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profession wanting to address concerns about legal fees and legal issues. The scheme provides the client with an opportunity to obtain initial advice on their situation. Conditions of the Scheme are:

- Consultations are strictly limited to 30 minutes
- The client must make an appointment with the firm under the First Interview Scheme
- The client must pay the \$99 fee at the conclusion of the consultation
- In 1971 the Council of the Society raised the issue of legal assistance with the newly appointed judge William Forster who requested the local profession investigate alternative legal aid schemes and a request by Aboriginal Affairs officers to establish a separate scheme for Aborigines.
- Members of the profession Dick Ward and Ron Withnall were instrumental in seeking the establishment of an Ombudsman.
- Volunteering at the many community legal centres is a common pass time with community legal centres delivering hours of pro bono assistance to Territorians.
- Participation in non-profit boards of management, not only in the legal assistance sector but also the Council of the Society, sporting, artistic and community organisations.
- Pro-Bono Clearing House: The Society Pro Bono Clearing house is another mechanism for providing assistance to the community and the Society can proudly report over 10% of the profession have committed to the Register of Practitioners providing assistance, with a 100% success rate in placing eligible applications.

It is hard to place a value on this contribution or to explain how or why lawyers feel so compelled to give so freely of their time and expertise in so many ways. It is often not something that lawyers trumpet. Lawyers certainly don't tell their bank managers about it when negotiating an extension on the business loan: "Sorry Mrs Kelly I was so busy doing legal aid work I forgot to do enough paying work to meet this month's rent" or "I was too busy revising

the gymnastics club's constitution to ensure it complied with the new Associations Act and I forgot to chase up my unpaid debtors." At the end of the day rents and wages must be paid, loans serviced not to mention insurance and other regulatory costs.

In 2015 there is increased competition for the good will of the profession. As not-for-profit governance is in the spotlight the Society is receiving increasing requests to identify lawyers to be on Boards or Committees of Associations. For these lawyers this work can be more time consuming however the rewards are great particularly the sense of contributing to the community. Volunteers on boards maybe be rewarded with a barbeque hosted by the local MLA, nomination for citizenship awards or are otherwise applauded for their service to the community. Contrasting starkly with the warm glow of the legal aid lawyer.

That being said this goodwill, wherever exerted, makes the Northern Territory a better place. Hopefully the misguided call for the fat cat lawyers to fill justice gaps on a pro bono basis will appreciate that if it comes down to a choice between being paid less than \$12 per hour or a free sausage the choice is easy. Thank you for your contribution over the years that has brought into existence the laws and supports for the justice system that is such a fundamental cornerstone of our free society.

NTBA Dili Conference 2014

**Judge Tony Young
of the Federal Circuit
Court of Australia**

The next Northern Territory Bar Association Conference will be held in Dili, East Timor, 13–16 July 2016. Expressions of interest should be sent to clerk@williamforster.com or visit ntba.asn.au for updates.

The five am flight from Darwin to Dili took less than an hour and the eastern sky turned pink as our aircraft descended over Timor's rugged interior. The mountain tops and high ridges were faintly lit while the valleys between were buried in darkness. Standing above the gloomy maze was the 3000 metre high pyramid of Foho Tatamailau, the highest mountain on Timor. Electricity has not reached most of this island and the inland town of Ainaro appeared as an island of light in the dark.

We disembarked at the airport named after the first president of East Timor, Nicolau Lobato, who died resisting the Indonesian invasion in 1975. Wishing the bored official a "Bomdia, senyor", we quickly passed through immigration control. In the open air arrival lounge mosquitoes hovered in the dawn shadows and I hurriedly looked for repellent. The car and driver arranged when booking our hotel were nowhere to be seen so, randomly nominating one of the circling drivers, we carried our bags to a waiting taxi.

The taxis of Dili are a collection of old Japanese small cars, clapped out bombs with the suspensions long

gone and collapsing seats, scratches and thick duco from many resprays. The windscreens of the taxis have decorated tape obscuring most of the windscreen with a narrow slit enabling the usually rather short driver to see the road ahead. For a moderately tall Australian it is impossible to see out of the windscreen. Drivers tend to smoke noxious cigarettes and listen to bad music, up loud, through distorting speakers. Candidates for the least comfortable taxis in Southeast Asia, they are very cheap: \$2 or \$3 for a ten minute journey.

Dili is a dusty town, with no grand thoroughfares, and plenty of traffic. Pedestrians walk on the edge of the roads, like Indonesia, because footpaths are narrow, blocked or non-existent. I wondered if this widespread phenomenon in Southeast Asia reflected the low status of pedestrians, usually from the poorest segment of the society.

