

From the President

It is hard not to have a sense of history (as well as of one's own inadequacies) when one sits in the boardroom as president for the first time under the disapproving gazes of one's 27 predecessors. The sense of history is exacerbated in my case by two factors - I am the first president to be born in the 1940s (sorry to reveal your secret, Murray) and probably the last president to have seen (if not met) all my predecessors in the flesh.

My predecessors lived in very different worlds. When I joined the Bar Council in 1976, there was only one Ethics Committee and it did almost nothing. The Bar Rules forbade habitual undercutting of fees. The two thirds rule was, while no longer mandatory, virtually universally honoured. No silk could appear without a junior. A silk could not walk to court in his robes (it was always "his" then) unless carrying something and, more importantly, it was a sign of gross impertinence for a junior to walk anywhere in robes not carrying something. Issues such as "competition policy", "gender equality" and whether the Governor should continue to appoint

silk on the advice of the Attorney-General were unheard of.

So much for egotistical self-indulgence and irrelevant nostalgia. We face in 1995 quite different issues.

I consider that the major challenge facing the Bar today is the need to maintain unity. We face a number of challenges to our manner of practice as independent practitioners and we can no longer take for granted that those challenges will all be rejected. Our cause was considerably advanced by our spectacular victory before the Legal Profession Advisory Council this year when it held that our



rules were not only not anti-competitive, but actually pro-competitive. We have been saying this for years, but it was nice to have an outside body endorse it. We still face, however, the federal competition policy reforms.

Accident compensation is another area where we need to remain vigilant. There are many who would like to

move to a full no-fault system or to a system from which lawyers are excluded. The danger of systems based on bureaucratic decision-making for injured workers do not need to be itemised. There is no-one but the legal profession to stand up for the injured against those who see short term political or financial advantage as more important than the protection of their rights.

In these, as in other areas, the Bar must be able to speak with one voice. When I hear the President of the Law Society say at swearing-in ceremonies that he speaks for 13,000 solicitors, I have often felt that our President should say that he speaks for 1800 presidents. It is of the nature of our calling that we are individualistic and that we do not march in

step. What is important is that we appreciate that unity is our greatest strength. We cannot afford to let ourselves be divided by gender, by area of practice, by economic success or by location of chambers. Of course, these differences will produce different views and different perspectives but, so long as we remember that we are barristers first, they will not impede the achievement of results which virtually all of us wish to see.

I hope that my presidency will be a period in which the unity of the Bar is maintained. □ DMJ Bennett QC