
ANNUAL REPORT 2012

THE VICTORIAN BAR



VICTORIAN BAR
MELBOURNE • AUSTRALIA

ANNUAL REPORT 2012

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ANNUAL REPORT OF THE VICTORIAN BAR INCORPORATED FOR THE YEAR ENDED 30 JUNE 2012

To be presented to the Annual General Meeting of the
Victorian Bar Incorporated to be held on 15 October 2012
in Owen Dixon Chambers East, William Street, Melbourne

The Victorian Bar Incorporated Registered No. A0034504S



From Left to right: Front row: Matthew Walsh (Assistant Honorary Treasurer), Jack Fajgenbaum QC, Fiona McLeod S.C. (Senior Vice-Chairman), Melanie Sloss S.C. (Chairman), Will Alstergren (Junior Vice-Chairman), Phillip Priest QC. Middle row: Bree Knoester (Honorary Secretary), Andrew Downie, Justin Hannebery, Paul Connor, Ted Woodward S.C., Tim Tobin S.C., Christine Melis. Back row: Adrian Finanzio, Kate Anderson, Richard McGarvie S.C., Rob O'Neill, Jonathan Beach QC (Honorary Treasurer), Michael Wheelahan S.C., Jim Peters S.C., Kim Southey. Absent: Kim Knights, Robert Craig (Assistant Honorary Secretary)

PART I - BAR COUNCIL 2011-2012

CATEGORY A

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

Chairman	Melanie Sloss S.C.
Senior Vice-Chairman	Fiona M McLeod S.C.
Junior Vice-Chairman	E William Alstergren
Member	Jacob (Jack) I Fajgenbaum QC
Member	Phillip G Priest QC
Honorary Treasurer	Jonathan B R Beach QC
Member	Timothy P Tobin S.C.
Member	James W S Peters S.C.
Member	Richard W McGarvie S.C.
Member	Michael F Wheelahan S.C.
Member	Edward W Woodward S.C.

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	Adrian J Finanzio
Member	Paul X Connor
Member	Kim J Knights
Member	Katharine J D Anderson

CATEGORY C

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

Member	Robert W O'Neill
Member	Kim M Southey
Member	Andrew P Downie
Member	Christine Melis

HONORARY SECRETARIES

Appointed by the Victorian Bar Council

Honorary Secretary	Bree Y Knoester
Assistant Honorary Secretary	Robert G Craig

PART II - CHAIRMAN'S REPORT

THANKS TO THE 2011 BAR COUNCIL

As this Annual Report straddles the 2011 and 2012 Bar Council years, I would like to commence by recording my personal thanks to the past Chairman, Mark Moshinsky S.C., and the other members of the 2011 Bar Council who retired at the last election – namely Brendan Murphy QC, Chris Caleo S.C., Carolene Gwynn, Cam Truong, Michael Rush and Gabi Crafti - for their significant contribution to a range of important projects. The 2011 Bar Council was a very strong, egalitarian and cohesive group of people who worked well together, and under Mark's leadership we finalized the review of the Clerking System, introduced the entrance exam for candidates for the Readers' Course and made substantial progress with the preparation of the Discussion Paper for the Silks Selection Process. I would also like to record our thanks to Sam Hay, our Honorary Secretary, who worked long hours in his role and greatly assisted both the Bar Council and the Counsel Committee.

Much of the important work of the Bar is undertaken through its committees and I thank each of the retiring Chairs and members of the 2011 Bar committees who have contributed to the work of the Bar in this way.

THE 2012 BAR COUNCIL

The 2012 Bar Council has a wonderful mix of talented juniors and experienced silks, from a diverse array of backgrounds and practice areas. We have been fortunate indeed to have 14 (out of 21) "continuing" members on the current Bar Council, and this has assisted us to progress and consolidate upon much of the work commenced by the last Bar Council. The new members who joined the Bar Council following the elections in November 2011 are James Peters S.C., Michael Wheelahan S.C., Ted Woodward S.C., Adrian Finanzio, Robert

O'Neill, Andrew Downie and Christine Melis. Bree Knoester became Honorary Secretary and Robert Craig took her place as Assistant Honorary Secretary.

RELATIONSHIPS WITH GOVERNMENT AND THE COURTS

As a Bar Council, we have also continued and strengthened a productive working relationship with the State and Federal Attorneys-General, the Honourable Robert Clark MP and the Honourable Nicola Roxon MP. Each of them has actively engaged in consultation with the Victorian Bar and made time to participate in and contribute to Bar activities, including our CPD program.

The Bar also values highly our relationships with the Courts, both State and Federal. We were delighted to have Chief Justice French of the High Court of Australia as the opening speaker for our Bar CPD Conference in February, which was a great success, thanks to the support and involvement of so many members of the Judiciary and our Bar.

The Chief Justice, the Honourable Marilyn Warren AC, in particular, has been a great supporter of our Bar. I have already conveyed publicly the Bar's thanks to Her Honour for the important role that she performs each year in considering the applications for appointment as Senior Counsel. We are pleased to have a pilot process underway for the continuation of a Court-based system for the appointment of Senior Counsel in Victoria in 2012, with the Chief Justice centrally involved as the appointor. Whilst the pilot process aims to assist Her Honour with the workload, we are nevertheless very conscious of the significant demands the Silks process places upon her and the time and attention she devotes to it, both in consulting with the Judiciary and the profession more generally, and in making the selection. We very much hope

that Her Honour will be able to continue to perform this role into the future.

Aside from the Silks process, the Chief Justice has also been an active supporter of many Bar initiatives, such as the Asia law conference and the Readers Course, and she has fostered and advanced the concept of a State Law Library. I wish to record my thanks to the Chief Justice for the invaluable support and assistance that she, and the Court generally, have provided to the Bar throughout my term as Chairman.

LINKS WITH ASIA

We are reaching out and seeking to develop the Victorian Bar's links with Asia, following the success of our recent *'Engaging the Asian Economies - Law & Practice'* conference in late 2011 and visits from a number of delegations from China, Singapore and Hong Kong. Recently, William Lye, the Chair of CommBar's Asia Law Practice Group, represented the Victorian Bar as a member of the Premier's Trade Mission to China. This was a unique opportunity for the Victorian Bar, working in consultation with the Law Institute of Victoria (LIV) (through its President-elect, Reynah Tang), to market our respective organizations and legal services to the wider Asian market.

THE SECOND ANNUAL BAR CPD CONFERENCE

The CPD Committee arranged the second annual Victorian Bar CPD Conference at the Hilton on the Park on the weekend of 18 and 19 February 2012. The Honourable Chief Justice French AC delivered the opening address and the Commonwealth Attorney-General, the Honourable Nicola Roxon MP gave a keynote address to the Conference which, notably, was the first address she delivered in her new role as Attorney-General. The Conference program was diverse,

and over 220 barristers and judges attended. The Sunday presentation on *Written Advocacy* by Professor Jim Raymond was particularly well received.

As with last year's CPD Conference, the feedback was very positive and the Bar Council has decided to hold another weekend CPD Conference in March 2013.

I thank Michael Pearce S.C. (Chair) and the members of the CPD Committee, and the Bar Office staff for their role in ensuring the success of this year's Conference.

NATIONAL PROFESSION REFORM AND ABA BARRISTERS CONDUCT RULES

The national profession reform agenda has evolved slowly over the last two years with only two States at this point committed to introduce legislation – now expected in early 2013.

Through the auspices of the Australian Bar Association, and with considerable effort from Michael Colbran QC and Philip Selth OAM (CEO of the NSW Bar), a set of Model Barristers Conduct Rules has been formulated, with a view to bringing each State's rules into a common framework to facilitate the implementation of the national profession reforms. At a local level, Jonathan Beach QC as Chair of the Professional Conduct Committee has made a significant contribution to this project in reviewing the Part A National Rules and the Part B Local Rules, following the work undertaken by the 2011 Bar working party chaired by Paul Anastassiou S.C.

LEGAL AID FUNDING

In November 2011, in a joint submission with the LIV, the Bar pointed to the looming crisis on account of the significantly increased need for legal aid resulting from the implementation of the Baillieu Government's law-and-order election commitments. We welcomed the Victorian Government's May 2012 budget pledge of an additional \$26 million each year for the next four years, but pointed out that \$25 million had been needed to maintain current services, so that there was only \$1 million a year available to cater for the increased law-

and-order-policies demand. The Bar also argued for greater equity in the setting of fees paid to counsel. One success of the closer liaison of the profession with Victoria Legal Aid has been the introduction of annual fee indexation – VLA announced a two per cent increase in all fee scales effective 1 August 2012.

I thank, in particular, David Neal S.C. for his tireless and ongoing advocacy for legal aid fees and funding and access to justice over the course of many years. Representing the Bar on the Law Council of Australia Access to Justice Committee, David and Simon Moglia recently addressed the Bar Council – which resolved to endorse that Committee's key campaign objectives towards increased Commonwealth funding for legal aid.

THE BAR READERS' COURSE

The introduction of an entrance examination, overseen by an independent examiner, has enabled each unit in the course to be taught against the background of an assumed base level of knowledge, thereby allowing the course to be conducted over 9 weeks instead of 13.

The Readers Course now reflects a blend of the essential components from the previous course and new components that have been added following a global review of advocacy courses conducted by Bars around the world. The course will continue to evolve to reflect the best pedagogical experience in advocacy training worldwide and will better equip readers for work and life at the Bar.

The principal advocacy training is still undertaken by volunteers from the Bar and Bench, who themselves undergo "teacher training", and the verisimilitude of the mock trial exercises has been enhanced by them being conducted in courtrooms. Experts beyond the practice of law cover subjects as diverse as running your own business, voice control, and writing. Guidance is also provided on the challenges of working in a stressful environment.

I would like to thank all members of the Readers Course Committee who served throughout these developments – in

particular, David O'Callaghan S.C. (Chair), Fiona McLeod S.C. (immediate past Chair), Jacqueline Stone of the Bar Office, Sue McNicol, Adrian Finanzio and Professor the Honourable George Hampel AM QC for their tireless work in delivering a first class Readers Course – and Wendy Pollock in the Bar Office for the administrative implementation of the September 2011 and March 2012 courses.

CORE COMPETENCIES AND ADVANCED AND SPECIALISED SKILLS TRAINING

During the year the Bar sought and received funding from the Professional Standards Council (PSC) and the Legal Services Board (LSB) for work in assessing the core competencies required of a barrister and for work on advanced and specialised skills training.

The LSB grant is for a baseline survey to identify core competencies; to evaluate the impact, and assimilation into practice, of a number of significant legislative reforms, such as the adoption of the *Uniform Evidence Act*; to develop a baseline measure of performance by reference to the core competencies; and to develop a measure against which educational programs can be assessed.

The PSC grant will assist to establish an assessable skills training course specifically for criminal law barristers, on which the Victorian Bar and the Criminal Bar Association have worked together. Much of this work now has been done. The close collaboration between Jacqueline Stone and her Bar Office Education staff and the Criminal Bar Association has enabled the delivery of a comprehensive series of workshops covering trial, appellate and plea advocacy, advanced cross examination, and working with juries.

AUSTRALIAN BAR ASSOCIATION ADVANCED ADVOCACY COURSE

For the second year in a row, the ABA Advanced Advocacy Course was held in Melbourne – in January 2012. The Bar thanks Chief Justice Patrick Keane and the Federal Court for,

once again, making available courtrooms for use in the course. Barristers from all over Australia and from New Zealand and Hong Kong attended, and worked with a cohort of skilled instructors – selected from local and interstate Bars and Courts and from overseas (England & Wales, South Africa and New Zealand) – to hone their case presentation technique and examination and cross-examination skills. Philip Greenwood S.C. of the NSW Bar chaired the course, with assistance from Will Alstergren and Joshua Wilson S.C. and administrative support from the Bar Office. Having observed the course in operation it was, may I say, a great success!

COMMUNICATIONS AND MARKETING

In recent years, the Bar has worked on improving the way in which the Bar is perceived by the profession and the wider community and has sought to implement strategies designed to better communicate the scope for engagement of barristers' services and to highlight the value they can deliver, especially in the corporate client context.

This year Sally Bodman (our Marketing Manager) has worked with each of the specialist Bar Associations to promote their specialisations with dedicated web pages for internal and external communication.

We have also canvassed a cross section of corporate and solicitor clients with a view to receiving feedback about what the Bar and barristers do well, and where improvement is needed. This project is underway and will be progressed to completion in consultation with the new Bar Council.

Other visible changes made during the year include a new more user-friendly search function for the website and the adoption of a new livery for *In Brief*.

MEMBER SERVICES AND COMPLIANCE

I thank Alison Rock, who has worked closely with both the Ethics and Counsel Committees (see those Committee's reports) and has supported the Honorary Secretaries in their day-to-day interface with members – particularly in matters concerning the Bar Roll.

BARRISTERS' CHAMBERS LIMITED

In recent years, BCL has worked hard in establishing three new sets of chambers – Gorman Chambers, Coldrey Chambers and Ninian Stephen Chambers. It continues to work on initiatives to make further new chambers available both for individual members and for groups.

I thank the BCL Board and, in particular, Mark Derham QC (Chairman), Ed Gill (Managing Director), Geoff Bartlett (General Manager) and their staff for their commitment to this important work.

CLERKING

The Clerks are an important part of the fabric of our Bar, and our mode of operating. Both individually and collectively they contribute much to the life of the Bar and assist each of us daily in our practices. As Chairman, I have really enjoyed the opportunity to work with them, and in conjunction with Stephen Hare, to develop a number of initiatives that hopefully will be progressed within the next year, as we progress the implementation of the recommendations of the Clerking Review Working Group that were adopted by Bar Council in late 2011.

PARENTAL LEAVE

Last year, the Bar Council established a Parental Leave Working Group to review the parental leave support available to members, including the chambers rental assistance arrangements. The Working Group reviewed the level of rental assistance provided to members since 1997 and surveyed members who had received parental leave assistance. It also considered the levels of chambers rent being paid across the Bar.

The Bar Council adopted the Working Group's recommendations to increase the parental leave subsidy; to better communicate the parental leave policy through the website; and to draw attention to the availability of a Bar subscription discount for those on parental leave. Also, the website now allows members taking leave for any reason

to advertise the availability of their chambers for temporary sharing or sub-lease.

2012 BAR DINNER

Members turned out in record numbers for the annual Bar Dinner on Friday 25 May 2012 at the refurbished Art Deco Myer Mural Hall, Bourke Street, Melbourne. The Honourable Justice Susan Crennan AC and Philip Dunn QC were our guest speakers. Each of them delivered superb speeches, spiced with amusing anecdotes and showcasing some of the outstanding talent at the Bar over the years. Judging by the comments I have received, both on the night and afterwards, everyone thought it was a splendid evening and had a wonderful time! For my part, it was quite moving to stand on the podium in that magnificent room and observe a sea of happy (albeit noisy!) faces – men and women – of all ages and seniorities, across all practice areas – and with more judges than we have seen at a Bar Dinner for a long time!

I am most grateful to each of our guest speakers and the group of willing workers who made the night so enjoyable, especially Will Alstergren, Paul Connor and members of the Bar Band, and Sally Bodman, Courtney Bow and Ross Nankivell in the Bar office.

SUNCORP LIFE AND TPD INSURANCE OFFER

Late in the financial year, Suncorp approached the Bar with a group Life and TPD scheme that had previously been introduced by Bars in States other than NSW. Through a Working Group led by Tim Tobin S.C., with considerable assistance from Geoff McArthur S.C. and Christine Melis, the Bar negotiated improvements to the scheme. The Bar Council decided to make the offer available and actively encouraged participation, because it was the first policy of its kind to offer cover across the Bar community for pre-existing conditions without any medical questionnaire being required to be completed. Suncorp's participation is dependent on achieving a critical mass and we await sufficient numbers for the offer to proceed.

NEW ZEALAND BAR ASSOCIATION CONFERENCE IN MELBOURNE

The New Zealand Bar Association held its CPD Conference in Melbourne in August 2012. I warmly welcomed them at an opening reception in the Supreme Court Library and members of our Bar participated in both the conference sessions and the social activities. The Honourable Ray Finkelstein QC was the keynote speaker; and Justices Elizabeth Hollingworth and Jack Forrest, David Shavin QC, and Victorian Chief Parliamentary Counsel, Gemma Varley – all members of our Bar – spoke at the Conference. Stephen Hare and I greatly enjoyed working with our New Zealand counterparts, especially Miriam Dean CNZM QC (President) and Melissa Perkin (Executive Director).

THANK YOU

On behalf of the Bar Council and members, I offer my thanks to Stephen Hare, our General Manager; to Managers Sally Bodman, Alison Rock and Jacqueline Stone; and to the excellent and hard-working staff of the Bar Office. Having closely observed the operation of the Bar Office, I can attest to the commitment of the Bar Office staff who respond to so many requests from the Bar Council, the specialist Bar Associations, various Bar Committees and members of the Bar.


A special challenge this year was the departure of three experienced staff members: Mal Bowatta (after 20 years), Denise Bennett (after 6 years) and Barbara Toohey (after 3 years). It is a tribute to Stephen and his team that, not only did they cope with this loss, but they used it as a catalyst to introduce new processes that will deliver long-term benefits, such as the new on-line subscription system.

As Chairman, I have worked closely with Ross Nankivell, who assists me with preparing speeches, obituaries and the like, and Jacinta Silva, our Executive Assistant. Each of them has worked very long hours to support me in the role and has demonstrated a truly professional approach in all that they do. I feel sure they will know how very grateful I am for the assistance and support they have given me as Chairman and for the friendly and courteous manner with which they have

carried out the many tasks that came their way!

I have also appreciated the support and camaraderie of all members of the Bar Council – it has been an enormously enjoyable experience for me to work with and alongside each of them – and, in particular, I would like to thank those with whom I worked most closely: Fiona McLeod S.C. (Senior Vice-Chairman), Will Alstergren (Junior Vice-Chairman), and Jonathan Beach QC (Honorary Treasurer).

I would also like to thank the Honorary Secretary, Bree Knoester, and Assistant Honorary Secretary, Robert Craig, for the seemingly endless hours they so willingly devote to supporting the Bar Council in all its work.



Melanie Sloss S.C.

Chairman



PART III - BAR OFFICE STAFF



SECRETARIAT

General Manager	Stephen Hare
Manager Assisting The General Manager	Ross Nankivell
Executive Officer	Denise Bennett (until March 2012)
Executive Assistant	Jacinta Silva

EDUCATION, LEGAL POLICY AND GOVERNMENT RELATIONS

Manager, Legal Strategy And Development	Jacqueline Stone
Manager, Education Programs	Kathie Nickson (from August 2012)
Co-ordinator, Professional Development	Wendy Pollock
Administration Assistant, Professional Development	Barbara Toohey (until May 2012)
Administration Assistant, Professional Development	Sally Pottenger

MARKETING AND COMMUNICATIONS

Marketing Manager	Sally Bodman
Events & Communication Assistant	Courtney Bow
Online Communication Assistant	Byron Moore

COMPLIANCE

Manager, Compliance and Member Services	Alison Rock
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MEMBER SERVICES

Administration Assistant, Membership	Daphne Ioannidis
Compliance Officer	Marisa Pretotto (from August 2012)
Reception/Administration Assistant	Peter Roylance

FINANCE AND ACCOUNTING

Financial Controller	Leanne Hardy
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MEDIATION CENTRE

Coordinator	Peta Hansen
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PART IV - GROUP ENTITIES

VICTORIAN BAR INCORPORATED

Registered No. A0034304S

Owen Dixon Chambers East
205 William Street
Melbourne Victoria 3000

T: 03 9225 7111
F: 03 9225 6068
E: vicbar@vicbar.com.au
W: www.vicbar.com.au

BARRISTERS' CHAMBERS LIMITED

A.C.N 004 454 004

Board of Directors

D Mark B Derham QC (Chairman), Jacob (Jack) I Fajgenbaum QC (Deputy Chairman), Christopher M Caleo S.C., Michael D Wyles S.C., Wendy A Harris S.C. (until 25 October 2011), E William Alstergren, Scott W Stuckey, Paul X Connor, Katharine J D Anderson, Catherine G Button (from 25 October 2011) and Edwin Gill (Managing Director)

THE MELBOURNE BAR PTY LTD

A.C.N 004 640 108

Board of Directors

D Mark B Derham QC, Jonathan B R Beach QC and Melanie Sloss S.C.

