

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1972-73

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OF THE
VICTORIAN BAR COUNCIL
1972-1973

To be presented to the Annual General Meeting of the Victorian Bar to be held on 25th September, 1973 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

THE BAR COUNCIL

Annual Election

In September 1972, the following persons were elected:

Counsel of not less than 12 years' standing.

Sir James Tait Q.C., Messrs. R. E. McGarvie Q.C., W. O. Harris Q.C., R. K. Fullager Q.C., D. P. Whelan Q.C., K. H. Marks Q.C., H. Storey Q.C., D. M. Dawson Q.C., L. S. Lazarus Q.C., F. X. Costigan and F. P. Walsh.

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

Messrs. J. L. Sher, M. J. L. Dowling, C. W. Porter and A. R. Castan.

Counsel of not more than 6 years' standing.

Messrs. P. C. Heerey and A. Chernov.

Special Election

In October 1972 the number of members on the Council was increased by one. The member was to be of counsel of not more than six years' standing and Mr. C. S. Keon-Cohen was elected.

Ex Officio Members

September - December 1972.

Senator the Honourable I. J. Greenwood, Q.C., M.P. (Attorney-General of the Commonwealth of Australia)

December 1972 - September 1973.

Senator the Honourable L. K. Murphy Q.C., M.P. (Attorney General of the Commonwealth of Australia)

September 1972 - May 1973.

The Honourable Sir George Reid, Q.C., M.L.A. (Attorney-General for the State of Victoria).

Officers of the
Bar Council

Chairman	Mr. W. O. Harris Q.C.
Vice-Chairman	Mr. R. E. McGarvie Q.C.
Honorary Treasurer	
September 1972-June 1973	Sir James Tait Q.C.
August 1973-September 1973	
June 1973-August 1973	Mr. F. P. Walsh
Assistant to the Honorary Treasurer	Mr. F. P. Walsh
Honorary Secretary	
September 1972-March 1973	Mr. P. C. Heerey
March 1973-September 1973	Mr. H. R. Hansen
Assistant Honorary Secretary	
September 1972-March 1973	Mr. A. Chernov
March 1973-September 1973	Mr. M. B. Phipps

Registrar

Mr. D. E. Edwards

Administrative
Officer

Miss D. M. Brennan

STANDING COMMITTEES

The following Standing Committees were appointed:

<u>Ethics</u>	Messrs. Dawson Q.C. (Chairman), McGarvie Q.C., Fullagar Q.C., Whelan Q.C., Sher and Chernov.
<u>Law Reform</u>	Messrs. L. S. Lazarus Q.C. (Chairman), Jenkinson Q.C., Dwyer, T. H. Smith and Heerey.
<u>Lectures</u>	Messrs. Storey Q.C. (Chairman), D. R. Meagher, Hansen, Willee and Hassett.
<u>Library</u>	Messrs. Griffith Q.C. (Chairman), Tadgell, Ormiston, Black, T. H. Smith, Hall, J. V. Kaufman, Ahearne, D. M. Byrne, Hansen, Brear and Sundberg; later Hayes.
<u>Librarian</u>	Mr. Griffith Q.C.
<u>Overdue Fees</u>	Messrs. Storey Q.C. (Chairman), Costigan, Walsh and Porter.
<u>Bar Clerking Committee</u>	Messrs. Marks Q.C. (Chairman), L. S. Lazarus Q.C., Costigan, Walsh and Castan with the Chairman and Vice-Chairman of the Bar Council as ex officio members.
<u>Social & Common Room</u>	Messrs. Dowling (Chairman), Tolhurst, D. M. Bennett, D. J. Ross and Harper.
<u>Finance</u>	Sir James Tait Q.C. (Chairman), Walsh and Castan.
<u>Wine Cupboard Committee</u>	Messrs. Tolhurst, O'Sullivan and Crossley.
<u>Accommodation</u>	Messrs. Berkeley Q.C. (Chairman), Emery, Liddell, Forsyth, Mandie, Gurvich and Phipps and the Chairman and Vice-Chairman of the Bar Council as ex officio members.
<u>Reading Committee</u>	Messrs. Storey Q.C. (Chairman), Ormiston, Cullity, W. R. White and Loewenstein.

JOINT STANDING COMMITTEES WITH THE LAW INSTITUTE OF VICTORIA

Joint Standing Committee (with the President & Chairman)	Messrs. Harris Q.C. and McGarvie Q.C.
Joint Consultative Committee on Fees and Costs	Messrs. McGarvie Q.C., Walsh and Sher.
Joint Standing Committee on County Court Practice & Procedure	Messrs. Rendit, Fagan and Heerey.
Joint Standing Committee on Magistrates' Courts	Messrs. Keon-Cohen, R. J. Johnston and R. M. Read.

PRACTICE SUB-COMMITTEES

<u>Matrimonial Causes:</u>	Messrs. L. S. Lazarus Q.C. (Chairman), Asche Q.C., Spence, Fogarty and Cantwell.
<u>Juries:</u>	Messrs. Marks Q.C. (Chairman), Thomson Q.C., Ravech, Cullity and Hase.
<u>Crime:</u>	Messrs. Sher (Convenor), J. W. Galbally Q.C., A. E. Dixon, J. H. Phillips and Bourke.
<u>Causes:</u>	Messrs. Dowling (Convenor), Brusey Q.C., Berkeley Q.C., Ormiston and Forsyth.
<u>Liquor Control:</u>	Messrs. O'Callaghan (Convenor), Campton, K. Coleman and Bourke.
<u>Workers' Compensation:</u>	Messrs. Rendit (Convenor), Ellis, Magennis, Vincent and Bingeman.
<u>County Court:</u>	Messrs. Heerey (Chairman), Rowlands, Shatin, Porter and Hansen.
<u>Magistrates' Court:</u>	Messrs. Chernov (Chairman), Radford, R. M. Read, Richter and a'Beckett.
<u>Industrial Law:</u>	Messrs. Dowling (Convenor), Keely Q.C., Northrop Q.C., K. D. Marks, Maddern and Ryan.
<u>Town Planning and Local Government:</u>	Messrs. Porter (Convenor), Gifford Q.C., Gobbo Q.C., Buckner and Rowlands; later Dowling, Campton, G. McD. Harris and Heerey.
<u>Taxation Committee:</u>	Messrs. Castan (Convenor), Webb Q.C., Brusey Q.C., Forsyth and Spry.
<u>Floor Committees:</u>	Co-ordinator of Floor Committees: Mr. L. S. Lazarus Q.C.

APPOINTMENTS

<u>Directors of Barristers' Chambers Limited</u>	Sir James Tait Q.C. (Chairman), Messrs. Harris Q.C., McGarvie Q.C., Webb Q.C. (to December 1972), Hulme Q.C. (from September 1972), Batt and Forsyth (from March 1973).
<u>Barristers' Superannuation Fund Trustees</u>	Mr. Harris Q.C. (Chairman), Sir James Tait Q.C., Messrs. Griffith Q.C. and Dawson Q.C. Honorary Secretary — Mr. Jordan.
<u>Law Council of Australia Executive</u>	Mr. Harris Q.C.
<u>Australian Bar Association Council</u>	Messrs. Harris Q.C. and McGarvie Q.C.
<u>Chief Justice's Law Reform Committee</u>	Messrs. Storey Q.C., L. S. Lazarus Q.C. and Heerey.

Chief Justice's
Rules Committee

Mr. Whelan Q.C.

