



CLARION

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EDITORIAL

Welcome to the first edition of Clarion for 2009. As the social, legal and economic landscape facing Commonwealth lawyers continues to change and evolve, the common threads of, and the ever pressing need to uphold, champion and implement the concepts of rule of law, basic human rights, the democratic process and the separation of the three arms of government remain unchanged. In this edition of Clarion we explore some ways in which these concepts are being tested, implemented and explored around the Commonwealth.

The Commonwealth (Latimer House) Principles, initially drafted in 1998 and subsequently developed and adopted by the Commonwealth in 2003, aim to promote democracy, good governance and human rights, the fundamental values of the Commonwealth. This edition of Clarion includes an update on recent developments in relation to the Principles and also provides a useful summary of the history of the development and implementation of the Principles to date.

Since the last edition of Clarion, we have seen yet another terrorist attack, this time in November 2008 in Mumbai, India. The threat of terrorism and the aftermath of a terrorist attack is an issue facing many Commonwealth countries. As a consequence, the legal profession watches closely as governments around the world respond to this threat. Our article entitled 'Re-occurring Lessons from Mumbai' explores the balancing act between the need and desire for national security and the protection of human liberties and freedoms. In particular, the article focuses on the views of the Chief Justice of India, Justice K.G. Balakrishnan, on the role of the judicial system in shaping the government response.

As India is grappling with the aftermath of terrorism and the role and impact this may have on the preservation and possibly limitation on civil liberties, the focus in Australia has been on the upcoming consultation process by the Australian Labour Government regarding the need and value of enshrining human rights in legislation or the Constitution. As the only developed democracy without comprehensive legislative or constitutional protection of human rights, the National Human Rights Consultation offers an opportunity to place this issue firmly back on the legal agenda.

Whilst the concepts of human rights, rule of law and democracy are global concepts with global reach and implications, the individuals who work tirelessly to uphold these concepts deserve our attention and applause. In this edition of Clarion we congratulate Tim Otty QC, UK Human Rights Lawyer of the Year in 2008. Finally, we honour Justice Mark Fernando, who passed away on 20 January 2009.

It is important for Commonwealth Lawyers to come together to discuss human rights and public law issues. It is from conferences such as the CLA 25th Anniversary Conference - Justice at Home and Abroad in Jamaica October 2008, that not only are fresh and exciting insights discussed between Commonwealth Lawyers around the globe, but a sense of congeniality and community is fostered. The CLA Conference in Hong Kong in April 2009 provides another opportunity for dialogue and sharing of ideas.

Nothing fosters community and congeniality like Cricket. 2008 saw the inaugural Commonwealth Lawyer's Cricket World Cup tournament in Hyderabad, India. The 2nd Annual Commonwealth Lawyers Cricket World Cup tournament will be held in Cambridge, UK in August 2009. We encourage you to read the reports from the CLA Conference and cricket tournaments and details of upcoming conferences and tournaments.

Finally, readers may have noticed a change in both look and feel of Clarion and we would like to take this opportunity to introduce the new editorial team. The team consists of Scott Alden, Alyson Eather, Ron Heinrich, Nutan Pitamber and Rebecca Barry and we have included a short 'Meet the Editorial Team' for your information. We would welcome 'Letters to the Editor' and contributions to Clarion to further encourage and facilitate the dialogue between Commonwealth Lawyers. All comments and contributions should be addressed to Scott Alden at scott.alden@dlaphillipsfox.com.

We hope you find the first edition of Clarion for 2009 both interesting and informative.

COMMONWEALTH (LATIMER HOUSE) PRINCIPLES

The Commonwealth (Latimer House) Principles (the Principles) set out and explain the roles and relationship between parliament, the judiciary and the executive in Commonwealth countries.

The Principles were developed and drafted in June 1998 by a group of parliamentarians, judges, lawyers and legal academics with the objective of providing Commonwealth countries with practical guidelines on: the Commonwealth's core values of promoting and protecting the rule of law; human rights; the importance of the separation of the three arms of government; and governance and democratic practices based on the highest standards of honesty, probity and accountability.

When the Nairobi Plan of Action for Africa, which promoted the Principles in the African context, was drafted and adopted in 2005 it became apparent that an all-encompassing plan needed to be developed to promote implementation of the Principles across the Commonwealth generally.