PART V - OTHER ENTITIES

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Committee of Management

Melanie Sloss S.C. and Jonathan B R Beach QC

VICTORIAN BAR FOUNDATION

A.C.N 143 603 927

Board of Directors

Allan J Myers AO QC (Chairman), The Honourable Justice Susan M Crennan AC, The Honourable Justice John E Middleton, The Honourable Justice Kate McMillan, Ross H Gillies QC, Ross C Macaw QC, John H Karkar QC, Neil J Young QC, John Digby QC, Michael J Colbran QC, Alexandra Richards QC, Norman J O'Bryan AM S.C., Paul E Anastassiou S.C., Mark K Moshinsky S.C., Daniel B Bongiorno (Honorary Secretary) and Stephen Hare (Secretary)

ESSOIGN CLUB LIMITED

A.C.N 005 785 937

Board of Directors

Colin L Lovitt QC (Chairman), Peter A Chadwick S.C. (Vice Chairman), Michael J Richards, John B Saunders (Honorary Secretary), William E M Lye, E William Alstergren, Peter N Crofts (Honorary Treasurer), Francesca E Holmes and Felicity Cockram (Assistant Honorary Secretary)



County Court
Victoria

PART VI - ENTITY REPORTS

THE VICTORIAN BAR INCORPORATED - OFFICERS' REPORT

The officers, members of the Council of the Victorian Bar Incorporated, submit herewith the annual financial report of the Association for the financial year ended 30 June 2012. 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 3 of the annual report under Bar Council, except for the following who retired from the previous Bar Council during the year:

- Mark K Moshinsky S.C.
- Brendan A Murphy QC
- Christopher M Caleo S.C.
- Carolene R Gwynn
- Cam H Truong
- Michael D Rush
- Gabrielle Crafti

PRINCIPAL ACTIVITIES

The Victorian Bar Incorporated 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; and The Melbourne Bar Pty Ltd which is a non-operating nominee company. There has been no change in these activities during the year.

REVIEW OF OPERATIONS

During the financial year ended 30 June 2012 the Association achieved a surplus from ordinary activities of \$406,390 (2011: \$115,916) after an income tax benefit of \$nil (2011: \$nil). Its consolidated surplus from ordinary activities was \$6,524,336 (2011: \$5,397,922) after income tax benefit of \$nil (2011: \$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

Substantial changes in the operations of the 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 1981* (Vic). It is precluded under the Act and

its Constitution from paying a dividend to its members. The Association is a not for profit organisation.

INDEMNIFICATION OF OFFICERS

During the financial year, the Association paid a premium in respect of a contract insuring the Officers of the Association (as named above and on page 3 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 Association's Constitution. The contract of insurance prohibits disclosure of the nature of the liability and the amount of the premium.

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

PROCEEDINGS ON BEHALF OF THE ASSOCIATION

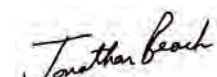
No person has applied for leave of court to bring proceedings on behalf of the Association or to intervene in any proceedings to which the Association is a party for the purpose of taking responsibility on behalf of the Association for all or part of those proceedings.

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

On behalf of the Officers



Melanie Sloss S.C.
Chairman



Jonathan B R Beach QC
Honorary Treasurer

13 September 2012



BARRISTERS' CHAMBERS LIMITED REPORT

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

Once again the Board and Management conducted a strategic review of the operations of BCL and the measures to be undertaken to enable it to continue to achieve its stated purpose of being the preferred long term supplier of accommodation and other facilities to members of the Victorian Bar.

CHAMBERS

There has been a trend over the last 24 months, or more, of increased demand for chambers provided by BCL. I reported last year that BCL had established two new sets of chambers, Coldrey Chambers and Ninian Stephen Chambers. In the 2010 year BCL established Gorman Chambers. Although this year no new chambers were established, vacancies are low and space is being sought for new chambers to be opened in 2013. Vacancies have declined from 36 at 30 June 2011 to 15 at 30 June 2012. There has been a net increase of 35 barristers in BCL chambers during the year (51 last year). BCL keeps under constant review the supply of, and demand for, additional accommodation. Matching supply with demand is not easy. One measure employed is to maintain a 'bank' of vacant chambers so that there are always chambers available. When vacancies fall below a certain level, it is then likely that further chambers need to be found. Our strategic objective is to have available a range of chambers of varying sizes, costs and locations for barristers joining the Bar or wishing to take up chambers.

REFURBISHMENT OF CHAMBERS

BCL has an on-going chambers refurbishment program, with preliminary plans in place for the next 4 years. This includes both tenancy finishes and building infrastructure. During the year substantial work was undertaken in Joan Rosanove Chambers, Douglas Menzies Chambers and Owen Dixon Chambers West.

FINANCIAL PERFORMANCE

BCL continued to perform well financially. The operating surplus was \$6.1 million, an increase over last year. This increase in the surplus is attributable primarily to a modest increase in rent, lower vacancies and to good management of expenses.

INTERNET AND TELEPHONE SERVICES

There have been a significant number of technology developments in the past three years with the robustness of the internet network greatly improved. The network speed has been increased and further upgrades are planned for the 2013 financial year.

The telephone upgrade that BCL announced last year is still, regrettably, undergoing acceptance testing. The BCL office has been switched over as a test site. It is hoped that the system will pass the testing in the short term, although there is no guarantee of that.

BCL provides telephone and internet services to some non BCL chambers and has offered those services to most independent chambers. Those chambers taking the services have generally been able to do so on terms enabling the connection of tenants on the same terms as in BCL chambers, with BCL providing the infrastructure to support the network.

MANAGEMENT AND STAFF

Ed Gill, our Managing Director, has continued to lead and inspire the staff so that they make a focused and efficient team. The team comprises Geoff Bartlett (General Manager), Marco Mattiuzzo (IT&T Manager), Carla Young (Customer Services Manager), Niki Ririnui (Financial Controller), Sharon Speckmayer (Accommodation Officer), David Marasco and Lindon Jones (Maintenance), James McGill (Internet/Help Desk) and Sherrie Campbell (Receptionist/Secretary).

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

THE BOARD

I wish to place on record my appreciation for the support of all present members of the Board, Jacob (Jack) Fajgenbaum QC (Deputy Chairman), Christopher Caleo S.C., Michael Wyles S.C., William Alstergren, Scott Stuckey, Paul Connor, Kate Anderson, Catherine Button (who joined the Board at the last AGM) and our Managing Director Edwin Gill. The Board is a happy team and functions well.

I also wish to place on record my sincere thanks for the very significant contribution made by Wendy Harris S.C. who retired as a director at the last AGM. Wendy joined the Board in 2002 and was the Chairman of the Audit and Compliance Committee. She contributed to all facets of the governance of BCL, bringing to all decisions a rigorous analysis and acute insights. Her contribution to the Board and management has been beyond the call of duty. We wish her well in her role as Chair of the Board of Directors of the Peter MacCallum Cancer Centre.

Mark Derham QC
Chairman



THE ESSOIGN CLUB LIMITED REPORT

The 2011-12 financial year was a positive one for the Club.

Whilst still challenging, it saw core areas, such as the dining room and catering, lifted. This greatly assisted in the overall performance of the Club. The café continues to be well patronized and the bar continues to attract patrons. The installation of a pool table in February 2012 is seen as a welcome addition and adds another service to encourage more members to patronise the Club.

The Essoign professional catering service had another solid year. It 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 vicinity of the Club.

Since his return, our Club Manager, Nicholas Kalogeropoulos has reinvigorated the Club. Together with his excellent staff they offer quality food and beverages and excellent service in an ambient, friendly environment for an enjoyable dining experience.

Financially, 2011-12 was a better year for the Club. In spite of rising costs for raw and wholesale products, the Club and its catering service has been able to hold prices relatively stable. Encouragingly, the loyal patronage of, and confidence in, the Club has resisted the pull of increasing café competition in the immediate vicinity to help us achieve a strong financial result. After taking into account membership subscriptions it is expected that when the Essoign's audit (currently in progress) is concluded, a small surplus will be recorded, in line with the Board's philosophy that the Club should trade at break-even, or a small surplus, in order to ensure benefits are passed to members.

I thank the members of the Essoign Board, and again unreservedly single out the superb work of Club Treasurer, Peter Crofts.

Colin Lovitt QC
Chairman





Left: Victoria's Attorney General, the Hon Robert Clark MP was the keynote speaker at the 2011 Asia Law & Practice Conference organised by the Asia Practice section of the Commercial Bar Association.

PART VII - BAR ASSOCIATIONS

COMMERCIAL BAR ASSOCIATION



Executive Committee at 30 June: John Digby QC (President), Melanie Sloss S.C. (Senior Vice-President), Albert A Monichino S.C. (Vice-President – Convenor), Ian H Percy (Treasurer), Caroline E Kirton S.C., E William Alstergren and William E M Lye (Website Moderator)

The Commercial Bar Association of Victoria's (CommBar) fifteen separate Specialist Sections have throughout the last year, in addition to contributing to the bulk of the Victorian Bar's CPD Seminars, conducted discussion groups and promoted education and standards of professional conduct in their specific Sections and more generally at the Victorian Bar.

CommBar has provided a submission to the Victorian Government conveying CommBar's suggestions as to the possible improvements which might be made to present discovery procedures in Victorian Courts and Tribunals.

CommBar has also enjoyed a characteristically busy and successful year in 2011-2012 including:

- Increasing its membership to 498 members.
- Assisting the Victorian Bar by conducting, as part of the

Victorian Bar's CPD Program, over fifteen CPD events in the last twelve months with more than eight CPDs planned for the balance of 2012. CommBar also undertook two Special Seminars addressing Commercial Advocacy Skills to the CPD Program for 2011. At the Victorian Bar's request, CommBar is also developing a CPD Course specifically designed to assist the Readers at the Victorian Bar.

- Liaising and participating in a number of events with the Australian Corporate Lawyers Association ('ACLA') including CommBar's President and Dr John Glover who both delivered papers at a major ACLA Seminar in late November 2011.
- As noted above, the Discovery Procedures Review Subcommittee, (John Digby QC, Albert Monichino S.C., Cornelia Fourfouris-Mack, James Catlin, Andrew Kirby and Adam Rollnik), has also submitted to the Victorian Government recommendations as to possible initiatives in the area of discovery procedures in Victorian Courts and Tribunals.
- CommBar has been involved in the Victorian Domestic Building Consumer Protection Framework Public Consultation Paper (Caroline Kirton S.C., David McAndrew, Ken Oliver, Suzanne Kirton and Tony Horan) and various bodies to serve the public interest in relation to legal issues.
- Assisting the Victorian Bar's VCAT Reform Sub-Committee (John Digby QC (Chairman), Caroline Kirton S.C., Adrian Finanzio, Carolyn Sparke, Dr Elizabeth Brophy, Elizabeth Ruddle, Jason Pizer, Romauld Andrew, Simon Pitt, Christopher Horan, Lisa Hannon, Jacqueline Stone) in identifying areas of possible reform at VCAT. CommBar's Members constitute a large component of the VCAT Reform Sub-committee which hopes to provide suggested areas of reform and proposed recommendations to the President of VCAT before the end of 2012.
- Producing periodic high quality CommBar Newsletters which

include topical information for its Members and Case Studies.

- Continuously maintaining and upgrading of CommBar's excellent Website which is directed to promote CommBar members to the commercial legal practitioners of Victoria and beyond.
- CommBar conducted an annual Social Event hosting approximately 250 Judges, Commercial Lawyers, Corporate counsel and CommBar Members in October 2011. A similar Function will be held in the last quarter of 2012. CommBar's annual Social Event is always a very well supported event which provides an opportunity for those present to hear about CommBar's activities, meet its Members and discuss matters of mutual interest.
- Assisting, among others, the Supreme Court and Melbourne University, to organise and promote successful Seminars in the Banco Court of the Supreme Court.
- CommBar donates funds to worthy organisations, namely AustLii and the Victorian Supreme Court Library and also sponsors prizes for Law Students.

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

Under the principal management of Ian Percy, CommBar is also investing in a major Webpage upgrade of www.commbar.com.au and associated facilities.

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



Committee at 30 June: Robert T Burns (President), Geoffrey R Martin (Honorary Treasurer), Melissa Stead (Secretary), Judy Benson and Vicki Marty

The Children's Court Bar Association is a group of dedicated and hard-working barristers practising in the Children's Court in both the Family and Criminal Divisions across Victoria and associated appellate and administrative review jurisdictions.

Over the past 12 months appointed members of the Association have actively participated in reviews of the Child Protection jurisdiction by the Victorian Law Reform Commission, and the *Protecting Vulnerable Children Inquiry* headed by The Hon. Philip Cummins QC. As a result of these reviews, the Children's Law jurisdiction in Victoria faces many potential changes. It is a unique 'Human Rights' jurisdiction in which the Association will continue to advocate for the rights of children and families to be protected, while focusing on the proposed changes to the operation and services provided to some of our community's most vulnerable citizens.

The Association continues to lobby Victoria Legal Aid for an increase in fees payable to counsel in children's matters to redress the large disparity in fees paid between State and Federal jurisdictions. In addition, considerable work has been committed to developing the Children's Court Bar Association presence on the Victorian Bar website. 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.

COMMON LAW BAR ASSOCIATION



Committee at 30 June: Ross H Gillies QC (Chairman), Mary Anne Hartley S.C. (Treasurer), David J Martin (Secretary), Richard J Stanley QC, Tim P Tobin S.C., Fiona M McLeod S.C., Michael F Wheelahan S.C., Andrew J Keogh S.C., Simon K McGregor, Róisín N Annesley, Andrew D Clements, Jacinta M Forbes, David J N Purcell, Michelle Britbart, Bree Y Knoester and Stephen J A Jurica

During 2011-2012, activities in which the Common Law Bar Association have been involved include:

- Meeting with the Chief Justice, Justices Kaye, J. Forrest and Beach 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.
- Expanding the provision of speakers and topics on a range of issues as part of the Bar's ongoing CPD Program.
- Responding to requests from the Victorian Bar Council for

submissions on a variety of issues relating to common law.

- Fostering an 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.
- Finalising the website for the Common Law Bar Association which is to be launched in September 2012.
- Hosting a very successful dinner to mark the occasion of the retirement of the Honourable Justice David Ashley from the Court of Appeal.
- Continuing to provide to its Members Case Summaries of recent Court decisions.

The number of members of the Common Law Bar Association continues to increase. Currently, there are 261 members of the Victorian Bar who are members of the Common Law Bar Association.

COMPENSATION LAW BAR ASSOCIATION



Committee at 30 June: Clyde A Miles (Interim Chairman), Robert W Dyer (Treasurer), Anthea E L MacTiernan (Secretary), Michael J Richards, Timothy J Ryan, Bruce R McKenzie, Steve Carson and Campbell E Hangay

The Committee thanks those members who retired during the year: Stanley B Spittle (retiring Treasurer), Denis R Gibson, Ian D McDonald and Maria Pilipasidis

The Association's membership continues to increase and this financial year has reached a new record of 73 members.

The AGM was held on 24 November 2011. Those present thanked Stan Spittle for his contribution as Treasurer upon his retirement from the position. The Chair noted that long-term member, Richard Lawson, was retiring from the Bar. The Association also wished him well.

Following the AGM the Association held its annual function at Illia, which was well attended.

The Compensation Law Bar Association together with the Common Law Bar Association hosted a dinner at the Essoign Club to celebrate the career of the Honourable Justice David Ashley.

The Association has contributed material to the Victorian Bar for the preparation of the Association's website. At this time the website is still a work-in-progress.

The Committee has continued to meet regularly, and in June 2012 forwarded submissions to the Magistrates' Court WorkCover User's Group to facilitate appearances in the WorkCover List in the Magistrates' Court and make submissions on fees. The Committee has continued to facilitate CPD events during the year.

CRIMINAL BAR ASSOCIATION



Committee at 30 June: Dr Gregory J Lyon S.C. (Chair), Michael P Cahill (Vice-Chair), Tom F Danos (Treasurer), Megan Tittensor (Secretary), Antony D Trood, Christopher W Beale, Lachlan C Carter, George A Georgiou, P Justin Hannebery, Carolene R Gwynn, Simon A Moglia, Patrick J Doyle, Aggy M Kapitaniak, Sarah J Keating and Karen Argiropoulos

The Committee thanks those members who retired during the year: W Benjamin Lindner, Rob W O'Neill and Paul J F Higham

Once again over the past year, the Criminal Bar Association (CBA) has contributed significantly to the major criminal justice issues. The Chair consults with the Attorney-General and the heads of jurisdiction on a range of issues, whilst committee members have consulted with the DPP, Sentencing Advisory Council, Department of Justice, Corrections, Court of Appeal Reference Group and the Parliamentary Committee into texting. CBA members on behalf of the CBA have attended the Jury Directions Reform Reference Group. Detailed written submissions have been made on baseline sentences, sexting and Ombudsman disclosure issues. The Chair has made several contributions to radio, television and newspaper pieces in current criminal justice issues.

Some of our most important work has been the regular liaison with Victoria Legal Aid (VLA) and the Office of Public Prosecutions (OPP) to further our commitment to seek increases in fees for counsel from VLA and the OPP. As experience shows, the work can take years. Whilst we have had much success with VLA, the work with the OPP is still ongoing.

The CBA, in conjunction with the Bar, has hosted a most comprehensive series of workshops for members since August 2011. Workshops have been held covering trial, appellate and plea advocacy, advanced cross examination and working with juries. These workshops created the opportunity for 100 of our members to refine their skills. We thank Stephen Hare and especially Jacqueline Stone of the Bar Office for their tireless efforts in coordinating these workshops.

Our CPD program continues to present some of the most interesting and cutting edge issues. In particular we thank Dr Anna Davey for liaising with VSFC to get the State's best forensic scientists to present CPDs. Our thanks also goes to Sally Pottenger of the Bar Office for her promotion and recording of the CPDs.

We have also strived to keep our members up to date on the issues that affect them. Cecily Hollingworth and Greg Hughan have published the occasional CBA Bulletin through the year. Paul Holdenson QC has contributed regular articles on the law and points of practice. Our regular emails ensure our members are advised of the fundamental changes to the law and the current issues. We thank Benjamin Lindner for his stand out piece on suspended sentences. Thanks to Courtney Bow at the Bar Office for getting out the Bulletin and the emails.

Finally, our drinks nights at Wheat have been well attended (over 100 at each), whilst last year's dinner at Matteo's was again oversubscribed and enjoyed by all. Special mention must be made of Lovitt QC for again excelling in the role of MC.

FAMILY LAW BAR ASSOCIATION



Committee at 30 June: Ian F Mawson S.C. (Chair), Rohan N Hoult (Deputy Chair), Michael J Wood (Treasurer), Darren A Mort (Secretary), Michael L Pavone, Emma M Swart and Patricia A Byrnes

The 2011-2012 year has been an active time for the Association. The Committee meets on a regular basis; typically monthly depending upon the issues arising.

We have, once again, participated in the Bar's annual CPD conference and provided a Family Law session. In addition, there have been a number of CPD seminars on relevant topics.

The Association web site is now operational and in the next few months will be expanded to offer additional information and resources to members; a subcommittee has been formed to make the web site a useful tool for members.

On a social level, Emma Swart organised a dinner with the Federal Magistrates of the Dandenong Registry. The evening was enjoyable and a great opportunity for the profession and the bench to mix in a relaxed atmosphere.

We held a cocktail party upon the retirement of the Honourable Justice Mushin; an opportunity to tell a few stories at His Honour's expense with, of course, the right of reply.

During the year there were two appointments from our ranks; Kirsty Macmillan S.C. as a Judge of the Family Court and Ron Curtain to the Federal Magistrates' Court.

We continue to meet with members of both Courts to address

issues which frequently arise by reason of the restrictions in the Court's budget; a problem which is certainly not unique to this jurisdiction. We have also established an ad hoc committee to work with members of the Law Institute Family Law group exploring areas of common interest with a view to joint presentations in the immediate future.

