

32

Reference use

Ross N.

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



VICTORIAN  
BAR  
COUNCIL

# ANNUAL REPORT

1st September 1993 to 30th June 1994



*ANNUAL REPORT  
OF THE VICTORIAN BAR COUNCIL  
FOR THE YEAR ENDED 30TH JUNE, 1994*

To be presented to the Annual General Meeting of the Victorian Bar to be held at 5.00 p.m. on Monday, 19 September 1994, in the Coffee Lounge of the Essoign Club, 13th Floor, Owen Dixon Chambers East, 205 William Street, Melbourne.

*VICTORIAN BAR COUNCIL*

*Election: In the Annual Election held in September 1993 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. H.R. Hansen Q.C.  
Mr. W.B. Zichy-Woinarski Q.C.  
Mr. D.J. Habersberger Q.C.  
Mr. J.W.K. Burnside Q.C.  
Mrs. S.M. Crennan Q.C.  
Mr. M.B. Kellam Q.C.  
Mr. J.E. Middleton Q.C.  
Mr. J.T. Rush Q.C.  
Mr. W.R. Ray  
Mr. M.G. McInerney

*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  
Mrs. S.M.B. Morgan  
Mr. A.J. McIntosh

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

Mr. R.J. Pithouse  
Ms. F.V. McNiff  
Ms. P.J. Treyvaud  
Ms. F.M. McLeod

## *CHAIRMAN'S REPORT*

Nothing much changes. The Bar has during the past year continued to be under artificial attack as it has been for the last half decade or so. The plethora of inquiries into the legal profession reflect the refusal of Governments to shoulder the costs of the current legal system rather than the imagined predatory practices of the legal profession.

Notwithstanding the oft repeated canard that the Victorian Bar is the most reactionary of legal professional bodies the Bar continued to make changes in its rules and practices where it was thought appropriate.

Thus in December 1993 Rule 13.18 which provided that where there was a prescribed scale of fees it was improper for a barrister to accept a brief to appear for a fee lower than the appropriate scale fee was abolished. In February 1994 the Bar Council approved the preparation of rules to permit direct access without an instructing solicitor in certain circumstances.

The Direct Access Rules were prepared by a Committee presided over by E.W. Gillard Q.C. and approved and adopted at a meeting of the Bar Council on 7th May 1994. At the same meeting the Bar Council amended the Rules of Conduct to allow members to advertise without restriction provided only that such advertising was not misleading and deceptive. Quite apart from this lifting of restrictions on advertising the Bar Council two years ago approved the publication of a Bar Directory in which members could advertise relevant information concerning themselves and their practices including, if they wished, the fees they charged. The planning and preparation of that Directory has been overseen by a Committee chaired by Martin Q.C. The Directory currently is in the hands of the printer and should be available for distribution before my term as Chairman expires at the end of September.

The Bar Council has during the past year been concerned to respond to calls for change, which included calls from the multiplicity of ideologically driven reports on the legal profession as well as calls from the members of the Bar. To this end very early in my term as Chairman a conference was held in October 1993 to which all members were invited. The former Chairman, Jessup Q.C. had first raised the idea of holding a conference. The conference was well attended and a great success. A range of views was aired on the various topics under discussion and whilst there was a high degree of uniformity about a number of matters, including the desirability of abolishing the ethical offence arising out of failure to work to fee scales, issues such as clerking elicited sharp differences. The rule as to scale fees has, as reported above been abolished. The question of compulsory clerking was made the subject first of a general meeting in June and subsequently of a referendum. The referendum resulted in a majority in favour of a voluntary clerking system but the referendum has only persuasive, not binding, force on the Bar Council and the rule has not been changed at this stage.

The Attorney-General has recently published an agenda for the reform of the legal profession. Among reforms contemplated by her are changes to the rules in respect of compulsory clerking, the requirement that members must take chambers from Barristers' Chambers Limited, co-advocacy, advertising and direct access. As noted above the Bar Council had altered its rules as to advertising and direct access prior to the publication of the Attorney's agenda for change. Since its publication the Bar Council has approved a co-advocacy rule, permitting co-advocacy in certain circumstances. The Victorian Bar is the first and so far the only independent Bar in Australia to have passed such a rule. The other matters are of course under consideration by the Bar Council and no doubt the new Bar Council will seek the views of the Bar before making any decision on them.

With a view to acquainting Members of Parliament with the views and practices of the Bar a succession of lunches have been held this year with Government Back Benchers, Chairmen of Committees, some Ministers and Shadow Ministers, the Chief Commissioner of Police and Deputy Commissioner and leading public servants.

All of the inquiries into the legal profession over the last few years have had as their supposed objective the reduction in the costs of taking or defending legal proceedings with a consequent increase in access to justice. I have read all the reports closely. They are strong on ideological rhetoric but are not empirically based. They contain no evidence at all that any of the reforms proposed would save litigants a cent. In fact most of the reforms suggested would increase costs either to the parties to proceedings or the public generally. It was this conclusion that led me and the Bar Council to the view that the most effective way of facilitating access to justice was to introduce, (or rather to re-introduce since the profession ran for many years a successful civil legal aid scheme) a means of providing legal aid in civil matters. It is the virtual absence of civil legal aid which drives a public perception, that the costs of justice are too high. To remedy this the Bar together with The Law Institute set up a joint committee to develop a civil legal aid scheme with strong pro bono publico elements for submission to the Victorian Attorney-General.

On the 20th May 1994, the Victorian Attorney-General announced the new scheme for the provision of legal aid in civil cases to be funded and supervised by the State Government and administered by the Victorian Bar and the Law Institute of Victoria. The scheme will be known as "Law-Aid". In my opinion the greatest achievement of the current Bar Council has been the gaining of acceptance by the Victorian Government of a civil legal aid scheme which displays a desire to solve one of the worst problems of the modern legal system, namely lack of access to justice. The scheme accepted by the Attorney will significantly increase access to justice without the unacceptable evils of contingency fees.

The most effective way for the Commonwealth to increase access to justice as it professes it wants to do, is to use for civil legal aid, the funds that would be necessary to set up a bureaucracy in Canberra to supervise and regulate the profession as proposed in Ronald Sackville's Access to Justice Report and the funds to be used in the training of non-legally qualified persons and no doubt the supervision and regulation of the non-legally qualified practitioners as well as the qualified ones.

The Victorian Bar has over the last few years responded to public pressure, most of it uninformed, in a manner which has been neither craven nor reactionary and has accommodated the needs created by social change in a constructive manner which I believe will ensure the Victorian Bar will remain standing. Nothing changes much.

**SUSAN M. CRENNAN**  
Chairman

1 September 1994

## *OFFICERS OF THE BAR COUNCIL*

Chairman - Mrs. S.M. Crennan Q.C.  
Senior Vice-Chairman - Mr. H.R. Hansen Q.C. (to 6 April 1994)  
Senior Vice-Chairman - Mr. D.J. Habersberger Q.C. (Junior  
Vice-Chairman from 29 September 1993 and Senior Vice-Chairman from 14 April 1994)  
Junior Vice-Chairman - Mr. W.B. Zichy-Woinarski Q.C. (from 14 April 1994)  
Honorary Treasurer - Mr. M.B. Kellam Q.C. (to 10 November 1993)  
Honorary Treasurer - Mr. J.E. Middleton Q.C. (from 11 November 1993)  
Assistant Honorary Treasurer - Mr. D.F.R. Beach  
Honorary Secretary - Ms. J.E. Richards  
Assistant Honorary Secretary - Mr. D.C. Dealehr  
Executive Director - Mr. E.T. Fieldhouse  
Executive Officer - Mrs. A. Whitney  
Assistant to the Chairman - Mr. J.M.E. Sutton

By reason of the appointment of Mr. M.B. Kellam Q.C. to the County Court of Victoria on 10 November 1993 a by-election for one casual vacancy was held. Mr. D.E. Curtain Q.C. was declared elected to the Victorian Bar Council on 17 December 1993.

By reason of the appointment of Mr. H.R. Hansen Q.C. to the Supreme Court of Victoria on 6 April 1994 a by-election for one casual vacancy was held.  
Mr. N.J. Young Q.C. was declared elected to the Victorian Bar Council on 19 May 1994.

By reason of the appointment of Mr. M.G. McNerney to the County Court of Victoria on 23 June 1994 one vacancy exists on the Victorian Bar Council

## *EXECUTIVE COMMITTEE OF THE BAR COUNCIL*

Mrs. S.M. Crennan Q.C. (Chairman)  
Mr. H.R. Hansen Q.C. (Senior Vice Chairman to 6 April 1994)  
Mr. D.J. Habersberger Q.C. (Junior Vice-Chairman to 14 April 1994 and Senior Vice Chairman from 14 April 1994)  
Mr. W.B. Zichy-Woinarski Q.C. (Junior Vice-Chairman from 14 April 1994)  
Mr. A.G. Uren Q.C.  
Mr. J.W.K. Burnside Q.C. (from 28 April 1994)  
Mr. M.B. Kellam Q.C. (Honorary Treasurer to 10 November 1993)  
Mr. J.E. Middleton Q.C. (Honorary Treasurer from 11 November 1993)  
Mr. J.T. Rush Q.C. (from 28 April 1994)

## *BARRISTERS' CHAMBERS LIMITED - BOARD OF DIRECTORS*

The Late Mr. G.S.H. Buckner Q.C. (Chairman and Director to 6 December 1993)  
Mr. D.J. Habersberger Q.C. (Acting Chairman from 14 December 1993)  
Dr. J. McL. Emerson Q.C. (to 31 October 1993)  
Mr. A.J. Myers Q.C.  
Mr. M.B. Kellam Q.C. (to 10 November 1993)  
Mr. M.B. Phipps Q.C. (from 29 March 1994)  
Mr. J.E. Middleton Q.C.  
Mr. D.W. Willshire (to 31 October 1993)  
Mr. M.J. Colbran  
Mr. A.J. McIntosh (from 14 December 1993)  
Mr. P.E. Anastassiou (from 20 January 1994)  
Mr. S.M. Anderson (to 31 October 1993)

*THE MELBOURNE BAR PTY. LTD.*  
*(FORMERLY BARRISTERS' NOMINEES PTY. LTD.)*

*Board of Directors*

Mr. H.R. Hansen Q.C. (Chairman to 6 April 1994)  
Mr. J.A. Magee (Chairman from 28 April 1994)  
Mr. S. Kaye Q.C.  
Ms. M. Sloss  
Mr. M.T. Settle

*Shareholders*

Mrs. S.M. Crennan Q.C. (Chairman, Victorian Bar Council)  
Mr. J.E. Middleton Q.C. (Treasurer, Victorian Bar Council)  
Mr. R. McK. Robson Q.C.  
Mr. J.W.K. Burnside Q.C.

*BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA*  
*- COMMITTEE OF MANAGEMENT -*

Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council  
Mr. J.E. Middleton Q.C., Honorary Treasurer, Victorian Bar Council

*VICTORIAN BAR SUPERANNUATION FUND - TRUSTEES*

Dr. I.C.F. Spry Q.C. (Chairman)  
Mr. R. McK. Robson Q.C.  
Mr. P.J. Kennon Q.C.  
Mr. R.A. Brett  
Mr. J.B.R. Beach

*NEW BARRISTERS' COMMITTEE*

*Bar Council Nominees -*

Mr. W.R. Ray (Chairman)  
Mr. M.G. McInerney (Alternate - to 23 June 1994)  
Mr. R.J. Pithouse (Representative)  
Ms. P.J. Treyvaud (Alternate)

### *Elected Members -*

Mr. A.G. Hooper (Secretary)  
Mr. C.N. Kiliass  
Ms. S.M.K. Borg  
Mr. M.T. Flynn  
Ms. A.L. Wardell  
(To March 1995)

Mr. A.G. Robinson  
Ms. C.M. Burnside  
Ms. C.M. Morfuni  
Mr. J.A.F. Twigg  
Ms. S.E. Burchill  
(To March 1996)

### *CRIMINAL BAR ASSOCIATION*

#### *Office Bearers -*

Mr. W.B. Zichy-Woinarski Q.C. (Chairman)  
Mr. W.H. Morgan-Payler (Vice-Chairman)  
Mr. W.E. Stuart (Treasurer)  
Mr. C.L. Lovitt Q.C. (Membership Secretary)  
Mr. G.R. Flatman (Secretary to 19 June 1994)  
Mr. J.D. McArdle (Secretary from 20 June 1994)

#### *Committee Members -*

Mr. R. Van de Wiel  
Mr. W.R. Ray  
Ms. C.D. Douglas  
Mr. P.A. Coghlan  
Mr. P.D. Drake  
Mr. R.J.M. Maidment  
Mr. M.E. Dean  
Ms. J.A. Perlman  
Mr. S.E. Grant  
Mr. D.J. Neal

### *COMMON LAW BAR ASSOCIATION*

#### *Office Bearers -*

Mr. D.A. Kendall Q.C. (Chairman)  
Mr. A.W. Adams (Vice-Chairman)  
Mr. J.H.L. Forrest (Treasurer)  
Mr. T. Wodak (Secretary)

