



## President's Column

The flurry of media writings following the conviction of John Laws raised, yet again, the question of the utility of the jury system.

Mr Laws was convicted of breaching s68A of the *Jury Act 1977(NSW)* in soliciting information from a former juror on the deliberations of the jury, of which she had been a member. The offence, of which he was convicted, highlighted, as Justice Wood CJ at CL acknowledged in his judgment on sentence, the tension between competing interests of freedom of speech and of disclosure in the public interest. Mention 'freedom of speech' and 'lawyers' in the same context and members of the media get very excited. By way of illustration, an editorial in *The Australian* (6 September 2000) declaimed: 'The closed legal profession and complicit governments preserve the mystique of the jury system to protect their own elitism and detachment from the real world'. This absurd statement was not explained. Presumably the author thought it an article of faith!

The media tended to overlook two matters. The first is the rationale for the introduction of s68A of the *Jury Act*. The second, and allied point, is that the *Jury Act* permits any individual juror, after the verdict has been delivered, to disclose voluntarily information about what took place during the jury deliberations.

### Introduction of s68A

Publicity attending the Laws' trial has focused on the irony of the fact that s68A of the *Jury Act* was introduced, at least in part, because of the controversy which surrounded communications with jurors following the first Lionel Murphy trial - one of which was with Mr Laws himself.

At that time, the foreman of the jury said to John Laws (according to Richard Ackland):

I don't think anybody who's commented has any idea of the month out of our life, the anguish, the heartache and the misery we went through to do what was required of us. We've heard politicians commenting and, to be fair, most of us are rather incensed by what we're hearing.

Further, media reports have not revealed



Ruth McColl S.C., President.

that following the criticism of the decision in the first Murphy trial, applications by prospective jurors to be excused from jury service trebled.

Section 68A was introduced to provide the protection of secrecy seen to be essential to giving comfort to those about to serve on juries and to spare them the public exposure which followed the Murphy trial. This can be seen in the Second Reading Speech of the Honourable Terry Sheahan MLA (then the NSW Attorney General) in the Legislative Assembly on 19 November 1987 (Hansard, p.16527). He said:

Without the protection of secrecy, people would be discouraged from serving on juries or, if empanelled, from reaching a proper verdict. Secrecy enables juries to deliver unpopular verdicts uninhibited by fear of community reactions. Exposure of jurors' deliberations inevitably undermines public confidence in trial by jury and could eventually lead to the destruction of the jury system. Recognising this possibility, however, is not to deny that the public has an interest in and, indeed, a right to discover and discuss how honestly and effectively its public institutions operate. For this reason, great care has been undertaken in formulating the

provisions in the bill to avoid making serious inroads into the freedom of speech of jurors. The restrictions on jurors' disclosures are thus not as broad as perhaps they might be, having regard to judicial pronouncements and case law in this area.

The public's right to discover how its public institutions such as the jury operate was reflected in s68A(3) which permits obtaining information from jurors in accordance with an authority granted by the Attorney General for the conduct of a research progress into matters relating to juries or jury service.

### Jurors and Reasons

A frequent criticism of the effect of the Laws' conviction was that it was said to mean that the reasons for juries' decisions were not exposed. What this criticism really amounts to is that the media cannot hunt down jurors and grill individuals about what was a collective decision.

In any event, the criticism that jurors' reasons are not exposed fails to appreciate the significance of the trial judge's summing up and directions to the jury. As Justice McHugh said recently in *Gilbert v The Queen* [2000] HCA 15 at [31]:

The criminal trial on indictment proceeds on the assumption that jurors are true to their oath... if [that assumption] was rejected or disregarded, no-one - accused, trial judge or member of the public - could have any confidence in any verdict of a criminal trial or in the criminal justice system whenever it involves a jury trial... unless we act on the assumption that criminal juries act on the evidence and in accordance with the directions of the trial judge, there is no point in having criminal jury trials.

