

- (a) that some people might be more willing to speak to the coroner than to the police.
- (b) that it is desirable to be able to come to a conclusion as to who was responsible for a murder or other crime resulting in death with the aid of inadmissible evidence thus concentrating attention in a particular direction in the hope of building up a case based on admissible evidence.
- (c) that it is desirable to have an investigatory office proceeding upon evidence given compulsorily and on oath and subject to cross-examination—this not being available to the police.

Those who adopt this view generally agree that it should be accompanied by a complete forbidding of publication of the evidence taken. We do not agree with this view but believe that the Coroners Court should not be part of the machinery for investigating crime.

Summary

- (a) In the Yeates inquest the coroner appears to have proceeded upon a mistaken view of his duty in admitting hearsay and other inadmissible evidence. The nature and extent of hearsay rumour and opinion and of irrelevant evidence admitted exceeded all reasonable and proper bounds. The rules of evidence should be

applied in cases of suggested or suspected criminality.

- (b) Exhibits should not be made available for copying or photostating. It is a more serious departure from proper practice to allow copying or photostating of an exhibit for publication where no proper basis exists for its reception in evidence. It is not known who made the exhibit available.
- (c) Persons against whom suspicion has been directed should only be called as witnesses if they volunteer to give evidence.
- (d) Persons who have stated their intention of not answering questions by police officers except in the presence of their legal advisers should not be approached by police officers other than in the presence of their legal advisers.
- (e) We recommend that the law be altered to ensure that coroners will strictly observe the laws of evidence in cases of suggested or suspected criminality. Section 18 of the *Coroners Act, 1960* should accordingly be altered. The law should also provide that persons against whom suspicion is directed cannot be called to give evidence unless they volunteer to do so.
- (f) We recommend that the Council appoint a committee to consider the whole question of publicity in committal proceedings.

The Common Room

On the first Friday of term (10th February, 1961) a representative gathering of the Bar met in the common room in the late afternoon to tender to Mr. Justice Kirby the President of the Commonwealth Conciliation and Arbitration Commission congratulations upon the occasion of the conferring upon him by Her Majesty of the honour of knighthood.

On 22nd February, 1961 the president entertained at lunch in the common room five of the delegates who had been attending the United Nations seminar on the Protection of Human Rights in Criminal Procedure which had been held between the 6th and 20th of the month in Wellington, New Zealand. They were Mr. *U Ba Swe*, an advocate of the High Court of Burma; Dr. *Cha Liang-Chien*, Vice-Minister of Justice of the Republic of China; Mr. *R. Abdurrachman*, a Justice of the Supreme Court of Indonesia; Dr. *Bagher Ameli*, Under Secretary of the Ministry of Justice of Iran; and M. *Tran Minh Tiet*, Conseiller a la cour d' Appel de Saigon in Vietnam. On the next day Mr. Justice Rogers of the Supreme Courts of Sarawak, North Borneo and Brunei who had also been a delegate to the seminar visited the common room for lunch.

These visits were arranged through the good offices of the Solicitor-General of New South Wales

who had been a member of the Australian delegation to the seminar.

On 8th March, 1960, Mr. *Gluck* a member of the Bar of New York, visited the common room for lunch.

From time to time, distinguished legal visitors are invited by the president to lunch in the common room and on these occasions, the president occupies the presidential chair at the big table. On such occasions, in addition to the president and some representatives of the Bar Council, members of the Bar are asked to meet and have lunch with the visitors. Necessarily the size of the table limits the number of members who can be asked to help in entertaining the guests but an attempt is being made to ensure that different members have the opportunity of contact with them.

The Law Convention

The Law Council of Australia will hold its Law Convention in Sydney in the short vacation between the 5th and 11th July, 1961. A preliminary notice as to this has already been circulated to all members of the Association.

Lord *Parker of Waddington*, Lord Chief Justice of England, will attend the Convention, and invita-

tions have been extended to the Honourable *Earl Warren* (Chief Justice of the Supreme Court of the United States), the Honourable *A. R. Cornelius* (Chief Justice of Pakistan), *Shri A. K. Sen* (Law Minister of India), and the Honourable Chief *Rotimi Williams* (President of the Nigeria Bar Council).

In earlier conventions held by the Law Council private entertainment of country and interstate visitors has been a notable and enjoyable feature and it is hoped that Sydney will not be behind-hand compared with other States in this respect.

Those members of the Bar who are willing to help in such entertainment are asked to let the Registrar know as soon as possible (a) how many people they will be able to entertain (b) on what dates and (c) whether there are any visitors whom they would specially wish to invite to their homes. A special committee of the Law Council will co-ordinate all information received and make detailed arrangements on the matter.

The Civil Liberties and Rule of Law Committee

This Committee was established by a resolution of the Council passed on 26th January, 1961. Its function is to embark upon the investigation of any matter—whether referred to it by the Council or any other body or individual or of its own motion—which appears to warrant inquiry as constituting a violation of or threat to the liberty of the subject or the Rule of Law. Its first task is referred to elsewhere in this issue. The members* of the Committee are *Meares Q.C.*, *Kerr Q.C.*, *McGregor* and *Helsham*.

Coming Events

March 24	Afternoon Party to entertain the Premier of New South Wales (The Hon. R. J. Heffron).
May 12	Bench & Bar Dinner—Wentworth Hotel.
July 1	First day of Short Vacation.
July 5 - July 11	Law Convention—Sydney.
July 25	Last day of Short Vacation.
November	Bench & Bar Cocktail Party—(probably on 17th November).

Archives

The Council has recently given consideration to the question of the preservation of records of the activities of the Bar as a whole and of the Council, both before and since the incorporation of the Association. The object is to prevent the destruction of material which will or may be of interest and importance to members of the Bar in time to come or, indeed, to historians of the future. During the practising life of barristers of even a few years' standing great changes have occurred in the face of Phillip Street; the changes since the 1930's are almost staggering. However, the Bar as an entity has little or nothing to record these changes. The Council, therefore, invites anyone who has photographs, etchings, or sketches of the Phillip Street of the past, or of the various chambers which have disappeared, or of the men who worked in them, to forward them to the registrar, so that they may form part of the basis of a collection of records and historical material relating to the Bar.

Upper House Referendum

At its meeting on 9th March, 1961 the Council passed the following resolution:—

That members of the Bar be informed that the Council does not wish the rules of advertising to stand in the way of informed debate on the Upper House referendum and indicates that it will promptly consider applications by any members for permission to disclose professional qualifications when participating in the debate on this issue.

Recent Additions to the Library

- Stone's Justices' Manual*, 92nd Edn. (1960).
- Modern Law Review*, Vol. 1—current.
- Adelaide Law Review*, Vol. 1, Part 1.
- Summary Index & Tables of all enacted law for Territory of Papua & New Guinea—1888-1960.*
- Glanville Williams—Proof of Guilt* (1955).
- Joske—Marriage & Divorce*, Vol. 2 Matrimonial Causes, 4th Edn. (1961).
- Kerly—Trade Marks*, 8th Edn. (1960).
- Gatley—Libel & Slander*, 5th Edn. (1960).
- Buckley—Companies Act—13th Edn.* (1957).
- Tristram & Coote—Probate Practice*, 21st Edn. (1960).
- Aspinall's Reports of Maritime Cases*, Vols. 1-22.