

SUPREME COURT OF THE NORTHERN TERRITORY  
ALICE SPRINGS COURTHOUSE

WELCOME CEREMONIAL SITTINGS FOR  
THE HONOURABLE CHIEF JUSTICE TREVOR RILEY  
AND THE HONOURABLE JUSTICE PETER BARR

TRANSCRIPT OF PROCEEDINGS

ALICE SPRINGS ON MONDAY 11 OCTOBER 2010 AT 9.01 AM

PRESIDING JUDGES:

THE HON CHIEF JUSTICE T RILEY  
THE HON JUSTICE P BARR

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

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

God save the Queen. Please be seated.

THE ASSOCIATE: The Courts welcome to their Honours, Trevor Riley CJ and Peter Barr J.

RILEY CJ: The Administrator, Mr Pauling, Mrs Pauling, Deputy Administrator, Dr Pat Miller, Magistrates, distinguished guests, friends of the legal profession, and members of the public, thank you for being here. Barr J and I are both honoured by your presence here today.

This is something of an unusual sitting, in that we are welcoming two judges, Barr J as a judge of the Court, and myself as the Chief Justice. I would like to add my personal welcome to Barr J. His appointment as a judge of the Court has been widely acclaimed, and I am sure he will fulfil the expectations placed in him.

Mr Solicitor, do you move?

MR SOLICITOR: Yes, may it please the Court. I appear on behalf of the Attorney-General to congratulate your Honour, Riley CJ, on your appointment and to congratulate and welcome, your Honour, Barr J, to this Bench.

The Attorney has already paid tribute to your Honour's many achievements and qualities in respect of ceremonies in Darwin. I endorse what the Attorney has said, but I don't intend to repeat it here, as this occasion is principally one for the Alice Springs practitioners to speak, in welcome to your Honours.

I would only note that your Honours have both spent significant time in Alice Springs, and have significant ties to the place. Whilst at the Bar, your Honour, Riley CJ, spent extended periods around here; appearing in such matters as the Royal Commission into Aboriginal Deaths in Custody, the flood mitigation dam matter, a long series of coronials, and of course, numerous civil trials. Your Honour has, of course, been a regular visitor to Alice Springs since your appointment to the Bench.

Your Honour, Barr J, was also briefed frequently in Alice Springs matters. Indeed, the town holds a special place in your Honour's heart, as it's here that your relationship with your partner, Christine, first blossomed. She is, of course, a former Alice Springs practitioner who briefed your Honour in a matter and was much taken by your forensic and other skills.

Your Honours, during the ceremony in Darwin, your Honour, the Chief Justice, noted that for the first time, the resident Bench of the Supreme Court of the Northern Territory is composed entirely of judges drawn from the local profession. This is a significant achievement in terms of the development of the Territory into a mature-

bodied politic. It's also fitting that this achievement occurred upon the respective appointments of your Honours.

You have both been highly influential in the development of the profession in the Territory over the last 30 years. You have both demonstrated exceptional levels of industry, learning, and technical ability. Perhaps most importantly, however, your Honours have nurtured the profession over that time as generous and tolerant mentors, and role models to many practitioners; the value of that contribution cannot be overstated.

May it please the Court.

RILEY CJ: Mr Stirk, do you move?

MR STIRK: I do so move, your Honours, on behalf of the Law Society of the Northern Territory, and I have also been reminded, your Honour, that I had a slight indulgence in being able to address your Honours this morning, and as brevity is not something that comes easily to me it is my mission.

Your Honour, ceremonial sittings, like these, may be perceived by some members of the public as merely empty rituals, but they are certainly not, and in respect of both of you, you have each given oaths to be committed to the people in the Northern Territory through your oaths of allegiance, and to do right to all manner of people without fear or favour, affection or ill will.

These oaths are vital and, to the extent to which this is a ritual, it reinforces for all of us what your Honours are here to do. Obviously, much of the work that your Honours will be undertaking is administering many criminal trials and criminal matters that pleas are entered. And your Honours, it's perhaps fitting that both of you, as my learned friend Mr Solicitor, has indicated that this is a Court now constituted of practitioners who have practised in this jurisdiction for many, many years.