INDUSTRIAL BAR ASSOCIATION



Committee at 30 June: Gerard C P McKeown (President), Eugene P White (Senior Vice President), Justin L Bourke S.C. (Vice President), Rohan A Millar (Treasurer), Richard P P Dalton (Secretary), Herman Borenstein S.C., Frank Parry S.C., Warren L Friend S.C., Tim Jacobs, Craig W Dowling and Cassie J Serpell

The Industrial Bar Association (IBA) is an association of members of the Victorian Bar, practising predominantly in the area of employment and industrial law.

The IBA was established in June 2004. Two of its primary objects are: to provide a forum for meetings of barristers who practice in or have an interest in industrial/employment law and to foster closer working and social relationships; and 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 CPD program:

20 July 2011	Disciplinary Boards and Tribunals - Speakers: Alanna Duffy and Simone Bingham
10 August 2011	Equal Opportunity Act 2010 - Speakers: Melinda Richards and Catherine Symons
9 November 2011	Pleadings in Employment Law - Speaker: Tim Donaghey
22 March 2012	Constructive Dismissal - Repudiation of Employment Contracts - Principles and Recent Developments - Speaker: Mark Rinaldi
9 May 2012	Good Faith Bargaining - Speaker: Frank Parry S.C.

I 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 2011 the IBA held its annual dinner at which His Honour Judge Ginnane was the Association's guest of honour. His Honour gave an especially humorous speech covering his years at the Bar prior to his appointment to the County Court of Victoria in September 2009. A very enjoyable evening was had by all who attended.

The IBA continues to grow since its establishment in June 2004 and currently has in excess of 70 members of Counsel.

TAX BAR ASSOCIATION



Committee at 30 June: Gregory J Davies QC (President and Web Convenor), Justice Tony Pagone (Patron), Helen M Symon S.C. (Vice President and Events Co-ordinator), Simon H Steward S.C. (Treasurer), Eleftheria (Ria) Sotiropoulos (Secretary), John W de Wijn QC, Alexandra Richards QC, Jennifer J Batrouney S.C., Terrence P Murphy S.C. Simon A Tisher (Joint CPD Convenor), F John Morgan (Joint CPD Convenor), Tim M Grace and Daniel J McInerney (Assistant CPD Convenor)

The Tax Bar Association seeks to promote and further the professional development of barristers wishing to practise in tax and to promote relations between barristers and other practitioners in this 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 with a view to co-ordinating and providing cross promotion for continuing education, conferences and other opportunities.

The Association provides continuing legal education on a range of topics of taxation law and related areas for tax practitioners and the wider legal profession. During the 2012 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



Committee at 30 June: Suzanne A Kirton (Convenor), Jane C Sharp (Assistant Convenor), Diana Price (Assistant Convenor), Joye S Ellera (Treasurer), Deborah E Foy (Secretary), Tiphannie J Acreman (Membership Secretary), Megan S Fitzgerald (Communications Officer), Jennifer J Batrouney S.C., Kim J Knights, Sylvia Maramis, Anne M Sheehan, Anna L Robertson, Emma Peppler, Louise M R Hicks and Victoria A Campbell

The Committee thanks those members who retired during the year: Jane E Treleaven, Sarah E Mansfield, Amanda R Wynne, Cilla Brookes and Kathleen E Foley

In another busy year the Women Barristers' Association (WBA) through its Committee has been able to provide a variety of events and opportunities for the women in our profession.

I was proud to be re-elected for a second term as Convenor and I thank the Committee for their enthusiastic and able support.

A number of WBA members travelled to Warrnambool last July and presented a series of lectures at Deakin University, to regional solicitors and law students. This was followed by dinner at a fine local restaurant, which provided a great networking opportunity for our members and regional solicitors.

On 17 August 2011, the WBA hosted an information evening and provided a panel of speakers for Victorian women lawyers contemplating a career at the Bar. A number of barristers attended to participate in discussions with an interested audience.

On 25 August 2011, the WBA held a drinks function with the judges of the County Court to allow our members and other women barristers to meet the judges in a social setting. The Chief Judge kindly hosted the evening in a function room in the Court. Over 150 people attended: a very popular event.

In September the WBA worked with the Victorian Bar and others to develop the conference *Relaunch Your Career in the Law*, designed to give lawyers who have taken a career break the information required to plan a return to the law.

We were pleased to join the Monash University Law Students Society for an afternoon tea in October, and to provide a speaker to encourage the students to think about a career at the Bar.

We also hosted drinks for all the new women barristers following each of the Readers' courses in November and May.

The culmination of our year was the Victorian Women Lawyers Achievement Awards in May 2012, held with a gala dinner at the Regent Ballroom. We were delighted that our past convenor, Caroline Kirton S.C., won the award.

Other activities in the year included the Legal Laneway Breakfast at the opening of the legal year; a lunch to support the work of Virisila Buadromo, the Executive Director of the Fiji Women's Rights Movement (co-hosted with the International Women's Development Agency); providing mentors and speaking at the Launch of the VWL/WBA Law Student Mentoring Program. In addition, the WBA made submissions to the Victorian Bar on Victorian Bar subscriptions and the silks appointment process.



From left to right: Rupert Watters, Liz Bennett, Debbie Mortimer S.C., Will Alstergren, Robert Clark MP (Attorney-General for Victoria), Richard Niall S.C., Kristen Walker, Adrian Finanzio, Jessie Taylor

PART VIII - STANDING COMMITTEES

PRO BONO COMMITMENT

DUTY BARRISTERS' SCHEME COMMITTEE

Committee at 30 June: Nicholas Papas S.C. (Chair), Frances I O'Brien S.C. (Deputy Chair), Lesley A Fleming (Magistrates' Court), Leslie Glick S.C., Georgina L Schoff S.C., Ross G Maxted, E William Alstergren, Andrew P Phillips, Elefteria (Teri) Konstantinou, Amanda R Wynne, Andy Naidu, Natalie T Sheridan-Smith, Katrina J Gillies, David W Podger, Roderick Tan and Keir J Dernelley

The Committee thanks those members who retired during the year: Marcus E Dempsey and Vass Theoharopoulos

The Duty Barrister's Scheme provides a variety of opportunities for members of the Bar to assist unrepresented litigants in civil and criminal matters. Duty appearances this year have been made in Magistrates' courts at Melbourne and Dandenong where there are rosters in place, as well as in the County Court and the Supreme Court.

There are 202 barristers listed as prepared to undertake duty appearances or provide assistance to the Scheme. These volunteers are allocated across the jurisdictions with more experienced members allocated to the County and Supreme Courts to provide service to judge requested duty appearances.

The Scheme is estimated to have provided in excess of \$600,000 of value in professional services with over 334 individual clients assisted of whom 78 were in the higher courts.

The success of the Scheme is dependent on the excellent assistance of the Committee and of course the support of the Bar and the hard work of Peta Hansen, the Scheme coordinator and administrator.

PRO BONO COMMITTEE

Committee at 30 June: Jane A Dixon S.C. (Chair), Tom F Danos (Deputy Chair), Anthony A Nolan S.C., Andrew Panna S.C., Richard M Niall S.C., W Guy Gilbert, Anthony P Rodbard-Bean, Garrie J Moloney, Maya Rozner, Richard B C Wilson, Cahal G Fairfield, Pat Zappia, Daniel C Harrison, Arushan Pillay, Sharon A Burchell, Michael I Borsky, Esther M James, Paul P Kounnas, Darren A Ferrari, Jonathan Gottschall, Sam J H Ure, Rupert J C Watters, Tim Greenway, Melanie Dye (PILCH) and Fiona McLeay (PILCH)

The Committee thanks those members who retired during the year: Alexandra Richards QC (retiring Chair), Dr Joshua D Wilson S.C., Michael D Wyles S.C., E William Alstergren, David P Gilbertson, Craig W Dowling, Cam H Truong, Bill W Coady and Eliza S Holt

The Pro Bono Committee is the reference point for all pro bono activities at the Victorian Bar. Its aims include identifying gaps and trends in access to justice, coordinating the greatest pro bono effort to those most in need, overseeing policy, lobbying and training, and promoting the pro bono efforts of the Bar.

The Committee also oversees the operation of the Victorian Bar Pro Bono Scheme (VPBPS), which is administered by the Public Interest Law Clearing House (PILCH). In 2011-12, PILCH received \$411,408 from the Bar to administer and manage the VPBPS. This amount was funded by the Legal Services Board.

For many barristers, bringing justice to those in need is one of the most rewarding aspects of the profession. Pro bono allows barristers to use their skills to address and promote access to justice in a direct and immediate way.

Pro bono not only assists recipients by providing them with much-needed legal services, but it also enriches the Bar's own culture and growth. Indicative of this commitment is the number of barristers registered with VPBPS which stood at

896 at 30 June. The Committee is grateful for the dedication and generosity of all members of the Bar who contribute their time pro bono.

This year VPBPS received 514 enquiries and referred 398 to counsel for pro bono assistance. The highest number of referrals was for migration and social inclusion (tenancy, infringements, social security). Other significant areas of law referrals were criminal law, employment, family, consumer credit and elder law.

On 15 May 2012, the Bar recognised the significant pro bono efforts of its members. Eleven barristers were honoured for assisting people with disabilities, the homeless, asylum seekers, prisoners, self-represented litigants and public interest cases.

The recipients of the Awards, presented by the Victorian Attorney-General, were:

- Victorian Bar Pro Bono Trophy: Will Alstergren
- Daniel Pollak Readers Award: Jessie Taylor
- Ron Castan AM QC Award: Rupert Watters
- Susan Crennan AC Award: Adrian Finanzio
- Ron Merkel QC Award: Tom Hurley
- Public Interest/Justice Innovation Award: Debbie Mortimer S.C., Richard Niall S.C., Kristen Walker, Elizabeth Bennett, Matthew Albert and Craig Lenehan (NSW Bar)

The hard work and dedication of the Committee together with the passion and vigour of Melanie Dye and her team at VPBPS is greatly valued. One person needs to be singled out for her enormous contribution to pro bono, the outgoing Chair, Alexandra Richards QC.



The winner of the 2012 Victorian Bar pro Bono Trophy, Will Alstergren, receives his award from 2011 winner Debbie Mortimer SC.

CASE HIGHLIGHTS

Pro bono provides hope for a better life

"Our life in Iran was not really easy. There was so much trouble everywhere. Anywhere we would go they [militia] would not leave you alone. Anywhere no matter where you were, even in your own home."

The Karami* family endured a risky boat journey when they fled their homeland of Iran seeking a better life in Australia. In Iran, the Karamis had been abducted, arrested and beaten by armed militia because they were Farsi Kurds. When they arrived in Australia, two of their requests for asylum were rejected. The family's caseworker contacted the VBPBS, who referred the matter to Counsel and a firm to represent the family on a pro bono basis. Earlier this year the family were successful in court and were recommended for protection visas. The family were elated with the news and are already planning their new life in Australia. The eldest brother remembers: "When I heard, I could not wait to get home and tell everyone about it ... I wanted to see the reaction of my family members, especially my sister." Commenting on his experience of pro bono work, Counsel said "it was a tremendously rewarding experience and allowed me to practise in a new area of law."

Life throws people curveballs and they don't always have the ability to deal with it alone

Lucy* was the sole carer for her three children, two of whom had autism. At the time she needed legal help, Lucy was not working and was at risk of homelessness. Over a period of three years, Lucy incurred a number of infringement notices for a variety of transport offences. She did not have the money to pay the infringements, which led to an escalation of the amount due and finally, the issue of a warrant for her arrest. When the pro bono call went out to help Lucy, Counsel agreed to challenge the warrant and represent her. Counsel's arguments were successful. The Magistrate withdrew the warrant and the infringements were converted into a community work order. Pro bono was essential to the resolution of Lucy's legal issues. Without it, she would not have achieved such a just and fair outcome.

Lucy thus no longer has the stress of going to prison and can focus on the care of her children. Counsel said 'For me, pro bono work is more than a choice. It is a moral obligation. Lucy's case clearly illustrates the difference such work can make. The issues in the case were surprisingly complex and without legal representation, there was little or no prospect of her avoiding imprisonment.'

Pro Bono gives safety and peace of mind to an elderly couple faced with losing their home

Donald and Yvette*, both in their late eighties, were subject to financial, verbal and emotional abuse from their daughter and grand-daughter. While Donald was in respite care and Yvette in hospital, their daughter changed the locks on the granny flat and moved all the couple's belongings into storage. Donald and Yvette were then denied access to their home despite their having paid \$80,000 for the granny flat. During the course of the matter, three barristers together with a firm helped Donald and Yvette during the ensuing legal dispute. After an unsuccessful mediation attempt, the matter settled on the third day of a court hearing on terms favourable for the couple. The settlement gave Donald and Yvette a nest egg and returned some of the financial independence they had previously been accustomed to. Counsel who represented Donald and Yvette at court commented that it was a very satisfying case. "The clients were in difficult circumstances" he said, and "it was very important to their independence."

* Not real names

VICTORIAN BAR PRO BONO SCHEME STATISTICS

	2012	2011		
BARRISTERS PARTICIPATING	896	707		
TOTAL INQUIRIES	435*	608		
TOTAL REFERRALS	399	307		
	INQUIRIES		REFERRALS	
AREA OF LAW	2012	2011	2012	2011
Administrative Law	-	31	-	19
<i>Administrative Law (Judicial Review)</i>	29	-	9	-
<i>Administrative Law (Merits Review)</i>	19	-	9	-
Commercial Law	6	34	11	18
Consumer credit	0	0	12	0
Criminal Law	-	102	-	44
Criminal Law (Appellate)	11	-	5	-
Criminal Law (Intervention & Compensation)	19	-	42	-
Debt Recovery	13	36	7	22
Defamation, Media & Entertainment	0	0	5	0
Discrimination	6	0	7	0
Employment	23	30	17	12
Equity/Trusts	1	0	0	0
Family Law/De Facto	28	58	12	17
Human Rights	4	46	12	20
Immigration	117	49	95	39
Infringements	0	0	12	0
Inquests	0	0	5	0
Intellectual Property	0	0	5	0
Planning & Local Government	5	0	8	0
Other	85	128	62	38
Probate/Wills/TFM	0	0	5	0
Property Law	28	67	31	45
Residential/Retail Tenancies	17	0	21	0
Torts	0	6	7	0
Traffic Law	15	21	0	7

	REFERRALS	
JURISDICTION	2012	2011
Administrative Appeals Tribunal	6	3
Coroner's Court	4	3
County Court	14	16
Fair Work Australia	8	4
Family Court	1	3
Federal Court	20	2
Federal Magistrates' Court	102	23
High Court	2	0
Magistrates' Court	68	35
Mental Health Review Board	1	0
Not litigious	77	4
Other Tribunal/Board	5	0
SSAT	1	0
Supreme Court	28	9
Supreme Court of Appeal	6	0
VCAT	55	30
VOCAT	1	0

* This figure understates the true figure - data was not captured for a period following a database change during the year.

PROMOTING ACCESS TO JUSTICE

EQUALITY & DIVERSITY COMMITTEE

Committee at 30 June: Caroline E Kirton S.C. (Chair), Kim J Knights (Deputy Chair), Peter J Hanks QC, Debbie S Mortimer S.C., Andrew P Phillips, Scott W Stuckey, Patricia R Riddell, Anne M Sheehan, Anna L Robertson, Jenny M Firkin, Miguel A Belmar Salas, Jarrod D Williams, Tyson Wodak, Amy Brennan, Christine Melis, Emrys M Nekvapil, Pardeep S Tiwana, Anna E Forsyth, Therese McCarthy and Jessica Sun

The Committee thanks those members who retired during the year: Vincent A Morfuni S.C., Michael D Wyles S.C., Philip H Solomon S.C., Carmella Ben-Simon, Jeremy A F Twigg, Jacinta M Forbes, Kaye L McNaught, Tim J Donaghey, Nha Nguyen, Meredith A Schilling and Paul J F Higham

The Committee also thanks the following consultants: Justice Richard R S Tracey RFD (Federal Court), Justice Linda M Dessau AM (Family Court), Justice Tony Pagone (Supreme Court), Judge Frances Millane (County Court), Chief Magistrate Ian L Gray (Magistrates' Court), Alexandra Richards QC (Victorian Bar) and Fiona M McLeod S.C. (Victorian Bar)

The Committee has continued to work in 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 the strategies developed by the Law Council is to reduce attrition rates and to enhance career prospects for female barristers. In undertaking this work the Committee has:

- Implemented a lunchtime seminar series, with a focus on issues relevant especially to female barristers. This seminar series has commenced with a seminar on practice building and networking strategies.
- Continued to contribute to the Bar's Parental Leave Scheme Working Group, in reviewing the Bar's Parental Leave Scheme for chambers.
- Contributed to the work of the Law Council's Equalising Opportunities in the Law Committee.

In August 2011 the Committee held a seminar on "*The Pathway to Silk*", where a panel of senior counsel described their experiences in becoming senior counsel. This was the first time that the Bar had ever held such a seminar where barristers publically discussed their personal experiences of taking silk.

Members of the Committee were involved in organising and speaking at the *Re-launch Your Career* in the Law seminar at the Law Institute, in September 2011. This seminar was targeted at lawyers who had taken a break in their careers and were planning to re-enter the work place. There were separate sessions at the seminar for lawyers considering a career at the Bar.

The Committee is continuing to work on proposed projects relating to discrimination, harassment and bullying at the Bar and a proposed interactive online exhibition on the history of migrants at the Bar.

INDIGENOUS LAWYERS' COMMITTEE

Committee at 30 June : Daniel I Star (Chair), Jane E Treleaven (Co-Deputy Chair), Robin A Robinson (Co-Deputy Chair), Abigail I Burchill (Secretary), Jane A Dixon S.C., Tom P Keely, John E Goetz, Michael W Wise, George A Georgiou, Richard B C Wilson, Peter G Willis, Scott R Johns, John R V Kelly, Linda A Lovett, Stephen M Rebikoff, Munya (Maria) Andrews, Elizabeth A Bennett, Phoebe C Knowles, Justin A Willee, Jacquelyn L Turfrey and Kylie Evans

The Committee thanks those members who retired during the year: Alan L Hands, Andrew P Phillips, Angus R Frith, Andrew Woods, Vinod C Nath, Lisa M Nichols, Eliza S Holt, David Yarrow and Cathy M Dowsett

The Committee also thanks the following consultants: Justice Peter R A Gray (Federal Court), Justice Michelle M Gordon (Federal Court), Justice Stephen W Kaye (Supreme Court), Justice Emilios J Kyrou (Supreme Court), Justice David F R Beach (Supreme Court), Judge David A Parsons (County Court), Judge Timothy J Ginnane (County Court) and Mr Patrick R C Southey (Magistrates' Court)

The Indigenous Lawyers' Committee (ILC) seeks to retain the Bar's Indigenous barristers and attract new Indigenous barristers to our Bar and, more generally, redress the unequal

participation of Indigenous people in the legal profession. There are six Indigenous barristers currently practicing at the Victorian Bar, yet this is more than any other Bar in Australia.

An important new initiative implemented by the ILC is the establishment of the Indigenous Barristers' Development Fund. In 2012, the ILC received a grant from the Victorian Bar Foundation of \$10,000 p.a. for three years for this fund. The Koorie Heritage Trust assisted to facilitate this grant. The Development Fund will provide funds to Indigenous barristers to engage in professional development activities to enhance their networks and skills in order to progress their careers as barristers. This is co-ordinated by the Chair and Peter Willis.

The next significant proposal of the ILC is a Reconciliation Action Plan (RAP) for the Bar. This has been in the pipeline since late 2010 and the ILC plans to present the proposed RAP to Bar Council this year.

