

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1978-79

ANNUAL REPORT OF THE
VICTORIAN BAR COUNCIL
1978 — 79

To be presented at the Annual General Meeting of the Victorian Bar to be held on 24th September 1979, 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 1978 the following persons were elected:—

Counsel of not less than 12 years' standing:

Messrs. H.C. Berkeley Q.C., Frank Costigan Q.C., G.R.D. Waldron Q.C., J.J. Hedigan Q.C., J.E. Barnard Q.C., P.A. Liddell Q.C., B.J. Shaw Q.C., J.H. Phillips Q.C., J.L. Sher Q.C., G. Hampel Q.C. and F. Walsh Q.C.

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

Messrs. P.D. Cummins, E.W. Gillard, A. Chernov and P. Mandie.

Counsel of not more than 6 years' standing:

Messrs. M. Rozenes, R.C. Webster and P.J. Kennon.

Ex Officio Member: The Honourable H. Storey Q.C., M.P. (Victorian Attorney-General)

Officers of the Bar Council:

Chairman — Mr. F. Costigan Q.C.

Vice-Chairman — Mr. H.C. Berkeley Q.C.

Honorary Treasurer — Mr. F. Walsh Q.C.

Assistant Honorary Treasurer — Mr. A. Chernov

Honorary Secretary — Mr. Rex Wild (to 16/3/1979), Mr. P.C. Dane (from 16/3/1979)

Assistant Honorary Secretary — Mr. P.C. Dane (to 16/3/1979), Mr. J.M. Murphy (from 16/3/1979)

Executive Officer — Miss D.M. Brennan

DIRECTORS OF BARRISTERS' CHAMBERS LTD.

Sir James Tait Q.C. (Chairman), Messrs. S.E.K. Hulme Q.C., H.C. Berkeley Q.C., P.A. Liddell Q.C., F. Walsh Q.C., J.M. Batt Q.C., N.H.M. Forsyth Q.C., R.A. Sundberg and M.J. Strong.

Secretary of Barristers' Chambers Ltd. — Mrs. P.M. Butler.

YOUNG BARRISTERS' COMMITTEE

Messrs. Hampel Q.C. (Chairman), P.J. Kennon, Danos, Hillman, Watkins, P.J.M. Turner, Riordan, Beder, Wodak, D.B.X. Smith, McCabe, Corns (to December 1978) and P.J. McGuinness (from May 1979).

ADMINISTRATIVE COMMITTEES

Executive Committee: Messrs. Costigan Q.C. (Chairman), Berkeley Q.C. (Vice-Chairman), Waldron Q.C., Hedigan Q.C., Shaw Q.C., Walsh Q.C., Wild (to March 1979), Dane (Secretary to March 1979) and J.M. Murphy (Secretary from March 1979).

Area of responsibility:

(a) Joint Standing Committees

Joint Standing Committee of Bar and Law Institute

Messrs. Costigan Q.C. and Berkeley Q.C.

Joint Standing Committee of Bar, Law Institute and A.M.A.

Mr. Hulme Q.C.

(b) Standing Committees

Bar Staff Committee

Messrs. Walsh Q.C. (Chairman), Kimm, Meldrum and Moorhead.

Bar Rules Committee

Messrs. Merralls Q.C., Forsyth Q.C., Henshall and Archibald.

Bar Standards of Practice Committee

Messrs. McPhee Q.C. (Chairman), Tadgell Q.C., Charles Q.C., Kelly Q.C., Graham Q.C., J.G. Meagher, Alston and Chernov.

Police – Lawyers Liaison Committee

Messrs. Flanagan Q.C., Cummins Q.C., J.C. Walker and Rozenes.

Victorian Bar News – Editorial Board

Messrs. Chernov (Chairman), D.M. Byrne, D.J. Ross (Joint Editors), Coldrey, Henshall, Howard and Gunst.

Bar Clerking Committee

Messrs. J.H. Phillips Q.C. (Chairman) and Cummins Q.C. (Secretary and Convenor). One representative of the Committee of each Clerking List.

Bar Clerking Fund – Trustees

Messrs. Walsh Q.C., Batt Q.C. and Cummins Q.C.

Bar Fees Committee

Messrs. Sher Q.C. (Chairman to May 1979), Hampel Q.C. (Chairman from May 1979), Hedigan Q.C. (from March 1979), Marks Q.C., Dalton Q.C., Hase Q.C. and Phipps (Secretary).

Legal Education Advisory Committee

Messrs. Goldberg Q.C. (Chairman), J.L. Dwyer, Castan, Coldrey, Fajgenbaum, Bongiorno, Golvan, M.A. Adams and Freadman.

Bar Library Committee

Messrs. Ormiston Q.C. (Chairman and Bar Librarian), Tadgell Q.C., Black, McArdle, Harper and G.A. Lewis.

Legal Education Committee

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

Australian Legal Education Council

Mr. Goldberg Q.C.

Functions & Catering Committee

Messrs. Walsh Q.C. (Chairman), Cummins Q.C., Dove, Crossley, Meldrum and M.A. Adams.

First Aid Committee

Mr. Willee (Chairman) and Miss Opas.

(c) Bar Appointees

Executive of Law Council of Australia

Mr. Costigan Q.C.

Council of Australian Bar Association

Messrs. Costigan Q.C. and Berkeley Q.C.

Victorian Council of Professions

Messrs. O'Sullivan Q.C. and Flanagan Q.C.

Chief Justice's Committee for Religious Observances

Mr. Chernov

Legal Aid Committee

Messrs. Williamson Q.C. (to 31/3/79), O'Sullivan Q.C. (from 1/10/78), Villeneuve-Smith Q.C. (from 9/4/79), Dowling (to 31/12/78), Black (to 30/6/79), A.E. Hooper (from 1/1/79) and J. Kaufman (from 1/7/79).

Joint Committee with Law Institute on Legal Aid

Messrs. Waldron Q.C., Barnard Q.C., Kelly Q.C., Hase Q.C. and Hobson (to 28/2/79).

Appeal Costs Board

Mr. A.E. Hooper.

Law Faculty – Melbourne University

Messrs. Tadgell Q.C. and Cummins Q.C.

Law Faculty – Monash University

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

Monash University Law Faculty Board

Mr. Goldberg Q.C.

La Trobe University Proctorial Board

Mr. Lloyd Q.C.

Council of Legal Education

Messrs. Goldberg Q.C., J.L. Dwyer and Kay.

Leo Cussen Institute for Continuing Legal Education

His Honour Judge Ogden and Mr. Freadman

Board of Examiners

Messrs. Hedigan Q.C. (to 31/12/80), Flanagan Q.C. (to 31/12/79), D.M. Byrne (to 31/12/78) and Bongiorno (from 1/1/79).