It might be noted that among the matters 'Mrs Hansen' disclosed to Mr Laws was the fact that the jurors, with whom she and one other juror disagreed, were of the view that a verdict of not guilty should be returned on the basis 'that the case had not been proven' (Wood CJ at CL, judgment on Mr Laws' sentence, 5 September 2000, [8]). That indicates a jury no doubt acting in accordance with the trial judge's

*Continued on page 5*

# Bar Council business for June

## Solicitors' fees and GST

The Senior Vice-President noted that a number of barristers had expressed concern at solicitors asking them to send fee notes direct to the client. In some cases the solicitors had said they would guarantee payment of the fee. There were significant disadvantages to barristers in adopting this practice, not the least that they, bound by the Cab-rank rule, were often required to take a brief for a client who they did not know, and about whose credit worthiness they had no knowledge. There were contract-review problems with a cost-agreement between client and barrister. While it was a matter for individual barristers, the present arrangement would seem to be in the interest of all barristers.

Discussions have been held with the Law Society on this matter; further discussions were being arranged.

## President's Report

### Australian Bar Association Conference, 2-5 July 2000

The President advised that she had attended the Australian Bar Association conference held in New York July. There was a brief report on the conference in the President's Column in the July *Bar Brief*. The President will be following-up matters raised at the conference with Bar Council and various individuals and organisations.

### American Bar Association Conference, 6-12 July 2000

The President advised that she had attended the American Bar Association conference held in New York in July. Useful contacts had been made with members of the American Bar. She had represented both the NSW Bar Association and the Australian Bar Association. The President will be following-up matters raised at the conference with Bar Council and various individuals and organisations. She noted that multi-disciplinary practices had been discussed at both the Australian and American Bar Association meetings.

### Meeting with Attorney-General of New South Wales, the Hon. Bob Debus MP, 18 July 2000

The President advised that she and the Executive Director met with the new Attorney General on 18 July 2000. Matters discussed included the working relationship between the Attorney General and his office and the Bar Association and Workers Compensation scale fees.

## Commonwealth Government fees and GST

The President advised that there was a lot

of concern by barristers at the Australian Government Solicitor increasing counsel fees by only 8.5 per cent to offset GST. The President and Senior Vice President had raised the matter with officers of the Attorney-General's Department.

## Items for consideration

### Application of 10 per cent GST to administration fee imposed on members in respect of Bar's fee recovery service.

Bar Council noted that the 10 per cent administration fee currently applies to members of six years or more standing. About \$10,000 a year is raised, which is used to partially fund a position in the Professional Conduct Department.

Bar Council resolved that the administration fee be abolished; fee recovery is a service to members.

### Infirm barristers

The President drew attention to the minutes of the Executive's meeting on 18 July 2000 where this matter had been discussed.

Bar Council resolved that there would need to be a public manifestation of a possible illness before a referral pursuant to section 38A of the *Legal Profession Act 1987* could be contemplated.

Bar Council noted that the Executive Director was having prepared for the August Bar Council meeting a paper on a possible 'BarCare' scheme.

### Bar Council Election/Appointment of Senior Counsel

Bar Council noted that unless the Senior Counsel Protocol adopted on 20 May 1999 was amended, the new Senior Counsel will be appointed in the middle of the annual election for Bar Council. This may mean that a candidate standing as a Junior will be a silk by the time the poll is declared. In turn, this may lead to criticism that the number of silks on Bar Council has increased by stealth.

Bar Council resolved that clauses B4, B7 and B16 of the Senior Counsel Protocol be amended to read:

#### B4

On or before 1 July in each year, applications may be made in writing to the President by junior counsel who are members of the Association with full practising certificates who wish to be considered for appointment as Senior Counsel.

#### B7

No application will be considered which is received later than 31 July (or the first working day thereafter if it is not a

working day), except in cases of accident or other special circumstances, and then at the discretion of the President.

