



The Victorian Bar Inc

Reg. No. A0034304S

ANNUAL REPORT

1 July 2005 – 30 June 2006

Annual Report of The Victorian Bar Inc for the Year Ended 30 June 2006

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00 pm on Monday, 11 September 2006, in the Neil McPhee Room, Level 1, Owen Dixon Chambers East, 205 William Street, Melbourne.

Victorian Bar Council

In the annual election held in September 2005, 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**

Jacob (Jack) Isaac Fajgenbaum QC

G John Digby QC

Philip Alistair Dunn QC

Michael Warner Shand QC

Michael John Colbran QC

Mark Alfred Dreyfus QC

Paul Gregory Lacava S.C.

Cathryn (Kate) Faye McMillan S.C.

David Francis Rashleigh Beach S.C.

Peter Julian Riordan S.C.

Fiona Margaret McLeod S.C.

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**

Dr David John Neal S.C.

Iain Ronald Jones

Kerri Elizabeth Judd

Edvard William Alstergren

Rachel Marie Doyle

Patrick Justin Hannebery

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

Cahal Gerard Fairfield

Charles Edward Shaw

Anthony Gerard Burns

Liza Maree Powderly

THE VICTORIAN BAR INC ANNUAL REPORT

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Chairman's Report

Changes to the Regulatory Regime

Prior to the commencement of the *Legal Profession Act 2004*, the Victorian Bar largely maintained its role as a self-regulatory professional body responsible for issuing practising certificates and maintaining and enforcing its own ethical and disciplinary rules.

Under the 2004 Act, these regulatory functions are no longer vested in the Bar, however, there is power for the Legal Services Board to delegate the function of issuing practising certificates to the Bar and for the Legal Services Commissioner to refer the investigation of disciplinary complaints to the Bar. Following the commencement of the 2004 Act, the Board has delegated the function of the issuing of practising certificates to the Bar. The Bar Office has just completed processing and issuing certificates under the new regime. Whilst many problems were encountered with the forms and the processing of the certificates, the Bar is reviewing the forms and the process and is hopeful that the renewal process will proceed more easily and efficiently next year.

The Commissioner has referred the investigation of some complaints to the Ethics Committee. There remains an unresolved issue concerning the status of the rulings and guidance given by the Ethics Committee. At present, the Committee continues to give the rulings and guidance to members under the umbrella of its Bulletin No. 2 of 2005, dated 9 December 2005.

In addition to the changes in the regulatory sphere, a review of legal education and training services in Victoria in the context of the 2004 Act is being conducted by Ms Susan Campbell, assisted by an advisory committee. The review is intended to evaluate the legal education system including the requirements for post-admission continuing legal education. The Bar's Readers' Course and the CLE program have been included in the review. Ms Campbell is expected to publish the results of the review later this year.

The Need for a Strategic Plan for the Bar

With these changes to the regulatory regime and others foreshadowed or under consideration, the role of the Bar in the way it operates and the services that it provides to its members is of critical importance to its members.

In performing its traditional role, both for the independent Bar as an institution and for its members, the Bar Council has relied heavily on the efforts of many individuals who serve on a voluntary basis. In the past, the work of the Bar Council has been supported by the Bar Office administration. In recent times, the burden of the administration has grown such that the time of the Bar's staff has been directed to responding to the day-to-day operational issues of the Bar rather than addressing some of the "independent Bar as an institution" issues, with the result that the Bar Council itself has tended to react and respond rather than to lead with initiatives of its own.

The time has come for the Bar to develop a strategic plan. Almost all effective organisations have a strategic plan. A strategic plan is an essential management tool: it is the focal point for vital management decisions, a central point for governance and a means of measuring its efficiency and effectiveness. Once a strategic plan is put in place, a critical work plan must be designed and implemented. That would involve reviewing the management practices of the Bar and the resources required to support and achieve the objectives identified in the strategic plan. Implementation of the strategic plan would need to be linked with budgeted resources sufficient to achieve its objectives on a timely basis. Under the current regime, there is a budget process in place but it tends to be ad hoc or reflect what happened in the past rather than focusing on an organised work plan, and making provision for any desirable changes in strategy.

In my view, if the Bar is to meet the challenges of the future, it must develop initiatives to take positive steps to prepare itself and be ready to engage in debate at an intellectual level.

Appointment of Justice Crennan to the High Court

With the appointment of Justice Crennan to the High Court, there was a ceremonial welcome in Canberra and a further welcome in Melbourne. The Bar hosted a dinner to celebrate her appointment. On the night, the Essoign was packed to capacity. Frank Costigan QC delivered a moving speech acknowledging Justice Crennan's outstanding qualities and attributes. Justice Crennan responded with affectionate and entertaining anecdotes that paid tribute to her mentors, colleagues and friends at the Bar.

“Unsung Heroes” of the Bar

In October 2005, the retiring Chairman and retiring Bar Councillors attended the annual dinner held to acknowledge their contributions to the work of the Bar. At the dinner, I also took the opportunity to thank the many members of other Bar Committees who undertake their voluntary work for the Bar with little recognition — the “unsung heroes” of the Bar. My remarks are published in the Summer edition of the *Bar News*.

The Bar Dinner

This year the Bar Dinner was held at a new venue — the 17th floor of the new RACV Club. The event attracted a record capacity crowd with numbers limited to 400. The guest speaker was Jeff Sher QC, a leader of this Bar and one of its most distinguished silks. Jeff gave us a rare insight into the rich experiences he enjoyed as an advocate in Aboriginal land claims and reminded us all to seize the opportunities that arise in the course of one's everyday practice. Jeff's speech is published in the Winter 2006 edition of the *Bar News*.

New Silks

On the first day of the Legal Year, I appeared on behalf of the Victorian Bar in the High Court in Canberra to inform the Court of the members of the Bar who had been

appointed as silks for the State of Victoria. All of the silks appointed in November 2005 attended the ceremony, many of whom were accompanied by their families. In the evening, the Australian Bar Association hosted a dinner for the new silks and their families with members of the High Court and the Bar of Australia in the Great Hall of the High Court.

New Bar Website

The new Victorian Bar website was launched officially by the President of the Court of Appeal, the Honourable Justice Maxwell, at a reception held in the Essoign. The new website is faster, more functional and will serve the Bar well for some years. It also includes a portal for the Bar's oral history project, which includes interviews with Charles Francis AM RFD QC, Dr Philip Opas OBE QC, Judge Liz Gaynor and Brian Bourke.

Professional Standards Scheme

The Bar Council has continued its work on the proposed Victorian Bar Professional Standards Scheme. A sub-committee chaired by Mark Derham QC is preparing an application for approval of the scheme with a view to lodging the application with the Professional Standards Council. It is hoped that approval will be in place for the scheme to commence on 1 July 2007.

Anti-Discrimination Policy for the Bar

In May 2006, the Bar Council approved an Anti-Discrimination Policy for the Victorian Bar. The policy affirms the Bar's opposition to all forms of discrimination, and harassment and vilification in the provision of legal services by its members, the seeking of legal services from its members, and the manner in which members conduct themselves in relation to each other and in the employment of staff.

Legal Aid

In November 2005, Victoria Legal Aid announced that it had adopted a protocol for annual indexation of fees paid to legal practitioners for state and criminal law legal aid services. In June 2006, the VLA approved fee increases in legal aid criminal matters commencing 1 July 2006. Details of these increases were circulated to the Bar in a memorandum dated 30 June 2006.

In addition, there is agreement between the Bar and VLA to provide for the briefing of senior counsel and a junior in a wider range of criminal cases. Effective 1 July 2006, the *VLA Handbook* was amended to permit VLA to approve the briefing of senior counsel and a junior subject to senior counsel agreeing to accept the VLA scale fees for a senior junior and the junior agreeing to accept the fees for a junior.

The Bar welcomed these changes, however, the failure to increase Supreme and County Court brief fees (other than for fifth and subsequent days) was a significant disappointment to members. The Bar Council will continue its discussions with VLA and pursue the increases to the fees, including brief fees.

Submission Work by the Bar

During the year, the committees and associations of the Bar and members of the Bar continued to provide invaluable assistance to the Bar Council in drafting submissions on a range of issues. Members of the Bar also work directly with the Law Council of Australia, the Australian Bar Association and the Law Institute of Victoria, where appropriate. For my part, I am most grateful to the members of the Bar for their generous assistance in responding to calls by the Bar Council for assistance with this work.

Examples of major submission work undertaken during the year were submissions on advocates' immunity, the *Migration Amendment (Designated Unauthorised Arrivals) Bill 2006*, the proposed increases in the civil jurisdiction of the County Court and criminal jurisdiction of the Magistrates' Court, the Associations Incorporation Act review, the Victorian Defamation Bill, review of the Coroners Act, the Bar's regulatory regime under the 2004 Act, the proposal for civil law reform (amendments to the *Evidence Act 1958*) and County Court Appeals.

Examples of submissions of the Law Council of Australia include submissions on service trusts, changes to the military justice system, the Anti-Terrorism Bill, same sex entitlements, money laundering reforms and Professional Standards Schemes legislation.

In addition, during 2005 and 2006, the Criminal Law Justice Advisory Group, which was established to work on the overhaul of the *Crimes Act 1958* and related legislation, met a number of times with the representatives of the Bar and the Criminal Bar Association to discuss and respond to the "Justice Statement" discussion papers on Offence Classification, Grand Juries, Trial Procedure, Indictable Offences Triable Summarily, Committals and Multiple Offences and Police Powers of Investigation.

Readers' Course — 25 Years

The Bar Readers' Course celebrated its 25th anniversary this year. In 1980, under the chairmanship of Hartog Berkeley QC, the Bar Council established the Readers' Course. The Honourable Chief Justice Michael Black AC and the Honourable Stephen Charles, Professor the Honourable George Hampel AM and retired County Court Judge Michael Kelly QC were involved in the establishment and early years of the Course. David Ross QC designed the educational objectives and Rex Wild QC structured and co-ordinated the first course. In May 2006, Chief Justice Black addressed the readers to mark the 25th anniversary of the Readers' Course. His Honour's speech is published in the Winter 2006 edition of the *Bar News*.

Advocacy Training in the South Pacific Region — 16 Years

This is the 16th year the Bench and Bar have conducted the Advocacy Skills Workshop at the Legal Training Institute of Papua New Guinea. The advocacy workshops developed from the training courses initially conducted on an ad hoc basis in the late 1970s and early 1980s by the Honourable Trevor Morling, the Honourable Justice Goldberg AO and George Beaumont QC during time spent by them in Papua New

Guinea. When the Bar commenced the course 16 years ago, there were no more than about 25 people in each course. The workshops are now the advocacy component in the final examinations for admission to practice in Papua New Guinea. Other workshops have been conducted in Vanuatu and the Solomon Islands.

All of the members of the Bench and Bar who participate devote their personal time to teach in these courses on a voluntary basis, often in trying and difficult conditions. Those who participated in recent times included the Honourable Justice Eames of the Court of Appeal, Paul Coghlan QC DPP, Ian Hill QC, Michael Tovey QC, David Parsons S.C., Magistrate Lesley Fleming, Geoffrey Steward, Julie Condon, Martin Grinberg and Ronald Gipp. Ms Barbara Walsh, the manager of Legal Education for the Bar, has organised and participated on site as administrator and manager in every South Pacific Course held in that time.

Indigenous Lawyers Committee

Victorian universities now have about 30 Aboriginal students from all over Australia who are studying law, a number of whom participate in the Bar's mentoring program. The Bar's Indigenous Lawyers Committee set up an Indigenous Barristers Fund to provide financial assistance to indigenous law graduates interested in pursuing a career at the Bar.

The Victorian Bar has not had an indigenous practising member for over 20 years, when Mr Mick Dodson retired from active practice. Mr Dodson is now a Professor at the National Centre for Indigenous Studies at the Australian National University and he remains a member of the Victorian Bar on the Academics List. The Bar now has its second indigenous practising member, Linda Lovett, who completed the March 2006 Readers' Course. Linda signed the Bar Roll on in May 2006, becoming the Bar's first female indigenous practising member.

The 2005 Bar Council

The immediate past Chairman of the Bar Council, Ross Ray QC, served as a councillor for the past 13 years and brought many years of experience to the task of Chairman. On behalf of all members of the Bar, I thank Ross for his long and valuable service to the Bar and its work.

Other members of last year's Bar Council who did not return to serve in 2006 were Michael Crennan S.C. (who served as Chairman of the Counsel Committee); Michelle Quigley S.C. (who served as Assistant Honorary Treasurer for two years); Anne Duggan; Kim Knights; Paul Connor; and Christopher Townshend. Each of these Bar Councillors made significant contributions to the work of the Bar Council during their time on the Council.

The 2006 Bar Council

In addition to the 2005 Bar Councillors who were re-elected, seven new members were elected to the Bar Council this year — John Digby QC, Michael Colbran QC, Fiona McLeod S.C., Kerri Judd, William Alstergren, Anthony Burns and Liza Powderly.

I am grateful to each member of the Bar Council for their work and support during the year.

The Honorary Secretary and Assistant Honorary Secretary

The Bar has been most fortunate that Kate Anderson and Penny Neskovic continued as Honorary Secretary and Assistant Honorary Secretary respectively. As in most positions of a voluntary nature, the work involved is time consuming and thankless. Kate and Penny undertake the work involved in the secretarial role with patience, efficiency, diligence, fortitude and good humour.

Kate Anderson has been the Honorary Secretary since 2003 and will retire in September 2006. On behalf of the Bar, I thank Kate for her substantial and significant contribution to the workings of the Bar. I also thank Penny for her contribution and feel sure that the new Bar Council will look forward to her continuing service to the Bar Council.

My Thanks

I wish to record my thanks to all members of the Bar Council and other members of the Bar for their generous and valuable contributions to the ongoing work of the Bar. In particular, the work done by the various committees of the Bar deserves special mention and recognition. The Bar simply could not function without them! The more detailed reports of the work undertaken by each of these committees are contained elsewhere in this Annual Report.

Finally, I also thank the Bar generally for the support that has been shown to me throughout the year. I am most grateful to have been given the opportunity to serve the Bar as its Chairman. It has been an intellectually enriching and rewarding experience. My horizons have been expanded and I have been exposed to a wider range of issues than those I would normally encounter in my everyday practice. I have enjoyed working and meeting colleagues in the profession in Victoria and in other States. On a personal level, I have particularly appreciated the contact with members during the year — by letters, emails and conversations — offering guidance, constructive criticism and encouragement in the task.

Kate McMillan

Chairman

Officers of the Bar Council

<i>Chairman</i>	Kate McMillan S.C.
<i>Senior Vice-Chairman</i>	Michael W Shand QC
<i>Junior Vice-Chairman</i>	Mark A Dreyfus QC
<i>Honorary Treasurer</i>	David F R Beach S.C.
<i>Assistant Honorary Treasurer</i>	P Justin Hannebery
<i>Honorary Secretary</i>	Katharine J D Anderson
<i>Assistant Honorary Secretary</i>	Penelope A Neskovcin

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<i>Chairman</i>	Kate McMillan S.C.
<i>Senior Vice-Chairman</i>	Michael W Shand QC
<i>Junior Vice-Chairman</i>	Mark A Dreyfus QC
<i>Honorary Treasurer</i>	David F R Beach S.C.
<i>Members</i>	Jacob (Jack) I Fajgenbaum QC
	Philip A Dunn QC
	Paul G Lacava S.C.
	Peter J Riordan S.C.
	Dr David John Neal S.C.
	Charles Edward Shaw
<i>Honorary Secretary</i>	Katharine J D Anderson
<i>Assistant Honorary Secretary</i>	Penelope A Neskovcin

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<i>Manager, Ethics and Investigations</i>	Debbie Jones
<i>Ethics Officer</i>	Catherine Mukhtar
<i>Senior Accountant</i>	Bruce Timbs
<i>Accountant</i>	Mal De Silva
<i>Projects Officer/Membership</i>	Elizabeth Rhodes
<i>Administration Officer</i>	Pamela Dempster
<i>Administrative Assistant</i>	Nicholas Boltuc
<i>Web Administrator/Newsletter Editor</i>	Miriam Sved
<i>Archivist</i>	Alison Adams
<i>Mediation Centre Receptionists</i>	Helen Henry, Pauline Hannan, Pat Lurye, Frances O'Halloran

Bar Companies and Associations

(as at 30 June 2006)

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Kate McMillan (Chairman, Victorian Bar Council) and David F R Beach S.C. (Honorary Treasurer, Victorian Bar Council)

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THE MELBOURNE BAR PTY LTD

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The Honourable Justice Neil J Young, John E Middleton QC, Ross McK Robson QC, and David E Curtain QC

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- List C — Ronald K J Meldrum QC
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- List F — Philip A Dunn QC
- List G — Michael J Colbran QC
- List H — Paul D Elliott QC
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List P — Nicholas J D Green QC
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List S — Vincent A Morfuni S.C.
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Standing Committees of the Bar Council

(as at 30 June 2006)

Applications Review Committee

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Equality Before the Law Committee

Alexandra Richards QC (Chair), Anthony Howard QC, W Ross Ray QC, Robin A Brett QC, Mark A Dreyfus QC, Mark E Dean S.C., Fiona M McLeod S.C., Ian F Turley, Ross G Maxted, Samantha L Marks, Michael D Wyles, Andrew P Phillips, Richard M Niall, Erin J Gardner, Jane C Forsyth, Anna L Robertson, Miguel A Belmar Salas, Christine Harvey, The Honourable Chief Justice Marilyn L Warren AC (Supreme Court Consultant), The Honourable Justice Robert F Redlich, (Supreme Court Consultant), Her Honour Judge Rachelle A Lewitan AM (County Court Consultant), Her Honour Judge Susan M Cohen (County Court Consultant), Her Honour Judge Frances Millane (County Court Consultant), Ian L Gray (Magistrates' Court Consultant) and Pamela M Tate S.C. (Consultant)

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Anthea E L MacTiernan and Marietta B Bylhouwer

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Legal Education and Training — Continuing Legal Education Committee

Michelle M Gordon S.C. (Chair), Herman Borenstein S.C., Frank Parry S.C., Joseph G Santamaria QC, Peter Bick QC, Her Honour Judge Jeanette G Morrish QC, Richard J H Maidment S.C., Desmond J Lane, Gerard P Mullaly, John T (Jack) Rush RFD QC, Jeremy Ruskin QC, Clarinda E Molyneux QC, Martin Bartfeld QC, Paul A Willee RFD QC, William F Lally QC, John H Karkar QC, Ross H Gillies QC, Robert Richter QC, Melanie Sloss S.C., Michael L Sifris S.C. and Barbara Walsh (Manager, Legal Education and Training)

Legal Education and Training — Readers' Course Committee

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Past Practising Chairmen's Committee

Frank X Costigan QC, Brian J Shaw QC, Andrew J Kirkham AM RFD QC, John E Middleton QC, John T (Jack) Rush RFD QC, David E Curtain QC, D Mark B Derham QC, Robin A Brett QC and W Ross Ray QC

Professional Indemnity Insurance Committee

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Victorian Bar News

P Gerard Nash QC (Editor), Paul D Elliott QC (Editor), Judy Benson (Editor), Julian W K Burnside QC (Editorial Board), Graeme P L Thompson, (Editorial Board), John V Kaufman QC (Editorial Committee), William F Gillies (Editorial Committee), Carolyn H Sparke (Editorial Committee), Georgina L Schoff (Editorial Committee), Paul T Duggan (Editorial Committee), Richard L Brear (Editorial Assistant) and Peter W Lithgow (Book Reviews)

Joint Standing Committees (as at 30 June 2006)

Bar/BCL Accommodation Committee

Jacob (Jack) I Fajgenbaum QC, G John Digby QC, Michael J Colbran QC, Rachel M Doyle, Daryl F Collins, (BCL) Geoffrey Bartlett (BCL) and Christine Harvey (Chief Executive Officer)

Bar/BCL Communications Committee

D Mark B Derham QC (Chair), Michael Feramez, Michael W Shand QC, David S Levin QC, Peter W Lithgow, William E M Lye, Geoffrey Bartlett and Ian Green (BCL) and Christine Harvey (Chief Executive Officer)

Law Aid (Bar/LIV)

David F R Beach S.C. (Chairman), Frank D Saccardo S.C., John J Noonan S.C. and Mary Anne Hartley

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

Michael A Scarfo, Christopher M O'Neill and Mary Anne Hartley

Police/Lawyers Liaison Committee

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

Bar Appointees

(as at 30 June 2006)

Appeal Costs Board

Anthony E Hooper QC

Australian Bar Association — Council

Kate McMillan S.C.(Delegate)

Commonwealth Administrative Appeals Tribunal — (Melbourne) Liaison Committee

Charles Gunst QC

Council of Law Reporting

James D Merralls AM QC and Charles Gunst QC

Council of Legal Education

Jack I Fajgenbaum QC and Kate McMillan S.C.

