

Member News

Australian Bar Association

AUGUST 2016

Dear Members,

A fortnight ago, the horrific and alarming treatment of children in detention in the Northern Territory was exposed, leaving the majority of us feeling distress, anger and disgust. The ABA has regularly and recently spoken out about youth detention, particularly in the Northern Territory, and we are pleased to see such a swift and decisive response in the establishment of a Royal Commission into these issues.

During July, I visited the Northern Territory where I met with the Attorney General John Elferink, the new Chief Justice, The Hon Michael Grant CJ, and the Shadow Minister for Corrections Natasha Fyles to discuss, among other things, the NT's proposed bail laws which unfairly target juvenile offenders, indigenous incarceration and mandatory sentencing.

The ABA believes that the imprisonment of a child should be the last resort, and we will continue to campaign for better investment into prison diversionary programs, meaningful rehabilitation and social welfare.

Meanwhile, whilst in the top end, I also attended the Northern Territory Bar Association's conference in Timor Leste, Dili. Thank you to all our members who attended and for the excellent contributions made to the panel sessions.

In June, I traveled to Auckland to represent the ABA at the New Zealand Bench and Bar dinner. It was an excellent opportunity to share experiences and ideas with our close neighbours. Our respective Bars share a number of the same issues and I expect we will work closely with the NZ bar in the future.

In July, I met with the Dean of Singapore's Institute of Legal Education at the National University of Singapore, Professor Walter Woon. Together we discussed providing opportunities for Australian and Singapore barristers to share knowledge. I look forward to providing further details about the CPD program later this year. We also discussed training for law graduates in each jurisdiction.

During National Law Week, I participated in the National Legal Aid Matters campaign by attending a public rally in Adelaide's Victoria Square. Later this month the ABA will be hosting an Access to Justice roundtable to consider the current position of Legal Aid and its future.

The ABA continues to speak out about matters concerning the rule of law and recently sent an open letter to the Malaysian Government to reconsider its proposed changes to the country's Legal Profession Act 1976 which threatens the independence of the Bar and the rule of law in Malaysia. To read the ABA's media statement visit: <http://www.austbar.asn.au/archives/2660>

Registration for the 2016 ABA and Vic Bar Conference in Melbourne is now open. Conference program and registration is available at www.abavicbar2016.com.au I look forward to seeing you at the conference.

Patrick O'Sullivan QC



DATES FOR THE DIARY

27-28 OCTOBER 2016

ABA and VIC Bar Conference

The National Profession in a Global Market.

Melbourne

www.abavicbar2016.com.au

24 NOVEMBER 2016

WABA Colloquium

High Court Chief Justice Robert French AC

<http://bit.ly/1rxBRYP>

17 JANUARY 2017

ATC's Advanced Trial Advocacy

Sydney

www.advocacytraining.com.au/courses

20-24 MARCH 2017

20th Commonwealth Law Conference

Thriving in a Global World

commonwealthlawconference.org

2-8 JULY 2017

ABA Conference

London & Dublin

www.austbar.asn.au/events

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Advocacy Training Council (ATC)

The ABA Essential Trial Advocacy Course was held in Adelaide over 5 days at the beginning of July. The course was attended by 32 barristers from throughout the country, two from the South Pacific and one from Hong Kong. The feedback from participants confirmed the course's reputation as an invaluable training opportunity for those preparing for a career as a trial advocate. The course provides barristers with an opportunity to receive specialist training from experienced senior advocates in the essential skills of making an application, opening a case, examination in chief, cross examination and the closing address. It concluded with a full trial on liability before a sitting judge on the last day. For more information on this course and other upcoming ATC courses visit www.advocacytraining.com.au



Participants of ETAC - July 2016

Access to Justice - Legal Aid

The ABA consistently advocates for an adequately funded legal aid system ensuring a nationally consistent and fair approach to the provision of legal aid and access to justice for all. The resources available to the Legal Aid Commission and Community Legal Centres have been placed under enormous pressure, reducing their capacity to provide fair and effective access to justice. In May this year, ABA President Patrick O'Sullivan QC supported the Legal Aid Matters campaign by joining members of the profession to rally for increased legal aid funding in Adelaide's Victoria Square. The ABA's Access to Justice committee, chaired by Jacoba Brasch QC, will continue to advocate for improvements to legal aid.

