

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1982-1983

ANNUAL REPORT OF THE VICTORIAN BAR COUNCIL 1982-1983

To be presented at the Annual General Meeting of the Victorian Bar to be held on 26th September, 1983 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 1982 the following persons were elected:—

Counsel of not less than 12 years' standing —

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

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

Messrs. P. Mandie, J. D. McArdle, B. A. Murphy and M. A. Adams.

Counsel of not more than 6 years' standing —

Mr. C. Gunst, Miss Rachelle Lewitan and Mr. M. B. Kellam.

Note: Mr. A. B. Nicholson Q.C. resigned in November 1982 upon appointment to the Supreme Court Bench. In a by-election held in December 1982 Mr. R. K. J. Meldrum Q.C. was elected to fill the casual vacancy. Mr. G. Hampel Q.C. resigned in March 1983 upon appointment to the Supreme Court Bench and in the by-election which followed in April 1983 Mr. N. R. McPhee Q.C. was elected to fill the casual vacancy. Upon the appointment of Mr. Hampel Q.C., Mr. S. P. Charles Q.C. was elected Vice-Chairman of the Bar Council.

Officers of the Bar Council

Chairman — Mr. Brian Shaw Q.C.

Vice-Chairman — Mr. George Hampel Q.C. (to March 1983), Mr. Stephen Charles Q.C. (from March 1983)

Honorary Treasurer — Mr. A. Chernov Q.C.

Assistant Honorary Treasurer — Mr. H. R. Hansen

Honorary Secretary — Mr. D. J. Habersberger

Assistant Honorary Secretary — Mr. R. A. Finkelstein

Executive Director — Mr. E. T. Fieldhouse (appointed 1st February, 1983)

Executive Officer — Miss D. M. Brennan

YOUNG BARRISTERS' COMMITTEE

Messrs. P. D. Cummins Q.C. (Chairman) and M. B. Kellam (Bar Council members). Messrs. D. E. Curtain, M. B. Kellam, W. E. Stuart, N. T. Robinson, Miss E. H. Curtain, Messrs. A. J. McDonald (Secretary), P. D. Elliott, Miss E. A. Kominos, Messrs. B. S. T. Vaughan and S. R. Marshall. Elections were held in August 1983 when the first five members retired but were eligible for re-election.

Following the elections the present members are: Miss E. H. Curtain, Messrs. A. J. McDonald (Secretary), P. D. Elliott, B. S. T. Vaughan, S. R. Marshall, C. J. Ryan, M. W. Shand, Miss F. P. Foster, Messrs. G. M. Randall and A. N. Bristow.

BAR COUNCIL ADMINISTRATIVE COMMITTEES

EXECUTIVE COMMITTEE

Messrs. Shaw Q.C. (Chairman), Hampel Q.C. (Vice-Chairman to March 1983), Charles Q.C. (Vice-Chairman from March 1983), McPhee Q.C. (from April 1983), Barnard Q.C., Cummins Q.C., Nicholson Q.C. (to November 1982), Chernov Q.C., Habersberger and Finkelstein (Secretary).

Area of responsibility:

(a) Joint Standing Committees

Joint Standing Committee of the Bar and Law Institute

Messrs. Shaw Q.C. and Hampel Q.C. (to March 1983) and Charles Q.C. (from March 1983)

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

Messrs. 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.

Joint Standing Committee on Legal Professional Privilege

Messrs. Charles Q.C., Ormiston Q.C., Cummins Q.C. and Chernov Q.C. (nominated June 1983)

Joint Standing Committee of the Bar and Law Institute on Workers' Compensation

Messrs. Ellis, M. J. Gorton, Bowman and Chamings (nominated May 1983)

(b) Standing Committees

Bar Staff Committee

Messrs. Shaw Q.C. (Chairman), Hulme Q.C., Forsyth Q.C., Harper and M. A. Adams

Police/Lawyers Liaison Committee

Messrs. Walker Q.C. (Chairman), James, Crossley, Rozenes and Tribe (emergency)

Victorian Bar News — Editorial Board

Messrs. Byrne Q.C. (Chairman), D. J. Ross, Gunst, Mrs. R. Weinberg and Mr. Newton

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. Chernov Q.C., Cummins Q.C. and A. J. Myers

Bar Fees Committee

Messrs. Nicholson Q.C. (Chairman to November 1982), Cummins Q.C. (Chairman from March 1983), Meldrum Q.C. (Vice-Chairman from March 1983), Dalton Q.C., Kendall Q.C., Balfe Q.C., Shannon, Watkins and Kellam

Bar Library Committee

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

First Aid Committee

Mr. P. R. A. Gray (Chairman), Mrs. McIntosh and Miss Murphy

Bar Centenary Committee (1984)

Mr. Berkeley Q.C.

Readers' Practice Course Committee

Messrs. Black Q.C. (Chairman), Dowling Q.C., D. J. Ross and Vaughan (the last three members to February 1983), Mr. Justice Hampel, Messrs. Chernov Q.C. and Habersberger (from February 1983)

Administration Committee

Messrs. Hampel Q.C. (Chairman to March 1983), Shaw Q.C. (Chairman from March 1983), Charles Q.C. (from April 1983), Chernov Q.C., Harper, A. J. Myers, M. A. Adams, J. A. Magee and E. T. Fieldhouse (Executive Director — from March 1983)

Computer Committee

Messrs. Cummins Q.C. (Chairman), Willee, Burnside, Emmerson and Ian H. Gibson

Legal Aid Committee

Messrs. Vincent Q.C. (Chairman), J. Kay, M. A. Adams, Gunst and W. E. Stuart

(c) Bar Appointees**Executive of Law Council of Australia**

Mr. Shaw Q.C. (to June 1983) and Mr. Hansen (from June 1983)

Council of Australian Bar Association

Messrs. Shaw Q.C. (President to February 1983) and Hampel Q.C. (to March 1983) and Charles Q.C. (from April 1983)

Victorian Council of Professions

Messrs. N. J. Webb and P. H. Kearney

Chief Justice's Committee for Religious Observances

Mr. R. M. C. Nankivell

Legal Aid Commission of Victoria

Mr. Barnard Q.C. (to February 1983) and Mr. Graham Q.C. (from February 1983 to February 1986)

Legal Aid Committee No. 1

Mr. Kendall Q.C.

Legal Aid Committee No. 2

Mr. Hooper Q.C. (to 1/5/1984)

Joint Committee with Law Institute on Legal Aid

Messrs. Vincent Q.C., J. Kay, M. A. Adams, Gunst and W. E. Stuart

Appeal Costs Board

Mr. Hooper Q.C. (to 30/9/1985)

Law Faculty — University of Melbourne

Messrs. Hedigan Q.C. and Cummins Q.C.