## *Committee Members -*

Mr. C.H. Francis Q.C.  
Mr. R.J. Stanley Q.C.  
Mr. M. Shannon Q.C.  
Mr. P.J. Galbally Q.C.  
Mr. J.T. Rush Q.C.  
Mr. D.J. Curtain Q.C.  
Mr. J.R. Bowman  
Mr. D.J. Martin  
Mr. T.S. Monti  
Mr. P.D. Elliott  
Mr. D.F.R. Beach

### *COMPENSATION BAR ASSOCIATION*

Mr. R.P. Gorton Q.C. (Chairman)  
Mr. M. O'Loghlen Q.C.  
Mr. J.H. Tebbutt (Liaison Officer)  
Mr. J.J. Zahara  
Mr. C.A. Miles  
Mr. J.A. O'Brien (Treasurer)  
Mr. F.S. Zydower  
Mr. R.W. Dyer (Secretary)

### *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)

### *VICTORIAN BAR PROPERTY LAW ASSOCIATION*

Mr. P.R. Best (Convenor)  
Mr. A.T. Schlicht (Honorary Secretary)

### *WOMEN BARRISTERS' ASSOCIATION*

Ms. R.A. Lewitan (Convenor)  
Ms. J.S. Elleray (Treasurer)  
Ms. J. Davies (Secretary)

## *STANDING COMMITTEES OF THE BAR COUNCIL*

### *Academic and Continuing Legal Education Steering Committee*

Mr. N.H.M. Forsyth Q.C. (Chairman), Mr. J.I. Fajgenbaum Q.C., Mr. P.G. Nash Q.C., Mrs. A. Moshinsky Q.C., Mr. J.W.K. Burnside Q.C., Mr. P.A. Willee Q.C., Mr. R.R.S. Tracey Q.C., Mr. R.A. Brett, Dr. C.E. Croft, Mr. D.M. Maclean, Mr. G.T. Pagone, Dr. I.J. Hardingham and Ms. E. Hollingworth

### *Accommodation Committee*

Mr. J.E. Middleton Q.C. (Chairman from 3 February 1994), Mr. M.B. Kellam Q.C. (Chairman to 10 November 1993), Mr. J.E. Barnard Q.C., Mr. P.J. O'Callaghan Q.C., Mr. N.H.M. Forsyth Q.C., Mr. A. Chernov Q.C., Mr. H. Jolson Q.C., Mr. R.A. Brett, Mrs. S.M.B. Morgan, Mr. J.A. Ribbands and Ms. L.Z. Rowland



### *Advocacy Training Course Committee*

Mr. A.J. Kirkham Q.C., The Honourable Mr. Justice Kent (Vanuatu) and Mr. A.J. McIntosh

### *Applications Review Committee*

Mr. J.E. Middleton Q.C. (Chairman), Mr. F.X. Costigan Q.C., Mr. A.J. Kirkham Q.C., Mr. M. Shannon Q.C., Mr. P.A. Dunn, Mr. M.G. McInerney (to 23 June 1994), Mr. R.A. Brett, Mr. T.J. North, Mr. A.J. McIntosh, Ms. A. Richards, Mr. R.J. Pithouse, Ms. J.E. Richards (Secretary) and Mr. D.C. Dealehr (Assistant Secretary)

### *Bar Constitution Committee*

Mr. J.E. Barnard Q.C. (Chairman), Mr. X. Connor, A.O. Q.C., Mr. F.X. Costigan Q.C., Mr. B.J. Shaw Q.C., Mr. A.G. Uren Q.C., Mr. J.E. Middleton Q.C., Mr. M.A. Adams Q.C., M.R. Hickey Q.C. and Ms. M. Sloss

### *Bar Directory Committee*

Mr. W.J. Martin Q.C. (Chairman), Mr. N.J. Ackman Q.C., Mr. P.A. Dunn, Mr. T.D. Wodak, Mr. P.D. Elliott, Mr. P.G. Lacava and Miss C.F. McMillan

### *Bar Library Committee*

Mr. M.A. Adams Q.C. (Chairman and Bar Librarian), Mr. P.B. Murdoch Q.C., Mr. J.V. Kaufman Q.C., Mr. P.A. Coghlan, Mr. D.M.B. Derham, Mr. R.L. Brear, Miss C.F. McMillan and Mr. C.G. Wallis

### *Bar Staff Committee*

Mrs. S.M. Crennan Q.C. (Chairman), The Late Mr. G.S.H. Buckner Q.C. (to 3 February 1994), Mr. H.R. Hansen Q.C. (to 6 April 1994), Mr. W.B. Zichy-Woinarski (from 28 April 1994), Mr. D.J. Habersberger Q.C., Mr. M.B. Kellam Q.C. (to 10 November 1993), Mr. J.E. Middleton Q.C., Mr. M.A. Adams Q.C., Mr. M.G. McInerney (to 23 June 1994) and Ms. J.E. Richards.

### *Car Parking Controller*

Mr. J.R. Balfe Q.C.

### *Child Care Facilities Committee*

Ms. R.A. Lewitan (Chairperson), Mr. M.T. Settle, Ms. F.I. O'Brien, Miss A.B. McMahon, Ms. E. Wentworth, Mrs. J. Batrouney and Ms. F.M. McLeod

### *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. K.W.S. Hargrave, Mr. M.W. Shand, Mr. P.A. Chadwick 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. S.W. Kaye Q.C.; List "D" - Mr. P.J. Galbally Q.C.; List "F" - Mr. R.J. Stanley Q.C.; List "G" - Mr. J.W.K. Burnside Q.C.; List "H" - Mr. P.A. Willee 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" - Ms. L. Lieder Q.C.

### *Co-advocacy Committee*

Mr. A. Chernov Q.C. (Chairman), Mr. H.C. Berkeley Q.C., Mr. D.E. Curtain Q.C., Miss C.F. McMillan, Mr. R.J. Pithouse and Ms. P.J. Treyvaud

### *Corporations Law Committee*

Mr. A. Chernov Q.C. (Chairman), Mr. R.A. Finkelstein Q.C., Mr. N.J. Young Q.C., Mr. K. Baker, Ms. M. Sloss, Mr. M.D. Wyles and Mr. R.D. Strong

### *Counsel Committee*

Mr. A.G. Uren Q.C. (Chairman), Mr. D.E. Curtain Q.C., Mr. R.A. Brett, Miss C.F. McMillan and Ms. F.M. McLeod

### *Default List Committee*

Mrs. S.M. Crennan Q.C., Mr. H.R. Hansen Q.C. (to 6 April 1994) and Mr. D.J. Habersberger Q.C. (from 28 April 1994)

### *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.

### *Direct Access Committee*

Mr. E.W. Gillard Q.C. (Chairman), Mr. W.B. Zichy-Woinarski Q.C., Mr. R.C. Webster, Mr. R.A. Brett and Mr. M.F. Fleming

### *Equality Before the Law Committee*

Mr. H.C. Berkeley (Chairman), Mr. B.J. Shaw Q.C., Mr. D.G. Williamson Q.C., Miss L. Lieder Q.C., M.R. Hickey Q.C., Ms. R.A. Lewitan, Mr. G.T. Pagone, Ms. M.E. Sexton, Ms. A.C. Thacker, Mrs. K.M. Williams, Ms. E. Wentworth and Ms. C. Randazzo

### *Ethics Committee*

Mr. W.B. Zichy-Woinarski Q.C. (Chairman), Mr. J.F. Lyons Q.C. (from 26 May 1994), Mr. P.M. Guest Q.C., Mr. H.McM. Wright Q.C., Mr. M.S. Weinberg Q.C., Mr. P.G. Nash Q.C. (to 26 May 1994), Mr. R.C. Macaw Q.C., Mr. L. Lasry Q.C., Mr. J.T. Rush Q.C., Mr. E.N. Magee Q.C., Mr. M.J. Crennan, Miss R. Stoikovska (Assistant Secretary), Mrs. S.M.B. Morgan, Mr. G.T. Pagone, Mr. R.J. McInnes (Secretary) and Mr. J. O'Bryan

### *Fees Committee*

Mr. J.W.K. Burnside Q.C. (Chairman), Dr. C.N. Jessup Q.C. (Vice-Chairman), Mr. C.L. Lovitt Q.C., Mr. D.E. Curtain Q.C., Mr. R.C. Webster, Mr. R.I. Rosenberg, Mr. M.R.B. Watt, Mr. R.G. Maxted, Mr. P.G. Lacava, Mr. P.A. Chadwick, Mr. J.W. St. John, Ms. M.E. Sexton, Mr. J.D. Wilson and Mr. N. Hanos

### *First Aid Committee*

Ms. F.J. Story

### *Human Rights Committee*

Mr. J.I. Fajgenbaum Q.C. (Chairman), Mr. C.H. Francis Q.C., Mr. A.M. North Q.C., Mr. P.A. Willee Q.C., Mr. B. Kayser, Mr. J.B. Bingeman, 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. P.A. Reardon, Mr. J.A. Gibson, Mr. B.A. Keon-Cohen, Mr. R.J.H. Maidment, Mr. I.L. Himmelhoch, Mr. K.H. Bell, Mr. B. Kissane, Mr. G.C. McGowan, Mr. I.H. Fehring, Mr. M. Bromberg, Mr. A.G. Hooper, Mr. A.L. Hands, Ms. M.S. Lasky, Ms. K.H. Auty and Mr. C.F. Thomson

### *Law Reform Committee*

Mr. N.A. Moshinsky Q.C. (Chairman), Mr. P.C. Golombek (Deputy Chairman), Mr. C.H. Francis Q.C., Mr. H.McM. Wright Q.C., Mrs. A. Moshinsky Q.C., Mr. P.J. Kennon Q.C., Mr. P.D. Ahearne, Mr. R.H. Miller, Mr. P.N. Wikrama-Nayake, Mr. D.G. Just, Mr. I.D. Hill, Mr. J.R.P. Lewisohn, Mr. T.P. Keely, Mr. W.H. Morgan-Payler, Mr. B.A. Keon-Cohen, Mr. P.D. Santamaria, Ms. R.D. Wiener, Mr. D.F.R. Beach, Mrs. S.M.B. Morgan, Miss M.L. Warren, Mr. B.R.St. Kendall, Ms. A. Thacker, Mr. G.D. Holley, Ms. J. Perlman, Ms. D. Bakos, Mr. M.D. Wyles, Mr. D.C. Dealehr, Mr. W.J. Walsh-Buckley, Ms. S.S. Davis (Secretary) and Mr. D.J. Neal

### *Law Reform Committee Panels - Specialist Areas*

Administrative Law - Mr. J.D. Merralls Q.C., Mr. H.C. Berkeley Q.C., Mr. J.I. Fajgenbaum Q.C., Mr. M.A. Adams Q.C., Miss L. Lieder Q.C., Ms. S.M. Cohen, Mr. B.J. Lacy, Mr. P.D. Ahearne and Ms. C.H. Sparke; Admiralty and Shipping - Mr. P.D. Ahearne and Mr. W.F. Gillies; Arbitration - Mr. J. Cyngler and Mr. W.F. Gillies; Building - Mr. J. Cyngler and Mr. R.N. Cameron; Causes Practice - Mr. P. Buchanan Q.C.; Children's Court - Mr. M.A. Adams Q.C., Mrs. C.M.J. Osborne and Miss K.H. Auty; Commercial Law - Mr. J.V. Kaufman Q.C., Mr. P.D. Ahearne, Mr. J. Cyngler, Ms. S.M. Cohen, Mr. W.F. Gillies, Mr. R.N. Cameron and Ms. C.H. Sparke; Commonwealth Criminal Law/Commonwealth DPP - Mr. H.A. Cottee; Company Law - Mr. A.C. Archibald Q.C., Mr. L. Glick, Mr. G.J. Herbert, Mr. K. Baker, Mr. M.D. Wyles, Mr. S.J. Minahan, Mr. L. La Fontaine and Ms. C.H. Sparke; Constitutional Law - Mr. J.D. Merralls Q.C., Mr. H.C. Berkeley Q.C., Mr. M.A. Adams Q.C., Ms. S.M. Cohen and Mr. B.J. Lacy; Court Rules and Procedures - Mr. R.E. Cook, Ms. S.M. Cohen and Mr. W.F. Gillies; County Court Practice - Mr. M.J. Corrigan; Crime Practice - Mr. J.C. Walker Q.C., Miss L. Lieder Q.C., Mr. D.B. Maguire, Mr. M.J. Sharpley, Ms. J.A. Perlman, Ms. D. Bakos, Ms. C. Zapparoni and Mr. H.A. Cottee; Discrimination - Mr. R.G. Maxted, Ms. S.M. Cohen and Mrs. A. Richards; Drink Driving Legislation - Mr. D.M. Maclean; Employment Law - Ms. S.M. Cohen and Mr. B.J. Lacy; Equal Opportunity - Mr. R.G. Hickey Q.C., Mr. R.G. Maxted and Mrs. A. Richards; Equity - Mr. J. Cyngler, Mr. D.M. Maclean and Mr. W.F. Gillies; Evidence - Mr. D.B. Maguire; Family Law - Mr. P.M. Guest Q.C.; Federal Court - Mr. A. Chernov Q.C.; Health Services - Mr. R.G. Maxted; High Court - Mr. A.G. Uren Q.C.; Industrial Law - Mr. A.M. North Q.C., Mr. R.G. Hickey Q.C. and Mr. B.J. Lacy; Insolvency - Mr. R.N. Cameron; Intellectual Property - Mr. R.C. Macaw Q.C.; Juries Practice - Mr. G.A. Lewis; Land Law - Mr. P.R. Best and Mr. W.R. Gillies; Legal Education - Mr. M.A. Adams Q.C.; Liquidation - Mr. L. Glick; Liquor Control - Mr. B.J. Bourke; MABO - Mr. P.R. Best; Magistrates' Court Practice - Mr. K.M. Liversidge; Mental Health - Mr. M.A. Adams Q.C.; Military Law - Mr. D.E. Morrow; Probate - Mr. M.A. Adams Q.C., Mr. P.D. Ahearne, Mrs. K.M. Williams and Ms. S.M. Cohen; Property - Mr. P.D. Ahearne, Mr. W.F. Gillies and Mrs. K.M. Williams; Road Safety Act - Mr. D.M. Maclean; Securities - Mr. P.R. Best and Mrs. K.M. Williams; Superannuation - Ms. S.M. Cohen; Supreme Court Practice - Mr. J.G. Larkins Q.C.; Taxation - Mr. F.G.A. Beaumont Q.C. and Mr. P.D. Ahearne; Testator's Family Maintenance - Mr. R.E. Cook, Ms. S.M. Cohen and Mr. W.F. Gillies; Town Planning and Local Government - Mr. H.McM. Wright Q.C.; Trade Practices - Dr. I.J. Hardingham; Traffic Law - Mr. P.J. Billings; Trusts - Mr. J.V. Kaufman Q.C., Mr. P.D. Ahearne, Ms. S.M. Cohen, Mr. D.M. Maclean and Mrs. K.M. Williams; Wills - Mr. M.A. Adams Q.C., Mr. P.D. Ahearne and Ms. S.M. Cohen; Workcare and Workers' Compensation - Mr. V.F. Ellis and Mr. C.A. Miles

