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VICTORIAN BAR COUNCIL



ANNUAL REPORT

1988 / 89

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1968-9

To be presented to the Annual General Meeting to be held on 23rd September 1969 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

MEMBERSHIP OF THE COUNCIL

Election

In September 1968, the following were elected to the Council as reconstituted by resolution of an Extraordinary General Meeting of the Bar held on 15th August 1968:

Counsel of not less than 12 years' standing

Sir James Tait Q.C., Messrs. 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., N.M. Stephen Q.C., L.S. Lazarus and P.U. Rendit.

Woodward Young

Counsel of not less than 6 nor more than 15 years' standing

Messrs. F.X. Costigan, F.P. Walsh, A.A. Smithers and S.P. Charles.

Counsel of not more than 6 years' standing

Messrs. M.E.J. Black and D. Graham.

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

In May 1969, Mr. K.V. Anderson Q.C. resigned from the Council upon his appointment as a Judge of the Supreme Court of Victoria. Following this appointment, the Council recorded on behalf of the Bar its whole-hearted appreciation of his long and outstanding service to the Bar.

Mr. A.E. Woodward O.B.E., Q.C. was elected in June 1969 to fill the casual vacancy.

Messrs. L. Voumard Q.C. and R.K. Todd who had been members of the Bar Council did not stand for re-election this year. Mr. Voumard had been a member of the Council for four years. He served as chairman of the Clerking Committee during a busy and onerous period of its operation. He served on a number of other committees including the Ethics Committee. The Council records its deep appreciation of the valuable contribution which he made. Mr. Todd was also a member of the Council for four years. He served on many committees and accepted a number of difficult assignments. He was generous with the time he devoted to the affairs of the Bar, and the Council records its gratitude for his able assistance.

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 and later Mr. D. Graham.
Registrar:	Mr. D.E. Edwards.
Administrative Officer:	Miss D.M. Brennan.
Assistant Honorary Secretary:	Mr. D. Graham and later Mr. P.C. Heerey.

STANDING COMMITTEES

The following Standing Committees were appointed:—

Ethics

Messrs. Kaye Q.C., (Chairman), Murphy Q.C., Coldham Q.C.,
Stephen Q.C., L.S. Lazarus and Smithers.

Law Reform

Messrs. Harris Q.C., (Chairman), Stephen Q.C., Walsh and Black.

Lectures

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

Library

Messrs. Murphy Q.C., (Chairman), Griffith Q.C., Greenwell, Ormiston,
N.A. Brown, M.E.J. Black, T.H. Smith, J.H. Hall, J.V. Kaufman,
Ahearne, D. Byrne and Hansen.

Librarian

Mr. Griffith Q.C.

Overdue Fees

Messrs. J.G. Gorman Q.C., Costigan, Smithers and Black.

Bar Clerking
Committee

Messrs. Connor Q.C., (Chairman), Harris Q.C., L.S. Lazarus,
Costigan and Walsh.

Social and
Common Room

Messrs. Anderson Q.C., J.G. Gorman Q.C., Dixon, Tolhurst
and Smithers.

Accommodation

Sir James Tait Q.C., (Chairman), Messrs. Anderson Q.C.,
L.S. Lazarus, Rendit, Smithers and Black.

Practice
Committee

Co-ordinator of Practice Committees: Mr. Harris Q.C.

SUB-COMMITTEES OF THE PRACTICE COMMITTEE:

Matrimonial Causes: Mrs. Rosanove Q.C., Messrs. Asche, Emery
and Miss Kingston.

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

Crime: Messrs. 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.,
Paterson and Forsyth.

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

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

County Court: Messrs. Hart, McDonald, Winneke, Fagan and Hanlon.

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

Floor
Committees

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

AD HOC COMMITTEES

Several committees for particular purposes were appointed. They included the following:—

Club
Registration

Messrs. Anderson Q.C., Belson Q.C., J.G. Gorman Q.C., Campton, K. Coleman, O'Bryan, Tolhurst and Bourke.

Amendment of
Supreme Court
Rules

Messrs. Kaye Q.C., J.G. Gorman Q.C., Harris Q.C., Laurie Q.C., O'Bryan and McPhee.

Honorary
Justices

Messrs. Belson Q.C., Stabey Q.C. and Lennon.

Proposed Amend-
ments to Legal
Aid Acts

Messrs. Stabey Q.C., K.H. Marks Q.C. and L.S. Lazarus.

APPOINTMENTS

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

Board of
Examiners

Messrs. Griffith Q.C., Rendit, Brooking, later Mr. Shaw.

Chief Justice's
Rules Committee

Mr. Harris Q.C., (Alternate Mr. Charles).

Chief Justice's
Law Reform
Committee

Messrs. Harris Q.C., Stephen Q.C. and Walsh.

Chief Justice's
Supreme Court
Library Committee

Messrs. Murphy Q.C., Griffith Q.C. and D. Graham.

Standing Committee
with Law Institute

Messrs. Connor Q.C. and Coldham Q.C.

Joint Consultative
Committee with Law
Institute and
Australian Medical
Association

Messrs. Connor Q.C. and Coldham Q.C.

Australian Bar
Association

Messrs. Connor Q.C. and Coldham Q.C.

<u>Law Council of Australia Executive</u>	Mr. Anderson Q.C., and later Mr. Coldham Q.C.
<u>Council of Legal Education</u>	Messrs. Anderson Q.C., McGarvie Q.C., Stephen Q.C., and later Mr. Todd.
<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., Stabey Q.C., and later Mr. Coldham Q.C.
<u>Barristers Superannuation Fund—Trustees</u>	Mr. Connor Q.C., (Chairman), Sir James Tait Q.C., Messrs. Anderson Q.C., Stephen Q.C., and later Mr. Coldham Q.C. Hon. Secretary – Mr. S.G. Hogg.
<u>Legal Aid Committee</u>	Messrs. Kearney Q.C., Strauss Q.C., Marks Q.C., Tolhurst, Joske, Dawson and Tadgeil.
<u>Appeal Costs Board</u>	Mr. J.G. Gorman Q.C.
<u>Legal Education Committee</u>	Mr. McGarvie Q.C. (Alternate) Mr. J.D. Phillips.
<u>Royal Victorian Assn. of Hon. Justices (Victorian Bar Liaison)</u>	Mr. Charles.

The Council records its gratitude to the many members of the Bar who have given it assistance on sub-committees and in other capacities.

MEETINGS

<u>Council Meetings</u>	During the period from 1st September 1968 to 31st August 1969 the Council met on 27 occasions.
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FINANCE

The Council fixed the following subscriptions for membership of the Victorian Bar for the period September 1968 to September 1969:—

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 Statements 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 Sir Charles Lowe, K.C.M.G. on 20th March 1969, Sir Clifden Eager, K.B.E., Q.C. on 11th August 1969 and of Mr. E.C. McHugh on 31st October 1968.

