



The Victorian Bar Inc

Reg. No. A0034304S

ANNUAL REPORT

1 July 2006 – 30 June 2007

Annual Report of The Victorian Bar Inc for the Year Ended 30 June 2007

To be presented to the Annual General Meeting of The Victorian Bar Inc to be held at 5.00 pm on Monday 17 September 2007 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 2006, 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) I Fajgenbaum QC

G John Digby QC

G (Tony) Pagone QC

Michael W Shand QC

Michael J Colbran QC

Paul G Lacava S.C.

Timothy P Tobin S.C.

Peter J Riordan S.C.

Fiona M McLeod S.C.

Richard W McGarvie S.C.

Dr David J Neal 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**

Kerri E Judd

E William Alstergren

Mark K Moshinsky

P Justin Hannebery

Cahal G Fairfield

Charles E Shaw

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

Katharine J D Anderson

Anthony G Burns

Daniel C Harrison

Dr Michelle R Sharpe

THE VICTORIAN BAR INC ANNUAL REPORT

Contents

	<i>Page</i>
Chairman's Report	5
Officers of the Bar Council	18
Bar Companies and Associations	19
Standing Committees of the Bar Council	21
Joint Standing Committees	25
Bar Appointees	26
General Meetings	32
Personalia	34
Roll of Counsel	38
Functions	44
Sporting Events	46
Annual Reports of Associations and Committees	49
Financial Report	i

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

Chairman's Report

The tradition of service by members

This Bar has a proud tradition of voluntary service by members. Neither the chairman, officers nor members of the Bar Council receive any payment for their service; nor does any other member of the Bar who serves in one capacity or another. Our members serve on our boards and committees, teach in our Readers' Course, CLE Program or South Pacific Advocacy Training Program; they serve as mentors and senior mentors to pupils in their reading; as Bar appointees on external tribunals, boards or committees; and they work on submissions to government and law reform agencies. This voluntary work is prodigious and valuable. It is the life blood of the Bar.

Members of the Bar Council who left the Council in September 2006

Kate McMillan S.C. served with distinction as Chairman. She was assiduous in her duties and always looked after the best interests of the Bar.

Kate's service on Bar Committees dates back to 1983. She joined the Library Committee within only a couple of years of signing the Roll. That began 24 years of service to the Bar — and still counting because Kate remains one of two Bar appointees on the Council of Legal Education and a deputy Bar appointee on the Supreme Court Board of Examiners, in addition to her membership of the Past Practising Chairman's Committee.

Kate served 11 years on the Bar Council, and eight years on the Ethics Committee — four of those years as Chairman of that Committee.

Many of the important issues and initiatives addressed by the previous Bar Council are referred to in last year's annual report. A very visible and lasting legacy of Kate's service is the number of portraits in chambers in the commissioning, acquisition or acceptance of which she played a significant role — at least 14 portraits. All these portraits are a welcome reminder of our rich legal heritage.

Other members of the 2005–06 Council who left the Council during the year covered by this annual report are: Mark Dreyfus QC, David Beach S.C., Philip Dunn QC, Iain Jones S.C., Rachel Doyle and Liza Powderly.

All contributed significantly to the work of the Council. In particular, Mark Dreyfus served four years, and was Junior Vice-Chairman; David Beach served a total of almost 14 years, and was Assistant Honorary Treasurer for five years and Honorary Treasurer for two years; and Philip Dunn had served 11 years and headed the active Criminal Law portfolio.

New Members of the Bar Council in 2006–07

Tony Pagone QC, Timothy Tobin S.C., Richard McGarvie S.C., Mark Moshinsky, Kate Anderson, Daniel Harrison and Dr Michelle Sharpe all joined the Council in September 2006.

We had, this year, a new team of Bar Council office bearers, except for Penny Neskovicin (who had been Assistant Honorary Secretary last year, and became Honorary Secretary) and me: Peter Riordan S.C., Senior Vice-Chairman; Paul Lacava S.C., Junior Vice-Chairman; Michael Colbran QC, Honorary Treasurer; Will Alstergren, Assistant Honorary Treasurer; Penny Neskovicin, Honorary Secretary; and Simon Pitt, Assistant Honorary Secretary.

During the year, Tony Pagone QC resigned from the Council upon his appointment as a Judge of the Supreme Court of Victoria on 24 May 2007. With elections in less than four months, the Council decided not to hold a by-election.

The Governance Review

In October 2007, the Bar Council resolved to appoint Paul Montgomery of the Montgomery Consulting Group to undertake a review of governance and staffing at the Bar. The review was to cover “the function, effectiveness and efficiency of the Bar Council, the Executive Committee, the Bar Office and its staff”.

The consultant delivered his report on 1 June 2007. The Report reinforced the need for a strategic plan. Special attention was directed towards improving the process of decision making.

The Bar Council considered the Report at a special meeting on 26 June 2007. Some recommendations were implemented, such as that the Bar Council meet only monthly and make optimal use of the Executive Committee to prepare for Council meetings. The recommendation for constitutional reform to favour the election of at least two women in the senior category of seats on the Bar Council is being put to a special general meeting of the Bar on 17 September 2007. More of the detail of the governance report will be considered by the incoming Bar Council in consultation with the newly appointed General Manager.

A Strategy for the Bar

In October 2006, the Bar Council also resolved to form a Strategy Committee under the chairmanship of Mark Moshinsky to report back to Council in December 2007. From the outset, the committee has addressed the task with energy and initiative. It has met eight times since its formation and is well placed to respond to its brief in December.

The Resignation of the CEO and the Appointment of the General Manager

Christine Harvey began as Chief Executive Officer in October 2004. On 27 March 2007, she announced her intention to resign effective 5 April 2007. Christine Harvey’s tenure coincided with a period of great change within the Bar as it adapted its structure and operations to the changes in the framework of legal professional regulation in Victoria as a result of the *Legal Profession Act 2004*, which came into full effect on 12 December 2005. It also coincided with the loss of a considerable bank of experience from the Bar office.

The Bar thanks Christine Harvey for her significant contribution to the Bar and wishes her well in her new endeavours.

The Bar is fortunate to have appointed our new General Manager, Stephen Hare, with effect from 1 August 2007. Stephen has a wealth of experience as a Chartered Accountant, General Manager Commercial Services with North Limited and Chief Executive Officer of the National Trust in Victoria. His skills and experience at executive management level are evident in finance, business operations and strategic planning. Of particular interest to the Bar is his experience of taking a not-for-profit entity to become more market responsive, while retaining those elements that are fundamental to its character and identity.

I take this opportunity also to thank Mei-Leng Hooi for her energetic work as Senior Manager and more recently Manager Projects and Marketing, Ross Nankivell for his constant support in assisting me as Chairman, and to Denise Bennett for her organizing talents as Executive Officer.

The Civil Justice Review

Dr Peter Cashman, formerly Associate Professor at the University of Sydney Law School, was appointed the full-time Commissioner in charge of the Victorian Law Reform Commission Civil Justice Review. On 21 September 2006, the Commissioner issued a short consultation paper.

The Bar Council nominated Albert Monichino to be the Bar representative on the Review's Reference Group and later established a Civil Justice Working Group, which I chaired, to prepare a submission.

Albert Monichino proved an invaluable secretary and co-ordinator of the Group. The other members of the Group were George Golvan QC, Nemeer Mukhtar QC, David Beach S.C., David Clarke, Martin Scott, Mark Moshinsky and Jonathon Redwood. Special thanks are also due to Andrew Kirby and Robert Craig for their assistance with the submission.

The deadline for submissions was very tight — 30 November 2006. The Bar obtained a short extension and lodged a substantial submission which has been posted to the Bar's website.

The Commissioner issued an exposure draft of certain proposals as at 28 June 2007, with a deadline of 27 July 2007 on comments. The Bar responded to that exposure draft.

The date for the report to the Attorney-General has now been extended to March 2008.

Law Reform

Every year, the Bar receives numerous requests for comment on matters of legal policy. We receive draft legislation from the Government, often on a confidential basis. We also receive requests for comment by various law reform agencies — not uncommonly, involving material on which research staff at the law reform agency have spent considerable time.

The Bar associations and their committees, often in liaison with the Bar's legal policy officer, Ross Nankivell, do a remarkable job in assisting the Bar to respond with submissions. Individual members of the Bar are generous with their time and expertise. Particular thanks to Jack Fajgenbaum QC, the Chairman of the Human Rights Committee, for his overseeing role.

The Bar Council has decided to establish a framework for a more pro-active, rather than solely reactive, approach to law reform in which the Bar takes the initiative in matters that come to our members' attention in the course of practice.

The Opening of the Legal Year

The traditional religious observances to mark the opening of the Legal Year were held on Monday 29 January 2007 in St Paul's Cathedral (the ecumenical observance), St Patrick's Cathedral (the Red Mass), the East Melbourne Hebrew Congregation (the Jewish observance) and the Fo Guang Yuan Art Gallery (the Buddhist observance).

This year, the Governor of Victoria Professor David de Kretser AC and Mrs de Kretser attended the service at St Paul's. Legal studies students from schools, both private and public, attended the service with their teachers, and participated in the service. It was a good opportunity for newer members of the profession and legal studies students to meet members of the Bench and established members of the practising profession.

Thanks are due to the Honourable Justices Nettle and Dodds-Streton for their leadership in the arrangements for this service. Their efforts at St Paul's have breathed new life and vigour into the traditional religious observances generally.

The Legal Laneway Breakfast (formerly "Portia's Breakfast") was held on Tuesday 30 January 2007, the second day of the new term of Supreme Court sittings. It was sponsored by the Victoria Law Foundation with Australian Women Lawyers, the Victorian Equal Opportunity & Human Rights Commission, the Judicial College of Victoria, the Legal Services Board, the Leo Cussen Institute, the Law Institute of Victoria Young Lawyers' Section, the Sentencing Advisory Council, the Victorian Law Reform Commission, Victorian Women Lawyers, the Women Barristers Association and the Women's Legal Service Victoria. Junior Vice-Chairman, Paul Lacava S.C. spoke in his capacity as a board member of the Victoria Law Foundation.

The Review of the Appointment of Senior Counsel

At the request of the Bar in 2004, the Chief Justice agreed to take responsibility for the process of appointment of Senior Counsel in Victoria. In February 2007, the Bar Council considered it appropriate to review the process, which had then been in operation for three years. The Council was also concerned that the Chief Justice in that role had been subjected to criticism from some quarters.

The Review was also timely because the Australian Bar Association was considering the merits of adopting a national protocol for the appointment of Senior Counsel; and the Premier of South Australia had asked the South Australian Attorney-General to review the process in that State, which is still by letters patent as Queen's Counsel. There has been no significant progress in the ABA review; nor have submissions yet been called for in the South Australian review.

The Bar Council review was thorough. It examined the current system in Victoria and the arrangements in other States, and in England. The Council also considered the criticisms of the system in Victoria, and submissions from members of the Bar. I record the Bar's thanks to Richard Niall for his advice on legal issues.

Following lengthy discussion, the Council voted unanimously to confirm its support for the current process of appointment by the Chief Justice. The Bar was notified by circular on 23 February 2007, which was published in Bar News. The Chief Justice also issued a statement further explaining the process of appointment.

The Bar extends its sincere thanks and appreciation to the Chief Justice and to the other members of the Court who have served on the Supreme Court advisory committee for the appointment of Senior Counsel.

The Late Peter Hayes QC

The Bar received considerable press exposure following the sad death of Peter Hayes QC. Some seized on the event to make unfounded allegations of widespread drug abuse in the senior legal profession and to criticize the Bar's management of a past disciplinary complaint. The Bar strongly rejected these allegations.

Law Week 2007

The Bar played a more active part in Law Week this year than it has for the last several years. Particular thanks are due to Cahal Fairfield, a member of the Bar Council, and to Mei-Leng Hooi, then Senior Manager and now Projects and Marketing Manager.

The Bar joined with the Victoria Law Foundation, the University of Melbourne and the Criminal Bar Association of Victoria in sponsoring the 2007 Law Week Oration on 15 May by the Honourable Michael McHugh QC, former Justice of the High Court of Australia: *Does Australia Need a Bill of Rights?*

We held the first public screening on 16 May 2007 of the film of the Bar's theatrical production in February 2000 of the trial of Ned Kelly and the modern day re-trial before the Honourable Justice Coldrey during Law Week 2000. This screening was dedicated to the memory of Michael Rush, who was on the committee that initiated the whole venture, and of Douglas Salek QC, who was a force in theatre at the Bar. Mick Rush was Constable McIntyre and Doug Salek was James Gloster in the original production.

The Honourable John Harber Phillips QC, former Chief Justice, whose book *The Trial of Ned Kelly* inspired the project, attended the screening as did Nick Harrington who co-authored the Bar's play, and many others in the original production.

The Women Barristers Association created an exhibition documenting the history of women at the Victorian Bar, working in consultation with the Bar oral history consultant Juliette Brodsky and the Victoria Law Foundation. That exhibition was on display in the Supreme Court Library for the whole of Law Week, and then on display in the foyer of Owen Dixon Chambers East. The exhibition was featured in Bar News and was launched at a reception at Victoria University as a touring exhibition to go out all around Victoria.

Duty Barrister Scheme

September 2007 sees the commencement of a three-month pilot in the Melbourne Magistrates' Court of a Duty Barrister Scheme. The Scheme, which is the initiative of Will Alstergren, a member of the Bar Council, has the enthusiastic support of Chief Magistrate Ian Gray. It is organised by a Bar committee chaired by Will Alstergren. Magistrate Lesley Fleming and the Chairman of the Bar Readers' Course Committee, Ian Hill QC, are members of that Committee.

Victoria Legal Aid has, for many years, operated a Duty Lawyer Scheme. That scheme has been very successful, but does not have the resources to meet the ever-increasing need. VLA Director Tony Parsons supports the establishment of the Bar scheme and is working on a suggested protocol for co-operation between the two schemes.

The Bar scheme has the promise to be an important addition to the range of contributions by our members to improving access to justice in Victoria through the Victorian Bar Legal Assistance Scheme, through the Federal Court scheme, and by our members individually on an informal basis.

At least in the pilot, this scheme will be limited to barristers of less than six years' call to give them an opportunity to gain valuable experience.

Preliminary discussions with the Chief Judge and the Principal Registrar of the County Court, and with the Unrepresented Litigants Co-ordinator in the Supreme Court reveal particular areas in which the scheme might be developed if the Magistrates' Court pilot is successful.

The Bar's Website (www.vicbar.com.au)

Since its launch by the Honourable Justice Maxwell on 9 February 2006, the new generation Bar website has continued to evolve and to provide a valuable forum for information and communication.

The new website continues the philosophy of its predecessor — to present in a straightforward and transparent way the Bar in all its facets to both members and the public alike, and to promote the work of the Bar and its members.

All members of the Bar now have password-protected access to the wealth of CLE materials that the Bar is accumulating, and the ability to access and edit their personal website profiles.

Under the website's new design, the home page features the latest news, CLE seminars, Chairman's speeches and Bar submissions. Clients and solicitors have ready access to the barristers' directory, the women barristers' directory and the directories for clerks, mediators, arbitrators, Crown Prosecutors and interstate practising members.

The Bar's Oral History Project

The Bar's oral history website has continued to grow during the past year. For this, I commend the efforts of freelance media consultant, content developer and researcher Juliette Brodsky and her colleague, technical consultant Peter Robertson. Both have

been involved in the project since its inception four years ago and, together with filmmakers Stewart Carter and Rocco Fasano, make up the Bar's oral history unit.

Interviews are researched and filmed. They are then uploaded to the Bar website in a series of "bite-sized" vignettes. The vignettes, contained in sections designated for the relevant interviewee are each accompanied by interview transcripts, photos and memorabilia from the interviewee's personal collection, articles, case references, and a series of biographical "milestones".

Recent additions to the site are:

- SEK Hulme AM, QC, one of the Bar's most senior and venerable members;
- *Raising the Bar*, a 2003 documentary, filmed by Sarah McLeod, and produced by the Women Barristers Association. It has been digitised and uploaded to the oral history, together with a series of milestones on Victorian women lawyers;
- *For the Defence*, a 1997 documentary made by December Films and first screened on ABC television. This is a candid and engrossing account of the working lives and practices of two former practising members of the Bar, County Court Judges John Smallwood and Liz Gaynor.

Still in production are:

- An audio interview at ABC Southbank with retired Supreme Court Judges the Honourable JD Phillips QC, the Honourable Clive Tadgell AO, QC, the Honourable John Batt QC, and the Honourable William Ormiston AO, QC and James Merralls AM, QC;
- An interview conducted by Juliette Brodsky with a number of past and present convenors of the Women Barristers Association.

Activities of the Bar Indigenous Lawyers Committee

I congratulate the Bar Indigenous Lawyers Committee and its Chairman, Colin Golvan S.C., on the major initiatives brought to completion this year.

In November 2006, the Bar Council approved the Indigenous Lawyers Committee Vacation Clerkship Program for indigenous law students to do four weeks paid work with the Bar under the direction and supervision of members of the Committee. Paul Hayes and Daniel Star of the Indigenous Lawyers Committee worked closely with Colin Golvan and made major contributions to the establishment and implementation of this Scheme.

We had our first summer indigenous clerk for four weeks in February 2007 — Ian Taylor, a second-year law student from Monash; and our first winter indigenous clerk in July 2007 for two weeks — Jidah Clark, a second-year law/arts student at Melbourne.

In May 2007, Professor Mick Dodson AM, now Head of Indigenous Legal Studies at the Australian National University, launched the Indigenous Barristers Fund established by the Bar Council as a result of the efforts of the Indigenous Lawyers Committee.

Mick Dodson is a member of our Bar on the Overseas and Interstate Counsel List. He was the first indigenous person to sign the Victorian Bar Roll, doing so in November 1981.

For many years, the Bar has assisted indigenous law students with a mentoring program. The Bar has waived the Readers' Course fees for indigenous pupils. This fund is an expression of our commitment to further support talented indigenous law graduates in coming to the Bar. We acknowledge a \$25,000 grant from the Victoria Law Foundation to assist in setting up and starting the fund, and a significant contribution from the Tallis Foundation. Bar members have also contributed to the extent of approximately \$16,000. Tax-deductible contributions continue to be sought from members of the Bar, and from foundations and corporations.

The Victorian Bar — Justice Ken Hayne Scholarship

In May 2007, the Bar decided to promote the establishment of the Victorian Bar Kenneth Hayne Scholarship at the University of Melbourne to assist law students whose financial position and sound academic performance warrants assistance with a scholarship. Already some \$40,000 has been contributed by members of the Bench and Bar.

The Bar Council decided in principle to establish an Education Trust to offer similar scholarships for students at other Victorian Law Schools. Thanks are due to Michael Colbran QC for his work in developing this proposal.

The Bar is hosting a dinner in the Essoign on 11 September 2007 to celebrate the 10 years' distinguished service that the Honourable Justice Hayne has given as a judge of the High Court.

The Bar's Relations with the Legal Services Commissioner

The Bar has continued to work closely with the Legal Services Commissioner, Victoria Marles, in settling the basis for reference of disciplinary complaints to the Bar Ethics Committee for investigation and report. The Bar is grateful to the Commissioner and her office in this regard. The Bar's thanks and appreciation are also due to Paul Lacava S.C. and Charles Shaw for their work in this matter, with the able assistance of Debbie Jones, Manager Ethics and Investigations.

The Bar's Role as LSB Delegate in Issuing Practising Certificates

The Legal Services Board has delegated the functions of receiving and processing applications for the issue and renewal of local practising certificates to the Bar and Law Institute. The Bar continues to work closely with the Board in making the process for the renewal of practising certificates as smooth as possible. The Bar Council worked hard on recommended revisions to the practising certificate renewal form. Particular thanks are due to Will Alstergren and Kate Anderson in this regard and to Richard McGarvie S.C., the Chairman of the Professional Indemnity Insurance Committee, for overseeing the arrangements for insurance with the LPLC and top-up insurers.

I also pay tribute here to the considerable work of the Applications Review Committee in advising the Bar Council on practising certificate renewal applications and for the leadership given by John Digby QC and Michael Wheelahan S.C.

Law Council of Australia

The Bar has been ably represented on the Council by Michael Colbran QC during a busy year for the Council which included the proposal by a large law firms group, LLFG Limited (a corporation with large law firm members), to be admitted to membership of the Law Council. After lengthy discussions and debate, the constituent members of the Law Council admitted LLFG Limited to membership.

At the end of September 2007, Ross Ray QC, a former Chairman of the Victorian Bar Council, will become President of the LCA. He has the Bar's very best wishes for a successful year as President.

Australian Bar Association

The Bar values its membership of this association of independent Bars of Australia.

A number of Victorian barristers attended the ABA Conference in June 2007 in Chicago, and all who did found the speakers impressive and the conference itself excellent.

Professional Standards Scheme

Historically, the Bar Council had opposed any statutory scheme to limit liability for professional negligence. Following the passage of the *Professional Standards Act 2003* and widespread interest in such a scheme on the part of Law Societies and Bars across Australia, the Council reconsidered the matter.

Detailed information was put to members of the Bar, comments were invited, and finally, after careful consideration, on 2 March 2006, the Council decided to support the establishment of a Victorian Bar scheme. A substantial number of Bar members indicated interest in becoming a member of the scheme. Without a Bar scheme, no member of the Bar could have obtained the protection offered by the Act.

The Bar took the lead in pressing for the passage of the *Justice Legislation (Further Amendment) Act 2006* which amended the Act to accommodate costs-inclusive policies of insurance. A further legislative amendment to give a scheme an interstate operation is also under consideration.

The Bar applied in June 2007 to the Professional Standards Council for approval of a professional standards scheme for the Victorian Bar. The Professional Standards Council is expected to take some months to process the application.

I am particularly indebted to Mark Derham QC, Robin Brett QC, Peter Riordan S.C., Kerri Judd and Cahal Fairfield for their work in contributing to the preparation of the substantial application for approval.

No member of the Bar is obliged to become a member of the Bar scheme, once it is established. Nor is enrolment limited to those who have already expressed interest.

Victoria University 10-year Retrospective Study of Reasons for Leaving the Bar

In April 2006, the Bar Council resolved that the Bar support the Victoria University proposal to conduct a 10-year retrospective longitudinal study to identify and report on the reasons people leave the Bar.

Bar Care Scheme Review

At its meeting on 28 September 2006, the Bar Council approved an increase in the number of Bar-funded consultations available per barrister per year and established a working group chaired by Timothy Tobin S.C. and including Kerri Judd, Daniel Aghion, Charles Shaw and Michelle Sharpe to look broadly at how best to structure the Bar Care Scheme, including consideration of the establishment of a panel of senior barristers available for advice and guidance.

