

# Criminal Bar

# Association

# Newsletter

July 2004

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## POLICE CORRUPTION

The Victorian Criminal Bar Association was formed in 1978, a couple of years after the last inquiry into police corruption in Victoria carried out by Barry Beach QC in 1976.

Members of our Association prosecute and defend so-called organised crime participants. Members of our Association likewise prosecute and defend members of the Victoria Police who are charged with criminal offences, some of whom may be regarded as being corrupt although that may not apply in all cases.

Our Association regularly takes part in public debates about the criminal justice system and when it does so usually they are about preserving what we regard as certain fundamental rights to be accorded to people charged with criminal offences.

We regularly discuss matters with Governments relevant to our interests and we are often asked by Government for comments on proposals they have for change or improvement in criminal justice system.

On the issue of how best to deal with the crisis of corruption in the Victoria Police force, we have not yet been

consulted. We do expect to be consulted when the legislation mandating the new powers for the Ombudsman and the Chief Commissioner are formulated and placed before the parliament.

We are interested in the police corruption issue for the primary reason that it interferes with the criminal justice system. It is not only the police force that is affected. Indeed, the credibility of the whole system is diminished in the eyes of the public and that level of public confidence is important.

In the final report of his Royal Commission into the NSW Police Service in 1997, Justice Wood referred to this noting that for the public, a corrupt police service is unacceptable, by reason of:

- Its inability to combat crime, particularly that of an organised kind;
- The lack of mutual confidence and trust which are essential to a healthy, law-abiding community;
- The diversion of productive effort and financial resources into dealing with periodic scandals; and
- Its deleterious effect on the workings of the criminal justice system.

For months now in Victoria we have been involved in part of the debate about how this current problem is best dealt with. The Victoria Police has 12,800 members. We claim no expertise on how to manage such a large organisation.

However, the part that we are interested in is what form of external oversight body should be established to deal with police corruption. Unfortunately that debate has been diminished by its very political nature and is now somewhat polarised. The lawyers who practice in the criminal law and deal with this problem day-in, day-out have insights into police

corruption and how it might be dealt with.

Our members, as criminal lawyers, are constantly dealing with the detail yet their views, which are the product of experience, are dismissed by the Government either as representing some vested interest or the product of a desire on behalf of their clients to manipulate the process to their advantage.

As an association of criminal lawyers, what we want is a process that is demonstrably capable of fixing the present problems within the police force, restoring integrity and public confidence. We do not accept that success is to be solely measured by results in the Courts although they are an important element. At present, the fact that there are 25 officers before courts charged with criminal offences<sup>1</sup> is not by any means a solution in itself. 33 police were charged following the Beach Inquiry and none were convicted.

The resolution of these pending cases, in an over-worked Supreme Court, is still a long way off. In many cases the committal proceedings are yet to be held.

As I have said, we are by no means experts in the manner in which a police force should be managed. In dealing with the NSW police service, Justice Wood was of the view that strong internal affairs command and external oversight agency such as the Police Integrity Commission were an important safety net and he made the point that carefully planned strategies were needed at every stage. Our concern, like that of many others, is that the response in Victoria has been entirely ad hoc.

#### *Which Course?*

The object is to bring about change which will diminish police corruption.

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<sup>1</sup> Article by Christine Nixon "Why Victoria does not need a Royal Commission into police corruption".

Part of that process involves the establishment of effective oversight investigative body. I do not think that a Royal Commission can fulfil that role. As in NSW, I believe that we know enough to justify the establishment of a permanent standing integrity or anti-corruption commission.

With respect, I agree with the reservations that Sir Edward Woodward had about a Royal Commission in his speech to the Criminal Bar Association in May 2004. Royal Commissions are expensive and in this case would be severely inhibited by the fact of criminal proceedings against a number of police. In those areas there would be difficulties in carrying out the Commission's role and the principles in *Hammond v Commonwealth* (1982) 152 CLR 188) might well be an obstacle.

