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VICTORIAN BAR COUNCIL



*ANNUAL REPORT*

1967/68

## VICTORIAN BAR COUNCIL

### ANNUAL REPORT

1967-8

To be presented to the Annual General Meeting to be held on 24th September 1968 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

### MEMBERSHIP OF THE COUNCIL

#### Election

In September 1967, 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., K.V. Anderson Q.C., W. Kaye Q.C., J.G. Gorman Q.C., P. Murphy Q.C., X. Connor Q.C., P.A. Coldham D.F.C., Q.C., W.O. Harris Q.C., L.S. Lazarus and P.U. Rendit.

#### Counsel of not more than 10 years standing

Messrs. F. Walsh, R.K. Todd, A.A. Smithers and S.P. Charles.

The Attorney-General for the Commonwealth of Australia, the Honourable N.H. Bowen Q.C., M.P., as a member of the Victorian Bar, remained an ex officio member of the Council.

#### Officers

The following appointments were made by the Council:—

Chairman:	Mr. X. Connor Q.C.
Vice-Chairman:	Mr. P.A. Coldham D.F.C., Q.C.
Honorary Treasurer:	Sir James Tait Q.C.
Honorary Secretary:	Mr. S.P. Charles.
Registrar:	Mr. D.E. Edwards.
Assistant Honorary Secretary:	Mr. D. Graham.

### STANDING COMMITTEES

The following Standing Committees were appointed:—

#### Ethics

Messrs. Kay, Q.C. (Chairman), Voumard, Q.C., Coldham Q.C., L.S. Lazarus and Smithers.

#### Law Reform

Messrs. Harris, Q.C. (Chairman), Kay, Q.C., Walsh and Todd.

#### Lectures

Messrs. Gorman, Q.C. (Chairman), Murphy, Q.C., Walsh and Smithers.

<u>Library</u>	Messrs. Murphy, Q.C. (Chairman), Griffith, Q.C., Ormiston, and J. V. Kaufman.
<u>Librarian</u>	Mr. Griffith, Q.C.
<u>Overdue Fees</u>	Messrs. Murphy, Q.C. (Chairman), Todd and Smithers.
<u>Bar Clerking Committee</u>	Messrs. Voumard, Q.C. (Chairman), Connor, Q.C., Harris Q.C., L.S. Lazarus and Todd.
<u>Bar History</u>	Sir Arthur Dean, (Chairman), Judge Read, Sir James Tait Q.C., Messrs. Griffith Q.C., Bradshaw, Asche, Bland, Todd and Merralls.
<u>Social and Common Room</u>	Messrs. Anderson, Q.C. (Chairman), Gorman, Q.C., Dixon, Tolhurst and Smithers.
<u>Accommodation</u>	Sir James Tait, Q.C. (Chairman), Messrs. Anderson, Q.C., L.S. Lazarus, Rendit and Smithers.
<u>Practice Committee</u>	Mr. Coldham, Q.C., — — Co-ordinator of Practice Sub-Committees.

#### SUB-COMMITTEES OF THE PRACTICE COMMITTEE:

Matrimonial Causes: Mrs. Rosanove, Q.C., Mr. Emery, Miss Kingston and Mr. Treyvaud.

Juries: Messrs. Belson, Q.C., Laurie, Q.C., Ball, Francis and Southwell.

Crime: Mr. Crockett, Q.C., J. Lazarus, Flanagan, Kelly, Sher and D.W. McLeod.

Causes: Messrs. Stabey, Q.C., Strauss, Q.C., Dawson, and Liddell.

Miscellaneous Causes: Messrs. Wright, Q.C., Fullagar, Q.C., Barton, Paterson and Forsyth.

Licensing: Messrs. Campton, K. Coleman and O'Callaghan.

Workers Compensation: Messrs. Hill, Rendit, Ellis, Costigan and Magennis.

County Court: Messrs. Hedigan, Dyett, Nixon, McDonald and Hart.

Petty Sessions: Messrs. J. Roberts, Kayser, Perry, Nicholson, P. Martin and D.R. Meagher.

Floor Committees Mr. L.S. Lazarus — — Co-ordinator of Floor Committees.

#### AD HOC COMMITTEES

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

Club Registration Messrs. Anderson, Q.C. (Chairman), Belson, Q.C., Gorman, Q.C., Campton, Southwell, O'Bryan and Tolhurst.

## APPOINTMENTS

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

<u>Board of Examiners</u>	Messrs. Connor, Q.C., Woodward, Q.C., and Brooking, and later Messrs. Griffith Q.C., and Rendit vice Messrs. Connor, Q.C., and Woodward, Q.C.
<u>Chief Justice's Rules Committee</u>	Mr. Connor, Q.C. (Alternate Mr. W.O. Harris, Q.C.)
<u>Chief Justice's Law Reform Committee</u>	Messrs Kay, Q.C., Harris, Q.C. and Todd.
<u>Chief Justice's Supreme Court Library Committee</u>	Messrs. Murphy, Q.C., Griffith Q.C., and Todd.
<u>Standing Committee with Law Institute</u>	Messrs. Connor, Q.C. and Coldham, Q.C.
<u>Australian Bar Association</u>	Messrs. Connor, Q.C. and Coldham, Q.C.
<u>Law Council of Australia Executive</u>	Mr. Anderson, Q.C.
<u>Council of Legal Education</u>	Messrs. Voumard, Q.C., Anderson, Q.C., and McGarvie, Q.C.
<u>Faulty of Law: (Melbourne) (Monash)</u>	Messrs. Anderson, Q.C., Connor, Q.C., and McGarvie, Q.C. Mr. Murphy, Q.C.
<u>Council of Law Reporting</u>	Sir James Tait, Q.C. and Mr. Bradshaw.
<u>Directors of Barristers Chambers Ltd.</u>	Sir James Tait, Q.C., Messrs. Ashkanasy, Q.C., Anderson, Q.C., Kaye, Q.C., Connor, Q.C. and Stabey, Q.C.
<u>Superannuation Fund for Supreme Court Librarian</u>	Bar Nominee upon Board of Trustees -- Mr. S.G. Hogg. Stephen, Q.C.;
<u>Barristers' Superannuation Fund - Trustees</u>	Mr. Connor, Q.C. (Chairman), Sir James Tait, Q.C., Messrs. Anderson, Q.C., and Stephen, Q.C.; Hon. secretary, Mr. S.G. Hogg.
<u>Legal Aid Committee</u>	Messrs. Belson, Q.C., Fullagar, Q.C., Southwell and Hedigan. These members were all later replaced by -- Messrs. Strauss, Q.C., Kearney, Q.C., Dawson and Tolhurst.
<u>Appeal Costs Board</u>	Mr. Gorman, Q.C.