Appointments

In March 1969 His Honour Judge F.R. Nelson was appointed a Judge of the Supreme Court of Victoria. In April 1969 Mr. A.J. Southwell Q.C. was appointed a Judge of the County Court of Victoria, and Mr. Justice Nimmo and Mr. Justice Sweeney of the Commonwealth Conciliation and Arbitration Commission were appointed Judges of the Commonwealth Industrial Court. In May 1969 Mr. K.V. Anderson Q.C. was appointed a Judge of the Supreme Court of Victoria and Mr. J.R. O'Shea Q.C. was appointed a Judge of the County Court of Victoria.

Messrs. J. Galbally, J.R. O'Shea, A.J. Southwell, B.W. Beach, S.E.K. Hulme and L.C. Gruzman (N.S.W.) were appointed Queen's Counsel. Mr. R.A. Bidstrup was appointed Chief Crown Prosecutor and Messrs. J.R. Perry, D.W. McLeod and J.P. Wright were appointed Prosecutors for the Queen.

Honours

In the New Year's Honours, Her Majesty the Queen created His Honour Judge Vickery M.B.E., M.C., E.D. a Commander of the Order of the British Empire, and Mr. A.E. Woodward Q.C. an Officer of the Order of the British Empire.

Roll of Counsel

Between 1st September 1968 and 31st August 1969, the following persons signed the Roll of Counsel:—

Messrs. L.T. King, D.G.W. Howard, M.A.W. Birchall (S.A.), D.P. Cole, A. Larkins Q.C. (N.S.W.), C.P. Bayliss, J.P. Hamilton (N.S.W.), P. Dunn, S.B. Spittle, J.D. Daly, B.V. Rolfe, R.C. Gillard, P.M. Guest, D.E. Morrow, G.M. Eames, P.C. Robinson, M. Gurvich, P. Mandie, C.S. Keon-Cohen, M.J. Hawkins, F.G.A. Beaumont, R.K. Davis, R.P. Gorton, C.J. Canavan, W.P. White, P.R. Gorrie, W.R. White, N.J. Williams and J.H. Tebbutt.

Retirements

In May 1969 Mr. W.M. Irvine O.B.E., Q.C. retired as Chief Crown Prosecutor and Mr. W.A. Fazio retired as Prosecutor for the Queen.

Transfers

Since the last Annual Report, the names of Mrs. J. Rosanove Q.C., Mr. W.A. Fazio, and Mrs. L.P. Schiftan (Opas) were transferred from the Practising List to the Non-Practising List, and the name of Sir Reginald Sholl was transferred from the Retired Judges' List to the Practising List, but was subsequently removed from the Roll of Counsel at his own request.

Removals

Since the last Annual Report, the names of Messrs. P.H.N. Opas Q.C. and D.P. Cole were removed from the Roll of Counsel at their own request.

Re-instatement

The name of Mr. D.I. Findlay which had been removed from the Roll of Counsel while he was abroad was re-instated in March 1969.

Numbers on the Roll

(As at 31st August 1969)
 Number signed the Roll in 1968–69
 30 (36 in 1967–68).

Judges' List Total
 69 (67 in 1968). Of this number 12 are retired.

Practising List Total
 396 (372 in 1968),

Non-Practising List Total
 39 (40 in 1968),

Total on Roll (All Lists)
 504 (479 in 1968).

Number of Members in actual Practice as Counsel keeping chambers in Victoria (Excluding Prosecutors for the Queen) 327.
 This represents an increase of 25 from last year.

FUNCTIONSThe Opening of the the Legal Year

The traditional Church services marking the opening of the Legal Year 1969 were held on Monday, 3rd February 1969 in St. Paul's Cathedral, St. Patrick's Cathedral and the East Melbourne Synagogue.

At the service at St. Paul's Cathedral, the lessons were read by Messrs. P.A. Coldham D.F.C., Q.C. (Vice-Chairman of the Victorian Bar Council) and Mr. N.L. Colbran (Chairman of the Law Institute of Victoria). The sermon was preached by the Reverend Gordon Powell of Scot's Church, Melbourne.

The Red Mass was celebrated at St. Patrick's Cathedral by His Grace Archbishop Knox and the sermon was preached by the Reverend Fr. A. Rivett, S.S.S. His Excellency the Governor of Victoria, Major-General Sir Rohan Delacombe, K.C.M.G., K.B.E., C.B., D.S.O., the Honourable the Chief Justice, Sir Henry Winneke, K.C.M.G., O.B.E., and Lady Delacombe attended this service.

The Service at the East Melbourne Synagogue was conducted by Rabbi Ch. Gutnick. Readings were given by Mr. W. Kaye Q.C., Mrs. Joan Rosanove Q.C., and Messrs. L. Masel and G. Berkovitch.

Bar Dinner

A Bar Dinner was held on Saturday, 10th May 1969 in the Common Room, Owen Dixon Chambers. The guests of honour were Mr. Justice Nelson, Mr. Justice Anderson, Judge Southwell and Judge O'Shea.

Common Room

On 27th February 1969 the Council entertained at dinner all members of the Bar who had signed the Roll since February 1968. The Chief Justice of the High Court of Australia, the Rt. Hon. Sir Garfield Barwick, G.C.M.G. was present on this occasion as a guest of the Council, and addressed the new members.

During the year the Council entertained at dinner a number of guests. These included Lord and Lady Wilberforce, Mr. Justice Paul C. Reardon, Judges of the High Court, Supreme Court and County Court, members of the Council of the Law Institute, and members of other bodies which had extended hospitality to the Council.

In accordance with custom, the Council entertained Mr. Justice Anderson and his wife on the occasion of his appointment to the Supreme Court and retirement from the Council.

From time to time the Chairman has invited members of the Bar to join him in entertaining at drinks various guests, including Judges, Magistrates and members of the Council of the Law Institute and of the Council of Professions.

Dining-In Nights for members of the Bar were held on 5th November 1968 and 4th July 1969.

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

Other Functions

The Chairman attended the annual dinners of the Law Institute, of various country law associations, and of other professions.

Members of the Bar attended the Queen's Birthday Levee at Parliament House on 13th June 1969.

The Annual Golf Match between the Bench and Bar and the Law Institute was held at Metropolitan Golf Club on 3rd April 1969. The Sir Edmund Herring Shield was won by the Law Institute.

The Annual Golf Match between the Bench and Bar and the Combined Services was held at Royal Melbourne Golf Club on 11th July 1969. The Bruce Cup and the Macfarlan Cup were both won by the Bench and Bar. Mr. J.H. Nankivell acted as organiser of all these matches on behalf of the Bench and Bar.

