

the temptation of philosophical Caesars. We must cultivate and defend particularity, individuality, and irregularity – life. Human beings do not have a future in the collectivism of bureaucratic states or in the mass society created by capitalism. Every system, by virtue as much of its abstract nature as of its pretension to totality, is the enemy of life. As a forgotten Spanish poet, José Moreno Villa, put it with melancholy wit: ‘I have discovered in symmetry the root of much iniquity’¹⁰.

There is, as Paz points out, a tension between on the one hand the need to preserve diversity, life, and on the other, the contemporary tendency to unify. And yet we are all, Westerner, Muslim, Asian, Australian Aboriginal alike, condemned to be modern and this must be acknowledged, both for the well-being of Aboriginal

peoples to improve, and, in addition, better to address the pressing International question of the West and Islam.

Our modern society is complex. Within it are many cultures, including those of desert Aboriginal peoples. Desert Aboriginal cultures have inevitably changed. As I have said, they now include the English language, television, telephones and Toyotas, alcohol and Aussie Rules Football, money and much else besides. The preservation of ever evolving Desert Aboriginal cultures within our western liberal democracy is in the common interest. It calls for mutual understanding and considered cooperation. In so saying, particularly in relation to desert peoples, we must not presume to treat them as if they were non-Aboriginal, or assume we are able to speak for them, like those anthro-

pologists who, in many instances, are but well-meaning trespassers. As history relates, well-meaning people have done some of the greatest harm of all.

Footnotes

1. Lord Macmillan Law and Other Things, Cambridge University Press 1937 at 22.
2. W B Yeats, The Second Coming.
3. Alan Bloom, Giants & Dwarfs, Touchstone Simon & Schuster 1990 at 280.
4. R M Crunden, A Brief History of American Culture, Paragon House 1994 at ix.
5. Octavio Paz, Convergences – Essays on Art and Literature, Harcourt Brace Jovanovich, Inc 1987 at 147.
6. Victorian Bar News, Autumn 2008 at 24–28
7. Ronald Dworkin, Taking Rights Seriously, Duckworth 1977 at 22.
8. G K Chesterton, Heretics (reprint) Nelson’s Royal Classics Thomas Nelson Inc 2000 at 151–152.
9. Quoted in Law and Other Things at 59.
10. Convergences – Essays on Art and Literature, Harcourt Brace Jovanovich Inc 1987 at 117–8.

Opening of the Legal Year Supreme Court update

Justice Sally Thomas opened her address to the Law Society’s Darwin Opening of the Legal Year lunch with an update on the Supreme Court’s past year, and plans for the future.

Speaking on behalf of the Chief Justice, Justice Thomas said there has been an increase in the number of mentally ill offenders coming before the Supreme Court in the past year.

“This is a very serious issue. There is clearly an urgent need for an appropriate facility in the Northern Territory staffed by properly trained personnel outside the existing gaol system. This is a matter that will be pursued further,” said Justice Thomas.

The Judge also spoke of successful mediations conducted by Territory Judges in civil trials for the first time in 2008.



Justice Thomas addresses the OLY luncheon in Darwin

“Our experience in 2008 has encouraged us to continue this in appropriate cases, and during 2009, some Judges will undertake further training in mediation,” Her Honour told the luncheon.

The Judges have also instituted a review of civil pre trial proce-

dures, in consultation with the profession.

Justice Thomas said the 2008 appointment of the Territory’s first Senior Counsel, Ms Judith Kelly, was “a very exciting event”.

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Opening of the Legal Year Supreme Court update...cont.

Justice Thomas outlined several new initiatives for 2009, including establishment of a Committee (by Justice Riley), to explore a mentoring scheme for Indigenous law students and an upcoming survey of Supreme Court users.

The Centenary of the Supreme Court will occur in May 2011, and Justice Mildren is chairing a

Committee responsible for centenary celebrations.

Justice Thomas went on to give an interesting account of her life as lawyer in Sydney, before she became a magistrate and then Judge in the Northern Territory. A transcript of this speech is available on the Law Society website at www.lawsocietynt.asn.au

Opening of the Legal Year - Darwin

Tuesday 3 February 2009, Supreme Court and Crowne Plaza Darwin



Above left: The OLY Ecumenical Service at the Supreme Court. Above right: Darwin practitioners enjoy the Opening of the Legal Year Lunch.

Left: Department of Justice employees enjoy the Opening of the Legal Year Lunch in Darwin.



Jon Tippet QC, Peter Maley, Glenn Dooley and Paul Walsh Jason Schoolmeester and Robert Chamberlain