The Bar Dinner, 2 June 2007

Our speakers, Jeremy Ruskin QC and the Honourable Justice John Middleton were both at their superb and scintillating best and made the night at the Museum one that will be long remembered.

Will Alstergren took principal responsibility for the event on behalf of the Bar Council and worked with our Executive Officer, Denise Bennett, and with Juliette Brodsky and Peter Robertson to prepare a multi-media slide show featuring both our guests and past editions of the *Bar News*. Peter Avram made the technology work on the night.

The Melbourne Law School and Victorian Bar Research Assistants Scheme

This Scheme grew from initial encouragement from Philip Crutchfield, a member of our Bar and a member of the Melbourne Law School JD Advisory Board. The first approach was made to the Bar by the Law School in July 2005. Liza Powderly, a Bar Council member in 2006, played an important early role in developing the scheme.

As its name indicates, the Scheme is a collaboration between the Melbourne Law School and the Victorian Bar. The aim of the Scheme is to provide students at the Melbourne Law School with the opportunity to gain valuable practical legal experience with barristers — to see what life at the Bar is about and to develop contacts with barristers. The scheme also enables barristers to benefit from the research skills of the Melbourne Law School students. The Bar welcomes this opportunity to engage with the Melbourne Law School community.

Members may gain password-restricted access to the Scheme's website and the directory of participating students through a portal on the Bar's website at Members > Practice > Legal Research.

Supreme Court Redevelopment Work

The Bar welcomes the major redevelopment work on the Supreme Court building which began in December 2006, first with the Banco Court and the north-western corner of the building. The Banco Court was re-opened on 15 May 2007. The three courtrooms in the old High Court building, and Courts 5 and 8 have now been fitted with "smart court" facilities, namely a large screen for witness and evidence presentations and modern computerized controls from the Bench and the Associate's desk.

Work has begun on the south-western corner of the building, modernising two of the courtrooms and expanding Court 15 to twice its current size and fitting it with modern computer facilities, appropriate lighting and air conditioning. That is expected to be completed by October 2007. Work will then begin on Courts 2, 3, 4, 11 and 12.

Plans for a new Supreme Court building behind the current building depended on the demolition of part of the Old High Court building. These plans stalled in July 2007, when the Commonwealth Minister for the Environment and Water Resources placed the old High Court building on the National Heritage List. It is hoped that an alternative site that meets the needs of the Court can be found as soon as possible.

Renovations to Owen Dixon Chambers West

The refurbishment by Barristers' Chambers Ltd (BCL) of common areas of Levels 1 to 18 (not including Level 14 and most of Level 13) of Owen Dixon Chambers West involving all the lift lobby areas associated with those levels, commenced in August 2006, after significant consultation with tenants on a floor-by-floor basis to finalize the design.

The scope of the refurbishment included repainting all common areas, replacing the workstations and providing common area furnishings, including new lighting and signage.

The \$2.4 million project was completed within budget (for \$2.2M) and with minimum disruption to tenants. The refurbishments have been well received by the tenants of ODCW, and the Bar in general. The Bar is grateful to the Board and management of BCL for this outcome.

Chambers Accommodation

It was not possible to renew the BCL lease covering Latham Chambers, which will expire in March 2008. BCL entered into a long-term lease for six top floors and two middle floors in 200 Queen Street. All of these chambers will be known as "Aickin Chambers".

The Bar Council has established a Bar/BCL Liaison Committee to discuss issues of importance to the Bar and BCL, including future accommodation needs, the Bar's approach to outside chambers and the long-term property strategy of the Bar. The Bar Council appreciates the diligence with which John Digby QC has kept the Council informed of issues addressed by BCL.

The Good Conduct Guide

The Professional Standards Education Committee chaired by Paul Willee RFD QC produced the Victorian Bar Good Conduct Guide: Professional Standards for Victorian Barristers by Róisín Annesley, which was published and launched on 18 October 2006.

Copies were distributed to all practising counsel and made available on the Bar's website. The Guide has attracted interest beyond the Bar, in particular in legal

academia, and the Committee is exploring ways in which the Guide, or extracts from the Guide, might be made available for use in legal ethics and practice courses.

Signing the Bar Roll in the Supreme Court Library

In November 2006 and May 2007, the new readers signed the Bar Roll or the Roll of Overseas Counsel (as appropriate) at a special ceremony in the Supreme Court Library.

The magnificent setting, and the ability for representative family and friends of each reader, and mentors and senior mentors to attend the signing, made this a notable success, and I thank the Chief Justice and Council of Supreme Court Judges, the Supreme Court Chief Executive Officer and the Supreme Court Librarian for their permission and support of this initiative.

Continuing Legal Education

Michelle Gordon S.C., now the Honourable Justice Gordon of the Federal Court, succeeded the Honourable Justice Nettle as Chair of the Continuing Legal Education Committee in December 2003 and served until her appointment to the Court. Justice Gordon did an outstanding job and, with Barbara Walsh, our Manager of Legal Education, continued to build and improve the already excellent Bar CLE program.

We continue to build up a substantial library of past CLE presentations in video, audio and seminar papers. The video tapes of past CLE seminars from December 2004 onwards are now all converted to DVD. Audio files are downloadable onto computers or portable MP3 players directly from the Bar website. Seminar papers are also downloadable from the website, and work is underway on indexing them to enable searches not only by date and speaker, but by subject matter key words, legislation and case references. Online access is available to all members of the Bar on a password-protected basis.

As recommended in the September 2006 Review of Legal Education Report by Susan Campbell, the Legal Services Board has established a Continuing Education Committee. The Committee is small and the Bar is represented on it.

Pending that Committee's thorough examination of the situation and recommendations to it, the Legal Services Board has approved the separate Bar *Continuing Legal Education Rules 2007* and Law Institute *Continuing Professional Development Rules 2007* but for a period of one year only, from 1 April 2007 to 31 March 2008.

The Bar South Pacific Advocacy Training Program

This year is the 20th anniversary of the Bar's ongoing sponsorship of lawyers from the South Pacific region to attend and participate in our Bar Readers' Course. Since the first lawyer from Papua New Guinea came to us in 1987, a total of 105 lawyers from Papua New Guinea, Vanuatu, the Solomon Islands and Indonesia have attended and completed the Victorian Bar Readers' Course.

Since 1990, we have conducted mostly week-long Advocacy Skills Training Workshops in the South Pacific: in Papua New Guinea, Vanuatu, the Solomon Islands

and Fiji, at least one workshop each year; often (since 2003 routinely) two workshops each year; and, in 2007, there will have been three workshops.

Congratulations and thanks to all members of the Bench and Bar who in recent years have given freely of their time in these training programs. Those who have done so in 2006–07 are (in order of the total number of workshops they have done): the Honourable Justice Paul Coghlan (12), The Honourable Geoffrey Eames QC (9), Geoffrey Steward (9), Martin Grinberg (9), Ian Hill QC (6), His Honour Judge David Parsons (4), Her Honour Magistrate Lesley Fleming (4), Michael Tovey QC (4), Ronald Gipp (4), Julie Condon (4), His Honour Chief Magistrate Ian Gray (2), the Honourable Justice Elizabeth Hollingworth (1), Will Alstergren (1), Amanda Fox (1) and Tony Burns (1). Our Legal Education Manager Barbara Walsh has now participated in 22 workshops.

In August 2007, the Bar hosted the Melbourne leg of the Law Council of Australia/AusAID South Pacific Forum, which brought to Australia leaders of the legal profession from across the South Pacific in government service and private practice. The Honourable Geoffrey Eames QC spoke about Advocacy and Advocacy Training. The Law Institute made presentations on Ethics and Continuing Professional Development for Solicitors. The Chief Justice welcomed our visitors to the Supreme Court, and they saw the Library, the old dungeon cells, and the Banco Court. Finally the Bar hosted them to a luncheon in the Essoign Club.

Conclusion

It has been a privilege to serve the Bar as Chairman of the Bar Council. Every year throws up its challenges and this past year has been no different.

I thank the members of this year's Bar Council for their substantial service to the Bar — in particular the two Vice-Chairmen, Peter Riordan S.C. and Paul Lacava S.C., the Honorary Treasurer, Michael Colbran QC and the Assistant Honorary Treasurer Will Alstergren; also the Honorary Secretary Penny Neskovcin and Assistant Honorary Secretary, Simon Pitt. Membership of the Bar Council involves not only attending the meetings of the Council but the inevitable subcommittees and undertaking preparatory work to advance the deliberations of the Council. All members of the Council have in the past year made substantial contributions to this work. I particularly thank Dr David Neal S.C. who retires from the Council after 10 years service to the Bar as a Council member.

I also express my great appreciation to the staff of the Bar office.

Michael Shand

Chairman

Officers of the Bar Council

(as at 30 June 2007)

<i>Chairman</i>	Michael W Shand QC
<i>Senior Vice-Chairman</i>	Peter J Riordan S.C.
<i>Junior Vice-Chairman</i>	Paul G Lacava S.C.
<i>Honorary Treasurer</i>	Michael J Colbran QC
<i>Assistant Honorary Treasurer</i>	E William Alstergren
<i>Honorary Secretary</i>	Penelope A Neskovcin
<i>Assistant Honorary Secretary</i>	Simon T Pitt

EXECUTIVE COMMITTEE OF THE BAR COUNCIL

<i>Chairman</i>	Michael W Shand QC
<i>Senior Vice-Chairman</i>	Peter J Riordan S.C.
<i>Junior Vice-Chairman</i>	Paul G Lacava S.C.
<i>Honorary Treasurer</i>	Michael J Colbran QC
<i>Members</i>	Jacob (Jack) I Fajgenbaum QC G John Digby QC Dr David J. Neal S.C. Kerri E Judd Katharine J D Anderson
<i>Honorary Secretary</i>	Penelope A Neskovcin
<i>Assistant Honorary Secretary</i>	Simon T Pitt

VICTORIAN BAR OFFICE STAFF

<i>Senior Manager</i>	Mei-Leng Hooi
<i>Executive Officer</i>	Denise Bennett
<i>Executive Assistant</i>	Katie Spencer
<i>Legal Policy Officer</i>	Ross Nankivell
<i>Manager, Legal Education and Training</i>	Barbara Walsh
<i>Legal Education Officer</i>	Deborah Morris
<i>Administrative Assistant, Legal Education</i>	Peita Hansen
<i>Manager, Ethics and Investigations</i>	Debbie Jones
<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>	Ross Kennedy
<i>Web Administrator/Newsletter Editor</i>	Miriam Sved
<i>Archivist</i>	Alison Adams
<i>Mediation Centre Receptionists</i>	Helen Henry, Pauline Hannan, Pat Lurye, Pauline Adams, Sara Pearson

Bar Companies and Associations

(as at 30 June 2007)

BARFUND PTY LTD – BOARD OF DIRECTORS

(as trustee for the Victorian Bar Superannuation Fund)

Philip J Kennon QC (Chairman), Ross C Macaw QC (Deputy Chairman), David G Collins S.C., Paul J Cosgrave S.C. and Stephen G E McLeish (Directors)

BARRISTERS’ BENEVOLENT ASSOCIATION OF VICTORIA COMMITTEE OF MANAGEMENT

Michael W Shand QC (Chairman, Victorian Bar Council) and Michael J Colbran QC (Honorary Treasurer, Victorian Bar Council)

BARRISTERS’ CHAMBERS LIMITED — BOARD OF DIRECTORS

Paul E Anastassiou S.C., (Chairman), G John Digby QC (Deputy Chairman), Michael J Colbran QC, Peter W Lithgow, Caroline M Kenny, Wendy A Harris, Matthew J Walsh and Paul X Connor (Directors) and Daryl F Collins (Member/CEO)

ESSOIGN CLUB — BOARD OF DIRECTORS

Colin L Lovitt QC (Chairman), Philip A Dunn QC (Vice-Chairman), Christopher J Blanden S.C., Michael J Richards, John B Saunders, Dr John P M de Koning (Honorary Secretary), Gunilla Hedberg, Darren J Bracken, Peter N Crofts (Honorary Treasurer), Claire M Harris and Simone L Bingham

THE MELBOURNE BAR PTY LTD

Board of Directors

David F R Beach S.C., Mark T Settle

Shareholders

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

CHAIR OF THE LIST COMMITTEES

- List A — Dr Clyde E Croft S.C.
- List B — Gregory J Lyon S.C.
- List C — Ronald K J Meldrum QC
- List D — Ross H Gillies QC
- List F — Philip A Dunn QC
- List G — Paul J Cosgrave S.C.
- List H — John T Rush RDF QC
- List L — Michael J Wood

- List M — Bernard R Fitzgerald
- List P — Nicholas J D Green QC
- List R — Barry J Hess S.C.
- List S — Vincent A Morfuni S.C.
- List W — Brendan A Murphy QC

BARRISTERS ANIMAL WELFARE PANEL

Graeme J McEwen (Chair), Meredith A Schilling (Secretary), The Hon. Ronald Merkel QC, B Richard St A Kendall QC, Peter J Haag, Rosemary E Carlin, Andrew P Phillips, Alexander Albert, Carolyn M Burnside, Matthew P Barrett, Maya Rozner, Anthony D O'Donoghue, Dr Michelle R Sharpe, Anne Hassan, Joanne Lardner, Frances L Dalziel, Francesca E Holmes, Jane E Treleaven and Georgia King-Siem

CHILDREN'S COURT BAR ASSOCIATION

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

COMMERCIAL BAR ASSOCIATION EXECUTIVE

Peter J Bick QC (President), Melanie Sloss S.C. (Senior Vice-President), Albert A Monichino (Vice-President (Convenor)), G John Digby QC (Vice President), and John R Dixon (Treasurer)

COMMON LAW BAR ASSOCIATION

Ross H Gillies QC (Chairman), John H L Forrest QC (Vice-Chairman), Richard J Stanley QC, The Honourable James H Kennan S.C., David Beach S.C., Timothy P Tobin S.C., Fiona M McLeod S.C., Michael F Wheelahan S.C., David J Martin (Secretary), Katherine L Bourke, Simon K McGregor, Mary Anne Hartley (Treasurer), Andrew D Clements, Andrew J Keogh, and Michelle Britbart

COMPENSATION BAR ASSOCIATION

James L Parrish S.C. (Chairman), John A O'Brien (Vice Chairman), Stanley B Spittle (Treasurer), John B Richards S.C. (Common Law Bar Liaison), Ian D McDonald (Secretary) Anthea E L MacTiernan, Matthew J Walsh, and Marco Cvjeticanin

CRIMINAL BAR ASSOCIATION

Stephen A Shirrefs S.C. (Chairman), John R Champion S.C., Thomas F Danos (Treasurer), John P Dickinson, Damian P Sheales (Secretary), Lachlan C Carter, Theodoros Kassimatis and Megan Tittensor. Appointed members: P Mark Taft S.C., John L Bushby and Lynne B Featonby. Consultants: Remy van de Wiel QC, Daniel D Gurvich and Julian P McMahan

FAMILY LAW BAR ASSOCIATION

Noel J Ackman QC (Chairman), Olyvia Nikou S.C. (Vice-Chairman), Graeme P L Thompson (Treasurer) and Laura Colla (Secretary)

INDUSTRIAL LAW BAR ASSOCIATION

Frank Parry S.C. (President), Warren L Friend (Senior Vice President), Jan M MacLean (Vice President), Gerard C P McKeown (Secretary), Rohan A Millar (Treasurer), Herman Borenstein S.C., Philip J Ginnane, Eugene P White, Timothy O Jacobs, Nicholas A T Harrington, Craig W Dowling and Cassie J Serpell

TAX BAR ASSOCIATION

The Honourable Justice G Tony Pagone (President and Web Convenor), Alexandra Richards QC (Vice President), Gregory J Davies QC (Treasurer), Terry Murphy S.C. (CLE Convenor), Jane C Forsyth (Assistant CLE Convenor), Jennifer Davies S.C. (Events Co-ordinator) and Simon H Steward (Secretary)

WOMEN BARRISTERS' ASSOCIATION

Caroline E Kirton (Convenor), Kim J Knights (Past Convenor), Simone M Jacobson (Assistant Convenor), Dr Michelle R Sharpe (Assistant Convenor), Nandi Segbedzi (Secretary), Joy S Elleray (Treasurer), Patricia E Dobson (Membership Secretary), Meghan J O'Sullivan (Seminar Coordinator), Alexandra Richards QC, Fiona M McLeod S.C., Samantha L Marks, Emma M Swart, Sonja Roglic, Anna L Robertson, Julianne E Jaques, Vicki L Marty, Sharon A Burchell, Lydia Kinda and Cynthia A Holland

Standing Committees of the Bar Council

(as at 30 June 2007)

Applications Review Committee

G John Digby QC (Chair), Michael J Colbran QC, Terrence P Murphy S.C., Timothy J Ginnane S.C., Michael F Wheelahan S.C., Dr Dorothy Kovacs, Tomaso Di Lallo, Caroline M Kenny, Caroline E Kirton, E William Alstergren, Gregory P Harris, Kevin J A Lyons, Róisín N Annesley, Katharine J D Anderson, Daniel C Harrison, Penelope A Neskovcin (Honorary Secretary), Simon T Pitt (Assistant Honorary Secretary) and Barbara J Walsh (Manager, Legal Education and Training) and Deborah Morris (Legal Education Officer)

Bar Care Committee

Timothy P Tobin S.C. (Chair), Kerri E Judd, Daniel V Aghion, Charles E Shaw, Dr Michelle R Sharpe and Mei-Leng Hooi (Manager Projects and Marketing)

Bar Strategy Committee

Mark K Moshinsky (Chair), G John Digby QC, Michael J Colbran QC, David J Neal S.C., E William Alstergren, Katharine J D Anderson, Charles E Shaw and Anthony G Burns

Charitable and Sporting Donations Committee

Peter J Riordan S.C. (Chair) and E William Alstergren

Civil Justice Working Group

Michael W Shand QC (Chair), George H Golvan QC, Nemeer Mukhtar QC, David FR Beach S.C., David M Clarke, Albert A Monichino, Martin R Scott, Mark K Moshinsky and Jonathon Redwood

Conciliators for Sexual Harassment and Vilification

David E Curtain QC (Convenor), Frank X Costigan QC, Richard J H Maidment S.C., Debra S Mortimer S.C., Fiona M McLeod S.C., Richard W McGarvie S.C., Joy S Elleray, Melanie P Young and Sarah L Fregon

Counsel Committee

Michael J Colbran QC (Chair), Timothy T Tobin S.C., Richard W McGarvie S.C., Katharine J D Anderson, Anthony G Burns, Penelope A Neskovicin (Honorary Secretary) and Simon T Pitt (Assistant Honorary Secretary)

Duty Barristers' Scheme Committee

E William Alstergren (Chair), Her Honour Magistrate Lesley Fleming, Ian D Hill QC, P Justin Hannebery, Anthony G Burns, Simon T Pitt, Richard F Edney, Paul F White, Amelia J Macknay, Mei-Leng Hooi (Manager Projects & Marketing) and Denise C Bennett (Executive Officer)

Editorial Committee for *In Brief* and *Website News Section*

Fiona M McLeod S.C. (Chair), P Justin Hannebery, Charles E Shaw, Peter N Crofts, Timothy A Donaghey, Penelope A Neskovicin, Liza M Powderly and John D Stevens.

Equal Opportunity Committee

Fiona M McLeod S.C. (Chair), The Honourable G Tony Pagone, Michael W Shand QC (Ex Officio) Robin A Brett QC, Mark A Dreyfus QC, Samantha L Marks, Michael D Wyles, Andrew P Phillips, Richard M Niall, Kim J Knights, Jane C Forsyth, Anna L Robertson, Meredith A Schilling, 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), Chief Magistrate Ian Gray (Magistrates' Court Consultant), The Honourable Justice Richard R S Tracey RFD (Federal Court Consultant), The Honourable Justice Linda M Dessau (Family Court Consultant), Pamela M Tate S.C. (Consultant), and Alexandra Richards QC (Consultant)

Ethics Committee

Paul G Lacava S.C. (Chairman), Douglas R Meagher QC, Paul A Willee RFD QC, William F Lally QC, Joseph G Santamaria QC, Malcolm R Titshall QC, Jeremy H Gobbo QC, Richard J Manly S.C., Jennifer Davies S.C., Aaron Shwartz, Ian S Williams, Caroline E Kirton, Pauline L Shiff, Mark K Moshinsky, Charles E Shaw and Debbie Jones (Manager, Ethics & Investigations)

First Aid Officers

Anthea E L MacTiernan, Marietta B Bylhouwer and Michelle Florenini

Human Rights Committee

Jacob (Jack) I Fajgenbaum QC (Chair), Judy Benson (Secretary), His Honour Judge M Damian Murphy, Alexandra Richards QC, Herman Borenstein S.C., Michael L Sifris S.C., Debra S Mortimer S.C., Glenn C McGowan S.C., Simon E Marks S.C., Pauline L Shiff, Wendy A Harris, Daniel I Star, Susan M Brennan, Beatrice C Melita, Lisabella G De Ferrari, Daniel B Clough and Paul Panayi

Indigenous Lawyers Committee

Colin D Golvan S.C. (Chair), His Honour Judge David A Parsons, David F R Beach S.C., Timothy P Tobin S.C., Jane A Dixon S.C., Michael J O'Brien, Ross G Maxted, John E Goetz, Amanda Glaister, Peter S Kilduff, Andrew P Phillips, Susan C Dowler, Daniel D Gurvich, Paul J Hayes, Daniel V Aghion, Daniel I Star, Edward J C Heerey and Patmalar Ambikapathy

Legal Assistance Committee

Ross C Macaw QC (Chair), Alexandra Richards QC, Helen M Symon S.C., Mark E Dean S.C., Michelle L Quigley S.C., Timothy J Ginnane S.C., Dr Kristine P Hanscombe S.C., Richard W McGarvie S.C., Thomas F Danos, Joshua D Wilson, Caroline M Kenny, Anna L Robertson, Daniel C Harrison, Arushan Pillay, John A Emerson AM (Solicitor Representative), Paula O'Brien (PILCH Co-Executive Director), Michelle Panayi and Susannah Sage-Jacobson (PILCH Managers)

Legal Education and Training — Continuing Legal Education Committee

Jeremy Ruskin QC (Chair), David F R Beach S.C. (Deputy Chair), Herman Borenstein S.C., Frank Parry S.C., Joseph G Santamaria QC, Peter J Bick QC, David H Denton

RFD, S.C., Her Honour Judge Jeanette G Morrish, Richard J H Maidment S.C., Gerard P Mullaly, John T (Jack) Rush RFD QC, Clarinda E Molyneux QC, Martin Bartfeld QC, Paul A Willee RFD, QC, William F Lally QC, John H Karkar QC, Michael L Sifris S.C., Samuel G Hopper and Barbara J Walsh (Manager, Legal Education)

Legal Education and Training — Accreditation and Dispensation Sub-Committee

Jeremy Ruskin QC (Chair), Patrick Over (Secretary), John T (Jack) Rush RFD, QC, David FR Beach S.C., Dr David J Neal S.C., Stephen A O’Meara, Gerard P Mullaly and Barbara J Walsh (Manager, Legal Education)

Legal Education and Training — Readers’ Course Committee

Ian D Hill QC (Chair), The Honourable Justice David L Harper, His Honour Judge David A Parsons, John H L Forrest QC, John J Noonan S.C., David J O’Callaghan S.C., Neil J Clelland S.C., Fiona M McLeod S.C., James H Mighell S.C., Matthew N Connock S.C., P Mark Taft S.C., Caroline E Kirton, Carolyn H Sparke, E William Alstergren, Gregory P Harris, Martin L Grinberg, Andrew D Clements, Nicola M Gobbo, Joyce G Tooher, Anthony G Burns and Barbara J Walsh (Manager, Legal Education and Training) and Deborah Morris (Legal Education Officer)

New Barristers’ Standing Committee

Simon T Pitt (Chair), Michele J Brooks (Deputy Chair), Mayada Dib (Secretary), Fiona A L Ryan (Social Co-ordinator), Samuel G Hopper, (CLE Co-ordinator) Lisa-Maree Lo Piccolo, Marita H Foley, Dr Michelle R Sharpe, Simone L Bingham, Alanna M Duffy, Madeleine J Pinnuck, Dugald McWilliams, Bree Y Knoester, Ruth E Hamnett and Rob O’Neill

Past Practising Chairmen’s Committee

Frank X Costigan QC, Brian J Shaw QC, Andrew J Kirkham AM, RFD, QC, John T (Jack) Rush RFD, QC, David E Curtain QC, D Mark B Derham QC, Ross Ray QC, Robin A Brett QC and Cathryn (Kate) F McMillan S.C.

