



The Victorian Bar Inc

Reg. No. A0034304S

ANNUAL REPORT

1 July 2000 – 30 June 2001

Annual Report of The Victorian Bar Inc for the Year Ended 30 June 2001

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00 pm on Monday, 3 September 2001, 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 2000, the following members of counsel were elected:

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

D Mark B Derham QC
John T Rush RFD QC
Robert F Redlich QC
David J Ross QC
Philip A Dunn QC
W Ross Ray QC
Robin A Brett QC
William T Houghton QC
G Tony Pagone QC
Michael W Shand QC
C F (Kate) McMillan S.C.

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

Richard W McGarvie
Jeanette E Richards
Katherine L Bourke
Garrie J Moloney
Peter J Riordan
David J Neal

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

Peter T Nugent
Sara L Hinchey
James P Gorton
Michael G R Gronow

THE VICTORIAN BAR INC ANNUAL REPORT

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Chairman's Report

The great American jurist Oliver Wendell Holmes once explained the attraction of the law as a profession in the following terms: “The law is made by the Bar, even more than by the Bench; yet do I need to speak of the learning and varied gifts that have given the Bar of this State a reputation throughout the whole domain of the common law? I think I need not, nor of its high and scrupulous honor. The world has its flings at lawyers sometimes, but its very denial is an admission. It feels, what I believe to be the truth, that of all secular professions this has the highest standards. And what a profession it is! No doubt everything is interesting when it is understood and seen in its connection with the rest of things. Every calling is great when greatly pursued. But what other gives such scope to realize the spontaneous energy of one’s soul? In what other does one plunge so deep in the stream of life — so share its passions, its battles, its despair, its triumphs, both as witness and actor?”

Holmes addressed these words to the legal profession of another country well over a century ago, yet they still provoke thought about the role of our profession today and the criticisms that lawyers continue to attract on occasion. Whether, as Holmes suggests, the profession “makes” the law more than the judiciary, is a question probably best left to theorists, but there is no doubt that the sound interpretation and application of the law by practitioners provides a crucial aspect of its proper administration. For every case that is placed before the courts there are a hundred more that are resolved by parties acting on the advice of legal practitioners. So, for every case that is entrusted to the courts, a hundred are entrusted to practitioners. This does not mean the profession supplants the courts; in fact it is quite the opposite. The profession operates by reference to standards and duties that ultimately remain the province of the courts. For the most part, however, courts can remain confident that they need not be actively involved in the matters that never reach their door. Our legal profession operates according to the principle of the rule of law, and ethical standards, that guide the substantive law used every day by practitioners and the public. This foundation provides great benefits to the courts. The courts could not possibly consider every legal dispute that arises. They depend on the continued ability of the legal profession to receive, consider and resolve legal issues according to law in an effective, dispassionate and fair manner.

The manner in which the profession operates provides an even greater benefit to the Parliament and the public. As a general rule, each can be assured that honest and impartial legal advice can and will be given in a solicitor’s office or a barrister’s chambers. For this reason, the advisory role of the profession complements well the adjudicative role of the courts because it is performed with a similar respect for the rule of law. When the common and sensational criticisms of the profession are made, particularly in respect of cases that were complex or bitterly fought long before the involvement of lawyers, critics easily forget that the overwhelming number of legal matters are resolved without significant difficulty.

Law as a profession and the inclination of the public to take an occasional sling at lawyers were very much in issue in the review of the Legal Practice Act. The review has been one of the most important projects undertaken by the Bar Council in the last year. When the review was announced the Attorney-General indicated that it would examine the operation of the current Act with a view to recommending reforms to simplify the existing structure and operation of the Act, while also providing an efficient and accountable regulatory structure. While various parts of the Legal Practice Act affect almost all aspects of legal practice, the review has focussed on the regulatory structure that governs legal practitioners.

Any discussion of professional regulation raises important issues for the Bar and the legal system. Many commentators have suggested that the involvement of the Bar (and also the Law Institute) in the regulation of the legal profession raises a conflict between the “trade union” role of the professional associations and their “policeman” roles when acting as a professional regulators. These commentators misunderstand the basis of the involvement of the Bar in the regulatory process. The Ethics Committee has always taken the view that appropriate standards of ethical conduct extend beyond those matters that might involve a formal regulatory matter, to all aspects of a barrister’s professional practice. The Bar Council strongly supports this view. A great deal of the Committee’s work involves queries from individual practitioners that may or may not involve a regulatory matter. Members are normally anxious to clarify perceived problems, or seek preliminary advice, in order to manage a potential professional problem. There is good reason to think that this “organic” approach to examining, discussing and resolving problems, and *potential* problems, is the main reason for the relatively low level of complaints against barristers. This “organic” approach also enables the Bar to discharge its professional responsibilities in a flexible and responsive manner.

The evidence provided by other bodies involved in the regulatory process suggests that the Ethics Committee of the Bar performs its regulatory duties very effectively. It is also worth noting that members of the Bar attract a low level of complaints, in both absolute and relative terms. While such evidence demonstrates that the Bar performs its regulatory functions well, there is another equally important, but less obvious, benefit of the continued involvement of the profession in the regulatory regime. The Bar’s involvement in the regulatory process enables it to maintain and administer a regulatory structure that extends far beyond the system of formal complaints. All practitioners would be aware of the large amount of time that members of the Committee provide on a voluntary basis. The work of the Committee provides a great benefit to individual practitioners and the Bar as a whole.

The submissions of the Bar Council to the review of the Legal Practice Act have sought to articulate these and other benefits that flow from the Bar’s continued involvement in the regulatory process. I believe that it is a position supported by the whole of the Bar.

The Bar Council has continued to participate in many other State and Federal law reform proposals. The various Bar Associations, particularly the Criminal Bar Association, have provided considerable assistance in this work. The Bar Council has

contributed to, and commented upon, a large number of reports and inquiries, ranging from draft rules for the Federal Magistrates' Court, to Parliamentary inquiries on extradition law and the *Subordinate Legislation Act 1994*. The many Bills upon which the Bar Council provided advice range from the *Administrative Review Tribunal Bill 2000*, which was intended to establish a tribunal to replace the federal AAT and other federal tribunals; a proposed *Public Notaries Bill 2000*; the new Group Proceedings provisions in Part 4A of the *Supreme Court Act 1986*; amendments to the *Wrongs Act 1958* designed to address the effect of the High Court's decision in *Astley v Austrust*; and the *Measures to Combat Serious Organised Crime Bill 2001*, which proposed significant amendments to several federal statutes.

A new Bar Association was created with the establishment of the Children's Court Bar Association. This Association was formed by practitioners involved in the work of the Children's Court and associated matters that affect the interests of younger people. The Children's Court is an important specialist jurisdiction. The new Association will provide a great benefit to interested practitioners and the wider Bar.

The Bar Council has continued to work to remove any form of gender discrimination faced by members of the Bar. There were two notable initiatives during the 2000–01 year to further the Bar's equality of opportunity goals. First, the Bar launched an internet directory of women barristers in December 2000. Research conducted on behalf of the Bar Council has established that many people are unaware of the many capable and experienced women barristers at the Victorian Bar. The new website, which is linked to the Bar's internet site www.vicbar.com.au offers a useful resource to overcome that problem. The website contains detailed information on women barristers, which can be searched according to a particular area of practice or according to seniority. Users of the website will quickly find that they may choose from a number of women barristers in any area of law. The website was launched by the Attorney-General, who affirmed his strong personal commitment to equality of opportunity issues in the law.

If women barristers are to reach their full potential, it is crucial that they receive the same opportunities that their male counterparts receive. In June 2001, the Bar Council conducted a seminar to discuss equality of opportunity in briefing practices with government departments and public agencies. Government departments and agencies are an important group of "consumers" of barristers' services. Work involving departments and agencies is often extremely challenging and high profile. It is, therefore, critical that any attempt to improve briefing practices should include this important sector. These and other issues were the subject of lively and very thoughtful discussion. The seminar was addressed by the Honourable Rob Hulls, the Victorian Attorney-General. Several leading members of the judiciary were also in attendance. There was widespread agreement on the need to improve briefing practices. I believe that the seminar provided an important occasion to raise awareness of the problems faced by women barristers in discussion with people who are in a position to promote change.

I am also pleased to report that the Bar Council has negotiated an agreement with the Department of Justice to assist in the establishment of an Aboriginal Law Students

and Lawyers' Association. Under the agreement the Victorian Bar will employ a co-ordinator and provide accommodation and other assistance for the purpose of the co-ordinator facilitating the establishment of the Association. The agreement arises out of the "Supporting Indigenous Lawyers" initiative, an initiative of the Victorian Aboriginal Justice Agreement. Amongst the several objectives of the "initiative" is to build and maintain a database of available resources and programs which may be accessed by indigenous law students and lawyers; to provide input for and to implement mentor programs for indigenous lawyers and law students; to communicate information about the Supporting Indigenous Lawyers initiatives to indigenous communities and justice agencies; and to co-ordinate employment placements for Association members.

In November 2000 the first Senior Counsel were appointed in Victoria. The office of Senior Counsel replaces that of Queen's Counsel, but the change of nomenclature in no way affects the high stature of those who are appointed. I have no doubt that our new Senior Counsel will continue the proud history for which silks are known.

Another less sanguine event was the collapse of the HIH insurance company. HIH was the underwriter of the great majority of professional indemnity insurance policies held by members of the Victorian Bar. The collapse of the company forced those members of the Bar to rearrange their professional insurance. All members of the Bar have, like so many other "consumers" of insurance, been affected by great uncertainty and increased cost as they establish new insurance arrangements. This process has often been complex, but would have been far more difficult if it were not for the work of the Chairman of the Professional Indemnity Insurance Committee, Michael Shand QC, and the Executive Director of the Bar, David Bremner. Michael and David have worked very hard to ensure that members of the Bar receive the best possible range of professional insurance.

The first part of the renovations to Owen Dixon Chambers East have been completed. The whole of the ground floor has been entirely remodelled. The new entrance and Clerks' offices have undergone a complete transformation. The result is, by general agreement, quite remarkable. The ground floor is now spacious and modern. The high quality of this work provides a taste of things to come when the remainder of the work commences. The renovation of the rest of the building will be a significant project, and will provide a lasting benefit to the Bar.

In September the Bar held the Carnivale Ball. The Ball marked the centenary of Federation, the centenary of the Bar Council and the new millennium. The Bar is accustomed to conducting celebratory dinners, but it was agreed that this confluence of events deserved a special recognition. The Carnivale was, in the tradition of great occasions, a colourful party. The night was a great success.

In August 2000, Garrie Moloney resigned as Honorary Secretary of the Bar Council. Garrie served as Honorary Secretary and previously assistant Honorary Secretary for many years. The duties of the Honorary Secretary are extremely demanding. Garrie performed them with good humour and efficiency. His achievements are too numerous to mention here, but his strong commitment to organising and promoting pro bono work at the Bar deserves special mention. On behalf of the previous

Chairmen and Bar Council members with whom he has worked, I thank Garrie for his contribution.

The successful work of the Bar Council and its many committees is due to voluntary contributions from many members of the Bar. The few examples that I have mentioned above represent only a small portion of the very substantial contribution made by the Bar as a whole to the administration of the justice system. The time and expertise provided by the many members of the Bar who have contributed to this process, whether by assisting in the preparation of written advice or by participating in committees or advisory bodies, has a lasting and important benefit to the whole of society.

The Bar Council has worked harmoniously and well. This success is due in no small measure to the enthusiastic and collegiate work of its members. The whole of the Bar has benefited from their energetic contribution. As Chairman I am grateful for their assistance.

I also wish to thank the staff of the Bar Council for their efforts over this past year and my secretary Liz Ingham. Their hard work, patience and dedication to the Bar is greatly appreciated.