Chief Justice's
Supreme Court
Library Committee

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

Council of Law
Reporting

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

Legal Aid Committee

Messrs. Beach Q.C. (to December 1972), King Q.C., Berkeley Q.C. (to December 1972) and Furness (to June 1973); later Paterson Q.C. (from December 1972), Kendall (from December 1972) and Tolhurst (from June 1973).

Appeal Costs Board

Mr. L. S. Lazarus Q.C.

Victorian Council
of Professions

Messrs. Whelan Q.C. and Ormiston.

Council of Legal
Education

Messrs. Storey Q.C., Goldberg and Chernov.

Board of Examiners

Messrs. Young Q.C. (to December 1972), Jenkinson Q.C., Storey Q.C. (from January 1973) and Frederico.

Legal Education
Committee

Messrs. Storey Q.C. and Goldberg (alternate).

Faculty of Law —
Melbourne University

Mr. Spence.

Faculty of Law
Melbourne University —
Bar Council Nominees

Messrs. McGarvie Q.C. and Merralls.

Faculty of Law —
Monash University

Mr. Paterson Q.C.

Sir Leo Cussen
Institute

His Honour Judge Ogden and Mr. Lloyd Q.C.

Standing Committee
Workers' Compensation
Board

Messrs. Keely Q.C., Magennis and Rendit.

Attorney-General's
Working Party on
Justices Act Rules

Mr. R. M. Read

Victorian Aboriginal
Legal Service

Mr. O'Bryan Q.C.

Superannuation Fund
for Supreme Court
Librarian

Mr. Hogg Q.C.

AD HOC COMMITTEES

During 1972-73, the Bar Council appointed a large number of ad hoc committees. These included four joint committees with the Law Institute of Victoria, one to prepare a submission to the National Rehabilitation and Compensation Scheme Committee of Inquiry, another to prepare a submission on legal aid to the Committee of Enquiry into Poverty, another on compulsory blood alcohol tests and another on the provision of legal aid in criminal matters by the Public Solicitor.

In addition, some thirty other ad hoc committees were set up to deal with matters of Bar practice and law reform.

HONORARY LIFE MEMBERS

The following gentlemen are Honorary Life Members of the Victorian Bar:

The Rt. Hon. Sir Robert Menzies, K.T., C.H., Q.C.
Sir James Tait, Q.C.
Mr. Louis Voumard, Q.C.

MEETINGS

Council Meetings

During the period from 1st September 1972 to 31st August 1973 the Council met on 34 occasions.

FINANCE

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1972 to 31st August 1973:

Queen's Counsel	\$100.00
Over 10 years' standing	\$ 60.00
Over 3 but under 10 years	\$ 40.00
Over 1 but under 3 years	\$ 20.00
Under 1 year	\$ 10.00
Interstate Queen's Counsel	\$ 20.00
Interstate Juniors	\$ 14.00
Attorney-General & Solicitor-General	\$ 20.00
Crown Prosecutors & Parliamentary Counsel	\$ 20.00
Non-Practising List	\$ 20.00

PERSONALIA

Deaths

His Honour Judge Mitchell on the 8th March 1973; Mr. John Lurye on the 21st March 1973; His Honour Judge Woinarski on the 30th May 1973; Sir Eugene Gorman, K.B.E., M.C., Q.C. on the 19th July 1973 and Mr. Marcus Hayman on the 20th July 1973.

Appointments

In September 1972, the Honourable Mr. Justice Smith was appointed Acting Chief Justice of the Supreme Court. His Honour was Acting Chief Justice until the Chief Justice returned from leave in February 1973.

In November 1972 Mr. B. F. McNab was appointed a Judge of the County Court.

In December 1972 His Honour Judge Norris was appointed a Judge of the Supreme Court of Victoria.

In February 1973 His Honour Judge Dunn was appointed a Judge of the Supreme Court of Victoria and Mr. G. J. Samuels Q.C. was appointed a Judge of the Supreme Court of New South Wales and Mr. K. Coleman was appointed a Judge of the County Court.

In April 1973 Mr. P. Murphy Q.C., was appointed a Judge of the Supreme Court of Victoria.

In June 1973 Mr. P. H. N. Opas Q.C. was appointed Chairman of the Environment Protection Appeal Board and Mr. A. J. Scurry was appointed to be the Crimes Compensation Tribunal.

In August, Mr. D. M. Bennett was appointed Chairman of the Advisory Board on Publications.

Honours

New Year's Honours' List:

Sir Douglas Little — Knight Bachelor.

Queen's Birthday Honours' List:

The Honourable Mr. Justice Sweeney — Companion of the British Empire.

In April, the Vatican conferred on the Honourable Mr. Justice Sweeney the Honour of Knight Commander of the Order of St. Gregory the Great.

In August, the Republic of Italy conferred on Mr. J. A. Gobbo Q.C. the Honour of Commendatore dell'Ordine "Al Merito della Repubblica Italiana".

Queen's Counsel (1972)

Messrs. L. S. Lazarus, K. J. A. Asche, J. D. Davies, H. C. Berkeley and P. J. Kenney (N.S.W.).

Welcomes

During 1972 the Bar assembled to welcome the Honourable Sir Anthony Mason, K.B.E. to the High Court of Australia, the Honourable Mr. Justice Norris to the Supreme Court and his Honour Judge McNab to the County Court.

During 1973 the following were welcomed: the Honourable Mr. Justice Dunn and the Honourable Mr. Justice Murphy to the Supreme Court, the Honourable Mr. Justice Moore as President of the Commonwealth Conciliation and Arbitration Commission and his Honour Judge Coleman to the County Court. On each occasion the Chairman made an address of welcome on behalf of the Bar.

Farewell

In May 1973 the Chairman and members of the Bar attended a Farewell to the Honourable Sir Richard Kirby on his retirement as President of the Commonwealth Conciliation & Arbitration Commission.

ROLL OF COUNSEL

Between 7th September 1972 and 31st August 1973 the following 39 persons signed the Roll of Counsel:

Messrs. P. R. A. Gray, K. Wheelahan, Professor C. G. Weeramantry, Messrs. P. N. Wikrama, T. J. Casey, M. Rozenes, D. E. Gray, H. R. Hallenstein, T. Schwarz, R. E. Wortley, D. J. Habersberger, G. D. Johnstone, R. McK. Robson, D. B. Maguire, R. C. Webster, D. G. Shaw, E. K. Evans, M. J. O'Brien, M. Munz, J. Gullaci, I. G. Sutherland, P. R. Hayes, R. L. Crisp, J. P. Leckie, P. J. Kennon, T. C. L. Morris, Miss B. A. Cotterell, Messrs. B. C. Cairns, R. L. Van de Wiel, G. Slim, D. G. Just, G. G. Hicks, N. A. Parkinson, P. C. Dane, R. F. Punshon, B. B. Braun, I. D. McIvor, C. T. H. Chessun and T. G. Roche.

Mr. B. J. Shaw.

Transfer from Non-Practising List to Practising List

Transfers to Non-Practising List

Names removed at request of Counsel

Messrs. B. M. Snedden, P.C., Q.C., W. K. Nicholl, Miss M. Rosenbaum, Mr. R. A. Bidstrup Q.C.

Messrs. J. N. Bryson, M. J. Hawkins, J. D. Little, Mrs. P. D. Bisley, Messrs. J. H. Hall, B. J. Moore, M. Salvaris and G. J. Z. Levine.

<u>The Roll</u>	<u>1972</u>	<u>1973</u>		
Judges' List	77	80	+	3
Practising List	486	504	+	18
Non-Practising List	40	43	+	3
Total	603	627	+	24
Counsel in active practice*	396	428	+	32

* i.e. Counsel keeping chambers in Victoria, but not including Crown Prosecutors or Parliamentary Counsel.

