

## **Attention DCLS volunteers**

**The Darwin Community Legal Service (DCLS) is holding its Annual General Meeting on Monday 20 September 2004 at 5.30pm. Formal notices will be distributed shortly.**

A new Management Committee will be elected by the membership at this meeting.

If you have enjoyed volunteering for DCLS you may want to think about nominating for the Management Committee or one of the Advisory Committees. You would be involved in setting the direction of the organisation and determining priorities. You could be involved in big picture issues or the fine details of administration and management. Your views will be appreciated and we will find a use for whatever skills you have!

What, you didn't know DCLS had a management committee? And what about these advisory committees?

DCLS is an incorporated association

managed by a Management Committee elected from our membership. DCLS also has advisory committees that provide advice and assistance to our specialist services. Current advisory committees are: Disability Rights Advisory Committee and the Aged Care Rights Advisory Committee.

From time to time projects conducted by DCLS are informed by advisory committees made up of DCLS members and other invited experts such as the Human Rights Advisory Committee.

If you are not already a member please think about joining DCLS (membership forms are available from the office). And if you are already a member – or are planning to become one – please consider nominating for the Management Committee.

If you have any questions please contact DCLS Co-ordinator Caitlin Perry on 8982 1111.①

## **Deadline for young lawyer awards fast-approaching**

The Australian Young Lawyers Committee of the Law Council of Australia (LCA) is seeking nominations for the 2004 Australian Young Lawyer Awards.

The awards are designed to encourage young lawyers' associations and individual young lawyers across Australia to establish programs to benefit the profession and the wider community.

The awards are judged in three categories: professional issues; community issues; and individual contribution to the profession and/or the community.

Nominations close at 5pm on Friday, 17 September 2004.

To obtain an application form, visit [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au) or contact Gwen Fryer at the Law Council of Australia on (02) 6246 3721, or email [gwen.fryer@lawcouncil.asn.au](mailto:gwen.fryer@lawcouncil.asn.au) ①

## **Removal for being “unsuited” to performance of duties - a truly independent magistracy? cont...**

magistrate would be the same as, and certainly no less than for a Supreme Court judge.

But here you would be surprised. The provisions for removal from office before retiring age, a long-accepted means of guaranteeing judicial independence, are materially different for the two classes of judicial officeholders. Under s.40(1) *Supreme Court Act*, for a judge to be removed by the Administrator, the statutory requirement is “an address from the Legislative Assembly praying for his removal on the ground of proven misbehaviour or incapacity” (and not otherwise); under s.10 *Magistrates Act*, a magistrate may be removed from office for failing to comply with (in effect) an

administrative direction given by the Chief Magistrate under s.13A(1)(b) of the Act, or in circumstances where the Administrator is satisfied that the magistrate is incapable of or incompetent to carry out his or her duties, or is “for any other reason unsuited to the performance of his or her duties.”

I suggest that “for any other reason unsuited to the performance of his or her duties” is not specific enough to protect a magistrate from attack by the executive if the executive is dissatisfied with the decisions or judicial philosophy or even the politics of that magistrate.

What really does “unsuited” mean? It *could* mean very little in terms of defect. As a term, it can be easily moulded and re-formed. A

magistrate's tenure of office is made vulnerable, but in an imprecise way. A magistrate's judicial independence is badly safeguarded by such an imprecise term.

The Bar Association raised this issue with the Attorney-General a year or so before the present enquiry into a sitting Northern Territory magistrate was announced, but still no response has been received. It is a serious issue for the whole of the legal profession and a worthy topic for discussion. I would hope that those who spoke so loudly on the sidelines in the NAALAS and Bradley case would see the same point of principle here.①