



**VICTORIAN BAR COUNCIL**

*Reference use*

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**VICTORIAN BAR COUNCIL  
OWEN DIXON CHAMBERS  
205 WILLIAM STREET,  
MELBOURNE 3000**

# **ANNUAL REPORT**

**1ST SEPTEMBER 1989 - 31ST AUGUST 1990**



**ANNUAL REPORT OF THE  
VICTORIAN BAR COUNCIL**

**FOR THE YEAR ENDED 31ST AUGUST, 1990**

To be presented to the Annual General Meeting of the Victorian Bar to be held at  
5.00 p.m. on Wednesday, 26th September, 1990 on the  
2nd Floor, Four Courts Chambers, 180 William Street, Melbourne.

**BAR COUNCIL**

**Election: In the Annual Election held in September, 1989 the following  
members of Counsel were elected:-**

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

Mr. C.H. Francis Q.C.  
Mr. J. S. Winneke Q.C.  
Mr. E. W. Gillard Q.C.  
Mr. A. J. Kirkham Q.C.  
Mr. H. R. Hansen Q.C.  
Mr. B. D. Bongiorno Q.C.  
Mr. D. L. Harper Q.C.  
Mr. R. A. Finkelstein Q.C.  
Mr. D. J. Habersberger Q.C.  
Dr. C. N. Jessup Q.C.  
Mr. R. K. Kent Q.C.

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

Mrs. S. M. Crennan Q.C.  
Mr. J. T. Rush  
Mr. M. B. Kellam  
Mr. M. J. Colbran

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

Mr. A. J. Tinney  
Mr. P. X. Elliott  
Miss R. D. Wiener  
Mr. D. F. R. Beach



## CHAIRMAN'S REPORT

The last decade of the twentieth century will be one of great change in the administration of justice. The Victorian Bar forms one of the elements of the administration of justice in this State. The Bar cannot but be affected by the impact of this change. Indeed, that impact is being felt now. One example, referred to by the judges of the Supreme Court in their 1988 annual report, is the proliferation of tribunals.

To the extent that the right of audience before these tribunals is limited, so their existence amounts to a restriction on the ability of the citizen to put his or her case to a decision-maker in the way and by the means by which the party concerned prefers. Such a restriction amounts to a considerable diminution in personal freedom. In saying so, the Bar, the Law Institute and others defeated a proposal to remove the right of audience from certain cases dealt with by magistrates. The Bar Council will continue to uphold the ancient liberty of every litigant to engage counsel of his or her choice.

It is of grave concern that many tribunals are presided over by persons who are not appropriately independent of the Executive. Many are also given jurisdiction which is, at first instance, exclusive of that of the courts, and with restricted rights of appeal to the courts. The judges of the Supreme Court, in their annual report, drew attention to the adverse effect which these circumstances have on the rule of law. In April, the Bar Council issued a statement giving forceful expression to its concern about this state of affairs.

Pressure for change often comes from political or politically-inspired quarters. This is to be expected, and of itself can give no cause for complaint. The Standing Committee on Legal and Constitutional Affairs of the Australian Senate began its public hearings on the cost of justice in Melbourne in July. The Bar Council expects to make submissions to that Committee on several subjects (in particular, the two counsel rule) not dealt with in the submissions of the Law Council of Australia. Similarly, the Bar Council will make submissions to the Law Reform Commission of Victoria, which is currently considering its own reference on the cost of justice.

On yet another front, the Trade Practices Commission is to hold an enquiry into professional practices which may be said to inhibit competition. The legal profession is currently considering its position in relation to this enquiry. Any participation by the Victorian Bar is likely to be through the Australian Bar Association or the Law Council of Australia, or both.

Doubtless these matters will be the subject of the next Chairman's Report. In the meantime, the Bar Council will examine with care all proposals for change. Those which would, if implemented, advance the due administration of justice will be supported. Those which would inhibit that end will be opposed.

The Bar continues to attract in large numbers those who wish to practise as advocates. There are, in Victoria, no professional barriers to their practising as such outside the Bar. This fact is in itself a powerful reason why law reformers should not seek to force *de facto* fusion on the profession.

But the attractions of membership of the Bar create their own pressures for change. By the second half of 1989 it was clear that a new clerking list was required. The great majority of respondents to the questionnaire on clerking thought that the optimum size of lists was between 100 and 120. Doubtless as a reflection of their concern about their size, the existing lists were unwilling to absorb the Readers who were expected to join the Bar in the March, 1990 intake.

There was much attraction, in these circumstances, in a proposal from a group of barristers to establish a new list, albeit one which would be governed by principles which in some respects differed from those then generally obtaining. In the past, very great difficulty had resulted from the natural reluctance of established barristers to cut existing ties and join a list the majority of members of which would be very junior barristers. The proposal put forward by those for whom Mr. Tippet now acts unexpectedly overcame that problem — unexpectedly in that the results of the questionnaire gave no indication that any member of the Bar was interested in participating in the creation of a new list.

So List "A" was established. At the Bar Council's insistence, and with the ready agreement of those who founded it, the list is open to all. Its optimum size is, as with all clerking lists, to be determined by the list committee subject to the over-riding necessity to distribute among the lists on an equitable basis all those who seek admission to the Bar.

While the creation of List "A" provided temporary relief from the pressure on existing lists, the underlying problem remains. The Bar must in the next year or so tackle the difficult question of the future of clerking.

The Bar continues to be indebted to the members of the Board of Barristers' Chambers Limited. It daily confronts problems to which there are no perfect solutions, and in doing so it daily serves the Bar with distinction. In a transaction accomplished with consummate skill it purchased on behalf of the Bar the vacant land immediately to the south-west of Owen Dixon Chambers West. It now must determine, in consultation with the Bar as a whole, the future of that land; but that issue is merely part of the wider problem of accommodation for barristers. This is another area, of great importance to the Bar, which the times have decreed must be the subject of fundamental re-evaluation. At the heart of the matter is the rule which requires all members of the Bar to be tenants of B.C.L. That rule has assisted in the provision of professional accommodation of which any body of advocates in the world would be proud. Measured against any appropriate criteria except capital gain, our accommodation is without peer. On the other hand, the desire for the benefits of ownership is understandable. Moreover, an even more fundamental issue needs to be addressed: should B.C.L. continue to shoulder the immense burden of being landlord to a Bar as large as ours?

Apart from the 1st and 12th floors, Owen Dixon Chambers East has now been refurbished. Again, the Bar owes a debt of gratitude to the Board of B.C.L. In particular, I record our indebtedness to Spry Q.C., who not only set the initial course but steered the project to within sight of its completion.

In furtherance of its desire to develop a mutually beneficial relationship with the legal profession in Papua New Guinea, the Bar conducted a two-week course in advocacy training in Port Moresby during July. Those participating from Victoria were Kent Q.C., Morgan-Payler, Ray and Ms. Walsh. The course was an outstanding success.

I have recorded elsewhere my appreciation of the work done for the Bar by the immediate past Chairman, E. W. Gillard Q.C. The quality and quantity of that work nevertheless demands mention here. Gillard's inexhaustible energy and his abiding affection for the Bar were distinctive features in a chairmanship of great merit and achievement. He had the support, as have I, of a Bar Council addicted to hard work and vigorous and disinterested debate; of a loyal executive; and of Ed Fieldhouse, Anna Whitney and Barbara Walsh and their staff — all of whom continue their tradition of giving above and beyond the call of duty.

D. L. HARPER  
(Chairman)

### **OFFICERS OF THE BAR COUNCIL**

Chairman — Mr. E. W. Gillard Q.C. (to 31st March, 1990)  
Mr. D. L. Harper Q.C. (from 1st April, 1990)

Senior Vice-Chairman — Mr. D. L. Harper Q.C. (to 31st March, 1990)  
Mr. A. J. Kirkham Q.C. (from 1st April, 1990)

Junior Vice-Chairman — Mr. A. J. Kirkham Q.C. (to 31st March, 1990)  
Mr. J. S. Winneke Q.C. (from 1st April, 1990)

Honorary Treasurer — Mr. D. J. Habersberger Q.C.

Assistant Honorary Treasurer — Mr. M. B. Kellam

Honorary Secretary — Mr. R. A. Brett

Assistant Honorary Secretary — Mr. A. J. McIntosh

Executive Director — Mr. E. T. Fieldhouse

Executive Officer — Mrs. A. Whitney

### **EXECUTIVE COMMITTEE OF THE BAR COUNCIL**

Mr. E. W. Gillard Q.C. (Chairman to 31st March 1990)

Mr. D. L. Harper Q.C. (Chairman from 1st April 1990)

Mr. A. J. Kirkham Q.C.

Mr. J. S. Winneke Q.C.

Mr. H. R. Hansen Q.C.

Mr. B. D. Bongiorno Q.C.

Mr. D. J. Habersberger Q.C.

Dr. C. N. Jessup Q.C. (from 7th June 1990)

Mr. E. W. Gillard Q.C. retired from the Executive Committee of the Bar Council on 24th May, 1990  
having been a member of the Executive for over seven years.

