



The Victorian Bar Inc

Reg. No. A0034304S

**ANNUAL
REPORT**

1 July 2001 – 30 June 2002

Annual Report of The Victorian Bar Inc for the Year Ended 30 June 2002

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00 pm on Monday, 2 September 2002, 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 2001, the following members of counsel were elected:

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

Robert F Redlich QC
W Brind Zichy-Woinarski QC
Anthony J Howard QC
John T Rush RFD QC
Philip A Dunn QC
W Ross Ray QC
Robin A Brett QC
G Tony Pagone QC
Michael W Shand QC
C F (Kate) McMillan S.C.
C J (Jim) Delany

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

Justin O'Bryan
Richard W McGarvie
Jeanette E Richards
Katherine L Bourke
Peter J Riordan
David J Neal

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

Paul T Duggan
James P Gorton
Michael G R Gronow
Peter A Clarke

The appointment of Justice Pagone to the Supreme Court of Victoria created a vacancy in Category A of the Bar Council. At a by-election held on 26 November 2001, Mark A Dreyfus QC was elected to fill the vacancy.

THE VICTORIAN BAR INC ANNUAL REPORT

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The Victorian Bar Inc
Owen Dixon Chambers East
205 William Street, Melbourne 3000
Phone: 9225 7111. **Fax:** 9225 6068.
E-mail: vicbar@vicbar.com.au
Website: www.vicbar.com.au

Chairman's Report

A Year of Challenges and Celebrations

This has been a year of challenges and celebrations. The ongoing Legal Practice Act review arising out of the November 2001 Sallmann Report ("Regulation of the Victorian Legal Profession" by Victorian Crown Counsel, Professor Peter Sallmann and Mr Richard Wright of the Victorian Constitution Commission) presents a serious ongoing threat to the independence and ethical foundation of the Bar.

The non-passage, at the very end of the Autumn 2002 parliamentary sitting, of state legislation that would have enabled the Bar to be insured with the Legal Practitioners Liability Committee, precipitated a crisis in Professional Indemnity Insurance. Both the Bar and the consumers of legal services are exposed to the vagaries of a market place in which insurers seek market monopoly as the only commercially attractive solution.

The Australian Competition and Consumer Commission continues to question what it sees as anti-competitive practices in the very existence of independent Bars throughout Australia.

However, there has, this year, been much to celebrate. There have been ceremonial sittings of the court to mark the one hundred and fiftieth anniversary of the Supreme Court, the twenty-fifth anniversary of the Federal Court, and the opening of the impressive new building for the County Court. It has been a privilege to represent the Bar at these sittings. Later this year, the County Court will celebrate its one hundred and fiftieth anniversary.

The Tradition of Service by Members

A real strength of the Victorian Bar is the tradition of service by members. I begin my report by recording my appreciation for the hard work and *esprit de corps* of the previous Bar Council, and by recognizing the service of those who retired from the Bar Council in September 2001. Mark Derham QC served as Chairman for eighteen months including the period July to September 2001 covered by this report. Mark's industry and service to the Bar whilst on the Bar Council, not only during his period as Chairman, deserves special recognition. I acknowledge also the service of David Ross QC, Will Houghton QC, Garrie Moloney, Peter Nugent and Sarah Hinchey, who all retired in September, and of Justice Tony Pagone, who served through September until his appointment to the Bench in October 2001. Garrie Moloney was on the Bar Council for a year, but had served as Assistant Honorary Secretary and then Honorary Secretary for six years prior to that.

Celebration of Life at the Bar in Portraiture

The excellence of women in the profession has been recognized in the appointment of numbers of women to the Bench and, in June, the Attorney-General unveiled a portrait of the Honourable Justice Sally Brown of the Family Court of Australia to hang in the foyer of Owen Dixon Chambers West, the first of what may be a series of "Images of Women in the Law." Justice Brown's portrait is in contemporary form by the noted photographic artist, Josephine Kuperholz, and hangs in the company of more traditional portraits of Chief Justice Sir Henry Winneke, High Court Chief Justice Sir Charles Gavan Duffy and Supreme Court Justice Sir Charles Lowe.

Towards the end of June, a fine portrait of the Honourable William Crockett QC by artist Barbara August was unveiled. The Honourable William Crockett has been described as the complete barrister and judge, remarkably quick and lucid, a prodigiously hard worker, patient, and an outstanding jurist. Above all he was acknowledged as a compassionate and understanding judge.

Another unveiling, last October, is also of special significance. The Honourable William

Kaye QC unveiled the portrait of the Honourable Sir Oliver Gillard QC painted from a photograph, which now hangs in the entrance hall in the splendidly renovated ground floor of Owen Dixon Chambers East. Sir Oliver was instrumental in the planning and building of Owen Dixon Chambers, and we do well to recall his vision for modern chambers that would bring most of the Bar together. It was strongly motivated by the thought that the building itself would promote the unity and collegiality of the Bar, which he saw as crucial to the development and maintenance of the ethical standards of the Bar.

The Renovation of Owen Dixon Chambers East

Our generation has built on both diversity and tradition. We have other sets of splendid modern chambers, but Owen Dixon Chambers remains central to the life and identity of the Bar. We have renovated the ground floor of Owen Dixon Chambers East; and now we are setting about the Herculean task of renovating the rest of Owen Dixon Chambers East.

The lay-out for the first and fifth floors that are to house the Bar Council, Bar Administration, Readers' Course, and the Essoign Club has been approved; the architectural drawings are complete and tenders have been received.

The designing of the first floor presented a unique opportunity for the Bar to produce an attractive and functional environment for all of the members of the Bar. The new Essoign Club will offer a variety of meals to cater for the differing needs of our members. The project is very exciting and I am confident that all of our members will enjoy the new facilities. I thank the Design Committee, Tony Howard QC, Michael Colbran QC, Paul Santamaria and Sarah Hinchey, and also David Bremner, who met and worked closely with representatives of the architects and of Barristers' Chambers Limited in recommending final plans for the Bar Council's approval.

Review of the Legal Practice Act 1996

Just as we are consolidating and modernising our legacy in Owen Dixon Chambers, so we are also working to retain the regulatory role of the Bar in developing, and maintaining professional standards.

The Sallmann Report received by the Attorney General last year, recommends regulation of the legal profession by a single, unitary Office of Legal Services Commissioner, who would be accountable to an independent Legal Services Board. The Report recommends that the Chair of the Board be a non-lawyer, and that only three of the seven members of the Board be members of the practising legal profession. One Departmental view advanced in the present discussion is that the legal profession should play no role whatsoever in any aspect of the profession's regulation.

The process of review of the *Legal Practice Act* 1996 has been long and arduous, it having been initiated in June 2000. The Bar continues to address government on our very serious concerns over the recommendations.

Ideological commitment by some to the elimination of the Bar and Law Institute from their own regulation, while divorced from the reality of practice, poses a very real threat to the maintenance of the high standards of the Bar. The Bar has no difficulty in its professional regulation being open, transparent, and accountable to government and the public. However, no public interest is served, by removal of the expertise of the Bar Ethics Committee from the process, or the responsibility by the Bar for practising certificates and fitness to practise. Timely advice by the Bar Ethics Committee to counsel before they act is a vital component in the present system. Such advice is not uncommonly given urgently by telephone while proceedings are stood down, and it is important that such advice continue to have the necessary authority within the regulatory framework so that counsel and the courts can rely on it.

We continue to demonstrate the merit of the critical role of the Bar Ethics Committee and Bar Council in professional regulation, supporting our submissions with facts and statistics. Over the next year we must continue to demonstrate the errors of those who seek, for whatever reason, to invest responsibility for the profession in persons independent of the profession.

The Australian Competition & Consumer Commission Investigation

For more than ten years, the Bar has been responding to criticism by various tentacles of government, both state and federal, claiming that the divided profession and the practice rules of the independent Bar are anti-competitive. The Australian Competition and Consumer Commission (“ACCC”) continues to raise questions as to the direct access rule, the sole practice rule, the chambers rules, the clerking rules, and our rules of conduct generally. All the independent Bars in Australia are under challenge and, the Victorian Bar continues to respond, liaising with our sister Bars in other States, and with the Australian Bar Association.

We have this year again responded to the effect that independent Bars are not anti-competitive, and are in the best interests of consumers and of the administration of justice.

Professional Indemnity Insurance

In March 2001, when it was placed in provisional liquidation, HIH Insurance Limited was the dominant professional indemnity insurer for most Victorian barristers. Most of those who had insurance with HIH arranged cover, at significantly increased premiums, with Suncorp Metway Insurance Limited for the rest of that financial year, and subsequently renewed that cover for the 2001-02 financial year. However, earlier this year, regrettably close to renewal time, Suncorp Metway announced it was withdrawing from the barristers’ professional indemnity market.

Michael Shand QC and the Bar’s Professional Indemnity Committee together with Executive Director, David Bremner, set about the task of finding and exploring alternatives. Their work involved close examination of the Bar’s claims history, painstakingly careful scrutiny of the terms and provisions of numerous current and proposed policies, and assessments of the insurers behind those policies. There were also countless meetings with, and representations to, the State Government, the Legal Practice Board and many potential brokers and insurers.

In the Bar Council’s opinion, consumers of legal services and the interests of members would be best served if the Bar joined the insurance scheme run by the Legal Practitioners Liability Committee (“LPLC”) as compulsory insurer for solicitors in Victoria. The Legal Practice Board agreed, and strongly supported the Bar’s representations to government for urgent passage of the necessary enabling legislation. The Board concluded that the terms and conditions offered by the LPLC should be utilised as a bench mark.

Only in June, did it become clear that the legislation could not be passed in the Autumn 2002 legislative sitting. The LPLC was not prepared to act on anything short of a statutory mandate.

Ultimately the Legal Practice Board had before it policies from three private insurers. The cover offered by American Re-insurance Company (AMRE) through its division of Munich-American Risk Partners, most closely matched the LPLC terms and conditions, which would mean cover for all members, but AMRE’s offer was predicated on it being the only insurer. Furthermore it imposed an aggregate limit of \$15 million on primary layer claims within a year. The Bar Council did not regard this as acceptable, and submitted to the Legal Practice Board that the Board should approve all three policies. The Board chose to approve only AMRE.

Suncorp, in late June, submitted a revised policy and asked the Board to further consider its policy. The Bar Council then requested that, if the Board approved further policies, it ensure that any terms and conditions so approved include a requirement that the insurance be available to all our members, and also provision for a cover note for all members so they would all be able to continue practice after July 1. Suncorp had previously been unwilling necessarily to provide

insurance to all of our members. Suncorp agreed and also undertook to offer a cover note for a reasonable period. This arrangement with Suncorp is now in place

Deaths and an Oral History of the Bar

Every year sees the passing of people who have been part of our history. This year, the nation marked the death of the last Anzac. Last year, the Bar lost Hubert Theodore (“Freddie”) Frederico QC, who was admitted to the Bar in 1930, and whose room in Selbourne Chambers had previously been occupied by Alfred Deakin, L.B. Cussen, Sir Robert Menzies and Sir Henry Winneke. Sir Daryl Dawson said in his eulogy of Freddie that “To go back along that life is to engage a considerable part of our history in this city, this state, and this country.”

Philip Dunn QC and Jack Rush QC have volunteered to head a committee that will compile and record oral history so as to preserve for future generations the recollections and experiences of those still with us.

This year saw the passing of Frank Ellis, James Morrissey QC, Brian Sweeney and, most recently, Kevin Whiting. A number of deaths this year were sudden and untimely. The Honourable Richard Fullagar QC died suddenly very shortly before the Bar Council reception to mark his retirement as Chairman of the Legal Profession Tribunal. Robert Kent QC died suddenly; the Honourable Kenneth Jenkinson QC, Lillian Lieder QC and Douglas Salek QC all died, after valiant battles.

All had lived lives of service. Richard Fullagar was Vice Chairman of the Bar Council and, for nineteen years, a Judge of the Supreme Court. Kenneth Jenkinson was a member of the Bar Council, a Judge of the Supreme Court, and then a Judge of the Federal Court. Robert Kent, a Judge of the County Court, was a member of the Bar Council for six years, taught Advocacy training in the Bar Readers’ Course for eighteen years, and had fourteen readers. He made an exceptional contribution to life at the Bar, particularly in relation to Readers. Lillian Lieder was the first woman Criminal Law barrister to take silk in Victoria. She was a member of the Mental Health Review Board, on the Ethics Committee of the Prince Henry and Alfred Hospitals. She taught at Leo Cussen and in the Bar Readers’ Course, and was Moot Master at the University of Melbourne, and had nine readers. Douglas Salek was one of the founding members of the Criminal Bar Association, and served on its committee, and was Vice Chairman of the Gordon and Jackson list. He worked on legal research, debates and seminars for the anti-smoking organization Quit Victoria, and was a member of the Tobacco Control Committee. He performed in theatre, and in the Bar Review. All will be sadly missed.

Bar Council Committees and Appointees, and Practice Area Bar Associations

Members of the Bar serve on the twenty-three Bar Council standing committees and sub-committees. There are over one hundred and fifty Bar appointees to various Boards, Committees and Councils, and there are committee and sub-committee members of nearly twenty Bar Associations by area of practice.

The composition of Bar Council Committees this year also gave effect to the equal opportunity recommendation of the Gender Bias Report suggesting greater involvement of women on Bar committees.

In September 2001, the new Bar Council decided to include on the Executive Committee one member from each of the two categories of the Bar Council members of not more than fifteen, and not more than six years’ standing, respectively. Jeanette Richards and Michael Gronow were selected, and each has made notable contributions.

The new Bar Council also agreed to explore the possibility of judges serving on Bar Council committees, as has been done very successfully for many years in the United States, where judges are active members on many American Bar Association committees. Chief Justice

Phillips, Chief Judge Waldron, and Chief Justice Black were all supportive, and these initiatives will be implemented in the near future.

Continuing Legal Education

The Bar has adopted a requirement that each person signing the Roll after 1 March 2002 undertake to complete three years of Continuing Legal Education (“CLE”) beginning the 1 July following their signing the Roll. Chief Justice Michael Black will officially launch this program on 31 July.

New members of the Bar will be required to complete ten hours of courses each year for three years. All members of the Bar are encouraged to participate, both as instructors and in taking courses in which they are interested. There will be a network of approved CLE providers and courses, which will include not only those offered by the Bar, but also designated law school graduate courses, and courses offered by other institutions such as the Leo Cussen Institute and the new Sir Zelman Cowan Centre for Continuing Legal Education of the Victoria University.

Once this programme is underway, the Bar Council will look to extend the course to other sections of the Bar.

Inappropriate and Unfair Public Comment and Criticism

On three occasions in the past year the Bar Chairman has taken action in relation to unfair and inappropriate criticism in the public media of members of the Bench and Bar. Mark Derham QC wrote to the Australian Press Council concerning the conduct of *The Age* in articles conveying the misleading impression that appointments of QC’s generally, and of one QC in particular, were based on political connections rather than merit, and of the paper’s refusal to correct the record. I issued media releases concerning the premeditated vilification of Justice Kirby under cover of parliamentary privilege, and concerning a personal attack on Justice Bongiorno, and upon the Office of Public Prosecutions in a criminal case.

Legal Assistance

Since June 2000, the Public Interest Law Clearing House (“PILCH”) has administered the Bar Legal Assistance program. In November 2001, PILCH was presented with the Tim McCoy Award for its work in coordinating Liberty Victoria’s Federal Court action on behalf of asylum seekers on the motor vessel *Tampa*.

PILCH is seeking increased financial support from the Bar for the coming year. The Bar Council has resolved to renew its agreement with PILCH on the same terms as last year, subject to possible revision once PILCH’s needs are known.

Human Rights

The Bar has extended its legal assistance program to provide support for asylum seekers. Also, in May 2002, the Bar Council authorized a media release expressing concern in relation to allegations concerning mandatory immigration detention of children.

Review of Law Reform Proposals and Legislation

The Bar continues to play a significant role across a broad spectrum of issues. In particular there is a constant high volume of proposed legislation and law reform material reviewed by members of the Bar Council and Criminal Bar Association. I would like to thank Roy Punshon S.C. and the executive of the Criminal Bar Association for their assistance and support.

Practice Rules Amendments

Members of the Bar Council and the Ethics Committee have been heavily involved in the introduction of new or amended Practice Rules. Amendments to the Practice Rules which took effect 1 July 2002 include the identification of those rules that do not apply to barristers acting as mediators; rules limiting publication of information on current or proposed proceedings in an effort to use the media to advance one's client's cause; rules permitting the return of briefs accepted under a conditional fee agreement in the event of an unreasonable rejection of an offer of settlement; and rules requiring written disclosure to the Ethics Committee by counsel of bankruptcy, or any agreement, composition or arrangement under part IX or X of the Bankruptcy Act, and of any conviction for an offence for which there is provision for a maximum sentence of twelve months or more. This disclosure rule arises out of publicity, mostly from New South Wales, concerning bankruptcy and tax avoidance by members of the profession. Bar Readers' Course application forms now require disclosure in relation to these matters.

