



THE FORTNIGHTLY NEWSLETTER OF THE VICTORIAN BAR COUNCIL

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ANNUAL BAR DINNER

ZINC at Federation Square

Saturday 29 May

Program

ROBIN BRETT QC Chairman of the Victorian Bar Council
IAN HARRISON SC President, Australian Bar Association
HIS HONOUR JUDGE FRANK WALSH'S VICBAR ALL-STARS WITH
MISS SARAH FREGON
KRISTINE HANSCOMBE SC Junior Silk
THE HONOURABLE JUSTICE WHELAN

RSVP due Friday 14 May



THE ESSOIGN

Level 1, Owen Dixon Chambers East

Open daily from 7.00 am for breakfast, coffee/tea, snacks, lunch and drinks.
 Happy Hour every Friday night 5.00 - 7.00 pm with complimentary finger food.
 Take away food and alcohol available – Functions catered.

Approval of Clerks

The Bar Council has approved two Clerks – Gerard Hyland as Clerk for List C and Peter Lennon as Clerk for List H.

Personalia

Transfers:

Stella Moraitis transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals) effective 30 April 2004.

Michael P Cahill transferred from Division A, Part II (Crown Prosecutors and Public Defenders) to Division A, Part I (Victorian Practising Counsel) effective 2 April 2004.

Bar Readers:

The Bar Council also welcomes the March 2004 Readers who signed the Bar Roll on 29 April 2004.

<u>Reader</u>	<u>Mentor</u>	<u>Reader</u>	<u>Mentor</u>
Sarah Leighfield	Duncan Allen	Robert Harper	Frank Saccardo
Jason Gullaci	Andrew McKenna	Brendan Reilly	Peter Collinson
Sharon Burchell	Samantha Marks	Susan Powell	Cheri Lee
Michael O'Brien	Jonathan Davis	Ian Caudwell	Franz Holzer
Rachel Ellyard	Karin Emerton	Nikola Dragojlovic	Joshua Wilson
Craig Halfpenny	Graham Devries	John Kelly	John Constable
Michelle Unsworth	John Goodman	Clive Scott	Christopher Boyce
Shirley Dennehy	Richard Pirie	Timothy Grace	Samuel Horgan
Timothy Bourke	Justin O'Bryan	Gregory Robinson	Stephen McLeish
Adrian Strauch	Peter Billings	Liza Powderly	Gregory Lucas
Meryem Apak	John Lavery	Ewan Hall	Peter Davis
Alanna Duffy	Melanie Young	Sharon Kermath	Graham Berkovitch
Dianne Mitchell	Anthony Lavery	Peter Wallis	Stewart Anderson
Georgina Thomas	Matthew Connock	Christopher Provost	Stephen Wilmoth
Justin Wheelahan	Lachlan Carter	Neill Hutton	John Dixon
Susan Aufgang	Marc Bevan-John	William Rimmer	Mark Campbell
Neill Campbell	Warren Friend	Luke Simpson	Alasdair Robertson
Julian Devery	Christopher Blanden	F John Morgan	Jennifer Davies
Bernard Sheehy	Damien Cosgriff	Baptista Lai	Ian Freckelton
Richard Knowles	Christopher Caleo	Francis Healy	Edwin Lorkin
Tin Bunjevac	Tomaso Di Lallo	Helen Dellidis	Kirsty MacMillan
Phillip Rompotis	Tim Margetts	Michelle Britbart	Daniel Masel
Berris Aitken	Howard Mason	Philip Skehan	David Drake
Anthony Lewis	Michael Wilson	Constantine Mylonas	Peter Morrissey
Annette Kaitinis	Michael Thompson	Richard Greenfield	Michael Wheelahan

Papua New Guinea

Nirrie Eliakim	James Barber
Jacinta Murray	Ronald Gipp

Vanuatu

Carol Singh	James Mighell
Lent Tevi	Paul O'Dwyer S.C.

Farewell: His Honour Judge Neesham

His Honour Judge Neesham is retiring from the bench of the County Court of Victoria as from 10 May 2004.