The outstanding contribution made by Mr. E. W. Gillard Q.C. is formally acknowledged  
by the Victorian Bar Council.

## BAR COUNCIL ADMINISTRATIVE COMMITTEES

### Area of Responsibility:

#### (a) JOINT STANDING COMMITTEES

##### **Bar and Law Institute**

Mr. Harper Q.C.

##### **Committee on Remand Conditions**

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

##### **Committee on Town Planning**

Messrs. Buckner Q.C., Hooper Q.C. and Wright Q.C.

##### **Bar, Law Institute and AMA**

Messrs. Kirkham Q.C. and Dane.

##### **Joint Standing Committee on Legal Professional Privilege**

Messrs. Chernov Q.C. and Pagone.

##### **Accident Compensation Committee**

Messrs. Dove Q.C. (Chairman), Stanley Q.C. (Vice-Chairman), Kendall Q.C., Shannon Q.C., R.P. Gorton, Kellam and D. F. R. Beach.

##### **Administrative Appeals Tribunal: Consultative (Heavy Users) Committee**

Messrs. Wright Q.C., Rose and Cavanough.

##### **Administrative Law Committee**

Messrs. Hooper Q.C., N. A. Moshinsky Q.C., Wright Q.C., Spittle, Kemelfield, I. Miller, Austin, Rose, Mrs. Weinberg. Messrs. Hurley, Cavanough, Tracey, Green and J. O'Bryan.

#### (b) STANDING COMMITTEES

##### **Academic Committee**

Messrs. Byrne Q.C. (Chairman), Francis Q.C., Fajgenbaum Q.C., Forsyth Q.C., Black Q.C., Harper Q.C., Nash Q.C., Jessup Q.C., Mrs. Crennan Q.C., Messrs. Cavanough, Pagone and Hardingham.

##### **Applications Review Committee**

Messrs. Kirkham Q.C. (Chairman), Costigan Q.C., Shannon Q.C., Kent Q.C., I. D. Hill, R. A. Brett, J. Middleton, Miss Wiener, Messrs. P. J. Cosgrave and A. J. McIntosh (Secretary).

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

Messrs. Bongiorno Q.C. (Chairman), McArdle (Secretary & Convenor), Shand, A. J. Magee, Colbran, Miss Wiener, Messrs. Pagone and J. D. Wilson.

##### **Chairmen for the time being of each List Committee**

Mr. D. G. Williamson Q.C. (Chairman, List "A"), Dr. J. McL. Emmerson Q.C. (Chairman, List "B"), Mr. B. R. Dove Q.C. (Chairman, List "D"), Mr. J. S. Winneke Q.C. (Chairman, List "F"), Mr. J. D. Merralls Q.C. (Chairman, List "H"), Mr. N. A. Moshinsky Q.C. (Chairman, List "M"), Mr. K. T. Smith (Chairman, List "P"), Mr. P. F. McDermott (Chairman, List "R"), Mr. K. M. Hayne Q.C. (Chairman, List "S") and Dr. C. N. Jessup Q.C. (Chairman, List "W").

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

Messrs. Winneke Q.C. (Chairman), Dalton Q.C. (Vice-Chairman), Meagher Q.C., Jessup Q.C., Lovitt Q.C., Wraith, R. I. Rosenberg, Watt, Maxted, J. A. Magee, Papas, Colbran and Miss Sexton.

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

Messrs. M. A. Adams (Chairman and Bar Librarian), Habersberger Q.C., Burnside Q.C., Derham, R. M. Downing, Brear, Panna, Ms. C. McMillan, Messrs. Lynch and Denton.

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

Messrs. E. W. Gillard Q.C., Buckner Q.C., Kirkham Q.C., Bongiorno Q.C., Harper Q.C., Habersberger Q.C., Kellam and M. A. Adams.

##### **Company Law Committee**

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

##### **Overdue Fees/Default List Committee**

Messrs. Uren Q.C. (Chairman), Ruskin and Wicks.

**Contingency Fees Committee**

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

**Ethics Committee**

Messrs. Hansen Q.C. (Chairman), Uren Q.C., Guest Q.C., Bongiorno Q.C., Jessup Q.C., Kent Q.C., Mrs. Crennan Q.C., Messrs. Hicks, T. D. Wood (Secretary), Colbran and Ms. Sloss (Assistant Secretary).

**Fee Collection Committee**

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

**First Aid Committee**

Ms. A. E. L. MacTiernan.

**Human Rights Committee**

Messrs. Costigan Q.C. (Chairman), Harper Q.C., Zichy-Woinarski Q.C., Miss Wiener and Mr. Condliffe.

**Law Reform Committee**

Messrs. Francis Q.C. (Chairman), N. A. Moshinsky Q.C. (Deputy Chairman), Ashley Q.C., Wright Q.C., Mrs. Crennan Q.C., Messrs. Ahearne, T. J. Casey, Riordan, Just, Morgan-Payler, Hill, Digby, Priest, Pagone, Ms. Warren, Messrs. P. D. Santamaria (Secretary), Holley, Spence, Petersen and Smale.

**Law Reform Committee Panel**

Messrs. Larkins Q.C. (Supreme Court Practice), Wheeler (County Court Practice), Liversidge (Magistrates' Court Practice), Castan Q.C. (High Court), Chernov Q.C. (Federal Court), Walker Q.C. (Crime Practice), G. Lewis (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 and Local Government), B. J. Bourke (Liquor Control), V. F. Ellis (Workers Compensation), Williamson Q.C. (Trade Practices), Castan Q.C. (Taxation), Archibald Q.C. (Companies) and Morrow (Military Law).

**Legal Aid Committee**

Messrs. Bongiorno Q.C. (Chairman), Byrne Q.C., Kirkham Q.C., Redlich Q.C., Garde Q.C., Willee, Watt and Morgan-Payler.

**Police/Lawyers Liaison Committee**

Messrs. Morrish Q.C., Rozenes Q.C., Dunn, Hicks and Ray, Ms. Douglas, Mrs. Hampel and Ms. Feely.

**Portraits Committee**

Mr. Shaw Q.C. (Chairman), Mr. Justice Hampel, Messrs. Francis Q.C., Guest Q.C. and M. A. Adams.

**Readers' Practice Course Committee**

Mr. Charles Q.C. (Chairman), Mr. Justice Hampel and Mr. Justice Vincent. Messrs. Black Q.C., Kent Q.C., Ray, R. A. Brett (Honorary Secretary), Priest, Mrs. Hampel, Mr. P. J. Davis, Miss Wiener, Ms. Symon and Mr. N. A. Russell.

**Salvation Army Correctional Services Committee**

Mr. Whiting.

**Building Security Committee**

Messrs. Kirkham Q.C., Dane, Tatarka and Miss Wiener.

**Victorian Bar News — Editorial Board**

Messrs. Heerey Q.C. (Editor), Paul D. Elliott (Editor), Coldrey Q.C., Nash Q.C. and G. P. Thompson.

**Victorian Bar News — Staff**

Messrs. Burnside Q.C., Pagone, Lithgow, Clark, Brear and Devries and Mrs. J. Hendrick.

**Case Transfer Committee**

Mrs. Crennan Q.C. (Chairman). Messrs. Stanley Q.C., Gillies Q.C. and J. T. Rush.

**(c) BAR APPOINTEES****Executive of Law Council of Australia**

Messrs. Harper Q.C. and Kirkham Q.C. (Alternate).

**Council of Australian Bar Association**

Messrs. E. W. Gillard Q.C., Harper Q.C. (Alternate) and Habersberger Q.C. (Treasurer — Appointed by A.B.A.).

**Victorian Council of Professions**

Messrs. Dalton Q.C. and Digby.

**Legal Aid Commission of Victoria**

Messrs. Dove Q.C. (to 13/2/92) and Bongiorno Q.C. (Alternate).

**Appeal Costs Board**

Mr. Hooper Q.C. (to 30/9/91).

**Law Faculty — University of Melbourne**

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

**Monash University Law Faculty Board**

Messrs. Willee and Rozenes Q.C. (Alternate).

**La Trobe University Proctorial Board**

Mr. Hedigan Q.C.

**Council of Legal Education**

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

**Academic Course Appraisal Committee**

Mr. Fajgenbaum Q.C.

**Victoria Law Foundation**

Mr. Harper Q.C.

**Leo Cussen Institute for Continuing Legal Education**

Mr. Justice Hampel (Chairman — to March 1992), Messrs. Hardingham (Alternate), Kent Q.C. and Nash Q.C. (Alternate).

**Council of Law Reporting**

Messrs. Merralls Q.C. (to November 1992) and Gunst (to November 1992).

**Leo Cussen Institute Consultants Committee**

Messrs. Liddell Q.C., Merrall Q.C. and Hayes Q.C. (Alternate).

**County Court Computerisation Committee**

Mr. Levin.

**County Court Rules**

Messrs. Corrigan and Turley (Alternate).

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

Mr. Redlich Q.C.

**Attorney-General's Court Monitoring Committee**

Messrs. Kendall Q.C. and Ruskin.

