



The Victorian Bar Inc

Annual Report

1 July 1999 – 30 June 2000

The Victorian Bar Inc – Reg. No. A0034304S

ANNUAL REPORT OF THE VICTORIAN BAR INC FOR THE YEAR ENDED 30 JUNE 2000

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00pm on Monday, 11 September 2000, in the Neil Forsyth Room, 13th floor, Owen Dixon Chambers East, 205 William Street, Melbourne.

VICTORIAN BAR COUNCIL

In the annual elections held in September 1999, 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
Peter B Murdoch 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
Paul D Santamaria

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

Duncan L Allen
Richard W McGarvie
Jane A Dixon
Jeanette E Richards
Fiona M McLeod
Peter J Riordan

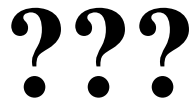
Category C: Four (4) counsel who are not of Her Majesty's Counsel and are of not more than six (6) years' standing.

Sara L Hinchey
Bruce R McKenzie
Matthew J Walsh
Michael G R Gronow

THE VICTORIAN BAR INC

ANNUAL REPORT

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CHAIRMAN'S REPORT

“In this State of Victoria the legal profession retains in fact the old division between those who practise as counsel and those who practise as solicitors... Essential or not, it is a wise, useful and desirable in a very high degree. It does not exist in the North American continent and I think that the administration of justice in the United States has suffered from its absence. There is no completely independent body of men [and women] qualified by full forensic experience from which to recruit the Bench. Many of the best lawyers are so identified with business interests as to make it undesirable that they should become judges even if they were willing to sacrifice the advantages which in the United States business organisations can offer. There is not the same confidence between Bench and Bar. Nor is it regularly possible for litigants to obtain the services of counsel who in the common phrase know their court...”.

These words, spoken by Sir Owen Dixon in 1953, are as true today as they were then. The sentiments they express are, however, under challenge. Some of the challenges have been and are being faced by the Bar Council and will continue to test the principles which guide us all. In the end, our task is to maintain the valuable and useful features of the practice of our profession, and not to worry too much about the forms and ceremonies.

The new State government has been robust in its review of some of the forms and ceremonies. The Attorney-General, the Honourable Rob Hulls MP, has announced that no more Queen's Counsel will be appointed, only Senior Counsel. The Bar Council considers that the usefulness of the office of Queen's Counsel will not be affected by change in its title, at least in the longer term. Senior Counsel will continue to be appointed by the Governor-in-Council, on the advice of the Attorney-General who, in turn, acts upon the recommendation of the Chief Justice of the Supreme Court.

In the view of the Bar Council, a view which was put and re-put to the Attorney, the continued involvement of the Chief Justice and the Governor-in-Council in the appointment of Senior Counsel is desirable and should be maintained. The present process achieves a measure of independence, objectivity and credibility. The appointment by the Governor, whether it be by the exercise of the royal prerogative or pursuant to a legislative authority, brings to the office of Senior Counsel due recognition of its importance in the administration of justice and as a mark of recognition of the professional eminence of counsel upon whom it is conferred (see *Attorney-General for Canada v Attorney-General for Ontario* (1897) AC 247 at 252). It avoids a process of appointment which may be seen to be open to considerations other than the appropriateness of the person for the appointment as Senior Counsel, including political and personal affiliations.

The Attorney-General has also publicly expressed views favouring the discontinuance of the wearing of wigs in court. In particular, the Attorney has indicated that he is mindful of the importance of removing court procedures which may contribute to a perception of remoteness from the community and inaccessibility to the consumers of legal services.

In 1997 the Bar held a ballot on the question whether wigs should be retained as a part of court dress (there then being Bar guidelines in existence requiring wigs to be worn). A majority voted against any change. However, it was apparent from the ballot that a substantial minority of members of the Bar who voted did favour an end to the wearing of wigs as part of court dress. Compulsory robing was abolished, other than in criminal trials and civil proceedings involving juries, by s.70 of the Legal Practice Act 1996. The Bar has no current rules or guidelines in relation to court dress. The Bar Council has not yet adopted a view one way or the other as to

the desirability of retaining or dispensing with wigs. However, and importantly, the Bar Council regards the issue of court dress as one for the various courts to consider and recommends that barristers robe in the manner suggested as appropriate by the court.

The Victorian Bar represents a body of legal expertise upon which governments can, and do, draw. Though the Bar Council may sometimes feel compelled to give broad comment on the principles or philosophy which underpin Bills being prepared for Parliament, we often also undertake to provide a practical and technical assessment of the workability of any legislative arrangements upon which we are consulted.

The Bar Council, in a response to the Auditor-General's office, provided the Auditor-General with information concerning the impact of the Commonwealth-State legal aid funding agreements on the provision of legal assistance in Victoria. The evidence presented by the Bar Council suggested that legal aid funding restrictions imposed by the agreements have led to a dramatic rise in the number of people who go unrepresented in our criminal courts, an overloading of our State and Federal courts and a proportionate increase in the extent to which the Bar has been required to provide pro bono assistance to litigants who would, but for pro bono assistance, be denied legal representation. The Bar Council also stressed the need for detailed and objective research into the full effect of the legal aid crisis throughout the State.

Whilst decrying the Commonwealth budgetary impact on the funding of legal aid, the Bar Council has recognised the collective obligation of all barristers to help those less fortunate who are in need of legal advice or assistance but cannot obtain legal aid. The Bar Council has been active in promoting numerous pro bono schemes, including the Bar's pro bono scheme, the bushfire scheme and the East Timor Evidence Project. The diminishing amounts of legal aid available in recent years has led to a marked increase in the volume and complexity of applications for assistance from the Bar's *Pro Bono* scheme. The Honorary Secretary, Garrie Moloney, the Assistant Honorary Secretary, Richard Attiwill, the Executive Director, David Bremner and the Executive Officer, Anna Whitney, have carried the burden of the *Pro Bono* Scheme too long. To relieve our Honorary Secretaries and our staff of this undue burden, and to put the administration of the scheme on a professional footing, the Bar has entered into an agreement with the Public Interest Law Clearing House (PILCH) for PILCH to administer the Bar's *Pro Bono* Scheme. Under the agreement, which commenced on 1 July 2000, the Bar has provided PILCH with space on the first floor of Joan Rosanove Chambers and some basic infrastructure to enable it to administer the scheme. PILCH has developed considerable expertise in the area of providing legal services on a pro bono basis, and it has agreed to provide that expertise to improve the administration of the Bar's scheme. The agreement provides for the autonomy of the Bar's scheme to be maintained.

The Bar Council has also been very active in addressing a range of State and Federal law reform and legislative proposals. The input of the Bar Associations in these areas has been significant, particularly (but not only) the Criminal Bar Association. Amongst the many measures that the Bar Council has addressed, are aftermath of the decision of the High Court in *Re Wakim; ex parte McNally*, concerning the exercise by the Federal Court of State jurisdiction; the establishment of the Federal Magistrates' Court; the release by the Australian Law Reform Commission (ALRC) of the discussion paper entitled "*Review of the Federal Civil Justice System*"; and all manner of bills, from amendments to the *Juries Act* to the re-establishment of the Law Reform Commission; from the creation of 'Whistleblowers Protection' legislation to the *Administration and Probate (Dust Diseases) Bill 2000*. A big issue for the Bar over the forthcoming year will be the Review of the *Legal Practice Act* announced by the Attorney

recently.

