

VICTORIAN BAR COUNCIL

***ANNUAL REPORT***

**1981-82**

**ANNUAL REPORT OF THE  
VICTORIAN BAR COUNCIL  
1981 — 1982**

To be presented at the Annual General Meeting of the Victorian Bar to be held on 20th September, 1982 at 5 p.m. on the 2nd Floor of Four Courts Chambers, 180 William Street, Melbourne.

**THE BAR COUNCIL**

**Elections:** In the Annual Election in September 1981 the following persons were elected:—

**Counsel of not less than 12 years' standing —**

Messrs. G. R. D. Waldron Q.C., J. E. Barnard Q.C., P.A. Liddell Q.C., B. J. Shaw Q.C., J. H. Phillips Q.C., G. Hampel Q.C., F. Walsh Q.C., P. D. Cummins Q.C., M. J. L. Dowling Q.C., A. B. Nicholson Q.C. and A. Chernov Q.C.

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

Messrs. H. R. Hansen, J. D. McArdle, B. A. Murphy and M. A. Adams.

**Counsel of not more than 6 years' standing —**

Messrs. J. L. Bannister, J. T. Rush and C. Gunst.

**Ex-Officio Member —**

The Honourable H. Storey Q.C., M.P. (Victorian Attorney-General) (to May 1982).

**Note:** Mr. G. R. D. Waldron Q.C. resigned in February 1982 upon appointment as Chief Judge of the County Court and Mr. F. Walsh Q.C. resigned in March 1982 upon appointment to the County Court Bench. In a by-election in April 1982 Messrs. S. P. Charles Q.C. and H. T. Nathan Q.C. were elected to fill the casual vacancies.

**Officers of the Bar Council**

Chairman — Mr. Brian Shaw Q.C.

Vice-Chairman — Mr. George Hampel Q.C.

Honorary Treasurer — Mr. F. Walsh Q.C. (to March 1982), Mr. A. Chernov Q.C. (from March 1982)

Assistant Honorary Treasurer — Mr. A. Chernov Q.C. (to March 1982), Mr. H. R. Hansen (from March 1982)

Honorary Secretary — Mr. D. L. Harper (to April 1982), Mr. D. J. Habersberger (from April 1982)

Assistant Honorary Secretary — Mr. D. J. Habersberger (to April 1982),

Mr. R. A. Finkelstein (from April 1982)

Executive Officer — Miss D. M. Brennan

**DIRECTORS OF BARRISTERS' CHAMBERS LTD.**

Mr. S. E. K. Hulme Q.C. (Chairman), Messrs. P. A. Liddell Q.C. (to July 1982), J. D. Phillips Q.C. (to July 1982), N. H. M. Forsyth Q.C., F.G.A. Beaumont, J. D. McArdle (from November 1981), A. J. Myers, J. L. Bannister and Mrs. A. Moshinsky (from December 1981).

Secretary — Mrs. P. M. Butler.

**YOUNG BARRISTERS' COMMITTEE**

Messrs. M. J. L. Dowling Q.C. (Chairman) and C. Gunst (Bar Council members). Messrs. D. E. Curtain, M. J. Kellam, N. T. Robinson, W. E. Stuart (Secretary), Miss E. A. Kominos, Mrs. M. J. Rizkalla, Messrs. A. J. McDonald, A. A. Nolan, B. S. T. Vaughan and Miss K. Politis. Elections were held in August 1982 when the first five members retired but were eligible for re-election.

Following the elections the present members are:—

Messrs. D. E. Curtain, M. J. Kellam, W. E. Stuart, N. T. Robinson, Miss E. H. Curtain, Messrs. A. J. McDonald, P. D. Elliott, Miss E. A. Kominos, Messrs. B. S. T. Vaughan and S. R. Marshall.

## BAR COUNCIL ADMINISTRATIVE COMMITTEES

### EXECUTIVE COMMITTEE

Messrs. Shaw Q.C. (Chairman), Hampel Q.C. (Vice-Chairman), Waldron Q.C. (to February 1982), Barnard Q.C., Walsh Q.C. (to March 1982), Cummins Q.C., Nicholson Q.C. (from March 1982) and Chernov Q.C. (from March 1982), Harper (to April 1982), Habersberger (Secretary to April 1982) and Finkelstein (Secretary from April 1982).

#### Area of responsibility:

##### (a) Joint Standing Committees

###### **Joint Standing Committee of the Bar and Law Institute**

Messrs. Shaw Q.C. and Hampel Q.C.

###### **Joint Standing Committee of the Bar and Law Institute on Remand Conditions**

Messrs. D. M. Bennett Q.C., G. J. Thomas and Champion.

###### **Joint Standing Committee of the Bar and Law Institute on Town Planning**

Messrs. Buckner Q.C. and H. McM. Wright.

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

Mr. Hulme Q.C.

##### (b) Standing Committees

###### **Bar Staff Committee**

Messrs. Waldron Q.C. (Chairman to February 1982), Shaw Q.C. (Chairman from February 1982), Hulme Q.C., Forsyth Q.C. and M. A. Adams.

###### **Police/Lawyers Liaison Committee**

Messrs. Walker Q.C., James, Crossley, Rozenes, Hinchliffe (emergency to January 1982) and Howard (emergency to August 1982).

###### **Victorian Bar News — Editorial Board**

Messrs. D. M. Byrne (Chairman), D. J. Ross, Coldrey, Howard (to August 1982), Gunst and Mrs. R. Weinberg.

###### **Bar Clerking Committee**

Messrs. Dowling Q.C. (Chairman) and B. A. Murphy (Secretary and Convenor) and the Chairman for the time being of each Clerking List Committee.

###### **Bar Clerking Fund — Trustees**

Messrs. Walsh Q.C. (to March 1982), Chernov Q.C. (from March 1982), Cummins Q.C. and A. J. Myers.

###### **Bar Fees Committee**

Messrs. Nicholson Q.C., Dalton Q.C., Kendall Q.C., Shannon, Watkins and Rush.

###### **Bar Library Committee**

Messrs. Ormiston Q.C. (Chairman and Bar Librarian), M. A. Adams, T. S. Lynch, Tribe, Derham and T. P. Murphy.

###### **Catering and Functions Committee**

Messrs. Walsh Q.C. (to March 1982), Berkeley Q.C. (from April 1982), M. A. Adams and McInerney.

###### **First Aid Committee**

Mr. Willee, Mrs. McIntosh and Miss E. M. T. Murphy.

###### **Bar Centenary Committee (1984)**

Messrs. Berkeley Q.C., Hulme Q.C., Nicholson Q.C., Crossley and Justin Judd.

###### **Readers' Practice Course Committee**

Messrs. Black Q.C., Dowling Q.C., Nicholson Q.C., D. J. Ross and Vaughan.

###### **Bar Computer Committee**

Messrs. Levin (Chairman), Cummins Q.C., Burnside, Emerson and Ian H. Gibson.

