

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1974-75

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THE VICTORIAN BAR
AT SEVENTY-FIVE YEARS

This is the year of the seventy-fifth anniversary of the Victorian Bar in its present form.

"On the 20th June 1900 a meeting of Counsel practising at the Bar in Victoria was held at 4 p.m. in Mr. J.B. Box's Chambers, Selborne Chambers, Melbourne.

The following gentlemen were present - (twenty-five names are then set out).

Mr. Box was elected to the chair.

Mr. Box addressed the meeting and explained that the reason why the meeting had been called was to consider the advisability of appointing a committee to represent those gentlemen who practised exclusively as Counsel at the Bar in matters affecting them in the practice of their profession.

It was resolved that the following gentlemen be appointed the Committee of Counsel practising at the Bar of Victoria, viz. Mr. J.L. Purves Q.C., Mr. Box, Mr. Duffy, Mr. Topp, Mr. Higgins, Mr. Mitchell, Mr. Bryant.

It was resolved that the Committee be instructed to compile a Roll of the names of Counsel practising exclusively as such at the Bar of Victoria.'

Those words in the minutes record the beginning of the present organisation, the Victorian Bar.

At the close of that meeting there was a meeting of the newly appointed Committee of Counsel.

'Mr. J.L. Purves was elected to the Chair.

It was resolved that Mr. Guest be appointed Secretary to the Committee.'

A general meeting of Counsel was held at 4 p.m. on September 21st, 1900 in Mr. Box's Chambers and about 30 Counsel were present.

Rules '...providing machinery for the annual election of a committee and giving certain powers and jurisdictions to the committee had been prepared and settled by the present committee and...the meeting had been called to consider and if thought fit adopt the rules.'

The rules were adopted.

'It was announced that the Roll was available for signature by any Counsel on the list produced at the meeting.'

The name which is number 1 on the Roll is J.B. Box.

The name of the Committee of Counsel has changed to the Victorian Bar Council, the original rules have been amended a number of times and the last signatory on the Roll in August 1975, Jeanette Sparks, has the number 1179. In its essential principles and organisation the Bar has developed from the foundation laid in 1900. Members of the Bar today share the sentiment of Sir Arthur Dean that 'The Bar should be grateful to the men of 1900 for setting up and making effective the machinery then created' (A Multitude of Counsellors, p. 155)

On 9th July 1900, less than a month after the first meeting of the Victorian Bar, the Commonwealth of Australia Constitution Act received the Royal assent. The Commonwealth of Australia came into being on 1st January 1901. This Bar and its members have made a substantial contribution to the administration of justice and to public and community life throughout the twentieth century. Its members appointed to the Supreme Court of Victoria have brought that court a high reputation in Australia and beyond.

There are now 576 on the practising list of the Victorian Bar, of whom 46 Queen's Counsel and about 536 junior Counsel are in full time active practice, in private practice or as Crown Prosecutors or Parliamentary Counsel. There are 16 women in full time active practice. Members of the Bar include His Excellency the Governor of Victoria, Sir Henry Winneke Q.C. and 71 present and 15 former Judges.

The Chambers of the practising Bar in Melbourne are in Owen Dixon Chambers, Hume House and Four Courts Chambers in William Street, Equity Chambers in Bourke Street and Tait Chambers and Hooker Building in Lonsdale Street. Members of the Bar have been encouraged to practise in country centres and two have their chambers in Ballarat and one in Bendigo.

The Bar has its meetings in the Common Room in Owen Dixon Chambers and Judges and barristers regularly dine there together.

Today there are six barristers' clerks and a seventh is about to be installed. Most barristers employ or share the services of a secretary.

Besides appearing in Courts, barristers now frequently appear before specialized tribunals dealing with issues involving economics and public interest such as trade practices, prices justification, industrial arbitration, environment and town planning. The standards of professional competence and ethics required in 1900 are equally required today.

The Bar and its company, Barristers' Chambers Ltd., together employ a full time staff of five.

A strength of the Bar throughout its history has been the readiness of its members to volunteer their time and talents to the affairs of the Bar, to legal education, law reform and other interests of the community associated with the law.

The Bar Council today meets each fortnight for about two and half hours. Each of its members belongs to an administrative committee which has power at its discretion to decide on behalf of the Bar Council or to make recommendations to it. Administrative committees meet at least once each four weeks for about one and half hours. A by-election for three vacancies on the Bar Council during the year attracted nineteen candidates. Almost every item that comes before the Bar Council now comes with a report from a Bar committee and a recommendation from the appropriate administrative committee. There are over eighty committees appointed by the Bar or on which the Bar is represented. Calls for volunteers to serve on these committees produced about one hundred further volunteers at the commencement of this year. Besides time spent in meetings, Bar Council and committee members spend a great deal of time in the investigation and preparation of reports and in other work of the Council or committees.

A Young Barristers' Committee, elected by those of less than six years' standing, deals first with most matters involving Magistrates' Courts or the particular interests of young barristers. It makes recommendations to the Bar Council on these matters. Of the 497 barristers in full time active private practice 236 or over 47 per cent are of less than six years' standing.

The Victorian Bar has long followed the positive policy of giving all qualified persons the opportunity of joining the Bar. Financial barriers are reduced to a minimum. The newcomer must spend the first two months in full time reading before taking work but during the six months' reading pays no rent and incurs no reading fee. The Bar provides chambers for all of its members. The rents of the most junior are subsidized by those more senior. New tenants are required to make a capital contribution of \$2,500 for shares or debentures in Barristers' Chambers Ltd. which at their option they may contribute by instalments over nine years. A General Meeting has recently decided that the whole Bar will subsidize the installation of a new clerk who will act for most of the newcomers. A main object of promoting equality of opportunity at the Bar is to achieve, as far as possible, a situation where those most suited to the practice of a barrister are likely to be the ones who succeed.

Relations between Bench and Bar, and Bar and Law Institute in Victoria are excellent.

There has been much development since the meeting in Mr. Box's Chambers on 20th June 1900. Present members of the Bar salute those who have gone before and who have built a sound institution on the firm foundation laid three quarters of a century ago.

R.E. McGARVIE
Chairman
Victorian Bar Council

ANNUAL REPORT
OF THE
VICTORIAN BAR COUNCIL
1974-75

To be presented to the Annual General Meeting of the Victorian Bar to be held on 23rd September, 1975 at 5 p.m. in the Common Room, Owen Dixon Chambers, 205 William Street, Melbourne.

THE BAR COUNCIL

Elections In the Annual Election in September 1974 the following persons were elected:— Counsel of not less than 12 years' standing: 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., L.S. Lazarus Q.C., F.X. Costigan Q.C., F. Walsh, J.L. Sher, S.P. Charles.

Counsel of not less than 6 nor more than 15 years' standing: Messrs. M.J.L. Dowling, C.W. Porter, A.R. Castan and A. Chernov.

Counsel of not more than 6 years' standing: Messrs. P. Mandie, R.M. Read and J.T. Hassett.

(Note:- Messrs. R.K. Fullagar Q.C. and K.J. Jenkinson Q.C. resigned in February 1975 upon appointment to the Supreme Court Bench and Mr. D.P. Whelan Q.C. resigned in March 1975 upon appointment as Chief Judge of the County Court.)

In a By Election in March 1975 Messrs. J.A. Gobbo Q.C., H.C. Berkeley Q.C. and J.H. Phillips were elected.

Officers of the Bar Council	
Chairman	Mr. R.E. McGarvie Q.C.
Vice-Chairman	
October 1974 to February 1975	Mr. R.K. Fullagar Q.C.
From February 1975	Mr. L.S. Lazarus Q.C.
Honorary Treasurer	Mr. F. Walsh
Assistant Honorary Treasurer	Mr. A. Chernov
Honorary Secretary	
October 1974 to March 1975	Mr. H.R. Hansen
From April 1975	Mr. M.B. Phipps
Assistant Honorary Secretary	
October 1974 to March 1975	Mr. M.B. Phipps
From June 1975	Mr. R.S.L. Wild.
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., Walsh, Batt and N.H.M. Forsyth.

Secretary of Barristers' Chambers Ltd.
Mr. D.E. Edwards

YOUNG BARRISTERS' COMMITTEE

Messrs. Costigan Q.C. (Chairman), Mandie, Habersberger, Moorfoot, Dane, P.R.A. Gray, Cahill, Rozenes, Maguire, Casey and D.J. Belson (Secretary)

ADMINISTRATIVE COMMITTEES

Executive Committee Messrs. McGarvie Q.C. (Chairman), Fullagar Q.C. (Vice-Chairman to February 1975) Lazarus Q.C. (Vice-Chairman from February 1975), Marks Q.C., Walsh, J.H. Phillips (from April 1975), Chernov, Secretary - Mr. Hansen (to March 1975), Mr. Phipps (from April 1975); Assistant Secretary - Mr. Phipps (to March 1975) Mr. Wild (from June 1975).

Area of Responsibility

(a) Joint Standing Committees

Joint Standing Committee of Bar and Law Institute:

Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975).
Lazarus Q.C. (from February 1975).

Joint Standing Committee on Public Relations:

Messrs. Lloyd Q.C., Hansen and Redlich (from August 1975).

(b) Standing Committees

Bar Staff Committee:

Messrs. Walsh (Chairman), Kimm, Meldrum, Moorhead and Lopes.

Bar Rules Committee:

Messrs. Lazarus Q.C. (Chairman), Storey Q.C., D. Graham and Hassett.

Bar Publications Committee:

Messrs. Fogarty (Chairman), Castan and Anderson.

Victorian Bar News – Editorial Board:

Messrs. Storey Q.C. (Chairman), D.M. Byrne and D.J. Ross (Joint Editors), Coldrey, Miss Opas and Mr. Cashmore.

(c) Special Committee

Joint Commercial and Legal Studies Text Book Committee

Messrs. Lloyd Q.C., Archibald and Wajcman.

(d) Bar Appointees

Executive of Law Council of Australia:

Mr. McGarvie Q.C.

Council of Australian Bar Association:

Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975) and Lazarus Q.C. (from February 1975).

Victorian Council of Professions:

Messrs. O'Bryan Q.C. (to May 1975) Ravech Q.C. (from May 1975) and O'Sullivan

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. (to June 1975), Tadgell Q.C. (from June 1975) and P.R. Jordan (Honorary Secretary: J.S. Stevenson).

Directors of Barristers' Nominee Pty. Ltd.:

Mr. McGarvie Q.C. (Chairman), Sir James Tait Q.C., Messrs. Griffith Q.C. (to June 1975), Tadgell Q.C. (from June 1975) and P.R. Jordan.

Barristers' Benevolent Fund Administration Committee:

Messrs. McGarvie Q.C. and Walsh.

Bar Secretariat:

Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975), Lazarus Q.C. (from February 1975), Hansen (to March 1975) Phipps, Wild (from June 1975) and the Executive Officer.

Bar Employees:

The Company Secretary (Mr. Edwards)

The Executive Officer (Miss Brennan)

The Caretaker (Mr. Brown)

The Stenographer (Mrs. Lambert)

The Clerical Assistant (Miss Hale)

Ethics
Committee

Messrs. Lazarus Q.C. (Chairman to February 1975), Storey Q.C. (Chairman from February 1975), Costigan Q.C. (Vice-Chairman from April 1975), Berkeley Q.C. (from April 1975), Sher, Charles and Chernov (Secretary).

Area of Responsibility

(a) Standing Committees

Reading Committee:

Messrs. Storey Q.C. (Chairman), Charles (Vice-Chairman), Cullity, Ormiston, D.R. Meagher, Loewenstein, Mandie and W.R. White.

Bar Lists Committee:

Messrs. Sher (Chairman), Charles and Chernov.

(b) Special Committee

Joint Committee on Solicitors' Firms' Use of Barristers' Name:

Messrs. Lazarus Q.C. (to February 1975), Gobbo Q.C. and Hansen (from April 1975).

Law Reform Committee

Messrs. Whelan Q.C. (Chairman to March 1975), Gobbo Q.C. (Chairman from April 1975), Castan (Vice-Chairman), Mandie (Secretary) and R.M. Read (Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975) and from February 1975 Lazarus Q.C. ex officio members).

Area of Responsibility

(a) Joint Standing Committees

Joint Standing Committee on Supreme Court Practice and Procedure:

Messrs. Davies Q.C., H.W. 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. J.H. Phillips, Brear and Mandie.

(b) Standing Committees

Crime Practice Committee:

Messrs. Kelly (Chairman), Mullaly, Dixon, Hampel, J.H. Phillips (from April 1975), Darvall, Wraith, Barritt, Moorfoot and Hassett.

Juries Practice Committee:

Messrs. Thomson Q.C. (Chairman), Francis Q.C., Costigan Q.C. (Convenor), Monester, A. Hooper and Meldrum.

Causes Practice Committee:

Messrs. Davies Q.C. (Chairman), Ormiston, J.V.C. Guest, Dowling (Convenor), J.G. Larkins, Ahearne, Sundberg and E.K. Evans.

Matrimonial Causes Practice Committee:

Messrs. Asche Q.C. (Chairman), Pitcher, Fogarty, Miss Kingston, Messrs. R.M. Johnstone (to June 1975) Kay, Capes and Miss L. Opas (from June 1975).

Industrial Law Practice Committee:

Messrs. Keely Q.C. (Chairman), Kimm, Dowling (Convenor), N. A. Brown, K. D. Marks, Ryan and Riordan.

