



President's Column

As the chill winds of winter blew through Sydney streets, so, too, did the arrival of the renewals for barristers' professional indemnity policies have a chilling effect.

All members will, no doubt, be aware that the renewal advices distributed by the brokers, AON Professional Services and Heath Lambert, contained substantial increases in premiums.

An increase in premiums for the new insurance year is not unique to New South Wales. Premiums have increased for the Victorian Bar by about 17-20 per cent gross, depending on the level of cover, and for the Queensland Bar by 30 per cent.

Comforting as it may be to know that premiums have increased in other states, the stark reality is that premiums in New South Wales have increased, across the board, by a substantially greater amount. Moreover, the insurers represented by AON and Heath Lambert have structured premiums, albeit on a slightly different basis, by reference to fee income.

These substantial increases, and the altered approach to calculation of premiums, were made without forewarning to the Bar. Upon learning of these changes, the Association contacted the brokers immediately to determine the basis for the changes.

The essential points, according to the brokers, appear to be:

- The Bar has, for some years, been undercharged on its premiums.
- One of the insurers has experienced a loss ratio of 250 per cent by comparison to premium income.
- The underwriters have not taken into account, in calculating premium income, the award made in the recent NRMA litigation because it was regarded as a one-off claim.

I have appointed a Professional Indemnity Committee of Tony Meagher S.C. (Chair), Peter Garling S.C., James Allsop S.C., Noel Hutley S.C. to review the Bar's position in relation to professional indemnity insurance. That Committee will be assisted by Michael Ball of Allen Allen & Hemsley, who was retained some time ago to advise the Bar on the policy wording.



Ruth McColl S.C., President.

The Committee has already met with the Sydney representatives of AON and Heath Lambert. Another meeting is planned in the near future with the Melbourne-based AON representative who has carriage of the company's barristers' PI arrangements.

Their initial inquiries have revealed the matters set out above. In addition, it appears that the New South Wales claims experience is worse than in other states. It may be that this is in part related to the comprehensive wording approved by the Attorney-General pursuant to the *Legal Profession Act 1987* for the New South Wales barristers' professional indemnity policies.

Obviously, consideration has to be given to whether it is possible to contain any further increase in premiums and, if possible, bring premiums back more in line with those charged in the other states.

The Association had already been considering whether or not the Bar should join forces with the solicitors' LawCover scheme with a view to reducing costs.

The Professional Indemnity Committee will give consideration to that option. In addition, it will retain an insurance broker to advise how the Bar can obtain professional indemnity cover at sensible rates.

The article prepared by Heath Lambert published in this issue of *Bar Brief* gives some insights into the sort of claims which are now being made. Of particular interest is the fact that claims are being made for recovery of costs thrown away by the necessity to retain alternative counsel because it was asserted that the barrister had failed to return a brief in accordance with the Barristers' Rules. Claims of this nature highlight the necessity for all members to be thoroughly familiar with the Rules, which may be obtained from the Bar Association's web site at www.nswbar.asn.au or from Reception. Although the Rules are not a complete code of conduct for barristers, they do contain important prescriptions as to the standards which should be observed. It is hardly surprising that they are used by solicitors and clients as a standard against which barristers' conduct is measured.

Members should also be mindful of the Courts' power to order legal practitioners to pay costs. I commend a reading of *Levick v. Deputy Commissioner of Taxation* [2000] FCA 674 in which a legal practitioner was ordered to pay the Commissioner of Taxation's costs because a case was advanced which was 'untenable - ... even... nonsense.'

The Professional Indemnity Committee will also consider issues of risk management for the Bar. This, again, is something the Association has had on its agenda for some time. A risk management lecture was conducted as part of the CLE programme earlier this year. Regular advices appear in *Bar Brief* about risk areas. The Association needs to consider whether any more formal approaches to risk management are warranted.

Unrepresented Litigants

A by-product of last month's discussion of litigants in person was an anxious call from a member concerned about the difficulties of appearing against unrepresented litigants. There is much focus on the difficulties experienced by courts before whom unrepresented litigants appear, but little attention to the problems of appearing against some-one with little or no grasp of

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President's Column

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the legal principles which may arise in their case, principles of pleading, calling evidence, settlement and the like. I have asked Grahame Richardson S.C., Chair of the Family Law Committee, to prepare some guidelines for the Bar on appearing against unrepresented litigants.

Bar Charity

I have given anxious consideration this year to the appropriate annual Bar charity. There are many worthy potential beneficiaries each year and it is always difficult to choose between them.

This year, however, when there is so much focus on indigenous issues, in particular Aboriginal Reconciliation, it seemed appropriate that the Bar focus on a charity which could assist indigenous health.

The appropriateness of indigenous health as the Bar charity has been highlighted by a number of statements made this year by the Australian Medical Association decrying the inadequacy of Federal funding for indigenous health issues.

Just recently, it analysed a report from the Australian Bureau of Statistics which found that among those who died, 53 per cent of indigenous males and 41 per cent of

indigenous females were less than 50 years old. By contrast, 31 per cent of all male deaths and 7 per cent of all female deaths in the general population occurred in those aged 50 or less. Indeed, death rates were higher for indigenous people than for the total Australian population in every age group, with the largest differences being among people aged 35 – 54 years. In that category, rates were 6 to 7 times higher for indigenous people.

According to the AMA, improving indigenous health depends, in part, upon building on the skills and services provided by Aboriginal health workers. The AMA also takes the view that additional spending on aboriginal health can produce effective results.

With these exhortations in mind, the Bar Association has selected as this year's Bar Charity, the Aboriginal Medical Service Co-Operative Limited ('AMS') in Redfern. The AMS was the first Aboriginal community controlled health service to be established in Australia. It has provided innovative health care services to indigenous people throughout the Sydney-Metropolitan area since 1971. It tries to meet the health needs of the 45,000 Aboriginal people who live in Sydney whose life expectancy and health is just as bad as those in rural and more remote communities.

The Association selected a New South Wales based charity in part because we take the view that 'charity begins at home.' We also thought that members may wish to take the opportunity of having a locally based charity to familiarise themselves with the AMS' work by visiting its premises at Redfern. I visited the AMS last week with Michael Slattery QC and Chris Winslow, the Bar Association's Public Affairs Officer. Although not a well-funded organisation, it is clear that AMS is devoted to its cause and struggling to advance its objectives on a shoestring.

It is not too much to hope that if every member of the Bar put their hands in their pockets for the sort of amount they might hope would be spent whether upon themselves or upon their children to ensure their health, that we can raise a substantial amount of money for the AMS this year.

