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be unduly emphasised by your reactions. Rather you should proceed as if nothing untoward had happened whilst you plan the best way to counter the unfortunate turn of events.

At the commencement of this article there is a quote from "To Kill a Mockingbird". The quote reflects a rule which is often repeated to young advocates and that is you should never ask a question to which you do not know the answer. That is probably to express the rule in terms that are too broad and rigid. There will be questions you will ask which will have either answer (a) or answer (b), with either of which you will be happy. In those circumstances you may wish to ask the question without knowing the answer. There will also be those questions where you are not concerned by the answer because the questions and answers form part of a building process undertaken with a view to asking a later and more important question. However in relation to those questions which are crucial to the outcome of the case the rule holds true: you should not ask a question to which you do not know the answer.

In a similar vein you should not ask questions which permit the witness to explain. Again this rule is subject to exceptions and a question seeking explanation may be particularly effective if there cannot be an explanation and the witness is left to flounder. However as a general proposition you should not permit the witness to explain any matter in his or her evidence. If you wish to have an answer explained then you should do so by suggesting the explanation rather than simply calling for an explanation. To call for an explanation gives the witness the opportunity to be expansive regarding matters which may be detrimental to your case.

There are many rules of advocacy and I have discussed some of these above. In relation to each such rule there will be exceptions. I suggest that departure from the rules should be left to the exceptional circumstance and to the very experienced advocate.

# CASE NOTES

Northern Territory of Australia  
v Mueller & ors

Supreme Court No. 19/2000

Judgment of Riley J delivered 6  
April 2000

## CIVIL LAW - COSTS - CRIMES (VICTIMS ASSISTANCE) ACT

The respondents were each issued with an assistance certificate in the Local Court at Alice Springs pursuant to the *Crimes (Victims Assistance) Act* ("CVA Act").

The magistrate awarded each respondent costs to be paid on the basis of 80 percent of the relevant scale of costs as set out in the appendix to the Local Court Rules ("the Rules").

Her Worship considered there to be "no reason" to differentiate between work done prior to the commencement of the amended Rules and work done after May 1998.

HELD

1. Appeals allowed
2. Work carried out prior to June 1998 to be taxed.



Mark Hunter

His Honour observed that the CVA Act in combination with the *Local Court Act* contemplates a scale of costs for proceedings under the CVA Act to be fixed by the Chief Magistrate. Any discretionary variation by a magistrate in awarding costs for work done prior to June 1998 must be referable to the scale *then applicable* under the Rules.

### Appearances

Appellant - Anderson / Povey Stirk

Respondents - Goldflam / NTLAC

Case Notes is supplied by Mark Hunter, a barrister in Darwin.

## Legal Admin Traineeship

**Up to one thousand jobs for first time job-seekers may be created across Australia over the coming year following the recent launch of a traineeship scheme for legal administration support staff.**

The traineeship is the product of three years' collaboration between the federal Government, the Law Council's General Practice Section, the Admin Training Company (which developed the scheme on behalf of the Australian National Training Authority) and various other bodies.

Under the Legal Admin Traineeship, trainees will receive a nationally recognised qualification of Certificate III in Business (Legal Administration) following the successful completion of twelve months' training.

The traineeships involve paid work within a law firm, and structured training which is registered with the relevant authorities. The traineeships can be full-time or part-time, with the training component of the scheme undertaken entirely in the legal workplace, off-the-job or both. Trainees are eligible to be paid a training wage, which is normally 75% or non-trainee wages, although higher remuneration can also be offered.

Further details regarding the Legal Admin Traineeship can be obtained by contacting Carmel Byrne or Kim Trotter at the Admin Training Company on tel. (03) 9820 1300 bh or by email at [national@adtc.com.au](mailto:national@adtc.com.au) Further information can also be obtained on the Law Council of Australia's website at [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)