Monash University Law Faculty Board

Mr. Fajgenbaum

Law Faculty — Monash University

Messrs. Williamson Q.C. and Willee

La Trobe University Proctorial Board

Mr. Lloyd Q.C.

Council of Legal Education

Messrs. Dwyer Q.C., Nash and Harper

Legal Education Committee

Messrs. Fajgenbaum and Richter (alternate)
This Committee was disbanded early in 1983.

Australian Legal Education Council

Mr. Goldberg Q.C. (nominee of Law Council)

Victoria Law Foundation

Mr. Shaw Q.C. Mr. Barnard Q.C. acts at alternate.

Leo Cussen Institute for Continuing Legal Education

His Honour Judge Ogden and Mr. Dwyer Q.C. (to 30/9/1987)

Board of Examiners

Messrs. Hedigan Q.C. (to 31/12/1983), Dowling Q.C. (to 31/12/1985) and Bongiorno (to 31/12/1984)

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 — Civil

Mr. Black Q.C.

Council of Law Reporting

Messrs. Merralls Q.C. and Gunst (both for a period of five years from November 1982)

Attorney-General's Advisory Committee on Computerised Legal Information Retrieval

Mr. Cummins Q.C.

(d) Other**Victorian Bar Superannuation Fund Trustees**

Dr. Spry Q.C. (Chairman), Messrs. Hansen, Hayne and Robson

Directors of Barristers' Nominee Pty. Ltd.

Messrs. Hansen, Hayne and Robson

Barristers' Benevolent Association of Victoria — Committee of Management

Messrs. Shaw Q.C. and Chernov Q.C.

Applications Review Committee

Messrs. Liddell Q.C. (Chairman), Hansen, B. A. Murphy, Habersberger and Finkelstein

ETHICS COMMITTEE

Messrs. Barnard Q.C. (Chairman), McPhee Q.C. (from February 1983), Hedigan Q.C. (from February 1983), J. H. Phillips Q.C., Charles Q.C. (to June 1983), Castan Q.C., Uren Q.C. (from June 1983), Hansen, Mandie (Secretary), and B. A. Murphy. Mr. F. Eyre is the Lay Observer.

LAW REFORM COMMITTEE

Messrs. Storey Q.C. (Chairman to June 1983), Gillard Q.C. (Chairman from June 1983), Vincent Q.C. (from June 1983), Miss Opas, Messrs. Heerey and Nash, Miss Lewitan and Mr. 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)
Gifford Q.C.	(Local Government) (to June 1983)
Bourke, B. J.	(Liquor Control)
Ellis	(Workers' Compensation)
Merkel Q.C.	(Trade Practices)
Spry Q.C.	(Taxation)
Paterson Q.C.	(Companies)
Francis Q.C.	(Military)

(b) **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

Mr. Wheeler

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.

Criminal Law Consultants Committee

Mr. J. H. Phillips Q.C. (to February 1983), Mr. Vincent Q.C. (from February 1983 — principal representative) and Walker Q.C. (alternate)

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

Messrs. Vincent Q.C. (Chairman), Hassett (Vice-Chairman), Lasry (Secretary) and Lovitt (Treasurer)

General Committee

Messrs. Francis Q.C., J. R. Perry, Langslow, Hollis-Bee, Kennon, Barnett, M. S. Weinberg and Maidment

ACCOMMODATION COMMITTEE

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

(a) **A.B.C. Development Sub-Committee**

Messrs. O'Callaghan Q.C. (Chairman), Liddell Q.C., Chernov Q.C., Hansen (resigned February 1983), Webster, Finkelstein, Gunst, Miss Lewitan and Mr. Isles

(b) **Directors of Barristers' Chambers Ltd.**

Messrs. Hulme Q.C. (Chairman), Charles Q.C. (from April 1983; Vice-Chairman from July 1983), O'Callaghan Q.C., Hampel Q.C. (to March 1983), Forsyth Q.C. (to June 1983), Chernov Q.C. (from July 1983), McArdle (to June 1983), A. J. Myers, Bannister (to June 1983), Mrs. A. Moshinsky (to June 1983) and Mr. E. T. Fieldhouse (Director from July 1983 and Secretary from March 1983), and Mrs. P. M. Butler (Secretary to March 1983)

BAR COUNCIL LIAISON AND COMMUNICATIONS COMMITTEE

Messrs. Dowling Q.C. (Chairman) and Kellam (Vice-Chairman)

(a) **Owen Dixon Chambers**Floors 1-4 inclusive
Floors 5-8 inclusive
Floors 9-12 inclusiveMr. Liddell Q.C.
Mr. Nicholson Q.C. (to November 1983)
Mr. Chernov Q.C.(b) **Latham Chambers**

Mr. J. H. Phillips Q.C.

(c) **Four Courts Chambers**Floors 4-7
Floors 8-11Mr. M. A. Adams
—(d) **Tait Chambers & Hooker Building** Mr. Gunst

- (e) **Hume House** Mr. Hansen
- (f) **Equity Chambers** —

HONORARY LIFE MEMBERS

After the death of Sir James Tait Q.C. in July 1983, Sir Henry Winneke, K.C.M.G., O.B.E., Q.C. is the only Honorary Life Member of the Victorian Bar.

COUNCIL MEETINGS

There have been 26 ordinary meetings and 5 special meetings of the Bar Council during the period 1st September 1982 to 31st August 1983. Attendances from the first meeting of the new Council on 29th September 1982 to 31st August 1983 have been:—

B. J. Shaw Q.C.	22	A. Chernov Q.C.	17
G. Hampel Q.C.		R. K. J. Meldrum Q.C.	
(to March 1983)	12	(from December 1982)	(4) 14
S. P. Charles Q.C.	(9) 14	H. R. Hansen	(2) 20
N. R. McPhee Q.C.		P. Mandie	23
(from April 1983)	11	J. D. McArdle	25
J. E. Barnard Q.C.	24	B. A. Murphy	18
P. A. Liddell Q.C.	18	M. A. Adams	21
J. H. Phillips Q.C.	(4) 11	C. Gunst	24
P. D. Cummins Q.C.	21	Rachelle Lewitan	26
M. J. L. Dowling Q.C.	(6) 19	M. B. Kellam	18
A. B. Nicholson Q.C.			
(to November 1982)	5		

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

D. J. Habersberger (Hon. Secretary)	21
R. A. Finkelstein (Assistant Hon. Secretary)	24

COMMITTEE MEETINGS

During the period 1st September 1982 to 31st August 1983 the following Committee meetings were held:—

Executive Committee	21
Ethics Committee	32
Law Reform Committee	7

SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscriptions for members of the Bar for the period 1st September 1982 to 31st August 1983:—

Queen's Counsel	\$390.00
Over 10 years' standing	260.00
Over 3 but under 10 years' standing	175.00
Over 1 but under 3 years' standing	100.00
Under 1 years' standing	60.00
Interstate Queen's Counsel	40.00
Interstate Juniors	30.00
Solicitor-General	60.00
Crown Prosecutors and Parliamentary Counsel	65.00
Retired Barristers (on Practising List)	10.00
Other Official Appointments	65.00

PERSONALIA

Obituary: The Council records with deep regret the deaths since the last report, of the following members:—

His Honour Judge Adams (retired)	The Honourable B. J. Dunn Q.C. (retired)
B. O'Keeffe	His Honour Judge Wright
Sir James Tait Q.C.	