A farewell was extended by the legal profession to Judge Neesham at 4.30 pm on Thursday, 6 May 2004 in the County Court.

Press Release: New Federal Magistrate Appointed

The following is a press release by the Attorney-General, Philip Ruddock, on 5 May 2004:

"Attorney-General Philip Ruddock today announced the appointment of Melbourne based barrister Victoria Bennett as a federal magistrate.

Ms Bennett has practised as a barrister in Victoria since 1988. She regularly appears in the Family Court at both trial and appellate level and in the Federal Magistrates Court.

Ms Bennett has also regularly written and delivered papers for specialist family law seminars dealing with developments in property cases, superannuation, child support and international child abduction.

"I am pleased Ms Bennett has accepted the Government's offer to be appointed as a federal magistrate," Mr Ruddock said.

"She is a highly regarded lawyer with the personal attributes required of a judicial officer." Ms Bennett will take up her appointment on 10 May 2004."

Welcome: Federal Magistrate Victoria Bennett

A welcome will be extended by the legal profession to Victoria Jane Bennett on the occasion of her swearing in as a Federal Magistrate at 4.30 pm on Monday, 10 May 2004 in Court Room 6J, Commonwealth Law Courts, 305 William Street, Melbourne.

All counsel who are able to attend are requested to do so. It will not be necessary for counsel to be robed.

Press Release: Nauru Government uses visa power to deny fair representation

The following is a press release by the Chairman, Robin Brett QC, on 29 April 2004:

"The Chairman of the Victorian Bar Council, Robin Brett QC, today spoke out against the Nauru Government's refusal to allow Australian lawyers to appear on behalf of asylum seekers who are currently restricted to special camps in Nauru.

Australian barristers Julian Burnside QC and Sam Hay and solicitor Karen Anderson had been retained by asylum seekers challenging the legality of that restriction. The decision to deny the lawyers entry to Nauru was made by the President of Nauru and Nauru's Minister for Justice. Their visas were withdrawn shortly before the lawyers were due to fly to Nauru last Sunday.

A Nauru government spokesperson has been reported as saying that the visas were withdrawn because there was "sufficient representation for the asylum seekers on the Island" (Melbourne Age, 27 April 2004).

"This is no justification at all", Mr Brett said. "Justice requires that every litigant should have the right to be represented by the lawyer of his or her choice. No government should dictate to litigants which qualified lawyers they are and are not permitted to retain.

"When the government is itself a party to the litigation, as it is in this case, the injustice is even greater."

The Bar Care Scheme

The Victorian Bar maintains a confidential counselling service for members of the Bar and their immediate family – the Bar Care Scheme. The Scheme recognises that the health and well-being of a member can be adversely affected by the pressures of professional and personal life and that the Victorian Bar has a role to play in ensuring that assistance is available to members who require it.

The Bar Care service is provided by the Cairnmillar Institute ("the Institute"). A member who wishes to access the scheme should contact the Institute on 9813 3400 and advise that they require assistance in accordance with the Victorian Bar's Bar Care Scheme. The Institute is located at 993 Burke Road, Camberwell, 3124.

General enquiries regarding the scheme may be directed to the Executive Director of the Bar, David Bremner, on 9225 7990 or the Executive Officer, Anna Whitney, on 9225 7927. Requests for assistance should be made directly to the Institute.

Sexual Harassment and Vilification

The Victorian Bar's Rules of Conduct contain provisions which provide that sexual harassment or vilification in any professional context may be held to be professional misconduct or unsatisfactory conduct.

A person, including barristers, secretarial staff, Clerks' staff and Bar staff, allegedly harassed or vilified may lodge a complaint with a conciliator who will provide advice or, if requested, conciliate the matter. The conciliators appointed by the Bar Council are David Curtain QC (Convenor), Frank Costigan QC, Michael Crennan S.C., Richard Maidment S.C., Debra Mortimer S.C., Fiona McLeod S.C., Joy Elleray, Richard McGarvie, Melanie Young and Sarah Fregon.

