

Court Notes

Sir

I hesitate to criticize a *Court Note* (or indeed any legal proposition) but I suggest the note of *Trenerry -v- Bradley* in your July '97 issue is misleading. It says the Full Court held:

"In respect of the minimum period of imprisonment specified in s78A of the Act, a Court is precluded from suspending in whole or in part that period of compulsory imprisonment."

Indeed the Full Court held that a Court was so precluded "whatever the length of sentence ordered under s78A". This means, not merely whether the sentence is a mandatory term of 14 days, 90 days or 12 months, but whenever a sentence is passed for a "property offence" in the schedule.

Martin CJ at page 10 said:

"It follows that the 'order required to be made under section 78A' appearing in s78B(1) means any order that the offender serve a term of imprisonment regardless of the term."

It may be that the questions were unnecessarily wide and ought to have been confined to the 14 days minimum scenario applicable to young Bradley, but the Full Court (by majority) did go so far.

Alasdair McGregor, SM
KATHERINE

**President's
Column**

continued from page 3

tariat exists to assist you, welcomes your constructive criticism of their efforts but rejects your unearned and ill-founded hostility.

I don't believe that I have met a more hard-working and dedicated group of people and I would like to place it on record that it is their intention to provide you with the same if not better service than that available to practitioners in larger jurisdictions like NSW, Victoria and Queensland. You will, however, appreciate that there are limitations to what can be achieved with the time and resources available to the four (yes, only four!) members of staff at the Secretariat. I applaud their efforts.

In closing, I repeat my thanks to those practitioners who have worked for the good of the profession in the Law Society of the Northern Territory during my presidency and offer my support and best wishes to my successor and his or her Council in what I trust will be an instructive and beneficial experience.

Alicia Johnson Memorial Trust

Most legal practitioners in Darwin and elsewhere in the Northern Territory will remember our excellent colleague, Alicia Johnson. Alicia worked for the Australian Legal Aid office, the Northern Territory Legal Aid Commission and was active working on law reform in areas such as domestic violence and juvenile justice. She also tutored part-time at the Northern Territory University and at the time of her death was a member of the full-time academic staff at the NTU Law Faculty.

After Alicia's death, her family and friends set up the Alicia Johnson Memorial Trust. The Trust supported a number of community projects which were related to the interests Alicia had.

For some time, the Trustees have

considered placing the Trust under the auspices of a larger body so that the Trust might have tax deductible status in relation to donations. It was felt that this, in turn, would enhance its future viability.

The Trustees have now transferred the administration of the Trust to the Northern Territory University Foundation. Grants from the trust will be available on a biennial basis for post-graduate students in the Faculty of Law who are engaged in research in areas which meet the original objectives of the Trust. The Trust aims to encourage and support work which increases the knowledge and improves outcomes in the following areas:

1. ***Social Justice - Human Rights***
2. ***Juvenile Justice***

3. ***Environmental Law***
4. ***Law and the Legal System in a social context.***

Grants will be awarded by the Research Degrees and Scholarship Committee of the Northern Territory University on the recommendation of the Faculty of Law.

A number of legal practitioners have previously been donors to the Trust. For those practitioners who would like to make donations to the Trust, those donations are now tax deductible and may be made to: NTU Foundation (Alicia Johnson Memorial Trust) and mailed to NTU Foundation, Northern Territory University, DARWIN NT 0909. (Tax exemption is available under Section 78 of the *Income Tax Assessment Act*.)