County Court — Building Cases Users' Group

Richard J Manly S.C.

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

Federal Court — Corporations List Users' Group

David J O'Callaghan S.C. and Kim J Knights (Alternate)

Federal Court — Intellectual Property Users' Group

Bruce N Caine S.C.

Federal Court — Migration List Users' Group

Maree E Kennedy S.C., Debra S Mortimer S.C., Thomas V Hurley, Warren S Mosley and Richard M Niall

Federal Court — Native Title Committee

David A Parsons S.C.

Federal Court — Users' Committee

Ross C Macaw QC, Richard R S Tracey QC, Garry T Bigmore QC, Bruce N Caine S.C., Debra S Mortimer S.C. and Jennifer Davies S.C.

Firearms Appeal Committee

Carolyn H Sparke

International Bar Association — Human Rights Liaison Officer

Jack 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 Holdings Limited

Mark A Dreyfus QC (Director) and Michael Colbran QC (alternate director)

Law Council of Australia — Access to Justice Committee

Duncan L Allen S.C.

Law Council of Australia — Advisory Committee on Client Legal Privilege

Maree Kennedy S.C. and Suzanne Nicol

Law Council of Australia — Advisory Committee on Indigenous Legal Affairs

Colin D Golvan S.C. and David Parsons S.C.

Law Council of Australia — Equalising Opportunity in the Law Committee

Alexandra Richards QC

Law Council of Australia — Young Lawyers Standing Committee

Simone L Bingham and Sarah L Turner

Law Institute of Victoria — Fee Disputes Conciliator

Jeremy Ruskin QC

Lawyers Engaged in Alternative Dispute Resolution (LEADR)

William J Martin QC, David S Levin QC and Dr Damien J Cremean

Legal Services Board

John E Middleton QC

Legal Services Board — Legal Costs Committee

Nicholas J D Green QC

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 S.C. (Alternate)

Magistrates' Court — Civil Rules Committee

Ian R McEachern, Christopher W Gilligan and Franz J Holzer

Magistrates' Court — Occupational Health and Safety User Group

Christopher W Gilligan and Franz J Holzer

Magistrates' Court — WorkCover Users' Group

Ian D McDonald

Migration/Refugee Review Tribunal

Maree E Kennedy S.C.

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 S.C. and Fiona M McLeod S.C. (Alternate)

Supreme Court — Academic Course Appraisal Committee

Jack I Fajgenbaum QC

Supreme Court — Board of Examiners

Ronald K J Meldrum QC, Joseph G Santamaria QC, Peter J Jopling QC, Melanie Sloss S.C. (Deputy to Meldrum QC), Peter W Almond QC (Deputy to Santamaria QC) and 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

Melanie Sloss S.C. and Stephen G E McLeish

Supreme Court — Chief Justice’s Rules Committee

Nemeer Mukhtar QC and Peter T Fox

Supreme Court — Civil Litigation Committee

Peter B Murdoch QC, John H L Forrest QC, Peter J Riordan S.C., David J O’Callaghan S.C. and Dr Kristine P Hanscombe S.C.

Supreme Court — Commercial Causes Users’ Committee

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

Supreme Court — Commercial List Users’ Committee

Peter J Bick QC, David H Denton RFD S.C., Peter J Riordan S.C. and Albert A Monichino

Supreme Court — Costs Co-ordination Committee

Michael J Colbran QC

Supreme Court — Legal Education Committee

Jack I Fajgenbaum QC

Supreme Court — Personal Injury Users’ Group

Ross H Gillies QC, John T (Jack) Rush RFD QC, John H L Forrest QC, David J Martin

Supreme Court — Probate Users’ Committee

Richard R Boaden and Shane P Newton

University of Melbourne Law Faculty

The Honourable Justice Neil J Young and The Honourable Justice Elizabeth J Hollingworth

Victoria Law Foundation (including Grants Committee)

Paul G Lacava S.C.

Victoria Law Foundation — Justice Museum Legal Reference Group

Dr David J Neal S.C.

Victoria Legal Aid — Community Consultative Committee

Dr David J Neal S.C.

Victoria University School of Laws Program Advisory Committee

David H Denton RFD S.C. and Terrence P Murphy S.C.

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

Philip A Dunn QC

Victorian Civil and Administrative Tribunal — The Legal Practice List — Advocate Members

Lex Lasry QC, Peter J Jopling QC, Anthony G Southall QC, David S Levin QC, Jeremy W Rapke QC, Aristomenis Garantziotis S.C. and Christopher Ryan S.C.

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

Herman Borenstein S.C., Melanie P Young and Jennifer M Firkin

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 Mark G Klemens

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

Carolyn H Sparke

Victorian Civil and Administrative Tribunal Consultative Users’ Groups — Occupational and Business Regulation List Users’ Group

Mark A Dreyfus QC, 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

Michael H 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

Susan M Brennan

Victorian Law Reform Commission Advisory Council

Robin A Brett QC

Victorian Workcover Authority Committee

Robin P Gorton QC (Chair), John J Noonan S.C., Robert W Dyer and Katherine L Bourke

General Meetings

GENERAL MEETINGS OF THE BAR

The last Annual General Meeting of the Bar was held on 5 September 2005.

BAR COUNCIL MEETINGS

For the year ended 30 June 2006, the Bar Council held 24 ordinary meetings and one special meeting held on 28 November 2005.

The 2005/2006 Bar Council first met on 8 September 2005. Between that date and 30 June 2006 there were 20 ordinary meetings. Attendance at these meetings was as follows:

Kate F McMillan S.C.	20	Dr David J Neal S.C.	13
Michael W Shand QC	20	Iain R Jones	14
Mark A Dreyfus QC	9	Kerri E Judd	13
Jack I Fajgenbaum QC	17	E William Alstergren	14
G John Digby QC	18	Rachel M Doyle	15
Phillip A Dunn QC	13	P Justin Hannebery	15

Michael J Colbran QC	12	Cahal G Fairfield	14
Paul G Lacava S.C.	13	Charles E Shaw	17
David F R Beach S.C.	17	Anthony G Burns	16
Peter J Riordan S.C.	18	Liza M Powderly	17
Fiona M McLeod S.C.	15		

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 2006, the Executive Committee held 26 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 2005 to 30 June 2006 the Bar Council fixed annual subscriptions (including GST) for members of the Bar as follows:

Division A, Part I

Queen's Counsel/Senior Counsel	\$3,590
Over 15 years	\$2,140
Over 14 years	\$2,080
Over 13 years	\$2,080
Over 12 years	\$2,030
Over 11 years	\$1,910
Over 10 years	\$1,860
Over 9 years	\$1,390
Over 8 years	\$1,270
Over 7 years	\$1,150
Over 6 years	\$1,040
Over 5 years	\$930
Over 4 years	\$870
Over 3 years	\$810
Over 2 years	\$700
Over 1 year	\$630
Under 1 year's standing	\$350
Readers (September 2005)	\$170
Readers (March 2006)	\$50

Division A, Part II

Crown Prosecutors and Public Defenders	\$430
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Division A, Part III

Interstate and Overseas Queen's and Senior Counsel	\$110
Interstate and Overseas Juniors	\$88

Division B, Part III

Ministers of the Crown and Members of Parliament	\$430
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Division B, Part IV

Solicitors-General and Directors of Public Prosecutions \$430

Division B, Part VII

Crown Counsel and Parliamentary Counsel \$430

Division B, Part VIII

Other Official Appointments \$430

Division D

Academics \$430

Personalia

(as at 30 June 2006)

OBITUARIES

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

Louise M Crockett on 7 August 2005

Nathan Crafti on 21 October 2005

The Honourable Kenneth H Marks AM on 4 December 2005

C Rolly Briglia on 7 December 2005

The Honourable Xavier Connor AO on 29 December 2005

P Richard Gorrie on 20 February 2006

Bruce McNab on 21 February 2006

John P Dickson QC on 10 March 2006

Paul D Ahearne on 5 April 2006

Judge Bill Morgan-Payler QC on 10 June 2006.

The Bar Council records with deep regret the death of Mr Sam Duban on 13 August 2005. Mr Duban served as commissioner at the Victorian Bar for 15 years.

JUDICIAL APPOINTMENTS

During the year ended 30 June 2006 the following members of the Victorian Bar were appointed to judicial office.

STATE**Supreme Court of Victoria**

On 16 July 2005, the Honourable Justice Christopher Maxwell was appointed as a Judge of the Supreme Court of Victoria and President of the Court of Appeal.

On 8 May 2006, the Honourable Justice Robert Redlich was elevated to the Court of Appeal.

On 8 May 2006, the Honourable Justice Anthony Cavanough was appointed as a Judge of the Supreme Court of Victoria.

County Court of Victoria

On 9 August 2005, her Honour Judge Jeanette Morrish QC was appointed as a Judge of the County Court of Victoria.

On 9 August 2005, his Honour Judge Julian Leckie S.C. was appointed as a Judge of the County Court of Victoria.

On 26 April 2006, his Honour Judge Paul Grant was appointed as a Judge of the County Court of Victoria and appointed President of the Children's Court on 1 May 2006.

Magistrates' Court of Victoria

On 20 December 2005, Magistrate Luisa Bazzani was appointed as a Magistrate of the Magistrates' Court of Victoria.

On 20 December 2005, Magistrate Marc Sargent was appointed as a Magistrate of the Magistrates' Court of Victoria.

On 25 May 2006, Magistrate Fiona Stewart was appointed as a Magistrate of the Magistrates' Court of Victoria.

FEDERAL

The High Court of Australia

On 20 October 2005, the Honourable Justice Susan Crennan was appointed as a Judge of the High Court of Australia.

Federal Court of Australia

On 30 November 2005, the Honourable Justice Neil Young was appointed as a Judge of the Federal Court of Australia.

On 23 June 2006, the Honourable Justice Christopher Jessup was appointed as a Judge of the Federal Court of Australia.

Family Court of Australia

On 30 November 2005, the Honourable Justice Victoria Bennett was appointed as a Judge of the Family Court of Australia.

WELCOMES

STATE

Supreme Court of Victoria

On 19 July 2005, the Honourable Justice Betty King, who was appointed as a Judge of the Supreme Court of Victoria on 21 June 2005, was welcomed to the Bench of the Supreme Court of Victoria by Ross Ray QC, Chairman of the Victorian Bar Council.

On 21 July 2005, Master John Efthim was welcomed as a Master of the Supreme Court of Victoria by Kate McMillan S.C., Senior-Vice Chairman of the Victorian Bar Council.

On 25 July 2005, the Honourable Justice Christopher Maxwell was welcomed to the Bench of the Supreme Court of Victoria and as President of the Court of Appeal by Ross Ray QC, Chairman of the Victorian Bar Council.

On 1 February 2006, Master Jamie Wood was welcomed as a Master of the Supreme Court of Victoria by Michael Shand QC, Senior-Vice Chairman of the Victorian Bar Council.

On 7 March 2006, the Honourable Justice Marcia Neave AO, who was appointed as a Judge of the Court of Appeal on 27 February 2006, was welcomed to the Bench of the Supreme Court of Victoria by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 16 May 2006, the Honourable Justice Anthony Cavanough was welcomed to the Bench of the Supreme Court of Victoria by Kate McMillan S.C., Chairman of the Victorian Bar Council.

County Court of Victoria

On 15 August 2006, her Honour Judge Jeanette Morrish QC was welcomed to the Bench of the County Court of Victoria by Ross Ray QC, Chairman of the Bar Council.

On 16 August 2005, his Honour Judge Julian Leckie S.C. was welcomed to the Bench of the County Court of Victoria by Ross Ray QC, Chairman of the Bar Council.

On 26 April 2006, his Honour Judge Paul Grant was welcomed to the Bench of the County Court of Victoria by Kate McMillan S.C., Chairman of the Bar Council.

FEDERAL

High Court of Australia

On 8 November 2005, the Honourable Justice Susan Crennan was welcomed to the Bench of the High Court of Australia by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 16 December 2005, the Honourable Justice Susan Crennan was welcomed on her first sitting in Melbourne by Kate McMillan S.C., Chairman of the Victorian Bar Council.

Family Court of Australia

On 30 November 2005, the Honourable Justice Victoria Bennett was welcomed to the Bench of the Family Court of Australia by Noel Ackman QC, Chairman of the Family Law Bar Association and a member of the Victorian Bar.

Federal Court of Australia

On 5 December 2005, the Honourable Justice Neil Young was welcomed to the Bench of the Federal Court of Australia by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 29 June 2006, the Honourable Justice Christopher Jessup was welcomed to the Bench of the Federal Court of Australia by Kate McMillan S.C., Chairman of the Victorian Bar Council.

Federal Magistrates' Court

On 15 February 2006, Federal Magistrate Kate Hughes was welcomed to the Bench of the Federal Magistrates Court by Michael Shand QC, Senior Vice-Chairman of the Victorian Bar Council.

FAREWELLS

STATE COURTS

Supreme Court of Victoria

On 22 February 2006, the legal profession met to pay tribute to the Honourable Mr Justice William Ormiston AO on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 2 March 2006, the legal profession met to pay tribute to Taxing Master Thomas Bruce AM on the occasion of his retirement from the Supreme Court of Victoria. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

On 6 April 2006 the legal profession met to pay tribute to the Honourable Justice Stephen Charles on the occasion of his retirement from the Bench of the Supreme Court of Victoria. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

Children's Court of Victoria

On 27 April 2006 the legal profession met to pay tribute to her Honour Judge Jennifer Coate on the occasion of her retirement as President of the Children's Court of Victoria. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Bar.

Magistrates' Court

On 20 September 2005, the legal profession met to pay tribute to Magistrate Robert Tuppen on the occasion of his retirement as a Magistrate of the Magistrates' Court. Richard McGarvie S.C. spoke at the farewell and Kate McMillan S.C., Chairman of the Victorian Bar Council, also attended the farewell.

It is noted that on 25 April 2006, Paul Grant resigned as a Magistrate of the Magistrates' Court.

FEDERAL COURTS

Family Court of Australia

On 18 November 2005 the legal profession met to pay tribute to the Honourable Justice Thomas Joske on the occasion of his retirement from the Bench of the Family Court of Australia. Noel Ackman QC, Chairman of the Family Law Bar Association, spoke on behalf of the Victorian Bar.

On 15 December 2005 the legal profession met to pay tribute to the Honourable Justice Alwynne Rowlands AO RFD on the occasion of his retirement from the Bench of the Family Court of Australia. Andrew Kirkham RFD AM QC spoke on behalf of the Victorian Bar.

On 24 February 2006 the legal profession met to pay tribute to the Honourable Justice Susan Morgan on the occasion of her retirement from the Bench of the Family Court of Australia. Michael Shand QC, Senior Vice-Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar and the Australian Bar Association.

On 30 June 2006 the legal profession met to pay tribute to Judicial Registrar Jonathan Ramsden on the occasion of his retirement from the Family Court of Australia. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar and the Australian Bar Association.

HONOURS

During the year, the following Victorian judges, members and past members of the Victorian Bar were recipients of the following honours:

The Queen's Birthday 2005 Honours List announced on 13 June 2005

The Honourable Chief Justice Marilyn Warren AC

The Honourable Clive Tadgell AO

The Honourable Justice Alan Goldberg AO

The Honourable Justice Murray Kellam AO

The Honourable Howard Olney AM

Retired Taxing Master Thomas Bruce AM

His Honour Judge Gordon Lewis AM

Mrs Joan Dwyer OAM

Mr Eamonn Moran PSM QC

Australia Day 2006 Honours List announced on 26 January 2006

Professor the Honourable George Hampel AM

Air Commodore Andrew Kirkham RFD AM QC

Mr Jacob Fronistas OAM

The Queen's Birthday 2006 Honours list announced on 12 June 2006

The Honourable Shane L Stone AC QC

The Honourable William Ormiston AO

Dr Richard Searby AO QC

The Honourable Justice Sally Brown AM

Senior Counsel

On the 24 November 2005, the following members of the Victorian Bar were appointed as Senior Counsel in and for the State of Victoria:

Christopher J Wren, David J Neal, Barry J Hess, Brendan M Griffin, Anthony A Nolan, Christopher J Ryan, Paul J Cosgrave, Michael R Pearce, Christopher J Blanden, Gregory J Lyon, Stewart M Anderson, Michael P McDonald, Simon E Marks, Michele M Williams and Michael W Thompson.

Roll of Counsel

(as of 30 June 2006)

	Female	Male	Total
Division A, Part I			
Victorian Practising Counsel			1649
Victorian Practising Counsel — Queen’s and Senior Counsel	16	204	220
Victorian Practising Counsel — Junior Counsel	314	1115	1429
Division A, Part II			
Crown Prosecutors and Public Defenders			21
Division A, Part III			
Interstate and Overseas Counsel	7	111	118
Division B, Part I			
Governors			0
Division B, Part II			
Judges			168
Division B, Part III			
Ministers of the Crown and Members of Parliament			7
Division B, Part IV			
Solicitors-General and Directors of Public Prosecutions			6
Division B, Part V			
Masters and Judicial Registrars			5
Division B, Part VI			
Magistrates and Full-time Members of Statutory Tribunals			80
Division B, Part VII			
Crown Counsel and Parliamentary Counsel			5
Division B, Part VIII			
Other Official Appointments			4
Division C, Part I			
Retired Judges and other Judicial Officers			93
Division C, Part II			
Retired Holders of Public Office other than Judicial Officers			11
Division C, Part III			
Retired Counsel			103
Division D			
Academics			22
TOTAL			2292

The following 107 persons signed the Roll of Counsel:

Nicholas Batten (re-signed), Amanda Ducrou (re-signed), Lucy Steiner (re-signed), Gary Hindson (re-signed) Deborah Bye (re-signed), Niki R. Wilson (re-signed), Roger J Young (re-signed), Ingrid Braun, Vicky Priskich, John Snaden, Justine Raczkowski, Peter O'Connor, Marita Wall, Michael Borsky, Jagdeep Jassar, Anthony Beck-Godoy, John Stevens, James Greentree-White, Jeremy Slattery, Leonie Englefield, Rolf Sorensen, Terence Guthridge, Jeremy Sear, Cam Truong, Travis Mitchell, Edward Moon, Angela Ellis, Colin King, Wayne Henwood, Joanne Lardner, David Turner, Frances Dalziel, Mayada Dib, Tyson Wodak, Russell Rigby, Meghan O'Sullivan, Justin Brereton, Emily Latif, Bruce Anderson, Arthur Bolkas, Patrick Bourke, Charmaine Lye, James Rangelov, Dugald McWilliams, Lynne Featonby, Mark McKenney, Kieren Naish, Mitchell McKenzie, Laurence Liddell, Jason Romney, Rory McIvor, Benjamin Fitzmaurice, Paul Norris (re-signed), Robert Lombardi (re-signed), John Ribbands (re-signed) Jonathon Redwood, Anna Boymal (re-signed), Catherine Gobbo (re-signed), Derek Minus (NSW), Bruce Cohen, Nicholas Terziovski, Ester James, Nandi Segbedzi, Simon Moglia, Michael Rush, Siobhan Ryan, Steve Milesi, Nadia Kaddeche, James Shaw, Richard Kowalski, Joshua Kohn, Deborah Mandie, Karen Alexander, Peter O'Farrell, Ursula Stanisich, Marcus Duckett, Maria Pilipasidis, Bree Knoester, Rebekah Sleeth, Linda Lovett, David Gray, Meredith Schilling, Renee Sion, Mark Gumbleton, Lee Pascoe, Alan Nash, Larissa Andelman, Paul Kounnas, Fraser Cameron, Robert Ingram, Francesca Holmes, Alex Johns, Chamindri S Kahagalle, Elizabeth McKinnon, Georgina Coghlan, Rodney MacDonald, Diana Olsson, Nicholas Andreou, Alan Gray, Fiona McKenzie, Jeremy Geale, Simon Teare, John Oswald-Jacobs, Thomas Ashton, Stephen Quan, Michael Quinlan and Julian A Hammond.

