

2008

ANNUAL REPORT



THE
VICTORIAN
BAR



THE
VICTORIAN
BAR

Reg. No. A0034304S

Annual Report of The Victorian Bar Inc

FOR THE YEAR ENDED 30 JUNE 2008

*To be presented to the Annual General Meeting of The Victorian Bar Inc
to be held at 5.00 pm on Monday, 13 October 2008, in the Neil McPhee Room, Level 1,
Owen Dixon Chambers East, 205 William Street, Melbourne.*

Consolidated Entities

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
Web: www.vicbar.com.au

Barristers Chambers Ltd

Board of Directors

Paul Anastassiou S.C., (Chairman),
John Digby QC (Deputy Chairman),
Mark Derham QC, Michael Colbran QC,
Peter Lithgow, Caroline Kenny, Wendy Harris,
Matthew Walsh, Paul Connor and
Daryl Collins (Member/CEO)

The Melbourne Bar Pty Ltd

Board of Directors

David Beach S.C., Mark Settle

Other Entities

Bar Fund Pty Ltd

Board of Directors (as trustee for the Victorian Bar Superannuation Fund)

Philip Kennon QC (Chairman), Paul Cosgrave S.C.
(Deputy Chairman), Joseph Santamaria QC (Director),
David Collins S.C. (Director) and Stephen McLeish S.C.
(Director)

Barristers Benevolent Association of Victoria

Committee of Management

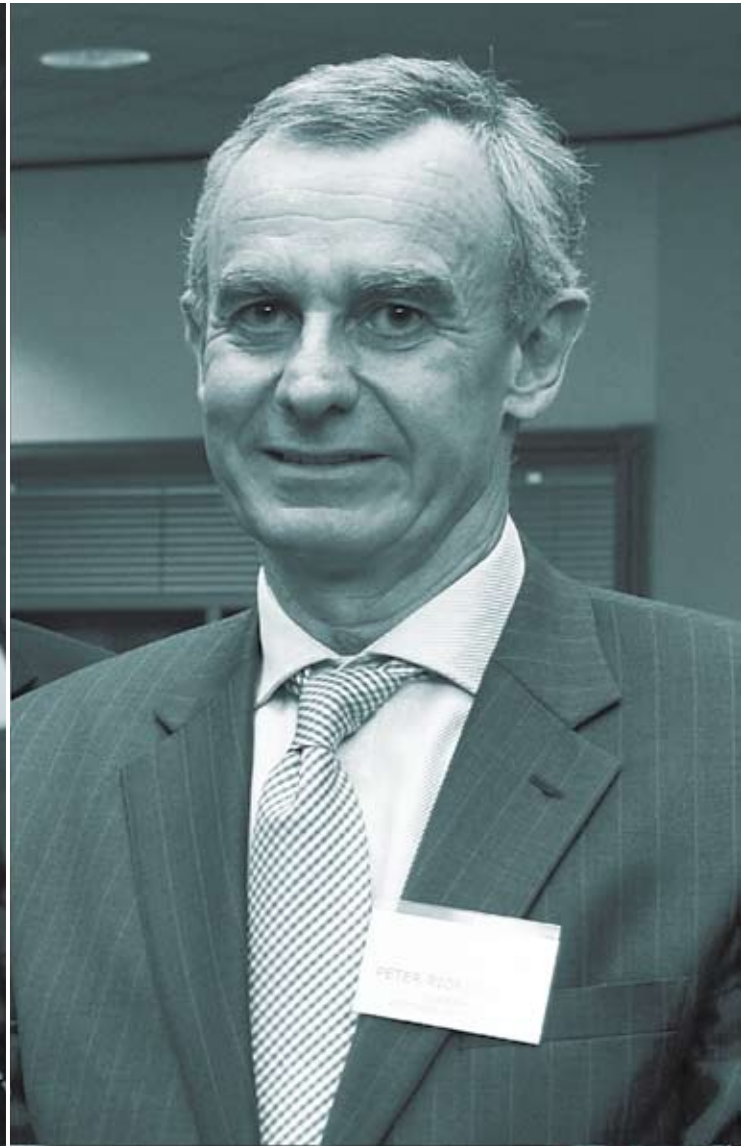
Peter Riordan S.C. (Chairman, Victorian Bar Council)
and Michael J Colbran QC (Junior Vice Chairman and
Honorary Treasurer, Victorian Bar Council)

Essoign Club Pty Ltd

Board of Directors

Colin Lovitt QC (Chairman), Philip Dunn QC
(Vice-Chairman), Christopher Blanden S.C., Michael Richards,
John Saunders, William Alstergren, Peter Crofts (Honorary
Treasurer), and Simone Bingham (Honorary Secretary)

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CHAIRMAN'S REPORT 1.0



Strong Financial Performance

The Bar Council is pleased to report a surplus from operations of The Victoria Bar Inc for the year ended 30 June 2008 of \$312,057 (\$38,635 2006/7).

After receiving a refund of the taxes paid by Barristers Chambers Limited ('BCL') for the four income tax years between 2003 and 2007 (with interest) the Bar's 2008 surplus is \$4,483,173.

The Balance Sheet of the Bar is considerably strengthened as at 30 June 2008 with cash available for investment of \$6.7 million.

Consolidated Accounts

Consolidated accounts of the Group Entities are presented for the first time.

The consolidated accounts show that the financial base of the Bar is very strong. This is testament to the foresight of earlier members who established this legacy for future members to benefit from truly open access to the Bar.

The Directors and staff of BCL deserve praise for the valuable job they have done in building the financial base of the company over the last decade. In 2008, they negotiated and fitted out four floors of 200 Queen Street following the unexpected termination in March 2007 of the lease on Latham Chambers.

Dividend from 'Mutualisation'

A consolidated group was registered for tax purposes in 2006 with retrospective effect back to 1 July 2003.

In March 2007 the Australian Taxation Office gave a ruling that the income of Barristers Chambers Limited from members of the Bar would be treated as mutual income.

In 2007/8, based on that ruling and the retrospective effect of the consolidated group registration, tax returns were lodged for the consolidated group for the years ended 30 June 2004, 2005, 2006 and 2007.

Due to its history of past tax losses the Bar had not paid instalments for any of those years. As a separate tax entity BCL had earned taxable income and had paid instalments for each of those years.

The consolidated group has been assessed for each of the above years. The group received a total of \$3,931,508 as tax refunds and \$237,563 as interest on overpaid tax. Accumulated tax losses for the group at 30 June 2007 are \$1,937,772.

In effect, by receiving the tax refunds of the consolidated group and receiving the benefit of tax losses, a value transfer of around \$5 million has flowed from BCL to the Bar, close to the amount contributed by the Bar since 1998 by way of share subscriptions.

Being Prepared

The last 20 years have brought far-reaching and rapid change to the business and professional environment in which barristers operate. Being prepared for and initiating needed change has strengthened the resolve of Bar Council to introduce greater clarity to its governance and decision-making.

The Strategic Planning Committee was formed over 12 months ago. In constructing the Strategic Plan, the Committee emphasised objectives that accorded with the core traditions and values of the Bar. The Strategic Plan received Bar Council approval at the weekend planning conference in April 2008.

As with all strategic plans, it is dynamic. We will review our performance against the Strategic Plan at regular intervals and report to members on that performance. Members can expect to see clearer alignment between decisions of Bar Council and the priorities contained within the Bar Strategic Plan. Outcomes will be more timely and predictable and delegations and accountability strengthened.

Special thanks go to the Committee of Mark K Moshinsky S.C. (Chair), G John Digby QC, Michael J Colbran QC, Paul G Lacava S.C. (until 27/5/08) Dr David J Neal S.C., William Alstergren, Charles E Shaw, Katharine (Kate) J D Anderson and Anthony G Burns.

Strategic Review

In June, the Bar Council engaged independent consultants to undertake a high level review of governance and administrative structures and practices of the Bar and in particular those relating to provision of barristers' chambers and the relationship between the Bar and Barristers Chambers Limited.

The consultant's report is expected in September. Nearly 500 members submitted responses to the survey which forms part of the review including over 1,000 comments.

Civil Justice Review

With the assistance of McKinsey & Co, the Bar issued its report *Reform of the Civil Justice System: a Major Opportunity to Improve Justice and Boost the Victorian Economy* in November 2007.

The wide acceptance and use of the material, information and insights of the Bar's report – commissioned by the Bar with funding support from the Legal Services Board – and its translation into direction and support for Civil Justice reform – is very positive – particularly now, as the Government assesses and weighs the recommendations of the Victorian Law Reform Commission Civil Justice Report.

Notably, the Chief Justice's work towards reforming the Supreme Court is in line with, and finds support in, the recommendations of the Bar's report.

Review of Legal Aid

The Bar Council engaged Price Waterhouse Coopers to undertake a *Review of the Fees Paid by Victoria Legal Aid to Barristers in Criminal Cases*.

A key finding of the April 2008 report is that, over the last 15 years, barristers practising in legal aid criminal law work experienced a real reduction in fees income of between 25% and 40% compared to a real rise of 15% in other professions.

The pro bono work of barristers continues to subsidise the criminal justice system. In the last survey of pro bono work – for the 2004/5 year – it was estimated that the Victorian Bar Legal Assistance Scheme dispensed in excess of 10,700 hours of pro bono work by barristers valued at over \$3.4 million. Extrapolated for 2006/7, this estimate rose to 11,500 hours at \$4.25 million. The results of the most recent survey for the last year are imminent.

The Government has brought forward its review of the operation and funding of Victoria Legal Aid.

The Bar Office as a Service Centre

The Bar Office has experienced considerable change in 2007/8. General Manager, Stephen Hare commenced on 1 August 2007 and during the year there has been a turnover in more than half of the staff members – in large part, the legacy of previous difficult years.

With efficiency and service level improvements work is being taken on by the Bar Office reversing the previous trend. Some

of the projects in which the Bar Office has played a major role this year are: the completion of consolidated tax returns; the introduction of the Professional Standards Scheme and the new National Mediator Accreditation Scheme; the Bar Council strategic planning conference and the Strategic Plan; servicing the needs of independent consultants (McKinsey's, PWC and Management Advisors); negotiating Bar offers such as LexisNexis, Thomsons etc; and review and reform of the Bar Constitution.

The Invaluable Work of Committees

The report of committee activities follows this report and I commend it to you. I thank every member who has participated in committee work, represented the Bar or taught in a Readers or CPD course for their service to the Bar in the last year – without you the Bar would not function.

I single out the work of two committees.

The health and well being of members is of fundamental importance to the Bar. The Health and Well Being Committee is commended, and in particular Philip Priest QC and Dr Michelle Sharpe, for its robust examination of our culture and opportunities for improvement, and its work towards empowering all members to share in the responsibility of contributing to their own health and well being, and thus that of the Bar.

The Duty Barristers Scheme is a significant addition to the Bar's work of giving more Victorians access to justice. I congratulate William Alstergren for his leadership and thank the entire committee including, in particular, Magistrate Leslie Fleming. Chief Magistrate Ian Gray supported the Scheme and has commended the Bar for our efforts.

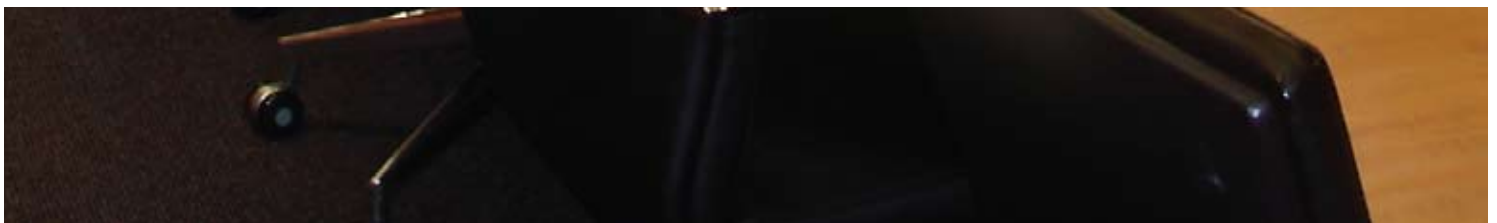
Thank You

It is a privilege to serve as Chairman of Bar Council. I thank the members of this year's Bar Council for their service to the Bar and for their support of me. In particular I thank the two Vice Chairmen John Digby QC and Michael Colbran QC and His Honour Judge Paul Lacava who was Senior Vice Chairman until his appointment to the County Court.

I am sure members would join me in expressing our appreciation to Stephen Hare and his staff in the Bar Office; and, in particular to Debbie Jones and Barbara Walsh, both of whom displayed exceptional commitment and service to the Bar in their very long periods of employment.



BAR COUNCIL AND BAR ADMINISTRATION 2.0





* Peter J Riordan S.C.	Chairman	A
* Paul G Lacava S.C.	Senior Vice Chairman (until 27 May 08)	A
* John Digby QC	Senior Vice Chairman (from 12 June 08)	A
* Michael Colbran QC	Junior Vice-Chairman and Honorary Treasurer (from 12 June 08)	A
* Katharine (Kate) J D Anderson	Assistant Honorary Treasurer	B
* Jacob (Jack) I Fajgenbaum QC		A
Phillip G Priest QC		A
Terence (Terry) M Forrest QC		A
Timothy P Tobin S.C.		A
* Fiona M McLeod S.C.		A
Jennifer Davies S.C.		A
Richard W McGarvie S.C.		A
* Mark K Moshinsky S.C.		B
Scott W Stuckey		B
* Sara L Hinchey		B
Martin L Grinberg (until 10 June 08)		B
* P Justin Hannebery		B
* Anthony G Burns		C
Daniel J Crennan		C
Miguel A Belmar Salas		C
Dr Michelle R Sharpe		C
Penelope A Neskovicin	Honorary Secretary	
Simon T Pitt	Assistant Honorary Secretary	

* Denotes a Member of the Executive Committee

Category A – Eleven counsel who are Queens Counsel or Senior Counsel or are of not less than 15 years standing

B – Six counsel who are not Queens Counsel or Senior Counsel who are of not more than 15 and not less than 6 years standing

C – Four counsel who are not Queens Counsel or Senior Counsel and who are of less than 6 years standing

Office of the General Manager

Stephen Hare	General Manager
Denise Bennett	Executive Officer

Professional Development Department

Mark Halse	Manager
Deborah Morris	Legal Education Officer – Readers
Peita Hansen	Administrative Assistant - Legal Education

Administration Department

Daphne Ioannidis	Administrative Assistant – Membership
Alison Adams	Archivist
James Mortley	Reception/Administrative Assistant
Miriam Sved	Web Administration/Newsletter Editor

Finance & Accounting

Malkanthi Bowatta	Financial Controller
Bruce Timbs	Senior Accountant (Part time)

Senior Legal Officer

Ross Nankivell

Manager, Compliance

Alison Rock

Mediation Centre

Helen Henry
Pat Lurye
Sara Pearson
Helen Babbage





THE VICTORIAN BAR IN CONTEXT 3.0



The Victorian Bar Inc

The Victorian Bar is a voluntary professional association of barristers who practise in Victoria. "Barrister" is defined in the *Legal Profession Act 2004* (Vic) as "an Australian legal practitioner who engages in legal practice solely as a barrister".

Since 1891, Victoria has had a fused or amalgamated legal profession. That is, there has been a single admission to practice as a Barrister and Solicitor of the Supreme Court of Victoria.

The terminology changed with the current *Legal Profession Act 2004* (Vic) to admission as an "Australian lawyer" and licensing to practise as an "Australian legal practitioner" and "local legal practitioner".

The independent barrister is, in the words of Sir Owen Dixon, "the barrister [whose duty it is] to stand between the subject and the Crown, and between the rich and the poor, the powerful and the weak . . . [who is] completely independent and work[s] entirely as an individual . . . owing allegiance to none" is one who chooses to "engage in legal practice solely as a barrister" – one who voluntarily sets him or herself apart from those who practise as solicitors, or as barristers & solicitors, or as legal practitioners generally.

The Victorian Bar is the professional association of barristers in Victoria. Since the establishment of the Bar Roll in September 1900, each barrister has undertaken that he or she will "not practise . . . otherwise than as counsel". "Barrister" and "counsel" are synonymous.

This division of the legal profession into barristers and those who do not practise solely as barristers is recognised in the 2004 Act.

There is only a single admission as an Australian lawyer. There is a single system of licensing and regulation as an Australian or local legal practitioner by the Legal Services Board. There is a single system of complaints and discipline by the Legal Services Commissioner.

There is, however, recognition of barristers, and of the divided profession, by provision for two sets of legal profession rules – rules about legal practice: rules for barristers made by the Victorian Bar, and rules for those not practising as barristers made by the Law Institute of Victoria – in each case, with the approval of the Board.

Thus the Victorian Bar is a private, voluntary, self-funded, non-profit professional association of barristers that has responsibility under the 2004 Act for making the legal profession rules that govern barristers – to which the Legal Services Board has delegated functions such as the receipt and processing of applications for practising certificates by barristers. The Legal Services Commissioner, on a case by case basis, refers to the Ethics Committee of the Victorian Bar complaints against barristers for investigation and report.

The Victorian Bar contributes to the administration of justice and to the rule of law in a number of important ways, such as in:

- maintaining the integrity of a strong independent Bar as an integral part of our democracy and its system of law and justice;
- contributing to public discussion and debate;
- consultation and dialogue with governments, both State and Commonwealth, and with law reform agencies;
- working and liaising with the Law Institute of Victoria, and with the other independent Bars and Law Societies throughout Australia and with the Australian Bar Association and the Law Council of Australia;
- providing and organising pro bono representation and legal assistance;
- the promotion of mediation and other forms of alternative dispute resolution;
- continuing professional development and legal education; and
- the establishment and ongoing provision of advocacy training in the South Pacific region.

The Bar provides specialist training in advocacy and in the ethics of advocacy for practitioners wishing to come to the Bar, and a system of nine-months pupillage, in which, without fee or charge, the pupil is accommodated in the chambers of his or her mentor (a barrister of at least 10 years standing) and receives instruction, insight into the mentor's practice and support.

Through Barristers Chambers Limited, the Bar seeks to provide suitable and affordable chambers accommodation for its members – accommodation which does not involve substantial capital outlay which would otherwise act as a significant barrier to entry – and which promotes the collegial, open-door tradition of the Bar.

The collegial tradition is also fostered in the independent sets of chambers established by members of the Bar that continue to grow and flourish – providing variety and choice – including chambers with a specific practice area focus.

The Bar has established a network of licensed clerks who provide an administrative framework of support for barristers, including the facility of a trust account into which fees on account may be received.

The Legislative Framework of the 2004 Act

The 2004 Act is based in the national model provisions for the regulation of the legal profession and the move towards a national profession.

Other jurisdictions including, for example, New South Wales and Queensland, vest certain regulatory responsibilities directly in the Bar Association and Law Society. The 2004 Victorian Act does not.

The 2004 Victorian Act provides that a principal purpose in the new Victorian regulation is “by . . . establishing new bodies responsible for regulating the profession” – s. 1.1.1(a)(ii).

So, under the 2004 Victorian Act, although there is provision for delegation and referral, all regulatory power is vested in the Legal Services Board and all power in relation to complaints and discipline is vested in the Legal Services Commissioner.



COMMITTEE AND
BAR ASSOCIATION REPORTS 3.1

(NOT ELSEWHERE REPORTED)

Bar Clerking Committee

Michael J Colbran QC (Chair), Ronald KJ Meldrum QC,
 Ross H Gillies QC, Christopher Dane QC,
 John T (Jack) Rush RFD QC, Philip A Dunn QC,
 Brendan A Murphy QC, Nicholas JD Green QC,
 Dr Clyde Croft S.C., Vincent A Morfuni S.C.,
 Barry J Hess S.C., Paul J Cosgrove S.C.,
 Dr Gregory J Lyon S.C., Michael J Wood,
 and Miguel A Belmar Salas.

Counsel Committee

Michael J Colbran QC (Chair), Fiona M McLeod S.C.,
 Scott W Stuckey, Katharine (Kate) J D Anderson,
 Anthony G Burns, Penelope (Penny) A Neskovicin (Honorary
 Secretary) and Simon T Pitt (Assistant Honorary Secretary)

Past Practising Chairmen's Committee

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

**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 J Donaghey,
 Penelope (Penny) A Neskovicin, Liza M Powderly,
 and John D Stevens.

