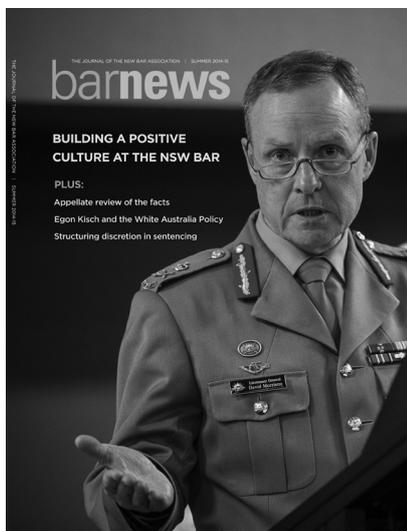


Editor's note



Bar News is fortunate indeed to publish in this issue two recent lectures by distinguished speakers: the Sir Maurice Byers Lecture by the Hon Justice Virginia Bell, who examines the circumstances in which appellate courts review factual findings at first instance, and this year's Sir Garfield Barwick Address by the Hon Murray Gleeson AC QC.

The cover story for this issue is an address by the chief of the Australian Army, Lt General David Morrison, at the launch of the NSW Bar Association's Best Practice Guidelines.

For those barristers wondering how best to integrate the grind of daily practice with the digital age, a piece by Philippe Doyle Gray, 'The pillars of

digital security', examines a range of issues, including how to keep electronic documents secure and confidential.

Adam Butt examines various limitations on judicial discretion in sentencing. And the Bar History section includes a piece on Egon Kisch and the White Australia Policy by the Hon Keith Mason QC, together with the Hon Roger Gyles AO QC's personal recollection of the remarkable Sidney Orr case.

This being the last issue for 2014, *Bar News* takes this opportunity to wish all its readers a very restful and safe holiday season and all the best for the New Year.

Jeremy Stoljar SC
Editor

Looking forward to 2015

By President Jane Needham SC



In my last column, I outlined the matters of policy and planning which I hoped to be able to work on during my term as president. I am delighted to have

been re-elected as president for the 2015 Council. On my election as president, I made the following statement:

I congratulate all Executive office holders and Bar Councillors on having gained the confidence of our peers to govern this fine association. I am very much looking forward to leading the association with the assistance of the Executive and the Bar Council over the coming year.

It has been an interesting week. One issue – that of whether the bar should approach the government to seek the requisite legislative amendments to enable senior counsel to practise under Letters Patent as queen's counsel – has caused some controversy in the wake of last week's Bar Council

election result. That result indicates that there is interest among members in the Bar Council pursuing this issue with the New South Wales Government.

The bar faces many challenges, the resolution of the queen's counsel/ senior counsel issue among them. But matters such as the continuing response of the bar to the Law Council NARS report, the implications of a national profession, the uniform practice rules, and of course our statutory regulatory functions, will also take up time and require significant and concentrated effort.

I am grateful that my leadership over the past six months has enabled this council to place in me the

confidence and trust given to me by the previous council, in circumstances of sustained debate. I will not let you down.

I would like to take this opportunity to thank the executive director and staff of the Bar Association for their devoted and unstinting service.

I am looking forward to working with the new Executive and Bar Council. I would like to express my heartfelt thanks to those members who did not return to council, whether they sought re-election or not. Each of them has served the Bar Association well. A position on council is not an easy task, and the programmes we provide would not be possible without councillors, as well as committee and other volunteers, giving their time so generously. I look forward to the new, and continuing, councillors continuing this tradition.

A Bar Council role (particularly on the Executive) involves being across many issues and often in three or four places at once. I have been invited to a number of conferences and events across Australia at which I am able to discuss and share ideas with leaders of the bar, both nationally and internationally. I am doing my best to bring the best of these home. A number of initiatives of the New South Wales Bar have been of significant interest to other bars.

In my last column I referred to Lt Gen Morrison's launch of the bar's Best Practice Guidelines on vilification, bullying, harassment, discrimination, and for flexible practice. The general's speech is included in this edition of *Bar News*, and it is an excellent one. I urge each member of the association to consider the Best Practice Guidelines and

even if – as I am told is often the case – the practices set out in them are reflected in reality, I commend their adoption.

Since the Winter edition of *Bar News*, some further advances have been made towards making the bar a better place to work. The first is the opening of the bar childcare centre in August. This is operated by a commercial operator with ten places reserved for children (and grandchildren) of members of the association, be they members with practising certificates, or class B members such as clerks or other floor staff. I have heard terrific reports of the quality of the care, and the Martin Place location is very convenient to the Queens Square justice precinct and chambers. We will review the demand and response to the centre, and keep under consideration childcare places in other locations if there is sufficient demand. I would like to thank the treasurer, Michael McHugh SC, and Megan Black, senior policy lawyer, amongst others, for their hard work in achieving this excellent outcome.

The second is the recent notification of the importance of family and other responsibilities to be taken into account in setting sitting hours in both the Supreme Court of NSW and the Federal Court. This approach will assist parents and others with carer responsibilities to plan their various responsibilities with a greater degree of predictability. I am grateful to Chief Justice Bathurst and Chief Justice Allsop in agreeing to communicate with their judges in this way.

As I said in my statement in November, there are a lot of important issues which need consideration. The engagement

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of women and minorities, including Indigenous lawyers, with the bar is an area which is of real concern. By improving work practices at the bar we can hope to broaden the appeal of a life at the bar so we can continue to attract the highest standard of advocates. The work of the Indigenous Barristers Trust is a case in point. Since becoming president and thus a trustee I have had a better understanding of the outstanding work done in this area by Chris Ronalds SC and Justice Michael Slattery in encouraging talented Indigenous lawyers to the bar.

Please enjoy this issue of *Bar News* – as ever, filled with the contributions of our members and testament to the broad range of talent at the bar. Thanks again to the *Bar News* editorial committee who continue to produce such a high quality publication.

On a sad note, this edition has far too many obituaries – six of them. We remember Jack Slattery and Paul Flannery as fine judges, who have the distinction of being the parents of fine judges. My condolences to the families of all those commemorated, and I trust that the obituaries provide their families with additional pride.