The Bar Dinner

The annual dinner was at the Plaza Ballroom on 1 June 2002. We added a jazz band this year and, notwithstanding withdrawal of the licence to "roast" our honoured guests, the speech of the Junior Silk, John Langmead S.C., was witty and entertaining. We recognised twenty years of excellent service by Bar Executive Officer, Anna Whitney who has, throughout her period of service, been a dedicated and loyal servant to the Bar.

Thanks

I have had the support of a quite remarkable Bar Council, which has continued the tradition of collegial hard work and good humour of its predecessor. I thank each and every member of this year's Bar Council for all they have done. Senior Vice Chairman, Jack Rush QC, first joined the Bar Council in 1993; Junior Vice Chairman, Robin Brett QC, first joined the Bar Council in 1990, having before that served as Honorary Secretary for the previous four years. Both have provided unstinting and immeasurable support. Kate McMillan S.C., the present Ethics Committee Chair, and Brind Zichy-Woinarski QC, who previously chaired that committee for five years, have been of great assistance in the difficult and important issue of Legal Practice Act professional regulation review. Michael Shand QC, as chair of the Insurance Committee, has performed a Herculean task in the most arduous circumstances analysing the various proposals and policies for Professional Indemnity Insurance. This is the second year of the very effective Honorary Secretary and Assistant Secretary team of Richard Attiwill and Sharon Moore. Finally, I wish particularly to mention Executive Director, David Bremner, who has, as always, done outstanding work in what I expect has been his most difficult year to date.

Robert Redlich

Chairman

3 July 2002

Officers of the Bar Council

<i>Chairman</i>	Robert F Redlich QC
<i>Senior Vice-Chairman</i>	John T Rush RFD QC
<i>Junior Vice-Chairman</i>	Robin A Brett QC
<i>Honorary Treasurer</i>	G Tony Pagone QC (to 2 October 2001) W Ross Ray QC (from 11 October 2001)
<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 Officer</i>	Matthew Groves (to 11 January 2002) Ross Nankivell (from 3 May 2002)
<i>Manager, Legal Education and Training</i>	Barbara Walsh
<i>Legal Education Officer</i>	Elizabeth Rhodes
<i>Legal Education Assistant</i>	Jan Earl (from 27 August 2001 to 24 September 2001) Deborah Morris (from 3 December 2001)
<i>Investigations Officer, Ethics Committee</i>	Debbie Jones
<i>Legal Assistant to the Ethics Committee</i>	Rozanna Zalewski (to 30 May 2002)
<i>Accountant/Membership Records</i>	Mal De Silva
<i>Secretary</i>	Wendy McPhee
<i>Receptionist</i>	Tania Giannakenas (to 26 October 2001, on maternity leave)
<i>Administrative Assistants</i>	Rebekah Thompson (from 26 October 2001 Rebekah Thompson (to 26 October 2001), Tamara Darmenia (from 22 October 2001) and Daphne Ioannidis
<i>Archivist</i>	Alison Adams
<i>Mediation Receptionists</i>	Helen Henry, Pauline Hannan, Robyn Cran, Kay Kelly

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

<i>Chairman</i>	Robert F Redlich QC
<i>Senior Vice-Chairman</i>	John T Rush RFD QC
<i>Junior Vice-Chairman</i>	Robin A Brett QC
<i>Honorary Treasurer</i>	G Tony Pagone QC (to 2 October 2001) W Ross Ray QC (from 11 October 2001)
<i>Members</i>	W Brind Zichy-Woinarski QC Philip A Dunn QC W Ross Ray QC (to 11 October 2001) Michael W Shand QC C F (Kate) McMillan S.C. Jeanette E Richards Michael G R Gronow

Honorary Secretary
Assistant Honorary Secretary

Richard H M Attiwill
Sharon E Moore

PORTFOLIOS OF BAR COUNCIL MEMBERS

Bar Rules

W Brind Zichy-Woinarski QC, Mark A Dreyfus QC, C J (Jim) Delany and Michael G R Gronow

Barristers' Chambers Limited

Robin A Brett QC

Clerking

Philip A Dunn QC, C F (Kate) McMillan S.C., Paul T Duggan and James P Gorton

Commercial Bar

Michael W Shand QC, Jeanette E Richards and Peter A Clarke

Common Law Bar and Compensation Bar

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

Costs

C J (Jim) Delany and Paul T Duggan

Courts and Civil Procedures

Mark A Dreyfus QC, C J (Jim) Delany, Justin O'Bryan 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 James P Gorton

Equality Before the Law

John T Rush RFD QC, Robin A Brett QC, C F (Kate) McMillan S.C. and Jeanette E Richards

Family Law Bar

Anthony J Howard QC and Justin O'Bryan

Federal Courts and Industrial Law

Mark A Dreyfus QC, C F (Kate) McMillan S.C., Richard W McGarvie and Peter A Clarke

Law Council

W Ross Ray QC and Jeanette E Richards

Legal Aid

Anthony J Howard QC, Philip A Dunn QC and Dr David J Neal

Library and Technology

Michael W Shand QC, Justin O'Bryan and Michael G R Gronow

Major Events

Anthony J Howard QC, Katherine L Bourke, Peter J Riordan and James P Gorton

Pro Bono

W Brind Zichy-Woinarski QC, Katherine L Bourke and Michael G R Gronow

Professional Indemnity Insurance

Michael W Shand QC and Peter A Clarke

Property Law

Richard W McGarvie, Paul T Duggan and Peter A Clarke

Readers' Course and Continuing Legal Education

W Brind Zichy-Woinarski QC, W Ross Ray QC, C J (Jim) Delany, Jeanette E Richards and
Dr David J Neal

Bar Companies and Associations

(as at 30 June 2002)

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

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA COMMITTEE OF MANAGEMENT

Robert F Redlich QC (Chairman, Victorian Bar Council)
W Ross Ray QC (Honorary Treasurer, Victorian Bar Council)

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
Julie A Dodds-Streeton S.C.
Peter W Lithgow
Caroline M Kenny
Daryl F Collins (Chief Executive Officer)

ESSOIGN CLUB — BOARD OF DIRECTORS

Michael J Colbran QC (Chairman)
John E Middleton QC
David E Curtain QC
Katherine L Bourke (Honorary Treasurer)
James H Mighell
Dr John P M de Koning (Honorary Secretary)
Gunilla A Hedberg
Sara L Hinchey

THE MELBOURNE BAR PTY LTD

Board of Directors

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

Shareholders

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Neil J Young QC
John E Middleton QC
David E Curtain QC

CHAIRMEN OF THE LIST COMMITTEES

List A — Peter W Almond QC
List B — Paul A Scanlon QC
List D — Ross H Gillies QC
List F — Philip A Dunn QC
List G — Charles M Scerri QC
List H — Simon K Wilson QC
List L — Phillip G Priest QC
List M — Michele M Williams
List P — Richard R S Tracey QC
List R — Russell L Berglund QC
List S — Rodney M Garratt QC
List W — Charles Gunst QC

CHILDREN'S COURT BAR ASSOCIATION

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

COMMERCIAL BAR ASSOCIATION

David H Denton RFD S.C. (President)
Melanie Sloss (Senior Vice-President)
Albert A Monichino (Vice-President (Convenor))
John R Dixon (Treasurer)

COMMON LAW BAR ASSOCIATION

Ross H Gillies QC (Chairman)
John H L Forrest QC (Vice-Chairman)
David A Kendall QC
Richard J Stanley QC
Peter J Galbally QC
John T Rush RFD QC (Secretary)
John A Jordan S.C.
David F R Beach S.C.
David J Martin (Secretary)
Trevor S Monti
Andrew McH Ramsey
Frank D Saccardo
Timothy P Tobin
Michael F Wheelahan
Simon K McGregor
Mary Anne Hartley (Treasurer)

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

Roy F Punshon S.C., (Chairman)
Duncan L Allen (Vice-Chairman)
Jeanette G Morrish QC
Stephen A Shirrefs
Edwin J Lorkin (Secretary)
Donna Bakos
Reginald J Marron
P Justin Hannebery
Lesley A Taylor
Nicola M Gobbo (Treasurer)
Michelle T Hodgson
Carolene R Gwynn

FAMILY LAW BAR ASSOCIATION

Noel J Ackman QC (Chairman)
Graeme P L Thompson (Treasurer)
Andrew I Strum (Secretary)

WOMEN BARRISTERS' ASSOCIATION

Frances Millane (Convenor)
Fiona M McLeod (Assistant Convenor)
Kim M Pettigrew (Assistant Convenor)
Joy S Elleray (Treasurer)
Susan M Brennan (Secretary)
Karen L Streckfuss (Assistant Secretary)
Debra J Coombs (Membership Secretary)
Alexandra Richards QC
Helen M Symon S.C.
Georgina Grigoriou
Kathryn R Rees
Eilish J Cooke
Aine M Magee

Standing Committees of the Bar Council

(as at 30 June 2002)

Aboriginal Law Students Mentoring Committee

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

Applications Review Committee

Robin A Brett QC (Chair), Frank X Costigan QC, Anthony J Howard QC, G John Digby QC, Michael J Colbran QC, J Anthony Magee, Dr Dorothy Kovacs, Tomaso Di Lallo, Caroline M Kenny, Michael F Wheelahan, Caroline E Kirton, Richard H M Attiwill (Honorary Secretary) and Sharon E Moore (Assistant Honorary Secretary)

Child Care Facilities Committee

Fiona M McLeod (Chair), Jennifer J Batrouney S.C., Stephen J Jones, Georgina Grigoriou, Victoria J Bennett and Maya Rozner

Conciliators for Sexual Harassment and Vilification

Michael Rozenes QC (Convenor), Frank X Costigan QC, Richard J H Maidment S.C., Joy S Elleray, Debra S Mortimer, Fiona M McLeod and Melanie P Young

Counsel Committee

John T Rush RFD QC (Chair), Philip A Dunn QC, W Ross Ray QC, Michael W Shand QC, Richard W McGarvie, Jeanette E Richards, Katherine L Bourke, James P Gorton, Richard H M Attiwill (Honorary Secretary) and Sharon E Moore (Assistant Honorary Secretary)

Equality Before the Law Committee

Robin A Brett QC (Chair), Robert F Redlich QC, John T Rush RFD QC, Jennifer J Batrouney S.C., David C Munro RFD, Jennifer Davies, Frances Millane, Richard W McGarvie, Fiona M McLeod, Dr David J Neal, Kim M Pettigrew, Peter A Clarke, Erin J Gardner, Deborah A Siemensma (Secretary) and David J L Bremner

Ethics Committee

Committee: C F (Kate) McMillan S.C. (Chair), Paul A Willee RFD QC, William F Lally QC, Peter Young QC, Ian D Hill QC, Martin Bartfeld QC, Mark A Dreyfus QC, Paul Lacava S.C., Gerald A Lewis, Cameron C Macaulay, C J (Jim) Delany (Secretary), Michelle L Quigley, Kerri Judd, Peter Riordan, Sharon Johns; *Staff:* Debbie Jones (Investigations Officer)

First Aid Officers

Anthea E L MacTiernan and Carolyn H Sparke

Human Rights Committee

Jacob I Fajgenbaum QC (Chair), the Honourable Justice Robert Osborn, Charles H Francis QC, Remy van de Wiel QC, Alexandra Richards QC, Herman Borenstein S.C., Peter C Golombek, C J (Jim) Delany, Debra S Mortimer, Pauline L Shiff, Wendy A Harris, Shane A M Lethlean, Susan M Brennan and Judy Benson (Secretary)

Legal Assistance Committee

Anthony J Howard QC (Chair), Patrick F Tehan QC, Gerald A Lewis, Michelle L Quigley, Richard W McGarvie, Elizabeth J Hollingworth, Fiona M McLeod, Samantha E Burchell, Matthew D Townsend, Nicholas D Horner, David J L Bremner, John A Emerson and Emma

Hunt

Legal Education and Training — Legal Education and Training Committee

W Ross Ray QC (Chairman), The Honourable Justice G (Tony) Pagone, W Brind Zichy-Woinarski QC, Julian W K Burnside QC and Paul D Santamaria. *Staff:* Barbara Walsh (Manager, Legal Education & Training) and Elizabeth Rhodes (Legal Education & Training Officer)

Legal Education and Training — Continuing Legal Education Sub-Committee

Richard R S Tracey QC, Jeremy Ruskin QC, Alexandra Richards QC, David H Denton RFD S.C., Albert A Monichino, Dr Dorothy Kovacs, James D Elliott, Dr David J Neal and Elizabeth M Brimer *Staff:* Barbara Walsh (Manager, Legal Education & Training) and Elizabeth Rhodes (Legal Education & Training Officer)

Legal Education and Training — Readers' Course Sub-Committee

The Honourable Justice David L Harper, Neil J Clelland, P Mark Taft, Donna Bakos, Caroline E Kirton, Matthew N Connock, Robert W Taylor, Sara L Hinchey, Martin L Grinberg and Paul J Lawrie *Staff:* Barbara Walsh (Manager, Legal Education & Training), Elizabeth Rhodes (Legal Education & Training Officer) and Deborah Morris (Legal Education & Training Assistant)

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, Dr Chris N Jessup QC, Susan M Crennan QC, Neil J Young QC, John E Middleton QC, David E Curtain QC and D Mark B Derham QC

Professional Indemnity Insurance Committee

Michael W Shand QC, (Chair), Anthony G Southall QC, Michael D G Heaton QC, Mark A Dreyfus QC, Jennifer J Batrouney S.C., David F R Beach S.C., Paul F O'Dwyer, Ian S Williams, Cameron C Macaulay, David M Clarke, Dr John P M de Koning, Alan D Kornhauser, Maria A Carroll, Andrew Hamlyn-Harris and David J L Bremner

Victorian Bar Dispute Resolution Committee

William J Martin QC (Chair), George D Golvan QC (Deputy Chair), Nathan A Moshinsky QC, Henry Jolson QC, G John Digby QC, David S Levin QC, Michael D G Heaton QC, Gerald A Lewis, Marc T Bevan-John, James Cyngler, Ross G Maxted, Frances Millane, Gerald A Hardy, Georgina Grigoriou, Carmel Morfuni, Cornelia N Fourfouris-Mack, Michael H Whitten and C Elizabeth Brophy

Victorian Bar News

Editors: P Gerard Nash QC, Paul D Elliott QC; *Editorial Board:* Julian W K Burnside QC, Graeme P L Thompson, Judy Benson; *Editorial Committee:* John V Kaufman QC, Olyvia Nikou S.C., Carolyn H Sparke, Georgina L Schoff, Paul Duggan, Nicola Gobbo, Richard L Brear (Editorial Assistant), Peter W Lithgow (Book Reviews)

Victorian Bar Theatre Company Steering Committee

D Mark B Derham QC (Chairman), Simon K Wilson QC, Paul D Elliott QC, Jeanette G Morrish QC, Paul E Bennett, Graeme P L Thompson, Darren A Mort, Peter T Nugent, Georgina L Schoff, James P Gorton, Paul J Hayes, Nicholas A T Harrington and David J L Bremner (Secretary).

Joint Standing Committees

(as at 30 June 2002)

Bar/BCL Communications Committee

D Mark B Derham QC (Chair), Michael W Shand QC, David S Levin QC, Peter W Lithgow, William E M Lye, Geoffrey Bartlett, David J L Bremner, Michael Feramez and Ian Green

Law Aid (Bar/LIV)

Richard J Stanley QC, Peter J Galbally QC, David F R Beach S.C. and Mary Anne Hartley

Listing Problems Committee (Bar/LIV)

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

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

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

Police/Lawyers Liaison Committee

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

Bar Appointees

(as at 30 June 2002)

Appeal Costs Board

Anthony E Hooper QC

Australasian Disputes Centre

William J Martin QC

Australian Bar Association — Council

Robert F Redlich QC (Delegate) and John T Rush RFD QC (Alternate)

Australian Red Cross — International Humanitarian Law Advisory Committee

Position Vacant

Commonwealth A.A.T. — (Melbourne) Liaison Committee

Charles Gunst QC

Council of Law Reporting

James D Merralls AM, QC and Charles Gunst QC

Council of Legal Education

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

County Court — Building Cases Users Group

Richard J Manly S.C. and Leslie M Schwarz

County Court — Business Process Re-engineering Project

Robin P Gorton QC and David F R Beach S.C.

