

VICTORIAN BAR COUNCIL

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ANNUAL REPORT

1973-74

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ANNUAL REPORT
OF THE
VICTORIAN BAR COUNCIL
1973-74

To be presented to the Annual General Meeting of the Victorian Bar to be held on 23rd September, 1974 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

THE BAR COUNCIL

Annual Election In September 1973 the following persons were elected:— Counsel of not less than 12 years' standing. Sir James Tait Q.C., Messrs. R. E. McGarvie Q.C., R. K. Fullagar Q.C., D. P. Whelan Q.C., K. H. Marks Q.C., K. J. Jenkinson 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. R. J. Johnston, C. S. Keon-Cohen and R. M. Read.

Ex Officio Member Senator the Honourable L. K. Murphy Q.C., (Australian Attorney-General).

(Note: Mr. D. M. Dawson Q.C. resigned in September 1974 upon appointment as Solicitor-General).

Officers of the Bar Council

Chairman Mr. R. E. McGarvie Q.C.

Vice-Chairman Mr. R. K. Fullagar Q.C.

Honorary Treasurer Sir James Tait Q.C.

Assistant to

the Honorary Treasurer Mr. F. P. Walsh

Honorary Secretary Mr. H. R. Hansen

Assistant

Honorary Secretary Mr. M. B. Phipps

Executive Officer Miss D. M. Brennan

DIRECTORS OF BARRISTERS CHAMBERS LTD.

Sir James Tait Q.C. (Chairman), Messrs. McGarvie Q.C., Marks Q.C., Hulme Q.C., Berkeley Q.C. (from April 1974), Batt and Forsyth.

Secretary of Barristers Chambers Ltd.

Mr. D. E. Edwards

YOUNG BARRISTERS' COMMITTEE

Messrs. Jenkinson Q.C. (Chairman), Anderson (to May 1974), Hassett, Beaumont, Sutherland (Secretary), Dane, P.R.A. Gray, Brear, R. M. Read, Habersberger, Rozenes and Hayes (from August 1974). Walls (to February 1974).

ADMINISTRATIVE COMMITTEES

Executive Committee Messrs. McGarvie Q.C. (Chairman), Fullagar Q.C. (Vice-Chairman), Sir James Tait Q.C., Marks Q.C., Lazarus Q.C., and Walsh. (Secretary — Mr. H. R. Hansen; Assistant Secretary — Mr. M. B. Phipps).

Area of Responsibility

(a) Joint Standing Committees

Joint Standing Committee of Bar and Law Institute:

Messrs. McGarvie Q.C. and Fullagar Q.C.

Joint Standing Committee on Public Relations:

Messrs. Lloyd Q.C. and Storey Q.C.

- (b) Standing Committees
Bar Staff Committee:
 Messrs. Walsh (Chairman), Kimm, Maddern, Moorhead and Lopes.
Bar Rules Committee:
 Messrs. Costigan Q.C. (Chairman), Hansen and Phipps.
Bar Publications Committee:
 Messrs. Fogarty (Chairman), Castan and Rowlands.
Victorian Bar News – Editorial Board:
 Messrs. Storey Q.C. (Chairman & Senior Editor), R. J. Johnston (Junior Editor), D. M. Byrne, D. J. Ross, Miss L. Opas and Mr. M. Rozenes.
- (c) Special Committees
Collection of Bar Subscriptions Committee:
 Messrs. Walsh (Chairman), Porter and Heerey.
- (d) Bar Appointees
Executive of Law Council of Australia:
 Mr. McGarvie Q.C.
Council of Australian Bar Association:
 Messrs. McGarvie Q.C. and Fullagar Q.C.
Victorian Council of Professions:
 Messrs. Whelan Q.C., Duggan (to February 1974) and O'Sullivan (from February 1974).
Chief Justice's Committee for Religious Observances:
 Mr. Rendit.
- (e) Other
Victorian Bar Superannuation Fund Trustees:
 Mr. McGarvie Q.C. (Chairman), Sir James Tait Q.C., Messrs. Griffith Q.C. and Dawson Q.C. (Honorary Secretary P. R. Jordan).
Directors of Barristers' Nominee Pty. Ltd. :
 Mr. McGarvie (Chairman), Sir James Tait Q.C., Messrs. Griffith Q.C. and Dawson Q.C.
Barristers' Benevolent Fund Administration Committee:
 Mr. McGarvie Q.C. and Sir James Tait Q.C.
Bar Secretariat:
 Messrs. McGarvie Q.C. Fullagar Q.C. Hansen, Phipps and the Executive Officer.
Bar Employees:
 The Company Secretary (Mr. Edwards)
 The Executive Officer (Miss Brennan)
 The Caretaker (Mr. Brown)
 The Secretary/Stenographer (Mrs. Manning)
 The Clerical Assistant (Miss Hale)
- Ethics Committee Messrs. Dawson Q.C. (Chairman), Storey Q.C. (Vice-Chairman), Sher, Porter and Keon-Cohen (Secretary).
- Area of Responsibility
- (a) Standing Committees
Reading Committee:
 Messrs. Storey Q.C. (Chairman), Cullity, Ormiston, D. R. Meagher, Loewenstein and W. R. White.
Bar Lists Committee:
 Messrs. Sher (Chairman), Porter and Castan (Secretary).
- (b) Special Committees
Joint Committee on Solicitors Firms use of Barristers' Name:
 Messrs. Young Q.C. (to April 1974) and Lazarus Q.C. and Gobbo Q.C. (from May 1974)
- Law Reform Committee Messrs. Whelan Q.C. (Chairman), Costigan Q.C. (Vice-Chairman), Castan (Secretary) and R. M. Read. (Messrs. McGarvie Q.C. and Fullagar Q.C. are ex officio members).

Area of Responsibility

- (a) Joint Standing Committees
Joint Standing Committee on Supreme Court Practice and Procedure:
 Messrs. Davies Q.C., Fox and Ormiston.
Joint Standing Committee on County Court Practice and Procedure:
 Messrs. Fagan, Porter and Heerey.
Joint Standing Committee on Magistrates' Courts Practice and Procedure:
 Messrs. R. J. Johnston, Keon-Cohen and R. M. Read.
- (b) Standing Committees
Crime Practice Committee:
 Messrs. Kelly (Chairman), Dixon, Hampel, Sher, Darvall, Wraith, Faris (to June 1974) and Sutherland.
Juries Practice Committee:
 Messrs. Thomson Q.C. (Chairman), Costigan Q.C., Ravech, Cullity, Hase and Treyvaud.
Causes Practice Committee:
 Messrs. Davies Q.C. (Chairman), Ormiston, Forsyth, Dowling, Larkins and Ahearne.
Matrimonial Causes Practice Committee:
 Messrs. Asche Q.C. (Chairman), Spence (to November 1973), Pitcher (from February 1974) Fogarty, Miss Kingston, Messrs. R. M. Johnstone and Cantwell.
Industrial Law Practice Committee:
 Messrs. Keely Q.C. (Chairman), Northrop Q.C., Dowling, N. A. Brown, K. D. Marks, Ryan and Maddern.
Town Planning & Local Government Practice Committee:
 Messrs. Gifford Q.C. (Chairman), Gobbo Q.C., Campton, Harris, Rowlands, Dowling, Porter and Heerey.
Liquor Control Practice Committee:
 Messrs. Campton (Chairman), Bourke and P. J. O'Callaghan.
Workers' Compensation Practice Committee:
 Messrs. Rendit (Chairman), Ellis, Magennis, Vincent, Wheeler and Bingeman.
Taxation Committee:
 Messrs. Webb Q.C. (Chairman), Brusey Q.C. (to December 1973) Hulme Q.C. (from February 1974) Forsyth, Spry and Castan.
- (c) Special Committees
Joint Committee on National Rehabilitation & Compensation Scheme Committee of Inquiry:
 Messrs. Marks Q.C., Beach Q.C., Costigan Q.C., Barnard Q.C. and Ravech.
Joint Committee on Enquiry into Poverty:
 Messrs. Jenkinson Q.C., Dowling and Faris (to June 1974).
Supreme Court Delays Committee:
 Messrs. Strauss Q.C. (Chairman), Hulme Q.C. Asche Q.C., Black and Pannam.
Improvement of Personal Injuries Jurisdiction Committee:
 Messrs. Marks Q.C. (Chairman), Lazarus Q.C. Searby Q.C. and Sher.
Road Safety Committee:
 Messrs. Lazarus Q.C. (Chairman), Smithers, N. S. T. Murdoch and Willee.
- (d) Bar Appointees
Chief Justice's Law Reform Committee:
 Messrs. Whelan Q.C., Dwyer and T. H. Smith.
Chief Justice's Rules Committee:
 Mr. Whelan Q.C.
County Court Rules Committee:
 Mr. Heerey.
Attorney-General's Working Party on Justices Act Rules:
 Mr. R. M. Read
Workers Compensation Board Standing Committee:
 Messrs. Keely Q.C., Rendit, Magennis and Ashley (from February 1974).

