



President's Column

Following September 11 2001 I wrote to the American Bar Association on behalf of the Australian Bar, conveying the Bar's commiserations in respect of the tragic events of that day.

The President of the American Bar Association, Robert E. Hirshon replied. His letter advised of the practical steps the American Bar Association had taken in its immediate response to the crisis. It mobilised its members to provide pro bono services in response to requests for assistance from the Federal Emergency Management Agency. Hotlines were established through which lawyers are providing general advice and referrals regarding support services and resources available to those in need.

On matters of principle he wrote:

The shocking events...underscore the frailty of human life and the precariousness of open democratic societies. Yet as lawyers, we know that despite our vulnerability to terrorism, the rule of law is our strongest weapon in the battle against anarchy and human destruction. As special guardians of the law, we must not allow this evil to undermine our democracy, which remains the beacon of hope to all who are oppressed.

Justice Michael Kirby AC CMG spoke in like terms in a powerful speech he gave at the opening plenary session of the Thirty Second Australian Legal Convention on 12 October 2001. He took the events of September 11 and used them as the springboard to develop the proposition that the societies which have successfully resisted terrorism in the past century have been those which cleave strongly to the rule of law and democratic principles. It was a compelling reminder of the importance of core values.

Lawyers tend to take these core values for granted. We work with the rule of law every day. We should not lose sight of the fact that the rule of law is not as concrete and ever-present a phenomenon to some members of the community as it is to us. At times, the transient, but regrettably politically significant, influence of opinion polls can push the rule of law to one side and allow pragmatism to prevail over principle.

That pragmatism is evident, I suggest, in the *Border Protection (Validation and*



Ruth McColl S.C., President.

Enforcement Powers) Act 2001 passed by the Commonwealth Parliament on 26 September 2001. The Act provides, among other matters, for mandatory minimum sentences of five years for a first offence and eight years for further offences with mandatory non-parole periods of three and five years respectively for the offence of people smuggling. As a token acknowledgment of the debate about the Northern Territory's mandatory sentencing provisions which occupied so much attention in 2000, the mandatory sentencing provisions do not apply if the offender was under 18 at the time the offence was committed.

The Minister for Justice and Customs, Senator Chris Ellison, expressed the reasoning behind the mandatory sentencing provisions as being to redress a perceived inadequacy in sentences under existing legislation for people smuggling 'by imposing penalties which will have truth in sentencing and will act as a deterrent to anyone who might consider bringing people to Australia's shores illegally.'

The Labor Party did not oppose the Bills notwithstanding its previous opposition to mandatory sentencing in both Western Australia and the Northern Territory. The

Bills were only opposed by the Democrats, the Greens and independent Senator Harradine.

Little or no attention was paid either in the parliamentary debate or in the media to the illusory notion that the introduction of mandatory sentencing for people smuggling offences would be loudly bruited abroad in Indonesia or any other country from which ships carrying people seeking to gain illegal entry to Australia embark – and hence the desired deterrent effect was unlikely to be achieved.

I do not deny that the issues concerning Australia's immigration laws, international refugees and the proper processing of applications for refugee status are complex. However, there seems no reason why the sentiments to which I have referred above concerning the preservation of the rule of law even in the face of horrendous acts of terrorism cannot survive attempts by a few hundred people seeking refuge in Australia.

The principles which led so many, including members of both the Federal Government and the Labor Party, to oppose mandatory sentencing in the Northern Territory last year, apply irrespective of the nature of the offence or the nationality of the offender.

During the Second Reading debate on the Border Protection Bills, Senator Bob Brown referred to a statement made by Mr Beazley, Leader of the Opposition in Parliament during 2000 to the following effect:

Mandatory sentencing breaches both international human rights provisions as well as long standing common law principles ...mandatory sentencing breaches the fundamental common law principle of proportionality, which requires that the particular circumstances of an offence and an offender need to be taken into account in the process of sentencing.

It would appear that the clamour of the election bell and the pressure of opinion polls have buried such fundamental principles.

Brave New World

Nowlan v. Marson Transport Pty Ltd [2001] NSWCA 346 sends a very clear

(Continued on page 2)

President's Column *(Continued from page 1)*

signal that the trial by ambush approach to litigation has been well and truly buried.

The judgment concerned an appeal from an unsuccessful application for leave to commence proceedings out of time pursuant to s52 of the *Motor Accidents Act 1988* (NSW). The appellant lost because of an argument advanced by the respondent about its ability to call medical evidence expressing an opinion as to the relationship between the appellant's symptoms and disabilities and the accident said to have given rise to those disabilities a number of years prior to the application to extend time. In the Court of Appeal the appellant sought to tender further medical evidence going to this issue. In support of its admission the appellant's solicitor stated, in essence, that prior to the application in the District Court, the respondent had not suggested that there was an issue between the parties as to whether the defendant might be prejudiced by the lapse of time in advancing medical evidence, determining whether, as a matter of fact, the appellant's medical condition could be attributed to the earlier motor vehicle accident.

In holding that the appellant's further evidence should be admitted in the interests of justice, the court (Mason P, Heydon JA and Young CJ in Eq) made it clear, in no uncertain terms, that the approach to litigation pursuant to which it was:

the treasured right of each litigant to store up, in secret, as many unpleasant surprises for his opponent as he could muster, and only reveal them at the last minute at the trial (or contest) in the presence of the judicial umpire...

must cease. The Court pointed out that that practice had long since ceased in

commercial and equity litigation in the Supreme Court and in personal injury litigation both in the District Court and the Supreme Court. In short, it was the Court's view that respondent's should give appropriate notice to applicants for extension of time before the first hearing of the application of the issues which they should seek to raise in opposition to the application.

In essence, the court accepted as the proper approach to litigation, a passage in *White v. Overland* [2001] FCA1333 at [4] in which Allsop J said:

in the efficient and proper conduct of civil litigation, even civil litigation hard fought between parties, it should always be recognised that in the propounding of issues for trial, the parties should take steps to ensure that all relevant parties to the dispute are cognisant of what the issues are. Any practice of quietly leaving footprints in correspondence or directions hearings to be uncovered some time later in an attempt to reveal that a matter was always in issue should be discouraged firmly. Even if something has been said, where it is evident, or indeed suspected, that the other side is proceeding on the basis of a misconception or has not appreciated something, as a general rule, efficiency, common sense and an appreciation of the costs and resources (both public and private) likely to be wasted by confusion in litigation will mandate that a party through his or her representative ensure that the other is not proceeding on a misconception or that the other does appreciate something that has been said.

The Court's clear message is consistent with the Supreme Court's overriding purpose of achieving the 'just, quick and cheap' disposition of litigation. It is a salutary reminder that 'cheap' applies not

just to the litigants, but also to ensuring that valuable judicial resources are not wasted by adjournments occasioned by parties being kept in the dark.