Town Planning and Local Government Practice Committee:

Messrs. Gifford Q.C. (Chairman), Campton, Kimm, Porter (Convenor), Heerey, Anderson and H.McM. Wright.

Liquor Control Practice Committee:

Messrs. Campton (Chairman) O'Callaghan Q.C. (Convenor) and Bourke.

Workers' Compensation Practice Committee:

Messrs. Rendit (Chairman), Ellis, Magennis, Ashley, Munro and N.G. Ross.

Trade Practices Committee:

Messrs. Francis Q.C. (Chairman), Campton, P.A. Wilson, Dunphy and Chernov.

Taxation Committee:

Messrs. Hulme Q.C. (Chairman), Davies Q.C., Spry, Ahearne, and Castan.

Companies Committee:

Messrs. Paterson Q.C. (Chairman), Liddell Q.C., Tadgell Q.C., Merralls Q.C., T. H. Smith, Cummins, Buchanan, P. R. Hayes and Miss McRae.

(c) Special CommitteesJoint Committee on National Compensation:

Messrs. Marks Q.C., Costigan Q.C., Barnard Q.C. and R. C. Gillard.

Joint Committee on Family Law:

Mr. Asche Q.C., Miss Kingston and Mr. Fogarty.

Joint Committee on Sanctions and Road Safety:

Messrs. Smithers, N. S. T. Murdoch and Willee.

Racial Discrimination Committee:

Messrs. Dyett and Merkel.

Magistrates' Courts Rules Committee:

Messrs. Mandie and McTaggart.

Railway Damages Limitation Committee:

Messrs. Barnard Q.C., Crossley and Miss Armstrong.

Supreme Court Delays Committee:

Messrs. Strauss Q.C. (Chairman), Hulme Q.C., Asche Q.C. and Black.

Improvement of Personal Injuries Jurisdiction Committee:

Messrs. Marks Q.C. (Chairman), Lazarus Q.C., Sher and Rozenes.

Road Safety Committee:

Messrs. Lazarus Q.C. (Chairman to February 1975), O'Bryan Q.C. (Chairman from April 1975), Smithers, N. S. T. Murdoch and Willee.

Bills of Exchange Committee:

Messrs. Archibald (Convenor) and Myers.

(d) Bar AppointeesChief Justice's Law Reform Committee:

Messrs. Whelan Q.C. (to March 1975), Gobbo Q.C. (from April 1975), Dwyer (to March 1975), Fagan (from April 1975) and T. H. Smith.

Law Reform Advisory Council:

Mr. McGarvie Q.C.

Chief Justice's Rules Committee:

Mr. Whelan Q.C. (to March 1975), Mr. Davies Q.C. (from April 1975), Mr. E. K. Evans attends meetings of the Committee by invitation of the Chairman of the Committee.

County Court Rules Committee:

Mr. Heerey.

Attorney-General's Working Party on Magistrates' Courts Act Rules:

Mr. R. M. Read.

Workers Compensation Board Standing Committee:

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

Australian Journalists' Association Committee on Law of Defamation and Contempt of Court:

Mr. Hulme Q.C.

General Committee Messrs. Jenkinson Q.C. (Chairman to February 1975), Marks Q.C. (Chairman from April 1975), Dowling (Vice-Chairman), Porter (Secretary), Hassett (Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975) and Lazarus Q.C. (from February 1975) ex officio members).

Area of Responsibility

(a) Joint Standing CommitteeJoint Standing Committee on Fees and Costs:

Messrs. Fullagar Q.C. (to February 1975) Gobbo Q.C. (from April 1975), Walsh and Sher.

(b) Standing Committee

Bar Clerking Committee:

Messrs. Marks Q.C. (Chairman), Lazarus Q.C., Walsh, Sher, Charles, Hassett. (A further six members of this Committee are appointed - one by the Committee of each of the six clerking groups - at present: Emery Q.C., Lloyd Q.C., Gifford Q.C., Davies Q.C., Brooking Q.C. and Mattei).

Clerk Installation Committee:

Messrs. Marks Q.C. (Chairman), Lazarus Q.C., Gobbo Q.C., J. H. Phillips, R. M. Read and Hassett (Convenor). This Committee was set up in June 1975.

Bar Fees Committee:

Messrs. Fullagar Q.C. (Chairman to February 1975), Lazarus Q.C. (to April 1975), Gobbo Q.C. (Chairman from April 1975), Sher, K. D. Marks (Secretary), Mattei and Stevenson.

A.L.A.O. Legal Costs Committee:

Messrs. Gobbo Q.C., Dowling and Dane.

Overdue Fees Committee:

Messrs. Lazarus Q.C. (Chairman to April 1975), Sher (Chairman from April 1975) Barnard Q.C., J. H. Phillips (from April 1975), Porter, R. J. Johnston (Secretary), Mandie (from April 1975), Rozenes and Habersberger.

Accommodation Committee:

Messrs. Berkeley Q.C. (Chairman), Emery Q.C., Liddell Q.C., N. H. M. Forsyth, Griffith, J. G. Larkins, Mandie, Gurvich and Phipps. (Messrs. McGarvie Q.C., Fullagar Q.C. (to February 1975) and Lazarus Q.C. (from February 1975) ex officio members.)

Bar Library Committee:

Messrs. Griffith Q.C. (Chairman and Bar Librarian to June 1975), Ormiston (Chairman and Bar Librarian from June 1975), Tadgell Q.C., Black, Duckett, Ahearne, Bongiorno, Sundberg, Byard, McArdle and G. A. Lewis.

Social and Common Room Committee:

Messrs. Dowling (Chairman), Tolhurst, Shatin, Kirkham, Moorhead, R. M. Read and Harper.

Wine Cupboard Committee:

Messrs. Tolhurst (Chairman), Dixon and Crossley.

Catering Committee:

Messrs. Walsh (Chairman), Batt and Dowling. Committee appointed 10/4/75.

First Aid Committee:

Mr. Willee (Chairman) and Miss Opas.

Furniture and Equipment Committee:

Messrs. Walsh (Chairman), Hassett and Kiernan.

(c) Special Committees

Joint Committee on Circuit Fees:

Messrs. Hedigan Q.C., Frederico and Sher.

Barristers Insurance Committee:

Messrs. Marks Q.C. (Chairman), Lazarus Q.C. (to April 1975), Smithers (Secretary), Abraham, Moorhead and Kornblum.

Professional Training Prerequisites Committee:

Messrs. Storey Q.C. (Chairman), Porter and Hassett.

Bar Advisory Committee on Legal Aid:

Messrs. Jenkinson Q.C. (to February 1975) Costigan Q.C. (from April 1975) and Dowling.

Caterer Selection Committee:

Messrs. Castan (Convenor), J. H. Phillips, R. C. Gillard and Hassett.

- (d) Bar Appointees
Legal Aid Committee:
 Messrs. Jenkinson Q.C. (to December 1974), Hogg Q.C., Treyvaud (to March 1975), O'Bryan Q.C. (appointed April 1975 replaced August 1975 due to illness), Asche Q.C. (from August 1975), Dyett (from January 1975), Villeneuve-Smith (to May 1975) and Dalton (from May 1975).
- Appeal Costs Board:
 Mr. Scurry Q.C.
- Law Faculty-Melbourne University:
 Bar Council Appointee:
 Mr. Tadgell Q.C.
 Bar Council Nominees:
 Messrs. McGarvie Q.C. and Merralls Q.C.
- Law Faculty—Monash University :
 Messrs. Paterson Q.C. and Willee (alternate).
- Council of Legal Education:
 Messrs. Storey Q.C., Goldberg and Kay.
- 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. Storey Q.C., Emery Q.C., and Frederico.
- Chief Justice's Supreme Court Library Committee:
 Messrs. Griffith Q.C. (to June 1975), Ormiston (from June 1975), 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. (to June 1975) Mr. Ormiston (from June 1975).
- 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 1974 to 31st August 1975 the following meetings were held:—

Bar Council	—	36
Executive Committee	—	11
Ethics Committee	—	12
Law Reform Committee	—	11
General Committee	—	9

SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1974 to 31st August 1975:-

Queen's Counsel	\$ 150.00
Over 10 years' standing	90.00
Over 3 but under 10 years	60.00
Over 1 but under 3 years	30.00
Under 1 year	10.00
Interstate Queen's Counsel	30.00
Interstate Juniors	21.00
Solicitor-General	30.00
Crown Prosecutors & Parliamentary Counsel	30.00
Non-Practising List	30.00

PERSONALIA

Deaths The Rt. Honourable Sir Douglas Menzies K.B.E., on 29th November 1974; His Honour Judge Moodie-Heddle on 1st January 1975; His Honour Judge Coleman on 8th January 1975; Mr. W. M. Irvine Q.C. in March 1975; Mr. K. Wheelahan on 30th April 1975; Professor P. Brett on 9th May 1975; the Honourable Sir Robert Monahan on 10th May 1975; Mr. J. N. Bennett on 11th May 1975; Mr. D. G. Sullivan on 31st May 1975 and Mr. J. M. Cullity on 7th June 1975.

Appointments In October 1974 the Honourable Mr. Justice Woodward O.B.E. of the Australian Industrial Court was appointed President of the Trade Practices Tribunal. In February 1975 the Honourable Mr. Justice Fullagar and the Honourable Mr. Justice Jenkinson were appointed to the Supreme Court of Victoria and the Honourable Mr. Justice L. K. Murphy was appointed to the High Court of Australia. In March 1975 His Honour Chief Judge Whelan was appointed the first Chief Judge of the County Court and in April 1975 His Honour Judge Mornane was appointed a Judge of that Court. In June 1975 the Honourable Mr. Justice Griffith was appointed to the Supreme Court of Victoria.

In January 1975 Messrs. I. W. Heath and P. A. Willee were appointed Crown Prosecutors.

Also in January 1975 Sir Richard Eggleston Q.C. was appointed Chancellor of Monash University.

In March 1975 Mr. M. R. Shatin was appointed Chairman of the Social Security Appeals Tribunal in Victoria.

Honours In the New Year's Honours List Sir Oliver Gillard was created a Knight Bachelor.

In the Queen's Birthday Honours List the Chief Justice Sir John Young was created Knight Commander of the Order of St. Michael and St. George and Mr. K. T. Smith was made a Member of the Order of Australia.

Queen's Counsel The following members of the Bar were appointed Queen's Counsel in 1974:— Messrs. M. Ravech, H. C. Emery, P. A. Liddell, B. J. Shaw, I. E. Douglas, R. C. Tadgell, P. J. O'Callaghan, J. D. Merralls and K. R. Handley (NSW).

Welcomes During 1975 the Honourable Mr. Justice L. K. Murphy was welcomed by the profession to the High Court of Australia, the Honourable Mr. Justice Fullagar, the Honourable Mr. Justice Jenkinson and the Honourable Mr. Justice Griffith to the Supreme Court and the Honourable Mr. Justice I. G. Sharp to the Australian Conciliation and Arbitration Commission. His Honour Chief Judge Whelan and His Honour Judge Mornane were welcomed to the County Court. On each occasion the Chairman made an address of welcome on behalf of the Bar.

Farewells - The Chairman and members of the Bar attended farewells on the 27th November 1974 to the Honourable Sir Alistair Adam, on the 19th December 1974 to the Honourable Sir George Pape and on the 10th June 1975 to the Honourable Mr. Justice Norris upon their retirement from the Supreme Court Bench. On the 17th March 1975 His Honour Judge Dethridge, C.M.G., the Chairman of County Court Judges, was farewelled by the Chairman and members of the Bar. On each occasion the Chairman spoke on behalf of the Bar.

On 30th September 1974 the Honourable Mr. Justice Else-Mitchell retired from the Supreme Court of New South Wales. In August 1975 the appointment of Mr. K. J. A. Asche Q.C. as Senior Judge in Victoria of the Family Court of Australia as from early in 1976 was announced.

Tributes On the 12th December 1974 members of the Bar attended a tribute to the late the Right Honourable Sir Douglas Menzies K.B.E., P.C. at the High Court. Members of the Bar attended a tribute to the late Judge Coleman on 3rd February 1975 and a tribute to the late Sir Robert Monahan in May 1975.

ROLL OF COUNSEL

Between 2nd September 1974 and the 31st August 1975 the following 73 persons signed the Roll of Counsel:—

Messrs. R. A. Lunzer (U.K.), P. W. Davison, G. J. Alford, M. J. Hawkins, T. R. Morling (N.S.W.), G. A. Watkins, I. J. Beder, K. Wheelahan (since deceased), L. G. Crisp, B. G. K. Ross, R. J. Galbally, L. S. Glickfeld, J. W. Rapke, K. L. S. Jacobson, L. A. Papaleo, R. S. Hayes, T. C. Doherty, R. C. Mackay, P. A. Rosenberg, G. H. Garde, T. Wodak, W. J. Wheelock, A. J. Spargo, W. H. Morgan-Payler, M. A. Hammet, F. H. R. Vincent (re-signed), T. A. Hinchliffe, S. J. S. Holt, J. F. M. Larkins, R. A. Finkelstein, C. N. Jessup, J. D. Philbrick, A. G. Roberts, D. L. Brustman, K. D. LePlastrier, N. C. J. Rustomjee, Dr. M. C. Pryles, Messrs. M. A. Adams, T. S. Lynch, B. Phillips, J. A. O'Brien, R. S. Osborn, M. J. Strong, M. Strathmore, J. Wajcman, P. J. M. Turner, P. Faris (re-signed), G. Thompson (Qld.), P. R. M. Jones, R. C. Macaw, R. C. Forsyth, G. B. Johnston, M. A. McMullan, J. P. Bicknell, R. R. Boaden, R. J. Sarah, I. T. West, I. C. Duffy, R. Barberio, M. J. Ryan, J. G. Ireland, S. M. Zifcak, J. G. Bolton, C. A. Miles, Mrs. R. M. Lusink, Messrs. D. B. X. Smith, S. P. Czyzyk, J. N. Bryson (re-signed), A. H. M. Evans (U.K.), R. Freadman, Miss B. J. King, Mr. C. J. Wren and Miss J. L. Sparks.

