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Reference

Ross N.

VICTORIAN BAR COUNCIL
OWEN DIXON CHAMBERS
205 WILLIAM STREET,
MELBOURNE 3006



VICTORIAN
BAR
COUNCIL

ANNUAL REPORT

1st September 1992 to 31st August 1993

*ANNUAL REPORT OF THE
VICTORIAN BAR COUNCIL
FOR THE YEAR ENDED 31ST AUGUST 1993*

To be presented to the Annual General Meeting of the Victorian Bar to be held at 5.00 p.m. on
Tuesday, 21st September 1993, 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 1992 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. R.H. Gillies 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.
Mrs. S.M. Crennan Q.C.
Mr. M.B. Kellam Q.C.
Mr. J.E. Middleton Q.C.
Mr. P.A. Dunn
Mr. W.R. Ray

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

Mr. P.D. Elliott
Mr. R.A. Brett
Miss C.F. McMillan
Mr. D.F.R. Beach
Mr. G.T. Pagone
Mr. A.J. McIntosh

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

Mr. J. Tsalanidis
Mr. J. O'Bryan
Mr. S.M. Anderson
Mr. R.J. Pithouse

CHAIRMAN'S REPORT

The year to 31st August, 1993 was a challenging one for the Bar Council and the Bar as a whole. It may be shortly summed up by saying "we live in changing times". One of the more significant changes which affected the lives of most Victorians, and certainly had an impact on the Bar, was the election on 3rd October, 1992 of a Coalition Government. This brought with it a tide of structural change and law reform, and unprecedented tightness in funding for legal aid and court systems, which, combined with the other matters referred to below, produced a very busy year for the Bar Council.

Abolition of Accident Compensation Tribunal

Perhaps the most notable act of the newly-elected Victorian Government in its first few months of office was the abolition of the Accident Compensation Tribunal, and the legislative dismissal of its ten Judges. This step, which the Bar Council viewed as having grave constitutional implications, brought censure from all quarters, including the International Commission of Jurists. The Bar Council was, of course, in the forefront in attempting to prevent the Government from carrying through this regrettable measure, by making public statements and engaging in private consultations. Notwithstanding this, the Judges were dismissed in what must stand as one of the most serious attacks on judicial independence which the common law world has yet witnessed.

Associated with the abolition of the Tribunal was the effective emasculation of the accident compensation jurisdiction, and many members of the Bar who had practised extensively in this jurisdiction suffered as a result.

Economic Conditions

No report in 1993 would be complete without a reference to the severe economic downturn which has hit Victoria in recent times. The Bar has not been insulated from the effects of this downturn, and it would appear clear that, at present, there are many more barristers on the practising list in Victoria than there is available work. During the year under review, the Bar Council established the Demographics Committee, the role of which was to advise the Bar Council on future demographic trends to be expected at the Bar. In its first report dated 19th January, 1993, the Committee advised that many members of the Bar were facing very difficult times. The report, which received considerable press publicity, expressed the view that about one third of the Bar was busy and prosperous, the middle third was holding on by dint of hard work and the ability to adapt, and the bottom third was being "decimated". Many members of the Bar are surviving in hard times by virtue of their commitment to the profession of advocacy and the community which it serves.

Victorian Bar Dispute Resolution Committee

On 15th March, 1993 the Chief Justice of Victoria opened the Victorian Bar Mediation Centre. This Centre, located on the First Floor of Four Courts Chambers on the corner of William and Little Bourke Streets, is a response by the Bar to the

increasing use of mediation and arbitration in dispute settlement. The Centre consists of well-equipped meeting and arbitration rooms, and it has been regularly used since its establishment. To date, no charge has been made for use of the Centre where the mediator/arbitrator is a member of the Bar, and the Centre is available at commercial rates for others. Establishment of the Centre followed the setting up of a Bar Dispute Resolution Committee, whose role is to oversee and co-ordinate the operations of the Victorian Bar Dispute Resolution Scheme, which has been in existence for some years, under which parties with disputes may secure barristers to act as mediators, arbitrators or the like.

Mediation Workshop

On 27th and 28th March, 1993 the Bar's Dispute Resolution Committee engaged the services of experienced instructors from Bond University to conduct a course on mediation, which was attended by about 30 members of the Bar. This course occupied a full weekend, and was regarded as invaluable by those who attended. The Bar's involvement in this activity represents a recognition of the importance of mediation in dispute settlement, and shows the commitment of the Bar Council to developments of this kind.

"In Brief"

On 1st December, 1992 the Bar Council published the first of what has become a regular fortnightly newsletter: "In Brief". The purpose of this newsletter is to communicate to members of the Bar what the Bar Council is doing from time to time, and to replace (in part at least) the ad hoc "circulars" which have traditionally been distributed to the Bar as the occasion demands. It would appear that "In Brief" has been well-received by the Bar, and that barristers generally welcome the regular flow of communication which it brings.

ABA Uniform Code of Rules of Conduct and Practice

On 24th May, 1993 the Bar Council adopted a new codified set of rulings under section 14B(c) of the Legal Profession Practice Act 1958. These replaced all previous rulings, and were based upon, and largely followed the terms of the uniform Rules of Conduct and Practice developed by the Australian Bar Association over a period of about 2 years. The development and finalisation of this uniform code required energy and patience, and many members of the Bar made a contribution. It stands as a significant achievement for the independent Bars of Australia. The Code has been introduced in most other States and Territories.

Sentencing Legislation

A significant legislative event for the Bar was the introduction of the Sentencing (Amendment) Bill, which introduced a principle whereby sentences, in the case of certain violent and/or sex-related crimes, would relate to the protection of the community, rather than the gravity of the offence. In some cases a person serving a term of imprisonment would be brought before the court at no less than 3-year intervals for an assessment to be made as to whether he or she could safely be released. The Bar Council took the view that these changes amounted to very significant, and undesirable, departures from long-accepted sentencing principles, and made strong representations to the Attorney-General about them. In addition, the Bar Council hosted a press conference in which the Law Institute of Victoria and many other interested community organisations joined the Bar Council in protesting against the introduction of this legislation.

Readers' Training Course

As has been customary for some years, new members of the Bar attended a three month full-time advocacy training course under the supervision of the Readers' Practice Course Committee. As in the past, many instructors from the Bench and the Bar gave their time voluntarily and willingly for this purpose. This course has received international recognition, many regarding it as the finest course of its type in the common law world. Participants at the course include practitioners from countries in the Pacific region. An innovation this year was the conduct of moots in conjunction with the Police Prosecutors' School, which I had the honour to open in company with the Chief Commissioner of Police.

Senate Cost of Justice Inquiry

This Inquiry into the Cost of Justice by the Senate Committee on Legal and Constitutional Affairs has been a major concern to the legal profession for some time. The Bar made a substantial submission, and individual members of the Bar contributed to the preparation of the submission of the Law

Council of Australia. In February 1993 the Committee published its first report. This was a balanced and realistic document which was well-received by the Bar.

Trade Practices Commission - Study of the Legal Profession

This study has been under way for a very considerable period. The Bar Council forwarded a substantial written submission to the Commission, concerned largely with attempting to explain to those who may have had little experience of the practical side of practice at the Bar how the Bar works, what are its strengths and why its rules and practices have come into existence and survived. We also engaged Professor Robert Officer and Dr. Philip Williams of the Graduate School of Management at the University of Melbourne to advise the Bar and to assist in the preparation of the submission, on matters of economics. Both of them, together with Bar Council officers and members of the Bar's Trade Practices Committee, met representatives of the Commission and answered, at considerable length, various questions which those representatives had about the Bar. At the date of preparation of this report, the Draft Report of the Commission is still being awaited.

Legal Aid

The Legal Aid Commission has not been immune from the difficult economic times which are affecting the whole community. The legal aid budget is significantly smaller now than in previous years. This has inevitably caused tensions between the Commission and the Bar. The Commission has sought to implement a number of changes in procedure and fee determination, but, it appeared to the Bar Council, the bottom line in each case was to secure representation for assisted persons at fees significantly below those hitherto applying, and below those which, in the view of the Bar Council, were proper fees if the assisted persons were to be represented by counsel of sufficient experience. The Bar Council recognises that the Commission itself has difficulty with funds, but it has raised with the Commission and the Government the need for the Commission to examine the efficiency of its own operations with a view to cutting costs wherever possible. One of the measures which the Commission sought to introduce was the placing of "caps" upon counsel's fees. This measure was not persisted with by the Commission, after the Bar Council pointed out a number of conceptual and practical difficulties which would have been involved. Another of the measures which the Commission sought to introduce was the so-called "retained counsel" scheme, by which members of the Bar would be retained exclusively by the Commission for a twelve month period, paid a salary for that time, and not permitted to perform any other legal work. The Bar Council was unable to distinguish between such an arrangement and any arrangement whereby a barrister became exclusively retained on the staff of a solicitor's office. The scheme was rejected by the Bar Council after wide consultation within the Bar as a whole, involving particularly the criminal Bar. At the time of preparing this report, the Commission is in the course of attempting to make other, but similar, arrangements, and it is too early yet to discern whether such arrangements will work, or whether they will have an impact upon the work of barristers.

Gender Issues and the Judiciary

One of the more disturbing matters with which the Bar Council has had to deal in the period under review has been the reaction within the media, and by certain politicians and interest groups, to a very small number of isolated, and arguably infelicitous, observations by judges in rape trials and other trials concerned with sex-related crimes. The reaction to these comments was so vociferous, and at times so ill-informed, and the potential threat to the independence of the judiciary so obvious, that I made a number of statements attempting to restore some balance into the public debate on these matters. It is a matter of particular regret that the Prime Minister, in a highly-charged pre-election atmosphere, made a public statement the impact of which was that his Government would, if re-elected, take steps to ensure that the Judiciary were educated to ensure that they no longer harboured views and attitudes which were regarded as unacceptable. Eventually the Senate Committee on Legal and Constitutional Affairs announced an inquiry into gender bias (as it came to be called) and the Judiciary. The Bar Council made a submission to that

inquiry, which was based upon a survey conducted by the Bar's Equality Before the Law Committee. That survey brought together details as to the actual experiences of barristers in their daily work. The Senate Committee is understood to have found this empirical information helpful, and its work is proceeding.

On the associated question of the place of women within the profession, one of the significant steps taken by the Bar Council in the year under review was to recommend to Barristers' Chambers Limited that the sharing rules for chambers be freed up, so as to permit sharing by persons who had the full-time care and responsibility of infants under the age of five years. It was hoped that this would soften some of the hardships associated with rearing a young family while at the same time maintaining a presence at the Bar.