This is the last President's column I will write.

I have been fortunate to serve as President through difficult times with a strong and supportive Executive and Bar Council. I must mention too the incredible amount of work done by the committees. As I said in the Annual Report, a few words cannot do justice in describing their contribution. I must acknowledge too the considerable contribution of those who are recruited on an *ad hoc* basis to assist with specific issues.

The Bar is fortunate to have dedicated, loyal and diligent staff in the Association ably led by Philip Selth. They have provided unstinting support to the Bar Council, all members and me. We are, indeed, in very good hands.

When I was elected President, I wrote that I would serve the Bar to the best of my ability. I have never faltered in that course. It has been a great honour to serve as President. I thank you for all your support over the last two years. I appreciate it greatly.

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Mary Walker of Sir James Martin Chambers has donated to the Bar Association a ceramic vase and bowl. The pieces are part of the 'Hoof and wing series' by Steve Davies, a craftsman from Uki in northern New South Wales. His work is represented in major public and private collections in Australia and Japan and was chosen to exhibit at World Expo '92 in Seville.

Bar Council business for July 2001

President's report

The 'Sheahan' Inquiry into Workers Compensation Common Law Matters

The President outlined the issues that were canvassed in the Association's submission to the Commission of Inquiry into Workers Compensation Common Law Matters (the 'Sheahan Inquiry').

The President advised that she had met with Justice Sheahan on three occasions to discuss matters concerning his Inquiry. Justice Sheahan had agreed that the Bar Association would be given an opportunity to give oral evidence to the Inquiry, including comment on other submissions.

Justice Sheahan had asked for 'case studies' of problems experienced with WorkCover in its operations.

The President, Katzmann SC, King S.C. and B Ferrari were working with Hoeben S.C., Romaniuk and Alan Blach of Hicksons to draft the Association's submission to the Inquiry and preparing for the oral submissions.

Law Council of Australia meeting, Hobart, Saturday 30 June 2001

The President advised that she and the Executive Director had attended a meeting of the Law Council of Australia in Hobart on 30 June 2001.

Australian Bar Association Council meeting, Hobart, Saturday 30 June 2001

The President advised that she and the Executive Director had attended a meeting of the Australian Bar Association in Hobart on 30 June 2001.

The President advised that the Law Council of Australia and the Australian Bar Association had agreed to partially indemnify the Northern Australian Aboriginal Legal Aid Service (NAALAS) in relation to *Bradley's Case*, in the event that there was a costs order against the Service. The hope was that the LCA's and ABA's support would encourage other bodies to agree to provide financial assistance.

Legal Profession Amendment (Disciplinary Provisions) Bill 2001

The President advised that the Bill had

still to be proclaimed. Transitional Regulations were being drafted.

Once the Act was proclaimed, the Bar Council must complete its investigation within three months commencing on the date it receives the notification to determine whether or not the notifying legal practitioner is a fit and proper person to hold a practising certificate. The three month period may be extended by the Legal Services Commissioner to four months at the Council's request.

Letters were being sent to all those who had notifications under consideration by PCC 5 informing them of the new legislation and its consequences.

Strategic Planning Committee

The President advised that the Strategic Planning Committee will be a continuing committee.

Items for consideration

Mandatory continuing professional development

Bar Council discussed the papers prepared by Gleeson S.C. and Stevens QC concerning the proposed mandatory professional development program. Bar Council noted that the papers were intended as a broad outline only, indicating general areas which the scheme will cover.

Bar Council agreed that CLE points could be given for making presentations and publications, as well as attending seminars. The Council also discussed the possibility of providing CLE for the general market once the professional program had been well established at the Bar.

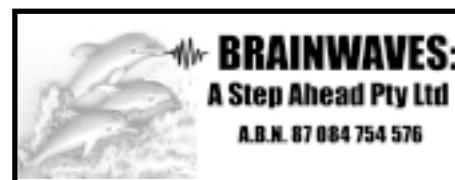
Bar Council resolved to approve in principle the introduction of the NSW Bar Professional Development program effective 1 July 2002.

The Executive Director was authorised to engage in a search for an appropriate person with legal and educational qualifications to head the program and to budget for additional administrative support and funding for travel, materials and payment for several flagship lectures.

Bar Council further resolved that the establishment of the Program and its first year implementation would be the responsibility of the Senior Vice President in conjunction with a small committee, to consist of three barristers to be nominated by the President, the Executive Director and, in due course, the Director of Studies.

Each of the sections would be advised of the proposed course and requested to commence preparation of appropriate seminars, at basic and advanced levels.

As to existing committees, Bar Council resolved that the Education Committee should continue to focus its activity on Reading, the Bar Practice Course, Examination and Practising Certificates. The CLE Advisory Subcommittee and Advocacy Subcommittee would be called on to assist the Committee as appropriate.



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Dr Jo Tibbitts (PhD, BE hon)

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Bar Council business for August 2001

Business arising

NSW Council of Professions – Bar Association representation

Bar Council resolved that Greenwood S.C. (with Andrew Stone as the alternate representative) continue to represent the Association on the NSW Council of Professions.

President's report

The 'Sheahan' Inquiry into Workers Compensation Common Law Matters

The President advised that the Association's submission, lodged with the Inquiry on 13 July, was available on the Bar Association's web site.

The President, Katzmann S.C., King S.C., Hoeben S.C., and Brian Ferrari had given oral evidence to the Inquiry on 30 July (Alan Blanch of Hicksons was in attendance).

The President advised that the Association had only become aware of the Pricewaterhouse Coopers report when it was published on the Sheahan Inquiry's web site on 13 August. The report contained a large amount of information that had been sought from the Government and WorkCover over many months. A detailed submission responding to that report was being prepared by the Sheahan Inquiry Working Party. Justice Sheahan had been given by the Government an additional fortnight in which to prepare his report. The reporting date was now 31 August 2001.

The President expressed her appreciation for the work being undertaken by the Working Party: Katzmann S.C., King S.C., Hoeben S.C., Brian Ferrari, Eugene Romaniuk and Alan Blanch of Hickson Wisewoulds, assisted by the Association's Projects Officer, Kim Nichols.

Unveiling of plaque to commemorate the contribution of Sir Garfield Barwick to the construction of the High Court of Australia building, Canberra, 9 August 2001

The President advised that on 9 August 2001 she had attended the unveiling by the Prime Minister of a plaque to commemorate Sir Garfield Barwick's contribution to the construction of the High Court building in Canberra.

Senior Counsel appointments for 2001

The President advised that the confidential list of barristers who had applied for silk this year had been 'leaked' to *Justinian*, which had published the list earlier in the day. The President

expressed her disappointment that someone who had been given the list on a confidential basis so that they might provide comment to the selection committee on the applications had chosen to provide a copy to some other person.

