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Ross N.

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



The Victorian Bar Inc

Annual Report

1 July 1998–30 June 1999

The Victorian Bar Inc — Reg. No. A0034304S



The Victorian Bar Inc

1 July 1998–30 June 1999

The Victorian Bar Inc — Reg. No. A0034304S

ANNUAL REPORT OF THE VICTORIAN BAR INC FOR THE YEAR ENDED 30 JUNE 1999

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00 pm on Monday, 30 August 1999, in the Neil McPhee Room, 2nd floor, Douglas Menzies Chambers, 180 William Street, Melbourne.

VICTORIAN BAR COUNCIL

In the annual elections held in September 1998, 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

David E Curtain QC
D Mark B Derham QC
Robert F Redlich QC
Robert Richter QC
Maurice B Phipps QC
Stephen W Kaye QC
John T Rush QC
Philip A Dunn QC
W Ross Ray QC
Robin A Brett QC
G Tony Pagone QC

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

Paul D Santamaria
Duncan L Allen
David F R Beach
Richard W McGarvie
Jane A Dixon
Fiona M McLeod

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

Peter J Riordan
Carolyn M Burnside
Dr David J Neal
Sara L Hinchey

THE VICTORIAN BAR INC

ANNUAL REPORT

INDEX

	<i>Page</i>
Chairman's Report	5
Officers of the Bar Council	8
Bar Companies and Associations	10
Standing Committees of the Bar Council	14
Joint Standing Committees	16
Bar Appointees	17
General Meetings	21
Personalia	23
Roll of Counsel	25
Functions	30
Sporting Events	31
Annual Reports of Associations and Committees	32
Financial Report	53

CHAIRMAN'S REPORT

The past year has been a busy and productive one for the Victorian Bar Council. Many external challenges have continued, particularly in the areas of criminal law reform, migration law reform, legal aid, and the structure and regulation of the legal profession. We have continued to meet these challenges. At the same time, through Barristers' Chambers Limited, we have worked hard to further strengthen the financial viability of the Bar and to provide more services and benefits than ever for our members. In past years, the Bar Council's determined and disciplined attitude to its public and financial responsibilities has ensured that we are now well positioned to advocate the interests of the Bar and the community in years to come.

The Bar Council has dedicated a great deal of time and effort to one of its central public responsibilities: taking an active role in preserving the rights of all participants in the justice system, including those who are most marginalised. We have campaigned for the retention of judicial review for applicants for refugee status, and we have sought to preserve the basic rights of criminal defendants at a time when they are increasingly threatened. Some of those rights include the right to silence, the right to lawyer-client privilege, the right (in the case of serious crime) to be acquitted in the absence of a unanimous verdict of guilt, the right to be acquitted of a charge in the absence of voluntariness and intention, and the right to bring an appeal without fear of punishment. We are proud of the fact that we are one of the most active and vocal legal professional associations in Australia in relation to civil rights issues.

Predictably enough, however, the Bar's efforts have met with mixed success. The broader political environment is increasingly hostile to those members of our community who are charged with a criminal offence. Against this background, any victory in the public arena is to be celebrated. The Bar Council is particularly pleased that the Scrutiny of Acts and Regulations Committee has recommended the preservation of the right to silence in respect of pre-trial investigations: in line with the Bar Council's written and oral submissions, the Committee is of the view that no adverse inferences should be drawn from an accused person's failure to answer questions put to him or her by investigating officials such as police. We are also pleased that our submissions to the Law Reform Committee of the Victorian Parliament were accepted in respect of the 'defence' of intoxication: the Bar Council supported the reasoning of the High Court in O'Connor's case, which we hope will continue to state the law in Victoria.

There has been less success in relation to our work in addressing the continuing legal aid crisis in our country. It is a matter of deep regret that the right of people to the protection of our legal system is now seen by many governments and government agencies as a luxury. The succession of annual Commonwealth-State Legal Aid Funding Agreements are doing very little to stem the tide of unrepresented litigants in our courts. The Bar has continued to provide as much pro bono assistance for unfunded litigants as possible: the recent successful launch of the Federal Court's pro bono scheme was made possible by the Bar's pro bono commitment, and represents only the last in a long series of Bar initiatives across all jurisdictions to provide legal representation to those who would otherwise be expected to do without. The Bar Council has also been working

closely with the Victorian Auditor-General and the Law Council of Australia in order to show that the paucity of legal aid funding in Victoria has far-reaching costs, both human and financial. Given the vast amount of unpaid work carried out by members of the Bar over the past years in relation to the legal aid crisis — whether in the form of pro-bono legal representation, in the form of official and unofficial advice and assistance to Victoria Legal Aid, and in the collection of legal aid data for various reviews — it is now time for both Federal and State governments to acknowledge the efforts of the profession and to accept responsibility for the crisis.

Against this background, the Bar Council has also been acutely aware of the importance of a strong and independent legal profession. There is no doubt that the justice system in Australia is undergoing a period of rapid change, and it is the responsibility of the legal profession to lead the way. We have been a strong supporter of moves towards a national legal profession, and it is a great honour for our Bar that my predecessor as Chairman, Neil Young QC, has been elected President of the Australian Bar Association. The Bar Council has also been actively involved in State and Federal initiatives to reform litigation procedure. In recent months we have established 'Litigation Procedure Review Committees' which have been asked to report on ways in which litigation in Victoria can be made more efficient. These Committees will, we believe, ensure that the Bar Council can continue not only to be an active participant in various governmental reviews of the litigation system, but also to lead the debate in terms of litigation reform.

As well as litigation reform, the Bar Council has also been leading the way with its work to secure equality of opportunity for women barristers at the Victorian Bar. The launch of the Bar's Equality of Opportunity Report in August last year was a great success, and the initiatives of the Bar's Equality Working Party in response to the Report are ground-breaking for the Australian legal profession. The establishment of a directory for women barristers, the appointment of more women to Bar Council committees, and the running of seminars on equality issues for our members are only some of the projects which are now under way. I am particularly pleased at the level of co-operation which the clerks, the Lists, the Law Institute and the judiciary have provided to the working party, and look forward to some real results for women barristers in coming months.

There are, however, some proposed changes to the structure and culture of the profession which the Bar Council believes would be contrary to principle and counterproductive, both for the profession and for the public. In particular, the Bar Council has opposed Law Council moves to introduce 'Multi-Disciplinary Practices' (MDPs) into Australia, and moves to limit the potential liability for lawyers in respect of their professional advice. It is accepted throughout the common law world that MDPs pose a threat to the independence of the legal profession: if the structure and regulation of MDPs is not addressed, then they will, if introduced, produce a conflict between the fundamental duty of the lawyer to the client and to the administration of justice. It is also apparent to the Bar Council that any move to limit the liability for the legal profession is contrary to the principles which underpin our legal system — including the common law principle of full recovery — and will leave the profession open to charges of self-interest. It is vitally important, we believe, that the profession does not jeopardise its

standing in the Australian community, and that it does not lose sight of the principles which form the basis for the practice of law.

Finally, I am pleased to announce that the Bar's 'Strategy Plan' has enabled the Bar Council and Barristers' Chambers Limited to extend the range of services available to the Bar. The Bar Council will be able to continue its work in advising members as to the impact of a GST upon practice at the Bar, and in negotiating favourable insurance arrangements for our members. It is particularly pleasing, in light of the Bar's equality of opportunity initiatives, that we have been able to open a parents' room in Owen Dixon Chambers East for the feeding of babies and small children, and that we have been able to acquire more accommodation for barristers, to be opened later in 1999 and to be called Joan Rosanove Chambers, in honour of Joan Rosanove QC, the first female member of our Bar, and one of the most talented, far-sighted and tenacious barristers to have practised in Victoria.

As I have indicated, tenacity is a quality which the Bar itself is now being asked to show. However, the vigour with which the Bar has performed in the public arena, the financial strength of the Bar, and the continuing influx of extremely able new barristers with each intake of the Reader's Course indicate that the early years of the next millennium will be exciting and full of opportunity for all our members.

David E Curtain

Chairman

2 July 1999

OFFICERS OF THE BAR COUNCIL

David E Curtain QC (Chairman)
D Mark B Derham QC (Senior Vice-Chairman)
Robert F Redlich QC (Junior Vice-Chairman)
W Ross Ray QC (Honorary Treasurer)
David F R Beach (Assistant Honorary Treasurer)

Garrie J Moloney (Honorary Secretary)
Samantha E Burchell (Assistant Honorary Secretary)
Richard H M Attiwill (Acting Assistant Honorary Secretary)
David J L Bremner (Executive Director)
Anna Whitney (Executive Officer)
Jonathan Morrow (Legal Policy Adviser)
Barbara Walsh (Manager, Legal Education and Training)
Debbie Jones (Investigations Officer, Ethics Committee)

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

David E Curtain QC (Chairman)
D Mark B Derham QC (Senior Vice-Chairman)
Robert F Redlich QC (Junior Vice-Chairman)
Robert Richter QC
Stephen W Kaye QC
John T Rush QC
W Ross Ray QC (Honorary Treasurer)
Robin A Brett QC

PORTFOLIOS OF BAR COUNCIL MEMBERS

Bar Rules

Robert F Redlich QC and Robin A Brett QC

Barristers' Chambers Limited

Maurice B Phipps QC and D Mark B Derham QC

Clerking

Stephen W Kaye QC and Peter J Riordan

Commercial Bar

D Mark B Derham QC and Paul D Santamaria

Common Law Bar and Compensation Bar

John T Rush QC and David F R Beach

Continuing Legal Education

Robin A Brett QC, W Ross Ray QC and Paul D Santamaria

Costs

G Tony Pagone QC and Fiona M McLeod

Courts and Civil Procedures

Stephen W Kaye QC, Robin A Brett QC and Peter J Riordan

Criminal Bar

Robert Richter QC, Philip A Dunn QC, Carolyn M Burnside and Dr David J Neal

Dispute Resolution Committee

Maurice B Phipps QC and Richard W McGarvie

Equality Before the Law

G Tony Pagone QC, Jane A Dixon and Fiona M McLeod

Family Law Bar

Robert F Redlich QC and Sara L Hinchey

Federal Courts and Industrial Law

G Tony Pagone QC and Richard W McGarvie

Law Council

John T Rush QC and W Ross Ray QC

Legal Aid

Philip A Dunn QC, Duncan L Allen, Jane A Dixon and Dr David J Neal

Library and Technology

D Mark B Derham QC and Sara L Hinchey

New Barristers' Committee

W Ross Ray QC, Duncan L Allen, Peter J Riordan and Carolyn M Burnside

Property Law

D Mark B Derham QC and Sara L Hinchey

BAR COMPANIES AND ASSOCIATIONS

BARRISTERS' CHAMBERS LIMITED — BOARD OF DIRECTORS

Ross McK. Robson QC (Chairman)
Maurice B Phipps QC (Deputy Chairman)
D Mark B Derham QC
David S Levin QC
Michael J Colbran QC
Andrew J McIntosh
Paul E Anastassiou
Julie A Dodds-Streeton

THE MELBOURNE BAR PTY LTD — BOARD OF DIRECTORS

J Anthony Magee (Chairman) ✓
Stephen W Kaye QC
David F R Beach
Mark T Settle

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA COMMITTEE OF MANAGEMENT

David E Curtain QC (Chairman, Victorian Bar Council)
W Ross Ray QC (Honorary Treasurer, Victorian Bar Council)

BARFUND PTY LTD

(AS TRUSTEE FOR THE VICTORIAN BAR SUPERANNUATION FUND)

Ross McK. Robson QC (Chairman)
Philip J Kennon QC (Deputy Chairman)
Robin A Brett QC
Michael C Hines
Jonathan B R Beach
Michael O'Loughlen QC (Alternate)
David S Levin QC (Alternate)

NEW BARRISTERS' COMMITTEE

Bar Council Nominees

W Ross Ray QC (Chairman)
Duncan L Allen (Alternate)

Dr David J Neal (Representative)
Fiona M McLeod (Alternate)