Complaints Brochure

The Bar Council has recently published a small brochure for the assistance of members of the public desiring to make complaints against barristers. The number of complaints received in the year is dealt with elsewhere in this report by the Ethics Committee itself, but the publication of this booklet will have significantly improved the understanding of members of the public and other practitioners as to the way in which complaints against barristers may be lodged.

Visits to Schools

In an attempt to promote a better understanding of the place and role of barristers within the legal system, the Bar Council offered to Victorian schools the opportunity to be visited by a barrister, and to be addressed on the work of the Bar. The offer was taken up by many schools, and the feedback has been most favourable. The Bar Council wishes to record its appreciation of the time which members of the Bar have voluntarily given for this important educational purpose.

Other Matters

This report has merely touched upon the activities of the Bar Council in the year under review. Some of the other matters which are worthy of brief mention are:

- (i) the Legal Resources Committee reported to the Bar Council on the establishment of a substantial Bar Library, and consideration of that report is in hand;
- (ii) the Mutual Recognition Legislation, by which the qualifications of occupational groupings in any State or Territory are recognised in other States and Territories, was brought into operation, and some Bar administration procedures were adjusted as a result;
- (iii) the Bar Council was represented at the "Retreat" held by the Law Council of Australia on the weekend of 23rd to 25th July, 1993 at Katoomba in the Blue Mountains, at which the long-term strategy of the Law Council was considered;
- (iv) the Bar Council established a Continuing Legal Education Steering Committee, which recommended the introduction of more systematic CLE at the Bar, particularly with respect to advocacy and technology; and
- (v) the Bar Council continued to develop plans for the publication of a Directory of Barristers, which matter is being dealt with by the Bar Directory Committee.

The year under review has been an exceedingly busy, and in some cases trying, one for the Bar Council. The Bar Council has recently been increased in size to twenty one members, but the workload remains as great as, or greater than, it ever was.

I would like to take this opportunity to recognise two groups of people. The first, consists of the many members of the numerous committees and sub-committees established by the Bar Council who give their expertise, time and energy voluntarily and unstintingly. It is not always appreciated how much the Bar depends upon these voluntary activities. The second group consists of the full-time staff of the Bar, in which respect I should mention particularly the Executive Director Mr. Ed

Fieldhouse, the Administrative Officer Mr. Jack Sutton, and the Executive Officer Mrs. Anna Whitney. It falls to them to attend all Bar Council and Bar Executive meetings and other functions, and to maintain systematic records and accounts, which task may well go by default if it were left to practising barristers.

I conclude by saying that being Chairman involves a good deal of introspection; not personal but collective. In difficult times, businesses everywhere are getting back to fundamentals, working on what they do best, concentrating on their "core activities". It has never been otherwise at the Bar. There will always be a demand for those very services which specialist barristers perform best. So long as members of the Bar continue to apply themselves with integrity and industry to their "core activities", there will be a healthy future for the independent Bar of Victoria.

C.N. JESSUP
Chairman

OFFICERS OF THE BAR COUNCIL

Chairman - Dr. C.N. Jessup Q.C.
Senior Vice-Chairman - Mrs. S.M. Crennan Q.C.
Junior Vice-Chairman - Mr. D.J. Habersberger Q.C.
Honorary Treasurer - Mr. M.B. Kellam Q.C.
Assistant Honorary Treasurer - Mr. D.F.R. Beach
Honorary Secretary - Ms. J.E. Richards
Assistant Honorary Secretary - Mr. C.G.J. Sexton (to March 1993)
Assistant Honorary Secretary - Mr. D.C. Dealehr (from April 1993)
Executive Director - Mr. E.T. Fieldhouse
Executive Officer - Mrs. A. Whitney
Administrative Officer - Mr. J.M.E. Sutton

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

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Mrs. S.M. Crennan Q.C. (Senior Vice-Chairman)
Mr. D.J. Habersberger Q.C. (Junior Vice-Chairman)
Mr. A.G. Uren Q.C.
Mr. W.B. Zichy-Woinarski Q.C.
Mr. R.K. Kent Q.C.
Mr. M.B. Kellam Q.C.

ETHICS COMMITTEE

Mr. A.G. Uren Q.C. (Chairman)
Mr. D. Graham Q.C. (to December 1992)
Mr. P.M. Guest Q.C.
Mr. R.H. Gillies Q.C.
Mr. H.McM. Wright Q.C. (from February 1993)
Mr. M.S. Weinberg Q.C.
Mr. P.G. Nash Q.C.
Mr. W.B. Zichy-Woinarski Q.C.
Mr. L. Lasry Q.C.
Mr. P.A. Dunn
Mr. M.J. Crennan
Mrs. S.M.B. Morgan (Secretary)
Mr. G.T. Pagone
Mr. R.J. McInnes (Assistant Secretary)
Mr. J. O'Bryan

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Dr. C.N. Jessup Q.C. (to October 1992)
Mrs. S.M. Crennan Q.C. (to October 1992)
Mr. M.B. Kellam Q.C.
Mr. J.E. Middleton Q.C. (from November 1992)
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Mr. M.B. Kellam Q.C.

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Mr. R. McK. Robson Q.C.
Mr. D.J. Habersberger Q.C. (to April 1993)
Mr. P.J. Kennon
Mr. R.A. Brett (from April 1993)
Mr. J.B.R. Beach

NEW BARRISTERS' COMMITTEE

Bar Council Nominees -

Mr. R.H. Gillies Q.C. (Chairman)
Mr. W.R. Ray (Alternate)
Mr. R.J. Pithouse (Representative)
Mr. J. Tsalanidis (Alternate)

Elected Members -

Mr. J.A. Ribbands
Ms. C.M. Morfuni
Ms. R.E. Carlin
Ms. C. Randazzo
Mr. C.G. Wallis
(To March 1994)

Ms. A.E.L. MacTiernan
Mr. A.G. Hooper
Mr. C.N. Kilias
Mr. G.M. Irving
Ms. S.M.K. Borg
(To March 1995)

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Mr. W.B. Zichy-Woinarski Q.C. (Chairman)
Mr. W.H. Morgan-Payler (Vice-Chairman)
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Mr. W.R. Ray (Secretary)
Mr. C.L. Lovitt Q.C. (Membership Secretary)
Mr. R.K. Kent Q.C.
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Mr. M. Shannon Q.C.
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Mr. P.J. Galbally Q.C.
Mr. M.B. Kellam Q.C.
Mr. J.T. Rush Q.C.
Mr. D.J. Martin
Mr. T.S. Monti
Mr. D.E. Curtain
Mr. P.D. Elliott
Mr. D.F.R. Beach

FAMILY LAW BAR ASSOCIATION

Mr. P.M. Guest Q.C. (Chairman)
Mr. M.R.B. Watt (Deputy Chairman)
Mr. J.W. St. John (Deputy Chairman)
Mr. G.P. Thompson (Treasurer)
Ms. E.A. Davis (Secretary)

STANDING COMMITTEES OF THE BAR COUNCIL

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Advocacy Training Course Committee

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

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Bar Library Committee

Mr. M.A. Adams Q.C. (Chairman and Bar Librarian), Mr. R.M. Downing (Deputy Chairman) (to July 1993), Mr. P.B. Murdoch Q.C., Mr. J.V. Kaufman, Mr. P.A. Coghlan, Mr. D.M.B. Derham, Mr. R.L. Brear and Ms. C.F. McMillan.

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Dr. C.N. Jessup Q.C. (Chairman), Mr. G.S.H. Buckner Q.C., Mr. D.J. Habersberger Q.C., Mrs. S.M. Crennan Q.C., Mr. J.E. Middleton Q.C., Mr. M.B. Kellam Q.C., Mr. M.A. Adams Q.C., Mr. W.R. Ray and Ms. J.E. Richards.

Car Parking Controller

Mr. J.R. Balfe Q.C.

Clerking Committee

Mr. W.B. Zichy-Woinarski Q.C. (Chairman), Mr. I.G. Sutherland Q.C., Mr. J.D. McArdle (Secretary & Convenor), Mr. P.A. Coghlan, Mr. P.A. Chadwick, Mr. M.W. Shand and Miss R.D. Wiener.

Chairmen for the time being of each List Committee

List "A" - Mr. M.B. Phipps Q.C., List "B" - Mr. A.M. North Q.C., List "D" - Mr. B.R. Dove Q.C., List "F" - Mr. R.J. Stanley Q.C., List "G" - Mr. A. Chernov Q.C., List "H" - Mr. J.P. Keenan Q.C., List "L" - Mr. M.S. Weinberg Q.C., List "M" - Mr. P.R. Hayes Q.C., List "P" - Mr. A. Bristow, List "R" - Mrs. F.P. Hampel, List "S" - Mr. P.B. Murdoch Q.C. and List "W" - Mr. G.R. Ritter Q.C.

Default List Committee

Dr. C.N. Jessup Q.C. and Mrs. S.M. Crennan Q.C.

Demographics Committee

Mr. J.W.K. Burnside Q.C., Mr. M.W. Shand, Mr. A.N. Bristow, Ms. L.M. Simons and Ms. S.S. Davis.

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First Aid Committee

Ms. A.E.L. MacTiernan.

Human Rights Committee

Mr. F.X. Costigan Q.C. (Chairman), Mr. J.I. Fajgenbaum Q.C., Mr. C.H. Francis Q.C., Mr. P.M. Guest Q.C., Mr. W.B. Zichy-Woinarski Q.C., Mr. A.M. North Q.C., Mr. P.A. Willee Q.C., Mr. B. Kayser, Mr. F.W. Hender (to March 1993), Mr. D.A. Perkins, Mr. D.B. Maguire, Mr. I.D. McIvor, Mr. T.S. Monti, Mr. G.P. Thomas, Mr. P.N. Rose, Mr. D.M. Salek, Mr. R.G. Maxted, Mr. J.A. Gibson, Mr. B.A. Keon-Cohen, Mr. R.J.H. Maidment, Mr. I.L. Himmelhoch, Mr. B. Kissane, Mr. G.C. McGowan, Mr. I.H. Fehring, Mr. A.L. Hands, Ms. M.S. Lasky, Mr. N.C. Poynder and Ms. K.H. Auty.

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Mr. M.B. Phipps Q.C. (Chairman) and Mr. D.S. Levin.

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Legal Resources Committee

Mr. F.G. Davey Q.C. (Chairman), Mr. J.D. Loewenstein, Mr. M.T. Bevan-John, Mr. D.M. Maclean and Ms. E. Wentworth.

