

CEREMONIAL SITTING MARKING THE 50TH ANNIVERSARY OF THE
ESTABLISHMENT OF THE LAW SOCIETY
OF THE NORTHERN TERRITORY

The Supreme Court of the Northern Territory
State Square, Darwin

3:40 pm, Friday, 4 May 2018
Courtroom No. 1

Presiding Judges

The Hon Chief Justice Michael Grant
The Hon Justice Jenny Blokland (Alice Springs)
The Hon Justice Peter Barr
The Hon Justice Graham Hiley
The Hon Acting Justice Dean Mildren
The Hon Associate Justice Vincent Luppino

In Attendance

The Hon Austin Asche AC QC
The Hon Brian F Martin AO MBE QC

SHERIFF'S OFFICER: Silence. All stand and please remain standing.

All persons having any business before this Honourable Supreme Court of the Northern Territory draw nigh and give your attendance and you shall be heard. God Save the Queen.

Please be seated.

ASSOCIATE: Ceremonial sitting to mark the 50th anniversary of the establishment of the Law Society of the Northern Territory.

HIS HONOUR, GRANT CJ: Good afternoon, ladies and gentlemen. The judges of the Supreme Court welcome you to this ceremonial sitting this afternoon to celebrate the 50th anniversary of the establishment of the Northern Territory Law Society.

Joining us on the Bench this morning are two former Chief Justices of this Court; the Honourable Austin Asche AC QC, and the Honourable Brian Frank Martin AO MBE QC. We are also linked to this Court in Alice Springs and Justice Blokland of the Court joins us from there.

Three members of this court have held office as president of the Law Society while in practice; Justices Southwood and Hiley, and Acting Justice Mildren. Justice Mildren holds the distinction of being the longest serving President in the history of the Law Society, having held that office for four years over two separate periods between 1973 and 1980.

We are honoured today by the presence of another ten former presidents of Law Society. They are Hugh Bradley, 1983-1984; Richard Giles, 1985-1986; Kim Graves, 1988; John Stirk, who I think also joins us by video from Alice Springs, 1990-1991; John Tippet QC, 1999-2000; Merran Short, 2003-2004; Duncan McConnel, 2007-2008; Matthew Storey, 2009-2010; Peggy Cheong, 2011-2013; and Tass Liveris, 2014-2016.

A number of former presidents are unable to attend for various reasons, but they have sent their apologies and good wishes. They are Alex Rorrison, Ian Barker, Paul Everingham, Nerolie Withnall, Terry Coulehan, Ian Briggs, Terry Gardner and Neville Henwood, who is in Los Angeles at the moment.

We also remember Ron Withnall, Ian Morris and Alison Robertson, who served in 1968, 2001-2002, and 2005-2006 respectively, and who have sadly passed away.

Earlier this afternoon, one of the former presidents, Kim Graves, presented the Court with Justice Kriewaldt's wig and tote. For those who do not know, Justice Kriewaldt served with distinction as a judge of this Court between 1951 and 1960. He gave his wig to George Cridland when he left the Territory. Kim managed to rescue it from George and has had the safekeeping of the wig for that past 30 years. Thanks to Kim, it has now been repatriated to the Territory and to this Court.

We are also honoured today by the presence of the Attorney-General, the Honourable Natasha Fyles MLA who will be addressing the Court in her role as the First Law Officer. The Court will also be addressed by Mr Miles Crawley SC, the President of the Bar Association; Ms Maria Savvas, the President of Law Society; and Mr Duncan McConnel, the former President of the Law Society. Mr McConnel went on to hold office as the President of the Law Council of Australia, which is Australia's peak representative body for legal practitioners. The only other Territory practitioner to have achieved that distribution is Justice Southwood of this Court who is presently in Dublin and also sends his apologies.

We also extend a particular welcome to Peter and Sheila Forrest, who have been commissioned to write a history of the Law Society to commemorate its 50th anniversary. They have assured us that rather than being a dry procedural text as so many of those histories are, it will be a colourful and rollicking yarn reflective of the Territory's unique character.

