









# PRESIDENT'S REPORT 2017

JENNIFER BATROUNEY OC

It has been another year of significant development at the Victorian Bar with a continuing focus on raising the profile of the Bar and increasing opportunities for work for our members. We have done this by ensuring that the Victorian Bar maintains a strong outward focus increasing our connection with the broader profession, government, in-house counsel and the community. Through our major projects this year we have continued to emphasise the many benefits of engaging a barrister, the merits of early engagement and of independent advice.

The Bar Council has continued to focus on progressing the Governance Review initiated last year and continues to review financial performance together with the progression of our achievement of objectives in accordance with the Strategic Plan. This has been a year of development with major redevelopments – both physical and electronic – with the refurbishment of our facilities on Level 1 Owen Dixon Chambers and the Victorian Bar website redevelopment.

#### Financial Results

The Bar has delivered a sound financial result this year, particularly in circumstances where investment has been required in order to implement and deliver important initiatives, including business development initiatives, the most significant of which has been the website redevelopment project.

Over this financial year, further initiatives to improve financial oversight and reporting to Bar Council and the Finance & Audit Committee have been implemented under the direction of the CEO, Sarah Fregon, with the assistance of Caleb Jansen. The provision of financial management and reporting services to the Bar by BCL has continued to be provided this year resulting in a high level service on a cost efficient basis.

This year a CPI increase was applied to Bar Subscriptions at 2.5%. This is the first year in 7 years that an increase has been applied. The Bar Council carefully considered the application of an increase before taking this step. It was however considered, on balance, to be appropriate to make this change to ensure the long term financial stability of our operations.

As our wholly owned subsidiary, Barristers' Chambers Limited (BCL) accounts are consolidated as part of the Bar's annual report. BCL has once again performed well under the strong leadership of its Chair, Michael Wyles QC. I congratulate Michael, the Board and the BCL team on a successful year.

I am also delighted to report that BCL will, for the first time, pay a dividend to the Bar having confirmed that BCL has achieved its financial targets for the year. The payment will be made in the 2018 financial year and will present a significant addition to the Bar's operating budget in the year ahead.

#### Governance Review

This year a continuing focus has been applied to the ongoing Governance Review which commenced last year. The first major achievement was the finalisation of the new Strategic Plan for the period 2017 to 2020. A review of all Bar policies has been conducted, and the Bar Council Performance and Constitutional Review working groups have each completed their reviews. The Bar Council Performance Working Group, led by myself, has recommended changes to the Bar Council nomination and election process with further information about nominees to be provided, the development of a Bar Council member induction pack and a Bar Council self assessment survey. The Charter Working Group has developed a new Bar Council Charter document, now approved by the Bar Council, and a review of Bar Council Committees is currently underway through which Charters for each committee will be developed.

I would like to extend my sincere thanks to Wendy Harris QC who has led the Governance Review and for her continuing dedication to this important project. I also thank Dr Matt Collins QC who has led the Charter Working Group and Simon Marks QC for his leadership of the Constitutional Review Working Group. This work is vital to ensuring that the Bar, the Bar Council and the organisation is supported by strong governance structures and that the Bar Council will be in the best position to continue to fulfil its roles and responsibilities.



ABOVE AND RIGHT: Refurbishment of Level 1 Owen Dixon East - Richard Griffiths Library and Neil McPhee East

#### Strategic Plan 2017-2020

The Bar's new strategic plan was completed last year and this year our focus has been to ensure that we implement actions in accordance with, and to further our achievement of, the core objectives in line with our strategy.

The development of the plan was a major undertaking, but essential in order for the Bar to succeed as an organisation and meet the challenges of the changing legal landscape. The four core objectives of the plan are: to maintain and expand market share, to provide services to members in order to support and enhance their practices, to foster excellence and enhance the performance of Victorian Barristers, and to be a strong, independent and authoritative voice. The full strategic plan can be viewed on the Bar's website.

#### Life & TPD Insurance Scheme

The Life and TPD Group Scheme is now in its third year of operation. Over the last 2 years of operation, the scheme insurer, Metlife has paid out 7 claims totalling \$2.1 million. I am pleased to report that Metlife agreed to keep premiums at the same level this year notwithstanding the number of claims. In addition, Readers continue to be accepted into the scheme at no cost for the first year. The Bar Council, together with the CEO, will continue to work with Metlife to endeavour to ensure that premiums remain competitively priced.

I thank all those members who joined the Scheme for their support of our Bar in this way. It is pleasing that the vast majority of members who joined the Scheme in its first year have remained members. It is vital that we retain the support of members for the Scheme, and the requisite 75% of eligible members threshold, to ensure that this important initiative continues to be available to our members.

#### VicBar Website Redevelopment

In May this year the Bar's new website was launched. The website redevelopment has been a major project for the Bar over the last year and represents the most significant upgrade of our digital platform in seven years.

The new site presents a fresh, modern and approachable Bar with accessible content to educate the community about the role and work of barristers. A new search and navigation function has been designed to provide easier access for external audiences as well as providing additional facilities for members. Some of the new features include a customised member dashboard, a new events registration system, access to relevant committee documents and agendas and a new member profile page layout with facilities to upload publications, cases and social media connections. In addition, a new learning management system has been developed to operate together with the new website so that members can track and record their CPD activity.



I thank Dr Matt Collins for leading the Working Group on this project and the Bar's CEO, Sarah Fregon, and her team for the extensive work put into delivering the new website. I also thank all members for assisting with the transition, which required new logins and updating of profile pages. I also thank members for the valuable feedback provided to assist us in making adjustments and improvements throughout the transition process.

#### First Floor Owen Dixon East

Another significant project this year has been the reconstruction and refurbishment of the first floor in Owen Dixon East to provide a vastly improved common facility for members' use. The aim was to serve the changing needs of our members with new, state of the art technology including video conferencing, live streaming and recording capabilities and to provide a much needed upgrade to the physical space more generally.

The new modern, open space is already fulfilling its purpose promoting a collegiate atmosphere at the Bar as well providing an appropriate space within which to engage with members of the broader legal community. It is pleasing to see that the new layout of the Richard Griffith Library has already resulted in greater usage of the library by members. I thank Michael Wyles QC, Chairman of BCL's Board of Directors and his team for delivering this project on time and to the high standard of finish that has been achieved. I also thank our extremely hard working library committee and extend particular thanks to lan

Upjohn QC, Richard Brear and Sarah Varney without whom the labour-intensive transition of the old library to the new could not have occurred.

# Launch of the Peter O'Callaghan QC Gallery Foundation



The Peter O'Callaghan Gallery is the centrepiece of the Owen Dixon West foyer and a place of community for our Bar, providing a visual tribute to the Bar's history and honouring many champions of the Bar. The Gallery provides a space to remind us of the contributions those in the portraits have made to the profession and acts as a source of inspiration for current and future generations of barristers.

This year, a new charitable foundation was established to support the continuing growth and preservation of the Gallery.

We are honoured that the Honourable Justice Michelle Gordon agreed to be the Patron of the Foundation. Over the last financial year we have seen new portraits unveiled of Lillian Leider QC, Susan Crennan AC QC and Kenneth Hayne AC QC. At the launch of the foundation it was a privilege to be able to announce that Brian Bourke AM has bequeathed his portrait to the Foundation and that new portraits would be commissioned of Bar greats Peter O'Callaghan QC, Ross Gillies QC, the Honourable Alex Chernov AC QC and Sir James Gobbo AC QC. The portrait of Peter O'Callaghan was unveiled in September.

The Gallery would not be the asset that it is today without the ongoing commitment and dedication of Peter Jopling AM QC and the Arts & Collections Committee to whom the Bar is incredibly grateful.

#### Life at the Bar

#### Bar Dinner

The Bar Dinner, hosted this year at The Glasshouse, was once again a wonderful and memorable occasion. The Governor of Victoria, Her Excellency the Honourable Linda Dessau AC and Kathleen Foley each delivered engaging speeches.

I thank our Honoured guests who attended, namely -

#### Victorian Appointments:

The Honourable Justice Maree Kennedy, Her Honour Judge Samantha Marks, His Honour Judge Gregory Lyon, His Honour Judge Edward Woodward, Her Honour Judge Carolene Gwynn and Her Honour Magistrate Thérèse McCarthy.

#### Commonwealth Appointments:

The Honourable Justice David O'Callaghan, The Honourable Justice Michael Lee, His Honour Judge Anthony Kelly, Commonwealth Solicitor-General Dr Stephen Donaghue QC

#### Recipients of the Queen's Birthday Honours 2016:

The Honourable Raymond Finkelstein AO QC and The Honourable Justice Arthur Emmett AO.

#### Recipients of Australia Day Honours 2017:

Her Excellency the Honourable Linda Dessau AC, The Honourable Stephen Charles AO QC, The Honourable Justice Kevin Bell AM, The Honourable Elizabeth Curtain AM, The Honourable Nahum Mushin AM, The Honourable Kevin Mahony AM, Brian Walters AM QC, William Lye OAM and Gemma Varley PSM.

# Recipient of the Law Council of Australia President's Medal:

Julian McMahon AC



**ABOVE:** Her Excellency The Honourable Linda Dessau AC, Governor of Victoria and Federal Attorney General, Senator The Honourable George Brandis QC attending the 2017 Victorian Bar Dinner.

#### Other appointments:

The Honourable Justice Simon Molesworth AO of the New South Wales Land and Environment Court and Chancellor of the University of Melbourne Allan Myers AC QC.

#### The most recent 45-ers:

Peter Murdoch QC, Noel Ackman QC, Michael Ruddle, Robert Miller, Bruce McTaggart, Aaron Shwartz, Thomas Danos and John Constable.

We were also honoured to have in attendance: The Honourable Chief Justice James Allsop AO, The Honourable Chief Justice Helen Murrell, Chief Magistrate Peter Lauritsen, the Victorian Attorney General, The Honourable Martin Pakula MP, the Federal Attorney General, Senator, The Honourable George Brandis QC and the Federal Shadow Attorney General The Honourable Mark Dreyfus QC.

# Pro Bono Committee and Duty Barrister Scheme Committee

The Pro Bono Committee has had a busy year developing and implementing programs to meet the increasing demand for pro bono legal services from the Bar. The Duty Barrister Scheme Committee has also made a positive contribution to facilitating pro bono services in Victoria. I thank Pat Zappia



ABOVE: Legal Training Institute - Port Moresby November 2016

QC and his team on this and the Duty Barrister Scheme Committee for their commitment to promoting access to justice for the members of our community. In February this year, the 2 committees merged to include the Duty Barrister Scheme under the remit of the Pro Bono Committee. I extend my thanks to Fran O'Brien QC for her many years of service and contribution as the previous Chair of the Duty Barristers Scheme Committee. I also thank all the members of the Duty Barristers Scheme Committee for their ongoing hard work.

#### Reconciliation Action Plan

The Bar's second Reconciliation Action Plan (RAP) for 2017 to 2020 commenced this year. The new plan sets out the Bar's ongoing vision for, and commitments towards, reconciliation. This vision involves providing real access to justice, encouraging meaningful participation and valuing and respecting Aboriginal and Torres Strait Islander barristers and people in the legal system. I thank the Victorian Bar's Indigenous Justice Committee and specifically the RAP Working Group for their contribution to this important initiative. I am indebted to Tom Keely SC, Abigail Burchill (now Magistrate Burchill), Richard Wilson and the Committee for their ongoing commitment to the promotion of Indigenous Australians at the Bar.

This year we also celebrated the 10<sup>th</sup> anniversary of our Indigenous Clerkship Program. The program sponsors three

Aboriginal and Torres Strait Islander law students on a 3 week clerkship over which each student spends a week with a Judge of the Supreme Court, a Judge of the Federal Court and a week with a practising barrister. The students are provided with some insight into the work undertaken by judges and barristers, to observe and learn, and to get to know members of the profession. I acknowledge the assistance of Justice Bromberg and Justice Kaye in facilitating this project together with Richard Wilson and Tim Goodwin.

#### Pacific Rim training and mentoring

The Bar's contribution to the training and mentoring of law students in Papua New Guinea continued this year at the Legal Training Institute in Port Moresby. The program was delayed from July to November because of safety concerns associated with the political unrest in the capital. I am pleased to report that the program proceeded without incident in November 2016. This year, the Bar also delivered an education and training program in the Solomon Islands, on which the Pacific Rim Committee reports at page 28.

Victorian Bar members generously volunteer their time to teach the course each year. This year The Honourable Justice Elizabeth Hollingworth, His Honour Judge Chris O'Neill of the County Court and Magistrate Lesley Fleming delivered the courses together with the volunteers from the Bar.

The week-long programs focus on intensive advocacy training. It forms part of the PNG participants' practical training year and is a CPD program for the Solomon Island lawyers. Each of the programs were very well received and are greatly valued by our South Pacific colleagues.

On behalf of the Bar, I thank Philip Corbett QC and the Pacific Rim Committee for their ongoing commitment to this program. I also thank the instructors and other volunteers for their valuable contributions to this important initiative, including Benjamin Lindner, Sarah Porritt, Maya Rozner, Shivani Pillai, Trevor Wallwork, Paul Kounnas, Emma Peppler, Diana Price, Daniel Nguyen and Wendy Pollock.

#### Diversity and Inclusion

The Bar continues to facilitate diversity and equality through the work of the Equality and Diversity Committee lead by Michelle Quigley QC as Chair. This year the Bar Council also resolved to support and facilitate the adoption of the Law Council of Australia's national model gender equitable briefing policy by members of our Bar. The policy is designed to level the playing field for all members of the profession and aims to see women briefed in proportion to their representation at the Bar (in terms of both the number and value of briefs) by 2020. The Bar Council through the Equality and Diversity Committee has established a working group to develop an implementation plan to assist members to adopt the Policy. I thank Michelle Quigley QC, the committee and the Bar's Policy Lawyer, Gabrielle Ostberg, for their contribution to this project.

#### Innovation and Technology Committee

A new Bar Council committee was established this year, to be Chaired by Susan Gatford, which aims to share information about technology-led change in the legal sector, opportunities for barristers to use technology to their advantage in their day to day practices, technology changes in courts and changes to the way in which barristers may be briefed. I look forward to the committee's activities and its positive impact on our practice as a whole.

#### Education

#### The Readers' Course

The Readers' Course continues to deliver specialist advocacy training of the highest quality to ensure that Readers develop the essential advocacy skills necessary to commence practice at the Bar. This year the Bar was fortunate to have Professor Noah Messing of Yale Law School return once again to teach legal writing skills to the March Readers.

This year 82 new Readers were welcomed from the September and March courses. Part of the March course was held at Monash University Chambers in Lonsdale Street while the first floor renovations at Owen Dixon Chambers were being

completed, and then moved into the fresh new facilities on Level 1 in April.

The September 2016 intake included Readers from Indonesia and Papua New Guinea. The Indonesian reader Alghiffari Aqsa was sponsored by the International Commission of Jurists, and PNG Reader Natasha Mawa was invited by the Bar as part of our Pacific Rim education partnership.

I thank the Chair of the Education and Professional Development Committee and the Readers' Course Sub-Committee, Dr Matt Collins QC, for leading these Committees as Chair and Rachel Chrapot, her team and the many members of the Bar and judiciary who contributed to the course this year.

#### Indictable Crime Certificate

Over 100 Indictable Crime Certificates were issued during the financial year. I congratulate and thank the Indictable Crime Certificate Committee for the enormous amount of work the Committee continues to perform each year. I would like to extend particular thanks to the Honourable Stephen Charles AO QC for his leadership as Chair of the Committee and his commitment and dedication to this vitally important initiative for the Criminal Bar. I also thank all committee members for their continuing dedication and support.

#### Junior Bar Conference

The Junior Bar Conference was held again this year for the second time. It was once again incredibly well received and well attended.

Her Honour Justice Michelle Gordon delivered a topical and engaging keynote address: Legal practice at the Bar and increasing automation: How I learned to stop worrying and love technology. The day proceeded with various panel sessions and master classes relevant to practice as a new barrister.

I thank Rachel Chrapot (General Manager, Member Services) and the Education and the New Barristers Committee for their work in bringing this event to life. I also thank the many members of the Bar and the judiciary who generously donated their time to teach the sessions and master classes on the day.

#### Victorian Bar News

Georgina Schoff QC and Georgina Costello do a fantastic job each year editing the Victorian Bar News, and together with the Bar News Committee uphold the publication's highly engaging style and intellectual standard. The Bar thanks the editors, the committee and all members who have contributed to the Bar News this year.

# Vale Jim Merralls AM QC & Hartog Berkely QC

#### Jim Merralls AM QC

In August last year we were saddened to hear of the death of Jim Merralls AM QC. Jim was a towering figure at our Bar for more than 56 years. One remarkable example of Jim's outstanding contribution to the legal profession was his long-standing role as editor of the Commonwealth Law Reports for a truly remarkable 47 years. Jim possessed uncompromising integrity and was one of the great influencers of our college. He will be missed greatly.

#### Hartog Berkeley QC

In February this year the Bar lost another of its legends on the passing of Hartog Berkeley QC. Hartog had been a member of the Bar for 46 years and was a past Chairman (1979 – 1981). He was appointed Solicitor General in 1982, a role he performed with distinction for ten years before returning to the Bar and practising until his retirement in 2005. Hartog was passionately devoted to the Bar's independence and collegiate community. We will remember Hartog for his courage, generosity, boundless wit and enduring passion for the law.

#### In Closing

The Chief Justice the Honourable Marilyn Warren AC retired on 1 October 2017. Chief Justice Warren has commanded the respect of the entire legal profession and has brought a unique perspective to the administration of justice in Victoria. The Bar was pleased to join with the Law Institute to host a Farewell Dinner for the Chief Justice on 23 September this year. The evening fulfilled the objective, as requested by the Chief Justice, of being an enjoyable light-hearted evening of celebration. Her Honour's term has been one of innovation, leadership and achievement. It has been an honour to participate on behalf of the Bar in marking what has been an outstanding contribution that the Chief Justice has made as a Judge of the Court, and then as Chief Justice, to the administration of justice in this State.

I also take this opportunity, to thank Chief Justice Warren for her continued commitment to undertaking the important task of appointing silks each year. I thank the Honourable Stephen Charles AO QC for the significant contribution he makes in his role as Chair of the Preliminary Evaluation Committee.

The Attorney General has announced the appointment of The Honourable Justice Anne Ferguson as the new Chief Justice, effective 2 October 2017. Justice Ferguson has served as a Judge of the Supreme Court since 3 May 2010 and as a Judge of Appeal since 12 August 2014. The Bar extends its congratulations to the new Chief Justice on her appointment.

My particular thanks to Paul Anastassiou QC for his work as President in 2016. Under Paul's leadership the Governance Review was initiated and our new Strategic Plan developed. Paul was also the creator of the concept for the development of CPD In Session and saw the project through to launch last year.

Thank you to Paul Anastassiou QC, my predecessor as President, and Suzanne Kirton who retired from the Bar Council at the last election. I also thank members who retired upon appointment to judicial office during 2016-2017. They are David O'Callaghan, now the Hon Justice O'Callaghan following His Honour's appointment to the Federal Court; and Ted Woodward SC, Greg Lyon QC and Samantha Marks QC, now Their Honours Judges Woodward, Lyon and Marks following Their Honours' appointments to the County Court. I thank each of them for their contribution.

I thank the Bar's CEO, Sarah Fregon, and her team who have worked diligently to deliver and support many of the initiatives I have referred to and who have supported the implementation of the continuing improvements to the governance of the Bar Council. I thank Rachel Chrapot, Amanda Utt, Kirstin Green, Alison Rock, Sally Bodman, Ross Nankivell, Denise Bennett, Wendy Pollock, Bianca Stajcic, Emma Fox, Gabrielle Ostberg, Courtney Bow, Stephen Holland, Trevor Robinson, Marisa Pretotto, Daphne Ioannidis, Alannah Jones, Fiona Faulkner and Elize Simpson for their respective contributions over the last financial year.

I would like to extend particular thanks to Alison Rock and Sally Bodman who after over 9 and 6 years respectively have left the Bar office. Alison and Sally contributed significantly in the performance of their roles over the years, Sally in Marketing, and Alison in Member Services and Compliance. I wish them both every success and enjoyment in the next phase of their careers.

I thank all members of the Bar Council, the Honorary Secretary, Andrew Denton, and Assistant Honorary Secretary, Nicole Papaleo, for their commitment, support and assistance this year.

I am particularly grateful for the dedicated support and assistance of the Executive Members of the Bar Council, Vice-Presidents, Dr Matthew Collins QC and Wendy Harris QC, and Treasurer, Daniel Crennan QC. I thank them sincerely. I am also grateful for the ongoing support and encouragement I have received from past Presidents and Chairmen, Paul Anastassiou QC, Jim Peters QC, William Alstergren QC and Fiona McLeod S.C.