Magistrates' Court Committee

Mr. P.A. Dunn, Mr. J.K. Higham, Mr. C.J. Ryan, Mr. J. O'Bryan, Mr. M.J. Campbell, Ms. D. Bakos and Mr. K. Maguire.

Overdue Fees Committee

Mr. H. Jolson Q.C. (Chairman), Mr. J. Ruskin, Miss C.F. McMillan and Mr. G.B. Wicks.

Readers' Practice Course Committee

Mr. R.K. Kent Q.C. (Chairman), Mr. J.W.K. Burnside Q.C. (Vice-Chairman), Mr. Justice Hampel, Mr. Justice Vincent, Mr. C.J. Canavan Q.C., Mr. P.B. Murdoch Q.C., Mr. W.R. Ray, Mr. G.J. Thomas, Mr. P.A. Coghlan, Miss E.H. Curtain, Mr. R.A. Brett, Mrs. F.P. Hampel, Mr. P.J. Davis, Ms. H.M. Symon, Mr. A.J. McIntosh, Ms. D. Bryant and Ms. F.M. McLeod.

Security Committee

Mr. I.G. Sutherland Q.C., Mr. S.L. Tatarka and Miss R.D. Wiener.

Victorian Bar Dispute Resolution Committee

Mr. H.R. Hansen Q.C. (Chairman), Mrs. A. Moshinsky Q.C., Mr. M.B. Phipps Q.C., Mr. W.J. Martin Q.C., Mr. H. Jolson Q.C., Mr. J.R.P. Lewisohn, Dr. J.J. Hockley, Mr. A.J. McIntosh and Mr. J. Tsalanidis.

Victorian Bar News - Editorial Board

Mr. P.G. Nash Q.C. (Editor), Mr. P.D. Elliott (Editor), Mr. B.D. Bongiorno Q.C., Mr. G.P. Thompson and Mr. G.A. Devries.

JOINT STANDING COMMITTEES

Administrative Appeals Tribunal: Consultative (Heavy Users) Committee

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Administrative Law Committee - LIV/Bar Joint Liaison Committee

Mr. A.G. Hooper Q.C., Mr. N. Moshinsky Q.C. Mr. H.McM. Wright Q.C., Mr. R.R.S. Tracey Q.C., Mr. R.J. Kemelfield, Mr. I.A. Miller, Mr. R.M. Johnstone, Mr. D.M. Austin, Mr. P.N. Rose, Mrs. R. Weinberg, Mr. T.V. Hurley, Mr. A.L. Cavanough, Mr. N.J.D. Green and Mr. S.B. Spittle.

Bar, Law Institute and AMA

Mr. B.R. Dove Q.C. and Mr. D.E. Curtain.

Police/Lawyers Liaison Committee

Mr. W.R. Ray, Miss C.D. Douglas, Mr. P.A. Dunn (Alternate) and Mrs. F.P. Hampel (Alternate).

BAR APPOINTEES

Academic Course Appraisal Committee

Mr. J.I. Fajgenbaum Q.C.

Appeal Costs Board

Mr. A.G. Hooper Q.C. (to 30/9/1994)

Attorney-General's Court Monitoring Committee

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

Attorney-General's Criminal Advisory Committee

Mr. R.F. Redlich Q.C.

Board of Examiners (Appointed by Chief Justice)

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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 Supreme Court Computer Committee

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

Chief Justice's Supreme Court Library Committee

Mr. G.A.A. Nettle Q.C., Mr. R.A. Brett and Mr. R.M. Downing (to July 1993)

Chief Justice's Supreme Court Rules Committee

Dr. R.A. Sundberg Q.C.

Commercial Causes Users Committee

Mr. A. Chernov Q.C., Mr. J.W.K. Burnside Q.C. and Mr. S.K. Wilson Q.C.

Commonwealth A.A.T. - L.A.C.V. Liaison Committee

Mr. P.N. Rose

Community Volunteers Bridging Committee (Fairlea Prison)

Mr. G.J. Thomas

Council of Australian Bar Association

Dr. C.N. Jessup Q.C. and Mrs. S.M. Crennan Q.C.

Council of Law Reporting

Mr. J.D. Merralls Q.C. and Mr. C. Gunst

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

Dr. C.N. Jessup Q.C. and Mrs. S.M. Crennan Q.C.

Federal Court Users Committee

Mr. G.T. Pagone

La Trobe University Proctorial Board

Mr. F.X. Costigan Q.C.

Law Faculty - University of Melbourne

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

Lawyers Engaged in Alternative Dispute Resolution (LEADR)

Dr. C.N. Jessup Q.C. and Ms. J.E. Richards.

Legal Aid Commission of Victoria

Mr. L. Lasry Q.C. and Mr. R.H. Gillies Q.C. (Alternate)

Leo Cussen Institute of Continuing Legal Education

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

Monash University Law Faculty Board

Mr. P.A. Willee Q.C. 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. G.H. Golvan Q.C. and Mr. D.S. Levin

Victorian Judicial Council Steering Committee

Dr. C.N. Jessup Q.C.

Victoria Law Foundation

Mr. M.B. Kellam Q.C. (as Chairman's nominee)

GENERAL MEETINGS OF THE BAR

The last Annual General Meeting of the Bar was held on Wednesday, 23rd September, 1992.

BAR COUNCIL MEETINGS

There have been 22 ordinary meetings and 7 special meetings of the Bar Council from the first meeting of the new Bar Council on 29th September, 1992 to 31st August, 1993.

Attendances by members of the Bar Council have been as follows:-

Mr. A.G. Uren Q.C.	25
Mr. R.H. Gillies Q.C.	14
Mr. W.B. Zichy-Woinarski Q.C.	23
Mr. D.J. Habersberger Q.C.	27
Dr. C.N. Jessup Q.C.	27
Mr. R.K. Kent Q.C.	21
Mrs. S.M. Crennan Q.C.	22
Mr. M.B. Kellam Q.C.	18
Mr. J.E. Middleton Q.C.	19
Mr. P.A. Dunn	13
Mr. W.R. Ray	24
Mr. P.D. Elliott	24
Mr. R.A. Brett	21
Miss C.F. McMillan	28
Mr. D.F.R. Beach	25
Mr. G.T. Pagone	26
Mr. A.J. McIntosh	22
Mr. J. Tsalanidis	24
Mr. J. O'Bryan	24
Mr. S.M. Anderson	12
Mr. R.J. Pithouse	24

The Honourable Mrs. Jan Wade, State Attorney-General, in her capacity as an ex-officio member of the Bar Council attended the Bar Council meeting held on 27th May, 1993.

Ms. J.E. Richards, Honorary Secretary.....	28
Mr. D.C. Dealehr, Assistant Honorary Secretary (from April 1993).....	11
Mr. C.G.J. Sexton, Assistant Honorary Secretary (to March 1993).....	9

COMMITTEE MEETINGS

During the period 1st September, 1992 to 31st August, 1993 the following number of Committee Meetings were held:

Executive Committee.....	24
Ethics Committee.....	54 (including hearings)

SUBSCRIPTIONS

Under Rule 39, the Bar Council fixed the following annual subscription for members of the Bar for the period 1st September, 1992 to 31st August 1993:-

Queen's Counsel	\$940.00
Over 10 years' standing	\$625.00
Over 3 years but under 10 years' standing	\$410.00
Over 1 year but under 3 years' standing	\$250.00
Under 1 year's standing	\$134.00
Readers (March 1993)	\$60.00
Crown Prosecutors	\$140.00
Interstate and Overseas Queen's Counsel	\$215.00
Interstate and Overseas Juniors	\$168.00
Ministers of the Crown and Members of Parliament	\$140.00
Solicitors-General and Directors of Public Prosecutions	\$140.00
Crown Counsel and Parliamentary Counsel	\$140.00
Other Official Appointments	\$140.00
Academics	\$140.00

PERSONALIA

Obituary:

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

Miss Mary (Mollie) Connor Kingston on 25th December, 1992
Mr. Graeme William Morrish Q.C. on 26th January, 1993
Mr. James (Jim) Patrick Hennessy on 25th March, 1993

Other Appointments:

In September, 1992 The Honourable Justice K.J.A. Asche was appointed Administrator of the Northern Territory.

On 22nd December, 1992 Mr. D. Graham Q.C. was appointed Solicitor-General for the State of Victoria.

On 30th March, 1993 the following members of the Bar were appointed Magistrates: Mr. T.M. O'Dwyer, Mr. F.W. Hender, Mr. G.M. Horgan and Mr. J.M. Murphy.

On 31st May, 1993 the following members of the Bar were also appointed Magistrates: Mr. J.M.B. Cashmore and Mr. G.G. Hicks.

In April, 1993 Mr. R.S.L. Wild Q.C. was appointed Assistant Director of Public Prosecutions, Northern Territory.

On 10th August, 1993 the following member of the Bar was appointed as a Magistrate: Mr. W.P. White.

Queen's Counsel:

On 24th November, 1992 the following members of the Victorian Bar in Division A, Part I (Victorian Practising Counsel) were appointed to be Her Majesty's Counsel for the State of Victoria:

Mr. F.G. Davey Q.C., Mr. J.V. Kaufman Q.C., Mr. R.G. Williams Q.C., Mr. B.W. Collis Q.C., Mr. N.J. Ackman Q.C., Ms. L. Lieder Q.C., Mr. M.A. Adams Q.C., Mr. A.J. Howard Q.C., Ms. B.J. King Q.C., Mr. S.K. Wilson Q.C., Mr. J.T. Rush Q.C. and Mr. G.A.A. Nettle Q.C.

On 24th November, 1992 the following members of the Victorian Bar in Division A, Part III (Overseas and Interstate Counsel) were appointed to be Her Majesty's Counsel for the State of Victoria:

Mr. F.M. Douglas Q.C. (N.S.W.), Mr. L.M. Morris Q.C. (N.S.W.), Mr. J.R. Sulan Q.C. (S.A.), Mr. D.H. Lloyd Q.C. (N.S.W.), Mr. F.L. Wright Q.C. (N.S.W.) and Mr. R. J. Buchanan Q.C. (N.S.W.)

Farewells:

On 29th April, 1993 representatives of the Bar and Law Institute met to pay tribute to His Honour Judge Hogg on the occasion of his retirement from the Bench of the County Court of Victoria. Dr. C.N. Jessup Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Victorian Bar.

