

## **Western Australian Bar Association**

### **President's Report 2010**

#### **Bar Council**

The following members elected on 2 December 2009 comprised the Bar Council during 2010:

President:	Grant Donaldson SC
Vice President:	Joseph McGrath
Members:	Brendan Ashdown
	Linda Black
	Elsbeth Hensler
	John Hockley
	Mark Holler
	Paul Mendelow
	Peter Quinlan
	Marco Tedeschi
	Sam Vandongen
	Joel Yeldon
Secretary	Joel Yeldon
Treasurer	Peter Quinlan

Joseph McGrath resigned as a member of Bar Council and the Association effective from 1 February 2010 to take up his appointment as Director of Public Prosecutions.

Jeremy Allanson SC, who was elected Vice President on 4 March 2010, resigned as a member of Bar Council and the Association following his appointment to the Supreme Court on 9 August 2010.

Theo Lampropoulos SC was elected Vice President on 9 September 2010.

#### **Disciplinary Committee**

Laurie Levy SC and Jeremy Allanson SC were elected members of the Disciplinary Committee at the December General Meeting held on 2 December 2009.

Gail Archer SC was appointed by Bar Council on 20 April 2010 pursuant to clause 60B of the Constitution to fill the vacancy created by Jeremy Allanson SC's election as Vice President.

#### **Bar Council**

##### Monthly Meetings

Bar Council met on 9 occasions between February and November.

##### Committees

Bar Readers' Course	Paul Mendelow & Mark Holler
Bar Review	Peter MacMillan & Joel Yeldon

CPD Weekend	Grant Donaldson SC, Marco Tedeschi & Sam Vandongen
Finance	Peter Quinlan
Professional Indemnity Insurance	Peter Quinlan
Pro Bono	Elspeth Hensler & Natasha Breach
Secretary	Joel Yeldon
Trial Advocacy Course	Gail Archer SC

### **Bar Readers' Course**

The Bar Readers' Course (BRC) has now been operating for 7 years. The value of the course is well recognised by all involved in the course. The Association continues to receive favourable comments about the BRC from participants and many members of the judiciary and senior members of the Bar who participate in the course.

This year, 16 new members completed one or more of the modules in the Bar Readers' Course. Indicative of the level of enthusiasm for BRC, this year, we had a three-way tie for the Chief Justice's Prize, with Gary Dean, Charmaine Holyoak-Roberts and Sarah Russell being awarded prizes as the Best Performed Readers in the Ethics, Evidence, and Jurisdiction and Procedure modules. We also had a two-way tie in the Trial Advocacy Course, with Henry Jackson and Sarah Russell being awarded prizes as the Best Performed Readers in this module. Congratulations to those winners and all other participants who completed this year's BRC.

Many thanks to all those involved in the BRC, particularly, Paul Mendelow and Mark Holler who are responsible for coordinating the course. Thanks also to LexisNexis for their continued sponsorship of the BRC.

### **Trial Advocacy Course**

The Trial Advocacy Course (TAC) is an important part of the Association's continuing professional development programme and forms part of the Bar Readers' Course. Since 2008, organisation of the TAC has alternated between the WABA and the South Australian Bar Association.

This year, 8 new members participated in the TAC which was held in Adelaide. Gillian Braddock SC, Sam Vandongen and her Honour Kate O'Brien attended as coaches. Sincere thanks to these coaches, and to Gail Archer SC who participated on the Organising Committee.

### **CPD Seminars**

In addition to the Association's principal CPD event – the annual CPD Conference, this year, seminars were also held on *AustLII Free-access Online Legal Research*, and a lecture by George Bizo SC on the *Role of the Bar in South Africa during the apartheid era*.

### **CPD Conference**

The Association's third CPD Conference was held on Saturday, 16 October at the University of Notre Dame. We are very grateful to the Chief Justice of the High Court of Australia, the Hon Robert French AC and to Professor Joshua Getzler from Oxford University for joining us as guest speakers and delivering excellent papers

at this year's conference. Thanks also to those members who participated as speakers and panellists – their contributions and papers were of a very high standard.