Transfer from Non-Practising List to Practising List: Messrs. P. D. Cumbrae-Stewart (Tas.) and B. M. Snedden Q.C.

Transfer to Non-Practising List: Messrs. B. S. Lewin, N. B. C. Coles, D. E. Gray and H. Nathan.

Names removed at request of Counsel: Mr. B. Maddern, Sir George Reid Q.C., Messrs. E. E. Jones, R. Baxt, J. W. Smyth Q.C., R. A. Bidstrup Q.C., P. Perry (Qld.; since deceased), H. J. A. Campton, K. A. Morrison, R. E. Wortley, D. B. Forster and J. M. Toal.

<u>The Roll</u>	<u>1974</u>	<u>1975</u>
Governor's List	1	1
Judges' List	84	87 + 3
Practising List	528	575 + 47
Non-Practising List	43	40 - 3
	656	703 + 47

Counsel in active private practice * 444 497 + 53

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

FUNCTIONS

Opening of the Legal Year

On the 3rd February, 1975 to mark the opening of the Legal Year religious services were held in St. Paul's Cathedral, St. Patrick's Cathedral and the Temple Beth Israel. At St. Paul's, the lessons were read by the Honourable the Chief Justice, Mr. Justice Young and His Excellency the Governor, Sir Henry Winneke, K.C.M.G., O.B.E. The Archbishop of Melbourne, Sir Frank Woods, gave the sermon.

At St. Patrick's Cathedral, the Red Mass was celebrated by His Grace the Archbishop of Melbourne, the Most Reverend Francis Little, D.D. The Occasional Sermon was preached by the Reverend Father Desmond O'Connor, the chaplain of Newman College.

At Temple Beth Israel the Service was conducted by members of the profession in conjunction with the Reverend Brian Fox. The address was delivered by Rabbi Dr. H. Sanger, O.B.E.

Bar Entertainment

There were a number of late afternoon gatherings. The aim is to extend invitations to each member of the Bar to attend at least one function during the year. Those entertained during the year 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, the Chief Judge and Judges of the County Court, the President and Chairman of the Council of the Law Institute of Victoria, Mr. Justice Belgore of the Federal Revenue Court of Nigeria, Mr. I. L. McKay a member of the Council of the Wellington District Law Society in New Zealand, Mr. Comerford, Director of the Courts Division of the Justice Department, and Mr. Cook, Government Architect, of New Zealand, Professor Neil Williams, Mr. Caruthers Q.C. and Mr. Griffiths Q.C. advocates of Toronto, Canada; Mr. Ian Maughan formerly of the Law Institute of Victoria and now Senior Executive Officer for the Law Society of New South Wales and Chairmen, Presidents and other representatives of outside organisations who have extended hospitality to representatives of the Bar.

On 5th September 1974 the Bar Council entertained the Victorian Attorney-General, the Honourable V. F. Wilcox Q.C., at dinner in the lounge in Owen Dixon Chambers.

On 15th November 1974 the Bar Council tendered a dinner in honour of the Honourable Mr. Justice Murray, Sir James Tait Q.C., Mr. D. Dawson Q.C., Solicitor-General, and the retiring members of the Bar Council and their wives. On 2nd May 1975 the Bar Council tendered a dinner to the Honourable Mr. Justice Fullagar, the Honourable Mr. Justice Jenkinson, His Honour Chief Judge Whelan and their wives.

On 19th December 1974 a well-attended cocktail party was held in the Common Room.

On 12th March 1975 the Bar Council entertained the Australian Attorney-General, the Honourable K. E. Enderby Q.C., at dinner in the lounge in Owen Dixon Chambers.

On 28th June 1975 the Bar Dining-In Night was held in the Common Room at which an entertaining revue was presented by members of the Bar. The Bar is grateful to those who organized and presented this revue.

On 18th July 1975 a successful joint dinner was held at the Southern Cross Hotel by the Bar and the Law Institute in honour of Lord Cross of Chelsea and Lady Cross.

On 15th August 1975 the Bar Council tendered a dinner in honour of the Presidents of the Country Law Associations.

Sporting Functions

On the 16th November 1974 a Canoe Race was held in conjunction with the Solicitors on the Yarra River followed by a Barbecue. Thanks to Mr. Brear the day was a great success and no doubt will become an annual event.

The annual Cricket Match between the Bar and Solicitors was played on the 16th December 1974. On the same day the annual Tennis Match was held between the Bar and the Solicitors but, unfortunately, both Matches were washed out by rain. The Cricket Match was replayed on 2nd March 1975 when the Solicitors won by two runs and so now hold the Sir Henry Winneke Cup. Mr. Thomson Q.C. organized the Tennis Match and Mr. Dove the cricket match.

On the 31st January 1975 the annual Golf Match between the Bar and the Solicitors was played at the Metropolitan Golf Club. The Solicitors won the match and the Law Institute holds the Sir Edmund Herring Shield. The match was followed by a pleasant dinner in the Club House.

On the 27th June 1975 the annual Golf Match between the Bench and Bar and the Combined Services was played at the Royal Melbourne Golf Club. The Bar is indebted to Mr. Cashmore who organized these golf matches on behalf of the Bench and Bar.

BAR ADMINISTRATION

The Bar Council this year continued with minor modifications the administrative system implemented by it in the previous year. From June 1975 the Bar Council met each second Thursday instead of each fourth Thursday as previously.

BAR ACTIVITIES 1974-75

In this report of the other main activities of the Bar for the Bar Council year 1974-75 activities are grouped under the administrative committee with responsibility in the area.

EXECUTIVE COMMITTEE

Broadly, the Executive Committee is responsible for action on behalf of the Bar and for relations between the Bar and outside bodies. It is responsible for the finances of the Bar, for the Bar staff and their conditions of employment, and for overall administration of the Bar. The Executive Committee deals with any matters which are not the responsibility of another administrative committee. In case of doubt, it decides which of the administrative committees will deal with a matter.

1. Joint Standing Committee of Bar and Institute. This Committee met on three occasions during the year to discuss questions concerning the whole legal profession in Victoria. The Chairman and Vice-Chairman of the Bar frequently conferred informally with the President and Chairman of the Institute.
2. Appointment to High Court. On 11th February 1975 a requisition was received which was signed by forty Counsel on the Roll requesting the Bar Council to call a General Meeting of Counsel on the Roll to consider matters arising from the appointment of Senator the Honourable L. K. Murphy Q.C. to the office of a Justice of the High Court of Australia. The Bar Council called a General Meeting of Counsel on the Roll for 5 p.m. on Friday, 14th February 1975 in the Common Room. At that general meeting the following motion was put:—

1. That in order to maintain the prestige of the High Court of Australia as the principal appellate Court of Australia and to ensure that the public have confidence in its decisions it is essential that positions on that bench should be offered only to persons who are pre-eminent within the legal profession and whose fitness for office is not a matter of public controversy.
2. That this meeting of the Victorian Bar expresses its regret that this course was not adopted in the most recent appointment to the Bench of the High Court.

Upon a division the motion was lost, 64 members of the Bar voting for the motion and 188 voting against it.

3. Public Relations. On a number of occasions during the year the Chairman made statements or gave interviews to the news media on subjects of relevance to the Bar.
4. The Chairman, at the request of the editor, contributed a short article on the Bar and the Bar Council in Victoria for the 1976 Victoria Year Book.
5. The Joint Standing Committee on Public Relations in Victoria was requested and agreed to act also as the Public Relations Committee of the Law Council of Australia.
6. Incorporation of Barristers. The Bar Council considered the report and adopted the recommendation of a committee that no further steps be taken by the Bar Council on the incorporation of barristers at this stage.
7. Partnerships at the Bar. The Bar Council considered in detail a recommendation that partnerships be permitted between members of the Bar and decided that it disapproved of partnerships at the Bar.
8. Victorian Bar News. There have been three issues of the Victorian Bar News under the editorship of Mr. David Byrne and Mr. David Ross. Issue No. 12 in June 1975 examined the problems of and the various solutions proposed for the clerking system of the Victorian Bar.
9. Addresses to Students. The Chairman addressed Law Students at Melbourne Law School explaining the reasons behind the policy of the Bar on reading and on clerking and pointing out that it was 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. He said that the Victorian Bar is one of the areas of professional practice most easy of access in Australia. Mr. Jenkinson Q.C. gave a similar address to members of the Association of Young Lawyers in the Common Room. During orientation week at Melbourne University the Chairman addressed

students upon the practice of a barrister, life at the Bar and the organization and activities of the Victorian Bar.

10. Micro-Film Records. Copies of the minutes of the Bar and the Bar Council to 27th June 1974 and of the Bar Roll to 28th August 1974 have been stored with Melbourne Safe Deposit, A. N. Z. Bank Ltd., 351 Collins Street, Melbourne.
11. Bar Finances. The detailed recommendations of Sir James Tait Q.C. and Mr. F. Walsh on the control of the finances of the Bar adopted by the Bar Council in September 1974 have been brought into operation. At each meeting the Executive Committee examines and confirms payments made during the preceding month and authorises special future items of expenditure.
12. Collection of Bar Subscriptions. The arrangements with the barristers' clerks under which counsel are invited to sign an authority authorising the clerk to deduct from counsel's fees received the annual Bar subscriptions and pay them to the Treasurer of the Bar Council have been implemented this year. On 21st November 1974 the Honorary Treasurer reported that some 220 authorities for the payment of annual subscriptions by barristers' clerks had been received and that at that time there were no outstanding arrears under Rule 41 of Counsel Rules. The Bar Council expresses its appreciation to the barristers' clerks for their co-operation and assistance.
13. Law Council of Australia. This year the activities and effectiveness of the Law Council in its representation of the Australian legal profession have greatly increased. Early in the year the Law Council appointed as its full time Secretary-General, Mr. Robert D. Nicholson, a Perth practitioner whose qualifications in experience and achievement as a practitioner, in academic attainment and in work within legal professional organizations are very high. Mr. Nicholson was chosen from about thirty applicants from all parts of Australia of whom four were interviewed for the position. The appointment is for a term to 1978 at a salary of \$25,000 reviewable annually. The Secretary-General supervises a staff of three in the Law Council Office in Hume House, 185 William Street, Melbourne.
14. The impact of the new level of operation of the Law Council has been marked. The Law Council retained solicitors and counsel to put submissions to the Senate Standing Committee on Constitutional and Legal Affairs upon the National Compensation Bill 1974. The Standing Committee in its report of July 1975 clearly accepted most of the submissions made on behalf of the Law Council and recommended that the Bill be withdrawn and reconsidered in accordance with the unanimous or majority recommendations of the Standing Committee. The work of the Law Council in respect of the National Compensation scheme is referred to elsewhere in this report.
15. The Law Council received its first parliamentary recognition when the Legal Aid Bill 1975 provided that one of the three members of the Board to manage the Australian Legal Aid Office should be appointed only after consultation between the Attorney-General and the Law Council of Australia. The activities of the Law Council on Legal Aid are referred to elsewhere in this report.
16. Almost every Bill introduced into the Australian Parliament on a subject relevant for consideration by the legal profession was considered by a Committee of the Law Council and a recommendation made to the Government. It was decided that as a general rule Law Council reports on Bills introduced to Parliament would be made available to both Government and Opposition.
17. A detailed submission prepared for the Law Council by a Victorian Committee under the chairmanship of Mr. J. D. Davies Q.C. upon the effects of taxation and inflation upon the earnings of members of the legal profession was made to the Mathews Committee considering the indexation of taxation.
18. In July 1975 the Standing Committee of State and Commonwealth Attorneys-General decided to refer to a Working Party the consideration of model legislation prepared to implement the Molomby Committee Report on Fair Consumer Credit Laws with a view to the uniform enactment of its recommendations throughout Australia. The Molomby Committee, which presented its report in 1972, was a Victorian Committee of the Law Council of Australia and three members of that committee are to be included in the Working Party.
19. The Law Council is in the process of becoming incorporated in the Australian Capital Territory.
20. The Law Council Executive met in Hobart in November and in Melbourne in December 1974. During 1975 it met in Melbourne in March and June, in Canberra in July and in Melbourne in August. Most meetings are now held in Melbourne because the permanent office is located here and because overall it is the cheapest capital city for other delegates to attend. The subject which