The Bar Council's commitment to remove any form of discrimination based on gender has been maintained. During 1999/2000 the Bar's Equality of Opportunity Working Party has been most active in pursuing its program of ensuring equality of opportunity for all members of the Bar. In April 2000, a seminar was held to discuss equality of opportunity in briefing practices and was attended by senior solicitors representing many of the largest litigation firms. The seminar enabled a vigorous debate of the issues regarding the manner in which the decision as to which member of counsel to engage is made. The seminar was addressed by The Honourable Michael Black AC, Chief Justice of the Federal Court of Australia, and the support that he and the solicitor attendees expressed for the Bar's equality of opportunity program was gratifying. It is pleasing to note that since the seminar, we are aware of at least one law firm which has adopted an equal opportunity briefing policy which emphasises that the only issues to be considered in selecting a barrister relate to skill and not gender.

The introduction of the *Goods and Services Tax* has added another burden to life at the Bar. The Bar Council has done a great deal of work, in conjunction with its GST Committee and the Clerks, on the impact of GST on barristers' practices. Importantly, application was made to the Commissioner of Taxation on behalf of all members of the Bar for permission for members to account for GST on a cash basis, rather than an accruals or earnings basis. The ATO issued a ruling late last year. The effect of the ruling is that if a member accounts for income tax on a cash basis, he or she may account for GST on the same basis. David Bremner, the Executive Director of the Bar, has co-ordinated the efforts of the Bar and the Clerks to gather information and assess the impact of the GST on barristers' practices. The Bar's GST Committee has also been very active in issuing "*GST alerts*" on important and topical issues to members of the Bar.

A personal highlight of the past year has been the opening of new Chambers - Joan Rosanove Chambers were opened by His Excellency Sir James Gobbo on 14 April 2000. The Board of Directors of Barristers' Chambers Limited, with the agreement of the Bar Council, has named these Chambers after one of the great characters of our Bar, the first woman QC at the Victorian bar and a pioneer for women's rights in the law. There are now four floors of chambers fully occupied in Joan Rosanove Chambers, with further floors (the 6th and 1st) to be available in early 2001 and late 2002, respectively.

Another milestone passed this year is the commencement of the renovation of the ground floor of Owen Dixon Chambers East. A great deal of publicity has been given over the past year or so to a proposal to renovate the first to thirteenth floors of the building and to the investigations that were first undertaken, by the Board of BCL and the Bar Council, into whether ODCE should be renovated at all, or sold and other chambers acquired. The investigation process began during the Chairmanship of Neil Young QC. Every option was considered. In the end the costs of the other options were found to be prohibitive. The Bar needs the accommodation that ODCE provides. It presently accommodates 332 barristers, as well as the Bar Administration, the Essoign Club, the Bar Library and a number of Clerk's offices.

The renovation of the first to thirteenth floors of the building is a long-term project that is dependent on long-term funding. BCL has asked the Bar Council to extend the current program for recapitalisation of BCL, and for a firm commitment to that extended program, to enable the full renovation to commence in 2002. In particular, BCL has asked the Bar Council to enter into a binding agreement to subscribe for a \$500,000 worth of shares in BCL each financial year from now until 30 June 2009, in order to assist BCL to fund the refurbishment of the Owen Dixon Chambers East. Without such an agreement, BCL considers that it would not be able to fund the

proposed refurbishment. Both BCL and the Bar Council have made detailed cash flow projections for the period to 30 June 2009. The principal assumptions made in those projections are that the Bar enters into the proposed agreement to subscribe additional capital and that BCL proceeds with the renovation. There is also an assumption that the vacant land owned by BCL in Little Bourke Street will be sold within the next three years. In the case of the Bar Council, the cash flow projections assume an increase of 3% in Bar subscriptions in 2001 to 2002 but otherwise no increases beyond inflationary increases. The Bar Council is of the view that The Victorian Bar Inc. should enter into the proposed agreement with BCL and it has circulated a detailed memorandum to members of the Bar seeking their view.

The modernisation of the Bar's facilities has been at the forefront of the Bar Council's work over the last few years, and a particular focus of mine. To this end, the Bar and BCL have been actively involved in promoting the Internet and its advantages. The Bar has completely redone its website located at www.vicbar.com.au. The Bar and BCL have established a direct connection to the Internet and made it available as widely as possible to members occupying BCL Chambers. The direct connection enables 24 hour continuous access. There are now about 300 barristers, clerks, Bar and BCL staff connected who also have "vicbar" email addresses. Vicbar has its own email servers and is in the process of establishing a web server to conduct websites within the Bar, including the websites of the Bar and BCL.

The Victorian Bar Theatre Company commenced its existence this year with the innovative and widely proclaimed performance of "*The Queen v. Edward 'Ned' Kelly*", a re-enactment of the famous trial and a re-trial, based firmly on historical fact. It was a terrific success and received extensive publicity. I thank all of those involved in the production of the trial, including Duncan Allen, Richard Bourke, Nicholas Harrington and Liz Ingham, as well as all those members of the Bar who participated. I also thank the Chief Justice, the Honourable Justice John Harber Phillips, AC, for his co-operation and assistance in various stages of the production, and particularly in allowing the production to be staged in the Banco Court. I should also mention the assistance obtained from his monograph "*The Trial of Ned Kelly*".

This year is an historic one for the Bar Council. The election and first meeting of the Bar Council took place in Selborne Chambers on 20 June 1900. This occasion was commemorated by a special meeting of the Bar Council held to mark the centenary on 20 June 2000. In attendance were many past chairman of the Bar.

Last year the Bar Council resolved to mark the centenary of Federation, the centenary of the Bar Council and the new millennium with an appropriate celebration. This led to the establishment of a committee (in the usual way!) chaired by Paul Santamaria. That committee recommended that a Ball be held and be open to all members of the Bar, judges and judicial officers, Clerks and their staff, and the staff of the Bar and BCL and their partners. The Ball represents a new and exciting challenge for the Bar Council in hosting such an event that promises to be a great celebration.

The work of the Bar Council and its committees depends on the voluntary contributions of many members of the Bar. The Bar Council has been dedicated and energetic in its efforts to develop the services of the Bar and to represent the views of the Bar on a wide spectrum of issues. I wish to express my gratitude to the members of the Bar Council and its many committees for their generous contributions of time and expertise over the past year. The fact that the Bar contributes so effectively in so many ways to the development of the justice system in our community is a reflection of the efforts of these members.

The Bar Council itself has worked well and harmoniously over the last year. For the

majority of the year, David Curtain QC was Chairman. He made a most significant contribution to the life and progress of our Bar. His dedication to the Bar and his firm but convivial manner enabled him to provide leadership not only within the Bar but also within the profession and community.

I also wish to thank the staff of the Bar Council for their efforts over the past year. Their patience, helpfulness and dedication to the Bar is greatly appreciated.