GENERAL

1. The year 1972-1973 has been a period of great change for the Bar. Changes have taken place in the conduct of Bar affairs, in matters of Bar practice, in Bar facilities, and, it is believed, generally in the outlook of the Bar and the Bar Council.

2. The first significant feature of change in relation to the conduct of Bar affairs to which attention should be drawn, has been in the extent to which junior counsel of under six years' standing have participated in these matters. There are about 170 of such counsel.

Instead of two members of the Council being elected from this part of the Bar, there are now three, as a result of the amendment to Counsel Rules on the 26th September 1972. The two who were burdened with the offices of Honorary Secretary and Assistant Honorary Secretary are now free from those duties, which have been assumed by two counsel who are not members of the Council. One of these is of less than six years' standing.

A Young Barristers' Committee has been set up. Its members are all counsel of under six years' standing (except for the Vice Chairman of the Council who is Chairman of the Committee). The Committee has met to consider matters of particular concern to the junior Bar and to make recommendations to the Bar Council. It has also convened forums for the general discussion of issues affecting the Junior Bar.

As far as possible, the Bar Council has endeavoured to include junior counsel who have come to the Bar within the last six years on the numerous sub-committees it has appointed to deal with specific matters.

3. The second feature relating to the conduct of Bar affairs to be mentioned is the amendment to Counsel Rules to provide a new disciplinary code. This amendment was adopted at a General Meeting held on the 8th November 1972, after the proposals had been discussed at the Annual General Meeting. The new code provides for summary jurisdiction in the Ethics Committee, jurisdiction, both original and appellate, in the Bar Council and finally for an ultimate appellate jurisdiction in an ad hoc appeal tribunal or the Bar in general meeting. No disciplinary charges have been laid under the new code. It is satisfying to be able to report this, especially as the new rules relating to broadcasting, lectures and addresses, which were published in the last Annual Report have been in operation during this period.

4. Another change in the conduct of Bar affairs have been brought about by the provision of accommodation for the Bar Council, the Chairman and the staff.

The south-east wing of the Twelfth Floor now contains a Bar Council Room, a new Chairman's Room, offices for staff and a reception lobby. Until now, the Bar Council has never had a meeting room of its own. In the days of Selborne Chambers, the Council met in the chambers of one of the members of the Bar. In Owen Dixon Chambers the Council has met in the Ninth Floor Common Room, in the Library on the Thirteenth Floor, in the Lounge (where tables had to be brought in from the Common Room) and more recently in the Common Room (by moving some of the dining tables into a square). Now the Council has a handsomely appointed meeting place of its own, worthy of the Victorian Bar. This has not been achieved without considerable expense, but the Council Room will serve a double purpose. As well as being used for Council meetings, it will be available for arbitration hearings and the hiring fees are expected to return a substantial revenue and furthermore, the provision of this facility will be of advantage to the Bar in enabling arbitrations, in which Counsel appear, to be undertaken in the building where counsel's chambers are situated.

The new Chairman's Room will enable the existing one on the Thirteenth Floor to be demolished and the much needed space incorporated into the Lounge. Furthermore, the new room will be a more suitable place in which visitors can be entertained and some committee meetings held.

There are three rooms for the Registrar and his staff.

Mr. Edwards' room on the Ground Floor was made available to Mr. Muir, the new clerk, and the Registrar has been temporarily occupying two rooms at the rear of the Ground Floor. The new office accommodation will be most useful — and it is clear that additional staff is required for Barristers Chambers Ltd and for the Bar Council.

5. The next matter to be mentioned can be classified as a matter of Bar practice. On the 1st March 1973, a new clerk, Mr. H. D. Muir, commenced to operate in Owen Dixon Chambers. The number of barristers' clerks was thereby increased to six. This was preceded by the adoption by the Bar Council in November 1972 of a set of principles with respect to the clerking system.

There is now a definite framework for the control and development of the clerking system. The system is an important element in the operation of the Bar, but it should be recorded that the Bar Council found its work on this subject matter by far the most difficult of all its tasks during the year.

6. Another change in Bar practice has been the participation by members of the Bar in newly established legal referral centres. The first of these was established at Fitzroy early in 1973. The initiative in setting up the centre came from a number of young practitioners, including junior members of the Bar. The Bar Council made a special ruling which modified the general rules as to practice to enable members of the Bar to participate in the work of legal referral services.

7. There is yet another change which has been adopted but which is not to come into operation until 1974. This is constituted by the new rules as to reading. The basic points of the new rules are that a man will be required to spend two months in attendance upon his master before he actually commences reading, that he will be required to attend a course of lectures organized by the Bar Council and that the reading fee will be abolished. The aim of the new rules is to maintain and improve the standard of professional competence and conduct of members of the Bar.

8. Some of the changes in facilities have already been mentioned, but the most important change has been with respect to the provision of accommodation for counsel. The first Floor and the Twelfth Floor of Owen Dixon Chambers have now been converted to Chambers for Counsel. This has provided for about sixty new rooms, all of excellent standard. The result is that at present accommodation can be provided for counsel completing their reading.

In 1973, Tait Chambers was sold. The decision to sell was taken because it will become impractical to retain the building as accommodation for 36, because the site was not a satisfactory site for redevelopment, because the offer was an attractive one and because possession of the building will be retained until at least 1st June 1975.

Accommodation for the future needs of the Bar is a major problem. A strong Accommodation Committee has been considering the matter during the year and its activities are reported upon elsewhere. All that need be said here is that it is accepted that the Bar (that is the Bar Council) carries the responsibility of taking steps to provide accommodation as the need for it grows.

9. 1972-1973 has also been significant with respect to the participation by the Bar Council in a number of public issues and in the way in which these matters have been approached. The extent to which the Bar Council participates and takes a stand upon public issues is one which requires a considerable sense of judgment, but there have been a number of issues on which it has been appropriate for the Bar to take action.

First, there was the matter of prisoners' legal rights. The Committee to which reference was made in the last Annual Report has reported, and its report has been adopted. The recommendations for reform in the report have been favourably received by the Victorian Government and the Press. The report is being published with the aid of assistance from the Victoria Law Foundation.

Otherwise the issues that have been of major importance have been legal aid, matrimonial causes and "no-fault liability". Legal Aid is still under consideration. In matrimonial causes the Bar Council has supported the principle of dissolution on the sole ground that the marriage has irretrievably broken down for a period of twelve months immediately prior to the issue of the petition.

In Victoria, the Motor Accidents Act 1973 has been enacted. The Bar and the Law Institute of Victoria played active and creative roles in this work of legal social reform. The Act provides a scheme of compensation for motor car accident victims, independent of fault, and it is believed that the scheme is both fair and practicable.

In 1973, the Commonwealth Government set up the National Rehabilitation and Compensation Scheme Committee of Inquiry. The Bar Council has been very active in endeavouring to ensure that the Committee recommends that any scheme should be complementary to the common law system, and that common law rights should not be abrogated without the feasibility and operation of a no-fault system being fairly tested over a period of time and further that the scheme should be a reasonable compromise providing compensation which is fair and practicable.

What needs to be emphasised is the way in which the Bar Council has proceeded when it has decided to intervene on a public issue. The Bar Council and the Council of the Law Institute of Victoria have worked together on these matters, as both bodies believe that where possible the views that should be presented should be those of the Victorian legal profession and not just those of the Bar or the solicitors. To this end, the two bodies have set up a number of Joint Standing Committees. As well as Committees dealing with legal aid and 'no-fault liability' there are committees on Supreme Court and County Court practice.