Victorian Bar News

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

**Bar Council/Barristers Chambers Limited Liaison
Committee**

Peter J Riordan S.C. (Chair), G John Digby QC,
 Michael J Colbran QC, Timothy P Tobin S.C.,
 Paul E Anastassiou S.C., Mark K Moshinsky S.C.,
 Katherine (Kate) JD Anderson, Dr Michelle R Sharpe,
 Daryl F Collins, and Stephen Hare.

Bar/BCL Communications Committee

Mark Derham QC (Chair), Michael W Shand QC,
 David S Levin QC, Peter W Lithgow, William E M Lye,
 Geoffrey Bartlett (BCL), and Michael Feramez.

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)

His Honour Judge Christopher O'Neill
 and Mary Anne Hartley

Police/Lawyers Liaison Committee

Ian D Hill QC (Chair), Warwick J Walsh-Buckley (Criminal Bar
 Assoc Representative)

Chairs of List Committees

List A	-	Dr Clyde E Croft S.C.
List B	-	Dr 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	-	Patrick Tehan QC
List M	-	Christopher Dane QC
List P	-	Nicholas J D Green QC
List R	-	Barry J Hess S.C.
List S	-	Michael Thompson S.C.
List W	-	Brendan A Murphy QC

Note: Names of the Committee/Executive members of each
 body are listed in a light blue box.

The following reports from the respective Chairmen of Bar Committees and BCL have been prepared by the Victorian Bar. A full version of each Chairman's report is available on the VicBar website and the BCL website as applicable.

Maintaining Professional Standards

The Bar Committees engaged in maintaining professional standards are the:

- Applications Review Committee;
- Ethics Committee;
- Professional Standards Committee; and
- Dispute Resolution Committee.

Applications Review Committee

Chaired by John Digby QC, Senior Vice-Chairman of the Bar Council, this Committee reviews all applications to join the Bar – to sign the Bar Roll.

There is a wide spectrum of training and experience in those who apply to sign the Roll. Some have only recently been admitted to practice – occasionally, an applicant is on the verge of being admitted. Many have practised as a solicitor for some years – some as a partner and for decades. There are also those who are, or have been, barristers in other jurisdictions.

This Committee reviews applications for dispensation or variation of any of the Reading Regulations requirements – for example, to dispense with the Bar Readers Course; to dispense with or reduce the 3 months non-brief period or the 9 months reading period; or for permission to retain a practising certificate for limited purposes during the Readers Course.

The Applications Review Committee also undertakes the role of dealing with issues arising in relation to the selection of Mentors for Readers, including Senior Mentors.

Either the Honorary Secretary or Assistant Honorary Secretary, both of whom are *ex officio* members of this Committee, interviews each applicant to sign the Bar Roll.

The Committee also considers character and fitness issues, both in relation to applicants to sign the Roll and in relation to disclosures in applications for a practising certificate, or for the annual renewal of a practising certificate.

In all these matters, the Applications Review Committee reports and makes recommendations to the Bar Council.

Applications Review Committee

*G John Digby QC (Chair), Michael J Colbran QC,
* Terence (Terry) P Murphy S.C., * Timothy J Ginnane S.C.,
* Michael F Wheelahan S.C., Tomaso Di Lallo, Dr Dorothy Kovacs, Caroline M Kenny, Caroline E Kirton, William Alstergren, Gregory P Harris, *Kevin J A Lyons, Roisin N Annesley,
* Katharine (Kate) J D Anderson, Daniel C Harrison,
* Penelope A Neskovicin (Honorary Secretary) and * Simon T Pitt (Assistant Honorary Secretary) – with support from successively Barbara Walsh and Mark Halse (each Manager, Professional Development) and Deborah Morris (Legal Education Officer)*

() Member of the Show Cause Sub-Committee chaired successively by Michael Wheelahan S.C. and Terence (Terry) Murphy S.C.*

During the reporting period, the Committee held 4 formal meetings at which it addressed and passed resolutions in relation to approximately 54 applications.

In addition to formal meetings, the Committee consulted on numerous occasions by telephone and email in order to consider and resolve urgent matters.

The Chairman of the Applications Review Committee extends his thanks to all members of the Applications Review Committee for their considerable and diligent work throughout the reporting period.

The Show Cause Sub-committee chaired successively by Michael Wheelahan S.C. and Terence (Terry) Murphy S.C., considered and delivered detailed written reports and recommendations to the Bar Council in respect of approximately 25 show cause matters.

The Chairman thanks all members of the Committee and, in particular, Michael Wheelahan S.C., Terence (Terry) Murphy S.C., and those who served with them on the Show Cause Sub-Committee.

He thanks Deborah Morris for her diligent work, and Barbara Walsh for her enormous assistance to the Committee over many years.

3.1 *Committee and Bar Association Reports*

MAINTAINING PROFESSIONAL STANDARDS

Ethics Committee

Chaired by Jennifer Davies S.C., a member of the Bar Council, the Ethics Committee is one of only two Committees established in the Bar Constitution rather than in the general discretion of the Bar Council.

Routinely, except during legal vacations, the Ethics Committee meets fortnightly. Members of the Committee are also available at any time for advice, guidance or a ruling on the Bar Practice Rules – the Rules of Conduct – and their application.

Historically, the Committee was responsible for all aspects of the Rules of Conduct and their operation and enforcement. The Bar Ethics Committee received and dealt with all complaints against, and discipline of, barristers, both as a committee of the Bar and under the statute, exercising the discretion and judgment amongst other things to dismiss a complaint as frivolous, vexatious, misconceived or lacking in substance, or to bring a charge in the Legal Profession Tribunal.

The *Legal Profession Act* 2004 (Vic) vested exclusive power in the Legal Services Commissioner over all complaints and discipline. Under that Act, all complaints are to the Commissioner, and the Commissioner has only limited powers of delegation outside the Commission. The Commissioner cannot delegate outside the Commission the functions of receiving complaints, or of investigation, referral or summary dismissal. Referrals of disciplinary complaints for investigation and report are on a case by case basis – and the referral is limited to investigation and report, and is subject to any directions the Commissioner may give. All determinations are by the Commissioner alone – whether to dismiss, take no further action, or to apply to VCAT.

The Ethics Committee accepts referrals from the Commissioner and investigates and reports on such complaints as are referred.

The Commissioner has delegated to the Ethics Committee her responsibility and power to attempt to resolve civil disputes under the Act involving barristers – taking such action as is considered necessary to assist the parties to reach agreement.

The Bar Practice Rules are, under the *Legal Profession Act* 2004, binding on all barristers. Under those Rules, the Ethics Committee – or, in cases of urgency, a member of the Ethics Committee – is to rule on any matter not specifically covered by the Practice Rules, and may give dispensation from any Rule.

The Ethics Committee and its members continue to give advice, guidance and rulings on, and dispensations from, the Practice Rules.

Ethics Committee

*Jennifer Davies S.C. (Chair), Douglas R Meagher QC,
Paul A Willee RFD QC, Joseph G Santamaria QC,*

*Malcolm R Titshall QC, Jeremy H Gobbo QC,
Richard J Manly S.C., Jeremy W St John S.C.,
Richard W McGarvie S.C., Mark K Moshinsky S.C.,
Aaron Shwartz, Ian S Williams, Caroline E Kirton,
William Alstergren and Charles E Shaw – with
support successively from Debbie Jones then
Alison Rock (each Manager, Compliance)*

*“The Ethics
Committee
continue to
give advice,
guidance
and rulings”*

Since the last report the Committee has met 23 times and given around 70 rulings and five dispensations as well as guidance to individual barristers.

In October 2007, a Protocol Document and Service Level Agreement was established between the Legal Services Commissioner and the Ethics Committee. The intent of the Agreement is to allow for the services provided to the LSC by the Ethics Committee in attempting to resolve civil disputes and investigating disciplinary complaints to be assessed against agreed measures and minimum standards.

Paul Lacava S.C. stepped down from the Ethics Committee in October 2007 after having served on the Committee for ten consecutive years, including as Chairman for the last two years. The Committee records its gratitude to him for his hard work, dedication and endeavours on behalf of the Committee and his guidance of the Committee through the introduction of the *Legal Profession Act* 2004. It also congratulates him on his well-deserved appointment to the County Court.

During the course of the year William Lally QC and Pauline Shiff retired with the gratitude of the Committee and the Bar for their six years of dedication and service. Richard McGarvie S.C. and William Alstergren were appointed to the Committee.

On 13 June 2008, Debbie Jones resigned her position as Manager, Ethics and Investigations. The Committee acknowledged her 22 year-long service and dedication, recording its gratitude for her outstanding work and in particular, her loyalty to the many members of counsel who have served on the Committee over those years and her insights and observations based in long experience working with the Committee.

Mediation and Arbitration

Historically, the Bar opposed the establishment of a National Mediator Accreditation System, particularly one that would apply to legal practitioners. It pointed to the comprehensive Bar Scheme of Mediator and Advanced Mediator Accreditation established in 2006, requiring biennial re-accreditation, and to parallel schemes such as the Law Institute of Victoria accreditation and specialist schemes. It noted that Victorian legal practitioners are regulated by the *Legal Profession Act* 2004, and that any and all complaints against legal practitioners can be made only to the Legal Services Commissioner and are in the exclusive jurisdiction of the Commissioner.

The proposal for the National Mediator Accreditation System came from and is strongly supported by, NADRAC – the National Alternative Dispute Resolution Advisory Committee of the Commonwealth Attorney-General's Department. Justice Murray Kellam of the Victorian Court of Appeal is President of NADRAC and Warwick Soden, the Principal Registrar of the Federal Court, is a member.

The Dispute Resolution Committee reconsidered its position in light of NADRAC's strong support and the likelihood that accreditation under the National System would become the standard in relation to court connected mediation. The Law Council urged constituent bodies to become involved. The Dispute Resolution Committee therefore recommended and the Bar Council resolved that the Bar become a Recognised Mediator Accreditation Body ("RMAB") under the National System as and from 1 February 2008.

RMABs now include the Federal Court of Australia, the Australian Industrial Relations Commission and VCAT, as well as the Victorian, New South Wales and Queensland Bars, the Law Institute of Victoria and the Law Societies of New South Wales, Queensland, South Australia and Tasmania.

Accreditations under the 2006 Victorian Bar Scheme continued in force until 30 June 2008. All Mediator accreditations by the Victorian Bar now are under the National System and all Advanced Mediator accreditations are under the Bar scheme connected with the National System.

Dispute Resolution Committee

** Michael D G Heaton QC (Chair), * Henry Jolson QC, Gerald A Lewis S.C., Iain R Jones S.C., Michael J O'Brien, Julian G Ireland, Gerald A Hardy, Peter FJ Condliffe, * Franz J Holzer, Mark G Hebblewhite, James W Kewley, Carmel M Morfuni, Carolyn H Sparke, Danielle S Huntersmith, Cornelia N Fourfouris-Mack, * Dr C Elizabeth Brophy, Peter F Agardy, * Anthony Elder.*

() Member of the Accreditation Sub-Committee Chaired by Daniel Huntersmith and greatly assisted by Ross Nankivell*

The Dispute Resolution Committee accredits mediators, conducts continuing education programs for mediators and reviews legislation relating to ADR, refers relevant issues to the Bar Council and promotes the use of the Victorian Bar Dispute Resolution Centre

Since the last report, the Committee

1. made a substantial written submission (and subsequent oral presentation) to the Parliament of Victoria Law Reform Committee Alternative Dispute Resolution Discussion Paper of September 2007, largely through the work of Anthony Nolan S.C. (Chair), Michael Heaton QC, Danielle Huntersmith, Albert Monichino, Peter Condliffe, Franz Holzer, Tony Elder and Caroline Gwynn.

2. made a substantial submission on the draft Australian Mediator Approval and Practice Standards largely through Danielle Huntersmith and Henry Jolson QC - significant modifications were made to the Final National Mediator Approval and Practice Standards which accorded with the Bar's submission.

3. was instrumental in the Victorian Bar becoming an RMAB and adopting its own Advanced Mediator Accreditation Scheme
4. created forms and agreements to facilitate accreditation under the National Standards
5. accredited (or with applications pending) 214 members under the National Mediator Accreditation Scheme and 35 under the Advanced Mediator Accreditation Scheme
6. increased CPD initiatives and liaison

Professional Standards Scheme

Historically, the Bar Council opposed any statutory scheme to limit liability for professional negligence. In light of widespread interest and expressed intention to join such statutory schemes on the part of Law Societies and Bars across Australia, the Bar Council reconsidered the issue. Detailed information was put to the Bar, and comments were invited. Without a Bar Scheme, no member of the Victorian Bar would have been able to obtain the protection offered by the *Professional Standards Act 2003* (Vic).

After careful consideration, the Bar Council decided on 2 March 2006 to support the establishment of a Bar Scheme. The Bar applied in June 2007. The Bar Scheme was approved and gazetted in April 2008 to commence on 1 July 2008.

The *Professional Standards Act* requires the adoption of risk management strategies and annual reporting on such strategies, and on findings and conclusions of the committee monitoring and analysing claims against members.

Under the Bar Scheme, for those members of the Bar enrolled in it, liability for what the Act describes as “occupational liability” is capped at \$2 million (or such higher amount as a member elects and the Bar Council approves).

Professional Standards Scheme Committee

Mark B Derham QC (Chair), Robin A Brett QC, Michael W Shand QC, Caroline M Kenny, Gerard L Meehan, Cahal G Fairfield.

The Bar is indebted to Michael Shand QC, ably assisted by Robin Brett QC, Peter Riordan S.C., Kerri Judd S.C. and Cahal Fairfield for the considerable work in preparing the application for the Scheme and particularly to Michael Shand QC for ensuring that the application was approved and gazetted, and then implemented by the Bar Council.

Following the notification that the Victorian Bar Scheme had been approved, on 26 May 2008 the Chairman invited members interested in doing so to apply to enrol in the Bar Scheme. On 1 July 2008, the Scheme commenced with 331 members (383 at 8 September 2008).

Continuing Education Contributes to Excellence

The Bar Committees directly engaged in continuing legal education are the:

- Readers Course Committee;
- Continuing Professional Development Committee; and
- Professional Standards Education Committee.

The Readers Course

The first Bar Readers Course began on Monday 3 March 1980 with 27 Readers. At the same time, the 6-months period of pupillage was extended to 9 months, beginning with a 3-months non-brief period.

From the very outset, the course model was one of total participation by the Readers. Advocacy skills are learned through actual performance by the reader of simulated court appearances, followed by detailed assessment and instruction relating to the performance. Lectures are kept to a minimum.

The Victorian Bar Readers Course was the first in Australia. It is still the most substantial – the equivalent New South Wales course is 4 weeks; the equivalent Queensland course is 6 weeks; the Victorian course is a concentrated 12 weeks.

Victorian Judges, Masters and Magistrates of every court both State and Commonwealth, and barristers, both senior and junior, participate in the instruction. Members of the Victoria Police participate in criminal moots.

Since 1987, the Bar has provided places in each Readers Course to lawyers in the South Pacific Region. More than 100 lawyers from Papua New Guinea, Vanuatu, the Solomon Islands, Fiji and Indonesia have now taken the Victorian Bar Readers Course.

Readers Course Committee

Ian D Hill QC (Chair), The Honourable Justice David L Harper, The Honourable Justice John H L Forrest, His Honour Judge David A Parsons, His Honour Magistrate Martin L Grinberg, 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, Peter Fox, Nicola M Gobbo, Joyce G Tooher and Anthony G Burns – with support successively from Barbara Walsh then Mark Halse (each Manager, Professional Development) and Deborah Morris (Legal Education Officer)

The Readers Course Committee monitors the operation of the Course and the reading requirements.

During the past twelve months the Victorian Bar has conducted two highly successful Readers Courses, each of 12 weeks duration. The September 2007 Course comprised 49 readers, including one practitioner from Papua New Guinea and two from Vanuatu. In the March 2008 Course there were 46 readers, including one from Papua New Guinea, one from Fiji and one from Vanuatu.

The involvement and contributions of the judiciary, mentors and instructors from the Bar is invaluable.

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, the Victorian Bar also conducted a one week advocacy training workshop in Port Moresby, Papua New Guinea, for the Legal Training Institute.

Continuing Professional Development

The Victorian Bar Continuing Legal Education ("CLE") program was launched by Chief Justice Michael Black AC of the Federal Court of Australia on 31 July 2002.

From the very outset it was intended that CLE be required of all practising barristers. However, the initial program was an extension of the Readers Course, requiring of each Readers Course that those barristers complete 10 hours of CLE in each successive year for a period of 3 years.

The Compulsory CLE program of universal application to all practising barristers was launched on 17 December 2003 and began operation on 1 February 2004.

This marked the culmination of efforts by successive Bar Chairmen, Mark Derham QC, Robert Redlich QC, John (Jack) Rush QC and Robin Brett QC. Ross Ray QC chaired the CLE Steering Committee that delivered the first program. Justice Geoffrey Nettle chaired the Committee that delivered and implemented the fully-fledged, universal program.

The first program was incorporated into the Reading requirements. The second was based in the Bar Practice Rules. The current Bar CPD Rules, which came into effect 1 April 2008, changed the terminology from CLE (Continuing Legal Education) to CPD (Continuing Professional Development). They are binding on every barrister under the *Legal Profession Act 2004*.

Every practising barrister is required to keep a record of CPD activities and to certify compliance for the previous CPD year (ending 31 March) in the application for annual renewal of his or her practising certificate.

For many years before the introduction of these structured programs, the various specialist subject-area Bar Associations organised presentations and seminars. They continue to do so, and their offerings are the substance of the Bar CPD program. The Bar program is of direct relevance to practice as a barrister, comprehensive in its scope and of extremely high quality. The Bar program of CPD activities is open to all members of the Victorian Bar without charge.

Continuing Professional Development Committee

Jeremy Ruskin QC (Chair), Patrick Over (Honorary Secretary), John T (Jack) Rush RFD QC, Terence (Terry) M Forrest QC, David F R Beach S.C., Paul J Hayes, Stephen A O'Meara, Gerard P Mullaly and Samuel G Hooper – with support successively from Barbara Walsh and Mark Halse (each Manager Professional Development)

The Committee has responsibility for ensuring the high quality of 'in house' CPD lectures and for accreditation of outside lectures which conform with the Bar CPD rules according to the following criteria:

- They have significant intellectual or practical content dealing primarily with matters related to the practice of the law;
- They are conducted by persons who are qualified by practical or academic experience in the subject covered;
- They extend the barrister's knowledge and skills in areas relevant to the barrister's practice; and consist in such matters as lectures, publication of a learned book, teaching, membership of important committees, participation in advanced study courses and reporting for Commonwealth Law Reports, Victorian Law Reports and the like.

Also the Committee reviews and addresses situations in which barristers have been unable to conform to the rules – for example by reason of matters such as illness, pregnancy and absence from the jurisdiction.

Towards the end of 2007 the Chair met with the LSB Continuing Education Committee and in a cooperative climate, negotiated the transition to changed requirements while maintaining the integrity of the Bar scheme.

On the 1st of April 2008 the new framework for CPD became operative. The rules of the Bar sit under the head rules of the LSB which has delegated its function under the head rules so that the Bar can effectively monitor and supervise the continuing education of members of the Bar.

Streaming of CPD activity over the web was a new innovation during the year.

Professional Standards Education

The Professional Standards Education Committee was established as a specialist committee on education in standards of professional practice – education to Bar Readers and to the Bar at large through the Bar CLE/CPD program – and, in particular, to produce and publish the *Good Conduct Guide: Professional Standards for Victorian Barristers* – which was published and launched on 18 October 2006.

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, Pat Zappia, Laura Colla, Susan K Gatford, RE Tyson Wodak.

Since the last report, the Committee

1. developed the policy, ratified by Bar Council, covering commercialisation and marketing of the Good Conduct Guide.
2. conducted an evening seminar, to establish informal liaisons with ethics lecturers at Melbourne's universities to enable
 - a. sharing of practical experience from counsel's perspective of the occurrence and resolution of every-day ethical dilemmas
 - b. accessing resources existing in Universities in the area of legal ethics to assist in the updating of the Good Conduct Guide and presenting of CPD material to the Bar.
3. designed and implemented a program for revising and reprinting the next edition of the Good Conduct Guide



**MAINTAINING GOOD HEALTH
AND WELL BEING 3.3**



Health and Wellbeing Committee (formerly the Bar Care Committee)

Phillip G Priest QC (Chair), Frank X Costigan QC, David E Curtain QC, Richard JH Maidment S.C., Timothy P Tobin S.C., Debra S Mortimer S.C., Fiona M McLeod S.C., Richard W McGarvie S.C., Dr Ian R L Freckelton S.C., Joy S Elleray, Joshua D Wilson, Franz J Holzer, Mark A Robins, Melanie P Young, Sara L Hinchey, Peter Fox, Daniel G Aghion, Carrie G Rome-Sievers, Charles E Shaw, Sarah L Fregon and Dr Michelle R Sharpe, with support from Stephen Hare (General Manager)

The Health and Well-Being Committee promotes cultural change at the Bar conducive to good mental health and provides support systems for members of the Bar.