- received most consideration from the Law Council Executive during the year was that of legal aid.
21. Australian Bar Association. The Australian Bar Council met in Hobart in November 1974, in Melbourne in May 1975 and in Canberra in July 1975. It discussed the practices followed at the respective Bars upon the two-counsel rule and two-thirds rule, the nomination of junior or leader, the holding of a conference during cross-examination and membership of Bars by Crown Prosecutors and Parliamentary Draftsmen. The Australian Bar Council decided to inform the Attorney-General of its decision that the practice of appointing only practising members of the legal profession to the Bench should be followed with the Family Court. The Australian Bar Council is investigating study tours for members of Australian Bars and their wives or husbands in 1976. Two tours are being considered: one from the 1st to 30th July 1976 to include visits to the legal professions and studies of the practices and procedures in London, Edinburgh, Dublin and Brussels; the second from the 17th July to 24th August 1976 to take in the International Bar Association Convention in Stockholm at the end of that period.
 22. Victorian Council of Professions. It was decided in principle to support the establishment by the Victorian Council of Professions of a statistical bureau to gather and supply relevant information to its constituent bodies.
 23. On 1st August 1975 the Victorian Council of Professions held a seminar on the subject of 'Political Control of the Professions' at which the main speakers were the Honourable D. J. Killen M.H.R., and the Honourable Dr. Moss Cass M.H.R. The Chairman of the Panel Session was Mr. M. N. O'Sullivan, a representative of the Victorian Bar on the Victorian Council of Professions, Mr. C. H. Francis Q.C. was a member of the Panel which asked questions of the speakers.
 24. Canberra Legal Workshop. This Workshop, which conducts professional skills courses in Canberra, invites alternately a representative of the Bar of New South Wales and a representative of the Victorian Bar to address its students upon conduct and ethics at the Bar. The Chairman gave this lecture in December 1974 and the Vic-Chairman (Mr. Lazarus Q.C.) in May 1975.
 25. Children's Welfare Association of Victoria. Following an invitation made in the Victorian Bar News for volunteers to act as Honourary Legal Advisers to this Association, the Association was informed that Messrs. Bongiorno and Lopes had volunteered and upon receiving proper instructions from a solicitor would act voluntarily in an honorary capacity.
 26. Darwin Legal Practitioners Relief Fund. Following an invitation by circular to the Bar for donations to this fund, the sum of \$500 was received and paid to the Trustees of the Fund.
 27. Aboriginal Legal Service. The Bar had a representative, Mr. N. M. O'Bryan Q.C., on the Council of this Service. When the Service became incorporated in late 1974 it was no longer possible for a representative of the Bar to be a member of its Council.
 28. Trial Lawyers Association. Steps were being taken to organise a Trial Lawyers Association, which in many respects would perform functions similar to those of the Victorian Bar. The Bar Council decided in November 1974 that in all the circumstances it considered that membership of the Trial Lawyers Association of Australia on the part of members of the Victorian Bar was inimical to the best interests of the Bar and members of the Bar were informed of this decision by circular.
 29. Dinners. The Chairman attended as a guest at the Bar Dinners of the Bar of Queensland, the Bar of New South Wales and the Bar of the Australian Capital Territory. The Chairman also attended as a guest at the Annual Dinner of the Law Institute of Victoria and the Pre-Conference Dinner of the Stipendiary Magistrates of Victoria.
 30. Ecumenical Service for Opening of Legal Year. It was not possible to arrange an ecumenical service for the opening of the legal year in 1975 but the Bar expressed its hope that the service will be ecumenical in 1976.
 31. Staff Salaries. Recommendations on the salaries to be paid to Bar staff were made during the year by the Bar Staff Committee and were adopted by the Bar Council and the Board of Barristers' Chambers.
 32. Conventions. It was decided that when conventions are being held in or near Australia, the Bar Council should take steps to inform the body conducting the convention that a specified member of the Bar Council will represent the Victorian Bar.

33. Canberra Convention. At the Eighteenth Australian Legal Convention papers were presented by the following members of the Bar: The Hon. Sir Richard Eggleston, 'The Adversary System — is it any longer appropriate?'; D. Ross, 'Legal Skills Courses in Australia — their need, their value and their prospects'; J. D. Davies Q.C., 'Updating Civil Court Procedures for the 1980's'; Dr. C. L. Pannam, 'Some Reflections on the Law of Money Lending'; Mr. A. Asche Q.C., 'Changes in the Rights of Women and Children under Family Law Legislation'; Mr. P. H. N. Opas Q.C., 'The Place of the Lawyer in the Administration of Environmental Legislation — involvement of (A) the Solicitor and (B) the advocate'. The Chairman of the Bar Council chaired the Workshop Session on money lending.

ETHICS COMMITTEE

The Ethics Committee is responsible in the area of ethics, proper professional etiquette and practice, Bar discipline, reading and the maintenance of the various lists of members of the Bar.

1. Relations between Barrister and Clerk. The Bar Council adopted as a rule of ethics:—
 - (i) that a barrister is to refrain from entertainment of his clerk and from being entertained by his clerk, save with the consent of the Committee of his Clerking Group. It is intended that social engagements between a barrister and his clerk shall not occur save with the consent of the Committee of his Clerking Group;
 - (ii) no gift or anything in the nature of a gift shall be made by a barrister individually to his clerk or to any member of the staff of his clerk. The subject of gratuities to recognize services of a clerk or the staff of a clerk outside the ordinary fees or remuneration shall be a matter for determination by the Committee of the Clerking Group.
2. Counsel swearing affidavit in Order to Review proceedings. The Ethics Committee considered the question of the propriety of Counsel appearing in a case in the Magistrates' Court and thereafter swearing an affidavit in support or in opposition to an application for an Order Nisi to Review that case, particularly where there was a prospect of there being a conflict of evidence. It was the view of the Committee that in the normal course of events, Counsel should not swear any such affidavit. If, in an exceptional case, Counsel swears an affidavit he should no longer appear.
3. Counsel returning brief. The Ethics Committee considered a number of complaints from solicitors about Counsel who had accepted briefs and, having been compelled to return them due to being involved in part heard cases, returned their briefs so late in point of time that their instructing solicitors (and the clients) were prejudiced in obtaining the services of other counsel.

The Committee viewed such complaints with great concern. In relation to one such complaint, the Committee dealt with it summarily. It resolved that in all the circumstances of that case, it would refrain from determining whether or not Counsel had committed a disciplinary offence, but that the following advice and expression of views be given to him, namely, that he should in the circumstances have made arrangements to inform his instructing solicitors as soon as it became a substantial possibility that he would be unable to appear in the case in which he was briefed bearing in mind:—

 - (a) the prime importance of the solicitor being kept informed at all times of all facts known to Counsel pertinent to the client's litigation and particularly Counsel's availability;
 - (b) that the solicitor should be able to consult and warn his client as he thought desirable;
 - (c) that the solicitor should be able to make appropriate alternative arrangements;
 - (d) the necessity for Counsel to obtain instructions wherever possible as to the course to be followed in litigation, including the arrangement for adjournment.
4. Duty of Counsel at trial. In a case where two counsel prosecuting in a criminal trial know, from what a prosecution witness had told one of them, that evidence given by the witness on a material issue was untrue, and the counsel felt embarrassed in proceeding with the trial, the Ethics Committee resolved that counsel should announce to the Judge that they were professionally embarrassed and that they proposed to withdraw from the case. Counsel acted in accordance with this resolution.
5. Senior Counsel settling conveyancing documents. The Ethics Committee resolved that as long as the matter remains primarily in the area of advice, it is permissible for Senior Counsel to advise as to the adequacy of conveyancing and the like documents submitted to him by the solicitor. If and when Senior Counsel forms the view that the settling of the document requires substantial re-casting, he should require a Junior to be briefed with him to settle the document in consultation.

6. Senior Counsel accepting brief as Junior. The Ethics Committee ruled that Senior Counsel could accept a brief as Junior Counsel in the following circumstances. Before taking silk, Counsel was engaged as Counsel in litigation at first instance which concluded before he took silk. An appeal was brought, but Counsel had meantime taken silk. Another Senior Counsel was retained to lead in the appeal and the Counsel in question was sought to be briefed as Junior to him.
7. Counsel holding conversation with client of opposing Counsel. A member of the Bar acting as Counsel in a case in which the opposite party was represented by Counsel had a conversation with that party (in the absence of that other Counsel but in the presence of his own client) with the view to eliciting from that party admissions to cure a defect in his own case and with the view to leading the admissions from his own client in evidence.
- The Ethics Committee dealt with the above matter summarily and, after hearing that member of the Bar, resolved:—
- that the abovementioned Counsel had committed a disciplinary offence, namely, that he had infringed a rule of professional conduct;
 - that in its opinion it is a well recognised rule that Counsel should not speak to the client of an opposing Counsel;
 - that in this case, the breach was the more serious because the purpose of the conversation was to elicit evidence to cure a defect in that Counsel's own case;
 - that in its view such conduct should not be lightly regarded;
 - that in the circumstances of the case Counsel should be directed to pay a fine of \$20.
8. Right of Counsel to attend meeting of company in Board Room at Solicitors' Office. The Ethics Committee resolved:—
- that Counsel being briefed on behalf of a shareholder of a company, be permitted to attend the meeting of that company for the purpose of advising his client thereat notwithstanding that the venue of that meeting was at the premises of solicitors, providing he was accompanied by his instructing solicitor;
 - that Counsel be permitted to receive a proxy from his client for the purpose of gaining entry to such meeting;
 - that Counsel be permitted to address the meeting on his client's behalf provided he first made it known that he did so as Counsel and on behalf of his particular client and not in his own right;
 - that Counsel be permitted to exercise his right as given to him by the proxy to vote at that meeting, provided that he first satisfied himself that his client would be seriously prejudiced if he were not to exercise such a right.
9. Counsel appearing at trial and giving evidence. The Ethics Committee resolved that in circumstances where Counsel appears at a trial and wishes to give evidence at that trial, he ought not to continue to appear as Counsel in it providing he can retire without jeopardizing his client's interests. If, however, he is of the opinion that in all the circumstances of the case, he ought to give evidence, but cannot retire from the trial without jeopardizing his client's interests, he may continue in the case and there is no rule of professional ethics which debars him from going into the witness box and being cross-examined.
10. Summary Jurisdiction of Ethics Committee. The amendments made to Counsel Rules in 1972 which gave the Ethics Committee a summary jurisdiction in disciplinary offences have worked well. In the last two years no charges of disciplinary offences have been heard by the Bar Council and there have been no appeals to the Bar Council from determinations of the Ethics Committee.
11. Lectures. The following lectures were arranged by the Reading and Lectures Committee:—
- | <u>Lecture</u> | <u>Lecturer</u> |
|--|---------------------|
| Ethics | D. Dawson Q.C. |
| Ethics | H. Storey Q.C. |
| Relations between Barristers and Solicitors | R. K. Fullagar Q.C. |
| Procedure — Practical Aspects of Originating and Other Process | W. F. Ormiston |
| Procedure — Pleadings | S. P. Charles |

Procedure – Practical Aspects of Interrogatories and Answers to Interrogatories – Advice on Evidence	J. A. Gobbo Q.C.
Conduct of Proceedings in different jurisdictions – being proceedings before the Practice Court, Masters and Magistrates Court.	J. D. Loewenstein
Trial-Opening, Final Address and making a Submission.	E. D. Lloyd Q.C.
Criminal Trials	J. C. Walker
Trial – Examination and Cross-Examination.	N. R. McPhee Q.C.

LAW REFORM COMMITTEE

The Law Reform Committee covers the whole area of law reform including all questions of practice and procedure.

1. Making Available Law Reform Reports to Governments and Oppositions. The Bar Council decided that, subject to them not being confidential, reports of the Bar Council relating to legislation introduced into the State or Federal Parliament be made available, as a general rule, to the appropriate Minister and to the relevant Shadow Minister.
2. Law Reform Reports to Law Reform Commissioner and Victoria Law Foundation. Law Reform reports of the Bar were forwarded to the Law Reform Commissioner and the Executive Director of the Victoria Law Foundation.
3. Granting of Bail. Mr. Whelan Q.C. and Mr. P. R. Mullaly gave evidence before the Statute Law Revision Committee supporting the recommendations of the Bar Committee contained in the Whelan Report published in July 1973 upon the granting of bail. In the course of their evidence they discussed the use of prior convictions upon applications for bail. In its report the Statute Law Revision Committee substantially accepted the Bar submissions.
4. Law of Rape. In May 1975 following a number of inquiries from the news media as to the law, at the request of the Chairman, Mr. W. M. R. Kelly, as Chairman of the Crime Practice Committee appeared on radio and television and explained the Australian law as to the mental element in rape.
5. Aboriginal Defendants. The Bar Council wrote to the State Minister for Aboriginal Affairs and the Federal Minister for Aboriginal Affairs requesting that steps be taken in amending the relevant legislation to preserve an appropriate form of notification with respect to Aboriginal defendants. Section 37 of the Victorian Aboriginal Affairs Act had required a court where an Aboriginal was party to criminal proceedings to inform the Director of Aboriginal Affairs to enable steps to be taken to ensure representation of the Aboriginal in the proceedings.
6. High Court Practice. The Bar Council recommended to the Law Council of Australia that representations be made to the Chief Justice of the High Court that steps be taken to ensure that the High Court sitting as a Court of final resort should not be constituted by an equal number of Justices.
7. Supreme Court Practice. The Bar Council adopted and forwarded to the Chief Justice and the Law Reform Commissioner the Report of the Joint Standing Committee on Supreme Court Practice recommending extensive changes in the practice of the Supreme Court. A summary of the recommendations appears in an article in issue No. 11 of the Victorian Bar News, page 13.
8. Magistrates' Courts Jurisdiction Act 1973. When this Act was being debated the Attorney-General undertook that if it was passed the greater part of it would not be brought into operation until examined by the Statute Law Revision Committee. The Statute Law Revision Committee reported in December 1974. The Joint Standing Committee on Magistrates' Courts Practice and Procedure has reported and made recommendations upon the Act suggesting extensive amendments. The Bar Council adopted that Report and forwarded it to the Victorian Attorney-General.