This sitting marks an important milestone in the history and development of the legal profession in the Northern Territory. At the time of the Law Society's establishment in 1968, matters concerning the right to practice and professional conduct were handled exclusively by this Court.

Following the establishment of the Law Society, responsibility for the grant of practicing certificates and disciplinary matters gradually devolved to the Society. Those functions signal the unique character of the Law Society and similar bodies in the other Australian jurisdictions.

Those functions institutionalise the autonomy of the legal profession. They establish a model of self-regulation which is not entrusted to any other profession or vocation. Through the Law Society, the legal profession in the Northern Territory sets ethical standards for itself; ultimately for the benefit of the public.

The primary purpose of this model of self-regulation is to ensure that the legal profession remains independent of government to enable lawyers to defend individuals against the state, where necessary, without bias or fear of reprisal. The secondary purpose of the model of self-regulation is to ensure the maintenance of the traditional ethical theory of the lawyer's role to advance their client's interest with the maximum zeal permitted by the law. The maintenance of the rule of law requires lawyers to be free to advise citizens and advocate for their rights in a variety of contexts, without interference from pressure groups who might seek to impose ill-adapted strictures on that undertaking. The establishment of the Northern Territory Law Society 50 years ago played a crucial part in the maintenance and the protection of those principles.

We now call on the Attorney-General to address the Court. Thank you, Madam Attorney.

ATTORNEY-GENERAL NATASHA FYLES: May it please the Court, I am delighted today to join in the celebration of the 50th anniversary of the establishment of the Law Society in the Northern Territory. The inaugural meeting of the Law Society was held in the old Supreme Court library on 7 May 1968 and was attended by 25 lawyers, with a further six attending by proxy. That meeting adopted the Society's first constitution, admitted those 31 lawyers as the Society's first members and elected the Society's first council, comprising of President, Vice-President, Secretary, Treasurer, Alice Springs representative, and four counsellors. And so the Society was established.

The original members included:

- inaugural President, Rod Withnall, who had been the Crown law officer and member of the Northern Territory Legislative Council since the early 1950s
- Ian Barker, one of three Alice Springs practitioners at the time, who was appointed the first Solicitor General for the Northern Territory in 1978
- The other Alice Springs practitioners were Brian Frank Martin, who was appointed as the Solicitor General in 1981, Justice of the Northern Territory Supreme Court in 1987, and Chief Justice of the Supreme Court in 1993
- Paul Everingham, who became the first Chief Minister of the Northern Territory and Attorney-General in 1978
- Richard (Dick) Ward, who was a member of the Legislative Council of the Northern Territory, appointed to the Supreme Court of the Northern Territory in 1974 and made interim Aboriginal Land Commissioner in 1975 and
- four women lawyers, Juliette Shields, Nerolie Withnall, Myrna Molony and Penelope Holmes.

I am pleased to note that this is in stark contrast to the present, where three of the Society's four executive positions, (President, Vice-President and Treasurer), and eight of the 11 council positions, are held by women.

Over the past 50 years, the office bearers and counsellors, including the Northern Territory Bar Association representatives, of the Law Society have included:

- three Chief Justices of the Supreme Court of the Northern Territory¹
- six Justices of the Supreme Court²
- one Justice of the Federal Court of Australia³
- one judge of the Federal Circuit Court⁴
- two Chief Magistrates⁵
- 11 Magistrates or Local Court judges⁶

¹ Brian Frank Martin, Trevor Riley, Michael Grant

² Brian Frank Martin, Trevor Riley, Judith Kelly, Dean Mildren, Graham Hiley, Michael Maurice, Stephen Bailey, Steve Southwood

³ John Reeves

⁴ Anthony (Tony) Young

⁵ Hugh Bradley, Ian Gray

- one Master of the Supreme Court⁷
- one Registrar of the Local Court⁸
- four Solicitors-General⁹
- three members of the Legislative Council or Assembly, including a Chief Minister¹⁰
- two Aboriginal Land Commissioners¹¹
- two Directors of Public Prosecutions¹²
- one Lord Mayor of Darwin¹³ and
- two Presidents of the Law Council of Australia.¹⁴

This is a testament to both the calibre and dedication to public service of those in the Law Society's ranks.