**Commercial Causes Users Committee**

Messrs. Chernov Q.C., Burnside Q.C. and S. K. Wilson.

**Chief Justice's Committee for Religious Observances**

Mr. Hansen Q.C.

**Chief Justice's Civil Listing Committee**

Mr. Stanley Q.C.

**Board of Examiners (Appointed by Chief Justice)**

Messrs. Hedigan Q.C. (Chairman to 31.12.90), Costigan Q.C. (Deputy), Dowling Q.C. (to 31.12.90), Black Q.C. (Deputy), Goldberg Q.C. (to 31.12.90) and Middleton (Deputy).

**Chief Justice's Supreme Court Library Committee**

Messrs. Phipps and Nettle.

**Chief Justice's Law Reform Committee**

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

**Chief Justice's Rules Committee**

Mr. Justice J. H. Phillips.

**Chief Justice's Supreme Court Computer Committee**

Mr. Burnside Q.C..

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

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

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

Messrs. Harper Q.C. and Habersberger Q.C.

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

Messrs. Hansen Q.C., Hayne Q.C. and J. A. Magee.

**Directors of Barristers' Chambers Limited**

Messrs. Buckner Q.C. (Chairman), O'Callaghan Q.C. Kirkham Q.C., Emmerson Q.C., Finkelstein Q.C., Myers Q.C., Habersberger Q.C., Kellam and Colbran.

**Young Barristers' Committee**

Messrs. Kent Q.C. (Chairman — Bar Council Nominee), Mrs. Crennan Q.C. (Alternate — Bar Council Nominee), Messrs. D. B. R. Beach (Representative — Bar Council Nominee) and A. J. Tinney (Alternative — Bar Council Nominee).

**Members:** Messrs. McIntosh, Andrews, Spence, Pithouse, M. J. Campbell, Miss Feely (Secretary), Messrs. Horgan, Cazalet, T. J. Walker and S. J. Martin.

**Criminal Bar Association**

**Executive Committee:** Messrs. Lovitt Q.C. (Chairman), Kent Q.C. (Vice-Chairman), Lasry (Secretary) and Papas (Treasurer).

**Committee:** Messrs. Richter Q.C., Rozenes Q.C., Hore-Lacy, Shwartz, Punshon, Ray, Coghlan, Morgan-Payler, Silbert (representing Prosecutors for the Queen) and Miss Sexton.



## COUNCIL MEETINGS

There have been 24 ordinary meetings and 1 special meeting of the Bar Council from the first meeting of the new Bar Council on 29th September, 1989 to 31st August, 1990.

Attendances have been as follows:-

Mr. D. L. Harper Q.C. (Chairman) .....	(3) 22	Mr. R. K. Kent Q.C. ....	(1) 22
Mr. A. J. Kirkham Q.C. (Senior Vice-Chairman) .....	(1) 21	Mrs. S. M. Crennan Q.C. ....	19
Mr. J. S. Winneke Q.C. (Junior Vice-Chairman) .....	(5) 15	Mr. J. T. Rush .....	19
Mr. C. H. Francis Q.C. ....	(6) 18	Mr. M. B. Kellam .....	21
Mr. E. W. Gillard Q.C. ....	(1) 19	Mr. M. J. Colbran .....	20
Mr. H. R. Hansen Q.C. ....	(1) 20	Mr. A. J. Tinney .....	17
Mr. B. D. Bongiorno Q.C. ....	(3) 17	Mr. P. X. Elliott .....	17
Mr. R. A. Finkelstein Q.C. ....	19	Miss R. D. Wiener .....	21
Mr. D. J. Habersberger Q.C. ....	25	Mr. D. F. R. Beach .....	22
Dr. C. N. Jessup Q.C. ....	17		

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

Mr. R. A. Brett (Honorary Secretary) .....	20
Mr. A. J. McIntosh (Assistant Honorary Secretary) .....	16

## COMMITTEE MEETINGS

During the period 1st September, 1989 to 31st August, 1990 the following number of Committee Meetings were held:

Executive Committee .....	22
Ethics Committee .....	23

## SUBSCRIPTIONS

Under Rule 39, the Bar Council fixed the following annual subscription for members of the Bar for the period 1st September, 1989 to 31st August, 1990:-

	\$
Queen's Counsel .....	660.00
Over 10 years' standing .....	440.00
Over 3 but under 10 years' standing .....	290.00
Over 1 but under 3 years' standing .....	180.00
Under 1 year's standing .....	100.00
Readers (March 1990) .....	45.00
Crown Prosecutors .....	100.00
Interstate Queen's Counsel .....	150.00
Interstate and Overseas Juniors .....	120.00
Ministers of the Crown and Members of Parliament .....	100.00
Solicitors-General and Directors of Public Prosecutions .....	100.00
Crown Counsel and Parliamentary Counsel .....	100.00
Other Official Appointments .....	100.00
Academics .....	100.00

## PERSONALIA

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

- The Honourable Sir John Minogue Q.C. on 19th September, 1989.
- Mr. E. A. H. Laurie Q.C. on 29th October, 1989.
- His Honour Judge Leckie on 16th April, 1990.
- The Honourable Sir John Norris on 25th May, 1990.
- The Honourable Mr. J. W. Galbally C.B.E., Q.C. on 8th July, 1990.

The Bar Council also noted with deep regret the death on 9th February, 1990 of Mr. D. W. Calnin who for many years was a Barristers' Clerk.

**Judicial Appointments:** On 1st May, 1990 The Honourable Mr. Justice Smith was appointed to the Bench of the Supreme Court of Victoria. On 22nd May, 1990 The Honourable Mr. Justice J. D. Phillips was appointed to the Bench of the Supreme Court of Victoria. On 21st August, 1990 The Honourable Mr. Justice Ashley was appointed to the Bench of the Supreme Court of Victoria. On 21st November, 1989 His Honour Judge R. P. L. Lewis was appointed to the Bench of the County Court of Victoria. On 12th December, 1989 His Honour Judge Stott was appointed to the Bench of the County Court of Victoria. On 26th January, 1990 His Honour Judge Barnett was appointed to the Bench of the County Court of Victoria. On 8th May, 1990 His Honour Judge Gorton was appointed to the Bench of the Accident Compensation Tribunal. On 29th May, 1990 His Honour Judge Dee was appointed to the Bench of the County Court of Victoria.

**Other Appointments:** On 18th December, 1989 Mr. C. G. Nikakis was appointed as a Judicial Registrar of the Family Court of Australia. On 1st January, 1990 Mr. S. Jones was appointed a full-time member of the Administrative Appeals Tribunal. On 8th April, 1990 Mr. M. Gurvich was appointed a Victorian Magistrate. On 26th May, 1990 Mr. P. T. Power was appointed a Victorian Magistrate. On 3rd July, 1990 Miss B. A. Cotterell and Mr. P. Couzens were appointed Victorian Magistrates. On 18th July, 1990 Mr. J. G. Klestadt and Mr. D. H. McLennan were appointed Victorian Magistrates. On 30th July, 1990 Mr. C. W. G. Wheeler was appointed a Master of the Supreme Court of Victoria.

**Queen's Counsel:** On 28th November, 1989 the following members of the Bar were appointed Queen's Counsel:

Mr. J. P. Keenan Q.C., Mr. P. J. Galbally Q.C., Mrs. A. Moshinsky Q.C., Mr. G. R. Anderson Q.C., Mr. G. R. Ritter Q.C., Mr. W. J. Martin Q.C., Mr. A. M. North Q.C., Mr. G. H. Garde Q.C., Mr. J. H. Karkar Q.C., Mr. J. W. K. Burnside Q.C. and Mrs. S. M. Crennan Q.C.

**Welcomes:** On 4th May, 1990 The Honourable Mr. Justice Smith was welcomed to the Bench of the Supreme Court of Victoria by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 25th May, 1990 The Honourable Mr. Justice J. D. Phillips was welcomed to the Bench of the Supreme Court of Victoria by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 24th August, 1990 The Honourable Mr. Justice Ashley was welcomed to the Bench of the Supreme Court of Victoria by the Chairman of the Victorian Bar Council, Mr. D. L. Harper Q.C. On 5th December, 1989 His Honour Judge R. P. L. Lewis was welcomed to the Bench of the County Court of Victoria by the then Chairman of the Bar Council, Mr. E. W. Gillard Q.C. On 14th December, 1989 His Honour Judge Stott was welcomed to the Bench of the County Court of Victoria by the then Chairman of the Bar Council, Mr. E. W. Gillard Q.C. On 1st February, 1990 His Honour Judge A. F. Smith was welcomed to the Bench of the County Court of Victoria by the then Chairman of the Bar Council, Mr. E. W. Gillard Q.C. On 6th February, 1990 His Honour Judge Barnett was welcomed to the Bench of the County Court of Victoria by the then Junior Vice-Chairman of the Bar Council, Mr. A. J. Kirkham Q.C. On 14th May, 1990 His Honour Judge Gorton was welcomed to the Bench of the Accident Compensation Tribunal by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 16th May, 1990 His Honour Judge Arnold was welcomed to the Bench of the Accident Compensation Tribunal by the Chairman of the Victorian Bar Council, Mr. D. L. Harper Q.C. On 4th June, 1990 His Honour Judge Dee was welcomed to the Bench of the County Court of Victoria by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 22nd June, 1990 His Honour Judge G. D. Lewis was welcomed to the Bench of the County Court of Victoria by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 19th December, 1989 Mr. C. Nikakis was welcomed as a Judicial Registrar of the Family Court of Australia by the Chairman of the Bar Council, Mr. D. L. Harper Q.C. On 26th July, 1990 The Honourable Justice D. F. O'Connor was welcomed as President of The Administrative Appeals Tribunal by Mr. A. J. Kirkham Q.C., Senior Vice-Chairman of the Bar Council.

