



Précis Paper

A Life in Law in the Northern Territory

This happy discussion, with the Honourable Sally Thomas, reflects on her career as a Sydney solicitor then first female magistrate and then first female chief magistrate and then Supreme Court judge and then administrator of the Northern Territory and Chancellor of Charles Darwin University. We should all watch, possibly in two sessions. It lasts one hour, twenty minutes.

Discussion Includes

- The progression of the sterling career of Sally Thomas AC from Sydney solicitor to Administrator of the Northern Territory and Chancellor of Charles Darwin University, and understandings gained
- The effects of gaol and better alternatives
- Insights into Aboriginal law and its strengths, and similarities with the common law

A Life in Law in the Northern Territory

1. In this edition of BenchTV, The Hon. Sally Thomas (former Northern Territory Administrator) and Alan Conolly (Solicitor) discuss a range of issues raised during Ms Thomas' successful career.

The Career Progression of Sally Thomas

2. Being a solicitor in Sydney was the toughest job Ms Thomas has had. The main reason it is so difficult is because so many assumed roles are combined into one, including social worker, business manager, and balancing the agendas of everyone around you. She spent over 15 years as a solicitor, before successfully applying for the role of Magistrate in the Northern Territory.
3. As a magistrate, she serviced and visited 45-50 communities on circuit.
4. Ms Thomas was then appointed Chief Magistrate of the Northern territory, which gave her the additional responsibilities of overseeing case management, delegating who sits where, and what courts should sit, and managing many other logistical arrangements.
5. Although Ms Thomas was the first female Chief Magistrate, she did not see it as a ground-breaking achievement. She did not experience any resistance due to her gender from the other magistrates, who were predominantly men. The other magistrates were very supportive and she never felt that she was discriminated against.
6. Ms Thomas then moved to the Supreme Court Bench in 1992, where she acted as a judge until 2009. Her Honour was the first female judge in the Northern Territory.
7. On 1 January 2016, Ms Thomas was appointed Chancellor of Charles Darwin University, a position she held until 2016, when she was approached by the Governor of the Northern Territory and asked to become the Administrator of the Northern Territory. as Administrator, Ms Thomas began visiting the 45-50 communities she had visited initially as a magistrate.

The Effects of Gaol & Better Alternatives

8. Throughout her time as a magistrate and judge, Ms Thomas was never able to 'get used to' the process and concept of sending people to gaol. She noted that as a

magistrate, she had a lot more discretion to consider alternative options to gaol sentences, compared with being a judge on the Supreme Court.

9. Ms Thomas has struggled to consider other effective ways to punish people. Mr Conolly noted a previous BenchTV production, in which a Parole Officer from Minnesota explained the effectiveness of handing down very lengthy suspended gaol sentences. As a result of the suspended sentences, the offenders would be monitored very closely for much of their lives, which proved to be quite effective in dealing with recidivism.
10. Ms Thomas agreed that offenders can now be monitored very closely, reflecting that many offenders within the Northern Territory are monitored closely through reporting conditions if they have been released on parole or have received a suspended sentence. People can now be monitored very closely as an alternative to gaol
11. In the Northern Territory, many of crimes are alcohol fueled, leading to a high rate of crimes involving extreme violence. For these types of crimes, gaol is not the answer.

The impact of the media in reporting cases

12. The media is a very important stakeholder in the legal industry, serving as a great pathway between the courts and the public. However, the biggest problem is when they 'get it all wrong'. They are often not trained properly as court reporters these days, which has become a big problem and often leads to erroneous reports.
13. We have a healthy society that can criticize, but the criticism has to be based on the facts in order to have value.
14. Where erroneous reports are published, an option to rectify the issue is to contact the editor of the newspaper.

Aboriginal Law & the Common Law

15. When dealing with cases involving Aboriginal offenders, traditional law is still taken into account. However, there are a huge number of similarities between traditional law and Aboriginal law that are often overlooked or misunderstood. For example, both systems have evolved based on the idea that a person who has been injured is not to sit in the position of a judge and jury in their own matter. In other words, the person who has been wronged is not the person who can right that wrong.

16. One of the differences is that it is rude in Aboriginal culture to look people in the eye. As such, they often keep their eyes downcast when giving evidence, which can be interpreted negatively by a traditional jury. Another difference is that in the Aboriginal system of law, if you have an issue you deal with it there and then.

Legal Training

17. While Mr Conolly gained his legal education at the University of Sydney on a part-time basis after securing a job at a law firm, Ms Thomas did a 5-year article clerkship and then completed her education through the Solicitor's Admission Board.
18. Reflecting on this, both Mr Conolly and Ms Thomas agree that having a practical education is of great importance in preparing a law student for their career. Conversely, university degrees for today's law students are very theoretical, which can make it more difficult for students to transition into practice. As such, having legal job while completing a legal degree is invaluable, not only for gaining practical experience but also for assisting in students' understanding of legal concepts.
19. Many universities today also focus on online study, with 80% of Charles Darwin university students studying their degree online. As such, they never have the chance to experience university life.

BIOGRAPHY

The Hon. Sally Thomas AC

Former Administrator, Northern Territory

The Honourable Sally Thomas came to Darwin as a magistrate in 1978, where she later became Chief Magistrate and Justice of the Supreme Court of the NT, serving from 1992 to 2009. She was appointed to the Court on 10 August 1992 and was the first female to be appointed a Judge of the Court. She was sworn in as the first female Administrator of the Northern Territory in October 2011, a position she held until 2016. In 2011 and 2014 she was awarded a Companion of the Order of Australia. Her Honour was appointed Chancellor of Charles Darwin University on 1 January 2010 where she served 2 terms. In addition to her career in the judicial system, she was also Chair of the Legal Aid Commission from 1990 to 1996, Chair of the Northern Territory Winston Churchill Fellowship Committee from 1992 to 2004 and in 2004 she was appointed Deputy National Chair Fellowship, of the Winston Churchill Memorial Trust.

Alan Conolly

Senior Partner, AR Conolly & Company Lawyers, Sydney

Alan Conolly founded the firm AR Conolly and Company in 1968 where he remains a Partner in full-time practice. He has chaired companies in diverse industries including oil, IT, dance, agrochemicals and film. Life member of the Law Society of New South Wales, publisher of Benchmark.

BIBLIOGRAPHY

Baroness Corston, *A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System ('The Corston Report')* published in March 2007.

BenchTV: *Women in the Criminal Justice System*: Baroness Corston (Member of the House of Lords) in discussion with Ian Benson.

20 February, 1981: At the first Coronial Inquest Coroner Denis Barritt found a dingo killed Azaria Chamberlain.

Professor Sir Michael Marmont, 2016 Boyer Lecture: Fair Australia: *Social Justice and the Health Gap* www.abc.net.au/radio_national/programs/boyerlecture.

Alan Bennett, *The Uncommon Reader*, London Review of Books, Vol. 29, No. 5 (8 March 2007)

Flannery, T. (ed.), *Complete Account of the Settlement at Port Jackson, 1788* Watkin Tench, The Text Publishing Co. 1966.