10. In general, it is believed that it can be said that in 1972-73 the outlook of the Bar and the Bar Council has been a progressive one. The basic theme has been to tackle Bar problems and find a solution to them in a practical way and to endeavour to see that the Bar fulfilled a public function by taking a lead on issues which affected the law. In so far as the Bar Council has intervened in such issues, its object has been to do this so that the Bar acted as one part of the legal profession in Victoria and so that what was done did not prejudice the essential feature of the Bar as a body of individual barristers who only have views expressed on their behalf where this can be done without infringing upon the right of every man to his own opinion and without embarrassing counsel in the performance of his professional duties.

"BAR NEWS"

The "Bar News" was published in September 1972, March and August 1973. The last two issues were printed and not roneoed and were circulated more widely. By this publication, matters of interest to members of the Bar and others can be communicated. It is intended to continue to publish the "Bar News" some three or four times each year. The Editors have been McGarvie Q.C. and Heerey and they are to be congratulated on the quality of the issues they have produced.

FUNCTIONS

Opening of the Legal Year

On the 1st February 1973, to mark the opening of the Legal Year religious services were held in St. Paul's Cathedral, St. Patrick's Cathedral and the East Melbourne Synagogue. At St. Paul's Cathedral, the lessons were read by Messrs. W. O. Harris Q.C. (Chairman of the Bar Council) and J. Cain (President of the Law Institute of Victoria). The venerable J. B. Moroney, Archdeacon of Malvern, delivered the sermon.

At St. Patrick's Cathedral, the Red Mass was celebrated by His Eminence the Archbishop of Melbourne, Cardinal J. R. Knox, D.D., J.C.D. The Occasional Sermon was preached by the Reverend Father L. Fitzgerald O.P. of Mannix College.

At the East Melbourne Synagogue the service was conducted by members of the profession in conjunction with the Reverend E. Kowadlo. The address was delivered by Rabbi M. Honig, B.A., M. Phil.

Bar Dinner

The Bar Dinner was held on Saturday the 5th May 1973 in the Common Room, Owen Dixon Chambers. The guests of honour were the Honourable Mr. Justice Smith, the Honourable Sir Douglas Little, the Honourable Mr. Justice Norris, the Honourable Mr. Justice Dunn, the Honourable Mr. Justice Murphy, His Honour Judge Stabey, His Honour Judge McNab and His Honour Judge Coleman.

Common Room

The now well-established practice of holding late afternoon social gatherings has continued to prove successful. Efforts have been made to extend invitations so as to have as many members of the bar as possible attend at least one function during the year. Those entertained from time to time by the Chairman and members of the Bar included the Chief Justice and Justices of the High Court, the Chief Justice and Judges of the Supreme Court, Federal Judges, Judges of the County Court, Lord Gardiner, the President of the Law Council of Australia, the President, Chairman and members of the Council of the Law Institute of Victoria and also members of kindred associations.

The Cup Eve dinner dance was held on the 6th November 1972 and the Bar Christmas Cocktail Party was held on the 19th December 1972. Each function was well attended.

On the 13th April 1973 the Council entertained at dinner the Presidents of the Country Law Association as well as the President, Chairman and Officers of the Law Institute of Victoria.

On the 29th June 1973 the Mid-year dining-in night was held and for the third successive year a review produced by John Coldrey was performed during the evening by members of the Bar. Once again the function was highly successful.

On the 14th July 1973 members of the Bar combined with members of the Law Institute of Victoria to hold a dinner in honour of Lord and Lady Widgery and Judge and Mrs. Murrah.

The catering for all of these functions was attended to by Mr. & Mrs. Ungar who maintained their usual high standards.

Sporting Functions

The annual Cricket Match between the Bar and Solicitors was played on the 19th December 1972 at the Albert Ground. The solicitors again won and so retained the Sir Henry Winneke Cup. On the same day the annual Tennis Match was held between the Bar and Solicitors and which resulted in a win to the Solicitors. Mr. Brian Thomson Q.C., organised the tennis match and Mr. Barry Dove the cricket match.

On the 19th April 1973, the annual Golf Match between the Bar and Solicitors was played at the Metropolitan Golf Club. This match was won by the Bench and Bar, and so the Sir Edmund Herring Shield passed from the Law Institute into the hands of the Bench and Bar. The match was followed by a pleasant and enjoyable dinner in the Club House.

On the 29th June 1973, the annual Golf Match between the Bench and Bar and the Combined Services was played at the Royal Melbourne Golf Club. The Bruche Cup was won by the Bench and Bar with the Combined Services retaining the Macfarlane Cup. The Council is indebted to Mr. J. M. B. Cashmore who organised these golf matches on behalf of the Bench and Bar.

ETHICS

The new rules regarding counsel broadcasting or giving lectures and addresses (which came into operation on the 8th November, 1972) have functioned well. There was a number of occasions when counsel appeared on television or gave addresses, notification being given to the Secretary of the Bar Council in accordance with the rules. There was no occasion upon which it was necessary for counsel to seek permission to broadcast or give an address, as was previously required.

The Ethics Committee and individual members of the committee gave guidance to counsel on a large number of occasions during the year. The committee dealt with five complaints concerning the conduct of counsel. The summary procedure under the new disciplinary rules was used in one of these instances.

The establishment of Legal Aid Schemes other than under the Legal Aid Act 1969 led to the adoption of the following ruling by the Bar Council on the 8th March 1973.

"Rules for the participation of counsel in Legal Aid Schemes other than under the Legal Aid Act 1969.

1. For the purpose of these rules "a centre" means any place (other than chambers) where legal advice is habitually given without a fee or for a nominal fee and "legal aid scheme" means a scheme under which a centre is conducted provided however, that nothing in these rules shall apply to the scheme for providing legal assistance established pursuant to the Legal Aid Act 1969.
2. A barrister may participate in the legal aid scheme by providing his services without fee but remains bound by the etiquette of the Bar. He must not act in such a way as to give rise to any suspicion that he is giving his services in order to obtain introductions to solicitors or for financial gain.
3. A barrister may attend a centre in the presence or absence of a solicitor or solicitor's clerk and may without a fee interview a lay client without the presence of an instructing solicitor or a solicitor's clerk.
4. A barrister may act in proceedings as counsel for a lay client whom he has himself advised at a centre, but only if: (i) he is instructed by a solicitor (who may be a solicitor working at the same centre); and (ii) he himself acts without a fee.
5. A barrister may act in proceedings as counsel for a lay client with or without fee, who is participating in a legal aid scheme and whom the barrister has not himself advised at a centre provided he is instructed by a solicitor who may be a solicitor attending the same centre. A barrister must in no circumstances accept a fee direct from the lay client.

6. Unless and until instructed by a solicitor a barrister must interview clients participating in a legal aid scheme only at a centre and must not represent himself to be more than a legal adviser at the centre concerned.
7. A barrister may draft letters on behalf of clients participating in a legal aid scheme for signature by them or on behalf of the legal aid scheme and, in the latter case, may sign such letters in the name of and on behalf of the legal aid scheme.
8. A barrister may not negotiate orally with third parties with the object of arranging a settlement with a client participating in a legal aid scheme save where he is acting as counsel for such client.
9. A barrister may allow his name to be included on a list of barristers willing to advise at a centre or to act as counsel without fee pursuant to instructions given by a solicitor participating in a legal aid scheme.
10. A barrister may show to a client participating in a legal aid scheme a list of solicitors participating in the same scheme provided that the client is left to choose his solicitor from those on the list who deal with the type of work in question.
11. A barrister must not participate in a legal aid scheme unless there is in charge of the scheme a responsible person other than a barrister or a group of responsible persons which includes persons other than barristers.
12. A non-practising barrister may advise at a centre but must not represent clients in the event of litigation."