Senior Counsel Selection Committee

The President advised that as a consequence of Walmsley S.C. having been appointed a judge of the District Court, she had asked Campbell Bridge S.C. to be a member of the Senior Counsel Selection Committee.

Mandatory Continuing Professional Development (MCLE)

The President advised that she had raised the issue of MCLE for comment at the combined ACT and NSW Bar Association's Gerringong CLE meeting on 14 July 2001. The proposal had been well received by representatives of both the NSW and ACT Bars.

The President further advised that there had been a meeting of heads of chambers and silks to discuss the proposal on 31 July 2001. The proposal was outlined to the meeting on the basis that those present would take the in-principal decision back to their chambers and to their colleagues for discussion and response. Both positive and negative views had been expressed at the meeting, but the overwhelming sentiment had been that of support for the proposed changes.

The President had received expressions of support from some who had been unable to attend the meeting.

Senate Legal and Constitutional References Committee - Human Rights (Mandatory Sentencing for Property Offences) Bill 2000

The President advised that on Tuesday 14 August 2001 the Senior Vice-President had given evidence on behalf of the Association to the Senate Legal and Constitutional References Committee concerning the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000.

NSW Law Reform Commission Report 99, Complaints against lawyers: An interim report

The Executive Director advised that he understood the Attorney General's Department would be seeking the Association's views on the recommendations in the Law Reform Commission's report in the context of the review it was to undertake of the complaint handling procedures.

Bar Council resolved to prepare a draft response to the Commission's recommendations.

Executive Director's report

Practising certificate renewals

The Executive Director advised that there were currently 23 barristers who had not renewed their Class A membership for 2001-2002; 10 NSW residents and 23 from interstate and overseas. 47 barristers had not yet renewed their Class B membership for 2001-2002.

The Executive Director advised that, given the progressive introduction across Australia of the travelling practising certificate, the number of interstate and overseas practitioners not renewing their practising certificate was not at all surprising. The number of NSW residents who had not renewed was probably less than in recent years. The Executive Director would be again writing to the Class B members asking them to renew their membership.

Items for consideration

Funding for the Narra Legal Forum

Bar Council resolved to make a grant of \$5,000 towards the cost of the Narra Forum where key Indigenous and non-Indigenous law men and women can exchange ideas and understandings of the Australian criminal justice system.

Publication of Judge Thomas Callaghan's diaries

The Executive Director advised that in March 2000 the Bar History Committee had sought funding for research and publication projects that it might undertake. The Council had asked that the Committee identify specific projects. The Bar History Committee wished to publish an edited edition of the diary of Judge Thomas Callaghan, one of the first three judges appointed under the *District Courts Act 1858*. Dr John Bennett and Master John McLaughlin had offered to edit the manuscript. The Committee was seeking \$3,000 towards the cost of this work.

Bar Council resolved that \$3,000 be made available to the Committee.

Memorandum to Executive from Projects Officer concerning attendance of Law Society representatives at Common Law Committee meetings

Bar Council resolved that the Chair of the Common Law Committee be authorised to invite a representative of the Law Society to attend meetings of the Committee.

Law via the Internet Conference 2001

Bar Council noted that AustLII had sought financial assistance to host its Law via the Internet Conference in November 2001. Proceeds from the conference will support AustLII's provision of free access to law via the Internet.

It was resolved the Bar Association be a Gold Sponsor at a cost of \$7,700 in recognition of the free service provided to the Bar.

Public liability issues facing local councils

Bar Council noted the letter from the Chairman of the Public Bodies Review Committee inviting submissions concerning public liability issues facing councils and the potential effect of the High Court decision in *Brodie v Singleton Shire Council*. A response would be prepared by Marshall.

Paper prepared by Chris Roper, 'Initial issues paper regarding the proposal to introduce a scheme of mandatory continuing legal education'

The Executive Director advised that Mr Roper had been appointed Implementation Director for the proposed scheme of mandatory continuing legal education. The Executive Director and Mr Roper were preparing a detailed 'Issues Paper' for consideration by, initially, the MCLE Committee which canvassed a wide range of policy and administrative issues that needed to be settled before detailed implementation of the scheme could progress.

Bar Council noted that consideration would be given to making appropriate Bar Association courses available to non-barristers on a user-pay basis.

Arbitrators, Evaluators and Mediators

Bar Council noted that the Barristers' Resolution Service (BRS) had been set up in 1999; one part of the service had been the faxing of daily lists to courts of barristers who were available for mediation. The Association has, at their request, not faxed the daily lists to the courts since December 2001 as the courts had advised they no longer use the lists.

Bar Council resolved to discontinue the daily listing portion of the Barristers' Resolution Service.

Bar web site – female barristers

Bar Council noted the memorandum from the Equal Opportunity Committee concerning the creation of a separate web page listing of women barristers on the Bar Association's web site.

It was resolved that the Association's 'Find a barrister' facility on its web page allow for searches by gender.

Note: Because of the confidentiality provisions in the *Legal Profession Act 1987* (s171P), the Bar Council's deliberations on professional conduct matters cannot be noted in these summaries. Matters discussed by the Bar Council reported elsewhere in *Bar Brief*, too, are omitted from these summaries.

Barristers graduating from August 2001 Bar Practice Course

Name

Margaret Allars
John Azzi
Anita Betts
Graeme Blank
Adrian Canceri
Ross Carruthers
Therese Catanzariti
Matthew Darke
John de Greenlaw
Mark Dennis
Christian Dimitriadis
Mary Falloon
Stephanie Fendekian
Joanne Gallagher
John Gibson
Harriet Grahame
Philippe Gray-Grzeszkiewicz
Ivan Griscti
Tom Hickie
James Hmelnitsky
Heather Irish
Christina King
Terese Messner
Constantine Miralis
Radhakrishnan Nair
Meredith Phelps
Felicity Rogers
Cameron Thompson
James Whyte
Dominic Williams
Chris Wood

Chambers

11 Wentworth Chambers
5 Selborne Chambers
Ada Evans Chambers
Empire Chambers
15 Wardell Chambers
7 Wentworth Chambers
12 Selborne Chambers
10 Selborne Chambers
Maurice Byers Chambers
Forbes Chambers
Nigel Bowen Chambers
Bay Street Chambers
7 Wentworth Chambers
Frederick Jordan Chambers
St James Martin Chambers
Frederick Jordan Chambers
3 Wentworth Chambers
9 Wentworth Chambers
Sydney Chambers
6 Wentworth Chambers
6-7 St James Hall Chambers
Blackstone Chambers
Fredrick Jordan Chambers
9/123 Macquarie Street
Crown Prosecutors Chambers
Sir Owen Dixon Chambers
3 St James Hall Chambers
Sir James Martin Chambers
13 St James Hall Chambers
2 Selborne Chambers
13 Wentworth Chambers

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Senior Counsel 2001

Robert Lethbridge

8 Windeyer

Robert Lethbridge began practising at the NSW Bar on 15 June 1979. He has a Bachelor of Laws from The Australian National University. His main area of practise is family law.