The Committee hosted two seminars, to raise awareness about mental health issues and provide some practical advice on how to deal with such issues. The Committee also assisted the New Barristers Standing Committee in organizing a seminar on meeting taxation obligations an issue identified as a source of some anxiety for barristers, particularly new barristers. On behalf of the Committee, Fiona McLeod S.C. spoke to the Readers about dealing with stress at the Bar.

The Committee is currently liaising with Dr Norman Kelk of the University of Sydney to arrange for the Bar to participate in the Depression Literacy Survey. The aim of the survey is to gather empirical data on the awareness of mental health issues and resources in the legal profession.

The Committee has reviewed the effectiveness of its existing counselling services and is researching ways in which this can be broadened. This research has included:

- Meeting with four national Employee Assistance Program (EAP) providers;
- Meeting with the Victorian Doctors Health Program (VDHP);

- Meeting with the Chairman of the Medical Practitioners Board Health Committee;
- Discussions with the Law Institute of Victoria

The Committee is also exploring the range of resources that might be made available to members online. Through Bar Administration and in conjunction with the Law Institute of Victoria an application has been made to the Legal Services Board for funding for online tools and educational resources.

The Committee has provided support and assistance to two barristers dealing with mental health issues over the past year.

In the past year Paul Lacava S.C. was appointed as a judge in the County Court and was replaced by Phillip Priest QC as Chairman. The Committee has more than doubled in size.



The Victorian Bar Care Scheme

The Bar Care Scheme was established in 2002 to provide counselling services 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 is adversely affected by the pressures of professional and personal life.

The Scheme enables members to immediately access a confidential counselling service from which they can obtain assistance with emotional and stress related pressures arising from family or marital problems, multiple life stressors, drug or alcohol dependency, and practice pressures.

The Cairnmiller Institute (993 Burke Road, Camberwell, 3124 telephone 9813 3400) is the initial referral point for the Bar Care Scheme.

The Institute's 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 scheme is available to any member of the Bar and their immediate family. The cost of up to six consultations and referrals will be met by the Victorian Bar. For assistance members need only contact the Institute and establish that they are a member of the Bar.

During the year to 30 June 2008, sixteen members obtained-sought assistance under the Scheme.

Support for New Barristers

New Barristers Committee

Simon T Pitt (Chair), Michele J Brooks (Deputy Chair), Mayada Dib (Secretary), Dugald McWilliams (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, Bree Y Knoester, Ruth E Hamnett, Rob O'Neill, Amelia J Macknay, Emily CV Porter.

The Bar encourages new members to get involved in life at the Bar and provides formal structures and activities to assist new members to become accustomed to, and get established at the Bar. It is also most important that new barristers have the opportunity to establish networks and support structures. Many of the associations formed in these early years will endure throughout their careers. The New Barristers Committee facilitates the orientation of new barristers by providing training and guidance, relevant publications and opportunities for sharing experiences and support with colleagues of similar age and time in the profession through social and other activities.

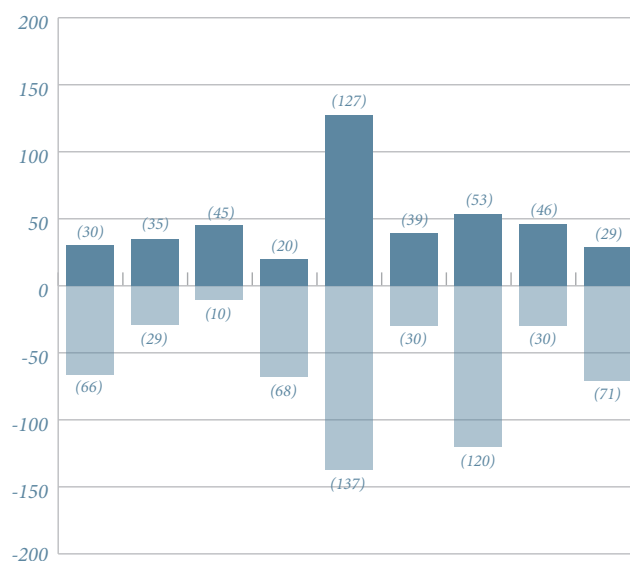
Since the last report the committee has met 6 times and:

- Published the Victorian Bar Exit Survey;
- Represented the Victorian Bar at Law Council of Australia meetings and functions in Canberra (July 2007), Hobart (November 2007) and Canberra (May 2008);
- Organised several successful social functions for new barristers;
- Ensured that the Victorian Bar CPD program remains relevant to new Barristers by arranging several seminar topics aimed directly at the junior Bar;
- Produced an updated version of its popular "NBSC Guide to the Bar";
- Presented to the Readers Courses in November 2007 and May 2008; and
- Assisted with the re-implementation of the Duty Barristers Scheme.

The Committee extends thanks for the contribution made by those members leaving the committee since the last report including Lisa Lo Piccolo and Marita Foley.

The Committee of Management for the Association is the Victorian Bar Council through its Chairman and Honorary Treasurer.

**History of Subscriptions (Dark Blue)
and Grants/Loans (Light Blue) from 1999**



During 2007/2008 year, the Association made six payments to members, totalling \$25,801. Two were interest free loans and four were absolute grants (gifts).

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

Asset Class	Value \$000	Asset Split %	Yield %	Yield \$000
Cash	\$268	16.13	6.8	18
Fixed Interest	\$664	39.98	6.4	42
Aust'n Shares	\$729	43.89	2.8	20

Australian Shares are held in the Equity Trustee Flagship Fund. The return for a rolling 3 year period is around 23.91% compared to the ASX 200 Index return of 20.99%.

Fixed Interest investments are held in the Equity Trustees Mortgage Income Fund (yield around 6.4%) and PIMCO Wholesale Australian Bond Fund (yield around 5.3%).

	2008	2007
	\$	\$
Capital Fund	1,209,828	1,094,754
Opening Balance at 1 July	28,700	49,496
Receipts:		
Subscriptions Received During the Year	120,400,000	10,668
Loan Repayments Received	0	7,746
Imputation Credits Refund	125,332	80,164
Net Income Earned During the Year	1,484,260	1,239,828
Payments		
Grants	25,801	25,000
Loans	45,000	5,000
Total Payments to Members	70,801	30,000
Closing Balance at 30 June	1,413,459	1,209,828
Loans		
Opening Balance at 1 July	203,189	208,858
Add New Loans	45,000	5,000
Less Loan Repayments	(120,400)	(10,668)
Loans at 30 June 2008	127,789	203,190
Total Assets at 30 June	1,541,248	1,413,018
Amounts Held by Equity Trustees at 30 June 2008		
Flagship Fund	454,900	422,000
Wholesale Mortgage income Fund	313,938	250,978
PIMCO Wholesale Australian Bond Fund	376,898	250,978
Cash Management Fund	267,722	285,872
Total Assets at 30 June	1,413,459	1,209,828

Peter J Riordan S.C. and Michael J Colbran QC

Sub-Committee of the Committee of Management,

The Victorian Bar Council

Cricket

The traditional pre-Christmas cricket match between the Bar and the Law Institute took on greater significance in 2007 with the inaugural award of the Brendan Keilar Memorial Trophy to the player of the match. Brendan was a regular member of the Law Institute team. Tragically, he was shot coming to the aid of a woman who was being attacked. The Bar's number three batsman, Cam Truong, won the award for a fine 59 not out in the face of some very attacking fast bowling from the Institute's opening bowlers.

The Institute batted first and made 48 before the first wicket fell in the 18th over. However, the Bar's tight bowling and a flurry of wickets towards the end of the Institute's innings kept them to 6/120 from 40 overs. Bowling honours belonged to Peter Rozen whose leggies mesmerised the solicitors. He took 3/8 from two overs and was on a hat trick at one stage. Chris Connor chipped in with 2/17.

The Bar's openers faced some very quick bowling and despite a good run-rate, the score was 3/40 in the first 10 overs. But Cam Truong's match-winning 82-run partnership with Greg Connor (24) took the Bar past the Institute's score with 10 overs to spare to regain the Sir Henry Winneke Trophy.

The Bar's team was David Neal S.C. (c), Chris Connor, Paul Adami, Hans Bokelund, David Carlile, Justin Castelan, John Gordon, Cam Truong, Peter Rozen, Greg Connor, and James Watson.

Golf

The annual competition for the Sir Edmund Herring Trophy between the Bench and Bar and the Law Institute of Victoria was held at Kingston Heath Golf Club on 18 December 2007.

In fine sunny conditions the Law Institute team defeated the Bench and Bar team and won the trophy for 2007.

Twenty-six players contested the event. Over recent years the numbers have significantly reduced due to various competing golf events.

Leading scores were Gavan Rice and Ron Willemsen with a score of +8, Ian Glenister and Malcolm Howell with a score of +6 and Robert Sadler and Robert Shepherd with a score of +3.

Perennial winners Bryan Keon-Cohen QC and Robert Miller failed to produce their usual form.

Peter Lennon of the Lennon List and Tim Tobin S.C. won Nearest the Pin contests.

The Bench and Bar team looks forward to regaining the trophy in December 2008 and it is hoped that more players will compete so that this event may continue.

Tennis

With heavy rain falling in the morning of Thursday December 20, 2007, the chances for the annual tennis contest between Bench & Bar vs Law Institute proceeding in the afternoon appeared slim. Although there was a drying-out period around lunchtime, so that play could start, by mid afternoon the heavens opened, and all play ceased. A wash out was called, as not enough matches had been played to enable either side to claim victory.

Accordingly, the Bar, by default, retained possession of the JX O'Driscoll trophy for the winning team, which it will no doubt be recalled, had been won by the Bar in each of the three preceding years. The Bar also retained the Flatman/Smith trophy for the best performed pair, which had been won in 2006, in convincing fashion, by John Goetz and Ted Fennessy. These trophies will remain in the possession of the Bar for one further year at least.

It might be said that the rain on this occasion was somewhat fortuitous, as the Institute was building up a somewhat concerning lead of 9 sets to 4 when play ceased.

Ted Fennessy and Ray Gibson started off in the same form that Ted had displayed a year earlier when he won the Flatman/Smith trophy, and no doubt they would have continued as a dynamic force for the Bench & Bar had the weather not intervened. Peter Wallis was also showing encouraging form while Patrick Montgomery and Andrew Fraatz were very competitive against tough opposition.

Hopefully this year in December we will get better weather and a similarly good turn up. Any keen players who would be interested in playing are welcome to contact Chris Thomson to discuss details. It is always a satisfying way to wind up a tough professional year, sweating the stress out on the tennis court against one's professional brethren.

Snowsports

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, Ben Rozenes and Sara Hinchey. We are delighted to have Professor the Honourable George Hampel AM QC as the club patron. In 2007 we welcomed Bronia Tulloch to the Committee as a Member.

Over the past 12 months membership has continued to grow and we encourage new members to become involved in VBSC events.

In September 2007 the VBSC hosted the "Buller Bash" – a weekend of skiing at Mt Buller for barristers, their families, friends and instructing solicitors. The weekend included a ski lesson or guided mountain ski tour, group lunch at Koflers Restaurant and dinner and drinks at Breathtaker Lodge. We were blessed with great company, blue skies, sunshine and good skiing conditions. Thank you to all those who participated in the weekend and to Bronia Tulloch for her help in organising the event.

Wigs & Gowns Regatta

20 December 2007

The 21st annual Wigs & Gowns cruise in company was held on the waters of Hobsons Bay on the 20th December 2007. The regatta was held in pelting rain however that did not stop the cream of the WAGS attending what has now become the pivotal fixture for the squadron.

Yet again, the sailing committee, dignitaries and invited guests were catered for on Peter Rattray QC's Lacco Carvel hulled motorboat "Argo". Following on-water achievements, skippers, crews, dignitaries and other retired to the Royal Yacht Club of Victoria for a barbecue lunch.

The fleet included Judge E.C.S. Campbell's Oughtred designed canoo-sterned ketch "Rosa-Jean", John Digby QC's mast-head sloop "Aranui" and Paul O'Dwyer S.C. and Julian Smibert in their 30ft Clansman sloop "Coranto".

The Thorsen Perpetual Trophy was awarded jointly to both Judge E.C.S. Campbell and John Digby QC with the Neil McPhee Perpetual Trophy going to Paul O'Dwyer S.C. and Julian Smibert.

The WUGS Committee also wishes to thank the Royal Yacht Club of Victoria for the use of its facilities at Williamstown and for its assistance with the WUGS Race which has been forthcoming now for approximately 20 years.



Victorian Bar Superannuation Fund

Philip Kennon QC (Chairman), Paul Cosgrave S.C. (Deputy Chairman), Joseph Santamaria QC (Director), David Collins S.C. (Director) and Stephen McLeish S.C. (Director)

It's been a very bad year for superannuation funds in Australia, including Barfund, in fact the worst year in more than two decades.

I said in my 2006 Report that our advice, particularly from Jana Investment Advisers, had been that the extraordinary growth in Australian company earnings which fuelled the sharemarket boom was unsustainable. I also said that Barfund's balanced option would be likely to revert to a figure closer to the long term average balanced fund return.

This has happened. Barfund's balanced option returned minus 8.9% (after tax and management fees but before administration fees) which underperformed the SuperRatings balanced median manager by 1.4%. However, it should be noted that this option has returned 9.2% per annum for the past five years. This represents CPI plus 6% which is 1.5% above the long term average balanced fund return of CPI plus 4.5%.

The allocated pension option which, importantly, is now taken by 30 members, up from only two last year, performed well at minus 6.4%. The better result for this option is due to it holding more direct property, no listed property trusts and more cash than the balanced option:

The following changes occurred during the year:

- Tax Deductibility of contributions changed to 100% of \$50,000 for members under age 50 and 100% of \$100,000 for members aged 50 and over.
- KPMG Superannuation Services Pty Ltd was appointed administrator, replacing Aon.
- Deloitte was appointed auditor, replacing KPMG.
- The Board adopted an Anti – Money Laundering and Counter Terrorism Program as required under the AUSTRAC legislation.
- Ross Macaw QC resigned as a director in February 2008.
- The Board appointed Joseph Santamaria QC as a director in April 008.
- Paul Cosgrave S.C. replaced Ross Macaw QC as Deputy Chairman.

Ross Macaw's service as a director for over five years was outstanding. His trademark intellectual rigour and commonsense made a very valuable contribution on all board deliberations and decisions. On behalf of the board, I thank him very much.

Again, I would like to thank our dedicated secretary, John Ames and my fellow directors, together with our two alternate directors Edward Moon and Alistair Pound.

Barristers Chambers Limited

Paul Anastassiou S.C. (Chairman), John Digby QC (Deputy Chairman), Mark Derham QC, Michael Colbran QC, Peter Lithgow, Caroline Kenny, Wendy Harris, Matthew Walsh, Paul Connor and Daryl Collins (Member/CEO)

This year BCL completed the refurbishment of Owen Dixon Chambers West and the fit-out of eight floors at Aickin Chambers at 200 Queen Street to provide 100 high quality rooms - mainly to accommodate the displaced tenants from Latham Chambers.

The refurbishment of Owen Dixon Chambers West was successfully completed in August and within budget.

The fit-out of Aickin Chambers was undertaken in a tight time frame, between January 2007, and late January this year when occupation of the first three floors commenced. Involving extensive consultation with intending tenants and BCL's architects and alignment of major works with those of the landlord it was by no means a straightforward project

The co-operation of tenants was paramount to the success of these projects during the year and on behalf of the Board the Chairman thanks each of them for their patience and cooperation.

For the year ended 30 June 2008 BCL made an operating profit of \$6.3 million after income tax. Continuing to pursue a policy of reducing its debt level, this year BCL has reduced its debt from \$4.233 million to \$2.7 million. This is a significant achievement.

In context, between 2002 and 2008, BCL expended \$27.7million on the refurbishment of Owen Dixon Chambers East; \$23million on the refurbishment of Owen Dixon Chambers West and \$6.5million on the fit-out of Aickin Chambers, in addition to spending \$2.2million on other works such as the up-grades to the internet, telephone system and the make good of Latham Chambers. BCL's indebtedness peaked in December 2004

at \$10.866 million and, will be fully discharged in April 2009. Thus, BCL has been able to repay this debt in a little over four years while continuing to fund significant capital expenditure from its own cashflow.

The Victorian Bar and BCL have been successful in having BCL income from Bar members treated as mutual income for tax purposes. As a consequence the Victorian Bar, as the head entity of the consolidated tax group, has received a total of about \$4.2 million from the ATO representing tax refunds and interest paid by BCL during the years 2004 to 2007 inclusive.

In general the outlook for BCL is positive. The CBD property market remains tight from the tenants' perspective and the prevailing market terms require annual escalation rather than review to market.

BCL's vacancy levels have remained relatively stable in the order of 45 to 50 rooms. Having said that, BCL continues to depend upon the support of the majority of the Bar in order to maintain a spread of chambers. The individual and cumulative effect of barristers leaving BCL's chambers for outside chambers is closely monitored. The ever present risk of ad hoc departures from BCL is the most challenging factor which BCL has to deal with in planning to meet the need for a variety of chambers in terms of size, location and cost.

BCL acknowledges the Victorian Bar's ongoing commitment to it through the annual \$0.5 million capital injection. The re-capitalisation of BCL commenced in 1998 and will conclude with the last payment due 30 June 2009. In total over that period the Bar will have contributed \$5.5 million. As a result of the mutual status of the Victorian Bar Inc and BCL for tax purposes, the Bar has received refunds of \$4.4 million in respect of tax paid by BCL for the years 2004 to 2007.

This year, steps have been taken to improve communications between BCL and the Bar. An informal Bar/BCL Liaison Committee has been established and has met three times. This Committee has provided a forum for discussion of the Bar's expectations for accommodation and for BCL to explain its approach and the exigencies of its business.

The Chairman wishes to place on record his appreciation for the contribution of members of the Board and staff for the service they provide to members; in particular he wishes to thank Daryl Collins, who will retire in December, for his outstanding contribution and dedication.

The Essoign Club

Colin Lovitt QC (Chairman), Philip Dunn QC (Vice-Chairman), Christopher Blanden S.C., Michael Richards, John Saunders, William Alstergren, Peter Crofts (Honorary Treasurer), and Simone Bingham (Honorary Secretary)

The year proved to be very successful. The club continues to be well patronized by both counsel and judiciary. Accordingly, the Essoign, as the only club of its kind in Australia, and in order to thank its patrons, staged a free celebration by way of a cocktail party in the club for its 5th birthday (at the first floor ODCE venue). Most enjoyable!

The Essoign continues to provide a range of services outside the core facilities offered within the club walls. The professional catering service offers members a wide range of options from simple lunches, to beverage deliveries to full 3 course sit down dinners or cocktail parties in the venue of their choice. In fact an example of the Essoign's ability and flexibility came in May 2008 when the club catered a three course dinner for High Court Chief Justice Murray Gleeson's retirement function for 70 guests in the Supreme Court library.

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

From a financial perspective, 2007/08 was a very satisfactory year for the club. Despite the ever increasing cost of food and beverages, together with fuel and interest rate rises, the club was able to maintain much of its pricing. This allowed for greater value for money to its members. We continue to trade in the black and have been able to put some funds aside for an equipment sinking fund.

Finally, I extend my appreciation to the members of the Essoign Board. And a special mention to the Victorian Bar Council for its continued support.



**PROMOTING IMPROVEMENTS TO LAWS
AND ACCESS TO JUSTICE 3.5**

Equality of Opportunity Committee

Fiona M McLeod S.C. (Chair), Philip A Dunn QC, Robin A Brett QC, Samantha L Marks, Carmella Ben-Simon, Michael D Wyles, Andrew P Phillips, Kim J Knights, Anna L Robertson, Timothy J Donaghey, Urfa Masood, Meredith A Schilling,

State Court Consultants -

The Honourable Chief Justice Marilyn Warren AC, The Honourable Justice Robert F Redlich, The Honourable Gaetano (Tony) Pagone, Her Honour Judge Rachelle Lewitan AM, Her Honour Judge Susan M Cohen, Her Honour Judge Frances Millane, Chief Magistrate Ian Gray.