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

Alan D Kornhauser, Peter J Carroll, Edward J Johnson, Christos Tsirogianis, David Flynn, Debra J Coombs, Catherine F Gobbo, Shirley Dennehy, Elizabeth Langdon, Peter Davison, Geoffrey A Clancy, Christos Moshidis, Elizabeth T Johnson, Anita Spitzer, Rodney McInnes, Richelle Scherman, Peter Holding, Paul Stefanovic, Christopher Tate, Stephen Matthews, Jason Romney, Georgina Costello, Anthony Kiel, Linton Morris QC and Randall Kune.

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

David Cowan, Michael Pembroke S.C.

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

Michael Tinney

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

The Honourable Richard Alston, Nathan Crafti, Joseph Carney, Alan Blackman, Georgia Tsirmbas, Richard McCormack, Peter Kidd, David Bennett and Judith Bornstein.

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

Christopher Maxwell QC, Neil Young QC, Anthony Cavanough QC and Jeannette Morrish QC.

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

Luisa Bazzani, Marc Sargent and Fiona Stewart.

Members whose names were transferred from Division A, Part I (Victorian Practising Counsel) to Division C, Part II (Retired Holders of Public Office other than Judicial Office):

The Honourable Neil Brown QC and Colin Macleod.

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

Lindis Krejus, Ernest Burrows, Edward Stoneham, Leonard Lindon, Peter Galbally QC, Graeme Cantwell, John Higham, Shaun Le Grand, Judith Reuben, Michael Crennan S.C. and Roden Pritchard.

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

Victoria E Lambropoulos, Lisa Sarmas, Gary Cazalet and Rebecca Leshinsky.

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

John Champion S.C. and Michelle Hodgson.

Member whose name was transferred from Division A, Part II (Crown Prosecutors and Public Defenders) to Division A, Part III (Interstate and Overseas Counsel):

Patrick Southey.

Member whose name was transferred from Division A, Part II (Crown Prosecutors and Public Defenders) to Division B, Part II (Judges):

Julian Leckie S.C.

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

Robert Barry and David Bennett.

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

Richard Edmonds S.C. and Stephen Southwood QC.

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

The Honourable Justice Ronald Merkel.

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

The Honourable Justice Joske, The Honourable Justice Rowlands AO RFD, The Honourable Justice Morgan and The Honourable Justice Ormiston AO.

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

The Honourable Daryl R Williams AM QC.

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

Rex Wild QC.

Members whose names were transferred from Division C, Part I (Retired Judges and Other Judicial Officers) to Division A, Part I (Victorian Practising Counsel):

Colin E Macleod and The Honourable Anthony Graham.

Member whose name was transferred from Division C, Part I (Retired Judges and Other Judicial Officers) to Division A, Part III (Interstate and Overseas Counsel):

The Honourable Antony P Whitlam.

The following Readers signed the Overseas Roll of Counsel:

Kenneth Imako, Meli Muga, Samuel Vavala, Aaron Mane, Charles Mende, Michael Koimo, Henry Kausimae and Miriam Lidimani.

Functions

Opening of the Legal Year

On the occasion of the opening of the Legal Year, religious observances for the legal profession were held on 30 January 2006. The services were held at St Patrick's Cathedral, St Paul's Cathedral and The Melbourne Hebrew Congregation.

Social Functions

On 27 October 2005, Kate McMillan S.C., on behalf of the Victorian Bar, hosted a dinner at the Essoign for the retiring Chairman of the Victorian Bar Council, Ross Ray QC, retiring members of the Bar Council and members of the Bar who had given their services to the Bar over the past year, and in many cases, over many years. These members included: members who had assisted with advice and submissions for the Bar; the Aboriginal Law Students Mentoring Committee; the Continuing Legal Education Committee; the Ethics Committee; the Readers' Course Committee; the directors of Barristers Chambers Ltd; the directors of the Bar Superannuation Fund; the trustees of Law Aid; the Board of Examiners; the *Bar News* Committee; the Essoign Committee; and the Library Committee.

On 11 December 2005, the annual Barristers' Children's Christmas Party was held at Princes Lawn, Royal Botanical Gardens. Father Christmas (Paul Elliott QC) was in attendance. The organisation of the Party was undertaken by a sub-committee comprising Will Alstergren, Jason Pennell, Sarah Fregon and David Turner.

On 9 February 2006, Michael Shand QC, on behalf of the Bar, launched the Bar's new website. The Honourable Justice Maxwell, President of the Court of Appeal, Supreme Court of Victoria, launched the latest version of the website which included the Bar's oral history project.

On 30 March 2006, Ross Macaw QC, Chairman of the Victorian Bar Legal Assistance Scheme, hosted drinks in the Essoign and thanked members of the Bar who had contributed to the administration of justice by acting on a pro bono basis.

On 27 April 2006, Kate McMillan S.C., on behalf of the Victorian Bar, hosted a celebratory dinner at the Essoign to honour the appointment of former Chairman of the Victorian Bar, The Honourable Justice Crennan, to the High Court.

On 19 May 2006, Colin Golvan S.C., Chairman of the Indigenous Lawyers Committee, hosted drinks at the Essoign for indigenous students from Deakin University to meet members of the Bar.

The 2006 Victorian Bar Annual Dinner was held on 3 June 2006 at The RACV Club, 17th Floor, 501 Bourke Street, Melbourne. This year the Bar honoured the following State and Commonwealth guests:

State

The Honourable Chief Justice Warren AC

The Honourable Justice Maxwell

The Honourable Justice Ashley

The Honourable Justice Neave AO

The Honourable Justice Redlich
The Honourable Justice Kellam AO
The Honourable Justice King
The Honourable Justice Cavanough
The Honourable Clive Tadgell AO
Professor the Honourable George Hampel AM
His Honour Judge Lewis AM
Her Honour Judge Morrish QC
His Honour Judge Leckie S.C.
His Honour Judge Grant
retired Taxing Master Thomas Bruce AM
Eamonn Moran PSM QC
Jacob Fronistas OAM.

Commonwealth

The Honourable Justice Crennan
The Honourable Justice Goldberg AO
The Honourable Justice Young
The Honourable Justice Bennett
The Honourable Howard Olney AM
Andrew Kirkham AM RFD QC
Joan Dwyer OAM.

Kate McMillan S.C., Chairman of the Victorian Bar Council, welcomed the 400 people in attendance including the honoured guests, other guests of the Bar, the Chief Justice and Justices of the High Court, the former Chief Justice of the High Court The Honourable Sir Gerard Brennan AC KBE, the Justices and Listing Master of the Supreme Court, the Justices of the Federal Court, the Family Court and the Federal Magistrates Court, the Judges of the County Court, the Magistrates and Senior Member Byard of VCAT, the Solicitors-General Dr David Bennett AO QC, Pamela Tate S.C., Robert Meadows QC and Michael Sexton S.C., the Vice-President of the Australian Bar Association, the Presidents of the New South Wales, Queensland and ACT Bar Associations, retired Judges, retired barristers and other members of the Bar.

Kate McMillan also paid tribute to the following barristers who were invited as guests of the Bar, having signed the Bar Roll more than 45 years earlier, including Peter O'Callaghan QC, Jeffrey Sher QC, Howard Fox QC and Joseph Kaufman. As Kate McMillan stated, "We are in a new venue with a new format and packed to the rafters." The Vice-President of the Australian Bar Association, Stephen Estcourt QC, proposed the toast to the Bars of Australia, and Jeffrey Sher QC was the guest speaker.

Drinks were held at the Essoign for the readers at the beginning of the September 2005 and March 2006 intakes. Dinners were then held at the conclusion of the September 2005 and March 2006 Readers' Courses to welcome the new members of the Bar. The readers were joined at the dinners by their mentors and members

and staff of the Bar Council. The September 2005 readers were addressed by The Honourable Justice Charles and the March 2006 readers were addressed by The Honourable Chief Justice Black. Drinks were also held after the courses were finished for the readers and their senior mentors.

Other Functions

During the year under review, the Chairman and some members of the Bar entertained guests at various functions which included Sir Albert Palmer, Chief Justice of the Solomon Islands; noted human rights lawyer Mr Mordecai Mahlangu, a senior partner of one of the major firms in Harare, Zimbabwe; Justice Eleanor Dawson, Justice Carolyn Layden-Stevenson and Justice Anne MacTavish of the Federal Court of Canada; Chief Magistrate Ian Gray; and three indigenous students interested in coming to the Bar in the future and being assisted in this regard by the Indigenous Lawyers Committee.

Sporting Events

Cricket

The Bar's cricket team was again victorious in their annual match against the Law Institute, thus retaining the Sir Henry Winneke Trophy. The match was played at the Waverley Oval, East Malvern, on 19 December 2005. In an exciting finish the Bar won with four wickets in hand: Bar 6/167 d. Law Institute 7/166 (c.c.).

The Bar also played two social matches later in the season. The first was held on 26 March 2006 against the Cambridge Society of Australia at the Cope-Williams Winery at Romsey, and the second for the "Hit or Miss" trophy against the Vaughan Springs XI on 9 April 2006 at the picturesque Cricket Willow ground at Shepherds Flat. Unfortunately, the Bar lost both of its social matches.

Golf

The annual golf competition between the Law Institute and the Bench and Bar for the Sir Edmund Herring Trophy took place on 20 December 2005 at Kingston Heath Golf Club.

The Bench and Bar retained the trophy

Unfortunately, due to extremely poor attendance, the future of this event is in some doubt. Only half a dozen players represented the Bench and Bar, and the number of solicitors was down on previous years. There are now several other competing golf events attended by members of the Bench and Bar in the period prior to Christmas. These conflicting events have caused the numbers participating in the event against the Law Institute to decline considerably.

After considering various alternative venues and alternative dates, the event will once again be held at Kingston Heath Golf Club in December 2006 with extensive promotion in an effort to increase the number of participants. Unfortunately if the

number of participants does not improve, then the competition may be unable to continue.

The Victorian Bar Snowsports Club

The Victorian Bar Snowsports Club (“VBSC”) was established in mid-2005 by a committee comprising: Michelle Florenini (President), Jack Rush RFD QC (Vice-President), William Houghton QC (Secretary), William Alstergren (Treasurer), Andrew Ramsey (Member), Ben Rozenes (Member) and Sara Hinchey (Member). The Honourable Professor George Hampel AM QC enthusiastically accepted the role of club patron and is exceptionally well-qualified for this position, having skied for over 60 years and taught as a ski instructor for over 20 years.

The VBSC was launched on 29 September 2005. Detective Nick Farr, Victorian policeman and renowned ski tour operator, shared with us his inspiring journey that started in Aspen, Colorado, almost 15 years ago and culminated in the summiting of Mt Everest in May 2005.

Our patron and committee members wish to share their passion for skiing, snowboarding and other snowsports with all members of the Bar with the aim of fostering fellowship and good times in the snow. Members receive regular email bulletins notifying them of club activities which in the first half of 2006 included a Warren Miller film night and a drinks evening at the Essoign. We encourage all members of the bar to join the club by contacting michelleflorenini@vicbar.com.au.

The club wishes to acknowledge the role of its treasurer, William Alstergren, in the promotion of the sport of bobsleigh and skeleton. William is the Secretary-General of the Australian Bobsleigh and Skeleton Association and was the coach of the Australian men’s bobsleigh team at the 2006 Winter Olympics in Torino, Italy.

Hockey

The Victorian Bar team were victorious against the New South Wales Bar team at the Hawthorn-Malvern Hockey Centre on Saturday 25 October 2005, winning 3–1. On 27 October 2005 at the State Hockey Centre, the Law Institute team won 7–2 over the Victorian Bar.

Tennis

The Victorian Bench and Bar tennis team was successful in retaining the perpetual Judge J X O’Driscoll trophy in the annual match against the Law institute of Victoria, played on 20 December 2005, at Kooyong Tennis Club. Since institution of the trophy in 1967, this was the first time the Bench and Bar had won in consecutive years.

Leading members of the Bar team were Patrick Montgomery and Jamie Gorton, but all players performed creditably. The trophy was presented to the Chairman of the Bar Council, Kate McMillan, for safekeeping, at the ceremony to launch the Bar’s new web site held in the Essoign Club in March, 2006.

Wigs on Wheels

2005–06 has been another year of dramatic growth for Wigs on Wheels. Increases in petrol prices, car parking taxes in the CBD and an appreciation that a healthy lifestyle is a benefit to anyone in a sedentary profession has raised interest in cycling. There are now in excess of 110 members of this active Bicycle User Group. In July 2005, prompted by Philip Crennan, members of Wigs on Wheels also raised \$950 for disadvantaged students at Debney Park High School to assist in their joining the Great Victorian Bike Ride. In October 2005, 10 members entered the 2005 Around the Bay in a Day ride raising money for The Smith Family. The team was smartly attired in Wigs on Wheels cycling shirts, organised by Mark Dreyfus. Wigs on Wheels promoted the annual Bicycle Victoria Ride to Work Day in October 2005 and enjoyed assistance from BCL, which arranged for free secure bicycle parking for anyone cycling to work on that day. During the year three Wigs on Wheels Lycra Breakfasts were held in the Essoign Club, amid much mirth and merriment (or as much as can be developed at 7.30am!). Three members of Wigs on Wheels participated in the Great West Australian Bike Ride from Albany to Perth in March 2006.

Yacht Regatta

The 18th Wigs & Gowns Regatta was held in perfect conditions on Hobson's Bay on the 19 December, 2005.

A light south-westerly provided the perfect breeze for all competitors to enjoy the cruise in company.

Andrew Green sailing a 33ft William Garden Sloop, *Charisma*, was awarded the Thorsen Trophy.

After a post-race meeting of the handicap committee, the Neil McPhee Memorial Trophy was awarded to John Digby, sailing his 42ft masthead sloop, *Aranui*.

Due to the generosity of Judge Frank Walsh, the inaugural Frank Walsh Perpetual Trophy was awarded to Judge Stuart Campbell sailing his 22ft double-ended gunter rig sloop, *Rosa Jean*.

Following on-water activities, a barbecue lunch was attended by over 30 of the Bar's finest sailors.

Annual Reports of Associations and Committees

ANNUAL REPORT OF THE VICTORIAN BAR SUPERANNUATION FUND

Barfund has had another satisfactory year.

In my 2005 report I explained that Barfund's repositioning to a conservative stance should place the Fund in a sound position if equity markets retreat. That retreat has

occurred and the Fund is in a sound position. The all ordinaries index has fallen approximately 10 per cent in a month from its May 2006 all time high.

Despite this fall, for the financial year to 30 June 2006, the Fund gave a good real return to members given an inflation rate still below 3 per cent. The balanced and growth options both achieved double-digit results. This has now occurred for three consecutive years.

In superannuation it is longer-term performance that really counts, especially in the era of allocated pensions.

The advice, particularly from our consultant, Jana Investments Advisors, has been that the extraordinary growth in Australian company earnings which fuelled the sharemarket boom is unsustainable and that earnings growth will revert to a long-term average rate of growth.

Similarly, the return on a balanced portfolio of assets, such as Barfund's balanced option, is likely to revert to a figure closer to a long-term average balanced fund return, which is approximately 8 per cent per year.

The most notable event for the year was the grant to Barfund on 21 April 2006 of its APRA RSE Licence number L0002165 and on the 19 May 2006 the registration of the Victorian Bar Superannuation Fund as Registrable Superannuation Entity number R1005660. This was a great achievement for a Fund so relatively small. Many funds of much larger size have stumbled at the endless compliance hurdles and been taken over by the mega master trusts, known in the industry as gorillas, which now dominate the superannuation scene.

The Board was very keen to ensure that Barfund survived this rigorous regulation and red tape so that it could continue to serve, as a low cost niche player, its special membership of fellow barristers and their associates.

In December 2005 the Fund redeemed \$6 million from its Australian equity manager 452 Capital and invested that amount with another Australian equity manager, Paradise Cooper. In relation to International Equities, \$4 million was moved from various fund managers to each of two new managers, Orbis and MFS. Otherwise the managers mandates were unaltered.

In May our administrator, Aon, took over from our asset custodian, National Custodian Services, the role of determining unit prices for the three investment choices.

On 19 June 2006, Barfund held its annual information session which was very well attended. Question time was very lively with much interest being shown in the proposed changes to superannuation laws, which will make superannuation an even more attractive investment.

Again, the Directors thank David Holston and Greg Clerk of Jana Investment Advisers for their tireless contribution to the affairs of Barfund.

Again, I would like to thank our dedicated secretary, John Ames, and my fellow directors Jonathan Beach QC (Deputy Chairman), Melanie Sloss S.C., Ross Macaw QC and Paul Cosgrave S.C. for their great work and sound judgment.

Philip Kennon

Chairman

ANNUAL REPORT OF THE BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

The Victorian Bar Council is the Committee of Management for the Association. The Bar Council has delegated to a sub-committee, consisting of the Chairman of the Bar Council and its Honorary Treasurer, the power to conduct the business of the Association. The sub-committee is required to report to the Committee of Management on decisions it has made with the names of recipients of loans or grants not disclosed, unless the Committee so directs.

The Association can maintain its capital base only through subscriptions and income on its Capital Fund. Members of the Association and of the Victorian Bar are urged to bear in mind the critical role that the Association can play in assisting fellow members or their families who require financial support. Subscriptions to the Association are tax deductible.

During the year, the Association made four payments to applicants totalling \$40,301. Three of these payments were gifts and one was an interest-free loan.

The Manager of the Association's Capital Fund is Equity Trustees Limited. The investment strategy of the Capital Fund is reviewed periodically with the Manager. The Capital Fund at 30 June 2006 was \$1,094,754 (2005: \$1,014,356). Loans at 30 June 2006 totalled \$208,858 (2005: \$205,184).

Subscriptions received during the year were \$52,560 (2005: \$38,985). Interest and imputation credits earned during the year were \$61,813 (2005: \$53,999).

For the 2005–06 financial year, the average income yield on the Capital Fund's investments in Australian shares, cash and fixed interest holdings has been between 3 per cent and 5.1 per cent. The capital appreciation in value of the Australian shares component of the investment portfolio during the year has been 22.75 per cent. At 30 June 2006, the price of units in the Equity Flagship Fund, which holds shares in companies included in the S&P/ASX200 Index (Australian shares), was \$1.70. At 30 June 2005, the unit price was \$1.38.

At 30 June 2006, a summary of assets held by Equity Trustees (at market value) was:

<i>Type of Asset</i>	<i>Market Value</i>	<i>Proportion</i>	<i>Yield</i>	<i>Income</i>
	\$	%	%	\$
Cash	170,798	10.8	4.6	5,837
Fixed Interest	494,413	31.4	5.1	25,317
Australian Shares	699,546	44.5	3.0	18,165
Sub-total:	1,364,757			49,319
Loans	208,858	13.3	2.0	4,177
TOTAL:	1,573,615			53,496

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Financial Statement for the Year Ended 30 June 2006

	2006	2005
	\$	\$
Capital Fund at 1 July 2005	1,014,356	1,015,120
Receipts		
Subscriptions Received During the Year	52,560	38,985
Loan Repayments Received	6,326	16,252
Imputation Credits Refund	8,822	2,155
Net Interest Earned During the Year	52,991	51,844
	<u>1,135,055</u>	<u>1,124,356</u>
Payments		
Grants	30,301	20,000
Loans	10,000	90,000
Total Payments to Members	40,301	110,000
Capital Fund at 30 June 2006	<u>1,094,754</u>	<u>1,014,356</u>
Loans		
Opening balance	208,858	271,665
Less Loans Written-off	—	-66,481
Loans at 30 June 2006	<u>208,858</u>	<u>205,184</u>
Total Assets at 30 June 2006	<u>1,303,612</u>	<u>1,219,540</u>

Amounts Held by Equity Trustees at 30 June 2006

Equity Trustees Flagship Fund	422,000	422,000
Equity Trustees Wholesale Mortgage Income Fund	250,978	250,978
Equity Trustees PIMCO Wholesale		
Australian Bond Fund	250,978	250,978
Equity Trustees Cash Management Fund	170,798	90,400
Capital Fund at 30 June 2006	<u>1,094,754</u>	<u>1,014,356</u>

Kate McMillan and David Beach

Sub-committee of the Committee of Management and The Victorian Bar Council

ANNUAL REPORT OF BARRISTERS' CHAMBERS LIMITED

This year has been a period of consolidation for BCL following the completion of the Owen Dixon Chambers East refurbishment project at the end of 2004. The most significant project undertaken this year was the upgrade of the lifts at Douglas Menzies Chambers.

