



Wanted! Pro bono barristers with commitment to Aboriginal justice

The Sydney Aboriginal Corporation Legal Service has approached the Bar Association seeking pro bono volunteers to supplement the Service’s professional resources, which are already stretched. The Bar supports this request and publishes this short article, written by the Service.

The Sydney Regional Aboriginal Corporation Legal Service (SRACLS) represents a sector of the community that has traditionally been the most marginalised and disenfranchised. Given the massive over-representation of Aboriginal people in the criminal justice system, and in the prison population, it is our belief that criminal justice issues are among the most important issues facing Aboriginal Australia.

SRACLS is seeking expressions of interest from barristers with experience of criminal law that would be prepared to perform legal services on a pro bono basis in occasional, more complex matters. This might involve appearances at the Children’s, Local and District Courts and in Court of Criminal Appeal sentences matters, running hearings and appeals and offering advice. Ideally, a register would be created of those barristers who were willing to help and could be contacted when the need arose.

The original Aboriginal Legal Service was established in Redfern in the 1970s to provide legal services to Indigenous Australian’s across NSW. Its services were terminated in 1996 and the company was put into liquidation.

Soon after in that same year, ATSIIC funding was provided for the

establishment of the Sydney Regional Aboriginal Corporation Legal Service. Since the collapse of the ALS, Indigenous legal services have been established at a regional level. In NSW there are six separate services in the six different ATSIIC regions.

SRACLS provides legal services to the Indigenous population of the ATSIIC Sydney region which is greater Sydney with the addition of Wollongong. The service maintains offices in Redfern, Blacktown, Liverpool and Wollongong and employs 35 staff, including 20 solicitors and five Indigenous officers.

At present, the number of solicitors available is not sufficient to meet the expanding needs of our clients and all resources and solicitors are stretched to the limit.

SRACLS represents Aboriginal people in a large number of courts in Sydney. The Redfern office services seven local courts; Central, Downing Centre, Redfern, Newtown, Waverly, Sutherland and Hornsby. It also covers Hornsby, Bidura and Lidcombe Children’s Courts. Blacktown covers Blacktown, Penrith, Parramatta, Windsor, Katoomba and Burwood Local Courts, as well as Cobham Children’s Court. The Liverpool office services Bankstown and Fairfield Local Courts and Wollongong covers Port Kembla and Albion Park Local Courts, and Albion Park Children’s Court.

Additionally, one solicitor from Redfern appears at the Parole Board and the Coroner’s Court. SRACLS is responsible for defending clients in the District court

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Centenary Essays Project: join the list of financial supporters

Next year the NSW Bar Association will celebrate its centenary. The formation of the Association as a voluntary association recognised by the attorney-general as having public regulatory functions occurred in 1902. 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 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

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Conferences

Superannuation 2002: A national conference for lawyers, Adelaide, 21-23 February 2002.

The Law Council of Australia, in conjunction with the Leo Cussen Institute, is conducting the annual National Superannuation Conference for Lawyers in February 2002. For further information, contact Dianne Rooney on ph: (03) 9602 3111, fax: (03) 9670 3242 or e-mail: dirooney@leocussen.vic.edu.au

Drugs, rehabilitation and the criminal justice system, Wentworth Hotel, Sydney, 28 February - 1 March 2002.

A conference designed to promote awareness and discussion about the way in which the criminal justice, health and corrections systems should deal with sentencing, imprisonment, drug dependency and mental health issues affecting offenders. Speakers will include the Senior Drug Court Judge Gay Murrell S.C. and the Attorney General, The Hon. Bob Debus MP. A conference registration brochure is held at the Bar Association's Reception. For further details regarding registration, contact the Conference Co-ordinator on ph: 02 9895 4515, fax: 02 9895 4545 or e-mail: John_Castellan@agd.nsw.gov.au

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

5th AIJA Tribunals Conference, 6-7 June 2002 (Melbourne).

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, July 2002.

For further information, contact the ABA on (07) 3236 2477, fax: (07) 3236 1180 or e-mail mail@austbar.asn.au

20th AIJA Annual Conference, 12-14 July 2002 (Brisbane)

2nd AIJA Magistrates' Conference, 13-14 September 2002 (Brisbane)

AIJA Technology for Justice 2002 Conference, 20-22 October 2002 (Sydney)

Union Internationale Des Avocats / International Association of Lawyers, 46th Congress, Sydney 2002, 27-31 October 2002.

Download a preliminary programme 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. Visit the conference web site at <http://www.mcigroup.com/commonwealthlaw2003.htm> to obtain an expression of interest brochure. Alternatively, contact the CLC 2003 Conference Secretariat on ph: (03) 9820 9115; fax: (03) 9820 3581; e-mail comlaw@mcigroup.com

Wanted – pro bono barristers with commitment to Aboriginal justice

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at the Downing Centre, Penrith, Parramatta and Wollongong.

