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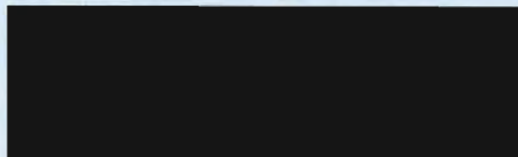
VICTORIAN BAR COUNCIL
OWEN DIXON CHAMBERS
205 WILLIAM STREET,
MELBOURNE 3000



VICTORIAN
BAR
COUNCIL

ANNUAL REPORT

1st September 1991 to 31st August 1992



*ANNUAL REPORT OF THE
VICTORIAN BAR COUNCIL
FOR THE YEAR ENDED 31ST AUGUST 1992*

To be presented to the Annual General Meeting of the Victorian Bar to be held at 5.00p.m. on
Wednesday, 23rd September 1992 in the Coffee Lounge of the Essoign Club, 13th Floor, Owen Dixon
Chambers East, 205 William Street, Melbourne.

BAR COUNCIL

***Election: In the Annual Election held in September 1991 the following members of
Counsel were elected:-***

Counsel who are of Her Majesty's Counsel or are of not less than fifteen years' standing -

Mr. A.G. Uren Q.C.
Mr. A.J. Kirkham Q.C.
Mr. H.R. Hansen Q.C.
Mr. R.H. Gillies Q.C.
Mr. P.G. Nash Q.C.
Mr. W.B. Zichy-Woinarski Q.C.
Mr. D.J. Habersberger Q.C.
Dr. C.N. Jessup Q.C.
Mr. R.K. Kent Q.C. (to March 1992)
Mrs. S.M. Crennan Q.C.
Mr. P.A. Dunn

***Counsel who are not of Her Majesty's Counsel and are of not
more than fifteen nor less than six years' standing -***

Mr. M.B. Kellam
Mr. P.D. Elliott
Mr. R.A. Brett
Mr. J.E. Middleton
Miss C.F. McMillan
Mr. M.J. Colbran

Counsel who are not of Her Majesty's Counsel and are not more than six years' standing -

Mr. R.J. McInnes
Mr. J. Tsalanidis
Mr. S.M. Anderson
Ms. N.M. Feely (to July 1992)

CHAIRMAN'S REPORT

On any view, the past year has been one of significant achievement by the Bar.

Earlier Reports of Chairmen predicted that pressures for change would be a recurrent theme of life at the Bar for the foreseeable future. That was true then and remains true today. Such pressures have come in the form of the recently concluded Law Reform Commission of Victoria's and Australian Senate's Cost of Justice Inquiries and the Trade Practices Commission's current inquiry into the practices of this Bar.

The Bar has responded fully to the two concluded Inquiries and is in the process of responding to the current Inquiry.

The Bar gave thoughtful and detailed responses to the Law Reform Commission of Victoria's Discussion Papers and responded further to the Draft Final Report and the Final Report itself. The Commission's Final Report relied in part upon a report prepared by the Tasman Institute entitled "Monopolistic Restrictions in Provision of Advocacy Services". Although the Bar was not given the opportunity to respond to this particular paper prior to the Final Report being provided to the Attorney General by the Commission, it commissioned a critique of the paper which was prepared by Dr. R.I. McEwin from the University of New South Wales. Dr. McEwin concluded that the Tasman Report's findings were flawed because they did not take into account developments in economic theory over the last twenty years and ignored modern approaches to examining competition in markets. In his opinion the Tasman Report completely failed to establish its assertion that the Bar exercises monopoly powers.

The Senate Cost of Justice Inquiry has concluded and a report is expected towards the end of this year. The Bar responded to all papers relevant to its practices and I trust these detailed responses will be given full consideration prior to the preparation of such report.

In July 1992 the Trade Practices Commission put out an Issues Paper relative to its study of the legal profession. After pointing out certain factual errors appearing in the Issues Paper, members of the Bar Council, together with economists retained by the Bar to examine its practices, met with members of the Trade Practices Commission in what was essentially an information gathering exercise by the members of the Commission to better enable them to understand the practices and workings of this Bar. Each member of the Commission was provided with a kit of documentary materials explaining the workings of the Bar and setting out the Bar's position on various contentious issues such as contingency fees, appointment of Queen's Counsel and the like. It is anticipated that when the issues of concern to the Commission have been narrowed down a second meeting will be held between members of the Bar Council and members of the Commission to discuss those issues. In the meantime a formal response is being prepared in respect of the matters raised in the initial Issues Paper.

The Bar Council in preparing its various responses has been greatly assisted by the work of Xavier Connor Q.C. and Michael Crennan. The work done by both men has been of a uniformly high standard and the papers prepared in respect of the Bar's rules and practices will remain useful to the Bar for many years to come. I record my gratitude to Connor Q.C. and Crennan and in particular note that Connor has, for the time being, given up his retirement to assist the Bar in its responses.

I believe, given that the Bar rules are designed to promote excellence in professional skills and ethics and essentially promote competition, that this Bar will be able to justify its practices to the Trade Practices Commission. The position will be significantly clearer towards the end of 1993.

The last year saw the employment of Jack Sutton as the Bar's Administrator/Chairman's Assistant. Various Chairmen preceding me have recognised the need for such assistance and it was in a large measure due to that assistance being provided this year that the Bar's responses to the many pressures have been so complete and effective.

The year saw change or proposed change to certain of the Bar's practices. The two counsel rule was amended to remove the necessity for senior counsel to appear with a junior in all cases. Further, the Bar Council has approved in principle the establishment of a directory of practising barristers and will shortly be examining the introduction of direct professional access to the Bar.

At a national level, Victorian Bar Council representatives in company with representatives of all other constituent bodies of the Australian Bar Association, met on Sunday 30th August, 1992 in Sydney and after a day long meeting approved a standard set of rules of conduct for all of the Australian Bars. This was the conclusion of a work program to this end extending over two years. Subject to ratification by the individual constituent bodies such rules will be the standard rules of conduct for all Bars in Australia in the future.

Earlier this year the Legal Aid Commission unilaterally cut counsels' fees in certain areas of practice. This decision was presented to the Bar Council as a *fait accompli* and was implemented notwithstanding the objections of the Bar Council. Difficulties to counsel caused by this decision have been compounded by the further decision of the Legal Aid Commission not to pass on the latest recommended percentage increase in fees of the Costs Co-ordination Committee to counsels' fees. Again the Bar Council has objected to this decision. Nevertheless the Bar Council's representatives continue to serve on a working party with representatives of the Law Institute of Victoria and the Legal Aid Commission in an attempt to alleviate the Commission's current financial difficulties. As a result of the cuts and the failure to pass on the recommended increases and the overall restraints on briefing counsel the Bar in general and significant numbers of counsel in particular have been significantly disadvantaged.

In May 1992 Barristers' Chambers Limited purchased Four Courts Chambers which will in the years to come prove to be a worthwhile investment for the Bar. It is anticipated that, when practicable, this building will be refurbished so as to provide attractive chambers for counsel.

As I write this the Supreme Court Judges' "Spring Offensive" is under way with senior members of the Bar participating as mediators for no fee. If the scheme proves successful it may become a regular event, although there is no arrangement that in that event work done by mediators would be on a "pro bono" basis.

Further, at this time, the Law Institute of Victoria has given notice of its intention to withdraw from the Law Council of Australia. It has since indicated that it would rescind such notice of withdrawal upon approval by the Law Council of Australia of certain proposed reforms including inter alia weighted voting. This proposal has the potential to affect significantly the present strength of the Bar's votes on the Council, and, if implemented, would be a matter of real concern to the Victorian Bar Council. The next meeting of the Law Council of Australia is to be on 5th September, 1992 when the position will be clarified.

The above is no more than a recitation of the major matters in which the Bar and the Bar Council were involved over the past year. As usual, the Bar gave advice to State and Commonwealth Attorneys General and Shadow Attorneys General on significant amounts of proposed legislation, provided representatives on various working parties designed to improve delivery of legal services and in other ways made unpaid and regrettably unacknowledged contributions in the area of the law both within the State of Victoria and throughout the Commonwealth.

I regard it as an honour to have been the Bar's Chairman particularly in difficult times. I believe the Bar has much to offer the community and should be preserved as an institution. The constructive work done by the Bar Council has given me much satisfaction over the past year.

I greatly appreciate the support that I have received from the Bar Council and the staff who though small in number have responded valiantly and well to the exacting demands placed on them from time to time.

Particularly, I would like to record my abiding sense of gratitude to the Executive and to my two Vice-Chairmen, Hansen Q.C. and Jessup Q.C. No Chairman could have been better served by an Executive, nor better served that I was by my two Vice-Chairmen. For their support, counsel, wisdom and friendship I remain truly grateful. It was a privilege to serve with them.

