

Some people complained about the profession as a whole including the judiciary. One man made extravagant complaints about all those who appear before the Family Court, its judges and the administration of justice generally. Another man serving a sentence for social security fraud complained generally about his representation without naming the counsel involved.

It is difficult to categorize complaints however they basically fall into the following groupings:

- (a) dealing with clients direct or without instructing solicitors — 3
- (b) failure to attend Court — 2
- (c) failure to follow instructions — 6
- (d) rudeness to clients or fellow practitioners — 2
- (e) misleading the Court or other practitioners — 1
- (f) incompetence and similar conduct — 3
- (g) unclassifiable conduct — 3

It was difficult to classify the conduct of a member who, when told by a Judge that if he did not call further evidence his client's application would be dismissed replied "Your Honour can do what you like". □

Fees Committee

Over the past six months the Fees Committee has been working intensively on submissions for the revision of the Supreme Court and District Court scales of fees to keep them in accordance with the increasing costs of running a practice. The structure of counsels' fees is also being considered in conjunction with the taxing officers to enable successful litigants to recover a greater proportion of counsels' fees on a party/party taxation. □

Motions & Mentions

Caption competition

The caption competition was won by Maconachie as much for his enthusiasm (seven entries) as for the ingenuity and lateral thinking involved in his winning entry which is set out hereunder. Many of the entries concentrated on a similar theme as the runners up set out below reveal.

- * "This dance was promised to me." (Mr. Justice Glass)
- * "Glass J.: Do you mind if I have the next dance Sir Maurice?
Sir John Kerr:
Yes please. It won't hurt so much if you tread on my toes?" (Mason Q.C.)
- * "Byers Q.C.: Do you mean Harold that when you were my age your hair was this long?"
Glass J.A.: Yes, and jet black too." (Ellison)
- * "Glass J.A.: You're quite right Maurice — it is going black at the roots. (Maconachie) □

It ain't me Babe

Scene: Castlereagh Street Local Court: Gypsy Fire, an actress, is bringing a criminal libel case against **Truth** newspaper alleging that an article published by that newspaper saying that Ms Fire had been Bob Dylan's sex slave was false. Sackar is appearing for **Truth**. A shortened version of this exchange appeared in the Stay in Touch column, but **Bar News** is brave enough to publish the unexpurgated version.

SACKAR: You were excited about making love to Bob Dylan, weren't you?

GYPSY FIRE: If you were making love to Joan Collins, you'd probably be excited.

SACKAR: I'm not so sure about that.

MAGISTRATE: Oh, Madam I think it would be Joan Collins who would be excited.

SACKAR: Your Worship is too kind. □

THE UNIVERSITY OF SYDNEY CONVOCATION ANNUAL GRADUATE DINNER FOR 1987

will have as its Guest of Honour
THE HONOURABLE D.M. SELBY
former Judge of the Supreme Court of
N.S.W., Fellow of Senate and former
Deputy Chancellor, University of Sydney.

The Dinner will be held on
Friday, 24 July 1987
commencing at 7.30 p.m. for 8.00 p.m.
in the Refectory, Holme Building
at the University.

The cost will be \$35.00 per head.
Dress will be formal.
For further details contact
Mr. H. Wilson 692 2248



I tellya, fellas, Fenech's arm was not even that high and that !#!*#! Conti gave him six flamin' weeks — he's gotta be down on the bunnies!*

Motions & Mentions

Legal World Cup

It's not too late to participate in the Legal World Cup to be held in London on 13 September in association with the Biennial Conference of the section on Business Law of the I.B.A. (see Autumn "Bar News"). If interested write to I.B.A. Cricket, c/- Freehill, Hollingdale & Page, DX 361). □

"Thanks to the Law Foundation."

During the year the Law Foundation of New South Wales made a grant of \$17,342.00 to the Association for the Bar Library and to assist in a review of the Legal Education & Reading Programme.