I don't think anyone sitting on the Court yet will come close to Phillip Rice J, who arrived in Alice Springs at the age of six months. So, in terms of born and bred in the Territory, we have still got a little way to go, but I suspect in the not too distant future we may well have Territory born and bred judges on this Court.

Both of your Honours will remember, as I do, Sir William Fostra and those many admissions in the early Eighties telling newly-admitted practitioners how he was looking forward to the days when practitioners would undertake a course of study and be admitted in the Northern Territory. I think many of us at the time thought that was a long, long way to go.

It's only 30 years ago, as my learned Solicitor has indicated, that we actually obtained separation from the Canberra appointment such that justice was administered in the Territory from 1979. It's a mere 31 years, and both of your Honours were there at the beginning, and it's very pleasing that your Honours are

here today to effectively carry out the latter stages of your careers. You will do so, obviously with a great knowledge of the Territory, the people who live in it and the things that can be achieved if we all work constructively together.

However, your Honours must administer the law when its most needed, and often against popular attitudes, sometimes perhaps in circumstances where those in the political system of government have suggested the way in which your Honours ought to administer your duties.

Each of you are very practical legal practitioners. Each of you, I can say on behalf of all practitioners down here, have been very good for those of Alice Springs, and you give us great honour in coming to Alice Springs for the Ceremonial Sittings.

That's brevity, your Honour.

RILEY CJ: A remarkable achievement, Mr Stirk.

Mr McColm, do you move?

MR McCOLM: Yes, thank you, your Honours. I move, on behalf of the Director of Public Prosecutions. I extend my apologies, on behalf of Dr Nan Rogers. She would normally be speaking instead of me, but unfortunately she is currently ill-disposed. She has an illness which keeps her from being here today.

Your Honours, as I have only been in the Territory for less than 12 months, and it's been a pleasure to be here, but I have yet to have the pleasure to appear before you, Chief Justice. No doubt, that will take place very soon.

So, in making this speech, I have drawn upon the experience of others, and so please view this as a collective speech made by me on behalf of all the Crown prosecutors and prosecutors in the DPP in Central Australia.

Your Honours, I think it's fallen to me to detail some of the – go into more detail of biographical matters regarding both of you. Chief Justice, you were born and raised in Blue Rock in the eastern wheat belt region.

A PERSON UNKNOWN: It's Bruce Rock.

RILEY CJ: That's the first big mistake you have made.

MR McCOLM: And I stand corrected.

Your Honour completed a Bachelor of Laws at the University of Western Australia and then practised in partnership there for a short time. While travelling during the course of 1974, your Honour was offered a job in Darwin by Ian Barker QC, and with your wife, Jan, and a young family, your Honour moved to Darwin and took up work with a firm, Withnall and Barker.

A cyclone struck Darwin not long after your Honour's arrival. The firm you were with contracted out its work, and your Honour then took up employment with Ward Keller. Your Honour remained with the firm for ten years. During that time your Honour took partnership, developed a thriving practice, and assumed the role of de facto counsel with that firm.

Your Honour joined the Independent Bar in April 1985 and took silk in 1989. Your Honour's practise at the Bar was both successful and exemplary. As the then President of the Bar Association, observed when your Honour was sworn in as a judge in 1999, your Honour, you undertook both plaintiff and defendant work with equal care and commitment.

Your Honour had a long stint in the Royal Commission into Aboriginal Deaths in Custody. During your time at the Bar, your Honour appeared in some 120 cases before the Supreme Court of the Northern Territory. Your Honour appeared before the High Court in cases such as re Marion, GPAO and Lim, and the Minister.

Your Honour has frequently been briefed to appear on behalf of the Crown in the right of both the Commonwealth and the Northern Territory. Your Honour was renowned for the level of your preparation. As a result, you were always in a position to assist the courts before which you appeared in the most complete way; and that is something as counsel we should always strive to do so to assist the courts and whoever is sitting.

