



Lives of Australian chief justices: Bar Association member special

Lives of Australian chief justices is a new series of biographies of all nineteenth-century chief justices, written by the eminent historian Dr J M Bennett. The first three biographies are now available. Book reviews will be published in the next edition of *Bar News*.

Members of the New South Wales Bar Association are entitled to a special 20 per cent discount on these three new titles – **that's \$39.60 per title**. The offer ends 31 January 2002. It is available only when the books are ordered direct from The Federation Press. **Members must quote Ref No. MP607 when ordering.**



Sir Francis Forbes

First Chief Justice of New South Wales 1823-1837

Few chief justices in Australia have been so reviled and misrepresented as the very first – Sir Francis Forbes. After distinguished service in Bermuda and Newfoundland, he became chief justice of New South Wales in 1824. A man with a commanding grasp of legal and constitutional principle, and a great breadth of colonial experience, he set the new Supreme Court upon a robust foundation while adapting its procedures to local circumstances.

Against his will, he was drawn into colonial politics. *Ex officio* membership of the Executive and Legislative Councils, and his duty of certifying all laws as being not repugnant to the laws of England, created extreme difficulties. He collided with the high-handed, military Governor Darling and with vested interests amongst the settlers. Although his opponents were vituperative, Forbes could not publicly debate them. Their wilful distortions of his character, his motives and his actions have

endured for nearly two centuries. Dr Bennett's major reassessment reveals the true qualities of one of the greatest judicial lawyers in Australian history.

2001 ISBN 1862874085 HB with dustjacket 192pp



Sir James Dowling

Second Chief Justice of New South Wales 1837-1844

Descended from an ancient Irish family, James Dowling became an English barrister and law reporter with only modest prospects. Patronage found him a judicial post in New South Wales and rewarded his uninspired industry with the chief justiceship in 1837. In that office he worked himself to death.

Inevitably but reluctantly embroiled in colonial politics, he came into bitter conflict with partisan colonists, with hubristic newspapermen and with some provocative fellow judges. Those who differed from him are among the cast of idiosyncratic characters who walk the pages of Dr Bennett's study and who stand out in contrast to Dowling's punctilious sense of decorum and public service. Perhaps Dowling's very dullness was a stabilising glue in a time of great social change. It cemented the rule of law to the colonial fabric.

2001 ISBN 1862873917 HB with dustjacket 224pp



Sir William a'Beckett

First Chief Justice of Victoria 1852-1857

In 1837 William a'Beckett, barrister, took his young family to Sydney in the colony of

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New South Wales. He left behind a repressed childhood, brutal schooling and an unyielding father said to be the model for Charles Dickens' Ralph Nickleby.

He had immediate, spectacular success at the Sydney bar, winning appointment as resident judge at Port Phillip (Melbourne) in 1846. He became the first chief justice of Victoria in 1852. A leader of the temperance movement, a critic of the 'excesses' of gold rush Melbourne, an opponent of the demagoguery endemic in colonial politics, a'Beckett was fiercely criticised in the local press, most notably for bias in the Eureka trial over which he presided. This study shows the injustice of much of this and subsequent criticism.

Honourable and patrician, a'Beckett's was a life of service and duty, ambition and achievement.

His legacy is the rule of law and its strong institutions in modern Victoria.

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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 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

APLA NSW State Conference 2002, Manly Pacific Park Royal, 15-16 March 2002.

Speakers include The Hon. Bob Debus MP, NSW Attorney General, The Hon. Della Bosca MLC, Special Minister of State, The Hon. Chris Hartcher MP, NSW Shadow Attorney General and Nicholas Cowdery Q.C. For further information, contact Marian Ibrahim and Associates Pty Ltd on ph: (02) 9879 3290, fax: (02) 9879 5139 or e-mail: apla@miaevents.com.au. A conference registration brochure is held at the Bar Association's Reception.

9th Annual Wills & Probate Conference, Melbourne, 18 March 2002.

Enquiries about this conference, organised by the Leo Cussen Institute, may be directed to Patricia Palman, ph: (03) 9602 3111, fax: (03) 9670 3242 or e-mail: ppalman@leocussen.vic.edu.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

6th Annual Family Law Intensive, Leo Cussen Institute, Melbourne, 1 June 2002.

Enquiries may be directed to Anita Kwong, ph: (03) 9602 3111, fax: (03) 9670 3242 or e-mail: akwong@leocussen.vic.edu.au.