#### B16

The Selection Committee should use its best endeavours to ensure that the process of selection is completed so as to permit public announcements of the successful applications on or before the first Friday in October. The President should publish the names of the successful applicants for appointments of Senior Counsel for that year in order of intended seniority.

Bar Council further resolved that these amendments take effect on 1 January 2001.

### Letter from President to John Coates AO, President of the Australian Olympic Committee, dated 23 June 2000 concerning the New South Wales Bar Association and the Olympics; reply from Mr Coates dated 30 June 2000

The President advised that an information kit for all barristers participating in this scheme would be prepared; there would also be a 'training seminar', for which attendance would be mandatory. The President will meet with Mr Coates to discuss administration of the scheme.

### Bar Practice Course-communications skills

Bar Council resolved to approve a basic communications module being written, and in part taught, by staff of the University of Western Sydney, together with practising barristers.

It was further resolved that up to \$4,000 be made available for the funding of the preparation of this course.

### Report on regional conference held in Bowral 10-11 June 2000

Bar Council expressed its appreciation to the organisers of this successful conference, in particular the Education Manager.

### Law Council of Australia - 'Proposed judicial appointments policy'

Bar Council resolved to adopt the response drafted by Walker S.C. and Renwick.

### Report of Professional Indemnity Insurance Committee

Bar Council resolved to adopt the recommendations of the Professional Indemnity Insurance Committee:

- (a) the Association should appoint a broker to act on its behalf, initially to advise generally about the placement of professional indemnity insurance on behalf of its members and probably to thereafter arrange that insurance.

Initially, submissions should be sought from interested brokers and this should be done as soon as possible;

- (b) because the way in which premiums have been calculated this year gives rise to differences of interest between barristers having higher and lower levels of income, the members of any ongoing committee of the Association which is charged with responsibility for this subject should reflect the interests of members with different levels of income;
- (c) consideration should be given, in consultation with the broker appointed on behalf of the Association, to what alterations, if any, could be made to the excess levels and extent of cover provided under the approved policy.

It was further resolved that J S Gleeson and Maiden be appointed to the Committee to represent Junior members of the Bar.

Bar Council further resolved that the existing Committee be asked to implement their recommendations.

### **Duty Barrister scheme at the Australian Industrial Relations Commission (AIRC)**

Bar Council noted that a Duty Barrister Scheme for the AIRC in Sydney was now in place. Bar Council further noted that Readers participating in the Downing Centre Duty Barrister Scheme have their practising certificates annotated to show they may appear on a direct access basis as part of that scheme.

Bar Council resolved that Readers who wish to participate in the AIRC Duty Barrister Scheme have a similar exemption

noted on their practising certificate conditions.

### **Quarterly income and expenditure statement**

The Executive Director advised that the quarterly income statement was a requirement under the *Registered Clubs Act 1976*.

Bar Council resolved to approve the statement and that it be posted in the Common Room.

**Note:** Because of the confidentiality provisions in the *Legal Profession Act 1987 (NSW) (s 171P)*, the Bar Council's deliberations on professional conduct matters cannot be noted in these summaries. Matters discussed by Bar Council reported elsewhere in *Bar Brief*, too, are omitted from these summaries.

## Coming Up

**Mandatory sentencing symposium, 28 October 2000, Sir John Clancy Auditorium at the University of New South Wales.** Speakers include Dr Angela Ward. The Attorney-General of Western Australia, The Hon. Peter Foss QC MLC and former Chief Justice of Australia, The Hon. Sir Anthony Mason AC KBE. Bar Council recently agreed that the Association contribute \$2000 towards the cost of the symposium, which is open to all members at no charge. Registration forms may be obtained at Bar Association Reception.