Judicial Appointments: In November 1982 the Honourable Mr. Justice Jenkinson was appointed to the Federal Court Bench having previously been a Judge of the Victorian Supreme Court. In the same month the Honourable Mr. Justice Nicholson was appointed to the Supreme Court Bench. In December 1982 His Honour Judge Kimm was appointed an additional Chairman of the Liquor Control Commission. In March 1983 the Honourable Mr. Justice Hampel was appointed to the Supreme Court Bench. In April and May 1983 respectively His Honour Judge Villeneuve-Smith and His Honour Judge Fricke were appointed to the County Court.

Other Appointments:

September 1982	Mr. H. C. Berkeley Q.C. — Solicitor-General for Victoria
October 1982	Mr. R. Redlich — Special Prosecutor
November 1982	Mr. P. A. H. Furness — Deputy President, Repatriation Review Tribunal
December 1982	Mr. R. K. Todd — Deputy President, Administrative Appeals Tribunal
January 1983	Mr. J. H. Phillips Q.C. — Director of Public Prosecutions
February 1983	Mr. S. R. Morris — Senior Member, Planning Appeals Board
March 1983	Senator the Honourable Gareth Evans, M.P., Attorney-General for the Commonwealth
April 1983	Mr. K. J. Mahony — Senior Master of the Supreme Court
August 1983	Mr. E. K. Evans — Master of the Supreme Court

Queen's Counsel: The following members of the Bar were appointed Queen's Counsel in November 1982:— Messrs. A. R. O. Rowlands, A. G. Uren, R. Merkel, J. G. Larkins, D. R. Meagher, D. M. Byrne and R. K. J. Meldrum.

Welcomes: During 1982 the Honourable Mr. Justice Nicholson was welcomed to the Supreme Court Bench and His Honour Judge Kimm was welcomed as a Chairman of the Liquor Control Commission. In 1983 the Honourable Mr. Justice Hampel was welcomed to the Supreme Court Bench and His Honour Judge Villeneuve-Smith and His Honour Judge Fricke were welcomed to the County Court Bench. On the first three occasions the Chairman made an address of welcome on behalf of the Bar and on the last two occasions the Vice-Chairman spoke.

Farewells: The Chairman and members of the Bar attended a farewell on 9th February 1983 to the Honourable Sir Murray McInerney and on 14th April 1983 a farewell to Master C. P. Jacobs. On both occasions the Chairman spoke on behalf of the Bar. In July 1983 Mr. P. H. N. Opas Q.C., the Chairman of the Town Planning Appeals Tribunal, held a farewell ceremony to mark the retirement of Mr. K. H. Gifford Q.C. The Chairman and members of the Bar were present.

Tributes: On 4th August 1983, members of the Bar attended a tribute to the late Judge Wright which was held in the County Court. All members of the Bar were saddened by the death of Sir James Tait Q.C. on 4th July 1983, at the age of 92. Sir James signed the Roll in 1919 and no member of the Bar can remember a time when Sir James did not keep chambers in either Selborne or Owen Dixon Chambers.

ROLL OF COUNSEL

Between 1st September 1982 and 31st August 1983 the following 92 persons, 6 of whom are interstate barristers, signed the Roll of Counsel:—

Messrs. C. R. Williams (re-signed), D. B. Milne (N.S.W. Q.C.), B. G. K. Ross (re-signed), D. Williams, N. Papas, D. A. Parsons, I. M. White, D. E. Whitchurch, G. A. A. Nettle, S. A. Shirrefs, M. A. Nightingale, A. L. Bull, J. C. Hall, F. C. Saccardo, R. F. Egan, I. L. Himmelhoch, M. J. Crennan, M. J. Colbran, R. D. Shepherd, D. M. McDonald, Miss P. E. Darling, Messrs. R. F. Pirrie, M. J. F. Sweeney, I. L. Gray, M. McK. Park, G. E. Chancellor, G. S. Lester, J. F. Goldberg, J. E. Frankcom, P. J. Coish, I. S. Williams, N. Mukhtar, Miss L. J. Evans, Messrs. J. R. B. Norris (A.C.T. Q.C.), M. C. Pryles (re-signed), C. F. Kilduff, G. J. Bakos (N.S.W.), R. G. Marden (N.S.W.), M. A. Scarfo (re-signed), C. A. White, R. S. Randall, J. E. Goetz, L. A. Dent, T. J. North, Miss J. Davies, Messrs. R. L. Dean, G. Phillips, A. J. Shaw, P. A. D'Arcy, G. B. Powell, C. C. Ham, P. G. Richards, J. A. O'Brien, M. Gray, Mrs. J. A. Nicholson, Messrs. D. R. Cordy, B. M. Young, P. M. Foley, M. E. Dean, J. F. Carmody, K. W. Esser, Miss J. M. Crowe, Miss J. Fust, Messrs. P. F. Duffy, R. B. Phillips, P. R. Best, H. D. Gillespie, S. L. Stone, D. J. Trickett, Miss S. A. Wood, Messrs. J. D. Hammond, S. L. Tatarka, Miss J. R. Davis, Messrs. R. J. Holdsworth, J. M. Clohesy, Miss M. L. Exell, I. R. Gucciardo, A. M. Elliott, Miss J. A. Drake, Mr. S. G. R. Wilmoth, Miss O. Nikou, Messrs. P. J. Harris, J. F. P. C. C. Walsh of Brannagh, T. A. Munro, Miss D. C. Blanksby, Messrs. D. M. Maclean, P. R. P. Gibbons, D. G. Doane, J. J. Goodman, A. P. Whitlam (N.S.W.), A. M. Gruzman (N.S.W.), and R. M. Downing (re-signed).

Transfers to Masters and Other Official Appointments List

Messrs. J. B. Gaffney, P. A. H. Furness, S. R. Morris, Senior Master K. J. Mahony, Mr. R. L. Crisp and Master E. K. Evans.

Members who have retired from Active Practice

Messrs. E. A. H. Laurie Q.C., F. G. Tinney (Crown Prosecutor), P. C. Martin (Crown Prosecutor) and N. J. Webb.