ROLL OF COUNSEL

Between 1st September, 1992 and 31st August, 1993 the following 65 persons signed the Roll of Counsel:

Mr. M.J. Alexander (re-signed)	Mr. H.R. Carmichael	Mr. D.P. Sheales
Mr. B.L. Stafford (re-signed)	Mr. R.J. Marron	Ms. A.T. Eastman
Mr. J.J. Gleeson	Mr. P.J. Riordan	Mr. P.D. Corbett
Mr. I.L. Read	Ms. A.M. Ryan	Mr. M.N. Connock
Ms. M.M. Gordon	Mr. J. Melilli	Mr. J.A. Nolan
Mr. H.A. Cottee	Mr. A. Albert	Mr. M.T. Flynn
Ms. L.L. Woodfall	Mr. D.P. O'Dwyer (re-signed)	Mr. P.J. Pickering
Mr. G.M. Ryan	Mr. L.J. Lindon (re-signed)	Mr. A.D. Blackman
Mr. M.W. Morrison	Mr. R.A.F. Saunders (re-signed)	Mr. J.J. Gates
Mr. N.C. Gardiner	Ms. C.M. Burnside	Mr. R.A. Fink
Mr. B.J. Lacy	Mr. S.G.E. McLeish	Mr. N. Pane
Mr. P.S. Kilduff	Mr. S.G. Lopez	Mr. J.R.G. Weeramantry
Ms. R. De Gruchy	Mr. G.L. Teh	Ms. A.J. Bolger
Mr. J. Belbruno	Mr. J.C. Paterson	Mr. P.D. Kavanagh
Mr. C. Salpic	Ms. S.S. Davis	Ms. S.C. Thompson
Mr. W.P. Bechervaise	Ms. S.E. Burchell	Mr. R.A. Connock
Mr. M.G. Roberts	Ms. S. Roglic	Ms. H.M. Gordon
Miss F.J. Story	Ms. S.K. Dawes	Mr. D.J. Neal
Mrs. A. Ziaras	Mr. C.B. Boyce	Mr. L. La Fontaine
Miss J.L. Stewart	Mr. C.J. Townshend	
Ms. A.M. Boymal	Mr. D.P. Gilbertson	
Mr. J.A.F. Twigg	Mr. J. Stephens	
Mr. H.P. Kooter	Mr. J.B. Davis	

Between 1st September, 1992 and 31st August 1993 the names of the following 23 Overseas and Interstate Counsel were entered on the Roll of Counsel:

Mr. P.R. Whitford (NSW)	Mr. M.L.C. Dicker (NSW)
Mr. R.S. Angyal (NSW)	Mr. L.S. Einstein (NSW)
Mr. S.J. Dean-Johns (NSW)	Mr. J.N. Gleeson (NSW Q.C.)
Mr. I.V. Gzell (NSW Q.C.)	Mr. W.M. Fitzsimmons (NSW)
Mr. D.J. Brogan (NSW)	Mr. G.A. Palmer (NSW Q.C.)
Mr. M.F. Adams (NSW Q.C.)	Mr. G.E. Hilley (NT Q.C.)
Mr. R.C. McDougall (NSW Q.C.)	Ms. M.A. Wilson (QLD Q.C.)
Mr. C.D. Freeman (NSW)	
Mr. P.J. Favell (QLD)	
Mr. A.S. Morrison (NSW)	
Mr. M.P. Podleska (NSW)	
Mr. P. Evans (NSW)	
Mr. M.R. Errington (NSW)	
Mr. W.S. Reynolds (NSW)	
Mr. D.L. Ronzani (NSW)	
Mr. J.B. Turnbull (NSW)	

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

Mr. R.S.L. Wild Q.C.

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

Mr. C. Delaney

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

Mr. F.J. Gaffy Q.C.

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

Ms. K.J. Howard, Mr. N.J. Adams, Mr. G.S. Lester, Mr. P.J. Lovett, Mr. A.P. Crawford, Mr. M.R. Schamroth and Mr. J.E. Harrison

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):

Mr. J.W. Thwaites

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. T.M. O'Dwyer, Mr. F.W. Hender, Mr. G.M. Horgan, Mr. J.M. Murphy, Mr. J.M.B. (Max) Cashmore, Mr. G.G. Hicks and Mr. W.P. White

Member whose name has been transferred from Division A, Part I (Victorian Practising Counsel - Queen's Counsel) to Division B, Part VIII (Other Official Appointments, e.g. Registrar of Titles, Commissioner of Corporate Affairs, Public Trustees and the Like):

Ms. B.J. King Q.C.

Member whose name has been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VIII (Other Official Appointments, e.g. Registrar of Titles, Commissioner of Corporate Affairs, Public Trustees and the Like):

Mr. S.A. Glacken

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. W.B. Frizzell Q.C.

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

Prof. S.R. Davis, Mr. W.D. Magennis and Mr. B. Paul

Member whose names has been transferred from Division A, Part I (Victorian Practising Counsel, Queens Counsel) to Division B, Part IV (Solicitor-General and Directors of Public Prosecutions):

Mr. D. Graham Q.C.

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

Mr. D. Khoury and Mr. K.H. Billings

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

Mr. J.K. Bowen

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

Mr. P.A. Coghlan

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

Mr. P.R. Whitford

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

The Hon. Mr. Justice A.P. Whitlam Q.C., The Hon Justice M.J. Beazley Q.C., The Hon. Mr. Justice B.S.J. O'Keefe and The Hon. Mr. Justice R.S. Hulme

Member whose name has been transferred from Division A, Part III (Prosecutors for the Queen) to Division B, Part V (Masters):

Mr. R.H. MacReady

Member whose name has been transferred from Division B, Part I, (Governors) to Division C, Part I (Retired Judges and other Judicial Officers):

The Right Hon. Sir Ninian Stephen

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

The Hon. Mr. Justice A. Asche

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

Mr. J.R. Bowman, Mr. M.J. Croyle, Mr. M.J.G. Gorton, Mr. C.E. MacLeod, Mr. J.B. Bingeman and Mr. L.R. Boyes

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

Mr. H.C. Berkeley Q.C. and Mr. R.A. Finkelstein Q.C.

Member whose name has been transferred from Division B, Part V (Masters) to Division B, Part VIII (Other Official Appointments):

Ms. M. Mangan

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):

Mr. B.D. Lawrence

Member whose name has been transferred from Division B, Part VI (Magistrates and Full Time Members of Statutory Tribunals) to Division C, Part III (Retired Counsel):

Mr. D.J. Barritt

Members whose names have been transferred from Division B, Part VIII (Other Official Appointments) to Division A, Part I (Victorian Practising Counsel):

Ms. M.C. Mangan and Mr. J.P. Leckie

Members whose names have been transferred from Division B, Part VIII (Other Official Appointments) to Division B, Part V (Masters):

Mr. C.G. Nikakis and Mr. J.W. Ramsden

Member whose name has been transferred from Division B, Part II (Judges) to Division C, Part I (Retired Judges and other Judicial Officers):

His Honour Judge Hogg

Member whose name has been transferred from Division D, Part I (Academics) to Division A, Part III (Overseas and Interstate Counsel):

Mr. B. O'Brien

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

Mr. J.H. Telfer

Names removed from the Roll of Counsel:

Division A, Part I

Ms. D. Hann, Ms. K.A. McIntyre, Mr. D.A. Doyle, Mr. K.R. Clancy, Mr. G.A. Glover, Mr. E.B.M. O'Sullivan, Mr. H.G. Draper, Mr. J.T.W. Henry, Mr. G.S.M. Harvey, Mr. D.P. O'Dwyer, Ms. G.L. Thompson, Mr. R.A.F. Saunders, Mr. J.F. Roberts, Mr. B.F. Heathershaw, Mr. J. Nayar, Mr. N.F. Coburn, Mr. G.A. Gazalet, Mr. A. Milshon, Mr. D.J. Findlay, Mr. G. Barns, Mr. A.V. Shelly, Mr. L. Storey, Mr. D.P. Dwyer, Mr. R.A. Augustin, Mr. P.D.M. Condell, Mr. C.G.J. Sexton, Mr. S.F. Ogilvie, Mr. A.W. Wilson, Ms. M.F. Brenton, Mr. P.R.P. Gibbons, Mr. A.P. Phillips, Ms. G.R. Freedman, Mr. T.J. Scott-Young, Mr. P.A. Collins, Mr. L.A. Dent, Mr. R.B. Phillips, Mr. P.D. Trevorah, Mr. A. Telman, Mr. T.S. Cohen, Mr. E.J. Smith, Mr. M.F. Quinlan, Mr. D. Hickey, Ms. J. Loren, Ms. S.P. Lobez, Mr. T.C.L. Morris, Mr. P.R. Byrne, Ms. T. Giannoukos, Mr. G.R. Doran, Ms. R. Rajadurai, Mr. J.W. Wilkinson, Mr. S.D. Hurd, Mr. A.E. Brown and Mr. J.E. Mazurkiewicz.

Division A, Part III

Mr. F.L. Harrison Q.C., Mr. P.W. Eriksen, Mr. P.J. Lanigan, Mr. G.M. Thomas, Mr. W.T. McMillan, Mr. E.J. Read, Mr. J.P. Gormly, Mr. B. Coles Q.C., Mr. B.C. Cairns and Mr. M. Munz

Division C, Part III

Mr. R.H. Searby Q.C.

THE ROLL

DIVISION A, PART I -

Victorian Practising Counsel - Queen's Counsel	118
Victorian Practising Counsel - Junior Counsel	1156

DIVISION A, PART II -

Prosecutors for the Queen.....	14
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DIVISION A, PART III -

Overseas and Interstate Counsel	250
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DIVISION B, PART I -

Governors	2
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DIVISION B, PART II -

Judges	120
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DIVISION B, PART III -

Ministers of the Crown and Members of Parliament.....	8
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DIVISION B, PART IV -

Solicitors-General and Directors of Public Prosecutions.....	6
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DIVISION B, PART V -

Masters	9
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DIVISION B, PART VI -

Magistrates and Full Time Members of Statutory Tribunals	52
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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.....	3
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DIVISION C, PART I -

Retired Judges and other Judicial Officers	37
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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	27
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DIVISION D, PART I -

Academics	17
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TOTAL	1841
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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 2nd February, 1993. The Services were held at St. Paul's Cathedral, St. Mary's Star of the Sea and Temple Beth Israel.

His Excellency The Honourable R.E. McGarvie, Governor of Victoria, attended the Service at St. Pauls Cathedral and The Honourable Mr. Justice J.H. Phillips, Chief Justice of the Supreme Court of Victoria attended the Red Mass at St. Mary's Star of the Sea.

