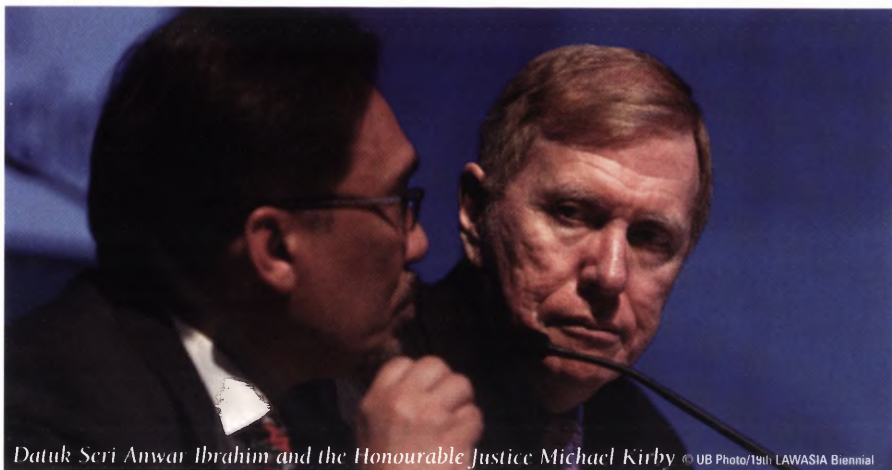


# LAWASIA downunder conference 2005

By Kassie James



Datuk Seri Anwar Ibrahim and the Honourable Justice Michael Kirby © UB Photo/19th LAWASIA Biennial

Attending the 2005 LAWASIA conference was a stressful experience. How tough can four days on the Gold Coast be, I hear you ask.

I concede that the venue was not unpleasant. The stress, however, arose from excessive quality in the conference program, making escape to the pool impossible to justify.

The program, with the exception of the plenary sessions, comprised five or six concurrent sessions. Topics included capital punishment (you will be relieved to know that Justice Callinan opposes it), the plight of refugees, knowledge ownership, government response to terrorism, the media and criminal law, legal and human responses to the tsunami, self-represented litigants, indigenous ownership of intellectual property, prisoner exchange and pro bono practice. Speakers included Stephen Kenny, former lawyer for David Hicks; Dennis Richardson, Director-General ASIO (who attempted to persuade a very sceptical audience that the power to detain without trial was essential in the war on terror); Michael Lavarch and numerous judges, including the Chief Justices of Pakistan, Mongolia and the Philippines. David Bennett QC Solicitor General, while not an official speaker, took the floor at every opportunity during question time

to plug the Government's hard line on refugees.

Of course, the high point of the program was a paper presented by ALA il presidente, Tom Goudkamp, on tort law reform: was it necessary and did it go too far? Queensland Chief Justice Paul de Jersey also spoke on this topic, concluding that "Ultimately there seems to have been no substantial benefit, rather prejudice, to those to whom the court had given reasonable accommodation by the application of judicial wisdom borne of decades."

This conclusion was particularly powerful as Chief Justice de Jersey had been initially supportive of the reforms as "an example of the governmental system working well, with the Parliament intervening to meet perceived public concern..." The session was chaired by former Alliance president, Rob Davis, and received good media coverage.

A further highlight for me (and apparently for other delegates, if standing ovations are anything to go by) was a speech by former Malaysian Deputy Prime Minister Anwar Ibrahim who spoke on 'The law and politics – a personal experience'. Anwar was the major political rival of former Malaysian Prime Minister, Mahathir Mohamed, when he was sent to prison six years ago on corruption and sodomy charges that were eventually quashed.

Anwar argued that too little judicial activism could result in the executive 'emasculating' the judiciary, with judges making decisions according to the dictates of 'the invisible hand'. He also cited Australia's reluctance to take the lead in improving human rights in Asian countries, suggesting the establishment of an Asia-Pacific Human Rights Commission, which would set up courts especially to hear human rights cases.

When asked by a delegate how he had coped emotionally with his imprisonment, Anwar divulged that during his incarceration he had read the complete works of Shakespeare four and a half times.

The LAWASIA conference was held at Jupiters Casino from 20-24 March 2005, attracting 750 delegates from 30 countries.

LAWASIA is an international organisation of lawyers from over 70 countries. Its objectives include the administration of justice, the protection of legal rights, the maintenance of the rule of law and the advancement of the standard of legal education. Not surprisingly, it has a vigorous human rights focus with the Council having passed resolutions in respect of appropriate and inappropriate responses to terrorism, the plight of East Timor, child prostitution, the protection of refugees and child kidnapping and forced labour.

LAWASIA's flagship event is the biennial conference, which will next be held from 11-14 September 2007 in Hong Kong. ■

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