Our hotel, Hotel Esplanada, was an unprepossessing two storey building on the seafront. Its corrugated iron external walls showed a utilitarian face to the world but its staff were friendly and the view from the second

storey open-air bar and restaurant was magnificent. Across the Wetar Strait the East Timorese island of Atauro rose steeply from the sea. A little to the west, across the Ombai Strait, lay the large and mountainous Indonesian island of Pantar. The Ombai Strait is one of the two deep water passages between the Pacific and Indian Oceans used by US nuclear submarines, and the wish to have it controlled by a friendly state is thought to have been an important reason for US support for the Indonesian invasion of East Timor in 1975.

In the other direction was a view of the narrow coastal strip on which Dili sits and behind that the rugged hills and mountains of inland Timor.

The conference was held in the new but architecturally bland Timor Plaza. This comfortable hotel and modern shopping centre is owned by the Jape family. Originally an East Timorese-Chinese family, the Japes established a successful retail business in Darwin after fleeing the Indonesian invasion and occupation. At independence they were able to return to East Timor and re-establish their business interests.

The NTBA conference titled, optimistically perhaps, 'Common Issues, Common Solutions' was held in association with Charles Darwin University. The conference offered the opportunity to consider some of the Northern Territory's pressing legal issues but also to extend our interest to a near neighbour and to consider its perspective, not only on its own experience but on its near neighbour, Australia. The experience was profoundly interesting, stimulating and sometimes disturbing. The NTBA invited the local legal profession and law students to attend the conference as guests. There were about fifty East Timorese attendees whose presence was an important step in strengthening the tenuous links between the Territory and East Timorese legal professions. In addition to the East Timorese lawyers there were a few Portuguese lawyers working in government or for Portuguese law firms, particularly those with an interest in the petroleum and gas industry. The Portuguese usually spoke English fluently. Communication with the East Timorese was more difficult. Few spoke English fluently and the Australians did not speak Tetum or Portuguese, the official languages of East Timor. The proceedings were simultaneously translated by local interpreters into Tetum and typed on a computer projected onto a large screen. The process worked well.

The conference extended over three days. Papers covered topics including the International Court of Justice, sea bed boundaries, Australian spying, the effects of the Montara oil spill, domestic violence, the complex history of political upheavals affecting land tenure and the slow resolution of ownership issues in East Timor. Professor Hilary Charlesworth, a sometime member of the International Court of Justice, gave a fascinating insight into the workings of the ICJ. This complemented the stimulating and satirical address by Bernard Collaery on Australia's ignoble history of spying on East Timor. Collaery, a lawyer representing East Timor in its attack on the Timor Gap Treaty in the ICJ, was highly amusing and demonstrated a sharp wit in the service of East Timor. James Gaykamangu and Danial Kelly presented a discussion about customary law in Arnhem Land. Justice Judith Kelly's related commentary on 'The intersection of Aboriginal customary law and the NT criminal justice system' seemed to indicate that the relationship was more a divided road than an intersection. Papers on domestic violence in the Northern Territory and East Timor revealed the tremendous challenge posed by this entrenched problem in Australia and East Timor and the desperate need for education, attitudinal change and legal protection of its victims. Papers on the oil and gas industry covered a variety of topics including the legal framework in East Timor, boundary disputes and international law and environmental problems. Greg Phelps' fascinating paper on the environmental effects of the Montara oil spill revealed the serious regulatory

deficiencies and governmental indifference to the shared problem of environmental regulation in the international waters of the Timor Sea. Portuguese lawyer Bernardo Almeida gave an informative paper on the complex subject of land title reform in East Timor. There were a variety of other valuable papers some of which can be found on the Northern Territory Bar Association website. There were also a number of interesting panel discussions involving both Australian and East Timor lawyers.

East Timor has dramatic landscapes, rugged mountains, beautiful coastlines and beaches. Its people are friendly, courteous and hospitable. Many conference delegates explored the country before or after the conference. East Timor's nascent tourist industry is constrained by limited infrastructure. Outside Dili telecommunications and transport are often problematic. Roads are poor and hire cars can be expensive. Some delegates spent time on Atauro Island, a couple of hours ferry journey from Dili and enthused about the natural beauty of the island and the comfort and good value of their hotel. Later, when I tried a booking, after battling with the difficult telephone system I discovered the owner/manager was taking a holiday and the hotel was closed. We took a different course and headed inland to Foho Tataimalau (sometimes called Mount or Foho Ramelau, which inspired the title of a moving song of the resistance against Indonesia), intending to stay at a mountain village on its slopes, Hato Builoco, and do some walks, and if fit enough, to climb the mountain. We hired a four wheel drive and a driver. The road to Hato Builoco crosses the central mountain spine of East Timor. The road is in poor condition, narrow, potholed and patched. I first travelled on this road in 1990 during the Indonesian occupation. Then the road was new and traffic was light. A couple of burnt out Indonesian tanks had stood beside the road, marking the dogged struggle of the East Timorese sixteen years before. Armed Indonesian soldiers and their local militia had patrolled the towns and villages. The fear and hatred felt by the local people for the occupier was obvious. Now the tanks had been removed and there were no soldiers to be seen. The towns and villages were no longer terrorised but were still poor. There was more traffic but the road condition had deteriorated dramatically. Blind turn followed blind turn and my apprehension was barely relieved by the stunning vistas of deep valleys and rugged mountains.