Mark Derham

Chairman

31 July 2000

OFFICERS OF THE BAR COUNCIL

Chairman

D Mark B Derham QC (from 2 March 2000)

David E Curtain QC (from 2 September 1999 to 2 March 2000)

Senior Vice-Chairman

Robert F Redlich QC (from 2 March 2000)

D Mark B Derham QC (from 2 September 1999 to 2 March 2000)

Junior Vice-Chairman

John T Rush QC (from 2 March 2000)

Robert F Redlich QC (from 2 September 1999 to 2 March 2000)

Honorary Treasurer

Robin A Brett QC (from 1 March 2000)

W Ross Ray QC (from 2 September 1999 to 2 March 2000)

Assistant Honorary Treasurer

Fiona M McLeod

Honorary Secretary

Garrie J Moloney

Assistant Honorary Secretary

Samantha E Burchell

Acting Assistant Honorary Secretary

Richard H M Attiwill

VICTORIA BAR STAFF

Executive Director

David Bremner

Executive Officer

Anna Whitney

Legal Policy Adviser

Jonathan Morrow (to 1 December 1999)

Manager, Legal Education and Training

Barbara Walsh

Legal Education Assistant

Elizabeth Rhodes (from 21 February 2000)

Investigations Officer, Ethics Committee

Debbie Jones

Assistant to the Ethics Committee

Roz Zalewski (from 6 March 2000)

Accountant/Membership Records

Mal De Silva

Secretary

Wendy McPhee

Receptionist

Tania Giannakenas

Administrative Assistants

Rebekah Thompson and Daphne Ioannidis

Archivist

Alison Adams

Mediation Receptionists

Helen Henry, Pauline Hannan, Robyn Cran,
Kay Kelly

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

Chairman

D Mark B Derham QC (from 2 March 2000)

David E Curtain QC (from 2 September 1999 to 2 March 2000)

Senior Vice-Chairman

Robert F Redlich QC (from 2 March 2000)

D Mark B Derham QC (from 2 September 1999 to 2 March 2000)

Junior Vice-Chairman

John T Rush QC (from 2 March 2000)

Robert F Redlich QC (from 2 September 1999 to 2 March 2000)

Honorary Treasurer

Robin A Brett QC (from 1 March 2000)

W Ross Ray QC (from 2 September 1999 to 2 March 2000)

Assistant Honorary Treasurer

Fiona M McLeod

Members

Stephen W Kaye QC

W Ross Ray QC (from 1 March 2000)

G Tony Pagone QC

Honorary Secretary

Garrie J Moloney

Assistant Honorary Secretary

Samantha E Burchell

Acting Assistant Honorary Secretary

Richard H M Attiwill

PORTFOLIOS OF BAR COUNCIL MEMBERS

Bar Rules

Robert F Redlich QC, Robin A Brett QC and Michael G R Gronow

BCL

D Mark B Derham QC

Clerking

Stephen W Kaye QC and Peter J Riordan

Commercial Bar

Peter B Murdoch QC, Paul D Santamaria and Jeanette E Richards

Common Law Bar and Compensation Bar

John T Rush QC, Bruce R McKenzie and Matthew J Walsh

Continuing Legal Education

G Tony Pagone QC, W Ross Ray QC, Paul D Santamaria and Jeanette Richards

Costs

G Tony Pagone QC, Fiona M McLeod and Matthew J Walsh

Courts and Civil Procedures

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

Criminal Bar

Philip A Dunn QC, Duncan L Allen and Jane A Dixon

Dispute Resolution Committee

Richard W McGarvie and Michael G R Gronow

Equality Before the Law

Robin A Brett QC, Jane A Dixon, Jeanette E Richards 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 G Tony Pagone QC

Legal Aid

Philip A Dunn QC, Duncan L Allen and Jane A Dixon

Library and Technology

D Mark B Derham QC, Sara L Hinchey and Michael G R Gronow

New Barristers' Association

W Ross Ray QC, Duncan L Allen, Peter J Riordan and Bruce R McKenzie

Property Law

Paul D Santamaria and Sara L Hinchey

Year 2000

Paul D Santamaria and Sara L Hinchey

**BAR COMPANIES AND ASSOCIATIONS
(AS AT 30 JUNE 2000)**

**BARRISTERS' CHAMBERS LIMITED –
BOARD OF DIRECTORS**

Ross McK. Robson QC (Chairman)
Maurice B Phipps QC (Deputy Chairman)
Robin A Brett QC
David S Levin QC
Michael J Colbran QC
Peter W Lithgow
Paul E Anastassiou
Julie A Dodds-Streeton
Caroline M Kenny

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**

D Mark B Derham QC (Chairman, Victorian Bar Council)
Robin A Brett 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)
Jonathan B R Beach QC
Michael C Hines
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)
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 (Senior Vice-President)
Albert A Monichino (Vice-President, Convenor)
Melanie Sloss (Treasurer)

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)
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)
Patricia R Riddell (Treasurer)
Richard J Bourke (Secretary)

Ordinary Committee Members

Christopher C Dane QC
W Benjamin Lindner
Raymond L Gibson

Appointed Committee Members

Phillip G Priest QC
Damian P Sheales
Frank R Gucciardo

FAMILY LAW BAR ASSOCIATION

Noel J Ackman QC (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

Jeanette E Richards (Convenor)
Dr Karin L Emerton (Assistant Convenor)
Caroline Kenny (Assistant Convenor)
Frances Millane (Secretary)
Kathryn Rees (Assistant Secretary)
Joye S Elleray (Treasurer)
Susan M Cohen (Immediate Past Convenor)

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 E – Philip A Dunn QC

List G – E Noel Magee 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 – Andrew J Kirkham QC
List W – Robin A Brett QC

FIRST AID OFFICERS

Anthea E L MacTiernan
Carolyn H Sparke

STANDING COMMITTEES OF THE BAR COUNCIL (AS AT 30 JUNE 2000)

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 QC, Alexandra Richards QC, John A Magee, Paul G Lacava, Tim J North, Paul J Cosgrave, Dr Dorothy Kovacs, Caroline Kenny, Jeanette E Richards, Michael F Wheelahan, Fiona J S Connor, Garrie J Moloney (Secretary) and Richard H M Attiwill (Acting Assistant Secretary)

Bar Constitution Committee

Michael J Colbran 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, George A Watkins, Melanie Sloss, James W S Peters and Anthony M Thomas

Child Care Facilities Committee

Fiona M McLeod (Chairperson), Stephen J Jones, Georgina Grigoriou, Victoria J Bennett, Jennifer J Batrouney, Dr Karin L Emerton, Richard Niall and Paul A Norris

Conciliators for Sexual Harassment and Vilification

Michael Rozenes QC, David J Habersberger QC, Debra S Mortimer and Melanie P Young

Counsel Committee

Stephen W Kaye QC (Chairman), Philip A Dunn QC, Robin A Brett QC (Honorary Treasurer), Paul D Santamaria, Duncan L Allen, Richard W McGarvie, Jane A Dixon, Fiona M McLeod (Assistant Honorary Treasurer), Garrie J Moloney (Honorary Secretary), Samantha E Burchell (Assistant Honorary Secretary) and Richard H M Attiwill (Acting Assistant Honorary Secretary)

Equality Before the Law Committee

Rachelle A Lewitan QC (Chairperson), Robert S Osborn QC, Robin A Brett QC, Bryan A Keon-Cohen QC, David C Munro RFD, Norah H Hartnett, Charles S Rozencwajg, Jennifer Davies, Pauline L Shiff, Dr Karin L Emerton, Kim M Pettigrew, Richard M Niall, Rozanna Zalewski, Shane A Lethlean and Judy A Benson

Equality of Opportunity Working Party

D Mark B Derham QC (Chairman), Robert Redlich QC, Rachelle A Lewitan QC, Robin A Brett QC, Susan M Cohen, Jeanette E Richards, Fiona M McLeod, Dr David J Neal, Kim M Pettigrew, Sara L Hinchey, Richard W McGarvie and David Bremner

Ethics Committee

H McM (Michael) Wright QC (Chairman), John F Lyons QC, G Tony Pagone 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), Fiona M McLeod, Fiona J Connor, Peter J Riordan and Carolyn M Burnside

GST Committee

Alexandra Richards QC (Chairperson), John W de Wijn QC, G Tony Pagone QC, Jennifer J Batrouney, Terrence P Murphy, Jennifer Davies, Michael Y Bearman, Dimitrios (James) Podaridis and David J L Bremner

