

LIV LEGAL PRACTICE EDITORIALS: FAMILY PROVISION APPLICATIONS NEW COLUMN LPLC UPDATE AVOIDANCE UNDER THE DUTIES ACT CRIMES AGAINST HUMANITY IN EAST TIMOR
OVERSIGHT OF VICTORIA POLICE LACKS INSIGHT NEGLIGENTLY INFLECTED PSYCHIATRIC INJURY HIGH COURT WELCOME FOR JUSTICE SUSAN CRENNAN HELP OTHERS AT CHRISTMAS

L^o
IJ
LAW INSTITUTE JOURNAL

*Men in tight
financial situations:*
Litigation funding in the 21st century

DECEMBER 2005

ISSN 0023-1267



9 770023 926007

RRP \$15

www.liv.asn.au/lij

Honouring the law's great contributors

The Law Institute of Victoria (LIV) paid tribute to practitioners who have added to the reputation and lustre of the legal profession at the annual LIV Legal Awards 2005.

More than 200 practitioners from across Victoria descended on Federation Square on 10 November to recognise some of the profession's most significant and longest-serving contributors.

The LIV Legal Awards 2005, held at Zinc, recognised the outstanding contributions of practitioners to the legal profession and the community.

Secombs partner Roger Batrouney was awarded this year's Honorary Life Membership, which is given to an LIV member who has made a significant contribution to the LIV or the community over a sustained period.

Mr Batrouney received the LIV's highest accolade for his many years of service to the LIV, which includes four years on the LIV Council until 1985 and as a member of the LIV Executive in 1983 and 1984.

He has also dedicated his time over 15 years to a number of general LIV committees, including marketing and ethics.

Mr Batrouney, who is currently chair of the LIV's Specialisation Board, is also an LIV senior counsellor, a role in which he provides confidential support and guidance to his peers in the legal profession.

In addition, he served as the Western Suburbs Law Association president from 1980 to 1982 and has been a member of the Fidelity Fund Claims Committee for the Legal Practice Board since its inception in 1996.

Accepting the award, Mr Batrouney said he was honoured by the recognition as he always felt that he had gained more from the LIV than he gave back.

He said it was a tremendous source of pride to be associated with the LIV.

"Over the years I have had a lot to do with other organisations and it really has been a source of pride for me that the Law Institute of Victoria has always been out in front in terms of leadership of organisations.

"It's been innovative, it's pursued public interest in legal affairs and it has always led the way. I am very pleased to have been a part of that initiative of the Institute over the years."

Mr Batrouney called on younger practitioners to get involved in the LIV.

"You get a lot out of it personally and professionally and it will help sustain you in your professional and personal activities."

The Paul Baker Prize, which recognises the significant achievement or contribution in the field of administrative or human rights law, was awarded to criminal defence lawyer Rob Stary, of Rob Stary & Associates.

Mr Stary, who earlier in the week was in court defending nine Melbourne men with alleged links to a terrorist group, was awarded the prize for his role in defending accused persons being tried by the state.

These cases included:

- representing alleged Australian "terrorist" Jack Thomas and advocating for the improvement of the prison conditions in which Mr Thomas was kept;
- advocating for changes to the powers given to ASIO by the Australian government since 2001; and
- lobbying against the death penalty under Indonesian law for Australian citizens.

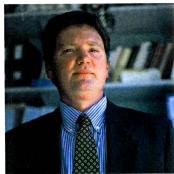
Deakin University law lecturer Russell Cocks won the Rogers Legal Writing Award, which is given to the outstanding contribution to the *LJL* (Law Institute Journal) during the previous financial year.

Mr Cocks won the award for his article "Capping the SRO's sweet tooth" (*LJL*, November 2004, page 26). His article examined the State Revenue Office's linking for fixtures and its liberal interpretation of the definition of chattels that had been regularly coming before the Supreme Court.

The judges said the article was a good mix of fact and robust argument in an area of current activity and served to alert



Honourable Life Membership recipient
Roger Batrouney



Paul Baker Prize winner Rob Stary

practitioners to important issues.

Sally Nicholes, of Kennedy Wisewoulds, and Lara Ruddle, of Middletons Lawyers, received a high commendation for their article "Fortress Australia", which appeared in the September 2004 *LJL*.