## (c) Bar Appointees

**Executive of the Law Council of Australia**  
Mr. Hampel Q.C.

**Council of the Australian Bar Association**  
Messrs. Shaw Q.C. (President) and Hampel Q.C.

**Victorian Council of Professions**  
Messrs. Fricke Q.C. (to December 1981) and N. J. Webb.

**Chief Justice's Committee for Religious Observances**  
Mr. R. M. C. Nankivell.

**Legal Aid Commission**  
Mr. Barnard Q.C.

**Joint Committee with Law Institute on Legal Aid**  
Messrs. Barnard Q.C., Dove Q.C. and McArdle.

**Joint Committee with Law Institute on Court Delays**  
Messrs. Hedigan Q.C., Dove Q.C. and G. A. Lewis.

**Joint Committee with Law Institute on Employment**  
Mr. Wikrama.

**Appeal Costs Board**  
Mr. A. E. Hooper Q.C.

**Law Faculty — University of Melbourne**  
Messrs. Hedigan Q.C. and Cummins Q.C.

**Monash University Law Faculty Board**  
Mr. Goldberg Q.C.

**Law Faculty — Monash University**  
Messrs. Williamson Q.C. and Willee.

**La Trobe University Proctorial Board**  
Mr. Lloyd Q.C.

**Council of Legal Education**  
Messrs. Goldberg Q.C., Dwyer Q.C. and Coldrey.

**Legal Education Committee**  
Messrs. Goldberg Q.C. and Richter (alternate).

**Victoria Law Foundation**  
Mr. Shaw Q.C. and Barnard Q.C. (alternate).

**Leo Cussen Institute for Continuing Legal Education**  
His Honour Judge Ogden and Mr. Wild.

**Board of Examiners**  
Messrs. Hedigan Q.C. (to 31/12/83), Dowling Q.C. (to 31/12/82) and Bongiorno (to 31/12/84).

**Chief Justice's Supreme Court Library Committee**  
Messrs. Ormiston Q.C., Graham Q.C. and Phipps.

**Superannuation Fund for Supreme Court Librarian — Bar Nominee on Board of Trustees**  
His Honour Judge Hogg.

**Supreme Court ad hoc Listing Committee — Civil**  
Mr. Black Q.C.

**Council of Law Reporting**  
Messrs. Merralls Q.C. and Bradshaw.

**Computerised Legal Information Committee (Vic.)**  
Messrs. Cummins Q.C. and Levin.

## (d) Other

**Victorian Bar Superannuation Fund Trustees**

Sir James Tait Q.C. (Chairman), Mr. F. Walsh Q.C. (to March 1982), Messrs. Hansen (from March 1982), Hayne and Robson.

**Directors of Barristers Nominee Pty. Ltd.**

Sir James Tait Q.C. (Chairman), Mr. F. Walsh Q.C. (to March 1982), Messrs. Hansen (from March 1982), Hayne and Robson.

**Barristers' Benevolent Association of Victoria — Committee of Management**

Messrs. Shaw Q.C. and Walsh Q.C. (to March 1982) and Chernov Q.C. (from March 1982).

**Applications Review Committee**

Messrs. Liddell Q.C. (Chairman), Hansen, Harper (to April 1982), B. A. Murphy, Habersberger and Finkelstein (from April 1982).

**Building Finance Committee**

Messrs. Liddell Q.C., Chernov Q.C. and Hayne.

**ETHICS COMMITTEE**

Messrs. Waldron Q.C. (Chairman to February 1982), Barnard Q.C. (Chairman from February 1982), J. H. Phillips Q.C., Charles Q.C. (from April 1982), Castan Q.C., Hansen, Mandie (Secretary) and B. A. Murphy. Mr. F. Eyre is the Lay Observer.

**LAW REFORM COMMITTEE**

Chernov Q.C. (Chairman), Miss Opas, Messrs. Heerey, Nash, M. A. Adams and Hockley (Secretary).

## (a) Law Reform Committee Panel

|                |                                |
|----------------|--------------------------------|
| Ryan Q.C.      | (Supreme Court Practice)       |
| Wheeler        | (County Court Practice)        |
| Bannister      | (Magistrates' Courts Practice) |
| Griffith Q.C.  | (High Court)                   |
| Chernov Q.C.   | (Federal Court)                |
| Walker Q.C.    | (Crime Practice)               |
| Francis Q.C.   | (Juries Practice)              |
| Ormiston Q.C.  | (Causes Practice)              |
| Merralls Q.C.  | (Constitutional Law)           |
| Fajgenbaum     | (Administrative Law)           |
| Opas           | (Family Law)                   |
| Dalton Q.C.    | (Industrial Law)               |
| Fagan Q.C.     | (Town Planning)                |
| Nicholson Q.C. | (Local Government)             |
| Bourke         | (Liquor Control)               |
| Ellis          | (Workers Compensation)         |
| Merkel         | (Trade Practices)              |
| Spry Q.C.      | (Taxation)                     |
| Paterson Q.C.  | (Companies)                    |
| Francis Q.C.   | (Military Law)                 |

**Bar Appointments****Chief Justice's Law Reform Committee**

Messrs. Monester Q.C., Dwyer Q.C. and Kennon.

**Law Reform Advisory Council**

Mr. Gillard Q.C.

**Chief Justice's Rules Committee**

Messrs. Ormiston Q.C. and McDonald Q.C. (Observer).

**County Court Rules Committee**

Mr. Wheeler.

**Workers' Compensation Board of Standing Committee**

Messrs. Magennis, Bingeman, Ashley and Griffin. (This Committee was disbanded by the Chairman, His Honour Judge Harris, in July 1982).

**Workers' Compensation Consultative Advisory Council**

Messrs. Hart Q.C. and R. G. Williams.

**Attorney-General's Criminal Advisory Committee**

Mr. J. H. Phillips Q.C.

(c) **Criminal Bar Association****Executive**

Messrs. J. H. Phillips Q.C. (Chairman), Vincent Q.C. (Vice-Chairman), Neesham (Secretary) and Lovitt (Treasurer).

**General Committee**

Messrs. Francis Q.C., Kirkham, McArdle, Hassett, Kennan, Lasry, P. F. McDermott and M. Weinberg.

**ACCOMMODATION COMMITTEE**

Messrs. Chernov Q.C. (Chairman), Hansen and McArdle.

(a) **Temporary Accommodation Committee**

Messrs. Nicholson Q.C., Nathan Q.C., J. D. Phillips Q.C., Hansen, Vaughan and Isles.

(b) **A.B.C. Building Sub-Committee**

Messrs. O'Callaghan Q.C., Liddell Q.C., Chernov Q.C., Webster, Finkelstein, Gunst and B. F. H. Miller.

**BAR COUNCIL AND COMMUNICATION COMMITTEE**

Mr. Cummins Q.C. (Chairman).

(a) **Owen Dixon Chambers**

Floors 1-4 inclusive  
Floors 5-8 inclusive  
Floors 9-12 inclusive

Mr. Liddell Q.C.  
Mr. Nicholson Q.C.  
Mr. Chernov Q.C.

(b) **Latham Chambers**

Mr. J. H. Phillips Q.C.

(c) **Four Courts Chambers**

Floors 4-7 inclusive  
Floors 8-11 inclusive

Mr. M. A. Adams  
Mr. Rush.

(d) **Tait Chambers & Hooker Building**

Mr. Gunst.

(e) **Hume House**

Mr. Hansen.

(f) **Equity Chambers**

Mr. Walsh Q.C. (to March 1982).

**HONORARY LIFE MEMBERS**

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

Sir James Tait Q.C.

Sir Henry Winneke, K.C.M.G., O.B.E., Q.C.