#### PART II

# BAR COUNCIL 2016-17

#### Category A:

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

President	Jennifer J Batrouney QC
Senior Vice-President	Dr Matthew J Collins QC
Junior Vice-President	Wendy A Harris QC
Member	O Paul Holdenson QC
Member	Michelle L Quigley QC
Member	Simon E Marks QC
Member	Dr Ian R L Freckelton QC
Member	Peter A Chadwick QC
Member	Aine M Magee QC
Member	Christopher J Winneke QC
Member	Elizabeth M Brimer

#### **Category B:**

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

Honorary Treasurer	Daniel J Crennan QC
Member	Susan K Gatford
Assistant Honorary Treasurer	Sam D Hay
Member	Justin P Wheelahan
Member	Elizabeth H Ruddle
Member	Sarah J Keating

#### **Category C:**

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

Member	Karen Argiropoulos
Member	Daniel B Bongiorno
Member	Barbara A Myers
Member	Julia Frederico



#### PART III

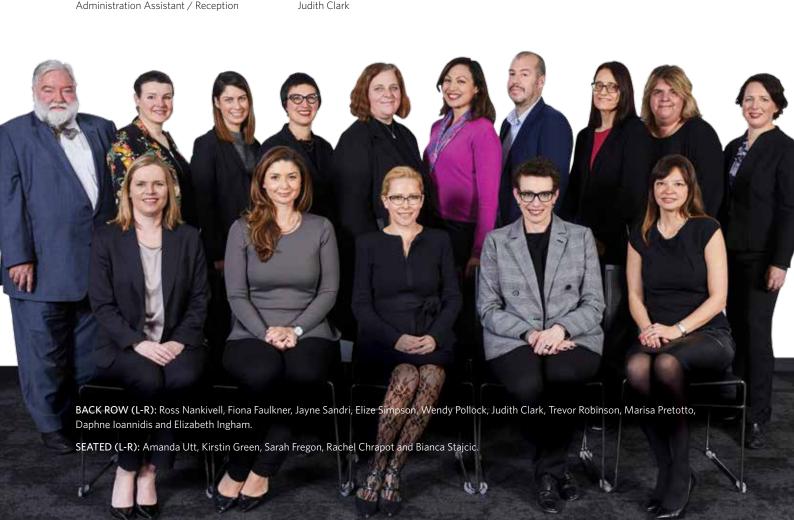
# VICTORIAN BAR STAFF

#### **Bar Council & CEO Support**

Chief Executive Officer	Sarah Fregon
Executive Assistant to the Bar Council	Denise Bennett
Executive Assistant to CEO	Liz Ingham
Manager, Ceremonies and Protocol	Ross Nankivell
Corporate Services	
General Manager, Corporate Services	Amanda Utt
Marketing & Communications	
Digital Communications Coordinator	Trevor Robinson
Events and Communications Coordinator	Alannah Jones
Business Development Coordinator	Sarah Harrison- Gordon
<b>Corporate Operations</b>	
Manager, Corporate Operations	Kirstin Green
Administration Assistant / Reception	Judith Clark

#### Victorian Bar Mediation Centre

Mediation Centre Coordinator	Fiona Faulkner
	Elize Simpson
Member Services	
General Manager, Member Services	Rachel Chrapot
Compliance and Member Services	
In-House, Governance and Compliance Lawyer	Jayne Sandri
Compliance Officer	Marisa Pretotto
Administration Assistant, Membership	Daphne Ioannidis
Education & Policy	
Policy Lawyer	Travis McKay
Readers Course Coordinator	Wendy Pollock
Continuing Professional Development Coordinator	Bianca Stajcic



### LEADERSHIP TEAM



# Sarah Fregon Chief Executive Officer

Sarah Fregon was appointed to the position of CEO in March 2015. More recently, Sarah has led the implementation of an HR framework and organisational restructure, the provision of the operational support for the Bar's ongoing governance review and development of the new strategic plan, the communications strategy and the redevelopment of the Victorian Bar website. In her role as CEO, Sarah is the corporate secretary for the Victorian Bar Inc, Melbourne Bar Pty Ltd, Victorian Bar Foundation Ltd, Peter O'Callaghan Gallery Ltd, and Melbourne Commercial Arbitration and Mediation Centre Ltd. She is responsible for financial management, reporting to the Bar Council and Finance & Audit Committee, and key stakeholder relationships at an operational level with peer associations, peak national legal bodies, State and National regulators, the courts, government and media. Sarah previously practised as a solicitor and then a barrister for nine years before taking on General Counsel roles 'in-house' with national franchise company, Endota Spa, and then multi-national consumer goods company, PZ Cussons. In each of these roles Sarah has led the development and implementation of risk management, governance, corporate social responsibility and organisational strategy. As General Counsel at PZ Cussons, Sarah was Company Secretary, a member of the senior executive team and held broader management roles as Head of Corporate Social Responsibility and Communications. During the time she led the legal team in the acquisitions of each of Rafferty's Garden and Five:am Organic Yoghurt and then integration of these businesses as the company expanded its operations into food & nutrition.



### Rachel Chrapot

#### General Manager. Member Services

Rachel's responsibilities include management of the Education and Policy teams and Membership Governance & Compliance teams in the Bar office. She has oversight of the education programs conducted by the Bar including the Bar Readers' Course and CPD program. This includes support for the relevant committees under that portfolio. She also manages the Bar's membership and governance and compliance issues which include assisting the Ethics and Counsel Committees and Bar Council, Liaising with the Legal Services Commissioner and other key stakeholders.

In 2014, she was first appointed as Manager of Education & Policy for the Bar. Prior to joining the Victorian Bar Inc, Rachel has experience as a barrister, lecturer at both Monash and Melbourne University Law schools and as the Program Director of the Monash University JD. She is also the former Judges' Associate to The Hon Justice Philip Mandie of the Supreme Court of Victoria. Rachel holds degrees in a Bachelor of Arts (Hons.), Bachelor of Laws (Bond) and a Masters of Laws (Melb).





Amanda has worked for the Victorian Bar since 2015 as Project Manager for CPD In Session, the Vicbar website redevelopment and the Learning Management System and CRM implementation. In 2017, Amanda was appointed General Manager, Corporate Services and oversees Corporate Operations including the Mediation Centre, HR, Communications & Events, Business Development and Finance.

Amanda has over twenty years' experience in management, including general management, HR, training, operations and projects, primarily in tourism, events and attractions with the CaPTA Group, and has also authored a nationally accredited Certificate 3 qualification.

Amanda holds a Bachelor of Legal Studies, Diploma of Tourism and Certificate IV in Training & Assessment.



Kirstin Green
Manager, Corporate Operations

Kirstin provides a variety of management and professional support across the Bar with an emphasis on the day to day operations for the VicBar head office, Mediation Centre and conference and meeting areas at Level 1 Owen Dixon Chambers East. Kirstin's responsibilities include office management, the provision of finance support, Human Resources, committee support, Melbourne Commercial Arbitration and Mediation Centre Ltd operations & governance and special projects as directed by the CEO. Kirstin Green was appointed as Office Manager & EA to the CEO in 2015 and is now Manager, Corporate Operations. Kirstin has experience in supporting C-Level Executives, human resources, quality auditing and risk management working in the financial services & automotive industry. Kirstin holds Diploma in Quality Auditing & OHS and Certificate IV in Financial Services and Human Resources.



Ross Nankivell
Manager, Ceremonies and Protocol

Ross Nankivell came to the Bar Office on 1 May 2002 from his teaching at the Law School of Pennsylvania State University – Joseph B Kelly Lawyering Skills Professor. His title then was Legal Policy Officer. His principal duty was in working with the Bar Chairman, and with senior members of the Bar in the particular area of law involved, on submissions to Government and Law Reform Bodies. He also drafted and worked with the Chairman on Bar speeches at various ceremonial sittings, principally to welcome newly appointed judges and farewell retiring judges. Ross continues to be responsible for drafting ceremonial sitting speeches for the Bar. He drafts obituaries for members and former members of the Bar. Ross is the source of a wealth of corporate knowledge and the history of the Bar more generally. He is also the Bar Office support for the Bar Alternative Dispute Resolution Committee. Prior to his 18 years Law School teaching in the United States, Ross taught at the Monash Law School, the Leo Cussen Institute and at various University Colleges. He is a graduate of the Melbourne Law School; served Articles at Mallesons and read with David Bennett and David Blackburn. He then practised as a solicitor at the Bar.



#### PART IV

### **BAR ASSOCIATIONS**

#### Criminal Bar Association

Committee as at 30 June 2017: Michael O'Connell SC (Chair); Lesley Taylor QC (Vice Chair); Simon Moglia (Treasurer); Megan Tittensor (Secretary); Remy Van der Weil QC; Anthony Lewis; Michelle Mykytowycz; Justin Hannebery; Olivia Trumble; Cynthia Lynch; Pardeep Tiwana and Megan Casey

Every year presents old and new challenges for the Criminal Bar Association (CBA). And this year, like all years, the CBA has sought to enhance the criminal justice system of Victoria by participating in public debate and making submissions to both law reform and drafting bodies. We have assisted our own members with legal and ethical issues as they arise in the course of practice and we have engaged with the courts and the chief briefing agencies.

This year the CBA has worked particularly hard with Office of Public Prosecutions (OPP) to obtain an increase in the brief fees paid for our members who are briefed by the OPP, including meeting with the Attorney-General. We are most pleased that from early October 2017 there will be an across the board increase in these fees, the first such increase in a decade. The OPP work performed by the Bar is an integral part of the criminal justice system and the recognition of that by government implicit in the fee increase is to be commended.

The issue of bail law reform has been of particular note this year, and the CBA contributed both to the Coghlan review and the body overseeing the implementation of the recommended changes. Likewise the CBA has contributed to bodies considering changes to the Jury Directions Act, sentencing regimes and mooted changes in the field of sexual offences, particularly the introduction of intermediaries with respect to child witnesses and witnesses with cognitive impairment.

The relationship between the CBA and Victoria Legal Aid (VLA) is of primary importance. This year Legal Aid released a report into summary crime. The difficulties facing all participants in that sphere continue to be of major concern to the CBA.

We have raised, whenever and wherever possible, issues concerning fairness and access to justice. We remain concerned with overcrowding in cells, people in custody who are simply not brought to court for their matters to be heard, inefficient and ineffective video link facilities and the introduction of a night court. The CBA advocates for increased funding for this very underfunded system.

The CBA provides many CPD lectures and sessions to promote the ongoing excellence of our membership. The regimes overseeing Indictable Crime Certificate and VLA preferred counsel list are settled and working well.

The CBA notes that its chair, Michael O'Connell S.C., was appointed to the County Court in July 2017. We wish His Honour well in what will no doubt be a brilliant judicial career. Lesley Taylor QC, then the Vice Chair, took over as Chair and is the first women to be the Chair of the CBA. We have also congratulated a number of other members who have taken judicial appointment in the past year.

We thank the staff of the Bar Office for the support the CBA always receives.

#### Commercial Bar Association

The Executive Committee as at 30 June 2017 (and continuing) is as follows: Dr Matthew Connock QC (President), Wendy Harris QC (Senior Vice President), Luke Merrick (Junior Vice President/Convenor), Stewart Maiden (Treasurer), Caroline Kenny QC, Oren Bigos, Paul Hayes, Kathleen Foley, Caryn Van Proctor, Dr Elizabeth Boros, Andrew Downie, Georgia Douglas (Honorary Secretary), and Kieran Hickie (Assistant Honorary Secretary).

At the AGM in November 2016 the following former members of the Executive retired and CommBar acknowledges and thanks each of them for their substantial contribution. They are: Philip Crutchfield QC, Stewart Anderson QC, Caroline Kirton QC, Albert Monichino QC, Ian Percy and Anna Robertson.

It is also to be noted that Albert Monichino QC served on the Executive for 22 years, which it is expected will stand as a record for all time.

The Commercial Bar Association of Victoria (CommBar®) incorporates nineteen separate specialist sections. Information regarding each section, including its Chair and members, is available on CommBar's website, www.commbar.com.au.

Like previous years, the 2016 – 2017 year has been a busy one for CommBar, with it remaining actively engaged in many and varied activities with the profession, the courts, universities, the judiciary, the Law Reform Commission, the Victorian Equal Opportunity and Human Rights Commission, Vicbar and other organisations.

# The activities CommBar has been engaged with during the year include the following:

- > Addressing various matters associated with the London Conference that concluded on 30 June 2016. This included recovering a substantial sum in connection with VAT, which was materially aided by the assistance of the Bar office and Paul Hayes.
- > Revising CommBar rules to allow Clerks to be members, allow for honorary memberships, and to improve efficiency in connection with voting and other processes.
- Maintaining the CommBar website and working on its integration into the new Vicbar website.
- Providing funding and other support to the nineteen CommBar sections.
- Organising seminars in conjunction with the Federal Court of Australia, the Supreme Court of Victoria, Melbourne University and Monash University.
- Sponsoring various events and organisations including Austlii, the Australian Insurance Law Association dinner, the INSOL conference, and the recent CIArb Australia business lunch.
- Continued publication of CommBar's Blog "CommBar Matters", and the quarterly publication of the CommBar's Newsletter. The ongoing fine contribution of our editor, Daniel Lorbeer, is appreciated and acknowledged.
- Communicating and meeting with the Deans of Melbourne University Law School and Monash University Law School.
- Engaging with the Victorian Equal Opportunity and Human rights Commission, the courts, charter signatories and other stakeholders in relation to the CommBar Equitable Briefing Initiative, particularly in connection with the Commission's changed role, the first public report, and the way forward.
- Organising a roundtable conference at the Supreme Court of Victoria for stakeholders and others regarding the CommBar Equitable Briefing Initiative. In this regard, CommBar acknowledges and thanks The Honourable Chief Justice Warren AC and The Honourable Justice Chris Maxwell AC for agreeing to host the conference and for their ongoing strong support of this important initiative.



**ABOVE:** Hon Malcolm Turnbull MP delivering the closing address at the ABA/VicBar conference October 2016

- > Attending various events, functions or occasions, including welcomes and seminars. The welcome drinks for the new silks in the Federal Court generously and warmly hosted by The Honourable Chief Justice Allsop AO served as another excellent example of the importance of the connection between Bench and Bar.
- > Working with Vicbar and the Bar Council on various matters including direct briefing, equitable briefing, seminars, submissions, and conferences. The ongoing assistance and support of Bar's CEO, Sarah Fregon, and her colleagues has remained integral to the successful running of CommBar and such assistance is acknowledged and appreciated.
- Preparing submissions to law reform and other bodies, including submissions on class actions, open justice, litigation funding, and contingency fees.
- Participating in working groups for the Commercial Court and the Court of Appeal and providing feedback on practice, procedure and related matters.
- Assisting The Honourable Justice Digby and Professor Ramsay with the organisation of the Supreme Court Commercial Conference, now to be held early next year.
- Appointing and endorsing new Chairs for CommBar Sections.
- Participating in the Innovation and Excellence in Courts Conference held by the Australian Institute of Judicial Administration and hosted by the Supreme Court of Victoria in March 2017.
- > Facilitating pro-bono requests through Section Chairs.
- Approving subscription rates and dealing with other membership related matters.
- Assisting the Court of Appeal and The Honourable Justice Chris Maxwell AO with an advocacy training initiative.
- Addressing nomination requests for contracting parties in dispute where CommBar was named as the appointing body.
- > Planning and organising CommBar's annual cocktail party,

- Exploring the possibility of holding a conference in Hong Kong in 2018 together with the Bar, the Hong Kong Commercial Bar and the English Commercial Bar Association.
- > Liaising with readers and new CommBar members.

Commbar has more than 600 members and is a strong, engaged, and interested voice for its members, with the vast majority being practising barristers. CommBar remains committed to advancing the interests of all of its members and the interests of the Bar generally in connection with the administration of justice.

#### Children's Court Bar Association

Committee as at 30 June 2017: Melissa Stead (President), Natalie Sheridan-Smith (Secretary), Arna Delle-Vergini (Honorary Treasurer), Judy Benson, Vicki L Marty, Randall Kune and Samantha Renwick.

**Retiring committee members:** Robert T Burns (President for 15 years), Geoffrey R Martin (Honorary Treasurer for 15 years). The significant contribution and tireless efforts of these retiring office bearers was gratefully acknowledged at the AGM in December 2016.

The Children's Court Bar Association is comprised of dedicated Counsel who work in a unique area of law that is dynamic and challenging.

The jurisdiction has quickly adapted to the significant changes to care orders implemented by amendments to the Children Youth and Families Act 2005 that took effect in March 2016. The jurisdiction continues to rapidly evolve in response to ongoing, highly contentious and topical issues including:

- > the prevalence of family violence in the community and in the Family Division court proceedings which has been well documented by the Royal Commission into Family Violence; and
- → high profile litigation concerning the status and treatment of children and young people on remand for criminal offences. The last twelve months has also seen dramatic developments in court procedure with a view to more effectively engaging parents in the Court process to ensure better outcomes for children:
- » Broadmeadows Children's Court successfully piloted a docketing scheme which has now been adopted at Moorabbin and Melbourne Children's Courts to ensure consistency and efficiency in the ongoing conduct of proceedings;

- Court-based Aboriginal Family Led Decision Making meetings are a further initiative currently being piloted at Broadmeadows Children's Court with a view to potentially expanding to other jurisdictions; and
- Family Drug Treatment Court continues to successfully engage parents with long standing drug addictions to make sustainable changes in their lives and in parenting their children.

In recent years, an increasing number of proceedings have been successfully resolved by conciliation conferences rather than requiring lengthy contested hearings. With the support of their lawyers, parents are more directly engaged in the problemsolving and decision-making process. This initiative makes it more likely that change will be sustained by parents in the long term.

The CPD program is now focussing on better educating our members in relation to multi-disciplinary medical/psychiatric research in addition to new therapeutic and practical initiatives directed to better protecting children from exposure to trauma and family violence.

We continue to address the issue of briefing fees with Victorian Legal Aid and the Department of Human Services and have regular liaison with the Court User Group and DHHS litigation unit to work towards improved outcomes.

#### Common Law Bar Association

Committee at 30 June:- Ross Gillies QC (Chairman), Mary Anne Hartley QC (Treasurer), David Martin (Secretary) Richard Stanley QC, Tim Tobin QC, Fiona McLeod SC, Michael Wheelahan QC, James Mighell QC, Andrew Clements QC, Róisín Annesley QC, Jacinta Forbes QC, Michelle Britbart QC, Simon McGregor, Fiona Ellis, David Purcell, Patrick Over, Gavin Coldwell, Stephen Jurica, Stella Gold, Julia Frederico and Raph Ajzensztat.

During the year, the Common Law Bar Association has been involved in a number of activities including:-

- > Continued liaison with the Judges of the Supreme Court including Justice J.H.L. Forrest, The Honourable Justice David Beach and Justice Zammit concerning the conduct of common law trials in the Supreme Court.
- > The Common Law Bar Association is represented on the various User Groups including the Personal Injuries List, the Medical List and the Dust and Diseases List and "Key Points Bulletins" emanating from the Court following meetings of the various User Groups have been circulated to members.
- Liaising with the Bar regarding proposed submissions to the Law Reform Commission in response to its Consultation
   Paper - Access to Justice - Litigation Funding and Group
   Proceedings.

- > Meeting with Judges of the County Court, including Chief Judge Kidd and Judge O'Neill together with those responsible for the listing of cases. The Court continues to liaise with the Common Law Bar Association especially concerning improvements in listing procedures and attempts to streamline the conduct of serious injury applications, including earlier listing of damages trials following successful serious injury applications. The Court has implemented a system whereby cases which have not been reached have been allocated a new trial date within two three months. The Court has also agreed to fix more cases for trial on a daily basis resulting in a slight increase in the number of "not reached" cases. The matter will continue to be monitored.
- > The provision of speakers and topics on a range of issues as part of the Bar's ongoing CPD Program.
- Providing case summaries of recent Court decisions to its members.
- > Jointly sponsoring the Australian Insurance Law Association Conference and Dinner.
- Making a submission to the Supreme Court regarding amendments to the Court Rules concerning costs issues and the role of Litigation Guardians which submission resulting in amendments to Chapter 1 of the Rules.
- Continued discussion 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 as a result of transport accidents and industrial accidents.
- > Hosting a very successful dinner following the Annual Meeting in December 2016.

The number of members of the Common Law Bar Association continues to increase. Currently, there are 304 members of the Victorian Bar who are members of the Common Law Bar Association.

## Compensation Bar Association

The Committee as at 30 June 2017: lan McDonald (Chairman), Anthea MacTiernan (Secretary), Ray Ternes (Treasurer), Michael Richards, Timothy Ryan, Bruce McKenzie, Steven Carson, Nick Horner, Sascha Dawson, Kim Bradey and Megan Tait.

The Association continues to flourish with a current membership of 110, probably in no small part due to Bruce McKenzie's diligent distribution of judicial decisions from the Magistrates', County, Supreme and High Courts. This contemporaneous distribution of relevant decisions is of enormous significance to those practising in the jurisdiction, and offers a compelling reason to join the Association.

It is particularly gratifying that there is a significant take-up of membership by those who have recently completed the Readers course and for whom membership of the Association is free for the first year.

The number of WorkCover applications issued in the Magistrates' Court has decreased by some 20 per cent compared to the same time the previous year. We do not have details of the numbers of Writs for statutory benefits cases in the County Court but anecdotally they appear to be approximately the same.

Representatives of the Association, Michael Richards and Nick Horner have continued to liaise with the Magistrates' Court WorkCover Users Group on a regular basis.

There appears to be an increasing trend in relation to Medical Panel referrals from both the Magistrates'Court and the County Court (in serious injury applications) and this is of some concern to members in terms of the numbers of contested hearings. However, on the positive side many members of the Association are briefed to draw the increasingly complex paperwork that these referrals involve.

Anecdotally it seems that a significant number of decisions from the Magistrates' Court are currently being appealed to the Supreme Court and many members of the Association have also been actively involved in these appeals.

The Association continues to liaise closely with the Common Law Bar Association concerning issues of mutual interest, such as the number of cases listed for hearing in the County Court.

On Thursday 10 November 2016 the Association held its Annual General Meeting followed by a free drinks function for its members and guests. Special guests at the function included those members who had reached 40 years of practice and/or had recently retired. The honoured guests were: Arthur Adams QC, Denis Gibson, Clyde Miles, Peter Kozicki, Peter Rosenberg, Michael Ruddle, Ian Gourlay, Bruce McTaggart, Neal Chamings and Stan Spittle. We thank those who have retired for their long and distinguished careers at the Bar.