Thanks also to Sam Vandongen and Marco Tedeschi for their assistance with organising this year's conference.

I take this opportunity to again thank LexisNexis for its sponsorship of this year's CPD Conference.

### **Pro Bono**

In 2010, 54 formal inquiries for assistance were received with assistance being provided in 19 matters.

Elsbeth Hensler and Natasha Breach have assumed significant responsibility for assessing and coordinating pro bono requests received by the Association. Their efforts have ensured that requests are dealt with promptly and both are commended for their very valuable work in this regard.

Similarly, sincere thanks to those members who have volunteered their time and effort in providing pro bono assistance to deserving cases.

### **WABA Membership of Committees**

Supreme Court Civil Practice Committee (Review of the Court's Procedures) Chris Zelestis QC, Patricia Cahill SC, Jeremy Curthoys, Peter Quinlan

### **Functions**

- Bar and Bench Dinner held on 3 September at Platform Restaurant
- High Court Cocktail Function held on 19 October
- High Court Dinner jointly hosted by the Law Society and the Association held on 20 October at Fraser's Restaurant.
- Federal Court Cocktail Function held on 24 November 2010

### **Judicial Welcomes and Special Court Sittings**

Speech to farewell Justice Geoffrey Miller, Court of Appeal, Supreme Court, 11 December 2009 (Grant Donaldson SC)

High Court Ceremony for New Silks, High Court, 1 February (Grant Donaldson SC)

Speech on ceremonial sitting to mark the retirement of Chief Justice Michael Black AC, Federal Court, 19 February (Grant Donaldson SC)

Speech to farewell Justice Christine Wheeler, Court of Appeal, Supreme Court, 25 February (Grant Donaldson SC)

Speech on appointment of Justice Robert Mazza, Supreme Court, 8 March (Theo Lampropoulos SC)

Speech on appointment of Judge John Staude, District Court, 9 March (Elsbeth Hensler)

Speech to farewell Chief Judge Antoinette Kennedy, District Court, 26 March (Grant Donaldson SC)

Speech on appointment of Justice Michael Corboy, Supreme Court, 19 April (Grant Donaldson SC)

Speech to farewell Justice Nicholas Hasluck, Supreme Court, 7 May (Grant Donaldson SC)

Speech on appointment of Justice Janine Pritchard, Supreme Court, 14 June (Grant Donaldson SC)

Speech on appointment of Judge Anthony Derrick SC, District Court, 15 June (Grant Donaldson SC)

Speech to farewell Justice Christine Wheeler, Court of Appeal, Supreme Court, 2 July (Craig Colvin SC)

Speech on appointment of Judge Ronald Birmingham QC, District Court, 19 July (Grant Donaldson SC)

Speech on appointment of Justice Jeremy Allanson, Supreme Court, 9 August (Grant Donaldson SC)

Speech on appointment of Judge Timothy Sharp, District Court, 10 August (Grant Donaldson SC)

Speech on ceremonial sitting to welcome Chief Justice Patrick Keane, Federal Court 22 November (Grant Donaldson SC)

### **Submissions**

Submissions on the following topics were made by the Association.

Proposed Practice Direction – Announcement to practise solely as a barrister to the Chief Justice

Proposed changes to Standard Practice Directions to the Chief Justice

Supreme Court Amendment Rules (No 3) 2009 to Justice Le Miere

Uniform Commercial Arbitrations Acts – Consultation on Draft Bill, Standing Committee of Attorneys General.