2002 National Administrative Law Forum, Notre Dame University, Freemantle, Western Australia, 4-5 July 2002.

The conference, organised by the Australian Institute of Administrative Law, will examine the performance of regulatory agencies, the question of damages claims against regulators, as well as the effectiveness of FOI, judicial review and oversight by ombudsmen. For further information about the conference programme, contact the Conference Director, Michael Barker Q.C. on ph: (08) 9220 0517, fax: (08) 9325 9894 or e-mail: chooper@iinet.net.au. For registration and other enquiries, contact Kathy Malcolm at the AIAL secretariat on ph: (02) 6251 6060, fax: (02) 6251 16324 or e-mail: ipaa@bigpond.com.

20th AIJA Annual Conference, Stamford Plaza, Brisbane, 12-14 July 2002.

The conference will feature presentations and workshops in a wide range of areas relevant to the improvement of access to justice. It will have as its objective the development of a plan for further action in this important area of administration of justice. For further information, contact the Conference Secretariat at Intermedia Convention and Event Management, PO Box 1280 Milton QLD 4064, ph: (07) 3858 5582, fax: (07) 3858 5510 or via e-mail: aija02@im.com.au. Alternatively, visit the AIJA web site at www.aija.org.au.

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

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

For more information on the AIJA conferences, contact the AIJA Secretariat on ph: (03) 9347 6600.

XVIth Congress of the International Academy of Comparative Law, University of Queensland, Brisbane, 14-20 July 2002.

Confirmed speakers include His Excellency Gilbert Guillaume, President of the International Court of Justice, The Chief

Justice of France, The Hon. Professor Guy Canivet and the Chief Justice of Queensland, The Hon. Paul de Jersey. Further information regarding the congress, including the academic programme and the registration brochure, may be obtained from the Congress Secretariat, C/- Brumfield Bird and Sandford (BBS) Public Relations, ph: (07) 3221 6711, fax: (07) 3229 8704 or via e-mail: info@bbscom.com.au. Information may also be obtained from the conference web site at www.law.uq.edu.au/congress.

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

Download a preliminary programme 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. 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 **BB**

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Professional conduct update

Barry James Murphy

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.

Mr Murphy appealed against the cancellation of his practising certificate, which appeal was heard before Justice McClellan. On 21 December 2001 Justice McClellan published his reasons and orders.

Justice McClellan upheld Mr Murphy's appeal against cancellation of his practising certificate and directed the Bar Association to issue forthwith a practising certificate to Mr Murphy for the period up to and including 30 June 2002.

A practising certificate has been issued to Mr Murphy. The Bar Council has appealed Justice McClellan's decision. Mr Murphy is entitled to appear and practise pending the outcome of the appeal.

Thomas Edward Harrison

On 12 December 2001, the Legal Services Division of the Administrative Decisions Tribunal handed down its decision in *New South Wales Bar Association v Harrison* [2001] NSWADT 213. The Tribunal ordered that:

1. The name of Thomas Edward Harrison be removed from the Roll of Legal Practitioners in New South Wales.
2. Thomas Edward Harrison pay the costs of the Applicant of and incidental to these proceedings.

A list of all professional conduct matters may be obtained from the NSW Bar Association web site at www.nswbar.asn.au **BB**



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ABA Conference

– Paris – 7 to 10 July 2002

The ABA Conference for 2002 is being held in Paris with the generous cooperation of the Paris Bar. It will commence on Sunday 7 July with a reception on board *Le Paquebot*, one of the most luxurious vessels on the Seine.

Business sessions will be held on Monday, Tuesday and Wednesday in the auditorium of the *Maison du Barreau* on the *Ile-de-*

la-Cité, the geographic and historic heart of Paris.

On Wednesday, 10 July the conference will conclude with a dinner at the *Pavillon Dauphine*.

Blocks of accommodation have been taken at various hotels on both the left and right banks so as to cater for all tastes and budgets.

A web site for the conference is being developed and registration details will be available early next year. The limit on registrants is imposed by the size of the auditorium which holds a maximum of 328 people – less than the number who attended New York last year. The form on page 5 will allow you to secure your registration. **BB**



Inaugural World Bar Conference

– Edinburgh – 27 to 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.

The participating Bars are: England and Wales, Ireland, Scotland, Northern Ireland, South Africa, New Zealand, Hong Kong and Australia.