In a first for the Association it hosted a free cocktail party for its members and a large number of solicitors who actively practise in the jurisdiction on the rooftop at Slate Bar & Restaurant on Thursday 30 March 2017. Those who attended rated the event a great success and similar functions will be considered in the future.

The CLBA also continues to provide educational and professional development support to ensure the Bar maintains its high standard of representation. Several CPD lectures have been offered for that purpose, and the standard remains excellent. The Association hosted CPD sessions as follows:

Nick Horner, barrister and member of the Association, "s114(2A) of the Accident Compensation Act in the context of Jarvis v The Salvation Army";

Ray Ternes, barrister and member of the Association, Reasonable Administrative and Management Action"; Robert Paoletti, barrister and member of the Association, "Recent Developments in Medical Panel Referrals";

## Family Law Bar Association

Committee at 30 June: Geoff Dickson QC (Chair), Rohan Hoult (Deputy Chair), Patricia Byrnes (Secretary), Robin Smith (Treasurer), Caroline Jenkins, Andrew Combes, Jennifer Howe

The Association has grown in numbers, with currently 200 members. Sadly, we lost Noel Ackman QC recently. Noel was a past Chair of the Association for a record 10 years.

# The Association has continued its busy role in a number of areas including:

- Liaising with the Family Court in relation to listing issues, including the management of two phases of a "blitz" involving interstate judges, in an attempt to clear the backlog of cases
- Ongoing meeting with members of the Federal Circuit Court regarding issues facing that Court
- Attempts (albeit largely unsuccessful) to make representations to the Government regarding the merit of appointing specialist Family Lawyers (especially FLBA members) to judicial positions, in particular the FCC
- A number of committee members were involved with presentations at the National Family Law Conference, which was held in October 2016
- > The provision and arrangement for speakers on a broad range of CPD topics (everything from cross examining Accountants to Mindfulness)
- Ongoing submissions and involvement with various ongoing inquiries and reviews
- Continuing discussions with Victoria Legal Aid regarding their proposed Preferred Barristers List

In relation to the VLA issue, meetings continue to occur and the process is clearly an ongoing one. However, what is clear is that the model, if it does come to fruition, will be very different to that previously proposed. A meeting of members made the view very clear, and that view was communicated to VLA, and was clearly heard.

We expect a busy year, with the state of parliament making clear that those Senators calling for an overall review of "the Family Law system" will succeed in that call. Clearly, there will be significant consultation, and representation, required.

Social functions remain an important part of the Committee's work. The annual pre-Christmas dinner was a great success, as was the more recent dinner to farewell the outgoing Chief Justice of the Family Court. We can only hope that there will be a new Chief Justice announced shortly.

#### **Industrial Bar Association**

Committee as at 30 June 2017: Craig Dowling (President), Richard Dalton (Senior Vice President), Steven Moore QC (Vice President), Rohan Miller (Treasurer), Catherine Symons (Secretary), Paul O'Grady QC, Eugene White, Gerard McKeown, Mark Irving, Victoria Lambropoulos, Mark Felman, Robert O'Neil, Andrew Bell, Siobhan Kelly, Rebecca Preston, Brendan Avallone.

The Industrial Bar Association is comprised of counsel who undertake work in industrial and employment law in state and commonwealth courts and tribunals. During the 2016-2017 financial year the Industrial Bar Association co-ordinated and developed a continuing professional development program on topics of significance to its members. The association participated in the Supreme Court of Victoria's employment and industrial list users' group and was involved in the establishment of the employment and industrial relations users' group in the Federal Court of Australia. The association continued to provide a forum for the exchange and dissemination of information relevant to its members and organised social functions to facilitate co-operation and comradery between its members.

- > The events organised by the Industrial Bar Association during the 2016-2017 financial year included:
- > The annual industrial law update seminar delivered by the Honourable Justice Mordecai Bromberg; Steven Moore QC; Cassie Serpell, Kate Burke and Brendan Avallone.
- The annual employment law update delivered by the Honourable Justice Michael McDonald, Associate Justice Ierodiaconou, Paul O'Grady QC, Dr Victoria Lambropoulos and Joel Fetter.
- A seminar entitled 'Regulators' Update: Regulatory Priorities and approach to civil penalties' delivered by Janine Webster (Fair Work Ombudsman), Ben Vallance (Australian Building and Construction Commissioner), Paul O'Grady QC and Rob O'Neill
- > A seminar on developments in industrial action (particularly by reference to the decision in Esso v AWU) presented by Herman Borenstein QC.
- An annual dinner of members addressed by Deputy President Anne Gooley of the Fair Work Commission.
- > The Industrial Bar Association thanks its members and supporters for their contribution to developing learning and co-operation within the industrial and employment jurisdiction.

#### Tax Bar Association

Committee at 30 June 2017: Michael T Flynn QC (President), Terry Murphy QC (Vice President), Daniel J McInerney (Treasurer), Hadi Mazloum (Secretary), Andrew Broadfoot QC, Michael Y Bearman, Julianne E Jaques, F John Morgan,

Eugene F Wheelahan, Ria Sotiropoulos, Sam Ure, Angela Lee (CPD Coordinator), Kateena O'Gorman, Annette M Charak, Claire V Nicholson (Communications Officer), Ben Gauntlett, Anna R Wilson, Fiona R Cameron (Communications Officer), Gareth J Redenbach.

The Committee thanks those members who retired during the year. The Committee also thanks Jennifer Batrouney QC, the immediate past president for her contribution to the Tax Bar Association.

# Highlights of the Financial Year included:

#### Membership

Membership has increased to 131.

#### **CPD**

Provision of a number of CPD seminars on a range of topics, including:

- The Panama Papers and Tax Avoidance 25 August 2016 delivered by Angela Lee and Kaitlin Lowdon, chaired by Terry Murphy OC:
- Decision on Sham: Millar v Commissioner of Taxation 10 October 2016 - delivered by Jennifer Batrouney QC, Annette Charak and Hadi Mazloum, chaired by Justice Moshinsky.
- > The post-Futuris landscape: the impact of the High Court's decision in relation to ss 175 and 177 and challenges to administrative decisions of the Commissioner of Taxation 17 November 2016 delivered by Stephen Sharpley QC and Simon Tisher, chaired by Jennifer Batrouney QC;
- Bywater Investments what did the High Court decide and what are the implications for corporate residence? - 14 December 2016 - delivered by Michael Flynn QC and Dr Julianne Jaques;
- > What are "Conditions" and "Commercial or Financial Relations" within the meaning of subdivision 815-B of the ITAA 1997? - delivered by Daniel McInerney and Gareth Redenbach, chaired by Simon Steward QC;
- Thomas v Commissioner of Taxation What are the implications for trustees? - 8 May 2017 - delivered by Michael Bearman and Fiona Cameon, chaired by Terry Murphy QC;
- Cross border lending after Chevron delivered by Greg Davies QC and Andrew Broadfoot QC, chaired by John de Wijn QC;
- Ethical considerations before alleging conscious maladministration and improper purpose against the ATO delivered by Meredith Schilling and Andrew de Wijn, chaired by Michael Flynn QC;

Organising various CPDs and social functions in partnership with the ATO & SRO as well as tax groups in law and accounting firms.

#### Tax Bar Brochure

Created a Tax Bar Brochure, showcasing the profile and CV of interested members which was distributed at the Tax Bar Association annual dinner and other functions to solicitors and potential clients. It is also available for download from the Tax Bar website.

#### AAT Pro Bono Scheme

Working closely with the AAT to develop and implement a pro-bono scheme to mirror that of the superior Courts so as to facilitate access to justice for those in need.

#### Consultation

The President and Vice-President met with the representatives of the Inspector General's office in May 2017 to discuss issues on the Inspector-General's work program, including the future of the tax profession. The President also attended a meeting of the Legal Profession Relationships Round Table on 8 May 2017.

#### Tax Discussion Group

The monthly "Tax Discussion Group" lunches, chaired by John Morgan have continued this year and they provide a forum in which tax barristers can discuss recent cases and issues that arise from them.

#### Tax Bar Newsletter

The TBA Communications Officers sending out a regular electronic newsletter, informing members, and subscribers from legal and accounting firms, the Australian Taxation Office, and universities, of the latest tax developments.

#### Tax Bar Website

The Association's website is a valuable and up-to-date tax resource available to members, which includes papers presented by barristers and other tax professionals, an easy search tool for a tax barrister, links to research material, and notices of forthcoming seminars and social events.

#### Social Events

Hosted a number of social events to foster relationships between Association members and the broader tax community. The 2016 annual dinner in December had as its guest speaker The Honourable Justice Gordon of the High Court and the 2017 annual dinner will have as its guest speaker The Honourable Justice Pagone of the Federal Court.

Finally, the Tax Bar Association was particularly pleased to host drinks and dinner for Friederike Grube, Judge of the German Fiscal Court upon Her Honour's visit to Melbourne in August 2016.

#### Women Barristers' Association

Committee as at 30 June 2017: Kylie Weston-Scheuber (Convenor), Sandra Karabidian (Assistant Convenor), Alex Burt (Assistant Convenor), Joye Elleray (Treasurer), Jess Swanwick (Secretary), Megan Tait (Assistant Secretary), Tiphanie Acreman (Memberships Officer), Jing Zhu (Communications officer), Emma Peppler (immediate past convenor and coopted member), Jennifer Batrouney QC, Suzanne Kirton, Diana Price, Megan Fitzgerald, Susan Aufgang, Fiona Batten, Astrid Haban-Beer, Natalie Blok, Laura Keily, Georgia Berlic, Sarah McNaught, Samantha Renwick, Bridget Slocum.

**Retiring committee members:** Fiona Batten, Jennifer Trewhella (Assistant Convenor)

WBA presently has more than 220 members. In the financial year ending 2017, the Women Barristers' Association (WBA) undertook a number of events and activities.

Equitable briefing continues to be a focus for the WBA. During 2016 and 2017, WBA provided a response to the LCA and Bar Council in relation to the draft National Gender Equitable Briefing Police (GEBP) Guidelines, and is involved in the implementation of the GEBP Guidelines through its involvement in the Bar Council's working committee. WBA has also corresponded with Victoria Legal Aid and the State Revenue Office in relation to equitable briefing.

WBA also organised a workshop to inform members about the procedures under the Bar's Grievance Protocol and to explore hypothetical scenarios of bullying and harassment and how they might be dealt with.

In conjunction with the Court of Appeal, WBA ran for the second time an Advocacy Program for members, providing the opportunity for upcoming appellate barristers to improve their skills by presenting a moot appeal to a full bench, organised by her Honour Justice Pamela Tate.

In August 2016, WBA hosted for the second time a "Stella prize" event as a networking event for members and to promote women authors.

WBA co-hosted a series of events with VWL, including a "Coming to the Bar" event and a very popular networking lunch series. WBA and VWL also continue to work together on a joint mentoring program for law students.

In June 2017, WBA hosted an event on "Progressing your career at the Bar" for members, to encourage members to apply for silk and to provide information and insights into ways to develop a career at the Bar.

In the last year, WBA has continued to actively promote women candidates for election to Bar Council. We held our annual "Leaps and Bounds" event, to network and congratulate women who were appointed to the Bench, took silk, were elected to Bar Council, and all the men and women who joined the Bar as Readers.

WBA sponsored attendance at the 2016 AWL conference and has continued to promote a range of events to its members.

### Military Bar Association

Committee as of June 2017: Chairman William Alstergren QC Lieutenant Commander, RANR (Chairman), Deputy Chair, Secretary Paul Panayi Lieutenant Commander, RANR Barrister, Treasurer Ben Gibson Captain (Army) Barrister, Patron The Honourable Alex Chernov AC QC and The Honourable Marilyn Warren AC Chief Justice of the Supreme Court of Victoria, Navy Patron The Honourable Justice Jack Rush RFD QC Commodore, RANR Justice of the Supreme Court of Victoria, Army Patron The Honourable Justice Richard Tracey, RFD Major General Justice of the Federal Court of Australia ADF Judge Advocate General Air Force Patron Andrew J Kirkham AM RFD QC Air Commodore Barrister.

The Military Bar Association was formed by the Victorian Bar to promote work done by its Members in the Australian Defence Forces. This includes not only legal work but also other work performed by the Members of the Victorian Bar over the years including former Members on behalf of the Defence Force and in tours of duty. Its aim is to be used as a tool to promote the services of Victorian Bar Members to firms and ADF briefing solicitors as well as to educate Members of the Bar of the benefit of being involved in Military Service.

Our inaugural function was held on the 23 August 2017. That function included a number of presentations from past and present members of the ADF including from Lieutenant Commander Simon Lee (RANR) Colonel Doug Laidlaw (CSC), Flight Lieutenant Natalie Sheridan-Smith (AirForce), Captain Keith Wolahan (Army) Colonel Gary Hevey RFD – (Army), Lieutenant Colonel Gerard O'Shea and Lieutenant Commander Will Alstergren QC.

The event was particularly well attended by a number of Junior and Senior Members of the Bar including the President of the Bar, Jennifer Batrouney QC and the Air Commodore Andrew Kirkham AM RFD QC.

There was some amazing stories that were provided by the panel about their service in the Defence Forces.

A mess dinner will be held by the Military Bar Association at the Essoign Club on 24 November 2017. It is hoped that the immediate past Judge Advocate General, Major General Westwood will agree to be the guest speaker.

My sincere thanks go to Gerard O'Shea for his assistance as well as that of Jack Rush RFD QC and Paul Panayi who have helped to get the organisation going. Also thanks goes to the Victorian Bar Office, and in particular Sarah Fregon for her assistance in helping to establish and promote this great initiative of the Victorian Bar.



#### PART V

# STANDING COMMITTEES

# Promoting Access to Justice Indigenous Justice Committee

Committee at 30 June 2017: Thomas P Keely S.C. (Chair), Abigail I Burchill (Deputy Chair), Carolyn H Sparke QC, Peter G Willis S.C., Patrick M O'Shannessy, Campbell F Thomson, Richard B C Wilson, Anne M Sheehan, Marita H Foley, Munya M Andrews, Kylie Evans, Penny A Harris, Astrid M Haban-Beer, Timothy B Goodwin and Philip H P Teo.

The Committee thanks those members who retired during the year: Jennifer J Batrouney QC, Julie Condon QC. and Michael W Wise for their substantial contributions to the work of the Committee.

The Committee also thanks the following judicial consultants for their valued and continuing support: Justice of Appeal Emilios J Kyrou (Court of Appeal), Justice of Appeal Stephen W Kaye AM(Court of Appeal), Justice Timothy J Ginnane (Supreme Court), Justice Mordecai Bromberg (Federal Court), Judge David A Parsons (County Court) and Ms Rosemary Falla (Magistrates' Court).

2016-2017 was another busy year for the Indigenous Justice Committee (IJC).

As the Bar's Reconciliation Action Plan (RAP) for the years 2012 to 2016 came to an end, a new RAP for the years 2017 to 2020 was developed by the Bar's RAP Working Group (comprised largely of IJC members). The new RAP was developed in consultation with Aboriginal and Torres Strait Islander and other members of the legal profession, Tarwirri (the Indigenous Law Students and Lawyers Association of Victoria) and Reconciliation Australia. After being adopted by the Bar Council on 2 March 2017, the new RAP was launched by Magistrate Rosemary Falla (then Victoria's only Aboriginal judicial officer) at a function in the foyer of Owen Dixon Chambers West on 31 March 2017.

At the same time, the Bar celebrated the 10th anniversary of its successful Indigenous Clerkship Program which is run annually in conjunction with the Supreme Court and the Federal Court. The function was attended, among others, by numerous members of the judiciary and numerous of the Bar's past clerks and mentorees. The photography for the new RAP and for the function was undertaken for the Bar by James Henry, a member of the Aboriginal community in Melbourne.

IJC members have organised, promoted and chaired two CPD seminars this year. The first was chaired by Aboriginal barrister Tim Goodwin and was presented by Prof Mick Dodson AM, Director of the National Centre for Indigenous Studies and Professor of Law at the Australian National University on the topic: Let's talk about recognition: Reflections on the Constitutional debate based on Tasmanian Dams. The second was chaired by Aboriginal barrister Abi Burchill (who has recently been appointed as a Magistrate) and was presented by Michelle Quigley QC and Marita Foley on the topic: Current issues with Aboriginal Cultural Heritage in Victoria.

The IJC has continued to administer and monitor various other programs, including the mentoring program for Indigenous barristers, lawyers and law students and a work experience program for Indigenous secondary school students. IJC members also participated in events held during National Reconciliation Week and NAIDOC Week.

Finally, the IJC relies upon the strong support and assistance provided to it by staff of the Bar Office. It sincerely thanks those involved, particularly Gabrielle Ostberg, Emma Fox, Kirstin Green and Sally Bodman.

## **Equality and Diversity Committee**

Committee as at 30 June 2017: Michelle L Quigley QC (Chair), Kim J Knights (Deputy Chair), Helen M Rofe QC, Grant R Atkinson, Michael Wise, David A Klempfner, Anna L Robertson, Jenny Firkin, Anne Hassan, Susan Aufgang, Amy Brennan, Premala Thiagarajan, Astrid Haban-Beer, Philip Teo and Reiko Okazak.

The Committee sincerely thanks those members who retired during the year: Jim Delany QC Tomaso Di Lallo and Susan M Borg. We also thank Ms Gabrielle Östberg, the Victorian Bar's Policy officer who provided valuable support for the committee's work especially in the equitable briefing and LGBTI policy areas.

This past year has been one which has been largely committed to developing a range of strategies and projects to facilitate the implementation LCA's National Model Gender Equitable Briefing policy. This Policy is supported by the Bar Council and it was the task of the committee to assist the Bar in its implementation in a manner which best achieved the underlying objectives of improving retention within the

profession of women barristers and to introduce measurable targets and reporting mechanisms to track the progress of this initiative at the Victorian Bar. A Working Party (consisting of M Quigley QC as chair , Jim Peters QC , Richard Attiwill QC, Simon Marks QC and Megan Fitzgerald (WBA) and John Kelly (Foleys List) was established to assist in prioritising actions to promote the underlying principles of the Policy. Whilst a small number of Victorian barristers have so far adopted the Policy, it is intended that greater emphasis will be given to promoting the formal adoption of the policy over the next 12 months. It is noted that 3 of the Barristers Clerks (Foley's List, Young's List and Howell's List) have adopted the Policy.

The committee also continued to work on widening the activation of the Committee in addressing issues of equality for other groups within the Bar, in particular on LGBTI and cultural diversity issues.

In November, the committee and the Human Rights Committee co-presented the very successful and topical CPD event on the Legal, Constitutional and Human Rights Issues Surrounding Same Sex Marriage which was chaired by former Justice of the HCA, Kenneth Hayne AC QC with a panel of speakers including Michael Kirby AC CMG, former Justice of the HCA, Catherine Dixon, executive director of VHEROC and Anna Brown of the Human Rights Law Centre.

### Human Rights Committee

Committee at 30 June 2017: Peter G Willis S.C. (Chair), Tomaso Di Lallo (Deputy Chair), Angie Wong (Secretary), Lesley Taylor QC, Susan Borg, Malcolm Harding, Aggy Kapitaniak, Anthony Krohn, Russell Moore, Michelle Mykytowycz, Michael D Stanton, Evelyn Tadros, Christopher Tran.

The Committee thanks the following members who retired at 31 December 2016: Ron J Meldrum QC, Peter J Hanks QC, Timothy Walker QC, Alexandra Folie (Secretary), Dr Andrew Hanak, Sarah Keating, Murray V McInnis, Cassie Serpell, Dr Ian F Turnbull. Other retirements: Her Honour Therese McCarthy.

#### Achievements of the Committee in 2016/2017

The Committee's task is to raise for attention issues that affect the liberty and dignity of all persons where those issues engage human rights. The Committee is especially concerned with issues affecting access to justice, equality before the law, freedom from discrimination and from the arbitrary exercise of power, and adherence by Government at all levels to widely accepted human rights norms, including those established by the International Conventions to which Australia is a signatory.

The Committee met regularly during the year under review, at approximately six-weekly intervals during legal term, as well as conducting business by sub-committee and by circular email when issues required urgent attention. The

Committee regularly reviews federal and Victorian legislation and parliamentary inquiries. Consistent themes of recent years have been human rights issues raised by the treatment of asylum seekers; counter-terrorism; access to justice and legal aid; sentencing and parole; freedom of speech and freedom from discrimination.

# Major work undertaken by the Committee in the past year included:

- Professional Development seminar (August 2016) jointly with the Victorian Bar Equality and Diversity Committee and the Law Institute of Victoria on the 2015 Review of the Charter of Human Rights and Responsibilities Act, presented by Michael Brett Young (Independent Reviewer). This followed confirmation in July that the Government had committed to adopt nearly all the Reviewer's recommendations.
- At the request of Bar Council, a working group convened by the Committee chair reviewed confidential draft proposed legislation.
- Legal Aid: triggered by a case where legal aid was denied on non-legal grounds for a high-profile, unpopular but ultimately successful criminal appeal, the Committee formed a working group to collaborate with the Criminal Bar Association to make a joint submission to the Bar Council about issues arising out of recent issues with Legal Aid funding. The matters of concern include Victorian Legal Aid's obligation to take account of human rights pursuant to the Charter, and broader issues about how proper funding assists the entire system, including prosecutors and the Courts. There have been many self-represented accused appearing in the higher courts: trials and appeals are fairer, faster and cheaper when there is properly-funded defence representation. This work is on-going.
- Professional Development seminar (November 2016) on litigation in International Human Rights Courts and UN Committees presented by Rishi Gulati, chaired by Lesley Taylor QC.
- Professional Development seminar (November 2016) jointly with the Equality and Diversity Committee on legal, constitutional and human rights implications associated with the introduction of same sex marriage in Australia, chaired by The Honourable Ken Hayne AC QC. Speakers at this capacity-attendance and highly-successful seminar were Hon Michael Kirby, Catherine Dixon (VEOHRC) and Anna Brown (HRLC).
- > Freedom of speech and freedom from racial discrimination: reflecting continuing discussion in federal Parliament and the general community of the balance between these rights (as reflected in s 18C of the Racial Discrimination Act 1975 (Cth), the Committee kept abreast of proposals. The Committee supported the comprehensive submissions of the Law Council of Australia to the federal Parliamentary Joint Committee on Human Rights.

