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earlier this assessment takes place and the more thorough it is the greater is the likelihood that you will be able to anticipate difficulties and plan a way around them.

Dr Eades points out that you should not assume that an Aboriginal witness is speaking standard English. The answers: “I don’t know” and “I don’t remember” may mean what they convey or they may be a statement about the inappropriateness of the question. There are many examples of how the different use of language may lead to confusion and possibly serious error. John Coldrey (now Coldrey J of the Supreme Court of Victoria) gave an example of difficulties that may arise by reference to a record of interview³. I set out the passage:

Policeman: Did you want to kill Lillian?
 Kennedy: Yeah.
 Policeman: You wanted to kill

her. Did you want to kill her properly or kill her a little bit?

Kennedy: Little bit.
 Policeman: A little bit?
 Kennedy: Yeah.
 Policeman: Where did you want to kill her?
 Kennedy: Leg, leg.
 Policeman: In the leg, you wanted to kill her in the leg?
 Kennedy: Yeah.

Here, the expression ‘to kill’ is used synonymously with the verb ‘to hit’. This policeman knowing that to be the case is able to accommodate it and fairly represent the intent of the accused person. Had the policeman asked only the first question the true meaning of the witness would have been lost, possibly with significant adverse consequences for the accused.

When the witness gives evidence it is obviously important to ensure that you pay careful attention to what is being said and that you be alert to prevent misunderstanding from arising or continuing. You should be alive to the prospect that an incorrect meaning or some ambiguity may arise from the choice of words adopted either in your question or in the answer received.

- 1 Published in *Foreign Linguistics; The International Journal of Speech, Language and the Law* Vol 6 No.1, 1999. Another version of the paper is to be found in the *Criminal Law Journal* (1997) Vol 21 at p7. Both copies are available in the Supreme Court Library.
- 2 Dr Eades: *Aboriginal English and the Law* (1992) Queensland Law Society Inc.
- 3 Coldrey J (1987) *Aboriginals and the Criminal Courts*. In K. Hazelhurst (Ed.): *Ivory Scales: Black Australia and the Law*; NSW University Press

THE VENUS 49'ERS: 13 YEARS ON

In 1986, realising that none of the existing Darwin soccer clubs were desperate enough to give them a game, a bunch of young lawyers formed the Venus 49'ers, a soccer team that took them on to win more games than they lost.

The team, pictured here in 1987, continued to play until 1994. During that period over 30 members of the legal profession in Darwin had worn “the green and white”.

“The story behind the team’s name,” John Duguid told *Balance*, “is that having decided to field a team in 1986, they were told that the new club must be registered within a couple of weeks — not long enough to become an incorporated association. In haste the team used a Mildrens’ shelf company called “Venus no. 49 P/L”!

Eleven of the 14 players in the 1987 photo opposite had something to do with legal practice. An indoor hockey team was even fielded for a couple of wet seasons, fearlessly led by none other than Ian Morris.



Spot the lawyer! Back Row: from second left: Steve Huntingford (then at Waters James McCormack and now of Hunt & Hunt) , Graham Heaton (then articled clerk in the Department of Law and now??), Kelvin Strange (then of Waters James McCormack and now of Hunt & Hunt), John Duguid (then Associate to Muirhead/Kearney and now of NAALAS), Colin Haymon (then police prosecutor and now Professional Responsibility Division), Peter Robinson (then of Mildrens/McCormack & Co and now barrister in Brisbane), Roy Ellis (then Crown Prosecutor now with NSW DPP) Front Row: from second left: Guy Riley (then of Waters James McCormack and now of Clayton Utz), Peter Thompson (then of Mildrens, McCormack & Co and now running own firm in Sydney), Paul Hatzler (then of Cridlands and now of Holmans in Hong Kong) , Nick Mitaros (then of .. and now of Clayton Utz) Missing: Johnny Lawrence (signed up in 1988 when Crown Prosecutor, now barrister at James Muirhead Chambers), Steve Williams (then of Cridlands and now of Minter Ellison in Adelaide)