

# Editor's note

**Catherine Gleeson SC**  
New Chambers

As is traditional for the summer edition, we have focused on the lighter side of practice at the Bar and the things we have to look forward to over the singular artefact that we hold dear: the long January break. As near as I can tell, Antipodean barristers are alone among the professions in reserving the entire month of January (creeping into February if you can get away with it), keeping company with school and university students, travelling to the beach or to northern winters or just ... hanging around and decompressing.

This issue covers some more worthy journeys. Bilal Rauf has shared his once-in-a-lifetime experience travelling to Mecca for the Hajj. The opportunity Bilal was given to participate in the Hajj is an example of the spiritual and practical rewards that come from dedication to community service. His account of the rituals of the Hajj is illuminating.

Fiona Roughley SC and Celia Winnett travelled to Ontario on something of a professional pilgrimage, attending the Public Law Conference held at the University of Ottawa. One of the striking features of their account concerns the intersection of performance and space at the conference's gala dinner, with a performance from a Wolastoqiyik tenor against the backdrop of the Grand Hall of the Canadian Museum of History. It calls to mind the performance by William Barton in the Kalkatungu language at the ceremonial sitting of the Supreme Court of New South Wales (covered in the Winter 2024 edition of *Bar News*). These performances are beautiful, and they are important. A symbolic association between the culture of First Peoples and contemporary legal institutions enables us to appreciate, and to focus on, the need to develop and foster a legal system that legitimises, includes and protects the rights of all citizens.<sup>1</sup> A way to achieve this is by engaging in the history and present experience of First Nations people and the ways they can inform laws and the administration of justice.



Other journeys achieve professional and recreational satisfaction. The Australian Lawyers Surfing Association has, for over 20 years, refined the ultimate CPD hack: accruing points when convenient during a day of surfing in an exotic locale. As well as marking its 20th anniversary in these pages, ALSA has supplied our cover for this edition: an action shot of Craig Leggat SC by Gold Coast-based professional surf photographer, Simon 'Swilly' Williams.

The Summer edition also endeavours to ease members back into practice with some light relief. David Parish has curated a summer playlist for barristers that is in reality a soundtrack to the miseries of returning to chambers post-January (or more horrifically, during January). Inspired by the silk on my former floor who 'warmed up' for court to the strains of classic chest-sweller, 'Back in Black', I take my late-night fuel from the

Beastie Boys' 'No Sleep till Brooklyn', lyrically tailor-made for the delusion that your 16-hour stretch drafting closing submissions amounts to a worthwhile career choice:

Foot on the pedal, never ever false metal  
Engine running hotter than a boiling kettle  
My job ain't a job, it's a damn good time  
City to city, I'm running my rhymes

Naomi Wootton covers a longstanding tradition among women at the Bar: accidentally adopting a uniform of sorts by buying and wearing the same article of clothing. Liberated from the constraints of the single-breasted suit and tie but confronted by the need to look as together as possible while still being ready in time for court, women barristers tend to find something that works and collectively wear the hell out of it. In the case of Naomi and her compatriots, it's a gather-necked blouse. Previous 'uniforms' spotted

along Phillip and Liverpool streets include the Scanlan Theodore crepe knit peplum jacket, which has a suitably armour-like appearance; followed by the Scanlan Theodore crepe knit<sup>2</sup> drape front jacket, a magnificently forgiving and comfortable piece that allows you to get away with looking professional while wearing what is essentially a business cardigan. Can and has been bought in every colour.

Our features this edition present more serious fare. Tim Game SC and Claire O'Neill address the latest example of

