



Centre: The Chief Justice, Sir Anthony Mason then (L to R) Justice Toohey, Justice Deane, Justice Wilson, Justice Brennan, Justice Dawson and Justice Gaudron

## The New High Court

Members of the legal profession gathered in Canberra in the first week of term to farewell the retiring Chief Justice of the High Court, Sir Harry Gibbs, and to welcome the new Chief Justice, Sir Anthony Mason and the two new members of the Court, Justices Toohey and Gaudron.

Gyles Q.C., wearing two hats, as President of both the Australian and New South Wales Bar Associations, paid tribute to Sir Harry's career on the Bench and his contribution to the Bar. He welcomed Sir Anthony and

the two new Justices. He pointed out that during Sir Anthony's career at the New South Wales Bar, His Honour had "strongly influenced several more junior rising stars such as Priestley, Meagher and Gleeson, mostly for the good".

Sir Anthony will be the guest of honour at the Bench and Bar Dinner to be held on 19 June 1987.

Justice Gaudron will be the guest of honour at a special Bench and Bar Dinner on 8 May 1987. □

## Legal Professional Bill

In early March the Attorney-General forwarded to the Bar Council a draft of that portion of the Legal Profession Bill which relates to professional misconduct. On 10 and 11 March the Bar Council held special meetings to consider the draft. As a result of those meetings a thirty page document providing a detailed commentary on the draft was forwarded to the Attorney General. Further drafts of other parts of the Bill will be forwarded to the Council for consideration in the next few weeks.

The Attorney-General hopes to introduce the Bill in State Parliament before the end of the current session in the first week of May.

In anticipation of the increased administrative workload which will arise from the issuing of practising certificates and the three tiered disciplinary structure (professional conduct review panel, professional standards board and disciplinary tribunal) the Bar Council intends to appoint a member of the profession to devise and institute procedures to give effect to the changes. The appointee will also be called upon to deal with other public and professional issues of importance to the Association as they arise. □

## WENTWORTH CHAMBERS

A room and a third is available on the Second Floor, Wentworth Chambers.

The room has been refurbished in the last two years and is equipped with shelving, blinds, air conditioner, cupboards etc.

Price on application and negotiable

Contact: Bill McCarthy  
Clerk  
Second Floor  
Wentworth Chamber  
Telephone: 232 4466

## A Treasurer's Lament

"He who budgets for a deficit is irresponsible. He who balances the books is tax hungry".

At its meeting of 19 February 1987 the Bar Council decided that the Association should make an administrative charge of 10% of the fees recovered, for collection of fees, save in respect of accounts rendered for work done during the first 2 years of practise at the Bar.

During 1986 \$368,397 was recovered, on behalf of 201 Barristers, an average of \$1,832 per Barrister, with a mean of \$850. There are 1062 members of the Association.

The cost to the Association of collecting the fees was in the order of \$30,000 in 1986 and is increasing as the amount recovered increases (1983 - \$88,000; 1984 - \$142,000; 1985 - \$196,000).

The Association's finances are marginal at best. The Council took the view that the "user pay" principle should apply.

"Why not a flat fee?" we have been asked. Because to meet the cost it would have to be \$150 per case. In a quarter of the cases the amount recovered was less than \$300. □

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## Constructive Action On Courts

The Attorney-General has informed the Bar Association of the Government's plans for construction of new courts over the next five years.

On 10 February last following a cabinet meeting at Katoomba, the Premier announced a five year, \$150 million project programme designed to rejuvenate court accomodation in the areas of great need.

Tenders are to be called in April for the constuction of two additional court rooms at Katoomba, one with jury facilities, together with registry and sheriffs' officers and modern facilities for the legal profession and the public. This project is expected to be completed by October 1988.

Tenders will also be called later this year to provide new courts at Campbelltown, Parramatta and Burwood. Campbelltown Court House is the Government's No.1 capital works priority for the new courts in the 1987-88 financial year. Plans are currently being drawn up for a \$20 million multi-court complex for the District Court at Parramatta to relieve the problems of the Sydney Western District Court. Burwood will be the site for a new complex of six local courts which will cost approximately \$9 million.

Last year the Government purchased the old Mark Foy's building on the corner of Elizabeth and Liverpool Streets. Plans are well underway to convert the building into a District Court complex of sixteen courts which is expected to be available for use from the beginning of term in 1990.

This building programme follows the recent opening of a new Court House at Port Macquarie and the near completion of a major complex at both Gosford and Albury.

It is hoped that when the programme is completed it will result in an improvement in the facilities available to the legal profession and litigants and the Attorney-General hopes it will also contribute to a significant decline in court delays. □

## Law Council

As reported in the last issue, in June 1986 the Bar Association gave notice of its intention to withdraw from the Law Council of Australia at the expiration of the necessary six months period of notice.

There are now discussions proceeding between the New South Wales Bar Association, the Victorian Bar Association and the Law Society of New South Wales and the Victorian Law Institute and the President of the Law Council which may lead to a compromise being reached. It is hoped that the matter will be resolved at the meeting of the Law Council in Hobart in April. □

## Evatt J. Retires

The Hon. Mr. Justice Phillip Evatt, DSC LL.B. retired from the Federal Court on 27 February 1987. Typically he wished for no formal ceremony. After he had delivered his last judgment Milne Q.C. paid a personal tribute as did Coombs Q.C., in a Court crowded with His Honour's friends.

After a distinguished naval career in submarines during World War II His Honour was called to the Bar in 1951 and took silk in 1973. He appeared in the Petrov Royal Commission in his early career and presided over the Agent Orange Royal Commission at the later stages of his judicial life.

His work at the Bar was marked by skill, fairness and a relaxed style. It is said that he invented "out to lunch".

He goes to retirement in Leura with his wife, his pre-war sweetheart Nan, with the best wishes of all in the law who knew him well. □

## Form of Address — Justices of the High Court

The Justices of the High Court have decided that the honorific "Mr. Justice" will no longer be used. In its place the term "Justice" will be adopted. Consistently with this change the Chief Justice will be referred to as "Chief Justice Mason".

These changes are not to affect the form of address used in personal conversations in which the practice is to address a Justice as "Judge". □

## Communication with Jurors

It has come to the Council's attention that following the conclusion of a criminal trial in the District Court, counsel in the trial, through the Sheriff's Officer, indicated that they, counsel, were going to some nominated place for a drink and invited the members of the jury to join them.

The Bar Council is of the view that counsel involved in a trial should not solicit the company of members of the jury which heard the trial for the purpose of discussing the case with them after the trial. □