The Annual Cricket Match between the Bar and the Solicitors was held on 23rd December 1968. 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 was also on 23rd December 1968. The O'Driscoll Cup was won by the Solicitors. Mr. A.E. Hooper organised this function on behalf of the Bar.

ETHICS

Two lectures on Professional Conduct, Ethics and Etiquette at the Bar were delivered by the Chairman of the Ethics Committee to counsel who signed the Roll during the past twelve months. Questions and discussion followed each lecture.

Many rulings relating to professional conduct and etiquette have been made over the past sixty years. Some are in need of review, and all should be readily accessible. For this purpose, Sir Arthur Dean undertook the task of collating many of the more important rulings and bringing to the attention of the Council those which may need review. The Bar Council is deeply indebted to Sir Arthur for his great industry in performing this work which he has completed this year. It now remains for the Bar Council to examine the material which he has presented and to make such further rulings or amendments as might be appropriate.

A solicitor, who carried on practice under a firm name comprising his own name and initials with the addition "and associates", sought permission to sign the Roll of Counsel although he intended to sell his practice with the right of the purchasers to continue the use of his name for a further period of five years. A substantial portion of the consideration for the proposed sale was in respect of the continuation of the use of his own name. The Bar Council refused his application to sign the Roll of Counsel.

A person carrying on practice in partnership as a solicitor in Adelaide applied for permission to sign the Roll of Counsel and sought dispensation from the requirement to read in the chambers of a member of counsel. The applicant indicated that he was carrying on practice in partnership in South Australia as both a barrister and a solicitor and had appeared as counsel in the Supreme Court of South Australia and in Victorian Courts. There was a separate application from another practitioner in similar circumstances. The Bar Council refused both applications for dispensation.

A solicitor of some years standing applied for permission to sign the Roll of Counsel. He was an undischarged bankrupt. Prior to sequestration of his estate he had acquired sufficient funds to pay the petitioning creditor's debt but had applied the money to other purposes. In a number of instances the applicant had failed to pay counsel's fees although he had received the money therefor from the lay clients, and fees to counsel incurred over some years were still unpaid. The Bar Council refused the application.

Permission was given to many counsel to address lay organisations on both legal and non-legal subjects. The growing demand for the appearance of counsel on radio and television programmes to discuss questions relating to the law has necessitated the review of rulings relating to radio, television, writing and lectures made by the Council in the years 1958 and 1959. A sub-committee has been appointed to examine these rulings in the light of present day requirements and the increasing demand for members of the Bar to participate in public discussions.

Permission was also given to members of counsel to make public appearances on television programmes unconnected with legal topics. In each case a condition of such permission was 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.

A retired Supreme Court Judge, whose name appeared on the Retired Judges' List, sought to have his name transferred to the Practising List. This application was acceded to. Further consideration is being given to the general question of the entitlement of retired judges to practise as members of this Bar.

During the year various rulings were made in relation to professional conduct, ethics and etiquette including the following:—

Procedure to be followed by applicants to sign the Roll of Counsel

1. It is a rule of professional conduct that —
 - (a) counsel intending to take a reader into his chambers shall notify the Honorary Secretary in writing of the name of the reader before the reader is permitted by him to commence reading in chambers;
 - (b) counsel shall not permit a reader to commence his reading until the Honorary Secretary has informed such counsel that the reader's application to sign the Roll is in order.
2. Persons intending to apply to the Bar Council pursuant to Rule 23 of Counsel Rules for its consent to sign the Bar Roll should not accept briefs or commence reading in chambers until they have first consulted the Honorary Secretary of the Bar Council and obtained from him written authority to commence reading.
3. A Clerk shall not accept a brief on behalf of a person intending to apply to sign the Bar Roll, nor shall he act or agree to act as clerk for such a person until first the Clerk has been given a copy of the Honorary Secretary's written authority for such person to commence reading.

Calculation
of period
and amount of
refresher fees

In calculating time for refresher fees on the hearing of a criminal trial, counsel for one accused marked four refresher fees for each of four days during which a co-accused was ill and the only time occupied by the Court on each day was to adjourn the hearing until the following day. Counsel also marked each refresher fee to the nearest \$5 of two-thirds of his brief fee. It was ruled that the method used by counsel to compute refresher fees was incorrect as being contrary to the Rules of the Supreme Court, Order 65, Rule 27, Regulation 28. It took into account periods of time which were not occupied by the Court as working hours. It was further ruled that refresher fees should be marked as two-thirds of the brief fee and calculated to the nearest \$1.

Visits by
Counsel to
Solicitors'
Offices

Save on occasions when the relationship of solicitor and client exists between a solicitor and counsel and requires counsel's attendance, or in exceptional circumstances where permission is granted by the Ethics Committee, it is a breach of professional etiquette for counsel to attend the office of a solicitor for any purpose. This rule does not apply to the attendance of counsel while on circuit at the office of a solicitor for the purpose of conferring with a client and witnesses.

Failure of
Counsel to
complete
part-heard
cases

The general obligation of counsel, having attended on the hearing, to continue to attend until the conclusion of the case, regardless of the inconvenience and possible financial loss to him involved in his attending on an adjourned day, is considered fundamental. It must, of course, be recognised that the obligation, however strong, can never be expressed as being absolute. The Bar Council therefore makes the following ruling:—

"Where he is briefed on his own, it is the responsibility of counsel, having accepted a brief, to be present in Court ready to represent his client not only when the case is first called on for hearing but also on any day on which the case being part-heard is called on for the resumed hearing. Save in exceptional circumstances where the interests of his clients otherwise require, the resumed hearing of a part-heard case takes precedence for counsel briefed in such case over all other cases in respect of which he may hold a brief."

Complaint
concerning
remarks made
by a Supreme
Court Judge

A complaint was made to the Bar Council that upon the hearing of an Order to Review a Supreme Court Judge had made remarks concerning a submission made by counsel (who was neither briefed on nor present at the hearing in the Supreme Court) during the course of the hearing of an information in a Court of Petty Sessions. A detailed examination was made of the transcript of the reasons for judgment as well as of statements provided by persons who were in Court at the time the Judge's remarks were made. The remarks not only branded the submission as futile but attributed to counsel who made it gross irresponsibility and negligence, and suggested that he had deliberately misled the inferior Court and made submissions contrary to his ethical duty. After full investigation, the Bar Council found that, on the material available, a serious injustice had been done to counsel by unwarranted expressions used and suggestions made. Pursuant to its resolution, the Chairman of the Bar Council informed the Judge by letter delivered to him personally that, from examination of the expressions used in his reasons for judgment and a report of the discussion during the hearing of the proceedings, the Bar Council considered a serious injustice was done to counsel and that the remarks made by him were unwarranted and should not have been made. Letters containing the resolutions of the Bar Council in connection with this matter were sent to the solicitor who instructed counsel in the proceedings and to the solicitor for the other party as well as to those who had provided information relating to his Honour's remarks.

