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Reference

Ross N.

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



VICTORIAN
BAR
COUNCIL

ANNUAL REPORT

1st July, 1995 to 30th June, 1996

**ANNUAL REPORT
OF THE VICTORIAN BAR COUNCIL
FOR THE YEAR ENDED 30TH JUNE, 1996**

To be presented to the Annual General Meeting of the Victorian Bar to be held at 5.00 p.m on
Monday, 16 September 1996 in the Library Reading Room, 13th Floor,
Owen Dixon Chambers East, 205 William Street, Melbourne.

VICTORIAN BAR COUNCIL

*Election: In the Annual Election held in September 1995
the following members of counsel were elected:*

**Category A: Eleven (11) counsel who are of Her Majesty's Counsel or are of
not less than fifteen (15) years' standing**

MR. A. GRAEME UREN Q.C.
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MR. BERNARD D. BONGIORNO Q.C.
MR. ROSS C. MACAW Q.C.
MR. JOHN P. KEENAN Q.C.
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MR. NEIL J. YOUNG Q.C.
MR. JOHN E. MIDDLETON Q.C.
MR. JOHN T. RUSH Q.C.
MR. DAVID E. CURTAIN Q.C.
MR. W. ROSS RAY

**Category B: Six (6) counsel who are not of Her Majesty's Counsel and are of
not more than fifteen (15) nor less than six (6) years' standing**

MISS CATHRYN F. McMILLAN
MR. MICHAEL J. COLBRAN
MR. DAVID F.R. BEACH
MR. ANDREW J. McINTOSH
MR. JOSEPH TSALANIDIS
MS. JEANETTE E. RICHARDS

**Category C: Four (4) counsel who are not of Her Majesty's Counsel and are
not more than six (6) years' standing.**

MR. JAMES D. ELLIOTT
MS. DIANA BRYANT
MS. ELIZABETH J. HOLLINGWORTH
MS. FIONA M. McLEOD

CHAIRMAN'S REPORT

The pace of structural and cultural change in the legal profession over the past few years has been substantial. The Victorian Bar (along with the other Bars in Australia) has faced a number of challenges and will continue to do so in the next few years. However, there will remain one constant - the Victorian Bar, as a voluntary association of lawyers who wish to practise exclusively as barristers, remains and will remain an important institution in the administration of justice.

In June 1994, the Attorney-General for the State of Victoria released a discussion paper entitled "Reforming the Legal Profession: An Agenda for Change". As a result of that initiative the Attorney-General introduced into the State Parliament in June, 1996 the Legal Practice Bill. In her Second Reading Speech the Attorney-General introduced the Legal Practice Bill saying:

"This Bill represents the most far-reaching reform of the structure and regulation of the legal profession for over a century... This Bill removes the last practical impediments to a truly fused profession, while acknowledging the importance to the administration of justice in Victoria of an independent Bar... The Bill does not exempt the sole practice rules of the Victorian Bar from the *Trade Practices Act* 1974 of the Commonwealth and the Competition Code. Such an exemption is unnecessary because the government's firm view, which accords with the opinion of the New South Wales Legal Profession Advisory Council, is that those rules are both pro-competitive and in the public interest."

It was heartening to have the recognition by the Attorney-General of the significant position of our independent Bar in the administration of justice, and an appreciation that the sole practice rules are both pro-competitive and in the public interest. The sole practice rules of the Victorian Bar have the practical effect of increasing competition amongst barristers for work. The rule is designed solely to maintain the independence of the advocate for the advancement of the client and the course of justice. Of course, the sole practice rules do not interfere with barristers coming together to share or minimise the cost of practice, a significant factor in the reduction of the costs of the administration of justice.

Undoubtedly the introduction of the Legal Practice Bill into State Parliament has been the main focus of the Bar Council over the last 12 months. There has been occasion for considerable discussion with State Government and with members of the Department of Justice about the contents of the Bill. The Bar Council has had to consider carefully the changes that would need to be made to the Bar structure and administration upon the implementation of the proposals. Consideration needed to be given to the incorporation of the Victorian Bar Council under the *Associations Incorporation Act* 1981 so that the Victorian Bar could qualify as a Regulated Professional Association, which would involve an alteration to the Bar Constitution. Consideration also had to be given to compliance with the *Incorporated Associations Act* 1981. In addition, the *Trade Practices Act* 1974 and the Competition Code applied to all professions and professionals as from July, 1996. With that change being anticipated, the Bar Council needed to investigate and consider its Rules of Conduct and the Bar Constitution so as to ensure that they accorded with the requirements of the *Trade Practice Act* 1974 and Competition Code.

At the same time, the anticipated requirements of the Legal Practice Bill and its regulation of the profession necessitated looking into the administrative structure of the Bar including its own personnel and staff requirements.

It also became clear that changes would need to be made not only to the structure of the Victorian Bar Council itself but to its associated entities. No longer is there to be protection offered by the compulsory chambers rule, so Barristers' Chambers Limited has needed to consider alterations to its own structure. The main aim of the Bar Council is that Barristers' Chambers Limited will remain the primary provider of chambers for barristers and that forced changes will not cause the Bar to fragment. Unity is essential if the Bar is to have any meaningful political voice or

indeed if our views are to be taken into account on matters of common interest. Further, a good set of chambers is one where there is a variety of specialisation and a variety of seniority, and to this end common and central accommodation is to be encouraged. This enables consultation and the sharing of knowledge and facilities. We hope that we will continue to have support from our members for Barristers' Chambers Limited, which in turn will be able to provide an increasingly better service to its tenants.

In addition to looking internally at the Bar's own rules and administration, the Bar as an organisation needs to provide an increasing number of services to its members to attract continuing interest in it. We must do more to increase our continuing education programs. We must improve our library facilities so as to enable members in chambers without extensive libraries to have reasonable access to law books or computer facilities. We need to organise social activities to increase participation in the Bar and to maintain the camaraderie of the Bar. We need to devise ways to encourage our members to think of themselves as barristers, not primarily as specialists in any particular area, or as general practitioners. In addition a great deal of work can be done once the internal reorganisation of the Bar is completed in looking outward to encourage work in and from Asia. The Law Council of Australia, the Australian Bar Association and the New South Wales Bar Association have already worked towards moving into the Asian markets for legal services. Whilst for many of our members this is not of relevance, for others it is an opportunity not to be lost. Up to now the Victorian Bar as a separate entity has simply not had the resources or opportunity to explore this exciting challenge.

Of course, our Victorian Bar must remain at the forefront in the practice of advocacy skills. Increasing competition from "solicitor advocates" will occur and cannot and should not be ignored. To maintain our expertise we need to rely upon not only practice and experience, but also upon continuing legal education. Perhaps the various associations of the Bar can be usefully employed in maintaining and improving advocacy standards so that our excellence and pre-eminence in this area will continue and be appreciated.

To be elected Chairman of the Victorian Bar Council is a great honour and privilege. This year a system has been adopted so as to relieve the Chairman of some responsibilities and to place more responsibility on individual members of the Bar Council through a "portfolio system", but a considerable workload still remains with the Chairman. Without the assistance of Bar Council members, those individuals who serve on our Bar committees and Barristers' Chambers Limited, and those other barristers who respond to requests for assistance, a Chairman could not successfully hold office. Particular thanks must go to my Vice-Chairmen and Treasurer, who often step into the breach when a Chairman is unavailable or there are conflicting engagements. Additionally the administration of the Bar is greatly enhanced by the dedication of people such as Ed Fieldhouse, Anna Whitney, Elisabeth Wentworth and the members of the Bar staff who are all dedicated to Bar activities. The next twelve months may see an increase and change in staff required, including possibly the appointment of a Chief Executive Officer. These appointments will only underscore the dedication of existing staff and the onerous workload that they had to endure in the past few years.

John E. Middleton

Chairman

31st July, 1996

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Mr. Daryl C. Dealehr (Honorary Secretary to 28 March 1996)
Mr. Garrie J. Moloney (Assistant Honorary Secretary to 28 March 1996 and
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Mrs. Anna Whitney (Executive Officer)
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Mr. Neil J. Young Q.C. (Vice-Chairman)
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Mr. Julian W.K. Burnside Q.C.
Mr. John T. Rush Q.C.
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Mr. Ross W. Ray

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Bar Rules

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Legal Aid

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(To March 1997)
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Mr. Shaun L. Le Grand

(To March 1996)
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Mr. J.W.K. Burnside Q.C. and Mr. P.G. Nash Q.C. (Alternate).

