

Still pursuing justice for innocent victims of motor accidents

By Noel Hutley SC



Following the recent Bar Council ballot, I was honoured to be re-elected as president by the Bar Council on 10 November. I congratulate all Executive office holders and Bar Councillors on their election and look forward to leading the Bar Association with their assistance in the coming year.

In my column in the last edition of *Bar News* I provided an update on the New South Wales Government's proposed CTP reforms. Since that time, the government has shelved its plans to legislate during 2016, and has indicated that there will be a further period of consultation with stakeholders, including the legal profession.

The government has indicated that it will be seeking input regarding the best mechanisms to control insurer super-profits and premiums and dispute resolution processes. The government has also indicated that some further refinement is also required to the design of the proposed 'fairness test' for people with lower severity injuries who may require additional assistance.

The Bar Association, along with other legal profession groups, has consistently pointed out the potential effect of the government's proposed reforms on the rights of the injured. Although our advocacy efforts may have had some effect on the government's decision to put its reforms on hold for the time being, there is no guarantee that the general direction of the proposals will alter radically and at this stage it seems likely that a legislative package will be introduced in the new year. The Bar Association will continue to advocate the rights of innocent victims of motor accidents to proper compensation and legal representation under our motor accidents scheme.

Since my last column, Philip Selth OAM has retired as the Bar Association's executive director. Since he commenced in the position on 10 November 1997, Philip has been an exemplary chief executive officer of our organisation. He has brought a wealth of experience to each Bar Council, to each member of the Executive and a fearless determination to give his honest opinion, no matter how apparently unpalatable that may have appeared at any particular time.

However, having discharged his duty once a decision has been adopted by the Bar Council or the Executive, he has with dedication, proceeded to implement it personally and through the staff of the association irrespective of his views.

In relation to our staff, I should say he has been instrumental in moulding the employees of the Bar Association into the loyal and effective body they are for the achievement of our aims and policies. The Bar Council recently

recognised Philip's contribution by awarding him life membership of this association.

Philip's successor, Greg Tolhurst, commenced in the position on 24 October. Greg was appointed after a comprehensive recruitment process and comes to the role with an extensive background in academia and commercial law. On behalf of the Bar Council I congratulate Greg on his appointment and wish him well in the position.

This edition of *Bar News* features Bret Walker SC's recent 2016 Hal Wootten lecture 'Lawyers and Politics' and a fascinating article regarding the Innocence Project in New Orleans by Bernadette O'Reilly, who worked there as a volunteer earlier this year. It also includes, among other things, a piece from the chair of the association's Diversity and Equality Committee, Anthony McGrath SC, analysing the implications of the Law Council's Gender Equitable Briefing policy for both solicitors and barristers and outlining the role of the Bar Association in its implementation, and an analysis of practice management software packages and their relative merits by Dominic Villa.

As the end of law term approaches I would like to wish all members a happy and relaxing Christmas break and a fulfilling New Year.