Complaint
concerning
the conduct of
counsel

Counsel, instructed by the solicitor retained by the defendant's insurers, appeared for a defendant in a Court of Petty Sessions in a claim for damages arising out of a motor car accident. Neither his instructing solicitor nor any person delegated by him attended Court to instruct counsel. Before the action was called on for hearing there were negotiations for settlement between counsel as a result of which the defendant's counsel considered that he was able to achieve a settlement which was in the best interests of the defendant. However, on his communicating by telephone with his instructing solicitor he was informed that the insurance company did not desire to settle the action but considered a decision of the magistrate would enable it to obtain a more favourable settlement of an action in the Supreme Court arising out of the same accident.

On the other hand, counsel considered that, in the event of the action proceeding, the magistrate might find that the defendant was solely to blame for the collision which would prejudice an action for damages for personal injuries the defendant intended to bring in the Supreme Court against the complainant in the Petty Sessions proceedings. Counsel was nevertheless instructed by his solicitor to proceed with the action. He then informed the defendant what had occurred and told him that he might well be prejudiced by the course adopted. It appeared to counsel that the defendant did not appreciate the position and he told the defendant that he would inform his personal solicitor what had transpired.

Contrary to his recommendations the hearing proceeded to a conclusion and the magistrate found against the defendant, rejecting the defence of contributory negligence. At the conclusion of the hearing, counsel telephoned the defendant's personal solicitor to whom he subsequently forwarded a memorandum in which he set out what had occurred between himself and the instructing solicitor, drew his attention to the law relating to estoppel and concluded by saying that, should an order to review the proceedings fail, consideration should be given to the question whether estoppel arises and if so whether action could be taken by the defendant against his insurers.

The Bar Council resolved:—

1. That having regard to the information supplied by him, counsel acted wrongly in communicating by telephone and letter with the lay client's personal solicitor, and in furnishing the information and giving the advice contained in that letter;
2. That no charge should be laid against counsel;
3. That the Chairman should inform counsel of the resolution in paragraph 1; and
4. That a letter should be written to the instructing solicitors informing them that the Council had considered the matter raised by their letter, drawing their attention to the difficulties confronting counsel in cases where two conflicting and largely irreconcilable interests have to be served, stating that in the view of the Council counsel had in his efforts to protect the lay client gone too far in making the communications he did to the defendant's personal solicitor, but informing them that in the circumstances the Council had not seen fit to take any disciplinary action but had brought its view to counsel's attention.

LAW REFORM

Supreme Court (Readiness for Trial) Rules

During the year 1968–69, the most important item of law reform has undoubtedly been the Supreme Court (Readiness for Trial) Rules 1968, and it is therefore proposed to report in some detail the events which preceded the making of these Rules and those which led to their subsequent repeal and the making of substantially different Rules.

It will be recalled that in June 1967, the Attorney-General drew attention to the state of congestion which existed then in the Supreme Court civil jury lists and he stated that the Government was examining a number of possible measures to reduce the delay, some of which involved radical changes in the methods of hearing personal injury claims. The measures were the appointment of temporary Commissioners, the increase of County Court jurisdiction and the abolition of trial by jury in motor car cases. The Bar Council then in office took the view that it was desirable as a matter of principle that trial by jury in such cases should continue to be the right of parties to such litigation, that additional Supreme Court Judges should be appointed, that the County Court jurisdiction should not be increased and that temporary Commissioners should not be appointed. Furthermore, the Bar Council considered that the congestion and delay in the hearing of cases, which admittedly existed, could be appreciably reduced, if a practical approach were taken to the causes of the delays in the lists. To this end, the Bar Council appointed a subcommittee consisting of Messrs. Kaye Q.C., Stephen Q.C., Southwell, Lloyd and McPhee, to prepare a report on the matter. The subcommittee duly presented a report and, after prolonged consideration this report was adopted by the Bar Council. The substance of the report was later included as Parts IV and V of a Statement of the Bar Council (which became known as the "Blue Book"). It was printed and widely circulated among members of the profession, the judiciary and the Government in August 1967.

The Statement strongly recommended that plaintiffs should retain their present option to have their claims for damages for personal injury heard by a Judge alone or a Judge and jury. It set out in some detail a number of practical suggestions of ways in which the Bar Council considered that the delays in the lists could be overcome or appreciably reduced. An important recommendation was that the number of civil jury lists be increased, and this was subsequently carried into effect. Among the other practical suggestions was one designed to ensure that the question of the settlement of actions was properly investigated and considered before the actions were set down for trial. If this could be done fairly, then it would naturally follow that the lists themselves could be reduced and delays eliminated where these were due to days being allocated to cases which were later settled on the eve of trial.

With a view to avoiding such delays, the "Blue Book" included a recommendation that a new form of Certificate of Readiness for Trial be adopted for jury actions. (See the Report pp. 15–17 and the draft form of Certificate pp. 48–49.) One of the principal features of the proposed new form was that it was to provide that the medical reports by the plaintiff and the defendant were made known to the opposite party before the case had been set down for trial, on the basis that mutual knowledge of what was in these reports would increase the probability of settlement of the action.

The implementation of the proposal required an amendment to the Rules of the Supreme Court and the Chief Justice referred the proposal to the Rules Committee which consists of four Supreme Court Judges and one representative of the Bar (Mr. W.O. Harris Q.C.) and one representative of the Law Institute.

It was not until 3rd October 1968 that the Rules Committee first considered what were described as "the Bar's proposals relating to the procedure to be followed before cases are fixed for hearing".

Shortly stated these were that there should be –

- (a) a new form of certificate of readiness.
- (b) an exchange of medical reports.
- (c) a sanction to encourage plaintiffs to give particulars of special damages at an early stage.
- (d) power to award interest on judgments from the date of issue of the writ.
- (e) no interlocutory proceedings without leave after setting down.

It was agreed at the meeting –

- (i) that the certificate of readiness should contain more detail than it then did;
- (ii) that leave should be required to take interlocutory proceedings after setting down.

It was also noted that in view of Order 22, Rule 6 there would be a difficulty about the items relating to payment into Court.

There were in all six meetings of the Committee between 3rd October and 11th December 1968, when the form of the Certificate was finally approved, after four drafts and some later amendments had been considered. During this period the Bar Council and the Chairman in particular were informed by Mr. Harris of the general progress of the Committee's deliberations.

On 18th December 1968 the Judges of the Supreme Court adopted the form of certificate recommended by the Rules Committee and made what were entitled "The Supreme Court (Readiness for Trial) Rules 1968" (S.R. 1969 No. 6).

