

# THE MUSTER ROOM

## The case of the stolen elephants

The old Supreme Court holds special memories for many old timers in the profession. Take the Solicitor General Tom Pauling QC. He recalls representing the defendants in the case of the stolen elephants. As is the human penchant for assembling weird items, a Darwin woman had collected many elephants over many years from around the world. Ivory elephants, ebony elephants, wooden elephants and even cloth elephants. During Tracey the elephants vanished. The Police arrested two French men packing elephants into boxes addressed to Paris. The men Trippier and Plongeon became Mr Pauling's clients. The exhibits were assembled in graduating size along the bar table in the old Supreme Court.

Mr Pauling gave a sterling performance to the jury of the horrors of the cyclone, how complete devastation was assured and how the elephants were destined not to survive and that, perhaps, the "liberation" of the

elephants was akin to the act of good Samaritans. Wise to the tactic, Justice Forster sought to correct the over dramatisation of the defence and played down the devastating effect of the cyclone to Darwin but society's 12 good people had experienced Tracey's fury. They returned a not guilty verdict and gave Mr Pauling encouragement for future Oscar winning attempts.

## Old pet eats what John West rejects

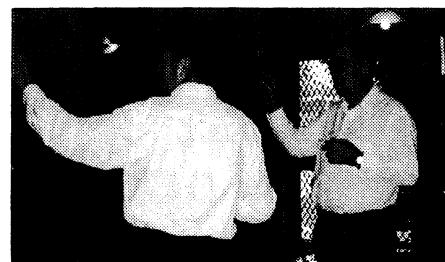
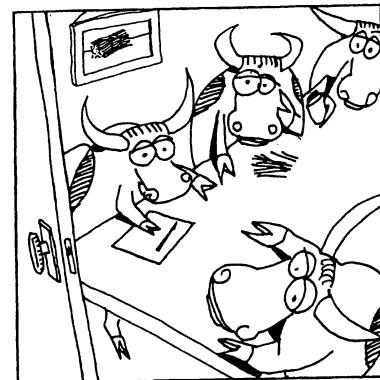
A word of warning for all you lawyers with pet lions at home.

The Northern Territory News on Australia Day, 26 January 2000, printed the following story:

*"A lawyer was devoured by a pet lion in his villa in southern Italy where his remains were found over the weekend, press reports said yesterday."*

*"A few bones and a pair of rubber boots were all that was left of Sergio Montella, 56, after police broke into his home after being alerted by neighbours..."*

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Darts anyone? Law Society president Jon Tippett and Justice Angel may look set to hit a bull's eye but the reality is they are engaged in an animated discussion about the Society's new logo.

# Maurice: "judges can and should be trusted"

Former NT Supreme Court judge and Commonwealth Aboriginal Land Commissioner, Mr Michael Maurice QC released the following statement on mandatory sentencing laws:

The NT mandatory sentencing laws must be repealed. They are unjust. Their application is particularly oppressive in the many predominantly Aboriginal communities scattered around the Northern Territory. They also discriminate against the young, the socially disadvantaged and the intellectually impaired. They defy the learning of the black deaths in custody inquiry. They cut across important Australian values and breach this country's international obligations.

The mandatory sentencing laws are unnecessary. The NT's magistrates and

judges can and should be trusted to apply appropriate criminal sanctions tailored to the circumstances of each individual case. Mandatory sentencing laws have had absolutely no impact on law and order problems in the NT.

The laws are damaging Australia's international reputation. They are seen, correctly, as violating the human rights of our indigenous population.

Under the Australian Constitution the federal parliament retains complete control over the NT and its legislation. The NT is not a state. It is not a State because it is heavily dependent on the rest of Australia for financial support and because it does not have a big enough population to generate a political class, government and opposition, made up of quality legislators and administrators, a fact

recognised by the NT populace at large in its recent vote against statehood.

The NT is not a satisfactorily working democracy; it has never had a viable alternative government. In fact, Territorians are frequently scathing about their government but despair the alternative.

It is taxes raised from the citizens of NSW and Victoria which in large measure subsidise and support the NT prison system, its police and magistracy. It is out of the pockets of eastern seaboard taxpayers that the salaries of NT politicians are paid, their lavish parliamentary suites built, furnished and maintained, their fleet of cars operated and their world travel funded.

Clearly, the rest of Australia has a moral and legal right to insist NT politicians respect important human values.