Australian Journalists Association Committee on Laws of Defamation and Contempt of Court:

Mr. Hulme Q.C.

Legal Aid Committee:

Messrs. Paterson Q.C. (to December 1973), Thomson Q.C., Kendall (to December 1973), Tolhurst (to June 1974), Jenkinson Q.C. (from December 1973), Treyvaud (from February 1974) and C. W. Villeneuve-Smith (from June 1974).

Appeal Costs Board:

Mr. Scurry Q.C.

Victorian Aboriginal Legal Service:

Mr. O'Bryan Q.C.

Law Faculty – Melbourne University:

Bar Council Appointee

Mr. Spence (to February 1974)

Mr. Tadgell (from February 1974)

Messrs. McGarvie Q.C. and Merralls – Bar Council Nominees.

Law Faculty – Monash University:

Messrs. Paterson Q.C. and Willee (alternate)

Council of Legal Education:

Messrs. Storey Q.C., Goldberg, Chernov (to December 1973) and Kay (from January 1974).

Legal Education Committee:

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

Leo Cussen Institute for Continuing Legal Education:

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

Board of Examiners:

Messrs. Jenkinson Q.C. (to December 1973), Storey Q.C. (from January 1974), Frederico and Emery.

General Committee Messrs. Lazarus Q.C. (Chairman), Jenkinson Q.C. (Vice-Chairman), Dowling and R. J. Johnston (Secretary). (Messrs. McGarvie Q.C. and Fullagar Q.C. are ex officio members).

Area of Responsibility(a) Joint Standing Committees

Joint Standing Committee on Fees and Costs:

Messrs. Fullagar Q.C., Walsh and Sher.

(b) Standing Committees

Bar Fees Committee:

Messrs. Fullagar Q.C. (Chairman), Lazarus Q.C., Sher and K. D. Marks (Secretary).

Accommodation Committee:

Messrs. Berkeley Q.C. (Chairman), Emery, Liddell, Forsyth, Mandie, Gurvich and Phipps.

(Messrs. McGarvie Q.C. and Fullagar Q.C. are ex officio members).

Library Committee:

Messrs. Griffith Q.C. (Chairman), Tadgell, Ormiston, Black, T. H. Smith, J. V. Kaufman, Ahearne, D. M. Byrne, Keon-Cohen, Sundberg and Hayes.

Social and Common Room Committee:

Messrs. Dowling (Chairman), Tolhurst, D. M. Bennett, D. J. Ross, Harper and Miss Opas.

Catering Committee:

Messrs. Dawson Q.C. and Batt.

Wine Cupboard Committee:

Messrs. Tolhurst (Chairman) and Crossley.

Clerking Committee:

Messrs. Marks Q.C. (Chairman), Whelan Q.C. (Vice-Chairman), Jenkinson Q.C. Lazarus Q.C., Sher and Keon-Cohen. Committee appointed 30/5/74.

Overdue Fees Committee:

Messrs. Sher (Chairman), Lazarus Q.C. (from May 1974), Costigan Q.C. (from May 1974), Porter, R. J. Johnston (Secretary) and Habersberger (from May 1974).

Furniture and Equipment Committee:

Messrs. Dawson Q.C. (Chairman), Walsh and Sher.

Special Committees

Committee on Future Development of the Bar:

Messrs. Aickin Q.C. (Chairman), Storey Q.C., Pannam and Keon-Cohen (Secretary).

Incorporation of Counsel Committee:

Messrs. Young Q.C. (Chairman — to April 1974), Webb Q.C., Tadgell and Dr. Spry.

Barristers' Insurance Committee:

Messrs. Marks Q.C. (Chairman), Lazarus Q.C., Davies Q.C., Smithers (Secretary), Castan and Abraham.

Photocopy Machine Committee:

Messrs. Marks Q.C., Griffith Q.C., Heerey and R. M. Read.

(d) Bar Appointees

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.

Superannuation Fund for Supreme Court Librarian:

Mr. Hogg Q.C.

(e) Other

Bar Librarian:

Mr. Griffith Q.C.

Co-Ordinator of Floor Committees:

Mr. Lazarus Q.C.

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 and Sir James Tait Q.C.

MEETINGS

During the period 1st September 1973 to 31st August 1974 the following meetings were held:—

Bar Council	—	22
Executive Committee	—	10
Ethics Committee	—	13
Law Reform Committee	—	10
General Committee	—	10

SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1973 to 31st August 1974:—

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
Solicitor-General	\$ 20.00
Crown Prosecutors & Parliamentary Counsel	\$ 20.00
Non-Practising List	\$ 20.00

PERSONALIA

Deaths Mr. R. H. Cogswell in October 1973; the Right Honourable Sir Cyril Walsh, K.B.E., P.C. on 28th November 1973; Hon. C. E. Marks on 6th January 1974; His Honour Judge Flannagan on the 2nd March 1974; Mrs. Joan Rosanove Q.C. on the 8th March 1974; the Honourable Mr. Justice Aird on the 15th March 1974; Mr. Louis Voumard Q.C. on the 4th May 1974 and Mr. P. J. Brusey Q.C. on the 8th August 1974. Mr. Bruno David on 10th September, 1974.

Appointments Upon his retirement from the Supreme Court Bench, the Honourable Mr. Justice Smith was appointed Law Reform Commissioner.

In October 1973 Mr. W. O. Harris Q.C. was appointed a Judge of the Supreme Court of Victoria; Mr. B. B. Riley Q.C. was appointed a Judge of the Federal Court of Bankruptcy, and Mr. M. H. Chilwell Q.C. (N.Z.) to the Supreme Court of New Zealand. In November 1973 Mr. G. H. Spence was appointed a Judge of the County Court.

In April 1974 Mr. J. McL. Young Q.C. was appointed Chief Justice Designate and became Chief Justice on the 1st June 1974.

In May 1974 Sir Henry Winneke was appointed Acting Governor of Victoria and in June 1974 was sworn in as Governor of Victoria.

In September 1974 Mr. B. L. Murray Q.C., Solicitor-General was appointed a Judge of the Supreme Court and Mr. D. M. Dawson Q.C. was appointed Solicitor-General.

In February 1974 Messrs. P. C. Martin and J. P. Dickson were appointed Crown Prosecutors.

In May 1974 Mr. K. J. Jenkinson Q.C. was appointed Chairman of the Prisons' Advisory Council.

During the year Mr. Francis Q.C. was appointed aide-de-camp to the Queen and Mr. Neesham was appointed assistant Ombudsman.

Honours New Years Honours' List:

Sir Gregory Gowans — Knight Bachelor.

Mr. B. L. Murray Q.C. — Companion of the British Empire.

Mr. J. C. Finemore Q.C. — Order of the British Empire.

Queen's Counsel (1973) Messrs. J. F. Moloney, A. J. Scurry, F. X. Costigan, G. R. D. Waldron, J. J. Hedigan and J. E. Barnard.

Welcomes During 1973 the Bar assembled to welcome the Honourable Mr. Justice Harris to the Supreme Court; his Honour Judge Spence to the County Court and Mr. Deputy President Williams, Mr. Deputy President Isaacs and Hon. Mr. Commissioner Heffernan to the Australian Conciliation and Arbitration Commission. During 1974 the Honourable Mr. Justice Jacobs was welcomed to the High Court of Australia and the Honourable Mr. Justice Young to the Supreme Court as Chief Justice Designate and the Honourable Mr. Justice Murray to the Supreme Court. On each occasion the Chairman made an address of welcome on behalf of the Bar.