Chief Justice's Supreme Court Library Committee

Messrs. Ormiston Q.C., Graham Q.C. and Archibald.

Council of Law Reporting

Messrs. Merralls Q.C. and Bradshaw.

Superannuation Fund for Supreme Court Librarian

His Honour Judge Hogg.

(d) Other

Victorian Bar Superannuation Fund Trustees

Sir James Tait Q.C. (Chairman), Messrs. Tadgell Q.C., Walsh Q.C. and Hayne.

Directors of Barristers' Nominee Pty. Ltd.

Sir James Tait Q.C., Messrs. Tadgell Q.C., Walsh Q.C. and Hayne.

Barristers' Benevolent Association of Victoria – Committee of Management

Messrs. Costigan Q.C. and Walsh Q.C.

Bar Secretariat

Messrs. Costigan Q.C., Berkeley Q.C., Wild (to 16/3/79), Dane, J.M. Murphy (from 16/3/79) and the Executive Officer.

Bar Librarian

Mr. Ormiston Q.C.

Centenary of the Victorian Bar Committee (1984)

His Honour Judge Campton, Messrs. Hulme Q.C. (Chairman) and Costigan Q.C.

Applications Review Committee

Messrs. Sher Q.C. (Chairman), Cummins Q.C., Chernov, Wild (to 16/3/79) and Dane (from 16/3/79).

Ethics Committee

Messrs. Waldron Q.C. (Chairman), Hedigan Q.C. (Vice-Chairman), Hampel Q.C., Chernov (Secretary), Mandie and Webster (Assistant Secretary).

Law Reform Committee

Messrs. Shaw Q.C. (Chairman), Liddell Q.C., E.W. Gillard, Mandie and Kennon (Secretary). (Messrs. Costigan Q.C. and Berkeley Q.C. are ex officio).

Area of Responsibility

(a) Joint Standing Committees

Joint Standing Committee on Supreme Court Practice and Procedure

Messrs. Ormiston Q.C., D.M. Ryan and Raymond M. Johnstone.

Joint Standing Committee on County Court Practice and Procedure

Messrs. Fagan Q.C., Campbell and Phipps.

Joint Standing Committee on Magistrates' Courts Practice and Procedure

Messrs. Osborn, Beder and Burnside.

(b) Standing Committees

Committee on Court Procedures Reform

Messrs. O'Sullivan Q.C. (Chairman), D.R. Meagher, Heerey and E.K. Evans. (Mr. Shaw Q.C. is ex officio)

Crime Practice Committee

Messrs. Hampel Q.C. (Chairman), J.C. Walker (Vice-Chairman), Kelly Q.C., Coldrey, Willee and Rozenes.

Juries Practice Committee

Messrs. Thomson Q.C. (Chairman), Francis Q.C. (Vice-Chairman), McDonald Q.C., Hase Q.C. and Meldrum.

Causes Practice Committee

Messrs. Ormiston Q.C. (Chairman), Monester Q.C. (Vice-Chairman), E.K. Evans and Habersberger.

Administrative and Constitutional Law Advisory Committee

Messrs. Merralls Q.C., Fajgenbaum, Hayne, Garde and Ms. Lewitan.

Family Law Practice Committee

Messrs. Monester Q.C. (Chairman), Abraham, Miss Opas, Messrs. Kay, P.M. Guest, Gurvich, R.K. Davis and Mrs. B.M. Hooper.

Industrial Law Practice Committee

Messrs. Marks Q.C. (Chairman), Dalton Q.C. (Vice-Chairman), Dowling, D.M. Ryan, Riordan and Dr. Jessup.

Town Planning and Local Government Practice Committee

Messrs. Gifford Q.C. (Chairman), Nicholson, Kimm, Heerey, H.McM. Wright and Wren.

Liquor Control Practice Committee

Messrs. O'Callaghan Q.C. (Chairman), Walsh Q.C., Bourke and R.J. Johnston.

Workers Compensation Practice Committee

Messrs. Ellis (Chairman), Magennis, Bingeman, Ashley, Boyes and Griffin.

Trade Practices Committee

Messrs. Williamson Q.C. (Chairman), P.A. Wilson, Lawrence, Kennon, N.J. Webb and Callaway.

Taxation Committee

Mr. Hulme Q.C. (Chairman), Dr. Spry, Messrs. Ahearne, Castan and N.J. Webb.

Companies Committee

Messrs. Paterson Q.C. (Chairman), Raymond M. Johnstone, Robson, Habersberger, Dr. Jessup and Ms. Lewitan.

Military Law Committee

Messrs. Francis Q.C. (Chairman), Nicholson, Spittle, Garde and Callaway.

(c) Special CommitteesJoint Committee on Family Law

Messrs. Monester Q.C. (Chairman), Kay and Mrs. B.M. Hooper.

(d) Bar AppointeesChief Justice's Law Reform Committee

Messrs. Shaw Q.C., Fagan Q.C. and J.L. Dwyer.

Law Reform Advisory Council

Mr. Shaw Q.C.

Chief Justice's Rules Committee

Messrs. Ormiston Q.C. and E.K. Evans (Observer).

County Court Rules Committee

Mr. Phipps.

Worker's Compensation Board Standing Committee

Messrs. Magennis, Ashley, Ellis and Bingeman.

(e) Criminal Bar Association (set up in December 1978)Executive

Messrs. Kelly Q.C. (Chairman), Hassett (Vice-Chairman), Lovitt (Secretary) and Zichy-Woinarski (Treasurer).

General Committee

Messrs. Flanagan Q.C., Langton, Coldrey, Redlich, Lopes, Zichy-Woinarski, Lovitt, Richter, Lincoln and Rozenes.

In addition to the above Committees there have been numerous ad hoc committees set up as well. The Bar Council has also been represented on many committees set up by the Law Council of Australia.

HONORARY LIFE MEMBERS

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

Sir James Tait Q.C.

His Excellency the Governor Sir Henry Winneke, K.C.M.G., O.B.E.

The Honourable Sir Edmund Herring, K.C.M.G., K.B.E., D.S.O., M.C., E.D.

MEETINGS

During the period 1st September 1978 to 31st August 1979 the following meetings were held:—

Bar Council	29
Executive Committee	24
Ethics Committee	23
Law Reform Committee	10

SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1978 to 31st August 1979:—

Queen's Counsel	\$250.00
Over 10 years' standing	170.00
Over 3 but under 10 years' standing	100.00
Over 1 but under 3 years' standing	55.00
Under 1 year's standing	25.00
Interstate Queen's Counsel	35.00
Interstate Juniors	25.00
Solicitor-General & Attorney-General	35.00
Crown Prosecutors & Parliamentary Counsel	35.00
Non-Practising List	35.00

PERSONALIA

Deaths: His Honour Judge Dethridge, C.M.G. on the 8th September 1978; Dr. E.G. Coppel, C.M.G., Q.C. on the 3rd October 1978; Mr. E.F. Dunphy Q.C. on the 9th January 1979; Mr. Roy Schilling on the 7th May 1979; Mr. R.McD. Collins on the 8th May 1979, Mr. H.M. Mighell on the 7th August 1979 and His Honour Judge Fraser on the 30th August 1979. Mr. Jim Foley, M.B.E., Barristers' Clerk, died on the 7th November 1978.