County Court — Rules Committee

Peter T Fox and Michael J Corrigan

County Court — WorkCover Users Group

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

Federal Court — Corporations List Users Group

Simon P Whelan QC and David J O'Callaghan (Alternate)

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 — Native Title Committee

K Ross Howie S.C. and David A Parsons S.C.

Federal Court — Users Committee

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

Firearms Appeal Committee

Carolyn H Sparke

International Bar Association — Human Rights Liaison Officer

Jacob I Fajgenbaum QC

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 — *Australian Lawyer* Editorial Committee

P Gerard Nash QC

Law Council of Australia — Access to Justice Committee

Duncan L Allen

Law Council of Australia — Council

W Ross Ray QC and John T Rush RFD QC (Alternate)

Law Council of Australia — Equalising Opportunity in the Law Committee

Kim M Pettigrew

Law Council of Australia — Young Lawyers Standing Committee

Rachel M Doyle

Law Institute of Victoria — Commonwealth Law Conference 2003

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

Law Institute of Victoria — Fee Disputes Conciliator

Jeremy Ruskin QC

Lawyers Engaged in Alternative Dispute Resolution (LEADR)

William J Martin QC and Dr Damien J Cremean

Legal Practice Board

John E Middleton QC

Legal Practice Board — Legal Costs Committee

Nicholas J D Green QC

Legal Profession Tribunal — Advocate Members

Frank X Costigan 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., Aristomenis Garantziotis, Sue A Winneke, Christopher J Ryan and Elizabeth J Hollingworth

Legal Profession Tribunal — Conciliators

Nathan A 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

Leo Cussen Institute for Continuing Legal Education

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

Magistrates' Court — Civil Rules Committee

Ian R McEachern, Gregory L McNamara and Franz L 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 RFD QC and P Gerard Nash QC (Alternate)

Public Interest Law Clearing House (PILCH)

Richard W McGarvie and Fiona M McLeod (Alternate)

Salvation Army Victoria Court and Prison Chaplains Advisory Board

Andrew B J Combes

Supreme Court — Academic Course Appraisal Committee

Jacob I Fajgenbaum QC

Supreme Court — Board of Examiners

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

Supreme Court — Building List Users Committee

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

Supreme Court — Chief Justice's Civil Listing Committee

Richard J Stanley QC

Supreme Court — Chief Justice's Committee for Religious Observances

Anthony E Radford

Supreme Court — Chief Justice's Computer Committee

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

Supreme Court — Chief Justice's Library Committee

Geoffrey A A Nettle QC and Melanie Sloss

Supreme Court — Chief Justice's Rules Committee

Geoffrey A A Nettle QC and Peter Fox

Supreme Court — 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 — Commercial Causes Users Committee

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

Supreme Court — Costs Co-ordination Committee

Michael W Shand QC

Supreme Court — Court Management

Stephen W Kaye QC and Robin A Brett QC

Supreme Court — Probate Users' Committee

Richard R Boaden and Shane P Newton

University of Melbourne Law Faculty

Allan J Myers QC and Neil J Young QC

Victoria Law Foundation (including Grants Committee)

Philip A Dunn QC

Victoria Legal Aid — Community Consultative Committee

Dr David J Neal

Victorian Association for the Care and Resettlement of Offenders (VACRO)

Philip A Dunn QC

Victorian Civil and Administrative Tribunal Consultative Users Groups

— Anti-Discrimination List Users Group

Herman Borenstein S.C., 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

Mark A Dreyfus QC and David J Martin

Victorian Civil and Administrative Tribunal Consultative Users Groups

— Guardianship List Users Group

Carolyn H Sparke

Victorian Civil and Administrative Tribunal Consultative Users Groups

— Occupational & Business Regulation List Users Group

Mark A Dreyfus QC, Brian L Bourke, E Lloyd Bryant, John F M Larkins, Thomas V Hurley and Mary Anne 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 Heritage Council

John L Dwyer QC

Victorian Workcover Authority Committee

Robin P Gorton QC (Chair), 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 3 September 2001.

BAR COUNCIL MEETINGS

For the year ended 30 June 2002 the Bar Council held 3 special meetings and 24 ordinary meetings.

The 2001/2002 Bar Council first met on 6 September 2001. Between that date and 1 August 2002 there have been 2 special meetings and 22 ordinary meetings. Attendance at these meetings was as follows:

Robert F Redlich QC	22	C J (Jim) Delany	18
John T Rush RFD QC	19	Justin O'Bryan	20
Robin A Brett QC	23	Richard W McGarvie	14
W Brind Zichy-Woinarski QC	21	Jeanette E Richards	20
Anthony J Howard QC	22	Katherine L Bourke	11
Philip A Dunn QC	15	Peter J Riordan	21
W Ross Ray QC	17	Dr David J Neal	17
G Tony Pagone QC (to 2/10/01)	3	Paul T Duggan	17
Michael W Shand QC	23	John P Gorton	19
Mark A Dreyfus QC (from 26/11/01)	13	Michael G R Gronow	23
C F (Kate) McMillan S.C.	20	Peter A Clarke	21

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 2002 the Executive Committee held 19 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 2001 to 30 June 2002 the Bar Council fixed annual subscriptions (including GST) for members of the Bar as follows:-

Division A, Part I

Queen's Counsel/Senior Counsel	\$2765
Over 15 years	\$1774
Over 14 years	\$1692
Over 13 years	\$1610
Over 12 years	\$1527
Over 11 years	\$1446
Over 10 years	\$1353
Over 9 years	\$933
Over 8 years	\$887
Over 7 years	\$840

Over 6 years	\$793
Over 5 years	\$747
Over 4 years	\$700
Over 3 years	\$642
Over 2 years	\$537
Over 1 year	\$490
Under 1 year's standing	\$269
Readers (September 2001)	\$123
Readers (March 2002)	\$25
Division A, Part II	
Crown Prosecutors	\$339
Division A, Part III	
Interstate and Overseas Queen's and Senior Counsel	\$443
Interstate and Overseas Juniors	\$339
Division B, Part III	
Ministers of the Crown and Members of Parliament	\$339
Division B, Part IV	
Solicitors-General and Directors of Public Prosecutions	\$339
Division B, Part VII	
Crown Counsel and Parliamentary Counsel	\$339
Division B, Part VIII	
Other Official Appointments	\$339
Division D	
Academics	\$339

Personalialia

(as at 30 June 2002)

OBITUARIES

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

Robert K Kent QC on 15 July 2001

Douglas M Salek QC on 29 July 2001

The Honourable Kenneth J Jenkinson QC on 24 August 2001

Lillian Lieder QC on 27 August 2001

Brian T Sweeney on 7 November 2001

The Honourable Richard K Fullagar QC on 19 November 2001

James H Morrissey QC on 25 November 2001

Vincent F (Frank) Ellis on 11 January 2002

Kevin Whiting on 23 May 2002

JUDICIAL APPOINTMENTS

Federal Magistrates Court

On 9 October 2001 John Walters was appointed as a Federal Magistrate of the Federal Magistrates Court.

Supreme Court of Victoria

On 3 July 2001 The Honourable Justice Habersberger was appointed as a Judge of the Supreme Court of Victoria.

On 18 July 2001 The Honourable Justice Flatman was appointed as a Judge of the Supreme Court of Victoria.

On 2 October 2001 The Honourable Justice Pagone was appointed as a Judge of the Supreme Court of Victoria.

On 8 May 2002 The Honourable Justice Osborn was appointed as a Judge of the Supreme Court of Victoria.

County Court of Victoria

On 3 July 2001 Her Honour Judge Nicholson was appointed as a Judge of the County Court of Victoria.

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

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

On 20 August 2001 Her Honour Judge Cohen was appointed as a Judge of the County Court of Victoria.

On 20 August 2001 Her Honour Judge Sexton was appointed as a Judge of the County Court of Victoria.

On 2 October 2001 Her Honour Judge Hogan was appointed as a Judge of the County Court of Victoria.

On 4 June 2002 His Honour Judge Gullaci was appointed as a Judge of the County Court of Victoria.

Magistrates' Court

On 24 July 2001 Kim Parkinson was appointed a Magistrate of the Melbourne Magistrates' Court.

Senior Counsel

On 27 November 2001 the following members of the Victorian Bar were appointed Senior Counsel in Victoria:

Ian M Pitt, George G McGrath, Herman Borenstein, Colin G Hillman, David A Parsons, Leslie Glick, Peter N Rose, Brian E Walters, David G Collins, Julie A Dodds-Streton, David H Denton, Richard J H Maidment, Richard J Manly, Mark E Dean, David F R Beach, Geoffrey G McArthur and H John Langmead.

Welcomes

On 18 July 2001 The Honourable Justice Habersberger was welcomed to the Bench of the Supreme Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 27 July 2001 The Honourable Justice Flatman was welcomed to the Bench of the Supreme Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 31 July 2001 Her Honour Judge Nicholson was welcomed to the Bench of the County

Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 20 August 2001 His Honour Judge Hicks was welcomed to the Bench of the County Court of Victoria by Robert Redlich QC, Senior Vice-Chairman of the Victorian Bar Council.

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

On 24 August 2001 Her Honour Judge Cohen was welcomed to the Bench of the County Court of Victoria by Mark Derham QC, Chairman of the Victorian Bar Council.

On 27 August 2001 Her Honour Judge Sexton was welcomed to the Bench of the County Court of Victoria by Robert Redlich QC, Senior Vice-Chairman of the Victorian Bar Council.

On 5 October 2001 Her Honour Judge Hogan was welcomed to the Bench of the County Court of Victoria by Robert Redlich QC, Chairman of the Victorian Bar Council.

On 10 October 2001 The Honourable Justice Pagone was welcomed to the Bench of the Supreme Court of Victoria by Robert Redlich QC, Chairman of the Victorian Bar Council.

On 29 October 2001 John Walters FM was welcomed to the Bench of the Federal Magistrates Court by Jack Rush QC, Senior Vice-Chairman of the Victorian Bar Council.

On 4 April 2002 Her Honour Judge Lawson was welcomed to the Bench of the County Court of Victoria by Jack Rush QC, Senior Vice-Chairman of the Victorian Bar Council.

On 15 May 2002 The Honourable Justice Osborn was welcomed to the Bench of the Supreme Court of Victoria by Robert Redlich QC, Chairman of the Victorian Bar Council.

On 7 June 2002 His Honour Judge Gullaci was welcomed to the Bench of the County Court of Victoria by Robin Brett QC, Junior Vice-Chairman of the Victorian Bar Council.

Farewells

On 2 August 2001 the legal profession met to pay tribute to His Honour Judge Keon-Cohen 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 August 2001 the legal profession met to pay tribute to the Honourable Justice Hedigan 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 19 October 2001 the legal profession met to pay tribute to Judicial Register Nikakis on the occasion of his retirement from the Family Court of Australia. Robert Redlich QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 6 March 2002 the legal profession met to pay tribute to the Honourable Justice Brooking on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Robert Redlich QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 15 March 2002 the legal profession met to pay tribute to the Honourable Justice Smithers on the occasion of his retirement from the Family Court of Australia. Robert Redlich QC, Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

Roll of Counsel

(as at 30 June 2002)

Division A, Part I

Victorian Practising Counsel — Queen's and Senior Counsel — Male	174
— Queen's and Senior Counsel — Female	10
Victorian Practising Counsel — Junior Counsel — Male	1012
— Junior Counsel — Female	250

Division A, Part II	
Prosecutors for the Queen	22
Division A, Part III	
Interstate and Overseas Counsel	154
Division B, Part I	
Governors	1
Division B, Part II	
Judges	173
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	8
Division B, Part VI	
Magistrates and Full-time Members of Statutory Tribunals	74
Division B, Part VII	
Crown Counsel and Parliamentary Counsel	7
Division B, Part VIII	
Other Official Appointments	2
Division C, Part I	
Retired Judges and other Judicial Officers	56
Division C, Part II	
Retired Holders of Public Office other than Judicial Officers	9
Division C, Part III	
Retired Counsel	71
Division D	
Academics	15
TOTAL	2052

Between 1 July 2001 and 30 June 2002 the following 85 persons signed the Roll of Counsel:

Anastasios (Tom) Moisisdis (re-signed), Jocelyn K Cole (re-signed), Belal (Bill) Baarini, Lisa J Hannon, Juliet E Forsyth, Bart Carew, Glen A Pauline, David P Littlejohn, Patricia C Jones, Anthony G Burns, Michael Faltermaier, Daniel Porceddu, W Richard Clancy, David A Glynn, Allana B Goldsworthy, Peter N Crofts, Diana Rasheva, Christopher J Pearson, Justin P Foster, Roland G Anthony, Bernard B Carr, Robert J Sadler, Deborah A Siemensma, Helen M J Rofe, Carey J Nichol, Sarah J Porritt, Noel A Hutchison, Suzanne J Jones, Anna L Robertson, P Daryl Murray-Hennessy, Annabel K Glover, John R T Love, Daniel C Harrison, Paul A Stefanovic, Geoffrey Q C Ambrose, Christopher P Durston, George S Baker, Samantha B Cipriano, Michelle P E Ehrlich, Ross Frazzetto (re-signed), Gerard P Mullaly (re-signed), Frank Tallarida (re-signed), Mary Sevdalis (re-signed), Nicholas Papas (re-signed), Julie R Davis (re-signed), Carmel M Fenton, Paul M O'Grady, Georgia Tsirimbis, Ian G McKechnie, Paul T Vout, Joseph D'Abaco, Michael H O'Bryan, Kylea R Anderson, Thomas G Moloney, Peter Neustupny, David L Pumpa, Shaun Ginsbourg, My Anh Tran, Marcus E Dempsey, Kellie A Blair, Karl W Brandon, Nick R Dubrow, Susan K Gatford, Philip B Hayes, Daniel J Crennan, Jacqueline Robertson, Rowena J Orr, Miguel A Belmar Salas, Jennifer M Firkin, John P Gaffney, Lisa K Sarmas, Patricia E Dobson, Anthony D O'Donoghue, Nola Karapanagiotidis, Warwick A Rothnie, Victoria E Lambropoulos, David G Llewellyn, Julianne E Jaques, Benjamin Reid, Matthew J Bromley, Stanley E Isaiah, John R Gurr, Stephen R Howe, Yusuf Zaman, Adam C McLean, Gregory J Z Levine (re-signed)

Between 1 July 2001 and 30 June 2002 the names of the following Interstate and Overseas Counsel were entered on the Roll of Counsel:

David J Porter QC, Anne M Sheehan, Paul F Dalkie, Barry J Hart

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

John R Downie, Dermot H Connors, Bernard J Sutherland, Mary-Louise A Brien, Rowena E Cantley-Smith, Kevin F Maguire, Paul A Norris, Kym B Connell, Rodrigo A Arellano, Genevieve E Howse, Mathew R Carey, Michael W Bright, Dr Steven K Tudor, Patricia R Riddell, Bruce O Bowlby, Annabelle Lane, Cameron J Allen, Jonathan J Ward, Frank Tallarida, David A B Munz, Ken M Liversidge, Richard A Connock, Fiona G Phillips, Michael G Prideaux, Julie Condon, Stephen J Ballek, D Christine Blanksby, Kenneth F Sparks, Gregory J Meese, Colin W Moyle, Dr Colin Campbell, Bernice M Wearne, George A Watkins, Timothy R Luxton, Shaun L Le Grand, Karl W Brandon

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

John J Webster, Leslie S Einstein, Jacqueline S Gleeson, Dr David A Chaikin, Dennis L Ronzani, Stephen J Archer, Mark L Brabazon, Elizabeth M O'Reilly S.C.