The grant of funds to the Library will enable the purchase of the Building Law Reports, the Canadian Criminal Cases, Butterworths Company Law Cases (UK), the Times Reports (new series) and the Qld reprinted statutes. These reports are frequently sought by Members and their arrival at the Bar Library shortly will greatly enhance the library's collection.

The Reading Programme has been underway in its present form since February 1985. The Law Foundation's grant of funds for Legal Education will be used to commission an expert in the field of legal education and one other person, to undertake a review of the programme to ensure that it is meeting the needs of Readers, the Judiciary and the Community. □

Transnational Claims and Litigation

The Section on Business Law of the International Bar Association has recently formed a new Subcommittee D1 entitled Transnational Claims and Litigation.

The Subcommittee will be conducting its first programme at the IBA Conference to be held in London on 14 — 18 September 1987.

There are two topics. The first is Obtaining Evidence In Another Jurisdiction In Business Disputes. A panel of ten speakers from both common law and civil law jurisdictions will discuss and compare the laws and procedures available in each of those countries in aid of obtaining evidence for use in foreign litigation and arbitration.

The second topic is Proceedings Before International Tribunals. Professor Benno ter Kuile will speak on the European Court of Justice and Mr. Lloyd Cutler will speak on International Arbitrations Between States and Foreign Private Entities.

IBA members will already have received the preliminary programme for the London Conference. Non IBA members can obtain membership application forms and a copy of the preliminary programme from the Section on Business Law, International Bar Association, 2 Harewood Place, Hanover Square, London, W1R 9HB,

United Kingdom (telephone 01 629 1206; telex 8812664; Fax 01 409 0456).

Particulars of the Subcommittee's programmes can be obtained from the Subcommittee Chairman, Peter J. Perry of Freehill, Hollingdale & Page, MLC Centre, Martin Place, Sydney, 2000, Australia (telephone 02 225 5000; telex AA21885; fax 02 233 6430 or 02 232 1374). □

Labour Lawyers' Conference in Perth

The W.A. Society of Labor Lawyers is hosting the Ninth National Labor Lawyers' Conference in Perth from the evening of 18 September 1987 to lunch-time on 20 September 1987. The Conference precedes the Australian Legal Convention.

Speakers include Neville Wran speaking on the "Achievements of Lionel Murphy as a Lawyer, Attorney-General and Judge". His Honour Mr Justice Michael McHugh leads the sessions on Saturday with a paper on "The Law Making Function of the Judicial Process." Professor Jim O'Donovan, Dean of the Law School of W.A. will then speak on "Dollar Sweets and Mudginberri Revisited" with Anna Booth of the Clothing & Allied Trades Union who will speak on "Outworkers — the Invisible Industry." □

Geoffrey Robertson, Barrister, author of a book on Obscenity Law and moderator of the Hypotheticals will speak on "Current Developments in Human Rights Law".

Her Honour Justice Mary Gaudron is the guest speaker at the conference dinner. The formal sessions will conclude with a panel of Labor Attorneys-General. The Conference will close with a lunch at Fremantle on the harbour and participants will then be taken back to the opening of the Australian Legal Convention.

You may enrol for the entire conference or for one or two sessions or the Functions.

Queries can be directed to Nuala Keating, W.A. Society of Labor Lawyers, G.P.O. Box 1596, phone: (09) 272 7759 H and (09) 325 6666 W or Carmel Tanham, Convention Travel Consultant, Australian Airlines, G.P.O. Box P1154, Perth. □

"Winds of Change" — 24th Australian Legal Convention (Perth 20 - 25 September 1987)

The opening plenary session will set the theme of the Convention. Four high-powered speakers with diverse backgrounds will give their views of the Law and Winds of Change: the Hon. Mr Justice Bhagwati — Chief Justice of India, Justice Scalia — A Judge of the United States Supreme Court, Sir Frances Burt — Chief Justice of

Western Australia, and the RT Hon The Lord Ackner — the House of Lords.

