

VICTORIAN BAR COUNCIL

ANNUAL REPORT

1ST SEPTEMBER 1987 - 31ST AUGUST 1988

**ANNUAL REPORT OF THE
VICTORIAN BAR COUNCIL
FOR THE YEAR ENDED 31ST AUGUST, 1988**

To be presented to the Annual General Meeting of the Victorian Bar to be held on Wednesday, 28th September, 1988 at 5.15 p.m.

BAR COUNCIL

Elections: In the Annual Election held in September 1987 the following persons were elected:-

Counsel of not less than 12 years' standing —

Mr. C.H. Francis Q.C.
Mr. A. Monester Q.C.
Mr. H.W. Fox Q.C.
Mr. P.D. Cummins Q.C.
Mr. E.W. Gillard Q.C.
Dr. I.C.F. Spry Q.C.
Mr. J.R. Balfe Q.C.
Mr. D.R. Meagher Q.C.
Mr. A.J. Kirkham Q.C.
Mr. D.L. Harper Q.C.
Mr. R.K. Kent

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

Mr. D.J. Habersberger Q.C.
Mr. P.C. Dane
Mr. D.L. Brustman
Mr. S.M. Cooper

Counsel of not more than 6 years' standing —

Mr. P.X. Elliott
Miss R.D. Wiener
Mr. G.J. Barns

In a By-Election held in March, 1988, Mr. J.S. Winneke Q.C. was elected to the Bar Council.
The By-Election was held due to the resignation from the Bar Council of The Honourable Mr. Justice Cummins upon his appointment to the Bench of the Supreme Court of Victoria.

Ex Officio Member: The Honourable L.F. Bowen, M.P. (Federal Attorney-General)

CHAIRMAN'S REPORT

During the current year a number of important matters have arisen necessitating action on the part of the Bar Council. In order to keep the Bar better informed on the activities and decisions of the Council, reports have been regularly distributed to all members of the Bar.

Appointments to the Bench of those who have had little or no experience as trial lawyers required the Bar Council to put forcefully the view that judicial posts should be filled by those with the necessary qualifications ordinarily only gained by working continuously for some years as advocates in our Courts. Our representations on this subject were made to the Attorney-General in October 1987 and thereafter.

Delays in the Law Courts have continued to be a major problem. The Bar Council established a Committee on Court Delays under the Chairmanship of Charles Q.C. to devise an appropriate program to solve these problems. Its initial report created wide interest. The Council also joined with the Law Institute in pressing for the appointment of additional Judges in both the Supreme Court and the County Court. Our representations led to the appointment of a number of additional County Court Judges, but listing (especially in the Supreme Court) continues to be a major problem.

The Magistrates' Court Bill was introduced in the 1987 Spring session of the Victorian Parliament. The Bar Council considered there were a number of grave objections to the Bill and forwarded a lengthy submission to the Attorney-General setting out the Council's objections. In the light of our objections a number of modifications were made to the Bill in the Autumn session of Parliament this year.

The Bar Council also had serious reservations as to the desirability of the County Court Mediation proposals. Our views on this matter were conveyed to His Honour Chief Judge Waldron.

A survey conducted on unpaid fees indicated very strong support both for payment of interest and for a "black list". After much deliberation and many communications with the Law Institute, our pilot scheme finally came into operation on the 1st August, 1988. Many of the details of the scheme were set out in Chairman's Report No. 3. The Council also resolved that after suitable notice it was appropriate for barristers to charge interest.

In January, 1988 a Human Rights' Committee was established as a permanent committee under the Chairmanship of Costigan Q.C. Valuable submissions were made to the Senate Committee on War Crimes Trials, many of which views now appear to have been accepted.

The Bar Fees Committee gave excellent assistance to the Bar Council on all matters pertaining to fees. In a number of areas applications for increases have been successful. The Barristers' Fees Manual will be released shortly and copies will be made available to all members of the Bar. The Council is indebted to Meagher Q.C. for his excellent work on fees and, in particular, for the preparation of the Fees Manual.

The Bar Council has appointed three additional directors to the Board of Barristers' Chambers Limited. The Board is now far more representative of the Bar as a whole and consists of nine barristers with a suitable variety of backgrounds, experience and seniority.

In line with views of the present Council rent levels have been contained and sharing of chambers by those of less than six years seniority is now permitted.

Regular monthly meetings continue to be held between the Executive Committee of the Law Institute of Victoria and the Bar Council. These meetings have proved to be most useful.

Historical records and memorabilia are receiving increasing attention from your Bar Council. Several valuable acquisitions have been made and files for further records of the Bar have been opened to preserve more of our history.

Finally I would like to take this opportunity to express my sincere thanks to all members of the Bar Council for their valuable assistance during the year and I must make special mention of Monester Q.C. and Kirkham Q.C., our Vice-Chairmen, whose splendid support has at all times been of great value to me. My thanks are also due to Ed Fieldhouse, Anna Whitney, Barbara Walsh and all the Staff of the Bar Council.

CHARLES FRANCIS
Chairman

OFFICERS OF THE BAR COUNCIL

Chairman — Mr. C.H. Francis Q.C.
Vice-Chairmen — Mr. A. Monester Q.C.
 Mr. A. J. Kirkham Q.C.
Honorary Treasurer — Mr. D.L. Harper Q.C.
Assistant Honorary Treasurer — Mr. D.J. Habersberger Q.C.
Honorary Secretary — Mr. R.A. Brett
Assistant Honorary Secretary — Mr. P.J. Cosgrave
Executive Director — Mr. E.T. Fieldhouse
Executive Officer — Mrs. A. Whitney

YOUNG BARRISTERS' COMMITTEE

Mr. R.K. Kent (Chairman) (Mr. P.X. Elliott - Alternate). Ms. R.D. Wiener (Mr. G.J. Barns — Alternate)
are the Bar Council Nominees.

An Annual Election was not required in August 1988 and the following Counsel are now members of the Committee:-
Messrs. J.E. Goetz and S.R. McCredie. Ms. L.M. Simons and Mr. J.S. Glover. Messrs. R.H. Smith, A.J. McIntosh (Secretary)
and Ms. M.E. Sexton. Messrs. D.A. Trapnell and J. Tslanidis.

BAR COUNCIL ADMINISTRATIVE COMMITTEES

EXECUTIVE COMMITTEE

Messrs. Francis Q.C. (Chairman), Monester Q.C. (Vice-Chairman), E.W. Gillard Q.C. and Dr. Spry Q.C.
 Messrs. Meagher Q.C., Kirkham Q.C. (Vice-Chairman), Harper Q.C. and P.X. Elliott (from March, 1988).
 Messrs R.A. Brett (Honorary Secretary) and P. Cosgrave (Assistant Honorary Secretary).

Area of Responsibility:

(a) Joint Standing Committees

Joint Standing Committee of the Bar and Law Institute

Mr. Francis Q.C.

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

Messrs. Redlich Q.C., Dunn, Dane, and Morgan-Payler.

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

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

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

Messrs. Kirkham Q.C. and Richter Q.C.

Joint Standing Committee on Legal Professional Privilege

Messrs. Chernov Q.C. and Pagone.

Joint Standing Committee of the Bar and Law Institute on Accident Compensation

Messrs. Dove Q.C. (Chairman), Stanley Q.C. (Vice-Chairman), Kendall Q.C., Shannon Q.C., M.J.G. Gorton, L.H. Brear, Kellam and Beach.

(b) Standing Committees

Police/Lawyers Liaison Committee

Messrs. Morrish Q.C., Rozenes Q.C., Dunn, Hicks and Ray, Miss B. King and Mrs. Hampel.

Victorian Bar News — Editorial Board

Editors — Mr. Heerey Q.C. and Mr. Paul Elliott.

Editorial Committee — Mr. Coldrey Q.C., Mr. Nash Q.C. and Mr. G. Thompson.