Today, the Society has in excess of 600 members, including just over 620 Northern Territory legal practitioners. The Society takes its legal existence, name, (Law Society Northern Territory), membership qualifications; functions and powers from the *Legal Profession Act 2006 (NT)*, and the Society's written Constitution made thereunder.

By that Constitution, the Law Society's objects include: to support and protect the character, reputation and interests of the legal profession and practitioners generally in the Territory; to uphold the honour of the profession; to promote the administration of justice and development and improvement of law throughout the Territory; and to consider, provide comment and make submissions for proposed changes in the law and to support such amendments and reforms are likely to benefit the public.

These objects are the same or very similar to those which appeared in the Society's first Constitution in 1968. These objects reflect the critical role of the legal profession in the realisation and maintenance of the Rule of Law to any society. It has been said that "freedom under the law depends substantially upon the existence of a strong and independent legal profession and the availability of capable legal representation in all cases."¹⁵

It is in the pursuit of these objects that both Federal and Territory governments of the day over the past 50 years, and I personally during my time as an MLA and as

⁶ Michael Ward, Daynor Trigg, Alisdair McGregor, John Neil, Sue Oliver, Tanya Fong-Lim, John Birch, Melanie Little, Tom Pauling, Elizabeth Morris, Ian Gray

⁷ Terry Coulehan

⁸ Julian Johnson

⁹ Brian Frank Martin, Ian Barker, Tom Pauling, Michael Grant

¹⁰ Dick Ward, Paul Everingham and Jeff Collins

¹¹ Dick Ward, Michael Maurice

¹² Richard Coates, Jack Karczewski

¹³ Cecil Black

¹⁴ Steve Southwood, Duncan McConnel

¹⁵ JR Kerr, "The Rule of Law and the Role of the Lawyer" (1965) 7(1) *University of Western Australia Law Review* 71 at 79.

Attorney-General, Minister for Justice, and Minister for Health, have had the benefit of submissions, comments and views from the Law Society Northern Territory, its Council and its members in relation to many complex and challenging issues.

The legal profession continues to play a vital role in advocating on issues of social justice, rule of law and equality.

One of the key advocacy efforts of the Law Society and our legal profession has been the long-standing problems of alcohol abuse in the Territory. The Northern Territory Government is working hard to introduce alcohol reforms stemming from former Chief Justice Trevor Riley's Alcohol Policies and Legislation Review, 2017. I know that a lot of the reforms outlined in the Riley Review have the support of many in the legal profession. We cannot continue to allow our criminal justice system to be overrun with alcohol-related offending. We have to do more - intervene earlier and prevent people from getting to the point where they come before the courts.

The Riley Review recommendations provide a roadmap to reaching that outcome.

We have worked efficiently to already deliver the following recommendations:

- Re-establish an independent Liquor Commission. The Liquor Commission chaired by Richard Coates is up and running
- Establish a community impact test for significant liquor licensing decisions
- Extend and expand a moratorium on all new takeaway liquor licences and
- Establish a unit within the Department of Chief Minister to drive these reforms.

This, of course, follows on the back of our work in 2017 where we brought back the Banned Drinker Register and dismantled Alcohol Mandatory Treatment.

There is still much work to be done and it is my expectation that the Law Society and the profession will continue to be heard on this important issue.

We are reforming the Territory's outdated boating laws, so that there will be a prohibition on operating vessels whilst under the influence, similar to the laws we see on Territory roads.

We are introducing a floor price on alcohol at \$1.30 per standard drink, becoming the first Australian jurisdiction to do so, and one of the first in the world.

We are rewriting the *Liquor Act* to deliver a safer community with better regulation of liquor licensing.

And, of course, as Attorney-General and Minister for Justice, I am painfully aware of the other critical issue facing our justice system - the incarceration of

Aboriginal Territorians. The Law Society and the legal profession have made their voices heard loud and clear on this issue. The levels of Aboriginal incarceration are a blight on our community.