Early in 1969, criticism of the new Rules was voiced by solicitors and to some extent by members of the Bar, and the matter was the subject of reports in the Press. As a result of this, steps were taken in the Legislative Assembly and the Legislative Council to disallow the Rules and the Law Institute, in general meeting, resolved that the Judges should be requested to repeal the Rules.

The Bar Council gave careful consideration to the public criticism which had appeared in the Press, as this criticism was expressed as though the Rules had been the spontaneous effort of the Judges of the Supreme Court. On 21st February 1969, the Bar Council resolved that the Chairman should make a public statement on behalf of the Bar, acknowledging that it was a suggestion by the Bar Council which had led the Chief Justice to refer this matter to the Rules Committee. It was further resolved that if possible this statement should be made jointly with the Law Institute and that the members of the Bar should be informed by circular of the position. This was done by the Chairman on 24th February 1969 and on the following day portion of a joint statement by the Law Institute and the Bar Council appeared in "The Age".

On 27th February 1969 the Bar Council resolved to appoint a subcommittee to consider the new Rules with a view to formulating and advancing amendments to them. The members appointed were Messrs. Kaye Q.C., (Chairman), Gorman Q.C., Harris Q.C., Laurie Q.C., O'Bryan and McPhee.

On 9th April 1969, the Chairman and Mr. Kaye Q.C. discussed the matter with the Attorney-General, representatives of the Judges and the Law Institute and on 10th April the Bar Council resolved that the Chairman and Mr. Kaye Q.C. attend to give evidence about the matter before the Subordinate Legislation Committee of the Victorian Parliament. This they did and they reported to the Bar Council on 23rd April. The main point was that the Subordinate Legislation Committee had indicated that the matter would best be dealt with by the legal profession.

The subcommittee presented its report on 2nd May 1969. It was a valuable report but on the question as to whether there should be compulsory exchange of medical evidence its members could not agree.

On 8th May 1969, the Bar Council considered the report of the subcommittee, and resolved that it recommend to the Chief Justice that the Supreme Court (Readiness for Trial) Rules 1968 be amended to achieve the following:—

- *1. The fact that a payment into Court or offer of settlement has or has not been made should not be known to the Trial Judge until after he has pronounced judgment.
2. To enable a practitioner to set down for hearing a country action where a party has neglected to complete a Certificate of Readiness.
3. The rescission of Clause 6 of Section B of the plaintiff's part and Clause 5 of Section B of the defendant's part of Form 16B.
4. The contemporaneous exchange of proofs of each medical witness whom each party may call at the hearing of the action; such proofs being confined to evidence directed to the issue of quantum of damage and not applying to proofs of a medical practitioner who is himself a party to the action.
5. The proof of a medical witness as set out in 4 hereof should contain so much of the following information as it is intended to adduce from the witness if called:—
 - (a) relevant medical history as provided to him by the plaintiff;
 - (b) present complaints;
 - (c) X-rays, E.C.G., E.E.G., or other special diagnostic reports;
 - (d) results of examination;
 - (e) diagnosis;
 - (f) prognosis (where it is alleged that a pre-existing disease or condition has been aggravated or that future disease or degeneration will or may occur, specific reference to this should be made);

being the substance of the evidence of that witness as communicated to the practitioner.

6. It should not be permissible for a party to use or comment upon the contents of any proof of a medical witness in any way at the hearing of the action, but so that the right of a party to comment on the failure of the other party to call available medical evidence shall not be affected.
7. A suitable sanction, other than the exclusion of evidence, against the culpably late production of proofs after the Certificate of Readiness.
8. Repeal of Rule 14 of Order 36."

Two meetings of the Rules Committee were held shortly afterwards and the result of these was reported by Mr. Harris Q.C. to the Council on 22nd May 1969. He advised that the Rules Committee had met on two occasions about this matter since the last meeting of the Bar Council and that the Rules Committee had resolved to recommend to the Judges:—

1. That the 1968 Rules be repealed.
2. That new rules be substituted, to be in the same form as the 1968 Rules, except for the following:—
 - (a) Provision that Solicitors in breach of Rules be guilty of contempt to be deleted;
 - (b) Statements as to offers and payments into Court to be redrafted so as not to disclose whether an offer or payment in had been made but only that if an offer or payment in had been made it had been considered;
 - (c) Provision that names of medical witnesses be disclosed and copies of medical reports be delivered to the opposite party, to be deleted;
 - (d) Country solicitors to be entitled to set down cases without a Certificate of Readiness, in the manner provided by the former Rule.

He further advised that the Chairman of the Rules Committee said that he would submit the views of the Bar Council concerning the exchange of proofs of medical witnesses to the Judges together with a suggestion by Mr. Justice Smith that provision be made in the Rules for a voluntary exchange of proofs.

On 28th May 1969, the Judges repealed the 1968 Rules and made in lieu thereof "The Supreme Court (Readiness for Trial) Rules 1969" (S.R. 1969 No. 105). These new Rules did not include any provision requiring copies of medical reports to be delivered to the opposite party.

Other matters considered by the Bar Council included the following:—

Proposal to
abolish
unsworn
Statements

The Council examined a proposal which the Law Department had referred to the Statute Law Revision Committee that the right of an accused person to make an unsworn statement in a criminal trial be abolished. The Council resolved that it was strongly opposed to the proposal and that it should send representatives to the Statute Law Revision Committee to inform it of this view.

Empanelling of
Juries

The Council also dealt with a problem arising under the Juries Act 1967. Under the system of empanelling jurors in operation prior to the introduction of the pool system in the County Court, every potential juror was sworn before the accused entered the dock and was arraigned. The accused person and his legal advisors were thus given the opportunity of assessing the juror's demeanour, understanding of the English language and, to a lesser extent, his intelligence, before the time for exercising the right of challenge was reached. Under the new system this opportunity no longer exists in County Court trials in Melbourne. Potential jurors assemble in the jurors' pool room and from this room a panel sufficient for the requirements of a particular Court is sent to that Court at the commencement of the trial. The jurors in the pool room are not sworn prior to dispersing in groups to the various Courts which require them. Some of the Judges of the County Court have adopted the practice of having the names of the jurors called over after the panel arrives in Court in a way similar to that followed in Civil Jury Courts but not all of the Judges adopt this practice. Thereafter the accused is arraigned and the names of the jurors are removed from the Associate's box and they take their seats in the jury box unless stood aside or challenged. After the twelve jurors have taken their places, those twelve only are sworn. The Council, after considering a report of a subcommittee appointed to investigate this problem, resolved that after consultation with the Chairman of the County Court Judges, a letter should be sent to the Attorney-General setting out the nature of the problem and recommending that an appropriate amendment be made to the Juries Act 1967 and the County Court (Criminal Jury Pool) Rules 1968 to enable the prosecution and/or the defence, by application, to achieve the result that all potential jurors be sworn immediately before the accused is arraigned and before the empanelling of the jury commences.