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Committee No. 2 - Mr. D.J. Martin (to 30 April 1997)
Committee No. 3 - Ms. J.A. Perlman (to 31 October 1996)
Committee No. 4 - Ms. D. Bakos (to 30 April 1997)

Victorian Legal Aid - Practitioners' Fees Committee
Mr. R.F. Redlich Q.C.

GENERAL MEETINGS OF THE BAR

The last Annual General Meeting of the Bar was held on 18th September, 1995.

BAR COUNCIL MEETINGS

For the year ended 30th June, 1996 the Bar Council held 2 special meetings and 23 ordinary meetings.

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30th June, 1996 a total of 14 Executive Committee meetings were held.

SUBSCRIPTIONS

For the period 1st September, 1995 to 31 August 1996 the Bar Council fixed annual subscriptions for members of the Bar as follows:-

Division A, Part I

Queen's Counsel	\$1,480.00
Over 10 years	\$ 990.00
Over 6 years, but under 10 years	\$ 645.00
Over 3 years, but under 6 years	\$ 520.00
Over 1 year, but under 3 years	\$ 395.00
Under 1 year	\$ 210.00
Readers (March 1996 intake)	\$ 95.00

Division A, Part II

Crown Prosecutors	\$ 260.00
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Division A, Part III

Interstate Queen's Counsel	\$ 340.00
Interstate and Overseas Juniors	\$ 260.00

Division B, Part III

Ministers of the Crown and Members of Parliament	\$ 260.00
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Division B, Part IV

Solicitors-General and Directors of Public Prosecutions	\$ 260.00
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Division B, Part VII

Crown Counsel and Parliamentary Counsel	\$ 260.00
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Division B, Part VIII

Other Official Appointments	\$ 260.00
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Division D

Academics	\$ 260.00
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PERSONALIA

Obituary:

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

Mr. D.G. Doane on 15th July, 1995
Mr. Patrick I. B. Pender on 18th July, 1995
Mr. John Ginnane on 12th August, 1995
Mr. Samuel B. Granat on 5th September, 1995
The Honourable P.A. Coldham D.F.C & BAR, QC on 14th September, 1995
Mr. Ian G. Abraham on 12th September, 1995
Mr. D.A. Staff Q.C. (date of death unknown)
Mr. P.R. Slade on 5th May, 1996
Mr. C.P. Jacobs on 5th June, 1996

The Bar Council also records with deep regret the death of Mr. H. Douglas Muir on 16th September, 1995 and the death of Mr. Barry G. Stone on 1st March, 1996, both former Barristers' Clerks.

Judicial Appointments:

Federal Court of Australia

On 10th July, 1995 The Honourable Justice Sundberg was appointed to the Bench of the Federal Court of Australia.

On 18th July, 1995 The Honourable Justice Marshall was appointed to the Bench of the Industrial Relations Court of Australia and on 25th July, 1995 was appointed to the Bench of the Federal Court of Australia.

On 19th September, 1995 The Honourable Justice North was appointed to the Bench of the Federal Court of Australia and the Bench of the Industrial Relations Court of Australia.

On 20th December, 1995 The Honourable Justice Merkel was appointed to the Bench of the Federal Court of Australia.

Family Court of Australia

On 4th July, 1995 The Honourable Justice Morgan was appointed to the Bench of the Family Court of Australia.

County Court of Victoria

On 14th May, 1996 His Honour Judge Gebhardt was appointed to the Bench of the County Court of Victoria.

Magistrates' Court of Victoria

On 7th May, 1996 Mr. Michael Adams Q.C. was appointed as a Magistrate and Chief Magistrate of the Magistrates' Court of Victoria.

Other Appointments

On 25th July, 1995 Mr. J.D. McArdle, Mr. G.G. Hicks, Mr. C.E. Hillman and Mr. J.W. Rapke were appointed Senior Crown Prosecutors for the Queen.

On 22nd August, 1995 Mr. B. Kayser, Mr. G.M. Horgan, Mr. C.J. Ryan, Miss. M.E. Sexton and Mr. P.A. Elston were appointed Prosecutors for the Queen.

On 6th November, 1995 Mrs. J.G. Morrish was appointed a Prosecutor for the Queen.

On 2nd April, 1996 Mr. N.T. Robinson was appointed a Prosecutor for the Queen.

Queen's Counsel:

On 5th December, 1995 the following members of the Victorian Bar were appointed Queen's Counsel in Victoria:

Mr. J.B. Bingeman, Mr. A.W. Adams, Mr. D.F. Hore-Lacy, Mr. C. Heliotis, Mr. P.A. Dunn, Mr. G.R. Flatman, Mr. P.A. Coghlan, Mr. P.N. Vickery, Mr. S.P. Whelan, Mr. S.R. Molesworth and Mr. K.W.S. Hargrave.

Welcomes:

On 16th April, 1996 the legal profession extended a welcome to The Honourable Justice Kirby A.C., C.M.G., on the occasion of his first sitting in Melbourne since his appointment to the High Court of Australia. Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 4th July 1995 The Honourable Justice Morgan was welcomed to the Bench of the Family Court of Australia by Mr. D.J. Habersberger Q.C., the then Chairman of the Victorian Bar Council.

On 10th July, 1995 the Honourable Justice Sundberg was welcomed to the Bench of the Federal Court of Australia by Mr. J.E. Middleton Q.C., the then Senior Vice-Chairman of the Victorian Bar Council.

On 18th July, 1995 The Honourable Justice Marshall was welcomed to the Bench of the Industrial Relations Court of Australia by Mr. D.J. Habersberger Q.C., the then Chairman of the Victorian Bar Council.

On 5th October, 1995 The Honourable Justice North was welcomed to the Bench of the Federal Court of Australia and the Bench of the Industrial Relations Court of Australia by Mr. D.J. Habersberger Q.C., the past Chairman of the Victorian Bar Council.

On 5th February, 1996 The Honourable Justice Merkel was welcomed to the Bench of the Federal Court of Australia by Mr. J.E. Middleton Q.C., Chairman, Victorian Bar Council.

On 17th May, 1996 His Honour Judge Gebhardt was welcomed to the Bench of the County Court of Victoria by Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council.

Farewells:

On 5th December, 1995 the legal profession met to pay tribute to The Honourable Mr. Justice Crockett, A.O. LL.D. on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 14th December, 1995 the legal profession met to pay tribute to His Honour Judge Fricke on the occasion of his retirement from the Bench of the County Court of Victoria. Mr. A.G. Uren Q.C., Vice Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 22nd April, 1996 the legal profession met to pay tribute to Mr. Nick Papas, Chief Magistrate on the occasion of his retirement from the Magistrates' Court of Victoria. Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council spoke on behalf of the Bar.

ROLL OF COUNSEL

DIVISION A, PART I -	
Victorian Practising Counsel - Queen's Counsel	126
Victorian Practising Counsel - Junior Counsel	1135
DIVISION A, PART II -	
Prosecutors for the Queen.....	24
DIVISION A, PART III -	
Overseas and Interstate Counsel	251
DIVISION B, PART I -	
Governors.....	3
DIVISION B, PART II -	
Judges	139
DIVISION B, PART III -	
Ministers of the Crown and Members of Parliament.....	9
DIVISION B, PART IV -	
Solicitors-General and Directors of Public Prosecutions.....	6
DIVISION B, PART V -	
Masters and Judicial Registrars	12
DIVISION B, PART VI -	
Magistrates and Full Time Members of Statutory Tribunals	55
DIVISION B, PART VII -	
Crown Counsel and Parliamentary Counsel	10
DIVISION B, PART VIII -	
Other Official Appointments.....	6
DIVISION C, PART I -	
Retired Judges and other Judicial Officers	37
DIVISION C, PART II -	
Retired Holders of Public Office other than Judicial Officer	7
DIVISION C, PART III -	
Retired Counsel	42
DIVISION D -	
Academics	18
TOTAL.....	<u>1880</u>

Between 1st July 1995 and 30 June 1996 the following 68 persons signed the Roll of Counsel:

David Myers Bennett Q.C. (re-signed), Shane Patrick Kennedy (re-signed), John Ralph Wallace, Timothy Don-Hugh Mak, Robert William Taylor, Mark Guthrie James Howden, Dermot Hugh Connors, David Chan, Peter Barrington Kidd, Rohan Keith William Skinner, Gregory James Ahern, Garry Howard Livermore, Maryann Sheila Gassert, Vera Maria Hardiman, A. Neill Murdoch, Graeme Harold Peake, Richard Steven Ingleby, Trevor Ian Poole, Mark Gerard McNamara, Richard Thomas Norwood, Michael Charles O'Connor, Mark Kranz Moshinsky, Gwenllian Moira Jenkins, Kevin John Doyle, Anthony Graham Kiel, Uma Gowri Nadarajah, Peter Terence Gerard Sullivan (re-signed), Solomon Alexander Rosenzweig (re-signed), John Edward Frankcom (re-signed), Guiseppina Maria Hopkins (re-signed), Gary Albert Glover (re-signed), Christopher John Larkins (re-signed), Cheri Lee (re-signed), Daryl Raymond Davies (re-signed), Sarah Louise Hinchey, Rachel Marie Doyle, Matthew Neil Carlisle Harvey, David George Loadman, Richard Hugo Muecke Attiwill, Daniel John Christie, Mark Damian Perica, Ann Judith McGarvie, Maya Rozner, Irene Marie Apap, Fiona Jane Alpins, Celia Mary Conlan, Judy Seif, Michael Alfred William Sasse, Robert Gordon Shand, David Thomas Forbes, Letizia Mariela Torres, Karl Sienkowski, Andrew Thomas Kincaid, Solomon Martin Gerber, Hilary Frances Bonney, Paul Thomas Duggan, Melinda Jane Richards, James Peter Gorton, Celia Tikotin, Roy Nicholas Wallace, Christopher James Winneke, Rika Teicher, James Andrew John Nixon, Dominic Lennon, Alan Herskope, Natalie Simone Greenberg, Mary-Louise Anne Brien and Patrick Indovino (re-signed).

Between 1st July 1995 and 30 June 1996 the names of the following 7 Interstate Counsel were entered on the Roll of Counsel:

Simon Samuel Wallace Couper (Queensland Q.C.), Christopher John Birch (New South Wales), Stewart Meredith Littlemore (New South Wales Q.C.), Stephen Jeffrey Cook (New South Wales), Christopher John Bevan (New South Wales), Alwyn Ian Tonking (New South Wales) and Dean Ernest Clayton (South Australia Q.C.).

Members whose names have been removed from Division A, Part I (Victorian Practising Division)

Mr. G.A. Georgiou, Ms. A. H. Sango, Mr. D.A. Brown, Mr. A.M. Elliott, Mr. C. Priestley, Ms. M.J. McCredie, Ms. D.C. Blanksby, Mr. D. Ewart, Mr. P.T.G. Sullivan, Mr. R.J. Pithouse, Mr. J.A. Murphy, Ms. C. Lee, Mr. H.T. Long, Mr. J.E. Goetz, Mr. L.M. Schwarz, Mr. G. Taylor, Mr. R.A. Clark, Mr. R. Stransky, Ms. L. Gyfteas, Ms. J. K. Downing, Mr. D.J. Bamber, Ms. J. Drake, Mr. S. Miriklis, Ms. L. Kennett, Ms. G. Halikopoulos, Mr. M.J.McK. Grove, Ms. R. Hines, Ms. V. Frenkel, Ms. C. Zapparoni and Mr. K.L. Milte.

Members whose names have been removed from Division A, Part III (Interstate and Overseas Counsel)

Mr. K.A.M. Pitt, Mr. S.J. Deane-Jones, Mr. G.J. Stanton, Mr. G.P. Miller QC, Mr. P.R. Graham Q.C., Mr. D.G. Russell R.F.D., Q.C., Mr. C.A. White, Mr. D.E. Graham, Mr. D.A.R. Williams Q.C., Mr. P.R. Arden, Mr. J.S.P. Kinross, Mr. L.R. Somosi and Mr. F.J. Gaffy.

Member whose name has been removed from Division B, Part III (Ministers of the Crown and Members of Parliament)

Mr. P.H. Costello M.P.

Member whose name has been removed from Division B, Part IV (Solicitors-General and Directors of Public Prosecutions)

Mr. N.R. Cowdery Q.C.

Members whose names have been removed from Division D (Academics)

Dr. K.A. Petersen, Ms. Ann R. Shorten and Mr. Gim Teh.

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

Mr. C.G. Hillman, Mr. J.W. Rapke, Mr. B. Kayser, Mr. C.J. Ryan, Miss. M.E. Sexton, Mr. R.A. Elston, Mrs. J.G. Morrish and Mr. N.T. Robinson.

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

Mr. J. Walsh of Brannagh and Mr. H. Reicher.

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

The Honourable Justice Sundberg, The Honourable Justice Marshall, The Honourable Justice Morgan, The Honourable Justice North, The Honourable Justice Merkel and His Honour Judge Gebhardt.

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. R. Dean M.L.A.

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

Mr. M.D. Murphy.

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. M.A. Adams Q.C., C.M. and Mr. B. Kissane

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

Ms. M. Urquhart.

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

Mr. P. A. Liddell Q.C.

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

Mr. F.A. Trindade, Mr. E. De Silva and Professor D. G. Williamson Q.C.

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

Mr. B.M. Young.

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

Mrs. H.B. Carter.

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

His Honour Judge R.A. Mackay and The Honourable Mr. Justice T. Simos.

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

Mr. D.R. Williams A.M, 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 Crockett A.O., LL.D and His Honour Judge Fricke.

Member whose name has been transferred from Division B, Part IV (Solicitors-General and Directors of Public Prosecutions) to Division C, Part III (Retired Counsel)

Mr. L.W. Flanagan Q.C.

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

Mr. N. Papas.

Members whose names have been transferred from Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals) to Division A, Part II (Prosecutors for the Queen)

Mr.. G.G. Hicks and Mr. G.M. Horgan.

Member whose name has been transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division B, Part IV (Solicitors-General and Directors of Public Prosecutions)

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

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

The Honourable Sir James Gobbo A.C.

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

Ms. K.H. Auty.

FUNCTIONS

Opening of the Legal Year:

Religious Observances for the Legal Profession for the opening of the Legal Year were held on 29th January, 1996. The Services were held at St. Paul's Cathedral, St. Mary's Star of the Sea, East Melbourne Synagogue and St. Eustathios Cathedral.

Social Functions:

On Wednesday, 26th July 1995 the Chairman and members of the Victorian Bar Council held a reception in the Essoign Club for Victorian Magistrates.

On Wednesday, 23rd August 1995 the Chairman and Members of the Victorian Bar Council held a reception in the Essoign Club for Judges of The High Court of Australia, The Supreme Court of Victoria, The Federal Court of Australia, The Family Court of Australia, The Industrial Relations Court of Australia and the County Court of Victoria.

At a function held in the Essoign Club on 4th September, 1995 Readers were welcomed to the Bar.

At a dinner held in the Essoign Club on 26th October, 1995 the Chairman and Members of the Victorian Bar Council entertained the Past Chairman and retiring Members of the Victorian Bar Council.

On 30th October, 1995 a reception was held in the Chairman's Room to mark the occasion of the unveiling of a portrait of The Honourable Mr. X. Connor A.O., Q.C. The reception was well attended and Mr. J.E. Middleton Q.C., Chairman, Victorian Bar Council, spoke on behalf of the Bar.

A Readers and Masters dinner was held in the Essoign Club on 30th November, 1995 and the guest speaker was The Honourable Mr. Justice Winneke, President, Court of Appeal of the Supreme Court of Victoria.

At a function held in the Essoign Club on 4th March, 1996 Readers were welcomed to the Victorian Bar.

On 18th April, 1996 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 in the Essoign Club on 23rd May, 1996 and the guest speaker was The Honourable Mr. Justice Charles, Court of Appeal of the Supreme Court of Victoria.

The 1996 Victorian Bar Annual Dinner was held on 1st June, 1996 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:-

The Honourable Sir James Gobbo A.C.

The Right Honourable Sir Ninian Stephen K.G., A.K., G.C.M.G., G.C.V.O., K.B.E., K.S.T.J

The Honourable D.R. Williams A.M., Q.C., M.P.

The Honourable Justice Kirby A.C., C.M.G.

The Honourable Mr. Justice Winneke R.F.D.

The Honourable Mr. Justice Charles

The Honourable Mr. Justice Callaway R.F.D.

The Honourable Justice Balmford

The Honourable Justice Sundberg

The Honourable Justice Marshall

The Honourable Justice North

The Honourable Justice Merkel

The Honourable Justice Dessau

The Honourable Justice Morgan

The Honourable Mrs. R.M. Lusink A.M.

His Honour Judge Dove

Her Honour Judge Harbison

His Honour Judge Gebhardt

Michael A. Adams Q.C., C.M.

