

Amalgamation of Reporting Services

On 1 July 1988 the three separate reporting and recording services within the Attorney General's Department amalgamated, these being the Court Reporting Branch, Transcription Services Bureau and the Recording Services Branch of Local Courts Administration.

This amalgamation resulted in the establishment of the new Reporting Services Branch.

This new Branch will provide a more efficient service to the courts due to a greater flexibility in allocating court reporters and monitors.

The effects of the amalgamation will not be seen immediately, however, as many structural changes have to take place within management areas and some positions have yet to be advertised and filled.

A new position of Director, Reporting Services, has been created to oversee the successful amalgamation of the three services, as well as the development and implementation of both technical and procedural improvements to the provision of services to all levels of courts.

Mr. Michael McLoon (ex Chief Court Reporter, Court Reporting Branch) has been appointed Acting Director pending the filling of the position after applications close on 26 August.

The title "Chief Court Reporter" has been abolished. A lot of tradition goes with it, as there has been a Chief Court Reporter since World War I. In its stead is "Manager Reporting". Mrs. Jenny Davis is currently acting in this position, she normally being the Assignment Officer at Court Reporting.

With the exception of the Compensation Courts and some District Court Civil circuits, court reporters are still covering the same courts and providing the same services. It is anticipated that in the future some of the lower priority courts will be sound recorded, thus freeing more reporters to work on the higher priority daily transcript courts.

The Court Reporting Unit is still situated at Level 7, 185 Macquarie Street. The jurisdictions covered by Transcription Services Bureau and Local Courts Recording Services are located at Level 6, 302 Castlereagh Street. □

Report on Evidence

The New South Wales Law Reform Commission has released its Report on Evidence. Its major recommendations are:

- * that uniform evidence laws be applied by all tribunals sitting in New South Wales; and
- * that legislation proposed by the Australian Law Reform

Commission in its Report on Evidence(1987) be implemented in New South Wales.

Evidence laws vary greatly amongst the States and Territories. At present federal courts apply the law applicable in the State or Territory where they happen to be sitting. This is confusing and can lead to injustice. In its Report the ALRC sought to eliminate these anomalies by drafting uniform legislation to be applied in all proceedings before Federal courts.

If this legislation is implemented at the federal level, different laws may apply in State and Federal courts sitting within New South Wales. The Commission wishes to avoid the confusion and uncertainty this would generate and therefore recommends the adoption with very little amendment of the ALRC's draft legislation for implementation in New South Wales.

Implementation of the ALRC recommendation, the Commission says, will also bring about badly needed reform of the laws of evidence. They are said to be excessively technical and unsystematic, having developed over centuries in an ad hoc manner. The draft legislation in the ALRC Report is clear, comprehensive, based on a set of internally consistent policies, and takes into account modern knowledge of human behaviour and technological developments.

Copies of the Report have been forwarded to the Floor Clerks in chambers located in Sydney, Parramatta and Wollongong and are also available on request from the Secretary to the Commission. □

Compensation Court - Application for Part Transcripts

In view of the high priority being given to alleviate delays in transcript production, considerable funds have been committed to the purchase and installation of 300 new sound recording units aimed at standardization and improvement of transcript production.

As a result of recent representations it is appropriate to remind all "users" of the Department's reporting services that applications for transcripts need not always be for the entire transcript.

If a portion of evidence only, is required, application for that portion of evidence can and should be made. By specifically applying for, for example, the prosecution's cross examination of witness Bill Smith, courts administration staff are able to identify the piece of evidence required from the master tape history sheet completed by the Monitor.

Obviously, adopting this course would maximise the efficient use of resources. It would be beneficial to applicants who could expect a speedier preparation of transcript or

cassette. Also, reporting services would benefit by not having to prepare an entire transcript when it may not be necessary.

J.B. Cross,
Registrar of the Compensation Court of New South Wales. □

Commonwealth Law Conference - 1990

The 1990 Commonwealth Law Conference will be held in Auckland in the period 16 to 20 April 1990, the week after Easter. New Zealand is a fitting choice for the Conference as in 1990 the country will celebrate 150 years of formal association with the British Crown.

The Conference is recognised as one of the most important fixtures on the international law conference calendar. It attracts many distinguished Commonwealth lawyers, including judges, political leaders, academics, practitioners and government officers.

The Organising Committee is planning a broad-ranging programme of business sessions. Well over 100 speakers will address delegates in a variety of gatherings ranging from special-interest workshops and field trips to major plenary sessions. At most times delegates will be able to choose from a number of concurrent sessions.

Attendance of about 4,000 is expected. A number of special-interest meetings will coincide with the Auckland Conference, including a conference of Commonwealth law ministers.

There will be a range of New Zealand sightseeing tours available to overseas delegates before and after the Conference as well as tours and social gatherings in the Auckland area during the five days of the Conference.