Appointments: In September 1978 His Honour Judge Herron was appointed to the District Court Bench of New South Wales. In October 1978 His Honour Judge Bland and His Honour Judge Dyett were appointed to the County Court Bench. In March 1979 the Honourable Mr. Justice Hunt was appointed to the Bench of the Supreme Court of New South Wales. In April 1979 the Honourable Mr. Justice Southwell (formerly His Honour Judge Southwell) was appointed to the Supreme Court Bench and His Honour Judge Mullaly was appointed to the County Court Bench. In July 1979 the Honourable Mr. Justice McLelland was appointed to the Bench of the Supreme Court of New South Wales.

In September 1978 Professor Norval Morris was appointed head of the United States Law Enforcement Assistance Administration. Also in September the Victorian Taxation Board of Review was established and Mr. R.L. Gilbert is the member constituting the Board.

In November 1978 Mr. L.G. Crisp was appointed a part-time member of the Small Claims Tribunal.

As from 1st January 1979 Mr. Costigan Q.C. was appointed President of the Australian Bar Association. The appointment is for 12 months.

In January 1979 Mr. R.A. Capes was appointed Administrator of Continuing Legal Education at the Leo Cussen Institute.

In July 1979 Mr. Walmsley was appointed National Chairman of the Young Lawyers Committee of the Law Council of Australia for a term of two years.

In July 1979 Mr. L.W. Flanagan Q.C. was appointed Crown Counsel and Mr. R.K. Alston was appointed State President of the Liberal Party.

Honours: In the New Year's Honours List the Honourable Sir George Lush was made a Knight Bachelor.

Queen's Counsel: The following members of the Bar were appointed Queen's Counsel in November 1978:—

Messrs. W.J.W. Lennon, P.B.M. Hase, W.C. Fagan, D. Graham, A. Goldberg, P.D. Cummins, M.R. Einfeld (N.S.W.), T.R.H. Cole (N.S.W.), A.J. Rogers (N.S.W.) and G.L. Davies (Qld.).

Welcomes: During 1978 His Honour Judge Bland and His Honour Judge Dyett were welcomed to the County Court.

During 1979 the Honourable Mr. Justice Southwell was welcomed to the Supreme Court of Victoria and His Honour Judge Mullaly was welcomed to the County Court. On each occasion the Chairman made an address of welcome on behalf of the Bar.

Tribute: On the 15th September 1978 members of the Bar attended a tribute to the late Judge Dethridge who, until his retirement, was Chairman of the County Court Judges. The tribute was held in the County Court.

ROLL OF COUNSEL

Between 1st September 1978 and the 31st August 1979 the following 87 persons, 5 of whom were interstate barristers, signed the Roll of Counsel:—

Messrs. J.H.L. Forrest, N. Crafti, P.H. Barton, D.G. Brookes, J.B. Lord, Mrs. H.B. Carter, Messrs. J.L. Parrish, G.L. Smolenski, P.H. Kearney, M.R.B. Watt, M. Fitzsimmons, T.J. Rosen, M. McNamara, B.F.H. Miller, Miss E.H. Curtain, Messrs. M.S.R. Clarke, L. Glick, J.G. Santamaria, A.J. McDonald, J.L. Pilley, T. Topham, Z. Zayler, J.I. Patmore, H. Reicher, Miss P. Goldberg, Messrs. A.M.J. Larkin, P.D. Elliott, P.D. Drake, G.H. Hall, Misses E.A. Kominos and S.E. Brown, Messrs. J.B. Gaffney, R.W. Middleton, P. Wilkinson, D.K. McIvor, T.M. Sheehan, R.F. Shipton, M.J. Wood, C.E. Croft, N.M. Turner, Miss E.M.T. Murphy, Messrs. A.J. McG. Moulds, R.G. McCloskey, I.S. Barnes, V. Stuban, C.C. Branson (NSW), K.M. Liversidge, M.D. Monester, G.C. Andrews, N.J. Young, E.P.A. Moran, Mrs. H.A.A. Cleveland, Mr. T.J.C. Lusink (re-signed), Miss L.M. Dessau, Messrs. B.A. McCarthy, G.J. Digby, H.J. Harber, F.A. Casely, D.A. Ross, T. Gyorffy, J.J. Perillo, P.G. Misso, D. Aronson, W.M. Toohey (re-signed), I.R. McEachern, N.A. White, R.A. Brett, Mrs. R. Weinberg, Miss L. Krejus, Messrs. A.A. Nolan, J.B. Richards, M.G. Prideaux, P.A. McInerney (NSW Q.C.), P.J. Bick, P.G. Hely (NSW), R.W.R. Parker (NSW), Mrs. L.A. Marks, Mr. N.D. Reeves, Miss K.I. Brandt, Messrs. P.E. Bennett (re-signed), P.A. Scanlon, R.H. Macready (NSW), J.C.A. Tippet, J.J. Hockley, B. Scarfo, B.L. Devenish and Mrs. E.M. Selig.

Transfer from Non-Practising List: Messrs. G.J. Davies, K.L. Chenery (since transferred back to Non-Practising List).

Transfer from Judges' List to Practising List: Mr. J.S. Goldstein (NSW).

Transfer to Non-Practising List: Miss M.C. Kingston, Messrs. G.J.Z. Levine, B.F. Moorfoot, J.B. Lord, K.L. Chenery S.N. Allston.

Names removed at request of Counsel: Mr. P.R. Jordan, Dr. A. Endrey Q.C., Messrs. M.J. Hawkins, T.J.C. Lusink (since re-signed), S.J.S. Holt, P. Hobson, K.L. Jacobson, C.T. Corns, Miss M.C. Mangan, Messrs. G.I.K. Bromley, M.J. Alexander (Non-Practising List), M. Boral, J.L. Pilley, I.F. Turley, Miss J.I. Langslow, Messrs. G.H. Hall, M.S.S. Charlton, E.B. Wajsbrem, W. Morgan-Payler, M.F. Macnamara and P.G. McGuinness

THE ROLL

	1978	1979	Change
Governors' List	2	2	—
Judges' List	111	115	+ 4
Practising List	729	785	+ 56
Non-Practising List	44	43	— 1
	<u>884</u>	<u>945</u>	+ 61
*Counsel in active private practice	619	651	+ 32

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

FUNCTIONS

Opening of the Legal Year

On the 1st February 1979 to mark the opening of the Legal Year religious services were held at St. Paul's Cathedral, St. Patrick's Cathedral and Temple Beth Israel. At St. Paul's Cathedral the lessons were read by Mr. Bernard Teague, the President of the Law Institute of Victoria and Mr. Frank Costigan Q.C., the Chairman of the Bar Council.