## COUNCIL MEETINGS

There have been 23 ordinary meetings and 5 special meetings of the Council during the period 1st September 1981 to 31st August 1982. Attendances from the first meeting of the new Council on 29th September 1981 to 31st August 1982 have been:—

|                             |    |                           |    |
|-----------------------------|----|---------------------------|----|
| B. J. Shaw Q.C. ....        | 26 | A. B. Nicholson Q.C. .... | 19 |
| G. Hampel Q.C. ....         | 26 | H. T. Nathan Q.C. ....    | 5  |
| G. R. D. Waldron Q.C. ....  | 9  | (from April 1982)         |    |
| (to Feb. 1982)              |    | A. Chernov Q.C. ....      | 21 |
| J. E. Barnard Q.C. ....     | 24 | H. R. Hansen ....         | 22 |
| P. A. Liddell Q.C. .... (1) | 22 | J. D. McArdle ....        | 27 |
| J. H. Phillip Q.C. .... (1) | 14 | B. A. Murphy ....         | 19 |
| S. P. Charles Q.C. .... (2) | 6  | M. A. Adams ....          | 21 |
| (from April 1982)           |    | J. L. Bannister .... (11) | 10 |
| F. Walsh Q.C. ....          | 8  | J. T. Rush ....           | 22 |
| (to March 1982)             |    | C. Gunst ....             | 28 |
| P. D. Cummins Q.C. ....     | 25 |                           |    |
| M. J. L. Dowling Q.C. ....  | 22 |                           |    |

(No.) Leave of absence for number of meetings indicated.

|  |    |
|--|----|
| D. L. Harper (Hon. Secretary to April 1982) .....  | 16 |
| D. J. Habersberger (Assistant Hon. Secretary to April 1982 and Hon. Secretary from April 1982) ..... | 24 |
| R. A. Finkelstein (Assistant Hon. Secretary from April 1982) .....                                   | 10 |

## COMMITTEE MEETINGS

During the period 1st September 1981 to 31st August 1982 the following Committee meetings were held:—

|                            |    |
|----------------------------|----|
| Executive Committee .....  | 22 |
| Ethics Committee .....     | 30 |
| Law Reform Committee ..... | 5  |

## SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1981 to 31st August 1982:—

|   |          |
|---|----------|
| Queen's Counsel .....                             | \$360.00 |
| Over 10 years' standing .....                     | 240.00   |
| Over 3 but under 10 years' standing .....         | 150.00   |
| Over 1 but under 3 years' standing .....          | 90.00    |
| Under 1 year's standing .....                     | 60.00    |
| Interstate Queen's Counsel .....                  | 35.00    |
| Interstate Juniors .....                          | 25.00    |
| Solicitor-General and Attorney-General .....      | 60.00    |
| Crown Prosecutors and Parliamentary Counsel ..... | 60.00    |
| Retired Barristers (on Practising List) .....     | 10.00    |
| Other Official Appointments .....                 | 60.00    |

## PERSONALIA

**Deaths:** Mr. A. T. Stirling on the 3rd July and Mr. B. C. Ballard on the 15th July 1981 (both retired); Mr. G. A. Dickinson (N.T.) on the 7th December 1981 and His Honour Chief Judge Whelan, C.B.E. on 19th December 1981. Sir Edmund Herring, K.C.M.G., K.B.E., D.S.O., M.C., E.D. died on the 5th January 1982 and the Honourable Sir Keith Aickin, K.B.E. on the 18th June 1982.

**Appointments:** In November 1981 the Honourable Mr. Justice Fitzgerald (Qld.) was appointed to the Bench of the Federal Court of Australia. In February 1982 His Honour Chief Judge Waldron was appointed Chief Judge of the County Court and in March 1982 His Honour Judge Walsh was appointed to the County Court Bench. On the 30th July 1982 the Honourable Mr. Justice Dawson was appointed a Justice of the High Court.

On 3rd December 1981 Mr. P. H. N. Opas Q.C. was appointed Chief Chairman of the Planning Appeals Board and Mr. R. D. Barton a senior member of the Board.

From 1st January 1982 Mr. Shaw Q.C. was appointed President of the Australian Bar Association for a term of twelve months.

In May 1982 Mr. Xavier Connor Q.C. was appointed to conduct the Inquiry into Casinos in Victoria.

On the 29th July 1982 Sir Ninian Stephen was sworn in as Australia's 20th Governor-General.

**Honours:** In the New Year's Honour List the Honourable Sir James Gobbo and Sir John Norris Q.C. were both made Knights Bachelor and in the Queen's Birthday Honour List the Honourable Sir Edward Woodward was made a Knight Bachelor.

**Queen's Counsel:** The following members of the Bar were appointed Queen's Counsel in November 1981:—

Messrs. J. R. Balfe, L. S. Ostrowski and A. E. Hooper and Dr. Gavan Griffith.

**Crown Prosecutor:**

M. J. Strong.

**Welcomes:** During 1982 His Honour Chief Judge Waldron and His Honour Judge Walsh were welcomed to the County Court Bench and The Honourable Mr. Justice Dawson was welcomed to the High Court Bench. On each occasion the Chairman made an address of welcome on behalf of the Bar.

**Farewells:** The Chairman and members of the Bar attended a farewell on the 25th February 1982 to His Honour Judge Martin at which the Chairman spoke on behalf of the Bar. In March 1982 the Honourable Mr. Justice Connor was farewelled in the Supreme Court of the Australian Capital Territory. In May 1982 a Ceremonial Sitting was held in Canberra to mark the retirement of the Right Honourable Sir Ninian Stephen, P.C., K.B.E., from Bench of the High Court of Australia and at the end of July 1982 Sir Zelman Cowan stepped down as Governor-General. He has accepted the position of Provost of Oriel College at Oxford University where he was a Fellow and tutor after World War 2.

In February 1982 Sir Henry Winneke, K.C.M.G., O.B.E., retired as Governor of Victoria.

**Tributes:** On the 10th February 1982 members of the Bar attended a tribute to the late Chief Judge Whelan which was held in the County Court. On the 22nd June 1982 Mr. Hampel Q.C., the Vice-Chairman, represented the Victorian Bar at a tribute to the late Sir Keith Aickin which was held in the High Court in Brisbane.

## ROLL OF COUNSEL

Between 1st September 1981 and 31st August 1982 the following 65 persons, 4 of whom are interstate barristers, signed the Roll of Counsel:

Messrs. W. H. Morgan-Payler (re-signed), B. A. Keon-Cohen, R. J. H. Maidment, R. R. Douglas (Qld.), P. J. Moran, Misses F. E. Hogan and M. G. Harding, Messrs. R. L. Brear, W. T. Houghton, P. J. Davis, M. N. Wilson, M. H. Taylor, S. R. Marshall, J. R. Dixon, J. A. Foxcroft, S. P. Whelan, K. P. O'Connor, C. J. McLennan, Miss S. M. Cohen, Messrs. F. J. J. Tiernan, G. J. Foster, W. G. Gilbert, J. S. Corker, M. J. Dodson, M. P. Bourke, P. S. Kouris, G. Rees-Jones, Mrs. J. M. Middleton (Parliamentary Counsel). Messrs. S. J. Archer (N.S.W.), A. Kornblum (re-signed), W. D. Forrest (re-signed), G. A. Devries, R. R. S. Tracey, K. R. Howie, C. Delaney, T. Sullivan, C. R. Loorham, T. M. Forrest, M. F. Fleming, R. G. Squirrel, D. H. Denton, A. N. Bristow, R. H. Friedman, P. G. Kovacs, Mrs. M. T. Milverton, Messrs. G. J. Traczyk, G. J. Combes, E. J. Smith, P. L. Cain, Miss E. Davis-Lunelli, Messrs. M. D. Wilson, M. J. G. Waugh, R. L. Berglund, B. M. Griffin, M. J. Rivette, P. W. Almond, D. J. Havin, M. W. Speed, N. J. D. Green, B. E. Walters, Miss F. A. F. Young, Messrs. S. E. Marantelli, G. B. Hall (N.S.W. Q.C.), P. J. Berman (re-signed), and G. P. F. Rundle (N.S.W.).

**Transfers to Masters and Other Official Appointments List:—**

Messrs. R. D. Barton and T. A. Hinchliffe.