I believe the Victorian Bar is well placed to meet the demands that will be made of it and any attacks that may be made on it in the foreseeable future. It has a definite sense of purpose and direction and will, I believe, continue to be involved in a constructive way in the life of our community in the years to come.

A.J. KIRKHAM
Chairman

OFFICERS OF THE BAR COUNCIL

Chairman - Mr. A.J. Kirkham Q.C.
Senior Vice-Chairman - Mr. H.R. Hansen Q.C.
Junior Vice-Chairman - Dr. C.N. Jessup Q.C.
Honorary Treasurer - Mrs. S.M. Crennan Q.C.
Assistant Honorary Treasurer - Mr. M.B. Kellam Q.C.
Honorary Secretary - Mr. A.J. McIntosh (to 27th August, 1992)
Assistant Honorary Secretary - Ms. J.E. Richards
Executive Director - Mr. E.T. Fieldhouse
Executive Officer - Mrs. A. Whitney
Bar Administrator - Mr. J. Sutton

Mr. R.K. Kent Q.C. resigned from the Victorian Bar Council
on 6th March, 1992.

Following a by-election for one casual vacancy, Mr. M.S. Weinberg Q.C. was elected to the Victorian Bar Council on 29th April, 1992.

Ms. N.M. Feely resigned from the Victorian Bar Council on 23rd July, 1992.

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

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Mr. H.R. Hansen Q.C. (Senior Vice-Chairman)
Dr. C.N. Jessup Q.C. (Junior Vice-Chairman)
Mr. P.G. Nash Q.C.
Mr. W.B. Zichy-Woinarski Q.C. (from April 1992)
Mr. D.J. Habersberger Q.C.
Mr. R.K. Kent Q.C. (to March 1992)
Mrs. S.M. Crennan Q.C. (Honorary Treasurer)

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Mr. R.H. Gillies Q.C.
Mr. P.G. Nash Q.C.
Mr. L. Lasry Q.C.
Mr. P.A. Dunn
Mr. G.G. Hicks
Mr. B.A. Keon-Cohen
Mr. M.J. Colbran
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Mr. R.J. McInnes
Mr. J. O'Bryan (Secretary)

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Mr. D.J. Habersberger Q.C.
Dr. C.N. Jessup Q.C.
Mrs. S.M. Crennan Q.C.
Mr. M.B. Kellam Q.C.
Mr. M.J. Colbran

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Mr. M.B. Kellam Q.C.
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Mrs. S.M. Crennan Q.C.

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Mr. D.J. Habersberger Q.C.
Mr. R. McK. Robson Q.C.
Mr. P.J. Kennon (from May 1992)
Mr. J.B.R. Beach (from May 1992)

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Mr. S.M. Anderson (Representative)

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Mr. J.A. Ribbands
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Mr. A.G. Hooper
Mr. M.D. Wyles
Ms. C. Morfuni
Ms. R.E. Carlin
Ms. C.H. Sparke
Ms. C.H. Randazzo
Mr. C.G. Wallis

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Mr. R.C. Webster (Secretary)
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Mr. M.B. Kellam Q.C.
Mr. D.J. Martin
Mr. T.S. Monti
Mr. D.E. Curtain
Mr. J.T. Rush
Mr. P.D. Elliott
Mr. D.F.R. Beach

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Mr. M.R.B. Watt (Vice-Chairman)
Mrs. B.M. Hooper (Vice-Chairman)
Miss C.E. Molyneux (Treasurer)
Miss E-A. Davis (Secretary)
Mr. W.M. Pinner
Mr. C.C. Ham
Mr. J.W. St. John
Mr. G.R. Atkinson
Mr. R.N. Hault

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Mr. A.J. Kirkham Q.C., Mr. R.K. Kent Q.C. and Mr. W.R. Ray.

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Mr. J.R. Balfe Q.C.

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Mrs. S.M. Crennan Q.C. (Chairman), Mr. R.J. Stanley Q.C., Mr. R.H. Gillies Q.C. and Mr. J.T. Rush.

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List "D" - Mr. B.R. Dove Q.C., List "F" - Mr. J. Winneke Q.C. (to February 1992), Mr. D. Graham Q.C. (from February 1992), List "G" - Mr. A. Chernov Q.C., List "H" - Mr. G.W. Colman Q.C., List "M" - Mr. P.R. Hayes Q.C., List "P" - Mr. A.N. Bristow, List "R" - Mr. P.F. McDermott, List "S" - Mr. W. J. Martin Q.C. and List "W" - Dr. C.N. Jessup Q.C. (to November 1991), Mr. G.R. Ritter Q.C. (from November 1991) and List "L" - Mr. M.S. Weinberg Q.C. (from August 1992).

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Mr. D.S. Levin

Appeal Costs Board

Mr. A.G. Hooper Q.C. (to 30 September 1994)

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Mr. D.A. Kendall Q.C. and Mr. J. Ruskin

Attorney-General's Criminal Advisory Committee

Mr. R.F. Redlich Q.C.

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Mr. R.J. Stanley Q.C.

Chief Justice's Committee for Religious Observances

Mr. H.R. Hansen Q.C.

Chief Justice's Law Reform Committee

Mr. C.H. Francis Q.C., Mr. J.L. Dwyer Q.C. and Mr. W.B. Zichy-Woinarski Q.C.

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Mr. J.W.K. Burnside Q.C.

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Mr. R.A. Sundberg Q.C.

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Mr. P.N. Rose

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Mr. A.J. Kirkham Q.C. (President), Mr. H.R. Hansen Q.C. and Mr. D.J. Habersberger Q.C. (Treasurer - Appointed by ABA)

Council of Law Reporting

Mr. J.D. Merralls Q.C. (to November 1992) and Mr. C. Gunst (to November 1992)

Council of Legal Education

Mr. M.J.L. Dowling Q.C., Mr. J.I. Fajgenbaum Q.C. and Mr. P.G. Nash Q.C.

County Court Computerisation Committee

Mr. D.S. Levin

County Court Rules Committee

Mr. M.J. Corrigan and Mr. I.F. Turley (Alternate)

Council of Law Council of Australia

Mr. A.J. Kirkham Q.C. and Mr. H.R. Hansen Q.C. (Alternate)

Federal Court Users Committee

Dr. C.N. Jessup Q.C.

La Trobe University Proctorial Board

Mr. F.X. Costigan Q.C.

Law Faculty - University of Melbourne

Mr. N.H.M. Forsyth Q.C. and Mr. R.A. Sundberg Q.C.

Lawyers Engaged in Alternative Dispute Resolution (LEADR)

Mr. A.J. Kirkham Q.C. and Mr. A.J. McIntosh

Legal Aid Commission of Victoria

Mr. B.R. Dove Q.C. (to February 1992), Mr. L. Lasry Q.C. (from February 1992) and Mr. R.H. Gillies Q.C. (Alternate).

Leo Cussen Institute for Continuing Legal Education

Mr. Justice Hampel (Chairman), Mr. P.G. Nash Q.C. (Alternate), Mr. R.K. Kent Q.C. and Dr. I.J. Hardingham (Alternate).

Monash University Law Faculty Board

Mr. P.A. Willee and Mr. P.G. Nash Q.C. (Alternate)

Salvation Army Correctional Services Committee

Mr. K.F. Whiting

Supreme Court of Victoria Building List Users Committee

Mr. M.B. Phipps Q.C. and Mr. D.S. Levin

Victorian Judicial Council Steering Committee

Mr. D.L. Harper Q.C. (to April 1992), Mr. H.R. Hansen Q.C. (from April 1992).

Victoria Law Foundation

Mr. A.J. Kirkham Q.C.

GENERAL MEETINGS OF THE BAR

The Annual General Meeting of the Bar was held on 25th September, 1991 and a further General Meeting of the Bar was held on 13th February, 1992.

COUNCIL MEETINGS

There have been 23 ordinary meetings and 5 special meetings of the Bar Council from the first meeting of the new Bar Council on 30th September, 1991 to 31st August, 1992.

Attendances have been as follows:

Mr. A.J. Kirkham Q.C.	26
Mr. H.R. Hansen Q.C.	26
Dr. C.N. Jessup Q.C.	26
Mr. A.G. Uren Q.C.	27
Mr. R.H. Gillies Q.C.	23
Mr. M.S. Weinberg Q.C. (from April 1992).....	4
Mr. P.G. Nash Q.C.(1)	22
Mr. W.B. Zichy-Woinarski Q.C.	25
Mr. D.J. Habersberger Q.C.	24
Mr. R.K. Kent Q.C. (to March 1992).....	11
Mrs. S.M. Crennan Q.C.	20
Mr. P.A. Dunn	22
Mr. M.B. Kellam Q.C.	21
Mr. J.E. Middleton Q.C.	21
Mr. P.D. Elliott	25
Mr. R.A. Brett	24
Miss C.F. McMillan	26
Mr. M.J. Colbran.	24

Mr. R.J. McInnes	26
Mr. J. Tsalanidis.....	27
Mr. S.M. Anderson.....	22
Miss. N.M. Feely (to July 1992)	15

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

It is recorded that Mr. A.J. Kirkham Q.C. and Mrs. S.M. Crennan Q.C. were absent from a Bar Council Meeting due to respective interstate commitments on behalf of the Bar Council.