Staff — Messrs. Burnside, Pagone and Lithgow and Gillian Elliott. Messrs. R.L. Brear and Devries. Mrs. J. Kendrick and Mrs. A. Whitney.

Bar Clerking Committee

Messrs. E. W. Gillard Q.C. (Chairman) and McArdle (Convenor and Secretary) and the Chairman for the time of each List Committee.

Fee Collection Committee

Messrs. Uren Q.C. (Chairman), Hooper Q.C., M.A. Adams, C.J. Ryan, Paul and Dane.

Bar Fees Committee

Messrs. Meagher Q.C. (Chairman), Dalton Q.C. (Vice-Chairman), Balfe Q.C. and Shannon Q.C. Dr. Jessup Q.C.
 Messrs. Wraith, Shwartz, Mushin and J.A. Magee.

Bar Library Committee

Messrs. Phillips Q.C. (Chairman and Bar Librarian), Habersberger Q.C., M.A. Adams, Burnside, Derham, R. Downing, R.L. Brear, Panna and Ms. C.F. McMillan. Messrs. Lynch, D.B.X. Smith and Miss E.M.T. Murphy.

Academic Committee

Messrs. Byrne Q.C., Forsyth Q.C., Fajgenbaum Q.C., Harper Q.C. and Dr. Jessup Q.C. Messrs. Weinberg Q.C., Nash Q.C., J.G. Santamaria, Cavanaugh, Marantelli, Pagone and Dr. Hardingham.

Company Law Committee

Messrs. Charles Q.C. (Chairman), Chernov Q.C., Finkelstein Q.C., N.J. Young and K. Baker.

Readers' Practice Course Committee

Mr. Charles Q.C. (Chairman), Mr. Justice Hampel and Mr. Justice Vincent. Messrs. Black Q.C., Kent and R. Downing.
 Mrs. Hampel and Ms. Symon. Messrs. Hennessy and R.A. Brett (Honorary Secretary).

Potraits Committee

Mr. Justice Hampel. Messrs. Shaw Q.C., Guest Q.C. and M.A. Adams.

Bar Staff Committee

Messrs. Francis Q.C. (Chairman), Monester Q.C. and Buckner Q.C. Dr. Spry Q.C. Messrs. Harper Q.C. and M.A. Adams.

Legal Aid Committee

Messrs. Bongiorno Q.C. (Chairman), Byrne Q.C., Kirkham Q.C., Redlich Q.C., Willee, Garde, M.R.B. Watt and Isles.

Committee on Tenancy Matters

Messrs. Graham Q.C. (Chairman), Forsyth Q.C., Zichy-Woinarski Q.C., Mattei, Garde and T. Wood.

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

Mr. Chernov Q.C., Vice-President and Executive Member (Nominated by four independent Bars) and Mr. Monester Q.C. (Victorian Bar representative).

Australian Bar Association

Messrs. Francis Q.C., Monester Q.C. and Harper Q.C. (Treasurer).

Victorian Council of Professions

Messrs. Dalton Q.C. and Balfe Q.C.

Chief Justice's Committee for Religious Observances

Mr. Hansen Q.C.

Legal Aid Commission of Victoria

Mr. Dove Q.C. (Alternate — Mr. Bongiorno Q.C.)

Legal Aid Review Committee No. 1

Mr. Gillies Q.C.

Legal Aid Review Committee No. 2

Mr. Stott Q.C.

Panel of Reserve Members of Legal Aid Review Committee

Mr. Kayser

Appeal Cost Board

Mr. Hooper Q.C. (to 30.9.1988)

Law Faculty — University of Melbourne

Messrs. Forsyth Q.C. and Byrne Q.C.

Monash University Law Faculty Board

Mr. Williamson Q.C. and Mr. Willee.

LaTrobe University Proctorial Board

Mr. Lloyd Q.C. (Chairman) (to 5.8.1988).

Council of Legal Education

Messrs. Fajgenbaum Q.C., Harper Q.C. and Nash Q.C.

Australian Legal Education Council

Mr. Goldberg Q.C. (Nominee of Law Council of Australia).

Academic Course Appraisal Committee

Mr. Fajgenbaum Q.C.

Victoria Law Foundation

Messrs. Francis Q.C. and Balfe Q.C.

Chief Justice's Civil Listing Committee

Mr. Stanley Q.C.

Leo Cussen Institute for Continuing Legal Education

Mr. Justice Hampel (Chairman) and Dr. Hardingham (Alternate). Mr. Black Q.C. and Mr. Nash Q.C. (Alternate).

Board of Examiners

Mr. Hedigan Q.C. (Chairman) (to 31.12.1988). Deputy — Mr. Costigan Q.C. Mr. Dowling Q.C. (to 31.12.1988). Deputy — Mr. Black Q.C. Mr. Bongiorno Q.C. (to 31.12.1988). Deputy — Mr. B.J. Doyle (to August, 1988).

Chief Justice's Supreme Court Library Committee

Messrs. Phillips Q.C., Phipps and Nettle.

Superannuation Fund for Supreme Court Librarian — Bar Nominee on Board of Trustees

His Honour Judge Hogg.

Council of Law Reporting

Messrs. Merralls Q.C. and Gunst.

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

Law Council of Australia — Legal Aid Advisory Committee
Messrs. Bongiorno Q.C. and McArdle (Alternate).

Leo Cussen Institute Consultants Committee
Messrs. Liddell Q.C., Merralls Q.C. and Hayes (Alternate).

Commercial Causes Users Committee
Messrs. Hayes and B.J. Doyle (to August 1988).

Courts Computerisation Programme

- (i) **Executive**
Mr. Meagher Q.C.
- (ii) **Project Committees**
Civil Project Committee — Mr. Burnside
Civil Project Committee — Mr. Willee
- (iii) **Bar Delegates Computer Committee**
Messrs. Meagher Q.C. (Chairman), Willee, Burnside and Levin.

(d) **Other**

Barristers' Benevolent Fund — Committee of Management
Messrs. Francis Q.C. and Harper Q.C.

Victorian Bar Superannuation Fund Trustees
Dr. Spry Q.C. (Chairman), Messrs. Hayne Q.C., Harper Q.C. and R. McK. Robson.

Directors of Barristers' Nominee Pty. Ltd.
Messrs. Hansen Q.C. (Chairman), Hayne Q.C. and J.A. Magee.

Application Review Committee
Messrs. Kirkham Q.C. (Chairman), E.W. Gillard Q.C., Shannon Q.C., Kent, J. Middleton, S. Cooper, R.A. Brett (Secretary) and P. Cosgrave (Assistant Secretary).

ETHICS COMMITTEE

Messrs. Fox Q.C. (Chairman), Uren Q.C., Hansen Q.C., Shannon Q.C., Bongiorno Q.C., Rozenes Q.C. and Kent (from August 1988). Mrs. B.M. Hooper. Messrs. C.J. Ryan and Colbran (Secretary).

LAW REFORM COMMITTEE

Messrs. Monester Q.C. (Chairman), Ashley Q.C., Heerey Q.C., Kayser and P. Murdoch. Miss Lewitan. Messrs. Hockley (Secretary), Mushin, Colbran and Ms. M.L. Warren.

(a) **Law Reform Committee Panel**

Larkins Q.C.	(Supreme Court Practice)
Wheeler	(County Court Practice)
Liversidge	(Magistrates' Courts Practice)
Castan Q.C.	(High Court)
Chernov Q.C.	(Federal Court)
Walker Q.C.	(Crime Practice)
Lewis, G.A.	(Juries Practice)
Hansen Q.C.	(Causes Practice)
Merralls Q.C.	(Constitutional Law)
Fajgenbaum Q.C.	(Administrative Law)
Guest Q.C.	(Family Law)
Jessup Q.C.	(Industrial Law)
Wright Q.C.	(Town Planning Local Government)
Bourke, B.J.	(Liquor Control)
Ellis	(Workers' Compensation)
Williamson Q.C.	(Trade Practices)
Castan Q.C.	(Taxation)
Paterson Q.C.	(Companies)
Morrow	(Military Law)

(b) Bar Appointments**Chief Justice's Law Reform Committee**

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

Chief Justice's Rules Committee

Mr. Phillips Q.C.