Social Functions

At a function held in the Essoign Club on 1st September, 1992 Readers were welcomed to the Victorian Bar.

At a dinner held in the Essoign Club on 29th October, 1992 the Chairman and Members of the Bar Council entertained the Past Chairman and retiring Members of the Bar Council.

On 21st November, 1992 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 26th November, 1992 and the guest speaker was Chief Justice Black of the Federal Court of Australia.

On 18th December, 1992 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 1st March, 1993 Readers were welcomed to the Victorian Bar.

A Readers and Masters dinner was held in the Essoign Club on 27th May, 1993 and the guest speaker was Sir. John Young, A.C., K.C.M.G., former Chief Justice of the Supreme Court of Victoria.

The 1993 Victorian Bar Annual Dinner was held at the World Congress Centre on 5th June, 1993. The dinner was well attended by members of the Bench and Bar together with guests of the Bar.

Honoured guests were His Honour The Honourable Austin Asche Q.C., Administrator of the Northern Territory; The Honourable J.H. Kennan Q.C., M.P., Leader of the Victorian Opposition; The Honourable Sir James Gobbo, A.C., Judge of the Supreme Court of Victoria; Mr. D. Graham Q.C., Victorian Solicitor-General; Ms. K.E. Kings, Listing Master, Supreme Court of Victoria; Mr. S.E.K. Hulme A.M., Q.C. and Mr. A.R. Castan A.M., Q.C.

Dr. C.N. Jessup Q.C., Chairman of the Victorian Bar Council proposed the toast to the Queen and Mr. R.R. Douglas Q.C., Senior Vice-President of the Australian Bar Association proposed the toast to the Australian Bars.

The Chairman welcomed Honoured Guests and introduced Mr. Junior Silk, Mr. G.A.A. Nettle Q.C. who addressed the Honoured Guests. Sir James Gobbo A.C. and Mr. S.E.K. Hulme A.M., Q.C., responded on behalf of the Honoured Guests.

On 28th July, 1993 the Chairman and Members of the Bar Council held a reception in the Essoign Club for the Victorian Magistrates. The reception was well attended by Magistrates and Members of the Bar.

On 18th August, 1993 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 and County Court of Victoria. The reception was well attended by members of the Judiciary and the Bar.

Openings

The Victorian Bar Mediation Centre was officially opened on 15th March, 1993 by The Honourable Mr. Justice J.H. Phillips, Chief Justice of the Supreme Court of Victoria. The opening was well attended by invited guests and Members of the Bar.

Sporting Events

Hockey:

In a match played against an R.M.I.T. XI, the Bar's team was defeated by 6 goals to one. In the annual match played against the Law Institute's team the Bar was defeated by 1 goal to nil and for the first time since 1988 lost the Scales of Justice Cup.

Cricket:

The Bar's cricket matches against the 1st XI and 2nd XI of the Law Institute scheduled to be held on 21st December, 1992 were cancelled due to inclement weather.

On 6th March, 1993 the Bar's cricket team travelled to Sydney for its annual match against the N.S.W. Bar. The N.S.W. Bar scored 4/227 and the Victorian Bar scored 110. The 4th annual cricket challenge between the Bar and Mallesons Stephen Jaques was held on 21st March, 1993. Mallesons Stephen Jaques were successful in winning both the 1st XI and 2nd XI games. The scores were 1st XI, Mallesons 6/119 d. The Bar 118. 2nd XI, Mallesons 294 d. The Bar 130.

In a re-arranged fixture played at Corder Oval on 28th March, 1993 the Bar's 1st XI team defeated the Law Institute team. Scores were The Bar 4/104 d. Law Institute 58 and the Bar won the Sir Henry Winneke Trophy.

Sailing:

The annual Regatta of the Wigs and Gown Squadron was held on 21st December, 1992 off Williamstown and the Regatta proved successful for all those taking part.

Tennis:

The annual tennis match between the Bar and Bench and the Law Institute was held on 21st December, 1992 at Royal South Yarra Grass Courts. The Solicitors were successful and regained the "O'Driscoll Cup".

Golf:

On 26th October, 1992 the Bar fielded a team of 4 players in the Victorian Council of Professions Golf Day held at Yarra Yarra Golf Club. The annual golf match between the Bench and Bar and the Law Institute was played at Kingston Heath Golf Club on 22nd December, 1992 and for the first time in a number of years the Law Institute won the Sir Edmund Herring Trophy.

Soccer:

On 28th March, 1993 the Bar's team defeated the Greek Solicitor's team by 4 goals to 3 to win the 3rd Compucost Challenge Cup.

Netball:

On 4th October, 1993 the Bar fielded a team against Mallesons Stephen Jaques. With the Bar leading, it was unfortunately necessary to abandon the game due to an injury to a Mallesons player. A re-match is scheduled for the future.

Football:

On 8th August, 1993 the Bar's football team played a match against a team from Baker and McKenzie. The Bar's team won the game with a winning margin of 30 points.

On 15th August, 1993 the Bar's football team played a match against a team from Mallesons Stephen Jaques. The Bar's team won the match by 11 points.

ANNUAL REPORT OF THE ETHICS COMMITTEE

The 1992 Annual Report of the Ethics Committee was published at page 27 of the 1992 Bar Council's Annual Report. Unfortunately the Ethics Committee's report of "The fifth summary hearing" as set out therein was inaccurate. The Bar Council and the Ethics Committee regret that inaccuracy and the justifiable concern it caused the barrister. The following report of the Ethics Committee is substituted accordingly:

"The fifth summary hearing concerned a matter which the committee had resolved to investigate of its own motion. It was alleged that a barrister may have induced a second barrister to breach the privilege of his client by swearing an affidavit in proceedings before the Supreme Court involving the first and second barrister's client. Without hearing evidence the Committee upheld a preliminary submission, and was satisfied that the alleged disciplinary offence could not be made out. Accordingly the committee resolved to take no further action."

Since the last Annual Report the Ethics Committee has conducted 18 summary hearings concerning 18 barristers pursuant to Section 14E of the **Legal Profession Practice Act**. The Committee found that disciplinary offences had been committed by 9 of the barristers concerned. In addition, a charge was laid against a barrister before the Barristers' Disciplinary Tribunal and such charge included a charge of not attending as required at a summary hearing.

The first summary hearing concerned a complaint by a Judge of the Accident Compensation Tribunal that a barrister was briefed to appear in two contested applications in different Courts before different Judges and in those circumstances was unable to do justice to each brief without interfering with the Tribunal's disposal of its business. At the conclusion of the hearing the Committee formed the view that it was not able to say that in the particular circumstances of this case the barrister would not have been able to do justice to each of the briefs without interfering with the Tribunal's business. The complaint was dismissed.

The second summary hearing concerned a complaint that a barrister had accepted a brief of behalf of two defendants in circumstances in which the interests of the defendants were in conflict with the result that the barrister was unable adequately and properly to represent both and further that the barrister continued to act on behalf of both defendants when it became clear that the barrister could not efficiently and competently present the best case for one defendant without adversely affecting the interests of the other defendant. At the hearing the Committee resolved that in view of its inability to locate the complainant it would take no further action and it therefore dismissed the complaint.

The third summary hearing concerned a matter which the Committee had resolved to investigate of its own motion arising out of a newspaper report to the effect that a barrister had given a false name and address and a false account of movements in response to questions put to the barrister by a member of the police force who intercepted the barrister whilst driving. At the conclusion of the hearing the Committee was of the view that taking into account the fact that a) the false name was given in circumstances of intoxication; b) it was persisted in for 15 minutes only; and c) the name was that of a friend who was not a complainant, no disciplinary offence had been committed.

The fourth summary hearing concerned a matter which the Committee had resolved to investigate of its own motion arising out of the failure of a barrister to practise from chambers provided by Barristers' Chambers Limited. At the conclusion of the hearing the Committee was of the view that the material before it did not disclose a breach by the barrister of Rule 34 of the Re-Statement of Basic Rulings and resolved to dismiss the complaint.

The fifth summary hearing concerned a complaint made by a Judge of the County Court that a barrister had so conducted himself as to show a lack of respect to the Judge in the conduct of a case. At the conclusion of the hearing the Committee was of the view that there was no real dispute that an offence of a disciplinary nature had occurred and that the barrister was guilty of a disciplinary offence. The Committee gave credit to the barrister for an apology given to the Judge and to the fact that the conduct of the hearing did not require the Judge's attendance. The Committee was of the view that the behaviour was such that its seriousness should be marked and fined the barrister \$750.00.

The sixth summary hearing concerned a complaint by a barrister against another barrister that the barrister against whom the complaint was made had read papers contained in the brief of the complaining barrister and had revealed to a the person hearing the matter the content of those papers. At the conclusion of the hearing the Committee was satisfied on the evidence before it that no disciplinary offence had been made out and resolved to dismiss the complaint.

The seventh summary hearing concerned a matter which the Committee had resolved to investigate of its own motion and involved the question of whether a barrister had made statements to the Victorian Bar that were either false to the barrister's knowledge or made recklessly as to their truth or falsity and whether the barrister had held a brief in a matter when he was not covered by an policy of insurance against claims for professional negligence. The barrister did not appear at the hearing and the Committee resolved to lay a charge against the barrister before the Barristers' Disciplinary Tribunal, such charge to include a charge of not attending as required at the summary hearing.

The eighth summary hearing concerned two complaints by a solicitor against a barrister. The first complaint was that the barrister had made an approach to a Magistrate in relation to a matter in which he had appeared before that Magistrate, in the absence of any representative of the other party, with a view to having the matter re-opened. At the conclusion of the hearing the Committee was satisfied that the barrister was guilty of improper conduct in a professional respect. The barrister was reprimanded. The second complaint was that the barrister had contacted the office of the solicitor for the opposing party and communicated or attempted to communicate with that solicitor and not through the barrister's instructing solicitor. At the conclusion of the hearing the Committee was of the view that no disciplinary offence had been made out and resolved to dismiss that complaint.

The ninth summary hearing concerned a complaint by the defendant to proceedings in which the barrister was personally involved. The nature of the complaint was that the barrister had exerted undue pressure on the complainant and had acted in a manner contrary to the standards of behaviour which ought to govern a barrister's conduct. At the conclusion of the hearing the Committee formed the view that no disciplinary offence was made out.