**Farewells:** On 31st July, 1990 representatives of the Bar and Solicitors met to pay tribute to The Honourable Justice Sir Edward Woodward O.B.E., on the occasion of his retirement from the Bench of the Federal Court of Australia. Mr. E. W. Gillard Q.C., President of the Australian Bar Association and a member of the Bar Council, spoke on behalf of the Bar and the A.B.A. On 30th March, 1990 representatives of the Bar Council and Solicitors met to pay tribute to The Honourable Mr. Justice Gray on the occasion of his retirement from the Bench of the Supreme Court of Victoria. The then Chairman of the Bar Council, Mr. E. W. Gillard Q.C. spoke on behalf of the Bar. On 3rd November, 1989 representatives of the Bar and Solicitors met to pay tribute to His Honour Judge Hewitt on the occasion of his retirement from the Bench of the County Court of Victoria. The then Chairman of the Bar Council, Mr. E. W. Gillard Q.C., spoke on behalf of the Bar. On 15th December, 1989 representatives of the Bar and Solicitors met to pay tribute to His Honour Judge Gorman on the occasion of his retirement from the Bench of the County Court of Victoria. The then Chairman of the Bar Council, Mr. E. W. Gillard Q.C., spoke on behalf of the Bar. On 30th April, 1990 representatives of the Bar and Solicitors met to pay tribute to His Honour Judge Howse on the occasion of his retirement from the Bench of the County Court of Victoria. The Chairman of the Bar Council, Mr. D. L. Harper Q.C., spoke on behalf of the Bar. On 24th August, 1990 representatives of the Bar and Solicitors met to pay tribute to His Honour Judge Stabey on the occasion of his retirement from the Bench of the County Court of Victoria. The Senior Vice-Chairman of the Bar Council, Mr. A. J. Kirkham Q.C., spoke on behalf of the Bar.



## ROLL OF COUNSEL

Between 1st September, 1989 and 31st August, 1990, the following 143 persons, 40 of whom are Interstate Counsel, signed the Roll of Counsel:

Mr. D. H. Greenwell (SA)	Mr. M. G. Hebblewhite	Mr. J. D. Elliott
Mr. D. H. Bloom (NSW-QC)	Mr. J. W. Kewley	Ms. M. E. Kennedy
Mr. J. C. Curthoys (WA)	Mr. J. J. Spigelman (NSW)	Mr. D. A. Mort
Mr. T. F. Percy (WA)	Mr. R. E. Birmingham (WA)	Mr. M. G. O'Connell
Mr. R. W. Hunt (NSW)	Mr. F. G. Lever (NSW)	Mr. C. L. Coney
Ms. E. L. Williamson	Mr. D. Aronson (Re-signed)	Ms. M. S. Lasky
Mr. A. P. Rodbard-Bean	Mrs. M. J. Urquhart	Mr. P. G. Sest
Mr. J. Goussis	Ms. J. Davies (Re-signed)	Ms. R. A. Hines
Ms. P. J. Van den Berg	Mr. G. R. James (NSW-QC)	Mr. J. E. Mazurkiewicz
Mr. J. L. Bourke	Mr. D. A. Wheelahan (NSW-QC)	Mr. J. J. Lavery
Mr. E. Rallis	Mr. S. N. Diamond (NSW)	Mr. A. J. Maryniak
Mr. A. E. Brown	Mr. A. Herzberg	Mr. T. C. Lindsey
Dr. K. P. Hanscombe	Mr. S. A. Rosenzweig	Mr. G. A. Georgiou
Miss M. B. Loughnan	Mr. D. G. T. Nock (NSW)	Mr. D. I. Meadows
Dr. A. R. Shorten	Dr. C. E. Croft (Re-signed)	Mr. N. B. Batten
Ms. A. Glaister	Mr. O. B. Green (Re-signed)	Mr. M. D. Wyles
Mr. D. P. Flynn	Mr. K. G. Horler (NSW-QC)	Mr. A. R. McNab
Mr. T. J. Walker	Mr. P. A. Tribe (Re-signed)	Mr. D. Khoury
Mr. J. H. Mighell	Mr. A. J. Bartley (NSW)	Mr. B. A. Shnookal
Mr. J. D. Ellwood	Mr. G. Inatey (NSW)	Mr. M. A. Carrazzo
Mr. R. N. Cameron	Mr. J. J. Graves (NSW)	Ms. B. M. Phelan
Mr. S. T. Russell	Mr. P. H. Greenwood (NSW)	Ms. M. S. Catalano
Mr. P. H. Clarke	Mr. M. D. Farrar (NSW)	Mr. T. E. Johansson
Mr. R. P. Hutchins	Ms. K. E. Leotta (NSW)	Mr. D. P. Dwyer
Mr. S. J. Winter	Mr. D. A. Cowdroy (NSW)	Ms. M. A. Pavey
Mr. M. W. Bright	Ms. M. A. Grieve (NSW)	Mr. F. Parry
Ms. M-L. L. Smallwood	Mr. D. J. Higgs (NSW)	Ms. M. Agresta
Miss A. B. McMahon	Mr. R. F. Edmonds (NSW)	Mr. N. A. Russell
Mr. A. H. Swanwick	Mr. M. Cashion (NSW)	Mr. G. M. Irving
Mr. M. D. Carn	Ms. E. M. Olsson (NSW)	Mr. A. J. Parnell
Mr. M. W. Brugman	Mr. J. S. P. Kinross (NSW)	Mr. M. J. Ridgeway
Mr. J. K. Arthur	Mr. B. C. Oslington (NSW)	Ms. H. J. King
Miss S. F. Thomas	Mr. G. Richardson (NSW)	Mr. G. L. Meehan
Mr. D. K. Fanning	Mr. A. Radojev (NSW)	Mr. R. C. Wells
Mr. M. R. Schamroth	Mr. C. E. O'Connor (NSW)	Mr. A. E. Dix
Ms. J. S. Blakie	Mr. M. L. Williams (NSW)	Mr. K. F. Maguire
Mr. K. J. Burgess	Mr. M. Walton (NSW)	Mr. A. Milshon (Re-signed)
Mr. C. S. Smale	Mr. C. T. Barry (NSW)	Mr. N. J. Adams
Ms. J. M. Rivers	Mr. J. N. West (NSW)	Mr. R. Frazzetto (Re-signed)
Mr. A. V. Shelley	Mr. S. Y. Reuben (NSW)	Mr. M. A. Lincoln (Re-signed)
Ms. S. Horovitz	Mr. R. M. Smith (NSW)	Mr. B. M. Dwyer
Mr. M. F. Quinlan	Mr. J. P. Gormly (NSW)	Mr. J. Wilkinson (Re-signed)
Mr. S. J. Martin	Mr. D. S. Wilkins (NSW)	Mr. A. J. McDonald (Re-signed)
Mrs. C. H. Giles	Mr. M. R. Gracie (NSW)	Mr. A. J. Shaw (Re-signed)
Mr. M. R. Lombardi	Mr. T. P. Murphy (Re-signed)	Ms. D. M. Fagan (Re-signed)
Mr. F. Tallarida	Mr. S. R. Pica	Mr. C. C. Branson (NSW-QC)
Ms. L. R. Bazzani	Ms. D. Bakos	Mr. P. P. Strasser
Mr. K. D. Mueller	Mr. P. R. C. Southey	

**Member whose name has been transferred from Division A, Part II (Prosecutors for the Queen) to Division A, Part I (Victorian Practising Counsel):**

G. J. C. Silbert

**Member whose name has been transferred from Division A, Part III (Overseas and Interstate Counsel) to Division A, Part I (Victorian Practising Counsel — Queen's Counsel):**

F. Gaffy Q.C.

**Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division A, Part II (Prosecutors for the Queen):**

P. A. Coghlan and N. Papas

**Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division A, Part III (Overseas and Interstate Counsel):**

H. A. Finlay (Dr.), M. A. Fullerton and C. S. Baker

**Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part II (Judges):**

His Honour Judge R. P. L. Lewis, His Honour Judge B. H. Stott, His Honour Judge J. Barnett, His Honour Judge M. J. G. Gorton, The Honourable Mr. Justice J. D. Phillips, His Honour Judge J. A. Dee and The Honourable Mr. Justice Ashley.