Our government is actioning reforms across agencies to invest in our children, to give them the best start in life. We must turn to investing in children, accepting what the evidence says and investing in the first 1000 days of a child's life, to have a sustained impact on inter-generational issues confronting our community. We must make interventions earlier, including through large-scale reforms our Government will make to the youth justice and child protection systems. We will help break the too-frequent cycle of troubled youth becoming incarcerated adults.

But, specifically, through the Budget in 2018, we are also investing \$8.8m over three years in new money to look at new ways to attempt to reduce the staggering rates of Aboriginal incarceration and the recidivism we see in the Territory. The funding will be split predominantly into two projects; firstly, we are working to create generational change, by partnering with Aboriginal communities through the new Aboriginal Justice Units to source the solutions needed and establish the Territory's first ever Aboriginal Justice Agreement.

Secondly, we are funding an alternatives to prisons project. It's one of the first projects to come from the Aboriginal Justice Unit. The project aims to reduce the rates of Aboriginal incarceration and recidivism by supporting employment, training and intense, targeted and tailored rehabilitation services for clients and their families. These facilities can only operate in partnership with local Aboriginal communities, non-government organisations and legal services, and I look forward to pursuing those partnerships.

Finally, I would like to acknowledge one further issue that is often raised by the legal profession: mandatory sentencing. Our Government is reviewing mandatory sentencing and work is well underway on this task. I know very well that there are many members of the legal profession who believe that the Government should abolish mandatory sentencing. Community safety will always be of paramount importance to any government. Without detracting from that, importantly, I believe that the financial and social costs of mandatory sentencing are now being acknowledged by a wider range of sources than just the legal profession.

On all of these issues - reducing incarceration rates, combating the scourge of alcohol abuse, and mandatory sentencing - I thank the Law Society and the profession for their advocacy.

On behalf of the Northern Territory government, I acknowledge the enormous contribution of lawyers of the Northern Territory, through their professional representative body, the Law Society Northern Territory, over the past 50 years and I look forward to their ongoing contribution into the future.

May it please the Court.

HIS HONOUR, GRANT CJ: Thank you Madam Attorney.

Mr Crawley.

MILES CRAWLEY SC: I have the privilege to appear on the behalf of the Northern Territory Bar Association. The relationship between the Law Society of the Northern Territory and the Northern Territory Bar Association is best described as that of a parent and its offspring. However, as with most matters concerning the law and indeed families, it is not that simple. The Law Society was only 6 at the time the first barrister's chambers was established. For approximately half of its existence, its presidents have been or went on to become barristers. Such Freudian overtones are beyond my brief to consider.

Like any offspring's reaction upon a parent achieving a milestone of 50 years, my response is, "Gosh, you are getting old!" In those 50 years, the world has become a very different place. Surprisingly though, some things have changed very little. Did you know that 50 years ago, the Prime Minister of Australia was a former student of Brasenose College, Oxford? He was illegitimate by birth or, as some would say, a bastard. Now, the current Prime Minister is also a former student of Brasenose College, Oxford. He was a barrister or, as some would say, *a barrister*.

Sharing its birthday with the Law Society is a company now known as Intel Corporation whose products are at the heart of many of the computers we use today. This is quite symbolic considering the major part in the development of legal practice computer technology has had. Fifty years ago, the majority of important legal communication was by real mail or snail mail as we nostalgically call it now.

By this medium, mail was received at a regular appointed hour each week day. Responses could then be composed and sent, secure in the knowledge that any response would await another day; several days hence. Evenings and weekends were only for such work as we planned or for a break from work if we chose.

Now, mail can be received at any time of the day or night, seven days a week. It can only be ignored at our peril. Responses are expected with undue haste and are likely to provoke a further communication by immediate return. Whilst we will always be members of a profession providing a service to our clients, we are also suppliers to an ever increasingly knowledgeable and critical group of consumers, not least, courtesy of the noted jurists, Google and Wikipedia JJ. Technology imposes demands for faster and more varied legal services.

The Law Society supports us in this evolving and maturing process. Gender and racial equality are now very much at the forefront of our thinking and planning, guided in this by the Law Society. No-one legitimately could accuse the Law Society of being a "gentlemen's club." It is a family-friendly community.