Mr. A.J. McIntosh, Honorary Secretary (to 27th August, 1992).....	26
Ms. J.E. Richards, Assistant Honorary Secretary	27

COMMITTEE MEETINGS

During the period 1st September, 1991 to 31st August, 1992 the following number of Committee Meetings were held:

Executive Committee	17
Ethics Committee	49 (includes hearings)

SUBSCRIPTIONS

Under Rule 39, the Bar Council fixed the following annual subscription for members of the Bar for the period 1st September, 1991 to 31st August, 1992:-

Queen's Counsel	\$875.00
Over 10 years' standing	\$581.00
Over 3 but under 10 years' standing	\$381.00
Over 1 but under 3 years' standing	\$231.00
Under 1 years' standing	\$125.00
Readers (March 1992)	\$ 56.00
Crown Prosecutors	\$131.00
Interstate Queen's Counsel	\$200.00
Interstate and Overseas Juniors	\$156.00
Ministers of the Crown and Members of Parliament	\$131.00
Solicitors-General and Directors of Public Prosecutions	\$131.00
Crown Counsel and Parliamentary Counsel	\$131.00
Other Official Appointments	\$131.00
Academics	\$131.00

PERSONALIA

Obituary:

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

Mr. Donald W. McLeod on 26th November, 1991
The Honourable Sir Edward Hamilton Esler Barber K.B. on 1st December, 1991
Mr. Jack M. Lazarus on 14th January, 1992
Mr. Dyfed Williams on 19th January, 1992
His Honour Judge Franich on 24th February, 1992
Mr. F.M. (Max) Bradshaw on 11th May, 1992
His Honour Judge Gorman on 15th May, 1992
Mr. Francis G. Fitz-Gerald Q.C. on 17th July, 1992
Master Peter Barker on 13th August, 1992
Mr. Colin D. Hollis-Bee on 14th August, 1992

Mr. W.J.W. (Bill) Lennon Q.C. on 19th August, 1992

Judicial Appointments:

On and from 17th December, 1991 The Honourable Mr. Justice J.H. Phillips was appointed a Judge of the Supreme Court and Chief Justice of the Supreme Court of Victoria. On 11th March, 1992 The Honourable Mr. Justice Harper was appointed to the Bench of the Supreme Court of Victoria. On 7th April, 1992 The Honourable Mr. Justice Hayne was appointed to the Bench of the Supreme Court of Victoria. On 26th May, 1992 The Honourable Mr. Justice Eames was appointed to the Bench of the Supreme Court of Victoria. On 27th April, 1992 Mr. Jonathan Ramsden was appointed a Judicial Registrar of the Southern Region of the Family Court of Australia.

Other Appointments:

On 23rd April, 1992 His Excellency The Honourable Mr. R.E. McGarvie was appointed Governor of the State of Victoria. On 1st February, 1992 Mr. M. Rozenes Q.C. was appointed Director of Public Prosecutions, Commonwealth of Australia.

Queen's Counsel:

On 26th November, 1991 the following members of the Bar in Division A, Part I (Victorian Practising Counsel) were appointed Queen's Counsel in Victoria:

Mr. P.A. Willee Q.C., Mr. R.S.L. Wild Q.C., Mr. M. O'Loughlen Q.C., Mr. G.H. Golvan Q.C., Mr. H. Jolson Q.C., Mr. M.B. Kellam Q.C., Mr. S.W. Kaye Q.C., Mr. R.R.S. Tracey Q.C., Mr. J.E. Middleton Q.C. and Mr. S.R. Morris Q.C.

On 26th November, 1991 the following members of the Bar in Division A, Part III (Overseas and Interstate Counsel) were appointed Queen's Counsel in Victoria:

The Hon. R.J. Ellicott Q.C., Mr. R.E. Williams Q.C., The Hon. W.M. Hodgman Q.C., Mr. D.A. Wheelahan Q.C., Mr. J.A. Timbs Q.C., Mr. P.M. Donohoe Q.C., Mr. N.R. Cowdery Q.C., Mr. A.J. Sullivan Q.C., Mr. D.F. Jackson Q.C., Ms. M.J. Beazley Q.C. and Mr. M.D.A. Maurice Q.C.

On 26th November, 1991 the following member of the Bar in Division B, Part VII (Crown Counsel and Parliamentary Counsel) was appointed Queen's Counsel in Victoria:

Ms. R.M. Armstrong Q.C.

Welcomes:

On 29th January, 1992 The Honourable Mr. Justice J.H. Phillips was welcomed on the occasion of his appointment as Chief Justice of the Supreme Court of Victoria by Mr. A.J. Kirkham Q.C., Chairman, Victorian Bar Council. On 13th March, 1992 The Honourable Mr. Justice Harper was welcomed to the Bench of the Supreme Court of Victoria by Mr. A.J. Kirkham Q.C., Chairman, Victorian Bar Council. On 9th April, 1992 The Honourable Mr. Justice Hayne was welcomed to the Bench of the Supreme Court of Victoria by Mr. A.J. Kirkham Q.C., Chairman, Victorian Bar Council. On 28th May, 1992 the Honourable Mr. Justice Eames was welcomed to the Bench of the Supreme Court of Victoria by Mr. A.J. Kirkham Q.C., Chairman, Victorian Bar Council.

On 27th April, 1992 at a Ceremonial Sitting of the Family Court of Australia, a welcome was extended to Mr. J. Ramsden on his appointment as a Judicial Registrar of the Southern Region of the Family Court of Australia. Mr. P.M. Guest Q.C. spoke on behalf of the Victorian Bar.

Farewells:

On 13th December, 1991 representatives of the Bar and the Law Institute met to pay tribute to The Honourable Sir John Young, A.C., K.C.M.G. on the occasion of his retirement as Chief Justice of the Supreme Court of Victoria. Mr. A.J. Kirkham Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 13th April, 1992 representatives of the Bar and the Law Institute met to pay tribute to The

Honourable Mr. Justice McGarvie on the occasion of his retirement from the Supreme Court of Victoria. On 7th February, 1992 representatives of the Bar and the Law Institute met to pay tribute to Judicial Registrar Haines on the occasion of his retirement from the Family Court of Australia. Mr. P.C. Young spoke on behalf of the Bar. On 18th August, 1992 the Chief Justice of the Supreme Court of Victoria presided at a tribute to the late Master Barker.

Retirement of Mr. Jack Hyland

It is recorded that Mr. Jack Hyland, a Barristers' Clerk since June 1961 retired on 31st December, 1991. Members of the Victorian Bar Council wish Mr. Hyland a long and happy retirement.

ROLL OF COUNSEL

Between 1st September, 1991 and 31st August, 1992 the following 111 persons, 16 of whom are Overseas and Interstate Counsel, signed the Roll of Counsel.