Farewells On 28th September 1973 the Chairman and members of the Bar attended a farewell to the Honourable Mr. Justice Smith on his retirement from the Supreme Court Bench.

During 1974 the Chairman and members of the Bar attended farewells to the Chief Justice Sir Henry Winneke (April), the Honourable Sir Richard Eggleston on his retirement as President of the Trade Practices Tribunal in June and in August to Sir Douglas Little on his retirement from the Supreme Court Bench. On each occasion the Chairman spoke on behalf of the Bar.

Early in 1974 Sir John Nimmo retired as Chief Justice of Fiji and the Honourable Mr. Justice Minogue retired as Chief Justice of New Guinea.

Tribute On 19th March 1974 members of the Bar attended a Tribute to the late Mr. Justice Aird at the Australian Conciliation and Arbitration Commission and the Chairman spoke on behalf of the Bar.

ROLL OF COUNSEL

Between 13th September 1973 and the 31st August 1974 the following 44 persons signed the Roll of Counsel:—

Master T. P. Bruce, Miss L. Lieder, Messrs. L. Lasry, J. W. Burns, H. McM. Wright, C. A. Sweeney, D. G. McGregor (N.S.W.), R. S. L. Wild, G. M. Horgan, R. C. Johnson, M. J. Casey, C. G. Hillman, H. Jolson, G. K. Moore, D. J. Belson, J. A. Jordan, K. R. Handley (N.S.W., Q.C.), J. R. Therry-Ward (N.S.W.), A. J. Crozier-Durham, W. B. Strugnell, A. E. Scott, O. M. Kiernan, J. H. Telfer, Miss J. B. Peirce, Messrs. P. T. Fox, P. V. Batros (W.A.), D. R. Gibson, N. J. Webb, Prof. D. E. Allan, Messrs. P. F. McDermott, G. R. Ritter, J. A. Riordan, E. B. Wajsbrem, D. G. Williamson, G. Taylor, Miss M. J. McRae, Messrs. A. Z. Kornblum, S. C. Mathews, G. J. Z. Levine, D. B. Forster, T. D. Wood, F. G. Davey and R. C. W. Walker.

Transfer from Non-Practising List to Practising List Mr. H. B. Connell.

Transfer to Non-Practising List Mr. D. J. Walls.

Names removed at request of Counsel Messrs. C. I. New, C. P. Bayliss, S. S. G. Pinzone, M. J. Hannan, D. I. Findlay, K. Wheelahan, P. C. Steader, P. J. Brusey Q.C., L. J. Hayman, P. Faris, W. O. a'Beckett and T. Schwarcz.

<u>The Roll</u>	<u>1973</u>	<u>1974</u>
Governors' List	—	1 + 1
Judges' List	80	84 + 4
Practising List	504	528 + 24
Non-Practising List	43	43 —
	627	656 + 29
Counsel in active practice*	428	444 + 16

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

FUNCTIONS

Opening of the Legal Year

On the 1st February, 1974 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, the lessons were read by the then Chief Justice, Sir Henry Winneke, and the Attorney-General, the Honourable V. F. Wilcox Q.C., M.P. The Reverend J. W. R. Westerman 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 Reginald Batten, O.P.

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 Dr. I. Rapaport.

Bar Dinner

The Bar Dinner was held on Saturday, 11th May, 1974 in the Common Room, Owen Dixon Chambers, the guests of Honour were the Honourable Sir Henry Winneke, the Honourable Mr. Justice Young, the Honourable Sir Gregory Gowans, the Honourable Mr. Justice Harris, His Honour Judge Spence and the Honourable Mr. Justice Minogue, Mr. J. E. Barnard Q.C. was "Mr. Junior Silk".

Bar Entertainment

Late afternoon gatherings have continued to prove successful. As far as possible, invitations are extended to members of the bar to 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, Stipendiary Magistrates, the President, Chairman and members of the Council of the Law Institute of Victoria, the Honourable Mr. Justice Tui Vaga of Fiji, Mr. Robert M. Segal of the Harvard Law School together with Mr. McHale, Labour Attache to the U.S. Consulate, and also members of kindred associations.

The Cup Eve Dinner Dance was held on 5th November 1973 and the Bar Christmas Cocktail Party was held on 18th December 1973. Both functions were well attended.

On the 14th June 1974 the Council entertained at dinner the Presidents of the Country Law Associations as well as the President, Chairman and Officers of the Law Institute of Victoria.

On the 28th June 1974 the Mid-Year dining-in night was held and a collection of items presented during the evening was organised by John Coldrey. The function was a great success.

On the 17th August 1974 members of the Bar combined with members of the Law Institute of Victoria to hold a dinner in honour of Lord and Lady Denning at the Southern Cross Hotel. On the 22nd August 1974 the Council and the Council of the Law Institute entertained Mr. James Fellers, the President of the American Bar Association, at lunch at the Law Institute.

Sporting Functions

The annual Cricket Match between the Bar and Solicitors was played on the 17th December, 1973. On the same day the annual Tennis Match was held between the Bar and the Solicitors.

On the 28th June 1974 the annual Golf Match between the Bench and Bar and the Combined Services was played at Royal Melbourne Golf Club. The Council is indebted to Mr. J. M. B. Cashmore who organised this Golf Match on behalf of the Bench and Bar.

Due to abnormally hot weather the annual Golf Match between the Bench and Bar and the Solicitors arranged for 31st January 1974 was cancelled.

BAR ADMINISTRATION

The Bar Council this year implemented the administrative system adopted by the previous Bar Council on 13th September 1973. Experience led to the making of some modifications and the system operates as set out below.

Bar Staff

Between them the members of staff do the work needed to be done by the Bar organizations as a whole. This includes work done for the Bar Council, Barristers Chambers Ltd., the Barristers' Superannuation Fund and the Barristers' Benevolent Fund. All members of staff are available to do any part of this work as required. The main responsibilities of the various staff offices are mentioned but staff members are not engaged exclusively on the functions of their own offices. The office of the Registrar has been discontinued.

The Secretary of Barristers' Chambers Ltd. (Mr. D. E. Edwards) is primarily concerned with the administration of the affairs of that company and the property of the Bar and with tenancy and accommodation questions. The Executive Officer of the Victorian Bar (Miss Dorothy Brennan) is primarily concerned with the administration of the affairs of the Bar, the Bar Council and Bar Committees. The Secretary-Stenographer and the Clerical Assistant, under the supervision of the Executive Officer, do the secretarial and clerical work for all Bar organizations. The Caretaker, under the supervision of the Secretary of Barristers' Chambers Ltd., is responsible for the care, maintenance and running of Bar buildings and other property.

The Administrative Committees Four administrative committees of the Bar Council, the Executive Committee, the Ethics Committee, the Law Reform Committee and the General Committee usually make the first decisions on new questions which arise and on reports received from Bar Committees. If a matter involves issues of new or controversial principle or of great importance the administrative committee recommends to the Bar Council the course to be taken. In other matters and particularly in routine matters of administration, the administrative committee itself makes a decision on behalf of the Bar Council. These decisions of administrative committees are implemented by the Bar staff and reported to the next regular meeting of the Bar Council.

Within its area of responsibility each administrative committee supervises the work and receives reports from Bar committees and Bar representatives on outside bodies and may fill casual vacancies.

Bar Committees are constituted and Bar appointments made mainly from those who volunteered for such service in response to an invitation from the Chairman in September 1973.

The Bar Council meets every fourth Thursday, and on the Thursdays between its meetings the General, Executive and Law Reform Committees meet. The Chairman and Vice-Chairman of the Bar Council are members of these three administrative committees and the Executive Officer attends the committee meetings, keeps the minutes and implements the decisions. The Ethics Committee has one or more meetings each four weeks at times which it selects.

The Executive Committee is responsible for action on behalf of the Bar and outside bodies. It is also responsible for the finances, the staff and the overall administration of the Bar. It deals with matters which are not the responsibility of any other administrative committee and in case of doubt decides which administrative committee is to deal with a matter.

Besides its disciplinary functions and the exercise of its summary jurisdiction under Counsel Rules, the Ethics Committee is responsible for ethics, professional etiquette and practice, reading and lectures, and the maintenance of the various lists of members of the Bar.