Justices
Amendment
Bill

The provisions of this bill were referred to the Bar Council by the Secretary to the Law Department who sought the comments of the Council on the provisions of the bill. An ad hoc committee was appointed to consider the bill and that committee considered a report from the Petty Sessions Practice Subcommittee which suggested certain amendments to the bill. Most of these amendments were adopted by the ad hoc committee and, with minor amendments, the amendments so adopted were approved by the Bar Council which otherwise approved of the bill in general.

Police
Reports

The Council and the Council of the Law Institute made joint representations to the Solicitor-General and the Under Secretary to obtain fuller access to police reports for use in running-down cases.

PETTY SESSIONS

The Petty Sessions Practice subcommittee has met on a number of occasions during the year.

It has examined several proposals and other matters referred to it by the Bar Council and by members of the Bar. In addition it examined in detail the Justices Bill of 1969 which will effect important amendments, both substantive and procedural, to the Justices Act 1958. Several recommendations in respect of the bill were made and referred by the Bar Council to the Law Department.

The Council acknowledges the notable assistance it has received from this busy subcommittee during the year.

CRIME

The Crime subcommittee met on a number of occasions during the past year to consider matters either referred to it by the Council or by individual members of the Bar. The questions considered included the method of empanelling and swearing jurors in criminal trials which was adopted with the introduction of the new criminal jury pool system and the right of accused persons to costs upon adjournment of trials resulting from applications made by the Crown. The subcommittee made a number of recommendations from time to time to the Council in relation to law reform and procedural changes in the field of criminal law.

The Council gratefully acknowledges the valuable assistance given by this subcommittee.

COLLECTION OF OVERDUE FEES

The scheme begun by the Bar Council a few years ago to ensure collection of fees owing to Counsel called under seven years was again enforced this year. As a result of details obtained from the various clerks it was discovered that a considerable number of Solicitors had outstanding accounts – and in some cases very considerable accounts – for a period of at least eight months. As a result of consultation between the clerks and the subcommittee the number of Solicitors in respect of whom it was thought desirable to send a preliminary letter drawing to their attention the fact that fees were outstanding was able to be reduced in size. However approximately one hundred and forty letters were sent to firms or individual Solicitors and in many cases fees were paid. This part of the scheme may be said to be successful insofar as young Counsel received considerable sums that might have taken a very much greater time to be paid.

However it has been necessary to send a second letter to ninety-five firms requesting payment of the outstanding fees and it will depend on the response of the various Solicitors to this letter whether it becomes necessary to report them to the Bar Council as Solicitors who have failed to make their payments to junior Counsel within a reasonable time.

By the time of the presentation of this report, action will have been taken in respect of Solicitors who have failed to meet their obligations to young Counsel.

As reported last year, the subcommittee greatly appreciated the assistance given to it by the Registrar in handling various aspects of this scheme and records its gratitude to him. This scheme has become very onerous and is exceedingly time consuming not only for the subcommittee but also for the clerks. The outstanding fees have to be checked again after the preliminary letter has been sent and yet again after the second letter. It may be that some different method of implementation of the scheme will need to be considered in future years.

ACCOMMODATION

In last year's Annual Report it was stated that in Owen Dixon Chambers all rooms available for letting to barristers were occupied by 30th June 1968, and this has remained the position since then. There are two hundred and sixty-five barrister tenants in Owen Dixon Chambers.

Last year's Report referred to negotiations for the acquisition of a property at 559 Lonsdale Street, and before the end of September 1968 the Directors of Barristers' Chambers Limited had agreed to purchase the property. They immediately arranged for its conversion into barristers' chambers and for the necessary finance for the purchase and conversion. The conversion was successfully carried out and by February 1969 was complete. Thirty-five new rooms for barristers were ready for occupation at 559 Lonsdale Street, which has been named "Tait Chambers" as a mark of the Bar's appreciation of the work done for it over many years by Sir James Tait Q.C. Rents were fixed by a subcommittee and were based with some minor adjustments on the same basic rent of \$3 per square foot per annum which is the rent paid by all barrister tenants of Owen Dixon Chambers.

More than one of the original occupants of Tait Chambers have now moved to Owen Dixon Chambers as rooms became vacant there, but since February some further rooms at Tait Chambers have been taken and at 31st August 1969 there were thirty-one tenants in the new building, and only four rooms were unoccupied. By November the Registrar anticipates that these will be taken. It may be added that, although the final figures for the annual accounts are not yet complete, it appears that the rentals from Tait Chambers will be sufficient, or just about sufficient, to cover the present cost of maintenance and upkeep of this adjunct to Owen Dixon Chambers, and the interest charges on new borrowings needed to establish it.

Having thus solved the problem of immediate accommodation for the Bar, the difficult problem of the future remains. The matter is under constant consideration. The present lease to Humes Ltd. of the whole of the 12th floor in Owen Dixon Chambers, which would accommodate twenty-five to twenty-eight barristers, does not expire until the end of 1972, and with a net intake of over twenty new men a year (based on this year's figure) requiring chambers, the position is obviously one in which considerable new accommodation will be required.

Accommodating a rapidly expanding Bar is a perpetual problem. In the fifties Mr. Ashkanasy Q.C., during his beneficial chairmanship of the Bar Council, established the policy that accommodation for barristers including newcomers is the concern of the Bar as a whole; and it has been approached in this way ever since. Maintenance of this policy over the next decade will prove a great challenge to the Bar. Further capital expenditure on accommodation would probably involve considerable further contributions from existing members of the Bar. On the other hand, present indications are that accommodation available for leasing in this area will be very expensive, particularly for young counsel in their first years of practice. Much resourcefulness will be needed in order to find ways and means of meeting this situation.

LEGAL AID COMMITTEE

The work of this committee has grown further during the year, and the Bar Council expresses the gratitude of the whole Bar to its members. As in the past, the duties of members have been demanding and time-consuming.

The names of members of the Bar who have been members of the committee during the year are set out in the list of Appointments in this Report.

There was a further increase in the number of applications for assistance made during the year as the provisional statistics set out below indicate.