You may have already received, or you will shortly receive, a circular from the Association urging you to contribute to this very worthwhile cause. All contributions to the AMS are tax deductible. I encourage you to put your hands in your pockets in the lead up to 30 June when, as in every year, tax deductions are such a desirable objective.

Bar Council business for April

Any member interested in a particular matter should contact either the relevant member of Council or the Executive Director for further information.

President's Report

Visit by Judge Yoshiki Matsutani of Japan, 12 April 2000

The President advised that on 12 April 2000 she and the Executive Director met with Judge Matsutani who wished to discuss recent changes to the *New South Wales Supreme Court Rules* and *New South Wales Barristers' Rules*. The President paid tribute to the Administrative Support Manager, Lynne Colley, who acted as interpreter for the meeting.

Heads of Chambers Meeting, 29 March 2000

The President advised that the Heads of Chambers meeting held on 29 March 2000 had been well attended.

District Court referring large matters to arbitration.

The President noted that an article relating to the practical problems encountered at the Supreme and District Courts had been included in the April edition of *Bar Brief*, along with the invitation for any

practitioner experiencing such problems at the District Court to pass their concerns onto the President, Murray QC or Andrew Lidden (the latter two being the Association's representatives on the District Court Users' Committee).

Criminal and Civil Justice Forum, Monday 20 March

The President advised that she had attended a Civil and Criminal Justice Forum on 20 March. The Forum, held twice a year, was attended by the heads of jurisdictions, Attorney General, Director of Public Prosecutions, Director General of the NSW Attorney General's Department, Senior Public Defender, the Director of the Bureau of Crime Statistics and Research and others.

Dr Don Weatherburn, Director of the Bureau of Crime Statistics and Research, had presented a paper prepared by himself and Joanne Baker, *'Managing Trial Court Delay – An Analysis of Trial Case Processing in the New South Wales District Criminal Court'*.

Law Council of Australia meetings, 31 March and 1 April 2000

The President advised that on 31 March and 1 April she and the Executive Director attended Law Council meetings in

Canberra. The Friday session involved a planning seminar on current and future legal education provided by universities, colleges of law and bar practise courses. The Saturday session was devoted to a meeting of the Law Council.

Australian Bar Association Council meeting, 15 April 2000

The President advised that on Saturday, 15 April 2000 she and the Executive Director were to attend an Australian Bar Association Council Meeting in Sydney.

Evidence (Audio and Audio Visual Links) Bill 2000

The President advised that the Evidence (Audio and Audio Visual Links) Bill 2000 had been introduced in the Legislative Council on 5 April 2000.

The Criminal Law Committee had concerns with the Bill, which sought to allow the taking of evidence and the making of submissions in criminal trials by audio and video links from inter and intrastate. The President wrote to the Attorney General about the legislation; Odgers, Game S.C and the Executive Director met with the Attorney General's advisers to discuss the Association's concerns with the legislation. Amendments which met the Criminal Law Committee's concerns were made as a result of the representations.

Bar Council business

Continued from page 2

GST and Practising Certificates

Bar Council noted that GST was currently payable on NSW practising certificates. The Executive Director advised that he had held discussions on this matter with the Director General of the NSW Attorney General's Department and Gzell QC, Chair of the GST Committee. Those discussions were continuing.

Items for consideration

Quarterly income and expenditure statement

Bar Council resolved to approve the quarterly income statement, a requirement under the *Registered Clubs Act 1976 (NSW)*, being posted in the Common Room.

Sponsorship of university law societies

Bar Council resolved to approve the following requests:

- a. University of Newcastle Law Students' Association - \$2,250.00 to sponsor a moot team attending the Australian Law Students' Association conference in Melbourne;
- b. UNSW Law Society - \$1000.00 sponsorship of the 2000 Junior Mooting Competition; and
- c. University of Sydney - \$500.00 sponsorship of a trophy for the Witness Examination Competition.

The Executive Director advised that he would discuss with the beneficiaries how

the Bar Association's sponsorship would be appropriately recognised.

Response by NSW Bar Association to the recommendations of The Victorian Bar Council report *Equality of Opportunity for Women at the Victorian Bar*.

Slattery QC, Chair of the Equal Opportunity Committee, spoke to the Committee's draft response and memorandum. He noted that the Committee wished to undertake a 'Court appearance study' along the lines of that undertaken by the Victorian Bar. The Committee believed that such a study would determine objectively whether there was discrimination against women barristers in briefing practices in NSW.

Bar Council resolved to adopt the recommendations, and directed the Committee to give further consideration to whether, and if so how and in what form, a listing of women barristers and other disadvantaged groups should be published.

It was further resolved that Bar Council approve in principle the proposed survey; the Equal Opportunity Committee to draft possible terms of reference.

NSW Law Reform Commission: Review of Part 10 of the *Legal Profession Act 1987 (NSW)*.

The President advised that a working party had been established to coordinate the Bar Association's response to the Law Reform Commission's review of Part 10 of the *Legal Profession Act*. The working party comprises the President, Garling S.C., Lindsay S.C., J S Gleeson and the Professional Affairs Director. The President

asked that any comments or suggestions that Bar Councillors may have in relation to the proposed discussion paper be directed to the Professional Affairs Director. The Law Reform Commission's Discussion Paper would be brought to the attention of all members as soon as it was published.

Report of the Bar Association Records Management Review.

Bar Council noted this report on records management it had approved in 1999, and the Executive Director's advice that the report's recommendations had either been, or were in the process of being, implemented. The Bar Council also noted that the Bar History Committee had endorsed the report.

Bar Association Records Disposal Schedule.

Bar Council resolved to endorse the Records Disposal Schedule.

Bar Council asked the Executive Director to ensure the Association has appropriate 'disaster' insurance to cover the recovery costs that would be incurred due to a catastrophic loss of paper and electronic records. Bar Council commented favourably on this and the accompanying report (see above) and the work being done by Bar Association staff to implement the reports' recommendations.

Note: because of the confidentiality provisions in the *Legal Profession Act 1987* (s.171P), the Bar Council's deliberations on professional conduct matters cannot be noted in these summaries.

Matters discussed by the Bar Council reported elsewhere in *Bar Brief*, too, are omitted from these summaries.

2000-2001 Bar Charity

The Aboriginal Medical Service Co-operative Limited, based in Redfern, has been selected as the official Bar Association Charity for the financial year 2000-2001.