The Law Reform Committee is responsible for the whole area of law reform including reforms in practice and procedures.

The General Committee is responsible for the domestic concerns of the Bar such as clerking, accommodation and fees and for legal aid and legal education.

The minutes of all administrative committees are available for perusal by all members of the Bar Council. Any member of the Bar Council, not a member of the Committee, may attend meetings of the Executive, Law Reform or General Committees and speak but not vote.

The Board of Directors of Barristers' Chambers Ltd. has for many years operated along the lines now followed by the administrative committees. It has referred its recommendation to the Bar Council for decision upon matters involving issues of new or controversial principle or of great importance and has decided other matters itself.

The Young Barristers' Committee considers most questions which particularly concern young barristers or practice in Magistrates' Courts and makes recommendations to the Bar Council.

Secretariat

On each week day morning at 9.30 the Chairman, Vice-Chairman, Honorary Secretary, Assistant Honorary Secretary and Executive Officer meet and decide upon work to be done and the implementation of the decisions of the Bar Council and other bodies. The secretariat refers directly to the appropriate administrative or other committee new matters as they arise.

Bar Council

The time of Bar Council meetings is spent on the questions which appear to be those of most importance to the Bar. Usually on these questions members of the Bar Council have before them the report of a Bar committee with the recommendation of the administrative committee which has considered it.

Representation at Social Functions

The Vice-Chairman or a member of the Bar Council arranged by him represents the Bar at most social functions instead of the Chairman. Most of the bodies which regularly invite a Bar representative to their functions now send the invitation to the Vice-Chairman.

Chairman and Honorary Secretary

With many duties which were previously performed by the Chairman and Honorary Secretary of the Bar Council now done by the administrative Committees, their Chairmen and secretaries, the vice-Chairman or the Bar Staff, the duties of Chairman and Honorary Secretary of the Bar Council need not now make severe inroads into the practices of the holders of those officers.

BAR ACTIVITIES 1973-74

In this report of the other main activities of the Bar for the Bar Council year 1973-74, activities are grouped under the Administrative Committee with responsibility in the area.

EXECUTIVE COMMITTEE

1. Joint Standing Committee of Bar and Institute. This committee has met on six occasions to discuss questions concerning the whole legal profession or requiring co-operation between the Bar and Institute.
2. Public Relations. A letter from the Chairman was published in the 'Age' on 11th December 1973 which justified the legal vacations. In a joint letter from the President of the Institute and the Chairman of the Bar published in the 'Age' on 13th June 1974 reference was made to the law reform work of the profession and the need for outside assistance.
3. A joint letter from the Chairman of the Bar and the President of the Institute published in the 'Herald' on 2nd July 1974 called for an end to the exercise of judicial powers by Justices of the Peace and stated that the overall experience of practising lawyers in this State is that, as a general rule, adjudication upon the rights of citizens by Justices of the Peace is substantially less satisfactory than adjudication by trained and qualified Stipendiary Magistrates. Letters were received from Mr. F. R. Power, J.P. protesting against the joint letter. In a letter to Mr. Power on 13th August 1974 the Bar Council confirmed these statements in the joint letter and confirmed that they represent the experience and views of the great majority of members of the Victorian Bar who have practised in courts of summary jurisdiction.
4. During December 1973 the Chairman wrote to the metropolitan daily papers, radio stations and television channels informing them of the rules which now enable counsel to write to the press or broadcast on radio or television.
5. The Chairman has addressed law students at Monash explaining the reasons behind the policy of the Bar on reading and on clerking and pointing out that it is the policy of the Victorian Bar that it be open to all and that no barrier, economic or otherwise, be placed in the way of those desiring to join the Bar. A request has been made for an opportunity to give a similar address to law students at Melbourne University, at the Council of Legal Education School and to the Association of Young Lawyers.
6. At the request of members of the Curriculum and Research Branch of the Victorian Education Department in charge of the Higher School Certificate subject of Commercial and Legal Studies, representatives of the Bar and Institute have joined representatives of the Education Department to assist in the preparation of a text book for the subject. The Bar representatives are Messrs. Lloyd Q.C. and Archibald.
7. Jakarta lawyer. On 22nd January 1974 the Chairman and the Chairman of the Institute sent a letter to the Australian Minister for Foreign Affairs seeking action in relation to the arrest without charge in Jakarta of the Director of the Jakarta Legal Aid Institute, Mr. Buyung Nasution.
8. Bar Council Office. The Bar Council decided that the accommodation now occupied by the Executive Officer is to be the office of the Bar Council under the Bar Rules. References to the Registrar in resolutions of the Bar Council or other Bar resolutions or documents are to be taken to refer to the Executive Officer.
9. Micro-film Records. Copies of the minutes of the Bar and Bar Council to 30th May 1974 and of the Bar Roll to 17th July 1974 have been stored with Melbourne Safe Deposit, A.N.Z. Bank Limited, 351 Collins Street, Melbourne.

10. Victorian Bar News. Issues 7, 8 and 9 have been published. Copies go to all Judges who are members of the Victorian Bar and a copy goes to each Bar and Law Society in Australia. The Bar News performs a vital function in informing members of the Bar and others of what is happening at the Bar.
11. Collection of Bar Subscriptions. Under arrangements made with the barristers' clerks, counsel will be invited to sign an authority authorising his clerk to deduct from his moneys the annual Bar subscription and to pay it to the Treasurer of the Bar Council. This system which was recommended by the Collection of Bar Subscriptions Committee will operate in the year 1974-75.
12. Law Council and A.B.A. Mr. McGarvie Q.C. has been appointed Treasurer of the Law Council of Australia and Mr. D. M. Bennett has been appointed its Honorary Assistant Secretary and the Editor of its Newsletter. Mr. McGarvie, Q.C. has been appointed a Vice-President of the Australian Bar Association.
13. Ecumenical Service for Opening for Legal Year. The Bar Council expressed its support to the Chief Justice's Committee for Religious Observances for an ecumenical service in 1975. It made clear that on this question members of Bar Council do not speak as representing the views of individual members of the Bar.
14. Photocopy Machine. On 22nd November 1973 the Repco Canon machine now installed on the 12th floor was purchased. The photocopy machine is used for the business of the Bar and its committees. This photocopy machine has played a vital part in the quick dispatch of Bar business. Members of the Bar and other persons may obtain photocopies at 5c a page.
15. Queensland Floods. \$1,115 from voluntary contributions by members of the Bar was sent to the Queensland Bar towards replenishing money paid out of its Benevolent Fund in respect of flood damage. On 5th June 1974 the Chairman attended as a guest the Bar Dinner of the Queensland Bar and received on behalf of the Victorian Bar a sherry decanter presented by the Queensland Bar in appreciation of the donation.
16. Dinners. On 18th April 1974 Mr. Costigan, Q.C. represented the Victorian Bar at a dinner of the Bar of the Australian Capital Territory. On 21st June 1974 the Chairman was a guest at the Bar Dinner of the Bar of New South Wales. On 26th June 1974 the Chairman was a guest at the Annual Dinner of the Law Institute of Victoria.
17. Financial Control. The Bar Council has adopted a detailed report prepared by Sir James Tait and Mr. Walsh making recommendations for the control of the finances of the Bar. The report has been referred to the Executive Committee for implementation.
18. Staff Salaries. Recommendations on the annual salaries to be paid to Bar staff were made during the year by the Bar Staff Committee and adopted. Recommendations for the incoming Bar Council have been prepared.
19. On 19th December 1973 the Australian Attorney-General, Senator the Hon. L. K. Murphy, Q.C. addressed about 250 members of the Bar in the common room on questions of interest to the Bar and answered questions.

ETHICS COMMITTEE

1. Letters to the Press and Articles. On the 18th October, 1973, new rules came into operation regarding the contribution of articles or letters for publication. They are as follows:—
 - "1. Subject to the general prohibition against touting a barrister may contribute an article or write a letter for publication on a legal or non-legal subject and may, in so doing —
 - (a) be identified by name;
 - (b) include the description "barrister" or "Barrister-at-Law";
 provided, however, that a barrister may not, without the permission of the Ethics Committee, write for publication or cause or permit to be published, any particular of —
 - (i) his life, practice or earnings at the Bar; or
 - (ii) any matters in which he has been engaged as counsel, unless he can do so without disclosing information imparted to him in confidence and still confidential and without giving publicity either to his own appearance in the matter or the part which he played in it.