<u>Legal Education Committee</u>	Mr. McGarvie, Q.C. (Alternate Mr. Voumard, Q.C.)
<u>Joint Committee on Post-Graduate Legal Education</u>	Messrs. Ogden, Q.C. and L.S. Lazarus
<u>Royal Victorian Assn. of Hon. Justices (Victorian Bar Liaison)</u>	Mr. Charles.
<u>Attorney-General's Committee on Justices Act</u>	Mr. W. Martin served on this Committee before his appointment as a County Court Judge, (Supporting Committee Messrs. O'Shea and McHugh).
<u>Bar-Solicitors Relations Committee</u>	Messrs. Voumard, Q.C., Connor, Q.C., Coldham, Q.C., L.S. Lazarus, Rendit and Todd.

### MEETINGS

Council Meetings There were 30 meetings of the Council during the period from 3rd October 1967 to 1st September 1968. In addition there were numerous committee meetings and attendances by representatives at meetings of the various outside bodies.

### FINANCE

The Council fixed the following subscriptions for membership of the Victorian Bar for the period September 1967 to September 1968

Counsel called under 12 months	\$ 5.00
Over 1 but under 3 years	\$10.00
Over 3 but under 10 years	\$20.00
Over 10 years	\$30.00
Queen's Counsel	\$50.00
Crown Prosecutors and Parliamentary	
Draftsmen	\$16.00
Interstate Silks	\$20.00
Interstate Juniors	\$14.00
Non-Practising List	\$10.00

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 annexure to this report.

## PERSONALIA

### Deaths

The Council records with regret the deaths of Mr. W. St.G. Sproule, Q.C. on 17th March 1968 and Sir Norman O'Bryan on 5th June 1968.

### Appointments

In January 1968, Mr. J.P. Somerville, Q.C. was appointed a Judge of the County Court of Victoria. In February 1968 Messrs. W.J. Martin and I. Gray were appointed Judges of the County Court of Victoria.

In August 1968 Mr. W.O. Harris, Q.C. was appointed a member of the Courts Martial Appeals Tribunal.

Messrs. J.P. Somerville, R.G. DeB. Griffith, K.H. Marks and J.T. Hiatt (N.S.W.) were granted letters patent on 28th November 1967.

### Honours

Her Majesty the Queen honoured Mr. Justice Pape by creating him a Knight Bachelor in the New Year Honours List.

### Roll of Counsel

Between 1st September 1967 and 31st August 1968 the following persons signed the Roll of Counsel:—

P.A. Twigg (N.S.W.), M.D. Hannan, D.B. Lazarus, R.H. Gillies, (Miss) L.P. Opas, H.G. Shore, J.I. Fajgenbaum, B.C.M. Knappett, R.K.J. Meldrum, E.C.S. Campbell, F.G. Moorhead, A.R. Monteith, R.J. Johnston, P.E. McGavin, P.C. Streader, L.C. Gruzman, (Q.C., N.S.W.), G.G. McGrath, G.W. Morrish, (Mrs.) P.D. Bisley, B.F. Monotti, B.W. Collis, A. Chernov, H.A. Aizen, J.T. Duggan, B.G. Hepworth, C. Heliotis, J.V. Kay, B.J. Doyle, J.M.B. Cashmore, R.G. Williams, R.P.L. Lewis, B.D. Bongiorno, S.M. Fookes, D.B. Sharp, L.H. Brear, T.M. O'Dwyer.

### Transfers

The following members were transferred from the Practising List to the Non-Practising List:—

Sir John Bloomfield, Q.C. and Mr. H.J.A. Campton.

### Removals

The following members requested that their names be removed from the Roll of Counsel:—

Messrs. B.F. Barter, D.I. Findlay, P.G. Gerber, I.R. Maxwell, K.A.M. Pitt and R.A. Samek.

### Numbers on the Roll

(As at 31st August 1968)

Number signed the Roll in 1967—68

36 (24 in 1966—67)

Judges List Total

67 (compared with 64 in 1967). Of this number 13 are retired.

Practising List Total

372 (compared with 346 in 1967).

Non-Practising List Total

40 (compared with 42 in 1967).

Total on the Roll (all lists)

479 (compared with 452 in 1967).

Number of members in actual practice as Counsel keeping chambers in Victoria

(Excluding Prosecutors for the Queen) 302 — an increase of 20 from last year.

## GENERAL

During the year the Bar Council has often had occasion to deal officially with the Victorian Chief Justice, Attorney-General and Solicitor-General. At times it has been necessary to convey firm views of the Bar which have not always found acceptance. Even so, Bar Council representatives have without exception been cordially received and attentively heard. The Bar Council thanks Sir Henry Winneke, Mr. Reid and Mr. Murray for their co-operation and approachability and their continuing interest in the affairs of the Bar.

The Council has also received during the year every co-operation from Mr. R. Glenister, the Secretary of the Law Department, Mr. J. Marwick, the Chief Stipendiary Magistrate and his Deputy Mr. J. Molony, S.M.

## FUNCTIONS

### The Opening of the Legal Year

The traditional Church Services marking the opening of the Legal Year 1968 were held on Thursday, 1st February 1968 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 His Excellency the Governor of Victoria, Major General Sir Rohan Delacombe, K.C.M.G., K.B.E., C.B., D.S.O. and The Honourable Sir Henry Winneke, K.C.M.G., O.B.E., Chief Justice of the Supreme Court of Victoria. The sermon was preached by the Right Reverend F.R. Arnott, Bishop Co-adjutor. The Red Mass was celebrated at St. Patrick's Cathedral to mark the occasion. The celebrant was His Grace Archbishop Knox and the occasional sermon was preached by Rev. Fr. J. Drury S.J.

A service was conducted at the East Melbourne Synagogue. Readings were given by several members of the profession and an address was given by Mr. M. Ashkanasy Q.C.

### Bar Dinner

A Bar Dinner was held on 24th May 1968 in the Common Room, Owen Dixon Chambers. The guests of honour were Mr. Justice Pape, Judge Somerville, Judge Martin and Judge Gray.

### Common Room

On 21st February 1968 the Council entertained at dinner all members of the Bar who had signed the Roll since September 1967. The Council invited the Right Honourable Sir Garfield Barwick to dine with and meet the new members of the Bar.

During the year the Bar Council entertained at dinner a number of guests. These included the Chief Justice and Justices of the High Court, the Chief Justice and Judges of the Supreme Court, the Honourable the Attorney-General for Victoria, judges of the County Court, Masters of the Supreme Court and Crown Prosecutors.

From time to time the Chairman has invited members of the Bar to join him in entertaining at drinks various guests including the Lord Mayor of Melbourne, Metropolitan Magistrates, and City Councillors.

