

**ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC
FOR THE PERIOD 1 JULY 2003 TO 30 JUNE 2004**

In the period 1 July 2003 to 30 June 2004 the Criminal Bar Association of Victoria Inc (CBA) has continued to deal with an extensive and wide ranging number of issues relevant to the objects of the CBA namely to: -

- Promote the professional interest of its members;
- Provide facilities and programmes which will assist members in their professional practice;
- Liaise with other bodies concerned with issues of professional interest to members;
- Provide representation for members in relation to matters which affect the interest of members generally and
- Represent the views of members to bodies and persons engaged in the administration of criminal justice and the review and development of criminal law, procedure and civil liberties.

The range and complexity of the CBA's activities over the last year in furtherance of those objects have been extensive and has necessitated the Executive Committee meeting at least weekly in addition to the numerous meetings undertaken with various organisations relevant to the criminal justice system both State and Federal.

By way of illustration some of the more significant activities and issues undertaken and addressed during the last twelve months include: -

- Continued involvement in the **Victorian Criminal Justice Coalition** in order to monitor and influence the "law and order" policy development of the major political parties in Victoria.
- The staging of the CBA's Annual **Advocating for Justice Lecture** on 20 May 2004 as part of Law Week. This year Sir Edward Woodward AC OBE QC spoke on the topic "Police Corruption: How to Control and Deal with it". Over 150 members and guests attended to discuss and debate this vital topic of importance to core criminal justice values.
- The CBA co-hosted a further **public seminar** on 16 June 2004 together with the Law Institute of Victoria and the Monash law Faculty designed to encourage on-going debate and focused on developing a solution to the problems posed by systemic police corruption. The outcome of that seminar was the formation of a joint working party which will proceed to develop a detailed model designed to tackle the problem for submission to Government as an agreed alternative to the present proposed Ombudsman's Office solution.
- The CBA was involved in co-hosting a public seminar on 21 April 2004 in conjunction with **Project Innocence** and the Law Institute of Victoria on DNA issues.

- The **Annual Dinner** at the Treasury Restaurant was attended by over 120 members and guests and was held to celebrate the 25th anniversary of the founding of the CBA and also to mark the retirement of Chief Justice Phillips a foundation and life member of the Association. Justice Cummins made a thoughtful and interesting speech to celebrate the work of the Association and its members.
- Our **Mid Winter Dinner** was held on 24 June 2004 at Matteo's Restaurant and was also a great success. The special guest of honour was Chief Justice Warren and an honoured guest was the Bar Chairman Robin Brett QC. Entertaining speeches were delivered by Judge Mick Bourke and by Reg Marron M.
- The holding of a number of **Seminars** as part of the Bar's Continuing Legal Education program on diverse and practical topics of relevance including: -
 - The conduct of sexual offences trials;
 - Prosecution Disclosure;
 - The law and practice associated with Bail Applications;
 - The law of Asset confiscation and Forfeiture;
 - The structuring of a Final Address;
 - Evidence of Consciousness of Guilt;
 - The choice between Summary Trial and Committal for Trial;
 - Advocacy in Criminal Law.
- The issuing of **Media Releases** on matters of public importance on such issues as
 - the need to establish a Police Integrity Commission to deal with Police Corruption;
 - concerns regarding the Victorian Law Reform Commission Report re Sexual Offences;
 - the extension of powers of detention and other powers contained in the ASIO Bill and
 - The State Government's decision to block independent recommendations for salary increases for Judges and Magistrate.

In addition representatives of the CBA have participated in a number of **print, radio and television interviews** designed to promote the views of the CBA on a range of criminal justice issues.

- The production and distribution of our **Newsletter** in February and July containing items of interest concerning the activities of the CBA, its members and developments in the criminal law generally.
- The continued reconstruction and improvement of the **CBA Website** at www.crimbarvic.org.au containing copies of CBA Newsletters, CBA submissions re legislative proposals, links to major legal research websites, court lists and events of interest to members.
- Continued Membership of the **Juvenile Justice Roundtable** designed to ensure that appropriate measures are maintained so that juveniles involved in the criminal justice system are treated in a manner consistent with their age and to minimise the risk that they are subsumed into the adult criminal system.

