

The role of the Bar Association

David Jackson QC ended his speech at this year's centenary Bench & Bar Dinner by posing the question whether the New South Wales Bar Association can perform adequately all the roles it now has. The question is a valid one. The association currently seeks to discharge a wide range of functions; probably greater than those of most other professional organisations. Whereas once the role of the association was largely confined to that of trade union, social club, ethical body and occasional lobbyist to government on behalf of its

members, it now has a formal role in the statutory structure for the determination of consumer and disciplinary complaints which extends to the role of investigator, prosecutor and even in the case of bankruptcy and tax issues, judge and jury. It seeks to advise the government on what is good legislation as well as being a lobbyist for members.

Can this position successfully continue? Should the association be providing trade union-like advice and assistance to members whose financial affairs are mismanaged, as opposed to striking them off? Should it hand back regulatory powers to some government body and act solely in the defence of members in trouble? Should the association be lobbying harder for

legislation which benefits members and leave other matters for law reform commissions? Should the association be concentrating on improving the delivery of services to members, for example such as through the very successful BarCare scheme? These are valid questions which exercise the minds of members. This publication is intended to be a magazine of the members for the members. Any views on these or other

questions of debate will be gratefully received and published.

Another longer term trend is the breakdown in the unity of the Bar itself. Specialisation has dramatically increased. There are few barristers who could successfully conduct a criminal jury trial and a commercial cause and few who would want to. In a few years none will be able to state (without fear of breaching the Trade Practices Act) as did, accurately, Tom Hughes QC in the *New South Wales Barristers Directory* under areas of practice: common law - general; equity - general; appellate law - general. The physical fragmentation at the Bar continues to increase, certainly within the Sydney CBD. The Bar common room, after continual decline in attendances, will be closed. All barristers face the succession of demands on small businesses which limit the time for communal activity. One of the common themes of the plight of many barristers who fell foul of the disciplinary regime for bankruptcy and tax offences was that it is just not easy to meet the demands of a busy court schedule and ensure that the finances of a business are running smoothly. The sole practitioner rule has all the virtues of independence but requires a barrister to spend considerable time on business practices, even if only in engaging, paying and overseeing the work of qualified experts. The association has, perhaps belatedly, attempted to provide some services in this latter area, including seminars in the CPD programme on business and tax management. There is scope for greater activity in these areas. Again, these are the topics which, if they are engaging the minds of members, would be suitable for contributions to this journal.

The aim of this journal is to provide on a twice-yearly basis a forum in which some of the different issues and aspects affecting barristers and the association can be aired. The Editorial Committee is particularly pleased that we have been able to bring forward in this issue a piece on the Parramatta Bar, featured on the cover, and on part-time practice at the Bar. The address of Karpal Singh to

the Association was a memorable event in the middle of the year and we have an interview conducted with him prior to that address. This year Leslie Zines AO delivered the Sir Maurice Byers lecture and this is an important annual feature of this journal. Norrish DCJ gave a stirring speech at the launch of the Bar Association - Aboriginal Legal Service pro bono scheme, which we reproduce. The CPD programme at the Bar is now well established and we include some of the papers given.

Finally, the Bali Bombing was a terrible event. *Bar News* expresses its sympathy to those affected. We include a moving piece by Colin McDonald QC of the Darwin Bar.

Justin Gleeson SC

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