**Members who have retired from Active Practice:—**

Messrs. G. R. Pitcher, J. W. Galbally Q.C. and N. Good.



**Names removed at request of Counsel:—**

Mr. B. H. Davis, Mrs. L. A. Marks, Mrs. I. Luke, Messrs. P. W. McCabe, P. W. Davison, P. J. Moran, N. E. Roberts and B. G. K. Ross.

**THE ROLL**

|   | 1981         | 1982         | Change |
|---|--------------|--------------|--------|
| Governor's List                                 | 2            | 2            | —      |
| Judges' List                                    | 120          | 120          | —      |
| Practising List                                 | 890          | 947          | + 57   |
| Masters and Other Official<br>Appointments List | 20           | 21           | + 1    |
|   | <u>1,032</u> | <u>1,090</u> | + 58   |
| *Counsel in active private practice             | 723          | 768          | + 45   |

\*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 2nd February 1982 to mark the opening of the Legal Year religious services were held at St. Paul's Cathedral, St. Patrick's Cathedral and East Melbourne Synagogue. At St. Paul's Cathedral the lessons were read by Mr. J. C. Finemore Q.C., O.B.E. and the Honourable Sir John Minogue Q.C. The sermon was preached by the Reverend David Hodges, B.A., B.D. (Edin.) Minister of the Uniting Church, Toorak.

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. who also preached the occasional sermon.

At the East Melbourne Synagogue the address was given by Rabbi E. D. Sultanik.

**Bar Entertainment**

On 29th September 1981 the Chairman and Committee of the Essoign Club entertained the County Court Judges at Drinks in the Club premises.

On 23rd October the Chairman and members of the Bar Council gave a dinner to the retiring Chairman and other members who had retired, together with their wives and guests.

The Annual Christmas Cocktail Party was held on the 13th Floor on the 18th December 1981 and was well attended by members of the Bench and Bar together with wives and guests.

On 26th April 1982 the Chairman held a small luncheon on the 13th floor for Mr. Matt Walsh, the retiring President of the Law Institute. Several members of the Bar Council were present to assist in entertaining the office bearers of the Institute.

The 7th May 1982 was chosen as the date for the Bar Council to entertain Chief Judge Waldron, Judge Walsh and David Harper (the retiring Honorary Secretary). The event took the form of a very pleasant dinner in the Essoign Club premises when the speeches were short and the revelry long.

The 1982 Bar Dinner was again held at Dallas Brooks Hall, this year on 5th June when 300 members of the Bench and Bar attended. On this occasion our Honoured Guests were Sir Maurice Byers, C.B.E., Q.C., the Honourable Sir James Gobbo, Sir John Norris Q.C., His Honour Chief Judge Waldron, His Honour Judge Tolhurst, His Honour Judge Walsh and Mr. Berkeley Q.C., the Immediate Past Chairman of the Bar. Dr. Gavan Griffith Q.C. was Mr. Junior Silk.

On 5th August 1982 following a Council meeting the Bar Council entertained the new Attorney-General, Mr. John Cain and Mrs. Cain at dinner. About 20 members, together with wives and guests, were present.

Again on 14th August members of the Council entertained Country and Suburban Law Presidents at Dinner in the Essoign Club premises. For the first time wives were invited to this dinner and we hope that this will be continued.

Apart from the functions mentioned Readers' Dinners were held in November 1981 and May 1982 when Masters introduced their readers to the Chairman, Vice-Chairman and other members of the Council. At the November Dinner Mr. T. W. Smith Q.C. was our guest speaker and in May 1982 Sir Richard Eggleston addressed the readers.

**Sporting Functions**

The annual Cricket and Tennis Matches between the Bench and Bar and the Solicitors were played at the Albert Ground and Kooyong respectively on 21st December 1981. For the second time in recent years the cricketers won the Sir Henry Winneke Cup but the Law Institute retained the Judge O'Driscoll Tennis Cup. Mr. Thomson Q.C. organised the tennis match and Mr. Dove Q.C. the cricket match.

The annual Golf Match between the Bench, Bar and Solicitors was played on 26th February at Royal Melbourne Golf Club when the Bench and Bar retained the Sir Edmond Herring Trophy. There was a tie for the best pair and tankards were presented to both the Law Institute and the Bar (Messrs. Croyle and Kozicki) players. The annual Golf Match between the Bench and Bar and Combined Services was held at Huntingdale Golf Club on 30th August 1982. The Bruche Cup was won by the Bar and the McFarlan Cup by the Services. Mr. Cashmore organised the Golf Matches on behalf of the Bar.

## **NEW DEVELOPMENTS**

### **CO-ORDINATOR OF THE READERS' COURSE**

Co-ordination of the Readers' Course has become almost a full time occupation for the duration of each Course and an onerous task for Mr. B. Vaughan to combine with his practice.

For this reason the Bar Council decided the time had come to appoint a member of staff to act as Co-ordinator of the Readers' Course as well as to undertake all work involved in interviewing new applicants and related matters. It is hoped this will relieve the Honorary Secretary of some small portion of his burden of work.

In July 1982 Miss Anne Slattery was appointed Co-ordinator of the Readers' Course and has her office on the 12th Floor in the area occupied by the Bar Council. All enquiries relating to reading should be directed to her in future. Mr. M. Black Q.C. and Mr. B. Vaughan are nonetheless very much involved with the Course and the Bar is deeply indebted to them for the time and interest they have taken and continue to take in the instruction of aspiring barristers.

### **ADMINISTRATIVE & FINANCIAL ORGANISATION OF THE VICTORIAN BAR AND BARRISTERS' CHAMBERS LTD.**

Earlier this year the Bar Council decided to engage Mr. David Crawford of the Accountancy Firm of Peat, Marwick Mitchell & Co. to investigate and examine the administrative interaction between the Victorian Bar Council and Barristers' Chambers Ltd.

The objectives of Mr. Crawford's assignment were:—

- to examine the administrative interaction between the Victorian Bar Council and Barristers' Chambers Limited;
- to review the administrative and accounting systems currently in use by the Victorian Bar Council and Barristers' Chambers Limited;
- to formalise general recommendations covering the areas of organisational structure, staffing requirements and administrative and accounting systems;
- to consider whether the computerisation of various administrative and accounting functions would improve efficiency or result in a reduction in operating costs.

Mr. Crawford and his assistant, Mr. Philip Bowman, interviewed the Office Bearers of the Bar Council, several Directors of Barristers' Chambers Ltd., the Executive Officer and the Company Secretary.

The final Report from Peat Marwick's was received late in June and outlines a five-year plan for the future of the Bar Council and the Company.

The Bar Council has considered the Report and approved it in principle. The following is a summary of the principal recommendations.

1. The Board of Barristers' Chambers Limited should be reduced in number and constituted of a sub-committee of the Bar Council, the members of which may not be on the Bar Council but co-opted to serve on the basis of commercial experience.
2. An Administration Manager should be appointed with day to day responsibility for the administration and financial requirements of both Barristers' Chambers Limited and the Victorian Bar. As a result of this appointment, duties allocated to existing personnel could be rationalised including the appointment of the Executive Officer of the Victorian Bar as Executive Assistant to the Chairman of the Bar Council.
3. Regular financial reports should be prepared for both the Victorian Bar and Barristers' Chambers Limited. Such reports, prepared monthly, should include actual trading results compared with those budgeted as well as a balance sheet.
4. A long term strategy for the Victorian Bar should be developed and documented in a rolling five year plan. The first year of such a plan should provide a detailed financial operating budget.
5. An in-house mini-computer should be purchased and software developed to replace the existing manual systems used to record rentals, unsecured notes and debentures. A by-product of this will be the automatic maintenance of the Bar Roll and other listings as well as the printing of interest cheques and periodical payment authorities. The computerisation of the remaining accounting operations should be considered once these initial systems have been found to run satisfactorily.

