

# Busy Winter for the Bar

## APPOINTMENTS AND FAREWELLS

RECENTLY, there have been ceremonial welcomes for Justice Tony Cavanough to the Supreme Court, Judge Paul Grant to the County Court and to the Presidency of the Children's Court and for Justice Christopher Jessup to the Federal Court. Justice Robert Redlich has been elevated to the Court of Appeal.

In addition, the appointments of Richard Tracey RFD QC and John Middleton QC to the Federal Court have been announced and their welcomes will be in held in the coming weeks.

At the Federal Magistrates' Court, Heather Riley and Philip Burchardt have taken their places on the Federal Magistrates' Court.

There have been ceremonial farewells for Justice Stephen Charles from the Court of Appeal, Judge Jennifer Coate from the Presidency of the Children's Court and Judicial Registrar Jonathan Ramsden from the Family Court.

Sadly, on 10 June 2006, Judge William Morgan-Payler died after a long illness. The address of Chief Judge Rozenes honouring Judge Morgan-Payler appears elsewhere in this edition of the *Bar News*.

## QUEEN'S BIRTHDAY HONOURS

On behalf of the Bar, I wish to congratulate the members of our Bar who were honoured in the Queen's Birthday Honours — the Honourable Shane Stone AC QC, the Honourable William Ormiston AO, Richard Searby AO QC and Justice Sally Brown AM.

## RETIREMENTS FROM THE BAR

In the past, there has been no practice by the *Bar News* of recording significant retirements from the Bar. In the preceding 12 months or so, three silks have retired who deserve mention — Hartog Berkeley QC, Brian Shaw QC and Michael Crennan S.C. — all of whom retired from full time practice within that time. Tributes to Hartog Berkeley and Brian Shaw appear elsewhere in this edition of the *Bar News*.



After more than 23 years at the Bar, Michael Crennan retired on 30 June 2006. Michael signed the Bar Roll on 18 November 1982 and he took silk on 28 November 2000. He was a member of the Bar Council and Chairman of the Counsel Committee for three years (2002–2005). He was also a member of other committees. In addition to his Bar Council commitments, Michael made substantial contributions to many submissions made by the Bar, in particular, submissions arising from inquiries by the Victorian Law Reform Commission, the Australian Senate and the Trade Practices Commission in the 1990s, and more recently, to the submissions on advocates' immunity. Michael also represented the Bar at the many meetings on the drafting of the *Legal Profession Act 2004*.

On behalf of the Bar, I wish Michael a long and satisfying retirement and thank him for the work that he has done for the Bar over the years.

## LEGAL AID

In November 2005, members were informed of the decision of the Board of Victoria Legal Aid ("VLA") to adopt a protocol for the indexation of fees paid to

legal practitioners for state and criminal law legal aid services.

On 21 June 2006, the VLA approved fee increases in legal aid criminal matters commencing from 1 July 2006. These details of the increases have been circulated to the Bar. In summary, the increase in the fees payable for pleas in the County Court and Supreme Court, trials in the County Court and the Supreme Court and appeals represents an increase by 23.7 per cent on the current fees in an overall sense but not in relation to all brief fees payable to counsel. The Board also approved an indexation increase of 2.5 per cent to all summary crime, committal and Children's Court fees.

## ADVOCATES IMMUNITY

Recently, a sub-committee comprising Mark Derham QC, Michael Crennan S.C., Charles Shaw and Mathew Groves prepared the Bar's submissions on the three "modification options" proposed by the Standing Committee of Attorneys-General in respect of advocates' immunity from civil suit. These submissions were approved by the Bar Council and subsequently endorsed by the Australian Bar Association and the Law Council of Australia. On behalf of the Bar, I thank Mark, Michael, Charles and Mathew for the substantial contribution made by them in drafting and settling the submissions.

## PROFESSIONAL STANDARDS SCHEME

The Bar has received applications from around 300 members to join the proposed Victorian Bar Professional Standards Scheme. The Bar Council, with the assistance of a sub-committee is preparing an application for approval of the scheme with a view to lodging the application with the Professional Standards Council in the near future.

## ANTI-DISCRIMINATION POLICY FOR THE BAR

On 25 May 2006, the Bar Council approved an Anti Discrimination Policy for the Victorian Bar. The policy affirms the Bar's opposition to all forms of dis-

crimination, harassment and vilification in the provision of legal services by its members, the seeking of legal services from its members, the manner in which members conduct themselves in relation to each other and in the employment of staff.

#### HUMAN RIGHTS LEGAL RESOURCE CENTRE

On 29 April 2006, Michael Shand QC and I were the guests at a dinner held by the Human Rights Legal Resource Centre (“HRLRC”) to celebrate the establishment of the HRLRC by the Public Interest Law Clearing House (Vic) (“PILCH”) and Liberty Victoria in January 2006. The HRLRC is “the first centre to pilot an innovative service delivery model to promote human rights ... [a model that] draws together and coordinates the capacity and resources of pro bono lawyers and legal professional associations, the human rights law expertise of university law schools, and the networks, grass root connections and community development focus of community legal centres and human rights organisations”. The speakers at the dinner included Professor Paul Hunt, the United Nations Special Rapporteur on the Right to Health, and the Reverend Tim Costello AO, the Chief Executive Officer of World Vision Australia.

