



Expressions of interest for arbitrators for the new Workers Compensation Commission

The Workers Compensation Commission is seeking expressions of interest from suitably qualified persons who are prepared to provide arbitral services as envisaged in the legislation establishing the new Workers Compensation Commission.

A number of arbitrators from the Sydney metropolitan area as well as regional New South Wales are sought, in accordance with the provisions of the *Workplace Injury Management and*

Workers Compensation Act 1998. Responses are sought from legal practitioners or persons with skills, qualifications and experience relevant to the resolution of workplace injury management disputes.

The Commission, established under the *Workplace Injury Management and Workers Compensation Act 1998*, will commence operating on 1 January 2002. The Commission will be headed by a president, and supported by two deputy presidents.

The lodgement period for expressions of interest closes at 9:30am Tuesday 27 November 2001.

A copy of the expression of interest can be obtained from Shelly Reneti at WorkCover on (02) 9243 8742 or e-mail shelley.reneti@dir.nsw.gov.au

For enquiries, please contact
Helen Walker on (02) 9370 5644
or e-mail

Helen.Walker@workcover.nsw.gov.au

Privacy Act, 'Find a barrister' and Bar Association mailing lists

The *Privacy Act 1988* (Cth) ('the Act') as amended by the *Privacy Amendment (Private Sector) Act 2000* (Cth) comes into effect on 21 December 2001. As a consequence of the amendments to the Act, the Bar Association needs to make subtle changes to the way it collects, uses and discloses information of its members and holders of practising certificates.

The Association wishes to ensure that before the commencement of the changes to the Act, all members are aware of their right to request that their details not appear on the 'Find a barrister' web site and/or that their address is not included in mailing lists supplied to third parties.

Find a barrister

'Find a Barrister' contains details of all member barristers. One of the main reasons behind the development of the 'Find a barrister' search facility was to enable members of the public and solicitors to search for a suitable barrister based on their particular circumstances. The Association has in the past accommodated those members who did not wish their details to appear on the web site.

Mailing lists

On request, the Bar Association provides address labels of its members to third parties (usually other members and chambers) who wish to distribute information relating to the Bar to members. The Association reserves the right to approve of the information to be sent to members before address labels are supplied. The types of information for distribution that the Association approves of include sale of chambers advertising, College of Law courses, and campaign notices for Bar Council election candidates.

The Bar Association and the Australian Bar Association (ABA) is also seeking to arrange 'special deals' for members. For example, the ABA has arranged a 'Bank Gold Privilege Program' with the Commonwealth Bank. In such instances, the Bar Association would wish to provide members' contact details to the program provider. The information would be the same as shown on the 'Find a Barrister' web site.

Contact

Members who *do not* wish their details to appear on the 'Find a barrister' or do not want their address to be made available to third parties sending out information relating to the Bar, should advise Kim Nichols, NSW Bar Association Projects Officer, *in writing* at e-mail knichols@nswbar.asn.au, or fax (02) 9221 1149.

Please note: If you do not contact the Association, your consent will be implied.

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Bar Council business

September 2001

President's report

Meeting with Professor Michael Chesterman concerning his review of the NSW Barristers' Rules, 12 September 2001

The President advised that she, the Senior Vice-President and the Executive Director had met with Professor Chesterman on 12 September to discuss his review of the NSW Barristers' Rules.

Garma Festival, 21-25 August 2001

The President advised that she had attended the Garma Festival at Gulkula, Gove Peninsula in the Northern Territory. It had been a very worthwhile experience. The Bar Association's support (a donation of \$5,000) for the Ngaarra Legal Forum had been widely publicised. The Forum, which was opened by the Chief Justice of the Federal Court, enabled key Indigenous and non-Indigenous law men and women to exchange ideas and understandings of the indigenous community, indigenous law and their relationship with the Australian criminal justice system.

Meeting with Attorney General of NSW, 6 September 2001

The President advised that she and the Executive Director had met with the NSW Attorney General on 6 September. A range of matters was canvassed during the lengthy meeting.

Australian Capital Territory Legal Aid Commission

The President advised that she had recently received a request from ACT Legal Aid asking if the NSW Bar would be willing to represent members of the Indigenous community in criminal matters. She had responded that the Bar would be happy to do so at Legal Aid rates.

Justice John Lehane (1941-2001)

Bar Council noted with regret the death of The Hon. Justice John Lehane, a judge of the Federal Court on 11 September 2001.

Items for consideration

FAI/CIC CTP claims; Payments for legal and other service providers re HIH

The Executive Director advised that efforts were continuing to persuade the Motor Accidents Authority to pay all outstanding counsel fees arising from FAI and CIC CTP Claims. The MAA had advised that they would now only pay for work done after 15 March 2001, when HIH went into provisional liquidation.

The Executive Director was asked to issue a circular to the Bar concerning the way in which outstanding accounts are being paid by the Nominal Defendant and advising that further action is being taken in respect of this issue.

Ballot paper – elections for 2002 Bar Council

Bar Council resolved to approve the draft ballot paper pursuant to clause 11.4.3 of the Constitution of the New South Wales Bar Association.

The Bar in mediation and ADR

Bar Council noted that it had asked Sylvia Emmett to prepare a report for its' consideration on recent developments in mediation and ADR and relevant issues for the Bar in this area. The Mediation Committee believed the matters raised by Emmett in her report to be important, and commended the report to Bar Council.