If the Bar Council is of the opinion that the publication or the repeated publication of articles or letters by a barrister constitutes advertising or touting, it may, after calling on the barrister concerned to show cause, and hearing him in relation thereto, direct that such barrister shall not publish under his own name any article or letter on a legal or non-legal subject for such period as the Council thinks fit, without the permission of the Bar Council, which shall have absolute discretion to withhold such permission or to grant it with or without such conditions as it thinks fit. The Bar Council may rescind or vary any such discretion upon such terms (if any) as it thinks fit".

2. Non-payment of Subscription. The Ethics Committee commenced proceedings under Rule 41 of Counsel Rules against two counsel for non-payment of their annual subscriptions. The commencement of proceedings resulted in payment of the amounts due.
3. Seniority. The Ethics Committee ruled that, in accordance with a ruling given in 1963, where two stuff-gownsmen appear together, seniority is to be determined by the date of admission to practise and not the date of signing the Bar Roll.
4. Disciplinary Proceedings. Upon two occasions the Ethics Committee held summary hearings under the Disciplinary Rules. Upon the first occasion a member of counsel was found to have infringed a rule of professional conduct in two respects, namely:—
 - (a) That he acted as counsel in a contentious matter without the instructions of a solicitor; and
 - (b) That he had direct dealings with an opposite party after being informed that that party had a solicitor acting for her.

A caution was administered by the committee.

Upon the second occasion a member of counsel was found to have infringed a recognized practice of professional conduct in that he had failed to appear in a matter in which he was briefed to appear in the County Court when that matter was called on for hearing. He was directed to pay a fine of \$100.00

Other complaints against counsel were investigated and were, in the view of the Ethics Committee, unfounded or did not warrant any proceedings being taken.

5. Police Interviews. The Ethics Committee resolved that it was undesirable for counsel to attend an interview of his client by the police save in urgent or exceptional circumstances.
6. Paid Advocate. The Ethics Committee ruled that it would not be proper for counsel to accept the position of permanent paid advocate for a local residents' association. This ruling was adopted by the Bar Council.
7. Two Counsel Rule in Criminal Cases. The Bar Council debated a motion that in trials on presentment concerning the liberty of the subject, it is permissible for a Queen's Counsel to appear for the accused without a junior barrister being briefed to appear with him. The motion was lost.
8. Lectures. The following lectures were arranged by the Reading Committee:—

<u>Lecture</u>	<u>Lecturer</u>
Ethics	Mr. D. Dawson Q.C.
Ethics	Mr. H. Storey Q.C.
Relations between Barristers and Solicitors	Mr. R. K. Fullagar Q.C.
Procedure — Practical Aspects of Originating and Other Process	Mr. W. F. Ormiston
Procedure — Pleadings	Mr. S. P. Charles
Procedure — Practical Aspects of Interrogatories and Answers to Interrogatories — Advice on Evidence	Mr. J. A. Gobbo Q.C.
Conduct of Proceedings in different jurisdictions — being proceedings before the Practice Court, Masters and Magistrates Court	Mr. J. D. Loewenstein
Trial-Opening, Final Address and making a Submission	Mr. E. D. Lloyd Q.C.
Criminal Trials	Mr. J. C. Walker
Trial-Examination and Cross-Examination	Mr. N. R. McPhee Q.C.

LAW REFORM COMMITTEE

1. Report. The Law Reform Committee for the year 1973/74 was constituted by Messrs. Whelan Q.C. (Chairman), Costigan Q.C., Castan and Read with Messrs. McGarvie Q.C. and Fullagar Q.C. ex officio members. It met monthly throughout the year on a regular basis. As part of its regular duties it supervised a large number of practice and standing committees, the details and personnel of which are set out elsewhere in this report. Perhaps the most important function exercised by the Law Reform Committee was the consideration of pending legislation both Federal and State and the referral of such legislation to a standing committee or the setting up of a special ad hoc committee to consider and report thereon. Throughout the year a number of reports were received and the Committee is grateful to the many members of the Bar who gave generously of their time and energies in compiling such reports. The standard of such reports was extremely high and this is borne out by the high praise such reports received from the various authorities to whom they were forwarded.

During the year the Committee considered inter alia, the Human Rights Bill, the Trade Practices Bill, Family Law Bill and the Superior Court Bill. It also maintained communication with and made submissions to the Commission of Inquiry into Poverty.

The Committee retained a close relationship with the Law Reform Commissioner and adopted the practice (which was also adopted by the Law Institute Council) that all resolutions of the Bar Council or the Law Reform Committee relating to matters of law reform be referred to the Law Reform Commissioner.

The Chairman of the Law Reform Committee represented the Bar on the Chief Justice's Law Reform Committee and on the Supreme Court Rules Committee and gratitude is expressed to those members of the Bar who volunteered to serve upon sub-committees of the two aforementioned bodies.

The Bar must be actively concerned with Law Reform and during the past year, by reason of the willing and generous assistance of many members of the Bar, the Law Reform Committee believes that the Bar has indicated that it accepts the role which it ought to play in this field and that it has more than discharged its responsibilities therein.

2. Supreme Court Practice. In recent times a number of reports on particular ways of improving practice and procedure and avoiding delays in the Supreme Court have been produced by committees of the Bar and committees of the Law Institute. It was decided this year to refer all the recent suggestions to the Joint Standing Committee on Supreme Court Practice and Procedure for a comprehensive report. For the purpose of this report a barrister and a solicitor experienced in matrimonial causes joined the committee. The Bar representatives on the committee, Messrs. Davies, Q.C., Fox and Ormiston were joined by Asche, Q.C. An extensive balanced report recommending a number of positive changes has been received and will be considered by the Law Reform Committee and the Bar Council.
3. County Court Causes. In May 1974 the judges of the County Court referred to the Bar and the Institute a draft practice note upon a new system of calling over and fixing causes to be heard in Melbourne in July 1974. This was referred to the Joint Standing Committee on County Court Practice and Procedure which recommended that the proposals be accepted and that solicitors and the Bar be urged to co-operate with the new procedures. The Law Reform Committee adopted that report and the judges of the County Court were informed accordingly. The Joint Standing Committee on County Court Practice and Procedure intends to review the working of these new procedures after they have been in operation for some months.
4. Early Opening of Magistrates' Courts. The Young Barristers' Committee recommended that Magistrates' Courts be opened at 9 a.m. to give shelter to litigants, witnesses and counsel before court proceedings commence. A letter was written by the Honorary Secretary of the Bar Council to the Secretary of the Law Department making this suggestion. On 2nd April 1974 the Secretary of the Law Department replied stating that he would advise suburban Magistrates' Courts to open their doors at 9 a.m. On 20th August 1974 the Honorary Secretary wrote again to the Secretary of the Law Department stating that he had been informed by the Young Barristers' Committee that some courts are not being opened at 9 a.m. and requesting that he bring this matter to the attention of the respective Clerk of Courts.