**Members whose names have been transferred from Division A, Part III (Interstate & Overseas Counsel) to Division B, Part II (Judges):**

The Honourable Mr. Justice R. E. Cooper (QLD), The Honourable Mr. Justice D. G. Hill (NSW), The Honourable Mr. Justice Handley, A.O., Q.C. (NSW), His Honour Judge R. G. Craigie (NSW), The Honourable Mr. Justice T. J. Higgins (ACT) and The Honourable Mr. Justice R. P. Meagher (NSW).

**Member whose name has been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part III (Ministers of the Crown and Members of Parliament):**

A. R. Stockdale, M.L.A.

**Member whose name has been transferred from Division B, Part III (Ministers of the Crown and Members of Parliament) to Division A, Part I (Victorian Practising Counsel — Queen's Counsel):**

Mr. N. A. Brown Q.C.

**Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VI (Magistrates and Full-Time Members of Statutory Tribunals):**

S. J. Jones, M. Gurvich, P. T. Power, B. A. Cotterell (Miss), B. J. Hocking (Mrs.), I. L. Gray, P. Couzens, J. G. Klestadt and D. H. McLennan.

**Member whose name has been transferred from Division B, Part VI (Magistrates and Full-Time Members of Statutory Tribunals) to Division A, Part I (Victorian Practising Counsel):**

S. J. Jones

**Member whose name has been transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division A, Part I (Victorian Practising Counsel):**

M. D. Wilson

**Member whose name has been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VIII (Other Official Appointments):**

C. G. Nikakis

**Member whose name has been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part V (Masters):**

C. W. G. Wheeler

**Member whose name has been transferred from Division B, Part VIII (Other Official Appointments) to Division A, Part I (Victorian Practising Counsel — Queen's Counsel):**

P. Faris Q.C.

**Members whose names have been transferred from Division B, Part II (Judges) to Division C, Part I (Retired Judges and Other Judicial Officers):**

His Honour Judge E. E. Hewitt, His Honour Judge J. G. Gorman, The Honourable Mr. Justice D. G. McGregor (NSW), The Honourable Mr. Justice I. Gray (QLD), His Honour Judge J. F. Howse, The Honourable Mr. Justice P. A. Coldham, The Honourable Sir Edward Woodward, O.B.E. and His Honour Judge Stabey.

**Member whose name have been transferred from Division A, Part I (Victorian Practising Counsel — Queen's Counsel) to Division C, Part III (Retired Counsel):**

W. E. Paterson Q.C.

**Member whose name have been transferred from Division A, Part I (Victorian Practising Counsel) to Division C, Part III (Retired Counsel):**

J. I. Patmore

**Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division D, Part I (Academics):**

J. S. Glover and A. R. Shorten (Dr.)

**Member whose name has been transferred from Division D, Part I (Academics) to Division A, Part I (Victorian Practising Counsel):**

A. Herzberg

**Names removed at request of Counsel:**

E. A. Kominos (Ms.), K. McG. Henderson, A. W. Hopper (ACT), A. Daly (Ms.), G. Sturgess, B. G. Hepworth, M. Bloom (NSW), M. Lincoln, J. C. Hall, G. C. Andrews, B. G. Lee, M. Kildea, P. E. King (NSW), F. M. Stewart (Ms.), A. Milshon, J. R. B. Norris (ACT), J. A. Sullivan, J. J. Gajewicz, R. F. Garfield (Ms.), J. Frankcom, C. Moisidis, D. O'Dwyer, P. Wray-McCann and W. Browne (Ms.).

## THE ROLL

Division A Part I	Victorian Practising Counsel .....	1153
Division A Part II	Prosecutors for the Queen .....	16
Division A Part III	Overseas and Interstate Counsel .....	206
Division B Part I	Governors .....	1
Division B Part II	Judges .....	122
Division B Part III	Ministers of the Crown and Members of Parliament .....	6
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 .....	44
Division B Part VII	Crown Counsel and Parliamentary Counsel .....	19
Division B Part VIII	Other Official Appointments .....	3
Division C Part I	Retired Judges and other Judicial Officers .....	36
Division C Part II	Retired Holders of Public Office other than Judicial Office .....	7
Division C Part III	Retired Counsel .....	23
Division D Part I	Academics .....	7

## FUNCTIONS

### Opening of the Legal Year

Religious Observances for the Legal Profession for the opening of the Legal Year were held on 30th January, 1990. The Services were held at St. Paul's Cathedral, St. Patrick's Cathedral and the East Melbourne Synagogue.

### Bar Entertainment

On 17th November, 1989, the Chairman and Members of the Bar Council held a dinner at the Essoign Club in honour of the Presidents, Country and Suburban Law Associations.

On 15th December, 1989 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 2nd May, 1990 the Chairman and members of the Bar held a reception in the Essoign Club for the Judges of the Courts in Victoria. The function was well attended by members of the Judiciary and the Bar.

On 16th May, 1990 the Chairman and members of the Bar Council held a dinner in honour of Ms. Mahla Pearlman, President of the Law Council of Australia. Also in attendance was Mr. Peter Levy, Secretary-General, Law Council of Australia.

On 22nd June, 1990 the Annual Bar Dinner at Leonda-by-the-Yarra was held. Members of the Bench and Bar and guests attended. Honoured guests were The Honourable Justice McHugh, A.C., The Honourable Mr. Justice Kaye, A.O., His Honour Chief Judge Waldron, A.O., The Honourable Mr. Justice Smith, The Honourable Mr. Justice J. D. Phillips, their Honours Judge R. P. L. Lewis, Stott, Smith, Barnett, Gorton, Arnold and Dee.

Junior Silk, Mrs. Crennan Q.C., proposed the toast to honoured guests and speeches in reply were made by His Honour Chief Judge Waldron, A.O. and The Honourable Mr. Justice Smith.

On 25th July, 1990 the Chairman and members of the Bar Council entertained a number of Victorian Magistrates at a function held in the Essoign Club. The function was well attended by members of the Bar.

Readers' Dinners were held in November, 1989 and May, 1990. At the dinner held in November, 1989 The Honourable Sir John Gobbo was the guest speaker and at the dinner held in May, 1990 the Solicitor-General, Mr. H. C. Berkeley Q.C. was the guest speaker. Readers were welcomed to the Bar at functions held in September, 1989 and March, 1990.

### **Unveiling of Portraits**

The unveiling of portraits of former Chairmen of the Bar Council by The Honourable Sir Richard Eggleston Q.C. took place on 14th March, 1990 in the lobby of Owen Dixon Chambers West. The unveiling ceremony was well attended by members of the Bench and the Bar and their spouses and guests.

### **Launching of the Victorian Bar Council Publication**

The Bar Council's Publication entitled "The Victorian Bar — It's Work and Organisation" was launched by Dr. C. Howard at a function held at the "Snail 'n Bottle" Restaurant on 4th May, 1990.

### **Sporting Events**

*Hockey:* There were two hockey matches played by the Bar's team during October, 1989. In the game against the R.M.I.T., the result was a 1-1 draw. In the game against the Law Institute of Victoria the Bar won 4-1 and regained the "Scales of Justice Cup".

On 24th March, 1990 a Round Robin Hockey Tournament was held at the State Hockey Centre, Royal Park, between teams from the New South Wales Bar, the Law Institute of Victoria and the Bar. The Law Institute of Victoria team and the Victorian Bar team played in the final which ended in a 1-1 draw.

*Cricket:* On 18th December, 1989 the Bar's one-day Annual Cricket matches against the 1st XI and 2nd XI of the Law Institute of Victoria resulted in wins to the Solicitors.

On 24th March, 1990 the Annual Cricket match between the New South Wales Bar and the Victorian Bar was played at the Fitzroy Doncaster Cricket Club Oval. The match resulted in a two-wicket win to the Victorian Bar.

*Golf:* On 23rd October, 1989 the Bar's Golf Team played in the Victorian Council of Professions Annual Tournament held at Yarra Yarra Golf Club and the Bar's team finished third in a field of 13 teams.

The Annual Golf Tournament between members of the Bench and Bar and the Law Institute of Victoria was held on 18th December, 1989 at the Huntingdale Golf Club. The Bench and Bar team defeated the Law Institute of Victoria team to regain the Sir Edmund Herring Trophy.

*Tennis:* On 18th December, 1989 the Annual Tennis Tournament between members of the Bench and the Law Institute of Victoria for the "O'Driscoll Cup" was held at the Albert Ground. The Tournament was won by the Law Institute of Victoria who retained the "O'Driscoll Cup".

*Winter Sports:* On 22nd July, 1990 the Bar fielded Football, Netball and Volleyball teams against Mallesons Stephen Jaques. The Bar's Netball and Volleyball teams were successful but the Bar's Football team was defeated.

## **ANNUAL REPORT OF THE LAW COUNCIL OF AUSTRALIA FAMILY LAW SECTION**

Family Law has continued to undergo major changes both in its administration and in the law. The major areas have been in the administrative review of the Family Court, the introduction of pleadings and many other amendments to the Family Law Rules, enforcement of orders, mandatory reporting of allegations of child abuse, spousal maintenance and Child Support Stage 2. In addition, there are many proposals for law reform including the inter-relationship between insolvency and family law, the United Nations Convention on the Rights of the Child and the rationalisation of State and Commonwealth laws. The Section has continued to be integrally involved in all these developments, making submissions to Government, the Family Court and other relevant bodies with whom it has excellent relationships.