- The continued **liaison with judicial officers** and officials of the Supreme Court, County Court, Magistrates Court and Children's Court concerning the effective and efficient conduct of court lists and associated practices and procedures in criminal matters. In particular representatives of the CBA attend regular meetings of the Supreme Court Criminal Division and also monthly meetings of the County Court Criminal Users Group. The CBA considers that the exchange of views and ability to participate in such forums is of considerable value.
- The continued development of strong links to the Law Council of Australia especially through increased CBA participation in the activities of the **Criminal Law National Liaison Committee** of the Law Council.
- The CBA has been active in the establishment of the International Criminal Bar and occupies the position of Oceania representative on Council of the ICB and is the only Australasian representative. The ICB is expected to be the defence pillar in relation to the International Criminal Court. Representations have been made by the CBA to the Australian Government to ensure that the ICB enjoys support from Government in its proposed role.
- A strong focus on **Law Reform issues** especially in making detailed submissions on the development of appropriate legal policy or commenting on draft legislation and appearing as necessary before State and/or Federal Parliamentary Committees to advocate appropriate legislative outcomes and initiatives.

Over the last twelve months those functions have continued to grow both in number and complexity. Examples of such matters undertaken by the CBA in the last year include: -

- Night Courts and Extended Sitting Hours proposals;
 - Appeals Costs Act amendments;
 - Administration of Justice Offences Discussion paper;
 - Defences to Homicide Discussion Paper;
 - Double Jeopardy and Crown Appeal Discussion Paper;
 - Culpable and Dangerous Driving Amendments;
 - Amphetamines and Party Drugs Discussion Paper;
 - Legal Aid changes in Indictable funding arrangements;
 - Hospital Orders under the Sentencing Act;
 - Cross Border Investigative Powers and controlled operations proposals;
 - Anti Terrorism legislation;
 - Telephone Interception amendments;
 - Security Cases and clearance of defence counsel discussion paper;
 - Amendments to the Crimes Act and the Bail Act;
 - Commonwealth Crimes Act amendments;
 - Review of warrant powers and procedures and
 - Proposals for a Family Violence Division of the Magistrates Court.
- Working effectively with the **Bar Council** to ensure that our views are represented on matters of concern to our membership and on matters of interest to the whole Bar. We have an excellent relationship with the Bar Council and its officers and are grateful for the assistance and support the Bar and its officers provide.

- The CBA is particularly pleased to continue its close association with and support of the **Bar's Readers' Courses** which continues to provide to readers an extremely professional, practical and wide ranging course preparatory to practice as a barrister. A large number of our members participate in a variety of ways in the conduct and planning of the course.
- **Liaison** on an on-going basis in relation to issues including:-
 - New Criminal Listing Procedures introduced on a trial basis in the County Court;
 - The County Court Committee concerning the operation of the Appeals Cost Fund Act;
 - Justice Teague's Committee re the criminal Division of the Supreme Court;
 - The Office of the Correctional Services Commissioner Stakeholders Forum;
 - The Establishment and continuation of Project Innocence in Victoria;
- During the past twelve months the CBA was delighted that the following members of the CBA were **appointed to judicial office**:
 - Judge Geoffrey Chettle and
 - Magistrate Reg Marron.

Very many members of the CBA have contributed willingly to the workload of the Association over the last year and each of them deserves special thanks and recognition. Without such assistance the work of the CBA could not be undertaken effectively. The Committee looks forward to that support continuing into the future and we encourage all members to participate fully in the affairs of the CBA and to contact committee members with suggestions on how the Association might be improved or strengthened. All seminars conclude with drinks and, together with our dinners, are valuable social events that we encourage all members to attend.

Lex Lasry
Chair