Putting that problem aside and assuming a Royal Commission found corruption of an alarming magnitude, it is hard to imagine the Commissioner would not recommend that a standing commission be established to deal with the on going issue.

In 1983, after 3 years of the Costigan Royal Commission, the Stewart Commission and the earlier Moffit and Woodward Commissions of the 1970s, the Government issued a Green Paper for public consultation on the need for a national Crime Commission. A year later the National Crime Authority was established. That paper looked at the nature of the problem, alternative models and the potential functions and role of such a body. It also looked at its composition and accountability.

That kind of planning, consultation and analysis would be appropriate here.

In our view, whatever standing integrity commission was established

for investigating, exposing and making recommendations about police corruption, it would need the following features:

It would be headed by a senior judge with experience as a criminal lawyer and trial judge who understood the police force and the underworld alike and had a keen aptitude for dealing with the issues;

1. It would be established under its own Act of Parliament with a clearly defined role, powers and provisions concerning the life of the Commission - those investigative powers would include the usual coercive powers and the power to tap telephones which it now appears will not be available to the Victorian ombudsman.
2. It would be completely independent of Government other than a requirement that it report on its work at particular times of the year;
3. It would not be required to give notice to anyone of its intention to commence investigations into particular aspects of corruption;
4. It would be properly resourced with investigators from outside the Victoria Police except where the Commissioner was of the view that the use of Victorian police was appropriate or necessary;
5. The activities of the Commission would be supervised by a joint and bipartisan Parliamentary Committee.

We would envisage that the Victoria Police would, of course, retain a direct responsibility to combat corruption within its ranks. It is not feasible for an external oversight body to that work.

We would envisage that this external Commission would take over the

present role of the Ombudsman's office and upon commencement of standing Commission, the Ombudsman would return to the role for which his office was designed – that is the inquiry or investigation into administrative actions taken by Government departments, Public Statutory bodies or municipal councils under section 13 of his Act and also a police complaints role.

At present, the Victorian Government certainly gives the impression of being politically committed to the present arrangements with the Ombudsman's office and totally opposed to any form of independent Commission. The reason for that is something of a mystery.

In order to have a meaningful debate, and though we have not been asked for submissions on the matter, an important way forward may be for this seminar to establish a working party which would put substance to a detailed proposal for a standing integrity commission accompanied by carefully formulated arguments as to why such a purpose-specific commission is appropriate and required. That model would provide valuable information for an informed public debate.

Inevitably police corruption is a political issue and Governments of the day will be held accountable if their police force is corrupt.

It may be tempting to suggest that the present arrangements should be given a chance to work but they are not the product of planning or any real risk management. On any view they are a political solution. Unfortunately, at some stage their shortcomings will become all too obvious.

Lex Lasry QC

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## The Case of Van Tuong Nguyen

In December 2002, Van Tuong Nguyen, a young Australian citizen, was arrested at Changi airport in Singapore as he was boarding a flight to Melbourne. He was found to be in possession of two packets of powder alleged to contain heroin. The total amount of pure heroin claimed to be in his possession was approximately 390 grams. He was finally charged with importing that heroin in Singapore even although he was in transit en route from Cambodia to Melbourne.

In January 2003 he was found guilty of the offence. Prior to the trial, the Singapore High Court refused two applications on our client's behalf for me to be permitted to appear for him at his trial. The result was that Julian McMahon and I attended the trial as observers and as his Australian counsel. He was represented at the trial by local counsel. All lawyers are acting pro bono.

In Singapore the death penalty (by hanging) is mandatory for this offence where the amount exceeds 15 grams. He has now been sentenced and is on death row at Changi prison. On 26 July 2004, his appeal against his conviction and sentence will be heard by the Singapore Court of Appeal. If that appeal fails, that will represent the end of the legal process. The next stage will involve a petition for Presidential clemency. That process may last for some months.