The sermon was preached by the Most Reverend Robert Dann, Archbishop of Melbourne.

At St. Patrick's Cathedral the Red Mass was celebrated by His Grace the Archbishop of Melbourne, the Most Reverend Sir Frank Little D.D. The occasional Sermon was preached by the Reverend Father Benedict Hensley, O.P.

At Temple Beth Israel the service was conducted by members of the profession and the address was delivered by Rabbi Brian D. Fox.

Bar Entertainment:

On the 8th and 18th September 1978 the Bar and the Law Institute jointly entertained American and Canadian visitors to Australia for the International Bar Association Conference in Sydney. The first function was a Cocktail Party on the 13th Floor followed by entertainment in private homes and on the second date an informal dinner in the Common Room followed by a Cocktail Party. Both functions were a great social success and we all enjoyed the company of our overseas visitors.

October 9th was the date of a Drinks Function in honour of the High Court Justices during their Melbourne sittings.

On the 13th October the Bar Council held a Dinner in honour of Mr. Justice Davies and Mrs. Davies and Mr. Justice Gobbo and Mrs. Gobbo, both gentlemen having been recently appointed to the Bench while members of the Bar Council.

On the 15th December the Christmas Cocktail Party was held in the Common Room and was attended by a good cross-section of the Bench and Bar together with wives and guests.

On the 2nd February 1979 a Cocktail Party was held to mark the opening of the first art exhibition for 1979. The distinguished Australian Artist, John Howley, was the exhibitor. On the 2nd March, as a follow up to his Exhibition, Mr. Howley gave a short lecture to members of the Bar and their guests to explain the works on display, illustrating his ideas with slides of those and other works. An informal dinner followed in the Common Room.

Early in 1979 Mr. David Calnin retired as a Barristers' Clerk after being so employed for over 50 years. On the 29th May the Bar Council held a Cocktail Party in the Common Room in his honour and invited all those counsel and former counsel who had employed him over that long span of years as well as those members of the Bar currently on his list. Many judges who formerly employed Mr. Calnin were amongst the guests to say farewell and wish him every happiness in his retirement.

On the 24th August 1979 a Cocktail Party was held to mark the retirement of Mr. Columb Brennan who has been the Herald Court reporter for 46 years. Col. Brennan has been a staunch supporter and friend of the Bar and will be greatly missed. As a memento, he was presented with a copy of the two volumes of Megarry's book "Miscellany-at-Law" suitably illuminated.

Sporting Functions:

The Annual Cricket Match between the Bar and the Solicitors was played at the Albert Ground on the 18th December and again the Sir Henry Winneke Cup was won by the Solicitors. On the same day the annual Tennis Match was held between the Bar and the Solicitors at Kooyong when the Solicitors won the Judge O'Driscoll Cup. Mr. Thomson Q.C. organised the Tennis Match and Mr. Dove the Cricket Match.

Two Golf Matches between the Bench and Bar and Combined Services were held during the year. On the 30th November 1978 a Match was held at Royal Melbourne Golf Club when the Bruche Cup was won by the Services and the McFarlan Cup was won by the Bench and Bar. The 1979 Match was held on the 31st July at Peninsula Golf Club when the position was reversed with the Bruche Cup being won by the Bench and Bar and the McFarlan Cup by the Services.

The annual Golf Match between the Bench and Bar and the Solicitors was played on the 29th March 1979 at Metropolitan Golf Club. The Sir Edmund Herring Shield was retained by the Solicitors and many players stayed on to enjoy a pleasant dinner in the Clubhouse afterwards. Mr. Cashmore organised the golf matches on behalf of the Bench and Bar.

EXECUTIVE COMMITTEE

The Executive Committee is responsible for action in respect of matters requiring urgent attention. With respect to routine matters it makes decisions and to others it makes recommendations or reference to the Bar Council. The following are some of the matters of significance or interest dealt with by the Executive or the Bar Council.

1. Emergency and Evacuation Procedures

It was recommended to Barristers' Chambers Ltd. a report on emergency and evacuation procedures be circulated to all members of the Bar and their secretaries in Owen Dixon Chambers: the Executive is happy to report that this recommendation has been implemented.

2. Presentation to "Smacka" Fitzgibbon

In recognition of his contribution over the years to various "dining-in" nights the Bar Council presented to Smacka Fitzgibbon an engraved silver salver.

3. Lawasia

The Bar Council has now become an organisational member of Lawasia.

4. Hiring of Common Room by Members of the Bar

The Executive approved the use of the Common Room for social functions for members of the Bar provided that it is a usual condition that the catering be done by the Bar Caterers.

5. Delays in Family Court

On two occasions the Chairman on behalf of the Bar Council made public statements calling on the Australian Government to appoint four additional judges to the Family Court.

6. Remand section at Turana Youth Training Centre

In response to an initiative by Bennett Q.C. the Bar Council and the Law Institute Council made representations to the Victorian Government to improve the facilities at Turana and these representations were successful.

7. Telex

As reported by circular Barristers' Chambers Ltd. has had installed for the use of the Bar a 24 hour telex facility — Vicbar 36782.

8. New Reading Rules

The Bar Council passed the following resolutions concerning admission to the Bar and reading:

- (i) That applicants to sign the Roll of Counsel be permitted to sign on three occasions per annum, namely, March, June and October.
- (ii) That the period of reading be nine months.
- (iii) That the non-brief period be three months.
- (iv) That masters be required to have been at the Bar for a minimum of ten years.

RICHARD GRIFFITH LIBRARY

The misuse of the Richard Griffith Library perpetrated by a number of members of the Bar continues to cause inconvenience to other, more thoughtful members, and to provide a sad reflection on the manners and work habits of the Bar in general. Large numbers of books are stacked erratically over the tables in the Library and then left for others to sort out and put away. The Library Committee was, and is, seriously considering a recommendation that the use of the Library should be restricted, but up to the present it has been thought that this would be an unfair penalty on the more law abiding members of the Bar. However, if matters do not improve, more drastic measures may have to be taken and disciplinary procedures instituted. Again, we repeat that all books must be replaced in their correct positions on the shelves after use. We would ask members of the Bar politely to remind those who appear to be leaving books on the table of their obligation to replace them on the shelves.