The Aboriginal Medical Service (AMS) was established in 1971, the first Aboriginal community controlled health service in Australia. It is a member of the New South Wales Aboriginal Health and Medical Research Council (AH&MRC) and the National Aboriginal Community Controlled Health Organisation (NACCHO). The Redfern AMS has also contributed to the set up of ten other Aboriginal Medical Services around the country.

Approximately 45,000 Aboriginal people live in the Sydney metropolitan area. Sadly, their health and life expectancy is no better than indigenous people living in rural and remote communities. Of particular concern is the incidence of nutrition related diseases such as non-insulin dependent diabetes, glaucoma, cardiovascular and renal diseases. These problems are compounded by drug and alcohol abuse.

In response to these daunting challenges, the AMS provides innovative community health care programmes. The Fresh Fruit and Vegetable Service is for patients

considered by doctors to be 'at risk', such as pregnant women and those with diabetes. Fresh produce is also delivered to primary and pre-schools, which has the benefit of enhancing student attentiveness and concentration. The AMS requires donations of \$40,000 per annum just to maintain these operations.

Experience, both here and overseas, indicates that funds targeted at primary health care, delivered by community controlled organisations, can break the

cycle of poor health and welfare dependence. The AMS has practical, attainable objectives and it deserves our generous financial assistance.

Ruth McColl S.C.
President

Please send your cheques to the address on the cover slip below. This will identify you as a member of the New South Wales Bar Association and will enable us to calculate the sum of funds raised by this initiative.

**Aboriginal Medical Service Co-operative Ltd
P.O. Box 1174, STRAWBERRY HILLS NSW 2012**

Please find attached a donation for the AMS. I am a member of the New South Wales Bar Association.

Please send a receipt to:

Name: _____

Address: _____

Donations of \$2 or over are tax deductible.

Legal aid and the GST

The Managing Director of the Legal Aid Commission, Margaret Allison, recently wrote to the Executive Director about the effect of GST on barristers' fees. In that letter she said:

'Practitioners add GST to the service fee which they normally charge to the Commission. The fees paid by the Commission remain unchanged and are exclusive of GST. The Commission pays both the fee and the GST to the practitioner. Practitioners do not lose a further 10 per cent.

For example, a practitioner is obliged to charge GST totalling \$35.00 to the Commission in addition to normal fees and disbursements. The Commission will pay that amount to the practitioner who then remits it to the ATO. In turn, the Commission claims reimbursement of \$35.00 as an input tax credit from the ATO, which maintains the Commission's total funding for aid.

In summary, the individual practitioner does not lose 10 per cent and the Commission's funding for aid remains unchanged so the 'pool' of funds for aid does not lose 10 per cent either.'

Northern Territory Bar Association office bearers

At the Annual General Meeting of the Northern Territory Bar Association, held on 23 March 2000, the following office bearers were elected:

President	John Reeves QC
Secretary	Ben O'Loughlin
Bar Council	Colin McDonald QC
	Steve Southwood
	Pat McIntyre
	Jack Karczewski
	Raelene Webb
	Lex Silvester
	Sally Gearin

Law Foundation Justice Awards

An open invitation to members of the Bar

Members of the New South Wales Bar Association are invited to attend the Law Foundation Justice Awards presentation to be held on June 28 at the State Reception Centre.

The Justice Awards recognise the achievements of individuals in promoting access to justice. There are three honours being presented: the Justice Essay Prize, the Justice Fellowship and the Justice Medal.

The Justice Essay Prize, awarded to a NSW tertiary student for an essay addressing access to justice issues in New South Wales, will this year be presented by Dr Pat O'Shane AM.

The Justice Medal is presented to an individual whose commitment to justice issues has been demonstrated over a lifetime, or who has been involved in an activity of demonstrable significance. The Chief Justice of the NSW Supreme Court, The Hon. J J Spigelman, will present this prestigious accolade.

This year, the Justice Fellowship will be presented to a creative artist whose work explores the relationship between the community and the justice system.

In addition to the Awards presentation, lawyer and journalist, David Marr, will present the occasional address 'Reflections on the justice system.'

And by popular demand, Channel 10 personality Julie McCrossin will reprise her 1999 role as Master of Ceremonies.

The Law Foundation Justice Awards presentation is being held at 5.30pm on 28 June 2000 at the State Reception Centre, Level 41, Governor Macquarie Tower, 1 Farrer Place, Sydney.

The cost is \$35. People wishing to attend should contact the Law Foundation of NSW on (02) 9299 5621.

Reminder

The New South Wales Bar Association would like to remind members attending social functions in the Common Room, or enjoying a meal in the Dining Room, that registered clubs legislation and state licensing laws require all guests to sign the visitors book.

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to us, we'll come to you!*

Robert Dickerson: Summation for the jury, Pastel

Constitutional arguments in tax related matters

The President of the New South Wales Bar Association, Ruth McColl S.C., recently received a letter from Iain Anderson, Australian Taxation Office Solicitor, relating to cost orders. Mr Anderson said:

'An argument being put to courts is that the constitution is invalid, so Australian laws are also invalid and consequently, there is no legal requirement to, among other things, pay taxes.

Submissions along the lines of those being put forward have already been dismissed by the High Court of Australia (*Joosse & Anor v Australian Securities and Investments Commission and Anor* [1998] 159 ALR 260; HCA 77 (21 December 1998)) and by superior courts in Queensland, South Australia and the Australian Capital Territory.

In the recent Queensland Supreme Court matter of *Deputy Commissioner v Kevjen Pty Ltd* (Unreported) No. s6694 of 1999 Muir J stated:-

I trust that the lawyers involved in this matter have given due consideration to their obligations to the Court and to their client. I also hope that the applicant has proceeded notwithstanding clear advice that its contentions have no substance, are bound to fail, and are a waste of its time and money

While this office acknowledges the right of taxpayers to pursue any argument they consider appropriate you may wish to alert your members to the fact that an order for costs was made against

the taxpayer's legal representative in the matter of *Deputy Commissioner of Taxation v Levick*. This case involved a creditor's petition for bankruptcy, which was opposed on the basis of arguments similar in nature to the ones detailed above.

In particular, I wish to draw the attention of your members to the following comments made by Hill J:-

It is not as if these arguments would have originated from the client. They clearly originated with the lawyers. It is obvious enough that they were intended to delay as long as possible the making of a sequestration order against Mr Quinn. But it is not necessary to go that far to justify the making of an order that the solicitor pay the costs of the Deputy Commissioner on an indemnity basis occasioned by the raising of these matters. There is, as well, an ethical question which arises where solicitor or counsel advise their clients to pursue spurious arguments before the Courts. The problem would be, to say the least even more serious were a solicitor or barrister to participate in advertising to persons with potential income tax liabilities that advice was available how to escape those liabilities upon payment of a fee which then encouraged the making of arguments before courts which were bound to fail.