The Board has approved the refurbishment of the lift foyers and common areas in Owen Dixon Chambers West. A subcommittee of the Board under the leadership of

the Deputy Chairman John Digby QC has consulted widely with tenants regarding the scope of works on a floor by floor basis over the last six months. It is anticipated that these works will commence in late July 2006.

In financial terms, BCL has once again performed satisfactorily this year.

For most of the year, BCL carried some 50 vacant rooms. BCL aims to reduce the level of vacant rooms while maintaining, as far as practical, a degree of flexibility for tenants to move between chambers.

The ongoing challenge to BCL is to continue to provide a range of chambers to meet the diverse needs of tenants. The BCL system continues to underpin open access to the Victoria Bar and can only be sustained if a critical mass of barristers support the company.

BCL has continued to work closely with the Victorian Bar throughout the year. I again wish to acknowledge the Victorian Bar's ongoing commitment to BCL through its annual \$500,000 capital injection. This commitment is in place until 30 June 2009 — without this arrangement, BCL would not have been able to raise the necessary funds to refurbish Owen Dixon Chambers East.

I wish to place on record my appreciation for the support I have received from all members of the Board during the year. They are John Digby QC (Deputy Chairman), Michael Shand QC (resigned 11 October 2005 after two years of service), Michael Colbran QC, Peter Lithgow, Caroline Kenny, Wendy Harris, Paul Connor, Matthew Walsh (appointed 11 October 2005) and Mr Daryl Collins (Chief Executive Officer).

Finally, I also wish to record my thanks to the BCL staff for their dedication to the company and for the service they provide to members of the Victorian Bar.

Paul Anastassiou

Chairman

ANNUAL REPORT OF THE ESSOIGN

Now that the club has fully settled into its “new” location on level one of ODCE, we can calmly examine what has been accomplished over the last three years.

Usage of the club is at an all-time high. More members are taking advantage of our facilities. We are seeing a wider range of barristers at the club, including, most gratifyingly, many younger members. Catering to various counsels' chambers and surrounding courts is growing rapidly.

Upon reopening after the Christmas/New Year break, members will have noticed the alteration to the café service area. The café section had been so successful that not only did we increase the number of tables last year, but we eventually, whilst the club was closed during the holidays, rebuilt the service area facing William Street to accommodate and expedite the growing number of customers.

Due to the café's increasing popularity, we simply outgrew the existing facilities at the service area. Conditions were too cramped for the necessary lunchtime staff. There were delays in taking orders from diners. A solution was to extend the café service area to facilitate both the instalment of a second register and the ability to serve three to four people at a time. A submission was put to the Bar Council.

Their consequent generous financial support meant that the café service area was substantially rejigged. Staff working space increased outwards as the whole east-facing service area was moved out a little; the counter itself was re-designed and lengthened. A better display/refrigerated food setup is now in place. Savoury and sweet dishes are now housed in separate areas.

The renovated section has been in operation for over six months now and is working extremely well. Queues extending out of the entrance door are gone, and the staff are delighted with the improved working space and better service facilities.

The revamped service area has also allowed for a larger menu to be available in the café at lunch time. Members are now able to order a selection of hot meals, including pizzas and steak sandwiches.

The improvements were a direct result of the generous support of the Bar Council. We are most appreciative and take this opportunity of expressing our thanks to Kate McMillan and her fellow Council members.

From a financial perspective, the Essoign Club had good results in 2005–06. Sales increased, whilst there was a slight reduction in margins due to the inevitable increase in the cost of goods sold and in compliance costs. Once again we will return a small operating profit for the year.

The committee, management and staff are committed to ensuring the Essoign remains a venue of choice for counsel and the judiciary whilst maintaining the financial viability of the club. Operating a club restaurant and cafe of this size in Melbourne is both difficult and increasingly expensive. Compliance costs are continually rising. These, together with suppliers passing on the rising fuel prices, make it difficult to maintain profitability. It therefore comes as no surprise that other attempts around Australia to maintain an up market club, serving food and beverages at competitive prices and quality, have been unsuccessful.

Despite the growing costs, the Essoign strives to maintain the highest level of service and the best quality produce at reasonable prices. The continuous battle is to run the club at close to break even, whilst, in quality, service and price, being more than competitive with other clubs and neighbouring restaurants and cafés. We are confident we have achieved these goals.

The Essoign continues to be a popular function venue for its members and in the past year has seen a growing number of private functions in the club. The Supreme Court and the Federal Court have also increased their Essoign catering. We urge all members to take advantage of our outside catering, and to consider the club as the venue of any private functions they are organizing.

We would like to remind all members that being a member of the Essoign is unique. Since last November, we are the only barristers' licensed club in Australia.

Hmmm. "the most exclusive barristers' club in Australia". Now there's a reason to join! Or to maintain membership and patronage if already a member. Or perhaps the better reason is to ensure the survival of the only club left.

I express my appreciation to my committee, particularly the efforts of John de Koning as our tireless Secretary and Treasurer Peter Crofts. Congratulations to both John (club Secretary for the past 10 years) and former Chairman, Michael Colbran QC (who guided the club through the difficult transition to the new premises) upon

attaining the rare honour of Life Membership of the Essoign Club. They join Hartog Berkeley QC, Judge Frank Walsh, Michael Adams QC, and the late Mr Justice Peter Murphy. Select company indeed!

The work of our manager Nicholas Kalogeropoulos continues to be highly valued by the committee, staff and patrons of the club. His friendly personality and undoubted ability in front of and behind the counter (and in the office, of course) make him an excellent person to run the show. We are very lucky to have him with us.

Finally, it is important that we recognize the efforts of our staff. They are an integral element in delivering not only this year's financial result but also in positioning the Essoign for future growth.

Many members frequent the venue on a daily basis, and if it were not for the friendliness and professionalism of the staff, the club would not be as well patronized. Our staff are the face of the Essoign and the service and ambience of the club would not be possible without their commitment and dedication.

Colin Lovitt

Chairman

ANNUAL REPORT OF THE CHILDREN'S COURT BAR ASSOCIATION

In addition to the Court users' regular consultative meetings, the association has been involved in the consultations in relation to the new Children's Act.

His Honour Magistrate Peter Power presented a highly successful seminar in March on behalf of the Association for the Bar's Continuing Legal Education Program, highlighting significant changes in the new legislation.

The year has also seen the retirement of Her Honour Judge Coate as President of the Court. The association wishes her well in her work on the County Court.

Members have raised a number of concerns about the operation of the Court with the new President His Honour Judge Grant and look forward to continued dialogue with the Court.

Emma Swart

Secretary

ANNUAL REPORT OF THE COMMERCIAL BAR ASSOCIATION

The Commercial Bar Association ("COMMBAR") is an association of members of the Victorian Bar ("the Bar"), practising predominantly in commercial law. It was established in October 1994.

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 (“CLE”) for the Bar, especially amongst junior barristers;
- (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 and procedural reform in commercial law related areas of practice when requested by the Bar Council to do so.

As at 30 June 2006, the Executive Office Bearers of COMMBAR were:

<i>President</i>	Peter Bick QC
<i>Senior Vice-President</i>	Melanie Sloss S.C.
<i>Vice-President (Convenor)</i>	Albert Monichino
<i>Vice-President</i>	John Digby QC
<i>Treasurer</i>	John Dixon

The Section Chairs and Secretaries were:

Banking & Finance Law Section

<i>Chair</i>	Maryanne Loughnan
<i>Secretary</i>	Andrew Kirby
<i>Assistant Secretary</i>	Garry Moffatt

Construction Law Section

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

Corporations & Securities Law Section

<i>Chair</i>	John Dixon
<i>Deputy Chair</i>	David Denton S.C.
<i>Secretary</i>	Dino Currao
<i>Assistant Secretary</i>	Liza Powderly

Environmental, Planning & Local Government

<i>Chair</i>	Jeremy Gobbo QC
<i>Secretary</i>	Susan Brennan
<i>Assistant Secretary</i>	Cornelia Fourfouris-Mack

Equity Section

<i>Chair</i>	Joseph Santamaria QC
<i>Secretary</i>	John Glover
<i>Assistant Secretary</i>	David Batt

Insolvency Law Section

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

Insurance & Professional Negligence Law Section

<i>Chair</i>	Peter Riordan S.C.
<i>Deputy Chair</i>	Cameron Macaulay S.C.
<i>Secretary</i>	Paul Duggan
<i>Assistant Secretary</i>	Kate Anderson

Intellectual Property & Trade Practices Law Section

<i>Chair</i>	Dr John Emmerson QC
<i>Deputy Chair</i>	Elsbeth Strong, S.C.
<i>Secretary</i>	Andrew Maryniak
<i>Assistant Secretary</i>	James Samargis

Property & Probate Law Section

<i>Chair</i>	Robert Shepherd
<i>Deputy Chair</i>	My Anh Tran
<i>Secretary</i>	David Lloyd

Public Law Section

<i>Chair</i>	Richard Tracey QC
<i>Secretary</i>	Richard Wilson
<i>Assistant Secretary</i>	Jason Pizer

Revenue Law Section

<i>Chair</i>	Alexandra Richards QC
<i>Secretary</i>	Simon Steward
<i>Assistant Secretary</i>	Chrissy Mavroudis

Sports Law Section

<i>Chair</i>	Henry Jolson QC
<i>Deputy Chair</i>	Tony Nolan
<i>Co-Secretary</i>	Paul Hayes
<i>Co-Secretary</i>	William Alstergren

Superannuation Section

<i>Chair</i>	Paul Cosgrave S.C.
<i>Secretary</i>	Penelope Neskovcin

COMMBAR welcomes the appointment of John Digby QC as a Vice-President of COMMBAR in addition to his long standing role as Chair of the Construction Law Section.

COMMBAR welcomes Robert Shepherd in succeeding Peter Best as Chair of the Property and Probate Law Section.

Richard Tracey QC resigned as Chair of the Public Law Section in June 2006 consequent on his appointment as a Justice of the Federal Court of Australia. COMMBAR thanks Mr Tracey QC for his outstanding support of and contribution to COMMBAR.

COMMBAR thanks Peter Best for his many years support of and outstanding contribution to COMMBAR as Chair of the Property and Probate Law Section.

COMMBAR welcomes its other new office-bearers and thanks its other outgoing office-bearers, Samantha Cipriano and Julianne Jacques, for their contributions to COMMBAR.

Superannuation Section

COMMBAR has introduced a new section, the Superannuation Section, and welcomes Paul Cosgrave S.C. as Chair and Penelope Neskovcin as Secretary.

Continuing Legal Education

During the past year, COMMBAR has continued to be the major provider of commercial law-related continuing legal education (“CLE”) to the Bar. It presented 34 seminars conducted by the various sections of COMMBAR, as follows:

Section	Date	Topic	Speaker
Construction Law	19 July 2005	Injunctions to restrain recourse to bank guarantees provided as security under building contracts.	Richard Manly S.C.
Insolvency	3 August 2005	Common defects in bankruptcy notices and statutory demands.	Master John Efthim
Planning & Local Government Law	4 August 2005	Latest amendments to the <i>Planning and Environment Act 1987</i> (Vic).	Ragu Appudarai
Public law	8 August 2005	Recent amendments to the <i>Administrative Appeals Tribunal Act 1975</i> (Cth).	The Honourable Garry Downes AM
Construction Law	18 August 2005	Proportionate liability pursuant to Part IVAA of the <i>Wrongs Act 1958</i> (Vic).	Graeme Uren QC and Daniel Aghion
Equity	22 August 2005	Equitable compensation.	John Glover
Insolvency	22 August 2005	The <i>Water Wheel</i> case — A return to prudence at the board level.	Michael Wyles and Phillip Crutchfield
Insurance & Professional Negligence Law	24 August 2005	Accessorial liability for misleading or deceptive conduct.	Michael Pearce
Banking & Finance	21 September 2004	Aspects of trading trusts.	Peter Agardy
Revenue Law	26 September 2004	Capital gains tax consequences of settlements and awards of damages.	Michael Hines
Insolvency	28 September 2004	Unfair preferences and uncommercial transactions — recent developments.	Associate Professor Johns Duns
Environment, Planning & Local Government Law	3 October 2005	Recent developments in the levying of development contributions under the <i>Planning & Environment Act 1987</i> (Vic).	Sarah Porritt

Public Law	6 October 2005	Recent developments in the law relating to Freedom of Information (FOI) in Victoria.	Jason Pizer
Construction Law	19 October 2005	Liquidated damages clauses and the common law principle of relief against the imposition of a “penalty”, in the light of <i>State of Tasmania v Leighton Contractors Pty Ltd (No. 3)</i> (2004) TASSC 32.	John Digby QC
Equity	24 October 2005	Mandatory injunctions and specific performance.	Douglas Graham QC
Banking & Finance	25 October 2005	Australia’s insider trading laws: current issues and developments.	Gregory Lyon S.C.
Corporations & Securities Law	23 November 2005	Using information technology forensic techniques in commercial litigation.	Craig Macaulay
	7 December 2005	The New Commercial List Practice Note 2004 (“the Green Book”). One year of operation. Procedures and pitfalls.	The Honourable Justices Dodds-Streeton and Whelan
Sports Law	13 December 2005	The new game: athlete selection disputes.	David Grace QC
Property & Probate Law	14 December 2005	Repudiation/rescission of leases – Developments since <i>Progressive Mailing House Pty Ltd v Tabali Pty Ltd</i> (1985) 157 CLR 17.	Peter Best
Sports Law	1 Mqarch 2006	Pro Bono Schemes for Athletes at the Commonwealth Games.	Henry Jolson QC, Anthony Nolan S.C. and Tom Danos
Superannuation	23 Mqarch 2006	Superannuation law — 10 matters of interest for barristers.	Marita Wall
Intellectual Property & Trade Practices	4 April 2006	Proposed expansion of the Federal Magistrates’ Court’s jurisdiction in Trade Practices Act matters.	Maurice Phipps FM
Public Law	12 April 2006	Recent developments in the law relating to the hearing rule of natural justice.	Richard Niall
Revenue Law	26 April 2006	Tax planning for barristers.	John de Wijn QC and Andrew Broadfoot
Banking & Finance	8 May 2006	The Consumer Credit Code — 10 years on.	Lesley McKenzie
Corporations & Securities Law	9 May 2006	Recent developments on the topic of “class actions” including “litigation funding and class actions” — Unresolved Issues.	David Collins S.C. and Bernie Quinn
Property & Probate	23 May 2006	Good consideration and the dog depot.	My Anh Tran and David Lloyd
Insurance & Professional Negligence Law	30 May 2006	Working with proportionate liability.	Peter Riordan S.C.
Construction Law	1 June 2006	Recent developments in liquidated damages and penalties.	John Digby QC

Environment, Planning & Local Government Law	8 June 2006	Contesting open space contributions.	Graeme Peake
Construction Law	20 June 2006	The decision of Warren CJ in <i>Kane Constructions Pty v Sopov & Ors</i> (2002) VSC 218, (2005) VSC 237, (2005) VSC 492 (2006) VSC 32.	Matthew Stirling
Insurance & Professional Negligence Law	21 June 2006	Insurance contracts and obligations of good faith.	Michael Thompson S.C.
Sports Law	27 June 2006	Legal consequences of sports injury — recent developments.	Paul Elliott QC and Dr Peter Brukner

We thank the speakers referred to above for taking the time to develop and deliver their presentations. All of the seminars presented during the year were of a very high standard, and well attended. Where possible, outlines of presentations are posted on the COMMBAR page (under “News”) on the Victorian Bar’s website (<http://www.vicbar.com.au> : follow the link Bar Associations to the Commercial Bar Association).

Supreme Court Commercial and Corporations Lists

COMMBAR Executive members and Cameron Macaulay S.C. met with the Commercial List Judges on several occasions during the year to provide input in relation to the operation of the Commercial List and changes proposed by the Commercial List Judges, including suggested changes to trial listing procedures, the Corporations List Judge dealing both with Corporations List and ordinary Commercial List matters, and the introduction of Master Efthim as the Commercial List Master.

The Commercial List and Corporations List Judges and Master Efthim conducted a very well attended seminar on 7 December 2005 at which they reviewed the first year of operation of the Commercial List Practice Note 2004 and the changes proposed to the operation of the Commercial and Corporations Lists in 2006. The consensus of the barristers present was that the Commercial List was operating very well. The Commercial List has experienced a significant increase in caseload during the year.

2005 Annual Cocktail Party

COMMBAR held its annual cocktail party on 6 December 2005 at the Commonwealth Law Courts Building, William Street, Melbourne. The cocktail party was attended by the Chief Justice of the Federal Court, the Chief Justice of the Victorian Supreme Court, the President of the Court of Appeal, 33 other Judges and judicial officers, in excess of 100 commercial solicitors and in-house counsel and in excess of 200 barristers.

The 2005 annual cocktail party was the first occasion on which COMMBAR has hosted an event to which commercial solicitors and corporate counsel were invited, and was considered by those present to be a great success.

Input by COMMBAR into various matters

As in prior years, COMMBAR during the year provided input at the request of the Victorian Bar in relation to a number of topics, including proposed legislation dealing with “document retention policies” and the proposed adoption by the State of Victoria of the Uniform Evidence legislation.

Current Issues

COMMBAR is in the process of revising its position in relation to membership by individual barristers of COMMBAR. It is proposed to actively encourage individual barristers to become members of COMMBAR in the future. Members of the Bar who are interested in becoming members of COMMBAR are invited to apply for membership by forwarding a membership application to the Convenor. A copy of the membership application is available on the COMMBAR section of the Victorian Bar website. It is likely that a membership fee will be introduced.

COMMBAR is in the process of developing its website.

COMMBAR is addressing the significant delays attending construction litigation in the Supreme Court of Victoria.

Support from the Victorian Bar

COMMBAR recognises that the Bar has provided administrative support necessary for COMMBAR to carry on its activities, for which COMMBAR is grateful. Special thanks are extended to Barbara Walsh, Manager of Legal Education and Training, for her assistance.

Contact with COMMBAR

All enquiries in relation to the activities of COMMBAR, suggestions as to seminar topics or offers to present seminars should be directed to Albert Monichino, Clerk A, on 9225 8247 or email monichino@vicbar.com.au.

Peter Bick and Albert Monichino

President and Vice-President (Convenor)

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

During the period 1 July 2005 to 30 June 2006, the Common Law Bar Association has continued to be predominantly occupied with endeavours to ameliorate the harsh effects of the 2003 amendments to the Wrongs Act.

The Association has remained active in monitoring the effects of the legislation in an endeavour to assemble a body of evidence which might, ultimately, be persuasive in modifying the restrictions which have been imposed. In particular, efforts have continued throughout the last year to persuade the government to introduce a “narrative” test of “significant injury”. Those efforts will continue.

The Common Law Bar Association has also liaised with the Law Council of Australia concerning the effect of the so-called tort law reforms and, in particular, noted the report commissioned by the Law Council by Professor Ted Wright: “National Trends in Personal Injury Litigation: Before and After IPP”. The report is persuasive evidence that there has been no “litigation explosion” and that the reforms subsequently introduced were not justified. The report by Professor Wright will be used by the Common Law Bar Association in its continuing campaign to persuade the government to, at the very least, modify the restrictions on the ability to bring a common law claim for damages for personal injury.

The Common Law Bar Association has met with Judges of the Supreme Court, including the Chief Justice and President of the Court of Appeal, to discuss a wide range of issues pertaining to common law matters, including the listing of cases and appeals and the desire to have more common law litigation instituted in the Supreme Court.

The Association continued to discuss with Judges of the County Court a variety of issues relating to the conduct of litigation in the County Court. A number of members of the Common Law Bar Association are members of the County Court Liaison Committee, which meets on an approximate two-monthly basis to discuss matters pertaining to the listing and hearing of cases in the County Court. Issues which have recently been the subject of discussion have included amendments to Order 42 of the Court Rules as to the inspection of subpoenaed documents and the pending legislative amendments which will have the effect of giving the County Court unlimited jurisdiction in all civil matters.