On 29th June 1968 a Dining-in-Night for members of the Bar and their wives was held. Senator and Mrs. Ivor Greenwood were the guests of honour on this occasion.

The Council wishes to record its appreciation and gratitude to Mr. and Mrs. Unger for their co-operation in making the numerous Common Room functions a success.

### Other Functions

Representatives of the Bar Council attended the annual dinner of the Law Institute and the annual dinners of country Law Associations at Bendigo, Ballarat, Portland, Mildura, Geelong and Shepparton.

Members of the Bar attended the Queen's Birthday Levee at Parliament House on 7th June 1968.

The Victorian Bar combined with the Law Institute of Victoria in holding a Dinner Dance at the Palais de Dance on 23rd March 1968.

The Annual golf match between the Bench and Bar and the Combined Services was played at Royal Melbourne on 28th June 1968. The Bruche Cup was won by the Bench and Bar and the Macfarlan Cup was tied. The annual golf match between the Bench and Bar and the Law Institute was played at Metropolitan on 11th April 1968. The Sir Edmund Herring Shield was won by the Solicitors. Mr. J.H. Nankivell acted as organiser of these matches on behalf of the Bench and Bar.

The annual cricket match between the Bar and the Solicitors was held on 20th December 1967. The Sir Henry Winneke Cup was won by the Solicitors. Mr. B.R. Dove organised this function on behalf of the Bar. The annual tennis match between the Bar and the Solicitors was held on 20th December 1967. A cup was donated for annual competition in this match by His Honour Judge O'Driscoll, to whom the Council extends its gratitude. The cup, to be known as the O'Driscoll Cup, was won by the Solicitors. Mr. A.A. Hooper organised this function on behalf of the Bar.

### ETHICS

Two lectures on Professional Conduct, Ethics and Etiquette of the Bar were given by the Chairman of the Ethics Committee to those who signed the Roll of Counsel during the past twelve months.

The number of applications made by Counsel for permission to address non-legal organisations continues to grow. This may reflect an increasing desire on the part of the public for information about matters relating to the law.

Permission was given to members of Counsel to appear on television and radio programmes for the purpose of discussing legal subjects of topical interest. In each case a condition of such permission was that the name of Counsel be not disclosed in either the session or publicity relating to it and that reference to him be made as "a Melbourne barrister".

Other members of Counsel were given permission to make public appearances on television programmes unconnected with legal topics. It was a condition of such permission that Counsel was neither described nor referred to as a barrister or lawyer and that no reference was made to the nature of his occupation or profession.

Where however, the intended address was in the nature of advice normally given in conference, permission was withheld.



Two solicitors who made application for permission to sign the Roll of Counsel sought to be relieved of the obligation of having their names removed from the style of the firm from which they were retiring. Permission was granted upon each applicant undertaking that he would procure within six months the removal of his name from the firm name.

Complaints of professional misconduct were made against three members of Counsel. After investigation, it was found that the conduct complained of did not constitute misconduct or a breach of the rules of professional conduct.

A member of the Bar was charged before the Bar Council with professional misconduct arising out of statements alleged to have been made by him in the course of an address given to a non-legal convention. Senior and Junior Counsel appeared to assist the Bar Council. The member charged was similarly represented. He pleaded not guilty. The Bar Council determined that he had been guilty of conduct which would tend to bring into disrepute the general body of Counsel on the Roll and resolved that he be reprimanded. An appeal against the Bar Council's determination was made to a general meeting of the Bar. Upon the appeal coming on for hearing, the meeting resolved that upon the Counsel concerned giving an assurance to the Bar that the opinions which he held and had expressed did not and were never intended to cast any reflection upon the integrity of the Bar or any member of it or on the integrity of any member of the legal profession, the appeal should be allowed and the resolution appeal from be rescinded without debate. Senior Counsel for the member charged then gave an assurance on behalf of the member in the terms of the motion. The Bar Council records its gratitude to Mr. Fullagar, Q.C. and Mr. Hampel who appeared to assist the Council and the General Meeting.

A member of Counsel wrote an opinion without having been instructed by a solicitor to do so. The Bar Council, after investigating all the circumstances, resolved that he had committed a breach of the rules in giving an opinion without having been instructed by a solicitor to do so but that, having regard to the fact that the opinion was given to his father, no charge for breach of the rules of conduct should be laid against him. A further aspect of this matter was that Counsel in the opinion said that another Counsel had given him certain information. He made this statement without informing the other Counsel that he intended to do so. The Bar Council informed him that his action was indiscreet and not in keeping with the traditional practice of the Victorian Bar.

Appearance with  
a solicitor of  
another State where  
there is a separate  
Bar

Senior Counsel who had been briefed to appear in Melbourne on an application for special leave to appeal from the Supreme Court of Western Australia to the High Court advised that he had been requested so to appear with a person as his junior who was a West Australian solicitor not being a member of the separate Bar of the State. The Council resolved that a member of the Victorian Bar appearing in any Court in Victoria may not do so either as a leader or as a junior with a practitioner of another State in which there is a separate Bar recognised as such by the Victorian Bar Council unless that practitioner is a member of such separate Bar in the State or is a member of the Victorian Bar. It was further resolved that the Secretary of the Australian Bar Association and the Secretary of the Bar Council or Association of each State or Territory should be informed of this ruling.

Two Counsel rule

The Council affirmed the existing rule that a Queen's Counsel is not permitted to appear in Court unless a junior Counsel is briefed with him.

Two-thirds rule

The Council affirmed the present rule that –

“1. Subject to the provisions of paragraph 2 below, a Junior Counsel is entitled to two thirds of the fee payable to his leader. A junior counsel should refuse to accept less than the recognised proportion of his leader's fee and should be supported by his leader in such action.

2. In cases where the leader's fee exceeds \$225 and is exceptional, the amount by which the junior's fee exceeds \$150 may be a matter of arrangement.

3. These rules apply to criminal cases as well as civil cases and to refresher fees.”

Circuit fees

The Council affirmed the existing rule and practice of the Bar that a brief on circuit is marked with a single brief fee in the same way as any other brief and that nothing which may be regarded as a component of that fee may be separately marked. It was ruled, however, that where Counsel has received a circuit brief and settles the case without leaving Melbourne he may re-negotiate the fee having regard to the fact that he did not leave Melbourne.

Reduction of  
Counsel's fees

It was ruled that Counsel should not, save in exceptional circumstances, allow reduction or elimination of the agreed fee on brief. In the following circumstances, however, Counsel may, with the consent of the Ethics Committee of the Bar Council, accept a fee that is less than the agreed fee –

(i) where the case is settled after delivery of the brief and in advance of the day of hearing, or

(ii) where the costs of the solicitor (including Counsel's fees) are subject to compulsory taxation pursuant to statutory rule or order of the Court and as a result thereof Counsel's fees are reduced or disallowed and are, without any neglect or default on the part of the solicitor, not recoverable by the solicitor from the lay client.