Mr. J.E. Marshall (NSW)	Ms. J.B. Klingender	Ms. S.F. Ogilvie
Mr. F.M. Douglas (NSW Q.C.)	Mr. M.P. Lanza	Mr. B.G.L. Shaw
Mr. T.J. Castle (New Zealand)	Mr. G.S. Lucas	Mr. R. Appudurai
Mr. L.M. Morris (NSW Q.C.)	Mr. P.T. Baker	Ms. L.I. Kline-Marentelli
Ms. C.M. Traill (NSW)	Mr. I.F. Mawson	Mr. C.F. Fenwick
Mr. P.V. Guggenheimer (re-signed)	Ms. N. Konstantinidis	Ms. D.C. Phelan
Mr. S.J. Moloney	Mr. J.A. O'Brien (re-signed)	Mr. C.F. Thomson
Ms. S.M.K. Borg	Mr. J.R. Sulan (SA Q.C.)	Mr. R.N. Douglas
Ms. K.E. Judd	Mr. C. Delaney (re-signed)	Mr. M.W. Wise
Mr. M.W. Thompson	Mr. R.W. White (NSW)	Mr. R. Stranksy
Ms. P.M. Tate	Mr. D.P. O'Dwyer (re-signed)	Mr. P.D. Taranto
Mr. W.E. Alstergren	Mr. W.M. Toohey (re-signed)	Mr. P.J. Lovett
Ms. E. Hollingworth	Mr. T.P. Burke (WA)	Mr. R.T. Burns
Ms. A.M. Nordlinger	Mr. S.P. Kennedy	Mr. D.A. Pannifex
Ms. F.M. McLeod	Mr. F. Gleeson (NSW)	Mr. S.D. Hurd
Mr. W.J. Walsh-Buckley	Mr. D.D. Farthing (NSW)	Ms. M.T.H. Barker
Mr. T.J.J. Knight	Mr. M.L. Abbott (SA Q.C.)	Mr. K.M. Boulton
Mr. P.W. Collinson	Mr. W.B. Southey	Mr. T.C. De Uray-Ura
Mr. R.V. Patterson	Ms. J.M. Smith	Ms. E. Lagos
Mr. E.A. Oxnevad	Ms. C.M. Quin	Mr. A.L. Thapliyal
Ms. G.T. Cannon	Mr. A.E. Koolmees	Mr. K. Clifford
Mr. P.F. Collins	Mr. R.S. Hay	Mr. D.H. Lloyd (NSW Q.C.)
Mr. H.T.T. Long	Mr. M.R. Scott	Mr. P. Dwyer (NSW)
Mr. G.H. Cantwell	Mr. C.B. O'Grady	Mr. J. Trapp (re-signed)
Mr. A.W. Wilson	Ms. A.F. Graham	Mr. R.J. Buchanan (NSW Q.C.)
Ms. C. Anagnostou	Mr. E.R. Stonehan	Mr. P.M. Kite (NSW)
M. T.J. Young	Ms. H.M. Mason	Mr. F.L. Wright (NSW Q.C.)
Mr. S.P.G. Hardy	Ms. A.M. McDonald	Mr. E.B.M. O'Sullivan (re-signed)
Mr. A.P. Phillips	Mr. A.P. Crawford	
Mr. S.A. Glacken	Mr. I.H. Percy	
Mr. A.J. Homer	Mr. J.M. Forrest	
Mr. S.M. O'Neill	Mr. J.L.R. Francis	
Mr. J.G. Clarke	Mr. A.T. Schlicht	
Mr. D.B. Baker	Ms. K.H. Auty	
Mr. S.V. Palmer	Mr. M.P. Pirrie	
Ms. G.E. Howse	Ms. A. Rubinstein	
Mr. D.J. McAndrew	Mr. J.C. Simpson	
Mr. M.J. Tomasoni	Mr. S.J. Minahan	
Mr. M.J. Stirling	Ms. M.J. McCredie	
Mr. P.H.A.M. Testart	Ms. S. Moraitis	
Ms. c. Zapparoni	Mr. A.J. Laird	
	Mr. P.M. Houston	

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

The Honourable Mr. Justice D.L. Harper, The Honourable Mr. Justice K.M. Hayne and The Honourable Mr. Justice G.M. Eames

Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel - Queen's Counsel) to Division B, Part IV (Solicitors-General and Directors of Public Prosecutions):

Mr. R.A. Finkelstein Q.C., Mr. M. Rozenes Q.C. and Mr. E.J. Lorkin

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

Ms. M. Mangan

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):

Mr. R.D. Barton and Ms. C.M. Morfuni

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

Ms. L.A. Cross

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

Mr. J.W. Ramsden

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

Mr. R.H. Searby Q.C.

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

Mr. P.F.J. Condliffe, Mr. B.M. Dwyer, Mr. B.S.T. Vaughan and Ms. S.M. Wilson

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

Ms. B.J. King

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

Mr. J.W. Hardy and Mr. T.P. Burke

Member whose name has been transferred from Division A, Part III (Overseas and Interstate Counsel) to Division A, Part II (Prosecutors for the Queen):

Mr. R.D. Cogswell

Member whose name has been transferred from Division A, Part III (Overseas and Interstate Counsel) to Division B, Part II (Judges):

The Honourable Mr. Justice Sheller

Member whose name has been transferred from Division B, Part II (Judges) to Division B, Part I (Governors):

His Excellency The Honourable R.E. McGarvie

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

The Honourable Sir Muir Chilwell Q.C. and The Honourable Sir John Young, A.C., K.C.M.G.

Member whose name has been transferred from Division B, Part IV (Solicitors-General and Directors of Public Prosecutions) to Division A, Part I (Victorian Practising Counsel - Queen's Counsel):

Mr. M.S. Weinberg Q.C.

Member whose name has been transferred from Division B, Part VI (Magistrates and Full-Time Members of Statutory Tribunals) to Division B, Part II (Judges):

His Honour Judge C.J. Bannon

Member whose name has been transferred from Division B, Part VI (Magistrates and Full-Time Members of Statutory Tribunals) to Division B, Part III (Ministers of the Crown and Members of Parliament):

Mrs. J.M. Wade M.P.

Member whose name has been transferred from Division B, Part VIII (Other Official Appointments) to Division B, Part VI (Magistrates and Full-Time Members of Statutory Tribunals):

Mr. A.X. Lyons

Member whose name has been transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division A, Part III (Overseas and Interstate Counsel):

Mr. J.P. McNamara

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

Ms. S.V. MacCallum

Names removed from the Roll of Counsel:

Division A, Part I

Mrs. J. Fust
Mr. N.S. Fowler
Mr. C.L. Coney
Mr. C.R. Loorham
Mr. A.J. Spargo
Mr. C.A. Spence
Mr. J.M. Lazarus
Mr. C.C. Sharkey
Mr. A.J. McDonald
Mr. D.H. Gude
Mr. D.J. Whitford
Mr. L.G. Vatousios
Mr. T.S. Nqayi
Mr. A.M. Paszkowski
Mr. B. Fox
Ms. L.C. Steiner
Mr. J.A. O'Brien
Mr. G.P. Long
Mr. M.D. Norbury
Ms. I.E. Lawson
Ms. C.V. Hall
Mr. P.K. Walton
Mr. D.C. Lockington
Mr. M.P. Lanza
Citizen Limbo
Mr. J.L. Trapp
Ms. J.P. Downing
Mr. E.B.M. O'Sullivan
Dr. D.A. Doyle
Ms. D. Hann
Ms. K.A. McIntyre

Division A, Part III

Mr. G.I.O. Rowling
Mr. P.P. Strasser
Mr. R.B. O'Hair
Mr. G.L. Davies Q.C.
Mr. P.J. Kenny Q.C.
Mr. V. Vasseleou

Division B, Part II

The Honourable Mr. Justice J.T. Ludeke

Division B, Part VI

Mr. D.P. Grace

THE ROLL

DIVISION A, PART I -

Victorian Practising Counsel

Queen's Counsel	110
Junior Counsel.....	1162

DIVISION A, PART II -

Prosecutors for the Queen	14
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DIVISION A, PART III -

Overseas and Interstate Counsel	235
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DIVISION B, PART I -

Governors	2
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DIVISION B, PART II -

Judges.....	124
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DIVISION B, PART III -

Ministers of the Crown and Members of Parliament	7
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DIVISION B, PART IV -

Solicitors-General and Directors of Public Prosecutions	7
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DIVISION B, PART V -

Masters.....	7
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DIVISION B, PART VI -

Magistrates and Full Time Members of Statutory Tribunals	47
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DIVISION B, PART VII -

Crown Counsel and Parliamentary Counsel.....	15
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DIVISION B, PART VIII -

Other Official Appointments	4
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DIVISION C, PART I -

Retired Judges and other Judicial Officers.....	36
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DIVISION C, PART II -

Retired Holders of Public Office other than Judicial Officer.....	7
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DIVISION C, PART III -

Retired Counsel.....	24
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DIVISION D, PART I -

Academics.....	17
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TOTAL	1818
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FUNCTIONS

Opening of the Legal Year

Religious Observances for the Legal Profession for the opening of the Legal Year were held on 28th January, 1992. The Services were held at St. Paul's Cathedral, St. Patrick's Cathedral, St. Eustathios' Cathedral and East Melbourne Synagogue.

Social Functions

At a function held in the Essoign Club on 2nd September, 1991 Readers were welcomed to the Bar.

At a dinner held in the Essoign Club on 31st October, 1991 the Chairman and Members of the Bar Council entertained the past Chairman and retiring Members of the Bar Council.

On 23rd November, 1991 the Chairman and Members of the Bar Council held a dinner at the Essoign Club in honour of the Presidents of the Country and Suburban Law Associations.

A Readers and Masters dinner was held in the Essoign Club on 28th November, 1991 and the guest speaker was The Honourable T.E.F. Hughes Q.C.

On 7th December, 1991 a dinner was held at the Australia Club in honour of The Honourable Sir John Young, A.C., K.C.M.G. to mark the occasion of his retirement on 13th December, 1991 as Chief Justice of the Supreme Court of Victoria. The dinner was hosted jointly by the Victorian Bar and the Law Institute of Victoria.