The tenth summary hearing concerned two matters. The first was a matter which the Committee had resolved to investigate of its own motion namely the question of whether a barrister had failed to reply to correspondence from the Ethics Committee. At the conclusion of the hearing the Committee was of the view that the barrister had committed a disciplinary offence and the barrister was reprimanded. The second matter was a complaint by another barrister that the barrister had failed to reply to letters from the complainant barrister and had failed to provide signed Terms of Settlement in relation to proceedings in which both barristers were involved. At the conclusion of the hearing the Committee formed the view that no disciplinary offence was made out.

The eleventh summary hearing concerned two complaints by a solicitor against a barrister. The first complaint was that the barrister had used language which was improper. At the conclusion of the hearing the Committee formed the view that the barrister had used improper language and resolved to fine the barrister \$750.00. The second complaint was that the barrister made a physical threat to the solicitor in the nature of an assault. At the conclusion of the hearing the Committee formed the view that no disciplinary offence was made out in relation to the second complaint.

The twelfth summary hearing concerned a complaint by a plaintiff in proceedings before the Accident Compensation Tribunal that his barrister had used abusive and intimidatory language to him and that the barrister had exerted undue pressure on him to settle the claim. At the conclusion of the hearing the Committee formed the view that no disciplinary offence was made out in respect of the first matter. The Committee considered that the second matter was proved, and resolved that no further action be taken.

The thirteenth summary hearing concerned two complaints by a lay opponent of a barrister, namely that the barrister a) asked questions of the complainant affecting his credibility by attacking his character when he knew the imputation was not well founded or had no reasonable grounds for thinking that it was well founded; and b) the barrister made statements from the Bar table as to his own knowledge of matters in dispute in the proceeding and thus became personally involved in the proceeding. At the conclusion of the hearing the Committee was of the view that no disciplinary offence had been made out in relation to either complaint and accordingly resolved to dismiss the matter.

The fourteenth summary hearing concerned a complaint by a member of the public that a barrister had spoken to the complainant in an improper manner whilst robed and in the precincts of the Court at the conclusion of a trial in which the barrister appeared for the accused. At the conclusion of the hearing the Committee formed the view that the barrister had committed a disciplinary offence. The Committee resolved that the Chairman advise the barrister that his behaviour was improper.

The fifteenth summary hearing concerned a complaint by a member of the public who was the father of the victim of a crime that a barrister had spoken to him in an improper manner in the precincts of the Court at the conclusion of a trial in which the barrister appeared for the accused. At the conclusion of the hearing the Committee formed the view that the barrister had committed a disciplinary offence. The Committee resolved that the Chairman advise the barrister that his behaviour was improper and that he should write a letter of apology to the complainant.

The sixteenth summary hearing concerned a matter which the Committee had resolved to investigate of its own motion arising out of the failure of a barrister to obtain professional negligence insurance. At the conclusion of the hearing the Committee formed the view that the barrister had committed a disciplinary offence. The Committee resolved that the barrister be reprimanded.

The seventeenth summary hearing concerned a matter which the Committee had resolved to investigate of its own motion arising out of the failure of a barrister to obtain professional negligence insurance. At the conclusion of the hearing the Committee formed the view that the barrister had committed a disciplinary offence. The Committee resolved to reprimand the barrister. The same hearing concerned a further matter which the Committee had resolved to investigate of its own motion arising out of the failure of the barrister to attend at a previous summary hearing appointed in respect of the first matter. At the conclusion of the hearing the Committee was of the view that the material before it did not disclose a disciplinary offence.

The eighteenth summary hearing concerned a matter which the Committee had resolved to investigate of its own motion arising out of the failure of a barrister to obtain professional negligence insurance. At the conclusion of the hearing the Committee formed the view that the barrister had committed a disciplinary offence. The Committee resolved to fine the barrister the sum of \$500.00.

Barristers' Disciplinary Tribunal

Alex Telman

On the 12th October, 1992 charges were laid before the Barristers' Disciplinary Tribunal against Alex Telman.

The substance of the charges was that in publishing an article in the Law Institute Journal, he was guilty of plagiarism. Particulars of those charges are apparent from the determination of the Tribunal set out below.

The Tribunal determined:

1. "That the barrister committed a disciplinary offence within the meaning of Section 14B sub-sections (a) and (b) of the Legal Profession Practice Act 1958 in that he did in or about November 1991 falsely represent to the editors and to the readers of the Law Institute Journal published in November 1991 to be the author of the substance of an article entitled "Negotiating with Difficult People" which appeared at page 1081 and 1082 of that issue; and
2. that the barrister committed a disciplinary offence within the meaning of Section 14B sub-sections (a) and (b) of the said Act in that he did falsely represent to the editors and to the readers of the issue of the Law Institute Journal published in November 1991 that the ideas research and thoughts contained in the said article were in substance his own".

The Tribunal ordered that:

"The barrister be fined the sum of \$3000.00;
the barrister pay the costs and expenses of the Victorian Bar Council in this proceeding; and
that the particulars of the charges against the barrister and the Order of the Tribunal be published in the Annual Report of the Victorian Bar Council".

Timothy Christopher Morris

On the 8th February, 1993 nine charges were heard by the Barristers' Disciplinary Tribunal against Timothy Christopher Morris that he committed disciplinary offences within the meaning of S.14B(d) of the Legal Profession Practice Act in that he did;

- (i) on or about the 30th day of November 1980
- (ii) on or about the 25th day of September 1981
- (iii) on or about the 22nd Day of October 1982
- (iv) on or about the 7th day of October 1983
- (v) on or about the 7th day of November 1984
- (vi) on or about the 4th day of October 1985
- (vii) on or about the 24th day of September 1986
- (viii) on or about the 23rd day of December 1987 and
- (ix) on or about the 25th day of October 1988

at Melbourne in the State of Victoria do acts constituting an imposition upon the Commonwealth of Australia namely the Commissioner of Taxation contrary to S.29B of the Crimes Act 1914.

Morris admitted the substance of the said charges and the Tribunal determined that he had committed a disciplinary offence and ordered that he be suspended until the 31st December 1993.

The Tribunal further ordered that particulars, being the name of the person charged, the offences with which he was charged and the sentence imposed be published in the Annual Report of the Victorian Bar Council.

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.

<i>COMPLAINTS</i>	01/09/89 — 31/08/90	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93
Number of complaints received by the Ethics Committee	35	52	71	72
Number of matters investigated by the Committee of its own motion	—	03	06	10
Number of complaints under consideration at commencement of reporting period (i.e. 1/9/92)	16	18	26	28
Number of complaints under consideration at date of report (i.e. 31/8/93)	18	26	28	37
Number of preliminary investigation concluded during the reporting period	33	47	75	73
Number of complaints not upheld after preliminary investigation	23	36	57	47
<i>SUMMARY HEARINGS</i>	01/09/89 — 31/08/90	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93
Complaints referred to summary hearing during reporting period	10	11	18	26
Complaints withdrawn prior to summary hearing or at summary hearing	—	01	02	01
Complaints upheld after summary hearing	05	06	05	10
Complaints dismissed after summary hearing	03	03	06	05
Complaints where no further action was to be taken after summary hearing	—	—	01	01
Complaints referred to summary hearing but not determined at time of report	02	01	04	08
Complaints not resolved at summary hearing and charges laid before the Barristers' Disciplinary Tribunal	—	—	—	01

<i>BARRISTERS' DISCIPLINARY TRIBUNAL</i>	01/09/89 —	01/09/90 —	01/09/91 —	01/09/92 —
	31/08/90	31/08/91	31/08/92	31/08/93
Complaints resulting in charges laid before the Barristers' Disciplinary Tribunal during reporting period	01	04	01	03
Decisions of the Committee appealed against to the Barristers' Disciplinary Tribunal during the reporting period	—	01	—	—
Complaints heard and determined by the Barristers' Disciplinary Tribunal during the reporting period	01	04	—	01
Complaints scheduled for hearing by Barristers' Disciplinary Tribunal but not commenced at time of report	—	—	01	01
Complaints adjourned sine die by Barristers' Disciplinary Tribunal at time of report	—	01	—	01
<i>SOURCE OF COMPLAINTS</i>	01/09/89 —	01/09/90 —	01/09/91 —	01/09/92 —
	31/08/90	31/08/91	31/08/92	31/08/93
Clients	12	31	43	49
Solicitors	11	12	16	10
Judicial	—	—	05	03
Counsel	06	05	05	04
Police	—	02	02	03
Others	06	02	01	03
Own Motion	—	03	05	10

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 more frequently when necessary. All members of the Executive Committee are members of the Bar Council.

The members of the Executive Committee are 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 the questions of policy, are referred to the Bar Council.

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

The following are matters which have occupied the Executive Committee in the past year:

1. Legal Aid Commission issues
2. Sentencing Legislation
3. Maternity Leave
4. Organisation of a Weekend Conference for the Bar.

ANNUAL REPORT OF THE NEW BARRISTERS' COMMITTEE

The last year to July 1993 has seen the New Barristers' Committee taking a very active role in most areas affecting the junior Bar. There is no doubt that the New Barristers' Committee has an expanding and increasingly important role to fulfil.

The Committee has continued to be involved in the ongoing debate over Listing practices at the Heidelberg Magistrates' Court. As a direct result of the New Barristers' Committee corresponding with the Chief Magistrate, a committee consisting of representatives from various areas including the Police, Solicitors, Regional Co-ordinators and Support Agencies has been set up to look specifically into listing and other problems encountered in the region. One member of the New Barristers' Committee was also invited to act on that committee.

Of particular interest to the New Barristers' Committee this last year has been the topic of accommodation costs etc. for junior barristers, the sharing of chamber rule, and various ethical offences relating to the charging of scale fees. A questionnaire dealing specifically with such matters, as well as the publishing of tickets etc. during Bar Council elections, was distributed to every member of the Junior Bar. The response to it was excellent, with nearly 40% of the Junior Bar responding. The comments made by those responding were of a very high standard, and most informative. A full report of the results of this questionnaire will be published in the Winter edition of the **Bar News**. Suffice it to say that a majority of those responding supported the necessity for some change in the rules dealing with these matters.

In addition the New Barristers' Committee has made a number of suggestions to the Bar Council over the last year relating to the future of the Bar in general, and in particular the need for a

"strategy" to be adopted in relation to Bar issues. Both the upcoming Bar Conference, and the establishment of the **Equality Before the Law Committee** were initiatives of the New Barristers' Committee. Members of the New Barristers' Committee serve on both the Steering Committee for the conference, and the Equity Before the Law Committee. The New Barristers' Committee has very strongly supported the ongoing involvement of the Junior Bar in these matters.

