

**VICTORIAN BAR**  
MELBOURNE • AUSTRALIA

# Annual Report 2011

The Victorian Bar Inc.





**ANNUAL REPORT OF THE VICTORIAN BAR INC.  
FOR THE YEAR ENDED 30 JUNE 2011**

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**TO BE PRESENTED TO ANNUAL GENERAL MEETING  
OF THE VICTORIAN BAR INC.**

**TO BE HELD 17 OCTOBER 2011 IN OWEN DIXON  
CHAMBERS EAST, WILLIAM STREET, MELBOURNE**

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**THE VICTORIAN BAR INC. REGISTERED NO. A0034504S**



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# I. BAR COUNCIL 2010-2011



## CATEGORY A Eleven counsel who are Queen's Counsel, Senior Counsel or junior counsel of not less than fifteen years standing

Chairman	Mark K Moshinsky S.C.
Senior Vice-Chairman	Melanie Sloss S.C.
Junior Vice-Chairman	Fiona M McLeod S.C.
Member	Jacob (Jack) I Fajgenbaum QC
Member	Phillip G Priest QC
Member	Brendan A Murphy QC
Member	Jonathan B R Beach QC
Member	Timothy P Tobin S.C.
Member	Richard W McGarvie S.C.
Member	Christopher M Caleo S.C.
Honorary Treasurer	Edvard (Will) Alstergren

## CATEGORY B Six counsel who are not of Queen's Counsel or Senior Counsel and are of not more than fifteen nor less than six years standing

Assistant Honorary Treasurer	Matthew J Walsh
Member	P Justin Hannebery
Member	Paul X Connor
Member	Kim J Knights
Member	Katharine J D Anderson
Member	Carolene R Gwynn

## CATEGORY C Four counsel who are not of Queen's Counsel or Senior Counsel and are of less than six years standing

Member	Cam H Truong
Member	Michael D Rush
Member	Gabrielle Crafti
Member	Kim M Southey

## HONORARY SECRETARIES APPOINTED BY THE VICTORIAN BAR COUNCIL

Honorary Secretary	Samuel D Hay
Assistant Honorary Secretary	Bree Y Knoester

## II. CHAIRMAN'S REPORT



**Above:** Mark Moshinsky S.C.

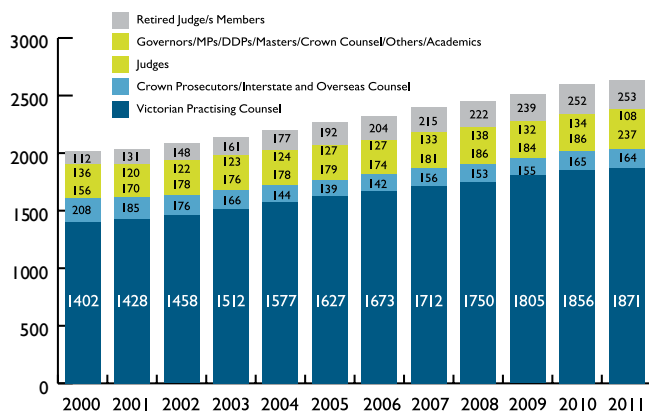
The 2010-2011 year was a busy and, I believe, productive year for the Bar Council. We saw a number of important projects come to fruition, established a constructive working relationship with the new State Attorney-General, and contributed to public debate and the development of government policy on a range of issues.

As the period of this report – 1 July 2010 to 30 June 2011 – includes part of the term of the previous Bar Council (which ran to November 2010), I would like to commence this report by paying tribute to the work of Michael Colbran QC, my predecessor as Chairman, and the members of the Bar Council who retired at the last election, namely Sara Hinchey, Anthony Strahan, Simon Pitt, Richard Stanley and Honorary Secretary, Stewart Maiden. I thank each of them for their dedicated contribution to the Bar.

### BAR DEMOGRAPHICS

Before referring to a number of recent projects, it may be of interest to set out some facts and figures about the demographics of the Bar.

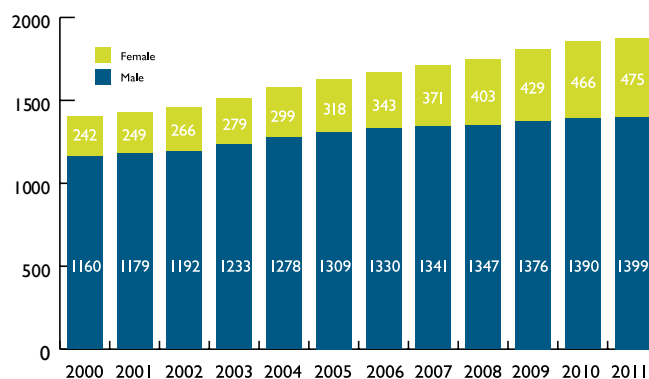
The overall size of the Victorian Bar has grown steadily over the past decade (see figure 1).



**Figure 1:** Membership of the Victorian Bar from 2000 to 2011.

The total number of practising members has increased from 1,402 in 2000 to 1,871 in 2011. In round figures, this represents a net increase of about 40 barristers per year over that 11 year period.

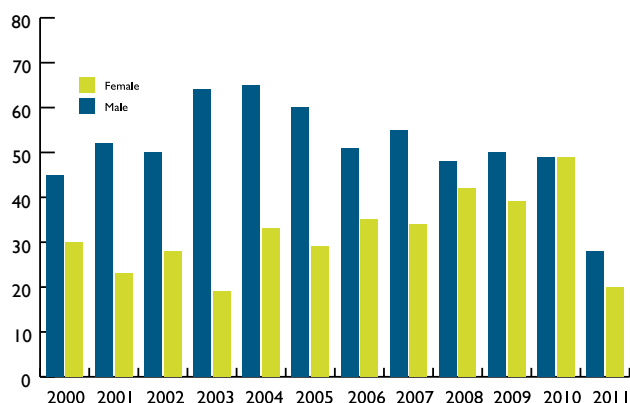
During the same period, the proportion of the Bar that is female has also increased steadily (see figure 2).



**Figure 2:** Number of Victorian Practising Counsel from 2000 to 2011.

Back in 2000, only a few years after the Bar Council commissioned a substantial report on gender at the Bar, Equality and Opportunity of Women at the Victorian Bar, by Professor Rosemary Hunter and Helen McKelvie, only about 17% of Victorian practising counsel were female. The percentage has now increased to 25%. While this is a pleasing improvement, there is still a lot more work to be done in this area, particularly around the issue of retention of women at the Bar.

The statistics for the Readers' Course intakes show an evening out of the male-female ratio in recent years (see figure 3). In some of the recent intakes, the number of male and female readers has been more or less the same.



**Figure 3:** Readers' Course intakes from 2000 to 2011.

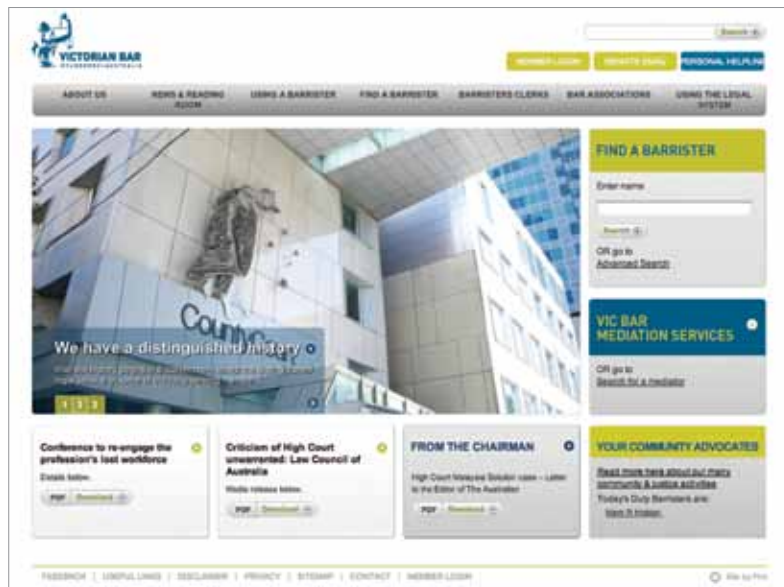
## RECENT PROJECTS

I would like next to refer to some recent projects that came to fruition during the 2010-2011 year.

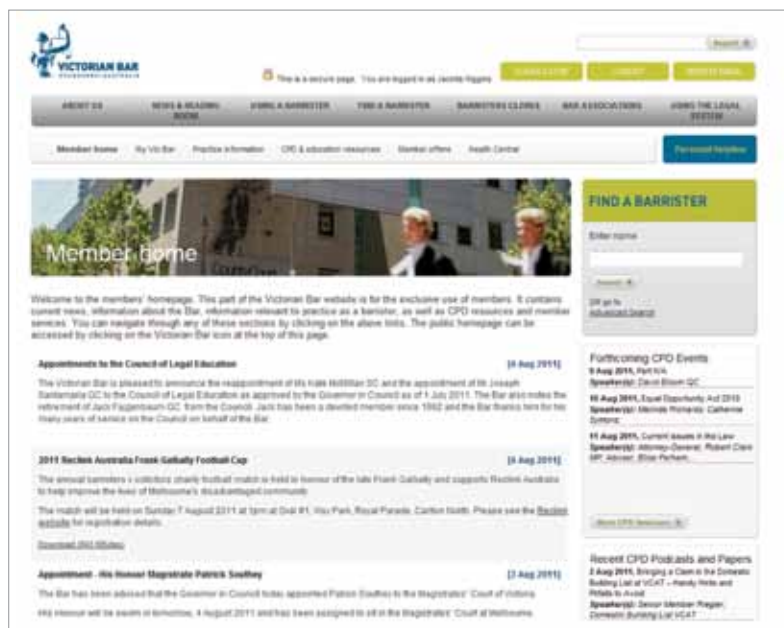
### WEBSITE

In November 2010 we re-launched the Bar website (see picture). The new website was designed by Flint Interactive and much of the work was completed by the Bar's then Marketing Manager, Norma Binding. The planning for the website involved the Communications Committee chaired by Sara Hinchey, with assistance in the early stages from William Lye and Maryanne Loughnan SC. The new website represents an important conceptual change in that it is divided between an external part, which is accessible by the public, and an internal part which is accessible only by members. In this way, the content of the external home page is intended to be of interest to the public, including solicitors and clients, while the material of interest to members is contained in the members' section. Our research showed that the most popular page on the website was the barristers' search page, therefore this feature was made more prominent.

During the first part of this year, the design of the Members' Home page was revamped (see picture). Now, members who are logged on go directly to the Members' Home page when they go the website, and this contains a continuous 'newsfeed' of relevance to members.



Victorian Bar Website - Public Area (above) and Members Home (below)



### NEW CHAMBERS

During the 2010-2011 year, Barristers Chambers Limited (BCL) opened three new sets of chambers: Gorman Chambers, Coldrey Chambers and Ninian Stephen Chambers. Gorman Chambers, located in the Dominion House building in Little Lonsdale Street, includes many of the former tenants of Equity Chambers, who were required to relocate.

Coldrey Chambers, which occupies another floor in the same building, comprises 39 criminal barristers. It was designed to meet the objectives of the group who now occupy the chambers, including that the accommodation be at an affordable price, with most of the barristers sharing with a colleague.

Ninian Stephen Chambers is located in the Old BHP House building at 140 William Street and comprises 21 commercial barristers. The fit out was designed with significant input from the group who now occupy the floor. From the feedback that I have received, I believe that the tenants in each of the new chambers are happy with the chambers.

It is a credit to the BCL Board, including its Chairman, Mark Derham QC, and its Managing Director, Ed Gill, that BCL has managed to complete these projects on time and on budget. This is the first year for some time that the percentage of barristers in BCL chambers has increased, a pleasing development which assists BCL to fulfil its mandate of providing access to chambers for new barristers.

### INFORMATION TECHNOLOGY

Having access to reliable email and internet services is vital today for practice as a barrister. Over the 2010-2011 year, BCL carried out a major review and upgrade of its IT system to ensure that it keeps pace with the demands of the Bar and changes in technology. The Microsoft exchange server has been made available to all barristers and taken up by many. BCL has offered to provide its IT system to independent chambers on reasonable conditions, an offer that has been taken up by several of the independent chambers. This is a desirable change as it means that more barristers will be part of the "vicbar" email address system, which has become familiar in the marketplace. BCL has also made a comparable offer to the independent chambers in relation to the telephone system. It is to be hoped that as many barristers as possible will be part of the same email and telephone system.



## READERS' COURSE EXAMS AND NEW COURSE

One of the significant projects in the 2010-2011 year was the introduction of exams for the Readers' Course. The reasons for the introduction of an exam were to ensure that all prospective barristers meet a minimum standard so as to protect the public interest, and to enable the course to be taught in a way that assumes a certain base level of knowledge. The first exam, covering procedure (criminal and civil), evidence and ethics, took place in June 2011.

33 candidates sat the exam and 31 achieved a mark of 75% or more, which is the mark required to be offered a place in the Readers' Course. The Bar engaged an independent examiner, Professor Linda Haller, to ensure that the exam process was managed in accordance with academic protocols.

In addition, the structure of the Readers' Course has been substantially revamped, with effect from the September 2011 course. The redesign of the course followed the receipt of two independent reviews commissioned by the Bar, one by Professor Chris Roper AM, the other by the Hon George Hampel AM QC. Each report recommended that the course be redesigned so as to adopt a curriculum-based approach, with a structured progression through the material. Also, given that readers will have passed the exam and a certain level of knowledge can be assumed, the length of the course has been reduced from 12 to 8 weeks. There will be weekend workshops and special CPD sessions for readers to attend during the balance of their 9 month reading period.

I would like to thank, in particular, Fiona McLeod SC (Chair of the Readers' Course committee), Jacqueline Stone of the Bar Office, Sue McNicol, Adrian Finanzio and Professor Linda Haller for their work in relation to the exam and the new Readers' Course.

## GOVERNMENT RELATIONS

One of the areas for improvement identified in the Bar's 5 year strategic plan (2008-2012) was the relationship with Government. The plan identified the importance of the Bar to have a 'seat at the table' with Government to contribute our collective expertise and experience in the development of policy affecting the administration of justice in Victoria. In addition to engaging a Manager, Policy and Government Relations (Jacqueline Stone), the Bar Council has made a conscious effort to draft submissions in a way that is constructive and substantive. The Bar is now consulted regularly on policy matters. For example, earlier this year we made submissions to the Consultative Panel in relation to the proposed Independent Broadbased Anti-Corruption Commission (IBAC) chaired by the Hon. Stephen Charles QC. I would like to thank Phillip Priest QC, Paul Holdenson QC and Michael Croucher in particular for their assistance with those submissions. More recently, the Bar has been consulted in relation to the proposed Judicial Complaints Commission Bill. I would like to thank Jack Fajgenbaum QC and Kate Anderson for their assistance in relation to that matter. These are but two examples; there are many others.

With the change of Government at the State level, the Bar Council has established a good working relationship with the new Attorney-General, the Hon. Robert Clark MP. The Attorney-General joined the Bar Council for lunch during which there was a good discussion of many of the Government's policies. More recently, he presented a CPD seminar to the Bar on the Government's policies in relation to sentencing, the Courts Executive Service, and civil procedure reform.

## STUDENT ENGAGEMENT COMMITTEE



While many of the Bar's committees have been active during the course of the year, I would like to highlight the work of the recently-formed Student Engagement Committee. This Committee, chaired by Simon Pitt, has been going out to Law Schools and secondary schools to inform students about the Bar. The Committee has prepared two user-friendly information booklets – one for University students and one for secondary school students – which describe what it means to be a barrister (see picture). And it has prepared a powerpoint presentation which can be used by any barrister who wishes to make a presentation about the Bar. The Bar developed the presentation knowing that many barristers receive requests from schools – and do this great work off their own bat – but the presentation is to support them – and others. This is an important, long-term project, to introduce students from all walks of life

to the possibility of a career at the Bar. I would like to thank Simon Pitt, the members of the Student Engagement Committee, and Jacqueline Stone for their work on this project.

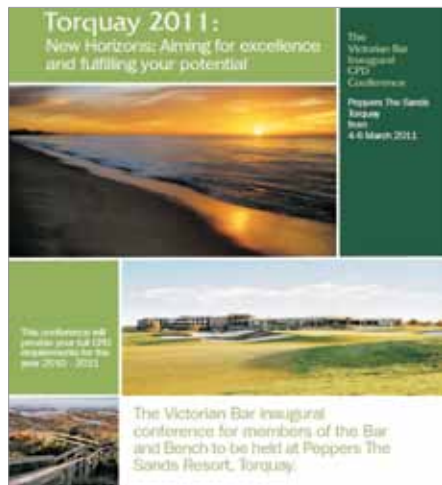
## THE FUTURE

### ISSUES FACING THE BAR

I believe that the Bar is facing significant challenges. Some of these issues were highlighted by the Chief Justice of the Supreme Court of Victoria, the Hon. Marilyn Warren AC, in her paper, "Playing at Futurology" delivered at the Bar's inaugural CPD Conference held at Torquay in March this year. I agree, with respect, with her Honour's analysis of the issues facing the Bar. Her Honour's paper provides much food for thought as to possible directions for the future.

## MARKETING

An important strategy to address these issues is to improve the marketing of barristers. The Bar Office has engaged a Marketing Manager. With the departure of Norma Binding



at the end of last year, Sally Bodman commenced in April this year. It is anticipated that she will facilitate marketing at a number of levels. First, at the level of the Bar as a professional association. Secondly, by working with and assisting the Clerks and the Bar Associations with their marketing efforts. Thirdly, at the level of the individual barrister. Sally's role will include educating barristers about how to market themselves. Recently, Sally conducted a CPD seminar on how to improve barristers' web profiles.

A related strategy is to improve the way in which the Bar is perceived in the community through the media. Over the last few years the Bar Council has made a conscious effort to better represent barristers in the public

arena and engage in community discussion via the media on relevant law and administration of justice issues. The Bar Council has had the benefit of excellent advice from the Bar's media consultant, Alicia Patterson.

## EDUCATION AND TRAINING

Another important strategy is to improve the quality of the Bar's (already high standard) education and training. If there is increased competition, then it's important to maintain and improve standards. In addition to the excellent CPD program, which runs nearly every Monday to Thursday afternoon at 5.15pm in the Neil McPhee Room, it seems increasingly important to provide practical advocacy training. The ABA Advanced Advocacy Course was held in Melbourne in January 2011. The Federal Court made available its courtrooms for the course. From all reports the course, led by Phil Greenwood SC of the NSW Bar, was extremely successful. Will Alstergren, Joshua Wilson SC and William Lye made a great contribution to the success of the course. We are delighted that the course is to be held again in Melbourne in January 2012.

As mentioned, in March 2011 the Bar held its inaugural CPD weekend conference (see picture of brochure). It was held at The Peppers Sands resort at Torquay and over 200 barristers and judges attended. Not only were the papers of a very high quality, the conference provided a great opportunity for barristers to mingle with each other between sessions and over meals. The conference was well attended by senior and junior barristers alike, and across all practice areas. The feedback was very positive and the Bar Council has decided to hold another weekend conference in February 2012. I would like to thank Fiona McLeod SC, the then chair of the CPD Committee, and the members of that Committee, for their work in preparing the conference. The Bar Office staff, in particular Mark Halse, Jacqueline Stone, Denise Bennett and Wendy Pollock all played important roles in making the conference a success.

## OTHER NEWS

Some recent, very welcome, news was an across-the-board increase of 10% in the fees paid by Victoria Legal Aid. This goes some way to addressing the long-term decline in real terms in remuneration of practitioners doing legal aid work.

A significant development during the course of the year was the decision by the Chief Justice of the Supreme Court that she would no longer appoint Senior Counsel after 2011, due to the demands of the proposed Courts Executive Service, which the Chief Justice will likely chair. The Chief Justice will continue to appoint Senior Counsel this year as a transitional year. The system of appointment by the Chief Justice has served the Bar extremely well for many years, and we are very grateful to her Honour for performing this important role.

Last year, the Bar Council established a working group to carry out a review of the clerking system. The working group met during the course of 2010 with each of the List Chairs and the Clerks.

In February 2011, a discussion paper setting out the working group's provisional views and recommendations was published and submissions were called for. A number of submissions were received, and the report was discussed at Bar Council on several occasions. The report has recently been finalised and the recommendations of the working group have been adopted by the Bar Council.

## THANK YOU

I would like to express my appreciation to the staff of the Bar Office who have supported the work of the Bar Council. In particular, I would like to mention the Bar's General Manager, Stephen Hare, who has built an excellent team and successfully led many of the projects referred to above, the Bar Council's Executive Officer, Denise Bennett, and (during Denise's long service leave) Jacinta Higgins, who have provided dedicated and professional support.

I have appreciated the support of the members of the Bar Council and, in particular, would like to thank Melanie Sloss SC, the Senior Vice-Chairman, and Fiona McLeod SC, the Junior Vice-Chairman, with whom I have worked closely. Their wise counsel has been greatly appreciated. I would also like to thank the Honorary Secretary, Sam Hay, and Assistant Honorary Secretary, Bree Knoester, for their hours of work supporting the Bar Council.