On 13th December, 1991 the Bar's 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.

At a function held in the Essoign Club on 2nd March, 1992 Readers were welcomed to the Bar.

A Readers and Masters dinner was held in the Essoign Club on 28th May, 1992 and the guest speaker was The Honourable Mr. Justice Byrne of the Supreme Court of Victoria.

The 1992 Victorian Bar Annual Dinner was held at the World Congress Centre on 30th May, 1992. The dinner was well attended by members of the Bench and Bar together with guests of the Bar. Honoured guests were The Governor of Victoria, His Excellency The Honourable R.E. McGarvie, The Honourable Mr. Justice J.H. Phillips, Chief Justice of the Supreme Court of Victoria, The Honourable Mr. Justice Byrne, The Honourable Mr. Justice Harper, The Honourable Mr. Justice Hayne, The Honourable Mr. Justice Eames, The Honourable Justice Nicholson A.O., The Honourable Justice Fogarty A.M. and Mr. M. Rozenes Q.C.

On 29th July, 1992 the Chairman and Members of the Bar Council held a reception in the Essoign Club for the Victorian Magistrates. The function was well attended by Magistrates and members of the Bar.

On 19th August, 1992 the Chairman and members of the Bar Council held a reception in the Essoign Club for Judges of the High Court of Australia, Supreme Court of Victoria, Federal Court of Australia, Family Court of Australia, County Court of Victoria and the Accident Compensation Commission.

The function was well attended by members of the Judiciary and the Bar.

Sporting Events

Hockey: In a hockey match played on 16th October, 1991 against the R.M.I.T. the Bar's team was defeated by 5 goals to 2. Also in October 1991 the Bar's hockey team played its annual match against the Law Institute team for the Scales of Justice Cup. The result was 3 goals all and the Bar's team retained the Scales of Justice Cup for the third year in a row.

Cricket: In November 1991 a cricket match between teams drawn from Latham Chambers and Owen Dixon Chambers West was played at the Corniston Oval, Romsey Vineyards. The occasion provided further opportunity to raise funds for the Chris Spence Fund. The Latham team won the game by a small margin. The Bar's one day annual cricket matches against the Law Institute teams were cancelled due to inclement weather. A cricket match between the Victorian Bar and the N.S.W. Bar was played on 28th March, 1992 at the Brighton Cricket Ground and the N.S.W. Bar won the game by 4 wickets.

Golf: On 7th October, 1991 the Victorian Council of Professions held its annual golf day at Yarra Yarra. The Bar's team was unsuccessful in its defence of the Victorian Council of Professions Shield.

The annual golf match between members of the Bench and Bar against the Law Institute for the Sir Edmund Herring Trophy was played on the West Course of the Royal Melbourne Golf Club on 20th December, 1991. The Bar won and thus retained the Sir Edmund Herring Trophy.

Tennis: The annual tennis tournament between members of the Bench and the Bar against the Law Institute was cancelled due to heavy rain.

Football: On 26th July, 1992 the Bar's team played a game against a team from Mallesons Stephen Jaques. The game resulted in a win to Mallesons.

Sailing: On 16th December, 1991 the Wigs and Gowns Squadron held an indoor regatta at Hobson's Bay Yacht Club, Williamstown. The regatta was held indoors due to inclement weather.

Running: During the year under review members of the Bench and Bar competed in both the Annual Legal Fun Run and the 1992 Bay Run. The Bay Run was organised to raise funds for charity with generous contributions of the Bar going to "DOXA"

ANNUAL REPORT OF THE ACADEMIC COMMITTEE

The Academic Committee spent some considerable time in considering and reporting upon the consequences of the proposed system of mutual recognition of qualifications and uniform admissions. Inevitably, some surrender of regional preferences and policies is involved. It is, however, gratifying to note that the proposed structure of the new requirements will closely follow the Victorian example.

A continuing cause of concern throughout this year has been the continuing financial squeeze on the Law Faculties at the University of Melbourne and Monash University, and also the Leo Cussen Institute. This is greatly to be deplored. The Bar should lose no opportunity to provide moral support to these essential educational institutions. However, the holders of the purse strings seem disinclined to listen.

At the same time financial cuts are squeezing the established law schools to the point of ridiculous penury, many newer universities are opening law faculties for the first time. The reasons are manifold, but an important component is that law faculties are perceived as being cheap to run, and having the advantages of attracting bright students and adding prestige. There is a real risk that quality will suffer badly overall.

ANNUAL REPORT OF THE HUMAN RIGHTS COMMITTEE

The Committee has had a particularly active year this year.

The Committee's mainstay activity has continued. This work is to respond to requests for appeals to be made on behalf of judges, lawyers and others who have been subjected to detention and/or intimidation by the authorities in their countries. Numerous such requests have been received from the International Bar Association, Amnesty International, the Lawyer-to-Lawyer Network and the International Commission of Jurists. Letters responding to these requests are sent either by members in their individual capacities or, where it is deemed warranted, on behalf of the Committee as a whole.

By way of "special events", the Committee has also co-hosted meetings with Antalai Sawing (a human rights lawyer who, almost single handedly, has been active in the defence of the Dayak people of Sarawak) and Mr. K.G. Kannabiran (a leading Indian human rights lawyer brought to Australia by Amnesty International). The second of these "special events" was particularly gratifying as it was, it is understood, the first time on which all the local legal human rights groups have co-ordinated an activity. Other participating human rights groups were the International Commission of Jurists, the Victorian Council for Civil Liberties, and the Human Rights Committee of the Law Institute of Victoria. This meeting was conducted in the Readers' Seminar Room in Four Courts Chambers and was attended by approximately 60 people.

On the Australian front, the Committee considered in detail the proposal to extend the operation of the Community Protection Act (the "Garry David Act") to be of more generalised application. The views of two acknowledged experts in this area were received confidentially by the Committee. The Committee also gratefully acknowledges the contribution made by Priest (whose recent Masters thesis happens to be in this area). At a subsequent meeting, the Committee arrived at a majority view and this view was conveyed to the Bar Council in a report of the matter. The Committee also acknowledges the substantial contribution made by the Honourable Mr. Justice Harper who, by reason of his appointment, has retired from the Committee as of April, 1992.

Matters presently under consideration by the Committee include the Parliamentary Committees (Amendment) Bill and the legislation and practice applicable to refugees presently being held at the Port Hedland Immigration Centre. Committee member Poynder is presently working under contract to the Refugee Council of Australia in that detention centre.

ANNUAL REPORT OF THE LAW REFORM COMMITTEE

During the course of the year the Law Reform Committee has experienced change both in its chairmanship and membership. Mr. W.B. Zichy-Woinarski Q.C. stepped down from the chairmanship and Mr. P.G. Nash Q.C. assumed the position. Whilst the Committee has benefited from some new members joining, regrettably John Digby, Tony Pagone and David Doyle resigned from the Committee due to other commitments.

The stream of reports emanating from various Federal and State law reform bodies, enquiries and task forces has continued unabated. Moreover, the length and sophistication of reports received appears to be increasing which impacts both upon the time which individual members may devote to reports and the extent to which the Committee can usefully make recommendations regarding their contents. So as to make optimum use of the resources available to it, the Committee has determined to become more selective in the future as to the number of reports which it will consider.

Among matters considered by the Committee this year have been:

- Review of the Bail Act 1977;
- Magistrates' Court (Costs) Bill;
- Courts Case Transfer Bill;
- Crimes Legislation (Miscellaneous) Bill;
- Competition Law;
- Section 592 of the Corporations Law;
- Rape: Reform of Law and Procedure; (Vic. Law Reform Commission Report)
- Crimes (Sexual Offences) Bill;
- Unilateral Severance of a Joint Tenancy; (NSW Law Reform Commission Report)
- Codes of Practice (Vic);
- Evidence Bill 1991 (Commonwealth);
- Crimes (Fraud) Bill;
- Administration of Justice (Protection) Bill 1987 Commonwealth;
- Community Protection (Violent Offenders) Bill;
- Bankruptcy Amendment Bill 1991 (Commonwealth);
- Service and Execution of Process Bill 1992 (Commonwealth);
- Death Caused by Dangerous Driving (Victorian Law Reform Commission Report);
- Limited Liability Partnerships;
- Corporate Law Reform Bill 1992 (Commonwealth);
- Administrative Review Council Report No. 35 - Rule Making by Commonwealth Agencies;
- Land Tax Act - "Special Trust" Provisions - Exemptions (Vic);
- Crimes (Forensic Procedures) Bill;
- Collingwood Land (Victoria Park) Bill;
- Royal Melbourne Hospital (Redevelopment) Bill.

ANNUAL REPORT OF THE LIBRARY COMMITTEE

Each year the Library Committee laments the chronic lack of space for the Richard Griffith Library. This year is no exception. Due to ever increasing problems arising from the lack of shelf space for the library it is becoming ever more difficult to provide even reasonable access to the rather limited collection that the Bar has.