Human Rights Committee

Jacob I (Jack) Fajgenbaum QC (Chairman), Charles H Francis QC, Robert S Osborn QC, Remy van de Wiel QC, Alexandra Richards QC, David C Munro RFD, C James Delany, Herman Borenstein, Debra S Mortimer, Michael G O'Connell and Fiona M McLeod (Secretary)

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, Julian W K Burnside QC, Richard R S Tracey QC, Robin A Brett QC, Felicity P Hampel QC, Gerald A Lewis, Paul D Santamaria and Elizabeth J Hollingworth

Legal Education Committee – Readers' Course Sub-Committee

W Ross Ray QC (Executive Chairman), Felicity P Hampel QC (Vice-Chair), The Honourable Justice Hampel, The Honourable Mr Justice Harper, Her Honour Judge Curtain, His Honour Judge Kent, Lesley A Fleming M, Julian W K Burnside QC, Paul A Coghlan QC, Geoffrey T Chettle, David Brown, David A Parsons, Paul D Santamaria, P Mark Taft, James D Elliott, Caroline E Kirton, Fiona M McLeod, Matthew N Connock, 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, G Tony Pagone QC, David H Denton RFD, Dr S Rory Derham, 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 Shavin QC, David H Denton RFD, Albert A Monichino, Caroline Kenny, Michael Sifris, Jennifer Davies, Matthew N Connock, Sara L Hinchey and Phillip D Crutchfield

Litigation Procedure Review Committee – Common Law

David E Curtain QC (Chairman), David A Kendall QC, Bernard D Bongiorno QC, Terence J Casey QC, John H L Forrest QC, Jeffrey R Moore QC, Gerald A Lewis, David J Martin, Susan M Cohen and David F R Beach

Litigation Procedure Review Committee – Criminal Law

Robert Richter 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 Redlich QC (Chairman), The Honourable John Fogarty AM, The Honourable Justice

Dessau, Noel J Ackman QC, Clarinda E Molyneux QC, Jeremy W St John, Andrew I Strum and Lachlan D Wraith

Past Practising Chairmens' 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, Neil J Young QC and David E Curtain QC

Professional Indemnity Insurance Committee

John T Rush QC (Chairman), Anthony G Southall QC, Charles M Scerri QC, Ian S Williams, Cameron C Macaulay, David F R Beach, Peter G Cawthorn, Ian G Waller, Stephen J Moloney and David J L Bremner

Strategic and Planning Committee

Susan M Crennan QC (Chairperson), Robin A Brett QC, Peter J Jopling QC, Jeanette E Richards, Matthew N Connock and David J L Bremner

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, David B Blackburn, Gerald A Lewis, John R P Lewisohn, Marc T Bevan-John, James Cyngler, Julie A Nicholson, Gerald A Hardy, Georgina Grigoriou, Franz J Holzer, Dr Clyde E Croft, Michael H Whitten, Michael D G Heaton, Paul D Elliott QC, Frances Millane, Norah Hartnett and Carmel Morfuni

Victorian Bar News

Editors: P Gerard Nash QC and Paul D Elliott QC; Editorial Board: David M Bennett QC, Julian W K Burnside QC and Graeme P Thompson; Editorial Committee: John Kaufman QC, Richard L Brear (Editorial Assistant), Peter W Lithgow (Book Reviews), William F Gillies and Carolyn H Sparke

**JOINT STANDING COMMITTEES
(AS AT 30 JUNE 2000)**

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

Medical Legal Standing Committee (Bar, LIV and AMA)

David A Kendall QC, Michael A Scarfo and Debra S Mortimer

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
(AS AT 30 JUNE 2000)**

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 and Diana L Bryant QC (from 1 July 1999 to 31 January 2000)

Australasian Dispute Centre

William J Martin QC

Australian Red Cross – International Humanitarian Law Advisory Committee

Rozanna Zalewski

Board of Examiners

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 Melanie Sloss

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

Peter B Murdoch QC

Council of Australian Bar Association

D Mark B Derham QC and Robert F Redlich QC (Alternate)

Council of Law Council of Australia

W Ross Ray QC and D Mark B Derham 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 Migration List Users Group

Richard R S Tracey QC, Anthony L Cavanough QC, Kevin H Bell QC, Thomas Hurley, Debra S Mortimer, Maree E Kennedy, Warren Mosley and Richard Niall

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

Duncan L Allen

Law Council of Australia – *Australian Lawyer* Editorial Committee

P Gerard Nash QC

Law Council of Australia – Equalising Opportunity in the Law Committee

Rachelle A Lewitan 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 – Fee Disputes Conciliator

Jeremy Ruskin QC

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

Peter B Murdoch QC

Legal Profession Tribunal – Conciliators

David M Bennett QC, Nathan Moshinsky QC, Henry Jolson QC, John H L Forrest QC, Richard J Spicer, Paul W McDermott, Robert W Dyer, Melanie Sloss, Michael F Wheelahan and Jennifer Brennan

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

Leo Cussen Institute of Continuing Legal Education

The Honourable Justice Hampel (Chairman), Julian W K Burnside QC, P Gerard Nash QC (Alternate) and Helen M Symon

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)

Richard W McGarvie 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, Peter B Murdoch QC (Alternate), Stephen W Kaye QC, John H L Forrest QC, Elizabeth Hollingworth, Jeanette E Richards (Alternate) and Peter J Riordan (Alternate)

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

Herman Borenstein, Dr Kristine P Hanscombe and Melanie P Young

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 - General

Susan M Cohen

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

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

**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 –
Occupational & Business Regulation List Users Group – Liquor Section**

Brian J Bourke, E Lloyd Bryant and John F M Larkins

**Victorian Civil and Administrative Tribunal Consultative Users Groups –
Occupational & Business Regulation List Users Group – Non-Liquor Section**

Mark A Dreyfus QC, Thomas V Hurley and Mary Ann Hartley

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

H McM (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)

Philip A Dunn QC

Victoria Legal Aid – Community Consultative Committee

Jane Dixon

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 30 August 1999.

BAR COUNCIL MEETINGS

For the year ended 30 June 2000 the Bar Council held 1 special meeting and 24 ordinary meetings. The 1999/2000 Bar Council first met on 2 September 1999. Between that date and 17 August 2000 there has been 1 special meeting and 23 ordinary meetings. Attendance at these meetings was as follows:

David E Curtain QC	15	Duncan L Allen	18
D Mark B Derham QC	23	Richard W McGarvie	18
Robert F Redlich QC	23	Jane A Dixon	10
Peter B Murdoch QC	20	Jeanette E Richards	16
Stephen W Kaye QC	16	Fiona M McLeod	21
John T Rush QC	11	Peter J Riordan	21
Philip A Dunn QC	15	Sara L Hinchey	18
W Ross Ray QC	18	Bruce R McKenzie	24
Robin A Brett QC	21	Matthew J Walsh	23
G Tony Pagone QC	16	Michael G R Gronow	23
Paul D Santamaria	15		

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 2000 the Executive Committee held 18 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 1999 to 30 June 2000 the Bar Council fixed annual subscriptions for members of the Bar as follows:-

Division A, Part I

Queen's Counsel	\$ 2,370.00
Over 15 years	\$ 1,520.00
Over 14 years	\$ 1,450.00
Over 13 years	\$ 1,380.00
Over 12 years	\$ 1,310.00
Over 11 years	\$ 1,240.00
Over 10 years	\$ 1,160.00
Over 9 years	\$ 800.00
Over 8 years	\$ 760.00
Over 7 years	\$ 720.00
Over 6 years	\$ 680.00
Over 5 years	\$ 640.00
Over 4 years	\$ 600.00