Mark Moshinsky SC

Chairman

## III. BAR OFFICE STAFF



### SECRETARIAT

General Manager	Stephen Hare
Manager Assisting The General Manager	Ross Nankivell
Executive Officer	Denise Bennett
Financial Controller	Mal Bowatta
Coordinator	Jacinta Higgins
Reception/Administration Assistant	Sally Pottenger /Samantha Velona

### MEDIATION CENTRE

Coordinator	Peta Hansen
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### EDUCATION, LEGAL POLICY AND GOVERNMENT RELATIONS

Manager, Legal Strategy And Development	Jacqueline Stone
Co-ordinator, Professional Development	Wendy Pollock
Administration Assistant, Professional Development	Barbara Toohey
Administration Assistant, Professional Development	Katherine Gardiner

### MARKETING AND COMMUNICATIONS

Marketing Manager	Sally Bodman
Events & Communication Assistant	Courtney Bow

### MEMBER SERVICES

Manager, Compliance	Alison Rock
Administration Assistant, Membership	Daphne Ioannidis

## IV. GROUP ENTITIES

### VICTORIAN BAR INC

Registered No. A00343045

Owen Dixon Chambers East, 205 William Street  
Melbourne Victoria 3000

T: 03 9225 7111

F: 03 9225 6068

E: vicbar@vicbar.com.au

www.vicbar.com.au

### BARRISTERS CHAMBERS LTD

A.C.N 004 454 004

#### Board of Directors

D Mark B Derham QC (Chairman), Cameron Macaulay SC (until 14 September 2010, now Justice Macaulay), Jacob (Jack) I Fajgenbaum QC (Deputy Chairman), Christopher M Caleo S.C., Michael D Wyles S.C., Wendy A Harris S.C., Peter W Lithgow (until 18 October 2010), Edvard (Will) Alstergren, Scott W Stuckey, Paul X Connor, Katharine (Kate) J D Anderson and Edwin Gill (Managing Director)

## V. OTHER ENTITIES

### THE MELBOURNE BAR PTY LTD

A.C.N 004 640 108

#### Board of Directors

Mark K Moshinsky S.C., Edvard (Will) Alstergren and D Mark B Derham QC

### BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

#### Committee of Management

Mark K Moshinsky S.C. and Edvard (Will) Alstergren

### ESSOIGN CLUB LTD

A.C.N 005 785 937

#### Board of Directors

Colin L Lovitt QC (Chairman), Christopher J Blanden S.C. (Vice Chairman), Michael J Richards, John B Saunders, William E M Lye, Edvard (Will) Alstergren, Peter N Crofts (Honorary Treasurer) and Simone L Bingham (Honorary Secretary)





# VI. ENTITY REPORTS

## THE 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 2011. 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 6 of the annual report under Bar Council, except for the following who retired from the previous Bar Council during the year:

- Michael Colbran QC
- Cameron Macaulay S.C.
- Sara L Hinchey
- Anthony T Strahan
- Simon T Pitt
- Richard H Stanley

### 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 owns and leases buildings, which are provided as chambers to barristers, and provides telephone and internet services to members of the Bar. 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 2011 the association achieved a profit from continuing operations of \$115,916 (2010: \$174,059) after an income tax benefit of \$nil (2010: \$nil). Its consolidated profit from continuing operations was \$5,397,922 (2010: \$3,979,510) after income tax benefit of \$nil (2010: \$nil)

### Changes in state of affairs

Except as set out in the accompanying financial reports, 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.

### 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 on page 6 of the Annual Report) and all executive officers of the association and of any related body corporate against a liability incurred as 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.

  
Mark K Moshinsky SC  
Chairman

  
Edvard (Will) Alstergren  
Honorary Treasurer

28 September 2011



*Above: Opening of Coldrey Chambers*

## BARRISTERS CHAMBERS LIMITED REPORT

I am pleased to report that Barristers Chambers Limited (BCL) has had another excellent year – both financially and as a service provider to the Bar. This has been another year of significant development.

Under the guidance of our Managing Director, Edwin Gill, the Board and senior management again conducted a strategic review in 2010, the outcome of which includes projects important to the maintenance of the standards of chambers and the ongoing development of services provided by BCL. It also served well to build a strong team spirit on the Board and between the Board and the senior management.

The following projects were started or completed during the year:

- The establishment of Coldrey Chambers
- The establishment of Ninian Stephen Chambers
- Refurbishment of Joan Rosanove Chambers
- Refurbishment of Aickin Chambers level 27
- Commencement of refurbishment of Owen Dixon West tenancy areas
- Completion of the next stage of the DMC refurbishment
- Commencement of the chiller replacement project ODCW and DMC
- Commencement of telephone upgrade to IP (VoIP)
- Installation of BCL technology in 3 independent chambers
- Upgrades to the internet network to improve robustness

### Financial Performance

BCL performed well financially. The Operating Profit was \$5.3m.

### New Chambers

BCL keeps under constant review the supply of, and demand for; additional accommodation. Matching supply with demand is never easy and, in fact, the perfect balance is never reached.

We are proud to have established Coldrey Chambers, named in honour of the Hon John Coldrey QC; and Ninian Stephen Chambers, named in honour of the Rt Hon Sir Ninian Stephen KG, AK, GCMG, GCVO, KBE, QC during the year. These chambers together accommodate about 60 barristers (plus readers).

### Chambers Refurbishment

BCL has a chambers refurbishment program, with plans in place for the next 5 years. This includes both tenancy finishes and building infrastructure.

### Internet and Telephone

During the year BCL has offered to provide telephone and internet services to non BCL chambers and have generally been able to do so on terms enabling the connection of tenants on the same terms as in BCL chambers.

The Board has decided to replace the Ericsson MDI 10 PABX with Internet Protocol (IP) telephony. The present system (upgraded from time to time) has served the Bar well for some 27 years. The change is needed because of increasing difficulty obtaining parts and expertise to support the system.

## BARRISTERS CHAMBERS LIMITED REPORT (CONTINUED)

### Vacancies and Rent

There has been a net increase of 51 in the number of barristers in BCL chambers during the year. Our strategic objective is to have chambers of varying sizes, costs and locations available for barristers.

The Melbourne commercial property market has been strong and rental rates have been increasing. Expert projections for base rental increases range between 10% and 13% p.a. for each of the next 3 years. The Board reviews rental rates annually with a view to ensuring that the Company is able to continue to provide chambers to members of the Bar in a financially sustainable manner.

### Management and Staff

The management of the Company has continued to improve and the Board is very grateful to Edwin Gill, Geoff Bartlett and all the staff for their mighty efforts.

Key Performance Indicators have been set by the Board and the performance of BCL against those KPI's has been outstanding.

### Board Retirements and Appointments

I wish to place on record my appreciation for the support of all members of the Board.

I would like particularly to thank Peter Lithgow, who retired as a director at the last AGM, having been appointed on 24 August 1999. His contribution has been beyond the call of duty. He served on numerous committees during that time.

Our thanks and congratulations go to Cameron Macaulay SC, now Justice Macaulay, who joined the Board in November 2009 and resigned upon his appointment to the Supreme Court of Victoria in late 2010.



**Mark Derham QC**  
Chairman

## THE ESSOIGN CLUB LIMITED REPORT



The 2010/2011 financial year was a positive one for the Club.

Whilst it was still a challenging year, core areas, such as the dining room and catering, lifted, which greatly assisted in the overall performance of the club. The effects of the global financial crisis began to dissipate, resulting in greater discretionary spending. The other core areas, such as the cafe, continue to be well patronized and the removal of the dry bar and installation of 'bar' tables has now increased the seating capacity of this area.

The Essoign catering service was rebranded "Essoign Events" and has been expanding its services to new and old customers as confidence in its services as an offsite food and beverage supplier grows. The professional catering service offers members and the local business community a wide range of options from simple lunches, or beverage deliveries, to full 3-course sit-down dinners or cocktail parties in the venue of their choice. "Essoign Events" also caters to the surrounding courts, together with non-law based businesses, in the immediate vicinity of the club.

Our club manager, Nicholas Kalogeropoulos, together with his admirable team, continues to reinvigorate the club by providing quality food and beverages and excellent service in an ambient, friendly environment.

From a financial perspective, 2010/11 was a better year for the club.

Despite the natural disasters in Australia continuing to push the price of food up, the club, via its increase in catering services, has been able to absorb much of these increases, resulting in the ability to hold prices relatively stable. The increased patronage and confidence in the club resulted in a stronger financial result for the year. After taking into account membership subscriptions it is expected that when the Essoign's audit (currently in progress) is concluded, an overall profit of around \$20,000 will be recorded. This is a significant turnaround on last year's unfortunate loss but in line with the Board's philosophy, namely that the Club should trade at break-even, or a small, profit, in order to ensure benefits are passed to members.

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

**Colin Lovitt QC**  
Chairman

## VII. BAR ASSOCIATIONS



**Above:** CommBar Asia Conference, CommBar Cocktails

### COMMERCIAL BAR ASSOCIATION

G John Digby QC (President), Melanie Sloss S.C. (Senior Vice-President), Albert A Monichino S.C. (Vice-President (Convenor)), William E M Lye (Executive Member and Website ), Caroline E Kirton (Executive Member), Edvard (Will) Alstergren (Executive Member) and Ian H Percy (Treasurer).

The Commercial Bar Association of Victoria (CommBar) enjoyed a characteristically busy and successful year in 2010-2011.

In addition to contributing to the bulk of the Victorian Bar's CPD Seminars through the year, CommBar's 15 specialist Sections have conducted discussion groups and promoted education and standards of professional conduct both in their specific Sections and more generally at the Victorian Bar.

CommBar's achievements include:

- Substantially increasing its membership to 495 members.
- Assisting the Victorian Bar by conducting, as part of the Victorian Bar's CPD Program, over twenty-five CPD events in the last twelve months with a further ten CPDs planned for the balance of 2011. CommBar has also added two Special Seminars addressing Commercial Advocacy Skills to the CPD Program for 2011. CommBar is also, at the Victorian Bar's request, developing a CPD Course specifically designed to assist the Readers at the Victorian Bar.

- Liaising and participating in a number of events directed at improving its relationship with Australian Corporate Lawyers Association ('ACLA') with plans to participate in the major ACLA Seminar in late November 2011, at which CommBar Members will deliver papers.
- Creating three new Committees to address areas which it believes deserve attention, CommBar Discovery Procedures Review Subcommittee, CommBar ACLA Relations Subcommittee and the CommBar Readers Course Liaison Subcommittee.
- Submitting, at the request of the Federal Law Reform Commission, a Paper on the topic of the management of discovery in Federal Courts. Also, during the year CommBar provided similar input to other bodies in an effort to serve the public interest in relation to legal issues.
- Producing periodic high quality Newsletters which include topical information for its Members and Case Studies.
- Continuously maintaining and upgrading CommBar's excellent Website which is directed to promoting CommBar Members to the Commercial Legal Practitioners of Victoria and beyond.
- Through its 15 specialist Sections, producing a number of extremely valuable seminars, one example being the Asia Practice Section which is planning a "2nd Engaging the Asian Economies – Law & Practice Conference – Working with Asia", scheduled for the 20th October at Monash Law School Chambers, 555 Lonsdale Street Melbourne.

CommBar maintains an active calendar of social and other engagements:

- The annual Social Event for about 350 Judges, Commercial Lawyers, Corporate counsel and CommBar Members. This very well supported event provides an opportunity for those present to hear about CommBar's activities and to meet CommBar Members and discuss matters of mutual interest. In the coming year the event is planned to be held on 6 October 2011 in the Victorian Supreme Court Library.
- On 13 August 2010, CommBar joined with the Supreme Court and Melbourne University (and others) to organise and promote a successful afternoon Seminar in the Banco Court of the Supreme Court, addressing Current Issues in Commercial Law.
- On 8 September 2010 CommBar hosted a Dinner in honour of the Honourable Alan Goldberg AO QC, CommBar's first President. The evening was an outstanding success.
- On 15 September 2010, William Lye, Chair of the Asia Practice Section of CommBar, also organised a very successful CommBar reception in the Neil McPhee Room to welcome the Honourable Chief Justice Chan Sek Keong of Singapore and Justice of Appeal V K Rajah. Chief Justice Marilyn Warren and some other Justices of the Supreme Court were also in attendance.
- In August 2011, CommBar hosted a very successful dinner in honour of the Honourable Justice Byrne QC.
- On 13 October 2010, William Lye's Asian Practise Section was also instrumental in organising (in conjunction with VBI and the LIV and Monash University) a one day seminar in the Supreme Court, focusing on "Engaging Asian Economies – Law and Practice".



CommBar's Executive has recently undertaken an extensive session with independent Marketing Consultants aimed at developing and implementing more effective marketing strategies to help CommBar Members in strengthening their commercial practices at the Victorian Bar and perhaps elsewhere.

CommBar thanks the Victorian Bar Office and in particular its staff, Stephen Hare (General Manager), Sally Bodman (Marketing Manager) and Courtney Bow (Events & Communication Assistant) for their regular and excellent support to CommBar.

## CHILDREN'S COURT BAR ASSOCIATION

Robert T Burns (President), Geoffrey R Martin (Honorary Treasurer) and Melissa Stead (Secretary)

The Children's Court Bar Association is a group of dedicated, hard-working and underpaid barristers practising in the Children's Court in both the Family and Criminal Divisions around the State of Victoria.

Members attend the meetings of the Children's Court Users' Group convened by the President of the Court from time to time to discuss measures to facilitate and improve the running of the Court.

In the last year, appointed members of the Association have lobbied Victoria Legal Aid regarding the amount and payment of fees particularly in relation to adjournment fees where a barrister is briefed for a Final Hearing. This is an ongoing issue.

## COMMON LAW BAR ASSOCIATION

Ross H Gillies QC (Chairman), Richard J Stanley QC, Timothy P Tobin S.C., Fiona M McLeod S.C., Michael F Wheelahan S.C., Mary Anne Hartley S.C. (Treasurer), Andrew J Keogh S.C., David J Martin (Secretary), Simon K McGregor, Roisin N Annesley, Andrew D Clements, Jacinta M Forbes, David J N Purcell, Michelle Britbart, Bree Y Knoester and Stephen J A Jurica

During 2010/2011, activities in which the Common Law Bar Association have been involved include:

- Meeting with the Chief Justice, Justices Kaye and J. Forrest of the Supreme Court concerning the conduct, listing and hearing of common law actions in the Supreme Court. The litigation of common law matters in the Supreme Court has been actively encouraged by the Court.
- Liaising with Judges of the County Court concerning the conduct, listing and hearing of common law actions in the County Court, especially the conduct of serious injury applications.
- Continuing ongoing liaison with the Transport Accident Commission and the Victorian WorkCover Authority concerning a variety of matters pertaining to the conduct and hearing of common law matters arising from industrial accidents and transport accidents.
- Continued liaison with the Australian Lawyers Alliance concerning personal injury matters of mutual interest.
- Continuing to monitor any proposed tort reform including the introduction of a narrative test.
- Responding to requests from the Victorian Bar Council for submissions on a variety of issues relating to common law.
- Providing speakers and topics on a range of issues for the Bar's ongoing CPD Program.

- Continuing on the development of a website for the Common Law Bar Association.
- Hosting, in conjunction with the Criminal Law Bar Association, a very successful dinner to mark the occasion of the retirement of His Honour Judge John Nixon from the County Court after almost 30 years as a Judge of the Court.
- Cultivating the significant increase in the number of members of the Common Law Bar Association over the past 12 months which currently stands at 239 members.

## COMPENSATION BAR ASSOCIATION

Robin P Gorton QC (Chairman), Michael O'Loughlen QC (Chairman until November 2010), Stanley B Spittle (Treasurer), Denis R Gibson, Clyde A Miles, Michael J Richards, Robert W Dyer, Ian D McDonald, Timothy J Ryan, Anthea E L MacTiernan (Secretary), Bruce R McKenzie, Amanda C Ryan (until May 2011) and Maria Pilipasisdis

The membership of the Association is 68 members, a record number.

The AGM was held on 19 November 2010. Those present, unanimously agreed that Michael O'Loughlen QC be made an honorary life member of the Association, and a vote of thanks was given to Michael for his leadership of the Association.

The AGM was followed by a dinner to celebrate the 40th anniversary at the Bar of Michael O'Loughlen QC, Jeff Moore QC and Peter Rattray QC. The dinner was attended by 71 guests.

The Association has hosted a number CPD lectures followed by refreshments in the Essoign Club. Campbell Hangay and Magistrate Brian Wright have delivered CPD lectures on the Accident Compensation Act and the seemingly never ending amendments to that legislation. Campbell Hangay and Michael Richards are the Association's representatives on the Magistrates' Court WorkCover Users Group.

On 31 August 2010 the Association hosted a well attended function celebrating the 25th year of the Accident Compensation Act 1985. Bruce McKenzie has been diligent in distributing decisions pertaining to the Accident Compensation Act, to members of the Association.

The April and October 2010 amendments to the Accident Compensation Act have resulted in an increased number of matters being filed in the Magistrates' Court (instead of the County Court) and this trend will obviously continue.



**Above:** *Talented Junior Counsel*

## CRIMINAL BAR ASSOCIATION

Dr Gregory J Lyon S.C. (Chair), John R Champion S.C. (Chair until September 2010), Michael G O'Connell S.C. (Deputy Chair until September 2010), Thomas F Danos (Treasurer), Benjamin W Lindner, Antony D Trood, Michael P Cahill (Deputy Chair), George A Georgiou, Carolene R Gwynn, Megan Tittensor (Secretary), Frances L Dalziel (until February 2011), Simon A Moglia, Agusia M Kapitaniak, Sarah J Keating, Robert W O'Neill, Paul J F Higham and Patrick J Doyle

The Association has had another very busy year. In September 2010, John Champion SC stepped down as Chair after two and a half years, and Michael O'Connell also stepped down as Deputy Chair. Both served the Association tirelessly, and we thank them for it. The Association also thanks Fran Dalziel and Paul Higham for their contributions who both stepped down from the Committee in February 2011.

The first significant issue for the year involved working with the Court of Appeal on the implementation of the reforms to the criminal appeal process. The reforms have now been instituted, and the Association has continued to provide seminars and workshops to assist members to familiarise themselves with the changes.

There has been a great deal of discussion about accreditation and up-skilling in the last year. The new Committee took the initiative and is hosting a series of advocacy workshops for its members. The workshops range from trial advocacy for junior members through to appellate workshops. This initiative is partly subsidised by the Association and the Bar in order to ensure equality of access to all members.

The workshops also dovetail in with the Association's participation in the talented junior counsel scheme (photo above) hosted by Victoria Legal Aid. Fourteen junior counsel were selected to work with senior mentors in trials to expose them to the higher courts, and to give them real experience. The Association welcomes Victoria Legal Aid's plan, and the closer relations that are being forged between the two organisations.

Perhaps the most significant achievement this year has been the successful negotiation of an increase in VLA fees for summary crime. These fees have remained unchanged for many years. Through

careful negotiations and submissions, the Association not only achieved the increase, but also successfully negotiated a reversal of the proposed whole of job fee for summary crime and bail applications. We also acknowledge the crucial role played by David Neal SC in this respect. David has worked for years on achieving a more equitable outcome for our members in this respect.

The criminal justice agenda of the new Government heralds significant change to sentencing and bail laws. The Association remains vigilant and continues to make submissions to Government and other agencies. The Association has an increased voice in the media, and will continue to strive to be heard on issues that affect our members and the community in general.

## FAMILY LAW BAR ASSOCIATION

Ian F Mawson S.C. (Chair), Michael J Wood (Treasurer), Rohan N Hoult (Deputy Chair), Darren A Mort (Secretary), Michael L Pavone, Emma M Swart and Patricia A Bymes

The Committee has continued to meet on a regular basis and has, on behalf of the Family Law Bar Association, had an active and successful year. Despite ongoing difficulties and a level of frustration the concept of a dedicated web site is now much closer to reality. The Bar has, in turn, been frustrated by delays and unfulfilled promises in its plan to have a unified approach to the individual association web sites. With some confidence I believe that our site should be in operation before the end of this year.

We have been much more successful in obtaining a proper robing room at the Dandenong Family Court due mainly to the efforts of Rohan Hoult and the cooperation of the Federal Magistrates Court.

The CPD program has continued culminating in our participation at the Torquay conference. The Family Law Bar is fortunate to have significant ongoing support from many members of the Judiciary and at Torquay we had the benefit of the involvement of Chief Justice Bryant, Justice Cronin, Judge Misso and Federal Magistrate Riethmuller. From the perspective of those who attended it was a successful and informative weekend.

The Committee has also been involved in the Family Court committee which is reviewing the operation of the Magellan List which is now to be monitored by Senior Registrar Fitzgibbon.

We have made submissions to Victoria Legal Aid in respect of the proposed changes to the Eligibility Guidelines and funding allocation. A submission was also made in support of a Monash University study by Adivia Sifris on the issue of Violence Against Women in Family Law.

Darren Mort has arranged further hypotheticals, some in conjunction with The Australian Psychological Society, which continue to entertain whilst at the same time provide valuable professional knowledge.

Finally the Association continues to have regular meetings on both a formal and informal basis with The Family Court and The Federal Magistrates Court to address issues of delay and to discuss other matters of concern to the Family Law Bar.

## INDUSTRIAL BAR ASSOCIATION

Gerard C P McKeown (President), Frank Parry S.C., Warren L Friend S.C., Rohan A Millar (Treasurer), Melinda J Richards, Eugene P White (Senior Vice President), Jan M Maclean, Steven J Moore, Nicholas A T Harrington, Timothy Jacobs, Craig W Dowling, Cassie J Serpell, Richard P P Dalton (Secretary) and Catherine L Symons

The Industrial Bar Association (IBA) is an association of members of the Victorian Bar who practise predominantly in the area of employment and industrial law. Since its establishment in June 2005 the IBA has attracted increasing membership numbers, and currently has 68 barrister members.

Two of its primary objects are:

1. to provide a forum for meetings of barristers who practise in, or have an interest in, industrial/employment law, and to foster closer working and social relationships;
2. to encourage participation by members in continuing legal education programs, conferences and thereby increase their knowledge and understanding of industrial/employment law.

During the past year the IBA has presented the following seminars as part of the Victorian Bar's CLE program:

- 10 August 2010 - Termination of employment and other adverse action: The Fair Work Act 2009

**Speakers: Alanna Duffy and Jim McKenna**

- 6 September 2010 - Developments in Occupational Health and Safety Law

**Speaker: Dr. David Neal S.C.**

- 20 October 2010 - The workings of the Australian Conciliation and Arbitration Commission, the Australian Industrial Relations Commission and Fair Work Australia: A Historical and Current Perspective

**Speaker: Commissioner Greg Smith of Fair Work Australia**

- 17 February 2011 - Misleading and Deceptive conduct and Employment Contracts- the Australian Consumer Law

**Speaker: Judge Tim Ginnane S.C.**

- 3 May 2011 - Development of the Federal Magistrates Court industrial law jurisdiction and associated practice matter: Advocacy in the Federal Magistrates Court.