A number of matters are briefed to the Public Defenders office and SRACLS solicitors instruct barristers in CCA appeals, Supreme Court trials, and the High Court. Another solicitor is required for Supreme Court bail applications three times a week and to conduct weekly gaol visits to the MRRC and Mulawa women's prison.

In recognition of the need for further resources, two Sydney law firms have provided us with generous support. Blake Dawson Waldron now seconds to SRACLS

a solicitor who is dedicated to visiting juvenile detention centres and improving outcomes for our juvenile client base. Most recently, Gilbert and Tobin have assisted SRACLS to obtain a grant from the Scully Fund to employ a senior solicitor for our Blacktown office.

Given the massive volume of work we do each year, and the wide reach of our service, we do not have the staff numbers to be able to consistently meet the needs of our clients. Whilst we have a limited budget to brief the private profession, a commitment from the Bar to offering pro bono support could make a significant difference.

The benefits to SRACLS and to the Indigenous people we represent are obvious. Barristers willing to support us would be benefited by the opportunity to present interesting matters and to make a valuable contribution to assisting the Indigenous Community.

Any persons who are interested should contact:

Rachel Pepper

7 Wentworth Chambers

(02) 8224 3000

who will be liaising with SRACLS.

Centenary Essays Project: join the list of financial supporters

(Continued from page 1)

first meeting of the new Bar Council was held on 17 June 1902 under the chairmanship of the attorney: Bennett JM (ed), *A History of the New South Wales Bar* (Lawbook Co, 1969) pages 141-145.

As part of its celebrations, the Association proposes to hold a 'Centenary Dinner' in lieu of the Annual Bench and Bar Dinner and, in conjunction with the Dinner, to publish a collection of essays on the history of the Bar.

Arrangements are in hand for the essays to be published by Butterworths.

In order to raise funds for further study of the history of the Bar, and legal history generally, Butterworths have agreed that they will publish, as a form of advertisement in an appendix to the essays, a list of the names of people who support the essay project by financial contributions.

Accordingly, the Bar History Committee has resolved that it will publish in the essays the names of supporters by reference to a scale of contributions. 'Platinum' supporters will be those who contribute \$2,500 or more. 'Gold' supporters will be those who contribute \$1,000 or more. 'Silver' supporters will be those who contribute \$150 or more. Contributions, of any amount, will be gratefully received from any individual, floor or other entity. The generous donation to the Committee's work by the

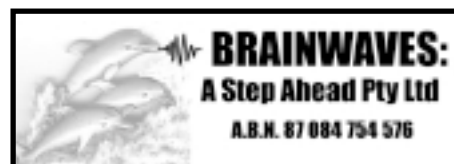
silks of 1998 will be recognised as a 'platinum' contribution.

The Centenary Essays Project is but one of a number of initiatives taken by the Bar Association in recent years to promote the study of legal history generally and the history of the Bar in particular.

The Association has an established, and developing, relationship with Macquarie University which can confidently be expected to provide practical opportunities for substantive research. The University has published advertisements calling for applications for a post graduate scholarship (called the 'NSW Bar Association Scholarship for the Study of Australian Legal History') that the Association has committed itself to fund for the next 2-3 years. Two senior academics from the University, Professors Bruce Kercher and Rosalind Atherton (the Dean of the Law Faculty), are members of the Association's History Committee. The Committee has under consideration proposals for publication, late next year or early in 2003, of the diary of Thomas Callaghan (one of three foundation judges of the District Court in NSW) which the Association has commissioned Dr Bennett, with assistance from Master John McLachlan of the Supreme Court, to transcribe and edit. Ian Barker Q.C. has agreed to present a lecture, late next year, on 'The

History of Trial by Jury in New South Wales' and Justice J D Heydon has agreed to serve as Consultant Editor to a project on 'The History of the Equity Jurisdiction in New South Wales' which the Committee proposes be published in 2003/2004.

The preparation of material for publication of the Centenary Essays is in hand. Members of the Association who seek to be recognised in the essays as supporters to the project should send their contributions to the Secretary of the History Committee, Chris Winslow (the Public Affairs Officer of the Association). For further information, contact Chris (ph: 9229 1732), or Geoff Lindsay S.C., Chairman of the History Committee (ph: 9232 6003), or Carol Webster, Assistant Secretary of the Committee (ph: 9224 1550).



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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

Speeches

'Lessons from the rear-view mirror,' by The Hon. Justice Kenneth Hayne, 31 October 2001. In his Leo Cussen lecture, Justice Hayne discussed changes over the last 100 years in three major areas affecting the legal system: the definition of norms of behaviour, the conduct of criminal and civil litigation, and the way in which the legal profession goes about its work. He also spoke on the impossibility of the law as panacea, the phenomenon of change itself, and the need to understand the fundamental underpinnings of the legal system in order to deal with change. A copy of the speech is available at www.hcourt.gov.au/speeches, and also from the Bar Library.