Because the case concerns an Australian citizen, it raises the issue of capital punishment although the primary issue raised so far has concerned the argument that mandatory death penalties are a "cruel and inhuman" form of punishment as the English Privy Council has concluded in a number of cases arising from appeals from

Caribbean countries. However those cases have succeeded on the basis of an express protection against cruel and inhuman punishment in the particular constitutions of the countries concerned. Singapore's constitution does not have such a provision so the constitutional argument is more complex and difficult.

Our primary role has been to avoid our client's execution and over the next 6 – 8 months that effort will be regularly put to the test.

Lex Lasry QC

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## **International Criminal Law Congress**

Between Wednesday 27 October and Sunday 31 October 2004, the 9th International Criminal Law Congress will commence in Canberra at the Hyatt Hotel. The conference theme is "Human Rights". The key note speaker for the conference is Speigelman CJ from the New South Wales Supreme Court and the international draw-card is Jose Ramos Horta. Brochures and registration documents will be available soon. ICMS is managing the conference and Tamara Dickson is the organiser. Their website is [www.icms.com.au](http://www.icms.com.au) and telephone 9682 0244. The organizers are interested in people who would like to participate as speakers.

Lex Lasry QC

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## **International Criminal Bar**

The Criminal Bar Association is the Oceania member of the Council of the International Criminal Bar (ICB). The next Council meeting will be held in The Hague in September at the same time that Assembly of States Parties (ASP) for the International Criminal Court is meeting.

I believe it is hoped that at that at that meeting whether or not the ICB will become the recognised defence pillar of the International Criminal Court will be further discussed and possibly determined.

I have been writing to the Australia Bars asking them to become involved in the process but I suspect distance interferes with perceived relevance. In any event, I hope to attend the meeting and in the event that the ICB becomes an integral part of the International Criminal Court, it will be an important milestone for our Association as a Council member.

Lex Lasry QC

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## **Autumn session of Victorian Parliament**

The Autumn session of the Victorian Parliament has produced plenty of legislation relevant to our members. At the time of writing the Parliament is still in session, so there is more to come. Set out below are a number of extracts to alert members to new law they need to review.

### A. Crimes (Controlled Operations) Act 2004.

#### 1. Purposes

The main purposes of this Act are—

(a) to provide for the authorisation, conduct and monitoring of controlled operations (including operations conducted in this and one or more other jurisdictions) for the purpose of obtaining evidence that may lead to the prosecution of persons for offences and that involve or may involve conduct for which participants in the operation would otherwise be criminally responsible; and...

(c) to provide for the indemnification of participants in authorised operations against civil

liability in respect of the conduct of the operations; and

(d) to amend the Fisheries Act 1995 and the Wildlife Act 1975 regarding controlled operations under those Acts; and

Practically speaking, the Act deals with providing protection to the police who are involved in conduct which would be criminal if not authorised under this Act, eg buy bust scenarios, undercover work etc. All the earlier similar laws such as s51 of the Drugs Act are now repealed.

#### B Ombudsman Legislation (Police Ombudsman) 2004

##### 1. Purposes

The purposes of this Act are—

- (a) to amend the Ombudsman Act 1973 to create the office of Police Ombudsman and abolish the office of Deputy Ombudsman (Police Complaints);
- (b) to amend the Police Regulation Act 1958 and the Whistleblower Protection Act 2001 to broaden the powers of investigation into police matters and conduct.

Practically speaking, this Act greatly increases the powers of the Ombudsman. It is a work in progress as some of its provisions clearly will change almost immediately....

#### C Justice Legislation (Sexual Offences and Bail) Act 2004

##### 1. Purposes

The purposes of this Act are—

- (a) to amend the Crimes Act 1958—
  - (1)
- (i) to create offences in relation to sexual servitude and sexual performances involving a minor; and
- (ii) to amend offences in relation to child pornography; and
- (b) to amend the Evidence Act 1958 in relation to the giving of

evidence in cases for sexual servitude offences; and

(c) to amend the Sentencing Act 1991 to classify sexual servitude offences as serious offender offences; and

(d) to amend the Bail Act 1977 in respect of a failure to answer bail and extension of bail; and

(e) to amend the County Court Act 1958 to give a registrar or a deputy registrar the power to extend bail in certain circumstances.