Elected Members

Andrew G Hooper (Secretary)
Daryl J Williams
Anne L Wardell
Shaun L Le Grand

COMMERCIAL BAR ASSOCIATION

Office Bearers

Allan J Myers QC (President)
David H Denton RFD (Vice-President, Convenor)
Melanie Sloss (Treasurer)

Committee

Nunzio Lucarelli
Albert A Monichino

COMMON LAW BAR ASSOCIATION

Office Bearers

David A Kendall QC (Chairman)
Arthur W Adams QC (Vice-Chairman)
John H L Forrest QC (Treasurer)
David J Martin (Secretary)

Committee Members

Charles H Francis QC
Richard J Stanley QC
Peter J Galbally QC
Ross H Gillies QC
John T Rush QC
John R Bowman
Trevor S Monti
David F R Beach
Timothy P Tobin
Susan M Cohen
Mary Anne Hartley

COMPENSATION BAR ASSOCIATION

Robin P Gorton QC (Chairman)
Michael O'Loughlen QC
John H Tebbutt (Liaison Officer)
Julian J Zahara
Clyde A Miles
John A O'Brien (Treasurer)
Robert W Dyer
Phillip J Coish (Secretary)

CRIMINAL BAR ASSOCIATION

Executive

Michael Rozenes QC (Chairman)
Roy F Punshon (Vice-Chairman)
Betty J King QC (Treasurer)
Colin L Lovitt QC (Membership Secretary)
Damian P Sheales (Secretary)

Committee Members

Christopher C Dane QC
Remy Van De Wiel QC
Gerard Mullaly
Patricia R Riddell

FAMILY LAW BAR ASSOCIATION

Noel J Ackman QC (Chairman)
Diana Bryant QC (Vice-Chairman)
Jeremy W St John (Vice-Chairman)
Graeme P Thompson (Treasurer)
Andrew I Strum (Secretary)

VICTORIAN BAR PROPERTY LAW ASSOCIATION

Peter R Best (Convenor)
Anthony T Schlicht (Honorary Secretary)

WOMEN BARRISTERS' ASSOCIATION

Susan M Cohen (Convenor)
Pamela M Tate (Assistant Convenor)
Jane M J Patrick (Assistant Convenor)

Fiona J Alpins (Secretary)
Dr Karin L Emerton (Assistant Secretary)
Frances I O'Brien (Assistant Secretary)
Joye S Elleray (Treasurer)

CHAIRMEN FOR THE TIME BEING OF THE LIST COMMITTEES

List A – Stuart R Morris QC
List B – Ian D Hill QC
List D – Peter J Galbally QC
List F – Philip A Dunn QC
List G – Anthony J Howard QC
List H – Ronald K J Meldrum QC
List L – Patrick F Tehan QC
List M – David M Clarke
List P – Richard R S Tracey QC
List R – William T Houghton QC
List S – Joseph G Santamaria QC
List W – Robin A Brett QC

FIRST AID OFFICERS

Anthea E L MacTiernan
Carolyn H Sparke

STANDING COMMITTEES OF THE BAR COUNCIL

Applications Review Committee

Robert F Redlich QC (Chairman), Frank X Costigan QC, Andrew J Kirkham QC, G John Digby QC, Robin A Brett QC, Michael J Colbran QC, Phillip G Priest, Alexandra Richards QC, John A Magee, Paul G Lacava, Tim J North, Paul J Cosgrave, Caroline Kenny, Jeanette E Richards, Michael F Wheelahan and Garrie J Moloney (Secretary)

Bar Constitution Committee

John E Barnard QC (Chairman), The Honourable Xavier Connor AO, QC, Michael A Adams QC, CM, Frank X Costigan QC, David M Bennett QC, Robin A Brett QC, Michael J Colbran QC, George A Watkins, Melanie Sloss and Anthony M Thomas

Child Care Facilities Committee

Frances I O'Brien (Chairperson), Rachelle A Lewitan QC, Helen Symon, Stephen J Jones, Georgina Grigoriou, Victoria J Bennett, Michael D Wyles, Jennifer J Batrouney, Matthew N Connock, Dr Karin L Emerton, Paul A Norris and Fiona M McLeod

Conciliators for Sexual Harassment and Vilification

A Ron Castan AM, QC, David J Habersberger QC, Jane M J Patrick and Debra S Mortimer

Counsel Committee

Stephen W Kaye QC (Chairman), Philip A Dunn QC, W Ross Ray QC (Honorary Treasurer), Paul D Santamaria, David F R Beach, Richard W McGarvie, Jane A Dixon, Fiona M McLeod, Garrie J Moloney (Honorary Secretary) and Samantha E Burchell (Assistant Honorary Secretary)

Equality Before the Law Committee

Rachelle A Lewitan QC (Chairperson), Bryan A Keon-Cohen QC, David C Munro RFD, Paul G Lacava, Thomas P Keely, Michael F Fleming, David A Parsons, Michael A Scarfo, Norah H Hartnett, C James Delany, Frances I O'Brien, Julie A Dodds-Streton, Pauline L Shiff, Fiona M McLeod, Dr Karin L Emerton, Judith V Birch, Kim M Pettigrew, Fiona G Phillips, Rozanna Zalewski, Mary-Anne Hughson (Secretary) and Shane A Lethlean

Ethics Committee

W Brind Zichy-Woinarski QC (Chairman), John F Lyons QC, H Michael Wright QC, G Tony Pagone QC, Diana L Bryant QC, Peter C Young QC, Ian D Hill QC, Paul G Lacava, C F (Kate) McMillan, Richard J H Maidment, Norah H Hartnett (Assistant Secretary), C James Delany, Georgina Grigoriou (Secretary) and Fiona J Connor

Human Rights Committee

Jacob I (Jack) Fajgenbaum QC (Chairman), Charles H Francis QC, Robert S Osborn QC, Alexandra Richards QC, David C Munro RFD, Ian L Gray, John T Healy, C James Delany, William C Grainger, Mordy A Bromberg, Debra S Mortimer, Michael G O'Connell, Fiona M McLeod (Secretary), Jane M J Patrick and Rozanna Zalewski

Indonesian Legal Aid Committee

Jacob I (Jack) Fajgenbaum QC (Chairman), John R P Lewisohn, Dr John F Bleechmore, Ian S Williams, C James Delany, Mordy A Bromberg, Michael G O'Connell, Timothy C Lindsey, Tim C de Uray-Ura and Jamie H Shaw

Legal Education Committee

W Ross Ray QC (Chairman), Joseph G Santamaria QC (Vice-Chairman), The Honourable Justice Hampel, Jacob I (Jack) Fajgenbaum QC, Ada Moshinsky QC, Richard R S Tracey QC, Robin A Brett QC, Felicity P Hampel QC, Paul D Santamaria and Elizabeth J Hollingworth

Legal Education Committee — Readers' Course Sub-Committee

W Ross Ray QC (Executive Chairman), The Honourable Justice Hampel, The Honourable Mr Justice Harper, Lesley A Fleming M, Julian W K Burnside QC, Felicity P Hampel QC, Rowan M Downing QC, Geoffrey T Chettle, David A Parsons, Paul D Santamaria, Helen Symon, Andrew J McIntosh, Fiona M McLeod, Christopher M O'Neill, Matthew N Connock, James D Elliott, Gerard F Holmes and Martin L Grinberg

Legal Education Committee — CLE Sub-Committee

Joseph G Santamaria QC (Executive Chairman), Jacob I (Jack) Fajgenbaum QC, Ada Moshinsky QC, Richard R S Tracey QC, Jeremy Ruskin QC, Dr S Rory Derham, David H Denton RFD, Dr Dorothy Kovacs, Dr Clyde E Croft, Elizabeth J Hollingworth and Dr David J Neal

Litigation Procedure Review Committee — Commercial Law

D Mark B Derham QC (Chairman), Robin A Brett QC (Deputy Chairman), David H Denton, Jennifer Davies, Albert A Monichino, Sara L Hinchey and Phillip D Crutchfield

Litigation Procedure Review Committee — Common Law

John T Rush QC (Chairman), David E Curtain QC (Deputy Chairman), David A Kendall QC, John H L Forrest QC, David J Martin, Susan M Cohen and David F R Beach

Litigation Procedure Review Committee — Criminal Law

Robert Redlich QC (Chairman), Philip A Dunn QC (Deputy Chairman), Remy Van De Wiel QC, Antony D Trood, Joye S Elleray, Carolyn Burnside and Dr David J Neal

Litigation Procedure Review Committee — Family Law

Robert Richter QC (Chairman), The Honourable John Fogarty AM, Noel J Ackman QC, Clarinda E Molyneux QC, Diana Bryant QC, Jeremy W St John and Lachlan D Wraith

Past Practising Chairmen's Committee

Charles H Francis QC, Hartog C Berkeley QC, Frank X Costigan QC, Brian J Shaw QC, Andrew J Kirkham QC, David J Habersberger QC, Dr Chris N Jessup QC, Susan M Crennan QC, John E Middleton QC and Neil J Young QC

Professional Indemnity Insurance Committee

John T Rush QC (Chairman), Anthony G Southall QC, Charles M Scerri QC, Ian S Williams, David F R Beach, Ian G Waller and Stephen J Moloney

Alternative Dispute Resolution Committee

William J Martin QC (Chairman), George H Golvan QC (Deputy Chairman), Nathan Moshinsky QC, David M Bennett QC, Henry Jolson QC, John V Kaufman QC, G John Digby QC, David S Levin QC, Gerald A Lewis, John R P Lewisohn, Marc T Bevan-John, James Cyngler, Ross G Maxted (to January 1999), Julie A Nicholson, Gerald A Hardy, Anthony J Kelly, Georgina Grigoriou, Franz J Holzer, Mark G Hebblewhite, Dr Clyde E Croft, David B Blackburn, Alan D Kornhauser and Michael H Whitten

Victorian Bar News — Editorial Board

P Gerard Nash QC (Editor), Paul D Elliott (Editor), David M Bennett QC, Julian W K Burnside QC and Graeme P Thompson

JOINT STANDING COMMITTEES

Lawaid (Bar and LIV)

Peter J Galbally QC (Chairman), Robert F Redlich QC, David F R Beach, Peter N Rose, Andrew J McG Moulds and Katherine L Bourke

Legal Aid Liaison (Composite Fees) Committee (Bar and LIV)

William H Morgan-Payler QC and Thomas F Danos

Listing Problems Committee (Bar and LIV)

Stephen W Kaye QC, Paul A Coghlan QC and David F R Beach

Medico-Legal Standing Committee (Bar, LIV and AMA)

David A Kendall QC, Michael A Scarfo, Debra S Mortimer and Fiona J S Connor

Police/Lawyers Liaison Committee

Ian D Hill QC (Chairman), Boris Kayser, Warwick J Walsh-Buckley (CBA Representative), Carolyn M Burnside and Lex Lasry QC (Alternate)

BAR APPOINTEES

Academic Course Appraisal Committee

Jacob I (Jack) Fajgenbaum QC

Appeal Costs Board

Anthony E Hooper QC

Attorney-General's Appointments Advisory Committee on the Appointment of Magistrates and Tribunal Members

Anthony L Cavanough QC, Diana L Bryant QC and Andrew J McIntosh

Australasian Dispute Centre

William J Martin QC

Board of Examiners (Appointed by Chief Justice)

Ronald K J Meldrum QC, Hartog C Berkeley QC, Michael J L Dowling QC, William F Lally QC (Deputy), Joseph G Santamaria QC (Deputy) and Peter J Jopling QC (Deputy)

Chief Justice's Civil Listing Committee

Richard J Stanley QC

Chief Justice's Committee for Religious Observances

Anthony E Radford

Chief Justice's Supreme Court Computer Committee

Julian W K Burnside QC, Paul A Willee QC and David S Levin QC

Chief Justice's Supreme Court Library Committee

Geoffrey A A Nettle QC and Robin A Brett QC

Chief Justice's Supreme Court Rules Committee

Geoffrey A A Nettle QC and Peter T Fox

Commercial Causes Users Committee

Julian W K Burnside QC, Simon K Wilson QC, Tim J North and Stewart M Anderson

Commonwealth AAT — (Melbourne) Liaison Committee

Charles Gunst QC

Costs Co-ordination Committee

G Tony Pagone QC

Council of Australian Bar Association

David E Curtain QC and D Mark B Derham QC (Alternate)