### *Legal Aid Committee*

Mr. W.R. Ray (Chairman from 3 February 1994), Mr. R.K. Kent Q.C. (Chairman to 16 December 1993), Mr. L. Lasry Q.C., Mr. P.A. Willee Q.C., Mr. B. Kayser, Mr. D.G. Wraith, Mr. P.N. Rose, Mr. M.R.B. Watt, Mr. W.H. Morgan-Payler, Mr. A.J. McIntosh, Ms. A. Thacker, Ms. F.I. O'Brien and Mr. R.J. Pithouse

### *Legal Aid Fee Determination Committee*

Mr. M.S. Weinberg Q.C. (Chairman), Mr. W.H. Morgan-Payler, Mr. S.R. Marshall, Mr. J.W. St. John and Mr. F. Parry

### *Legal Resources Committee*

Mr. J.D. Loewenstein (Chairman), 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, Mr. K. Maguire and Mr. D.P. Flynn

*Overdue Fees Committee*

Mr. H. Jolson Q.C. (Chairman), Mr. J. Ruskin, Ms. F. Millane, Mr. G.B. Wicks and Ms. P.J. Treyvaud

*Policy Liaison Committee*

Mr. J.W.K. Burnside Q.C. (Chairman), Mr. J.L. Sher Q.C., Mr. R.A. Finkelstein Q.C., Mr. D.J. O'Callaghan and Mr. D.C. Dealehr

*Pro Bono Committee*

Mr. J.T. Rush Q.C. (Chairman), Mr. P.N. Vickery, Miss E.A. Davis and Mr. R.J. Pithouse

*Readers' Practice Course Committee*

Mr. R.K. Kent Q.C. (Chairman to 16 December 1993), Mr. J.W.K. Burnside Q.C. (Chairman from 3 February 1994), 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, Her Honour Judge Curtain, Mr. R.A. Brett, Mrs. F.P. Hampel, Mr. P.J. Davis, Ms. H.M. Symon, Mr. A.J. McIntosh, Ms. D. Bryant, Ms. F.M. McLeod and Ms. F.J. Storey

*Rules of Conduct Committee*

Mr. H.R. Hansen Q.C. (Chairman to 6 April 1994), Mr. J.E. Middleton Q.C. (Chairman from 28 April 1994), Mr. P.G. Nash Q.C., Mr. R.A. Brett, Mr. A.L. Cavanough, Mr. M.J. Colbran and Mr. J. O'Bryan

*Sentencing Legislation Committee*

Mr. M.S. Weinberg Q.C. (Chairman), Mr. D.J. Lane and Mr. D.J. Neal

*Trades Practices Commission (Study of the Professions) Advisory Committee*

Mr. A.H. Goldberg Q.C. (Chairman), Mr. N.J. Young Q.C., Mr. J.E. Middleton Q.C., Mr. D. Shavin Q.C. and Mr. P. Jopling

*Victorian Bar Dispute Resolution Committee*

Mr. M.B. Phipps Q.C. (Chairman), Mrs. A. Moshinsky Q.C., Mr. W.J. Martin Q.C., Mr. G.H. Golvan Q.C., Mr. H. Jolson Q.C., Mr. G.A. Lewis, Mr. J.R.P. Lewisohn, Dr. J.J. Hockley, Mr. J. Cyngler, 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***

General Division - Mr. P.N. Rose and Mr. A.L. Cavanough; Planning Division - Mr. H.McM. Wright Q.C., Mr. G.H. Garde Q.C., Mr. S.R. Morris Q.C. and Mr. R.S. Osborn; Working Group on Costs - Mr. C.J. Canavan Q.C.

### ***Administrative Law Committee - (Bar & LIV)***

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.

### ***Legal Aid (Composite Fees) Committee (Bar & LIV)***

Mr. M.S. Weinberg Q.C. and Mr. W.H. Morgan-Payler

### ***Listing Problems Committee (Bar & LIV)***

Mr. S.W. Kaye Q.C., Mr. P.A. Coghlan and Mr. D.F.R. Beach

### ***Medico-Legal Standing Committee (Bar & LIV)***

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

### ***Police/Lawyers Liaison Committee***

Mr. G.R. Flatman, Mr. W.R. Ray and Miss C.D. Douglas. Mr. P.A. Dunn (Alternate) Mr. I.D. Hill (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.

### ***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)***

Mr. J.E. Barnard Q.C., Mr. J.S. Winneke Q.C. (Deputy), Mr. J.A. Strahan Q.C., Mr. R.K.J. Meldrum Q.C. (Deputy), Mr. J.E. Middleton Q.C. and Mr. R.C. Macaw Q.C. (Deputy).

### ***Chief Justice's Civil Listing Committee***

Mr. R.J. Stanley Q.C.

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

Mr. A.E. Radford

*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. and Mr. R.A. Brett

*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*

Mrs. S.M. Crennan Q.C., Mr. H.R. Hansen Q.C. (to 6 April 1994) and Mr. D.J. Habersberger Q.C. (from 28 April 1994)

*Council of Law Council of Australia*

Dr. C.N. Jessup Q.C., Mrs. S.M. Crennan Q.C. (Alternate), Mr. H.R. Hansen Q.C. (Alternate to 6 April 1994) and Mr. D.J. Habersberger Q.C. (Alternate - from 28 April 1994)

*Council of Law Reporting*

Mr. J.D. Merralls Q.C. (5 year term to November 1997) and Mr. C. Gunst (5 year term to November 1997)

*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 Complex Civil Cases Committee*

Mr. D.E. Curtain Q.C.

*County Court Computerisation Committee*

Mr. D.S. Levin

*County Court Rules Committee*

Mr. M.J. Corrigan and Mr. I.R. Jones (Alternate)

*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)*

Mr. H.R. Hansen Q.C. (to 6 April 1994) and Mr. M.B. Phipps Q.C. (from 28 April 1994)

*Legal Aid Commission of Victoria*

Mr. L. Lasry Q.C. and Mr. J.C. Walker Q.C. (Alternate)

*Legal Aid Review Committee and Reserve Member*

Committee No. 1 - Mr. J.D. Montgomery (to 30/4/1995); Committee No. 2 - Mr. M.V. McInnis (to 30/4/1995); Committee No. 3 - Ms. J.A. Perlman; Panel of Reserve Members - Ms. D. Bakos (to 30/4/1995)

*Leo Cussen Institute of Continuing Legal Education*

Mr. Justice Hampel (Chairman), Dr. I.J. Hardingham (Alternate), Mr. R.K. Kent Q.C. (to 16 December 1993), Mr. M.G. McInerney (from 3 February 1994 to 23 June 1994) and Mr. P.G. Nash Q.C. (Alternate).

*Magistrates' Court Civil Rules Committee*

Ms. F.M. McLeod and Ms. S.M.K. Borg

*Monash University Law Faculty Board*

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

*Salvation Army Court and Prison Advisory Committee*

Mr. A.B.J. Coombes

*Supreme Court of Victoria Building List Users Committee*

Mr. G.H. Golvan Q.C. and Mr. D.S. Levin

*Victorian Judicial Council Steering Committee*

Mrs. S.M. Crennan Q.C.

*Victoria Law Foundation*

Mr. M.B. Kellam Q.C. (Chairman's nominee to 10 November 1993) and Mr. D.J. Habersberger Q.C. (Chairman's nominee from 3 February 1994)

## ***GENERAL MEETINGS OF THE BAR***

The last Annual General Meeting of the Bar was held on 21 September 1993.

## ***BAR COUNCIL MEETINGS***

There have been 18 ordinary meetings and 7 special meetings of the Bar Council from the first meeting of the new Bar Council on 29 September 1993 to 30th June, 1994.

## ***EXECUTIVE COMMITTEE MEETINGS***

During the period 1st September, 1993 to 30th June, 1994 18 Executive Committee Meetings were held.

## *SUBSCRIPTIONS*

The Bar Council fixed the annual subscription for members of the Bar for the period from 1st September, 1993 as follows:-

Queen's Counsel	\$1,410.00
At least 10 years	\$940.00
At least 6 years, but under 10 years	\$615.00
At least 3 years, but under 6 years	\$495.00
Over 1 year, but under 3 years	\$375.00
Under 1 year	\$200.00
Readers (March 1994 intake)	\$90.00
Crown Prosecutors	\$250.00
Interstate and Overseas Queen's Counsel	\$325.00
Interstate and Overseas Juniors	\$250.00
Ministers of the Crown and Members of Parliament	\$250.00
Solicitors-General and Directors of Public Prosecutions	\$250.00
Crown Counsel and Parliamentary Counsel	\$250.00
Other Official Appointments	\$250.00
Academics	\$250.00

## *PERSONALIA*

### *Obituary:*

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

Mr. W.B. (Barry) Frizzell Q.C. on 2nd October, 1993  
His Honour Judge James Howden on 10th October, 1993  
The Honourable Sir Reginald Smithers on 2nd January, 1994  
The Honourable Mr. Justice Barry Madden on 14th January, 1994  
The Right Honourable Sir Frank Kitto, A.C., K.B.E., P.C. on 15th February, 1994  
Mr. N.S. Stabey Q.C. on 1st April, 1994  
Mr. Kenneth H. Billing on 1st April, 1994  
Mr. Murray Donald Carn on 6th April, 1994  
Mr. Garth S.H. Buckner Q.C. on 18th April, 1994  
Mr. Otto K. Strauss on 21st April, 1994  
Mr. Harold G. Ogden A.O., Q.C. on 23rd June, 1994

The Bar Council also records with deep regret the death on 8th March, 1994 of Mr. Kevin J. Foley, Barristers' Clerk.



### *Judicial Appointments:*

On 8th March, 1994 The Honourable Mr. Justice Batt was appointed to the Bench of the Supreme Court of Victoria. On 6th April, 1994 The Honourable Mr. Justice Hansen Q.C. was appointed to the Bench of the Supreme Court of Victoria. On 12th May, 1994 The Honourable Mr. Justice Mandie was appointed to the Bench of the Supreme Court of Victoria.

On 23rd November, 1993 The Honourable Justice Sally Brown was appointed to the Bench of the Family Court of Australia.

On 16th December, 1993 The Honourable Mr. Justice Kent was appointed to the Bench of the Supreme Court of Vanuatu.

On 9th November, 1993 His Honour Judge Kellam was appointed to the Bench of the County Court of Victoria. On 9th November, 1993 Her Honour Judge Curtain was appointed to the Bench of the County Court of Victoria. On 8th February, 1994 His Honour Judge Williams was appointed to the Bench of the County Court of Victoria. On 6th April, 1994 His Honour Judge Davey was appointed to the Bench of the County Court of Victoria. On 7th June, 1994 His Honour Judge Campbell was appointed to the Bench of the County Court of Victoria. On 7th June, 1994 His Honour Judge Morrow was appointed to the Bench of the County Court of Victoria. On 21st June, 1994 His Honour Judge McInerney was appointed to the Bench of the County Court of Victoria.