Professional Indemnity Insurance Committee

Richard W McGarvie S.C. (Chair), Gregory H Garde AO, RFD, QC, Michael D G Heaton QC, Jennifer J Batrouney S.C., Gerald A Lewis S.C., Paul F O’Dwyer S.C., David M Clarke, Marcus Clarke, Gerard L Meehan, Mark A Robins, Dr John P M de Koning, Aileen M Ryan, Emma M Swart and Andrew F Hamlyn-Harris

Professional Standards Education Committee

Paul A Willee RFD, QC (Chair), Ian D Hill QC, Gerald A Lewis S.C., Cameron C Macaulay S.C., Richard W McGarvie S.C., Stephen J Moloney, Daniel V Aghion, Judy Benson, Pat Zappia, Laura Colla and Susan K Gatford

Victorian Bar Dispute Resolution Committee

Ross G Maxted (Chair), Michael D G Heaton QC (Deputy Chair), Henry Jolson QC, David S Levin QC, Gerald A Lewis S.C., Anthony A Nolan S.C., Iain R Jones S.C., Michael J O'Brien, Gerald A Hardy, Mark G Hebblewhite, Carmel M Morfuni, Carolyn H Sparke, David Colman, E William Alstergren, Danielle S Huntersmith, Cornelia N Fourfouris-Mack, C Elizabeth Brophy and Peter F Agardy

Victorian Bar News

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

Joint Standing Committees

(as at 30 June 2007)

Bar/BCL Accommodation Committee

Jacob (Jack) I Fajgenbaum QC, G John Digby QC, Michael J Colbran QC and Rachel M Doyle (Bar); Daryl F Collins (CEO) (BCL) and Geoffrey Bartlett (Company Secretary, General Manager)

Bar/BCL Communications Committee

D Mark B Derham QC (Chair), Michael Feramez (Consultant), Michael W Shand QC, David S Levin QC, Peter W Lithgow, William E M Lye, Geoffrey Bartlett (Company Secretary, General Manager) and Ian Green (System Administrator)

Law Aid (Bar/LIV)

David F R Beach S.C. (Chairman), John J Noonan S.C., Frank D Saccardo 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 and Carolyn M Burnside

Bar Appointees

(as at 30 June 2007)

Appeal Costs Board

Anthony E Hooper QC

Australian Bar Association — Council

Michael W Shand QC (Delegate)

Commonwealth Administrative Appeals Tribunal — (Melbourne) Liaison Committee

Charles Gunst QC

Council of Law Reporting

Charles Gunst QC and Michael R Pearce S.C.

Council of Legal Education

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

County Court — Building Cases Users' Group

Richard J Manly S.C. and David J McAndrew

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

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

Federal Court — Native Title Committee

His Honour Judge David A Parsons.

Federal Court — Users' Committee

Ross C Macaw QC, The Honourable Justice Richard R S Tracey RFD, 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

Jacob (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 Limited

Michael J Colbran QC (Director)

Law Council of Australia — Access to Justice Committee

Duncan L Allen S.C.

Law Council of Australia — Advisory Committee on Client Legal Privilege

Her Honour Judge Maree E Kennedy and Suzanne B McNicol

Law Council of Australia — Advisory Committee on Indigenous Legal Affairs

Colin D Golvan S.C.

Law Council of Australia — *Australian Lawyer* Editorial Committee

P Gerard Nash QC

Law Council of Australia — Equalising Opportunity in the Law Committee

Alexandra Richards QC

Law Council of Australia — Young Lawyers Standing Committee

Sarah L Turner and Simone L Bingham

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

Hugh W Fraser

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

Christopher W Gilligan, Frank J Ravidia 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

Her Honour Judge Maree E Kennedy

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

Jacob (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 Cathryn (Kate) F 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 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 S.C.

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 Colbran QC

Supreme Court — Legal Education Committee

Jacob (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 Elizabeth J Hollingworth and Neil J Young QC

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., 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, Mark G Klemens and Jason D Pizer

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

Carolyn H Sparke

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

E Lloyd Bryant, John F M Larkins, Thomas V Hurley, Mary Anne Hartley and Jason D Pizer

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

Michael Wright QC

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 11 September 2006.

BAR COUNCIL MEETINGS

For the year ended 30 June 2007, the Bar Council held 26 ordinary meetings and five special meetings which were held on 5 October 2006, 19 October 2006, 28 November 2006, 27 March, 2007 and 26 June 2007.

The 2006/2007 Bar Council first met on 14 September 2006. Between that date and 30 June 2007 there were 21 ordinary and special meetings. Attendance at these meetings was as follows:

Michael W Shand QC	21	Kerri E Judd	14
Peter J Riordan S.C.	18	E Will Alstergren	21
Paul G Lacava S.C.	18	Mark K Moshinsky	18
Jack I Fajgenbaum QC	21	P Justin Hannebery	16
G John Digby QC	19	Cahal G Fairfield	16
G (Tony) Pagone QC (to 10/05/2007)	14	Charles E Shaw	16
Michael J Colbran QC	17	Kate J D Anderson	18
Timothy P Tobin S.C.	16	Anthony G Burns	15
Fiona M McLeod S.C.	15	Daniel C Harrison	18
Richard W McGarvie S.C.	19	Dr Michelle R Sharpe	
Dr David J Neal S.C.		(leave 8/03/-1/07/07)	13
(leave of absence 9/11/06 – 27/02/07)	15		

EXECUTIVE COMMITTEE MEETINGS

For the year ended 30 June 2007, the Executive Committee held 17 ordinary meetings.

SUBSCRIPTIONS

For the period 1 July 2006 to 30 June 2007 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 2006)	\$170
Readers (March 2007)	\$50
Division A, Part II	
Crown Prosecutors and Public Defenders	\$430
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
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 2007)

OBITUARIES

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

Arthur Keuneman on 11 July 2006

James Stevenson on 21 July 2006

Brendan Griffin S.C. on 2 September 2006

Barry Moorfoot on 6 September 2006

Professor Rufus Davis on 23 September 2006

Ivor Misso on 4 October 2006

Noel Webb on 13 October 2006

Professor Julian Phillips on 11 November 2006

His Honour Judge John Hanlon on 26 January 2007

The Honourable William (Bill) Crockett AO, QC on 6 February 2007

Ken Liversidge on 6 April 2007

Peter Hayes QC on 21 May 2007

JUDICIAL APPOINTMENTS

During the year ended 30 June 2007 the following members of the Victorian Bar were appointed to judicial office:

STATE

Court of Appeal

On 15 May 2007 The Honourable Justice Murray Kellam AO was elevated to the Court of Appeal.

Supreme Court of Victoria

On 3 October 2006 The Honourable Justice Elizabeth H Curtain was appointed as a Judge of the Supreme Court of Victoria.

On 15 May 2007, The Honourable Justice Gaetano (Tony) Pagone was appointed as a Judge of the Supreme Court of Victoria.

County Court of Victoria

On 22 August 2006, His Honour Judge David Parsons was appointed as a Judge of the County Court of Victoria.

On 22 August 2006, Her Honour Judge Susan Pullen was appointed as a Judge of the County Court of Victoria.

On 3 October 2006, His Honour Judge Anthony Howard was appointed as a Judge of the County Court of Victoria.

On 3 October 2006, Her Honour Judge Lisa Hannan was appointed as a Judge of the County Court of Victoria.

On 24 October 2006, His Honour Judge Damian Murphy was appointed as a Judge of the County Court of Victoria.

On 1 May 2007, Her Honour Judge Maree Kennedy was appointed as a Judge of the County Court of Victoria.

Magistrates' Court of Victoria

On 30 August 2006, Her Honour Magistrate Carmen Randazzo was appointed as a Magistrate of the Magistrates' Court of Victoria.

On 17 October 2006, His Honour Magistrate Graham Keil was appointed as a Magistrate of the Magistrates' Court of Victoria.

On 17 October 2006, Her Honour Magistrate Sarah Dawes was appointed as a Magistrate of the Magistrates' Court of Victoria.

On 1 March 2007, His Honour Magistrate Dyson Hore-Lacy was appointed as an Acting Coroner of the Magistrates' Court of Victoria.

Children's Court of Victoria

On 12 June 2007, Her Honour Magistrate Michelle Ehrlich was appointed as an Acting Magistrate of the Children's Court of Victoria.

Neighbourhood Justice Centre — Collingwood

On 26 September 2006, His Honour Magistrate David Fanning was appointed as a Magistrate and to head Australia's first Neighbourhood Justice Centre.

FEDERAL

Federal Court of Australia

On 24 July 2006, The Honourable Justice Richard Tracey RFD was appointed as a Judge of the Federal Court of Australia.

On 31 July 2006, The Honourable Justice John Middleton was appointed as a Judge of the Federal Court of Australia.

On 20 April 2007, The Honourable Justice Michelle Gordon was appointed as a Judge of the Federal Court of Australia.

Family Court of Australia

On 20 December 2006, The Honourable Justice Paul Cronin was appointed as a Judge of the Family Court of Australia.

Federal Magistrates Court of Australia

On 3 July 2006, Federal Magistrate Heather Riley was appointed as a Federal Magistrate of the Federal Magistrates Court of Australia.

On 10 July 2006, Federal Magistrate Philip Burchardt was appointed as a Federal Magistrate of the Federal Magistrates Court of Australia.

On 15 September 2006, Federal Magistrate Frank Turner was appointed as a Federal Magistrate of the Federal Magistrates Court of Australia.

WELCOMES

STATE

Supreme Court of Victoria

On 28 September 2006, Master Robyn Lansdowne, who was appointed as a Master of the Supreme Court of Victoria on 22 August 2006, was welcomed by Michael Shand QC, Chairman of the Victorian Bar Council.

On 13 October 2006, The Honourable Justice Elizabeth Curtain, who was appointed as a Judge of the Supreme Court of Victoria on 3 October 2006, was welcomed by Michael Shand QC, Chairman of the Victorian Bar Council.

On 19 October 2006, Master Melissa Daly, who was appointed as a Master of the Supreme Court of Victoria on 3 October 2006, was welcomed by Michael Shand QC, Chairman of the Victorian Bar Council.

County Court of Australia

On 28 August 2006, His Honour Judge David Parsons, who was appointed as a Judge of the County Court of Victoria on 22 August 2006, was welcomed to the Bench by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 29 August 2006, Her Honour Judge Susan Pullen, who was appointed as a Judge of the County Court of Victoria on 22 August 2006, was welcomed to the Bench by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 9 October 2006, His Honour Judge Anthony Howard, who was appointed as a Judge of the County Court of Victoria on 3 October 2006, was welcomed to the Bench by Michael Shand QC, Chairman of the Victorian Bar Council.

On 10 October 2006, Her Honour Judge Lisa Hannan, who was appointed as a Judge of the County Court of Victoria on 3 October 2006, was welcomed to the Bench by Peter Riordan S.C., Senior Vice-Chairman of the Victorian Bar Council.

On 31 October 2006, His Honour Judge Damian Murphy, who was appointed as a Judge of the County Court of Victoria on 3 October 2007, was welcomed to the Bench by Michael Shand QC, Chairman of the Victorian Bar Council.

On 7 May 2007, Her Honour Judge Maree Kennedy, who was appointed as a Judge of the County Court of Victoria on 1 May 2007, was welcomed to the Bench by Michael Shand QC, Chairman of the Victorian Bar Council.

FEDERAL

Federal Court of Australia

On 26 July 2006, The Honourable Justice Richard Tracey RFD was welcomed to the Bench of the Federal Court of Australia effective 24 July 2006, by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 7 August 2006, The Honourable Justice John Middleton was welcomed to the Bench of the Federal Court of Australia effective 31 July 2006, by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 20 April 2007, The Honourable Justice Michelle Gordon was welcomed to the Bench of the Federal Court of Australia effective 20 April 2007 by Michael Shand QC, Chairman of the Victorian Bar Council.

Family Court of Australia

On 20 December 2006, The Honourable Justice Paul Cronin was welcomed to the Bench of the Family Court of Australia effective 20 December 2006 by Peter Riordan S.C., Senior Vice-Chairman of the Victorian Bar Council.

Federal Magistrates Court

On 16 August 2006, Federal Magistrates Heather Riley, Philip Burchardt and John O'Sullivan were welcomed to the Bench of the Federal Magistrates Court by Kate McMillan S.C., Chairman of the Victorian Bar Council.

On 19 October 2006, Federal Magistrate Frank Turner was welcomed to the Bench of the Federal Magistrates Court by Michael Shand QC, Chairman of the Victorian Bar Council.

FAREWELLS

STATE COURTS

Court of Appeal

On 22 February 2007 the legal profession met to pay tribute to The Honourable Mr Justice Frank Callaway RFD on the occasion of his retirement from the Court of Appeal of the Supreme Court of Victoria. Michael Shand QC, Chairman of the Victorian Bar Council spoke on behalf of the Victorian Bar.

County Court of Victoria

On 22 August 2006 the legal profession met to pay tribute to His Honour Judge Sheamus (Peter) Gebhardt on the occasion of his retirement from the County Court of Victoria. Kate McMillan S.C., Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar.

On 4 October 2006 the legal profession met to pay tribute to Her Honour Judge Janette Pannam on the occasion of her retirement from the County Court of Victoria. Michael Shand QC, Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar.

On 19 October 2006 the legal profession met to pay tribute to His Honour Judge Barton Stott on the occasion of his retirement from the County Court of Victoria. Peter Riordan S.C., Senior Vice-Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar.

Victorian Civil and Administrative Tribunal

On 19 April 2007 the legal profession met to pay tribute to The Honourable Justice Stuart Morris on the occasion of his retirement as President of the Victorian Civil and Administrative Tribunal. Michael Shand QC, Chairman of the Victorian Bar Council, spoke on behalf of the Victorian Bar.

HONOURS

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

Australia Day 2007 Honours List announced on 26 January 2007

The Honourable Justice Frank Vincent AO
The Honourable David F Jackson AM, QC
His Honour Magistrate Peter T Power OAM

The Queen's Birthday 2007 Honours List announced on 11 June 2007

The Honourable Justice Alex Chernov AO
Allan J Myers AO, QC
Lieutenant Colonel Ian W Upjohn CSC

Senior Counsel

On the 28 November 2006 The Honourable Chief Justice Warren AC appointed as Senior Counsel in the State of Victoria the following members of the Victorian Bar: James D Montgomery, Richard H Smith, Andrew K Panna, Ian D Martindale, Timothy J Margetts, Anthony J Kelly, James H Mighell, Jane A Dixon, Mark A Gamble, Iain R Jones, Matthew N Connock, P Mark Taft and Christopher M Calleo

Roll of Counsel

(as at 30 June 2007)

	<i>Female</i>	<i>Male</i>	<i>Total</i>
Division A, Part I			
Victorian Practising Counsel			1690
Victorian Practising Counsel — Queen's and Senior Counsel	15	208	223
Victorian Practising Counsel — Junior Counsel	343	1124	1467
Division A, Part II			
Crown Prosecutors and Public Defenders	4	15	19
Division A, Part III			
Interstate and Overseas Counsel	8	121	129

Division B, Part I

Governors			0
-----------	--	--	---

Division B, Part II

Judges	36	139	175
--------	----	-----	-----

Division B, Part III

Ministers of the Crown and Members of Parliament	1	6	7
--	---	---	---

Division B, Part IV

Solicitors-General and Directors of Public Prosecutions	1	4	5
---	---	---	---

Division B, Part V

Masters and Judicial Registrars		5	5
---------------------------------	--	---	---

Division B, Part VI

Magistrates and Full-time Members of Statutory Tribunals	25	56	81
--	----	----	----

Division B, Part VII

Crown Counsel and Parliamentary Counsel	3	1	4
---	---	---	---

Division B, Part VIII

Other Official Appointments			4
-----------------------------	--	--	---

Division C, Part I

Retired Judges and other Judicial Officers			95
--	--	--	----

Division C, Part II

Retired Holders of Public Office other than Judicial Officers			10
---	--	--	----

Division C, Part III

Retired Counsel			108
-----------------	--	--	-----

Division D

Academics			25
-----------	--	--	----

TOTAL			2358
--------------	--	--	-------------

The following 113 persons signed the Roll of Counsel:

Mara S Ray (re-signed), Shannon L Moody, Anna Boymal, Michael F J Smith AM, Anna McDonald (re-signed), Rowena Cantley-Smith (re-signed), Zoltan Friedman (re-signed), Peter W Tree S.C., Stephen Owen-Conway, Roberta A Page, Christopher

P Young, Jane E Treleaven, Janine Wald, Aaron J Weinstock, Alice E Carter, Adam A Segal, John R Werner, Andrew P Tragardh, James C McKenna, Michele J Brooks, Robert G Craig, Ruth E Hamnett, Spiros Metaxas, Sascha D Dawson, Georgia King-Siem, Stephen F Grant, Nigel D Evans, Jim Bisas, Eugene F Wheelahan, John R Munro, Roberto C Nitti, Sina Taghdir, Anthony Elder, Anthony M Sergi, Renee L Enbom, Mario Cenacchi, Adele J Patterson, Fotini Panagiotidis, Sascha Gelfand, Lachlan J McConchie, Oliver N Scoullar-Greig, Carl Moller, Mark W Richardson, Noam B Shifrin, Anjali R Mittra, David Cronin, Timothy J Scotter, Timothy I Purdey, Lucy A V Hartnett, Larna F Napier, Roona N Fazal, Daniel Porceddu (re-signed), Brett R Young, Ozan Girgin, Jane C Gibson, Christopher J Gunson, Kevin S Pose (re-signed), Bernice M Wearne (re-signed), Bruce O Bowlby (re-signed), Anthony J Meagher, Lindsay J Ellison, Christopher S Leahy S.C., George N Kalimnios, James A McNab, Christopher T Barry QC, Neville G Rochow, Magdalini Karagiannakis, Stephen M Rebikoff, Nicholas De Young, Benjamin J Murphy, Kate B Beattie, Matthew P Kennedy, Catherine G Button, Owen J Mahoney, Andrea Lawrence, Anand Naidu, Alison Sampson, Marie Wilkening-Le Brun, Amanda E Hurst, Oren Bigos, Catherine F Devine, Julia K Greenham, Beata Armatys-Borde, David Wood, Andrew G Cameron, Dominic Triaca, Christopher V Doidge, Valeria Minz, Frances I Gordon, Patrick S Noonan, Sarah E Mansfield, Christopher T Carr, Albert M Dinelli, Robert W O'Neill, Darren A Ferrari, Richard F Edney, Lindy L Barrett, Graeme A Hill, Janine V Gleeson, Jillian C Fischer, Campbell E Hangay, Jennifer M Digby, Paul F White, Amelia J Macknay, Liam E P Magowan, Vinod Chand Nath, Stephen A Warne, Scott J Krischock, Hans P Bokelund, Penelope J Thorp, Russell C Kelly, Amanda R Wynne, Carmela Pezzimenti

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

Richard Clancy, Damian Ballan, John Wadsley, Maria Carroll, Lachlan D Wraith, Ragu Appudurai, Meryem Apak, Julian D Devery, Roden Pritchard, Magdalini Karagiannakis, Michael F Quinlan, Daniel P Flynn, Bryan J F Mueller, Robert Sdraulig, Bradley D Baker, Vytautas C Valasinavicius, Paul A Norris, Karen C Alexander, Georgina C Liano, Clement A Newton-Brown, The Honourable Kenneth J Carruthers QC, Joseph M Connellan, Ewan J Hall, Sarah L Turner, Michael Faltermaier, John B Fletcher, John G Bolton, Stephen J Jones, David P Littlejohn, Michael Cashion S.C., Lee Pascoe

Member whose name was removed from Division A, Part III (Interstate and overseas Counsel):

Jeremy LeP Darvall

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

Christopher W Beale

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

Julie Condon, Keith J Oderberg, Nicholas G K Healy, Baptista K Lai, Michael F J Smith AM

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

Chris N Jessup QC, Richard R S Tracey RFD, QC, John E Middleton QC, David A Parsons S.C., J Frank E Turner, Anthony Howard QC, M Damian Murphy, Paul J Cronin, Michelle M Gordon S.C., Maree E Kennedy S.C., G (Tony) Pagone QC, Philip D Burchardt, Heather Riley

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

Michael A O'Brien

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):

Carmen M-F Randazzo S.C., Sarah K Dawes, Graeme D Keil, Dyson F Hore-Lacy S.C., Michelle P E Ehrlich

Member whose name was transferred from Division A, Part I (Victorian Practising Counsel) to Division B, Part VII (Crown Counsel and Parliamentary Counsel):

Dr Karin Emerton

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

Anthony J Lawrence

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

Nicholas J Francis, Michael J G Gorton, Pamela E Darling, Guy P Culquhoun, David J Belson, Paul E Bennett, Brian J Shaw QC, Peter T Fox, Ian H Munro, Robert W Hinkley, Kevin J Thompson, Anne E Duggan

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

Jennifer L Beard, Peter S Kilduff, Ian F Turley, Dr Antonio Ciro

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

Susan E Pullen S.C.