Given the clear direction of the court, it will be the practice of this office to seek such orders in all future cases where such arguments are raised. I would appreciate your assistance in bringing the contents of this letter to the attention of your members.'

Requirement to notify change of address to the Bar Association

Members are reminded of the need to notify a change of address of chambers to the Bar Association's Membership Officer. Regulation 12(1) of the *Legal Profession Regulation 1994 (NSW)* provides:

'A legal practitioner must notify the appropriate Council, in writing, of any change in the particulars relating to the practitioner as disclosed in the practitioner's last application for a practising certificate within 21 days after the change occurs.'

It is most important that the Bar Association be kept informed when you change your chamber address, in particular. This is even more so at the time of renewal of practising certificates.

In addition, the Bar Association is increasingly providing information to its members in electronic format. This improves the efficiency of delivery of information, and reduces the cost to the Association. Accordingly, if a member has an email address but has not provided it to the Association or, alternatively, has recently changed email address, he or she should inform the Membership Officer, Barrie Anthony, at banthony@nswbar.asn.au

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Equality of opportunity at the Bar: The next steps

The New South Wales Bar Association is committed to equality of opportunity for all its members and to the elimination of practices and attitudes which discriminate against women. The structure of our Bar suggests that real equality of opportunity for women does not yet exist. Women comprise only 12 per cent of the Bar in New South Wales. Only 2 per cent of the Senior Counsel in this State are female. By building on work already done within the Victorian Bar, Bar Council is seeking to promote genuine equality of opportunity at the New South Wales Bar.

The Victorian Groundwork

In 1998 the Victorian Bar Council addressed the issue of the status of women at the Bar in that State and commissioned a report ('the Victorian report') to identify any barriers to women's advancement at the Bar, including any discriminatory practices.

The Victorian report, entitled *Equal Opportunity for Women at the Victorian Bar*, included an empirical study of the numbers of Court appearances of male and female barristers in different Courts and in different types of case. The study demonstrated that women barristers were under-represented in appearances across all jurisdictions even when measured against their actual numbers at the Victorian Bar. Women were more under-represented in superior Courts and Full Courts and particularly at final hearings.

The Victorian report sought to test the hypothesis through its research data that it was merely the lack of relative seniority of women at the Bar that was the reason for this under-representation in appearances in superior Courts. The data did not support this hypothesis. The data showed that lack of relative seniority did not explain this under-representation of women. Rather, the data suggested that women require greater seniority than men to appear in the Supreme Court and Court of Appeal in Victoria than in the other jurisdictions studied. The lower proportion of female barristers than male barristers briefed in the higher jurisdictions must be explained by reference to some factors other than relative seniority. The Victorian report concluded that those factors included briefing practices which discriminate against female barristers.

Application to New South Wales

Bar Council requested that the Equal Opportunity Committee review the application of the Victorian Report and its research findings to New South Wales. As

a result, the Committee made detailed recommendations, which Bar Council has authorised for implementation in New South Wales. The Equal Opportunity Committee is now acting on the recommendations and will continue to do this work in close co-operation with the Women Lawyers Association of New South Wales. Members of the Women Lawyers Association serve on the Equal Opportunity Committee.

Action being planned or executed includes the following:

- The Bar Association will gather, maintain and publish consistent statistical information regarding entry to and the reasons for attrition from the Bar by gender;
- Bar Council and senior members of the Bar will be encouraged to take a leadership role in actively discouraging sexist criticism of female members of the Bar;
- Bar Council will, where practicable, ensure that appointments representing the Bar to outside bodies alternate between men and women;
- In consultation with the Education Committee, the Bar Readers' course materials will be reviewed for compliance with gender inclusive language. Curricula must include content about unacceptable forms of behaviour, including sexual harassment and exclusionary cultural practices;
- The Committee will initiate a study on the issue of remuneration equity for women barristers;
- The Committee will request the Law Society and the NSW and Commonwealth Attorneys-General to promote measures to eliminate gender discriminatory practices in briefing processes;
- The Committee will sponsor workshops on using voice in the Court room; and
- The Committee will promote use of gender inclusive forms of address by barristers and judicial officers, and promote continued inclusion of gender awareness issues in the judicial education courses.

Bar Council thought that to make general statements of principle or declarations of good intent, which were not accompanied by practical proposals, would not well serve the interests of women at the NSW Bar. In many cases where concrete proposals were not included in the

Victorian Report, the NSW Bar Council authorised proposals likely to be of more relevance to practice at the NSW Bar. The special proposals for New South Wales include either Bar Council or the Equal Opportunity Committee:

- Requesting Heads of Chambers to report on an annual basis to Bar Council as to the numbers of women in chambers, the environment created in chambers for new members and steps taken by each set of chambers to encourage equality of opportunity;
- Reviewing the effectiveness of the Bar's system for referral of complaints in relation to sexual harassment;
- Developing networks with commercial organisations and government bodies to provide an opportunity for female barristers who have or who wish to acquire particular commercial or administrative experience to become members of such boards;
- Producing a regularly updated listing of women barristers to be made available on the Bar's web page;
- Preparing information on child care centres close to chambers in the Sydney CBD for distribution to members;
- Develop a mentoring system which will serve specific groups, including the women who wish to avail themselves of mentoring assistance.

Other broader issues are to be studied by the Equal Opportunity Committee. These include developing proposals in relation to work practices and Court sitting times in order to promote greater consideration of the family responsibilities, personal health and professional development of all barristers.

As each of these recommendations are implemented by the Equal Opportunity Committee, specific announcements will be made in *Bar Brief*.

Voluntary Assistance is Welcomed

Volunteers from the Bar to assist this work of the Equal Opportunity Committee are welcome. Your comments are also welcome. A full text of the Committee's recommendations is available on request. Enquiries may be directed to the Chair of the Equal Opportunity Committee, Michael Slattery QC or the Committee's Administrative Officer, Shanthini Govindasamy on ph: (02) 9232 4055 or e-mail sgovin@nswbar.asn.au

Media Briefing

Articles and letters to the editor written by the President of the New South Wales Bar Association.

'Let justice run its course,' *Sydney Morning Herald*, 22 May 2000.