<u>Statistics</u>	<u>1967/68</u>		<u>1968/69</u>
	3851	Total applications	4108
	<u>2000</u>	Dealt with by Secretary	<u>2177</u>
	1851	Referred to Committee	1931
		Applications not dealt with or deferred as at 30/6/68 but subsequently dealt with by Committee	
	172		107
	<u>2023</u>		<u>2038</u>
	1303	Assistance approved	1583
	613	Rejected or withdrawn	326
	<u>107</u>	Not dealt with or deferred	<u>129</u>
	<u>2023</u>		<u>2038</u>

*means
other
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Comparative
Table of
Statistics

	TOTAL		DEALT WITH BY THE SECRETARY		REFERRED TO COMMITTEE		APPROVED	
	67/68	68/69	67/68	68/69	67/68	68/69	67/68	68/69
DIVORCE	551	531	279	247	272	284	161	261
MAINTENANCE	1228	1175	520	462	708	713	592	578
CUSTODY AND AFFILIATION	182	227	91	117	91	110	72	93
MOTOR ACCIDENT	159	229	76	137	83	92	66	92
CRIMINAL	550	544	196	178	354	366	240	306
CIVIL CAUSE	877	529	629	314	248	215	116	164
WORKERS COMPENSATION	80	72	34	32	46	40	34	39
PROBATE AND T.F.M.	53	49	36	38	17	11	6	5
OTHER	171	752	139	652	32	100	16	45
	3851	4108	2000	2177	1851	1931	1303	1583

Financial

	Total for year 1969	Total for year 1968
Contributions by Assisted Persons	\$51,945.02	\$48,092.09
Costs Recovered	36,123.41	24,811.16
Balance C/Fd.	30.64	123.98
Bank Interest	816.35	583.66
	<u>\$88,915.42</u>	<u>\$73,610.89</u>
Solicitors' Costs Certified	\$83,666.08	\$69,853.71
Counsels' Fees Certified	71,026.95	57,776.85
	<u>\$154,693.03</u>	<u>\$127,630.56</u>

The Distribution Rate for the period 1/7/68 to 31/12/68 was 57.6284 cents per dollar, and for the period 1/1/69 to 30/6/69 was 57.3430 cents per dollar. This represented a fall in the Distribution Rate compared with the previous year in which it exceeded 61 cents per dollar.

During the year the committee examined possible means whereby the Distribution Rate could be substantially increased. This examination resulted in the formulation of a Proposal by the committee directed to the Bar Council and the Law Institute. The scheme set out in the Proposal involves the application of surplus funds in the Solicitors Guarantee Fund for the purpose of legal aid. The Proposal was agreed to in principle by the Bar Council.

CLERKING SYSTEM

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.

BAR LIBRARY

Shortly after the opening of Owen Dixon Chambers the Bar Library was established with a few sets of law reports on what was then the top floor. One of the first additions was an excellent set of New Zealand Law Reports. From the beginning the following notice was placed under glass at every reading place and in several other conspicuous positions:—

NOTICE
 BOOKS MUST
NOT BE REMOVED
 FROM THE LIBRARY AND
MUST BE REPLACED
 IN THE SHELVES AFTER USE
 BY ORDER
 VICTORIAN BAR COUNCIL

When the four additional floors were constructed, the book collection was moved to its present location in the new and carefully planned Library. The notices remained and it may be assumed that every barrister who has entered the Library will have read them.

The book collection is now valued at approximately \$25,000.00 and covers a wide range of reports and other books of reference which are accessible to counsel at all times, including the hours when other law libraries are closed. The dramatic expansion of the book collection has been made possible by the expenditure of substantial funds by Barristers' Chambers Limited and by the generosity of many donors, including former members of the Bar and members of the Bench.

Notwithstanding the efforts of the Library Committee to preserve and care for the book collection, several counsel have continued to abuse the privilege of convenient availability of a remarkably good range of reference books.

On 27th March 1963 the Bar Council ruled that:

"It is a breach of etiquette to remove or cause to be removed library books from the Library in Owen Dixon Chambers or to retain any books which have been so removed".

On 5th February 1969 the Chairman of the Bar Council issued a circular to all counsel concerning the use of the Library and the removal of books setting out the above ruling. Again on 14th March 1969 the Chairman issued a further circular referring to particular missing books.

One of the events giving rise to this concern was the theft, or unauthorised removal, of (1906) 26 N.Z.L.R. which is still missing, and a replacement cannot be obtained.

In an effort to restrain the removal of books, Barristers' Chambers Limited authorised the affixing of gold blocked discs to each volume, identifying it as the property of the Bar Library. The cost of this work, and binding repairs which had to be done when the discs were affixed, amounted to little less than \$500.00.

During the year under review books have been left lying on the tables instead of being returned to their places. In three known instances books were taken from the Library: one volume of a set was taken to the Supreme Court building and left there, to be returned through the courtesy of the associate of the Judge in whose Court it had been cited; also a volume was taken on circuit by senior counsel; in another instance a volume was removed to private chambers.

All counsel are reminded that it is an offence to remove a book from the Library, and that such an offence will be viewed seriously. The failure of some counsel to observe the rules in the past has made it apparent that in the future disciplinary action will be required.

Since the last Annual Report, sets of the Queensland State Reports and All England Law Reports and the Australian Encyclopaedia of Forms and Precedents have been placed in the Library. In particular the gifts by the Honourable Mr. Justice Anderson and Butterworth & Company (Australia) Limited and the Supreme Court Library are gratefully acknowledged. Thanks also are again due to the Chief Justice of the High Court for authorising the supplying to the library of copies of current unreported decisions. Unfortunately, copies of the unreported decisions of the Supreme Court of Victoria are still not made available to the library.

Individual members of the Library Committee have accepted periods of one month on daily duty to ensure that the Library is tidy and properly preserved. Several of the more senior members of the Committee have carried out special duties such as regularly placing current loose parts in their proper places. The Bar is obliged to these counsel for what they have done and to Miss. L. Scott Carmody for secretarial and other work in connexion with the Library. In particular, the Bar Council once again wishes to record its appreciation of the interest shown and advice given throughout the year by Mr. R.G. deB. Griffith Q.C., who has acted as Librarian and personally organised the work which has been performed.

BAR HISTORY

During the year the Bar History under the name of "A Multitude of Counsellors" by Sir Arthur Dean was published. After some delays on the part of the publisher and printer the book was finally ready for publication at the end of November 1968 and was well received by the Bar and legal profession generally.

A launching party to celebrate the occasion was held on 6th December 1968 when the Bar entertained Sir Arthur and Lady Dean in the Common Room, and Sir Edmund Herring congratulated and thanked Sir Arthur for his valuable work.

Under the contract with the publishers the Bar Council agreed to purchase five hundred copies at a pre-publication price (\$7.50 for the ordinary edition and \$11.60 for the special edition), and agreed to re-sell these only to members of the Bar and others approved by the publisher. These were offered to members of the Bar including the Judges and a few others at the prices paid for them by the Bar Council. This was done before Christmas and the response was on the whole very satisfactory. The position is that of the five hundred copies purchased and paid for by the Bar Council, three hundred and sixty-two have been resold or, as to a few, presented as complimentary copies, leaving one hundred and thirty-eight on hand. These are available for sale to members of the Bar and others interested, and can be purchased from the Registrar. It is suggested that newcomers to the Bar and also members who have not yet acquired a copy should do so.