**Retirement of the Honourable Justice James Burchett.** There will be a Full Bench Ceremony of the Federal Court to mark the retirement of the Honourable Justice James Burchett on Friday, 6 October 2000. The ceremonial sitting will be held at 9.30 a.m., Courtroom 21A, Level 21, Law Courts Building, Queens

Square, Sydney. Robes are to be worn. Wigs are not to be worn. The President, Ruth McColl S.C., will speak on behalf of the Bar. All inquiries should be directed to Claudia Munoz on ph: (02) 9299 1720 or via email: cmunoz@nswbar.asn.au.

**Legal and business challenges in the 21st Century: 4th Lawasia Business Law Conference, 1 November 2000, Shangri-La Hotel, Singapore.** Topics include 'What we learnt from the Asian Financial Crisis', 'International harmonisation of trade and business laws' and 'Challenges of the new financial landscape'. Information about the conference may be obtained from the conference web site at [www.conference.calendarone.com/lawasia](http://www.conference.calendarone.com/lawasia). A registration brochure is held at the Bar Association Reception.

**11th POLA Conference 2000, 27 October 2000, India Habitat Centre, New Delhi, India.** A registration brochure containing information about the venue, post conference tours and very little else, is available at the Bar Association Reception.

**15 Bobbers** will be held in the Common Room to celebrate four recent judicial appointments. The first will be held on Friday 13 October for His Honour Judge R A Sorby and His Honour Judge J W Black QC, following their appointment to the District Court of New South Wales in May. The second will be held on 24 November to mark the appointment of The Hon. Justice Whealy to the Supreme Court of New South Wales and The Hon. Justice Richard Conti to the Federal Court of Australia. For more information, contact Claudia Munoz at the Bar Association on ph: (02) 9229 1720, email [cmunoz@nswbar.asn.au](mailto:cmunoz@nswbar.asn.au)



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# Problems associated with taking a small number of briefs in country sittings

A Professional Conduct Committee recently dealt with a matter in which a former client complained that a barrister failed to appear at a country sittings of the District Court, the barrister having previously been briefed to do so. The barrister took only one brief in those sittings. The barrister remained in Sydney during the sittings, undertaking other work. The barrister had sent a fax to his country instructors informing them that he had no other matters in the country sittings requesting they keep an eye on the matter, mention his appearance at any relevant call overs and let him know when the matter was likely to be called on.

As members would be aware, matters in lists in country sittings do not always proceed in the way in which solicitors and counsel might contemplate or expect. Matters can often settle more quickly than counsel anticipate. Similarly, matters can often take much longer to get on than anticipated. The list may be called out of order.

In the matter before the committee, the judge notified all parties of the matters he intended to hear the next day on the afternoon of the previous day. Normally, one would expect this to be sufficient time to enable counsel to travel to the country town to appear on the following morning. In this case, the solicitor attempted to convey to the barrister that the matter was listed for hearing the next day. Unfortunately, the barrister had left for the day.

The solicitor spoke to a secretary, and not to the barrister's clerk. The solicitor left a message that the matter was listed for hearing the next day and that unless he heard otherwise he would meet the barrister at court for a conference with the client an hour before court. When the barrister left chambers he did not take his mobile telephone with him. The barrister's secretary attempted to contact the barrister on his mobile phone, found it unanswered and left a message on the phone message bank. The secretary also attempted to telephone the barrister at home but he was not there.

When the barrister arrived at chambers the next day he entered his chambers in a way in which he did not pass his secretary, who therefore had no opportunity to tell him he was supposed to be elsewhere. The barrister did not check his messages on his mobile phone, and took the phone with him to another court, where he was briefed to appear in another matter. He did not turn his mobile phone on. Eventually, the solicitor phoned the barrister's chambers and a member of staff contacted the barrister

at court and the barrister spoke to the solicitor on the phone. The matter eventually settled with the barrister giving advice on quantum over the phone.

In this particular case, there was an unfortunate combination of circumstances which resulted in the client being denied the barrister of their choice being present for the hearing/final negotiations. The barrister has been reprimanded.

