

say that he regretted that the government had paid his fare and described him as 'an extraordinary fellow'. But the editorial in the same journal on 16 August declared that it was better to 'capture candour than to purchase propaganda' from visitors. Let the last word be offered by the editorial in the NZ *Listener*:

The idea [of federation] has other advantages, not the least the elimination of the necessity to explain abroad that New Zealand is *not* part of Australia. For that blame Mercator's projection which shrinks thousands of kilometres of unpleasantly heaving salt water to a few centimetres on most world maps.

## lawyers together?

There shall be no introspective self-analysis that has featured in recent conferences.

Mr G A Murphy, President, Law Council of Australia, 3 July 1983

*vivid contrast.* The Twenty Second Australian Legal Convention was held in Brisbane in July 1983. It was opened by the Governor-General (Sir Ninian Stephen) in an impressive ceremony in the Brisbane Town Hall. Sir Ninian reviewed and contrasted previous legal conventions in Brisbane, in earlier, quieter times. The President of the Law Council of Australia, Mr Gerry Murphy, thrice repeated the injunction contained in the theme for the Brisbane convention, 'Back to Basics'. Ruminations and self-criticisms were out. *Locus standi*, the *Mareva* injunction, section 92 and taxation were back!

Speaking at a function of the Queensland Council of Professions on 7 July 1983, in the middle of the convention period, the ALRC Chairman described the vivid contrast between the opening speech by Mr Murphy and the immediately following address by Senator Gareth Evans, the Federal Attorney-General:

On the stage there emerged a deep and abiding difference between the perspective offered by the President of the Law Council ... and the Attorney-General. Both are young men of ability and high professional attainments. Both are no-nonsense men — used to calling a spade a spade. Both were soberly, indeed immaculately dressed. Both spoke with assurance and commitment. But a greater

study in contrasts between these two lawyers could scarcely have been offered. The contrasts are important because Mr Murphy is the elected head of the body which represents the legal profession in all of its branches and in all parts of Australia. Senator Evans is the elected and appointed First Law Officer of Australia. Of his intellect, energy, zeal and determination, there can be no question.

Whereas Mr Murphy called the delegates 'back to basics', Senator Evans disdained this thrice repeated injunction and followed the President's speech with a tour de force which outlined his views, presumably, of what was 'basic'. Senator Evans told the assembled lawyers bluntly that they were not giving value for money for Federal legal aid expenditures. And unless they put their own house in order the Commonwealth Government would have to intervene to protect the Federal public purse. Most telling of all was Senator Evans' statistical information. Last year the Commonwealth paid \$36 million to private practitioners for legal aid services. It was a 'simple but alarming statistic' that in three years the amounts paid to private lawyers had increased in real terms by 80.2%. The number of cases handled by those lawyers had increased by only 27.1%. There were a number of cures:

- Simpler and cheaper legal procedures such as in family law, conveyancing and accident compensation
- Federal regulation of legal fees in the growing docket of Federal courts and tribunals, or
- Moves towards legal aid through salaried professionals.

*first sinner.* Senator Evans' somewhat discordant speech earned a gentle rebuke from the Queensland Chief Justice who followed him. As described by John Slee, legal correspondent of the *Sydney Morning Herald* (11 July 1983), the Federal Attorney-General's blatant disobedience of the convention organisers' dictates prompted Sir Walter Campell to observe, with 'affected jocularly', that naturally, there would be some sinning against the conference commandment pro-

scribing introspection. But there was an edge to his remark: 'And the Attorney-General is the first sinner'. Sir Walter Campbell lined up with the Brisbane organisers of the convention – declaring that the legal profession had been 'too self-reproachful and too conscience-stricken for too long'. But the Attorney-General was not the only one to resist the instructions from on high:

- According to Mr Slee, there were far more papers (68, with 48 commentaries) than in previous conventions. But these papers were not pre-distributed or always available and most time was taken up by the sheer presentation of the paper-writer and commentators, in default of written pre-distributed documents.
- The redoubtable Justice Sir Reginald Smithers (Federal Court) ultimately had enough when one session he attended, and upon which he wished to speak, ran out of time before the audience was called on. 'I must register a protest', he said – according to John Slee echoing the muttering and dissension in the audience.
- The ALRC Chairman, in a speech mid week outside the convention, suggested that the 'end to introspection' had gone too far. 'Gone are the studies of law reform, the organisation of the professions, community justice, legal aid and so on. These are banished, nowhere to be found in the program. Instead, the emphasis is on lawyerly things'. However, Justice Kirby conceded that when Senator Evans spoke of costs and income, he was certainly getting down to 'basics' – though not necessarily of the kind intended by Mr Murphy.

President Murphy commented in *Law News* that there had been discussion of law reform, citing the session led by Justice Hunt (NSW Supreme Court) on defamation reform.

However, he did not say that that session had excluded commentators from the ALRC, although its report (ALRC 11) was the focus of discussion. Indeed, for the first convention since its establishment, the ALRC Commissioners were excluded as paper writers or commentators even though many current ALRC projects would certainly qualify as 'basics' in any view. Other Australian law reform agencies fared no better. Introspection and self-criticism were clearly out of vogue.

*other critics.* Other critics reacted to the 'complacent' and 'anti-intellectual' moves sometimes apparent in the Brisbane Legal Convention. As reported in the Rotorua *Daily Post* (27 August 1983) one of the organisers for the 1984 New Zealand Law Conference at Rotorua, Mrs C J Rushton, said that New Zealand observers had been 'disappointed with the "back to basics" theme'. Singled out for criticism was the lack of time for commentators to speak on papers or for participation from the floor. 'We want to look at where the law is going and how the law and lawyers can best cater for the needs of society. We want to examine the interaction of the law and politics', said Mrs Rushton. Commented the *Post*: 'All of which was very much in contrast to the Australian conference in Brisbane'. The NZ Law Society Conference will be held in Rotorua, NZ, 24-29 April 1984.

## lawyers' reform

Even lawyers are partly human.

A M Honore, *Gaius*.

*critique continues.* The Brisbane Conference of the Law Council of Australia may have disdained self-criticism but criticism has continued to be addressed at the legal profession in Australia. And there are hints of reform.

- In an article in the *Australian* (4 July 1983) coinciding with the convention, NSWLRC Commissioner Julian Disney took to the pages outside the Brisbane conference to urge substantial changes in the organisation and methods of the legal profession in