Council of Law Council of Australia

John T Rush QC and David E Curtain QC (Alternate)

Council of Law Reporting

James D Merralls QC and Charles Gunst QC

Council of Legal Education

Michael J L Dowling QC and Jacob I (Jack) Fajgenbaum QC

County Court Building Cases Users Group

Richard J Manly and Les M Schwarz

County Court Business Process Re-engineering Project

Robin P Gorton QC and David F R Beach

County Court Computerisation Committee

David S Levin QC

County Court Rules Committee

Michael J Corrigan and Peter T Fox

Department of Justice — Supreme Court Library Steering Committee

Geoffrey A A Nettle QC

Federal Court Users Committee

Intellectual Property and Commercial — Ross C Macaw QC and Bruce N Caine;
Administrative Law and Industrial Law — Richard R S Tracey QC; Taxation —
G Tony Pagone QC and John W De Wijn QC

Firearms Appeal Committee

Carolyn H Sparke

La Trobe University Law School — Legal Profession Consultative Council

Ross C Macaw QC

La Trobe University Proctorial Board

Frank X Costigan QC

Law Council of Australia — Access to Justice Committee

Bernard D Bongiorno QC

Law Council of Australia — *Australian Lawyer* Editorial Committee

P Gerard Nash QC

Law Council of Australia — Young Lawyers Committee

Simon K McGregor

Law Faculty — University of Melbourne

Neil J Young QC and Allan J Myers QC

Law Institute of Victoria — Convention on the Victorian Constitution

Fiona M McLeod

Law Institute of Victoria — Pro Bono Implementation Committee

Garrie J Moloney and Samantha E Burchell

Lawyers Engaged in Alternative Dispute Resolution (LEADR)

William J Martin QC and Dr Damien J Cremean (Alternate)

Legal Practice Board

David J Habersberger QC

Legal Practice Board — Legal Costs Committee

G Tony Pagone QC

Legal Profession Tribunal — Advocate Members

Frank X Costigan QC, David M Bennett QC, Ian G Sutherland QC, Lex Lasry QC, Richard R S Tracey QC, Rachelle A Lewitan QC, Anthony G Southall QC, David S Levin QC, Peter J Jopling QC, Jeremy W Rapke, Manny Garantziotis, Gerard J Maguire, Susan A Winneke, Christopher J Ryan, Helen M Symon and Meryl E Sexton

Legal Profession Tribunal — Conciliators

David M Bennett QC, Nathan Moshinsky QC, Henry Jolson QC, John H L Forrest QC, Melanie Sloss, Michael F Wheelahan and Jane M J Patrick

Leo Cussen Institute of Continuing Legal Education

The Honourable Justice Hampel (Chairman), Diana L Bryant QC (Alternate), Julian W K Burnside QC and P Gerard Nash QC (Alternate)

Magistrates' Court Civil Rules Committee

Ian R McEachern, Gregory L McNamara and Franz J Holzer

Monash University Law Faculty Board

Paul A Willee QC and P Gerard Nash QC (Alternate)

Public Interest Law Clearing House (PILCH)

Gary A Cazalet and Fiona M McLeod (Alternate)

Salvation Army Court and Prison Advisory Committee

Andrew B J Combes

Supreme Court of Victoria — Building List Users Committee

G John Digby QC, David S Levin QC and Richard J Manly

Supreme Court of Victoria — Civil Litigation Committee

Maurice B Phipps QC, Stephen W Kaye QC, John H L Forrest QC and Elizabeth Hollingworth

Supreme Court of Victoria — Court Management

Stephen W Kaye QC and Robin A Brett QC

Supreme Court of Victoria — Probate Users' Committee

Richard R Boaden and Shane P Newton

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
Anti-Discrimination List Users Group**

Frances I O'Brien, Herman Borenstein and Fiona M McLeod

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
Domestic Building List Users Group**

John G Bolton and J A Hugh Foxcroft

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
General List Users Group — Freedom of Information**

Anthony L Cavanough QC, Thomas V Hurley and Mark A Dreyfus

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
General List Users Group — General**

Susan M Cohen

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
General List Users Group — Transport Accident Commission**

David J Martin

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
Guardianship List User Group**

Carolyn H Sparke

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
Planning List Users Group**

H Michael Wright QC and Christopher J Wren

**Victorian Civil and Administrative Tribunal Consultative Users Groups —
Retail Tenancies List Users Group**

Dr Clyde E Croft and Georgina Grigoriou

Victoria Law Foundation (including Grants Committee)

David E Curtain QC

Victoria Legal Aid — Community Consultative Committee

Philip A Dunn QC

Victoria Heritage Council

John L Dwyer QC

Victorian WorkCover Authority Committee

Robin P Gorton QC (Chairman), Robert W Dyer, John J Noonan and Katherine L Bourke

GENERAL MEETINGS

GENERAL MEETINGS OF THE BAR

The last Annual General Meeting of the Bar was held on 31 August 1998.

BAR COUNCIL MEETINGS

For the year ended 30 June 1999 the Bar Council held one special meeting and 24 ordinary meetings. The 1998/99 Bar Council first met on 7 September 1998. Between that date and 22 July 1999 there has been one special meeting and 21 ordinary meetings. Attendance at these meetings was as follows:

David E Curtain QC	18	Paul D Santamaria	17
D Mark B Derham QC	21	Duncan L Allen	17
Robert F Redlich QC	15	David F R Beach	12
Robert Richter QC	3	Richard W McGarvie	20
Maurice B Phipps QC	19	Jane A Dixon	9
Stephen W Kaye QC	15	Fiona M McLeod	16
John T Rush QC	14	Peter J Riordan	19
Philip A Dunn QC	12	Carolyn M Burnside	17
W Ross Ray QC	16	Dr David J Neal	18
Robin A Brett QC	21	Sara L Hinchey	17
G Tony Pagone QC	14		

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 1999 the Executive Committee held one special meeting and 14 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 1998 to 30 June 1999 the Bar Council fixed annual subscriptions for members of the Bar as follows:

Division A, Part I

Queen's Counsel	\$2300
Over 15 years	\$1480
Over 14 years	\$1410
Over 13 years	\$1340
Over 12 years	\$1270
Over 11 years	\$1200
Over 10 years	\$1130
Over 9 years	\$ 780
Over 8 years	\$ 740
Over 7 years	\$ 700
Over 6 years	\$ 660
Over 5 years	\$ 620
Over 4 years	\$ 580
Over 3 years	\$ 540
Over 2 years	\$ 450
Over 1 year	\$ 410
Under 1 year's standing	\$ 220
Readers (September 1998)	\$ 105

Division A, Part II

Crown Prosecutors	\$ 280
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Division A, Part III

Interstate Queen's Counsel	\$ 370
Interstate and Overseas Juniors	\$ 280

Division B, Part III

Ministers of the Crown and Members of Parliament	\$ 280
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Division B, Part IV

Solicitors-General and Directors of Public Prosecutions	\$ 280
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Division B, Part VII

Crown Counsel and Parliamentary Counsel	\$ 280
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Division B, Part VIII

Other Official Appointments	\$ 280
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Division D

Academics	\$ 280
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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:

Alan Kelly on 26 June 1998

His Honour Judge Norman Vickery CBE, MC, ED on 4 August 1998

Francis D Cumbrae-Stewart on 5 August 1998

Mike (Mietek) Wajsenberg on 19 August 1998

Neil R McPhee QC on 15 October 1998

A J (Bob) Scurry QC on 4 December 1998

David Aronson on 24 January 1999

Michael J Casey on 30 January 1999

The Honourable Basil Lathrop (Tony) Murray QC, CBE on 3 May 1999

Arthur C P Webb QC on 27 June 1999

Timothy Sephton on 29 June 1999

JUDICIAL APPOINTMENTS

Federal Court of Australia

On 15 July 1998 The Honourable Justice Weinberg was appointed to the Bench of the Federal Court of Australia.

Family Court of Australia

On 14 December 1998 The Honourable Justice Watt was appointed a Judge of the Family Court of Australia.

Supreme Court of Victoria

On 13 October 1998 The Honourable Justice Warren was appointed to the Bench of the Supreme Court of Victoria.

County Court of Victoria

On 8 April 1999 His Honour Judge Pilgrim was appointed as a Judge of the County Court of Victoria.

On 20 April 1999 Her Honour Judge Williams was appointed as a Judge of the County Court of Victoria.

On 20 April 1999 Her Honour Judge Jenkins was appointed as a Judge of the County Court of Victoria.

Queen's Counsel

On 24 November 1998 the following members of the Victorian Bar were appointed Queen's Counsel in Victoria:

Neil J Williams, Remy Van De Wiel, John D McArdle, Martin Bartfeld, John H L Forrest, Gregory J Davies, Rowan M Downing, Eamonn P A Moran, Peter J Bick, Phillip G Priest, Alexandra Richards, Christopher M Maxwell and O Paul Holdenson.

Welcomes

On 20 July, 1998 The Honourable Justice Weinberg was welcomed to the Bench of the Federal Court of Australia by Neil J Young QC, the then Chairman of the Victorian Bar Council.

On 11 September 1998 The Honourable Justice Hayne was welcomed to the Bench of the High Court of Australia by David E Curtain QC, Chairman of the Victorian Bar Council.

On 20 October 1998 The Honourable Justice Warren was welcomed to the Bench of the Supreme Court of Victoria by David E Curtain QC, Chairman of the Victorian Bar Council.

On 11 December 1998 The Honourable Chief Justice Gleeson AC was welcomed on the occasion of his first sitting in Melbourne since his appointment as Chief Justice to the High Court of Australia by David Curtain QC, Chairman of the Victorian Bar Council.

On 15 December 1998 The Honourable Justice Watt was welcomed to the Bench of the Family Court of Australia by David Curtain QC, Chairman of the Victorian Bar Council.

On 8 April 1999 His Honour Judge Pilgrim was welcomed to the Bench of the County Court of Victoria by Mark Derham QC, Senior Vice-Chairman of the Victorian Bar Council.

On 22 April 1999 Her Honour Judge Williams was welcomed to the Bench of the County Court of Victoria by David Curtain QC, Chairman of the Victorian Bar Council.

On 29 April 1999 Her Honour Judge Jenkins was welcomed to the Bench of the County Court of Victoria by David Curtain QC, Chairman of the Victorian Bar Council.

Farewells

On 28 August 1998 the legal profession met to pay tribute to The Honourable Justice Northrop on the occasion of his retirement from the Bench of the Federal Court of Australia. Neil Young QC, the then Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 2 October 1998 the legal profession met to pay tribute to The Honourable Justice Fogarty AM on the occasion of his retirement from the Bench of the Family Court of Australia. Mark Derham QC, Senior Vice-Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 30 March 1999 the legal profession met to pay tribute to His Honour Judge O'Shea on the occasion of his retirement from the Bench of the County Court of Victoria. Mark Derham QC, Senior Vice-Chairman of the Victorian Bar Council spoke on behalf of the Bar.

