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VICTORIAN BAR COUNCIL
OWEN DIXON CHAMBERS
205 WILLIAM STREET,
MELBOURNE 3000

VICTORIAN BAR COUNCIL



ANNUAL REPORT

1965 - 1966

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To be presented to the Annual General Meeting to be held on Thursday the 24th February 1966 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

MEMBERSHIP OF THE COUNCIL

Election

In February 1965 the following persons were elected to the Council ;-

Counsel of not less than 7 years standing

Sir James Tait Q.C., Messrs. L. Voumard Q.C.,
M.V. McInerney Q.C., C.I. Menhennitt Q.C.,
G.H. Lush Q.C., K.V. Anderson Q.C., P. Murphy Q.C.,
X. Connor Q.C., P.A. Coldham, D.F.C., Q.C.,
W.O. Harris Q.C. and L.S. Lazarus.

In May, 1965 Mr. M.V. McInerney Q.C. resigned from the Council upon his appointment as an Acting Judge of the Supreme Court of Victoria. Mr. J.G. Gorman Q.C. was elected in July 1965 to fill the casual vacancy.

On the 1st February 1966, Mr. G.H. Lush Q.C. resigned as Chairman and from the Bar Council following his appointment as a Judge of the Supreme Court. The resulting casual vacancy was not filled.

Counsel of not more than 10 years standing

Messrs P.U. Rendit, D.G. Williamson, R.K. Todd and
A.A. Smithers.

The Attorney-General for the Commonwealth of Australia, the Honourable B.M. Snedden, Q.C., M.P., as a member of the Victoria Bar, continued as an ex officio member of the Council.

Officers

The following appointments were made by the Council :-

Chairman : Mr. G.H. Lush Q.C.
Following Mr. Lush's resignation,
Mr. K.V. Anderson Q.C. was
appointed Chairman.
Vice-Chairman : Mr. K.V. Anderson Q.C.
Honorary Treasurer: Sir James Tait Q.C.
Honorary Secretary: Mr. P.U. Rendit
Registrar : Mr. D.E. Edwards.

Standing
Committees

The following Standing Committees were appointed :

Ethics

Messrs. P.A. Coldham Q.C. (Chairman)
L. Voumard Q.C., W.O. Harris Q.C.,
L.S. Lazarus, D.G. Williamson and
A.A. Smithers.

Law Reform

Messrs. X. Connor Q.C. (Chairman)
C.I. Menhennitt Q.C., and R. K. Todd.

Lectures

Messrs. C.I. Menhennitt Q.C. (Chairman)
L.S. Lazarus and R.K. Todd.

Library

Messrs. M.V. McInerney Q.C. (Chairman)
R.G. DeB. Griffith, W.F. Ormiston and
J.W. Wolters, (and later Mr. P. Murphy Q.C.
vice Mr. M.V. McInerney Q.C.).

Education

Messrs. M.V. McInerney Q.C. (Chairman)
C.I. Menhennitt Q.C., X. Connor Q.C.,
R.E. McGarvie Q.C., H. Storey and
D. Dawson, Later, Mr. M.V. McInerney Q.C.
resigned following his appointment as an Acting
Judge of the Supreme Court of Victoria.

Overdue Fees

Messrs. P.A. Coldham Q.C. (Chairman)
R.E. McGarvie Q.C. and R.K. Todd.

Bar History

Sir Arthur Dean (Chairman) Dr. E.G. Coppel Q.C.,
Mr. F.M. Bradshaw, Professor Cowen, Messrs.
R.G. DeB. Griffith, K.J.A. Asche, J.E.R. Bland
and J.D. Merralls.

Social and Common
Room

Messrs. K.V. Anderson Q.C. (Chairman) and
A.A. Smithers.

Practice Committees

Co-ordinator of Practice Sub-Committees :-
Mr. P.A. Coldham Q.C.

Sub-Committees of the Practice Committee:-

Matrimonial Causes

Mrs. J. Rosanove Q.C. Messrs. C. Morrell and
H.C. Emery and Miss M. Kingston.

Juries

Messrs. V.H. Belson Q.C., W.C. Crockett Q.C.
E.A. Laurie Q.C. and A.J. Southwell.

Crime

Messrs. G.M. Byrne, J. Lazarus, W. Lennon,
G. Hampel and J.H. Phillips.

Causes

Messrs. N. S. Stabey Q.C., D. Dawson and
P.A. Liddell.

Miscellaneous Causes

Messrs. H. R. Newton Q.C., R.K. Fullagar Q.C.
W.E. Paterson and R.G. DeB. Griffith.

Licensing

Messrs. K. Coleman, J. R. Campton and
P.J. O'Callaghan.

Workers Compensation

Messrs. J. Keely, D.G. Williamson, F.X. Costigan
W.D. Magennis and H.W. Fox.

County Courts

Messrs. J.J. Hedigan, F. Dyett, J.K. Nixon,
A.W. McDonald and L.R. Hart.

Petty Sessions

Messrs. B. Kayser, J.R. Perry and A.B.
Nicholson.

AD HOC COMMITTEES

A number of committees for particular purposes was
appointed. They included the following :

Commonwealth
Silks

Messrs. M.V. McInerney Q.C. and
J. McL. Young Q.C.

Decimal
Currency

Messrs. N.M. Stephen, L.S. Lazarus and
R.K. Todd.

Liability
Without Fault

Messrs. L. Voumard Q.C., V.H. Belson Q.C.
X. Connor Q.C. and E.A. Laurie Q.C.

Club
Registration

Messrs. V.H. Belson Q.C., J.R. Campton,
A.J. Southwell, N.M. O'Bryan and G.V. Tolhurst.
Later Mr. J.G. Gorman Q.C. was added to the
Committee.

Review of Annual
Subscriptions to
the Bar

Sir James Tait Q.C., Messrs. S. Strauss Q.C.
L.S. Lazarus.

APPOINTMENTS

The following representative appointments of Council
members and other members of the Bar were also made :-

Attorney-
General's
Procedure
Committee

Mr. K.V. Anderson Q.C. with assisting Committee
of Messrs. P.A. Coldham Q.C. (alternate),
P. Murphy Q.C., X. Connor Q.C. and
D.G. Williamson.

Board of
Examiners

Messrs. W.C. Crockett Q.C., A.E. Woodward
Q.C. and L.S. Lazarus (and later Mr. X. Connor
Q.C. vice Mr. W.C. Crockett Q.C.)

Chief Justice's
Rules Committee

Mr. P.A. Coldham Q.C. (Alternate
Mr. W.O. Harris Q.C.)

Attorney-General's
Committee on Sale
of Land

Mr. R.K. Fullagar Q.C.

Chief Justice's
Law Reform
Committee

Messrs. C.I. Menhennitt Q.C., X. Connor Q.C.
and R.K. Todd.

Standing Committee
with Law
Institute

Messrs. G.H. Lush Q.C. and
K.V. Anderson Q.C.

Australian Bar
Association

Messrs. G.H. Lush Q.C. and K.V. Anderson Q.C.

Law Council of
Australia
Executive

Mr. M.V. McInerney Q.C. supporting Committee
Sir James Tait Q.C., Messrs. G.H. Lush Q.C.
and A.A. Smithers, (and later Mr. C.I. Menhennitt
Q.C. vice Mr. M.V. McInerney Q.C.)

Council of Legal
Education

Messrs. M.V. McInerney Q.C., G.H. Lush Q.C.,
and R.E. McGarvie Q.C. (and later
Mr. L. Voumard Q.C. vice
Mr. M.V. McInerney Q.C.)

Faculty of Law
(University of
Melbourne)

Messrs. M.V. McInerney Q.C., G.H. Lush Q.C.,
and R.E. McGarvie Q.C. (and later
Mr. X. Connor Q.C. vice Mr. M.V. McInerney
Q.C.).

Faculty of Law
(Monash
University)

Mr. G.H. Lush Q.C.

Legal Education
Committee

Mr. G.H. Lush Q.C. (Alternate
Mr. R.E. McGarvie Q.C.).

Council of Law
Reporting

Sir James Tait Q.C. and Mr. F.M. Bradshaw.

Directors of
Barristers'
Chambers
Limited

Sir James Tait Q.C. Messrs. M. Ashkanasy Q.C.
M.V. McInerney Q.C., G.H. Lush Q.C.,
K.V. Anderson Q.C., W. Kaye Q.C. and
N.S. Stabey Q.C. (Later Mr. M.V. McInerney
Q.C. resigned following his appointment as an
Acting Judge of the Supreme Court).