### *Other Appointments:*

On 23rd November, 1993 Mr. N. Papas was appointed Chief Magistrate of Victoria. On 20th October, 1993 Mr. C.E. McLeod was appointed a Victorian Magistrate. On 8th February, 1994 Mr. I.J. Beder was appointed a Victorian Magistrate.

### *Queen's Counsel:*

On 23rd November, 1993 the following members of the Victorian Bar in Division A, Part I (Victoria Practising Counsel) were appointed Queen's Counsel in Victoria:

Mr. M.R. Shatin Q.C., Mr. W.F. Lally Q.C., Mr. P.J. Kennon Q.C., Mr. D.E. Curtain Q.C., M.R. Hickey Q.C., Mr. E.N. Magee Q.C., Mr. D. Shavin Q.C. and Mr. G.J. Digby Q.C.

On 23rd November, 1993 the following members of the Victorian Bar in Division A, Part III (Overseas and Interstate Counsel) were appointed Queen's Counsel in Victoria:

Mr. I.V. Gzell Q.C. (NSW), Mr. J.N. Gleeson Q.C. (NSW), Mr. M.F. Adams Q.C. (NSW), Mr. G.R. Hiley Q.C. (NT), Mr. P.C.B. Semmler Q.C. (NSW), Mr. R. McDougall Q.C. (NSW), Mr. G.A. Palmer Q.C. (NSW), Mr. R.G. Bain Q.C. (QLD), Mr. A.J.H. Morris Q.C. (QLD) and Ms. M.A. Wilson Q.C. (QLD).

### *Welcomes:*

On 10th March, 1994 The Honourable Mr. Justice Batt was welcomed to the Bench of the Supreme Court of Victoria by Mr. H.R. Hansen Q.C., Senior Vice-Chairman, Victorian Bar Council.

On 12th April, 1994 The Honourable Mr. Justice Hansen was welcomed to the Bench of the Supreme Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 12th May, 1994 The Honourable Mr. Justice Mandie was welcomed to the Bench of the Supreme Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 23rd November, 1993 The Honourable Justice Sally Brown was welcomed to the Bench of the Family Court of Australia by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 12th November, 1993 His Honour Judge Kellam was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 15th November, 1993 Her Honour Judge Curtain was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 10th February, 1994 His Honour Judge Williams was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 11th April, 1994 His Honour Judge Davey was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 9th June, 1994 His Honour Judge Campbell was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 14th June, 1994 His Honour Judge Morrow was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

On 23rd June, 1994 His Honour Judge McInerney was welcomed to the Bench of the County Court of Victoria by Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council.

#### *Farewells:*

On 28th January, 1994 representatives of the Bar and Law Institute met to pay tribute to The Honourable Mr. Justice Marks on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 24th February, 1994 representatives of the Bar and Law Institute met to pay tribute to The Honourable Mr. Justice Gobbo on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 9th May, 1994 representatives of the Bar and Law Institute met to pay tribute to The Honourable Mr. Justice Fullagar on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 22nd November, 1993 representatives of the Bar and Law Institute met to pay tribute to The Honourable Justice Strauss on the occasion of his retirement from the Bench of the Family Court of Australia. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 19th May, 1994 representatives of the Bar and Law Institute met to pay tribute to His Honour Judge Lazarus on the occasion of his retirement from the Bench of the County Court of Victoria. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 2nd June, 1994 representatives of the Bar and Law Institute met to pay tribute to His Honour Judge Ravech on the occasion of his retirement from the Bench of the County Court of Victoria. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

On 31st March, 1994 to mark the commencement of jurisdiction by the Industrial Relations Court of Australia, a ceremony was held in the First Court of the Federal Court, Melbourne. Mrs. S.M. Crennan Q.C., Chairman, Victorian Bar Council, spoke on the behalf of the Bar.

## ROLL OF COUNSEL

**Between 1st September, 1993 and 30 June, 1994 the following 42 persons signed the Roll of Counsel:**

Ms. R.A. Rajadurai (re-signed),	Mr. G.B. Compton,	Mr. F.E. Farrow,
Mr. P.J.M. Turner (re-signed),	Mr. L.M. Levy,	Mr. R.A. Scheid,
Ms. M.V. Collis,	Ms. B.M. Wearne,	Mr. R.S. Wotherspoon,
Mr. A.G. Robinson,	Mr. D.E. Graham,	Ms. A.B.J. Kwong,
Mr. C.M. Caleo,	Mr. F.A. Trindade,	Ms. L.E. Foreman,
Mr. A.I. Strum,	Ms. G. Hedberg,	Ms. R.F. Tremayne,
Ms. K.L. Emerton,	Ms. S. Maramis,	Mr. P.J. Grano,
Mr. K.G. Howden,	Mr. J.F.E. Turner (re-signed),	Mr. L.K. Barker,
Ms. A.L. Wardell,	Mr. T.S. Ngayi (re-signed),	Mr. G.F. Holmes,
Mr. S.W. Stuckey,	Mr. A.P. Phillips (re-signed),	Mr. T.D. Connard,
Mr. D.C. Cain,	Mr. G.P. Harris,	Mr. H.G. Wilcox II,
Mr. N.J. O'Bryan,	Mr. M.S. Osborne,	Mr. L.C. Carter,
Mr. I.D. Martindale,	Mr. M.J. McK. Grove,	Mr. D. Conidi,
Mr. I.W. Upjohn,	Mr. M.C. Garner,	Ms. J.V. Birch

**Between 1st September, 1993 and 30th June, 1994 the names of the following 6 Interstate Counsel were entered on the Roll of Counsel:**

Mr. R.G. Bain (QLD.),	Mr. J.P. Curtis (NSW),	Mr. S.R. Southwood (N.T.),
Mr. R. Sackville (NSW - QC),	Ms. I.A. Parsons (NSW),	Mr. B.J. Gross (NSW - QC),

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

Mr. P.R. Whitford and Mr. J.L. Trapp

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

His Honour Judge Kellam, The Honourable Mr. Justice Kent, His Honour Judge Williams, The Honourable Mr. Justice Batt, The Honourable Mr. Justice Hansen, His Honour Judge Davey, The Honourable Mr. Justice Mandie, His Honour Judge Campbell, His Honour Judge Morrow and His Honour Judge McInerney

*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. P.H. Costello

*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. C.E. MacLeod, Mr. J.C. Billings, Mr. I.J. Beder, Mr. P. Smith and Mr. T.K. Hassard

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

Mr. P. Luke

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

Ms. E.M-T Murphy, Mrs. E.J. Bennett, Ms. P. O'Hara and Mr. B.G.K. Ross

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

Mr. I.F. Turley, Mr. D. McL. Thomson, Ms. H.J. King, Mr. L.C. Robson and Ms. K.H. Auty

*Member whose name has been transferred from Division A, Part II (Prosecutors for the Queen) to Division B, Part II (Judges):*

Her Honour Judge Curtain

*Member whose name has been transferred from Division A, Part II (Prosecutors for the Queen) to Division B, Part VI (Magistrates and Full Time Members of Statutory Tribunals):*

Mr. N. Papas

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

The Honourable W.M. Hodgman Q.C., M.P.

*Members whose names have been transferred from Division B, Part II (Judges) to Division C, Part I (Retired Judges and other judicial officers):*

The Honourable Mr. Justice Strauss, The Honourable Mr. Justice Marks, The Honourable Mr. Justice Gobbo, The Honourable Mr. Justice Fullagar, His Honour Judge Lazarus and His Honour Judge Ravech

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

Hon. J.A. Kennan Q.C.

*Members whose names have been transferred from Division B, Part VI (Magistrates and Full Time Members of Statutory Tribunals) to Division B, Part II (Judges):*

The Honourable Justice Sally Brown and Her Honour Judge Rizkalla

*Member whose name has been transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division B, Part VI (Magistrates and Full Time Members of Statutory Tribunals):*

Ms. C.R. McKenzie

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

Mr. S.A. Glacken

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

Mr. J.E. Baring

*Members whose names have been removed from the Roll of Counsel:*

*Division A, Part I*

R.M. Martini, L.J. Evans, L.G. Crisp, P.M. Houston, J.L. Thapliyal, J.P. Bicknell, N.M. Feely, G. Hopkins, G.D. Forrester, Hon. N. Brown Q.C., J.F. Goldberg, S.J.M. Sutherland, R.A. Rajadurai, H.R. Streager, D.J. McKenzie, P.H. Cash, G.M. Irving, J.M. Smith, D.R.A. Davies, M.W. Speed, J.P.M. McMahon, T.S. Falkiner, B.G. Cohen, N. Konstantinidis, A.E. Koolmees, D.P. O'Dwyer, J. Stephens, S. Maramis, P. Faris Q.C., C.J. Larkins, P.E. Bennett, T. Nqayi, C.D. Howse, R. De Gruchy, S.J. Martin and S.C. McLaughlin.

*Division A, Part II*

R.D. Cogswell

*Division A, Part III*

J.C.A. Tippet, I.B. Ward Q.C., C.F. Wall Q.C. and R.W. Evans

*Division B, Part II*

The Honourable Andrew Rogers

*Division B, Part VII*

D.J. Walls

## THE ROLL

### *DIVISION A, PART I -*

Victorian Practising Counsel - Queen's Counsel .....	118
Victorian Practising Counsel - Junior Counsel .....	1143

### *DIVISION A, PART II -*

Prosecutors for the Queen .....	11
---------------------------------	----

### *DIVISION A, PART III -*

Overseas and Interstate Counsel .....	251
---------------------------------------	-----

### *DIVISION B, PART I -*

Governors .....	2
-----------------	---

### *DIVISION B, PART II -*

Judges .....	123
--------------	-----

### *DIVISION B, PART III -*

Ministers of the Crown and Members of Parliament .....	7
--	---

### *DIVISION B, PART IV -*

Solicitors-General and Directors of Public Prosecutions .....	6
---	---

### *DIVISION B, PART V -*

Masters .....	9
---------------	---

### *DIVISION B, PART VI -*

Magistrates and Full Time Members of Statutory Tribunals .....	55
--	----

### *DIVISION B, PART VII -*

Crown Counsel and Parliamentary Counsel .....	14
---	----

### *DIVISION B, PART VIII -*

Other Official Appointments .....	3
-----------------------------------	---

### *DIVISION C, PART I -*

Retired Judges and other Judicial Officers .....	36
--	----

### *DIVISION C, PART II -*

Retired Holders of Public Office other than Judicial Officer .....	7
--	---

### *DIVISION C, PART III -*

Retired Counsel .....	30
-----------------------	----

### *DIVISION D, PART I -*

Academics .....	20
-----------------	----

TOTAL .....	1835
-------------	------

## *FUNCTIONS*

### *Opening of the Legal Year*

Religious Observances for the Legal Profession for the opening of the Legal Year were held on 31st January, 1994. The Services were held at St. Paul's Cathedral, St. Patrick's Cathedral and East Melbourne Synagogue.

His Excellency The Honourable R.E. McGarvie, Governor of Victoria, attended the service at St. Patrick's Cathedral and The Honourable Mr. Justice J.H. Phillips, Chief Justice of the Supreme Court of Victoria attended the service at St. Paul's Cathedral.

### *Social Functions*

At a function held in the Essoign Club on 1st September, 1993 Readers were welcomed to the Victorian Bar.

At a dinner held in the Essoign Club on 28th October, 1993 the Chairman and Members of the Victorian Bar Council entertained the Past Chairman and retiring Members of the Victorian Bar Council.

A Readers and Masters dinner was held in the Essoign Club on 25th November, 1993 and the guest speaker was The Honourable Chief Justice Nicholson of the Family Court of Australia.

On 16th December, 1993 the Bar's Christmas Cocktail Party was held in the Essoign Club. 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, 1994 Readers were welcomed to the Victorian Bar.

On 21st March, 1994 the Chairman and members of the Victorian Bar Council held a reception in the Chairman's Room for the hanging of the portrait of The Late Honourable Sir Reginald Smithers, K.T.

On 15th April, 1994 the Chairman and members of the Victorian 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 at the Victoria Club on 26th May, 1994 and the guest speaker was The Honourable Justice Sally Brown of the Family Court of Australia.

The 1994 Victorian Bar Annual Dinner was held on Saturday, 4th June, 1994 at Leonda-by-the-Yarra. 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, A.C., Q.C., The Honourable Peter Murphy, A.M. Q.C., The Honourable Mr. Justice Batt, The Honourable Mr. Justice Hansen, The Honourable Mr. Justice Mandie, The Honourable Justice Sally Brown, The Honourable Acting Chief Justice Kent, Her Honour Judge Balmford, His Honour Judge Kellam, Her Honour Judge Curtain, His Honour Judge Williams, His Honour Judge Davey, Mr. S.R. Molesworth, A.M., and Mr. D.J. Barritt, O.A.M.