Mark Derham

Chairman

18 July 2001

Officers of the Bar Council

<i>Chairman</i>	D Mark B Derham QC
<i>Senior Vice-Chairman</i>	Robert F Redlich QC
<i>Junior Vice-Chairman</i>	John T Rush RFD QC
<i>Honorary Treasurer</i>	Robin A Brett QC
<i>Assistant Honorary Treasurer</i>	Richard W McGarvie
<i>Honorary Secretary</i>	Richard H M Attiwill
<i>Assistant Honorary Secretary</i>	Sharon E Moore

VICTORIAN BAR STAFF

<i>Executive Director</i>	David Bremner
<i>Executive Officer</i>	Anna Whitney
<i>Legal Policy Adviser</i>	Matthew Groves
<i>Manager, Legal Education and Training</i>	Barbara Walsh
<i>Legal Education Assistant</i>	Elizabeth Rhodes
<i>Investigations Officer, Ethics Committee</i>	Debbie Jones
<i>Legal Assistant to the Ethics Committee</i>	Rozanna Zalewski
<i>Accountant/Membership Records Secretary</i>	Mal De Silva
<i>Receptionist</i>	Wendy McPhee
<i>Administrative Assistants</i>	Tania Giannakenas
<i>Archivist</i>	Rebekah Thompson and Daphne Ioannidis
<i>Mediation Receptionists</i>	Alison Adams
	Helen Henry, Pauline Hannan, Robyn Cran, Kay Kelly

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

<i>Chairman</i>	D Mark B Derham QC
<i>Senior Vice-Chairman</i>	Robert F Redlich QC
<i>Junior Vice-Chairman</i>	John T Rush RFD QC
<i>Honorary Treasurer</i>	Robin A Brett QC
<i>Members</i>	Philip A Dunn QC
	W Ross Ray QC
	G Tony Pagone QC
	C F (Kate) McMillan S.C.
<i>Honorary Secretary</i>	Richard H M Attiwill
<i>Assistant Honorary Secretary</i>	Sharon E Moore

PORTFOLIOS OF BAR COUNCIL MEMBERS

Bar Rules

Robert F Redlich QC, Garrie J Moloney and Michael G R Gronow

Barristers' Chambers Limited

Robin A Brett QC

Clerking

William T Houghton QC, C F (Kate) McMillan S.C., Peter J Riordan and James P Gorton

Commercial Bar

Michael W Shand QC, Jeanette E Richards and Peter T Nugent

Common Law Bar and Compensation Bar

John T Rush RFD QC, Katherine L Bourke and James P Gorton

Continuing Legal Education

David J Ross QC, W Ross Ray QC, G Tony Pagone QC, Jeanette E Richards and Dr David J Neal

Costs

Michael W Shand QC and Peter T Nugent

Courts and Civil Procedures

Robin A Brett QC and Peter J Riordan

Criminal Bar

Philip A Dunn QC, W Ross Ray QC and Dr David J Neal

Dispute Resolution Committee

Richard W McGarvie and Michael G R Gronow

Equality Before the Law

David J Ross QC, Robin A Brett QC, C F (Kate) McMillan S.C. and Jeanette E Richards

Family Law Bar

Robert F Redlich QC and Sara L Hinchey

Federal Courts and Industrial Law

G Tony Pagone QC, Richard W McGarvie and Garrie J Moloney

Law Council

W Ross Ray QC and G Tony Pagone QC

Legal Aid

Philip A Dunn QC and Dr David J Neal

Library and Technology

Michael W Shand QC, Sara L Hinchey and Michael G R Gronow

Major Events

William T Houghton QC and Peter T Nugent

Property Law

D Mark B Derham QC and Sara L Hinchey

Bar Companies and Associations

(as at 30 June 2001)

BARRISTERS' CHAMBERS LIMITED — BOARD OF DIRECTORS

Ross McK. Robson QC (Chairman)
Paul E Anastassiou (Deputy Chairman)
G John Digby QC
Robin A Brett QC
David S Levin QC
Michael J Colbran QC
Peter W Lithgow
Julie A Dodds-Streton
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)
David S Levin QC (Alternate)
Jonathan B R Beach QC
David M Maclean
Paul J Cosgrave (Alternate)
Melanie Sloss

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

COMPENSATION BAR ASSOCIATION

Robin P Gorton QC (Chairman)
John H Tebbutt (Liaison Officer)
Phillip J Coish (Secretary)
John A O'Brien (Treasurer)

CRIMINAL BAR ASSOCIATION

Executive

Roy F Punshon S.C. (Chairman)
Duncan L Allen (Vice-Chairman)
Edwin J Lorkin (Treasurer)
Richard J Bourke (Secretary)

Ordinary Committee Members

Stephen T Russell
Damian P Sheales
P Justin Hannebery
Nicola M Gobbo

Appointed Committee Members

Donna Bakos
Michelle T Hodgson
Frank R Gucciardo

FAMILY LAW BAR ASSOCIATION

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

CHILDREN'S COURT BAR ASSOCIATION

Robert T Burns (President)
Geoffrey R Martin (Honorary Treasurer)
Emma M Swart (Secretary)

WOMEN BARRISTERS' ASSOCIATION

Frances Millane (Convenor)
Fiona M McLeod (Assistant Convenor)
Kim M Pettigrew (Assistant Convenor)
Susan M Brennan (Secretary)
Karen L Streckfuss (Assistant Secretary)
Joy S Elleray (Treasurer)
Jeanette E Richards (Immediate Past Convenor)

CHAIRMEN 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 — 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 — Russell L Berglund QC
List S — Andrew J Kirkham RFD QC
List W — Charles Gunst QC

FIRST AID OFFICERS

Anthea E L MacTiernan
Carolyn H Sparke

Standing Committees of the Bar Council

(as at 30 June 2001)

Aboriginal Law Students Mentoring Committee

Stephen W Kaye QC (Chair), William T Houghton QC, David A Parsons, Colin D Golvan, Jane A Dixon, Jeanette E Richards, Campbell F Thomson, David J L Bremner.

Alternative Dispute Resolution Committee

William J Martin QC (Chairman), George H Golvan QC (Deputy Chairman), David M Bennett QC, Nathan Moshinsky QC, Henry Jolson QC, John V Kaufman QC, G John Digby QC, David S Levin QC, Michael D G Heaton QC, Paul D Elliott QC, Dr Clyde E Croft S.C., David B Blackburn, Gerald A Lewis, John R P Lewisohn, Marc T Bevan-John, James Cyngler, Julie A Nicholson, Frances Millane, Gerald A Hardy, Georgina Grigoriou, Franz J Holzer, Carmel Morfuni, Cornelia N Fourfouris-Mack and Michael H Whitten.

Applications Review Committee

Robin A Brett QC (Chairman), Frank X Costigan QC, Andrew J Kirkham RFD QC, G John Digby QC, William T Houghton QC, Michael J Colbran QC, Alexandra Richards QC, Paul G Lacava S.C., J Anthony Magee, Timothy J North, Paul J Cosgrave, Dr Dorothy Kovacs, Caroline M Kenny, Jeanette E Richards, Michael F Wheelahan, Caroline E Kirton, Fiona J S Connor, Richard H M Attiwill (Honorary Secretary) and Sharon E Moore (Assistant Honorary Secretary).

Bar Constitution Committee

Michael J Colbran QC (Chairman), Frank X Costigan QC, David M Bennett QC, Robin A Brett QC, George A Watkins, Melanie Sloss, Joseph P Carney, Wendy A Harris and Anthony M Thomas.

Child Care Facilities Committee

Fiona M McLeod (Chairperson), Jennifer J Batrouney S.C., Stephen J Jones, Georgina Grigoriou, Victoria J Bennett, Richard M Niall, Maya Rozner and Paul A Norris.

Conciliators for Sexual Harassment and Vilification

Michael Rozenes QC, David J Habersberger QC, Debra S Mortimer, Fiona M McLeod and Melanie P Young.

Continuing Legal Education Committee

G Tony Pagone QC (Chairman), The Honourable Professor George Hampel QC, Jacob I (Jack) Fajgenbaum QC, Julian W K Burnside QC, Richard R S Tracey QC, Jeremy Ruskin QC, W Ross Ray QC, Alexandra Richards QC, David H Denton RFD, Paul D Santamaria, Albert A Monichino, Dr Dorothy Kovacs, Elizabeth J Hollingworth and Dr David J Neal.

Counsel Committee

John T Rush RFD QC (Chair), Philip A Dunn QC, Robin A Brett QC (Honorary Treasurer), Michael W Shand QC, Richard W McGarvie, (Assistant Honorary Treasurer), Katherine L Bourke, Garrie J Moloney, James P Gorton, Richard H M Attiwill (Honorary Secretary), Sharon E Moore (Assistant Honorary Secretary).

Equality Before the Law Committee

Robin A Brett QC (Chairman), Robert S Osborn QC, Jennifer J Batrouney S.C., David C Munro RFD, Jennifer Davies, Katherine L Bourke, Pauline L Shiff, Kim M Pettigrew, Richard M Niall, Wendy A Harris, Shane A Lethlean, Peter A Clarke and Judy A Benson.

Equality of Opportunity Working Party

D Mark B Derham QC (Chairman), Robert F Redlich 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 J L 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, Martin Bartfeld QC, Mark A Dreyfus QC, Paul G Lacava S.C., C F (Kate) McMillan S.C., Gerald A Lewis, Richard J H Maidment, C James Delany (Secretary), Peter J Riordan and Sharon L Johns.

Human Rights Committee

Jacob I (Jack) Fajgenbaum QC (Chairman), Charles H Francis QC, Remy van de Wiel QC, Alexandra Richards QC, Peter C Golombek, David C Munro RFD, C James Delany, Herman Borenstein, Debra S Mortimer, Fiona M McLeod (Secretary) and Susan M Brennan.

Legal Assistance Committee

Garrie J Moloney (Chair), Patrick F Tehan QC, Michelle L Quigley, Richard W McGarvie, Elizabeth J Hollingworth, Samantha E Burchell, Matthew D Townsend, Rozanna Zalewski, David J L Bremner, Emma Hunt, Tom Yuncken.

Litigation Procedure Review Committee — Commercial Law

D Mark B Derham QC (Chairman), David Shavin QC, Michael W Shand QC, David H Denton RFD, Jennifer Davies, C James Delany, Bruce N Caine, Albert A Monichino, Caroline M Kenny, Michael L Sifris and Matthew N Connock.

Litigation Procedure Review Committee — Common Law

John T Rush RFD QC (Chairman), David A Kendall QC, Terence J Casey QC, John H L Forrest QC, Jeffrey R Moore QC, Gerald A Lewis, David J Martin, Susan M Cohen, David F R Beach and Katherine L Bourke.

Litigation Procedure Review Committee — Criminal Law

Philip A Dunn QC (Chairman), Robert Richter QC, Remy van de Wiel QC, Roy F Punshon S.C., Antony D Trood, Mark D Dean, Carolyn M Burnside, Dr David J Neal, Diane M New and Richard J Bourke.

Litigation Procedure Review Committee — Family Law

Robert F Redlich QC (Chairman), The Honourable Justice Dessau, The Honourable John Fogarty AM, Noel J Ackman QC, Clarinda E Molyneux QC, Graeme P L Thompson, Jeremy W St John, Andrew I Strum, Lachlan D Wraith and Cornelia Fourfouris-Mack.

Past Practising Chairmen's Committee

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

Professional Indemnity Insurance Committee

Michael W Shand QC (Chairman), Anthony G Southall QC, Mark A Dreyfus QC, Ian S Williams, Cameron C Macaulay, David F R Beach, Joseph Tsalanidis, Peter G Cawthorn, Dr John P M de Koning, Stephen J Moloney, Alan D Kornhauser, Andrew Hamlyn-Harris and David J L Bremner.

Readers' Course Committee

W Ross Ray QC, (Executive Chair), Felicity P Hampel QC (Vice-Chair), The Honourable Justice David L Harper, Her Honour Judge Elizabeth H Curtain, Robert K Kent QC, Lesley A Fleming M, Julian W K Burnside QC, Paul A Coghlan QC, David J Brown S.C., David A Parsons, Paul Cosgrave, Paul D Santamaria, Neil J Clelland, P Mark Taft, James D Elliott, Caroline E Kirton, Matthew N Connock, Robert W Taylor, Sara L Hinchey and Martin L Grinberg.

Strategic and Planning Committee

Susan M Crennan QC (Chairperson), D Mark B Derham QC, Robin A Brett QC, Peter J Jopling QC, Charles M Scerri QC, Caroline M Kenny, Jeanette E Richards and David J L Bremner.

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 L Thompson; *Editorial Committee:* John V Kaufman QC, Richard L Brear (Editorial Assistant), Peter W Lithgow (Book Reviews), William F Gillies, Carolyn H Sparke, Peter T Nugent and Nicola M Gobbo.

Victorian Bar Theatre Company Steering Committee

William T Houghton QC (Chairman), Simon K Wilson QC, Paul D Elliott QC, Doug M Salek QC, Graeme P L Thompson, Darren A Mort, Peter T Nugent, Sara L Hinchey, Richard J Bourke, Nicholas A T Harrington and David J L Bremner (Secretary)

Joint Standing Committees

(as at 30 June 2001)

Lawaid (Bar and LIV)

Richard J Stanley QC (Chairman), Peter J Galbally QC, David F R Beach and Mary Anne Hartley.

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 and Debra S Mortimer.