Also on the 8th March, 1973 the Council adopted the following new reading rules :—

"New Reading Rules

1. That as from 1st January 1974 —
 - (a) the ruling of the Bar Council made on the 16th July 1972 with respect to reading be revoked;
 - (b) the present practice whereby an applicant to sign the Roll of Counsel is permitted to commence practice as counsel as soon as he has made application to sign the Roll be discontinued;
 - (c) the following rules with respect to reading be adopted as rulings of the Bar Council:
 1. Subject to Rule 2 of these Rules an applicant to sign the Roll of Counsel will not be permitted to sign the Roll of Counsel unless —
 - (i) he has made application to the Bar Council for permission to sign the Roll and the Bar Council has resolved that he be permitted to commence attendance as a pupil in the chambers of a member of Counsel on the Roll of not less than seven years' standing;
 - (ii) he has thereafter been in daily attendance as a pupil in such chambers for not less than two months during which period he has not undertaken any legal work other than as a pupil to his master and has not engaged in any activity which a member of counsel on the Roll would not be at liberty to engage in;
 - (iii) he has undertaken to read as a pupil in the chambers of his master for a period of at least four months from the date on which he shall sign the Roll;
 - (iv) he declares that he has read such material as the Bar Council shall for the time being have prescribed; and
 - (v) he has undertaken to attend a course of lectures as prescribed by the Bar Council.
 2. The Bar Council may dispense with all or any of the requirements of Rule 1 of these Rules —
 - (i) if the applicant has practised exclusively as Counsel in any other State or Territory of the Commonwealth for a period of more than one year;
 - (ii) if the Council is of the opinion that the applicant is unable to arrange for such pupillage; or
 - (iii) if the Council for any other reason thinks it proper in the circumstances to make such dispensation.
 3. No fee shall be payable by any pupil to his master in respect of pupillage.
- (2) That the substance of resolution (1) be communicated to the Bar and to the Clerks and to the Law Institute of Victoria with a request that it be published by the Law Institute in the Law Institute Journal.
- (3) That a Reading Committee be established by the Bar Council as a standing committee for the purpose of:
 - (a) compiling and distributing instructional material concerning reading;
 - (b) arranging for the conduct of lectures to be attended by readers; and
 - (c) generally supervising the practice of reading in chambers."

The Chairman and two other members of the Ethics Committee each delivered a lecture to the Bar on conduct, ethics and etiquette.

Practice in Ballarat

Permission by the Council was given for a member of the Bar to practise as such at Ballarat.

Book concerning trial

Counsel was refused permission to assist an author writing a book about a trial in which he had recently appeared.

Counsel as Chairman
of Town Planning
Appeals Tribunal

The Council on the 17th April, 1973 adopted the following resolution :—

(1) The Bar Council is of the view that each Town Planning Appeal Tribunal should have as its chairman a person holding a full time appointment as such.

(2) Subject to the foregoing, it is of the view that there is no impropriety in a barrister acting as a relief chairman of the Town Planning Appeals Tribunal from time to time provided :—

(a) There is a panel of barristers available to act as relief chairmen which is of sufficient size to ensure that the appointment of any one is not upon a regular or frequent basis;

(b) appointment as a relief chairman is offered to members of the panel in strict rotation; and

(c) the appointment of relief chairmen is made to fulfil a temporary need only.

Practising without
a clerk

A member of the Bar was refused permission to practise without employing one of the existing clerks.

LAW REFORM

As most of the members of the Bar will be aware, the Law Reform Committee has in the last two years adopted a different mode of operation from that previously followed. Instead of the Committee members themselves attempting to handle all the various matters referred to it, the Committee operates principally by appointing an ad hoc sub-committee of members of the Bar to consider each matter.

The reason for this change is twofold — first, to enable a much greater number of matters to be dealt with than would be the case if the Committee had to investigate all matters for itself; and, secondly, to bring to bear on matters of law reform the varied talents and energies of a significant number of members of the Bar.

The Committee and the Bar Council wish to acknowledge the very willing and able assistance which they have received from those who have served on the various sub-committees.

It was realised when this system was introduced that in the course of practice and in informal discussion between themselves counsel are apt to light upon many areas of the law where reform appears desirable, and it was hoped that, with the increased capacity of the Council to consider these matters, members of the Bar would seize the opportunity to bring appropriate matters to the attention of the Law Reform Committee.

Although a number of matters has been so referred, it is doubted whether full use is being made of the machinery which has been set up and it is desired to encourage the Bar to refer to the Law Reform Committee all matters which any counsel think may usefully be considered by it.

At the same time all counsel are encouraged to let the Law Reform Committee know if they are willing to serve on ad hoc sub-committees, and to indicate the general areas within which their interests lie.

During the last year reports of sub-committees have been received on the following matters —

1. Reciprocity of admission to practice as between the various States and Territories and New Zealand.
2. The administration of winding-up of companies — dealing with a number of provisions of the Uniform Companies Act, especially in relation to investigatory procedures.
3. The recognition and enforcement of awards made in arbitration proceedings conducted abroad.
4. The question of accession to and ratification of the Hague Convention on the service abroad of judicial and extra-judicial documents in civil and commercial matters.

In a number of cases the reports of sub-committees have been forwarded to the Law Council of Australia.

The Committee also received the report of a sub-committee appointed to consider questions as to the date of commencement of Victorian Statutes and Statutory Rules, with a view to avoiding the situation where legislation and regulations can come into force before their distribution to members of the profession. This report had led the Law Reform Committee to make further enquiries and investigations and it is hoped that the Council will shortly be able to advise the Bar as to the availability of adequate distribution services.

Matters currently the subject of investigation by sub-committees include —

- (a) The law relating to unincorporated associations.
- (b) The rights of illegitimate children.
- (c) The procedure in cases of contempt of court (including the desirability of introducing a right of appeal.)
- (d) Procedural aspects of orders to review, and the desirability of an alternative right of appeal in civil cases in Magistrates' Courts.

The Council also appointed a sub-committee to consider the proposed repeal of the reasonable precautions provisions of the Health Act (Section 291), and as a result a member of the sub-committee attended before the Statute Law Revision Committee to oppose the repeal.

The Council appointed three members of the Bar to a joint committee with the Law Institute to consider and report on compulsory blood alcohol tests of road accident casualties. The joint committee held discussions with the Road Trauma Committee of the Royal Australasian College of Surgeons. The report of the joint committee was adopted by the Bar Council and submitted to the Chief Secretary.

The Law Reform Committee has under consideration the desirability of retention of the present mandatory penalties prescribed in the case of numerous traffic offences.

The Council has during the year given attention to a number of other matters of law reform including a suggested lawyer referral service proposed by the Law Council of Australia, and aspects of the law relating to Private Street Construction Schemes.

The Council received a report from the Matrimonial Causes Committee which was adopted and made available to the Secretary of the Senate Committee, the Federal Attorney-General and the Law Council of Australia.

The subject of the Commonwealth enquiry into a National Rehabilitation and Compensation Scheme, a matter which has closely concerned the Council during the past year, is separately dealt with elsewhere in this Report.

LECTURE PROGRAMME

The Victorian Bar Council has again arranged for a series of lectures designed primarily to provide guidance for readers. The lectures have followed a similar format to that adopted last year, and have provided excellent material for those attending.