#### D Corrections (Further Amendment) Act 2004

##### 1. Purposes

The main purposes of this Act are—

- (a) to amend the Corrections Act 1986 to provide for—
  - (i) an expanded class of victims of crime to be included on a victims register to be given information under that Act;
  - (ii) how such information is to be dealt with; and
- (b) to provide for persons included on the victims register to be able to make submissions to the Adult Parole Board under that Act.

##### 74A. Victim submissions

(1) A person included on the victims register may make a submission to the Board for consideration by the Board in determining to make a parole order under section 74.

##### 74B. How does the Board deal with victim submissions?

- Before making a parole order under section 74, the Board—
- (a) must consider any victim submission it receives in relation to the matter being determined; and
  - (b) may, in its absolute discretion, give that submission such weight as the Board sees fit in determining to make a parole order.

(2) The Board must not release a victim submission to the prisoner in relation to whom the parole order is being determined unless—

(a) the release of the submission is, in the opinion of the Board, essential in the interests of fairness and justice; and

Note the extracts are but a snapshot and the Act contains multiple qualifications etc. Practically speaking this Act allows for a very wide list of persons to be entered on a victims register, they are notified when parole is on the horizon, and they may make submissions to the Parole Board about whether parole is what they want for the prisoner. Except in rare cases, the prisoner will not be informed of who has made submissions or what they say. As the Mikado might say, that seems fair.

#### E Public Prosecutions (Amendment) Act 2004

##### 1. Purpose

The main purpose of this Act is to confer an immunity from personal liability in certain circumstances on certain persons performing duties under the Public Prosecutions Act 1994.

Practically speaking, the Act provides immunity to people on the government payroll in prosecutions, eg Crown prosecutors and OPP staff, but NOT to independent counsel briefed by the OPP. Take care out there.

#### F Crimes (Assumed Identities) Act 2004

##### 1. Purpose

(1) The main purpose of this Act is to facilitate, for law enforcement purposes, investigations and intelligence gathering in relation to criminal activity, including investigations extending beyond Victoria.

(2) The main ways in which that purpose is to be achieved under this Act include—

(a) providing for the lawful acquisition and use of assumed identities; and

(b) facilitating mutual recognition of things done in relation to assumed identities under corresponding laws.

This Act regulates through a series of checks and balances and authorities reviewed annually the creation and provision of assumed (false/fake/new) id. Just ask The Who.

#### G Private Security Act 2004

##### 1. Purposes

The purposes of this Act are—

(a) to provide for the licensing and registration of certain participants in the private security industry; and

(b) to otherwise regulate the private security industry for the purposes of ensuring public safety and peace; and

(c) to amend the Private Agents Act 1966; and...

#### H Surveillance Devices (Amendment) Act 2004

##### 1. Purpose

The main purpose of this Act is to amend the Surveillance Devices Act 1999—

(a) with respect to warrants and emergency authorisations for the use of surveillance devices; and

(b) to recognise warrants and emergency authorisations issued in other jurisdictions.

This is not a comprehensive list of the new laws but hopefully alerts members of the need to be vigilant

as to what new powers and laws affect our work.

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## **DANGEROUS DRIVING CAUSING DEATH**

How often is it said by criminal lawyers that culpable driving cases are the hardest and often the saddest cases we do. Sentences of imprisonment have been steadily climbing. Yet nothing can resolve the grief of the families who have lost a loved one.