Gregory H. Garde A.M., R.F.D., Q.C.

Apologies were received from the following honoured guests:-

The Right Honourable Sir Ninian Stephen K.G., A.K., G.C.M.G., G.C.V.O., K.B.E., K.S.T.J., The Honourable Mr. Justice Callaway R.F.D. and The Honourable Justice Morgan.

Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council proposed the toast to the Queen. The Chairman welcomed Mr. G. Colman Q.C. as a special guest.

Mr. D. Bennett Q.C., President of the New South Wales Bar and the Australian Bar Association proposed the toast to the Australian Bars.

Mr. J.E. Middleton Q.C. welcomed the honoured guests of the Bar and introduced Mr. Junior Silk, Mr. K.W.S. Hargrave Q.C. who addressed the honoured guests. The Honourable Mr. Justice Winneke R.F.D. responded on behalf of the honoured guests.

Other Functions:

On 18th March, 1996 a luncheon was held in the Essoign Club in honour of a visiting delegation from the Hiroshima Bar Association. The luncheon was hosted by Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council with members of the Victorian Bar Council and members of the Bar attending.

On 22nd April, 1996 a luncheon was held in the Essoign Club in honour of a visiting delegation from Indonesia. The luncheon was hosted by Mr. J.E. Middleton Q.C., Chairman of the Victorian Bar Council and was attended by members of the judiciary, members of the Bar Council and members of the Bar.

During the year under review the Chairman and members of the Victorian Bar Council entertained guests at various functions.

SPORTING EVENTS

Cricket:

On 18th December, 1995 two cricket matches were played against teams from the Law Institute of Victoria.

At the match played at Old Xavierians Oval the Law Institute 1st XI defeated the Bar 1st XI. Scores were Law Institute 5/147 off 25 overs (reduced due to rain) and the Bar all out for 95.

At the match played at Old Scotch Oval the Law Institute 2nd XI defeated the Bar 2nd XI. The Law Institute scored 7/206 (cc) and the Bar all out for 199.

On 31st March, 1996 two cricket matches were played at Fawkner Park against teams from Mallesons Stephen Jaques. The 1st XI game resulted in a win to the Bar IX. Scores were Mallesons Stephen Jaques 9/111 and the Bar 8/144. The Bar retained the 1st XI Phillip Opas Perpetual Trophy.

The 2nd XI game resulted in a win to Mallesons Stephen Jaques. Mallesons Stephen Jaques scored 152 runs and the Bar scored 82 runs. Mallesons Stephen Jaques retained the 2nd XI Philip Opas Perpetual Trophy.

Hockey:

At a match played at the State Hockey Centre on 27th October, 1995 the Bar team defeated the Law Institute team by 3 goals to 2. The Bar regained the Scales of Justice Cup.

In another match played during the year against R.M.I.T. the Bar team lost by 4 goals to 2.

Sailing:

On 18th December, 1995 the Annual Wigs and Gowns Squadron Regatta was held at the Royal Yacht Club of Victoria, Williamstown.

Tennis:

The Annual Tennis match against the Law Institute of Victoria for the Judge O'Driscoll Perpetual Trophy which was scheduled to be played on 19th December 1995 was cancelled due to rain. The Bar therefore retained the Judge O'Driscoll Trophy.

On 19th December, 1995 the Annual Royal Tennis Tournament between the Bench and the Bar and the Law Institute of Victoria was held at the Royal Tennis Court in Richmond. The Law Institute won the tournament by 11 games to 4, thus retaining the Judge Box Cup.

Golf:

The Annual Golf Tournament between the Bench and Bar against the Law Institute of Victoria was held at Yarra Yarra Golf Club on 18th December, 1995. The Law Institute won the tournament and regained the Sir Edmund Herring Trophy.

Legal Fun Run:

On 4th December, 1995 the Legal Fun Run was held at the Tan. The race was won by Mark Purvis and competitors included members of the Bar, Barristers' Clerks and their staff.

Football:

On 20th August, 1995 the Annual Football Match between the Bar and Mallesons Stephen Jaques was played at Glenferrie Oval. Siren scores were the Bar 17-23 (125) to Mallesons 1-3 (9).

ANNUAL REPORT OF THE ACADEMIC AND CONTINUING LEGAL EDUCATION COMMITTEE

The Committee is most grateful to Willee Q.C., Brian Bourke, Tracey Q.C., Thomas Hurley and Chernov Q.C. of the Bar, and also to Peter Crofts and his team from Deloitte Touche Tohmatsu, for their assistance in the regular seminars conducted by the Committee.

Two special and well-attended seminars were held in conjunction with the Women Barristers' Association - by Kathy Mack (University of Adelaide) and Sally Brown J. on "Sex, Lies and Language"; and Prof. Jenny Morgan (University of Melbourne) on "The Meanings of Equality".

The enthusiasm of the Bar for attending regular seminars seemed to wane in the second half of calendar 1995, notwithstanding the high quality of those scheduled. It is a matter of some perplexity to the Committee to know quite how best to assist members of the Bar in the task - which each year seems to be of increasing importance - in keeping up-to-date, and continually extending their knowledge. Any suggestions will be most gratefully received. Meanwhile, the Committee has sought to encourage the continuing education efforts of the specialised Bar Associations - the Commercial Bar Association is a splendid example in this respect. The Committee has also been focusing its attention on the special issues raised by the increasing computerisation of the practice of the law.

ANNUAL REPORT OF THE VICTORIAN BAR READERS' COURSE

Each year two intakes of readers complete the Readers' Course. The September 1995 intake comprised 22 readers, three practitioners from Papua New Guinea, one practitioner from Vanuatu and one practitioner from Indonesia. The March 1996 intake comprised 32 readers. There were three practitioners from Papua New Guinea and one from Vanuatu. The September 1996 intake will comprise 23 readers and practitioners from Papua New Guinea, Vanuatu and Indonesia.

The course continues to develop. With each intake, we modify aspects of the Course structure.

The Readers' Course is guided by the Committee, but the real work of the Course is done by the Administrator, Barbara Walsh and by the instructors. Barb Walsh performs an almost impossible task, co-ordinating the diverse resources of the course and reassuring fragile new readers. We could not possibly manage without her. Members of the Bar and Bench give hundreds of hours of unpaid time to instruct in the Readers' Course. Their efforts have made the Victorian Bar Readers' Course the standard by which other Bars in Australia, UK and Singapore judge themselves.

ANNUAL REPORT OF THE LAW REFORM COMMITTEE

During the past year the Law Reform Committee has continued to operate in the manner described in last year's report. The Chairman of the Committee is N. Moshinsky Q.C., the Deputy Chairman is P. Golombek and the Secretary is S. Davis.

The Committee receives requests for comment from the Chairman of the Bar Council and assigns to members of its panel the subject matter of the enquiry. The panel is composed of members of the Bar who have expressed an interest in providing a comment with respect to selected topics. Sometimes a member of the Committee undertakes the task of providing a commentary.

Once completed the reports are reviewed by members of the Committee and then they are forwarded to the Bar Council for consideration. The Committee monitors the progress of assignments to ensure that they are completed within a reasonable time.

The subject matter of reports usually emanates from references from the Scrutiny of Acts and Regulations Committee of the State Parliament, as well as material from Commonwealth sources.

During the course of the year reports have been completed with respect to the following topics:-

Section 85, Constitution Act (Vic), and the Administrative Decisions (Effect of International Instruments Bill) 1995.

ANNUAL REPORT OF THE ETHICS COMMITTEE

Since the last reporting period, the Ethics Committee has conducted 27 meetings and held 10 summary hearings pursuant to Section 14E of the *Legal Profession Practice Act 1958* (as amended). The Committee found that disciplinary offences had been committed by four of the barristers concerned.

First Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by placing improper pressure on a client to accept an offer of settlement when counsel had not properly explained the nature of the offer and the effect on the client's rights should the client accept it and further, the client and solicitor had given instructions that the matter should be determined by the Court.

Determination: Dismissed.

Second Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by telling a Magistrate that he had marked his brief at a certain fee, whereas on a later day he claimed a higher fee, which suggested that the brief had not been marked on the first occasion and further, stating that his normal fee was a certain figure, whereas enquiries made of his Clerk showed that his normal brief fee was a lower fee.

Determination: Dismissed.

Third Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offence by publishing orally an opinion of the professional characteristics of a member of counsel to other members of counsel in a public place.

Determination: Proven and a fine of \$1000 was imposed.