Superannua-
tion Fund for
Supreme Court
Librarian

Bar Nominee upon Board of Trustees -
Mr. S.G. Hogg

Barristers'
Superannuation
Fund - Trustees

Mr. G.H. Lush Q.C. (Chairman) Sir James
Tait Q.C., Messrs. C.I. Menhennitt Q.C.,
M.V. McInerney Q.C. and Hon. Secretary -
Mr. S.G. Hogg (Later Mr. M.V. McInerney
Q.C. resigned following his appointment as
an Acting Judge of the Supreme Court).

Legal Aid

Messrs. P. Murphy Q.C. and R.M. Northrop
and on the expiration of their term of office
Messrs. H.G. Ogden Q.C. and N.M. O'Bryan
respectively.

Attorney-
General's
Committee on
Facilities in
County Court
Building

Mr. E.A. Laurie Q.C.

Joint Committee on
Management of
Courses for
Articled Clerks

Mr. M.V. McInerney Q.C. and Mr. R.E.
McGarvie Q.C. (Later Mr. M.V. McInerney
Q.C. resigned following his appointment as an
Acting Judge of the Supreme Court)

Appeal Costs
Board

Mr. W.O. Harris Q.C.

Joint Committee
with Law
Institute of
Victoria for
Entertainment of
Overseas Visitors
to Third Common-
wealth and Empire
Law Conference

Messrs. K.V. Anderson Q.C., P. Murphy Q.C.,
D.G. Williamson and S.P. Charles.

Royal Victorian
Association of
Honorary Justices
(Victorian Bar
Liaison)

Mr. S.P. Charles.

Attorney-General's
Committee on
Justices Act

Mr. W. Martin. Supporting Committee
Messrs. J.R. O'Shea and E.C. McHugh.

MEETINGS

Council Meetings

There were 18 evening meetings of the Council during the period to December 1965. In addition there were numerous committee meetings and attendances by representatives at meetings of the various outside bodies.

Special General Meeting of the Bar

A special General Meeting of the Bar was called on the 18th May 1965 to consider certain recommendations of the Bar Council in relation to Counsel fees upon the introduction of decimal currency in February 1966.

A report on this matter is set out under the heading of Counsel Fees below.

FINANCE

The Council fixed the following subscriptions for membership of the Victorian Bar for 1965 :

Counsel called under 12 months	£2. 2. 0
Over 1 but under 3 years	£5. 5. 0
Over 3 but under 7 years	£8. 8. 0
Over 7 but under 10 years	£10.10. 0
Over 10 years	£15.15. 0
Queen's Counsel	£26. 5. 0
Solicitor-General	£10.10. 0
Crown Prosecutors and Parliamentary Draftsmen	£ 8. 8. 0
Interstate Silks	£10.10. 0
Interstate Juniors	£ 7. 7. 0
Non-Practising List	£ 5. 5. 0

The Honorary Treasurer's Report and Annual Financial Statement will be presented to the Annual General Meeting. The Statements, subject to audit, are printed as an annex to this report

PERSONALIA

Judicial
Appointments

On the 25th day of May 1965 His Honour Judge Barber of the County Court who had been an Acting Judge of the Supreme Court of Victoria since April 1964 was appointed a Judge of the Supreme Court of Victoria.

On the 28th May 1965 Mr. M. V. McNerney Q. C. was appointed an Acting Judge of the Supreme Court of Victoria. On 26th October 1965, he was appointed a Judge of the Supreme Court of Victoria.

On the 1st February 1966 Mr. G. H. Lush Q. C. was appointed a Judge of the Supreme Court of Victoria.

Mr. Gordon Just was appointed a Judge of the County Court and a Chairman of General Sessions on the 10th August 1965.

On 26th October 1965 Mr. R. J. Leckie was appointed a Judge of the County Court and a Chairman of General Sessions. Mr. Leckie had for some years prior to his appointment been a Prosecutor for the Queen.

Deaths

The Council records with regret the following deaths during 1965 :

Judge
Stafford

On the 12th July 1965 His Honour Judge Clarence McClelland Thompson Stafford of the County Court.

Sir Gordon
McArthur

On the 10th August 1965 the Honourable Sir Gordon McArthur M. L. C. Sir Gordon had been President of the Legislative Council since 1958 and member for South-Western Province for 34 years.

Mr. A. Garran

On the 13th November 1965 Mr. Andrew Garran. He had been Chairman of the Victorian Public Service Board since 1957, and before such appointment, had been Parliamentary draftsman for many years

Mr. J. J.
Lynch

On 29th October 1965 Mr. John Joseph Lynch

Mr. A. W.
Riordan

On the 12th January 1966 Mr. Adrian William Riordan.

Retirements:

Sir Arthur Dean

The Honourable Sir Arthur Dean retired from the Supreme Court of Victoria on the 25th May 1965.

Sir Reginald Sholl

The Honourable Sir Reginald Sholl resigned from the Supreme Court of Victoria following his appointment as Australian Consul General in New York. His resignation took effect as from the 31st January 1966.

Judge Read

On the 30th March 1965, His Honour Judge Read retired from the County Court. He had been Chairman of the County Court Judges since October 1960.

Honours

The following honours were conferred by Her Majesty the Queen upon members of the Victorian Bar during 1965 :

Dr. E.G. Coppel Q.C. - Companion of St. Michael and St. George.

His Honour Judge Read - Commander of the British Empire.

During 1965 the Rt. Hon. Sir Robert Gordon Menzies K.T., C.H., Q.C., M.P. was appointed Lord Warden of the Cinque Ports.

Queen's Counsel

Letters Patent were granted to the following counsel during 1965 :

Mr. G.J. Samuels Q.C. (N.S.W.)
Mrs. J. Rosanove Q.C., Mr. W.M. Irvine Q.C.
Hon. J.S. Bloomfield Q.C., and Messrs.
E.A. Laurie Q.C., S. Strauss Q.C.,
A.E. Woodward Q.C., J.A. Lee Q.C.
(N.S.W.) and R.J.M. Newton Q.C. (N.S.W.)

The Roll of Counsel

Between the 1st February and the 31st December 1965 the following persons signed the Roll of Counsel :-

Messrs. T.H. Smith, J.H. Hall,
G.R.G. Crossley, J.V. Kaufman,
G.J. Samuels Q.C. (N.S.W.), D.G. Wraith,
J.B. Bingeman, P.D. Ahearne,
P.J. Galbally, N.E. Roberts, A.W. Adams,
P.D. Cummins, J. Robinson, N. Moshinsky,
C.R. Taylor, J.P. Dickson, J.S. Goldstein
(N.S.W.), R.J.M. Newton Q.C. (N.S.W.)

M.J.N. Atwill (N.S.W.) W.E. Eddy
(N.S.W.), B.F. Barter, E.W. Gillard,
D.W. Willshire, A. Vasta, J.A. Dee,
D.M. Ryan, P.L.R. Sheills, J.D. Traill
(N.S.W.), J.A. Lee Q.C. (N.S.W.),
D.I. Cassidy (N.S.W.), D.J. Ashley,
A. Graham, J.H. Nankivell, D.J. Barritt,
A.H. Goldberg, D.M. Byrne,
W.S. Johnson (Canberra), M.J.G. Gorton
and R.M. Johnstone.

Transfers

The names of the following persons were
transferred from the Practising list to the Non-
Practising List at their request :-

Sir Kenneth Bailey C.B.E., Q.C.
Messrs. J.D. Feltham and C.A. Coppel.

Removals

The following persons, whose names were upon
the Roll of Counsel, requested that their names be
removed from the Roll of Counsel :-

Messrs. C.G. Nikakis, D.G. Henshall,
M.S. Sharwood, J.C. Streeter and
C.R. Taylor.

Numbers on the Roll

(As at 31st December 1965)

Number signed the Roll in 1965

39 (compared with 27 in 1964)

Judges List Total

62 (compared with 59 in 1964)

Practising List Total

335 (compared with 312 in 1964)

Non-Practising List Total

39 (compared with 37 in 1964)

Total on the Roll (all lists)

436 (compared with 408 in 1964)

Number of members in actual practice as counsel in Victoria

(Excluding Prosecutors for the Queen) approxi-
mately 282 (compared with approximately 269 at the
end of 1964, 260 at the end of 1963 and 230 at the
end of 1962)

Honorary Life
Membership

During the year the Bar Council conferred upon the Rt. Hon. Sir Robert Menzies K.T., C.H., Q.C., M.P., honorary life membership of the Victorian Bar.

Gift to the Bar
Portraits of
Judges

In December 1965, Mr. G.L. Gray made a generous gift to the Bar of two portraits painted by Mr. Paul Fitzgerald of the Hon. Sir Edmund Herring, and the Hon. Sir Charles Lowe.

FUNCTIONS

The Opening
of the Legal
Year

The traditional Church Services marking the Opening of the Legal Year 1965 were held on Tuesday the 2nd February 1965, in St. Paul's Cathedral, St. Patrick's Cathedral and at the East Melbourne Synagogue.

