

From the President



This is the last issue of Bar News for 1988 and it is therefore appropriate to review the work of the outgoing Council. The year has been a very demanding one for the Council. The issues we have had to face include Transcover, Workcover, Delays in the hearing of Criminal Trials, Delays in the Common Law Division, Legal Aid, Legal Aid Fees in Criminal Cases, Criminal Listing in the District Court, ICAC, the Ombudsman and the Police, Mental Health, and the Family Court.

We have also had to adjust to the commencement of the Legal Profession Act on 1st January and the introduction of compulsory practising certificates on 1st July. We have moved to a computer-based accounting system which handles membership records and the issue of practising certificates. We have recently made a submission to the Government for amendments to the Act to remove some anomalies which have become apparent.

At the time of writing the Transcover Committee, presided over by the Attorney-General, the Hon. John Dowd M.P. is continuing to work with no immediate resolution in sight. Here I must acknowledge the dedicated work of Coombs Q.C. with the research assistance provided in particular by Graham Ellis.

More recently the Hon. John Fahey, the Minister for Industrial Relations, established a committee to review the Workers Compensation Act 1987. This committee has 3 sub-committees and the Bar is represented by Poulos, McCarthy Q.C. and Ferrari. Studdert Q.C. was also a member prior to his appointment to the Supreme Court.

Unfortunately despite some progress no finality has yet been achieved on any of the issues referred to above with which the Council has been confronted. Indeed issues such as Court delays are likely to be before the Council for some time to come.

The Hon. Lionel Bowen M.P., the Commonwealth Attorney-General, has been anxious for some time to relocate the Sydney Family Court in permanent premises of its own. Unfortunately a decision has been made to locate the Family Court in Goulburn Street. The Council considers that this site is inappropriate and

totally unacceptable. A move to this site will intensify the isolation of the Court, and would permanently downgrade it in the eyes of the profession and the public in Sydney. The Council has therefore supported moves to locate a more acceptable site and is hopeful that one can be found on Hospital Road. While the Council does not support proposals for the amalgamation of the Federal and Family Courts, it firmly believes that the Family Court should receive the full support of the Federal Government and the profession, and should be backed with appropriate resources.

One of the problems which will have to be faced by future Councils is the problem of judicial salaries and allowances. In recent years judicial salaries have not kept pace with inflation, and in real terms they are falling further and further behind the levels at the Bar, in the large law firms and in Commerce. Neglect by Governments in this area constitutes a creeping attack on the independence and efficiency of the Courts. I believe that on this issue the Bar will have to be prepared to stand up and be counted.

The Council is very concerned at the cost and shortage of accommodation for the Bar. Counsels Chambers has a special role and special responsibility in this area and the Council has encouraged the Board to actively investigate opportunities to secure additional permanent accommodation for the Bar. The Superannuation Fund and Sickness & Accident Fund constitute other specialised co-operative organisations which exist to serve the needs of our members. Both Funds provide services at favourable rates and on favourable terms compared with those available in the general market. Both deserve support from all members of the private Bar.

The Council, working in conjunction with the Australian Bar Association, has undertaken a review of the professional indemnity policies available to the Bar. Already the insurance covers on offer have been expanded and clarified. The question of premium rates is still under negotiation and any benefits are not likely to be achieved until the renewals in 1989.

Upon taking office last year the Council decided that something had to be done to improve relations with the Bar as a whole. With this in mind it introduced a system of meetings with the Heads of Chambers not represented on the Council. At these meetings the Office Bearers outlined some of the Council's current plans and the Heads of Chambers were invited to comment on and criticise the work of the Council. A number of the suggestions that were made at these meetings have been accepted by the Council and acted on.

In conclusion, can I remind members of the existence of the Barristers' Benevolent Association which in appropriate cases is available to assist members of the Bar in the event of illness and accident, and their families in the event of a member's death. Cases of need should be brought to the attention of a member of the Council. In some cases this is the only way we will get to know of the need. □ **K.R. Handley**