Bar Council noted, in particular, Emmett's comments about the consequences of the introduction of Barristers' Rule 17A in January 2000 which states:

A barrister must inform the client or the instructing solicitor about the alternatives to fully-contested adjudication of the case which are reasonably available to the client, unless the barrister believes on reasonable grounds that the client already has such an understanding of these alternatives as to permit the client to make decisions about the client's best interest in relation to the litigation.

Bar Council resolved to ask Emmett, in consultation with the Senior Vice-President and Gleeson S.C., to prepare an article for *Bar News*.

It was further resolved that the Mediation Committee regularly publish articles in *Bar News* informing members of current developments and relevant issues for the Bar in mediation and ADR.

A joint protocol with the Law Society of New South Wales for the appointment of mediators by the Supreme Court

On 17 May 2001 Bar Council approved the negotiation with the Law Society of New South Wales of a joint protocol to be proposed to the Supreme Court for the appointment of mediators by the Court. On 16 August Bar Council endorsed a draft protocol which has subsequently been endorsed by the Law Society's Dispute Resolution Committee and the Law Society Council. This jointly approved draft protocol will be presented to the Court for its consideration.

October 2001

President's report

Mr Simon Target: proposed television program on Australian barristers

The President advised that Mr Target's project, which was originally proposed to be the story of a New South Wales Bar Readers' Course, was now to be a program about Australian barristers.

Mr Target had asked if he could film the Senior Counsel scroll presentation ceremony being held in the common room on Friday 19 October.

Bar Council resolved that Mr Target be able to film the presentation of the scrolls by the Chief Justice; the President to settle the conditions under which the filming was to be conducted.

Items for consideration

Mandatory Continuing Professional Development

The President advised that she had received some responses, generally favourable, to her request in the August *Bar Brief* for feedback from members about the proposal for mandatory continuing professional education.

The President noted that the establishment of the scheme and its first year of implementation was to be the responsibility of a committee comprising the Senior Vice President (Chair), Stevens Q.C., Hastings Q.C., Gleeson S.C., the Executive Director and the Director of Studies.

Bar Council noted the draft Issues and Options paper and expressed its appreciation for the work undertaken by Chris Roper and the Executive Director in its preparation. The Executive Director advised that a final version of the paper would be presented to Bar Council for consideration at its November meeting.

Pilot mentoring scheme for female barristers and the Indigenous Barristers Trust

Slattery Q.C. advised that the Committee was piloting a mentoring scheme for female barristers in their second year of practice. The primary objective of the pilot scheme was to address the problem of the disproportionately high number of female barristers leaving the Bar within the first five years of practice. He sought suggestions as to who else, in particular female barristers, might be asked to be a mentor.

Slattery Q.C. also advised that the Indigenous Barristers Trust – the Mum Shirl Fund had been constituted as part of the Association's Indigenous Lawyers Strategy.

The Council expressed its thanks to Slattery Q.C. for his considerable work on the pilot mentoring scheme and the Indigenous Barristers Trust.

Barristers' Sickness and Accident Fund Annual General Meeting, 1 November 2001 – Appointment of Bar Association representative.

RESOLVED the Executive Director represent the Bar Association at the AGM of the Barristers' Sickness and Accident Fund on 1 November 2001.

November 2001

Matters arising

Common law immunity of non-feasance

Bar Council noted that Toner S.C. gave evidence on 24 October 2001 to the inquiry into the effects on government agencies of the abolition of the common law immunity of nonfeasance.

Australian Bar Association meeting, Canberra, 12 October 2001

Bar Council noted that the President and Executive Director had attended a meeting of the ABA in Canberra on 12 October 2001.

Law Council of Australia Annual General Meeting, Canberra, 13 October 2001

Bar Council noted that the President and Executive Director had attended the LCA's AGM in Canberra on 13 October 2001.

32nd Australian Legal Convention, Canberra, 11 – 14 October 2001

Bar Council noted that the President and the Executive Director had attended the 32nd Australian Legal Convention in Canberra on 11-14 October 2001.

For consideration

Legal Resource and Referral Centre - Memorandum of Understanding between the New South Wales Attorney General's Department, the Legal Aid Commission of New South Wales, the Law Society of New South Wales and the New South Wales Bar Association

Bar Council resolved that the Executive Director sign the Memorandum of Understanding on behalf of the Bar Association.

Australian Competition and Consumer Commission: 'Barristers' work and direct access'

Bar Council noted that Walker S.C. and the Executive Director were to meet with ACCC officers to discuss the latest round of queries from the Commission.

NSW Bar Association Centenary Essays – Memorandum of Understanding

Bar Council resolved that the Executive Director be authorised to sign the Memorandum of Understanding with Butterworths.

Other business

Ruth McColl S.C. – President of the Bar Association – November 1999 – November 2001

Bar Council noted that this was the last meeting that would be chaired by McColl S.C. as President; her term of Presidency would end at the declaration of the ballot for the 2002 Bar Council early the following week.

McColl S.C. has been a member of the Bar Council continuously since December 1981.

Harrison S.C. and Walker S.C. spoke of McColl S.C.'s contribution to the work of the Bar Council, to the Bar Association, and to the wider legal community. The Bar Council was unanimously of the view that no previous President had been more energetic or done as much over such a long period; her dedication and effort were a 'remarkable achievement'. Her assiduous, continuing attention to both the image and substance, both locally and nationally, was outstanding. She had done 'a fantastic job'.