6. A Project Manager should be appointed to supervise the development of the A.B.C. site if it is decided to proceed with this rather than purchase an existing building.
7. The discussions of business at Bar Council meetings should be limited to matters contained in discussion papers circulated prior to meetings or items on the agenda.
8. Consideration should be given to transferring responsibility for the investments of the superannuation fund and the recording of its transactions to an outside firm of fund managers.
9. The existing debentures and unsecured notes on issue should be consolidated into one type of debt with simplified instalment payment and interest eligibility provisions.
10. The financial year end of the Victorian Bar should be moved to 30th June, so that it is coterminous with that of Barristers' Chambers Limited.
11. An index of the minutes of Bar Council meetings should be prepared and updated on a regular basis.
12. Information requested by applicants seeking to sign the Bar Roll should be provided in a standard booklet supported by orientation seminars.
13. The accounts prepared by the caterers of the Essoign Club Limited should be audited prior to the payment of any further subsidy by Barristers' Chambers Limited.
14. A professional valuation of Owen Dixon Chambers should be obtained and the resultant gain on revaluation reflected in the accounts for the year ended 30th June, 1982. Such a revaluation will assist Barristers' Chambers Limited in negotiating future loans to cover its financial requirements.
15. A uniform retirement policy should be adopted and be applicable to all employees of barristers' Chambers Limited and the Victorian Bar at the age at which they become entitled to receive social service benefits, but subject to transitional arrangements for existing staff who have currently passed that age.
16. Additional office space will need to be acquired adjacent to the existing administration offices on the 12th Floor to house the new appointments and consideration to be given to providing permanent chambers (adjacent to the existing administration) for the Chairman of the Bar Council from time to time.

### **COMMITTEE TO CONSIDER WAYS OF SHORTENING CRIMINAL TRIALS AND COMMITTALS**

A Committee has been established by the Bar Council consisting of:—

The Hon. Mr. Justice McGarvie  
His Honour Judge Kelly  
P. D. Cummins Q.C.  
F. H. R. Vincent Q.C.  
J. T. Hassett  
M. Rozenes  
T. J. Ginnane  
L. W. Flanagan Q.C. (nominee of Attorney-General)  
R. J. Galbally and B. J. Rolfe (nominees of Law Institute)  
Julian Gardner (Director of Legal Aid Commission).

The purpose of the Committee is to consider and make recommendations about ways of shortening criminal trials and committals. The achievement of some shortening in trials and committals is thought to be of very great importance to the community generally and to the Bar in particular, in view of the costs involved in protracted proceedings. It is hoped that the Committee will be able to make a useful contribution in this area. In order to assist the Committee in a thorough and speedy consideration of the problems it is proposed that the junior members of the Committee be paid for at least part of their work. In due course it is expected that submissions will be called for from the Bar and others interested.

### **COMMITTEE TO CONSIDER REPORTS OF THE LAW REFORM COMMISSION OF NEW SOUTH WALES**

A Committee has been established consisting of:—

R. H. Searby Q.C. (Chairman)  
J. L. Dwyer Q.C.  
Gavan Griffith Q.C.  
B. C. Cooney  
R. Merkel  
D. L. Harper  
S. C. Kenny

The purpose of the Committee is to consider and make recommendations to the Bar Council about the reports of the Law Reform Commission of New South Wales about the legal profession, insofar as they relate to the Bar.

The position of the Bar is different in New South Wales from that which obtains in Victoria, but it was thought that the Reports of the New South Wales Law Reform Commission having been delivered, the Bar here should consider its recommendations in order to see if any of them, or any modification of any of them, should be implemented in Victoria insofar as those recommendations make proposals which are not presently operative here.

It is proposed that the junior member of the Committee be paid for at least part of her work on the Committee. Again it is hoped that this arrangement will enable careful and speedy consideration by the Committee of the contents of the Reports.

### EXECUTIVE COMMITTEE

The Executive Committee meets fortnightly. It is responsible for action in respect of matters requiring urgent attention. With regard to routine matters it makes decisions on some, whilst others are referred to the Bar Council. The following are some of the matters of significance or interest dealt with by the Executive Committee.

1. From time to time details concerning the Readers Course have been considered and dealt with. It was resolved that Vaughan be invited to devote his full-time attention to the Readers Course for the duration of each course. He has done so with great success.
2. It was recommended to Barristers' Chambers Limited that a microfiche reader be purchased. Such purchase took place and the microfiche reader is now located on the 12th floor.
3. Concerning the briefing by the Crown of the Criminal Bar the Executive Committee recommended to the Bar Council that the Clerks be requested to supply the State Crown Solicitor with a list of Counsel on their lists prepared to undertake prosecution work. The Bar Council adopted the recommendation. It is believed that this has been of some assistance to Counsel wishing to undertake prosecutions.
4. Arrangements were made by the Committee to commission a portrait of Sir Zelman Cowen.
5. The Committee accepted a painting of the Planning Appeals Tribunal by Nina Gregurek offered by Michael Gregurek for hanging in the Essoign Club.
6. It was resolved that a plaque be purchased for the Sir Edmund Herring Library as a memorial plaque for J. N. Bennett whose bequest purchased Sir Edmund Herring's Library.

### RICHARD GRIFFITH LIBRARY — ANNUAL REPORT

No significant additions have been made this year to the extensive collection of reports, statutes, journals and other material contained in the Richard Griffith Library. However, subscriptions have been commenced for the Australian Criminal Law Reports and the Australian Criminal Law Journal as well as the proposed Australian Planning Appeal Decisions. However, members of the Bar should note that there has been and will continue to be some substantial reorganization of the lay-out of the library, especially at the southern end where more space has been required for the myriad series of Australian Reports and Journals.

Likewise there have been no significant additions to the Sir Edmund Herring collection on the 5th floor of Four Courts Chambers, other than the transfer to it from the main library of the Revised Reports which have been little used since the acquisition of the English Reports.

Selfish use of the library by a very small minority of members of the Bar has again added to the difficulties of the responsible majority. Because of the absence of professional staff, it is **essential** that members of the Bar comply with the rule requiring them to replace all books in their correct position after use.

### ACCOMMODATION COMMITTEE

During the past 12 months, the Committee was engaged in seeking to provide short term accommodation for new members of the Bar. In view of the somewhat critical situation which was then developing, it undertook preliminary negotiation for the leasing of 5 floors (17-21) at ACI House, 200 Queen Street. The final negotiations and the execution of the lease were conducted on behalf of the Bar by Barristers' Chambers Limited.

The floors taken by the Bar at ACI House will provide accommodation for 107 barristers. The chambers within that building differ in size, layout and outlook available from within the rooms. In summary, the new building provides accommodation for those seeking large chambers with modern conveniences and outlook, as well as smaller chambers for those barristers who do not wish to pay the higher rent. The rent payable at

ACI House varies significantly between rooms and floors, but in the main, the rent is comparable to that provided at Latham Chambers. It should be appreciated that the rent includes the provision of such fixtures as bookshelves and cupboards, so that no capital outlay is required by the tenant and the cost of such facilities is built into the rental structure.

It is anticipated that chambers will become available on a progressive basis as from early October next.

Regrettably, ACI House will only provide a short respite from accommodation problems, since it will provide only 107 additional chambers, whereas at present there are between 70 and 80 barristers sharing chambers while awaiting accommodation and a further 33 will complete their reading in December next and will require chambers.