Police/Lawyers Liaison Committee

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

Bar Appointees

(as at 30 June 2001)

Academic Course Appraisal Committee

Jacob I (Jack) Fajgenbaum QC.

Appeal Costs Board

Anthony E Hooper QC.

Australasian Dispute Centre

William J Martin QC.

Australian Red Cross — International Humanitarian Law Advisory Committee

Rozanna Zalewski.

Board of Examiners

Hartog C Berkeley QC, Ronald K J Meldrum QC, William F Lally QC (Deputy), Joseph G Santamaria QC (Deputy), Peter J Jopling QC and C F (Kate) McMillan S.C. (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, Timothy J North and Stewart M Anderson.

Commonwealth AAT — (Melbourne) Liaison Committee

Charles Gunst QC.

Costs Co-ordination Committee

Michael W Shand 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

Jacob I (Jack) Fajgenbaum QC and C F (Kate) McMillan S.C.

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 Rules Committee

Michael J Corrigan and Peter T Fox.

County Court WorkCover Users Group

Robin P Gorton QC, Robert W Dyer, John J Noonan and James P Gorton.

Federal Court E-Filing Committee

Julian W K Burnside QC, Michael W Shand QC, and William E M Lye.

Federal Court Migration List Users Group

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

Federal Court Users Committee

Ross C Macaw QC, Richard R S Tracey QC, Garry T Bigmore QC, G Tony Pagone QC, John W de Wijn QC and Bruce N Caine.

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

Kim M Pettigrew.

Law Council of Australia — Young Lawyers Committee

Simon K McGregor.

Law Faculty — University of Melbourne

Allan J Myers QC and Neil J Young QC.

Law Institute of Victoria — Fee Disputes Conciliator

Jeremy Ruskin QC.

Law Institute of Victoria — Commonwealth Lawyers' Conference 2003

W Ross Ray QC and C F (Kate) McMillan S.C.

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

Nicholas J D Green 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, Georgina Grigoriou, Elspeth Strong, Michael F Wheelahan, Jennifer Brennan and Kevin J Thompson.

Legal Profession Tribunal — Advocate Members

Frank X Costigan QC, David M Bennett QC, Lex Lasry QC, Richard R S Tracey QC, Peter J Jopling QC, Anthony G Southall QC, David S Levin QC, Jeremy W Rapke QC, Helen M Symon S.C., Manny Garantziotis, Susan A Winneke, Christopher J Ryan, Meryl E Sexton and Elizabeth J Hollingworth.

Leo Cussen Institute of Continuing Legal Education

The Honourable Justice Mark S Weinberg, Robert K Kent QC, P Gerard Nash QC (Alternate) and Helen M Symon S.C.

Magistrates' Court Civil Rules Committee

Ian R McEachern, Gregory L McNamara and Franz J Holzer.

Monash University Law Faculty Advisory Panel (Integration of Skills and Ethics Project)

W Brind Zichy-Woinarski QC.

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

Peter B Murdoch QC, Stephen W Kaye QC, John H L Forrest QC, Jeanette E Richards, Elizabeth J Hollingworth and Peter J Riordan.

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.

Victoria Heritage Council

John L Dwyer QC.

Victoria Law Foundation (including Grants Committee)

Philip A Dunn QC.

Victoria Legal Aid— Community Consultative Committee

Dr David J Neal.

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 — Credit List Users Group

Paul J Hayes.

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

J A Hugh Foxcroft S.C. and John G Bolton.

**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 — 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
— 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 S.C. and Georgina Grigoriou.

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 11 September 2000.

BAR COUNCIL MEETINGS

For the year ended 30 June 2001 the Bar Council held six special meetings and 24 ordinary meetings. The 2000/2001 Bar Council first met on 14 September 2000. Between that date and 2 August 2001 there have been six special meetings and 21 ordinary meetings. Attendance at these meetings was as follows:

D Mark B Derham QC	26	Richard W McGarvie	21
Robert F Redlich QC	18	Jeanette E Richards	20
John T Rush RFD QC	19	Katherine L Bourke	17
David J Ross QC	21	Garrie J Moloney	20
Philip A Dunn QC	16	Peter J Riordan	17
W Ross Ray QC	18	Dr David J Neal	19
Robin A Brett QC	20	Peter T Nugent	23
William T Houghton QC	18	Sara L Hinchey	17
G Tony Pagone QC	14	John P Gorton	22
Michael W Shand QC	26	Michael G R Gronow	21
C F (Kate) McMillan S.C.	24		

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 2001 the Executive Committee held 19 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 2000 to 30 June 2001 the Bar Council fixed annual subscriptions for members of the Bar as follows:

Division A, Part I

Queen's Counsel	\$ 2684.00
Over 15 years	\$1722.00
Over 14 years	\$1643.00
Over 13 years	\$1563.00
Over 12 years	\$1483.00
Over 11 years	\$1404.00
Over 10 years	\$1314.00

Over 9 years	\$ 906.00
Over 8 years	\$ 861.00
Over 7 years	\$ 816.00
Over 6 years	\$ 770.00
Over 5 years	\$ 725.00
Over 4 years	\$ 680.00
Over 3 years	\$ 623.00
Over 2 years	\$ 521.00
Over 1 year	\$ 476.00
Under 1 year's standing	\$ 261.00
Readers (September 2000)	\$ 119.00
Readers (March 2001)	\$ 24.00
Division A, Part II	
Crown Prosecutors	\$ 329.00
Division A, Part III	
Interstate Queen's and Senior Counsel	\$ 430.00
Interstate and Overseas Juniors	\$ 329.00
Division B, Part III	
Ministers of the Crown and Members of Parliament	\$ 329.00
Division B, Part IV	
Solicitors-General and Directors of Public Prosecutions	\$ 329.00
Division B, Part VII	
Crown Counsel and Parliamentary Counsel	\$ 329.00
Division B, Part VIII	
Other Official Appointments	\$ 329.00
Division D	
Academics	\$ 329.00

Personalia

OBITUARIES

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

John Casson on 14 July 2000

Zia Reshid G D Bey Muftyzade on 26 October 2000

His Honour Judge Villeneuve-Smith on 30 October 2000

Beverley S T Vaughan in November 2000

His Honour Judge Joseph Meagher on 23 December 2000

Patrick P Costello on 20 January 2001

Michael R Errington on 29 January 2001

His Honour Judge Hubert T Frederico on 6 February 2001

David H McLennan on 25 June 2001

JUDICIAL APPOINTMENTS

Federal Magistrates Court

On 18 December 2000 Maurice Phipps was appointed as a Federal Magistrate of the Federal Magistrates Court.

On 31 May 2001 Michael Connolly was appointed as a Federal Magistrate of the Federal Magistrates Court.

Australian Industrial Relations Commission

On 2 February 2001 The Honourable Les Kaufman and The Honourable Brian J Lacy were appointed as Senior Deputy Presidents of the Australian Industrial Relations Commission.

Supreme Court of Victoria

On 18 December 2000 The Honourable Justice Bongiorno was appointed as a Judge of the Supreme Court of Victoria.

County Court of Victoria

On 20 February 2001 His Honour Judge Bowman was appointed as a Judge of the County Court of Victoria.

On 15 May 2001 Her Honour Judge Lewitan was appointed as a Judge of the County Court of Victoria.

Magistrates' Court

On 13 March 2001 Ian L Gray was appointed as Chief Magistrate of the Melbourne Magistrates' Court.

Supreme Court of Nauru

On 16 February 2001 The Honourable Chief Justice Connell was appointed as Chief Justice of the Supreme Court of Nauru.

Senior Counsel

On 28 November 2000 the following members of the Victorian Bar were appointed Senior Counsel in Victoria:

Kenneth R Howie, Geoffrey M Horgan, Roy F Punshon, Peter H Clark, John A Jordan, Graeme G Hicks, Paul G Lacava, Dr Clyde E Croft, C F (Kate) McMillan, David J Brown, J A Hugh Foxcroft, Olyvia Nikou, Helen M Symon, Michael J Crennan, Norman J O'Bryan and Jennifer J Batrouney.

Welcomes

On 18 December 2000 Murray V McInnis, Norah H Hartnett and Maurice B Phipps were welcomed to the Bench of the Federal Magistrates Court by Mark Derham QC, Chairman of the Victorian Bar Council.

On 31 January 2001 the Honourable Justice Bongiorno was welcomed to the Bench of the Supreme Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 9 February 2001 the Honourable Les Kaufman and the Honourable Brian J Lacy were welcomed to the Australian Industrial Relations Commission by Mark Derham QC, Chairman of the Victorian Bar Council.

On 22 February 2001 His Honour Judge Bowman was welcomed to the Bench of the County Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 6 April 2001 Chief Magistrate Ian Gray was welcomed to the Magistrates' Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 22 May 2001 Her Honour Judge Lewitan was welcomed to the Bench of the County Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 4 June 2001 Michael Connolly FM was welcomed to the Bench of the Federal Magistrates Court by Mark Derham QC, Chairman of the Victorian Bar Council.

Farewells

On 31 August 2000 the legal profession met to pay tribute to the Honourable Justice Hampel on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mark Derham QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 30 March 2001 the legal profession met to pay tribute to His Honour Judge Frank B Lewis on the occasion of his retirement from the Bench of the County Court of Victoria. Mark Derham QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 30 May 2001 the legal profession met to pay tribute to the Honourable Mr Justice Tadgell on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Mark Derham QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 25 June 2001 the legal profession met to pay tribute to His Honour Judge Mullaly on the occasion of his retirement from the Bench of the County Court of Victoria. Mark Derham QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

Roll of Counsel

(as at 30 June 2001)

Division A, Part I

Victorian Practising Counsel — Queen’s and Senior Counsel — Male	166
— Queen’s and Senior Counsel — Female	10
Victorian Practising Counsel — Junior Counsel — Male	1013
— Junior Counsel — Female	237

Division A, Part II

Prosecutors for the Queen	
	24

Division A, Part III

Overseas and Interstate Counsel	
	171

Division B, Part I

Governors	
	2

Division B, Part II

Judges	
	163

Division B, Part III

Ministers of the Crown and Members of Parliament	
	9

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	
	73

Division B, Part VII

Crown Counsel and Parliamentary Counsel	
	8

Division B, Part VIII

Other Official Appointments	
	3

Division C, Part I

Retired Judges and other Judicial Officers	48
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Division C, Part II

Retired Holders of Public Office other than Judicial Officers	9
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Division C, Part III

Retired Counsel	64
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Division D

Academics	18
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TOTAL

	2033
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Between 1 July 2000 and 30 June 2001 the following 85 persons signed the Roll of Counsel:

Fiona M Stewart (re-signed), Richard A Hogan, Chrissy Mavroudis, Emanuele (Manny) Nicolosi, Tomo R O Boston, Nicholas D Horner, Nicholas Kanarev, Christopher J Horan, Colin G Many, Sri K Kappadath, Andrew J Verspaandonk, Richard W Short, Suzanne A Kirton, Lisa-Maree Lo Piccolo, John L Bushby, Jane F A Gabelich, Sandra G MacDougall, David L Bailey, John P M Marquis, Jacinta M Forbes, Andrew P Dickenson, Lachlan W L Armstrong, Denis W Meehan, Angela Lee, Anup K Sidhu, Loula Athanasopoulos, Katharine J D Anderson, Peter B Goodrich, Sharon E Lacy, Jane C Newton-Brown, Maureen M Daly, Maxwell I Grant, Arna Delle-Vergini, Kym B Connell, Timothy S Hoare, Aine M Magee, Laura Colla, Shivani Thamotherampillai, Peter J Carroll, Marie McCredie (re-signed), Frank Tallarida (re-signed), Julie P Spehr (re-signed), Paul E Bennett (re-signed), Peter D Nicholas, David C Avent, Christopher M Sievers, Joyce G Tooher, Trevor C Wallwork, Stephen P Donaghue, Peter R Fary, Andrew G Waters, Russell J Stubbs, Bradley J Newton, Richard J Harris, Caroline R Gwynn, Jonathan J Ward, Simon Lee, David H Starvaggi, Vytautas C Valasinavicius, James D S Barber, Kaye L McNaught, Katherine R Kemp, Steven J Carson, Stephen H Parmenter, Gail A Hubble, James B McDougall, Sarah L Fregon, Richelle Y Scherman, Christine M Haag, Edward J Johnson, Mark J Leeton, Douglas J Potter, John B Fletcher, Mark I Ravech, Edward J O'Donoghue, Amanda J Ducrou, John P Manetta, Lucia Bolkas, Roger C Ilitch, Robert J Allen, John R C Gordon, Gavan L Tellefson, David J Wheelahan, Barry Fox (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:

John M Walters QC.