Federal Court Consultants -

The Honourable Justice Richard R S Tracey RFD (Federal Court), The Honourable Justice Linda M Dessau (Family Court).

Other Consultants - *Pamela M Tate S.C. (Solicitor General), Michael W Shand QC and Alexandra Richards QC.*

The Committee meets monthly with additional meetings as required.

The focus of the Committee has been its work on equality of opportunity for women at the Bar. This has included asking the Bar Council to consider a proposal to alter the constitution to entrench positions for senior women; developing amendments to the reading regulations to permit deferral in the case of pregnancy or childbirth; the review of existing parental leave policies; the development of strategies to address attrition; and ongoing work with the profession, the clerks and with State and Commonwealth Attorneys General in the amendment and implementation of equal opportunity briefing policies.

The Committee has developed submissions on a number of matters including the Equal Opportunity Act; the review of exceptions and exemptions to that Act; the Relationships Act; the Police Regulation Act and a review of abortion law.

The Committee is participating in a research project conducted by La Trobe University which is reviewing the research of the 1998 Equality of Opportunity for Women at the Victorian Bar Report.

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, John E Goetz, Franz J Holzer, Stuart A Glacken, Amanda Glaister, Peter S Kilduff, Andrew P Phillips, Susan C Dowler, Daniel D Gurvich, Paul J Hayes, Daniel V Aghion, Daniel I Star, Angus R Frith, Sharon E Moore, Patmalar Ambikapathy, Esther M James.

The Committee is very pleased to advise that there are three Indigenous barristers, Hans Bokelund, Brendan Loizou and Munya Andrews, practising at the Bar and that there are other additional Indigenous lawyers indicating an interest in coming to the Bar over the next 12 months.

The focus of the Committee has been to promote our Indigenous barristers amongst fellow barristers and with firms of solicitors.

A key event for the Committee is the annual function attended by most of Melbourne's Indigenous law students (about 30 in number).

This year's function was held in conjunction with the Law Institute of Victoria. The involvement of the Law Institute is seen as vitally important to the success of the Bar's campaign to attract Indigenous lawyers.

The function also provided an opportunity to further promote the Indigenous Barristers Fund, which was established in 2007 to assist new Indigenous barristers in overcoming some of the financial obstacles in commencing their careers at the Bar. The Fund is tax deductible and continuing support is sought from members of the Bar (details are available on the Bar's website).

The Bar has extensive contact with Indigenous lawyers and law students through its long-established mentoring program for students, as well as a paid summer clerkship program (which is run in conjunction with the Supreme Court and the Judicial College). This year, three Indigenous law students participated in the program – Angelic Martin and Josie Clements (studying at Deakin University) and Joseph Clifford (studying at Melbourne University). The work of Committee members Paul Hayes and Daniel Star in setting up and administering the clerkship program is acknowledged with considerable appreciation.

The Bar has reserved a place in each Readers Course for an Indigenous Reader and has waived the course fees for Indigenous participants.

Members of the Indigenous Lawyers Committee have attended this year at Deakin University to speak with Indigenous law students about the Bar's involvement with Indigenous lawyers. The Committee also works closely with the Victorian Indigenous Lawyers and Law Students Association, Tarwirri.

In September, the Bar is hosting a major welcome function for delegates to the National Indigenous Legal Conference (being held for the first time in Melbourne), and will be providing significant administrative support for the Conference as well as financial assistance (through a grant obtained by the Bar from the Victorian Law Foundation) for the setting up of a Conference website.

Human Rights Committee

Jacob (Jack) I Fajgenbaum QC (Chair), Judy Benson (Secretary), 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., Dr Ian RL Freckelton S.C., BA Toby Shnookal, Pauline L Shiff, Stuart A Glacken, Wendy A Harris, Daniel I Star, Susan M Brennan, Beatrice C Melita, Anthony D O'Donoghue, Nola Karapanagiotidis, Timothy J Donaghey, Lisabella G De Ferrari, Daniel B Clough, Paul Panayi, Cam H Truong, Magdalini Karagiannakis.

Law Reform Committee

Gregory H Garde AO RFD QC (Chair), Ian D Hill QC, Herman Borenstein S.C., Peter J Riordan S.C., Glenn C McGowan S.C., Dr Ian RL Freckelton S.C., Franz J Holzer, Carmella Ben-Simon, James W Kewley, Michael D Wyles, Warwick J Walsh-Buckley, Matthew J Stirling, Matthew NC Harvey, Peter Fox, Cornelia N Fourfouris-Mack, Andrew D Clements, Carrie G Rome-Sievers, Pat Zappia, Nicholas Kanarev, Laura Colla, Anthony D O'Donoghue, Stewart J Maiden, Cam H Truong, Charmaine KM Lye, Simon A Moglia, Jeremy Geale, Robert G Craig, Noam B Shifrin.

The role of the Committee is to review the need for law reform in specified areas, to initiate proposals and make recommendations for law reform to Government.

During the year, the Committee formed 3 working groups. They addressed the reform of the law relating to -

1. Vexatious Litigants;
2. VCAT Jurisdiction; and
3. Police Civil Wrongs.

The Vexatious Litigants working group reviewed the Issues Paper prepared for the Inquiry into Vexatious Litigants of the Law Reform Committee of the Victorian Parliament and prepared a submission for consideration by the Bar Council concerning the reform of the law in Victoria relating to vexatious litigants. Following approval by the Bar Council, the submission was delivered to the Law Reform Committee of the Victorian Parliament. The Chairman and representatives of the working group will attend the public hearing of that committee on 6 August 2008 to speak to the Bar's submission.

The VCAT Jurisdiction working group is reviewing VCAT's jurisdiction as to the following aspects -

- the exclusive jurisdiction of VCAT and the mishaps which befall a litigant who sues in the wrong place;
- the application of cross-vesting legislation to VCAT;
- whether the jurisdiction of VCAT should be expanded or reduced;
- the existence of or need for accrued jurisdiction; and
- the need for a general interest awarding power.

The VCAT working group will meet with Justice Kevin Bell, President of VCAT, to discuss VCAT's jurisdiction with particular reference to these matters.

The Police Civil Wrongs working group was formed to review the law relating to responsibility for civil wrongs committed by police officers having regard to -

- the decisions of the Court of Appeal in State of Victoria v Horvath [2002] VSCA 177 (7 November 2002) and [2003] VSCA 24 (4 April 2003);
- the Bar's previous submission on 20 September 2007 (see Bar website); and
- the effect of section 123 of the Police Regulation Act 1958

The Bar's submission is yet to find favour with the Victorian Government.

Thanks to all committee members and particularly Franz Holzer and Tony O'Donoghue who wrote much of the Bar's submission for the Inquiry into Vexatious Litigants.

Duty Barristers Scheme Committee

William Alstergren (Chair), Her Honour Magistrate Lesley A Fleming, Ian D Hill QC, P Justin Hannebery, Anthony G Burns, Simon T Pitt, Richard F Edney, Jennifer M Digby, Paul F White, Amelia J Macknay

Since the establishment of the Scheme in July last year a great deal of work has been conducted: a Duty Barristers Scheme Committee has been formed; a data base of volunteer barristers has been established; and negotiations have taken place with Victorian Legal Aid and the Chief Magistrate. A pilot of the Scheme commenced in November 2007.

Three Duty Barristers appeared in the Melbourne Magistrates Court two days a week. Over 100 barristers volunteered for the Scheme and over 60 participated in the pilot to great effect. The work conducted by participants of the Scheme was principally criminal. The pilot continued until April 2008.

A grant was obtained from the Victorian Law Foundation for a co-ordinator for the Scheme which was run through the Victorian Bar Office.

In late April 2008, a review of the Scheme was conducted in which both the Court and the Bar agreed that the Scheme was a great success and should continue on a permanent basis. Victorian Legal Aid has agreed to assist the Scheme by making referrals from its Duty Lawyer program and share facilities and training. It is estimated that the Scheme has already resulted in providing many hundreds of thousands of dollars of legal assistance to unrepresented litigants on a pro bono basis.

The Scheme, from 14 July 2008, has now been established on a permanent basis 5 days per week in the Melbourne Magistrates Court. The data base of volunteers has grown to over 130 members of Counsel. The Ethics Committee of the Victorian Bar has also passed a resolution allowing barristers who participate in the Scheme to accept direct briefs in civil matters in the Melbourne Magistrates' Court. This resolution will allow us to not only increase the number of cases which can be dealt with by Duty Barristers but also provide greater experience in civil cases for participants.

During this time the Duty Barrister's Scheme has also been able to provide counsel to assist the Supreme Court on an ad hoc basis. Duty Barristers have provided: advice to

litigants in custody; represented previously unrepresented litigants in mediations conducted by Masters in the Supreme Court and Court of Appeal; appeared in hearings before trial judges in the Supreme Court, (including in the recent case of *R v Merik and Merik* involving the possible introduction of an application of the Charter of Human Rights and Responsibilities Act to the Supreme Court and Victorian Legal Aid); and in at least one large and complex three day Appeal in the Court of Appeal.

The implementation of a more formal Duty Barrister's Scheme involvement in the Supreme Court is currently being discussed with Shane Draper, the Unrepresented Litigant's Co-ordinator and Justice Maxwell, the President of the Court of Appeal. It is expected that those discussions will be finalised in the next few weeks.

“The Duty Barristers Scheme is a valuable and significant addition that will serve Victoria and the administration of justice in Victorian Courts well”

- Chief Magistrate Ian Gray

Legal Assistance Committee

Alexandra Richards QC (Chair), 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., John R Dixon S.C., Thomas F Danos, Joshua D Wilson, Caroline M Kenny, Anna L Robertson, Daniel C Harrison, Arushan Pillay, John A Emerson AM, Kristen Hilton, Melanie Dye

The Victorian Bar Legal Assistance Scheme (VBLAS) is now in its eighth year of operation. It is administered by the Public Interest Law Clearing House (PILCH) and is overseen by the Legal Assistance Committee of the Victorian Bar (VBLAC).

VBLAS's core activity is to facilitate pro-bono assistance by members of the Victorian Bar to individuals in need of legal assistance. It is also involved in legal policy work and community education. This holistic approach allows VBLAS to assist individuals on a case by case basis as well as address systemic legal issues which affect the community as a whole.

Over 570 barristers, which equates to 33 per cent of the practising list, have volunteered to participate in VBLAS. This strong commitment is reflected through all levels of seniority at the Victorian Bar, including those who signed the Bar Roll this year. Many barristers, although not formally registered, welcome requests from VBLAS to assist when approached.

Applications received by VBLAS are assessed on the basis of legal merit, lack of means and whether assistance is required 'in the interest of the administration of justice'. The majority of referrals made to barristers are for advice and appearance work and less frequently for drawing documents.

In 2007-08, the Victorian Bar paid VBLAS an administration fee of \$380,500. This amount was funded by the Legal Services Board.

This year, VBLAS received a total of 523 inquiries. This represents a 15 per cent increase on the last reporting period. The number of referrals fell slightly from 250 in 2007-08 to 227 this financial year. This discrepancy is primarily due to an increased number of matters falling outside the VBLAS guidelines.

In 2007-08, criminal law surpassed migration in accounting for the greatest number of inquiries. However, migration referrals accounted for the highest number of referrals in any one area. It is also worth noting that a significant proportion of referrals related to tenancy and consumer credit matters in the Victorian Civil and Administrative Tribunal (VCAT). The statistics this year also reflect an increased level of inquiries for family law/ children's court, commercial, employment and human rights/ equal opportunity matters.

VBLAS delivered another successful migration training program in April/May this year. The revised format, devised by Debbie Mortimer S.C., was well received by approximately 25 barristers.

During this reporting period, VBLAS has been actively involved in the establishment of special interest panels within the Victorian Bar. These include the Consumer Protection, Environment Law and Social Inclusion panels. The purpose of these panels is to provide advice to specialist community legal centres in an innovative and tailored fashion.

In February, VBLAS contributed to the submission made by PILCH on the Amendments to the Freedom of Information Amendment Bill 2007. In particular, the submission focused on the vexatious applicant provisions and proposed an alternative test.

VBLAS has also continued to provide administrative support and advice to barristers who have agreed to accept a referral under an order of the Federal Court or the Federal Magistrates Court.

The Committee wishes to acknowledge with deep gratitude Susannah Sage Jacobson who has managed VBLAS over the past 5 years and welcomes the new manager, Melanie Dye, to the position.

Committee and Bar Association Reports

VICTORIAN BAR LEGAL ASSISTANCE SCHEME STATISTICS FOR 2007/08

Barristers participating in VBLAS

Number of Barristers	576
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Area of Law (Inquiries)

Area of Law Inquiries

Inquiries	
Criminal	90
Immigration	76
Family/ Childrens Court	55
Property/ Planning/ Housing	43
Debt/ Consumer Credit	38
Commercial	37
Employment	31
Human Rights/ Equal Opportunity	31
Traffic/ Infringements	24
Administrative	23
Torts	12
Personal Injuries	10
Social Security/ Welfare	10
Other	43

Total Inquiries for 2007/08

523

Total Inquiries for 2006/07

454

Type of Work Done

Type

Referrals	
Merits Assessment/ Advice	128
Representation at hearing	102
Representation in negotiations	32
Non Litigious	12

Referrals by Jurisdiction

High Court

4

Federal Court

Administrative	5
Immigration	4
Other	2
Total	11

Federal Magistrates Court

Immigration	36
Family	7
Other	2
Total	45

Supreme Court

Debt/ Consumer Credit (Appeals)	5
Administrative	4
Other	8
Total	17

County Court

Criminal	7
Property/ Planning/ Housing	3
Other	4
Total	14

Magistrates Court

Criminal	25
Traffic/Infringements	12
Other	19
Total	56

Coroners Court

5

Family Court

1

Childrens Court

3

Victorian Civil & Administrative Appeals Tribunal

25

Victims of Crime Assistance Tribunal

1

Administrative Appeals Tribunal

6

Social Security Appeals Tribunal

1

Australian Industrial Relations Commission

4

Other

34

Total Referrals for 2007/08

227

Total Referrals for 2006/07

250

Referral Source

Source

Inquiries	
Community Legal Centre	147
Member of Public	72
Victorian Legal Aid	56
Solicitor	49
Court	42
Homeless Persons Legal Clinic	21
Law Institute of Victoria Legal Assistance Scheme	18
Barrister	13
Other/Unspecified	105

Client Location (Inquiries)

Melbourne Metropolitan Area	382
Regional Victoria	114
Interstate	27

Unreferred Inquiries

Reason for Closure

Outside guidelines	80
No Further Contact	52
Referred to Community Legal Centre or Legal Assistance Scheme	49
Eligible for Legal Aid	25
Referred to 'No Win, No Fee' firm	21
No Further Action Required	16
Resource demand prevents possibility of pro bono	13
Other	38



**SPECIALISATION FURTHER
SHARPENS THE FOCUS 3.7**



Commercial Bar Association

Peter Bick QC (President), Melanie Sloss S.C. (Senior Vice-President), Albert Monichino (Vice-President (Convenor)), John Digby QC (Vice President), and John Dixon S.C. (Treasurer), Maryanne Loughnan (Editor of Comm Bar News), William Lye (Website Moderator)

This year has been a very significant one in the 14 year history of the Commercial Bar Association of the Victorian Bar. The year has been marked by a considerable expansion in the activities and influence of CommBar, including the introduction of individual memberships, the first full year of its regular newsletter and CommBar's busiest year to date in submissions to and dialogue with the Federal and State Governments, courts, tribunals and law reform agencies. There have been a number of significant innovations and developments in matters affecting the practice of commercial law by Victorian barristers.

Although litigation can be a very valuable business tool, it is often a major distraction and cause of significant unproductive expenditure for a business. Commercial litigants require three things from their lawyers and the court system; a speedy and cost effective resolution and reliability of result. Generally, the judges of the superior courts of Victoria and elsewhere in Australia dealing with commercial matters are well equipped to manage and decide them. To do so in the manner expected of them by commercial litigants requires, in addition to the skill, experience and diligence of the judge, adequate resources and a co-operative culture amongst the lawyers representing them.

The Victorian Deputy Premier and Attorney General, Rob Hulls M.P., and the Chief Justice of the Supreme Court, the Honourable Marilyn Warren AC, have committed to not only enhancing the resources of the State courts, but also the efficient, cost effective and prompt resolution of cases, particularly in the civil area. Commercial litigation, including Corporations List matters in the Supreme Court, is already

well managed by capable judges. The enhanced resources will be better utilised by encouraging alternative forms of dispute resolution, such as mediation or court-annexed arbitration, early identification of the real issues in dispute, stronger judicial control of proceedings, more responsible management of proceedings by lawyers and encouraging the earlier resolution of disputes. Many of the innovations in train are the subject of recommendations contained in the Report on Civil Justice by Dr Peter Cashman of the Victorian Law Reform Commission, launched on 28 May 2008.

The Supreme Court has undertaken a major program to improve management and achieve prompt determination of its numerous major building cases. A number of other reforms,

such as closer judge management of all civil litigation, higher onus on practitioners to co-operate in identification of the real issues and the prompt and cost effective resolution of commercial proceedings, appear imminent.

Another major initiative in relation to commercial dispute resolution was the introduction in the Victoria District Registry of the Federal Court of Australia in 2007 of the Fast Track List under the management of Justices

Finkelstein, Middleton and Gordon. The aim of the Fast Track List is to produce shorter trials and quicker results at a lesser cost. In the Fast Track List pleadings have been replaced by case summaries. Discovery is extremely limited. A scheduling conference is to be held within 45 days of the commencement of the proceeding, at which the trial issues will be determined, directions will be given as to trial evidence and the trial date will be fixed. Interlocutory applications and motions are generally decided on the papers. Objections to evidence, agreed facts and exhibits will be determined at a conference to be held approximately three weeks prior to the trial. The trial will be conducted on a "chess-clock" basis.

A list of 44 cases filed in the Fast Track List between April 2007 and June 2008 appears on the Federal Court website.

*"The trial
will be
conducted on
a 'chess-clock'
basis."*

The first year's experience of the Federal Court Fast Track List suggests that it is highly efficient and effective in relation to many commercial disputes, with most matters being determined within four months of commencement, although unsuitable for commercial matters not susceptible of the required level of focus and compression. The Fast Track List has demonstrated that appropriate matters can be determined quickly, efficiently and at a reduced cost. It has proved a worthy model for other courts to emulate in similar cases.

The higher courts are not alone in improving the conduct of commercial litigation. The County Court of Victoria has introduced a Banking and Finance Division to be administered by Her Honour Judge Kennedy. The Federal Magistrates Court has also introduced a more focussed approach to the management of commercial cases.

The drive towards more efficient, cost effective and prompt disposition of commercial litigation at every level in Victoria is applauded.

The current year saw the introduction of a regular CommBar News, distributed to members primarily by email. CommBar thanks the Editor, Maryanne Loughnan, and all contributors for their contributions through the year. This publication will continue both as a Newsletter and on the CommBar website.

Membership: CommBar actively sought membership by individual barristers for the first time in 2007. Of approximately 600 members of the Bar professing to have an interest in some area of commercial law, more than 250 joined in the first year. Membership numbers are still increasing

Building case litigation in the Supreme Court of Victoria: The new approach to present and future building case litigation in the Supreme Court was an initiative of CommBar in 2006, subsequently embraced by the Supreme Court, which, after consultation with CommBar and other interested stakeholders, went on to implement major reforms and promulgate a new Building Case Practice Note in 2008. The reforms have made the Supreme Court of Victoria an attractive venue for building case litigants.

CommBar thanks outgoing office holders for their contributions and welcomes the incoming office holders.

