

# Non-sequiturs

The reader will be familiar with the expression *non sequitur*.

It is often applied by we lawyers, mentally at least, to the argument of our litigation adversaries.

A *sequitur* is a conclusion or inference which flows from a premise.

I use the negative form to more or less justify an aimless rambling from thought to thought.

Recently, for example, I had time to consider, (from time to time everyone should make time to consider matters which justify consideration time) the question of 'busyness'.

I remember an old adage to the effect that if you want a job done, you employ a busy man.

I suppose the theory is that he is busy because he is good at whatever he does and has earned the appropriate reputation.

Such men then become good managers of their time. The original quotation goes like this:

*"If you want work well done, select a busy man; the other kind has no time"*

(Elbert Hubbard, *The Note Book* (1927))

With this man may be compared the kind envisaged by one of Parkinson's laws (I think the primary), whose:

*"Work expands to fill the time available for its completion"*

C. Northcote Parkinson (1962).

Beware of such a man if he is employed by you - be he plumber, accountant or lawyer. He will bleed you to death!

The other side of the coin, of course, shows the man who is so extraordinarily busy that he cannot possibly give proper attention to anything. An old Chinese proverb says:

*"One cannot manage too many affairs; like pumpkins in the water, one pops up while you try to hold the other down"*

Dr Thomas Fuller in 1732 in his *Gnomologia* (whatever that was) said:

*"He that is everywhere is nowhere"*

A German proverb says:

*"What is the use of running when we are not on the right road?"*

And so I am reminded of an old adage that I think I coined myself:

*"The bloke with the key always arrives last"*

How many times have you arranged to meet at the clubhouse or the school yard or wherever, on a working bee or other voluntary undertaking, and the very last bod to arrive is the one with the key-or the-transport-or the money-or the tickets?

It is because they volunteer for everything and end up having ten things to do before they get to your function.

Which brings me to lawyers. The good ones have always been busy. Cicero, the famous Roman lawyer, wrote to his brother in 54BC:

*"When you get a letter from me in the hand of one of my secretaries, you can reckon that I didn't have a minute to spare; when you get one in my own, that I did have one minute! For let me tell you I have never in my life been more inundated with briefs and trials and in a heat-wave at that, in the most oppressive time of the year. But I must put up with it"*

Samuel Romilly was called to the Bar in 1783.

Some 10 years later, he wrote from Lincoln's Inn to a friend:

*"You would perhaps set some value on this letter, if you knew how many things I have to do at the moment I write it. And what excuses I must make tomorrow to some stupid attorney for having devoted to you time which I ought to employ upon an appeal in Chancery"*

Even then, it might be noted, the barrister was asserting some mental superiority over the person from whom his instructions were provided.

That there are today some members of the Bar practising in Australia that maintain that position is undoubt-

edly true.

Hopefully they are in an ever diminishing minority.

It is they, I suspect, that have incited-at least to some extent-the lack of respect and enmity that appears to exist between the Victorian Attorney General, (herself a lawyer, but never a barrister) and the Bar in that State.

The profession in Victoria is a fused one as it is in the Northern Territory.

It is therefore even stranger that there should be so much friction between what are two sides of the same coin.

It was a New South Wales premier, a solicitor, who did away with Queens Counsel in that state.

But that is another question and I do not propose to go down that track!

Rex Wild QC.

## Evidence Act: Appeals to the Family Court

An amendment to the *Evidence Act 1995* to apply it to appeals to the Family Court of Australia from courts of summary jurisdiction exercising jurisdiction under the *Family Law Act 1975* was included in the *Family Law Reform (Consequential Amendments) Act 1995* which received Royal Assent on 12 December 1995.

The amendment to the Evidence Act commences 14 days after the day on which the Family Law Reform (Consequential Amendments) Act 1995 received Royal Assent (that is, 26 December 1995).

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