After almost four hours driving (and travelling less than 70 km as the crow flies) we left the main road and travelled along a rough track for 20 kilometres, the road to Hato Builoco. Now there was little traffic. We were high up. The air was cool and it rained lightly. After stopping in a eucalypt forest we smelled the distinctive scent of eucalypts after rain. The smell was not quite the same as in Australia. Here the forest was made up of Timor Mountain

NTBA Dili Conference 2014

Gum, a eucalypt that does not occur in Australia. Its scent was subtly different, an example of the extraordinary biodiversity in the region and the influence of geographic isolation on evolution. Much of East Timor has suffered from deforestation and there are few large areas of forest left. But here we could enjoy the tranquil beauty of the forest and hear the calls of the Timor friar birds, sounding slightly different to the similar species at home. Past the forest the steep hills were deep green, mostly denuded of trees but sometimes a lone giant Timor Mountain Gum stood as a reminder of what had once been. The soil looked fertile and I could see fields of cabbage and maize. There were goats, minded by small children and occasionally tethered ponies grazing by the roadside. The scattered houses were small with no more than one or two rooms.

The village of Hato Builoco is at an altitude of about 2000 metres, strung out along a road for a couple of kilometres on the slopes of Tatamailau whose summit was another 1000 metres higher. There is an elegant old Portuguese guest house here which has been refurbished, standing on the edge of the valley with wonderful views. However, there was no one in charge to be seen and the local people told us it was not operating so we backtracked to another guest house. We said farewell to our driver with instructions to return for us in two days.

The guest house, recommended in the guide book, was a ramshackle wooden building that did not appear to have a right-angle in it. The floor boards were massive, and on closer inspection, could be seen to have been rough-hewn with an adze. The uprights were similar massive rough-hewn pieces of timber. The dusty bedrooms were purely functional. There were no sheets but there were blankets. I regretted not bringing a sleeping bag. If we wanted a hot shower we were told we would have to wait for the electricity to come on at 6 pm when the generator would be started for four hours. The generator would then be turned on again at 6 am for two hours. We ordered dinner and waited. We looked out of the windows to the valley below, putting on our coats as the evening became cold, watching the wispy clouds and the occasional light shower of rain. Dinner arrived promptly. This was a meal of local produce: omelette, beans, cabbage, and rice. The

cook, a bustling village lady with betel stained teeth, was delightfully friendly. The next night she proudly served a stew of buffalo meat, local vegetables and omelette. I asked where the meat had come from, noticing the lack of any refrigeration, and she told me it had come from the nearby market town where it had been slaughtered that day.

The next morning I explored the village. The houses were well off the road, either up or down the slope. People walked by with a polite "Bomdia". I walked to the end of the village. I could see people cutting grass or tilling the fields higher up the slope. Wanting to get a better look I left the road, following one of the tracks. The slopes are extremely steep and the tracks narrow and difficult to walk on. The local people seemed to walk on them without difficulty, while I needed to concentrate to avoid losing my footing. The fields were very steep, able to be tilled by hand only, and no tractor could operate on them. I soon attracted an entourage of small children who were very amused by my clumsy attempts to keep my footing. I decided that I needed to return to the road.

Later we arranged for a guide to take us to some nearby caves where Australian commandos had hidden during the Second World War. Iwasebe, our guide, a man of about forty, spoke Indonesian (in addition to the local language, Mambai, and the lingua franca, Tetum) so we were able to converse. He told us he had never been to school. As we walked up to the caves he explained the vegetable crops in the fields we walked through. The vegetables, at least two species, were greens I did not recognise. Iwasebe said they were indigenous vegetables, companion planted to reduce pest attacks. He told me that foreign foods were becoming more common but he believed that indigenous foods were best. He pointed out an indigenous tobacco the mountain people smoked wrapped in dried maize leaf. The 'caves' were really a series of rocky outcrops high above the village with extensive walls of stones built between them to make a fort, with bolt holes for rifles covering the approaches. I wondered if this had not started as a local fort and been taken over by the Australians. The place was misty and a little eerie. For the Australian commandos it must have been cold and uncomfortable, with hunger and fear constant companions.