At the service at St. Paul's Cathedral, the lessons were read by Mr. G.H. Lush Q.C., Chairman of the Bar Council and Mr. D.S. Murray President of the Law Institute of Victoria. The sermon was preached by the Right Reverend T.B. McCall, B.A., Th.Soc., Bishop of Wangaratta.

The Red Mass was celebrated at St. Patrick's Cathedral to mark the occasion. The celebrant was His Lordship Bishop Moran and the sermon was preached by Rev. Fr. Henry Knowles, O.P.

His Honour Judge Rapke delivered the address at the service conducted at the East Melbourne Synagogue.

Bar Dinner

A Bar Dinner was held on Saturday the 22nd May 1965 in the Common Room, Owen Dixon Chambers. This was the first Bar Dinner held in the Bar's Common Room, and proved such a success that future Bar dinners will probably be held there.

The guests of honour were the Honourable Sir Henry Winneke, the Honourable Sir Edmund Herring, the Honourable Mr. Justice Nimmo, the Honourable Mr. Justice Smithers and His Honour Judge Hewitt.

Common Room

On the 13th May 1965, the Council entertained at dinner all members of the Bar who had signed the Roll since February 1964.

During the year two dining in nights for members of the Bar and their wives were held, the first on 30th June 1965, at which their Honours Judge Stretton and Read were guests to mark their retirement from the County Court, and the second on 1st November 1965, and each proved again enjoyable.

On the 7th June 1965, the Council entertained Mr. Acting Justice McInerney at dinner to mark his appointment as an Acting Judge of the Supreme Court and also in recognition of his leadership during his term as Chairman of the Council and for his fine service to the Bar whilst on the Bar Council.

The Rt. Honourable Sir Garfield Barwick entertained two further groups, of juniors of under 10 years standing in the Common Room, on the 10th May and 20th October 1965. Sir Garfield has now met all Counsel of under ten years standing at the Bar. Sir Garfield's gesture was greatly appreciated.

On Saturday the 21st August 1965, the Council entertained The Honourable Mr. Justice Wee Chong Jin, Chief Justice of Singapore, The Honourable Sir Rampersad Neerunjun, O.B.E., Chief Justice of Mauritius, and Lady Neerunjun, The Honourable J.C. McRuer, former Chief Justice of Ontario, now Commissioner of Enquiry into Civil Rights and Mrs. McRuer, all of whom were overseas visitors in Melbourne on their way to the Third Commonwealth Empire Law Conference in Sydney,

During September 1965, in association with The Law Institute of Victoria, interstate and overseas guests to the Third Commonwealth and Empire Law Conference in Sydney were entertained at a buffet dinner in the Common Room.

The Christmas Cocktail Party of the Bar was held in the new Common Room.

In September 1965 Mr. J. Moloney, Q.C. the Chairman of the Bar of England and Wales, and Mr. W.W. Boulton, Secretary to the General Council of the Bar, addressed members on current problems confronting the English Bar.

The Council desires to record its appreciation of the manner in which Mr. & Mrs. Unger have made common room functions a success.

Other
functions

Representatives of the Bar Council attended the Annual Dinner of the Law Institute of Victoria and regional dinners at Geelong, Warrnambool, Ballarat and Casterton.

The Victorian Bar combined with the Law Institute of Victoria in holding a Dinner Dance at the Palais de Dance on the 9th April 1965.

The Annual Golf match between the Bench and Bar and the Law Institute of Victoria was played at the Royal Melbourne Golf Club on the 29th January 1965. The Solicitors again won the Sir Edmund Herring shield.

The Annual Golf match between the Bench and Bar and the Combined Services was played at Kingston Heath on 20th August 1965. The Combined Services retained both the Bruche Cup and the Macfarlan Cup.

Mr. G.S. Brett once again acted as organizer of these matches on behalf of the Bar.

The Annual Cricket match between the Bar and the Solicitors was played at the Albert Cricket Ground on Tuesday 22nd December 1965. The Bar Council donated the Sir Henry Winneke Cup for annual competition between the Bar and the Law Institute of Victoria. The Law Institute won the match and accordingly had the honour of being the first team to win the Cup. Mr. B. Dove captained the Bar Team.

On the same day as the Cricket Match against the Law Institute, tennis matches were played between members of the Bar and Solicitors on the Lawn Tennis Association of Victoria's courts adjoining the Albert Ground. It is hoped that those matches will also become an annual event.

AUSTRALIAN BAR ASSOCIATION

There were three meetings of the Council of the Australian Bar Association during 1965. The meetings of the Australian Bar Council which consist of two delegates from each of the three Eastern Bars (Queensland, New South Wales and Victoria) have again shown the usefulness of the Australian Bar Association as a vehicle for the exchange of ideas on mutual problems.

During the course of the year decimal currency has occupied much of the time of the Council. Ethics is another field in which consultation has been useful and the practice has now been adopted whereby the three Eastern Bars table copies of ethics rulings made by their respective Associations in respect of matters of general interest.

Mr. G.H. Lush Q.C., continued as President of the Council of the Australian Bar Association and with the headquarters of the Association in Melbourne, Mr. J.D. Phillips acted as Honorary Secretary, and Mr. R.C. Tadgell as Honorary Treasurer.

Mr. R.G. Henderson of the New South Wales Bar has remained as editor of The Association's publication "The Australian Bar Gazette" Mr. J.D. Merralls continued to act as Victorian correspondent. The Gazette was published once during 1965.

A question arose whether on the correct interpretation of the Association's Constitution, members on the non-practising lists of the Bars of Victoria and New South Wales were automatically members of the Australian Bar Association. This matter is at present under investigation.

In order to facilitate the work of the Council, the constitution of the Australian Bar Association was amended during 1965 to permit a resolution to be passed by post.

LAW COUNCIL OF AUSTRALIA

The Law Council of Australia has continued to perform its national functions in the community, not only in regard to the affairs of the legal profession but in relation to various important public matters, including consideration of contemplated legislation and law reform, legal education, relations with the legal profession throughout the world and in particular in the Pacific area and matters arising in Papua-New Guinea. The Law Council's views have been considered by the Commonwealth Government and the Standing Committee of Attorneys-General in relation to various important legal matters.

The most notable activity of the Law Council for the year was the organization and conduct of the Third-Commonwealth and Empire Law Conference in Sydney in the latter part of August and the early part of September. This was the largest of such Conferences so held, being attended by, 1,597 delegates, many of whom were accompanied by members of their families. Representatives of all parts of the British Commonwealth and Empire were present and papers making outstanding contributions on a variety of topics of interest were written.

Mr. M.V. McInerney Q.C., who had been the Bar Council's representative on the Law Council for three years and was a Vice-President, retired upon his appointment as an acting Judge of the Supreme Court of Victoria. In June Mr. C.I. Menhennitt Q.C. was appointed as the Bar Council's representative and in November he was elected Treasurer of the Law Council. Mr. Ivor Greenwood continued as Honorary Secretary.

The Commonwealth Restrictive Trade Practices Bill was considered by the Law Council and a report submitted to the Commonwealth Attorney-General. Although most of the suggestions made by the Victorian Bar Council were incorporated finally in the Law Council report, a supplementary report was forwarded by the Victorian Bar Council to the Commonwealth Attorney-General, to cover some important matters omitted or not adequately covered by the report of the Law Council of Australia. Some of the amendments made to the Bill before it was finally enacted were along the lines of the suggestions made by the Law Council.

The Law Council also considered the question of reports of company inspectors and particularly the publication of such reports. After seeking the views of its constituent members, it forwarded a report on this subject to the Standing Committee of Attorneys-General. As the conclusions reached by the Bar Council were different to those of the Law Council, the Bar Council forwarded its own report.

A sub-committee of the Law Council is at present considering a complete revision of the Sale of Goods Act. The request for this has been received from both the Commonwealth and Victorian Attorneys-General.

Consideration is being given by the Standing Committee of Attorneys-General to the question of a Uniform Evidence Act and a Sub-Committee of the Law Council of Australia has submitted a report containing suggestions in relation thereto.

The Law Council of Australia expressed its views in relation to various aspects of the Commonwealth Matrimonial Causes Act and contemplated amendments thereto some of which have been enacted.

The whole question of law reform and the part to be played in relation thereto by the Law Council of Australia and its constituent members has been under consideration during the year. The matter emerged most clearly in relation to an invitation from the Commonwealth Attorney-General that the Law Council of Australia should draft a Criminal Code for Commonwealth Territories. The Law Council of Australia agreed to do this. The Victorian Bar Council has expressed the view that it is not appropriate that bodies such as the Law Council of Australia or the Victorian Bar Council should be called upon to undertake the drafting of such code. In the light, among other things, of the varying opinions as to the extent of the functions which the Law Council of Australia should perform in relation to law reform, a Sub-Committee of the Law Council has been appointed to report to the Law Council on the whole matter.