Sharron Norton

Frederick Jordan

Sharron Norton began practising at the NSW Bar on 14 September 1979. She has a Bachelor of Laws and a Bachelor of Commerce from the University of NSW. Her main areas of practise are common law and equity. Norton is currently a judicial member of the Legal Services Division of the Administrative Decisions Tribunal.

Paul Conlon

Crown Prosecutors

Paul Conlon began practising at the NSW Bar on 9 November 1979. His main area of practise is criminal law. Between 1983 and 1986 he practised in Hong Kong as a Senior Crown Counsel in the Criminal and Appellate Division of the Hong Kong High Court. In 1986 he was appointed as a Crown Prosecutor in NSW and in 1998 he was appointed Deputy Senior Crown Prosecutor.

Christopher Craigie

Carl Shannon

Christopher Craigie began practising at the NSW Bar on 13 June 1980. He has a Bachelor of Laws and Bachelor of Arts from the University of NSW. He came to the Bar after a career as a solicitor with the then Public Solicitor's Office's Criminal Indictable Branch. In 1994 he was appointed as a Public Defender, continuing there the criminal trial practise he developed at the private Bar from 1980. His practise emphasis as a Public Defender has been in NSW Supreme Court murder trials and in the NSW Court of Criminal Appeal.

Robert Sutherland

7 Garfield Barwick

Robert Sutherland began practising at the NSW Bar on 13 February 1981. He has a Bachelor of Laws and a Bachelor of Arts from the University of Sydney. Sutherland's main area of practise is criminal law, both prosecuting and defending. He also practises in common law.

Colin Charteris

Jack Shand

Colin Charteris began practising at the NSW Bar on 8 May 1981. His main areas of practise include criminal law, personal injury and insurance.

John Ayling

44 Edmund Barton

John Ayling began practising at the NSW Bar on 7 August 1981. He has a Bachelor of Laws from Sydney University. Ayling came to the Bar after 15 years as a solicitor. His main areas of practise are environmental and planning law, local government law and compulsory acquisition (valuation and compensation) law.

Keith Rewell

Jack Shand

Keith Rewell began practising at the NSW Bar on 16 December 1981. He has a Bachelor of Laws and a Bachelor of Economics from Sydney University. Rewell's main areas of practise are common law, motor vehicle law, industrial accidents and public liability cases.

Howard Insall

10 St James' Hall

Howard Insall, LLB (Hons), was admitted as a barrister of Lincoln's Inn in July 1981 and began practising at the NSW Bar on 1 February 1982, reading with David Officer QC. His main areas of practise include equity and commercial law. In the mid eighties, he was junior to George Palmer QC in the *Balanced Property Trust Enquiry* and over the last decade, he has been involved in a number of long matters including the *AWA case, State Bank of South Australia v KPMG* in Adelaide and, most recently, *Idoport v National Australia Bank*. He writes for the Butterworths Corporation Law service on Insolvency.

Bruce Hodgkinson

Denman

Bruce Hodgkinson began practising at the NSW Bar on 11 June 1982. He specialises in occupational health and safety, industrial and employment law, as well as trade practices, local government and environment law.

Vance Hughston

6 Windeyer

Vance Hughston began practising at the NSW Bar on 3 September 1982. He has a Master of Law from Sydney University. His main area of practise is native title law.

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Tim Robertson

Frederick Jordan

Tim Robertson began practising at the NSW Bar on 6 May 1983.

Robertson's main areas of practise include environment, planning, native title, media, constitutional, commercial, administrative, trade practices and criminal law.

Robertson Wright

12 Selborne

Robertson Wright began practising at the NSW Bar on 10 June 1983. He has Bachelor of Laws degrees from both Sydney University and Cambridge University. His main areas of practise include trade practices, insurance and commercial law.

Martin Blackmore

Director of Public Prosecutions' Chambers

Martin Blackmore began practising at the NSW Bar on 20 December 1984.

He has a Master of Laws degree from Sydney University and his area of practise is in appellate advocacy, particularly in criminal law. He became a Crown Prosecutor in 1991 and has been Deputy Director of Public Prosecutions since 1997.

Blackmore is also the author of a leading criminal service, *Criminal Law (NSW)*, published by the Law Book Company.

Jeremy Gormly

16 Wardell

Jeremy Gormly began practising at the NSW Bar on 20 December 1985. His main areas of practise include professional negligence, disciplinary proceedings, personal injury and inquisitorial proceedings.

Gormly has served as counsel assisting a number of inquests and commissions, including the Seaview Air, Gretley, and Thredbo inquiries, as well as Tripodi, Grains Board and other ICAC hearings. Gormly has been a member of the Bar Council since 1993.

Rowan Darke

10 Selborne

Rowan Darke began practising at the

NSW Bar on 30 September 1986 following a year spent as Associate to Justice Lockhart.

He was educated at Bathurst High School and has a Bachelor of Laws and Bachelor of Economics from Sydney University.

His main areas of practise include general equity and commercial law, trade practices and professional negligence.

John Nicholas

Nigel Bowen

John Nicholas began practising at the NSW Bar on 7 August 1987.

He has a Bachelor of Arts and Bachelor of Laws from Sydney University.

His principal areas of practise include commercial law, intellectual property, trade practices and professional negligence.

Robert Weber

11 Wentworth

Robert Weber began practising at the NSW Bar on 18 December 1987. He has a Bachelor of Laws and Bachelor of Economics from The Australian National

University. His main areas of practise include professional negligence, equity and commercial law.

Neil Williams

6 Selborne / Wentworth

Neil Williams began practising at the NSW Bar on 10 February 1989. He has a Bachelor of Economics from Sydney University and a Bachelor of Laws from the University of NSW. His main areas of practise include administrative law, trade practices and federal criminal law.

John Griffiths

11 Wentworth

John Griffiths began practising at the NSW Bar on 18 February 1994 after seven years as a partner of Blake Dawson Waldron. He has a Bachelor of Laws from The Australian National University, a Master of Laws from Harvard University and a PhD from Cambridge University, where he was an assistant lecturer in law for five years. His main areas of practise include administrative law, telecommunications, commercial litigation and broadcasting law.

Executive visit the Wollongong Bar

By Stuart Hill

Hargrave Chambers

The Bar Council Executive continued its policy of visiting the regions when Ruth McColl S.C., Bret Walker S.C., Anna Katzmann S.C. and Philip Selth, Executive Director, travelled south to Wollongong on 27 September this year.

Almost all of the Wollongong and South Coast Bar were able to attend, including Jenna Walsh, who practices at Nowra. District Court judges Joe Phelan and Jack Goldring, both of whom reside locally, rounded out the local team.

