

Bar Notes

Queen's Counsel for 1991

The Governor-in-Council has approved the appointment of the following people as Queen's Counsel.

1. The Honourable Peter Edward James Collins
2. BILL, Eliot Michael
3. COOKE, John Donal
4. BUENO, Antonio De Padua Jose Maria
5. KARKAR, John Hanna
6. LASRY, Lex
7. DORNEY, Kiernan Damian
8. COLEMAN, Peter Evan
9. LLOYD, David Henry
10. STRATHDEE, Ian Douglas
11. HISLOP, John David
12. SACKVILLE, Professor Ronald
13. CHRISTIE, Terence Joseph
14. HALL, Peter Michael
15. STEVENS, Clarence James
16. O'CONNOR, Colin Emmett
17. LINDGREN, Kevin Edmund
18. AUSTIN, Stephen Berry
19. COLES, Bernard Anthony John
20. DEAKIN, Peter John
21. BISCOE, Peter Meldrum
22. HOLMES, Malcolm Fraser
23. WRIGHT, Frederick Lance

Supreme Court 1990

The 1990 Annual Review of the Supreme Court which was published during 1991 makes interesting reading. In the introduction, the Chief Justice highlighted the challenge to the Court in the problem of applying limited resources, human and material, in the manner best suited to handling a large and constantly increasing caseload. He pointed out that the appellate jurisdictions of the Court, in particular, were confronting the problems and caseload of the nineties with judicial resources prescribed in the sixties. Thus while the Court of Appeal retained its 1966 format of the Chief Justice, the President and six Judges of Appeal, the number of first instance judges from whose judgments appeals lay to the Court of Appeal had doubled. The effect on the Court of Appeal's work was graphically illustrated by statistics showing that the number of appeals instituted in 1966 was 334, whereas the number instituted in 1990 was 861, most of which are disposed of by judicial decision rather than settlement. As the Chief Justice pointed out pungently, "The logistics of appellate work are often completely overlooked by administrators who assert that an increase in the number of judges is not the way to solve the problem of court delays."

The reports dealing with the individual Divisions of the Court bore testimony to the troubled economic times. Of the 5,519 cases commenced in the Equity Division during 1990, approximately 45% were applications for winding up of a company, nearly all of which were undefended.

Filings increased in the Commercial Division despite the filing fee being increased from \$800 to \$1,200. (It was increased again in 1991 to \$1,400.) The growing caseload made allocation of judicial resources difficult with the time from call-over to hearing increasing, in direct conflict with the philosophy of the Division.

The Review noted that the Chief Justice's Policy and Planning Committee was examining the possibility of court-annexed forms of alternative dispute resolution with a preference for mediation and conciliation over arbitration. This has now borne fruit as reported on page 46 of this issue. □

Professional Indemnity Insurance

Following the introduction of the Legal Profession Act the Bar Council became concerned that the cover provided by the Minet and Steeves Lumley Professional Indemnity Schemes failed to provide cover in respect of awards of compensation (up to \$2,000) and other orders which might be made against a barrister by the Disciplinary Tribunal or the Professional Standards Board: see ss149(3), (4) and (5); ss163(3), (4) and (5). Awards greater than \$2,000 may be made with the consent of the barrister.

Accordingly negotiations were undertaken through the kind offices of Frank Hoffmann of Hoffmann Consulting Pty Limited, insurance consultants, in the first instance with Minet (whose policy runs from October to October) to have the standard policy amended to cover this kind of liability. These negotiations were successful and those who insure with Minet will have noticed a reference to a new broader wording with additional extensions in the outline of the scheme which accompanied their last renewal notice.

The effect of the amended wording, in brief, is that the barrister is covered in respect of any award for compensation made under the two sections referred to above and, in certain circumstances, in respect of orders for waiver or repayment of fees or orders for performance of work made under the Act. No cover is provided if the award is made by consent without the barrister first obtaining the underwriter's consent. The policy will also now provide cover in respect of costs and expenses incurred with the underwriter's prior consent in the course of the investigation and defence of a complaint against a barrister. Members who insure with Minet should obtain a copy of the policy to understand the precise nature of the extended cover offered.

The Association has asked Mr Hoffmann to continue negotiations with Minet to seek to remove certain restrictions perceived in the cover for orders in respect of fees and the performance of work and also to negotiate with Steeves Lumley (whose policy runs from March to March) to seek to have the cover provided under that policy similarly extended. □

Human Rights Award

The President of the Court of Appeal, Justice Michael Kirby CMG, has been awarded the Australian Human Rights Medal by the Human Rights and Equal Opportunity Commission. The medal recognises Justice Kirby's consistent and outstanding contribution over many years to the promotion, observance and understanding of human rights. The President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, presented the medal to Justice Kirby on 24 November. □

Honour Board

An Honour Board recording the names of the various Presidents of the Bar Association and the dates during which they held office was unveiled in the Bar Association Common Room on 29 November 1991 by the Right Honourable Sir Garfield Barwick, AK, GCMG. □