Over 3 years	\$ 550.00
Over 2 years	\$ 460.00
Over 1 year	\$ 420.00
Under 1 year's standing	\$ 230.00
Readers (September 1999)	\$ 105.00
Readers (March 2000)	\$
21.00	
Division A, Part II	
Crown Prosecutors	\$ 290.00
Division A, Part III	
Interstate Queen's Counsel	\$ 380.00
Interstate and Overseas Juniors	\$ 290.00
Division B, Part III	
Ministers of the Crown and Members of Parliament	\$ 290.00
Division B, Part IV	
Solicitors-General and Directors of Public Prosecutions	\$ 290.00
Division B, Part VII	
Crown Counsel and Parliamentary Counsel	\$ 290.00
Division B, Part VIII	
Other Official Appointments	\$ 290.00
Division D	
Academics	\$ 290.00

PERSONALIA

OBITUARY

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

His Honour Judge John Bland on 20 August 1999

Martin Shannon QC on 26 August 1999

Peter Wilson on 8 October 1999

The Honourable Sir Kevin Victor Anderson on 14 October 1999

Aaron Ronald (Ron) Castan AM, QC on 21 October 1999

Carol Keating on 25 October 1999

Noshir C J Rustomjee on 27 October 1999

Master George Stafford Brett on 1 February 2000

Robert R Vernon on 3 February 2000

John Daniel Daly on 22 February 2000
Ian Geoffrey Sutherland QC on 19 March 2000
The Honourable Sir George Lush on 4 April 2000
Godfrey Cullen on 15 April 2000
Audley Gillespie-Jones on 7 May 2000
Julian J Zahara on 30 May 2000
The Honourable Thomas Weetman Smith on 16 June 2000

JUDICIAL APPOINTMENTS

Federal Magistrates Court

On 31 January 2000 Diana Bryant was appointed as Chief Federal Magistrate of the Federal Magistrates Court.

On 19 June 2000 Norah Hartnett was appointed as a Federal Magistrate of the Federal Magistrates Court.

On 26 June 2000 Murray McInnis was appointed as a Federal Magistrate of the Federal Magistrates Court.

County Court of Victoria

On 11 November 1999 His Honour Judge Kent was appointed as a Judge of the County Court of Victoria.

On 2 March 2000 Her Honour Judge King was appointed as a Judge of the County Court of Victoria.

On 22 June 2000 Her Honour Judge Coate was appointed as a Judge of the County Court of Victoria.

Magistrates' Court

On 25 January 2000 Jane M J Patrick was appointed as a Magistrate of the Melbourne Magistrates' Court.

Queen's Counsel

On 23 November 1999 the following members of the Victorian Bar were appointed Queen's Counsel in Victoria:

Jeffrey R Moore, Brendan A Murphy, Russell L Berglund, Michael D G Heaton, Jeremy W Rapke, Paul D Elliott, John A Smallwood, Richard Kendall, Douglas M Salek, Michael A Tovey, Bruce R Geddes, Peter J Hanks, Paul A Scanlon, Terence M Forrest, Peter W Almond, Nicholas J D Green, Jack D Hammond, Nemeer Mukhtar, Jeremy H Gobbo, Jeanette G Morrish, Mark A Dreyfus, Nunzio Lucarelli and Jonathan B R Beach QC.

Welcomes

On 11 November 1999 His Honour Judge Kent was welcomed to the Bench of the County Court of Victoria by David Curtain QC, the then Chairman of the Victorian Bar Council.

On 2 March 2000 Her Honour Judge King was welcomed to the Bench of the County Court of Victoria by David Curtain QC, the then Chairman of the Victorian Bar Council.

On 26 June 2000 Her Honour Judge Coate was welcomed to the Bench of the County Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 28 June 2000 Diana Bryant CFM was welcomed to the Federal Magistrates Service by Mark Derham QC, Chairman of the Victorian Bar Council.

Farewells

On 28 October 1999 the legal profession met to pay tribute to His Honour Judge Rendit on the occasion of his retirement from the Bench of the County Court of Victoria. David Curtain QC, the then Chairman of the Victorian Bar Council spoke on behalf of the Bar.

On 9 February 2000 the legal profession met to pay tribute to His Honour Judge Cullity on the occasion of his retirement from the Bench of the County Court of Victoria. David Curtain QC, the then Chairman of the Victorian Bar Council spoke on behalf of the Bar.

ROLL OF COUNSEL (AS AT 30 JUNE 2000)

Division A, Part I

Victorian Practising Counsel - Queen's Counsel - Male	158
- Queen's Counsel - Female	8

Victorian Practising Counsel - Junior Counsel - Male	997
- Junior Counsel - Female	221

Division A, Part II

Prosecutors for the Queen	23
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Division A, Part III

Overseas and Interstate Counsel	199
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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
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Division B, Part V

Masters and Judicial Registrars	11
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Division B, Part VI

Magistrates and Full Time Members of Statutory Tribunals	72
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Division B, Part VII

Crown Counsel and Parliamentary Counsel	0
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Division B, Part VIII	
Other Official Appointments	3
Division C, Part I	
Retired Judges and other Judicial Officers	44
Division C, Part II	
Retired Holders of Public Office other than Judicial Officer	9
Division C, Part III	
Retired Counsel	54
Division D	
Academics	22
TOTAL	2003

Between 1 July 1999 and 30 June 2000 the following 92 persons signed the Roll of Counsel:

David B Ewart (re-signed), P David M Condell (re-signed), Michael P R Turner (re-signed), John Wadsley (re-signed), Anna M Boymal (re-signed), Judith R Leshinsky, Philip A Simpson, Timothy J Walsh, Michele H Nancarrow, Jason D Pizer, Simon H Steward, Peter J Hannan, Steven K Tudor, Adam B Lovering, David K Carlile, Erin J Gardner, Murray E Bruce, Maria A Carroll, Benjamin J Fitzpatrick, Kamal Farouque, Romauld Andrew, Graham S Smith, Richard J Thompson, Peter G Willis, Andrew F Hamlyn-Harris, Craig W Dowling, Cahal G Fairfield, Anthony E Klotz, Mark A Black, Jonathan H Slonim, Andrew J Palmer, Oscar I Roos, Christopher A Arnold, C Elizabeth Brophy, Danielle T Galvin, Sharon E Moore, Eric Riegler, Andrew K McKenry, Elizabeth Johnson, Douglas J McLeod, Bradley D Baker (re-signed), Simone M Jacobson (re-signed), Dominic Lennon (re-signed), Sylvia Maramis (re-signed), Amanda Glaister (re-signed), Peter Faris QC (re-signed), Geoffrey M Horgan (re-signed), Godfrey R McCormick, Louis G Vatousios (re-signed), Cassie J Serpell, Edmund L Richards, David W Bennett, Staniforth (Sam) Ricketson, Justin A Castelan, Edward J C Heerey, Sebasian Reid, Michael J Biviano, Maria Corbisiero, Michael K Gurvich, Andrew J McLelland, Kevin J Thompson, John F Fish, Anna (Ania) Maria Bogan, Charles E Shaw, Angus E A McNab, Andrew Hanak, Laini Liberman, Juliana K Horsfall, Antonio Scriva, Anne L O'Connell, Leonie C Bird, Paul R Pentony, Sharon E Cure, Mark R Champion, Frank Rebechi, Melissa Mahady, James F Doherty, Rohan A Miller, Damien P Hannan, Sharn-Adelle A Coombes, David R J O'Brien, Claire A Folley, Beatrice C Melita, Adrien T W Ho, Benjamin J Mallick, Mark X Carey, Maureen T Green (re-signed), Pasquale (Pat) Zappia, Ross G Maxted (re-signed), James H Kennan QC (re-signed), Anthony G Lupton (re-signed)