'Courts and the Rule of Law,' by The Hon. Justice A M Gleeson AC, 7 November 2001. Part of the Rule of Law series of lectures at Melbourne University, Justice Gleeson's speech traced the way in which the principle of the rule of law has come to influence the judicial branch of government, how judicial review of legislative and administrative action has developed, and discussed the active role of the rule of law in the courts. A copy of the speech is available at www.hcourt.gov.au/speeches, and also from the Bar Library.

'Law and Justice Address to the Law and Justice Foundation,' by The Hon. J J Spigelman AC, Chief Justice of New South Wales, 8 November 2001. Following a recent visit to Beijing for the HREOC under the Human Rights Technical Co-operation Programme, the speech dealt with the efforts being made there to reform the judiciary and the difficulties they face, and the proposed new Chinese Code of Judicial Ethics. Justice Spigelman welcomed the low-key form of diplomacy offered by the Programme in passing on Australian examples of governance and legal systems that work, and advocated a continuing role for the Australian judiciary in contributing to the protection of human rights in China. A copy of the speech is available at www.lawlink.nsw.gov.au/sc, and also from the Bar Library.

'Quality in an Age of Measurement: The Limitations of Performance Indicators,' by The Hon. J J Spigelman AC, Chief Justice of New South Wales, 28 November 2001. In this Sydney Leadership Alumni Lecture for The Benevolent Society, Justice Spigelman discussed the trend in the 'new public management' towards quantitative rather than qualitative assessment of governmental functions, including the universities and the courts, cautioning that 'Not everything that counts can be counted.' A copy of the speech is available at www.lawlink.nsw.gov.au/sc, and also from the Bar Library.

'The Disability Discrimination Act as a tool for change,' by The Hon. Daryl Williams AM Q.C. MP, 4 December 2001. The Attorney-General's speech was at the Summit for peak disability organisations in Australia, organised by the Human Rights and Equal Opportunity Commission. In it he re-affirmed the Government's commitment to the principles of the Act and cited its work towards the development of disability standards, most immediately in public transport and industry. A copy of the speech is available at www.ag.gov.au/ministers/attorney-general and also from the Bar Library.

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Annual Bench & Bar v. Solicitors Golf Day Thursday, 17 January 2002

Venue: Manly Golf Club

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Individual – Winner and Runner-up.
Two nearest the pins.
One longest drive.

Any member, wishing to play should complete and return the slip below no later than 5.00 p.m. on Friday 11 January 2002, together with payment, to The New South Wales Bar Association.

All enquiries should be addressed to Mr Dennis Flaherty on tel: (02) 9233-3517 or Mr Peter Maiden on tel: (02) 9221-2041.

NSW Bar Association
DX 395 SYDNEY

I wish to play in the Bench & Bar v. Solicitors Golf Day to be held on Thursday 17 January 2002.

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Media briefing

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

State Government sacrifices the most seriously injured to affordability, [re: workers compensation], 27 November 2001

Unpublished letter to the Editor, regarding barristers, bankruptcy and taxation, *Sydney Morning Herald*, 23 November 2001

Avoid unfair haste - Bar President urges Government, [re: workers compensation], 19 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.

Recent interviews given by the President of the Bar Association

Interview with Sally Loane, regarding the possible implementation of minimum sentences in NSW, ABC 2BL, 30 November 2001

Interview with Graham Richardson, regarding barristers, bankruptcy and taxation, 2GB, 22 November 2001

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Practising certificates cancelled*

On 1 November 2001 the Bar Council resolved, pursuant to s37FC of the *Legal Profession Act 1987*, to cancel the practising certificate of **Paul Evans** with effect from midnight on Friday, 7 December 2001.

On 1 November 2001 the Bar Council resolved, pursuant to s38FC of the *Legal Profession Act 1987*, to cancel the practising certificate of **Anthony Philip Quinlivan** with effect from midnight on Friday 30 November 2001.

On 1 November 2001 the Bar Council resolved, pursuant to s 38FC of the *Legal Profession Act 1987*, to cancel the practising certificate of **Robert William Cameron**, with effect from midnight on Saturday 1 December 2001. **Robert William Cameron** appealed against the cancellation of his practising certificate. On 12 December 2001 Justice McClellan granted Mr Cameron leave to discontinue his appeal. The court further ordered that Mr Cameron pay the Bar Association's costs. Mr Cameron does not hold a practising certificate entitling him to practise as a barrister.

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 **Gregory John Willis**, effective from midnight on Friday, 16 November 2001.