For further information about the 1990 Commonwealth Law Conference please contact:

The Organising Committee, Commonwealth Law Conference, P.O. Box 58 Auckland New Zealand
International Telephone: 64-9-31-036
International Facsimile: 64-9-393-726 □

Convention Papers Available

The Law Council still has some copies of the published papers given at the 24th Australian Legal Convention in Perth last year.

Thirty-seven of the papers, covering a wide range of issues, have been published in a book which is now available at a nominal cost of \$10 (including postage).

Copies are available from: Convention Officer, Law Council of Australia, G.P.O. Box 1989, Canberra City A.C.T. 2601 or DX 5719 Canberra. Telephone (062) 47.3788. □

Changing Roles

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 20th May, 1988:

James Paul Hasson
Linda May Huppatz
Stephen James McMillan
Peter John Dominic Robinson
Claudia Jame Walton
Amelia Jane Boundy
Michelle Emily McAuslan
Russell Scott
Gary Raymond Stewart
Edward Bernard Gilchrist
Gregory Stewart Hogg
James John Jolliffe
Paul Douglas Nash
Gordon Philip Renouf
Donald Colin Evans
Kathleen Mary Harrison
Walter Danaraj Moses
Sara Rose Pantzer

The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 1st July, 1988:

Mary Cecilia Castle
Peter George Dodd
Claudia Brigitte Douglas
Bruce Harris
Margaret Anne Jones
Phillip Frederick Liney
Terence Patrick Morrish
John Morgan Muldoon
Angela Margaret Everard Nanson
Terence William Sheahan
John Henton Tuckfield
David Kenyon Wells
Nanette Lee Williams
Neil Stewart Williamson
Kenneth Hudson Youdale

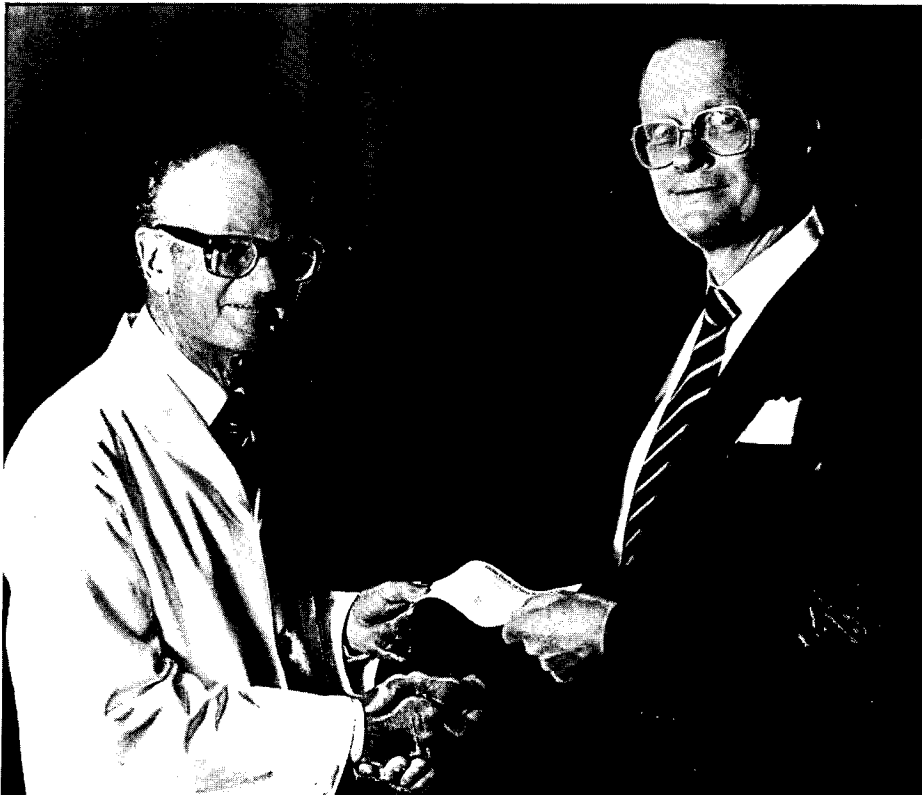
The following persons transferred from the Roll of Barristers to the Roll of Solicitors on Friday 5th August, 1988:

Matthew Shearman Allen
Marcus Kessel Bannister
Anthony Christopher Ginn
John Brian Goldrick
Brian Gordon Graham
Timothy Stewart Harris
Kenneth Joffre Maddén
Andrew Peter Quigley
Russell Malcolm Squires



One of the many groups of readers visiting with Mr. Justice Kirby on a Motions Day in the Court of Appeal.

(L to R) McColm, Tregenza, Broadhead, Walsh, Duncombe, H. Barrett, (Education Officer), Justice Kirby, Beavis, Molomby, Ying, Burton.



President of the New South Wales Bar Association Mr. Ken Handley, presented a cheque for \$24,000 to clinical director Professor John Beveridge at the Prince of Wales Children's Hospital. The money, raised by the Bar Association members, will be used to fund research projects into paediatrics and orthopaedics, through the Prince of Wales Children's Hospital Foundation.