**Presenter: Federal Magistrate Philip Burchardt**

- 1 June 2011 - Ruminations on Equal Remuneration

**Speaker: Herman Borenstein S.C.**

I wish to thank on behalf of the IBA all of the aforementioned speakers for the considerable work they put into both their presentations and seminar papers.

In November 2010 the IBA held its annual dinner at which the Honourable Justice Christopher Jessup was guest of honour and an enjoyable evening was had by all attendees.

In the year ending June 2011 one of our members, Jan MacLean, a Senior Vice President of the IBA, was appointed a Victorian State Magistrate. On behalf of the IBA, I congratulate Jan on her appointment. Jan was also an active member of the IBA Committee and on behalf of the IBA I thank her for her contribution.

## TAX BAR ASSOCIATION

Gregory J Davies QC (President and Web Convenor), The Honourable Justice G (Tony) Pagone (Patron), John W de Wijn QC, Alexandra Richards QC, Helen M Symon S.C. (Vice President and Events Co-ordinator), Jennifer J Batrouney S.C., Terrence P Murphy S.C., Simon H Steward S.C. (Treasurer), Simon A Tisher (Joint CPD Convenor), Tim M Grace, F John Morgan (Joint CPD Convenor), Eleferia (Ria) Sotiropoulos (Secretary) and Daniel J McInerney (Assistant CPD Convenor)

The Tax Bar Association seeks to promote and further the professional development of barristers wishing to practice in tax and to promote relations between barristers and other practitioners in the tax field. It initiates educative and social forums with the broader tax community and invites key note speakers from outside the Bar to speak to tax barristers. It liaises with universities, the Australian Taxation Office and other associations in the tax field with a view to co-ordinating and providing cross promotion for continuing education, conferences and other opportunities. The Association is a member of the Australian Taxation Office convened Legal Practice Working Party.

The Association provides a range of continuing legal education on taxation law and related areas for tax practitioners and the wider legal profession. During the 2010 financial year, a number of seminars were presented, covering a wide range of topics at general and specialist levels. Contributors involved both senior and junior members of the Association together with academics, solicitors and members of the Australian Taxation Office.

A monthly "Tax Discussion Group" lunch is held, chaired by John Morgan.

The Association's website enables barristers and other tax practitioners to keep up to date with current developments. The website is updated regularly. 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 material and advertises forthcoming seminars and social events. The Association publishes a regular newsletter which is emailed to all members and other subscribers from legal and accounting firms, the Australian Taxation Office and universities. The Association has over 100 external subscribers.

## WOMEN BARRISTERS' ASSOCIATION

Suzanne A Kirton (Convenor), Jennifer J Batrouney S.C., Joye S Elleray (Treasurer), Kim J Knights, Amanda R Wynne, Anne M Sheehan, Anna L Robertson, Jane E Treleaven (First Assistant Convenor), Sarah E Mansfield (Membership), Cilla Brookes (Membership), Kathleen E Foley (Second Assistant Convenor & Communications Officer) and Deborah E Foy (Secretary).

The Women Barristers Association (WBA) has had a very busy year, continuing to provide events and opportunities for women lawyers to support and promote each other. It is gratifying to see the increase in our membership numbers, and I think we can finally say that the diversity of those coming to the Bar is finally starting to reflect the make-up of law graduates.

The WBA was well represented at the Australian Women Lawyers' Conference in Brisbane in August 2010.

Her Honour Justice Margaret Stone was the guest speaker at a WBA networking breakfast held on 10 August 2010. Many barristers invited their solicitor clients to attend the breakfast. The breakfast was also well attended by members of the Victorian and Commonwealth judiciary.

On 13 October 2010 WBA held a drinks function to celebrate the many female judicial and tribunal appointments made during the last year.

On 19 October 2010 WBA hosted an information evening for solicitors thinking of coming to the Bar. WBA provided a panel of speakers to the audience of Victorian women lawyers, and a number of barristers attended to socialize and answer questions. We are pleased to note that the Bar intends to adopt a similar model in running its own information sessions for solicitors next year.

In February 2011 WBA was proud to arrange the Melbourne launch of Pamela Burton's biography of Mary Gaudron, From Moree to Mabo. The patron of Australian Women Lawyers, Chief Justice Diana Bryant, hosted the launch and introduced the author in the Commonwealth Law Courts.

The WBA contributed to the inaugural whole weekend Victorian Bar Conference in March at Torquay by hosting a seminar on well-being conducted by Erica Edmands. The seminar was held over breakfast and was well attended although the speaker did have to fight to be heard over the breakfast din.

On 26 May 2011, the WBA moved away from legal matters to host (together with John Goldberg of our Bar) a breakfast in support of a team of medical specialists and nuns who are working to bring aid and assistance to women and girls in Timor Leste. For only the cost of a breakfast at the Essoign club, we were able to raise enough money for essential equipment, such as a generator.

The WBA has also been working with VWL on developing a seminar series to be taken to regional areas of Victoria. The first of these will be in Warrnambool in July, and will provide CPD points as well as a networking opportunity for regional solicitors.

Many of our members were disturbed by the mooted changes to the Bar's Parental Leave Policy and WBA is working with the Bar Council's working group to ensure the sustainability of the parental leave policy.

Lastly, the WBA has been working with VWL, the Law Institute of Victoria and the Victorian Bar on developing the Return to Work seminar series which is to be launched later this year.





# VIII. STANDING COMMITTEES

## PROMOTING ACCESS TO JUSTICE

### EQUALITY & DIVERSITY COMMITTEE

Caroline E Kirton (Chair), Vincent A Morfuni S.C., Michael D Wyles S.C., Philip H Solomon S.C., Carmella Ben-Simon, Jeremy A F Twigg, Kim J Knights, Jacinta M Forbes, Kaye L McNaught, Anne M Sheehan, Anna L Robertson, Dr Michelle R Sharpe (until 16 December 2010), Timothy J Donaghey, Nha Nguyen, Meredith A Schilling, Amanda R Wynne (until 16 December 2010), Paul J F Higham, Christine Melis and Amy Brennan

State Court Consultants: Justice G (Tony) Pagone (Supreme Court), Judge Frances Millane (County Court) and Chief Magistrate Ian L Gray (Magistrates' Court)

Federal Court Consultants: Justice Richard R S Tracey RFD (Federal Court) and Justice Linda M Dessau AM (Family Court)

Other Consultants: Pamela M Tate SC, SG (until 16 December 2010, now the Hon Justice Tate), Alexandra Richards QC and Fiona M McLeod S.C.

This year the Committee welcomed Vincent Morfini SC, Nha Nguyen and Amy Brennan. The Committee thanks retiring members Amanda Wynne and Michelle Sharpe for their contribution to the work of the Committee. Justice Pamela Tate retired as a consultant to the Committee and we thank her Honour for her involvement with the Committee, both as a member and as a consultant over many years.

Fiona McLeod SC retired as a member of the Committee and remains as a consultant to the Committee. The Committee thanks Fiona for her work on the Committee and its predecessors over the past fifteen years.

The main focus of the work of the Committee has been devising and implementing strategies in response to the Law Council of Australia's 2009 Court Appearance Survey and the Strategy for Advancing Appearances by Female Advocates in Australian Courts. The objective of these strategies has been to address the retention and advancement of female barristers.

The Committee has:-

- Contributed to the 'Return to Work' program designed for practitioners returning to work after taking a break from work, whether that be for family leave or for other reasons. The program is being developed in conjunction with the Law Institute of Victoria, the Australian Corporate Lawyers Association, Victorian Women Lawyers and the Women Barristers Association. The program is due to be launched later this year.
- Contributed to the work the Bar's Parental Leave Scheme Working Group, in reviewing the Bar's parental leave scheme.
- Provided information to members of the Bar in relation to the Commonwealth Government parental leave entitlements.
- Met with the Clerks and with leaders of the Bar Associations to discuss strategies to promote the retention and advancement of female barristers.
- Contributed to the work of the Law Council of Australia's Recruitment and Retention of Lawyers Working Group. The current strategic framework for this working group is to investigate the reasons for the high attrition rate of women lawyers.

The Committee will continue implement the recommendations made in the Law Council's 2009 *Court Appearance Survey: Suggested Best Practices Action Plan*, to promote the advancement of female barristers.



**Above:** Indigenous Lawyers Mentoring Program Event

## INDIGENOUS LAWYERS COMMITTEE

Daniel I Star (Chair), Jane A Dixon S.C., John E Goetz, Alan L Hands, Francesco Tallarida (until 16 December 2010), Patrick R C Southey, Matthew J Stirling (until 16 December 2010), Andrew P Phillips, Michael W Wise, George A Georgiou, Richard B C Wilson, Paul J Hayes (until 16 December 2010), Daniel V Aghion (until 16 December 2010), Angus R Frith, Peter G Willis, Scott R Johns, Andrew Woods, Linda A Lovett, Jane E Treleaven (Secretary), Vinod C Nath, Hans P Bokelund, Lisa M Nichols, Munya (Maria) Andrews, Eliza S Holt, David Yarrow, Elizabeth A Bennett, Phoebe C Knowles (Secretary), Cathy M Dowsett, Robin A Robinson and Jacquelyn L Turfrey

Consultants to Committee: Justice Peter R A Gray, Justice Stephen W Kaye, Judge David A Parsons, Justice David F R Beach, Judge Timothy J Ginnane and Justice Michelle M Gordon

The Indigenous Lawyers' Committee (ILC) has made progress in attracting Indigenous lawyers to consider a career as a barrister in Victoria. By the end of 2011, seven Indigenous barristers are expected to be practising at our Bar. This is the largest number of Indigenous barristers at any Bar in Australia.

This is being done by a range of programs:

- The ILC runs a mentoring scheme for Indigenous law students and graduates. Currently there are about 20 Indigenous "mentees", each of whom are linked with a barrister and a Judge of the Supreme Court, Federal Court or County Court.
- The ILC organizes an annual paid clerkship program for up to 3 Indigenous law students. The successful clerks undertake paid work experience for 3 - 4 weeks with rotations with a barrister, the Supreme Court and the Federal Court. This program is successfully co-ordinated by Elizabeth Bennett and the ILC appreciates the assistance of Kaye J and Kyrou J of the Supreme Court and Gray J and Gordon J of the Federal Court.
- On behalf of the ILC, John Goetz co-ordinates work experience opportunities for Indigenous secondary school students.
- Addressing the retention of the Bar's Indigenous barristers and providing a pathway for them to reach their potential as successful members of our Bar is the most pressing and difficult challenge. The ILC has been working closely with a working

group of the Law Institute of Victoria (including the LIV President, Caroline Counsel) to put into practice the Bar/LIV model briefing policy for Indigenous barristers which was launched 2009. This work resulted in the Chairman of the Bar and the President of the LIV sending a jointly signed letter to selected firms and organizations inviting them to adopt the model briefing policy and introducing the Indigenous barristers relevant to the firm / organization.

- A financial assistance package is available to Indigenous barristers while they are becoming established
  - The Bar waives the Readers' Course fees for an Indigenous Bar reader.
  - BCL offers Indigenous barristers a rebate off the rent of chambers for the first year after reading.
  - The Indigenous Barristers' Fund provides urgent financial assistance to Indigenous barristers in necessitous circumstances. (The Trustees - Colin Golvan SC, Jane Dixon SC and Daniel Star - made a call to all Senior Counsel during the year. Tax deductible donations continue to be needed).
  - Finally, the ILC, coordinated through the good offices of Jane Treleaven and Andrew Woods, is in the early stages of preparing a proposed Reconciliation Action Plan (RAP) for the Bar.

The Committee works closely with Bar administration in the conduct of Committee activities, for which it acknowledges with thanks the support given by Stephen Hare and his staff.

## HUMAN RIGHTS COMMITTEE

Debra S Mortimer S.C. (Chair), Alexandra Richards QC, Glenn C McGowan S.C., Simon E Marks S.C., Stephen G E McLeish S.C. (until 6 May 2011), Sturt A Glacken S.C. (until 16 December 2010), Peter J Billings, B A Toby Shnookal, Rosaline M Germov, Richard B C Wilson, Peter G Willis, Dr Stephen P Donaghue, Malcolm W Harding, Kristen L Walker, Cam H Truong, Travis P Mitchell, Chris Young (until 16 December 2010), Lisa M Nichols, Michael D Stanton, Eliza S Holt (Secretary), Elizabeth A Bennett and David W Gibson (until 16 December 2010)

### New developments in the area of practice

There have been a number of important decisions that have involved the Charter of Human Rights and Responsibilities Act 2006 (the Charter) in 2011. The Charter has frequently been raised in cases concerning public housing and homelessness, and criminal matters.

There are also decisions pending in the Court of Appeal in *Director of Housing v Sudi* and in the High Court in *R v Momcilovic*.

The Charter is presently undergoing its scheduled review, and this issue has occupied most of the Committee's, and the Chair's, time this year.

### Achievements of the Committee in 2011

#### *Submission to the Attorney-General's Review of the Charter*

On 10 June 2011 the Committee lodged a submission on behalf of the Victorian Bar, endorsed by the Bar Council, to the Scrutiny of Acts and Regulations Committee for the Attorney General's four-year review of the Charter.

Prior to the submission being lodged, Ms Mortimer attended several information meetings, organized by the Human Rights Law Resource Centre, between stakeholders considering making submissions to the Charter review. These meetings were helpful in terms of identifying issues for various stakeholders to address, and ensuring there would not be too much overlap in submissions.

The final submission was very detailed and covered a broad range of issues, and members of the Committee contributed a great deal of time and effort in completing the submission within a short timeframe.

#### *Attendance and contribution to LCA*

##### *Human Rights Agenda discussions on 13 May.*

On Friday 13 May Ms Mortimer attended the LCA Human Rights Advocacy meeting in Sydney in her capacity as chair of the Bar's Human Rights Committee. The purpose of this meeting, and the ongoing work by the LCA, was to set the direction for the efforts of the legal profession towards the greater protection of human rights in Australian domestic law, including continuing to work towards the implementation of a federal charter of human rights.

There was discussion around the LCA's and constituent bodies' respective human rights policy priorities, and attendees agreed on the need for greater collaboration between constituent bodies on human rights issues, and greater collaboration between constituent bodies and the Secretariat.

There was also discussion around the effectiveness of current and future advocacy in favour of a federal Human Rights Act. Attendees agreed that further detail would assist in determining what role the LCA and constituent bodies would play in respect of this proposal.

The work of the LCA and its constituent bodies on these issues is ongoing and the Human Rights Committee will continue to contribute as it can to assisting the LCA in advancing the implementation of human rights into Australian domestic legislation.

#### *Attendance at ARC Consultations on 30 June*

On Thursday 30 June Debbie Mortimer SC, Richard Niall and Stephen Donaghue attended a hearing by the ARC as part of its consultation on the review of federal administrative law in Australia. The ARC gave the Bar's presentation a substantial amount of time, and it was well received. Time permitting, it will be followed by a written submission.

### Membership of the Committee

The Committee was very fortunate to have had Stephen McLeish SC, now Solicitor General for Victoria, as one of its members, and the Committee congratulates Stephen on his well-deserved appointment.

I would like to thank the outgoing members of the Committee, and its current members, for their enthusiasm and commitment to the work of the Committee. I am particularly grateful to the current members of the Committee for their efforts in putting together a lengthy and complicated submission to the Charter review.

Eliza Holt has been an extremely capable and efficient Secretary to the Committee this year, and I wish to record my sincere

## BARRISTERS' ANIMAL WELFARE ASSOCIATION

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

## CLIMATE CHANGE AND ENVIRONMENTAL LAW PANEL

Fiona M McLeod S.C. (Chair), Sara L Hinchey (Treasurer), Tom Pikusa (Education & Training), Jane E Treleaven (Secretary & Greening the Bar) and Rudi D Cohrssen (Liaison – Other Professional Bodies & Associations)

# PRO BONO COMMITMENT

## DUTY BARRISTERS' SCHEME COMMITTEE

Edvard (Will) Alstergren (Chair), Lesley A Fleming (until 16 December 2010), Nicholas Papas S.C., William E M Lye (until 16 December 2010), Marcus E Dempsey, Eleftheria (Ria) Konstantinou, David C Turner (until 16 December 2010), John J Oswald-Jacobs (until 16 December 2010), Anand Naidu, Paul F White (until 16 December 2010), Amanda R Wynne, Vassiliki Theoharopoulos, Sarah J Keating (until 16 December 2010), Katrina J Gillies, David W Podger and David W Gibson (until 16 December 2010)

The Duty Barristers Scheme continues to be a great success. Each year the Scheme provides around \$800,000 of pro bono assistance to otherwise unrepresented litigants in the Melbourne and Dandenong Magistrates Courts, the County Court, the Supreme Court and the Court of Appeal. The Scheme continues to strive to meet the challenge of the ever increasing number of unrepresented litigants in our Courts.

There are currently 197 Duty Barristers on the Duty Barristers' Scheme list. At the Melbourne Magistrates Court there are 101 volunteers on the general list and 41 on the Family Violence List and at the Dandenong Magistrates Court there are 43 volunteers on the List. 11 Work experience students shadowed five Duty Barristers at Melbourne Magistrates' Court in June 2011.

The number of clients assisted by the Scheme was 540; 476 at the Melbourne Magistrates Court and 64 in higher jurisdictions.

The success of the Scheme is due to the support of the Committee and the Bar Office (especially Peta Hansen), the Courts and the Duty Barristers. Special thanks to the Self-Represented Litigant Coordinator, Shane Draper and Aurora Bennett.



**Above:** Victorian Bar Pro Bono Trophy awarded to Debbie Mortimer SC

**Below:** Pro Bono Perpetual Trophy





## PRO BONO COMMITTEE

Alexandra Richards QC (Chair), Michelle L Quigley S.C. (until 16 December 2010), Dr Kristine P Hanscombe S.C. (until April 2011), Anthony A Nolan S.C., Jane A Dixon S.C., Caroline M Kenny S.C. (until 16 December 2010), Dr Joshua D Wilson S.C., Michael D Wyles S.C., Thomas F Danos, Edvard (Will) Alstergren, David P Gilbertson, Richard B C Wilson, Craig W Dowling, Pat Zappia, Anna L Robertson (until 16 December 2010), Daniel C Harrison, Arushan Pillay (until 16 December 2010), Cam H Truong, Esther M James, Thomas B Ashton (until 16 December 2010), Darren A Ferrari, Edmund W Coady, Jonathan Gottschall, Eliza S Holt, David W Gibson (until 16 December 2010), Rupert J C Watters, Melanie Dye (PILCH), Fiona McLeay (PILCH) and Michael McKitterick (PILCH)

The Victorian Bar Pro Bono Committee oversees the operation of the Victorian Bar Pro Bono Scheme (VPBPS), which is administered by the Public Interest Law Clearing House (PILCH).

A total of 707 barristers are registered to participate in VPBPS, which equates to 63 per cent of the practicing members on the Bar Roll. This figure represents a 15 per cent increase from last year. Many barristers also undertake pro bono work outside VPBPS, and their contribution cannot be underestimated.

On 17 May 2011 the Victorian Bar announced that Victorian barristers had boosted the hours they commit to pro bono legal assistance by 36 per cent compared to the previous 12 month period. Formally recorded hours added up to 33,624 hours based on time spent by barristers representing people and cases bono. This equated to \$11.7 million in legal fees provided to the Victorian community.

In 2010-11, PILCH received \$397,496 from the Victorian Bar to administer and manage VPBPS. This amount was funded by the Legal Services Board. PILCH employed 3.2 full-time equivalent staff to manage VPBPS.

This year VPBPS received a total of 608 inquiries, a 7 per cent increase on the last reporting period. The number of referrals to barristers rose slightly from 300 in 2009-10 to 307 this year.

An evaluation of the inquiry figures illustrate that the highest requests for legal assistance were in criminal law, housing and property law, family law, immigration and human rights. Housing and property represented the highest number of referrals followed closely by criminal law, immigration, debt and human rights.

The increase in the number of referrals in immigration is linked to offshore asylum seekers electing to exercise their judicial review rights following the High Court case of Plaintiff M61/2010E v Commonwealth and Plaintiff M69/2010 v Commonwealth [2010] HCA 41 (M61). Since the landmark decision, the VPBPS has worked together with Victoria Legal Aid, the Refugee and Immigration Legal Centre, and the Asylum Seeker Resource Centre. VPBPS has also been active in developing a collaborative sector response, with the support of the Victorian Bar.

On 17 May 2011, the Committee hosted its annual Pro Bono Thank You function at the Supreme Court Library. The Hon. Justice Chris Maxwell addressed guests, which included pro bono barristers, members of the judiciary, and representatives from the legal community.

The recipients of the 2011 Pro Bono Awards, presented by the Hon. Justice Maxwell, were:

### 1. VICTORIAN BAR PRO BONO TROPHY

Debbie Mortimer SC

### 2. DANIEL POLLAK READERS AWARD

Kathryn Bundrock

### 3. RON CASTAN QC AWARD

Emrys Nekvapil

### 4. SUSAN CRENNAN AC QC AWARD

Serge Petrovich and Ashley Halphen (shared)

### 5. RON MERKEL QC AWARD

Fiona McLeod SC

### 6. PUBLIC INTEREST/JUSTICE INNOVATION AWARD

Rowe & Anor v Electoral Commissioner & Anor – Ron Merkel QC, Kristen Walker, Fiona Forsyth and Neil McAteer

The hard work and dedication of the Committee members together with the enthusiasm and tireless support of the VPBPS administrators (Melanie Dye, Manager; Michael McKitterick, Acting-Manager (July 2010 – April 2011), Belinda Johnson, Anna Serry (July – December 2010), Ursula Noye (from December 2010) and Nicole Petrucci) cannot go unacknowledged: the success and reputation of the Bar's pro bono assistance scheme is dependent upon that work and support.

