

## An interesting year

By Tom Bathurst QC



This edition of *Bar News* is, of course, the final one for the year. It gives me the opportunity of thanking all those people who have made my term as president over the current year not only interesting but also enjoyable and stimulating. In particular, I would like to extend my warmest thanks to the senior vice president, Bernie Coles, the members of the Bar Executive, Philip Selth, the executive director, and all members of the Bar Council. All council members contributed actively this year to the affairs of the Bar Association and although there were some strong differences of views on certain matters, those differences were discussed and resolved in a cordial and collegiate fashion. It was a truly outstanding board of directors.

As you may be aware, the Bar Association's premises are now in a state of shambles. There is significant renovation work currently being undertaken which we hope will result in better facilities for members and provide the staff of the association with working

conditions which, whilst not necessarily the most congenial, will at least be a significant improvement to the conditions which they had to previously work under. The association has sufficient reserves to cover the costs of this redevelopment and it will not need to be funded by any fee increase or levy from members.

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The most contentious issue during this year has been the proposed reform of the legal profession. At the outset, as I think I indicated to you in an earlier column, there was a real concern that control over admission to and administration of the profession would be taken almost entirely outside the hands of lawyers. Fortunately, this has not occurred and the model presently under consideration takes into account to a significant extent the need to preserve the independence of the profession. Further, and importantly from the bar's point of view, it has recognised the importance of the bar as a stand alone branch of the profession. The Australian Bar Association has a right to nominate one person to the new national board and the right to be consulted in relation to the appointment of the chair of that board. The other reforms proposed are such that do not threaten the independence of the profession or at least as things presently stand, impose additional costs on the

profession which would need to be accommodated in practising certificate fees.

Philip Selth has worked tirelessly to protect and advance the bar's interest in the reform process. The outcome which has been achieved is in no small manner is due to his work and he deserves our sincerest thanks.

One matter which I regard of particular importance to the bar is its involvement in matters of public interest and controversy, particularly so far as they relate to the rule of law. This will become even more important because of the forthcoming state election. The work of the Human Rights Committee and the Equal Opportunity Committee has enabled us to take soundly reasoned public positions on: matters of controversy in relation to issues of human rights, both in this country and overseas, particularly in the Pacific area; questions of discrimination both at the bar and generally; and, of course, the perennial issue of the treatment of refugees. The Common Law Committee has worked valiantly to try to ensure that common law rights are not further eroded, that legislation dealing with those rights, particularly in the personal injuries and industrial accidents field, operates in a comprehensible and fair manner and to ensure that



Artist's impression of the refurbished common room and reception.

any costs regime imposed does not operate unfairly to members of the bar. Likewise, the Criminal Law Committee has spent considerable time and energy in considering various proposals relating to the reform of the criminal law with a particular view to ensuring that the rights of an accused person continue to be protected.

At the collegiate level the Practice Development Committee is actively involved in seeking solutions to work related problems at the bar including ways in which barristers can advance their practice and the possibility of user-friendly hours for those barristers, both male and female, who have young children. The Health, Sport & Recreation Committee has contributed to the collegiate activities of the bar in the various functions they have put on throughout the year.

The Benevolent Fund and the Bar Association's director, care and assistance, Penny Johnston, have continued to provide crucial support to barristers experiencing health, financial or other personal

difficulties on a confidential basis. On behalf of the bar I extend my thanks to Penny for the help and guidance she provides to members and member's families in times of hardship.

Looking to the future there are three matters which I would like to mention. First, the Bar Council in conjunction with the Legal Aid Committee is continuing to negotiate with Legal Aid New South Wales with a view to seeking a fair return for barristers doing legal aid work. Some progress has been made in this area but there is certainly some distance to travel. Second, the Bar Council has resolved to undertake a complete

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review of its education courses including the Bar Practice Course and the professional development courses. Kevin Lindgren QC has 'volunteered' to undertake this review and is anxiously waiting

submissions on how the system can be improved.

Last but not least probably the most traumatic aspect of the year from the point of view of the president is the senior counsel selection process. I don't want to add in this column to anything that Keith Mason has said but emphasise that those persons who think it can be improved should let the council know as the protocol will again be reviewed in early February. I repeat what I said earlier this year that the fact that a person who has chosen to criticise the system will not be taken into account one way or another in considering his or her subsequent application for silk.

Finally, can I just wish all members and their families all the best for the Christmas season and an enjoyable and safe holiday.