

## Advocacy

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A more skilful cross-examination will employ concise non-leading questions, simple in form and containing only one idea. Questions should not be lengthy, convoluted or grammatically complex. For example they should not include double negatives or put a series of alternatives. They should avoid using legal or other formal language. This is not an easy approach for the advocate to master and, of course, will often run counter to the advice contained in text books on advocacy and delivered in advocacy workshops. However in many cases it may be the only effective way to challenge the evidence of an Aboriginal witness.

None of this prevents an Aboriginal witness being challenged and challenged vigorously. What it ensures is that the product of the exercise has value and can be used with force in the final presentation of the case at the time of the closing address.

Whether you are to lead the evidence of an Aboriginal witness or to cross-examine that person there are many factors to consider in your preparation. Difficulties with language abound. Cultural influences may be important. The effective advocate will endeavour to ensure that he or she is as informed as possible in order to identify the problem areas and to create strategies to avoid them.

1 Dr Eades: *Aboriginal English and the Law* (1992) Queensland Law Society Inc.

# AROUND THE NT BAR

This is the first of what is to become a regular NT Bar Association column in *Balance*.

The aim of the column is to provide some background information about the NT Bar, its history and those who are at the Bar. Future columns will include profiles of members of the Bar.

## A potted history of the NT Bar and the NT Bar Association.

The NT Bar Association was formed at a meeting held in Darwin on 27 June 1980. However, the NT Bar was actually born about six years earlier, just before the cyclone in 1974. Michael Maurice and Tom Pauling were practicing as in-house counsel at Ward Keller and Rorrison and Cridland and Bauer respectively (as those firms were then known) and they decided go it alone and set themselves up as the independent Bar. Ian Barker QC joined them after the cyclone.

By the time of the inaugural meeting of the NTBA, there were 8 barristers in private practice at the Bar (Bracher, Eames, Harrison, Hiley, Maurice, Mildren, Parsons and Pauling). The other original member, Ian Barker QC became the NT's first Solicitor General with NT Self Government in 1978.

Since then the numbers have grown quite dramatically. By the end of the 1980s, there were 13 barristers at the Bar. Currently there are 27 of whom 24 are members of the NTBA.



John Reeves QC, President of the NT Bar Association

Until 1990, when James Muirhead Chambers was established, there was only one set of chambers — William Forster Chambers, formerly known as Counsels Chambers. It was named William Forster Chambers in 1989, after the first Chief Justice of the NT Supreme Court, Sir William Forster.

Nowadays there are four established chambers — William Forster Chambers (14 barristers), James Muirhead Chambers (4), John Toohey Chambers (3) and Edmund Barton Chambers (4).

Of the current members of the Bar, Colin McDonald QC is the longest serving having joined in 1984. Then followed John Reeves QC (1985), Jon Tippet (1988), Sally Gearin (1990) Steve Southwood (1990) and John Waters QC (1990).

Over the past 20 years there have been 7 presidents of the NTBA. The inaugural president was Michael Maurice QC (formerly a Supreme Court judge and Aboriginal Land Commissioner and currently a contented farmer in northern NSW).

Then followed Tom Pauling QC (currently the NT Solicitor General), Dean Mildren QC (as he then was - currently a Supreme Court judge), Graham Hiley QC (currently practising at the Bar in Brisbane), Trevor Riley QC (as he then was - currently a Supreme Court judge), Colin McDonald QC (the current immediate past president) and John Reeves QC (the current president).

## TWO NEW TERRITORY MAGISTRATES APPOINTED

Chief Minister and Attorney General Denis Burke has announced the appointment of two new Territory Magistrates.

Michael Ward and Vince Luppino bring to 11 the number of magistrates employed in the Territory. They were selected from more than a hundred applicants for the positions.

Michael Ward, former Territory, ACT and South Australian magistrate, will take up his magistrate's post in Alice Springs.

Vince Luppino, former senior associate at an Adelaide law firm, will work from Darwin.

October *Balance* will feature profiles of both new appointees.