5. Appeal to County Court. On 30th May 1974 Mr. H. R. Hansen gave evidence to the Statute Law Revision Committee considering the Magistrates' Courts (Jurisdiction) Act. The evidence which he gave on behalf of the Bar was that provision should be made for the re-hearing of appeals to the County Court from Magistrates' Courts after dismissal or striking out for non-appearance by the appellant.
6. Magistrates' Court Rules 1974. The draft rules have been prepared and the Law Reform Committee appointed Messrs. Mandie and McTaggart to report to it with comments on the draft rules.
7. Bail. The report of the Bar Committee on the Rights of Accused and Convicted Persons (the Whelan Report) published in July 1973 had been referred to the Statute Law Revision Committee which is considering its recommendations upon bail. The Statute Law Revision Committee was informed that Messrs. Whelan Q.C. and Mullaly will give any assistance and make submissions on behalf of the Bar on this question.
8. Difficulty in Obtaining Bail. A member of the Bar reported to the Bar Council that he encountered great difficulty in bailing out an acquaintance who had been arrested and taken to the City Watchhouse. He reported that the Sergeant in charge of the Watchhouse had been reluctant to exercise his power to grant bail. The Chairman of the Bar Council wrote to the Chief Commissioner of Police requesting that the matter be investigated.
9. Vagrancy. The Chairman of the Crime Practice Committee, Mr. Kelly, gave evidence before the Statute Law Revision Committee upon the Vagrancy (Insufficient Means) Bill in support of limits on vagrancy laws.
10. Alleging Convictions. The Young Barristers' Committee drew attention to the fact that on occasions when it was proper to put convictions to a defendant, charges of which he had been acquitted were being put and convictions which had been subsequently quashed on appeal. Messrs. Kelly and Sutherland later conferred with Mr. Thompson, C.S.M. who informed them that the subject would be placed on the agenda for the Magistrates' conference in July. Following that conference a letter was received from Mr. Thompson C.S.M. stating that at the conference the attention of Magistrates had been drawn to the proper practice to be followed in such cases.
11. Listing of Criminal Cases. In February the Joint Standing Committee on County Court Practice and Procedure reported that it had considered the present system of listing criminal trials in the County Court and in its view there existed serious defects and a great need for improvement. The Joint Standing Committee recommended that the listing of criminal trials be no longer a function of the Criminal Branch of the Crown Law Department but be vested in an independent authority such as the Registrar of the County Court.
12. Trade Practices Bill. A joint committee of the Bar and Institute was constituted to report upon the Consumer Protection Provisions in this Bill. The Bar representatives on the Committee were Mr. Dwyer and Miss Rowena Armstrong. The report of the joint committee was forwarded to the Law Council of Australia and forwarded by it to the Australian Attorney-General.
13. Human Rights Bill. A report on this Bill was made by a joint committee constituted by the Bar and Institute on which the Bar representatives were Messrs. Griffith, Q.C. and T. H. Smith. The committee report expressed the view that human rights should be safeguarded by appropriate legislation; it stated the desirable elements of such legislation; it suggested amendments to the Bill and stated that the Bill should not take effect without ensuring that it did not interfere with existing laws in a manner or to an extent which is impractical or endangers social security by creating uncertainty about the operation of State laws or impairing the proper administration of justice. The report examined three possible means of giving effect to the International Covenant on Civil and Political Rights and the Convention on the Political Rights of Women. Without expressing an opinion as to whether a Human Rights Bill should or should not be enacted, the Bar Council, with minor amendments, approved the report of the joint committee. The Bar Council resolved that insofar as the Bill might subject judicial officers to suit and insofar as it enabled judgments and convictions to be nullified by order of the Australian Industrial Court or the Superior Court, it was in the opinion of the Council, wholly and gravely inimical to the public interest and ought not to be enacted. The report and views of the Bar Council were conveyed to the Australian Attorney-General.

14. Superior Court Bill. A committee consisting of Messrs. Davis, Q.C., Merralls and Lyons made a detailed report and recommendations upon this Bill. The recommendations were that the Superior Court be not established; that by suitable co-operation, the Federal and State Governments take steps to expand the judicial systems of the States to enforce and administer both State and Federal laws; and that if the Superior Court is to be established it is essential that further careful attention be given to a number of specific matters raised in the report. This report was sent to the Law Council as the report of a Victorian Bar Committee. The Executive of the Law Council decided to include it with reports from other constituent bodies to be forwarded to the Australian Attorney-General.
15. Racial Discrimination Bill. The Law Reform Committee appointed Messrs. Dyett and Merkel to consider and report on this Bill.
16. Woodhouse Inquiry. The policy of the Bar Council, which is identical with the policy of the Law Council of Australia and the Australian Bar Association, is that it:
 - (a) welcomed the action of the Australian Government in setting up an inquiry into a National Rehabilitation and Compensation Scheme applicable without proof of fault and the fact that it left open to inquiry the question whether this scheme should be complementary to or alternative to or in substitution for common law rights to compensation; and
 - (b) supports the introduction of such a scheme as complementary to common law rights to compensation. It regards as contrary to the public interest and opposes the abolition or abrogation of common law rights to compensation for personal injuries without the feasibility and operation of the no-fault liability scheme having been fairly tested over a period of time so that its practicability, its affect upon the public and its capacity for expansion may be properly assessed.

The Victorian Bar and Law Institute jointly had written submissions prepared and presented to the inquiry by Messrs. Marks, Q.C. and Barnard instructed by Mr. John Richards.

On 8th February 1974 the Chairman of the Bar Council and the Chairman of the Law Institute dispatched a joint letter to all members of the Australian Parliament enclosing a copy of the joint submissions.

The report of the Woodhouse Inquiry appeared in July 1974. A perusal of its recommendations gives strong justification for continuing to support the policy earlier adopted by the Bar Council and other legal bodies.

There is cause for real concern that many seriously injured persons would be in a worse position than at present unless they were able to complement their rights under the scheme with common law rights with insurance or similar backing. The bureaucratic administrative determination of claims under the scheme also gives cause for concern.

Submissions in support of the above policy have been prepared by the Law Council of Australia for submission to the Australian Government.

GENERAL COMMITTEE

1. Legal Aid — Poverty Inquiry. Members of the Bar were encouraged to co-operate in a survey of the views and involvement of members of the legal profession upon legal aid of a formal and informal nature being conducted by this inquiry. Mr. Waldron, Q.C. was appointed a member of the Steering Committee supervising the survey. Those to be interviewed received a letter from the Chairman requesting their co-operation. The Bar and the Law Institute set up a joint committee to prepare submissions by the Victorian legal profession to the Poverty Inquiry upon the most desirable method of organising an expanded system of legal aid. The Bar representatives on the joint committee were Messrs. Jenkinson, Q.C., Dowling and Faris. In an extensive report the joint committee examined the legal aid system in Victoria and its operation. It recommended the establishment of legal aid centres in suburban and regional areas to act as legal advice and referral bureaux, supported by government finance, to be open outside ordinary working hours and to be subject to the control of the legal professional bodies. This report was adopted by the Bar Council and forwarded to the Poverty Inquiry. It was also forwarded to Mr. Turner, Chairman of the Australian Legal Aid Review Committee set up by the Australian Attorney-General as the submissions to that committee of the Victorian Bar Council.

2. Duty Lawyer. The Bar Council considered a detailed report prepared by Messrs. Jenkinson, Q.C. and Dowling making recommendations about participation by members of the Bar in a system of duty lawyers at Magistrates' Courts. The Bar Council adopted the recommendations and its policy is as follows:
 - A. That the Victorian Bar Council considers the establishment of a system of "duty lawyer" in Magistrates' Courts to be desirable.
 - B. That the Victorian Bar Council will encourage and facilitate participation of counsel in such a system, provided that participation of counsel in the system on the following terms is acceptable to those who are responsible for the organisation of the system.
 - (i) When serving as "duty lawyer" a member of the Victorian Bar is exercising a professional function as a lawyer, but his service as "duty lawyer" is quite outside the ambit of his professional role as counsel.
 - (ii) Service as "duty lawyer" shall be remunerated at a uniform rate which is fixed by reference to time spent on duty and the amount of which is considered by the Bar Council to be appropriate.
 - (iii) Any act done by counsel as "duty lawyer" in any matter before a Magistrates' Court or justices (whether by way of submission or adducing evidence) shall be upon and after grant by the Court or the justices of leave to counsel to act as *amicus curiae* in the matter.
 - (iv) No counsel shall act as "duty lawyer" at any one Magistrates' Court on more than 12 days in any calendar year nor shall any counsel act as "duty lawyer" on more than 30 days in any calendar year.
 - (v) The relationship of counsel and lay client shall not be constituted in the course of counsel's acting as "duty lawyer".
 - (vi) The relationship of counsel and instructing solicitor shall not be constituted in the course of counsel's acting as "duty lawyer".

The Legal Aid Committee has during 1974 conducted pilot schemes for the duty lawyer project at Melbourne and Prahran Magistrates' Courts.