The Bar Council congratulated McColl S.C. by standing acclamation.

Conferences

Today's challenges, tomorrow's leaders: The transformation of legal services using technology, Australian Stock Exchange, Sydney, 5 December 2001. This forum has as its focus the advances in information technology and the impact technology is already having on the work arrangements, skills and resources of lawyers and associated staff in private, government and commercial practise. Keynote speakers include, Professor Richard Susskind OBE, IT Adviser to the Lord Chief Justice of England, and Anne Trimmer, Immediate Past President of the Law Council of Australia. A conference registration brochure is held at the Bar Association's Reception.

Inter-Pacific Bar Association 12th Annual Meeting and Conference, Hong Kong, 3-7 May 2002. A conference information and registration brochure is held at the Bar Association's

reception. For more information about the conference, or about membership of the IPBA, visit their web site at www.ipba.org

Inaugural World Conference of Barristers and Advocates, Edinburgh, 27-29 June 2002. Members of the independent referral bars are invited to gather at a conference designed to examine and discuss current issues affecting barristers. Matters such as competition policy, direct access, regulation of the profession and specialisation will be on the agenda. Preliminary information may be obtained from the Conference Secretariat on ph: (07) 3236 2477, fax: (07) 3236 1180 or e-mail mail@austbar.asn.au

Australian Bar Association Conference, Paris, 7-10 July 2002. A preliminary programme and conference registration information will be available in the next edition of *Bar Brief*.

Union Internationale Des Avocats/ International Association of Lawyers, 46th Congress, Sydney 2002, 27-31 October 2002. A conference information and registration brochure is held at the Bar Association's Reception. Download a preliminary programme in PDF by visiting the UIA web site at www.uianet.org

13th Commonwealth Law Conference 2003, Melbourne, 13-17 April 2003. The programme for the conference will encompass areas of broad contemporary concern in Commonwealth jurisdictions, and in particular, on matters in which one Commonwealth jurisdiction may be able to draw from the experience of another. In addition to matters of social concern, the agenda will also include items on e-commerce, the admission of lawyers to other jurisdictions and legal education. For more information, contact the CLC 2003 Conference Secretariat on ph: (03) 9820 9115; fax: (03) 9820 3581; e-mail comlaw@mcigroup.com

The history of trial by jury in New South Wales

By Wendy Robinson Q.C. and Carol Webster

At the request of the History Committee, Ian Barker Q.C. has agreed to deliver a lecture late next year, on the topic 'The history of trial by jury in New South Wales'. Wendy Robinson Q.C. is the Project Secretary, assisted by Carol Webster.

The History Committee encourages all barristers interested in the topic who have personal recollections or other specialised knowledge which may be

appropriate for incorporation into the lecture, to make that information known as soon as possible. Equally, the Committee is keen to identify any barristers who would like to assist with the research and statistical exercises to be undertaken in preparation for the lecture.

Persons interested in providing information or otherwise assisting should contact either Wendy Robinson Q.C.

(ph: 9285 8836) or Carol Webster, Assistant Secretary of the History Committee (ph: 9224 1550).

For further information generally, contact the Secretary of the History Committee, Chris Winslow (the Public Affairs Officer of the Association) (ph: 9229 1732), or Geoff Lindsay S.C., Chairman of the History Committee (ph: 9232 6003), or Carol Webster.

History of the equity jurisdiction in New South Wales

By Geoff Lindsay S.C. & Hugh Stowe

Expressions of interest are sought for participation by barristers in an equity essay project, under the working title of *Fair's fare? The history of equity jurisdiction in NSW*.

The proposed work will comprise a series of essays designed to provide a comprehensive account of the historical development of the equity jurisdiction in New South Wales. The work is being coordinated through the History Committee of the NSW Bar Association.

Justice JD Heydon has accepted the role of Consultant Editor, Geoff Lindsay S.C.

is the Project Chairman, and Hugh Stowe is the Project Secretary. It is proposed to approach a number of prominent exponents of equity from the Bench, Bar and academia, to act as project consultants.

The Project Committee is also looking to involve barristers with an interest in equity (of all levels of seniority and background) to assist in the research and writing of essays. There will be scope for different levels of involvement.

The essay topics are still under review, but it is provisionally proposed to include

topics related to significant periods in the history of equity, equity in NSW in a national and international context, courts and the equity jurisdiction, personalities in the law, significant developments in the law, the interaction between parliament and the equity.

Persons interested in becoming involved, or obtaining further information, should contact either Geoff Lindsay S.C. (ph: (02) 9232 6003, lindsaygc@wentworthchambers.com.au) or Hugh Stowe (ph: (02) 9221 6455, hughstowe@wentworthchambers.com.au).

Bar Association centenary essays

Next year represents the centenary of the formation of the Association as a voluntary association recognised by the attorney general as having public regulatory functions. Although an association of barristers was established in July 1896, it was not until 1902 that the Association (subsequently incorporated) was established, substantially in its modern form, under the sponsorship of the attorney general, B R Wise K.C.

On 13 March 1902 he called a meeting to consider proposals for the new

Association. The meeting was held in the Banco Court on 20 March 1902 with him in the chair. Pursuant to the resolutions passed at that meeting the new Association was established, and the old Association was dissolved, on 9 June 1902.