Member whose name was transferred from Division A, Part II (Crown Prosecutors and Public Defenders) to Division B, Part VI (Magistrates and Full-time Members of Statutory Tribunals):

Carmen Randazzo S.C.

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

Judith A Bornstein, Keith J Oderberg

Member whose name was transferred from Division A, Part III (Interstate and Overseas Counsel) to Division B, Part II (Judges):

John Gilmour QC

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

The Honourable Justice Neil Young, The Honourable Justice Stuart R Morris

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 Stephen P Charles QC, His Honour Judge Sheamus (Peter) Gebhardt, His Honour Judge Barton H Stott, The Honourable Mr Justice Frank H Callaway RFD, The Honourable Justice Eugene W Gillard, The Honourable Justice Geoffrey M Eames

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

Victor J Perton MP

Member whose name was transferred from Division B Part IV (Solicitors-General and Directors of Public Prosecutions) to Division A Part I (Victorian Practising Counsel):

Nathan A Moshinsky QC

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

Carmel M Morfuni

Member whose name was transferred from Division B Part VI (Magistrates and Full-time Members of Statutory Tribunals) to Division B Part II (Judges):

Magistrate Lisa A Hannan

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

John B Bingeman QC

Member whose name was transferred from Division B Part VII (Crown Counsel and Parliamentary Counsel) to Division A Part III (Overseas and Interstate Counsel):

Peter J Cahill

Member whose name was transferred from Division B Part VII (Crown Counsel and Parliamentary Counsel) to Division B Part II (Judges):

Darryl G Saw QC

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

Guy P Culquhoun

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

Carrie G Rome-Sievers

The following Readers signed the Overseas Roll of Counsel:

Tom Loughman, Alain-Frederic Obed, Jacob Kausiama, Florence Williams

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 29 January 2007. The services were held at St. Patrick's Roman Catholic Cathedral, St. Paul's Anglican Cathedral, The East Melbourne Hebrew Congregation and Buddhist Observance at the Fo Guang Yuan Art Gallery.

Social Functions

On 22 August 2006, at a reception in the Foyer of Owen Dixon Chambers East former County Court Chief Judge Glen Waldron AO, QC unveiled ten portraits of Judges of the Supreme Court of Victoria. The portraits were the generous donation from the family of the late Garrick Gray, a member of the Bar between 1958 and 1966.

On 31 August 2006 "The Great Debate" was held in the Essoign on the topic "Are Judges Human?". The debating teams comprised Ross Gillies QC, Jeremy Ruskin QC and Carolyn Sparke for the affirmative and David Curtain QC, Her Honour Liz Gaynor and Rachel Doyle for the negative. The adjudicators were The Honourable Justice Simon Whelan, Magistrate Lisa Hannan and Paul Elliott QC. The Honourable Justice John Middleton was the moderator.

On 4 September 2006, at a reception in the Foyer of Owen Dixon Chambers West, the Chief Justice and the Chairman Kate McMillan S.C., unveiled a portrait of The Honourable Chief Justice Marilyn L Warren AC. The Chair of the Equality before the Law Committee, Alexandra Richards QC, spoke and gave the history of the Images of Women in the Law series of portraits, of which this is the third.

On 20 September 2006, at a reception in the foyer of Owen Dixon Chambers West, the Honourable Justice Kenneth M Hayne AC unveiled a portrait of The Right Honourable Sir Ninian Stephen KG, AK, GCMG, GCVO, KBE.

On 18 October 2006 at a reception in the Neil McPhee Room the Legal Services Commissioner, Victoria Marles, launched the Bar Good Conduct Guide researched and written by Róisín Annesley and produced by the Bar Professional Standards Education Committee chaired by Paul Willee RFD, QC.

On the 19 April 2007 the annual reception to recognize the work of members of the Bar through the Victorian Bar Legal Assistance Scheme and the Public Interest Law Clearing House was held in the Essoign. The President of the Court of Appeal, Justice Chris Maxwell, spoke.

On 4 May 2007, at a reception in the Neil McPhee Room Professor Mick Dodson AM launched the Indigenous Lawyers Committee Barristers Fund established by the Bar at the instigation of the Bar Indigenous Lawyers Committee.

On 15 May 2007 in the Neil McPhee Room, the Bar presented the first public screening of its Law Week 2000 theatrical production of "The Queen vs Edward 'Ned' Kelly". The screening was dedicated to the memory of Michael Rush and Douglas

Salek QC. It was jointly sponsored by the Bar and the Victoria Law Foundation as part of Law Week 2007.

On Saturday, 2 June 2007 the Victorian Bar Annual Dinner was held at The Melbourne Museum in the Main Foyer and The Walk. This year the Bar honoured the following State and Commonwealth guests:

APPOINTMENTS

State

Supreme Court of Victoria

The Hon. Justice Elizabeth Curtain
Master Robyn Lansdowne
Master Melissa Daly

County Court of Victoria

His Honour Judge David Parsons
Her Honour Judge Susan Pullen
His Honour Judge Anthony Howard
Her Honour Judge Lisa Hannan
His Honour Judge Damian Murphy

Magistrates' Court of Victoria

Her Honour Magistrate Carmen Randazzo
His Honour Magistrate Graham Keil
Her Honour Magistrate Sarah Dawes

Commonwealth

Federal Court of Australia

The Hon. Justice Christopher Jessup
The Hon. Justice Richard Tracey RFD
The Hon Justice John Middleton

Family Court of Australia

The Hon Justice Paul Cronin

Federal Magistrates Court

Federal Magistrate Heather Riley
Federal Magistrate Philip Burchardt
Federal Magistrate John O'Sullivan
Federal Magistrate Frank Turner

HONOURS

Queen's Birthday 2006

The Hon William Ormiston AO, QC
Richard Searby AO, QC
The Hon Justice Sally Brown AM

Australia Day 2007

The Hon Justice Frank Vincent AO
The Hon David Jackson AM, QC
Susan Campbell AM
His Honour Magistrate Peter Power OAM

The Chairman also paid tribute to Ian Douglas QC, Anthony Hooper QC, Boris Kayser, David Mattei and Bernard Cooney who were invited guests of the Bar, having signed the Bar Roll more than 45 years ago. The guest speakers were The Honourable Justice John Middleton and Jeremy Ruskin QC. There was a slide show featuring several of the honoured guests and a retrospective of *Bar News*.

On 4 September 2006 and 1 March 2007, drinks were held in the Essoign to welcome the Readers and mark the beginning of the September 2006 and March 2007 Readers' Courses. Readers and Mentors Dinners were held in the Essoign on 9 November 2006 and 24 May 2007 to mark the signing of the Bar Roll and the Roll of Overseas Counsel at the completion of the Readers' Courses. The Honourable

Justice Marcia Neave AO spoke at the November 2006 dinner. Ross Gillies QC spoke at the May 2007 dinner. Drinks were also held after the courses were finished for the Readers and their senior mentors.

On 20 August 2007 in the Neil McPhee Room the Chairman, Michael Shand QC, and the Dean of the Melbourne Law School, Professor Michael Crommelin, launched the Melbourne Law School and Victorian Bar Research Assistants Scheme. Following the launch there was an explanatory CLE session in the Neil McPhee Room and a reception in the Essoign.

OTHER FUNCTIONS

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

Sporting Events

CRICKET

The annual cricket match between the Victorian Bar and the Law Institute of Victoria was played at the Waverley Oval, East Malvern, on Monday, 18 December 2006. On this occasion, the Sir Henry Winneke Trophy was convincingly won by the solicitors. Law Institute 1/89 d. Victorian Bar 88. Unfortunately, all the other fixtures for the season were cancelled due to the unavailability of cricket grounds because of the drought.

GOLF

The annual golf day between the Bench and Bar and the Law Institute of Victoria took place at the Kingston Heath Golf Club on Tuesday, 19 December 2006.

Twenty members of the Bench and Bar participated. The day was very successful and the conditions were excellent.

The Law Institute won the Sir Edmund Herring Trophy for 2006. We will return to Kingston Heath in December this year.

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). We are delighted to have The Honourable Professor George Hampel AM QC as the club patron.

Over the past 12 months membership has grown to over 200 barristers. 2006/2007 events included a Warren Miller Film Night and a drinks evening at the Essoign.

A three-day Mt Buller CLE conference was planned for September 2006 but due to poor snow conditions at the resort, the conference was cancelled. The VBSC hopes to offer a similar program to members in the future.

We encourage all members of the bar to join the club by contacting *michelleflorenini@vicbar.com.au*.

HOCKEY

The Victorian Bar hockey team continues, as P G Wodehouse would rightly have said, to exist beautifully. Our annual fixtures against the LIV and NSW Bar teams took place as usual last year. As usual we lost to a much younger LIV side, and unusually we had an excellent win in Sydney against our NSW colleagues. The games were fully reported in *Bar News*.

The Victorian Bar side must now be said to be one of the more venerable institutions of the Bar. Our combined ages are frightening. We continue to hope for an influx of younger players, so that the more age-challenged of us can fade gently away. On past experience there seems little hope.

TENNIS

For the first time ever in the 39 year history of the competition between the Bench & Bar against the Law Institute for the O'Driscoll Cup, named after the late Judge J X O'Driscoll, the Bench & Bar team has succeeded in winning the Cup for three consecutive years: 2004, 2005 and 2006. In earlier times it was a struggle for the B & B team to just win the occasional match, as testified by the string of LIV successes engraved on the trophy.

This new streak of competitiveness quite coincidentally coincides with the migration of Patrick Montgomery from the LIV ranks to those of the Bar. Whereas the previous B & B strategy was to choose bunnies to blunt the LIV's strong "A" section attack, and concentrate our forces on the Institute's rather longish "tail" in the "B" section, we now can put forward genuine firepower to match and blunt the Institute's premier shock troops, while still maintaining a concentrated attack on its rather longish "tail".

Thus Patrick and his new (in this competition at least) partner, Michael O'Bryan, won two of their sets against the Institute's stars, lowering their colours only to the perennial Institute sharpshooters, Peter Mayberry and Mark da Silva. Even there, our stars managed to break Mayberry's serve, "the first time this had been done since 1978" as our man confidently asserted in his post-match press conference. Michael O'Bryan made a very worthy debut, lending valuable support to Patrick. We hope to see more of Michael in future matches. Also strong in an even "A" contingent were John Simpson and Jonathon Redwood, while Tom Danos and Howard Mason were valiant contributors to the Bar's cause against tough competition.

The stars of the day, however, were Ted Fennessey and John Goetz. Though Ted's hair grows a little greyer each year, his guile and tenacity are not in the least diminished. This year he was ably backed up by John Goetz, and the Dynamic Duo won all four of their sets in "B" section which led to their selection as the winners of

the second perpetual trophy awarded at these events, the Flatman–Smith trophy for the best-performed pair. This is the fourth year of this prize, struck to commemorate the passing in close succession of two sadly missed stalwarts of the competition, their Honours Justice Geoff Flatman and Judge Tony Smith.

Mention should also be made of other stout defenders of the Bar's reputation, all of whom won at least one set and so made a material contribution to our win: Richard Smith, exhibiting his new silken outfit, and prevailing despite the hindrance of his partner, this very unworthy scribe; Christine Boyle, making her maiden and very much appreciated appearance; Jake Fronistas, a man with history at this event; and the very capable duo of Ben Lindner and Simon Tisher.

The event was, as always, a most enjoyable occasion, naturally rendered that much more exciting by our remarkable triumphs. Peter Mayberry, LIV captain, was, as always, extremely gracious in his remarks in handing over the trophy. Kooyong provided its usual marvellous backdrop, with fine weather and grass courts in excellent condition, as well as a delightful environment on the terrace to enjoy post-match conviviality.

Thanks to Danos and Smith for again assisting with team recruitment and selection, and to all players for their participation.

Chris Thomson

WIGS ON WHEELS

There are now 120 members of WoW, most of whom are members of the Victorian Bar. Two bike maintenance courses were held in August 2006, kindly run for us by Cecil Walker Cycles. Once again members enthusiastically participated in the Ride to Work Day on 4 October 2006, followed by a breakfast in the Essoign Club. Later that month a WoW team participated in the BV Around the Bay in a Day ride, raising money for The Smith Family. Members follow with interest the improvements to facilities afforded to cyclists around the metropolitan area and keep BCL aware of issues affecting cyclists.

YACHT REGATTA

Wigs & Gowns Regatta: 18 December 2007

The 20th Wigs & Gowns Regatta was held in perfect conditions on Hobsons Bay on 18 December 2006.

A light south-westerly provided the perfect breeze for all participants to enjoy the cruise in company. A course was set from Hobson's Bay south-east into the channel and north down to Station Pier where yachts rounded a mark and were then close hauled to the finish line set off the Royal Yacht Club of Victoria's marina.

Race officials, handicap committee and the press enjoyed a spectacular view of the start from the committee vessel *Argo*. Line honours went to John Digby QC aboard his 42ft masthead sloop *Aranui*. At a press conference following the event, Digby put the success down to tight crew work and hours of preparation. A somewhat shortened course was required for Judge E.C.S. Campbell in his Oughtred-designed canoe-sterned ketch *Rosa-Jean*.

After returning to shore, participants endured a tense wait whilst the handicap committee met to assess final placings.

The Frank Walsh Perpetual Trophy was awarded to Julian Smibert and Paul O'Dwyer S.C. sailing *Coranto*, a Clansman 30.

The Thorsen Perpetual Trophy was awarded to Paul Lawrie sailing *Easybeat*, a Sonata 6, the smallest boat in the fleet.

Andrew Green sailing his 33ft William Garden sloop *Charisma* was awarded the Neil McPhee Trophy.

A spectacular barbecue lunch was held on the veranda at the Club with substantial provisioning by John Digby QC and his crew.

Next year is hoped to be bigger and better again — participating is winning!

James Mighell

Annual Reports of Associations and Committees

ANNUAL REPORT OF THE VICTORIAN BAR SUPERANNUATION FUND

It has been an outstanding year for Barfund. In general terms, the performance of each of the Member Investment Choices as at 31 March 2007, being the Capital Stable, Balanced and High Growth options, is in the top quartile of Fund Managers or less than 0.5 per cent from it, over each of 1, 3 and 5 year periods.

This is a remarkable result for a small fund with only one employee, our very hard working and reliable John Ames.

Our excellent performance this year is largely attributable to sound advice from our investment consultants, Jana Investment Advisors.

We continue to benefit from a very close relationship with Jana, who again topped the Global Pensions annual survey of Australian Investments Consultants' manager research capability.

It is remarkable that Jana allocate two of its key personnel, Executive Director David Holston, and mathematician and PhD in nuclear physics, Greg Clark, to guide our small fund.

I think that David enjoys the mental stimulation from the rigorous cross-examination from Board Members at our monthly meetings, and also from Fund members at our occasional presentations.

Barfund's presentation in May 2007, which dealt with the very significant 1 July 2007 changes to superannuation law, was a full-house, standing-room-only occasion.

Audience numbers were greatly enhanced by the sensible decision of the Bar to accord CLE status to Barfund presentations as part of the Bar's CLE Practice

Management Program. This Program recognises that a barrister, as part of a practice management plan, needs to make adequate financial provision for retirement, especially in circumstances where, for many, briefs are increasingly scarce.

Barfund's performance benefited greatly from overweight investment in Australian equities in circumstances where Australian equities considerably outperformed all other asset classes.

Recently the Fund introduced Australian Equities as an additional investment choice. This choice is particularly attractive since it eliminates exchange rate risk and enjoys the advantage of fully franked dividends, which are not available to other asset classes.

Again, I would like to thank our dedicated secretary John Ames and my fellow directors, Ross Macaw (Deputy Chairman), David Collins, Paul Cosgrave and Stephen McLeish, together with our two alternate directors, Edward Moon and Alistair Pound.

Philip Kennon

Chairman

ANNUAL REPORT OF THE BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

The Victorian Bar Council is the Committee of Management for the Association and has delegated to a sub-committee, consisting of the Chairman of The Victorian Bar Inc 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 its decisions regarding loans/grants.

Subscriptions received during the twelve months to 30 June 2007 amounted to \$46,496. Subscriptions received in the past seven years were:

2005/2006	\$52,560
2004/2005	\$38,985
2003/2004	\$126,739
2002/2003	\$20,475
2001/2002	\$44,935
2000/2001	\$34,961
1999/2000	\$29,650

The Association's funds are managed by The Equity Trustees Ltd.

As at 30 June 2007, the Association had a capital fund of \$1,209,828 (\$1,094,754 as at 30 June 2006). It is important that each year subscriptions are maintained at a reasonable level to preserve the 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 currently considered to be tax deductible.

During 2006/2007 year, the Association made five payments to members, totalling \$30,000. One was an interest free loan and four were absolute grants (gifts).

Net interest received during the year was \$80,164.

As at 30 June 2007, the total assets held by the Association were \$1,413,018, including total outstanding loans at \$203,190.

The summary of assets held by Equity Trustees (at market value) with their rates of return is set out below:

Asset	Value	Proportion	Yield	Income
	\$	%	%	\$
Cash	285,872	16.05	5.5	15,723
Fixed Interest	492,557	27.66	5.90	29,061
Sundry Debtors	198,190	11.13	—	—
Australian Shares	804,359	45.16	2.7	21,718

The investment in the Flagship Fund (Australian Shares) is currently valued at \$804,359, compared to \$670,429 at last performance review in September 2006, an increase of about 20 per cent. The Equity Trustee Flagship Fund return (net of fees) for a rolling three-year period is around 26.44 per cent, compared to the ASX Accumulation Index of around 25.48 per cent. Accordingly, the equity component of the portfolio has marginally outperformed its benchmark and rated in the top quartile.

Fixed Interest investment in the Mortgage Fund provided a solid stream of income around 6.3 per cent and the PIMCO Wholesale Australian Bond Fund around 4.6 per cent.

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Financial Statement for the Year Ended 30 June 2007

	<i>2007</i>	<i>2006</i>
	\$	\$
Capital Fund at 1 July 2006	1,094,754	1,014,356
Receipts		
Subscriptions Received During the Year	46,496	52,560
Loan Repayments Received	10,668	6,326
Imputation Credits Refund	7,746	8,822
Net Interest Earned During the Year	80,164	52,991
	1,239,828	1,135,055
Payments		
Grants	25,000	30,301
Loans	5,000	10,000
Total Payments to Members	30,000	40,301
Capital Fund at 30 June 2007	1,209,828	1,094,754
Loans		
Opening Balance	208,858	208,858

Add New Loans	5,000	0
Less Loan Repayments	-10,668	0
Loans at 30 June 2007	203,190	208,858
Total Assets at 30 June 2007	1,413,018	1,303,612

Amounts Held by Equity Trustees at 30 June 2007

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	285,872	170,798
Total Assets at 30 June 2007	1,209,828	1,094,754

Michael W Shand and Michael J Colbran

Sub-Committee of the Committee of Management, The Victorian Bar Council

ANNUAL REPORT OF BARRISTERS' CHAMBERS LIMITED

This year has been a busy year for BCL with the following activities being pursued:

1. The refurbishment of the lift lobbies and common areas of Owen Dixon Chambers West commenced in August after significant consultation with tenants on a floor by floor basis. At the end of June, the project was all but complete and the works were carried out with minimum disruption to tenants. On behalf of BCL, I thank tenants for their co-operation during the refurbishment works.
2. BCL was formally advised in January that the National Australia Bank would not renew the lease in March 2008 for Latham Chambers at 500 Bourke Street. BCL's efforts to persuade NAB to reverse this decision were unsuccessful. This forced BCL to find alternative accommodation in a very tight CBD office market and in a short time frame.

Fortunately, BCL was able to secure comparable space at 200 Queen Street. The landlord commenced works in late June to upgrade 200 Queen Street. The first three floors are scheduled to be handed over to BCL for fit-out in early August 2007. BCL hopes to have all Latham tenants who are making the move across to 200 Queen Street in their new chambers by February 2008, or earlier.

3. BCL progressed plans to upgrade the foyer and façade of Douglas Menzies Chambers (DMC). However, due to the unexpected loss of accommodation at 500 Bourke Street and the subsequent cost of fitting out 200 Queen Street (estimated at \$5 million), the proposed works at DMC have been deferred to the 2008 financial year.
4. The Victorian Bar and BCL successfully applied and gained a private ruling from the Australian Taxation Office to the effect that for the period 1 July 2003 until 30 June 2006, income derived by BCL from the Vic Bar and barristers may be treated as mutual income for tax purposes. This means, subject to the lodgement

of new returns for these three years, a tax refund should be received. Assuming this does eventuate, the consolidated tax payment by the Vic Bar and BCL will fall to a level around 10 per cent of what BCL has actually paid. The benefit is expected to continue post 1 July 2006.

In financial terms, BCL has once again performed satisfactorily and at 30 June 2007 had a debt level of \$4.233 million.

For most of the year, BCL carried a vacancy level of around 50 rooms which reduced materially towards year end, leaving aside vacancies in Latham Chambers. The continuing challenge for BCL is to provide a range of chambers to meet the diverse needs of tenants. BCL remains exposed to the vagaries of the rental market for its leased properties and over the last year rents have firmed. Also, the prevailing market terms have changed as evidenced by the new lease for 200 Queen Street, where annual escalation has replaced the regular “reviews to market”.

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 \$0.5 million capital injection. This arrangement is in place until 30 June 2009 — without this agreement BCL would not have been able to raise the 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. They are Mr John Digby QC (Deputy Chairman), Mr Michael Colbran QC, Mr Peter Lithgow, Ms Caroline Kenny, Ms Wendy Harris, Mr Paul Connor, Mr Matthew Walsh and Mr Daryl Collins (Chief Executive Officer).

Finally, I also wish to extend 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 S.C.

Chairman

ANNUAL REPORT OF THE ESSOIGN

On behalf of the Essoign board, I am pleased to report on the Club’s operations and achievements for the period 2006/2007.

The year was challenging, but ultimately very successful. The core aspect of member patronage within the club fell slightly and increased costs affected overall profitability. Yet the final financial result was very good, and standards of quality and service were maintained, indeed improved.

The restaurant and café are still well patronised, but it is our catering department which continues to become a major part of Essoign services. We again hosted many of the Bar’s major events such as the Readers’ dinners, cocktail parties and seminars. In addition to our in-house catering, we have greatly expanded our catering for events outside the Bar. We provisioned a number of chamber cocktail parties and List dinners and continued to build our rapport with the Supreme Court and Federal courts. The Essoign now caters to one or other court on a very regular basis.

Outside the profession, we catered for (inter alia):

- an all-day Institute of Arbitrators and Mediators conference in the Neil McPhee room for 90 guests, finishing the day with a cocktail party in the Essoign club
- various Monash Law chamber functions, including a three-day conference involving over 80 delegates
- in June this year, the 20th Anniversary of the Monash Accident Research Centre.