The Law Council considered and made reports and recommendations on various other proposals for legislation and law reform.

During 1965, a request was made to an American Foundation for finance for the establishment of a Regional Law Association in the Economic Council for Asia and the Far East area, the conduct of a conference in 1966 and the pursuit of legal research. Advice has recently been received that the Foundation is prepared to make available substantial funds for these purposes and steps are being taken to implement the proposals. This means, among other things, that a Regional Law Association Conference will now be held in Australia during the year 1966.

The Law Council has continued its interest in the emergence of an indigenous legal profession in Papua-New Guinea and, particularly in legal education there. As one means of promoting these objectives, the legal profession in Victoria entertained six prospective law students from Papua-New Guinea for a period of three weeks, commencing on the 18th December 1965. Particularly in the first and third weeks of their visit, various members of the Bar generously extended the hospitality of their homes to the students and otherwise entertained them. The visit was very successful and the students all expressed their great appreciation.

The Law Council has continued its interest in legal education in Australia. In order to ensure a continuing interest, a joint committee on legal education, including post-graduate education, has been established in conjunction with the Australian Universities Law Schools Association.

The Law Council's Newsletter was published on four occasions during 1965. The Editors of the Newsletter are Messrs. Hadden Storey and S. Begg.

MATTERS RELATING TO ETHICS,
DISCIPLINE AND PRIVILEGES.

Complaints

Several complaints were made in the course of the year by lay clients concerning the conduct of counsel. After enquiry the Council was satisfied that no action should be taken in any of these cases and the particular counsel were informed accordingly.

General

Requests were made by Counsel for permission to address meetings on legal topics and to appear on panel discussions. Permission was granted in each case.

The rules relating to broadcasting television lectures and publications as they affect members of the Bar who are full time university lecturers is still under review by the Committee appointed for such purpose.

RULINGS

The following rulings were made during the year:

The Bar Council has ruled in relation to eligibility for membership under the various lists of the Roll of Counsel as follows:

Ruling:

Qualifica-
tions for
Eligibility
for Bar
Member-
ship under
the various
Lists of the
Bar Roll

1. The Roll kept by the Victorian Bar Council shall be divided into three lists: -

(A) Judges List

Counsel on the Roll who hold judicial office or who having held judicial office have not resumed practice as barristers.

(B) Practising List

Counsel on the Roll who are engaged in practice as barristers or who hold themselves out as available to practise. For this purpose the following persons shall be deemed to be practising as barristers -

- (a) Solicitor-General
- (b) Prosecutors for the Queen.

(C) Non-Practising List

- (a) Counsel on the Roll who have ceased to practise or to hold themselves out as available to practise.
- (b) Persons whose names appear on the non-practising list at the date of this ruling.
- (c) Parliamentary Draftsmen.
- (d) Masters of the Supreme Court who are not elsewhere included in these lists.

- 2. If the Victorian Bar Council be of the opinion that any counsel on the Roll is engaged in any other occupation inconsistent with the profession of counsel on the Roll it may, subject to Counsel Rules, direct that the name of such counsel be removed from the Roll of Counsel.
- 3. Persons on the non-practising list.
 - (a) May permit themselves to be described as "barristers-at-law", but should not otherwise hold themselves out as practising barristers;
 - (b) shall be bound by Counsel Rules and in particular by rulings applicable to the Victorian Bar on advertising, broadcasting and publication;
 - (c) shall be entitled to the use of the Common Room in Owen Dixon Chambers;
 - (d) shall be entitled to attend all social functions of the Victorian Bar.

Appearance
of Queens
Counsel
before the
Court of
Disputed
Returns

Reversing a ruling made 17/7/58 :

A Queens Counsel may appear without a junior before a Court of Disputed Returns, whether Commonwealth or State, whilst legislation provides that not more than one Counsel may appear on behalf of any party .

Non-
Practising
Barrister
Moving

A person on the non-practising list can move the admission of a person to practise as a barrister and solicitor of the Supreme Court whilst on the non-practising list, and if he is a Queens Counsel, then he must appear with a junior.

Counsel
attending
call overs

Counsel is under no obligation to the instructing solicitor to attend a call over for the purpose of fixing cases in which he is to be, or has been, retained but it is not improper for him to do so. For his own purposes he may attend after first consulting his instructing solicitor.

Right to cross-
examine with
regard to over-
heard
conversations

Counsel requested a ruling whether he could cross examine a witness in regard to statements made by that witness during a telephone conversation in the witness's office and which was overheard by counsel's client and instructing solicitor when they were waiting to interview the witness.

The Council ruled that the overheard telephone conversation was not privileged and that Counsel was accordingly entitled to cross examine the witness regarding the overheard statements.

Appeals under
Town & Country
Planning Acts

In relation to an appeal to the Minister under the Town and Country Planning Acts, which is being heard or to be heard by Delegates of the Minister -

- (a) It is appropriate for Counsel to advise that the Delegates report and make recommendations to the Minister but that the final determination of the matter is made by the Minister himself.
- (b) It is permissible for Counsel to advise that it would be appropriate for a local member of Parliament to raise with the Minister any matter of broad public policy involved in the appeal.
- (c) Save as aforesaid it is inadvisable for Counsel to advise his client to enlist the support of members of Parliament to urge the Minister to decide the appeal in the client's favour.

Instructions
given by
authorised
insurer
contrary to
statements
of lay client

A, the daughter of B, sustained injury when a motor car in which she alleged she was a passenger overturned. A sued B, alleging that B was at all material times the driver of the car. Although B and all occupants of the car, (who were of the same family) stated that B was the driver, there was compelling independent evidence that A was the driver at the time of the accident. The authorised insurers of B desired the Defendant's B's defence to be conducted upon the basis that the Plaintiff A was the driver of the car at all material times. Upon enquiry by Counsel retained by the solicitors for the authorised insurer of B whether the defence could be so conducted, the Council ruled :

That the duty of a Barrister was identical with that of a solicitor and that so long as instructions given to him are not burdened with considerations extraneous to the purport of the insurance contract and are finalized after the exercising of a real discretion, Counsel is bound to act in accordance with the instructions of the insurance company.

Having regard to the independent evidence, it appeared to be clear that the Plaintiff A was the driver of the car and the authorised insurer was therefore exercising a proper discretion in giving counsel instructions that it wished to rely upon that evidence. Accordingly counsel was informed that he should conduct the action in accordance with these instructions.

Reference was made to *Groom v. Crocker* (1939) 1 K.B. 194 at 202-3 and at 222; and to *Club Motor Insurance Agency Ltd. v. Swan* (1954) V.L.R. 754 at 756.

Form of
retainer
two or more
Counsel

It is a rule of general application that Counsel engaged in a case is primarily responsible for the manner in which that case is to be conducted; and that where two or more Counsel are briefed together the primary responsibility in this regard rests with the senior. Accordingly it is improper for two or more counsel to accept retainers on the basis that each shall perform specified duties in any action or matter. Where two or more Counsel are engaged they should accept retainers only upon the normal senior and junior basis; and in such a case it is the primary responsibility of the senior Counsel, after taking into consideration the wishes of the instructing solicitor, to determine what duties each Counsel is to perform.

Photographs
for
publication

1. There is no objection to a barrister when engaged as such at any Court or place submitting to his photograph being taken by a Press photographer, provided that -

- (a) he is requested by the photographer to do so;
- (b) he uses his best endeavours not to be photographed with his client or with any witness in the matter in which he is engaged;
- (c) the photograph is taken at a place and in circumstances in keeping with the dignity of the Bar.

2. It is permissible for a barrister, but only at the request of a representative of the newspaper concerned, to supply to the Press or to permit the Press to take a posed photograph of him, either in ordinary attire or in his normal robes, provided that such photograph is in all respects in keeping with the dignity of the Bar and that (except with the prior consent of the Council) such photograph -

- (a) is limited to head and shoulders;
- (b) is taken against a plain featureless background.

3. The rulings in 1 and 2 are subject to the principle that it is contrary to professional etiquette for a barrister to do or allow to be done anything with the primary motive of personal advertisement or anything calculated to suggest that it is so motivated. These rulings do not affect the ruling that a barrister may not give an interview or supply information to the Press on any matter relating to his practice as a barrister.

Lump Sum
Fees
Counsel's
Duty

Counsel engaged in a criminal case for a lump sum fee is not at liberty to withdraw from the trial when the estimated duration of the trial in relation to which the fee was fixed has been exceeded.

LECTURE PROGRAMME

Two lectures on ethics were given by the Chairman of the Ethics Committee to members of the Bar who had signed the Roli since the last series of ethics lectures in 1964. Arrangements were also made for lectures to be given on topics of general interest to the Bar as a whole. The Honourable Mr. Justice Gowans gave a lecture on the subject "Some Experiences in Criminal Trials in relation to Company Offences" and Mr. J. F. Moloney, a Prosecutor for the Queen, gave a lecture on "Advocacy in the Criminal Courts". The lectures proved stimulating and of interest to those who attended.