During the course of the evening, discussions ranged widely over legal and non-legal topics. Of particular interest was that the Wollongong Bar had 'jumped the gun' on CLE, having for several years organised its own annual conference where each member was required to present a paper.

At the end of the dinner the Executive had been persuaded that (contrary to the suggestion of Maiden) the Wollongong Bar did not spend most of its time deep-sea fishing.

For its part, the Regional Bar gained an appreciation of the policies of the Bar Council and the time and effort required to pursue those goals.

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Freeing up the law online

The advent of the Internet has had major implications for the legal profession, promising many new benefits and plenty of complications too. Where once access to legislation and caselaw required massive volumes of printed materials, today most of that information is available online, providing lawyers with quick, easy access to information from anywhere at any time. And in the midst of this revolution, one Australian organisation has been at the forefront of these new developments, changing the way that we look at legal information – the Australasian Legal Information Institute (AustLII) (www.austlii.edu.au).

Established in 1995 as a joint venture between UNSW and UTS, the objectives of this new organisation were to create an infrastructure for the publication and research of Australian legal materials online. At the time of AustLII's launch there was no free access to any Australian legislation or case law by electronic means – a situation that was soon to change. Co-directors, and founders Graham Greenleaf and Andrew Mowbray felt that the provision of free legal information online was important to increase public access and awareness of the law, and would also provide a comprehensive service to lawyers, academics and students.

Over the space of six years AustLII has revolutionised access to Australian law, and become the world's largest provider of free access to legal information with access rates on average of 2.5 million page views per week, and an innovator in computerisation of law. AustLII is now the most accessed publisher of legal information on the Internet in Australia, attracting over 30% of all Australian legal traffic.

AustLII boasts a comprehensive national collection of primary legal materials with the full text of Acts and Regulations from all nine Australian jurisdictions, thanks to the recent addition of Queensland and Tasmania. AustLII has also added the Western Australian Supreme Court, so all Federal courts and the supreme courts of all States and Territories are now included. As a result, there is no other national online collection providing this coverage of legislation and caselaw, whether free access or commercial.

AustLII's caselaw databases (including regional and common law) have risen from 46 in 1999 to 84 in the year 2001. The number of cases in the case law databases has increased from around 100,000 to approximately 165,000 full text decisions. A further seven tribunals have already agreed to place their decisions on AustLII. Almost all of these decisions are not available from any other source on the Internet, and are not otherwise published systematically.

While a focus on Australian law has been a central element of the Institute's work, the development of the AustLII paradigm has seen it spread to other regions, through joint ventures and new projects. In the year 2000, noting the lack of a UK or Irish equivalent, AustLII collaborated with committees in the UK and Ireland to create the British and Irish Legal Information Institute (www.bailii.org) to assist practitioners in accessing important precedents and legislation. The establishment of BAILII was closely followed by a joint venture with the University of the South Pacific School of Law to create the Pacific Islands Legal Information Institute (www.paclii.org), filling an important gap in the access of law for many of our Pacific neighbours.

In addition to legal databases, AustLII also provides gateway access to legal materials worldwide through the World Law Project (<http://www.austlii.edu.au/links/>) and project DIAL (Development of the Internet for Asian Law). The World Law project provides access to worldwide legal resources as an index and via search facilities, allowing users to make the most of legal information worldwide.

Through the development of free, online legal resources AustLII has revolutionised the access of law in Australia and around the world - it's an organisation that through innovation and quiet progress has become a world leader in legal information delivery, and an invaluable resource for the Australian legal community.

By Gordon Finlayson

External Relations Manager

Australasian Legal Information Institute

gordon@austlii.edu.au

Legal Aid Commission Electronic Lodgement Project

By Bernadette Grant

NSW Legal Aid Commission

Many counsel appearing in legally aided matters submit their invoices directly to the Commission for payment, rather than forwarding them to their instructing solicitors. With the introduction of electronic proforma invoicing, this will no longer be possible. The invoice for counsel's fees will need to be forwarded to the solicitor, who will submit it for payment electronically. This will require counsel to submit their accounts to their instructing solicitors and for the solicitors to claim payment from the Commission.

While this change may appear to introduce an additional step for counsel, the Commission is confident that the benefits to both solicitors and barristers from the introduction of electronic lodgement of applications and invoices will far outweigh any additional administrative work. The introduction of electronic lodgement will reduce significantly the time taken to process applications and claims, and enable practitioners to receive payments much more quickly than has been the case in the past.

Questions about how the new technology and processes will work should be directed to Mary Whitehead, Manager Operations in the Grants Division, who is managing the business aspects of the electronic lodgement project. Mary can be contacted by telephone on 9219 5114, or by e-mail at mary.whitehead@legalaid.nsw.gov.au

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Large corner Chambers and River Views

- Chamber area: Entitlement 34.34 square metres
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- Large dedicated 24 hour security car park
- 100% ownership of secretarial area and desk
- Common area recently refurbished
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- Esteemed senior counsel resident on floor
- Close proximity to all courts

Price: \$170,000 (Neg.)

(Finance available on application)

Enquiry: Tom Martin – 0412 622 026

New members of the Bar Association

The persons listed below have been accepted as members of the NSW Bar Association

Local practising practitioner

Marina Anderson	James Dowling
John Azzi	5 Selborne
Simeon Beckett	Frederick Jordan
Adrian Canceri	15 Wardell
Ross Carruthers	7 Wentworth
Theresa Catanzariti	12 Selborne
Matthew Darke	10 Wentworth
Mark Dennis	Forbes
Christian Dimitriadis	Nigel Bowen
Dorothea Falloon	Bay Street
Gregory Fatches	Crown Prosecutors
Stephanie Fendekian	7 Wentworth
Joanne Gallagher	Frederick Jordan
John Gibson	Sir James Martin
Harriet Grahame	Frederick Jordan
Philippe Gray-Grzeszkiewicz	3 Wentworth
Ivan Griscti	9 Wentworth
Thomas Hickie	Samuel Griffith
Julia-Ann Hickleton	3 Selborne
James Hmelnitsky	6 Wentworth
Heather Irish	6 St James Hall
Christina King	Blackstone
Constantine Miralis	9/123 Macquarie Street
Radhakrishnan Nair	Crown Prosecutors
Luke Nottage	University of Sydney
Andrew Paterson	Latham
Meredith Phelps	Sir Owen Dixon
Roger Quinn	Maurice Byers
Timothy Robertson	Frederick Jordan
Felicity Rogers	3 St James Hall
Cameron Thompson	Sir James Martin
James Whyte	13 St James Hall
Dominic Williams	2 Selborne
Christopher Wood	13 Wentworth

Legal practitioner other than local practising practitioner

Graeme Blank	Empire Chambers (ACT)
Ashok Kumar	Flavia Place, Auckland
Kevin Spry	Empire Chambers (ACT)

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.