On 15 November 2001, the Bar Council of the New South Wales Bar Association noted that it had not been able to make a determination for the purposes of s38FC of the *Legal Profession Act 1987* with respect to the notification made by **Michael Anthony Coleman** and further noted that an indefinite suspension of the practising certificate of **Michael Anthony Coleman** will follow in accordance with the provisions of s38FH of the *Legal Profession Act* from midnight on Tuesday, 27 November 2001.

* See also *Bar Brief*, November 2001, P.12. For a complete list of cancellations, visit the Bar Association's web site at www.nswbar.asn.au

On 15 November 2001, the Bar Council of the New South Wales Bar Association noted that it has not been able to make a determination for the purposes of s 38FC of the *Legal Profession Act 1987* with respect to matters notified by **Timothy Leigh Thomas** and further noted that an indefinite suspension of the practising certificate of **Timothy Leigh Thomas** will follow in accordance with the provisions of s38FH of the *Legal Profession Act*, from midnight on Tuesday, 27 November 2001.

On 16 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 **John Edmund Higgins**, effective from midnight on Friday, 23 November 2001.

On 16 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 **Timothy Macarthur Wardell**, effective from midnight on Friday, 23 November 2001.

Mr Wardell has appealed against the cancellation of his practising certificate. Mr Wardell is not entitled to appear or practise as a barrister pending further order of the court.

On 15 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 **Barry James Murphy**, effective from midnight on Friday, 23 November 2001.

Barry James Murphy appealed against the cancellation of his practising certificate. Mr Murphy's appeal was heard before Justice McClellan on 10, 11 and 12 December 2001. Judgment is reserved.

Mr **Barry James Murphy** is not entitled to appear or practise pending further order of the court.

Services for the opening of Law Term 2002

Law Term 2002 will commence on Tuesday, 29 January 2002. The Red Mass will be held at St Mary's Cathedral at 9.00 am on Tuesday 29 January 2002. The Anglican service will take place on 29 January 2002 at St James' Church, King Street at 10.30am.

In Parramatta, the Inter-Church Law Service for western Sydney will be held on Tuesday 29 January at 9.30 am in Leigh Memorial Uniting Church, Macquarie Street. Practitioners have been requested to meet in St John's Anglican Cathedral Hall, Church Street, Parramatta, and leave at 9.20 am in procession.

A service will be held in the Great Synagogue on Monday, 4 February 2002 at 6.00 pm. A Pan-Orthodox service will be held on Tuesday 5 February 2002 at 6.30 pm in the Greek Orthodox Archdiocese of Australia at 242 Cleveland Street, Redfern.

Director of Studies appointed

Dr Robert Hayes has been appointed Director of Studies for the Bar Association and will commence duty on 14 January 2002.

Dr Hayes has considerable experience in continuing professional development and legal education, gained as an associate professor of law at UNSW for over 15 years and more recently as a senior lecturer in law at UNE.

Other positions held by Dr Hayes include:

- president, Mental Health Review Tribunal (1990 - 2000);
- senior member, Administrative Appeals Tribunal (1986 - 1990);
- commissioner, Australian Law Reform Commission (1980 - 1983); and
- barrister (1975 - 1990)

Dr Hayes has recently been working as a consultant on legislation and policy to the Attorney General's Department and NSW Law Society.

Criminal law update

By Stephen J Odgers S.C.

Evidence Act 1995

The Bar Association has made a submission to the NSW Government proposing that s102 be amended, so as to overcome the literal interpretation of that provision by the High Court in *Gilbert Adam v R* [2001] HCA 57.

Sexual assault communications privilege

The NSW Government is considering amendments to Part 7 of the *Criminal Procedure Act 1986* in order to overcome the decision in *R v Norman Lee* [2000] NSWCCA 444.

The Bar Association has made submissions in respect of the proposed amendments. It has also proposed that a system of limited disclosure of the contents of counselling communications be introduced, so as to permit full argument before the privilege issue is determined.

Pre-trial disclosure

Pre-trial disclosure commenced on 19 November. The Legal Aid Commission has received additional funding for this purpose.

Where pre-trial disclosure is ordered, the Commission should be notified so that any lump sum agreement negotiated can include an amount to cover work done in relation to such disclosure, including perusal of the Crown's material, preparation of a response, and any mentions associated with the disclosure regime.

Any problems which members experience in this regard should be brought through the Bar Association to the attention of the chairs of the Criminal Law Committee or the Legal Aid Committee.

Crimes (Sentencing Procedure) Act 1999

The NSW Government is considering inclusion in the Act of a statement of general sentencing principles modelled on s16A *Crimes Act 1914* (Cth).

If members have any views on this proposal, please communicate them through the Bar Association to the Chair of the Criminal Law Committee.

Charge bargaining.

The Bar Association has made a submission to the review being conducted by Gordon Samuels of the NSW DPP *Policy and guidelines for charge bargaining and the tendering of facts*.