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

David N Galbally QC, James A Logan, Graeme J Skene, Anthony D Mazzone, John W Bailey, Rachel R Irons, Teresa M Congiu, Frank Rebecchi, Christopher G Wallis, Frank Tallarida, Joseph Belbruno, Anita Kwong, Mary Sevdalis, Mara S Ray, Juliana

K Horsfall, Aaron A Eidelson, Ian R Porter, Judith V Birch, David Chan, Michael C Hines, Jane C Gibson, Robert Lombardi, Mary Agresta, Howard G Draper, Adrian T W Ho, G Moira Jenkins, David J Bamber, Vera M Hardiman, David A Perkins, John G Clarke, Roger C Ilitch.

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

Samuel Y Reuben, Bernard J Gross, Michael Cashion S.C., John J G Haydon, John G Fogarty QC, Ian J Sampson, Alexander B Shand QC, Anthony D M Hewitt S.C., Darlene A Skennar, Warwick S Reynolds, David G W Howard, C (Kate) M Traill, Dianne C Phelan, Paul Webb, John S Coombs QC, John B Turnbull, William M Fitzsimmons, Christopher D Curtis, Robert H Grace, Neville G Rochow, John P McNamara, Malcolm A McL MacGregor QC.

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

Dr Christopher T Corns, Trischa Mann.

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

Michael P Cahill, Robert T Barry.

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

Kenneth D Wilkinson, Richard A Hogan.

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

The Honourable Mr Justice Bongiorno, The Honourable Chief Justice Connell, His Honour Judge Bowman, Federal Magistrate Maurice B Phipps, Her Honour Judge Lewitan, Federal Magistrate Michael Connolly.

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

Andrew J McIntosh MP

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):

Roger J Young, The Honourable Les Kaufman, The Honourable Brian J Lacy, Ian L Gray.

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

Michael J L Dowling QC, Rowan M Downing QC, Rebecca J McDonald Smith.

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

Geoff W Colman QC, David J Bell, Ada Moshinsky QC, Charles B Malpas, Kevin G Hogan, John K Higham, Angela M Nordlinger, David M Bennett QC.

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

William E Stuart.

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

Kenneth D Wilkinson, John M Walters QC.

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 Gray, Her Honour Judge Vanstone, The Honourable Mr Justice Monteith, His Honour Judge Finnane, The Honourable Mr Justice Palmer.

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

Anne C Thacker.

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

Douglas B Milne QC, Dr David C Mitchell.

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

Robert K Kent QC.

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 Craigie, His Honour Judge Byrne, The Honourable Mr Justice Tadgell, His Honour Judge Mullaly.

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

The Honourable Professor George Hampel QC.

Member whose name has been transferred from Division B, Part III (Ministers of the Crown and Members of Parliament) to Division B, Part VIII (Other Official Appointments):

The Honourable Gareth Evans AO, QC.

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

Elizabeth A Benjamin.

Member whose name has been transferred from Division B, Part V (Masters and Judicial Registrars) to Division C, Part I (Retired Judges and Other Judicial Officers):

Master John B Gaffney OAM.

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):

Julia A Bruce.

Member whose name has been transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division C, Part III (Retired Counsel):

Dr Colin Howard QC.

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

Rowan M Downing QC.

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

Master Michael J L Dowling QC.

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

Edward G de Zilwa, Ian F Turley.

Member whose name has been transferred from Division D (Academics) to Division C, Part III (Retired Counsel):

Brian K C Thomson QC.

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 29 January 2001. The services were held at St Paul's Cathedral, St Patrick's Cathedral, Temple Beth Israel and St Eustathios Cathedral.

Social Functions

At a function held in the Essoign Club on 4 September 2000 Readers were welcomed to the Victorian Bar.

On 14 October 2000 the Chairman and members of the Victorian Bar Council held Carnivale 2000 at the Plaza Hotel, Melbourne for all members of the Bar, judges and judicial officers (whether or not they were members of the Bar), Bar secretaries, Barristers' Clerks and their staff, the Bar and Barristers' Chambers Limited staff and partners.

On 26 October 2000 the Chairman and members of the Victorian Bar Council held a dinner in the Essoign Club in honour of the retiring Chairman and officers of the Victorian Bar Council and other members of the Bar.

A Readers and Mentors dinner was held in the Essoign Club on 23 November 2000 and the guest speaker was The Honourable Justice Gillard, Supreme Court of Victoria.

At a function held in the Essoign Club on 1 March 2001 Readers were welcomed to the Victorian Bar.

On 16 March 2001 the Bar Council and Barristers' Chambers Limited held a dinner in the Essoign Club to honour Federal Magistrate Maurice Phipps for his contribution to Barristers' Chambers Limited and the Bar.

A Readers and Mentors dinner was held in the Essoign Club on 24 May 2001 and the guest speaker was Her Honour Judge Coate, Children's Court of Victoria.

The 2001 Victorian Bar Annual Dinner was held on 1 June 2001 at the Plaza Ballroom. 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 Bongiorno
Her Honour Judge Coate
His Honour Judge Bowman
Her Honour Judge Lewitan

Commonwealth

The Honourable Brian Lacy
The Honourable Les Kaufman
The Honourable Gareth Evans AO, QC
Major General Gregory Garde AM,
RFD, QC

Master Dowling QC
Chief Magistrate Ian Gray

Federal Magistrate Murray McInnis
Federal Magistrate Norah Hartnett
Federal Magistrate Maurice Phipps

Together With:

The Honourable Chief Justice of Nauru, Barry Connell

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

Ruth McColl S.C., 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 the Junior Silk, Jennifer Batrouney S.C., who addressed the honoured guests. His Honour Judge Bowman 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.

Sporting Events

Cricket

On 18 December 2000, at the match played at Junction Oval, the Victorian Bar defeated the Law Institute for the second year in succession, thus retaining the Sir Henry Winneke Trophy. Scores were: the Bar 9/162 (Klotz 45, Greenshields 36, Connor 28 n.o.) and the Law Institute 8/158 (Connor 3/29, Klotz 2/28).

Hockey

On 14 October 2000, at a match played at the State Hockey Centre, the Victorian Bar team defeated the New South Wales Bar team by 6 goals to 2.

At match played at the State Hockey Centre on 19 October 2000, the Law Institute team defeated the Victorian Bar team by 3 goals to 2, thus retaining the Scales of Justice Cup. The J R Rupert Balfe Trophy was awarded to Nicholas J Tweedie of the Victorian Bar.

Tennis

On 19 December 2000, the Annual Tennis match against the Law Institute of Victoria for the Judge O'Driscoll Perpetual Trophy was held at the Kooyong Tennis Centre in Malvern. The Law Institute won the match.

Yacht Regatta

The yacht regatta was held on 18 December 2000 in Hobson Bay. The Thorsen Trophy was awarded to Ross Macaw QC, The Neil R McPhee QC Trophy (line honours) was won by The Honourable Mr Justice Kellam and John Ardlie.

Annual Reports of Associations and Committees

ANNUAL REPORT OF BARRISTERS' CHAMBERS LIMITED

During the year, the main task BCL has undertaken is the renovation of the ground floor of Owen Dixon Chambers. The renovation has received almost universal approval. Both the East and West wings of Owen Dixon Chambers now have one main entrance of a high standard. BCL greatly appreciated the work of the builder Bovis Lend Lease and the architect Spowers.

Last December, Maurice Phipps, now a Federal Magistrate, retired as a director. Maurice was instrumental in carrying out the renovation. He acted as BCL's representative in dealings with the builder, Bovis Lend Lease. Maurice had been a director since 1974 and was Deputy Chairman for many years. Maurice was a prime mover behind many of the significant improvements that BCL has introduced, such as the internet cabling. As well as overseeing the renovation of Owen Dixon Chambers, he oversaw those to Douglas Menzies Chambers and Joan Rosanove Chambers. The board wishes to record its sincere appreciation for the service given to the company by Maurice.

The company plans to commence renovating the balance of Owen Dixon Chambers East in 2002. The work will probably take some 18 months. Currently the intention is to place the Essoign Club and Bar Administration on the first floor. The Essoign Club will enjoy a marvellous view across William Street to the Supreme Court.

The company has also been able to renew the lease of Latham Chambers after extensive negotiations. The company's appreciation to the National Australia Bank should be recorded. Joan Rosanove Chambers continues to be a success.

The lifts in Douglas Menzies Chambers have been upgraded.

The internet cabling system operated by BCL has also been another highlight of the year. Over 500 barristers now subscribe to the system and it provides a most efficient and effective way of connecting to the internet.

BCL has many projects on its plate, including, as mentioned above, the renovation of the balance of Owen Dixon Chambers East. Next year will see the resumption of the three floors of West currently occupied by the County Court.

The board is grateful for the support received from the Bar Council. At the Council's instigation, the Victorian Bar Inc is continuing to augment the capital base of the company. The extra capital will enable the renovation of Owen Dixon Chambers East to proceed.

The board wishes to acknowledge the loyal service of the Secretary, Geoff Bartlett and the rest of the company staff.

Ross McK. Robson

Chairman

ANNUAL REPORT OF THE BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Subscriptions received during the twelve months to 30 June 2001 amounted to \$34,961, compared with \$29,650 in 1999/2000, \$39,580 in 1998/1999, \$34,128 in 1997/1998 and \$52,355 in 1996/1997. During the year subscriptions increased on the previous year but are still well below the level of five years ago. As was foreshadowed in last year's annual report, in June 2001 the Trustees wrote to members of the Bar urging them to consider their level of giving to the work of the Association. The response of the Bar in terms of the increase in subscriptions is appreciated, but still a little disappointing.

Net interest from investments received during the year amounted to \$46,916.

During the year the sum of \$2,415 was advanced to one person by way of absolute grant and \$26,981 to three persons by way of repayable interest-free loans.

At 30 June 2001 the capital fund, which is represented by investments in trustee securities, stood at \$895,271 and outstanding loans totalled \$106,000.

FINANCIAL STATEMENT FOR YEAR ENDED 30 JUNE 2001

	2001	2000
	\$	\$
Capital Fund at 1 July 2000	832,790	777,386
Receipts		
Subscriptions Received During the Year	34,961	29,650
Loan Repayments Received	10,000	8,000
Net Interest Received	46,916	43,262
Sub Total	924,667	858,298
Payments		
Advances to Members	29,396	25,508
Capital Fund at 30 June 2001	895,271	832,790
Plus Sundry Debtors	106,000	96,000
Total Assets at 30 June 2001	1,001,271	928,790

Robin A Brett

Committee of Management

ANNUAL REPORT OF THE VICTORIAN BAR SUPERANNUATION FUND

The year has been a most eventful year for the Fund. In late 2000, the Fund engaged the services of John Nolan & Associates to act as asset consultants. John Nolan & Associates have advised the Fund on the allocation of its investments and will be assisting the Fund to implement member investment choice in the very near future.

During the year, Mr John Ames was appointed as the new secretary of both the Fund and Barfund Pty Ltd, the trustee of the Fund. Mr John Ames was employed for many years by Colonial in the superannuation area. The board was very pleased to be able to retain his services to act as Fund secretary. The retiring secretary Mr Ed Fieldhouse served as secretary of the Fund for eight years. As members are aware, he also was Executive Director of the Victorian Bar for many years and also of Barristers' Chambers Limited. Mr Fieldhouse has played a key role in the successful operation of the fund. The board wishes to acknowledge its deep indebtedness for the loyal and efficient service of Mr Fieldhouse.

The Fund has recently appointed AON Consultants to replace N S P Buck as the fund administrator. The fund administrator handles the record keeping and accounts of the Fund.

The Fund has also appointed the National Australia Bank to act as the custodian trustee. This appointment will enable the Fund to undertake a wider range of investments than currently permitted by APRA. The Fund plans to introduce computer access for members to obtain information on the Fund and their own accounts. As mentioned above, the Fund intends to introduce members investment choice whereby members can choose from a range of investments representing different risk profiles.

The eligibility for membership of the Fund has been considerably expanded during the year. The Fund now permits as members of the Fund spouses and partners of barristers as well as other members of the Bar community including clerks and secretaries.

Mr Michael Hines retired as a director of Barfund in December. He had been a director since 1997. The board wishes to record its sincere appreciation for the extensive services given by Mr Hines to the Fund.

The board also acknowledges the service of the secretary Mr John Ames and his assistant Ms Debbie Jones.

Ross McK. Robson

Chairman

ANNUAL REPORT OF THE CHILDREN'S COURT BAR ASSOCIATION

The Children's Court Bar Association was officially launched by Her Honour Judge Jennifer Coate, President of the Children's Court, at a cocktail party on 14 June 2001.

