

# Australian Bar Association Conference with the Irish and English Bars

## London 6-9 July, 1987

At the opening ceremony in the Old Hall at Lincoln's Inn, Sir John Donaldson, the Master of the Rolls complimented the organisers on their prescience in arriving in London in time for Pat Cash's win at Wimbledon and in time for the opening of Harrod's summer sale.

The conference also coincided with the commencement of Jeffrey Archer's libel case against "The Star", which was being heard a few yards away in The Strand. It was a major distraction throughout the week of the conference. It was also a cruel reminder of how bad working conditions are in courts without air-conditioning during the sticky February weather in Sydney. London was in the grip of a heat wave for the whole week. The court was crowded. Twelve jury men and women were crowded together in their shirt sleeves in a corner of the court. Counsel and Judge perspired in robes and the press sat like vultures at a small table in a corner beside the associate's desk.

Upwards of 300 Australian barristers and their spouses attended the London conference, the first organised by the Australian Bar Association outside Australia.

At ten conference sessions papers of high standard were presented by specialists from Australia and England giving the participants an opportunity to compare and contrast their respective national preoccupations. The papers ranged over administrative law, international commercial disputes, takeovers, negligence etc. It is a pity that copies of the papers were not distributed before the well-attended sessions, but the organisers hope to make them available to those who participated.

Sir Harry Gibbs opened the conference and participated throughout. Those giving papers included Sir Ronald Wilson, Mr. Justice Priestley, Sir Maurice Byers Q.C. and two members of the English Court of Appeal, Sir Michael Kerr and Sir Harry Woolf.

The social life of the conference was not as frenetic as that which was to follow in Dublin. A cocktail party at Gray's Inn enabled those attending the conference to meet

one another and representatives of the English Bench and Bar. Most participants lunched at one or more of the Inns and some sampled the fare at Pomeroy's Bar (El Vino's) in Fleet Street. Chateau Fleet Street could not be found on the wine list. □

John Trew Q.C.

## Ireland 10 - 15 July, 1987

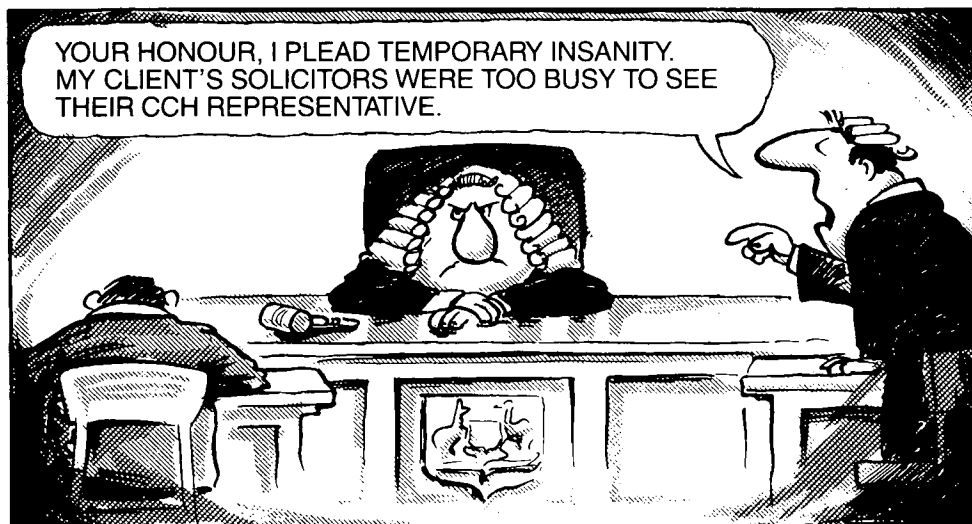
This gathering was an unmitigated success. The Irish are great entertainers in both senses of the word. The quality of the papers was high, the commentary lively and the participation solid and constructive. The only unhappy note was the early departure of (our and) A.B.A.'s President, Gyles Q.C. due to a family bereavement.

After registration, the first major event was a Joint Bars Dinner at the Kings Inns. The hosts would accept no contribution to this function at which Veuve Clicquot flowed. One hundred and thirty Australians and one hundred and twenty Irish attended and the rafters ultimately rang with song. After a fine meal, individual songs, poems and other performances led into community singing led by an Irish Master of Ceremonies. Heads were held and not too high on Sunday morning. A cocktail party at the Kings Inns hosted by A.B.A. eased the pain in the evening, but most opted for an early night.



"Just fake it from the top, Peter." (Chernov Q.C. acts as M.C.)

On Monday 13 July 1987, after formal openings by Chernov Q.C. and Seamus MacKenna S.C. on behalf of the two Bars, a most entertaining address was delivered by Sir Gerard Brennan K.B.E. He traced the influences of Ireland and Irish lawyers on Australian jurisprudence and upon our judiciary with scholarship and humour.



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The second session was led by Paddy McEntee S.C., Q.C. of the Northern Ireland Bar, who, spoke entertainingly on extradition, with particular reference to the requirement of the English law that a prime facie case be shown before an order is made. He suggested the obsolescence of this rule. He was followed by Temby Q.C. who spoke on extradition by reference to the complex Australian Federal/State systems and commented on the failure to extradite Trimbole. Justice McCarthy of the Irish Supreme Court and Dwyer Q.C. were precise and informative in their commentary, as well as humorous.