Police Integrity Commission Act 1996

Under the terms of s146 of this Act, the Minister of Police is required to undertake a review of the Act after five years from its assent, which occurred on 21 June 1996.

The Bar Association is preparing a submission. If members have any views on this issue, please communicate them through the Bar Association to the Chair of the Criminal Law Committee.

Justice Legislation Amendment (Non-association and Place Restriction) Act 2001

This Act permits 'non-association' and 'place restriction' orders to be imposed in respect of grants of bail, grants of leave and parole, and on sentence in respect of persons sentenced for offences carrying a maximum penalty of 6 months imprisonment or more.

Crimes Amendment (Gang and Vehicle Related Offences) Act 2001

This Act creates a number of different offences, with more severe penalties, for committing other offences in company. It creates an offence of recruiting a child to engage in criminal activity. It also increases penalties for vehicle related offences.

Crimes Amendment (Sexual Servitude) Act 2001

This Act creates offences relating to sexual servitude, namely causing a person to enter into or remain in sexual servitude or conducting a business that involves sexual servitude.

Courts Legislation Amendment Act 2001

This Act amends the *Costs in Criminal Cases Act 1967* to provide that a costs certificate may be granted in cases where, after a trial has commenced, a defendant has been acquitted or discharged. However, it also permits a prosecutor to adduce additional evidence on the issue of whether a certificate should be granted. The Act also amends the *Jury Act 1977* to permit courts and certain specified law enforcement agencies to solicit information from jurors and former jurors.

Bar Association circulars by e-mail

So far as possible, the Association sends out circulars to members electronically rather than by facsimile to ensure that members are provided with information as quickly and efficiently as possible.

All members, including judges, retired and interstate practitioners are asked, in order to stay in touch with recent developments and forthcoming Bar Association events, to provide the Association with an e-mail address.

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Payment of outstanding CIC / FAI accounts

The Bar Association has been engaged in negotiations with the Motor Accidents Authority, the HIH liquidators and the Law Society regarding payment of accounts from barristers acting on behalf of CIC and FAI CTP insurance.

The MAA has undertaken to meet all memorandum of fees for work performed after HIH was placed into provisional liquidation on 15 March 2001.

The Association is close to resolving with the MAA the issues of outstanding fees for work performed on behalf of CIC and FAI CTP prior to 15 March 2001.

It is proposed that the Motor Accidents Authority, the HIH liquidator and relevant solicitors enter into a deed of agreement. That deed will allow the Motor Accidents Authority to make full payment to the relevant solicitors for outstanding fees, including disbursements such as counsel's fees. In turn, the MAA will obtain the right to stand in the shoes of the solicitor creditors in the liquidation.

Contingent upon finalisation of the deed in negotiations between interested parties, it could be anticipated that the MAA would begin paying outstanding

accounts for work performed on behalf of CIC/FAI prior to 15 March 2001 in early 2002. Given the delays that have been experienced in obtaining payment for accounts post 15 March 2001, it can be anticipated that there will be some delays when it comes to payment of accounts rendered for work performed before 15 March 2001.

The deed will not need to be completed by barristers. Solicitors who conducted CIC/FAI work will be required to identify all outstanding accounts, including counsel's fees at the time of their completion of the deed.

The Bar Association will advise all those members once the proposed deed of agreement has been settled. However, those members of the Bar with outstanding fees from CIC/FAI CTP for work performed before 15 March 2001 should consider sending copies of all outstanding accounts to the relevant instructing solicitors early in the new year.

Further inquiries can be directed to the Projects Officer, Kim Nichols at the Bar Association, phone 9229 1756 or fax 9221 1149.

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eg: Casebase

Unreported Judgements

NSW Law Reports

Victorian Law Reports

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For enquiries and to inspect please contact

Roger Pearce

Phone: 9742 5777

E-mail: rpearce@accsoft.com.au

Appointments

Supreme Court

Terence Buddin S.C. has been appointed as a Judge of the Supreme Court of New South Wales, effective 30 January 2002.

District Court of NSW

John Smyth Q.C. has been appointed as an Acting Judge of the District Court of NSW, effective 18 October 2001 to 30 June 2002.

Local Court of NSW

John Sinclair has been appointed as a Magistrate and as a Mining Warden, effective 3 December 2001.

Leonard McDermid has been appointed as an Acting Magistrate and as a Mining Warden, effective 22 November 2001 to 30 June 2002.

Mary Jerram has been appointed as an Acting Magistrate and Mining Warden, effective 3 December 2001 to 30 June 2002.

Public Defenders

Christopher Craigie S.C. has been appointed as an Acting Deputy Senior Public Defender, effective 14 November 2001 to 31 March 2002, or until the position is permanently filled.