The fact that there are no facilities available for electronic retrieval of information for the general use of the Bar through the library has been a matter of surprised comment by practitioners from interstate. That there is not substantial agitation from our Bar for such facilities perhaps reflects an acceptance of the problems caused by the lack of space.

It is hoped that the Bar Council in the near future might be able to give consideration to the viability of major improvements to the library services it provides. In the meantime the Committee will do the best it can to keep up with the situation.

Over the last year Richard Brear has done a splendid job in compiling an inventory of the collection. This exercise will serve to provide the basis for consideration of new directions that the Committee might take. It has been a long, difficult and tedious job which Richard, with his characteristic goodwill and dedication, has undertaken willingly and without complaint. The Committee is very grateful indeed for Richard's work and commitment. He has also worked tirelessly, and regrettably, often thanklessly, restoring the library to order after selfish users fail to replace books. This is a job which he, and members of the Committee, should not have to do. Members are once again asked to observe the common courtesy of replacing books after use.

The Committee is also obliged to Daphne Christopherson for organising and keeping up to date a computer record of the collection and additions to it, preparing the regular accounts and doing a lot of slog work that anywhere else would be done by a qualified librarian. She has done all of the work of a de-facto librarian in an honorary capacity. Without her the library would not have been able to function. The Bar must be grateful to her for her generosity.

ANNUAL REPORT OF THE ESSOIGN CLUB LIMITED

The year has been a satisfactory year for the Club notwithstanding the general downturn in the economy which has had, and the Committee expects will continue to have, a marked effect on trading.

The standard of service has been improved without any significant increase in prices to members. Operating costs have been reduced wherever possible to avoid placing a further burden on the membership. The Committee believes that the Club is an exception in the industry in this respect. The cost to members of other clubs and comparable outlets has increased significantly.

The Committee has supervised the refurbishment of the dining room and the coffee lounge which are now pleasantly furnished and decorated. New kitchen equipment was installed in the long vacation to replace that which had been on the premises since Owen Dixon Chambers East was built in 1964. The Committee hopes that the new equipment will enhance the fine standard of food service provided by the Club over the years of its operation.

We are grateful to our staff who, notwithstanding difficult times have made great efforts to serve the Club. We are particularly grateful to Patrick Gilbert who has maintained the high standard of management of all areas of the Club's services.

Once again the Committee wishes to express its gratitude and appreciation to Ed Fieldhouse and Anna Whitney for the sterling honorary services they so willingly give to the Committee and the Club. Without them the Club would have great difficulty in functioning.

I wish to acknowledge the hard work of the members of the Committee over the last year. I particularly wish to thank John Lee who did not seek re-election. He has been a member of the Committee since 1986 and has given unstintingly of his time and effort to the Club.

The Committee records with deep regret the recent death of Mrs. Netta Collings, a former employee of the Club.

ANNUAL REPORT OF THE NEW BARRISTERS' COMMITTEE

The New Barristers' Committee has been very active during the year under review and in particular, since the election on 27th May, 1992.

A detailed report of its activities will appear in the Spring 1992 issue of the Victorian Bar News.

Matters of particular interest which have been debated and acted upon include the Listing Practices at the Heidelberg Magistrates' Court, the accommodation problems affecting new barristers and in particular, the allocation of rooms at 555 Lonsdale Street, the naming of Barrister's Chambers at 555 Lonsdale Street and the question of the implementation of a management strategy of the Bar.

ANNUAL REPORT OF THE READERS' COURSE

Two Readers' Courses, each of approximately twelve weeks duration have been conducted since the last Annual Report. Forty-one Readers attended the Course beginning in September 1991. In March 1992 the numbers attending the Course were forty-six.

The Bar and its Readers have continued to benefit from the generous contribution of time and effort to the Readers' Course by practising members of the Bar, members of the judiciary and many others also. More than 180 people assisted with each of these intakes, and the level of support received for the Readers' Course given by Bench and Bar remains as high as ever. The Course has maintained the high standard of previous years and many of the contributors devote lengthy periods on numerous occasions to their work for the Course and the Bar.

The connection between the Victorian Bar and the profession in Papua New Guinea has been maintained with the attendance of Wemin Boi in September 1991 and Maria Doiwa, Sarea Soi and John Kil in March 1992. Maria Doiwa is the first woman practitioner to attend our Course from Papua New Guinea. Sixteen practitioners from Papua New Guinea have now attended our Course. Also in March 1992, Stephen Joel attended the Course, being the first practitioner from Vanuatu to do so. We expect to have two practitioners from Papua New Guinea in the September 1992 Course and one from Vanuatu. We have also recently received an inquiry from a practitioner in the Solomon Islands, and one from South Africa, both of whom we expect to attend Courses in the near future.

In March 1992 a week-long workshop was conducted jointly by the Readers and trainee Victorian Police Prosecutors. The Police trainees were assessed and marked throughout the week by their own examiners. Members of the Bar acted as magistrates. The week was a great success and may have contributed significantly to good relations between the Bar and the Police Force. Another such workshop will be conducted in March 1993.

In November 1991 four members of the Course Committee assisted in a Mock Hearing session conducted as part of the Office of Ethnic Affairs Legal Interpreting Service Orientation Course. Another of these Mock Hearings was conducted in August 1992, again with the assistance of four members of the Course Committee. The Course, in turn, obtains the assistance of members of the Legal Interpreting Service to conduct a session for the Readers.

The Course Committee believes 1991-92 has been another good year. The Course Committee again acknowledges that the quality of the Course, its efficient management and the enthusiastic response to the Readers are in large measure due to the hard work, the devotion to duty and the diplomacy of the Course Co-Ordinator Ms. Barbara Walsh.

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

Recognising the problems facing the Bar in general and the Common Law Bar in particular, steps were taken earlier this year to revitalise the Common Law Bar Association. At the Annual General Meeting held on 21st May, 1992 the following Committee were elected:-

Kendall Q.C. (Chairman), A. Adams (Vice-Chairman), Wodak (Secretary), J.H.L. Forrest (Treasurer), Shannon Q.C., Kellam Q.C., Stanley Q.C., Keenan Q.C., Galbally Q.C., Francis Q.C., D. Martin, D. Beach, Curtain, J.T. Rush, P.D. Elliott and Monti.

Since that time the Committee has been addressing problems associated with:-

- (a) the delays in the hearing of juries, causes and appeals in the Supreme Court;
- (b) the listing and determination of urgent actions in the Supreme Court;
- (c) amendments to the Accident Compensation Act;
- (d) the inadequacies of Legal Aid in the civil jurisdictions and legal assistance generally.

The Committee has also worked closely with the Law Council of Australia in formulating a Submission to be made to the Panel appointed by the Federal Government to review "Compensation and Professional Indemnity in Health Care".

At the time of preparation of this Report the Committee is involved in detailed consideration of the State Opposition's scheme to replace "Workcare" and its many implications. It is contemplated that a number of submissions will have to be made to those responsible for formulating policy in an effort to ensure that no further deprivation of citizens rights occurs, and indeed, in an effort to have those previously taken away restored. It is contemplated that the

Association will have to become actively involved in addressing the issues arising out of the reports of the Victorian Law Reform Commission and the Trade Practices Commission. Many aspects of litigation in the Common Law jurisdictions are under review, and strong pushes are being made in the community for more mediation and other forms of alternative dispute resolution. All of these matters have led to a concerted effort to increase the membership and influence of the Common Law Bar Association.

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

As with other areas of law, during the past year Family Law has been subjected to ever increasing scrutiny by both the media and by various committees set up to improve and streamline its practice. The Family Law Bar Association has, on behalf of its members met the challenges that have been raised throughout this year. Through its executive committee it has dealt with the consideration of many issues affecting barristers practising in Family Law.

The Chairman and Executive members of the Association have met with other members of the profession to discuss proposed changes and current problems. Meetings have been held with Judges of the Family Court and interested parties. The Association has also participated in Case Management meetings held at both the Melbourne and Dandenong Registries of the Family Court. The issues discussed include:

1. enforcement of pleadings and Court Rules;
2. consistency of decisions by Registrars;
3. feedback on new Case Management Guidelines;
4. costs, cost agreements and orders for costs against practitioners;
5. facilitating self representation for parties ineligible for assistance;
6. judicial criticism of the Legal Aid Commission -
 - (a) failure to grant assistance;
 - (b) grants in unsuccessful claims; and
 - (c) protocols for informally dealing with such issues.

7. operation of Case Management Guidelines; and
8. effective Case Management Guidelines for the Bar.

These issues impinge upon the day-to-day practice of family law and the smooth administration of the Court.