> The transfer of children from the Victorian youth justice system to adult prisons. In early December 2016, the Committee reported to the Bar Council on breaches of human rights involved in these transfers. The matter became the subject of Court proceedings later in that month, with significant, urgent decisions at first instance and on appeal: Certain Children v Minister for Families and Children [2016] VSC 796; and Minister for Families and Children v Certain Children [2016] VSCA 343 and related decisions, Director of Public Prosecutions v SL [2016] VSC 716; Application for bail by HL [2016] VSC 750 and Application for bail by HL (No 2) [2017] VSC 1.

#### Other contributions:

- Peter Fox QC and Peter Willis SC, as member and alternate member of the Law Council Working Group on Business and Human Rights, participated in the Law Council of Australia submission to the federal Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into establishing a Modern Slavery Act in Australia, with reference to the UK's Modern Slavery Act 2015.
- > Members of the Committee made submissions to:
  - > the Federal Parliamentary Joint Committee on Intelligence and Security on the Criminal Code Amendment (High Risk Terrorist Offenders Bill) 2016 (Cth). The Bill provided for the continuing detention of high risk terrorist offenders who 'pose an unacceptable risk to the community at the conclusion of their custodial sentence'.
  - > the Senate Legal and Constitutional Affairs Committee concerning the Migration Legislation Amendment (Regional Processing Cohort Bill) 2016 (Cth).
  - > the Victorian Government on Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. The Bill was subsequently withdrawn.

Once again, the Committee has worked collaboratively with other interested organs of the Bar, including the Equality and Diversity Committee and the Criminal Bar Association. We acknowledge with thanks the assistance of the Bar's policy lawyers, Gabrielle Östberg and Emma Fox.

At the end of 2016, some of the Committee's longest serving members retired. Their contribution to the work of the Committee throughout their service is deeply appreciated.

Due to an oversight, the Committee's report published in the 2016 Bar Annual Report repeated the previous year's report. As a matter of formal record, the Report of the Human Rights Committee for last year is appended.

# Pro Bono Commitment Pro Bono Committee

#### (including Duty Barrister Committee)

Committee as at 30 June 2017: Pat Zappia QC (Chair), Tom Danos (Deputy Chair), Brian Walters QC, Daniel Star QC, Richard Wilson, David Yarrow, Simon Moglia, Evelyn Tadross, Romesh Kumar, Michael Rivette, Fiona Batten, Sarah Zeleznikow, Anne Hassan, Claire Harris, Haroon Hassan, Ben Ihle, Meredith Schilling, Matthew Albert, Anastasia Smietanka, Jason Saultry (Justice Connect), Tina Turner (Justice Connect).

The Committee continues to work on various initiatives on behalf of the bar in order to address the ever increasing demand for pro bono legal services in the wider community. The Committee meets quarterly and implements initiatives through sub committees. Its principal function is to oversee the operation of the Victorian Bar Pro Bono Scheme (VBPBS) administered by Justice Connect and the various Duty Barristers' Schemes administered by the Victorian Bar Office.

During the past twelve months the Court of Appeal Duty Barristers Scheme has continued to operate successfully. New referral forms have been recently introduced in co-operation with the Court so as to formalise requests and provide greater detail of matters in respect of which assistance is sought by the Court. This initiative will further enhance the Scheme by ensuring that requests are met by barristers with the appropriate expertise and experience.

The past twelve months has also seen the continued operation of the "Open Courts Act Duty Barrister Pilot Scheme" which commenced on 1 May 2016, with members of the Committee, led by Richard Wilson, making contributions to the Open Courts Act Review being conducted by The Honourable Frank Vincent AO QC.

It is also pleasing to announce that following the Committee's recommendations, on 1 April 2017 two new rules were introduced to Part 3A of the Supreme Court Rules providing for the recovery of costs in cases where legal practitioners including barristers are acting pro bono. The new rules are welcome and fill a gap which previously existed in relation to the recovery of costs by litigants with pro bono representation.

Other new initiatives which are in progress include establishing a pilot Duty Barristers Scheme for civil matters in the County Court and a similar type scheme to deal with requests for assistance by the Coroner's Court.

This year was the first year in which Committee assumed the responsibilities previously undertaken by the former Duty Barristers Scheme Committee. A number of challenges have arisen in respect of the Bar's participation concerning requests for assistance in the Magistrates Court which will need to be addressed in the next twelve months.



SEPTEMBER 2016 READERS: Back row: Christopher Wareham, Leigh Howard, Nicholas Cozens, Oliver Cain, Yi-Chuan Chen, Eamonn Kelly, Jonathan Bayly, Tass Antos, Jennika Anthony-Shaw, Bradley Parker, Ben Petrie, Emma Heggie, Victoria McLeod Middle Row: Emily Clark, Paul Lamb, Roshena Campbell, Stephanie Hooper, Sarah Zeleznikow, Emily Golshtein, Nicholas Wallwork, Shaun Clement, Mitchell Latham, Andrew Burnett, Katrina Webster, Sarah Worsfield, Christie Jones, Roshan Chaile, Katherine Rolfe, Wendy Pollock Seated: Rachel Chrapot, Franceska Leoncio, Amie Hancock, Katie Manning, Amanda Upton, Bridget Slocum, Natasha Mawa, Alghiffari Aqsa, Margarita Yerusalimsky, Laura Johnston, Mia Clarebrough, Jillian Williams, Emily Clark, John Maloney

Finally, the past twelve months have been particularly notable for the number of letters which the Committee and the Bar have received from members of the judiciary and litigants expressing their gratitude to specific members of the bar who have provided pro bono assistance in difficult and complex matters before the Courts.

### Education

## **Education and Professional** Development Committee

Executive Committee at 30 June 2017: Michael G O'Connell SC (chair), The Honourable Raymond A Finkelstein AO, QC, Dr Matthew J Collins QC, Dr Suzanne B McNicol QC, Elizabeth Brimer, Rachel Chrapot (General Manager, Member Services).

The EPDC and EPDC Executive oversees the Bar Readers' Course, the ongoing CPD program and the South Pacific education and training programs. The Executive of the Committee approves applications to join the Victorian Bar and sets out any additional education required prior to those applicants signing the roll.

The EPDC committee has had oversight of projects such as the Indictable Crime Certificate, the development of an advocacy teaching faculty, a new program for junior barristers and uniform CPD Rules as part of the Uniform Legal Profession Law.

The committee was greatly assisted by a number of staff members, Rachel Chrapot (General Manager, Member Services), Alison Rock (Manager, Compliance & Membership until 28 June 2017) Bianca Stajcic (Coordinator, Continuing Professional Development), Wendy Pollock (Coordinator, Bar Readers' Course). The Committee would like to thank them for their hard work during the year.

## Continuing Professional Development Sub-Committee

Committee at 30 June 2017: Dr Michael D Rush (Chair), Ian RL Freckelton QC, Erin J Gardner, Justin A Castelan, Stephen Warne, Oren Bigos, Daniel B Bongiorno, Leana Papaelia, Rachel Walsh, Amy Peek and Rachel Chrapot (General Manager, Member Services).

The Continuing Professional Development Sub-Committee is subject to the overriding control of the Education and Professional Development Committee. The Sub-Committee, with the assistance of the Bar Office, has continued to exercise its delegated powers of dealing with the day-to-day management of the CPD program and the requirements of barristers to undertake the requisite CPD activities during the year. That has included determining requests for accreditation of CPD activities, dispensing with the requirements of the program in respect of certain barristers, overseeing the audit of compliance with CPD requirements and dealing generally with issues raised relevant to the program.

The CPD program continues to provide seminars of high standard to members in all of the categories of CPD. Included in the program have been workshops in jury skills, cross examinations and ethics which were all popular and well received. In February 2017, together with the New Barrister



MARCH 2017 READERS Back row: Coral Alden, Thomas Barry, Amelia Hughes, Angus Christophersen, David Easteal, Calum Henderson, Fatmir Badali, Leo Faust, Jim Hartley, Matthew Peckham, David Carolan, Alice Muhlebach, James Davaris, Duncan Chisholm Middle Row: Rachel Chrapot, Sarah Lenthall, Nancy Grunwald, Angela Sharpley, Jennifer McGarvie, Reegan Morison, Elizabeth Bateman, Stephanie Wallace, Katherine Farrell, Carina Moore, Jordan Schulz, Robert Paoletti, Stragen Foo, Briana Goding, Samantha Seoud, Estelle Frawley, Julia Kretzenbacher, Wendy Pollock Seated: Lachlan Carter, James Tierney, Daphne Foong, Scott Davison, Fiona Hudgson, Natalie Campbell, Christopher McDermott, James Humphris, Jonathan Barrington, Abbie Roodenburg, Andrew McRobert, James Plunkett, Johannes Schmidt

Committee, the CPD Sub-Committee organised the Junior Bar conference. The conference was well received and will be a permanent fixture on the Bar's CPD calendar.

The CPD Committee continues to be involved with the implementation of the CPD rules and will be monitoring and providing input into the development of policies that will inform the operation of these rules.

#### Readers' Course Sub-Committee

Sub-Committee at 30 June 2017: Dr Matthew J Collins QC (Chair), Adrian J Finanzio S.C. (Deputy Chair), The Hon.
Raymond A Finkelstein AO QC, Simon E Marks QC, Michael G O'Connell S.C., Mary Anne Hartley QC, Dr Suzanne B McNicol QC, Nicholas Payne QC, Carolyn H Sparke QC, Kristen L Walker QC, Michael I Borsky QC, Elizabeth Brimer, Andrew Hanak, Justin S Graham, Eugene F Wheelahan, Christopher J Tran, Mark Hosking and Rachel Chrapot (General Manager, Member Services).

In the last year the Sub-Committee has overseen the implementation of two exams. The conduct of the entrance exam continues to represent a significant piece of work by the members of that working group. 105 candidates sat the November 2016 exam and 40 received offers. There were 43 readers in the March 2017 course.

In the May 2017 exam there were 90 candidates, and 44 candidates received offers. The September Readers' Course will commence on 31 August 2017 with 39 readers plus 2 overseas readers from Malaysia and Papua New Guinea.

The sub-committee continues to be involved with the

continued development of curriculum of the Bar Readers' Course with input and support from Rachel Chrapot and Wendy Pollock.

#### Pacific Rim Sub-Committee

Pacific Rim Sub-Committee at 30 June 2017: Philip D Corbett QC (Chair), Ray L Gibson, Maya Rozner, Trevor C Wallwork, Sarah J Porritt, Paul P Kounnas, Jonathan H Kirkwood, Matthew LL Albert, Nicholas Goodenough, Erin Hill, Emma Peppler and Wendy Pollock (Co-ordinator Bar Readers' Course). The Honourable Raymond Finkelstein AO QC retired as chair of the Committee in December 2016 and the committee is indebted to him for his contribution and leadership over the past two years.

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

In November 2016 the 16th Civil & Criminal Advocacy Workshop was conducted in Port Moresby for the Legal Training Institute over a period of 5 days. A total of 91 trainees attended the workshop. These advocacy skills workshops have become an integral and compulsory part of the course undertaken by the trainees as part of their qualification for admission to practice as national lawyers in PNG. The workshop was led by His Honour Judge Christopher O'Neill. The teaching team comprised Her Honour Magistrate Lesley Fleming, Philip Corbett QC, Remy van de Wiel QC, Maya Rozner, Trevor Wallwork, Sarah Keating, Hilary Bonney, Diana

Price, Aggy Kapitaniak and Wendy Pollock (as administrative assistant). The Director and the staff of the Legal Training Institute consider the workshop to have been very successful.

The Empowering Women in Law in PNG program for the female students of the Legal Training Institute (LTI) was again conducted in 2016 by the Victorian Bar in partnership with the LTI and with the support of the Australian Government - Justice Services and Stability for Development (JSS4D). The program immediately followed the Advocacy workshop conducted by VicBar in conjunction with the LTI. Christine Melis joined the teaching team for this weekend program. The program was opened by The Hon Justice Hitelai Polume. The teaching team consisted of, Christine Melis, Trevor Wallwork, Maya Rozner, Hilary Bonney, Diana Price and Wendy Pollock (as administrative assistant). Twenty-four of the 34 female LTI trainees participated in the weekend program. The aim of the program is to build confidence in and empower women entering the legal profession in PNG by engaging women on critical issues affecting their advancement within the profession

The workshops received media coverage and as a result, a request was received from Ms. Angelique Deep, Sectoral Professional Development and Training Adviser, Law and Justice Sector Program for the Solomon Islands, for a similar program to be delivered to admitted lawyers from the Public Solicitor's Office and the Director of Public Prosecutions. As a result of this request, the Pacific Rim Sub-Committee developed a draft program and revised materials suitable for the teaching of more experienced practitioners.

In May 2017, the Victorian Bar sent a team of 5 barristers to Honiara in the Solomon Islands to deliver this newly revised program to 30 legal officers of the Public Solicitors Office and the Public Prosecutors Office. The teaching team comprised Her Honour Magistrate Lesley Fleming, Philip Corbett QC, Maya Rozner, Trevor Wallwork, Sarah Porritt and Wendy Pollock (administrative support). It is noteworthy that the Chief Justice and the Chief Magistrate had agreed to close the Solomon Islands Criminal Courts for the week of the workshop to permit the participants to focus on it. This is a mark of the respect and value of the workshop to Solomon Island lawyers.

The Committee is continually arranging further advocacy skills workshops to meet the needs particularly of the lawyers of the Pacific Rim with which the Committee has formed close bonds.

### Student Engagement Committee

Student Engagement Committee at 30 June 2017: Dr Kylie Weston-Scheuber (Co-Chair), Katherine Brazenor (Co-Chair), Shaun Ginsbourg, Richard Antill, Steven Lowry, Michael Stanton, Amanda Pearson, Andrew Sim, Amanda Burnnard, Gerard O' Shea and Samantha Renwick.

The Committee thanks those members who retired during the year: previous Co-Chair Angela Lee, previous members Diana Harding QC, Belinda Franjic, Georgia Douglas and Christopher Tran.

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

During 2016-2017, the Student Engagement Committee met monthly and was actively involved in a number of initiatives to engage high school and university students from all institutions with the Bar.

The demand from university and high school students for mentoring and work experience opportunities with the Bar is ever increasing. The SEC is committed to addressing this need through its work experience and mentoring program. The remit of the SEC in this regard is a vital one, not just for the students, but also for the Bar itself. The SEC considers that a diverse Bar is a strong Bar. The SEC is committed to ensuring that high school and university students from all backgrounds and institutions are able to access high-quality work experience and mentoring opportunities with the Bar.

#### Work Experience and Mentoring Subcommittee

With the VicBar website redesign, the SEC has redesigned its internal and external webpages, and updated the resources made available to barristers for the purpose of hosting work experience students. The SEC makes available a "work experience kit" with accompanying worksheets and research tasks for barristers to use with work experience students.

Over the past 12 months, through its program, the SEC has arranged 89 shadowing and mentoring opportunities for high school and university students. The feedback received by the SEC about these work experience placements has highlighted how important these opportunities are to students.

In this regard, the SEC is grateful to the members of the Bar who continue to volunteer their time to attend school speaking engagements, act as mentors to students and afford work experience opportunities to students. The SEC is always keen to hear from barristers who would like to participate in its program. If you have such an interest or would like to know more, please email students@vicbar.com.au.

The SEC would like to thank Xi Xi Wang and Charlene Mangion for their invaluable assistance in keeping the SEC work experience and mentoring program running during the 2016-2017 year.

#### School Visits Subcommittee

The Student Visits Subcommittee liaises with educational institutions and arranges for barristers to attend events in order to inspire the counsel of tomorrow. This year barristers have attended both the Latrobe University Law Students' Association Careers Connect Fair and the ACU Law and

Business Careers Fair. The student response to our attendance was very positive in both instances. Visits are an important part of the work of the SEC, and have an important function in demystifying the role of the barrister in the justice system, as well as explaining pathways to the Bar.

#### Social Media Subcommittee

The SEC's Facebook page is the primary tool used by the SEC to connect with students through social media. The Social Media Subcommittee continues to maintain the page, which currently has 1,500 'Likes' and continues to advertise events and items of interest to law students. The Subcommittee also manages an Instagram account. This year saw the launch of a student photo competition, with the winner to be announced soon.

#### **VLF** Subcommittee

Established in 2005, the Education Forum is an initiative of organisations delivering legal education programs or raising awareness of legal issues in schools and the wider community. The Victorian Law Foundation (VLF) Subcommittee attends quarterly meetings of the VLF's Education forum, where various stakeholders meet to discuss issues relating to legal education.

#### Law Week Subcommittee

The Law Week Subcommittee assisted with the coordination of three events at the County Court Open Day on Saturday 20 May 2017, including a Victorian Bar Information Table, an Open Court and a mock plea at the Koori Court. These events were run by members of the SEC, with additional volunteers from the Victorian Bar, along with the kind assistance of law student and work experience coordinator, Charlene Mangion.

The Victorian Bar Information Table was run by a roster of three barristers plus Charlene Mangion and allowed visitors to the Court to ask questions about life at the Bar. We had many visits from school and university students, who were provided with the 'Becoming a Barrister' brochure. The Open Court included Her Honour Judge Quin, Her Honour's tipstaff and associate, and a roster of three barristers. The aim of the Open Court was to provide an opportunity for visitors to wander in, have an unrestrained look around, and to ask questions. The mock plea at the Koori Court aimed to be as realistic and culturally appropriate as possible and included His Honour Judge Grant, two elders, His Honour's tipstaff and associate, a support person for the accused, and two barristers acting as prosecutor and defence counsel. Members of the Aboriginal community volunteered to act as the accused and support person. Feedback following the mock plea indicated that attendees had an improved understanding of the nature of the Koori Court and the sentencing process.

Finally, the SEC would like to express its gratitude to outgoing Chair Angela Lee for her ongoing contribution to, and leadership of, the Committee over the past few years.

# Legal Education and Training – Library Committee

Ian Upjohn CSC QC (Chair from 14 September 2016), Richard Brear (Deputy Chair), Peter Willis SC, Gerard Dalton QC, Mark Irving, Andrew Bell, Melanie Baker (Secretary), Mark Costello, Nawaar Hassan, Sarah Varney, Raph Ajzensztat; and Andrew Burnett

The Committee thanks the members who retired during the year, namely outgoing Chair Samantha Marks QC, Anthony Kelly QC, Harry Forrester and John Leung.

It has been a busy year for the Richard Griffith Library. On 1 April 2017 we relocated to new, purpose-built premises as part of the re-development of the First Floor of Owen Dixon Chambers East. There are new computers, new seating, new bookshelves, audio visual display, and display cabinets. Access is via the Foyer and also, through sliding doors, from the Neil McPhee Room and the Essoign Club.

The Richard Griffith Library room houses the on-line resources, Australian authorised reports, text books and heritage items. English reports and most journals are in the Neil McPhee Room. Other international reports and journals are located in the Bar Council Chamber. Branch libraries have been established for reasons of space in the common areas of a number of chambers. A new library web page lists the library's holdings, policies and rules.

The Chair of the Committee addressed each of the new Readers Courses and conducted tours of the old library (September 2016 Readers Course) and of the new library (March and September 2017 Readers Courses).

Members of the Library Committee participated in a focus group conducted by the Law Library of Victoria (LLV) and attended a series of LLV Committee meetings. The Bar Library Committee is working to ensure that any merger with the libraries of the Supreme Court and the Law Institute of Victoria will result in benefits to all members of the Bar, retaining necessary current holdings and ensuring 24 hour access to the Richard Griffith Library. The potential for access to a much greater range of on-line resources is very attractive.

Ms Annie Hutchinson of CCH attends the library every Wednesday morning, assisting with enquiries about CCH's services. This service has been well received by Library Committee members and library users generally.

Members of the Bench and Bar continue to donate books and other items to the Library. In particular the Committee thanks Jacob Fajgenbaum QC, Peter Heerey AM QC, Don Farrands, the late John Riordan and Bob Johnston for their generous donations.

# The Indictable Crime Certificate Committee (ICC)

Committee as at 30 June 2017: The Honourable Stephen Charles AO QC (Chair), Paul Holdenson QC, Michael O'Connell S.C., Michael Cahill S.C., Dr Matthew Collins QC, Lesley Taylor QC, Rachel Chrapot (General Manager, Member Services) and Emma Fox (In-House and Governance Lawyer).

The Indictable Crime Certificate ("ICC") is an accreditation and quality assurance program, administered by the Indictable Crime Certificate Committee ("the Committee") on behalf of the Victorian Bar. The Committee supports the development of quality and competence in this challenging jurisdiction and offers a clearer path to those aspiring to run trials.

In 2016/17 the Committee received 10 applications, taking the total number of received applications to 305. A total of 186 certificates have been granted - Stream A: 30, Stream B: 146 and Stream C: 10 certificates granted.

The Committee thanks The Honourable Geoff Eames AM QC, the Honourable David J O'Callaghan and the Honourable Gregory Lyon who retired during the year.

The committee would also like to acknowledge the contributions of the Honourable David Habersberger QC and Justin Hannebery, who have both provided invaluable support to the committee.

