

---

## Behind the Dingo Fence

Now that the gate has been opened by Street (1989) 63 ALJR 715 and by Roberston (1989) 63 ALJR 769 and interstate barristers may be admitted in Queensland (albeit conditionally) it would seem appropriate for those appearing in Queensland to adopt whatever local courtesies are observed in that State.

It is not, of course, necessary to be admitted in Queensland in order to have a right of appearance in every case. In cases which have been transferred to the Supreme Court of Queensland under the cross-vesting legislation, a barrister or solicitor has the same entitlement to practice in relation to the transferred proceedings as if the court to which the proceedings are transferred were a Federal Court exercising Federal jurisdiction. (See, for example, s 5 (8) *Jurisdiction of Courts (Cross-vesting Act 1987)* (NSW)).

Even in proceedings commenced in the Supreme Court of Queensland, where those proceedings raise questions of Federal jurisdiction, a person entitled to practise as a barrister or solicitor in any Federal court has a right of appearance (s.55B(4) *Judiciary Act 1903*). It has been held by the Supreme Court of Queensland, in a commercial cause in which there was a defence and cross-claim raising allegations of breaches of the *Trade Practices Act 1974*, that New South Wales counsel has a right of appearance by dint of s. 55B(4) of the *Judiciary Act (Austral Mining Constructions Pty. Limited v. Mount Arthur Molybdenum NL*, 6 March 1989, (unreported)). Further, such right of appearance extends to the whole of the proceedings and not just that part of it dealing with the Federal matter.

One of the local courtesies, which is followed (to this observer's eye) almost without exception, is the order in which counsel are seated at the Bar table. The most senior takes his or her place on the right (as one faces the Bench) and the most junior on the left, irrespective of whether appearing for the plaintiff or defendant.

Seniority, except in the case of senior counsel, is determined by the date of admission in the Supreme Court of Queensland. In the case of senior counsel, seniority is according to the date and time of their commission in Queensland as Queen's Counsel. (Rule 43, Barristers' Admissions Rules, 1975).

Normally this would not present a problem. Recently admitted interstate counsel, relying upon their admission in Queensland to appear, must take their place on the left hand side of the Bar table, no matter how experienced or senior they may be in their own state.

An obvious consequence is that a very junior Sydney barrister may in Queensland be more senior than a Sydney barrister his or her senior.

However, in cases which have been transferred under the cross-vesting legislation, and in cases where the court is exercising some element of Federal jurisdiction, the practitioner does not need to rely upon being admitted in Queensland in order to appear. It would seem in such cases that one should nevertheless adopt the local practice. The person having greater seniority in a Federal court would quite properly be seated on the right, even although he or she may be the most

junior barrister in the Supreme Court of Queensland. (This is what in fact happens when interstate Counsel appear in the Federal Court in Brisbane).

Since politeness requires that one adopt the local courtesies, it may be prudent for all persons intending to appear in Queensland to obtain the Queensland Law Almanac. (Perhaps it is too sensible a solution, now that the final gate is open, for there to be a common admission to all States once one is admitted in one State). □ David Lloyd

## Circuit Food

To the cramming assault of 1989 on the health of the Common Law Circus practitioners was added in 1990 the exquisite touch of overlapping. On the last day of the first week in Lismore, the air was full of briefs as the regulars set off for Tamworth.

Fortunately comfort was at hand in the continuing high standard of the restaurants. Harts in Lismore, The Rocks at Byron Bay, the Power House in Tamworth and Seafood Mama's and Café Cézanne in Coff's all held their high ratings. The Cellar Bistro in Tamworth moved up with a brilliant Chilli Mudcrab and Cocos in Coff's hits the list this year because of great improvement: seafood salad was Roche's favourite and I got the best steak and kidney pie this year.

But the Ringmaster's Award for Star of the Circus this year goes to Carrington House in Newcastle. Seven minutes by car from the Top of the Town, it provides elegant surroundings and attentive but not obsequious service. As soon as we sat down we were brought tiny bowls of dry roasted chick peas and "Phillips" olives in a spicy oil and red wine dressing with fresh herbs, chilli and lemon peel. The olives had not been stored in brine so were not salty or bitter at all. Wonderful palate awakens and not too much: for a moment I thought too little.

The party of the fourth part and I chose to have three entrées. The first consisted of 10 Port Stephens oysters not *two* but five years old and therefore large and luscious. The dressing was of old balsamic vinegar, a little olive oil and a touch of saké. The combination was delicious and the addition of baked capsicum slivers was complementary.

Next a salad of lambs brains and avocado. The brains were blanched not fried, so soft, moist and without the competing flavour of cooked oil. The brains were sliced in alternate layers in a tossed salad with the slices of ripe avocado. A tomato vinaigrette dressing of gentle discretion was added to the delicate flavours.

Last a home made brioche with *hot* Italian sausage and oysters in a red wine butter sauce. This was a tasty treat.

All of this was enhanced by the Carrington's own *campagna* style bread, wholemeal, grainy and nourishing! The glass of house white was a Taltarni Blanc de Pyrénées from Central Victoria and a bottle of WA's wonderful Ashbrook 1984 Cabernet topped it all off.

The Newcastle regulars Stitt, Capelin, and the gang regularly take the private room. I thank them for recommending this quality establishment. □ John Coombs