



Advocatus - On Manners

My weekends have recently been spent learning first-hand about what Australia calls the 'great outdoors.' It's a brilliant phrase that – an obvious pun on the word 'great' which suggests that there's something very good about venturing outside, but falls back on the alternative meaning that there's simply a lot of outside into which to venture.

I have never been good with puns. And that is why I found myself in the great outdoors taking a crash course in something called bush survival with the (misconceived) expect-

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tation that everything beyond the telly, the nail salon and the air conditioning was going to be excellent.

Peak misery took place somewhere called Katoomba. For those unfamiliar, this is in a place called the 'Blue Mountains'. In hindsight, this was another pun that I failed to recognise at the time.

(In the great outdoors, they otherwise usually call a spade a spade. I knew this from my days living in Edgecliff. This was imaginatively named because it is on the edge of a cliff. From there was just a short walk to Five Ways, so named for the number of directions in which the local real estate agents would bend you. I digress.)

I was far from the outer inner east now. Lesson one concerned things that might kill you out here, and they weren't talking about drowning in the spa at Lilianfels.

We started with redback spiders. These are easily recognisable as they are spiders with red on their backs.

With the redbacks, it is only the females that bite. If you are bitten by a redback, our guide

drily noted, then that is how you know that it was a female.

A lesson on snake behaviour was next. Apparently most snakes will run away from you if you approach. The exception is brown snakes. Brown snakes will chase you. Brown snakes should therefore be avoided.

One complication is that not all snakes that are brown are brown snakes. A second is that not all brown snakes are brown. Accordingly, the only way to tell if a snake is a brown snake is if it is chasing you.

Further helpful information was subsequently provided as follows:

- At this time of year the snakes are mostly hibernating, probably. Although it has been unusually hot this winter;
- There are three different ways that an emu can attack you: pecking with its beak, head-butting or kicking. These are not mutually exclusive, and they can head-butt and kick at the same time; and
- Big Red Kangaroos will usually run away from you, unless they are very hungry and you are carrying food. Your emergency ration pack sounds like it will be more than sufficient to attract a hungry kangaroo. As this is in your backpack, they will approach from the rear. Keep an ear out for bouncing noises.

In the end, the worst bit was the train trip home. I survived and returned triumphantly to Sydney. I would have said 'returned triumphantly to civilisation' but my first stop was an appearance before a registrar early on the Tuesday morning.

Which brings me to the point of this column. I am not entirely new to this profession. I have felt the wrath of the old judges whose behaviour was charitably blamed on the War and unconvincingly blamed on them being stupid males and not knowing any better. I have seen bad behaviour at the quasi-judicial level – most spectacularly down at the District Court a decade or so ago – but what the particular

court I attended dished up on the morning in question still left me feeling about as well as if I had just kissed a brown snake.

In short, I witnessed a quasi-judicial officer variously shout at, belittle, snap at, verbal and threaten to make an example of what were generally inexperienced advocates who were trying to do their jobs. The registrar was rude. The registrar was bad tempered. The registrar caused unnecessary stress to people who work in an already stressful situation. And what shocked me the most was that I thought that registrars like this had been stomped on and kicked out of the system like the unwanted redback spiders that they are.

In advertising these positions, the court looks for employees who 'act with integrity' and 'represent the organisation in an honest, ethical and professional way.' The court had clearly not got what it was seeking.

The simple fact is that practitioners are generally trying to do their best. They may be doing so with limited instructions. They may not all speak with the clarity of a wizened silk. They may be nervous and they may be inexperienced. They may say silly things. They will make mistakes. We all do.

None of that excuses registrars from acting with courtesy and civility, and none of it provides an excuse for rude or belittling behaviour. It is to be hoped that those with authority weed out the poisonous spiders and snakes as soon as possible. Of course, they are not all like that – and it is to be hoped that the great majority are not. But if you're a registrar and you're wondering who I'm talking about, then that registrar may well be you.

Practising barristers at the NSW Bar are invited to send an opinion column to the editor, with your name, providing a perspective of practice at the bar. Entries that seek to critique existing practice or mores by reference to personal experience will be preferred. In each edition one selected piece will be published anonymously under the title Advocatus.