ROLL OF COUNSEL (AS AT 30 JUNE 1999)

Division A, Part I

Victorian Practising Counsel — Queen's Counsel — Male	44
— Queen's Counsel — Female	9
Victorian Practising Counsel — Junior Counsel — Male	990
— Junior Counsel — Female	224

Division A, Part II

Prosecutors for the Queen	22
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Division A, Part III

Overseas and Interstate Counsel	208
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Division B, Part I

Governors	2
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Division B, Part II

Judges	157
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Division B, Part III

Ministers of the Crown and Members of Parliament	9
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Division B, Part IV	
Solicitors-General and Directors of Public Prosecutions	5
Division B, Part V	
Masters and Judicial Registrars	10
Division B, Part VI	
Magistrates and Full-time Members of Statutory Tribunals	61
Division B, Part VII	
Crown Counsel and Parliamentary Counsel	10
Division B, Part VIII	
Other Official Appointments	2
Division C, Part I	
Retired Judges and other Judicial Officers	45
Division C, Part II	
Retired Holders of Public Office other than Judicial Officer	8
Division C, Part III	
Retired Counsel	46
Division D	
Academics	23
TOTAL	1975

Between 1 July 1998 and 30 June 1999 the following 88 persons signed the Roll of Counsel:

Abraham Z Kornblum (re-signed), John R V Williams (re-signed), D Christine Blanksby (re-signed), Linda Z Rowland (re-signed), Jacqueline Horan (re-signed), Adam M Paszkowski (re-signed), Margot F Brenton (re-signed), David J Bamber (re-signed), Philip D Crutchfield, Peter C Rozen, Gerald D Dalton, Annabelle L Lane, Louise J Duncan, Anthony P Young, Ellen-Nora Connors, Christian Jose, Hamish N G Austin, Judith A Bornstein, Dinusha S Joseph, Paul X Connor, James D Catlin, Kim J Knights, Kenneth J Oldis, Jennifer Brennan, Cameron J Allen, M Heather Riley, Michael F Ramage, Karen L Streckfuss, Susan S Buchanan, Simone M Jacobson, Dino J Currao, Justin J Serong, Matthew C Kowalski, Mary G McNamee, Nicola M Gobbo, Emma M Swart, Andrew J Keogh, Donald J Farrands, Michelle-Therese I Hodgson, Darren J Bracken, Mark P D Leach, David J Hancock, Peter Mellas, Christopher J Nettlefold, 1) James Podaridis, Bronia A Tulloch, Bryan J F Mueller (re-signed), Richard N Foley

(re-signed), J Damian Ellwood (re-signed), Timothy O Jacobs, Robert A Heath, Elizabeth M Brimer, Gregory M Hughan, Carrie G Rome-Sievers, Rodrigo A Arellano, Timothy R Luxton, Bernadette M McMahon, Marietta B Bylhouwer, Irene Bolger, Andrew R Kirby, Nicholas A T Harrington, Jonathan L Evans, Michael J Galvin, Paul J Lawrie, Timothy J Puckey, Bernard F Quinn, Lydia D Ruschena, Ashley P Halphen, Christopher R Hanson, Anastasios Angelopoulos, Jason G Pennell, Georgina C Reyntjes, James D Gray, Diana M Harding, Philip G Crennan, Brendan J P McIntyre, I Stewart Bayles, Michael J Croucher, John R Downie, Randall J Kune, Matthew J Collins, Belinda Lim, John V O'Sullivan, Angus R Frith, Lynette L A Harrison, Robert J Thyssen, Paul J Cronin, James A Logan (re-signed)

Between 1 July 1998 and 30 June 1999 the name of the following Overseas and Interstate Counsel was entered on the Roll of Counsel:

Clarence J Stevens QC

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

Susan P Richardson, Wes D Forrest, Julie P Spehr, Malcolm McK Park, Mark G J Howden, Patrick A Lawler, Timothy Sephton, Dr Ian C F Spry QC, Timothy D Connard, Mark D Perica, Graham J Ashworth, Joanna B Brodie, Andrew M Willis, Arnold Dix, Christine M Lethbridge, Michael Brugman, Celia M Conlan, Jessica B A Klingender, Ruxandra Lazarescu, Roseanne L Nettleton, Anne C Pepper, Anna L Wardell, Keith Clifford, Ross G Maxted, Deborah Bye, John E Frankcom, Douglas J Love, Elias Rallis, Patricia A Devlin, Ian R Miller, John T Tuck, Paul Graham, Andrew J Homer, Nicholas Papas, Giuseppina M Hopkins, Elizabeth M King, Linda R Rowland, Abraham Z Kornblum, Irene M Apap

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

Pamela M Hogan, Karl Sienkowski, David D Farthing, Gideon Super, David S Wilkins, Peter J Deakin QC, Julian F Gormly, Peter J McGuinness, Peter L Hanlon, Timothy J Castle, Michael D White QC, Frank E Thorogood, Paul Evans, Harry Reicher, Graeme F Little

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

Susan Pullen, Claire Quin, Rosemary Carlin, John R Champion

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

Frank E Thorogood, Rosemary Gillespie, Martin A McDonogh

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

The Honourable Justice Weinberg, The Honourable Justice Warren, The Honourable Justice Watt, Her Honour Judge Williams

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

Mark N Wilson

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):

Lisa A Hannan, Lesley A Fleming, Tonia Komesaroff, Robert W Davis, Graham D Friedman

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

Malcolm Evans, John Casson

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

John Telfer, Trischa Mann

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

Nicholas T Robinson

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

The Honourable Mr Justice Wright, The Honourable Justice Waddy RFD, The Honourable Mr Justice Adams, The Honourable Justice Wilson, The Honourable Justice Hely, The Honourable Justice Bergin, The Honourable Justice Gyles

Members whose names have been transferred from Division A, Part III (Interstate and Overseas Counsel) to Division B, Part IV (Solicitors-General and Directors of Public Prosecutions):

David Bennett QC, Michael G Sexton SC

Members whose names have been transferred from Division A, Part III (Interstate and Overseas Counsel) to Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals):

Michael J Halliday, Dr John Walsh of Brannagh

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

The Honourable Justice Graham

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 JD Davies QC, The Honourable Justice RM Northrop, The Honourable Justice John Fogarty AM, The Honourable Mr Justice PA McInerney, His Honour Judge O'Shea

Member whose name has been transferred from Division B, Part IV (Solicitors-General and Directors of Public Prosecutions) to Division A, Part II (Crown Prosecutors):

Terrence L Buddin SC

Members whose names have been transferred from Division B, Part V (Masters and Judicial Registrars) to Division A, Part I (Victorian Practising Counsel):

Kim M Parkinson, Damian Murphy, Frances Millane

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):

Peter H Molony

Member whose name has been transferred from Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals) to Division C, Part II (Retired Holders of Public Office other than Judicial Office):

Barbara J Hocking

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

Douglas A Trapnell

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

John Wolters, Mary J Urquhart

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

Michael Dodson

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

Mary-Louise A Brien

FUNCTIONS

Opening of the Legal Year

Religious observances for the legal profession on the occasion of the opening of the legal year were held on 1 February 1999. The services were held at St Paul's Cathedral, St Patrick's Cathedral, Temple Beth and St Eustathios Cathedral.

Social Functions

On 26 August 1998 the Chairman and members of the Victorian Bar Council held a reception for the Judiciary in the Essoign Club.

At a function held in the Essoign Club on 1 September 1998, Readers were welcomed to the Victorian Bar.

On 14 October 1998 the Chairman and members of the Victorian Bar Council hosted a lunch for Heather Hallet QC, Chairman, and Niall Morison, Chief Executive, of The General Council of the Bar, England, in the Essoign Club.

On 12 November 1998 the Chairman and members of the Victorian Bar Council held a dinner in honour of the retiring Chairman and members of the Victorian Bar Council and other members of the Bar in the Essoign Club.

A Readers and Mentors dinner was held in the Essoign Club on 19 November 1998 and the guest speaker was The Honourable Justice Kenny, Federal Court of Australia.

At a function held in the Essoign Club on 1 March 1999, Readers were welcomed to the Victorian Bar.

A Readers and Mentors dinner was held in the Essoign Club on 27 May 1999 and the guest speaker was The Honourable Justice Coldrey, Supreme Court of Victoria.

The 1999 Victorian Bar Annual Dinner was held on 29 May 1999 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:

State

The Honourable Justice Warren
His Honour Judge Pilgrim
Her Honour Judge Williams
Her Honour Judge Jenkins
Master John Gaffney OAM

Commonwealth

The Honourable Justice Weinberg
The Honourable Justice Watt
David Bennett QC, Solicitor-General
James Merralls AM, QC

Wayne Martin QC, on behalf of the President of the Australian Bar Association, proposed the toast to the Independent Bars of Australia.

David Curtain QC welcomed the honoured guests of the Bar and introduced Mr Junior Silk, Paul Holdenson QC, who addressed the honoured guests. James Merralls AM, QC responded to the toast.

Other Functions

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

On 18 June 1999 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.

SPORTING EVENTS

Cricket

On 21 December 1998 two cricket matches were played against teams from the Law Institute of Victoria. At the match played at the Albert Ground, the Law Institute defeated the Victorian Bar. Scores were Law Institute 6/151 (off 36 overs) and the Bar 146 (off 40 overs). At the match played at Cordner Oval, Fawkner Park, the Law Institute defeated the Victorian Bar, thus regaining "The Grafters Goblet". Scores were the Law Institute 7/220 (off 27 overs) and the Bar 74 (off 19 overs).

On 28 March 1999 two cricket matches were scheduled against teams from Mallesons Stephen Jacques at the Ransford and Ryder Ovals, Royal Park. Both matches were washed out and not re-played.

Hockey

At a match played at the State Hockey Centre on 21 October 1998 the Law Institute team defeated the Victorian Bar team by 7 goals to 4, thus retaining the Scales of Justice Cup. The J R Rupert Balfe Trophy was awarded to Stephen Parmenter of the Law Institute.

Tennis

On 22 December 1998 the Annual Tennis match against the Law Institute of Victoria for the Judge O'Driscoll Perpetual Trophy was held at the Kooyong Lawn Tennis Courts

in Malvern. The Law Institute won the match by only a small margin in a very close match.

On 21 March 1999 the tennis match between the Bench and Bar against the DPP was washed out, to be rescheduled at a later date.

Golf

The Annual Golf Tournament between the Bench and Bar against the Law Institute of Victoria was held at Kingston Heath Golf Club on 22 December 1998. The Bench and Bar won the tournament and regained the Sir Edmund Herring Trophy.

Yacht Regatta

The yacht regatta was held on 21 December 1998 at the Royal Yacht Club, Williamstown. Trophies awarded: First (and the Thoesen Trophy) — Lyn Boyes QC and John Bingeman QC; Second — Peter Rattray QC and crew. The winner on handicap was John Richards. The inaugural Neil R McPhee QC Trophy was won by Garry Moore.

ANNUAL REPORTS OF ASSOCIATIONS AND COMMITTEES

ANNUAL REPORT OF THE BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

The Barristers' Benevolent Association provides funds to assist barristers in necessitous circumstances. A very important aspect of membership of the Bar is the willingness of barristers to help their colleagues, and in particular their colleagues who, through no fault of their own, have need for financial assistance. Members of the Bar are therefore encouraged to make donations to the Association. The amount is, of course, in the discretion of the donor, but the following is recommended:

Queen's Counsel	\$400
10 year's call and above	\$300
All other members of the junior Bar	\$100

Members may look to the Association for assistance when the occasion requires. All applications are dealt with expeditiously and in confidence.

Subscriptions received during the twelve months to 30 June 1999 amounted to \$39,850. Interest from investments received during the year amounted to \$39,951. During the year the sum of \$16,097 was advanced to three persons by way of absolute grant and \$25,000 to one person by way of a repayable interest free loan. At 30 June, 1999 the capital fund which is represented by investments in trustee securities, stood at \$777,384 and outstanding loans totalled \$82,000.

David E Curtain

Chairman

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

The Common Law Bar Association (CLBA) at a General Meeting held on 19 October 1998 elected the following office bearers:

Chairman	David A Kendall QC
Vice-Chairman	Arthur W Adams QC
Treasurer	John H L Forrest QC
Secretary	David J Martin

Committee

Charles J Francis QC	Trevor S Monti
Richard J Stanley QC	David F R Beach
Peter J Galbally QC	Timothy P Tobin
Ross H Gillies QC	Susan M Cohen
John T Rush QC	Mary Anne Hartley
John R Bowman	

Since no Annual Report was submitted last year it is appropriate to record some activities which have spanned the last two years.

The General Meeting held on 20 November, 1997, called to consider the Victorian WorkCover Authority's (VWA) unacceptable unilateral attempt to restructure barrister's fees, attracted the attention of the Australian Competition and Consumer Commission (ACCC). Acting on an article published in *The Age* on 25 November 1997, and complaints from the VWA, the ACCC decided to investigate the CLBA in an attempt to establish breaches of the Trade Practices Act, in that certain members of the CLBA had engaged in activities leading to the establishment of anti-competitive contracts, arrangements or understandings (s.45). Initially, requests were made for the CLBA to supply information relating to this meeting. Subsequently, David A Kendall QC, Ross H Gillies QC and John T Rush QC were, in April 1998, required to attend before Commissioner Liberman for examination. The ACCC retained senior and junior counsel from the New South Wales Bar for this purpose.