The purposes of the Association, adopted at its inaugural meeting on 4 April 2001, are:

1. To promote the interests of barristers practising in the Children's Court of Victoria ("the Court");

2. To reform the law in the interests of young persons and their families.
3. To facilitate the sharing of knowledge and training relevant to practice in the Court.
4. To facilitate consultation with the Court.
5. To facilitate consultation with Legal Aid.
6. To facilitate consultation with the government and other agencies with respect to child protection and criminal justice issues.
7. To facilitate social activities for members.

The President is Robert Burns, the Treasurer is Geoff Martin and the Secretary is Emma Swart.

The Association has made representations through the Bar Council about fee levels in the Court and Departmental briefing practices. The Association commented on the Family Law Council Discussion Paper No. 2 and proposed regulations under the Children and Young Person's Act.

The Association is grateful to the Bar Council for assistance with its establishment and for the financial contribution to the cocktail party.

Emma M Swart

Secretary

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

During the last year the CBA has grown in numbers and strength. We currently have 378 members. The committee continues to meet each Tuesday at 8am to discuss what has been achieved in the previous week and plan for the forthcoming week. It is not unusual for committee members to spend in excess of 10 hours of their time on CBA business each week, and often the contribution would exceed twice this amount of time.

Over the last few months we have focussed on developing our capacity to communicate electronically. Although we intend to continue to publish our Newsletter in hard copy every 6–8 weeks, we have been working on a new website that we hope will be regularly updated to inform members of current projects. Most of our members now have email addresses, and we will increasingly rely on email communication to inform the membership, to canvass views and to distribute material. We recently conducted an email survey on the briefing practices of private practitioners handling legal aid matters. We were also able to send to all members with email addresses written information produced for our latest seminar on the *Magistrates' Court (Committal) Act 2000*. We have also been working closely with VGRS to facilitate the introduction of the electronic distribution of trial transcript (to be available in addition to the existing hard copy facility).

Our activities over the past 12 months have been very wide-ranging but the principal areas of activity have been:

- The production and distribution of our Newsletter, which continues to be highly valued and is always well received.
- The Terrace Dinner at the end of last year and the joint sponsorship of the Jack Gaffney Dinner earlier this year.
- The holding of a number of Seminars on topics as diverse as Sentencing Youthful Offenders and the Appeals Costs Act. We held our inaugural annual Law Week Lecture featuring Justice Michael Kirby and Clive Stafford Smith OBE and hosted the launch of *Reprieve Australia*.
- Continuing to improve work conditions and fees for our members. We are very conscious of the fact that our members make up the hardest working and poorest paid members of the profession. The struggle with VLA and the OPP to achieve fees that approach meaningful remuneration for the work our members do is constant. We have worked closely with all the courts to improve court processes and conditions. Currently this includes playing an active role in the development of the new County Court building and new protocols in the Magistrates' Court.
- Working with the Bar Council to ensure that our views are represented on matters of concern to the whole Bar. This includes issues such as professional indemnity insurance, media liaison rules, immunity from suit and the redevelopment of Owen Dixon Chambers East. Although we value our independence we have an excellent relationship with the Bar Council and are grateful for the assistance and support the Bar provides.

Law Reform is the major area of our activity, and the work over the last year has been vast, varied and complex. We have sometimes taken the initiative and provoked a review, and we have sometimes responded to proposed changes either in broad policy or legislative detail. Some of the areas include Corrections and Sentencing Acts, sentencing of youthful offenders, home detention, the Freiberg Sentencing Review, committal reform, industrial manslaughter, questioning of suspects, racial and religious tolerance, forensic samples including the recent validation legislation, Appeals Cost Review, mandatory sentencing, Children and Young Persons Act, Crimes Family Violence, no imprisonment without representation, spent convictions, public drunkenness, the Law Reform Commission reference on sexual offences, same-sex relationships, Summary Offences Review and The Confiscation Act.

This work sometimes involves legislative analysis and the provision of written submissions; it sometimes involves many hours of participation in consultative committees, as was the case with the recent committal reforms; it sometimes involves lobbying for legislative change; at other times it might require oral submissions to parliamentary bodies, as did our submissions on the Commonwealth Measures to Combat Serious and Organised Crime Bill. We find that we are regularly called upon to make public statements about many issues — police cells and overcrowding, trial by media, prison reform and so on.

Many members of the Association have contributed to the work that the CBA has undertaken over the last year and all deserve thanks. We encourage every member to actively participate and to contact committee members with suggestions on how to improve and strengthen the Association. All seminars conclude with drinks and,

together with our dinners, these are valuable social events and we encourage all members to attend.

Roy F Punshon

Chairman

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

During the period 1 July 2000 to 30 June 2001, the Common Law Bar Association has been active in the following areas:

- (a) making submission to the Civil Justice Department concerning matters of practice, in particular in response to the Discussion Paper on Civil Justice in Victoria entitled "Going to Court";
- (b) making submissions to political parties concerning the *Transport Accident (Amendment) Bill 2000*. The Bill proposed a number of amendments to the Transport Accident Act some of which, in the view of the Common Law Bar Association, were not desirous. Following extensive consultation and submissions, amendments to the Bill proposed by the National Party with the support of the Common Law Bar Association, were accepted by the Victorian Government.
- (c) making submissions to Government concerning legislative changes to the Accident Compensation Act which legislative changes, ultimately, restored the common law right of an injured worker to bring common law proceedings in respect of serious injury sustained by him or her in the course of employment. The Common Law Bar Association continues to monitor the effects of the legislative changes and is having ongoing discussion concerning further amendments.
- (d) preparing and forwarding to Her Honour Judge Williams a submission supporting the retention of juries in proceedings in the County Court.
- (e) having discussion with the Commonwealth Government concerning possible amendments/reforms in the area of medical negligence litigation. The Association is monitoring developments emanating from a Health Minister's communique and has registered its interest in being consulted on any possible reform/amendments to legislation.
- (f) The sub-committee is considering the question of Written Fee Agreements.

An Annual Dinner was held in the Neil Forsyth Room on the 31st August, 2000.

At the present time, there are 101 members of counsel who are members of the Common Law Bar Association.

At its Annual Meeting held on 20 June 2001, all positions were declared vacant and an election held. Following the election:

R H Gillies QC was elected Chairman

J H L Forrest QC was elected Vice-Chairman

D J Martin was elected Secretary

M A Hartley was elected Treasurer.

In addition, the following members of counsel were elected as committee members: D A Kendall QC, R J Stanley QC, P Galbally QC, J Jordan S.C., T Tobin, D Beach, S.Cohen, F Saccardo, T Monti, A Ramsay, M Wheelahan and S McGregor.

David J Martin

Secretary

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 2001, 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 and Finance

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

Construction Law

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

Corporations and Securities Law

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

Environmental, Planning and Local Government

Chair Jeremy H Gobbo QC
Secretary Susan M Brennan

Insolvency Law

Chair Nunzio Lucarelli QC
Secretary Phillip D Crutchfield

Insurance and Professional Negligence

Chair Peter G Cawthorn
Secretary Mark A Robins

Intellectual Property and Trade Practices

Chair Dr John McL Emmerson QC
Secretary Andrew J Maryniak
Assistant Secretary Sara L Hinchey

Property and Probate

Chair Peter R Best
Secretary Robert D Shepherd
Assistant Secretary Cornelia N Fourfouris-Mack

Public Law

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

Revenue Law

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

During the past twelve months, the CBA presented 18 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.

In particular, the seminars held by the CBA between July 2000 and June 2001 were as follows:

<i>CBA Section</i>	<i>Subject</i>	<i>Speakers</i>
Banking and Finance Law	Summary judgment applications in banking matters.	Anthony T Schlicht
Construction Law	The role and duty of expert witnesses in litigation. Subpoenas in Arbitration. The "paperless" Arbitration hearing.	G John Digby QC Richard J Manly

CBA Section	Subject	Speakers
	<i>Alfred McAlpine Construction Ltd v Panatown Ltd Part 8</i> (2000) BLR 331	
Corporations and Securities Law	Issues involved in acting in civil proceedings for clients who may be exposed to criminal investigations or proceedings. <i>ASIC v Edensor Nominees Pty Ltd</i> [2001] HCA 1 Corporate Governance — Dot Coms: 1980s Revisited?	Felicity P Hampel QC and Rod Saunders Robert D Strong David Knott, Chairman ASIC
Environmental, Planning and Local Government Law	Teething problems for infant Victoria Planning Provisions: A discussion on the new format planning schemes. The latest on ResCode A new forum for planning and environment disputes?	Michael H Wright QC, Michelle L Quigley, Christopher J Townshend Christopher J Wren, Stuart R Morris QC Jeremy H Gobbo QC
Insolvency Law	The High Court decision in <i>Associated Alloys Pty Ltd v ACN 001 452 106 Pty Ltd</i> [2000] HCA 25 (11 May 2000) The Victorian Court of Appeal decision in <i>G & M Aldridge Pty Ltd v Walsh</i> [1999] 3 VR 601 in respect of which special leave to appeal to the High Court was granted on 8 September 2000. Are your fees liable to be recovered by a liquidator or trustee in bankruptcy as a voidable preference?	S E K Hulme QC Michael L Sifris Simon P Gardiner
Insurance and Professional Negligence Law	Barristers' immunity to suit, including decisions of the High Court and the House of Lords.	D Mark B Derham QC
Intellectual Property and Trade Practices Law	Discussion of sections 51AA, 51AB and 51AC of the Trade Practices Act. Section 46 TPA: Where are we and which way do we go from here?	E Noel Magee QC Colin D Golvan
Property and Probate Law	Part IV of the <i>Administration & Probate Act 1958</i>	Robert D Shepherd

CBA Section	Subject	Speakers
Public Law	The New Federal Magistrates Service — its jurisdiction, powers and procedure	Chief Federal Magistrate Diana Bryant and Federal Magistrate Murray McInnis
Revenue Law	Deductibility of rental payments under sale and leaseback arrangements.	Simon H Steward

A cocktail party was held by the CBA on 2 November 2000. The guest speaker was Mr Richard Ackland, editor of *Justinian* and former presenter of the ABC television program *Media Watch*.

The seminar conducted by the Corporations and Securities Section with David Knott, Chairman of ASIC, as speaker was held jointly with the Victorian Section of the Australian Corporate Lawyers Association and was well attended by members of counsel and corporate lawyers.

The CBA remains committed to encouraging attendances of junior members of the Bar at CBA functions.

The Executive extends its gratitude to the Chairs and Secretaries of each of the sections of the CBA for contributing their time to implementing the continuing commercial legal education seminars of the CBA for the benefit of the Bar.

Any enquiries in relation to the activities of the CBA should be directed to Albert Monichino, Clerk "A" on 9225 8247 or e-mail to monichino@vicbar.com.au.

David H Denton and Albert A Monichino
Senior Vice-President and Vice-President (Convenor)

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

The Family Law Bar Association has continued to represent and promote the barristers who practice Family Law in a wide range of issues. A Committee headed by Graeme Thompson has conducted legal education. An informative seminar was convened on the impact of the Goods and Services Tax in family law settlements. The Honourable John Fogarty AM gave an erudite lecture on Full Court Appeals. The Association entertained Justice Marguerite Trussler, a visiting Canadian family law Judge at a cocktail party. In April of this year there was a combined Family Law Bar Association and Family Law Solicitors seminar weekend at Lorne.

The Association has made representations to the Bar Council, the Family Law Judges and Judicial Registrars of the Family Court on a number of topics to the benefit of its members. There are regular meetings with representatives of the Association and our Chairman, Noel Ackman QC and with the Judge Administrator, the Honourable Justice Frederico.

The Association held its annual dinner in December 2000 and was honoured by its former Chairman, the Honourable Justice Guest, who gave a lively and informative speech to members of the Association.

There have been a number of appointments. Michael Connolly was appointed Federal Magistrate. Two members of the Association, Olivia Nikou and David Brown were appointed Senior Counsel.

There are currently 90 paid up members of the Association.

Noel J Ackman

Chairman

ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION

Throughout the 2000/2001 year, the WBA concentrated on attempting to address the high attrition rate of junior women barristers by supporting and supplementing the mentoring programs in place and providing opportunities to overcome what for many is an initial period of isolation. Social functions were held to give women readers the opportunity to meet more senior women at the Bar. In addition to these separate functions, drinks evenings were held for all women barristers to help establish links with other women at all levels.