LAW REFORM

The Bar Council during the year has been concerned with a number of matters involving law reform, the more important of which are summarised below.

Transfer of Land (Removal of Caveats) Act 1965) - Act No. 7244

The views of the Council were sought as to this legislation when it was in Bill form. The Council recommended changes in sub-section (2) of the new Section 89A inserted into the Transfer of Land Act 1958. These changes were adopted by the legislature.

Actions in Tort between Husband and Wife.

At the request of the Statute Law Revision Committee a member of the Law Reform Committee attended the Statute Law Revision Committee which was considering this matter. The Bar representative supported the views of the Chief Justice's Law Reform Committee which had already been presented to the Statute Law Revision Committee to the effect that the prohibition of such actions should be removed.

Poor Persons Legal Assistance

Section 3 of the Poor Persons Legal Assistance Act 1958 makes poor persons committed for trial ineligible for legal assistance unless they apply for it within fourteen days after committal. The Council considered this provision unnecessarily restrictive and recommended to the Minister that it be repealed. The Minister advised that the matter was being investigated and that the Council's suggestion was being considered

Corporate Bodies' Contracts Act 1960 (Eng.)

This Act has been in operation in England since 1960. In substance the Act makes applicable to bodies corporate, other than companies formed and registered under the Companies Acts, the provisions of s. 35 of the Victorian Companies Act. At the suggestion of Mr. W.E. Paterson of Counsel the Council investigated this matter and concluded that the provisions as to the form of contracts and authentication of documents which apply to companies should also apply to bodies corporate not under the Companies Act. The Council recommended accordingly to the Attorney-General for the State of Victoria.

Other Law Reform proposals were considered as a result of reference by the Law Council of Australia and these are referred to elsewhere in this report.

PRACTICE MATTERS

Proposed
Amendments
to Justices
Act

Early in 1965, the Honourable Attorney-General had appointed a committee to make recommendations as to draft legislation amending and re-enacting the Justices Act 1958. The Committee appointed comprised of two Stipendiary Magistrates, a Parliamentary Draftsman, a representative of the Law Institute and a representative of the Bar.

The terms of reference of such committee, which were extensive, were as follows :-

To make recommendations to the Attorney-General as to draft legislation amending and re-enacting the Justices Act 1958, and particularly in respect of the following matters :

- (a) the procedure for execution in Petty Sessions;
- (b) the abolition of Bailiwicks;
- (c) the removal of anomalies in respect of the civil jurisdiction of Courts of Petty Sessions;
- (d) the venue of cases in Petty Sessions -
 - (i) generally; and
 - (ii) having regard to any difficulties arising from the Justices (Complaints and Summonses) Act 1964;
- (e) consent by an accused person to committal for trial without the calling of witnesses and taking of depositions, where he has been supplied with a copy of the evidence to be used against him;
- (f) the reading back of depositions in the presence of the accused and the Court when taken by tape recorders or shorthand writers;
- (g) the appointment of Stipendiary Magistrates;
- (h) in relation to the forfeiture of recognizances under section 58 or 126 of the Act, the issue of a warrant of apprehension or other proceeding for ensuring the attendance of the defendant;
- (i) the amendment of the provisions of section 92(2) of the Act to enable a Justice or Magistrate to abridge the time for which a case has been adjourned;

- (j) the desirability of making provision for the payment of the expenses of witnesses called to give evidence on behalf of an impecunious accused person;
- (k) the limit upon costs of order to review imposed by section 161 of the Act;
- (l) the amendment of the Act to enable a Court of Petty Sessions when imposing a fine to fix a term of imprisonment in default of payment of the fine.

Because of the extensive nature of the enquiry, the Bar Council obtained the approval of the Attorney-General for the Bar's representative to have two supporting members who could attend such meetings in his stead when certain of the above topics were to be discussed, as it would impose too much of a burden on one person to act as the Bar's representative.

The Council appointed Mr. W. Martin as the Bar's representative and Messrs. J.R. O'Shea and E.C. McHugh as members of the Supporting Committee, with power to co-opt the Petty Sessions Practice Committee to assist in research when required.

The Committee has had a number of meetings, but is still giving consideration to the matters raised under the terms of reference.

Delays in
availability
of Trans-
cripts of
Charges and
Judgments:

In response to representations made by the Bar Council, the Chief Justice has informed the Chairman that there would be no alteration in the existing practice relating to release of Judges' Charges before revision and that cases where there was a delay in obtaining copies of Judges' Charges were adequately provided for by application for extension of time for giving notice of appeal.

Alterations
by Judges to
transcripts of
evidence

During the year, representations were made to the Chief Justice concerning the matter of alterations by Judges to transcripts of evidence. The Chief Justice has replied that every care would be taken, as in the past, to ensure that no alterations that would be in any way prejudicial to any party would be made.

Suggested
Amendment
to Order
L11 Rule 9
of the
Supreme
Court Rules

Following a letter from a member, the Bar Council recommended to the Rules Committee of the Supreme Court the alteration of Order L11 Rule 9 of the Supreme Court Rules by repealing that part of the rule requiring the leave of the Court or a Judge before serving with a writ of summons a notice of motion for an interlocutory injunction or other similar proceedings.

Increase in
County Court
Jurisdiction

The Council has in the course of the year further considered the question of increases in the jurisdiction of the County Court. The views formulated by the Bar Council on this matter will be placed before the Attorney-General.

Amendment
to Order 53
Supreme Court
Rules re
Prerogative Writs
and Declaratory
Judgments

The Council supported proposed amendments of the Supreme Court Rules Committee to Order L 111 relative to Prerogative Writs and Declaratory Judgments. The proposal was for an introduction of a procedure of a general Order to Review leading to all the forms of relief now available namely :-

- (i) An order nisi for certiorari.
- (ii) an order nisi for prohibition
- (iii) an order nisi for mandamus and
- (iv) in an action for a declaration of invalidity.

The Council instructed its representative on the Supreme Court Rules Committee to support such proposals subject to :-

- (1) Order L111 Rule 7 being amended by deleting the requirement of six days' notice of an application for an Order Nisi.
- (2) The Rules being drafted to meet all situations such as compelling the making by the tribunal concerned of a decision in cases where the matter has neither been decided nor considered.

Rules under
Section 79
Workers
Compensation
Act

Mr. W.C. Crockett Q.C. as the Bar representative and Mr. G. Fuller, Solicitor, were some time ago appointed to a joint committee to consider and make recommendations as to the rules envisaged under section 79 of the Workers Compensation Act. No rules had been made pursuant to that Section. The work of this Committee was held in abeyance until the Workers Compensation Act 1965 was passed when it was seen that the necessity for such rules remained, recommendations as to such rules were submitted by the Joint Committee to the Rules Committee of the Supreme Court.

Interviewing
Facilities at
Pentridge

Following a complaint by a member of the Bar that the new facilities at Pentridge Gaol for interviewing prisoners in the Remand Section were unsatisfactory and lacked privacy, representations were made to the Solicitor General to look into the complaint. The matter is still under consideration by the Bar Council.

COUNSEL FEES

Payment by
Solicitors

The scheme for collection of overdue fees payable to counsel of under seven years standing, which was adopted by the Bar at a special General Meeting of the Bar in August 1964, came into operation in February 1965. In accordance with the Scheme, the Subcommittee met with the Clerks after the long and short vacations. As a result preliminary lists of solicitors who had failed to pay junior counsel's fees with reasonable promptness were submitted to the Bar Council and certain Solicitors were placed upon the Bar Council's list of Solicitors who had failed to pay Counsel's fees with reasonable promptness. The Scheme has so far proved effective.

It is desirable that counsel of less than seven years standing inform their clerk of any arrangement which may have been made with any solicitor concerning the postponement of payment of any of their fees.

Fees Payable
by the Public
Solicitor

In the latter part of 1965 a committee headed by the Chairman of the Council met with the Secretary of the Crown Law Department and the Public Solicitor to discuss the review of Counsel's fees payable on Public Solicitor briefs. The matter is still under consideration.

Decimal
Currency

At a Special General Meeting on the 18th May 1965 recommendations of the Bar Council relative to Counsel's fees upon the introduction of decimal currency in February 1966 were put to the meeting. These recommendations involved many changes in the traditional method by which counsel marked his brief and by which his clerk's fee upon such brief was charged.