Of course, the Law Society continues to perform its regulatory services to ensure the legal profession remains healthy.

But additionally, it has accepted the role of ensuring that its legal practitioners remain healthy too. Legal - and life - education are now part of its core business. CPDs address not only substantive issues, but also lifestyle and mental health as well. Our email copies of *The Practitioner*, while keeping us up-to-date on the law, also give us healthy recipe options and (my personal favourite) a truly Territorian brand of irreverent humour.

This evolution has been undertaken by a group of dedicated and efficient staff, as well as the extensive voluntary efforts of its members. After 50 years, the Law Society is fitter, stronger and wiser; ready to meet the challenges of the future, not least being the Herculean task of working towards a truly national profession, amongst diverse groups of squabbling lawyers, who cannot even agree on an appropriate form of ceremonial headwear.

On behalf of the Northern Territory Bar Association, I congratulate the Law Society of the Northern Territory on achieving this milestone. There will be many more.

May it please the Court.

HIS HONOUR, GRANT CJ: Yes, thank you, Mr President.

Ms Savvas.

MARIA SAVVAS: Before I begin, I would like to acknowledge the Larrakeyah people as the traditional owners of the land on which this court sits. I pay my respect to elders, past and present, and to emerging community leaders.

It is a great privilege to be here on behalf of the Law Society of the Northern Territory to celebrate its 50th anniversary and to reflect on the achievements of the Society and its contribution to the profession and the community. The Society has always been, and remains, an advocate for seeking justice through the rule of law by maintaining its independence and dedication to the legal profession.

As you have heard, on 7 May 1968, 25 legal practitioners met in the old Supreme Court library to form the Northern Territory Law Society. Darwin lawyer, Richard Keller, is quoted as saying, "This marks the coming of age of the NT legal profession." The objective at the time was self-regulation, support for practitioners, improvement of community services and the desire to have an effect on social policy.

From those humble beginnings, the Society's role has grown dramatically over the past 50 years. With the introduction of the *Legal Practitioners Act* in 1981, and subsequently, the *Legal Profession Act* in effect from 2007, the Society's role in the profession became dual-natured, a member organisation and a regulatory body.

Notwithstanding the Society's obligations under the extant legislation, the objectives of the inaugural members adopted in 1968 remain relevant today. The Society continues to promote the administration of justice and improvement of law throughout the Territory. It is uniquely placed to use its solid reputation to regularly

evaluate its objectives and activities and adopt strategies to effect real change in the community.

From its inception to present day, the Society has been very active in law reform and its 11 committees, volunteer hundreds of hours every year considering bills and draft policies, as well as preparing submissions about proposed changes to the law. While our successes of the past have established the Society's reputation as a sound, non-partisan voice in matters concerning law and justice, we believe that continued contributions can be made to further strengthen our legal system.

With that in mind, we continue to advocate in the area of law reform and have recently established a legislative committee to proactively propose amendments to the law, so that it reflects the current social standards and needs of the constituent member practitioners and the community, more broadly. Ongoing work in the area of legislative reform is essential. But sound law on its own does not necessarily translate to access to justice. Access to legal representation for all members of the community remains essential and the Society continues to lobby for increased legal aid funding and services.

The Society together with the CLC's established the Pro Bono Clearing House in 2009, with the aim of providing members of the community who don't qualify for legal aid with legal representation. Unfortunately, it is well-recognised that a significant portion of the community does not have access to legal representation and there is little improvement nation-wide in this respect. However, the society is committed to its ongoing advocacy in this space and acknowledges the generous contributions made over the years by volunteers and practitioners who are prepared to act for less than a proper return.

As an organisation, the Society operates very differently to how it did in the late '60s, or even the mid '90s. In its early days, at the secretariat level, lawyers volunteered to do work for the Society, there being no paid secretariat until several years after its establishment. As for its presidents, rumour has it that on the election of each new president, a two-drawer metal filing cabinet filled with the Society's most important papers was seen being wheeled from the outgoing president's office to the incoming president's office, a novel practice we no longer adopt these days.