Submissions to and interaction with government, courts and tribunals: CommBar has made submissions on its own behalf and on behalf of the Victorian Bar to the State and Federal Governments, courts and tribunals in relation to numerous aspects of the practice of commercial law over the past year, including:

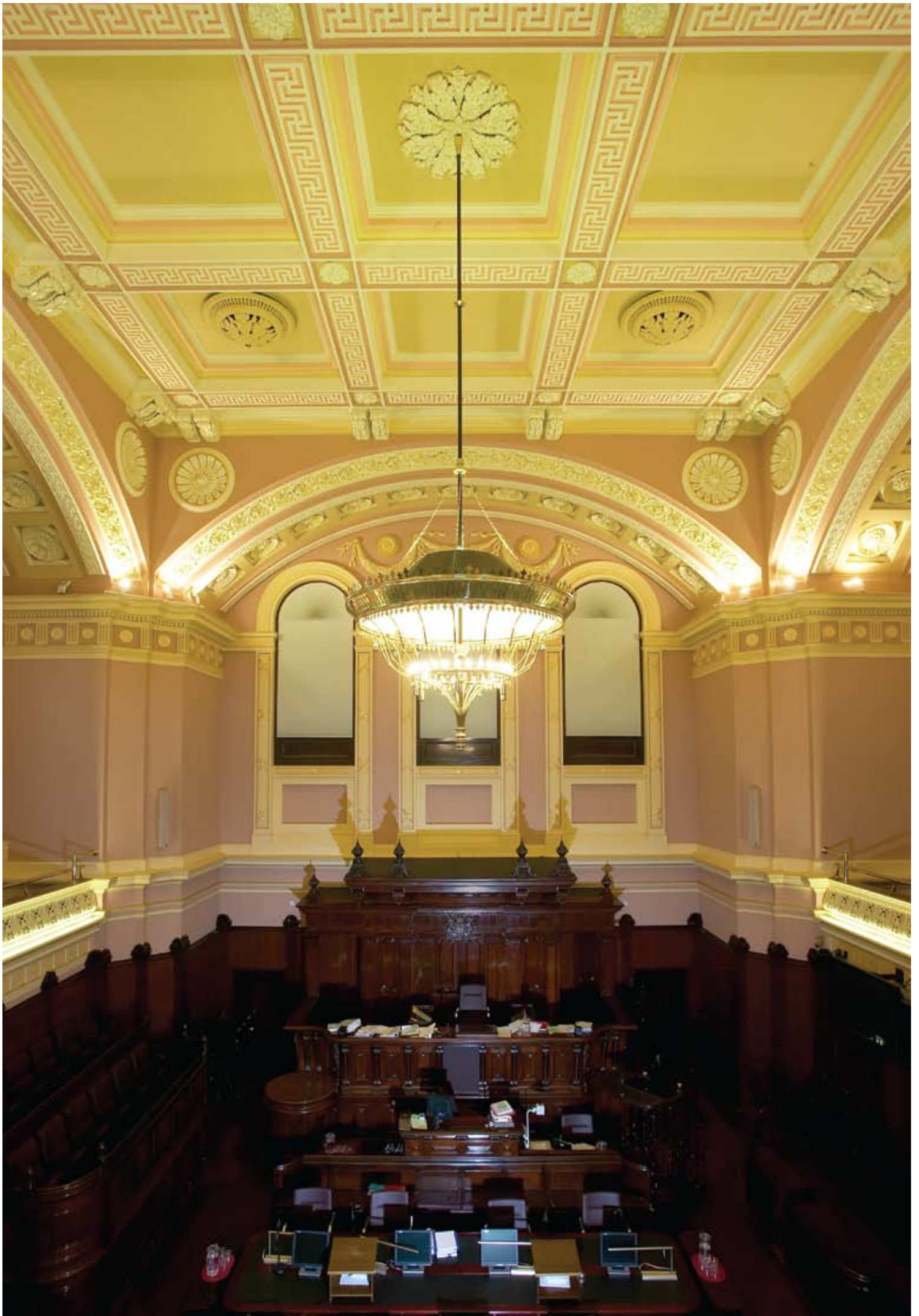
- Revision of the Supreme Court Commercial List Practice Note
- Supreme Court building litigation, including revision of the Building Cases Rules
- Financial reporting by unlisted public companies
- Chattel securities law reform
- Civil justice reform
- Management of commercial litigation in various jurisdictions

CommBar is the major provider of commercial law – related continuing legal education to the Victorian Bar. It presented 33 seminars.

International Law: CommBar introduced its 13th section, International Law, chaired by Paul Hayes, assisted by Claire Harris as secretary and Jonathan Redwood and Albert Dinelli as assistant secretaries.

William Lye and Maryanne Loughnan have worked tirelessly, assisted by James Samargis, over the latter half of the year to create the CommBar website, which will go live in the near future. The website is a very valuable resource both for members and non-members.

Support from the Victorian Bar and the Victorian Law Foundation has contributed to the ongoing success of CommBar.



Common Law Bar Association

Ross Gillies QC (Chairman), David Beach S.C. (Vice-Chairman), Richard Stanley QC, The Hon James Kennan S.C., Timothy Tobin S.C., Fiona McLeod S.C., Michael Wheelahan S.C., David Martin (Secretary), Simon McGregor, Mary Anne Hartley (Treasurer), Andrew Clements, Andrew Keogh, Michelle Britbart, Bree Knoester, David Purcell

Compensation Bar Association

Michael O'Loughlen QC (Chairman), Stanley Spittle (Treasurer), Anthea MacTiernan (Secretary), Clyde Miles, Ian McDonald, Timothy Ryan, Michael Richards, Bruce McKenzie, Marco Cvjeticanin, Amanda Ryan, Matthew Walsh

Legislative changes to the Accident Compensation Act 1985 have resulted in a decline in the number of proceedings issued for statutory compensation benefits, and an increase in s.134AB serious injury applications. Membership to the Association remains strong (54 financial members) and it is gratifying to see newcomers to the Bar joining the Association.

The Association is currently represented on the following committees:

- The County Court (Workcover) Liaison Sub-Committee.
- Magistrates Court (Workcover) Liaison Committee.
- County Court (Serious Injury) Committee.

In 2007 the Victorian Government commissioned Mr Peter Hanks to undertake a review of the Accident Compensation Act. Following the release of a discussion paper by Mr Hanks, the Association forwarded comprehensive submissions to the Review Panel. Mr Hanks and Mr Fleming (Counsel assisting Mr Hanks), have agreed to conduct a CLE session, after the final report has been published.

Members continue to contribute to the Continuing Legal Education Program.

Mr Jim Parrish QC, liaised with the VWA about the Authority's protocol concerning counsels' fees and representing the interests of some members who felt they had been incorrectly categorised by the VWA.

At the annual general meeting held on 15 May 2008 thanks were extended to Jim Parrish S.C., who stood down from his position as Chairman and Ian McDonald who retired from the position of Secretary of the Association.

Criminal Bar Association

John Champion S.C. (Chairman), Mark Taft S.C. (Deputy Chair), Thomas Danos (Treasurer), Megan Tittensor (Secretary) John Dickinson, Anthony Trood, Michael O'Connell, Lachlan C Carter, Peter Morrissey, Daniel Gurvich, Carolene Gwynn, Patrick Bourke.

The Criminal Bar Association of Victoria ('CBA') is one of the busiest and most active associations for members of the Victorian Bar. The Committee met fortnightly 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 are discussed below.

The CBA members attended round-table conferences and made 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.
- Sexual Assault Advisory Committee and Sub-Committee as to the reform of Victoria's sexual offences legislation.
- The Criminal Law Advisory Group, in particular in relation to the introduction of sentencing indications.
- The Sentencing Advisory Council.
- The Victorian Law Reform Commission.
- The Supreme Court Criminal Users Group, in particular in relation to problems in court listing times, and the intention to use the court more for non-murder cases.
- The County Court Criminal Users Group, in particular in relation to problems in court listing times.
- The Magistrates' Court Criminal Users Group.
- The Police/Lawyers Liaison Committee.
- The Child Witness Service, in particular in assisting to provide feedback as to how the new service was working.

- Met with Victoria Legal Aid to discuss issues as they arise between the Bar and VLA on many matters including the briefing rate for counsel, the sudden proposal to withdraw legal aid funding from certain matters, and the creation of a Mental Impairment List at the Magistrates' Court.
- Met with the OPP to discuss matters relevant to our members, including briefing practices and brief fees.
- Met with Corrections Stakeholders Forum to discuss issues relating to the custody of clients.
- Met and liaised with the Attorney-General in order to ensure that a level of dialogue is maintained on issues affecting our members, in particular in relation to the proposal to create a single criminal list.
- Met with representatives of the Victorian Bar on a number of issues common to both organisations including:
 - a report on VLA fees (in particular David Neal S.C. who has been a driving force in the Victorian Bar committee in relation to this issue);
 - the proposal for a single criminal list

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

- The Criminal Procedure Bill 2007
- The Single Criminal List and proposal to extend the jurisdiction of the County Court;
- The issue of police integrity and whether there should be a wider commission;
- The Crimes Legislation Amendment (Child Sex Tourism Offences);
- The Appeals Cost Act 1998; and
- The Juries Bill.

The CBA worked in conjunction with the Victorian Bar in relation to Continuing Legal Education (now Continuing Professional Development). Aside from the usual single session CPD's, the CBA put on two morning seminars to coincide with court conference days. Each seminar provided three one-hour lectures on topics of relevance to our members. The first seminar covered Special Hearings, Recent Developments in Sexual Offence Law, Bail Reform, Court Integrated Services Program and Sentencing Indications. The second seminar covered Forensic Medical Examination Issues in Sexual Offences and a forum on Practical Considerations in the Conduct of Sexual Offence Trials

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

The CBA maintains 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. The nature of the reporting of a number of high profile cases by both the print and television media has caused considerable ongoing concern. The Chairman has written to the Attorney-General and the Director of Public Prosecutions to express our concern on a number of occasions.

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

Family Law Bar Association

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

The Committee meets on a quarterly basis with members being invited to put forward agenda items. Information is relayed to members via a seasonal email newsletter. The Association has about 70 paid up members all of them active family law barristers.

The Committee has developed its relationship with Victoria Legal Aid, the Legal Services Commissioner and the Federal Magistrates' Court. For example, Martin Bartfeld QC and Laura Colla attended the Commissioner's family law round table discussion on family law complaints convened by the Legal Services Commissioner. The outcome report is yet to be finalised and we shall keep members advised of developments.

The Association called for volunteers to participate in a study by the Australian Institute of Family Studies on the "Legislation and Court's Project" which examines the impact of changes to both the substantive legal principles for resolving children's matters (Part VII of the Family Law Act) and the court process for resolving such cases (Division 12A I Part VII) introduced by the Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth). The Institute had a pool of very experienced counsel to assist with its research. The outcome report is yet to be finalised and members will be informed of outcomes.

A number of family law barristers work steadily on committees within and outside of the Victorian Bar and they have been encouraged to relay practical messages and developments to the Family Law Bar Association so information can be passed on to members. The important work of those barristers is acknowledged.

The Committee has the benefit of a positive rapport with Martin Bartfeld QC and Minal Vohra who are on the Executive of the Family Law Section of the Law Council of Australia. As a consequence the committee commented on the submission by the Law Council of Australia to the Commonwealth Attorney General's Department regarding the Review of the delivery of family law services by the Family Court of Australia and the Federal Magistrates' Court.

The Secretary devised the Victorian Bar, Family Law Continuing Legal Education (CLE) topics including mental health for family law barristers, ethics and effective modern mentoring.

The highlight of the 2008 social calendar was "Hobson's Choice" a play directed by our own Darren Mort and viewed by some 110 family law barristers at Chapel on Chapel with our own Margaret Manderlert playing Mrs Hepworth. It was a wonderful evening and something novel for us to enjoy as a group. Olyvia Nikou S.C. is to be congratulated for her hard work. Barristers also enjoyed the Family Ties Event, an opportunity for family law solicitors and barristers to network held at the Essoign Club.

The Association was represented at the United Nations White Ribbon Day Breakfast in support of the United Nations international campaign to eliminate violence against women.

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 severe restrictions of Victoria Legal Aid funding in particular for the Independent Children's Lawyer continue to provide challenges for the profession and family law clients.

Industrial Law Bar Association

Frank Parry S.C. (President), Warren Friend (Senior Vice President), Gerard McKeown (Vice President), Jan MacLean (Secretary), Rohan Millar (Treasurer), Philip Ginnane, Eugene White, Timothy Jacobs, Nicholas Harrington, Craig Dowling and Cassie Serpell

The Association offers a comprehensive series of lectures as part of the Continuing Legal Education program of the Victorian Bar. These lectures dealt with a broad range of topics of interest to those who practice in this area and included amendments to Federal and State law, responses to industrial action and like topics. Thank you to all members who have delivered papers as part of this important program.

Special thanks to Herman Borenstein S.C. who served as inaugural President of the Association and as a member of the Committee. Herman's service to the establishment and success of the IBA is much appreciated by all members.

Childrens Court Bar Association

Robert Burns (President), Geoffrey Martin (Honorary Treasurer) and Patricia Dobson (Secretary)

Members of the Association are active in consultations with the Court and its judicial officers about the practice of matters and the physical surroundings of the Children's Court to make it more accessible for legal practitioners and clients.

The Association liaises with the Court through the Court Users Group Meetings. Notably, members of the Association attended a Workshop conducted by Boston Consulting Group – a private consulting firm employed by the Attorney- General to make recommendations to improve the operation of the Family Division of the Children's Court. Over the last five years the Court has experienced a 20% annual increase in the number of Protection Applications issued with the subsequent increase in the demand on the Court Officers, staff, legal practitioners and clients.

The Association conducted a CLE Seminar at which the President of the Children's Court, His Honour Judge Paul Grant spoke on the impact of the recommendations of the Workshop and their implementation.

Tax Bar Association

Jennifer Davies S.C. (President and Web Convenor), Alexandra Richards QC (Vice President), Gregory Davies QC (Treasurer), Terry Murphy S.C. (CLE Convenor), Simon Tisher, John Morgan, Helen Symon S.C. (Events Co-ordinator), Lachlan Armstrong (Secretary), and The Honourable Justice Tony Pagone (Patron)

The Tax Bar Association, reconstituted in 2006 as a separate association predominantly of tax barristers at the Victorian Bar, continues to grow and develop strongly, with active involvement by senior and junior counsel. Its members now total 87.

A key focus this year was promoting relations amongst barristers practising in tax law with other practitioners in the tax field. The Association initiated educative and social forums with the broader tax community, and invited key note speakers from outside the bar to speak to tax barristers.

The Association is well recognised in the wider tax profession. It receives requests from universities, ATO and other government authorities and associations in other professions to participate in joint activities and provide cross-promotion for continuing education, conferences and other opportunities.

Another key focus has been on practice skills for tax barristers, following on from last year's presentation by Allan Myers AO QC on "The role of the tax junior". The Association held a very successful and well-attended "Meet & Greet" function for members of the Bar and officers from the ATO at which Pagone J and senior ATO officers spoke about the particular issues involved in taking a brief for the Commissioner. This was followed later in the year by seminars on "Acting for the

taxpayer" and "What solicitors expect from tax barristers". Forthcoming seminars topics include "AAT and Tax Disputes" and "Submissions, Appeals Statements and Procedure".

The Association provides a range of continuing legal education on taxation law and related areas for tax practitioners and the legal profession more broadly. Nineteen seminars were presented, covering a wide range of topics at general and specialist level. Contributors included the ATO, judicial officers, academics and taxation officers, as well as members of the Association. Workshops and seminars with solicitors and the Australian Taxation Office were aimed at increasing understanding and knowledge of tax law and the processes which govern taxpayers' rights. In addition, John Morgan chairs monthly "Tax Discussion Group" lunches.

The Association's website enables barristers and other tax practitioners to keep up to date with current developments. The web site is updated daily. It includes new papers presented by barristers and other tax professionals, provides an easy reference for practitioners wanting to find a tax barrister, offers links to research materials and advertises forthcoming seminars and social events. The Association publishes a weekly newsletter that is emailed to all members and other subscribers from legal and accounting firms, the ATO and universities. The Association now has 72 external subscribers.

Women Barristers Association

Caroline Kirton (Convenor), Simone Jacobson (Assistant Convenor), Dr Michelle Sharpe (Assistant Convenor), Nandi Segbedzi (Secretary), Joy Ellera (Treasurer), Patricia Dobson (Membership Secretary), and Committee Members - Fiona McLeod S.C., Kim Knights, Rebecca Leshinsky, Fiona Ryan, Jennifer Digby, Emma Swart, Amanda Wynne.

The Women Barristers Association ('WBA') has had a busy and eventful year. The Committee met monthly throughout the year.

In early 2008 the Honourable Chief Justice Marilyn Warren AC became the Patron of WBA. A function was held for members in chambers, to celebrate the new Patron.

WBA held functions during the year to provide information to women who were considering a career at the Victorian Bar. It hosted a half day seminar attended by about 70 female law students, to provide them with information about a career at the Bar.

In May 2008 WBA, in conjunction with Victorian Women Lawyers ('VWL'), held an information evening attended by about 60 female solicitors and associates who may be considering a career at the Bar.

WBA is a constituent member of Australian Women Lawyers ('AWL'). WBA and the Victorian Bar were sponsors of the Second National AWL Conference, which was held in Melbourne in June 2008. Members of WBA were part of the conference organising committee. The theme of the conference was 'Creating Justice'.

In June 2008 the 'Women Barristers in Victoria: Then and Now' exhibition was launched on the Victorian Bar website. The exhibition was originally launched during Law Week 2007, as result of collaboration between WBA and the Victoria Law Foundation. The enhanced electronic version of the exhibition includes a television interview with Joan Rosanove QC in 1965, entitled 'On Being a Sheila'.

Editing continued of the e-film the 'Oral History of Past Convenors'. Participants in the filming of the e-film were past and present Convenors of WBA. The e-film is due to be launched on the Victorian Bar web-site in the near future.

Barristers Animal Welfare Panel

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

The Panel addressed a busy agenda in its first full year since its inauguration in November 2006.

The legal issues it addresses are manifold and largely central to the national animal welfare agenda, a sample of which follows:

- An advice to a consumer protection organisation on the application of the secondary boycott provisions of the Trade Practices Act 1974 (Cth); this had similar ramifications for animal welfare societies;
- Written advices to a member of the ACT Legislative Assembly in relation to consideration of a proposal to ban battery hen production. In the end, the ACT Government decided to adopt measures to induce a phase out of battery cage production rather than a ban by legislative fiat.
- Publicity about the Trade Practices Amendment (Small Business Protection) Bill introduced by the former federal government in August 2007 where a stated purpose of the Bill was to target campaigns by animal welfare societies. The Bill lapsed with the calling of the federal election last year. The issue obtained a feature article in the Sydney Morning Herald in which the Panel was quoted and an interview on ABC Radio in Sydney;
- Letters to New South Wales Members of Parliament urging opposition to the Prevention of Cruelty to Animals Amendment (Prosecutions) Bill 2007 introduced by the New South Wales Government late last year.

- A written advice on whether the Magistrate in the live sheep export case of *Department of Local Government and Regional Development v Emmanuel Exports Pty Ltd and Ors.*, Magistrates Court of WA, (Criminal Jurisdiction), 8 February 2008 erred in law.
- A further advice on whether relevant sections of a State animal welfare statute were excluded by new Commonwealth laws from possible application to steps in the chain of export of live sheep: the advice was delivered to relevant States;
- Appearing in the Full Federal Court in the Hahnheuser appeal concerning the decision at first instance to include animal protection within the 'environment protection' exemption under the secondary boycott provisions of the Trade Practices Act 1974 (Cth): A judgment is pending at the time of writing.

Other advices have also been provided and appearances made before different tribunals on behalf of animal welfare societies, and advice given to protestors. In addition, Panel representatives have spoken at different animal law and environment protection conferences and seminars.

Melbourne University Law School agreed to offer Animal Law as an intensive subject in November 2008. The Panel had been part of an unsuccessful attempt in 2007 for Melbourne University Law School to introduce it to the syllabus.

The Panel has worked closely with PILCH.





JUDICIAL AND OTHER APPOINTMENTS 4.0



The following members of the Victorian Bar were appointed to judicial office. The Chairman of the Victorian Bar Council or his representative welcomed the appointees to the Supreme Court, County Court and each of the Federal Courts at the special sittings of each court.

State

Court of Appeal

The Honourable Justice Julie Dodds-Streeton

The Honourable Justice Mark Weinberg

Supreme Court

The Honourable Justice Paul Coghlan

The Honourable Justice Robson

The Honourable Justice RossForrest

The Honourable Justice Lex Lasry

The Honourable Justice John James Judd

The Honourable Justice Peter Vickery

County Court

His Honour Judge Chris O'Neill

His Honour Judge Duncan Allen

His Honour Judge Philip Misso

Her Honour Judge Katherine Bourke

His Honour Judge Peter Wischusen

Her Honour Judge Jane Patrick

His Honour Judge Paul Lacava

His Honour Judge Frank Gucciardo

Magistrates' Court

His Honour Magistrate Gregory Connellan

Her Honour Magistrate Rosemary Carlin

His Honour Magistrate Martin Grinberg

His Honour Magistrate Bernard FitzGerald

Victoria Civil and Administrative Tribunal

The Honourable Justice Kevin Bell was appointed President of VCAT

Director of Public Prosecutions

Jeremy Rapke QC

Chief Crown Prosecutor

Gavin Silbert S.C.