Between 1 July 1999 and 30 June 2000 the name of the following Overseas and Interstate Counsel was entered on the Roll of Counsel:

Neil J Adams (re-signed),

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

Ross Frazzetto, Dennis I Meadows, Graham P Roberts, Dominic Lennon, Simone M Jacobson, Bradley D Baker, Anthony F Askew, Frances I O'Brien, Uma G Nadarajah, Nicholas B Batten, Celia Tikotin, Matthew G Groom, Anthony G Lupton, Simon G Lopez, Ann F Graham, Lewis J Spaulding, Judy Seif, Stuart J Gibson, Richard A Fink, Ann J McGarvie, Fiona Thompson, Mary-Anne E Hughson, Gerard P Mullaly, Christine Giles, Adam M Paszkowski, Raymond M Johnstone, Robert G Shand, James G Samargis, Jacqueline M Horan, Rachel L Quinn, Carmen M J Osborne, Andrew McK Flower

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

Adrian Gruzman, John J Graves QC, John M Stowe QC, Sydney W Tilmouth QC, David H Greenwell, Terence J O'Donnell

Members whose names have been removed from Division B, Part VII (Crown Counsel and Parliamentary Counsel):

Susan E McInnes

Members whose names have been removed from Division B, Part VIII (Other Official Appointments):

Helen M Mason, Ian L Read

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

Daniel Khoury

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

A Robert Monteith

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

His Honour Judge Kent, Her Honour Judge King

Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part III (Minsters of the Crown and Members of Parliament):

Victor J Perton MP

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

Elizabeth A Benjamin

Members whose names have been transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VI (Magistrates & Full-Time Members of Statutory Tribunals):

James C Galatas, Gerard P Butcher, Wendy L Boddison, Peter H Molony, Kathryn H Auty, John W Hardy, Jane M J Patrick, Diana Bryant CFM, Norah H Hartnett, Murray V McInnis

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

Dr Jocelyne A Scutt

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

John L Dwyer QC, P David M Condell, John M E Sutton, Richard T Taranto, John E Barnard QC, Abraham Monester QC, Margaret V Collis, James S Stevenson

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

Andrew J Field

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 R R Douglas

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

Peter L R Sheils

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

His Honour Judge Cullity

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

Anthony X Lyons

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

Michael J Dodson

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 31 January 2000. The Services were held at St Paul's Cathedral, St Patrick's Cathedral, Melbourne Hebrew Congregation and St Eustathios Cathedral.

Social Functions

On 13 August 1999 the Chairman and members of the Victorian Bar Council held a reception in honour of The Honourable Daryl Williams AM QC MP in the Chairman's Room followed by

lunch in the Essoign Club.

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

On 21 October 1999 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 18 November 1999 and the guest speaker was Sir Gerard Brennan, former Chief Justice of the High Court of Australia.

At a function held in the Essoign Club on 1 March 2000 Readers were welcomed to the Victorian Bar.

On 9 March 2000 the Chairman and members of the Victorian Bar Council held a reception for the Judiciary of the Supreme Court of Victoria in the Chairman's Room.

On 23 March 2000 the Chairman and members of the Victorian Bar Council held a reception for the Judiciary of the County Court of Victoria in the Chairman's Room.

On 18 April 2000 the Chairman and members of the Victorian Bar Council held a reception for the Judiciary of the Federal Court of Australia in the Chairman's Room.

A Readers and Mentors dinner was held in the Essoign Club on 25 May 2000 and the guest speaker was The Honourable Justice Sally Brown, Family Court of Australia.

The 2000 Victorian Bar Annual Dinner was held on 3 June 2000 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 Rob Hulls MP

His Honour Judge Kent

Her Honour Judge Kent

Commonwealth

The Honourable Mr Justice J S Winneke AO

Diana Bryant CFM

Together With

Gavan Griffith AO, QC, Großoffiziers-kreuz 1. Klasse (Republic of Austria)

Bernard Bongiorno QC, Commendatore nell' Ordine al Merito (Republic of Italy)

Mark Derham QC, Chairman of the Victorian Bar Council proposed the toast to the Queen and to Australia.

David Porter QC, President of the Australian Bar Association, proposed the toast to the Independent Bars of Australia.

Mark Derham QC welcomed the honoured guests of the Bar and introduced Mr Junior Silk, Jonathan Beach QC who addressed the honoured guests. Diana Bryant CFM responded to the toast. A special presentation was made to John Barnard QC.

Other Functions

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

SPORTING EVENTS

Cricket

On 20 December 1999 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 10/225 and the Bar 129. At the match played at Cordner Oval, Fawkner Park, the Victorian Bar defeated the Law Institute, thus regaining “The Grafters Goblet”. Scores were the Bar 9/94 (Bromberg 39 n.o.) and the Law Institute 9/93 (Skinner 2-15, Klotz 2-17).

On 26 March 2000 two cricket matches were scheduled against teams from Mallesons Stephen Jacques at the Ransford and Ryder Ovals, Royal Park. 1st XI – Victorian Bar 5/97 (David Neal 39 n.o) d. MSJ 9/96 (Justin Hannebery 2/10, D Dino 3/13, Jon Davis 2/20). 2nd XI – MSJ 6/76 (Adrian Ryan 2/12, Tony Neal 2/14) d. Victorian Bar 75 (Chris Maxwell 31).

Hockey

At a match played at the State Hockey Centre on 21 October, 1998 the Law Institute team defeated the Victorian Bar team by 4 goals to 1, thus retaining the Scales of Justice Cup. The J R Rupert Balfe Trophy was awarded to Stephen Sharpley of the Victorian Bar.

Tennis

On 21 December 1999 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 ten sets to fifteen.

Golf

The Annual Golf Tournament between the Bench and Bar against the Law Institute of Victoria was held at Kingston Heath Golf Club on 21 December 1999. The Law Institute won the tournament and regained the Sir Edmund Herring Trophy.

Yacht Regatta

The yacht regatta was held on 20 December 1999 at the Royal Yacht Club, Williamstown. Trophies awarded: the Thorsen Trophy – The Honourable Mr Justice Kellam and John Ardlie (joint skippers). The winner on handicap was Martin Grinberg, 2nd place Ross Macaw QC and 3rd place Ross Middleton. The Neil R McPhee QC Trophy (line honours) was won by Peter Rattray QC.

ANNUAL REPORTS OF ASSOCIATIONS AND COMMITTEES

ANNUAL REPORT OF THE BARRISTERS’ BENEVOLENT ASSOCIATION OF VICTORIA

Subscriptions received during the twelve months to 30 June 2000 amounted to \$29,650 compared with \$39,580 in 1998/1999, \$34,128 in 1997/1998 and \$52,355 in 1996/1997. The reduction in subscriptions is disappointing because it ultimately affects the level of assistance the Association can provide to needy members.

Net interest from investments received during the year amounted to \$43,262.

During the year the sum of \$3,508 was advanced to three persons by way of absolute grant and \$22,000 to two persons by way of a repayable interest free loan

securities, stood at \$832,790 and outstanding loans totalled \$96,000.

Robin A Brett

Chairman

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

The last year has seen some fundamental changes to the administration of criminal justice. The enactment of the *Magistrates' Court (Amendment) Act 1999* and the *Crimes (Criminal Trials) Act 1998* have resulted in very substantial changes to the way in which criminal barristers now have to work.

There are now onerous pre-hearing requirements at both committal and trial stage that impose new responsibilities on counsel. Much of what needs now to be done requires additional work and additional funding. The Association has taken a central role in representing and informing its membership in this area.

