



Australian
Bar Association

The National Brief #4

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Last Friday, I was asked by a journalist to comment on the impact of lockdowns on the justice system. In response, I noted the greater impacts on, for example, jury trials and the growing backlogs in that area. I also said that the Bar had worked very hard, obviously with the rest of the profession and the Courts, to keep hearings going to continue to resolve disputes. Notwithstanding different levels of comfort and competence with technology prior to covid, the Bar has adapted rapidly to the benefit of the administration of justice. As much of the country is in lockdown at the moment, I think we can (without any false humility) take some pride in what we have done in the last 15 or so months, and continue to do. For those with a subscription to *The Australian*, the article is [here](#).

ABA National Conference: RE-EMERGE 2021, 16-18 September 2021

Towards the end of last year, when the ABA decided to hold a National Conference in Melbourne in September, we were hopeful that we would be through the worst of the disruptions to our professional and personal lives. Obviously, that is not where we are yet.

Nonetheless, what motivated us towards the end of last year remains central: to bring the national Bar together to explore how we re-emerge from the pandemic – how we pick ourselves up and pull together, to energetically confront the challenges ahead, to innovate, and to continue providing independent representation and advice without fear or favour.

The planning for the Conference was always for it to be held fully physical and fully remote and we have been working towards delivering that. While things can, and have, moved quickly, we remain committed to delivering the 2021 National Conference in Melbourne on 16-18 September. We have secured the iconic State Library of Victoria as the conference venue, and have a robust program with more than 50 speakers including leaders in our judiciary, politicians, media and others across the legal profession.

Of course, covid-related restrictions may disrupt attendance – which is why we have engaged a state-of-the art virtual conferencing team so that everyone attending – be it in-person in Melbourne or live-streamed – will be able to contribute to the debate and explore the in-depth issues discussed.

With four sitting High Court judges in attendance, together with heads of federal and Victorian jurisdictions, eminent academics, Attorneys-General and politicians, members of the Bar and the legal profession, epidemiologists and mental health professionals, the program will provide us with an opportunity to reflect on our personal and professional journeys through the pandemic, understand key black-letter law, practice and ethical issues, and enable us to better meet the challenges and opportunities of the post-pandemic world.

Every member of the Australian Bar can access the discounted ABA Member rate, and there are a limited number of tickets available for New Barristers (those who first signed the Bar Roll on or after 1 July 2019). We have made provision for those who are unable to attend Thursday 16th because of Yom Kippur.

For those able to attend in-person, we have a great social program lined up – with welcome drinks at the Old Melbourne Gaol followed by sectional dinners hosted by Victorian Bar Associations on Thursday 16th, and the evening-wear, black-tie dinner at the stunning new W Melbourne on Friday 17th.

We're delighted that *The Australian Financial Review* is a major partner of RE-EMERGE 2021, with discounts available for AFR subscribers. Subscribers to the AFR can read the article published about the conference [here](#). I urge all members of the Bar to book early to secure their spot.

The conference website with full registration details is at re-emerge2021.com.au.

Support for those reporting sexual harassment

The recent reports of sexual harassment by a judge of the Federal Circuit Court were of grave concern. The ABA supports the unequivocal actions taken by the Chief Judge of the Federal Circuit Court, the Hon. Will Alstergren. On behalf of the ABA, I said to the press that, "It is unacceptable that sexual harassment within the profession and courts continues to occur. The ABA's position is that sexual harassment must stop. As the Chief Judge forthrightly stated such behaviour is 'unacceptable and inexcusable'. The Court's actions and clear statements of support for the complainants are welcome. People subjected to this conduct must be heard and their experiences respected. The effects on them are often severe. The ABA has recognised that power imbalances – which are present within the law – can and do contribute to such unacceptable behaviour. The whole of the profession has an obligation to stop this behaviour continuing."

The ABA also supports the establishment of a Federal Judicial Commission, which would be an important step to enhance the public's confidence in the administration of justice. You can read the ABA's statement [here](#).

Those with subscriptions to Lawyerly can read the full press report [here](#).

Supporting lawyers in defending the rule of law

It is unfortunate that in a number of our near neighbours, the rule of law is undermined by the intimidation and incarceration of lawyers as they defend the legal rights of their clients, and

political pressure on the judiciary undertaking their role in upholding the rule of law. In the last National Brief, you will remember I wrote about the ABA's support for lawyers in Myanmar – the statement is [here](#).

Last month, the ABA joined the Law Council of Australia and the New Zealand Law Society | Te Kāhui Ture o Aotearoa in supporting the independence of the judiciary in Samoa, which has been criticised for performing its role in considering the constitutional questions falling out of the disputed election in that country. That statement is [here](#).

The ABA has also joined 30 other international legal organisations in signing a joint statement organised by the Netherlands-based NGO, Lawyers for Lawyers, condemning the escalating attacks against lawyers in the Philippines. More than 60 lawyers have been killed in the Philippines since 2016, the majority of which have been related to cases in which they represent victims of human rights violations, government critics, political opposition leaders, human rights defenders, environmental activists, and people who are accused of terrorist- or drug-related crimes. The joint statement is [here](#).

Significance of Culture to Wellbeing, Healing and Rehabilitation

The ABA has supported the *Bugmy* Bar Book in publishing the Significance of Culture to Wellbeing, Healing and Rehabilitation report, by Vanessa Edwige, registered psychologist, and Dr Paul Gray, Associate Professor, UTS Jumbunna Institute of Indigenous Education and Research. Both of the authors are Directors of the Australian Indigenous Psychologists Association (AIPA).

The report attests to the importance of sentencing orders that enhance an offender's prospects of rehabilitation by providing for engagement with culturally appropriate services and programs, and that enable Indigenous communities to play a role in the healing process wherever possible. More information about the report is [here](#).

Postponement of the Silks' Bows and Dinner in Canberra on 2 August 2021

These events traditionally take place at the opening of the legal year at the end of January or the beginning of February in the High Court. We postponed them from beginning of February this year to the first sitting date after the Court's winter recess.

Unfortunately, after close consultation with the Court, we have postponed these important events again.

Matthew Howard SC

President, Australian Bar Association