After his Honour, Mildren J's appointment to the Bench, your Honour became the acknowledged leader of the Northern Territory Bar and held office as President of the Northern Territory Bar Association between 1993 and 1997. Your Honour's temperament, both as counsel and as judge, has been exemplary. Your Honour has always been industrious, incisive and courteous.

Though, perhaps when you were first appointed as a judicial officer, you did not have extensive criminal experience, your Honour quickly grasped all the basic tenets and became knowledgeable and expert in criminal law. Your Honour has, in particular, become conversant with the business that comes before these courts in Alice Springs. Your Honour has proved yourself to be one of the best in the Court of Criminal Appeal, particularly when finer and more complicated points of criminal law are raised.

You are known to be a highly efficient judge, with an ability to come to the point quickly. You have, during your time as judge, assumed greater responsibility for the implementation of effective case management procedures, and the management of the business of the court. Your leadership of the court is apt and recognises your innate abilities of acumen, intelligence and shrewdness.

We welcome your appointment as Chief Justice.

RILEY CJ: Thank you, Mr McColm.

Mr Goldflam, do you move?

MR McCOLM: Mr Barr.

A PERSON UNKNOWN: There is more than one.

RILEY CJ: I just didn't think there was anything more to be said.

MR MCCOLM: Again, your Honour, I have not had the pleasure of meeting you, and no doubt it will be later this morning, and no doubt I will be appearing before you in the not too distant future.

Your Honour was born and raised in New South Wales. Your Honour undertook secondary schooling at St Aloysius College at Milsons Point. Your Honour then attended Sydney University and graduated with Degrees in Arts and Law. Your Honour was admitted to practice in July 1976, and came to the Territory to take up a position as a solicitor with Cridland and Bavier.

Your Honour started practice on your own account in 1978. Your Honour's skills were quickly recognised, and your clients came to include many of the Territory's leading businesses. In 1991, after 13 years as a sole practitioner, your Honour decided to take a sabbatical and sold your practice. During that time, your Honour travelled to Europe and took up work as an English teacher in Prague. Your Honour returned to Darwin in January 1993 and commenced practice at the Independent Bar.

Your Honour, since that time, had a busy and varied practice at the Bar. You appeared in many notable cases, including Racecage, Chaffey and Renehan to name just a few. Your Honour's practice ranged from personal injuries through administrative and trade practices, and included constitutional issues.

Your Honour's skills were rightly recognised with your appointment as one of Her Majesty's Counsel in 2004.

Your Honour has been very active in the community. Your Honour has been a specialist legal officer in the Royal Australian Navy Reserve since 1977, and the head of the Darwin Reserve Legal Panel. Your Honour was a long-time member, Deputy Chair and Chair of the Northern Territory Planning Authority. Your Honour held appointment as Chair of the Public Sector Disciplinary Appeal Board. Your Honour is the immediate past President of the Northern Territory Bar Association.

Your Honour has also held an appointment as Honorary Consul for Belgium for almost 20 years, up to 2007. In recognition of that service, your Honour was made Knight of the Order of Leopold in 2008. This is an award conferred by the King for meritorious service of immense benefit to the Belgium nation.

Your Honour is recognised as a man of some sophistication. You have travelled widely. You are fluent in the French language, functional in the Italian language, and passable in the Czech language.

As a member of the Bar, your Honour was always generous in making time and expertise available to your colleagues and solicitors.

Your Honour, the DPP, member, Crown prosecutors and prosecutors with the DPP office in Alice Springs, we warmly welcome your appointment to the Bench. We look forward to appearing before you when you come down from time to time, and we hope that we can provide the appropriate assistance that your Honour seeks when we do appear.

Thank you.

RILEY CJ: Thank you Mr McColm.

Mr Goldflam, do you move?

MR GOLDFLAM: Your Honours, I appear on behalf of the Northern Territory Legal Aid Commission. Advocacy, as we all know, is the art of persuasion, as with genius, effective advocacy is 99 percent perspiration and one percent inspiration. In my experience, the best advocates in Australia are also the hardest working. These were the opening sentences penned by the newly minted Riley J, as he then was, and the very first instalment of his series on advocacy's that appeared originally in the Law Society Monthly Journal Balance, and some four years later collected and published as The Little Red Book of Advocacy.