The Committee thought it worthwhile to remind members of the following:

1. Matters often progress rapidly in country lists and such lists are often taken out of sequence.
2. It is a fact of life in running a country circuit list that only short notice is often given to the barrister of the hearing.
3. Barristers who rely on modern technology for communication (whether a mobile telephone or e-mail) must assiduously use it, by ensuring they are accessible and monitoring messages.
4. Particular care must be taken by members who are taking either one or a small number of briefs in country sittings, and who propose to continue to undertake work in Sydney during the period, to ensure that instructing solicitors in both country and city matters are kept fully informed, both to the fact that they are taking other work in each place and as to their movements. Further, such barristers should remain in communication with their instructors, their staff and their clerk at all times.

## Fee increase for junior counsel

The NSW Director of Public Prosecutions has advised that from 3 October 2000 the fee for junior counsel briefed for the Crown in District Court trials will be increased from \$600 per day to \$750 per day (inclusive of GST). This increase follows recent increases to legal aid rates for defence briefs. Travel allowances are paid for country work and preparation fees may be negotiated in special cases.

Any barristers wishing to be considered for such work should write to the DPP with a short curriculum vitae. (Those who have already written need not do so again.) The private Bar is briefed when Crown Prosecutors and ODPP trial lawyers are not available to appear. Private barristers are instructed by ODPP solicitors.

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directions as to the evidence and the meaning of 'beyond reasonable doubt'.

A jury's verdict, whether of guilt or innocence, is not, as critics appear to suggest, delivered in a vacuum. As Justice McHugh's judgment indicates, jury verdicts should be seen to reflect a proper application of the public directions of law and fact as given by the trial judge.

### **A Democratic Institution**

More fundamentally, the criticism that a jury gives no reasons tends to obscure the many advantages of the use of juries. The relative pros and cons were discussed in great detail by the New South Wales Law Reform Commission ('LRC') in Discussion Paper 12 and Report 48 (1986) *Criminal Procedure: The Jury in a Criminal Trial*.

The LRC considered whether the system of trial by a jury of citizens drawn from the community should remain a feature of the criminal justice system and concluded that it should. The reasons given repay repetition:

The Commission is firmly of the opinion that trial by jury should be retained in serious criminal cases. The jury is an effective institution for the determination of guilt. It has the added benefit of possessing the ability to do justice in a particular case. The jury system is, moreover, an important link between the community and the criminal justice system. It ensures that the criminal justice systems meets minimum standards of fairness and openness in its operation and decision making, and that it continues to be broadly acceptable to the community and to accused people. The participation of lay people in the system itself validates the administration of justice and, more generally, incorporates democratic values into that system.

The historical analysis of the development of the jury system set out in the Discussion Paper demonstrates a long held community adherence by the common law system to trial by peers. When the colony of New South Wales was established there was no right to trial by jury. Rather, the Letters Patent of 1787 established a Criminal Court of a Deputy Judge - Advocate and six naval or military officers. The Law Reform Commission's researches demonstrated that as the free population of New South Wales expanded so, too, did the demand for the right to jury trial.

This popular support for the right to trial by peers belies the remarks of the Editor referred to above.

Further, research conducted by the LRC in connection with its 1986 Report provided strong support for the responsible use of the jury system. Prior to service on juries, 70 per cent of respondents to an LRC survey believed that the jury system benefited the community. The LRC also surveyed people who had served as jurors and asked them whether juries should continue to be used in criminal cases. Ninety-seven per cent of respondents answered in the affirmative, thus leading the LRC to conclude that 'jury services itself generates confidence in the value of the jury system'.

This high percentage of responses is, surely, a good indication of satisfaction with the jury process itself - by those whose familiarity with the system would surely give them a good basis for their opinions.