The sharing and sub-letting rules of the Bar have also been closely scrutinised by the New Barristers' Committee, and apart from the recent changes to the sharing rules, the New Barristers' Committee proposed to ensure that this topic be on the Agenda for the upcoming Bar Conference. Similarly, the New Barristers' Committee proposes to do the same in relation to an accommodation strategy in general.

Another matter debated over the last year by the New Barristers' Committee has been the position of clerks and the charging of scale and other fees. The New Barristers' Committee has noted the particularly vulnerable position of junior barristers in relation to the charging of scale fees.

The issue of a separate Bar Library is currently being investigated and debated on by the New Barristers' Committee. No formal resolutions relating to it have been passed, but it is clear that whilst it is supported in principle by the New Barristers' Committee, the mechanics of how to go about achieving it still need to be mooted before any final decision is made. One member of the New Barristers' Committee has been working closely with the Bar Council on the question of the feasibility of a separate Bar Library.

These are some of the matters that have been of particular concern to the New Barristers' Committee over the last year. In conclusion, an election of the New Barristers' Committee was held in March of this year. It saw the introduction of three newly elected members and the appointment of two new Bar Council nominees.

The New Barristers' Committee has been very active during the year under review, and it is envisaged that it will continue to be so. The New Barristers' Committee has as its constituents barristers under 6 years call. Updated reports of the activities of the New Barristers' Committee appear, in each edition of the **Bar News**. The New Barristers' Committee will continue its active stance, and its policy of remaining accountable to its constituents.

ANNUAL REPORT OF THE READERS' COURSE

In the two Courses conducted in September 1992 and March 1993, there has been continued development of segments of the Course. New materials continue to be drawn and these invariably mean that there is more practical involvement and less lecturing than ever before. Participation by the Bench and Bar remains high and the standard and technique of teaching continues to increase. In ensuring that the Course is well served by skilled and able teachers and Instructors, Barbara Walsh has maintained her high level of contribution and the Readers and the Bar are indebted to her, for her outstanding work.

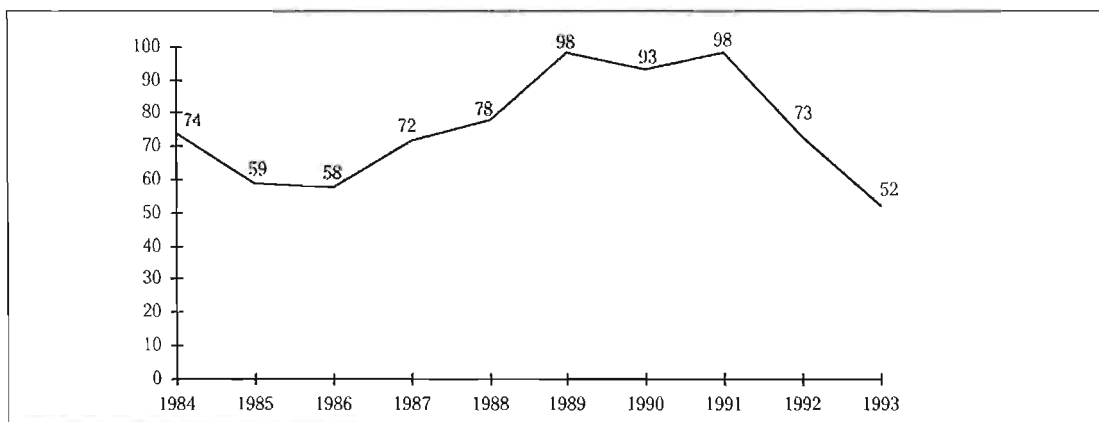
Despite the fact that the Course is well recognised and accepted as being of an outstanding quality, the Committee is endeavouring to ensure that it does not lose ground. To this end, a Symposium was conducted during this year, for the purpose of reviewing the Course content, structure and its aims and objectives. All members of the Bar were invited to attend the Symposium, which was conducted at the Leo Cussen Institute. A report will be prepared before the end of this year, dealing with the many matters raised for consideration at the symposium. One matter which appeared to be of general concern, was the question of the role of the master. This will be dealt with in the Symposium Report, but it is appropriate to remind members of the Bar, that the Reader's Course does not replace the Master in any way. The important role of the Master in the instruction

and support of the pupil is as important today as it ever was. Any Master with any concerns or questions regarding their role, or any matters concerning their pupil, should not hesitate to discuss these things with any member of the Committee or with Barbara Walsh, the Course Co-ordinator.

As on past occasions, the Course has maintained and developed its links with outside bodies, to our mutual benefit. In particular, the segment with the Victoria Police Prosecutors Training School was highly successful and beneficial. Reports are now being received, that in addition to providing realistic and sound skills training, as a result of this program having been conducted in the past, there is an increasing level of understanding between counsel and prosecutors in dealing with Magistrate's Court matters. The benefit of this will be increased efficiency in the Magistrate's Court. Both the Bar and the Police Force should be commended for pursuing this part of their respective courses. Again, of mutual benefit to those taking part has been the work which is done with the Office of Ethnic Affairs Legal Interpreting Service. The promotion of understanding is of benefit not only to the interpreters and Readers, but to the Community generally.

Our involvement with overseas practitioners continues and in the two Courses, the subject of this report, four practitioners from Papua New Guinea and two from Vanuatu, attended. Marie Jeanne Pierre became the first woman practitioner to attend from Vanuatu. Attendance at the Course has assisted in her satisfying the requirements for admission to practice in the Supreme Court of the Republic of Vanuatu, where it is proposed she will conduct litigation on behalf of the Companies Office. At the time of writing, three practitioners from Papua New Guinea propose to attend the September 1993 Course. It is with some disappointment that I report that Ksomotso Moroka from South Africa, has advised that she will not be able to attend the Course in September. It is hoped that she will be able to take her place in the Course at a future date, when hopefully greater stability has been achieved in her Country.

Attendance at the next Course in September, will be the lowest in the last 10 years. Places have been taken up by 19 Readers and three from Papua New Guinea. An examination of the figures of those commencing Reading since 1984, demonstrates that there is now a significant reduction in the numbers seeking to come to the Bar. This is demonstrated by the following chart -



The figures do not include those attending from overseas. This commenced in 1987 and to date, 22 practitioners have attended from the South Pacific Region.

The chart reveals that there was an increase in numbers from 1986 until 1989, when the highest enrolment for the period was reached. In 1990, when the number fell a little, it should be noted that the March Course was restricted to 40. It is fair to conclude that the numbers peaked therefore in 1989, 90 and 91. There has thereafter been a rapid decline. Assuming that this is the result of

current economic concerns, it is possible that the fall will either continue, or that numbers will at least remain comparatively low.

ANNUAL REPORT OF THE ESSOIGN CLUB LIMITED

The year has proved to be a very difficult year for the Club with the downturn in the economy and the consequence of changes of legislation upon the practices of some members of the Bar having a marked effect upon trading.

The Committee has attempted to improve the range of meals and the standard of service without increase in prices. Operating costs have been reduced wherever possible and it is notable that the costs of operating the Club have reduced significantly over the year.

A catering consultant has been retained and a sub-committee consisting of Colbran and Vinga has been appointed to assist in the implementation of the consultant's recommendations. The use of credit cards has been introduced at the Club as a further service to members and an alternative cheaper pasta menu has been instituted at lunchtimes. A very successful dinner was conducted in association with Yalumba Wines in the course of the year which it is proposed will be repeated.

The members approved an increase in subscription from \$10.00 per annum to \$20.00 per annum at the Annual General Meeting which will assist the Club in meeting the present trading problems.

The Committee proposes to hold a dinner on 3rd September, 1993 in honour of The Honourable Peter Murphy Q.C. who has accepted the offer of appointment to Life Membership approved by the members at the last Annual General Meeting.

The Committee is grateful to the staff who notwithstanding extremely difficult times have made great efforts to serve the members of the Club. We are particularly grateful to Patrick Gilbert for his service and to John Wilson the Head Chef who with his staff has been willing to offer new ideas for coping with the present trading problems. The Committee desires to acknowledge its deep appreciation of the work done by Ed Fieldhouse and Anna Whitney whose honorary services are cheerfully and willingly provided.

The Committee has worked hard over the year. Particularly appreciated is the work of Michael Richards who served on the Committee for many years until March 1993. Michael Adams Q.C. has continued to make a major contribution to the conduct of the Club, the full extent of which is known only to the staff and Committee members. His continuing and unstinting time and effort is greatly appreciated by the Committee.

The Committee wishes to remind members of the Bar that the Club has an outstanding wine list and can cater to Chamber functions. If members give preference to the Club in such matters the Committee has every confidence that Club can overcome the present difficulties without drastic reductions in service.

ANNUAL REPORT OF THE ACADEMIC COMMITTEE

This year the work of the Academic Committee was complemented by a new committee, the Continuing Legal Education at the Bar Committee, the membership and functions of which to some extent overlap with the Academic Committee. On one occasion, a joint meeting of the two Committees was held.

The Academic Committee gave continuing attention to the principles and mechanics of the proposed Mutual Recognition scheme, which is now moving towards finality. The main difficulty

has been accommodating the different policies (and practical capacities) of different States, and of the different branches of the profession, in relation to pre-admission training. Articles and the Leo Cussen Institute simply cannot cope with the volume of law graduates coming forward in Victoria. Other States seem better resourced for pre-admission training. As at the time of writing, it appears that the Mutual Recognition scheme adopted will allow some flexibility in the mechanics of pre-admission training, provided that a basic core list of objectives is met.

The Academic Committee (and CLE Committee) made submissions to the Readers' Course Symposium, and consider that continuing legal education at the Bar (not only in the Readers' Course but subsequent to it) should be divided into the categories of advocacy skills; computer literacy; and then "up-dates" of particular topics from time to time. These suggestions are in course of implementation.

With every passing day it becomes more apparent that the survival of the Bar (let alone its prosperity!) is very much dependent upon the ability of its members to be truly expert and up-to-date. Accordingly, it may be expected that the role of continuing legal education at the Bar will increase in importance.

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

The introduction of the Accident Compensation (Workcover) Bill saw the Committee involved in an enormous amount of work designed to prevent the abolition or erosion of common law rights, and hopefully to restore some rights which had been removed by the original Accident Compensation Legislation. This involved an elaborate process of lobbying individual M.P.'s. Two detailed commentaries (or submissions) on relevant aspects of the Bill were prepared by David Beach and submitted to the Minister; in addition this material was distributed to many M.P.'s and other interested groups. The Association is most grateful to David for the tremendous amount of work and skill devoted to these submissions.