On 6 and 7 July 2008, 66 participants from 24 Commonwealth countries (and Zimbabwe) representing the executive, parliament and judicial and legal professions participated in the Commonwealth (Latimer House) Colloquium in Edinburgh. The Colloquium involved the CLA and various partner organisations including the Commonwealth Parliamentary Association (CPA), the Commonwealth Magistrates' and Judges' Association (CMJA) and the Commonwealth Legal Education Association (CLEA). The occasion, organised to monitor and assess the implementation and commitment to the Principles, marked the 10th anniversary of the Principles on Parliamentary Supremacy and Judicial Independence and the 5th anniversary of the endorsement of those Principles by the Commonwealth leaders at Abuja in Nigeria in 2003.

The Edinburgh Plan of Action for the Commonwealth (EPOA) for the development, promotion and implementation of the Principles was drafted and adopted at the Colloquium and is considered to be a significant rule of law initiative. A key objective set out in the EPOA is to establish a Standing Committee. Its purpose will be to collate information and report to the Commonwealth Ministerial Action Group (CMAG) on the implementation of the Principles, best practice and areas or jurisdictions of concern in relation to the Commonwealth's core values.

Implementation of the Principles, and the path to democracy that they ultimately aim to promote and safeguard, has, in recent times, faced significant challenges in some Commonwealth countries such as in Pakistan, Fiji Islands and Kenya. Other countries such as Ghana have, however, shown that they can successfully consolidate the democratic process. Indeed, the Commonwealth Observer Group, led by Rt Hon Baroness Amos, former leader of the House of Lords and former Minister for Africa, was in Ghana for the Presidential run-off election in December 2008. Baroness Amos "welcomed the initiatives taken by the Electoral Commission which helped to ensure that the electoral process was robust and credible and met the benchmark for democratic elections to which Ghana has committed itself".

EVOLUTION OF THE PRINCIPLES AT A GLANCE

DATE	EVENT
June 1998	Guidelines developed and drafted to reflect the core values of the Commonwealth and the commitments contained in the Harare Commonwealth Declaration (1991) and Millbrook Commonwealth Action Programme (1995).
November 2002	Principles debated at the Commonwealth Law Meeting in St Vincent and the Grenadines.
November 2003	Principles refined and endorsed at the Commonwealth Heads of Government meeting in Abuja, Nigeria as the Commonwealth (Latimer House) Principles on the Accountability of the Relationship between the Three Branches of Government.
April 2005	Nairobi Plan of Action for Africa: A Pan-African Forum on the Principles held to raise awareness of their implementation in Commonwealth African countries. An Action Plan for Africa is drafted and adopted
November 2005	Principles become integral part of the Commonwealth's fundamental values of democracy, good governance, human rights and rule of law, following further endorsement by the Commonwealth Heads of Government at the meeting in Malta.
July 2008	The Edinburgh Plan of Action for the Commonwealth (EPOA): The EPOA allocates responsibilities to relevant sectors and partner organisations and includes mechanisms for the regular review and assessment of progress and outcomes. The Standing Committee is a key initiative of the EPOA.
November 2009	Standing Committee to submit its first report to CMAG at its meeting prior to the Commonwealth Heads of Government meeting in Trinidad and Tobago. This report will assist the CMAG in their deliberations on how to deal with violations of the rule of law and the Commonwealth's core democratic values.

Nutan Pitamber

BRINGING HUMAN RIGHTS HOME IN AUSTRALIA

On 10 December 2008, the 60th anniversary of the adoption of the Universal Declaration of Human Rights, the Attorney-General announced a national consultation on the protection and promotion of human rights in Australia.

The Government has since appointed an independent Committee, chaired by Father Frank Brennan (a Jesuit priest and Law Professor), to undertake the Australia-wide community consultation. The other members of the Committee are Mary Kostakidis (journalist and former television news presenter), Mick Palmer (former Australian Federal Police Commissioner) and Tammy Williams (young Indigenous lawyer).

The Committee has been tasked to ask the Australian community:

- Which human rights (including corresponding responsibilities) should be protected and promoted?
- Are these human rights currently sufficiently protected and promoted?
- How could Australia better protect and promote human rights?

Australia remains the only developed democracy without comprehensive legislative or constitutional protection of human rights. This is despite the fact that Australia has ratified international treaties recognising the importance of enshrining the fundamental civil, political, economic, social and cultural rights that are necessary for all people to participate fully in our community.

Australia's ratification of these instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights among other important human rights treaties, has created international law obligations that require all arms of the federal system to act to respect, protect and fulfil human rights.