ECONOMIC LOSS REPORTS

NO WIN / NO FEE INJURY LAWYERS NOTE!

We are a specialised company with highly qualified accounting and other professional personnel with significant litigation experience at all levels.

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- ◆ Rapid reporting service
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(02) 9221 2577		Tel (02) 9630 1155
(02) 9223 1243		Fax (02) 9630 9513

Limiting occupational liability

By Justin Gleeson S.C.

Members' comments are invited upon a proposal by the Bar Council to submit to the Professional Standards Council a draft scheme for approval under the *Professional Standards Act 1994* (NSW).

The effect of the scheme, if approved, is that the occupational liability (as defined) of all barristers who elect to be part of the scheme will be limited to the available insurance of the barrister as follows:

- (i) junior counsel \$1.5 million
- (ii) senior counsel \$10 million
- (iii) for those counsel who specify a limit of liability greater than the above, that specified limit but not exceeding \$20 million.

'Occupational liability' is defined to mean civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by the barrister acting in the performance of his or her occupation. Excluded from this definition, under section 5(1) of the Act, is liability in negligence in personal injury claims, breach of trust or fraud or dishonesty.

If the scheme is adopted, barristers will be required to elect, at annual or other intervals, whether to be a member of the scheme. It will be a condition of membership that each barrister provide annual disclosure to the Association of the circumstances and amount of claims against the barrister.

If the scheme is adopted, barristers who are members must in their correspondence state that occupational liability is limited in accordance with the Act.

A similar scheme has existed for solicitors in New South Wales since about 1996. About two-thirds of New South Wales solicitors now have the benefit of the scheme.

Assuming the application is made, the Professional Standards Council will advertise the scheme publicly inviting comments and submissions. It may decide to conduct a public hearing. The ultimate decision to authorise this scheme rests with the Minister.

The scheme will not directly limit liability for work done interstate, liability under a Federal Act such as the *Trade Practices Act 1974* (Cth), or for personal injury work. As to the last, the Association would intend to approach the government to seek an amendment to the Act. As to all of these current exclusions, members might consider whether to specify by contract for a limitation of liability to the amount which would apply if the scheme were directly operative, or the cost to provide the services again, whichever is greater. It is proposed that the NSW Barristers' Rules be amended to make clear that stipulation for such limitation of liability is not a breach of the Rules.

One of the requirements for approval of the scheme is demonstration the Association has adequate risk management procedures. This is intended to be met, in part, by the introduction of risk management workshops. These workshops will form part of the Continuing Professional Development program.

Any comments on the proposal would be welcome and should be directed to the Executive Director, Philip Selth, on ph: (02) 9229 1735, fax: (02) 9221 1149 or e-mail executivedirector@nswbar.asn.au

Criminal law update

By S J Odgers S.C.

This is the first of what is hoped to be regular feature providing a summary of issues considered by the Criminal Law Committee, which may be of wider interest to members.

Police powers

The NSW Government has released a draft Law Enforcement (Powers and Responsibilities) Bill 2001. The Bill consolidates the majority of law enforcement powers contained in statutes, codifies common law powers and 'clarifies' areas of uncertainty.

Self defence

The NSW Government is proposing to codify the law of self-defence, defence of others and defence of property, using the Commonwealth Model Criminal Code Officers Committee proposal as a starting point. The Bar Association has made a submission supporting the approach that perception of circumstances under the test should be entirely subjective (i.e. no reasonableness requirement), that defence of property should be treated in the same way as defence of persons, and that a partial defence to murder of excessive self-defence should be reintroduced.

Expert witnesses

Justice Sperling has been asked by the Chief Justice to convene a working party to consider the idea of conferences between

witnesses in criminal trials to be followed by a joint report. Ian McClintock is the Bar nominee on the working party.

The Drug Court

The Attorney-General's Department is reviewing the operation of the Drug Court. It is inviting submissions on the definition of 'eligible person', the effectiveness of the Court outside the Local and District Court structure, and the quality of the therapeutic programmes delivered. Contact Bruce Flaherty, Crime Prevention Division on ph: (02) 9228 7260.

Pre-trial disclosure

The pre-trial disclosure amendments to the *Criminal Procedure Act 1986* came into force on September 1, and apply to complex criminal trials where the committal hearing begins after that date.

Commonwealth Proceeds of Crime Bill 2001

This Bill is similar to the NSW legislation. However, the Bill envisages that agreements will be made between the Commonwealth and States and Territories for the provision of legal assistance through legal aid commissions. The Law Council has been very critical of this proposal. The Commonwealth Government has not yet made clear how the proposed scheme will operate in practice.

Admission in QLD, WA and NZ

The Bar Association keeps a record of where each barrister has been admitted. This information is currently requested from all barristers when applying for their practising certificate. The accuracy of our records is therefore dependent on the advice received from each barrister.

With the introduction of the travelling practising certificate regime, admission in the ACT, Victoria, South Australia, Tasmania and the Northern Territory is no longer required as barristers holding a NSW practising certificate have the right to appear in those States and Territories without having been formally admitted to those jurisdictions.

The Bar Association provides the Supreme Court with the admission information it holds for publication in the *Law Almanac*. We intend to include admission details for New Zealand in the next listing provided to the Court.

To ensure that our records are accurate, if you are admitted in New Zealand, WA or Queensland, and have not already provided this information to the Association, please contact Kim Nichols, NSW Bar Association Projects Officer, via e-mail: knichols@nswbar.asn.au, or fax: (02) 9221 1149.

Speeches

'Law and Government', by the Commonwealth Attorney-General, The Hon. Daryl Williams AM QC MP, delivered on 14 October 2001.

'The State of the Profession' by Anne Trimmer, President, Law Council of Australia, 14 October 2001.

'The State of the Judicature', by the Chief Justice of Australia, The Hon. A M Gleeson AC, 14 October 2001.

'Legal Retail Therapy: Is Forum Shopping a Necessary Evil?', by The Hon Justice Robert French, 13 October 2001.

'Legal Retail Therapy: Is Forum Shopping a Necessary Evil?', The Hon David K Malcolm AC, 13 October 2001.

'The Liberty of the Subject - Can we Rely on the Common Law?' by Mr David McIntosh, 13 October 2001.

'The Liberty of the Subject - Can we Rely on the Common Law?' by Felicity Hampel QC, 13 October 2001.

'Co-operative Federalism: Is the Narrow Gauge Still with Us - Devolution in Scotland', by Mr Martin McAllister, 12 October 2001.

'The States if Australia Separates from the Monarchy', The Hon Richard E McGarvie AC QC, 12 October 2001.

'Co-operative Federalism and the Revival of the Corporations Law - Wakim and Beyond', by Professor George Williams, 12 October 2001.

