

presumption would arise in the case of claims for contribution between joint tortfeasors.

*Question 6.* This matter was not finally decided by the High Court, but, in the opinion of the committee, it should be put beyond doubt and the position left as it is now believed to be.

*Question 7.* The committee thought it desirable to put it beyond doubt that the cover extends, not only to the case where proceedings are taken against the personal representatives of the owner, (or driver), but also in the case where proceedings are taken against the surviving driver (or owner) of the vehicle.

*Question 8.* In view of the matters referred to above, the committee considered that this amendment was both necessary and desirable.

*Question 9.* The committee considered, that, although this involved the question of retrospective legislation, and although the Council had always been opposed to legislation having retrospective effect, in the peculiar circumstances of this case, namely, that a firmly held belief of the profession, which was for many years acted upon, had suddenly been found to be wrong, was sufficient ground to justify retrospective legislation where otherwise persons would be deprived of an action irretrievably.

The conclusions which were reached by the Bar Council's committee were, in pursuance of a wish expressed by the Attorney-General, discussed with a sub-committee of the Law Society of New South Wales consisting of Mr. Tillam and Mr. Dunlop, who provided the committee with a copy of their report. In all respects the two committees appeared to be in agreement.

The results of the committee's deliberations were in due course transmitted to the Attorney-General, and have been placed before the Permanent Law Reform Committee which has to deal with the problems raised by this case, as being the considered views of the Bar Council.

#### **The Medico-Legal Society of New South Wales**

At a well-attended meeting of the Society held on 21st February, 1962, at the Robert H. Todd Memorial Hall, the President of the Bar Association, Meares Q.C., presented a paper entitled "What is the proper method of determining medical issues in personal injury cases?" The paper produced a very stimulating discussion led by Dr. W. D. Sturrock, in which Judges as well as practising members of both professions took part.

The next meeting of the Society will take place on 9th May, 1962, at the same place when Dr. Zelman Freeman, M.R.C.P. (Lond.) M.R.C.P. (Edin.), will present a paper on "Heart Disease in Industry". The principal commentator will be Samuels of the Bar. Members of the Bar are invited to attend.

#### **International Commission of Jurists Australian Section**

The Secretary-General of the Commission, Sir Leslie Munro, K.C.M.G., K.C.V.O., visited Australia with Lady Munro from the 16th to 27th March, 1962. Sir Leslie, whose headquarters are in Geneva, is at present in the course of a three month mission to Asia and Australia.

The purpose of the mission is to study legal developments in some fifteen countries of the Far East and to meet members of the legal community and government officials. By the end of his mission, Sir Leslie will have visited East and West Pakistan, India, Ceylon, Burma, Thailand, Malaya, Indonesia, Singapore, Australia, New Zealand, Viet-nam, Cambodia, Laos, Philippines, Japan and Hong Kong.

Sir Leslie, who was President of the United Nations General Assembly during 1957-1958, has had a most distinguished career. He was New Zealand's Ambassador to the U.S.A. and Permanent Representative to the United Nations from 1951-1958. In 1958, the General Assembly appointed him its Special Representative to report on the position in Hungary. At various times, Sir Leslie has been, amongst other things, a practising lawyer, university lecturer in law, newspaper editor, author, and radio commentator on international affairs.

In Australia, Sir Leslie and Lady Munro visited Sydney, Canberra, Melbourne, Adelaide and Perth. They met the State Governors, the Prime Minister, Judges, practising lawyers and law teachers. In Sydney, Sir Leslie addressed a public meeting at the Todd Memorial Hall and attended a late-afternoon cocktail party at the Hotel Australia. In the other States, he addressed well attended meetings of the State Branches of the Australian Section.

The Australian Section has been for some time carrying out a survey of the facilities available in Australia and the Territories for accused persons who have language difficulties. Many experienced Judges, Magistrates and Counsel have made valuable contributions and suggestions in connection with the survey. The survey is nearing completion and it is expected that the final report will be ready for publication in a few months. This report should provide a useful analysis of the problems arising in the administration of justice due to language difficulties and differences.

#### **International Law Association (Australian Branch)**

The International Law Association is the oldest of all Associations whose objectives include the study and development of International Law in its many aspects. It has active branches in almost every country throughout the world and its members include many jurists of international repute. The Chairman and Vice Chairman are Lord McNair Q.C. and The Rt. Hon. Lord Hodson respectively.

The Australian Branch was formed about 3 years ago and it now has 110 members who come from all the States and include a number of Judges, Professors, and members of the legal profession, as well as some laymen and institutions. The Rt. Hon. Sir Owen Dixon is a Patron.