The recommendations adopted by the Special General Meeting were as follows: -

1. That upon the introduction of decimal currency :
 - (a) the practice of charging counsel's fees in guineas be discontinued and thereafter counsel's fees be charged in dollars.
 - (b) outstanding fees, including clerk's fees, should be arithmetically converted into the equivalent sums in dollars and cents.
 - (c) counsel's fees should be charged in whole dollars.
2. That upon the introduction of decimal currency:
 - (a) the charging of a separate additional fee for counsel's clerk be discontinued.
 - (b) the clerk's fees should be a fixed percentage of counsel's fee when received.
3. That upon the introduction of decimal currency the fee of counsel's clerk should be 3.5% of counsel's total fee.
4. That upon the introduction of decimal currency :
 - (a) the minimum fee for counsel should be 5 dollars.
 - (b) the special retainer fee should be fixed at 5 dollars.
 - (c) the reading fee for pupils should be 100 dollars.

5. That upon the introduction of decimal currency the fee marked on the brief for hearing should cover the holding of a conference of ordinary duration.
6. That refresher fees and junior counsel's fees should continue to be governed by the two thirds rule.
7. (a) As to fees on briefs for hearing in jurisdictions in which scales of fees are prescribed, it should be recommended to the appropriate authorities that so far as possible, prescribed fees should be fixed in amounts which are a multiple of 5, but that, in any instance where such recommendation is not accepted, the existing prescribed fees should be converted to the nearest whole dollar (in each case having regard to the inclusion of clerk's fee and conference in the fee on brief).
- (b) As to fees on briefs for hearing in jurisdictions in which scales of fees are not prescribed, no action should be taken by the Bar Council save that :-
 - (i) it should (in view of the proposed inclusion of clerk's fee and the conference in the fee on brief) provide for counsel a table setting out the fees now commonly charged on brief together with clerk's fee and conference fee, and the exact decimal equivalents.
 - (ii) it should ask senior counsel to note the obvious convenience in calculating junior counsel's fees and refresher fees if senior counsel's fees are marked in multiples of 15 dollars.
- (c) In jurisdictions where brief fees are not, but clerk's fees are, prescribed, representations should be made to the appropriate rule-making authorities to implement recommendations 2 (a), 2 (b) and 3.

In 1965 representations in terms of resolutions 7 (c) were made to the Taxing Master of the Supreme Court. No changes in the Rules of the Supreme Court would be necessary in order to implement the resolutions of the Bar, though the Bar's own decision in respect of the clerk's fee will presumably lead to the revocation of Order 65 r. 27 (51).

Representations were made in terms of Resolution 7 (a) to a committee of Judges of the County Court appointed to consider revision of the Scale of fees applicable in that Court. No new Scale had been promulgated by the 14th February 1966.

In the case of Courts of Petty Sessions, a new scale of fees as expressed in old currency had some time ago been the subject of representations by the Bar Council. The new scale was promulgated last year but with decimal equivalents included and in a manner and form inconsistent with a number of the principles enunciated in the Bar's resolutions. In view of this, it will be necessary for appropriate representations to be made.

In all the circumstances the Bar Council decided to recommend to the Bar that the principles embodied in the Resolutions of the Victorian Bar be put into practice as from the general changeover to decimal currency.=

LEGAL AID

During the year 1965 the Legal Aid Committee continued to administer the scheme of legal aid as envisaged by the Legal Aid Acts 1961-1965. The State Government provided funds to cover the administration costs of the scheme such as the rental of the office of the Committee and the payment of the salary to the Secretary of the Committee and to its staff. In addition the State Government paid all disbursements, excluding Counsels' fees, incurred in the conduct of assisted cases. The cost to the Government in the year ended 30th June 1965 was £10,023 for administration and £609 for disbursements.

Assistance was given in proceedings of all kinds whether criminal or civil and before any court or quasi judicial tribunal, but was not given in conveyancing or uncontested probate matters. A solicitor, and where necessary Counsel, was appointed to act for the assisted person and Counsel and Solicitor had the same relationship and responsibility toward the assisted person as they would toward any other client. There was no supervision by the Committee of assisted cases but the Committee approved any large disbursement before it was incurred and it also decided whether or not assistance would be continued in the event of an appeal from a decision.

Most applicants for assistance were interviewed by the Committee staff and a statutory declaration of means taken. In some cases completed application forms and declarations were received from Solicitors practicing in the country. For the year ended 30th June 1965, 1,371 applications were received and of these 568 were dealt with by the Secretary on the basis that the aid sought did not come within the scope of the scheme or that the applicant clearly did not qualify for assistance. The remaining applications numbering 803 were referred to the Committee which granted assistance in 523 of the 803 applications so referred. The Committee continued to meet weekly to consider all applications referred to it by the secretary. Urgent cases were dealt with by the secretary or by a member of the Committee who was available at short notice. Action so taken was confirmed by the Committee at the next meeting. In some complex matters the Committee assigned the matter to a Solicitor and/or Counsel for an opinion and report before making a decision to grant or reject the application. No fixed means test was applied. The Committee considered the matter in which assistance was sought and having decided that a case had legal merit looked at the means of the applicant. If it appeared that the applicant was unable to pay for the appropriate legal proceedings assistance was approved either on the terms of no payment, a lump sum payment and/or weekly contribution dependent upon the means of the applicant. During the conduct of the case the Committee had regard to whether or not the assisted person continued to make payments requested of him, and in appropriate cases where these payments were not made and no valid reason was given for the failure so to pay, aid was withdrawn and the assignment terminated.

Practitioners who accepted assignments from the Committee rendered their accounts for services direct to the Committee. The accounts were subject to review by the Committee. Pursuant to Section 8 of the Legal Aid Act 1961 all costs recovered in assisted cases were payable to the Committee. At the end of the financial year, the 30th June 1965, the fund, consisting of contribution made by assisted persons and costs recovered, was required to be distributed between Solicitors and Counsel who had assisted in the scheme in such proportions as the Committee considered equitable. The payment so made in such distribution was intended to represent payment in full of the various accounts. Disbursements recovered were refunded to the Government. From the

commencement of the scheme on the 14th April 1964 to the 30th June 1965 the fund amounted to £6,949.18.6d. Of this sum the amount of £3,937.16. 6d comprised contributions made by assisted persons and the balance amounted to costs recovered. The amount certified for distribution totalled £15,581 representing Solicitors' costs allowed at £6,377 and Counsels' fees allowed at £9,204. In the exercise of their powers the Committee decided to distribute the fund pro rata in accordance with the amounts allowed and this resulted in a distribution at the rate of 8/11d. in the £1 to each Barrister and Solicitor who had acted. The distribution was made in the month of August. The contribution made by the profession to the scheme was therefore at the rate of 11/1d in the £1.

An analysis of the applications received and dealt with during the period 1st July 1964 to the 30th June 1965 is as follows :-

	Total	Dealt with by Secretary	Referred to Committee	Approved
DIVORCE	108	46	62	33
MAINTENANCE	366	84	282	218
CUSTODY and AFFILIATION	67	21	45	37
MOTOR ACCIDENT	96	32	64	29
CRIMINAL	133	51	87	55
CIVIL CAUSE	478	259	207	113
WORKERS' COMPENSATION	44	22	29	17
PROBATE	37	25	11	6
OTHER	42	28	16	15
T O T A L	1,371	568	803	523

The bulk of assisted cases continued to be within the Petty Sessions jurisdiction resulting in the Junior Bar receiving a large proportion of the assignments. The Committee has reported to the Attorney-General that both branches of the profession have given the Committee the fullest co-operation.

At the beginning of the year the Bar representatives on the Committee were Messrs. P. Murphy Q.C., and R.M. Northrop. In accordance with the decision that each representative should serve one year only Mr. Murphy Q.C. who had been a Bar representative on the Committee since its inception, retired at the end of June 1965 and was replaced by Mr. H. Ogden Q.C., Mr. Northrop retired at the end of 1965 and was replaced by Mr. M. N. O'Bryan

At the request of the Attorney-General the Committee prepared an analysis of assisted cases which contained a Commonwealth element for presentation to the Conference of Attorneys-General held in Melbourne on the 28th July 1965. The analysis covered the period from the 14th April 1964 to the 30th June 1965 and is as follows :-

Matrimonial Causes	44
Commonwealth Employees'	
Compensation	5
Bankruptcy	2
Patent Action	1
High Court Appeal	1
	<hr/>
Total	53

In the same period assistance was given in 246 maintenance cases. In the great majority of these cases little was recovered in the way of disbursements, Counsels' fees and Solicitors' costs to the detriment of the State Revenue and to both branches of the profession although a considerable amount of social service payments to deserted wives otherwise payable by the Commonwealth was thereby saved. It is interesting to note that the total number of cases assisted during this period was 637.

The Committee's assistance is being increasingly sought as its activities become more widely known and consequently the costs to the State and the contribution made by the profession on account of matters strictly of Commonwealth rather than State concern will progressively increase. This is a matter of concern to the Committee insofar as it affects the growing cost to the State and also because of its effect on the profession without whose wholehearted and generous support the scheme could not function successfully. The Committee has recommended that approaches be made to the Commonwealth Government for financial assistance to be provided by the Commonwealth.