County Court Rules Committee

Mr. Wheeler and Mrs. Crennan.

Courts Advisory Committee

Mr. Gillies Q.C.

Attorney-General's Criminal Advisory Council

Mr. Redlich Q.C.

(c) Criminal Bar Association

Executive: Messrs. Richter Q.C. (Chairman), Lasry (Vice-Chairman), Tovey (Treasurer) and Shwartz (Secretary).

Committee: Messrs. Weinberg Q.C., Kayser, Hore-Lacy, Kent, Lovitt, Barnett, Morgan-Payler, Ms. Lieder, Ms. King, Messrs. W.B. Stuart, Sturgess and Dounias.

BARRISTERS' CHAMBERS LIMITED**Directors of Barristers' Chambers Limited;**

Messrs. Buckner Q.C. (Chairman), O'Callaghan Q.C. and Monester Q.C. Dr. Spry Q.C. and Dr. Emmerson Q.C. (from June 1988). Messrs. Harper Q.C. and Willshire (from June 1988). Miss Gaynor (from June 1988) and Mr. Barns.

OWEN DIXON CHAMBERS WEST DEVELOPMENT SUB-COMMITTEE

Messrs. O'Callaghan Q.C. (Chairman), Byrne Q.C., Harper Q.C., Zichy-Woinarski Q.C. and Phipps.

ACCOMMODATION COMMITTEE

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

BUILDINGS SECURITY COMMITTEE

Messrs. Kirkham Q.C., Dane, P.X. Elliott and Miss R.D. Wiener.

CONTINGENCY FEES COMMITTEE

Messrs. Winneke Q.C. (Chairman), Merralls Q.C., Monester Q.C., Fox Q.C., Meagher Q.C., and Kent.

OVERDUE FEES COMMITTEE

Messrs. Uren Q.C. (Chairman), E.W. Gillard Q.C. and Kirkham Q.C.

COUNCIL MEETINGS

There have been 25 ordinary meetings and 1 special meeting of the Bar Council from the first meeting of the new Bar Council on 29th September, 1987 to 31st August, 1988. Attendances have been as follows:-

Mr. C.H. Francis Q.C. (Chairman)	(3) 23	Mr. D.L. Harper Q.C.	24
Mr. A. Monester Q.C. (Vice-Chairman)	(7) 19	Mr. D.J. Habersberger Q.C.	23
Mr. A.J. Kirkham Q.C. (Vice-Chairman)	(1) 24	Mr. R.K. Kent	21
Mr. H.W. Fox Q.C.	(2) 21	Mr. P.C. Dane	(2) 20
Mr. J.S. Winneke Q.C. (from March, 1988)	9	Mr. D.L. Brustman	26
Mr. P.D. Cummins Q.C. (to February, 1988)	9	Mr. S.M. Cooper	(1) 20
Mr. E.W. Gillard Q.C.	19	Mr. P.X. Elliott	22
Dr. I.C.F. Spry Q.C.	26	Ms. R.D. Wiener	22
Mr. J.R. Balfe Q.C.	(2) 17	Mr. G.J. Barns	26
Mr. D.R. Meagher Q.C.	19		

(Leave of absence for stated number of meetings is indicated in brackets.)

Mr. R.A. Brett (Honorary Secretary)	26
Mr. P.J. Cosgrave (Assistant Honorary Secretary)	12

COMMITTEE MEETINGS

During the period 1st September, 1987 to 31st August, 1988 the following number of Committee Meetings were held:

Executive Committee	24
Ethics Committee	18
Law Reform Committee	9

SUBSCRIPTIONS

Under Rule 39, the Council fixed the following annual subscription for members of the Bar for the period 1st September, 1987 to 31st August, 1988:-

Queen's Counsel	\$520.00
Over 10 years' standing	345.00
Over 3 but under 10 years' standing	230.00
Over 1 but under 3 years' standing	145.00
Under 1 year's standing	85.00
Interstate Queen's Counsel	70.00
Interstate Juniors	50.00
Solicitors-General, Attorney-General, Director of Public Prosecutions and all other Appointments	75.00
Crown Counsel, Crown Prosecutors and Parliamentary Counsel	80.00
Retired Counsel	15.00

PERSONALIA

Obituary: The Bar Council records with deep regret the deaths since the last Report of the following members:-

- Mr. S.H. Collie, Master of the Supreme Court of Victoria on 4th October, 1987.
- Mr. R.J. Evans on 8th January, 1988.
- Mr. E.F. Hill on 1st February, 1988.
- Mr. F.C. James on 4th June, 1988.
- His Honour Judge Tolhurst on 2nd July, 1988.
- Mr. J.H. Nankivell on 13th July, 1988.
- Mr. E.D. Lloyd Q.C. on 5th August, 1988.
- Sir Reginald Sholl on 7th August, 1988.

It is also with deep regret that the Bar Council records the passing on 29th November, 1987 of Mr. G. Alcorn, Librarian, Supreme Court of Victoria.

Judicial Appointments: On 1st February, 1988, The Honourable Mr. Justice Nicholson was appointed as Chief Judge of the Family Court of Australia. On 13th April, 1988, The Honourable Mr. Justice Rowlands was appointed to the Bench of the Family Court of Australia. On 18th February, 1988, The Honourable Mr. Justice Cummins was appointed to the Bench of the Supreme Court of Victoria. On 19th May, 1988, The Honourable Mr. Justice McDonald was appointed to the Bench of the Supreme Court of Victoria. On 2nd May, 1988, His Honour Judge Campton was appointed to the Bench of the County Court of Victoria. On

2nd May, 1988, His Honour Judge Kimm was appointed to the Bench of the County Court of Victoria. On 11th July, 1988, His Honour Judge Smith was appointed to the Bench of the County Court of Victoria. On 2nd August, 1988 His Honour Judge Keon-Cohen was appointed to the Bench of the County Court. On 2nd December, 1987, His Honour Judge Bowman was appointed to the Bench of the Victorian Accident Compensation Tribunal. On 1st February, 1988, His Honour Judge MacLeod was appointed to the Bench of the Victorian Accident Compensation Tribunal. On 1st February, 1988, His Honour Judge Bingeman was appointed to the Bench of the Victorian Accident Compensation Tribunal. On 1st February, 1988, His Honour Judge Boyes was appointed to the Bench of the Victorian Accident Compensation Tribunal. On 1st February, 1988, His Honour Judge Croyle was appointed to the Bench of the Victorian Accident Compensation Tribunal.

Other Appointments: In September, 1987 Mr. J.P. Dugdale was appointed as a Victorian Stipendiary Magistrate. Effective 1st February, 1988 Ms. J.M. Crowe and Mr. E.C. Batt were appointed as Victorian Stipendiary Magistrates. In May, 1988 Ms. M.A. Rizkalla was appointed as a Deputy President, Administrative Appeals Tribunal and as President of the Equal Opportunity Board. In August, 1988 Mr. R. Patkin was appointed a Master of the County Court of Victoria.

Queen's Counsel: On 24th November, 1987 the following members of the Bar were appointed Queen's Counsel:

The Honourable J.H. Kennan, Messrs. P.G. Nash, R.C. Gillard, C.J. Canavan, W.B. Zichy-Woinarski, F.H. Callaway, D.J. Habersberger and Dr. C.N. Jessup.