In this Report the Bar Council again congratulates Sir Arthur Dean on his work and expresses the appreciation of the Bar of his undertaking this voluntary labour on its behalf.

LEGAL EDUCATION

At a meeting of the Council of Legal Education late in 1968, the recommendations by the Bar and Law Institute for the establishment of a Professional Practice School were rejected.

A new committee on which the Bar, the Law Institute and the Law Schools are represented is giving further consideration to post-graduate education.

The Council of Legal Education Course conducted at the Royal Melbourne Institute of Technology was faced with a position where it was clear that there would be more applicants than the course could accommodate. Entry to the course has been restricted to those who specify law as a first preference in their applications for entry to the University law schools.

LECTURE PROGRAMME

The policy begun last year of having lectures on practical topics was continued. The lectures were well attended and appeared to be of real assistance to counsel, especially junior counsel, in their practices.

The lectures delivered were as follows:—

Mr. E.F. Hill — Basic Aspects of Workers Compensation.

Mr. R.G. deB. Griffith Q.C. — Particular Aspects of the Probate Action.

Mr. R. Brooking — Aspects of Orders to Review.

Mr. J. Lazarus — The Presentation of the Defence in a Criminal Trial.

The Bar Council is indebted to the lecturers, and thanks them for their co-operation.

LAW COUNCIL OF AUSTRALIA

The Victorian Bar representative on the Law Council was Mr. K.V. Anderson Q.C. until his appointment to the Supreme Court in April 1969. Thereafter Mr. P.A. Coldham Q.C. was appointed to represent the Victorian Bar.

The most important event organised by the Law Council of Australia during the past year was the Fifteenth Australian Legal Convention which was held at Brisbane from 16th to 22nd July 1969. Important overseas guests included Lord and Lady Wilberforce from England and Mr. Justice Paul C. Reardon of the Supreme Judicial Court of Massachusetts and Mrs. Reardon. The Convention appeared to be entirely successful in every respect, about fifteen hundred delegates and wives attending.

In 1969 the Law Council completed its draft of a proposed Criminal Code for the Commonwealth Territories, a very substantial task undertaken voluntarily by the Law Council at the request of the Attorney-General for the Commonwealth.

The concluding session of the committee was held in Owen Dixon Chambers in the latter half of January 1969. Mr. W.C. Crockett Q.C. devoted a substantial portion of his vacation to participation in this session. The work of the Law Council upon the draft Criminal Code has been greatly appreciated by the Commonwealth Attorney-General.

The Law Council was actively concerned in various other aspects of Law reform during the year, particularly in relation to company law.

A proposal that the Secretariat of the Law Council of Australia be permanently established at Canberra was considered by the Law Council Executive, but a majority of the constituent bodies was opposed to the proposal which was not implemented.

The Law Council continued its interest in, and financial assistance to, legal education in Papua and New Guinea, and also Lawasia.

AUSTRALIAN BAR ASSOCIATION

President : Mr. B.B. Riley Q.C. (N.S.W.).

Vice-Presidents : Messrs X. Connor Q.C. (Victoria) and P.D. Conolly Q.C. (Queensland).

Members: Messrs. P.M. Woodward Q.C. (N.S.W.), P.A. Coldham Q.C. (Victoria),

D.F. Jackson (Queensland), C.J. Legoe (S.A.) and J.L.C. Wickham (W.A.).

Hon. Secretary: Mr. T. Simos (N.S.W.).

Hon. Treasurer : Mr. J.P. Slattery (N.S.W.).

A meeting of the Council of the Australian Bar Association was held in Brisbane on 21st July 1969.
Mr. J.G. Gorman Q.C. attended as the Victorian representative.

It was agreed that ethics rulings of general application be circulated by the constituent bodies through the Association during the course of the year.

The Bar Association of the Australian Capital Territory, having applied for membership, was admitted upon the motion of the Victorian and Queensland representatives.

THE VICTORIAN BAR

FINANCIAL STATEMENT FOR THE YEAR ENDED 31st AUGUST 1969

	\$	\$	\$
BALANCE in the General Fund at 31/8/68	739.51		
<u>Add</u> bank fixed deposit withdrawn	<u>1,000.00</u>		1,739.51
 <u>RECEIPTS</u>			
Annual Subscriptions	8,224.00		
Arrears "	<u>198.00</u>	8,422.00	
Arrears from past functions		317.50	
Surplus from Bar/Law Institute Ball		13.01	
Commonwealth Loan Interest		225.00	
Barristers' Benevolent Fund:—			
Contributions	1,318.00		
<u>Less paid to Trustees</u>	<u>1,314.00</u>	<u>4.00</u>	<u>8,981.51</u>
			10,721.02
 <u>EXPENDITURE</u>			
(a) Administrative Expenses:—			
Auditors' remuneration (2 years)	145.00		
Bank fees	48.20		
General expenses	26.25		
Insurance	20.86		
Postages and Petty Expenses	189.91		
Printing and Stationery	1,043.67		
Salaries	<u>4,086.25</u>	5,560.14	
(b) Affiliation Fees:—			
Australian Bar Association	341.00		
Law Council of Australia	<u>862.50</u>	1,193.50	
(c) Fares and accomodation for representatives at inter-State Executive meetings and country Law Associations' gatherings		173.50	
(d) Functions and Entertainments (against which \$395.65 is owing)			
For Catering, hiring etc.	4,789.37		
To Chairman's Fund	<u>1,127.00</u>		
	5,916.37		
Less members' payments	<u>4,237.76</u>	1,678.61	
(e) Income Tax		67.50	
(f) Bar history — "A Multitude of Counsellors". Purchase of 500 copies from publishers as per contract plus secretarial services (\$2.55)	4,871.41		
Less amount recovered by re-sales	<u>2,954.20</u>	<u>1,917.21</u>	<u>10,590.46</u>
BALANCE IN BANK AT 31st AUGUST 1969			\$ <u>130.56</u>

NOTES

- (1) \$1,000 held on fixed deposit was withdrawn.
- (2) Cash payments exceeded cash receipts by \$608.95.
- (3) Stocks on hand of "A Multitude of Counsellors" at cost \$1,614.30.
- (4) The amount owed by members is:-

	\$	\$
(a) For Subscriptions:-		
(i) Prior to 31/8/68	49.00	
(ii) For past year	<u>463.00</u>	512.00
(b) For Functions:-		
(i) Prior to 31/8/68	77.80	
(ii) For past year	<u>395.65</u>	<u>473.45</u>
		<u>\$ 985.45</u>

- (5) Investments:-

(a) 6,250 Ordinary Shares in Barristers' Chambers Limited at par	12,500.00
(b) Commonwealth Bonds	<u>5,000.00</u>
	<u>\$ 17,500.00</u>

1969 Nov Sold from for \$1766

Sold.

J.B.M.
Hon Treas.