



## President's Column

### Unrepresented Litigants

The Family Court has just issued Research Report No. 20, *Litigants in person in the Family Court of Australia*, (1) which highlights the difficulties caused by increased self-representation before the Court.

In essence, the report found that most litigants in person before the Family Court were self represented because they could not afford lawyers, although some said they neither needed nor wanted legal representation. Significantly, the report concluded that recent changes to legal aid had intensified a pre-existing trend towards self-representation. Apparently just under half of those sampled for the purposes of the report who had been refused legal aid were refused on grounds attributable to the 1997 change in legal aid guidelines.

The report noted that litigants in person were more likely than the population as a whole to have limited formal education, limited income and assets and to have no paid employment. They were disproportionately concentrated in children's matters as opposed to property matters and slightly more than half were men.

As might be expected, the report highlighted the problems occasioned to unrepresented litigants essentially because of their lack of knowledge and familiarity with the legal system. Conversely, it noted the consequence of unrepresented litigants' lack of legal and procedural knowledge leading to high levels of stress and frustration of judicial officers who were forced to seek to hold a fair balance between the represented and unrepresented parties.

The judicial officers completed a survey which demonstrated that they thought that in 59% of cases the unrepresented party was disadvantaged by the other party's lack of legal representation, and only in 34% of cases was it thought that the unrepresented party participated in the proceedings with competence. In 73% of cases it was thought that the Court would have been assisted if one or more of the parties had been represented. There was almost unanimous agreement that as long as litigants in person participated in the system, matters in which they were involved were more



Ruth McColl S.C., President.

demanding of the time of the judicial officers and could be more wasteful of the time of the other party and their legal advisors.

This most recent report highlights issues which are dealt with in great detail in Chapter 5 of the Australian Law Reform Commission's report *Managing Justice: A review of the federal civil justice system* (2). That report referred to an opinion expressed by the Commonwealth Attorney-General, The Hon. Daryl Williams AM QC MP, to the effect that there was no evidence to support claims that there had been an increase in unrepresented litigants due to the Commonwealth's changes to legal aid funding arrangements. That is a matter which the Commonwealth is researching. It would appear, however, that there is no co-incidence between the Commonwealth's changes to legal aid funding arrangements and increased concerns expressed at all levels of the federal judiciary (High Court, Federal Court and Family Court) about courts' ability to ensure represented litigants are able to present their cases adequately. And there is surely no co-incidence in the increasing pressure on professional associations from courts to provide pro bono assistance to unrepresented litigants.

The ALRC report noted that Australian lawyers have a strong record of pro bono

service. That has hitherto been delivered on an informal basis. The Court-connected pro bono schemes which the Bars and Law Societies around Australia are establishing highlight the increasing incidence of unrepresented litigants and the courts' concern that deserving litigants should have their cases properly presented.

As I said in the last *Bar Brief* when I called for volunteers for the Supreme Court pro bono scheme, the Association's pro bono schemes are not intended to be a substitute for the provision of legal aid nor to relieve any government of its obligation to provide adequate funding for existing legal aid services. The establishment of formal schemes is intended to provide a mechanism which enables the more effective channelling of unrepresented litigants to the most appropriate potential service provider.

Pro bono work is at the heart of the ideal of the legal profession serving the community. In the United States, the American Bar Association asks lawyers to aim to provide at least 50 hours of pro bono legal services each year. This is a lot of time and I am not certain, at the moment, that there would be a demand for that level of commitment from all members of the New South Wales Bar. Consistently, however, with encouraging members of the Bar to give expression to our commitment to pro bono, I would, again, encourage members to sign up for one or all of the Federal Court and Supreme Court pro bono schemes and the Bar Association's own Legal Assistance Scheme. I have signed up for each of these schemes. I urge senior members of the Bar to lead by example and demonstrate their commitment to pro bono by doing the same. I would ask senior members of the Bar to encourage others in their chambers to join the schemes. All the schemes will work best if there is access to a large pool of practitioners between whom the work can be fairly spread. You can sign up for any one or all of the schemes by contracting the Legal Assistance Manager at the Bar Association (3).

### GST and Legal Aid

Members have, understandably, been concerned about the impact GST may have on legal aid fees. This was a topic the Bar Council raised with the New South Wales

*Continued on page 2*

# President's Column

*Continued from page 1*

Attorney-General Jeff Shaw QC MLC at the Council's September 1999 meeting. He undertook to raise the issue at the next meeting of the Standing Committee of Attorneys-General. The Attorney General did raise those matters at SCAG. The latest advice we have received is that the Legal Aid Commission is about to circulate an advisory letter to practitioners indicating its procedures in connection with GST. Most importantly, the letter advises that the Legal Aid Commission's scale of fees will continue and will be *exclusive* of GST. This should allay the concerns of practitioners that existing legal aid fee scales would be cut even further if they were inclusive of GST.

Watch the NSW Budget to see what happens to the unceasing representations the Association has made about increased funding for the legal profession's legal aid fees. I can assure all concerned, we have tried very hard!

The GST seminar held on 1 May to launch the Bar's GST booklet was very well attended. Photocopies of the booklet were distributed. The final booklet is now on the Bar Association's web page and a hard copy will be circulated to all members as

soon as possible. I commend a thorough reading of it all. Once again our gratitude must go to Gzell QC and the GST Committee for their tireless work on all our behalves to get the Bar to the GST barrier as well prepared as possible.

## Corroboree 2000

The Council for Aboriginal Reconciliation was established by the *Council for Aboriginal Reconciliation Act 1991* (C'th) which was passed unanimously by the Commonwealth Parliament. The Council was established to promote a process of reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community. The Act ceases to be enforced on 1 January 2001.

Since it was established the Council has achieved a great deal. As might be imagined, a major focus of the Council has been to determine how best to achieve its objectives. According to its research, most Australians believe reconciliation would be advanced by documents of reconciliation. It has undertaken an extensive exercise in preparing a *Declaration Towards Reconciliation*. That Declaration is to be released at a ceremony at the Sydney Opera House on May 27. May 27 is the first day of National Reconciliation Week. That week is described by the Council as one during

which 'all Australians... renew their commitment to reconciliation and to actively help end the injustice, prejudice and exclusion that still exists among us'. The final day of the week, June 3, is the anniversary of the High Court's decision in *Mabo*.

One of the ways Australians are being encouraged to demonstrate their commitment to reconciliation, at least in Sydney, is to participate in the People's Walk for Reconciliation across the Harbour Bridge on 28 May 2000.

I know many barristers have a deep commitment to the advancement of Australia's indigenous community. This Walk gives us a great opportunity to demonstrate that commitment. I would encourage members to participate and to encourage friends and families also to be involved. Details of the Walk can be obtained from the Council for Aboriginal Reconciliation's web site at [www.reconciliation.org.au](http://www.reconciliation.org.au)

1. Copy at [www.familycourt.gov.au](http://www.familycourt.gov.au) and in Bar Library.
2. Report No. 89. Copy at [www.alrc.gov.au](http://www.alrc.gov.au) and in Bar Library.
3. Ms Heather Sare, ph. (02) 9229 1733; fax (02) 9221 1149; e-mail [legalassist@nswbar.asn.au](mailto:legalassist@nswbar.asn.au)

# Bar Council business for March

## GST 'Start-up' Funding Scheme

The President advised that an Australian Bar Association application for funding under the GST Start-up Funding Scheme had been approved. The Executive Director had commissioned the preparation of a booklet on the GST and barristers' practices. The booklet will also be available on the Bar Association web site.