Welcomes: On 1st February 1988, The Honourable Mr. Justice Nicholson, Chief Judge of the Family Court of Australia was welcomed to the Bench of the Family Court of Australia by the Chairman, Mr. C.H. Francis Q.C. On 21st April, 1988 The Honourable Mr. Justice Rowlands was welcomed to the Bench of the Family Court of Australia by the Chairman, Mr. C.H. Francis Q.C. On 19th February, 1988 The Honourable Mr. Justice Cummins was welcomed to the Bench of the Supreme Court of Victoria by the Chairman Mr. C.H. Francis Q.C. On 24th May, 1988 The Honourable Mr. Justice McDonald was welcomed to the Bench of the Supreme Court of Victoria by the Chairman, Mr. C.H. Francis Q.C. On 5th May, 1988 His Honour Judge Campton was welcomed to the Bench of the County Court of Victoria by the Vice-Chairman, Mr. A. Monester Q.C. On 10th May, 1988 His Honour Judge Kimm was welcomed to the Bench of the County Court of Victoria by the Vice-Chairman, Mr. A.J. Kirkham Q.C. On 19th July, 1988 His Honour Judge Smith was welcomed to the Bench of the County Court of Victoria by the Vice-Chairman, Mr. A. Monester Q.C. On 9th August, 1988 His Honour Judge Keon-Cohen was welcomed to the Bench of the County Court of Victoria by the Chairman, Mr. C.H. Francis Q.C. On 4th December, 1987 His Honour Judge Bowman was welcomed to the Bench of the Victorian Accident Compensation Tribunal by the Vice-Chairman, Mr. A.J. Kirkham Q.C. On 5th February, 1988 His Honour Judge Boyes was welcomed to the Bench of the Victorian Accident Compensation Tribunal by the Vice-Chairman, Mr. A.J. Kirkham Q.C. On 9th February, 1988 His Honour Judge Macleod was welcomed to the Bench of the Victorian Accident Compensation Tribunal by the Vice-Chairman, Mr. A.J. Kirkham Q.C. On 16th February, 1988 His Honour Judge Bingeman was welcomed to the Bench of the Victorian Accident Compensation Tribunal by the Vice-Chairman, Mr. A. Monester Q.C. On 16th February, 1988 His Honour Judge Croyle was welcomed to the Bench of the Victorian Accident Compensation Tribunal by the Vice-Chairman, Mr. A. Kirkham Q.C.

Farewells: On 11th February, 1988 representatives of the Bar and Solicitors met to pay tribute to His Honour Judge Leckie on the occasion of his retirement from the Bench of the County Court of Victoria. The Chairman, Mr. C.H. Francis Q.C. spoke on behalf of the Bar. On 22nd April, 1988 representatives of the Bar and Solicitors met to pay tribute to The Honourable Mr. Justice Emery on the occasion of his retirement from the Bench of the Family Court of Australia. The Chairman, Mr. C.H. Francis Q.C. spoke on behalf of the Bar. On 11th May, 1988 representatives of the Bar and Solicitors met to pay tribute to The Honourable Mr. Justice Murray on the occasion of his retirement from the Bench of the Supreme Court of Victoria. The Chairman, Mr. C.H. Francis Q.C. spoke on behalf of the Bar.

Tribute: On 1st August, 1988 representatives of the Bar and Solicitors met to pay tribute to His Honour, The Late Judge Tolhurst.

ROLL OF COUNSEL

Between 1st September, 1987 and 31st August, 1988 the following 97 persons, 15 of whom are Interstate Counsel, signed the Roll of Counsel:-

Mr. H.D. Sperling (NSW)
Mr. R.L. Hunter (NSW)
Mr. B.R.M. Hayes (SA)
Mr. D.H. Denton (re-signed)
Mr. R.W. Evans (SA)
Mr. B.R. McClintock (NSW)
Ms. D. Kovacs
Mr. S.M. Anderson
Mr. G.C. McGowan
Mr. D. McL. Thomson
Mr. M. Clarke
Mr. J.B.R. Beach
Mr. J.W.S. Peters

Mr. W.C. Grainger
Mr. B.R. Ussher
Mr. R.L. Moore
Mr. T.S. Falkiner
Mr. A.G. Lupton
Ms. I.E. Lawson
Mrs. K.J. Howard
Mr. J.P.M. McMahon
Mr. M.A. Dreyfus
Mr. A.T. Zilinskas
Miss. W. Browne
Mr. T. Di Lallo
Mr. A.G. Lyons

Mr. C.R. Northrop
Mr. I.R. Fehring
Ms. W.E. James
Mr. A.D.L. Johns
Mr. R.J. Pithouse
Mr. N.F. Coburn
Mrs. J.K. Downing
Mr. R.J. Williams
Ms. F.V. McNiff
Mr. T. Artemi
Mr. J.J. Goodman
Mr. N.S. Fowler (re-signed)
Mr. R.S. Toner (NSW)

Mr. N.F. Holmes (NSW)
 Mr. J.A. Timbs (NSW)
 Mr. S.L. Dewberry
 Mr. J.A. Ribbards
 Miss. V. Frenkel
 Mr. G.A. Glover
 Miss. P.J. Treyvaud
 Ms. L.A. Cross
 Mr. A. Moisisdis
 Mr. J.L. Trapp
 Mr. H.J. Langmead
 Mr. D.J. Whitford
 Mr. P. Riggall
 Mr. A.J. Robinson
 Mr. M.J. Campbell
 Mr. W. Lye
 Ms. M.L. Quigley
 Mr. P.F.J. Condliffe
 Miss. N.M. Feely
 Miss. M.A.E. Schwartz

Mr. G.F. Hellyer
 Mr. J. Puls
 Mr. R.T. Barry
 Mr. N.J. Kenyon
 Mr. G.D. Friedman
 Mr. M.J. Rochford
 Mr. C.D. Howse
 Mr. R.I.E. Willcox
 Mr. T.K. Hassard
 Mr. S.R. Horgan
 Mr. R.W. McGarvie
 Miss. L.A. Hannan
 Ms. S.J. Cox
 Mr. S.J. Miriklis
 Mr. J. Ginnane
 Mr. A.J. Lavery
 Mr. A.R. McKenna
 Mr. P.J. Pascoe
 Mr. B. Scheid

Mrs. K.M. Williams
 Mr. P.P. Bravender-Coyle
 Mr. G.R. Atkinson
 Mr. M. Bromberg
 Mr. M.D. Hennessy
 Mr. A.R. Managh
 Mr. M.T. Rush (re-signed)
 Mr. P.R. Arden (NSW)
 Mr. A.B. Shand (NSW)
 Ms. J. Garner (re-signed)
 Ms. G. Grigoriou
 Mr. P. Menzies (NSW)
 Mr. M. Gelbert (NSW)
 Mr. B.J. Hess (re-signed)
 Mr. D.G. Hill (NSW)
 Mr. R.A. Cameron (SA)
 Mr. D.L. Allen (re-signed)
 Mr. E. Wajsbrem (re-signed)
 Mr. C.R. Einstein (NSW)

Members whose names have been transferred to Division A, Part I — Victorian Practising Counsel:

Mr. R.H. Miller
 Mr. S.R. Molesworth
 Mr. R.C. Webster

Member whose name has been transferred to Division A, Part III — Interstate and Overseas Practising Counsel:

Mr. B.C. Cairns

Members whose names have been transferred to Division B, Part II — Judges:

The Honourable Mr. Justice Cummins
 The Honourable Mr. Justice McDonald
 His Honour Judge Smith
 His Honour Judge Keon-Cohen
 His Honour Judge Bowman
 His Honour Judge Boyes
 His Honour Judge Bingeman
 His Honour Judge Macleod
 His Honour Judge Croyle

Members whose names have been transferred to Division B, Part VI — Magistrates and Full Time Members of Statutory Tribunals:

Mr. E.C. Batt
 Mr. R.E. Byard
 Mr. J.P. Dugdale
 Miss J.M. Crowe
 Mr. J. Wajcman

Members whose names have been transferred to Division C, Part I — Retired Judges

The Honourable Mr. Justice Murray, CBE
 His Honour Judge Leckie

Member whose name has been transferred to Division C, Part III — Retired Counsel

Mr. T. Topham

Names removed at request of Counsel:

Mr. P. Antonov, Mr. S.B. Granat, Mr. W.S. Cameron, Mr. G.B. Roberts, Dr. C.E. Croft, Mr. W.J.W. Lennon Q.C., Mr. L.R. Samuel, Mr. D. Aronson, Mr. P. Brenner, Mr. D.D. Levine Q.C. (NSW), Mr. K. Pose, Mr. J.H. Nankivell, Mr. J.F. Lo Presti, Mr. E.K. O'Donnell, Mr. B.M. James (NSW), Miss S.A. Miller, Mr. D. Allen, Mr. A. Kornblum, The Honourable Sir Reginald Smithers, Mr. T.S. Harris (NSW), Mr. P.J. Duffy, Mr. E.B. Wajsbrem, Mr. L.R. Lethlean, Mr. K.J. Quinlan, Mr. J.R. Cleworth (NSW), Miss M.T. Smith, The Honourable Mr. Justice Emery, Mrs. L.R. Schifftan Q.C., Mr. P.W. Riggio, Mr. R. Frazzetto and Mr. B.J. Doyle.