The first annual meeting of the new Association was held on that date. The first meeting of the new Bar Council was held on 17 June 1902 under the chairmanship of the attorney: Bennett, J M (ed.), *A History of the New South*

Wales Bar (LBC, 1969) pages 141-145.

The Association proposes to publish in 2002 a collection of essays dealing with the history of the Bar, with particular reference to our 'recent' history. Although essays will not be confined to, they will focus upon, the period since publication of Dr Bennett's *History*. They will be published by Butterworths and it is expected that they will be on sale in time for the Association's centenary dinner in 2002.

BARCARE

BarCare is designed to guide barristers through emotional and stress related problems including family or marital problems, drug or alcohol dependency and practice pressures. The Bar Association will cover costs associated with the initial consultation with the BarCare counsellor.

For further information contact the Education Manager on (02) 9229 1722 or barcare@nswbar.asn.au



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New chambers opens in Sydney



Richard Perrignon, Chairman



4th floor St. James, Hall Chambers

On the evening of Friday 9th November 2001, a gathering of over 100 members of the judiciary, the bar and the legal profession witnessed the official opening of Sydney's newest chambers, at 4th floor St. James Hall, Phillip Street, Sydney. Newly elected President of the Bar Association, Bret Walker S.C., delivered the opening address, welcoming his new neighbours. Reply was made by the chairman of the new floor, Richard Perrignon. The floor takes over the old premises of the National Australia Bank, and completes the Bar's occupation of the St. James' Hall building apart from offices of the Anglican Church. Practices on the new floor lean toward equity and commercial law, but include a range of disciplines extending to environmental law, family law and criminal law.



Barristers in the new chambers

Constitutional law conference and dinner: February 2002

A major update conference on constitutional law will be held in Sydney at the State Library on Friday 15 February 2002. The event will examine recent issues and High Court decisions as well as the questions that may emerge in 2002 and beyond.

The conference will be addressed by speakers including Sir Anthony Mason (chief justice, High Court 1987-1995), Stephen Gageler S.C. (NSW Bar), Justice Branson (Federal Court), Professor John McMillan (ANU), Professor George Winterton (UNSW) and Peter Anet (NSW Crown Solicitors). Session chairs include Professor Leslie Zines (ANU), Sir Harry Gibbs (chief justice, High Court 1981-1987) and David Jackson Q.C. (NSW Bar).

Session topics include an overview of the 2001 Term of the High Court, recent developments in judicial review and state constitutional law and emerging issues such as further jurisdictional problems after the 'rescue' of the Corporations Law, citizenship law and the acquisition of property.

The conference will be followed by a dinner at the Botanic Gardens Restaurant to celebrate the release of *The Oxford Companion to the High Court of*

Australia. The speaker at the dinner will be The Hon. Justice Michael McHugh AC of the High Court, who will be followed by a High Court trivia quiz.

The cost of the conference is \$341 and the dinner \$99 (a total of \$440). To register, or to receive the full conference brochure (with a registration form and credit card payment option), please email gtcentre@unsw.edu.au, contact Belinda McDonald on (02) 9385 2257 or see www.gtcentre.unsw.edu.au.

The event is organised by the Gilbert & Tobin Centre of Public Law at University of New South Wales in conjunction with the Australian Association of Constitutional Law. Please also e-mail gtcentre@unsw.edu.au if you cannot come to the conference, but would like to be put on the mailing list for future Centre events.

Professor George Williams
Gilbert & Tobin Centre of Public Law
Faculty of Law
University of New South Wales
Sydney NSW 2052

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Fax: (02) 9385 1175
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International Association of Prosecutors

The 6th Annual Conference and General Meeting of the International Association of Prosecutors (IAP) was held in Sydney (at the Sheraton on the Park Hotel) on 2-7 September 2001.

The conference attracted over 400 participants from 69 countries, with over 40 accompanying persons. The NSW Bar was represented by a number of crown prosecutors and by the IAP President, Nicholas Cowdery Q.C. and his deputy directors of public prosecutions.

The Conference was opened by the Chief Justice of Australia and speakers included the NSW Attorney General, the Attorney General of the UK (Lord Goldsmith QC), the Chairman of the National Crime Authority and distinguished speakers from common and civil law jurisdictions worldwide. A report of the conference

may be found in the latest IAP Newsletter accessible on the Association's website at www.iap.nl.com.

Highlights included an extensive session on the International Criminal Court, the four regional fora (Asia/Pacific, Africa, Europe and the Americas), workshops on DNA, the death penalty, disclosure and diversion and talks by Justice Shameem of Fiji and Richard Buteera, DPP of Uganda, on the difficulties encountered by under-resourced and politically vulnerable prosecution services.

Social highlights of the week included a cocktail reception in the northern foyer of the Opera House where the NSW Bar Choir performed under the direction of Justice Hidden AM. The NSW Bar Association generously provided sponsorship for the occasion, which was

addressed by Ruth McColl S.C. and attended also by Bar Association leaders. The IAP most warmly thanks the Bar Association and particularly the choir for their support and participation in this important event.

The IAP was established in 1995 and is the only worldwide professional association for prosecutors. It now represents over 300,000 prosecutors in 90 countries through its 77 organisational and 1200 individual members. It has special consultative status to ECOSOC at the United Nations.