Robyn Burgess has been reappointed as an Acting Public Defender, effective 11 December 2001 to 10 December 2002.

Dina Yehia has been reappointed as an Acting Public Defender, effective 28 July 2001 to 27 July 2002.

Crown Prosecutors

Keith Alder, David Brack, Jillian Cash and John Pickering have been appointed as Acting Crown Prosecutors, effective 27 November 2001 to 30 June 2002.

Kenneth McKay has been reappointed as an Acting Crown Prosecutor, effective 3 October 2001 to 2 October 2002.

Jose Crespo and Frank Veltro have been appointed as Crown Prosecutors, effective 5 November 2001 and 22 October 2001 respectively.

Raymond Willis, Sarah Huggett and John Favretto have been appointed as Acting Crown Prosecutors, effective 22 October 2001 to 21 October 2002.

Luigi Lamprati has been reappointed as an Acting Deputy Senior Crown Prosecutor and Gregory Fatches as an Acting Crown Prosecutor, effective 14 November 2001 – 13 November 2002.

Courts Legislation Amendment (Civil Juries) Bill 2001

The Bar Association has, through comments in the media and briefings for parliamentarians, argued strongly against the State Government's proposed changes to the role of civil juries.

'Our view remains that it is not in the public interest for there to be any further erosion of the availability of juries for civil matters', said Bret Walker S.C., President of the Bar Association. 'Juries provide an important opportunity for the community to have an input into the justice system'. The Hon. Justice L J Priestley, speaking at a ceremony to mark his retirement from the Supreme Court, expressed similar concern about the future of civil juries which, he said, are a means of sharing legal power across the community.

The Courts Legislation Amendment (Civil Juries) Bill 2001 was drafted against the background of several civil jury trials which attracted considerable media publicity. The Government's response was based on the premise that juries were the cause of delays and inflated awards for damages in civil trials.

However, Bar Association briefings pointed to a lack of empirical data supporting Government claims. In fact, the evidence suggests quite the reverse: that the attainment of quicker, and thus cheaper, adjudication could be significantly enhanced by more – not less – frequent decisions by juries. Cases involving civil juries are more likely to settle during the trial. Where matters do proceed to judgment before the court, statistics from Victoria show that those with a jury reach a speedier conclusion. Further, it was argued that a jury verdict was less likely to be appealed successfully.

'If the jury system had as much attention given to its reform as to its virtual abolition the system would be soon be efficient in delivering just, timely verdicts', said Walker S.C.

INAUGURAL WORLD CONFERENCE OF BARRISTERS AND ADVOCATES

EDINBURGH
27 – 29 JUNE 2002

For the first time, the members of the independent referral bars will be 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, independence of the profession and specialisation will be on the agenda. Each of the participating bars will provide speakers and the conference will afford registrants a unique opportunity to consider and assess the role of the Bar and the challenges it and its members face.

The host Bar is The Faculty of Advocates. In existence for over half a millennium, the Faculty is the body which represents independent lawyers who have been admitted to practise as Advocates before the Courts of Scotland.

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 –

Telephone: 61 7 3236.2477
Facsimile: 61 7 3236.1180
Email: mail@ausbar.asn.au

Participating Bars:

THE FACULTY OF ADVOCATES • THE GENERAL COUNCIL OF THE BAR OF ENGLAND AND WALES • BAR COUNCIL OF IRELAND • THE GENERAL COUNCIL OF THE BAR OF NORTHERN IRELAND • THE AUSTRALIAN BAR ASSOCIATION • THE GENERAL COUNCIL OF THE BAR OF SOUTH AFRICA • HONG KONG BAR ASSOCIATION • NEW ZEALAND BAR ASSOCIATION

Papers to note

The following Local Court practice notes and accompanying forms come into effect on 1 January 2002.

Practice note No. 1 of 2001, 'Vacating hearing dates and applications for adjournment'. Form Application to vacate hearing date.

Practice note No.2 of 2001, 'Case management of civil claims actions: General division'. Form General Division timetable and standard directions.

Practice note No.3 of 2001, 'Procedure for hearing of actions in the Small Claims Division of the Local Court'. Form Case management order: Small Claims Division.

Practice note No.4 of 2001, 'Case management of civil actions transitional provisions'. Form Notice of listing for call over.

Copies of these practice notes are held in the Bar Library.

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New members of the Bar Association

Local practising practitioner

John Favretto	Crown Prosecutors' Chambers
Michael Lee	12 Wentworth Chambers

Legal practitioner other than local practising practitioner

Shane Doyle	MLC Centre, Brisbane
Regina Graycar	University of Sydney

The NSW Breast Cancer Institute: Making a difference

Bar charity 2001-2002

The NSW Breast Cancer Institute was established in 1995. The work of the Institute, the development and application of best practice in screening, treatment, research, information, diagnosis and education is undertaken through our three programs – Clinical Care, Research and Education.