Members of the Common Law Bar Association have delivered a number of papers at seminars conducted as part of the Bar’s Continuing Legal Education Program. It is proposed that further seminars will be held in the forthcoming year.

At the present time there are 142 members of counsel who are members of the Common Law Bar Association. The Officer Bearers of the Association are:

RH Gillies QC	<i>Chairman</i>
JHL Forrest Q.C.	<i>Vice-Chairman</i>
DJ Martin	<i>Secretary</i>
MH Hartley	<i>Treasurer</i>

Committee Members:

RJ. Stanley QC	S McGregor
J Jordan S.C.	J Riordan
F McLeod S.C.	K Bourke
D Beach S.C.	R Smith
T Tobin S.C.	A Keogh
F Saccardo S.C.	A Clements
M Wheelahan S.C.	M Britbart
T Monti	

DJ Martin
Secretary

ANNUAL REPORT OF THE COMPENSATION BAR ASSOCIATION

Throughout the year the Compensation Bar Association has continued to promote the interests of those barristers practising in compensation matters pursuant to the *Accident Compensation Act 1985*, as amended, and the *Transport Accident Act 1986*, as amended. Numbers in the Association continue to increase and of course, all members of the Bar are welcome to join the Association.

The activities of the Association over the year have particularly focused on the following:

- (a) Attempting to streamline the provision of decisions relating to compensation matters and in particular, making readily available decisions of the Magistrates' Court, which continues to hear many accident compensation matters.
- (b) Active involvement in the CLE Bar lectures involving matters particularly relevant to the Accident Compensation Act and personal injury. More CLE lectures are planned for the balance of 2006.
- (c) Most importantly making representations to the Victorian WorkCover Authority about the level of fees paid to barristers in compensation matters. During this year, there has been much disquiet amongst members, many of whom have not had increases in their daily fees for a number of years. This issue is probably our most significant, and representations are ongoing with the Victorian WorkCover Authority to hopefully obtain some relief.

I do stress that the Association does attempt to deal with the day-to-day problems encountered by barristers practising in the compensation areas. To this end, I urge all members practising in the compensation areas to join the Association to have a united voice when seeking solutions to ongoing problems.

James L Parrish

Chairman

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

The Criminal Bar Association of Victoria ("CBA") remains one of the busiest and most active of the associations for members of the Victorian Bar. In the period 1 July 2005 to 30 June 2006, the CBA committee met on an almost weekly basis to deal with issues in the interests of its members, the Bar generally, and in service of the wider community. The principal functions undertaken, highlights and matters of note in this financial year were as follows.

Office Holders for 2005–06

Chairman

Lex Lasry QC

Vice-Chairman

Stephen Shirrefs S.C.

Secretary Greg Lyon S.C.

Treasurer Tom Danos

Elected Committee

John Champion S.C.

Greg Connellan

Megan Tittensor

Michelle Hodgson

Appointed Committee

Lachlan Carter

Benjamin Lindner

Ben Rozenes

Consultative:

Remy van de Wiel QC

Julian McMahon

Meetings and Submissions

During the year, CBA members attended round-table conferences and contributed submissions to the:

- Victorian Law Reform Commission in relation to the introduction of the Uniform Evidence Act;
- Joint Parliamentary Committee Inquiry into the conduct of County Court Appeals;
- Sexual Assault Advisory Committee as to the proposed reform of Victoria's sexual offences legislation;
- Sentencing Advisory Councils hearings in relation to suspended sentences and sentence indications;
- Magistrates' Court Users' Group regular meetings into issues affecting criminal justice in that Court;
- County Court Criminal Users' Group meetings in relation to such issues as trial listings;
- Meetings with Victoria Legal Aid to discuss issues as they arise between the Bar and VLA, and in particular in relation to fees to counsel in indictable matters;
- Police/Lawyers Liaison Committee;
- Meetings organised by Corrections Victoria in relation to the new correctional facilities;
- Criminal Law — Justice Statement Advisory Group examining a range of reform of Summary Procedure and Jurisdiction, Committals, Trials and Appeals to the Court of Appeal. The Vice-Chairman participated in workshops on reform of committals. This led to reform of the summary procedure and jurisdiction of the Magistrates' Court and the reform of committals. This is the subject of a Bill about to go before the Parliament.
- VLRC comprehensive review of the Bail Act involving an initial round table meeting followed by two further conferences at the Commission and the preparation of a

lengthy submission to the VLRC in response to its paper in the reform of the Bail Act. The VLRC is due to report later this year.

Also, the Chairman continued to meet and liaise with the Attorney General in order to ensure that a level of dialogue is maintained in relation to the issues most affecting our members.

Members of the committee recently met with the President and representative Judges from the Court of Appeal as to the more efficient conduct of appeals by counsel.

Further Submissions

In addition to these meetings, the CBA is consulted on and contributes submissions in relation to tens of issues throughout the year. In the past year, submissions and papers have been made on important topics such as:

- Various aspects of the state and federal anti-terrorist legislation
- Reforms to the Crimes (Family Violence) Act
- The Bail Act
- Summary procedures
- Sexual Offences Advisory Committee
- Federal sentencing.

Continuing Legal Education

The CBA continued to work in conjunction with the Victorian Bar in relation to Continuing Legal Education. The CBA presented seminars to the Bar including:¹

- Exploring Some Issues in Complicity in Criminal Law — *Michael Croucher*
- Corroboration — *Lachlan Carter and Kerri Judd*
- New Laws Relating to Terrorism Offences — *Mark Taft and Nick Robinson*
- Defences to Homicide — *Phillip Priest QC*
- Commonwealth Criminal Code — *Damian Bugg DPP and John Champion S.C.*
- Accessorial Liability — *Michelle Hodgson and Lisa West*
- Relations with the Media and with the Client's Media Advisors — *Sir Daryl Dawson QC and Lex Lasry QC*
- Mental Impairment — *Tom Dalton and Gerard Mullally*
- OH & S — *Ross Ray QC and Dr. David Neal S.C.*
- Practice and Procedure in International Criminal Tribunals — *Peter Morrissey*
- Recent Developments in Sentencing — *David Grace QC*
- Cross-Examination — Techniques and Duties — *David Ross QC*
- Sexual Offences–Common Problems–Master Class — *Various.*

Annual Dinner

The annual dinner was held in November 2005 at the Australian Club in tribute to his Honour Judge Michael Kelly. The dinner was extremely successful, with speeches from Judge Kelly and Sir Daryl Dawson. Colin Lovitt QC was admirable in his role as the Master of Ceremonies.

1. With apologies to anyone missed out.

Law Week Oration — Advocating for Justice Lecture

This year, the Law Week Oration was delivered by the Chairman, Lex Lasry QC, on the topic “Defending Unpopular Causes in a Climate of Fear”. The oration was also represented at the Criminal Bar Association’s annual Advocating for Justice Lecture, which it is intended will be a separate event again 2007. The oration was attended by the Attorney-General Rob Hulls, the Chief Justice, the Chief Judge, the Dean of Law of the University of Melbourne and a wide cross-section of the community. The CBA again co-sponsored the oration, which is proving to be a landmark occasion for the delivery of significant speeches on socio-legal topics. In addition at that event Lex Lasry QC and Julian McMahon were presented with the Pro Bono Award by the Attorney-General the Honourable Rob Hulls.

Media

The CBA has again maintained a profile in the community through media releases, interviews and comments on justice issues. The increase in public scrutiny and media questions on these issues often requires the input of balance and perspective. The CBA plays an increasing role in contributing to that public debate. The CBA has issued media release on a variety of topics including changes to the law concerning sexual offences, the abolition of suspended sentences and minimum mandatory sentencing. The CBA is also involved in the current public debate about security clearances for counsel in terrorism cases.

Website

The CBA website (<http://www.crimbarvic.org.au>) has been improved and updated on a weekly basis, providing links to a variety of current issues and research tools. It is increasingly the focal point for staying in touch with the CBA’s activities. In conjunction, the committee relies heavily on email to inform its members of upcoming events and current issues.

Personalia

The CBA notes with sadness the death of Nathan Crafti. Nathan was a colourful, spirited and committed member for many years. He was popular, with many friends in the CBA.

The CBA also regrets the death of his Honour Judge Bill Morgan-Payler. Bill served as Vice-Chairman of the CBA from 1991–1994. He will be remembered for his skill as an advocate on both sides of the Bar table.

Both Nathan and Bill will be long remembered and sadly missed.

Since 1 July 2005, the CBA acknowledges and applauds the following appointments:

The Honourable Justice Chris Maxwell, President of the Court of Appeal

Their Honours Judge Julian Leckie and Judge Jeanette Morrish, County Court of Victoria;

His Honour Marc Sargent, Magistrates’ Court

His Honour Judge Paul Grant, President, Children’s Court of Victoria

The Honourable Justice Robert Redlich, Court of Appeal, Victoria.

Acknowledgement

Finally, I wish to acknowledge the efforts of members of the Executive and Committee of the CBA and many of the ordinary members who contributed to the growing workload of the CBA over the past year. The CBA is a very busy but substantially under resourced Bar Association. It meets many of the challenges facing lawyers in the present adverse circumstances where, from time to time, the rule of law itself is under threat at the hands of the Executive, particularly at the Federal level. The CBA deals with the Bar, governments state and federal, judiciary, bureaucracy, Public Prosecutions Offices state and federal, police state and federal, corrections and various other relevant organisations. The CBA is constantly stretched to meet the requirements made of it. It needs and deserves far greater financial resources and could easily justify a permanent secretariat. The committee encourages all members, and especially its junior members, to participate in the debates, and to provide input in order to strengthen and improve the CBA in the challenges it faces in the forthcoming year.

Lex Lasry

Chairman

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

July 2006 saw the commencement of the new Family Law Parenting System. The legislation introduces profound changes to child welfare cases, including the concept of shared parenting whereby the Court is obliged to consider children spending equal time with both parents following separation.

Another key amendment is the compulsory requirement for parties to attend a family dispute resolution hearing, a process other than a judicial process, before filing parenting proceedings. From 1 July 2007 it will be mandatory to have a certificate from a Family Dispute Resolution practitioner before parenting proceedings can be commenced.

The less adversarial procedures (otherwise known as “LAP”) applies to an application filed after 1 July 2006. The new procedures mean most of the rules of evidence will not apply unless the Court orders that they should. Furthermore, the judge hearing the case will take an interventionist role, define the issues and conduct the proceedings in an informal and speedy manner. The role of lawyers in the proceedings is marginalised.

These amendments will significantly impact on the way family law children’s cases are conducted. There are challenging times ahead for family law practitioners!

The Family Law Bar Association has close to 100 paid-up members. Members of the Association have continued to attend regular meetings held by the Family Court and the Federal Magistrates Court.

The Association held a cocktail party in December 2005 at a local restaurant in the city.

The current Executive of the Association are Noel Ackman QC, Chairman; Olivia Nikou S.C., Vice-Chairman; Graeme Thompson, Treasurer; Bronia Tulloch, Secretary.

Noel J Ackman

Chairman

ANNUAL REPORT OF THE INDUSTRIAL BAR ASSOCIATION

During the period 1 July 2005 to 30 June 2006, the Industrial Bar Association has been active in developing and delivering a comprehensive series of lectures as part of the Victorian Bar's Continuing Legal Education program, many of which have dealt with the substantial amendments made to the *Workplace Relations Act 1996* by the *Workplace Relations Amendment (Work Choices) Act 2005*. Members of the Industrial Bar Association have delivered a series of papers on various employment and related matters, including the Work Choices amendments. On behalf of the Industrial Bar Association I wish to thank all of our members who have taken the time and effort to deliver papers as part of our Association's contribution to the Victorian Bar's Continuing Legal Education Program.

On 20 October 2005 the Industrial Bar Association held its annual general meeting, followed by a dinner attended by a large number of our members. The keynote speaker was the Honourable Justice Peter Gray of the Federal Court of Australia who delivered a thought-provoking and thoroughly enjoyable speech for our inaugural foundation dinner.

In August 2006 two of our members, the Honourable Justice Christopher Jessup and the Honourable Justice Richard Tracey, were appointed to the Federal Court of Australia and one member, Philip Burchardt, was appointed to the Federal Magistrates' Court. On behalf of the Association I congratulate them on their appointments.

Herman Borenstein

President Industrial Bar Association

ANNUAL REPORT OF THE WOMEN BARRISTERS' ASSOCIATION

The purposes of the WBA are as follows:

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

The WBA Committee meets and has met monthly throughout the year. The WBA is an active member of the Australian Women Lawyers (“AWL”). Caroline Kirton represents WBA on the AWL Board and is its President. The WBA’s involvement in AWL affords the WBA representation at the national level. On 28–30 September 2006, AWL will host its inaugural Australian Women Lawyers conference in Sydney.

The WBA also works with Victorian Women Lawyers (“VWL”):

- In August 2005, VWL and WBA co-hosted the “Women at the Bench forum”. The speakers were Justice Elizabeth Hollingworth, Judge Rachelle Lewitan AM and Magistrate Audrey Jamieson. The forum was opened by the Attorney-General.
- In October 2005, WBA and VWL jointly hosted a “meet and greet” event at the Essoign. Approximately 90 female barristers and solicitors attended a Melbourne Cup themed night where attendees enjoyed cocktails, Melbourne Cup trivia, hats and champagne give-aways and a mock call of the race by barrister Philip Crutchfield.
- On 14 June 2006, WBA held the third annual “meet and greet” event with VWL. It was held at the Essoign, and there was a catwalk with twelve models, including barristers Jane Forsyth and Michelle Sharpe and female solicitors who modelled designs by Australian Fashion Week designer Tiffany Treloar. There was also wine tasting by Baddaginnie Run Wines (compliments of Winsome McCaughey), as well as door prizes (sponsored by LexisNexis, Austock and Terry White Chemists). We had approximately 130 attendees to this event. A list of attendees with phone and email details was provided to each attendee at the function (each of whom had agreed to the disclosure on the application form), in addition to showbags containing various items.
- The aim of the “meet and greet” events is to provide an opportunity for female barristers to meet solicitors, and for solicitors to meet female barristers, and to raise awareness about the Women Barristers Directory on the VicBar website. The principal sponsor of these events is LexisNexis.

The WBA also works with the Bar Equality Before the Law Committee and in particular in relation to promoting the uniform briefing policy at state and national levels, and looks forward to assisting this committee with the implementation of the policy to firms who have adopted it.

The WBA also continues to build links with universities and has enjoyed the second year of its mentoring program with the University of Melbourne. The second year of the mentoring program was launched at Deacons by Justice Hampel on 8 August 2005. In the year to follow, we have organised an event for female law students on 14 August 2006.

In September 2005, WBA held its celebratory dinner at the Essoign. The purpose of the dinner was to invite and to celebrate the appointment of women appointed to the Bench since the last celebratory event, and to welcome the March female readers who had signed the Bar Roll. The guest speaker was the Honorable Mary Gaudron QC.



Coinciding with Law Week in 2006, WBA launched its logo, which appears on its website.

The WBA hosted several seminars, which were well attended by barristers both male and female:

- “Amicus Interventions in Copyright Cases” by Lisa De Ferrari and Kim Wetherall on 1pm on 23 August 2005; and Part II on 24 November 2005 at 5.15pm.
- “Current Issues relating to the Infertility Treatment Act 1995” by Debbie Mortimer S.C. at 1pm on 7 April 2006.
- “Waiver of Legal Professional Privilege” by Maree Kennedy S.C. on 16 May 2006 at 5.15pm.

The WBA endeavours whenever possible to offer CLE seminars at 1pm.

The WBA is grateful for the services of its immediate past convenor Kim Knights who stepped down in May 2006.

Simone Jacobson

Convenor

ANNUAL REPORT OF THE INDIGENOUS LAWYERS COMMITTEE

The Aboriginal Law Students Mentoring Committee has recently adopted the new name of the Indigenous Lawyers Committee, this title better reflecting the new relationships being established between the Bar and the indigenous law community, in particular with indigenous law graduates and professionals working with the Committee in helping to build close working relationships between the Bar and indigenous lawyers.

Indigenous Law Students and Lawyers

In May, the Committee held its annual function for indigenous law students and members of the indigenous law community, which was attended by a large gathering of indigenous law students, members of the indigenous law community, barristers and judges. The function itself has been an important focus for establishing and reinforcing connections between the Bar and indigenous law students.

There are about 30 indigenous students studying law at Melbourne’s universities, most of whom attend Deakin as part of a remote studies program. The Deakin students in particular come from all over Australia and attend for intensive studies at the Deakin campus in Geelong a number of times of year. Members of the Bar’s Committee recently attended at Deakin and spoke to the indigenous law students. Peter Kilduff, a member of the Committee, teaches part-time at Deakin and has greatly assisted in fostering close ties between the Committee and the indigenous law studies program at Deakin.

A graduate of Deakin, and participant in the Bar’s mentoring program, Linda Lovett spoke at the May function about her experience in becoming the Bar’s first indigenous barrister in about 20 years. Linda signed the Bar Roll in May this year, after spending some years working as a solicitor with Victorian Legal Aid.

Linda spoke of the importance of the Bar's mentoring program in helping her build contacts at the Bar (and confidence in her prompting her decision to make the move from working over a number of years at Victorian Legal Aid).

She said that building a network at the Bar was important in her decision to make the move, and encouraged other indigenous law students to participate in the Bar's mentoring program.

There has been important work undertaken over recent years in establishing the foundations for indigenous students coming from often remote places to take up positions in law faculties. One of the students at the recent function, Ian Taylor, a second year student at Monash Law, is in Melbourne (from Port Hedland in Western Australia) on a scholarship from Consolidated Minerals. Ian is one of a number of law students being supported by the mining industry, and is being mentored as part of the Bar's program.

A number of alumni from the mentoring program were also in attendance, in particular Hans Boeklund and Bevan Mailman, who have been instrumental in the running of the Indigenous Law Students and Lawyers Association of Victoria. Hans and Bevan also work closely with the Committee and attend its meetings. Bevan is undertaking articles at Deacons solicitors. Hans is working as a research assistant at the Federal Court, as part of a program managed by the Federal Court for indigenous law graduates to experience the workings of the Court. Another indigenous research assistant at the Federal Court, Brian Bero, was also in attendance at the function. Like Hans, Brian is from Queensland, but has plans to remain in Victoria and is hoping to commence practice at the Victorian Bar.

Two indigenous law students from Melbourne University, Darren Parker and Sean Armistead, were present at the May function. Both Darren and Sean recently received prizes at the Melbourne University Law School annual prize giving ceremony for academic excellence.

Also in attendance were Justices Gray (Federal Court), Eames and Kaye (Supreme Court), and Ron Merkel QC.

Current Mentoring Activities

The Bar's Committee presently supervises the mentoring of most of Melbourne's indigenous law students, and has been greatly assisted by members of the Bar who have very willingly and ably supported the program as mentors. In addition to acting as a point of contact with practising lawyers, mentors have also assisted students with study problems and generally provided support to students in promoting their self-confidence in addressing the prospects of careers in law, especially at the Victorian Bar.

Indigenous Barristers Fund

The Indigenous Lawyers Committee has been engaged in setting up a fund to assist indigenous barristers in starting careers at the Bar. It has to date received \$33,000 in funding from the Victorian Law Foundation and private sponsorship from the Tallis Foundation. It is planned to set up a trust over the coming year, and to approach

barristers for donations. Jennifer Davies S.C. has been of considerable assistance to the Committee with advice on the setting up of the fund.

Key Role for the Bar

The work undertaken by the Committee, since its inception under the direction of now Justice Stephen Kaye, has been important in establishing the national profile of the Victorian Bar as a centre for fostering the professional development of indigenous law students and lawyers.

Colin D Golvan

Chair

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

The Bar's Sexual Harassment Conciliators for 2005–06 were David Curtain QC, Frank Costigan QC, Michael Crennan S.C., Richard Maidment S.C., Debra Mortimer S.C., Fiona McLeod S.C., Joy Elleray, Richard McGarvie, Melanie Young and Sarah Fregon.

There were no incidents reported this year.

The Conciliators had published in the *Bar News* a reminder of the availability of Sexual Harassment Conciliators and their role, and of the ethical rules which gave rise to their position.

David E Curtain

Convenor

ANNUAL REPORT OF THE EQUALITY BEFORE THE LAW COMMITTEE

The Committee meets and has met monthly throughout the year and, in addition, has convened special meetings on an as-needs basis.