Submissions made by the NSW Bar Association

Crimes (Forensic Procedures) Bill 2000, 5 June 2000

Submissions made by the Law Council of Australia

Workplace Relations Amendment Bill 2000, 26 May 2000. A submission made by the Law Council's Industrial Law Committee to the Senate Employment, Workplace Relations, Small Business and Education Committee.

The Bar and the Olympics

During the Sydney 2000 Olympic Games, the Bar will be promoting the diversity of its members, many of whom have extensive involvements with sport. Members of the Bar who were involved as a competitor or official on behalf of Australia or any other country in any previous Olympics are invited to contact the Public Affairs Officer on ph: (02) 9229 1732, fax: (02) 9221 1149 or via email: mediainquiries@nswbar.asn.au

Bench & Bar 2000

The 2000 Bench and bar Dinner was held at The Westin Sydney on Friday 12 May 2000. The speakers were Bret Walker S.C. and Rena Sofroniou. The Guest of Honour was The Hon. Justice Keith Mason,

President of the Court of Appeal.

Copies of the video of speeches are available for loan from the Bar Library. Members can view and order photographs from the dinner at Reception.



Practising Certificate renewals

All members are reminded that current practising certificates expire on 30 June 2000 and applications to renew must be returned by then.

Renewal forms received after 24 June 2000 incur a late fee of 10%.

A processing fee of 12% is incurred against renewal forms lodged after 30 June where it might reasonably be thought the barrister should have renewed before 1 July.

An additional 10% GST will apply to all fee payments received after 30 June 2000.

For further information contact the Membership Officer on ph: (02) 9232 4055 fax: (02) 9221 1149 or email: membership@nswbar.asn.au

Magna Carta Place

The Australia - Britain Society has a project to establish a Magna Carta Place adjacent to the old Parliament House in Canberra. A sculpture will celebrate the significance of the Great Charter in the development of the common law in Britain and Australia. Donations should be sent to: The Hon. Treasurer, Australia-Britain Society, PO Box 9088, Canberra, ACT 2600.

Sir Cyril Ambrose Walsh (1909 – 1973)

Master J K McLaughlin of the Supreme Court has been requested to write an entry on Sir Cyril Walsh for the *Australian Dictionary of Biography* and for *The Oxford Companion to the High Court of Australia*. He has written to *Bar Brief* in the hope of contacting members with useful biographical information about the former judge.

Cyril Walsh was admitted to the Bar on 26 May 1934. He was appointed as a Judge of the New South Wales Supreme Court on 8 February 1954 and as a Judge of Appeal on 1 January 1966. On 2 October 1969 he was appointed as a Justice of the High Court of Australia.

Members who may be able to assist with information about Sir Cyril Walsh can contact Master McLaughlin on Ph: (02) 9230 8111 or by way of email at Master_McLaughlin@agd.nsw.gov.au, or by way of post at GPO Box 3, Sydney 2001.

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Instructing Counsel

Extracts of the article 'Instructing Counsel' by Margaret Conners, Manager, Risk Management and Quality Assurance at LawCover, published in the May 2000 edition of *The Law Society Journal*, have been reprinted with the kind permission of LawCover and the Law Society.

There has been a significant number of notifications received from solicitors who had briefed barristers to act on behalf of their clients, particularly in personal injury matters. Generally these notifications relate to a missed limitation date, a re-opening of an agreement to settle a compensation claim or an allegation made that there had been inadequate preparation of a client's case which resulted in a smaller than expected award being made.

The question of whether contribution should be sought from barristers for the alleged loss is an issue which has to be considered by LawCover's solicitors in many instances.

Out-of-time personal injury claims

Two claims which have been finalised in recent years illustrate how barristers and solicitors between them can cause a limitation date to be missed.

In *MacRae v Stevens* [1996] Aust Torts Rep ¶81-405 at 63,679, a NSW solicitor was consulted in June 1980 by a client who had suffered injuries at work in Queensland in August 1977. The relevant limitation period to commence proceedings in that State was 3 years. The solicitor briefed the barrister to advise and prepare the statement of claim.

Counsel advised about medical evidence that would be required and stated that the claim would have to be heard in Queensland, but failed to advise that the proceedings would be statute-barred by 3 August 1980. He also omitted to advise that the proceedings could have been commenced in New South Wales where the limitation period was then 6 years to bring a claim in personal injuries.

Eventually the client sued the solicitor and barrister alleging they were negligent in failing to commence his damages claim in time.

A settlement was reached between the plaintiff and the solicitor who then claimed contribution from counsel. The trial judge concluded that the barrister was entitled to the benefit of the general immunity from suit for in-court conduct.

However, the Court of Appeal set aside this decision and it was unanimously held that the immunity should not extend to out-of-court work in this case. The barrister had been negligent in advising a course of action which meant that the Queensland limitation period was likely to expire before the proceedings could be commenced. He also failed to advise when the limitation period would expire. Finally, he was negligent in failing to advise that the client had a choice of forum in which to bring his claim where the limitation period would expire after that of Queensland.

Recently LawCover settled a claim against a solicitor who had been instructed to act for an elderly client who sustained injuries as he was alighting from a flight at a country airport in November 1996. Counsel was briefed in November 1997 to draft a statement of claim and to 'advise generally.' No specific advice was sought about the limitation period.

A month later the barrister provided an advice on quantum and liability and a draft statement of claim claiming damages in tort and contract. No reference was made to the applicability of the *Civil Aviation (Carriers' Liability) Act 1959 (CTH)* or to the relevant limitation period. On November 1998 the statutory two year limitation period expired without legal process having issued.

After being served with medical evidence in early 1999 to support the victim's damages claim, the airline's lawyers informed his solicitor that the action was time barred. The solicitor then advised his client to obtain independent legal advice and proceedings were commenced against the solicitor and barrister alleging they were negligent in failing to commence proceedings within the two year limitation period. The claim was eventually settled with a contribution of 40 per cent being made by the barrister to the settlement figure.

Papers to Note

A practical 'GST' and 'PAYG' overview for members of the Australian Bar Association, 28 April 2000. This report was prepared by the New South Wales Bar Association's GST Committee on behalf of the Australian Bar Association. Copies have been sent to all practising barristers in Australia who are members of a Bar Association. Those who have not received a copy may obtain one from www.nswbar.asn.au or by contacting the Bar Association to which they belong.

The ICAC: Accounting for extraordinary powers, Parliament of New South Wales, Committee on the ICAC, May 2000. This report is available for loan from the Bar Library.

Federal Court of Australia Practice Note No. 17: Guidelines for the use of information technology in litigation in any civil matter, 20 April 2000. Photocopies may be obtained from the Bar Library.