Use of Document  
in the course of  
cross-examination

A ruling was sought by Counsel about the use of documents while cross-examining in a criminal case. It was ruled that Counsel should not use any document or paper for the purpose of inducing a belief in the mind of a witness that he has documentary information to support the substance of the imputation conveyed by a question when the document or paper does not support such imputation. This ruling applies to all trials with or without a jury.

## LAW REFORM

During the past year, the Bar Council has considered a number of matters concerning law reform and amendments to the law. These have been the subject of reports from the Law Reform Committee, the Crime Sub-Committee and Bar Council representatives on various bodies, including the Supreme Court Rules Committee. The matters and the action taken by the Bar Council were as follows:-

### Maintenance Act

The Council has supported a recommendation of the Law Institute that the Act be amended to empower Courts to make orders for maintenance of children over 16 years.

### Service and Execution of Process Act

The Council has supported a recommendation of the Law Institute that s.11 (1) (g) of the Act be amended to enable service on a company to be effected under the Act in the manner provided by s. 362 of the Companies Act.

### Crimes Act, ss. 318-321

Amendments to create the offence of death by culpable driving and to remove the right of trial by jury for dangerous driving and driving under the influence of liquor were considered. The Council conveyed to the Attorney General its opinion that:-

- (i) Existing rights to trial by Jury for criminal offences should be preserved.
  - (ii) Where the charges of driving under the influence of intoxicating liquor or a drug, driving recklessly, or at a speed or in a manner dangerous to the public are tried in courts of petty sessions, the charges should be heard by a stipendiary magistrate sitting alone.
  - (iii) The maximum periods of imprisonment which may be imposed upon summary trial of these offences should not be increased beyond those now prescribed in section 321 of the Crimes Act.
- (See now Act. No. 7645)

### Justices Act, s. 142 (7)

An amendment which would enable sentences to be increased on appeal from Petty Sessions to General Sessions was considered. It was resolved that the Attorney General be informed:

- (i) That the Victorian Bar Council is opposed to any amendment which will discourage genuine appeals; and
  - (ii) that is considered that any amendment should not permit the imposition by a Court of General Sessions of a penalty which is more severe upon the Appellant than that imposed by the Court of Petty Sessions.
- (See now Act No. 7619, s. 4.)

### Motor Car (Compulsory Third Party Insurance) Bill

An amendment to overcome the decision in Denning's Case was considered. The Council resolved that a public statement be made by the Bar Council concerning the Motor Car (Compulsory Third Party Insurance) Bill disapproving of the Government's action in introducing retrospective legislation which has the effect of defeating the accrued rights of private litigants.

(See now Act No. 7648)

High Court Rules

A proposed amendment to the High Court Rules requiring the preparation of a statement of facts in narrative form in appeals in cases of personal injuries has been considered. The Council objected to the introduction of the proposed rule.

Powers of Arrest

A proposal to simplify and widen the powers of members of the Police Force to arrest persons was considered. There was a division of opinion on this matter but at the invitation of the Bar Council, two members of the Bar Sub-committee on Crime attended before the Statute Law Revision Committee and expressed their individual views.

Subordinate  
Legislation Committee  
Inquiry

The Bar Council recommended to this Committee that it was undesirable that a statute should provide for its own amendment by regulation. It invited members of the Bar to prepare comments within the terms of reference of the Committee, which were very extensive. Detailed comments were very extensive. Detailed comments were expressed by one member of the Bar and these were forwarded to the Committee.

Federal Gift Duty

The Law Council requested comments on two proposals to amend the Gift Duty Assessment Act by making provision for a refund of duty in certain cases and by exempting marriage settlements from duty. The Bar Council's view was that the extent to which revenue legislation should cover particular transactions was not a matter on which the Bar was particularly qualified to express an opinion and was not a matter with which the Bar, as such, was concerned. The Bar Council therefore resolved not to express any opinion on the two matters submitted to it but it took the opportunity of drawing the Law Council's attention to the doubt which exists whether Victorian Stamp Duty is payable on settlements under s. 87 (1) (k) of the Matrimonial Causes Act and to the need for the position to be clarified and expressed the view that it was undesirable that such duty should be exacted.

Consumer Credit  
Transactions  
Legislations

The Standing Committee of Commonwealth and State Attorneys-General prepared an extremely detailed questionnaire on this type of legislation which was submitted to various legal bodies including the Bar Council. It was resolved that no comment should be made in answer to this questionnaire but that the Bar Council should be prepared to comment if and when a draft bill was prepared on the matter and the Standing Committee was so informed.

Supreme Court  
Rules  
Companies Rules

The Supreme Court Judges' Rules Committee proposed to amend the Companies Rules to give Masters power to hear unopposed applications to confirm a reduction of capital, to approve a compromise or arrangement, to give relief against oppression and to wind up an unregistered company.

A detailed memorandum opposing these amendments was submitted to the Rules Committee and the amendments were opposed by the Bar representative on the Committee.

Civil Proceedings  
Rules (O. 65, R. 12)

Rule 12 (1) provides that a plaintiff who recovers a sum not exceeding one-half of the limit of the County Court jurisdiction shall unless the Judge otherwise orders be entitled only to costs on the appropriate County Court Scale, less an amount equal to the additional costs incurred by the defendant by reason of the action having been brought in the Supreme Court. Rule 12 (2) provides that in applying the rule to cases in which damages are reduced for contributory negligence under the Wrongs Act the sum recovered shall be deemed to be the total damages found and recorded.

The proposed amendment was that "three-quarters" should be substituted for "one-half" and that Rule 12 (2) should be repealed.

A detailed memorandum opposing this amendment was also submitted to the Rules Committee and this amendment was also opposed by the Bar representative on the Committee. It is understood that Rule 12 (2) has been repealed but that no amendment has been made to Rule 12 (1).

Crimes Act,  
s. 399

The Statute Law Revision Committee is considering an amendment to s. 399 to permit confessional evidence to be attacked without the risk of an accused being cross-examined on his prior convictions. The Bar Council has supported this proposal. The Committee is also considering an amendment to s. 399 to permit the prosecutor to comment upon the failure of an accused to give evidence on oath whether or not the accused stood mute or made an unsworn statement. The Bar Council has opposed this amendment as being inimical to the proper administration of justice. At the request of the Council, a member of the Bar appeared before the Committee and supported these views.