The Association considers that on balance both pieces of legislation have produced unnecessary and undesirable side effects and have not really achieved their stated goals. We have actively sought to review and modify these new requirements

The change of government has resulted in a distinct shift in policy and legislative approach. The Association has worked to establish an effective relationship with the new government ensuring consultation on matters impacting upon the criminal law and criminal lawyers.

As a part of this process the Association has maintained a very productive relationship with the Bar Council involving mutual consultation and information exchange.

The membership of the Association has continued to grow, and at a significantly greater rate than the membership of the Bar itself. Apart from its activities in law reform and policy development the Association has successfully lobbied for significant increases in legal aid fee scales to better reflect the skill and responsibility involved in the practice of the criminal law. We have also expended considerable effort in seeking to improve pay scales for members of counsel briefed by the Office of Public Prosecutions.

The continuing legal education program provided by the Association's seminar program has continued to be extremely successful and popular with members, as has the Association's newsletter. In addition to the after seminar drinks the Association has hosted two social functions in the last twelve months – dinners held in November 1999 and May 2000. Both were booked out and were a great opportunity for members and guests to meet in a social setting, far from the cares of work.

Michael Rozenes

Chairman

ANNUAL REPORT OF THE COMMERCIAL BAR ASSOCIATION

The Commercial Bar Association ("the CBA") is an association of members of the Victorian Bar, practising predominantly in commercial law. Membership of the Victorian Bar automatically

makes one a member of the CBA, with the right to fully participate in all CBA activities.

The primary objectives of 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.

For the year ended 30 June 2000, the office bearers of the CBA were:

<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 & Finance

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

Construction Law

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

Corporations & Securities

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

Environmental, Planning & Local Government

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

Insolvency Law

<i>Chairman</i>	Nunzio Lucarelli
<i>Secretary</i>	Philip D Crutchfield

Insurance & Professional Negligence

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

Intellectual Property & Trade Practices

<i>Chairman</i>	Dr John McL Emmerson QC
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Secretary Andrew J Maryniak
Assistant Secretary Sara L Hinchey

Property & Probate

Chairman P Nimal Wikrama
Secretary Richard B Phillips

Public Law

Chairman Richard R S Tracey QC
Secretary Stephen G E McLeish
Assistant Secretary Richard B C Wilson

Revenue

Chairman Alexandra Richards QC
Secretary Michael Y Bearman
Assistant Secretary Dimitrios (James) Podaridis

During the past twelve months, the CBA presented fourteen continuing commercial legal education seminars conducted by the various sections of the CBA. The Victorian Bar has provided the administrative support necessary to enable the activities of the CBA to be completed. The seminars were well attended. They were generally followed by light refreshments, provided free-of-charge.

The seminars held by the CBA between July 1999 and June 2000 were as follows:-

<i>Organised By</i>	<i>Subject</i>	<i>Speakers</i>
Corporations and Securities Law	NSW Supreme Court decision in <u>NRMA Ltd v Morgan</u> (1999) 31 ACSR 435	Jeffrey L Sher QC and Peter G Cawthorn
Public Law	Recent High Court decision in <u>Re Wakim</u> (1999) 163 ALR 270	Nunzio Lucarelli
Corporations and Securities Law / Insolvency Law (combined sections)	The Court's involvement in corporate voluntary administrations: frequent applications and problems encountered Under Part 5.3A of the Corporations Law	Philip D Crutchfield (seminar specifically for junior members of the Bar)
Corporations and Securities Law / Insolvency Law (combined sections)	Creditors' statutory demands under s.459E of the Corporations Law	Michael G R Gronow
Construction Law	Recent cases: <u>P & O Developments v The Guy's and St Thomas National Health Service Trust</u> ; <u>The Royal Brompton Hospital National</u>	G John Digby QC

Health Services Trust v Frederick
Alexander Hammond; Unity Insurance
Brokers Pty Ltd v Rocco Pezzano Pty Ltd
 The proper application of the principles in
Biggin v Permanite

Property and Probate	The interrelationship of the <u>Fair Trading Act 1999</u> and the <u>Retail Tenancies Reform Act 1998</u> and the jurisdiction of VCAT to hear misleading or deceptive conduct claims arising under a retail premises lease pursuant to the <u>Fair Trading Act 1999</u>	Maurice B Phipps QC
Revenue Law	Capital gains tax implications for litigation settlements and awards of damages	John W de Wijn QC
Revenue Law	Basic rules in Chapter 2 of the <u>GST Act</u> and the transitional provisions in the <u>GST Transition Act</u>	Robert D Strong
Banking and Finance	“MOOT COURT” – A bank, a mortgage, a professionally employed wife: what will happen? <u>Garcia v National Bank Limited</u> (1998) 194 CLR 395 reconsidered	TEAM 1: Melanie Sloss and Peter G Willis TEAM 2: Joseph Tsalanidis and Daniel V Aghion JUDGE: The Honourable Justice Goldberg
Corporations and Securities Law	<u>CLERP Act 1999</u> – Part One: Implications for Company Directors	Michael W Shand QC
Public Law	<u>Commissioner of Taxation v Gwenda Blanche Ryan</u> (1999) 168 ALR 704	Terry P Murphy
Insolvency Law	<u>McVeigh v Rugs Galore Aust Pty Ltd</u> (2000) VCA 4	Simon P Whelan QC
Corporations and Securities Law	<u>Queen v Hughes</u> [2000] HCA 22- For how long will the Corporations Law survive?	StephenA Shirref, Stephen G E McLeish and Margaret M Lodge
Public Law	Recent amendments to the <u>Freedom of Information Act 1982</u>	Jason D Pizer

The CBA has also responded to requests from the Chairman of the Bar Council to consider

several referrals. These were undertaken by members of the CBA; in particular, David Denton RFD commented on the Federal Court's draft proposed verification of pleading rule while Dino J Currao commented on the Franchising Code of Conduct. These commentaries were then forwarded to the Bar Council for its consideration.

As well, on 25 October 1999, the CBA held a cocktail party at the Melbourne Fine Art Gallery. Approximately 76 members of the Bar attended. Several members of the judiciary were invited as guests of the CBA. Professor Alan Fels, Chairman of the Australian Competition and Consumer Commission and The Honourable Mr Justice McDonald, Principal Judge of the Commercial and Equity Division of the Supreme Court of Victoria, were invited to speak. The evening was a great success.

The CBA remains committed to encouraging attendances of junior members of the Bar at CBA functions. Any enquiries in relation to the activities of the CBA should be directed to Albert Monichino, Clerk "A" on 9225 8247 or email to monichino@vicbar.com.au.

David H Denton and Albert A Monichino

Senior Vice-President and Vice-President (Convenor)

ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION

In what was a busy period, the Women Barristers' Association during 1999-2000 held a number of functions for its members, forged links with other organisations and continued working with the Bar Council on issues arising from the report on *Equality of Opportunity for Women at the Bar*.

Judges and magistrates welcomed at social functions held by the Women Barristers' Association were Betty King J (County Court); Diana Bryant, CFM (Chief Federal Magistrate); Jane Patrick, M (Magistrates' Court of Victoria); and Kate Auty, M (Magistrates' Court of Victoria). An educational workshop was held with Joan Kirner, former Premier of Victoria. The highlight of the social calendar was the December dinner, which was again a sell-out and was attended by members of the Association as well as other members of the Bar, members of the judiciary and members of Victorian Women Lawyers. The speeches delivered at the dinner by the guest of honour, Justice Catherine Branson of the Federal Court of Australia, and Pamela Tate, Convenor of the Association 1999-2000, were published in the Autumn 2000 edition of the Victorian Bar News.

A joint workshop with women medical specialists was held and it is hoped that this relationship may be further developed.