Managing trial court delay: An analysis of trial case processing in the NEW District Criminal court, NSW Bureau of Crime Statistics and Research. This report is available for loan from the Bar Library.

Review of the criminal and civil justice system in Western Australia: Project summary, The Law Reform Commission of Western Australia. This report is available for loan from the Bar Library.

'Fees payable in Federal courts and tribunals', *Commonwealth of Australia Gazette* No. GN 19 on 17 May 2000, p. 1108. Photocopies of this notice can be made in the Bar Library.

In Brief

The Bar Association has nominated Jeremy Gruzman of 8th Floor Garfield Barwick Chambers to act as its representative on the Civil Claims Local Court Users Group.

C J Stevens QC, C Needham S.C. and J Oakley have been reappointed as the Bar Association's representatives on the Legal Qualifications Committee of the Legal Practitioners Admission Board for the period 1 July 2000 – 20 June 2002.

Fullerton S.C has been appointed by the Law Council of Australia to the Board of the Australian Advocacy Institute.

The Council of Law Reporting for New South Wales has appointed Naida Haxton as Editor, following the appointment of J D Heydon QC as a Judge of Appeal in the Supreme Court. The Council has also appointed Lee Aitken as a Consulting Editor.

The President would like to thank the Crown Prosecutors and Public Defenders for inviting members of Bar Council to informal discussions about Bar Association activities and current legal issues.

For Sale

Antique and historical wig, formerly owned by S E Lamb KC in the late nineteenth century. In excellent condition following a further 30 years in practice by the current owner. Enquiries to Terry Wolfe on Ph: (020 9337 2297, fax: (02) 9388 8081

Land and Environment Court – Lists of Authorities

At the April meeting of the Land and Environment Court Users Group, the judges of the court asked that practitioners be mindful of only citing cases that will actually be referred to in court. Of recent times lengthy lists of authorities have been provided and only a fraction of the cases have been referred to. The court does not consider it necessary at this stage to make a formal practice direction but draws to the attention of practitioners the requirements in other courts, for example, the Court of Appeal. The next Court Users Group meeting is on the 25 July 2000, any inquiries contact Jeff Kildea (5 Wentworth) or Louise Byrne (13 Wentworth).

Increase in Legal Aid fees paid to the private Bar in Criminal Law matters

On 24 May the NSW Attorney General announced an increase of \$1 million in funds for the Legal Aid Commission. The Legal Aid Commission has approved an increase of 17.5 per cent in the fees paid to barristers appearing in criminal matter. The Commission has advised that the increase will be applied to each item on its present criminal law fee schedule. As mentioned in the May *Bar Brief*, the Legal Aid scale fees will be exclusive of GST.

The Bar Association, and in particular the Legal Aid Committee, have conducted a long running campaign for an increase in the low level of fees paid by the Commission. Together with the President, Ruth McColl S.C., they will continue discussions with the Commission about fee scales adjustments in accordance with the CPI.

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Speeches

'Speech by The Hon. Justice R P Meagher', delivered at the award of an Honorary Doctorate of Laws from the University of Sydney, 19 May 2000. A copy is available at the Bar Library.

'Managing justice in the Australian context', by The Chief Justice of Australia, The Hon. Justice AM Gleeson AC, 19 May 2000. A copy of this speech is available at the Bar Library and the High Court's web site at www.hcourt.gov.au

'ALRC, Law reform and equal justice under law', by The Hon Justice Michael Kirby AC CMG, Australian Law Reform Commission 25th Anniversary Conference Dinner, Regent Hotel Sydney, 19 May 2000. A copy of this speech is available at the Bar Library and the High Court's web site at www.hcourt.gov.au

'Nuclear testing to national regulation: A broad legal agenda', by Dr Gordon Hughes, President, Law Council of Australia, Tuesday 16 May 2000. A copy of this speech is available at the Bar Library and the Law Council's web site at www.lawcouncil.asn.au

Bar Association New Members

Local Practising Practitioner

Nicholas Beaumont

Maureen Fanning

Andrew Hourigan

Sylvia Piedade

Penelope Sibtain

Maria Tzannes

Christopher Ward

Legal Practitioner other than a Local Practising Practitioner

Luis Armando

Bertram Curran

Find a Barrister

The Bar Association's *Find a Barrister* database has been upgraded to provide for additional information.

Barristers who would like to have their foreign language competency noted on *Find a Barrister* are asked to notify the Membership Officer in writing on DX 1204, fax 9221 1149 or email membership@nswbar.asn.au

Bar Association Committees

The membership of committees is published on the Bar Association's web page.

Members wishing to raise issues regarding particular areas of law or court processes are encouraged to write to the Executive Director who, depending on the subject matter, will arrange for them to be considered by the Bar Council, a Committee or the Associations representative on the relevant Court Users' Committee.

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All enquiries
should be directed to:
Mr Daniel Noll on 9377 5164.

When may you return your brief?

Statistics and extracts of the article 'When may you return your brief?' have been re-printed from *Barristers' Assist*, a publication of Heath Lambert Professional Indemnity P/L and Resource Underwriting Pacific P/L.

Rules 93-101 of the *New South Wales Barristers' Rules* deal with the circumstances in which a barrister may return a brief. Barristers should be aware there have recently been several claims seeking recovery of the legal costs involved in retaining alternative counsel on the basis that a barrister failed to return a brief in accordance with the Rules. Whether this is a trend remains to be seen.

We encourage you to review the relevant Rules to refresh yourself with the circumstances in which a barrister may return a brief. The Rules are not necessarily exhaustive as, for example, there may be a break down in the relationship of trust between a solicitor and barrister which do not appear to be strictly dealt with in the Rules and there may well be other grounds, in addition to the Rules, providing a proper basis for return of a brief. Where there is any uncertainty, we encourage barristers to refer to the leader on their floor at first instance and otherwise wherever possible to meet with the Bar Association to obtain guidance from them.

In circumstances where there has been a break down in the relationship with the solicitor generally it would appear that Rule 99 deals largely with this issue.