Motor Car Act,  
s. 49 (1)

As a result of his experience in a case, a member of the Bar drew attention to the fact that s. 49 of the Motor Car Act provides a remedy against the Nominal Defendant where the plaintiff's injuries are caused by the negligence of the driver of an unidentified vehicle, but not where the negligence is that of the owner of the unidentified vehicle. After consideration, the Council concluded that this was an omission in the Act which ought to be rectified and recommended that the Attorney-General be requested to amend the Act to provide a remedy against the Nominal Defendant in circumstances where the owner of the unidentified vehicle, as distinct from the driver, is the person who has been negligent, or where it is doubtful whether the negligence is that of the driver or the owner. This request has been conveyed to the Attorney-General.

Alcoholic and Drug  
Dependent Persons  
Bill

The Council has considered the provisions in this Act relating to the protection of individuals committed to treatment centres against improper detention and the provisions relating to the observance of the rules of natural justice. It has recommended that the provisions of sections 8 and 15 of the Bill be amended to make it mandatory for the Government to appoint the official visitors and the special magistrate, whose duties are to safeguard persons against such detention, and to make it mandatory that these officials when appointed discharge their duties under the two sections. The Bar Council has also recommended that the provisions of s. 17 which entitle a person against whom proceedings are taken to be heard only in objection to any medical certificate, be widened to entitle him to be heard generally in objection to the proceedings.

Proposed Federal  
Act for Commercial  
Arbitration

Mr. H. E. Zelling Q.C., President of the Law Council of Australia has prepared a draft of a bill for a Federal Act for commercial arbitration. The Bar Council does not see how this can be accomplished, as a general measure, except by the States passing identical legislation and it has deferred further consideration of the matter until a proposal for complementary legislation is put forward.

Federal Estate Duty  
Assessment Act

A proposal to amend the Act to extend the time for payment of duty was submitted by the Law Council. The Bar Council has declined to comment.

**REPORT FROM THE PETTY SESSIONS PRACTICE COMMITTEE**

The committee has met on a number of occasions throughout the year and has considered a large number of proposals and complaints referred to it by members of the Bar. As a result of its deliberations, a number of recommendations have been made to the Bar Council and those recommendations are at present being considered by the Council. Some of the matters have been referred to the Magistrates' conference for its consideration.

The committee is at present conducting a survey of congestion in Courts of Petty Sessions and hopes to be able to produce recommendations on this matter in the near future. The Council acknowledges the considerable assistance it has received during the year from this active and hardworking committee.

**CRIME SUB-COMMITTEE**

The Committee has met on a number of occasions to consider important matters including facilities at Pentridge for interviewing prisoners, the right to bail during trial, amendments to Section 399 of the Crimes Act 1958, particularly the right to cross-examine an accused person as to his prior convictions, and long delays in bringing persons to trial.

The Crime Committee reports that it has had close co-operation from all members of the Bar, Crown Prosecutors and Crown Law Officials, and that many potentially formidable problems have been solved by informal discussions. The Council appreciates the sub-committee's constant concern for the liberty of the subject, and the work which it has performed over the year.

## RELATIONS BETWEEN BAR AND SOLICITORS

This important topic was the subject of a separate lengthy report dated 18th March 1968 which has been distributed to the Bar. There have been no significant developments since then. Counsel who have signed the Roll since March may obtain a copy of the report from the Registrar.

It is plain that there are important issues on which the Bar Council and the Council of the Law Institute have not been able to agree, even after the most extensive exchange of views. It is equally plain that there are other important issues on which the two bodies are in profound agreement and this has resulted in considerable co-operation during the year. It is the view of the Bar Council that the common interests of the two branches of the profession in Victoria make it imperative that the area of this co-operation be increased. The friendly personal relationships between members of each body encourage the view that this will be achieved.

## COLLECTION OF OVERDUE FEES

The Bar Council's Sub-Committee has again implemented the scheme for collection of fees owing to counsel called within the last seven years. It having been decided to broaden the basis of application of the scheme to the fullest extent permitted by it, one hundred and eight firms or individual solicitors received the preliminary letter, as compared with fourteen last year. As a result of the sending of these letters, many fees were immediately paid.

At the date of preparation of this Report some twenty-five firms or individual solicitors still owe substantial sums to counsel under seven years standing and it is intended that action be taken in respect of these shortly.

As a result of the broadened basis of application of the scheme referred to above, the administration of it has become extremely onerous and the substantial assistance of the Registrar has been indispensable.

## ACCOMMODATION

Since the report last year the position regarding accommodation has tightened considerably.

All available rooms for letting to barristers in Owen Dixon Chambers were occupied by 30th June 1968, and the Secretary reports that there are 30 barristers who have completed, or will have completed, reading by mid-January 1969, and who presumably will by then be seeking chambers of their own. The Directors of Barristers' Chambers Limited set aside two rooms to house 6 barristers who would be awaiting tenancies and there are now 6 of the 30 in occupation of these rooms as licensees.

The Accommodation Sub-Committee of the Bar Council and the Directors of Barristers' Chambers Limited have given a great deal of consideration to the problem of accommodation both for the immediate future and on a long term basis, and various propositions have been investigated. Negotiations have now been entered into in respect of a two-storey building in Lonsdale Street, towards King Street, and advice has been received from our Company's Architect that the building, at present a warehouse, could be converted into offices or rooms suitable for barristers and preliminary estimates of the cost have been obtained. The proposition would involve considerable capital expenditure but it has been ascertained that accommodation could be provided there for approximately 30 barristers at a cost, including the purchase of the property, which would enable the rooms to be let to barristers at a rent approximately the same as barristers pay per square foot in Owen Dixon Chambers.

Rents in any of the new premises near Owen Dixon Chambers and the Law Courts in which accommodation might be obtained would, generally speaking, be half as much again and beyond the capacity of most newcomers to the Bar to pay. There is no prospect of obtaining either the first or twelfth floors of Owen Dixon Chambers for the accommodation of Counsel in time to solve the present problem.

In these circumstances the purchase and conversion of the Lonsdale Street property is being considered in all its aspects. The Bar Council has approved in principle that Barristers' Chambers Limited should act in the matter. Also at a meeting attended by a large majority of the 30 members who require, or will be requiring, rooms by January next, the proposal was unanimously accepted.

It will be seen that this matter is being approached as one for the Bar as such on the footing that accommodation for new members is the concern of the Bar. The proposal is that the Bar through its property-owning company, Barristers' Chambers Limited, should acquire the Lonsdale Street property and convert it to barristers' chambers and should do this out of its own resources and borrowing powers. The Company would then let the rooms to the barristers and manage the property in conjunction with and as an adjunct of Owen Dixon Chambers. It is recognised that it is most desirable that the Bar should remain as far as possible one entity and one organization. It is realised that the Lonsdale Street property would probably satisfy the demand for new accommodation only temporarily and that before long the problem will arise again. It may be that before very long the Bar as a whole including newcomers will again be required, as was done in 1960 when Owen Dixon Chambers was built, to supply considerable further funds if the object of housing and managing the affairs of the Bar as one entity (although spread over more than one building), is to be continued and realised in future.