Federal

Federal Court of Australia

The Honourable Justice Geoffrey Flick (Interstate Member)

Judicial and Other Appointments

NATIONAL LEGAL PROFESSION REPRESENTATIVE BODIES

National Legal Profession Representative Bodies:

Law Council of Australia

Ross Ray QC - President

Michael Colbran QC (Director)

Advisory Committee on Indigenous Legal Affairs

Colin Golvan S.C.

Access to Justice Committee

Dr David Neal S.C.

Equalising Opportunity in the Law Committee

Fiona McLeod S.C.

Advisory Committee on Client Legal Privilege

Suzanne McNicol

Federal Court Liaison Committee

Jennifer Davies S.C.

Young Lawyers Standing Committee

Simon Pitt

Australian Bar Association

Peter Riordan S.C. - Vice-President

Court and Tribunal Committees & Working Parties:

Commonwealth Courts and Tribunals

Federal Court of Australia

Corporations List Users Group

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

Native Title Committee

His Honour Judge David A Parsons.

Intellectual Property Users Group

Bruce Caine S.C.

Users Committee

Ross Macaw QC, The Honourable Justice Richard Tracey RFD, Garry Bigmore QC, Bruce Caine S.C., Debra Mortimer S.C. and Jennifer Davies S.C.

Migration List Users Group

Debra Mortimer S.C., Thomas Hurley, Richard Niall, Miguel Belmar Salas

State Courts and Tribunals

Supreme Court

Academic Course Appraisal Committee

Jacob (Jack) Fajgenbaum QC

Building List Users Committee

John Digby QC, David Levin QC, Richard Manly S.C., George Golvan QC, Hugh Foxcroft S.C., Caroline Kirton and Kathryn Stynes

Board of Examiners

Ronald Meldrum QC (Deputy Aileen Ryan), Peter Jopling QC (Deputy Kate McMillan S.C.) Joseph Santamaria QC (Deputy Ian Waller S.C.)

Commercial List Users Committee

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

Chief Justice's Library Committee

Melanie Sloss S.C. and Stephen McLeish S.C.

Chief Justice's Computer Committee

Julian Burnside QC, Paul Willee RFD, QC and David Levin QC

Supreme Court (continued)

Chief Justice's Rules Committee

Nemeer Mukhtar QC

Civil Litigation Committee

Peter Murdoch QC, Peter Riordan S.C.,
David O'Callaghan S.C. and Dr Kristine P Hanscombe S.C.

Commercial Causes Users Committee

Julian Burnside QC, Simon Wilson QC, Timothy North S.C.
and Stewart Anderson S.C.

Costs Co-ordination Committee

Timothy Tobin S.C.

Legal Education Committee

Jacob (Jack) Fajgenbaum QC

Personal Injury Users Group

Ross Gillies QC, John (Jack) Rush RFD, QC, and David Martin

Probate Users Committee

Richard Boaden and Shane Newton

County Court

Building Cases Users Group

Richard Manly S.C.

Rules Committee

Michael J Corrigan

WorkCover Users Group

Michael Richards

Magistrates Court

Civil Rules Committee

Christopher Gilligan and Franz Holzer

Occupational Health and Safety User Group

Christopher Gilligan and Franz Holzer

WorkCover Users Group

Anthea MacTiernan and Amanda Ryan

Victorian Civil and Administrative Tribunal

The Legal Practice List - Advocate Members

Lex Lasry QC (until 23/10/07), Peter Jopling QC, Anthony Southall QC, David Levin QC, Jeremy Rapke QC,
Aristomenis Garantziotis S.C. and Christopher Ryan S.C.

Consultative Users Groups

Anti-Discrimination List

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

Credit List

Paul Hayes

Domestic Building List

John G Bolton and Hugh Foxcroft S.C.

General List

Mark Klemens and Jason Pizer

Guardian List

Carolyn Sparke

Occupational & Business Regulation List

Edward Bryant, John Larkins, Thomas Hurley,
Mary Anne Hartley and Jason Pizer

Planning List

Michael Wright QC and Christopher Wren S.C.

Retail Tenancies List

Dr. Clyde Croft S.C. and Georgina Grigoriou

Judicial and Other Appointments

BAR APPOINTMENTS AND REPRESENTATIVES

Federal Courts and Tribunals

Commonwealth Administrative Appeals Tribunal – (Melbourne) Liaison Committee

Charles Gunst QC

Statutory Appointments

Council of Law Reporting

Charles Gunst QC and Michael Pearce S.C.

Council of Legal Education

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

Legal Services Board Victorian

Hugh Fraser

Legal Services Board - Legal Costs Committee

Nicholas Green QC, Peter Murdoch QC

Victoria Legal Aid - Community Consultative Committee

Dr David Neal S.C.

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

Philip Dunn QC

Law Reform Commission Advisory Council

Robin Brett QC

Representatives on Educational Bodies

La Trobe University Proctorial Board

Frank Costigan QC

La Trobe University Law School - Legal Profession Consultative Council

Ross Macaw QC

Leo Cussen Institute for Continuing Legal Education

Helen Symon S.C.

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

Brind Zichy-Woinarski QC

Monash University Law Faculty Board

Paul Willee RFD, QC and Gerard Nash QC (Alternate)

University of Melbourne Law Faculty

Neil J Young QC and

The Honourable Justice Elizabeth J Hollingworth

Victoria University School of Law Program Advisory Committee

David Denton RFD, S.C., Terence (Terry) Murphy S.C.

Other Representative Bodies

Firearms Appeal Committee

Carolyn Sparke

International Bar Association - Human Rights Liaison Officer

Jacob (Jack) Fajgenbaum QC

Law Institute of Victoria - Fee Disputes Conciliator

Jeremy Ruskin QC

Public Interest Law Clearing House (PILCH)

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

Victorian Heritage Council

Susan Brennan

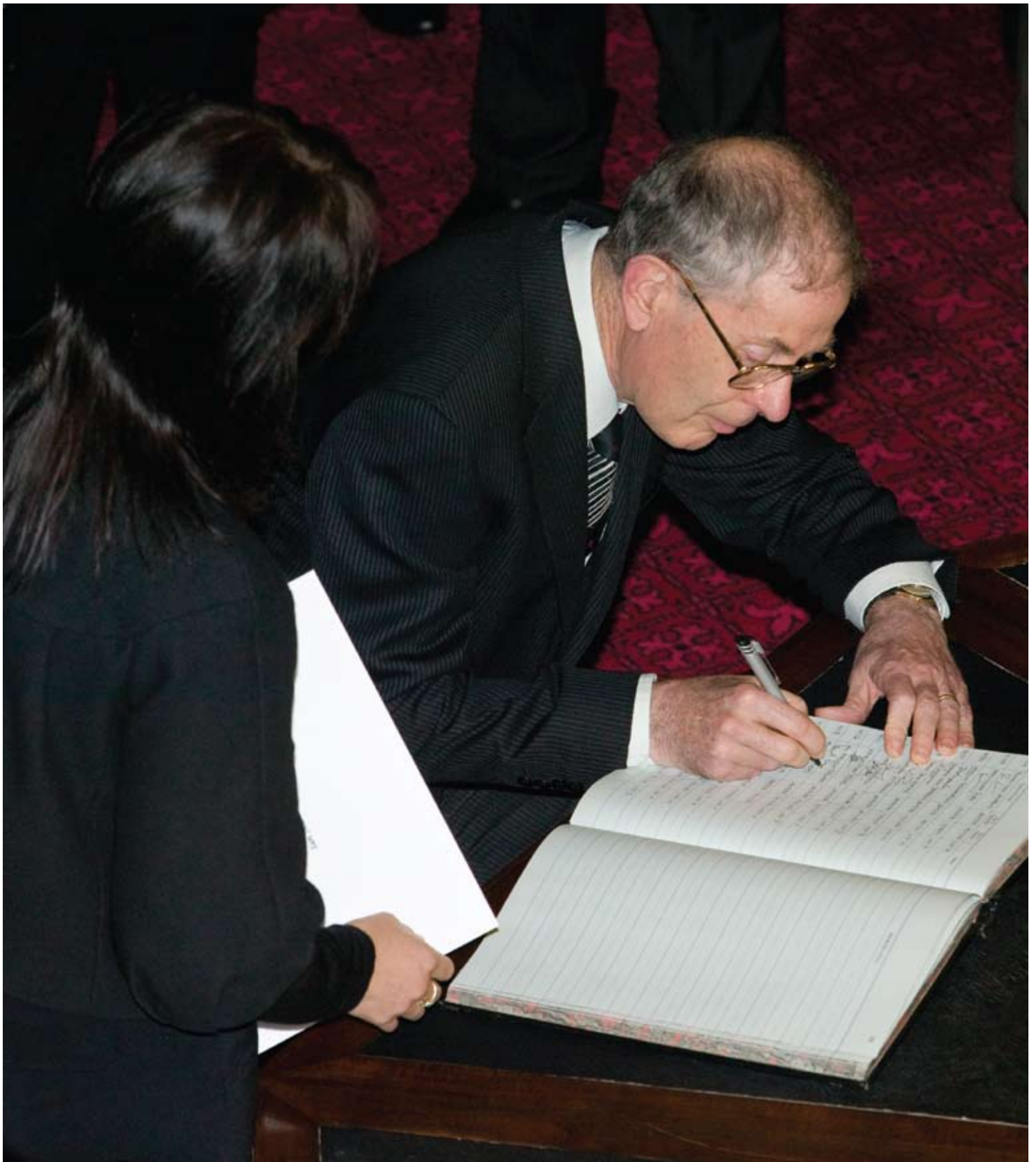
Victoria Law Foundation – Justice Museum Legal Reference Group

Dr David Neal S.C.

Victoria Law Foundation (including Grants Committee)

His Honour Judge Paul G Lacava





ROLL OF COUNSEL 5.0

There are 2421 members of the Victorian Bar at 30 June 2008. The following is a statistical profile of membership of the Bar Association and a listing of those joining, leaving or transferring their membership during the year ended 30 June 2008.

Statistics	Female	Male	Total
Division A, Part I			
Victorian Practising Counsel			1726
Victorian Practising Counsel – Queen's and Senior Counsel	16	204	220
Victorian Practising Counsel – Junior Counsel	372	1134	1506
Division A, Part II			
Crown Prosecutors and Public Defenders	4	18	22
Division A, Part III			
Interstate and Overseas Counsel	10	124	134
Division B, Part I			
Governors			0
Division B, Part II			
Judges	40	144	184
Division B, Part III			
Ministers of the Crown and Members of Parliament	1	7	8
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	24	59	83
Division B, Part VII			
Crown Counsel and Parliamentary Counsel	3	1	4
Division B, Part VIII			
Other Official Appointments			5
Division C, Part I			
Retired Judges and other Judicial Officers			96
Division C, Part II			
Retired Holders of Public Office other than Judicial Officers			11
Division C, Part III			
Retired Counsel			114
Division D			
Academics			24
TOTAL			2421

*The following persons signed the Roll of Counsel and were included in Division A***Re-signed**

Stephen Jones, Georgina Costello, Elisabeth Wentworth, Christopher Colman, Michael Faltermaier, Georgina Liano, Clement Newton-Brown, Stephen Wartski, Paul Stefanovic

Signed

Paul J F Higham, Amanda Forrester, Robert M Gordon, Lisa M Nichols, F Bruno Kiernan, Neil McAteer, Emily C V Porter, Patrick J Doyle, Michael D Stanton, Jordon M Ross, Daniel J McNerney, James F Richardson, Benjamin M Gibson, James J Fitzpatrick, Brendan V Loizou, Sam F Wubbeling, John R M Tracey, Henry H Jackson, Richard W Backwell, Glenys B Jardine, Barnaby W Johnston, Douglas W Laidlaw, Zoe E Maud, Cilla Brookes, Gabrielle Crafti, Danielle M Guesdon, Allen J Evans, Patricia A Byrnes, Daniel J Pollak, Anthony P Horan, Mia Stylianou, Clive G K Madder, Timothy Fitzpatrick, Donald McC Gibson, Susan Einsiedel, Steven A Lowry, Shiva N Pillai, Daniel N McGlone, Kyriaki Vavoulis, Graeme W Jackson, Robyn W Sweet, Adrian J Indovino, Douglas J James, Anita S Bartfeld, E William Coady, Kristen A Rose, Kim M Southey, Thomas A Hutchings, David Hooke, Dominique Hogan-Doran, Rudi Cohrsen, Fabian B Dixon S.C., Darren J Jenkins, Tristan Sedal, Josephine Swiney, John Warren, James A Moss, Bradley P Penno, Matthew B Rees, Bruce J Thompson, Roy Seit, E Ria Sotiropoulos, Allison G Vaughan, Joseph D Theseira, Matthew J Follett, Sandro S Goubran, Ronald W Rosinsky, Kyle R Naish, Patricia Villella, Marie Andrews, Michael Pena-Rees, Tamara L Young, Peta Murphy, Julian P Snow, Rohan H Lawrence, Sean W Ryan, Vassiliki Theoharopoulou, Deborah W Jefferson, Sarah J Keating, Jonathan Gottschall, Chris Nisiforou, Natalie O Vogel, Ian M Stewart, Melissa Stead, Robin Chaudhuri, Agusia M Kapitaniak, Richard Moore, Kathy Raccanello, Michael Wolff, Lana Collaris, Jillian E Williams, Julie A Van Dort, Stephen K Chambers, Anne-Louise Juneja, Geoffrey Slater, Ronald R Gordon, Terry McGuire, Ian Polak

Division A Part I
(Victorian Practising Counsel)**Transfers from this division**

Susan Borg, Brendan Kissane, Peter Rose S.C., Gavin Silbert S.C., Chamindri Kahagalle, Alwyn A Narayan, John Walsh of Brannagh, Trevor Wallwork, Chris O'Neill, John H L Forrest, Ross Robson, Duncan Allen SC, Lex Lasry QC, Jocelynn Scutt, Katherine Bourke, Phillip Misso, Peter Wischusen, James Judd QC, Frank Gucciardo, Paul Lacava SC, Peter Vickery QC, Mark Dreyfus QC, Phillip J Allaway, Rosemary Carlin, Gregory Connellan, David Drake, Bernard FitzGerald, Martin Grinberg, Rowan Downing QC, Ian Douglas QC, Noel Ross, Louis G Vatousios, Peter H Clark S.C., Peter McCurdy, Jeffrey Sher QC, Victoria Lambropoulos

Transfers to this division

Andrew J R Hawking, George Georgiou, Susan Borg, Patrick Southey, Murray McInnis FM

Removed from this division

Nicholas Doukas, Kathi Lianos, Gerard O'Hara, Glen Pauline, John F Perry, Justine Raczkowski, Amanda Ducrou, Dino Currao, Eric Wawra, Andrew J R Hawking, Straun J Sutherland, Peter Faris QC, Patrick M Liptak, Nicholas Gardiner, James Greentree, Selena J McCrickard, Christopher Durstan, Nicholas Klooger, Christopher Seivers, Ozan Girgin

Division A Part II
(Crown Prosecutors and Public Defenders)**Removed from this division**

George Georgiou, Boris Kayser, Jeremy Rapke QC

Transfers to this division

Raymond L Gibson, Susan Borg, Brendan Kissane, Peter Rose S.C., Gavin Silbert S.C.

Division A Part III

(Interstate and Overseas Counsel)

Transfers from this division

R J Buchanan, Andrew J R Hawking, Raymond L Gibson,
Patrick Southey

Transfers to this division

Chamindri Kahagalle, Alwyn A Narayan,
John Walsh of Brannagh, Trevor Wallwork

Division B Parts I - VIII

(Governors, Judges, Ministers of the Crown & Members of Parliament, Solicitors-General & Directors of Public Prosecutions, Masters & Judicial Registrars, Magistrates & full-time members of Statutory Tribunals, Crown Counsel & Parliamentary Counsel, Other Official Appointments)

Transfers from this division

His Honour Judge Leonard Ostrowski, Murray McInnis FM,
The Honourable Joseph Kay, The Honourable Alex Chernov AO,
Paul Coghlan, Susan Borg, Jane Patrick, Rowan Downing QC,
The Honourable Justice Paul Guest

Transfers to this division

R J Buchanan, Rowan Downing QC, Chris O'Neill,
John H L Forrest, Ross Robson, Paul Coghlan,
Duncan Allen SC, Lex Lasry QC, Jocelyne Scutt,
Katherine Bourke, Phillip Misso, Peter Wischusen, Jane Patrick,
James Judd, Frank Gucciardo, Paul Lacava SC, Peter Vickery QC,
Mark Dreyfus QC, Jeremy Rapke QC, Phillip J Allaway,
Rosemary Carlin, Gregory Connellan, David Drake,
Bernard FitzGerald, Martin Grinberg, Rowan Downing QC

Division C Parts I - III

(Retired Judges and Other Judicial Officers, Retired Holders of Public Office other than Judicial Officers, Retired Counsel)

Transfers to this division

His Honour Judge Leonard Ostrowski,
The Honourable Joseph Kay, The Honourable Alex Chernov AO,
Ian Douglas QC, Noel Ross, Louis G Vatousios,
Peter H Clark S.C., Peter McCurdy,
The Honourable Paul Guest, Jeffrey Sher QC, Boris Kayser,
Garry A Cazalet, Donald McL Thomson

Division D

(Academics)

Transfers from this division

Garry A Cazalet, Donald McL Thomson

Transfers to this division

Victoria Lambropoulos

Other

The following Readers signed the Overseas Roll of Counsel

Sharon Nalu, Bruce K Kalotrip, Christopher J D Tavoia,
Deven P Sharma, Eric Molbaleh, William Maino



PERSONALIA 6.0



Obituaries

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

The Honourable Roderick Joske
 Robert J Johnston
 WD (Bill) Magennis
 Bruce F Monotti
 The Honourable Peter Hase QC
 The Honourable Charles A Sweeney CBE KCSG QC
 Charles B Malpas
 David M Maclean S.C.
 Ian Bowditch
 Howard Ednie
 The Honourable Alfred Capel King QC
 Paul Bennett
 Douglas Graham QC
 John Udorovic QC
 John W Lee

Farewells

The legal profession met to pay tribute on the occasion of the retirement of the following judicial officers and the Victorian Bar Council Chairman or his representative spoke on behalf of the Victorian Bar:

STATE

The Honourable Justice Geoffrey Eames
 His Honour Judge Leonard Ostrowski

The Honourable Justice Alex Chernov AO
 His Honour Judge Michael Strong

FEDERAL

The Honourable Justice Joseph Kay
 The Honourable Justice Paul Guest

Honours

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

Australia Day 2008 Honours List announced on 26 January 2008

The Honourable Justice Susan Crennan AC
 The Honourable Barry Beach AM QC

The Queen's Birthday 2008 Honours List announced on 9 June 2008

The Honourable Justice David Harper AM
 Chief Justice Terence J Higgins AO
 Dr David M Bennett AC QC
 Norman John O'Bryan AM S.C.
 Cathryn R McKenzie AM

Senior Counsel

On the 28 November 2007 The Honourable Chief Justice Warren AC appointed as Senior Counsel in and for the State of Victoria the following members of the Victorian Bar:

Ian Frank Mawson S.C.
 John Denis Philbrick S.C.
 David George Brookes S.C.
 Nicholas Thomas Robinson S.C.
 John Russell Dixon S.C.
 Gavin Joseph Cohen Silbert S.C.
 Peter Gregory Cawthorn S.C.
 Dr Ian Richard Lloyd Freckelton S.C.
 Stephen Geoffrey Edwin McLeish S.C.
 Ian Graham Waller S.C.
 Kerri Elizabeth Judd S.C.
 Jeffrey John Gleeson S.C.
 Dr Karin Leigh Emerton S.C.
 Mark Kranz Moshinsky S.C.



FINANCIAL REPORTS 7.0

VICTORIAN BAR INC

Officers' Report

The officers, members of the Council of the Victorian Bar Inc, submit herewith the annual financial report of the association for the financial year ended 30 June 2008. In order to comply with the provisions of the Associations Incorporation Act 1981 (Vic) and generally appropriate good practice disclosure, the officers report as follows:

The names of the officers of the association during or since the end of the financial year are included on page 8 of the annual report under Bar Council, except for the following who retired from the previous Bar Council during the year.