Several lunchtime seminars were held, the most notable being a panel discussion of the observation by Justice Gaudron of the High Court of Australia that "merit is usually an issue raised only when a woman is appointed or promoted". The panel of eminent speakers consisted of Susan Halliday (Federal Sex Discrimination Commissioner), Pamela Bone (Associate Editor, *The Age*), Associate Professor Judy Savige (University of Melbourne and Austin and Repatriation Medical Centre), Debbie Colville (Convenor, Women in Surgery) and Rosemary Barker (Chief of Staff to the Minister for Women's Affairs).

In December, the Bar hosted a function, attended by the Attorney-General, the Honourable Mr Hulls, to launch the electronic Women Barristers' Directory. The Attorney and Mark Derham QC returned in February to speak to a gathering of women barristers about the various initiatives to promote opportunities for women in the legal field. David Bremner also attended and displayed and demystified the electronic directory.

In June, the WBA and the Victorian Women Lawyers combined to celebrate the appointment of WBA's inaugural convenor, Judge Lewitan, to the County Court.

The Bar continues to involve WBA in its implementation of the recommendations in the Equality of Opportunity report. The most recent initiative was the holding in June of an Equality of Opportunity Workshop for government departments and agencies to discuss their briefing practices and to put forward a proposal for a model briefing practice. The Attorney-General gave the keynote address in support of

applying equality of opportunity principles to briefing practices of government agencies and departments.

The Association is extremely grateful to Jeanette Richards for her endeavours in continuing the work of the Association during 2000/2001.

Kathryn R Rees

Secretary 2000/2001

ANNUAL REPORT OF THE ABORIGINAL LAW STUDENTS MENTORING COMMITTEE

The Committee was originally set up in 1999 to establish and administer a mentoring system for indigenous law students. More than 150 members of the Bar have volunteered to provide their services to act as mentors.

During the last year a number of indigenous law students were placed within the mentoring system. Some received short-term mentoring, while others will continue in the system on an ongoing basis. The system is intended to be flexible to cater for the individual requirements of each student. In addition, the Committee has arranged mentoring at the New South Wales Bar for two interstate students who are undertaking their law courses in Victoria.

Members of the Committee have also participated in the Indigenous Law Students Mentoring Committee established by Mr Justice Eames of the Supreme Court. That Committee is drawn from a wide range of stakeholders, and is intended to act as an umbrella organisation to assist in mentoring of indigenous students and lawyers. One of its major achievements is to facilitate the establishment of an Indigenous Lawyers Association.

The Bar's Aboriginal Law Students Mentoring Committee intends to expand its activities in the coming year, hopefully to extend to indigenous school students. The Committee sincerely thanks those who have so readily made themselves available to act as mentors over the last two years.

Stephen W Kaye

Chairman

ANNUAL REPORT OF THE CHILD CARE FACILITIES COMMITTEE

This year the Child Care Committee has continued to concentrate on matters arising from the Bar Council's report on Equality of Opportunity, in particular the issue of encouraging women to stay at the Bar and return after the birth of children.

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 renovation and continued operation of the parent's room
- ongoing consideration of the childcare needs of barristers with pre-school children.

Last year, when 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 BCL chambers whilst allowing a barrister to retain their chambers during pregnancy or the first six months of having a baby. The rule was retained, but without the need for the barrister to sublet their chambers during the period of their absence as recommended.

This year the Committee was asked to consider extending the rule to underwriting the rental of BCL chambers let by parents adopting or fostering a child. We supported the extension of the rule.

The parents' room on the ground floor of Owen Dixon Chambers East, beside Dever's office, has been available for use by barristers and their clerks and staff. The room provides a private comfortable space for feeding and changing young children. Keys are available from the Bar Council and each of the clerks. The room was being used regularly before renovations to the ground floor commenced, and the Committee is keen to see the room return to normal usage with the replacement of signs and other notices.

The issue of child care generally remains a live one for the Committee, with barristers expressing the view that child care, arrangements are often the biggest impediment to returning to work. The Committee is aware of a number of services within the CBD offering occasional extended hours care, and is able to recommend a number of these based upon the reports of our members.

Fiona M McLeod

Chairperson

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

Conciliators

The Bar's Sexual Harassment Conciliators for 2000/2001 were: David Habersberger QC, Michael Rozenes QC, Debbie Mortimer, Melanie Young and Fiona McLeod. The appointment of Justice Habersberger means that a new Conciliator should be appointed. It is the view of the remaining Conciliators that in order to retain an appropriate balance of both seniority and gender, another relatively senior male barrister should be appointed to replace Justice Habersberger.

Complaints

There have been two incidents reported this year. One complaint concerned inappropriate sexual innuendo from a senior member of counsel to another barrister's

secretary. The complaint was managed informally between a conciliator and the senior counsel concerned. There was another incident which was resolved by a conciliator with the assistance of a senior member of counsel on the floor concerned.

Readers' Course

Several of the Conciliators addressed the March 2001 Readers' Course intake, by arrangement with Barbara Walsh. This occasioned some interesting discussion from the readers, and provided some useful feedback for the Conciliators. We recommend that a session concerning the role and function of Sexual Harassment Conciliators, and the ethical rules which give rise to their position, become a more formal and regular part of each Readers' Course.

Awareness

The Conciliators remain of the view that the level of awareness about the existence, role and availability of Sexual Harassment Conciliators, and indeed of the ethical rules which give rise to their position, remains unacceptably low. In particular, the Conciliators are concerned to raise levels of awareness amongst secretarial and administrative staff employed at the Bar.

Priorities for 2001–2002

The priorities for the coming year are first to raise the levels of awareness referred to above, and second to ensure that the Conciliators have appropriate policies and procedures in place to deal in a consistent and confidential manner with complaints received.

Debra S Mortimer

Conciliator

ANNUAL REPORT OF THE CONTINUING LEGAL EDUCATION COMMITTEE

The Continuing Legal Education ("CLE") Committee was requested by the Bar Council to consider a number of issues concerning the development and implementation of a possible CLE program for the Victorian Bar.

At the end of the 2000/2001 period the Committee forwarded a detailed proposal to the Bar Council for its consideration. The proposal suggests that the Victorian Bar should offer a structured CLE program to its members. The Committee believes that the Bar should provide a formal program that enables its members to undertake useful and effective legal education on a continuing basis. Such a program would provide considerable benefits to both individual members and all persons who use the services of a barrister. The introduction of a structured CLE program would also enable the Victorian Bar to provide the best possible services to its members.

The proposal of the Committee envisages that the CLE program would include

components of advocacy, ethics, evidence, procedure and practice management (including alternative dispute resolution) and a substantive law component. A mixture of this nature would enable a CLE program to provide units that are relevant to practitioners and may be delivered in a flexible manner. A significant portion of the program could be based upon the seminars that are currently provided by the individual associations of the Bar.

Several matters remain outstanding. The most important issues relevant to a CLE program which are yet to be determined are the development of an administrative structure, with appropriate staffing, to implement and manage CLE and devising a means to accredit individual CLE units. The Committee looks forward to these and other tasks in the forthcoming year with enthusiasm.

G (Tony) Pagone

Chairman

ANNUAL REPORT OF THE EQUALITY BEFORE THE LAW COMMITTEE

As it did last year, the implementation of the Report on *Equality of Opportunity for Women* at the Victorian Bar remained a major aspect of the committee's activities this year. The committee's representatives on the Bar Council's Equality of Opportunity Working Party reported regularly about its activities.

Last year, the committee recommended the passing of a rule of conduct relating to the manner of cross-examining child witnesses, but the Bar Council rejected the committee's proposed rule. This year, the committee reformulated the rule and broadened it to deal with the treatment by counsel of all witnesses who, by reason of a proved or apparent disability, are in an especially vulnerable position. The reformulated rule was transmitted to the Bar Council for consideration, and the committee notes with great appreciation that the Bar Council on this occasion approved it. The Bar Council took the reformulated rule to the Australian Bar Association, which also approved it (with the exception of at least one State); and the reformulated rule is currently before the Ethics Committee for comment as to its precise form. It is expected that the reformulated rule will be introduced in the coming year.

In May 2001, Rachele Lewitan QC, who was then the chairman of the committee, was appointed as a Judge of the County Court of Victoria. Accordingly she resigned from the committee, and the committee reluctantly but inevitably accepted her resignation, and recorded its gratitude for Judge Lewitan's many years of dedicated service. The speeches of welcome to Her Honour contained many glowing references to Her Honour's work in the field of equality before the law.

Following Her Honour's resignation, Robin Brett QC was appointed to chair the committee and Jennifer Batrouney S.C. joined the committee.

Robin A Brett

Chairperson

ANNUAL REPORT OF THE ETHICS COMMITTEE

The Ethics Committee has continued to meet once a fortnight, and has on a number of occasions during the year convened as a sub-committee of three or four to deal with requests for urgent rulings. In addition individual members of the Committee are frequently approached for advice on a day-to-day basis.

Each fortnightly meeting of the Committee requires the absorption by its members of two lever arch folders of documents usually dealing with between 20 and 25 matters. I thank the members of the Committee for the time and diligence which they devote to their task.

In addition to its routine investigation of complaints and its endeavours to mediate disputes, the Committee has during the course of the year considered significant changes to the Rules of Conduct, including the new Disclosure Rules which came into force on 1 July 2001. Guidelines relating to the implementation of these rules will be published in the near future. Other matters which are under active consideration are the rules relating to dealings with the media, and the possible introduction of rules relating to “no win, no fee” retainers. The Committee also had a major input into the Bar’s response to the Discussion Paper prepared as part of the review of the *Legal Practice Act 1996*.

An important initiative of the Committee that is being investigated by the Bar Council is the provision of counselling services to members of the Bar. It is apparent from the Committee’s work that some members of the Bar experience difficulty coping with the stress of modern professional life, and it may be that the provision of some form of counselling service will assist with this problem.

The Committee has continued to place importance on its contribution to the Reader’s Course. It now conducts an introductory session during the first week of the course, and a full-day workshop towards the end of the course. One of the matters emphasised to readers is the importance of knowing the Rules of Conduct so that ethical decisions can be made by the individual barrister rather than simply phoning a member of the Committee and asking what to do.

The major cause of complaints against barristers remains 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 Fiona Connor, Fiona McLeod and Georgina Grigoriou retired from the Committee, and I particularly thank them for their valuable contributions over a number of years. The Committee was joined by Martin Bartfeld QC, Mark Dreyfus QC, Gerry Lewis, Cameron Macaulay and Sharon Johns, and I thank them for their hard work and support over the year.

The task of the Committee has been greatly facilitated by the work of our legal assistant, Ms Roz Zalewski. Her excellent case summaries and incisive recommendations enable the Committee to process a large volume of work in a highly efficient manner. It is difficult to recall how we managed without her.

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

Michael H Wright

Chairman

SUMMARY OF COMPLAINTS AND DISPUTES UNDER THE LEGAL PRACTICE ACT 1996 FOR THE PERIOD 1 JULY 2000 TO 30 JUNE 2001

	COMPLAINTS				DISPUTES				COMPLAINTS/DISPUTES*				TOTAL *					
	Number of investigations conducted by the Ethics Committee of its own motion		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 complaints of misconduct or unsatisfactory conduct referred by the Legal Ombudsman to the Ethics Committee		Number of disputes received by and investigated by the Ethics Committee		Number of disputes referred by the Legal Ombudsman to the Ethics Committee		Number of combined complaints and disputes referred by the Legal Ombudsman to the Ethics Committee		Previous	Current		
	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current		
MATTERS LODGED																		
In progress at period start		7	8						4	3	1		6	16	3	5	21	32
Received during period	5	8	50	43	1	7			16	5	2	4	24	25	7	10	105	102
In progress at period end	1	8	16		5				3	1			17	9	5	3	33	35
Matters dealt with in period	5	7	49	35	1	2			17	7	3	4	13	32	5	12	93	99
RESULT FOR:																		
COMPLAINTS																		
Outside Jurisdiction		5	1			1											5	2
Withdrawn/Not Pursued		6	1											5		1	6	7
Dismissed under s.141(1)	1	21	8										4	3	1	2	27	13
No further action s.151(3)(c)		1	1														1	1
Dismissed under s.151(4)																		
Dismissed under s.151(5)	2	16	21		1	1							8	16	3	8	28	48
Reprimand/caution s.151(3)(b)	3	5	1														3	6
Referred to Tribunal s.151(3)(a)	1		2														1	2
	5	7	49	35	1	2							12	24	4	11	71	79
DISPUTES																		
Outside Jurisdiction													3	5	1		4	5
Withdrawn/Not Pursued									1				4		1		1	5
Settled									4	3			1				4	4
Not Settled									10	4	3	4	9	14	3	10	25	32
									15	7	3	4	12	24	4	11	34	46
	5	7	49	35	1	2			15	7	3	4	24	48	8	22	105	125
TOTAL																		

* Totals do not agree because a single matter may have two aspects – a complaint and a dispute

ANNUAL REPORT OF THE HUMAN RIGHTS COMMITTEE

The Human Rights Committee has this year been concerned principally with three pieces of legislation:

- the Statute Law Amendment (Relationships) Bill
- the Racial and Religious Tolerance Bill and
- the Sex Discrimination Amendment Bill.