Denis Chang QC, Chairman of the Hong Kong Bar Association will speak on "Common Law in an Uncommon Setting" with special reference to the Winds of Change affecting Hong Kong as the Territory prepares for Chinese resumption of sovereignty. A mini constitution for Hong Kong is being drafted to try to accommodate two very different legal systems.

The public will be invited to join a session on "Law and Science: Bio-ethical Issues". Debate will be encouraged on areas such as abortion, neonaticide, euthanasia, life support, genetic engineering, invitrofertiliation, surrogate motherhood and the sale of human tissue. A small panel of experts with backgrounds of science, medicine, ethics and religion will stimulate the debate. □

Retention of Briefs

A barrister has drawn the Council's attention to a number of instances in which solicitors have complained to him that counsel have drafted pleadings in civil work then have retained the brief and other documents even though their brief was limited to the drafting of such documents and they were not briefed to appear on hearing or, indeed, retained generally in the matter. He had also had an experience with a case in which counsel who had appeared in the Magistrate Court and had then retained his brief in that Court and the exhibits tendered there notwithstanding that an appeal had been lodged and had come on for hearing in which he had not been briefed.

Counsel are reminded that their brief is limited to carrying out their precise instructions and that once that task has been performed, then the whole of the brief should be returned with a memorandum of fees. □

How the West was Won?

Menzies was recently appearing for an accused at the District Court, Broken Hill. The charge was malicious wounding. The accused, it was alleged, had stabbed her sometime de facto with a carving knife. The incident had taken place on Christmas Eve when the accused was preparing Christmas dinner.

The following appeared in the record of interview:-

Q.34. I am now going to show you a steel bladed knife 7 inches long with a wooden handle. What can you tell me about that knife?

SHOWN KNIFE

A. That's me knife. That's the one I done me turkey, me pork and me ham and Reg.

The accused was acquitted. □

Breaching the Dingo Fence — will it be a two-way street?

Readers will recall that in the Winter 1985 Issue of Bar News, Callinan Q.C., then President of the Bar Association of Queensland, sought to justify the resistance by Queenslanders to the intrusion of southern practitioners into the Queensland Courts.

No doubt regarding that article as throwing down the gauntlet, a member of the N.S.W. Bar Association recently applied for admission to the Queensland Bar. His application was opposed by the Queensland Bar Association, the Queensland Attorney-General and the Queensland Admission Board.

On 22 May 1987 the Full Court of Queensland rejected the application construing the Queensland Admission Rules as requiring both residence in Queensland and total cessation of practice outside Queensland. In so finding the Full Court purported to apply **Henry v. Boehm & Ors.** (1973) 128 C.L.R. 482, a case in which the High Court held that the South Australian Rules regulating the admission of practitioners in that State did not infringe s.117 of the Constitution in their application to a person admitted to practise as a barrister and solicitor of the Supreme Court of Victoria and residing in that State. The Full Court also rejected a challenge to the validity of the Rules under s.92 of the Constitution.

The barrister has applied for special leave to appeal to the High Court and it was anticipated that that application would be heard in Brisbane on July 3. It is now to be heard by the full High Court on a date to be fixed.

In the meantime it should be noted that New South Wales knows no such concerns considering the intrusion of practitioners from other States as appear to bedevil Queensland. On 14 May 1987 eighteen partners of a Brisbane firm of solicitors were admitted as solicitors of the New South Wales Supreme Court in order to amalgamate with a Sydney firm. At the admission ceremony the Chief Justice, Sir Laurence Street, pointed out that in recent years there had been a substantial flow of Queensland barristers admitted in New South Wales. He continued:

"I venture to express the hope that you will carry back to your home State, the message that New South Wales lawyers and members of the profession elsewhere in Australia would welcome the knowledge that they are regarded as appropriately qualified to be admitted in Queensland without having to overcome protective barriers.

The goal that I aspire to reach is simply one of gaining Australia-wide recognition of the sufficiency of admission in one State as a qualification for admission in every other State without . . . the imposition of protectionist barriers."

The Queensland Bar is said to be considering altering its rules to require Queensland to be the "principal abode" of barristers seeking admission in that State. □