Rule 99 provides:

'a barrister may return a brief if, after acceptance of a brief:

- (a) An instructing solicitor or client, as the case may be, has refused the barrister's request that appropriate attendances by the instructing solicitor, solicitor's clerk or client representative will be arranged from time to time for the purposes of:
 - i. ensuring that the barrister is provided with adequate instructions to permit the barrister properly to carry out the work or appearance required by the brief;
 - ii. ensuring that the client adequately understands the barrister's advice;
 - iii. avoiding any delay in the conduct of any hearing or compromise negotiations;
 - iv. protecting the client or the barrister from any disadvantage or inconvenience which may, as a real possibility, otherwise be caused;
- (b) The barrister's advice as to the preparation or conduct of the case, not including its compromise, has been rejected or ignored by the instructing solicitor or the client, as the case may be;
- (c) Fees have not been paid reasonably promptly or in accordance with the cost agreement, and have remained unpaid after reasonable notice by the barrister to the instructing solicitor or client, as the case may be, of the barrister's intention to return the brief for that reason.'

If a barrister purports to return a brief in reliance upon any of the above circumstances, we recommend the following:

1. In relation to the return of brief under Rule (c), we suggest that the initial cost agreement provide strict rules as to the terms of payment of fees and any terms in relation to monies being available in trust where appropriate;
2. Whenever fees are not received in accordance with the terms, it is important that barristers issue reminder (fee) notices (as well as letters where appropriate) in order to avoid any suggestion of waiver of terms of payment.
3. Before returning a brief for failure to have fees paid in accordance with Rule (c), ensure a letter providing reasonable notice is provided.
4. In relation to the return of a brief on the grounds set out in 99 (a) and (b) please ensure that wherever possible any

reminders or complaints are provided to your instructing solicitor in writing. Wherever reminders or complaints are made by telephone (not recommended) keep notes of the conversation. This will ensure the Court is not faced with making findings of fact based on oral evidence alone.

5. Finally, where it is decided to return a brief, ideally after consultation with your leader and/or the Bar Association, ensure that sufficient particulars of your reasons for returning the brief are provided in any letter issued.

Under settlement of claims

These claims commonly arise against solicitors and barristers usually in personal injury cases ranging from workers compensation, public and product liability, medical malpractice and the like and also into other areas of law such as Family Provision matters. Conceivably, no area of the law is immune from these types of claims.

Claims arise after a settlement has been achieved. The former client makes allegations that he or she was pressured into the settlement by the legal advisers, without having received any, or adequate, advice with which to form a view of the value of their claim.

There are a number of practical ways in which barristers can reduce exposure. For example, often a barrister is not specifically asked to advise on prospects of success, or specifically on quantum, although they may be asked 'to advise generally'. Should barristers have any doubt on whether or not they are required to advise on prospects of success or quantum then they are well advised to include a short note in their first written advice to the solicitor to the effect 'unless I am advised to the contrary I assume that I am not required to advise your client on liability and/or on quantum.'

Further, it is an undesirable practice for a barrister to appear at a Hearing and be expected to advise a client on prospects of success and on quantum at the door of the Court when the instructing solicitor has not previously provided any detailed advice on either of these issues to his or her client. It is therefore important that barristers turn their mind to the possibility that no previous advice has been given and take appropriate steps to protect their position, in particular to ascertain from instructing solicitors what their intentions are in terms of advice to the client on appropriate settlement.

If Counsel is in this unenviable position of having to advise a client on the value of his or her claim at the door of a Court then it is essential that this advice be provided only where an instructing solicitor is present. It is not desirable, as has occurred in a number of recent claims, that a barrister advises the value of a settlement absent of an instructing solicitor.

It is appropriate to insist that the instructing solicitor sets out in writing the range of the claim so that you can be satisfied that the solicitor has carried out his or her primary obligation to the client to advise him or her on the value of and prospects of success in a claim. Finally, it is important to ensure that any instructions to settle are confirmed by the solicitor with the client in writing and properly record that advice was given on known facts and circumstances. If you must make assumptions, based on unknown facts, or on facts that are going to be in dispute, then it is essential that you point out and qualify any limitations in the advice that you are providing. Files notes cannot be over emphasised.

The importance of qualifying advices where assumptions have been made

Another trend in claims has arisen where a barrister has (often quite properly) assumed a fact provided by an instructing solicitor for the purposes of providing an advice. Exposure arises where firstly the assumed fact provided by the instructing solicitor is incorrect, and secondly, where the barrister is aware that the assumed fact may be incorrect. It is important in these circumstances that you state your position in relation to an assumed fact. An example of this arose with a recent time limitation issue where there had been a breach of a contract as at the commencement of the contract and the expiry of the limitation period hinged upon, as it turned out, on whether the contract had

When may you return your brief?

Continued from page 6

commenced as at the date of signing of the contract or at some prior agreed date.

In the observations to the brief to Counsel, the instructing solicitor noted the commencement date of the contract, on the erroneous assumption that the date of signing of the contract was the date of commencement of same. However, a simple reading of the agreement would have revealed the issue that the contract may have commenced on a prior date.

In providing the written advice, the barrister assumed for the purposes of the advice the commencement date was the date of signing of the agreement. This advice was forwarded to the client. The fact that the correct date of commencement of the agreement was in fact the prior date, proved fatal to the client's claim. Subsequently, the client made a claim against its solicitor and barrister. When pressed on the issue, the barrister clearly recollected becoming aware of the issue and raising it in a telephone conversation with the solicitor, asking the solicitor to obtain instructions from the client clarifying the client's understanding. Unfortunately, the solicitor did not respond on the issue. The barrister did not refer to this conversation in his advice nor did he refer to the implication in the advice if the correct date was in fact the earlier commencement date. All that the barrister stated was 'this advice is made on the assumption that the commencement date of the agreement was the date provided to me by the instructing solicitor being

Barristers will appreciate the difficulty confronting a Court when evidence of having provided oral advice must be given when:

1. There is no file note of the conversation;
2. The substance of the issue is not encompassed in a subsequent written advice;
3. It is obvious that the client will receive a copy of the advice.

To avoid the above circumstances, it is essential that all written advices state any qualification on the advice and do not accept assumed facts when it is known they may be incorrect. File notes of telephone attendances with instructing solicitors and clients are again emphasised.

Legal Services Commissioner and Bar Council complaints as a precursor to legal proceedings

Barristers should be aware of the increasing trend of solicitors and clients to using complaints as an initial forum as preparation to the issue of formal proceedings for damages. You are entitled under your professional indemnity policy to legal assistance in drafting or settling a reply to any complaint and indeed your professional indemnity insurer encourages you to use that assistance if you are in any doubt.. In any event, receipt of a complaint constitutes grounds for a notification to your professional indemnity insurer of a circumstance that has given rise to a claim and please ensure that this occurs. Apart from the obvious benefits of having the early involvement of your professional indemnity insurer, there is a practical benefit to having legal assistance in preparing any replies to the Legal Services Commissioner and Bar Council in that it ensures objectivity in the substance of your response which is always in your interests.