9. Warning Against Driving After Loss of Licence. A member of the Bar reported to the Young Barristers' Committee an incident which occurred at Melton Magistrates' Court when an unrepresented defendant who had driven his motor car to Court was convicted for a speeding offence and had his licence suspended. He entered his car to drive home and had travelled a short distance when he was arrested by a member of the Police Force and charged with driving while his licence was suspended. A member of the Bar in Court was given leave to appear for the defendant as *amicus curiae*. The defendant gave evidence on oath that he believed that he could drive home when he left the Court because he had been told to hand in his licence at Werribee where he lived. The Court sentenced him to fourteen days imprisonment, cancelled his licence and disqualified him from obtaining another one for three months. The Young Barristers' Committee recommended that the Bar Council urge that directions be given to Magistrates or that legislation be passed, requiring Magistrates to give an oral warning to a defendant whose licence is cancelled or suspended that he is disqualified from driving anywhere during the period of disqualification and that driving during that period carries a penalty of imprisonment. The Bar Council acted on this recommendation and wrote to both the Attorney-General and the Chief Secretary. The Attorney-General replied stating "that a defendant whose licence is suspended or cancelled should be given an appropriate warning, and I am having the matter taken up with the Chief Stipendiary Magistrate so that an appropriate arrangement can be made." Later a letter was received from the Secretary of the Law Department stating that the Chief Stipendiary Magistrate had requested all Stipendiary Magistrates to give an appropriate warning to defendants whose licences are suspended or cancelled while they are before the Court. The Chief Secretary informed the Bar Council that the conduct of the policeman on the occasion had been investigated and he had been found to have acted properly.
10. Opening of Williamstown Court. Mr. R. Read represented the Chairman at the official opening of the Williamstown Magistrates' Court.
11. Justices of the Peace. The Chairman was invited to speak at the opening of the Annual Magistrates' Conference. The subject of Justices of the Peace sitting on the bench having been raised, the Chairman informed the Conference that it was the joint policy of the Bar and the Law Institute that Justices should not exercise judicial powers and outlined the reasons behind that policy.
12. Joint Advisory Committee on Magistrates' Courts. At the opening of the Magistrates' Conference the Chairman suggested that there would be great advantage in there being a Joint Advisory Committee with representatives of the legal profession, the Magistrates and the Government to advise upon forward planning for Magistrates' Courts. This suggestion was supported by the President of the Law Institute, Mr. J. Richards, who spoke later.
13. Status of Children Act. Certain aspects of the Status of Children Act 1974 were drawn to the attention of the Bar Council by the National Council for the Single Mother and her Child. A report and recommendations of the Matrimonial Causes Practice Committee were sent to the Victorian Attorney-General by the Bar Council.
14. Bills of Exchange. The Law Council informed the Bar that the Australian Government was contemplating the implementation of the Manning Report on Bills of Exchange and requested comments from constituent bodies. Messrs. A. C. Archibald and A. J. Myers have been requested to prepare a report.
15. Administrative Appeals Tribunal Bill. A Report on this Bill prepared by Mr. J. Fajgenbaum was referred directly to the Law Council of Australia.
16. Queensland Publications on the Law. A member of the Bar drew attention to the publications by the Department of Justice of the Queensland Government which informed the public of rights and protections provided to citizens by the law. The Attorney-General for Queensland the Honourable W. B. Knox M. L. A. provided copies of these publications. A joint approach is to be made by the Bar and Law Institute to the Victorian Government recommending that similar publications be circulated in Victoria.
17. Discretion Statements. A memorandum prepared by the Matrimonial Causes Practice Committee was sent to the Chief Justice of the Supreme Court requesting that a uniform practice be adopted in cases in which discretion statements are still relevant and that a practice note or memorandum be issued to practitioners.

18. Family Law. At two stages during the passage through the Australian Parliament of the Family Law Bill recommendations on the Bill prepared by the Victorian Joint Committee on Family Law were made available to members of the Parliament. In November 1974 the Bar Council, without expressing any view upon the political and philosophical matters underlying the Bill, adopted the Report of the Joint Committee and forwarded it to the Australian Attorney-General. Again during 1975 a Report of the Joint Committee on the Bill as it then stood was sent to the Law Council which forwarded it as its Report to leaders of the Government and the Opposition.
19. The Victorian Joint Committee on Family Law was requested and agreed to act also as the Family Law Committee of the Law Council of Australia.
20. Comments of the Matrimonial Causes Committee of the Bar on the Family Law Regulations were forwarded to the Australian Attorney-General on behalf of the Victorian Bar Council.
21. Forum. On 16th July 1975 a Forum upon the Family Law Act 1975 with particular reference to the co-ordination of counselling services was addressed in the Common Room by two members of the Family Court Advisory Committee, Mr. R. Watson Q.C. and Mrs. Helen McLeish, a social worker. Justice Elizabeth Evatt who is to be the Chief Judge of the Family Court of Australia also took part in the forum.
22. A Report by the Matrimonial Causes Practice Committee upon delays in the Supreme Court in Matrimonial Causes was forwarded to the Joint Standing Committee on Practice and Procedure in the Supreme Court and was substantially incorporated in the Report of that Committee referred to in paragraph 7 above.
23. Town Planning. Upon the recommendation of the Town Planning and Local Government Practice Committee the Bar Council made urgent written representations to the Minister for Local Government for appropriate facilities to be provided for the Town Planning Appeals Tribunal. An opportunity of making oral representations to the Minister was also requested.
24. On the recommendation of the Town Planning and Local Government Practice Committee the Bar Council made representations to the Government that each division of the Town Planning Appeals Tribunal should be chaired by a permanent Chairman, except when a permanent Chairman is ill, that Acting Chairmen should be of at least seven years standing at the Bar and experienced in the jurisdiction, and that the Tribunal should be asked not to sit in the first three weeks of January.
25. Environment Protection (Noise Control) Bill 1975. The Bar Council forwarded to the Victorian Minister of Conservation a Memorandum from the Town Planning and Local Government Practice Committee recommending amendments and improvements to this Bill.
26. Taxation Appeals Act 1972. The Bar Council adopted the recommendation of the Taxation Committee and requested the Government of Victoria to proclaim this Act. It establishes a Taxation Board of Review to hear appeals under the Victorian Land Tax, Stamps, Probate Duty, Gift Duty and Payroll Legislation.
27. Corporations and Securities Industry Bill. The Directors of Barristers' Chambers Limited sought the advice of Mr. W. E. Paterson Q.C., Chairman of the Bar Companies Committee, upon this Bill which is now before the Australian Parliament. This advice drew attention to the administrative difficulties which the Bill would impose upon a small company such as Barristers' Chambers Ltd. if it became law. The Directors referred the matter to the Bar Council which requested that submissions prepared by Mr. Paterson be made by the Law Council upon the Bill.
28. On 14th March 1975 the Chairman chaired the opening session of a Forum upon Corporations and Securities Industry Bill which was addressed by Senator Peter Rae, the Honourable Kep Enderby Q.C., Australian Attorney-General and Mr. John Valder, Chairman of Australian Associated Stock Exchanges.
29. National Compensation Scheme. This year the Law Council of Australia took the primary responsibility for presenting the views of the Australian legal profession upon a national compensation scheme. It retained solicitor and counsel on a professional basis to prepare and present its submission.
30. The Law Council in July 1973 adopted the policy 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 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 effect upon the public and its capacity for expansion can be properly assessed.

The Victorian Bar has at all times fully supported this policy.

31. In its last annual report the Bar Council said:

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.

32. Detailed Review of Woodhouse Bill. The Law Council instructed R. Gillard of the Victorian Bar to prepare a written review of the draft National Compensation Bill appended to the Woodhouse Report. He prepared an 83 page commentary entitled "A Review of Some Aspects of the National Compensation Bill as presented in the Report 'Compensation and Rehabilitation in Australia' ". Prior to publication, the contents of the Review were settled by the Joint Committee on National Compensation composed of members of the Victorian Bar and members of the Law Institute of Victoria. The Review was printed and in early October 1974, copies of it were forwarded to each member of the Australian Parliament, to interested State Ministers, and Shadow Ministers, and to the media throughout Australia. The Review highlighted the intrinsic defects in the draft Bill and the injustices of the benefits provided under the Bill compared with benefits provided under existing compensation schemes.
33. The National Compensation Bill passed by the House of Representatives on the 24th October, 1974 largely mirrored the draft Bill appended to the Woodhouse Report, but it did contain some 45 alterations, many of them apparently inspired by the comments and suggestions in the Review.
34. On the 30th October 1974, the National Compensation Bill, as passed by the House of Representatives, passed through its first reading stage in the Senate. The Senate then referred the Bill for consideration by the Standing Committee on Constitutional and Legal Affairs.
35. Law Council Decision. Meeting in Hobart in November 1974 the Executive of the Law Council considered the Bill as amended to that time. It reaffirmed its policy set out in paragraph 30 above. It recognized the improvements made by the amendments but decided that even with the amendments the scheme fell far short of being a scheme which was fair and adequate in the interests of injured persons. It regarded the scheme as second rate in both the amount and nature of compensation and in its administration. The Executive decided to oppose the Bill in the form in which it was at that time. The President of the Law Council Mr. K. F. O'Leary on 3rd November 1974 sent a statement to the Members of the Senate Standing Committee and to Government and Opposition leaders in the Australian Parliament stating its position and indicating the main areas of its concern. The statement concluded:

"The Law Council would be glad, if requested, to place before the Parliamentary Committee now considering the Bill, material and submissions showing the validity of its objections to the present Bill and the practical means of overcoming the existing defects in the Bill."

The statement was made available to the media and received wide publicity.

36. Appearance Before the Senate Standing Committee. The Standing Committee invited the Law Council to make comprehensive submissions to it. Messrs. Marks Q.C. and R. Gillard, instructed by Mr. J. C. Richards, President of the Law Institute of Victoria, made submissions for the Law Council to the Senate Standing Committee on 2nd December 1974 at Parliament House, Canberra. Mr. Marks opened by addressing the Committee on the dangers of abandoning the common law and other existing compensation systems for an untried novel system of compensation. Much discussion ensued between the members of the Committee and Mr. Marks as to the relative advantages and disadvantages

of the Common Law system and existing compensation systems and the proposed scheme as set out in the National Compensation Bill. Following his opening, Mr. Marks addressed the Committee on a number of provisions in the Bill. He pointed out the inadequacies of the definition of 'incapacity', the difficulty of determining the differences between the various classes of 'incapacity', the inadequacy of widows' benefits, the exclusion of several age groups from benefits under the scheme, the insufficiency in many cases of the benefits payable to applicants, the ill-defined discretions vested in the secretary and his officers, the lack of protection afforded applicants on appeal, the doubtful constitutional validity of the provision abolishing the common law and a host of other matters. At the conclusion of the hearing, the Chairman of the Committee invited the Law Council of Australia to furnish written submissions on each provision in the National Compensation Bill.

37. Further Written Submissions on The National Compensation Bill. In December 1974 the Law Council of Australia appointed Messrs Marks Q.C., R. Gillard and Richards to prepare written submissions on the National Compensation Bill. The team prepared a 42 page document dealing with the more contentious provisions of the Bill. These written submissions were forwarded to the Secretary of the Senate Standing Committee in February 1975. The submissions dealt extensively with the difficulties of construing and applying various provisions of the Bill and directed the attention of the Committee to the many injustices and hardships that would arise if the National Compensation Scheme as embodied in the Bill were put into operation.
38. Second Appearance Before The Standing Committee. On the 21st April 1975 Mr. Marks Q.C. and Mr. R. Gillard (instructed by Mr. J. C. Richards) again appeared before the Senate Standing Committee as a result of an invitation to the Law Council of Australia to comment on allegations expressed in the Woodhouse Report regarding the excessive legal cost of the existing compensation schemes. Prior to appearing Messrs. Marks, R. Gillard and Richards prepared a 14 page written submission with a number of tables appended to it. The submission was prepared to show that the incidence of legal and like costs associated with the administration of existing compensation schemes was not, as suggested by the Woodhouse Report, unreasonably high. Indeed, it submitted that the impression given by the Woodhouse Report about the incidence of costs of existing systems was incorrect. By referring to the tables, the submissions contended that the proportion of overall cost properly to be appropriated to legal costs was less than that stated in the Woodhouse Report and a fair price to be paid for the right to make and to challenge claims by the traditional judicial process. During the course of appearing before the Standing Committee, Mr. Marks elaborated upon the written submissions and explained them to the Committee.
39. Senate Committee Report. On the 22nd July 1975, Senator Button on behalf of the Senate Standing Committee tabled in Parliament a report on the Committee's considerations of the National Compensation Bill. The report recommended that the Bill be withdrawn and reconsidered in accordance with the unanimous or majority recommendations of the Committee. Many of the recommendations made by the Committee were matters raised by the Law Council representatives.
40. The Law Council has requested the Joint Committee on National Compensation in Victoria to consider the report of the Senate Standing Committee and to examine the new Bill which is expected to be introduced and to relate only to compensation for injury.
41. Road Safety. On 26th July 1975 Mr. A. Smithers represented the Bar at a meeting organized by the College of Surgeons Road Trauma Committee at which there were extensive discussions on ways of achieving greater road safety.
42. Sanctions and Road Safety. The Bar Council accepted the request of the Law Institute to join in constituting a Joint Committee to investigate the effectiveness of sanctions in preventing road accidents. Messrs. A. Smithers, N. S. T. Murdoch and P. A. Willee have been appointed the Bar's representatives.
43. Law Reform Advisory Council. During the year the Law Reform Advisory Council has met on four occasions and the Law Reform Commissioner, Mr. T. W. Smith, has issued Reports on Criminal Procedure (Miscellaneous Reforms) and Criminal Liability of Married Persons (Special Rules), and a Working Paper upon Delays in Supreme Court actions.
44. Railways Damages Limitation. A Committee has been asked to report upon Section 201 of the Railways Act 1958 to recommend whether the limit on damages should be altered or abolished.