By letter of 18 September 1998 the ACCC advised as follows:

- *The Commission has now had an opportunity to carefully consider all available information in relation to this matter, including that obtained as a result of the examinations under Section 155(1)(c). On the basis of the information currently available, the Commission has decided that it will not pursue this matter further at this time.*

The support of the Bar Council and the advice given by Alan C Archibald QC are gratefully acknowledged.

The Sub-Committee appointed in June 1997 to fight the proposed amendments to the Accident Compensation Act is still operative and is ready to renew its activities in conjunction with representatives of the Law Institute of Victoria and the Australian Plaintiff Lawyers Association in an attempt to have common law rights restored to persons injured in work place accidents. The political situation is being monitored and the appropriate time to commence action should not be far distant.

The Continuing Legal Education Committee (CLEC) has requested that Bar Associations consider establishing with the aid of CLEC a regular program of continuing legal education. The Committee of the CLBA agrees in principle with the CLEC proposal and it is intended that meetings from time to time be called to discuss relevant issues as they arise. The success or otherwise of such a scheme can only be determined after attendances have been appraised. Members who have subjects appropriate for discussion should convey details thereof to the Secretary, David Martin, Clerk "D", ext. 7224.

Likewise, members experiencing problems in the common law area of practice should refer details thereof to the Secretary.

David A Kendall
Chairman

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

Over the past twelve months the Criminal Bar Association has had to respond to a series of proposed reforms to the criminal justice system of a kind and intensity not previously experienced. First there was a parliamentary "Right to Silence Inquiry". It was widely feared that the Scrutiny of Acts and Regulations Committee would recommend an abolition of the right to silence at the investigative stage in much the same way as the UK legislation provides. That did not eventuate but it nevertheless remains to be seen how government progresses this issue further.

Provisions relating to committal proceedings were substantially overhauled. The new *Magistrates' Court (Amendment) Act 1999* provides for early and full disclosure of the prosecution brief, abolition of cross-examination without leave, an enhanced capacity for magistrates to control proceedings, provisions for the compulsory examination of reluctant witnesses, fast-tracking for plea briefs, and a regime of costs.

The Victorian Law Reform Committee resolved not to abolish the O'Connor defence in cases of self-induced intoxication. Strangely though the committee has recommended that the defence be only available to an accused when on trial by jury.

Finally, the *Crimes (Criminal Trials) Act 1998* has introduced very significant changes to the criminal trial. At the heart of this legislation is a system of mandatory defence disclosure prior to the commencement of the trial. There are sanctions for non-compliance including the permissibility of making adverse comments, loss of sentencing discounts and the award of costs against both party and practitioner. This legislation is unparalleled elsewhere in Australia and has been the subject of strong criticism by the Association.

Many of these changes have created additional workloads for barristers without at the same time providing a commensurate increase in fees. Throughout the year there has been substantial and ongoing negotiation and discussion with Victoria Legal Aid with respect to the quantum of legal aid fees and the matters which will attract them.

As usual the CBA continued to provide a wide-ranging program of seminars on changes to the law and on matters of practical interest to criminal practitioners.

Michael Rozenes

Chairman

**ANNUAL REPORT OF THE COMMERCIAL BAR
ASSOCIATION**

The primary objectives of the Commercial Bar Association ("the CBA") are:

- (a) To provide a forum for discussion amongst barristers of recent legislative and judicial developments in commercial law.
- (b) To provide continuing legal education for the Victorian Bar, especially amongst junior members of the Bar.
- (c) To provide an opportunity for members of the Bar to become acquainted with other members of the Bar who share a common interest in a commercial law related area of practice.
- (d) To comment upon proposed legislative reform in commercial law related areas of practice when requested by the Bar Council to do so.

Since April 1999, the office bearers of the CBA are:

<i>President</i>	Allan J Myers QC
<i>Senior Vice-President</i>	David H Denton RFD
<i>Vice-President (Convenor)</i>	Albert A Monichino
<i>Treasurer</i>	Melanie Sloss

Banking and Finance

<i>Chairman</i>	Michael R Shatin QC
<i>Secretary</i>	Jeanette E Richards

Construction Law

<i>Chairman</i>	G John Digby QC
<i>Secretary</i>	Richard J Manly

Corporations and Securities

<i>Chairman</i>	David H Denton RFD
<i>Secretary</i>	Jennifer Davies
<i>Assistant Secretary</i>	Dino J Currao

Environmental, Planning and Local Government

<i>Chairman</i>	Jeremy H Gobbo
<i>Secretary</i>	Susan M Brennan

Insolvency Law

<i>Chairman</i>	D Mark B Derham QC
<i>Secretary</i>	Nunzio Lucarelli

Insurance and Professional Negligence

<i>Chairman</i>	Peter G Cawthorn
<i>Secretary</i>	Mark A Robins

Intellectual Property and Trade Practices

<i>Chairman</i>	Dr John McL Emmerson QC
<i>Secretary</i>	Andrew J Maryniak
<i>Assistant Secretary</i>	Stuart J Gibson

Property and Probate

<i>Chairman</i>	P Nimal Wikrama
<i>Secretary</i>	Richard B Phillips

Public Law

<i>Chairman</i>	Richard R S Tracey QC
<i>Secretary</i>	Debra S Mortimer
<i>Assistant Secretary</i>	Stephen G E McLeish

Revenue Law

<i>Chairman</i>	Ada Moshinsky QC
<i>Secretary</i>	Michael Y Bearman
<i>Assistant Secretary</i>	Dimitrios (James) Podaridis

For the period between July 1998 and March 1999, the office bearers were:

<i>President</i>	Allan J Myers QC
<i>Vice-President (Convenor)</i>	David H Denton RFD
<i>Treasurer</i>	Melanie Sloss

Alternative Dispute Resolution

<i>Chairman</i>	David M Bennett QC
<i>Secretary</i>	Michael W Shand QC

Banking and Finance

<i>Chairman</i>	Michael R Shatin QC
<i>Secretary</i>	Michael L Sifris

Constitutional and Administrative Law

<i>Chairman</i>	Nathan A Moshinsky QC
<i>Secretary</i>	Ragunath Appudurai

Construction Law

<i>Chairman</i>	G John Digby QC
<i>Secretary</i>	Richard J Manly

Corporations and Securities

<i>Chairman</i>	David H Denton RFD
<i>Secretary</i>	Albert A Monichino

Environmental, Planning and Local Government

<i>Chairman</i>	Gregory H Garde AM RFD QC
<i>Secretary</i>	Stephen J Jones

Insolvency Law

<i>Chairman</i>	D Mark B Derham QC
<i>Secretary</i>	Nunzio Lucarelli

Intellectual Property and Trade Practices

<i>Chairman</i>	David Shavin QC
<i>Secretary</i>	Graeme S Clarke

Property and Probate

<i>Chairman</i>	P Nimal Wikrama
<i>Secretary</i>	Richard B Phillips

Revenue Law

<i>Chairman</i>	Ada Moshinsky QC
<i>Secretary</i>	Alexandra Richards QC

In 1998/99, the CBA has been engaged in a series of continuing commercial legal education seminars conducted by the Chairman and Secretary of each section of the CBA (and in some cases, by the Convenor). The Victorian Bar provides the administrative support necessary to enable the activities of the CBA to be completed.

The seminars held by the CBA since April 1999 are as follows:

<i>Organised By</i>	<i>Subject</i>	<i>Speakers</i>
Convenor	The Taxation of Costs and the Barrister	Master Tom Bruce, Taxing Master, Supreme Court and David H Denton RFD

<i>Organised By</i>	<i>Subject</i>	<i>Speakers</i>
Insolvency	Victorian Court of Appeal decision in <i>ANZ v Pan Foods</i> [1999] 1 VR 29	Philip D Crutchfield
Construction Law	Recent Victorian Court of Appeal decisions re s.131 of The Building Act	G John Digby QC
Property and Probate	Misleading or deceptive conduct claims based on incorrect vendors' statements	P Nimal Wikrama and Richard B Phillips
Corporations and Securities	Managed Investments Act and the recent Full Court of the Federal Court decisions of <i>Australian Breeders Co-operative Society Pty Ltd v Jones & Ors</i> (1988) 26 ACSR 26 and <i>Amadio Pty Ltd v Henderson</i> (1998) 81 FCR 149	Robert D Strong and Fiona M McLeod
Environmental, Planning and Local Government	To VCAT or not to VCAT — The jurisdiction of the Supreme Court in town planning disputes	Christopher J Canavan QC, Stuart R Morris QC and Mark A Dreyfus
Banking and Finance	<i>McKay v NAB Ltd</i> [1998] 1 VR 183	Rodney M Garratt QC
Insurance and Professional Negligence	High Court's decision in <i>Astley & Ors v Austrust Ltd</i> (1999) 161 ALR 155	William T Houghton QC
Corporations and Securities Law (emergency seminar)	Implications of the High Court decision in <i>Re Wakim; ex parte McNally</i> (1999) HCA 27	Douglas Graham QC, Solicitor-General, Mr Justice Byrne and Panel
IP/Trade Practices	Present and future challenges for Copyright Law	Dr John McL Emmerson QC

Also in the past year, members of the CBA have met with the judiciary to discuss the implications of the High Court decision in *Re Wakim* (1999) and have provided feedback in relation to a Practice Note issued by the Supreme Court of Victoria in relation to the implications of that decision for Corporations Law business. As well, David H Denton RFD and Albert A Monichino were appointed members of the Victorian Bar Council's Commercial Law Litigation Review Committee to review the Rules of Court affecting commercial law practice and procedure.

The CBA is committed to encouraging attendance of junior members of the Bar at CBA functions. To that end, the CBA planned for the 1998/99 year a separate stream of seminars aimed specifically at junior members of the Bar. Any enquiries in relation to the

activities of the CBA should be directed to Albert Monichino, Clerk "A", on 9608 8247 or e-mail to albertm@access.net.au.

David H Denton and Albert A Monichino

Senior Vice-President and Vice-President (Convenor)

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

At the Annual General Meeting of the Family Law Bar Association on 15 July 1998, Michael Watt QC was elected unopposed as the Chairman of the Family Law Bar Association. He had been acting Chairman since the appointment of the former Chairman, Paul Guest QC, as a Judge of the Family Court of Australia. Subsequently, in December 1998, Michael Watt QC was similarly appointed to the Bench of the Family Court of Australia to fill the vacancy left by the retirement of The Honourable Justice Fogarty AM.

As a result, the position of Chairman was vacant and the co-Vice-Chairmen, Diana Bryant QC and Jeremy St John, attended to matters in place of the Chairman.

A Special General Meeting of the Association on 23 February 1999 resolved to conduct an election for the Committee and office bearers of the Association by postal ballot. Accordingly, nominations were called for election to the following offices of the Association: Chairman, Vice-Chairman, Secretary and Treasurer.

The positions of Chairman and Vice-Chairman were contested. Whilst an unusual occurrence for the Association, this was nevertheless as an indication of the interest in and vibrancy of the Association. On 23 March, 1999 the following persons were elected:

<i>Chairman</i>	Noel J Ackman QC
<i>Co-Vice-Chairmen</i>	Diana Bryant QC Jeremy W St John
<i>Honorary Treasurer</i>	Graeme P L Thompson (Unopposed)
<i>Honorary Secretary</i>	Andrew I Strum (Unopposed)

In the past year, the Association has continued to represent the members of the Family Law Bar in all spheres, including to the Victorian Bar and the Judges, Judicial Registrars and Registrars of the Family Court of Australia. There are regular quarterly meetings between representatives of the Association and the Judge Administrator, The Honourable Justice Frederico.

Further, the Association responded, on behalf of the Victorian Bar, to a request from Judicial Registrar Loughnan of the Family Court of Australia for suggestions for improvements to case management and other Family Court services.