## 'Striding towards Reconciliation'

The President drew attention to the 'Striding towards Reconciliation' walk across the Harbour Bridge on Sunday, 28 May 2000. In view of the significance of the issue, the President encouraged any members who wished to participate to do so. Bar Council discussed generally the issue of Aboriginal reconciliation.

Resolved that the President publish a general expression of support for Aboriginal reconciliation in *Bar Brief*.

## Bar Association Charity 2000/2001

The President advised that she would welcome suggestions for the Bar Association charity for 2000/2001.

## Bar Association Budget 2000/2001 and Practising Certificate Fees

Bar Council resolved that the budget be framed on the basis that there be no increase in the PC fees (and late and processing fees) approved by the Attorney

General for 1999/2000, other than charging of the GST. Attorney General's approval will also be needed to charge late and processing fees as of 24 June and 1 July.

## 'District Court Users Committee'

Bar Council noted that the President had asked Murray QC and Andrew Lidden to represent the Bar Association on the Court's sub-committee representing the Civil business of the Court (the previous Court Users' Committee).

## Bar History

Bar Council resolved to approve the Association's sponsorship of a post-graduate or post-doctoral scholarship, or scholarships, for research into the history of the NSW Bar, with a commitment of funding up to \$20,000 per annum for up to 3 years;

Bar Council noted that the President had appointed Professors Ros Atherton and Bruce Kercher of Macquarie University as members of the Bar History Committee.

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.

## Brennan & Powell Pty Ltd

trading as

## Barristers' Insurance Services

since 1979

*We can arrange the following (Please tick)*

- Barristers' Sickness & Accident Extension Plan
- Barristers' Term Life Insurance & Crisis Plan
- Cover for Chambers and Professional Effects
- Occupational Legal Liability
- Superannuation (DIY)

Name \_\_\_\_\_

Phone No: \_\_\_\_\_

For further information, please complete this coupon and fax to (02) 9975 7732

*or contact*

Craig Brennan or Tony Powell  
(02) 9975 7322 – Mobile 0409 246 766

Email: [bandp@triode.net.au](mailto:bandp@triode.net.au)  
DX 9104 Dee Why

# Law Foundation of NSW Justice Awards

The Law Foundation of New South Wales is seeking nominations for the Justice Medal, being presented at the second annual Justice Awards on 28 June 2000.

The Justice Awards recognise the contributions that individuals have made to promoting access to justice in New South Wales.

The Justice Medal is presented to an individual whose commitment to promoting access to justice in New South Wales has been demonstrated in a range

of activities over an extended period, or in a single activity of significance.

Guidelines for nominations can be obtained by contacting the Law Foundation on ph (02) 9299 5621. The Guidelines are also available on the Law Foundation's web site at [www.lawfoundation.net.au](http://www.lawfoundation.net.au)

Nominations should be sent to The Director, Law Foundation of NSW, GPO Box 4264, Sydney NSW 2001 or DX 984 Sydney by Wednesday, 31 May 2000.

---

## Certificates of Fitness

Applications for admission into another jurisdiction usually require a Certificate of Fitness from the Bar Association. These are provided free of charge to members (\$50 for non-members) and are issued by the Membership Officer. The information disclosed in the certificate needs to be cross-checked with the Office of the Legal Services Commissioner and the Legal Practitioners Admission Board. The exchange of information with these bodies

can take up to 48 hours. For this reason, at least 3 days notice is required for preparation of a certificate. Members are asked to bear this in mind when considering taking a brief from a jurisdiction in which they have yet to be admitted.

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

---

## An Olympic Feet

Vindicating the Bar's reputation for early starts, hard work and endurance, on Sunday 30 April four barristers took part in the Host City Marathon (42.2 kilometres), run over the Olympic Marathon Course.

Congratulations go to McColl S.C., Sackar QC, Street S.C. and Lachlan Gyles. All four finished the course, which took them through the City, around Centennial Park, out to Kingsford, back to the City and then out over the Anzac Bridge and over lots of hills to Homebush to finish very hot and sweaty in the Olympic Stadium.

## History of the Bar

The Bar History Committee is undertaking an oral history project and would appreciate the names and addresses of persons who were in practice as barristers before 1945. Information can be sent to the Committee's secretary, Chris Winslow at the Bar Association: ph (02) 9229 1732; fax (02) 9221 1149 or e-mail [mediainquiries@nswbar.asn.au](mailto:mediainquiries@nswbar.asn.au)

## Speeches

*Speech to the Annual Conference of Judges of the High Court and Court of Appeal of New Zealand*, by The Chief Justice of NSW, The Hon. JJ Spigelman, 2 April 2000. Photocopies of this speech can be made in the Bar Library. It may also be obtained from the NSW Supreme Court's web site at [www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc)

*Speech on the first graduation of Drug Court Participants*, 4 April 2000. This speech was delivered by Senior Drug Court Judge Gay Murrell S.C. Photocopies can be made at the Bar Library.

## CHAMBERS FOR SALE

13<sup>th</sup> Floor

Wentworth-Selborne  
Chambers

*A large single and well-appointed room with landscape views over the Mint building in Macquarie Street and Woolloomooloo to Edgecliff.*

*With Double Room Potential.*

*This busy combined floor consists of three Senior Counsel and 29 barristers with a majority of busy senior juniors.*

*Counsel on the floor practise extensively in commercial, equity, administration and common law including defamation and personal injury.*

*The Floor is well equipped and has extensive library and on-line research facilities.*

Apply with CV to Owner on

Ph: 9232 3736



## Ermenegildo Zegna

60 Martin Place, Sydney

Telephone: (02) 9231 3622

# Junior Bar Survey

## Profile of junior barristers 1996 - 1998

In August 1999 a survey was sent to 261 junior barristers who had come to the NSW Bar in the years 1996 to 1998. The survey forms allowed for anonymous responses. The survey was constructed by the Bar Association and the data analysis undertaken by the Centre for Legal Education. Below is a summary of the findings. A full copy of the report is available for loan from the Bar Library.

The aims of the survey were,

1. to establish a general background profile of junior barristers;
2. to identify practice expectations of new barristers;
3. to identify whether practice expectations are being met;
4. to identify changed and changing aspects of junior practice;
5. to identify areas in which the education program might diversify to meet future needs;

It was expected that the hard information gained would be useful, not only for the Association, but also for those people contemplating moving into private practice at the Bar.

Only fifty-six of the 261 junior barristers responded to the survey. The small number of responses (21 per cent) means that the results reported may not always be representative of junior barristers in general.