Although no new sets of books have been purchased for the Library this year, Sir Sydney Frost has generously donated to the Bar a full set of the Weekly Law Reports and a part set of the Australian Law Journal which it is hoped will form the nucleus of a library to be placed in Four Courts Chambers. We are grateful to the Supreme Court Library for the supply of unbound parts of recent volumes of the Dominion Law Reports and of Volumes 2 and 3 of the Weekly Law Reports. Finally, David Byrne is thanked for his donation of the Second Australian Edition of Cross on Evidence of which he was a joint author.

We are again grateful to Miss V.L. Fitzgerald for her work in recording and placing in the Library new books, reports and journals.

ACCOMMODATION COMMITTEE REPORT

Because of developments which have occurred in last year's report of the committee, the contents of this report have already been provided to the Bar by circular.

The ABC Building, 525-539 Lonsdale Street

In last year's report it was stated "the committee is of the view that notwithstanding the great but nonetheless unsuccessful efforts which have been expended in the past to acquire alternative and additional accommodation for the Bar, the search must continue. If and when a concrete proposal is available, the matter can be considered by the Bar in general meeting".

The committee is pleased to report that pursuant to its investigations and recommendations to the Bar Council, Barristers' Chambers Ltd. on 2nd August 1979 entered into a conditional contract with the Colonial Mutual Life Assurance Society Ltd. to purchase the ABC building. The essential terms of the contract are as follows:

- (i) Purchase price \$1.85m.; deposit \$5,000 upon the signing of the contract and balance of deposit on the vendor being notified of the approval of the Bar in general meeting to the purchase which general meeting is to be held before 14th December 1979. If no such approval is given by that time, the contract terminates and all moneys paid thereunder are to be repaid.
- (ii) The balance of purchase money is to be paid on or before the expiration of 60 days from the date of the notification of the approval of the Bar in general meeting aforesaid which notification has to be made within 7 days of the relevant meeting.

Lumsden & Ashton Pty. Ltd., architects, following their submission of some preliminary proposals, have been commissioned to prepare a detailed feasibility study in respect of the construction on the site of a building of some 14 storeys which will be capable of providing accommodation for up to 479 barristers or for other purposes.

The proposed building is of cruciform design and is substantially a smaller edition of the "Northrock" model on view in the common room until about a year ago. It is proposed that the new building will be connected by a covered walkway to the first floor of Owen Dixon Chambers and will be physically capable of being connected by a walkway to the County Court building.

The committee stresses that the above proposals are necessarily tentative. Following the architect's completion of the feasibility study (including detailed cost estimates) and the obtaining of relevant financial and other information, members of the Bar will be provided with these studies well in advance of the general meeting (proposed for the middle of November). This should ensure that the barristers attending the general meeting are fully informed and accordingly able to make relevant comments and criticisms thereon.

The ABC building is presently occupied by Radio Australia pursuant to a lease which (given the probable exercise of an option) will expire in May 1981. Accordingly, if the purchase and proposed development is approved, the target commencement date for construction will be May 1981 with possession by the end of 1982. Implicit in this proposal is the retention of Owen Dixon Chambers and in due course the refurbishing of those chambers by the provision of, inter alia, air conditioning and other necessary facilities.

The feasibility study and related papers will also deal with the integration of the new proposal with the existing accommodation facilities (apart from Owen Dixon Chambers).

Current Accommodation Facilities

As at 23rd August 1979 the present accommodation position is as set out below. It is stressed that the position as at the date of this report (23/8/79) is a fluid one, and the figures accordingly subject to variation.

Chambers	Tenants	Rooms	Vacant
Owen Dixon Chambers	314	336	—
Tait Chambers	24	36	12
Hooker Building	10	11	1
Equity Chambers	32	33	1
Hume House (2 floors)	32	32	—
Four Courts Chambers (7 floors)	101	112	11
Latham Chambers (2 floors)	82	86	4
TOTAL:	595	646	29

Other Proposals

At the time of this report other proposals for dealing with the accommodation requirements of the Bar are being considered. However, because these proposals relate to sites which are being provided for sale, it is inappropriate to provide any detail herein. Suffice it to say that the committee will endeavour to fully evaluate all proposals so that the Bar will have all criteria necessary for a proper choice.

YOUNG BARRISTERS' COMMITTEE REPORT

During the past year the Young Barristers Committee has held regular monthly meetings during which matters concerning the Bar generally have been discussed. The Minutes of the Bar Council meetings have been made available to the Committee (excluding Ethics matters) and the Committee has considered those issues particularly which affect the younger members of the Bar.

Most recently, the Committee was concerned with the suggestion that there was a decline in the standards of the young Bar. A general meeting of the young Bar was held and a report submitted to the Bar Council. The suggestion that there was an overall decline in the standards of the young Bar was found to be unsubstantiated.

The Committee also concerned itself with the following matters:—

The National Young Lawyers Committee, interstate reciprocity of admission to practice, County Court and Magistrates Court fees, Bar Council's recommended fees in the Civil and Criminal Jurisdiction, unreported decisions of the Court of Criminal Appeal, delays in payment of barristers' fees, the form of accounts sent by the Clerks to solicitors and accommodation in Chambers.

A vacancy which occurred on the Committee during the year was filled by the only nominee, Peter McGuinness.

REPORT OF THE TRUSTEES OF THE BAR CLERKING FUND

- At the commencement of the current year the Trustees had executed guarantees of the overdraft accommodation of Messrs. Duncan and Stone to the extent of \$20,000 each, subject to the provision that the total amount payable by the trustees in respect of the two guarantees should not exceed \$40,000 or the sum available to the Trustees as Trustees from time to time whichever was the lesser amount.
- As at the 31st August, 1978 the Fund was as follows:—
 - On deposit with the Commonwealth Trading Bank:

— for 3 years at 9.5%p.a. (due 18/12/1978)	\$15,000.00
— for 2 years at 9%p.a. (due 18/12/1979)	4,400.00
 - Invested in Australian Savings Bonds

— Series 2 at 9.5% (due 1/11/1983)	5,000.00
— Series 11 at 9% (due 1/9/1985)	9,200.00

- | | |
|---|-----------|
| (c) Savings Investment Account with the Commonwealth Savings Bank | 3,339.74 |
| (d) Credit in Current Account No. 121-208 | 1,463.51 |
| 3. As at 31st August, 1979 the Fund is as follows:— | |
| (a) On deposit with the Commonwealth Trading Bank:
— for 2 years at 9% (due 18/12/1979) | 4,400.00 |
| (b) Invested in Australian Savings Bonds | |
| — Series 2 at 9.5% (due 1/11/1983) | 5,000.00 |
| — Series 11 at 9% (due 1/9/1985) | 9,200.00 |
| (c) Savings Investment Account with the Commonwealth Savings Bank | 21,041.07 |
| (d) Credit in Current Account No. 121-208 | 1,851.32 |
| 4. During the past year Mr. D.W. Calnin retired as a Barristers' Clerk and the Bar Council made appropriate arrangements to take over the plant equipment and other assets of his business. The Bar Council then licensed Mr. Bloomfield as a Barrister's Clerk after consultation with all Barristers who had employed Mr. Calnin. | |

It became necessary for the Bar in general Meeting to authorise the Trustees of the Bar Clerking Fund to apply funds in their hands with respect to Mr. Bloomfield in like manner as they had been hitherto authorised to in the case of Messrs. Duncan & Stone.