Mrs. S.M. Crennan Q.C., Chairman of the Victorian Bar Council proposed the toast to the Queen and Mr. G. Crooke Q.C., President of the Australian Bar Association proposed the toast to the Australian Bars.

The Chairman welcomed the honoured guests and introduced Mr. Junior Silk, Mr. G.J. Digby Q.C. who addressed the honoured guests. The Honourable Mr. Justice Batt and Her Honour Judge Curtain responded on behalf of the honoured guests.

On 21st June, 1994 the Chairman and Members of the Victorian Bar Council held a dinner at the Melbourne Savage Club to mark the appointment of two former members of the Bar Council to the Bench, namely The Honourable Mr. Justice Hansen to the Bench of the Supreme Court of Victoria and His Honour Judge Kellam to the Bench of the County Court of Victoria.

## *Sporting Events*

### *Hockey:*

In a match played against the Law Institute XI on 7th October, 1993 at the State Hockey Centre the Bar's team was defeated by 6 goals to 1 goal. The Scales of Justice Cup was retained by the Law Institute of Victoria.

### *Cricket:*

The Bar's cricket matches against the Law Institute 1st XI and 2nd XI were held on 20th December, 1993. In the 1st XI match the Institute regained the Sir Henry Winneke Cup with a score of 4/178 against the Bar's Score of 9/113. The match was played at the Albert Park ground. In the 2nd XI game played at the Old Scotch Ground, the Law Institute XI defeated the Bar with a score of 7/197 against the Bar's total of 6/139.

In the annual cricket match against the N.S.W. Bar played at Brighton Cricket Ground on 12th March, 1994 the N.S.W. Bar defeated the Bar team. The Victorian Bar team scored 6/129 c.c. and the N.S.W. Bar team scored 7/133.

### *Legal Fun Run:*

The Legal Fun Run was held in December, 1993 with eight members of the Bar taking part. All eight completed the 7.65km course.

### *Sailing:*

The seventh annual regatta of the Wigs and Gowns Squadron was held off Williamstown on 20th December, 1993. The event was well attended both on the water and at the presentation held at the Royal Yacht Club of Victoria.

### *Tennis:*

The annual tennis match between the Bar and the Bench and the Law Institute was played on Tuesday, 21st December 1993 at Kooyong Lawn Tennis Courts. The Law Institute team was successful and retained the Judge O'Driscoll Trophy.

### *Golf:*

Four members of the Victorian Bar contested the annual golf tournament held by the Victorian Council of Professions at Yarra Yarra Golf Club on 18th October, 1993. The tournament was won by the Law Institute's foursome.

The annual golf competition between the Bench and the Bar and the Law Institute was played at Royal Melbourne Golf Club on 20th December, 1993. The Bench and the Bar team was successful and regained the Sir Edmund Herring Trophy.



## *ANNUAL REPORT OF THE ACADEMIC AND CONTINUING LEGAL EDUCATION COMMITTEE*

During the year the Academic Committee and the Continuing Legal Education Committee were merged.

The main achievement of the Committee during the year has been the conduct of a series of seminars. The Committee (and Bar) owe a great deal to Burnside Q.C. who bore the brunt of conducting eight seminars concerning Computers.

There was a wide variety of other seminars, all of which were highly informative and practically-focussed. We are indebted to Fajgenbaum Q.C. and Hardingham; Weinberg Q.C.; Hollingsworth; Kovacs; De Wijn and Flynn; Nash Q.C. and Finkelstein Q.C. for their hard work and enthusiasm.

A special lecture was given by Professor Kathleen Mahoney on Discrimination against Women in the Law.

Whilst the Bar rightly says that it has always been a most competitive place, it is clear that it is in the course of becoming more competitive, and plainer by the day that **expertise** and **knowledge** and probably increased **specialisation** are an important part of the Bar's role, and an essential bulwark against incursions by others. Members of the Bar are encouraged (indeed exhorted) to keep learning. Reference to "my learned friend" should not be just custom or politeness - it should be no more than the truth.

## *ANNUAL REPORT OF THE CHILD CARE COMMITTEE*

The Child Care Facilities Committee was set up in October 1993 to look at the child care needs of barristers and employees.

The Committee established contact with the federally funded Work and Child Care Advisory Service to conduct a feasibility study to identify parents' needs for child care, and, if there is a need, to see what assistance may be provided. The feasibility study was designed to look at the needs of parents with pre-school and school aged children.

The survey was completed in May 1994. 581 questionnaires were completed with a response rate of 39%. In July 1994 a preliminary report of the findings from the survey was presented to the Child Care Facilities Committee. It is proposed that focus discussion groups be held in early August 1994. The final report to the Work and Child Care Advisory Service with their recommendations will be presented to the Child Care Facilities Committee in September 1994.

The Committee has also been liaising with various court officials from all courts to determine child care facilities in those courts. In particular, the Committee had several meetings with the Chief Magistrate, Mr. Nick Papas, concerning the provision of child care facilities in the new Magistrates' Court being constructed on the corner of William and Lonsdale Streets, Melbourne. To this end, the Committee liaised with the Melbourne City Council and with the Family and Children's Service Officer, City of Melbourne.

Representatives of the Committee have attended the Central Activities District Work Related Child Care Forum meetings held in the central business district. The Committee has also made representations to members of the Bar Council with a view to providing changing and feeding facilities for barristers at chambers.

The Committee has liaised with Camp Windsor to provide discounts for its members for the long vacation and is presently considering programmes offered by the various parties including the Melbourne City Council for the provision of child care during school holidays.

The Committee is also considering the provision of child care during school holidays. In 1993 it liaised with Camp Windsor and negotiated an agreement to provide discounts for its members during the long vacation. The Committee is presently considering programmes offered by various organisations including the Melbourne City Council for the provision of child care during school hours.

## *ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION*

At the Annual General Meeting held on 16 September 1993 the Committee and office bearers were re-elected, save for Keenan Q.C. who stood down for Bowman.

In response to the Bill to amend the Juries Act the CLBA prepared a submission in support of the retention of civil juries, which received the endorsement of the Bar Council. This submission was forwarded to the Attorney-General and other interested members of Parliament. On 14 September 1993 Shannon Q.C. and the Chairman attended the Attorney-General's Bills Committee and spoke to the submission. The subsequent legislation left civil juries untouched.

The Industries Commission Draft Report (23.8.93), amongst other things, stated a preference for compensating permanent impairment and pain and suffering with uniform payments based on a common Table of Injuries. In the case of work place injuries it recommended that access to common law be abolished. The profession around Australia was galvanised into action, and submissions on behalf of most law societies and bar associations were served on the Commission. A CLBA sub-committee, to which O'Loughlen Q.C. was co-opted, prepared an extensive submission which was adopted by the Executive of the Bar Council. Unfortunately all of this activity was to no avail and in its Final Report to the Minister (April 94) the Commission states:

*"(R)emedies at common law are an unsatisfactory form of redress and present a poor way of promoting prevention."*

It then reiterated its preference for payment of compensation in accordance with a Table of Injuries.

The Report also recommends the establishment of a national WorkCover Authority to develop national standards and to regulate the national Worker's Compensation scheme that it says should be established. The proposed National Compensation Scheme would result in a considerable increase in premiums paid by employers. The scheme was condemned by the Victorian Minister responsible for WorkCover in a subsequent News Release. Unfortunately this statement was silent on the question of common law rights. However, this point has been addressed in a number of other press releases around the country by those organisations which forwarded submissions to the Commission, including the Press Release prepared by the CLBA for the Victorian Bar Council. The Prime Minister has announced that a Statement on the Industries Commission Report will be made by the Government, no later than August this year.

The interim Report of the Professional Indemnity Review (PIR) was released in February. In dealing with "adverse patient outcomes" two principles emerge:-

- (i) like needs should be treated in a like manner;
- (ii) support should be based on the needs of the person concerned, not on how the needs arose.

It states that it "does not believe that implementing cause-based compensation systems for special categories of people with disabilities would be in accordance with the two principles."

The PIR invites submissions concerning the issues surrounding tort-based compensation for loss of earning capacities, the appropriateness of reform to enable the need to compensable people to be met through the welfare system of health and community services, and implementation of periodical payments. A sub-committee of the CLBA is at present considering this report. Submissions are due by 1 September.

The County Court Lists, both in Melbourne and the circuits, remain a cause of considerable concern. For Melbourne, as at 31 May 1994 there were 4,314 cases set down and awaiting hearing (CF2318 at 31.5.93). The waiting time for juries and causes is approximately 18 months after setting down (cf. approx. 12m 31.5.93) and for miscellaneous causes approximately 12 months.

The Chief Judge received a deputation from the Committee on 15 March 1994, and expressed the view that there should be signs of improvement in the situation by about the middle of the year. This matter has also been taken up with the Department of Justice. Initially it was hoped that the appointment of extra judges, together with a further round of S135B conferences would help ease the load.

Unfortunately this has not been the case. The Department recognises this fact and is hoping to initiate further procedures to reduce the backlog. The CLBA is monitoring the situation.

On the limited information available it would appear that there is no such problem in the Supreme Court, although there continue to be complaints of inordinate delays in isolated cases. Any member of the Bar who has information about such a case is requested to supply details thereof to the Secretary of the CLBA. It is believed that the waiting times for cause and jury personal injury cases, after setting down, is in the vicinity of 5 to 7 months.

The Annual Dinner was held at the Victoria Club on 22 October 1993. A disappointing number of attendees was treated to a most entertaining character assessment of the judges of the Supreme Court who comprised the bench at the time when our guest of honour, Crockett J. came to the Bar. We are most grateful to His Honour. Thanks are again due to Wodak and Forrest for organising a most successful dinner.

## *ANNUAL REPORT OF THE COMPENSATION BAR ASSOCIATION*

The Compensation Bar Association held a general meeting on 10 November 1993 at which a new committee was elected. Committee members of the Compensation Bar Association have been involved in dealing with a number of issues concerning Accident Compensation matters.

All practitioners in the area of Accident Compensation have been acutely aware of the haphazard means by which decisions of the Magistrates' Court, County Court, Supreme Court and Administrative Appeals Tribunal have been circulated when compared with the excellent reporting service provided by the former Accident Compensation Tribunal. Attempts are still being made to liaise with the Law Institute in order to provide a comprehensive system of reporting of Accident Compensation cases.

Members of the Association have met on approximately three occasions with the Chief Judge of the County Court and other County Court judges involved in WorkCare matters together with Solicitors practising in this area to discuss the practice and procedure of WorkCover litigation in the County Court. These meetings have provided an excellent opportunity for the profession and the Bench to consider means of efficiently disposing of what appears to be a substantial number of WorkCare matters in the County Court.

Members of the Committee have also attended regular meetings of a professional liaison committee established by Mr. B. Wynn-McKenzie, Magistrate. This Committee has addressed a number of concerns of both practitioners and Magistrates in the conduct of the large number of WorkCover matters listed each day in the Magistrates' Court.

Members of the Association have also assisted the Magistrates' Court WorkCover (Rules) Committee which has drafted rules of Court for WorkCover matters.

Representations and submissions have been made to the Government in respect of the recent series of very complex amendments to the **Accident Compensation Act 1985**. There has also been assistance provided in submissions to the Industry Commission which prepared a report on Workers' Compensation in Australia.

Since 1 December 1992 there have been immense changes in Accident Compensation in Victoria and the Association has been particularly concerned to ensure that litigation between workers, insurers and the Victorian WorkCover Authority is dealt with as efficiently and fairly as possible. The Court facilities in both the Magistrates' Court and County Court have at times been substandard and there have been some difficulties in the servicing of country centres. These are all matters which have been kept under constant review by the Association and its members.

## *ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION*

This year saw the 15th Anniversary of the establishment of the Criminal Bar Association. With a membership of more than 350, it is the oldest and largest of the specialist Bar associations.

A number of legislative initiatives have arisen for consideration during the last year. Submissions were made to the Attorney-General in relation to:

- **Crimes (Amendment) Bill** (relating to the entitlement, at least to ask for names and addresses, and the compulsory collection of fingerprints and forensic samples).
- **Juries (Amendment) Bill** (majority verdicts and limitations on the number of jury challenges).
- **Sentencing (Victim Impact Statements) Bill.**
- **Public Prosecutions Bill.**

As well, submissions were made to Victorian Parliamentary Committees concerning sexual offences and restitution.

The Criminal Bar Association has also been concerned with disclosure in summary criminal proceedings following the decision in **Sobh v. Police Force of Victoria** [1994] 1 V.R. 41.

Steps were taken to establish a scheme for the pro bono representation of witnesses in Court proceedings when issues of self incrimination unexpectedly arose. It is envisaged that the speedy provision of advice and, if need be, representation will reduce the disruption and delay in cases that might otherwise occur. Because a significant number of appellants in the Court of Criminal Appeal are unrepresented, consideration is being given to a pro bono representation of appellants, who while otherwise eligible for Legal Aid, have not received such a grant, but are thought by the Registrar to have an arguable case.