Names removed at request of Counsel

Messrs. M. H. Taylor, M. J. Rivette, N. A. White, J. T. Finn, J. R. Therry-Ward (N.S.W.), A. Endrey Q.C., Miss Peggy Goldberg, Messrs. B. L. Devenish, P. L. Cain, H. A. J. Ford and K. H. Gifford Q.C.

THE ROLL

	1982	1983	Change
Governor's List	2	1	- 1
Judges' List	120	122	+ 2
Practising List	947	1,003	+ 56
Masters and Other Official Appointments List	21	27	+ 6
	<u>1,090</u>	<u>1,153</u>	<u>+ 63</u>
* Counsel in active private practice	768	825	+ 57

* 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 1st February 1983 to mark the opening of the Legal Year, religious services were held at St. Paul's Cathedral, St. Patrick's Cathedral, Temple Beth Israel and St. Eusthathios' Cathedral.

At St. Paul's Cathedral the lessons were read by the Solicitor-General, Mr. H. C. Berkeley Q.C., and the Honourable Mr. Justice McGarvie. The sermon was preached by Professor Max Charlesworth, School of Humanities, Deakin University.

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 Temple Beth Israel the address was given by Rabbi Karen Soria.

At St. Eusthathios' Cathedral the Service was conducted by His Eminence Archbishop Stylianos who also delivered the sermon. The Chief Justice, Sir John Young and Lady Young were present.

Bar Entertainment

On 28th September 1982 a Drinks Function was held in the Essoign Club to farewell Mr. Percy Malbon who retired as Prothonotary of the Supreme Court after holding that position for many years.

Aickin Chambers was officially opened on 10th November 1982 when the Chief Justice, Sir John Young, spoke at the Drinks Function held on the 21st Floor.

The Annual Christmas Cocktail Party was held in the Club premises on the 17th December 1982. The function was well attended by members of the Bench and Bar together with wives and guests.

On the 3rd February 1983 a Bar Council Dinner was arranged to entertain Mr. Justice Nicholson following his appointment to the Supreme Court Bench.

The 5th May 1983 was chosen as the date for the Bar Council to entertain Mr. Justice Hampel and John Phillips Q.C. Very pleasant dinners were held in the Essoign Club on both occasions.

A change of venue was arranged for the Bar Dinner held on 4th June 1983, Moonee Valley Convention Centre proved a great success and many members considered it the best Bar Dinner in years. The Honoured Guests were the Honourable Sir Edward Woodward, O.B.E., Mr. H. C. Berkeley Q.C., the Honourable Mr. Justice Jenkinson, the Honourable Mr. Justice Nicholson, His Honour Judge Kimm, Mr. J. H. Phillips Q.C., the Honourable Sir Murray McInerney, the Honourable Mr. Justice Hampel, Senator the Honourable Gareth Evans, M.P., His Honour Judge Villeneuve-Smith, Master C. P. Jacobs, Senior Master K. J. Mahony and His Honour Judge Fricke. Mr. R. K. J. Meldrum Q.C. was Mr. Junior Silk.

On 11th August 1983 members of the Council entertained the Directors of Barristers' Chambers Ltd., Mr. K. H. Gifford Q.C., who had retired at the end of June and Senior Master Mahony.

Apart from the functions mentioned, Readers' Dinners were held in November 1982 and May 1983. Last November Mr. Ted Laurie Q.C. was our guest speaker and in May last Sir Reginald Smithers addressed the Readers.

Sporting Functions

The annual Cricket and Tennis Matches between the Bench and Bar and the Solicitors were played at the "Old Scotch" oval and the Albert Ground respectively on 20th December 1982. The Law Institute cricket team was successful in winning the Sir Henry Winneke Cup and after a thrilling contest they too won the O'Driscoll Tennis Cup — 25 sets, 284 games to the Bar's 25 sets, 283 games. Mr. Thomson Q.C. organised the tennis match and

Mr. Dove Q.C. the cricket match.

The 1983 Golf Match between the Bench and Bar and the Solicitors was played on 28th January at Royal Melbourne Golf Club when the Institute won the Sir Edmund Herring Cup — 7 matches to 2 plus 2 matches drawn. Mr. Justice Walsh of the Family Court presented the trophy to Mr. Simon Rofe.

This year the Golf Match between the Bench and Bar and the Services will not be held until 30th September.

VICTORIAN BAR BUSHFIRE APPEAL

Following the tragic bushfires in February this year the Bar decided to set up a Bushfire Appeal. The Bar Council started the Appeal with a donation of \$5,000 and members responded generously immediately. The Appeal closed at the end of March having raised \$22,766, half of which went to the Australian Red Cross Society and half to the Salvation Army. We were assured by both organisations that the money was directed to the areas of greatest need.

COMMITTEE TO CONSIDER WAYS OF SHORTENING CRIMINAL TRIALS AND COMMITTALS

This Committee set up by the Bar Council in 1982 consisting of The Honourable Mr. Justice McGarvie (Chairman), 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, both of whom were subsequently replaced by B. T. E. Flynn (nominees of the Law Institute) and Julian Gardner (Director of the Legal Aid Commission) is still meeting regularly twice each month.

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

This Committee was also established by the Bar Council in 1982 consisting of R. H. Searby Q.C. (Chairman), J. L. Dwyer Q.C., Gavan Griffith Q.C., R. Merkel Q.C., B. C. Cooney, D. L. Harper and S. C. Kenny. The Report of the Committee will be completed very shortly.

FEES PROPOSAL COMMITTEE

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

I. E. Douglas Q.C.
R. P. Dalton Q.C.
N. H. M. Forsyth Q.C.
P. D. Cummins Q.C.
F. H. R. Vincent Q.C.
D. M. Ryan Q.C.
C. N. Jessup (Secretary)

The object of the Committee is to assist the Bar Council in connection with proposals currently being discussed by the Civil Justice Committee and proposed by the Government for the setting up of a Single Fee Fixing Tribunal. Dr. Neville Norman of the Economics & Commerce Department at the University of Melbourne has been engaged to assist the Committee.

COMMITTEE TO CONSIDER WORKERS' COMPENSATION

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

J. R. Hanlon Q.C.
V. F. Ellis
D. J. Ashley
J. H. Tebbutt
M. O'Loghlen

The Committee will assist the Bar Council in the preparation of a submission in relation to the Inquiry set up by the Government to report on Workers' Compensation. The Chairman of the Inquiry is B. C. Cooney.