THE ROLL

Division A Part I	Victorian Practising Counsel	1,023
Division A Part II	Prosecutors for the Queen	14
Division A Part III	Interstate and Overseas Practising Counsel	144
Division B Part I	Governors	1
Division B Part II	Judges	117
Division B Part III	Ministers of the Crown	2
Division B Part IV	Solicitors-General and Directors of Public Prosecutions	4
Division B Part V	Masters	7
Division B Part VI	Magistrates and Full-Time Members of Statutory Tribunals	31
Division B Part VII	Crown Counsel and Parliamentary Counsel	20
Division B Part VIII	Other Official Appointments, e.g. Registrar of Titles, Commissioner for Corporate Affairs, Public Trustee and the like	1
Division C Part I	Retired Judges	30
Division C Part II	Retired Holders of Public Office other than Judicial Office	8
Division C Part III	Retired Counsel	21

FUNCTIONS

Opening of the Legal Year

Religious Observances for the Legal Profession for the opening of the Legal Year were held on 1st February, 1988. The Services were held at St. Paul's Cathedral, St. Patrick's Cathedral, St. Eustathios' Cathedral and East Melbourne Synagogue.

Bar Entertainment

On 8th October, 1987 the Acting Chairman and members of the Bar Council held a dinner for the Presidents of the Country and Suburban Law Associations.

On 19th November, 1987 the Chairman and members of the Bar Council held a dinner in honour of the Past Chairman, Mr, P.D. Cummins Q.C. and retiring members of the Bar Council.

On 17th December, 1987 the Bar's Annual Christmas Cocktail Party was held in the Lobby of Owen Dixon Chambers West. The function was well attended by members of the Bench and Bar together with spouses and guests.

On 10th March, 1988 the Chairman and members of the Bar Council held a dinner in honour of Mr. Andrew McCutcheon M.P., upon his appointment as Victorian Attorney-General.

On 12th May, 1988 the Chairman and members of the Bar Council held a dinner in honour of The Honourable Mr. Justice Cummins (Immediate Past Chairman) upon his appointment to the Bench of the Supreme Court of Victoria.

On 28th May, 1988 the Bar held its Annual Dinner at Leonda-by-the-Yarra. Members of the Bench and Bar and guests attended. Honoured guests were The Honourable Mr. Justice Teague and The Honourable Mr. Justice Cummins. (An apology was received from The Honourable Chief Justice Nicholson and The Honourable Mr. Justice Rowlands). The Honourable Mr. Justice Graham and The Honourable Mr. Justice McDonald. His Honour Judge Campton and His Honour Judge Kimm. (An apology was received from His Honour Judge Higgins.) His Honour Judge Betts, His Honour Judge Bowman, His Honour Judge Bingeman, His Honour Judge Boyes, His Honour Judge Croyle and His Honour Judge Macleod. (An apology was received from His Honour Judge McCarthy.) His Honour Judge Mulvaney, His Honour Judge Travers and His Honour Judge Hardham.

Dr. C.N. Jessup Q.C. proposed the toast to the honoured guests and speeches in reply were made by The Honourable Mr. Justice Cummins and His Honour Judge Macleod.

On Friday, 22nd July, 1988 the Chairman and members of the Bar held a dinner in honour of The Right Honourable Sir Michael Kerr, Lord Justice of Appeal of the United Kingdom and Lady Kerr.

Readers' Dinners were held in November, 1987 and May, 1988. The Honourable Sir John Starke was the guest speaker at the November dinner and in May last, The Honourable Chief Justice Nicholson was the guest speaker.

Readers were welcomed to the Bar at functions held in September, 1987 and March, 1988.

Sporting Events

During the year the Victorian Bar Hockey team played two matches. The Bar's team defeated the R.M.I.T. team 4/2 but in its annual game against the Law Institute team, it lost 4/3. The Solicitors retained the Scales of Justice Cup.

The 1987 Annual Tennis match against the Law Institute was won by the Institute. The Solicitors retained the O'Driscoll Cup. In December, 1987 the one-day Annual Cricket matches against the 1st XI and 2nd XI of the Law Institute of Victoria resulted in wins to the Solicitors.

In January, 1988 the Bar's running team finished 17th out of 100 teams in the Bicentennial 200km team run. The run was in support of Doxa and other nominated Charities.

The Annual Golf Match between the Bench and the Bar and the Law Institute was held at the Metropolitan Golf Club during February, 1988. The Bench and Bar were successful in regaining the Sir Edmund Herring Trophy.

The Annual Cricket Match against the N.S.W. Bar was played at the Fitzroy-Doncaster ground on 20th March, 1988. The Victorian Bar was successful in winning for the second year in a row.

REPORT OF THE LAW COUNCIL OF AUSTRALIA FAMILY LAW SECTION

In March, 1988 the Section conducted its third biennial national family law conference ("the Bicentenary Family Law Conference") at Melbourne's Regent Hotel which was acclaimed as a great success. Over 400 registrants heard distinguished local and overseas speakers including the Chief Justice of the High Court of Australia, Sir Anthony Mason AC, K.B.E., and Lord Justice Elizabeth Butler-Sloss D.B.E., of the Court of Appeal, London.

The Section's continuing legal education programme has included two nation-wide seminar series dealing with two of the most significant developments in family law of late being the amendments brought about by the Family Law Amendment Act 1988 and the introduction of stage one of the child support scheme.

Important issues which have been the subject of detailed consideration by the Section executive over the past year have included the Family Law Council's Access paper; the Law Reform Commission's Contempt Report; the Law Reform Commission Report on Matrimonial Property Law ("the Hambly Report"); the Child Support Scheme and the troublesome subject of child abuse including sexual abuse.

The Section warmly welcomed the appointment of the Honourable Justice Alastair Nicholson to the position of Chief Justice of the Family Court of Australia and acknowledged the enormous contribution to the Court and family law over the past twelve years made by the retiring Chief Judge The Honourable Justice Elizabeth Evatt A.O.

RICHARD GRIFFITH LIBRARY ANNUAL REPORT 1988

During the year, both the Bar Council and Barristers' Chambers Ltd. have turned their attention to the question of relocating the library which is at present housed on the 13th floor of Owen Dixon Chambers East. What is under consideration is the possibility of rehousing the library in conjunction with the administrative offices of the Bar, in order to enable staffing of the library and an improvement in the services offered through the library.

Pending relocation, which is necessarily a long term project, Room 1208 has been established as the Library Annexe. Already, it houses the U.S. Supreme Court Reports, a move which has released extra space on the 13th floor to cope with the annual increment to existing sets. With the extra space now available, it is hoped that some expansion of the existing collection may be undertaken; in recent years, all publishers have put out new series which are of use to members of the Bar.