Continuing legal education has been very successfully pursued with Australia-wide seminars on pleadings and a residential seminar at Marysville. The recent 4th National Family Law Conference on the Gold Coast attracted enormous involvement from the profession, the judiciary and overseas registrants. Planning is already under way for the 1992 Conference in Perth.

Mediation and other forms of alternative dispute resolution have become an important and controversial issue in family law. The Section has established the Australian Institute of Family Law Arbitrators which, with the Section, is at the forefront of discussions and planning of this initiative.

The Section's Chairman has been appointed as the convenor of the Family Law and Family Rights Section of LAWASIA. This project, which is being sponsored and led by the Law Council of Australia, gives Australian lawyers the opportunity to become involved in the problems of the laws and procedures of other countries in the region.

### **ANNUAL REPORT OF LIBRARY COMMITTEE**

The Library in the last twelve months suffered two major set backs. The first was when the Bar rejected a proposal to relocate and enlarge the Library on the 1st floor of Owen Dixon Chambers East. The need for more space for the Library is urgent if the Library is to continue the service it presently provides, let alone any up-grading of it.

The second set back was the appointment of the Honourable Mr. Justice Phillips to the Supreme Court. He had been the Bar Librarian since the Honourable Mr. Justice Ormiston was appointed to the Bench in November 1983. John Phillips was a tireless and enthusiastic librarian who managed the Library with his characteristic precision and finesse. Anybody working on a committee with him necessarily feels a sense of inadequacy because of his capacity for an enormous amount of work (including the dirty hands on work) which he did in an astonishingly effective manner. He managed to re-arrange the Library and make the collection more accessible to all.

On behalf of the Bar, the Committee wishes to congratulate and thank him for a job well done that went far beyond the call of duty.

Michael Adams has been appointed as librarian with Rowan Downing as his deputy. The need to appoint two to replace John Phillips is indicative of his valuable contribution to the Bar in the capacity of Librarian.

In late June the Bar Council appointed a sub-committee under the Chairmanship of Fred Davey to investigate the whole spectrum of the availability of library services of the Bar. The Library Committee looks forward to co-operating with this sub-committee in the coming months.

### **ANNUAL REPORT OF LAW REFORM COMMITTEE 1989/90**

In the last Annual Report comment was made upon the abundance of Law Reform Papers and Reports emanating from an increasing number of sources which had been submitted to the Law Reform Committee. This established trend has shown no signs of abating in the last twelve months. The material submitted continues to be extensive and requires considerable work to absorb and then make appropriate comment.

Among matters considered this year, or still being considered, are papers on enduring Powers of Attorney, the Concept of Mental Illness in the Mental Health Act 1986, the Courts (Children and Magistrates) Bill, Offensive Weapons and importantly the prospect of an Omnibus Bill Procedure. Other matters, such as the revision of the Administration Decisions (Judicial Review) Act have been considered by the Bar Council itself and a submission was made by the Bar Council on behalf of the Bar generally.

On 14th March, 1990 the Committee was informed by the Chairman of the Law Reform Commission of Victoria that the Victorian Attorney-General had requested the Commission to provide the Attorney-General with a draft program for the Commission over the next few years. Subsequently the Commission has requested the assistance of the Committee concerning areas of the law which may be in need of reform. The Committee has invited submissions from members of the Bar in relation to areas of the law which members believe to be in need of reform. It is hoped that the request made of the Committee by the Chairman of the Law Reform Commission will provide an opportunity for the Committee and members of the Bar generally to initiate, and not simply respond to, proposals for law reform.

Since the last Annual Report the Committee has been successful in attracting additional new members and it is appreciative of the assistance given by these members in the completion of the tasks performed by the Committee. Whilst the size of the Committee has considerably increased, to enable it to operate more quickly and efficiently the Executive of the Committee meets frequently to delegate work to appropriate members. Once again the Committee acknowledges the work done for it by various members of the Bar in reading voluminous material and acknowledges that this task is invariably an onerous one.

## **ANNUAL REPORT OF THE YOUNG BARRISTERS' COMMITTEE**

Given the ever-increasing intakes to the Victorian Bar each year, the Young Barristers' Committee has an expanding and increasingly important role to fulfil. The Committee is drawn from and has as its constituents those barristers under six years' call.

During the year to 31st August, 1990 the Committee's major area of involvement has been with the Magistrates' Court. The impending implementation of the Magistrates' Court Act 1989 and Rules has given rise to a number of matters of concern for the Junior Bar. Submissions were made through the Bar Council to the Attorney-General in respect of proposed rules and listing procedures in the busy Civil Complex at 471 Little Bourke Street. Horgan was nominated and accepted appointment to a Civil Listing Committee created by the Chief Magistrate to oversee and implement a pilot listing scheme at the Civil Complex. The pilot listing scheme will see a trial period of multiple listings during the period July and August, 1990.

Accommodation for the Junior Bar also received the attention of the Committee and submissions were put to the Bar Council with respect to the availability of further rental space for junior barristers and the ill-timed rent review in Four Courts Chambers.

In March and April, 1990 the Committee was also involved with the successful organisation of cross-admissions with the New South Wales Junior Bar. A group of junior barristers from Victoria were admitted in New South Wales and entertained at a dinner by their New South Wales junior counterparts and the New South Wales Bar Association. A similar group of New South Wales junior barristers journeyed to Melbourne where they were admitted to the Victorian Bar and enjoyed a luncheon in the Essoign Club hosted by the Young Barristers' Committee and members of the Bar Council. The Young Barristers' Committee thanks the Bar Council for its assistance in this very successful activity.

The Young Barristers' Committee has taken steps to increase its role as a liaising body between the Junior Bar and the Bar Council. The importance of the Committee will only increase in future years as the percentage of junior members of the Victorian Bar increases and the familiar areas of junior practice come under threat by the increasing existence of tribunals and other forms of informal dispute resolution.

## **ANNUAL REPORT OF THE BAR COUNCIL 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 attention of the Bar Council are also dealt with; but otherwise all matters, and particularly those which raise questions of policy, are referred to the Bar Council.

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

1. Courts Administration and the need for more judges, particularly Supreme Court judges.
2. The question of the desirability of introducing Contingency Fees in Victoria.
3. Accommodation for the Bar and the need for improved facilities for the Readers' Course.

## **ANNUAL REPORT OF THE ETHICS COMMITTEE**

Since the last Annual Report the Committee has held eight summary hearings concerning eight barristers pursuant to Section 14E of the **Legal Profession Practice Act**. The Committee found that disciplinary offences had been committed by five of the eight barristers concerned. At the time of writing this report there are two hearings scheduled in September 1990.

In the first case the Committee considered a complaint which had been made by a member of the police force that counsel in a criminal case had entered into an undertaking and then broken it. The Committee found the complaint proven and that counsel's conduct was improper conduct in a professional respect but resolved, in the circumstances, that no further action be taken.

The second case concerned a complaint made by a lay person that a member of counsel had uttered remarks in the precincts of the Family Court, remarks which were insulting and derogatory to him, he being the litigant on the opposing side. The Committee found that counsel was guilty of improper conduct in a professional respect and resolved that he be cautioned against repeating the disciplinary offence.



In the third case, the Committee dismissed a complaint made by a firm of solicitors that counsel had photocopied copies of a backsheet and rendered four separate fees in relation to each backsheet when not so briefed.

The fourth case concerned remarks by and about a member of counsel in a newspaper article which had been published without the prior permission of the Committee. The Committee found that, in the circumstances, no ethical offence had been committed.

In the fifth case the Committee found that counsel had committed a disciplinary offence by opening facts at the commencement of an application, they being facts which counsel was not in a position to establish. The Committee directed that the barrister be given advice by a member of the Committee who was also a senior counsel practising in the criminal law jurisdiction.

The sixth case concerned a complaint made by a plaintiff in a civil case against counsel for the defendant alleging in effect first, that the barrister had acted in a manner intimidatory to him and, secondly, that the barrister had acted in a manner which might have interfered with the evidence to be given by an independent witness. As to the first matter the Committee was not satisfied that a disciplinary offence had been committed. As to the second matter the Committee was satisfied that a disciplinary offence had been committed, and ordered, having regard to the barrister's expressions of intent regarding his future conduct, that the barrister be cautioned against persisting in or repeating the disciplinary offence. A notice of appeal to the Barristers' Disciplinary Tribunal against the decision of the Committee was lodged by the barrister. At the time of writing this report the appeal has not been heard and determined.

In the seventh case a member of the public complained about the conduct of a barrister. A summary hearing was held concerning the complaint only in so far as it concerned matters of undue delay in attending to the brief. The Committee determined that whilst the period of time taken to return the brief, namely six months, was not satisfactory, as the barrister himself recognised, it was not satisfied that a disciplinary offence had been committed.