The continuing programs of the ILC include:

- A mentoring scheme – There are about 25 Indigenous law students and graduates allocated with two mentors, a barrister and a Judge of the Supreme Court, Federal Court or County Court. This is co-ordinated by the Chair and Michael Wise.
- An annual paid clerkship program – three Indigenous law students undertake three to four weeks of work experience with rotations with a barrister, the Supreme Court and the Federal Court. This is co-ordinated by the Chair and Elizabeth Bennett, much assisted by Justices Kaye and Kyrou from the Supreme Court and Justices Gray and Gordon from the Federal Court.
- Work experience opportunities for Indigenous secondary school students. This is co-ordinated by John Goetz.
- Working with the Law Institute of Victoria to expand participation in the 2008 Bar/LIV model briefing policy for Indigenous barristers.
- Financial assistance – This includes fee waiver for Indigenous barristers accepted into the Readers' Course, and grants from the Indigenous Barristers' Fund to give urgent financial assistance to Indigenous barristers in necessitous circumstances. The Trustees of this fund are Colin Golvan S.C., Jane Dixon S.C. and the Chair.

The Committee works closely with the Bar Office and is most appreciative of the support given by Stephen Hare, Jacinta Silva and other Bar staff.

HUMAN RIGHTS COMMITTEE

Committee at 30 June: Debbie S Mortimer S.C. (Chair), Herman Borenstein S.C. (Deputy Chair), Eliza S Holt (Secretary), Remy van de Wiel QC, Peter J Hanks QC, Glenn C McGowan S.C., Sturt A Glacken S.C., Dr Stephen P Donaghue S.C., Dr Damien J Cremean, Murray V McInnis, Peter J Billings, Mark S Goldblatt, Dr Ian F Turnbull, Roz M Germov, Richard B C Wilson, Peter G Willis, Adam C McLean, Sharon A Burchell, Kristen L Walker, Travis P Mitchell, Lisa M Nichols, Michael D Stanton, Rebecca M Nelson, Elizabeth A Bennett, David P Moen and Louise J Martin

The Committee thanks those members who retired during the year: Alexandra Richards QC, Simon E Marks S.C., B A Toby Shnookal, Malcolm W Harding and Cam H Truong

New Developments in the area of practice

Since the last annual report, there have been a number of important decisions that have involved the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). In particular, the decisions of the High Court in *Momcilovic v The Queen* [2011] HCA 34 and the decision of the Victorian Court of Appeal in *Director and Housing v Sudi* [2011] VSCA 266.

Achievements of the Committee

The Committee has supported Peace Brigades International Australia, through the provision of pro bono advice and support to lawyers involved in a treason trial in Papua New Guinea.

The Committee has also supported other events, such as the launch of the Women in the Law project organised by the Victorian Equal Opportunity and Human Rights Commission.

Members of the Committee have been involved in the Constitutional Recognition of Indigenous Australians, and in providing comments or submissions on the MRT-RRT draft guidance on vulnerable persons.

The Committee, together with the Equality and Diversity

Committee, has commenced a substantial project to undertake a survey about the status of women at the Bar. A sub-committee has been formed and a great deal of preparatory and investigative work has been undertaken by the sub-committee members to prepare a proposal to Bar Council. After a consultative meeting with the Chair and Vice-Chair of Bar Council, and the Chair of the Equality and Diversity Committee, some revisions to the proposal are being made and it is hoped the survey proposal can be presented to Bar Council in the near future.

I am very grateful to the Secretary of the Committee, Eliza Holt, for her hard work and support this year.

CLIMATE CHANGE AND ENVIRONMENTAL LAW PANEL

Committee at 30 June: Fiona M McLeod S.C. (Chair), Jane E Treleaven (Deputy Chair), Rudi D Cohnssen (Secretary), Sara L Hinchey (Treasurer and Greening the Bar) and Tom Pikusa (Education & Training)

The Climate Change and Environmental Law Panel (CCELP) is comprised of members of the Bar who are willing to appear in, and advise on, public interest matters of climate change and environmental law. The objects of CCELP are:

- to promote the understanding of climate change and environmental law;
- to represent and advise litigants in matters of public interest, both domestically and internationally, arising out of a concern for the environment and the impact of climate change on a pro bono or reduced fee basis, instructed under the auspices of PILCH or directly by different law firms or environmental interest organisations;
- to contribute to the development of effective legislation governing impacts to the environment;
- to encourage the participation of other legal professionals and law students in the panel's programs and cases; and
- to develop "green" initiatives for the Victorian Bar.

The CCELP Committee organises relevant practice

development sessions. In the year, the panel hosted a session presented by Dr Anthony Kiern, University of Newcastle on *The Science of Climate Change: How do the models work? What are the latest predictions?* Damien Lockie, provided a first look at the Clean Energy Future Bill.

The CCELP Guidelines were amended to facilitate the referral of briefs by the Environment Defenders Office. This resulted in referrals to the following members: Paul Hayes, Tom Pikusa and Rupert Watters.

In that same period the following CCELP members accepted referrals from PILCH: Miguel Belmar Salas and Joanne Lardner.

A number of CCELP members appeared in and advised on Dual Gas VCAT proceedings involving a merits review of an EPA decision to grant a works approval for a power station. Adrian Finanzio, Rupert Watters and Emma Pepler were instructed by the EDO. Matthew Townsend, Rudi Cohnssen and Jane Treleaven were instructed by Maurice Blackburn (on referral from PILCH). This matter required hundreds of hours of pro bono assistance, and saw Rupert and Adrian receiving Victorian Bar Pro Bono Awards for their contribution.

Together with the Environment Institute of Australia and New Zealand, the Centre for Resources, Energy and Environmental Law and the Environment Defenders Office, CCELP hosted the *Environmental Impact Assessment Reform in Victoria: Experts Roundtable* on 31 January 2012. This culminated in a letter supporting the reform of the environmental effect statement process in Victoria being sent by CCELP to the Minister for Planning.

Thank you to all members for their support and to the Committee members for their continuing contribution.

BARRISTERS' ANIMAL WELFARE ASSOCIATION

Committee at 30 June: Graeme J McEwen (Chair), The Honourable Ronald Merkel QC (until 26 April 2012), B Richard 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

PROFESSIONAL STANDARDS

NEW APPLICATIONS, RENEWALS AND REFERRALS – COUNSEL COMMITTEE

Committee at 30 June: Fiona M McLeod S.C. (Chair), Bree Y Knoester (Honorary Secretary), Robert G Craig (Assistant Honorary Secretary), Jonathan B R Beach QC, Tim P Tobin S.C., Michael F Wheelahan S.C., Richard W McGarvie S.C., E William Alstergren, P Justin Hannebery, Kate J D Anderson, Andrew P Downie and Alison Rock (Manager, Compliance)

The Committee thanks those members who retired during the year: Melanie Sloss S.C. (retiring Chair), Sam D Hay (retiring Honorary Secretary), Brendan A Murphy QC and Michael D Rush

The Counsel Committee is appointed pursuant to clause 12 of the Constitution of the Victorian Bar Incorporated. It is comprised solely of members of Bar Council and is chaired by the Senior Vice-Chairman from time to time. The Committee is assisted by the Honorary and Assistant Honorary Secretaries and the Manager, Compliance.

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 Counsel Committee also assists the Legal Services Board in reviewing its policy statements on various functions delegated to other bodies including the Bar. This year the Committee has made submissions to the Board on two policies, the revised Fit and Proper Person Policy and the new Mental Health Policy.

The adoption of the Protocol for Dealing with Disclosures by the Bar Council in November 2010 and subsequent amendments in October 2011 has meant that the Counsel Committee is not required to meet to consider the largely routine disclosures by members which warrant no further action. Under the protocol, the task of considering these disclosures falls to the Honorary Secretary with the assistance of the Manager, Compliance. As a result, since the last report,

the Counsel Committee has met only 8 times, including conducting two informal hearings.

During the recent 2012-13 practising certificate renewal period, suitability matters concerning 13 applicants were brought to the attention of the Committee. These were dealt with in accordance with the disclosure protocol. At 30 June, recommendations had been made to Bar Council concerning 11 of those applicants.

Other matters considered and for which the Committee has made recommendations to Bar Council were disclosures in respect of one show cause event pursuant to s.2.4.27 of the *Legal Profession Act 2004* (Vic), and suitability matters disclosed by two applicants to sign the Roll of Counsel.

COMPLAINTS AND RULINGS – ETHICS COMMITTEE

Committee at 30 June: Richard W McGarvie S.C. (Chair), Phillip G Priest QC (Deputy Chair), Malcolm R Titshall QC, Helen M Symon S.C., Jeremy W St John S.C., James W S Peters S.C., Michael D Wyles S.C., Ted W Woodward S.C., Michael J Croucher S.C., Kevin J A Lyons, Róisín N Annesley, Anthony G Burns, Dr Michelle R Sharpe, Simon J Gannon, Rena Sofroniou, Stewart J Maiden (Assistant to Committee) and Alison Rock (Manager, Compliance)

The Committee thanks those members who retired during the year: Douglas R Meagher ED QC, Joseph G Santamaria QC and Charles E Shaw

Changing technology and the confident use of circulating emails has meant that in 2012 the Ethics Committee has been able to change its meeting schedule from fortnightly to three-weekly. Since the last report the Committee has met 13 times, received 22 referrals from the Legal Services Commissioner and completed 15 investigations so referred. At 30 June the Committee held 11 open complaint files.

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

Ethics Committee members also give willingly of their time and expertise, answering countless telephone calls and emails from counsel seeking ethical guidance. Formal requests for rulings and dispensations are mostly dealt with by circulating email and 85 were given in 2011-2012.

Education is a critical tool for ensuring that practitioners are equipped to meet their ethical obligations and adhere to the standards of professional conduct required of them while maintaining their independence and duty to court and client. To this end, members of the Committee continue to conduct education sessions in both the Readers' Course and CPD program. To further assist practitioners, bulletins are also published by the Committee where a need is perceived. In 2011-2012 two bulletins were updated – *Direct Access Rules* (from 2004) and *Documents Produced Under Subpoena* (from 1991); and three new bulletins published – *Conflict in Respect of Legal Proceedings Currently before a Court*, *Caution When Conferring With Witnesses*, and *Email Communication With Courts And Tribunals*. Bulletins are published on the website, in Bar News and in *In Brief*.

During the course of the year, Douglas Meagher ED QC (appointed 2004), Joseph Santamaria QC, and Charles Shaw (both appointed 2006) retired from the Committee. As Chairman, I am especially grateful to the retiring members for their dedication and exceptional work. In particular, I gratefully commend Doug Meagher's willingness over the past seven years to fill the breach as Acting Chairman of the Ethics Committee on a number of occasions, his dedication of considerable time to assisting with the resolution of procedural matters with the introduction of the *Legal Profession Act 2004* and to working with the development of practice rules, as well as his placing his extensive experience, knowledge and wisdom at the disposal of the Committee over such a long period of time.

The Committee welcomed as new members Michael Wyles S.C., Róisín Annesley and Anthony Burns. Thank you to them, and to all continuing members of the Committee for their hard and thoughtful work and commitment. I especially thank the Bar's Compliance Manager, Alison Rock, and my Deputy Chairman, Phillip Priest QC, for another year of fine service to the Bar and to the Committee.

PROFESSIONAL STANDARDS SCHEME COMMITTEE

Committee at 30 June: 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., Robert W Dyer, Michael R Simon, Gerard L Meehan, Simon J Gannon, Richard P P Dalton 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 relevant legislation describes as “occupational liability” is capped, subject to the legislation, at \$2 million.

Amendments to the Bar’s scheme were approved and gazetted in Victoria on 7 February 2012; New South Wales on 10 February 2012; Australian Capital Territory on 21 February 2012 (effective date); Northern Territory on 7 March 2012; Queensland on 24 February 2012; Western Australia on 10 February 2012 and in South Australia on 24 May 2012.

The Bar’s Scheme and the statutory limitation on liability thus operates for a Scheme member who practises in Victoria and the other states and territories except Tasmania.

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 - Competition and Consumer Amendment Regulations 2011 (No. 1).

As of this year, the Scheme had not been prescribed under either the *Corporations Act* 2001 or the *ASIC Act* 2001. This meant that liability of a Scheme member under the provisions of that legislation was not limited by the Scheme.

Membership

The Bar’s Professional Standards Scheme Register shows that as at 30 June 2012, there were 772 barristers who have become members of the Victorian Bar Professional Standards Scheme.

During this year, members of the Bar’s Scheme were given discounts on premiums for top up insurance.

PROFESSIONAL CONDUCT COMMITTEE

Committee at 30 June: Jonathan B R Beach QC (Chair), Christopher M Caleo S.C. (Deputy Chair), Gerald A Lewis S.C., Peter G Cawthorn S.C., Michael R Simon, Richard T A Waddell, Stephen J Moloney, Róisín N Annesley, Judy Benson, Donald J Farrands, Andrew J McClelland, Pat Zappia, Susan K Gatford, Lisa G De Ferrari, Tyson Wodak and Alexandra J Golding

The Committee thanks those members who retired during the year: Christopher R Northrop, Peter A Clarke, Emma M Swart, Dean G Guidolin and Patrick S Noonan

(The Committee’s principal focus this year has been to conduct a review of, and suggest changes to, the Bar’s Professional Conduct and Practice Rules to bring them into line with the ABA’s Model Rules. Members of the Bar have been consulted on the Committee’s work and the proposed changes. The Committee proposes to produce a second edition of the Good Conduct Guide as soon as the National Legal Reforms have been implemented and the new Rules settled.

Committee members have been active participants in the presentation of papers and seminars for the Bar’s CPD program.

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

Committee at 30 June: Michael D G Heaton QC (Chair), Anthony A Nolan S.C. (Deputy Chair), The Honourable Neil A Brown QC, Hugh Foxcroft S.C., Manny Garantziotis S.C., Elspeth A Strong S.C., Iain R Jones S.C., Michael J O’Brien, Julian G Ireland, Robert W Dyer, Roger J Young, Christopher B Thomson, Dr Peter F J Condliffe, Mark G Hebblewhite, B A Toby Shnookal, Carmel M Morfuni, Carolyn H Sparke, Kim J Knights, Dr C

Elizabeth Brophy, Michael J F Sweeney, Carey J Nichol, Peter F Agardy, Ragini A Durai, Tony Elder, Stephen J A Jurica, Ross Nankivell (Bar Office) and Peta Hansen (Bar Office)

The Committee thanks those members who retired during the year: Paul D Santamaria S.C., Dr Damien J Cremean, Andrew J Laird, Judy Benson, Laura Colla, Simon J Gannon and Morgan A McLay

The Victorian Bar is a Recognised Mediator Accreditor Body (RMAB) and a member of the Mediator Standards Board Ltd. The Committee, on behalf of the Victorian Bar, made submissions on the National Mediator Accreditation System Approval Standards on 8 August 2011 and on the Practice Standards on 31 August 2011, with substantial input from Tony Nolan S.C.. On 23 September 2011, the Committee, on behalf of the Victorian Bar, commented on the Mediator Standards Board Fee Structure Options Paper of 9 August 2011. The Mediator Standards Board published an Action Plan on 13 October 2011.

In order to fund its operations, the Mediator Standards Board Ltd (MSB) has imposed fees on each RMAB on a sliding scale according to the number of Nationally Accredited Mediators represented. The Victorian Bar, as an RMAB, has approximately 300 Nationally Accredited Mediators who are required to contribute \$100 every 2 years upon accreditation or reaccreditation.

In June 2012 a Subcommittee of the ADR Committee (Michael Heaton QC, Tony Nolan S.C., Tony Elder, Mark Hebblewhite and Dr Peter Condliffe) met with some members of the Board of the MSB to discuss this and other subjects related to the operation of the Board. Further liaison is likely.

Reaccreditation has been a significant activity in the year. The Accreditation Subcommittee comprises Manny Garantziotis S.C. (Chair), Michael Heaton QC, Dr Elizabeth Brophy, Tony Elder, Carey Nichol, Christopher Thomson, ably assisted in the administration by Ross Nankivell of the Victorian Bar.

The Mediation Course Subcommittee, comprising Dr Peter Condliffe (Chair), Dr Elizabeth Brophy, Elspeth Strong S.C., Carmel Morfuni, Ragini Durai, Mark Hebblewhite and Julian Ireland, successfully conducted a pilot Lawyers’ Mediation Certificate Course in November 2011, followed up with another very

successful course in May 2012. It is anticipated that a further course will be conducted later this year. It has been a huge effort and the Subcommittee is to be congratulated on this initiative.

Ms Genevieve Nihill from VCAT attended the ADR Committee meeting on 20 September 2011.

The proposed Arbitration Appointment Service and Expert Determination Appointment Service has been resubmitted to the Bar Council for further consideration.

A Subcommittee led by Tony Nolan S.C. contributed to submissions on 30 June 2011 on an Options Paper concerning the resolution of small business disputes by the SME Business Law Committee of the Business Law Section of the Law Council of Australia in response to the Department of Innovation, Industry, Science and Research Options Paper.

The Committee made submissions on 9 December 2011 to the National Pro-bono Resource Centre October 2011 Discussion Paper – Alternative Dispute Resolution and the Possible Role of Pro-bono Lawyers. The principal contributors to these submissions were Christopher Thomson and Peter Agardy, with assistance from Ross Nankivell of the Victorian Bar.

The Committee continues to run programs on many fronts. The Committee liaises with Courts and Tribunals with Carey Nichol sitting on the Magistrates' Court ADR Committee. The Co-Mediation for Barristers Scheme assists barristers in obtaining the required hours for reaccreditation and importantly, experience. The CPD Subcommittee is chaired by Peter Agardy, the Marketing and Publicity Subcommittee is chaired by Tony Elder, the Arbitration Subcommittee is chaired by Michael Sweeney, the Adjudication Subcommittee is chaired by Tony Shnookal and the Family Law Subcommittee is chaired by Mark Hebblewhite.

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

INTERNATIONAL ARBITRATION COMMITTEE

Committee at 30 June: Martin R Scott S.C. (Chair), E Noel Magee QC, John Digby QC, Hugh Foxcroft S.C., Craig W R Harrison S.C., Albert A Monichino S.C., B A Toby Shnookal,

Michael H Whitten, Paul J Hayes, Donald J Farrands, Michael J F Sweeney, David L Bailey, Kumar Kappadath, Anton P Trichardt, Albert M Dinelli, Clive G K Madder, David J Goodwin and Daniel B Bongiorno

The Committee thanks those members who retired during the year: Andrew P Barnett

Following the commencement in July 2010 of the substantially revised *International Arbitration Act* 1974 (Cth), the companion *Commercial Arbitration Act* 2011 (Vic) commenced with effect from 17 November 2011. Understanding the relationship and differences between the State and Commonwealth legislation is more important than before since the Commonwealth Act covers the field in international arbitration as a matter of law. The new State Act is a substantial reworking of the 1984 legislation and its operation has been the subject of a large number of presentations and seminars by eminent practitioners in the field this year, including members of this Committee. Significant seminars have been held in Melbourne including those facilitated by the Department of Justice and the International Chamber of Commerce.

I would be remiss not to record the support for these programs respectively given by the Honourable Marilyn Warren AC, Chief Justice of Victoria and the Honourable Justice Gordon, Federal Court of Australia. I also note that in June 2012 Her Honour the Chief Justice delivered important addresses in Shanghai and Beijing on *Australia as a 'safe and neutral' arbitration seat* at presentations convened by the Australian Centre for International Commercial Arbitration. Speaking notes are available via the Supreme Court website. The open support of arbitration by noteworthy judicial officers is greatly appreciated by this Committee and is invaluable.

These legislative reforms have afforded a useful platform for the promotion and development of expertise of members of this Bar in the field, to a wider audience. Arbitration has a greater current prominence in many practitioners' consciousness than it has had for some years. A key goal for the next 12 months for the International Arbitration Committee is to facilitate and organise these opportunities. The Committee aims to develop a comprehensive awareness of arbitration activity across Australia and the region and

welcomes intelligence, however informal, as part of the information gathering within the necessary constraints of privacy and confidentiality. Formal membership of the Committee is not a prerequisite for involvement in the Committee's work.