### 1. Demographics and Background

The junior barristers responding to this survey were, on average, around 34 years of age at the time of entry to the Bar. Most were male (seventy per cent), had a spouse but did not have children (seventy per cent). More females (eighty six per cent) than males had a spouse. Most of the respondents (eighty four per cent) had been solicitors immediately prior to coming to the Bar. Forty one per cent had come from medium and large size city firms, thirteen per cent from small city firms, nine per cent from suburban firms and 5 per cent from country firms. Seventy seven per cent had some prior advocacy experience. The extent of advocacy experience was not found to be significantly related to the number of years of experience as a solicitor.

The three most common reasons given for coming to the Bar were:

- having always intended to do so
- wanting to work for oneself
- seeking a new challenge.

#### Establishing a Practice

Most of the junior barristers surveyed did not supplement their practice with other means of income in the years 1996 to 1998. Twenty three per cent did. The proportion of income from other sources ranged from 5 per cent to one hundred per cent, including legally related work (such as headnotes) and non legal work (such as director's fees, writing, farming).

Estimated establishment entry costs (including exam and course fees, robes, chambers equipment), ranged from \$5,000 (twenty five per cent) to \$9,000 (thirty two per cent) with forty one per cent estimating varying options between \$6,000 to \$8,000.

Over half of those surveyed had occupied only one chamber address since starting practice. Current annual practice management costs were, on average, around \$32,000 per annum with a range from zero (home practice) to \$80,000. After reading, the majority (thirty two per cent) of junior barristers licensed premises. The average cost of licensing after reading was \$18,000. Cost of company title chambers ranged from \$8,000 to \$380,000 with the median being \$55,000, the average being \$125,000. In relation to rental chambers, the average cost was \$28,400 per annum whilst floor fees were, on average, \$22,000 per annum. Costs of a home office or other accommodation ranged from \$5,000 and \$14,000.

#### Finding accommodation

The most common piece of advice about finding reading accommodation was to 'start early'. Also mentioned were

- find a busy floor, where the work suits one's particular interest
- use contacts/ask around rather than make a formal application
- research floors well
- find a tutor first and get help from the tutor.

#### Aspects of junior practice

The number of responses to some items concerning areas of work, sources of income and sources of work were too few to provide useful information. However some items did attract responses from more than half of the junior barristers. These items indicated that the majority of junior barristers' time was spent in undertaking "advice for self" and in court for hearings (twenty five per cent) and it was in these areas that the most income was earned (twelve per cent and thirty three per cent). Respondents indicated that the Floor and Clerk had been a major source of work (thirty per cent), whilst a former employer/firm (twenty one per cent) and one's tutor (seventeen per cent) were also nominated as sources of work.

Only thirty per cent of the barristers reported working in just one jurisdiction (ie. local, intermediate or superior). The majority reported working in at least two jurisdictions.

### 2. Expectations about the role of barrister

Junior barristers were asked whether their initial expectations about practising as a barrister had changed in some way since coming to the Bar. Most respondents indicated that their expectations and views had changed in some way.

The most common expectation of a barrister's role identified by the respondents was that of advocate (thirty per cent). Giving advice and providing expertise were the second expected roles (twelve per cent each). Being self-employed and independent featured, as did job satisfaction and challenge. Two respondents identified the need to be sensitive to the needs of clients as an important aspect of the role. Areas where expectations had changed included,

- more chamber work than expected and less advocacy than desired
- more work than expected
- the level of expertise assumed
- the importance of ethics in the role of barrister.
- more flexibility in hours of work.

#### Expectations re collegiality and support

Most barristers expected some support at the Bar (fifty two per cent) and some found more support than they had initially expected (thirty three per cent). Eleven per cent found less support than expected. Two respondents indicated that they had found discrimination on the basis of gender to be a problem at the Bar. One respondent indicated that the demands of parenthood were not appreciated by the Bar Association.

#### Expectations re establishing a practice

The expected time in which a viable practice could be established was, on average, 3.2 years. This was as most respondents had initially expected. The average expected income of junior barristers was \$56,000 per annum. Whilst twenty six per cent of the respondents indicated they had earned more than initially expected, it should be borne in mind that less than half of those surveyed responded to this item.

# Junior Bar Survey

## Profile of junior barristers 1996 - 1998

*continued from page 4*

### Expectations about training

The most common expectation in relation to training was that the Bar course would be useful. Very few barristers commented in relation to changes in their view. Of those who did comment, the changes reported included the value of a background as a solicitor and of practical experience. The importance of the tutor's role was also mentioned.

### Hindsight

The majority of respondents (sixty two per cent) indicated that, with the benefit of hindsight, they would not do things differently if coming to the Bar. Thirty three per cent indicated that they would approach initial practice differently. Their comments included that they would,

- build up more contacts among solicitors
- come earlier
- do more research into tutors
- market themselves more effectively.

### 3. Changing aspects of junior practice

Seventy three per cent could not identify areas of significant change in junior practice. Twenty three per cent indicated that the areas of junior practice where significant change had occurred included motor vehicle work; workers compensation; taxation (goods and services tax); more competition for juniors; climate changing to one of cost cutting and emphasis on service provision; increasing use of mediation and difficulty in finding accommodation. Sixteen per cent considered that these areas require a new focus or diversification in training for the Bar.

### 4. Training at the Bar

Several respondents suggested that the topics of marketing one's self and evidence might be included as new topics in the Bar course, together with increased emphasis on practice management (including fees and costs agreements and practice/brief risk analysis). These suggestions were basically repeated for needs for under 5's CLE .

#### Tutors: finding and working with tutors

With regard to finding a tutor, the most common factors mentioned included,

- the personality and approachability of tutors
- importance of tutor having excess work
- likelihood of ongoing work from a tutor
- need to research tutors by talking to other junior barristers
- having regard to reputation of tutors
- personal knowledge of a tutor recommended
- for country readers, getting a tutor in Sydney was seen to be important
- finding a tutor who takes their role seriously.

The need to thoroughly research tutors was a common theme.

#### Areas tutors ought to be aware of

- their own role, in that acting as a tutor requires time and attention and entails responsibility
- how a brief should be attended to from start to finish
- ethics
- the need for new counsel to market themselves
- flicking briefs.

One respondent suggested that tutor performance be measured and monitored.

### 5. Leaving the Bar

None of the respondents to this survey had left the Bar in the period 1996 - 1998.

Make [www.nswbar.asn.au](http://www.nswbar.asn.au) your home page.

## CONFUSED BY THE EVIDENCE ACT?

**Don't be caught without the publication**

**EVIDENCE ACT CASES 1995-1999**

This DPP (NSW) publication is an essential reference source and research tool for the Evidence Act 1995 (NSW). The publication comprises 195 comprehensive summaries (in 348 pages) of virtually every Court of Criminal Appeal case on the Act, all High Court cases, and a selection of Court of Appeal, Supreme Court and District Court cases.

The publication contains a:

- Table of Contents which reflects the structure of the Act;
- Table of Cases;
- Subject Index with detailed sub-categories for each subject;
- Section Index; and
- Reported citations where applicable and an indication of whether the particular case was subsequently appealed.