'Australian Law after September 11 2001', by The Hon Justice Michael Kirby AC CMG, 12 October 2001.

Other speeches

'Women in the Law - What Next?' by The Hon Justice Michael Kirby AC CMG. This speech was delivered on 20 August 2001 at the Victorian Women Lawyers' Association's 2001 Lesbia Harford Oration.

Make www.nswbar.asn.au your home page.



Interested in Legal History?

Want to pursue postgraduate study?

**The NSW Bar Association
Postgraduate Scholarship**

The NSW Bar Association has generously sponsored a postgraduate scholarship in the Division of Law for full-time study towards a Master of Arts by Research, a Master of Laws by Research or a Doctor of Philosophy for a project in the area of history of Barristers in Australia with principal reference to New South Wales.

Applicants should hold or expect to obtain a Bachelor Honours degree in an appropriate field awarded in at least the Second Class Division One, or equivalent, and be eligible for admission to the degree of Masters by Research or PhD in the Division of Law. Applicants should be Australian citizens or permanent residents of Australia.

The Scholarship holder shall be required to register as a candidate for the degree of LLM, MA or PhD in the Department of Law and to undertake a program of full-time study and research leading to the degree in the area of history of Barristers in Australia with particular reference to New South Wales.

The scholarship will be tenable for two years for a Masters degree, or three years for a Doctor of Philosophy, subject to satisfactory progress by the holder each year.

This Scholarship will have a living allowance equivalent to the Australian Postgraduate Award. Additional funds for conference travel and thesis production may be available from the Division of Law. Administrative assistance and access to the archival records of the Association may be available from the New South Wales Bar Association.

Further information can be obtained from the Head of the Department of Law, Professor Bruce Kercher (02) 9850 7074 bruce.kercher@mq.edu.au Details about the terms and conditions of the award and application forms can be obtained from Scholarships Officer, Postgraduate Studies (02) 9850 7663 pgschol@mq.edu.au or may be downloaded from www.mq.edu.au/postgrad/awards.htm

Applications close Friday 16 November 2001.



The New South Wales Bar Association



A statistical profile of the NSW Bar

The Bar Association has published on its web site a new and more detailed statistical profile of the NSW Bar.

The statistics are separated into four parts, those being:

Members of the NSW Bar Association

- Total number of members
- Membership distribution by gender
- Membership distribution by category 1996 - 2001
- Location of members
- Ages of members
- Senior and junior members
- E-mail addresses by gender
- E-mail addresses - senior and junior

Practising Bar Association members - NSW only

- NSW practising Bar Association members
- Ages of NSW practising Bar Association members
- NSW practising Bar Association members senior and junior
- NSW practising Bar Association members - years of practice
- E-mail addresses for NSW practising Bar Association members
- E-mail addresses - senior & junior NSW practising Bar Association members

Holders of NSW practising certificates

- Holders of NSW practising certificates 1996-2001
- Holders of NSW practising certificates by gender
- Ages of holders of NSW practising certificates
- Location of holders of NSW practising certificates
- Holders of NSW practising certificates - seniors and juniors
- Holders of NSW practising certificates - seniors and juniors by location
- Holders of NSW practising certificates - years of practice
- Holders of NSW practising certificates - e-mail addresses
- E-mail addresses of holders of NSW practising certificates - senior & junior

Chambers/Floors with clerks

- Phillip Street chambers/floors
- Pitt Street, Macquarie Street and Martin Place chambers/floors
- Castlereagh, Elizabeth and Liverpool Street chambers/floors
- Regional chambers/floors
- Crown Prosecutors, Public Defenders and Parliamentary Counsel Chambers/floors

The data of the current year is sourced from the practising certificate and membership database maintained by the NSW Bar Association. Data from past years has been obtained from the NSW Bar Association's annual reports.

All information held by the Bar Association has been provided by individual barristers or their staff. Where the Association becomes aware of a change, that change is noted on the database. Further, each year during practising certificate renewals, all barristers are asked to formally confirm the data held about them by the Association.

The web based statistics are not 'real time'. Daily changes are made to the membership database as information is received. Whilst daily changes may be minimal, a number of major changes occur each year to the database. These are the renewal of practising certificates in July, the appointment of new silks in October, and the natural transitions of the Bar such as retirements at the end of the calendar year.

The statistics may be viewed by logging on the Bar Association's web site at www.nswbar.asn.au and selecting 'Statistical profile of the NSW Bar'. Adobe's Acrobat PDF Viewer is required in order to gain access the report.

The Bar Association welcomes any feedback, whether be it on the data categories or format.

If you would like to make any comments on the statistics, please contact:

Kim Nichols

Projects Officer

NSW Bar Association

Telephone: (02) 9229 1756

Facsimile: (02) 9221 1149

E-mail: knichols@nswbar.asn.au

Australian Bar Association
Conference

Paris

7 - 10 July 2002

MARK YOUR DIARIES NOW
FURTHER INFORMATION WILL ISSUE LATER IN THE YEAR
CONFERENCE SECRETARIAT - 07 3236.2477

Public Defenders celebrate 60 years of service

By Catherine Lyons
Carl Shannon Chambers

On Friday, 20 July 2001 the President of the Bar Association, Ruth McColl S.C., and Mr Bill Grant, Deputy Director General of the Attorney General's Department, were honoured guests at a gathering to celebrate 60 years of Public Defenders in NSW.

Forty-eight past and present public defenders attended. Among the former defenders were The Hon. Justice Michael Adams, The Hon. Justice Peter Hidden AM and The Hon. Justice Virginia Bell from the NSW Supreme Court. Other members of the judiciary present on the night were District Court judges Woods

QC, Belleair and Hosking (retired), Licensing Court Magistrate Flood, the Chief Justice of the Australian Capital Territory, The Hon. Justice J A Miles AO and the Hon. Justice Malcolm Gray, also from the ACT Supreme Court.

Other former public defenders, now in private practice or retired included Shields QC, Cusack QC, Byrne S.C., Buddin S.C., and several juniors notable among them Cliff Papayanni.

A warm welcome was also extended to the only public defender to become a politician: The Hon. Daryl Melham MP.

Sadly, The Hon. Justice Howie, The Hon. Justice R O Blanch AO and judges Luland QC, Norrish QC, and Keleman S.C., were unable to attend. Judge Sides QC was somewhere in the country. A dispatch from Winston Terracini S.C. was read.

The Bar Dining Room proved a very successful venue. There were tall tales and true of legendary cross-examinations, humiliations and victories. There was a lament for the passing of the Police Payroll Robberies and Armed Hold-up Squad, both of which once provided a source of after dinner jokes and forensic challenges.

A visit by Lord Goldsmith

On Tuesday 4 September 2001, the British Attorney General, Lord Peter Goldsmith QC (pictured at right), addressed a meeting in the Bar Association Common Room. Lord Goldsmith informed those present about current developments affecting the UK Bar and other matters of interest, such as the impact which the European Convention on Human Rights is having on English law.