The lectures arranged for this year were :

Ethics	Mr. D. Dawson Q.C.
Ethics	Mr. D. P. Whelan Q.C.
Relations between Barristers and Solicitors	Mr. R. K. Fullagar Q.C.
Procedure — Practical Aspects of Originating and other Process	
Procedure — Pleadings	Mr. W. F. Ormiston
Procedure — Practical Aspects of Interrogatories, Answers to Interrogatories and Advice on evidence	Mr. L. Voumard Q.C.
Trial — Opening, Final Address, Making a submission	Mr. J. A. Gobbo Q.C.
Trial — Examination and cross-examination	Mr. E. D. Lloyd Q.C.
Criminal Trial	Mr. N. R. McPhee Q.C.
	Mr. J. M. Lazarus

The Bar Council once again expresses its appreciation to the lecturers for the time and effort given by them during the year.

ACCOMMODATION

1. At a meeting held on the 8th of March, 1973 the Bar Council appointed a sub-committee to deal with the whole of the new and future accommodation for the Bar, including the practical work of finding and negotiating for such accommodation.
2. The Committee sees its job as follows :—
 - (a) to estimate the future demand for accommodation,
 - (b) to suggest how that demand is to be met,
 - (c) to consider how the cost of future accommodation is to be borne,
 - (d) to carry out the practical work of acquiring and to consider the design and layout of any new building.
3. For the purpose of our early investigations we have taken the annual increase for the next few years to be at the rate of 30 per annum.
4. The Committee feels that it should provide for the accommodation of the Bar for the next 10 years. It takes that period as being the foreseeable future. At present there are 428 counsel actually in practice and it is estimated that by 1984 the number will have increased to about 800.
5. Tait Chambers will not be available for accommodation after the 1st of June, 1975. Assuming no further accommodation is obtained and none (including Henderson House) lost before that date the following table sets out the estimated demand for short term accommodation. The table is based upon the assumption that the experience for 1971/1972 will be repeated.

Date	Counsel finishing reading	Counsel leaving the Bar	Net increase	Rooms available	Deficiency
31/12/73	32	6	26	21	5
30/ 6/74	20	10	10	Nil	15
31/12/74	30	6	24	Nil	39
30/ 6/75	20	10	46	Nil	85
(plus 36 in Tait Chambers)					

6. The above figures have been used as working figures for the Committee. It is proposed to make a more accurate estimate of long-term demand by sending a questionnaire to Counsel and also to students now studying law.

FINANCE

7. It is estimated that if a building were put up for 350 barristers it would cost about \$6 million. Economies of scale are such that if a building were put up for 800 barristers the cost would be about \$10 million. These figures are wild guesses made merely to assist preliminary thinking. However they have been made after discussion with developers and others who might be thought in a position to express an opinion.
8. Over the next five years estimated funds available to the Bar are :—
 - (a) if Owen Dixon Chambers is sold \$5.2 million,
 - (b) if Owen Dixon Chambers is not sold but mortgaged to the maximum \$3.2 million.
9. The Bar as a whole undoubtedly has a large potential for producing investable funds. The Committee realises that the requirement that tenants subscribe or agree to subscribe a certain amount to Bar funds is unpopular. The principal cause for complaint seems to be the unattractiveness of the investment and the circumstance that it is in the early years of his career when liquid funds are at a minimum that counsel is asked to provide these funds.
10. The rate of interest offered is now a very uncommercial rate. One could not now issue new debentures at a higher rate for future subscription. That would obviously be unfair to those who have subscribed in the past. It might be feasible that existing debentures be reissued and that all new debentures be issued on terms that the interest be at a rate fixed from time to time by the Board of Directors of Barristers Chambers Ltd. and not less than 7% per annum. It is suggested that in general the minimum rate should be 1% higher than the current rate of first class public company long-term debentures. This would of course mean an increase in rental but it might well be thought more equitable amongst the members of the Bar as a whole.

11. A further proposal which is put forward is that there be established a 2nd Bar Superannuation Fund. This fund would be in all respects the same as the present Fund save that it would be the expressed policy of the Fund to invest the whole Fund (less the 30 per cent required to be invested in public securities) in Barristers Chambers Ltd.

It is thought that there would be many barristers willing to contribute to a 2nd superannuation fund of the kind suggested. In addition the contributors to such a Fund could count towards the fixed subscription required from tenants. This would make the whole funding requirement more attractive to the very junior bar who cannot afford to provide both substantial non deductible contributions to Bar funds and contributions to superannuation funds so as to gain one of the few substantial tax benefits available to barristers.

12. Rents now charged are low by commercial standards. If the Bar provides accommodation for all members of the Bar it will be necessary in the near future to lease premises at rents substantially higher than those paid in Owen Dixon Chambers. An increase in the rate of interest on debentures will also result in an increase in rentals. It may be thought that the benefits of ownership should be directed to those who have made the ownership possible, that is those who have contributed and are contributing to Bar funds by way of debentures and contributions through the Superannuation Fund.

13. In so far as it becomes necessary to raise money for a building project by way of mortgage enquiries reveal that there is not likely to be much difficulty about raising the required funds at competitive rates of interest.

14. The above discussion has proceeded upon the assumption that the Bar will want to own its own home. There is little doubt that a number of institutional developers would be happy to build to our specifications if the Bar agreed to lease the whole or a large part of the building for a substantial period of time. It might even be possible for the Bar to have a substantial part (up to one half) of the equity in any such building. The lease could be upon suitably cautious terms (for instance a lease for 30 years by six terms of five years and with provision for the rent to be determined at a period two to three years in advance of the renewal of the lease). However a developer would only engage in the exercise in the interest of making a profit and capital appreciation which would almost inevitably take place over the years would accrue not to the Bar but to an outside interest.

SITE

15. The Committee is of the opinion that any site for a new building must be in the area bounded by the west side of Queen Street, the south side of La Trobe Street, the east side of King Street and the north side of Bourke Street. It may be that even parts of that area are further from the courts than desirable.

16. Within the area described there are very few sites available for new building. Of the available sites some are in the ownership of the Commonwealth or State Government and the others are already owned by private developers. Enquiries made with a view either to acquiring from the Crown a suitable site or entering into a building project in conjunction with the Crown have not been very promising. On the other hand there seems a stronger likelihood that it will be possible to obtain a substantial equity in a building project on one of the privately owned sites even if it is unlikely (as seems the case) that we could become the sole owner of the freehold.

17. One of the difficulties in coming to any decision in regard to sites is that the question is related to other questions e.g. is it intended that the whole Bar is to be housed in one building or that there should be a building in addition to Owen Dixon Chambers, is it intended to rebuild on the present site of Owen Dixon Chambers, or to sell Owen Dixon Chambers and acquire a new site.

The answers to the last two questions themselves depend upon what sites are available and at what price finance is available.

In deciding whether or not to have a building additional to Owen Dixon Chambers some of the relevant considerations are :—

- (a) Will counsel be persuaded to move from Owen Dixon Chambers to the new (additional) building?
- (b) If not will the only tenants of the new building be the more junior counsel?
- (c) Will the clerks in one building be employed in the other building?
- (d) As the new building will certainly be of a much better standard than Owen Dixon Chambers, will the rent be the same in both buildings?
- (e) As one new building for the whole Bar will result in substantial economies of scale, it will be easier to finance and cheaper to manage.

DESIGN

18. This is a question which does not arise until a late stage of planning but the following matters have already been canvassed :—

- (a) With the growth in the Bar the management of its buildings will probably be beyond the resources of the Registrar and Barristers Chambers Ltd. will have to consider retaining either a full-time building manager or the management services of one of the property companies.
- (b) The experience obtained in Owen Dixon Chambers will lead to improved facilities in the new building by way of libraries, accommodation for clerks, typing pools, etc.
- (c) If a new building results in substantially increased rents consideration should be given to allowing counsel in their first two years at the Bar to share chambers with other counsel, of the same standing.

