

Commercial Court Seminar

The Lower Banking Chamber
385 Bourke St, Melbourne



Apprehended Bias after *British American Tobacco Services Limited v Laurie* [2011] HCA 2

- *Applying the standard of the hypothetical 'fair-minded lay observer'*
- *Recognising circumstances in which apprehended bias is an issue*
- *Competing priorities: maintaining the edifice of impartiality vs the efficient administration of justice*

Legal doctrine establishing 'apprehended bias' as a basis for the recusal of a judge serves the purpose of ensuring that the neutrality and impartiality of the bench is maintained in the eyes of the public. Given it is the public's confidence that is sought, an assessment is made according to the standard of the hypothetical 'fair-minded lay observer'. However, the High Court's recent 3:2 split decision in *Laurie* demonstrates that making an assessment of what is likely to be understood by the lay observer and applying the standard is neither easy nor predictable in the context of a complex civil dispute.

This seminar presents an opportunity to join three eminent speakers in exploring the principles of 'apprehended bias' in the context of modern civil litigation.

Chair

Justice Karin Emerton, Supreme Court of Victoria

Presenters

Justice Michael Sifris, Supreme Court of Victoria, will speak on key developments in apprehended bias doctrine from the judicial perspective.

Michael Wheelahan SC, of the Victorian Bar, will examine the circumstances in which the issue of apprehended bias is likely to arise and comment on the practical application of the general principles from the perspective of counsel.

Ms Sally Sheppard, Partner, Clayton Utz, will comment on the significance of apprehended bias principles from the perspective of a solicitor.

Barristers, solicitors and interested clients are encouraged to attend.

Date: Wednesday 17 August, 2011

Time: 5.15 pm – 6.15 pm (arrive 5.05 pm to access lifts)

Venue: The Lower Banking Chamber
385 Bourke St, Melbourne

Cost: Free

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