Later this month the ABA will host an *Access to Justice Roundtable* in Brisbane to consider the current position and seek to persuade the government and opposition that the arrangements for the effective administration of justice are now under-resourced and that it is beholden on both of them to ensure fair and realistic

options are available to all who seek to access legal support, advice and representation. The ABA looks forward to providing an update from this event.

Ross Ray QC ATC Scholarship

In recognition of the tremendous contribution made to the Advocacy Training Council and the South Pacific Lawyers Association (SPLA) by the late Ross Ray QC, the annual ATC scholarship program has been named in his honour. Mr Ray had a very long association with the South Pacific, and was the inaugural and only Chair of the SPLA. The ABA congratulates the two South Pacific winners of the 2016 Ross Ray QC Scholarship, Michael Heano and Seruwaia Nayacalevu.



Ian Robertson QC with Seruwaia Nayacalevu and Michael Heano

ABA Committees

The ABA is pleased to announce the 2016-17 committees. The committees reflect a wide cross-section of members from all States and Territories. Each committee has a Chair who will work with the committee members throughout the year to develop policies, respond to requests for submissions, and effectively represent the profession to advance public debate on law reform and legal policy issues. The ABA aims to advocate for improvements in Indigenous issues, access to justice, diversity and inclusion in the profession, opportunities in Asia and the ensuring the profession continues to adapt well into the future. To view the committees and their members visit <http://www.austbar.asn.au/member-information/committees>

Equitable Briefing

Earlier this year the ABA adopted in principle the then Law Council of Australia's draft Equitable Briefing Policy aimed at improving the briefing of women barristers nationally. The Law Council has since released a final policy which will be discussed at the ABA Council meeting in August. The new policy is intended to drive cultural change within the legal profession, support the progression and retention of women barristers, and address the significant pay gap and under-representation of women in the superior courts. The ABA's Diversity and Inclusion committee, chaired by Kate Eastman SC, will be hosting a forum on the issue in Sydney in September. The purpose of the forum is to identify briefing practices which maximise choices for legal practitioners and their clients and promote the full use of the independent bar. Further information will be available on the ABA website in coming weeks.

Northern Territory Bar Conference - Timor-Leste, Dili

Earlier this month, the NTBA held their 2016 conference in Timor-Leste, Dili. The conference was well attended with over 120 delegates traveling from all parts of Australia, throughout Timor-Leste and also Myanmar, Cambodia, Portugal and Columbia. As one of Australia's closest neighbours in the region, and one that has seen a significant amount of change in recent times, the conference provided an important opportunity for the Australian Bar to observe the Timor-Leste legal system and see how the Bar may be able to assist. Issues presented included judicial independence and accountability, maritime issues in the Timor Gap, regional opportunities for commercial arbitration, youth justice and domestic violence. The NTBA thanked the ABA for its financial contribution which was used to fund interpreters and equipment for the conference.



Caroline Kirton QC of Victorian Bar presenting on commercial arbitration.

ABA Conference 2017 - London & Dublin

Be sure to SAVE THE DATE for the 2017 Australian Bar Association Conference. Planning is currently underway for a stimulating and educational event to be held in London (2-3 July) and Dublin (5-8 July) next year. Further details will be posted on the ABA website.

ABA and Vic Bar 2016 National Conference – Melb 27-28 Oct

The ABA and Vic Bar 2016 conference is shaping up to be a uniquely informative and fascinating event on the conference calendar for 2016. The exciting two-day program brings together eminent keynote speakers and panels from the Bar, the Bench and the major firms with government and corporate lawyers. The conference program is now available online and early bird registrations are available – but be quick! Visit the event website at www.abavicbar2016.com.au

MOVEMENTS:

Justice Shane Gill

The ABA congratulates Justice Gill on his recent appointment to the Family Court. During his swearing in, ABA Vice-President Will Alstergren QC said Justice Gill appeared destined for the bench even as a child. "You are the first lawyer in your family. However, it was evident to your siblings that this would be your calling," said Mr Alstergren. "Your brother Tim has written: 'even when we were kids we thought he should be a judge due not only to his sharp wit and scary level of intellect, but also to his sense of fairness that pervaded every action and decision he made.'"

Retirement of Justice John Mansfield

The ABA congratulated Justice Mansfield on an outstanding legal career and thanked him for his contribution over many years in practice at the bar and on the bench. View the ABA President's farewell speech at <http://bit.ly/2atlvpO>



In June, ABA President and Adelaide Barrister Kerry Clark met with legal studies students from Adelaide's Seymore College to discuss a career at the Bar.