Current claims trends

Details of claims made under the Scheme are as follows:

By Type of Claim (Primary complaint only)

	01/10/99 to 31/01/00	01/02/00 to 31/5/00
Failure to identify or act within Limitation Period e.g. Motor Accidents Act, Civil Aviation (Carriers' Liability) Act	2	3
Failure to identify or plead best or all causes of action	5	5
Settlement inadequate/not in client's best interests	2	6
Disciplinary issues, e.g. unsatisfactory professional conduct in or out of Court, misconduct	2	6
Inadequate conduct of proceedings in Court	1	3
Acting outside instructions in Court	2	0
Negligent drafting of documents other than pleadings	1	4
Incorrect Notation of and subsequent execution of Court Orders	1	1
Returning brief, contrary to Bar Rules	1	2
Miscellaneous	3	2
TOTAL	20	32

By Area of Law (Primary Area of Law Only)

	01/10/99 to 31/01/00	01/02/00 to 31/5/00
Commercial & Estate	3	5
Personal Injury (Common Law, Worker's Comp, MAA)	5	9
Family Law	1	2
Trade Practices	1	2
Defamation	1	0
Criminal	1	3
Medical Negligence	1	2
Motor Vehicle - Property	1	0
Insurance policy indemnity issue	0	0
Carrier's Liability Limitation Period	2	2
Equity	3	3
Construction	0	0
Conveyancing	1	2
Costs assessment	0	0
Industrial/Employment	0	2
TOTAL	20	32

St Thomas More Society

The Patronal Feast Day Dinner of the St Thomas More Society, will be held on Thursday, 6th July 2000 at the University & Schools Club, 60 Phillip Street, Sydney commencing at 7.15 pm (pre-dinner drinks start 6.30 pm).

Join us in commemorating the Patron Saint of Lawyers.

Guest Speaker: The Hon Sir Gerard Brennan AC KBE
 Sir Gerard's Topic: "The Sky is Red - Thomas More - Exemplar for our times"
 Special Presentation: Mr Paul Flannery QC will be presented with the St Thomas More Award.

The Annual Mass for deceased members of the Society will be held prior to the Dinner at St Mary's Cathedral, Sydney at 5.30pm.

RSVP by Friday, 30 June, 2000.
 By forwarding payment of \$60.00 per person (including drinks) with name(s), address and telephone number to:-

The Secretary
 St Thomas More Society
 DX 996 Sydney
 or Box 282 GPO Sydney NSW 1043
 (cheques payable to St Thomas More Society)
 alternatively, telephone Louise Pritchard on 9231 1006
 or email stmsociety@ozemail.com.au

Coming Up

Farewell Drinks for Chester Porter QC

Chester Porter QC has decided to cease practise from 30 June 2000. In order to commemorate his memorable and distinguished career, the Association will hold drinks in the Common Room at 5.00 pm on Friday 23 June 2000. Frank McAlary QC will speak. The cost is \$15 in advance or \$20 at the door.

First National Pro Bono Law Conference, 4-5 August, National Convention Centre, Canberra.

The Commonwealth Attorney General, The Hon. Daryl Williams AM QC MP, will convene a conference to publicise the voluntary provision of legal services and to discuss innovations in their delivery at state and national levels. The New South Wales Bar Association, the Law Council of Australia and other organisations will participate in the development of the conference programme. Information may be obtained from the conference web site at www.law.gov.au/probono, or by contacting Kathy Laster on Ph: (03) 9479 2282 or email: K.Laster@latrobe.edu.au.

The St James Ethics Centre Annual Lawyers' Lecture, 2 August 2000

The Chief Justice of Victoria, The Hon. Justice John Harber Phillips AC, will deliver a lecture entitled; '...and Justice for All.' It will be held on Wednesday, 2 August 2000 at 5.30 pm in the Banco Court, Queen's Square. For further information or to receive an invitation contact Shalini Gonsalves at the St James Ethics Centre on Ph: (02) 9299 9566, Fax: (02) 9299 9477 or email: shalini@ethics.org.au

The Eighteenth Annual Conference of The Australian Institute of Judicial Administration, 14-16 July 2000, Carlton Hotel, Darwin.

Programme information may be obtained from the AJJA on Ph: (03) 9347 6600, Fax: (03) 9347 2980 or from its web site at www.aija.org.au Registration and accommodation information may be

obtained from the organisers, Complete Conferences, on Ph:(08) 8985 1909, Fax: (08) 8948 3566 or via email: women@northernexposure.com.au Photocopies of the registration form may be obtained from Reception.

International Bar Association 2000 Conference, 17-22 September, Amsterdam, the Netherlands.

The IBA 2000 Conference will attract legal practitioners from around the world to participate in working sessions on 120 topics. Information about the conference, together with an online registration facility, can be obtained from the IBA web site at www.ibanet.org A hard copy of the preliminary programme, together with a registration form, will be kept at Reception.

Relationships and the Law: A discussion forum on the NSWLRC review of the Property (Relationships) Act 1984 (NSW), Friday 7 July 2000 at 2.30pm, NSW Parliament House Theatre. The opening address will be delivered by The Attorney General of New South Wales, The Hon. Jeff Shaw QC MLC. Admission to this discussion forum is free, but registration is essential. A copy of the registration form is held at Reception. The consultation paper for the review may be obtained from the Law Reform Commission's web site at www.lawlink.nsw.gov.au/nswlrc.nsf/pages/paperproperty

World Legal Congress 2000, 10-12 September 2000, The Wentworth Hotel, Sydney.

The Chief Justice of the High Court of Australia, The Hon. Justice Murray Gleeson AC, will deliver the keynote address: *New Challenges in the Administration of Justice*. The New South Wales Attorney General, The Hon. Jeff Shaw QC MLC, will also address the Congress. Details of the programme and registration information can be obtained from the Law Society of New South Wales web site at www.lawsocnsw.asn.au

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At the lecturn

Tuesday 20 June:

Practice Management Workshop#
(Readers workshop)

Saturday 24 June

Advocacy Workshop 1/00
(1/00 Bar Practice Course group)

Thursday 27 June

Judges Practice Series: Injunctive Relief#
(New Barristers seminar)

Speakers include:

The Hon. Chief Justice Pearlman
The Hon. Justice Bergin

Monday 10 July

Family Law / Land & Environment Lecture#

Thursday 13 July

Debate: Bill of Rights#

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