Our vision:

Beating breast cancer - saving lives

Our mission:

To lead in the provision of breast cancer care for women, their families and society, through **S**creening, **T**reatment, **R**esearch, **I**nformation, **D**iagnosis and **E**ducation.

Our goals:

- To save lives through the prevention, early detection, and diagnosis of breast cancer.
- To develop, implement and promote 'best-practice', patient-focused, multi-disciplinary breast care.
- To monitor breast cancer outcomes through data collection, analysis and dissemination.
- To translate research findings into improving the care and quality of life of patients with breast cancer.
- To promote community awareness through breast cancer education.
- To improve detection and treatment of breast cancer through ongoing education of health professionals.
- To promote awareness and recognition of the NSW Breast Cancer Institute and its commitment to women, their families and the community.

We *save lives* today through our multidisciplinary treatment model which puts women and their families first in the pathway of care, giving them access to co-ordinated care by a range of specialists and allied health professionals. Our clinical models for multidisciplinary, co-ordinated breast cancer care are developed and practised at our Westmead Breast Centre. The Breast Centre, which opened in 1999, incorporates the key elements of a specialist breast unit and other features that were identified as important in a pre-commissioning survey of patients. In the planning and implementation of treatment and service delivery, we benefit greatly from seeking and acting upon consumer opinion. The Institute has now developed and published agreed treatment protocols, which will serve as a model for other breast centres and programs being established in NSW.

The Institute is committed to education of health professionals and consumers. Education strategies include public forums for women with breast cancer throughout the State and training to rural surgeons. A program for the development of 'patient fact sheets' responds to consumer demand; fact sheets have been published or are being developed with input from a panel of consumer representatives. In collaboration with the Breast Cancer Action Group (NSW), the peak NSW consumer advocacy group, the Institute is developing a *Directory of Breast Cancer Treatment and Services for NSW Women* which will address long-standing consumer requests for information that will help women make informed choices about their

treatment. We also offer a comprehensive range of Support Programs aimed at assisting women with breast cancer to gain information and support in order to cope with their condition and stay in control of their lives.

We work towards *beating breast cancer* tomorrow, through intensive research projects. The Institute's research program has produced significant publications in Australia about best-practice treatment, including publications in reputable international journals. Research is predominantly applied clinical research about breast cancer and its treatment, quality of life and also epidemiological screening issues. Consumer and industry representatives have been appointed to several research project teams. In conjunction with our clinicians, the research program supports the evaluation of new technology so vital to the diagnosis and treatment of women

with breast cancer. Our adoption of advanced technologies—advanced breast biopsy instrument (ABBI), Perometer and Sentinel Node Biopsy have been made possible by the hard work and generosity of the community and the support of organisations such as the Bar Association.

The progress we make ultimately makes a difference in the lives of women diagnosed with breast cancer and their families. However, your support is vital to continue our efforts and meet the challenges of breast cancer.

Thank you so much for sharing our vision and joining us in our journey towards *beating breast cancer - saving lives*. Your generous support has already made a difference in the lives of women with breast cancer and their families.



**Merry Christmas and a
Happy New Year
from the Executive Director
and staff of the BCI!**

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



New South Wales Breast Cancer Institute
PO Box 143
Westmead NSW 2145



Please find attached a donation for the NSW Breast Cancer Institute. I am a member of the New South Wales Bar Association.

Please send a receipt to:

Name:

Address:

.....

.....

Court sittings for 2002

In brief

High Court

Sittings of the Court shall be held during the year 2002 on the following dates:

Canberra	-	Monday, 4 February 2002
Canberra	-	Tuesday, 5 March 2002
Canberra	-	Tuesday, 9 April 2002
*Hobart	-	Monday, 29 April 2002 at 2.15pm
Canberra	-	Tuesday, 21 May 2002
Canberra	-	Tuesday, 18 June 2002
*Brisbane	-	Monday, 24 June 2002 at 2.15pm
Canberra	-	Tuesday, 6 August 2002
*Adelaide	-	Monday, 12 August 2002 at 2.15pm
Canberra	-	Tuesday, 3 September 2002
Canberra	-	Tuesday, 1 October 2002
*Perth	-	Monday, 21 October at 2.15pm
Canberra	-	Tuesday, 3 December 2002

*No sittings will be held unless there is sufficient business to warrant the attendance of the Court.

Sittings to hear applications for special leave to appeal will also be held on the following dates:

Friday, 15 February 2002	Friday, 9 August 2002
Friday, 15 March 2002	Friday, 13 September 2002
Friday, 19 April 2002	Friday, 11 October 2002
Friday, 31 May 2002	Friday, 15 November 2002
Friday, 21 June 2002	Friday, 13 December 2002

The winter vacation shall commence on Saturday, 29 June 2002. The summer vacation shall commence on Saturday, 14 December 2002.