It is intended that seminars, jointly organised with the Law Institute of Victoria, will be held concerning discussion papers drafted by the Model Criminal Code Committee. Earlier in the year the Model Criminal Code Committee's draft Bill concerning forensic procedures was considered and approved by the Committee.

The Criminal Bar Association has organised seminars for its members, and other interested parties, during the course of the year. In December, Mr. Justice Vincent and the Victorian Director of Public Prosecutions, Mr. B. Bongiorno Q.C. conducted a seminar on the **Crimes (Criminal Trials) Bill**. Judge Kelly was the Chairman of the seminar in relation to the rule in **Browne v. Dunn** in March, 1994, and later that month Mr. Justice Byrne conducted a seminar on cross-examination of documents. All events were well attended. The Association wishes to record its thanks to Justices Vincent and Byrne, Judge Kelly and Bongiorno Q.C. for their assistance. It is intended that similar seminars be conducted in the coming year.

During the course of the year, members of the Committee delivered lectures to classes at the Victoria Police Detective Training School.

Honorary Membership was extended to Mr. Justice Kent, Judges Walsh, Kellam, Curtain and Strong, and Betty King Q.C., presently a member of the National Crime Authority, and Magistrates' Cashmore, Hicks and Papas.

In October, 1993, and March, 1994, well attended dinners were held for members and the 15th Anniversary was celebrated by a cocktail party on the 29th November, 1993. These occasions would not have been the success they were without the energy and enthusiasm of Colin Lovitt Q.C.

At the Annual Meeting on the 29th October, 1993, the following Executive was elected:

Brind Zichy-Woinarski Q.C. - President

Bill Morgan-Payler - Vice- President

Bill Stuart - Treasurer

Colin Lovitt Q.C. - Membership Secretary

J.D. McArdle replaced G.R. Flatman as Secretary on the 20th June, 1994.

The following were elected to the Committee:

P. Coghlan, J.D. McArdle, R. Maidment, J. Perlman, D. Neal, R. Van de Wiel, R. Ray, C. Douglas, D. Drake, M.E. Dean and S. Grant

## *ANNUAL REPORT OF THE ETHICS COMMITTEE*

Since the last Annual Report, the Ethics Committee has conducted 24 meetings and held 15 summary hearings pursuant to Section 14E of the *Legal Profession Practice Act* 1958, under the Chairmanship of Uren Q.C. and Zichy-Woinarski Q.C. The Committee found that disciplinary offences had been committed by 6 of the barristers concerned.

The first summary hearing concerned a complaint that a barrister performed the work of a solicitor by writing a letter to the complainant, and the barrister engaged in conduct that was dishonest in that the letter was written to convey the impression that the barrister had been engaged to act in a professional capacity when the fact was that the barrister was acting as a friend and in a private capacity.

At the conclusion of the hearing the Committee determined that the barrister had performed the work of a solicitor in that the barrister had written a letter as a legal practitioner to another party. The complaint was therefore made out. Due to the fact the offence was committed from inexperience and was not one which was likely to have caused harm, the Committee directed the Chairman to give the barrister advice. That advice was that when the barrister came across a question which gave rise to consideration of propriety the barrister should consider asking a member of the Ethics Committee (or his or her Master) for guidance.

The second summary hearing concerned a complaint that a barrister, in the precincts of a court, used towards an opposing party appearing in person language calculated to bring the profession into disrepute.

At the conclusion of the hearing the Committee determined that the barrister was guilty of improper conduct in a professional respect. The Committee considered the barrister should be counselled by the Chairman. The counselling given was that the use of language of the kind found proved was inappropriate when dealing with a litigant in person, and the circumstances did not justify a departure from proper standards even if there was a conversational license generated by what had been said by the litigant in person.

The third summary hearing concerned a complaint that a barrister placed improper pressure upon a client to settle a proceeding, such pressure being constituted by a threat to abandon the role of Counsel in the proceeding.

At the conclusion of the hearing the Committee was of the view that the complaint was made out, and was satisfied that the barrister was guilty of improper conduct in a professional respect. The Committee resolved that the Chairman give such advice or express such views as the Committee thought proper. The Chairman advised the barrister that where a client clearly expresses the view that he wants his day in Court it is proper for the barrister to express reasons why the settlement may be in the client's best interest. If the client chooses not to accept that advice, the barrister should not pursue the settlement option nor should the conduct of the barrister be such as might make the client feel that the client is no longer represented and that the client must undertake the settlement of the case personally.

The fourth summary hearing concerned a complaint that a barrister charged a fee for an adjournment after advising the client that there would be no additional cost by reason of any adjournment.

At the conclusion of the hearing the Committee was of the view that no disciplinary offence had been committed and the complaint was dismissed.

The fifth 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 reply to correspondence from the Ethics Committee when asked to do so.

At the conclusion of the hearing the Committee resolved that on the material available the complaint was not made out, and therefore dismissed the complaint.

The sixth summary hearing concerned a complaint that a barrister deliberately misrepresented the nature of an application to a Judge of the County Court in order to obtain an advantage for the client to which the client was not entitled.

At the conclusion of the hearing the Committee found that it could not be satisfied that the Judge was deliberately misled and the complaint was dismissed.

The seventh summary hearing concerned a complaint by a solicitor that a barrister had visited the offices of that solicitor on a number of occasions without the permission of the Ethics Committee, and that the barrister also proposed an arrangement with the solicitor whereby the solicitor would brief the barrister in matters and the barrister's fees would go to set off monies owed by the barrister's family.

At the conclusion of the hearing the Committee was of the view that the second matter was capable of being a disciplinary offence, but on the evidence presented to the Committee it had not been made out and it was therefore dismissed. As to the first matter, the Committee was not satisfied that on each occasion the barrister was present at the offices of the solicitors it was not for the purpose of discussing the business of the barrister's family. Therefore, the Committee was not satisfied that the complaint had been made out and the complaint was dismissed.

The eighth summary hearing concerned a complaint that a barrister, when personal service of process was attempted, adopted the identity of another and told the process server that the barrister was elsewhere in order to avoid service of the process.

At the conclusion of the hearing the Committee could not be satisfied that the complaint was made out and it was therefore dismissed.

The ninth summary hearing concerned a complaint that a barrister improperly tried to influence a witness as to the manner in which he should give evidence by threatening to raise in cross-examination matters going to the professional credit of the witness.

At the conclusion of the hearing the Committee was satisfied that the barrister spoke to the witness to warn him of the cross-examination that might be expected and the Committee was not satisfied that the explanation proffered by the barrister was sufficient to displace the inference that the reference to possible damaging cross-examination was intended to influence the manner in which the witness was to give his evidence. In the circumstances the Committee was of the view that the charge was proved and found the barrister had been guilty of professional misconduct. It was ordered that a fine of \$900.00 be paid.

The tenth summary hearing concerned a complaint that a barrister arranged for the complainant to attend at the office of a solicitor for the purpose of obtaining legal advice. It was further alleged that the complainant was induced to attend the office of the solicitor without making it being made clear that the meeting was to be a professional one, and further that the barrister attended a conference in the solicitor's office in his capacity as such.

At the conclusion of the hearing the Committee determined that there was no basis for any offence arising from the first matter. As for the second matter, the conference was for a professional purpose, but there was no obligation on the barrister to advise the complainant that the meeting was to be of a professional nature. As to the third matter the Committee was not satisfied on the evidence that the offence was made out. Each complaint was dismissed.

The eleventh summary hearing was held over two evenings and concerned a complaint that a barrister failed to take all necessary and proper steps to represent a client in a professional manner, failed to advise the client to have all relevant witnesses in support of the his claim attend the hearing, improperly pressed the client to settle the claim in circumstances where the settlement was not in the client's interest, and advised the client to lie to prospective employers about his work history.

At the conclusion of the hearing the Committee was of the view that having considered the evidence which had been given and the letters which had been written by the barrister and the complainant, the version of events given by the complainant should be preferred. Therefore the Committee was of the view that the barrister had committed a disciplinary offence and was guilty of professional misconduct. A fine of \$300.00 was ordered to be paid.

The twelfth summary hearing concerned a complaint that a barrister attempted to procure the attendance of representatives of a newspaper at proceedings in which the barrister appeared as counsel.

At the conclusion of the hearing the Committee was not satisfied that the alleged facts were made out and accordingly the complaint was dismissed.

The thirteenth summary hearing concerned a complaint that a barrister took notes which belonged to a Magistrate out of a rubbish bin and kept those notes for use in the future conduct of the case.

At the conclusion of the hearing the Committee was not satisfied that a disciplinary offence was committed even though what the barrister did was wrong. The matter was confined to the unusual circumstances of the case. The complaint was dismissed.

The fourteenth summary hearing concerned a complaint that a barrister entered a plea of guilty on behalf of a client without instructions to do so.

At the conclusion of the hearing the Committee determined that although the client was not happy to receive the advice of the barrister to plead guilty, he received it and ultimately accepted that advice. The Committee determined that the complaint was not made out and the matter was dismissed.

The fifteenth summary hearing concerned three matters. The first complaint was that, when personal service of process was attempted the barrister adopted the identity of another barrister in order to avoid the service of process. The second complaint was that the barrister collected fees from a client without rendering an account to the instructing solicitor through the barrister's clerk and without the fees being paid to the barrister through the clerk. The third complaint alleged that the barrister, having accepted briefs to draw or settle documents, did not perform the work with due expedition, and charged fees for work that had not been done.

The hearing was conducted over two evenings and the Committee found all the charges proven. With respect to the second matter, the Committee generally accepted the evidence from the complainant. The Committee took the view that with respect to all charges the conduct constituted professional misconduct. The Committee suspended the barrister from practice for one month and ordered that \$900.00 be paid to the Honorary Treasurer of the Bar Council for payment to the complainant.

At the time of preparing this report there were two summary hearings scheduled to take place.

In addition to the fifteen summary hearings, three matters were heard by the Barristers' Disciplinary Tribunal.

The first matter was heard by the Tribunal on 16 February 1993 and 30 September 1993. It concerned a barrister who applied to the Victorian Bar for leave of absence. By the making of the application, and by the contents of his letters he represented to the Victorian Bar that he would shortly thereafter leave Australia and travel to the United States of America. During the whole or substantially the whole of the period of absence for which leave was sought he would reside at the University of California, Los Angeles then in New York City. During the whole or substantially the whole of the period of absence he would engage in a formal course of study at those places for the purpose of admission to the Bars of California and New York and for entry examinations to the New York Bar. During the whole or substantially the whole of the period of absence he would not engage in other activities of a substantive nature and during the whole or substantially the whole of the period of absence he would not engage in any activities as a barrister.



Alternatively it was alleged that during the period of his leave of absence he either did not, or decided not to leave Australia and travel to the United States of America, did not reside at the University of California, Los Angeles, then in New York after, nor engage in a formal course of study at those places for the purpose of admission to the Bars of California and New York and of taking examinations for entry to the New York Bar.

The charges were that each of the representations was false to his knowledge, in that his then intentions were not as set out in the representations; or made recklessly as to its truth or falsity. He failed to inform the Victorian Bar of the matters set out until enquiries were made of him in that regard.

By such failure he continued the representations knowing them to be untrue and engaged in conduct calculated to induce the belief that the representations were true, whereas they were untrue.

On 22 September 1992 the Ethics Committee of the Victorian Bar resolved to deal with the above matters summarily, the Committee (inter alia) requiring that the barrister attend at the time and place appointed by the Committee for dealing with the offences summarily. In breach of the provisions he did not so attend.

The Tribunal came to the conclusion that the onus lay on the Bar Council to prove the disciplinary offences and having thoroughly discussed them and looked at the correspondence, the Tribunal was not satisfied to the required extent that the barrister had committed a disciplinary offence. Once they had come to that conclusion the rest of the matter fell and therefore the charges were dismissed.

The second matter was heard by the Tribunal on 20 December 1993. It concerned a barrister who in the course of his closing address to a jury in June 1986 in a proceeding in the Supreme Court of Victoria made imputations upon the character of the defendant's solicitors which were without evidentiary foundation, which were grossly prejudicial in character, and which constituted an abuse of the privilege accorded to counsel's address.

It was also alleged that the barrister accepted a brief to conduct the case of the plaintiff as respondent to an appeal to the Full Court of the Supreme Court of Victoria in circumstances where he knew or ought to have known that there was a conflict or potential conflict between his personal interests and the interests of the plaintiff.

The Tribunal ordered that the charges be dismissed.

The third matter was heard by the Tribunal on 9 February 1994. Five charges were laid by the Ethics Committee of the Victorian Bar Council under Section 14B(d) of the Legal Profession Practice Act 1958 against Abraham Monester Q.C. alleging that he did impose upon the Commonwealth of Australia namely the Commissioner of Taxation contrary to Section 29B of the Crimes Act 1914 in that he did understate his income with a view to obtaining benefit by evading the payment of income tax.

The Tribunal determined that the barrister had committed a disciplinary offence.

The Tribunal ordered that he be suspended from practice until 31st October, 1994; that he pay the costs and expenses of the Victorian Bar Council in the proceeding and the costs incurred by the Tribunal; and that a statement containing his name, and the substance of the charge found proved and the order of the Tribunal be published in the Annual Report of the Victorian Bar Council pursuant to Section 14H (1) (vii) of the Legal Profession Practice Act 1958.