The eighth case concerned a complaint made by a business associate of a barrister that the barrister had assaulted him in the barrister's chambers. The Committee was satisfied that an assault did occur, albeit not to the full extent of the complaint made, and that a disciplinary offence had been committed and imposed a fine of \$400. The Committee also found that he had failed to respond to correspondence from the Committee for which it imposed a fine of \$200.

In addition to the summary hearings, a charge was laid before the Barristers' Disciplinary Tribunal against Wanda Browne. The substance of the charge was that while engaged in a public radio broadcast she made comments concerning a civil trial then current before the Supreme Court of Victoria.

The charge was heard by the Barristers' Disciplinary Tribunal. On 13th September, 1989 the Tribunal determined that Browne had committed a disciplinary offence and ordered that she be severely reprimanded and be suspended from practice as a barrister until 1st November, 1989. The Tribunal ordered also that, pursuant to Section 14(H)(c) of the Act, there be published in the Annual Report of the Victorian Bar Council, a statement of the substance of the charge, the name of the defendant and the order made by the Tribunal.

From 1st September, 1989 until the time of this Report the Ethics Committee, under the chairmanship of Hansen Q.C., has conducted 23 meetings (excluding summary hearings).

The following table gives statistics of complaints received, their source and the manner of their disposal during the year covered by this Report and the previous three years:

	1986-87	1987-88	1988-89	1989-90
No. of complaints received	42	24	40	35
No. of complaints under consideration at commencement of reporting period	26	20	17	16
No. of complaints under consideration at date of report	20	16	16	18
No. of investigations concluded during the reporting period	48	27	41	33
Complaints not upheld after preliminary investigation	40	25	34	29
Summary Hearings scheduled during reporting period	7	4	7	10
Complaints upheld after hearing	5	2	5	5
Complaints dismissed after hearing	2	2	2	3
Complaints scheduled for hearing but not completed at time of report	—	—	—	2
Complaints resulting in charges laid before the Barristers' Disciplinary Tribunal during reporting period	1	1	1	1
<b>Source of Complaint</b>				
Clients	22	8	21	12
Solicitors	9	6	10	11
Judicial	3	3	3	—
Counsel	2	2	1	6
Police	—	1	4	—
Other	6	4	1	6



## **CRIMINAL BAR ASSOCIATION REPORT FOR YEAR ENDED AUGUST, 1990**

### **Executive and Committee**

On 2nd August, 1989 the Criminal Bar Association held its Annual General Meeting. At that meeting the Executive of the Association was elected unopposed comprising:

Colin Lovitt Q.C. — Chairman  
 Bob Kent Q.C. — Vice-Chairman  
 Lex Lasry — Secretary  
 Nick Papas — Treasurer

Subsequently the following members were appointed by the Executive to the Association's Committee:

Robert Richter Q.C., Michael Rozenes Q.C., Dyson Hore-Lacy, Bill Morgan-Payler, Aaron Schwartz, John Barnett, Paul Coghlan, Roy Punshon, Ross Ray, Meryl Sexton, Gavin Silvert (representing Prosecutors).

At the beginning of 1990, John Barnett was appointed a Judge of the County Court. He has not been replaced on the Committee.

Later in the year Dyson Hore-Lacy resigned from the Committee. On 30th April, 1990, Gavin Silbert offered his resignation on the basis that he was to end his appointment as a Prosecutor for the Queen. He has been retained on the Committee as an ordinary member of the Association.

### **ISSUES**

During the year the Association has been concerned with a number of issues. The following is the briefest of summaries.

Delays in cases being listed for trial has been a prominent problem during the year. Prior to his appointment to the County Court, John Barnett represented the Association on the Criminal Delay Reduction Programme. His efforts and reports produced discussion and action concerning the funding for more criminal courts and judges and changes to the present system of listing cases. That role has now been taken over by Aaron Schwartz.

It is worth noting that as at 2nd September, 1989, there were 905 cases pending in the County Court and the rate of receipt of cases was much higher than the rate of disposition. By the end of October the number outstanding was 917.

Recently the Chief Judge of the County Court has introduced a Reserve List for criminal cases, which the Association supports and hopes will ease the backlog of cases, at least to some degree. It was noted during the year that new procedures in the Magistrates' Courts might increase the rate of incoming trials to the County Court and make the present backlog much worse.

Lovitt Q.C. and Papas are both members of the Bar Fees Committee. Aspects of fees considered during the year included Crown fees and, as an aspect of that, overnight allowances for prosecutors on circuit. Also, the constant issue of preparation fees in long cases continued. The Association is concerned with a somewhat short-sighted attitude that is taken by some to proper preparation fees and early briefing in complex trials. The saga continues.

The Association was disappointed to see that the Victorian Government opted for the device of "reasonable force" in the legislation introduced to make blood testing of suspects compulsory in certain circumstances. It is worth noting that in recent publicity, which both this Association and the Consultative Committee on Police Powers foresaw as a problem, has become a problem — the medical profession is unwilling to co-operate.

A seminar on the Appeals Cost Fund Act was held again this year on 24th October with the assistance of Tony Hooper Q.C. whom we thank. For those attending, it was a helpful and interesting seminar.

The Committee has been asked to consider many other matters including proposed new legislation by the Victorian Government on the control of weapons, amendments to the court forms in the Magistrates' Court, video link hearings, spent convictions, procedural changes in sexual cases and the desirability of temporary judges. The Committee was concerned earlier in the year at the publication in the media of a conversation between a lawyer and his client which was being secretly tape-recorded by police and is considering the matter at present.

The Association exists for the benefit of its members and they are urged to communicate problems or issues to members of the Committee. It is proposed to hold the Annual General Meeting of the Association in August, 1990.

## **REPORT OF THE ACADEMIC COMMITTEE**

This Committee was first established in 1986 by Chairman Cummins Q.C., to bring together members of the Bar who have involvement in different aspects of legal education with a view to promoting the interests of the Bar in this activity and to the Bar's making a contribution to the teaching of law. During 1989-90, this Committee has met on a number of occasions to consider and advise the Bar Council on matters including the following.

### **Enquiry of the Victorian Post-Secondary Education Commission**

This Commission is responsible for the approval of proposed new courses which institutions may wish to offer. The Commission invited the Bar to make known its views on the question whether there is need for an additional law school or law schools in Victoria and if so, their location and nature. This Committee advised the Bar Council of its concern that present access to the legal profession is severely limited at the point of tertiary education entry. Accordingly, it recommended that the Bar Council urge that the facilities for the study of law in the State of Victoria be enlarged, if necessary, by the establishment of an additional law school or law schools. This Committee advised the Bar Council that it had no objection to the establishment of a law school at Latrobe University or at a provincial university such as Deakin.

### **Report of the Academic Course Appraisal Committee**

The Academic Course Appraisal Committee was established in 1980 as a standing committee of the Council of Legal Education with a view to investigating and reporting on the areas of knowledge which should be required for admission to practise as a barrister and solicitor of the Supreme Court of Victoria. It prepared a preliminary report on this topic and submitted it for the consideration of the various bodies, including the Victorian Bar. This Committee considered the preliminary report and recommended to the Bar Council that, in addition to those areas of law which were recommended for inclusion by the Academic Course Appraisal Committee, the subjects of Taxation, Family Law and Company Law be included in the list of subjects required for admission to practise. Acting on the recommendations of this Committee, the Law Institute and the Bar made joint submissions to the Academic Course Appraisal Committee which accepted the recommendation for the inclusion of Taxation but not the other two areas of law. Representations with respect to these other two areas are being pursued with the Academic Course Appraisal Committee.

In addition, this Committee maintains the close contact of the Bar with the two law schools by reason of its representation on the Law Faculties. The Bar's representatives on the Melbourne University Faculty of Law are N. H. M. Forsyth Q.C. and D. M. Byrne Q.C., and on the Monash Faculty of Law P. A. Willee (M. Rozenes Q.C. alternate). Members of this Committee in 1989-90 were:

D. M. Byrne Q.C. (Chairperson), C. H. Francis Q.C., J. I. Fajgenbaum Q.C., N. H. M. Forsyth Q.C., M. E. J. Black Q.C., D. L. Harper Q.C., P. G. Nash Q.C., C. N. Jessup Q.C., S. M. Crennan Q.C., A. L. Cavanough, G. T. Pagone and I. J. Hardingham.

## **ANNUAL REPORT OF THE ESSOIGN CLUB LIMITED**

The Essoign Club completed its most successful year in 1989. The membership increased to 910, and consolidated net profit for the year was \$31,991.00, which was the highest yet obtained since the incorporation of the Club. Members should be pleased to know that all of this profit is put back into the Club for their benefit, either by way of capital expenditure, increase in stock, or to maintain the quality of food and service at reasonable prices.

The increase in turnover at the Club has occurred despite the competition that now exists in this part of the City. The dining room has continued to provide first class lunches at competitive prices. The standard of food, liquor and service is a credit to Patrick Gilbert and his staff, all of whom have given diligent and efficient service throughout the year for which we express our appreciation and thanks. In particular the Committee wishes to thank Howard Duncan, who recently left the employ of the Club to further his career in the wine industry. His service to the Club and its members over the past four years was well recognised by all concerned. 1989 also saw the return of John Wilson as Head Chef. His ability and experience in the preparation of food, and with the kitchen staff has been an added bonus in the running of the Club. Thanks must also be given to Dominic Morris for his work over the past year.