At the last general meeting of the Association held in March of this year, items for discussion included:

- simplifying the procedures in the Family Court which required a response to the Chief Justice's memorandum of March 1992;
- pro bono work and the acceptance by members of the Association of a proposed pro bono program to be implemented by the Victorian Bar Council.

The executive committee through its sub-committee has made a submission on fee increases. The sub-committee considered the current fee recommended by the Bar Council. The view of the costs sub-committee was that although the "time was not right" for cost increases, a submission be put to the Bar Council on behalf of the Association to rectify the situation of the recommended fees which has lain dormant since March 1988. The sub-committee recommended that there be an increase in fees.

The Association held two successful functions throughout the past year, being the Annual Christmas Cocktail Party at Seabrook Chambers and the 1992 Family Law Bar Association Annual Dinner at the Savage Club, Melbourne. The Judge Administrator, The Honourable Justice Frederico was the guest speaker. In an entertaining discourse, he drew similarities between the current attack on the profession and similar attacks made in the 1897 Royal Commission in the Colony of Victoria. The Association has established excellent relations with the Bench which was reflected by the attendance of guests.

The Association extends its congratulations to Judicial Registrar Ramsden who was sworn in on the 27th April 1992 and welcomed by assembled members of the profession. Judicial Registrar Ramsden was a highly regarded member of the Association and of the Bar. The Association wishes him every success in his appointment.

The Association is continuing to grow and attempting to meet the many challenges facing practitioners in this area. All persons wishing to join the Association should contact Elizabeth Davis (7592) or Clarinda Molyneux (8132).

ANNUAL REPORT OF THE ETHICS COMMITTEE

Since the last Annual Report the Ethics Committee, under the Chairmanship of Dr. C.N. Jessup Q.C. and Mr. A.G. Uren Q.C., has conducted 26 meetings and held eleven summary hearings (concerning 13 barristers) pursuant to Section 14E of the **Legal Profession Practice Act**. The Committee found that disciplinary offences had been committed by five of the thirteen barristers concerned.

The first summary hearing concerned complaints made by two opposing barristers against each other. The initial complaint involved an allegation that the complainant's opponent had told the Court that the complainant had misled the Court. The respondent to the first complainant made a cross-complaint alleging that the first complainant had misled the Court in relation to an application for adjournment. At the hearing both complaints were withdrawn by the respective complainants. The Committee however resolved to proceed on the material before it and formed the view that there may have been offences committed by each barrister but it decided to dismiss each complaint.

The second summary hearing concerned a complaint made by the son of a defendant in a case against the barrister acting for the plaintiff. The complaint was that the barrister had attempted to force the defendant to settle the case by saying that the plaintiff would not pursue the result of

certain investigations made into the actions of the complainant if the defendant paid a certain sum in settlement of the action. At the conclusion of the hearing the Committee formed the view that the barrister had attempted to force a settlement by putting forward the proposition complained of and in doing so had committed an offence of professional misconduct. The Committee resolved that the Chairman caution the barrister against persisting in or recreating the offence and he was cautioned.

The third summary hearing concerned complaints against two barristers regarding their handling of an interlocutory matter in the Supreme Court made by their instructing solicitor. The first complaint was that the first barrister to have the brief did not advise his instructing solicitor that he was not available to appear on the return date of the summons and handed the brief to another barrister ("the second barrister") without his instructing solicitor's authority. At the conclusion of the hearing the Committee was satisfied that the first barrister had transferred the brief to the second barrister without advising his instructing solicitor and without his solicitor's authority and had thereby committed a disciplinary offence and he was fined \$500.00.

The second complaint was that the second barrister had consented to an order that his client's defence be struck out without instructions and had failed to advise his instructing solicitor of the terms of the order. At the conclusion of the hearing the Committee formed the view that the second barrister had consented to the order without instructions and thereby committed a disciplinary offence and further had failed to communicate to his instructing solicitor that the defendant's defence had been struck out thereby committing a further offence. The second barrister was fined \$750.00 for each offence.

The fourth summary hearing concerned a complaint made by a Judge of the County Court that a barrister was not at Court when his case was called on. At the conclusion of the hearing the Committee formed the view that the barrister was not at Court when his case was called on and was guilty of a disciplinary offence being that of infringing Ruling 14. The Committee resolved that the barrister be advised in the future not to accept a brief which would put him in the position of not being able to be present in Court when his case was called on and he was so advised.

The fifth summary hearing concerned a matter which the Committee had resolved to investigate of its own motion and involved the actions of a barrister inducing a second barrister to breach the privilege of his client by swearing an affidavit in proceedings before the Supreme Court involving the second barrister's client. At the conclusion of the hearing the Committee formed the view that no disciplinary offence was made out and accordingly the Committee resolved to take no further action in relation to the matter.

The sixth summary hearing concerned a complaint made by a plaintiff in proceedings before the Magistrates' Court against a barrister acting for a defendant that the barrister had cross-examined him vigorously on matters not relevant to the litigation and had done so only to embarrass and upset the plaintiff and that the barrister had cross-examined him about matters which were factually incorrect. At the conclusion of the hearing the Committee formed the view that the barrister's cross-examination was not inappropriate in the circumstances and the complaints were dismissed.

The seventh summary hearing concerned a complaint by a defendant in criminal proceedings that his barrister had threatened to resign on two occasions; firstly, when his client instructed him to obtain an analysis of fingerprints and secondly, when his client wished to change his plea from guilty to not guilty during the hearing of the case. After hearing the complainant's evidence the Committee formed the view that there was no evidence before the Committee on which the complaint about threatening to resign when the complainant wished to change his plea could be sustained and accordingly it was dismissed. After hearing the remaining evidence the Committee formed the view that the complaint in relation to the threat to resign over the fingerprint evidence should be dismissed.

The eighth summary hearing concerned a complaint against a barrister acting for a defendant in a criminal trial made by a barrister acting for the Crown that the barrister acting for the defendant had used derogatory words to describe one of the barristers acting for the Crown in the precincts of the Court whilst the Jury was filing out of Court. After hearing the evidence the Committee formed the view that the barrister acting for the defendant had used the words complained of in circumstances when they could have been heard by the jury and had thereby committed a disciplinary offence. The Committee resolved that he be cautioned against repeating the offence and he was cautioned.

The ninth summary hearing concerned a matter which the Committee determined to investigate of its own motion that a barrister had committed a disciplinary offence by being convicted of a number of counts of recklessly making statements to Officers of the Australian Taxation Office that were false in material particulars contrary to Section 8N(a) of the Taxation Administration Act 1953. At the conclusion of the hearing the Committee formed the view that although the statements had been made to the Australian Taxation Office recklessly the conduct of the barrister did not amount to a disciplinary offence and the complaint was dismissed.

The tenth summary hearing concerned a complaint made by a barrister acting for a plaintiff in proceedings in the Magistrates' Court by the barrister acting on behalf of the plaintiff that the barrister acting for the defendant had advised the Magistrate that the defendant's quantum of damages had been admitted when it was not and that he had obtained a brief fee in an order for costs that he was not entitled to. After hearing the evidence the Committee was not satisfied on the requisite standard that sufficient factual matters in the case of each complaint had been made out and consequently dismissed each complaint.

The eleventh summary hearing concerned a complaint made by a Judicial Officer that a barrister had used profane language in remarks made to opposing counsel at the Bar table which the Judicial Officer had overheard. After hearing the evidence the Committee considered that the barrister should not have said what he agreed he had said but in the circumstances the Committee was not satisfied that what was said amounted to improper conduct and accordingly the complaint was dismissed.

In addition to eleven summary hearings, two matters were sent to the Barristers' Disciplinary Tribunal but at the time of writing this report they had not yet been commenced.

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

	1/9/88- 31/8/89	1/9/89- 31/8/90	1/9/90- 31/8/91	1/9/91- 31/8/92
No. of complaints received	40	35	52	71
No. of matters investigated by the Committee of its own motion	-	-	3	6
No. of complaints under consideration at commencement of reporting period	17	16	18	26
No. of complaints under consideration at date of report	16	18	26	28
No. of investigations concluded during the reporting period	41	33	47	75
Complaints not upheld after preliminary investigation	34	29	36	57
No. of complaints where Committee resolved (pursuant to section 14E(a)) to take no further action	-	-	1	-
Complaints heard at summary hearing during reporting period	7	10	10	13
Complaints upheld after hearing	5	5	6	5
Complaints withdrawn at hearing	-	-	1	2
Complaints dismissed after hearing	2	3	3	6
Complaints scheduled for summary hearing but not commenced at time of report	-	2	2	5
Complaints resulting in charges laid before the Barristers' Disciplinary Tribunal during reporting period	1	1	3	2
Decisions of the Committee appealed against to the Barristers' Disciplinary Tribunal during the reporting period	-	-	1	-
Complaints scheduled for hearing by Barristers' Disciplinary Tribunal but not commenced at time of report	-	-	1	2
Source of Complaint				
Clients	21	12	31	43
Solicitors	10	11	12	16
Judicial	3	-	-	5
Counsel	1	6	5	5
Police	4	-	2	2
Others	1	6	5	6

ANNUAL REPORT OF THE VICTORIAN BAR COUNCIL EXECUTIVE COMMITTEE

While the Chairman, Vice-Chairmen, Honorary Secretary and Assistant Honorary Secretary meet each morning in the Chairman's Room, the full 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 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, of course, are members of the Bar Council. The following are matters which have occupied the Executive Committee in the past year:-

1. Matters relating to Legal Profession and Trade Practices.
2. The provision of accommodation for the Bar
3. Matters of Law Reform in Victoria.