Member whose name was removed from Division B, Part VIII (Other Official Appointments):

Rebecca J McDonald Smith

Members whose names were removed from Division C, Part II (Retired Holders of Public Officer other than Judicial Office):

Patrick J P White, Rowena M Armstrong QC

Members whose names were removed from Division D (Academics):

John H Telfer, Susan V MacCallum

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

Gabrielle T Cannon, Raymond L Gibson

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

Keith J Oderberg

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

The Honourable Justice Habersberger, Her Honour Judge Nicholson, His Honour Judge Smallwood, Her Honour Judge Cohen, The Honourable Justice Pagone, Her Honour Judge Hogan, John M Walters FM, The Honourable Justice Osborn, His Honour Judge Joseph Gullaci

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

Sophie Panopoulos MP

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

Kim M Parkinson, Alan D Vassie, Janine A Perlman

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

Judith A Bretherton, Gerard M Ryan, Peter K Searle, J Raymond Perry

Members whose names were transferred from Division A, Part II (Crown Prosecutors) to Division B, Part II (Judges):

His Honour Judge Hicks, Her Honour Judge Sexton

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

Paul A Coghlan QC

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

The Honourable Justice Haylen, The Honourable Justice Gzell, The Honourable Justice Joseph C Campbell, The Honourable Justice Eric M Heenan

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

John D Cummins QC, Roger W R Parker

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

His Honour Judge Keon-Cohen, The Honourable Justice John J Hedigan, The Honourable

Justice Robert Brooking, The Honourable Justice Adrian A Smithers, His Honour Judge Barry Mahoney

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

Member whose name was transferred from Division B, Part IV (Solicitors General and Directors of Public Prosecutions) to Division B, Part II (Judges):
The Honourable Justice Flatman

Members whose names were transferred from Division B, Part V (Masters and Judicial Registrars) to Division C, Part I (Retired Judges and Other Judicial Officers):
Judicial Registrar Nikakis, Master Rex Patkin

Member whose name was transferred from Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals) to Division C, Part I (Retired Judges and Other Judicial Officers):
Michael A Adams QC

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

Member whose name was transferred from Division B, Part VII (Crown Counsel and Parliamentary Counsel) to Division C, Part II (Retired Holders of Public Officer other than Judicial Office):
Rowena M Armstrong QC

Member whose name was transferred from Division C, Part I (Retired Judges and Other Judicial Officers) to Division A, Part I (Victorian Practising Counsel):
Michael A Adams QC

Member whose name was transferred from Division D (Academics) to Division C, Part III (Retired Counsel):
Professor Douglas G Williamson RFD 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 4 February 2002. The services were held at St Paul's Cathedral, St Patrick's Cathedral, Melbourne Hebrew Congregation and St Eustathios Cathedral.

Social Functions

At a function held in the Essoign Club on 3 September 2001 Readers were welcomed to the

Victorian Bar.

A Readers and Mentors dinner was held in the Essoign Club on 22 November 2001 and the guest speaker was the Honourable Justice Pagone.

At a function held in the Essoign Club on 4 March 2002 Readers were welcomed to the Victorian Bar.

A Readers and Mentors dinner was held in the Essoign Club on 23 May 2002 and the guest speaker was the Honourable Justice Eames.

On 25 October 2001 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.

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.

The 2002 Victorian Bar Annual Dinner was held on 1 June 2002 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 Habersberger

The Honourable Justice Flatman

The Honourable Justice Pagone

The Honourable Justice Osborn

Her Honour Judge Nicholson

His Honour Judge Hicks

His Honour Judge Smallwood

Her Honour Judge Cohen

Her Honour Judge Sexton

Her Honour Judge Hogan

Her Honour Judge Lawson

Paul Coghlan QC, DPP

Commonwealth

The Hon Sir Edward Woodward AC, OBE, QC

Federal Magistrate Michael Connolly

Federal Magistrate John Walters QC

Robert Redlich QC, Chairman of the Victorian Bar Council, proposed the toast to the Queen and to Australia.

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

Robert Redlich QC welcomed the honoured guests of the Bar and introduced the Junior Silk, John Langmead S.C., who addressed the honoured guests. The Honourable Justice Pagone 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 17 December 2001, at the match played at Junction Oval, the Victorian Bar defeated the Law Institute, thus retaining the Sir Henry Winneke Trophy. Scores were: the Bar 8/130 (Parnell 36, Castelan 24, Wraith 17 n.o.) defeated the Law Institute 6/114 (Stevens 2/21, Connor 1/15, Parnell 1/16). Man of the Match: Matthew Parnell.

On 15 January 2002, at a match played at the Brighton Beach Oval, the combined Victorian Bar and Law Institute team defeated the touring Singapore Cricket Club. Scores were: the Bar and Law Institute 6/139 (Chancellor 42 n.o., Klotz 38) defeated Singapore Cricket Club 103 (Hannebery 3/20, Klotz 3/27, Dalton 2 stumpings). Man of the Match: Tony Klotz.

Golf

The annual golf tournament between the Bench and Bar against the Law Institute of Victoria was held at Kingston Heath Golf Club on 18 December 2001. The Bench and Bar won the tournament and regained the Sir Edmund Herring Trophy.

Hockey

On 13 October 2001, at a match played at the Olympic Sports Centre, Homebush NSW, the Victorian Bar team drew with the New South Wales Bar 2 goals each.

At a match played at the State Hockey Centre on 25 October 2001, the Victorian Bar team defeated the Law Institute team by 2 goals to 1, thus regaining the Scales of Justice Cup. The J R Rupert Balfe Trophy was awarded to Richard Clancy of the Victorian Bar.

Tennis

On 19 December 2001, 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 20 December 2001 in Hobson Bay. The Thorsen Trophy was awarded to Peter Crofts. The Neil R McPhee QC Trophy (line honours) was won by Ian Crisp.

Annual Reports of Associations and Committees

ANNUAL REPORT OF BARRISTERS' CHAMBERS LIMITED

Relief would best describe the reaction of the Board to the eventual sale of the vacant block of land in Little Bourke Street. The vacant block had been a burden on the company for some time. Considerable capital was tied up in the block. Also a great deal of energy was imparted by the directors in seeking to get it to a state to achieve the best value for it. The sale at \$5 million was of great benefit to the company.

Probably the most significant event during the year was the appointment of Mr Daryl Collins as a director of the company and its chief executive officer. Daryl had formerly been a senior executive with BHP. Daryl was appointed after an extensive search using personnel consultants. Daryl, with the assistance of the secretary Geoff Bartlett, has contributed greatly to the smooth and efficient operation of the company.

The company's plans for the renovation of Owen Dixon Chambers East are on track. The Bar Council on behalf of the Victorian Bar Inc. has settled on its requirements for Owen Dixon Chambers East. It is now proposed to incorporate the Readers' Course rooms on the first floor

along with the Bar Council boardroom. The administration, however, will be situated on the fifth floor.

The company was able to renew its lease of Isaacs Chambers save for a small portion of the eleventh floor on terms which gives the company the flexibility it requires. The company has also retaken possession of floors second, third and fourth of Owen Dixon Chambers West which had been previously occupied by the County Court.

Currently the renovations for Owen Dixon Chambers East are out for tender. The company expects to choose the successful tenderer in July and for work to start in August or September.

The company has already contracted for the upgrading of the lifts in Owen Dixon Chambers East.

Unfortunately, market rents are rising and the company leases most of its rooms. This has and is continuing to put great pressure on the rents that the company charges to barristers. Nevertheless, the Board is doing all that it can to keep the rents within reasonable and tolerable limits.

With the sale of the block of land, the company was able to pay off the last of its bank debt. It is now in a sound financial position to be able to undertake the renovations, so long as tenders come in within the expected range. Finance has already been arranged through the National Australian Bank.

The Board has worked very hard this year and I would like to place on record my appreciation for the work of the Board.

The Bar Council has also worked very closely and productively with the Board this year, which has been most gratifying.

The company wishes to acknowledge the loyal and efficient service of Daryl Collins, 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 2002 amounted to \$44,935 compared with \$34,961 in 2000/2001, \$29,650 in 1999/2000, \$39,580 in 1998/1999, \$34,128 in 1997/1998 and \$52,355 in 1996/1997. Even though subscriptions increased on the previous year, they are still well below the level of six years ago. 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 and it is pleasing to note that members have responded.

Net interest from investments received during the year amounted to \$46,392.

During the year the sum of \$3,000 was repaid by one person and \$10,000 was advanced to three persons by way of repayable interest-free loans.

At 30 June 2002, the capital fund, which is represented by investments in trustee securities, stood at \$979,818 and outstanding loans totalled \$106,000.

FINANCIAL STATEMENT FOR YEAR ENDED 30 JUNE 2002

2002	2001
\$	\$

Capital Fund at 1 July 2001	895,271	832,790
Receipts		
Subscriptions Received During the Year	44,935	34,961
Loan Repayments Received	3,000	10,000
GST Refunds Received	220	
Transfer from Income - Net Interest Earned During the Year	46,392	46,916
	<u>989,818</u>	<u>924,667</u>
Payments		
Advances to Members	10,000	29,396
Capital Fund as at 30 June 2002	979,818	895,271
Plus Sundry Debtors	106,000	106,000
TOTAL ASSETS AS AT 30 JUNE 2002	<u>1,085,818</u>	<u>1,001,271</u>

Robert F Redlich

Committee of Management

ANNUAL REPORT OF THE VICTORIAN BAR SUPERANNUATION FUND

Although the financial performance of the Fund for this year will not be as good as it has been in recent years, the Fund has performed better than the benchmark. On the advice of its asset consultant, JANA Investment Advisers Pty. Ltd., the Trustee decided towards the end of last year to re-allocate funds from the asset class, overseas equities, to Australian unlisted property. This was a good decision.

The introduction of unitisation and member investment choice were probably the most significant events in the past year. Members' investments in the Fund are now expressed in terms of units which are valued fortnightly. Also, Members can choose to place all or part of their investment in one of three funds: Capital Stable, Balanced or Growth.

AON Consultants now provide information for members on line. This can be accessed through the Bar's website.

The Trustee has worked very closely with the new Fund administrator, AON Consultants. The Trustee appreciates their service. Also, the Trustee has been greatly assisted by JANA. Together with JANA, the Fund held two information seminars during the year. These seminars provided advice on pensions, asset protection and other aspects of retirement planning and superannuation.

The Trustee wishes to acknowledge the efficient and loyal service of the secretary, Mr John Ames and his assistant Debbie Jones.

Ross McK. Robson

Chairman

ANNUAL REPORT OF THE CHILDREN'S COURT

BAR ASSOCIATION

In 2001/2002 activities included:

- Submission on counsel's fees and changes to Victoria Legal Aid's funding of family division cases.
- Participation in the Bar's Committee on the question of the adoption of the Uniform Evidence Acts for all Victorian courts.
- Assisting the Court through the Court User's Group.
- Consultation with the Court about the International Association of Youth and Family Judges and Magistrates XVI World Congress 2002 to be held in Melbourne in October 2002

Office Bearers

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

Emma M Swart

Secretary

ANNUAL REPORT OF THE COMMERCIAL BAR ASSOCIATION

The Commercial Bar Association ("CommBar") 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 CommBar with the right to fully participate in all CommBar activities.

The primary objectives of CommBar 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; and
- (d) to comment upon proposed legislative reform in commercial law related areas of practice when requested by the Bar Council to do so.

As at 30 June 2002, the Executive Office Bearers of CommBar were:

President David H Denton S.C.
Senior Vice-President Melanie Sloss
Vice-President (Convenor) Albert Monichino
Treasurer John Dixon

The Section Chairs and Secretaries were as follows:

Banking & Finance

Chair Peter Bick QC
Secretary Andrew Kirby

Construction Law

<i>Chair</i>	John Digby QC
<i>Deputy Chair</i>	Richard Manly S.C.
<i>Secretary</i>	Andrew Kincaid
<i>Assistant Secretary</i>	Caroline Kirton

Corporations & Securities Law

<i>Chair</i>	David H Denton S.C.
<i>Secretary</i>	Caroline Kenny
<i>Assistant Secretary</i>	Dino J Currao

Environmental, Planning & Local Government

<i>Chair</i>	Jeremy Gobbo QC
<i>Secretary</i>	Susan Brennan

Insolvency Law

<i>Chair</i>	Nunzio Lucarelli QC
<i>Secretary</i>	Kim Knights
<i>Assistant Secretary</i>	Andrew Hanak

Insurance & Professional Negligence

<i>Chair</i>	Peter Riordan
<i>Secretary</i>	Cameron McAulay
<i>Assistant Secretary</i>	Kate Anderson

Intellectual Property & Trade Practices

<i>Chair</i>	Dr John Emmerson QC
<i>Secretary</i>	Andrew Maryniak
<i>Assistant Secretary</i>	Sara Hinchey

Property & Probate

<i>Chair</i>	Peter Best
<i>Secretary</i>	Robert Shepherd
<i>Assistant Secretary</i>	David Batt

Public Law

<i>Chair</i>	Richard Tracey QC
<i>Secretary</i>	Stephen McLeish
<i>Assistant Secretary</i>	Richard Wilson

Revenue Law

<i>Chair</i>	Alexandra Richards QC
<i>Secretary</i>	Simon Steward

During the year, Allan Myers QC completed his long term as the President of CommBar. He had held that position for several years. CommBar is grateful to Myers QC for his leadership in this period.

During the past twelve months, CommBar presented 21 continuing commercial legal education seminars conducted by the various sections of CommBar. As part of a formal

arrangement with the Victorian Bar Inc. the Vic Bar has provided administrative support necessary to enable the activities of CommBar to be completed. The seminars held during the year were well attended. As has been the protocol established over the years, the seminars have generally been followed by light refreshments, provided free-of-charge, which has allowed Counsel of all seniority to mix and exchange information.

The seminars held by CommBar between 1 July 2001 and 30 June 2002 were as follows:

<i>Section</i>	<i>Date</i>	<i>Topic</i>	<i>Speakers</i>
Public Law	25 Jul	“Privacy & the Private Sector” in the context of the Commonwealth Privacy Act which from 21 December 2001 extends to the private sector.	Robin McKenzie of the Australian Privacy Commission
Revenue	21 Aug	A non-tax barrister’s guide to GST and settlements, including practical examples	Jenny Batrouney S.C. & Amanda Ducrou
Corporations & Securities Law	18 Sep	The Federal Court’s “reinstated power” to hear and determine matters arising under the <i>Corporations Act 2001 (Cth)</i> and ancillary legislation.	The Hon Justice Finkelstein and Registrar Efthim
Insolvency	25 Sep	<i>G & M Aldridge Pty Ltd v Walsh</i> [2001] HCA 27: whether payments made to secured creditors prior to liquidation may be recovered as preferences.	Anthony Rodbard-Bean
Construction Law	27 Sep	<i>Tepko Pty Ltd v Water Board</i> [2000]: duty of care of Municipal Authorities to avoid pure economic loss	John Digby QC
Revenue	2 Oct	Current management of tax litigation in the Federal Court	Hon Justice Goldberg
Property & Probate	3 Oct	Experiences of presiding over the Retail Tenancies List of VCAT.	Deputy President Macnamara VCAT
Public Law	8 Nov	Discussion on the law governing Royal Commissions	James Judd QC & Stephen Donaghue
Commbar	28 Nov	Forensic Accounting	Chris Phillips of Deloittes
Banking & Finance	11 Dec	<i>Fried v National Australia Bank Ltd</i> [2001]: issue of wrongful debit by a bank of a customer’s bank account	Jim Peters
Construction Law	21 Mar	Limitations on a restitutionary claim for work performed outside a building contract, and proposals to update the current Victorian Supreme Court Building Cases List Practice Notes	John Digby QC & Andrew Kincaid
Insurance & Professional Negligence	15 Apr	Section 54 of the <i>Insurance Contracts Act 1984 (Cth)</i> following the recent High Court decision in <i>FAI General Insurance Co Ltd v Australian Hospital Care Pty Ltd</i> [2001] HCA 38.	Geoff McArthur S.C.
Insolvency	17 Apr	The Ansett Administration and in particular, applications for directions on “commercial” issues.	Simon Whelan QC
Corporations & Securities Law	23 Apr	The <i>Financial Services Reform Act 2001</i> – What Barristers Should Know	Peter Fox & Peter Willis
Environmental Planning & Local Gov’t	30 Apr	Variation and removal of restrictive covenants under the <i>Planning & Environment Act 1987</i>	Robert Osborn QC
Revenue	15 May	Appellate Advocacy in Taxation Matters	Brian Shaw QC

Insolvency	28 May	Discussion on the circumstances in which payments made to a superannuation fund can be recovered by a trustee in bankruptcy pursuant to s.120 of the <i>Bankruptcy Act</i> 1966 (Cth) following the full Federal Court decision in <i>Benson v Cook</i> [2001] FCA 1684	Gary Bigmore QC
Public Law	30 May	<i>Regie National des Usines Renault SA v Zhang</i> [2002] HCA 10 which reformed the principles for the choice of law rules applicable to claims in tort arising outside Australia, including claims in transnational product liability and tortious misrepresentation cases	Mark Moshinsky
Banking & Finance	5 Jun	Discussion of Smith J's decision in <i>Ali v Hartley Poynton Ltd</i> [2002] VSC 113 and its implications for financial advisers and stockbrokers	Peter Bick QC
Intellectual Property & Trade Practices	6 Jun	Discussion on the plain meaning of S.46 of the <i>Trade Practices Act</i> 1974 (Cth)	Neil Young QC
Construction Law	26 Jun	Discussion concerning the decision in <i>Hyder Consulting (Australia) Pty Ltd v With Wilhemsen Agency Pty Ltd</i> [2002] 18 BCL 122 which dealt with the issues of acceptance of offers by conduct, waiver, reliance on the 1 year limitation period in the ACEA Terms of Engagement and betterment	Richard Manly S.C.