Equal Opportunity Briefing Policy

The Committee has continued its work in promoting and establishing the implementation of the Equal Opportunity Briefing Policy adopted by the Victorian Bar Council on 1 April 2004.

- During the first six months of the current financial year the Committee supported and presented at formal launches of the adoption of the policy by the law firms, Allens Arthur Robinson, Corrs and Freehills.
- The Committee verseeing the conduct of a further survey of Court appearances by barristers. This survey has been conducted under the auspices of the respective Chief Justices over the period 1 April to 30 June 2006. For the first time, this

survey includes the Supreme Court, Court of Appeal. The results of the survey are presently being collected and collation will commence. The survey was last conducted in 2003 and EBTL considers there is a need to assess whether the results under the 2003 survey have improved.

- The Committee is organising a seminar of solicitors who have adopted the Equal Opportunity Policy to be convened in September 2006. The purpose of the solicitors' seminar is to provide a forum where obstacles experienced in the implementation of the Equal Opportunity policy may be discussed. The Bar Council has approved funding for a professional facilitator for the event. The facilitator appointed is Ms Kriss Will.
- The Bar Council also approved an application by the Committee for the provision of consultancy services by David Bremner. Mr Bremner's principal involvement has been with respect to the development of software in relation to the development of clerk reporting in furtherance of the Equal Opportunity Briefing Policy. An interim report is currently being considered by the Committee.
- The Committee analysed and considered the Victorian Attorney-General's Legal Services Report as to briefing practices within government, governmental agencies and private law firms eligible to undertake government work. In summary, although Victorian Government briefing practices had improved in line with the objectives of the policy it was considered that there was still considerable room for improvement and in particular with respect to the private law firms.

Submissions

A number of submissions during the course of the year were prepared by the Committee regarding reform of legislation regulating matters the subject of the committee's deliberations. In particular, submissions were made with respect to:

- the scrutiny of Acts and Regulations Committee final report — Discrimination in the Law;
- amendments concerning s.108 of the *Equal Opportunity Act 1995*;
- support for the Victorian Bar Council submissions on the Equal Opportunity (Miscellaneous Amendments) Bill Issues Paper June 2006.

Victorian Bar General Anti-Discrimination Policy

The Committee considered the need for a general anti-discrimination policy to be adopted by the Victorian Bar. A policy was drawn and recommended for adoption by Bar Council. On 25 May 2006 the Victorian Bar Council by resolution adopted the Anti-Discrimination policy accepting the recommendation of the Committee that it would be both desirable and appropriate for the Bar to adopt a statement affirming its opposition to all forms of discrimination, harassment and vilification in the provision of legal services by its members, the seeking of legal services from its members, and the manner in which members conduct themselves in relation to each other and in the employment of staff. The policy appears on the Bar's website.

Seniority of Women at the Bar — Demographics

The Committee is considering a standing survey mechanism for information concerning past and present members of the Bar Roll concerning such matters as seniority and gender at the Bar.

The Women in the Law Portrait Series

The Committee has continued its development of the Women in the Law Portrait Series by commissioning a portrait of the Chief Justice, the Honourable Marilyn Warren AC by the artist, Peter Churcher. The portrait has been funded by the Victorian Bar Council. The portrait has now been completed and a formal unveiling will occur on 4 September 2006 when the portrait will be hung in the foyer of Owen Dixon Chambers West, together with the other portraits in the series.

Bar Emergency Home Support Scheme

Enquiries were made of various commercial providers of home support with a view to establishing a Victorian Bar Emergency Home Support Scheme for barristers. Unfortunately the outcome of those negotiations led the Committee to conclude that the establishment of such a scheme was not commercially feasible at this stage: it was unlikely that the cost involved in its establishment would be supported by members of the Bar rendering such a proposal commercially non-viable.

The commitment, time and dedication of members of the Committee, the Chief Executive Officer, Ms Christine Harvey, and Ms Elizabeth Rhodes is acknowledged.

Alexandra Richards

Chair

ANNUAL REPORT OF THE ETHICS COMMITTEE

During the year the Ethics Committee met at its regular fortnightly meetings on 21 occasions. In addition, each member of the Ethics Committee gave rulings and guidance to individual barristers.

As a member of the Ethics Committee for nine years and Chairman since 27 September 2005 I am aware of the time and effort offered by members of the Committee. Some weeks may see several hours by each member devoted to the task. Members do the work cognizant of the role that the Bar should play in the regulatory process and in the administration of justice generally.

On 12 December 2005 the *Legal Profession Act 2004* (“the Act”) came into operation. The Act replaced the *Legal Practice Act 1996*. The Act introduced a number of changes to regulation of barristers’ practice and the role played by the Victorian Bar in regulation. In particular the Act established the office of the Legal Services Commissioner (“LSC”) who is responsible for receiving and investigating all complaints alleging professional misconduct or unsatisfactory professional conduct

by barristers. The LSC also receives all civil disputes which may be brought by aggrieved clients against barristers.

The decision whether or not charges will be laid is now a matter entirely for the LSC. The Act enables the LSC to refer complaints to the Bar for investigation and report back to the LSC and to delegate civil disputes to the Bar in an attempt to resolve the dispute. The LSC has been referring some complaints and delegating some disputes to the Bar for consideration by the Ethics Committee.

The Bar and the Ethics Committee would like to see as much of this work as possible referred or delegated back to the Ethics Committee to carry out. The Bar and the Ethics Committee believe the Ethics Committee is best placed to investigate and make recommendations relating to complaints and disputes concerning barristers' conduct.

At the time of writing this report, the Ethics Committee has no idea how many complaints overall have been made to the LSC about barristers' conduct since 12 December 2005. Nor does it have any knowledge of how many disputes may have been brought against barristers since that time. The Ethics Committee only hears of the existence of some matters, namely those which are either delegated or referred to it. A summary of complaints and disputes under the Legal Practice Act 1996 for the twelve-month period up to 11 December 2005 follows this report.

As a consequence of the Act, on 9 December 2005 the Committee published Bulletin No. 2 of 2005 advising that rulings given by the Committee can only be regarded by barristers as advisory. Accordingly, save for urgent cases where it is practically impossible to do so, counsel seeking a ruling from the Committee or one of its members are required to set out, in writing, the reasons why a ruling is being sought and the background facts giving rise to the request. Thereafter, a ruling will be given and the written records kept by the Committee. Neither the Committee nor its individual members can accept any responsibility for the consequences of a ruling being acted upon by counsel if the LSC were later to take a contrary view.

The Committee continues to conduct education sessions in both the Readers' Course and CLE program. Members readily provide time and effort to ensure these programs continue and the high standards of the Bar are upheld. Members of the Committee also assist in educating particular members of the Bar.

The Committee is assisting the Bar Council on amendments required to the Practice Rules as a consequence of the new Act. The Committee wishes to ensure that the Rules of Conduct accurately reflect the needs and requirements for practice at the Bar.

During the year Kate McMillan S.C. retired from the Committee to become Chairman of the Bar. On behalf of the Bar, I express gratitude to Kate for her outstanding contribution to the Committee over a period of eight years which included four years as its Chair.

Once again the Committee has been well served by the Ethics Committee Manager Debbie Jones and her assistant Cath Mukhtar. Together they work tirelessly to ensure that the work of the Committee is carried out properly and with discretion. It is difficult to envisage the work of the Committee being carried out in the manner in which it is without each of them. I thank them for their work.

THE VICTORIAN BAR

SUMMARY OF COMPLAINTS AND DISPUTES UNDER THE LEGAL PRACTICE ACT 1996 FOR THE PERIOD 11 DECEMBER 2004 TO 11 DECEMBER 2005

	Number of investigations conducted by the Ethics Committee of its own motion		Number of matters investigated by and referred to the Legal Ombudsman and referred to the Legal Ombudsman and referred to the Ethics Committee		Number of matters received by the Legal Ombudsman and referred to the Legal Ombudsman and referred to the Ethics Committee		TOTAL			
	Previous	Current	Previous	Current	Previous	Current	Previous	Current		
In progress at start of period	1	3	14	25	0	0	1	1	16	29
Received during the period	6	6	95	82	0	1	21	4	122	93
In progress at end of period	3	2	25	14	0	0	1	0	29	16
Matters dealt with in the period	4	7	84	93	0	1	21	5	109	106
No. of allegations in the matters	4	7	139	157	0	1	50	11	193	176

MATTERS LODGED

COMPLAINTS

	Number of investigations conducted by the Ethics Committee of its own motion		Number of conduct complaints received by and investigated by the Ethics Committee		Number of conduct complaints received by the Legal Ombudsman and referred to the Ethics Committee		Number of disputes received by the Legal Ombudsman and referred to the Ethics Committee		TOTAL	
	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current
Outside Jurisdiction	0	0	7	2	0	0	0	0	7	3
Withdrawn/Not Pursued	0	0	4	3	0	0	1	0	5	3
Dismissed under S141(1)	0	0	25	43	0	0	3	0	28	43
No further action S151(3)(c)	0	0	3	0	0	0	0	0	3	0
Dismissed under S151(4)	0	0	0	0	0	0	0	0	0	0
Dismissed under S151(5)	2	3	26	33	0	0	15	4	43	40
Cautions S151(3)(b)	0	0	3	4	0	0	0	0	3	4
Reprimand S151(3)(b)	1	1	1	0	0	0	1	0	3	1
Referred to Tribunal S151(3)(a)	1	3	1	4	0	0	0	0	2	7
TOTALS	4	7	70	89	0	1	20	4	94	101

RESULT FOR ALLEGATIONS DEALT WITH

	Number of investigations conducted by the Ethics Committee of its own motion		Number of conduct complaints received by and investigated by the Ethics Committee		Number of conduct complaints received by the Legal Ombudsman and referred to the Ethics Committee		Number of disputes received by the Legal Ombudsman and referred to the Ethics Committee		TOTAL	
	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current
Outside Jurisdiction	0	0	7	2	0	0	0	0	7	3
Withdrawn/Not Pursued	0	0	4	3	0	0	1	0	5	3
Dismissed under S141(1)	0	0	25	43	0	0	3	0	28	43
No further action S151(3)(c)	0	0	3	0	0	0	0	0	3	0
Dismissed under S151(4)	0	0	0	0	0	0	0	0	0	0
Dismissed under S151(5)	2	3	26	33	0	0	15	4	43	40
Cautions S151(3)(b)	0	0	3	4	0	0	0	0	3	4
Reprimand S151(3)(b)	1	1	1	0	0	0	1	0	3	1
Referred to Tribunal S151(3)(a)	1	3	1	4	0	0	0	0	2	7
TOTALS	4	7	70	89	0	1	20	4	94	101

Outside Jurisdiction

	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current
Withdrawn/Not Pursued	0	0	4	3	0	0	1	0	5	3
Settled	1	1	1	0	1	0	5	1	6	1
Not Settled	2	5	24	15	10	1	34	16	99	75
TOTALS	4	7	70	89	0	1	20	4	94	101

TOTALS

I also express my thanks to each member of the Committee for their excellent contribution to the Committee and the Bar generally.

Paul Lacava

Chairman

ANNUAL REPORT OF 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 may also consider matters on its own motion.

The members of the Human Rights Committee for 2005–06 were as follows:

Jack Fajgenbaum QC (Chair)	Alexandra Richards QC
Herman Borenstein S.C.	Michael Sifris S.C.
Debra Mortimer S.C.	Glenn McGowan S.C.
Pauline Schiff	Simon Marks S.C.
Damien Murphy	Wendy Harris
Daniel Star	Beatrice Melita
Susan Brennan	Lisa De Ferrari
Judy Benson (Secretary)	

1. The Human Rights Committee met formally on 24 April 2006 and 23 June 2006. On both occasions it met with representatives of the Australian Law Reform Commission in relation to its reference on the Review of the Sedition Laws. The Human Rights Committee is generally supportive of the ALRC's recommendations and suggested amendments to the sedition laws.
2. Consideration of the Victorian Charter of Human Rights was conducted by a separate sub-committee of the Victorian Bar Council chaired by Jack Fajgenbaum. The submission prepared in support of the Charter may be found on the Bar's website.
3. Other submissions prepared include the Victorian Terrorism (Community Protection) (Amendment) Bill 2006 and the *Commonwealth Migration Amendment (Designated Unauthorised Arrivals) Bill 2006*. Copies of both of these submissions may also be found on the Bar's website.
4. In addition, Jack Fajgenbaum on behalf of the Bar was also engaged in the presentation of the Law Council of Australia's submission to the Senate's Legal and Constitutional Affairs Committee in relation to the *Commonwealth Anti-Terrorism Bill (No. 2) 2005*.

Judy Benson

Secretary

ANNUAL REPORT OF THE CONTINUING LEGAL EDUCATION COMMITTEE

Introduction

The Victorian Bar's Compulsory Continuing Legal Education (CLE) is now in its third year. That it continues to set the benchmark against which other post-graduate legal education programs are marked is no accident.

At the time the CLE program was established, its principal objectives were and remain:

- to deliver a program which is comprehensive, rigorous (both intellectually and practically), directed to the needs of barristers at different levels of development and otherwise relevant and not repetitive;
- to deliver a coordinated program directed to the current professional needs of all barristers, recognising that the program would continue to develop over time with increasing experience and changing circumstances;
- to ensure that the standards would be maintained and applied constantly by the Bar itself deciding whether a particular activity would be accredited;
- in relation to barristers new to the Bar, to ensure that the CLE program complements and builds upon the Readers' Course;
- to exploit the capacity of the specialist Bar Associations to present CLE programs which are of relevance not only to those specialty areas but also to other sections of the Bar;
- to require barristers to undertake CLE as an ongoing and regular part of the practice of the law, consistent with the notion that it is a profession with the very highest intellectual and ethical standards.

Committee

It is the Committee, under the direction and leadership of the Accreditation and Dispensation Sub-Committee, that creates and monitors the CLE program to ensure that those objectives are achieved. As with previous years, in preparing the program, the Committee consulted with the specialist Bar Associations, particular sections of the Bar such as barristers of less than three years' call, members of the judiciary and academics. Programs offered by other professional organisations were also reviewed.

These reviews and consultations are important. The strengths of the current program are identified, the areas requiring attention (whether it is some area of practice or simply altering the format of the program) are identified and areas or topics which require or would benefit from being dealt with by the Bar CLE program are able to be incorporated into the program.

Seminars

As a result of the work of the Committee, 106 seminars were held covering 21 areas of practice. The seminars were grouped into the following areas: Commercial, Criminal Law, Common Law, Family Law, Industrial Law, Ethics, Advocacy and Junior Barristers. In addition, from time to time, special seminars were conducted as interesting and well qualified speakers offered their services. For example, the Honorable Mark R Kravitz, a United States District Court Judge, District of Connecticut, gave a seminar on "Written Advocacy" whilst he was in Melbourne.

Lecturers were drawn from present and past serving judicial officers, practising barristers and other professionals such as accountants, officers from the Australian Taxation Office and valuers. I wish to thank all of the presenters who have given their valuable time, skill and effort to prepare and deliver high quality seminars over the course of the past year. The success of the program depends on their continued support.

Technological Changes

Two thousand and six will see significant changes in the way in which barristers will be able to access the Bar's CLE program. During the course of 2006, access to the written papers delivered or published by presenters at CLE seminars which are currently available on the Victorian Bar website will be restricted to members of the Victorian Bar. In addition, members of the Victorian Bar will soon be able to access an audio file of each CLE lecture through the intranet section of the Victorian Bar website. This will provide a simpler and more efficient method of enabling those unable to attend CLE lectures to hear the lecture and to comply with their CLE obligations. This change will also substantially reduce the current demand for videos of the lectures.

Legal Education Review

In March 2006, the Attorney-General announced a review of legal education in Victoria. The Attorney-General appointed Ms Susan Campbell, formerly Professorial Fellow in Legal Practice at Monash University, to undertake the review and, in relation to post-graduate legal education and training, to formulate appropriate objectives and outcomes.

The Victorian Bar welcomed the review. The Bar's CLE program had been running for two years. The review provided the Bar with an opportunity to consider again the objectives that were set at the time the CLE program was established and to reassess whether the objectives were appropriate, whether the Bar was meeting those objectives and to ascertain areas where the program could improve and develop.

In responding to the review, the Victorian Bar provided a detailed submission to Ms Susan Campbell which addressed the terms of reference and outlined the history and objectives of the CLE program, the critical features of the program and, most significantly, how the objectives were achieved. Ms Campbell is expected to deliver her report in August/September 2006.

Dispensation

The Accreditation and Dispensation Sub-Committee continues to meet approximately every six weeks. The need to hold meetings to consider requests for accreditation of non CLE Bar programs has diminished over the last two years. Barristers have embraced the Bar's CLE program. Requests to attend non Bar CLE activities have reduced accordingly.

In making application for renewal of a practising certificate for the 2006/2007 year, it was necessary for barristers to declare that they had complied with the Victorian Bar's CLE Rules for the 2006 CLE year by earning 10 CLE points. A small number of barristers indicated that they had failed to do so. The Accreditation and Dispensation Sub-Committee considered each barrister who indicated that they had failed to comply with their CLE obligations. Generally, dispensation was granted on condition that the barrister make up the shortfall in points by viewing videotapes of seminars presented during the year.

I particularly wish to thank the members of the Sub-Committee for their work in dealing with the applications for accreditation or dispensation with diligence and care. I also wish to thank Patrick Over, the Honorary Secretary of the Sub-Committee, for agreeing to take on that role.

Staffing

The CLE program casts a heavy burden on Barbara Walsh and her staff in the Legal Education Unit of the Victorian Bar. Barbara is responsible on a daily basis for the overall implementation and administration of the program and for the actual conduct of and videotaping of each seminar. The CLE program owes much of its success to her hard work and dedication. In last year's report, the Chairman noted that "if there is any deficiency in the current program, it is that too large an administrative burden is falling on too few people". My expectation is that this issue will be resolved in the near future so that the CLE program can continue to develop and set the benchmark by which other CLE programs are assessed.

Michelle Gordon

Chairman

ANNUAL REPORT OF THE READERS' COURSE COMMITTEE

During the last twelve months the Victorian Bar has conducted two highly successful Readers' Courses, commencing on 1 September 2005 and 1 March 2006 respectively. Each course was of 10 weeks' duration.

At the end of the September 2005 Course Paul Santamaria S.C., David Collins S.C., Sara Hinchey and Paul Lawrie retired from the Committee. Each of the retiring members provided a valuable contribution to the work of the Committee, particularly Paul Santamaria S.C. who was its Chairman over the preceding eighteen months.

The Readers' Course Sub-Committee of the Bar's Legal and Education Committee is presently constituted by Ian Hill QC (Chairman), the Honourable Justice David Harper, Jack Forrest QC, David Parsons S.C., John Noonan S.C., David J. O'Callaghan S.C., Neil Clelland S.C., Fiona McLeod S.C., Mark Taft, James Mighell, Caroline Kirton, Carolyn Sparke, Matthew Connock, Gregory Harris, Robert Taylor, Martin Grinberg, Joyce Tooher and Tony Burns.

In the September 2005 Course, there were 50 readers, including two practitioners from Papua New Guinea and two from the Solomon Islands. In the March 2005 Course there were 49 readers, again including two from Papua New Guinea and two from the Solomon Islands.

Since 1987 the Victorian Bar has accepted practitioners from the Pacific region into the Readers' Course. Such practitioners, not being admitted to practice in Victoria, are not eligible to sign the Bar Roll but receive a certificate at the completion of the course and sign a special register which records their participation. To this date 99 such practitioners have successfully completed the Readers' Course.

The Victorian Bar, in addition to its commitment to the teaching of advocacy in the Pacific Region by inviting practitioners from those countries to participate in the Readers' Course, has also conducted two overseas advocacy training workshops in the last 12 months each of one week's duration. The first such course was conducted for the Legal Training Institute, Port Moresby, Papua New Guinea, and the second for government lawyers at Port Vila, Vanuatu. The Bar is particularly grateful to those teams of dedicated and skilful members of the Bar who took time out from their busy practices, without financial reward, to travel to Papua New Guinea and Vanuatu to impart their knowledge and skills to the legal professions of our South Pacific neighbours.

