

Centenary of the Supreme Court of the Northern Territory

The Chamberlain Case

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As you will know, next year May 2011 marks the centenary of the establishment of our Supreme Court of the Northern Territory. A committee chaired by His Honour Justice Southwood is planning the celebrations which will take place in Darwin and Alice Springs in the week commencing Sunday 22 May. The programme is nearly finalised and will be published in a forthcoming issue of *Balance*. In the meantime, keep that week free and diarise it now as there will be many activities for your enjoyment and interest.

It is nearly 30 years since Azaria Chamberlain disappeared at Ayers Rock [Uluru] on 17 August 1980. It has been decided, as part of the history of the Territory and its courts, to present a play reading based on the Chamberlain case during the Centenary Week. This will be similar to those performed at the CLANT biennial Bali conference. The play will be presented at Alice Springs [Tuesday 22 May, at a venue to be determined] and at Darwin [Wednesday 23 May, probably in No. 1 Court].

The script will concentrate on the inquests [there were three of them!] rather than the trial, appeals and Royal Commission. There are a number of unusual aspects of those inquests which hopefully will be addressed in , and apparent from, the play reading.

Jon Tippett QC addressed a

Coroners Conference in Darwin some years ago and then reviewed the Inquest conducted by Denis [Dinny] Barritt SM at Alice Springs concluding on 20 February 1981. His address was entitled *The Man who refused to burn a Witch*. Dinny found the dingo guilty and announced his findings on National media [or, at least, ABC]. He roundly criticised the quality of the investigation.

Following a public uproar [there are still those in the Northern Territory who believe *the dingo was innocent*], and an order of the Supreme Court quashing the findings of the Barritt Inquest, a further inquest was held. This was conducted by then Chief Magistrate G.P. Galvin, again at Alice Springs, commencing in December 1981 and concluding in early February 1982. He was *assisted* by Queensland barrister, Des Sturgess, who took on a prosecutorial role at the Inquest. Sturgess later was contracted to draft our **Criminal Code** which commenced two years later.

Galvin CM committed Alice Lynne Chamberlain to trial for murder and her husband Michael as an accessory. Reasons were not then published but were sent to the Crown Law authorities. Michael and Lindy Chamberlain were early witnesses at the Inquest and were called, without rights to refuse questions and other safeguards generally expected in circumstances where a coroner could commit for trial.

The third inquest was conducted by the then Coroner [now Dr] John Lowndes SM in 1995. He heard no evidence, accepted a written submission on behalf of the Chamberlains [actually tendered by one G.R. Cavanagh; there have been many Territory and other fingers in this pie!], reviewed the matter *on the papers* and produced an open finding. This hardly provided the closure for the parties and the community which was assumed to be the purpose of holding what otherwise seemed to be unnecessary.

The play reading will deal mainly with the first two inquests. Different casts will be asked to play the roles for each of the Alice Springs and Darwin performances. Although one or two roles have been tentatively cast, most are available and expressions of interest are now sought! Learning of lines is unnecessary. All that is required is a little dramatic flair [which we lawyers have in abundance!] and some *attitude* to go with any poetic licence the script provides.

[Although this is not a CLANT activity, there is every chance that the play reading will be repeated at the Bali conference commencing on or about 24 June 2011, that date being rumoured around the traps].

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