While one can never discount the possibility of the rogue jury (the most recent examples being given by the media being verdicts

reached by the flipping of a coin or hastened to ensure getting to an appointment on time), most lawyers with experience of practising before juries regard their verdicts as sensible. This point was borne out by the LRC's research which showed that judges overwhelmingly supported the retention of trial by jury in criminal cases. Importantly, they generally agreed with the verdicts of the juries - again demonstrating the soundness of those verdicts.

Serving on a jury is an onerous obligation - but one which reflects an important discharge of a community obligation. Trial judges and the Crown and counsel for the defence do their utmost to ensure that jurors have available to them as much information as they need to enable them to discharge their duties responsibly. At the end of the day, however, no one can gainsay the fact that even with all this assistance, making a decision one way or another as to a person's guilty or innocence is very difficult. Jurors should be able to walk out of the jury room at the end of the process and not be exposed to intrusive media inquiries. According to the *Sunday Telegraph* (10 September 2000), on the day following his sentence Mr Laws asked that the media respect his family's privacy. Surely that, too, is the very least a juror is entitled to expect.

## **Law Council responds to the National Competition Council**

The President of the Law Council of Australia, Gordon Hughes, has issued a forceful rebuttal of the National Competition Council's Community Information Paper, *Reform of the Legal Professions*. In a covering letter to Graeme Samuel, President of the NCC, he argues that: '[The information paper] is out of date, misleading and in some areas, patently incorrect. Given that this paper was designed to inform consumers, I would suggest that it be withdrawn immediately'.

Mr Hughes argued that the NCC report failed to give due acknowledgment to the considerable reform that the legal profession has implemented, both before and after the COAG Agreement in 1995. Progress has been made in the development of a national legal services market and the legal profession has often instigated the changes. Uniform national rules on admission and professional conduct and 'travelling' practising certificates are some of the examples he cites.

A copy of the Law Council's paper is held in the Bar Library. Copies may be obtained from the Law Council's web site at [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

# Papers to note

*Legal Services Industry Australia (ABS 8667.0)*, 18 August 2000. This paper presents results from the 1998-99 financial year. It is the fourth ABS survey of the legal services industry, with previous ones being conducted in 1995-96, 1992-93 and 1987-88. The report examines various aspects of barristers' practices, including sources of income, items of expenditure, pro bono work and 'selected performance ratios'. The report found that at the end of the 1998-99 financial year, there were 3,704 barrister practices in Australia. They generated \$843 million in income, but had total expenses of \$299 million. A copy of the report is held in the Bar Library.

*Report on the 2000 Survey of Barristers' Chambers*, July 2000. BDO Stoy Hayward and the General Council of the Bar (UK). This report, by accounting firm BDO Stoy Hayward, provides a comprehensive analysis of the Bar in England and Wales. It includes data on fees and costs, the growth, consolidation and management of chambers, pro bono work, pupillage and the gender composition of the Bar. A copy is held in the Bar Library.

*Reforming the professions: Public interest or self-interest?* This paper was issued as a press release on 14 August 2000 by the National Competition Council. It identifies the allegedly anti-competitive aspects of the professions, including the law. The perceived problems include a lack of competition in the professional indemnity insurance market, reservation of work for lawyers and self-regulation. The release of this paper prompted a response from the President of the Law Council, Gordon Hughes, in the *Australian Financial Review* on 18 August 2000 (see 'Media Briefing'). A copy of the paper may be obtained from the National Competition Council's web site at [www.ncc.gov.au](http://www.ncc.gov.au). A copy is held in the Bar Library.

*17th Annual Conference of the Australian Institute of Judicial Administration: Conference Proceedings*. This collection of papers includes an address by The Hon. Sir Anthony Mason AC KBE on 'The Future of Adversarial Justice', 'Selection and Induction of Judicial Officers', by The Hon. Justice James Wood and 'Independence with Accountability', by The Hon. David K Malcolm AC. A copy is held in the Bar Library.