We fully expect outside catering to further expand in 2007/08, thereby greatly augmenting the club's financial strength.

After a fairly settled time in the kitchen and the dining room and café floors, the year saw some reasonably profound staff changes. Long-serving head chef Rufus Daniell left our employ in March and was replaced by his very able second chef, Lisa Marretta. As many of you know, Lisa has been with the Essoign club for over 14 years and is highly regarded by many regulars and by the other kitchen staff.

Rodney Storey (aka "Pie Boy"), who tempts the members with his talents at patisserie, was promoted to Sous chef and we took on a first-year apprentice. Popular waitresses Tracey Williams and Anita Perry also left our employ this year to pursue other ventures. Michial and Ari have ably filled their shoes. Despite some settling-in problems, all staff dealt with the staff changes and movements in a professional manner. Indeed, the changes have been commented upon by members as having proceeded "seamlessly".

Our manager, Nicholas Kalogeropoulos, together with his tireless staff, continue their strong commitment to the club and its members by providing quality food and beverages in an ambient and friendly environment. We are fortunate to have them and thank them for their efforts.

From a financial perspective, 2006/07 was a very satisfactory year for the club. The increase in outside catering assisted in increasing our income for the year, which allowed for an end of year operating profit.

This enabled us to commence repaying a loan from the Bar Council, and to install a separate cool room for drinks.

Finally, I would like to thank the members of my board and express our appreciation of the continued support of the Victorian Bar Council.

Without the support of the board, the Bar Council and staff of the Essoign, it would be difficult to maintain a club of this calibre. Their attitude and efforts, together with your support, will ensure the survival of the only club of its kind in Australia.

I look forward to seeing you in the club. After all — it is your club!

Colin Lovitt QC

Chairman

ANNUAL REPORT OF THE CHILDREN'S COURT BAR ASSOCIATION

Members of the Association have been active in consultations, particularly with respect to the introduction of the Children, Youth and Families Act 2005, changes to Victoria Legal Aid fees and changes to make the physical surroundings of the

Children’s Court more accessible to practitioners.

The Association continued to liaise with the court through the Court users’ group.

The Association hosted a cocktail party for members and solicitors practising in the jurisdiction to welcome His Honour Judge Paul Grant as President of the Court.

Robert T Burns

President

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 2007, the Executive Office Bearers of COMMBAR were:

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

The Section Chairs and Secretaries were:

Banking & Finance Law Section

Chair	Maryanne Loughnan
Secretary	Andrew Kirby
Assistant Secretary	Garry Moffatt

Construction Law Section

Chair	John Digby, QC
Deputy Chair	Richard Manly, S.C.
Secretary	Caroline Kirton
Assistant Secretary	Suzanne Kirton

Corporations & Securities Law Section

Chair	John Dixon
Deputy Chair	David Denton RFD, S.C.
Secretary	Dino Currao
Assistant Secretary	Liza Powderly

Environment, Planning & Local Government

Chair	Jeremy Gobbo, QC
Secretary	Susan Brennan
Assistant Secretary	Cornelia Fourfouris-Mack

Equity Section

Chair	Joseph Santamaria, QC
Secretary	John Glover
Assistant Secretary	David Batt

Insolvency Law Section

Chair	Nunzio Lucarelli, QC
Secretary	Kim Knights
Assistant Secretary	Deborah Mandie

Insurance & Professional Negligence Law Section

Chair	Cameron Macaulay, S.C.
Deputy Chair	Michael Thompson, S.C.
Secretary	Paul Duggan
Assistant Secretary	Kate Anderson

Intellectual Property & Trade Practices Law Section

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

International Law Section

Chair	Paul Hayes
Secretary	Claire Harris
Assistant Secretary	Albert Dinelli

Property & Probate Law Section

Chair	Robert Shepherd
Secretary	My Anh Tran
Assistant Secretary	David Lloyd

Public Law Section

Chair	Debbie Mortimer, S.C.
Secretary	Richard Wilson
Assistant Secretary	Jason Pizer

Sports Law Section

Chair Henry Jolson, QC
Deputy Chair Tony Nolan, S.C.
Secretary William Alstergren

Superannuation Section

Chair Paul Cosgrave S.C.
Secretary Penelope Neskovicin

COMMBAR thanks Paul Hayes for his service as former secretary of the Sports Law Section and welcomes him as the Chair of the International Law Section.

COMMBAR welcomes Debbie Mortimer S.C. as Chair of the Public Law Section.

COMMBAR thanks Peter J Riordan S.C. for his service in the Insurance and Professional Negligence Law Section and welcomes Cameron Macaulay S.C. as Chair.

COMMBAR thanks all section office holders for their support of and contributions to COMMBAR during the year.

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 seminars, conducted by various sections of COMMBAR, as follows:

DATE	TOPIC	SPEAKER
BANKING AND FINANCE		
3 August 2006	Breach of Fiduciary Duty and Accessory Liability — current issues and developments	Jonathon Moore
27 March 2007	Breach Notification Requirements of Australian Financial Services Licensees	Maryanne Loughnan and Darren Williams
3 May 2007	Liability of Financial Planners/ Advisers	Andrew Kirby
CONSTRUCTION LAW		
5 Sept 2006	The Prevention Principle in Construction Law.	Andrew Kincaid
31 July 2006	When are Informal Agreements Binding? <i>Masters v Cameron</i> revisited	Albert Monichino

CORPORATIONS & SECURITIES LAW

5 July 2006	County Court Commercial List Pilot	His Honour Judge Anderson
6 Dec 2006	Class Actions, Litigation Funding and <i>Campbells Cash & Carry Pty Ltd v Fostif Pty Limited</i>	Dr Kristine Hanscombe S.C. and Lachlan Armstrong
23 April 2007	Property by any other name: The trouble with shareholder claims in Australia	Scott Wotherspoon
May 2007	Recent legislative reforms in the area of document destruction	Chair: His Honour Judge Anthony Howard Panel: Stephen Shirrefs S.C., Michael Wyles and Craig Macauley
20 June 2007	Directors, employees and the misuse of confidential information	Peter Cawthorn

ENVIRONMENT, PLANNING & LOCAL GOVERNMENT LAW

27 July 2006	Compensation for Compulsory Acquisition of Land	Jeremy Gobbo QC
23 August 2006	Protection of Aboriginal Culture Heritage under VPP Clause 15.11	Marita Foley
31 Oct 2006	“When is a shop not a shop”? <i>Woolworths Ltd v Warrnambool CC</i>	Michael Wright QC
15 May 2007	Amendment and cancellation of planning permits	Phil Barton
24 May 2007	<i>Lyndhurst Australia Pty Ltd v Greater Dandenong City Council & Anor</i> : Developments in planning and environment law	Michelle Quigley S.C. and Susan Brennan
6 June 2007	Lessons from the Norwingi panel.	Chris Townshend
13 June 2007	Developments in the law relating to electronic gaming machines	John Larkins
19 June 2007	The latest in development contribution plans in growth areas	Adrian Finanzio

EQUITY

8 Nov 2006	The Rule Against Perpetuities, and its application in relation to unit and discretionary trusts	John Glover
7 May 2007	Undertakings	Joseph Santamaria QC and David Forbes

INSOLVENCY

28 June 2007 Liquidators and resulting trusts Peter Agardy

INSURANCE & PROFESSIONAL NEGLIGENCE

7 Dec 2006 Tips on Legal Writing Professor Ruth Robson

28 August 2007 *AMP Financial Planning Pty Ltd v CGU Insurance Ltd* James Elliot S.C.

INTELLECTUAL PROPERTY & TRADE PRACTICES

8 March 2007 Interlocutory Injunctions in Intellectual Property Cases Graeme Clarke S.C.

14 June 2007 2007 Trade Mark Update James Samargis and Siobhan Ryan

PROPERTY AND PROBATE LAW

16 April 2007 Death as a taxation event — how are the assets treated? Robert Shepherd and Simon Tisher

PUBLIC LAW

22 August 2006 The Victorian Privacy Commissioner — Five years on Paul Chadwick

20 Oct 2006 Recent developments in constitutional law Kristen Walker

REVENUE LAW

21 Sep 2006 Promoter Penalties — Commercial Tax Jenny Davies S.C. and Jane Forsyth

SPORTS LAW

24 Oct 2006 Legal Responses to Sports Doping Paul J Hayes

21 March 2007 Doping and Sport: A 21st Century Approach Dr Andrew Pipe

25 June 2007 AFL — Drugs in Sport Brendan Gale, Henry Jolson QC, Paul Horvath, Tony Nolan S.C. and Marcus Clarke

GENERAL

12 Sep 2006 The United Nations Convention on Contracts for the International Sale of Goods: A Sleeping Commercial Law Peril Peter Vickery QC

11 Oct 2006 Review of Civil Justice in Victoria Dr Peter Cashman

We thank the speakers at these seminars for their presentations. All of the seminars presented during the year were of a very high standard and well attended.

Individual Membership of COMMBAR

Since its foundation in 1994, COMMBAR has had a number of individual members. However, COMMBAR has not, until this year, actively sought to recruit members, or to charge a joining fee or membership fee.

In order to expand the range of services and activities provided for members, COMMBAR resolved to actively recruit individual members from 1 January 2007.

The Executive has set a combined joining and annual membership fee for 2007 as follows:

Readers:	Free
Junior counsel under 3 years call:	\$25.00
All other counsel :	\$50.00

The membership drive has been highly successful, with COMMBAR now having well in excess of 200 individual members, and with numbers increasing every week.

Applications for membership should be forwarded to COMMBAR'S treasurer, John Dixon, List A, with details of your clerk, email address and areas of interest amongst the COMMBAR sections.

Newsletter

The last quarter of the year saw the launch of the COMMBAR newsletter. It is circulated by email to all members and is edited by Maryanne Loughnan (loughnan@vicbar.com.au) and James Samargis (samargis@vicbar.com.au). The newsletter provides legal news of interest to barristers practising in commercial law, case notes and short versions of seminar and other papers.

COMMBAR Website

After considerable research and the preparation of a number of different formats for an independent COMMBAR website, the Executive has recently decided that COMMBAR will have its website comprise part of the Victorian Bar website. The website will be launched prior to the end of 2007.

Federal Court Fast Track Docket

The Bar provided a submission dated 1 March 2007 on the proposed Practice Direction for Fast Track Docket management of commercial matters in the Federal Court. The Bar supported the introduction of a Fast Track Docket in the Federal Court.

On 19 April 2007 Justices Finkelstein and Middleton of the Federal Court outlined the new Fast Track Docket system, which commenced on 1 May 2007.

The Fast Track Docket system has the potential to be both useful and problematic, depending on the type of matter, and COMMBAR will observe with interest how effectively it functions.

Supreme Court Building Cases

Representatives of COMMBAR had several meetings with the Supreme Court in relation to more effective management of building cases. It is expected that the Court

will implement a pilot program for the more effective management of building cases in the near future.

Federal Magistrates Court Commercial Litigation

The Federal Magistrates Court now has a jurisdictional limit of \$750,000 for certain cases involving Trade Practices and Intellectual Property issues. A pilot program for managing litigation of that sort is in the process of being implemented.

Victorian Law Reform Commission — Civil Justice Reforms

The Bar forwarded a lengthy submission to Dr Peter Cashman, the Victorian Law Reform Commissioner, on possible reforms to the civil justice system in Victoria. Albert Monichino and other members of COMMBAR provided significant input into the Bar's submissions.

Review of the Law on Personal Property Securities

The Bar forwarded two submissions to the Department of Justice in relation to two discussion papers prepared about review of the law on personal property securities. The papers were substantially prepared by Maryanne Loughnan, Chair of the Banking and Finance Section of COMMBAR.

The State of Commercial Litigation

In the course of the year there has been a downturn throughout Australia in large-scale commercial litigation. The extremely high costs of large-scale litigation have made it, with a few exceptions, a commercially unattractive, last resort means of dispute resolution.

The experience of counsel practising interstate on a regular basis and having dialogue with our colleagues there has been that the general downturn in large-scale commercial litigation is uniform across Australia. It is likely that the trend will continue, with some assistance from notorious instances of highly expensive litigation, such as the C7 case.

Another issue is the amount of work traditionally regarded as barristers' work now being undertaken by solicitors. This includes drafting pleadings for settling by counsel, and excluding counsel from any active role in reviewing discovery and in formulating the contents of Court Books for use during trials, where it is now common for every conceivably relevant discovered document to be included. This is an issue frequently mentioned by commercial barristers and suggests a shift in the commercial solicitor's perception of the work appropriate for counsel and the work appropriate for solicitors. It is often suggested that this practice regularly proves itself to be inefficient from both work and cost perspectives. It is nevertheless now a feature of the practice environment for the commercial barrister.

The general experience of COMMBAR members over the year has, however, been that the busy counsel continue to be busy and that it remains open to all hard-working counsel to build and maintain a good practice as a commercial barrister.

Peter Bick

President

ANNUAL REPORT OF THE COMMON LAW BAR ASSOCIATION

During the period 1 July 2006 to 30 June 2007, the Common Law Bar Association has continued to be 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 convincing the Government to modify the restrictions that have been imposed. Further 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 met with Judges of the Supreme Court, including the Chief Justice and with the President of the Court of Appeal, to discuss a wide range of issues pertaining to common law matters, including:

- (a) the listing of cases and appeals;
- (b) the desire to have more common law litigation instituted in the Supreme Court;
- (c) taxation of Counsel’s fees, including certification for Senior Counsel and the fixing of Counsel’s fees; and
- (d) difficulties encountered by Counsel in certifying, as is now required, as to the duration of trials.

It is anticipated that representations made to the Court will result in the issuing of a Practice Note addressing a number of procedural matters in the Major Torts List.

The Association has continued to liaise with Judges of the County Court concerning a variety of issues relating to the conduct of litigation in the County Court, including:

- (a) the listing of cases;
- (b) the operation of the Damages List;
- (c) the operation of the Serious Injury Division of the Damages List.

A number of members of the Common Law Bar Association are members of the recently formed Court Users’ Groups for the Damages List and the Serious Injury Division of that List. Judge Davis has been appointed Judge-in-Charge of the Damages List and continued liaison with her is anticipated. A revised Practice Note governing the conduct of civil litigation in the Court was issued on 22 June 2007.

Written submissions have been delivered to the Attorney-General and to the Minister for Finance seeking to amend the Accident Compensation Act so as to ameliorate the effect of the Court of Appeal decision in *Raeburn v Tenix Defence Systems Pty Ltd* [2007] VSCA 90.

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 153 members of counsel who are members of the Common Law Bar Association. The office bearers of the Association are:

R H Gillies QC (Chairman)
J H L Forrest QC (Vice-Chairman)
D J Martin (Secretary)
M H Hartley (Treasurer)

Committee Members:

R J Stanley QC, J Kennan S.C., F McLeod S.C., D Beach S.C., T Tobin S.C., M Wheelahan S.C., S McGregor, K Bourke, A Keogh, A Clements and M Britbart.

Following the annual meeting of the Common Law Bar Association on 24 April 2007, a dinner was held at which approximately 70 members of the Common Law Bar Association, together with a number of invited Judges, were present.

David J Martin

Secretary

ANNUAL REPORT OF THE COMPENSATION BAR ASSOCIATION

The Compensation Bar Association has had another successful year with involvement in the following activities:

- (a) the promulgation of Court decisions, particularly decisions from the Magistrates' Court dealing with compensation statutory benefit matters (including matters involving the Medical Panel);
- (b) the arrangement of continuing legal education lectures pertaining to matters under the *Accident Compensation Act 1985*, as amended, and the *Transport Accident Act 1986*;
- (c) making submissions to the Victorian WorkCover Authority in relation to various matters pertaining to the "costs protocol" and also liaising with the Victorian WorkCover Authority about the audit of barrister fees undertaken during the last year.

The Association also arranged social nights where members were able to mix with both Magistrates and Judges who preside over Courts dealing with compensation matters.

The Association holds itself out as a "voice" for those barristers practising in the compensation areas involving both the Accident Compensation Act and the Transport Accident Act. We presently have some 50 members and if you are interested in joining the Association, please contact me, our Secretary, Mr Ian McDonald or our Treasurer, Mr Stan Spittle.

James L Parrish

Chairman

ANNUAL REPORT OF THE CRIMINAL BAR ASSOCIATION OF VICTORIA INC

The Criminal Bar Association of Victoria (“CBA”) continues to be one of the busiest and most active associations for members of the Victorian Bar. During the period 1 July 2006 to 30 June 2007 the CBA committee met each fortnight and the executive met regularly in between in order to deal with issues relevant to its members, the Bar, the criminal justice system and the wider community. The principal functions undertaken and matters of note during the 12-month period are discussed below.

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

- The Department of Justice Criminal Law Advisory Group concerned with the overhaul of criminal procedure in Victoria pursuant to the Attorney-General’s Justice Statement 2004.
- The Sexual Assault Advisory Committee and Sub-Committee as to the reform of Victoria’s sexual offences legislation.
- The Sentencing Advisory Council in relation to the release of dangerous offenders, sentence indication hearings and specified sentence discounts for guilty pleas.
- The Victorian Law Reform Commission in relation to the review of the Bail Act.
- The Adhoc Committee established by the President of the Court of Appeal and Justice Eames into the more efficient conduct of appeals.
- The Supreme Court Criminal Users Group, in relation to the use of the Crimes (Criminal Trials) Act.
- The County Court Criminal Users Group particularly focussed on the issue of case management.
- The Magistrates’ Court Criminal Users Group.
- The Police/Lawyers Liaison Committee.
- Meetings with Victoria Legal Aid to discuss issues as they arise between the Bar and VLA on matters such as the briefing of Senior Counsel in murder trials, the senior/junior scheme, the indexing of the VLA scale and the establishing of a new fee structure for committals.
- Meetings with the OPP to discuss matters relevant to our members, including briefing practices.
- Meetings and liaising with the Attorney-General in order to ensure that a level of dialogue is maintained on issues affecting our members, in particular in recent times the matter of *The Appeal Costs Act 1998*.

In addition to these meetings, the CBA continued to be consulted in a variety of issues and contributed submissions and papers on a number of important topics such as:

- The Sexual Offences Advisory Committee.
- The *Appeal Cost Act 1998*.
- *Juries Act 2000*.
- The review of the power to proscribe a terrorist organisation.
- The review of forensic procedures under the *Crimes Act 1958*.

- The review of Sedition Laws.
- The review of Family Violence Laws.
- The review of Mutual Assistance and Extradition Laws.

The CBA continued to work in conjunction with the Victorian Bar in relation to Continuing Legal Education. In particular the CBA put on two morning seminars to coincide with the Magistrates' Court conference. Each seminar provided three one-hour lectures on topics of relevance to our members. They both were very well attended and confirmed the type of format adopted is very popular.

The first seminar held on 17 November 2006 covered the following topics:

Session 1 — Bail

- The *Bail Act 1977* and Proposed Changes

Presenter: Stephen Shirrefs S.C.

Session 2 — Sexual Offences

- A Practical Lesson
- Recent Developments: The *Crimes (Sexual Offences) Act 2005*

Presenters: Tom Danos and Jane Dixon S.C.

Session 3 — Practical Issues in Conducting a Committal Hearing

- How to Conduct a Committal for a Defendant
- Discharge Application at the End of a Committal Hearing

Presenters: Duncan Allen S.C. and Ian Hill QC

The second seminar held on 20 April 2007 covered the following topics:

Session 1

- Preparing a Sentence Appeal from the Barrister's Perspective
- A Sentence Appeal from the Judge's Perspective

Presenters: Paul Holdenson QC and Justice Redlich

Session 2

- Preparing a Plea from the Barrister's Perspective
- A Plea Hearing from the Judge's Perspective

Presenters: Philip Dunn QC and Chief Judge Rozenes

Session 3

- Community Attitudes to Sentencing

Presenter: Austin Lovegrove

The CBA thanks the speakers who donated their services for the benefit of our members and the wider Victorian Bar.

A luncheon was organised at the conclusion of each seminar. In this way our younger members had the opportunity to spend time with our more senior members in a relaxed environment.

Our annual autumn dinner at Matteos Restaurant was held on 26 April 2007. The dinner was extremely successful, with Colin Lovitt QC in his accustomed and highly talented role as master of ceremonies. Our guest speaker was Sydney writer and political commentator David Marr who brought a particularly incisive wit to the evening. The highlight of the night was the presentation of Honourary Life Membership to our immediate past Chairman Lex Lasry QC for his exceptional service to the CBA and to criminal justice in Victoria.

Continuing this service, in May this year, Lex, as a member of the International Criminal Bar (representing Oceania), attended the International Criminal Bar Meeting and Joint Seminar on International Criminal Law in Tokyo. The International Criminal Bar (ICB) was established for the purpose of being the organisation to represent defence counsel appearing before the International Criminal Court (ICC).

A selection of the representation at the meeting and seminar included members from the Criminal Bar Association of Victoria; the German Federal Bar; the Bar of England and Wales; the Bar of Paris; the Bar of Beirut; the Japan Federation of Bar Associations; the Korean Bar Association; the Philippines Bar Association; the Costa Rica Bar Association; the Quebec Bar; the Mexican Bar; the American Bar Association (USA); the National Association of Criminal Defense Lawyers (USA); the Council of European Bar Associations; the International Criminal Defense Attorney's Association; the International Union of Advocates; as well as individual members from the United States, Guinea, Lebanon, Morocco, Canada, Uganda, Cambodia and Italy.

Outreach meetings are to be held this year in the Democratic Republic of the Congo and in Central Africa. The next general meeting is to be held in New York in December 2007, which Lex will also attend. At the conclusion of the meeting Lex was asked by the co-president of the ICB to consider organising an "outreach" meeting in Australia in 2008. The CBA has expressed great interest in assisting in the organisation of this event, which is likely to be held in Melbourne in March or April, and would be accompanied by a number of seminars.

On a related topic, during the year we congratulated John Champion S.C. upon his appointment to the List of Counsel for the International Criminal Court.

We also celebrated the appointment of four of our members to Senior Counsel: James Montgomery, Jane Dixon, Mark Gamble and Mark Taft.

The CBA also acknowledges and applauds the following appointments made since our last report:

- The Honourable Justice Susan Crennan, High Court of Australia.
- The Honourable Justice Murray Kellam, Court of Appeal Victoria.
- The Honourable Justice Betty King, Supreme Court of Victoria.
- The Honourable Justice Elizabeth Curtain, Supreme Court of Victoria.
- Their Honours David Parsons, Sue Pullen, Tony Howard and Lisa Hannan, County Court of Victoria.
- Her Honour Sarah Dawes, Magistrates' Court of Victoria.

The CBA also acknowledges the retirement of the Honourable Justice Geoff Eames from the Court of Appeal. His Honour's contribution to criminal justice in Victoria has been enormous.