During the past year, a CommBar web page has been developed on the Victorian Bar website at www.vicbar.com.au/3_2_15.html [see Members, Bar Associations, Commercial]. The CommBar calendar of events is regularly updated and contains hyperlinks to seminar papers. There is also a "Publications" page and this contains past annual reports and recent submissions made by CommBar.

As well as the foregoing seminars, a farewell dinner was held by CommBar at the RACV in April 2002 for the Honourable Professor Robert Brooking QC (as he now is) upon his retirement as a Judge of the Court of Appeal. A copy of John Digby QC's toast, which was delivered to well in excess of 120 judges, barristers and guests, is posted on the CommBar web page. The success of the evening has encouraged the Executive to consider holding similar functions in the future.

CommBar made two submissions at the request of the Chairman of the Bar Council during the past year. First, a submission concerning the desirability of adopting the Commonwealth *Evidence Act* in civil cases in Victoria. Secondly, a submission reviewing the proposed amendment to Order 44 of the Supreme Court Rules of Victoria concerning the reception of expert opinion evidence.

CommBar remains committed to encouraging attendances of junior members of the Bar at all CommBar functions.

Any enquiries in relation to the activities of CommBar 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
President and Vice-President (Convenor)

ANNUAL REPORT OF THE COMMON LAW

BAR ASSOCIATION

During the period 1 July 2001 to 30 June 2002, the Common Law Bar Association has been active in the following areas:

- (a) Making submissions to the Victorian Workcover Authority concerning matters of practice, in particular concerning alterations and amendments to the Ministerial directions issued pursuant to the provisions of the Accident Compensation Act.
- (b) Liaising with the Transport Accident Commission concerning matters of practice in relation to the operation of the Transport Accident Act, in particular serious injury applications and, in general, discussing matters of common interest.
- (c) Finalising and having available to its members, written fee agreements including “no win, no fee” agreements.
- (d) Giving consideration to the adoption of the Commonwealth Evidence Act in Victorian courts so as to be able to advise the Litigation Committee of the Supreme Court (Chaired by Harper J.) as to the adoption of the Commonwealth Evidence Act in Victorian State courts.
- (e) Making representations to the Supreme Court Litigation Committee as to amendments proposed to be made to Order 44 of the Court Rules.
- (f) Making submissions to government, in particular the Australian Health Minister’s Working Party on medical indemnity, as to medical indemnity issues. Submissions were made to the Australian Health Minister’s Conference concerning not only the cost of medical indemnity coverage, but also the desirability of maintaining the common law position that a professional person, whether a member of the medical profession or otherwise, ought be accountable for negligent acts or omissions and any injuries sustained as a consequence thereof.
- (g) Making submissions to government, both Commonwealth and State, as to proposals to alter or amend the law relating to public liability claims. The Association, in conjunction with the Australian Plaintiff Lawyers Association, undertook considerable research into the so called “public liability explosion” and the large increase in insurance premiums. It was noted that the Insurance Council of Australia was not able to justify the assertion that increases in premiums were due to an increase in the size of claims or the number of claims. Ultimately, that submission was accepted by government. Nonetheless, the Association notes that proposed legislative changes in New South Wales and Queensland may result in a significant reduction in common law rights. The Association continues to liaise with the Victorian government in order to reinforce the proposition that, with perhaps a small number of exceptions, there is no justification to restrict or abolish the existing rights of persons injured as a result of fault on the part of others.
- (h) Liaising with the Law Council of Australia in relation to the medical indemnity and public liability issues.
- (i) Considering the question of structured settlements.
- (j) Making submission to the Chief Judge of the County Court concerning the conduct of Serious Injury Applications in the County Court, suggesting amendments to the procedures presently adopted.

A drinks function was held in the Neil Forsyth Room on the 12 December 2001.

At the present time there are 102 members of Counsel who are members of the Common Law Bar Association.

At present, office bearers of the Association are:

R H Gillies QC	(Chairman)
J H L Forrest QC	(Vice-Chairman)

D J Martin (Secretary)

M A Hartley (Treasurer)

Committee Members:

D A Kendall QC, J Rush QC, R J Stanley QC, P Galbally QC, J Jordan S.C., D Beach S.C., T Tobin, F Saccardo, T Monti, A Ramsay, M Wheelahan, S McGregor, K Bourke

David J Martin

Secretary

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

During the past twelve months the CBA has continued to thrive and the issues with which it is necessarily concerned have continued to expand. The committee continues to meet weekly to consider CBA business and to further the objects of the CBA which are to:

- Promote the professional interest of members;
- Provide facilities and programmes which will assist members in their professional practice;
- Liaise with other bodies concerned with issues of professional interest to members;
- Provide representation for members in relation to matters which affect the interest of members generally and
- Represent the views of members to bodies and persons engaged in the administration of criminal justice and the review and development of criminal law, procedure and civil liberties.

Our activities over the last year in furtherance of those objects have been extensive and wide ranging. A snapshot of the more significant activities and issues undertaken and addressed include:

The Second Annual CBA Advocating for Justice Lecture was held in May as part of Law Week and addressed the topical and important issue of “Refugees and Asylum Seekers – their rights our responsibilities”.

Supporting and joining in the re-establishment of the Victorian Criminal Justice Coalition in order to monitor and influence the “law and order” policy development of the major political parties in Victoria.

Involvement in helping to organise and co-sponsor the 8th International Criminal Law Congress to be held in Melbourne from 2 to 6 October 2002.

The Annual Dinner at Fortuna Village attended by over 160 members and guests.

The holding of a number of Seminars on diverse and practical topics of relevance including:

The Commonwealth Criminal Code;

The Frieberg Sentencing Review Report;

The Victorian Drug Court proposal;

The *Crimes (Criminal Trials) Act 1999* and

Sentencing Issues and Parallel Services in the Magistrates’ Court.

The issuing of Media Releases on matters of public importance on such issues as Police Cells Overcrowding and concerns about the growing incidence of undue and inflammatory publicity to the detriment of the fair trial process.

The production and distribution of our Newsletter containing items of interest concerning the activities of the CBA, its members and developments in the criminal law generally.

The reconstruction and improvement of the CBA Website at www.crimbarvic.org.au containing copies of CBA Newsletters, CBA submissions re legislative proposals, links to major legal research websites, court lists and events of interest to members.

Membership of the Police Cells Forum being a coalition of the CBA, the Law Institute, Liberty Victoria, Legal Aid and the Police Association to address the issue of overcrowding and undue detention in police cells.

Membership of the Legal Aid Taskforce together with the Bar Council and the Law Institute to review the level of legal aid fees paid in summary matters with a view to having the presently totally inadequate fees increased.

The successful negotiation with Legal Aid of fees for our members when they undertake gaol conferences with legally aided clients in summary matters and still current negotiations concerning like fees in relation to committal hearings.

The hosting of evening functions to celebrate the lives of three champions of the criminal law and former long serving committee members of the CBA (Bob Kent QC, Douglas Salek QC and Lillian Lieder QC) each of whom died in the past 12 months.

The continued liaison with judicial officers and officials of the Supreme Court, County Court, Magistrates' Court and Children's Court concerning the effective and efficient conduct of court lists and associated practices and procedures in criminal matters.

The establishment of a Senior Advisers Group being an informal advisory group of highly experienced criminal advocates who have agreed to assist the Committee as required from time to time.

The continued development of strong links to the Law Council of Australia especially through increased CBA participation in the activities of the Criminal Law National Liaison Committee of the Law Council.

A strong focus on Law Reform issues especially in making detailed submissions on the development of appropriate legal policy or commenting on draft legislation and appearing as necessary before State and/or Federal Parliamentary Committees to advocate appropriate legislative outcomes and initiatives. In the last year these tasks have become far more onerous as the level of consultation has increased and, generally speaking, the time within which submissions are required has markedly decreased. Examples of such matters undertaken by the CBA in the last year include:

- Proceeds of Crime Bill;
- Mandatory Sentencing;
- Measures to Combat Serious Crime Bill;
- Alcohol Interlocks;
- Online criminal history;
- Sexual Offences Discussion Paper;
- Search and Seizure Provisions;
- Bail Act amendments;
- Appeal Cost Act certificates amendments;
- Street Prostitution legislation;
- Electronic Briefs proposals;
- Electronic Transcripts proposals;
- Crimes (DNA Database) Bill;
- Peaceful assemblies Bill;
- Summary Offences Act amendments;
- Legal Survey in Rural and Regional Victoria; and
- Vagrancy Act amendments.

Working effectively with the Bar Council to ensure that our views are represented on matters of concern to our membership and on matters of interest to the whole Bar. In the past 12 months such issues have included Professional Indemnity Insurance and especially the special circumstances of barristers who practice in the criminal law; the level of Legal Aid Fees; adequate processes of consultation with agencies of Government regarding the development of legal policy; the development of the Bar's Continuing Legal Education Program and the implications of any proposal to introduce the Uniform Evidence Act in Victorian courts. 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.

Very many members of the CBA have contributed willingly to the workload of the Association over the last year and each of them deserves thanks. Frankly, the work of the CBA could not be undertaken effectively without such support and effort. The Committee looks forward to that support continuing into the future and we encourage all members to participate fully in the affairs of the CBA and to contact committee members with suggestions on how the Association might be improved or strengthened. All seminars conclude with drinks and, together with our dinners, are valuable social events that we encourage all members to attend.

Roy F Punshon

Chairman

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

Representatives of the Family Law Bar Association have supported the interests of our members by way of regular meetings with the Judge Administrator of the Family Court, the Honourable Justice Brown, Chief Federal Magistrate Bryant and the Executive of the Family Law Section of the Law Institute. In a year when there have been a number of significant changes introduced by the Family Court we have endeavoured to convey our members' views to the court and to disseminate relevant information back to our members. To this end, we held a general meeting in June 2002 and a regular newsletter has been distributed to our members throughout the year.

Our annual dinner was held in November 2001. The Honourable Justice Brown entertained members of the Association with a humorous speech while we wined and dined at "The Republic".

Jeremy St John retired from his position as Vice-Chairman of our Executive. Likewise, Andrew Strum retired from his role as Secretary. There are currently about 90 paid up members of the Association.

Office Bearers

<i>Chairman</i>	Noel Ackman QC
<i>Vice-Chairman</i>	Olivia Nikou SC
<i>Treasurer</i>	Graeme Thompson
<i>Secretary</i>	Bronia Tulloch

Noel J Ackman

Chairman

ANNUAL REPORT OF THE WOMEN

BARRISTERS' ASSOCIATION

The Association has had a very productive and successful year. The various projects pursued by the Committee during the last year include the following:

Bar Committees: WBA has asked the Bar Council to consider appointments to the Bar's committee system to ensure women are properly represented in the workings of the Bar. The Bar Council did review the composition and operation of the 18 standing committees, reducing that number to 16. It has also increased the number of women appointed to various committees.

Model Briefing Policy: As a result of discussions between WBA and the Attorney-General, the Government this year adopted the Bar's model briefing policy as government policy in the outsourcing of its legal work and also agreed to develop guidelines, requiring the providers of legal services to the Government to report annually on their briefing practices. WBA was also consulted about the content of the tender documents and the collection of data. WBA have made submissions to the Commonwealth Attorney-General seeking the Commonwealth's adoption of the policy and the development of an auditing system.

Seminar Series: Work has continued with the presentation of in-house seminars for firms of solicitors by women barristers. WBA invites solicitors to arrange a speaking function to which we send women barristers to speak on agreed topics. The purpose of these seminars is to give practitioners an opportunity to see and hear our members and to allow members to network. This work will continue and the Association will hold seminars for all barristers with the introduction of compulsory continuing education requirements for juniors at the Bar.

Commonwealth Law Conference 2003: WBA, together with VWL have been appointed to run a session at the 13th Commonwealth Law Conference 2003 entitled "The Commonwealth – Women and the Law" as part of the stream "The Legal Profession and its Future".

The Bar Web Site and Images of Women in the Law: Two initiatives pursued by WBA in the last year have contributed to enhancing the visibility of women at the Bar and in the law. The first was the inclusion of a more extensive array of images of women barristers to accompany the text on the Bar's rebuilt web site as well as the development of a WBA site.

The second initiative to improve the visibility of women at the Bar commenced with the hanging of a portrait of the Honourable Justice Brown in the foyer of Owen Dixon Chambers West in June. The portrait initiative was adopted by the Bar Council to acknowledge the achievements of women in the law who have made a contribution to the advancement of the interests of women in the law.

Flexibility in the Judicial Workplace: WBA has discussed with the State Attorney-General the option of creating flexible working conditions for judicial officers in courts and tribunals in preference to making short term or part time appointments.

Annual Dinner: In August last year we held another very successful dinner with our guest speaker Professor Marcia Neave delivering her speech – "How Law Constructs Gender and Vice Versa".

WBA's Wider Role: In addition to numerous social events, WBA has extended its activities to encourage submissions from its members on law reform and government policy affecting women. In response to requests to comment WBA filed a submission on the Interim Report of the Attorney-General's Street Prostitution Advisory Group and more recently a submission on the inquiry conducted by the Human Rights and Equal Opportunity Commission on Children in Immigration Detention.

Fiona M McLeod

Convenor

ANNUAL REPORT OF THE ABORIGINAL LAW STUDENTS MENTORING COMMITTEE

The Committee was originally established in 1999 to administer a mentoring system for indigenous law students. A large number of members of the Bar have volunteered to provide their services to act as mentors.

It is estimated that there are approximately 40 - 50 indigenous law students in Victoria. Of those students, approximately one-half live either interstate or in distant parts of Victoria. They attend Deakin University for teaching in intensive modules, and receive the balance of their tuition by correspondence and by video. Accordingly there are limited numbers of students who are able to take advantage of the mentoring system established by the Victorian Bar. Nevertheless, during the last year a number of indigenous law students have been placed within the mentoring system. Those students who have participated in it have reported satisfaction with the level of mentoring received by them and by the contribution it has made to their understanding of the legal system.

Members of the Committee have also been actively involved in the Indigenous Law Students Mentoring Committee chaired by Mr Justice Eames of the Supreme Court. The composition of that Committee is derived from a wide range of stakeholders, and thus the Committee acts as an umbrella organisation to assist in mentoring indigenous students and lawyers. It also assists to obtain employment for indigenous students upon their graduation. From the point of view of the Bar, the Committee is a useful point of connection between it and the universities for the purpose of identifying indigenous students who might desire to have the benefit of the Bar's program.

The Bar's Aboriginal Law Students Mentoring Committee once again expresses its gratitude to those who have made themselves available to act as mentors over the last three 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:

- the renovation and continued operation of the parent's room
- the provision of office facilities to barristers on parental leave
- ongoing consideration of the childcare needs of barristers with pre-school children.

The parent's 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 Bar Council has agreed to improve the furnishings of the room and we await this development.

The Bar Council is also considering our request to provide facilities, such as a corral with computer and phone outlets, for use of barristers on parental leave, in the new Bar library.

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 2001-2002 were: Michael Rozenes QC; Frank Costigan QC, Joy Elleray, Debbie Mortimer, Fiona McLeod and Melanie Young.

Complaints

There have been no incidents reported this year.

Readers' Course

Conciliators addressed the March 2002 Readers' Course intake concerning the role and function of Sexual Harassment Conciliators, and the ethical rules which give rise to their position. As before, this occasioned some interesting discussion from the readers, and provided some useful feedback for the Conciliators. The session has become a 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.

Michael Rozenes

Convenor

ANNUAL REPORT OF THE CONTINUING LEGAL EDUCATION SUB-COMMITTEE

The Continuing Legal Education Committee are Ross Ray QC (Executive Chair), the Honourable Justice Pagone, Julian Burnside QC, Brind Zichy-Woinarski QC, Paul Santamaria, Richard Tracey QC, Jeremy Ruskin QC, Alexandra Richards QC, David Denton S.C., Albert Monichino, Dorothy Kovacs, James Elliott, David Neal and Elizabeth Brimer.

At the end of the 2000/1 period the Committee forwarded a detailed proposal to the Bar

Council for its consideration. The proposal suggested that the Victorian Bar should offer a structured CLE program to its members. The Committee believed that the Bar should provide a formal program that enabled 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.

During 2001, 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.

Since that time, the CLE Committee has worked to refine the proposed structure and content of the CLE program. The proposal of the Committee is that the CLE program will include components of advocacy, ethics, evidence, procedure and practice management (including alternative dispute resolution) and a substantive law component. A mixture of this nature will enable a CLE program to provide units that are relevant to practitioners and delivered in a flexible manner. A significant portion of the program will encompass the seminars provided, on a regular basis, by the individual Associations of the Bar. The seminars will last approximately one and a half or two hours, are to be conducted in the late afternoon and will be provided at no charge to members of the Bar. In addition, the Bar will accredit various external providers of CLE. This will enable members to obtain CLE credits, should they choose to attend such courses.

