

modern life, for he was a man who possessed the formal bearing and courteous manners of a day unfortunately now past. His enthusiasms were many and wholehearted. He loved the theatre, and had himself considerable ability as an actor and mimic; his impersonations of members of the bench and bar at bar dinners will be missed. He was an untiring worker for the world federation movement both as organiser and as publicist. In the latter capacity he wrote a play on the theme of international comradeship as evidenced by the Melbourne Olympic Games. It is of some interest that he was a direct descendant of the great eighteenth century judge Francis Buller (author of Buller's "Nisi Prius" and mentor of James Mansfield) and a third cousin once removed of the present Lord Chancellor, Lord Dilhorne.

Since March 1960, Mr. Buller Murphy had been sitting as a Chairman of General Sessions. He was appointed under a commission for a year which was twice extended. His appointment was made at a time when the arrears of criminal business were causing concern. The Victorian Bar Council held the view that the increase in criminal business was not a temporary matter which might be cleared up by a temporary increase in the number of judges but it was likely to continue. A further proposal by the government last year to set up Courts of General Sessions in the suburbs presided over by senior members of the bar as recorders also met tepid enthusiasm from the Bar Council. There was a body of opinion amongst members of the Bar that the government by such expedients was trying to set up a system of cheap justice under cover of dealing with a temporary problem. Towards the end of last year, the statutory limit on the number of County Court judges was removed, and three new judges were appointed. A Court of General Sessions now sits in the petty sessions building at Hawthorn and criminal appeals from magistrates' courts are heard in the R.S.L. Hall there. There are now four chairmen sitting with temporary commissions. The crime rate does not appear to be waning, although since the jurisdiction of courts of petty sessions to deal summarily with certain classes of larceny, factory-breaking and assault was extended in December last year, the number of persons being committed for trial upon presentment has fallen sharply. This fall is probably accounted for by the fact that a plea of guilty can be made as effectively in a Court of Petty Sessions as upon presentment before a judge.

#### Queensland Letter

The Bar Association of Queensland welcomes the opportunity to contribute to the Bar Gazette and is grateful to the New South Wales Bar Association for its organisational and financial assistance which will enable the publication to become an Australian one both in circulation and in content.

Although, at first, the members of the Queensland Bar were inclined to view the then proposed Australian Bar Association with some degree of caution, they did resolve to give support to its formation. However, since the inaugural Australian Bar Council Meeting held in Brisbane in July 1962 and the first General Meeting held at Hobart in January 1963, the development of the Australian Bar Association has been discussed at two

General Meetings of this Association, and the objects and activities of the Australian Bar Association met generally with the approval of the Queensland members.

It is felt that the regular publication in the Gazette of items of interest to the Bars of member States, particularly those dealing with problems of practice, ethics, rulings and the like will greatly assist in the breaking down of some of the barriers presently existing between them and lead to a greater understanding of each other's problems, and, no doubt, to some uniformity of professional conduct, especially in matters where it is felt there are at present divergences between the various Bars.

To the members of the Queensland Bar these are matters of great importance. The geographic distribution of our Bar is wide in the sense that we have practising members in the three Supreme Court districts of the State. There are at the Northern Bar centred at Townsville presently five members, in the Central District centred at Rockhampton two members, and in the Southern District at Brisbane, 72 members. All are members of The Queensland Bar Association and members from all districts have from time to time approached the Bar Committee for advices, ethics, rulings and so on. However, there has never been any general publication of such matters and therefore the Gazette, it is hoped, will provide not only an instrument for the general circulation of matters of domestic significance but, moreover, on an Australia-wide basis. It will in Queensland, perhaps, more than Southern States, justify its existence.

In the current year the Queensland Bar has already held its Annual General Meeting. The former President, Mr. Justice Hart, was appointed to the Bench in January 1963 and because of technical difficulties then present in our Constitution, arising through his Honour's appointment and consequential resignation, it was considered desirable to bring the annual General Meeting forward from its normal time in May to February.

At the Annual General Meeting, Mr. G. A. G. Lucas Q.C. was elected President and Mr. J. A. Douglas Q.C. Vice-President. The following were elected members of the Committee: Messrs. D. M. Campbell Q.C., W. B. Campbell Q.C., D. Casey, R. H. Matthews, C. D. Sheahan, J. D. Dunn, A. S. Given, J. M. Macrossan, C. E. K. Hampson and A. K. McCracken.

Subsequently to the elections Mr. G. A. G. Lucas Q.C. was appointed our representative on the Executive of the Law Council of Australia, and together with Mr. A. K. McCracken, also to the Australian Bar Council.

Mr. Lucas has since, however, been appointed an Acting Justice of the Supreme Court during the absence of His Honour The Chief Justice, Sir Alan Mansfield, as Administrator, and accordingly, during the absence of the President, Mr. J. A. Douglas Q.C. will act as President and as delegate to the Law Council and to the Australian Bar Council.