Swearing in

Mr Joseph Campbell QC has been appointed as a Judge of the Supreme Court of NSW.

He will be sworn in at a ceremony in the Banco Court on Friday 26 October 2001.

The Hon. Bob Debus MP will speak on behalf of the Bar.

All inquiries should be directed to Denise Fleming on (02) 9229 1720 or e-mail at dfleming@nswbar.asn.au

At the lectern

CLEs during November – December 2001

Date	Audience	CLE Topic	Speakers
Friday 2 November	Readers 2/01	Prison visit	Metropolitan Regional Remand Centre
Tuesday 13 November	Readers 2/01	Voice in Court	Robyn Fraser
Wednesday 21 November	Readers 2/01	Appellate Practice	Geoff Lindsay S.C.
Thursday 22 / 24 November	Advocacy Workshop 2/01	Advocacy Workshop	To be announced
Thursday 13 December	Readers 2/01	Practice Management Workshop	David Nock S.C.

In brief

Law Council of Australia

The following office bearers were elected by the Law Council of Australia on 13 October 2001:

President	Mr Tony Abbott
President-elect	Ron Heinrich
Treasurer	Bob Gotterson QC
Executive Members	Steve Southwood QC Mr John North

South Australian Bar Association

The following office bearers were elected at the Annual General Meeting of the South Australian Bar Association held on 19 September 2001:

President	Tony Besanko QC
Hon. Treasurer	Malcolm Blue QC
Hon. Secretary	Ian Robertson

The following were appointed ordinary members of the Executive Committee

Brian Hayes QC
Stephen Walsh QC
Jonathan Wells QC
Tom Birchall
Geoffrey Britton
Maurine Pyke
Henry Heuzenroeder
John Ibbotson
Simon Stretton
Gabriel Brown

ACT Bar Association

The following office bearers were elected at the Annual General Meeting of the ACT Bar Association held on 27 September 2001:

President	P M Donohoe QC
Vice President	J D Harris
Treasurer	S M Whybrow
Secretary	B A Meagher
Council members	R Refshauge S.C. G Parker R Crowe

Bar Association of Queensland

The following office bearers were elected at the annual general meeting of the Queensland Bar Association held on 11 May 2001:

President	A J Glynn S.C.
Vice President	G C Martin S.C.
Committee	R J Anderson (Under three years) S M M Cool (Asst Hon. Secretary) D J Campbell A M Daubney S.C. (Hon. Treasurer) R P Devlin P E Hack S.C. R I M Lilley P J Lyons QC T I Morgan (Country Member) A W Moynihan (Special Member) D R M Murphy (Hon. Secretary) P E Nolan D P O'Gorman A R Philp (Country Member) R M Treston

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@austbar.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

Conferences

2001 Australian Plaintiff Lawyers Association Conference, Hyatt Regency Coolum, QLD, 25-28 October 2001. The programme includes seminars on exemplary damages, passive smoking, public liability, abolition of immunity of road authorities for non-feasance and medical negligence. A conference information and registration brochure is held at the Bar Association Reception. More information may be obtained from the APLA web site at www.apla.com.au.

2001 Conference of the International Bar Association, Cancun, Mexico, 28 October - 2 November 2001. The programme includes more than 100 working sessions on topics ranging from cost effective arbitration, cross border insolvency, trans-national organised crime and current issues in refugee law.

The Law Council of Australia has organised, in conjunction with Qantas, special airfares to Cancun. Inquiries regarding this special offer should be directed to the Qantas Travel Shop in Jolimont, Canberra on ph: (02) 6250 8296 or e-mail: Shr_jolimont@qantas.com.au.

A conference information and registration brochure is held at the Bar Association's

reception. For further information, visit the IBA web site at www.ibanet.org or contact Lisa Campbell on ph: ++44 20 7629 1206; fax: ++44 20 7409 0456 or via e-mail: confs@int-bar.org.

11th Malaysian Law Conference, 8-10 November 2001, Renaissance Hotel, Kuala Lumpur. 'Malaysia in the 21st century: Towards a culture of integrity, justice and knowledge' is organised by the Bar Council of Malaysia. For further information visit the Bar Council web site at <http://www.jaring.my/bar-mal/> A conference information and registration brochure is available at the Bar Association Reception.

'Law via the Internet 2001': 3rd Austlii conference on computerisation of the law via the Internet, 28-30 November 2001. For more information about the conference venue, programme and registration, visit the conference web site at www.austlii.edu.au/austlii/conference.

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

Union Internationale Des Avocats / International Association of Lawyers, 46th Congress, Sydney 2002, 27-31 October 2002. A preliminary programme and registration brochure is held at the Bar Association's Reception. Alternatively, a programme may be obtained in PDF format from 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 conlaw@mcigroup.com

Australian Institute of Administrative Law

National Lecture Series

This year's lecture will be delivered by Sir Anthony Mason AC KBE Sydney 21 November 2001 5.30pm Banco Court Queens Square

Comparative administrative law'

There is no admission charge, but RSVP Jenny Gooden (02) 9921 4555 or e-mail: jenny.gooden@minters.com.au

American Bar Association Section of Litigation

Trial Practice Seminar 5-7 April 2002, Banco Court, Sydney

This seminar offers a unique opportunity to observe a case tried by American lawyers and Australian barristers using their respective legal systems.

Visit the Bar Association web site at www.nswbar.asn.au to download an information brochure and a registration form for Australian participants.

Media briefing

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

2001 Senior Counsel appointments, 26 September 2001

'Contempt laws hold up as fair trial protection', letter to the editor, *The Australian*, 11 September 2001

NSW Bar calls on politicians to defend judicial independence, 6 September 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 New South Wales Bar Association

Interview with Richard Glover, re: perceived leniency of sentences in sexual assault cases, 2BL, 6 September 2001.

Vale

The Hon. Justice John Lehane, a Judge of the Federal Court, passed away on 11 September 2001. A funeral service was held on Friday, 14 September 2001 at 1.00 pm at St James Church, Sydney.

The Hon. Edmund (Ted) Perrignon QC, a founding member of the Land and Environment Court, passed away on 31 August, 2001. A Mass was held in Holy Name Church, Billyard Avenue, Wahroonga on Tuesday, 4 September 2001 at 9am.



Carols in the Common Room

Members and their families are invited to celebrate the Christmas season with music, wine (soft drinks for the children) and mince pies.

Friday 14 December at 6.00pm.

Entry by donation at the door.

For more information, contact Denise Fleming
on . . . phone: (02) 9229 1720,
fax: (02) 9221 1149 or

e-mail:
dfleming@nswbar.asn.au

Labelled gifts for Children will be
donated to the Smith Family

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