A recent five-year review of the United Kingdom's Human Rights Act, which commenced in 2000, provides some guidance on what enhanced legislative protection of human rights is likely to mean for Australia. The review, conducted by the Department of Constitutional Affairs, found that the 'institutionalisation' of human rights:

- Improves public services and increases consumer satisfaction by ensuring that laws and policies are more flexible, responsive and personalised to suit individual needs;
- Promotes more transparent and accountable government by establishing formal procedures for ensuring that laws and policies are developed compatibly with human rights;
- Addresses disadvantage by improving the lives of marginalised and vulnerable individuals and groups;
- Does not result in a "lawyers' picnic" — there was no flood of litigation nor a discernible increase in the volume, length or costs of litigation;
- Enhances democracy by promoting a dialogue between the different arms of government — rather than giving courts the power to strike down legislation, courts may only remit a law to parliament for reconsideration if it cannot be interpreted compatibly with human rights and parliament retains absolute sovereignty to respond to these declarations as it sees fit.

The National Human Rights Consultation offers a significant opportunity for all Australians to have a say about what human rights mean to them. Submissions to the Committee are due by 29 May 2009 and the Committee has been asked to report to the Australian Government by 31 July 2009 on the issues raised and the options identified to enhance the protection and promotion of human rights.

Information about the National Human Rights Consultation, including further background and useful resources, can be found at www.hrlrc.org.au.

Ben Schokman is a lawyer with the Human Rights Law Resource Centre on secondment from DLA Phillips Fox

RECURRING LESSONS FROM MUMBAI

On 26 November 2008, gunmen targeted 10 different sites in a terrorist attack in the city of Mumbai leaving 171 people dead. As a result of the siege, a bill was passed by India's President Pratibha Patil which allowed police to detain terror suspects for 180 days before filing charges. In other countries who have suffered as a result of terrorism similar measures are indeed common.

A little over 2 weeks after the terrorists commenced their attack on Mumbai, the Chief Justice of India, Justice K.G. Balakrishnan, delivered his speech at a meeting of the International Conference of Jurists in New Delhi on 13 December 2008. The Chief Justice reminded the audience that:

'All government action, even in exceptional times must meet the standards of reasonableness, non-arbitrariness and non-discrimination.'

The Chief Justice of India reminds us all of the delicate balance between protecting a state from terrorism and at the same time maintaining the rule of law.

Terrorism is a global problem and it can be difficult to prevent when those who carry it out appear to be unconcerned about their own lives and disregard those of others who may suffer the consequences of their actions. There is an urgency and fear which grips a state when terrorists carry out their horrifying acts and the immediate emotional response can override a more rational and pragmatic reaction. Often in such a times citizens look to their leaders to provide a voice of assurance and reason. All they want to know is that they and their families will remain safe.

Whilst it is sometimes difficult during such a chaotic time for leaders to stop and consider the rule of law in any immediate and long-term counter-terrorism measures, it is arguably essential that they do so. In this regard, Chief Justice Balakrishnan comments:

'It is argued that the judiciary places unnecessary curbs on the powers of the investigating agencies to tackle terrorism. In India, those who subscribe to this view also demand changes in our criminal and evidence law – such as provisions for longer periods of preventative detention and confessions made before police officials to be made admissible in court. While the ultimate choice in this regard lies with the legislature, we must be careful not to trample upon constitutional principles such as "substantive due process". This guarantee was read into the conception of personal liberty under article 21 of the Constitution of India by our Supreme Court. Coercive interrogation techniques mostly induce false confessions and do not help in preventing terrorists attacks.'

The Chief Justice implored the audience that as part of the legal community 'they must uphold the right to fair trial for all individuals, irrespective of how heinous their crimes may be'. The Chief Justice emphasised that 'if we accept a dilution of this right, it will count as a moral loss against those who preach hatred and violence. We must not confuse between what distinguishes the deliberations of a mature democratic society from the misguided actions of a few'.

In the current climate the message from the Chief Justice, although not a new one, is one worth repeating.

Rebecca Barry

KENYAN PARLIAMENT REJECTS BILL TO ESTABLISH SPECIAL TRIBUNAL

On Thursday, 12 February 2009, the Kenyan Parliament voted against a bill to establish a special tribunal to try the perpetrators of the post-election violence of December 2007. Of the 145 votes required for the bill to be passed, only 101 MPs voted in favour of the bill. Some of the MPs who opposed the bill said that they did not have faith in Kenya's justice system and that those involved in the violence should be tried at The Hague.