The environmental law segment was led by Ms Yvonne Scammell, who outlined the structure of environmental law in the Republic of Ireland. Of special interest was her description of a system of compensation for disappointed developers! This system, she told us, has led to hopeless development applications being made so as to entitle the 'developer' to compensation for loss of profits on the development. Incredible, but very Irish!

Peter O'Callaghan Q.C. (Victoria) spoke vehemently on the impact of "greenie" pressure on common law rights and progress, to the extent that Hemmings Q.C. felt the need to announce an appearance for the defendant, the environmental movement!

On Tuesday 14 August 1987, sad developments in personal injury compensation were outlined. Barnard Q.C. of Victoria described the remnants of the common law with \$15,000 thresholds, non-compensation for pecuniary loss other than statutory weekly payments and limits on the cost of care and general damages. The summation

seems to be that very large cases will be better off than in New South Wales under Transcover.

Dermott O'Donovan of the Irish Bar described the Irish situation which is as ours was in the middle 60's: they fear only the abolition of juries, "the death knell" of advocates. Chairman Judge Flannery was quick to point out that the abolition of juries in such cases in New South Wales had improved the plaintiff's position. Others wondered aloud whether the quality of advocacy had been maintained. Flannery's position as the only leprechaun Judge in the English speaking world was maintained, notwithstanding our presence in his ancestor's homeland.



*The only leprechaun Judge in the English speaking world.*



*"I think it was a big mistake to let the Australians start on the Guinness and 'Danny Boy' before your paper on ECC Customs regulations Judge Flaherty."*

Judge Frank McGrath delivered a spirited address on the evils of Workcover and Transcover, striking long-term fear into Irish hearts and provoking loud and heartfelt applause from the Australian Bar.

The last session was on media law. John Sackar led debate with especial emphasis on the defence of qualified privilege in its most recent form. He was deft, thoughtful and humorous.

Adrian Hardiman of the Irish Bar was fast, pithy and hilarious, as well as informative. Time prevented more than one joke from the irrepressible Winneke Q.C. (Victoria) and Patrick O'Higgins (truly) rounded the session off with jest and with an invitation to "a large Guinness before lunch".

The dinner dance at the Fitzpatricks Castle Hotel which ended the conference began decorously enough. The piping of the lambs surprised the Scots who expected haggis.

The speeches were mercifully short (at least until the informal intervention of the Townsville Bar) Seamus McKenna S.C. maintained to the very end his determination to call Alec Chernov Q.C., "Peter".

Decorum began to slip at about midnight and of those who were still present at 3.40 am, the least said the better.

A wonderful conference!

John Coombs Q.C.



Community Singing

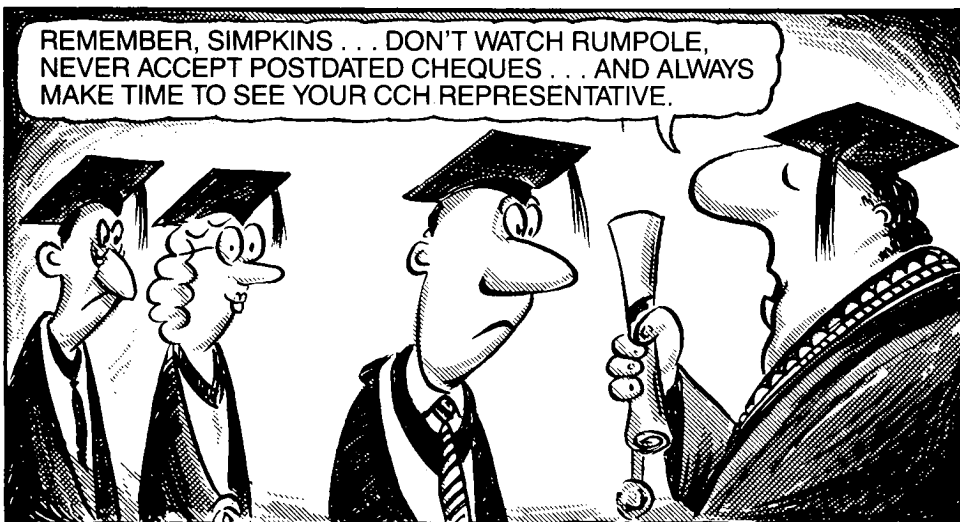


Decorum began to slip around midnight . . .

### Changing Roles

The following people have had their names removed at their own request from the Roll of Barristers to the Roll of Solicitors.

22 May 1987	7 August 1987
Samir Benab Dalla	Ian Love Dunn
Zigurds Lejins	Robert Leslie Deutsch
Raymond William Neale	John Alexander Moses
Bradley Henry Swebeck	John Lloyd Scholtz
Lorraine Monica Sykes	Wayne John Cooper
Mariella Lizier	Robinah Erina Kiyingi
John Hayward Mant	Thomas Michael Knapp
Balbir Singh Sidhu	Roderick Alexander Ian Storie
Joanne Maree Spinks	Michael Robert Aitken
	Ian Roy Coleman
3 July 1987	
Kenneth Hop Shing So	
Robert Deniston Strong	
Robert Alexander Spence	
Robert Angus Cameron	
John David Morrison	



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