One of the myths that percolates down to lawyers from time to time is that those who get elevated from Bar to Bench have a pretty easy time of it. Judicial office, it is rumoured, is the life of Riley. Maybe for some. Certainly not for this Riley.

Each month, your Honour's column appeared like clockwork. It may only have been a page or so, but anyone who has tried to reduce complex ideas to paper knows how much hard work it must have taken to produce those pithy, precise and practical pieces.

However, throughout your Honour's time on the Bench, you have set aside time to continue to teach advocacy. This largely unsung service to the profession has been invaluable, particularly to those of us who practice in Alice Springs where we do not have a Bar; well pun actually intended, to lead us by example.

On the Bench itself, your Honour has also been conspicuously hard-working. Long gone are the days when one could expect to saunter down to court for a civilised 10.00 am start when a judge was on circuit in Alice Springs, particularly when the judge in question was Riley J.

Last week, a notice was circulated to Alice Springs lawyers advising that this morning's Ceremonial Sittings would begin at 8.00 am. Here we go, I thought, the new Chief Justice is sending a message. Fortunately, as it turned out, the notice turned out to be an example of a typographical error rather than judicial activism run amuck.

Some judges, as was noted on the recent occasion of the retirement of Thomas J are sphinx-like. They listen impassively to all one has to say and to all one doesn't have to say but says anyway, and give nothing away. Your Honour, the Chief Justice, does not fall into that category. One knows, usually, just after, but sometimes shortly before, one has placed one's foot in one's mouth, where your Honour is thinking of placing your Honour's foot.

Your Honour believes in holding one to account. From down here at the Bar table, this can be quite challenging on occasions. It probably wouldn't do our causes or our cases any harm if we were to re-read the first chapter of the Little Red Book of Advocacy again, and remind ourselves of the enormously salient advice therein. The first rule of advocacy is simply stated, 'Be prepared.' The second rule, at least when appearing before Riley CJ, is, 'Don't be late.' And the third rule is, 'Get to the point,' as your Honour invariably does.

It remains for me to observe that as a fellow sandgroper by birth, I take special pride and pleasure in your Honour's appointment, because it completes a unique judicial trifecta. We now have in Australia, a nation which we West Australians traditionally conceive of as a loose arrangement comprising Western Australia and what is dismissively and collectively known as the Eastern States a judicial system in which the Chief Justices of the highest Court of the Commonwealth, the highest Court of a State, and now, the highest Court of a Territory, are all Western Australians by birth. But I take even more pride and pleasure as a Territorian who has lived most of my life in the Territory that we now have as a Chief Justice a fellow Territorian, who has lived most of his life in the Territory as well.

Long may your Honour continue to sit.

And welcome to your Honour, Barr J. It's a credit to your Honour's renowned discretion, that despite my best efforts, I was able to extract no scurrilous stories whatsoever regarding your Honour, from my friends in private practice who have briefed you over the years. This raises a presumption, whether rebuttable or not, I'm unable to say, but your Honour is utterly free of scurrility.

I do, however, recall one incident which I have no doubt exemplifies your Honour's qualities. Over ten years ago, I was acting for an Irishman; an Irishman who talked far too much, drank far too much, and had got himself into some rather murky business dealings after suffering serious head injuries sustained in a car accident, and then falling on hard times.

Many years before, before the hard times, before the accident, he had lived in Darwin and had been friendly with a Barrister named Peter Barr. And when your



Honour heard that his old mate was in trouble, to my amazement, you dropped whatever important business you were then engaged in, and immediately offered to come down and help my client. I've never before seen anything quite like this, and it left a great impression on me. It taught me about loyalty, and it taught me about generosity.

I'm happy to report, your Honour, that your old mate who I'm pleased to say, was acquitted on all charges, still rings me every few months. Perhaps he rings you too, just to stay in touch. He lives somewhere else now. I think his memory is pretty shot, but he still remembers the kindness of old friends. I know he'll be pleased as punch when he hears of your Honour's appointment, as was I.