## VICTORIAN BAR PRO BONO SCHEME STATISTICS

	2010/11	2009/10		
<b>BARRISTERS PARTICIPATING</b>	707	603		
<b>TOTAL INQUIRIES</b>	<b>608</b>	<b>566</b>		
<b>TOTAL REFERRALS</b>	<b>307</b>	<b>300</b>		
		2010/11		
AREA OF LAW	INQUIRIES	AREA OF LAW	REFERRALS	
Criminal	102	Criminal	44	
Family/ Children's Court	58	Family/ Children's Court	17	
Property/ Planning/ Housing	67	Property/ Planning/ Housing	45	
Immigration	49	Immigration	39	
Debt/ Consumer Credit	36	Debt/ Consumer Credit	22	
Administrative	31	Administrative	19	
Traffic/ Infringements	21	Traffic/ Infringements	7	
Commercial	34	Commercial	18	
Human Rights/ Equal Opportunity	46	Human Rights/ Equal	20	
Employment	30	Employment	12	
Torts	6	Torts	4	
Social Security/ Welfare	8	Social Security/ Welfare	3	
Personal Injuries	0	Professional Regulation	9	
Professional Regulation	14	Other	22	
Other	106			
JURISDICTION	REFERRALS	BARRISTER SENIORITY	REFERRALS	
Administrative Appeals Tribunal	3	0-1 years	112	
Children's Court	0	2-7 years	112	
Coroner's Court	3	8-15 years	70	
County Court	16	15+ years	69	
Fair Work Australia	4	SC	26	
Family Court	3	QC	6	
Federal Court	2			
High Court	0			
Magistrates Court	35			
Not Litigious	4			
Supreme	9			
VCAT	30			
Federal Magistrates Court	23			

# PROFESSIONAL STANDARDS

## RENEWALS AND REFERRALS – COUNSEL COMMITTEE

Melanie Sloss S.C. (Chair), The Honourable Justice Cameron Macaulay (until 14 September 2010), Timothy P Tobin S.C., Brendan A Murphy QC, Jonathan B R Beach QC, Fiona M McLeod S.C., Richard W McGarvie S.C., Mark K Moshinsky S.C., (Chair until 3 February 2011), Michael D Rush, Katharine J D Anderson, Samuel D Hay (Honorary Secretary), Stewart J Maiden (Honorary Secretary until 29 November 2010), Anthony T Strahan (until 29 November 2010), Simon T Pitt (until 29 November 2010), Bree Y Knoester (Assistant Honorary Secretary) and Alison Rock (Manager, Compliance - Bar Office)

The Counsel Committee is appointed pursuant to clause 12 of the Constitution of the Victorian Bar Inc. It is comprised solely of members of Bar Council and is chaired by the Senior Vice-Chairman from time to time. The role of Counsel Committee is to consider, and make recommendations to Bar Council in relation to the grant and renewal of practising certificates, applications to sign the Roll of Counsel and the removal of names from the Roll (pursuant to part 13 of the Constitution).

The Committee wishes to record its thanks to the Honorary Secretary, the Assistant Honorary Secretary and the Compliance Manager, Alison Rock for their invaluable support throughout the year.

Since the last report, the Counsel Committee has met 16 times, including conducting two informal hearings.

In 2010-2011, twelve readers disclosed suitability matters requiring consideration by the Committee as did one applicant who was not required to undertake the Readers' Course.

Until this year, the review of applications and practising certificate renewal disclosures had been a time intensive process involving all members of the committee but in the final outcome the disclosures were found to be largely routine warranting no further action. The Counsel Committee has this year developed a revised protocol for dealing with disclosures - they are now categorised into six groups. The Honorary Secretary has responsibility for reviewing disclosures in the first four categories and making a recommendation directly to Bar Council. The remaining two categories are those matters which raise concerns about the practitioner's fitness to practise or where the Honorary Secretary has doubts and these are dealt with by the Committee. That is, under the protocol, the Counsel Committee is required to continue to consider and make recommendations to Bar Council on all offences for which a finding of guilt has been made (including by guilty plea) and show cause events. The protocol was approved by Bar Council on 3 November 2010.

During the recent 2011-12 practising certificate renewal period, suitability matters concerning some 65 applicants were brought to the attention of the Committee. These were dealt with in accordance with the protocol.

Other matters considered and for which the Committee has made recommendations to Bar Council were disclosures in respect of four show cause events pursuant to s.24.27 of the Legal Profession Act 2004 (Vic) and a suitability matter raised by a member of the judiciary and referred to the Committee by Bar Council.

## COMPLAINTS AND RULINGS – ETHICS COMMITTEE

Richard W McGarvie S.C. (Chair), Douglas R Meagher QC, Joseph G Santamaria QC, Malcolm R Titshall QC, Phillip G Priest QC (Deputy Chair), Helen M Symon S.C., Jeremy W St John S.C., James W S Peters S.C., Edward W Woodward S.C., Kevin J A Lyons, Michael J Croucher, Charles E Shaw, Dr Michelle R Sharpe, Simon J Gannon, Rena Sofroniou, Alison Rock (Manager, Compliance – Bar Office)

Since the last report the Committee has met 14 times (usually fortnightly), completed 28 investigations referred by the Legal Services Commissioner and given 85 rulings and dispensations. The number of formal rulings and dispensations given since the last report has increased by 40 per cent. This number does not include the constant calls and countless emails to members during the working day and after hours from counsel seeking guidance.

In the course of the investigations of complaints referred by the Legal Services Commissioner, members of the Ethics Committee also devote many hours to reading and analysing voluminous materials and preparing reports and draft recommendations.

Members of the Committee continue to conduct education sessions in both the Readers' Course and CPD program. In addition, the Committee will publish Bulletins in Bar News, In Brief and on the Bar website for the guidance of members, where a need is established through the subject matter of complaints or repeated requests for guidance where circumstances are similar. In late 2010, in response to a letter of complaint, the Committee published a bulletin entitled "Social Networking Sites and Breaches of Professional Conduct Rules". This bulletin was also posted on Facebook.

During the course of the year, Aaron Schwartz and Will Alstergren retired from the Committee. The Committee is grateful to the retiring members for their contribution and dedication. The Committee welcomed as new members Ted Woodward S.C. and Michael Croucher.

As Chairman of the Committee, I would like to express my admiration of, and heartfelt thanks to, all of the members of the Committee, and in particular the Bar's compliance manager, Alison Rock, for their hard-work and dedication to providing an invaluable service to members of the Bar, often in circumstances where urgent rulings are required. I would also like to extend my personal thanks and deep appreciation to Deputy Chairman, Phillip Priest QC, for stepping into the breach during my unexpectedly long absence from the committee prior to November of last year.

It was reported last year that the newly appointed Legal Services Commissioner, Mr Michael McGarvie had been rigorous in addressing and minimising delays and expanding investigation techniques in dealing with complaints against practitioners. This has been borne out in the reduction in open investigations against barristers from 64 at 30 June 2010 to just 30 at 30 May 2011. During the course of the year the Commissioner referred 34 complaints to the Ethics Committee for investigation and the Committee completed 28 investigations and returned the files to the Commissioner. At 30 June the Committee was conducting 10 investigations.

At the invitation of the Committee, the Commissioner has continued to attend meetings when he is able, usually accompanied by one of his investigations team. By being privy to the deliberations of the Committee, these team members have gained valuable insight into the complexities of advocacy and the high standards expected of its practitioners.

My thanks also to the other members of the Committee.

## PROFESSIONAL STANDARDS SCHEME COMMITTEE

Michael W Shand QC (Chair), Robin A Brett QC, Jonathan B R Beach QC, Gerald A Lewis S.C., Dr Ian R L Freckelton S.C., Michael R Simon, Gerard L Meehan, Jeremy A F Twigg (until 16 December 2010), Simon J Gannon, Esther M James (until 16 December 2010) and Simon J Loftus

### Registration of the Scheme and amendments

The Scheme was approved and gazetted in April 2008 and commenced on 1 July 2008. For members enrolled in the Bar Scheme, liability for what the Act describes as "occupational liability" is capped, subject to the Act, at \$2 million.

On 11 March 2010, amendments to the Bar's scheme were approved and were gazetted in Victoria on 11 March 2010, in New South Wales and Australian Capital Territory on 11 May 2010 (effective date), in Northern Territory on 23 August 2010, and in Queensland on 17 December 2010. This means that the Bar's scheme and the statutory limitation on liability operates for a Scheme member who practises in those States as Territories as well as in Victoria.

The Bar has recently lodged an application to amend its scheme to operate when a Scheme member practises in Western Australia and South Australia. Members will be advised when that amendment takes effect.

### Prescription of the Scheme under Commonwealth legislation

The Bar's Scheme was prescribed by the Commonwealth under s87AB(2)(a) of the *Trade Practices Act 1974* and reg 8A of the *Trade Practices Regulations 1974 (Competition and Consumer Regulations 2010)*. The prescription under the *Trade Practices Act* commenced on 13 June 2009 and was to cease on 13 June 2011 but has been extended for the life of the scheme. See the *Competition and Consumer Amendment Regulations 2011* (No. 1).

The Scheme has not yet been prescribed under either the *Corporations Act 2001* or the *ASIC Act 2001*. That means that at present liability of a Scheme member under the provisions of that legislation is not limited by the Scheme.

On 29 October 2009, the Bar wrote to the Assistant Treasurer seeking that prescription. The Bar was advised in March 2010 that the Commonwealth had decided no longer to prescribe any professional standards schemes under those Commonwealth Acts. The Bar made a further submission on 18 May 2010 urging the Federal Government to prescribe schemes under that legislation.

Both the New South Wales Bar Association and the Law Institute of Victoria supported the submission. The Bar has yet to receive a response and is following up the matter.

### Personal injuries practitioners

In New South Wales and Western Australia, the cap is available to limit negligence or other fault of a legal practitioner in acting for a client in a personal injury claim.

On 3 December 2009, the Bar and Law Institute of Victoria made a joint submission to the then Victorian Attorney General to introduce legislation for the repeal of s 5(1)(b) of the Act to enable legal practitioners in personal injuries claims to limit their liability as members of a professional standards scheme.

In September 2010, the Department of Justice in its Report on the Statutory Review of the Act recommended that the Victorian Government only consider the repeal of section 5(1)(b) of the *Professional Standards Act 2003* (Vic) (which excludes capped liability applying to legal practitioners acting in personal injury matters), provided there is compelling evidence for repealing the provision and for reaching a nationally consistent position on this issue. As at the election in November 2010, the State Labour Government had made no decision on the matter and the Bar and the Law Institute are following up the submission with the current Attorney General, the Hon Robert Clark MP.

### Membership

The Bar's Professional Standards Scheme Register shows that as at 30 June 2011, there were 688 barristers who have become members of the Victorian Bar Professional Standards Scheme.

During the current year, members of the Bar's scheme were given discounts on premiums for top up insurance.

## PROFESSIONAL CONDUCT COMMITTEE

Jonathan B R Beach QC (Chair), Cameron C Macaulay SC (until 14 September 2010, now Justice Macaulay), Gerald A Lewis S.C., Christopher M Caleo S.C., Peter G Cawthorn S.C., Michael R Simon, Christopher R Northrop, Richard T A Waddell, Stephen J Moloney, Peter A Clarke, Judy Benson, Emma M Swart, Donald J Farrands, Pat Zappia, Susan K Gatford, Lisabella G De Ferrari, Dean G Guidolin, R E Tyson Wodak, Patrick S Noonan and Alexandra J Golding

During this last year, the Committee had a change of chairman, a change of name and a change to its objects and functions. The Committee has re-defined itself to now embrace a broader range of issues across the spectrum of professional conduct areas.

Committee members have actively participated in the presentation of papers and seminars for the CPD program. The Committee is also involved, in conjunction with Roisin Annersley, in preparing a second edition of the Good Conduct Guide.

My sincere appreciation to the past Chairman, Justice Cameron Macaulay, for his considerable work with the Committee.





OWEN DIXON  
COMMONWEALTH  
LAW COURTS BUILDING

HIGH COURT OF AUSTRALIA  
FEDERAL COURT OF AUSTRALIA  
FAMILY COURT OF AUSTRALIA  
FEDERAL MAGISTRATES COURT OF AUSTRALIA

## ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

Michael D G Heaton QC (Chair), Hugh Foxcroft S.C., Aristomenis (Manny) Garantziotis S.C., Paul D Santamaria S.C., P Nimal Wikramanayake S.C. (until 16 December 2010), Elspeth A Strong S.C., Anthony A Nolan S.C. (Deputy Chair), Michael J O'Brien, Julian G Ireland, Dr Damien J Cremean, Robert W Dyer, Christopher B Thomson, Peter F J Condliffe, William E M Lye (until 16 December 2010), Mark G Hebblewhite, B A Toby Shnookal, Carmel M Morfuni, Carolyn H Sparke, Andrew J Laird, Judy Benson, Dr C Elizabeth Brophy, Michael J F Sweeney, Laura Colla, Elisabeth Wentworth, Carey J Nichol, Peter F Agardy, Simon J Gannon, Ragini A Durai, Anthony Elder, Morgan A McLay, Peta Hansen (Bar Office) and Ross Nankivell (Bar Office)

The Victorian Bar a Recognised Mediator Accreditation Body became a member of the Mediator Standards Board Ltd. The Board's initial tasks involve funding proposals for itself and reviewing accreditation standards.

A subcommittee led by George Golvan QC, Michael Heaton QC and Tony Nolan SC prepared a submission dated February 2011 on behalf for Bar in response to the Commonwealth Attorney General's reference to National Alternative Dispute Resolution Advisory Council (NADRAC) on conduct obligations, confidentiality, inadmissibility and immunity.

The Civil Procedure Act 2010 commenced on 1 January 2011 (and despite the repeal of the pre-litigation requirements) it emphasises the importance of ADR, both non-determinative (such as mediation, early neutral evaluation, conciliation, settlement conferences and negotiations) and determinative (such as arbitration, expert determination and special referee). The Commonwealth Civil Dispute Resolution Act 2011 commencing 1 August 2011 requires 'genuine steps' to be taken to resolve disputes before litigation is commenced.

The Committee through the Mediation Course Subcommittee chaired by Peter Condliffe is preparing a pilot mediation course in November 2011 directed primarily to barristers.

The Bar approved a Commercial Arbitration Appointment Service and an Expert Determination Appointment Service.

There have been significant amendments to the Commonwealth International Arbitration Act and the Victorian Government proposes to introduce a new Commercial Arbitration Act based upon the UNCITRAL Model Rules, similar to that in New South Wales. Michael Sweeney chairs the Arbitration Subcommittee.

The Co-Mediation Scheme for junior barristers is now a scheme for all barristers to gain hours and experience as mediators.

The Committee continues to liaise with the Courts and Tribunals. Justice Mark Weinberg has attended a meeting of the Committee. The ADR representatives of the Supreme Court and County Court of Victoria have also attended some meetings. Carey Nichol sits on the Magistrates' Court ADR Committee. Representatives of the Committee have met with the Federal Magistrates' Court and other courts.

The CPD and Training Subcommittee chaired by Peter Agardy conducted CPD seminars including an all-day seminar with Dr Anne Purcell (Psychologist) on difficult personalities.

Seminars included:

- Mediation and Family Disputes;
- The Neighbourhood Justice Centre;
- Early Neutral Evaluation in the Magistrates' Court;
- On-line Dispute Resolution;
- Good Faith Negotiation.

The Accreditation Subcommittee, chaired by Manny Garantziotis SC, continues to advise the Bar on accrediting applicants under the National Mediator Accreditation System (NMAS).

The Adjudication Subcommittee chaired by Toby Shnookal drafted submissions for the Bar to the Competition and Efficiency Commission for reform of the Security of Payment Act.

A Family Law ADR Subcommittee, chaired by Mark Hebblewhite, was established.

The Marketing and Publicity Subcommittee is working with the Bar on the website for ADR. The Department of Justice 'Reaching Agreement' website features a link to the Victorian Bar website.

The year has been busy. The Committee is most grateful for the input and support from Ross Nankivell and Peta Hansen.

## INTERNATIONAL ARBITRATION COMMITTEE

Martin R Scott (Chair), Dr Gavan Griffith AO QC, G John Digby QC, Hugh Foxcroft S.C., Craig W R Harrison S.C., Albert A Monichino S.C., Michael J F Sweeney, William E M Lye (until 16 December 2010), Michael H Whitten, Paul J Hayes, Andrew P Barnett, Donald J Farrands, Charles E Shaw (until 16 December 2010), David L Bailey, Anton P Trichardt, Jonathon A Redwood (until 16 December 2010), Albert M Dinelli, Clive G K Madder and David J Goodwin

The International Arbitration Committee's goals of the last 2 years have either been substantially achieved or are now well underway.

The primary goal of legislative reform is almost complete with the imminent enactment of modernised and harmonised State commercial arbitration legislation to at last match NSW's enactment of its version of the uniform Commercial Arbitration Act 2010 commencing 1 October 2010.

John Digby QC has this year served as the Victorian Bar's representative on the board of the peak body ACICA.

The next step, and the committee's primary goal for next year, is the establishment of a dedicated and modern arbitration centre in or adjacent to the legal precinct in Melbourne. This is a vital initiative. The chairman of the committee particularly wishes to record his gratitude to past and present chairmen of the Victorian Bar Council (Michael Colbran QC, John Digby QC and Mark Moshinsky SC) for their personal support of this objective.

The chairman of the committee also wishes to record his gratitude to Albert Monichino SC who has toiled for many years and in many quarters to promote arbitration and the Victorian Bar's constructive role in the field.

# EDUCATION

## INTRODUCING NEW BARRISTERS (READERS' COURSE COMMITTEE)

Fiona M McLeod S.C. (Chair), David J O'Callaghan S.C., James H Mighell S.C. (until 16 December 2010), Matthew N Connock S.C. (Chair until 16 December 2010), Edward W Woodward S.C., Samantha L Marks S.C. (until 16 December 2010), Wendy A Harris S.C., Darren A Mort, Caroline E Kirton, Carolyn H Sparke, Joseph Melilli (until 16 December 2010), Gregory P Harris (until 16 December 2010), Trevor E Wraight, Peter Fox, David A Klempfner (until 16 December 2010), Adrian J Finanzio, Elizabeth M Brimer, Anthony G Burns, Lisabella G De Ferrari, Suzanne B McNicol, Andrew Woods, Panayiotis Panayi, Dr Vicky M Priskich, Michael I Borsky, Kim M Southey, Kyle McDonald and Wendy Pollock (Bar Office)

Judicial consultants to Committee:  
Justice Jack Forrest and Judge P Mark Taft

This year, in addition to conducting the twice yearly readers' course and considering all applications to commence reading, the Readers' Course Committee has undertaken the ambitious task of revising the Readers' Course. This has included a comprehensive review of the course itself; the introduction of an examination as a precondition to entry; and introduction of new requirements by way of compulsory professional development to be completed after signing the roll during the post-course reading period. These changes implement the recommendations of two independent reviews of the course undertaken at the request of the Bar Council by Professor George Hampel AM QC and Professor Chris Roper AM.

A new curriculum for the course has been designed reducing the length of the course to eight weeks and refocusing the program on the core skills of the advocate. The course has increased the participative content and assumes a base knowledge of evidence, procedure and ethics permitting advanced practical instruction to be undertaken. There will be an increased emphasis on assessment with various mooting and drafting tasks throughout and attendance at all sessions of the course will be compulsory.

Advocacy instructors are encouraged to participate in teacher training to ensure consistency of standards and uniformity of method and a number of workshops and training sessions have been conducted.

Teaching faculties have been created to provide ongoing input into the objectives and course content in the areas of advocacy, written advocacy and ethics components of the course. These faculties will be chaired by Ross Ray QC, Rodney Garrett QC and Joseph Santamaria QC respectively.

An entrance exam is now a compulsory precondition for entry to the course. The exam covers the topics of ethics, evidence and procedure (civil and criminal) as each of these topics is fundamental to practice. The first exam of three hours was conducted in June for all potential September readers and will be repeated twice a year. The introduction of the entrance exam represented a significant piece of work by the members of the entrance working group. Dr Linda Haller was appointed to act as Chief Examiner and oversee the procedural and ethical aspects of the exam. As a result of the introduction of an exam, the previous waiting list was effectively abolished. The first two exams this year are reserved for those who were already on the waiting list for courses up to 2014. After November 2011, there will be no waiting period at all and candidates will sit the exam immediately preceding the course they wish to attend.

A website for readers is being developed to provide information for those seeking to come to the Bar, to act as a bulletin board for all readers and to provide electronic access to all course materials.

These changes have resulted in an enormous workload for the Committee and its working parties. The Committee is extremely grateful for the support it has received from the Bar office, in particular Jacqueline Stone, Wendy Pollock and Barbara Toohey for the additional workload they have assumed and managed so successfully.

The Committee understands that the transition to the new course will result in changes for new readers, mentors, instructors and those who have contributed over many years.

In addition to this workload, the Committee has overseen the operation of the two readers' courses conducted each year and has welcomed and benefited from the company of readers from the South Pacific in each course. This year readers have joined us from Papua New Guinea, the Solomon Islands, Fiji and Vanuatu, and our course is greatly enriched by their participation and our ongoing friendships fostered by the advocacy training workshops conducted in Papua New Guinea each year and recently the Solomon Islands.

The Committee is extremely grateful for the contribution of so many members of the Bar and the judiciary to the course and looks forward to this support continuing with the changes to be introduced this year.





### SEPTEMBER 2010 READERS

**Back Row:** Wendy Pollock, Tamiaka Spencer Bruce, Conor O'Sullivan, Jeffrey Stanley, Jonathan Hirst, Raelene Sharp, Jane Sharp, Adrian Kennedy, Liam Brown, Daniel Bongiorno, Jonathon Sprott, Jessica Swanwick, Rebecca Dunlop, Marian Clarkin, Emma Mealy, Robin Robinson, Amanda Pearson, Miriam Orwin, Melissa Marcus.

**Centre Row:** Louise Martin, Stephen Linden, Glenn Worth, John Dickie, Panayiota Karnis, Michelle Mykytowycz, Rodney McNeil, Karen Argiopoulos, Matthew Albert, Katharine Gladman, Adam Rollnik, Toby Mullen, Diana Price, Catherine Boston, Teresa Porritt, Simone Bailey, Felicity Bentley, Emma Peppler, Vincent Peters, Maree Norton, Daniella Mattiuzzo.

**Seated Row:** Marita Evans, Adrian Muller, Rodgers Tovosia, Ronald Talasasa, Campbell Horsfall, Rosie Jordan, Ruth Champion.

**Front Row:** Neil Howard, Raymond Alexander, Justin Podmore, Justin Willee, Julien Lowy, Stephen Devlin, Alexandra Burt, Kathryn Bundrock, Francis Scully, Paul Jeffery.