All legal practitioners who are or have been prosecutors are welcome to join the Association. Details are on the web site. The 7th Annual Conference and General Meeting will be held in London on 8-12 September 2002.

Great Bar Boat Race

Start Time: **11.00 a.m. Monday, 17 December 2001**

Start Line: Vicinity Shark Island

Course: Sailing instructions will be provided prior to the start (about 2½ hours sailing)

Finish: Store Beach

Post-race

Activities: (i) Picnic at Store Beach
(ii) Presentation of trophies

Entry Fee

per Boat: \$120.00

Final race details will be provided to all confirmed entrants nearer to the race date.

All members who own or can borrow yachts or otherwise take part in what is expected to be a most enjoyable day on the harbour are requested to send a cheque, together with the name of skipper

and contact details, name of boat including said number and details of race experience to the Bar Association's Reception (Attention: Boat Race), 174 Phillip St, DX 1204 **BEFORE Friday, 7 December 2001**.

Enquiries should be addressed to Miiko Kumar, Jack Shand Chambers, ph. 9233 7711.

Late fee and entries

Due to problems experienced in recent years concerning handicapping late entries, a **\$100.00 late penalty (payable upon entry)** for all entries received and accepted by the organising committee after **Friday, 7 December 2001** will be imposed.

Although best endeavors will be made, the organising committee is unable to guarantee the acceptance of entries received **AFTER 7 December 2000**.

Post race activities

Other members who have access to power boats and who would like to join in the activities on Store Beach on completion of the race would be most welcome upon a donation to the Bar Charity.

Insurance

The Bar Association's current insurance policy does not cover this activity. **It is a strict condition of entry** that all skippers have arranged appropriate third party, property and personal injury insurance, to cover themselves, their crew and their guests for the duration of the event.

Members interested in obtaining an entry form can do so by contacting the Bar Association Reception on ph: 9232 4055; fax: 9221 1149 or e-mail: reception@nswsbar.asn.au

Bar Association Executive visit to the Parramatta Bar

By Peter Dooley

Lachlan Macquarie Chambers

On 10 October 2001 counsel at Parramatta entertained McColl S.C., Harrison S.C., Walker S.C. and the Executive Director, Philip Selth, at Lachlan Macquarie Chambers. An enjoyable time was spent,

where, apart from refuelling members of the Bar Council after travelling from Sydney, discussion was had regarding continuing professional development, changes to workers compensation and

common law generally, as well as issues relating to the operation of the courts in Parramatta.

Children's Law Centre launches new Cyber Volunteer Program

The National Children's and Youth Law Centre has launched a major initiative aimed at involving the private legal profession in providing legal advice and assistance to disadvantaged young people via the Internet.

The Cyber Volunteer Program will draw on the voluntary assistance of private lawyers to provide email advice and information to young people who seek assistance from the NCYLC via its popular web site, www.lawstuff.org.au. The program will be funded by the federal Attorney-General's Department.

Over the last two years, over 2000 young people nationally have been directly assisted by the NCYLC with personal e-mail legal information and advice, through the LawMail advice service, which is accessed via the popular Lawstuff web site. With anticipated demand for the service expected to increase by over 50 per cent in the next year, the Cyber Volunteer Program will play a vital role in the expansion of the LawMail service.

Lawyers from every State and Territory will be encouraged to participate in the program, which represents a unique and innovative model of community/corporate

partnership. In particular, the program fits perfectly with the innovative pro bono initiatives being initiated by several large, national private law firms.

The program is the most recent development from the NCYLC's Lawstuff web site, which earlier this year was named as a winner in the not for profit category of the annual Cable and Wireless Childnet International Awards for 2001.

Lawstuff was established in 1997 and has received over seven million hits. It has over 1,400 pages, organised into sections covering federal, State and Territories law. These include: workplace violence and harassment, discrimination, school rights, youth ownership and operation of motor vehicles and employment issues.

According to NCYLC Director, Mr Louis Schetzer, 'Lawstuff has proved to be an important mechanism to overcome the problems associated with distance, isolation and scarcity of legal aid resources. Our service is anonymous, inexpensive and accessible 24 hours a day.'

In 1998 LawMail, an interactive email legal advice service and information service was added to the Lawstuff site. Currently LawMail averages over 40

requests per week from young people across Australia. 'This personal e-mail facility is a confidential, viable alternative in the provision of legal advice for all Australian children. It is a particularly essential service for those young people who live in remote and rural centres, who usually cannot access legal advice services' commented Mr Schetzer.

The Childnet Awards is an international initiative which reward children and those working with them who are developing outstanding Internet projects, which benefit other children. This year the Awards attracted a record number of entries – over 200 from 47 countries, worldwide.

The new Cyber Volunteer Program will involve legal volunteers assisting in answering LawMail inquiries, by accessing the new NCYLC Volunteers web site: www.lawstuff.org.au/ncylc/volunteer/ Lawyers interested in participating in the program are invited to contact the NCYLC on ph: 02 9398 7488 or ncylc@unsw.edu.au

For more information please contact Louis Schetzer, Director, National Children's & Youth Law Centre, on ph. 0417 141 769 or ph. (02) 9398 7315.

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Indigenous law students: employment opportunities

By Michael Slattery Q.C., Chair

Equal Opportunity Committee

The Bar Association has developed a strategy to increase the number of Indigenous barristers practising at the New South Wales Bar.