The Readers' Course continues to be guided in its content by the Committee, but the specific management of the Course is undertaken by Barbara Walsh, Manager of Legal Education, and Deborah Burns, Legal Education Officer. Without the significant and tireless contribution of both Barbara and Deborah the success of each course would have been greatly diminished. But for the efforts of Barbara Walsh there would have been no overseas advocacy training workshops.

The Readers' Course focuses upon the teaching of advocacy skills by actual performance by the reader of simulated court performances or partial performances, followed by assessment and instruction relating to the performance. To this end, the involvement and contribution of the judiciary, mentors and instructors from the Bar cannot be overstated.

The Committee is grateful for the involvement and assistance of judges and magistrates from the Federal, Supreme, County and Magistrates' Courts. The Chief Justices of the Federal Court and the Supreme Court and the Chief Judge of the County Court graciously allowed their courts to be used for the purpose of the final moot exercises and moreover persuaded judges of their courts to conduct the moots. Again the Masters of the Supreme Court continued their important involvement with the course.

The Readers' Course is regarded as the most advanced and developed in Australia and has led the way in advocacy training generally. The Course has earned an international reputation.

It is because of the voluntary commitment of so many members of the Bar and judiciary that the Readers' Course is able to maintain its reputation and standards of excellence.

Ian Hill

Chair

ANNUAL REPORT OF THE PROFESSIONAL INDEMNITY INSURANCE COMMITTEE

The year 2005–06 has been the first year that barristers have been insured by the Legal Practitioners Liability Committee (“the LPLC”).

The *Legal Profession Act 2004* requires that barristers must insure with the LPLC and the enactment of this provision was the result of outstanding work by members of our Bar.

The establishment of the Bar insurance fund with the Legal Practitioners Liability Committee means that the Bar is, effectively, a self-insurer and future premiums for barrister members of the Bar will be determined by claims experience.

The premiums for the 2005–06 year were significantly reduced from the previous year and the claims performance to date has allowed a further significant discount for premiums in the 2006–07 year.

The LPLC has taken an active role in risk management and, in particular, has published regular articles in *Victorian Bar News* and conducted seminars for the purpose of promoting risk management techniques to the members of the Bar.

It is hoped that the continuance of a positive claims experience and the accumulation of an insurance fund will permit barristers to enjoy reduced premiums in the long term.

At the time of writing, the financial year had not ended, but the performance indicators are encouraging.

Peter Riordan

Chairman

ANNUAL REPORT OF THE PROFESSIONAL STANDARDS EDUCATION COMMITTEE

This year the Professional Standards Education Committee was constituted by Paul Willee QC Chair, Ian Hill QC, Gerald Lewis S.C., Cameron Macaulay S.C., Peter Riordan S.C., Debra Coombs, Susan Gatford, Laura Colla, Daniel Aghion and Judy Benson. It continues to enjoy excellent relations with the Bar Council and other committees whose support and co-operation is vital to its work.

This has particularly been evidenced this year in the support drawn from members of the Ethics Committee and others in the review of its completed work on each of the chapters of the ethics manual — *Good Conduct Guide: Professional Standards for Victorian Barristers*. Almost the whole effort of the committee has gone into the completion of this work which first went to the publishers in May and which the committee hopes will be published in September ready for a launching later that month. The writer and researcher, Róisín Annesley, has toiled prodigiously to complete the manual. But there have been massive amounts of behind the scenes work from the members of the committee involved with format, layout and detail, particularly in suggested amendments and revisions of Róisín's text. There is a delicate balance between assistance and direction on the one hand, and author's artistry on the other, in a process which involves considerable patience, understanding and grace on all sides. The committee has been very fortunate in its choice of research writer, but also in the tact and industry of those members of the committee involved in the process. Several members of the committee (Cameron Macaulay S.C., Laura Colla and Susan Gatford) devoted more than two weeks of the summer vacation exclusively to this task and thereafter to ongoing revision. Others have been involved in the constant revision and re-revision of each of the chapters produced and then resettled by Róisín.

Much of this early revision was done by Debra Coombs who left the Bar and hence the committee in August of last year. A vote of thanks was given by the committee to Debra on her departure for all her valuable contribution to its work.

PSEC has also made a substantial contribution to the Bar's CLE program both in terms of selecting suitable topics with an ethical or risk management focus, and staffing such presentations either with its own members, members of the ethics committee, other members of the bar and in one instance the LPLC executives.

The committee continues to monitor conduct and etiquette of members in the courts and tribunals at all levels with a view to improving both. Etiquette is probably more problematic than conduct because the establishment of norms are by no means universally accepted if objectively settled and the rate of change is seemingly quicker with the former than the latter.

It is to be hoped that with the completion of *Good Conduct Guide*, PSEC will be able to re-appraise, if not reformulate, and re-address its core responsibilities with increased vigour. Nevertheless, considerable time will be devoted to the continuing task of updating the *Good Conduct Guide*.

I wish to thank all members of PSEC for what I regard as extraordinary support and application to the work of the committee. Without diminishing any single individual's contribution; as usual, the initiative and industry of Cameron Macaulay S.C. has been above and beyond the call, sustained and resourceful and deserving of special mention.

Paul Willee

Chairman

ANNUAL REPORT OF THE VICTORIAN BAR DISPUTE RESOLUTION COMMITTEE

Departures and Arrivals

With reluctance in June 2006 the Committee accepted the resignation of George Golvan QC who has given unstinting service to it for many years. The pressure of other commitments has forced George's hand. He has been a tower of strength and common sense, a person to whom one could go with any issue concerning alternative dispute resolution and receive a measured and sensible view. Just before Christmas 2005 George chaired a sub-committee produced a report on facilitative judging which was widely circulated. Sadly it appears that the report will be placed on shelves to gather dust. Perhaps the Committee was too late to have any influence on what appears to be a move throughout the state and federal judicial systems to undertake "in house" mediations. If this is the case it is through no fault of George Golvan. The Committee is very sorry to see him go.

Robert Miller also departed from the Committee late last year after two years' service. The Committee expresses its thanks and appreciation. We also welcome Peter Agardy to the DRC, a recent arrival at the Bar who has a wealth of ADR experience as a solicitor in a previous life.

Committee Activities

Two major new outcomes have resulted from the work of the DRC over the last year.

The first is that the Committee has designed and has had the Bar Council implement a website proposal which now allows the DRC to communicate with all accredited mediators at the Victorian Bar by email (emails to those without email addresses are automatically redirected to the respective clerks). It also allows us to communicate with a designated subset of those mediators, such as those who have agreed to participate in one or other of the special mediation schemes which are now implemented with various courts and other bodies.

The second change is the creation of a wholly new accreditation system for mediators, with two categories of accreditation, one for mediators generally and

one for advanced mediators. The DRC is grateful to Elizabeth Brophy and her sub-committee for all their work on this issue. Approved by Bar Council the new system of accreditation came into force in April 2006. It now appears that it is likely to be used as a template for similar mediator accreditation schemes in other State Bars around the country.

Complementing the work undertaken here in Victoria the Committee has participated in the consultations being undertaken by Professor Laurence Boule for the National Accreditation Consultative Conference and the Commonwealth Attorney-General. The aim of this conference is to establish a set of nationally accepted accreditation principles for the accreditation of mediators nationwide.

The DRC has also set up various specialised panels of accredited mediators, such as those prepared to accept fixed fee mediations referred by the Victorian Magistrates' Court or those prepared to undertake the pro bono mediation of sporting disputes under the auspices of the Victorian Olympic Council. This sporting disputes panel was put together largely through the efforts of Will Alstergren and was designed to be in place prior to the Commonwealth Games to permit swift and inexpensive resolution of any disputes between sportsmen and women and their sporting federation. 2006–07 promises to be a year of creation of further specialised mediation panels.

The DRC is enormously grateful to the Victorian Bar for its assistance throughout the year, and particularly to Liz Rhodes who bears a considerable burden as the Victorian Bar's Disputes Manager. It is also appropriate to record its appreciation to the staff the Bar's Mediation Centre. New computer equipment is about to be introduced at the Centre to allow new services to be provided to clients. It is an exciting time and we know that the personnel there will be keen to assist in continuing to provide a first-rate service to clients.

David Levin

Chairman

ANNUAL REPORT OF THE NEW BARRISTERS STANDING COMMITTEE

The New Barristers Standing Committee (NBSC) is composed of 14 members of the bar who are of less than five years' call or under the age of 36. The NBSC members are Simone Bingham (Chair and co-representative to the Australian Young Lawyers Committee of the Law Council of Australia), Simon Pitt (Deputy Chair/Secretary), Simon Rubenstein (Social Co-ordinator), Fiona Ryan (CLE Co-ordinator), Sarah Turner (Co-representative to the Australian Young Lawyers Committee of the Law Council of Australia), Alanna Duffy, Liza Powderly, Joe Connellan, Lisa Lopiccolo, Madeleine Pinnuck, Marita Foley, Samuel Hopper, Mayada Dib, Bree Knust. The NBSC is self-generating in that each intake of readers is asked to nominate a member to represent their readers' group on the NBSC. The constituency of the NBSC is all members of the Bar under five years' call or under the age of 36 years.

In the past 12 months the NBSC has focused on the issues affecting new members

of the Bar such as affordable accommodation, insurance and CLE. The NBSC continues to liaise with the Bar regarding issues which arise that effect or interest new barristers.

As part of its responsibilities in the past 12 months representatives of the NBSC have also met with each readers' intake regarding the committee and to seek a nomination from the intake. The NBSC has sought particularly through its contact with readers' groups to make its members accessible by email and telephone regarding issues affecting new barristers.

The NBSC has an integral role in organising social functions for its constituency such as drinks with the readers after they sign the Bar Roll, and an annual social "networking" function with the Young Lawyers. Simon Rubenstein of the NBSC regularly meets with the Young Lawyers section of the Law Institute of Victoria.

The NBSC wishes to extend its thanks for the contribution made by those members who have resigned from the committee in the last 12 months due to their seniority, in particular St John Hibble and Rowena Orr.

Simone Bingham

Chair

ANNUAL REPORT OF THE LEGAL ASSISTANCE COMMITTEE

Introduction

The Victorian Bar Legal Assistance Scheme ("VBLAS") continues to play a key role in facilitating access to justice in Victoria.

The Scheme is now in its sixth successful year of administration by the Public Interest Law Clearing House ("PILCH") and is overseen by the Legal Assistance Committee ("LAC") of the Victorian Bar to which PILCH regularly reports.

There are presently 531 barristers who have volunteered to participate in VBLAS. This strong commitment is reflected throughout all levels of seniority at the Victorian Bar, including those who signed the Bar Roll this year. Many barristers, although not formally registered, welcome requests to assist VBLAS when approached. The pleasing results of a Bar Survey are referred to below.

Applications received by VBLAS are assessed on the basis of legal merit, lack of means and whether assistance is required "in the interests of the administration of justice". This year, barristers again demonstrated their generosity in assisting clients both where VBLAS's means and merit criteria were satisfied and, less commonly, in circumstances where these criteria were not necessarily met, but where assistance would directly advance the administration of justice by the Courts.

The majority of applications come from individuals, many with complex legal problems and without other options for legal assistance. Individual clients are most often referred to VBLAS by Community Legal Centres, Victoria Legal Aid, or direct

from the courts. Referrals made to barristers may be for advice, drawing documents and/or appearance work.

VBLAS has greatly benefited from office sharing with PILCH and with the Law Institute of Victoria's Legal Assistance Scheme ("LIVLAS") through opportunities for cross-referrals and shared knowledge.

Funding

VBLAS receives \$121,195 per year from the Victorian Bar, of which approximately 75 per cent is funded by the Legal Services Board.

Staffing

VBLAS has a full-time solicitor/manager. Michelle Panayi is the current manager until Susannah Sage Jacobson returns from maternity leave in January 2007.

VBLAS also employs Damien Pitts as administrative assistant to the manager two days per week. Recently Elspeth Martini was appointed to assist the scheme one day per week.

VBLAS also continues to be assisted by the PILCH staff, volunteers, student interns and fellows and seconded administrators.

Inquiries and Referrals

VBLAS has been substantially busier in the financial year 2005–06 than it was in the previous financial year. Total inquiries rose from 374 to 426 and referrals rose from 184 in 2004–05 to 215 this financial year.

The main areas of law over the reporting period are:

<i>Area of Law</i>	<i>Inquiries</i>	<i>Referrals</i>
Criminal Law	41	20
Family Law	19	8
Migration Law	126	89
Property Law	21	12

It is important to note that where appropriate, applicants are referred to other services such as Victoria Legal Aid, an ombudsman, a community legal centre, other community-based organizations, LIVLAS or PILCH. This practice, essential to ensuring that the burden of representing disadvantaged litigants falls in its proper place, accounts in part for the discrepancy between inquiry and referral numbers, although there is also significant screening to ensure that applicants meet the means and merit criteria prior to a referral being made.

As the above statistics show, migration law continues to be VBLAS's busiest practice area. It now comprises 70 per cent of the scheme's case load.

Events

On 30 March 2006, the Victorian Bar hosted a drinks function at the Essoign Club to honour the contribution of barristers to both VBLAS and the PILCH LAS, and their

other pro bono work. It was attended by approximately 100 members of the Bar who have accepted briefs over the past year, without fee. Also present were members of the judiciary, court staff and members of PILCH who have actively participated in VBLAS. Justice Young was the guest speaker.

Family Violence Sub-Committee

The Family Violence Sub-committee, chaired by Helen Symon S.C., continues to be committed to the education and understanding of more members of the Victorian Bar in Family Violence issues and Court and other initiatives generally.

In November 2005 the Committee organized advocacy training for barristers on family violence law. The training took place over two sessions and was presented by Justice Sally Brown of the Family Court, Justice Phillip Cummins of the Supreme Court, Magistrate Anne Goldsborough, Leslie Glick S.C., Olyvia Nikou S.C., Assistant Police Commissioner Leigh Gassner, Phillip Dunn QC, and Sarah Vessali and Allyson Foster of the Women's Legal Service. The training was well attended and received much positive feedback.

The Committee also organized an extremely informative seminar presented by Judge Hyman from the Superior Court of California in February this year that focused on family violence and intervention order issues.

In addition the Committee organized intervention order advocacy training as part of the Community Legal Centres State Conference on 1 June 2006. David Parsons S.C. and Martin Grinberg presented the training that was described by participants as extremely dynamic and first class.

Asylum Seeker Sub-Committee

The Committee, chaired by Alexandra Richards QC, has been involved in drafting an opinion on the vexatious litigant provisions introduced by the *Migration Litigation Reform Bill 2005*. The provisions provide for "show cause hearings" and cost provisions to be invoked against practitioners where the Court finds that there is no reasonable prospect of success. This written opinion will be made available to the Asylum Seeker Resource Centre and VBLAS very soon.

The Committee has also monitored the introduction of the "show cause hearings" in the Federal Magistrates' Court. At the suggestion of the Sub-Committee, the Victorian Bar Council corresponded with the Chief Justice of the Federal Court and the Chief Magistrate of the Federal Magistrates' Court with a view to intervention in an appropriate case where the proper construction and operation of the new vexatious litigation sections of the Migration Act are under deliberation.

Submissions

The VBLAS manager prepared a joint submission with Eve Stagoll of the Law Institute of Victoria Legal Assistance Scheme in May 2006 on behalf of the Victorian Bar and PILCH to the Commonwealth Senate Legal and Constitutional Legislation Committee Inquiry into the *Migration Amendment (Designated Unauthorized Arrivals Bill) 2006*. In particular we were greatly assisted by Ron Merkel QC and Ross Nankivell, Legal

Officer of the Victorian Bar. In addition Ron Merkel QC appeared in person before the Committee to address the key points of the submission.

Support to the FCA 0.80 and FMC Part 12 programs

VBLAS has continued to provide administrative support and advice to barristers undertaking matters on a referral under an order of the Federal Court of Australia or the Federal Magistrates Court. This service has included liaising with the courts and making applications for access to documents under freedom of information provisions. Positive assessments have again been received of the contributions of the Victorian Bar under these pro bono schemes. The Ethics Committee has now resolved that referrals under these schemes are not caught by the prohibition of Rule 171 of the Rules of Conduct.

Supreme Court Pro Bono Scheme

VBLAS is currently liaising with the Supreme Court of Victoria in relation to the establishment of a pro bono scheme along similar lines to the FCA 0.80 scheme. Bronwyn Hammond has been appointed by the Supreme Court as the Co-ordinator for Self-Represented Litigants. Ms Hammond is now referring matters to VBLAS for assessment and provision of legal representation.

Promotion of VBLAS

VBLAS is promoted to potential volunteer barristers by speaking at each Bar Readers' course throughout the year. The managers of VBLAS are also extensively engaged in the promotion of the scheme, both to the legal profession and the broader community. VBLAS is promoted through PILCH and Victorian Bar publications, including regular updates in the PILCH newsletters *PILCH Matters* and *Pro Bono in Practice*, the Bar newsletters *In-Brief* and *Victorian Bar News* and annual reports for PILCH and the Bar.

Further promotion of the scheme was undertaken when the VBLAS Manager presented a seminar with Paula O'Brien, the Co-Executive Director of PILCH, to Monash University Law Students undertaking the professional practice program in April this year. The seminar explored the role of VBLAS in relation to the referral work undertaken, as well as project and training programs in addition to the work of PILCH.

Survey

VBLAS, with the assistance of Josh Wilson, compiled a pro bono survey which revealed that in 2005 180 barristers performed 10,700 hours worth of pro bono work, valued at approximately \$3,400,000 spread evenly over advice, appearances and paperwork. The work was undertaken overwhelmingly in the civil law area, sourced mainly from PILCH and the Victorian Bar Legal Assistance Scheme. This is a substantial increase on the amount of pro bono work completed the previous year whereby 9,600 hours of pro bono work, valued at \$3,150,000 was achieved. It is

likely that the figures would be even higher had there been a higher response rate to the survey.

Acknowledgements

I wish to thank all the VBLAS staff and committee members for their work and enthusiasm.

Particular thanks are also extended to all those members of the Victorian Bar who have ensured that disadvantaged and vulnerable members of the community receive quality advice and assistance through access to the legal services of barristers.

Ross Macaw

Chair

ANNUAL REPORT OF THE VICTORIAN BAR NEWS

The four issues produced in the 2005–06 year featured the usual balance of “in house” issues, social events and a spread of more serious material.

Our covers featured: Justice Crennan on her appointment to the High Court; Senior Counsel of 2005 in the Banco Court; the retiring and incoming Presidents of the Children’s Court, Judge Jennifer Coates and Judge Paul Grant; and an artist’s impression of the new Supreme Court building.

The social events canvassed included the three perennials, the Children’s Christmas Party, the Opening of the Legal Year and the Bar Dinner. All of these produced their usual plethora of photographic goodies. But *Bar News* also covered: Portia’s Breakfast; the Celebratory Dinner for the Honourable Mary Gaudron; the Bar Council Dinner to celebrate the appointment of the Honourable Justice Crennan; the Farewell Dinner which the Criminal Bar Association held for Judge Michael Kelly; the launch of the Victorian Sentencing Manual; the COMMBAR Celebration; the launch of the new Bar website, plus a large range of sporting activities.

Amongst the more serious material which we commend to readers is the Law Week Oration of 2006 given by Lex Lasry QC, “Defending Unpopular Causes in a Climate of Fear”. This speech needs to be read together with the paper by Peter Vickery QC: “David Hicks and the Military Commission”.

As has been said in earlier reports, the unsolicited contributions received from members of the Bar not only contribute to the viability of the journal but enable it to reflect more accurately the views of the Bar.

Amongst these unsolicited pieces in the last 12 months have been: Peter Vickery’s piece, already referred to; Julian Burnside’s “The Dreyfus Affair”; Raymond Gibson’s piece on Fiji, “Trouble in Paradise”; Simon Cooper’s piece on “Life in the Solomons”; Richard Bourke’s piece on “Hurricane Katrina: Destruction in New Orleans”; Tony Radford’s, “The Threat of Recession”; Glisson QC’s piece on “Advocacy in Practice”; Brien Briefless’s “Reflections on the Business of our Courts”; and Richard Lawson’s quirky piece on “Un-Round Numbers”.

The range of welcomes and farewells covered in the last 12 months has been unusually large. Of particular interest perhaps were the comments on judicial independence made by the Honourable Justice Ormiston at his farewell.