### MARCH 2011 READERS

**Back Row:** Tiphonie Acreman, Eitan Makowski, Richard Morrow, Louise Hicks, Naomi Hodgson, Helen Tiplady, Yael Steel, Lionel Wirth, Liam Connolly, Daniel Matta, Simon Young, Angela Lee, Megan Fitzgerald, Temple Saville, Wendy Pollock.

**Centre Row:** Caroline Mills, Jim Mellas, Victoria Campbell, Daniel Sala, Nicholas Wood, Andrew Saunders, Justin Mereine, Andrew Freadman, Steven Castan, Jack Heeley, Jonathan Wilkinson, Nina Moncrief, David Babovic, Carmen Currie, Kate Langham, Karen LeFaucheur, Lucy Kirwan, Harry Bleas, Mark Halse, Barbara Toohey.

**Seated Row:** Kylie Evans, Nick Button, Rodney Yahamani, Gregory Takau, Christine Lahua, Kemueli Qoro, Kelly McKay, Elizabeth Tueno, Caroline Paterson.

**Front Row:** Dean Churilov, Christopher Twidale, Jacquelyn Turfrey, Nicholas Goodenough, Terry Strong, Romesh Kumar, David Seeman, Mark Costello, Viola Nadj.





**Above:** Victorian Bar inaugural CPD Conference, Torquay

## CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

Michael R Pearce S.C. (Chair), P Nimal Wikramanayake S.C., Frank Parry S.C., Fiona M McLeod S.C. (Chair until 8 April 2011), Matthew N Connock S.C. (until 16 December 2010), Christopher M Caleo S.C., Samantha L Marks S.C., Garrie J Moloney, Gavan F Meredith, Gregory J Ahern, Dr Stephen P Donaghue, Dr Michelle R Sharpe, Patrick Over (until 23 July 2010), Dr Vicky M Priskich, Jonathon A Redwood (until 16 December 2010), Michael D Rush (until 16 December 2010), Oren Bigos, Andrew G Cameron (until 16 December 2010), Robert W O'Neill, Sarah J Keating and Mark Halse (Bar Office)

The Bar's Continuing Professional Development curriculum continues to enjoy strong support from speakers from within the Profession as well as external to it. The program has provided vast and varied information seminars to members throughout the year that have covered topics within the CPD categories: Ethics and Professional Responsibility; Professional Skills; Substantive law; Practice Management and Business Skills.

The Committee conducted a review of the Continuing Professional Development Rules 2008. The review produced the Victorian Bar Continuing Professional Development Rules 2010 ('the Rules'), which came into effect earlier this year. The Rules establish a regime of self-assessment for Victorian Barristers, similar to that applied by solicitors under the Legal Profession Act. To guide practitioners in their assessment, the Rules include an extended definition of what constitutes a CPD 'activity'.

The CPD curriculum has also been the subject of reform in 2011. A more focused structure is being devised and instituted which seeks to address the continuing educational needs of counsel from junior to senior skill levels with a particular emphasis on ethics and practice management.

The success of the inaugural annual Conference in March 2011, enthruses the committee for the 2012 conference scheduled for February 2012. The Committee is currently deliberating on speakers, date and venue.

## LENDING A HAND IN THE SOUTH PACIFIC (SOUTH PACIFIC EDUCATION COMMITTEE)

Ian D Hill QC (Chairman), Richard H Smith SC (until 21 June 2011, now His Honour Judge Smith), Debra S Mortimer S.C., Fiona M McLeod S.C., Dr Joshua D Wilson S.C., Nicholas Papas S.C., W Guy Gilbert, Patrick R C Southey, Caroline E Kirton, Ian W Upjohn CSC, Amanda C Fox (until 16 December 2010), Emma M Swart, Lydia D Ruschena, Trevor C Wallwork, Anthony G Burns, Sam Rosewarne, Jonathan H Kirkwood, Marie McCarthy, Matthew L L Albert and Emma Pepler

Since 1990 members of the Victorian Bar and Judiciary have provided advocacy skills training to trainees of the Legal Training Institute, Port Moresby, Papua New Guinea and to lawyers of the South Pacific Region generally.

The Committee continues to be active in providing advocacy skills training and advice to the lawyers and trainee lawyers of the South Pacific Region.

In July 2010 an intensive advocacy skills workshop in both civil and criminal law was conducted in Port Moresby for the Legal Training Institute over a period of 5 days. Sixty eight trainees attended the workshop. Such advocacy skills workshops have become an integral and compulsory part of the course undertaken by the trainees as part of the qualification for admission to practice as national lawyers within PNG.

The workshop was led by His Honour Judge Chris O'Neill of the County Court. The teaching team in addition comprised Peter Rose SC, Senior Crown Prosecutor; Dr Joshua Wilson SC, Tony Burns, Susan Borg, Carolene Gwynn and Amy Wood (as the administrative assistant).

The Director and the staff of the Legal Training Institute considered this workshop to have been one of the most successful workshops conducted.

In addition in October 2010 at the invitation of the Solomon Islands Bar Association the Committee conducted an advocacy skills workshop over 3 days in Honiara. This workshop was attended primarily by those lawyers employed within the Public Prosecutors and Public Defenders Offices. The workshop was conducted by Ian Hill QC, Julie Condon and Mandy Fox.

The Committee at this time is busy arranging further advocacy skills workshops to meet the needs particularly of the lawyers of PNG and the Solomon Islands with which we have formed a close professional bond.

Two members of the Committee, Matthew Albert and Jonathan Kirkwood and former reader Sharon Haihavu (PNG) attended the Pacific Young Lawyers Forum in Sydney in July 2011. This Forum was a parallel event to the Commonwealth Law Ministers' Meeting organised by the Commonwealth Secretariat in London and hosted by Australia for the first time. The presence of the Victorian Bar, as the only Bar represented, was noted by attendees. The work of the Victorian Bar was also mentioned prominently several times in proceedings. Ms Sharon Haihavu was on the panel in the first session. Her attendance was made possible by the Victorian Bar because she is a graduate of our Bar Readers' Course. When asked to nominate the most valuable experience she had had as a young lawyer, she nominated her participation in the 2009 Victorian Bar Readers' Course and explained what that entailed. She said it had given her the confidence to work as an advocate.

## STUDENT ENGAGEMENT COMMITTEE

Simon T Pitt (Chair), Elspeth A Strong S.C., Robert G McCloskey, Alan C L Marshall, Gavan F Meredith, Peter A Clarke, Gerard D Dalton, Diana M Harding, I Stewart Bayles, Suzanne A Kirton, Anna L Robertson, Marcus E Dempsey, Theodosios R Alexander, Andrew Woods, Sarah Leighfield, Richard P P Dalton, Justin M Brereton, Mario Cenacchi, Catherine F Devine, Michael Kats, Gabrielle Crafti, Christine Melis, Duncan U Robertson and Deanna M Caruso

The main aims of the Student Engagement Committee (SEC) are to highlight the fundamental role which barristers play in the administration of justice, and to open up to as many people as possible the option of becoming a barrister by providing secondary and university students with an insight into what barristers do, and providing a practical application of the study of law.

Since the successful launch of the SEC in March of this year, the SEC has been busy with several new projects.

### Achievements

The main achievements of the SEC were:

1. The SEC has published information brochures for both school and university students about the work of a barrister. These are available on the Vic Bar website.
2. The SEC has arranged a central contact point within the Bar Office to enable schools and universities to register their interest in having a barrister attend and present to their students.
3. The SEC has sent barristers to speak at several university and school presentations, and in doing so distributed the information brochures. Repeat orders have already been received!
4. The SEC has prepared a "work experience kit" for barristers. This publication assists the barrister in taking on work experience students to ensure that the student gains as much as possible from the experience.

### Current Activities and Projects

The main activities and projects on which the SEC are working are:

1. Establishment of a sub-committee to prepare a CPD which will be offered to barristers who agree to act as mentors; take on work experience students; and give presentations to schools and universities.
2. Building a diary of regular speaking engagements. The committee has now been in contact with all universities offering law. The universities are all aware of the committee and we have several speaking engagements planned for later in 2011 and early 2012.
3. The SEC plans to combine with the Readers' Course Committee to publish a "step up to the Bar" booklet aimed at graduates / practitioners; and present a "coming to the Bar" seminar later in the year. This will be a forum mostly aimed at solicitors and in-house counsel and will work hand-in-hand with the booklet mentioned above. The SEC will provide speakers if necessary.
4. The SEC continues to plan audio-visual presentations which we plan to have posted on the website.

## LEGAL EDUCATION AND TRAINING – LIBRARY COMMITTEE

Gordon R Ritter QC (Chair), Stephen G E McLeish S.C. (until 2 May 2011), Samantha I Marks S.C. (until 16 December 2010), Richard L Brear, Robert L Dean, Barry Fox, Andrew J Laird, Ian W Upjohn CSC, Peter Fox, Judy Benson, Gerard D Dalton, Daniel J Crennan, Liza M Powderly, Leonie M Englefield, Michael D Ruch and Rupert J C Watters.

This has been a year of consolidation of resources in the Bar Library. The ever-rising cost of electronic and paper copies of texts and reports continues to be carefully monitored by the Library Committee.

The range of reports has been extended by the acquisition of the Dominion Reports of Canada and Wests US Digest, with both sets housed in the McPhee Room. Quite a number of textbooks have been added to the collection during the year.

Apart from its normal meetings, the Committee undertook the work of replacing and flood-damaged books in the McPhee Room and the task of moving thousands of volumes over a weekend in February.

Several members of the Committee have worked assiduously to index, number and label textbooks, and to install subject and title labels on the shelves.

The Committee thanks those members of the Bar who have generously donated works to the Bar Library collection.



# HEALTH & WELLBEING

## HEALTH AND WELLBEING COMMITTEE

Dr Joshua D Wilson S.C. (Chair), Phillip G Priest QC, Richard W McGarvie S.C., Michael F Wheelahan S.C., Angela M Malpas, Trevor J McLean, Anthea E L MacTiernan, Mark A Robins, Peter Fox, Charles E Shaw (until 16 December 2010), Laura Colla, Kaye L McNaught, Helen M J Rofo, Daniel J Crennan, Dr Michelle R Sharpe, Patrick Over, Sarah Leighfield, David C Turner, Mitchell C McKenzie, Robert W O'Neill (until 16 December 2010), Mark A J McKillop and Stephen Hare (General Manager – Bar Office)

The work of the Committee continues to focus on ways to engender, promote and sustain cultural change among members, away from deleterious workplace and lifestyle activities and towards mentally and physically healthy work and leisure activities. It is concerned with the welfare of all members of the Bar from readers to the most senior. Exploring important issues of work/life balance and eliminating substance abuse are of particular focus.

Being a large committee, VBHWC's smaller executive addresses day to day operations in regular fortnightly meetings.

Over the past 12 months over 50 barristers and their families have accessed the services of psychologist Bernadette Healy (an increase of 20% in Bar members accessing the Bar's psychological services) with a demonstrated 80% success rate. Bernadette provides invaluable support of a specialist and highly confidential nature.

The Committee publishes on the Bar's website the services it offers as well as events on matters of current importance.

The Committee remains active in arranging on an ongoing basis for topical and relevant speakers to provide CPD lectures on health and well-being issues. Important past and current issues range from simple stress management, to learning to be in the moment non-judgmentally (mindfulness) and to being better equipped to resist the adverse or negative aspects of life at the Bar (resilience), whether that be borne of financial, emotional or professional circumstances. The Committee has also included in its review ways to achieve what is common in other occupations, such as long service leave.

In addition, to fostering the annual Health Week, this year the Committee fostered the Bar's participation in the Global Corporate Challenge in which 56 barristers participated in 8 teams. The Committee surveyed members about their perceptions of collegiality at the Bar, historically a corner stone of Bar life, with a view to devising ways to refreshing this.

## SUPPORT FOR NEW BARRISTERS (NEW BARRISTERS' COMMITTEE)

Robert W O'Neill (Chair), Simon T Pitt, Samuel Hopper, Fiona A L Ryan (until 16 December 2010), Dugald McWilliams, Michele J Brooks (until 16 December 2010), Noam B Shifrin (CPD Co-ordinator), Paul P Kounnas (until 16 December 2010), Amelia J Macknay, Emily CV Porter (until 16 December 2010), Gabrielle Crafti, Vassiliki Theoharopoulou (Social Co-ordinator), Sarah J Keating (Deputy Chair), Jonathan Gottschall, Mark A J McKillop, Eliza S Holt (until 16 December 2010), Phoebe C Knowles, Duncan U Robertson, Susannah R Portelli, Morgan A McLay (AYLC Representative), Luke A Merrick, Adam T Coote (Secretary), David J Sanders and Julien M Lowy (Social Co-ordinator).

The primary focus of the New Barristers' Committee in 2010-11 has been addressing the challenges experienced by barristers in their early years in practice. Following on from the Victorian Bar Exit Survey, Gabi Crafti, Amelia Macknay and Sarah Keating on behalf of the committee drafted, distributed, collated and analysed a survey of new barristers focussed on the issues and concerns of our group.

The response rate was high with 114 surveys being returned and the results have provided useful information which we have reported to Bar Council, as well as informing submissions made by the committee to the Clerking Review, the Readers' Course, BCL and other Bar stakeholders as well as stimulating ideas for CPDs and further policy development.

In summary, the key issues highlighted for new barristers are:

- Slow payment of fees;
- Shortage of work being led by senior counsel;
- Lack of opportunity to meet senior counsel; and
- Understanding of the Bar's parental leave policy.

More positively, it was very pleasing that in general respondents were satisfied with the availability and quality of briefs to appear and to advise, their fees written and net income, the reader/mentor relationship, chambers, Bar governance and the Bar Office.

Other highlights of the year have included

- Representing the Victorian Bar at Law Council of Australia meetings and functions, including the Golden Gavel competition;
- Assisted with the continued implementation of the Duty Barristers' Scheme;
- A highly successful new social function for new barristers, the Spring Soiree, the first of which took place on 14 October 2010;
- Organised several other successful social functions for new Barristers, including "Bond with the Bar" networking function in conjunction with the Law Institute of Victoria, and two "Welcome Readers" functions;
- Ensured that the Victorian Bar CPD program remains relevant to new Barristers by providing a series of seminar topics aimed directly at new barristers;
- Continued to produce its popular "NBSC Guide to the Bar" circulated to readers;
- Presented to the Readers' Courses in November 2010 and May 2011;
- Made submissions to the Bar Council on various issues including subscription fees and parental leave.

I thank the committee for their work during the year, and in particular the officeholders and Gabi Crafti, who as a member of both the Bar Council and the NBC has worked particularly hard on a number of issues of great importance to new barristers. I also thank the retiring members of the committee, and especially my predecessor Sam Hopper, for their contribution.



# CELEBRATIONS



**Above:** Bar Dinner, Melbourne Museum, 2011



**Above:** Michael Colbran QC , Bar Dinner, 2010





**Above:** Mark Moshinsky SC, Bar Dinner, 2011

### TAKING TIME OUT FOR CELEBRATION (FUNCTIONS COMMITTEE)

Edvard (Will) Alstergren (Chairman), Richard J Stanley QC, Denis J Connell, Paul X Connor, Laura Colla, Christine Boyle (until 13 April 2011), Panayiotis Panayi, Terence J Guthridge, Jennifer M Digby, Kim M Southey and David P Moen

Contrary to tradition, the 2010 Bar Dinner was held in September rather than in its usual timeslot of May/June, which resulted in two Bar dinner's being held in the same financial year.

The September dinner, hosted by 2009/10 Chairman, Michael Colbran QC was held for a third year at the NGV International, St Kilda Road, Melbourne and once again the evening was an outstanding success, replete with entertaining speeches from The Honourable Chief Justice French AC and the Honourable Justice Beach.

Only, eight months later and we were doing it all again, this time at the Melbourne Museum, hosted 2010/11 Chairman, Mark Moshinsky SC. The guest speakers were the Honourable Justice Nettle and Rachel Doyle SC.

### BROADENING INTERESTS (ART AND COLLECTIONS COMMITTEE)

Cathryn (Kate) F McMillan S.C. (Chair), Peter J Jopling QC, Lachlan M F Watts, Trevor J McLean, Michael P Cahill, Scott W Stuckey (until 16 December 2010), Ian W Upjohn CSC, Ian B Stewart, Rowan K W Skinner (until 16 December 2010), Sara L Hinchey (until 16 December 2010), Laura Colla and Ingrid R Braun (until 16 December 2010)

The Arts and Collections Committee manages the Bar's collection of artworks and other artefacts and proposes the commissioning of further artworks to honour members of past members from time to time.

On behalf of the committee, I thank Peter Jopling QC, Scott Stuckey, Rohan Skinner and Sara Hinchey for their attention and work on the committee and welcome the news members to the committee.

The ongoing projects of the committee include archiving and publication of the Bar's extensive portrait collection. The committee also completed the last stages for the setting out and surrounds of the Selwood sculpture in the foyer of Owen Dixon Chambers East.

The most significant achievement for the year was the raising of funds from individual members of the Bar and the judiciary to purchase a significant painting titled Kanaputa. The work is a rarity in the history of Papunya Tula art. It was painted by a collective of twenty-two leading Pintupi women artists from Walangurru and Kiwirrkura and tells the story of the ancestral Kanaputa women as they journeyed east, visiting the sites of significance that map the country surrounding Wilkinkarra (Lake MacKay). The singular style of each individual artist emerges in the patterned complexity that weaves the intersecting narratives of the women, their kin and their country in a work bursting with visual intensity.

The individual donors for the purchase of Kanaputa were (listed in alphabetical order) Paul Anastassiou SC, Neville Bird, Julian Burnside AO QC, Laura Colla, Daniel Crennan, Peter Hanks QC, Peter Jopling QC, John Karkar QC, Her Honour Judge Kathy Kings, Judith Lord, Trevor McLean, Kate McMillan SC, James Peters SC, Michelle Quigley SC, Philip Solomon SC, Ian Stewart, Ian Upjohn CSC and Matthew Walsh. The committee thanks each of the donors for their generosity.

The painting will be given to the National Gallery of Victoria by the donors at a ceremony on 2 August 2011 and will be displayed at the Gallery's Federation Square gallery. The purpose of the gift is, in part, to continue the Bar's longstanding and important ties with the indigenous community and Victoria's cultural institutions. In addition, the donors wished to honour Allan Myers AO QC, not only for his contribution as the outgoing President of the National Gallery in its 150th anniversary year, but also for his tireless work over many years for the Victorian Bar, in particular, as chairman of Barristers Chambers Limited.

## SPORTS AT THE BAR



**Above:** Soccer Team

### THE WORLD GAME

The Victorian Bar soccer team has been playing regularly since 2008. We wear dark blue shirts with the letters V BAR in white on the front. We play an annual match against the Victorian Solicitors. On that occasion we usually face a younger and fitter team, but with some recent Bar recruits the gap is narrowing.

We also play against the New South Wales Bar every year, at alternating venues. These are always close encounters. In 2010 we played at Sydney University. The Queensland Bar joined in, and we played a round robin tournament. In September 2011 we travel to the Gold Coast to play against the New South Wales and the Queensland Bars. The ACT Bar has expressed an interest in fielding a team.

The Bar teams are mixed, with male and female players. The games have been played in a good sporting spirit. Some of our players have formed other teams which include players from the Bar team. Jim Fitzpatrick has formed an indoor team which plays in a regular competition. Jim also organises a team in the Corporate Cup. Jim Doherty arranges a team in the annual Homeless Cup, sponsored by PILCH. The Bar team has brought together players and supporters who share a love of The World Game.

The Bar team has provided an opportunity to members of the Victorian Bar to form friendships with some with whom they would not otherwise cross paths. We have also formed friendships with members of interstate Bars in a relaxed and enjoyable context.

New players and supporters are welcome.

Further details of our matches to date, including photographs, appear in the Sports section of the Bar website.

## TENNIS

This event has been conducted for over 40 years for the honour of holding the O'Driscoll Cup during the ensuing year. Traditionally it has been held on a weekday close to Christmas, when the legal year has formally closed and consequently (Law) Court commitments are few, thus enabling the fulfilment of (tennis) court commitments. However, many solicitors have been finding it increasingly difficult to make time available in the period immediately prior to Christmas, and had sought an alternative arrangement. Rather than simply give up on such a long tradition of friendly rivalry, we have experimented the past two years with altering the time to late January, seeking a time just after the Australia Day holiday when most people have returned from holidays, but before the Legal Year had re-commenced in earnest, when hopefully enough members of both sides of the profession plus members of the Bench would be able to set aside a day from their busy practices to participate in a friendly tennis match.

Thus we assembled on the grass courts of Kooyong on a glorious day in late January this year. Or some of us did. Unfortunately, the Bar & bench side was plagued by a number of "no appearance, your Honour", which detracted from the enjoyment of the day. It also diminished our chances of winning the right to hold the trophy, as indeed events turned out. Bench & Bar suffered a loss on the day, 6 sets to 14. We were a little lacking in manpower in the 'A' section especially, where the Institute held sway.

Nevertheless, those present had an enjoyable day, as usual. The Kooyong ambience was wonderful. The tennis was of good quality, and played in a competitive but friendly spirit. For those who could stay, we adjourned to the Kooyong Members' Bar for a refreshing bite and drink afterwards. It was, as always, an excellent opportunity to mingle with our professional brethren in a sporting atmosphere, and discuss our experiences in a not so serious setting.

Where to from here? Having tried the late January timeslot, in the hope that it would suit all members of the profession, it appears not to be possible for judicial players to be free of their obligations, and some members of the Bar seem to forget the date in the excitement of their summer holidays. Also, naturally, (legal) Court commitments, while not at full pace, are still picking up in frequency and intensity in late January. There is always a risk that a certain number of members will have Court commitments even in a quiet period, but late January seems not to be working. We will probably revert to later in the year this year, but perhaps try a Sunday afternoon, maybe in late November before the hectic Christmas rush.

Any prospective players interested in registering their interest in playing are most welcome to contact Chris Thomson on extension 7144 or Tom Danos on 7692.