A photocopier has now been installed in the Library by Barristers' Chambers Ltd., which will handle paper supply and servicing generally. The machine is coin operated; it takes coins of more than one denomination and the cost per page is 10 cents. With the introduction of this photocopier, which has been long awaited, barristers are again reminded that there is an absolute ban on removing books from the library without the consent of the Librarian or a member of the Library Committee. With photocopying now possible in the library itself, perhaps unauthorised removal of books will cease and the Bar can expect to maintain its present collection, without further loss.

REPORT OF THE LAW REFORM COMMITTEE

The Chairman of the Law Reform Committee in 1987-1988 was Mr. A. Monester Q.C. The Committee dealt with many important matters during the year including:-

Magistrates' Court Bill

A Sub-Committee consisting of members of the Bar who practice in the Magistrates' Court was established under the chairmanship of T.H. Smith Q.C. A detailed report was prepared and forwarded to the Attorney-General's Department and a delegation attended upon the then Attorney-General, Mr. J.H. Kennan Q.C., resulting in suggested changes being adopted. The Sub-Committee has also made submissions concerning the Magistrates' Court Rules.

Medical Treatment Bill 1987

This Bill evoked a lot of public discussion concerning "Dying with Dignity" and Euthanasia. Submissions made by a member of the Law Reform Committee have been adopted in part by State Parliament. The Bill is to be further debated.

Defamatory Matters in Petitions to Parliament

The Australian Senate Committee on Privileges asked the Law Reform Committee for assistance. A former Premier of Western Australia resigned to take up a diplomatic posting. Some allegedly defamatory matter was contained in petitions submitted to the Senate. The views expressed on behalf of the Committee are still being considered by the Senate Committee.

Charitable Trusts

The Legal and Constitutional Committee of State Parliament has been given a reference to inquire into the Reform of the Law in relation to the Charitable Trusts. The Law Reform Committee obtained comments and suggestions on the proposed reforms from members of the Bar which have been forwarded to the Legal and Constitutional Committee for consideration.

Admiralty Jurisdiction

The Law Reform Committee made submissions on the Admiralty Act which passed through the Federal Parliament on 22nd May, 1988. When the Admiralty Rules have been finally approved (which is hoped to take place in September or October) the Act is expected to come into effect.

Criminal Law Reform

Throughout the year the Committee has worked closely with the Criminal Bar Association in regard to many law reform proposals.

Evidence Law Reform

Members of the Bar are aware that a member of this Bar Mr. T.H. Smith Q.C. when seconded to the ALRC prepared a detailed report on the Law of Evidence. The New South Wales Law Reform Commission has recently prepared a report on the Law of Evidence. The latest proposal by the New South Wales Attorney-General is to refer the Evidence Reference to the Standing Committee of Attorneys-General. In the past this has been a burying ground for law reform proposals. The Law Reform Committee of the Victorian Bar will be pressing upon the Attorney-General the importance of this area of law reform and the importance of not allowing the above report to receive the same fate as was the reference on Uniform Defamation Laws when referred to the Standing-Committee of the Attorneys-General.

Appointments

It was with great pleasure the Committee learnt that two of their distinguished members were elevated to the Bench during the year. Mr. A.W. McDonald Q.C. was appointed to the Supreme Court and Mr. T.H. Smith Q.C. was appointed to the County Court. The contribution by those members to the Victorian Bar and to the Law Reform Committee has been significant. It is no surprise to members of the Law Reform Committee that both Allan and Tim are displaying great aptitude and enthusiasm in their new positions.

YOUNG BARRISTERS' COMMITTEE VICTORIAN BAR COUNCIL REPORT

The increase in the jurisdiction of the Magistrates' Courts and the proposed further amendments included in the Magistrates' Courts Bill were matters of considerable concern to the Committee. In particular, problems were noted regarding the system of arbitration and the resultant inconsistency both in procedure and results. The Committee placed its views before the Bar Council's Law Reform Committee, which prepared a submission regarding the Bill.

The Road Safety Act contained provisions that concerned members practising in the Magistrates' Courts and the effects in practice of the Act are being observed with interest.

Submissions were made to the Bar Council with respect to Professional Indemnity Insurance premiums and lower rates, and instalment payments (2) were made available to "young" barristers.

On the question of fee collection, the Committee is pleased that some action is being taken by the Bar Council in this area which is of particular concern to young barristers.

The Committee was approached on behalf of the Readers' Practice Course Committee and McIntosh conducted two successful workshops relating to civil procedure in the Magistrates' Courts. It is hoped that input into the Course will be able to be continued and further developed in the coming year.

EXECUTIVE COMMITTEE

The Executive Committee meets fortnightly and sometimes more frequently when necessary.

It is responsible for overseeing the implementation of the decisions of the Bar Council and dealing with urgent matters which do not require the making of final policy determinations. Some matters not considered of sufficient importance to merit the attentions of the Bar Council are also dealt with; but otherwise all matters, and particularly those which raise questions of policy, are dealt with by the Bar Council.

All members of the Executive Committee are, of course, members of the Bar Council.
The following are some of the matters which have occupied the Executive Committee in the past year.

1. Fees in all jurisdictions
2. Matters related to persons coming to or leaving the Bar.
3. Financial matters.
4. Courts Administration and the plight of the judiciary in this State.
5. Public relations for the Bar.
6. The implementation of a "default list" to improve the system of collecting fees for the Junior Bar.

ANNUAL REPORT OF THE ETHICS COMMITTEE

Following the last Bar Council election Liddell Q.C. retired as Chairman of the Committee. Hansen Q.C. adopted the role of acting Chairman from November 1987 until February 1988 when Fox Q.C. was appointed Chairman.

Since the last Annual Report the Committee has held four summary hearings pursuant to Section 14E of the Legal Profession Practice Act. In one instance the complaint was withdrawn and the Committee resolved to take no further action. In another the complaint was dismissed.

The Committee in the other two cases found that members of Counsel had committed a disciplinary offence.

One complaint, made by a client, was that a member of Counsel had held two briefs on the same day in the Family Court and had done so to the prejudice of his client.

The Committee found that Counsel had breached Counsel Rules 7 and 14.

Counsel Rule 7 provides that:

"A barrister shall not accept more than one brief in the one Court for the one day unless he can do justice to each brief without interfering with the Court's disposal of its business."

Counsel Rule 14 provides that:

"A barrister who has accepted a brief to appear on his own which brief has not been returned shall be present in Court ready to represent his client on each occasion when the case is called on for hearing."

The Committee on this occasion resolved that the barrister be reprimanded and cautioned against committing the offence and further resolved that the barrister pay compensation to the client in the sum of \$400.00.

It is noted that among complaints presently under investigation are three matters referred by members of the judiciary raising similar issues.

The Committee also held a summary hearing into an instance of conduct which may have amounted to touting referred to it by the Bar Council.

The Committee concluded that a member of Counsel had committed a disciplinary offence by permitting photographs to be published which did not fall within the description of permitted photographs as set forth in Chapter 14 of Gowans: Professional Conduct Practice and Etiquette.

The Committee resolved that the member of Counsel be fined the sum of \$500.00 in respect of the photographs so published. Allegations against the same Counsel of touting were dismissed.

The following table gives statistics of complaints received, their source and the manner of their disposal during the years covered by this report and for the previous two years.