One part of the strategy is to provide employment opportunities to Indigenous law students during the university year and over the long vacation. The work which the students do is usually noting up law reports, filing loose leaf services

and general administrative tasks, such as photocopying.

There are two objectives in promoting these opportunities for the students. One is to provide some much needed income support on a regular basis. Perhaps more importantly, the program is designed to expose the students to life at the Bar and to widen their perspective on possible future career options. It is anticipated

that a barrister employing one of these students would be able to spend some time discussing with the student the progress of his or her studies and would provide some encouragement and support. A pilot of this approach has been in place this year and has been highly successful for all the students involved.

We are now seeking employment opportunities for students for 2002. The work available for the student must be sufficient to guarantee either a half-day or a full day per week throughout most of the year. Groups or floors of barristers may together be able to provide a sufficient continuity of work. If so, then the arrangements for payment of the student need to be clear.

Members who are interested in participating and have suitable work opportunities in their chambers, should contact Chris Ronalds, of Frederick Jordan Chambers, preferably by e-mail on ronalds@fjc.net.au or by telephone on (02) 9229 7378. Opportunities are sought in Parramatta, Newcastle and Wollongong as well as the Sydney CBD.

THE JULIUS STONE

The Dennis Leslie Mahoney Prize

The Julius Stone Institute of Jurisprudence is pleased to announce a major new prize in the field of legal theory, provided for by a gift from the Honourable Dennis Mahoney QC AO, former President of the New South Wales Court of Appeal. The prize has been established to honour the scholarship of Professor Julius Stone and to encourage legal work in the field of sociological jurisprudence of which he was so many years a leader. Its aim is to provide a financial incentive to secure the acceptance and development of an approach to law that successfully marries legal theory with sociological inquiry, and to provide major recognition for path-breaking scholarship in the field.

The purpose of the Prize is to advance sociological jurisprudence as pioneered by Julius Stone, broadly understood as including legal analysis, theory, reform, enactment or administration, involving a close understanding of what are in fact the operation and the needs of particular societies, rather than a purely historical or conceptual approach to law.

The Prize will be in the order of \$50,000, and would normally permit the winner to spend six months as a scholar in residence at the Julius Stone Institute. The Prize will be awarded at five year intervals and will recognise work completed during the previous five years. The first award will be announced in 2005.

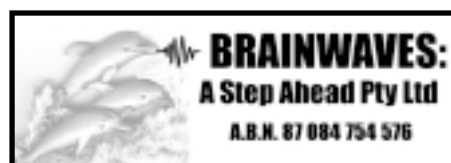
Those who may be interested in being considered for the Dennis Leslie Mahoney Prize should study the rules and guidelines carefully. These are available from the offices of the Julius Stone Institute and may also be found on its web site. Applications or nominations should be addressed to the Director of the Julius Stone Institute of Jurisprudence at the Faculty of Law in the University of Sydney. The application should, in due course, include four copies of a comprehensive curriculum vitae of the candidate together with four copies of the body of work to be considered by the Prize Committee.

Applications and nominations will close on 31 December 2004.

For further inquiries, contact the Director of the Institute, Associate Professor Desmond Manderson on 9351 0278 or by email to desmond@law.usyd.edu.au.

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Continuing professional development

On 1 November 2001 Bar Council approved the introduction of a scheme of continuing professional development for all holders of New South Wales practising certificates, as of 1 July 2002.

It is anticipated that a Director of Studies will be appointed before the end of November. One of the tasks of that Director will be to prepare information material to be distributed to all members of the Bar, and to engage in continuing discussions with members of the Bar (and others) about the structure and implementation of the scheme.

Media briefing

Media releases and letters to the editor issued by the New South Wales Bar Association

New Council for the Bar Association, 9 November 2001

Bar Association cancels barristers' practising certificates,
2 November 2001

Visit the Bar Association web site at www.nswbar.asn.au to obtain the full text of all media releases and letters to the editor.

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We also thank those people who have made valuable contributions in previous years. Others interested in being involved with our Faculty are invited to contact - Jenny Finlay-Jones, Acting Director of Clinical Program on (02) 4921 5870 or jenny.finlayjones@newcastle.edu.au

Bar Association staff appointments

Legal Policy Officer

Tahlia Gordon has been appointed Legal Policy Officer and started work at the Bar Association on Monday, 12 November 2001. Tahlia completed a Master of International Law at the University of Notre Dame, in the United States. She has worked for the Australian Mission to the United Nations in New York, spent three years as an associate to Justice Dowd of the Supreme Court and a further three years at the Office of the Director of Public Prosecutions.

Education Department

After nine years as Education Manager, Kelly Wright will be leaving the Bar Association on 18 December. Kelly will be pursuing her creative interests.

Administration Department

Shanthini Govindasamy, secretary to Bar Council and to the Equal Opportunity Committee since March 2000, has left the Bar Association to take up a position with the Law Society.

Volunteer polling officers

Bar Council and the Returning Officer would like to thank the following members for volunteering to act as polling officers during elections for the 2002 Bar Council. In alphabetical order they were:

John Azzi
David Burwood
Adrian Canceri
Mary Falloon
Philippe Grey-Grzeskiewicz
Tom Hickie
Heather Irish
Tina Moisesides
Tim Moore
James Whyte

Bar Association Liquor Bar

The liquor bar no longer runs a credit system.

A cash system and credit card/EFTPOS machine (Amex, VISA, Mastercard and Bankcard accepted) are available for your convenience.