On 21 February 2002, the Bar Council resolved to introduce a requirement that all persons who sign the Roll of Counsel after 1 March 2002, unless exempted, will be required to give an undertaking to complete the CLE requirements of the Victorian Bar. As from 1 March 2002 all persons signing the Bar Roll (unless exempted) will be required to undertake CLE courses for three years, commencing on 1 July, immediately after those persons have signed the Roll of Counsel.

The Bar Council is confident that the introduction of CLE is consistent with the views held throughout Australia and the trends being taken in other States. Moreover, it is consistent with the Bar Council’s commitment to maintain and improve the quality of legal services provided by members of the Victorian Bar.

W Ross Ray
Executive Chair

ANNUAL REPORT OF THE READERS’ COURSE SUB-COMMITTEE

The Readers’ Course Committee members are Ross Ray QC, (Executive Chair), Paul Santamaria (Vice-Chair), the Honourable Justice Harper, the Honourable Justice Pagone, Julian Burnside QC, Brind Zichy-Woinarski QC, Neil Clelland, Mark Taft, Donna Bakos, Caroline Kirton, Matthew Connock, Robert Taylor, Sara Hinchey, Martin Grinberg and Paul Lawrie.

The Bar has maintained its practice of having two intakes of Readers each year. The September 2001 intake comprised 37 Readers from Australia, 1 practitioner from Papua New Guinea and 1 practitioner from Vanuatu.

The March 2002 intake comprised 39 Readers from Australia, 4 practitioners from Papua New Guinea and 1 practitioner from Indonesia.

It is anticipated that the September 2002 intake will comprise 40 Australian Readers, together

with practitioners from Papua New Guinea and possibly other South Pacific countries.

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 is done by Elizabeth Rhodes, Legal Education and Training Officer, together with her assistant Deborah Morris. They continue the difficult task of co-ordinating the diverse resources of the Course, whilst 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 introduced the senior mentor program during 2001. 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, but rather 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
Executive Chair

ANNUAL REPORT OF THE ETHICS COMMITTEE

During the year the Ethics Committee continued to meet once a fortnight to deal with its workload. It has met 22 times this year. It has also convened as a sub-committee of five or six members at short notice on a number of occasions to deal with requests for urgent rulings.

Members of the Committee have also met as a sub-committee on a number of occasions in the course of investigating a complaint to hear from the complainant and the barrister. The hearing process has been of great assistance to the Committee in reaching a decision in a particular matter.

In addition, each member of the Ethics Committee gives guidance and deals with requests for rulings from individual barristers on a daily basis.

The availability of members of the Ethics Committee, the time and energy put into the combined obligations of the Ethics Committee is outstanding. On behalf of the Victorian Bar, I thank each and every member for their time and effort put into the work of the Ethics Committee.

During the year Michael Wright QC retired as chairman (6 July 1999 to 11 December 2001) of the Committee he having been a member of the Committee for nearly eight years in total. John Lyons QC (7 June 1994 – 11 December 2001) and Richard Maidment S.C. (10 June 1997 – 11 December 2001) also retired from the Committee and Justice Pagone (4 November 1998 – 2 October 2001) left the Committee upon his appointment to the Supreme Court. I thank each of the retiring members for their valuable contribution to the Ethics Committee over the years. I particularly acknowledge the contribution made by John Lyons QC over his period of time on the Committee. John was always the most available member of the Committee and of enormous assistance to barristers seeking guidance and urgent rulings. His knowledge of Ethics was invaluable to the Committee and to barristers generally.

From time to time the Committee receives calls from members of the Bar which are not complaints as such but do reveal problems caused by a failure of communication or stress. When

these occasions have occurred, I have called upon the assistance of Frank Costigan QC to conciliate such matters. The Ethics Committee and the Bar are indebted to Frank for his ability to deal with these sensitive issues and I thank him for his expert skills in dealing with these matters.

The new members of the Ethics Committee this year were Bill Lally QC, Paul Willee QC, Michelle Quigley and Kerri Judd.

Ms Roz Zalewski, the legal assistant, resigned at the end of May 2002. The work of the Committee has been greatly facilitated by her work in summarizing the information and drafting reasons for the consideration of the Committee. The Ethics Committee thanks Roz for her contribution and wishes her well in her endeavours in the future.

The Ethics Committee continued with its education sessions in the Readers' Course conducting one session during the first week of the course followed by a half day workshop at the end of the course. I thank Appeal Court Justice Buchanan, Justice Harper and Justice Warren for their involvement in the ethics part of the Readers' Course as well as the individual members of the Committee who contributed their time and energy to the course.

During the year the Ethics Committee published a number of Bulletins in *In Brief* for the guidance of members. In addition, there are new rules coming into force on 1 July 2002 which have been published to the Bar. These new rules deal with mediations and conditional fee agreements as well as dealings with the media.

Mrs Debbie Jones, the Investigations Officer of the Ethics Committee, has continued to provide her enormous and valuable contribution to the Committee. She is the public face of the Committee and her dedication means that the Committee works efficiently and smoothly. This year Debbie celebrated 15 years service to the Victorian Bar via her work on the Ethics Committee. As the incoming Chairman of the Committee, I am indebted to her for her sound advice, efficiency and dedication to the job.

Kate McMillan
Chairman

SUMMARY OF COMPLAINTS AND DISPUTES UNDER THE *LEGAL PRACTICE ACT* 1996 FOR THE PERIOD 1 JULY 2001 TO 30 JUNE 2002

	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 received by the Ethics Committee and referred to the Legal Ombudsman		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 received by and investigated by 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		1	8	13					4	4		2	16	11	5	6	33	37
Received during period	8	3	40	44	1	2	1	7	7	6	1	27	46	13	8	103	111	
In progress at period end	1		13	12				4	1	2		11	10	6	5	37	28	
Matters dealt with in period	7	4	35	45	1	2	1	7	10	4	3	32	47	12	9	99	120	
RESULT FOR:																		
COMPLAINTS																		
Outside Jurisdiction			1	5	1	1							2			2	8	
Withdrawn/Not Pursued			1	2								5	2	1		7	4	
Dismissed under s141(1)			8	19								3	9	2	2	13	30	
No further action s151(3)(c)			1													1		
Dismissed under s151(4)																		
Dismissed under s151(5)	2	2	21	16		1	1					16	32	8	6	48	57	
Reprimand/caution s151(3)(b)	5	1	1	1									1		1	6	4	
Referred to Tribunal s151(3)(a)		1	2	2									1			2	4	
Matters dealt with in period	7	4	35	45	1	2	1					24	47	11	9	79	107	
DISPUTES																		
Outside Jurisdiction										1		5	10		1	5	12	
Withdrawn/Not Pursued												4	1	1		5	1	
Settled								3	1			1	8			4	9	
Not Settled								4	8	4	3	14	28	10	8	32	47	
Matters dealt with in period								7	10	4	3	24	47	11	9	46	69	
TOTAL	7	4	35	45	1	2	1	7	10	4	3	48	94	22	18	125	176	

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

ANNUAL REPORT OF THE HUMAN RIGHTS COMMITTEE

Following the election of the new Bar Council late in 2001, the Bar Council embarked on a review of its existing Committees, their structure and membership. As part of that review, the Equality Before the Law Committee was amalgamated with the Equality of Opportunity Working Party, as a result of which some members of the former Equality Before the Law Committee were transferred to the Human Rights Committee.

The role of the Human Rights Committee is to report to the Bar Council and to make recommendations about matters within its sphere of interest. The Committee deals with matters referred to it by the Bar Council but also considers matters on its own motion.

The current members of the Human Rights Committee are as follows:

Jacob I Fajgenbaum QC (Chair), The Honourable Mr Justice Robert Osborn, Charles Francis QC, Remy van de Weil QC, Alexandra Richards QC, Herman Borenstein S.C., Peter Golombek, Debbie Mortimer, Pauline Schiff, Wendy Harris, Shane Lethlean, Susan Brennan and Judy Benson (Secretary)

The newly constituted Human Rights Committee met on 13 February, 22 February and 7 May 2002.

Its main topics of consideration were:

- the invitation extended by the Human Rights Commissioner to the Victorian Bar in December 2001 to assist him by making a submission to the HREOC National Enquiry into Children in Immigration Detention;
- whether the Bar Council should make a Submission to the enquiry;
- and, if so, what the scope and content of that Submission should be.

The Committee ultimately made a recommendation to the Bar Council on 9 May 2002 which the Bar Council considered at its meeting on 16 May 2002 and substantially endorsed.

Judy Benson

Secretary

ANNUAL REPORT OF THE INDIGENOUS LAWYERS PROJECT

As a result of funding provided by the Department of Justice, in September 2001 the Victorian Bar begun an exciting new initiative – the Indigenous Lawyers Project. The co-ordinator for the project is Beverley Burns who brings to the project her experience of working in Aboriginal legal services in Tasmania and Western Australia and a current understanding of the challenges of being a law student.

The Indigenous Lawyers Project has the support of many organisations including the Judicial Officers' Aboriginal Cultural Awareness Committee, the Department of Justice, the Australian Institute of Judicial Administration and the Law Institute of Victoria. The project involves the employment of a co-ordinator to undertake the development of mentoring, funding, employment and training schemes for Indigenous law students and lawyers, the establishment of an Indigenous Law Students and Lawyers Association and the creation of databases of contact details for Indigenous law students and lawyers and of scholarships, job opportunities and related information.

The project arose out of the experience of the Mentor's Sub-committee of the Judicial Officers' Aboriginal Cultural Awareness Committee chaired by Justice Eames of the Supreme Court ("the Eames Committee") which has as an objective the encouraging of Indigenous people

to enter the legal profession. The Eames Committee has a wide membership including representatives from Aboriginal groups, the courts, universities, the Department of Justice, the Law Institute as well as the Bar whose representatives are Stephen Kaye QC, David Parsons, Jenny Richards, Jane Dixon and David Bremner.

The Eames Committee came to the view that the most efficient manner in which to assist Indigenous law students and lawyers would be to undertake a project to achieve the following tasks:

- (a) facilitate the incorporation of an association for Indigenous law students and lawyers;
- (b) establish a contact database of all current Indigenous law students and graduate lawyers;
- (c) develop and maintain a database of available resources and programs, which may be accessed by Indigenous law students and lawyers;
- (d) co-ordinate employment placements for Indigenous law students and lawyers;
- (e) develop and coordinate mentoring programs for Indigenous law students and lawyers;
- (f) actively assist Indigenous law students and lawyers in finding opportunities suitable to their needs, whether it be work experience, mentoring, articles of clerkship or employment; and
- (g) generally encourage arrangements that enable Indigenous students in post-secondary education to attain the same graduation and/or workplace participation rates as those attained by other students.

The incorporation of the Indigenous law students and lawyers association is almost complete. It is anticipated that the association will provide support and encouragement for its members during their studies and later employment. Beverley Burns has also developed a close working relationship with the Indigenous students unit at Deakin University and with the students who attend the unit. This has enabled the Bar to develop a better understanding of the specific needs of the students in relation to work experience, mentoring and the provision of tutoring services.

In view of the success of this project, the Eames Committee is researching the obtaining of further funding in order that the project can continue beyond the original twelve-month period.

The Bar appreciates greatly the personal commitment that Beverley has made to this project and congratulates her on the progress achieved to date.

David J L Bremner

Executive Director

ANNUAL REPORT OF THE LEGAL ASSISTANCE COMMITTEE

As the Public Interest Law Clearing House Inc (PILCH) nears the end of its second year of administering the Victorian Bar Legal Assistance Scheme (Bar Scheme), there is no doubt that the Bar Scheme has improved the accessibility by the community of pro bono legal services provided by barristers. The joint administration of the PILCH public interest scheme with the Bar Scheme not only rationalises administrative structures but assists clients in obtaining assistance from the most appropriate barrister with minimum frustration and confusion.

Assessment of applications requires a consideration of merit, means and whether a grant of assistance would be in the interests of the administration of justice. Barristers continue to be extremely generous with their time and commitment to the Bar Scheme. The Bar can be justly proud of this important public service.

During the past financial year, the Bar Scheme saw a large increase in the number of inquiries it received. As at 19 June 2002, 213 inquiries had been made – an increase of more than 50 on the previous year. Forty-five referrals were made to barristers - about the same as the previous

year.

Matters referred to barristers covered diverse areas of law including family, contested criminal hearings, VCAT hearings, migration matters, contract, trusts, tort, personal injury, TAC, employment, electoral commission hearings, debt recovery, tenancy and discrimination. Despite that fact that the number of referrals did not increase, the amount of work involved in administering the Bar Scheme has increased due to the need to deal with the substantial increase in inquiries.

An important development during the year was the formation of the Asylum Seekers sub-committee. The new sub-committee (convened by Michael Gronow) has been formed to facilitate the provision of pro bono legal assistance to refugee applicants and asylum seekers, and to co-ordinate with other bodies and groups who provide such assistance. It has met monthly since April. So far, the sub-committee has organised for the Bar Scheme brochure and application form to be translated into most of the main languages spoken by refugee applicants. It is also in the process of conducting an 'audit' of the capabilities of other bodies and groups offering legal assistance to asylum seekers so as to improve co-ordination of service provision with these groups and to help identify unmet needs and priorities. As a result of liaison with bodies including the Asylum Seekers Resource Centre and an informal network of lawyers concerned with these matters, a large number of new referrals have already been received from unrepresented and impecunious refugee applicants.

Discussions are continuing with representatives of the Federal and Federal Magistrates Courts and Legal Aid Victoria about improving the availability of pro bono representation for refugee litigants in person at appeal stages. The pool of barristers available to offer pro bono legal help to such people is being substantially expanded with the willingness of a lot of junior barristers agreeing to take matters on with mentoring from more senior barristers.

The Bar Council, again with the support of the Committee, has been pleased to extend the agreement with PILCH for a further 12 months.

Anthony J Howard
Chair

ANNUAL REPORT OF THE PROFESSIONAL INDEMNITY INSURANCE COMMITTEE

The Committee met several times through the year to discuss relevant issues and was kept informed of developments.

Following the collapse of HIH in March 2001, there were two principal insurers to the Bar – Suncorp Metway Insurance Limited (as to about 93% of the Bar) and Aon Risk Services on behalf of QBE Insurance Ltd and Dextra Corporation (as to the balance).

HIH Claims

The collapse of HIH left a number of our members with claims that were not covered by insurance. The Bar Council lodged a submission with the State Government in December 2001 seeking relief for these members and met with Government representatives in February 2002. The State Government declined to provide relief and suggested that the Bar support a test application by one of its members for relief from the Commonwealth HIH Claims Support Scheme.

As a test case, the Bar Council assisted a member to apply for relief to the Commonwealth Scheme but the Scheme declined to provide relief because the member as a Victorian barrister

had an obligation under the *Legal Practice Act 1996* (“the Act”) to take out professional indemnity insurance. The member requested the HIIH Assistance Review Panel to review the decision but after considering the matter, the Panel affirmed the decision.

Withdrawal of Suncorp Metway

In late February 2002, Suncorp Metway advised the Chairman of the Bar that it would no longer provide professional indemnity insurance to barristers. It offered however to assist in finding a replacement insurer. In the ensuing months, none was found.

In the meantime, the Bar received two separate expressions of interest from substantial overseas insurers – American Re-insurance Company (AmRe) and Ace Insurance Limited (Ace). Because of the uncertainty surrounding Suncorp Metway, the Bar Council encouraged these other insurers to pursue their interest in becoming a long term insurer to the Bar. They developed detailed proposals over April and May 2002. The Bar acknowledges the considerable time and effort expended by Graeme Hannan and Peter Grant of Affinity Risk Partners and Stephen Mullaly of AmRe and David Denson of Zuellig Insurance Brokers for Ace in support of their respective proposals. The negotiations with these insurers lent support to the view that the best prospect of winning the most advantageous terms of insurance lay in all members of the Bar insuring with the one insurer, at least for the required minimum cover.

Joining the LPLC

On 28 March 2002, the Bar Council decided to give “in principle” support to the Bar joining the scheme under the Act operated by the Legal Practitioners Liability Committee (“LPLC”) which insures Victoria’s practising and former solicitors for the required minimum of \$1.5 million inclusive of costs. On 4 April 2002, the Bar Council lodged submissions with the Attorney-General in support of its request for Parliament to amend the Act to make it compulsory for barristers to insure with the LPLC as from 1 July 2002. There followed numerous meetings and telephone consultations with the State Government. Insurance with the LPLC was seen as meeting the following objectives –

- (a) certainty, stability and continuity in the provision of quality insurance to members from year to year;
- (b) affordable premiums to all members;
- (c) the opportunity for members of the scheme to benefit directly from a low prevalence of claims, whether by profit share, return of surplus or reduced premiums;
- (d) run off cover to all former barristers including retired persons and judges for no additional premium to them;
- (e) in co-operation with the Bar Council, the maintenance of a comprehensive database of claims made; and
- (f) in collaboration with the Bar, the active promotion of risk management strategies.