3. Law Schools. With the authority of the Bar Council the Chairman has joined in a joint letter with the President of the Law Institute to the Faculties of Law at Melbourne and Monash Universities suggesting that steps be taken to bring about a closer association between the law schools and the practising profession.
4. Professional Practice Course and Articles. From 1962 to 1967 the legal profession in Victoria conducted pilot courses and planned a professional practice course which could take its place as an alternative or as a substitute for articles. In 1967 and 1968 the Bar and the Law Institute jointly recommended to the Council of Legal Education the introduction of such a course. These proposals met resistance and when ultimately they were put to the vote on the Council of Legal Education in 1968 received no support except from the representatives of the Bar and Institute. Law students graduating this year from the law schools fear that they will be unable to obtain articles next year. The Council of Legal Education has during 1974 adopted in principle that a graduate may be admitted to practice after a six months' full-time course of practical training at the Leo Cussen Institute. A candidate who has satisfactorily completed that course and is admitted will be entitled to commence reading at the Bar but will not be entitled to a full practising certificate as a solicitor until he has completed 12 months' service as an employee solicitor. Steps are being taken to have such a course available at the Leo Cussen Institute in 1975.
5. Payment of Fees. At the request of the Bar Council the barristers' clerks have placed on their account forms the words, "In the absence of an arrangement to the contrary these fees are payable within 90 days of this account".
6. Payment of Overdue Fees. This has continued to be a great problem for members of the Bar particularly for the more junior members. The existing system for enforcing payment of fees outstanding to barristers of less than seven years call has not proved effective and has not been implemented this year. Discussions have taken place with the barristers' clerks about the best way of recovering overdue fees. The Foley group has introduced computerisation of its accounts and it may be shown that this leads to expedition of payment of fees.

7. Lounge. The lounge on the 13th floor of Owen Dixon Chambers has been remodelled following the removal of the room formerly used as the Chairman's room. The Furniture and Equipment Committee has obtained additional furniture for the lounge and other furniture has been ordered. The lounge is proving a popular location for members of the Bar who prefer to have an informal lunch and discussion there topped off with biscuits, cheese and coffee.
8. Corridor Carpets. During 1974 Barristers' Chambers Limited has had carpets laid so that all corridors in Owen Dixon Chambers are now carpeted.
9. Candelabrum. The Honourable Mr. Justice Harris made a gift to the Bar of a handsome silver inscribed candelabrum.
10. Liquor Licence. The Bar Council decided to take no action to obtain a liquor licence for Owen Dixon Chambers or any part thereof.
11. Removal of Books from Library. The Bar Council has confirmed that in no circumstances shall counsel or any other person without the express authority of the Chairman of the Library Committee remove any book from the Bar Library on the 13th floor of Owen Dixon Chambers for photocopying or any other purpose.
12. Bar Library. Gifts of books were made to the library by the following whose generosity is gratefully acknowledged: The Hon. Mr. Justice Anderson, Messrs. Butterworths, Consulate General of the United States of America, Sir James Tait, Q.C., and Mr. C. W. G. Wheeler.

This year growth of the book collection and other factors made necessary basic changes in the working arrangements of the library. The original plan was that members of the library committee should take turns of duty for a month at a time to see that the library was kept in order and to check for missing books. This system often failed to work in practice because of individual commitments and other reasons especially where, over several days, numbers of books were left out and had to be replaced. It was also thought that it was somewhat unfair to expect members of the committee in an honorary capacity to tidy up a mess left by another barrister who had profited by the value of the time it would otherwise have taken to put books away himself had he obeyed the rules. The new arrangement is that a member of the Bar Staff, Mrs. Sonia Manning, attends to the placing of current parts in the shelves etc. As before, Miss Lee Scott Carmody records in and out book movements (e.g. new parts, binding and so forth).

Because of the potential danger of damage to books, no volumes may, in any circumstances, be removed to the 12th floor for photocopying. Although it is inconceivable that library users are not aware of the requirement that volumes must be returned to their place in the shelves after use, experience had demonstrated that disregard of this rule is a frequent occurrence.

13. Portrait of Chief Justice. The Bar joined with the Judges and the Law Institute in commissioning a painting of Sir Henry Winneke, C.J. by Mr. Paul Fitzgerald and the Chairman spoke on behalf of the Bar at its presentation to the Library Committee of the Supreme Court Library on 26th April 1974.
14. Library at City Court. It has been decided that the Bar will join with the Law Institute in approaching the Victoria Law Foundation for a grant to enable the establishment of a law library for the use of Magistrates and the legal profession at the Magistrates' Court, Melbourne.
15. Meetings with Clerks. On four occasions during the year the Chairman, with other members of the Bar Council, has met the barristers' clerks for a drink and an informal discussion of any question which anyone desired to raise. This enables the policies of the Bar Council to be explained and it enables any clerk to raise and discuss any problem. The Bar Council appreciates the co-operation and assistance which it has received from the barristers' clerks in implementing its policies.
16. Need for Clerk. The Bar Council has affirmed the position that Victorian barristers in active practice must engage one of the barristers' clerks approved by the Bar Council under Counsel Rules. It was also decided that a person commencing the period of two months in chambers without taking briefs prior to signing the Bar Roll should be accepted at the commencement of that period upon a clerk's list. An early ruling of the Bar Council requires that barristers' fees should be collected by the barrister's clerk.
17. Clerks' Fees. The Bar Council referred to the Clerking Committee for report the question of the desirability of having different amounts of clerks' fees paid as between different clerking groups or as between members of the one clerking group.

18. Limitation of Size of Clerking Groups. The Bar Council reaffirmed the policy adopted in November 1972 which will gradually reduce the larger clerking groups to a total of 75 barristers in active practice. The Bar Council requested Barristers' Chambers Ltd. to keep available space on the ground floor of Owen Dixon Chambers to ensure that when in the opinion of the Bar Council the establishment of a new clerking group is desirable there will be adequate accommodation.
19. Clerking Rules. The Bar Council had adopted in principle for implementation during the year 1974-75 new clerking rules drawn by the Clerking Committee. These rules are designed to remove ambiguities in the existing clerking rules which have caused difficulty. They are also designed to ensure that in the absence of good reason to the contrary an applicant for a vacancy in a clerking group will receive priority according to the date of application or, where two or more would be in a position of equality on this basis, according to lot.
20. Future Development of the Bar. An extensive and comprehensive report on the future development of the Bar was received from Messrs. Aickin Q.C., Storey Q.C. and Keon-Cohen in November 1973. The Bar Council has decided to circulate sections of this report for the information of the Bar. A report on the incorporation of barristers by the Incorporation of Counsel Committee is also to be circulated.
21. First Aid. The creation of a first aid point in Owen Dixon Chambers has been authorized and Mr. Willee is purchasing the necessary equipment.
22. Accommodation.
 1. At a meeting held on the 8th March 1973, the Bar Council appointed a committee to deal with the whole of the new and future accommodation for the Bar including the practical work of finding and negotiating such accommodation.
 2. The committee has met 7 times in the last 12 months.
 3. Short-Term Accommodation
Late in 1973 Barristers' Chambers Limited took a lease of the 2nd and 3rd floors at Hume House, 185 William Street. The lease is for a term of 3 years with an option for the tenant to renew the lease for a further 3 years. Possession of the 3rd floor was given to the tenant in December 1973. The space had to be divided into chambers suitable for counsel. That work took about 6 months (including Christmas holidays). Accommodation was provided for 15 barristers and they moved in on the 1st July 1974. The cost to Barristers' Chambers Limited of renting the 3rd floor at Hume House and providing partitions, curtains and cleaning amounts to an average of \$2,300 per barrister, per annum.
It is the policy of the Bar to provide accommodation for counsel and in the month of February 1974 the Bar Council, on the recommendation of the committee, and the directors of Barristers Chambers Limited resolved to provide accommodation for counsel at a rental which is fixed on the same basis for all counsel. The result of that resolution is that the average rental paid by barristers in Hume House is \$1,300 per annum.
Possession of the 2nd floor of Hume House will be given to Barristers Chambers Limited at the end of August 1974 and it is hoped that it will be available for occupation by counsel at the end of October 1974.
 4. Barristers' Chambers Limited obtained a tenancy of an area on the 4th floor of Equity Chambers and 10 barristers moved into possession during April 1974. Portion of this area has been let to Mr. K. Spurr, barristers' clerk.
 5. It is expected that by the middle of 1975 accommodation will have to be found for another 20 barristers, this is in addition to the accommodation provided in Hume House and upon the assumption that Tait Chambers will still be available for the accommodation of counsel.
The purchaser of Tait Chambers can require Barristers Chambers Limited to give up possession of that building at any time after the month of June 1975. However it is understood that 12 months notice will in fact be given and it is not expected that any such notice will be given until the middle of 1975. The committee expects to be able to procure accommodation for a further 20 barristers in the vicinity of Owen Dixon Chambers at a cost of about the same order as that incurred in providing accommodation in Hume House. The demand for and availability of short-term accommodation will again be reviewed early in 1975 in respect of the period up to the middle of 1976.

