



There have been some matters of general concern during the last couple of years.

One is the position of the judiciary. A number of factors have affected the institution. They include — criminal charges against judges and a magistrate; the establishment of the pernicious Judicial Commission in New South Wales; the continuing controversy over the Family Court; the resignation of judges before time and their return to the Bar in some cases; the recent appointment of a solicitor to the Supreme Court of Victoria; the continued proliferation of ad hoc tribunals to take jurisdiction from the ordinary courts; the public championing of alternative dispute resolution as superior to decisions by judges; and the continuing erosion of salary and conditions of service. Above all there is a tendency by some politicians and journalists to treat judges as if they are merely functionaries who form part of the political and bureaucratic machinery rather than as a distinct arm of government separate from and not inferior to the legislature and the executive.

All of this is making the bench a less attractive place and recruitment of the most able will become more difficult. The task of presiding over trials and making decisions which affect litigants is not for the enthusiastic amateur, no matter how intelligent or well versed in other branches of the law. Courtroom expertise is not acquired by any other means than constant practical experience.

Another is the bureaucratisation of criminal justice. It is increasingly being administered by a State run prosecution and a State run or State funded defence, with a listing system which, if not designed to keep members of the private bar out of this important area of work, certainly has that effect. It will not be possible to sweep the ethical and practical problems involved in these developments under the carpet for much longer.

Another is the increasing readiness of the government to take away access to the courts to redress wrong. The abolition of the common law right to sue for personal injury arising from road and work accidents was an appalling precedent, and there are ominous signs that elements in the government would wish to extend the process much further. Politicians and bureaucrats have no love for an independent judiciary.

As far as the profession is concerned, the enactment of the legislation governing it is a most significant event. The incoming Council will have to grapple with the myriad of problems associated with it, and we will all have to put up with the effects of the elaborate new disciplinary procedures.

Issues arising relating to the administration of justice are increasing each year in both number and complexity. The Association has a difficult task in servicing the need to accommodate this, in view of our small numbers and consequent small staff. The appointment of a legally qualified Public and Professional Affairs Director is an endeavour by the Council to deal with these issues in a world which is increasingly sceptical of, and often hostile towards, the independent professions.

In conclusion, I would like to acknowledge the support I have had from members of the Council of the Association, particularly the executive. It is a privilege to serve on the Council and it is important that members who stand for election are prepared to pull their weight if successful. I also thank those many members who have assisted the Bar in various ways during the year. □

R.V. Gyles

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The following barristers (listed in order of seniority) have been appointed as Queens Counsel by the Attorney-General of NSW.

Arthur Leolin Price, (U.K.)
James Walter Black, (U.K.)
David Francis Jackson, (Qld)
Bernard Daniel Bongiorno, (Vic)
David Rudd Thompson
Alexis Chernov, (Vic)
Terence Fenwick Marley Naughton
Nicholas Richard Cowdery
Allan James Myers, (Vic)
Mark Anthony MacAdam
Michael Joseph Williams
Clifford Roy Einstein
John Dyson Heydon
John Robertson Sackar
Thomas Michael Jucovic
David Harold Bloom
Mark Samuel Weinberg, (Vic)
Charles Augustine Sweeney
Thomas Frederick Bathurst
Michael Frederick Adams
David Graham Russell, (Qld)
Terence John Higgins, (A.C.T.)