Practising certificates cancelled

On 23 October 2001, pursuant to s38FC and 38FE of the *Legal Profession Act 1987*, the Bar Council of the NSW Bar Association cancelled the practising certificate of **Stephen John Archer**.

On 1 November 2001 the Bar Council resolved, pursuant to s38FC of the *Legal Profession Act 1987*, to cancel the practising certificate of **Trevor Newton Small** with effect from midnight on Friday 9 November 2001.

Trevor Newton Small has appealed against the cancellation of his practising certificate; the appeal is listed for hearing on 20 November 2001.

On 9 November 2001 The Hon. Justice McClellan made orders that the cancellation of the practising certificate be stayed until 20 November 2001, but only in so far as it is necessary to permit Trevor Newton Small to appear in matters in which he is part heard as at 4pm on Friday 9 November 2001.

On 1 November 2001, pursuant to s38FC of the *Legal Profession Act 1987*, the Bar Council of the New South Wales Bar Association cancelled the practising certificate of **William Roy Davison S.C.** Pursuant to s38 FC (5)(b) of the Act, the cancellation of the certificate was deferred to take effect from midnight on Friday, 9 November to enable the proper arrangements of the barrister's affairs.

On 1 November 2001, pursuant to s38FE of the *Legal Profession Act 1987*, the Bar Council of the New South Wales Bar Association cancelled the practising certificate of **Wayne Baffsky**, effective from midnight on Friday, 9 November to enable the proper arrangements of the barrister's affairs.

On 1 November 2001, pursuant to s38FC of the *Legal Profession Act 1987*, the Bar Council of the New South Wales Bar Association cancelled the practising certificate of **Glenn Noel Whitehead**. Pursuant to s38 FC (5)(b) of the Act, the cancellation of the certificate was deferred to take effect from midnight on Friday, 9 November to enable the proper arrangements of the barrister's affairs.

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Declaration of Bar Council ballot 2002

On 6 November 2001, pursuant to Rule 11.8.3 of the Bar Association Constitution, the Executive Director, as Returning Officer, declared the following elected to the 2002 Bar Council:

Pursuant to Rule 11.8.1(a) (the five senior counsel who receive the most votes)

Walker S.C., Bret	705
Katzmann S.C., Anna	602
Harrison S.C., Ian	565
Slattery Q.C., Michael	470
Gormly S.C., Jeremy	437

Pursuant to Rule 11.8.1(b) (the three members who have been practising as local practising barristers for less than five years who have received the most votes)

McHugh, Michael	212
Pepper, Rachael	161
Toomey, Dominic	141

Pursuant to Rule 11.8.1(c) (of the remaining candidates, the 13 members – of whom no more than four shall be senior counsel – who have received the most votes)

King S.C., Larry	391
Coles Q.C., Bernard	362
Trails, Kate	312
Sofroniou, Rena	301
Bathurst Q.C., Tom	270
Gleeson S.C., Justin	270
Marshall, Hugh	265
Loukas, Chrissa	258
Fernon, John	236
Elkaim, Michael	232
Kelly, Hayden	226
Stenmark, Alison	204
Torrington, Stuart	199

1051 valid or partially valid votes were counted.



Bar Council 2002

Back row, left to right: Dominic Toomey, Michael McHugh, Hayden Kelly, Justin Gleeson S.C., Alison Stenmark, Michael Elkaim, Bernie Coles Q.C., Stuart Torrington, Larry King S.C., John Fernon. Front row, left to right: Kate Trails, Anna Katzmann S.C., Philip Selth, Tom Bathurst Q.C., Ian Harrison S.C., Bret Walker S.C., Michael Slattery Q.C., Jeremy Gormly S.C., Rena Sofroniou, Chrissa Loukas.



Bar Association Executive

Left to right: Executive Director, Philip Selth; Treasurer, Tom Bathurst Q.C.; Senior Vice President, Ian Harrison S.C.; President, Bret Walker S.C.; Junior Vice President, Michael Slattery Q.C.; Secretary, Jeremy Gormly S.C.

Other languages noted on 'Find a barrister'

'Find a Barrister' has been enhanced by including a new search category for other languages spoken by members.

English is the second language of a not insignificant number of the population in New South Wales. One of the principal reasons for the enhanced search facility is to enable members of the public and solicitors to search for a suitable barrister based on their particular circumstances, which could include difficulty with the English language.

Any member who speaks a language other than English, and would like it recorded on the 'Find a barrister' web site, please contact Kim Nichols, NSW Bar Association Projects Officer, via e-mail knichols@nswbar.asn.au, or fax: (02) 9221 1149.

On 31 October 2001 a circular was sent to all members asking them to advise the Association of other languages spoken, so that the information could be noted on 'Find a barrister'. The following data were collected:

Arabic - 1	Maltese - 1
Cantonese - 1	Mandarin - 1
Croatian - 1	Modern Greek - 1
Czech - 1	Nepali - 1
Danish - 1	Portuguese - 1
French - 5	Serbian - 1
German - 6	Spanish - 2
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Life membership of the Bar Association

At its meeting on 3 October 2001, Bar Council resolved that David Bennett Q.C., president of the Association from November 1995 to December 1997, and Ian Barker Q.C., president from December 1997 to November 1999, be appointed life members for exceptional service to the Bar Association and to the profession of the law. On 15 November 2001, Bar Council resolved that Ruth McColl S.C, President of the Association from November 1999 to November 2001, be appointed a life member for exceptional service to the Bar Association and to the profession of the law.