Each month the members of the Executive Committee meet with the Executive of the Law Institute of Victoria to discuss matters of mutual interest.

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION

As has been the case in previous years, the Committee dealt with a wide range of issues often relating to proposed statutory amendments, in a number of areas of the Criminal law. Advice or comment is frequently sought by the Attorney-General, the Shadow Attorney-General and a number of matters were referred to the Bar Council. Perhaps the singular issue that concerns the Association most, is the increasing tendency in new legislation to modify, restrict or significantly alter the rights of accused. It is likely that this will be an area in which the Association will need to be even more heavily involved in the future. It will be necessary for the Association to determine what role it believes it should take in endeavouring to uphold rules which have for a long time been regarded as fundamental rights.

Prosecuting and investigating authorities have become extremely well organised in an attempt to have legislation enacted which is stated to be aimed at the more efficient conduct of criminal trials. What began as an examination of the presentation of complex fraud trials has resulted in there being a call for significant changes in the process of the conduct of all criminal matters. Following the second National Crime Authority seminar on the Presentation of Complex Fraud Cases, a submission was made to the Standing Committee of Attorney-Generals. The result has been a call for legislative change to affect cases other than those involving complex fraud.

Legal Aid

During the course of the year, the Legal Aid Commission reduced fees in criminal matters by 10%. This was despite the fact that the prior recommended increase in fees had not been passed on to the Bar. Subsequent to the reduction, the Commission refused to pass on a further recommended fee increase, resulting in a real reduction of fees in legally aided matters, of something of the order of 15%. To add to the problems, the Sentencing Act, by reducing maximum sentences for a number of matters meant that for a time fees in many matters were further reduced. As a result of negotiations with the Commission this matter was remedied by an adjustment of the scales. The amendment to Section 32 of the Legal Aid Commission Act means that the whole question of fees will have to be looked at afresh. The Association will be active in these negotiations.

Again the question of the conduct of counsel in legal aid matters has been brought into question. The Committee, on behalf of the Association rejects the suggestion that members of counsel protract cases for improper reasons. It is now suggested that there should be specific legislation aimed at reducing fees or even ordering costs against counsel in legally aided matters. If this suggestion infers that counsel deliberately waste the time of the Courts in such matters, it requires strong protest from this Association. This is but one of the matters which will concern the Association over the next year.

It is the assertion of the Association that the efficient running of cases requires early and appropriate briefing of counsel. Skilled, experienced and well briefed counsel are able to confidently identify issues and efficiently conduct court cases. Neither this proposition nor the rights of persons accused seems to have occupied the time of those who would seek to solve the difficulties of the conduct of criminal proceedings.

Executive and Committee

Robert K. Kent Q.C. - Chairman

Bill Morgan Payler - Vice Chairman

Robert Webster - Secretary

Paul D'Arcy - Treasurer

General Committee - Colin Lovitt Q.C. (Membership Secretary), Boris Kayser, Aaron Shwartz, Ross Ray, Bruce Walmsley, Frank Hender, Mark Dean and Meryl Sexton

VICTORIAN BAR COUNCIL
PROFIT AND LOSS FOR THE YEAR ENDED 31 AUGUST 1992

	1992 \$	1991 \$
INCOME		
Subscriptions	605,441	457,142
Sale of Publications	15	28
Readers' Course Income	76,622	78,041
Other Income	-	2,478
Total Income	<u>682,078</u>	<u>537,689</u>
EXPENSES		
<i>Administration Expenses:</i>		
Audit and Accounting Fees	3,630	2,820
Bar News	294	1,064
Bank Charges and Deposit Duty	1,230	1,225
Floral Tributes	414	155
Insurance	2,494	4,172
Printing and Stationery	10,745	12,390
Publications	7,899	4,366
Salaries, Payroll Costs, Superannuation and Employee Provisions	151,293	125,859
Total Administration Expenses	<u>177,999</u>	<u>152,051</u>
<i>Capitation and Affiliation Fees:</i>		
Law Council of Australia	75,830	86,530
Lawasia	660	600
Australian Bar Association	24,700	14,300
International Bar Association	184	197
Victorian Council of Professions	-	475
Total Capitation and Affiliation Fees	<u>101,374</u>	<u>102,102</u>
<i>Other:</i>		
Senate Cost of Justice Inquiry and Trade Practices Commission	26,203	31,272
Law Reform Submission Costs	96,615	34,480
Donation to Court Network	5,000	-
Entertainment and Functions	45,404	46,420
Ethics Costs	16,216	8,398
Travelling Expense	28,785	20,751
Readers' Course Expense	84,903	80,351
Share of Lay Observer's Salary	8,285	7,499
Professional Fees	7,427	24,906
Corporate Affairs Commission	150	192
Miscellaneous Expenses	7,579	4,226
Archival Costs	8,804	4,575
Commonwealth Lawyers' Association	-	814
Seldon Society	-	42
Leadr	300	25
Total Other	<u>335,671</u>	<u>263,951</u>
Total Expenses	<u>615,044</u>	<u>518,104</u>
OPERATING PROFIT	67,034	19,585
Accumulated Funds at the beginning of year	1,403,372	1,383,787
Accumulated Funds at the end of year	<u><u>\$1,470,406</u></u>	<u><u>\$1,403,372</u></u>

Barristers' Benevolent Fund

Amounts Received \$11,239

Amounts Remitted \$11,239

VICTORIAN BAR COUNCIL
BALANCE SHEET AS AT 31 AUGUST 1992

	NOTE	1992 \$	1991 \$
Current Assets			
Cash		63,024	56,725
Receivable	1.	1,376,615	1,316,555
Other	2.	532	2,277
Total		<u>1,440,171</u>	<u>1,375,557</u>
Non Current Assets			
Investments	3.	16,300	16,300
Property Plant & Equipment		<u>30,549</u>	<u>24,549</u>
Total		<u>46,849</u>	<u>40,849</u>
Total Assets		<u><u>1,487,020</u></u>	<u><u>1,416,406</u></u>
Current Liabilities			
Provisions	4.	9,198	6,850
Non Current Liabilities			
Provisions	5.	7,416	6,186
Total Liabilities		<u><u>16,614</u></u>	<u><u>13,036</u></u>
Net Assets		<u><u>1,470,406</u></u>	<u><u>1,403,372</u></u>
Accumulated Funds			
Accumulated Funds		<u><u>1,470,406</u></u>	<u><u>1,403,372</u></u>

NOTES TO AND FORMING PART OF THE BALANCE SHEET
FOR THE YEAR ENDED 31 AUGUST 1992

	1992 \$	1991 \$
1. Current Receivables		
Unsecured Loan - Barristers' Chambers Limited	1,367,000	1,312,000
Subscriptions in Arrears	<u>9,615</u>	<u>4,555</u>
	<u><u>1,376,615</u></u>	<u><u>1,316,555</u></u>
2. Current Other Assets		
Prepaid List "C" Expenses	<u>532</u>	<u>2,277</u>
3. Non Current Investments		
Shares in Barristers' Chambers Limited at Cost	<u>16,300</u>	<u>16,300</u>
4. Current Liabilities		
Provision for Annual Leave	<u>9,198</u>	<u>6,850</u>
5. Non Current Liabilities		
Provision for Long Service Leave	<u>7,416</u>	<u>6,186</u>



Ref: JCB:MF:fc:lett.6

10 September 1992

Mr Ed Fieldhouse
Victorian Bar Council
205 William Street
MELBOURNE VIC 3000

Dear Sir

This letter is to advise that we have audited the Profit and Loss and Balance Sheet ("the Accounts") for the year ended 31 August 1992 as presented on pages 32 and 33 of the Victorian Bar Council Annual Report.

In our opinion, the accounts are correctly extracted from the books and records of the Victorian Bar Council for the year ended 31 August 1992.

Yours faithfully

DELOITTE ROSS TOHMATSU
Chartered Accountants

J C BRANT
Partner