At the cheque hand-over ceremony Mr. Handley and Professor John Beveridge discussed the various areas where the research will concentrate and Mr. Handley said "We are delighted to have been able to raise this amount towards the valuable research needed in these areas."

The Heart of the Matter

Frank Jones, Registrar of the High Court, imparts some words of wisdom about attracting the court's interest.

I am frequently asked by counsel, making their first appearance in a criminal application, what is the best way of opening the application. I usually reply, get to the special leave point quickly, and if you can, get the Court's interest in those early minutes of the application. Sir Harry Gibbs summed it up appropriately when he said:

“Advocacy is the art of persuasion, and members of the High Court are no less likely than others to be more readily persuaded by an argument that captures their interest, or one that insinuates that it has the merits as well as the law on its side. However, persuasion depends on the exercise of tact and counsel presenting an argument before the High Court must take into account the nature of the audience.”)

A young counsel recently presenting his first application to the Court opened in the following way:

“ **Counsel:** The court will see that I have set out on page 2, the proposition for which I am contending in this appeal and the three sets of arguments are directed to that proposition. Turning then to the historical reasons and by way of introduction to that, the Statute of Forcible Entry of Richard II was enacted more than four centuries before the First Fleet sailed to Australia. But there are factors in the history of that period which are helpful in understanding the sections of the Victorian Crimes Act.

1381 was the year of the peasants' revolt and this Statute was enacted soon afterwards in an attempt to remove a particular cause of civil disturbance and unrest. There are two historical factors which are important at that time: the first is that in 1349, just a generation earlier, the black death had swept through Europe and in one year a third of the population of Europe, from Iceland to India died. That meant obviously labour shortages, demands for more wages, greater social mobility and inheritance of land became confused; whole villages were wiped out and quite distant claims of inheritance were disputed and there was a great deal of dispute as to who owned what land. The second factor is that this was also the time of the 100 year war between England and France. In those days armies were recruited from untrained men and for the most part, they were not paid. They were required to get their living from plunder. That was all very well while the army was over fighting in France, but when they came back to England they tended to want to support themselves in the same way. So rich and powerful people had a ready source of repossession agents to use when they wanted to claim a particular property.”

Counsel was congratulated by the Court at the conclusion of his argument and eventually after the Court had reserved its decision won his appeal 5-nil. □

SUPREME COURT OF NEW SOUTH WALES Appointment of Circuit Sittings for 1989

<u>Court</u>	<u>Date</u>	<u>Duration</u>
Albury	Monday 26th June (Civil)	2
Armidale	Monday 3rd July (Civil)	1
Bathurst	Monday 13th February (Criminal)	4
	Monday 24th July (Civil)	2
Broken Hill	Monday 5th June (Civil and Criminal)	3
Coffs Harbour	Monday 24th July (Civil)	2
Dubbo	Monday 10th July (Civil)	2
Goulburn	Monday 30th January (Criminal & Civil)	3
Grafton	Monday 10th July (Civil)	2
Griffith	Monday 10th July (Civil)	2
Lismore	Monday 1st May (Criminal)	4
	Monday 26th June (Civil)	2
Narrabri	Monday 10th July (Civil)	1
Newcastle	Monday 6th February (Civil - Jury)	3
	Monday 6th March (Criminal)	3
	Monday 10th April (Non-Jury)	2
	Monday 1st May (Criminal)	3
	Monday 22nd May (Jury)	3
	Monday 19th June (Civil - Non-Jury)	2
	Monday 10th July (Criminal)	3
	Monday 31st July (Civil - Jury)	3
	Monday 4th September (Non-Jury)	2
	Monday 9th October (Criminal)	3
	Monday 6th November (Jury)	3
Orange	Monday 26th June (Civil)	2
Tamworth	Tuesday 28th March (Criminal)	3
	Monday 19th June (Civil)	2
Wagga Wagga	Monday 24th July (Civil)	2
	Monday 7th August (Criminal)	4
Wollongong	Monday 13th February (Jury)	3
	Monday 6th March (Criminal)	4
	Monday 3rd April (Criminal)	4
	Monday 1st May (Non-Jury)	2
	Monday 29th May (Jury)	3
	Monday 19th June (Criminal)	4
	Monday 17th July (Criminal)	5
	Monday 21st August (Non-Jury)	2
	Monday 4th September (Criminal)	5
	Monday 9th October (Criminal)	5
	Monday 13th November (Jury)	2

The fixed vacation begins on 16th December, 1989 and the first day of term in 1990 will be 29th January.

Note:

Bathurst Criminal sittings will also deal with Criminal Trials usually listed for Orange and Dubbo.

Wagga Wagga Criminal sittings will also deal with Criminal Trials usually listed for Albury and Griffith.

Lismore Criminal sittings will also deal with Criminal Trials usually listed for Grafton and Coffs Harbour.

Tamworth Criminal sittings will also deal with Criminal Trials usually listed for Armidale and Narrabri. □