The Rules relating to sexual harassment and vilification are set out in Part IX – Code of Conduct in the Bar's Practice Rules. The Rules are available from the Bar's Administration office or from the Bar's website www.vicbar.com.au/3_2_6.html.

Supreme Court of Victoria – Change of Admission Date for August

The admission date scheduled for 9 August 2004 has been changed and the ceremony will now take place on 2 August 2004. If you need further information regarding this, or any other admission dates throughout the year, please contact the Board of Examiners on 9603 4389.

Victorian Bar - Mandatory Continuing Legal Education – Commercial Law

All members of Counsel who are interested in presenting seminars in any area of Commercial Law in order to satisfy the new mandatory CLE requirements of the Rules of Conduct should feel free to contact either Dr. Ian Hardingham QC or David Denton S.C. and identify the topic and an outline of the matters wished to be discussed.

Ian Hardingham QC and David Denton S.C. will then seek to ensure that those volunteers are given every opportunity to present seminars in a timely fashion and obtain their 3 MCLE points.

Ian Hardingham QC may be contacted on ext. 8243 and David Denton S.C. may be contacted on ext. 7020.

Law Council of Australia Monthly Newsletter

@ the LCA, the monthly newsletter published by the Law Council of Australia, is now available on the News ticker of the Victorian Bar website at www.vicbar.com.au.

Availability of Marshals of the Federal Court of Australia

It has recently come to the Court's attention that many practitioners may not be aware that the Marshals of the Court are able to arrest a vessel under the Admiralty Act 1988 (Cth) anywhere in Australia, on any day.

A notice setting out information of the availability of the Court's Marshals follows:

Availability of Marshals of the Federal Court of Australia

The Marshals of the Federal Court are able to arrest a vessel anywhere in Australia, on any day of the year.

The Federal Court has Marshals in every State and Territory. In addition to the Marshals based in each registry of the Court, suitably qualified staff from relevant agencies (usually the Sheriff's Office or local police) in Victoria, Western Australia, South Australia, Tasmania and the Northern Territory have been appointed as Federal Court Marshals. Many of these Marshals are based in regional and remote parts of Australia.

In addition to these ongoing appointments, there are arrangements in each registry for the urgent appointment of Marshals where necessary. A Marshal may be appointed, for example, where there is insufficient time for a registry-based Marshal to reach the vessel before it leaves the jurisdiction or where the cost of sending a registry-based Marshal to the vessel is excessive. Such appointments are strictly supervised by the Marshal in the relevant registry of the Court.

Please contact the District Registrar or Marshal in the Federal Court registry in your State or Territory for further information about the execution of an arrest warrant anywhere in Australia. Contact details can be obtained from the Federal Court's web site at <http://www.fedcourt.gov.au>.

Hyland Barristers' Clerk "List C" *(Advertisement)*

Gerard Hyland advises that he has been a clerk for more than 25 years and wishes to continue the proud Hyland clerking tradition of providing professional services with integrity.

His new list will commence trading on 31 May 2004 and a substantial number of barristers have indicated that they wish to be part of his List, and he invites other barristers who may be interested in joining to contact him.

All enquiries will be treated with strict confidentiality.

The new Hyland office on the ground floor of Isaacs Chambers will provide list members with: conference and mediation facility, a contract typist, computer room, copying, printing and faxing, online and legal research facilities together with the many other traditional services a clerk provides.

PLEASE CONTACT GERARD HYLAND FOR A CONFIDENTIAL DISCUSSION

Tel: 9225-7910 Mobile: 0412-366830

Monash University – Law Week Debate

'Babies by design'

Should the law allow genetic engineering to create the 'perfect baby'?

Monash University Law School and the Law Institute of Victoria present this legal and ethical debate discussing the implication of 'designer babies' in our society. This debate will be held during Law Week 2004, on Wednesday 19 May as part of Monash Law School's 40th anniversary celebrations. The location will be the Legislative Council, Parliament House, Spring Street, Melbourne.

Bookings can be made with Sam Hawkins on 9905 2326 by 14 May 2004.