Such a resolution was passed at a General Meeting of the Bar which was held on 13th March, 1979. A further resolution was passed at that meeting authorising the Trustees to guarantee a Bank overdraft for Mr. Bloomfield if the Bar Council resolved that such a guarantee was necessary. The Bar Council then passed such a resolution and the Trustees duly entered into a Deed of Guarantee of an overdraft of Mr. Bloomfield limited to the sum of \$20,000. In the meantime appropriate arrangements were made for a reduction of the guarantees of Mr. Duncan & Mr. Stone from the sum of \$20,000 to the sum of \$10,000 in each case.

5. The Trustees have had regular discussions during the year with each of the three clerks in relation to their accounts, their weekly expenses, their weekly clerking fee, accruals and their financial position generally. Bank records have been made available when required and inspected. Each of these clerks has consolidated his business and overdrafts have been held at levels which are acceptable to the Trustees.

ETHICS COMMITTEE

(A) Decisions of Committee

Between the 1st September, 1978 and the 31st August, 1979 the Committee has met on 23 occasions. Its rulings and decisions which are of relevance to members, are summarized below.

(1) Relationship with Client

(a) Loan from client

Counsel was found guilty of an offence in that he obtained an interest free loan from a client whilst acting for him in a case. The Committee ruled that it is fundamental to the practice of a Barrister that he should be and remain absolutely independent from one's client. An aspect of this rule is that it is improper for a barrister to accept gifts of money from a client in addition to a brief fee. The acceptance of an interest free loan compromises the position of independence of counsel and creates a situation where the client is or may be able to apply pressure on counsel to act in a manner which he might otherwise have rejected.

(b) Fees

Counsel was briefed to confer and appear in a matter at a Magistrates' Court a month or so in advance. He conferred with the client, but some weeks before the hearing date was advised that the client did not require his representation. Counsel purported to charge a full brief fee in addition to the conference fee and was paid by the solicitor. The client complained. The Ethics Committee ruled that in view of the period of notice that counsel was given, it was improper for him to retain the fees paid to him by his instructing solicitor which were in excess of the fees properly chargeable for the work carried out by him prior to the determination of his retainer.

(2) Relationship with opposing counsel(a) Allegations against opposing counsel

In the course of a hearing against a member of counsel, the Committee had cause to make comments in the following terms: If one counsel without justification asserted to another that he was delaying proceedings for personal gain it would be a serious and extremely offensive allegation, highly defamatory in the presence of others and unethical. Furthermore, it may be unethical for counsel of some years standing to pressure very junior counsel, for example, either by aggression or by patronising behaviour. The tradition of this Bar is that more senior counsel should not take advantage of their position in this way.

(b) Offensive comments

A complaint was received by a solicitor who was appearing as counsel against a member of the Bar in which the latter had flippantly questioned whether the former was "learned". The Committee found that in all the circumstances, the behaviour was rude and offensive and undesirable for a member of the Bar.

(c) Approaching witnesses on the other side

In the course of dealing with another complaint the Committee reaffirmed the principle that it was improper for counsel to approach another party without the consent of counsel for that party and further ruled that this also extends to permitting another person such as a police officer to approach the other party.

(3) Relationship with Solicitors(a) Undertaking in the course of conducting own litigation

A member of counsel was fined for having breached an undertaking given to a solicitor during settlement of a case in which that counsel was a litigant, it having been alleged by the solicitor in question that he accepted the undertaking only because he knew that it was given by a member of the Bar.

(b) Failure to return briefs

A member of counsel was fined a total of \$300.00 for having failed to return briefs to three separate solicitors, each of whom had requested that he return the respective briefs. The Committee also tendered advice to him to the effect that it was an obligation of counsel to return briefs to his instructing solicitors as soon as was practical after the return of them had been sought by the solicitors.

(c) Negotiations of fees

The Committee was requested to consider the propriety of counsel negotiating fees directly with a solicitor rather than through counsel's clerk. The Committee resolved that as it is a rule of the Victorian Bar that counsel must engage a clerk having regard to the functions which the clerk performs or should perform for counsel engaging him, it is desirable, particularly with regard to counsel under 5 years call, that counsel should not discuss his fee directly with an instructing solicitor, but should engage his clerk to perform that task. Nevertheless, it would not be in breach of the etiquette of the Victorian Bar and for counsel to negotiate his fee directly with his instructing solicitor.

(4) Generally(a) Subscriptions

A member of counsel was fined \$50.00 for failing to pay his annual Bar subscription within the specified time.

(b) Name of Counsel on Register of Practising Arbitrators

The Committee resolved that it would not be proper for a member of Counsel to place his name on the Register of Practising Arbitrators.

(c) Juries

A member of counsel who was upset at a jury decision to convict his client, walked past members of it in the corridor and was recognised by them. He spontaneously expressed his feelings to them as to their decision as well as his opinion of the accused. The Committee found that counsel committed a disciplinary offence. It fined him \$150.00, being expressly of the view that had the action not been spontaneous and unpremeditated, the fine would have been much higher as it was fundamental that members of the jury should not be queried or criticised for their decision, as they may in time return to the Court to become again part of a fact finding tribunal and may be inhibited from performing their function fully by reason of such query or criticism.

(d) Legal Services

Following a request for a ruling, the Committee resolved that a Barrister may properly sign his name for and on behalf of the Fitzroy Legal Aid Service by signing his name (without his qualification) immediately under the name of that Legal Aid Service.

(B) Statutory disciplinary procedure for barristers

It is appropriate to mention the coming into operation of the Legal Profession Practice (Discipline) Act 1978 on the 1st August, 1979. This legislation provides for the first time for statutory disciplinary procedures for barristers.

"Barrister" is defined as practitioner whose name appears at the time of the offence on the Bar Roll.

Section 14B provides —

"A Barrister commits a disciplinary offence if:

- (a) he is guilty of professional misconduct;
- (b) he is guilty of improper conduct in a professional respect;
- (c) he infringes a ruling made and published by the Victorian Bar Council on a matter of professional conduct or practice; or
- (d) he is guilty of any other conduct for which a Barrister can be struck off the Roll of the practitioners kept by the Supreme Court."