Fourth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by putting matters in the course of cross-examination of a defendant which suggested that the complainant had colluded with the defendant to defraud the plaintiff when counsel had no intention or ability to call evidence to support those imputations and had no reasonable basis for making such suggestions.

Determination: The complaint was withdrawn at the hearing and no further action was taken.

Fifth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by advising a client to make an application in a proceeding for a collateral purpose only; failing to properly advise the client prior to the issuing of an application and threatening to return a brief in a proceeding in which he was retained without proper reason.

Determination: Dismissed.

Sixth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by using words to a legal practitioner which meant and were understood to mean that he was inviting him to, or threatening him with, a fist fight outside the Court and further, used words which constituted unwarranted personal abuse of the legal practitioner.

Determination: Dismissed.

Seventh Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by speaking about another member of the legal profession in terms calculated to bring the profession into disrepute and further, conducting himself towards a litigant appearing in person in a manner that was disparaging and overbearing and calculated to force the litigant to compromise her claims.

Determination: Dismissed.

Eighth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by referring to opposing counsel in a derogatory fashion and which may have amounted to conduct discreditable to a barrister and conduct which is likely to diminish the public confidence in the administration of justice or otherwise bring the legal profession into disrepute.

Determination: Proven and no further action taken.

Ninth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed a disciplinary offence or offences by making allegations against opposing counsel that the case had been conducted dishonestly and engaging in the personal abuse or disparagement of opposing counsel and further, persistently employing language which was of a degree of indecency or impropriety such as to be likely to diminish public confidence in the legal profession or in the administration of justice or otherwise bring the legal profession into disrepute and which was discreditable to the barrister.

Determination: Proven and a réprimand imposed.

Tenth Hearing

Subject of Hearing: The Committee was of the opinion that counsel may have committed an offence or offences by having direct dealings with an opposing party contrary to Rule 8.5(a) of the Rules of Conduct and further, attempting to obtain evidence and induce settlement with the opposing party.

Determination: Proven that counsel had direct dealings with an opposing party and a fine of \$750.00 was imposed. All other matters were dismissed.

At the time of preparing this report there is one summary hearing scheduled to take place.

In addition to the ten summary hearings, one matter was heard by the Barristers' Disciplinary Tribunal on 1 November 1995.

Charges were laid against a member of counsel by the Ethics Committee of the Victorian Bar Council pursuant to the provisions of Section 14E of the *Legal Profession Practice Act 1958*, namely that:-

Counsel engaged in professional misconduct contrary to the provisions of section 14B(a) the *Legal Profession Practice Act 1958* by agreeing to appear for a client and advising that client that there was no real case against him and that he should plead not guilty and the client on counsel's advice, did so. Prior to the hearing counsel advised his client to tell to the Magistrate on oath a story which counsel had devised and which he knew to be untrue. Counsel then appeared on his client's behalf at the hearing. Counsel called his client to give evidence on oath. Counsel led evidence from his client in which he swore was true. At the time of leading that evidence counsel knew that it was untrue and that his client knew it was untrue. Counsel did not correct the evidence given by his client.

The Tribunal determined that, after considering the counsel's application for an adjournment which was opposed by the Victorian Bar, and subject to the counsel providing an undertaking to the effect that he would not:

- (a) practise as a barrister, or a barrister and solicitor or a solicitor in Australia.
- (b) hold himself out to any member of the public in Australia as a barrister, or a barrister and solicitor or a solicitor.
- (c) perform any legal services in Australia for any person.
- (d) attend at the premises of any court or tribunal in Australia except where he was a party to any proceedings therein or thereat or summonsed to attend as a witness in any proceedings.

the proceedings before the Tribunal be adjourned until such time as criminal proceedings against the barrister have been disposed of, or further order.

Committee Members

Mr. W.B. (Brind) Zichy-Woinarski Q.C. (Chairman), Mr. John F. Lyons Q.C., Mr. Paul .M. Guest Q.C., Mr. H. McM. (Michael) Wright Q.C., Mr. Ross C. Macaw Q.C., Mr. J.T. (Jack) Rush Q.C., Mr. E.N. (Noel) Magee Q.C., Dr. Susan C. Kenny, Mr. Michael J. Crennan, Miss Rozeta Stoikovska, Mr. G.T. (Tony) Pagone, Ms. Jenny Davies, Mr. Rodney J. McInnes, Ms. Katharine M. Williams (Secretary) and Ms. Fiona J. Story (Assistant Secretary).

COMPLAINTS	01/09/93– 30/6/94 10 Months	01/07/94– 30/6/95 12 Months	01/07/95– 30/6/96 12 Months
Number of matters referred by the Chairman of the Victorian Bar Council to the Ethics Committee which disclosed complaints of disciplinary offence	30	12	12
Number of matters referred by the Chairman of the Victorian Bar Council to the Ethics Committee which did not disclose complaints of disciplinary offences	35	62	65
Number of matters which are yet to be determined whether they disclose complaints of a disciplinary offence	08	06	10
Number of matters of disciplinary offences investigated of the Committee's own motion	—	01	01
Number of complaints under consideration at commencement of reporting period (i.e. 1/7/95).....	37	21	13
Number of complaints under consideration at date of report (i.e. 30/6/96).....	21	13	13
Number of matters concluded during the reporting period	89	89	88

SOURCE OF COMPLAINTS	01/09/93– 30/6/94 10 Months	01/07/94– 30/6/95 12 Months	01/07/95– 30/6/96 12 Months
Clients	43	50	57
Solicitors	20	14	20
Judicial	02	04	03
Counsel	05	05	04
Police	01	01	—
Others	02	06	03
Own Motion.....	—	01	01
Total.....	73	81	88

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

In addition to its general business the Association has concerned itself throughout the year with diverse topics touching on such issues as fee structures, the adoption of a duty lawyer scheme and the many implications of the introduction of wide-ranging procedural and legislative changes.

We are pleased to report that the views of the Association continue to be sought and heard by the Family Court. The Association, as one of the professional groups invited to attend regular meetings convened by the Judge Administrator to deal with issues touching upon the Court, notes with satisfaction the preparedness of the Court (at both the Melbourne and Dandenong Registries) to invite and accept criticism and to seek to rectify it.

The year has seen marked change in both the procedures of the Court (the introduction of the so-called "Simplified Procedures") and in legislative changes replacing concepts of custody and access with orders for residence and contact.

The misgivings of the Association as to the adoption of the "Simplified Procedures" have been borne out in practice. Despite the stated objective of making proceedings simpler and cheaper they have in fact led to no discernible decrease in costs, a plethora of new forms and more Court hearings.

The situation of the Court has not been assisted by serious budgetary constraints being placed upon it. The nett result of the new procedures and the budgetary constraints has been to cause further serious delays with the system. Delays of two years or more are common, an unacceptable situation in a jurisdiction dealing with the welfare of children.

A then member of the Association, Mrs. Justice Morgan, was appointed to the Melbourne Registry of the Court in July, 1995.

Membership of the Association continues to be strong and a Christmas Cocktail Party was held at the Australia Club in late November 1995. It was well attended by members of the Association, the judiciary and Court administrators.

ANNUAL REPORT OF THE VICTORIAN BAR ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

The Committee has met regularly to deal with the considerable volume of work as well as dealing with many issues by circular and telephone meetings. It has developed an extensive "business plan" for its operations which includes a further education programme and courses (other than the well-known basic mediation course) designed to improve mediation skills. It has dealt with all number of issues ranging from Model Standards to specific proposals for the implementation of mediation in tribunals or statutory bodies. It has also approved new courses for accreditation purposes and implemented a procedure in that regard.

The history of running workshops for members of the Bar continued unabated with basic courses held in October 1995 and February and June 1996 for 84 members. Each course is properly evaluated on completion of specific criteria and improvements or adjustments made and problems addressed.

It is important to record that Bar members have trained themselves at their own cost in an area where new skills are required. This has been with a view, in part, to gaining work but also one very important consideration is the provision of a service to the community which includes better access to justice at a considerable cost saving. Part of the community-service aspect has been to provide the Bar Mediation Centre at no cost.

Control of "accreditation" is an ongoing issue and the Committee Chairman and Vice-Chairman attended a day conference convened in May 1996 under the auspices of the Commonwealth Attorney-General, more particularly the National Alternative Dispute Resolution Advisory Council (NADRAC) which is to report to the Attorney-General. In the Committee's view the accreditation system implemented by the Bar is working well in practice and includes proper consumer protection mechanisms (insurance, a complaints procedure and the like) and no controls are necessary. This was all put (in clear language). Council members seemed favourably disposed but the Committee will await their discussion paper.

