

*Black and White review,
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Courts in Australia have also developed principles to protect litigants from incompetent counsel. I do not say that those principles would necessarily have applied in Stuart's case. But where a person is denied a fair trial because of seriously flawed legal representation, the courts do not now wash their hands.

There are also advances in technology. Such advances affect the way in which confessional statements are recorded. But they now extend to DNA and other scientific evidence to reduce the risks of wrongful convictions.

In Stuart's case, hairs had been found under the victim's fingernails. Samples were taken of Stuart's hair. But in 1958 and 1959, such scientific tests were in their infancy.

Today, they would probably have proved determinative. The fundamental lesson that judges and magistrates should draw from watching *Black and White* is that formalism is not enough.

A devotion to justice is imperative.

I regard it as a sobering discovery to learn from *Black and White* that the real saviour of Stuart's life was not the Australian court system. It was the chance decision of a young media personality who shared the "good deal of anxiety" about the case which the courts, given the full chance to do so, either did not see or would not, or could not, act upon.

No system of human justice is perfect.

The improvements we have made in the past 40 years by no means removed the possibility of miscarriages of justice or wrongful convictions.

To the very end, no one really knows for certain whether Stuart was guilty or innocent. But the conduct of his prosecution, trial and appeals were not a shining moment in Australian legal history.

It is therefore right that his case should be portrayed and his story retold to a national and international audience. It is a good and brave country, with strong institutions, that learns from past errors and adopts reforms to avoid their repetition. ①

The LSNT Annual General Meeting: a short report

As well as electing a new Council (see pages 10 to 12), the 2002 Annual General Meeting of the Law Society of the NT addressed four other important issues. They are briefly outlined here.

Proposed amendment to the Constitution re: nominations

This motion, moved by the President Ian Morris, required that all nominations for election of the Society's Council had to be received by the Secretariat seven days prior to the date set for the AGM.

If no nomination was received for a Council position, the amendment allows for nominations to be called from the floor of the meeting and seconded verbally by a member at any time prior to the closure of nominations by the Chair.

The motion was carried and is now pending approval from the Attorney-General.

Proposed amendments to the By-laws

These were based on the disciplinary processes of the Society. Consideration of these proposed

amendments were adjourned to a Special General Meeting to be held on a date to be advised.

Proposed Adoption of the Barristers' Conduct Rules

The meeting considered adding the Barristers' Conduct Rules to the Law Society's Rules of Professional Conduct and Practice. The Barristers' Conduct Rules would only apply to barristers.

The meeting endorsed the adoption on proviso that a consultation process in accordance with the Act be undertaken before they were set down in the Law Society's regulations.

Proposed amendment re: dealings with the Law Society

A rule was endorsed to require practitioners under investigation for a complaint to be courteous and co-operative in their dealings with the Society. ①

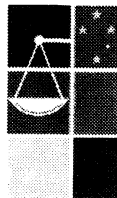
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