

# 1968-1993: Geoff James

Geoff James came to Darwin with his parents in 1949.

He was educated in Darwin "in the old school in Woods Street" where a carpark stands now.

His father was a surveyor and at one time was Chief Surveyor of the Northern Territory Administration.

Brother Earl followed and became a surveyor; Geoff studied law at ANU before returning to practice in Darwin.

As an aside, Mr James did not undertake articles.

The old High Court Rules under the *Judiciary Act* made provision for a group known as Students at Law. It was intended to be for barristers' pupils under the old world non-tertiary system of qualifying in law.

Mr James took advantage of the fact that the Barristers Admission Board recognised university degrees as a substitute.

As a second-year undergraduate he enrolled as a pupil. By the time he graduated, he had "served" three years of pupillage and was entitled to be admitted to practice before the High Court.

Geoff James was a foundation member of the Law Society and served three terms as Secretary.

He recalled the struggles, the politics and a few anecdotes from the early days.

Mr James said the prevailing issue for Council in 1968 was the need for a definitive statement of professional ethics.

"We had practitioners from all over the world.

"For each lawyer, there was a different assessment of the correct ethical approach to something," he said.

Mr James said that issue remained alive for ten years.

Professional Conduct Rules were finally adopted in 1981.

A second problem was the "abominable shortage" of legislation.

"For example," he said, "if you wanted to read the *Real Property Act*, there were only three copies in Darwin: one was owned by the Registrar-General; one by the Crown Law Office library, and; George Cridland had the third copy.

"That was common for important legislation," Mr James said.

As another example, he said the Rules of Admiralty were only available in the Supreme Court library, which carried a *photograph* -- not a photostat -- that had been made in an English library.

That photograph was the only known source of the Rules of Admiralty in the NT.

The reason for that was that the

small population.

"In addition," Mr James said, "there was simple neglect.

"Because we'd been a federal territory for 58 years or so, we suffered under Canberra's neglect.

"Even with modern law, an inadequate number of sale copies were printed, and if you didn't buy the first edition, it was quickly out of print.

"Legislation was never consolidated.

"To determine the provisions of the *Crown Lands Act*, you had to read up to 40 or 50 separate acts because the government wouldn't pay for consolidating and reprinting," he said.

All of this led to the somewhat strained relationship between Northern Territory practitioners and the then Attorney-General, Ivor Greenwood

ALL MY LIFE,  
I'VE BEEN CHANGING ~

WHEN WILL I  
FINALLY BECOME  
WHAT I'M REALLY  
SUPPOSED TO BE?



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NT's laws were frozen when the Commonwealth took over legislative responsibility from SA in 1910.

"As the Commonwealth was not in the habit of dealing with state-type issues, it didn't modernise law in the same way as the other states did.

"The Northern Territory was operating on 19th century laws which had long since been repealed elsewhere."

On that basis, of course, no other jurisdiction printed such outmoded legislation, and the Commonwealth wouldn't commit the funds for such a

Lionel Murphy, Greenwood's successor, was something of a local hero to Territory practitioners.

He visited the Territory in 1973 and heard the "litany of complaints" from local lawyers through the then President, Ian Barker.

"He began visibly solving the problems within a month by spending money to modernise, re-print and make legislation available.

"We've never suffered from that problem since," Mr James said.

Murphy also addressed similar

# reflects on 25 years

shortages which applied to library supplies, transcripts and judgments.

The third major issue was legal aid.

Under the *Poor Persons Legal Assistance Ordinance*, judges had the power to assign the defence of an accused to a legal practitioner.

This was the local equivalent of the UK "dock brief" system.

"One just got told to do it," Mr James said.

"The Crown Law Officer used to pay a small portion of a normal profession fee to compensate the practitioner.

"The youngest lawyers always got to do it."

Indeed, Mr James spent a good deal of 1967 and 1968 undertaking these "dock briefs" and did two murder trials on that basis.

For years the profession tried to achieve the agreement of government to a more effective legal aid programme.

In 1974 Lionel Murphy came to the rescue by sending a lawyer and an administrator to Darwin to set up a legal aid service.

Most of the work was briefed out at a negotiated "concessional, but reasonable" fee.

In 1977 legal aid was formalised by the Federal Government by the introduction of the Australian Legal Aid Office.

Of Murphy, Mr James said: "he was regarded as a stupendous administrator; a man who got things done."

Turning to the characters from days gone by, Mr James recalled one Robert (Bob) Elvidge who was the Master of the Supreme Court and a chronic alco-

many of which included sobriety.

Mr James said this resulted in a number of "unpleasant incidents."

"One incident involved Bob tumbling off the bench.

"He lay on the Court floor and couldn't get up, with a number of police surrounding him asking: 'What

**SOMEHOW  
I REACHED EXCESS  
WITHOUT EVER NOTICING  
WHEN I WAS  
PASSING  
THROUGH  
SATISFACTION.**

*Asleigh  
Brilliant*



holic.

Elvidge came to the Northern Territory in the early 1960s as the Supreme Court functionary.

In those days, all official legal positions were held by the Chief Stipendiary Magistrate, Haynes Leader. For example, he was Master of the Supreme Court, Registrar-General, Registrar of Companies, Births, Deaths and Marriages, and just about everything else.