COMMITTEE TO CONSIDER THE GOVERNMENT'S PROPOSAL FOR A NATIONAL COMPENSATION SCHEME

The Law Institute and the Bar Council have recently set up a Joint Committee to look into the Federal Government's proposal for a National Compensation Scheme. The Bar has nominated the following as its representatives:—

D. A. Kendall Q.C.
L. R. Hart Q.C.
R. J. Stanley
R. G. Williams
B. D. Bongiorno
M. Shannon
J. D. McArdle } co-opted

The Institute has already prepared a considerable amount of material on National Compensation and it is proposed to hold a Seminar on 21st October 1983 which the Federal Attorney-General, Senator Gareth Evans, has agreed to open.

RICHARD GRIFFITH LIBRARY — ANNUAL REPORT

The library has a substantial collection of reports, statutes, journals and other materials and, as far as Australian material is concerned, is very comprehensive. The additions to the library and consequential re-arrangement referred to in last year's report result in it not being practicable to add any significant number of new series in the limited space now available. Because of the absence of any professional staff it is not possible to retain any substantial library of text books, but we are grateful to those who provide books from time to time. This year David M. Bennett Q.C. has kindly donated a copy of his Second Edition of *Brooking on Building Contracts*.

Likewise there have been no substantial additions to the Sir Edmund Herring collection in Four Courts Chambers, but it is expected within the next month or so that the whole collection will be transferred from the Fifth to the Second Floor of Four Courts Chambers.

Again it is necessary to refer to the selfish use of the library by a very small minority of members of the Bar which from time to time leave the tables burdened with books which have not been put away on the shelves. Again there appear to be some examples of books being removed from the library and not returned, at least for some time, and this behaviour causes other members of the Bar great inconvenience. Counsel are reminded that, because of the absence of any professional staff, it is *essential* that they comply with the rules relating to the replacement of books on the shelves and the absolute prohibition on removing books from the library.

REPORT OF THE ACCOMMODATION COMMITTEE

The accommodation difficulties that confronted the Bar at the time of the 1981-82 Annual Report have persisted during the following 12 months. The numbers coming to the Bar have continued unabated while some of the accommodation which was available during early September 1982 ceased to be available 12 months later. In particular, Barristers' Chambers Limited has lost the lease of Hooker House (11 chambers) and of Hume House (27 chambers).

On the brighter side of things, the Bar now has available Aickin Chambers which consists of seven floors (16-21, 27), which are capable of accommodating approximately 150 barristers. All floors are occupied other than the 16th floor which will be ready for occupation shortly and floor 27, which is expected to come on stream in or about early November next.

During the year, the Bar has been able to secure two additional floors in Four Courts. The 1st floor provided accommodation for 10 Barristers. The 2nd floor will be divided into two areas. One will house five Counsel and the other will be used for general meetings of the Bar and the Readers' Course.

Seabrook House has been purchased by a group of Barristers and it is expected that in due course the building will accommodate approximately 20 Counsel. The proposed leasing arrangements will be under the total control of Barristers' Chambers Limited and those occupying the building will have to make contributions to the Company and the Bar on the same terms that apply to all other Counsel.

In summary, the Victorian Bar is housed in six buildings as follows:—

Building	No. of Chambers
Owen Dixon Chambers	312
Tait Chambers	36
Four Courts	136
Equity Chambers	44
Latham Chambers	84
Aickin Chambers	106 (+ 46)
Total	718 (+ 46)

REPORT OF THE ABC DEVELOPMENT SUB-COMMITTEE

Pursuant to the Committee's recommendation, the Bar Council on the 7th of October 1982 resolved that the Hooker proposal for the development of the ABC site be given exhaustive considerations so as to either exclude it from consideration or adopt it as the preferred development of the ABC site. If this established that there was no prospect of the Hooker development proceeding then within one month of that being known the Bar Council would exercise the authority conferred on it by the general meeting of the Bar and choose which of Hansen and Yuncken Ltd., Civil & Civic Ltd. or Silvertons Ltd. develop the ABC site and the form of such development.

Essentially the Hooker proposal was for the demolition of Owen Dixon Chambers and the construction on the Radio Australia site of a building designed to house almost 1,000 barristers. The present Owen Dixon site was to be an open plaza serving the new barristers' building.

The Committee had protracted negotiations and discussions with Hooker. The final proposed development was to cost \$96.5 million (subject to further negotiations as to the value of BCL's equity). Hooker, despite approaching virtually "every major institution and property organisation" in Australia, was unable to obtain finance for the project. Hooker then sought to obtain off-shore finance. In February 1983 Hooker advised that it had failed to obtain such finance.

On the 3rd day of March 1983, pursuant to the recommendation of the Committee, the Bar Council resolved that Lend Lease be given a three-month exclusivity period for the development of the ABC site. The exclusivity period, requested by Lend Lease and granted, was as follows:—

"Lend Lease Developments/Civil & Civic require of BCL a 3 months' exclusivity period during which time we would attempt to formulate a pre-lease development which would effectively house members of the Bar on commercial terms acceptable to both the Bar and a financier.

More specifically we need to determine in conjunction with the Building Committee the number of barristers who would be prepared to pre-commit to the development together with the terms associated with this pre-commitment.

We will then design a building to satisfy this criteria and endeavour to secure funds for development.

As we will be acting in a development capacity rather than as a consultant a fee will not be charged, however we will be looking for a genuine commitment to any realistic proposition which is put before the Building Committee."

Lend Lease have since produced a proposed development being a building to house 521 barristers in room sizes slightly larger than Latham and slightly smaller than Aickin. The ratio of internal rooms to rooms with windows is 1:4 (Aickin and Latham are approximately 1:3). There is limited car parking for 31 cars. The ground floor will be connected with Owen Dixon Chambers.

The approximate cost of the building is \$37 million. BCL to be required to take a 40-year lease. The rental as at the opening of the building (late 1985) will be \$16.00 per square foot plus \$6.00 for rates, taxes and outgoings etc., i.e. a total of \$22.00 per square foot. Rental will be reviewed pursuant to a formula contained in the lease.

Having obtained approval in principle, Lend Lease then sought to obtain finance for the development. This has not proved to be easy. Lend Lease sought and obtained an extension of the period of exclusivity and as at the writing of this report Lend Lease hope to report the availability of finance on the 9th of September. Accordingly by the time this report appears in the Annual Report the "good or bad" news will be known.

If finance is available the Bar Council will then decide whether to have BCL enter into relevant agreements for the sale and lease back of the ABC building.

REPORT OF THE TELEPHONE COMMITTEE

As stated in the circular to the Bar dated 16th June 1983, it is anticipated that during September 1983 a contract will be entered into between Barristers' Chambers Limited and L. M. Ericsson for the supply and installation of a PABX MD 110 PABX System. It is planned that the cut-over to the new system will take place during the first quarter of 1984.

Members of the Bar and Clerks will be kept advised of progress of the project during the ensuing months.

ADMINISTRATION COMMITTEE

Upon receipt in June 1982 of a Report on the administrative inter-action between the Bar Council and Barristers' Chambers Limited prepared by Peat Marwick Mitchell Services the Bar Council established an Administration Committee to co-ordinate the implementation of the Report.