Kofi Annan said that he was disappointed in the outcome and Mutula Kilonzo, Minister for Nairobi Metropolitan Development said that "[t]he president and prime minister have let down the country – They ought to resign and take the country to an election."

Although parliamentary rules stipulate that the bill cannot be reintroduced to parliament until 6 months have passed, a judge asked to investigate the post-election violence has set a 1 March 2009 deadline for establishing a special tribunal.

A commission of inquiry into the violence has also delivered a sealed list of suspected election violence ringleaders to Mr Annan to be handed to the International Criminal Court (ICC) should the 1 March deadline not be met. Mr Annan said he would obey the "spirit, letter and intent" of a commission of inquiry into the violence – his comments suggesting that he may send that list to the ICC. Justice Minister Martha Karua said the vote against the bill was a "collective failure" and that "[t]he envelope – it is up to His Excellency Kofi Annan who is holding it to decide what to do".

The election violence broke out in December 2007 when the Mr Odinga stated that the results of the December 2007 election had been rigged in favour of Mr Kibaki. Some 1,500 people were killed in widespread political and ethnic clashes across the country. President Mwai Kibaki and Prime Minister Raila Odinga came to a power-sharing agreement in February 2008 after weeks of talks led by Mr Annan and input of a mediation team, which included Mr Kilonzo, responsible for devising the power-sharing deal. This agreement to share power between the rivals brought the post-election violence to an end.

Nutan Pitamber

COMMONWEALTH DAY – 9 TH MARCH 2009

The Commonwealth at 60 Serving a New Generation

The aim of commemorating Commonwealth Day is to promote understanding on global issues, international co-operation and the work of the Commonwealth to improve the lives of its 2 billion citizens. This year the theme was 'Serving a new generation' which is the overall theme for the Commonwealths 60th anniversary year.

On Commonwealth Day a multi-faith observance is held at Westminster Abbey in London and other events are organised throughout the Commonwealth.

The Commonwealth Day message from Her Majesty the Queen and Head of the Commonwealth is as follows,

'This year the Commonwealth commemorates its foundation sixty years ago. The London Declaration of 1949 was the start of a new era in which our member countries committed themselves to work together, in partnership and as equals, towards a shared future.

We can rightly celebrate the fact that the founding members' vision of the future has become a reality. The Commonwealth has evolved out of all recognition from its beginning. It has helped give birth to modern nations, and the eight original countries have become fifty-three. We are now home to nearly two billion people, a third of the world's population. Across continents and oceans, we have come to represent all the rich diversity of humankind.

Yet despite its size and scale, the Commonwealth to me has been sustained during all this change by the continuity of our mutual values and goals. Our beliefs in freedom, democracy and human rights; development and prosperity mean as much today as they did more than half a century ago.

These values come from a common responsibility exercised by our governments and peoples. It is this which makes the Commonwealth a family of nations and peoples, at ease with being together. As a result, I believe we are inspired to do our best to meet people's most pressing needs, and to develop a truly global perspective. That is why the modern Commonwealth has stood the test of time.

But as we reflect upon our long association, we should recognise the challenges that lie ahead. Nearly one billion people of today's Commonwealth are under 25 years of age. These are the people that this association must continue to serve in the future. It is they who can help shape the Commonwealth of today, and whose children will inherit the Commonwealth of tomorrow.

To help them make the best of their opportunities, our young men and women therefore need the opportunity to become active and responsible members of the communities in which they live. I am pleased that the Commonwealth recognises this, and is determined to continue to put young people at its centre.

The call that brought the Commonwealth together in 1949 remains the same today. Then we joined together in a collective spirit – built on lasting principles, wisdom, energy and creativity – to meet the great tasks of our times. As the Commonwealth celebrates its sixtieth birthday, its governments, communities and we as individuals should welcome that achievement. Together, we should continue to work hard to deal with today's challenges so that the young people of today's Commonwealth can realise their aspirations. In that way, we can look to the future with confidence.'

CONFERENCES

Successful Conference in Jamaica to rival original in 1987 - The CLA 25 th Anniversary Conference

The CLA held a special conference in Jamaica between 16 and October 19 2008 to celebrate its 25 th anniversary. The conference was held at the Ritz Carlton in Montego Bay and attracted almost 500 delegates.

The theme of the conference was 'Justice at Home and Abroad' and there were numerous presentations by legal luminaries from around the Commonwealth concerning a rich array of issues.