EDUCATION

NEW BARRISTERS (READERS' COURSE COMMITTEE)

Committee at 30 June: David J O'Callaghan S.C. (Chair), Adrian J Finanzio (Deputy Chair), The Honourable Raymond A Finkelstein QC, Michael G O'Connell S.C., Ted W Woodward S.C., Samantha L Marks S.C., Caroline E Kirton S.C., Darren A Mort, Carolyn H Sparke, Trevor E Wraight, Peter Fox, Elizabeth M Brimer, Anthony G Burns, Lisa G De Ferrari, Suzanne B McNicol, Jason M Harkess, Andrew Woods, Paul Panayi, Dr Vicky M Priskich, Michael I Borsky, Kim M Southey, Kyle McDonald and Wendy Pollock (Bar Office)

The Committee thanks those members who retired during the year: Fiona M McLeod S.C. (retiring Chair) and Wendy A Harris S.C.

The Committee thanks the following Judicial members: Justice Peter R A Gray (Federal Court), Justice Jack Forrest (Supreme Court), Judge Mark Taft (County Court) and Ms Lesley A Fleming (Magistrates' Court)

Achieving the standard set in the entrance exam, which covers ethics, evidence, civil procedure and criminal procedure, is now a pre-condition for entry into the Bar Readers' Course.

Three entrance exams have now been conducted. Thirty-three candidates passed the first exam and (along with one reader from PNG and two from the Solomon Islands) successfully completed the September 2011 Course. Thirty-one readers passed the second exam and (along with one reader from PNG) successfully completed the March 2012 Course. In the third exam conducted in May this year; thirty-six candidates passed. The next exam will be conducted in November for entry into the March 2013 Course.



September 2011 Readers

From left to right: Front row: James McIntyre, Keith Kendall, Nasos Kaskani, Andrew Bailey, Nick Dunstan, Paul Glass. Seated Row: Fiona Todd, Robin Harrison, Sophia Munamua, Ricky Iomea, Rosemary Siriman, Abigail Burchill, Jessie Taylor. Centre Row: Jacqueline Stone, Barbara Toohey, Jim Stavris, Peter Caillard, Andrew Conley, Michael Clarke, Daniel Robinson, Ben Jellis, Shaun Gladman, Sarah Fiske, Harry Forrester, Angus Galbraith, Sam Gifford, Margo Harris. Back Row: Wendy Pollock, Christopher Trim, Gautam Mukherji, Tom Vasilopoulos, Catherine Pierce, David Downey, Ekbol Taghdir, Jane Warren, Vicki Sweet, Belinda Franjic, Andrew Higgins, Christopher Farrington



March 2012 Readers

From left to right Front Row: Sandip Mukerjee, Gideon Boas, Andrew Sykes, Patrick Kelly, Nicholas Goodfellow, Daniel Hochstrasser. Seated Row: Premala Thiagarajan, Annette Charak, Sarah Hession, David Lambu, Nicholas Kotros, Jeremy Masters, Kane Loxley. Centre Row: Jacqueline Stone, Damian Plummer, Tasman Fleming, Peter Creighton-Selvay, Stella Gold, Alexandra Fogarty, Andrew deWijn, Steven Stern, Andrew Morrison, Fiona Batten, Wendy Pollock. Back Row: Fiona Spencer, Joel Harris, Luke Stanistreet, Joel Fetter, Jennifer Trehwella, Matthew Hooper, Leisa Glass, Phillip McAloon, Aimee Kinda, Lynda White

Dr Linda Haller of the University of Melbourne has acted, and continues, in her role as Chief Examiner.

Administering the exam and the course is a considerable workload for the Committee and its various working parties.

The Committee is extremely grateful to all those members of the Bar and the judiciary who continue to provide their ongoing support and wisdom in our efforts to provide an outstanding educational environment for our new readers. The Committee also remains very thankful for the support it receives from the Bar Office, in particular from Jacqueline Stone and Wendy Pollock.

CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

Committee at 30 June: Michael R Pearce S.C. (Chair), Frank Parry S.C. (Deputy Chair), Samantha L Marks S.C., Dr Stephen P Donaghue S.C., Garrie J Moloney, Scott S Wotherspoon, Gavan F Meredith, Greg J Ahern, Sarah J Porritt, Dr Michelle R Sharpe, Dr Vicky M Priskich, Oren Bigos, Sarah J Keating, Sam Rosewarne, Natalie T Sheridan-Smith, Martin P Guthrie and Jim Mellas

The Committee thanks those members who retired during the year: P Nimal Wikramanayake S.C., Christopher M Caleo S.C. and Rob W O'Neill

The Bar's Continuing Professional Development Committee arranged the second annual Victorian Bar Conference this year. The program was diverse and the conference was well attended. The Honourable Chief Justice French AC delivered the keynote address; other speakers from within the Bar as well as external to it, provided valuable, educative insights.

The CPD program has continued to provide seminars of high standard to members in the year in the categories: Ethics and Professional responsibility; Professional Skills; Substantive law; Practice Management and Business Skills.

Barristers appear to have adjusted successfully to the Continuing Professional Development Rules that have been implemented. These Rules place responsibility on the barrister for assessing whether continuing professional development points apply to their particular activities.

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

Committee at 30 June: Ian D Hill QC (Chair), Dr Joshua D Wilson S.C. (Deputy Chair), Debbie S Mortimer S.C., Nicholas Papas S.C., Caroline E Kirton S.C., Steven R Grahame, W Guy Gilbert, Peter W Lithgow, Ian W Upjohn CSC, Emma M Swart, Lydia D Ruschena, Trevor C Wallwork, Anthony G Burns, Nadia D Kaddeche, Sam Rosewarne, Jonathan H Kirkwood, Therese McCarthy, Matthew L L Albert, Emma Pepler and Nicholas Goodenough

The Committee thanks those members who retired during the year: Magistrate Patrick R C Southey and Fiona M McLeod S.C.

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, and this was continued again this year.

In July 2011 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. Seventy-one 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 Ian Hill QC. The teaching team in addition comprised His Honour Judge Christopher O'Neill, Peter Rose S.C., Senior Crown Prosecutor, Dr Joshua Wilson S.C., Jason Pennell, Mandy Fox, Nadia Kaddeche 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.

In September 2011, at the invitation of the Solomon Islands Bar Association, the Committee conducted an advanced 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, Guy Gilbert and Nadia Kaddeche.

In November 2011, at the invitation of the Chief Justice of Nauru, the Committee conducted an intensive advocacy skills workshop over 5 days in Nauru. The workshop was attended by pleaders, the DPP, a Public Defender and a Police Prosecutor. The workshop was conducted by Ian Hill QC and Nadia Kaddeche.

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.

STUDENT ENGAGEMENT COMMITTEE

Committee at 30 June: Simon T Pitt (Chair), Sarah Leighfield (Deputy Chair), Paul P Kounnas (Secretary), Elspeth A Strong S.C., Mark A Irving, Gerard D Dalton, Diana M Harding, Stewart Bayles, Suzanne A Kirton, Randall J Kune, Miguel A Belmar Salas, Dr Timothy J F McEvoy, Theo R Alexander, Richard P P Dalton, Bruno B Kiernan, Geoffrey Slater, Michael Pena-Rees, Christine Melis, Duncan U Robertson, Jonathon M G Sprott and Diana Price

The Committee thanks those members who retired during the year: Robert G McCloskey, Alan C L Marshall, Gavan F Meredith, Peter A Clarke, Anna L Robertson, Marcus E Dempsey, Andrew Woods, Dugald McWilliams, Justin M Brereton, Mario Cenacchi, Catherine F Devine, Michael Kats, Gabi Crafti 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; 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; provide a practical application of the study of law.

The patron of the SEC is the Chief Justice of the Supreme Court, the Honourable Marilyn Warren AC.

The main achievements of the SEC in the last 12 months are as follows:

- In conjunction with Melbourne University, the SEC participated in the inaugural Courts Visits Program whereby all first year Melbourne University JD students spent a morning in court accompanied by a barrister. Students were also addressed by a judge before or after court.
- The SEC collaborated with other committees in preparing the “Step up to the Bar” publication.
- The SEC arranged for barristers to present at several secondary school and university speaking engagements. Speakers travelled to many schools including Horsham and Mornington to speak to regional secondary school students. The SEC hosted a group of legal studies students from Corio Secondary College.
- The SEC continues to assist all Victorian universities with mentoring and work experience placements for their students.
- The SEC was very active in Law Week, holding stalls at the Courts Open Day in the Supreme Court, Victoria University open day, and Careers Fairs around Melbourne. The SEC’s information brochures were distributed widely.

The SEC continues to work on several exciting projects as well as build its diary of speaking engagements and projects for the coming year.

LIBRARY COMMITTEE

Committee at 30 June: Georgina L Schoff S.C. (Chair), Samantha L Marks S.C., Richard L Brear, Barry Fox, Ian W Upjohn CSC, Peter Fox, Mark A Irving, Judy Benson, Gerard D Dalton, Daniel J Crennan, Theo R Alexander, Leonie M Englefield, Michael D Rush, Richard J L McCormack, David Yarrow, Elizabeth J Boros, Deborah E Foy, Andrew M Bell, Rupert J C Watters, Adam T Coote and Jonathon M G Sprott

The Committee thanks those members who retired during the year: Gordon R Ritter QC (retiring Chair), Dr Robert L Dean, Andrew J Laird and Liza M Powderly

This year, Gordon Ritter QC resigned from the Library Committee after 17 years as its Chair. Under his chairmanship, the Bar Library moved to its present location, greatly expanded its collection and Gordon oversaw its cataloguing and indexing. With Liza Powderly, who has also resigned this year, they have over many years undertaken much of the day to day work and the Committee thanks them for their tireless efforts. The Committee also thanks Ms Joyce Massmann who has, over many years, assisted with account keeping and as a member of its many working parties.

The year has accordingly been one of change and renewal. The Committee has carried on its work and the library is in a period of consolidation.

The Library Committee has been kept informed of the proposals for the establishment of a Victorian Law Library that may potentially see its collection merged with the libraries of the Supreme Court and the Law Institute of Victoria. The Committee is working to ensure that the implementation of such a proposal will result in a better library resource for all members of the Bar.

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

HEALTH & WELLBEING

HEALTH AND WELLBEING COMMITTEE

Committee at 30 June: Michael D Wyles S.C. (Chair), Dr Michelle R Sharpe (Deputy Chair), Phillip G Priest QC, Richard W McGarvie S.C., Joseph Lenczner, Angela M Malpas, Trevor J McLean, Anthea E L MacTiernan, Mark A Robins, Philip D Corbett, Scott W Stuckey, Peter Fox, Michael H Whitten, Andrew J McClelland, Gina C Liano, Laura Colla, Nicholas Kanarev, Kaye L McNaught, Helen M J Rofe, Daniel J Crennan, Alastair J Ritchie, Sarah Leighfield, Roona Nida, Mark A J McKillop, Andrew P Downie, Katrina J Gillies, Benny S Browne, Jessica Sun, Caroline A Paterson, Elizabeth J Tueno, Viola Nadj and Stephen Hare (General Manager)

The Committee thanks those members who retired during the year: Dr Joshua D Wilson S.C. (retiring Chair), Michael F Wheelahan S.C., Patrick Over, Mitchell C McKenzie and David C Turner

The Health and Wellbeing Committee (HWC) of the Victorian Bar was established in 2006. The HWC’s principal objective is to raise awareness among barristers of the need to be vigilant in maintaining good health (physical and mental: the old fashioned adage “healthy body equals a healthy mind” remains true in modern times). The Committee seeks to assist members of the Bar to enhance and develop the skills to maintain good health.

Over the course of the year the Committee has arranged and conducted panel seminars on a number of health related issues including a seminar on the importance of maintaining interests beyond the law. The panel comprised David Levin QC, Rodney Garratt QC, Paul Connor, Sara Hinchey, Bronia Tulloch, Daniel Crennan, Dr Michelle Sharpe and was chaired by Michael D Wyles S.C. Special thanks go to Philip Corbett whose tireless efforts made this seminar happen. The HWC has also assisted the Bar Office in the organisation of Health Week which involved free health checks and flu shots for members of the Bar. The HWC also encouraged members of the Bar to participate in the Global Corporate Challenge for the second time, with 18 teams of barristers entering this time. The enthusiastic work of Sarah Leighfield together with the assistance of the Bar Office facilitated and drove this extensive participation.

The HWC this year has sought to involve each of its thirty-two members in a variety of tasks. The full HWC meets roughly six times a year. In between meetings, various ad hoc working groups attend to the myriad of tasks which fall within the HWC’s mission statement. Each of the HWC members give generously of their time and we are indebted to them.

Special mention must be made of Josh Wilson S.C. who resigned as Chairman of the Committee effective January this year. His generosity, patience and wisdom contributed enormously to the Committee’s work and I thank him. So too Trevor McLean who this year resigned from the Committee after many years’ service.

Dr Michelle Sharpe's energy and enthusiasm for the work of the HWC is unbounded. The Victorian Bar owes Michelle a substantial debt of gratitude for her commitment to the cause of good health for all our members.

The HWC will soon report to the Bar Council on its mission statement, the provision of free counselling services and the creation of a sports sub-committee. A major theme of the HWC is the pursuit of community within the Bar. It is community which provides the support each of us needs from time to time as we pursue our clients' interests to the best of our abilities.

SUPPORT FOR NEW BARRISTERS (NEW BARRISTERS' COMMITTEE)

Committee at 30 June: Rob W O'Neill (Chair), Sarah J Keating (Deputy Chair), Vass Theoharopoulou (Social Co-ordinator), Morgan A McLay (AYLC Representative), Jonathan Gottschall, Michael Pena-Rees, Mark A J McKillop, Phoebe C Knowles, Duncan U Robertson, Dean R Luxton, Luke A Merrick, David J Sanders, Toby J Mullen, Julien M Lowy, Andrew H Freadman, Eitan Makowski, David Seeman, Andrew T Conley and Adam T Coote

The Committee thanks those members who retired during the year: Gabi Crafti, Noam B Shifrin, Simon T Pitt, Sam Hopper, Dugald McWilliams and Susannah R Portelli

The New Barristers' Committee in 2011-12 has continued to focus on addressing the challenges experienced by barristers in their early years in practice.

We have continued to engage with the Bar Office, Bar Council, BCL, clerks and new barristers to:

- create more opportunities to obtain appropriate chambers;
- address the slow payment of fees;
- create more opportunities to be led by senior counsel;
- create more opportunities to meet senior counsel; and
- understand the Bar's parental leave policy.

Other highlights of the year have included:

- representing the Victorian Bar at Law Council of Australia meetings and functions, including the Golden Gavel competition;
- assisting with the continuing delivery of the Duty Barristers' Scheme;
- running several successful social functions for new barristers, including a new networking function held recently at Wheat Restaurant, and two "Welcome Readers" functions;
- ensuring that the Victorian Bar CPD program remains relevant to new Barristers by providing a series of seminar topics aimed directly at new barristers;
- continuing to produce its popular "NBSC Guide to the Bar" circulated to readers; and
- presenting to the Readers' Courses in October 2011 and April 2012.

Thanks to the officeholders and committee for their work during the year.



1.



2.



3.



4.

1. Melanie Sloss SC.
2. The Hon. Justice Susan Crennan AC.
3. Philip Dunn QC.
4. Guests are greeted on arrival at the 2012 Annual Bar Dinner

TAKING TIME OUT FOR CELEBRATION (FUNCTIONS COMMITTEE)

Committee at 30 June: Paul Panayi (Chair), Kim M Southey (Deputy Chair), Andrew Panna S.C., David E Whitchurch, Alastair J Ritchie, David P Moen and Jane C Sharp

The Committee thanks those members who retired during the year: E William Alstergren (retiring Chair), Richard J Stanley QC, Denis J Connell, Paul X Connor, Laura Colla, Terence J Guthridge and Jennifer M Digby

The annual Bar Dinner took place on Friday 25 May 2012 at the refurbished Art Deco Myer Mural Hall, Bourke Street, Melbourne. The Hon. Justice Susan Crennan AC and Philip Dunn QC were our guest speakers. Both gave fine speeches and provided valuable insights into their own careers and the careers of their colleagues.

The Bar Dinner was a wonderfully enjoyable evening with members of the Bar turning out in record numbers to acknowledge our honoured guests, be entertained by our speakers and appreciate the music provided by the Bar Band.

BROADENING INTERESTS (ART AND COLLECTIONS COMMITTEE)

Committee at 30 June: Peter J Jopling QC (Chair), Philip A Dunn QC, Trevor J McLean, Neville J Kenyon, Ian W Upjohn CSC, Ian B Stewart, David L Bailey, Laura Colla and Carmen E Currie

The Committee thanks those members who retired during the year: Justice Kate McMillan (retiring Chair), Lachlan M F Watts and Michael P Cahill

VICTORIAN BAR NEWS EDITORIAL COMMITTEE

Committee at 30 June: Richard H M Attiwill (Co-chair/Editor), Paul J Hayes (Co-chair/Editor), Sharon E Moore (Co-chair/Editor), Georgina A Costello, Anthony T Strahan, Ben Ihle, Justin P Tomlinson, Maree Norton, Louise J Martin and Benjamin W Jellis

The Committee thanks those members who retired during the year: Georgina L Schoff S.C. (retiring Co-Chair)

SPORTS AT THE BAR

Sports at the Bar include Cricket, Cycling, Golf, Hockey, Snow Sports, Soccer, Tennis and Yachting, with events often irregular.



SOCCER

The Victorian Bar football team has been playing on a regular basis since 2008.

We have about 30 players, men and women. Our players include a member of the judiciary. We also have on our database as many people again who do not play but who support our team and ask to be kept informed of our activities.

The Bar team plays an annual match against the solicitors. These matches are usually played on artificial grass at Darebin International Sports Centre. So far the Bar has not succeeded in beating the solicitors, who are invariably younger and fitter, but our day will come.

We also play in an annual tournament against the New South Wales and the Queensland Bars, with the States taking it in turns to host the tournament. In the coming year it is our turn and the tournament will be in Melbourne. In these games the teams are better matched. The games are played in good spirit and with teams known to lend each other players in the case of injury or shortage of players.

There is an indoor team which plays weekly. That team is organized by Jim Fitzpatrick. The team is registered as "Juniors".

The Bar team provides a wonderful opportunity to meet other members with whom we would not have much contact, both in Victoria and interstate. We also have a chance to stay fit and have fun with.

All members of the Bar are encouraged to join in, either as players or as supporters.

WIGS AND GOWNS REGATTA

The 25th annual Wigs and Gowns cruise in company was held on the waters of Hobsons Bay on the 19th of December 2011. The regatta was held in perfect sailing conditions with a light south-westerly providing a good sailing breeze for the fleet.

The race committee entertained a select coterie of the Bar and Bench aboard the committee vessel, the Tip Phillips built carvel hull motorboat "Weeroona Bay".

Given the significant variation in the size of boats competing, it was determined to have a stern chaser start which enabled E.C.S. Campbell's Iain Oughtred designed canoed-stern ketch "Rosa-Jean" to lead the fleet out to the course set to the east of Hobsons Bay.

After rounding the top mark, a close tussle ensued downwind between John Digby QC in his Swanson 42 "Aranui" and Bob Galbally in his salar 40 "Beldisha", crews of both boats being pushed to the limit!

After close consideration by the handicap subcommittee the eventual winner of the Neil McPhee trophy was Campbell sailing "Rosa-Jean:" shorthanded with Julie Davis. The winner of the Thorsen trophy was Bob Galbally and his very capable crew aboard "Beldisha".



AUDIT & FINANCE COMMITTEE

Committee at 30 June: Jonathan B R Beach QC (Chair), James W S Peters S.C. (Deputy Chair), Paul E Anastassiou S.C., Michael D Wyles S.C., Carmel M Morfuni, E William Alstergren, Matthew J Walsh, Susan K Gatford, Daniel J Crennan, Benjamin J Murphy and Stephen Hare (General Manager)

During this last year, the Committee engaged in various projects impacting on the Bar’s finances.

The Committee reviewed the methodology for setting subscriptions for members. As a consequence of this review and the acceptance of the Committee’s recommendation, the Bar Council adopted a new methodology for the setting of subscriptions for 2012/13.

The Committee has also been looking at the Bar’s finances in other areas, including the Bar library.

Apart from these issues, members of the Committee have been actively involved in reviewing monthly accounts and reports and engaging in the setting of budgets.

The Chair thanks members of the Committee for their diligent efforts and the Bar’s General Manager, Stephen Hare and his team for their first class work.