Announcing Law Week 16-22 May 2004

Co-ordinated by the Victoria Law Foundation and the Law Institute of Victoria, join in one or more of the FREE COURT TOURS on Saturday 22 May 2004. Note, all Melbourne tours require booking, see the event calendar for details at: www.liv.asn.au/lawweek

Saturday 22 May 2004

Children's Court Open Day
477 Lt Lonsdale Street, Melbourne

Tours at 10am and 12pm, with presentation by
Mr Greg Levine, Magistrate, at 11.00 am

County Court Open Day
250 William Street, Melbourne

Details coming - see web page

Federal Court Open Day
305 William Street, Melbourne

Described as the most technologically advanced
courthouse in the country. Activities to include tour
and speaker, District Registrar, Mr Jamie Wood

Supreme Court Open Day
210 William Street, Melbourne

Morning tours, details coming - see web page

LUNCHTIME ART TOURS - throughout Law Week.

Tours will be lead by an art expert from the Victorian College of the Arts, of the art collections and architectural features, in all of the Melbourne law courts, and a brochure will be provided so that people can continue on by themselves on a self-guided tour.

OTHER COURT OPEN DAYS DURING LAW WEEK INCLUDE:

Tuesday 18 May 2004, 9.00 -10.00 am

BENDIGO MAGISTRATES' COURT TOUR
71 Pal Mall, Bendigo

Wednesday 19 May 2004, 12.30 pm
Talks by Senior Registrar and staff

GEELONG LAW COURTS OPEN DAY
Railway Terrace, Geelong

Thursday 20 May 2004, 10.30 am-3.30 pm
Talks by the Registrar and staff of the courts

MOE LAW COURTS OPEN DAY
Lloyd Street, Moe

Friday 21 May 2004, 2.00 pm
Senior registrar and staff will conduct
a tour of the Court Ballarat

BALLARAT LAW COURTS TOUR
100 Grenville Street, South

Date to be announced
Details coming - see web page

ALBURY LAW COURTS TOUR

Also Drop-In Legal Sessions will be held at the Central Highlands Community Legal Centre
34 Victoria Street, Ballarat on:

Friday 21 May 2004, 9.30am - 3.30pm
Friday 2 May 2004, 10am

Equal opportunity & anti-discrimination

Friday 21 May 2004, 11.30am

Primary Dispute Resolution

For further information and booking details see The Age newspaper (EG section) on Friday 14 May 2004 or visit the Law Week web page at: www.liv.asn.au/lawweek

Wigs on Wheels

On 16 May 2004 a ride along the Lilydale to Warburton Rail Trail is organised. Details can be obtained from My Anh Tran at my_anh_tran@vicbar.com.au.



A Wigs on Wheels team entry for Bicycle Victoria's 201 kms Around the Bay ride is being planned. Training rides will be held on the last Sunday of each month. The first ride will be from Port Melbourne to Frankston and back starting at 7am on 30 May. Riders should meet at 6:55am at Stokes St/Beach St corner (Melways 2JC7), outside the Hotel Sandridge. It would be useful if those participating would email David Levin at dlevin@vicbar.com.au so that we know approximate numbers. We will depart at 7am promptly.

Reports and Publications Received

The following publications have been forwarded to the Bar Library.

➤ ***Lawyers Weekly***

Friday, 16 and 23 April 2004

➤ ***Clarion***

Newsletter of the Commonwealth Lawyers' Association April 2004

➤ ***The Commonwealth Lawyer***

Journal of the Commonwealth Lawyers' Association April 2004

➤ ***Annual Report 2002-2003***

New South Wales Law Reform Commission

➤ ***BDPS News***

Building Dispute Practitioners' Society Newsletter March 2004

➤ ***Economic Statement April 2004***

Victorian State Government

Forthcoming Conferences and Training Seminars

Details of future conferences and seminars can be found on the Victorian Bar website: www.vicbar.com.au/2_2_7.html, from the Clerks' offices or the Bar Council office, Level 2, Douglas Menzies Chambers, 180 William Street (NMR: Neil McPhee Room).