New Mediation Centre

A purpose-designed mediation centre is in the course of being built on level 3, Four Courts. It will also be suitable for arbitrations. The design of the Readers' Course, level 2, is such that it can be used as part of the mediation centre for the 6 months it is otherwise empty. The 2 floors have also been designed to serve as a conference centre for not just the ADR Committee, obviating the necessity to hire outside venues.

The Portal schemes and, in particular, the County Court initiatives, have seen very many mediations go the Bar's way. They are now an important source of work. There can be no doubts that the Victorian Bar mediators are at the forefront of successful professional activity in the mediation area in Australia.

Leading mediation practitioners have maintained the Bar's profile by speaking to select bodies, being key speakers and panel members at major conferences and by coaching at most courses conducted in Victoria and also at interstate courses.

The Committee wishes to record, and urges all members of the Bar to note, that if we are to maintain our position and the confidence of the Courts necessary for the successful implementation of Portals and Court mediation references generally it is imperative members maintain their high professional standards. This involves full use of the mediation process rather than treating it as yet another interlocutory step - akin to a hurdle - in getting a trial date or being tempted by short cuts or other steps which might be contrary to the Court's intentions of a bona fide mediation.

The Committee is intent on ensuring that high standards should continue, that the Bar should enhance even further its position and that members of the Bar, consequentially, are able to broaden their practices and sources of work in an area of contemporary relevance.

The Chairman has requested sincere thanks be expressed to members of the ADR Committee (the actual members are recorded elsewhere) because of the large volume of work they have effected and he acknowledges the rarity of absences from any meetings. He also wishes to record special thanks to Wendy McPhee for her work in administering the Mediation Centre, and updating the list of accredited mediators and their curricula vitae, as well as dealing with numerous circulars and correspondence.

ANNUAL REPORT OF THE VICTORIAN BAR INDONESIA LEGAL AID COMMITTEE

Indonesian Bar Reader 1995

In 1995, the Committee's chief initiative was to host an Indonesian reader who successfully completed the Bar Readers' Course, Mr. Rambun Tjajo. This programme was significant in cementing links between the Victorian Bar and Lembaga Bantuan Hukum (LBH), the Indonesian Legal Aid Foundation. This is an autonomous organisation funded by overseas donors that conducts routine case-based legal aid as well as political and social legal activism. LBH has an unequalled reputation in Indonesia as a public interest advocate and as a public defender in political cases. It is one of Indonesia's leading legal institutions.

During his stay in Australia, Rambun visited Melbourne, Canberra and Sydney and delivered seminars at the Asian Law Centre at the University of Melbourne, the Law Faculty at ANU and elsewhere. Thanks to his time with the Victorian Bar, Rambun was invited to speak to the University of Melbourne and La Trobe University's joint summer school and conference on labour law in Asia, where he delivered three lectures. During his stay in Melbourne, Rambun was assisted generously by Kevin Bell who acted both as his Master and his host, allowing Rambun to stay with his family for most of his time in Melbourne.

Since his return to Indonesia, Rambun has been inspired to introduce video exercises and other techniques gleaned from the Bar Readers' Course to LBH's standard training programmes. He is now practising as an advocate in private practice but is still pursuing issues similar to those that occupied him while at LBH. Rambun was also instrumental in helping Mordy Bromberg establish a Jakarta branch of International Centre for Trade Union Rights.

Rambun's visit was also supported by the Asian Law Centre, the Australia-Indonesia Legal Development Foundation. This is an autonomous organisation based in Melbourne that was launched last year with support from the Victorian Bar Indonesia Committee, the Asian Law Centre and other interested groups including Amnesty International and the International Commission of Jurists together with Australian Council for Overseas Aid.

Indonesian Bar Reader 1996

This year, the Indonesian Bar Reader programme will continue with another reader from LBH, Mr. Irianto Subiakto. Mr. Subiakto is head of the Political and Criminal Division of LBH, one of the most active, and a Division now involved in the current controversy over the Indonesian Democratic Party and democratisation in Indonesia.

Other Articles

The Committee was also involved in arranging to host the visit of law reform commissioners from Indonesia, organised through the Asian Law Centre. These commissioners spoke highly of the Victorian Bar and, in particular, the Bar Readers' Course, in their report to the Indonesian government.

Conclusions

1995 was an important year in establishing links with parties interested in the cause of human rights and law reform in Indonesia both at government and NGO levels. It was also an important year in building close personal links with Indonesian practitioners. The Committee aims to pursue these objectives further in 1996, concentrating on consolidating and expanding personal links with like-minded lawyers in Indonesia.

ANNUAL REPORT OF THE EXECUTIVE COMMITTEE OF THE VICTORIAN BAR COUNCIL

While the Chairman, Vice-Chairmen, Honorary Secretary and Assistant Honorary Secretary meet most mornings 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 as well as consequential proposed legislative changes to the Bar, its structure and administration.

ANNUAL REPORT OF THE CHILD CARE FACILITIES COMMITTEE

Since the last Annual Report the Committee has continued to vigorously pursue a number of objects.

The Members of the Committee have provided information and assistance concerning child care to the Project Engineers of the new Federal Court complex.

The Committee has made further submissions to Barristers' Chambers Limited and the Bar Council for the provision of a Parents' Room.

The Members of the Committee have continued to attend the CAD Child Care Forum Meetings conducted by the Melbourne City Council.

The Committee investigated the provision of a Child Care Advice and Information Service for Barristers. The Committee was particularly interested in services specialising in emergency, occasional and nanny care services.

After investigation the Committee resolved to recommend two such services be advertised in "In Brief". This advertising has now taken place.

ANNUAL REPORT OF THE EQUALITY BEFORE THE LAW COMMITTEE

The Equality before the Law Committee has concentrated its efforts on looking into the question of the progress of women at the Bar. As a result of its deliberations it has:-

- (a) assessed submissions to undertake a study of the numbers and progress of women at the Bar from several organisations and persons;
- (b) invited Professor Marcia Neave, Ms. Jane Fenton, Ms. Helen McKelvie and Ms. Rosemary Hunter (senior lecturer, University of Melbourne Law School) to address the Committee on draft terms of reference and appropriate methodology;
- (c) considered overseas studies on the subject, notably from the American Bar Association; and
- (d) approached potential sources of funding for the study.

The members have maintained their interest and scrutiny of equality issues affecting the wide community. For instance, members are presently preparing submissions to the Senate Legal and Constitutional Committee inquiring into sexuality discrimination, and reporting upon the New South Wales Law Reform Commission's Research Report on people with intellectual disability and the criminal justice system.

ANNUAL REPORT OF THE ESSOIGN CLUB

During the past year the Essoign Club has consolidated its position. As was foreshadowed in the last Annual Report several initiatives, such as the successful wine tasting evening in the latter part of last year, have been adopted with a view to increasing patronage of the Club. The Committee is resolved to introduce several functions over the coming year in order to perpetuate interest in the Club by its members.

The Committee was pleased with the financial performance of the Club in 1995 (the last accounting period). The Club traded profitably for the first time since 1991. We were able to replenish stock levels and to repay part of a loan made by the Bar Council in 1994 for the purpose of refurbishing the Club's premises.

The Committee notes that in the current year there has been a slight increase in overheads and the cost of sales. On the other hand turnover has remained much the same as for the corresponding period in 1995. This is a little disappointing but is capable of being reversed. This can be achieved by greater use of the Club particularly at lunchtime. It is to be noted that if an average of 45 diners lunch at the Club Monday-Thursday inclusive and double that number on a Friday the Club's future would be assured.

The Manager and Deputy Manager and Staff of the Essoign Club are to be congratulated on their fine efforts throughout the past year. In addition to the day to day running of the Club in a most efficient manner the Staff have continued to service regular Bar functions such as the Readers' Dinner, Judges and Magistrate's Receptions and private functions. It is to be noted that each member of staff who elected to include productivity bonus provisions in their employment contracts received such bonuses as the profit level of the Club in both the liquor and catering divisions exceeded the stipulated profit in the relevant employees' contract. On behalf of the members of the Club and their guests the Committee congratulates the staff upon their achievements and service to the Club.

Whilst the quality of food and liquor remain high and, in the view of the Committee, prices are reasonable, the Committee is resolved that this continue in the future. In this regard members are encouraged to express their opinion as to how the operation of the Club can be improved and the Committee would welcome such views.