In 1975, the Society commenced publication of its own journal, *The Territory Law Journal*, which transitioned into *Balance* in 1991, and continues today. In preparing this speech, I reflected on the older editions of *Balance* and could not help but notice how, like the profession, the publication has matured. The days of publishing an image such as that in 2000 of an unclothed Markus Spazzapan strategically holding his catch of the day are behind us - I pause to note that it was not an impressively sized fish. Though I am sure the profession will forever be grateful to the Society for imprinting such images in our minds - *Balance* has moved on to bigger and better things and I acknowledge and thank the secretariat and the numerous contributors for the journal's evolution.

Aside from screening images for *Balance*, the secretariat which today consists of 11 employees allows the Society to fulfil its regulatory and member obligations and mobilises the council and committees so that they can perform their functions. The secretariat enables the Society's capacity to deliver and distribute assistance to the profession and the community. On behalf of all council members, past and present, we thank them for their efforts.

In the last few years, there has been a strong focus on the governance of the Society which has included ongoing development of its policies, induction and governance training for counsellors and last year an overhaul to the Society's constitution which will see an increase to the number of members on council and an increase to regional representatives on council, in line with the Society's focus on being the voice of the entire Territory profession, not just the Top End.

In recent years, the makeup of the council depicts the diverse nature of the profession, which allows issues to be considered from different perspectives. The Society strives to have a representation of practitioners throughout the Territory on its council and committees; namely, practitioners from regional areas and practitioners from the private and public sectors. While this often makes for robust and lengthy council meetings, it ensures that the views of the legal profession are communicated and considered when making decisions.

The business of law is changing at a much greater pace than ever before. The use of technology and artificial intelligence to supplement the provision of legal services is an increasing trend which has seen practice evolve to another level. To avoid extinction, practitioners will need to adapt to new methods of practice and take advantage of developments in technology. The Society is alert to the challenges which come with such progress and we are working towards adopting strategies to enable practitioners to embrace these changes.

The other significant reform faced by the local profession is the continuing conversation about the national regulation of the profession. Whilst there was some harmonisation of the legislation over a decade ago, there is still mounting pressure for us to move to the uniform law with a single, centralised system of regulation. However these matters resolve, the Society will be there in the debate doing its best for NT practices and practitioners.

The work of all former and current counsellors and committee members is recognised and I extend the Society's congratulations and thanks for all your hard work. Without you, quite simply the Society would not be where it is today. I also extend a special thanks to all former presidents who are here today to celebrate this occasion.

As we have heard, several members of council went on to fill prominent roles in our profession, the judiciary and the Territory community. It is interesting to note that when the Society was first established, a person could not even study law in the Territory and now, with so much progress made, we have seen Territory-born and

educated lawyers appointed to the judiciary. It seems that the only position left to advance is an appointment to the High Court.

The Society extends its thanks to the court for marking the significance of this occasion with a ceremonial sitting. I would also like to thank those appearing by video link in Alice Springs for attending today and thank the court for uniting us as a Territory profession. Your Honours, colleagues and guests, may the Society through its members continue to advocate and demonstrate tenacity, to strive for justice and to develop a better future for our legal profession. May it please the Court.

HIS HONOUR, GRANT CJ: Thank you, Madam President.

Mr McConnel.

DUNCAN McCONNEL: Your Honours, it is a great privilege to be invited to address the court on the occasion of the 50th anniversary of the Law Society of the Northern Territory. The Law Society has played a central part in my legal career, not simply because it issues me with a ticket each year, but because of my long involvement in the council of the Law Society and its great support to me in my years on the executive of the Law Council of Australia.

In 1952, Kriewaldt J was hearing a case in the Supreme Court in Darwin that involved negotiations around the sale of some land and the hotel at Brocks Creek. The owner had died. The defendant was the beneficiary of the estate. He instructed a Darwin solicitor, JW Lyons, to act for him. Mr Lyons undertook the negotiations with the plaintiff which led to a contract which led to the litigation.