The CBA continued to maintain a profile in the community through interviews and comments on justice issues. The increasing interest by the media in issues concerning criminal justice requires the CBA to provide a balanced perspective. Recently the nature of the reporting of a number of high-profile cases by both the print and television media has caused considerable concern. As a consequence the Chairman wrote to the Attorney-General and the Director of Public Prosecutions to express concern and urge a review of the contempt laws.

The CBA website continues to be a valuable resource. It is updated on a regular basis, and provides important information on current issues to our members and a variety of valuable links.

Finally, the CBA wishes to thank and acknowledge the support and efforts of its members who gave up their time throughout the year in order to attend meetings and write submissions on our behalf. Particular thanks go to Gerard Mullaly, who has maintained a voice of reason on our behalf at the Sexual Assault Advisory Committee and its sub-committee meetings for a number of years. Gerard has also devoted much time to organising the CLE program. The workload of the CBA continues to grow as we move into a period of considerable legislative change. The extent of this change will significantly impact on our members in the years ahead and will require an even greater level of work by the CBA committee. We encourage our members to step forward and help meet these challenges by standing for office or by offering their services in the formulation of ideas and responses. It is through membership participation that our Association will become even stronger.

Megan Tittensor

Secretary

ANNUAL REPORT OF THE FAMILY LAW BAR ASSOCIATION

The current Executive of the Association comprises Noel Ackman QC, Chairman, Olyvia Nikou S.C., Vice Chairman, Martin Bartfeld QC, Graeme Thompson, Treasurer and Laura Colla, Secretary.

The association has about 100 paid-up members, all of whom are active family law barristers.

The committee now meets on a quarterly basis, with members being invited to put forward agenda items via email in good time for each meeting. The committee then meets with Justice Mushin, the Regional Co-ordinating Judge for the Southern Region. We ask his Honour to check with Judges, Registrars and Family Court counsellors for feedback on practice issues directly affecting counsel. Feedback from the meetings is then relayed to members via a seasonal newsletter. Members are welcome to provide comments and questions to the committee at any time, and they do. The committee has also worked to establish a relationship with Victoria Legal Aid, the Legal Services Ombudsman and the Federal Magistrates Court.

A number of family law barristers work steadily on various committees and they have been encouraged to relay important messages and developments to the Family Law Bar Association so information can be passed on to members.

To assist in ensuring that all members are kept advised of important developments, the committee of course has the benefit of a positive rapport with Martin Bartfeld QC and Minal Vohra who are on the Family Law Section Executive of the Law Council of Australia.

Martin Bartfeld QC and Laura Colla devised the Victorian Bar Family Law

Continuing Legal Education (CLE) topics and were able to rally a network of energetic speakers to the task. The Association is very grateful to counsel who kindly and immediately either volunteered or “agreed” to present CLE topics. Presentations have been of a high calibre and we look forward to future members (old and new) participating in the CLE program. The committee has lobbied for presentations to be available on the Family Law Bar Association website, on line as well as on DVD.

The Family Law Bar Association arranged for Chief Justice Bryant to speak to members in December 2006. That presentation was very well attended and members were able to socialise before and after Her Honour’s message to family law barristers.

The ever-changing legislation, rules, practice and procedure in the Family Court continue to present challenges for barristers. The new Docket Listing initiative, the Less Adversarial Trial system plus proposed further changes to the parenting regime dealing with relocation cases continue to provide challenges for the profession and our clients.

The highlight for the 2007 social calendar is the 2007 Inaugural Family Law Bar Association Ball to be held at the Port Melbourne Yacht Club on Saturday 8 September 2007. A lot of planning has gone into it. Olyvia Nikou S.C.’s hard work is acknowledged. For the first time, partners are invited. It is a black tie event. Judges and Federal Magistrates will be attending with Darren Mort and Rohan Hault in charge of entertainment. The night promises to hold surprises in store and to be a lot of fun. Family law barristers will be able to meet and greet one another in a relaxed, convivial atmosphere and catch up.

Overall, the Family Law Bar Association aims to be the interface between the Family Law Bar and the different entities connected with it. It has been a constructive year. Thank you to all involved.

Noel J Ackman

Chairman

ANNUAL REPORT OF THE INDUSTRIAL BAR ASSOCIATION

In late 2006 to early 2007, the Industrial Bar Association has been active in developing a comprehensive series of lectures as part of the Continuing Legal Education program of the Victorian Bar. Many of these lectures have dealt with amendments made to the *Workplace Relations Act 1996* and various legislative changes in the State of Victoria. Throughout late 2006 and into 2007 the Association has delivered a number of papers on these and related matters. On behalf of the Industrial Bar Association, I thank all our members who have taken the time and effort to deliver papers as part of the Association’s contribution to the CLE program.

On 2 November 2006 the Association held its annual general meeting followed by dinner attended by a large number of our members. In the traditions of the members of the Association it was an enjoyable night for all.

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 two members, Phillip Burchardt and Frank Turner, were appointed to the Federal Magistrates Court, and Damian Murphy was appointed to the County Court. On 25 May 2006, Tony Lawrence was appointed as the Victorian Workplace Rights Advocate. On behalf of the Association I congratulate them on their appointments.

Frank Parry

President

ANNUAL REPORT OF THE TAX BAR ASSOCIATION

The Tax Bar Association was reconstituted in 2006 as a separate association predominantly of tax barristers at the Victorian Bar. It has adopted a number of the objects which are published on its website. Amongst those objects is to promote and further the professional development of barristers wishing to practise in tax. Another is to provide information to the legal profession and to the community generally to improve knowledge of tax law by making the principal research tools readily accessible. Another is to facilitate access to those who practise in taxation law as barristers in Victoria.

The Association has been active in pursuing these objectives. It has established a strong committee and has undertaken a variety of activities. Over 20 education events have been organised and held between March and August 2007. Amongst the first organised was for the Commissioner of Taxation to speak on ethics and tax practice. Other events have included a dinner meeting with Professor John Tiley, the Taxation Professor of Law at Cambridge University. In May, Allan Myers QC spoke on the role of a tax junior. Other CLE sessions have included more specialised seminars about particular aspects of tax law; some of interest mainly to tax practitioners (such as “transfer pricing” or “Division 7A”), whilst others had more general interest to lawyers whether practising in tax or not (for example, the “Taxation of Damages” and “the Tax Office’s principles and guidelines on settlement”). The Association has been conscious of the need to provide education events that are specifically directed to ethical considerations, improving or deepening tax knowledge for tax practitioners and others interested, as well as making available generally broad tax-related information of interest to the legal profession across the board.

A major resource and facility created by the Association has been the website located within the website of the VicBar at <http://www.vicbar.com.au/e.1.11.aspx>. The website provides a useful source of updates on matters of interest to barristers as well as a useful research resource for anyone wishing to use the website for tax research on web-based sites. The website has a research facility by clicking onto the words “Tax Law” on the left column which gives access to a list of web-based research sites for legislation, cases, rulings, commentary and other material. This resource

enables, for example, any member of the Victorian Bar connected to the internet simply to research virtually all web-based Federal tax-related material easily and without additional costs.

Associated with the website is a “newsletter” which enables all subscribers (both members and any other person with an email address who wishes to subscribe) to receive a weekly update of material placed on the website, namely, predominantly important developments in tax law, practice and administration (new legislation, court decisions, rulings, variations to ATO practice) and education events that may be of interest.

An additional objective of the Association is for those who practise in tax to have a forum for meeting each other and with other professionals. A number of social events have been organised for that purpose, including the dinner for Professor John Tiley when visiting Melbourne from Cambridge. Other events have included tax discussion groups and a regular monthly meeting organised by John Morgan at which he goes through the voluminous number of monthly changes in tax law and practice.

The significance of the Tax Bar Association as a reference point may perhaps be seen through a number of developments. One has been the request from time to time by the tax group at the University of Melbourne wishing to have some of their events made known through the Association; another has been the International Fiscal Association (IFA) request to hold (at IFA's expense) significant lectures through the Tax Bar Association. One example of that was the lecture by Professor David Rosenbloom who was flown at IFA's expense from Sydney to Melbourne solely for the purpose of conducting a Tax Bar Association/IFA lecture at the Victorian Bar on “Recent Developments in International Tax Law on Transfer Pricing and Cost Sharing Agreements”. Professor Rosenbloom was in Australia teaching at the University of Sydney for a two-week period and was made available in Victoria only through the Tax Bar Association. Another such example was the similar arrangement by which Malcolm Gammie QC spoke at the Victorian Bar on a Tax Bar Association/IFA lecture on “International Tax Practice before the European Court of Justice from an English Practitioner's Perspective”. Malcolm Gammie QC is a leading English QC whose considerable achievements include having appeared in many of the recent leading tax cases both for the House of Lords and the European Court of Justice. He had also been retained to appear for the Commissioner of Taxation in GST cases in Australia.

The Honourable Justice G Tony Pagone

President and Web Convenor

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.

During the period 1 July 2006 – 13 June 2007, Simone Jacobson was convenor of the WBA. On 13 June 2007, Caroline Kirton was appointed convenor of the WBA.

On 27 July 2006, the WBA hosted a breakfast at the Essoign. The recent political and military turmoil in East Timor highlights the fragile social environment of the world's youngest nation and one of Australia's closest neighbours. In this environment, the challenges in the education of young adult women, teenagers and girls was the focus of a talk by Sister Alexandrina Pinto, a Timorese, Catholic Nun, teacher and educator. We had approximately 40 attendees including barristers, crown prosecutors and members of the judiciary. Her gift of a hand-crafted scarf has been framed and is on display at the Essoign.

On 14 August the Women Barristers' Association, together with the Law Students Society at Melbourne University, hosted a half-day conference to better inform women law students about life at the Bar for women barristers. The conference was opened by the first woman to be appointed to the position of Solicitor-General in Victoria, Pamela Tate S.C., who highly recommended practice as a barrister and spoke of the achievements of women at the Bar.

The first speaker at the conference was Alexandra Richards QC, who spoke of the work of the Equality Before the Law Commission and of the impact that her participation in such work had had on her life. A panel of women barristers followed, which included Simone Jacobson, Caroline Kirton, Samantha Marks and Kim Knights, who spoke, and fielded questions from students, about achieving a work-life balance. The students then had the opportunity to chat with a woman barrister about life at the Bar in small groups. The final speakers at the conference were their Honours Judge Liz Gaynor of the County Court and Justice Betty King of the Supreme Court. Their Honours gave a humorous and inspiring account of practice as a criminal barrister and as a judge presiding over criminal cases. All speakers at the conference were presented with a gift bag of chocolates from sponsor KoKoBlack. The conference concluded with drinks in the Essoign where law students mingled socially with women barristers and judges.

In August, Australian Women Lawyers (AWL) released the results of the National Gender Appearance Survey which showed alarming figures, demonstrating that women are seldom seen and heard in the superior courts around Australia. (For the survey results, see: www.womenlawyers.org.au and click publications.) In September 2006, the inaugural AWL conference in Sydney was held, "Celebrating Excellence". This was the first ever conference of its kind, and thanks to Caroline Kirton, then President of AWL, for organising it with the organising committee.

On 26 October, the WBA hosted an information evening for 40 solicitors to discuss what it is like to practise as a barrister, and to raise awareness about gender issues.

The event was opened by the Victorian Solicitor-General, Pamela Tate S.C., at the Essoign; and then in the Neil McPhee Room, a panel of women senior and

junior barristers talked about various aspects of coming to the Bar and practice as a barrister and took questions.

The WBA also works with the Equal Opportunity Committee of the Bar, particularly in relation to promoting the uniform briefing policy at state and national levels.

In November 2006, WBA held its Celebratory Dinner at the Essoign. This event was sponsored by E-law. We invited each female appointed since our last dinner (thanks to the sponsorship) as our honoured guests, and on the night we celebrated these appointments. The guest speaker was Justice Marcia Neave AO of the Supreme Court. We also celebrated the 10th anniversary of her Honour Justice Balmford's appointment to the Supreme Court, being the first female judge of the Supreme Court. We had 100 attendees. The speech of Judge Neave "Hearts and Minds — the next step" was reproduced in full in the *Bar News* and appeared on the Vicbar website.

In February 2007, WBA was a host of the former The Portia Breakfast — now named the Legal Laneways Breakfast.

In March 2007, the Oral History Project of Past Convenors was finalised and funding obtained from the Victorian Bar and the Victoria Law Foundation. The WBA thanks the Victorian Bar and the Victoria Law Foundation for their support of this project. The filming is complete and the e-film will be live on the oral history section of the Vicbar website soon.

In May 2007, the Women Barristers in Victoria Then and Now exhibition was launched. It was developed by the WBA in conjunction with Victoria Law Foundation. Special thanks to Kate Hanlon from the Law Foundation and Juliette Brodsky. It documents the experiences and achievements of some of Victoria's most prominent women barristers over the past 100 years. It was on display in the Supreme Court library during Law Week from 14 to 19 May 2007, and for the following two weeks in the Owen Dixon Chambers foyer and then the Courts, universities, regional areas and schools. The exhibition tracks the key developments in the history of women barristers in Victoria, providing highlights of the personal experiences, challenges, significant achievements and contributions of women barristers to the legal profession. The exhibition shows how life for women barristers has changed over the years, as both a historical reflection and an ongoing story, and it is hoped by highlighting to the legal industry and wider community the challenges faced by, and the significant achievements of women barristers, we can further improve opportunities for women at the Victorian Bar and in the legal profession in general.

Also, in May 2007, the third Women Lawyer Achievement Awards, jointly hosted by the WBA and VWL (sponsored by Greens List and Brooklyn Legal), was held at Queens Hall — with 200 attendees. Alexandra Richards QC, Professor Jenny Morgan of the Melbourne University Law School and Paula O'Brien from the Public Interest Law Clearing House (PILCH) were the winners of the Women Lawyers Achievement Awards (Victoria) 2007. The awards were presented by The Honourable Rob Hulls MP, Attorney-General for Victoria, and the guest speaker was Chief Justice Diana Bryant of the Family Court of Australia.

In May 2007, the Victorian Bar agreed to be an Industry Partner for a project by Victoria University looking at why men and women leave the Bar. The WBA agreed to be an Industry Partner also. The study will involve interviews of men and women who have left the Bar since 1998, and also interviews of barristers in active practice to ascertain the extent to which Bar initiatives (such as podcastings of CLEs, parental leave policies) and changes in technology are keeping barristers at the Bar. (Funding is currently being sought from external sources.)

On 29 May 2007, the WBA hosted a film night which was attended by 40 barristers and solicitors, and even some female doctors. The film was *Trafficked* which is the first film to explore modern-day slavery in Australia and tells the harrowing story of two young Thai girls, one aged 13, who were sold to Sydney brothels. Guest speakers were the director Luigi Acquisto and Ning who appears in the film and coinciding with the film night was awarded compensation for the crimes against her. Ning gave a personal account of what the compensation means to her. Special thanks to Fiona McLeod S.C. for this event.

The WBA hosted several CLE seminars, which were well attended by barristers both male and female. The WBA endeavours whenever possible to offer CLE seminars at 1pm. CLE topics were settling personal injury cases, Apartment Law and mental health and ethical breaches. Also, in March 2007, the WBA presented a two-hour Ethics in Litigation morning seminar at Freehills.

Throughout the twelve months we have also held informal lunches, with approximately 15–20 attendees at each lunch. They are an opportunity to listen to a speaker and catch up with colleagues and judges. We have had speakers about the stock market (Austock); trafficking in young women in Australia including a film screening; the Hunger Project worldwide; stress and depression (Dr Catherine Lally including psychology tests as part of a survey of the legal profession); women in the law over the last ten years (Liz Bishop, PhD student); and a farewell for Christine Harvey, CEO of the Bar.

We published a newsletter and circulated it by email to members. We have also endeavoured to keep the website updated with publications.

Simone Jacobson

Convenor

ANNUAL REPORT OF THE BARRISTERS ANIMAL WELFARE PANEL

The Barristers Animal Welfare Panel was established following a general meeting of the Bar on 15 November 2006 attended by some 60 people. It now comprises some 90 members of the Bar (including well over 20 silks from the commercial and criminal bars). Its purposes are set out at its website at the Victorian Bar home page, but its mainspring is to act pro bono or at a reduced fee for advice and representation in public interest cases affecting animal welfare, prosecutions, and in the defence of protesters, instructed under the auspices of PILCH or direct by law firms.

In December 2006 the first meeting of the Panel's executive, called the Practice Group, was held. At this inaugural meeting it was resolved that rather than permit the Panel to be just a "revolving door" for cases, it would also engage in public advocacy in challenging Australia's deficient animal protection legal regime.

The Practice Group comprises 19 counsel and one representative from each of PILCH, Lawyers for Animals, and Mallesons Stephen Jaques as the first law firm to offer support as instructing solicitors in cases taken up by the Panel. Other national law firms and solicitors have offered support so that a growing adjunct panel of solicitors now exists. This will add substantially to the legal resources available in a given case.

In addition, enquiries have been received from Queensland and Western Australia as to the establishment of a similar panel. A small coterie of the New South Wales Bar is seeking to establish a panel. Tasmania is also a prospect. Although too early to predict, the possibility exists that the Panel may become a national grouping.

Perhaps in contrast to other Bar Associations, the Panel is proactive. Its Practice Group since February 2007 has met monthly. A Secretariat has been established to undertake policy research. It comprises people from different walks of life, from ex-corporate executives to law students or those recently graduated. A Law Reform Subcommittee has been established. Andrew Phillips was appointed chair. It is examining the question of live animal exports.

Already Panel members have acted to give advice or appear in animal welfare public interest matters. For example, a joint opinion of two senior members of the Bar was provided to Dr Deb Foskey as a member of the ACT Legislative Assembly, who in May 2007 introduced a Bill to prohibit the production of eggs or carcasses by the battery hen system. The question was whether the *Mutual Recognition Act 1992* stood to strike down the Bill, if passed, and whether its provisions would in addition breach section 92 of the Constitution or its statutory equivalent for the Territory reposed in the Territory's self-government act. The opinion was circulated by Dr Foskey amongst all members of the ACT Legislative Assembly, as it was thought that the perceived difficulties of the *Mutual Recognition Act 1992* may have been relied upon to oppose passage of the Bill. The Bill is due to be considered in August 2007.

By liaison with the Victoria Police a means has been established for police prosecutors to obtain advice from a member of the Panel on any difficult animal welfare prosecution issue.

The Panel arranged for Professor Steven Wise, who pioneered as lecturer the first "animal law" course at Harvard University, to speak at a well attended CLE seminar of the Bar held on 30 April 2007. With Panel chair, Graeme McEwen, Professor Wise also spoke at the Melbourne and Monash law schools, with a view to promoting the adoption of "animal law" as a law subject. Monash is due to offer "animal law" as a subject next year. Some 87 law schools across the United States offer "animal law" as a subject.

As part of an endeavour to foster links with other lawyers, the Panel's Chair spoke at the New South Wales Young Lawyers Animal Law Conference at the University of New South Wales, Sydney, on 6 July 2007 on "Farm Animals and the Law"; at the

“Voiceless” Animal Law Conference held at the Law Society of New South Wales on 2 May 2007; and at a Lawyers for Animals Seminar held during Law Week 2007.

In addition, publicity has been obtained, for example, by way of an article entitled “The fox is in charge of the chickens” published in the Opinion page of *The Age* newspaper on 30 March 2007, challenging the existing animal protection legal regime and, similarly, on the ABC radio program “AM” in November 2006 shortly following the establishment of the Panel.

The Panel addresses a national agenda.

Graeme J McEwen

Chair

ANNUAL REPORT OF THE INDIGENOUS LAWYERS COMMITTEE

The Indigenous Lawyers Committee has welcomed our second Indigenous barrister of recent years to the Bar, Hans Bokelund, who has also joined the Committee.

A number of other recent Indigenous law graduates have reserved positions in the Bar Readers’ Course or indicated to the Committee an interest in undertaking the Readers’ Course over the next 12 months.

The Bar has sought and obtained deductible gift recipient status from the Australian Tax Office for its newly established Indigenous Barristers’ Fund, which means that donations to the Fund are tax deductible. Enquiries about the Fund should be directed to Denise Bennett, Executive Officer of the Bar.

The Fund was formally launched in May by Professor Mick Dodson, a member of the Bar, who was in active practice at the Bar in the 1980s. The function was very well supported by members of the Bar, including the judiciary (with a number of Federal, Supreme and County Court Judges and Magistrates in attendance, as well as Justice Ken Hayne of the High Court and Chief Justice Diana Bryant of the Family Court), and a number of Indigenous law students. The Committee has made a point of inviting Indigenous law students to an annual social function at the Bar, and the function itself has been very helpful in establishing contacts between the students, barristers and members of the judiciary.

The Fund has received donations from a number of members of the Bar, supplementing the initial support of the Victorian Law Foundation and the Tallis Foundation. The Fund has also received a generous donation from a former member of the Bar, Elisabeth Wentworth, from the proceeds of a play *Ms Wentworth* staged as part of Arts Law Week in 2006.

The Committee has set up a summer and winter clerkship program for Indigenous law students, supported financially by the Bar and Tarwirri (the Indigenous Law Students and Lawyers Association of Victoria). The program involves selected students spending intensive periods with barristers over two to three weeks in February and July. The program is coordinated, on behalf of the Committee, by Paul Hayes and Daniel Star, and has proved to be popular amongst Indigenous law students.

The Committee has continued its mentoring program, and currently most (of about 20 Indigenous law students studying at Melbourne universities) are being mentored by barristers. The mentoring program has been invaluable in establishing long-term contacts between Indigenous law students and barristers and has created a considerable amount of goodwill between the students and barristers over a period of years.

The result of the various activities of the Committee is being realised with Indigenous law students being assisted with mentoring during the period of their studies and being encouraged by contact with the Bar in establishing professional careers as legal practitioners and barristers in particular. The long-term plan in setting up the Committee was to redress the complete absence of an Indigenous presence at the Bar. This is finally being achieved.

Colin D Golvan

Chair

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

The Bar's Sexual Harassment Conciliators for 2005/2006 were David Curtain QC, Frank Costigan QC, Richard Maidment S.C., Debra Mortimer S.C., Fiona McLeod S.C., Richard McGarvie S.C., Joy Elleray, Melanie Young and Sarah Fregon.

There were no incidents reported this year.

The Conciliators addressed each intake of Readers to remind them of their responsibilities as members of the Bar in relation to matters of harassment and vilification.

David E Curtain

Convenor

ANNUAL REPORT OF THE EDITORIAL COMMITTEE FOR *IN BRIEF* AND WEBSITE NEWS

The Committee has continued to edit *In Brief* and the *Bar News* items placed on the website with the assistance of Miriam Sved of the Bar staff and former CEO Christine Harvey.