The Act preserves the Ethics Committee which will remain the initial point of reference for complaints or allegations of the commission of disciplinary offences. It also creates a Barristers Disciplinary Tribunal whose members are to be appointed by the Chief Justice. It is to comprise a Chairman, being a Judge or former Judge of the Supreme Court, and three Barristers (two silks and one junior) selected from a panel supplied by the Chairman of the Bar Council and a lay member nominated by the Attorney General. A right of appeal to the Full Court from the determinations of the Tribunal is provided.

With regard to rulings on matters of professional conduct Section 14 (m) of the Act obliges the Secretary of the Victorian Bar to provide a barrister, on payment of a fee, a copy of the Bar Rules and all rulings made by the Victorian Bar Council from time to time in force upon any matter of professional conduct or practice. In this regard, as an interim measure, the Bar Council has published a series of some 37 rulings dealing with matters of professional conduct.

(C) Lectures

The following lectures were arranged by the Reading Committee for readers—

<u>Subject</u>	<u>Lecturer</u>
Procedure — practical aspects of originating and other process	W.F. Ormiston Q.C.
Procedure — practical aspects of Interrogatories and answers to Interrogatories — Advice on Evidence	D. Byrne
Ethics	A. Chernov
Ethics — Criminal Trials	P. Mullaly Q.C.
Relations between Barristers and Solicitors	P.R. Jordan
Conduct of proceedings in different jurisdictions — Practice Court, Masters, County Court Chambers and Magistrates Courts	J.D. Loewenstein
Trial — opening, final address, making a submission	E.D. Lloyd Q.C.
Trial — examination and cross examination	N.R. McPhee Q.C.
Criminal Trials	J.C. Walker
Procedure — pleadings	S. Charles Q.C.

LEGAL PROFESSION PRACTICE (DISCIPLINE) ACT 1978

During 1978 the Bar Council asked the Government to amend the Legal Profession Practice Act 1958 so as to make provision with respect to the discipline of barristers. Those proposals were embodied in a Bill which was enacted as No. 9202 and assented to on the 5th December, 1978. So far as affects barristers it was enacted, that the provisions of Act 9202 were to come into operation on a date to be fixed by proclamation of the Governor-in-Council published in the Government Gazette. The Act was proclaimed to come into operation as from the 1st August, 1979.

In effect, the Act gives statutory recognition to the Ethics Committee of the Bar. It also provides for the establishment of a Barristers' Disciplinary Tribunal.

A disciplinary proceeding in respect of a barrister may be started in one of two ways. First, an aggrieved person may make a complaint to the Chairman of the Bar Council. Such a complaint is referred to the Ethics Committee. The Ethics Committee may decide to deal with the matter summarily or in more serious matters, refer the matter to the Bar Tribunal. Alternatively, if the barrister complained against objects to the summary jurisdiction of the Ethics Committee, he may himself require the matter to be referred to the Bar Tribunal. Secondly, an aggrieved person may apply to a Judge of the Supreme Court. The Judge may deal with the matter under the inherent jurisdiction of the Court, or he may refer the matter to the Bar Tribunal.

In addition, to its original jurisdiction, the Bar Tribunal has an appellate jurisdiction from decisions of the Ethics Committee. Generally speaking, the penalties that can be imposed by the Bar Tribunal are more severe than those that can be imposed by the Ethics Committee, but in its appellate jurisdiction the Bar Tribunal is limited to the orders that might be made by the Ethics Committee in the first instance.

A party aggrieved by an Order of the Bar Tribunal may appeal against that Order to the Full Court of the Supreme Court. Such proceedings are not by way of rehearing and presumably would be subject to the usual limitations upon the extent to which an appellate court may interfere with a finding in the Court below.

Act 9202 also provides for the appointment of a lay observer to enquire into and report annually to Parliament on the way in which the Bar and the Bar Tribunal exercise their powers under the Act.

In anticipation of the proclamation of the Act, the basic rulings of professional conduct were restated by the Bar Council and published to the Bar under cover of a circular dated the 16th March, 1979. This was followed later in the year by a statement of the practice relating to unsworn statements dated 26th June, 1979.

In addition, the Bar in General Meeting, amended Counsel Rules to delete the provisions as to disciplinary proceedings. They were not appropriate to stand side by side with the provisions of the Act. An exception was made in the case of non-payment of monies due to the Bar Council which is not properly the subject matter of disciplinary proceedings. Failure to pay such monies may result in the Bar Council ordering the name of the defaulter to be struck off the Roll of Counsel.

Sir Gregory Gowans was asked by the Bar Council to compile a record of what constitutes the Bar of Victoria, what machinery it has set up to cover its conduct, practice and etiquette and what rules as to these matters are currently operative. That work has been done by Sir Gregory and it is hoped that the result in book form will be published by The Law Book Company towards the end of this year.

The following appointments have been made:—

- (a) As lay observer, Brigadier J.D. Purcell, Chairman of the Consumer Affairs Council
- (b) As Chairman of the Barristers' Disciplinary Tribunal, Sir Gregory Gowans.
- (c) As professional members of the Tribunal, Messrs. S.E.K. Hulme Q.C., R.H. Searby Q.C. and T.H. Smith.
- (d) As lay member of the Barristers' Disciplinary Tribunal, Mr. K.C. Stone, Secretary of the Victorian Trades Hall Council.

LAW REFORM COMMITTEE

The Law Reform Committee met throughout the year on a monthly basis to consider all matters referred to the Bar Council from various sources relating to Law Reform. These sources include, inter alia, the members of this Bar, the Australian Law Reform Commission, the Victorian Law Reform Commissioner, the Statute Law Revision Committee and the Law Council of Australia. The latter body in particular is a constant source of material and refers all those reports from its various Standing Sub-committees on law reform issues so as to ascertain the views of the Victorian Bar Council as a constituent body on various proposals for Law Reform. However, it was disappointing that more matters found by members of this Bar in their practices to be in need of law reform were not referred to the Law Reform Committee. It is in these circumstances that the Law Reform Committee can do something which is particularly worthwhile and positive.

In addition to considering and dealing with many reports in an administrative role the Law Reform Committee either itself or through its sub-committees of members of the Bar dealt with the following matters:—

Unreported Judgements

Robert Redlich was authorised to seek permission to take part in the selection of unreported judgments to form part of the Attorney-General's handout.

Law Bulletin

As a result of a letter to the Attorney-General 700 copies of the Law Bulletin are now delivered to the Bar for distribution by the Clerks.

Social Welfare (Homeless Persons) Act; Vagrancy and Consorting Provisions; Court Welfare Service
W.M.R. Kelly Q.C. reported to the Law Reform Committee on all these matters.

Amendment to the Evidence Act

Following a memorandum from E.W. Gillard the Bar Council wrote to the Attorney-General suggesting reform to S. 28 Evidence Act.