Mr Lyons appeared at the trial as counsel for the defendant. This gave rise to an obvious concern about Mr Lyons being both counsel and witness in the case, particularly where his own credibility might come into question. Kriewaldt J acknowledged the problem and said this:

There are at present only two practitioners in the Supreme Court practicing in Darwin. The only other practitioners of this court are in Alice Springs, nearly a thousand miles away. Under those circumstances, the rule that counsel should not give evidence or ask questions of witnesses based on conversations with themselves must yield to the necessities of the situation.

Sixty-six years later, there are a few more practitioners practising in the Supreme Court at Darwin, but Alice Springs is still a thousand miles away. It remains a stark illustration of the challenges of legal practice in the Territory. The growth and evolution of the legal profession in the years since that case have been remarkable; more particularly so, given the challenges that distance, isolation and our unique community throw up. Nevertheless, it also shows for those who are practising the law in the Territory with all of its challenges that the standards of professional conduct have and always will be maintained. This is the core business of the Law Society.

By the time I entered the legal profession in 1993 great advances had been made from Kriewaldt J's Territory. I did my articles at Cridlands, commencing in the litigation division. My first exposure to the workings of the Law Society was when Neville Henwood was President. Neville was one of the supervising partners of the litigation division of Cridlands.

I was tasked with preparing a bill of costs for taxation under the Supreme Court Rules. The file was Law Society, v Rogerson. Andrew Rogerson was a solicitor who was the subject of an injunction. The injunction was to prevent him from directly contacting his former client who was now represented by another lawyer. Rogerson had locked his doors, turned off the lights and fax machine and hid in the office in order to avoid service. This and other behaviour was considered professional misconduct and the Law Society duly took steps to have him dealt with.

For those of you who knew and worked with Neville, it is fair to say that he would be occasionally be gripped by bouts of righteous indignation, and so it was in that matter. Throughout, Rogerson successfully managed to get up the nose of Mr Henwood on more than one occasion and I distinctly recall reading a withering critique of Mr Rogerson and his behaviour which had obviously been dictated minutes after Mr Henwood had returned from some interlocutory stoush or other.

I recall reading with much amusement that Mr Henwood made "no apology for the tone of this correspondence" following a lengthy diatribe that had, from a taxation of costs perspective, turned an ordinary letter into a special one. As I worked my way through the file, I saw the second, and then the third drafts of the same letter, followed by the final blue file copy of the final version.

It is sufficient to say that by the time the letter left the office, the indignation had faded. No apology given because none was required. There was no hint of any loss of control and it was a typically courteous and entirely professional piece of correspondence. From a taxation of costs point of view, it was no longer special and in every sense ordinary.

For a young practitioner, it was a salient demonstration of the obligation of professional courtesy which is to be maintained between practitioners at all times and particularly when one of you is the president of the Law Society. Looking back and reviewing the cluster of litigation that that one rogue practitioner generated, it is also a testament to the dedication of the council members of that time to fulfilling their commitment of upholding the standards of professional conduct in the legal profession and in volunteering their time to do so.

In 1997, I was invited to run for the council by Susan Porter. As a member of council, she had advocated for a seat for young lawyers to be entrenched on the council. Back in those days, I qualified. I was duly elected as the young lawyer representative and introduced to the world of legal representative politics. They were heady days.

At about the time of my election, the Society secured premises on one of the upper floors of NT House. It had wonderful views, physically, if not literally, superior to both the Parliament and the Supreme Court. It also had a bar on the ground floor which its owners had opportunistically called Petty Sessions, presumably on the fairly safe assumption that lawyers would be enticed to grace it with their custom.

Council meetings were held on Thursday evenings. Eileen Terrill was the secretary. The first order of business at every meeting involved Eileen Terrill pulling the cork out of a bottle of Tyrrell's Chardonnay and charging the glasses of the President, then his Honour, Southwood J; the Treasurer, Donna Dreier; and Alice Springs representative, Max Horton.