### LEGAL AID COMMITTEE

The Committee has met weekly during the year and membership of it has involved constant and onerous work. The Bar as a whole should be grateful to its members who have voluntarily served on this Committee. The Council acknowledges their contribution in time given and work done.

There was a marked increase in applications for assistance made during the year as the following table of comparative statistics illustrates. The statistics below and the accompanying comments are taken from a report to the Council prepared by Mr. J. Heffernan, the full time Secretary to the Committee.

<u>Statistics</u>	<u>1966/67</u>		<u>1967/68</u>
	2631	Total applications	3851
	<u>1116</u>	Dealt with by Secretary	<u>2000</u>
	1515	Referred to Committee	1851
		Applications not dealt with or deferred as at 30/6/67 but subsequently dealt with by Committee	
	<u>127</u>		<u>172</u>
	1642		2023
	<hr/>		<hr/>
	1173	Assistance approved	1303
	297	Rejected or withdrawn	613
	<u>172</u>	Not dealt with or deferred	<u>107</u>
	1642		2023
	<hr/>		<hr/>



Comparative Table  
or Statistics

	TOTAL		DEALT WITH BY THE SECRETARY		REFERRED TO COMMITTEE		APPROVED	
	66/67	67/68	66/67	67/68	66/67	67/68	66/67	67/68
DIVORCE	403	551	168	279	235	272	154	161
MAINTENANCE	853	1228	277	520	576	708	491	592
CUSTODY and AFFILIATION	110	182	38	91	72	91	61	72
MOTOR ACCIDENT	150	159	50	76	100	83	87	66
CRIMINAL	293	550	84	196	209	354	155	246
CIVIL CAUSE	620	877	394	629	228	248	166	116
WORKERS' COMPENSATION	68	80	24	34	44	46	28	34
PROBATE and T.F.M.	33	53	23	36	10	17	10	6
OTHER	101	171	58	139	41	32	21	16
	2631	3851	1116	2000	1515	1851	1173	1303

Financial

As a result of the amendment to the principal Act by Act, No. 7031, funds held by the Committee are now distributed half-yearly instead of yearly. In February of this year, the first half-yearly distribution was made. Details of funds collected and accounts certified for payment for this distribution were as follows:

Contributions by assisted persons	\$23,642.18
Costs Recovered	11,007.56
Bank Interest	236.87
	<u>\$34,886.65</u>
Solicitors' costs certified	\$32,906.65
Barrister's fees certified	31,533.30
	<u>\$64,439.95</u>

The rate of distribution was 54.1378 cents per dollar compared with 52.4387 cents per dollar for the previous distribution.

Figures for the current half-year (subject to audit) are as follows:

Contribution by assisted persons	\$24,449.86
Costs recovered	13,803.60
Refunds	123.98
Bank Interest	347.01
	<hr/>
Total	\$38,724.45
	<hr/>
Solicitors' Costs certified	\$34,968.96
Counsel's Fees certified	25,832.45
	<hr/>
Total	\$60,801.41
	<hr/>

The rate of distribution will be approximately 62 cents per dollar, which will be made immediately the Auditor General certifies the Committee's accounts.

Administration Expenses

The Victorian Government paid the Committee's administration expenses during the year and also provided \$13,034.00 for disbursements incurred by the profession in assisted cases.

Co-operation by Members of Bar

There was excellent co-operation from members, and due to close liaison between the Committee staff and Clerks, briefs were allotted wherever possible, to Counsel already appearing, or listed to appear in the various Courts.

As the bulk of assisted cases were in the Petty Sessions jurisdiction, the burden of the scheme fell heavily on junior members of the Bar.

CLERKING SYSTEM

At the Annual General Meeting of the Bar held on 27th September, 1967 a resolution in the following terms was carried:

"That the Bar Clerking Committee should remain in existence until the next Annual General Meeting of the Bar, but that during that period it should not perform any of the functions assigned to it by paragraphs (b) (c) and (d) of the Resolution of 27th September 1966, but should be available to act in an advisory capacity, keep itself informed about the position of the clerking system generally, and report to the next Annual General Meeting of the Bar."

The Resolution of 27th September, 1966 which set up the Bar Clerking Committee is set out on pp. 24-25 of the Annual Report of the Victorian Bar Council for 1967.

Pursuant to the Resolution carried on 27th September 1967, the Bar Council re-appointed the following member of the Bar Clerking Committee:—

Messrs. Voumard Q.C., Connor Q.C., Harris Q.C., Lazarus and Todd.

The Bar Clerking Committee will make a separate report to the Annual General Meeting of the Bar pursuant to the instruction given to it at the last Annual General Meeting of the Bar.

### **BAR LIBRARY**

During the last year the book collection has grown considerably and the proposed rearrangement of volumes in the library has again been revised.

Since the last Annual Report, Mr. Justice Lush has donated a set of Commonwealth Statutory Rules and Master Collie has given the library a series of back volumes of Commonwealth Statutes. Both gifts are gratefully acknowledged.

As a result of the co-operation of the board of directors of Barristers Chambers Limited, which finances the library, the following sets of books were purchased:

Australian Law Journal, British Tax Review, Consolidated Index of  
Victorian Law Reports, Halsbury's Laws of England (3rd Edition), New  
South Wales Reports and New South Wales Statutes.

The book collection has now developed to a stage where it contains sections which, for practical purposes, were formerly available to counsel only in the Supreme Court Library. In particular there is a relatively comprehensive selection of tax books. Complete sets of interstate reports are difficult to obtain, but the Library Committee has placed orders for most of these when they become available if they are not already in the library.

For the present it is intended to adhere to the policy that texts will not be purchased until complete sets of basic reports have been obtained. However, the library is otherwise attaining a stage where extensive research facilities will be available to counsel at all times. These facilities are the more valuable because of the rising cost of books and the problems of space in individual chambers.

Notwithstanding the presence of notices requesting the replacement of books in the shelves, they are occasionally left out on the tables by those who have, nevertheless, accepted the advantage of using the books. And unfortunately on several occasions books have been removed for lengthy periods in contravention of the rules.

As part of the library service, summaries of unreported judgments of the Supreme Court of Victoria are prepared and circulated to counsel. Unfortunately copies of the judgments are not made available to the Bar so that they may be filed in the library for reference as are the judgments in the High Court cases supplied by the Registrar of the High Court whose co-operation is again gratefully acknowledged.