Thanks also to Rachel Chrapot and Emma Fox from the Victorian Bar office for their continued support of this program.

# Professional Standards Alternative Dispute Resolution Committee

Committee as at 30 June 2017: Tony Neal QC (Chair) Tony Elder (Deputy Chair) Michael D G Heaton QC, Tony Nolan QC, Carolyn H Sparke QC, Peter F Agardy, Marianne TH Barker, Dr C Elizabeth Brophy, Dr Peter FJ Condliffe, Mark G Hebblewhite, Carmel M Morfuni, Carey J Nichol, Angela O'Brien, Glen Pauline, Michael JF Sweeney, John Hall, Raini Zambelli, Danielle Huntersmith and Suzanne Kirton. The Committee thanks those members who retired during the year: Julian Ireland, Michael O'Brien, David Sanders and Dan Sweeney.

Standard Mediation Agreement: The Accreditation Sub-Committee completed work on a Mediation Agreement and a Confidentiality Agreement/Undertaking for use as a template document by members of the Bar. These documents were circulated to accredited mediators early in 2017 and were the subject of a CPD by members of the committee.

New Vicbar Website: The Publicity, Media and Communications Sub-Committee and other ADR-Committee members actively engaged with Bar representatives charged with creating the new website [which went live on 22 May 2017]. Particular thanks to Glen Pauline in this regard. The ADR Committee intends such collaboration should be ongoing with a view to enhancing the visibility of accredited mediators [and their particular areas of practice].

**Promotion of VicBar accredited Mediators:** The Committee has been working for some time to bring to the attention of the courts and professional associations the benefits of using Vicbar accredited mediators. Productive talks with the CPA are well advanced and overtures have been made to the Family and Federal Circuit Courts. An initiative to refer Intellectual Property disputes for mediation by the Bar's nominee is also in train.

Lawyer's Certificate in Mediation Course: Another successful Lawyer's Mediation Certificate Course was held in June 2017 in the Bar's newly renovated first floor premises. Eighteen participants [of whom 16 were barristers, one a general counsel and one a counsellor/psychologist] attended the course. These participants rated the course very highly. The course leaders were again Dr Peter Condliffe, Dr Elizabeth Brophy and Tony Neal QC. The Mediation Course is a premier course and the Mediation Course Sub-Committee is to be congratulated on the continued success of it.

CPD Sub-Committee: The CPD Sub-Committee under Carolyn Sparke QC, as well as conducting seminars, has continued with monthly workshops for mediators to debrief, discuss current issues and recent authorities. The Committee's view is that such sessions qualify for NMAS re-accreditation purposes.

ICC Asia Pacific Mediation Competition: Committee members Marianne Barker and Michael Heaton QC liaised with the ICC in relation to this event and organised a prize to be awarded in honour of the late Henry Jolson QC. The Competition was to take place in July 2017.

Hosting of /Meeting with MSB: On 12 May 2017 the ADR Committee hosted a lunch time meeting with the Mediator Standards Board, discussing matters of mutual interest.

Acknowledgments: The ADR Committee thanks Ross Nankivell, Manager, Ceremonies and Protocol, for his attendance, input and assistance and the Bar Office for its administrative assistance with the running of the LMC course.

#### International Arbitration Committee

Committee at 30 June: Martin R Scott QC (Chair), Michael H Whitten QC (Deputy Chair), Michael D G Heaton QC, Caroline E Kirton QC, Michael J F Sweeney, Carolyn Symons, Edward J Batrouney and James Waters.

In 2017 the committee continued its focus on developing a proposal for a physical presence in Singapore. The composition of the committee was refreshed with several new members

from the junior bar and their energy and enthusiasm is most welcome. One of them, Joel Harris, is based in Singapore and he has proved of great assistance to this important objective which is now ending its final phase.

Otherwise, members of the committee have continued to maintain connections in the arbitration community and to promote the development of expertise in this field. This has included making submissions to the OECD on how government could and should do more to fund and support international commercial arbitration and the export of professional services more generally. It also involves monitoring and engaging in the many visiting delegations to Melbourne and working with ACICA and MCAMC. Later this year, the committee will recommend that the Bar Council make submissions to DFAT on several important bilateral trade treaties under negotiation.

Next year the world's most important international arbitration conference, ICCA, convenes in Sydney on 15-18 April. For a short time Australia will be the focus of international commercial arbitration. The committee encourages commercial barristers to attend.

## New Applications, Renewals And Referrals - Counsel Committee

Committee at 30 June 2017: Christopher Winneke QC (Chair), Simon Marks QC, Wendy Harris QC, Áine Magee QC, Sam Hay, Daniel Bongiorno, Barbara Myers, Andrew Denton (Honorary Secretary) Nicole Papaleo (Assistant Honorary Secretary) and Alison Rock (Manager Compliance).

The Committee thanks Jennifer Batrouney QC who retired from the Committee during the year and welcomes new member Simon Marks QC.

The Counsel Committee is appointed pursuant to clause 63 of the Constitution of the Victorian Bar Inc. It is comprised solely of members of Bar Council and its Chair is appointed by Bar Council from time to time. The role of the Counsel Committee is to consider, and make recommendations to Bar Council in relation to the grant, renewal, variation, suspension and cancellation of practising certificates, applications to sign the Roll of Counsel and the removal of names from the Roll (pursuant to part 14 of the Constitution).

The Committee is only required to meet on an ad hoc basis and since the last report has met three times.

The Bar's *Protocol for Dealing with Disclosures*, delegates to the Honorary Secretary the role of reviewing routine disclosures made in the course of the applications for renewal or grant of practising certificates, and applications to sign the Roll of Counsel, and to make recommendations directly to Bar Council.

The 2016-2017 practising certificate renewal period required the review of eight disclosures for recommendation to Bar

Council. Pursuant to the Protocol described above, the Honorary Secretary reviewed and made recommendation on a further two matters.

The Committee has considered four matters in which there were disclosures of show cause events pursuant to s 88 of the *Legal Profession Uniform Law*. At 30 June 2017, two of those matters had been finalised and two were the subject of continuing investigation. In addition, the Committee has considered five matters concerning practitioner suitability and as at 30 June 2017 two were the subject of continuing investigations.

The Committee would like to thank Alison Rock for the tremendous administrative support and assistance that she has provided over the last nine years, and wishes her well in her future endeavours.

### Complaints And Rulings – Ethics Committee

Committee as at 30 June: Róisín Annesley QC (Chair), Kevin J A Lyons QC (Deputy Chair), E Noel Magee QC, Jeremy W St John QC, Dr Ian Freckleton QC, Peter A Chadwick QC, Andrew I Strum QC, Mandy C Fox QC, Peter C Rozen, Andrew J Palmer, Charles E Shaw, James D S Barber, Stewart J Maiden, Sarah F Cherry, Meredith A Schilling and Eliza Holt.

The Committee congratulates its immediate past Chair, Ted W Woodward SC on his appointment as a judge of the County Court. The Committee thanks His Honour, for his long service and outstanding contribution to and leadership of the Committee. Judge Woodward was appointed to the Ethics Committee in December 2010, he was appointed Deputy Chair in January 2015 and appointed Chair in February 2016.

The Committee is also grateful for the work of Murray McInnis who retired from the Committee in February 2017, after 3 years of service.

Róisín Annesley QC and Kevin Lyons QC are congratulated on their appointments in June as Chair and Deputy Chair respectively.

#### Work of the Committee

The 2017 financial year was a busy year for the Committee, which met on 13 occasions. The Legal Services Commissioner delegated to the Committee for investigation 9 new complaints, 1 preliminary assessment, and 5 grievances. The Committee completed investigations and made recommendations to the Commissioner in respect of 14 complaints. The Committee resolved 3 grievances as between barristers and completed 1 preliminary investigation. In addition to the matters delegated by the Legal Services Commissioner, the Committee made 41 Resolutions in response to requests made by members during the 2017 financial year.

#### Education

The Committee continued to play an important role in the Readers Courses offered throughout the year. The Committee presented two sessions to each Readers Group, including a practical 2 hour session where Readers are presented with real complaint scenarios and are required to resolve the issues and make recommendations as if they were a member of the Committee.

#### **Ethical Bulletins**

The Committee published two Ethics Bulletins this year. The first sought to remind counsel that whilst the establishment of professional websites and the use of social networking sites is not inconsistent with the Rules, counsel need to ensure that the information proffered on such sites is accurate and not misleading. Further that members using social networking sites need to ensure that any matters published on such sites do not breach the Conduct Rules.

The second bulletin for 2017 replaced Bulletin No. 2 of 2015 in relation to the process of seeking a Resolution from the Committee and reflected the changes brought about by the Uniform Rules.

In addition 12 earlier Bulletins were revised to ensure that they were up to date with legislative changes and the current Rules. The Committee acknowledges and thanks Kevin Lyons QC for his hard work in revising these Bulletins.

#### Grievance Protocol

The Grievance Protocol, was adopted by the Bar Council in 2016, and is an informal process which aims to deal with conduct issues as between counsel. The Committee has successfully resolved 3 grievances. Whilst still in its early days, the Grievance Protocol is proving to be a successful, although time consuming vehicle for members of the Bar to raise conduct issues as between members without the need to lodge a complaint with the Legal Services Commissioner.

Each member of the Committee has spent numerous hours answering telephone calls and emails from members seeking ethical guidance, reading voluminous materials, and preparing reports and correspondence. Thank you to all Committee members for their hard work and commitment to both the Committee and to the members of the Bar.

#### Professional Standards Committee

Committee at 30 June: Peter A Chadwick QC (Chair), Aileen M Ryan QC, Mark A Robins QC, Gerard L Meehan, Donald J Farrands, Charles E Shaw and James D S Barber.

In 2017 members of the Professional Standards Committee devoted a great deal of attention to the best interests of members who participate in the Professional Standards Scheme.

The Committee has commenced the work necessary to obtain the renewal of the Scheme and a working group has been formed. It is anticipated, having regard to past experience, that this will be a substantial exercise. Compliance with the Scheme can be onerous and demanding upon its members. The Committee is concerned that compliance, especially record keeping, be kept as simple as possible, and to this end is reviewing the operation of the Scheme as part of the renewal process.

The Professional Standards Scheme Committee has paid close attention to matters that affect life at the Bar. This has included consideration of the liability of counsel in the various aspects of our work, and to this end a very successful Bar CPD seminar on advocate's immunity was presented by members of the Committee, with another Bar CPD seminar planned for later in the year focusing on the Scheme obligations.

The Chairman wishes to thank all members of the Committee for their hard and thoughtful work and their commitment to both the Committee and to members of the Bar.

# Our Member Community Health And Well Being Committee

Committee at 30 June: Philip Corbett QC (Chair), Mary Anne Hartley QC, Robert Hay QC, Greg Ahern, Caroline Jenkins, Kaye McNaught, Douglas Shirrefs, Bronia Tulloch, Emma Swart, Theo Kassimatis QC, Viola Nadj, Michael Symons and Alison Umbers.

The Committee thanks those members who retired during the year.

Richard McGarvie QC, Laura Colla and Caroline Paterson retired from the Committee in 2016. Both Richard and Laura were actively involved in the organisation and support of the Victorian Bar Community Choir as well as other Committee activities. Caroline served as Committee secretary and was instrumental in the organisation of CPD activities on behalf of the Committee.

The Committee has had an active and productive year. There were a number of initiatives carried forward from the previous year including various sporting activities, first-aid initiatives and the CPD program.

Emma Swart is now assisting in the co-ordination of the Choir's activities. The Choir remains well supported by regular participants and there were a number of concerts including several performances during Law Week.

The Committee with the assistance of the Bar office promoted "Winter Wellness Day" where flu shots were made available to all members of the Bar, free of charge.

The Committee continues to oversee the Barristers' Counselling Service provided by the Re-Vision group and its principal Bernadette Healy. There has been strong demand again this year for the services provided and the Committee believes it is an essential service that should be maintained for the benefit of all members of the Victorian Bar and their families. A review of the service is ongoing to ascertain whether any further improvements or additions can or should be made to the quality and availability of the service. The service provides both crisis and occasional counselling for Barristers and members of their immediate family in times of need. Currently four counselling services are provided free of charge with the cost met by the Victorian Bar. It is a unique resource and one that places the Victorian Bar as an industry leader in the provision of health and wellbeing services to members.

The Committee in conjunction with BCL have been involved in roll out of new first aid kits to each floor of BCL chambers as well as the provision of additional mobile defibrillators. First responder and first aid training has also been provided to volunteers to broaden the number of Victorian Bar members able to provide first aid assistance if required.

The Chairman of the Committee and Bernadette Healey continue to present to each Readers Course on the issues of mental and physical health, resilience, anxiety, emotional intelligence, mindfulness and achieving work/life balance.

Progress has been made toward the launch of a comprehensive Health & Wellbeing survey to be conducted of all members of the Victorian Bar. Funding has been sought and negotiations are well advanced with external service providers to compile and analyse the data obtained. It is hoped the survey can be launched in late 2017 or early 2018.

Occupational violence and vicarious trauma are also issues which the Committee intends to address together with further defibrillator training, seminars on physical health and suicide

The Committee launched a Facebook page and intends to update the "Health Central" web page on the Victorian Bar website. It has also maintained affiliation with several Health and Wellbeing interest groups including the Tristan Jepson Foundation, WATL (Wellness and the Law) and the Law Institute of Victoria.

#### New Barristers' Committee

Committee at 30 June 2017: Kevin F Jones (Chair), Brooke L Hutchins (Secretary), Nicholas Pane QC, Claire Nicholson, Sandra Karabidian. John Lai-Mun Leung, Elle Nikou, Victoria C McLeod and Amelia Hughes.

The Committee thanks those members who retired during the year: Fiona Batten, Andrew T Conley, Karina Popova, Joel Silver, and Katherine Sudholz.

In February 2017 the Victorian Bar presented the Junior Bar Conference. The CPD sub-committee provided ideas and assistance with this activity. This Conference is run for the benefit of new barristers and this year's event was well attended. The conference program was thought provoking and provided insights and practical assistance with the challenges and opportunities for new barristers embarking in practice during a period of rapid technological change. Those attending had a unique opportunity to mingle together for the day and engage with an eminent group of presenters. The Committee is grateful to everyone who participated and extends congratulations to the Victoria Bar Education and Policy team who organised the conference.

The Committee is continuing with last year's initiative of hosting a number of casual networking coffees between junior barristers and Senior Counsel. A number of these events were conducted during the latter half of 2016. These events were well attended and the Committee thanks Senior Counsel involved in the program. Planning is well advanced for the 2017 series of coffee mornings that are scheduled for the remainder of 2017.

The Committee has continued its focus on creating opportunities for junior barristers to meet solicitors. A networking evening between junior barristers and LIV Young Lawyers was held on 16 June 2017. It was a fantastic opportunity for junior barristers and solicitors to mingle in an informal setting. The Committee met with the Young Lawyers Committee of the Law Institute of Victoria early in 2017. The attendees explored areas of common interest. An agreed outcome was to initiate a mentoring program that gives new barristers the opportunity to mentor young solicitors. This program is in the advanced planning stages with 40 new barristers volunteering to participate as mentors. The program will commence during the latter part of 2017.

The Committee has developed a CPD session for new barristers based on feedback. The CPD is scheduled for 2 August 2017, with an experienced panel of barristers providing attendees with practical advice about negotiation.

The Committee has been represented nationally at the Australian Young Lawyers Committee of the Law Council of Australia. The Committee has continued to speak to March and September Readers, fielding questions about what the new barristers can expect in the first year of practice.

The Committee is grateful for the on-going support it receives from the judiciary, senior members of the Bar, and the Bar executive including the Education and Policy team.

### Victorian Bar News Editorial Committee

Victorian Bar Editorial Committee 30 June 2017: Georgina Schoff QC (editor), Georgina Costello (editor); Justin Wheelahan (deputy editor), Annette Charak (deputy editor), Maree Norton (deputy editor), Brad Barr, Jesse Rudd, Catherine Pierce, Justin Hooper, Natalie Hickey and Georgie Coleman.

In 2016-2017, the Victorian Bar News committee continued to create twice annual magazines which were well-received by Bar and Bench readers. Highlights of the magazine this year were: photo spreads of Bar dinners and functions, which help members keep up to date with current events and put names to faces; wonderful writing from both new and regular contributors about issues that matter to the legal profession; and many welcomes, farewells and obituaries in honour of our members. Slattery Media has continued to provide excellent service as publisher, with Guy Shield continuing to sketch his iconic illustrations for the magazine.

#### Art and Collections Committee

Committee at 30 June: Peter J Jopling AM QC (Chair), Wendy A Harris QC, Campbell F Thomson, Ingrid Braun, Siobhan Ryan, Charles O Parkinson, Angela M B O'Brien, Edward Gisonda, Shivani Pillai and Daniel Kinsey and Adam Bushby (Honorary Curator).

Ian Stewart retired in 2016.

This has been another busy year for the Art & Collections Committee. Two new members joined our committee this year and in that regard we were delighted to welcome Shivani Pillai and Daniel Kinsey.

Our webpage presence on the Bar's new website has meant that we are now in a position to present all the portraits in the collection with appropriate biographical notes for both subject and artist. We would encourage all members to visit the site.

The Bar's decision to establish the Peter O'Callaghan QC Ltd Foundation has been warmly applauded by the Committee. Our Chair has assumed the role of the Foundation's Chair and Siobhan Ryan from our Committee has been appointed a director.



ABOVE: The Honourable Ken Hayne AC QC Portrait

On the recommendation of the Committee, the Foundation has decided to pursue a substantial commissioning programme for the 2017/2018 year. We were pleased that the Board accepted the Committee's recommendation to commission portraits of Peter O'Callaghan QC, Ross Gillies QC, Sir James Gobbo AC QC and The Honourable Alex Chernov AC QC.

During the course of the year we were delighted that the Solicitor-General, Dr Stephen Donaghue QC, was able to unveil the portrait of The Honourable Mr Ken Hayne AC QC. The Hayne portrait was undertaken by Mr Bill Henson and is now hanging in the gallery. The portrait was commissioned with funds provided by the Bar Council and former associates and colleagues of Mr Hayne. We would like to thank the Bar and the private donors for their generosity.

Our curator Mr Adam Bushby lead two gallery talks at the Law Week Saturday Symposium in 2017 and we are very grateful to him for the work that he has done for the Committee and the Bar in general throughout the year.

Restoration work on the John Longstaff portrait of Sir Leo Cussen was undertaken during the year, as was restoration work on the photographic portraits of past chairs of the Bar.

The Committee also thanks Committee member Mr Campbell Thomson for curating the exhibition of works by John Ryrie which was shown in the Essoign Club during the year.

Work on the History of the Victorian Bar by Peter Yule has



ABOVE: Chief Justice Panel ABA VicBar conference at MCG October 2016

commenced. The History Project Committee (which includes Art & Collections Committee members Peter Jopling AM QC, Wendy Harris QC, Siobhan Ryan and Charles Parkinson) meet with Mr Yule quarterly. We are pleased with the progress on what is destined to be a truly fascinating work.

Finally I would like to thank all our Committee members for their enthusiasm but I would particularly like to single out Siobhan Ryan whose tireless work for the Committee should not go unnoticed.

### Finance

### Audit & Finance Committee

Committee at 30 June 2017: Daniel Crennan QC (Chair, Honorary Treasurer), Andrew Broadfoot QC, Susan Gatford, Sam Hay (Honorary Treasurer), Stewart Maiden, Benjamin Murphy, Julia Frederico, Sarah Fregon (Chief Executive Officer), Caleb Jansen (BCL).

The Committee thanks those members who retired during the year: The Honourable Samantha Marks QC and Kate Beattie.

The Committee exercises oversight over budgeting and annual reporting, including meeting with the auditors. Members of the Committee have access to monthly financial and variance reports and engage with the Bar Office regarding financial performance and projects that require funding.

With the CEO's assistance, the Committee has been involved in a number of steps that have successfully improved the financial position of the Bar. It has continued to be involved in the corporate governance review (which is ongoing).

The Chair would like to thank the members of the Committee, Sarah Fregon and Caleb Jansen for their diligent efforts throughout the year.





# The Essoign Club Limited Report

ACN 005 785 937

The Essoign Club continues to be well supported by members both through the use of the club's core services being the dining room and café and also its extensive catering arm, Essoign Events. The 2017 financial trading year was similar to our 2016 year, however there was a notable decrease in catering revenue.

As a result, the club will continue to focus on the growth of the 'Catering" and "Events" revenue stream. Our recently appointed Sales and Events Manager brings energy and enthusiasm to the Essoign team with a professional approach. Marijana Hegedis comes from a corporate background with vast experience in conference and event management. Marijana is passionate about managing client relationships and expectations and keen to ensure that the Essoign's every event is triumphant.

The Essoign has adopted a change to the dining room menu design by ensuring that the food offerings present value for money as well as more frequent changes to menu options. The menu also allows members to experience a more social form of eating by introducing some more share options. The breakfast menu and café options will also be adopting a similar approach by ensuring seasonal changes

to menu options. In addition, to encourage members utilising the bar of an evening, we have extended the bar snack offerings in conjunction with our happy hour drink specials.

The landscape has changed however in relation to the day to day operations of the club. In respect to the club now paying rent, some changes are required to ensure the long-term survival of the club. There will be a strong focus on running the club as a commercial identity and ensuring that the club remains in line with industry standard for all operational costs. Keeping this in mind, the club will still endeavour to offer our members an exclusive environment with competitive prices on all menu items and services.

As Chairman, I would like to extend our thanks and gratitude to Nicholas Kalogeropoulos, our outgoing club manager and wish him all the best with his future endeavours. The club welcomes Antonio Farina as the new club manager. Antonio's background in catering as well as extensive knowledge of hospitality training and management makes him a suitable addition to take on the challenges ahead.