The current list of life members, including the three most recent appointments, is as follows:

Name	Bar Council resolution date	Position at the time of appointment
L F Osborne	17 December 1970	retired registrar of the Bar Association
The Rt Hon. Sir Garfield Barwick Kt GCMG *	24 February 1972	chief justice of Australia
The Hon. Sir Kenneth Manning Kt	24 February 1972	NSW Court of Appeal judge
The Hon. Sir John Kerr KCMG *	22 August 1974	governor-general of Australia
The Rt Hon. Sir Edward McTiernan KBE	16 December 1976	High Court judge
The Rt Hon. Sir Victor Windeyer KBE CB DSO ED	16 December 1976	High Court judge
The Rt Hon. Sir Frank Kitto KBE	16 December 1976	High Court judge
B J F Wright MBE Q.C.	3 March 1977	former barrister
The Hon. Sir Kenneth Jacobs KBE	19 June 1979	High Court judge
Sir Zelman Cowen AK GCMG GCVO KStJ CMG	28 June 1979	governor-general of Australia
The Hon. Sir Gerard Brennan KBE	26 May 1983	High Court judge
C R Evatt Q.C.	30 August 1984	former barrister
Capt W F Cook LVO RAN	6 March 1986	Retired registrar of the Bar Association
Jean Mullin OBE	11 May 1989	former barrister
Joyce Schewcroft OBE *	13 August 1992	former barrister
Capt T R Duchesne RAN	13 August 1992	Retired registrar of the Bar Association
The Hon. Sir Laurence Street AC KCMG KStJ	30 March 1995	former chief justice of NSW
The Hon. Sir Anthony Mason AC KBE CBE	25 May 1995	High Court judge
Sir Maurice Byers Kt CBE Q.C.	1 February 1996	former president
P M Woodward Q.C.	1 February 1996	former president
The Hon. Justice G J Samuels AC	1 February 1996	former president
G D Needham Q.C.	1 February 1996	former president
The Hon. TEF Hughes AO Q.C.	1 February 1996	former president
The Hon. Justice T R Morling	1 February 1996	former president
The Hon. Justice R P Meagher	1 February 1996	former president
The Hon. Justice M H McHugh AC	1 February 1996	former president
The Hon. Justice A M Gleeson AC	1 February 1996	former president
R V Gyles Q.C.	1 February 1996	former president
The Hon. Justice K R Handley AO	1 February 1996	former president
The Hon. B S J O'Keefe AM Q.C.	1 February 1996	former president
J S Coombs Q.C.	1 February 1996	former president
M H Tobias Q.C.	1 February 1996	former president
Janet V Coombs AM	7 May 1998	former barrister
The Hon. Justice J J Spigelman	18 June 1998	Chief Justice of NSW
C A Porter Q.C.	15 June 2000	former barrister
R W R Parker Q.C.	16 August 2001	former barrister
D M Bennett AO Q.C.	3 October 2001	former president
I M Barker Q.C.	3 October 2001	former president
R S McColl S.C	15 November 2001	former president

Rule 4.5 of the Bar Association's Constitution, which came into effect on 1 January 2000, provides that Life Members are appointed for 'exceptional service to the Bar Association or to the profession of the law'.

Prior to 1 January 2000, Honorary Life Members were appointed under Clause 14 of the Memorandum and Articles of Association, for 'exceptional service to the Association, or to the profession of the law'.

Queen's Birthday honours and other post-nominals reflect only those awards which were held **on the date of appointment**.

*deceased



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There are approximately 20,000 barristers in private practice at independent referral Bars around the world. To ensure that a place at the Conference will be available, prospective attendees will be invited to pay a deposit of approximately £40. A conference web-site is being established and details will be available on it within the next few months. A link will be available on the web site of your own Bar to take you to the Conference information.

In the meantime, preliminary information can be obtained from the Conference Secretariat. It is being administered by the Australian Bar Association -

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In brief

At the Annual General Meeting of the Law Society of South Australia, held on 29 October 2001, Mr Chris Kourakis Q.C. was elected as President for the year 2001-2002.

The New South Wales Bar Association Prize in Civil Procedure, at the University of Newcastle, has been awarded to Ms Mary Anne Bowen for Semester 1 2001.

The New South Wales Bar Association Prize in Equity, at the University of Newcastle, has been awarded to Mr Corey James McHattan for Semester 1 2001.

Vale

Paul Donohoe Q.C. passed away on Friday 2 November 2001. A mass was held in St Mary's Cathedral on 7 November 2001, followed by a wake in the Bar Association's common room. An obituary, written by Alan Sullivan Q.C., will be published in the forthcoming edition of *Bar News*.

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For more information, contact Denise Fleming

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

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Bill Walsh	William Owen Chambers 121A Byng Street Orange NSW 2800	ph: (02) 6361 7921 fax: (02) 6361 7921	
Geoff Radburn	Lismore Chambers 32 Molesworth Street Lismore NSW 2480	ph: (02) 6621 2854 fax: (02) 6621 3898	radburn@nor.com.au
Stewart Austin	Chambers 30 Church Street Newcastle NSW 2300	ph: (02) 4926 2844 fax: (02) 4926 2841	