The cost is \$75 including postage. To obtain your copy, order direct by mailing a cheque payable to the Director of Public Prosecutions (NSW) to:

Marta Jankovic  
Director of Public Prosecutions (NSW)

DX 11525 Sydney Downtown

or

Locked Bag A8 Sydney South NSW 1232

Enquiries can be directed by e-mail to [JankovicM@odpp.nsw.gov.au](mailto:JankovicM@odpp.nsw.gov.au) or by calling Marta Jankovic or Michelle Pratley on (02) 9285 8761 or faxing to (02) 9283 2924.



# Justice in Jeopardy: Malaysia 2000

That is the title of a report issued on 6 April 2000 by the International Bar Association (IBA), the International Commission of Jurists' Centre for the Independence of Judges and Lawyers (CIJL), the Commonwealth Lawyers' Association (CLA) and the Union Internationale des Avocats (UIA). It is a damning indictment of the way in which Malaysia addresses the independence of the judiciary and the profession and of the way in which the rights of some litigants are infringed.

The report was compiled following a mission to Malaysia by the Honourable Lord Abernethy (Judge of the Court of Session of Scotland and now reserve judge in the Lockerbie trial), Justice McNally (Appellate Judge of the Supreme Court of Zimbabwe) and Dr Rajeev Dhavan (Senior Advocate and Commissioner of the International Commission of Jurists', India). The full text of the Report is available on the IBA's website at [www.ibanet.org](http://www.ibanet.org); a hard copy is available in the Bar Library.

The report describes the concerns that gave rise to the mission and provides background to the Malaysian justice system. It addresses the relationships between Bar and Executive, between Bar and Judiciary and between Judiciary and Executive and explores the role of legislative power and it does so by reference to the law and individual examples of the law in practice – a number of cases are reviewed in some detail. The Report's conclusions and recommendations repay detailed consideration.

In summary, the delegation found that

...there are well-founded grounds for concern as to the proper administration of justice in Malaysia in cases which are of particular interest, for whatever reason, to the government... The central problem seems to lie in the actions of the various branches of an extremely powerful executive, which has not acted with due regard for the other essential elements of a free and democratic society based on the just rule of law. Such due regard requires both a clear grasp of the concept of the separation of powers and also an element of restraint by all branches of the executive. These have not always been evident. There must be a truly independent judiciary, fully prepared at all times to do justice for all, whether strong or weak, rich or poor, high or low, politically compliant or outspoken. There must be an autonomous bar which is allowed to render its services freely so as to enable it to fulfil the purposes set out in its governing statute. Repression of fundamental liberties should be maintained only if and to the

extent that it is absolutely necessary. There is real cause for concern in all of these areas.

The Report recommends legislative and administrative action to address these concerns. A proper relationship between the bar and the executive requires that the autonomy of the bar not be threatened and that lawyers have the right to freedom of association. The Bar Council should be free to provide constructive criticism of government action and to make such views public. The government should refrain from speaking out publicly against the Bar Council and its members and should recognise and respect its proper role. There should be regular meetings between the Bar Council and the executive to discuss matters of mutual interest and concern. The police should also be fully trained regarding the role of the lawyer and should refrain from exerting undue pressure on lawyers acting in their professional capacity. The confidentiality of client communications should be respected.

To improve the relationship between the bar and the judiciary both judges and lawyers should be careful to treat each other with mutual respect and courtesy, particularly in court or in front of the media. There should be regular meetings between the Bar Council and the senior judiciary to discuss matters of mutual interest. Social contacts between the Bar Council and the judiciary should also be resumed. There should be a mechanism for mediation of disagreements between lawyers and the judiciary (and the four organisations involved in the Report have offered to assist in that regard). Steps should be taken to ensure that judges and lawyers are trained to be in no doubt as to the true nature and meaning of the independence of the judiciary.

One of the issues of concern is the willingness of judges to use contempt proceedings against lawyers as a means of control of the bar. The Report recommends that the courts should act with great forbearance and restraint in the use and threatened use of the contempt power in respect of lawyers when practising their profession. The power should be used only as a last resort when all other means of achieving the proper result have failed. Unprofessional conduct by lawyers should be dealt with, instead, by the Disciplinary Board after the conclusion of the hearing, except in cases where the continuation of the process fairly is impossible. Failing restraint, the contempt law should be reformed in order to remove the adverse effect it has on the ability of lawyers to render their services freely.

In defamation cases – seen as another means of stifling free speech – it is recommended that courts should not allow

claims for or awards of damages to be of such magnitude as to be a means of stifling free speech and expression.

There are problems between the judiciary and the executive. In cases that are considered of political or economic importance to the executive, there are serious concerns that the judiciary is not independent, either because it is leaned on directly or indirectly by the government or because it knows what the government wants and is simply too cowed in the light of past experiences. This perception is held by members of the general public and reasonable perception is every bit as important as the truth of the matter. The problem needs to be recognised and confronted. The single most important factor in bringing about the present unsatisfactory position has been the failure of a very powerful executive to understand the independent constitutional position of the judiciary and all that involves.

The judiciary should act and be seen to act with complete independence from the executive. The decision making and reasoning of the judiciary in the recent cases of Lim Guan Eng and Anwar Ibrahim have, quite understandably, given real cause for concern in this regard. The choice of judges for high profile cases should be carefully considered. An independent prosecution system should be established.

There is much more. The Report is a comprehensive, measured and thoughtful treatment of many of the problems of justice in Malaysia in 2000, based on fact. Its recommendations are wholly constructive. A copy of the draft report was sent to the Malaysian government last year for comment, such comments to be reported (if desired) in the final Report. There was no response. The Report was released at simultaneous press conferences in Geneva (which I attended before addressing the UN Human Rights Commission on behalf of the IBA), London and New Delhi. The Malaysian Chief Justice's disingenuous response was to assert that he was able to answer and deal with the concerns raised in the Report, but that he had not been sent a copy of it. It was not sufficient that a copy had been sent to the government because, after all, the judiciary in Malaysia is independent from the government!

In my view it would be appropriate for the NSW Bar to consider developing some sort of arrangement with the Malaysian Bar Council in order to provide support for our beleaguered colleagues. This request has been made to me by concerned Malaysians and I pass it on for consideration.

**N R Cowdery QC**  
*Co-Chairman, Human Rights Institute, IBA*

# In Brief

## Bar Olympians

As the Sydney 2000 Olympic Games draw closer, the Bar Association would like to acknowledge barristers, past or present, who have competed at an Olympic Games.

If you are a former Olympian, or you know of a barrister who is, please contact the Public Affairs Officer at the New South Wales Bar Association on ph: (02) 9229 1732, fax: (02) 9221 1149 or email: [mediainquiries@nswbar.asn.au](mailto:mediainquiries@nswbar.asn.au)

## Jessup International Law Moot Team

The Bar Association provided financial assistance to the winning New South Wales University moot team to participate in the Jessup International Law Moot in Washington.