The work of administering the library is carried out by the Library Committee itself. The growth of the book collection has been attended by problems of extra maintenance and servicing which can be reduced by the co-operation of library users in caring for the Bar's communal property.

The Bar Council records its appreciation of the work done for yet another year by the Bar Librarian Mr. Griffith, Q.C. and the Library Committee.

## BAR HISTORY PROJECT

Under the title "A Multitude of Counsellors" the Bar History has now reached the page proof stage and it is presently anticipated that it will be published in October of this year.

The book will probably appear in a special edition and also in an ordinary edition. Each of such editions will be available to members at a reduced pre-publication price and particulars will soon be circulated to the Bar and subscriptions invited for the pre-publication priced copies of the book. The Bar Council has undertaken considerable financial obligations in respect of the publication and members will be asked, in reply to the circular, to subscribe for the book promptly.

The author, Sir Arthur Dean, to the very great benefit and advantage of the Bar, has spent almost three years in research and in writing and revising the manuscript. The result will be a publication which will be most valuable to the Bar and in the interests of the Bar members are expected to support it.

## LEGAL EDUCATION

On 5th October 1967, the Councils of the Bar and the Law Institute recommended to the Council of Legal Education the adoption of the Report of the Committee on Post-Graduate Education. That Committee, which included representatives of the Judiciary, the Law Institute, the Law Faculties and the Bar had, since 1963, investigated the question of post-graduate training and conducted two experimental pilot courses.

The recommendation was that a Professional Practice School be established to give graduates twelve months' practical training in professional subjects in lieu of articles. It was based on the considered conclusion of both Councils that the standard for training under twelve months' articles was generally unsatisfactory and inadequate, and on the great difficulty encountered by graduates in obtaining articles.

At the meeting of the Council of Legal Education on 8th November, 1967 judicial members of the Council raised objections to the proposed changes. A Sub-Committee was appointed to examine the proposal and any practical or political problems that might be associated with it.

With the object of avoiding the total rejection of the recommendations and with the approval of their respective Councils, the representatives of the Bar and the Law Institute on the Sub-Committee (Mr. McGarvie, Q.C. and Mr. H.G. Lander) have proposed a modified recommendation designed to remove the objections raised.

Under the modified recommendation Taxation, Accounts, Procedure and Professional Conduct would be taught (initially by the Universities) in January to March each year. Graduates would then spend six months in the Professional Practice School. This course would teach the professional skills and techniques of practitioners in a practical way. Under the direction of a Director of high standing, the instruction would be given by members of the practising profession. After completing this course the graduate would serve under articles for six months before admission. After admission a practitioner would not be entitled to practice as a solicitor principal until he had spent six months as an employee solicitor. Upon admission a practitioner would be entitled to sign the Bar roll and commence reading as at present.

At the time of the preparation of this report the Council of Legal Education has not made a decision upon the proposed changes.

### LECTURE PROGRAMME

The lecture Sub-Committee this year decided to arrange a series of lectures for members of the Bar dealing with topics of a practical nature. Whilst all members of the Bar were intended to benefit from the series, the basic intention of the Sub-Committee was to assist the junior Bar in particular.

This policy appears to have been successful and much appreciated by members, by reason of the large attendance at each lecture. Over 100 barristers were present on each occasion. It is clear that Counsel prefer the lectures to be heard at 5 p.m. rather than after dinner, unless for some special occasion and it is proposed to continue this policy.

Lectures were delivered by Messrs.  
E.D. Lloyd (''Pitfalls in Criminal Trials'').  
W.C. Crockett Q.C. (''Opening A Case'').  
D.M. Campbell Q.C. (''Cross-examination'').  
R.E. McGarvie Q.C. (''The Conduct of Appeals'').  
N.M. Stephen Q.C. (''Some Elements of Drafting'').

The Bar Council is greatly indebted to all the lecturers and thanks them for their co-operation in making this year's programme an outstanding success.

### LAW COUNCIL OF AUSTRALIA

The office bearers of the Law Council of Australia for 1967-68 were:—

President: Mr. H.E. Zelling Q.C.  
Law Society of South Australia.

Vice Presidents: Mr.K. Smithers,  
Law Society of New South Wales.

Mr. T. Molomby,  
Law Institute of Victoria.

Treasurer: Mr.K.V. Anderson Q.C.  
The Victorian Bar Council.

During 1967-68 the delegate of the Victorian Bar has been Mr. Anderson Q.C. who has also been the Honorary Treasurer of the Law Council. For the five years when the Secretariat of the Law Council was located in Melbourne Senator Greenwood of the Victorian Bar was the Honorary Secretary. Upon the transfer to Sydney of the Secretariat in April 1968 Senator Greenwood was succeeded as Honorary Secretary by Mr. W.R. McComas, a New South Wales solicitor. The Secretariat is now established at Temple Court, 75-85 Elizabeth Street, Sydney.

On Saturday 1st June 1968, in Sydney, Senator Greenwood and Mr. Leigh Masel, solicitor, who had been the Assistant Secretary while the Secretariat was in Melbourne, were guests of honour at a dinner at which very well earned tributes were paid and presentations made to them.

The Law Council is organising the 15th Australian Legal Convention to be held in Brisbane from 16th-22nd July 1969. The Chief Justice of Victoria has indicated that the July vacation in 1969 will be altered so as to coincide with the holding of the Convention in Brisbane.

The Law Council continued its interest in Legal Education in Papua and New Guinea, particular attention being given to the provision of suitable law books for students. Mr. Justice Minogue and Professor Nash, both formerly practising at the Victorian Bar, are particularly active in New Guinea on matters of legal education.

Matters considered by the Law Council during 1967-68 have included the following: establishing an Australian Law Foundation, international trade, containerisation, Commercial Arbitration, a proposed uniform Criminal Code, Company Law, Maintenance Acts, Consumer Credit, Trade Practices, Third Party Insurance Act, the High Court Rules, and other spheres of law reform. The Law Council has continued its liaison with the Law Association for Asia and the Western Pacific.

### AUSTRALIAN BAR ASSOCIATION

When the Australian Bar Association was formed, it was agreed in principle that the Presidency and Secretariat should be held in rotation for two years in succession by the Bars of the Eastern States in turn.

This was broken when Mr. G. Lush Q.C. (as he then was) was appointed to the Supreme Court of Victoria after a year of presidency. Mr. W.B. Campbell Q.C. (as he then was) became President. After the appointment of Mr. Campbell Q.C. to the Supreme Court of Queensland, an informal discussion was held in Melbourne in October 1967, and the conclusion was reached that as a matter of principle it was desirable that each State should retain the Presidency and Secretariat for the full period of two years irrespective of the identity of the President or Chairman of the Bar Council of the State during the two year period.

