In this issue

Bar notes

Arbitration Rules Reforming Criminal Justice Bar Policy	
The Half Centenary Ball Letter to the Editor	page 4
Farewell, Bill Cook	
The retiring Registrar's farewell	page 6
The other side of midnight	
Michael Finnane QC's view of Alan Moffitt's book 'A Quarter to Midnight'	page 10
The alternative view	
across the rabbit-proof fences by David K. Malcolm QC	page 12
Res Judicata	
or how a final injunction in the Equity division can bar recovery of damages by K. R. Handley OC	page 13
Obituary	. 0
Lord Diplock	page 13
The aftermath of Teh's case by J.L. Glissan QC	page 14
Motions & mentions to inform and amuse	page 17
·	

Cover cartoon by Simon Fieldhouse

The cover cartoon has been sold. Cartoons of equal calibre are available on enquiry from Chancery Estates.

Published by: NSW Bar Association 174 Phillip Street, Sydney, NSW 2000

Editor: R.S. McColl

Photography: D.A. Wheelahan and many others.

Produced by: Publishing Management Services 3rd floor, 204 Clarence Street, Sydney, NSW 2000 Telephone: 264 9611 Telex: 70508 NEWSY

Advertising: Rosalind Davies

10 Glen Street, Milsons Point, NSW 2061 Telephone: 922 3255 Telex: 70508 NEWSY

Printed by: Beaver Press 29 Alberta Street, Sydney, NSW 2000



Newly elected President of the Bar Council, R.V. Gyles QC, plans a presidential style that takes elements from a variety of his predecessors.

The Editor has asked me to make a policy statement. I aim for a continuation of the Gleeson 'No News is Good News' policy. To adopt a Fraserism, I hope to keep sport on the front page of *Bar News*. Whether zealous journalists, disgruntled clients, recalcitrant judges, sensitive solicitors, and restless politicians, disaffected members of the Association will permit it is another matter.

I can, however, reveal that I have been under intense pressure from certain former Presidents to jettison Gleeson's policy of being first to leave all Bar functions and return to the quite different policy of Meagher and McHugh.

I do not need to catalogue all of the problems we face as barristers and collectively as a Bar.

Escalating costs (particularly for accommodation), consistently inadequate revision of the scales of fees (particularly legal aid scales), and the current threat to several significant areas of work, combine to make survival difficult for those without established practices in commercial work or some other lucrative specialty.

The proliferation of chambers, the growth of regional Bars, the increase in numbers of practising barristers, and the widely differing work background of new entrants to the Bar make the establishment and maintenance of uniform professional standards of competence and ethics more difficult than hitherto.

To say the New South Wales Bar Association is a trade union is about as unseemly and indecorous as (to take one of Gleeson's illustrations) submitting to a Federal Court judge that he has no jurisdiction.

Nonetheless it is the essential truth. It is also a truth recognised by those with whom we must deal. It is not something for which we need to apologise.

There is little point in successfully resisting frontal attacks upon the structure of our profession, and in instituting reforms such as the new education and reading programme and the new disciplinary procedures if by a slow process of attrition the rewards of practice at the Bar will not be commensurate with the risks of the occupation.

Recruitment of able people is essential for the Bar to be able to properly perform its funtions. We are competing in this with the lucrative and heady world of large firms of solicitors and large corporations and with the security which can be offered by the Government and the Universities.

This may be the year of 'bread and butter' issues.