The members of the committee are; Shaw Q.C. (Chairman), Hampel Q.C. (replaced by Charles Q.C.), Chernov Q.C., Harper, A. J. Myers, M. A. Adams and J. A. Magee.

The first of its tasks was the selection of an Executive Director. The Committee recommended to the Bar Council and the Company the appointment of Mr. Ed. Fieldhouse who commenced duties in January 1983.

The Committee also turned its mind to the acquisition of more office space on the 12th floor of Owen Dixon

Chambers. It was able to persuade Cummins Q.C. and Kennon to vacate their rooms which are to be renovated and used as a new Bar Council Chamber. The existing Bar Council Chamber is to be converted into office space for the staff of both the Bar Council and the Company.

The Committee has been responsible for staff matters during the transition from the Bar Staff Committee to the Executive Director who has authority on staff matters subject to the Bar Council and the Board of the Company.

It is hoped that the Committee generally will provide a back-up to the Executive Director concerning matters of administration both of the Bar Council and the Company.

YOUNG BARRISTERS' COMMITTEE

During 1982-83 the Young Barristers' Committee conducted monthly meetings and sought to take action on issues concerning the Junior Bar.

The Committee became aware of the increased delays in Magistrates' Courts which occurred in 1982. A survey was conducted directed to the Junior Bar. The results indicated that long delays were mostly occurring in civil cases and primarily occurred at major regional courts. Numerous suggestions were offered toward the reduction of delays. Of these the most pertinent for barristers personally were the suggestions of stricter compliance with the rules of evidence, better control of garrulous witnesses and more accurate particulars of claims. There were suggestions that some cases be listed at 10 a.m. and others at 11 a.m. and that more use be made of a regional court system.

The rapidly escalating cost of accommodation and the shortage of central accommodation caused regular debate and representations to the Bar Council. The Committee was deeply concerned that the present number of rooms in Owen Dixon Chambers be maintained. This is considered consistent with a tradition at the Bar that wherever possible junior counsel be accommodated with senior counsel. The Bar Council accepted the Committee's representations that there should be no further consolidation of rooms in Owen Dixon Chambers. This proposal, combined with the letting of further floors in Aickin Chambers, has substantially facilitated the further mix of seniority within Owen Dixon Chambers, to the benefit of the junior Bar.

Further, to temporarily assist new members of the Bar meet the cost of chambers, the Committee requested Barristers' Chambers Limited to grant extensions of time to those persons sharing chambers and to allow additional sharing in some circumstances. Sharing of chambers by young barristers is now permitted in Aickin Chambers.

The Committee conducted a cocktail party in the Essoign Club for junior barristers to which judges of each court and magistrates were invited. This social function was in addition to the reception for magistrates held by the Bar Council. A substantial number of judges, including Federal Court judges and magistrates attended. The evening was very successful and appeared to be enjoyed by everyone. The Committee much appreciates the presence of judges and magistrates.

The Committee considered some aspects of junior counsel undertaking legal aid work. It has contacted the Newport Legal Aid Service to create further opportunities for junior counsel to offer support to legal aid services. Members of the Bar able to participate are requested to notify the Committee, as the Committee is currently establishing a referral system of counsel to attend Newport Legal Aid Service on a monthly basis. Newport Legal Aid was selected by the Committee because statistics demonstrated that provision of professional legal aid services was significantly lower in the western suburbs than in other areas of the metropolitan district.

REPORT OF TRUSTEES OF BAR CLERKING FUND

1. The Victorian Bar, through the Bar Clerking Fund, is the guarantor of the overdraft and like credit facilities provided by the Commonwealth Trading Bank to Messieurs Bloomfield and Howells. Each guarantee has an upper limit. The Bar has also advanced monies to each of the two Clerks to assist them in establishing their businesses and part of each of these debts is still outstanding.
2. During the year, numerous discussions took place between the Trustees and each of the two Clerks in relation to their accounts, their earning capacities and the likelihood of the liquidation of their respective liabilities to the Bar. Each Clerk has co-operated fully with the Trustees in the provision of financial records and other information sought from them. The Trustees have also kept in regular touch with the Bank. The position has now been reached where it is anticipated that Messieurs Bloomfield and Howells will take positive steps in the near future to reduce the indebtedness to the Fund and explore ways in which the Bar's guarantee can be discharged.
3. As at 31 August 1982 the assets of the Fund consisted of the following:—

(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 Commonwealth Savings Bank	17,257.38
(c)	Credit in Current Account — No. 121-208	2,019.50

4. As at 31 August 1983 the Fund was made up 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	20,459.51
(c)	Credit in Current Account — No. 121-208	3,322.11

THE ESSOIGN CLUB LIMITED

The Essoign Club, having been incorporated on the 11th day of March 1981 and gaining a licence on the 26th day of April 1982, has now completed its first full year of operation as a fully licensed Club.

The Club's Nominee remains Mr. Michael Christian and the full-time Bar Manager is now Mr. Patrick Gilbert. The bar is open each week day except Friday between 12.30 p.m. and 2.30 p.m. and 4.30 p.m. and 7.30 p.m., and on Fridays from 12.30 p.m. 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 Second Annual General Meeting of the Club was held on the 26th day of April 1983. The Committee, elected unopposed, consists of Berkeley Q.C. (Chairman), Shaw Q.C. (Vice-Chairman), Chernov Q.C. (Treasurer), McInerney (Secretary), M. A. Adams and Lee. The Club notes with regret the resignation of Spry Q.C. on the 8th day of April 1983 as Chairman of the Wine Committee and a member of the Committee of the Club. Thanks to Spry's energetic and knowledgeable efforts as Chairman of the Wine Committee, the Club now has substantial stocks of fine wines.

A large number of special functions were conducted on Club premises throughout the year, including receptions for the Metropolitan Magistrates and other receptions, drinks and dinners by members of the Club and those associated with the Club and, throughout the year, regular Friday night dinners which have been increasingly well patronised. In addition, a number of successful exhibitions of various forms of art work have been conducted on the Club premises.

As at the end of July 1983 the membership of the Club stood at 663 members and the annual subscription remains at \$10.00. The number of barristers of all ages patronising the Club has increased substantially with each month since the Club commenced its operations.

It is noted with pleasure by the Committee of the Club, that a number of the judicial members of the Club patronise it on a regular basis, thus the Club is well on its way to achieving one of the primary objectives envisaged when it was established; that is to promote the mixing of all members of the Bar regardless of seniority.

EXECUTIVE COMMITTEE

The Executive Committee meets fortnightly. It is responsible for action in respect of matters requiring urgent attention. In addition it makes decisions on some routine matters. More important matters are referred to the Bar Council. The following are some of the matters of significance or interest that have been dealt with by the Executive Committee in the past year.