The Dean of Law at the University of Sydney, Professor Jeremy Webber, recently wrote to the Executive Director as follows:-

“Thank you for the Bar Association’s donation towards the expenses of our Jessup International Law Moot team. We greatly appreciate the support.

In the end, our team met the other Australian team, Melbourne, at the beginning of the final round since only one team from each country can compete in that round. Although our team had won the Australian competition, Melbourne turned the tables on us in Washington. It then went on to win the entire competition! We took some consolation from the fact that a member of our team, Ms Jade Harkness, won best oralist in the entire competition.

Thank you once again for your generous support.”

## University of New South Wales Law School – Prizes

The 1999 NSW Bar Association prizes have been awarded to:

- NSW Bar Association Prize for Advocacy  
- Jonathan Shapiro
- NSW Bar Association Prize for Evidence and Advocacy  
- Gideon Gee
- NSW Bar Association Prize for Law, Lawyers & Society  
- Rachel Davis
- NSW Bar Association Prize for Litigation  
- Symone Bates

Congratulation to these prizewinners.

Make [www.nswbar.asn.au](http://www.nswbar.asn.au) your home page.

# Appointments

## Judge of the Supreme Court of NSW

Anthony Whealy QC has been appointed a Judge of the Supreme Court of New South Wales, effective 26 June 2000.

## Acting Judges of the Supreme Court of NSW and Judges of Appeal

The Governor-in-Council has approved of the appointment of the following persons to act as Judges of the Supreme Court of New South Wales and, in the case of Mr Clarke and Acting Justices Brownie, Davies and Foster, as Judges of Appeal, for the periods shown:-

The Honourable Acting Justice Badgery-Parker – 1 July 2000 to 30 June 2001

The Honourable Acting Justice Brownie – 3 May 2000 to 2 May 2001

The Honourable Acting Justice Carruthers – 10 May 2000 to 9 May 2001

The Honourable Matthew John Robert Clarke QC – 5 June 2000 to 30 June 2000

The Honourable Acting Justice Davies – 31 May 2000 to 30 May 2001

The Honourable Acting Justice Foster – 31 May 2000 to 30 May 2001

The Honourable Mr Acting Justice McInerney – 24 May 2000 to 23 May 2001

## Judge of the District Court of New South Wales

James Walter Black QC has been appointed a Judge of the District Court of New South Wales, effective 8 May 2000.

Robert Arthur Sorby has been appointed a Judge of the District Court of New South Wales, effective 8 May 2000.

## Local Court of New South Wales

Terence Timothy Lucas has been appointed a Magistrate, effective 8 May 2000.

## New members of the Bar Association

### Local Practising Practitioner

Fergus Austin  
Peter Barham  
Vahan Bedrossian  
David Burwood  
Simon Davis  
Michelle Dolenc  
Jason Downing  
Thomas Duggan  
Andrew Fernon  
Matthew Fraser  
Elizabeth Frizell  
Michael Kearney  
John Levingston  
Miroslav Lozina  
Eilis Magnus  
April Mountfort  
David Weinberger  
Harry Woods

### Legal Practitioner other than a Local Practising Barrister

Mark Stunden

## Supreme Court Commercial Users’ Group

The President has appointed Miller QC and Rudge S.C. to this Users’ Group.

## Australian Advocacy Institute

The Law Council of Australia has appointed Fullerton S.C. and David Grace QC to the Board of the Australian Advocacy Institute.

---

# Media Briefing

## Media release by the Australian Bar Association

*Australian Bar Association calls on Northern Territory Government to release details of Diversionary Program* [relating to ‘minor offences’ for juveniles], 26 April 2000 – copy available in Bar Library.

## Media releases issued by the Law Council of Australia

*Council adopts resolution on drugs: Calls for Federal Government to permit*

*supervised heroin trial in ACT*, 20 April 2000  
*Law Council calls for Privacy Bill support*, 13 April 2000

*Law Council welcomes Family Law Superannuation Bill*, 13 April 2000.

*‘Window dressing’ has not removed unjust laws* [re mandatory sentencing], 10 April 2000.

For further details of the Law Council’s media releases and submissions, see their web site [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

# GST Alert

## ABN Registration

This is the final reminder that barristers and their service entities have until 31 May 2000 to make application for an ABN. Failure to do so will result in a withholding at the top marginal rate of 48.5%.

## Notice to Insurers

Section 78-50 of *A New Tax System (Goods and Services Tax) Act 1999* provides that the settlement of a claim under an insurance policy is deemed to be consideration for a supply made by the person paying the premium if that person was entitled to an input tax credit and did not, at or before the time the insurance policy was supplied, inform the insurer of the extent of that entitlement or understated the entitlement. The deemed consideration is the amount of the entitlement or understatement.

In other words, if you fail to notify your insurer of the correct extent of your entitlement to an input tax credit, you will pay GST on the extent of that failure if there is a successful claim under the policy.

The term 'extent of input tax credit' is defined for the purpose of an earlier provision as the amount of the input tax credit expressed as a fraction of the GST payable for the supply of the insurance policy for the period to which the premium relates. While that definition is not applied to section 78-50, it is advisable to adopt the fraction approach in your notice to the insurer.

On 3 May 2000 the Treasurer issued a press release announcing that the Government will amend the GST Act to allow for notification at any time at or before a claim is first notified to the insurer.

Section 23A of *A New Tax System (Goods and Services Tax Transition) Act 1999* provides that section 78-50 of the GST Act does not apply in relation to an insurance policy supplied before 1 July 2000 if before that day the insurer is informed of the extent to which the payer of the premium was entitled to an input tax credit for the premium paid.

While the Government expects to have its announced amendments passed by the Parliament before the end of June 2000, it would be unwise to rely upon this happening. In any event, there is no indication in the press release that the legislation will extend to the Transition Act.

In respect of policies associated with your professional activities which span 1 July 2000 where the premium included a GST component it is highly advisable for you to give formal notice to your insurer. A suitable form of notice might be:

'In accordance with section 23A of *A New Tax System (Goods and Services Tax Transition) Act 1999* I hereby give you notice that I am entitled to an input tax credit with respect to the premium of \$..... paid by me under policy number..... for the period of cover to end on ..... 2000 in the amount of \$..... being 100% of the GST payable for the supply.'

Of course, if the policy is only partly business related a different percentage will need to be calculated.

The obligation applies equally to any service entity with a policy associated with its business which spans 1 July 2000.

## BAS Requirements

While the Australian Taxation Office announced on 30 March 2000 that businesses were not required to complete all the information on the draft Business Activity Statement ('BAS') it was stated that labels G1, 2, 3, 10, 11 and 12 on the Calculation Sheet would still be required to be completed for statistical and compliance information purposes.

Because income tax will only be payable on fees **net** of GST and deductions will only be claimable with respect to expenses **net** of GST it will be necessary for barristers to establish a GST clearing account and segregate the GST component from receipts and payments.

Unfortunately, the information required in the draft BAS Calculation Sheet at the above labels is **inclusive** of GST and those labels involve revenue and capital receipts and expenditure.