INSURANCE COMMITTEE

Committee at 30 June: Jeffery J Gleeson S.C. (Chair), Gerald A Lewis S.C., Anthony J Kelly S.C., Christopher M Caleo S.C., Sam L Tatarka, Mark A Robins, Peter J Booth, David A Klempfner, Chris R Hanson, Jonathan L Evans, Pat Zappia, Andrew Woods and Stephen Warne

The Committee thanks those members who retired during the year: Christopher R Northrop and Simon J Gannon

PRACTISING PAST CHAIRMANS’ COMMITTEE

Andrew J Kirkham AM RFD QC, John T (Jack) Rush RFD QC, David E Curtain QC, John Digby QC, Mark Derham QC, Ross Ray QC, Robin A Brett QC, Michael W Shand QC, Michael J Colbran QC, Peter J Riordan S.C. and Mark K Moshinsky S.C.

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	Peter J Jopling QC
List H	Lennon’s List Pty Ltd	W Ross Middleton S.C.
List L	Paul Holmes Barristers Clerk Pty Ltd	Jillian E Williams
List M	Meldrum and Hyland List	Ronald K J Meldrum QC
List Q	Lyus 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 J O’Bryan AM S.C.
List W	Patterson’s List	Brendan A Murphy QC
List Y	Young’s List	Garry T Bigmore QC

PART IX - JOINT STANDING COMMITTEES

LAW AID

(Victorian Bar Incorporated and Law Institute of Victoria)

Michael F Wheelahan S.C. (until 1 January 2012), Dr Joshua D Wilson S.C., Christopher J Blanden S.C., Mary Anne Hartley S.C. and John P Constable

MEDICO-LEGAL STANDING COMMITTEE

(Victorian Bar Incorporated, 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)



PART X - JUDICIAL AND OTHER APPOINTMENTS

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

JUDICIAL OFFICE – FEDERAL COURTS

Family Court

The Honourable Justice Kirsty M Macmillan

Federal Magistrates' Court

Federal Magistrate Ronald D Curtain

JUDICIAL OFFICE – VICTORIAN COURTS

Court of Appeal

The Honourable Justice Robert S Osborn

Magistrates' Court

Mr Darrin C Cain

Supreme Court

The Honourable Justice Kate McMillan

Mr Patrick R C Southey

The Honourable Justice Gregory H Garde AO RFD

Mr Simon M Cooper

County Court

His Honour Judge Bill E Stuart

Her Honour Judge Barbara A Cotterell

NATIONAL LEGAL PROFESSION REPRESENTATIVE BODIES

AUSTRALIAN BAR ASSOCIATION

Michael J Colbran QC (Vice President)

LAW COUNCIL OF AUSTRALIA

<i>Law Council of Australia – Elected Executive</i> Michael J Colbran QC, Treasurer (Elected, not Victorian Bar representative)	<i>Human Rights Advocacy Group</i> Debbie S Mortimer S.C.
<i>Law Council of Australia – Board of Directors</i> Michael J Colbran QC and Fiona M McLeod S.C.	<i>Indigenous Legal Issues Committee</i> Thomas P Keely
<i>Access to Justice Committee</i> Dr David J Neal S.C.	<i>Insurance Contracts Act Referral Group</i> Michael D G Heaton QC
<i>Business Law Section Executive</i> Frank D O’Loughlin (Chair)	<i>Judicial Issues Working Group</i> Jacob (Jack) I Fajgenbaum QC and Michael J Colbran QC (Chair)
<i>Business Law Section Committees</i> Philip D Crutchfield S.C. and Carl Moller	<i>Litigation Section Executive</i> Michael J Colbran QC
<i>Class Actions Committee</i> Lachlan W L Armstrong	<i>Military Law Working Group</i> Paul A Willee RFD QC (Chair)
<i>Client Legal Privilege Advisory Committee</i> Suzanne B McNicol	<i>National Criminal Law Liaison Committee</i> Michael L Abbott QC, Philip G Priest QC, Thomas F Percy QC, Bret W Walker S.C. and Dr David J Neal S.C.
<i>Corporations Committee</i> Philip D Crutchfield S.C.	<i>National Elder Law and Succession Working Group</i> Peter J Hanks QC
<i>Equalising Opportunity in the Law Committee</i> Fiona M McLeod S.C. (Chair)	<i>National Harmonisation of Laws Committee</i> Dr David J Neal S.C.
<i>Family Law Section Executive</i> Martin Bartfeld QC (Immediate Past Chair), Minal Vohra and Patricia A Byrnes	<i>National OH&S Review Working Group</i> W Ross Ray QC and Dr David J Neal S.C.
<i>Family Law Section Committees</i> Martin Bartfeld QC and Minal Vohra	<i>Professional Ethics Committee</i> Michael J Colbran QC
<i>Federal Court Liaison Committee</i> Frank D O’Loughlin	<i>Recruitment and Retention of Lawyers Working Group</i> Fiona M McLeod S.C. (Co-chair)
<i>Finance Committee</i> Michael J Colbran QC	<i>Resources, Energy and Environmental Law Committee</i> Michael J F Sweeney
<i>Financial Services Committee</i> Elisabeth Wentworth and David C Turner	<i>Strategic Planning Committee</i> Michael J Colbran QC

COURT AND TRIBUNAL COMMITTEES & WORKING PARTIES

Commonwealth Courts and Tribunals

FEDERAL COURT OF AUSTRALIA

Corporations List Users' Group

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

Migration List Users' Group

Debbie S Mortimer S.C., Richard M Niall S.C. and Thomas V Hurley

Intellectual Property Users' Group

Bruce N Caine S.C.

Users' Committee

Garry T Bigmore QC, Charles M Scerri QC, Helen M Symon S.C., Bruce N Caine S.C., Debbie S Mortimer S.C. and Frank D O'Loughlin

State Courts and Tribunals

SUPREME COURT

Board of Examiners

Peter J Jopling QC (Deputy The Hon. Justice Kate McMillan until March 2012), Ronald K J Meldrum QC (Deputy Paul A Willee RFD QC), Ian G Waller S.C. (Deputy Aileen M Ryan)

Dust Diseases Users' Group

John R C Gordon and Patrick Over

Arbitration Users' Group

David S Levin QC, Hugh Foxcroft S.C. and Mark K Moshinsky S.C.

Judicial Review and Appeals Users' Group

Peter J Hanks QC, Debbie 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., Dr Stephen P Donaghue S.C., T Peter Burke, Jason D Pizer, Christopher J Horan, Rowena Orr, Lisabella G De Ferrari, Rachel Ellyard, Ben Ihle, Emily Latif, Christine Melis, Anna E Forsyth and Simon Lee

Chief Justice's Rules Committee

Jonathan P Moore

Personal Injury Users' Group

Ross H Gillies QC, John T (Jack) Rush RFD QC, Timothy P Tobin S.C. and David J Martin

Commercial Court Users' Group

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 Oren Bigos

Probate Users' Committee

Richard R Boaden and Shane P Newton

Corporations Users' Group

Garry T Bigmore QC, 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

TEC List Users' Committee

George H Golvan QC, John Digby QC, David S Levin QC, Hugh Foxcroft S.C., Richard J Manly S.C., Caroline E Kirton S.C. and Kathryn L Styne

Costs Co-ordination Committee

Timothy P Tobin S.C.

Victorian Compensation and Planning Users' Group

Michael Wright QC, Christopher J Canavan QC, The Hon. Justice Gregory H Garde AO RFD (until May 2012), 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 and Nicola Collingwood

COUNTY COURT

Building Cases Users' Group

Richard J Manly S.C.

Family Property Division List Committee

Graham W Robertson and Carolyn H Sparke

Commercial List Users' Group

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

Rules Committee

Michael J Croucher S.C., Peter T Fox and Michael J Corrigan

Costs Review Committee

Timothy P Tobin S.C.

WorkCover Users' Group

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

MAGISTRATES COURT

Civil Rules Committee

Frank J Ravida

WorkCover Users' Group

Amanda C Ryan and Michael J Richards

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT)

The Legal Practice List - Advocate Members:

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

Guardianship List

Carolyn H Sparke

Anti-Discrimination List

Melanie P Young

Occupational & Business Regulation List

Edward Bryant, John F M Larkins, Thomas V Hurley and Jason D Pizer

General List

Mark G Klemens and Jason D Pizer

Planning List

Michael Wright QC

ADMINISTRATIVE APPEALS TRIBUNAL

Commonwealth Administrative Appeals Tribunal – (Melbourne) Liaison Committee

Charles Gunst QC

STATUTORY APPOINTMENTS

Council of Law Reporting
Charles Gunst QC and Michael R Pearce S.C.

Legal Services Board - Legal Practice Committee
Kevin J A Lyons

Council of Legal Education
Joseph G Santamaria QC
The Honourable Kate McMillan (until March 2012)

Victoria Legal Aid - Community Consultative Committee
Dr David J Neal S.C.

Legal Services Board
Peter J Jopling QC

Victorian Association for the Care and Resettlement of Offenders (VACRO)
Philip A Dunn QC

Legal Services Board - Legal Costs Committee
Peter B Murdoch QC

REPRESENTATIVES ON EDUCATIONAL BODIES

Leo Cussen Institute for Continuing Legal Education
P Gerard Nash QC (Alternate) and Helen Symon S.C. (Chair)

Victoria University School of Law Program Advisory Committee
David H Denton RFD S.C. and Terrence P Murphy S.C.

Monash University Law Faculty Board
Paul A Willee RFD QC and P Gerard Nash QC (Alternate)

Victoria University Sir Zelman Cowen Centre Advisory Committee
Fiona M McLeod S.C.

University of Melbourne Law Faculty
Jonathan B R Beach QC and Debbie S Mortimer S.C.

OTHER REPRESENTATIVE BODIES

ACICA – Member Nominating Committee
Michael J Colbran QC

Law Institute of Victoria - Fee Disputes Conciliator
Jeremy Ruskin QC

Attorney-General's Department – International Legal Services Advisory Council
Fiona M McLeod S.C.

Public Interest Law Clearing House (PILCH)
E William Alstergren

Coroners Court Steering Committee for the development of the Legal Practitioners' Handbook
Sara L Hinchey

Victoria Law Foundation (including Grants Committee)
James W S Peters S.C.

Firearms Appeal Committee
John Digby QC and Carolyn H Sparke

Victoria Law Foundation – Justice Museum Legal Reference Group
Dr David J Neal S.C.

International Bar Association Human Rights Liaison Officer
Jacob (Jack) I Fajgenbaum QC

Victorian Heritage Council
Marita H Foley

International Pro Bono Advisory Group
Alexandra Richards QC

Victorian Workcover Authority Committee
Robin P Gorton QC (Chair), John J Noonan S.C. and Robert W Dyer



Senior Counsel 2011

From left to right Front Row: Michael O'Bryan S.C., His Honour Judge Bill Stuart, Martin Scott S.C., Lesley Taylor S.C., Matthew Collins S.C. Middle Row: Michael Croucher S.C., Caroline Kirton S.C., Stuart Wood S.C., Stephen O'Meara S.C., Peter Kidd S.C. Back Row: Thomas Gyorffy S.C., Peter Gray S.C., Stephen Donaghue S.C., James Gorton S.C., Daniel Masel S.C.

PART XI - PERSONALIA

OBITUARIES

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

- His Honour William Michael Raymond Kelly QC
- Kevin Gerard Hogan
- Ronald Alan Clark RFD
- The Honourable William Kaye AO QC
- Charles Francis Kilduff
- Maurice Gurvich
- The Right Honourable Sir Zelman Cowen PC AK GCMG GCVO K St J
- Kevin John Thompson
- Professor Colin Howard QC
- His Honour Gordon Just

FAREWELLS

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

Federal

- The Honourable Justice Nahum Mushin

Victorian

- The Honourable Justice David Ashley

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 2012

- The Hon Alex Chernov AC QC
- The Hon Chief Justice Diana Bryant AO
- The Hon Peter Heerey AM QC
- The Hon Gregory James AM QC
- Bryan Keon-Cohen AM QC
- David Russell AM RFD QC

The Queen's Birthday Honours 2012

- Professor The Honourable Gareth Evans AC QC
- Adjunct Professor Simon Molesworth AO QC
- The Honourable Haddon Storey AM QC
- Henry Jolson OAM QC

SENIOR COUNSEL

On 22 November 2011, the Chief Justice of the Supreme Court of Victoria, Marilyn Warren, appointed as Senior Counsel for Victoria the following members of the Victorian Bar:

- William Evan Stuart
- Thomas Gyorffy
- Daniel Masel
- Michael Hugh O'Bryan
- Martin Rothwell Scott
- Caroline Eve Kirton
- Peter Barrington Kidd
- Stephen Andrew O'Meara
- James Peter Gorton
- Peter Robert Darling Gray
- Stuart John Wood
- Matthew John Collins
- Lesley Ann Taylor
- Stephen Paul Donaghue
- Michael James Croucher

PART 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 2012.

	FEMALE	MALE	TOTAL
Division A, Part I – Victorian Practising Counsel	484	1420	1904
Junior Counsel	460	1203	1663
Queen’s and Senior Counsel	24	217	241
Division A, Part II – Crown Prosecutors and Public Defenders			28
Division A, Part III – Interstate and Overseas Practising Counsel	11	121	132
Junior Counsel	10	61	71
Queen’s and Senior Counsel	1	60	61
Division A, Part IV – Victorian Practising Counsel, temporarily on leave with a current practising certificate	0	0	0
Division A, Part V – Victorian Practising Counsel, temporarily on leave without a current practising certificate	10	7	17
Division B, Part I – Governors			1
Division B, Part II – Judges, Associate Judges and Magistrates			243
Division B, Part III – Ministers of the Crown and Members of Parliament			8
Division B, Part IV – SolicitorsGeneral and Directors of Public Prosecutions			5
Division B, Part V – Judicial Registrars			2
Division B, Part VI – Full-time Members of Statutory Tribunals			42
Division B, Part VII – Crown Counsel and Parliamentary Counsel			3
Division B, Part VIII – Other Official Appointments			5
Division C, Part I – Retired Judges and other Judicial Officers			112
Division C, Part II – Retired Holders of Public Office other than Judicial Office			13
Division C, Part III – Retired Counsel			144
Division D – Academics			20
TOTAL			2679

Figure 1 Percentage increase in Victorian Practising Counsel from 2001 to 2012.

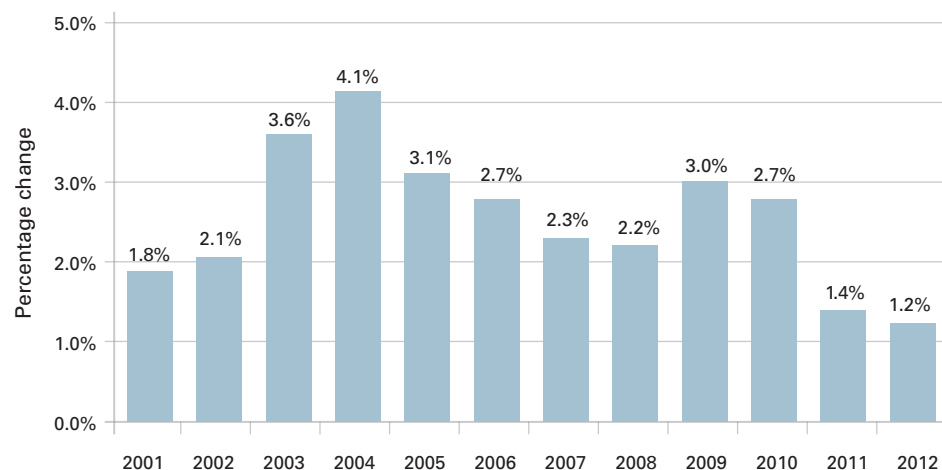


Figure 2 Victorian Practising Counsel from 2000 to 2012.

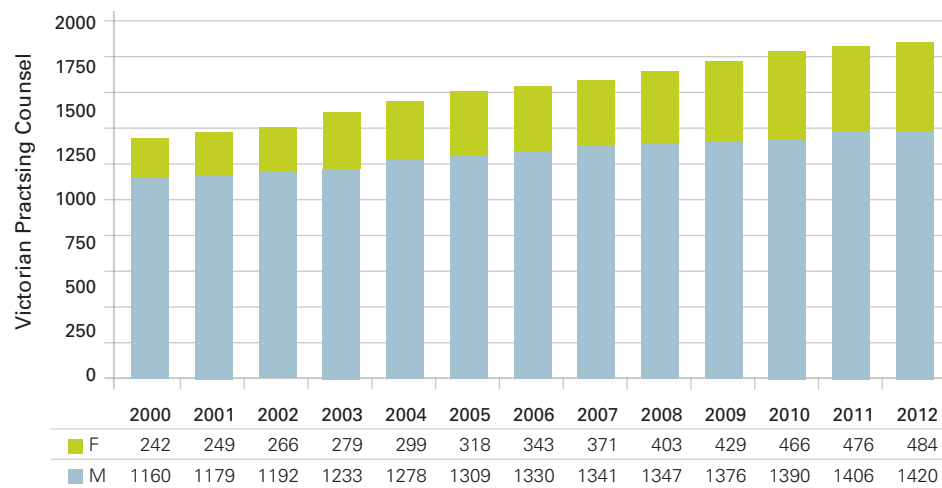


Figure 3 Readers Course intakes from 2000-2011.

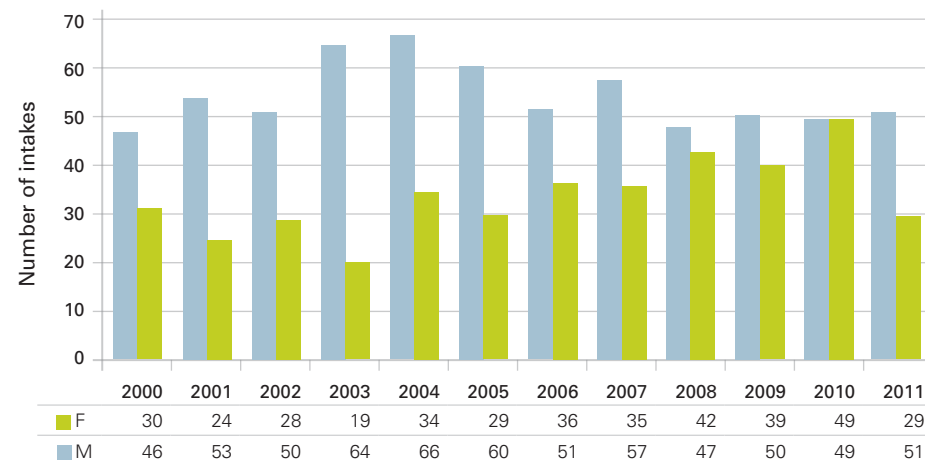
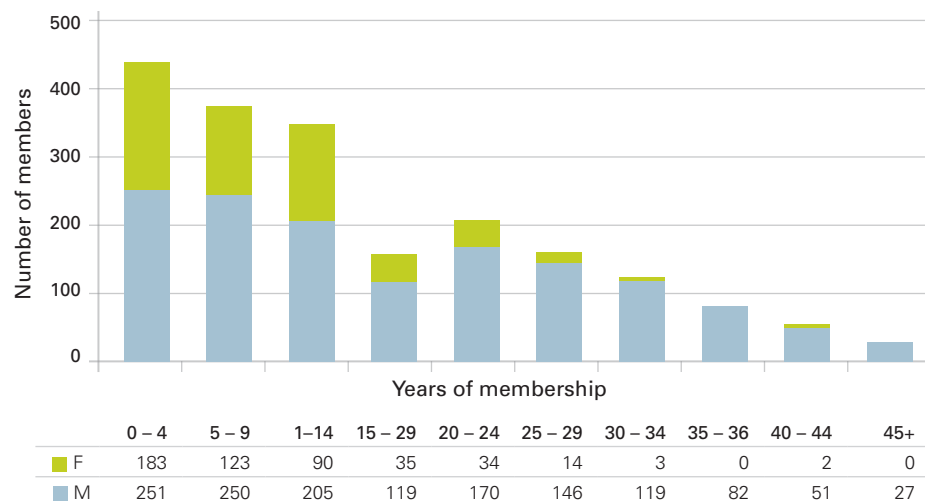


Figure 4 Years of membership of Victorian Practising Counsel.