In early June, legislation was introduced into the parliament prompted by what the State Government perceived was dissatisfaction in the community with laws dealing with deaths and serious injury on our roads. The legislation, *Crimes (Dangerous Driving) Bill 2004* creates a new offences to be inserted as s 319 Crimes Act to be known as dangerous driving causing death or serious injury. The offence is an indictable offence triable summarily. The maximum sentence is 5 years.

The CBA, while recognising that any endeavour to reduce road trauma is to be encouraged, did not consider the creation of these new offences to be necessary. We made submissions to the Government stressing that the current laws were adequate and that the proposals would not necessarily overcome the perceived problems

However, the new bill will soon be proclaimed and apply to offending behaviour after the commencement date. Of real importance to the way we approach culpable driving cases is that the new offences are available as alternative verdicts to culpable driving or negligently cause serious injury: see the new s422A Crimes Act 1958.

It is difficult to predict exactly how the new laws will operate but it would seem to open up new avenues for negotiations with the OPP. Also

the defence may now be able to approach the jury on the basis that the offending driving was dangerous but not grossly negligent and therefore the verdict should be to the lesser offence, much the same way as manslaughter is sought in a murder trial.

Also included in the new bill was a new amendments to s318(2) (b) which establishes that negligence may be established if a person drove a vehicle when they were fatigued to such an extent that they knew or ought to have known that there was an appreciable risk of falling to sleep or losing control of the vehicle.

It would seem that the new section does not entirely remove the defence identified in *Jiminez v R (1992) 173 CLR 572* but rather makes explicit that if in all the circumstances fatigue and falling to sleep is an appreciable risk to drive and cause death may well be grossly negligent.

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## **IN THE COURT OF APPEAL:**

### **SUBSTANTIAL CHANGES TO THE RULES**

On 1 July, 2004 significant amendments to the rules with respect to criminal appeals and applications to the Court of Appeal came into operation.

These amendments result from the Supreme Court (Chapter VI Amendment No. 5) Rules, 2004 (Statutory Rule No. 33 of 2004) coming into operation and effect.

The rules (as amended) apply to all criminal proceedings in the Court of Appeal where the Notice of Application for Leave to Appeal is filed on or after 1 July, 2004.

All members are strongly urged to become familiar with these rules.

Insofar as these rules affect barristers, a summary of some only of the relevant provisions is set out below.

1. The Notice of Application for Leave to Appeal must be filed within 14 days of sentence being imposed; see at s.572(1) of the Crimes Act, 1958.
2. Consequent upon the filing of the Notice of Application for Leave to Appeal, the relevant transcript will be "generated" and provided by the Registrar; see at Rule 2.17.
3. Within 2 months after filing the Notice of Application for Leave to Appeal, the Applicant must file a Full Statement of the Grounds of Appeal; see at Rule 2.09(2). These grounds must be drafted "in precise terms"; see at Rule 2.09(4).
4. If the Applicant fails to comply with Rule 2.09(2), then the Application for Leave to Appeal stands dismissed; see at Rule 2.09.3(1)(a).
5. The Full Statement of Grounds can only be amended by the leave of the Court (that is, consequent upon the grant of leave); see at Rule 2.09(4). (It is to be noted that it will therefore no longer be possible to make an application to the Registrar for leave to amend the Grounds of Appeal.)
6. Within one month after the filing of the full Statement of Grounds, an Outline of Submissions must be filed and served; see at Rule 2.09.1(2).
7. If an Applicant fails to comply with Rule 2.09.1(2), then the Application for Leave to Appeal stands dismissed; see at Rule 2.09.3(1)(b).
8. It is to be noted that if an Application for Leave to Appeal stands dismissed by operation of either Rule 2.09.3(1)(a) or (b), the Court (and not the Registrar) may order that the Application for Leave to Appeal be reinstated; see at Rules 2.09.3(3)-(5).
9. Within one month after filing and serving the Outline of Submissions, the Respondent shall file and serve a Summary of Proceedings, a Summary of Evidence and an Outline of Submissions; see at Rule 2.09.1(3).
10. Should an Applicant wish to make any submissions in reply, then an Outline of Submissions in Reply must be filed and served within 14 days of receiving the Outline of Submissions on behalf of the Respondent; see at Rule 2.09.1(5).
11. Notwithstanding the time limits as referred to above, applications may be made to either the Court or the Registrar to extend time before the time expires; see at Rule 2.10.1(2) & (4). If the time has expired, however, then the Court (and not the Registrar) may extend the time; see at Rule 2.10.1(3) & (4).