Review of Legal Practitioners (Supreme Court and District Court Appeals (Contentious Business), and (Supreme and District Courts) (Criminal and Civil Jurisdictions) Determinations, Legal Costs Committee

Proposed amendment of Practice Direction 2.1.21(a) to the Chief Justice

Proposal by IMF (Australia) Ltd (Obligations on Litigation Funders and Insurers) to the Chief Justice

Review of Legal Practitioners (Family Court of WA) Determination, Legal Costs Committee

Review of Legal Practitioners (State Administrative Tribunal) Determination, Legal Costs Committee

Inquiry into the transportation of detained persons, Standing Committee on Environment and Public Affairs

Magistrates Court Amendment Bill 2010 (WA) – Age of Magistrates, Attorney General

Harmonisation of Criminal Appeals Legislation, Standing Committee of Attorneys General.

### **New Members**

The following new Members were elected to the Association:

Mark Blandford  
Glenn Cridland  
Gary Dean  
Nilan Ekanayake  
James David Edwardson QC \*  
Rosalinda Fogliani  
Paul Gazia  
Timothy Hammond  
James Healy  
Charmaine Holyoak-Roberts  
Richard Ingleby \*  
Darren Jackson  
Henry Jackson  
Lee Mather  
Robert Newlinds SC \*  
Michael Nicholls QC  
Darren Renton  
Mark Ritter SC  
Sarah Russell  
Alan Troy  
Fiona Vernon  
Anthony Willinge  
Michael Wyles SC \*

(\* Interstate Member)

Applications for membership by Rohan Hardcastle, William Keane and Anthony Papamatheos are pending before the December General Meeting.

### **Judicial Members**

The following former members were elected as Judicial Members

Justice Michael Corboy  
Judge John Staude  
Justice Janine Pritchard

Justice Jeremy Allanson  
Judge Anthony Derrick SC  
Judge Ronald Birmingham QC

### **Honorary Members**

The following former members were elected as Honorary Members

The Hon Geoffrey Miller QC  
Joseph McGrath  
Her Honour Antoinette Kennedy  
The Hon Christine Wheeler QC  
The Hon Nicholas Hasluck QC  
Her Honour Kate O'Brien

### **Membership**

There are currently 211 members, of whom 189 are local members. Of the local members, there are 37 women and 152 men. There are 3 women and 24 men practising as Senior Counsel in Western Australia who are members of the Association.

### **Bar Review**

The 8<sup>th</sup> issue of the Review is expected to be published in early December. Along with all members of the Association, I am most grateful to the Editors of the Review, and the Editorial Committee for again putting the Review together.

### **Finances**

The Association has been well served by Peter Quinlan, as Treasurer, and our sound financial position, though still modest, has enabled the Association to continue to provide and improve on services to members.

### **General Meetings**

Special General meetings of the Association were held on 4 March, 9 June and 9 September. The Association's Annual General Meeting was held on 28 October.

### **Australian Bar Association**

Craig Colvin SC, who was elected Treasurer of the Australian Bar Association in December 2009, agreed to continue as the Association's representative in all matters connected with the Australian Bar Association.

Along with all members of the Association, I warmly congratulate Craig on his recent election as Vice President of the Australian Bar Association. It is wonderful for the Association that one of our most respected members has been elected to serve on the peak national body for members of the Independent Referral Bars throughout Australia.

## **Law Council of Australia**

Craig Colvin SC continued as the Association's representative in all matters connected with the LCA until July 2010.

## **Miscellaneous**

- Senior Counsel Conferral Process Protocol
- National Legal Profession Reform Process
- Premises
- Junior Members
- *Creating Diversity at the Bar* research project – being undertaken by Dr Jill Howieson, Associate Dean at UWA Law School. The objective of her research will be aimed at investigating the barriers and pathways towards creating a diverse bar and judiciary in Western Australia. Dr Howieson will collaborate with researchers from other universities, including the University of Notre Dame. Dr Howieson has proposed a two-stage proposal. Stage one is a small initial project to investigate why solicitors from diverse backgrounds do not seem to come to the WA Bar. The methodology in this stage includes a literature review, online survey and report and recommendations.

## **Members of Council**

I record my thanks to all members of Council for their service.

**Grant Donaldson SC**  
**President**