

CRIMINAL BAR ASSOCIATION OF VICTORIA

MINUTES OF MEETING OF THE COMMITTEE HELD AT  
8 AM ON TUESDAY 15 June 2006

Present Lex Lasry, (Chair), Stephen Shirrefs, John Champion, Megan Tittensor,  
Tom Danos, Greg Connellan, Julian McMahon, Lachlan Carter.

Apologies Michelle Hodgson, Greg Lyon, Ben Rozenes and Ben Lindner

Minutes and Correspondence

The minutes of the last meeting of the Committee of 6 June has been circulated and were adopted.

Suspended Sentences

LL again reported that he had been invited to attend a meeting re this matter following the launch of the SAC final report in suspended sentences and will be attending. SS reported on a discussion he had had with David Grace about the matter in Perth. The CBA concern is about the process of the SAC and the means by which their conclusions were reached.

Mandatory Judicial Education

This issue was discussed following publicity. The consensus of the committee was that continuing legal education for judges was a good thing to occur but the separation of powers problem arose when Executive Government purported to make it compulsory. It was the view of the committee that such a step may very well represent an interference with the judiciary which we would wish to oppose. There is apparently a media release on the issue and we should examine that. The committee was also strongly of the view that the concept of educating judges about community attitudes was flawed and begged the obvious question as to how such a process would work. Further discussion required when the detailed media release is available (*note: the media release has now been circulated*).

Mandatory Minimum Sentences

The CBA has responded to the Bagaric article in the Herald Sun on 9 June through the Chairman but, predictably, the article was not published. The article is on the CBA web site.

## Legal Aid

There were two legal aid issues – security clearances and increase in fees.

As the first, after lengthy discussion it was agreed that the Chairman would formulate a policy paper for the CBA on the issue of security clearances in legal aid cases and generally, including the effect of the NSI Act. That paper (in draft) would be circulated and discussed at the next meeting and once settled distributed to all members of the CBA. The issue also concerns the role of the Bar and the Ethics Committee but at this stage their policy or role is not obvious.

As to increases in indictable fees the original message to wait for a couple of weeks to see how new allocations are distributed is being monitored.

## Letter to Victorian Bar re Media

No response has been received.

## Khaliq Ibrihami

John Champion has followed up this matter and it has been referred to Andrew George. .

## Proposed Conference

LC reported on progress. It has become clear that a conference in October is not feasible and it was agreed that it be held in February or March of 2007. That means there will be no clash with the conference in Perth this year and although the costs might be higher the event is likely to be more successful then.

## Dinner

There has been a good response to the dinner to be held on 27 July. So far we have 55 responses and most of the invited guests have responded.

## Court Of Appeal

Lachlan Carter (with assistance from Greg Connellan) will be the CBA's liaison point on the issue of unrepresented applicants in the Court of Appeal as per the President's email to the Chairman.

LL also raised the proposal of the informal meeting proposed to him by Maxwell P on criminal trials generally, their preparation and readiness to proceed and the complexity of directions to juries. The committee resolved that we should participate through LL in the discussion.

His Honour Judge Morgan Payler QC

The committee noted with sadness the death of Bill Morgan-Payler. Bill had been a significant supporter of the CBA and for three years had been Vice Chairman. The committee resolved to record the Association's sadness at his death and to recognise his considerable contribution to the criminal justice system as defence counsel, senior prosecutor and County Court Judge. It was considered that drinks for CBA members to mark his passing might be appropriate and that is to be finalised at the next meeting.

The Meeting concluded at 9:05 am

Confirmed:

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Chairman