### Trevor Monti QC

Chairman





### PART VI

# PUBLIC, JUDICIAL & OTHER OFFICE

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

### Supreme Court of Victoria

The Honourable Justice Maree Kennedy

### Federal Court of Australia

The Honourable Justice David O'Callaghan
The Honourable Justice Michael Lee

### Judicial Registrar

Leonie Margaret Englefield

### **County Court**

Her Honour Judge Samantha Marks His Honour Judge Gregory Lyon His Honour Judge Edward Woodward Her Honour Judge Carolene Gwynn His Honour Judge Douglas Trapnell

### Federal Circuit Court of Australia

His Honour Judge Anthony Kelly

### Magistrates Court of Victoria

Her Honour Magistrate Sarah Leighfield His Honour Magistrate Anthony Burns Her Honour Magistrate Therese McCarthy

### Administrative Appeals Tribunal

Member (part-time) Mr Andrew Gerard Cameron

### Commissioner of Sustainability & Environment

Dr Kathryn Helen Auty

### Victoria Legal Aid Panel of Independent Reviewers

The Honourable Andrew John McIntosh

# Joint Standing Committees

#### Law Aid

(Victorian Bar Incorporated and Law Institute of Victoria)

Christopher J Blanden S.C., James H Mighell QC., Roisin N Annesley QC and Michelle Britbart QC

Medico-Legal Standing Committee

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

Timothy P Tobin S.C., Mary Anne Hartley QC and Sharon L Keeling

### Police/Lawyers Liaison Committee

Ian D Hill QC (Chair)

### Sustainability Committee

Andrew J Laird

Dr Kristine P Hanscombe QC

Nicholas Kanarev

Juliet E Forsyth

Stephen Warne

Matthew L L Albert

Penelope A Harris

# National Legal Profession Representative Bodies

#### Australia Bar Association

William Alstergren QC (President)

Jennifer J Batrouney QC (Director)

### Law Council of Australia

### **Board of Directors**

Fiona M McLeod S.C., President

Daniel J Crennan QC, Executive Member

#### Committees and Working Groups

Access to Justice Committee

Dr David J Neal S.C.

Australian Young Lawyers Committee

Joel A Silver

Corporations Committee

Philip D Crutchfield QC

Corporate Governance Committee

Fiona M McLeod S.C. (Chair)

Finance Committee

Michael J Colbran QC

Human Rights Committee

Fiona M McLeod S.C. and Emrys M Nekvapil

Indigenous Legal Issues Committee

Thomas P Keely S.C. and Timothy B Goodwin

Insurance Contracts Act Referral Group

Michael D G Heaton QC

Judicial Issues Working Group

Jacob (Jack) I Fajgenbaum QC and Michael J Colbran QC  $\,$ 

(Chair)

Military Justice Committee

Paul A Willee RFD QC (Chair)

National Criminal Law Liaison Committee

O Paul Holdenson QC, Dr David J Neal S.C. and Michael Santon

National Harmonisation of Laws Committee

Dr David J Neal S.C.

National Occupational Health & Safety Review Working Group

Dr David J Neal S.C.

Professional Ethics Committee

Michael J Colbran QC

Strategic Planning Committee

Michael J Colbran QC

### Business Law Section – Executive

Frank D O'Loughlin (Treasurer)

### Business Law Section - Committees

David Shavin QC, Philip D Crutchfield QC, Dr Matthew J Collins QC, Frank D O'Loughlin, Jacob (Jack) Fajgenbaum QC and Carl Moller.

Family Law Section – Executive

Minal Vohra

Family Law Section - Committees

Minal Vohra

#### Federal Litigation Section – Committees

George H Golvan QC, David Shavin QC, Frank D O'Loughlin, Stephen J Moloney, John R Wallace and Fiona L McKenzie

# Court & Tribunal Committees & Working Parties

### Commonwealth Courts and Tribunals

### Federal Court of Australia

Class Actions Committee Lachlan W L Armstrong QC Intellectual Property User Group

David Shavin QC

User Committee

Garry T Bigmore QC, Charles M Scerri QC, Helen M Symon QC, and Francis D O'Loughlin

### State Courts and Tribunals

### Supreme Court

### Victorian Legal Admissions Board

Suzanne B McNicol QC and Magdalini Karagiannakis Retiring: Peter Jopling QC and Aileen Ryan QC

#### Victorian Legal Admissions Committee

Jennifer J Batrouney QC, Matthew N Connock QC, Ian G Waller QC, Kerri E Judd QC, Samuel D Hay, Magdalini Karagiannakis and Lisa M Nichols.

### Victorian Legal Admissions Academic Course Appraisal Committee

Elizabeth J Boros, Dr Ian J Hardingham QC and Magdalini Karagiannakis

#### Arbitration Users' Group

David S Levin QC, Hugh Foxcroft QC and The Honourable Justice Mark K Moshinsky QC

### Chief Justice's Rules Committee

Jonathon P Moore QC

### Corporations and Commercial Court User Group

Garry T Bigmore QC, David G Collins QC, Stewart M Anderson QC QC, The Honourable Justice Mark K Moshinsky, Philip D Crutchfield QC, The Honourable Justice Samantha L Marks QC, Philip H Solomon QC, Michael S Osborne QC, Michael J Galvin QC, Lachlan W L Armstrong QC, Penelope A Neskovcin QC, Jonathan Evans QC, Daniel J Crennan QC, Peter Fary, James D S Barber, Anton P Trichardt, Simon Rubenstein, Catherine F Gobbo, Joshua Kohn, Carl Moller and Oren Bigos

#### Costs Co-ordination Committee

Michelle L Quigley QC

### Dust Diseases Users' Group

John R C Gordon and Patrick Over

### Judicial Review and Appeals Users' Group

Peter J Hanks QC, Dr Ian R L Freckelton QC, Kerri E Judd QC, Michael F Fleming QC, Stephen P Donaghue QC, Jason D Pizer QC, Rowena Orr, Christopher J Horan, Lisabella G De Ferrari, Rachel Ellyard, Ben Ihle, Emily Latif, Richard M Niall QC and Lee Simon

### Law Library of Victoria Committee

Dr Ian R L Freckelton and Ian UpJohn W CSC QC

### Personal Injury User Group

Ross H Gillies QC, Timothy P Tobin S.C. and David J Martin

### Probate Users' Committee

Richard R Boaden and Shane P Newton

### TEC List User Committee

George H Golvan QC, David S Levin QC, Hugh Foxcroft QC, Richard J Manly QC, Caroline E Kirton QC, Ian H Percy and Kathryn L Stynes

### Victorian Compensation and Planning Users' Group

Christopher J Canavan QC, The Hon. Stuart R Morris QC, Anthony G Southall QC, Michelle L Quigley QC, C Jim Delany QC, Christopher J Wren QC, Christopher J Townshend QC, David J Batt QC, Adrian J Finanzio S.C., Susan M Brennan S.C., Jason D Pizer QC, Nicholas J Tweedie S.C., Craig W Porter, Graeme H Peake, Matthew D Townsend, 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 User Group**

Toby BA Shnookal QC, Andrew J Laird, Bernard B Carr and Geraldine F Gray

### WorkCover Users' Group

Robin P Gorton QC, Michael J Richards, Ian D McDonald

### Commercial Division User Group

Peter W Lithgow, Robert N Camreon, Ian H Percy, Michael GR Gronow and Aphrodite Kouloubaritsis

Family Property Division List Committee

Carolyn H Sparke QC and Graham W Robertson

**Rules Committee** 

Michael J Corrigan

Costs Review Committee

Timothy P Tobin S.C.

Criminal User Group

Peter J Morrissey S.C., Simon A Moglia and Pardeep S Tiwana

Banking & Finance Users' Group

Bart Carew, Samantha B Cipriano, Garry W Moffatt and

Aphrodite Kouloubaritsis

Sex Offence List User Group

Simon A Moglia

Magistrates Court

Alternative Dispute Resolution Committee

Carmel M Morfuni and Carey Nichol

Civil Rules Committee

Frank J Ravida and Justin P Foster

WorkCover Users' Group

Michael J Richards and Nicholas D Horner

**Statutory Appointments** 

Council of Law Reporting

Michael R Pearce S.C.

Council of Legal Education

Elizabeth J Boros

Legal Services Board

Peter J Jopling AM QC

Legal Services Board - Legal Costs Committee

Peter B Murdoch QC

Legal Services Board – Legal Practice Committee

Kevin J A Lyons QC

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

Philip A Dunn QC

Representatives on Educational Bodies

Leo Cussen Institute for Continuing Legal Education

P Gerard Nash QC (Alternate)

Melbourne Law School Advisory Council

Fiona M McLeod S.C. and Jennifer J Batrouney QC

Monash University Dean of Law's External Professional Advisory Committee

Paul A Willee RFD QC

Victoria University College of Law & Justice Program

**Advisory Committee** 

David H Denton RFD QC and Terry P Murphy QC

Victoria University Sir Zelman Cowen Centre

Advisory Committee
Fiona M McLeod S.C

Other Bodies

ACICA - Board

Martin R Scott QC

ACICA – Member Nominating Committee

Michael J Colbran QC

Firearms Appeal Committee

Dianne L Mitchell

International Bar Association - Human Rights Liaison

Officer

Jacob (Jack) I Fajgenbaum QC

Justice Connect (previously PILCH)

William E Alstergren QC

Law Institute of Victoria - Fee Disputes Conciliator

Jeremy Ruskin QC

Mediator Standards Board – Board of Directors

Mark G Hebblewhite

National Rural Law and Justice Alliance

Anne M Sheehan

The Victoria Law Foundation Board

Elizabeth M Brimer

Victoria Law Foundation – Justice Museum Legal

Reference Group
Dr David J Neal S.C.

VCAT Legal Practice List – Advocate Members

Anthony G Southall QC and Manny Garantziotis QC

Victorian Workcover Authority Committee

Robin P Gorton QC (Chair)

**PART VII** 

### **PERSONALIA**

### **Obituaries**

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

The Honourable Alan Goldberg AO QC 23 July 2016

Theodorus Johan Cornelis Lusink 21 July 2016

David Clifford Turner 2 August 2016

James Donald Merralls AM QC 21 August 2016

Lynnette Schiftan QC 28 August 2016

Christopher John Larkins 21 October 2016

Kenneth John Oldis 31 October 2016

His Honour Timothy Mark Holt 15 November 2016

The Honourable Adrian Allfree Smithers 12 December 2016

His Honour John Leonard Read 25 December 2016

Michael Damien Hennessy 25 January 2017

Hartog Carel Berkeley QC 17 February 2017

His Honour Barry Dove QC 17 February 2017

John Arthur Riordan 22 February 2017

David Benjamin Sharp 27 March 2017

Jeffrey Robert Moore QC 28 March 2017

Christopher Gilligan 14 April 2017

John Edward Barnard QC 9 June 2017

The Honourable Allan McDonald AO, QC 15 June 2017

Michael Adams QC 22 June 2017

Michael Anthony Scarfo 27 June 2017

### 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 2017

Her Excellency the Honourable Linda Marion Dessau AC

The Honourable Justice Mark Samuel Weinberg AO

The Honourable Stephen Pendrill Charles AO QC

The Honourable Justice Kevin Harcourt Bell AM

The Honourable Elizabeth Curtain AM

The Honourable Nahum Mushin AM

The Honourable Kevin John Mahony AM

Brian Emlyn Walters AM QC

William Ewe Min Lye OAM

Gemma Cecilia Varley PSM

### The Queen's Birthday Honours 2017

Julian Paul McMahon AC

The Honourable Joseph Victor Kay AM

Brian James Bourke AM

Law Council of Australia President's

Medal November 2016

Julian Paul McMahon AC

### Senior Counsel



SENIOR COUNSEL: Far Back Row (L-R): Timothy John Seccull, Paul Xavier Connor, Michael Patrick Cahill, Daniel Joseph Crennan.

Middle row: Julie Condon, Amanda Claire Fox, John Richard Kelly, David Chaworth Hallowes, Theodoros Kassimatis, Jonathan Lewis Evans,
Tom Davidson Cordiner. Front Row: Hamish Nicholas Gareth Austin, Penelope Anna Neskovcin, Timothy James McEvoy, Michael Isaac Borsky,
Daniel Irving Star, Rozeta Stoikovska, Andrew Thomas Broadfoot.

### Victoria's newest silks are:

Michael Patrick Cahill Rozeta Stoikovska Timothy John Seccull David Chaworth Hallowes John Richard Kelly Julie Condon Penelope Anna Neskovcin Amanda Claire Fox Daniel Irving Star Timothy James McEvoy
Paul Xavier Connor
Jonathan Lewis Evans
Hamish Nicholas Gareth Austin
Tom Davidson Cordiner
Andrew Thomas Broadfoot
Theodoros Kassimatis
Daniel Joseph Crennan
Michael Isaac Borsky



# 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 2017.

Division	Description	Male	Female	Total
AI	Victorian Practising Counsel	1460	596	2056
	- Queen's Counsel or Senior Counsel	244	32	276
	- Junior Counsel	1216	564	1780
All	Crown Prosecutors and Public Defenders	17	9	26
AIII	Interstate and Overseas Practising Counsel	116	18	134
	- Queen's Counsel or Senior Counsel	52	7	59
	- Junior Counsel	64	11	75
AIV	Victorian Practising Counsel without a current practising certificate, temporarily absent from practice	6	8	14
BI	Governors	0	1	1
BII	Judges, Associate Judges, Magistrates and Judicial Registrars	196	71	267
BIII	Ministers of the Crown and Members of Parliament	3	0	3
BIV	Solicitors-General and Directors of Public Prosecutions	4	0	4
BV	Full-Time Members of Statutory Tribunals	21	13	34
BVI	Crown Counsel & Parliamentary Counsel	1	1	2
BVII	Other Official Appointments	3	4	7
CI	Retired Judges and Other Judicial Officers	119	9	128
CII	Retired Holders of Public Office other than Judicial Office	11	4	15
CIII	Retired Counsel	183	34	217
D	Academics	11	6	17
TOTAL		2151	774	2925

# 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

Simon Tan, Sarah Jane Worsfield, Jonathan Paget Bayly, Bridget Ellen Slocum, Bradley James Parker, Emily Jayne Clark, Paul Arthur Lamb, Roshena Tara Campbell, Jillian Donna Williams, Andrew Graham Burnett, Ben Petrie, Amie Louise Hancock, Chaile Roshan, Margarita Yerusalimsky, Stephanie Margaret Hooper, Katherine Ellen Rolfe, Victoria Catherine McLeod, Amanda Kaye Upton, Mia Clarebrough, Sarah Zeleznikow, Nicholas Oliver Jonathan Cozens, Leigh Robert Howard, Franceska Maria Leoncio, Christie Michelle Jones, Yi-Chuan Chen, Laura Jane Johnston, John Peter William Maloney, Emily Golshtein, Shaun Stuart Clement, Emma Kate Heggie, Katrina Louise Webster, Christopher Keith Wareham, Emily-Jane Clark, Jennika Rachel Anthony-Shaw, Katie Mary Manning, Nicholas James Wallwork, Mitchell James Rupert Latham, Anastasios Tass Antos, Oliver William Cain, Eamonn Hugh Rennick Kelly, Neville James Rudston, Fiona Hudgson, Alexander Calum Henderson, Andrew Neil McRobert, Fatmir I Badali, Abbie-Louisa Jean Roodenburg, Alice Muhlebach, Matthew Brian Peckham, Fung Yee Foo, Estelle Angela Frawley, Thomas Edmond Barry, James Plunkett, Christopher McDermott, Angus Christophersen, Leopold Faust, Elizabeth Bateman, Jordan Heath Schulz, Angela Claire Sharpley, Scott Davison, Natalie Campbell, Briana Goding, Roberto Paoletti, Duncan Chisholm, James Humphris, Nancy Grunwald, Johannes Schmidt, James Davaris, James Edward Hartley, Carina Moore, David Joseph Carolan, David Peter Easteal, Samantha Seoud, Lachlan Bruce Carter, Sarah Elizabeth Lenthall, Stephanie Grace Wallace-Rolley, Julia Paula Kretzenbacher, Jennifer Ann McGarvie, Katherine Elizabeth Farrell, Amelia Hughes, May May Daphne Foong, James Tierney, Reegan Grayson Morison, Jonathan Andrew Barrington, Coral Alden, Christopher Francis O'Meara,

### Re-signed

Elizabeth T Mooney (nee Johnson), Jim Bisas, Adam Crosland McLean, Kate A Hutchings, Mayada Dib, Janine Perlman, Vytautas Valasinacicius, Pamela M Hogan, Amanda Ring, Louise Judith Martin (BR 4341)

### Transfers from this part

Olyvia Nikou QC, Edward Bryant, David M O'Callaghan Michael D Hannan, Edgar Szabo, Raymond I Rosenberg, Diane M New, Mark A Hird, Arthur Gordon Hammet, Joe Beder, James Conquest, Christopher D Johnson, Tim Jacobs, Ellen Grant, Helen Tiplady, Tim Jacobs, Bernard C Cooney, Lachlan McConchie, Terence Sullivan, George Beaumont QC, Shane Tyrell, Leonie Englefield, Cornelia Fourfouris-Mack, Karen Le Faucheur, Kerri Judd QC, John D Philbrick QC, Neal B Chamings, Michele M Williams QC, Samantha L Marks QC, Philip G Crennan, Sarah Leighfield, Judith Lord, Leslie Webb, Gregory J Lyon QC, Brain M Dennis, Simon R Molesworth AM QC, David J O'Callaghan QC, Anthony J Kelly QC, Dr Stephen Donaghue QC, Jane C Forsyth, Kirsten A Rose, Bruce Miller, Anthony G Burns, Frank W Jones, Therese McCarthy, Guiseppe (Joe) Sala, Katherine Sudholz, Edward Woodward S.C.,

### Transfers to the part

Damien B Maguire, Chrissy Mavroudis, Craig McConaghy, Shivani Pillai, Rowena Cantley-Smith, Joel J Harris, Judge Maurice B Phipps QC, Fiona J Connor, Christine Haag, Kiki Politis, Karen Le Faucheur, His Honour Judge Richard J H Maidment, Victoria E Lambropoulos,

### Removed from

Benny S Browne, Lynne Featonby, Emmanuel Samios, Damien Ballan, Robert Nitti, Vince Stefano, Penny Renc, Brendan Reilly, Vivienne S Cashmore, Peta Murphy, Jacob Pruden-Collier, Simon Young, Michael Pena-Ress, Diana L Olsson, Tin Bunjevac, Victoria Compton, Ian F Mawson QC, Alexandra Burt, Caron Y Beaton-Wells

### Division A Part II (Crown Prosecutors & Public Defenders)

Signed

Name removed

Michele M Williams QC, Douglas Trapnell QC

Transfers from this part Matthew Phillips

### Division A Part III (Interstate and Overseas Counsel)

### Signed

Angus Stewart SC, Sean David Radich, Jack Lamar Watson Wass, Felicity Gerry QC, Lorenzo Boccabella, Patrick Dennis Keyzner, Evangeline Niroshana Arulrajah, Christopher David Tesoriero, Matthew George Sawers Crowley

### Transfers to this part

Craig McConaghy, Robert R Harper S.C, Michael B J Lee S.C

### Transfers from this part

Solomon Gerber, Michael J Dodson AM

### Division A Part IV (Victorian Practising Counsel temporarily absent without a Practising Certificate)

### Transfers to this part

Helen Tiplady, Raymond Smith,

### Re-signed

Gordon Muddle S.C,

### Removed from

Joseph D Theseira, Thomas M Jurcovic QC, The Honourable Daryl R Williams AM QC, Anthony J Bellanto QC

### Division A Part IV (Vic Practising Counsel temporarily absent without current PC)

### Transfers from this part

Chrissy Mavroudis, Rowena Cantley-Smith, Joel J Harris, Raymond Smith, Fiona J Connor, Kiki Politis, Karen Le Faucheur,

### Transfers to this part

Ellen Grant, Tim Jacobs, Lachlan McConcnie, Karen Le Faucheur, Jane C Forsyth, Kirsten A Rose,

### Stayed In

Anna M Bennett

### Division B (Judiciary and Official Appointments)

### Transferred To

Leonie Englefield (Appointed Registrar Supreme Court)

Kerri Judd QC (Appointed Senior Crown Prosecutor)

Samantha L Marks QC (Appointed to the County Court)

Sarah Leighfield (Appointed to the Magistrates Court)

Gregory J Lyon QC (Appointed to the County Court)

Simon R Molesworth AM QC (appointment to the NSW Land and Environment Court)

David J O'Callaghan QC (appointment to the Federal Court of Australia)

Anthony J Kelly QC (appointment to the Federal Circuit Court of Australia)

Dr Stephen Donaghue QC (appointment as Commonwealth Solicitor-General.)

Robert R Harper S.C (appointed to Federal Court of Australia (NSW)

Anthony G Lupton (appointed to the Mental Health Tribunal)

Anthony G Burns (appointed to the Magistrates' Court of Victoria)

Therese McCarthy (appointed to the Magistrates' Court of Victoria)

Michael B J Lee S.C (appointed to the Federal Court of Australia (Sydney Registry (NSW)

Katherine Sudholz appointed as a Judicial Registrar of the Family Court of Australia (Melbourne Registry).

