

Australian Bar Association

At the recent ABA Convention held in Alice Springs, Charles QC retired as President of the ABA. Gyles QC was elected as President with Chernov QC (Victorian Bar) and Duggan QC (South Australian Bar) as Vice-Presidents.

David Harper (Victorian Bar) is the Treasurer. Dorothy Brennan, former administrative officer of the Victorian Bar Association, is Honorary Secretary.

Interpreters in the Justice System

The Standing Committee of Attorneys-General has developed a series of national guidelines on the use of interpreters in the legal system. The guidelines are set out hereunder.

Barristers are encouraged wherever practicable, to endeavour to adhere to them.

NATIONAL GUIDELINES BY THE STANDING COMMITTEE OF ATTORNEYS GENERAL ON THE USE OF INTERPRETERS IN THE AUSTRALIAN LEGAL SYSTEM

Each jurisdiction should seek to ensure:

(a) the reasonable availability of qualified independent interpreters, both in metropolitan and rural areas, and free of charge in criminal proceedings;

(b) Such interpreters:

- possess linguistic competence;
- possess sufficient understanding of ethnic community cultures and social customs;
- possess an understanding of the legal system and legal terminology; and
- understand the proper role of the interpreter in legal interpreting including the need for impartiality and confidentiality;

(c) Persons involved in the legal system possess an adequate knowledge of legal interpreting services with a view to:

- ensuring that legal interpreting services are provided in appropriate circumstances;
- avoiding any reluctance to utilise such services where they are necessary;
- reducing any possible abuse of the use of interpreters; and
- increasing understanding of the technical difficulties which may be associated with interpretation and the difficulties which a non-English speaking person who is unfamiliar with the Australian legal system may encounter;

(d) The existence of legal interpreting services are widely publicised, particularly in publications which circulate widely in ethnic communities.

(e) The services of a qualified interpreter is used wherever practicable in preference to others.

(f) Where appropriate, undertakings regarding confidentiality are obtained.

ALOA Briefs - a Warning

The recent experience of a member of the Bar has prompted the Bar Association to warn the Bar of some of the risks associated with accepting a brief on the basis that the fees are to be met by the Australian Legal Aid Office.

The barrister appeared in a matter which occupied five hearing days. He rendered his memorandum of fees to the Australian Legal Aid in August 1985. He heard no more. His fees were not paid.

In June 1986 his solicitors forwarded to him a letter ALAO had sent them advising that because of an alleged failure of the client to provide certain information ALAO had decided to suspend the grant of legal aid and warning the solicitor that if the information was not provided within two months the grant would be terminated ab initio.

He wrote to ALAO remonstrating with their action and received a response which stated, inter alia, that "if the grant of legal aid is terminated then no further payment will be made by this office".

Members are advised that they should satisfy themselves prior to accepting briefs in which ALAO is to be responsible for the fees, that that office has made an unconditional grant of legal aid. Further, all memoranda of fees should be forwarded to the solicitor, not ALAO as that office is of the view it is to the solicitor that Counsel must look, initially, for fees.

Accident Compensation Symposium

The NSW Bar Council has arranged a discussion entitled "Common Law Damages or Weekly Payments — A Symposium". Prominent speakers, expert in compensation and rehabilitation have been invited to speak, including Mr Justice McInerney and Dr John Yeo of the Spinal Unit at Royal North Shore Hospital. A detailed programme will be advertised and circulated to members.

The convenor, John Coombs QC, emphasised the speakers were invited to express their own views without regard to any views the Bar might hold.

The venue is the Women's College within the University of Sydney, and the symposium will be between 10 am and 4 pm on Saturday 23 August, 1986, after morning tea at 9.45 am. A buffet luncheon will be served at 1 pm.

Members interested in either accident compensation or rehabilitation are urged to attend, question speakers and offer views.