## WIGS ON WHEELS



Wigs on Wheels is an informal group (composed of members of the Bar, the judiciary and court administration staff and some solicitors) which keeps members informed of developments affecting cyclists and cycling in Victoria. It was established to inspire male and female members of a sedentary profession to undertake healthy exercise and it promotes communications between members of vastly different ages who otherwise might never meet.

Wigs on Wheels communicates regularly with its members by email circulars informing them of matters of interest to cyclists around the city and the State. It also deals with Barristers Chambers Limited on behalf of barristers who cycle to chambers. Wigs on Wheels organises occasional cyclists' breakfasts in the Essoign Club to promote camaraderie amongst members and provide a forum where they can exaggerate how far they ride to work and in what conditions.

## GOLF

There was no golfing activity during the year by reason of the fact that the Law Institute of Victoria has withdrawn from golf competitions and no longer offers assistance in putting the golf day on.

Even prior to their withdrawal there was a problem in getting sufficient numbers of barristers and judges to play in the Bench & Bar Golf Day due to several competing events in the period immediately prior to Christmas.

There have been several discussions about reviving the event either at Christmas or on the Thursday before Easter but no event has been organised.

The problem with negotiating a course for the event to take place on is that the various courses who would be prepared to host such an event require a guaranteed minimum number of participants and the Bar is not in a position to make such a guarantee, having regard to the actual numbers who participated over recent years before the event ceased.

**CHAIRS OF LIST COMMITTEES**

List A	List A Barristers Pty Ltd	C James Delany S.C.
List B	Michael Green Pty Ltd	David E Curtain QC
List D	Dever's List	Ross H Gillies QC
List F	Foley's List Pty Ltd	Philip A Dunn QC
List G	List G Pty Ltd	Paul J Cosgrave S.C.
List H	Lennon's List Pty Ltd	W Ross Middleton S.C.
List L	Paul Holmes Barristers Clerk Pty Ltd	William Evan Stuart
List M	Meldrum and Hyland List	Ronald K J Meldrum QC
List Q	Lysus Legal	Frances I O'Brien S.C.
List R	R J Howells Pty Ltd	Dr Ian R L Freckelton S.C.
List S	Gordon & Jackson Barristers Clerks	Vincent A Morfuni S.C.
List T	Barristers Logistics	Norman O'Bryan AM S.C.
List W	Patterson's List	Brendan A Murphy QC

**PRACTISING PAST CHAIRMANS' COMMITTEE**

Andrew J Kirkham AM RFD QC, John T (Jack) Rush RFD QC, David E Curtain QC, G John Digby QC, D Mark B Derham QC, W Ross Ray QC, Robin A Brett QC, Michael W Shand QC, Michael J Colbran QC, Cathryn (Kate) F McMillan S.C., Peter J Riordan S.C.

**INSURANCE COMMITTEE**

Jeffery J Gleeson S.C. (Chair), Anthony J Kelly S.C., Christopher M Caleo S.C., Caroline M Kenny S.C. (until 16 December 2010), Samuel L Tatarka, Christopher R Northrop, Mark A Robins, Peter J Booth, David A Klempfner; Christopher R Hanson, Pat Zappia, Simon J Gannon and Stephen Warne

**AUDIT & FINANCE COMMITTEE**

Edvard (Will) Alstergren (Chair), Michael J Colbran QC (until 16 December 2010), Jonathan B R Beach QC, Paul E Anastassiou S.C., Michael D Wyles S.C., Carmel M Morfuni, Matthew J Walsh, Kim J Knights (until 16 December 2010) and Stephen Hare



## IX. JOINT STANDING COMMITTEES

### LAW AID

(Victorian Bar Inc and Law Institute of Victoria)

Michael F Wheelahan S.C., Christopher J Blanden S.C., Mary Anne Hartley S.C. and John P Constable

### MEDICO-LEGAL STANDING COMMITTEE

(Victorian Bar Inc, Law Institute of Victoria and Australian Medical Association)

Timothy P Tobin S.C., Mary Anne Hartley S.C. and Dr Paul B Halley

### POLICE/LAWYERS LIAISON COMMITTEE

Ian D Hill QC (Chair) and Warwick J Walsh-Buckley (Criminal Bar Association representative)

## X. JUDICIAL AND OTHER APPOINTMENTS

The Chairman of the Victorian Bar Council or his representative welcomed the following members appointed to judicial office at special sittings of each court.

### JUDICIAL OFFICE – VICTORIAN COURTS

Supreme Court	County Court
The Honourable Justice Cameron C Macaulay	His Honour Judge Richard J H Maidment
The Honourable Justice John R Dixon	His Honour Judge Richard H Smith
The Honourable Justice Peter W Almond	His Honour Judge John F Carmody
The Honourable Justice Michael L Sifris	His Honour Judge Mark E Dean
The Honourable Associate Justice Rodney S Randall	
Court of Appeal	Magistrates' Court
The Honourable Justice Pamela M Tate	Mr Andrew R McKenna
The Honourable Justice Hartley R Hansen	Ms Gail A Hubble

## NATIONAL LEGAL PROFESSION REPRESENTATIVE BODIES

### AUSTRALIAN BAR ASSOCIATION

Michael J Colbran QC

### LAW COUNCIL OF AUSTRALIA

#### *Law Council of Australia – Executive*

Michael Colbran QC (Elected, not VicBar representative)

#### *Law Council of Australia – Board of Directors*

Fiona M McLeod S.C.

#### *Access to Justice Committee*

Dr David J Neal S.C.

#### *Australian Young Lawyers Committee*

Morgan A McLay

#### *Equalising Opportunity in the Law Committee*

Fiona M McLeod S.C.

#### *Finance Committee*

Michael J Colbran QC

#### *Indigenous Legal Affairs Committee*

Thomas P Keely

#### *Insurance Contracts Act Referral Group*

Michael D G Heaton QC

#### *Harmonisation of Laws Committee*

Dr David J Neal S.C.

#### *Judicial Issues Working Group*

Jacob (Jack) I Fajgenbaum QC and Michael J Colbran QC

#### *Military Justice System Working Group*

Paul A Willie RFD QC (Chair)

#### *National Criminal Law Liaison Committee*

Philip G Priest QC and Dr David J Neal S.C.

#### *National Elder Law and Succession Working Group*

Peter J Hanks QC

#### *National Harmonisation of Laws Committee*

Dr David J Neal S.C.

#### *National OH&S Review Working Group*

W Ross Ray QC and Dr David J Neal S.C.

#### *Professional Ethics Committee*

Michael J Colbran QC

#### *Recruitment and Retention of Lawyers Working Group*

Fiona M McLeod S.C. (Co-chair)

#### *Strategic Initiatives Committee*

Michael J Colbran QC

## COURT AND TRIBUNAL COMMITTEES & WORKING PARTIES

### COMMONWEALTH COURTS AND TRIBUNALS

<b>Federal Court of Australia</b>	
<b><i>Class Action Users' Group</i></b>	<b><i>Intellectual Property Users' Group</i></b>
Bernard F Quinn, Lachlan W L Armstrong, Lisa M Nichols	Bruce N Caine S.C.
<b><i>Corporations List Users' Group</i></b>	<b><i>Migration List Users' Group</i></b>
David O'Callaghan S.C. and Kim J Knights (Alternate)	Debra S Mortimer S.C., Richard M Niall S.C., Thomas V Hurley
<b><i>Insolvency Users' Group</i></b>	<b><i>Users' Committee</i></b>
Philip D Crutchfield S.C. and Carl Moller	Garry T Bigmore QC, Charles M Scerri QC, Helen M Symon S.C., Bruce N Caine S.C. and Debra S Mortimer S.C.

### STATE COURTS AND TRIBUNALS

<b>Supreme Court</b>	
<b><i>Board of Examiners</i></b>	<b><i>TEC List Users' Committee</i></b>
Peter J Jopling QC (Deputy Cathryn (Kate) F McMillan S.C.), Ronald K J Meldrum QC (Deputy Paul A Willee RFD QC), Ian G Waller S.C. (Deputy Aileen M Ryan)	George H Golvan QC, G John Digby QC, David S Levin QC, Hugh Foxcroft S.C., Richard J Manly S.C., Caroline E Kirton and Kathryn L Styne
<b><i>Costs Co-ordination Committee</i></b>	<b><i>Personal Injury Users' Group</i></b>
Timothy P Tobin S.C.	Ross H Gillies QC, John T (Jack) Rush RFD QC, Timothy P Tobin S.C. and David J Martin
<b><i>Dust Diseases Users' Group</i></b>	<b><i>Probate Users' Committee</i></b>
John R C Gordon and Patrick Over	Richard R Boaden and Shane P Newton
<b><i>Commercial Court Users' Group</i></b>	<b><i>Corporations Users' Group</i></b>
G John Digby QC, David G Collins S.C., Melanie Sloss S.C., James W S Peters S.C., Mark K Moshinsky S.C., Philip D Crutchfield S.C., Philip H Solomon S.C., Michael S Osborne, Lachlan W L Armstrong, James D S Barber, Daniel J Crennan and Sandro S Goubran	Garry T Bigmore QC, Prof David H Denton RFD S.C., Philip D Crutchfield S.C., Jonathan L Evans, Michael J Galvin, Peter Fary, Anton P Trichardt, Simon Rubenstein, Catherine F Gobbo, Joshua Kohn, Carl Moller and Oren Bigos
<b><i>Judicial Review and Appeals Users' Group</i></b>	<b><i>Victorian Compensation and Planning Users' Group</i></b>
Peter J Hanks QC, Debra S Mortimer S.C., Dr Ian R L Freckelton S.C., Kerri E Judd S.C., Michael F Fleming S.C., Richard M Niall S.C., T Peter Burke, Jason D Pizer, Christopher J Horan, Dr Stephen P Donaghue, Rowena Orr,  Lisabella G De Ferrari, Rachel Ellyard, Ben Ihle, Emily Latif, Christine Melis, Anna E Forsyth and Simon Lee	Heathcote McM Wright QC, Christopher J Canavan QC, Gregory H Garde AO RFD QC, The Hon Stuart R Morris QC, Anthony G Southall QC, Michelle L Quigley S.C., C James Delany S.C., Christopher J Wren S.C., Christopher J Townshend S.C., David J Batt S.C., Craig W Porter, Graeme H Peake, Matthew D Townsend, Susan M Brennan, Nicholas J Tweedie, Adrian J Finanzio, Jason D Pizer, David R O'Brien MP, Lisa-Maree Lo Piccolo, Sarah J Porritt, Marita H Foley, Paul F Chiappi, Peter E O'Farrell, Sandro S Goubran and Nicola Collingwood

**County Court*****Building Cases Users' Group***

Richard J Manly S.C.

***WorkCover Users' Group***

Robin P Gorton QC, John J Noonan S.C., Michael J Richards, Robert W Dyer and Ian D McDonald

***Family Property Division List Committee***

Graham W Robertson and Carolyn H Sparke

***Costs Review Committee***

Timothy P Tobin S.C.

***Rules Committee***

Peter T Fox, Michael J Corrigan and Michael J Croucher

***Commercial List Users' Group***

Steven R Grahame, Peter W Lithgow, Robert N Cameron and Simon J Gannon

**Magistrates Court*****Civil Rules Committee***

Frank J Ravidia

***WorkCover Users' Group***

Amanda C Ryan

**Victorian Civil and Administrative Tribunal (VCAT)*****The Legal Practice List - Advocate Members:***

Peter J Jopling QC, Anthony G Southall QC, David S Levin QC, Aristomenis Garantziotis S.C., Christopher J Ryan S.C.

**VCAT Consultative Users' Groups*****Anti-Discrimination List:***

Herman Borenstein S.C. and Melanie P Young

***Occupational & Business Regulation List:***

Mary Anne Hartley S.C., Edward Bryant, John F M Larkins, Thomas V Hurley and Jason D Pizer

***Domestic Building List:***

John G Bolton

***General List:***

Mark G Klemens and Jason D Pizer

***Planning List:***

Heathcote McM (Michael) Wright QC

***Guardianship List:***

Carolyn H Sparke

***Retail Tenancies List:***

Georgina Grigoriou

**COURT LIAISON MEMBERS****Federal Courts and Tribunals*****Commonwealth Administrative Appeals Tribunal – (Melbourne) Liaison Committee***

Charles Gunst QC



## STATUTORY APPOINTMENTS

<i>Council of Law Reporting</i>	<i>Legal Services Board - Legal Practice Committee</i>
Charles Gunst QC and Michael R Pearce S.C.	Kevin J A Lyons
<i>Council of Legal Education</i>	<i>Victoria Legal Aid - Community Consultative Committee</i>
Joseph G Santamaria QC, Cathryn (Kate) F McMillan S.C.	Dr David J Neal S.C.
<i>Legal Services Board</i>	<i>Victorian Association for the Care and Resettlement of Offenders (VACRO)</i>
Peter J Jopling QC	Philip A Dunn QC
<i>Legal Services Board - Legal Costs Committee</i>	
Peter B Murdoch QC	

## REPRESENTATIVES ON EDUCATIONAL BODIES

<i>Leo Cussen Institute for Continuing Legal Education</i>	<i>University of Melbourne Law Faculty</i>
P Gerard Nash QC (Alternate), Helen Symon S.C. (Chair)	Jonathan B R Beach QC and Debra S Mortimer S.C.
<i>Monash University Law Faculty Board</i>	<i>Victoria University School of Law Program Advisory Committee</i>
Paul A Willee RFD QC, P Gerard Nash QC (Alternate)	Prof David H Denton RFD S.C. and Terrence P Murphy S.C.

## OTHER REPRESENTATIVE BODIES

<i>ACICA – Member Nominating Committee</i>	<i>Victoria Law Foundation (including Grants Committee)</i>
Michael J Colbran QC	James W S Peters S.C.
<i>Coroners Court Steering Committee for the development of the Legal Practitioners' Handbook</i>	<i>Victoria Law Foundation – Justice Museum Legal Reference Group</i>
Sara L Hinchey	Dr David J Neal S.C.
<i>Department of Justice Civil Procedure Advisory Group</i>	<i>Victorian Heritage Council</i>
Christopher M Caleo S.C., Daryl J Williams S.C., Mark T Lapirow and Jonathon P Moore	Marita H Foley
<i>Firearms Appeal Committee</i>	<i>International Pro Bono Advisory Group</i>
Carolyn H Sparke	Alexandra Richards QC
<i>International Bar Association Human Rights Liaison Officer</i>	<i>Public Interest Law Clearing House (PILCH)</i>
Jacob (Jack) I Fajgenbaum QC	Edvard (Will) Alstergren
<i>Law Institute of Victoria - Fee Disputes Conciliator</i>	<i>Victorian Workcover Authority Committee</i>
Jeremy Ruskin QC	Robin P Gorton QC (Chair), John J Noonan S.C. and Robert W Dyer

# XI. PERSONALIA

## OBITUARIES

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

- The Honourable Steven Strauss QC
- The Honourable Jim Kennan S.C.
- His Honour John Howse
- Kathryn Rose Rees
- His Honour Stanley George Hogg QC
- The Honourable Associate Justice Ewan Evans
- Damien Francis Cosgriff
- The Honourable Hubert Frederico
- John Bruce Bingeman QC



## FAREWELLS

The legal profession met to pay tribute on the occasion of the retirement of the following judicial officers:

### Federal

- The Honourable Justice Alan Goldberg AO
- The Honourable Justice Donnell Ryan

## HONOURS

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

### Australia Day Honours 2011

- The Honourable Allan McDonald AO QC
- The Honourable Justice Bernard D Bongiorno AO

### The Queen's Birthday 2011 Honours

- Richard Curtis Kenzie AM QC
- The Honourable Justice Susan Mary Kiefel AC

## SENIOR COUNSEL

On 25 November 2010, the Chief Justice of the Supreme Court of Victoria, Marilyn Warren, appointed as Senior Counsel for Victoria the following members of the Victorian Bar:

- Andrew J M Moulds
- Peter A Chadwick
- Michael F Fleming
- Mark J Rochford
- Albert A Monichino
- Samantha L Marks
- Warren L Friend
- Justin L Bourke
- Daryl J Williams
- Richard M Niall
- Georgina L Schoff
- Philip H Solomon
- Wendy A Harris
- Edward (Ted) W Woodward
- David J Batt

## XII. ROLL OF COUNSEL

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 2010.

	FEMALE	MALE	TOTAL
<b>Division A, Part I</b>	1,397	445	1,842
Victorian Practising Counsel – Junior Counsel	421	1,188	1,609
Victorian Practising Counsel – Queen's and Senior Counsel	24	209	233
<b>Division A, Part II</b>			
Crown Prosecutors and Public Defenders			29
<b>Division A, Part III</b>			
Interstate and Overseas Counsel	11	124	135
<b>Division A, Part IV</b>			
Victorian Practising Counsel temporarily on leave from practise - still hold a current practising certificate	27	4	31
<b>Division A, Part V</b>			
Victorian Practising Counsel temporarily on leave from practise - do not hold a current practising certificate	14	5	19
<b>Division B, Part I</b>			
Governors			0
<b>Division B, Part II</b>			
Judges, Associate Judges and Magistrates			238
<b>Division B, Part III</b>			
Ministers of the Crown and Members of Parliament			6
<b>Division B, Part IV</b>			
Solicitors General and Directors of Public Prosecutions			5
<b>Division B, Part V</b>			
Judicial Registrars			2
<b>Division B, Part VI</b>			
Full-time Members of Statutory Tribunals			43
<b>Division B, Part VII</b>			
Crown Counsel and Parliamentary Counsel			3
<b>Division B, Part VIII</b>			
Other Official Appointments			8
<b>Division C, Part I</b>			
Retired Judges and other Judicial Officers			109
<b>Division C, Part II</b>			
Retired Holders of Public Office other than Judicial Office			11
<b>Division C, Part III</b>			
Retired Counsel			133
<b>Division D</b>			
Academics			21
<b>TOTAL</b>			<b>2,585</b>

## ROLL OF COUNSEL (CONTINUED)

The following persons signed, re-signed, transferred or were removed from the Roll of Counsel:

### DIVISION A PART I (VICTORIAN PRACTISING COUNSEL)

#### *Signed*

Gerard L Thistleton, David P Moen, Teresa Porritt, Alexandra (Alex) C Burt, Jane C Sharp, Liam T Brown, Toby J Mullen, Glenn A Worth, Kathryn A Bundrock, Jonathon M G Sprott, Emma N O Mealy, Miriam M Orwin, Rodney J McNeil, Louise J Martin, Matthew L L Albert, Emma Pepler, Raelene J Sharp, Rosie Jordan, Adrian P Muller, Adam Rollnik, Catherine A Boston, Maree Norton, Daniel B Bongiorno, Jessica F Swanwick, Justin A Willee, Marita Evans, Tamieka N Spencer Bruce, Simone C Bailey, Adrian M Kennedy, Amanda J Pearson, Diana K Price, Conor S O'Sullivan, Katharine S Gladman, John Dickie, Neil A Howard, Stephen A Linden, Felicity J Bentley, Vincent G Peters, Stephen P Devlin, Karen Argiropoulos, Rebecca A Dunlop, Francis J Scully, Raymond Alexander, Marian C Clarkin, Panayiota (Pat) Karnis, Michelle J Mykytowycz, Jonathan L Hirst, Jeffrey C Stanley, Ruth Champion, Justin L Podmore, Julien M Lowy, Melissa J Marcus, Michael (Campbell) Horsfall, Paul W Jeffery, Robin A Robinson, Kathryn S Cochrane, Pierre J M Baume, Romesh Kumar, Steven Castan, Andrew J Saunders, Temple Saville, Viola Nadj, Kylie Evans, Mark P Costello, Louise M R Hicks, Nina Moncrief, Simon P Young, Andrew H Freadman, Dean Churilov, David Babovic, Yael S Steel, Carmen E Currie, Caroline A Paterson, Lucy H Kirwan, Helen A Tiplady, Eitan Makowski, Naomi E Hodgson, Karen J Le Faucheur, Justin S Mereine, Daniel J Matta, Nicholas Goodenough, Liam J Connolly, Caroline A Mills, Megan S Fitzgerald, Jack W Heeley, Daniel N Sala, Elizabeth J Tueno, Lionel P Wirth, Kate A Langham, Tiphonie J Acreman, Nick Button, Nicholas M Wood, Jonathan X Wilkinson, Richard N Morrow, Harry Bleas, Angela Lee, Victoria A Campbell, Terrance (Terry) Strong, Kelly M McKay, David Seeman, Christopher J Twidale, Dimitrios Mellas, Jacquelyn L Turfrey

#### *Re-signed*

John Wadsley, Bernard J Sutherland, J Rebecca Leshinsky, Wendy Duncan, Richard J L McCormack, Rik V Patterson, Annette H Kaiti, Sean W Ryan, Cornelius D Griffin

#### *Transfers to this division*

The Hon Alan H Goldberg AO QC, Rowan KW Skinner, Karen L Streckfuss, Randall J Kune, The Hon Neil A Brown QC

#### *Transfers from this division*

John D Philbrick S.C., Ellen-Nora Connors, Joseph D Theseira, Henry H Jackson, Rowan M Downing QC, Michael A Adams QC, Peter W Almond QC, Michael L Sifris S.C., Jane K Macdonnell, Mark J Rochford S.C., Marcus E Dempsey, Jarrod D Williams, David W Gibson, Adam P Bandt, John R Dixon S.C., Cameron C Macaulay S.C., Mark E Dean S.C., Gail A Hubble, Dr Jocelyne A Scutt, Ian W Heath, Marianne T H Barker, Timothy F Sullivan, Dee Brooker, Arushan Pillay, Jonathan S Rattray, Kiki Politis, Judith M Lord, Leslie H Webb, Nicola M Gobbo, Barnaby J Smith, Clive G Scott, Frances I Gordon, Hans P Bokelund, Stephen K Chambers, Richard G Pentony, Jacqueline Robertson, Sam F Wubbeling, Joseph P Carney, Amber L Harris, Stephen G E McLeish S.C., Peta Murphy, Marita H Foley, Andrew R McKenna, Rodney S Randall, John J Goodman, John F Carmody, John R Champion S.C., Richard J H Maidment S.C., Richard H Smith S.C., Russell L Berglund QC, Ian F Turley, Sean E Grant, Jan M Maclean, David R O'Brien

#### *Removed from this division*

Andrew D L Johns, Michael Faltermaier, Marguerite M P Desmond, Michelle Florenini, Richard J Greenfield, Philip B Hayes, Arna M Delle-Vergini, Lana Collaris, Beatrice C Melita, Carmel M Fenton, Benjamin L Rozenes, Ian D Caudwell, Kaylene A Dawson, Annabel K Glover, Bradley G Ross, Sina Taghdir, Tamara L Young, Annette H Kaitinis, Jessica B A Leahey, Claire-Ann Folley

#### *Removed from the Roll (at own request)*

Ronald R Gordon, Anna M McDonald, Bill J Swannie, Nicholas Terzivski, Sean W Ryan, Margaret Taaffe, John D Stevens, Richard Antill, John P Gaffney, Ronald W Rosinsky, Elissa J Watson, S Mark Teare, David Bliss, Roberto C Nitti, Stephen F Grant, James A McNab, Hans P Bokelund, Douglas W Parker, John P Rowland QC, Jeremy Geale, Andrew G Cameron, Michael W Bright, David W Gillard, Christopher Nowlan





## **DIVISION A PART II (CROWN PROSECUTORS & PUBLIC DEFENDERS)**

### *Re-signed*

Selena J McCrickard

### *Transfers from this Division*

Elizabeth M Olsson S.C.