6. Long-Term Accommodation

The sub-committee does not as yet see any reason to depart from its estimate, made last year, that by 1984 the number of counsel in practice will have increased to about 800.

In the month of September 1973 negotiations took place with the owner of the building at the corner of William and Lonsdale Streets (the Post Office Building). At the time negotiations between the Bar and the owner of the building started the owners had already been negotiating for some time with the State Government. As a result of the impetus provided by our interest the owners of the building gave the State Government 2 weeks to make up its mind and in that time the Government decided to buy the building.

8. In the last half of 1973 enquiries continued for sites suitable for a new building for the Bar. It is thought that the appropriate area is bounded by Bourke, Queen, Little Lonsdale and King Streets. Of the sites which might be suitable many were in the ownership of either the State or Commonwealth Governments. After making many enquiries the committee came to the opinion that the chance of persuading either of those two bodies to part with property was exceedingly remote. In the end it came down to 4 sites, one of which is in Little Bourke Street opposite the Supreme Court and 3 of which are in Lonsdale Street, between William and King Streets.
9. On the 18th February 1974 the committee decided that the Bar should aim at housing the whole Bar in one building rather than in two buildings.
10. The proposal which the committee has put to the owners of the 4 sites is along the following lines:—
 - (a) A company will be formed in which Barristers' Chambers Limited and the owner each have half of the share capital.
 - (b) A building will be erected on the land to the specifications of the Bar. This will be a building of good quality and air-conditioned. It will have a central core and all chambers will be situated around the perimeter of the building. It is intended that the lifts and the lighting will be much better than that at present being enjoyed in Owen Dixon Chambers. Car parking will be provided for between 200 and 300 cars. The ground floor of the building will consist of shops.
 - (c) The building will be about 250,00 square feet (this is enough to house 800 barristers).
11. In each case the rents which would be payable by barristers on the completion of the new building would be of the order of \$40 to \$50 per week. Each of the 4 owners referred to is at present preparing detailed proposals to put to the committee.
It is hoped that the committee will be able to recommend to the Bar Council late this year or early in 1975 that one of the proposals be accepted as providing a practicable and desirable future home for the Bar.
12. If the Bar is to provide a home for all barristers the view of the committee is that that can best be done by providing a home for the Bar in one building. This means that counsel will have to face up to the fact that for the time being they will have to pay the same rent for the accommodation they occupy as other people occupying the like accommodation. As time goes by barristers will again enjoy the advantage of cheap rent in the same way as it is presently enjoyed in Owen Dixon Chambers but if a home is to be provided for the whole Bar that advantage will have to be foregone for the first few years in the new building.

YOUNG BARRISTERS' COMMITTEE

During its second year the Young Barristers' Committee held regular fortnightly meetings and a Forum Meeting of junior counsel. A number of reports and recommendations on matters particularly affecting the Junior Bar were forwarded by the Committee to the Bar Council

The matters of reading, clerks, accommodation, fees and magistrates' courts practice were considered by the Committee to be the main areas to concentrate on and these matters were listed in rotation on the Committee's agendas.

A Forum of Young Barristers was held in the common Room on the 10th April 1974 at which sixty attended. The meeting considered and passed resolutions concerning overdue fees and accommodation. The Committee has also considered and reported on the Legal Aid Committee's scale of Fees.

The Committee has prepared a report which has been forwarded to the Bar Council, dealing with the whole question of property damage claims to motor vehicles in the Magistrates Courts. The Report contains proposals which are designed to avoid the risk of not getting reached in such cases, to fix priority in advance for defended cases and to recompense counsel where cases are not reached.

A further detailed report on the newly created Small Claims Tribunal was also prepared and forwarded to the Bar Council.

The Committee has been successful in having Magistrates' Courts opened at 9.00 a.m. and has considered such matters as the inadequacy of instructions in legal aid maintenance cases, Magistrates' Courts facilities, the existence of a scale of fees for defended cases in the ordinary jurisdiction and the practice of alleging prior convictions on bail applications.

The Committee has attempted to inform the Junior Bar of its activities by the issuing of circulars, inviting recommendations and representations on certain matters and the holding of a Forum meeting of the Junior Bar.

THE VICTORIAN BAR
FINANCIAL STATEMENT FOR THE YEAR ENDED 31ST AUGUST 1974

	\$	\$	\$	\$
BALANCE in hand 31st August 1973				4,997.98
REVENUE RECEIPTS				
Annual Subscriptions previous years	1,172.00			
" " current year	19,618.00			
" " in advance	<u>60.00</u>	20,850.00		
Arrears for past functions		88.58		
Dividends on shares		1,052.60		
Fine (member)		100.00		
Interest:				
Commonwealth bonds	90.00			
Short term deposits	<u>843.48</u>	933.48		
Barristers' Benevolent Fund:				
Receipts	1,877.00			
Paid to Trustees	<u>1,869.00</u>	<u>8.00</u>	23,032.66	
REVENUE EXPENDITURE				
(a) Administrative Expenses:				
Auditors' remuneration	125.00			
Bank charges	58.35			
Floral tributes	58.20			
Insurance	143.15			
Maintenance	152.47			
Postages and Petty Expenses	268.84			
Printing and Stationery	4,201.34			
Stationery for Copier (net)	279.61			
Salaries	<u>12,356.86</u>	17,643.82		
(b) Affiliation Fees:				
Australian Bar Association	351.00			
Law Council of Australia	<u>1,170.00</u>	1,521.00		
(c) Donations:				
Share of cost of portrait of Sir Henry Winneke	850.00			
Sundry	<u>13.00</u>	863.00		
(d) Expenses incurred in participation of the Committee of Enquiry on National Rehabilitation			2,797.53	
(e) Fares and Expenses of representatives at Local and Interstate Assemblies, Conferences and Meetings			114.82	
(f) Functions and Entertainment (against which \$150.50 is owing)				
For Catering, Hiring, etc.	6,789.64			
To Chairman's Fund	<u>2,100.00</u>			
	8,889.64			
Less members' payments	<u>6,846.94</u>	2,042.70		
(g) Income Tax		112.12		
		<u>25,094.99</u>		
Excess Expenditure over Revenue				(2,062.33) \$2,935.65
CAPITAL REVENUE				
(a) Short term deposits matured		12,500.00		
(b) Sales (6) "A Multitude of Counsellors"		<u>57.30</u>	12,557.30	
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>10,000.00</u>	11,000.00	
BALANCE IN HAND 31st AUGUST 1974				1,557.30 \$4,492.85

ASSETS AT 31ST AUGUST 1974

	\$	\$	\$	\$
1. <u>Cash in bank</u>				4,492.95
2. <u>Investments at cost:</u>				
(a) 8,150 Ordinary Shares of \$2 each in Barristers' Chambers Limited			16,300.00	
(b) Commonwealth Bonds			2,000.00	
(c) Short term deposit with Group Holdings Limited			<u>2,500.00</u>	20,800.00
3. <u>Member Debtors:</u>				
(a) For Subscriptions:				
(i) Prior to 31/8/73	360.00			
(ii) Current	<u>1,580.00</u>	1,940.00		
(b) For Functions:				
(i) Prior to 31/8/73	12.00			
(ii) Current	<u>150.50</u>	<u>162.50</u>		2,102.50
4. <u>Liquor at cost</u>				3,452.00
5. <u>Copies (176) "A Multitude of Counsellors"</u>				1,097.50
6. <u>Portraits at cost</u>				3,495.00
7. <u>Gifts — Candelabra etc. insured for</u>				<u>1,275.00</u>
				<u><u>\$36,714.95</u></u>