
Faces in the law

FACES IN THE LAW ASKS PRACTITIONERS TO PROVIDE
INFORMATION ABOUT THEMSELVES, THEIR CAREERS AND THEIR
LIFE OUTSIDE THE LAW.

Graham Nicholson, Barrister and legal icon

I am 65 years old and live in the rainforest in Kuranda North Queensland.

I have an LLB (hons) from UWA and an LLM from UQ. Was admitted in WA in 1967 and in NT in 1974. More recently admitted in QLD, and to the High Court. Have signed the Bar roll and practice only as a barrister.

I practised law south of Perth for some years upon admission, and then moved to Darwin with family in 1974 just before the cyclone, in which our rented house was blown away. Fortunately we were in Perth for Christmas with family. I joined the old Department of the Northern Territory and was seconded to a Constitutional Study Group with that Department. I attended the first meeting of the fully elected Legislative Assembly in late 1974.

Returning early to Darwin after the cyclone, I continued with that department until after several years I moved to Attorney-General's Dept with the late Bill Raby. I was in turn seconded to the NT Department of Law before that Department was properly established in 1977, working with the Executive Member for law in the Legislative Assembly and the nominated first Solicitor-General Ian Barker QC. I helped set up that new Department as the first Crown Solicitor for the NT, working over time with people like Paul Everingham (Chief Minister and AG), Barker, Terry Sullivan, Peter Tiffin, Peter Conran, Robert Bradshaw, Brian Martin QC, Frank Gaffy QC, David Anderson, Meredith Harrison, Tony Thursfield, Juliet Shields, Jim Dorling, the late David Barrett, and others too many to name. Later I moved to a position in Counsel's Chambers with Tom Pauling QC and Raelene Webb QC, taking early retirement after the failed statehood referendum in 1997, and the rundown of the Department, then as Senior Crown Counsel.

I also voluntarily lectured at the Darwin University College, then NTU, over many years on many law subjects.

Since then I have lived with my wife Terrie on Magnetic Island for some years (got sick of ferries) and now in Kuranda, still practising as a barrister. My three children have long since left home, being my married son Iain who is an excellent farmer north of Perth with two children, my daughter Dr Claudia



Graham Nicholson with his wife, Terrie

Nicholson who practises in Sydney, very successfully, and son Haigh who is finishing a degree in Perth and working part-time in hospitality.

I have a small office in Kuranda village but don't take clients as such through the office, working electronically in the main, and then primarily for the NT Department of Justice. The office houses my extensive library and also I take enquiries about the Baha'i Faith, of which I am a long time member.

I keep busy with many things, painting, writing (including poetry), reading (not much fiction), walking in the rainforest with Hamish the dog, meeting many people including from overseas, visiting coffee farms and other local producers, etc. Terrie likes the arts and crafts also and is very good at gardening, cooking and renovating.

Needless to say my favorite colour is green, of which there is plenty up here in the cool, shady rainforest. I still come up to Darwin from time to time using the Solicitor-General's Chambers, mainly for work and seeing friends.

Our ambition is to live in Bali, using Darwin, where we have several properties, as a base. But the time is not yet right. We will see. I lived in Bali once before, visiting various universities in Indonesia, but at that stage the electronic connections were not so good. They may now be better. Living in Darwin enabled me to travel to many places in the world and to expand my horizons, for which I am very grateful. I am a world citizen.

Ian McMinn, Prosecutor

Ian McMinn, 55, has worked in all forms of media and public relations. Currently he practises criminal law in Alice Springs.

In the 1970's he joined Visnews Ltd (now Reuters TV) where he spent time as a writer and satellite producer before being appointed as Acting Bureau Chief East Africa, as a cameraman/correspondent in 1978. Shortly after that he covered the Iran War.

Upon returning to Australia he was appointed to Canberra for Network 10, as a national reporter, before taking up an offer to head the Macquarie Network as Bureau Chief.

He later worked for various commercial channels where he was twice awarded for reporting as National TV Reporter in 1986 and Overseas Reporter of the Year in 1988 for his exclusive interview with Libyan leader,

Colonel Ghaddaffi.

McMinn also worked as a freelance writer before joining Telstra in 1995 as the Senior Electronic Media Manager. He stayed with Telstra until 2000 writing speeches on E-commerce, media coaching executives and producing a monthly video magazine.

In 2001 he freelanced for CNN.com and later the ABC's Lateline, covering Tampa and events following September 11.

He enrolled at Charles Darwin University in 2002 and graduated with Honours in Law in 2005. In January 2005 he was appointed a graduate clerk with the DPP in Darwin, and was admitted by the NT Supreme Court to practice law in August 2005.

He now works as a Prosecutor in Alice Springs.

Access Denied: Standing of a human rights organisation to commence discrimination proceedings... cont. from page 34

stops, AAA did not. Consequently, AAA's interest in the Council's non-compliance with the Transport Standards was merely 'intellectual or emotional'.

Possible exceptions

The Court left open the prospect that an incorporated association may have standing as a 'person aggrieved' if a particular matter affected the interests of all of its members. The Court also distinguished the case of unincorporated associations.

The Court also acknowledged that an organisation may be 'aggrieved' where a matter affects the organisation itself, such as if an organisation is refused a lease over premises due to its members having disabilities.

Finally, the Court hinted that an incorporated organisation may be a 'person aggrieved' if it could establish that it was sufficiently recognised as a representative peak body on the issue, although suggested that this was 'of somewhat debatable significance'.

Reflections

The Transport Standards establish a comprehensive code for the accessibility of public transport, covering both conventional public transport (ie. public buses and trains) as well as commercial transport (ie. airline travel and taxis). The Standards were devised following extensive consultation with government and transport representatives, as well as the disability community. The Standards do not establish an ideal standard, but a minimum standard, with which non-compliance is

unlawful.

The Courts have yet to consider the operation of the Transport Standards. It is therefore perhaps unfortunate that the Court's decision in AAA was in the context of an application for summary dismissal and thus without the benefit of complete evidence and argument on the matter.

In particular, a full hearing of AAA's application may have provided a greater opportunity for the Court to consider the purpose, scope and operation of the Transport Standards and whether a broader interpretation of 'person aggrieved' is perhaps necessary and appropriate to ensure that the Transport Standards are fully effective.

Transport provides society's circulation system, infusing and connecting its various facets. It enables employees to go to work, customers to reach shops, and friends and families to socialise and travel. Inaccessibility of public transport and its infrastructure is therefore a concern that transcends the interests of individuals within the disability community. It is a matter that aggrieves society at large.

For a copy of the decision in AAA, go to http://www.austlii.edu.au/au/cases/cth/federal_ct/2007/615.html

For a copy of the submissions filed in AAA by the Acting Disability Discrimination Commissioner as amicus curiae, go to http://www.humanrights.gov.au/legal/submissions_court/amicus/hervey_bay.html.