	1985-86	1986-87	1987-88
No. of complaints received	43	42	24
No. of complaints under consideration at commencement of reporting period	21	26	20
No. of complaints under consideration at date of report	26	20	16
No. of investigations concluded during the reporting period	38	48	27
Complaints not upheld after preliminary investigation	33	40	25
Summary Hearings during reporting period	4	7	4
Complaints upheld after hearing	3	5	2
Complaints dismissed after hearing	1	2	2
Complaints resulting in charges laid before the Barristers' Disciplinary Tribunal during the reporting period	1	1	1
Source of Complaint			
Clients	23	22	8
Solicitors	12	9	6
Judicial	2	3	3
Counsel	2	2	2
Police	3	—	1
Other	1	6	4

BARRISTERS' DISCIPLINARY TRIBUNAL

In December 1986 the Ethics Committee laid certain charges against Samuel Barry Granat, a barrister. A hearing was conducted by the Barristers' Disciplinary Tribunal, and on 17 June 1987 the Tribunal found the following charges proved:-

1. That on or between 25 and 29 March 1985 whilst engaged as counsel in a trial in the 14th Court in the County Court at Melbourne he passed information to a person knowing that person to be acquainted with a member of the jury hearing such trial under circumstances where there was a risk that such information would be transmitted to the juror.
2. That knowing the person to be acquainted with a juror hearing the trial he asked the person to enquire of such juror as to his views as to the progress of the trial and/or its likely outcome.
3. That he entered the jury room of the 14th Court in the County Court after the Court had adjourned when exhibits in the trial were left or stored there for the night.

Granat then undertook to the Tribunal that he would on or before 25 August 1987 lodge with the Bar Council a written request that his name be removed from the Bar Roll and that he would not withdraw that request.

The Tribunal then ordered that the Barrister pay the costs of the Bar Council of the proceedings before the Tribunal, and that a statement containing the name of the Barrister, the substance of the charges found proved, the substance of the undertakings given by the Barrister and the order for costs be published in the Annual Report of the Bar Council.

This statement is published pursuant to that Order.

REPORT OF COMMITTEE ON COURT DELAYS

This Committee, which is also known as the Legal Systems Committee, put out its first report in April 1988. That report which was circulated to members of the Bar and various other interested parties under the title "The Sorry State of the Judicial System in Victoria", caused some press and political comment at the time, and requires no further explanation in this report.

Since the publication of that document, the Legal Systems Committee has met on a number of occasions. A variety of individual papers are being prepared and cover the following subjects; Judges' Independence and Status; Judicial Salaries and Remuneration Tribunal; Supreme Court Delays and Support Staff Comparisons; The Courts and Computers; County Court Delays; A Court of Appeal; Future Accommodation for the Courts; Funding of Court Services; The Supreme Court Library; Delays and Problems in Criminal Proceedings; Delays and Problems in Magistrates' Courts; The Working of the Commercial Causes List; Specialist Lists; Communication with the Bar.

Most of the foregoing papers have now been completed. It is hoped that a further comprehensive report will be completed and available to the Bar Council by the end of September.

REPORT ON THE READERS' COURSE

Two Readers' Courses, each of approximately twelve weeks duration, have been conducted since the last Annual Report. A total of 75 readers attended the two courses, 7 more than in the corresponding period in the previous year.

The Bar and its Readers have continued to benefit from the generous contributions of time and effort to the Readers' Course by practising members of the Bar, members of the judiciary, and many others also. A total of 132 people assisted with both of these intakes, a number which indicates the consistency of the level of assistance received for the Readers' Course over the last few years. The course has maintained the high standard of previous years and many of the contributors have assisted on numerous occasions and for lengthy periods.

A close connection is developing between the Victorian Bar and the Bar in Papua New Guinea. In the September 1987 intake, Robert Aisi was the first barrister from PNG to pass through the course. He was succeeded by Stephen Madana in the March 1988 intake. Both Robert and Stephen were valued and contributing members of the course. They are to be followed by two more barristers from PNG in the September 1988 intake. The Readers' Course Committee welcomes this development.

For the past two intakes, the Co-ordinator has been Miss Barbara Walsh, who has carried out her role with great enthusiasm and success, and to the complete satisfaction of both the Readers and the Course Committee.

At the end of 1987 Michael Black Q.C. retired as Chairman of the Readers' Course Committee, a position he had filled for 6 years with great distinction. Black played a leading role in the development of the Course and is responsible for much of its present quality and reputation. The Bar has good reason to be proud of the Course and owes much to Black for his inspired leadership.

REPORT OF THE CRIMINAL BAR ASSOCIATION

The Association has gone through a year which has seen a number of significant changes proposed and/or actually introduced which go to matters of central concern to those practising in the jurisdiction. Foremost have been questions concerning police powers, legal aid, delays in the hearing of trials, major recommendations for reform in sentencing (the Starke Committee's Report). Some of the issues which have arisen have been controversial and the general tenor of feeling amongst members (as demonstrated by the resolution carried at the Extraordinary General Meeting called in September 1987 which opposed extension of police power) has been that the Association needs to voice concern and to take part in some public ventilation of issues which are seen as requiring immediate response. Care has been taken to ensure that the views of the Association are not represented as the views of the Bar Council and responses have been made where thought necessary.

In this connection it should be noted that while the Government got legislation through affecting detention and interrogation as well as fingerprinting of suspects, these Acts contain significant safeguards and it will be essential to monitor the changes (which are as yet unproclaimed) to ensure that the safeguards are implemented in an undiluted form. There is an acute awareness that the Police and associated organizations have been very active in promoting an atmosphere in which we may see a substantial erosion of important aspects of the criminal justice system and it is in this context that the Association has sought to assess such proposals and add its analyses to the process.

The Committee has had the pleasure of welcoming the new Attorney General to one of its meetings. The Honourable Andrew McCutcheon showed a willingness to listen to and consider the various problems raised by the Committee. Central to the concerns of the Association is the imposition of what appear to be still stricter Legal Aid Guidelines for funding preparation and appearances in contested matters. The unavailability of sufficient Legal Aid funds is creating new limitations on what the Commission is prepared to pay for. The answer to a good many of the issues raised with the Attorney must ultimately come back to adequate budgetary allocations for Legal Aid and the Court system.

REPORT OF THE ACADEMIC COMMITTEE

This Committee was first established in 1986 by Chairman Cummins QC. Its objective was to bring together some members of the Bar who have involvement in different aspects of legal education with a view to promoting the interests of the Bar in legal education and to the Bar's making a contribution to this activity. During 1987-88 the Committee has met on a number of occasions to consider and to advise the Bar Council on a number of miscellaneous topics which were referred to it.

- - The Committee advised the Bar Council that the Bar, as an institution, should not recognise a doctorate conferred by a foreign university unless it was earned by academic excellence. Since it is not the function of the Bar to assess these standards, the Bar should recognise only a doctorate which would itself be recognised by local universities, or a doctorate which is recognised in Australia as a courtesy title.
- The Committee made suggestions to the Bar Council as to topics which might be included for papers or discussion at the Law Council of Australia Convention in Canberra in September, and topics which should be included for discussion by the judges of the Victorian Administrative Appeals Tribunal at their conference in March.
- The Committee prepared for the Bar Council a Submission to the Joint Committee on Policy Review of the Faculty of Law at the University of Melbourne dealing with the content of the undergraduate course and the contributions which the Law School and the Bar might make to the activities of each other.
- After canvassing the views of the Bar, the Committee prepared a submission to the Melbourne University Faculty of Law on the content of its LLM by Coursework programme which is under review.
- - The Committee also participated in and consented on the feasibility study for the proposed National Legal Drafting Institute prepared under the Chairmanship of Professor Baxt, then Dean of the Faculty of Law at Monash University.

A particularly satisfying activity of the Committee was its involvement in supporting the mooting team from Melbourne University which successfully represented Australia at the Jessup International Moot Competition in Washington DC. The support given to this team from many members of the Bar shows in a real way our keenness to promote the interests of the barristers of the next generation.

Members of the Academic Committee in 1987-88 were:

D. Byrne Q.C.
 J. Fajgenbaum Q.C.
 N.H.M. Forsyth Q.C.
 D.L. Harper Q.C.
 C.N. Jessup Q.C.
 M. Weinberg Q.C.
 P. Nash Q.C.
 J. G. Santamaria
 A.L. Cavanough
 S.E. Marantelli
 G.T. Pagone
 I. Hardingham

ESSOIGN CLUB LIMITED ANNUAL REPORT

The past year has seen the membership of the Essoign Club increase to over 850. During that period the Club has been faced with many difficulties but has continued successfully to cater to the needs of the Bar.