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 are invited to pay a deposit equivalent to £40.

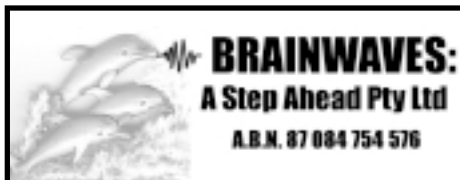
The form on page 6 will allow you to secure your registration.

If you require further information about either conference please contact:

Mr Dan O'Connor
ABA Conference Secretariat
Level 5, Inns of Court
107 North Quay
Brisbane Queensland 4000
Ph: (07) 3236 2477
Fax: (07) 3236 1180
mail@austbar.asn.au

If you require information about flights, accommodation or tours with respect to either conference please contact the Conference Travel Agent:

Ms Ruth Carlton
Brisbane Travelworld
38 Hope Street
South Brisbane Queensland 4101
Ph: (07) 3844 4999
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Brisbane, Qld
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I acknowledge that:

- a. the charge for this is \$A100.00,
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I enclose a cheque payable to the Australian Bar Conference for \$A100.00

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Signature

Date



Bar Council 2002



Correction

In the November 2001 edition of *Bar Brief* and the Summer 2001/2002 edition of *Bar News*, a Bar Councillor was incorrectly identified. The following is the correct list of Bar Council.



Security

St Mary's Cathedral & Domain Car Parks

A member of the Bar was recently assaulted on a weeknight in the area between Queen's Square and St. Mary's Cathedral Car Park at approximately 8.30pm. Whilst the local police and management of the Domain and St. Mary's Cathedral car parks are looking at increasing the level of security in the area, the incident highlights the need for members to take care when walking between Macquarie Street and the Domain and Cathedral Car Parks at night. **BB**

Back row, left to right: Dominic Toomey, Michael McHugh, Hugh Marshall, Justin Gleeson S.C., Alison Stenmark, Hayden Kelly, Bernie Coles Q.C., Stuart Torrington, Larry King S.C., John Fernon.

Front row, left to right: Kate Traill, Anna Katzmann S.C., Philip Selth, Tom Bathurst Q.C., Ian Harrison S.C., Bret Walker S.C., Michael Slattery Q.C., Jeremy Gormly S.C., Rena Sofroniou, Chrissa Loukas.

Absent: Michael Elkaim, Rachel Pepper.



Free backdates!

The Bar Association is clearing out surplus issues of *Bar News* (Spring 1999 – Winter 2001), *Bar Brief* (2000 – 2001) and the *Practical GST and PAYG overview*. Members may obtain free copies of these publications from the Bar Association's Reception – while stocks last! **BB**

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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.

A BarCare magnet has been enclosed with this edition of Bar Brief, which we encourage members to place on their fridge.

For further information contact the BarCare information line (02) 9230 0433 or visit the Association's website www.nswbar.asn.au

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. **BB**



Charging against 'Monitor' accounts

For the convenience of members, provided the account is in credit, '15 bobber' and other small sundries payments (eg. photo ID cards) may be charged against members' 'Monitor' account where written authority is provided.

No receipt for the transaction will be issued in these cases. However, members can obtain from the Bar Association's Reception a print out of their 'Monitor' account. **BB**



Bar Association circulars by e-mail

In March 2002, the Association will be phasing out the distribution of circulars by fax. Instead, circulars will be sent to members via e-mail, to ensure that members are provided with information as quickly and efficiently as possible.

Judges, retired and interstate practitioners are reminded that, in order to stay in touch with recent developments and forthcoming Bar Association events, it is necessary to provide the Association with an e-mail address. **BB**



Swearing in – Mr Terence Lionel Buddin S.C.

Mr Terence Buddin S.C. of Frederick Jordan Chambers will be sworn in as a Judge of the Supreme Court of NSW at a formal ceremony in the Banco Court

on Wednesday, 30 January 2002 at 9.30am. The Attorney General, The Hon. Bob Debus MP will speak on behalf of the Bar. **BB**

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Public Affairs Officer,
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E-mail: mediainquiries@nswbar.asn.au

Fax: (02) 9221 1149

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Association e-mail Directory

Administration

administration@nswbar.asn.au

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accounts@nswbar.asn.au

BarCare

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Education Department

education@nswbar.asn.au

Executive Director

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sickacc@nswbar.asn.au

Bar Council regional representatives

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	