Currently the Bar is spread over 8 buildings. The approximate number of chambers in each building is set up below.

| <b>Building</b> | <b>Nos. of Chambers</b> |
|-----------------|-------------------------|
| ODC             | 311                     |
| Tait            | 36                      |
| Hooker          | 11                      |
| Four Courts     | 110                     |
| Hume            | 27                      |
| Equity          | 43                      |
| Latham          | 84                      |
| ACI House       | 107                     |

### **REPORT OF THE ABC BUILDING SUB-COMMITTEE**

The McLachlan Group (McLachlans) were retained by BCL to advise as to the desirability and feasibility of developing the ABC site and to compare the merits of the various proposals for development which had been received. A summary of the report with an accompanying questionnaire was circulated in December, 1981.

Only 323 answered the questionnaire. The results were —

|                |     |
|----------------|-----|
| Informal       | 3   |
| No development | 30  |
| Strata Title   | 64  |
| Debentures     | 88  |
| Lease back     | 138 |
|                | 323 |

The Bar Council resolved that there should be a general meeting early in the new year for the purpose of obtaining the recommendation of the Bar in general meeting that the development of the ABC site be by way of sale and lease back.

In March, 1982, Hookers circulated a proposal for the Melbourne Legal Centre. Essentially, this involves the construction of a 30 storey building on the ABC site and the demolition of Owen Dixon Chambers providing a plaza onto William Street.

A general meeting was held on the 26th of April, 1982. The motions moved at that meeting were the subject of a poll held on 10th of May, 1982, which resulted as follows —

*“That the development of the ABC site should proceed by such combination of mortgage finance, debenture finance, strata titling and sale and lease-back as the Bar Council shall approve.*

|                  |            |
|------------------|------------|
| <i>In favour</i> | <i>251</i> |
| <i>Against</i>   | <i>128</i> |

*That the development of the ABC site may be accompanied by the disposal of Owen Dixon Chambers as an integral part of the development of the ABC site with the capacity to house all of Melbourne's barristers in a single location.*

|                  |             |
|------------------|-------------|
| <i>In favour</i> | <i>268</i>  |
| <i>Against</i>   | <i>111”</i> |

The developers have continued to press their various proposals for the site but no commitment has been recommended to be made. This to some degree has been a function of the economic climate and the fact that the Bar has taken up floors in 200 Queen Street providing accommodation for 107 barristers. But a decision will shortly have to be made because the potential demand for accommodation shows no sign of decreasing and Radio Australia will shortly be vacating the ABC site.

A further matter affecting any decision to develop the ABC site is the necessity to consider the alternative of 550 Bourke Street (the old ACI House). The property was recently offered for sale by public tender with no result. The property is now for sale by private treaty. Whilst the existing building would accommodate approximately 180 barristers approximately 44% of the site is presently vacant land with significant development potential.

### YOUNG BARRISTERS' COMMITTEE

During 1981-82 the Young Barristers' Committee has continued to be involved in the affairs of the Bar and Bar Council. The Committee meets monthly and endeavours to reflect the views of the Junior Bar in recommendations made to the Bar Council.

Accommodation continues to be an item of major concern. Proposed venues for the future accommodation of barristers have instigated quite lively debate. Recently the Committee resolved that the members of the Junior Bar should not be forced to take up chambers in the new Grollo building. Sharing of chambers still appears to be the acceptable alternative. In order to allow maximum utilization of rooms available, the Young Barristers' Committee recommended to the Bar Council that there should be no further consolidation of rooms in Owen Dixon Chambers.

Collection and payment of fees has also been another major concern to the Committee. Although the question of discount for early payment by solicitors was considered, the Committee thought the interests of the Bar as a whole would be better served by providing the Clerks with guidelines or procedures to adopt for the collection of fees. Furthermore the ultimate sanction of a black list administered by the Bar Council was recommended. There was also discussion in relation to the inadequacy of fees allowed by the Legal Aid Committee in Magistrate's Courts, particularly in the area of Family Law. Young Barristers submitted to the Committee experience of the shortfall of fees as opposed to the type of work undertaken. The necessity to announce appearances before the day of the hearing of a matter in some Magistrates' Courts had caused some members of the Bar problems in terms of placement in the list. This matter was brought to the attention of the Committee which endeavoured to liaise with the Courts concerned in order not to penalise Counsel for failing to notify the Court of their appearance. The question of utilisation of certain Courts in the metropolitan area seemed to indicate that listing of matters appeared to be disproportionately distributed.

### REPORT OF THE TRUSTEES OF THE BAR CLERKING FUND

1. At the commencement of the current year there were in existence guarantees of overdraft accommodation of Messrs. Bloomfield and Howells to the extent of \$20,000.00 each and Mr. Stone to the extent of \$10,000.00.
2. The fund is now used to support the overdraft accommodation of Mr. Bloomfield to the extent of \$20,000.00 and Mr. Howells to the extent of \$30,000.00. The guarantee in respect of Mr. Stone has now been discontinued by mutual agreement.
3. As at the 31st August 1981 the fund was as follows:—
  - (a) On deposit with the Commonwealth Trading Bank —  
for two years at 9% (due 18/12/81) ..... \$ 4,400.00
  - (b) Invested in Australian Savings Bonds  
— Series 2 at 9.5% (due 1/11/83) ..... \$ 5,000.00  
— Series 11 at 9% (due 1/9/85) ..... \$ 9,200.00
  - (c) Savings Investment Account with Commonwealth  
Savings Bank ..... \$24,838.11
  - (d) Credit in Current Account — No. 121-208 ..... \$ 1,124.00
4. As at the 31st August 1982 the fund was as follows:—
  - (a) Invested in Australian Savings Bonds  
— Series 2 at 9.5% (due 1/11/83) ..... \$ 5,000.00  
— Series 11 at 9% (due 1/9/85) ..... \$ 9,200.00
  - (b) Savings Investment Account with the Commonwealth  
Savings Bank ..... \$17,227.38
  - (c) Credit in Current Account — No. 121-208 ..... \$ 2,019.50

5. The Trustees continued to hold discussions during the year with each of the two clerks in relation to their accounts, their weekly expenses and their weekly clerking fees, accruals and their respective financial positions generally. Further assistance by way of loan was effected during the year to one clerk. Co-operation has been received from each of the clerks in the provision of bank records and other documents which have been inspected as required. Each of the clerks has consolidated his business and overdrafts have been held at levels which are acceptable to the Trustees although it has been necessary for the Trustees to use funds by way of loan to enable one overdraft level to remain acceptable.
6. As stated in paragraph 5 during the past year the Trustees have made one advance by way of loan to one of the clerks in order to keep his overdraft account within limits acceptable to the Bank.

### **ETHICS COMMITTEE — ANNUAL REPORT**

1. During the period from 1st September 1981 to 31st August 1982, the Committee held 12 summary hearings and 17 ordinary meetings. The principal business transacted at ordinary meetings was the consideration of complaints and rulings on ethical matters at the request of Counsel. Of 38 complaints received and investigated, 22 complaints were not upheld, 12 were the subject of a summary hearing and 4 are still pending. The sources of complaints were clients (11), solicitors (12), judges and magistrates (3), counsel (5) and others (7). Of the 12 complaints referred to a summary hearing, 6 were upheld, 2 are still pending and 1 was the subject of an objection which resulted in the laying of a charge before the Bar Tribunal (this charge has not yet been heard).
2. The results of the 6 summary hearings in which complaints were upheld may be briefly summarised as follows:—
  - (i) Inexcusable delay in drawing a document to initiate proceedings and the giving of unreliable undertakings — fine \$200.
  - (ii) Failing to return uncompleted brief despite a number of requests to do so — fine \$350; failing to acknowledge receipt of Secretary's letter — fine \$50.
  - (iii) Lengthy failure to draw document and failure to respond to requests to do so — fine \$100.
  - (iv) Failing to return a brief at a reasonable time before the hearing so that the Solicitor did not have a proper opportunity of instructing some other barrister — fine \$300.
  - (v) Failing to return a brief after a hearing within a reasonable time — fine \$350.
  - (vi) Bringing the Bar into disrepute by virtue of references to the Fraud Squad in a letter to Solicitors demanding payment of overdue fees — offence found but no further action taken in all the circumstances.
3. The Committee made recommendations to the Bar Council as to rules relating to the giving of advice (including taxation advice) and as to the question of assignment of barristers' debts. These recommendations are under consideration by the Bar Council.