It is a while ago now, but my recollection is that the meetings were never short, never dull and never less than a three-bottle affair. On the odd occasion, our enthusiasm for the issues at hand required vigorous post-meeting debate and we would adjourn to Petty Sessions; or as we knew it, Sweaty Passions. Modesty or memory dictates that the details of those occasions be brushed over.

I mentioned Eileen Terrill and Max Horton. For as long as I can remember, Eileen Terrill has been a sole practitioner practicing in family law in Darwin. Despite all of the demands of running her own firm and in that most challenging of practice areas, Eileen found time to be a member of council and served for 11 years from 1993 until 2003.

Max Horton was a lawyer in private practice in Alice Springs who served on council for 15 years, including travelling for many of the council's monthly meetings in Darwin. They are just two examples of the commitment and service that have freely been given by lawyers to the development of our legal profession and through it, our community.

In 1995, my good friend, Merran Short, was elected to the council and in 2003, she became only the second female president of the Law Society in its then 35-year history, the first being Nerolie Withnall in 1978. Merran was instrumental in establishing Australian Women Lawyers and was president of the NT Women Lawyers representing the Territory nationally. She was a strong advocate for advancing equality for women in the legal profession. It was a timely and highly effective period of advocacy which has made major inroads into reshaping the Australian legal profession, such that today the majority of new admissions to the legal profession are women.

In 2007, I was re-elected to the council as vice-president and became the president in 2008 and 2009. With great support from fellow counsellors and the then-CEO of the Law Society, Barbara Bradshaw, I was lucky enough to be elected to the executive of the Law Council of Australia. As legal representative politics go, there is nothing quite like the Law Council. The Law Council is funded by capitation fees and it is fair to say that the 620 lawyers from the Northern Territory do not make a sizeable contribution to that budget.

There were some who questioned the legitimacy of having someone from the Northern Territory in an executive role in that organisation, but through the great political skills of Barbara Bradshaw, Matthew Storey and Peggy Cheong, we managed to hold onto our spot and in 2015, I became the national president. It was a great opportunity for the Northern Territory legal profession and in that year, with more than a gentle nudge from John Lawrence, we were able to achieve national attention to the issue of Indigenous imprisonment.

The issue of Indigenous imprisonment is a vexed one. It is not a sentencing problem. Many of the offences for which Aboriginal people are convicted are serious. A term of actual imprisonment is a foregone conclusion. In the Territory at least, there is no suggestion that Aboriginal people receive disproportionately longer sentences for comparable crimes than non-Aboriginal offenders.

By giving the issue national attention, we were able to focus on the underlying issues leading to the over-representation of Aboriginal people in prison. We stopped the erosion of vital legal aid funding at the Commonwealth level and we were successful in putting the underlying issues onto the COAG agenda. The Northern Territory profession was able to lead the way nationally on an issue of vital importance to who we are as a country, not just the Territory.

Living in the Territory is not easy. We live in a challenging climate. We struggle for a fair allocation of resources and services. We live and operate in a community which at times suffers high levels of dysfunction, as the Attorney-General has alluded to. Lawyers in the Northern Territory are involved in one way or another almost every one of those issues. They require hard work, dedication and courage. The work of Territory lawyers makes an enormous contribution to our community as we strive to improve the lives of those who live here and to make the Territory a better place.

Throughout all of this, the Law Society has been the glue that holds the legal profession together and so it is appropriate that we should come together and celebrate this 50-year milestone. From the two-lawyer town and the two-town jurisdiction that Justice Kriewaldt had to contend with in 1952, we have made enormous progress as a profession, maintaining the very highest standards of professional conduct as we go.

So, Happy 50th Birthday, Law Society, and many happy returns to the women and men who make up our incredible Territory legal profession. May it please the Court.

HIS HONOUR, GRANT CJ: Yes, thank you, Mr McConnel.

Ladies and gentlemen, that concludes the ceremonial portion of the afternoon. We would like to extend our thanks in particular to Richard Giles, Kim Graves, and Matthew and Donna Storey who have travelled some distance to be here with us today and we very much appreciate that. The judges of the court would invite you to join us for refreshments in the foyer of the court after the sitting. Thank you.

Please adjourn the Court.

ADJOURNED 4:22 PM