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## Editor's note

On 12 November 2003, Bret Walker SC completed his two year term as President of the Bar Association, following an admirable period of service on the Council of the Bar Association, commencing in 1989 and continuing without interruption since 1992. When Walker addresses an audience, whether it be a court, the Law Council, the ABA or as recently occurred the English Bar, and when he advances the interests of his client or of any principled cause, his ability to speak with both clarity and passion without notes and seemingly without preparation, is remarkable. However, when it comes to even a bland report to Bar Association members on his own efforts and achievements on their behalf, he becomes shy and retiring. The purpose of this note is to record, in a brief and inadequate way, some of what he has done for the association and its members over the past two years.

A lot of Walker's time has been spent dealing with government at both federal and state levels, in an attempt to ameliorate or bring balance to proposed legislation or government policy. Much of this work has required a skillful mix of the three P's: politics, principles and persuasion. Much of it, to be effective, means that it cannot be publicly broadcast, certainly not in any great detail, for fear that the good work will be undone. This includes: representations to the state government and attorney general, which have resulted in a better outcome for the so-called reform of personal injury law and civil liability generally; dealing with the state authorities in respect to proposed changes to the *Legal Profession Act 1987*; dealing with the federal attorney-general in seeking to ameliorate proposed harsh security clearance requirements impacting upon barristers defending security suspects; and dealing with the ACCC in respect to its concerns about the alleged anti-competitive effect of the *New South Wales Barristers' Rules*. There is also Walker's work with the state attorney general, and as part of the Law Council review, in producing a model bill for the National Practice Project, which should produce a better outcome for barristers. In relations with the state government, Walker has continued the difficult process commenced by Ruth McColl SC during her time as president, of rebuilding the trust of the government after the bankrupt barristers scandals. (There is, however, no current truth to the rumour that the Premier has arranged for him to have a parking space in Parliament House).

There is another area of government interaction which may not directly benefit individual members but which is consistent with the broader role of the association in benefiting the community at large. This concerns the offering and providing of advice and of public comment on proposed legislation or government policy which impacts upon the legitimate rights of individuals in the community or generally upon the rule of law. Under Walker's presidency, the Bar Association has continued its valuable role of offering advice to all members of the state parliament, if they wish it, on these matters, and of making

submissions either directly, or in the federal sphere through the Law Council level, to governments or parliaments. Issues that come to mind include the strong statements and submissions made on the mandatory sentencing proposals that appear to endear themselves to both sides of state politics. Another example is the draconian ASIO and security legislation that is so attractive to the Commonwealth Government. To be effective in these areas means being open to communications with oppositions and cross benchers as well as governments, and again doing so on a basis where the detail of the communications must usually be private. The net effect is to the gain of the community, and to the credit of the Bar Association and its members.

On the local front, Walker has provided strong support for the consolidation of the continuing Professional Development Program which was instituted under McColl. Although some members were initially disgruntled by the program, the breadth, interest and relevance of the papers and seminars, as well as the flexibility now offered in meeting the CPD requirements, is, I venture to say, recognised by most members as a positive. On the issue of inadequate barristers fees, Walker has continued to argue the case with legal aid authorities. That issue is never easy.

Even further removed from public view is the generous way in which Walker has made his time and counsel available to members with problems, whether they be matters of ethics and professional conduct or personal or financial problems. It is said that to have a reprimand administered by Walker is a mix between a counselling session and an ethics dissertation. Many who have benefited from decisions of the Barristers' Benevolent Association can attest to his fairness and compassion. Staff of the Bar Association are also grateful for Walker defending them against the attacks and insults which come increasingly from disgruntled persons.

It must be said, however, that for all of the foregoing, the man clearly is not perfect. It is said that Walker's technique for changing nappies in his chambers leaves something to be desired. He did once lose his train of thought after an address lasting several hours in the High Court without notes, although you cannot detect the exact place from the internet transcript. His talkback radio technique, while good, has not yet earned him a prime time slot on drive time radio. More seriously, Walker would not consider every goal to have been achieved. The impact of tort law reform upon personal injury barristers and their practices and livelihoods has been of real concern to him. He would have wished to have been able to achieve more by way of assisting those barristers into new or related fields of work, or cushioning the blow, than has proved practicable to date.

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When a president retires, it may be thought that his or her service of the association and its members comes to an exhausted end. Either the ex-president scurries off to the Bench or revels in the newly available time to conduct one's own practice and enjoy the other things of life. Walker, so far as we know, still has a few more nappies to change and is not immediately taking the former option. Nor is the latter course fully open to him. At one of his last meetings on the Bar Council, he was asked by the council and agreed to accept three further tasks for the benefit of the association:

a substantial rewrite of the *New South Wales Barristers' Rules* to deal with issues arising out of the Chesterman Inquiry; the organising of a substantial international conference on statutory and general law interpretation; and a project to introduce national legislation to recognise and protect, to defensible extents, advocates immunity. In other words, he is still working for us and for this we are extremely grateful.

**Justin Gleeson SC**

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## Letters to the Editor

Dear Sir,

*Bar News* recorded a visit by Bar Council members and senior staff to the Parramatta Bar. Had the visitors travelled a block or so south, they would have come across St John's Church - a fine colonial Georgian building with a superb wooden ceiling.

The interior walls are covered with lavish memorials to various Macarthur-Onslows and Stanham-Macarthurs, most of which surely offend the sumptuary laws. Hidden amongst these is a modest but perhaps more significant memorial to one Gordon Champion, described as the first NSW public defender. There has long been a firm of solicitors at Parramatta called Kay-Davies and Champion, and I assume that Gordon Champion was from this family. Perhaps someone knows and can assist with the answer.

Yours sincerely,  
Graeme Durie

Dear Sir,

Mr Andrew Bell's otherwise informative and entertaining article on Frank McAlary QC, 'The dancing man' (Winter 2003) contains one inaccuracy which needs correction. He wrote that 'Frank McAlary now retires as the senior member of the New South Wales Bar and as the last of the original occupants of the Wentworth / Selborne building having joined 11 Selborne in 1957'.

The latter part of this sentence is not correct. David Rofe QC remains in practice on 12<sup>th</sup> Floor Wentworth Chambers, he having come to that floor when the Wentworth Chambers building first opened in 1957.

Bob Rymer  
Clerk  
12<sup>th</sup> Floor Chambers