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.

	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93	01/09/93 — 30/6/94
<b>COMPLAINTS</b>				
Number of matters referred by the Chairman of the Victorian Bar Council to the Ethics Committee which were complaints of disciplinary offence	52	71	72	30
Number of matters referred by the Chairman of the Victorian Bar Council to the Ethics Committee which did not disclose complaints of disciplinary offences	N/A	N/A	N/A	35
Number of matters which are yet to be determined whether they disclose complaints of a disciplinary offence	N/A	N/A	N/A	08
Number of matters of disciplinary offences investigated of the Committee's own motion	03	06	10	—
Number of complaints under consideration at commencement of reporting period (i.e. 1/9/93)	18	26	28	37
Number of complaints under consideration at date of report (i.e. 30/6/94)	26	28	37	21
Number of preliminary investigations concluded during the reporting period	47	75	73	89
Number of complaints not upheld after preliminary investigation	36	57	47	71
	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93	01/09/93 — 30/6/94
<b>SUMMARY HEARINGS</b>				
Complaints referred to summary hearing during reporting period	11	18	26	18
Complaints withdrawn prior to summary hearing or at summary hearing	01	02	01	—
Complaints upheld after summary hearing	06	05	10	06
Complaints dismissed after summary hearing	03	06	05	09
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	01	04	08	03

<i>BARRISTERS' DISCIPLINARY TRIBUNAL</i>	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93	01/09/93 — 30/6/94
Complaints resulting in charges laid before the Barristers' Disciplinary Tribunal	04	01	03	02
Decisions of the Committee appealed against to the Barristers' Disciplinary Tribunal	01	—	—	—
Complaints heard and determined by the Barristers' Disciplinary Tribunal	04	—	01	03
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>SOURCES OF COMPLAINTS</i>	01/09/90 — 31/08/91	01/09/91 — 31/08/92	01/09/92 — 31/08/93	01/09/93 — 30/6/94
Clients	31	43	49	43
Solicitors	12	16	10	20
Judicial	—	05	03	02
Counsel	05	05	04	05
Police	02	02	03	01
Others	02	01	03	02
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 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 time of the Executive has been occupied largely by matters touching upon changes to the legal profession and the practice of barristers.

## *ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION*

In a period of time marked by proposals for significant changes both to procedures and general principles of Family Law, particularly those relating to custody of children, the Executive of the Family Law Bar Association has been active in representing members' interests. In addition to responding to many reports or proposals received from bodies such as the Legal Aid Commission it has made representations on behalf of members of the Association to the Family Court.

Such representations have been courteously and attentively received by the Judge/Administrator (Southern Region), the Honourable Justice Frederico, and the Registrar of the Court. The Association is pleased to report a strong level of communication exists. The Executive is promptly advised of current developments and comment upon proposed significant changes is sought from the Association.

Representations made included complaints of the difficulties in the filing of Court documents, particularly urgent documents. The Melbourne Registry implemented streamlined procedures, including a filing service (now computerised) whereby practitioners can file documents required in Court that day on the fourth floor of the Registry rather than at the main filing desk. This has been of great assistance to members of the Association.

The participation of Association members in the Duty Lawyers Scheme at the Court was confirmed. The Judge/Administrator reported that he had already called for assistance from members of the Bar and that such assistance had been provided on a pro bono basis. Justice Frederico was encouraged to seek assistance from any members of the Association where a litigant is in difficulty in Court and requires professional assistance.

The Association has continued to be represented by Ron Curtain at meetings of the judiciary and profession at the Dandenong Registry. Reports of these meetings have been disseminated to all members.

In late 1993 our Chairman, Guest Q.C., attended the Judges' Conference at Coffs Harbour as a representative of the Association to comment upon proposals for the simplification of Court documents and procedures. He was involved in making submissions to the Committee established by the Court to report on these proposals.

Thereafter he has met with the Judge/Administrator, the Registrar, Director of Court Counselling and Ms. Susan Blashki, Magistrate, and other members of the profession to discuss the proposals. The Association was advised that the date of implementation of the new procedures is now 1st January, 1995.

On 3rd January, 1994 the Honourable Justice Strauss retired from the Bench of the Family Court. On 3rd December, 1993 the Association and the Family Law Section of the Law Institute had held a very successful dinner at the Regent Hotel to honour and farewell this long serving and popular member of the Bench.

On 23rd November, 1993 the Honourable Justice Sally Brown was appointed to the Family Court, the first judicial appointment in Victoria since October 1990 and only the second since 1986.

The membership level of the Association and general interest in its activities remains strong.

## *ANNUAL REPORT OF HUMAN RIGHTS COMMITTEE*

Twenty-nine barristers were appointed to the Human Rights Committee by the now retiring Bar Council. Fajgenbaum Q.C. was appointed its Chairman, succeeding Costigan Q.C. who had held the office for many years.

The Committee has met on a number of occasions to consider many matters. Many of its members hoped that the Committee would be able to operate, more or less independently, as an active organisation under the auspices of the Bar in the area of human rights. However, the Bar Council has given instructions that the Committee is primarily an advisory body to the Chairman of the Bar Council.

During the year, communications have been received from the Lawyers' Committee for Human Rights in New York and from the Human Rights Action Alliance of the International Bar Association in London providing information about lawyers and judges who have been victimised, arrested, tortured, imprisoned and sometimes killed, solely because the people in authority have not appreciated their efforts in the discharge of their professional duty in politically contentious cases. We are constantly reminded that the rule of law is not a universally shared value in otherwise apparently civilised societies.

The Chairman of this Committee together with Woinarski Q.C., as Chairman of the Criminal Bar Association, made a submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs in connection with its consideration of the Crimes (Child Sex Tourism) Amended Bill 1994. It is apparent that some of their comments were effective to produce relevant amendments.

To date, in excess of thirty barristers have volunteered to participate in the Human Rights pro bono for the Mentally Ill under the auspices of the Federal Human Rights and Equal Opportunity Commission. We ought to be pleased that so many have volunteered and we thank them.

## *ANNUAL REPORT OF THE LAW REFORM COMMITTEE*

During the past year the Law Reform Committee has become smaller in size. Its Chairman is N. Moshinsky Q.C., and the Deputy Chairman is P. Golombek, with S. Davis as Secretary.

The Committee has a large panel of members of the Bar who have indicated their willingness to write reports on law reform matters relating to particular fields of interest. The panel is composed of persons responding to a request for expressions of interest placed in a copy of "In Brief", as well as former members of the previous Law Reform Committee.

Requests for comment on particular matters of interest to the Bar Council are forwarded by the Chairman of the Bar Council to the Chairman of the Law Reform Committee, and then this request together with accompanying information is assigned by the latter Committee to appropriate persons on the panel or is dealt with personally by the members of the Committee. The Committee follows assignments to ensure that they are attended to within a reasonable time.

The range of matters considered by the Committee and its panel have been extremely varied, and include topics such as "Whistleblowing", "Rents and Profits of Co-Owners", "Reforms to the Administration and Probate Act", "A Discussion Paper (No. 57) relating to Aged Care", and proposed changes to the "Bankruptcy Act".

A sub-committee dealing with matters arising under the Native Title Act has been set up with a view to providing comments regarding material provided to the Bar by the Registrar of the Native Title Tribunal, which has been forwarded to the Law Reform Committee. The members of this sub-committee including B. Keon-Cohen and R. Howie.

## *ANNUAL REPORT OF THE LIBRARY COMMITTEE*

The Bar's libraries - Richard Griffith and the Sir Edmund Herring Library - have been maintained over the last twelve months.

The constant lack of space has meant that the library can do no more than provide up to date series of reports. This has been the subject of many reports in recent years but the Bar has not yet been able to establish a properly equipped and funded library suitable for general use.

The Library Committee has considered various options for location and relocation of the main library but is not able to advise the Bar of any significant progress to date.

The problem of Annotated Acts frequently removed and not returned has been largely overcome by a new practice of stamping each Act "THIS ACT HAS BEEN STOLEN FROM THE VICTORIAN BAR LIBRARY". What was once a significant drain on the resources of the library, now is hardly significant. The Library Committee regrets that it had to sink to such a measure in order to ensure that the rule that books and Acts may not be removed from the library is adhered to.

Counsel will no doubt be aware of the new and highly efficient photocopier installed in the library. This machine operates on a card system, the cards for which may be purchased from the Bar administration offices.

It is disappointing that no significant changes, other than those above, have been able to be effected. The library continues to operate on a shoe string and with the gratuitous services of ever willing people.

Once again, on behalf of the Bar, I express our deep appreciation for the services of Daphne Christopherson and Richard Brear, who do a sterling job, with little thanks, in maintaining the libraries. The Bar is forever in their debt.

## *ANNUAL REPORT OF THE VICTORIAN BAR PROPERTY LAW ASSOCIATION*

The Association was formed in May 1993 for the purpose of providing a convenient forum for the discussion of the law and practice relating to property and securities law.

The Association meets once every six weeks for a luncheon discussion. The meetings are conducted by one of the Association members presenting a paper for discussion and then inviting members to raise matters of interest to other members, such as a particular point of law or an unreported decision. Meetings commence at 1.05p.m. and conclude at 1.55p.m. Sandwiches are served at meetings so that counsel in court may attend.

The Association has met on five occasions between the 1st September 1993 and the 30th June 1994, averaging approximately a dozen barristers at a meeting.

Lengthy and scholarly papers have been presented on rescission of leases, the definition of floor area in the Retail Tenancies Act 1986, problems with seeking relief from forfeiture of a lease, recent development in the law of guarantees, and capital gains tax.

In addition the Association has liaised on an informal basis with the Law Institute Property Law Committee.

The Association, in its first year and a half of existence, has been an outstanding success in providing an informative and informal venue for the exchange of information and intelligence regarding the law and practice of property and securities law.

## *ANNUAL REPORT OF THE READERS' COURSE*

The courses conducted in September 1993 and March 1994 have continued the high standard of previous years with increasing emphasis on practical training and reader participation rather than lectures. Material is constantly reviewed to ensure readers have the opportunity to test their skills and the course is indebted to the many excellent teachers from the Bench and Bar giving their time so generously.

The last two courses have involved a detailed analysis of the entire course structure with new materials introduced and old material revised. Barbara Walsh has managed, with her usual outstanding efficiency, to incorporate the new materials and new teachers into the course programme with a minimum of fuss. Her contribution is outstanding.

The course has maintained its association with outside bodies. This has produced a number of mutually beneficial segments throughout the course. For example, the continued association with the Victorian Police Prosecutors Training School allows readers to participate in moots with trainee police prosecutors. These moots offer our readers an opportunity to test the level of their skills and help to demystify the relationship between police prosecutors and counsel.

Another development has been the increased amount of time set aside during the course for readers to be with their masters in court or in chambers. The course recognises the special role of the master in terms of individual instruction and support, and it is intended that this relationship be strengthened early on in the reading period to maximise the benefits to readers.

Towards the end of 1993 Bob Kent Q.C. retired as Chairman of the Readers' Course to take up appointment as Judge of the Supreme Court of Vanuatu. We particularly acknowledge his outstanding contribution to the development of the course as chairman and teacher. He gave generously of his time and was constantly available throughout each course to teach and advise. He provided personal guidance and support for many readers. He was particularly concerned to foster links with overseas practitioners. In the past year, five practitioners from Papua New Guinea and Vanuatu attended and completed the course. Not only do these practitioners contribute to our own readers through their participation, but they return to their practices with training which, we hope will contribute at the highest level to the advocacy and professional development of our neighbours. We hope to continue to develop the relationship with Vanuatu now that Bob Kent has been appointed to the judiciary of that Country. We intend to continue to develop ties with other countries.

Attendances at both courses have been the lowest for many years. With current economic conditions at the Bar it is not expected that the numbers will increase greatly over the next twelve months. The reduction in numbers means that the overall income of the course is down, affecting the ability of the course to meet the cost of lecture fees and external workshops. Nevertheless, the reduced numbers also means teachers are able to spend significantly more time with individual readers, and it is hoped this will ultimately increase the standard of readers joining the Bar.

We gratefully acknowledge the generous contribution of time and skill made by many members of the Bar who teach in the course. Their contributions make the Victorian Bar Readers' Course the pre-eminent advocacy training course in Australia.

## *ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION*

The Women Barristers' Association was formed on 11 November 1993 to provide a forum for issues which concern women at the Victorian Bar.

On 23 May 1994, the Committee formally adopted the Association's Statement of Purpose, being:

"We are a group of professional women dedicated to quality of life and equality of opportunity for all people. We aim to:

1. Promote awareness, discussion and resolution of issues which particularly affect women.
2. Identify, highlight and eradicate discrimination against women in law and in the legal system.
3. Advance equality for women at the Bar and the legal profession generally.
4. Provide a professional and social network for women barristers."

As part of the education programme initiated by the Association, the Association has held several functions to which all members of the Bar and the judiciary were invited.