The programme was divided into the following three streams:

- The Universality of Human Rights
- Globalisation and Legal Practice
- Public and Corporate Good Governance

All of the sessions proved to be very popular with a number of them being standing room only. Highlights included the opening ceremony where an address was given, by the Honourable Bruce Golding MP, the Prime Minister of Jamaica, and the closing ceremony where an address was given by the Honourable David Thompson the Prime Minister of Barbados, as well as the two keynote addresses which were:

- "The Universality of Human Rights and the Importance of the Universal Declaration of Human Rights", given by the Right Honourable Lord Hoffmann
- The Kenneth Rattray Memorial Lecture - "A Meeting Of Public And Corporate Good Governance In The Century Bank Case", given by Professor Ralph Carnegie

Jamaica was a truly idyllic spot for this conference with plenty of natural beauty and a rich culture to enjoy whilst attending. These included walking up the Dunns River Falls, Rafting on the Martha Brae and enjoying the sunset at Negril.

The 16 th Commonwealth Law Conference (CLC 2009) - 5 - 9 April 2009 Hong Kong Convention & Exhibition Centre

The next Commonwealth Law Conference is to be held in Hong Kong between 5 th and 9 th April 2009. The theme of the conference is 'The Dynamics of Law in a Rapidly Changing World'. The programme is divided into the following four themes:

- Constitutional Issues, Human Rights and the Rule of Law
- Corporate / Commercial Issues
- The Judges, the Profession and the Community
- Contemporary Legal Issues

The programme promises to make for a very vibrant and interesting conference with a number of current and relevant issues to be discussed by leading legal minds of the Commonwealth over the course of the four days.

- Hon. Lady Justice Wood (Chief Justice of Ghana)
- Geoffrey Robertson QC
- Hon. Justice Michael Kirby (High Court of Australia)
- Lord Chief Justice Igor Judge (UK)

In addition there are a number of important legal practitioners and judicial officers from around the Commonwealth participating in

- CJ Chan Sek Keong (Singapore)
- CJ Marilyn Warren (Australia) Colin Nicholls QC
- CJ Robert French (Australia) Tim Otty QC
- CJ KG Balakrishnan (India) Clive Nicholls QC
- CJ Beverley McLachlin (Canada)

Finally a busy social programme has also been put together including a night at the Hong Kong races to round off what promises to be an excellent, thought provoking conference.

For further details in relation to the conference and for information on how to register please refer to <http://www.commonwealthlaw2009.org/programme.html>.

COMMONWEALTH LAWYERS WORLD CRICKET REPORT

The inaugural Lawyers World Cup was held in Hyderabad between December 30 2007 and January 7 2008. With the theme of "Cricket for Friendship" teams from Australia, England, India, Pakistan, Sri Lanka and the West Indies came together to play in India last year.

All teams played one another and there was also an exhibition Judges v Lawyers game.

Not only were there many lawyers from around the Commonwealth and world playing each other in this tournament but there were also numerous officials at the various ceremonies, receptions and functions during the week.

The final was played at the Rajiv Gandhi Stadium on January 6 2008 between Pakistan and India with India winning the overall tournament.

During the week a number of meetings were held between senior members of each of the teams to discuss making the tournament a regular event and England will host the next tournament in July / August of 2009. There are a number of teams already confirmed to play including England solicitors, England barristers, Australia, India, Pakistan, West Indies, Sri Lanka, Ireland and Germany.

Whilst the venue of the 2011 tournament is yet to be finalised, , Australia is hopeful of hosting it in January 2011.

SPECIAL MENTION - TIM OTTY QC - UK HUMAN RIGHTS LAWYER OF THE YEAR

Tim Otty QC, a member of the Executive Committee of the Commonwealth Lawyers Association (CLA), was awarded the Human Rights Lawyer of the Year Award by Liberty, Justice and the Law Society in December 2008. This award was given chiefly for his "remarkable work, often done on a pro bono basis, and in particular his work in support of those subject to the worst excesses of the 'war on terror', such as control orders and detention of UK residents at Guantanamo Bay".

Tim is a QC at 20 Essex Street Barristers specialising in Public Law and Commercial Law and is regarded as a leader in these areas. In the Public Law arena his work has particularly emphasis on domestic international human rights. His principal areas of Commercial practice are sale of goods, civil fraud and private international law. He appears regularly in the High Court, Court of Appeal and European Court of Human Rights and for various arbitration tribunals.