45. Australia Police. On 16th May 1975 the Australian Attorney-General requested the Australian Law Reform Commission to inquire into and report as to the appropriate legislative means of safeguarding individual rights and liberties in relation to the law enforcement process by the Australia Police under Australian and Territorial law. The Commission was asked to report in particular in relation to the conduct of investigations, powers of arrest search and seizure, the rights of persons detained in custody, rights with respect to bail and speedy trial, the right to representation and other means of ensuring a fair trial, the investigation of complaints against police and any other related matter. The Commission was asked to report not later than 15th August 1975 to enable legislation to be introduced in the Budget sittings of the Australian Parliament.
46. On 4th August 1975 a summary paper of 27 pages setting out the tentative views of the Commission on the subjects of the reference was received by the Victorian Bar. As the summary paper dealt with fundamental questions on which recommendations were made which were substantially different from the common law and which involved many inter-related provisions, the Crime Practice Committee recommended that the Bar Council should decline to comment upon the proposals contained in the summary paper and express regret that no greater opportunity to consider these proposals was given to the Victorian Bar. It also recommended that a committee should be established to inquire into and report upon the proposals in the summary paper and other proposals and complaints in the area which have recently come before the Bar Council.
47. The Bar Council at its meeting on 14th August 1975 decided to advise the Australian Law Reform Commission and the Law Council in accordance with the recommendations of the Crime Practice Committee to the Bar Council; to advise the Australian Attorney-General in similar terms and to request him to forward to the Bar Council as soon as they are available any report of the Law Reform Commission and any draft Bill relating to the Australia Police. It also decided that a committee be formed of members nominated by the Crime Practice Committee to report upon the Law Reform Commission and draft Bill when received.
48. The Bar Council received a letter from the Australian Law Reform Commission dated 7th August 1975 enclosing a copy of a paper which was then in the hands of Parliamentary Counsel with a view to the preparation of a draft Bill. The paper dealt with complaints against police and police discipline.
49. Design of Magistrates' Court Buildings. The Young Barristers' Committee appointed a sub-committee to examine and report upon matters relating to the design of buildings in which Magistrates' Courts are conducted. It was felt that the experience of those who practise daily in these courts may be of use to the building designers. At the request of the Young Barristers' Committee the Bar Council wrote to the Director of Public Works inquiring whether he would make available a member of the department concerned with the design of new Magistrates' Court buildings to be interviewed by the sub-committee. The purpose of the interview is to inform the sub-committee of the considerations now taken into account by those planning new court buildings. The Director-General replied that he was pleased to co-operate and nominated an officer to represent the department.

GENERAL COMMITTEE

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.

1. The Bar Clerking Committee. The Bar Council restructured the Bar Clerking Committee, adopting with modifications a suggestion made by the Chairman of the Foley Clerking Committee, Mr. O'Bryan Q.C. The Bar Clerking Committee now consists of twelve members, six members appointed by the Bar Council (one from each clerking group), and one member appointed by each of the six Clerking Committees, the Chairman being appointed by the Bar Council and having a deliberative and in the event of equality a casting vote. This Committee has been given the responsibility, subject to the Bar Council, of administering the Bar Clerking Rules implemented this year. It has met on nine occasions during the year.
2. Clerking Group Committees. Committees elected by the respective clerking groups have continued to have primary responsibility for the operation of clerking services within that group.
3. Uniform Clerking Service. With increased numbers coming to the Bar the smaller clerking groups were approaching the limit of 75. The Bar Council initially proposed the installation of a seventh

clerk but, before this proposal had been considered by a General Meeting, the Bar Council gave consideration to a Uniform Clerking Service under which all the existing clerks would be employed by the Bar and would provide clerking services for the whole Bar. A General Meeting called on 29th May 1975 considered the recommendation of the Bar Council "that this General Meeting of the Bar approves the action of the Bar Council in taking steps to investigate the feasibility of a Uniform Clerking Service to be employed by the Bar and recommends the continuation of such investigation and report back when appropriate". The General Meeting was adjourned to the 6th of June 1975 when that motion was put and lost. The adjourned Meeting resolved: "That this meeting recognizing the energy and the endeavours of the Bar Council recommends that the Bar Council investigates the problems of the clerking system in the light of the manifold views expressed by the resolutions of the various clerking groups and the views expressed at this and the previous General Meeting and that in the light of those views the Bar Council report back to the Bar at such times and in such manner as it considers fit".

4. Central Fee Collecting Service. The Bar Council requested the Overdue Fees Committee to investigate the feasibility of a Central Fee Collecting Service and has received a report which it requested from Mr. Emery Q.C. and Mr. Kevin Foley upon the use of a computer for such a service.

5. Central Delivery Service. The Bar Council requested a Committee under the Chairmanship of Mr. Hulme Q.C. to investigate the feasibility of a Central Delivery Service for the Bar.

6. Central Telephone Service. The Bar Council requested the Accommodation Committee to investigate the feasibility of a central telephone service for the Bar.

7. Installation of Seventh Clerk. The Bar Council decided to recommend that for the year 1975/76 the barristers' clerks for the four larger clerking groups (Messrs. Dever, Foley, Hyland and Spurr) be given an automatic entitlement to act for at least five additional counsel in active practice instead of two as under the Bar Clerking Rules; that a seventh clerk be installed, to be self-employed but initially subsidized, on the understanding that no further clerk would be established for two years from the installation of the seventh clerk; that moneys to subsidize the establishment of a seventh clerk be raised by including in the subscriptions for the year 1975/1976 the following amounts:

Queen's Counsel	\$ 150
Counsel over 10 years' standing	105
Counsel of over 5 but less than 10 years' standing	75
Counsel of over 1 but less than 5 years' standing	45
Counsel of under 1 year's standing	15 ;

that the moneys be paid into "the Bar Clerking Fund" to be administered by Trustees appointed by the Bar Council; that the Trustees have power to invest those funds and that any amount ultimately remaining in the Fund be retained and be applied towards the implementation of any future policy of the Bar Council in relation to clerking. This recommendation was considered by a General Meeting of the Bar on 23rd July 1975. With the amendment that the Trustees may apply money from the Fund wholly or partly by loan to the clerk or wholly or partly by outright subsidy, it was adopted by a very substantial majority. The gradations of the amount of levy are in accordance with a recommendation of the Young Barristers' Committee. While members of the Bar employing other clerks will be entitled to change to the seventh clerk if they desire, the Bar Council will not seek to persuade members of the Bar to take this course. The policy adopted by the General Meeting introduces machinery for installing a new clerk without members of the Bar feeling obliged or being persuaded to leave their existing clerks to join the new clerk to make his establishment economically viable.

Clerk Installation Committee. A Committee consisting of Messrs. Marks Q.C. (Chairman), Lazarus Q.C., Gobbo Q.C., J. H. Phillips, R. M. Read and Hassett (convenor) has advertised for a seventh clerk and received a number of applications and expects that the seventh clerk will commence in January 1976. The Directors of Barristers' Chambers have made space available on the ground floor of Owen Dixon Chambers.

Clerk's Fee. The Bar Council decided that the amount of clerk's fee was a matter for the various clerking groups. Some clerking groups have decided to raise the clerk's fee from 4 to 5 per cent, others have either decided against it or have not considered the matter.

10. Clerks' Office Closure at Christmas. In the past most clerks' offices have remained open in the period after Christmas when there is little call for their services. The clerks suggested in discussion with the Chairman that an arrangement was desirable to enable them to close their offices at this time, while ensuring that barristers could be contacted. There were Bar Council discussions with the Law Institute and the Young Barristers' Committee. The Bar Council approved the arrangement under which the barristers' clerks closed their offices on 24th December 1974 and re-opened on 13th January 1975. They arranged for an answering service and a staff member of one of the clerks to be available on the telephone during working hours on working days over that period, to give solicitors information as to the barristers on all lists who were available during the vacation. The system was put into operation and worked well.
11. Meetings with Clerks. On four occasions during the year the Chairman, with other members of the Bar Council, met the Barristers' Clerks for a drink and informal discussion in the Chairman's Room on any question which anyone desired to raise. The Bar Council appreciates the co-operation and assistance which it has received from the Barristers' Clerks.
12. Barristers' Secretaries Committee. Because of difficulties which had been experienced in communications between the Bar Council and the secretaries on matters of mutual concern, such as catering, it was suggested to the secretaries that they should call a meeting and form a committee. The Chairman and Vice-Chairman attended this meeting on 8th May 1975 and suggested that the secretaries set up a Committee. The meeting set up a committee of seven of which Miss Lee Carmody is the Secretary.
13. Wages Board Determination. As requested by the Barristers' Secretaries Committee it was decided to circulate members of the Bar notifying them that the determination governing secretaries' salaries is the Law Clerks' determination and setting out the salaries prescribed. Information on the most recent determination has been notified to members of the Bar by circular. This information will be kept up to date from time to time.
14. Recommendation of Bar Fees Committee. The Bar Council received from the Bar Fees Committee an extensive 13 page report examining the movements in the relevant economic indicators. The report recommended that in order to keep up with the increases in the community level of average weekly earnings an increase in fees of 25 per cent was necessary. The Bar Council decided to adopt these recommendations regarding Supreme, County and Magistrates' Court fees and to have them discussed by the Joint Standing Committee on Fees and Costs.
15. Supreme Court Fees. The recommendations of the Bar Fees Committee adopted by the Bar Council were discussed by the Joint Standing Committee on Fees and Costs. Because discussions were taking place the Bar Council postponed recommending the new standard minimum fees until April. It then recommended standard minimum fees to operate from 1st July 1975. The recommendations are to be understood in the light of the joint statement on the marking of briefs and the payment of counsel's fees published in Victorian Bar News No. 7 page 3 which provides that fees may be agreed which are higher or lower than the recommended standard minimum fees.
16. Two-Thirds Rule. In accordance with views expressed in a Report to the Bar Council by a Committee in November 1973, the Bar Council recommended a modification of the two-thirds rule. With minor amendment this recommendation was adopted in principle by a General Meeting of the Bar on 27th May 1975. Pursuant to this decision the Bar Council on 31st July 1975 ruled: "That it is not improper for Counsel briefed as junior to senior counsel to enter into a special arrangement prior to acceptance of the brief, after consultation with senior counsel, that he will accept a fee being not less than the standard minimum fee for the jurisdiction or, if there be no standard minimum fee, a fee reasonably commensurate with a fee junior counsel will accept if appearing alone, but that, in the absence of any special arrangement, junior counsel briefed with senior counsel should receive a fee which is equal to two-thirds of the fee of senior counsel". The ruling enables there to be a departure from the two-thirds rule where senior counsel, junior counsel and instructing solicitor concur.
17. Draft Family Law Regulation. Draft Regulation 24 of the Family Law Regulations provides: "Where senior counsel is briefed a second counsel shall not be entitled to any particular fraction of senior counsel's fee unless there is a satisfactory negotiation and agreement thereon". The Bar Council wrote to the Australian Attorney-General drawing his attention to the terms of the Regulation and requesting that the Regulation be deleted having regard to the fact that there are different rulings in various Bars of Australia and also drawing his particular attention to the ruling set out in the preceding paragraph which now applies in Victoria.