Edward Woodward S.C. (appointed to the County Court)

Her Honour Magistrate Carolene Rhonda Gwynn (appointed to County Court) for noting

Douglas Trapnell (appointed to County Court)

#### Transfers from

Damien B Maguire, Gemma Varley, Russell E Byard, Shivani Pillai, Judge Maurice B Phipps, His Honour Anthony J Howard QC, His Honour Judge Richard J H Maidment, The Honourable Justice Chris N Jessup, Michael Wright QC

#### Removed from

Michael O'Brien MP,

### Division C (Retired)

### Transfers from this division

Christine Haag

#### Transfers to this division

Olyvia Nikou QC, David M O'Callaghan, Michael D Hannan, Edgar Szabo, Raymond I Rosenberg, Diane M New, Mark A Hird, Arthur Gordon Hammet, Joe Beder, James Conquest, Christopher D Johnson, Tim Jacobs, Bernard Cooney, Terence Sullivan, George Beaumont QC, Shane Tyrell, Gemma Varley, Cornelia Fourfouris-Mack, Russell E Byard, John D Philbrick

QC, Neal B Chamings, Charles R Williams, Michele M Williams QC, Edward Bryant, Roger N Douglas, Philip G Crennan, Judith Lord, Leslie Webb, Brian M Dennis, His Honour Judge Anthony Howard QC, Bruce Miller, The Honourable Justice Chris N Jessup, Frank W Jones, Guiseppe (Joe) Sala, Michael Wright QC,

### Division D (Academics)

### Transfers from this division

Charles R Williams, Roger N Douglas, Anthony G Lupton, Victoria E Lambropoulos

#### Transfers to this division

### Grant of PC

Elizabeth T Mooney (nee Johnson), Damien B Maguire, Chrissy Mavroudis, Jane Macdonnell, Simon Tan, Shivani Pillai, Rowena Cantley-Smith, Jim Bisas, Adam Crosland McLean, Sarah Jane Worsfield, Jonathan Paget Bayly, Bridget Ellen Slocum, Bradley James Parker, Emily Jayne Clark, Paul Arthur Lamb, Roshena Tara Campbell, Jillian Donna Williams, Andrew Graham Burnett, Ben Petrie, Amie Louise Hancock, Chaile Roshan, Margarita Yerusalimsky, Stephanie Margaret Hooper, Katherine Ellen Rolfe, Victoria Catherine McLeod, Amanda Kaye Upton, Mia Clarebrough, Sarah Zeleznikow, Nicholas Oliver Jonathan Cozens, Leigh Robert Howard, Franceska Maria Leoncio, Christie Michelle Jones, Yi-Chuan Chen, Laura Jane Johnston, John Peter William Maloney, Emily Golshtein, Shaun Stuart Clement, Emma Kate Heggie, Katrina Louise Webster, Christopher Keith Wareham, Emily-Jane Clark, Jennika Rachel Anthony-Shaw, Katie Mary Manning, Nicholas James Wallwork, Mitchell James Rupert Latham, Anastasios Tass Antos, Oliver William Cain, Eamonn Hugh Rennick Kelly, Kate A Hutchings, Maurice Phipps QC, Fiona J Connor, Dib, Mayada, Vytautas

Valasinacicius, Pamela M Hogan, Amanda Ring, Christine Haag, Kiki Politis, Karen Le Faucheur, Jack Lamar Watson Wass, Neville James Rudston, His Honour Judge Richard J H Maidment, Janine Perlman, Fiona Hudgson, Alexander Calum Henderson, Andrew Neil McRobert, Fatmir I Badali, Abbie-Louisa Jean Roodenburg, Alice Muhlebach, Matthew Brian Peckham, Fung Yee Foo, Estelle Angela Frawley, Thomas Edmond Barry, James Plunkett, Christopher McDermott, Angus Christophersen, Leopold Faust, Elizabeth Bateman, Jordan Heath Schulz, Angela Claire Sharpley, Scott Davison, Natalie Campbell, Briana Goding, Roberto Paoletti, Duncan Chisholm, James Humphris, Nancy Grunwald, Johannes Schmidt, James Davaris,, James Edward Hartley, Carina Moore, David Joseph Carolan, David Peter Easteal, Samantha Seoud, Lachlan Bruce Carter, Sarah Elizabeth Lenthall, Stephanie Grace Wallace-Rolley, Julia Paula Kretzenbacher, Jennifer Ann McGarvie, Katherine Elizabeth Farrell, Amelia Hughes, May Daphne Foong, James Tierney, Reegan Grayson Morison, Jonathan Andrew Barrington, Coral Alden, Louise Judith Martin,





## CONSOLIDATED GROUP ENTITIES

### Victorian Bar Incorporated

Registered No. A0034304S

Owen Dixon Chambers East Level 5 / 205 William Street Melbourne Victoria 3000

T: 03 9225 7111 F: 03 9225 6068

E: vicbar@vicbar.com.au W: www.vicbar.com.au

### Bar Council Members

Jennifer J Batrouney QC ( President), Dr Matthew J Collins QC (Senior Vice-President), Wendy A Harris QC (Junior Vice-President), Paul O Holdenson QC, Michelle L Quigley QC, Simon E Marks QC, Dr Ian R L Freckelton, Peter A Chadwick QC, Aine M Magee QC, Elizabeth M Brimmer, Daniel J Crennan QC (Honorary Treasurer), Susan K Gatford, Samuel D Hay (Assistant Honorary Treasurer), Justin P Wheelahan, Elizabeth H Ruddle, Sarah J Keating, Daniel B Bongiorno, Karen Argiropoulos, Barbara A Myers, Julia Frederico, Andrew D H Denton (Honorary Secretary) and Nicole L Papaleo (Assistant Honorary Secretary)

### Barristers Chambers Limited

ACN 004 454 004

#### **Board of Directors**

Michael D Wyles QC (Chairman), Jacob (Jack) I Fajgenbaum QC (Deputy Chairman), The Honourable Justice David J O'Callaghan QC, Adrian J Finanzio S.C., Daniel J Crennan QC, Penelope A Neskovcin QC, Catherine G Button, Alice Williams, Rebecca McGrath and Ian Whitehead (Member/CEO)

### The Melbourne Bar Pty Ltd

ACN 004 640 108

Jennifer J Batrouney QC and Daniel J Crennan QC

### PART X

### REPORTS OF GROUP ENTITIES

## 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 2017. In order to comply with the provisions of the Associations Incorporation Reform Act 2012 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 10 of the annual report under Bar Council, except for the following who retired from the previous Bar Council during the year:

### 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 2017 the Association achieved a surplus from ordinary activities of \$402,263 (2016: \$299.690) after an income tax benefit of \$233.514 (2016: \$256,156). Its consolidated surplus from ordinary activities was \$24,144,331 (2016: \$7,802,007) after income tax expense of \$6,129,511 (2016: \$2,551,726). The current year significant increase in surplus is due to a \$21,778,766 gain on revaluation of investment properties.

### 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 10 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

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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 Constitution of the Victorian Bar.

On behalf of the Officers

#### Jennifer J Batrouney QC

President 5 October 2017

**Daniel Crennan** 

Honorary Treasurer 5 October 2017



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

# Report on the Audit of the Financial Report

### Opinion

We have audited the financial report of The Victorian Bar Incorporated and its subsidiaries (the "Group"), which comprise the statement of financial position as at 30 June 2017, the statement profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and declaration by the Officers.

In our opinion the accompanying financial report presents fairly, in all material respects, the Group's financial position as at 30 June 2017, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards to the extent described in Note 3 to the financial report, the Associations Incorporation Reform Act 2012 and the Constitution.

### **Basis for Opinion**

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Group in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

### Emphasis of Matter – Basis of Accounting

We draw attention to Note 3 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Officers' financial reporting responsibilities under the Associations Incorporation Reform Act 2012 and the Constitution. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

#### Other Information

The Officers are responsible for the other information.

The other information comprises the information included in, or distributed with the annual report, but does not include

the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance or conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information

Deloitte.

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is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information; we are required to report that fact. We have nothing to report in this regard.

### Officers' Responsibilities for the Financial Report

The Officers are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the Associations Incorporation Reform Act 2012 and the Constitution and for such internal control as the Officers determine is necessary to enable the preparation and fair presentation of the financial report and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Officers are responsible for assessing the Group's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the officers either intend to liquidate the Group or to cease operations, or have no realistic alternative but to do so.

# Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- > Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- > Obtain an understanding of internal control relevant to the audit 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 Group's internal control.
- > Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the officers.
- > Conclude on the appropriateness of the Officers' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we

- are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Group to cease to continue as a going concern.
- > Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Officers regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Deloitte Touche Tohmadsu

**DELOITTE TOUCHE TOHMATSU** 

Alison Brown

**Alison Brown** 

Partner, Chartered Accountants Melbourne, 11 October 2017

### Officers' declaration

The Officers have determined that the Victorian Bar Inc (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 Officer's reporting requirements under the Victorian Bar Inc's Constitution and the Associations Incorporation Reform Act 2012.

The Officers of the Association declare that:

- The financial statements and notes thereto, as set out on pages 55-71:
  - a. Comply with accounting standards, the Associations Incorporation Reform Act 2012 and the reporting requirements under the Victorian Bar's Constitution; and
  - b. Give a true and fair view of the financial position as at 30 June 2017 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

Jennifer Batrouney QC, President Melbourne, 5th October 2017

**Daniel Crennan, Honorary Treasurer** 

Melbourne, 5th October 2017

### Associations Incorporation Reform Act 2012

Sections 94 (2) (b), 97 (2) (b) and 100 (2) (b)

ANNUAL STATEMENTS GIVE TRUE AND FAIR VIEW OF FINANICAL POSITION OF INCORPORATED ASSOCIATION

We, **Jennifer Jane Batrouney** and **Daniel Joseph Crennan**, being President and Honorary Treasurer of the Victorian Bar Council respectively, and members of the Victorian Bar Council, which is the Committee of The Victorian Bar Incorporated, certify that—

The financial statements (and notes thereto) set out on pages 55 to 71 of the printed Victorian Bar Annual Report 2017 presented at the Annual General Meeting of The Victorian Bar Incorporated at 4:30 pm on Monday 23 October 2017 in the Bar Council Chamber, Level 1, Owen Dixon Chambers East, 205 William Street, Melbourne with this certificate give a true and fair view of the financial position of The Victorian Bar Incorporated during and at the end of the financial year of the association ending on 30 June 2017.

Dated this 11th day of October 2017

Jennifer Batrouney QC

President

Daniel Crennan QC

Honorary Treasurer

# Statement of profit or loss and other comprehensive income for the year ended 30 June 2017

		Consolid	lated	Paren	t
	Note	2017 \$	2016 restated \$	2017 \$	2016 \$
Continuing operations					
Revenue	4	41,950,211	39,666,414	5,832,848	5,593,599
Gain on revaluation of investment properties		21,778,766	-	-	-
Employee benefits expense		(6,555,941)	(5,054,990)	(2,146,997)	(1,929,297)
Depreciation and amortisation expense	5	(1,579,003)	(1,434,283)	(86,184)	(67,870)
Lease expenses		(9,371,996)	(8,861,800)	(1,020,839)	(915,449)
Administration expenses		(5,893,944)	(5,358,321)	(2,493,221)	(2,637,449)
Finance expense	5	(1,779,230)	(2,034,330)	-	-
Write off of fixed assets		(180,809)	(544,000)	-	-
Building management expenses		(5,303,069)	(3,015,427)	-	-
Technology expenses		(704,980)	(881,605)		
Utilities expense		(2,149,241)	(2,127,925)	-	-
Gain on financial assets		63,078	-	63,078	-
Surplus before income tax expense		30,273,842	10,353,733	148,685	43,534
Income tax (expense)/benefit	6	(6,129,511)	(2,551,726)	253,578	256,156
Surplus for the year		24,144,331	7,802,007	402,263	299,690
Other comprehensive income net of income tax					
Items that will not be reclassified subsequently to profit or loss:		-	-	-	-
Total comprehensive income for the year		24,144,331	7,802,007	402,263	299,690

The accompanying notes form part of these financial statements.

# Statement of financial position at 30 June 2017

			Consolidated		Paren	t
	Note	2017 \$	2016 restated \$	2015 restated \$	2017 \$	2016 \$
Current assets			·	•		
Cash and cash equivalents	7	12,368,799	8,785,595	8,268,886	4,625,256	5,758,711
Current tax receivable	18	292,862	-	-	292,862	-
Trade and other receivables	8	1,371,338	957,288	2,719,559	166,738	902,556
Other assets	9	1,063,206	971,971	164,175	683	13,756
Total current assets		15,096,205	10,714,854	11,152,620	5,085,539	6,675,023
Non-current assets						
Investment in subsidiary	10	-	-	-	10,187,430	10,187,430
Other financial assets	11	2,435,815	-	-	2,435,814	-
Property, plant and equipment	12	11,117,031	10,255,643	11,262,561	228,765	232,860
Intangible Assets	14	263,457	-	-	263,457	-
Investment property	13	205,899,980	176,932,000	174,500,000	-	-
Other assets	9	5,535,413	5,954,217	411,954	-	-
Deferred tax asset	18	-	-	-	100,480	85,650
Total non-current assets		225,251,696	193,141,860	186,174,515	13,215,956	10,505,940
Total assets		240,347,901	203,856,714	197,327,135	18,301,485	17,180,963
<b>Current liabilities</b>						
Trade and other payables	15	15,363,794	11,883,551	13,946,899	4,354,238	3,603,578
Provisions	17	683,370	371,266	442,513	217,580	197,230
Current tax liabilities	18	-	74,582	94,701	52,199	74,582
Total current liabilities		16,047,164	12,329,399	14,484,113	4,624,017	3,875,390
Non-current liabilities						
Borrowings	16	44,492,391	40,492,391	45,992,391	-	-
Provisions	17	14,288	60,439	70,868	-	30,368
Trade and other payables	15	6,107,711	5,954,217		-	-
Deferred tax liabilities	18	9,331,637	4,809,889	4,371,391	-	-
Total non-current liabilities		59,946,027	51,316,936	50,434,650	-	30,368
Total liabilities		75,993,191	63,646,335	64,918,763	4,624,017	3,905,758
Net assets		164,354,710	140,210,379	132,408,372	13,677,468	13,275,205
Equity						
Reserves		-	-	-	-	-
Retained earnings		164,354,710	140,210,379	132,408,372	13,677,468	13,275,205
Total equity		164,354,710	140,210,379	132,408,372	13,677,468	13,275,205

The accompanying notes form part of these financial statements.

# Statement of changes in equity for the year ended 30 June 2017

	Retained earnings \$	Total \$
Parent		
Balance at 1 July 2015	12,975,515	12,975,515
Profit for the year	299,690	299,690
Other comprehensive income for the year	-	-
Total comprehensive income for the year	299,690	299,690
Balance at 30 June 2016	13,275,205	13,275,205
Profit for the year	402,263	402,263
Other comprehensive income for the year	-	-
Total comprehensive income for the year	402,263	402,263
Balance at 30 June 2017	13,677,468	13,677,468
Consolidated (Restated)	Retained earnings \$	Total \$
Balance at 1 July 2015	132,408,372	132,408,372
Profit for the year	7,802,007	7,802,007
Other comprehensive income for the year	-	-
Total comprehensive income for the year	<u> </u>	-
Balance at 30 June 2016 (Restated)	140,210,379	140,210,379
Balance at 1 July 2016 (Restated)	140,210,379	140,210,379
Profit for the year	24,144,331	24,144,331
Other comprehensive income for the year	-	
Total comprehensive income for the year	<u> </u>	
Balance at 30 June 2017	164,354,710	164,354,710

The accompanying notes form part of these financial statements.

### Statement of cash flows for the year ended 30 June 2017

		Consol	idated	Par	ent
		2017	2016	2017	2016
	Note	\$	<u> </u>	\$	\$
Cash flows from operating activities					
Receipts from members and customers		41,185,329	35,653,904	5,812,916	4,601,781
LSB reimbursements and contributions		755,750	731,041	755,750	731,041
Interest (paid) / received		13,886	149,263	-	96,952
Payments to suppliers and employees		(26,245,298)	(23,010,920)	(5,058,317)	(5,377,003)
Finance expenses paid		(1,779,230)	(2,034,330)	-	-
Income tax paid		(1,900,625)	(2,066,372)	74,178	-
Net cash generated by operating activities	19(b)	12,029,812	9,422,586	1,584,527	52,771
Cash flows from investing activities					
Payments for financial assets	1	(2,497,547)	-	(2,497,547)	-
Payments for intangible assets		(270,110)	-	(270,110)	-
Proceeds from the sale of property, plant and equipment		124,811	-	124,811	-
Payments for investment property improvements		(7,189,214)	-	-	-
Payments for property, plant and equipment		(2,614,547)	(3,405,877)	(75,436)	(144,413)
Net cash used in investing activities		(12,446,607)	(3,405,877)	(2,718,282)	(144,413)
Cash flows from financing activities					
Repayment of borrowings		4,000,000	(5,500,000)	-	-
Net cash used in financing activities		4,000,000	(5,500,000)	-	-
Net (decrease)/increase in cash and cash equivalents		3,583,205	516,709	(1,133,455)	(91,642)
Cash and cash equivalents at the beginning of the year		8,785,595	8,268,886	5,758,711	5,850,353
Cash and cash equivalents at the end of the year	19(a)	12,368,800	8,785,595	4,625,256	5,758,711

The accompanying notes form part of these financial statements.

### General information

The Victorian Bar Inc (the Association) is incorporated under the Associations Incorporation Reform Act 2012, 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

The Victorian Bar is a private, voluntary, self-funded, non-profit professional association of barristers who practise in Victoria. Its principal activities during the period related to the provision of regulatory and other services to barristers who practice in Victoria.

### 2. Adoption of new and revised Accounting Standards

2.I Amendments to Accounting Standards that are mandatorily effective for the current reporting period. The entity has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to their operations and effective for an accounting period that begins on or after 1 July 2016. These include

- > AASB 2014-4 Amendments to Australian Accounting Standards Clarification of Acceptable Methods of Depreciation and Amortisation
- > AASB 2015-1 Amendments to Australian Accounting Standards Annual Improvements to Australian Accounting Standards 2012-2014 Cycle
- > AASB 2015-2 Amendments to Australian Accounting Standards Disclosure Initiative: Amendments to AASB 101

At the date of authorisation of the financial statements, the Group has not applied the following new and revised Australian Accounting Standards, Interpretations and amendments that have been issued but are not yet effective:

Standard/amendment	Effective for annual reporting periods beginning on or after
AASB 9 Financial Instruments	30 June 2020
AASB 15 Revenue from Contracts with Customers, 2014-5 Amendments to Australian Accounting Standards arising from AASB 15, 2015-8 Amendments to Australian Accounting Standards – Effective date of AASB 15, 2016-3 Amendments to Australian Accounting Standards – Clarifications to AASB 15	30 June 2020
AASB 16 Leases	30 June 2020
AASB 2015-10 Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 and AASB 128	30 June 2019
Standard/amendment	Effective for annual reporting periods beginning on or after
AASB 2016-1 Amendments to Australian Accounting Standards – Recognition of Deferred Tax Assets for Unrealised Losses (AASB 112)	30 June 2018
AASB 2017-1 Amendments to Australian Accounting Standards - Transfers of Investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments	30 June 2018
AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle	30 June 2018

### Financial reporting framework

The Officers have determined that the Victorian Bar Inc (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 Officer's reporting requirements under the Victorian Bar Inc's Constitution and the Associations Incorporation Reform Act 2012.

For the purpose of preparing the financial statement, the Association is a for profit entity.

### Statement of compliance

The financial report has been prepared in accordance with the Associations Incorporation Reform Act 2012, the Victorian Bar Inc Constitution, 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'.

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 Group'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.

### Investment properties

The fair values of properties are calculated using a combination of market sales comparison and capitalisation rate. To assist with calculating reliable estimates, the company uses external valuers on at least a biennial basis. The fair values are a best estimate, but may differ to the actual sales price if the properties were to be sold. The key judgements for each valuation method are explained below:

### Investment properties (continued)

Market sales comparison: Utilises recent sales of comparable properties, adjusted for any differences including the nature, location and lease profile;

Capitalisation rate: Capitalises the fully-leased net income for a property into perpetuity at an appropriate capitalisation rate. The fully-leased net income is based on market rents, operating costs and future income on vacant space. The capitalisation rate reflects the nature, location and tenancy profile of the property, together with current market evidence and sales of comparable properties.

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 in note 10) (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) Income tax

Subscription income received by the Association from its members is 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. All income received by Barristers Chambers Limited, a subsidiary company of the Association, is taxable.

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.

### (e) Income tax (continued)

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.

### (f) Tax consolidation

The Association and its subsidiaries, Barristers' Chambers Ltd and The Melbourne Bar Pty Ltd are part of a taxconsolidated 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).

### (g) Property, plant and equipment

Freehold land and buildings are recorded at fair value less, where applicable, any accumulated depreciation or impairment losses. Accordingly they are shown at their fair value (being the amount for which an asset could be exchanged between knowledgeable willing parties in an arm's length transaction), based on periodic, biennial valuations by external independent valuers, less subsequent depreciation for buildings.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset. Increases in the carrying amount arising on revaluation of land and buildings are credited to the asset revaluation reserve in equity. Decreases that offset previous increases of the same asset are charged against the asset revaluation reserve directly in equity; all other decreases are charged to the Statement of Comprehensive Income.

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.

### (h) 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

	<b>Depreciation Rate</b>
Buildings	2%
Leasehold Improvements	4-10%
Plant and Equipment	5-33%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting period. 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.

### (i) Property, plant and equipment (continued)

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.

### (j) Investment property

Investment properties, land and office buildings, are held for rental yields and are not occupied by the Group. They are carried at fair value. Changes in fair values are presented in profit and loss as part of other income. The cost of major renovations and improvements are capitalised as

an addition. The cost of maintenance, repairs and minor improvements are charged to profit and loss when incurred.