The Question of the introduction of a Legal Aid Scheme in Federal matters in co-operation with the Federal Government, is still under consideration by the Law Council of Australia. The Law Council has, in principle formulated the following :

1. That it be on a Federal basis for Federal Courts, and in matters of Federal jurisdiction.
2. Such scheme should be financed by the Commonwealth Government, to be administered by the Law Council through its various constituent bodies and to be on the lines of the English Scheme.
3. A Suitors' Fund, similar to that in existence in New South Wales, should be set up in respect of Federal Appellate Courts.
4. State Schemes should deal with all matters other than Federal matters and should be administered by the profession through the constituent bodies of the Law Council and preferably be on similar lines to the English Scheme.
5. Such State Schemes should be financed by the States.

A Sub-Committee of the Law Council is at present preparing a report having regard to the above proposals.

LEGAL EDUCATION

University Education

During 1965 representations were made to the Vice Chancellor of La Trobe University for the establishment of a Faculty of Law at the University, at the earliest possible date. Similar representations were also made to the State Attorney-General and the Minister for Education. The Chairman Mr. G.H. Lush Q.C. was asked by La Trobe University to join the foundation Committee for the law school at La Trobe University and he accepted the invitation.

Both Melbourne and Monash Universities are still imposing quotas on the number of students who wish to study law.

Council of
Legal
Education
Course

Having regard to the quota system at present being applied to law students at Melbourne and Monash Universities, the course of the Council of Legal Education administered by the Royal Melbourne Institute of Technology will have to continue for some time.

The following members of the Bar are lecturers in the Course for 1966 :

A.E. Woodward Q.C., G. Byrne, H. Storey, N.J. Williams, D. Dawson, P.A. Liddell, S.P. Charles, G.L. Fricke, Molly Kingston, N.H.M. Forsyth, I.F.C. Spry, G.F. Griffith and A.H. Goldberg.

The following members of the Bar are tutors in the course for 1966 :

F.G. Fitz-Gerald, K.J.A. Asche, J. Fogarty, G.V. Tolhurst, H.C. Berkeley, J. Sher, O.K. Strauss, W.F. Ormiston, M.C. Kimm, J. Le. P. Darvall, M.J.L. Dowling, D.R. Meagher, D.H. McLennan, J.G. Larkins, D.G. Wraith, D.J. Ashley.

Articled
Clerks

Having regard to the success of the pilot course for articled clerks which was conducted in 1964, a committee was formally constituted to conduct courses for articled clerks. Representatives of the Judiciary, Bar, Law Institute and the Universities were appointed to the special committee on practical training for articled clerks. The members of this committee are :

The Honourable Mr. Justice Smith,
The Honourable Mr. Justice Gowans,
Professor Derham, Professor Ford,
Messrs. W.O. Harris Q.C., R.E. McGarvie
Q.C., P.C. Trumble and D.S. Murray.

The committee decided that in 1965, the pilot course be repeated on a larger scale to accommodate approximately 100 students and that the course should be of three weeks duration in Civil procedure, Conveyancing and Company Practice and that the course should be financially self supporting. This second pilot course was held at Stotts Business College, Russell Street, Melbourne over three weeks between 24th May and 11th June 1965. About 70 Articled clerks attended. Members of the Bar who assisted in the course were, Messrs. H.G. Ogden Q.C. (the course leader in Civil Procedure), I. Gray, G.H. Spence, J.P. Somerville, F.G. Dyett, G.L. Fricke, and A. Endrey.

Experience gained from the conduct of the two pilot courses indicates that the practical training in the basic rudiments of practice along the lines of the pilot course is of considerable value.

There are at present before the Special Committee proposals which envisage the establishment of a Law School to give courses of practical studies in Court Practice, Conveyancing Practice, Probate Practice, Company Practice and Law Office Practice, and that it should be made compulsory under the Rules of the Council of Legal Education for Articled Clerks to take these courses as a qualification for admission to practice as a Barrister and Solicitor.

It is intended that courses similar to the pilot course be organized for 1966.

CLERKING SYSTEM

At the last Annual General Meeting the Council was again directed to report to the forthcoming Annual General Meeting of the Bar, on the working of the clerking system in Owen Dixon Chambers and on its activities in relation to that System. A separate report will be circulated to Counsel for consideration at the forthcoming Annual General Meeting.

ACCOMMODATION

Early in 1965 the extensions to Owen Dixon Chambers were completed and the ninth and tenth and a substantial portion of the eleventh floors were immediately occupied by members. In addition the whole of the twelfth floor was leased to Hume's Limited as office accommodation. The position now is that almost all the remaining rooms available for barristers, have been, or are about to be, taken, and if the present rate of newcomers to the Bar continues it is clear that an accommodation shortage will again exist before the end of 1966. The incoming Council will no doubt consider the position.

The purpose behind the building of Owen Dixon Chambers was to provide a home for the Victorian Bar, and it was generally envisaged that members who were in practice and had rooms in the new Chambers would contribute towards the cost and have a stake in the building. It was intended that each generation should have an interest and bear the burden during its occupancy, and for this latter purpose provision was made for paying out those who for various reasons, such as death, appointment to the Bench, retirement

from the Bar, no longer occupied chambers in the building. It was considered that the barristers occupying from time to time should own the building. When the Bar took up residence in Owen Dixon Chambers in 1961, there was a surplus of rooms; a consequence was that, within limits, any member of the Bar was able to obtain whatever accommodation in the building he chose, and the fact that he had not at that stage contributed to the building did not operate to deny him accommodation.

With the prospect of all rooms being occupied before the end of 1966, the Board of Barristers' Chambers Limited has laid down new rules for the future where there is or is likely to be competition for rooms, so as to secure that in time tenants will each have a reasonable stake in the Company.

These rules as to "share" qualifications for future tenancies are :-

1. Present tenants who neither hold shares nor have debentures are to be advised that they are expected to take up at least a qualifying holding and that if they do not do so by 30th June 1966 their failure to do so will be taken into account in respect of any application for a future tenancy.
2. (a) Holdings of shares and/or debentures shall be divided as follows :-
 - (i) qualifying holding - 250
 - (ii) standard holding - 1,250
- (b) For the purpose of determining such holdings "shares" include debentures and also shares or debentures allotted and payable by instalments according to an agreement made with the directors from time to time, provided, however, that where any instalment is in arrears, the applicant concerned shall be regarded as having no greater holding of shares and/or debentures than the amount actually subscribed by him.

3. (a) In respect of any future application for accommodation -
 - (i) no applicant who does not hold qualifying shares shall be considered;
 - (ii) as between applicants holding qualifying shares preference will be given to applicants holding the greater number of shares up to the standard holding;
 - (iii) as between applicants with at least the standard holding, no distinction will be made on the basis of their holding shares beyond the standard holding.
 - (b) The directors in allocating accommodation shall take into account -
 - (i) the matters mentioned in paragraph (a) hereof;
 - (ii) the relative seniority on the Roll of Counsel;
 - (iii) such other special considerations as to the directors seem proper.
4. (a) Amounts contributed to the Bar Superannuation Fund shall be equivalent to the holding of shares and/or debentures.
 - (b) In calculating the share - or debenture - holding equivalent to contributions to the Superannuation Fund, an applicant's contribution shall be the applicant's interest in the Fund, plus such sum or sums as he has undertaken, in a form acceptable to the directors, to contribute over such period as the directors determine. Provided, however, that if the applicant is in default in any such undertaking his contribution shall be regarded as being no more than his interest in the Fund.

These rules are now in operation.

Towards the end of 1965, Sheraton Office Centre Pty. Ltd. which had leased a portion of the ground floor of Owen Dixon Chambers, desired to assign its lease to a firm of Solicitors. The Council considered the feasibility of converting such part of the ground floor into chambers. This would have involved setting aside some of the area as passage space resulting in a loss of income for such space as well as paying for expensive partitioning. But in addition the main consideration was that the area did not lend itself for use as chambers, and accordingly the Council recommended to the Board of Directors of Barristers Chambers Ltd., not to convert the area into chambers and to consent to the proposed lease.

BAR LIBRARY

During 1965 the Bar Library was installed on the 13th floor after being stored during the alterations to the building. Little damage was sustained, but the opportunity was taken to have the calf-bound volumes cleaned, polished, and repaired. The new library has been designed to suit the Bar's particular requirements, and to allow for the accommodation of a substantial number of additional volumes in the future.

The donation of books by Sir James Tait, Mr. Justice McInerney, Senator Cohen, and by the Supreme Court Library is gratefully acknowledged. Shortly it is proposed to dispose of one set of Authorised Reports which lacks several volumes.