### *Transfers to this Division*

Mark J Rochford S.C., Marcus E Dempsey, Jarrod D Williams, David W Gibson

## **DIVISION A PART III (INTERSTATE AND OVERSEAS COUNSEL)**

### *Signed*

Douglas R Wilson, Simon Kerr S.C., Turvey Tak-Wai To, Elisabeth Peden, Jennifer D Beck, James Whyte, Simon Blount, J David Edwardson QC, Kerry E Clark, Nicholas C Poynder, Stephen J Lee, Selva K Dharmananda, Duncan Kerr S.C., Dominique K Grigg

### *Transfers from this Division*

Alan Robertson S.C.

### *Transfers to this Division*

Henry H Jackson, Joseph D Theseira, The Hon David H Lloyd QC, Joseph P Carney

## **DIVISION A PART IV (VIC PRACTISING COUNSEL TEMPORARILY ON LEAVE WITH CURRENT PC)**

### *Transfers to this Division*

Marianne T H Barker, Timothy F Sullivan, Dee Brooker, Arushan Pillay, Jonathan S Rattray, Sam F Wubbeling, Amber L Harris, Marita H Foley, Meghan J O'Sullivan, Peta Murphy

## **DIVISION A PART V (VIC PRACTISING COUNSEL TEMPORARILY ON LEAVE WITHOUT PC)**

### *Transfers to this Division*

Kiki Politis, Judith M Lord, Leslie H Webb, Nicola M Gobbo, Barnaby J Smith, Clive G Scott, Frances I Gordon, Hans P Bokelund, Stephen K Chambers, Richard G Pentony

## **DIVISION B (JUDICIARY AND OFFICIAL APPOINTMENTS)**

### *Transfers from this Division*

The Hon Alan H Goldberg AO QC, The Hon H David Lloyd QC, The Hon Justice Lloyd D S Waddy AM RFD

### *Transfers to this Division*

Rowan M Downing QC, Peter W Almond QC, Michael L Sifris S.C., Jane K Macdonnell, John R Dixon S.C., Cameron C Macaulay S.C., Mark E Dean S.C., Gail A Hubble, Elizabeth M Olsson S.C., Adam P Bandt, Alan Robertson S.C., Stephen G E McLeish S.C., Andrew R McKenna, Rodney S Randall, John F Carmody, John R Champion S.C., Richard Maidment S.C., Richard H Smith S.C., Jan M Maclean, David R O'Brien

## **DIVISION C (RETIRED)**

### *Transfers to this Division*

John D Philbrick S.C., Ellen-Nora Connors, The Hon J Daryl Davies QC, Michael A Adams QC, The Hon Lloyd D S Waddy AM RFD, Ian W Heath, Jacqueline Robertson, John J Goodman, Russell L Berglund QC, Ian F Turley

### *Transfers from this Division*

The Hon Neil A Brown QC

## **DIVISION D (ACADEMICS)**

### *Transfers from this Division*

Karen L Streckfuss, Randall J Kune

### *Transfers to this Division*

Dr Jocelyne A Scutt

## XIII. FINANCIAL REPORTS

### STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2011

	NOTES	CONSOLIDATED		PARENT	
		2011	2010	2011	2010
		\$	\$	\$	\$
<b>CONTINUING OPERATIONS</b>					
Other revenue	3	27,591,535	25,846,176	4,671,921	4,317,078
Employee benefits expense		(2,443,389)	(2,375,675)	(1,444,740)	(1,406,616)
Depreciation and amortisation expense	4	(3,250,073)	(2,860,488)	(50,195)	(43,981)
Finance expense	4	(3,701,446)	(2,354,114)	-	-
Rent & fitout expenses		(4,534,883)	(6,193,354)	(1,001,851)	(979,758)
Utilities expense		(1,210,577)	(1,237,295)	-	-
Other expenses		(6,994,805)	(6,845,740)	(2,059,219)	(1,712,664)
Loss on disposal of asset		(58,440)	-	-	-
<b>PROFIT BEFORE INCOME TAX EXPENSE</b>	<b>4</b>	<b>5,397,922</b>	<b>3,979,510</b>	<b>115,916</b>	<b>174,059</b>
Income tax benefit/(expense)	5	-	-	-	-
<b>PROFIT FOR THE YEAR</b>		<b>5,397,922</b>	<b>3,979,510</b>	<b>115,916</b>	<b>174,059</b>
<b>OTHER COMPREHENSIVE INCOME</b>					
Fair Value gain on revaluation		6,618,547	-	-	-
Related deferred tax on revaluation		(771,400)	-	-	-
<b>TOTAL COMPREHENSIVE INCOME ATTRIBUTABLE TO MEMBERS OF THE ENTITY</b>		<b>11,245,069</b>	<b>3,979,510</b>	<b>115,916</b>	<b>174,059</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2011

	NOTES	CONSOLIDATED		PARENT	
		2011	2010	2011	2010
ASSETS		\$	\$	\$	\$
<b>CURRENT ASSETS</b>					
Cash and cash equivalents	6	10,318,756	6,700,142	3,615,614	2,969,072
Trade and other receivables	7	989,351	1,043,067	100,493	194,750
Other assets	8	140,588	145,682	16,742	31,300
<b>Total Current Assets</b>		<b>11,448,695</b>	<b>7,888,891</b>	<b>3,732,849</b>	<b>3,195,122</b>
<b>NON-CURRENT ASSETS</b>					
Other financial assets	9	-	-	10,187,430	10,187,430
Property, plant & equipment	10	121,866,442	115,378,414	190,298	208,773
Other assets	8	339,000	-	-	-
Loan to Essoign Club		53,902	53,902	53,902	53,902
<b>Total Non-current Assets</b>		<b>122,259,344</b>	<b>115,432,316</b>	<b>10,431,630</b>	<b>10,450,105</b>
<b>TOTAL ASSETS</b>		<b>133,708,039</b>	<b>123,321,207</b>	<b>14,164,479</b>	<b>13,645,227</b>
<b>LIABILITIES</b>					
<b>CURRENT LIABILITIES</b>					
Trade and other payables	11	7,845,494	7,516,977	2,562,892	2,207,488
Borrowings	12	-	1,000,000	-	-
Provisions	13	380,038	341,883	259,758	215,518
Current tax liabilities	14	-	-	-	-
<b>Total Current Liabilities</b>		<b>8,225,532</b>	<b>8,858,860</b>	<b>2,822,650</b>	<b>2,423,006</b>
<b>NON-CURRENT LIABILITIES</b>					
Borrowings	12	41,000,000	42,000,000	-	-
Provisions	13	25,740	22,048	25,740	22,048
Deferred tax liabilities	14	3,355,548	2,584,150	-	-
<b>Total Non-Current Liabilities</b>		<b>44,381,288</b>	<b>44,606,198</b>	<b>25,740</b>	<b>22,048</b>
<b>TOTAL LIABILITIES</b>		<b>52,606,820</b>	<b>53,465,058</b>	<b>2,848,389</b>	<b>2,445,054</b>
<b>NET ASSETS</b>		<b>81,101,218</b>	<b>69,856,149</b>	<b>11,316,090</b>	<b>11,200,173</b>
<b>EQUITY</b>					
Issued Capital		-	-	-	-
Reserves		20,314,545	14,467,398	-	-
Retained earnings		60,786,673	55,388,751	11,316,089	11,200,173
<b>TOTAL EQUITY</b>		<b>81,101,218</b>	<b>69,856,149</b>	<b>11,316,089</b>	<b>11,200,173</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2011

	NOTES	CONSOLIDATED		PARENT	
		2011	2010	2011	2010
		\$	\$	\$	\$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
Receipts from members and customers		27,153,847	27,155,792	4,429,406	3,257,175
LSB reimbursements and contributions received		776,928	905,431	776,928	905,431
Interest received		281,975	360,507	127,094	99,026
Payments to suppliers & employees		(15,375,696)	(18,875,663)	(4,655,166)	(4,350,969)
Finance expense		(3,701,446)	(2,354,114)	-	-
<b>Net cash (used in) provided by operating activities</b>	<b>15(a)</b>	<b>9,135,608</b>	<b>7,191,953</b>	<b>678,262</b>	<b>(89,337)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>					
Proceeds from sale of property, plant & equipment		-	73,581	-	-
Payments for property, plant & equipment		(3,177,994)	(60,711,787)	(31,720)	(23,138)
Purchase of additional shares in subsidiary		-	-	-	(4,171,116)
Proceeds from repayment of related party loan		-	8,847	-	8,847
<b>Net cash used in investing activities</b>		<b>(3,177,994)</b>	<b>(60,629,359)</b>	<b>(31,720)</b>	<b>(4,185,407)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>					
Repayment of borrowings		(2,339,000)	43,000,000	-	-
<b>Net cash (used in) provided by financing activities</b>		<b>(2,339,000)</b>	<b>43,000,000</b>	<b>-</b>	<b>-</b>
<b>NET (DECREASE)/INCREASE IN CASH AND CASH EQUIVALENTS</b>		<b>3,618,614</b>	<b>(10,437,406)</b>	<b>646,542</b>	<b>(4,274,744)</b>
Cash and cash equivalents at the beginning of the financial year		6,700,142	17,137,548	2,969,072	7,243,816
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE FINANCIAL YEAR</b>	<b>15(b)</b>	<b>10,318,756</b>	<b>6,700,142</b>	<b>3,615,614</b>	<b>2,969,072</b>

The accompanying notes form part of these financial statements.



# STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2011

	CAPITAL PROFITS RESERVE	ASSET REVALUATION RESERVE	GENERAL RESERVE	RETAINED EARNINGS	TOTAL
PARENT	\$	\$	\$	\$	\$
Balance at 1 July 2009	-	-	-	11,026,114	11,026,114
Profit for the year after income tax	-	-	-	174,059	174,059
<b>TOTAL COMPREHENSIVE PROFIT FOR THE YEAR</b>	-	-	-	<b>174,059</b>	<b>174,059</b>
<b>BALANCE 30 JUNE 2010</b>	-	-	-	<b>11,200,173</b>	<b>11,200,173</b>
Balance at 1 July 2010	-	-	-	11,200,173	11,200,173
Profit for the year after income tax	-	-	-	115,916	115,916
<b>TOTAL COMPREHENSIVE PROFIT FOR THE YEAR</b>	-	-	-	<b>115,916</b>	<b>115,916</b>
<b>BALANCE AT 30 JUNE 2011</b>	-	-	-	<b>11,316,089</b>	<b>11,316,089</b>

CONSOLIDATED	\$	\$	\$	\$	\$
Balance at 1 July 2009	249,680	14,090,258	127,460	51,409,241	65,876,639
<b>OTHER COMPREHENSIVE INCOME</b>	<b>249,680</b>	<b>14,090,258</b>	<b>127,460</b>	<b>51,409,241</b>	<b>65,876,639</b>
Profit for the year after income tax	-	-	-	3,979,510	3,979,510
<b>TOTAL COMPREHENSIVE PROFIT FOR THE YEAR</b>	-	-	-	<b>3,979,510</b>	<b>3,979,510</b>
<b>BALANCE 30 JUNE 2010</b>	<b>249,680</b>	<b>14,090,258</b>	<b>127,460</b>	<b>55,388,751</b>	<b>69,856,149</b>
Balance at 1 July 2010	249,680	14,090,258	127,460	55,388,751	69,856,149
Revaluation increment on freehold land and buildings	-	6,618,547	-	-	6,618,547
Related deferred tax	-	(771,400)	-	-	(771,400)
<b>OTHER COMPREHENSIVE INCOME</b>	<b>249,680</b>	<b>19,937,405</b>	<b>127,460</b>	<b>55,388,751</b>	<b>75,703,296</b>
Profit for the year after income tax	-	-	-	5,397,922	5,397,922
<b>TOTAL COMPREHENSIVE PROFIT FOR THE YEAR</b>	-	-	-	<b>5,397,922</b>	<b>5,397,922</b>
<b>BALANCE 30 JUNE 2011</b>	<b>249,680</b>	<b>19,937,405</b>	<b>127,460</b>	<b>60,786,673</b>	<b>81,101,218</b>

## NOTES TO THE FINANCIAL STATEMENTS

### NOTE 1 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 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.

#### Critical accounting judgments 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 considered to be relevant. 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.

#### Adoption of new and revised Accounting Standards

The following new and revised Standards and Interpretations have been adopted in the current year and have affected the amounts reported in these financial statements. Details of other Standards and Interpretations adopted in these financial statements but that have had no effect on the amounts reported are set out in section 2.2.

#### Standards affecting presentation and disclosure

##### ***Amendments to AASB 7 'Financial Instruments: Disclosure' (adopted in advance of effective date of 1 January 2011)***

The amendments (part of AASB 2010-4 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project') clarify the required level of disclosures about credit risk and collateral held and provide relief from disclosures previously required regarding renegotiated loans.

##### ***Amendments to AASB 101 'Presentation of Financial Statements' (adopted in advance of effective date of 1 January 2011)***

The amendments (part of AASB 2010-4 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project') clarify that an entity may choose to present the required analysis of items of other comprehensive income either in the statement of changes in equity or in the notes to the financial statements.

##### ***Amendments to AASB 107 'Statement of Cash Flows'***

The amendments (part of AASB 2009-5 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project') specify that only expenditures that result in a recognised asset in the statement of financial position can be classified as investing activities in the statement of cash flows.

#### Standards and Interpretations affecting the reported results or financial position

There are no new and revised Standards and Interpretations adopted in these financial statements affecting the reporting results or financial position.

#### Standards and Interpretations adopted with no effect on financial statements

The following new and revised Standards and Interpretations have also been adopted in these financial statements. Their adoption has not had any significant impact on the amounts reported in these financial statements but may affect the accounting for future transactions or arrangements.

##### ***AASB 2009-5 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project'***

Except for the amendments to AASB 107 described earlier this section, the application of AASB 2009-5 has not had any material effect on amounts reported in the financial statements.

##### ***AASB 2010-4 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project'***

Except for the amendments to AASB 7 and AASB 101 described earlier this section, the application of AASB 2010-4 has not had any material effect on amounts reported in the financial statements.

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 reporting date.

Deferred tax is recognised on temporary differences between the carrying amounts of assets and liabilities in the financial statements and the corresponding tax bases used in the computation of taxable profit. Deferred tax liabilities are generally recognised for all taxable temporary differences. Deferred tax assets are generally recognised for all deductible temporary differences to the extent that it is probable that taxable profits will be available against which those deductible temporary differences can be utilised. Such deferred tax assets and liabilities are not recognised if the temporary difference arises from goodwill or from the initial recognition (other than in a business combination) of other assets and liabilities in a transaction that affects neither the taxable profit nor the accounting profit.

Deferred tax liabilities are recognised for taxable temporary differences associated with investments in subsidiaries and associates, and interests in joint ventures, except where the Association is able to control the reversal of the temporary difference and it is probable that the temporary difference will not reverse in the foreseeable future. Deferred tax assets arising from deductible temporary differences associated with such investments and interests are only recognised to the extent that it is probable that there will be sufficient taxable profits against which to utilise the benefits of the temporary differences and they are expected to reverse in the foreseeable future. The carrying amount of deferred tax assets is reviewed at the end of each reporting period and reduced to the extent that it is no longer probable that sufficient taxable profits will be available to allow all or part of the asset to be recovered.

Deferred tax assets and liabilities are measured at the tax rates that are expected to apply in the period in which the liability is settled or the asset realised, based on tax rates (and tax laws) that have been enacted or substantively enacted by the end of the reporting period. The measurement of deferred tax liabilities and assets reflects the tax consequences that would follow from the manner in which the association expects, at the end of the reporting period, to recover or settle the carrying amount of its assets and liabilities. Deferred tax assets and liabilities are offset when there is a legally enforceable right to set off current tax assets against current tax liabilities and when they relate to income taxes levied by the same taxation authority and the association intends to settle its current tax assets and liabilities on a net basis.

Current and deferred tax are recognised as an expense or income in profit or loss, except when they relate to items that are recognised outside profit or loss (whether in other comprehensive income or directly in equity), in which case the tax is also recognised outside profit or loss, or where they arise from the initial accounting for a business combination. In the case of a business combination, the tax effect is included in the accounting for the business combination.

### Tax Consolidation

The Association and its subsidiaries, Barristers' Chambers Ltd and The Melbourne Bar Pty 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

Plant and equipment, leasehold improvements and equipment under finance lease 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 Councillors 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.

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, biennial 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 Statement of Comprehensive Income.

### 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 reporting 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, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less and bank overdrafts. 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.

All revenue is stated net of the amount of goods and services tax (GST).

## 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.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables.

Cash flows are presented in the Statement of Cash Flows on a net 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) IMPAIRMENT OF TANGIBLE ASSETS

At each reporting date, the association 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(L) STANDARDS AND INTERPRETATIONS ISSUED NOT YET EFFECTIVE

At the date of authorisation of the financial report, the following Standards and Interpretations listed below were in issue but not yet effective:

Standards	Effective for annual reporting periods beginning on or after	Expected to be initially applied in the financial year ending
AASB 124 'Related Party Disclosures' (revised December 2009), AASB 2009-12 'Amendments to Australian Accounting Standards'	1-Jan-11	30-Jun-12
AASB 9 'Financial Instruments', AASB 2009-11 'Amendments to Australian Accounting Standards arising from AASB 9' and AASB 2010-7 'Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)'	1-Jan-13	30-Jun-14
AASB 1053 'Application of Tiers of Australian Accounting Standards' and AASB 2010-2 'Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements'	1-Jul-13	30-Jun-14
AASB 2009-14 'Amendments to Australian Interpretation - Prepayments of a Minimum Funding Requirement'	1-Jan-11	30-Jun-12
AASB 2010-4 'Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project'	1-Jan-11	30-Jun-12
AASB 2010-5 'Amendments to Australian Accounting Standards'	1-Jan-11	30-Jun-12
AASB 2010-6 'Amendments to Australian Accounting Standards - Disclosures on Transfers of Financial Assets'	1-Jul-11	30-Jun-12
AASB 2010-8 'Amendments to Australian Accounting Standards - Deferred Tax: Recovery of Underlying Assets'	1-Jan-12	30-Jun-13
AASB 2010-9 'Amendments to Australian Accounting Standards - Severe Hyperinflation and Removal of Fixed Dates for First-time Adopters'	1-Jul-11	30-Jun-12
AASB 2010-10 'Further Amendments to Australian Accounting Standards – Removal of Fixed Dates for First-time Adopters'	1-Jan-13	30-Jun-14

## 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 consolidation.

There is no minority interest in the subsidiary companies.