In order, therefore, to have the necessary information readily at hand to enable you

to fill in your quarterly BAS, it may be advisable to open a GST clearing account for income receipts, a GST clearing account for revenue expenses and a GST clearing account for sales and purchases of capital items.

If you are to maintain a single GST clearing account it will be necessary for you to ensure that GST on capital receipts and capital outgoings are identified in some way when entered to the account to enable you to assemble the required information.

## Memoranda of Fees

As indicated in previous articles, it is a good idea if you can renegotiate your retainers to allow you to issue an interim memorandum of fees as at 30 June 2000. While you obviously can issue tax invoices after that date for work done beforehand, you will need to segregate supplies prior to that date which are not subject to GST from supplies after that date which are subject to GST. The idea of issuing interim memoranda of fees at 30 June is to relieve you of this problem.

You should also ensure that existing fee agreements are renegotiated and new fee agreements are issued with a provision entitling you to increase your fees by up to 10% for supplies on and after 1 July.

## The Manual

The Manual has been prepared and will be issued to you shortly (A copy is on the Bar Association's web page). As well as covering such matters as those set out above, it contains a pro forma tax invoice and BAS and Calculation Sheet for your information.

*Ian Gzell QC*  
Chair  
GST Committee

## WHO COULD FORGET

the Inaugural Annual Dinner of the

## JOHN HUBERT PLUNKETT SOCIETY

(In Aid of the Chair of Modern Irish Studies at the University of New South Wales).

Here's your chance to recapture the moment or, if you were one of the unlucky ones to miss out, to see what the fuss was all about.

## THE SECOND ANNUAL DINNER

will be held on 29 June 2000

at the Parliament House Dining Room, Macquarie Street, Sydney

GUEST SPEAKER: SIR ANTHONY MASON AC KBE

Mark your diaries now. More details to follow. For advanced bookings & information, contact: Jeff Kildea: 9233 3883 • Mary Lee: 9223 4547

# Papers to Note

## Bill of Rights

The Bar Association has made a detailed submission to the inquiry into a NSW Bill of Rights being conducted by the Legislative Council Standing Committee on Law and Justice.

The submission refrains from expressing views on questions of substance concerning particular rights or immunities which may be proposed as the subject of a New South Wales Bill of Rights or an *Interpretation Act* human-rights amendment.

Rather, the submission draws to the Committee's attention historical and cultural reasons why the intended function of a New South Wales Bill of Rights or an *Interpretation Act* human-rights amendment should be scrutinised carefully before any such project is undertaken. It tries to point out some of the likely consequences of such legislation. It seeks to illustrate some of these points by reference to rights and immunities of peculiar interest to lawyers which might be fit for consideration by the Committee.

Submissions received by the Committee become the property of the Committee and they cannot be published or disclosed to any person without authorisation. The Association has sought the Committee's

authority to make the submission available to members. Once authority is given, copies of the submission will be placed in the Bar Library.

## Whistleblowing in the professions: Consultative paper.

This paper by the Professional Standards Council suggests ways in which whistleblowing may reinforce disciplinary systems, codes of ethics and self-regulation for the professions. The paper is available from the Professional Standards Council's web site at [www.lawlink.nsw.gov.au/psc](http://www.lawlink.nsw.gov.au/psc), and photocopies can be made at the Bar Library. The deadline for written submissions is 26 May 2000.

## Consumer law and tribunals: An inexpensive and speedy alternative to the court system in NSW,

by Geraldine Hoeben. This paper was delivered at the Australian Plaintiff Lawyers Association NSW Branch Conference on 3-4 March 2000. This paper provides an overview of the legislative changes that have resulted in a comprehensive rationalisation of tribunals in New South Wales. Photocopies can be made at the Bar Library.

## Australian Institute of Judicial Administration (AIJA) – Criminal Trial Reform Conference, 24 – 25 March 2000

This conference examined the *Working Group on Criminal Trial Reform Report* to the Standing Committee of Attorneys General ('SCAG') released in November 1999. Copies of the conference papers are available from the AIJA's website [www.aija.org.au](http://www.aija.org.au) or in the Bar Library.

## Litigants in person in the Family Court of Australia

Family Court Research Report No. 20, April 2000 by J. Dewar, B.W. Smith and C. Banks. See Family Court web site [www.familycourt.gov.au](http://www.familycourt.gov.au). Copy available in Bar Library.

## Federal Court Rules

Federal Court Amendment Rules 2000 (No. 1) commenced on 20 April 2000. These amendments affect Order 4,46,52,73,78.

Federal Court Amendment Rules 2000 (No.2) commenced on 20 April 2000. These amendments insert a new Order 51B which deals with the Court's role as a Court of Disputed Returns under the *Commonwealth Electoral Act 1918*.

Copies of these new Rules are in the Bar Library.

---

# Motor Accidents Authority Claims Assessment and Resolution Service: Appointment of Assessors

On 18 April 2000, David Bowen, General Manager of the Motor Accidents Authority appointed the following as assessors pursuant to s.98 and s.99 of the *Motor Accidents Compensation Act 1999 (NSW)*

## Senior Assessors Service

Brian Murray QC

Peter Capelin QC

Larry King SC

Ross Letherbarrow S.C.

Richard Buckley

Geraldine Daley

Margaret Holz

## Claims Assessment and Resolution Service

Richard Buckley

Geoffrey Charteris

Justin Peter Clarke

Jeremy Cockle

Ian Cullen

Geraldine Daley

Stephen Finnane

Andrew Gorman

Thomas Goudkamp

Margaret Holz

Janet Kirkham

Raymond McLoughlin S.C.

John Mulder

Stephen O'Halloran

Shana Radnan

David J Russell

The General Manager has advised that 118 applications were received by the Motor Accidents Authority.

'As there are as yet no matters for general assessment, the selection committee has decided to recommend for appointment a small panel of 16 but the panel will be reviewed at least annually by July in each year, or earlier, as the work load dictates.

The applications of those who were unsuccessful will remain current until 1 July 2001, at which stage CARS will readvertise for Claims Assessors in the *Law Society Journal*, the *Bar Brief* and the *Sydney Morning Herald*.

The senior assessors will ... assess those matters which would ordinarily be exempted from CARS by consent. The consent of the parties to the assessment will extend to the choice of 'super' or senior assessor. All other assessors will undertake special or general assessments and issue certificates pursuant to sections 94 and 96 of the *Motor Accidents Compensation Act 1999*.

# Aboriginal and Torres Strait Islander Champions of Sport Dinner 2000

The Lloyd McDermott Rugby Development Team held its 5<sup>th</sup> annual Aboriginal and Torres Strait Islander Champions of Sport Dinner on 29 March at State Parliament.

The dinner, hosted by the Hon. John Watkins MP, NSW Minister for Sport and Recreation, was well attended by friends and supporters. The legal profession was represented by, among others, the President of the Bar Association, Ruth McColl S.C., Greenwood QC, Toner S.C. and Justice Greg James of the NSW Supreme Court. Messages of support were received from the Prime Minister, The Hon. John Howard MP and the Leader of the Opposition, The Hon. Kim Beazley MP.