18. Applications for Silk. The Chief Justice informed the Bar that applications for silk should be made during the month of August and that there would be slight alterations to the procedure regarding applications for silk. The Bar was notified of this by circular.
19. Circuit Fees. At the invitation of the Bar Council the Law Institute joined in setting up a joint committee for the purpose of discussing fees to counsel on circuit with a view to determining whether an alternative system to the present system can be recommended. Messrs. J. Hedigan Q.C., H. Frederico and J. L. Sher are the Bar representatives on the joint committee.
20. Public Solicitor's Fees. On 23rd December 1974 application was made on behalf of the Bar Council for increases in Public Solicitor's fees and some changes in the basis on which fees are paid. The Chairman and Vice-Chairman had two interviews with the Secretary of the Law Department, the Public Solicitor and an officer of the Law Department. A further letter was sent in support of the increases. New fees were announced to operate from 1st July 1975.
21. County Court Fees. On 10th April 1975 a recommendation for an increase of barristers' fees in the County Court was forwarded to the County Court Judges. Discussions have since taken place with the Chief Judge of the County Court and other Judges.
22. Magistrates' Courts Fees. Application to the Victorian Attorney-General for an increase in fees upon special complaints in Magistrates' Courts was made on 20th December 1974. In response to an application which had been made on 21st December 1973 on the basis of the economic changes which had occurred to that date fees to counsel upon special complaints were increased from 1st February 1975. A request was made on 11th July 1975 that the increases sought on 20th December 1974 on the basis of economic changes to that date be brought into operation as early as possible and the Bar Council has been informed that the matter is under consideration.
23. Purchase of New Building. The Accommodation Committee under the chairmanship of Mr. H. C. Berkeley Q.C., proceeding on the basis that it is the policy of the Bar to provide accommodation for all counsel, investigated the Bar's future requirements. After prolonged and careful investigation it considered six alternative courses available to the Bar. It recommended that to provide accommodation for a Bar of about 800 in 1984 the best course was to sell Owen Dixon Chambers and purchase alternative space. It recommended that this be done by participating in a joint development with the owners of land at 544 Lonsdale Street owned by Northrock Nominees Pty. Ltd. The land is on the north of Lonsdale Street a little to the west of William Street. The object is a development of a 33 storey building which would entitle the Bar ultimately to purchase the interest of the owner in the building. The Bar Council and then a General Meeting of the Bar on the 13th August 1975 adopted this recommendation. Details of the proposal were circulated to the Bar before the General Meeting. The General Meeting resolved by a substantial majority, (1) that the Bar should be housed in one building; (2) that the Bar approves in principle the Northrock proposal subject to the ascertainment and approval of financial arrangements.
24. Service of Mr. Griffith Q.C. as Bar Librarian. In June 1975 the Bar Library lost the services of its Librarian, Mr. R. G. DeB. Griffith, Q.C., upon his appointment as a Judge of the Supreme Court of Victoria. Mr. Griffith had been the Bar Librarian since Barristers' Chambers Ltd. set up a library in Owen Dixon Chambers soon after its construction in 1961. His knowledge of law books was incomparable and the many members of the Library Committee over the years would readily acknowledge that its growth to a comprehensive library of reports, journals and statutes is almost entirely due to his work. His industry and learning will be sorely missed. Mr. W. F. Ormiston is now Bar Librarian.
25. Gift from Sir George Pape. On his retirement from the Supreme Court the Honourable Sir George Pape gave the Reports of Patent Cases to the Bar and sold the Library his Lloyds Reports on very generous terms. His generosity is gratefully acknowledged. The addition of first class sets of Reports of Patent Cases and Lloyds' Reports were important improvements made this year to the book collection in the Bar Library.
26. Other Donations. The kindness of other donors this year is also acknowledged: the office of the Ombudsman, the Supreme Court Library, the Hon. Mr. Justice Anderson, Judge Hewitt, and Mr. Rustomjee. The Library has also been given generous assistance by Mr. E. W. Lawn who acts as Registrar for the Council of Law Reporting.

27. Bar Library Rules. It is regrettably necessary to remind members of the Bar:
- that books may not be removed from the library for copying or any other purpose;
 - that books must always be returned to the shelves after use.
28. Bar Reports in Library. The Bar Council has arranged to have tabled in the Bar Library for perusal by members of the Bar non-confidential reports adopted by the Bar Council.
29. The Secretary-General of the Law Council has been invited to use the dining facilities in the Common Room whenever he desires.
30. Catering. During July 1975 there was a change of the Bar caterers. The Chairman expressed to Mr. and Mrs. Unger, on behalf of himself and former Chairmen, appreciation for the assistance and co-operation which they had given over the years.
31. Repairs and Improvements. The Bar Catering Committee, Messrs. F. Walsh (Chairman), M. J. L. Dowling and J. Batt organized the purchase of new plant and equipment, the repair of existing plant and equipment, the painting and renovation of the Common Room and the provision of outdoor furniture and plants for the thirteenth floor balcony. Regular meetings are held between the Bar Catering Committee and the caterers at which the mutual problems are discussed with candour. The Bar Catering Committee welcomes suggestions as to improvements or alterations in the procedures or facilities within the Common Room. It is considering suggestions which it has received from the Barristers' Secretaries Committee.
32. New Caterers. A special committee consisting of Messrs. Castan (convenor), Costigan Q.C., J. H. Phillips, R. C. Gillard and Hassett by a great deal of work during and after the short vacation selected and arranged for Mr. and Mrs. John Fahey to take over the Bar catering. It has since become necessary to purchase new furniture to accommodate all those desiring to lunch in the Common Room.
33. Chairmen's Honour Board. An Honour Board showing the names of those who have been Chairman of the Bar was donated to the Bar by the Honourable Mr. Justice Connor. This generous donation is gratefully acknowledged by the Bar. A dinner at which the Bar Council will entertain past Chairmen of the Bar has been arranged for the presentation of the Honour Board and the celebration of the seventy-fifth year of the Victorian Bar. The names shown on the Honour Board are:-
- | | | | |
|-----------|-------------------------|-----------|------------------------|
| 1900 | J. B. Box | 1935-1936 | J. G. Latham K.C. |
| 1900-1903 | J. L. Purves K.C. | 1936-1937 | W. K. Fullagar K.C. |
| 1903-1905 | J. B. Box | 1937-1938 | W. L. Ham K.C. |
| 1905-1906 | H. B. Higgins K.C. | 1938-1939 | C. H. A. Eager K.C. |
| 1906-1913 | F. Gavan Duffy K.C. | 1939-1946 | W. L. Ham K.C. |
| 1913-1915 | T. a'B. Weigall K.C. | 1946-1952 | E. R. T. Reynolds K.C. |
| 1915-1916 | E. F. Mitchell K.C. | 1952-1953 | J. B. Tait Q.C. |
| 1916-1917 | W. H. Irvine K.C. | 1953-1956 | M. Ashkanasy Q.C. |
| 1917-1918 | E. F. Mitchell K.C. | 1956-1958 | R. M. Eggleston Q.C. |
| 1918-1920 | W. G. S. MacArthur K.C. | 1958-1959 | D. I. Menzies Q.C. |
| 1920-1922 | E. F. Mitchell K.C. | 1959-1961 | O. J. Gillard Q.C. |
| 1922-1923 | W. H. Bryant K.C. | 1961-1962 | R. A. Smithers Q.C. |
| 1923-1924 | E. F. Mitchell K.C. | 1962-1964 | M. V. McNerney Q.C. |
| 1924-1925 | J. G. Latham K.C. | 1964-1966 | G. H. Lush Q.C. |
| 1925-1927 | E. F. Mitchell K.C. | 1966-1967 | K. V. Anderson Q.C. |
| 1927-1929 | O. Dixon K.C. | 1967-1969 | X. Connor Q.C. |
| 1929-1930 | E. F. Mitchell K.C. | 1969-1971 | P. A. Coldham Q.C. |
| 1930-1932 | W. L. Ham K.C. | 1971-1972 | W. Kaye Q.C. |
| 1932-1933 | R. G. Menzies K.C. | 1972-1973 | W. O. Harris Q.C. |
| 1933-1934 | W. L. Ham K.C. | 1973-1975 | R. E. McGarvie Q.C. |
| 1934-1945 | H. Walker | | |
34. Photograph of Mr. Purves K.C. The Honourable Sir George Pape gave the Bar a signed photograph of Mr. Purves K.C. and a drawing of the interior of Selborne Chambers and of an Inn of Court. These are gratefully acknowledged.

35. Delivery Box. The installation of a delivery box to receive briefs at the front door of Owen Dixon Chambers was investigated but found to be impracticable.
36. No Smoking in Lifts. Arising from the suggestion of a member of the Bar the Directors of Barristers Chambers Ltd. had "No Smoking" signs placed in the lifts in Owen Dixon Chambers.
37. Legal Aid. The year has been one of considerable activity in the field of legal aid. Members of the Bar have continued to be involved with the Legal Aid Committee's scheme, with many of the regional legal aid schemes and also with the Australian Legal Aid Office. The Bar Council has relied heavily on the members of its Bar Advisory Committee on Legal Aid, Messrs. Jenkinson Q.C. (to February 1975) Costigan Q.C. (from April 1975) and Dowling.
38. Conference with Attorney-General. On 8th October 1974 a conference was held at Canberra between the Australian Attorney-General, Senator the Honourable L. K. Murphy Q.C., the President of the Law Council and the Presidents, Chairmen or representatives of the constituent bodies of the Law Council. Mr. Thomson Q.C. then the senior member of the Legal Aid Committee in Victoria represented the Victorian Bar. There was extensive discussion on how best to provide and finance comprehensive legal aid throughout Australia. There was much discussion on the operation of the A.L.A.O. and discussion about the professions' systems of legal aid in the States.
39. The report of this conference from Mr. Thomson was considered by the Bar Council on 10th October 1974. The Bar Council decided to recommend to the Law Council the adoption of such policies in respect of legal aid as will foster the effective functioning of the Legal Aid Committee and similar organizations elsewhere in Australia and as will enable the Australian Legal Aid Offices to function as an effective source of legal aid without impairment of the legal aid schemes provided by the legal professional bodies and without harm to the administration of justice. The Bar Council also decided that it was completely opposed to a challenge to the legal validity of the Australian Legal Aid Office.
40. At its meeting on 2nd November 1974 the Law Council Executive referred to constituent bodies for their consideration broad proposals for an Australian Legal Aid Commission to define the scope of services to be provided by the A.L.A.O., to provide legal aid services by salaried service and the private profession, to allocate Australian Government funds in aid of other existing agencies including those established under State legislation and to formulate guidelines on the provision of legal aid.
41. The Bar Council on 7th November endorsed the approach of the Law Council but suggested that consideration be given to converting the A.L.A.O. from a branch of the Attorney-General's Department to an independent statutory corporation.
42. The Law Council Executive held a special meeting on legal aid on 1st December 1974 attended by Presidents and Chairmen of constituent bodies who were not members of the Executive. The Executive decided upon a policy along the lines of the broad proposals outlined in paragraph 39 above. This policy of the Law Council was put to the Australian Attorney-General by the President and Vice-Presidents of the Law Council in Canberra on 6th December 1974.
43. In December 1974 interim arrangements were made between the Bar Council and the A.L.A.O. in Melbourne upon the basis on which members of the Bar would do work for that office. With the authority of the Bar Council the Chairman sent a circular to members of the Bar on 11th December 1974, informing them of this interim arrangement and inviting the same co-operation with the A.L.A.O. that had been accorded to the Legal Aid Committee.
44. On behalf of the Bar Messrs. Jenkinson Q.C. and Dowling had extensive discussions with representatives of the Law Institute in which proposals were formulated for a system of co-ordination between the A.L.A.O. and the Legal Aid Committee acceptable to the profession and the A.L.A.O. On 15th April 1975 the A.L.A.O. and the Legal Aid Committee agreed on a co-ordinated system to avoid duplication in the provision of legal aid services in Victoria. Under the agreed guidelines, for example, the Legal Aid Committee refers to the A.L.A.O. applicants for aid in proceedings arising out of the Commonwealth Matrimonial Causes Act, persons charged with offences under Commonwealth legislation and applicants for aid in civil proceedings under Commonwealth legislation. With some specified exceptions the A.L.A.O. refers to the Legal Aid Committee all applicants in matrimonial matters arising out of State law, criminal matters under State law in a Magistrates' Court or the appellate jurisdiction of the County Court and in civil proceedings under State law in all jurisdictions. The agreement is set out in Victorian Bar News, No. 11, pages 11-12.

45. On 12th March 1975, at the invitation of the Bar Council, the Honourable K. E. Enderby Q.C., who had become Australian Attorney-General in February 1975, addressed a large gathering of members of the Bar in the Common Room upon legal aid and other legal issues and answered questions. On 15th March 1975 the Attorney-General attended a meeting of the Executive of the Law Council and of Presidents and Chairmen of constituent bodies who were not members of the Executive. He addressed the meeting and discussed at length the policy of the Australian Government concerning Australian Legal Aid Offices and legal aid generally.
46. During January 1975 information had been received that the A.L.A.O. was to pay 90% of normal proper fees in respect of legal aid matters referred from 20th January 1975. After discussions with representatives of the Law Institute the Bar Council on 8th May 1975 decided to accept this position although it meant that while the Legal Aid Committee paid 80% the A.L.A.O. paid 90%.
47. The Legal Aid Bill introduced into the House of Representatives on 5th June 1975 was available at the Law Council Executive meeting on 6th June 1975. It was decided to hold a special meeting of the Law Council Executive in Canberra to consider the Bill.
48. Copies of the Bill were obtained for all members of the Bar Council. The Bill provides that the Australian Legal Aid Office is to be a statutory corporation to operate under the general direction of a Board of Management of three. The Chairman is to be a Judge or a private legal practitioner of high standing in the legal profession, the second member is to be the National Director of the A.L.A.O. and the third member is to be a legal practitioner of not less than 5 years' standing appointed only after consultation between the Attorney-General and the Law Council of Australia. In the event of a difference of opinion on policy between the Attorney-General and the Board, the Governor-General is to determine the policy to be followed. The Bill provides for a Commission of 8 to 13 members to make recommendations to the Attorney-General upon the extent of the need for legal assistance, upon the co-ordination of schemes of legal assistance, the respective roles of private practitioners, Government employed practitioners and other bodies in the provision of legal assistance, and upon grants of financial assistance to the various schemes. The Bill also provides for Consultative Committees in each state and territory and legal consultative committees.
49. The Law Council held two meetings which were substantially devoted to a consideration of the Bill and of the views of constituent bodies. Each of these meetings was attended by Presidents or Chairmen of constituent bodies who were not members of the Executive. Before the first of these meetings at Canberra on 1st and 2nd July 1975 the Bar Council on 26th June gave the representative of the Victorian Bar on the Law Council Executive (Mr. McGarvie Q.C.) general directions upon the policy to be followed. At the meeting in Canberra the Law Council Executive made interim decisions upon its policies in respect of the Bill. These interim decisions were considered by the Bar Council on 31st July 1975 and general directions given to the Victorian Bar representative as to the policy to be followed.
50. At its meeting in Melbourne on 2nd August 1975 the Law Council Executive decided its policies upon the Bill. The Law Council does not seek to alter the basic structure of Board, Commission and Consultative Committees. It seeks amendments so that the Board would consist of a Chairman, the National Director and three other members; two nominated by the Law Council and the other being either elected by the Consultative Committees or a consumers' representative or nominated by the Australian Council of Social Services. It also proposes that six members of the Commission be private legal practitioners and that legal practitioners should constitute a simple majority of Consultative Committees. The Law Council seeks a position where the Board could not be overridden by the Governor-General in the event of differences of opinion between it and the Attorney-General on matters of policy.
51. The Law Council takes the view that legal services should only be provided directly by salaried practitioners employed by the A.L.A.O. where it is not practicable for the private profession to provide them. It seeks an amendment to provide that legal assistance may be provided by the A.L.A.O. by making available, as far as practicable, in the first instance the services of private legal practitioners chosen, where possible, by the assisted person, or if not practicable by making available the services of members of the Office or other legal assistance scheme, and in any case at the expense of the Office.