A number of interesting addresses have been given by Sir Percy Spender, Sir Garfield Barwick, Professor Bailey, Professor Stone and others. The Vice Dean of the Faculty of Law in the University of Singapore, Professor Green, will give an address on the subject "The Right of Asylum" in July next.

Many of the members are "corresponding members" with International Committees established by Head-

quarters, some of the many subjects being "Restrictive Trade Practices", "Air and Space Law", "Family Relations", "Commercial Arbitration", "Review of the United Nations Charter", "Peaceful Uses of Nuclear Energy", "Monetary Law", and "Trade Marks".

Members of the Bar who wish to join the Australian Branch are requested to contact the Hon. Sec.-Treasurer Mr. T. K. Hodgkinson of Messrs. Spruson and Ferguson (27-1417) or the President, Mr. Justice Wallace, or one of the local Vice-Presidents, namely, Mr. H. A. Snelling, Q.C. (Solicitor-General for New South Wales), Dr. F. Louat Q.C., or Mr. E. St. John, Q.C.

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### The Sickness and Accident Fund

The scheme mentioned in the last Gazette has now been launched. A Company formed for the purpose of acting as trustee of the Fund and known as Barristers Sickness and Accident Fund Pty. Limited was incorporated at the end of 1961, and it has recently entered into a trust deed with the Bar Association which was the necessary prerequisite to commencement of operations and, in effect, will have the result that the company will carry out the scheme for the Bar Association.

The first directors of the Company are Meares Q.C., D. G. McGregor, Helsham and Waddell, the members of the Committee which formulated the details of the scheme.

Under the scheme, members may insure themselves against sickness and accident for a minimum period of one year, and, if disabled for any period over one week and not more than one year, will become entitled to weekly payments ranging from £10 to £100, according to premium paid. The premiums charged will at the outset be the equivalent of the weekly sum payable, so that a premium of £10 will ensure weekly payments of £10. As the scheme develops, it is hoped and expected that the premium rate will be substantially reduced.

Premiums paid are deductible for income tax purposes, and the income of the fund is exempt from income tax, so that all profits from the fund will be available to build up a reserve fund to assist in reduction of premiums.

Members of the Bar already covered for sickness and accident can, of course, take out policies in this scheme additionally to their other cover, unless their other policies prohibit it, and it is suggested that any increase in cover should be arranged through the Bar Scheme, even if it is not desired to give up existing policies with other companies. The Directors of the Fund will accept proposals now for policies to commence at a future date, so that those who have policies with other companies expiring later in the year and who propose to change over, can indicate their support for the Fund at the present time.

### Liquor Licence

An Extraordinary General Meeting of the members of the Bar Association was held on Friday, the 13th April, 1962, in the Common Room. The meeting carried a special resolution for the alteration of the Articles of Association in such a way as to enable application to be made to the Licensing Court for a conditional liquor licence for the new premises which the Association expects to occupy at the end of 1963.

A proposal for obtaining a liquor licence for the Common Room was first made in 1958 and was discussed at the Annual General Meeting in that year when it was resolved that the matter should be further investigated and, in particular, that the views of members generally should be sought. It will be remembered that at that time it was thought that, to obtain a licence, it would be necessary to form a separate club, to which a lease of the Association's premises would be given, and, in order to make the scheme work, it was felt that it would be necessary to make membership of the club compulsory for all members of the Association.

A number of objections to the scheme were raised, although the views of most members were favourable to the obtaining of a licence. Some of the objections were directed at the formation of a club, the sole purpose of which was the operation of a liquor licence; some members felt that the premises of the Association were no more than adequate in size for the purposes they already served; and others considered that the mixing of different activities in one area was undesirable.

The Council considered all these objections and, after further consideration, came to the conclusion that the Association's Articles of Association could be so amended as to conform to the requirements of the Liquor Act without interfering with the proper functioning of the Association's other activities, but, being conscious of the physical problems which would arise in fitting a bar into the existing space, took no steps to further the matter for the time being.

The rebuilding of Selborne made the establishment of a bar in the Association's premises when they are expanded, a much more practical possibility than before. In the planning of the new common room area, there will be no difficulty in carrying on all the existing functions in a more spacious manner as well as providing for a bar.

The Council, since the resolution was carried, will proceed with an application for a conditional licence for the expanded premises in the new building. The bar when established would not be open during normal working hours, but only, say, between 4.45 p.m. and 7 p.m. and, of course, for the purpose of evening functions of the Association.

The committee which had the responsibility of planning the project put into it a very great amount of work and the Council desires to record its thanks to them.