Two new mentoring systems have recently been established. Implementing a recommendation of the report on *Equality of Opportunity for Women at the Bar*, the Bar Council established a mentoring system under which both female and male Bar Readers are allocated to a member of the senior Bar for a period of six months. The Association has established another mentoring system under which female Readers are introduced to senior women, but are not specifically allocated to any particular person. It is hoped that both mentoring systems will provide assistance additional to that provided under the traditional "reading" system.

In further implementing the report on Equality of Opportunity for Women at the Bar, the Bar Council lent its assistance to the establishment of a website for women, intended to provide specific information about women barristers. This was in direct response to solicitors' comments

that they did not know women practising in the solicitors' fields of practice. These comments were received during a workshop hosted by the Bar Council, which was "facilitated" by Heather Carmody. The purpose of the workshop was to enquire into solicitors' briefing practices. It is hoped that the website will be launched shortly.

The Association is extremely grateful to Pamela Tate, for her initiatives and very substantial influence in continuing the work of the Association during 1999-2000.

Jeanette E Richards

Convenor

ANNUAL REPORT OF THE CHILD CARE FACILITIES COMMITTEE

The Child Care Committee has undertaken a number of tasks this year following the Bar Council's report on Equality of Opportunity. Of particular concern is the issue of encouraging women to stay at the Bar.

It appears to the Committee that one of the most obvious ways to encourage women to stay at the bar is to support their return from maternity leave. Bearing this in mind, the Committee has this year been concerned with:

- a review of the policy of the Bar Council concerning subletting of chambers during parental leave
- the establishment and operation of the parent's room
- consideration of the childcare needs of barristers with pre-school children
- clerks practices in relation to maternity leave
- court sitting hours

In reviewing the parental leave policy the Committee canvassed past and present users of the Bar Council's subletting policy. According to this policy, the Bar Council underwrites a portion of the rental of chambers whilst allowing a barrister to retain their chambers during pregnancy or the first six months of having a baby.

Responses indicate the policy is working extremely well, with many barristers advising the policy assisted them with the transition from home to work. The Committee reported to the Bar Council upon the review and the policy has been maintained.

The parent's room on the ground floor of Owen Dixon Chambers East, behind Dever's office has been available for use by barristers and their staff. The room provides a private comfortable space for feeding and changing young children. It appears the room is being used regularly and the Committee is keen to see a replacement room following the renovations of the building.

The Committee explored the possibility of reaching a commercial arrangement with a childcare centre in the city, with particular interest in occasional care and extended hours. This remains under consideration.

We have also contributed to the debate concerning clerks and court sitting hours in an attempt to encourage family friendly work practices.

Fiona M McLeod

Chairperson

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

Although there were one or two informal discussions with conciliators, no formal complaints were received in the last year. As pointed out previously, the absence of formal complaints may be due as much to a lack of awareness of the availability of the conciliators on the part of those affected as to the non-existence of any relevant concerns. Nevertheless, the absence of formal complaints is welcome.

The conciliators' plans to bring their role and availability to the attention of members of the Bar and the staff of barristers, clerks and Bar entities were partly disrupted by the unfortunate death of Ron Castan QC and the appointment to the magistracy of Jane Patrick. However, replacement conciliators have now been appointed and the conciliators will be addressing this issue.

Members and staff are encouraged to contact any of the conciliators for an informal and confidential discussion if they have any concerns about sexual harassment or vilification. The conciliators are Michael Rozenes QC, David Habersberger QC, Debra Mortimer and Melanie Young.

David Habersberger QC
Conciliator

ANNUAL REPORT OF THE EQUALITY BEFORE THE LAW COMMITTEE

The implementation of the Report on Equality of Opportunity for Women at the Victorian Bar remains firmly on the Committee's agenda. Members of the Equality Before the Law Committee serve on the Bar Council's Equality of Opportunity Working Party.

During the course of the year, Heather Carmody of World Competitive Practices Pty. Ltd. conducted three seminars. Two seminars were directed at leading members of the Bar and gave rise to vigorous discussion and cross-fertilisation of different views.

Representatives of many of the major firms of solicitors were invited to attend the third seminar. It was pleasing to note that some firms of solicitors have adopted an equal opportunity briefing policy as a direct result of the seminar. It is proposed that a fourth seminar be held to be attended by government and other briefing institutions.

Following the publication of an article by Nina Puren in the *Age* on 1 March 1999 which heavily criticised the conduct of counsel in cross examining child witnesses in some cases, the Bar Council referred this issue to the Equality Before the Law Committee. Prior to this referral, the Committee had been considering a recommendation made by the joint Human Rights and Equal Opportunity Commission ("HREOC") and Law Reform Commission ("LRC") *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 Equality Before the Law Committee recommended the inclusion of a rule concerning the cross examination of child witnesses to the Bar Council. Although the Bar Council rejected the

proposed rule recommended by the Committee, the Committee is presently reformulating the rejected proposal and will make a further submission to the Bar Council to consider it anew.

The Bar Council has recently referred the Equal Opportunity (Gender Identity and Sexual Orientation) Bill to the Committee for its consideration. Members of the committee have responded to the Bar Council's request and have commented upon the proposed amendments to the Equal Opportunity Act.

Rachelle A Lewitan

Chairperson

ANNUAL REPORT OF THE ETHICS COMMITTEE

The volume of work referred to the Ethics Committee under the *Legal Practice Act* 1996 continues to increase. The Committee meets once a fortnight, and more frequently if the occasion demands. Most meetings require the absorption by members of the Committee of two lever arch folders of documents dealing with up to 25 items. I thank the members of the Committee for the time and diligence which they devote to this task.

In an endeavour to manage the workload the Bar has employed a part-time assistant, Ms Roz Zalewski, who took up the position earlier this year. She has already had a significant impact by marshalling the material relating to complaints and disputes in comprehensible form and providing a succinct analysis of the issues. All members of the Committee are grateful for her endeavours.

A number of problems with the Act were identified in last year's Report and they continue to inhibit the satisfactory functioning of the legislation. The Attorney-General is to be commended for commissioning a review of the Act, and the Bar will make submissions in relation to a number of areas which require change or improvement.

I am happy to report that the Committee has maintained a cordial relationship with the Legal Ombudsman, Ms Kate Hammond, who attends most of our meetings as an observer. The input to the Committee's work from her perspective both during and outside meetings is welcomed.

One important initiative that has been taken by the Committee this year is to increase the profile of ethics and professional conduct generally in the Readers Course. The Committee now conducts a session during the first week of the course followed by a full day workshop towards the end of the course. I extend my thanks to Justices Harper and Warren for their involvement in this exercise.

The major cause of complaints against barristers is lack of proper communication with their client. This can take many forms, but often manifests itself in a failure to explain the reasons for a particular course of action during proceedings or the consequences of particular decisions, for example, whether or not to accept an offer. What may seem obvious to the barrister is often difficult for the lay client to understand. The relationship requires patience and understanding on behalf of the barrister.

During the year Diana Bryant QC and Nora Hartnett retired from the Committee upon their appointment to judicial office, and my thanks go to them together with congratulations upon their appointments. Peter Riordan and Fiona McLeod have joined the Committee and we look forward to working with them.

It would be remiss to conclude this Report without mentioning the outstanding contribution of my predecessor as chairman, Brind Woinarski QC. His leadership and guidance, particularly during the difficult transition period under the new legislation, was a major contribution to the Victorian Bar.

Finally, on behalf of the Committee and particularly myself I acknowledge the invaluable contribution of Debbie Jones and thank her for her dedication and valuable advice to a new chairman. The fact is that the Committee simply would not function without her.

Michael Wright

Chairman