52. The Law Council regards as fundamental the right of choice of a person to a legal adviser of his own selection. It proposes the insertion of a provision for the granting of legal assistance either on application by the applicant direct to the A.L.A.O. or through his solicitor with the applicant specifying the practitioner of his choice if he wishes to.
53. A submission setting out the policy of the Law Council in relation to the Bill was presented to and discussed with the Australian Attorney-General in Canberra on 11th August 1975 by the Law Council President, Mr. K. F. O'Leary, Mr. Loxton representing the Senior Vice President and Mr. J. Wilson the Junior Vice President. The Attorney-General had no objection to the submission being made public forthwith. On the following day copies of the submission were given to the Opposition Shadow Attorney-General, Senator the Honourable I. J. Greenwood Q.C.
54. A.L.A.O. Legal Costs Committee. In June 1975 the Bar Council acted on an invitation of the A.L.A.O. to set up a Legal Costs Committee with representatives of the Law Institute, the Bar, the A.L.A.O. and a costs consultant to determine fees and costs where no statutory scale applies and to determine disputes on fees and costs. The Bar Council appointed as its representatives Messrs. Gobbo Q.C., Dowling and Dane (selected by the Young Barristers' Committee).
55. Legal Aid Committee. The financial position of the Legal Aid Committee in Victoria has been greatly affected by a large defalcation depriving the Solicitors' Guarantee Fund of the surplus from which most of the funds of the Legal Aid Committee have come. A critical position reached in May 1975 was overcome by grants from the Australian and the Victorian Governments. This system of legal aid has, over the years, provided to the community substantial and satisfactory legal aid only because the barristers and solicitors constituting the Committee have been prepared to donate several hours of their time for a night meeting each week to administer the system and keep it operating satisfactorily. In addition this year there were numerous conferences made necessary by the need for finance.
56. Law Faculties. Replies have been received from Melbourne and Monash Law Faculties to the joint letter of 4th September 1974 from the Chairman and the President of the Law Institute suggesting that steps be taken to bring about a closer association between the law schools and the practising profession. Both faculties agreed to join in taking steps to bring this about.
57. Reduced Representation on Melbourne Faculty. On 23rd July 1975 the Law Faculty at Melbourne resolved that the faculty be reconstituted in a way which would substantially reduce the number of members of the practising profession on the faculty. The Bar and Law Institute have jointly requested that the resolution be reconsidered.
58. Law Teachers to Lunch in Common Room. The Bar Council has invited law teachers at the Universities to use the dining facilities in the Common Room each Wednesday. It is hoped that this will enable law teachers and barristers to meet regularly and to get to know each other.
59. Bar Dinner. On 10th May 1975 an outstanding Bar Dinner was held in the Long Room at the Old Customs House. The Guests of Honour were the Honourable Sir Oliver Gillard, the Honourable Mr. Justice Murray, the Honourable Mr. Justice Fullagar, the Honourable Mr. Justice Jenkinson, His Honour Chief Judge Whelan and His Honour Judge Mornane. 259 guests accepted for the dinner. There were representatives of all Australian Bars except one. Mr. Junior Silk, Mr. Merralls Q.C. made a memorable speech and each Guest of Honour responded with wit and brevity.
60. First Aid. Upon the recommendation of the First Aid Committee an Oxy Viva Resuscitator and a First Aid Box have been purchased and persons with first aid qualifications have agreed to provide first aid in an emergency. Notices of steps to take in an emergency are to be brought to the attention of those in Bar buildings.
61. Admission to Practice. As insufficient articles were available this year to enable all graduates to qualify for admission another method of qualification was necessary. The Legal Practice Course at the Leo Cussen Institute was an obvious alternative. At one stage it was proposed that graduates who completed that Course could be admitted but would not be entitled to practise as a barrister or as a principal solicitor until a period had been spent in employment as a solicitor after admission. The Bar Council opposed the requirement of a period of employment as a solicitor before becoming entitled to practise as a barrister. In present conditions it would be very difficult for a person to obtain employment as a solicitor for a temporary period before going to the Bar. The Rules of the Council of Legal Education are being altered to provide that a graduate may qualify for unlimited admission as at present by serving 12 months' articles. Upon admission these

practitioners will be entitled to practise as a barrister or as a principal solicitor. A graduate may qualify for admission by completing the 6 months' Legal Practice Course at the Leo Cussen Institute but will be required to undertake before admission not to practise as a principal solicitor until after 6 months' service as an employee solicitor. A graduate who qualifies in this way may commence to practise as a barrister upon admission.

62. Training Pre-Requisites for the Bar. The Bar Council requested a committee under the chairmanship of Mr. Storey Q.C. to recommend to it whether further training should be required of those joining the Bar.
63. Legal Practice Course. There are 65 law graduates attending this course at the Leo Cussen Institute which runs from April to October. The Director of Practical Training is Mr. David Ross of this Bar.
64. Leo Cussen Institute. At the request of the Leo Cussen Institute the Chairman and Mr. J. Dawson, the then President of the Law Institute, sent a joint letter to the Australian Minister for Education seeking federal funds. Later, with Professor H. A. J. Ford they constituted a delegation to the Minister in Canberra seeking those funds for the Leo Cussen Institute.
65. Council of Legal Education Course. Students attending this course are experiencing great difficulty in obtaining long term articles. The Council of Legal Education is considering the future of this course now conducted at the Royal Melbourne Institute of Technology.
66. British Subject Requirement. The Council of Legal Education is also considering whether admission to practise in Victoria should be limited to British subjects. This has never been a requirement for admission to the English Bar and has been removed as a requirement for solicitors in the United Kingdom by an Act in 1974. The Bar Council on 13th March 1975 decided to support its removal in Victoria.
67. Print in Victorian Reports. The Bar Council in early 1974 raised through its representatives on the Council of Law Reporting in Victoria the adequacy of typescript used in the first two parts of the Victorian Reports for 1974. The Council of Law Reporting approved a different form of headnote and new typescript has been used during 1975.
68. Preservation of Bar Records. The Honourable Mr. Justice Norris, who had long experience as a member and as Treasurer and Secretary of the Bar Council, has agreed to sort and collate past records and documents of the Bar and to institute a system for their orderly preservation in future.
69. Directory of Barristers. Acting on a recommendation from the Young Barristers' Committee the Directors of Barristers' Chambers Ltd. have arranged for a directory showing barristers in all buildings to be installed in the foyer of Owen Dixon Chambers.

**THE VICTORIAN BAR
YOUNG BARRISTERS' COMMITTEE
SUMMARY REPORT FOR THE YEAR 1974/1975**

During this year the Young Barristers' Committee has held regular fortnightly meetings and forum meetings of all Junior Counsel under six years' call.

In the early part of 1974, the Committee spent quite some time dealing with the question of Magistrates' Court fees and Legal Aid fees and, finally, in conjunction with the Bar Fees Committee made recommendations in these areas.

In early 1975 a number of sub-committees were formed to investigate matters such as design of future Magistrates' Court buildings and specific complaints in respect of delays at Magistrates' Courts.

On February 26th, 1975, a forum was held and that forum was addressed by Mr. Berkeley Q.C., on accommodation, and Mr. McGarvie Q.C. in respect to the new clerking rules.

The major concern of the Young Barristers' Committee has been in respect of Magistrates' Court delays and the Committee has spent a great deal of time working on this problem. As a result of discussions and recommendations, it has been agreed by the Committee that it will now, once again, try to obtain some statistics to support a submission that more magistrates are required to be appointed, and it is hoped that in September 1975 a pro-forma will be circulated to each member of the Bar under six years' call in an effort to find out the expenses involved in respect of civilian witnesses and in respect of police matters.

One of the more noticeable successes of the Committee arose out of an incident at Melton Magistrates' Court, and representations were made by the Bar with respect to the cancellation of motorcar licences and the warning to be given to motorists who had their licences cancelled or suspended. As a result of these recommendations, the Chief Stipendiary Magistrate has now advised all Stipendiary Magistrates to give an appropriate warning to any motorist whose licence is suspended or cancelled whilst he is before the Court.

The Committee has attempted to involve itself in all aspects of the Junior Bar but has found communication channels very difficult as the Junior Bar is spread over a large number of buildings and it has been impossible to maintain contact with all members.

Overall, the Committee has considered a number of matters which have not been included in this report as they have not reached any finality at present.

THE VICTORIAN BAR
FINANCIAL STATEMENT FOR THE YEAR ENDED 31ST AUGUST 1975

	\$	\$	\$	\$
BALANCE in hand 31st August 1974				4,484.95
REVENUE RECEIPTS				
Annual Subscriptions previous years	1,890.00			
" " current year	32,640.00			
" " in advance	<u>21.00</u>	34,551.00		
Arrears for past functions			149.00	
Dividends on shares			1,097.25	
Fine (member)			20.00	
Interest:				
Commonwealth bonds	90.00			
Short term deposits	<u>716.96</u>	806.96		
Barristers' Benevolent Fund:				
Receipts (including \$8 b/f)	2,237.46			
Paid to trustees	<u>2,089.00</u>	<u>148.46</u>	36,772.67	
REVENUE EXPENDITURE				
(a) Administrative Expenses:				
Advert for barristers' clerk	144.00			
Auditors' remuneration	160.00			
Bank charges	46.24			
First aid kit	19.30			
Floral tributes	126.40			
Hire public address equipment	322.00			
Insurance	283.89			
Maintenance	173.67			
Medical expense	7.20			
Microfilming Bar records	46.81			
Postages and Petty expense	359.08			
Presentation	12.30			
Printing and Stationery	4,021.92			
Stationery for Copier (net)	293.11			
Salaries	<u>15,118.95</u>	21,134.87		
(b) Affiliation fees:				
Australian Bar Association	244.50			
Council of Professions	50.00			
Law Council of Australia	<u>3,667.50</u>	3,962.00		
(c) Change of Caterers:				
Sample meals (2)	451.30			
Agency fees	<u>792.45</u>	1,243.75		
(d) Fares and Expenses of representatives at Local and Interstate Conferences			275.80	
(e) Functions and Entertainment: (against which \$241.00 is owing) For Catering, Hiring etc. To Chairman's Fund	8,648.86			
	<u>2,450.00</u>			
	11,098.86			
Less members' payments	<u>7,713.05</u>	3,385.81		
(f) Income Tax		<u>389.70</u>	<u>30,391.93</u>	
Excess Revenue over Expenditure				<u>6,380.74</u>
				10,865.69
CAPITAL REVENUE				
Sales (6) of "A Multitude of Counsellors"			61.40	
CAPITAL EXPENDITURE				
Short term deposit with Commonwealth Bank of Australia			<u>6,000.00</u>	
Excess Expenditure over Revenue				<u>(5,938.60)</u>
BALANCE IN HAND 31ST AUGUST 1975				<u>\$4,927.09</u>

ASSETS AT 31ST AUGUST 1975

	\$	\$	\$	\$
1. Cash in Bank				4,927.09
2. Investments at cost:				
(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			2,500.00	
(d) Term deposit with Commonwealth Bank of Australia			<u>6,000.00</u>	26,800.00
3. Member Debtors:				
(a) For Subscriptions:				
(i) Prior to 31/8/74	60.00			
(ii) Current	<u>1,332.00</u>	1,392.00		
(b) For Functions:				
(i) Prior 31/8/74	13.50			
(ii) Current	<u>241.00</u>	<u>254.50</u>		1,646.50
4. Liquor at cost				3,290.00
5. Copies (170) "A Multitude of Counsellors"				1,036.10
6. Portraits at cost				3,495.00
7. Gifts – Candelabra insured for				<u>1,276.00</u>
				<u>\$42,470.69</u>