### **THE ESSOIGN CLUB LIMITED**

The Essoign Club was incorporated on the 11th March 1981.

The Club was promoted by the Bar Council for the purpose of encouraging barristers of all ages to meet socially in pleasant surroundings. It has been supported by the grant of a lease from barristers' Chambers Limited of its premises on the 13th Floor of Owen Dixon Chambers at what is a fairly modest rental and has also received a subsidy from the Bar Council to provide it with working capital.

The Club was required to undertake fairly extensive renovations to the 13th Floor for the purpose of obtaining a Liquor Licence. The licence was eventually granted to the Club on the 26th April 1982.

The official opening of the Club took place on the 24th April 1982 on which occasion the Toast to the Club was proposed by Anderson J.

The Club is now in operation as a fully licensed club. The Club's nominee is Mr. Michael Christian and the full-time barman is Mr. Patrick Gilbert. The bar is open each day between 12.30 and 2.30 p.m. and 4.30 and 7.30 p.m. and on Fridays from 12.30 to 8.30 p.m. Members may introduce visitors (in accordance with the Rules) on any evening and also at any time on Friday.

The first Annual General Meeting of the Club was held on the 27th April 1982. The Committee elected unopposed consists of Berkeley Q.C. (President), Shaw Q.C. (Vice-President), Chernov Q.C. (Treasurer) and Spry Q.C., McInerney and Adams. At that Meeting the services of Judge Walsh in the establishment of the Club and the obtaining of the Liquor Licence were recognised by appointing him to be the Club's first Life Member.

Since it commenced operations a large number of special functions have been held on the Club's premises. Some of those have been conducted by the Club, such as a reception for the Metropolitan Magistrates. Other receptions have been conducted on their own account by members of the Club or those associated with the Club, such as List Dinners. In addition, in recent months the Nominee has catered for regular Friday night dinners.

For the better entertainment of its members, the Committee has appointed a Wine Committee under the knowledgeable and energetic chairmanship of Spry Q.C.

At the end of June 1982 the membership of the Club stood at about 570 of which 510 were barristers and 60 were judges. In April 1982 it was necessary to strike 20 off the Roll of Members (17 barristers and 3 judges) for non-payment of the Annual Subscription of \$10.00 before the end of March.

The number of barristers of all ages patronising the Club has increased with each month since it commenced operations. It is at this stage clear that the Club will be able to pay its own way and that it will serve its purpose as a meeting place for all members of the Bar.

## **LAW REFORM COMMITTEE**

During the past year, the Law Reform Committee pursued the policy of seeking comments on various law reform proposals from members of the Bar with a knowledge, expertise and interest in the relevant areas of law. In this way, a variety of opinions were obtained on the possible effect of a particular law reform proposal and the work load was thus spread more evenly than it otherwise would have been. The Committee is indebted to members of the Bar who have voluntarily given a considerable amount of time and effort to write reports and submissions.

Any member of the Bar who is interested in areas of law reform with which the Committee had to deal and who requires further information, should contact the Secretary (Hockley).

The following is a summary of some of the matters dealt with by the Committee during the past 12 months.

### **Australian Law Reform Commission**

Once again, the Commission has produced a large number of thought-provoking papers dealing with a wide range of legal issues. In the main, they were reviewed by various members of the Bar and in many instances, comments or reports were forwarded by the Committee to the Commission.

In particular, Commissioner T. H. Smith produced 10 Research Papers on the Law of Evidence which dealt with existing law and areas which require or may require change. In respect of some of these papers, Nash prepared commentaries which were considered by the Committee and then forwarded to the Commissioner. Where the papers dealt essentially with the law of evidence that affected criminal trials, they were forwarded to the Criminal Bar Association for consideration by its members.

### **Chief Justice's Law Reform Committee Report on Statute of Limitations as they apply to personal injury claims**

The State Government is contemplating the introduction of legislation to deal with the limitation period in respect of personal injury claims. It has announced that this legislation will be introduced only after consultation with and consideration of comments by interested groups.

Several members of the Bar have undertaken the task of preparing reports on this proposal.

### **Educational Services Bill**

A member of the Bar drew the attention of the Committee to section 70 of the then Educational Services Bill which seeks to prohibit a teacher's right of representation by his legal adviser before the Tribunal. The matter was referred by the Committee to the Bar Council with a recommendation that it take this up with the Attorney-General with the view to preserving that right.

### **Planning Appeals Guidelines**

Planning Appeals Guidelines were issued by the Chairman of the new body and comments thereon were prepared by Buckner Q.C. and in due course, were forwarded to the Tribunal.

### **Discount Rates in Assessing Present Value of Damages for Future Economic Loss in Personal Injury Cases**

Following a request from a member of the Bar, the Committee wrote to the Attorney-General requesting that the Bar be informed in advance of any proposal to legislate in this area.



### **Northern Territory Criminal Code Bill**

The Northern Territory Department of Law has requested the Bar to comment on this proposed Bill. The Committee referred this matter to the Criminal Bar Association, a sub-committee of which is engaged in examining the Bill.

### **Administrative Appeals Tribunal — Compensation Section**

Complaints were made by a member of the A.A.T. (Compensation Section) about the failure by counsel to inform the Tribunal in sufficient time that settlement between the parties had been reached.

These complaints were reported to the Committee by a member of the Bar. The Committee took this matter up with the President of the Tribunal, Mr. Justice Davies, and this situation has now been resolved.

### **Delays in Handing Down Judgments by the High Court and Venue for 1982 Sittings of the Full Court of the Federal Court**

The Committee recommended that the question of delays in the handing down of judgments by the High Court and the possibility of the Full Court of the Federal Court being permanently placed in Canberra be referred to the Australian Bar Association for its consideration.

### **Commercial Arbitration Bill**

Golvan prepared a comprehensive report on the various aspects of this Bill and the Committee resolved that that report be forwarded to the Attorney-General.

### **National Companies and Securities Legislation**

An area of law being monitored by the Committee is the National Companies and Securities Legislation. The Committee has requested a member of the Bar to establish a Law Reform Committee Panel (Companies) with power to co-opt in order to monitor public statements made from time to time by the N.C.S.C.

### **Other Matters**

In addition to the above, the Committee dealt with other areas where law reform was then contemplated. They include the following.

- Juries Amendment Bill
- Diminished Responsibility
- Criminal Injuries Compensation Act 1972
- Reforms to Victorian Consumer Legislation
- Repatriation Act 1920
- Broadcasting and Television Act 1942
- Access to Courts — Maintenance and Champerty
- Industrial Safety, Health and Welfare Act 1981.