Bar Claims Database

The Bar developed and made available on a confidential basis to each of AmRe, Ace, Suncorp Metway and the LPLC a computer database of all claims and notifications made by members of the Bar since 1995. Various members of the Bar co-operated by supplying up to date information about any claim or notification which they had previously made. Further information about the database is given below.

The Bar Council continued to press the Victorian Government to amend the Act to require all practising barristers to insure with the LPLC. To that end the Bar gained the support of the Legal Practice Board (“the Board”) which in May expressed its concern as to whether any commercial insurer would be able to provide adequate cover together with full run off protection and long

term certainty. The Bar also had the support of the Law Institute of Victoria and the LPLC itself.

Suncorp Metway Offers Insurance

On 3 May 2002, Suncorp Metway advised the Bar Council that it had reversed its earlier decision and would offer renewal of professional indemnity insurance to Victorian barristers as a single line accommodation. It would not however continue its professional indemnity insurance business generally. Run off cover would also be available to those barristers who had previously insured with it. It had arranged 100% reinsurance with Employers Re. This was welcome news and largely due, it is understood, to the efforts of Peter Steele of Associated Planners Financial Services Pty Ltd and Business Insurance Group Australia Pty Ltd who market the Suncorp Metway Personal Risk Insurance Plan for barristers which is endorsed by the Australian Bar Association.

Legal Practice Board

In late May 2002, the Board resolved by way of guidelines that the minimum terms and conditions of insurance that the Board would approve under s227 of the Act were those contained in the proposed LPLC policies for practising barristers. Those policies are similar to the policy for practising solicitors which can be found on the LPLC's web site at www.lplc.com.au. The main features of these policies are that the insurer:

- (a) will not avoid the policy for non disclosure of material facts and circumstances;
- (b) will not cancel the policy, except for non payment of premium;
- (c) will not avoid liability for prior circumstances that should have been disclosed but were not;
- (d) will not exclude liability for fraud or dishonesty by the insured and the insured must indemnify the insurer against any payment to the client;
- (e) will not exclude liability for claims by related parties and the insured must indemnify the insurer against any payment to the client; and
- (f) will offer universal cover for all practising *and* former barristers.

These features were seen as being in the public interest, ensuring that insurance was ultimately available to consumers of legal services from both solicitors and barristers alike in the circumstances noted. These features are not simply of theoretical value; earlier in the year, one of our members had reported that QBE/Aon Risk Services had initially refused indemnity of a claim against him on account of non disclosure and late notification.

No amending legislation by 30 June 2002

On Thursday 30 May 2002, the Bar Council was informed that the Government had decided that the present legislative timetable did not permit the introduction of the proposed legislation in the current session of Parliament before 30 June 2002. The door was left open for the Bar to renew its application later in the year. In the meantime, the Bar had no choice but to fall back on all available options. These were Suncorp Metway, AmRe, Ace and possibly QBE. The completion of the insurance arrangements had now become an issue of great urgency as members of the Bar were required by the Act to have insurance in place by 1 July 2002 – some 4 weeks away.

Board Approval of AmRe Policy

On 7 June 2002, the Board informed the Bar that it had approved the terms and conditions of the insurance for the 2002/3 period proposed by Affinity Risk Partners and underwritten by AmRe, through its division Munich American Risk Partners. AmRe is part of the Munich Re group and has a Standard & Poors credit rating of AAA. AmRe had stipulated as a precondition of offering insurance to barristers and for the viability of its scheme, that it insure the whole of the Bar.

Hence their scheme was designed to insure all present and former barristers.

On that basis, the Board declined to approve any other policy for practising Victorian barristers (including that of Suncorp Metway). The effect of the decision was that members of the Bar were required by the Act to obtain insurance from AmRe for the first \$1.5 million of cover.

The Bar's Submissions to the Board

The Bar had submitted to the Board that policies submitted by Suncorp Metway, Ace, Heath Lambert and Aon Risk Services should all be approved so that members could exercise their choice of desired insurer. The Bar also submitted to the Board that AmRe's proposed overall limit of \$15 million was not acceptable.

The Board did not accept these submissions; it took the view that the quality of the terms and conditions proposed by AmRe both for practising barristers and for former barristers was so superior to any other on offer that in the public interest only the AmRe wording should be approved. AmRe was to provide the minimum statutory cover of \$1.5 million inclusive of costs not only to practising barristers but also to all former barristers for run off liabilities, subject to specified limits. With the exception of the \$15 million aggregate limit, the AmRe cover most approximated in policy wording that offered by the LPLC to solicitors in Victoria and provided cover for the ultimate benefit of clients which was not traditionally available from commercial insurers.

Prior to the Board's decision of 7 June 2002, the Bar had invited each of Suncorp Metway, Ace and AmRe to improve their terms and conditions with a view to attracting the support of the Board. The Bar informed Suncorp Metway by letter dated 30 May 2002 of particular matters that it needed to address to meet the standards foreshadowed by the Board but Suncorp Metway declined to alter most of the relevant terms and conditions.

On 11 June 2002, the Board confirmed to the Bar by letter that no policy except that of AmRe's sufficiently satisfied the Board's requirements.

AmRe Proceeds to Implement its Scheme

Acting in reliance on the Board's decision, on or about 13 June 2002, Affinity Risk Partners and AmRe circulated all members of the Bar with application forms and notice of the proposed insurance and soon after, began processing completed forms. More than half the Bar completed and lodged their forms; some then left on overseas travel.

The Reaction to the Board's Decision of 7 June

The Bar Council received comments both for and against the AmRe proposal. Those who viewed it favourably were impressed with the AAA rating it offered, the assurance of a long term scheme and the consideration that the AmRe premium schedule showed to lower income earners at the Bar.

Those against the AmRe scheme railed at the high level of the premiums being sought compared with the Suncorp Metway premiums. They also criticised the maximum cap on liability for the entire scheme of \$15 million (for the primary layer of cover) and accused the Board of acting in contravention of the Trade Practices Act in granting approval to only one set of policy terms and conditions. They also criticised a claims experience discount provision that AmRe was proposing to the Victorian Bar Council.

Many members asked how the premiums proposed by Suncorp Metway and AmRe were calculated and/or negotiated. I take this opportunity to offer some observations.

The Contrasting Approach to Premiums by AmRe & Suncorp Metway

AmRe offered its premiums as part of the competitive “tender” process in the lead up to the Board’s decision of 7 June. Its proposed insurance was universal cover of all practising and former barristers. Suncorp Metway proposed ‘offer and acceptance’ cover for practising barristers, meaning, it could pick and choose who it wished to cover, and if so, subject to any loading it sought to impose. Suncorp Metway would not provide run off cover for any former barrister unless they had previously insured with Suncorp Metway. That left some 300 former barristers (including 29 sitting judges and 14 Crown prosecutors) who could not have obtained run off cover from Suncorp Metway.

AmRe’s premiums for the primary layer of insurance were estimated at \$4.6 million inclusive of GST and stamp duty; those offered by Ace Insurance estimated at \$4.3 million. Both these insurers independently examined the Bar’s claims history database and arrived at their premiums, we were told, following actuarial analysis and modelling based on the claims information. AmRe priced its premiums on the basis that no loadings would be imposed for previous claims or notifications. A review of the Bar’s past claims suggests that individual barristers should not necessarily be held accountable for the moneys paid out by HIH on claims since 1995 which included substantial legal costs.

The Bar’s claims database covers all claims and notifications lodged since 1995. The contents of it are strictly confidential. The database contains information supplied by HIH and Aon Risk Services. Most of the barristers who lodged a claim or notification have at the request of the Bar completed a profile form providing an up to date assessment of the matter in question. On the requirement of the LPLC, the claims database was ‘audited’ by Minter Ellison whose solicitors interviewed more than 100 members of the Bar. In the result, the database sought to present as accurately as possible the amounts already paid out on claims or the realistic reserves for the claims in question. Without such a database, in the present climate, the Bar has little chance of encouraging any competitive bids for the Bar’s insurance. With the database, the Bar was fortunate in having 3 insurers, 2 of international standing, compete for the Bar’s insurance.

Prior to striking its premium rates in early June 2002 (estimated at a notional \$2.9 million for the primary layer), Suncorp Metway did not examine the Bar’s claims history database. The only significant figures it had on the Bar were for the claims notified to date for the 2001 / 2002 year. Prior to that year, Suncorp Metway insured very few at the Bar. This approach did not suggest that the premium pool sought by Suncorp Metway had been calculated to an amount sufficient to put in place a long term sustainable insurance scheme for the Bar. Whether Suncorp Metway will continue as an insurer to the Bar for a reasonable period beyond this coming insurance year remains to be seen, particularly in light of the present premium pool and the vacillation by Suncorp Metway as to its future intentions.

Suncorp Submits Further Policy for Approval by Board

By the week commencing 17 June, Suncorp Metway had advised that it would submit a further policy to the Board for approval.

The Board was due to meet on Friday 21 June to consider the amended Suncorp Metway policy. Prior to this meeting, the Bar Council recommended to the Board that when making its decision on whether to approve the terms and conditions of any further insurance policy, it should give paramountcy to the principle that insurance must be available to all practising barristers.

The Bar Council also informed the Board that, having regard to the short time left for barristers to have insurance in place, in the event that any further policy was approved it would be necessary for any further insurer to agree to a term that it provide a cover note for all members of the Bar so that they will be able to continue practice after 1 July.

Meanwhile, AmRe advised the Board of its preparedness to increase the maximum limit to

\$20 million and that, as of Friday 21 June 2002, it was seeking additional cover to bring it to \$30 million.

Board Approval of Suncorp Metway Policy

On Friday 21 June 2002, the Board approved a Suncorp Metway policy for practising Victorian barristers. The wording of the policy had not, subject to one exception, changed from the Suncorp Metway policy which the Board rejected on 7 June. The exception was that the 7 June policy denied 'run off protection' immediately after a barrister ceased practice or was struck off or removed from the roll of counsel as a result of disciplinary action and gave the insurer the right to cancel the policy. The 21 June policy removed reference in that context to any right of cancellation and denied 'run off protection' from the expiry of the policy year in which the barrister ceased practice (cl 5.13). Otherwise, the later policy appeared to be in substantially the same terms as the earlier Suncorp Metway policy for which the Board had refused approval.

At all events, the policy approved did not have the features that the Board had previously regarded as being necessary in the public interest. This meant that the policies of two insurers had been approved by the Board. Suncorp Metway was also now prepared to offer cover on application and acceptance to former barristers for their run off liabilities, whether or not they had previously insured with Suncorp Metway.

At the Bar Council's request, the Board also sought and obtained an assurance from Suncorp Metway that it would, by cover note, ensure that all Victorian barristers who applied for insurance with Suncorp Metway would be insured from 1 July 2002. Members had until 9 August 2002 to apply for insurance. The Bar prepared and Suncorp Metway executed an agreement recording its obligation to cover all members of the Bar subject to them applying by the due date.

The premiums sought by Suncorp Metway were significantly lower than those sought by the other insurers and represented the lowest cost insurance for many members of the Bar. The exceptions were the most junior members who had been offered concessional rates by AmRe, those members with recent claims or notifications who had to pay a loading to Suncorp Metway but no such loading to AmRe and taxation practitioners who were asked by Suncorp Metway to pay a loading on their premiums by reason of their area of practice.

Affinity Risk Partners and AmRe

As a result of the Board's reversal of its decision of 7 June, Affinity Risk Partners and AmRe informed the Bar Council that they did not intend to proceed further with their scheme. In the result, members applied to Suncorp Metway for insurance.

Aon Risk Services also lodged a policy with the Board for approval but did not proceed with any offer to members. Its proposed insurers were QBE Australia Ltd and Dexta Corporation (on behalf of Employers' Re). Heath Lambert had lodged a policy for approval with the Board to accommodate the interests of two Victorian barristers who had insured with them for some considerable time but Heath Lambert had not otherwise expressed any interest in insuring Victorian barristers. It insures New South Wales barristers. The Board approved that policy. In the result, the only policies approved by the Board for 2002/3 were those of AmRe, Suncorp Metway and Heath Lambert. Given that AmRe was no longer proceeding, Suncorp Metway's was the only policy generally available to the whole Bar and approved by the Board.

Suncorp Metway Insures the Bar

The confusion and uncertainty of the months preceding the end of the financial year gave way to the certainty of all members of the Bar having insurance on application with Suncorp Metway. Its agent, Business Insurance Group Australia Pty Ltd, in particular, its senior underwriter Ross

Kildey, faced the unenviable task of processing, as a matter of urgency, more than 1,400 applications for professional indemnity insurance from Victorian barristers. Indications so far are that they discharged this task with commendable expedition and courtesy and the Bar is most appreciative of these efforts. Some outstanding issues concerning the basis and extent of loadings on premiums remain which will be the subject of further discussions with Suncorp Metway.

Former Barristers

Former barristers who had ceased practice whilst insured with HIH and who desired cover for their potential run off liabilities needed to apply to Suncorp Metway for that cover and pay the stipulated premium and be accepted by Suncorp Metway. AmRe had offered automatic cover for all former barristers without premium or application but upon its withdrawal, this cover was no longer available.

Suncorp Metway has confirmed to one former barrister who ceased practice in 2001/2 whilst insured with Suncorp Metway that the former barrister was already covered beyond the expiration of that policy year under their 2001/2 policy for potential run off liabilities without additional premium so long as the former barrister met the conditions stipulated in that policy.

Further Application to the State Government

On 1 August 2002, the Bar Council resolved to again approach the State Government seeking an amendment to the Act to make it compulsory for barristers to insure with the LPLC, with a view to meeting all the objectives referred to above. It is hoped that the Government will decide their position on the issue prior to December 2002.

Whatever the State Government decides, the Bar now stands in a stronger position in future to obtain suitable insurance for its members. It now has a comprehensive claims history database which it is planned to keep up to date. In co-operation with Suncorp Metway, it can now also plan appropriate risk management strategies to avoid or minimise the risk of claims. By these means, the Bar can foster greater 'ownership' of its own professional indemnity insurance arrangements and better deal with any future volatility in the market place.

Finally, may I acknowledge with gratitude the valuable and energetic contribution of the Executive Director, Mr David Bremner and thank the members of the Committee for their assistance during the past year.

Michael W Shand

Chairman

ANNUAL REPORT OF THE VICTORIAN BAR DISPUTE RESOLUTION COMMITTEE

The nature of the work of the Committee in the first part of this year has been affected by circularisation of the business rather than by meetings. For the second half of the calendar year 2002 the Chairman is hopeful of organising a review of mediation in the various Court jurisdictions in which it is practised.

In late 2001, the Bar Council sought the Committee's views on the appropriateness of the then existing Rules of Conduct. The point of issue was whether any of the Rules applied to barristers when acting as mediators. Various drafts and comments were circularised by the Chairman to committee members and members of the Bar Council and Ethics Committee and their responses collated. For the large part, the Committee's view was that minimum regulation

should be effected and ultimately that found favour with the Bar Council which passed new Rules 5A,198 and 199.

The Bar's Executive Director, David Bremner, oversaw the running of the Mediation Centre which continues to enjoy a satisfactory but less than optimal level of occupation. Bookings returned to the levels of 1999/2000 year after a fall in the year 2000/2001. Currently, bookings are running at a rate of 1.25 per working day and a level of 1.3 is the break-even point. The Committee again exhorts all counsel to maximise the use of the Mediation Centre which, in addition to its traditional functions of conducting mediations and arbitrations, is also available for hire for conferences; the rooms vary in size from large to rooms suitable for small conferences.

The Bar is indebted to Tania Giannakenas who for many years has worked as the receptionist and booking officer with an exemplary degree of keenness. We wish her well in her motherhood role.

The Bar's Mediation Centre is efficiently run by Helen Henry, Pauline Hannan, Kay Kelly and Robyn Cran and the Chairman extends his special thanks to them. A special thanks also to David Bremner who, in addition to his usual efficient efforts, has prepared a detailed procedure document for the staff.

The Chairman also thanks the Committee members for their willing contributions.

W J Martin
Chairman

ANNUAL REPORT OF THE VICTORIAN BAR THEATRE COMPANY STEERING COMMITTEE

The Victorian Bar Theatre Company Steering Committee was established by the Bar Council to marshal the artistic and logistical resources for the VBTC, which is controlled by the Bar Council. The committee has met a number of times during the 2001/2002 year to consider proposals for the staging of events.