*Permanent commissions of inquiry and the Parliamentary interface*, by the Hon. John Hatzistergos MLC, Chairman, Parliamentary Joint Committee on the ICAC. In response to allegations of corruption, New South Wales, Western Australia and Queensland established

commissions of inquiry with special investigative powers. This paper, delivered at the Australasian Study of Parliament Group Conference, Brisbane, on 14 July 2000, explores the issues surrounding Parliamentary oversight of commissions of inquiry. A copy is held at the Bar Library.

*New South Wales Criminal Courts Statistics 1999*, June 2000. This report by the NSW Bureau of Crime Statistics and Research deals with criminal cases finalised by NSW Local, District and Supreme Courts in 1999 and in Children's Courts in 1998-99. The report may be obtained, in PDF format, from the Bureau's web site at [www.lawlink.nsw.gov.au/](http://www.lawlink.nsw.gov.au/). A copy is held in the Bar Library.

*Criminal Procedure Amendment (Pre-trial Disclosure) Bill 2000*. This Bill is due to be debated when Parliament resumes after the Olympic Games. According to the explanatory note, its purpose is to enable a court to impose pre-trial disclosure requirement on both the prosecution and the defence in order to reduce delays in complex criminal trials. A copy of the Bill may be obtained, in PDF format, from Parliament's web site at [www.parliament.nsw.gov](http://www.parliament.nsw.gov). A copy is held in the Bar Library.

*Strengthening the Judicial Process in East Timor: An Issues Paper*, by Annemarie Devereux, Jesuit Refugee Service, 30 June 2000. Many members of the Bar Association are interested observers of developments in East Timor and have assisted with measures to establish a new legal system in the newly independent nation, or the gathering of evidence on war crimes. This report examines the operations of the newly established judicial system in East Timor, and outlines strategies to consolidate and improve it. A copy is held in the Bar Library.

*Law Council of Australia: Business Plan 2000-2001*. This document outlines the strategic direction of the Law Council's project activities for 2000-2001. It states that its purpose is to 'ensure accountability between the Law Council and its constituent bodies with the identification of specific tasks to be undertaken and performance indicators to be reached'. A copy is held at Bar Association Reception.

*Federal Court Amendment Rules 2000 (No.5)*, 18 August 2000. This amends Order 51A of the Federal Court Rules, which deals with matters remitted by the High Court. A copy is held in the Bar Library.

*Federal Court Amendment Rules 2000 (No.4)*, 17 August 2000. A copy is held in the Bar Library.

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# Media Briefing

## Media releases and Letters to the Editor issued by the New South Wales Bar Association

'Respect the separation of powers', says the New South Wales Bar Association, 30 August 2000. [In response to the Crimes (Sentencing Procedure) Amendment (Life Confirmation) Bill 2000 (No. 2)]

'DPP stands above the fray', Letter to the Editor, *Daily Telegraph*, 30 August 2000, p.38.

## Media releases and Letters to the Editor issued by the Law Council of Australia

*Law Council very concerned at government decision on UN Anti-Discrimination Protocol*, 5 September 2000.

'NCC papers 'misleading'', Letter to the Editor, *Australian Financial Review*, 18 August 2000, p.71.

*Law Council welcomes agreement on Corporations Law*, 25 August 2000.

Visit the Law Council of Australia's web site at [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au) for a full list of its submissions and press releases.

## Official launch of the Bar Association's Olympic Pro Bono Scheme

On Wednesday 23 August 2000, the Olympic Pro Bono Scheme was officially launched by the President of the Bar Association, Ruth McColl S.C. and the President of the SOCOG Sports Commission, Mr John Coates AO.

Mr Coates thanked the Bar Association for the initiative and informed the media of the need for qualified legal representation for athletes during the Sydney 2000 Olympics.

The media conference was followed by a seminar for the more than 50 barristers who had volunteered their services for the scheme. Michael Slattery QC provided a brief overview of how the idea originated and its intended scope. Malcolm Holmes QC, one of the counsel for the Australian team at the Sydney Olympics, talked about the type of matters that are likely to come before the Court of Arbitration for Sport. Tim L'Estrange, the Oceania secretariat of the Court, then addressed the gathering, providing a briefing on the practice and procedure in the Court.