Michael W Shand QC
Cahal G Fairfield
Charles E Shaw
Daniel C Harrison

E William Alstergren
David J Neal S.C.
Kerri E Judd

Principal Activities

The Victorian Bar Inc is a professional association for lawyers practising solely as barristers. As well as serving its barrister members, the Bar serves the public interest through its activities in improving access to justice and law reform and its pro-bono work. The Bar has two wholly owned subsidiary companies, Barristers Chambers Limited which owns and leases buildings which are provided as chambers to barristers and provides office services to members of the Bar and, The Melbourne Bar Pty Ltd which is a non-operating nominee company. There has been no change in these activities during the year.

Review of Operations

During the financial year ended 30 June 2008 the association achieved a profit from ordinary activities of \$4,483,173 (2007: \$38,635) after an income tax benefit of \$3,898,732 (2007: nil). Its consolidated profit from ordinary activities was \$10,808,166 (2007: \$2,023,721) after income tax benefit of \$4,878,448 (2007: expense \$850,122)

The financial statements of the association for the 2007 financial year reported that effective from 1 July 2003 the association is the head entity in a tax consolidated group with its subsidiary Barristers Chambers Limited. The Chairman's report for 2008 makes reference to the mutualisation benefits flowing from this in the form of tax refunds and interest received from the Australian Tax Office in the current financial year.

During the financial year, as it has done each year since 1998, the association subscribed \$500,000 for a new issue of 1,000,000 shares in Barristers Chambers Limited.

Changes in State of Affairs

Except as set out in the accompanying financial statements, there was no significant change in the state of affairs of the association during the financial year.

Subsequent Events

There has not been any matter or circumstance occurring subsequent to the end of the financial year that has significantly affected, or may significantly affect, the operations of the association, the results of those operations, or the state of affairs of the association in future financial years.

Future Developments

Changes in the operations of a professional association are ordinarily determined by a vote of members which are communicated other than through the Annual Report.

The subsidiary Barristers Chambers Limited intends to refurbish floors at Douglas Menzies Chambers, 180 William Street and Isaacs Chambers, 555 Lonsdale Street at a cost of approximately \$1.5 million.

Environmental Regulations

The association is not subject to any significant environmental regulations under Australian law.

Dividends

The association is incorporated under the Associations Incorporation Act (Vic). It is precluded under the Act and its constitution from paying a dividend to its members.

Indemnification of Officers

During the financial year, the company paid a premium in respect of a contract insuring the officers of the association (as named above) and all executive officers of the association and of any related body corporate against a liability incurred as such an officer or executive officer to the extent permitted by the Associations constitution. The contract of insurance prohibits disclosure of the nature of the liability and the amount of the premium.

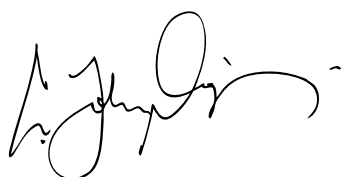
The association has not otherwise, during or since the financial year, except to the extent permitted by law, indemnified or agreed to indemnify an officer or auditor of the association or of any related body corporate against a liability incurred as such an officer or auditor.

Proceedings On Behalf of the Association

No person has applied for leave of court to bring proceedings on behalf of the association or to intervene in any proceedings to which the association is a party for the purpose of taking responsibility on behalf of the association for all or part of those proceedings.

Signed in accordance with a resolution of the Council made pursuant to the Victorian Bar's Constitution.

On behalf of the Officers



G John Digby QC
Senior Vice-Chairman



Michael J Colbran QC
Honorary Treasurer

Melbourne, 29 September 2008

THE VICTORIAN BAR INC

Registration No. A00343045

INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2008

	NOTES	CONSOLIDATED		PARENT	
		2008	2007	2008	2007
		\$	\$	\$	\$
Revenue		24,711,170	22,296,896	4,762,958	4,239,660
Employee Benefits Expense		(1,948,304)	(2,099,897)	(1,233,235)	(1,429,459)
Depreciation and Amortisation Expense		(1,736,187)	(1,439,050)	(36,002)	(59,844)
Finance Expense		281,667	(372,652)	-	-
Rent & Fitout Expenses		(7,015,256)	(7,598,056)	(1,032,267)	(1,043,309)
Utilities Expenses		(1,002,955)	(940,852)	-	-
Other Expenses		(6,797,083)	(6,972,546)	(1,877,013)	(1,668,413)
Profit before Income Tax Expense	4	5,929,718	2,873,843	584,441	38,635
Income Tax Benefit / (Expense)	5	4,878,448	(850,122)	3,898,732	-
PROFIT FOR THE YEAR		10,808,166	2,023,721	4,483,173	38,635

The accompanying notes form part of these financial statements.

THE VICTORIAN BAR INC

Registration No. A00343045

BALANCE SHEET AS AT 30 JUNE 2008

	NOTES	CONSOLIDATED		PARENT	
		2008	2007	2008	2007
		\$	\$	\$	\$
ASSETS					
Current Assets					
Cash and Cash Equivalents	6	12,202,248	8,632,409	6,734,238	2,532,821
Trade and Other Receivables	7	1,261,616	885,002	178,583	102,241
Other Assets	8	235,067	467,818	-	243,343
Total Current Assets		13,698,931	9,985,229	6,912,821	2,878,405
Non-Current Assets					
Other Financial Assets	9	-	-	5,516,314	5,016,312
Property, Plant & Equipment	10	56,576,144	52,351,644	175,567	156,893
Loan to Essoign Club		87,749	119,884	87,749	119,884
Total Non-Current Assets		56,663,893	52,471,528	5,779,630	5,293,089
TOTAL ASSETS		70,362,824	62,456,757	12,692,451	8,171,494
LIABILITIES					
Current Liabilities					
Trade and Other Payables	11	4,744,976	5,010,011	1,955,318	1,791,089
Borrowings	12	2,700,001	1,533,336	-	-
Provisions	13	194,683	320,501	142,208	270,458
Current Tax Liabilities	14	-	428,246	-	-
Total Current liabilities		7,639,660	7,292,094	2,097,526	2,061,547
Non-Current Liabilities					
Borrowings	12	-	2,700,000	-	-
Provisions	13	16,660	14,855	16,660	14,855
Deferred Tax Liabilities	14	2,495,680	3,047,150	-	-
Total Non-Current Liabilities		2,512,340	5,762,005	16,660	14,855
TOTAL LIABILITIES		10,152,000	13,054,099	2,114,186	2,076,402
NET ASSETS		60,210,824	49,402,658	10,578,265	6,095,092
EQUITY					
Issued Capital		-	-	-	-
Reserves	15	13,557,074	13,557,074	-	-
Retained Earnings		46,653,750	35,845,584	10,578,265	6,095,092
TOTAL EQUITY		60,210,824	49,402,658	10,578,265	6,095,092

The accompanying notes form part of these financial statements.

THE VICTORIAN BAR INC

Registration No. A00343045

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2008

	NOTES	CONSOLIDATED		PARENT	
		2008	2007	2008	2007
		\$	\$	\$	\$
Cash Flows from Operating Activities					
Receipts from Members and Customers		22,492,238	21,361,828	3,155,056	3,515,139
LSB Reimbursements and Contributions Received		979,655	959,082	979,655	959,082
Interest Received		854,034	373,754	544,280	160,433
Payments to Suppliers & Employees		(16,743,131)	(16,647,759)	(3,853,763)	(4,344,305)
Finance Expense		(281,667)	(372,652)	-	-
Income Tax Paid		(32,776)	(1,038,348)	(32,776)	-
Income Tax Refund		3,931,508	-	3,931,508	-
Net Cash Provided by Operating Activities	16a	11,199,861	4,635,905	4,723,960	290,349
Cash Flows from Investing Activities					
Proceeds from Sale of Property, Plant & Equipment		9,731	1,469	-	-
Payments for Property, Plant & Equipment		(6,138,553)	(1,465,587)	(54,676)	(96,614)
Purchase of Additional Shares in Subsidiary		-	-	(500,002)	(500,000)
Amounts Advanced to Related Parties		-	-	-	-
Proceeds from Repayment of Related Party Loan		32,135	21,347	32,135	21,347
Net Cash Used in Investing Activities		(6,096,687)	(1,442,771)	(522,543)	(575,267)
Cash Flows from Financing Activities					
Repayment of Borrowings		(1,533,335)	(766,666)	-	-
Proceeds from Issue of Shares		-	-	-	-
Proceeds from Amount Owing to Subsidiary		-	-	-	-
Net Cash Used in Financing Activities		(1,533,335)	(766,666)	-	-
Net (Decrease) / Increase in Cash and Cash Equivalents		3,569,839	2,426,468	4,201,417	(284,918)
Cash and Cash Equivalents at Beginning of Financial Year		8,632,409	6,205,941	2,532,821	2,817,739
Cash and Cash Equivalents at End of Financial Year	16b	12,202,248	8,632,409	6,734,238	2,532,821

The accompanying notes form part of these financial statements.

THE VICTORIAN BAR INC

Registration No. A00343045

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2008

	Capital Profits Reserve	Asset Revaluation Reserve	General Reserve	Retained Earnings	Total
PARENT					
Balance at 1 July 2006	-	-	-	6,056,457	6,056,457
Profit for the Year	-	-	-	38,635	38,635
Total Recognised Income and Expense	-	-	-	38,635	38,635
Balance 30 June 2007	-	-	-	6,095,092	6,095,092
Balance at 1 July 2007	-	-	-	6,095,092	6,095,092
Profit for the Year	-	-	-	4,483,173	4,483,173
Total Recognised Income and Expense	-	-	-	4,483,173	4,483,173
Balance at 30 June 2008	-	-	-	10,578,265	10,578,265
CONSOLIDATED					
Balance at 1 July 2006	249,680	6,078,564	127,460	33,821,863	40,277,567
Revaluation Increment on Freehold Land and Buildings	-	9,609,100	-	-	9,609,100
Related Deferred Tax	-	(2,507,730)	-	-	2,507,730)
Net Income Recognised Directly in Equity	249,680	13,179,934	127,460	33,821,863	47,378,937
Profit for the Year	-	-	-	2,023,721	2,023,721
Total Recognised Income and Expense	249,680	13,179,934	127,460	35,845,584	49,402,658
Balance 30 June 2007	249,680	13,179,934	127,460	35,845,584	49,402,658
Balance at 1 July 2007	249,680	13,179,934	127,460	35,845,584	49,402,658
Net Income Recognised Directly in Equity	249,680	13,179,934	127,460	35,845,584	49,402,658
Profit for the Year	-	-	-	10,808,166	10,808,166
Total Recognised Income and Expense	249,680	13,179,934	127,460	46,653,750	60,210,824
Balance 30 June 2008	249,680	13,179,934	127,460	46,653,750	60,210,824

The accompanying notes form part of these financial statements.

THE VICTORIAN BAR INC

Registration No. A00343045

NOTES TO THE FINANCIAL STATEMENTS**Note 1(a)****GENERAL INFORMATION**

The Victorian Bar Inc (the association) is incorporated under the Associations Incorporation Act 2001, Victoria and operating in Australia.

The registered office and the principal place of business of the association is:

Level 5, 205 William Street, Melbourne Victoria 3000

Note 1(b)**ADOPTION OF NEW AND REVISED ACCOUNTING STANDARDS**

In the current year, the association has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to its operations and effective for the current annual reporting period. There were no material impacts from adopting the new and revised Standards and Interpretations.

At the date of authorisation of the financial report, the officers anticipate that the adoption of standards and interpretations that were in issue but not yet effective will have no material financial impact on the financial statements of the association or the group:

Note 2**STATEMENT OF SIGNIFICANT 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.

Statement of Compliance

The financial report has been prepared in accordance with the Associations Incorporation Act 2001, the basis of accounting specified by all Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101 'Presentation of Financial Statements', AASB 107 'Cash Flow Statements' and AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors'.

The financial report includes the separate financial statements of the association and the consolidated financial statements of the group.

Basis of Preparation

The financial report has been prepared on the basis of historical cost, except for the revaluation of certain non-current assets and financial instruments. Cost is based on the fair values of the consideration given in exchange for assets. All amounts are presented in Australian dollars, unless otherwise noted.

The following significant accounting policies have been adopted in the preparation and presentation of the financial report:

2(a) INCOME TAX

Subscription income received by the Victorian Bar from its members is non-taxable through the mutuality principle. Rental and other income received by Barristers Chambers Limited, a subsidiary company of the association, from members of the Victorian Bar is also non-taxable through the mutuality principle. Receipts from non-members are regarded as assessable income for income tax purposes. Member expenses are non-deductible. Other expenses which are not directly deductible from assessable income are apportioned between non-tax deductible and tax deductible expenses according to taxation regulations.

The charge for current income tax expenses is based on the profit for the year adjusted for any non-assessable or disallowed items. It is calculated using tax rates that have been enacted or are substantively enacted by the balance sheet date.

Deferred tax is accounted for using the balance sheet liability

method in respect of temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements. No deferred income tax will be recognised from the initial recognition of an asset or liability, excluding a business combination, where there is no effect on accounting or taxable profit or loss.

Deferred tax is calculated at the tax rates that are expected to apply to the period when the asset is realised or liability is settled. Deferred tax is credited in the income statement except where it relates to items credited or debited directly to equity, in which case the deferred tax is adjusted directly against equity.

Deferred income tax assets are recognised to the extent that it is probable that future tax profits will be available against which deductible temporary differences or unused tax losses and tax offsets can be utilised.

The amount of benefits brought to account or which may be realised in the future is based on the assumption that no adverse change will occur in income taxation legislation and the anticipation that the economic entity will derive sufficient future assessable income to enable the benefit to be realised and comply with the conditions of deductibility imposed by the law.

Tax consolidation

The Association and its subsidiary, Barristers' Chambers Ltd are part of a tax-consolidated group under Australian taxation law. The Victorian Bar Inc is the head entity in the tax-consolidated group. Tax expense/income, deferred tax assets and deferred tax liabilities arising from temporary differences of the members of the tax-consolidated group are recognised using the 'group allocation' approach by reference to the carrying amounts in the separate financial statements of each entity and the tax values applying under tax consolidation. Current tax liabilities and assets and deferred tax assets arising from unused tax losses and relevant tax credits of the members of the tax-consolidated group are recognised by The Victorian Bar Inc (as head entity in the tax-consolidation group).

2(b) PROPERTY, PLANT AND EQUIPMENT

Each class of property, plant and equipment is carried at cost or fair value less, where applicable, any accumulated depreciation.

Property

Freehold land and buildings are considered to be property accounted for under AASB 116 'Property, Plant and Equipment' as opposed to investment property accounted for under AASB 140 'Investment Property' because they are held to provide a service to members of the Bar rather than for investment purposes for profit. Accordingly they are shown at their fair value (being the amount for which an asset could be exchanged between knowledgeable willing parties in an arm's length transaction), based on periodic, but at least triennial, valuations by external independent valuers, less subsequent depreciation for buildings.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Increases in the carrying amount arising on revaluation of land and buildings are credited to the asset revaluation reserve in equity. Decreases that offset previous increases of the same asset are charged against the asset revaluation reserve directly in equity; all other decreases are charged to the income statement.

Plant and equipment

Plant and equipment and leasehold improvements are stated at cost less accumulated depreciation and impairment. Cost includes expenditure that is directly attributable to the acquisition of the item. In the event that settlement of all or part of the purchase consideration is deferred, cost is determined by discounting the amounts payable in the future to their present value as at the date of acquisition.

The carrying amount of plant and equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash.

Depreciation

The depreciable amount of all property, plant and equipment including buildings and capitalised leased assets, but excluding freehold land, is depreciated on a straight-line basis over their useful lives to the economic entity commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are:

Classes of plant and equipment	Depreciation Rate
Buildings	2%
Leasehold improvements	4-10%
Plant and equipment	5-33%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the income statement. When revalued assets are sold, amounts included in the revaluation reserve relating to that asset are transferred to retained earnings.

2(c) LEASES

Leases are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership to the lessee. All other leases are classified as operating leases.

Lease payments for operating leases where substantially all risks and benefits remain with the lessor, are charged as expenses on a straight line basis over the lease term, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased assets are consumed.

2(d) EMPLOYEE BENEFITS

A liability is recognised for benefits accruing to employees in respect of salaries, annual leave, and long service leave when it is probable that settlement will be required and they are capable of being measured reliably.

Liabilities recognised in respect of employee benefits expected to be settled within 12 months, are measured at their nominal values using remuneration rate expected to apply at the time of settlement.

Long service leave liabilities which are not expected to be settled within 12 months are measured at values which are the present value or approximate the present values of the estimated future cash outflows to be made by the group entities in respect of services provided by employees up to reporting date.

2(e) PROVISIONS

Provisions are recognised when the entity has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

2(f) CASH AND CASH EQUIVALENTS

Cash and cash equivalents include cash on hand and demand deposits. Cash equivalents are short-term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are shown within short-term borrowings in current liabilities on the balance sheet.

2(g) REVENUE

Revenue from subscriptions is recognised in the period that the subscription relates to. Revenue from leased properties is recognised on a straight-line basis over the lease term in accordance with lease agreements.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customer by reference to the stage of completion of the service being provided.

Interest revenue is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

2(h) BORROWINGS

Borrowings are recorded initially at fair value, net of transaction costs.

Subsequent to initial recognition, borrowings are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit and loss over the period of the borrowing using the effective interest rate method.

Bills of exchange are recorded at an amount equal to the net proceeds received, with the premium or discount amortised over the period until maturity. Interest expense is recognised on an effective yield basis.

Borrowing Costs

Borrowing costs directly attributable to the acquisition, construction or production of assets that necessarily take a substantial period of time to prepare for their intended use or sale, are added to the cost of those assets, until such time as the assets are substantially ready for their intended use or sale.

All other borrowing costs are recognised in the income statement in the period in which they are incurred.

2(i) GOODS AND SERVICES TAX (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis. The GST component of cash flows arising from investing and financing activities, which is recoverable from, or payable to, the taxation authority is disclosed as operating cash flows.

2(j) COMPARATIVE FIGURES

Comparative figures have been adjusted to conform to changes in presentation for the current financial year where required by accounting standards or as a result of changes in accounting policy.

2(k) CRITICAL ACCOUNTING JUDGEMENTS AND KEY SOURCES OF ESTIMATION UNCERTAINTY

In the application of the company's accounting policies, management is required to make judgments, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstance, the results of which form the basis of making the judgments. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

2(l) IMPAIRMENT OF TANGIBLE ASSETS

At each reporting date, the company reviews the carrying amounts of its tangible and intangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Where the asset does not generate cash flows that are independent from other assets, the company estimates the recoverable amount of the cash-generating unit to which the asset belongs. Where a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

Recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset (or cash-generating unit) is estimated to be less than its carrying amount, the carrying amount of the asset (cash-generating unit) is reduced to its recoverable amount. An impairment loss is recognised in profit or loss immediately, unless the relevant asset is carried at fair value, in which case the impairment loss is treated as a revaluation decrease.

Where an impairment loss subsequently reverses, the carrying amount of the asset (cash-generating unit) is increased to the revised estimate of its recoverable amount, but only to the extent that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset (cash-generating unit) in prior years. A reversal of an impairment loss is recognised in profit or loss immediately, unless the relevant asset is carried at fair value, in which case the reversal of the impairment loss is treated as a revaluation increase.

2(m) BASIS OF CONSOLIDATION

The consolidated financial statements incorporate the financial statements of the Parent and entities (including special purpose entities) controlled by the Parent (its subsidiaries) (referred to as the Group in these financial statements). Control is achieved where the Parent has the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.

There have been no subsidiaries acquired or disposed of during the year.

Where necessary, adjustments are made to the financial statements of subsidiaries to bring their accounting policies into line with those used by other members of the Group.

All intra-group transactions, balances, income and expenses are eliminated in full on consolidated.

There are no minority interest in the subsidiary companies.