Gerard Nash

Joint Editor

ANNUAL REPORT OF THE VICTORIAN BAR CARE SCHEME

In 2002, the Bar Council resolved to establish the Bar Care Scheme, a counselling service for members of the Bar and their immediate families. The establishment of the scheme was a recognition that the health and well-being of a member can be adversely affected by the pressures of professional and personal life and that the Victorian Bar has a role to play in ensuring that assistance is available to members who require it.

The objective of the scheme is to enable members to immediately access a counselling service which will assist them with emotional and stress-related pressures arising from family or marital problems, multiple life stressors, drug or alcohol dependency, and practice pressures. A vital feature of the scheme is that full confidentiality applies to the identity of those who use it.

The scheme is available to any member of the Bar and their immediate family. The cost of the initial consultation and referral will be met by the Bar.

The Cairnmiller Institute (“the Institute”) is the initial referral point for the Bar Care Scheme. Its consultants are trained in psychology, medicine or social work and have specialist training in counselling and psychotherapy. The Institute provides initial counselling and refers clients to other specialist service providers where necessary.

A member who wishes to access the scheme should contact the Institute on 9813 3400 and advise that they require assistance in accordance with the Victorian Bar’s Bar Care Scheme. The Institute is located at 993 Burke Road, Camberwell, 3124.

During the course of the initial consultation, the counsellor provides assistance and determines what follow-up services or treatments are needed. The counsellor may then arrange for subsequent consultations or referrals to other service providers. The cost of any subsequent consultations by the Institute or another service provider is the responsibility of the member and may be reimbursable from government or private health insurance schemes.

On regular occasions the availability of the scheme is promoted in *In Brief* and *Bar News*.

During the year to 30 June 2006, one member sought assistance under the Scheme and the first consultation was paid by the Bar Council, totalling \$130 excluding GST.

Christine Harvey

Chief Executive Officer

SPECIAL PURPOSE FINANCIAL REPORT
OF
THE VICTORIAN BAR INC
FOR THE YEAR ENDED 30 JUNE 2006



THE
VICTORIAN
BAR

SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC

**Statement of
Financial Performance
for the Year Ended 30 June 2006**

	2006	2005
	\$	\$
Revenue		
Revenue from Ordinary Activities	4,220,149	3,621,260
Interest	165,623	162,946
Total Revenue	4,385,772	3,784,206
Expenditure		
Administration Expenses	2,692,420	2,085,000
Employee Benefits Expense	1,171,468	1,071,193
Depreciation	108,958	107,225
Other	121,195	114,633
Total Expenditure	4,094,041	3,378,051
Profit From ordinary activities before income tax expense	291,731	406,155
Income tax expense	—	—
Profit for year	291,731	406,155

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 2006**

	Notes	2006 \$	2005 \$
Current Assets			
Cash Assets		730,604	235,807
Other Financial Assets	3	2,087,135	2,540,413
Receivables	4	477,308	446,458
Total Current Assets		<u>3,295,047</u>	<u>3,222,678</u>
Non-current Assets			
Other Financial Assets	5	4,516,300	4,016,300
Property, Plant & Equipment	6	120,123	209,296
Loan to Essoign Club		141,231	114,616
Total Non-Current Assets		<u>4,777,654</u>	<u>4,340,212</u>
Total Assets		<u>8,072,701</u>	<u>7,562,890</u>
Current Liabilities			
Provisions	7	227,063	167,960
Payables		603,454	598,000
Subscriptions in Advance		1,181,003	1,015,164
Total Current Liabilities		<u>2,011,520</u>	<u>1,781,124</u>
Non-current Liabilities			
Provisions	8	4,724	17,040
Total Non-Current Liabilities		<u>4,724</u>	<u>17,040</u>
Total Liabilities		<u>2,016,244</u>	<u>1,798,164</u>
Net Assets and Accumulated Funds	9	<u>6,056,457</u>	<u>5,764,726</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 2006**

	Notes	2006 \$	2005 \$
Cash Flows From Operating Activities			
Receipts from Subscriptions		2,934,434	2,613,654
LSC/LSB Reimbursement or Contribution Received		1,124,291	640,687
Interest Received		165,623	162,946
Fees - Readers Courses and Mediation Centre		487,555	467,989
Other Receipts		105,080	47,989
Payments to Suppliers & Employees		(4,225,373)	(3,979,070)
Net Cash Provided by Operating Activities	10(b)	<u>591,610</u>	<u>(45,805)</u>
Cash Flows from Investing Activities			
Payments for Plant & Equipment		(23,476)	(47,366)
Purchase of Shares		(500,000)	(500,000)
Loans Advanced		(26,615)	12,735
Net Cash Provided by/(Used in) Investing Activities		<u>(550,091)</u>	<u>(534,631)</u>
Net Increase/(Decrease) in Cash Held		41,519	(580,436)
Cash at Beginning of Financial Year		2,776,220	3,356,656
Cash at End of Financial year	10(a)	<u><u>2,817,739</u></u>	<u><u>2,776,220</u></u>

The accompanying notes form part of these financial statements.

SPECIAL PURPOSE FINANCIAL REPORT THE VICTORIAN BAR INC

Notes to the Financial Statements Year Ended 30 June 2006

1 Accounting Policies

Financial Reporting Framework

The association 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 satisfy specifically all of their information needs. Accordingly, this "special purpose financial report" has been prepared to satisfy the Victorian Bar's constitutional requirement to keep accounts.

The financial report has been prepared on the basis of historical cost and except where stated, does not take into account changing money values or current valuations of non-current assets. Cost is based on the fair values of the consideration given in exchange for the assets.

The financial report has been prepared in accordance with the Victorian Bar Incorporated's constitution, the basis of accounting specified by Accounting Standards and UIG Consensus Views, and the disclosure requirements of Accounting Standard AASB 1001 "Accounting Policies" (superseded Australian Generally Accepted Accounting Standards — A-GAAP), excluding the requirements of UIG Abstract 52 — Income Tax Accounting under the Tax Consolidation System (refer Note 1 (k)).

For the avoidance of doubt the financial report has not been prepared in accordance with the requirements of Australian equivalents to International Financial Reporting Standards ("A-IFRS").

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

- (a) Acquisition of Assets
Assets acquired are recorded at the cost of acquisition, being the purchase consideration determined as at the date of acquisition plus costs incidental to the acquisition. In the event that settlement of all or part of the cash consideration given in the acquisition of an asset is deferred, the fair value of the purchase consideration would be determined by discounting the amounts payable in the future to their present value as at the date of acquisition.
- (b) 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
Equipment, Furniture, Library & Art Works.	3 - 10 years

- (c) **Recoverable Amount of Non-Current Assets**
Non-current assets are written down to the recoverable amounts where the carrying value of any non-current asset exceeds recoverable amount. In determining the recoverable amount of non-current assets, the expected net cash flows have not been discounted to their present value.
- (d) **Expenses**
Expenses are recognised on an accrual basis and are allocated into functional categories dependent upon the ultimate purpose of the expense.
- (e) **Investments**
Investments are recorded at cost.
- (f) **Accounts Payable**
Trade payables and other accounts payable are recognised when the Victorian Bar Inc becomes obliged to make future payments resulting from the purchase of goods and services.
- (g) **Receivables**
Trade receivables and other receivables are recorded at amounts due less any allowance for doubtful debts.
- (h) **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.
- (i) **Goods and Services Tax**
Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:
 - (i) where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or part of an item of expenses; or
 - (ii) for receivables and payables which are recognised inclusive of GST.
 The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables. Cash flows are included in the statement of cash flows on a gross basis. The GST component arising from investing activities which is recoverable from, or payable to, the taxation authority is calculated as a cash flow from operating activities.
- (j) **Comparative Figures**
Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented for the current financial year.
- (k) **Income Tax**
Annual subscriptions paid to the Victorian Bar Inc by its members are non-taxable through the mutuality principle. Other receipts are regarded as assessable for the purposes of income taxation. Its expenses are apportioned between non-tax deductible and tax-deductible expenses according to taxation regulations.

During the year the association became the head entity of a tax-consolidated group with effect from 1 July 2003. The other member of the group is its wholly owned subsidiary Barristers Chambers Limited. The company does not account for the income tax balances of the other entity in the tax consolidated group, and the principles of UIG Abstract 52 —

Income Tax Accounting under the Tax Consolidation System have not been applied by the company in the preparation of these accounts because in the opinion of the officers such accounting is not necessary to meet the information needs of the users of the accounts.

- (l) Subscriptions in Advance
The annual subscription period for members is 1 July to 30 June. Any subscriptions received in advance for the next financial year is held as a deferred revenue liability until this financial period has commenced.
- (m) Revenue Recognition
Revenue is recognised as follows:
Subscriptions - based on the period that the subscription is for.
Readers and Seminar Fees — when the service or product has been provided.
LSC/LSB Resimbursement — on a receivable basis.
Interest — on a receivable basis for the time period within the financial year.

2 Lease Commitments	2006	2005
	\$	\$
(a) Leasehold premises		
Non-cancellable Operating Leases		
Not Longer Than One Year	1,035,680	1,059,354
Longer Than One Year and Not Longer Than Five Years	3,962,720	4,087,151
Longer Than Five Years	<u>3,137,720</u>	<u>2,838,246</u>
(b) Office equipment		
Not Longer Than One Year	37,272	22,912
Longer Than One Year and Not Longer Than Five Years	51,683	47,409
Longer Than Five Years	<u>—</u>	<u>—</u>
3 Other Financial Assets - Current		
Commonwealth Bank of Australia - Bank Bills	<u>2,087,135</u>	<u>2,540,413</u>
4 Receivables		
Prepayments	252,325	259,450
Trade Debtors	224,983	181,260
Sundry Debtors	—	5,748
Total Receivables	477,308	446,458

5 Other Financial Assets - Non-current		
Shares in Barristers' Chambers Limited at Cost (BCL)	<u>4,516,300</u>	<u>4,016,300</u>
(a) BCL is a wholly owned subsidiary of the company. BCL prepares separate financial statements which are subject to independent audit by BDO Chartered Accountants.		
(b) The association 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		

	2006	2005
	\$	\$
<p>application made for its winding up or does not proceed with the refurbishment of Owen Dixon Chambers East (ODCE). The refurbishment of ODCE was completed during the 2003/04 financial year.</p>		
6 Leasehold Improvements, Equipment etc		
Equipment	239,321	228,362
Provision for Depreciation	<u>(219,673)</u>	<u>(220,662)</u>
Total Equipment	<u>19,648</u>	<u>7,700</u>
Office Furniture	39,701	49,642
Provision for Depreciation	<u>(26,128)</u>	<u>(32,112)</u>
Total Office Furniture	<u>13,573</u>	<u>17,530</u>
Art Works	61,764	56,764
Provision for Depreciation	<u>(34,290)</u>	<u>(30,733)</u>
Total Art Works	<u>27,474</u>	<u>26,031</u>
Library	252,482	252,482
Provision for Depreciation	<u>(229,949)</u>	<u>(204,835)</u>
Total Library	<u>22,533</u>	<u>47,647</u>
Leasehold Improvements	493,947	493,948
Provision for Amortisation	<u>(457,052)</u>	<u>(383,560)</u>
Total Leasehold Improvements	<u>36,895</u>	<u>110,388</u>
Total Leasehold Improvements, Equipment etc	<u>120,123</u>	<u>209,296</u>
7 Current Provisions		
Employee Entitlements	<u>227,063</u>	<u>167,960</u>
8 Non-current Provisions		
Employee Entitlements	<u>4,724</u>	<u>17,040</u>
9 Accumulated Funds		
Balance at beginning of financial year	5,764,726	5,358,571
Net Profit	291,731	406,155
Balance at end of financial year	<u>6,056,457</u>	<u>5,764,726</u>
10 Notes to the cash flow statement		
(a) Reconciliation of cash and cash equivalents		
For the purposes of the cash flow statement, cash and cash equivalents includes cash on hand and in banks and investments in money market instruments net of outstanding bank overdrafts. Cash and cash equivalents at the end of the financial year as shown in the cash flow statement is reconciled to the related items in the balance sheet as follows:		
Cash assets	730,604	235,807
Other financial assets (bank bills)	<u>2,087,135</u>	<u>2,540,413</u>
	<u>2,817,739</u>	<u>2,776,220</u>

	2006	2005
	\$	\$
(b) Reconciliation of profit for the year to net cash flows from operating activities		
Profit for the year	291,731	406,155
Depreciation	108,958	107,226
Loss on disposal of non-current assets	3,691	—
Increase in current assets (Receivables)	(30,850)	(301,633)
Increase(Decrease) in current liabilities	230,396	(269,795)
(Decrease)Increase in non-current liabilities	(12,316)	12,242
Net cash provided by, (used in) operating activities	<u>591,610</u>	<u>(45,805)</u>

11 Remuneration of auditors

Audit of the financial report	12,700	12,100
Taxation services	49,002	25,262
Other non-audit services, financial statements content advice	2,155	—

During the year costs of taxation services totalling \$30,000, incurred in relation to formation of a tax consolidated group and related matters, were reimbursed to the association by its subsidiary company.

SPECIAL PURPOSE FINANCIAL REPORT THE VICTORIAN BAR INC

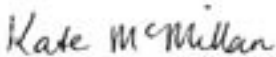
Officers Declaration

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

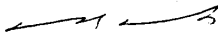
The Officers declare that:

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

On behalf of the Officers



Kate McMillan
Chairman:



David Beach
Honorary Treasurer:

Dated: 17 August 2006

Independent audit report to the members of the Victorian Bar Inc

Scope

The financial report and the Officers' Report

The financial report, being a special purpose financial report, comprises the statement of financial position, the statement of financial performance, cash flow statement, a summary of significant accounting policies and other explanatory notes and the Officers' Declaration for the Victorian Bar Inc for the financial year ended 30 June 2025, as set out on pages 15 to 19.

The Officers are responsible for the preparation and fair presentation of the financial report and have indicated that the accounting policies used and described in Note 1 to the financial statements are appropriate to meet the financial reporting requirements of the association's constitution and the needs of the members. The Officers responsibility also includes maintaining adequate financial records and internal controls that are designed to prevent and detect the occurrence, and for the accounting policies and accounting estimates inherent in the financial report.

Auditing process

We have conducted an independent audit of the financial report in order to express an opinion on it to the members. No opinion is expressed as to whether the accounting policies used and described in Note 1 are appropriate to the needs of the members.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the level of professional judgement, use of testing, i.e. reliance on internal controls, and the availability of persuasive rather than conclusive evidence. Therefore, we are not able to guarantee that all material misstatements have been detected.

We performed procedures to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the accounting policies described in Note 1 to the financial statements. Those policies do not require the application of all Accounting Standards in Australia.

Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of significant accounting estimates made by the Officers.

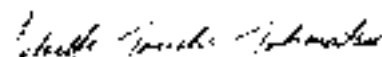
While we considered the effect on users of management's original judgments over financial reporting and determining the nature and extent of our procedures, our audit was not designed to provide assurance on these judgments.

The financial report has been prepared for distribution to the members to satisfy the Officers' financial reporting requirements for the corporation. We disclaim any assumption of responsibility for any reliance on this audit report or on the financial report to which it relates by any person, whether it be the members, or for any purpose other than that for which it was prepared.

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

Audit Opinion

In our opinion, the financial report of the Victorian Bar Inc. presents fairly, in all material respects, in accordance with the accounting policies described in Note 1 to the financial statements, the association's financial position as at 30 June 2006 and the results of its operations and its cash flows for the year ended on that date.



DELOITTE TOUCHE TOHMATSU



David Mallock
Partner
Chartered Accountants

17 August 2006

THE VICTORIAN BAR INC

Detailed Statements of Financial Performance for the Year Ended 30 June 2006

	Notes	2006 \$	2005 \$
Income			
Subscriptions		2,498,600	2,446,876
Sale of Publications		631	716
Other Income		3,728	3,430
LSB/LSC	1	1,154,791	650,789
Interest		165,623	162,946
Bar News Advertising Revenue		33,737	27,737
Entertainment Receipts		55,228	32,961
Library Copier Card Sales		1,979	1,302
Mediation Centre Income		153,217	141,786
Readers' Course Fees		305,233	299,464
Readers' Course Entertainment Receipts		13,130	15,767
Readers' Course Photographs		(125)	432
Total Income		<u>4,385,772</u>	<u>3,784,206</u>
Expenses			
General Administration			
Archival Costs		6,751	17,988
Audit, Accounting and Computer Support		102,168	59,896
Australian Securities Commission		227	72
Bank Charges		1,914	2,448
Conferences		14,877	19,530
Bar Dinner and Other Functions		98,726	89,205
Bar News Expenses		125,742	113,796
Depreciation		77,454	63,635
Donations		3,000	—
Floral Tributes		5,500	3,179
Insurance		5,813	2,553
Legal Assistance Scheme Costs		121,195	114,633
Library (including Depreciation)		194,326	194,408
Miscellaneous		4,370	18,349
Postage		10,945	9,855
Printing and Stationery		109,871	99,068
Publications		9,714	9,297
Rent to Barristers' Chambers Limited	2	326,064	312,938
Essoign Rent and Fitout	2	360,940	356,274
Research Studies and Projects		141,109	35,514

Salaries, Employee Entitlements, Superannuation and Workcover Costs	785,612	702,955
Telephone	8,435	8,682
Travel Expenses	4,752	3,870
Australian Bar Association	41,125	78,950
International Bar Association	380	832
Law Council of Australia	144,669	135,435
Lawasia	909	909
PILCH	6,615	6,300
Ethics Administration		
Salaries and Expenses	683,952	251,609
Readers' Course and Continuing Legal Education		
Salaries, Expenses and Depreciation	541,529	528,953
Mediation Centre		
Salaries, Expenses and Depreciation	155,357	136,918
Total Expenses	<u>4,094,041</u>	<u>3,378,051</u>
Operating Profit	291,731	406,155
Accumulated Funds at the beginning of the financial year	5,764,726	5,358,571
Accumulated Funds as at the End of the Financial Year	<u>6,056,457</u>	<u>5,764,726</u>

**NOTES TO THE DETAILED STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE 2006**

1 LSC/LSB Reimbursement and Contribution

From 1 January 1997 the Legal Practice Board and from 12 December 1995 the Legal Services Commissioner and Board reimburses the Victorian Bar for the costs of regulation and registration of legal practitioners regulated by the Bar. The Bar also receives a contribution towards the cost of certain legal education programs at the Bar. The Board's financial support for the Bar's legal education and access to justice programs is appreciated.

Regulation	683,107	262,900
Registration	146,150	112,525
Bar News	32,054	28,000
Readers' Course and Legal Education	140,598	99,360
Library	45,792	43,200
Other	16,960	16,004
Legal Assistance Scheme	90,130	88,800
	<u>1,154,791</u>	<u>650,789</u>

In addition to the amounts stated above, the Legal Practice Board made a contribution of \$125,000 in 2004 towards projects associated with the Bar's Compulsory Continuing Legal Education and Professional Standards Education programs, for which \$19,991 was incurred in 2006 (2005 — \$4,727)

2 Rent and Refurbishment Costs

In July 2002, an agreement was entered into with Barristers' Chambers Limited under which the Victorian Bar Inc agreed to rent certain space from Barristers' Chambers Limited and to pay for the fitout of that refurbished space over a ten year term. Part of the rent and fitout cost relates to the space occupied by the Essoign Club Limited in Owen Dixon Chambers East.

THE VICTORIAN BAR INC

Victorian Bar Expenditure for the Year Ended 30 June 2006

TRAVEL, CONFERENCE COSTS AND DONATIONS

The Annual General Meeting of The Victorian Bar Inc, held on 3 September 2003, 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 the 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 and Travel	\$	Attended By
ABA Quarterly Meetings	\$3,640	Chairman/CEO
LCA Quarterly Meetings	\$8,211	LCA Director/CEO
ALRC Dinner	\$383	Senior Vice-Chairman
High Court Ceremonial Sitting	\$825	Chairman
Justice Crennan Swearing In	\$683	Chairman
NSW Bar Dinner	\$451	Chairman
QLD Bar Dinner	\$684	Chairman
	<hr/>	
	\$14,877	
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Donations		
Luisiana Crisis Assitance Centre	\$1,000	
Human Rights Law Centre	\$1,000	
Frank Galbally/RecLink Australia Football	\$1,000	
	<hr/>	
	\$3,000	
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