The Lloyd McDermott Rugby Development Team fosters the personal growth of young Indigenous Australians by introducing them to team sports such as rugby and netball. Through their achievements on the sporting field, the participants proceed to build confidence and success in employment and all other areas of life.

Since its inception, more than 800 young indigenous people have participated in the program of sport, vocational guidance and training. Last year LMRDT competed in the World Schoolboy Tens competition at Macquarie University and conducted a tour



McCull S.C. takes delivery from Ms Yvonne Goolagong-Cawley

of New Zealand. Preparations are well under way to send a team to South Africa in 2001.

In 1999 eighteen Aboriginal and Torres Strait Islander youth were placed in employment. McDermott told guests that the target for the year 2000 is to place 45 in employment or training.

A collectors' set of tennis memorabilia commemorating the Virginia Slims Legend Tour was auctioned to raise money for the cause. McColl S.C. emerged as the highest bidder, and took delivery from Yvonne Goolagong-Cawley. McDermott used the

occasion to outline the changes to the organisation during the course of the year, and gratefully acknowledged the continued support he has received from the legal profession over many years. He called upon members of the Bar, and other prospective employers who would like to assist with training and placements, to contact the LMRDT at the following address:

Lloyd McDermott  
Rugby Development Team

GPO Box 3853, SYDNEY NSW 2001  
Ph: (02) 9660 8894

## Conduct outside the practice of law is capable of amounting to professional misconduct

The definition of 'professional misconduct' in section 127 of the *Legal Profession Act 1987* includes 'conduct (whether consisting of an act or omission) occurring otherwise than in connection with the practice of law which, if established, would justify a finding that a legal practitioner is not of good fame or character or is not a fit and proper person to remain on the roll of legal practitioners.'

Bar Council has dealt with a number of complaints under Part 10 of the *Legal Profession Act* relating to the conduct of barristers, even though the alleged conduct occurred outside the practice of law. The recent case of *NSW Bar Association v Coe* is a case in point. In its judgement delivered on 29 February 2000, the Court of Appeal dismissed Coe's appeal against the order of the Legal Services Tribunal (as it then was) striking his name from the Roll of Legal Practitioners. Coe had been found guilty of professional misconduct by the Tribunal, for falsely swearing an affidavit with intent to deceive in his own Family Court proceedings involving a property settlement with his wife.

Mason P had this to say in his judgment:

On the barrister's own admission in the Tribunal below, the affidavit was misleading; the barrister had failed to take due care to ensure that it was as accurate as possible in the circumstances; the barrister knew at the time of the swearing of the affidavit, in general terms, the extent of the income and expenses; the true position as represented in a later filed tax return that the income was in excess of \$150,000.00; and the barristers conduct in regard to the swearing of the affidavit was negligent. There was nothing to suggest that the barrister was under time pressure that might have prevented him from giving proper consideration to the matter, or at least flagging that the particular "estimate" was grossly defective. The tribunal was, in my view, clearly entitled to conclude the affidavit had been sworn falsely and knowingly so .....

If (which I doubt) there are exceptional cases where a practitioner who

knowingly swears a false affidavit that is filed in court could be regarded as fit to practice, this is not one of them.

Apart from matrimonial proceedings, the other area in respect of which barristers have been found guilty of professional misconduct outside the practice of law has been in respect of a failure to lodge tax returns and/or misrepresenting income earned, leading to conviction. The recent decision in *NSW Bar Association v Hamman* (1999) NSWCA 404 is such a case.

Other areas in which barristers should take care are in the conduct of personal litigation, or disputes of a personal nature (for example with builders).

The question to be determined is whether or not the conduct could affect the practitioner's good fame, character and fitness to remain on the Roll. Members should therefore remain alive to the possibility that disciplinary proceedings and disciplinary action may not be confined solely to their conduct as a legal practitioner.

# Family Court services during the Olympic Games – a note from the Court

Last year a committee was formed to advise the Chief Justice of the Family Court on the options available for Court services during the Sydney 2000 Olympic Games. Following the acceptance of its recommendations, the arrangements for the Sydney and Parramatta registries during the Olympics will be as follows:

- There will be no listings in either registry of defended trials, directions hearings, duty lists or divorce lists for the period Friday 15 September 2000 to Friday 29 September 2000 inclusive.
- In the Sydney registry, there will be no divorce lists on 11, 12, 13 and 14 September 2000.
- There will be no conciliation conferences, pre hearing conferences, counselling appointments (except as mentioned below) or information sessions.
- There will be reduced level of service providing, filing and general client services at both registries during this period.

There will, however, be the following services:

- A Duty Judicial Officer will be available at both registries during this period for urgent applications.
- A Duty Registrar and Duty Counsellor Service will operate during this period.

The registries will resume normal operations on and from Tuesday 3 October 2000 (Monday 2 October 2000 being a public holiday).

Compliance checks relating to defended cases listed for trial in the weeks commencing 3, 10 and 17 October 2000, will be held prior to the Olympic Games.

It should be noted that time continues to run for all purposes (in the context of Order 3 of the *Family Law Rules*) during this period of reduced services, unless the Court orders otherwise.

The Court will advise of any further changes that may occur. Information will also be posted on the Court's Internet web site at [www.familycourt.gov.au](http://www.familycourt.gov.au) and it is recommended that practitioners take advantage of that source of information. Practitioners may contact either of the two registries if they require further information.

## At the Lectern

### May CLE events

**Goods and Services Tax**, Monday 1 May 2000. Ian Gzell QC and Tony Slater QC of the GST Committee discussed the new manual for the new tax system: *A Practical GST and PAYG Overview*.

**Using Unreported Judgments**, Wednesday 3 May 2000. Naida Haxton, Assistant Editor of the *NSW Law Reports* conducted a workshop on law reporting and analysis of judgments, with particular emphasis on unreported judgments.

**Coroner's Court Visit**, Friday 19 May 2000. Professor Hilton, Director of the New South Wales Institute of Forensic Medicine will conduct a tour and lecture on the work of the Institute and the Coroner's Court. Attendance at an autopsy is also permitted. Places are limited.

**Voice in Court**, Tuesday 30 May 2000. Robyn Fraser is repeating her popular session on how to improve your vocal performance in court. Aimed primarily at readers. Places are limited.

Members are reminded that the papers from most CLE events are now available at the New South Wales Bar Association web site: [www.nswbar.asn.au](http://www.nswbar.asn.au)

# Professional Indemnity Insurance: Current claims trends

Heath Group Australasia has kindly allowed the Bar Association to reproduce PII claims statistics and other information published in their bulletin *Barristers' Assist*. The following tables, reproduced from *Barristers Assist* #2, provide details of claims made under their PII scheme.