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

Anthony B Ralph, Emmanuel T Samios, Christopher M Sievers, Andrew A Higgins, Andrew T Conley, Benjamin W Jellis, Fiona H Todd, Samuel P Gifford, Gautam Mukherji, Christopher J Trim, Catherine M Pierce, William H C Forrester, Peter H Caillard, Keith A Kendall, Nasos Kaskani, Andrew J Bailey, Jessie E Taylor, Michael K Clarke, James E McIntyre, Kenneth R Harrison, Daniel M Robinson, Shaun E Gladman, Margo J Nelson, Belinda F Franjic, Angus E Galbraith, Vicki Sweet, Nicholas J Dunstan, Ekbol Taghdir, Tom Vasilopoulos, Christopher T Farrington, Dimitri T Stavris, Paul S Glass, Jane B Warren, Sarah J Fiskien, David R J D Downey, Abigail I Burchill, Barbara A Myers, Steven Stern, Alexandra H Fogarty, Lynda White, Annette M Charak, Gideon Boas, Damian J Plummer, Phil McAloon, Aimee Kinda, Premala Thiagarajan, Jeremy Masters, Joel Fetter, Patrick T Kelly, Nicholas A Kotros, Andrew J De Wijn, Sandip Mukerjea, Sarah Hession, Peter Creighton-Selvay, Fiona L Batten, Fiona C Spencer, Joel J Harris, Jennifer M F Trehwella, Andrew Sykes, Leisa M Glass, Andrew R Morrison, Nicholas J Goodfellow, Kane A Loxley, Stella Gold, Tasman Ash Fleming, Luke M Stanistreet, Matthew J Hooper, Daniel M Hochstrasser

Re-signed

Andrew D Halse, Anthony M Sergi, Roberto C Nitti, John C Hall, Ruth E Hamnett, Meryem Apak, Sean W Ryan, Annabelle L Lane, Bruce O Bowlby

Transfers from this division

Clem A Newton-Brown, Timothy R Marsh, Bruce M Cohen, John A Bell, Esther M James, Amy Brennan, William F Lally QC, Patrick R C Southey, Dennis B Baker, Darrin C Cain,

Raymond C Smith, John C Walker QC, Russell J Sarah, Darryl R Davies, Suzanne J Jones, Timothy C Doherty, Peter F McDermott, Joycey G Tooher, Richard G W Lawson, John P Keenan QC, David R Myers, Philip J Ginnane, Donald K McIvor, Kirsty M Macmillan, Ronald D Curtain, Douglas C Pulling, Roger J R Cleary, William E Stuart S.C., Simon M Cooper, Kate McMillan S.C., Dee Brooker, Marita Evans, Gregory H Garde AO RFD QC

Transfers to this division

The Hon Donnell Ryan QC, The Hon Raymond Finkelstein QC, Jeremy W Rapke QC, Dennis B Baker, Anthony J Lopes, Robert T Barry, Christine Boyle, The Hon Michael Black AC QC, Kristen A Rose

Removed from this division

Christopher S Leahy S.C., Timothy F Sullivan, Mayada Dib, Sam F Wubbeling, Anthony J Lawrence, Alwyn A Narayan, Kathryn B Hamill, Lucy C Steiner, Melanie P Young, My Anh Tran, Huw M Roberts, Turvey Tak-Wai To, Jeffrey S Hilton QC, Rosie Jordan, Susan Ilias

DIVISION A PART II (Crown Prosecutors and Public Defenders)

Transfers from this division

Geoffrey M Horgan S.C.

Transfers to this division

Timothy R Marsh, Peta Murphy

DIVISION A PART III (Interstate and Overseas Counsel)

Signed

Sydney J Williams, Julian P Siggins, Laina Wai Fun Chan, Joshua M Hunter, Richard M P Jefferis, Gregory J Barns, Anthony Lo Surdo S.C., Todd P Kovacic

Re-signed

Shannon L Moody

Transfers from this division

Anthony J Meagher S.C., Robert T Barry, John R Sackar QC, Thomas F Bathurst QC

Transfers to this division

Andrew Barrie, Gregory R James AM

Removed from this division

Michael F J Smith AM, John L Trew QC

DIVISION A PART V (Victorian Practising Counsel temporarily on leave without Practising Certificate)

Transfers from this division

Christine Boyle, Peta Murphy, Kristen A Rose

Transfers to this division

Bruce M Cohen, Joycey G Tooher, Esther M James, Amy Brennan, Raymond C Smith, Marita Evans

DIVISION B (Judiciary and Official Appointments)

Transfers from this division

The Hon Justice Donnell M Ryan, The Hon Justice Raymond A Finkelstein, Jeremy W Rapke QC, The Hon Justice Nahum Mushin, Magistrate Raffaele Barberio, The Hon Justice Garry K Downes AM, The Hon Justice Geoffrey M Giudice AO, The Hon Gareth Evans AC QC, His Honour Judge Ian C Robertson, The Hon Justice David J Ashley, The Hon Justice Gregory R James AM

Transfers to this division

John R Champion S.C., Clem A Newton-Brown, Patrick R C Southey, Darrin C Cain, Suzanne J Jones, Philip J Ginnane, Anthony J Meagher S.C., William Evan Stuart S.C., Simon M Cooper, Kirsty M Macmillan, Ronald D Curtain, John R Sackar QC, Kate McMillan S.C., Dee Brooker, Thomas F Bathurst QC, Gregory H Garde AO RFD QC

DIVISION C

(Retired)

Transfers from this division

Dennis B Baker, Anthony J Lopes, The Hon Michael Black AC QC, Andrew Barrie, Gregory R James AM

Transfers to this division

John A Bell, William F Lally QC, The Hon Nahum Mushin, Dennis B Baker, John C Walker QC, Russell J Sarah, Raffaele Barberio, Darryl R Davies, The Hon Garry K Downes AM, Timothy C Doherty, Peter F McDermott, Joyce G Tooher, Richard G W Lawson, John P Keenan QC, David R Myers, The Hon Justice Geoffrey M Giudice AO, The Hon Gareth Evans AC QC, Donald K McIvor, The Hon Justice David J Ashley, His Honour Judge Ian C Robertson, Douglas C Pulling, Roger J R Cleary, Geoffrey M Horgan S.C., Gregory R James AM

PART XIII - FINANCIAL REPORTS



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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 ("the Association"), which comprises the statement of financial position as at 30 June 2012, 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 51 to 68.

OFFICERS RESPONSIBILITY FOR THE FINANCIAL REPORT

The officers are responsible for the preparation and true and fair presentation of the financial report and have determined that the basis of preparation described in Note 3, is appropriate to meet the financial reporting requirements of the *Associations Incorporation Act 1981* and the *Constitution* and is appropriate to meet the needs of the members. Officers' responsibility also includes such internal control as the officers determine is necessary to enable the preparation and fair presentation 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 a true and fair view, in all material respects of the financial position of the Association and consolidated entities as at 30 June 2012 and its financial performance for the year then ended in accordance with the financial reporting requirements of the *Associations Incorporation Act 1981* and the *Constitution* as described in Note 3.

BASIS OF ACCOUNTING AND RESTRICTION ON DISTRIBUTION AND USE

Without modifying our opinion, we draw attention to Note 3 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 *Associations Incorporation Act 1981* and the *Constitution*. 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

Alison Brown
Partner
Chartered Accountants
Melbourne, 13 September 2012

OFFICERS' DECLARATION

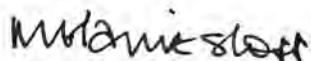
The Officers have determined that the Association is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly 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:

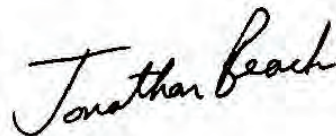
1. The financial statements and notes thereto, as set out on pages 52 to 68:
 - a. Comply with accounting standards, the *Associations Incorporation Act 1981* and the reporting requirements under the Victorian Bar's Constitution; and
 - b. Give a true and fair view of the financial position at 30 June 2012 and performance for the year ended on that date, in accordance with the accounting policies described in Note 3 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



Melanie Sloss S.C.
Officer
Melbourne, 13 September 2012



Jonathan Beach QC
Officer
Melbourne, 13 September 2012

THE VICTORIA BAR INC. STATEMENT OF COMPREHENSIVE INCOME

FOR THE YEAR ENDED 30 JUNE 2012

Notes to the financial statements are included on pages 56 to 68.

	NOTE	CONSOLIDATED		PARENT	
		2012	2011	2012	2011
Continuing operations		\$	\$	\$	\$
Other revenue	4	29,576,010	27,591,535	4,686,389	4,671,921
Employee benefits expense		(2,416,137)	(2,443,389)	(1,277,457)	(1,444,740)
Depreciation and amortisation expense	5	(3,344,483)	(3,250,073)	(49,035)	(50,195)
Finance expense	5	(3,320,762)	(3,701,446)	-	-
Rent & fitout expenses		(5,648,722)	(4,534,883)	(942,142)	(1,001,851)
Utilities expense		(1,045,663)	(1,210,577)	-	-
Administration expenses		(7,254,371)	(6,994,805)	(2,010,722)	(2,059,219)
Loss on disposal of assets		(21,536)	(58,440)	(643)	-
Surplus before income tax expense	5	6,524,336	5,397,922	406,390	115,916
Income tax benefit/(expense)	6	-	-	-	-
Surplus for the year		6,524,336	5,397,922	406,390	115,916
Other comprehensive income					
Fair value gain on revaluation		-	6,618,547	-	-
Related deferred tax on revaluation		-	(771,400)	-	-
Total comprehensive income for the year		6,524,336	11,245,069	406,390	115,916

THE VICTORIA BAR INC. STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2012

Notes to the financial statements are included on pages 56 to 68.

	NOTE	CONSOLIDATED		PARENT	
		2012	2011	2012	2011
Current assets		\$	\$	\$	\$
Cash and cash equivalents	7	11,263,776	10,318,756	4,614,747	3,615,614
Trade and other receivables	8	862,225	989,351	104,819	100,493
Other assets	9	248,131	140,588	20,555	16,742
Total current assets		12,374,132	11,448,695	4,740,121	3,732,849
Non-current assets					
Other financial assets	10	-	-	10,187,430	10,187,430
Property, plant and equipment	11	122,789,560	121,866,442	140,620	190,298
Other assets	9	339,000	339,000	-	-
Loan to Essoign club		-	53,902	-	53,902
Total non-current assets		123,128,560	122,259,344	10,328,050	10,431,630
Total assets		135,502,692	133,708,039	15,068,171	14,164,479
Current liabilities					
Trade and other payables	12	9,132,632	7,845,494	3,086,887	2,562,892
Borrowings	13	-	-	-	-
Provisions	14	384,758	380,038	254,605	259,758
Current tax liabilities	15	-	-	-	-
Total current liabilities		9,517,390	8,225,532	3,341,492	2,822,650
Non-current liabilities					
Borrowings	13	35,000,000	41,000,000	-	-
Provisions	14	4,200	25,740	4,200	25,740
Deferred tax liabilities	15	3,355,548	3,355,548	-	-
Total non-current liabilities		38,359,748	44,381,288	4,200	25,740
Total liabilities		47,877,138	52,606,820	3,345,692	2,848,390
Net assets		87,625,554	81,101,219	11,722,479	11,316,089
Equity					
Issued Capital		-	-	-	-
Reserves		20,314,545	20,314,545	-	-
Retained earnings		67,311,009	60,786,673	11,722,479	11,316,089
Total equity		87,625,554	81,101,218	11,722,479	11,319,089

THE VICTORIA BAR INC. STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 JUNE 2012

	CAPITAL PROFITS RESERVE	ASSET REVALUATION RESERVE	GENERAL RESERVE	RETAINED EARNINGS	TOTAL
Parent	\$	\$	\$	\$	\$
Balance at 1 July 2010	-	-	-	11,200,173	11,200,173
Surplus for the year	-	-	-	115,916	115,916
Other comprehensive income for the year	-	-	-	-	-
Total comprehensive income for the year	-	-	-	115,916	115,916
Balance at 30 June 2011	-	-	-	11,316,089	11,316,089
Surplus for the year	-	-	-	406,390	406,390
Other comprehensive income for the year	-	-	-	-	-
Total comprehensive income for the year	-	-	-	406,390	406,390
Balance at 30 June 2012	-	-	-	11,722,479	11,722,479
Consolidated					
Balance at 1 July 2010	249,680	14,090,258	127,460	55,388,751	69,856,149
Surplus for the year				5,397,922	5,397,922
Revaluation increment on freehold land and building		6,618,547	-	-	6,618,547
Related deferred tax		(771,400)	-	-	(771,400)
Other comprehensive income for the year	-	-	-	-	-
Total comprehensive income for the year	-	5,847,147	-	5,397,922	11,245,069
Balance at 30 June 2011	249,680	19,937,405	127,460	60,786,673	81,101,218
Surplus for the year	-	-	-	6,524,336	6,524,336
Other comprehensive income for the year	-	-	-	-	-
Total comprehensive income for the year	-	-	-	6,524,336	6,524,386
Balance at 30 June 2012	249,680	19,937,405	127,460	67,311,009	87,625,554

Notes to the financial statements are included on pages 56 to 68.

THE VICTORIA BAR INC. STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2012

Notes to the financial statements are included on pages 56 to 68.

	NOTE	CONSOLIDATED		PARENT	
		2012	2011	2012	2011
		\$	\$	\$	\$
Cash flows from operating activities					
Receipts from members and customers		28,637,442	27,153,847	3,990,865	4,429,406
LSB reimbursements and contributions		730,898	776,928	730,898	776,928
Interest received		441,342	281,975	144,103	127,094
Payments to suppliers and employees		(15,254,121)	(15,375,696)	(3,866,733)	(4,655,166)
Finance expense		(3,320,762)	(3,701,446)	-	-
Net cash generated by operating activities	16(b)	11,234,799	9,135,608	999,133	678,262
Cash flows from investing activities					
Proceeds from sale of property, plant and equipment		-	-	-	-
Payments for property, plant and equipment		(4,289,779)	(3,177,994)	-	(31,720)
Purchase of additional shares in subsidiary		-	-	-	-
Proceeds from repayment of related party loan		-	-	-	-
Net cash used in investing activities		(4,289,779)	(3,177,994)	-	(31,720)
Cash flows from financing activities					
Repayment of borrowings		(6,000,000)	(2,339,000)	-	-
Net cash used in investing activities		(6,000,000)	(2,339,000)	-	-
Net (decrease)/increase in cash and cash equivalents		945,020	3,618,614	999,133	646,542
Cash and cash equivalents at the beginning of the year		10,318,756	6,700,142	3,615,614	2,969,072
Cash and cash equivalents at the end of the year	16(a)	11,263,776	10,318,756	4,614,747	3,615,614

THE VICTORIAN BAR INC.

NOTES TO THE FINANCIAL STATEMENTS

1. GENERAL INFORMATION

The Victorian Bar Inc (the Association) is incorporated under the Associations Incorporation Act 1981, 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

2. ADOPTION OF NEW AND REVISED ACCOUNTING STANDARDS

2.1 Standards and Interpretations affecting amounts reported in the current period (and/or prior periods)

The following new and revised Standards and Interpretations have been adopted in the current period 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 101 'Presentation of Financial Statements'

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.

AASB 1054 'Australian Additional Disclosures' and AASB 2011-1 'Amendments to Australian Accounting Standards arising from Trans-Tasman Convergence Project' adopted in IFRSs.

AASB 1054 sets out the Australian-specific disclosures for entities that have adopted Australian Accounting Standards. This Standard contains disclosure requirements that are in addition to IFRSs in areas such as compliance with Australian Accounting Standards, the nature of financial statements (general purpose or special purpose), audit fees, imputation (franking) credits and the reconciliation of net operating cash flow to profit (loss).

AASB 2011-1 makes amendments to a range of Australian Accounting Standards and Interpretations for the purpose of closer alignment to IFRSs and harmonisation between Australian and New Zealand Standards. The Standard deletes various Australian-specific guidance and disclosures from other Standards (Australian-specific disclosures retained are now contained in AASB 1054), and aligns the wording used to that adopted in IFRSs.

The application of AASB 1054 and AASB 2011-1 in the current year has resulted in the simplification of disclosures in regards to audit fees, franking credits and capital and other expenditure commitments as well as an additional disclosure on whether the Group is a for-profit or not-for-profit entity.

2. ADOPTION OF NEW AND REVISED ACCOUNTING STANDARDS (CONT'D)

2.2 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 2009-12 'Amendments to Australian Accounting Standards'

The Standard also makes numerous editorial amendments to a range of Australian Accounting Standards and Interpretations, which includes AASB 108. The application of AASB 2009-12 has not had any material effect on amounts reported in the financial statements.

AASB 2009-14 'Amendments to Australian Interpretation – Prepayments of a Minimum Funding Requirement'

Interpretation 114 addresses when refunds or reductions in future contributions should be regarded as available in accordance with paragraph 58 of AASB 119; how minimum funding requirements might affect the availability of reductions in future contributions; and when minimum funding requirements might give rise to a liability. The amendments now allow recognition of an asset in the form of prepaid minimum funding contributions. The application of the amendments to Interpretation 114 has not had any material effect on the financial statements.

AASB 2010-5 'Amendments to Australian Accounting Standards'

The Standard makes numerous editorial amendments to a range of Australian Accounting Standards and Interpretations, which includes AASB 101 and AASB 107. The application of AASB 2010-5 has not had any material effect on amounts reported in the financial statements.

2.3 Standards and Interpretations in issue not yet adopted

At the date of authorisation of the financial statements, the Standards and Interpretations listed below were in issue but not yet effective.

Standard/Interpretation	Effective for annual reporting periods beginning on or after	Expected to be initially applied in the financial year ending
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 January 2013	30 June 2014
AASB 10 'Consolidated Financial Statements'	1 January 2013	30 June 2014
AASB 13 'Fair Value Measurement' and AASB 2011-8 'Amendments to Australian Accounting Standards arising from AASB 13'	1 January 2013	30 June 2014
AASB 119 'Employee Benefits' (2011) and AASB 2011-10 'Amendments to Australian Accounting Standards arising from AASB 119 (2011)'	1 January 2013	30 June 2014
AASB 2011-7 'Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements standards'	1 January 2013	30 June 2014
AASB 2011-9 'Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income'	1 July 2012	30 June 2013

3. 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 Association's constitutional requirement to keep accounts.

Statement of compliance

The financial report has been prepared in accordance with the Associations Incorporation Act 1981, 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 'Statements of Cash Flow', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors' and AASB 1054 Australian Additional Disclosures'. For the purpose of preparing the financial statement, the Association is a not for-profit entity.

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 judgements and key sources of estimation uncertainty

In the application of the Association'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. Accounting estimates are made in relation to the allowance for doubtful debts. Refer to note 8.

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

a. Principles of consolidation

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

All inter-company balances and transactions between entities in the consolidated entity, including any unrealised profits or losses, have been eliminated on consolidation.

Where consolidated entities have entered or left the consolidated entity during the year, their operating results have been included from the date control was obtained or until the date control ceased.

b. Cash and cash equivalents

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

c. Employee benefits

A liability is recognised for benefits accruing to employees in respect of wages and 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 the remuneration rate expected to apply at the time of settlement.

Liabilities recognised in respect of employee benefits which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the Group in respect of services provided by employees up to the reporting date.

d. Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Group has an unconditional right to defer settlement of the liability for a least 12 months after the reporting date.

e. Income tax

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

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

Deferred tax is accounted for using the balance sheet liability method in respect of temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements. No deferred income tax will be recognised from the initial

recognition of an asset or liability, excluding a business combination, where there is no effect on accounting or taxable profit or loss.

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

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

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

Tax consolidation

The Association and its 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).

f. 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 the Association's Officers to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash.

Depreciation

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

Classes of Plant and Equipment

Classes of Plant and Equipment	Depreciation Rate
Buildings	2%
Leasehold Improvements	4-10%
Plant and Equipment	5-33%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the income statement. When revalued assets are sold, amounts included in the revaluation reserve relating to that asset are transferred to retained earnings.