In accordance with our normal practice, various sub-committees have been formed and some of these are in the process of reporting on matters of considerable importance as, for example, the consideration of the provision of Legal Aid and the introduction of a system of arbitration along the lines of the English system

rather than the present somewhat cumbersome procedure as provided by our "Interdict Act of 1867".

It is hoped that by the date of the next issue of the Gazette further information will be available concerning the activities and reports of these and the other various sub-committees and that there will be other matters worthy of publication.

#### Western Australian Letter

The Western Australian Bar had its formal beginning on 1st July, 1962. At the July Sittings of the Full Court of Western Australia, Mr. John Wickham, at the request of the Chief Justice, made a formal announcement to the Court of the formation of an independent Bar in Western Australia. He informed the Court that separate chambers had been constituted at 81 St. George's Terrace, Perth, comprising four separate suites with a common waiting room and library and that it was proposed to develop a separate Bar along traditional lines, under the initial leadership of Francis Burt Q.C. The other barrister going into Chambers, was Mr. Terence Walsh.

The Chief Justice expressed his satisfaction at the move and conveyed his congratulations and good wishes to the persons concerned. His Honour's remarks were endorsed by Mr. Justice Virtue and Mr. Justice D'Arcy.

The origin of the Bar in Western Australia can, however, be traced from a somewhat earlier date. On 1st March, 1961, Francis Burt, who had already taken silk, retired from his position as a senior partner in a firm of legal practitioners with a view to practising solely as a barrister. This was not the first occasion in Western Australia when an attempt had been made to do this but it was the first occasion which was to lead to serious consideration of the setting up of an independent Bar as such. Some months later, Terence Walsh, a comparatively newly admitted practitioner and the son of the late David Walsh (who had been one of the leading criminal lawyers in Western Australia) decided to follow in his father's footsteps and to practise as a barrister with an emphasis on criminal work. It was these two decisions together with the support and good wishes of the members of the profession that led to more formal organisation when a third member also retired from a senior partnership in a firm of practitioners with a view to taking part in the experiment.

The move would appear to have some support in Western Australia, although this comes more particularly from the smaller firms and those that do not specialise in litigious matters or do not have their own "Court man". While it is a little early yet to be certain of the position, it is possible now to forecast that the move will be successful and permanent. Another experienced junior will be joining the group on 1st July this year and a further experienced junior has committed himself to join the independent Bar not later than 1st March, 1964.

Formal ethical rules have not yet been drawn up but it is understood between the members of the Bar that conduct should be moulded on the English rules as modified so far as peculiar local circumstances require and having regard also to the conduct of the separate Bars in the Eastern States.

At present the overt act required to witness "going to the Bar" is a formal announcement by the practitioner to the Full Court that he has discontinued practice as a solicitor (or as a barrister and solicitor) and will practise solely as a barrister.

#### Australian Capital Territory

In the Australian Capital Territory, a formal announcement was made on 11th February, 1963, of the establishment of a Bar consisting of practitioners who propose for the future to practise as barristers only. The announcement was made at a sitting of the Supreme Court of the Territory attended by all the Judges of that Court (Dunphy, Joske and Eggleston JJ.). All three Judges expressed their gratification at the establishment of the Bar and offered to the independent barristers their congratulations and hopes for a prosperous future, as did Sir Kenneth Bailey (the Commonwealth Solicitor-General) on behalf of the Federal Attorney-General and Mr. B. R. Gallen on behalf of the practitioners of the Territory.

At the moment there are two members of the Canberra Bar, W. K. Nicholl and R. G. Bailey, the former a member of the New South Wales Bar now resident in Canberra, and the latter a Canberra practitioner of long standing.

One of Canberra's newest buildings is the Supreme Court Building which stands on Civic Hill facing London Circuit. Ever since the Supreme Court of the Australian Capital Territory has sat in Canberra, it has occupied temporary quarters in the Patents Building not far from Parliament House. These quarters have long since been inadequate, no proper provision having been available for the public or for interviewing witnesses and the like. In addition, they were inconveniently located from the point of view of the profession.

Opened by the Prime Minister (the Rt. Hon. Sir Robert Menzies) on 8th May, 1963, the new building is situated in pleasant park-like surroundings and is conveniently located near the commercial centre of Canberra. There is adequate car-parking space nearby.

The building contains six courts for both Supreme Court Judges and Magistrates as well as the necessary administrative offices for the Court, and provides changing and conference rooms for the profession.

It is gratifying that, after the lapse of 36 years since the Federal Parliament first sat at Canberra, steps have at last been taken to provide proper accommodation for the courts of justice of the Territory.

#### Additions to the Library

Since the last issue of the Gazette, the following books have been added to the Library:

*Treitel—Law of Contract.*

*Bowden—Forensic Medicine.*

*Blanco-White—Patents for Inventions* (3rd Edn.) 1962.

*Phillips—Constitutional & Administrative Law* (3rd Edn.) 1962.