#### VICTORIAN BAR LEGAL ASSISTANCE SCHEME

On 30 March 2006, the Chairman of Victorian Bar Legal Assistance Scheme (“VBLAS”), Mr Ross Macaw QC, hosted a reception at the Essoign to thank members of the Bar who have undertaken pro bono work during the past year through VBLAS, the PILCH scheme, the Federal Court Order 80 Scheme, the Federal Magistrates Court Part 12 Scheme and other pro bono work not part of any formal arrangement. The Honourable Justice Young of the Federal Court spoke at the reception about the origins and development of the Order 80 scheme in that Court and the role of VBLAS in that scheme. The text of that address appears elsewhere in this edition.

#### JOINT SUBMISSION BY THE BAR AND PILCH

The Bar and PILCH produced a joint submission to the Senate Legal and Constitutional Legislation Committee on the *Migration Amendment (Designated*

*Unauthorised Arrivals) Bill 2006*. A sub-committee comprising Ron Merkel QC and Jack Fajgenbaum QC worked on the submission on behalf of the Bar. Ron Merkel also spoke to the submission on behalf of the Bar and PILCH at the Committee’s public hearing in Canberra. On behalf of the Bar, I thank Ron Merkel and Jack Fajgenbaum for their substantial contribution to the joint submission.

#### DINNER FOR JUSTICE CRENNAN

On 27 April 2006, the Bar hosted a dinner in celebration of the appointment of Justice Crennan, a former Chairman of this Bar, to the High Court. On the night the Essoign was packed to capacity. The dinner was attended by Justice Hayne and Judges of the Supreme Court, Federal Court and Family Court, retired judges, members of the Federal Magistrates’ Court, the Victorian Magistrates Court, retired barristers and members of the Bar. Frank Costigan QC gave a masterly and warm tribute to Justice Crennan which is included in this edition of the *Bar News*. Justice Crennan responded to the tribute in a substantial and humorous manner entertaining the audience with anecdotes about present and former members of the Bar.

#### MR MORDECAI MAHLANGU

Mr Mordecai Mahlangu, a senior partner of one of the major firms in Harare, Zimbabwe, recently visited Melbourne. Mr Mahlangu is a noted human rights lawyer. He represented the former Chief Justice of Zimbabwe, Anthony Gubbay, who was driven from office by the Mugabe Government. Mr Mahlangu was able to attend an afternoon tea in the Chairman’s room where members of the Bar Council, the Human Rights Committee and the Bar were able to discuss the current political situation in Zimbabwe with him. Mr Mahlangu urged the Bar to keep in contact with the members of the Bar in Zimbabwe.

#### SIR ALBERT PALMER, CHIEF JUSTICE OF THE SOLOMON ISLANDS

On 9 June 2006, I was delighted to host an afternoon tea for the Chief Justice of the Solomon Islands with other members of the Bar and Barbara Walsh, the Manager of Legal Education for the Bar. Barbara has assisted in the past in the numerous Advocacy Skills Training Courses con-

ducted by the small group of volunteers from the Bar in the Solomon Islands. Also attending the afternoon tea were the President of the Court of Appeal, Justice Maxwell, and Appeal Justice Geoffrey Eames.

#### VISIT TO MELBOURNE BY CANADIAN FEDERAL COURT JUSTICES

Michael Shand QC and I hosted an informal morning tea for three Canadian justices of the Federal Court of Canada — Justice Eleanor Dawson, Justice Carolyn Layden-Stevenson and Justice Anne MacTavish — all of whom were visiting Melbourne with the Chief Justice of Canada, the Right Honourable Beverley McLachlin PC. In April 2006, Chief Justice McLachlin delivered the 14th Australian Institute of Judicial Administration Oration entitled “The Twenty-First Century Court: Old Challenges and New in the Banco Court of the Supreme Court of Victoria”.

#### MY THANKS

The Bar Council year is coming to an end in September 2006. On behalf of the Bar, I thank all members of the Bar Council and other members of the Bar for their contributions to the ongoing work of the Bar. In particular, I wish to thank the Senior Vice Chairman, Michael Shand QC, for his commitment to the work of the Bar Council and his unswerving ability to “get the task done” at all times. The voluntary work undertaken by the members of the Bar, particularly the work done by Michael Shand and the heads of the committees of the Bar, carry the workload of the Bar.

The Honorary Secretary of the Bar, Kate Anderson, will be retiring from that position in September 2006. Kate has been the Honorary Secretary since 2003. Together with the Assistant Honorary Secretary, Penny Neskovcin, Kate undertakes a thankless and time consuming task with efficiency, diligence and patience. I am indebted to her for the work that she has done for me and the Bar during the year. On behalf of the Bar, I thank her for her substantial and significant contribution to the workings of the Bar. I also thank Penny for her contribution to the work of the Bar and I look forward to her continuing contribution to the Bar Council.

Kate McMillan S.C.  
Chairman