The question of design is a matter which will require the views of the Bar to be canvassed at an appropriate time. It is proposed to send out a questionnaire.

SHORT-TERM ACCOMMODATION

19. There is an urgent need to come to a decision about short-term accommodation. It is expected that Barristers Chambers Ltd. will in the near future acquire a long lease of suitable premises for sub-letting to counsel.

FURTHER ACTION

20. The matter which will have to be decided by the Committee in the immediate future is the likely demand for accommodation in the next 10 years. This will mean sending out as soon as possible the questionnaires referred to in paragraph 7.

21. Once the Committee has come to a decision about demand it will then have to decide 2 important questions :—

- (a) is an estimated Bar of about 800 to be housed in one building or 2 buildings?
- (b) should the Committee look for new or additional premises on the basis that the Bar will lease them or that the Bar will own them?

The Committee feels that the answers to the last 2 mentioned questions will need the approval of the Bar as a whole, because those are the two questions upon which all planning must depend and that planning cannot be successful unless it has the support of a substantial majority of the Bar.

BAR LIBRARY

1. Since the last Annual Report, the Bar Library has acquired a set of Holdsworth's History of English Law and has maintained a strict programme of repair and servicing of subscriber sets of reports and other publications. Ronco kick-steps have also been purchased in order to facilitate access to high shelves. The book stacks have also been rearranged so as to segregate the Australian section from other books and journals.

2. Gifts of books are gratefully acknowledged from the following donors: the Hon. Mr. Justice Anderson, Mr. John D. Byrne, the Chief Parliamentary Counsel, Mr. Michael Shatin, Sir James Tait, Q.C., the Hon. Sir Gerald Thesiger, and the Victorian Law Foundation. The Librarian of the Supreme Court, Mr. G. Alcorn has continued to aid the Library by advice and the gift of several unbound parts of law reports which aids completion of volumes for binding.

3. The obstinate refusal of some library users to replace books in the shelves after use continues to be a major problem. This has prompted the Library Committee to recommend to the Bar Council that adequate paid assistance should be engaged to relieve the commitment of members of the Committee who, hitherto, have accepted a month on duty annually in order to keep the library tidy; such assistance should also replace the work of Miss Lee Scott Carmody who has as should here be acknowledged, attended to the placing of current parts.

4. No further progress has so far been made in acquiring sets of Lloyd's List Reports and Reports of Patent Cases which are still required and the purchase of which has been approved by Barristers Chambers Limited.

5. It should be emphasised that it is the obligation of a library user to replace books after use.

LEGAL AID

The following are extracts from the report of the Legal Aid Committee for the year ended 30th June 1973.

- Committee Messrs. R. Brooking, Q.C., H. Berkeley, Q.C., B. Beach, Q.C., A. C. King, Q.C., W. E. Paterson, Q.C., P. Furness and D. Kendall served as appointees of the Victorian Bar Council under Section 7 of the Legal Aid act 1969.
- Applications In contrast with the large increase of matters dealt with in each of the years ending 30th June 1971 and 30th June 1972 over the number dealt with in the preceding year, the number of applications considered in the year ending 30th June 1973, namely 13,551, constituted only a small increase over the number dealt with in the year ending 30th June 1972 and there was a small decrease in the number of applications approved for assistance. Schedule "A" of this report gives some statistical details of the above applications and of the manner in which they were dealt with.
- Financial There was a substantial increase in the Committee's income and expenditure, details of which are set out in Schedule "B" of this report. As a result of amendment to the Legal Profession Practice (Amendment) Act 1972 which was referred to in last year's report, the Committee is now receiving one half of surplus monies in the Solicitors' Guarantee Fund. The sum of \$745,000 was received from this source and it is anticipated that a similar amount will be received in 1973/74. Collections from costs recovered and contributions by assisted persons also increased significantly, due to a re-organisation of the Committee's Accounts Department and the employment of a qualified Accountant and a Credit Control Officer. It is anticipated that revenue from these sources will continue to increase.
- In the light of a contribution of \$75,000 made by the Victorian Treasury to the Legal Aid Fund in early 1972, a request for a contribution of \$150,000 from the Victorian Treasury to the Legal Aid Fund was made to the Victorian Government prior to the preparation of the budget for 1972/73. The Committee regrets that the Budget, when announced, did not include any appropriation for legal aid, and in December, 1972 the Committee was advised that "the Treasurer considers that the legal aid scheme operated by the Committee should be financed from the monies flowing from the Solicitors' Guarantee Fund".
- The above sum of \$75,000 has been the sole Government contribution to the Legal Aid Fund over the last three years, but having regard to a reference to legal aid made by the Premier, Mr. Hamer, in his policy speech before the last elections, the Committee is optimistic that the Victorian Government will find itself able to assist it financially in the future.
- The restrictions which were imposed, with reluctance, by the Committee in June 1972 were :—
- (1) applications for aid to petition for divorce would not be granted unless a lump sum payment of \$100.00 was made, in addition to any other requirement, subject to waiver in cases of hardship and urgency; and
 - (2) solicitors were to withhold action on current divorce assignments until 1st October 1972 unless a date had been fixed for hearing or there was some urgency.
- In addition a less liberal attitude towards the granting or withholding of assistance and in the terms on which assistance was granted was continued for the greater part of the year. In October 1972 action on divorce assignments was allowed to proceed but the other restrictions were persisted with until, in view of the promise of Commonwealth financial assistance for matters in the matrimonial causes jurisdiction, they were relaxed in late June 1973. It is the Committee's view that if these restrictions had not been imposed and enforced, the Legal Aid Fund would not have remained solvent.
- The Committee, mindful of the fact that in the year 1972/3 it was obliged to pay for the considerable number of cases assisted in the previous year, closely reviewed the financial position each month. As a result of this tight control, a very small surplus resulted.
- For a break down of the Legal Aid dollar see Schedule "C".

Payment to
the Profession

In accordance with Section 11(3) of the Legal Aid Act 1969 all accounts for professional charges accepted by the Committee are reduced by 20%. Accounts to the value of \$1,110,471 were certified for payment, and as the sum of \$888,377 was paid to the profession, participating solicitors and barristers contributed, without charge, services to the value of \$222,094. Details of the above matters are set out in Schedule "B". Special problems have been dealt with by a costs sub-committee, to the members of which the Committee acknowledges its debt, and as in previous years the Committee has relied heavily on its Costs Consultant, Mr. John Ahern.

Public Relations

To keep the profession informed of the Committee's activities, the Secretary has during the year addressed meetings of the North Eastern Law Association, the Western District Law Association, the Northern Suburban Solicitors Group and the Southern Suburban Solicitors Group. In recent months, a small advertisement giving details of the Committee's services has been placed in the metropolitan daily press at fortnightly intervals.

Close liaison has been maintained with the Victorian Bar Council, the Law Institute of Victoria and official legal aid organizations in other States. In addition the Secretary holds himself available to inform other interested bodies of the Committee's work.

Government
Departments

Arrangements were made with the Director of Social Welfare to streamline the provision of legal aid for unmarried mothers in affiliation proceedings, and also to provide aid in civil proceedings involving wards of the State.

Considerable assistance is now provided to the Public Trustee as the legal personal representative of persons whose affairs are under his control, and who are without means to undertake litigation.