He simply couldn't perform all those duties, so had to delegate -- to Elvidge who at various times was an acting Stipendiary Magistrate, "but only ever acting," Mr James hastened to add.

Mr Elvidge did a great deal of bench work in a variety of conditions, not

shall we do, Sir?"

Mr James said his alcoholism became so bad that he was reputed to "drive by ear, crashing from obstacle to obstacle."

Elvidge's undoing involved a marriage he performed as Chief Civil Celebrant.

A couple was married by him when he was rolling drunk.

The couple complained to a friend with connections in the legal profession.

The friend pursued it and that resulted in a deputation to the Attorney-General's department in Canberra.

The Attorney-General's department dispatched Federal Police plain clothes

# 25 years on: Geoff James reflects

officers to Darwin.

"They staked the Master out and recorded everything he did over the course of a week," Mr James said.

"They made careful notes and established a pattern of conduct which involved massive consumption of grog during business hours.

"The evidence was put on paper, someone from the Attorney-General's department flew up, met with him and gave him until 4.21pm that day to resign."

erable lawyer, but by 1976 he had become too old to take on briefs."

At the Law Society Annual General Meeting in 1976 it was resolved that George Dickinson would be appointed the first Executive Officer of the Law Society.

This was achieved by the firms of Messrs Waters, James, O'Neill, Ward Keller and Withnall and Everingham and others signing bank transfer forms under which \$175 per month each was provided as the salary for the

But it wasn't all plain sailing for the Society.

With the push for self-government, things became political, personal and emotional.

Mr James recalled an incident in 1977 when he and John Waters had about 75 Aboriginal clients who claimed they did not want the Ranger uranium mine to go ahead and alleged that they had not been consulted about it.

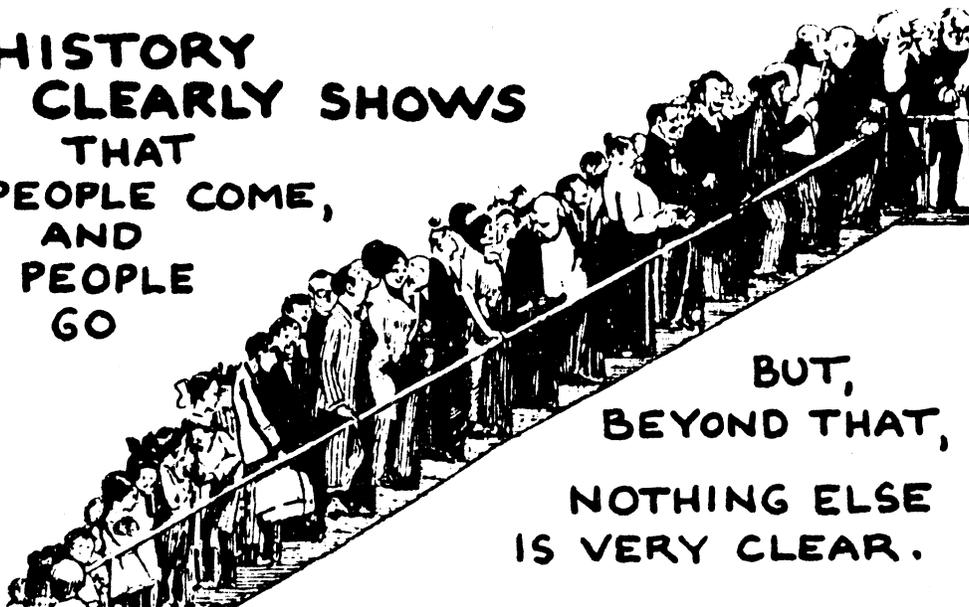
They successfully sought an

injunction preventing an agreement between the Commonwealth and the Northern Land Council from being signed.

Mining was the great excitement for the north of Australia at the time and was being touted as a great saviour for the region.

The injunction ruffled more than a few

**HISTORY  
CLEARLY SHOWS  
THAT  
PEOPLE COME,  
AND  
PEOPLE  
GO**



**BUT,  
BEYOND THAT,  
NOTHING ELSE  
IS VERY CLEAR.**

*Warrleigh Ballantyne*

Elvidge did resign and almost immediately departed for Canada.

Nothing has been heard of him since.

The first Executive Officer of the Law Society was George Dickinson who came to Darwin and served as Government Law Officer until 1963 when he was retired because he was said to have turned 65.

"He was, in fact, at least 75 years old at that time," Mr James said.

Mr Dickinson had a distinguished background as a War Crime Prosecutor in Tokyo.

Mr James described him as "a ven-

erable lawyer, but by 1976 he had

become too old to take on briefs."

That salary arrangement continued for three years.

When Mr Dickenson became incapable of even getting into the office the Society realised he must be replaced.

Ted Rowe was appointed in tandem with Mr Dickenson and became the full-time Executive Officer following the AGM in 1979.

George Dickenson died in Darwin a few years later.

feathers.

It was debated in the Senate during which two members, one a Northern Territory Senator, made disparaging remarks about the firm (Waters James O'Neill) and alleged its principals were leftist sympathisers.

Mr Waters and Mr James made a statement to the media defending the role of their firm and explaining the rights of the Traditional Owners to challenge any agreement which would affect their land.

That resulted in a "please explain" from the president who had interpreted the statement as self-promotion and touting.