In 2008 Tim appeared as Counsel to a tribunal in the Cullen Inquiry relating to allegations against the Chief Justice of Gibraltar. His other recent public law/human rights work includes Abdullah Ocalan v Government of Turkey in which the Grand Chamber of the European Court became the first international tribunal to rule that the death penalty had no legitimate place in a democratic society and acting as Counsel to amicus curiae in the three United States Supreme Court Cases to consider the legality of detentions at Guantanamo Bay, Cuba (Rasul et al v George W. Bush et al. (2004); Hamdan v Rumsfeld (2006) and Boumediene et al v George W Bush (2008). He has also acted for and against the United Kingdom Government in numerous human rights cases before domestic courts including the recent cases of A v Secretary of State for the Home Department House of Lords [2005] UKHL 71 relating to the admissibility of evidence obtained under torture, Al Rawi and Others v Secretary of State for Foreign and Commonwealth Affairs (Court of Appeal October 2006) in which the Court of Appeal reviewed the legality of the Foreign Secretary's refusal to request the release of British residents detained at Guantanamo Bay and Secretary of State for the Home Department v AF and Others (House of Lords, July 2007) relating to the compatibility of the Prevention of Terrorism Act 2005 with the rights to liberty and a fair hearing under the European Convention.

Tim is currently the Vice Chair of the Bar's Human Rights Committee.

JUSTICE MARK FERNANDO - Sri Lanka

"His long career as a judge of the Supreme Court has left its mark by way of independent and thoroughly rational judgements. Perhaps the best of his judgements to be remembered would be in the area of the interpretation of the fundamental rights provisions of the Constitution of Sri Lanka.

Over a long period he interpreted constitutional provisions relating to arbitrary arrest and detention and the rights against torture in particular. Towards the latter part of his career, on various occasions, he often dealt with some of the major problems of the Sri Lankan policing system by interpretation of the provisions on fundamental rights. He observed that despite of many judgements given by the Supreme Court violations by the police, particularly in the area of torture were on the increase. In some judgements he made attempts to make the heads of the police service and the armed forces responsible for the violations of rights by their subordinates."

"His father was former Chief Justice H. N. G. Fernando and his grandfather, Judge W. M. Fernando also sat on the Supreme Court. He took his oaths as an advocate of the Supreme Court in July 1963. Justice Fernando first worked in the chambers of H. W. Jayewardene QC. He shone as an advocate and was conferred Silk in January 1985. He was known to have been one of the lawyers who drafted the 1978 Constitution of President Junius Richard Jayewardene

In 2005, Justice Fernando opted to take premature retirement from the Supreme Court, two and half years before his term ended. He was then the longest serving judge on the bench.

MEET THE TEAM



Alyson Eather

Alyson is a senior associate at DLA Phillips Fox specialising in procurement, probity and projects and infrastructure. Alyson has a keen interest in human rights and public international law and has participated in a number of international moots focusing on this area. Alyson looks forward to contributing to the CLA through her work on the Clarion Editorial Committee and raising awareness of human rights and public international law



Ron Heinrich

Ron is a partner at TressCox who specialises in corporate advisory and commercial work. Ron is a past President of the New South Wales Law Society, a past President of the Law Council of Australia and is currently President of the Commonwealth Lawyers Association. Ron has a keen interest in the promotion of the rule of law and is a regular speaker at CLA conferences on this topic and as well has given papers on the practice of foreign lawyers and cross border transactions including due diligence.

MEET THE TEAM



Scott Alden

Scott is a partner at DLA Phillips Fox and he specialises in project, infrastructure and construction. Scott has been a member of the CLA since 2007 and is keenly interested in human rights and international public law. Scott is a regular speaker at CLA conferences and has given papers on both probity and corruption and environmental considerations in procurement for the CLA.



Rebecca Barry

Rebecca is a Solicitor with TressCox Lawyers in Sydney specialising in Financial Services and Corporate Law.. As a member of the Editorial Committee Rebecca hopes to promote the goals of the CLA to explore interest in issues that affect both the local and international community. Rebecca is a member of the Women's Initiative Practice Group for ALFA International and is a member of the Young Lawyers Business Law and Social Committees of the Law Society of NSW and is on the Executive Committee of the Women Lawyers Association of NSW.



Nutan Pitamber

Nutan is a Senior Associate at TressCox Lawyers specialising in commercial and insurance litigation. Nutan has had several years of international legal experience in Commonwealth jurisdictions, including an internship with the European Commission in Brussels. She has been a member of the Law Council of Australia's CLA focus group since 2007. Nutan looks forward to continuing her interest in and promoting international law issues affecting the Commonwealth through her work on the Clarion and participation in the activities of the CLA.