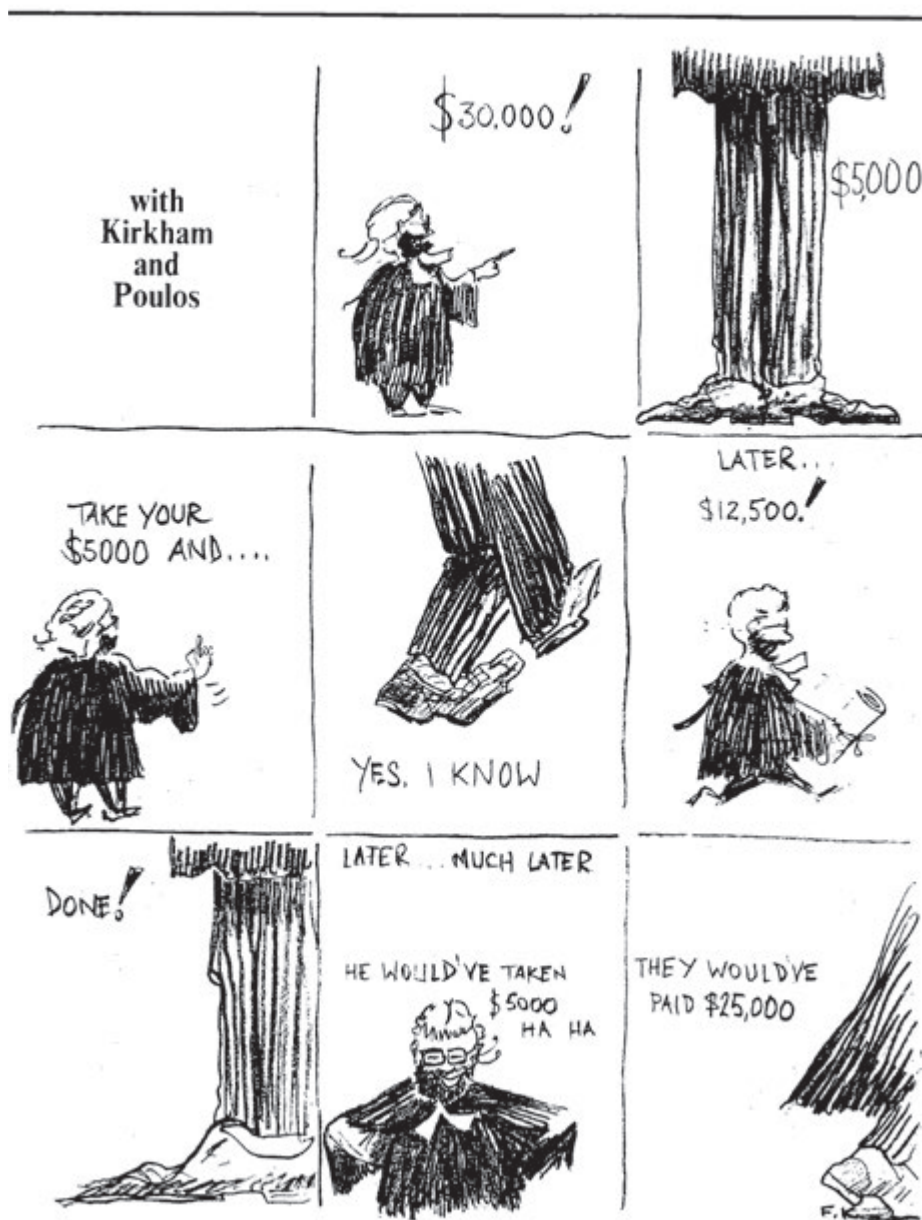
the tension between efficient case management and opportunities for public advocacy: the virtual end of oral special leave applications. Without repeating their excellent points or commenting on the many good reasons for streamlining the process of special leave, there is an obvious opportunity cost for less senior members to participate in, and observe, advocacy before the High Court. The erosion of opportunities for advocacy has been a feature of case management for some time, and at all levels of the judiciary.

For example, the move to online courts conducted by registrars and the requirement that counsel briefed in a matter appear before judges for case management has obvious efficiencies, but the result is that it is a now rare case that under-five barristers are given directions hearings and simple motions in place of counsel briefed in a matter and lose the opportunity to develop their advocacy by frequent, lower stakes appearances.<sup>3</sup> There is no ready answer to this as access to justice becomes more and more constrained by the volume of matters before the courts, but it is a real and continuing problem.

Hugh Stowe for the Alternative Dispute Resolution Committee has contributed a valuable piece in which he presents a comprehensive valuation methodology for settlement of disputes. Using simply explained steps and a worked example, he sets out a verifiable process for weighing the costs and benefits of settlement and communicating them to the client. It is a far more refined approach than the blunter (and possibly more familiar) method outlined in the Summer 1985 edition of *Bar News* (pictured).

Finally, this edition contains bumper coverage of new judicial appointments and some notable retirements. Among the appointments are the members of the revived Industrial Court, including the Hon Justice Ingmar Taylor as its President. Oshie Fagir has said many nice, and correct, things about his Honour, but this column affords me the indulgence of adding to it. Ingmar was the immediate past editor of *Bar News* and in that role was a kind, creative and inclusive leader. *Bar News* looks the way it does because of him, and he had a talent for sourcing and encouraging excellent contributions from our members and from the judiciary. As a longstanding member of the *Bar News* committee I always felt my contributions were valued, and his support and confidence in passing the editor's position to me has taken me through what is a daunting and intensive role. I am very grateful to him and know that he will bring a similar approach to judicial office, to the great benefit of the Industrial Court. **BN**

## A day out in the Compensation Court



Bar News, Summer 1985

### ENDNOTES

- 1 A recent example is the powerful performance of the *Ka Mate Haka* by members of the New Zealand Parliament during debate on the bill concerning interpretation of the Treaty of Waitangi.
- 2 Again: stretchy, machine washable, the ultimate fabric.
- 3 As my Bar Course fellows would say, a 'burgeoning mentions practice'.