The Committee is particularly pleased to note the increased trade and use by members in the coffee lounge which, was up to the time of her illness, under the day to day management of Mrs. Netta Collings. We are grateful to Netta and other staff for their continued efforts to make the coffee lounge operate for the benefit of members and others who patronise it. The directors and members of the Club also take this opportunity of extending their best wishes to Netta.

The Bar has continued to use the Club for many social and cultural functions which the Club has been pleased to provide at reasonable rates. Highlights of the year have included the various art openings organised by Michael Adams, which have been attended by not only members of the Club but by a large number of the public.

The standard of wine provided by the Club has maintained its previous quality. Members would find it very difficult to find a more varied wine list than what is now present, particularly at the price offered. It is obvious that members have taken advantage of this as turnover in the liquor division increased by over \$90,000.00 in 1989. Again, Pat Gilbert is to be congratulated for his work in continuing to provide to members the facility to purchase excellent wines at very competitive prices.

Ed Fieldhouse is also to be congratulated for his preparation of accounts and financial data with regard to the Club. Most of this work is highly detailed and performed by Ed in his own time. Similarly, the work of Anna Whitney must not be under-estimated. She also devotes a large amount of time to the Club affairs, and the Committee and the staff express their gratitude.

On a more solemn note, the Committee feels it is appropriate to remind members and for members to remind their guests of the standard that should be maintained in the Club at all times. Certain episodes have occurred over the past year which only serve to embarrass all concerned. It is felt that the staff should not be placed in the invidious position of having to deal with members of the Club when such moments occur.

## **REPORT ON THE READERS' COURSE**

Two Readers' Courses, each of approximately twelve weeks duration, have been conducted since the last Annual Report. Forty-five readers attended the course beginning in September 1989. In March 1990 the numbers attending the Course were limited to 40.

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. More than 140 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.

The connection between the Victorian Bar and the profession in Papua New Guinea has been maintained with the attendance of Karo Gamoga in September 1989 and Phillip Aeava in the last intake. The Course Committee welcomes the fact that two more lawyers from PNG will participate in the September 1990 intake.

In March 1990 the course benefited greatly by the participation as visiting lecturer of Mr. Barry Fredericks of the New York Bar. We also received a visit from Mr. J. Anthony Holland, the Vice President of the U.K. Law Society who was investigating the way in which other common law countries train their advocates. Mr. Holland had visited Canada, the U.S. and New South Wales before coming to Melbourne. After attending some sessions of the course, including one of Max Perry's moots, Mr. Holland stated that the Victorian course was the best and most advanced advocacy course he had seen anywhere in the world.

It became necessary to limit numbers for the March 1990 course because of the deteriorating conditions in which readers were housed and the strain placed on those engaged in the conduct of moots and general teaching. The Bar Council and Barristers' Chambers Ltd. have supported the course with a considerable improvement in the size and quality of the accommodation which will become available as from September 1990. The limit on numbers has been removed and 53 readers will make up the next intake. In consequence the course will need further assistance from the Bar generally, particularly in relation to the conduct of moots and the critiquing of readers' performances. The Course Committee would welcome inquiries from members willing to help. Further training sessions will be conducted for the assistance of teachers at the video and moot court aspects of the course.

Once again the Course Committee records its appreciation of the admirable efficiency and dedication of the Course Co-ordinator, Miss Barbara Walsh. We would be lost without her.

**VICTORIAN BAR COUNCIL  
STATEMENT OF RECEIPTS AND PAYMENTS  
FOR YEAR ENDED 31ST AUGUST, 1990**

1989				
\$		\$	\$	\$
105,133.82	Cash Balance as at 1st September, 1989			25,904.70
	<b>Add Receipts for Period:</b>			
55.00	Annual Subscriptions (prior periods)		2,084.29	
308,463.50	Annual Subscriptions (current period)		400,284.73	
400.00	Annual Subscriptions (prepaid)		940.00	
308,918.50	Total Subscriptions Received			403,309.02
	Interest Received:			
4,983.70	Short Term Deposits		98.91	
675.67	Savings Investment Account		—	
5.80	Savings Bank Deposit		—	
5,665.17	Total Interest Received			98.91
110.10	Sale of Publications		37.50	
219.78	Repayment of List "C" expenses		—	
95,000.00	Loan Repayment — Barristers' Chambers Limited		235,000.00	
397,692.35	Redemption of Investments		—	
1,425.46	Royalties		—	
78,862.85	Readers' Course Income		73,096.10	
124.93	Miscellaneous Income		129.37	
573,435.47	Total Other Income			308,262.97
993,152.96	Total Funds Available			737,575.60
	Less Payments for Period:			
1,200.00	Audit and Accounting Fee	3,350.00		
1,998.34	Bar News	1,740.96		
700.61	Bank Charges and Deposit Duty	690.90		
324.00	Floral Tributes	590.20		
—	Insurance	3,031.89		
5,202.47	Printing	20,931.40		
1,612.74	Publications, Newspapers and Journals	7,940.84		
72,907.14	Salaries and Payroll Costs	101,185.47		
83,945.30	Total Administration Expenses		139,461.66	
7,842.96	Income Tax		—	
	Capitation and Affiliation Fees —			
64,268.00	Law Council of Australia — 1990/1991	73,467.50		
600.00	Lawasia	600.00		
9,970.00	Australian Bar Association	11,200.00		
286.61	International Bar Association	174.01		
475.00	Victorian Council of Professions	475.00		
75,599.61	Total Capitation and Affiliation Fees		85,916.51	
167,387.87	Sub total of payments			225,378.17
825,765.09	Balance carried forward			512,197.43

1989				
\$		\$	\$	\$
825,765.09	Balance brought forward			512,197.43
	Less:			
—	Senate Cost of Justice Inquiry		10,930.00	
—	LEADR Subscription		125.00	
52,646.77	Entertainment and Functions	69,470.79		
(27,715.46)	Members' Payments	(35,942.25)	33,528.54	
397,692.35	Investments (at cost)		—	
5,029.10	Transcripts		4,372.25	
200,000.00	Loans to Barristers' Chambers Limited		265,000.00	
77,510.80	Readers' Course Expenses		68,418.87	
6,629.35	Travelling Expenses		15,696.79	
3,967.39	Share of Salary — Lay Observer		7,630.67	
44,085.93	Professional Consulting Fees		5,862.24	
125.00	Corporate Affairs Commission		135.00	
1,000.00	Donations — Monash University Law Society		25,000.00	
5,536.16	Bar Memento, Portraits and Photographs		2,692.09	
30,856.00	Fees Other		5,158.05	
2,497.00	Purchase of Other Assets		11,000.00	
<u>799,860.39</u>				<u>455,549.50</u>
<u>\$25,904.70</u>	Cash Balance as at 31st August, 1990			<u>\$56,647.93</u>
	Trust Fund			
	Barristers' Benevolent Fund			
12,020.00	Amounts Received	11,151.00		
12,020.00	Amounts Remitted	11,151.00		

**VICTORIAN BAR COUNCIL  
ASSETS AS AT 31ST AUGUST, 1990**

1989			\$	\$
\$				
25,904.70	1. Cash in Bank Accounts:			
	Trading Accounts		56,647.93	
<u>25,904.70</u>				56,647.93
16,300.00	2. Investments at Cost:-			
	(a) 8,150 Ordinary shares at \$2 each in Barristers'	16,300.00		
	Chambers Limited			
1,255,000.00	(b) Barristers' Chambers Limited — Unsecured Loans	1,285,000.00		
<u>1,271,300.00</u>				1,301,300.00
1,150.00	3. Subscriptions in Arrears			—
2,581.45	4. List "C" Expenses Prepaid			2,581.45
9,309.16	5. Candelabra, Photographs, Portraits, Lectern and Computers			23,001.25
256.00	6. Honour Board of Past Chairman of Victorian Bar Council			256.00
<u>1,310,501.31</u>	<b>TOTAL ASSETS</b>			<u>1,383,786.63</u>
	<b>ACCUMULATED FUNDS</b>			
1,278,092.05	Accumulated Funds as at 1st September, 1989			1,310,501.31
32,409.26	Net increase in Funds			73,285.32
<u>1,310,501.31</u>	Accumulated Funds as at 31st August, 1990			<u>1,383,786.63</u>
	<b>NET INCREASE IN FUNDS</b>			
	Represented by:-			
—	Increase in Cash at Bank	30,743.23		
105,000.00	Increase in Investments (at cost)	30,000.00		
8,033.16	Portraits, Photographs and Computers	13,692.09		
<u>113,033.16</u>		<u>74,435.32</u>		
	Less decreases:-			
219.78	"List C" Prepaid Expenses	—		
1,175.00	Subscriptions in Arrears	(1,150.00)		
79,229.12	Cash at Bank	—		
<u>\$32,409.26</u>	Net increase in Funds	<u>\$73,285.32</u>		