May it please the Court.

RILEY CJ: Thank you Mr Goldflam.

Mr O'Reilly, do you move?

MR O'REILLY: Yes, your Honour. In being asked to speak about your Honour, Barr J, today, I was conscious of the fact that there are, within the Territory, parallel universes in the legal practice, because our paths have never crossed professionally over many years. I've been aware of your Honour's position over many years, and I've meet and spoken with your Honour, but we've never crossed paths professionally. That's because of the schism that exists, I suppose, between the criminal practice and the civil commercial practice. They are, in lots of ways, worlds apart. But as I say, I've been aware of your Honour's reputation, and people who speak of you, speak highly of your intellect, your thoughtfulness, your practical ability as a lawyer. They also describe your Honour as a nice guy and a gentleman.

I am aware of the positions that your Honour has held over years within the Territory practice. The other parallel universe is the universes of Alice Springs and Darwin. The situation is that the social and professional dimensions of the practitioners don't meet all that often or all that widely. I'm aware of your Honour's regular trips to Alice Springs, and your involvement in particular cases, but it will now become the fact that your Honour will be part of the fabric of the judicial system here in Alice Springs.

On behalf of CAALAS, we welcome you to the world of criminal practice and also to Alice Springs. I'm sure your Honour will bring those qualities with you to those practices.

Those two worlds combine in a peculiar way in Alice Springs; criminal practice and this jurisdiction. There are particular difficulties in this jurisdiction, and it's a very busy practice unfortunately. Overwhelmingly and tragically, the defendants who come before this Court are Aboriginal defendants. I'm aware of your Honour's work in land claims over many years. Overwhelmingly, the victims who come before the Court and witnesses here are Aboriginal. There's a sad over-representation of

Aboriginal people in this jurisdiction in this Court, and it is reflective of unfortunate dysfunction and systemic problems.

I'm sure that your Honour will bring to this practice those qualities of intellect, humanity and even-handedness that has displayed throughout your Honour's career.

So again, on behalf of CAALAS, I would like to congratulate your Honour on your position on the Bench, welcome you to Alice Springs in a way that's different to how your Honour's been here previously, and also to the practice of criminal law.

In relation to your Honour, the Chief Justice, your Honour falls these days into a different kettle of fish in terms of experience in Alice Springs as a judge and also in criminal cases. Your Honour's been coming here since 1999; curiously every two years it seems to happen in October when the Masters Games are on.

Your Honour has dealt nowadays with the large number of criminal cases. My first professional contact with your Honour is I think, like many practitioners in the Territory, was through an advocacy course that was being run in Darwin some years ago, and I think that's the case, as I said, with many young practitioners. They see your Honour firstly as someone who's a mentoring guide in terms of advocacy. Your Honour's taught at the university here. Mr Goldflam's referred to your Honour's regular articles in Balance and the book that was eventually made of those dissertations; and that's at, I would suggest, for many young practitioners because your Honour is a judge with very high expectations of the judicial process and the system.

Your Honour reveals, from time to time, the faith that your Honour places in the judicial system. Your Honour is a hard-working, discipline-thinking judge, and expects high standards; I suspect of yourself as well as practitioners. And, your Honour always takes an active interest in what young practitioners are coming up through the ranks at CAALAS, encouraging young lawyers to step into the Supreme Court, and your Honour gives them what leeway is needed for first appearances in the Supreme Court. So, your Honour is sensitive to young practitioners coming up through the ranks.

Your Honour is also aware of and conscious of your duty to clients of CAALAS and to witnesses who come before this Court.

I would like, on behalf of CAALAS, to congratulate your Honour on your appointment to Chief Justice; a well deserved and appropriate appointment, and also to wish your Honour good luck in the games.

RILEY CJ: Yes, thank you Mr O'Reilly, and thank you all for words of welcome. Barr J will address you in a moment.