Date	Topic	Presenter(s)
4 May 2004 NMR 5.15 pm	Criminal Bar: Evidence of Consciousness of Guilt - What is it, when and how can it be used?	Phillip Priest QC and Gregory Lyon

5 May 2004 NMR 5.15 pm	Commercial Bar: Property & Probate Law	Robert Shepherd and Paul Bravender-Coyle
10 May 2004 NMR 5.15 pm	Common Law Bar: Federal Magistrates' Court - Refresher	Federal Magistrate Murray McInnes and Federal Magistrate Michael Connolly
11 May 2004 NMR 5.15 pm	Family Law Bar: New Family Law Rules	Martin Bartfeld QC and Patrick O'Shannessy
12 May 2004 NMR 5.15 pm	Professional Standards Education Committee: Relationships with Other Practitioners	Paul Elliott QC and Michael Colbran QC
13 May 2004 NMR 5.15 pm	Commercial Bar - Intellectual Property and Trade Practices Law Section: The Assessment of Damages Under Section 82 of the <i>Trade Practices Act</i> 1974	Noel Magee QC and Richard Harris
17 May 2004 NMR 5.15 pm	Criminal Bar: Jury Trials	Ian Hill QC and Terry Forrest QC
18 May 2004 NMR 5.15 pm	Commercial Bar: Basic Trial Techniques in Commercial Matters	Jeffrey Sher QC and Sam Horgan
24 May 2004 NMR 5.15 pm	Calling Evidence and Tendering Documents; and Trial: Admissibility and Taking Objections	John Karkar QC and Ian Waller
25 May 2004 NMR 5.15 pm	Commercial Bar - Insurance & Professional Negligence Law: Lawyers' Duties of Confidence and Loyalty	Leslie Glick S.C.
3 Jun 2004 NMR 5.15 pm	Commercial Bar: Misuse of Market Power and the <i>Trade Practices Act</i> 1974 (Cth)	The Honourable Justice Heerey
10 Jun 2004 NMR 5.15 pm	Commercial Bar: Trade Practices Law Twilight Series: Seminar 1	Charles Sweeney QC
17 Jun 2004 NMR 5.15 pm	Commercial Bar - Insolvency Law: Recent Developments in Litigation Funding (previously planned for 1 April)	Nunzio Lucarelli QC and James Paterson
28 Jun 2004 NMR 1.00 pm	Commercial Bar - Environmental, Planning and Local Government Law: Public Interest Environment Litigation	Juliet Forsyth and Matthew Townsend
6 Jul 2004 NMR 5.15 pm	Commercial Bar - Public Law: Acting in Pro Bono Matters and Order 80 of the Federal Court Rules	The Honourable Justice Merkel
28 Jun 2004 NMR 5.15 pm	Commercial Bar - Environmental, Planning and Local Government Law: Recent developments in relation to planning permit conditions	Ragu Appudurai

This seminar has been postponed from 3
May 2004

5 Aug 2004
NMR 5.15 pm

Commercial Bar - Corporations &
Securities Law: Current Issues
Confronting ASIC

Mr Jeff Lucy, Chairman of the
Australian Securities and
Investments Commission

Victorian Bar Council
Douglas Menzies Chambers
Level 2, 180 William Street, Melbourne 3000
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Phone: 9225 8326 **Fax:** 9225 6068
E-mail inbrief@vicbar.com.au **Website** www.vicbar.com.au
Deadline for Next Edition: 12.00pm 14 May 2004

COMMBAR

THE COMMERCIAL BAR ASSOCIATION

2004**EXECUTIVE**

President:	David Denton, S.C.	Clerk: "A"	Ext. 7020	denton@vicbar.com.au
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Vice-President (Convenor):	Albert Monichino	Clerk: "A"	Ext. 8247	monichino@vicbar.com.au
Treasurer:	John Dixon	Clerk: "A"	Ext. 8444	dixon@chancery.com.au

SECTION CHAIRPERSONS & SECRETARIES**Banking & Finance Law Section**

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Insolvency Law Section

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Intellectual Property & Trade Practices Law Section

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Public Law Section

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Revenue Law Section

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