## THE VICTORIAN BAR

### STATEMENT OF RECEIPTS & PAYMENTS FOR THE YEAR ENDED 31ST AUGUST, 1982

|  | \$               | \$                | \$               | \$        |
|--|------------------|-------------------|------------------|-----------|
| BALANCE in hand 31st August, 1981  |                  |                   | 10,989.77        |           |
| BALANCE in Savings Bank  |                  |                   | 102.18           |           |
| BALANCE in Savings Investment Account  |                  |                   | <u>11,302.13</u> | 22,394.08 |
| <b>REVENUE RECEIPTS</b>  |                  |                   |                  |           |
| Annual Subscriptions previous years  |                  | 620.00            |                  |           |
| Annual Subscriptions current year  |                  | <u>125,370.00</u> |                  |           |
|  |                  | 125,990.00        |                  |           |
| Dividends on Shares  |                  | —                 |                  |           |
| Interest — Commonwealth Bonds  | 90.00            |                   |                  |           |
| Savings Investment Account   | 1,280.62         |                   |                  |           |
| Savings Bank Deposits  | 3.83             |                   |                  |           |
| Short Term Deposits  | 8,432.50         |                   |                  |           |
| Loan to Barristers' Chambers Ltd.  | <u>15,000.00</u> | 24,806.95         |                  |           |
| Royalties Sir Gregory Gowans' Book   |                  | 72.54             |                  |           |
| Readers' Practice Course   |                  | 32,872.00         |                  |           |
| Refund Income Tax  |                  | 1,251.00          | 184,992.49       |           |
| <b>REVENUE EXPENDITURE</b>   |                  |                   |                  |           |
| <b>(a) Administration Expenses:</b>  |                  |                   |                  |           |
| Auditors' Remuneration   | 495.00           |                   |                  |           |
| Bank Charges   | 74.57            |                   |                  |           |
| Floral Tributes  | 88.00            |                   |                  |           |
| General Expenses —   |                  |                   |                  |           |
| Purchase Trophies & Engraving  | 81.90            |                   |                  |           |
| Newspaper Advertisements   | 154.60           |                   |                  |           |
| Airfreight — Loving Cup  | 25.20            |                   |                  |           |
| Identification Cards & Rubber Stamp  | 56.35            |                   |                  |           |
| Microfiche of Bar Roll & Bar Council Minutes   | 165.92           |                   |                  |           |
| Framing of Picture   | 65.25            |                   |                  |           |
| Lettering, Chairmen's Honour Board   | 28.00            |                   |                  |           |
| Postage  | 2.55             |                   |                  |           |
| Purchase of Book — Professions in the Market Place                                   | 11.46            |                   |                  |           |
| Shortfall cost ABA Dinner in Canberra  | 800.00           |                   |                  |           |
| Law Institute — Supplement L.I. Journal  | <u>349.60</u>    | 2,398.40          |                  |           |
| <b>(b) Capitation &amp; Affiliation Fees:</b>  |                  |                   |                  |           |
| Lawasia 1981-1983  | 500.00           |                   |                  |           |
| International Bar Association  | 80.90            |                   |                  |           |
| Law Council of Australia   | 10,955.00        |                   |                  |           |
| Victorian Council of Professions   | 250.00           |                   |                  |           |
| Australian Institute of Judicial Administration Inc.                                 | <u>75.00</u>     | 11,860.90         |                  |           |
| <b>(c) Travelling Expenses:</b>  |                  |                   |                  |           |
| Fares & Expenses of Representatives at Local and Interstate Conferences and Meetings | 2,279.37         |                   |                  |           |
| <b>(d) Functions &amp; Entertainment:</b>  |                  |                   |                  |           |
| For Catering, Hiring, etc.   | 19,930.16        |                   |                  |           |
| For Chairman's Fund  | 2,000.00         |                   |                  |           |
|  | 21,930.16        |                   |                  |           |
| Less: Members Payments   | <u>14,912.55</u> | 7,017.61          |                  |           |
| Carried Forward  |                  | <u>23,556.28</u>  | 184,992.49       | 22,394.08 |

|                            |   |                  |                  |                    |
|----------------------------|---|------------------|------------------|--------------------|
|                            | Brought Forward   | 23,556.28        | 184,992.49       | 22,394.08          |
| (e)                        | <b>Transcript of Proceedings re Complaints, etc.</b>      | 2,406.40         |                  |                    |
| (f)                        | <b>Remuneration of Lay Observer at \$1,000 p.a. — 1/4</b> | 250.00           |                  |                    |
| (g)                        | <b>Essoign Club:</b>                                      |                  |                  |                    |
|                            | Liquor Licence  | 4,443.02         |                  |                    |
|                            | Architects Fees   | 2,237.50         |                  |                    |
|                            | Loan for Establishment Expenses                           | <u>10,000.00</u> | 16,680.52        |                    |
| (h)                        | <b>Readers' Practice Course:</b>                          |                  |                  |                    |
|                            | Co-ordinator's & Instructor's Fees                        | 23,470.00        |                  |                    |
|                            | Hiring, Rent, Printing, Typing, Functions, etc.           | <u>2,548.60</u>  | <u>26,018.60</u> | <u>68,911.80</u>   |
|                            | <b>Excess Receipts over Expenditure</b>                   |                  |                  | 116,080.69         |
|                            |   |                  |                  | <u>138,474.77</u>  |
| <b>CAPITAL RECEIPTS</b>    |   |                  |                  |                    |
|                            | Sales — "A Multitude of Counsellors"                      |                  | 136.70           |                    |
| <b>CAPITAL EXPENDITURE</b> |   |                  |                  |                    |
|                            | Investments — Short Term Deposits                         |                  | 80,000.00        |                    |
|                            | <b>Excess Capital Expenditure over Capital Receipts</b>   |                  |                  | <u>79,863.30</u>   |
|                            | BALANCE of Cash on hand at 31st August, 1982              |                  |                  | <u>\$58,611.47</u> |
| <b>TRUST FUND</b>          |   |                  |                  |                    |
|                            | <b>Barristers' Benevolent Fund</b>                        |                  |                  |                    |
|                            | Receipts  | 14,567.00        |                  |                    |
|                            | Remitted  | 14,567.00        |                  | Nil                |

### ASSETS AS AT 31ST AUGUST, 1982

|     |   |                 |                  |                     |
|-----|---|-----------------|------------------|---------------------|
|     |   | \$              | \$               | \$                  |
| 1.  | Cash in Bank — Savings Bank Account                           |                 | 106.01           |                     |
|     | Cheque Account  |                 | 45,922.71        |                     |
|     | Savings Investment Account                                    |                 | <u>12,582.75</u> | 58,611.47           |
| 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       | 114,000.00      |                  |                     |
| (d) | Barristers' Chambers Ltd. — Unsecured Loan — 10%              | 150,000.00      |                  |                     |
| (e) | Wine for Bar Centenary 1984                                   | <u>2,370.00</u> |                  | 284,670.00          |
| 3.  | Member and Other Debtors                                      |                 |                  | 30,676.50           |
| 4.  | Liquor at Cost  |                 |                  | 1,008.00            |
| 5.  | Copies of "A Multitude of Counsellors"                        |                 |                  | 564.50              |
| 6.  | Honour Board of Past Chairmen of Victorian Bar Council        |                 |                  | 256.00              |
| 7.  | Gifts — Candelabra, etc. insured for                          |                 |                  | <u>1,276.00</u>     |
|     |   |                 |                  | <u>\$377,062.47</u> |

### Honorary Treasurer's Note to Accounts

Although not shown as an asset, the amount of \$16,680.52 set out in paragraph (g) above was expended for the benefit of the Essoign Club (and on its behalf) and it is anticipated that this debt will be reflected in the List of Assets of the Bar in the Financial Statement for the year ending 31st August 1983.