I have to say that the support that I have received from the community, and particularly within the profession, has been reassuring, as I contemplate the difficult task of following in the footsteps of my predecessor and friend, Brian Martin CJ. In

my view, I will have succeeded in my new role if I leave the Court in as good shape as he has left it to me.

As has been mentioned, I have a long association, both professionally and personally, with the people of Alice Springs, and the community of Central Australia. In my early days, the firm that I was with in Darwin, Ward Keller, was the town agent of Martin and Partners, and I did a lot of work with Roger Bennett and others in those early days.

When I went to the Bar, I was very fortunate that I was briefed by a number of Alice Springs firms, and that meant I travelled in Central Australia on many occasions. I have spent lengthy periods here in various capacities; some controversial inquests, as was mentioned by Mr Solicitor, the Royal Commission into Aboriginal Deaths in Custody, and I conducted a fairly long enquiry in relation to a prisoner at the old gaol.

Since becoming a judge, I have of course been coming here quite regularly, and at least for a month a year, and sometimes more. I come because I enjoy coming, not because I have to as part of my judicial function.

I do, as has been mentioned by Mr O'Reilly, coincide my visit with the Masters Games where I can, and that just happens to be where we are at this very moment. But unfortunately, this year I have managed to feign an injury because I haven't been able to train. So I've located my hamstring and now I'm about to pull it. I simply won't be in any events this year.

I would like to think that I do have a strong connection with Central Australia, and I can say I certainly have a strong affection for the region.

Issues of various kinds relating to indigenous people of the Territory, and particularly those in Central Australia, underlie a significant part of the work of the Court, the business of the Court, and I am acutely aware of the difficulties to which some of those issues give rise.

I will do my best to continue to develop my understanding of those issues, and to contribute where I can to the efforts being made to resolve them.

Whilst the Supreme Court of the Northern Territory has a very wide jurisdiction, the jurisdiction, or the part of the jurisdiction, that attracts most public attention is of course the criminal jurisdiction, and in particular, sentencing.

The Northern Territory has, as we all know, the highest rate of imprisonment in Australia by a very large margin, and that is a statistic of which we cannot be proud. The causes of the crime are many and complex. However, in the Territory, it seems to me that one of the major causes of crime is readily apparent.

The judges of this Court and senior practitioners of this Court, and in that I include Mr Goldflam, have for years been drawing attention to the destructive role of

alcohol which is present in most criminal cases coming before the Court in this location. It is the abuse of alcohol that underlies much of the criminal activity in our community. The abuse of alcohol is a particular problem in this region. We, as a community, must be willing to recognise that problem and confront it if we are to reduce crime and improve the quality of life of all of our citizens.

It is now generally recognised that longer prison sentences are not the answer. The solution is not in the hands of the Courts. The problem should be addressed before the crime is committed, and not at the time of punishment.

There is some cause for optimism in this area. In recent times I have noted a change in the attitude of the media. It has taken a proactive stance in relation to the approach to this problem. The media has, to my mind, been actively identifying the problem as significant for our community, and calling upon the people through its power of communication to address the problem.

I sense a change in the attitude of the community in relation to this particular problem. Although there are conflicting views as to how best to proceed, it is encouraging to see that the relevant authorities are actively seeking new ways to reduce the consumption of alcohol, and to assist those who already have a problem with alcohol.

It is plain that if we are to reduce crime, and particularly crimes of violence, we must address the causes of crime, and a predominant cause is the abuse of alcohol.

We are about to enter into an historic period for the Court. As Mr Solicitor noted, and I proudly pointed out when I made a similar address in Darwin, this is the first occasion in the history of the Court, that all the judges, including the Chief Justice of the Court, have been appointed from the local profession. It has been a long time coming, but I am proud to see that it is here. I look forward to the day, as Mr Stirk mentioned, where the Bench will be made up of judges who were born here; born in the Territory, and constitute this Court.

In 2011, we celebrate the Centenary of the Supreme Court, and there will be significant celebrations in that regard in about May next year. Part of that will include the publication of the history of the Court, written by our resident historian, Mildren J. I have read the draft of the work, and it is an entertaining and informative read. It talks of the early struggles of the Court, and the evolution of a tradition of bringing justice to what was initially a wild and remote part of Australia through to the more mature community of the present day.