In February 2002 the Steering Committee gave its in principle support to the staging of a production to be called "*A Theatrical Tour of the Supreme Court of Victoria: Of Myths, Legends, Voices and Visions*", which was planned to take place during Law Week 2002. This proposal was submitted by Nicholas Harrington and Sara Hinchey. The committee recommended to the Bar Council that it approve the Theatre Company undertaking the production and underwrite production costs to enable the production to get underway.

The Bar Council accepted the Committee's recommendation and Nicholas Harrington and Sara Hinchey proceeded to organise the production, including considerable discussions and liaison with the Chief Justice and Justice Habersberger as to the use of the Supreme Court for the production. The Chief Justice gave his support for the production to take place. However, difficulties in relation to the use of some parts of the Court during Law Week, and the apparent necessity for the issue of a planning permit to use the old cells under the Court, resulted in the production being postponed. It is hoped that if the requisite permit can be issued the production may be staged in late October 2002.

The '*Theatrical Tour*' threatens to be as ground breaking as the innovative "*Re-Trial of The Queen v Edward (Ned) Kelly*" directed by Nick Harrington two years ago.

Another proposal which is still being considered by the Steering Committee is to host a production of "Trial by Jury" by Gilbert and Sullivan, to be staged together with a short Bar

Revue. This proposal is still under development. There is some hope that it will be staged in 2003.

D Mark B Derham
Chairman

ANNUAL REPORT OF THE VICTORIAN BAR NEWS

Over the last 12 months *Bar News* has continued to print in full colour. This has had a noticeable effect on advertising and, in effect, we are now at the stage where it would be more expensive to go back to black and white (and lose advertising) than to continue with full colour.

The editors continue to receive a plethora of good quality material for publication. This makes it difficult to keep the size of each issue within reasonable limits. Most issues could easily run to between 80 and 100 pages.

Some of the material published is controversial and sometimes the Editors' Backsheet may upset some members of the Bar. All the editors can do is urge those who disapprove (or approve) of the content of *Bar News* to write in voicing their opinions.

Bar News is the Bar's publication and the editors urge all members of the Bar to have their say. That is the only way in which the standard of *Bar News* as vox populi can be maintained.

The Editors

ANNUAL REPORT OF THE ESSOIGN CLUB

The Club has continued through this year to provide the usual services for its members and to the Bar Council. There have been some successful art exhibitions and the Calcutta was well attended and enjoyable. Revenue from the dining room has been fairly static but there has been some decline in private functions. The Club has noticed the strain of increasing competition from newer restaurants opening in the area.

The attention of the Committee has been taken up with preparations for the relocation of the Club from the 13th floor to the 1st floor as a consequence of the proposed refurbishment of Owen Dixon Chambers East. The proposed relocation to the 1st floor is a very significant milestone for the Club. The 1st floor will include the Readers' Course area and the library, as well as the Bar Council Chamber and Chairman's room. There are obvious relationships between each of these facilities and between most of them and the Essoign Club. The redevelopment of the 1st floor to meet the needs of the Bar for the foreseeable future has provided an opportunity comprehensively to address many of the difficulties under which the Club has laboured since its inception.

In this context the Bar Council gave much attention to the role of the Club and the extent to which it does and can fulfil a role within the Victorian Bar.

The Bar Council retained a well regarded firm of food services consultants to provide a report on the viability of the Club in its proposed new location. Their report was delivered to the Bar Council in February 2002. The report noted the trading figures for the Club in recent years and observed that like other comparable organisations the club has struggled to maintain turnover

and profitability. (In 2000/2001 the Essoign Club made a loss of \$7,851 on turnover of \$485,596. In the previous financial year it made a profit of \$15,188 on turnover of \$552,165. The figures for the year 2001-2002 are not completed but are likely to show a continuation of this unsatisfactory trend).

The report confirmed that it would be reasonable to expect significantly increased usage of the Club if relocated to the 1st floor. The report identified issues such as menu range, service style, accessibility and ambience as key issues for review in the design and operation of the Club in its new location.

The Bar Council accepted the view of a joint sub-committee comprising Bar Council and Essoign Club members that the Bar constitutes a sufficient potential market for the Club to operate effectively and profitably. The Council also accepted that it is in the best interest of the Bar to maintain such a place for the exclusive use of Club members and their guests.

The joint sub-committee noted the important opportunities provided by the establishment of the Readers' Course/CLE facilities on the 1st floor, in particular the prospect that the Club would be used – in conjunction with Bar Council and Readers' Course/CLE activities – throughout the day and early evening. Apart from improved lift access, the new Club will have an entry from the ground floor street level of ODCE up a single flight of stairs.

Various distinguishing features were identified by those Consultants as important in the establishment and promotion of the Club to ensure regular use by its members. These distinguishing features are all matters which were accommodated in the development of the design for the new Club premises.

In broad terms, the new Club is intended to comprise three discrete related areas:

- (a) a bistro-style dining room;
- (b) a more up-beat café; and
- (c) a separate lounge area.

The Café/Lounge area is intended to be a light, dynamic and bustling environment that will attract an ever-changing and eclectic clientele base and offer the opportunity to network. The design was directed towards creating a comfortable and welcoming space.

The Café/Lounge will be based primarily on counter service but with limited table service in the form of “second round” drinks at lunch. Basic café meals and drinks will be ordered, paid for and collected from the bar. A range of attractive pre-prepared meals such as Panini, sandwich wraps and sushi will be on the menu. The cold display unit is to be strategically located in the bar so as to act as a point of contact on arrival. There will be a limited range of hot meals to be prepared in the kitchen and served by staff to tables.

The Bistro dining area is intended to be a quieter space for a more leisurely lunch with table service for food and drinks. The theme will be contemporary with a sophisticated overtone. Tables seating up to 10 will be available along with a number of tables seating 4 or 6. Generally, the Bistro menu would offer contemporary with a mix of Asian and European character at an affordable price. A selection of “fast track” meals would be a special feature of the Bistro.

The Club's committee is very excited about the re-development of the Club and its relocation to the 1st floor, which it sees as heralding a new era of excellence in the history of the Essoign Club.

Michael J Colbran

Chairman

SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC

**Statement of Financial Performance
for the Year Ended
30 June 2002**

	2002 \$	2001 \$
Revenue		
Revenue from Ordinary Activities	2,562,083	2,362,354
Other Revenue		
Indigenous Lawyers Project	30,532	—
Interest	<u>96,632</u>	<u>124,893</u>
Total Revenue	<u>2,689,247</u>	<u>2,487,247</u>
Expenditure		
Administration Expenses	1,243,301	1,074,056
Payroll	757,832	679,428
Depreciation	119,144	75,616
Other	<u>69,132</u>	<u>34,295</u>
Total Expenditure	<u>2,189,409</u>	<u>1,863,395</u>
Operating Profit	499,838	623,852
Accumulated Funds at the beginning of the financial year	3,682,470	3,058,618
ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR	<u>4,182,308</u>	<u>3,682,470</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 2002**

	<i>Notes</i>	<i>2002</i> \$	<i>2001</i> \$
Current Assets			
Cash Assets		445,384	859,760
Other Financial Assets – Investments	3	2,052,831	1,229,552
Receivables	4	<u>176,770</u>	<u>64,831</u>
Total Current Assets		<u>2,674,985</u>	<u>2,154,143</u>
Non-Current Assets			
Other Financial Assets – Investments	5	2,516,300	2,016,300
Property Plant & Equipment	6	443,257	518,594
Loan to Essoign Club		<u>42,351</u>	<u>42,351</u>
Total Non-Current Assets		<u>3,001,908</u>	<u>2,577,245</u>
Total Assets		<u>5,676,893</u>	<u>4,731,388</u>
Current Liabilities			
Provisions	7	143,552	132,235
Payables		446,062	149,974
Subscriptions in Advance		<u>898,537</u>	<u>762,899</u>
Total Current Liabilities		<u>1,488,151</u>	<u>1,045,108</u>
Non-Current Liabilities			
Provisions	8	<u>6,434</u>	<u>3,810</u>
Total Non-Current Liabilities		<u>6,434</u>	<u>3,810</u>
Total Liabilities		<u>1,494,585</u>	<u>1,048,918</u>
Net Assets and Accumulated Funds		4,182,308	<u>3,682,470</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 2002

	2002	2001
	\$	\$
Cash Flows From Operating Activities		
Subscriptions	1,957,700	1,714,138
RPA Reimbursement	359,791	336,550
Interest Received	96,632	124,893
Other Receipts	31,242	906
Payments to Suppliers and Employees	<u>(1,482,029)</u>	<u>(1,451,711)</u>
Net Cash Flows From Operating Activities	<u>963,336</u>	<u>724,776</u>
 Cash Flows From Investing Activities		
Payments for Plant and Equipment	(54,433)	(28,328)
Purchase of Shares	<u>(500,000)</u>	<u>(500,000)</u>
Net Cash Flows From Investing Activities	<u>(554,433)</u>	<u>(528,328)</u>
 Net Increase in Cash Held	408,903	196,448
 Cash at the Beginning of the Financial Year	<u>2,089,312</u>	<u>1,892,864</u>
 Cash at the End of the Financial Year	<u>2,498,215</u>	<u>2,089,312</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 2002**

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.

The following Australian Accounting Standards have not been adopted – AAS 3 Accounting for Income Tax, AAS 16 Financial Reporting by Segments, AAS 22 Related Party Disclosures, AAS 24 Consolidated Accounts, AAS 28 Statement of Cash Flows, AAS 30 Accounting for Employee Entitlements and AAS 33 Presentation and Disclosure of Financial Instruments.

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.

	2002 \$	2001 \$
3. Other Financial Assets – Investments		
Commonwealth Bank of Australia —		
Bank Bills	<u>2,052,831</u>	<u>1,229,552</u>
4. Receivables		
Subscriptions in Arrears	—	9,919
Prepayments	59	142
Sundry Debtors	<u>176,711</u>	<u>54,770</u>
Total Receivables	<u>176,770</u>	<u>64,831</u>
5. Other Financial Assets – Investments		
Shares in Barristers’ Chambers Limited at Cost	<u>2,516,300</u>	<u>2,016,300</u>
The Victorian Bar Inc has an agreement with Barristers’ Chambers Limited that it will subscribe and pay for shares in BCL to the value of \$500,000 in June each year until 30 June 2009. The agreement will terminate if BCL becomes insolvent, has an administrator appointed, has an application made for its winding up or does not proceed with the refurbishment of Owen Dixon Chambers East.		
6. Property, Plant and Equipment		
Equipment	273,611	237,348
Provision for Depreciation	<u>(211,736)</u>	<u>(164,358)</u>
Total Equipment	<u>61,875</u>	<u>72,990</u>
Office Furniture	64,278	61,793
Provision for Depreciation	<u>(33,106)</u>	<u>(26,722)</u>
Total Office Furniture	<u>31,172</u>	<u>35,071</u>
Art Works	37,909	22,224
Provision for Depreciation	<u>(19,442)</u>	<u>(16,467)</u>
Total Art Works	<u>18,467</u>	<u>5,757</u>
Library	339,683	339,683
Provision for Depreciation	<u>(173,083)</u>	<u>(139,116)</u>
Total Library	<u>166,600</u>	<u>200,567</u>

Refurbishment – Douglas Menzies Chambers	390,658	390,658
Provision for Depreciation	<u>(225,515)</u>	<u>(186,449)</u>
Total Refurbishment	<u>165,143</u>	<u>204,209</u>
Total Property, Plant and Equipment	<u>443,257</u>	<u>518,594</u>
7. Provisions		
Employee Entitlements	<u>143,552</u>	<u>132,235</u>
8. Non-Current Liabilities		
Employee Entitlements	<u>6,434</u>	<u>3,810</u>

OFFICERS' DECLARATION

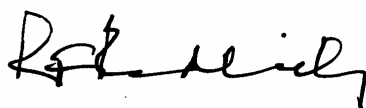
As detailed in Note 1 to the financial report, The Victorian Bar Inc is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to specifically satisfy all of their information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

The Officers declare that:

- 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:

18 July 2002

THE VICTORIAN BAR INC

Detailed Statement of Financial Performance for the Year Ended 30 June 2002

	<i>Notes</i>	2002 \$	2001 \$
Income			
Subscriptions		1,822,062	1,732,367
Sale of Publications		314	280
Other Income		396	626
RPA Reimbursement	1	401,412	351,984
Interest		96,632	124,893
Indigenous Lawyers Project		<u>30,532</u>	<u>—</u>
Total Income		<u>2,351,348</u>	<u>2,210,150</u>
Expenses			
General Administration			
Archival Costs		3,917	8,563
Audit and Accounting Expenses		138,177	50,919
Australian Securities Commission		281	233
Bank Charges		2,186	5,867
Conference Expenses		29,377	16,747
Bar Dinner and Other Functions		56,077	93,789
Bar Dinner Receipts		(30,003)	(30,991)
<i>Bar News</i> Advertising Income		(41,257)	(30,333)
<i>Bar News</i> Expenses		118,858	89,584
Depreciation		39,803	24,267
Donations		2,500	1,000
Floral Tributes		3,666	3,268
Indigenous Lawyers Project		34,768	—
Insurance		—	944
Legal Assistance Scheme Costs		34,364	34,295
Library (including Depreciation)		113,977	123,757
Miscellaneous		2,985	—
Postage		9,474	11,173
Printing and Stationery		104,254	93,307
Publications		7,145	6,768
Rent to Barristers' Chambers Limited		93,277	71,957
Research Studies and Projects		73,725	45,734
Salaries, Employee Entitlements, Superannuation and WorkCover Costs		495,364	460,064
Telephone		3,400	1,933
Travel Expenses		4,167	2,278

Australian Bar Association	72,800	41,820
International Bar Association	485	396
Law Council of Australia	123,204	114,520
Lawasia	909	1,000
LEADR	—	135
PILCH	3,150	3,150
Ethics Administration		
Salaries and Expenses	154,123	149,401
Readers' Course		
Receipts	(115,826)	(117,823)
Salaries, Expenses and Depreciation	338,330	284,316
Mediation Centre		
Receipts	(149,366)	(95,969)
Salaries, Expenses and Depreciation	<u>123,219</u>	<u>120,229</u>
Total Expenses	<u>1,851,510</u>	<u>1,586,298</u>
Operating Profit	499,838	623,852
Accumulated Funds at the Beginning of the Financial Year	3,682,470	3,058,618
Accumulated Funds at the End of the Financial Year	<u>4,182,308</u>	<u>3,682,470</u>

NOTES TO THE DETAILED STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2002

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	163,988	157,331
Registration	64,012	79,687
<i>Victorian Bar News</i>	22,893	18,956
Readers' Course and Legal Education	66,988	56,036
Library	38,018	39,974
Legal Assistance Scheme	<u>45,513</u>	<u>—</u>
	<u>401,412</u>	<u>351,984</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>44,935</u>	<u>34,961</u>
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THE VICTORIAN BAR INC

Victorian Bar Expenditure for the Year Ended 30 June 2002

Travel, Conference Costs and Donations

At the Annual General Meeting of the Victorian Bar Inc held on 3 September 2001, it was resolved that in future the Annual Report of the Victorian Bar should include an itemised list of the value of all gifts and donations paid or made out of Bar funds during the last financial year and the names of each donee, and the total spent in the financial year on travelling expenses for Bar staff and members of the Bar Council.

Conferences	\$	Attended By
ABA Quarterly Meeting	994	Chairman and Executive Director
LCA Quarterly Conferences	7,367	LCA Representative and Executive Director
LCA Biennial Conference	5,384	Chairman, LCA Representative, Executive Director and Legal Officer
Professional Indemnity Insurance Meetings	2,518	Chairman of Insurance Committee and Executive Director
ABA Biennial Conference	12,997	Executive Officer
Regulatory Officers Conference	1,750	Executive Director and Investigations Officer
Gippsland Law Society Conference	249	B W Collis QC, representing the Bar
International Bar Association	1,252	Chairman, Readers' Course
Eastern States Readers' Course Conference	455	Chairman, Readers' Course, Manager – Legal Education and Training
Total	32,966	
Travel		
ACT Bar Dinner	382	W R Ray QC, representing the Bar
Victorian Bar Dinner	50	Chairman
New South Wales Bar Dinner	392	M A Dreyfus QC, representing the Bar
Queensland Bar Dinner	582	W R Ray QC, representing the Bar
New Silks Dinner, Canberra	1,186	Chairman and Executive Director
Staff Overtime Taxis	384	
Total	2,976	
Donations and Sponsorships		
Robert Kent Foundation	2,000	
East Timor Legal Profession Fund	500	
LIV/Hanover Mooting Competition	2,500	
Monash University VIS Moot	500	
Deakin University VIS Moot	500	
Rostrum Voice of Youth	500	
Total	6,500	