Ultimately the Bar Council took up the issue of the C.L.B.A., and engaged Winneke Q.C. as its official spokesman. This intervention and support is greatly appreciated by the Association. It cannot be doubted that the work of the Association, and the subsequent involvement of the Bar Council, led to many positive aspects of the final Legislation, although regretfully full common law rights were not restored.

The Chief Justice has raised with the Bar Council the issue whether the administration of Interrogatories in the Supreme Court in the future should be by leave only. The C.L.B.A. was requested to make its comments regarding this matter. The Committee reported to the Bar Council that Interrogatories serve a number of important purposes in common law actions and recommended that the right to administer them as advised should be retained.

Fees have been a matter of concern and particularly the attempts by the Transport Accident Commission to force the acceptance of Briefs at fees less than scale. At present consideration is being given to the Legal Aid Commission proposal to introduce the concept of "Fee Caps".

In recent days the Committee has become aware that a Bill is about to be put before Parliament which, it is believed, will largely reduce if not abolish the right to a jury in civil actions. At this moment steps are being taken to meet this situation. The C.L.B.A. is firmly committed to the retention of civil juries. They are unique in that they reflect what the community regards as an appropriate standard of care in given situations, and what it regards as being the proper award of damages to compensate a plaintiff for the affect that that persons injuries have had upon his or her life. Not only do jury verdicts define the parameters within which damages are awarded, they provide guidance to Judges as to community standards and values. Further, they constitute a hedge against the "excesses" of individual Judges.

Social activity has not been ignored. On Friday, 28th August a well attended dinner, arranged by Wodak and Forrest, was held at the Victoria Club. Those who attended were treated to a cocktail of anecdotes by that irrepressible raconteur Coldrey J, to whom we are greatly indebted. On 29th April a very successful Cocktail Party was organised by Forrest and Curtain; so successful that it contributed significantly to the attendance (or more accurately, the lack of it) in Chambers in Latham the following day.

In the near future the Annual General Meeting will be called, and it is anticipated that another dinner will be conducted later in the year.

ANNUAL REPORT OF THE LAW REFORM COMMITTEE

During the past year the Law Reform Committee has come under the stewardship of Gillies Q.C. Ross having taken the reins over from Nash Q.C. A public vote of thanks is recorded in this report for the work performed by Nash Q.C. as Chairman of the Law Reform Committee.

During 1992/1993 the work performed by the Committee has been considerably affected by the election of the Liberal Government and the subsequent dissolution of the Victorian

Law Reform Commission which gave way to the establishment of the Law Reform Committee of the Parliament of Victoria under the Chairmanship of James Guest MLC. The Committee has prepared a number of submissions for the Bar Council to forward to Mr. Guest's Committee and has also been responsible for preparing submissions for the Bar Council to put to the Scrutiny of Acts and Regulations Committee.

The dissolution of the Victorian Law Reform Commission has meant that the operation of the Committee has had to change to accommodate the short time limits which are now imposed by the Parliament when seeking input on proposed legislation.

There is no longer the same time to prepare considered responses to the proposals which were put up by the Law Reform Commission. The present Parliament requires an urgent input on any legislation where it seeks comment. Consequently, to be better able to prepare submissions to be made on behalf of the Bar, the Bar Council, has determined to remould the Committee. To this end it is proposed that the Committee become smaller in size but have available a number of persons who have as a result of their practice acquired a particular expertise in certain areas. These persons would form a panel to reform the Committee when a request for assistance is made by the Parliament. This approach will be consistent with the Committee's reactive rather than pro-active role and should better enable the Bar to be heard on important matters of legislative reform.

Finally, a note of thanks should be accorded to all members of the Committee for their contribution during the year.

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION

The past year has been an extremely busy one for the Association, with an avalanche of legislative change in the criminal area. Since the election of the new Government, bills have been passed into law abolishing unsworn evidence, radically altering the Sentencing Act and fundamentally changing criminal trial procedure. Such was the concern felt in respect of the alterations to the Sentencing Act that the Chairman and members of the Executive participated with members of the Bar Council and representatives of a wide range of other groups in a press conference held in the Bar Council Chambers. A well attended general meeting of the Association was also held so that the membership could be kept informed of current developments and express its concern at the erosion

of the rights of the individual. The Crimes (Criminal Trial) Act 1993 has passed into law and it is significant to note that the Association stood virtually alone in opposing this Bill. It is already becoming apparent that our claim that these amendments will only make criminal trials more complex and expensive would appear to be correct.

The Association is currently considering the provisions of the Crimes (Amendment) Bill which deals with, amongst other things, body samples and the compulsory provision of names and addresses. Significant changes have been proposed to the Juries Act including, inter alia, the reduction of the number of peremptory challenges to three, the introduction of majority verdicts and, after only four hours' deliberations, together with the abolition of trial by jury in most civil matters.

All of these changes and proposed changes have been introduced with little time for public debate and, no doubt due to the change of government, channels of communication between the Association and government are not yet as well developed as they ought to be.

Legal Aid has remained a major topic for the Committee's consideration, and the Commission has recently called for tenders for "retained advocates" to appear in legally aided matters in the higher jurisdictions. Such recent developments have led the Committee to spend considerable time considering the most efficient means of delivery of Legal Aid services in the criminal area and to look particularly to the Bar's response to what could only be described as rapidly changing times.

The Committee has also dealt with a large number of other matters, including a proposed uniform national criminal code, the establishment of a scheme whereby pro bono advice and assistance will be given to witnesses requiring such advice in the County and Supreme Courts, continuing legal education and the service provided by the major legal publishers in the criminal area.

A number of very successful and well attended social functions were also held and the success of these functions has depended very much on the hard work of Colin Lovitt Q.C. It is gatherings of this nature that have helped to make the Association the cohesive body that it is.

Executive Committee

Brind Zichy-Woinarksi Q.C. (Chairman)

Bill Morgan-Payler (Vice-Chairman)

Ross Ray (Secretary)

Bill Stewart (Treasurer)

General Committee

Colin Lovitt Q.C. (Membership Secretary)

Robert Kent Q.C.

Boris Kayser

Geoff Flatman

Paul Coghlan

Bruce Walmsley

Carolyn Douglas

Meryl Sexton

Sean Grant

David Neal

VICTORIAN BAR COUNCIL
PROFIT AND LOSS FOR THE YEAR ENDED 31 AUGUST 1993

	1993 \$	1992 \$
INCOME		
Subscriptions	667,068	605,441
Sale of Publications	352	15
Readers' Course Income	47,751	76,622
Other Income	3,907	-
Total Income	<u>719,078</u>	<u>682,078</u>
EXPENSES		
<i>Administration Expenses:</i>		
Audit and Accounting Fees	4,050	3,630
Bar News	-	294
Bank Charges and Deposit Duty	1,171	1,230
Floral Tributes	150	414
Insurance	3,035	2,494
Printing and Stationery	9,136	10,745
Publications	3,367	7,899
Salaries, Payroll Costs, Superannuation and Employee Provisions	<u>190,778</u>	<u>151,293</u>
Total Administration Expenses	<u>211,687</u>	<u>177,999</u>
<i>Capitation and Affiliation Fees:</i>		
Law Council of Australia	89,542	75,830
Lawasia	660	660
Australian Bar Association	26,100	24,700
International Bar Association	294	184
Total Capitation and Affiliation Fees	<u>116,596</u>	<u>101,374</u>
<i>Other:</i>		
Trade Practices Commission	32,495	26,203
Law Reform Submission Costs	5,869	96,615
Donations	1,000	5,000
Entertainment and Functions	35,192	45,404
Ethics Costs	8,879	16,216
Travelling Expense	5,877	28,785
Readers' Course Expense	65,769	84,903
Share of Lay Observer's Salary	6,042	8,285
Fees - Other	1,900	7,427
Australian Securities Commission	314	150
Miscellaneous Expenses	300	7,579
Archival Costs	7,310	8,804
Telephone Expense	441	-
Clerking Expenses	22,530	-
Leadr	125	300
Total Other	<u>194,043</u>	<u>335,671</u>
Total Expenses	<u>522,326</u>	<u>615,044</u>
OPERATING PROFIT	<u>196,752</u>	<u>67,034</u>
Accumulated Funds at the beginning of year	<u>1,470,406</u>	<u>1,403,372</u>
Accumulated Funds at the end of year	<u>1,667,158</u>	<u>1,470,406</u>
<i>Barristers' Benevolent Fund</i>		
Amounts Received \$ 17,845		
Amounts Remitted \$ 17,845		

VICTORIAN BAR COUNCIL
BALANCE SHEET AS AT 31 AUGUST 1993

	NOTES	1993 \$	1992 \$
Current Assets			
Cash		51,106	63,024
Receivable	1.	1,583,580	1,376,615
Other	2.	<u>532</u>	<u>532</u>
Total		<u>1,635,218</u>	<u>1,440,171</u>
Non Current Assets			
Investments	3.	16,300	16,300
Property Plant & Equipment		<u>41,690</u>	<u>30,549</u>
Total		<u>57,990</u>	<u>46,849</u>
Total Assets		<u>1,693,208</u>	<u>1,487,020</u>
Current Liabilities			
Provisions	4.	13,539	9,198
Non Current Liabilities			
Provisions	5.	<u>12,511</u>	<u>7,416</u>
Total Liabilities		<u>26,050</u>	<u>16,614</u>
Net Assets		<u>1,667,158</u>	<u>1,470,406</u>
Accumulated Funds		<u>1,667,158</u>	<u>1,470,406</u>

NOTES TO AND FORMING PART OF THE BALANCE SHEET
FOR THE YEAR ENDED 31 AUGUST 1993

	1993 \$	1992 \$
1. Current Receivables		
Unsecured Loan - Barristers' Chambers Limited	1,578,436	1,367,000
Subscriptions in Arrears	<u>5,144</u>	<u>9,615</u>
	1,583,580	1,376,615
2. Current Other Assets		
Prepaid List "C" Expenses	<u>532</u>	<u>532</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>13,539</u>	<u>9,198</u>
5. Non Current Liabilities		
Provision for Long Service Leave	<u>12,511</u>	<u>7,416</u>

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10 September 1993

The Honorary Treasurer
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, 1993 as presented on pages 36 and 37 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, 1993.

Yours faithfully,

DELOITTE TOUCHE TOHMATSU
Chartered Accountants

J C BRANT
Partner