At the request of the Bar Council the Committee reviewed this proposed legislation concentrating on the effects of the Bills on existing legislation. The Committee made recommendations to the Bar Council on these matters and was ably assisted by the Bar's Legal Policy Officer Matthew Groves in the preparation of submissions.

The Committee also considered matters arising from time to time including:

- the establishment of an International Criminal Court and passage of legislation ratifying the Rome Statute establishing the Court
- mandatory sentencing under the Northern Territory's Sentencing Act
- appeals from the Equal Opportunity Commission to VCAT
- the Administrative Decision (Effect of International Instruments) Bill following the *Teoh* case handed down in 1995
- the Report of the Human Rights NGO Forum, Zimbabwe.

Fiona M McLeod

Secretary

ANNUAL REPORT OF THE LEGAL ASSISTANCE COMMITTEE

This reporting period has been an active one for the Bar's Legal Assistance Scheme and the Legal Assistance Committee, which the Bar Council established to assist it with the oversight of this Scheme.

It was during this time that the Bar entered into a formal arrangement with the Public Interest Law Clearing House ("PILCH") under which PILCH has agreed to administer the Bar's Scheme in return for the Bar providing PILCH with office space and a contribution to some of its ongoing administrative expenses. The agreement is careful to ensure that the Bar's Scheme remains independent of PILCH's public interest operations and is seen within the community to be so. As part of this new arrangement, PILCH, under the guidance of the Legal Assistance Committee, prepared new Guidelines for the acceptance of matters into the Bar's Scheme and the preparation of new application forms and information material for prospective applicants. Those Guidelines and materials were approved by the Bar Council.

The Bar's Scheme was re-launched in February 2001 by the Chief Justice of Australia, the Honourable Murray Gleeson AC. The details of that launch have been published in the *Victorian Bar News* (see Autumn 2001 at pp.16-7).

The new arrangements have been functioning very well for the benefit of both the Bar and PILCH. For the first time, the Bar has access to accurate records of the numbers of inquiries made for “pro bono” legal assistance and of number and nature of the matters that have met the new Guidelines and been accepted into the Scheme. For the twelve months ending on 30 June 2001 there have been 142 inquiries for assistance, and of those 50 were accepted and legal assistance has been or is being provided by our members. These matters cover a wide range of areas of law and include matters such as family property disputes, debt recovery, breach of contract, tenancy disputes and unfair dismissals.

Given the success of the new arrangements, the Bar Council again with the support of the Committee has agreed to extend the agreement with PILCH for a further twelve months.

Garrie J Moloney

Chair

ANNUAL REPORT OF THE PROFESSIONAL INDEMNITY INSURANCE COMMITTEE

On 15 March 2001, HIH Casualty & General Insurance Limited (HIH) was placed in voluntary liquidation by the Supreme Court of New South Wales. HIH was the professional indemnity insurer to more than 90% of the Bar through its broker Aon Risk Services (Aon).

At the beginning of March, Aon had signalled its intention to replace HIH as the insurer to members of the Bar. The Committee forthwith invited all interested insurers to make available insurance for the balance of the 2000–2001 year and for the following year. Suncorp Metway Insurance Ltd (Suncorp) had previously insured members of the Queensland Bar and a small number of the Victorian Bar. It responded with a proposal for insurance. Aon followed with a proposal for insurance from QBE Insurance. Most of the Bar took up insurance through Suncorp Metway.

The collapse of HIH has placed some members of the Bar in the invidious position of having to deal with claims against them without the benefit of insurance. The Bar has where possible arranged legal representation to assist these members and stands ready to do so in future cases. Mr John Dillon of Carroll & Dillon has continued to act for some of our members without charge, and we acknowledge with gratitude his services in that regard.

The Bar is lobbying the State Government to include professional indemnity claims in its rescue package, the Commonwealth Government having declined to do so.

Premiums charged by both Suncorp Metway and Aon increased substantially over the previous year (see next page).

The Committee pressed both Suncorp Metway and QBE to explain their increases in premiums. QBE did not respond in writing although their broker, Aon, by way of

Comparative Premiums 2001/2002						
Aon/HHI 2000/2001		Suncorp Metway 2001/2002				Aon/QBE 2001/2002
	Cover	Fees to \$200,000	Fees \$200,001 to \$500,000	Fees \$500,001 to \$800,000	Fees over \$800,000	Fees under \$2 million
\$454	\$1 million	\$660	\$890	\$1,350	\$2,500	\$1,127.50
\$552	\$2 million	\$800	\$1,080	\$1,630	\$3,000	\$1,611.50
\$664	\$3 million	\$940	\$1,270	\$1,910	\$3,500	\$2,700.50
\$729	\$4 million	\$1,080	\$1,460	\$2,190	\$4,000	\$3,184.50
\$840	\$5 million	\$1,220	\$1,650	\$2,470	\$4,500	\$3,668.50
-	\$7.5 million	\$1,550	\$2,090	\$3,120	Refer	-
\$1,124	\$10 million	\$1,850	\$2,500	Refer	Refer	\$4,878.50
\$1,636	\$15 million	\$2,350	Refer	Refer	\$7,200	\$7,903.50
\$2,149	\$20 million	Refer	\$3,850	\$7,820	\$10,400	\$10,928.50
	Practice Loadings	Taxation				Nil
	Excess	Nil				\$10,000 or \$5,000 if a premium loading of 10% is paid

Refer = refer to underwriter for a premium quote. Premiums are for an applicant with no claims experience.

explanation in conversations, pointed to factors such as the number of claims, the size of claims, the cost of investigating claims and the effect on other insurers of the low premiums charged by HIH. Suncorp did respond in writing and pointed to substantially the same factors mentioned by Aon. The Committee met with various consultants to the insurance industry who advanced the following reasons behind the premium increases:

First, in the conditions prevailing in the insurance market in the last six months, some increases in premiums were inevitable. The premiums previously charged by HIH to the Victorian Bar had been priced competitively low — too low — and a catch-up process was now taking place.

Second, premium rates in the professional indemnity insurance market generally were “hardening”. The report of Ord Minnett and Deloitte expressed this conclusion although limited the likely premium increase in the 2000/2001 year to 6–10%.

Third, the collapse of HIH has reinforced the trend. HIH conducted a “loss leader” approach to winning insurance business — to its grief. The remaining insurers have taken a more rigorous and conservative approach to premiums. The position taken by QBE best illustrates this. That insurer has insisted on an excess of \$10,000 and substantial increases in premiums both here in Victoria and in New South Wales.

The discussions with the consultants highlighted the fundamental disadvantage that accrues to the Bar in not having adequate details of claims that have been made against its members. The Bar is less able to assess the reasonableness of premiums charged and negotiate with insurers accordingly. The Bar is less able to plan effectively for future insurance arrangements. The committee recommended and the Bar Council resolved to build up a profile of claims, past present and future, so far as it can from available sources and subject to the consent of the barristers involved.

The Committee has also resolved to be more active in the development of risk management strategies including periodic bulletins to members advising of particular risks of practice that arise at the Bar.

Run-off cover to members who have retired or taken an appointment has been an issue for the committee. Currently both Suncorp Metway and Aon offer run-off cover

to those members who were insured with them at the time of their retirement or appointment without further premium charge. However, under the current arrangements, this cover continues only for so long as the insurer continues to provide insurance cover to practising members of the Bar.

The committee is also reviewing a number of options for future insurance arrangements for the Bar. It is intended to complete the review in time for the 2002 insurance renewal timetable. The Bar will be informed of the result of the review.

Finally, the valuable and energetic contribution of the Executive Director of the Bar, Mr David Bremner, is gratefully acknowledged, and thanks are expressed to the members of the committee for their work.

Michael W Shand

Chairman

ANNUAL REPORT OF THE READERS COURSE COMMITTEE

The Readers Course Committee members are W Ross Ray QC, (Executive Chair), Felicity P Hampel QC (Vice-Chair), The Honourable Justice David L Harper, Her Honour Judge Curtain, Robert K Kent QC, Lesley A Fleming M, Julian W K Burnside QC, Paul A Coghlan QC, David J Brown S.C., David A Parsons, Paul Cosgrave, Paul D Santamaria, Neil J Clelland, P Mark Taft, James D Elliott, Caroline E Kirton, Matthew N Connock, Robert W Taylor, Sara L Hinchey and Martin L Grinberg.

The Bar has maintained its practice of having two intakes of Readers each year. The September 2000 intake comprised 37 Readers from Australia and five practitioners from Papua New Guinea. The March 2001 intake comprised 40 Readers from Australia and no overseas practitioners. It is anticipated that the September 2001 intake will comprise 40 Australian Readers and one practitioner from PNG and one from Vanuatu.

The course continues to develop and evolve. With each intake we examine aspects of the course structure. We maintain the emphasis on practical advocacy exercises. We also review and make available practice management information for all Readers to prepare them for their life at the Bar. While the Readers course is guided by the Committee, the real work of the course continues to be done by the Manager of Legal Education and Training, Barbara Walsh, and her assistant Elizabeth Rhodes. They continue the difficult task of co-ordinating the diverse resources of the course and reassuring and nurturing new Readers. They continue to manage a dynamic changing environment with great professionalism.

Members of the Bar and Bench continue to donate many hundreds of hours of unpaid time to instruct in the Readers course. Their efforts ensure that the Victorian Bar Readers Course maintains its position as the standard by which other Bars test themselves.

The Victorian Bar recently introduced the senior mentor program. Unlike the

junior mentor who is approached by the future Reader, the senior mentor is appointed by the Readers Course Committee and the Bar Council. The aim of the program is not to replace or diminish the role of the junior mentor. It is to enable the Reader to be introduced to a wider group of practitioners at the Bar. It also provides the opportunity to seek assistance from another mentor who is able to supplement the role of the junior mentor.

W Ross Ray

Chair

ANNUAL REPORT OF THE ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

The membership of the Committee is set out elsewhere in this Annual Report: special thanks, however, for their respective contributions over the past years must be extended to David Bennett QC, now Senior Fellow, Melbourne University Law Faculty, and Julie Nicholson, now Her Honour Judge Nicholson.

Further special thanks need to be expressed to Gerald Lewis and Carmel Morfuni who, together with Julie Nicholson, organized a successful drinks evening to promote the Mediation Centre. The Committee is grateful also to Wendy McPhee and Tania Giannakenas for their efforts.

Because of the absence of any demand for mediation courses the Committee has not convened any itself as it has in the past, referring the few enquiries to Bond University, LEADR or the other well-regarded providers.

The Mediation Centre has continued to operate well, although the slight drop in occupancy rates must be halted. Members of the Bar are urged at every opportunity to use the Centre and suggest it as a potential venue. Excellent literature with a graphic representation of the facilities has been prepared for that specific purpose. The Centre is also used for arbitrations and other forms of ADR and hearings.

The Centre has now been open for some five years, and in that time there has been no fee increase. In September 2000 the Committee persuaded the Bar Council to defer increases but the inevitable has occurred. Thankfully the increases, effective 1 July 2001, are modest and hopefully mean that break-even point is reached.

The staff members Helen Henry, Pauline Hannan, Robyn Cran and Kay Kelly are most efficiently assisted by Tania Giannakenas and, as required, David Bremner, and are owed our sincere gratitude. The excellent atmosphere they create and service they provide to the stressed parties or the less stressed (but occasionally difficult) practitioners is most commendable.

At the time of writing the current agenda of the Committee includes proposed Rules of Conduct for Mediation, a program of continuing education to be commenced by the Vice-Chairman, George Golvan QC, delivering to members of our Bar a most successful session he gave in New South Wales. The Federal Magistrates' Court has proposed a pilot scheme of mediation, and the Chairman has attended as required,

although the service at present is pressed by other priorities. The Bar's web page will now contain proper information concerning the Bar's Alternative Resolution Scheme and all the accredited mediators.

In addition the Committee has dealt with its more mundane tasks of accrediting mediators if appropriately qualified and dealing with correspondence, including assisting the Chief Justice in the preparation of a panel of medical negligence mediators.