Pre-Incorporation Contracts

A report by the Companies Committee on Pre-Incorporation Contracts (Draft Report No. 8 of the Law Reform Commissioner) was forwarded to the Victorian Law Reform Commissioner.

Publication of Lists of Writs and Summonses

T.H. Smith of this Bar reported to the Law Reform Committee on the Statute Law Revision Committee's report on Publication of Lists of Writs and Summonses. As a result of this report a letter was written to the Statute Law Revision Committee stating the advantages to the business community of a policy of disclosure of lists of Writs and Summonses.

Civil Claims Jurisdiction Magistrates' Court

R.S. Osborn was appointed as the Bar's delegate to an Attorney-General's Committee formed to consider recommendations for reform of the Civil Claims Jurisdiction in Magistrates' Courts. Osborn's report was considered by the Bar Council and forwarded with various alterations to the Attorney-General.

Town Planning

Two letters drafted by K.H. Gifford Q.C. were written to the Secretary, Board of Review of the Role, Structure and Administration of Local Government recommending, first, a Local Government Court in Victoria of Supreme Court status and, secondly, certain amendments to the Local Government Act and greater rights for ratepayers.

Company Takeovers (A.C.T.) Bill 1979

A report by the Companies Committee on the Company Takeovers (A.C.T.) Bill 1979 was forwarded to the Law Council of Australia.

Family Law

The Family Law Committee had a very heavy work load having had referred to it for its consideration a great deal of material from bodies outside the Bar as well as from the Law Reform Committee. It concerned itself, inter alia, with the following matters:

1. Superannuation entitlements of a divorced wife.
2. A submission to the joint Parliamentary Committee of Enquiry including a Summary of recommendations.
3. The Law of Trusts in its application to Family Law matters.
4. Legal aid and costs payable to Barristers and Solicitors practising in the Family Court Jurisdiction.
5. A submission concerning S.S. 10(3) Family Law Act.
6. Pecuniary interests of Counsellors at the Family Court.
7. Limitations of Actions in Family Court matters.

Income Tax Appeal Provisions

A report of the Taxation Committee on a draft report of the Law Council of Australia Taxation Committee in relation to appeal provisions under the Income Tax Assessment Act was forwarded to the Law Council of Australia.

Matters currently being considered by sub-committees and members of the Bar include Class Actions and the Legal Profession, Australian Security Intelligence Bill, Building and Development Control System in Victoria, Inquiry into Pecuniary Interests of Councillors and the draft convention on contracts for the international sale of goods.

THE VICTORIAN BAR
FINANCIAL STATEMENT FOR THE YEAR ENDED 31ST JANUARY, 1979

BALANCE in hand 31st August, 1978			870.15	
BALANCE in Savings Bank (including Bequest from Estate J.N. Bennett)			<u>12,575.69</u>	13,445.84
REVENUE RECEIPTS:				
Annual Subscriptions previous years		485.00		
Annual Subscriptions current year		76,744.85		
Annual Subscriptions in advance		120.17		
Dividend on Shares		1,304.00		
Interest — Commonwealth Bonds	90.00			
Short Term Deposits	2,226.24			
Short Term Deposit — Estate J.N. Bennett	520.00			
Savings Investment Account	740.89			
Savings Bank Account	335.99			
Sundry Receipts	<u>21.61</u>	<u>3,934.73</u>	82,588.75	
REVENUE EXPENDITURE:				
(a) Administration Expenses:—				
Accounting Fees	325.00			
Bank Charges	55.25			
Floral Tributes	99.70			
General Expenses —				
Court Recording Services	2,382.35			
Telephone Trunk Calls	127.55			
Petty Expenses	10.00			
Printing	2,165.45			
Search Fee	29.35			
Costs incurred in connection with Sir Gregory Gowans' Book —				
Half Honorarium	\$2,500.00			
Typing	232.00			
Preparation of Index	<u>150.00</u>	<u>2,882.00</u>	8,076.65	
(b) Capitation & Affiliation Fees:				
Australian Bar Association	1,224.00			
Law Council of Australia	9,674.00			
Victorian Council of Professions	220.00			
International Bar Association	67.34			
Lawasia	<u>150.00</u>	<u>11,335.34</u>		
(c) Presentations:				
"Smacka" Fitzgibbon	118.10			
Columb Brennan	<u>87.00</u>	205.10		
(d) Travelling Expenses:				
Fares & Expenses of Representatives at Local and Interstate Conferences & Meetings			874.50	
(e) Functions & Entertainment:				
For Catering, Hiring, etc.	13,394.61			
For Chairman's Fund	<u>600.00</u>			
	13,994.61			
Less: Members' Payments	<u>10,105.24</u>	3,889.37		
(f) Payment to Clerk on Retirement:	30,000.00			
Less: Receipt from new Clerk on appointment	<u>10,000.00</u>	<u>20,000.00</u>	<u>44,380.96</u>	
Excess Receipts over Expenditure			<u>38,207.79</u>	<u>51,653.63</u>

CAPITAL RECEIPTS:—

(a) Final Payment Estate J.N. Bennett	514.90	
(b) Sales — "A Multitude of Counsellors"	<u>30.00</u>	544.90

CAPITAL EXPENDITURE:—

Investments — Short Term Deposit	10,000.00	
— Short Term Deposit (J.N. Bennett Bequest)	<u>13,000.00</u>	<u>23,000.00</u>

Excess Capital Expenditure over Capital Revenue 22,455.10

BALANCE of Cash in hand (including Savings Investment Account)
at 31st August, 1979

29,198.53

TRUST FUNDS:—

Barristers' Benevolent Fund:

Receipts	4,515.15	
Remitted	<u>4,515.15</u>	Nil.

Bar Clerking Fund:

Receipts	45.00	
Remitted	<u>45.00</u>	Nil.

BALANCE IN HAND (INCLUDING SAVINGS
INVESTMENT ACCOUNT) AT 31ST AUGUST, 1979

29,198.53

ASSETS AS AT 31ST AUGUST, 1979

1. Cash in Bank — Savings Account	946.58	
Cheque Account	17,511.06	
Savings Investment Account	<u>10,740.89</u>	29,198.53
2. Investments at cost:		
(a) 8,150 Ordinary Shares of \$2 each in Barristers' Chambers Ltd.	16,300.00	
(b) Commonwealth Bonds	2,000.00	
(c) Short Term Deposits with Commonwealth Bank of Australia	39,000.00	
(d) Short Term Deposits (J.N. Bennett Bequest)	<u>13,000.00</u>	70,300.00
3. Member Debtors		1,163.60
4. Liquor at Cost		2,100.00
5. Copies of "A Multitude of Counsellors"		841.70
6. Honour Board of Past Chairmen of the Victorian Bar Council		256.00
7. Gifts — Candelabra, etc. insured for		<u>1,276.00</u>
		<u>105,135.83</u>