

mistake. So for all those mistakes, I beg your indulgence. I was trying to communicate and when you do so, you can say the wrong thing but that shouldn't happen, especially to judges.

Number nine. I didn't always get the work-life balance right. I mean, they say when you're on your death bed your not going to say; oh I wish I could go out and write another article for the City Law Review! But, we had wonderful exhibitions in Canberra but I didn't go and see them because I was just too busy working on the law. There is another life outside the law; it's not the only thing in the world, probably not the only thing that enriches the spirit which is a long time dead. So I'm hoping that that will all change.

The tenth thing, which was not at all nice, was the attack in parliament, which was a breach of the relationships between the parliament and the judiciary. And I do

think, I may be unfair, but I do think, that that in part became as a reaction to Johan and my decision to be out and open in our sexuality. That upset some people, we understand that that upset some people, but we all have to get over that and get used to that. And so, it was just something that I had to get through, but it wasn't nice, and it was failure in the sense of the constitution of Australia at the time.

So that is the scorecard, quite a few good things. "Michael needs to be more analytical in thought," said one of my teachers, but I think I took that one seriously, and he certainly has pride, he has been very trying, he has done his best but there have been quite a few things where it hasn't really been all that good. And you've got to put that into the balance. Under the constitution, I get the chop on 2 of February 2009, and I say at the end, as I said at the beginning,

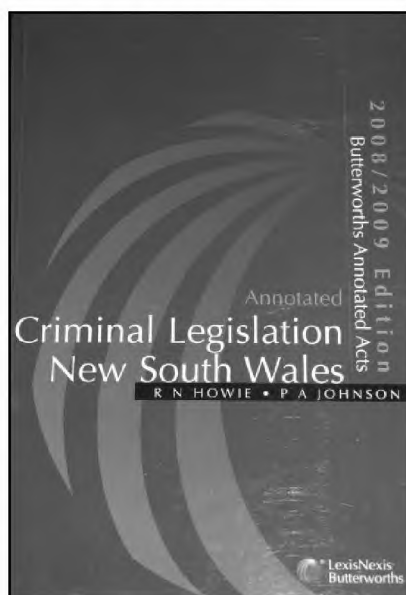
it's been a wonderful privilege to come here and be with you. I like it up here; I have since my law reform days. I always love coming here, I feel comfortable and welcome here. But it has also been a great privilege to be a judge in the Independent Judicature of the Commonwealth of Australia. And all of us who have worked with, and been associated with it; we all know its faults. Everyone who's a lawyer in this room knows its weaknesses, its faults, its inaccessibility, its costs; it's sometimes impatience, its stresses and pressures. But as a system of justice of the world, it's pretty good, and it's our job to continue that and make it better.

Book Review – Criminal Legislation New South Wales, by RN Howie and PA Johnson

Published by Lexis Nexis Butterworths, 2008/2009 Edition

As a novice criminal law lawyer in New South Wales in the mid-1980s, I soon became aware that there were two main reference sources available to criminal law practitioners. The main one was a loose-leaf service (*Criminal Law NSW*) published by LBC (as it then was) - generally referred to as "Watson and Purnell", they being the authors at the time. The other (*Criminal Practice and Procedure NSW*) was published by Butterworths (as it also then was). It was first published in 1968 (by K.J. McKimm). For all criminal law lawyers, it was well accepted that access to either of these publications was a virtual necessity.

In 1989, the Butterworths (now LEXIS-NEXIS) service became loose-leaf (then in three volumes)



with its current authors - NSW Supreme Court Justices Rod Howie and Peter Johnson, who were/are both eminent criminal law lawyers. It soon became the most popular resource for criminal

Review by Mark Johnson, William Forster Chambers

law lawyers.

Criminal Legislation New South Wales was first published in 1996. It is essentially an extract (or drop-out), in one single book (now c.1900 pages), of the four-volume loose-leaf service, *Criminal Practice and Procedure NSW*. However, at an initial cost of c.\$2,500, plus annual instalments of a similar amount, this four-volume loose-leaf service does not come cheaply. Compared to that, at c.\$70, *Criminal Legislation New South Wales* is a much more affordable compromise/option. This book has now also established a good reputation with criminal
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Book Review – Criminal Legislation New South Wales...cont.

law practitioners, as well as with others (such as NSW Police) as an essential reference resource.

As the text of the book is essentially an extract from the loose-leaf service, it follows the same internal arrangement as its parent publication. Accordingly, its references are the same, such that it includes many references which have not been extracted into the book, but are available in the loose-leaf service. The book covers the following areas of criminal law practice:

- criminal procedure;

- sentencing;
- trial procedure;
- crimes (i.e. from the *Crimes Act 1900*);
- bail;
- drugs;
- summary offences; and
- investigation.

As with the parent publication, the chapters are based upon the legislation (both Acts and Regulations) involved in the above areas of criminal law practice. The annotations are particularly helpful, at the

very least as an initial source for further legal research. In addition, the index is quite comprehensive.

This is not a book that I would expect anyone would sit down to read for relaxation and enjoyment. But it is a very useful basic resource for criminal law practitioners in NSW, and also for lawyers in the NT wishing to cross-reference.

For those of us practising criminal law in the Northern Territory, we look with envy upon such a publication as there is no equivalent in this jurisdiction.



Did you know, on the Law Society's new website you can:

- Submit an event of interest to the legal profession for publication in *The Practitioner* and on the website
- Pay for CPD seminars and social events online
- Search for lawyers or firms in the NT

www.lawsocietynt.asn.au

February 2009 Admittees to the Supreme Court

Bernadette McKenna, Tatiane Kelly, Philip Storey and Clinton Kanther were admitted into the Supreme Court on Tuesday 24 February 2009. In Alice Springs, Catherine Wyber-Hughes was admitted on Friday 27 February 2009.



Bernadette McKenna



Tatiane Kelly



Philip Storey