The Association, at its annual dinner on 23 July 1998, honoured its former Chairman, the recently appointed Justice Guest. Further, the Family Law Bar Association, in conjunction with the Family Law section of the Law Institute of Victoria, held a dinner in honour of The Honourable John Fogarty AM, who had recently retired as a Judge of the Family Court of Australia.

There was one member of the Association appointed a member of Her Majesty's Counsel in the past year, namely, Martin Bartfeld QC.

The Association looks forward to its ongoing work for the Family Law Bar and indeed the Victorian Bar in the coming year.

Noel J Ackman

Chairman

ANNUAL REPORT OF THE PROPERTY LAW BAR ASSOCIATION

The Property Law Bar Association has over the last six months sought to conduct a meeting every month. These meetings generally consist of a paper being distributed and discussion on various areas of interest to members. In the last six months the following topics have been discussed:

VCAT:	Procedure
Town Planning:	General issues
Leases:	Forfeiture
Wills:	The effect of the new Wills Act.

Speakers were Gavan L Rice, Jeremy H Gobbo, Tony Keil and Peter R Best.

In this financial year so far we have Patrick Le Strange (now with the Office of Fair Trading and Business Affairs) on the new Sale of Land Act and Garrie Moloney on Native Title.

Details of meetings are usually only sent out to members. Should anyone wish to join and contribute, please contact Peter R Best, Convenor, Property Law Bar Association.

Peter R Best

Convenor

ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION

The Women Barristers' Association has continued to participate in a wide range of issues and activities within the Bar, as well as in the wider legal community. Membership of the Association continues to grow, and the Association now counts amongst its members the majority of women in active practice at the Bar.

The central focus of much activity for the year has been the report *Equality of Opportunity for Women at the Victorian Bar* published in July 1998. Whilst the report concluded that there are barriers to women's careers at the Bar and that these will not be overcome merely by the passage of time, but need positive steps to be taken, it has provided a real opportunity and reference point for the Association to work towards promoting its purposes and the interests of its members. The Association has been represented on the Bar's Equality of Opportunity Working Party, has liaised with various interest groups disclosed in the report, and worked in co-operation with the Bar Council to implement

strategies and recommendations arising from the Report. An experienced consultant, Heather Carmody, has now been engaged by the Bar Council to conduct two seminar/workshops with "opinion shapers" in key areas, to implement strategies for achieving more briefing opportunities for women barristers. The production of a directory of women barristers as recommended by the report has been approved by the Bar Council, and will be developed as an Internet website in the coming months.

The Association has continued to make representations to the Bar Council in relation to issues affecting women at the Bar. Communication between the Bar Council and the Association is well established, and is expected to continue in the coming year. The Association hopes to see an increase in representation of women on the Bar Council.

The Association has continued to hold informal educational sessions for its members. The first of these was with Charmaine Clark who gave an Aboriginal woman's perspective of the 1998 Constitutional Convention, leading to lively and challenging discussion amongst members. More recently, Professor Marcia Neave and Felicity Hampel QC led discussion on the implications of the High Court decision in the Heather Osland case.

Social functions have included a very well attended cocktail party to celebrate the new legal year and to congratulate Justice Marilyn Warren on her appointment to the Supreme Court, and a function for members to celebrate the appointment of Judge Kathy Williams to the County Court. The Association intends to continue to hold a variety of social functions, including an annual dinner later this year.

The Association has continued its involvement with the Australian Women Lawyers, of which national association it was a foundation member. It has also continued to liaise with the Victorian Women Lawyers' Association.

Almost six years since it was established, the Women Barristers' Association continues to work constructively within the framework of the Bar to achieve its purposes, and looks forward to continuing to do so, and to attracting the involvement of all women at the Bar.

Susan M Cohen
Convenor

ANNUAL REPORT OF THE CHILD CARE FACILITIES COMMITTEE

The Committee has completed a major task with the opening of the Parent's Room on the ground floor of Owen Dixon Chambers East.

The Committee wishes to thank the Bar Council for its support in this project.

Frances I O'Brien
Chairperson

ANNUAL REPORT OF THE CONCILIATORS FOR SEXUAL HARASSMENT AND VILIFICATION STANDING COMMITTEE

The conciliators did not receive any inquiries or formal complaints in the last year. This may be due to there being no concerns. On the other hand, it may be due, at least in part, to those affected not being aware of the availability of the conciliators.

The conciliators provided a response to the *Equality of Opportunity for Women at the Victorian Bar* report to the Acting Chairman of the Bar commenting on and supporting certain recommendations in the report of particular relevance to the areas of sexual harassment and vilification. These included recommendations that the Bar take steps to ensure that members and staff are aware of the rules and of the availability of conciliators and to encourage people to discuss any concerns they have.

We note that the Bar Council has adopted a recommendation of its working party that the sexual harassment rules should be republished in *In Brief* and *Bar News* and that the rules should be posted in the Clerks' offices and the Bar's administration office with the names and contact numbers of the conciliators, encouraging members and staff to come forward.

We hope that these measures will assist in more members and staff being aware that we are available. We encourage members and staff to contact any one of us if they have any matter that they would like to discuss on an informal and confidential basis. The conciliators are A Ronald Castan AM, QC, David J Habersberger QC, Debra S Mortimer and Jane M J Patrick.

Jane M J Patrick
Conciliator

ANNUAL REPORT OF THE EQUALITY BEFORE THE LAW COMMITTEE

The Equality Before the Law Committee has had another active year.

In June 1998 the Committee sent submissions on the *Genetic Privacy and Non-Discrimination Bill 1998* ("the Bill") to the Senate Legal and Constitutional Legislation Committee. The EBLC's submissions expressed support for the policy underlying the Bill. The submissions also included a detailed analysis of the provisions of the Bill, made suggestions to improve its quality and to bring it into line with the current framework of the criminal law and discrimination law. The submissions also made several technical suggestions for the redrafting of the definition provisions.

The submissions were considered by the Senate Legal and Constitutional References Committee, which recently published a report entitled *Consideration of the Legislation Referred to the Committee*. The Senate Committee responded positively to the submissions made by the EBLC and the report contains many references to the specific criticisms of the Bill raised by the EBLC. The Senate Committee recommended on the basis of all of the submissions that it received that the Bill not proceed in its current form at this stage.

The study into the Equality of Opportunity for Women at the Victorian Bar conducted by Associate Professor Rosemary Hunter and Helen McKelvie has been carried into the second stage. Heather Carmody of World Competitive Practices Pty Ltd is to be engaged to conduct two seminars designed to develop further methods of improving the position of women at the Bar. The first seminar will be attended by senior members of the Bar, and the second seminar will be attended by briefing agencies including solicitors, clerks and government briefing agencies.

The Committee has liaised with Anne Condon the Disability Services Co-ordinator at the Melbourne Magistrates' Court in relation to concerns raised by Ms Condon about the effectiveness of the level of services provided pursuant to the *Intellectually Disabled Persons' Services Act* 1986 and the specific concerns raised by some junior barristers about the testing of the level of intelligence of persons with an intellectual disability.

Although the Committee did not make any specific submissions, it considered the Criminal Code Officers' Committee report entitled *Fatal Offences Against the Person*. The report examined the gender biases within the defences of provocation and self-defence.

The Committee expressed support for the passage of the *Superannuation (Entitlements of Same Sex Couples) Bill* 1998. The Committee's support of the Bill was taken up by the Bar Council. The Chairman wrote to the Victorian Attorney-General on 1 June 1999 stating that it welcomed any legislative reform that had the effect of eliminating discriminatory provisions, and that it was willing to nominate persons from the Bar to assist the Government in this regard.

Most recently, the Bar Council referred the issue of the cross-examination of child witnesses to the Committee following the publication of an article by Nina Puren in *The Age* on 1 March 1999 which heavily criticized the conduct of counsel in some cases. Prior to this referral the Committee had been considering a recommendation made by the joint Human Rights and Equal Opportunity Commission and Law Reform Commission *National Inquiry into Children and the Legal Process* ("the National Inquiry"). It was a recommendation of the National Inquiry that the advocacy and professional conduct rules incorporated in Barristers and Solicitors Rules should prohibit intimidating and harassing questioning of child witnesses. The Committee has recommended the inclusion of a new rule in the Victorian Bar *Rules of Conduct*. The purpose of the new rule is to prohibit counsel asking questions of child witnesses that are insulting, intimidating, harassing or oppressive, or indecent or scandalous unless the questions relate to facts or issues before the court, or where the child witness is an accused person.

Rachelle A Lewitan

Chairperson

ANNUAL REPORT OF THE ETHICS COMMITTEE

The *Legal Practice Act* 1996 ("the Act") came into operation on 1 January 1997 and this is the third annual report since the Act commenced. As in the last two annual reports, the Committee is still feeling the consequences of that Act. In its last annual report the Committee noted the increased workload placed on it by the introduction of the

"dispute" jurisdiction. The comment made in the last report that disputes generally require consideration of the complete relationship between the client and the barrister, whereas conduct matters usually arise from a distinct and concise situation is still apposite. Frequently Committee members are required to read reams of papers to understand the circumstances giving rise to an alleged dispute. Often, the Committee finds it is difficult to determine whether there is in fact a dispute. It is easy for a dissatisfied client to assert that he or she has a dispute with a barrister, be it a costs dispute or a pecuniary loss dispute. However, the Committee must be concerned that although such an assertion is made, on the material before it (including additional material obtained after receipt of the initial complaint) can it be said a dispute actually exists between the client and the barrister. The Committee has sought independent advice concerning this problem. Finally, the dispute jurisdiction has had an effect on our indemnity policy premiums. A dispute may be resolved (in general terms) by the practitioner agreeing to pay the client up to \$15,000 pecuniary loss, a sum that obviously attracts the interests of the insurer. Further, if the Committee is unable to resolve the dispute, as the Act requires, the complainant has the right to seek to have the Legal Profession Tribunal conciliate or determine the matter. This necessitates legal representation for the barrister and, accordingly, the involvement of the insurer in any such review: again a cost which must ultimately be born by the insured.

In the last annual report it was noted a number of provisions of the Act required consideration. Unfortunately a number of identified problems, not the least being those relating to disputes, have not been rectified.

Not only has the dispute jurisdiction imposed a greater burden on the members of the Committee but the sheer volume of material requiring photocopying multiple times has greatly increased the burden on Debbie Jones and the other Bar staff involved in that task, as well as increasingly incurring the costs associated with running the Committee.

Last year we reported our concern about the tardiness of replies by counsel to correspondence from the Committee. Although there are some isolated exceptions, it is pleasing to report that responses have been much prompter in the last twelve months. This is important, since delay in dealing with complaints does not engender good relations with the complainant and the public generally.

During each Readers' Course the Committee conducts an all day Ethics Workshop. During this workshop it is stressed that a very significant number of complaints come about simply, and only, because counsel will not take time to explain what is happening to the client. Even now this is still true. Too many complaints arise from failure by counsel to spend time with their clients to properly explain what is happening. More concerning though in our experience is that this problem is often associated with more senior and experienced counsel.

The Committee wishes to extend its gratitude to the following members who have resigned in the last twelve months:

Bernard D Bongiorno QC (2 June 1998 to 4 November 1998)

Ross C Macaw QC (9 November 1993 to 4 November 1998)

Michael J Crennan (10 October 1992 to 4 November 1998)

Jennifer Davies (25 October 1994 to 6 October 1998).

During the period 1 July 1998 to 30 June 1999 the Committee has held 28 meetings.

As this is the last report I will be responsible for, I would like to express my sincere gratitude to all who have been members of the Committee during the last six years. It has been a stimulating and interesting time. The input from all members of the Committee has been exemplary. On behalf of the Bar, I thank each and every member of the Committee (both past and present) for the time and effort each has contributed to the work of the Committee. I would hope the members of the Bar could fully understand the time given freely by the members of the Committee.