Although only some of the amendments to the rules and their consequences have been referred to above, it is clear that members will now always be required to be both timely and precise with respect to their documents. The prevailing attitude that things can be amended and "got right" either close to, or on, the day of the hearing of the appeal will simply not be tolerated by the Court.

If these rules are not complied with, then the Applications of convicted persons will simply be dismissed by operation of the rules.

O.P. HOLDENSON, QC

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## **ADVOCATING FOR JUSTICE LECTURE**

As part of Law Week each year the Criminal Bar Association hosts an Advocating for Justice Lecture on a theme that is both topical and relevant to core criminal justice values.

This year the CBA was concerned to promote informed public debate on the possible solutions available to address systemic corruption in the Victoria Police Force.

We were delighted that Sir Edward Woodward AC OBE QC accepted our invitation to deliver a lecture entitled "*Police Corruption: How to Control and Deal with it.*"

The lecture was held on 20 May 2004 in the Neil McPhee Room and was followed by an opportunity to discuss the issues over refreshments in the Essoign Club. Approximately 150 members and guests attended the lecture and heard a challenging and balanced analysis of the issues and possible solutions based on a wealth of relevant experience as a former barrister; Federal Court Judge; Royal Commissioner on three occasions and Director General of Security.

Members of the media attended the lecture and later interviewed Sir Edward and our chairman Lex Lasry and the ideas canvassed received a great deal of publicity on an issue of considerable importance to the CBA and its members as well as to the community in general.

In brief summary, Sir Edward's lecture made the following key points:

- There was a need to ensure that regular training and educational programmes of Victoria Police members existed designed to address corruption issues. Further, procedures must be in place to ensure rotation between squads occurs at regular intervals and to provide adequate reporting procedures to encourage a culture free of corruption;
- That in his view a Royal Commission or Board of Inquiry approach was impractical at this stage given the pending police prosecutions and the difficulty that circumstance would cause to drafting adequate Terms of Reference;
- That a body with powers and functions akin to a Police Integrity Commission is a viable option as it could build on its experience over time and it could choose what areas of investigation to follow and could therefore avoid compromising the current prosecutions;
- That the Ethical Standards model would remain appropriate to investigate individual minor corrupt conduct but not to investigate "franchised" corruption;
- That a case may exist to call in aid a body such as the Australian Crime Commission to use its powers to assist the local investigative body from time to time;
- That he is against the idea of adding powers and functions to the Ombudsman's Office as he considers the functions to be quite inconsistent with those traditionally carried out by an Ombudsman and
- That the Chief Commissioner should have greater powers to dismiss officers in whom she has lost confidence.

Anyone wanting to receive a copy of Sir Edward's speech can do so by emailing the request to Ed Lorkin on [edlorkin@aickin.com.au](mailto:edlorkin@aickin.com.au).

Ed Lorkin

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## ATTORNEY-GENERAL'S JUSTICE STATEMENT

The Attorney-General's Justice Statement has recently issued. It contains a vision for the work of the Attorney-General's portfolio for the next 5 to 10 years.

The statement contains 25 major initiatives "*designed to modernise the justice system and ensure it remains flexible and responsive to change, and strong measures to safeguard the rights of those who are most vulnerable.*"

The Justice Statement is a very detailed and significant document and one which does not lend itself to a brief summary. Members are encouraged to read the Statement in its entirety and it can be found by following the links at the Justice Department web page at <http://www.justice.vic.gov.au>.