NOTE 3 REVENUE

	CONSOLIDATED		PARENT	
	2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)
Revenue from Operating Activities				
Subscriptions	2,615,842	2,562,760	2,615,842	2,562,760
Rent and Joinery Revenue	17,872,984	16,296,503	-	-
Readers Course & Mediation Fees	480,994	481,409	480,994	481,409
Other Revenue	1,848,817	1,648,177	83,343	100,765
	22,818,637	20,988,849	3,180,179	3,144,934
Revenue from Non-Operating Activities				
Interest Revenue	854,034	373,754	544,280	160,433
Legal Service Board and Commissioner Contributions	1,038,499	934,293	1,038,499	934,293
	1,892,533	1,308,047	1,582,779	1,094,726
Total Revenue	24,711,170	22,296,896	4,762,958	4,239,660

CONSOLIDATED		PARENT	
2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)

NOTE 4 PROFIT BEFORE INCOME TAX EXPENSE

(a) Profit before income tax expense has been arrived at after crediting / (charging) the following gains and losses:

(Loss) / Gain from Sale of Assets	(168,135)	(104,318)	-	-
Finance Costs				
- Interest on Mortgage	238,461	315,771	-	-
- Other Finance Costs	43,206	56,881	-	-
Total Finance Costs	281,667	372,652	-	-
Depreciation of Non-Current Assets				
- Buildings	1,099,397	1,019,128	-	-
- Plant, Equipment & Improvements	628,298	411,431	36,002	59,844
- Motor Vehicle	8,492	8,491	-	-
Total Depreciation	1,736,187	1,439,050	36,002	59,844
Bad and Doubtful Debts				
- (Decrease) / Increase in Provision	(23,530)	(9,983)	-	-
Minimum Lease Payments on Operating Leases	7,015,256	7,598,056	1,032,267	1,043,309
Auditors Remuneration				
Auditing or Reviewing the Financial Reports	56,160	43,200	21,500	12,000
Taxation and Accounting Services	55,277	55,348	36,277	43,307
	111,437	98,548	57,777	55,307

CONSOLIDATED		PARENT	
2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)

NOTE 5 INCOME TAX**(a) Components of Income Tax Equivalent Expense/(Income)**

Tax Expense Comprises:

Current Tax Expense/(Income)	(16,872)	956,608	82,015	(61,856)
Tax Refunds From Prior Years	(3,931,508)	-	(3,931,508)	-
Deferred Tax Expense/Income Relating to Timing Differences	(551,470)	(84,833)	-	-
Unused Tax Losses Not Recognised As Deferred Tax Assets	(378,598)	(21,653)	(49,239)	(61,856)
	(4,878,448)	850,122	(3,898,732)	-

(b) Income Tax Expense/(Income) Calculated

The prima facie tax expense/(income) on pre-tax accounting profit from operations reconciles to the income tax expense/(income) in the financial statements as follows:

Operating Profit From Operations	5,929,718	2,873,843	584,441	38,635
Income Tax Expense/(Income) Calculated At The Corporate Tax Rate In Each Year, 30%	1,778,915	861,713	175,332	11,591
Tax Effect Of Timing Differences Not Recognised	31,770	10,062	31,770	10,062
Non-Assessable Mutual Income	(6,878,813)	-	(801,380)	(786,457)
Non-Deductible Mutual & Other Expenses	4,928,032	-	306,846	372,417
Non-Deductible Expenses Within Group	-	-	369,447	330,531
Tax Refund Arising From Change To Mutuality Principle	(3,931,508)	-	(3,931,508)	-
Over Provision of Tax in Prior Year	(428,246)	-	-	-
Utilisation of Tax Losses	(378,598)	(21,653)	(49,239)	61,856
Income Tax Payable	(4,878,448)	850,122	(3,898,732)	-

	CONSOLIDATED		PARENT	
	2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)
NOTE 6 CASH AND CASH EQUIVALENTS				
Cash on Hand	250	250	-	-
Cash Deposits with Banks	4,900,946	2,203,654	704,799	792,134
Short Term Money Market Deposits	7,301,052	6,428,505	6,029,439	1,740,687
	12,202,248	8,632,409	6,734,238	2,532,821
NOTE 7 TRADE AND OTHER RECEIVABLES				
Trade Receivables	934,769	739,432	178,583	102,241
Provision for Doubtful Debts	(48,820)	(72,350)	-	-
	885,949	667,082	178,583	102,241
Other Receivables	375,667	217,920	-	-
Total Current Receivables	1,261,616	885,002	178,583	102,241
NOTE 8 OTHER ASSETS				
Prepayments	235,067	467,818	-	243,343
NOTE 9 OTHER CURRENT FINANCIAL ASSETS				
Investment in Subsidiaries	-	-	5,516,314	5,016,312

Barristers Chambers Limited is a public company incorporated in Australia and operating in Australia. It is wholly owned by the Association. It is a member of the tax-consolidated group of which the Victorian Bar Inc is the head entity. The Melbourne Bar Pty Ltd is a private company incorporated in Australia. It has not operated. It has acted as a nominee of the Victorian Bar Inc in being the registered owner of shares in Barristers Chambers Limited and entering into license agreements with approved clerks.

	CONSOLIDATED		PARENT	
	2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)
NOTE 10 PROPERTY, PLANT & EQUIPMENT				
Freehold Land & Buildings				
Land at Valuation (June 2007)	9,400,000	9,400,000	-	-
Buildings at Valuation (June 2007)	38,850,000	38,850,000	-	-
Less Accumulated Depreciation	(1,099,397)	-	-	-
Total Freehold Land & Buildings	47,150,603	48,250,000	-	-
Plant, Equipment & Refurbishments				
In Freehold Buildings at Cost	939,752	761,431	-	-
Less: Accumulated Depreciation	(398,963)	(262,161)	-	-
	540,789	499,270	-	-
In Leasehold Premises at Cost	22,429,794	18,695,462	978,970	986,314
Less: Accumulated Depreciation	(13,611,976)	(15,175,241)	(845,642)	(878,387)
	8,817,818	3,520,221	133,328	107,927
Art Works at Cost	105,091	105,091	89,492	89,492
Less: Accumulated Depreciation	(47,253)	(40,526)	(47,253)	(40,526)
	57,838	64,565	42,239	48,966
Motor Vehicle at Cost	33,965	33,965	-	-
Less: Accumulated Depreciation	(24,869)	(16,377)	-	-
	9,096	17,588	-	-
Total Plant & Equipment	9,425,541	4,101,644	175,567	156,893
Total Property, Plant, Equipment & Refurbishment	56,576,144	52,351,644	175,567	156,893

The land and buildings were revalued at 30 June 2007 by independent valuers.

Valuations were made on the basis of open market value.

Movements in Carrying Amounts

Movement in the carrying amounts for each class of property, plant and equipment between the beginning and the end of the current financial year.

PARENT

	Freehold Land & Buildings	Plant, Equipment & Refurbishment	Artworks	Motor Vehicle	Total
2007	\$	\$	\$	\$	\$
Balance at Beginning of Year	-	92,649	27,474	-	120,123
Additions	-	68,886	27,728	-	96,614
Assets Written Off	-	-	-	-	-
Depreciation Expense	-	(53,608)	(6,236)	-	(59,844)
Carrying Amount at the End of the Year	-	107,927	48,966	-	156,893

2008

Balance at Beginning of Year		107,927	48,966		156,893
Addition		54,676			54,676
Assets Written Off	-	-	-	-	0
Depreciation Expense	-	(29,275)	(6,727)	-	(36,002)
Revaluation	-	-	-	-	0
Carrying Amount at the End of the Year	-	133,328	42,239	-	175,567

CONSOLIDATED**2007**

Balance at the Beginning of the Year	39,660,028	3,092,614	43,073	26,079	42,821,794
Additions	-	1,437,859	27,728	-	1,465,587
Assets Written Off	-	(105,787)	-	-	(105,787)
Depreciation Expense	(1,019,128)	(405,195)	(6,236)	(8,491)	(1,439,050)
Revaluation	9,609,100	-	-	-	9,609,100
Carrying Amount at the End of the Year	48,250,000	4,019,491	64,565	17,588	52,351,644

2008

Balance at Beginning of Year	48,250,000	4,019,491	64,565	17,588	52,351,644
Additions	6,138,553	-	-	-	6,138,553
Assets Written Off	(177,866)	-	-	-	(177,866)
Depreciation Expense	(1,099,397)	(621,571)	(6,727)	(8,492)	(1,736,187)
Revaluation	-	-	-	-	-
Carrying Amount at the End of the Year	47,150,603	9,358,607	57,838	9,096	56,576,144

	CONSOLIDATED		PARENT	
	2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)
NOTE 11 TRADE & OTHER PAYABLES - CURRENT				
Payables				
Deferred Revenue	3,796,302	3,578,175	1,301,612	1,309,238
Trade Creditors and Accruals	424,328	782,120	246,671	107,525
Owing to Subsidiary - Barristers Chambers Limited	-	-	74,109	73,105
Related Party - The Essoign Club	5,081	16,176	5,081	16,176
Other Creditors	519,265	633,540	327,845	285,045
Total Trade & Other Payables	4,744,976	5,010,011	1,955,318	1,791,089

NOTE 12 BORROWINGS**Current**

Bills - Secured	2,700,001	1,533,336	-	-
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Non-current

Bills - Secured	-	2,700,000	-	-
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NOTE 13 PROVISIONS**Current**

Employee Benefits	194,683	320,501	142,208	270,458
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Non-current

Employee Benefits	16,660	14,855	16,660	14,855
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(a) Aggregate Employee Entitlement liability	211,343	335,356	158,868	285,313
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(b) Employee Numbers

Average number of full or part time employees
during the financial year

	27	28	19	20
Number of Employees at Reporting Date	25	28	17	20

CONSOLIDATED		PARENT	
2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)

NOTE 14 TAX ASSETS AND LIABILITIES**Current**

Income Tax Payable	-	428,246	-	-
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Non-Current

Deferred Income Tax Assets	(772)	(36,718)	-	-
Deferred Income Tax Liability	2,496,452	3,083,868	-	-
Net Deferred Tax Liability	2,495,680	3,047,150	-	-

NOTE 15 RESERVES**Asset Revaluation Reserve**

The asset revaluation reserve records revaluations of non-current assets.

	13,179,934	13,179,934	-	-
Balance at Beginning of Financial Year	13,179,934	6,078,564	-	-
Revaluation Increment	-	9609100	-	-
Deferred Tax Liability	-	(2,507,730)	-	-
Balance at the End of Financial Year	13,179,934	13,179,934	-	-

Capital Profits Reserve

The capital profits reserve was used in prior years to record the non-taxable gains on disposal of non-current assets.

	249,680	249,680	-	-
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General Reserve

The general reserve was used in prior years to record amounts set aside to fund the purchase of property.

	27,460	127,460	-	-
	13,557,074	13,557,074	-	-

CONSOLIDATED		PARENT	
2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)

NOTE 16 CASH FLOW INFORMATION**(a) Reconciliation of profit for the year after income tax to net cash from operating activities**

Profit for Year After Income Tax Benefit/(Expense)	10,808,166	2,023,721	4,483,173	38,635
Depreciation & Amortisation of Non-current Assets	1,736,187	1,439,050	36,002	59,844
Loss on Disposal of Assets	168,135	104,318	-	-
Changes in Net Assets and Liabilities:				
(Increase)/Decrease in Trade & Other Receivables & Other Assets	(143,863)	237,941	167,001	131,712
Decrease in Deferred Tax Liability	(551,470)	(84,833)	-	-
(Decrease)/Increase in Trade and Other Payables and Provisions	(390,853)	1,009,396	35,979	50,453
Decrease in Current Tax Liabilities	(428,246)	(103,393)	-	-
Increase in Non-current Liabilities	1,805	9,705	1,805	9,705
Net Cash Provided by Operating Activities	11,199,861	4,635,905	4,723,960	290,349

(b) Reconciliation of Cash

For the purposes of the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:

Cash & Cash Equivalents (see Note 6)	12,202,249	8,632,409	6,734,238	2,532,821
	12,202,248	8,632,409	6,734,238	2,532,821

NOTE 17 OFFICERS' REMUNERATION

No member of the Bar Council received any remuneration from the association. A premium was paid for Directors' and Officers' Liability insurance, details of which are set out in the Officers' Report

CONSOLIDATED		PARENT	
2008 (\$)	2007 (\$)	2008 (\$)	2007 (\$)

NOTE 18 CAPITAL AND LEASING COMMITMENTS

Lease Commitments

(a) Leasehold Premises

Non-cancellable operating leases contracted for but not capitalised in the accounts

Payable

- not later than 1 year	8,835,130	9,015,632	1,059,112	1,080,063
- later than 1 year but not later than 5 years	35,229,855	34,133,131	4,026,705	4,140,852
- later than 5 years *	86,624,599	85,281,422	1,580,684	2,546,726

* Includes Owen Dixon Chambers West lease payments until 26 January 2027

Operating leases relate to premises with remaining lease terms of 2 to 21 years. All operating lease contracts contain market review clauses in the event that the entity exercises its option to renew. The entity does not have an option to purchase the leased assets at the expiry of the lease term.

(b) Office Equipment

Payable

- not later than 1 year	31,444	37,861	31,444	37,861
- later than 1 year but not later than 5 years	44,386	26,390	44,386	26,390
- later than 5 years	-	-	-	-

Capital Expenditure Commitments

Non-cancellable commitments contracted for but not capitalised in the accounts

	1,561,525	-	-	-
Payable				
- not later than 1 year	1,561,525	-	-	-
- later than 1 year but not later than 5 years	-	-	-	-
	1,561,525	-	-	-

NOTE 19 ECONOMIC DEPENDENCE

There are no matters or circumstances that have arisen since the end of the financial year which have significantly affected or may significantly affect the operations of the economic entity, the results of those operations, or the state of affairs of the economic entity in future financial years.

NOTE 20 EVENTS AFTER BALANCE SHEET DATE

There are no matters or circumstances that have arisen since the end of the financial year which have significantly affected or may significantly affect the operations of the economic entity, the results of those operations, or the state of affairs of the economic entity in future financial years.

OFFICERS' DECLARATION

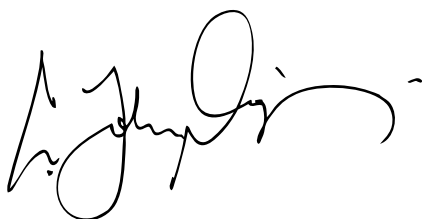
The Officers have determined that the association is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly this special purpose financial report has been prepared to satisfy the Officers' reporting requirements under the Victorian Bar Inc's Constitution and the Associations Incorporation Act 1981.

The Officers of the association declare that:

- 1) The financial statements and notes thereto, as set out on pages 64 to 81
 - a) comply with accounting standards, the Associations Incorporation Act 1981 and the reporting requirements under the Victorian Bar's Constitution; and
 - b) give a true and fair view of the financial position at 30 June 2008 and performance for the year ended on that date, in accordance with the accounting policies described in Note 2 to the financial statements, of the association and the group entities.
- 2) In the Officers' opinion there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the Council of the association

On behalf of the officers



G John Digby QC
Senior Vice-Chairman



Michael J Colbran QC
Honorary Treasurer

Date 29 September 2008

Independent Auditor's Report to the Members of the Victorian Bar Incorporated

We have audited the accompanying financial report, being a special purpose financial report, of The Victorian Bar Incorporated, which comprises the balance sheet as at 30 June 2008, and the income statement, statement of cash flows and statement of changes in equity for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the Officers' declaration of the consolidated entity comprising the Association and the entities it controlled at the year's end or from time to time during the financial year as set out on pages 64 to 82.

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 2 to the financial statements, which form part of the financial report, are appropriate to meet the financial reporting requirements of the *Associations Incorporation Act 1981* and the *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 2, 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.

The financial report has been prepared for distribution to the members for the purpose of fulfilling the Officers' financial reporting requirements under the *Associations Incorporation Act 1981* and the *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 Independence Declaration

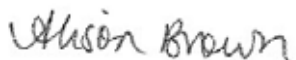
In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

Auditor's Opinion

In our opinion, the financial report gives a true and fair view, in all material respects, of the financial position of the Association's and consolidated entity's financial position as at 30 June 2008 and of their financial performance, their cash flows and its changes in equity for the year ended on that date in accordance with the accounting policies described in Note 2 to the financial statements.



DELOITTE TOUCHE TOHMATSU



Alison Brown
Partner
Chartered Accountants
Melbourne, 29 September 2008

Deloitte Touche Tohmatsu
A.B.N. 74 490 121 060
180 Lonsdale St
Melbourne VIC 3000
GPO Box 78
Melbourne VIC 3001 Australia

DX 111
Tel: +61 (0) 3 9208 7000
Fax: +61 (0) 3 9208 7001
www.deloitte.com.au

DISCLAIMER TO THE MEMBERS OF THE VICTORIAN BAR INCORPORATED

The additional financial information, being the attached detailed income statement for the year ended 30 June 2008, has been compiled by the management of The Victorian Bar Incorporated.

No audit or review has been performed by us and accordingly no assurance is expressed.

To the extent permitted by law, we do not accept liability for any loss or damage which any person, other than The Victorian Bar Incorporated may suffer arising from any negligence on our part. No person should rely on the additional financial information without having an audit or review conducted.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU

Alison Brown

Alison Brown
Partner
Chartered Accountants
Melbourne, 29 September 2008

**DETAILED INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2008 (UNAUDITED)**

	Notes	VBI 2008 \$	2007 \$
Operations			
Income			
Subscriptions		2,615,842	2,562,760
Sale of publications		758	2,022
Other income		5,109	7,373
LSB/LSC	1	1,038,499	934,293
Interest		146,209	160,433
Bar News advertising revenue		20,950	32,170
Entertainment receipts		54,665	56,724
Library copier card sales		1,519	2,101
Mediation Centre income		165,608	152,574
Readers Course fees		301,680	315,392
Readers' Course entertainment receipts		13,706	13,443
Readers' Course photographs		342	375
Total Income		4,364,887	4,239,660

Expenses

General Administration

Archival costs		6,080	5,513
Audit & tax fees and computer software		57,777	55,371
Australian Securities Commission		289	339
Bank & credit facility charges		2,875	1,314
Computer software & support & website		63,284	45,482
Conferences		22,453	34,444
Bar dinner and other functions		163,850	157,706
Bar News expenses		71,280	121,636
Depreciation		28,977	59,844
Donations & discretionary expenses		368	9,800
Floral tributes		4,331	4,582
Insurance		19,641	19,827
Legal Assistance Scheme costs		380,293	227,026
Miscellaneous		1,036	393
Postage		10,338	8,322
Printing, stationery & photocopying		93,305	111,681
Publications		73,430	76,028
Rent & fitout	2	687,607	690,627
Rent & fitout Essoign Club	2	344,660	352,682

Repairs equipment & furniture	5,923	16,930
Support expenses Essoign Club (including depreciation \$6,139)	23,893	11,375
Rent subsidy member parental leave	51,376	20,390
Well Being programme for members	10,242	5,540
HR consultancy	1,160	8,341
Staff recruiting & training	15,086	14,249
Law Aid	10,065	9,680
Projects	196,024	79,359
VBI		
Salaries & employee entitlements, superannuation and Workcover costs	1,233,235	1,401,501
Temporary staff	10,127	57,001
Telephone, fax & internet expenses	10,241	10,672
Travel expenses	5,902	5,669
Australian Bar Association	92,182	82,450
Australasian Disputes Centre	-	2,727
International Bar Association	324	370
Law Council of Australia	168,359	155,163
Lawasia	909	909
PILCH	7,087	6,815
Indigenous lawyers project	5,595	
Ethics legal expenses	95,103	267,548
Continuing professional development, including Readers course, expenses	78,123	61,719
Total Expenses	4,052,830	4,201,025
Operating Profit	312,057	38,635
Treasury		
Income		
Interest	398,071	-
Expenses		
Tax Advice fees (BCL)	125,687	-
Treasury Profit	272,384	-
Profit for year before income tax expense	584,441	38,635
Income tax benefit/(expense)	3,898,732	-
Profit for year	4,483,173	38,635
Accumulated Funds at the beginning of the financial year	6,095,092	6,056,457
Accumulated Funds at the end of the financial year	10,578,265	6,095,092

NOTES TO THE DETAILED INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2008

1. LSB/LSC Reimbursement and Contribution

The Legal Services Board or the Legal Services Commissioner reimburse the Victorian Bar for the costs of the roles delegated to it in relation to regulation and registration of barristers in Victoria. 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.

	2008(\$)	2007 (\$)
Regulation	185,217	420,753
Registration	197,786	170,000
Bar News	36,000	28,000
Readers' Course and Legal Education	98,496	112,000
Library	51,000	48,540
Other	90,000	-
Legal Assistance Scheme	380,000	155,000
	1,038,499	934,293

In addition to the amounts stated above, the Legal Services Board made other contributions totalling \$208,000 during the year towards the Bar's future costs of responding to the Law Reform Project and to review its Practice Rules and Professional Development programs.

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

The Victorian Bar Inc

Owen Dixon Chambers East,
205 William Street,
Melbourne 3000

ph: 03 9225 7111
www.vicbar.com.au