Accordingly, although Queensland had proposed that Mr. M. Byers Q.C. should assume office as President in succession to Mr. Justice Campbell, the decision was reached that Mr. P.D. Connolly Q.C., who succeeded Mr. Justice Campbell as President of the Queensland Bar Association, should be elected President and this was done in November, 1967.

The Annual Meeting was held in Sydney on 18th May, 1968 and the following office bearers were elected:—

Mr. B.B. Riley Q.C. (New South Wales)	President
Mr. X. Connor Q.C. (Victoria)	Vice-Presidents
Mr. P.D. Connolly Q.C. (Queensland)	
Mr. T. Simos (New South Wales)	Honorary Secretary
Mr. J.P. Slattery (New South Wales)	Honorary Treasurer

During the year Messrs. Connor Q.C. and Coldham Q.C. were the Victorian representatives on the Association. One meeting only was held at which a variety of matters of mutual interest were discussed. Every opportunity was taken to encourage and assist the smaller Bars which have developed in South Australia, Western Australia and Canberra.

## LAWASIA

The first Conference of members of The Law Association for Asia and the Western Pacific took place at Kuala Lumpur, Malaysia, on 1st to 3rd July 1968. The delegates to this Conference came from countries stretching from Iran in the west to New Zealand in the east. By far the largest contingent came from Australia.

The conference was an outstanding success and justified the efforts of all those who played a part in the formation of the Association and the planning and preparation for the Conference. Malaysian lawyers were generous hosts and the friendly atmosphere of the Conference facilitated the intermingling of delegates from the various member countries of the Lawasia region.

The papers delivered on the various topics and the discussions at the sessions of the Conference revealed that members of the profession throughout the ECAFE area had much in common, not only as regards the problems confronting them, but also in the basal aim of upholding the rule of law in their respective countries.

The role of Lawasia in the area was a topic at one of the plenary sessions and the discussion which followed indicated that there were many ways in which the Association would usefully serve the area.

The participation by so many Australians helped to further the aims of Lawasia. Australian lawyers also benefited by gaining a better understanding of the various peoples of the countries concerned, their laws and the problems facing them.

It is planned to hold the next Lawasia conference at Colombo shortly after the Fourth Commonwealth and Empire Law Conference which is to take place in New Delhi toward the end of 1970.

## VICTORIAN COUNCIL OF PROFESSIONS

In February of this year it was decided that the Victorian Bar Association should become a member of the Victorian Council of Professions; however this membership is subject to review after a period of 12 months. The Australian Medical Association (Victorian Branch) and the Law Institute of Victoria have also become members of this Council on the same basis namely that their membership should be similarly subject to review.

In addition to the Australian Medical Association (Victorian Branch), the Law Institute of Victoria, and the Victorian Bar Association the following associations and institutes have been admitted to membership of the Council:

The Australian Dental Association (Victorian Branch), the Australian Veterinary Association (Victorian Division), The Royal Australian Institute of Architects (Victorian Chapter), and the Institution of Engineers Australia (Victorian Division).

Under its constitution the objects of the Council are to encourage cordial relationships amongst the professional societies and amongst members of the professions, to disseminate information on matters of mutual interest and to discuss and act on matters of mutual interest.

The constitution provides that in the event of any constituent body declaring that a matter is of vital interest to, or a purely domestic concern of, the constituent body, no decision thereon shall be made by the Association without the concurrence of that constituent body or its appointee.

Meetings of the Council have taken place but as yet, nothing has emerged by way of decision or action on any matter of mutual interest to the constituent bodies.



**THE VICTORIAN BAR**  
**FINANCIAL STATEMENT FOR THE YEAR ENDED 31st. AUGUST 1968**

**RECEIPTS**

Annual Subscriptions for year	7,939.00	
Arrears        "	<u>658.50</u>	8,597.50
Arrears for past functions		413.10
Surplus from Bar/Law Institute Buffet Dinner		26.69
Commonwealth Loan Interest		225.00
Dividend on Ordinary Shares in Barristers' Chambers Limited		2,040.00
Barristers' Benevolent Fund:—		
Contributions	1,163.00	
Less paid to Trustees	<u>1,163.00</u>	- - -
		<u>11,302.29</u>

**EXPENDITURE**

(a) Administrative Expenses:—		
Bank fees	36.10	
General Expenses	19.27	
Insurance — Portraits	23.35	
Postage and Petty Expenses	200.37	
Printing and Stationery	990.96	
Salaries	<u>3,232.23</u>	4,502.28
(b) Affiliation Fees:—		
Council of Professions	50.00	
Law Council of Australia	<u>787.50</u>	837.50
(c) Air fares for representatives at Interstate Executive Bar Association and Mildura Law Association Meetings		240.70
(d) Publication — "Congestion in the Civil Lists". Drafting, printing and distributing		2,206.23
(e) Bar History — secretarial and legal expenses		323.61
(f) Donations:—		
Fullagar Memorial Lecture	100.00	
Papuan Law Student	<u>50.00</u>	150.00

(g) Functions and Entertainment:-		
Catering Services	4,209.25	
Chairman's Fund	<u>1,475.42</u>	
	5,684.67	
Less - Payments by members	<u>4,325.95</u>	1,358.72
(h) Income Tax		<u>123.75</u> <u>9,742.79</u>
Surplus of Receipts over Expenditure		1,559.50
Balance at Bank 31/8/67		<u>1,480.01</u>
		3,039.51
Investment - 1175 Ordinary Shares of \$2 each in Barristers' Chambers Limited		<u>2,300.00</u>
BALANCE IN GENERAL FUND AT 31st. AUGUST 1968		<u><u>\$ 739.51</u></u>

### NOTES

(1) CREDITORS

No affiliation fees were requested, or paid, for the Australian Bar Association - Last year's fees

	\$306.00	
Audit Fee for year - last year	<u>50.00</u>	<u>\$356.00</u>

(2) The amount owed by members is:-

(a) For subscriptions:

(i) Prior to 31/8/67	- -	
(ii) For current year	<u>247.00</u>	247.00

(b) For Functions:

(i) Prior to 31/8/67	19.80	
(ii) For current year	<u>381.50</u>	<u>401.30</u>
		<u><u>648.30</u></u>

(e) Investments:

(a) 6,275 Ordinary Shares in Barristers' Chambers Limited at \$2	12,500.00	
(b) Commonwealth Bonds	5,000.00	
(c) Savings Bank Deposit	<u>1,000.00</u>	
		<u><u>\$18,500.00</u></u>

J. B. TAIT

Honorary Treasurer

9th. September, 1968