When the book is published, which will be between now and May, I commend it to you. In my view, the institution has served the Territory well for 100 years.

Whilst the Court is comfortably housed in Darwin, that cannot be said to be so in Alice Springs. This building, which my predecessor suggested in his address, deserves a bulldozer, cannot accommodate both the Court of Summary Jurisdiction and the Supreme Court. It is not possible for us to run two jury trials at the same

time. In the absence of further facilities being made available, the lists here are going to blow out and unacceptable delays in delivering justice will follow.

This is a matter that has been raised by the judges over a long period of time, and I propose to continue to press for both a suitable interim solution followed by a solution for the longer term.

The Supreme Court of the Northern Territory holds a significant position in our democracy. The judiciary, including the profession that supports it, is an independent and vital third arm of government. It is the independent judiciary which operates as a restraint upon the power of the executive arm of government. The judiciary ensures, within the legislative framework, the enforcement of legal rights and obligations, the maintenance of personal freedoms, and the provision of a fair trial for all, no matter how unpopular the person may be, and no matter how unpopular the cause may be.

On taking office, the Judges of this Court promise all, and particularly the people of the Northern Territory, to do right to all manner of people according to law without fear or favour, affection or ill will. Individually, and as a Court, we strive to fulfil that promise.

Confidence in the judiciary is obviously vital to the effective working of our democracy and to the maintenance of our freedoms. Members of the legal profession and of the wider community should do all we can to ensure that the confidence in the judiciary is not unjustifiably diminished.

In the coming years, I would like to support greater education of our community as to the significant role the judiciary plays in our democracy, as to the nature of the working of the Court, the importance of that work to our society and how that work is carried out. It is through communication that a better understanding will be obtained and respect for the courts maintained.

I regard myself as fortunate to live in Australia where extraordinary opportunities are present. I regard myself as fortunate, and I am indeed proud, to live in this part of Australia; that is the Northern Territory, where it is possible for those who wish to do so, and who are prepared to apply themselves, to flourish.

I have been entrusted with a very important role. In performing the role, I have the assistance and support of my fellow judges, and of the legal profession in the Northern Territory. I am pleased to note that the Court and I have the support of the Government of the Northern Territory, as expressed by the Attorney-General. I will do my very best to fulfil the expectations placed in me.

Before closing, can I publicly thank my wife, Jan, for her continuing support. I don't think I should say anything more about that.

Justice Barr, do you wish to respond?

BARR J: Thank you, Chief Justice.

Your Honour, the Administrator and Mrs Pauling, Deputy Administrator, Magistrates, Chief Justice of course, members of the legal profession, distinguished guests and ladies and gentlemen, I would like to thank you all for attending today, for making the time, and I know in some cases, for taking the trouble to travel from interstate to be here to honour this Court by your presence.

Mr Grant, Mr Stirk, Mr McColm, Mr Goldflam and Mr O'Reilly, I would like to thank you all for your generous remarks and goodwill wishes today.

I know, through personal experience, how difficult it is to actually speak at these occasions; how you have to write and re-write your speeches in process, and I'd like to thank you, not only for what you've said, but for the time you have spent in preparation today.

Mr McColm, I certainly do not want to embarrass you, but in future, if you are called upon to remember the birthplace of our Chief Justice, I could perhaps suggest that you memorise it in these terms; that is, Bluey Riley from Bruce Rock rather than Bruce Riley from Blue Rock. I hope that helps. I hope it doesn't confuse you even more Mr McColm.

Mr O'Reilly, you are right there. We haven't crossed paths yet; simply not in the criminal area at all, and over the last week and a bit since I was sworn in by his Honour, the Administrator, I've had to learn in the very short time a great deal about the criminal law and about sentencing in particular. I realise, of course, that there's obviously a vast amount more that I need to learn, and it occurs to me that in fact whether you are a solicitor or a barrister or a judge, the law is one of those jobs where you can never know it all, and where, if you are willing, you will continue to learn new things until the day you leave the job.

