

There is a particular problem in making judgments about those who practise on the commercial equity side. If a barrister is taken up by one or two large firms he or she can develop a very large practice and a substantial reputation simply based upon chamber work and appearances as junior Counsel to leading Counsel. In my view, this is not a sufficient qualification for silk. To be entitled to silk an applicant must show the ability to handle substantial cases on his or her feet over a period of time.

There is also a particular problem at the moment concerning Counsel specialising in personal injuries work. Because of the doubt over that work at the time of consideration of applications last year, it was my view that no person practising in that jurisdiction should be appointed unless he or she had substantial experience in other jurisdictions. I have the same general view this year, although there may be a place for some personal injuries specialists.

Bar Notes

Bar Association opposes retrospectivity

The Federal Government is proposing to amend the **Telecommunications (Interception) Act** by including s.64 which states:

“Dealing in connection with existing proceeding

64.(1) A person may:

- (a) for a purpose connected with a proceeding begun before the commencement of this Part, or for 2 or more such purposes, and for no other purpose, communicate to another person, make use of, or make a record of or
- (b) give in evidence in such a proceeding; information:
- (c) obtained by intercepting a communication before that commencement, whether or not in contravention of subsection 7(1); or
- (d) obtained, before that commencement, by virtue of a warrant issued under section 11 or IIA or Part IV.

(2) For the purposes of this section, a proceeding by way of a prosecution of a person on indictment for an offence shall be deemed to have begun before the commencement of this Part if a proceeding with a view to the committal of the person for trial for the offence began before that commencement.

(3) For the purposes of this section, a proceeding by way of an appeal from, or otherwise arising out of, another proceeding shall be deemed to have begun before the commencement of this Part if the proceeding began, or by virtue of another application or applications of this section is deemed to have begun, before that commencement’.

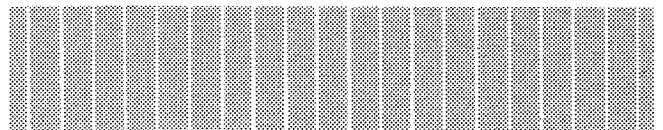
On 27 May 1987 R.V. Gyles Q.C. on behalf of the Bar Association wrote to the Attorney-General, Lionel Bowen,

In the small specialist jurisdictions I do not believe that appointment to silk is warranted simply because a barrister has one of the largest practices in that jurisdiction. Silk should in general be reserved for those who can competently handle work flowing from the jurisdiction, including appellate work.

I hope that this outline will assist in removing some of the mystique and misconceptions which surround the appointment of silk.

If I may give one last bit of advice. A candidate's chances are not improved by provision of references from others or personal representations or lobbying. If a person truly has the professional eminence requisite for appointment to silk, the consultation process which does take place will not ensure he or she is not overlooked. □

about this proposal and informed him the Association was totally opposed to retrospective legislation of any kind, particularly that which would affect the liberty of the subject. He urged the Attorney-General to reconsider the proposed amendment. □



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Domain Parking Station

At about 9.15 p.m. on 7 May a member of the Bar was robbed at knifepoint by two young men on the moving footway leading to the Domain Parking Station.

The matter was reported to the Town Clerk of the Sydney City Council and the Police Commissioner by the Registrar, who drew their attention particularly to the fact that many of the Association's members using the Domain Parking Station not infrequently work late and use the approaches to the Domain Parking Station late in the evening.

The Town Clerk has responded to the Registrar and informed him that the Council intends to seek Police assistance in establishing regular patrols of the area. He also pointed out that the potential threat to parking station patrons did not appear to be limited to the moving footway and that there had been reports of recent hold-ups within the precincts of Hyde Park and the Domain.

It appears that the Council has considered the possible installation of closed circuit television cameras in the tunnel leading to the parking station but this proposal has been regarded as impractical because of the limited head height which would make such cameras easily accessible to vandals and thieves. For the same reason the use of such cameras as anti-hold-up monitoring device has been ruled out.

The Town Clerk pointed out that the only other alternative appeared to be the closure of the tunnel outside peak hours of use, thus ensuring that patrons re-entry to the parking station would be obtained only through the vehicular driveway which could be more easily kept under surveillance. This however, would not remove the threat of patrons being intercepted in St. Mary's Road.

Finally, he stated that it was hoped that the resources of the Police, supported in some measure by casual security patrols, would ensure that no further incidents of this type would occur.

The Bar Association is seeking further information from the Town Clerk concerning the proposed casual security patrols.

In the meantime, members are reminded to exercise extreme caution and to try to time their approach to the Domain Parking Station at times of maximum rather than minimum use of that facility. □

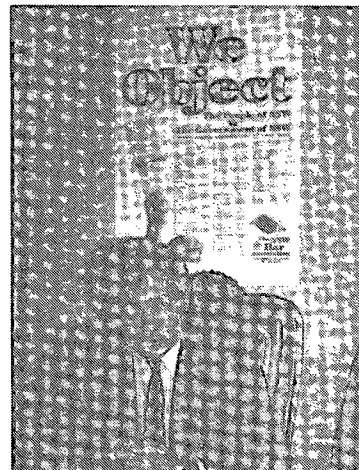
Accident Compensation Action Report

Since the General Meeting of the Bar on 23 April 1987, the following steps have been taken in the campaign:-

1. The Bar Council struck a levy for the fighting fund, on 14 May 1987, pursuant to the unanimous resolution passed at the General Meeting.
2. Public Relations Consultants, Dougherty Communications Pty Limited were retained.
3. Advertising Agents 'Eventures' were retained jointly

with our previous (and satisfactory) agents, Ian Kennon & Associates.

4. A press conference was held in the Common Room with George Pederson MLC, Ms. Jennie Haines, Dr. Michael Aroney amongst others supporting the stand taken by the Bar and Law Society. Channels 9 and 7 covered the story as did the Herald and the ABC Radio News.
5. The Bar, jointly with the Law Society and the Australian Association of Surgeons sued the Government's Advertising Agents under s.52 of the Trade Practices Act, in the Federal Court alleging false and misleading advertising. The plaintiff joined Hills and Booth, who authorised the advertisements as aiders and abettors. The Minister claimed to be entitled to the protection of the Crown in right of the State of New South Wales who is not bound by the Federal Act. This point is reserved but Counsel for the Ministers undertook to withdraw the advertising pending a decision, in for the usual undertakings as to damages. Counsel who appeared (Bainton Q.C., Stowe Q.C. Douglas and Ellis) and Counsel who assisted in briefing them (Coombs Q.C. and Hickey) deserve special mention.
6. 'We Object' advertisements were run in newspapers.
7. Law students in Gowns distributed the 'Brief' which has been circulated to thousands of Sydney people at suitable locations (railway stations, ferry wharves etc.).
8. Follow up media activity took place on the Ray Martin Show (O'Keefe Q.C. and Dr. John Yeo), the Andrew Olle Show (Gyles Q.C.) and 2HD Newcastle (Coombs Q.C.).
9. A contribution was made to the North Western District Law Society (\$5,000) for a campaign in Armidale during the by-election. This campaign seems to have been effective. Local solicitors were thoroughly briefed in person (Coombs Q.C.).
10. TV. advertisements were run critical of the media campaign conducted by the Government (Shand Q.C. appeared in these).
11. The actual Bills have been analysed and detailed criticisms and examples have been supplied to journalists and members of Parliament have been intensely briefed (Branson, Coombs Q.C., Cranitch, Ellis, Hardigan, King and Neil Q.C. all took part).
12. A longer term strategy is being devised. □



Gyles Q.C. fields questions at press conference