Finally, on behalf of the Committee, and personally on my own behalf, I would like to express our heartfelt gratitude to Debbie Jones. Without her the Committee could not function. She is, as we have said on other occasions, the public face of the Committee and, in reality for many members of the public, of the Bar. The benefit she generates for the Bar cannot be measured. All members of the Bar owe her their thanks, none more so than myself over the last six years.

W Brind Zichy-Woinarski

Chairman

SUMMARY OF COMPLAINTS AND DISPUTES UNDER THE *LEGAL PRACTICE ACT* 1996 DURING 1998/99

	COMPLAINTS						DISPUTES				COMPLAINTS/DISPUTES*				TOTAL *	
	Number of investigations conducted by the Ethics Committee at its own discretion		Number of complaints of misconduct or unsatisfactory conduct received by and investigated by the Ethics Committee		Number of complaints of misconduct or unsatisfactory conduct referred by the Legal Ombudsman to the Ethics Committee		Number of requests for dispute resolution received by the Ethics Committee		Number of requests for dispute resolution referred by the Legal Ombudsman to the Ethics Committee		Number of combined complaints and disputes received by and investigated by the Ethics Committee		Number of combined complaints and disputes referred by the Legal Ombudsman to the Ethics Committee			
	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99	1997/98	1998/99
MATTERS LODGED																
Matters in progress 1 July		1	5	9			5	1	1		5	12	6	4	22	27
Matters received during the year	5	2	42	63	3	3	14	5	1	3	33	17	14	5	112	98
Less matters in progress 30 June	1		9	10			1	2		2	12	3	4	2	27	19
Matters dealt with	4	3	38	62	3	3	18	4	2	1	26	26	16	7	107	106
RESULT FOR:																
COMPLAINTS																
Outside Committee's jurisdiction			3	1							1				3	2
Withdrawn/Not pursued			3	5							3		3		9	5
Dismissed																
Under s.141(1)			10	30		2					4	6	2		16	38
Under s.151(5)	3	1	19	26	1	1					18	18	11	7	52	53
Referred to Tribunal	1	2	3		2						1	1			7	3
	4	3	38	62	3	3					26	26	16	7	87	101
DISPUTES																
Outside Committee's jurisdiction							2				2	1	1		5	1
Withdrawn/Not pursued							4				2	2			6	2
Settled							3		1	1	1	1	3	7	8	8
Not settled							9	4	1	1	21	22	12		43	27
							18	4	2	1	26	26	16	7	62	38
TOTAL	4	3	38	62	3	3	18	4	2	1	52	52	32	14	149	139
* Totals do not agree because a single matter may have two aspects — a complaint and a dispute																

ANNUAL REPORT OF THE ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

During the past year the Alternative Dispute Resolution Committee has continued to meet on a regular basis and deal with a range of dispute resolution issues.

The Victorian Bar Council adopted the Committee's comments on the Draft Position Paper in relation to Court Annexed Mediation prepared on behalf of the Council of Chief Justices of Australia and New Zealand, strongly supporting the use of independent mediators paid by the parties in Supreme Court cases, rather than a government-funded system of mediation. The Victorian Bar also supported the recommendation of the Committee that it is preferable for mediation conferences to take place in external purpose-built facilities away from the Court, such as the Victorian Bar Mediation Centre, rather than in accommodation "attached to or associated with the Court" as was proposed in the Draft Position Paper.

The Committee has also been involved in the accreditation of mediators and accepted the applications of a number of barristers for accreditation.

The Chairman, Bill Martin QC, and Jim Cyngler prepared a submission relating to the role of the Bar as mediators for VCAT.

The Committee also recommended inclusion of members of the Bar in a panel of mediators under the Franchising Code of Conduct.

Amongst activities arranged by the Committee was the Advanced Mediation Course conducted with the assistance of Bond University from 13–15 November 1998, which was regarded by all the barristers who attended as a very successful advanced mediation workshop. The Chairman took on the task of co-ordinating the organisation and promotion of the Advanced Course.

The Victorian Bar Mediation Centre, located in Douglas Menzies Chambers, has continued to have a high level of occupancy and support from the Bar. The Mediation Centre is a valuable asset to barristers, and all members of the Bar are encouraged to continue to support the facility to ensure its continued viability. Although the facility is still subsidised by the Bar Council, it is hoped that with a high level of support from the Bar, the Centre will be able to be self-funded. The Committee values any comments or observations from members of the Bar concerning how the Centre, and its operations, can be improved.

The Committee again is extremely grateful to the administrative staff, Helen Henry and Pauline Hannon, Tania Giannakenas, and other members of the Victorian Bar staff for their outstanding work in administering the Mediation Centre and ensuring its smooth and "user friendly" operation.

The Chairman of the Committee, Bill Martin QC, wishes to thank the Deputy Chairman, George Golvan QC, the Secretary, Michael Whitten and the members of the Committee for their considerable support and assistance.

Thanks are also extended to David Bremner, Executive Director of the Victorian Bar for his ready accessibility and help in relation to issues concerning the operation of the Mediation Centre.

William J Martin
Chairman

ANNUAL REPORT OF THE EDITORIAL BOARD OF *VICTORIAN BAR NEWS*

Four issues of *Victorian Bar News* appeared during the 12 months ending on 30 June 1999. Both the Winter 1998 and Winter 1999 issues were a few days late, with the result that in the 12 month period we published the Winter 1998, Spring 1998, Summer 1998 and Autumn 1999 issues.

Perhaps the most significant matter to be aired over the last twelve months has been the report commissioned by the Bar Council on Equality of Opportunity for Women at the Victorian Bar and the reactions to that report.

Amongst the contributors for the 12 month period were the Honourable Richard McGarvie AC, The Honourable Justice Gaudron and The Right Reverend Archbishop Pell, Archbishop of Melbourne.

Our covers feature The Honourable Richard McGarvie AC, the Bar Council, the 1998 Silks and the Chief Justice of the Federal Court of Australia.

Although there is occasional criticism that *Bar News* is either too serious or too frivolous, we believe that during the last 12 months we have achieved a reasonable balance. But we are dependent on contributions from our readers. The regular contributors to *Bar News* provide a core of material but if we are to reflect our readers' views, we need a larger input from them. We look forward to receiving a broad range of unsolicited material over the next 12 months.

The Editors

ANNUAL REPORT OF THE ESSOIGN CLUB

As in previous years the Club has had the benefit of a loyal clientele but the competition is increasing. In the last 2 years approximately 15 new café/bar/restaurants have opened within a three-block radius of William Street. Despite this increasing competition, the financial results over the past year have been satisfactory and the Club has continued to trade profitably. The number dining in the Club at lunchtime has been fairly constant and there was, again, a noticeable increase in catering for special functions of the Bar and for private functions.

Significant achievements during the year have been the increase in catering especially around the Christmas period, compared to earlier years and a substantial growth in liquor sales. The former is attributable to the excellence of the services provided by the Club Manager and her assistants. The second may be due to the policy of the Committee over the past year to improve the quality of the wine list. It may also be attributable to the fact that the Essoign Club is becoming more "user friendly".

The Committee and staff are keen to meet the challenge of the changing demographics of the Bar and have made some changes to the operation of the Club. We have introduced smaller tables for luncheon and evening drinks, giving the Club a more intimate atmosphere. A more diverse style of menu is now being offered. Audio consultants have been engaged and a quality sound system has been selected and should become

fully operational in July. These changes have, generally, been very well received and this is reflected in the noticeable increase in patronage by more junior members of the Bar over the past month or so.

To encourage use of the Club by Readers, the Committee reduced the price of meals to one half during the nine months of reading. This initiative has proved most successful in promoting attendance by Readers and it is also contributing to the aim of the Committee to make the Club less intimidating to those who are not regular patrons.

The Club has continued to provide services to the Bar Council through catering for meetings of sub-committees, for the Readers dinners and for other important Bar Council dinners including a dinner to commemorate the fiftieth year of active practice of Charles H Francis QC.

The Committee is pleased to note the continued demand for catering for private functions. The Club welcomes this opportunity to provide service to members of the Bar and the Club Manager is always ready to discuss any requirements which members may have for such occasions. The Forsyth Reading Room (adjacent to the main dining room) provides the opportunity for the Club, with the permission of the Bar Council, to offer a venue for groups of up to 30 to 40 people to dine in style or for larger groups for drinks functions. This year a very successful Cricketers dinner was held in that room.

The Club has presented some very impressive and successful art exhibitions over the last 12 months. A minor upgrade to the lighting system is now underway and should be completed in mid July. The opening functions have been well attended and provide a valuable opportunity for members and others to enjoy the facilities of the Club.

As noted last year, the Committee is seeking to rebuild a wine cellar of interesting range and depth so that the opportunity will exist for the Club to offer fine wine with some bottle age. The Committee remains of the view that it is important to purchase good quality wines now in the light of the increasing demand for, and price of, good quality Australian wine.

Generally staff morale is high. During the year there has been only one staff change on the retirement of the kitchen hand, Pauline. Her replacement Susie has settled in well.

As always the Committee welcomes suggestions from members with a view to improving the quality of service provided. The Committee looks forward to another successful year during which we intend to make further changes to encourage use of the Club by the more junior members of the Bar.

Michael J Colbran

Chairman

ANNUAL REPORT OF THE PROFESSIONAL INDEMNITY INSURANCE COMMITTEE

The past year has seen significant changes in the professional indemnity insurance arrangements of the Bar. The Professional Indemnity Insurance Committee has met on

nine occasions and I thank the members for their contributions. During 1998–99 the Committee considered the following issues:

- A request from the Legal Practice Board for comments on the minimum terms and conditions of professional indemnity insurance for barristers.
- A decision by Suncorp Metway to enter the Victorian market for professional indemnity insurance for barristers;
- The content of the policy of insurance to be offered by Suncorp Metway;
- The legal costs incurred by insurers in investigating and dealing with claims and consideration of ways in which the costs can be reduced;
- The content of the revised insurance policy to be offered by Aon Professional Services;
- Development of a risk management program which it is hoped will reduce the incidence of claims and the cost of processing claims;
- A report from Aon Professional Services on premium options available to the Bar for professional indemnity insurance in 1999–2000; and
- The minimum level of indemnity and arrangements in relation to run-off cover.

In May 1999 the premiums to be applied to insurance policies for 1999–2000 were announced by the various insurers. For the first time in many years, each of the insurers had implemented a system of individual rating of premiums whereby those barristers who had experienced claims were charged loadings on top of the base premium. It was estimated that approximately 120 of the 1367 barristers on the practising list would experience premium increases due the loadings. Discounts and loadings were also applied for certain areas of practice. For many barristers with a claims-free history since 1991, premiums were less than last year. The increases in premiums due to loadings were regrettable but were insisted upon by the insurer in order for cover to continue.

As mentioned earlier, the Committee has recommended to the Bar Council that a risk management program be implemented with a view to reducing the incidence of claims and the cost of processing those claims. The program will have a number of aspects such as a session on professional indemnity insurance as part of the Readers' Course curriculum, the Committee being actively involved with the insurers in the monitoring of claims and educational articles providing claims minimisation advice. The Committee is of the view that increasing the Bar's awareness of insurance issues and controlling costs should have a positive impact on insurance premiums in the future.

John T Rush

Chairman

ANNUAL REPORT OF THE READERS' COURSE SUB-COMMITTEE

Each year two intakes of Readers complete the Victorian Bar Readers' Course. The September 1998 course comprised 38 Victorian Readers, one lawyer from Vanuatu, one from Papua New Guinea and one from Germany. The March 1999 intake comprised 38 Victorian Readers and four lawyers from Papua New Guinea. The limit of 40 Readers

imposed by the Bar Council prior to the September course ensured that Readers received maximum benefit from the course.

The Victorian Bar hosted the Eastern States Bar Practice Education Forum on 19 November 1998. Representatives attended from Queensland, New South Wales and Victoria. The Forum enables a healthy exchange of ideas and practices implemented by each State.

The Readers' Course Committee was concerned to emphasise ethical issues throughout the course. With this in mind, new exercises were developed and existing exercises altered to introduce a continuing ethical component.

The Committee also resolved to conduct its own weekend advocacy and plea making workshops rather than sub-contracting that service out to the Leo Cussen Institute. This change was made possible by the provision of better facilities at the Readers' Course when Douglas Menzies Chambers was renovated and has resulted in a number of benefits including a significant financial saving to the Bar.