Nevertheless in terms of issues most directly concerning the criminal justice system and those which will affect the practice of criminal law the following matters will be addressed by Government over time:

- A comprehensive review and re-writing of the *Crimes Act 1958*; the *Evidence Act 1958* and the *Bail Act 1977*;
- A review of the criminal jurisdiction thresholds that presently operate between the Magistrates', County and Supreme Courts;
- An evaluation of recent initiatives to streamline criminal procedures focusing particularly on:
  - Opportunities for committal procedure reform and

- A Sentence Indication Scheme that would encourage early guilty pleas by allowing judges and magistrates to indicate the likely sentence that would be imposed in the event of a plea being entered and
- An investigation of the feasibility of express statutory discounts for guilty pleas and the continued implementation of recommendations made in the Sentencing Review conducted in 2002.

Each of these matters will need to be carefully addressed by the CBA and will require the preparation of detailed submissions to ensure that any contemplated changes are balanced and consistent with the rights of accused persons and otherwise accord with the public interest.

Our ability to respond to Government will be greatly assisted by your input and we welcome your feedback on these important initiatives.

Ed Lorkin

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## STOP PRESS:

### Retirement of Judge Michael Kelly

Judge Michael Kelly, Foundation and Life Member of the CBA and legend of the Bar has retired from the County Court as from 1 July 2004. It was always an honour and a privilege to be in his court. We send to him and his family our best wishes.

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## **CRIMINAL BAR ASSOCIATION INC. AGM**

Make a note that the AGM is to be held on **19 August 2004**. Formal notification with agenda and nomination forms for positions on the CBA Committee will be sent out soon.

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## **CBA SUBSCRIPTIONS**

All members will shortly receive the annual renewal of membership form. Please ask your clerks to forward the membership fees or send a cheque payable to the CBA direct to the Treasurer, Nicola Gobbo. Our fees are low and they have not increased in years. We now have added expenses such as the website so please forward your subscriptions promptly.

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## **CBA WEBSITE**

Our website is shortly to undergo a major redesign. The committee has engaged the services of a web designer, Steven Goldate, who in addition to overhauling the site will also assist throughout the year in ensuring our the site is up to date. We think the new design will be engaging, straightforward to navigate and with relevant links. The address will remain the same: [www.crimbarvic.org.au](http://www.crimbarvic.org.au)

The CBA will continue to put material essential to criminal lawyers on the website. For example we have recently posted new practice notes from the Supreme Court and the Magistrates Court on the site.

We are examining ways that the site or perhaps email can allow a member to pose a question that others with experience in the area can help resolve- sort of a bar "open door" policy meets cyberspace. Also a possibility is short notes on

important recent Court of Appeal cases and new legislation.

Members should make the site their homepage. We would be grateful for any suggestions to improve the site and comments on the whether the new design is easy to use. Contact the committee on [cba@crimbarvic.org.au](mailto:cba@crimbarvic.org.au)

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## **MID YEAR DINNER**

On 24 June about 90 members and friends enjoyed yet another successful CBA dinner at our regular haunt, Matteos in North Fitzroy. The wine flowed, the food was good and the conversation loud and full of exaggerations. Judge Mick Bourke spoke with great humour about early days at the bar and how, in his new role on the Bench, exceptions by counsel to his directions to the jury can be "hurtful." Then, with the passion that Mick brought to all his work as a criminal lawyer, he spoke of the legacy of the great Michael Kelly. Ex secretary and now Magistrate Reg Marron told us of the weird ways of the Magistrates' Court computer system. We thank both Judge Bourke and Magistrate Marron. Chief Justice Warren and her husband were special guests of the CBA. We hope the dinner is the first of many she can attend. Nicola Gobbo again did a magnificent job organising the event, many thanks to Nicola. Also thanks to Ed Lorkin and Rebekah Thompson of Aickin Chambers.

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