The aim of the committee is to provide news items of interest and relevance to the Bar and develop editorial policy in relation to the exclusion of matters not directly related to practice.

The Committee will continue its involvement in the development of the fortnightly newsletter *In Brief* with a view to expanding the current newsletter to include articles

and items of broader interest including the reproduction of learned articles, and seminar and conference papers presented by members of the Bar.

Fiona McLeod S.C.

Chair

ANNUAL REPORT OF THE EQUAL OPPORTUNITY COMMITTEE

The Committee has continued to meet on a monthly basis with additional meetings as required.

Equal Opportunity Briefing Policy

The primary focus of the Committee has been to work with law firms in the adoption and implementation of the Equal Opportunity Briefing Policy. This has involved:

- Liaison with Department of Justice and Attorney-General's office in respect of the review of the State Government adoption of the policy as a condition of accepting government work and commentary upon the Attorney-General's Legal Services Report.
- Discussions with law firms adopting the policy including reporting protocols and record keeping and information on experience and qualifications of women barristers.
- Discussion with various courts concerning women appearing in contested matters and appeals.
- A session conducted by Kriss Will and attended by large law firms supported by the Bar Council concerning issues with implementation and progress.
- The analysis of further survey data obtained from various courts including the Supreme Court and Court of Appeal and contribution of final reports to various bodies including the Law Council Equal Opportunity Committee and its Model Briefing Policy Working Party.

The Victorian Government report and subsequent external review concludes that progress has been made in the briefing practices of government firms and the policy should be retained. The Committee is gratified by the progress that has been made and considers that an analysis of the data and its own Court survey information indicates there are significant areas in need of improvement and ongoing focus of attention.

Submissions

The Committee has contributed to working parties and submissions concerning the review of legislation and introduction of new legislation within the scope of the Committee's charter. In particular:

- The Victorian Human Rights Charter
- Amendments to the *Equal Opportunity Act 1995* (Vic);
- The proposed Relationships Register.

Demographic Study

The Committee is investigating the collection of accurate statistical demographic information showing seniority and gender patterns at the bar. This information will be of assistance in general Bar planning and strategy in the future.

La Trobe University Research Project

The Bar Council has at the request of the Committee agreed to participate in a research project to be conducted by academics at La Trobe University as an industry partner. The project will review the research of the 1998 Equality of Opportunity for Women at the Victorian Bar Report and is expected to commence in 2008. The Committee welcomes the study as a timely review of the success of the various measures implemented by the Bar Council in the years following the 1998 Report.

Strategic Development

The Committee has contributed to the recent Bar review of governance and staffing and expects to contribute to the strategic review currently underway. It is expected the Committee will continue to contribute to issues concerning representation on Bar Council and Bar Council committees, appointment to silk and appointment of judicial officers.

Acknowledgments

Recently the chair Alexandra Richards QC retired after more than three years' leadership of the Committee. We thank her for her outstanding contribution to the Bar through the work of the Committee.

The Committee also acknowledges the former CEO of the Bar, Christine Harvey, for her significant contribution to the work of the Committee and support of its members with her own time and the support of the bar staff. In particular the Committee is also grateful for the ongoing administrative support of Elizabeth Rhodes.

Fiona McLeod S.C.

Chair

ANNUAL REPORT OF THE ETHICS COMMITTEE

The Ethics Committee meets regularly and continues to give rulings, dispensation and guidance to individual barristers.

Under the provisions of the *Legal Profession Act 2004* ("the Act") the Legal Services Commissioner can refer a complaint to the Committee for investigation, recommendation and report and/or delegate to the Committee the function of attempting to resolve a civil dispute, together with certain ancillary functions and powers relating to civil disputes.

Regular meetings have been held with the Legal Services Commissioner for the

purpose of formulating a protocol, within the statutory framework, pursuant to which the Ethics Committee can carry out investigations of disciplinary complaints or civil disputes which may be either referred or delegated to it by the Legal Services Commissioner.

The Ethics Committee exists to maintain appropriate standards of conduct by barristers, and to do so in the interests of the due administration of justice and the public interest.

During the year The Honourable Justice Michelle Gordon, James Merralls AM QC, Cameron Macaulay S.C., Jack Batten, Des Lane and Anne Duggan retired from the Committee. Cameron served on the Committee for six years, James for four years and Justice Gordon, Jack, Des and Anne for three years. On behalf of the Bar I thank the retiring members for their excellent contribution to the work of the Committee.

Since the last report, Joseph Santamaria QC, Richard Manly S.C., Jennifer Davies S.C., Mark Moshinsky and Charles Shaw have joined the Committee. Malcolm Titshall QC and Aaron Schwartz have also recently joined the Committee.

The Committee continues with its education sessions in the Readers' Course, and individual members of the Committee also provide papers on ethics issues for the CLE program. I thank the members of the Committee who have contributed their time and expertise to the courses.

The Committee continues to publish bulletins for the guidance of members. These bulletins are published in *Bar News*, *In Brief* and on the Bar's website.

I thank every member of the Committee for the work performed by them on the Committee.

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 principally with matters referred to it by the Bar Council.

The members of the Human Rights Committee for 2006/2007 were as follows:

Jack Fajgenbaum QC (Chair)	Alexandra Richards QC
Glenn McGowan S.C.	Simon Marks S.C.
Michael Sifris S.C.	Herman Borenstein S.C.
Paul Panayi	Daniel Clough
Wendy Harris	Pauline Shiff
Susan Brennan	Beatrice Melita
Daniel Star	Judge Damien Murphy (to October)
Judy Benson (Secretary)	Lisa De Ferrari

Only one meeting of the whole Human Rights Committee was held in the last year. It was concerned with the manner in which Australia should respond to the risk of its citizens being exposed to a death penalty in foreign jurisdictions. Written advice was provided to the Bar Council.

Otherwise, on numerous occasions members of the Committee advised the Bar Council, and the Law Council, when advice was sought and/or volunteered, and contributed to a number of reports and submissions.

Judy Benson

Secretary

ANNUAL REPORT OF THE CONTINUING LEGAL EDUCATION COMMITTEE

Approximately three years ago Justice Nettle chaired a meeting of barristers representing the various jurisdictions to formulate plans for the giving of lectures as part of compulsory legal education.

From that time the Bar has given lectures in accordance with compulsory CLE rules. The rules are updated from time to time and the current rules took effect from 1 April 2007.

The lectures are of high quality given by experts in the area: they are members of Senior Counsel, Senior Junior Counsel, sometimes Judges and academics. The subject matter of the lectures involves updates in legal and practical considerations referable to the particular area of jurisdiction. There is time at the end of each lecture for questions from the audience.

The significant change in the 2007 rules, following the Campbell report of 2006, is that all barristers, regardless of seniority, must complete a minimum of one CLE point in each compulsory field.

Generally speaking each hour of attendance at a Bar CLE activity will earn one point. Apart from CLE activities, other activities that are accredited by the CLE Accreditation Committee also earn one point for attendees.

There are other ways in which CLE points can be earned apart from attending lectures. They include the following:

- Three CLE points are earned for each hour a barrister teaches or instructs in the Bar CLE program.
- Three CLE points are earned for each hour a barrister teaches or instructs in the Bar Readers' course.

Generally there is a five-point limit on any single CLE activity.

The Accreditation and Dispensation Sub-committee considers:

1. Applications for accreditation of non-Bar CLE activities.
2. Applications for dispensation.
3. Allocation of points.

Requests for accreditation of other courses and activities are submitted to Ms Barbara Walsh, Manager, Legal Education and Training.

The Continuing Legal Education Committee has accreditation guidelines. Examples of accreditation are as follows:

- Advanced study such as a Masters Degree — three CLE points.
- Editing or updating legal services — generally three CLE points.
- Extensive teaching duties in relation to a Masters Degree — five to eight CLE points.
- Law reporting — between two and six CLE points.

It is important to note that the Bar offers podcast and DVD arrangements for country practitioners and those with special needs who have been unable to access lectures during the year.

The CLE Accreditation Sub-committee meets on a three-weekly basis but can deal with urgent applications for accreditation of a lecture at very short notice.

Finally, it is important to remember that each barrister must obtain 10 CLE points either via CLE lectures or via accreditation in the year commencing 1 April and concluding 30 March the following year.

Jeremy Ruskin

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 2006 and 1 March 2007 respectively. Each course was of 12 weeks' duration.

The September 2006 Course comprised 45 readers, including two practitioners from Vanuatu. In the March 2007 Course there were 48 readers, again including two practitioners from Vanuatu.

Since 1987 the Victorian Bar has sponsored practitioners from the South Pacific region at 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 105 such practitioners have successfully completed the Readers' Course.

The Victorian Bar, in addition to its commitment to the teaching of advocacy in the South Pacific Region by accepting practitioners from the region 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 in Suva, Fiji. The Bar is particularly grateful to those teams of dedicated and skilled members of the Bar (and judiciary) who took time out from their busy workloads, without financial reward, to travel to Papua New Guinea and Fiji to impart their knowledge and skills to members of 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, the Manager of Legal Education and by Deborah Morris, the 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 particularly 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

This year the Victorian Bar's Professional Indemnity Insurance Committee was constituted by Richard W McGarvie S.C., as Chairman, Gregory H Garde AO, RFD, QC, Michael Heaton QC, Jennifer Batrouney S.C., Gerald Lewis S.C., Paul O'Dwyer S.C., David M Clarke, Marcus Clarke, Gerard Meehan, Mark Robins, John de Koning, Aileen Ryan, Emma Swart and Andrew Hamlyn-Harris.

Thanks are due to all members of the Committee for their enthusiastic willingness to serve the Bar in respect of issues relating to barristers' professional insurance.

This year has seen several important developments, perhaps foremost of which was the increase in the level of compulsory cover provided by the Legal Practitioners Liability Committee policy from \$1.5 million to \$2 million. Owing to the excellent claims record of Victorian barristers, the LPLC was able to do this without any need to increase premiums. In the event that the Bar's good claims record continues as it

is expected to do, there is every reason to expect that premiums may come down in future.

Another important development this year has been the improved cover provided by a number of the “top up” policies provided for Victorian barristers. In this regard, tribute should be paid to Hugh W Fraser, who was elected to the Legal Services Board on a platform supporting improvements to professional indemnity insurance, particularly in relation to insurance coverage for barristers who are the subject of disciplinary complaints. While it remains the position that the LPLC policy does not provide such coverage, various “top up” policies on offer for 2007/2008 now provide “drop down” primary cover in respect of disciplinary complaints. In the increasingly-competitive environment for barristers’ insurance, once again engendered by the good claims history, this improvement to the various policies on offer was able to be negotiated on behalf of the committee with the various “top up” insurers. It is fair to say that the impetus for the negotiations came from Hugh Fraser’s election campaign. Tribute should also be paid to the Bar’s former Chief Executive Officer, Christine Harvey, for ably assisting the Committee’s chairman in the successful negotiations with the insurers.

The Professional Indemnity Insurance Committee is aptly described as one that meets “as and when required”. In circumstances in which many of the professional indemnity insurance matters arising day to day are raised by members in confidence, or require urgent (and often immediate) action, much of the necessary work in the past year has been performed on behalf of the Committee by the chairman. Nonetheless, congratulations are due to all members of the Committee for the considerable improvements to barristers’ insurance which have occurred during the past 12 months.

Richard McGarvie

Chairman

ANNUAL REPORT OF THE PROFESSIONAL STANDARDS EDUCATION COMMITTEE

This year the Professional Standards Education Committee was constituted by Paul Willee RFD, QC Chair, Ian Hill QC, Gerald Lewis S.C., Cameron Macaulay S.C., Peter Riordan S.C., Susan Gatford, Laura Colla, Daniel Aghion and Judy Benson. In October, we welcomed the addition of Richard McGarvie S.C., Stephen Moloney and Pat Zappia, all of whom have made valuable contributions to the work of the committee in a very short time.

Undoubtedly, the highlight of the year’s activities was the completion of *Good Conduct Guide: Professional Standards for Victorian Barristers*, after a final round of frenetic activity followed by its most successful launch in October by the Legal Services Commissioner at a function hosted by the Bar Council and extensively reported in *Bar News*. Again, I thank all of those involved in its production and the

Chairman for his gracious remarks at that launch. I am also grateful to be able to report that the publication has been received most favourably, not just in Victoria but also interstate. That is not to say the committee is unaware of its shortcomings and the need to revise and update the work. We still look to the members to bring any specific needs for revision and amendment to our attention. In the meantime we have been exploring the way to deal with those matters in the production of the next edition.

The interest that the work has generated has emphasised the need for the committee to develop a policy to deal with distribution, as well as electronic access and licensing, for consideration by the Bar Council, to cater for the needs of the wider academic and lay community while protecting the Bar's copyright. Such a draft policy was finalised at our meeting in June and will be forwarded to the Bar Council in July.

Earlier in the year, the committee was again committed to the task of making 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, or other members of the Bar, the Supreme Court librarian and LPLC executives. It has been noted that the task becomes considerably more onerous each time it is undertaken. Once again I thank all those presenters who have contributed to our part of the CLE program.

The committee continues to monitor conduct and etiquette of members in the courts and tribunals at all levels with a view to improving both. This year the emphasis has shifted to exploring the means of dealing with the perceived gaps in some of the junior practitioners' basic advocacy-related legal knowledge. As a result, and as part of re-addressing its core responsibilities, the committee has made certain recommendations to the Bar Council seeking endorsement of a proposal that PSEC be charged with the task of actively investigating an educative solution through our mentors.

I wish to thank all members of PSEC for their unstinting support and application to the work of the committee. In particular I wish to recognise the contribution of Susan Gatford to the development of the draft policy concerning distribution of the Guide.

Paul Willee

Chairman

ANNUAL REPORT OF THE VICTORIAN BAR DISPUTE RESOLUTION COMMITTEE

Acknowledgements

I wish to acknowledge at the first opportunity in this report the sterling work done by David Levin QC who retired last year as Chairman. I also wish to acknowledge Marc Bevan John and John Bolton, who both retired from the Committee after many

years' dedicated service. This year we also saw the resignation of the Chief Executive Officer of the Victorian Bar, Christine Harvey, in April 2007. Her steadfast support for the work of the Committee was exceptional and I wish to note here the Committee's sincere appreciation of it. Her departure is felt greatly in the Committee's extra workload.

The Centre

The Centre has now been fitted out with additional computer facilities for the dedicated use of clients and solicitors in order to facilitate the emailing of documents to parties during mediation and the printing and formatting of terms of settlement at the conclusion. Additionally, dedicated tele-conferencing facilities have also been installed for improved remote person attendances.

The Centre is now also regularly advertised in the Law Institute Journal. New brochuring in both hard copy and soft copy is now available for all prospective inquiries. The Centre staff have all undergone training in computer management in order to assist smoother and seamless booking systems. I thank all the Centre staff for their commitment to this upgrade and for their dedication throughout the year.

The Committee's Activities

The Committee in October last year celebrated the 10th year of the Mediation Centre's successful operation, and conducted a function for all mediators and invited guests to attend. We were honoured by the attendance of Professor Laurence Boule and Professor John Wade, in addition to the various judges, magistrates and tribunal members, barristers and centre staff who celebrated the successful occasion.

The Committee has conducted several CLE seminars over the year and my sincere appreciation is extended to Michael Heaton QC (Deputy Chair) for his enthusiasm and commitment to ensuring that these events were highly successful and well attended. The topics were "Mediation and Best Practice" (two rounds) and "Mediation Tips in Family Law" (two rounds).

The Committee via Tony Nolan S.C. has had some very satisfactory dialogue in the County Court of Victoria and has written to all the judges in the Court outlining the new accreditation arrangements for Bar mediators *inter alia* in order for judges of all courts to continue to have full confidence in the Bar Accreditation schemes. Regrettably, I have to report that the Federal Magistrates Court has, over an extended and protracted period now, only recently advised that it is shelving previous specific proposals put forward by the Bar Council and the DR Committee with the then general support of the members of the Court Committee to increase the use of private external mediators in the Court's ADR program.

The Committee has also now included links in the Bar website to its accredited mediators in recognition of their status and also to those barristers who practice in ADR as qualified arbitrators (previously there had been no facility to locate arbitrators).

The Committee also responded to the Civil Justice Review by Dr Cashman in December 2006 and made the Committee's views known. The Committee

acknowledges the particular work done by George Golvan QC who, as some barristers may recall, was the author of the earlier Committee response on “Facilitative Judging” which had previously been forwarded to the Victorian Attorney-General’s Civil Justice Review.

The Chairman in May 2007 submitted both oral and later written views to the Bar’s Future Strategy Review Committee and has also liaised with the Victorian Department of Justice’s Mediation Research Advisory Committee involved in both Supreme and County Court mediation work. Gerry Lewis S.C., Gerald Hardy and the Chair have also been busy progressing a strategy for Victorian Bar Mediators. This is a new initiative and I look forward to its developments over the next few months with great interest.

The Committee has recently dispatched letters to several bodies and statutory organisations whose job it is to facilitate mediations or conciliations prior to litigation, requesting them to seriously consider their engagements of barrister mediators where appropriate. There are already some early signs that this has borne fruit with inquiry increasing for Bar mediator services. My thanks to Cornelia Foufouris-Mack and Peter Agardy for their early assistance.

The Committee has also been busy in fine tuning where possible the mediator accreditation processes, and the Accreditation Sub-committee has been guided in this task by Elizabeth Brophy. My particular concern has been to improve the timeliness and the ease of application and I have requested that Liz Rhodes, where possible, approve applications “on the papers” via email circulation to Committee members in order to reduce any delays between application and approval times where at all practically possible, in lieu of formal meetings. The Sub-committee has also considered and approved the listing of a two further course providers to facilitate the sourcing of appropriate courses.

The Bar Council has, on the recommendation and input of the Committee, approved with some amendments the Federal Workplace Relations Act “Alternative Dispute Resolution Assistance Scheme” ADRAS. This scheme, for certain defined industrial disputes, permits a \$1500 payment to a participating scheme mediator (plus \$500 for any regional out-of-pocket expenses). Whether any referrals come from the Bar’s participation remains to be seen and will depend on the community’s reliance or not on the various in-house Commission staff to continue to conciliate. However, the Committee believes the opportunity for the Bar should not be lost.

It is clear that the courts are now refocusing their attention to draw mediation services in-house wherever possible. The various governments also appear to now be amenable to paying themselves for mediation under the “judicial umbrella” role rather than litigants paying directly for entire dedicated mediation services on an exclusive and private basis. It should be noted, however, that remuneration offered for this “in house” work in the main can often be less than commercial rates to barristers in their daily work, which makes it difficult to encourage experienced barrister/mediators to undertake this work.

Whether or not these in-house mediations lead to either a higher or diminished quality in the standard of mediations, the quality of settlements and the perceptions

of independence in mediations, only time will tell. The Bar has made its concerns known to judges and the policy makers on numerous occasions, particularly recently in respect of mediations being performed by the already busy Masters of the Supreme Court. As this report goes to press, the Committee is responding to a proposed pilot scheme commencing first at the Magistrates' Court at Broadmeadows and the proposal to amend the court rules to permit potentially non-legally qualified persons to mediate (post the concluded pilot) for civil claims under \$10,000.

It is very much hoped by all Committee members that any further changes that may be also implemented as a result of the 2007 Dr Lynch Crown Counsel Report to the Victorian Attorney-General, will only be implemented after further dialogue with the private profession including the Bar, whose role it is to safeguard their clients' positions in the litigation processes and mediation appearances.

The Committee is also currently considering a recently developed project by NADRAC to implement National Standards for mediators on a voluntary inclusion basis. Yet again, despite the Bar providing a substantial amount of mediation work in this State, proposals appear well advanced and the Committee is currently seeking urgent involvement and input in this area before finalisation.

As you can see, the Committee has been extremely busy, often responding to various government inquiries reviews and other changes. I personally have noted that the work of the Committee continues to increase by the sheer weight of the number of bodies seeking to have input into the changing ADR landscape.

My thanks therefore must go to the Bar office staff, particularly Liz Rhodes (The Victorian Bar Disputes Manager) and Katie Spencer (Executive Assistant) for their excellent service to the Committee, without whom the task of Chairing the Committee would be a much greater one. I am confident that the Committee will continue to support where it can barrister members in their mediation or arbitration roles or as participant advisers as well.

Ross Maxted

Chairman

ANNUAL REPORT OF THE NEW BARRISTERS STANDING COMMITTEE

The New Barristers Standing Committee (NBSC) comprises 15 members of the junior Bar who are of less than six years' call or under the age of 36. The NBSC members are Simon Pitt (Chair and representative to the Australian Young Lawyers Committee of the Law Council of Australia), Michele Brooks (Deputy Chair), Fiona Ryan (Social Co-ordinator), Sam Hopper (CLE Co-ordinator), Simone Bingham, Lisa Lo Piccolo, Marita Foley, Alanna Duffy, Bree Knoester, Ruth Hamnett, Dugald McWilliams and Rob O'Neill.

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 six years' call or under the age of 36 years.

In the past 12 months the NBSC has achieved the publication of the *New Barristers' Guide to the Bar*, which is a publication aimed at readers and new barristers to try to answer some of the myriad questions which all new barristers have. The publication is available on the Victorian Bar website under the Bar Associations — New Barristers section.

The NBSC is also compiling an exit survey to be handed to barristers who have decided to leave the Bar. It is hoped that this survey can be left with clerks and handed to barristers when they announce their intention to leave the Bar. The information gathered will be very useful in identifying some of the issues facing the junior Bar and what is driving people to leave. Accordingly, the information will be useful in assisting the NBSC to work out ways to help new barristers.

The NBSC continues to do a short presentation twice per year to the readers. Apart from seeking a nomination from the readers' group as an NBSC member, we can now use this as an opportunity to draw the readers' attention to the NBSC Guide to the Bar.

The NBSC has also continued to arrange very successful social functions. Fiona Ryan organises drinks for the new barristers shortly after signing the Bar Roll. All members of the junior Bar are encouraged to participate, and these functions are always very well attended. The "Bond with the Bar" function (held in October each year in conjunction with the LIV) was a spectacular success this year. One of the main issues confronting the junior Bar is networking and establishing relationships with instructing solicitors to ensure a supply of work. This function provides the perfect forum for this networking to occur.

On 4 November 2006, I attended the AYLC meeting in Perth. In March 2007, Sarah Turner attended the AYLC meeting in Sydney. On 12 and 13 July 2007 I attended the AYLC meeting in Canberra. As part of the meeting in Canberra, I met with Tim Bugg, President of the Law Council of Australia. Mr Bugg is keen to get young lawyers more involved in the LCA, and in particular wants to know the issues facing young new barristers and solicitors. There is a high attrition rate from the ranks of the junior solicitors in some states and territories and Mr Bugg will be seeking an increased participation from the Young Lawyers sections of the governing bodies of the various states and territories (both solicitors and barristers). This presents an exciting opportunity to the NBSC to become more involved with the LCA and has the imprimatur of the LCA when addressing issues facing the junior Bar.