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

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

g. Provisions

Provisions are recognised when the Group has a present obligation (legal or constructive) as a result of a past event, it is probable that the Group will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cashflows estimated to settle the present obligation, its carrying amount is the present value of those cashflows.

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, the receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

h. Leased assets

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

Company as Lessee

Assets held under finance leases are initially recognised at their fair value or, if lower, at amounts equal to the present value of the minimum lease payments, each determined at the inception of the lease. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation.

Lease payments are apportioned between finance charges and reduction of the lease obligation so as to achieve a constant rate of interest on the remaining balance of the liability. Finance charges are charged directly against income, unless they are directly attributable to qualifying assets, in which case they are capitalised in accordance with the company's general policy on borrowing costs. Contingent rentals are recognised as expenses in the periods in which they are incurred.

Operating lease payments are recognised as an expense 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 asset are consumed. Contingent rentals arising under operating leases are recognised as an expense in the period in which they are incurred.

In the event that lease incentives are received to enter into operating leases, such incentives are recognised as a liability. The aggregate benefit of incentives is recognised as a reduction of rental expense on a straight-line basis, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed.

i. Payables

Trade payables and other accounts payable are recognised when the group becomes obliged to make future payments resulting from the purchase of goods and services.

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

k. 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.

l. Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:

- i. where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- ii. for receivables and payables which are recognised inclusive of GST.

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

Cash flows are included in the cash flow statement 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 classified as operating cash flows.

m. Impairment of tangible and intangible assets other than goodwill

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 Association 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 immediately in profit or loss, unless the relevant asset is carried at revalued amount, 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 immediately in profit or loss, unless the relevant asset is carried at fair value, in which case the reversal of the impairment loss is treated as a revaluation increase.

n. Comparative amounts

Where necessary, comparatives have been reclassified and repositioned for consistency with the current year disclosures.

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
4. Revenue	\$	\$	\$	\$
<i>Revenue from operating activities</i>				
Subscriptions	3,019,502	2,907,887	3,019,502	2,907,887
Rent and Joinery Revenue	23,029,432	21,254,333	-	-
Readers Course, Mediation & Seminar Fees	656,778	721,682	656,778	721,682
Other Revenue	1,698,058	1,663,715	135,108	153,315
	28,403,770	26,547,617	3,811,388	3,782,884
<i>Revenue from non-operating activities</i>				
Interest Revenue	441,342	266,993	144,103	112,112
Legal Service Board and Commissioner, Contributions and Reimbursements	730,898	776,925	730,898	776,925
	1,172,240	1,043,918	875,001	889,037
Total Revenue	29,576,010	27,591,535	4,686,389	4,671,921
5. Surplus before income tax				
Surplus for the year has been arrived at after charging the following items of expense:				
Loss on disposal of property, plant and equipment	22,175	58,440	643	-
Finance cost				
Interest on Mortgage	3,320,762	3,701,446	-	-
	3,320,762	3,701,446	-	-
Depreciation of non-current assets				
Buildings	1,904,374	2,124,560	-	-
Plant, equipment and improvements	1,391,073	1,125,513	49,035	50,195
	3,344,483	3,250,073	49,035	50,195
Bad and doubtful debts				
Increase/(decrease) in provision	(97,523)	101,023	-	-
Minimum lease payments on operating leases	5,874,117	6,645,397	868,855	1,016,702

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
5. Surplus before income tax (cont'd)	\$	\$	\$	\$
Auditors remuneration				
- Auditing or reviewing the Financial Reports	66,894	71,005	27,800	32,605
- Taxation and Accounting Services	15,250	19,000	15,250	19,000
	82,144	90,005	43,050	51,605
The auditor is Deloitte Touche Tohmatsu.				
6. Income tax				
(a) Components of income tax expense/(benefit)				
Tax expenses comprises:				
Current tax expense/(income)	(323,736)	(343,101)	(147,137)	(54,222)
Tax refund from prior years	-	-	-	-
Deferred tax expenses/(income) relating to timing differences	-	-	-	-
Unused tax losses not recognised as deferred tax asset	323,736	343,101	147,137	54,222
	-	-	-	-
(b) Income tax expense/(benefit) calculated				
The prima facie Tax Expense/(Income) on Pre-Tax accounting surplus from operations reconciles to the Income Tax Expense/(Income) in the financial statements as follows:				
Operating surplus from operations	6,524,336	5,397,922	406,390	115,916
Income tax expense/(benefit) calculated at the corporate tax rate in each year, 30%	1,957,301	1,619,375	121,917	34,775
Tax effect of timing differences not recognised	5,047	(7,135)	8,008	(7,135)
Non-assessable mutual income	(8,120,242)	(7,645,448)	(949,880)	(906,464)
Non-deductible mutual & other expenses	5,834,158	5,690,106	395,375	491,236
Non-deductible expenses within group	-	-	277,444	333,366
Increase/(utilisation) of tax losses	323,736	343,101	147,137	54,222
Income tax (benefit)/expense	-	-	-	-

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
7. Cash and cash equivalents	\$	\$	\$	\$
Cash on Hand	250	250	-	-
Cash Deposits with Banks	8,963,526	10,318,506	2,314,747	3,615,614
Short-term Money Market Deposits	2,300,000	-	2,300,000	-
	11,263,776	10,318,756	4,614,747	3,615,614
8. Trade and other receivables				
Trade receivables	743,827	977,877	104,819	94,457
Provision for doubtful debts	(22,177)	(119,700)	-	-
	721,650	858,177	104,819	94,457
Other receivables	140,575	131,174	-	6,036
	862,225	989,351	104,819	100,493
9. Other assets				
Current				
Prepayments	248,131	140,588	20,555	16,742
Non-current				
Bank guarantee deposit	339,000	339,000	-	-
10. Other financial assets				
Investment in subsidiaries	-	-	10,187,430	10,187,430

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 approved clerks. Each of these subsidiaries is a member of the tax-consolidated group of which the Victorian Bar Inc is the head entity.

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
	\$	\$	\$	\$
11. Property, plant and equipment				
Freehold land & building	31,500,000	31,500,000	-	-
Land at valuation (June 2011)	76,175,000	76,175,000	-	-
Building at valuation (June 2011)	(1,904,374)	-	-	-
Less: accumulated depreciation	105,770,626	107,675,000	-	-
Total freehold land & building				
Plant, equipment & refurbishments				
In freehold buildings at cost	21,003,480	17,101,009	-	-
Less: accumulated depreciation	(12,783,718)	(12,423,267)	-	-
	8,219,759	4,677,742	-	-
In leasehold premises at cost	14,414,024	14,155,872	1,099,483	1,100,123
Less: accumulated depreciation	(5,663,802)	(4,699,932)	(992,214)	(951,986)
	8,750,222	9,455,940	107,268	148,137
Art works at cost	133,441	133,441	117,842	117,842
Less: accumulated depreciation	(84,491)	(75,681)	(84,491)	(75,681)
	48,950	57,760	33,352	42,161
Total plant and equipment	17,018,931	14,191,442	140,620	190,298
Total property, plant, equipment & refurbishment	122,789,560	121,866,442	140,620	190,298

PARENT	FREEHOLD LAND AND BUILDING	PLANT AND EQUIPMENT AT COST	ART WORKS	TOTAL
11. Property, plant and equipment	\$	\$	\$	\$
2011				
Balance at the beginning of the year	-	157,050	51,723	208,773
Additions	-	31,720	-	31,720
Depreciation expenses	-	(40,633)	(9,562)	(50,195)
	-	148,137	42,161	190,298
2012				
Balance at the beginning of the year	-	148,137	42,161	190,298
Additions	-	-	-	-
Disposal/asset written off	-	(643)	-	(643)
Depreciation expenses	-	(40,226)	(8,810)	(49,035)
	-	107,268	33,352	140,620
CONSOLIDATED	FREEHOLD LAND AND BUILDING	PLANT AND EQUIPMENT AT COST	ART WORKS	TOTAL
2011	\$	\$	\$	\$
Balance at the beginning of the year	102,960,836	12,350,256	67,322	115,378,214
Additions	220,177	2,957,817	-	3,177,994
Disposal/asset 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
	107,675,000	14,133,682	57,760	121,866,442
2012				
Balance at the beginning of the year	107,675,000	14,133,682	57,760	121,866,442
Additions	-	4,289,779	-	4,396,758
Disposal/asset written off	-	(129,157)	-	(129,157)
Depreciation expenses	(1,904,374)	(1,431,299)	(8,810)	(3,344,483)
Revaluation	-	-	-	-
Carry forward adjustment		106,979		
	105,770,626	16,969,984	48,950	122,789,560

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
12. Trade and other payables	\$	\$	\$	\$
Current				
Deferred revenue	6,043,467	5,458,136	1,979,132	1,844,433
Trade creditors and accruals	1,851,126	848,124	1,025,236	673,330
Owing to subsidiary – Barristers Chambers Limited	-	-	77,256	-
Related Party - The Essoign Club	5,263	45,129	5,263	45,129
Other creditors	1,232,777	1,494,105	-	-
	9,132,632	7,845,494	3,086,887	2,562,892
13. Borrowings				
Current				
Bills - secured	-	-	-	-
Non-current				
Bills - secured	35,000,000	41,000,000	-	-
The loan is secured by a first mortgage on all properties and a floating charge over other Barristers' Chambers Limited assets.				
14. Provision				
Current				
Employee benefits	384,758	380,038	254,605	259,758
Non-current				
Employee benefits	4,200	25,740	4,200	25,740
(a) Aggregate Employee entitlement liability	388,958	405,778	258,805	285,498
(b) Employee numbers				
Average number of full or part time employees during the financial year	28	30	18	20
Number of employees at reporting date	28	30	18	20

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
15. Tax assets and liabilities	\$	\$	\$	\$
Current				
Income tax payable	-	-	-	-
Non-current				
Deferred income tax assets	(772)	(772)	-	-
Deferred income tax liability	3,356,320	3,356,320	-	-
	3,355,548	3,355,548	-	-

The deferred income tax liability recognises that a capital gains tax liability may arise in the event that the mutuality principle will not apply upon the sale of the post capital gain tax properties. The amount of the liability is calculated on the difference between the cost base of the buildings and their carrying amounts in these financial statements which is their current fair value.

16. Cash and cash equivalents

(a) Reconciliation of cash and cash equivalents

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

Cash and cash equivalent	11,263,774	10,318,756	4,614,747	3,615,614
(b) Reconciliation of surplus for the year to net cash flows from operating activities				
Surplus for year after income tax benefit/(expense)	6,524,336	5,397,922	406,390	115,916
Depreciation & amortisation of non-current assets	3,344,483	3,250,073	49,035	50,195
Loss on disposal of assets	22,175	58,440	643	-
Increase/(Decrease) in bad and doubtful debts provision	(97,523)	101,023	-	-
Changes in net assets and liabilities:				
Increase/(Decrease) in trade & other receivables and other assets	171,008	(42,213)	61,522	108,814
Increase/(Decrease) in trade & other payables	1,287,138	366,671	503,083	399,645
Increase/(Decrease) in provisions	(16,820)	3,692	(21,540)	3,692
	11,234,797	9,135,608	999,133	678,262

	CONSOLIDATED		PARENT	
	2012	2011	2012	2011
17. 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.				
18. Capital and leasing commitments				
Lease commitments				
(a) Leasehold premises				
Non-cancellable operating leases contracted for but not capitalised in the accounts				
Not longer than 1 year	5,854,905	6,626,185	849,643	997,490
Longer than 1 year and not longer than 5 years	21,350,581	30,193,611	3,696,328	2,554,109
Later than 5 years	8,108,151	12,875,868	-	-
	35,313,637	49,695,664	4,545,971	3,551,599
(b) Office equipment				
Not longer than 1 year	19,212	19,212	19,212	19,212
Longer than 1 year and not longer than 5 years	9,606	12,008	9,606	12,008
Later than 5 years	-	-	-	-
	28,818	31,220	28,818	31,220
Capital expenditure commitments				
Commitments contracted for but not capitalised in the accounts				
Not longer than 1 year	5,125,000	5,432,099	-	-
	5,125,000	5,432,099	-	-

The majority of the above capital expenditure is Plant and Equipment:

- Owen Dixon Chambers West, 525 Lonsdale Street, air conditioning upgrade
- Douglas Menzies Chambers, 180 William Street, refurbishment foyer
- Telephone System upgrade - all buildings

19. Subsequent events

The only matter or circumstance which has arisen since the end of the financial year which may significantly affect the operations of the Association and the group, the results of those operations or the state of affairs of the Association and the group in future financial years is the Australian Tax Office's notification to the Victorian Bar Inc. that it may reconsider the basis upon which it, the Victorian Bar Inc., as the head entity of the tax-consolidated group (refer note 3 above), was assessed to income tax for the years 2007 to date. The Association is presently not able in any practicable sense to provide a statement of the financial effect that may follow from such notification or re-consideration.



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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 2012 and 2011, 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, 13 September 2012

PART XIV - THE VICTORIAN BAR INC.

DETAILED INCOME STATEMENT

DETAILED INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2012 (UNAUDITED)

	NOTES	2012	2011
REVENUE		\$	\$
Subscriptions		3,019,502	2,907,887
Legal Services Board & Commissioner		730,897	776,925
Readers Course Fees		277,926	346,990
Mediation Fees		260,462	240,220
Interest		144,103	112,112
Conference & Seminar Fees		118,410	134,472
Bar Dinner & Other Functions Receipts		71,968	102,992
Bar News Advertising		21,462	25,225
Other		41,601	25,098
TOTAL REVENUE		4,686,391	4,671,921
EXPENSES			
Employee benefits and expenses		1,277,455	1,444,740
Rent		741,309	798,182
Pro Bono Scheme expenses (Primarily but not wholly LSB funded - refer Note 2)		416,519	397,497
Australian Bar Association & Law Council of Australia		309,821	302,748
Amortisation & Fit out		200,833	203,669
Bar Dinner & Other Functions		154,251	240,518
Continuing Professional Development (includes Readers Course, Expenses)		129,076	74,786
Conference & Seminar Expenses		125,912	136,058
Computer System Software, Support & Website		119,377	107,655
Health & Well Being Programs		88,784	80,772
Media Consultant & Marketing		81,509	76,422
Rent Subsidy, Member Parental Leave		59,598	79,919
Books & Subscriptions		58,714	87,590
Printing & Stationery (excludes CPD)		57,949	60,626
Audit & Tax Compliance & Advice Fees		54,250	44,675

NOTES	2012	2011
	\$	\$
Depreciation	49,036	50,203
Catering For Meetings Expense	43,094	39,569
Photocopying (excludes CPD)	36,149	27,814
Staff Recruitment & Training	16,675	25,020
Building Works (Mediation Centre 2010-2011)	-	24,900
Bar News Expenses	30,971	19,496
Project Costs	2,625	86,003
Other Admin	226,093	147,142
TOTAL EXPENSES	4,280,001	4,556,005
SURPLUS FOR YEAR BEFORE INCOME TAX BENEFIT/(EXPENSE)	406,390	115,916
Income Tax Benefit/(Expense)	-	-
SURPLUS FOR YEAR	406,390	115,916

NOTES TO THE DETAILED INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2012

1. Accumulated Funds

Accumulated Funds at the beginning of the financial Year	11,316,089	11,200,173
Surplus for the year	406,390	115,916
ACCUMULATED FUNDS AT THE END OF THE FINANCIAL YEAR	11,722,479	11,316,089

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.

Regulation	105,800	155,373
Registration	121,325	134,812
Bar News	38,028	36,740
Library	54,336	52,500
Pro Bono Scheme	411,408	397,500
	730,897	776,925

3. Rent and Refurbishment Costs

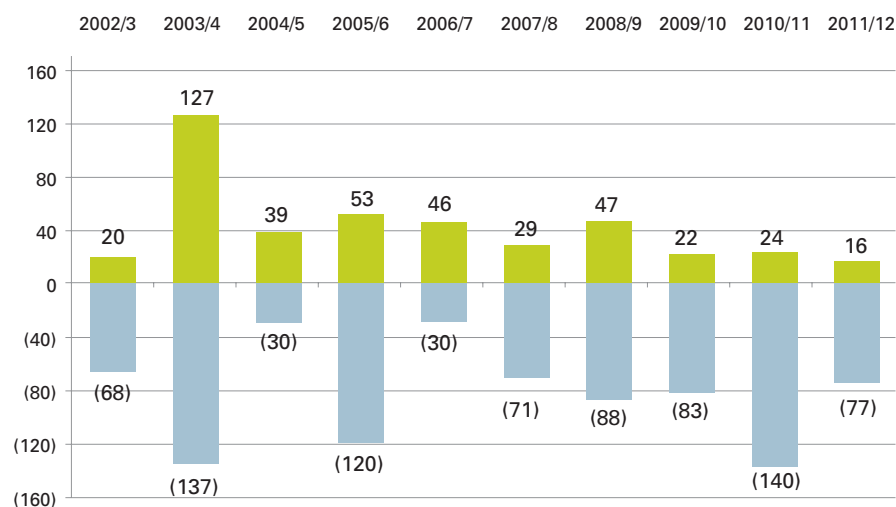
In July 2002, an agreement was entered into with Barristers' Chambers Limited under which the Victorian Bar Incorporated agreed to rent certain space from Barristers' Chambers Limited and to pay for the fit out of that refurbished space over a ten year term. Part of the rent and fit out cost relates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

PART XV - BARRISTERS' BENEVOLENT ASSOCIATION

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA ANNUAL REPORT (UNAUDITED) FOR THE YEAR ENDING 30 JUNE 2012

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



During 2011-2012 year, the Association made nine payments to members, totalling \$76,571. Six were interest free loans (\$62,521) and three were cash grants (\$14,050).

■ Subscriptions

■ Grants/Loans

Amounts Held by Equity Trustees at Market Value at 30 June 2012

The market value of assets at 30 June 2012 with their rates of return is set out below:

ASSET CLASS	ASSET VALUE		ASSET YIELD	
	\$	%	\$	%
Cash	451,748	26%	15,476	3.83%
Fixed Interest	697,262	40%	48,463	5.38%
Australian Shares	598,701	34%	25,746	4.14%
	1,747,711	100%	89,685	

Australian Shares are held in the Equity Trustee Flagship Fund.

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

Basis of Preparation of Comparative Financial Statement

The Comparative Financial Statement for the year ended 30 June 2012 has been prepared using historical costs for recording transactions and comparative asset values.

Capital Movement between/within funds

From time to time, capital movements occur between/within the funds managed by Equity Trustees. This amount is reported for the first time in the Comparative Financial Statement for the year ended 30 June 2012. The movement in 2011 reflects the accumulated movements of earlier years.

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

COMPARATIVE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2012

Melanie Sloss S.C. and Jonathan Beach QC

Sub-Committee of the Committee of Management
Victorian Bar Council

	2012	2011
CAPITAL FUND	\$	\$
Opening Balance at 1 July 2011	1,564,747	1,529,214
Receipts		
Donations received during the Year	16,125	24,300
Loan Repayments received	18,530	2,500
Imputation Credits Refund	-	-
Net Income Earned During the Year	89,685	133,487
	1,689,087	1,689,501
Payments		
Grants	14,050	44,786
Loans	62,521	95,000
Total payments to Members	76,571	139,786
	1,612,516	1,549,715
Capital movement within/between Funds	(1,486)	15,032
Closing balance at 30 June 2012	1,611,030	1,564,747
LOANS		
Opening Balance at 1 July 2011	207,500	115,000
Add New Loans	62,521	95,000
Less Loan Repayments	(18,530)	(2,500)
Less Loans written off	-	-
Loans at 30 June 2012	251,491	207,500
TOTAL ASSETS AT 30 JUNE 2012	1,862,521	1,775,247
	2012	2011
AMOUNTS HELD BY EQUITY TRUSTEES (AT COST) AT 30 JUNE 2012		
Equity Trustees Flagship Fund	468,446	469,932
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	451,748	403,979
BALANCE AT 30 JUNE 2012	1,611,030	1,564,747



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