I extend my appreciation to the members of the committee for their work during the year.

William J Martin

Chairman

ANNUAL REPORT OF THE VICTORIAN BAR NEWS

In the year to 30 June 2001 *Bar News* has gone into full colour production. Of the four issues published during the year, the last two have been in full colour. This has increased the cost of production, but the increase in cost has been off-set by the additional and more lucrative advertising which has been attracted to the magazine.

Bar News is now the premier Bar publication in Australia. The editors have received both compliments and "flack" on the quality and content. The errors and omissions are the responsibility of the editors. But the quality and content depend upon the quality of the material the editors receive. There seems to be a growing recognition that *Bar News* should be seen as the voice of the Bar, and one of the gratifying aspects of the last 12 months has been the increase in the contributions.

The Editors

ANNUAL REPORT OF THE EQUALITY OF OPPORTUNITY WORKING PARTY

The Equality of Opportunity Working Party was established by the Bar Council after receiving the report entitled *Equality of Opportunity for Women at the Victorian Bar* in July 1998. The principal activities of the Working Party concern the implementation of the proposals made in the report that are designed to promote equality of opportunity for women at the Bar. A number of those proposals were implemented within a short time after the report appeared.

In the past year, the Working Party has continued to meet, and its activities have included the following:

- (a) A seminar was held for representatives of government and semi-government briefing agencies. The keynote address was given by the Attorney-General for

Victoria, the Honourable Rob Hulls, who spoke of the need to ensure that appropriately qualified women were briefed in matters warranted by their experience and seniority. The seminar was conducted by Heather Carmody, an experienced external facilitator who has conducted previous similar seminars for the Working Party, and discussion was lively, with a number of valuable proposals coming forward. The Working Party is currently engaged in following up a number of those proposals.

- (b) With the co-operation of the Working Party, an article appeared in the *Law Institute Journal* relating to the seminar held last year for senior litigation solicitors in private firms. The Working Party is very grateful to the Law Institute for taking up the cause in this manner.
- (c) The internet-based directory of women barristers was launched, also by the Honourable Rob Hulls. This directory, which was recommended in the report, had taken a considerable time to establish, and it is hoped that it will provide assistance for solicitors seeking to identify appropriately qualified women to brief. The directory will be linked to the Victorian Bar's website, which is currently under construction.
- (d) As it is now three years since the report appeared, the Working Party is currently beginning to examine the extent to which matters have improved since the report first appeared. The Supreme, Federal and County Courts and the Victorian Civil and Administrative Tribunal have been asked to co-operate in a survey of the appearances made by women in matters before those Courts and Tribunals. A three-month period will be examined, in order to ascertain the frequency of appearances by women. The Working Party has, however, noted with some concern that despite the changes which have been introduced since the report appeared, the number of women coming to the Bar does not appear to be increasing and the number of women leaving the Bar does not appear to be diminishing.

D Mark B Derham

Chairman

ANNUAL REPORT OF THE ESSOIGN CLUB

The 2000/2001 financial year has proven to be yet another successful year for the Essoign Club. It was a year when the management and staff began preparing for the "new Essoign" by introducing innovative ideas designed to secure the continued patronage of the younger members of the Club.

The imminent renovation of Owen Dixon Chambers East will see the Club relocating to the first floor of that building, with exciting plans for changes to the layout and operation of the Club. It is expected that in its new location, it will be feasible for the Club to extend its hours, offering an attractive meeting place for breakfast and coffee in the morning, providing the usual quick, light meals at lunch, as well as a more formal, a la carte menu later in the week and continuing to be a favourite

drinks haunt for barristers winding down after a long day in Court. Of course, the Club will continue to provide take away alcohol and its superior catering services.

The Essoign Club's Committee has been steadily rebuilding wine stocks and is actively improving the quality of the Club's cellar. The attention paid to the selection of wines has been reflected in the growth of sales and profitability in this area.

Current Readers are entitled to complimentary membership of the Club during the Readers' Course and are also provided with a Readers discount card during this period, to encourage them to use the Club's facilities. In addition, subscriptions for membership of the Club are offered at a substantially discounted rate to the junior members of the Bar.

Applications for membership of the Club can be obtained from Barristers' Chambers Limited, 1st floor, Douglas Menzies Chambers, 180 William Street, Melbourne, or by contacting any of the directors of the Club. Membership of the Club is steadily increasing, with new barristers being the mainstay of the new applicants. It is hoped that this pleasing trend will continue into the future so that the clientele of the new Club will truly represent the diversity of life at the Victorian Bar.

Michael J Colbran

Chairman

SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC

**Statement of Financial
Performance
for the Year Ended 30 June 2001**

	2001	2000
	\$	\$
Operating Profit	623,852	610,455
Accumulated Funds at the beginning of the financial year	3,058,618	2,448,163
ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR	<u>3,682,470</u>	<u>3,058,618</u>

The accompanying notes form part of these financial statements.

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

**Statement of Financial Position
as at 30 June 2001**

	<i>Notes</i>	2001 \$	2000 \$
Current Assets			
Cash Assets		859,760	825,311
Other Financial Assets — Investments	3	1,229,552	1,067,553
Receivables	4	64,831	46,865
Total Current Assets		<u>2,154,143</u>	<u>1,939,729</u>
Non-Current Assets			
Other Financial Assets - Investments	5	2,016,300	1,516,300
Property Plant & Equipment	6	518,594	604,691
Loan to Essoign Club		42,351	42,351
Total Non-Current Assets		<u>2,577,245</u>	<u>2,163,342</u>
Total Assets		<u>4,731,388</u>	<u>4,103,071</u>
Current Liabilities			
Provisions	7	132,235	97,807
Payables		149,974	163,471
Subscriptions in Advance		762,899	775,152
Total Current Liabilities		<u>1,045,108</u>	<u>1,036,430</u>
Non-Current Liabilities			
Provisions	8	3,810	8,023
Total Non-Current Liabilities		<u>3,810</u>	<u>8,023</u>
Total Liabilities		<u>1,048,918</u>	<u>1,044,453</u>
Net Assets and Accumulated Funds		<u>3,682,470</u>	<u>3,058,618</u>

The accompanying notes form part of these financial statements.

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

**Statement of Cash Flows
For the Year Ended 30 June 2001**

	2001	2000
	\$	\$
Cash Flows From Operating Activities		
Subscriptions	1,714,138	1,666,237
RPA Reimbursement	336,550	281,271
Interest Received	124,893	93,753
Other Receipts	906	1,876
Payments to Suppliers and Employees	<u>(1,451,711)</u>	<u>(1,176,902)</u>
Net Cash Flows From Operating Activities	<u>724,776</u>	<u>866,235</u>
Cash Flows From Investing Activities		
Payments for Plant and Equipment	(28,328)	(54,678)
Purchase of Shares	<u>(500,000)</u>	<u>(500,000)</u>
Total	<u>(528,328)</u>	<u>(554,678)</u>
Cash Flows From Financing Activities		
Loan Repaid	<u>-</u>	<u>10,000</u>
Net Increase/(Decrease) in Cash Held	196,448	321,557
Add Opening Cash Balance	<u>1,892,864</u>	<u>1,571,307</u>
Closing Cash Balance	<u>2,089,312</u>	<u>1,892,864</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 2001

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 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 leave 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.

	2001	2000
	\$	\$

3. Other Financial Assets — Investments

Commonwealth Bank of Australia – Bank Bills	<u>1,229,552</u>	<u>1,067,553</u>
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4. Receivables

Subscriptions in Arrears	9,919	3,943
Prepayments	142	256
Sundry Debtors	<u>54,770</u>	<u>42,666</u>
Total Receivables	<u>64,831</u>	<u>46,865</u>

5. Other Financial Assets — Investments

Shares in Barristers' Chambers Limited at Cost	<u>2,016,300</u>	<u>1,516,300</u>
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6. Property, Plant and Equipment

Equipment	237,348	209,020
Provision for Depreciation	<u>(164,358)</u>	<u>(131,370)</u>
Total Equipment	<u>72,990</u>	<u>77,650</u>
Office Furniture	61,793	61,793
Provision for Depreciation	<u>(26,722)</u>	<u>(20,543)</u>
Total Office Furniture	<u>35,071</u>	<u>41,250</u>
Art Works	22,224	22,224
Provision for Depreciation	<u>(16,467)</u>	<u>(14,244)</u>
Total Art Works	<u>5,757</u>	<u>7,980</u>
Library	339,683	339,683
Provision for Depreciation	<u>(139,116)</u>	<u>(105,147)</u>
Total Library	<u>200,567</u>	<u>234,536</u>

Refurbishment – Douglas Menzies Chambers	390,658	390,658
Provision for Depreciation	(186,449)	(147,383)
Total Refurbishment	<u>204,209</u>	<u>243,275</u>
Total Property, Plant and Equipment	<u>518,594</u>	<u>604,691</u>

7. Provisions

Employee Entitlements	<u>132,235</u>	<u>97,807</u>
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8. Non-Current Liabilities

Employee Entitlements	<u>3,810</u>	<u>8,023</u>
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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:

- the attached financial statements and notes thereto comply with accounting standards as outlined in Note 1;
- the attached financial statements and notes thereto give a true and fair view of the financial position and performance of The Victorian Bar Inc;
- in the Officers' opinion, the attached financial statements and notes thereto are in accordance with the Victorian Bar's Constitution; and
- in the Officers' opinion, when this statement is made, 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:

26 July 2001

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**Deloitte
Touche
Tohmatsu**

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

Scope

We have audited the attached financial report, being a special purpose financial report, of the Victorian Bar Inc. for the financial year ended 30 June 2001 being the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and notes thereto. 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 2001 and of its operations and its cashflows for the year ended on that date.



DELOITTE TOUCHE TOHMATSU



J C Brant
Partner
Chartered Accountants

Melbourne, 31 July 2001

The liability of Deloitte Touche Tohmatsu, is limited by, and to the extent of, the Accountants' Scheme under the Professional Standards Act 1994 (NSW).

THE VICTORIAN BAR INC

Detailed Statement of Financial Performance for the Year Ended 30 June 2001

	<i>Notes</i>	2001 \$	2000 \$
Income			
Subscriptions		1,732,367	1,651,453
Sale of Publications		280	799
Other Income		626	561
RPA Reimbursement	1	351,984	263,418
Interest		124,893	93,753
Total Income		<u>2,210,150</u>	<u>2,009,984</u>
Expenses			
General Administration			
Archival Costs		8,563	7,991
Audit and Accounting Expenses		50,919	17,490
Australian Securities Commission		233	200
Bank Charges		5,867	4,472
Conference Expenses		16,747	20,710
Bar Dinner and Other Functions		93,789	79,492
Bar Dinner Receipts		(30,991)	(30,670)
<i>Bar News</i> Advertising Income		(30,333)	(31,995)
<i>Bar News</i> Expenses		89,584	95,900
Depreciation		24,267	19,857
Donations		1,000	160
Floral Tributes		3,268	4,072
Insurance		944	728
Legal Assistance Scheme Costs		34,295	-
Library (including Depreciation)		123,757	117,098
Miscellaneous		-	563
Postage		11,173	13,049
Printing and Stationery		93,307	100,593
Publications		6,768	9,698
Rent to Barristers' Chambers Limited		71,957	80,560
Research Studies and Projects		45,734	70,155
Salaries, Employee Entitlements, Superannuation and WorkCover Costs		460,064	382,696
Telephone		1,933	12,220

Travel Expenses	2,278	7,925
Australian Bar Association	41,820	41,910
Australasian Disputes Centre	–	1,000
International Bar Association	396	380
Law Council of Australia	114,520	109,714
Lawasia	1,000	1,000
LEADR	135	–
PILCH	3,150	3,150
Ethics Administration		
Salaries and Expenses	149,401	103,595
Readers' Course		
Receipts	(117,823)	(106,909)
Salaries, Expenses and Depreciation	284,316	273,530
Mediation Centre		
Receipts	(95,969)	(115,605)
Salaries, Expenses and Depreciation	120,229	104,800
Total Expenses	<u>1,586,298</u>	<u>1,399,529</u>
Operating Profit	623,852	610,455
Accumulated Funds at the beginning of the financial year	3,058,618	2,448,163
Accumulated Funds at the End of the Financial Year	<u>3,682,470</u>	<u>3,058,618</u>

NOTES TO THE DETAILED STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2001

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	157,331	109,526
Registration	79,687	53,892
<i>Victorian Bar News</i>	18,956	15,000
Readers' Course and Legal Education	56,036	50,000
Library	39,974	35,000
	<u>351,984</u>	<u>263,418</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>34,021</u>	<u>29,650</u>
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