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, including Liza Powderly, Sarah Turner, Joe Connellan, Simon Rubenstein, Madeleine Pinnuck, and Mayada Dib.

Simon Pitt

Chair

ANNUAL REPORT OF THE LEGAL ASSISTANCE COMMITTEE

Introduction

The Victorian Bar Legal Assistance Scheme (“VBLAS”) has operated since 2001. It is administered by the Public Interest Law Clearing House (“PILCH”) and its operation is overseen by the Legal Assistance Committee (“LAC”) of the Victorian Bar. VBLAS benefits greatly 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.

There are presently 576 barristers of all levels of seniority at the Victorian Bar, including new Bar readers, who have formally signed up to participate in VBLAS. Many barristers, although not formally registered, welcome requests to assist VBLAS when approached.

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’ 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.

Funding

VBLAS currently receives \$226,444 per year from the Victorian Bar, of which approximately 75 per cent is funded by the Legal Services Board.

Staffing

VBLAS employs all part-time staff who ably share the responsibility for both professional and administrative roles. The co-managers of VBLAS are solicitors Michelle Panayi and Susannah Sage Jacobson.

VBLAS also employs a third part-time solicitor, Kate Fischer, two days per week. The administrative assistants to the managers are Marlena Pitrone and Damien Pitts, who perform the role three days per week and one day per week respectively.

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

Inquiries and Referrals

After many years of exponential growth, the caseload of VBLAS has been stabilised to reflect a modest and more manageable increase in inquiries and referrals. Total

inquiries rose from 426 to 448 and referrals rose from 215 in 2005/2006 to 245 this financial year. Migration continues to be a substantial area of practice, however this year the statistics reflect a growth in the number of commercial, family and employment matters.

The main areas of law over the reporting period are:

<i>Area of Law</i>	<i>Inquiries</i>	<i>Referrals</i>
Criminal Law	75	41
Family Law	36	15
Migration Law	91	63
Commercial Law	21	14

It must always be noted that, where appropriate, VBLAS refers applicants to other services such as Victoria Legal Aid, an ombudsman, a community legal centre, other community-based organisations, 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.

Events

On 19 April 2007, the Victorian Bar hosted the annual drinks function at the Essoign Club to recognise 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 Chris Maxwell, President of the Court of Appeal, was the guest speaker.

Family Violence Sub-committee

The Family Violence Sub-committee, chaired by Helen Symon S.C., has continued to meet regularly this year and was instrumental in the establishment of a Family Violence Practice Group of the Victorian Bar in March 2007.

On 13 September 2006 the Family Violence Sub-committee organised a practical workshop on family violence intervention order contested hearings for barristers. The training was presented by Judge David Parsons, Magistrate Lesley Fleming, Martin Grinberg, Paul Lawrie, and Shivani Pillai. The training was extremely well attended, with approximately 50 barristers attending each session, and VBLAS received much positive feedback from participants.

Migration Sub-committee

Early this year, the Asylum-Seeker Sub-committee of VBLAS changed its name to the Migration Sub-committee following an increase in the number of applicants who are not refugees.

The Sub-committee, chaired by Alexandra Richards QC, hosted another extremely successful training session in March 2007 for barristers engaged in pro bono migration litigation. The training was presented by Federal Magistrate Murray McInnis, Ron Merkel QC, Debbie Mortimer S.C. and Richard Niall, and was held at the Federal Court of Australia.

On 4 June 2006 the Sub-committee took the opportunity to mark International Refugee Day by organising an afternoon tea hosted by PILCH member firm Mallesons Stephen Jaques. Justice Tony North of the Federal Court and barrister John Gibson both gave an informal address to about 30 guests who had actively participated in the VBLAS and PILCH migration program in the previous year.

Submissions

In November 2006 VBLAS contributed to the submission made by PILCH on the Civil Justice Review being undertaken by the Victorian Law Reform Commission. Areas of focus included the need to increase legal aid funding in civil areas, the need for interpreters in all courts, and for Law Aid to apply retrospectively.

VBLAS also compiled a short paper providing input to the consultation process conducted by the Department of Immigration in relation to reforms of its detention policy.

Support to Court Self-Represented Litigants 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.

VBLAS has also continued its support of the Supreme Court's Self-Represented Litigants Program and accepts regular referrals from the Self-Represented Litigants' Coordinator at that Court, Ms Bronwyn Hammond.

Promotion of VBLAS

VBLAS is promoted to potential volunteer barristers by members 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, such as the University Law Schools. 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 newsletter *In-Brief* and *Victorian Bar News* and annual reports for PILCH and the Bar.

Acknowledgements

I wish to thank all of the VBLAS staff and committee members for their work and enthusiasm. VBLAS also thanks PILCH staff Paula O'Brien, Rachel Brown and

Caroline Turnley for their support. In Paula's case, thanks are appropriate for all her work, and best wishes are extended for her future career.

Particular thanks are also extended to 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

During the 2006/2007 year there was much movement in the courts.

In spring we welcomed the Honourable Justice Tracey, the Honourable Justice Jessup and the Honourable Justice Middleton to the Federal Court; her Honour Judge Pullen to the County Court; and Federal Magistrate Burchardt and Federal Magistrate Riley to the Federal Magistrates' Court. In the same issue we farewelled his Honour Judge Gebhardt.

In the summer issue we welcomed the Honourable Justice Curtain to the Supreme Court and their Honours Judge Howard, Judge Parsons, Judge Murphy and Judge Hannon to the County Court; and to the Federal Magistrates' Court Federal Magistrate Turner. In that issue we farewelled his Honour Judge Stott.

In the autumn issue we farewelled the Honourable Justice Callaway.

The winter issue saw her Honour Judge Kennedy welcomed to the County Court and the Honourable Justice Morris farewelled from the Supreme Court and from VCAT.

The Opening of the Legal Year, the Children's Christmas Party, the Bar Dinner and the Women Barristers' Association received their usual full treatment. Three unusual features were the Historic Re-Opening of the Banco Court, the swearing in of his Honour Judge Wood as Deputy Judge Advocate-General – Navy and the swearing in of the Honourable Justice Tracy as Deputy Judge Advocate-General – Army.

Two interviews, one with the Honourable Justice Whelan and the other with Charles Francis QC, provided an insight into the present operation of the Supreme Court and a view of the operations of the County Court of yesteryear.

One significant concern was posed in the autumn issue. The farewell remarks of the Honourable Justice Callaway make it clear that his Honour could not bring himself to accept certain of the propositions which the High Court set out in *Weiss v R* and that his obligation to follow that decision was a significant factor influencing his retirement. In the same issue of *Bar News* there appears a very scholarly and scathing criticism by Phillip Priest of the reasoning of the High Court in *Weiss*.

The Editors' Backsheet in the four issues included: an expression of concern about unbalanced media reporting of judicial decisions (spring); a query as to where we as lawyers were going and an exhortation to maintain our ideals (summer); a discussion of the need for a Charter of Human Rights and Responsibilities (Vic) in the context

of the anti-terrorist laws, the decision in *Al-Kateb v Godwin* and the David Hicks issue (autumn); and an expression of some regret that the legal profession was too quickly changing (or had changed) into the law industry (winter).

We have to confess to some problems with proofreading over the year. The Editors have this problem in hand. They are also in the process of investigating the poor quality of the photos published in the winter issue.

Gerard Nash

Joint Editor, Victorian Bar News

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 recognises that the Victorian Bar has a role to play in ensuring that assistance is available to members whose health and well-being are adversely affected by the pressures of professional and personal life.

The scheme enables members to immediately access a confidential counselling service which would assist them with emotional and stress-related pressures arising from family or marital problems, multiple life stressors, drug or alcohol dependency, and practice pressures.

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 Council.

The Cairnmillar 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.

The counsellor provides assistance in the initial course of consultation and also 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 through *In Brief* and *Bar News*.

During the year to 30 June 2007, five members sought assistance under the Scheme.

Stephen Hare

General Manager

SPECIAL PURPOSE FINANCIAL REPORT
OF
THE VICTORIAN BAR INC
FOR THE YEAR ENDED 30 JUNE 2007



THE
VICTORIAN
BAR

REG. NO. A0034304S

Independent Auditor's Report to the members of The Victorian Bar Inc

We have audited the accompanying financial report, being a special purpose financial report, of The Victorian Bar Inc, which comprises the statement of financial position as at 30 June 2007, and the statement of financial performance, and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the Officers' declaration as set out on pages 1 to 9.

The Responsibility of the Officers for the Financial Report

The Officers of the entity are responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are appropriate to meet the financial reporting requirements of the association's constitution and are appropriate to meet the needs of the members. The responsibility of the Officers also includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Officers, as well as evaluating the overall presentation of the financial report.

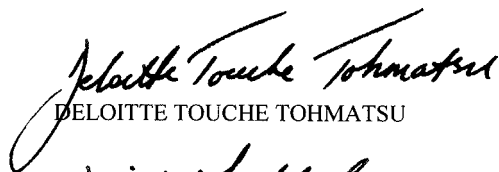
Deloitte.

The financial report has been prepared for distribution to the members for the purpose of fulfilling the Officers' financial reporting requirements under the association's constitution. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

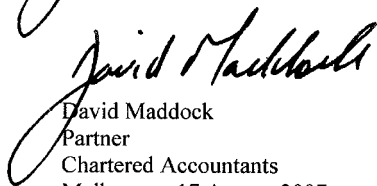
We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Auditor's Opinion

In our opinion, the financial report presents fairly, in all material respects, the financial position of The Victorian Bar Inc as at 30 June 2007 and of its financial performance and its cash flows for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements.



DELOITTE TOUCHE TOHMATSU



David Maddock
Partner
Chartered Accountants
Melbourne, 17 August 2007

SPECIAL PURPOSE FINANCIAL REPORT
THE VICTORIAN BAR INC

**Statement of Financial
Performance for the Year Ended
30 June 2007**

	2007	2006
	\$	\$
Revenue		
Revenue from ordinary activities	4,079,227	4,220,149
Interest	160,433	165,623
Total Revenue	4,239,660	4,385,772
Expenditure		
Administration expenses	2,469,264	2,692,420
Employee benefits expense	1,444,891	1,171,468
Depreciation	59,844	108,958
Other	227,026	121,195
Total Expenditure	4,201,025	4,094,041
Profit From ordinary activities before income tax expense	38,635	291,731
Income tax expense	-	-
Profit for year	38,635	291,731

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 2007**

	Notes	2007 \$	2006 \$
Current Assets			
Cash assets		792,134	730,604
Other financial assets	3	1,740,687	2,087,135
Receivables	4	345,596	477,308
Total Current Assets		2,878,417	3,295,047
Non-current Assets			
Other financial assets	5	5,016,300	4,516,300
Property, plant & equipment	6	156,893	120,123
Loan to Essoign Club		119,884	141,231
Total Non-current Assets		5,293,077	4,777,654
Total Assets		8,171,494	8,072,701
Current Liabilities			
Provisions	7	270,458	247,498
Payables	8	647,610	582,593
Subscriptions in advance		1,143,479	1,181,003
Total Current Liabilities		2,061,547	2,011,094
Non-current Liabilities			
Provisions	7	14,855	5,150
Total Non-current Liabilities		14,855	5,150
Total Liabilities		2,076,402	2,016,244
Net Assets and Accumulated Funds	9	6,095,092	6,056,457

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 2007**

	Notes	2007	2006
Cash Flows From Operating Activities		\$	\$
Receipts from subscriptions		2,769,018	2,934,434
LSB reimbursements & contributions received		959,082	1,124,291
Interest received		160,433	165,623
Fees - Readers Courses and Mediation Centre		611,181	487,555
Other receipts		134,940	105,080
Payments to suppliers & employees		(4,344,305)	(4,225,373)
Net cash provided by operating activities	10(b)	<u>290,349</u>	<u>591,610</u>
Cash Flows from Investing Activities			
Payments for plant & equipment		(96,614)	(23,476)
Purchase of shares		(500,000)	(500,000)
Loan repayment received		21,347	(26,615)
Net cash used in investing activities		<u>(575,267)</u>	<u>(550,091)</u>
Net (decrease)/increase in cash held		(284,918)	41,519
Cash at beginning of financial year		2,817,739	2,776,220
Cash at end of financial year	10(a)	<u>2,532,821</u>	<u>2,817,739</u>

The accompanying notes form part of these financial statements.

THE VICTORIAN BAR INC

Notes to the Financial Statements for the Year Ended 30 June 2007

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 superseded Australian Generally Accepted Accounting Standards ("A-GAAP") excluding the requirements of UIG Abstack 52 Income Tax Accounting Under the Tax Consolidation System (refer note 1(k)), and the disclosure requirements of superseded Accounting Standard AASB 1001 "Accounting Policies".

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 5 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 ended 30 June 2006, 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 association 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 association 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 Reimbursement - on a receivable basis.
 Interest - on a receivable basis for the time period within the financial year.

- (n) Consolidation
Superseded Accounting Standard AASB 1024 'Consolidated Accounts' has not been adopted in the preparation of this special purpose financial report"

2 Lease Commitments	2007	2006
	\$	\$
(a) Leasehold premises		
Non-cancellable operating leases		
Not longer than one year	1,080,063	1,035,680
Longer than one year and not longer than five years	4,140,852	3,962,720
Longer than five years	<u>2,546,726</u>	<u>3,137,720</u>
(b) Office equipment		
Not longer than one year	37,861	37,272
Longer than one year and not longer than five years	26,390	51,683
Longer than five years	<u>-</u>	<u>-</u>
3 Other Financial Assets - Current		
Commonwealth Bank of Australia - Bank Bills	<u>1,740,687</u>	<u>2,087,135</u>
4 Receivables		
Prepayments	243,355	252,325
Trade debtors	102,241	224,983
Total Receivables	<u>345,596</u>	<u>477,308</u>
5 Other Financial Assets - Non- current		
Shares in Barristers' Chambers Limited at Cost (BCL)	<u>5,016,300</u>	<u>4,516,300</u>
(a) BCL is a wholly owned subsidiary of the company. BCL prepares separate financial statements which are subject to independent audit by Deloitte Touche Tohmatsu, Chartered Accountants.		
(b) The company has an agreement with Barristers' Chambers Limited that it will subscribe and pay for shares in BCL to the value of \$500,000 in June each year until 30 June 2009. The agreement will terminate if BCL becomes insolvent, has an administrator appointed, has an application made for its winding up or does not proceed with the refurbishment of Owen Dixon Chambers East (ODCE). The refurbishment of ODCE was completed during the 2003/04 financial year.		
(c) The audited financial report of BCL at 30 June 2006, prepared in accordance with A-IFRS, shows that its net assets at that date were \$38,737,414 (2005: \$34,257,104) which include freehold land and buildings with a written down value of \$39,660,028. (2005: \$40,709,250) The directors of BCL stated in the financial report that they believe that the carrying amounts of these land and buildings are equal to or approximate market value, having been re-valued at 30 June 2005 by independent valuers. Such valuation was made on the basis of open market value. In July 2007 the management of BCL indicated that there has been no material change in the net assets position of BCL during the year ended 30 June 2007.		

6 Property, Plant and Equipment		
Equipment	180,518	239,321
Provision for depreciation	(118,743)	(219,673)
Total equipment	<u>61,775</u>	<u>19,648</u>
Office furniture	59,367	39,701
Provision for depreciation	(31,166)	(26,128)
Total office furniture	<u>28,201</u>	<u>13,573</u>
Art works	89,492	61,764
Provision for depreciation	(40,526)	(34,290)
Total art works	<u>48,966</u>	<u>27,474</u>
Library	252,482	252,482
Provision for depreciation	(236,063)	(229,949)
Total library	<u>16,419</u>	<u>22,533</u>
Refurbishment -Douglas Menzies Chambers	390,658	390,658
Provision for depreciation	(390,658)	(381,778)
Total refurbishment	<u>-</u>	<u>8,880</u>
Leasehold improvements	103,289	103,289
Provision for amortisation	(101,757)	(75,274)
Total leasehold improvements	<u>1,532</u>	<u>28,015</u>
Total Property, Plant and Equipment	<u>156,893</u>	<u>120,123</u>
7 Provisions		
Employee Entitlements:		
Current	270,458	247,498
Non-current	14,855	5,150
	<u>285,313</u>	<u>252,648</u>
8 Payables		
Trade Creditors and accruals	107525	71,893
Subsidiary - Barristers' Chambers Ltd	73105	-
Related Party - The Essoign Club	16176	12,957
GST Net Payment	50318	71,803
Readers Fees in Advance	165759	276,207
Others	234727	149,733
	<u>647,610</u>	<u>582,593</u>
9 Accumulated Funds		
Balance at beginning of financial year	6,056,457	5,764,726
Net Profit	38,635	291,731
Balance at end of financial year	<u>6,095,092</u>	<u>6,056,457</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	792,134	730,604
Other financial assets (bank bills)	1,740,687	2,087,135
	<u>2,532,821</u>	<u>2,817,739</u>

(b) Reconciliation of profit for the year to net cash flows from operating activities

Profit for the year	38,635	291,731
Depreciation	59,844	108,958
Loss on disposal of non-current assets	-	3,691
Decrease Increase) in current assets (Receivables)	131,712	(30,850)
Increase Decrease) in current liabilities	50,453	229,970
Increase (Decrease) in non-current liabilities	9,705	(11,890)
Net cash provided by, (used in) operating activities	<u>290,349</u>	<u>591,610</u>

11 Remuneration of auditors

Audit of the financial report	12,000	12,700
Taxation services	42,672	49,002
Other non-audit services, financial statements content advice	635	2,155
	<u>55,307</u>	<u>63,857</u>

SPECIAL PURPOSE FINANCIAL REPORT THE VICTORIAN BAR INC

Officers' Declaration

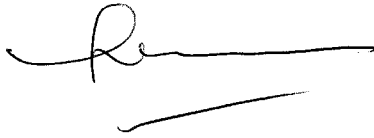
As detailed in Note 1 to the financial report, The Victorian Bar Inc is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to specifically satisfy all of their information 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:

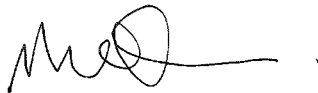
- (a) the attached financial statements and notes thereto comply with accounting standards as outlined in Note 1;
- (b) the attached financial statements and notes thereto give a true and fair view of the financial position and performance of the Victorian Bar Inc.;
- (c) in the Officers' opinion, the 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

Michael Shand
Chairman:



Michael Colbran
Honorary Treasurer:



Dated: 17/8/07

THE VICTORIAN BAR INC

Detailed Statement of Financial Performance for the Year Ended 30 June 2007 (Unaudited)

	Notes	2007 \$	2006 \$
Income			
Subscriptions		2,562,760	2,498,600
Sale of publications		2,022	631
Other income		7,373	3,728
LSB/LSC	1	934,293	1,154,791
Interest		160,433	165,623
Bar News advertising revenue		32,170	33,737
Entertainment receipts		56,724	55,228
Library copier card sales		2,101	1,979
Mediation Centre income		152,574	153,217
Readers' Course fees		315,392	305,233
Readers' Course entertainment receipts		13,443	13,130
Readers' Course photographs		375	(125)
Total Income		4,239,660	4,385,772
Expenses			
General Administration			
Archival costs		5,513	6,751
Audit, accounting and computer software		85,074	102,168
Australian Securities Commission		339	227
Bank charges		1,314	1,914
Conferences		33,804	14,877
Bar dinner and other functions		108,139	98,726
Bar News expenses		121,636	125,742
Depreciation		57,741	77,454
Donations		9,800	3,000
Floral tributes		4,582	5,500
Insurance		15,798	5,813
Legal Assistance Scheme costs		227,026	121,195
Library (including depreciation)		166,650	194,326
Miscellaneous		85	4,370
Postage		8,057	10,945
Printing and stationery		83,278	109,871
Publications		5,838	9,714
Rent to Barristers' Chambers Limited	2	311,689	326,064
Essoign rent and fit out	2	352,682	360,940
HR consultancy		8,342	-
Research studies and projects		110,295	141,109
Salaries & employee entitlements,			
Superannuation and Workcover costs		1,000,355	785,612
Telephone		4,492	8,435
Travel expenses		5,772	4,752
Australian Bar Association		82,450	41,125
Australasian Disputes Centre		2,727	-
International Bar Association		370	380
Law Council of Australia		155,163	144,669
Lawasia		909	909
LEADR		-	-
PILCH		6,815	6,615
Ethics Administration			
Salaries and expenses		415,763	683,952

Readers' Course and Continuing Legal Education		
Salaries, expenses and depreciation	643,476	541,529
Mediation Centre		
Salaries, expenses and depreciation	165,051	155,357
Total Expenses	4,201,025	4,094,041
Operating Profit	38,635	291,731
Accumulated Funds at the beginning of the financial year	6,056,457	5,764,726
Accumulated Funds at the end of the financial year	6,095,092	6,056,457

**NOTES TO THE DETAILED STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE 2007**

1 LSB/LSC Reimbursement and Contribution

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

Regulation	420,753	683,107
Registration	170,000	146,150
Bar News	28,000	32,054
Readers' Course and Legal Education	112,000	140,598
Library	48,540	45,792
Other		16,960
Legal Assistance Scheme	155,000	90,130
	934,293	1,154,791

In addition to the amounts stated above, the Legal Practice Board made a contribution of \$90,000 during the year towards the Bar's costs of responding to the Review of Civil Procedures.

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 fit out of that refurbished space over a ten year term. Part of the rent and fit out 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 2007**

**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 recipient, 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	\$3,771	Chairman/CEO
LCA Quarterly Meetings	\$9,559	LCA Representative/CEO
Australian Legal Convention	\$11,270	Chairman/Senior Vice- Chairman/Treasurer/LCA Representative/CEO
National Indigenous Legal Conference	\$2,400	Linda Lovett/Kaylene Hunter
Justice & Pro Bono Conference	\$818	R Macaw QC/CEO
ABA Judicial Appointments Forum	\$1,514	Chairman/CEO
LCA National Representation of Profession	\$1,046	LCA Representative/CEO
30th Anniversary of AAT	\$333	Chairman
New Silks Dinner	\$1,559	Chairman
NSW Bar Dinner	\$669	Chairman
QLD Bar Dinner	\$710	Chairman
Indigenous Barristers' Fund Launch	\$584	Professor M Dodson
	<hr/> \$34,234 <hr/>	
Donations		
Gift to Women Barristers' Association	\$800	
VLA 25th Anniversary Dinner	\$1,000	
AIJA National Indigenous Conference	\$500	
Grant to AustLII	\$7,500	
	<hr/> \$9,800 <hr/>	