SCHEDULE "A"
LEGAL AID COMMITTEE
STATISTICS FOR YEAR ENDED 30/6/73

1971/72		1972/73
13016	Total applications	13551
4642	Dealt with by Secretary and/or staff without completion of application for	5531
8374	Referred to Committee	8020
333	Applications not dealt with or deferred as at 30th June, 1972, but subsequently dealt with by the Committee	363
<u>8707</u>		<u>8383</u>
7086	Assistance approved	6721
1258	Rejected — 409) Withdrawn — 859)	1268
363	Not dealt with or deferred as at 30th June, 1973.	394
<u>8707</u>		<u>8383</u>

COMPARATIVE TABLE OF STATISTICS

	TOTAL	DEALT WITH BY COMMITTEE STAFF	REFERRED TO COMMITTEE	APPROVED
DIVORCE	2770 (3053)	1077 (682)	1693 (2371)	1561 (2191)
MAINTENANCE	3824 (3201)	916 (658)	2908 (2543)	2320 (2035)
AFFILIATION REFERRED BY SOCIAL DEPT. AFFILIATION	89)	1)	88)	88)
OTHER	460 (652)	72 (155)	388 (497)	283 (443)
CUSTODY	314)	110)	204)	172)
MOTOR ACCIDENT	883 (768)	348 (241)	535 (527)	463 (431)
CRIMINAL	1321 (1134)	377 (264)	944 (870)	788 (737)
CIVIL CAUSE	2238 (2132)	1496 (1193)	742 (939)	641 (821)
WORKER'S COMPENSATION	226 (270)	79 (66)	147 (204)	134 (174)
PROBATE AND T.F.M.	206 (178)	153 (99)	53 (79)	35 (67)
OTHER	1220 (1628)	902 (1284)	318 (344)	236 (187)
	<u>13551 (13016)</u>	<u>5531 (4642)</u>	<u>8020 (8374)</u>	<u>6721 (7086)</u>

NOTE: Figures for period 1/7/71 to 30/6/72 are shown in parenthesis.

SCHEDULE "B"
LEGAL AID COMMITTEE – LEGAL AID FUND
STATEMENT OF REVENUE AND EXPENDITURE FOR THE YEAR ENDED 30/6/73.

	1971/72	1972/73
REVENUE		
Balance brought forward at 1st July	\$ 50,075	\$ 1,494
Costs recouped and contributions by assisted persons	303,474	579,431
Payments from Solicitors Guarantee Fund	285,000	745,000
Payments from Appeal Costs Fund	—	—
Bank Interest	18	—
Treasury Contribution	75,000	—
	\$713,567	\$1,325,925
EXPENDITURE		
Administration Costs		
Salaries	\$ 86,740	\$ 103,812
Travelling Expenses	50	289
Office Requisites	6,189	5,482
Books and Incidentals	836	1,467
Post and 'Phone	5,556	8,239
Electricity	968	1,547
Rent	13,410	22,766
Superannuation	1,109	1,150
Furniture & Fittings	290	3,279
Disbursements	101,634	114,598
Refunds to Assisted Persons	26,924	42,557
Payments to Legal Profession (see below)	468,368*	882,024**
Balance carried forward at 30th June	1,493	138,715
	\$713,567	\$1,325,925

* Unpaid accounts from the Legal Profession for services rendered by 30/6/72 are in excess of \$100,000.

** Unpaid accounts from the Legal Profession for services rendered by 30/6/73 are \$125,852.

	1971/72	1972/73		1971/72	1972/73
Payment to Profession					
Solicitors Costs Certified	\$327,029	\$706,717	Payment at the rate of 80% as per Section 11(3) (c) Act 7919	\$261,624	\$565,374
Barristers Fees Certified	258,431	403,754		206,744	323,003
	\$585,460	\$1,110,471		\$468,368	\$888,377

SCHEDULE "C"
BREAK OF UP THE LEGAL AID DOLLAR

	1971/72	1972/73
Income		
Costs recouped and contributions	0.47	0.44
Payments from Solicitors Guarantee Fund	0.42	0.56
Government Contribution	0.11	—
	<u>\$1.00</u>	<u>\$1.00</u>
Expenditure		
Administration Costs	0.16	0.12
Disbursements	0.14	0.10
Refunds to assisted persons	0.04	0.04
Payments to profession	0.66	0.74
	<u>\$1.00</u>	<u>\$1.00</u>

THE VICTORIAN BAR
FINANCIAL STATEMENT FOR THE YEAR ENDED 31ST AUGUST 1973

BALANCE in hand 31st August 1972

\$3,277.37

REVENUE RECEIPTS

Annual Subscriptions current year	\$18,594.00		
Annual Subscriptions previous years	<u>2,115.00</u>	20,709.00	
Arrears for past functions		14.75	
Dividends on shares		1,110.00	
Interest:			
Commonwealth Bonds	90.00		
Short term deposit	<u>165.61</u>	255.61	
Barristers' Benevolent Fund:			
Receipts	1,607.25		
Paid to Trustees	<u>1,607.25</u>	—	22,089.36

REVENUE EXPENDITURE

(a) Administrative Expenses:			
Auditors' remuneration	110.00		
Bank charges	52.55		
Electricity	9.82		
Floral tributes	45.50		
Insurance	148.52		
Maintenance services	65.50		
Postages & Petty Expenses	138.80		
Printing & Stationery	2,390.39		
Salaries	<u>7,499.46</u>	10,460.54	
(b) Affiliation Fees:			
Australian Bar Association	224.00		
Law Council of Australia	<u>1,120.00</u>	1,344.00	
(c) Fares and Expenses of representatives at Local, Interstate and Overseas (N.Z.) Assemblies, Conferences and Meetings		793.55	
(d) Donation to Undergraduates Centenary Committee of Melbourne University.		50.00	
(e) Photographic Memorial of the Late Sir Owen Dixon.		290.00	
(f) Functions and Entertainment (against which \$18.75 is owing) For Catering, Hiring etc. To Chairman's Fund	5,402.40		
	<u>1,900.00</u>		
	7,302.40		
Less members' payments	<u>5,840.69</u>	1,461.71	
(g) Income Tax		33.75	14,433.55
Excess Revenue over Expenditure			<u>7,655.81</u>
			<u>\$10,933.18</u>

CAPITAL EXPENDITURE

(a) 500 Ordinary Shares of \$2 each in Barristers' Chambers Limited	1,000.00	
(b) Short term deposit with Group Holdings Limited	<u>5,000.00</u>	
	6,000.00	

CAPITAL RECEIPTS

Sales (7) "A Multitude of Counsellors"	64.80	5,935.20
BALANCE IN HAND at 31st AUGUST 1973		<u>4,997.98</u>
		<u>\$10,933.18</u>

ASSETS AT 31ST AUGUST 1973

1.	<u>Member Debtors:</u>			
(a)	For Subscriptions:			
	(i) Prior to 31/8/72	130.00		
	(ii) Current year	<u>1,402.00</u>	1,532.00	
(b)	For Functions:			
	(i) Prior to 31/8/72	81.83		
	(ii) Current year	<u>18.75</u>	<u>100.58</u>	1,632.58
2.	<u>Investments at cost:</u>			
(a)	7,650 Ordinary Shares of \$2 each in Barristers' Chambers Limited		15,300.00	
(b)	Commonwealth Bonds		2,000.00	
(c)	Short term deposit with Group Holdings Limited		<u>5,000.00</u>	22,300.00
3.	Copies (182) "A Multitude of Counsellors"			1,154.80
4.	Liquor at cost			3,128.00
5.	Portraits at cost			3,495.00
6.	Gifts — Candelabra etc. insured for			1,275.00
				<u>\$32,985.38</u>