The Bar appointed Melinda Carr as Barbara Walsh's assistant. The course continues to set a very high standard because of their commitment and dedication. The profession, both judges and barristers generously donate their time to the course. This instruction by the leaders of our profession is an essential component in the fabric of our course. This contribution totals approximately 761 hours per course constituted by approximately 430 junior hours, 235 silk hours and 96 Judge hours.

The Committee is constantly reviewing the course content to ensure that the Victorian Bar Readers' Course remains the standard by which other Bars in Australia judge themselves.

W Ross Ray

Chairman

ANNUAL REPORT OF THE CONTINUING LEGAL EDUCATION SUB-COMMITTEE

In 1998, the Bar Council established a Legal Education Committee. There are two sub-committees: Readers' Course Sub-committee and CLE Sub-committee. The functions of the CLE Sub-committee are:

- to formulate and approve the general structure of a continuing legal education program for barristers;
- to implement a continuing legal education program;
- to maintain familiarity with current requirements regarding admission to practice;
- to cultivate and maintain the Bar's relationship with universities;
- to recommend policy for the Bar on all educational and academic matters.

During the year, the CLE Sub-committee conducted seminars as follows:

- "Professional Negligence Causing Economic Loss: Suing the Advisers" at which the speakers were John H Karkar QC, Joseph G Santamaria QC and Simon P Whelan QC.

- “Commercial Law — Fiduciary Relationships: Liabilities of Fiduciaries and Accessories” at which the speakers were Geoffrey A A Nettle QC, Robin A Brett QC and Melanie Sloss.
- “Administrative Law — the Establishment of VCAT” at which the speakers were Richard R S Tracey QC and Stuart R Morris QC.

During 1999, the Sub-committee has engaged in preliminary discussions with a view to collaborating with particular Bar Associations in the conduct of CLE. It is expected that more formal arrangements will be established in the coming year. The Sub-committee is also considering the mandatory CLE requirement established in other jurisdictions.

Joseph G Santamaria

Chairman

**SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC**

**PROFIT AND LOSS ACCOUNT FOR THE
YEAR ENDED 30 JUNE 1999**

	1999 \$	1998 \$
Operating Profit	456,264	282,554
Accumulated Funds at the beginning of the financial year	1,991,899	1,709,345
ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR	<u><u>2,448,163</u></u>	<u><u>1,991,899</u></u>

The accompanying notes form part of these financial statements.

**SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC**

BALANCE SHEET AS AT 30 JUNE 1999

	Notes	1999 \$	1998 \$
Current Assets			
Cash		591,007	540,874
Investments	3	980,300	1,000,000
Receivables	4	64,157	89,306
Total		<u>1,635,464</u>	<u>1,630,180</u>
Non-Current Assets			
Investments	5	1,016,300	516,300
Property Plant and Equipment	6	658,816	633,727
Loan to Essoign Club		52,351	62,351
Total		<u>1,727,467</u>	<u>1,212,378</u>
Total Assets		<u>3,362,931</u>	<u>2,842,558</u>
Current Liabilities			
Provisions	7	81,851	64,532
Creditors		69,031	76,732
Subscriptions in Advance		759,291	705,759
Total		<u>910,173</u>	<u>847,023</u>
Non-Current Liabilities			
Provisions	8	4,595	3,636
Total Liabilities		<u>914,768</u>	<u>850,659</u>
Net Assets and Accumulated Funds		<u>2,448,163</u>	<u>1,991,899</u>

The accompanying notes form part of these financial statements.

**SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC**

**NOTES TO AND FORMING PART OF THE
FINANCIAL STATEMENTS FOR THE YEAR
ENDED 30 JUNE 1999**

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's constitutional requirement to keep accounts.

The financial report has been prepared using the historical cost convention. The financial report has been prepared in accordance with the requirements of Australian Accounting Standards. AAS 16 Financial Reporting by Segments, AAS 22 Related Party Disclosures, AAS 24 Consolidated Accounts, AAS 28 Statement of Cash Flows, AAS 30 Accounting for Employee Entitlements and AAS 33 Presentation and Disclosure of Financial Instruments have not been adopted.

Accounting policies which have been significant in the preparation and presentation of the financial report:

(a) Depreciation

Depreciation is provided on property, plant and equipment. Depreciation is calculated on a straight line basis so as to write off the net cost of each asset over its expected useful life. The following estimated useful lives are used in the calculation of depreciation:

Leasehold Improvements	10 years
Plant and Equipment	3-10 years

(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 or revenue.

(c) Investments

Investments are recorded at cost.

(d) Employee Entitlements

Annual leave liability is provided for all employees and long-service leave liability is provided only for those employees who have longer than five years' continuous service with The Victorian Bar Inc. 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.

(e) *Comparative Figures*

Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented for the current financial year.

2. Tax Status

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

	1999 \$	1998 \$
3. Investments — Current		
Commonwealth Bank of Australia — Bank Bills	<u>980,300</u>	<u>1,000,000</u>
4. Receivables		
Subscriptions in Arrears	2,866	2,390
Prepayments	1,498	1,342
Sundry Debtors	<u>59,793</u>	<u>85,574</u>
Total Receivables	<u>64,157</u>	<u>89,306</u>
5. Investments — Non-Current		
Shares in Barristers' Chambers Limited at Cost	<u>1,016,300</u>	<u>516,300</u>
6. Property, Plant and Equipment		
Equipment	180,406	166,920
Provision for Depreciation	<u>(130,066)</u>	<u>(90,470)</u>
Total Equipment	<u>50,340</u>	<u>76,450</u>
Office Furniture	61,793	47,796
Provision for Depreciation	<u>(14,364)</u>	<u>(9,161)</u>
Total Office Furniture	<u>47,429</u>	<u>38,635</u>
Art Works	22,224	22,224
Provision for Depreciation	<u>(12,022)</u>	<u>(9,800)</u>
Total Art Works	<u>10,202</u>	<u>12,424</u>
Library	339,683	223,662
Provision for Depreciation	<u>(71,179)</u>	<u>(38,851)</u>
Total Library	<u>268,504</u>	<u>184,811</u>

	1999 \$	1998 \$
Refurbishment — Douglas Menzies Chambers	390,658	390,658
Provision for Depreciation	(108,317)	(69,251)
Total Refurbishment	282,341	321,407
Total Property, Plant and Equipment	<u>658,816</u>	<u>633,727</u>
7. Provisions		
Employee Entitlements	<u>81,851</u>	<u>64,532</u>
8. Non-Current Liabilities		
Employee Entitlements	<u>4,595</u>	<u>3,636</u>

OFFICERS' DECLARATION

As detailed in Note 1 to the financial report, The Victorian Bar Inc is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to specifically satisfy all of their information needs. Accordingly, this 'special purpose financial report' has been prepared to satisfy the Officers' reporting requirements under the Victorian Bar's Constitution.

The Officers declare that:

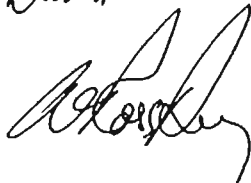
- (a) the attached financial statements and notes thereto comply with accounting standards as outlined in Note 1;
- (b) the attached financial statements and notes thereto give a true and fair view of the financial position and performance of The Victorian Bar Inc;
- (c) in the Officers' opinion, the attached financial statements and notes thereto are in accordance with the Victorian Bar's Constitution; and
- (d) in the Officers' opinion, there are reasonable grounds to believe The Victorian Bar Inc will be able to pay its debts as and when they become due and payable.

On behalf of the Officers

Chairman:



Honorary Treasurer:



Dated:

23 July 1999



**INDEPENDENT AUDIT REPORT TO THE MEMBERS
OF THE VICTORIAN BAR INC.**

Scope

We have audited the special purpose financial report of the Victorian Bar Inc. for the financial year ended 30 June 1999 as set out on pages 53 to 57. The Victorian Bar Council's Officers are responsible for the financial report and have determined that the accounting policies used and described in Note 1 to the financial statements are appropriate to meet the financial reporting requirements of the Bar's constitution and are appropriate to meet the needs of the members. We have conducted an independent audit of the financial report in order to express an opinion on it to the members of the Victorian Bar Inc. No opinion is expressed as to whether the accounting policies used, and described in Note 1, are 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 financial reporting requirements under the Bar'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 whether, in all material respects, the financial report is presented fairly in accordance with the accounting policies described in Note 1 to the financial statements. These policies do not require the application of all Accounting Standards and UIG Consensus Views.

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

Audit Opinion

In our opinion, the financial report of the Victorian Bar Inc. presents fairly in accordance with the accounting policies described in Note 1 to the financial statements the financial position of the Victorian Bar Inc. as at 30 June 1999 and of its performance for the year ended on that date.

Deloitte Touche Tohmatsu
DELOITTE TOUCHE TOHMATSU

J H Kidd
J H KIDD
Partner
Chartered Accountants

Melbourne, 10/8/99

THE VICTORIAN BAR INC

DETAILED PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30 JUNE 1999

	Notes	1999 \$	1998 \$
Income			
Subscriptions		1,559,648	1,292,163
Sale of Publications		4,863	51
Other Income		4,973	3,360
RPA Reimbursement	1	285,181	299,031
Conferences		—	8,246
Interest		75,035	72,171
Total Income		<u>1,929,700</u>	<u>1,675,022</u>
Expenses			
General Administration			
Archival Costs		7,331	7,372
Audit and Accounting Expenses		21,644	30,607
Australian Securities Commission		232	232
Bank Charges		4,009	4,317
Conference Expenses		3,264	4,225
Bar Dinner and Other Functions		69,610	78,673
Bar Dinner Receipts		(31,406)	(29,665)
Bar News Advertising Income		(27,400)	(27,860)
Bar News Expenses		87,405	88,557
Depreciation		38,143	35,347
Donations		879	1,540
Floral Tributes		1,711	2,711
Insurance		—	550
Library (including Depreciation)		129,041	80,135
Miscellaneous		7,095	2,038
Postage		13,947	11,221
Printing and Stationery		99,089	104,919
Publications		8,252	6,262
Rent to Barristers' Chambers Limited		84,905	98,922
Research Studies and Projects		70,381	42,755
Salaries, Employee Entitlements,			
Superannuation and WorkCover Costs		413,482	387,488
Telephone		9,716	5,891

	1999 \$	1998 \$
Travel Expense	9,648	16,657
Australian Bar Association	27,060	26,020
Australasian Disputes Centre	—	1,000
International Bar Association	371	568
Law Council of Australia	107,849	106,530
Lawasia	1,000	1,000
LEADR	150	140
PILCH	1,575	1,575
Ethics Administration		
Salaries and Expenses	131,705	131,730
Readers' Course		
Receipts	(82,129)	(85,660)
Salaries, Expenses and Depreciation	262,762	236,567
Mediation Centre		
Receipts	(117,208)	(87,943)
Salaries, Expenses and Depreciation	119,323	108,047
Total Expenses	<u>1,473,436</u>	<u>1,392,468</u>
Operating Profit	456,264	282,554
Accumulated Funds at the beginning of the financial year	1,991,899	1,709,345
Accumulated Funds at the End of the Financial Year	<u>2,448,163</u>	<u>1,991,899</u>

NOTES TO THE DETAILED PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30 JUNE 1999

1 RPA Reimbursement

As from 1 January 1997 the Legal Practice Board reimburses the Victorian Bar for the costs of regulation and registration of legal practitioners regulated by the Bar. The Board also makes a contribution towards the cost of certain legal education programs at the Bar.

Regulation	136,893	141,460
Registration	53,284	60,744
<i>Victorian Bar News</i>	14,400	19,700

	1999	1998
	\$	\$
Readers' Course and Legal Education	46,104	46,925
Library	34,500	30,202
	<u>285,181</u>	<u>299,031</u>

2 **Barristers' Benevolent Association of Victoria**

Payments made to the Association by members
of the Bar were as follows:

Barristers' Benevolent Association Receipts	<u>39,580</u>	<u>34,128</u>
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