- On 2 December 1993 Justice Sally Brown delivered the inaugural speech on Gender Bias.
- On 28 February 1994 Chief Justice John Harber Phillips spoke on the topic of "Three Women".

The Association was greatly encouraged by the significant attendance of male as well as women barristers and of members of the judiciary at each of these meetings. The addresses of Justice Sally Brown and the Chief Justice are printed in the 1994 Winter edition of the Victorian Bar News.

Our first official dinner was held on 9 June 1994 with Justice Mary Gaudron as the guest speaker. The evening was highly successful. There were more acceptances than places in the restaurant. Justice Gaudron delivered an informative and stimulating speech on Women in the Law which has provoked a good deal of lively discussion.



The Association has held several other social luncheons from time to time during the year.

The Committee attended a meeting at the request of Chief Justice Black with Justices of the Federal Court to discuss discrimination issues in the context of the operation of the Federal Court.

The Committee attended a meeting with Mrs. Jan Wade in her capacity as Attorney-General and Minister for Womens' Affairs.

The Association has appointed representatives to the Women in the Legal Profession Working Party established by the Young Lawyers Section, Law Institute of Victoria.

The Association made written submissions to the Essoign Club concerning the proposed new format as it affects women members of the Bar.

The Association has appointed a representative to serve on the Working Group of the Law Council of Australia, set up to examine women's career paths in the law. The Association has been asked to make submissions to the Australian Institute of Judicial Administration.

## *ANNUAL REPORT OF THE ESSOIGN CLUB*

Despite efforts to revitalise the Club throughout 1993 patronage continued to decline. The closure of the sandwich bar resulted in some savings but the continuing decline in trade in the coffee lounge and dining room led to the Club incurring escalating losses.

Seeing no solution other than significant change to all aspects of the Club's operations, the Committee resolved that the Club should close and all service was terminated at the end of April 1994.

The Club was in a position to pay all termination entitlements to all staff and the Committee is pleased to report that all former employees have found alternative employment. On behalf of the members the Committee records its appreciation of the efforts of the former staff especially the Club Manager, Patrick Gilbert, and Head Chef, John Wilson. Mr. Gilbert was Club Manager for ten years and during that time members enjoyed a superlative selection of wines.

Recognising the desire of members for a dining facility, the Committee after consultation with the Bar Council, resolved to re-open the dining room. Many applications were received for the position of Chef/Manager and ultimately Ms. Jayne Mennesdorffer was appointed.

A questionnaire was circulated to the Bar in an attempt to divine those changes most conducive to satisfactory patronage. Many helpful responses were received and they formed the basis for discussions with the new Club Manager.

The Committee, in conjunction with the Manager, concluded that if the dining room were to re-open renovations were imperative. It was impossible to undertake structural alterations but the Committee resolved that a significant "face lift" was essential. The Committee acknowledges their gratitude to Ms. Danielle Blanden, the decorator, who with the Manager, is responsible for the new decor.

The Club had insufficient funds to make these renovations until the problem was solved with contributions generously offered by 40 Queen's Counsel. The Committee also acknowledges with thanks the support of the Bar Council.

The Essoign Club opened on 4 August 1994. The Committee has been pleased to find that changes to the standard and price of food, the service and the ambience of the dining room have been warmly received and to note that since re-opening the dining room has been very heavily patronised.

# SPECIAL PURPOSE FINANCIAL REPORT

## VICTORIAN BAR COUNCIL

### PROFIT AND LOSS ACCOUNT FOR THE TEN MONTHS ENDED 30TH JUNE, 1994

	10 Months 1994 \$	12 Months 1993 \$
<b>INCOME</b>		
Subscriptions	995,396	667,068
Sale of Publications	75	352
Readers' Course	25,397	47,751
Other Income	64	3,907
Mediation Workshops	7,818	-
Royalties	2,797	-
Seminar	6,330	-
Directory	1,650	-
Interest	9,609	-
<b>Total Income</b>	<b>1,049,136</b>	<b>719,078</b>
<b>EXPENSES</b>		
Australian Securities Commission	-	314
Audit Fees	5,080	4,050
Archival Costs	4,910	7,310
Bank Charges	1,733	1,171
Bar Conference	737	-
Bar News Expenses	\$71,928	
Advertising Income	(\$12,665)	-
Clerking Expenses	532	22,530
Donations	1,590	1,000
Depreciation	5,958	-
Entertainment Expenses	61,284	64,267
Members Receipts	(27,884)	(29,075)
Ethics	8,816	8,879
Fees	15,213	1,900
Floral Tributes	91	150
Insurance	1,605	3,035
Library	32,895	-
Miscellaneous	483	300
Postage	2,738	-
Printing and Stationery	30,336	9,136
Publications	2,102	3,367
Readers' Course	50,251	65,769
Rent to Barristers' Chambers Limited	155,940	-
Refurbishment Costs	64,000	-
Salaries, Employee Provisions, Superannuation	213,345	190,778
Lay Observer's Salary	14,553	6,042
Trade Practice Commission Costs	14,676	32,495
Travel Expense	9,808	5,877
Telephone	430	441
Australian Bar Association	25,720	26,100
International Bar Association	289	294
Law Council of Australia	1,527	89,542
Lawasia	-	660
Law Reform Submissions	-	5,869
Leadr	-	125
<b>Total Expenses</b>	<b>758,021</b>	<b>522,326</b>
<b>OPERATING PROFIT</b>	<b>291,115</b>	<b>196,752</b>

#### *Barristers' Benevolent Fund*

*Amounts Received \$ 41,015*

*Amounts Remitted \$ 41,015*

*The accompanying notes form part of these accounts.*

# SPECIAL PURPOSE FINANCIAL REPORT

## *VICTORIAN BAR COUNCIL BALANCE SHEET AS AT 30TH JUNE, 1994*

	NOTES	1994 \$	1993 \$
<b>Current Assets</b>			
Cash		58,498	51,106
Investments	3.	351,000	–
Receivables	4.	1,510,946	1,583,580
Other Assets	5.	–	532
Total		<u>1,920,444</u>	<u>1,635,218</u>
<b>Non Current Assets</b>			
Investments	6.	16,300	16,300
Property Plant & Equipment	7.	53,628	41,690
Loan to Essoign Club	8.	10,000	–
Total		<u>79,928</u>	<u>57,990</u>
<b>Total Assets</b>		<u>2,000,372</u>	<u>1,693,208</u>
<b>Current Liabilities</b>			
Provisions	9.	15,111	13,539
Creditors	10.	9,876	–
Total		<u>24,987</u>	<u>13,539</u>
<b>Non Current Liabilities</b>			
Provisions	11.	17,111	12,511
Total Liabilities		<u>42,098</u>	<u>26,050</u>
Net Assets		<u>1,958,274</u>	<u>1,667,158</u>
<b>Accumulated Funds</b>		<u>1,958,274</u>	<u>1,667,158</u>

*The accompanying notes form part of these accounts.*

**SPECIAL PURPOSE FINANCIAL REPORT**  
**VICTORIAN BAR COUNCIL**  
*NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS*  
*FOR THE TEN MONTHS ENDED 30TH JUNE, 1994*

**1. Accounting Policies**

***Summary of Significant Accounting Policies***

This "Special Purpose Financial Report" has been drawn up so as to comply with the Victorian Bar Council's constitution to keep accounts.

The accounts have been prepared using the historical cost convention. The accounts have been prepared in accordance with the requirements of Australian Accounting Standards. AAS 22 Related Party Disclosures, AAS 24 Consolidated Accounts and AAA 28 Statement of Cash Flows have not been adopted.

**Accounting policies which have been significant in the preparation and presentation of the accounts**

(a) Depreciation -

Depreciation is based on the straight line method. The rates used are those necessary to depreciate each asset over its estimated useful life.

(b) Expenses and Revenue -

Expenses and revenue are recognised on an accrual basis and are allocated into functional categories dependent upon the ultimate purpose of the expenditure. In the previous reporting period these accounts were prepared on a cash basis.

(c) Investments -

Investments are recorded at cost.

(d) Employee Benefits -

Annual leave liability is provided for all employees and long service leave liability is provided only for those employees who have longer than 5 years' continuous service with the Council.

**2. Tax Status**

Annual subscriptions paid by members of the Victorian Bar to the Victorian Bar Council are non-taxable through the mutuality principle. Other receipts are regarded as assessable for purposes of taxation.

	1994 \$	1993 \$
<b>3. Current Investments</b>		
Bank Bills -		
Commonwealth Bank of Australia	<u>351,000</u>	<u>-</u>
<b>4. Current Receivables</b>		
Unsecured Loan - Barristers' Chambers Limited	1,475,436	1,578,436
Subscriptions in Arrears	<u>35,510</u>	<u>5,144</u>
Total Current Receivables	<u>1,510,946</u>	<u>1,583,580</u>

## SPECIAL PURPOSE FINANCIAL REPORT

### VICTORIAN BAR COUNCIL

#### *NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE TEN MONTHS ENDED 30TH JUNE, 1994 (CONTD.)*

	1994 \$	1993 \$
<b>5. Current Other Assets</b>		
Prepaid List "C" Expenses	<u>—</u>	<u>532</u>
<b>6. Non Current Assets</b>		
Shares in Barristers' Chambers Limited at Cost	<u>16,300</u>	<u>16,300</u>
<b>7. Property, Plant and Equipment</b>		
Office Equipment	37,300	19,674
Provision for Depreciation	<u>(3,730)</u>	<u>—</u>
Total Office Equipment	<u>33,570</u>	<u>19,674</u>
Office Furniture	6,922	6,922
Provision for Depreciation	<u>(692)</u>	<u>—</u>
Total Office Furniture	<u>6,230</u>	<u>6,922</u>
Art Works	15,364	15,094
Provision for Depreciation	<u>(1,536)</u>	<u>—</u>
Total Art Works	<u>13,828</u>	<u>15,094</u>
Total Property, Plant and Equipment	<u>53,628</u>	<u>41,690</u>
<b>8. Loan to Essoign Club</b>	<u>10,000</u>	<u>—</u>
Total Non-Current Assets	<u><u>79,928</u></u>	<u><u>57,990</u></u>
<b>9. Current Liabilities</b>		
Provision for Annual Leave	15,111	13,539
<b>10. Creditors</b>	<u>9,876</u>	<u>—</u>
Total Current Liabilities	<u>24,987</u>	<u>13,539</u>
<b>11. Non Current Liabilities</b>		
Provision for Long Service Leave	<u>17,111</u>	<u>12,511</u>

- 12.** During the period the Bar Council changed its financial year end from 31 August to 30 June.  
The financial accounts for the period to 30 June 1994 are therefore for a ten month period.

# **SPECIAL PURPOSE FINANCIAL REPORT**

## *VICTORIAN BAR COUNCIL*

### *STATEMENT BY OFFICERS*

As detailed in Note 1 to the accounts, the Bar Council is not a reporting entity because in the opinion of the officers there are unlikely to exist users of the accounts who require information that will be useful for making and evaluating decisions about the allocation of scarce resources.

In the opinion of the officers below:-

- (a) the accompanying Profit and Loss account is drawn up so as to present fairly the financial results for the Victorian Bar Council for the ten months ended 30th June, 1994.
- (b) the accompanying Balance Sheet is drawn up so as to present fairly the state of affairs of the Victorian Bar Council at 30th June, 1994.
- (c) the accounts have been made out in accordance with Australian Accounting Standards.
- (d) at the date of this statement there are no known circumstances which would render any particulars in the statements to be materially misleading or inaccurate.

Chairman:

*Susan M. Cernan*

Honorary Treasurer:

*John E. Middleton*

Dated:

*5th September 1994*



## INDEPENDENT AUDIT REPORT TO THE MEMBERS OF THE VICTORIAN BAR COUNCIL

### Scope

We have audited the attached special purpose financial report comprising the balance sheet, profit and loss account and notes to and forming part of the financial statements of The Victorian Bar Council for the ten months ended 30 June 1994. The Victorian Bar Council's Officers are responsible for the preparation and presentation of the financial report and the information contained therein, and have determined that the basis of accounting used is appropriate to the needs of the members. We have conducted an independent audit of the financial report in order to express an opinion to the members of The Victorian Bar on the preparation and presentation thereof. No opinion is expressed as to whether the basis of accounting used is appropriate to the needs of the members.

The financial report has been prepared for distribution to members for the purpose of fulfilling the council's accountability requirements under The Victorian Bar Council's constitution. We disclaim any assumption of responsibility, for any reliance on this report or on the financial report to which it relates, to any person other than the members, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with the basis of accounting described in Note 1 to the financial statements.

The audit opinion expressed in this report has been formed on the above basis.

### Audit Opinion

In our opinion the financial report presents fairly the financial position of The Victorian Bar Council as at 30 June 1994 and the results of its operations for the ten months then ended in accordance with the basis of accounting described in Note 1 to the financial statements.

DELOITTE TOUCHE TOHMATSU

J C BRANT

Partner

Chartered Accountants

Date: 5 September 1994