And it is in this context that I acknowledge again, the role of the advocates who appear before this Court. I referred to this when I spoke on the occasion of my swearing in. The fact is that my fellow judges and I are well aware that barristers, and I include here all those members of the profession who practise as advocates work many, many hours on their own during those times when normal people are at home with their families or at the football or whatever recreational activity they now engage in. We know that counsel will be reading and digesting the lever arch folders of papers, identifying the issues and dissecting and analysing; not to mention worrying about the problems of the cases that they have to deal with.

However, can I say this? Difficult though life may be for you at times, I believe it's a great privilege to stand up and appear in court, to make those crucial assessments and decisions as to how the cases in which you are briefed as counsel are to be run, and run to conclusion. You should never be in doubt as to the vital importance of the advocate in the administration of justice. In the words of Sir Owen Dixon: '...the honourable practise of the profession of advocacy affords the greatest opportunity of contributing to the administering of justice according to law.'

So, to those of you who have chosen to be advocates in this Court, I acknowledge that choice. I thank you in advance, all of you, for the assistance and guidance I know that I can confidently expect to receive from you as I settle into my new role in the coming months and years.

I would like to say a few words about Alice Springs. My first visit to Alice Springs was to appear in the Mining Warden's Court before Mr Hall, a magistrate, in 1978. That was quite an experience for me as a young lawyer, although not nearly as colourful as the incidents that I later heard re-counted about Mr Hall's conduct of proceedings in the Court of Summary Jurisdiction, and in particular his conduct with matters involving offenders who committed street offences.

Geoff Eames, who later went on to become a Victorian Supreme Court and Full Court Judge, commenced work as a solicitor with the Central Australian Aboriginal Legal Aid Service in May 1974. It was 36 years ago; only a year or so after CAALAS had been established.

In a subsequent interview, Geoff Eames recalls his first days with the service, and I quote, 'You find that the list is 100 percent Aboriginal. The person hearing it in a tin-roofed Courthouse,' and I mentioned that there was a tin-roofed Courthouse before this magnificent building Chief Justice, 'Is a man with the name Scrubby, Scrubby Hall. Everyone knows him as Scrubby. He knows himself as Scrubby, and the nickname really says it all. It was, welcome to the Nineteenth Century.

A day in the Magistrate's Court with Scrubby was definitely an experience not taught in law schools.' As Geoff Eames recounted, 'When he was doing the people charged with drunkenness, he would have the prosecutor call them out five at a time, and so five people would go up and five names would be read out, and he'd say, "Are you all guilty?", and there's be a sort of muted chorus of what might have been yes, and all would receive convictions and discharges.

Geoff Eames, still speaking, 'I saw Scrubby on one of the first occasions I appeared do that in a fairly spectacular way. He managed to convict a witness who was there for a case I was in, who simply went up when his mates went up.'

Things have certainly changed since then at Alice Springs. The town now boasts a fine body of four resident magistrates; although I understand it's very rare to find all four here at the one time, what with leave and circuits and so on. But essentially, there's a body of four magistrates, and the things I have described just don't happen any more.

However, what hasn't changed in Alice Springs is the renowned openness and hospitality of the profession in Central Australia. I've always been made very welcome here; not only by the solicitors or friends of solicitors who greet me but firms on the other side, and even friends who I have got no connection with the case at all.

I just hope that the fact that I now wear judge's robes will not be too great a barrier to those friendships in the future.

I should perhaps conclude that simply by saying it's been a great honour to have been appointed a member of this Court, and as I go about discharging my duties here in Alice Springs, as elsewhere in the Territory, I will be doing everything I can to be worthy of the really high trust that has been placed in me, and I thank you again for your welcome today.

Chief Justice?

RILEY CJ: Thank you Barr J.

Ladies and gentlemen, we are about to adjourn, but we will be hopefully enjoying refreshments, and we invite you to join with us in that.

Would you please adjourn the Court.

THE ORDERLY: Silence. All stand.

This Honourable Court stands adjourned. God Save the Queen.

ADJOURNED 9.47 AM INDEFINITELY