The purchasing policy has been to establish a basic selection of books which will enable systematic research within the confines of the library. At the same time, efforts are being made to acquire sets of books which individuals refer to only occasionally and, for reasons of economy or lack of space, are not kept by counsel in their own chambers.

Since the Library was taken over from Counsel's Chambers Limited in 1963, approximately £2,000 has been expended for the purchase of new Reports and Books as well as the yearly expenditure, now running at over £200 a year, for current subscriptions binding and maintenance.

Generally it has been found that most members of the Bar who use the library co-operate in replacing books they have used and reporting books which are in need of repair. However, several counsel continue to leave substantial numbers of books on the tables after using them. The Bar Council presently has this aspect before it.

BAR HISTORY

Good progress is being made with the collection of material for use in compiling a history for the Bar. A considerable body of information has been located and assembled, principally for the period 1851-1880. The research is very time consuming as it involves visits to libraries, public and private, the perusal of newspapers and journals, mostly unindexed, the reading of historical works, new and old, law reports, legal journals, and Parliamentary Reports. Some very interesting stories have come to light.

Sir Arthur Dean who is conducting the researches, has been provided by the Council with a room (No. 923), in Owen Dixon Chambers, where he has gathered a lot of source material. Some members of the Bar have given assistance in the research, but a number of other helpers would be welcomed. The work is being directed by a keen and active Committee.

CLUB REGISTRATION

At the last Annual General Meeting of the Bar, the meeting directed the Bar Council not to take any action for the present towards forming a club under the provisions of the Licensing Acts. The meeting also directed the Council to study the operation and use of the new common room to ascertain whether the formation of such a club would make the common room more useful and attractive to members of the Bar. The Bar Council was also directed by the meeting to appoint a sub-committee to investigate further the feasibility of conducting a registered club in the common room, and to report to the Council thereon. The Council, in turn, was directed to report to the general body of the Bar as soon as practicable, after receipt of the sub-committee's report. The Council accordingly appointed the sub-committee and a report was received from such sub-committee in December 1965. The Council is at present considering this report and will in due course report to a General meeting of the Bar as directed. As the report was only received last December, there has been insufficient time for the Council to consider the report of the sub-committee and prepare its own report for the Annual General Meeting.

BARRISTERS' NOMINEE PROPRIETARY
LIMITED

Formation
of Nominee
Company

Because of administrative convenience, a company was formed to act as a bare trustee of the investments of the Victorian Bar Superannuation Fund and of the ordinary Shares in Barristers Chambers Limited which are held on behalf of the Bar. The company was incorporated on the 30th July 1965 under the name "Barristers' Nominee Proprietary Limited".

BAR COUNCIL

Over the past few years it has become apparent that there is room for improvement in the manner in which the Bar Council works administratively and in Committee. The work of the Bar Council has increased considerably during this time and is tending to cast a great burden on the members of the Council especially its officers.

During the year the Council appointed a committee to investigate and examine measures to ensure greater administrative efficiency in the Bar Council.

The Committee reported that in its view it was desirable for the proper functioning of the Bar Council and Barristers' Chambers Limited there should be a full time Registrar of the Bar with legal qualifications, and that preferably he should be a barrister familiar with Bar matters and able to relieve officers and members of the Bar Council and various Committees of many of their tasks. The Committee also recommended that in addition to the Registrar there should be a separate officer who should act as a full time Secretary of the Company and who would perform certain functions, not involving specialized knowledge of the functioning of the Bar, for both the Bar Council and the Bar Superannuation Fund. However, the Committee considered that at this stage these proposals were not capable of achievement largely because of lack of finance. The Council concurred in this view and agreed that it should be kept as an objective to be reconsidered subsequently in the light of the Bar's position and finances. However, other recommendations of the Committee were adopted, including a suggestion that the time of elections for the Bar Council be changed from February to September. A separate explanatory paper concerning the notice of motion designed to implement this change will be circulated before the forthcoming Annual Meeting.

Amongst the measures adopted by the Council for the more efficient running of the Bar Council is the following Standing Order which is brought to the attention of members.

"Standing Order Relative to Reports,
Resolutions and Rulings

- (a) Where a standing Committee or an ad hoc Committee is requested by the Bar Council to investigate or report upon any matter, the Committee should, unless it be otherwise so resolved, produce its report for consideration at the next regular meeting of the Bar Council.
- (b) Whenever a standing Committee or an ad hoc Committee proposes to bring before the Bar Council any matter which will involve the adoption of a resolution or ruling by the Bar Council, the Committee should produce a report for the consideration of the Bar Council.
- (c) Each standing Committee or ad hoc Committee reporting to the Bar Council in accordance with (a) or (b) above should prepare a written report stating succinctly in numbered paragraphs the nature of the matter reported upon, the Committee's conclusions and reasons therefore and the specific resolution or ruling which it recommends should be adopted by the Bar Council.
- (d) Such written report should be in the hands of the Secretary of the Bar Council by 12 noon on a date at least 3 days prior to the date of the Bar Council meeting at which the report is to be considered, so that the report can be circulated in time for perusal and consideration by members of the Bar Council prior to the meeting".

APPRECIATIONS

It is desired to place on record the appreciation of the Council and of the Bar generally of the services which, until his appointment to the Supreme Court on the 1st February 1966, His Honour Mr. Justice Lush rendered to the Bar.

At the time of his appointment, his Honour was completing his second year as Chairman of the Bar Council in which office he had worked most strenuously and diligently and with great wisdom in the interests of the Bar. The great regret which is felt at the loss of his services to the Bar is tempered by the pleasure of his appointment.

Reference should also be made to the very valuable services rendered to the Council and to the Bar by the Honorary Secretary, Mr. P. U. Rendit, the duties of whose office become more arduous and protracted each year. Mr. Rendit has laboured unremittingly and most efficiently on behalf of the Bar and is deserving of great praise and gratitude.

Mr. David Edwards, who has continued to act as Registrar of the Bar and as the Secretary of Barristers' Chambers Limited has likewise performed very valuable services for the Bar and the company. He has been most conscientious, industrious and efficient in the discharge of his very many and increasing duties, and the Council wishes sincerely to thank him for his services.

Kevin Anderson

Chairman
Victorian Bar Council.

THE VICTORIAN BAR

FINANCIAL STATEMENT FOR 1965 (CLOSING 8TH FEBRUARY 1966)

BALANCE in General Fund on 8/2/65

£ 2132 3 10

RECEIPTS :

Annual Subscriptions 1965	3701	9	-	
Arrears " 1963/4	326	11	-	
Advance "	8	8	-	4036 8 -
Arrears from 1964 Functions				124 16 9
Surplus from Law Institute of Victoria on joint Dinner Dance				28 19 3
Commonwealth Loan Interest				112 10 -
Barristers' Benevolent Fund:-				
Receipts	630	16	8	
<u>Less</u> paid to Trustees	<u>628</u>	<u>14</u>	<u>8</u>	<u>2 2 -</u> <u>4304 16 -</u>
				6436 19 10

EXPENDITURE :

(a) <u>Administrative Expenses:-</u>				
Salaries	1193	19	2	
Postages & Petty Cash	88	15	4	
Printing & Stationery	392	16	5	
Bank Fees	14	10	-	
Auditors Fees	47	5	-	
General Expenses	<u>30</u>	<u>11</u>	<u>9</u>	1767 17 8
(b) <u>Affiliation Fees:-</u>				
Australian Bar Association	77	-	-	
Law Council of Australia	<u>420</u>	<u>-</u>	<u>-</u>	497 - -
(c) <u>Compensation to Caterers</u>				350 - -
(d) <u>Expenses in Formation of Nominee Coy.</u>				50 14 2
(e) <u>Secretarial Recording Services re Lectures</u>				78 14 -
(f) <u>Purchase of Cricket Trophy (Perpetual Competition)</u>				12 11 2

THE VICTORIAN BAR

FINANCIAL STATEMENT FOR 1965
(CLOSING 8TH FEBRUARY 1966) - contd.

(g) <u>Social & Entertainment - net cost</u>			
against which £49.14.6 is owing. Paid through			
Chairman's Fund	675	19	7
Functions for 1965 -			
catering, etc.	1738	13	7
	2414	13	2
<u>Less members' payments</u>			
	1840	12	3
		574	- 11
(h) Income Tax			
		20	7 -
			<u>3351 4 11</u>
			3085 14 11
Less transferred to			
No. 2 (Overdraft)			
account to close			
			<u>1969 14 6</u>
BALANCE IN BANK AT 8TH FEBRUARY 1966			<u>£ 1116 - 5</u>

The Bar Council owns 5,100 fully paid £1 ordinary shares in Barristers' Chambers Ltd. and also £2,500 of Commonwealth Bonds.