After the departure of key staff in the kitchen, Michael Straford was engaged as Catering Manager and Andrew McLay as Chef. At the same time, the Club had to contend with the opening of competing services in Owen Dixon Chambers West which caused extra pressure for all staff in providing an attractive alternative. These pressures were being attended to, but were exacerbated by the tragic death in an accident at home of Michael Straford in November. Credit must be given to Andrew and his staff for stepping into the breach, and handling the busiest time of the year in a most competent and satisfactory manner.

The service available at the Club has obviously been appreciated by the great majority of members. There has been an increase in attendance for lunches in the dining room which continues to provide food and liquor services of extremely high quality for exceptionally low prices. The atmosphere at lunch is as pleasant as one could find in any restaurant or club in Melbourne with all the attendant advantages of members being able to mix freely with the judiciary and members of the Bar at all levels of seniority. The Committee wishes to encourage even greater use of these facilities by members, particularly younger members which it believes should receive great benefit and enjoyment from doing so. It is further anticipated that improvements to the air-conditioning will also provide a more enjoyable atmosphere in the coming months.

Over the year the Club has also used its facilities for many functions for and associated with the Bar and the Bar Council and will continue to do so.

The Committee draws the attention of the Bar to its quarterly wine lists which offer a wide range of excellent wines at reasonable prices. Credit for this is due to Pat Gilbert and his assistant Howard Duncan who have continued to give loyal and efficient services to the Club. Pat has developed a relationship with wineries from all over Australia who are only too willing to supply the Club with quality product at affordable prices.

The Club wishes to acknowledge Howard's work while Patrick was away due to injury, and Patrick's return to work whilst still not fully recovered from surgery.

The Committee would also like to thank Michael McInerney who resigned from the Committee and who had acted as Secretary since the Club's inception. His work over that period and the time devoted to the Club is appreciated.

The present Committee consists of Messrs. Chernov, Q.C. (Chairman), Michael Adams (Vice Chairman), Harper, Q.C. (Hon. Treasurer), Michael Richards (Secretary), Berkley, Q.C., S.G., Shaw, Q.C. and John Lee.

At the Annual General Meeting of the Club the Treasurer's report on the financial affairs was received and noted with satisfaction. Notwithstanding the increases in costs and capital expenditure, it is pleasing to the Committee that the financial viability of the Club has been maintained without any reduction in the service provided to its members.

The work of the Committee could not be done without the assistance given to it by Ed Fieldhouse, the Assistant Honorary Treasurer, and Anna Whitney, the Assistant Honorary Secretary, who make the work of the Committee less arduous by their professional approach to the Club's needs.

REPORT OF TRUSTEES OF BAR CLERKING FUND

The Bar Clerking Fund now has as its only asset an amount of \$5,000.00 held in Australia Savings Bonds Series 25 at 12.5%. This series matures on 1st February 1991. During the financial year ended 30th June 1988 an amount of \$1,129.39 was earned by way of interest.

BARRISTERS' CLERK

At a function held on 29th August, 1988 at the Victorian Club, members of List "S" and members of staff together with their spouses and guests joined with Mr. Ken Spurr at a celebration to mark the occasion of the 25th Anniversary of the appointment of Mr. Spurr as a Barristers' Clerk on 26th August, 1963.

Speakers included Mr. Justice Woodward (first List "S" Chairman) and Judge Crossley who proposed the toast to Mr. Spurr. The Victorian Bar Council also extends its warm congratulations to Mr. Spurr.

**VICTORIAN BAR COUNCIL
STATEMENT OF RECEIPTS AND PAYMENTS
FOR YEAR ENDED 31ST AUGUST, 1988**

	\$	\$	\$
Cash Balance as at 1st September, 1987			63,572.32
Add Receipts for Period:			
Annual Subscription (prior periods)		6,000.00	
Annual Subscription (current period)		<u>284,849.92</u>	
Total Subscriptions Received			290,849.92
Interest Received:			
Short Term Deposits		20,974.15	
Savings Investment Account		533.39	
Savings Bank Deposit		<u>4.76</u>	
Total Interest Received			21,512.30
Bar Clerking Fund Transfer		6,147.17	
Sale of Publications		45.21	
Redemption of Commonwealth Bonds and other Investments		338,854.54	
Repayment of List "C" Expenses		654.34	
Recovery of Costs		286.50	
Readers' Course Income		67,316.00	
Royalties		<u>1,000.00</u>	
Total Other Income			<u>414,303.76</u>
Total Funds Available			790,238.30
Less Payments for Period:			
Accounting and Audit Fees	1,798.00		
Bar News	9,769.83		
Bank Charges/Deposit Duty	398.08		
Floral Tributes	96.50		
Insurance	2,207.80		
Printing	1,260.90		
Publications	711.25		
Salaries & Payroll Costs	<u>19,322.89</u>		
Total Administration Expenses		35,565.25	
Income Tax Payment		12,029.24	
Capitation and Affiliation Fees —			
Law Council of Australia (1988/1989)	55,759.00		
Australian Bar Association	10,220.00		
Victorian Council of Professions	<u>475.00</u>		
Total Capitation and Affiliation Fees		<u>66,454.00</u>	<u>114,048.49</u>
Excess of Receipts over Payments C/F			676,189.81

	\$	\$	\$
Balance B/F			676,189.81
Less:			
Law Council of Australia		844.00	
Casflow Management Workshop		10,000.00	
Functions and Entertainment	40,386.37		
Less Members' Payments	<u>(26,217.44)</u>	14,168.93	
Investments (at cost)		144,046.66	
Transcripts		1,184.40	
Loan to Barristers' Chambers Limited		300,000.00	
Readers' Course Expenses		68,333.10	
Travelling Expenses		1,038.00	
Salary Lay-Observer		488.57	
Professional Consulting Fees		29,047.33	
Corporate Affairs Commission		155.00	
Melbourne University Law Students		165.00	
Donations — Doxa Fun Run		500.00	
— Victorian Court Network		1,000.00	
Purchase of Bar Memento		<u>85.00</u>	<u>571,055.99</u>
Balance as per Cash Books as at 31st August, 1988			<u><u>\$105,133.82</u></u>

TRUST FUND

Barristers' Benevolent Fund		
Amounts Received	\$11,470.00	
Amounts Remitted	<u>\$11,470.00</u>	

VICTORIAN BAR COUNCIL
ASSETS AS AT 31ST AUGUST, 1988

	\$	\$
1. Cash in Bank Accounts		
— Savings Bank Account	132.13	
Trading Accounts	99,000.62	
Saving Investment Account	<u>6,001.07</u>	105,133.82
2. Investments at Cost:		
(a) 8,150 Ordinary Shares at \$2 each in Barristers' Chambers Limited	16,300.00	
(b) Barristers' Chambers Limited — Unsecured Loans	<u>1,150,000.00</u>	1,166,300.00
3. Subscriptions in Arrears		2,325.00
4. List "C" Expenses Prepaid		2,801.23
5. Candelabra and other gifts		1,276.00
6. Honour Board of Past Chairman of Victorian Bar Council		<u>256.00</u>
TOTAL ASSETS		<u><u>1,278,092.05</u></u>

	\$	\$
ACCUMULATED FUNDS		
Accumulated Funds as at 1st September, 1987		1,140,727.77
Net increase in Funds		<u>137,364.28</u>
Accumulated Funds as at 31st August, 1988		<u><u>\$1,278,092.05</u></u>
NET INCREASE IN FUNDS		
Represented by:-		
Increase in Cash at Bank	41,561.50	
Increase in Investments (at cost)	<u>105,492.12</u>	
		147,053.62
Less decreases —		
"List C" Prepaid Expenses	654.34	
Subscriptions in Arrears	<u>9,035.00</u>	
		<u>9,689.34</u>
Net increase in Funds		<u><u>\$137,364.28</u></u>