The Committee believes that the Essoign Club provides a most valuable facility to members of the Victorian Bar. It is unfortunate that more members of the Bar, particularly the junior bar, do not avail themselves of the Club's facilities. Inquiries of the New South Wales and Queensland Bar reveal that those organisations too, are faced with the same difficulty. The Committee believes that particularly in view of imminent changes to the organisation of the profession, particularly the Bar, the Essoign Club offers a much needed facility to foster and promote the traditions of the Bar and in particular its collegiate spirit.

ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION

The Women Barristers' Association commenced in 1993 with the following purposes:-

- (a) To promote awareness, discussion and resolution of issues which particularly affect women;
- (b) To identify, highlight and eradicate discrimination against women in law and in the legal system;
- (c) To advance equality for women at the Bar and in the legal profession generally; and to
- (d) Provide a professional and social network for women barristers.

In the period 1 July 1995 to 30 June 1996 the Women Barristers' Association has been at work in each of the above areas:-

- (a) The Association organised the following educational functions, attended by members of the Bar, and the judiciary and the profession generally:-
 - (i) Kathy Mack spoke on the topic, "Sex, Lies and Language".
 - (ii) on 25 June, 1996, Professor Jenny Morgan spoke on the topic "The Meanings of Equality".
- (b) The Women Barristers' Association was, again, invited to meetings with Justices of the Federal Court at the request of Chief Justice Black, to discuss discrimination issues in the context of the operation of the Federal Court;

- (c) The Association made a submission to the Australian Broadcasting Authority on the 1996 Investigation into the Content of On-line-services focusing particularly on issues of access to and regulation of sexual violence and child pornography through such services;
- (d) The Association has endorsed the establishment of a national body of women lawyers to be known as Australian Women Lawyers. The Association has representatives on the steering committee for Australian Women Lawyers;
- (e) The Association has continued to liaise with the Chairman of the Bar Council particularly regarding the proposed changes to the Legal Profession Practice Act, the constitution of Bar committees and the representation of women on the Ethics Committee;
- (f) The Association has continued to organise a monthly lunch in the Essoign Club. Its more formal functions included:-
 - (i) on 2 August, 1995 the Association's annual dinner at which Justice Jane Mathews spoke, with a response by Chief Judge Waldron.
 - (ii) on 1 February, 1996, a cocktail party celebrating the opening of the legal year at which Master Kings spoke.
 - (iii) on 2 June, 1996, a cocktail party to specially welcome Justice Balmford on her appointment to the Supreme Court.

All functions were highly successful and attended by barristers and a diverse range of members of the judiciary and profession generally.

Annual Report of Commercial Bar Association

The Commercial Bar Association has been engaged in a series of continuing legal education seminars conducted by the Chairman and Secretary of each section of the Association. It has a membership list of 260 counsel. The office bearers of the Associations are as follows:

President	Alan Goldberg Q.C.
Senior Vice President	Ray Finkelstein Q.C.
Vice President (Convenor)	David Denton
Treasurer	Melanie Sloss

Chairmen of Sections:

Alternative Dispute Resolution:	David Bennett Q.C.
Banking and Finance Law:	Michael Shatin Q.C.
Constitutional and Administrative Law:	Nathan Moshinsky Q.C.
Construction Law:	John Digby Q.C.
Corporations and Securities Law:	Neil Young Q.C.
Environmental, Planning and Local Government Law:	Greg Garde Q.C.
Insolvency Law:	Mark Derham Q.C.
Insurance Law:	John De Koning
Intellectual Property and Trade Practices Law:	David Shavin Q.C.
Property Law:	Nimal Wikrama
Revenue Law:	Ada Moshinsky Q.C.

Secretaries to Section Chairmen

Alternative Dispute Resolution:	Michael Shand
Banking and Finance:	Michael Sifris
Constitutional and Administrative Law:	Ragu Appudurai
Construction Law:	Richard Manly
Corporations and Securities Law:	Albert Monichino
Environmental, Planning and Local Government Law:	Stephen Jones
Insolvency Law:	Nunzio Lucarelli
Insurance Law:	Cameron Macaulay
Intellectual Property and Trade Practices Law:	Graeme Clarke
Property Law:	Richard Phillips
Revenue Law:	Terry Murphy

Throughout the year our relationship with the Commercial Law Association of Australia has continued to develop. This was highlighted in December 1995 when the Commercial Bar Association and the Commercial Law Association of Australia combined to hold a dinner. The dinner was well attended and the key note speech was delivered by Alan Goldberg Q.C. The dinner was attended by members of counsel, corporate lawyers, solicitors in private practice specialising in corporate law and lawyers involved in corporate activity. It is expected that this relationship will continue to prosper.

Generally the format of Section activities has revolved around monthly or bi-monthly seminar meetings held in the coffee lounge of the Essoign Club or the Readers Seminar Room at Four Courts Chambers. Recent cases have been analysed and discussed and panel members have taken questions on the subject matter. Generally, the evenings have served a principal purpose of ensuring a mixing of counsel of all seniorities in an informal setting allowing members of counsel to acquaint themselves with each other and to participate and express their own considerations of the matter being reviewed. As such, it would now appear evident that the Association has achieved its primary aim of being a forum for meetings of barristers who practise in or have an interest in commercial law and to foster closer working and social relationship between them.

In addition to these activities the Environmental Planning and Local Government Law Section has continued to produce an information bulletin which is subscribed to by a number of firms of solicitors practising in the area. The Corporations and Securities Law Section has made submissions in relation to the Corporate Law Simplification Review.

The Association looks forward to continuing its activities in the forthcoming year.

Any enquiries in relation to the activities of the Commercial Bar Association should be directed to David Denton, Clerk "A" on 9608 7020.

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION

The Criminal Bar Association remains the largest and oldest of the specialist Bar Association with a membership of approximately 366. The Committee met monthly throughout the year.

At the Annual General meeting held on 19 September 1995, the following were elected to the executive:

BRIND ZICHY-WOINARSKI Q.C.	Chairman
DYSON HORE-LACY Q.C.	Vice Chairman
BILL STUART	Treasurer
COLIN LOVITT Q.C.	Membership Secretary
JOHN McARDLE	Secretary

Subsequently the following were appointed as members of the Committee:

RICHARD MAIDMENT
GAVIN SILBERT
CHRIS RYAN
JANINE PERLMAN
MARK DEAN
CON KILIAS

DOUGLAS SALEK
ELIZABETH GAYNOR
ROY PUNSHON
DAVID NEAL
SEAN GRANT

Honorary membership was extended to Mr. J.H. MORRISSEY Q.C.

Throughout the year, fees paid by the Legal Aid Commission and the Office of Public Prosecutions to counsel have continued to be a matter of concern to the Criminal Bar Association.

In relation to Legal Aid Commission, a sub-committee was appointed consisting of:

DYSON HORE-LACEY Q.C.
DOUGLAS SALEK
ELIZABETH GAYNOR
AARON SCWARTZ

BILL STUART
ROY PUNSHON
CON KILIAS

to consider and formulate submissions to be made to the Legal Aid Commission. A good deal of work was performed by this Committee, especially by Bill Stuart. Unfortunately, the response to requests for ideas, submissions etc from members of the Association was disappointing.

The Office of Public Prosecutions announced that there was to be an increase in fees paid by that Office to members of counsel, especially the very junior members.

In November 1995 a well attended dinner was held and in February 1996, a cocktail party took place to congratulate those members of the Association who had taken silk in late 1995.

During the course of the year a number of legislative initiatives from State and Federal Government were the subject matter of submissions made by members of the Criminal Bar Association. They included the Australian Law reform Commission Issues Paper concerning complaints against the AFP and the NCA.

Submissions to the Victorian Parliamentary Committee concerning wheel clamping were made and the proposed legislation appears to contain all our recommendations.

The report of the Australian Institute of Judicial Administration entitled "Pleading Guilty" was considered.

In April 1996 Mr. Richard Read, Crown Prosecutor was appointed by the Attorney-General to report on aspects of the Sentencing Act 1991. Submissions are to be made by the Criminal Bar Association in relation to that matter.

In February 1996 the Victorian Government arranged an exhibition entitled "Victoria on Show". Part of that exhibition involved mock Courts set up by the Department of Justice. Members of the Criminal Bar Association participated in that display which was a success.