Type of Claim	01/07/98 to 30/9/99	01/10/99 to 31/01/00
Failure to identify or act within Limitation Period e.g. <i>Motor Accidents Act, Civil Aviation (Carriers' Liability) Act</i>	10	2
Failure to identify or plead best or all causes of action	7	5
Settlement inadequate / not in client's best interests	6	2
Disciplinary issues, e.g. unsatisfactory professional conduct in or out of court	3	2
Inadequate conduct of proceedings in Court	2	1
Acting outside instructions in Court	2	2
Negligent drafting of documents other than pleadings	2	1
Incorrect notation of and subsequent execution of Court Orders	2	1
Returning brief, contrary to NSW Barristers' Rules	1	1
Prosecuting proceedings where no prospect of success	1	0
Miscellaneous	6	3
<b>Total</b>	<b>42</b>	<b>20</b>

The miscellaneous category includes claims arising from issues such as failure to advise on an insurer's right to decline indemnity under a policy, correspondence alleged to be defamatory, etc.

Areas of practice	01/07/98 to 30/9/99	01/10/99 to 31/01/00
Commercial & Estate	10	3
Personal Injury (Common Law, Workers Compensation, MAA)	13	5
Family Law	3	1
Trade Practices	3	0
Defamation	2	1
Criminal	2	0
Medical Negligence	1	1
Motor Vehicle – Property	1	0
Insurance policy indemnity issue	1	0
Carrier's Liability	1	1
Equity	1	3
Construction	1	0
Conveyancing	1	0
Costs assessment	1	0
Industrial / Employment	1	0
<b>Total</b>	<b>42</b>	<b>15</b>

# Coming Up

## **The 9<sup>th</sup> National Family Law Conference of the Family Law Section of the Law Council of Australia, at the Westin Hotel, Sydney, 3-7 July 2000.**

Australia's largest legal conference will be attended by, amongst others, the Commonwealth and State Attorneys-General, the Chief Justice of the Family Court, the Chief Federal Magistrate and guest speakers from overseas. For further details visit the Family Law Section's web site at [www.familylawsection.org.au](http://www.familylawsection.org.au). Alternatively, you may contact the conference managers, Capital Conference Pty Ltd, at PO Box N399, Grosvenor Place, Sydney, NSW 1220, ph:(02) 9252 3388, fax:(02) 9241 5282 or email: [capcon@ozemail.com.au](mailto:capcon@ozemail.com.au)

## **International Law 2000: The 69<sup>th</sup> Conference of the International Law Association, Barbican Centre, London, 25-29 July 2000.**

Twenty-four ILA committees will be presenting sessions on the major developments in international law. The opening ceremony at the Palace of Westminster will be attended by the British Prime Minister, the Rt Hon. Tony Blair MP. A special conference information service is available to answer questions: ph: +44 1268 773 941, fax: +44 207 504 8391 and email: [londonila@cs.com](mailto:londonila@cs.com)

## **New Zealand LAWASIA, Law Conference 2001 - 4 to 8 October 2001, Christchurch, New Zealand.**

For further information contact:-  
Conference Innovators Limited  
PO Box 1370, Christchurch NZ  
ph: +64 3 379 0390  
fax: +64 3 379 0460  
email: [info@conference.co.nz](mailto:info@conference.co.nz)  
website: [www.nz-lawsoc.org.nz](http://www.nz-lawsoc.org.nz)

## **Third Annual Australian Institute of Judicial Administration Tribunals Conference, Friday 9 June, 2000, Melbourne.**

A dominant theme of the third AIJA Annual Tribunals Conference is Tribunals - Serving the Community. Tribunals are designed to bring expertise to the resolution of disputes and to provide an efficient and cost effective means to dispute resolution. There is often a perception in the community that tribunals are unduly legalistic and that there is no great advantage to disputants

in proceeding before a tribunal rather than a court. This perception may arise from a failure on the part of tribunals to communicate with their public and to provide the public with an understanding of tribunals and their work.

Registration form available from the Bar Association's Reception: ph (02) 9232 4055; fax (02) 9221 1149; email [reception@nswbar.asn.au](mailto:reception@nswbar.asn.au). For further information contact the AIJA on ph (03) 9347 6600; fax (03) 9347 2980.

## **Forum on a Bill of Rights, Friday 19 May 2000, 7pm Uniting Church, 264 Pitt Street, Sydney**

**Chair:** Jocelyne Scutt  
Anti-Discrimination Commission  
(Tasmania)

### **Speakers**

The Hon. Peter Breen, MLC - Reform the Legal System

Dr. Arthur Chesterfield-Evans, MLC - Australian Democrats

Prof. Bob Connell - Professor in Education, Sydney University

Justice Rod Madgwick - Federal Court  
Tony McAvoy - Aboriginal Barrister

Dr. Brian Pezzutti, MLC - Liberal Party  
Margaret Reynolds - ex ALP Senator

Lee Rhiannon, MLC - Greens

The Hon Jeff Shaw QC, MLC - NSW Attorney General

For further information contact: Julia Freebury on ph 9327 5851.

---

# Regional Conference - Collegiate Support Needed

**Regional Conference:** Queen's Birthday Weekend, 10 - 11 June 2000

Members are urged to seriously consider attending and helping to make this conference a successful and worthwhile link between city and regional practitioners.

**Have you registered yet?** See enclosed flier

*Bar Brief* is produced monthly for the New South Wales Bar Association by:

Weavers

Studio 9

5 Parsons Street

Balmain 2041

Tel: (02) 9555 7866

Fax: (02) 9555 7861

Email: [weavers@weavers.com.au](mailto:weavers@weavers.com.au)

Web site: [www.weavers.com.au](http://www.weavers.com.au)

**Advertising** bookings and enquiries to John Weaver.

**Editorial Contributions** to:

Public Affairs Officer,  
NSW Bar Association,  
LG Floor

Selborne Chambers,

174 Phillip Street

Sydney 2000

DX 1204 Sydney

Email:

[mediainquiries@nswbar.asn.au](mailto:mediainquiries@nswbar.asn.au)

Fax: (02) 9221 1149

*Contributions and advertising bookings and material for Bar Brief must be received by the end of the month prior to publication.*

\*\*\*\*\*

## **Association email Directory**

### **Accounts Department**

[accounts@nswbar.asn.au](mailto:accounts@nswbar.asn.au)

### **Sickness & Accidents Inquiries**

[sickacc@nswbar.asn.au](mailto:sickacc@nswbar.asn.au)

### **Membership Inquiries**

[membership@nswbar.asn.au](mailto:membership@nswbar.asn.au)

### **Executive Director**

[executivedirector@nswbar.asn.au](mailto:executivedirector@nswbar.asn.au)

### **Education Department**

[education@nswbar.asn.au](mailto:education@nswbar.asn.au)

### **Legal Assistance Scheme**

[legalassist@nswbar.asn.au](mailto:legalassist@nswbar.asn.au)

### **Library**

[library@nswbar.asn.au](mailto:library@nswbar.asn.au)

### **Professional Affairs Department**

[pcd@nswbar.asn.au](mailto:pcd@nswbar.asn.au)

### **Media Inquiries**

[mediainquiries@nswbar.asn.au](mailto:mediainquiries@nswbar.asn.au)