1. Because of concern about the setting up of the National Crimes Commission a submission in the form of a letter was sent to all Federal and Victorian parliamentarians setting out the reasons why the Bar was against the setting up of the Commission.
2. Accommodation was a topic that came under consideration from time to time. It was resolved that amalgamation of rooms in Owen Dixon Chambers not be permitted except in special circumstances.
3. Various plans for the administrative offices on the 12th floor of Owen Dixon Chambers were considered. Ultimately a final plan was approved.
4. The Committee was concerned that the advertising for the position of the Prothonotary of the Supreme Court after the retirement of Mr. Malbon was too narrow. Representations in this regard were made to the Attorney-General.
5. It was resolved that substantial quantities of wine be purchased to be put down for the Bar Centenary in 1984.
6. Much time was taken up with discussions concerning the listing procedures in both the County Court and Supreme Court. Various proposals dealing with a more convenient and practical listing procedure were considered. These proposals were passed on to the appropriate authorities. However, little progress has been made to date.
7. As with previous years various aspects of the Readers' Course were considered and dealt with. These involved establishing suitable accommodation for the Course and the payment of instructors. The Course is now running very well.

ETHICS COMMITTEE — ANNUAL REPORT

During the year 1982-83, following the amendment of the Rules of Counsel by the Bar in General Meeting on the 29th day of November 1982, membership of the Ethics Committee was increased from seven to nine. This would appear to have overcome the problems of there being a shortage of members available for summary hearings because of interstate commitments.

The year has seen a decrease in the overall number of complaints against Counsel. However, there has been an increasing number of complaints by clients that proceedings had been settled contrary to instructions. The incidence of such complaints accentuates the need for Counsel to ensure that their client has a full appreciation of the effect of a settlement before it is entered into and also the desirability of Counsel giving consideration to obtaining written instructions for a settlement or having the client sign the Terms of Settlement. A common complaint from solicitors is related to delay in returning briefs. Although it is not compulsory for Counsel to provide detailed answers to complaints in response to a letter from the Secretary, Counsel normally do provide a detailed answer and this is of great assistance to the Committee and Lay Observer and assists in the complaint being promptly dealt with.

The statistics of complaints and the manner of their disposal in the past year and the three prior years are set out as a matter of interest:—

	1979-80	1980-81	1981-82	1982-83
No. of Complaints	29	36	38	32
Complaints Not Upheld	18	23	22	15
Hearings	11	7	9	10
Complaints Dismissed after Summary Hearing	5	—	3	5
Complaints Upheld after Summary Hearing	6	7	6	5
Pending	—	6	7	7
Source				
Client	—	16	11	18
Solicitor	—	10	12	7
Judicial	—	2	3	1
Counsel	—	1	5	2
Other	—	7	7	4

The Committee has had 22 ordinary meetings and has conducted 10 summary hearings, several of which took more than one night meeting to complete. The Lay Observer, Mr. Frank Eyre was a regular attender at both ordinary meetings and summary hearings.

The results of the summary hearings where complaints have been upheld are briefly summarised as follows:—

- (a) Failing to return a brief despite requests and failing to respond to communications from instructing solicitors — fined \$100.00;
- (b) Using insulting language to a policeman in a Magistrates' Court — fined \$100.00;
- (c)
 - (i) Receiving a number of briefs and completing the work, but refusing to return those briefs for the reason Counsel had not been paid for work for other clients;
 - (ii) Complaining of his instructing solicitors' failure to give him new work;
 - (iii) Touting by offering not to require payment of fees until the solicitor was on his feet financially and by offering to provide the solicitor with documents so prepared that they could be copied, filed and served without re-typing them, thus transferring overheads normally associated with those matters from the solicitor to Counsel.
— Fined \$1,000.00.
- (d) Failing to reply to a letter from the Secretary of the Ethics Committee, failing to return a brief after an appearance, failing to reply to letters, telephone calls and messages and failing to give proper and adequate attention to his practice and to collect mail and messages from his clerk — suspended one month. An appeal to the Barristers' Disciplinary Tribunal against this decision was dismissed.
- (e) Unseemly conduct in Court towards another member of Counsel both before and after the Judge came into Court — fined \$100.00.

General rulings of the Ethics Committee up to June of this year were included in the June 1983 Supplement to Professional Conduct Practice and Etiquette by Sir Gregory Gowan Q.C., which has been distributed to members of Counsel. However, on 30th June 1983 the Bar Council made the following ruling:—

"Counsel may occasionally attend a special function at a solicitor's office upon receiving an unsolicited invitation and upon notifying the Secretary of the Bar Council in writing of his intention to do so."

The Barristers' Disciplinary Tribunal has directed publication in this Annual Report of the following:—

- (a) that on the 16th September 1982, the Tribunal heard a charge against B. L. Stafford that he committed a disciplinary offence by infringing Ruling No. 27 of the "Rulings on Matters of Professional Conduct and Practice" made and published by the Victorian Bar Council, in that he did not pay to the Treasurer of the Bar Council within seven days of the 11th May 1982, the fine of \$350.00 imposed on him by the Ethics

Committee on the 11th May 1982 under part 11A of the Legal Profession Act 1958.

(b) The Tribunal ordered:

- (i) that Stafford be cautioned against persisting in non-payment of the fine of \$350.00 imposed on him by the Ethics Committee on the 11th May 1982, and further that if the said fine is not paid on or before the 15th October 1982, Stafford be suspended from 16th October to 31st December 1982, both dates inclusive.
- (ii) that Stafford pay the expenses incurred by the Tribunal in connection with the proceedings upon the charge, namely the cost of transcript.

LAW REFORM COMMITTEE

The Law Reform Committee has had an active year. Mr. Haddon Storey Q.C. chaired the Committee for most of the year, but was succeeded by Mr. Bill Gillard Q.C. in July. The Law Reform Committee functions as a sub-committee of the Victorian Bar Council. The Law Reform Committee has no full-time salaried staff and is not a policy-forming body. The Law Reform Committee functions by seeking comments on various law reform proposals from various members of the Bar with knowledge, expertise and interest in the relevant areas of law. Members of the Bar with knowledge, expertise and interest in areas of the law are often very busy. It is understandable that the voluntary opinions that they provide to the Law Reform Committee at times take second place to their normal work. Nonetheless, the response of members of the Bar to requests from the Law Reform Committee has been very good. The Committee is indebted to members of the Bar who have voluntarily given a considerable amount of their time and effort to write reports and submissions.

