

Availability of Suitors' Fund

Practitioners are reminded that under the Suitors' Fund Act, clients may be eligible for payment towards costs incurred in litigation.

The Fund is available where costs have been awarded in appeal matters, where a successful appeal is made to the Court of Appeal on quantum or where proceedings are aborted, e.g. on the death or protracted illness of a Judge. (However, funds are not available where matters are discontinued where the Jury fails to agree, or where there is default or neglect by the parties (civil proceedings) or the accused (criminal proceedings)).

Amendments to the Act which became effective on 13 January 1988 allow the Secretary of the Attorney General's Department (with the concurrence of the Attorney General) to allow payment from the Fund in cases where no specific entitlement exists, but where such a payment would fall within the spirit and intent of sections 6, 6A and 6B of the Act.

For further information, please contact Mr. Peter Baldwin at the Attorney General's Department on (02) 238.8629. □

Federal and Territory Choice of Law Rules

Lionel Bowen, the Commonwealth Attorney-General, has referred the following matters to the Australian Law Reform Commission:

- (1) whether the laws to which the *Law Reform Commission Act 1983* applies relating to the choice of law and of procedure to be applied in proceedings in federal courts, other courts exercising federal jurisdiction, Territory courts and other courts exercising jurisdiction under laws for the government of a Territory are adequate and appropriate to modern conditions;
- (2) the appropriate legislative means of effecting any desirable changes to existing laws in relation thereto, having regard to any constitutional limitations on Commonwealth power; and
- (3) any related matter.

The Commission is to report particularly on:

- (a) the resolution of the question which law applies in a case where the subject matter of the proceeding is, or arises out of circumstances, connected with two or more of the States and Territories;
- (b) the law and procedure that should apply where a proceeding is remitted or transferred from one court to another; and
- (c) statutes of limitations as they affect proceedings in the courts referred to above.

The Commission's Report is due by 30 June 1991. Any members of the Bar who wish to contribute their views on these issues should get in touch with Stephen Mason, The Law Reform Commission of Australia, DX 1165. Telephone (02) 231.1733. □

Fair Weather Bar

From time to time the Bar Council receives complaints about Barristers who have failed to appear at intra- or inter-State Courts as a result of adverse weather conditions preventing or delaying travel on the morning of the hearing.

Barristers should be aware that in many jurisdictions Judges will not grant adjournments on this basis and should ensure that they are familiar with the local practice before making their travel arrangements. Practice notes are sometimes issued dealing with the local practice.

To avoid misunderstandings, Barristers should also ensure that they reach express agreement to travel on the morning of the case with their instructing solicitors and satisfy themselves that their clients have been made aware of the risks should they choose not to pay Counsel's expenses of travelling to the required destination the night before the hearing.

A barrister's fundamental obligation is to appear when briefed to do so. Failure to satisfy this obligation due to travel being delayed or prevented by bad weather may well constitute a breach of the Bar Rules or professional misconduct. □

Preliminary Notice

The Australian Bar Association will be holding its next Law Conference in Darwin commencing on Saturday 7th July 1990. It is also hoped to arrange an add-on conference in Singapore through the weekend of 14th and 15th July in conjunction with the Singapore Law Society.

Watch this space for further announcements. □

Demise of the Nominal Defendant

The Claims against the Government and Crown Suits Act 1912 has been repealed and replaced by the Crown Proceedings Act 1988 which commenced on 1 February 1989. It is no longer necessary to petition the Governor to have a Nominal Defendant appointed to represent the Crown. Under the new Act, proceedings against the Crown (with the exception of claims against statutory corporations representing the Crown) can be brought against the "State of New South Wales" (s.5 [2]). All documents to be served on the Crown in such proceedings are to be served on the State Crown Solicitor. (s.6 [1]). □

Transcript Enquiries

Members of the Bar who wish to telephone the Reporting Services Branch to make enquiries about transcripts from courts covered by court reporters only, e.g. Court of Appeal, Supreme Court, District Court, Industrial Commission and some tribunals should ring: 228 7335 This is the direct number. Calls through the Attorney-General's switchboard are frequently transferred to the wrong extension. □

Changing Roles

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 4 November 1988:

Geoffrey John Bellew
Edwy Frederick Bunt
David Leslie Crawford
Colin John Crossland
Bernice Mary Finlayson
Beverley June Hasset
Helen Sue McKenzie
Murray John McPherson
John Oxley-Oxland
Trevor John Stevenson
John Herbert Tuchen
Robert George Williams
Robert Hilary Williams
Iain Edward Worrall

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Tuesday, 20th December 1988:

Robert John Bennett
Jennifer Joy Bright
Sharyn Vicki Ch'ang
Alan John Cullen
Raymond Gregory Drake
Wayne James Freakley
Erlinda Lulu Geronimo
William Robert Ghioni
Sivaran Singh Gill
Edward Charles Goddard
Jeanette Samantha Hagarty
Elizabeth Gai Jackson
Charles Leslie Langburne
Connie Choo Lian Lee
David Michael Lennon
Denis Andrew McGrane
Graeme Robert Morgan
Margaret Christine Quinn
Terry Alexander Steer
John Alexander Taylor
Alfred William Witton
Paul Burgess
Trevor Ernest Carter
Bruce Thomas Dickson
Christine Margaret Hafey
Leonard Peter Hawthorne
Barry Charles Ingold
Kevin George Nettle
Colin Peter Robinson
Francis Kenneth Ticehurst

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Wednesday 21st December 1988:

John Gregory Field
Graeme Keith
John Heckenberg
Wayne Edward Russell

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 10 February 1989, and have not been admitted for five years:

Lynnette Christine Ainsworth
Robyn Louise Bailey
Peter Michael Capodistrias
Kerry Chrysiliou (nee Moore)
Reginald Langan Connolly
Wayne Covell
Mirelle Curtis
Grant Raymond De Fries
Ian Walter Fathers
Amanda Graham
Peter Douglas Gurney
Jane Bowe Houston
Annette Margaret Johnson
Jeffrey Keith Johnson
Jennifer Sue Jude
Janet Anne Kirkham
Garry Vincent Lane
Christopher Hugh Levingston
Kenneth William Linegar
John Robert Miller
Gregory John Morahan
Tracy Catherine Morgan
Brian Alan Scott Moyle
Lawrence Scott Moyle
Reginald George Muddle
Andrew Christopher Martin Mulcahy
John Trevor Murn
Helen Florence Nolan
Anne Therese Perrens
Cheryl Peterson (nee Lipman)
Teresa Mary Pilkington
Joanne Mary Rees
Robert Anthony Reitano
Marilyn Joy Scheidel
Kathiravelu Sivananthan
Jane Ellen Tape
John Gwynne Tarlinton
Kim Randall Turner
Mark Allan Macdiarmid

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 10 February 1989, under the L.P. Act:

Ian William Angus
David Ian Catt
Grahame Ralston Herron
Severian Ignatius Hill
Matthew Edmund Browne Playfair
David Myer Samuels
Prithvi Pal Singh Sidhu
Ian John Stanley
Terrence Herbert Weston