Twelve practitioners received Certificates of Service, which are given to LIV members who have demonstrated professional excellence or made a special contribution to the legal profession.

FOI Solutions and FOI Resources executive director Mick Batskos was awarded a Certificate of Service in recognition of his



LIV president Tory Strong (far left) with President's Awards recipients Professor Tim McCormack, Edward Butler, Alexandra Richards QC, Rose Lockie, Huan Walker, Kim Bainbridge, Phillip Lynch, Lillian Cooney and Gary Sullivan

work in the areas of freedom of information (FOI) and privacy.

Mr Batskos acts for commonwealth, state and local government agencies in all aspects of FOI matters, from helping agencies deal with requests to conducting tribunal and court appeals. He has conducted numerous training workshops and has developed an FOI procedures manual for commonwealth and Victorian government agencies.

Sole practitioner Paul Dellios, of Dellios West & Co, was recognised for his service to Melbourne's northern suburbs.

For the past 12 years, Mr Dellios has hosted a radio program covering legal issues on community radio. He has provided free legal advice at Whittlesea Community Legal Service for more than 15 years and was also a member of the North Eastern Metropolitan Courts Advisory Committee.

Hunt & Hunt Lawyers partner Murray McCutcheon was recognised as a long-standing member of the LIV's Property Law Committee and Planning and Local Government Committees of the Property and Environmental Law Section.

Mr McCutcheon has also played an active role in the electronic conveyancing project over recent years and has been a regular speaker for the LIV at the annual Property and Environmental Law Conference.

Maddocks partner John Rantino was recognised for his work for the LIV's Property and Environmental Law Section, where he is chair of the Planning and Local Government Committee and a member of the Section's Executive Committee.

Mr Rantino, who is an accredited specialist in environmental planning and local government law, is the chair of the Speciali-

sation Accreditation Advisory Committee.

Barrister Clyde Croft SC was given a Certificate of Service for his longstanding work as a member of the LIV's Leases Committee and Property Law Committee. Mr Croft is a regular speaker at the annual Property and Environmental Law Conference and at other events on the subject of leasing law and an author of *LIV* articles.

Wantrup & Associates partner Julianne Wantrup was recognised for her work with the LIV's Taxation & Revenue Committee of the Commercial Law Section since 1988. She has served as that Committee's chair and was also an active member of the LIV State Taxes Committee. While chair of the Taxation & Revenue Committee she also served on the LIV Commercial Law Section executive.

Sole practitioner Keith Harvey, of Ambry Legal, received a certificate for his significant contribution to the legal profession, the LIV and the legal community.

Mr Harvey is currently a member of the LIV's Commercial Law Section Executive Committee and the Financial Services Committee.

As a member of the Financial Services Committee he has focused his contributions on the *Financial Services Reform Act*, leading the move to modify the draft legislation.

Recognition was given to sole practitioner Paul Davine, of Kevin Davine & Sons, for his 40 years of services to the legal profession in Gippsland.

In addition to his busy legal practice, Mr Davine has participated in community activities and has always made himself available to mentor new and younger practitioners in his area.



Master of ceremonies Elaine Cauty

Cuthberts partner David Fawell was recognised as a leader of the legal profession in Ballarat since 1966. Since that time, Mr Fawell has been an active volunteer for the Anglican Church, Ballarat Grammar School and various charities and public organisations.

He is also a Ballarat Law Association past president and a past LIV Council member.

Baird & McGregor partner William McGregor was recognised for his community dedication and pro bono legal work that has spanned many years and benefited many organisations including Sovereign Hill, The University of Ballarat, The City of Ballarat and the Ballarat and District Law Association where he has served as treasurer, secretary and president.

Kirsten Mander, of TXU Australia, was a member of the LIV Ethics Committee from July 2001 and served as chair from November 2002 to August 2004. She was the driving

force in producing the LIV Ethics guidelines and protocols.

Ms Mander was recognised as being instrumental in establishing the Ethics Liaison Group during 2003 and the Best Practice Protocols working paper. She was on the LIV Council from May 2001 to December 2004.

Gadens partner Rose Lockie was recognised for her involvement in the LIV's Family Law Specialisation Advisory Committee from 1993 to 2004. She was elected as chair of the Family Law Specialisation Advisory Committee in 1999 and maintained that role until she left the committee in early 2004.