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

Some of the matters dealt with by the Committee in the last 12 months include:—

Australian Law Reform Commission

The Commission has again produced several detailed Reference Papers on reform of the Law of Evidence. Commissioner T. H. Smith, and his team have been extremely busy. Comments prepared by members of the Bar have been forwarded to the Commissioner. The Law Reform Committee has agreed to hold two seminars towards the end of this year at which members of the Bar can discuss with the Commissioner changes proposed to the law of evidence and a Federal Evidence Act. Members of the Bar will be notified in due course of the date and topic of each seminar.

Victorian Consumer Legislation

Several members of the Bar have prepared comments and submissions on proposed changes to the consumer laws in Victoria.

Information for Jurors

The opinion of a member of the Bar on the right to counsel to make observations during a trial concerning the onus or standard of proof or other matters considered necessary or desirable to the conduct of the case, has been forwarded to the Law Department.

Administrative Review Council

A member of the Bar has prepared an opinion on proposed changes to the Repatriation Act.

Admiralty Law

The Law Reform Committee was informed that the Australian Law Reform Committee has received a reference in this area. A member of the Bar, Dr. Damien Cremean, has become a part-time Commissioner working on this reference.

Occupiers' Liability

The State Government has indicated an intention to legislate in this area of law. Members of the Bar who would like to comment on any draft legislation should contact the Secretary.

High Court Appeals

Comments on proposals regarding High Court Appeals were received and forwarded to the Bar Council.

Maintenance and Champerty

A detailed report from a member of the Bar was forwarded to the Commissioner of the Australian Law Reform Commission working on this reference.

Wills for Mentally Disordered Persons

A member of the Bar is preparing a report on the Report of the Chief Justice's Law Reform Committee on this topic.

Summons before Masters

This matter was referred to the Committee by the Bar Council. Two members of the Committee "waited on" Senior Master Mahony to discuss the problems of delay in hearing Summonses by Masters. The delegation was informed of detailed proposals to change the system of Summonses before Masters. A Practice Note will shortly be issued and a new procedure will be followed from 1st October.

Building Disputes — Limitations of Actions

The Committee has been alerted to a problem concerning of limitation of actions in building disputes. Byrne Q.C. has prepared an opinion for the Committee. The Committee is actively investigating the matter.

Prison Industries Bill

Vincent Q.C. has given an opinion on some possible weaknesses in the above Bill. His views have been forwarded to the Law Department.

Interpretation Bill

The Committee has received an opinion from Ormiston Q.C. on the above Bill. Members of the Criminal Bar Association and members of the Law Reform Committee are also preparing comments on this Bill.

VICTORIAN BAR COUNCIL
STATEMENT OF RECEIPTS AND PAYMENTS
FOR YEAR ENDED 31ST AUGUST, 1983

	\$	\$	\$	\$
Balance of Cash as at 1/9/82				58,611.47
Add Receipts for Period:				
Annual Subscriptions (Previous Years)		47,505.00		
Annual Subscriptions (Current Year)		<u>120,033.00</u>		
Total Subscriptions Received				167,538.00
Interest Received:				
Commonwealth Bonds		90.00		
Savings Investment Account		1,553.23		
Savings Bank Deposit		3.98		
Short Term Deposits		22,785.82		
Loan to Barristers' Chambers Ltd.		<u>15,000.00</u>		
Total Interest Received				39,433.03
Sales — A Multitude of Counsellors				169.10
Gowans				15.00
Readers' Practice Courses				52,760.55
Royalties — Sir Gregory Gowans' Book				362.78
Repayment of Loan — Bar Clerking Fund				<u>2,600.00</u>
TOTAL FUNDS AVAILABLE				321,489.93
Less Payments:				
Auditors Remuneration	555.00			
Bank Charges/Deposit Duty	130.88			
Floral Tributes	110.00			
Printing & Stationery	74.14			
Engraving	5.75			
Government Publications	61.95			
Eurotex Directory	201.91			
Gift	30.95			
Casual Labour	95.00			
Photography	25.00			
Human Rights Bulletin	10.00			
Photocopying Expenses	<u>1,205.46</u>			
Total Administration Expenses		2,506.04		
Income Tax Payment		15,269.30		
Capitation & Affiliation Fees:				
Law Council of Australia	13,056.00			
Australian Bar Association	4,080.00			
International Bar Association	106.91			
Lawasia	200.00			
Victorian Council of Professions	250.00			
Selden Society	<u>25.00</u>			
Total Fees Paid		<u>17,717.91</u>		35,493.25
Excess of Receipts over Payments C/F				<u>285,996.68</u>

	\$	\$	\$	\$
Balance B/F				285,996.68
Travelling Expenses			2,120.96	
Functions and Entertainment		19,991.29		
Less Members Payments		<u>15,979.25</u>	4,012.04	
Transcripts			1,117.35	
Share of Lay Observer's Remuneration			1,500.00	
Victorian Bushfire Appeal Donation			5,000.00	
Essoign Club:				
Loans		11,000.00		
Carpet		1,454.00		
Framed Sketches		<u>500.00</u>	12,954.00	
Bar Revue 1984 — Centenary Year			1,500.00	
Investments — Short Term Deposits			165,000.00	
Readers' Practice Courses —				
Cash Expenditure			<u>31,202.58</u>	224,406.93
Balance of Cash on Hand —				
31st August, 1983				<u>61,589.75</u>

TRUST FUND

Barristers' Benevolent Fund	
Receipts	18,945.00
Remitted	18,945.00
Essoign Club Subscriptions paid to	
Victorian Bar and Transferred to Essoign	
Club	
Received	4,545.00
Remitted	4,545.00

VICTORIAN BAR COUNCIL
BALANCE SHEET AS AT 31ST AUGUST, 1983

ASSETS

	\$	\$	\$
1. Cash in Bank — Savings Bank Account		109.99	
Savings Bank Investment Account		14,135.76	
Trading Accounts — VRC/Readers		<u>47,344.00</u>	61,589.75
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	279,000.00		
(d) Barristers' Chambers Ltd. —			
Unsecured Loan — 10%	150,000.00		
(e) Wine for Bar Centenary 1984	<u>2,370.00</u>		449,670.00
3. Member and Other Debtors			35,485.00
4. Copies of "A Multitude of Counsellors"			395.40
5. Honour Board of Past Chairmen of			
Victorian Bar Council			256.00
6. Gifts — Candelabra, etc. insured for			1,276.00
7. Essoign Club: Establishment Costs	7,688.52		
Loans	21,000.00		
Carpet	1,454.00		
Sketches	<u>500.00</u>		30,642.52
Total Assets			<u>579,314.67</u>

ACCUMULATED FUNDS

Accumulated Funds 1st September, 1982		377,062.47
Add: Establishment Costs and Loan to Essoign Club in 1982		16,680.52
Net Income for the Year		185,571.68
Accumulated Funds as at 31st August, 1983		<u>579,314.67</u>