

- pleadings or process which has been served;
- affidavits or witness statements which have been read, tendered or verified in open Court;
- corrected copies of the transcript of evidence given in open Court;
- copies of exhibits admitted in open Court; and
- copies of written submissions which have already been made to the Court and served on all other parties.

A barrister is also permitted to answer unsolicited questions about matters such as the identity of the parties and the nature of the issues in the case provided that the answers are accurate and “uncoloured by comment or unnecessary description”. In particular, the answers must not appear to express the barrister’s own opinions on any matter relevant to the case. A full text of the rule can be obtained from the NTBA website at www.ntba.asn.au.

Preserving the integrity of hearings

As the title to the rule suggests, it is aimed at maintaining the integrity of court hearings. Among other things, it aims to prevent trial by media with the opposing lawyers, or their surrogates, giving their opinions about the overwhelming strength of their client’s case and the media (almost always non-lawyers) usually presenting the most

scandalous aspects of the case to their readers. Based on what they are told by the media, the public then forms views about the case and who ought to win. When the court or a jury makes a different decision, the (often misinformed) public, then thinks that the Court or the jury, and not them, has got it wrong. The integrity of the hearing process is often adversely affected and support for the judicial system is often eroded in the process. The OJ Simpson trial in America is an extreme example, but there have been many examples in Australia, both in the civil and criminal trials.

Since I have only had a limited opportunity to touch on the workings of this rule in this column, I will return to it in later columns.

Combined Chambers’ Christmas party

On a lighter note, the combined Chambers’ Christmas party is an initiative of the NTBA. It was first held in Christmas 2000. It received a mixed reception last year. Many apparently preferred standing around the corridors of William Forster Chambers. This year we intend to try a different venue — Brown’s Mart. So if you are looking for yet another Christmas party or want to find out who receives the most scandalous prize for 2001, come along to the combined Chambers’ Christmas party from 5pm Friday, 7 December 2001 at Brown’s Mart.

FEDERAL MAGISTRATE SWORN IN

Law Society President Mr Ian Morris welcomed the appointment of Stewart Brown as a Federal Magistrate on behalf of the Northern Territory legal profession at the swearing in ceremony held at the Federal Court on Monday 5 November 2001. The following is a transcript of the President’s welcoming remarks:

In my respectful view, this Court could not have made a better choice to fill the position of Federal Magistrate.

Mr Brown has had a long and varied career in the law. He was admitted to practice in the Supreme Court of Victoria in 1982, and in 1986 he chose to move to Alice Springs, where he began an eight year period working for the Central Australian Aboriginal Legal Service.

In 1994 he came to Darwin to work as a barrister in James Muirhead Chambers, where amongst many notable appearances he made a considerable contribution to the law of public liability in the case of *Zoltak V Darwin Port Authority* a case in which he was briefed by me and in respect of the result of which I am not at all bitter.

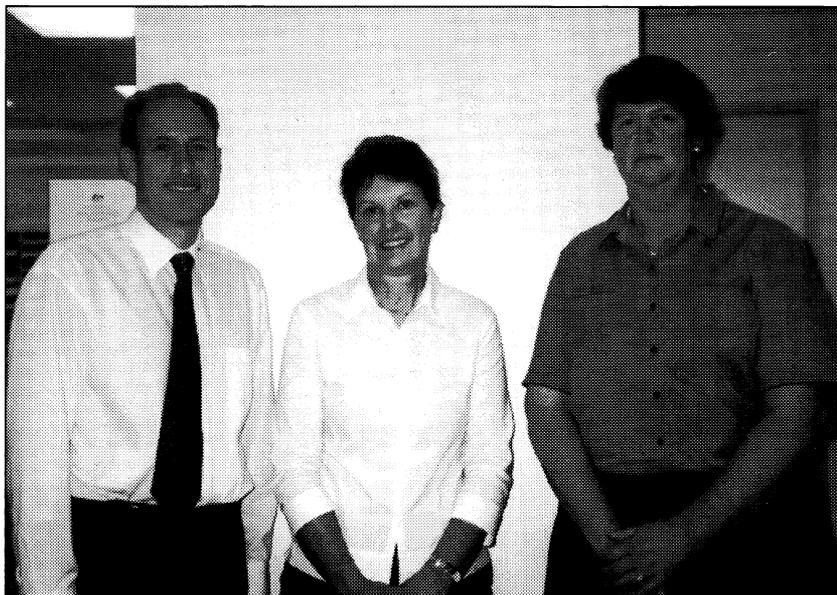
Mr Brown has demonstrated an ability to work in strange territory, with somewhat antiquated equipment and amongst people who talk in a language with which he is not familiar.

That, Your Honour accounts for the six month period during which he was Executive Officer of the Law Society.

When he had finished that task, he rode a bicycle from Rome to Barcelona.

Mr Brown’s task will mirror his penchant for travel, in that he will service all of the Territory.

His cyclic ability must therefore be of some comfort to the Court, in these troubled times of airline collapses and transport failures. In that event, and in all Courts in the Territory, with Mr Brown in the saddle, so to speak, justice may be delayed, but will not be denied.



Stewart Brown FM, with Chief Federal Magistrate Diana Bryant and Christine Mead FM