SPECIAL PURPOSE FINANCIAL REPORT

VICTORIAN BAR COUNCIL

PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30TH JUNE, 1996

	12 Months	12 Months
	1996	1995
	\$	\$
Operating Profit before abnormal items	260,242	137,479
Abnormal item		
Loan Waiver to Barristers' Chambers Limited	—	(828,000)
OPERATING PROFIT/(LOSS)AFTER		
ABNORMAL ITEM	260,242	(690,521)
Accumulated Funds at the beginning of the financial year	1,267,753	1,958,274
ACCUMULATED FUNDS AT THE END OF		
THE FINANCIAL YEAR	1,527,995	1,267,753

The accompanying notes form part of these accounts.

SPECIAL PURPOSE FINANCIAL REPORT

VICTORIAN BAR COUNCIL

BALANCE SHEET AS AT 30TH JUNE, 1996

	NOTES	1996 \$	1995 \$
Current Assets			
Cash.....		27,558	73,246
Investments.....	3.	950,000	650,000
Receivables	4.	23,790	456,098
Total		<u>1,001,348</u>	<u>1,179,344</u>
Non Current Assets			
Investments.....	5.	16,300	16,300
Property Plant & Equipment	6.	524,485	65,070
Loan to Essoign Club.....	7.	62,351	67,351
Total		<u>603,136</u>	<u>148,721</u>
Total Assets		<u>1,604,484</u>	<u>1,328,065</u>
Current Liabilities			
Provisions.....	8.	17,391	14,704
Creditors.....	9.	40,277	25,293
Unearned Income	10.	-	3,032
Total		<u>57,668</u>	<u>43,029</u>
Non Current Liabilities			
Provisions.....	11.	18,821	17,283
Total Liabilities		<u>76,489</u>	<u>60,312</u>
Net Assets		<u>1,527,995</u>	<u>1,267,753</u>
Accumulated Funds		<u>1,527,995</u>	<u>1,267,753</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 YEAR ENDED 30TH JUNE, 1996

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 AAS 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. Depreciation has not been charged on the Library cost as the Library is to be valued on annual basis.

(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.

(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. This policy is believed to provide an estimate of the long service liability which is not materially different from the estimate provided by using the present value basis of measurement.

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.

SPECIAL PURPOSE FINANCIAL REPORT

VICTORIAN BAR COUNCIL

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30TH JUNE, 1996 *(continued)*

	1996 \$	1995 \$
3. Current Investments		
Cash at call	50,000	-
Commonwealth Bank of Australia - Bank Bills	<u>900,000</u>	<u>650,000</u>
Total Current Investments	<u>950,000</u>	<u>650,000</u>
4. Current Receivables		
Unsecured Loan - Barristers' Chambers Limited	-	394,603
Subscriptions in Arrears	<u>23,790</u>	<u>61,495</u>
Total Current Receivables	<u>23,790</u>	<u>456,098</u>
5. Non Current Assets		
Shares in Barristers' Chambers Limited at Cost	<u>16,300</u>	<u>16,300</u>
6. Property, Plant and Equipment		
Office Equipment	103,183	44,303
Provision for Depreciation	<u>(17,171)</u>	<u>(7,920)</u>
Total Office Equipment	<u>86,012</u>	<u>36,383</u>
Office Furniture	12,081	12,081
Provision for Depreciation	<u>(2,396)</u>	<u>(1,611)</u>
Total Office Furniture	<u>9,685</u>	<u>10,470</u>
Art Works	22,224	21,364
Provision for Depreciation	<u>(5,355)</u>	<u>(3,147)</u>
Total Art Works	<u>16,869</u>	<u>18,217</u>

SPECIAL PURPOSE FINANCIAL REPORT

VICTORIAN BAR COUNCIL

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE, 1996 *(continued)*

	1996 \$	1995 \$
Library (at cost)	<u>190,000</u>	<u>-</u>
Total Library	<u>190,000</u>	<u>-</u>
Refurbishment - Four Courts Chambers	<u>221,919</u>	<u>-</u>
Total Refurbishment - Four Courts Chambers	<u>221,919</u>	<u>-</u>
Total Property, Plant and Equipment	<u>524,485</u>	<u>65,070</u>
7. Loan to Essoign Club	<u>62,351</u>	<u>67,351</u>
Total Non-Current Assets	<u>603,136</u>	<u>148,721</u>
8. Current Liabilities		
Provision for Annual Leave	17,391	14,704
9. Creditors	40,277	25,293
10. Unearned Income	-	3,032
Total Current Liabilities	<u>57,668</u>	<u>43,029</u>
11. Non Current Liabilities		
Provision for Long Service Leave	18,821	17,283

SPECIAL PURPOSE FINANCIAL REPORT

VICTORIAN BAR COUNCIL

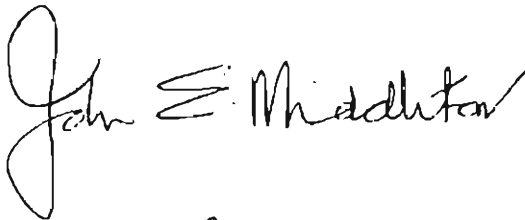
STATEMENT BY OFFICERS

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 year ended 30th June, 1996.
- (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, 1996.
- (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.
- (e) there are, when this statement is made, reasonable grounds to believe that the Victorian Bar Council will be able to pay its debts as and when they fall due.

Chairman:



Honorary Treasurer:



Dated:

14 / 8 / 96

VICTORIAN BAR COUNCIL

DETAILED PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30TH JUNE, 1996

	12 Months 1996 \$	12 Months 1995 \$
INCOME		
Subscriptions	1,073,715	1,003,995
Sale of Publications	67	75
Readers' Course	56,301	57,022
Other Income	1,356	377
Commercial Bar Association	3,688	4,084
Seminars	2,229	11,769
Interest	47,605	21,032
Total Income	<u>1,184,961</u>	<u>1,098,354</u>
EXPENSES		
Australian Securities Commission	185	250
Audit and Accounting Fees	8,600	10,530
Archival Costs	4,940	5,460
Bank Charges	2,004	1,808
Bar Conference	150	—
Bar News Expenses	84,928	102,482
Bar News Advertising Income	(16,225)	(14,255)
Directory Expenses	250	44,463
Directory Income	(341)	(15,023)
Donations	2,057	2,500
Depreciation	12,244	6,720
Bar Dinner and Other Functions	74,705	76,628
Members Receipts	(33,763)	(30,642)
Ethics	7,672	6,255
Fees	62,187	26,320
Floral Tributes	831	442
Insurance	1,785	1,983
Library	53,391	46,657
Mediation Workshop Expense	110,267	17,330
Mediation Receipts	(127,513)	(22,500)
Miscellaneous	1,458	5,244
Postage	6,831	6,820
Printing and Stationery	52,078	52,280
Publications	4,328	2,050
Readers' Course	57,949	57,330
Rent to Barristers' Chambers Limited	162,774	155,940

VICTORIAN BAR COUNCIL

DETAILED PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30TH JUNE, 1996 *(continued)*

	12 Months 1996 \$	12 Months 1995 \$
EXPENSES		
Salaries, Employee Provisions, Superannuation and Workcover Costs	240,528	259,377
Lay Observer's Salary	16,289	15,031
Trade Practice Commission Costs	—	8,000
Travel Expense.....	20,164	15,821
Telephone	290	615
Australian Bar Association	24,980	25,000
International Bar Association	—	272
Law Council of Australia.....	87,727	88,702
Lawasia.....	660	860
Leadr	309	125
Total Expenses.....	924,719	960,875
OPERATING PROFIT	260,242	137,479
Abnormal Item		
Loan Waiver to Barristers' Chambers Limited	—	(828,000)
PROFIT (LOSS) AFTER ABNORMAL ITEM	260,242	(690,521)
Accumulated Funds at the beginning of the financial year.....	1,267,753	1,958,274
ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR	1,527,995	1,267,753
<i>Barristers' Benevolent Fund Receipts.....</i>	<i>35,562</i>	<i>46,888</i>
<i>Barristers' Benevolent Fund Remittances</i>	<i>35,562</i>	<i>46,888</i>

The accompanying notes form part of these accounts



INDEPENDENT AUDIT REPORT TO THE MEMBERS

OF THE VICTORIAN BAR COUNCIL

Scope

We have audited the attached special purpose financial report as set out on pages 44 to 49 for The Victorian Bar Council for the year ended 30 June 1996. 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 to 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. These policies do not require the application of all Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views).

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 1996 and the results of its operations for the year ended in accordance with the basis of accounting described in Note 1 of the financial statements.

DELOITTE TOUCHE TOHMATSU

J C BRANT
Partner
Chartered Accountants

Date: 14 August 1996