on the website: www.dcls.org.au/gayandlesbianlawreform.htm. ①

NT Young Lawyers having fun at their regular drinks night

The NT Young Lawyers Association know how to have a good time. Regular get-togethers at Shenanigans are popular and provide this enthusiastic group of young professionals time to relax, have a drink and some nibbles and catch up on all the news.



Clockwise from far left:
Chris Booth, Roman Micairan & Matthew Garraway.
Dominic McMahon & Susie Slade.
Tony Buckland & Nashell Ireland.
Amy Williamson & Jo and Andrew Schatz.
Matthew Garraway, Jay Rhardawa, Roman Micairan & Dominic McMahon.



Common Law, Common Good, Common Wealth *An invitation for expressions of interest in the* **13th Commonwealth Law Conference** *Melbourne, Sunday 13 - Thursday 17 April 2003*

The triennial conference of the CLA is to be conducted for the first time for many years in Australia in conjunction with the LCA's Australian Legal Convention.

Are you interested in attending? Or would you like to present a paper?

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For more information:

Email: comlaw@mcigroup.com or Website: www.mcigroup.com/commonwealthlaw2003.htm

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