

EAR SAY

With Mark Oberhardt

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Advocacy course hits town

The Australian Bar Association conducted its annual Advanced Advocacy Course for the first time in Brisbane this week. The five-day course in the Supreme Court, which covered all aspects of advocacy, involved 40 barristers, with more than 400 years of experience combined, from all states, territories and New Zealand. The course had 21 coaches. Among the visitors were Charles Haddon-Cave QC from London, Tim Bruinders SC from South Africa, Gerry Hanretty QC from Scotland and Chris Gudsell QC from NZ. The coaches included Supreme Court judges from Queensland, Western Australia and NSW, as well as silks and barristers. All barristers on the course dealt with the same problem and examined and cross-examined students who played witnesses. There was a video review of performances using the latest in court technology.

Another example of the confusing manner in which indictments are drawn up under the Commonwealth Criminal Code emerged this week. Before a major tax fraud

trial started in the Supreme Court this week, Justice George Fryberg told the jury they were probably confused by the two charges and admitted he was a bit confused himself. "And I'm supposed to know something about the law," he quipped. But Justice Fryberg added it was not as confusing as it sounded.

Mullins Lawyers' Chris Schatz, a licensing laws expert, has again expressed concerns about the move to non-glass products for serving alcohol at designated hotels. Mr Schatz warned that the real problem was finding ways to deal with an unruly minority as opposed to imposing expensive sanctions on licensees. The debate is likely to heat up in court challenges this year.

Several readers asked why the media didn't "name and shame" a father who left his 10-month-old baby in a car while he had two pots at a hotel. He was placed on a good behaviour bond in the District Court this week. But the law says a child victim of crime can't be identified and naming the father would do that.

A first for Earsay when we managed to lose an entire trial this week. It was originally in one of the few courtrooms which did not have the necessary computer equipment and it was moved unannounced during a break.

It was an eerie feeling to return to an empty room where there had been a mass of files and people just minutes earlier.

Even the most hard hearted would have felt a bit sorry for a mum who fronted a magistrates court on a charge of inattentive driving. Her toddler was screaming in the back seat and she turned around to give the child a bottle. Unfortunately, she ran into the back of another car which stopped suddenly in front of her.

Parents often use the school holidays to bring their children to look at courts. But one dad must be wondering if it was such a good idea after he was chipped for talking loudly and then his mobile ringing. Wags joked that the kids could have got a real education by watching dad get arrested for contempt of court.

As we pointed out recently, many in the hospital system are increasingly worried about violence in emergency rooms. In the latest court case, a Rockhampton nurse was punched by a patient who claimed she was angry because a needle hurt her. Watch for a push for heavier sentences for those assaulting emergency room staff.

A former airport baggage handler who fronted a magistrates court for stealing credit cards had very broad tastes. The court was told he

used the cards to buy items ranging from an \$800 bottle of wine to a "ray gun".

The Prostitution Enforcement Task Force has been around the state of late leading to charges in several provincial magistrates courts. We did raise our eyebrows about one case in which a woman advertised herself as a 21-year-old Japanese cover girl. In fact she was a 46-year-old Sydney woman.

Our man in the north reckons this will cause a national stir when it hits the courts early next month. A Townsville-based soldier is alleged to have brandished a rifle in a McDonald's restaurant while ordering a meal.

A couple of big dates coming up for the Queensland Law Society. It will hold its annual Legal Careers Expo at the Brisbane Convention Centre on March 18 and the QLS Annual Symposium, also at the Convention Centre, is on March 26-27.

Earsay's Mackay spy checked in with a court story which again showed motorists have no idea of the law. A man left a bowls club and drove to a nearby service station. He used a short cut by driving over the gutter and into the back yards of various shops. When detained by police he argued he was not drink driving because he was on private property. But his reading of 0.113 earned him a hefty fine.



Lawyer's case of will power

A judge has found that a diagnosed schizophrenic did not have the necessary capacity to make a valid will. McInnesWilson Lawyers' succession expert Caite Brewer (pictured) said it was an important Supreme Court case with widespread implications. Justice Margaret White handed over the administration of the woman's estate to her

brothers. The woman died in 2008 and left a document in which she named a friend as the executor. At the time she was the subject of an involuntary treatment order under the Mental Health Act 2000. Her brothers took the case to court on the basis their sister did not have the necessary capacity to understand what she was doing when she made her will.