The awards luncheon also highlighted the work of six practitioners who had been in practice for 50 years.

The six practitioners to reach the milestone were Brian Bayston, of McCracken & McCracken; Euan McBain, of Garland Hawthorn Brahe; Bill Carew, of W Carew & Associates; Lancelot Woodhouse, of Lancelot G Woodhouse; Jeffrey Kiddle, of JS Kiddle; and Francis Moorhead, of Francis Moorhead. The awards luncheon also saw the presentation of the LIV President's Awards, which recognise outstanding contributions that promote and advance the legal profession and have benefited the community.

Each category of the President's Awards had a shortlist of practitioners who had been nominated by their peers for recognition.

The Access to Justice Award was won by barrister Alexandra Richards QC for her pro bono work for marginalised and disadvantaged clients.

This work has contributed substantially to access to, and the administration of, justice, including:

- coordinating a communication under the International Covenant on Civil and Political Rights to the UN Human Rights Committee on behalf of a Syrian asylum seeker in immigration detention; and
- assisting in the development of a proposal for the establishment of Australia's first specialist human rights legal service.

The Accredited Specialists Award was awarded to Gadens partner Rose Lockie.

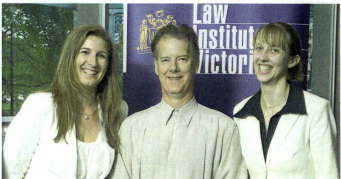
Ms Lockie recently completed a 10-year appointment as the Family Law Accredited Specialist examination team chair and a two-year appointment as the LIV's Family Law Section chair.

The Community Lawyers' Award was presented to West Heidelberg Community Legal Service solicitor Gary Sullivan in recognition of his work on law reform over the past 25 years.

In particular, Mr Sullivan has been instrumental through his involvement in the Committee on Professional Standards for the



LIV president Tory Strong with practitioners celebrating 50 Years in Practice: Brian Bayston, Bill Carew, Lancelot Woodhouse, Jeffrey Kiddle and Francis Moorhead.



Rogers Legal Writing Award highly commended Sally Nicholes, winner Russell Cocks and highly commended Lara Ruddle.

Federation of Community Legal Centres in bringing reform to issues such as:

- the PERIN Court;
- police issues; and
- accountability for credit providers.

The General Award was presented to Maurice Blackburn Cashman partner Lillian Cooney, for 40 years of service in the areas of property and trusts and commercial, industrial and administrative law.

Ms Cooney is also a sessional member of the Victorian Civil and Administrative Tribunal and has been a member of the Legal Profession Tribunal since 1997. She is also an LIV senior counsellor.

Wisewoulds consultant Huan Walker received the Legal Ethics Award for his strong advocacy of legal ethics for many years.

Mr Walker has been a member of the LIV Ethics Committee since 1993. He was also an LIV Council member for three years from 1993 and was made an LIV Honorary Life Member in 1997.

Edward Butler, who is recognised as one of the foremost Victorian experts in administrative law, was awarded the Government Lawyers' Award.

Mr Butler was Deputy Victorian Government Solicitor from 1997-2000 and was Acting Victorian Government Solicitor in 2000.

Philip Lynch, of the Public Interest Law

Clearing House (PILCH), was presented with the New Lawyers Award for his work over the past four years.

Mr Lynch played a crucial role in organising for Liberty Victoria to act as applicant for asylum seekers on the MV Tampa and assisting to arrange a team of pro bono barristers and a law firm to file an application in the Federal Court for the asylum seekers.

He also assisted PILCH to set up the Homeless Persons' Legal Clinic in 2001.

University of Melbourne law lecturer Professor Tim McCormack was awarded the Pro Bono Award for his work assisting Major Michael Mori, the US military lawyer assigned to defend Australian Guantanamo Bay detainee David Hicks.

Professor McCormack has provided advice on international humanitarian law and international criminal law aspects of the charges against Mr Hicks.

The Regional Lawyers Award went to Garden & Green partner Kim Bainbridge.

Mr Bainbridge runs a busy family law practice and has specialised in personal injury cases.

He has almost single-handedly and tirelessly managed a number of significant cases from his small regional office in Swan Hill over the past few years, including one of the largest asbestos cases in Australia. ●

JASON SILVERI