Supreme Court of New South Wales

Sittings of the Court shall be held at the places and begin at 10.00 am on the dates mentioned below:

Civil

Sydney	Tuesday 29 January
Central West	Monday 23 September
Goulburn	Tuesday 29 January
Newcastle	Monday 5 August
Northern Rivers	Monday 17 June
Riverina	Monday 3 June
Wollongong	Monday 22 April

Criminal trials will be held in places other than Sydney as and when the need arises.

Supreme Court circuit sittings for 2002

Civil

Circuit	Sittings commence	Duration
Central West (Venue: Orange)	Monday 23 September 2002	1 Week
Goulburn	Tuesday 29 January 2002	7 Weeks
Newcastle	Monday 5 August 2002	2 Weeks
Northern Rivers (Venue: Lismore)	Monday 17 June 2002	2 Weeks
Riverina (Venue: Wagga Wagga)	Monday 3 June 2002	2 Weeks
Wollongong/Goulburn (Venue: Wollongong)	Monday 22 April 2002	2 Weeks

Criminal trials will also be listed at venues other than Sydney as and when the need arises.

Full Federal Court

Subject to there being sufficient business, sittings of a Full Court of the Federal Court of Australia will be held in all capital cities within the periods indicated below:

11 February – 8 March 2002	5 – 30 August 2002
6 – 31 May 2002	4 – 29 November 2002

Any urgent matter may be transferred to a place of sitting other than that at which the matter was heard at first instance.

If circumstances require it a Full Court may sit in capital cities to deal with matters on dates other than those listed.

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Premier's 2001 Public Sector Awards

A certificate of achievement has been awarded to Jeff Kildea, the Bar Association's representative on the committee that implemented the Land and Environment Court's e-Callover project.

Award for Maurice Evans

Principles of environmental heritage, by Maurice Evans, has received the Urban Development Institute of Australia Property Media Excellence Award.

PILCH Board for 2002

Rachael Pepper and Peter Maiden have been reappointed as the Bar Association's representatives on the board of the Public Interest Law Clearing House for the year 2002.

ACT Bar Association

At its meeting held on 26 November 2001, the Council of the ACT Bar Association appointed Mr John Harris as President and Mr George Brzostowski as Vice President.

South Australian Bar Association

Mr Brian Hayes QC has been appointed as the President of the South Australian Bar Association to fill the casual vacancy arising from the appointment of Justice Besanko to the Supreme Court of South Australia.



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Bar Library hours over Christmas

The Library will be closed from Monday 24 December 2001 to Friday 11 January 2002 inclusive.

The Library will resume normal opening hours (8:00am to 6:00pm) on 14 January 2002.

During the break, the following libraries will be open:

UNIVERSITY OF SYDNEY LAW LIBRARY

Monday, 24 December 9.00am - 12.30pm

Tuesday, 25 December to Tuesday, 1 January 2002 CLOSED

From Wednesday, 2 January

Monday, Thursday 9.00am - 8.00pm

Tuesday, Wednesday, Friday 9.00am - 6.00pm

Saturday, 9.00am - 4.45pm

ATTORNEY-GENERAL'S DEPARTMENT LIBRARY

From Wednesday, 2 January 2002

Monday to Friday, 9.00am-5.00pm

These libraries allow access to barristers, although you cannot borrow items. Please follow the rules of these libraries.

The Law Courts Library is closed from 24 December 2001 to 27 January 2002 inclusive (**except for members who are renewing their access rights**).

Please return all items on loan to the Library by Friday 21 December 2001.

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Public Affairs Officer,
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LG Floor, Selborne Chambers,
174 Phillip Street, Sydney 2000
DX 1204 Sydney

E-mail: 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 e-mail Directory

Administration

administration@nswbar.asn.au

Accounts Department

accounts@nswbar.asn.au

BarCare

barcare@nswbar.asn.au

Education Department

education@nswbar.asn.au

Executive Director

executivedirector@nswbar.asn.au

Legal Assistance Scheme

legalassist@nswbar.asn.au

Library

library@nswbar.asn.au

Media Inquiries

mediainquiries@nswbar.asn.au

Membership Inquiries

membership@nswbar.asn.au

Professional Affairs Department

pcd@nswbar.asn.au

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Name	Address	Phone/Fax	E-mail
Stuart Hill	Hargraves Chambers Cnr of Church & Crown Streets Wollongong NSW 2500	ph: (02) 4226 8977 fax: (02) 4226 3947	
Rob O'Neill	Lachlan Macquarie Chambers 16 George Street Parramatta NSW 2150	ph: (02) 9635 1000 fax: (02) 9891 1989	ro'neill@lacmac.com.au
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	