The Hon. Justice P M Kavanagh and The Hon. R J Ellicot QC, the two Australian

members of the ad hoc division of the Court which will sit during the Sydney Olympics, answered questions from members of the audience and explained what types of cases might be expected during the Sydney Games.

## Legal Disputes in Sport

In keeping with the Olympic theme, on Friday 25 August 2000 the Bar Association hosted a Continuing Legal Education breakfast seminar on 'Legal disputes in sport'.

The speaker John Boulton AM, a former member of the Sydney Bar and now the Director of the Australian Institute of Sport, discussed the developing role of lawyers in dealing with and resolving disputes in the sporting arena. He gave valuable insights into recent cases before the court of Arbitration for Sport and the difficulties encountered in setting and consistently applying selection criteria in various sports.

Mr Boulton was just back from Lausanne, where he had seen to finality the IOC's approval of a test regime for the performance-enhancing drug EPO. He told the seminar of the role of the AIS in developing the new EPO test and he explained some of the issues involved in its approval.

# Election monitors

The Commonwealth Foundation is developing a list of election monitors for deployment in elections across the Commonwealth. Further information can be obtained from Rudo Chitiga at [geninfo@commonwealth.int](mailto:geninfo@commonwealth.int).

## SIR MAURICE BYERS' ANNUAL ADDRESS

The inaugural address will take place on

Thursday 30 November 2000 at 5.30pm

Bar Association  
Common Room

The Hon Sir Gerard Brennan  
AC KBE

will deliver the address.



Further details and registrations will be issued to members near to date.

## CHAMBERS FOR SALE

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has a room and a half for sale.

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# In Brief

Brian Murray QC and Andrew Lidden have been appointed as the Bar Association's representatives on the Civil Business Committee of the New South Wales District Court, with the alternate members being Richard Bell and Jeremy Gormly.

The Bar Association's Official Charity for 2000-2001 is the Aboriginal Medical Service, based in Redfern. During the month of July, members donated \$18,200 to this worthwhile cause. Donations of \$2 or over are tax deductible. Cheques should be addressed to Aboriginal Medical Service Co-operative Ltd, PO Box 1174, Strawberry Hills NSW 2012.

## Appointments

### District Court of New South Wales

Stephen Norrish QC has been appointed as a Judge of the District Court of New South Wales, effective 3 October 2000.

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# NSW District Court Circuits for 2001

The Chief Judge of the District Court, The Hon. Justice R O Blanch, has invited submissions from practitioners regarding the allotment of circuits in 2001. The Court wishes to better co-ordinate the sittings of the Supreme and District Court circuits in the same town, or nearby towns. Submission should be made to the Bar's Circuit Liaison Representative, Ross Letherbarrow S.C., at the earliest opportunity, via DX 410 SYDNEY.

## Speeches

'Becket and Henry II: The new archbishop': by The Hon. J J Spigelman AC, Chief Justice of New South Wales. This speech, the second address in the Becket Lecture Series, was delivered before the St Thomas More Society in Sydney on 15 August 2000. A copy is held in the Bar Library.

## New members of the Bar Association

### Local Practising Practitioner

Spiro Accoto  
Robert Debus  
Paul Formosa  
Sandrah Foda  
Gemunu Kumarasinhe  
Charles Moschoudis  
Hugh Stowe

## Hertz discount car rental

The Australian Bar Association has negotiated a new 12-month agreement with Hertz, offering members of all constituent bodies discounted rates for renting cars and commercial vehicles, both domestically and internationally.

In order to take advantage of this special offer, members must quote the Customer Discount Programme number (284 554) to Hertz reservations staff whilst making booking. The toll-free reservation number is 13 30 39.

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