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
<b>NOTE 3 REVENUE</b>				
<b>REVENUE FROM OPERATING ACTIVITIES</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Subscriptions	2,907,887	2,718,633	2,907,887	2,718,633
Rent and Joinery Revenue	21,254,333	19,779,964	-	-
Readers Course, Mediation & Seminar Fees	721,682	545,974	721,682	545,974
Other Revenue	1,663,715	1,576,580	153,315	88,927
	<b>26,547,617</b>	<b>24,621,151</b>	<b>3,782,884</b>	<b>3,353,534</b>
<b>REVENUE FROM NON-OPERATING ACTIVITIES</b>				
Interest Revenue	266,993	364,708	112,112	103,227
Legal Service Board and Commissioner, Contributions and Reimbursements	776,925	860,317	776,925	860,317
	<b>1,043,918</b>	<b>1,225,025</b>	<b>889,037</b>	<b>963,544</b>
<b>TOTAL REVENUE</b>	<b>27,591,535</b>	<b>25,846,176</b>	<b>4,671,921</b>	<b>4,317,078</b>
<b>NOTE 4 PROFIT BEFORE INCOME TAX EXPENSE</b>				
(a) Profit before income tax expense has been arrived at after crediting / (charging) the following gains and losses:				
<b>(LOSS) / GAIN FROM SALE OF ASSETS</b>	<b>(58,440)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FINANCE COSTS</b>				
Interest on Mortgage	3,701,446	2,341,936	-	-
Other Finance Costs	-	12,178	-	-
<b>TOTAL FINANCE COSTS</b>	<b>3,701,446</b>	<b>2,354,114</b>	<b>-</b>	<b>-</b>
<b>DEPRECIATION OF NON-CURRENT ASSETS</b>				
Buildings	2,124,560	1,880,818	-	-
Plant, Equipment & Improvements	1,125,513	979,670	50,195	43,982
Motor Vehicle	-	-	-	-
<b>TOTAL DEPRECIATION</b>	<b>3,250,073</b>	<b>2,860,488</b>	<b>50,195</b>	<b>43,982</b>
<b>BAD AND DOUBTFUL DEBTS</b>				
Increase /(Decrease) in Provision	101,023	(5,307)	-	-
<b>MINIMUM LEASE PAYMENTS ON OPERATING LEASES</b>	<b>6,645,397</b>	<b>6,192,512</b>	<b>1,016,702</b>	<b>1,035,268</b>
<b>AUDITORS REMUNERATION</b>				
Auditing or Reviewing the Financial Reports	71,005	60,900	32,605	28,400
Taxation and Accounting Services	19,000	27,825	19,000	14,325
	<b>90,005</b>	<b>88,725</b>	<b>51,605</b>	<b>42,725</b>

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
<b>NOTE 5 INCOME TAX</b>				
<b>(A) COMPONENTS OF INCOME TAX EXPENSE/(BENEFIT)</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Tax Expense comprises:				
Current Tax Expense/(Income)	(343,101)	(617,759)	(54,222)	(70,346)
Tax Refund from Prior Years	-	-	-	-
Deferred Tax Expense/(Income) Relating to Timing Differences	-	-	-	-
Unused Tax Losses not Recognised as Deferred Tax Assets	343,101	617,759	54,222	70,346
	-	-	-	-
<b>(B) INCOME TAX EXPENSE/(BENEFIT) CALCULATED</b>				
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	5,397,922	3,979,510	1,15,916	174,059
Income Tax Expense/(Benefit) Calculated at the corporate tax rate in each year, 30%	1,619,376	1,193,853	34,775	52,218
Tax Effect of Timing Differences not Recognised	(7,135)	(40,263)	(7,135)	(40,263)
Non-Assessable Mutual Income	(7,645,448)	(7,102,587)	(906,464)	(829,869)
Non-Deductible Mutual & Other Expenses	5,690,106	5,331,238	491,236	429,500
Non-Deductible Expenses Within Group	-	-	333,366	318,068
Tax Refund Arising from Change to Mutuality Principle	-	-	-	-
Overprovision of Tax in Prior Year	-	-	-	-
Increase/(Utilisation) of Tax Losses	343,101	617,759	54,222	70,346
INCOME TAX (BENEFIT)/EXPENSE	-	-	-	-
<b>NOTE 6 CASH AND CASH EQUIVALENTS</b>				
Cash on Hand	250	250	-	-
Cash Deposits with Banks	10,318,506	5,314,961	3,615,614	1,882,554
Short-term Money Market Deposits	-	1,384,931	-	1,086,518
	10,318,756	6,700,142	3,615,614	2,969,072
<b>NOTE 7 TRADE AND OTHER RECEIVABLES</b>				
Trade Receivables	977,877	918,670	94,457	173,732
Provision for Doubtful Debts	(119,700)	(18,677)	-	-
	858,177	899,993	94,457	173,732
Other Receivables	131,174	143,074	6,036	21,018
TOTAL CURRENT RECEIVABLES	989,351	1,043,067	100,493	194,750

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
NOTE 8 OTHER ASSETS	\$	\$	\$	\$
Current				
Prepayments	140,588	145,682	16,742	31,300
Non-Current				
Bank Guarantee	339,000	-	-	-

## NOTE 9 OTHER FINANCIAL ASSETS

Investment in Subsidiaries	-	-	10,187,430	10,187,430
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Barristers Chambers Limited is a public company incorporated in Australia and operating in Australia. It is wholly owned by the Association. 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 licenced clerks. Each of these subsidiaries is a member of the tax-consolidated group of which the Victorian Bar Inc is the head entity.

## NOTE 10 PROPERTY, PLANT & EQUIPMENT

### FREEHOLD LAND & BUILDINGS

Land at Valuation (June 2011)	31,500,000	24,200,000	-	-
Building at Valuation (June 2011)	76,175,000	80,641,656	-	-
Less Accumulated Depreciation	-	(1,880,820)	-	-
<b>TOTAL FREEHOLD LAND &amp; BUILDINGS</b>	<b>107,675,000</b>	<b>102,960,836</b>	<b>-</b>	<b>-</b>

### PLANT, EQUIPMENT & REFURBISHMENTS

In Freehold Buildings at Cost	17,101,009	14,075,616	-	-
Less: Accumulated Depreciation	(12,423,267)	(9,822,817)	-	-
	<b>4,677,742</b>	<b>4,252,799</b>	<b>-</b>	<b>-</b>

In Leasehold Premises at Cost	14,155,872	14,197,638	1,100,123	1,068,404
Less: Accumulated Depreciation	(4,699,932)	(6,100,181)	(951,986)	(911,354)
	<b>9,455,940</b>	<b>8,097,457</b>	<b>148,137</b>	<b>157,050</b>

Art Works at Cost	133,441	133,442	117,842	117,843
Less: Accumulated Depreciation	(75,681)	(66,120)	(75,681)	(66,120)
	<b>57,760</b>	<b>67,322</b>	<b>42,161</b>	<b>51,723</b>

<b>TOTAL PLANT &amp; EQUIPMENT</b>	<b>14,191,442</b>	<b>12,417,578</b>	<b>190,298</b>	<b>208,773</b>
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<b>TOTAL PROPERTY, PLANT, EQUIPMENT &amp; REFURBISHMENT</b>	<b>121,866,442</b>	<b>115,378,414</b>	<b>190,298</b>	<b>208,773</b>
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The land and buildings were revalued by independent valuers as at 30 June 2011 on the basis of open market value and adopted by the Directors at 30 June 2011.



**NOTE 10 PROPERTY, PLANT & EQUIPMENT (CONTINUED)****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.

	<b>FREEHOLD LAND &amp; BUILDINGS</b>	<b>PLANT, EQUIPMENT &amp; REFURBISH- MENT</b>	<b>ART WORKS</b>	<b>TOTAL</b>
<b>PARENT</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>2010</b>				
Balance at Beginning of Year	-	168,332	61,285	229,617
Additions	-	23,138	-	23,138
Depreciation Expense	-	(34,420)	(9,562)	(43,982)
<b>CARRYING AMOUNT AT END OF THE YEAR</b>	<b>-</b>	<b>157,050</b>	<b>51,723</b>	<b>208,773</b>
<b>2011</b>				
Balance at Beginning of Year	-	157,050	51,723	208,773
Additions	-	31,720	-	31,720
Depreciation Expense	-	(40,633)	(9,562)	(50,195)
<b>CARRYING AMOUNT AT THE END OF THE YEAR</b>	<b>-</b>	<b>148,137</b>	<b>42,161</b>	<b>190,298</b>
<b>CONSOLIDATED</b>				
<b>2010</b>				
Balance at Beginning of Year	47,050,000	10,473,813	76,884	57,600,697
Additions	57,791,654	2,920,133	-	60,711,787
Disposal / Assets Written Off	-	(73,581)	-	(73,581)
Depreciation Expense	(1,880,818)	(970,109)	(9,562)	(2,860,489)
<b>CARRYING AMOUNT AT END OF THE YEAR</b>	<b>102,960,836</b>	<b>12,350,256</b>	<b>67,322</b>	<b>115,378,414</b>
<b>2011</b>				
Balance at Beginning of Year	102,960,836	12,350,256	67,322	115,378,414
Additions	220,177	2,957,817	-	3,177,994
Disposal/Assets Written Off	-	(58,440)	-	(58,440)
Depreciation Expense	(2,124,560)	(1,115,951)	(9,562)	(3,250,073)
Revaluation	6,618,547	-	-	6,618,547
<b>CARRYING AMOUNT AT END OF THE YEAR</b>	<b>107,675,000</b>	<b>14,133,682</b>	<b>57,760</b>	<b>121,866,442</b>

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
<b>NOTE 11 TRADE &amp; OTHER PAYABLES – CURRENT</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>PAYABLES</b>				
Deferred Revenue	5,458,136	4,746,887	1,844,433	1,501,609
Trade Creditors and Accruals	848,124	473,042	673,330	415,211
Owing to Subsidiary - Barristers Chambers Limited	-	-	-	248
Related Party - The Essoign Club	45,129	21,063	45,129	21,063
Other Creditors	1,494,105	2,275,985	-	269,357
<b>TOTAL TRADE &amp; OTHER PAYABLES</b>	<b>7,845,494</b>	<b>7,516,977</b>	<b>2,562,892</b>	<b>2,207,488</b>

**NOTE 12 BORROWINGS**

<b>Current</b>				
Bills - Secured		1,000,000	-	-
<b>Non-Current</b>				
Bills - Secured	41,000,000	42,000,000	-	-
	<b>41,000,000</b>	<b>43,000,000</b>	-	-

At balance date the bank holds a first registered mortgage over the freehold land and buildings.

**NOTE 13 PROVISIONS**

<b>Current</b>				
Employee benefits	380,038	341,883	259,758	215,518
<b>Non-Current</b>				
Employee benefits	25,740	22,048	25,740	22,048
<b>(a) Aggregate Employee Entitlement liability</b>	<b>405,778</b>	<b>363,931</b>	<b>285,498</b>	<b>237,566</b>
<b>(b) Employee Numbers</b>				
Average number of full or part time employees during the financial year	30	27	20	19
Number of employees at reporting date	30	26	20	18

**NOTE 14 TAX ASSETS AND LIABILITIES**

<b>Current</b>				
Income tax payable	-	-	-	-
<b>Non-Current</b>				
Deferred income tax assets	(772)	(772)	-	-
Deferred income tax liability	3,356,320	2,584,922	-	-
<b>Net Deferred tax liability</b>	<b>3,355,548</b>	<b>2,584,150</b>	-	-

The deferred income tax liability is for use in the event of tax on capital gain not subject to mutuality for income tax purposes.

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
NOTE 15 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)	5,397,922	3,979,510	115,916	174,059
Depreciation & amortisation of non-current assets	3,250,073	2,860,488	50,195	43,981
Loss on disposal of assets	58,440	-	-	-
Increase/(Decrease) in bad and doubtful debts provision	101,023	(5,307)	-	-
Changes in net assets and liabilities:			-	-
(Increase )/Decrease in trade & other receivables & other assets	(42,213)	90,649	108,814	(45,624)
Decrease in deferred tax liability	-	-	-	-
Increase/(Decrease) in trade and other payables and provisions	366,671	256,605	399,645	(271,761)
Decrease in current tax liabilities	-	-	-	-
(Decrease)Increase in non-current liabilities	3,692	10,008	3,692	10,008
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<b>9,135,608</b>	<b>7,191,953</b>	<b>678,262</b>	<b>(89,337)</b>
(b) Reconciliation of cash and cash equivalents				
Cash & cash equivalents (see Note 6)	10,318,756	6,700,142	3,615,614	2,969,072
NOTE 16 OFFICERS' REMUNERATION				
No member of the 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.				
NOTE 17 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	6,626,185	4,755,440	997,490	999,481
- later than 1 year but not later than 5 years	30,193,611	19,253,963	2,554,109	3,551,590
- later than 5 years*	12,875,868	12,888,368	-	-
	<b>49,695,664</b>	<b>36,897,771</b>	<b>3,551,599</b>	<b>4,551,071</b>
(b) Office Equipment				
Payable				
- not later than 1 year	19,212	20,950	19,212	20,950
- later than 1 year but not later than 5 years	12,008	31,220	12,008	31,220
- later than 5 years	-	-	-	-
	<b>31,220</b>	<b>52,170</b>	<b>31,220</b>	<b>52,170</b>

	CONSOLIDATED		PARENT	
	2011	2010	2011	2010
<b>CAPITAL EXPENDITURE COMMITMENTS</b>	\$	\$	\$	\$
Commitments contracted for but not capitalised in the accounts				
	<b>Payable</b>			
- not later than 1 year	5,432,099	6,475,000	-	-
- later than 1 year but not later than 5 years	-	-	-	-
	<b>5,432,099</b>	<b>6,475,000</b>	<b>-</b>	<b>-</b>

## NOTE 18 SENSITIVITY ANALYSIS

CURRENT AND NON-CURRENT LIABILITIES	CURRENT FLOATING	NON-CURRENT FIXED		TOTAL
		3 YEARS	5 YEARS	
<b>INTEREST RATE</b>	\$	\$	\$	\$
Amount		11,000,000	30,000,000	41,000,000
-1%		552,200	1,506,000	2,058,200
		662,200	1,806,000	2,468,200
1%		772,200	2,106,000	2,878,200
<b>LINE FEE</b>	\$	\$		
	<b>AMOUNT</b>	<b>12 MONTHS</b>		
	46,000,000	1,196,000		
Subsequently reduced to				
	44,000,000	1,144,000		

## NOTE 19 EVENTS AFTER BALANCE SHEET DATE

There are no matters or circumstances requiring disclosure, other than the matters set out below, 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:

- Replacement of chillers at both Owen Dixon Chambers West and Douglas Menzies Chambers is scheduled at a cost of \$2.01M with Green building fund contribution of \$0.83M
- Replacing the telephone system with IP telephony at a cost of \$1.35M.
- Funding of a lift refurbishment at Joan Rosanove Chambers has also been approved at a cost of \$0.50M.
- The partial refurbishment of Douglas Menzies Chambers and Owen Dixon Chambers West, have been approved at a cost of \$1.35M.
- Sundry equipment and works \$0.43M.
- The allowance for Doubtful Debts (note 7) included an amount subsequently paid, prior to signing this report, totalling \$66,684.



## 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 50 to 64:
  - (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 2011 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



**Mark K Moshinsky SC**  
Chairman



**Edvard (Will) Alstergren**  
Honorary Treasurer



## **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 statement of financial position as at 30 June 2011, the statement of comprehensive income, the statement of cash flows and the statement of changes in equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, 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 50 to 65.

### *Officers' Responsibility for the Financial Report*

The officers are responsible for the preparation and fair presentation of the financial report and have determined that the basis of preparation described in Note 2, is appropriate to meet the financial reporting requirements of the *Associations Incorporation Act 1981* is appropriate to meet the needs of the members. The Officer's responsibility also includes such internal control as the officers determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those 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.

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



### *Opinion*

In our opinion, the financial report presents fairly, in all material respects, the financial position of the Association and consolidated entity as at 30 June 2011 and their financial performance for the year then ended in accordance with the financial reporting requirements of the *Associations Incorporation Act 1981* as described in Note 2.

### *Basis of Accounting and Restriction on Distribution and Use*

Without modifying our opinion, we draw attention to Note 2 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Victorian Bar Incorporated to meet the financial reporting requirements of the *Association Incorporation Act 1981*. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the Members and should not be distributed to or used by parties other than the Members.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU

Alison Brown

Alison Brown  
Partner  
Chartered Accountants  
Melbourne, 28 September 2011

### **DISCLAIMER TO THE MEMBERS OF THE VICTORIAN BAR INCORPORATED**

The additional financial information, being the attached detailed income statement for the years ended 30 June 2011 and 2010, has been compiled by 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



Alison Brown  
Partner  
Chartered Accountants  
Melbourne, 28 September 2011



# XIV. THE VICTORIAN BAR INC DETAILED INCOME STATEMENT

## DETAILED INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2011 (UNAUDITED)

		2011	2010
REVENUE	NOTES	\$	\$
	Subscriptions	2,907,887	2,718,633
	Legal Services Board & Commissioner	776,925	860,317
	Readers Course Fees	346,990	311,964
	Mediation Fees	240,220	230,560
	Conference & Seminar Fees	134,472	3,450
	Interest	112,112	103,227
	Bar News Advertising	25,225	27,512
	Bar Dinner & Other Functions Receipts	102,992	32,589
	Other	25,098	28,826
	<b>Total Revenue</b>	<b>4,671,921</b>	<b>4,317,078</b>
EXPENSES			
	Employee benefits and expenses	1,444,740	1,406,616
	Rent	798,182	759,038
	Pro Bono Scheme expenses (Matching revenue from LSB - refer Note 2)	397,497	342,000
	Australian Bar Association & Law Council of Australia	302,748	286,185
	Amortisation & Fit out	203,669	220,719
	Bar Dinner & Other Functions (includes Bar Dinners in Sept 2010 & May 2011)	240,518	111,242
	Conference & Seminar Expenses (includes inaugural CPD conference)	136,058	55,785
	Computer System Software, Support & Website	107,655	101,241
	Project Costs	86,003	116,694
	Health & Well Being Programs	80,772	93,118
	Rent Subsidy, Member Parental Leave	79,919	50,881
	Continuing Professional Development (includes Readers Course, Expenses)	75,603	59,893
	Media Consultant & Marketing	67,090	72,000
	Printing & Stationery(excludes CPD)	60,626	45,266
	Depreciation	50,203	43,981
	Audit & Tax Compliance & Advice Fees	44,675	42,725
	Catering For Meetings Expense	39,569	37,838
	Photocopying (excludes CPD)	27,814	22,222
	Staff Recruitment & Training	25,020	21,950
	Building Works (Mediation Centre 2010/2011)	24,900	-
	Bar News Expenses	19,496	44,159
	Other Admin	243,248	209,466
	<b>Total Expenses</b>	<b>4,556,005</b>	<b>4,143,019</b>
	<b>Profit For Year Before Income Tax Benefit/(Expense)</b>	<b>115,916</b>	<b>174,059</b>
	Income Tax Benefit/(Expense)	-	-
<b>PROFIT FOR YEAR</b>		<b>115,916</b>	<b>174,059</b>

## NOTES TO THE DETAILED INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2011

	2011	2010
<b>1. ACCUMULATED FUNDS</b>	<b>\$</b>	<b>\$</b>
Accumulated Funds at the beginning of the financial Year	11,200,173	11,026,114
Profit for the year	115,916	174,059
<b>ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR</b>	<b>11,316,089</b>	<b>11,200,173</b>

**2. LSB/LSC REIMBURSEMENT AND CONTRIBUTION**

The Legal Services Board and 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.

Regulation	155,373	117,371
Registration	134,812	132,186
Bar News	36,740	33,300
Readers' Course and Legal Education	-	68,183
Library	52,500	47,277
Other projects	-	120,000
Legal Assistance Scheme	397,500	342,000
	<b>776,925</b>	<b>860,317</b>

**3. 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.

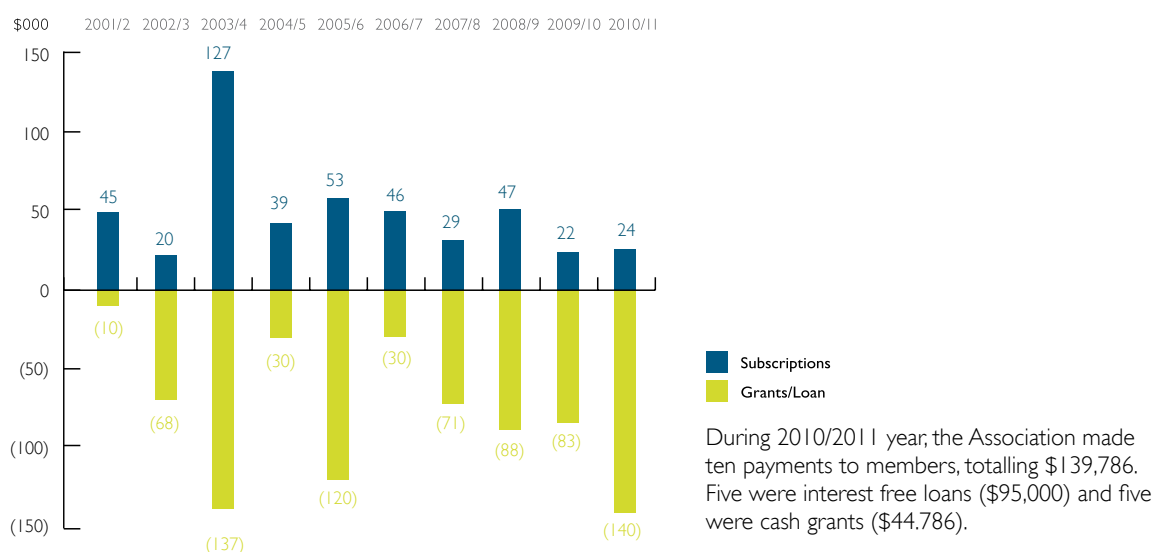
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# PART XV. BARRISTERS BENEVOLENT ASSOCIATION

## BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA ANNUAL REPORT (UNAUDITED) FOR THE YEAR ENDING 30 JUNE 2011

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

### 10 Year History of Subscriptions and Grants/Loans



### Market Value

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

ASSET CLASS	ASSET VALUE		ASSET YIELD	
	\$	%	\$	%
Cash	403,979	23%	13,768	3.41%
Fixed Interest	682,876	39%	67,232	9.85%
Australian Shares	660,992	38%	14,632	2.21%
	<b>1,747,847</b>	<b>100%</b>	<b>95,632</b>	

Australian Shares are held in the Equity Trustee Flagship Fund. The return for 2010/2011 financial year was 10.16%.

Fixed Interest investments are held in the Equity Trustees Mortgage Income Fund and PIMCO Wholesale Australian Bond Fund.

# BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

## COMPARATIVE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2011

	2011	2010
<b>CAPITAL FUND</b>	<b>\$</b>	<b>\$</b>
Opening Balance at 1 July 2010	1,529,214	1,497,926
<b>RECEIPTS</b>		
Donations received during the Year	24,300	22,200
Loan Repayments received	2,500	11,667
Imputation Credits Refund	-	-
Net Income Earned During the Year	133,487	80,458
	1,689,501	1,612,251
Grants	44,786	33,037
Loans	95,000	50,000
Total payments to Members	139,786	83,037
Closing balance at 30 June 2011	1,549,715	1,529,214
<b>LOANS</b>		
Opening Balance at 1 July 2010	115,000	117,123
Add New Loans	95,000	50,000
Less Loan Repayments	(2,500)	(11,667)
Less Loans written off (Three)	-	(40,456)
Loans at 30 June 2011	207,500	115,000
<b>Total Assets at 30 June 2011</b>	<b>1,757,215</b>	<b>1,644,214</b>
<b>AMOUNTS HELD BY EQUITY TRUSTEES AT 30 JUNE 2011</b>		
Equity Trustees Flagship Fund	454,900	454,900
Equity Trustees Wholesale Mortgage Income Fund	313,938	313,938
Equity Trustees PIMCO Wholesale Australian Bond Fund	376,898	376,898
Equity Trustees Cash Management Fund	403,979	383,478
<b>Balance at 30 June 2011</b>	<b>1,549,715</b>	<b>1,529,214</b>

Mark Moshinsky SC and Will Alstergren  
 Sub-Committee of the Committee of Management  
 Victorian Bar Council



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