The group obtains independent valuations for its investment properties at least every two years. At the end of each reporting period, the directors update their assessment of the fair value of each property, taking into account the most recent independent valuations. The directors determine a property's value within a range of reasonable fair value estimates.

The best evidence of fair value is current prices in an active market for similar properties. Where such information is not available the directors consider information from a variety of sources including:

- > current prices in an active market for properties of different nature or recent prices of similar properties in less active markets, adjusted to reflect those differences;
- discounted cash flow projections based on reliable estimates of future cash flows;
- > capitalised income projections based upon a property's estimated net market income, and a capitalisation rate derived from an analysis of market evidence.

### (k) Intangible assets

Intangible assets with finite lives that are acquired separately are carried at cost less accumulated amortisation and accumulated impairment losses. Amortisation is recognised on a straight-line basis over their estimated useful lives. The estimated useful life and amortisation method are reviewed at the end of each reporting period, with the effect of any changes in estimate being accounted for on a prospective basis. Intangible assets with indefinite useful lives that are acquired separately are carried at cost less accumulated impairment losses.

An internally-generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following have been demonstrated: the technical feasibility of completing the intangible asset so that it will be available for use or sale, the intention to complete the intangible asset and use or sell it, the ability to use or sell the intangible asset, how the intangible asset will generate probable future economic benefits, the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset and the ability to measure reliably the expenditure attributable to the intangible asset during its development.

The amount initially recognised for internally-generated intangible assets is the sum of the expenditure incurred from the date when the intangible asset first meets the recognition criteria listed above. Where no internally-

generated intangible asset can be recognised, development expenditure is recognised in profit or loss in the period in which it is incurred. Subsequent to initial recognition, internally-generated intangible assets are reported at cost less accumulated amortisation and accumulated impairment losses, on the same basis as intangible assets that are acquired separately.

### (l) 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.

### (m) Provisions (continued)

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.

The Group is required to restore leased premises to their original condition at the end of the respective lease terms. A provision is recognised for the present value of the estimated expenditure required to remove any leasehold improvements where the obligation and the amount can be reliably estimated.

#### (n) Leasing

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.

### Association 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.

#### Association as lessor

Amounts due from lessees under finance leases are recognised as receivables at the amount of the Association's net investment in the leases. Finance lease income is allocated to accounting periods so as to reflect a constant periodic rate of return on the Association's net investment outstanding in respect of the leases. Rental income from operating leases is recognised on a straight-line basis over the term of the relevant lease. Initial direct costs incurred in negotiating and arranging an operating lease are added to the carrying amount of the leased asset and recognised on a straight-line basis over the lease term.

#### (o) 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.

#### (p) 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.

### (a) Revenue

Revenue from leased properties is recognised as invoiced on a monthly basis based on the short term tenancy agreements with barristers.

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).

### (r) 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.

### (s) 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.

# (t) 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.

# (u) Impairment of tangible and intangible assets other than goodwill (continued)

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.

### (v) Comparative amounts

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

### (w) Financial assets

Financial assets are classified into the following specified categories: financial assets 'at fair value through profit or loss' (FVTPL) and 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

### Fair value through profit or loss

Financial assets at FVTPL are stated at fair value, with any gains or losses arising on remeasurement recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any dividend or interest earned on the financial asset and is included in the 'other gains and losses' line item. Fair value is determined in the manner described below.

#### Fair value

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date, regardless of whether that price is directly observable or estimated using another valuation technique. In estimating the fair value of an asset or a liability, the Group takes into account the characteristics of the asset or liability if market participants would take those characteristics into account when pricing the asset or liability at the measurement date. In addition, for financial reporting purposes, fair value measurements are categorised into Level 1, 2 or 3 based on the degree to which the inputs to the fair value measurements are observable and the significance of the inputs to the fair value measurement in its entirety, which are described as follows:

- Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date;
- > Level 2 inputs are inputs, other than quoted prices included within Level 1, that are observable for the asset or liability, either directly or indirectly; and
- > Level 3 inputs are unobservable inputs for the asset or liability.

#### Loans and receivables

Trade receivables, loans, and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. Interest income is recognised by applying the effective interest rate, except for short-term receivables when the effect of discounting is immaterial.

### (x) Working capital management

As at 30 June 2017 the consolidated entity has an excess of current liabilities over current assets of \$950,959 (2016: \$1,614,545) due to deferred revenue relating to prepaid rent and subscriptions of \$5,233,995 (2016: \$6,890,444). This balance relates to barristers who have prepaid their rent and subscriptions in advance of the end of the financial year and it is expected to be realised in the ordinary course of business as revenue with no cash outlay. In addition, Barristers' Chambers Limited has a policy of utilising excess cash reserves to retire debt. As a result of the above, the officers believe that the consolidated entity can pay its debts as and when due.

4. Revenue	Consolidat	ted	Parent	
	2017 \$	2016	2017	2016
Revenue from operating activities	•	•	·	
Subscriptions	3,503,830	3,459,417	3,503,830	3,459,457
Readers Course, Mediation & Seminar Fees	1,443,272	1,108,104	1,185,435	1,108,104
Other Revenue	1,654,809	1,462,764	283,891	198,045
Rent and Joinery Revenue	33,837,921	32,331,853	-	-
Managed floor Solutions	636,801	423,972	-	-
	41,076,633	38,786,110	4,973,156	4,765,606
Revenue from non-operating activities				
Interest Revenue	13,886	149,263	-	96,952
Investment income	103,942	-	103,942	-
Legal Service Board and Commissioner, Contributions	755,750	731,041	755,750	731,041
	873,578	880,304	859,692	827,993
Total Revenue	41,950,211	39,666,414	5,832,848	5,593,599
Surplus for the year has been arrived at after char Finance cost	88			
Interest on Mortgage	1,779,230	2,034,330	-	-
Depreciation and amortisation				
Software	6,654	-	6,654	-
Plant, equipment and improvements	1,572,349	1,434,283	79,530	67,870
	1,579,003	1,434,283	86,184	67,870
Minimum lease payments on operating leases	11,078,127	9,817,188	1,124,573	
		7,011,100		954,788
5. Surplus before income tax (cont'd)		7,011,100		954,788
		.,		954,788
5. Surplus before income tax (cont'd)	36,000	35,150	36,000	<b>954,788</b> 35,150
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte	36,000 22,000			
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte  Auditing of the Financial Reports		35,150	36,000	35,150
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte  Auditing of the Financial Reports  Taxation and Accounting Services	22,000	35,150	36,000 22,000	35,150 52,765
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte  Auditing of the Financial Reports  Taxation and Accounting Services  Other services	22,000	35,150	36,000 22,000	35,150 52,765
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte  Auditing of the Financial Reports  Taxation and Accounting Services  Other services  Auditors remuneration - PwC	22,000	35,150 52,765 -	36,000 22,000 5,700	35,150 52,765
5. Surplus before income tax (cont'd)  Auditors remuneration - Deloitte  Auditing of the Financial Reports  Taxation and Accounting Services  Other services  Auditors remuneration - PwC  Auditing of the Financial Reports	22,000 - 53,000	35,150 52,765 - 52,000	36,000 22,000 5,700	35,150 52,765

The auditor is Deloitte Touche Tohmatsu.

6. Income tax	Consolida	ated	Parent	
Components of income tax (expense)/benefit	2017	2016	2017	2016
Tax expenses comprises:	\$	\$	\$	\$
Current tax (expense)/benefit	(1,327,290)	(2,292,626)	245,712	238,709
Deferred tax (expense)/benefit relating to timing differences	(4,802,221)	(259,100)	7,886	17,447
	(6,129,511)	(2,551,726)	253,578	256,156
7. Cash and cash equivalents				
Cash on Hand	-	250	-	-
Cash Deposits with Banks	7,743,543	5,905,602	854,003	2,878,968
Short-term Money Market Deposits	4,625,256	2,879,743	3,771,253	2,879,743
	12,368,799	8,785,595	4,625,256	5,758,711
8. Trade and other receivables			'	
Trade receivables	1,362,913	814,145	166,738	71,371
Provision for doubtful debts	(45,583)	(45,583)	-	-
	1,317,330	768,562	166,738	71,371
Receivable from Barristers' Chambers Limited for income tax	-	-	-	510,879
Other receivables	54,008	188,726	-	101,716
	1,371,338	957,288	166,738	902,556
9. Other assets				
Current				
Prepayments	408,000	339,275	683	13,756
Fit-out incentive	655,206	632,696	-	-
	1,063,206	971,971	683	13,756
Non-current				
Fit out incentive	5,535,413	5,954,217	-	-
	5,535,413	5,954,217	-	-
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. The consolidated group is made up of the parent entity The Victorian Bar Inc and subsidiary companies Barristers' Chambers Limited and the Melbourne Bar Pty Ltd.

II. Other financial assets	Conso	olidated	Pare	ent
	2017	2016 \$	2017 \$	2016 \$
Financial assets carried at fair value through profit or loss	2,435,814	-	2,435,814	-
12. Property, plant and equipment		·	·	
Carrying amounts of				
Plant and equipment	163,577	204,641	163,577	204,607
Art works	65,188	28,251	65,188	28,253
Fixtures and fittings	9,100,183	8,820,296	-	-
Assets under construction	1,788,083	1,202,455	-	-
	11,117,031	10,255,643	228,765	232,860

Parent		'	'		
	Plant and equipmen	nt	'		
	at cost		Art Works		Total
	\$		\$		\$
Balance at 1 July 2015	1.107740		141.000		1540740
Cost	1,407,768		141,990		1,549,749
Accumulated depreciation	(1,203,127)		(113,739)	(1,	316,889)
	204,641		28,251		232,860
Balance at 1 July 2016					
Cost	1,439,893		185,274		1,625,157
Accumulated depreciation	(1,276,316)	(	(120,086)	(1,	396,402)
	163,577		65,188		228,765
Consolidated					
	Accets don	Civt	Plant and	ـه ۸	
	Assets under construction	Fixtures and fittings	equipment at cost	Art Works	Total
	\$	\$	\$	\$	\$
Balance at 1 July 2015					
Cost	1,202,455	19,526,880	1,407,768	141,990	22,279,093
Accumulated depreciation	-	(10,706,584)	(1,203,127)	(113,739)	(12,023,450
	1,202,455	8,820,296	204,641	28,251	10,255,643
Balance at 1 July 2016					
Cost	1,788,083	21,099,863	1,439,893	185,274	24,513,113
Accumulated depreciation	-	(11,999,680)	(1,276,316)	(120,086)	(13,396,082
	1,788,083	9,100,183	163,577	65,188	11,117,03
13. Investment properties					
Consolidated	,				
		Land and build		and buildings	
	Land and buildings Owen Dixon Chambers West	Owen Dixor Chambers Ea		glas Menzies Chambers	Total
	\$	\$		\$	\$
As at 1 July 2015					
Cost or fair value	110,800,000	50,600,00	0 13	,100,000	174,500,000
		429,000		365,000	2,432,000
Additions	1,138,000				
Additions Closing 30 June 2016	1,138,000 <b>111,938,000</b>	51,029,00	0 13	,965,000	176,932,000
		51,029,00	0 13	,965,000	176,932,000
Closing 30 June 2016		<b>51,029,00</b>		<b>,965,000</b> ,965,000	176,932,000
Closing 30 June 2016 As at 1 July 2016	111,938,000		0 13		
Closing 30 June 2016 As at 1 July 2016 Cost or fair value	111,938,000	51,029,00	0 13	,965,000	176,932,000
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions	111,938,000 111,938,000 4,777,980	51,029,000 1,776,000	0 13 0 6 0 2,	,965,000 536,000	176,932,000 7,190,000 21,778,000
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation	111,938,000 111,938,000 4,777,980 14,984,000	51,029,000 1,776,000 4,695,000	0 13 0 6 0 2,	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation Closing 30 June 2017	111,938,000 111,938,000 4,777,980 14,984,000	51,029,000 1,776,000 4,695,000	0 13 0 6 0 2,	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation Closing 30 June 2017  14. Intangible assets	111,938,000  111,938,000  4,777,980  14,984,000  131,699,980  Website development cos	51,029,000 1,776,000 4,695,000 <b>57,500,00</b>	0 13 0 6 0 2, 0 16 Software	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000 <b>205,899,98</b> 0
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation Closing 30 June 2017  14. Intangible assets	111,938,000 111,938,000 4,777,980 14,984,000 131,699,980	51,029,000 1,776,000 4,695,000 <b>57,500,00</b>	0 13 0 (e 0 2, 0 16	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000 <b>205,899,98</b> (
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation Closing 30 June 2017  14. Intangible assets Consolidated	111,938,000  111,938,000  4,777,980  14,984,000  131,699,980  Website development cos	51,029,000 1,776,000 4,695,000 <b>57,500,00</b>	0 13 0 6 0 2, 0 16 Software	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000 <b>205,899,98</b> 0
Closing 30 June 2016 As at 1 July 2016 Cost or fair value Additions Revaluation Closing 30 June 2017 14. Intangible assets Consolidated  Balance as at 1 July 2016	111,938,000  111,938,000  4,777,980  14,984,000  131,699,980  Website development cos	51,029,000 1,776,000 4,695,000 <b>57,500,00</b>	0 13 0 6 0 2, 0 16 Software \$	,965,000 536,000 099,000	176,932,000 7,190,000 21,778,000 <b>205,899,98</b> 0 Total \$

15. Trade and other payables	Conso	lidated	Par	ent
	2017 \$	2016 \$	2017 \$	2016 \$
Current				
Deferred revenue	5,233,995	6,890,444	2,519,958	2,150,586
Trade creditors and accruals	4,297,726	2,205,654	1,747,642	1,371,596
Related Party - The Essoign Club	86,638	81,396	86,638	81,396
Other creditors	5,090,229	2,073,361	-	-
Fit out incentive	655,206	632,696	-	-
	15,363,794	11,883,551	4,354,238	3,603,578
Non-current				
Deferred revenue	572,298	-	-	-
Fit out incentive	5,535,413	5,954,217	-	-
	6,107,711	5,954,217	-	-
16. Borrowings				
M				
Non-current				
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 17. Provision	nown as Owen Dixon Chambers Ea			
Debt facility  The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April	525-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea	ne known as Owen D		
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 17. Provision	525-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea	ne known as Owen D		
Debt facility  The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current	25-539 Lonsdale Street, Melbourr nown as Owen Dixon Chambers Ea 2020.	ne known as Owen D		acity of
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 17. Provision  Current  Makegood provision	225-539 Lonsdale Street, Melbourr nown as Owen Dixon Chambers Ea 2020. 208,775	ne known as Owen D ast. The loan has an u	unused drawing cap	acity of - 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 17. Provision  Current  Makegood provision	208,775 474,595	ne known as Owen D ast. The loan has an u - 371,266	unused drawing cap - 217,580	acity of - 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 17. Provision  Current  Makegood provision  Employee benefits	208,775 474,595	ne known as Owen D ast. The loan has an u - 371,266	unused drawing cap - 217,580	
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current  Makegood provision  Employee benefits  Non-current	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 <b>683,370</b>	e known as Owen Dast. The loan has an u	unused drawing cap - 217,580	- 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 <b>683,370</b>	e known as Owen Dast. The loan has an u	unused drawing cap - 217,580	- 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne kr \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 <b>683,370</b>	e known as Owen Dast. The loan has an u	unused drawing cap - 217,580	- 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 <b>683,370</b>	- 371,266	unused drawing cap - 217,580	- 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3  17. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 <b>683,370</b>	- 371,266 371,266 60,439	- 217,580 <b>217,580</b> -	- 197,230 <b>197,23</b> 0 30,368
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3  77. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current  Payable to Barristers' Chambers Limited for income tax	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020.  208,775 474,595 683,370  14,288	- 371,266 371,266	- 217,580 <b>217,580</b> - 52,199	- 197,230 <b>197,23</b> 0 30,368
Debt facility  The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 17. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current  Payable to Barristers' Chambers Limited for income tax Income tax (receivable) / payable from ATO	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020. 208,775 474,595 683,370 14,288	- 371,266 371,266	- 217,580 <b>217,580</b> - 52,199	- 197,230
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3  17. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current  Payable to Barristers' Chambers Limited for income tax Income tax (receivable) / payable from ATO  Non-current	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020.  208,775 474,595 683,370  14,288  - (292,862) (100,480) 9,432,117	- 371,266 371,266 60,439	- 217,580 217,580 - 52,199 (292,862)	- 197,230 <b>197,23</b> 0 30,368
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3 17. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current  Payable to Barristers' Chambers Limited for income tax Income tax (receivable) / payable from ATO  Non-current  Deferred income tax assets	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020.  208,775 474,595 683,370  14,288	- 371,266 371,266 371,266 - 74,582	- 217,580 217,580 - 52,199 (292,862)	- 197,230 <b>197,23</b> 0 30,368
Debt facility The loan is secured by a charge over property situated at 5 property situated at 205-221 William Street, Melbourne ki \$15,500k at year end and the facility matures on 30 April 3 17. Provision  Current  Makegood provision  Employee benefits  Non-current  Employee benefits  18. Tax assets and liabilities  Tax  Current  Payable to Barristers' Chambers Limited for income tax Income tax (receivable) / payable from ATO  Non-current  Deferred income tax assets	225-539 Lonsdale Street, Melbourn nown as Owen Dixon Chambers Ea 2020.  208,775 474,595 683,370  14,288  - (292,862) (100,480) 9,432,117	- 371,266 371,266 371,266 60,439 - 74,582 (85,650) 4,895,539 4,809,889	- 217,580 217,580 - 52,199 (292,862) (100,480) -	- 197,230 197,230 30,368 74,582 (85,650)

### (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 equivalents	12,368,799	8,785,595	4,625,256	5,758,711			
(b) Reconciliation of surplus for the year to net cash flows from operating activities							
Surplus for year after income tax (expense)/benefit	24,144,331	7,802,007	402,263	299,690			
Depreciation & amortisation of non-current assets	1,579,003	1,434,283	86,184	67,870			
Gain on revaluation of investment property	(21,778,766)	-	-	-			
Write-off of assets	180,809	548,512	-	-			
Unrealised gain on financial asset	(63,078)	-	(63,078)	-			

265,953 367,444) 4,536,578	(2,765,020) (81,676) (20,119) 522,148	750,630 (10,018) (315,215)	(56,621)
265,953	(81,676)	,	<del></del>
	- , , , -	- 750,630	·
3,633,737	(2,/65,020)	-	50,235
	(0 = ( = 0 0 0 )		
(14,830)	(16,675)	(14,830)	-
(86,481)	1,999,126	748,891	(288,284)
	(14,830)	(14,830) (16,675)	(14,830) (16,675) (14,830)

#### 20. 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.

### 21. Capital and leasing commitments

Lease commitments		,		
a) Leasehold premises				
Non-cancellable operating lease commitments				
Not longer than 1 year	11,036,255	8,403,631	90,255	88,053
Longer than 1 year and not longer than 5 years	40,118,000	29,209,932	-	-
Later than 5 years	51,359,000	36,352,723	-	-
	102,511,255	73,966,286	90,255	88,053
b) Office equipment			,	
Not longer than 1 year	41,513	41,499	41,513	41,499
Longer than 1 year and not longer than 5 years	31,180	46,770	31,180	46,770
Later than 5 years	-	-	-	-
	72,693	88,269	72,693	88,269

### 22 . Subsequent events

No matters or circumstances has arisen since the end of the financial year which may significantly affect the operations of the consolidated entity, the results of those operations, or the state of affairs of the consolidated entity in future financial years.

### 23. Prior period adjustment

During the year, the Group adjusted its current and comparatives for its three owned properties, to reflect a reclassification. The Group now applies AASB 140 for the land and buildings in relation to those properties held to earn rental income from barristers for the use of chambers and capital appreciation. Prior to this change in policy, the Group applied AASB 116 Property, Plant and Equipment for the assets. The Group believes the new policy is preferable as it more closely aligns the accounting for these assets with their nature and use and that it will aid comparability. As a result an amount of \$174,500,000 in 2015 (\$176,932,000 in 2016) has been reclassified from property, plant and equipment to investment property.

### 23. Prior period adjustment (cont'd)

In addition to this, the Group, adjusted the prior years' property, plant and equipment balance to the extent it was identified that previously, assets had been double counted in both land and buildings and fixtures and fittings. The impact of this has been corrected, with adjustments applied to the 2016 and 2015 comparatives for property, plant and equipment, deferred tax liabilities and retained earnings. As a result the net assets of the Group have decreased by \$5,958,000 in 2015 (\$2,880,000 in 2016).

The tables that follow, show the impact of the prior period adjustments.

2016 Impact:				
	2016 Previously stated	Adjustment	2016 Restated	
Current assets				
Investment property -	176,932,000	176,932,000		
Property, plant and equipment	193,257,643	(183,002,000)	10,255,643	
Deferred tax liabilities	(8,085,539)	3,190,000	(4,896,809)	
Total effect on net assets	143,090,379	(2,880,000)	140,210,379	
Equity				
Reserves	61,129,276	(61,129,276)	-	
Retained earnings	81,961,103	58,249,276	140,210,379	
Total effect on equity	143,090,379	(2,880,000)	140,210,379	
2015 Impact:				
	2015 Previously stated	Adjustment	2015 Restated	
Current assets				
Investment property	-	174,500,000	174,500,000	
Property, plant and equipment	195,310,561	(184,048,000)	11,262,561	
Deferred tax liabilities	(7,961,391)	3,590,000	4,371,391	
Total effect on net assets	138,366,372	(5,958,000)	132,408,372	
Equity				
Reserves	61,129,276	(61,129,276)	-	
Retained earnings	77,237,096	55,171,276	132,408,372	
Total effect on equity	138,366,372	(5,958,000)	132,408,372	
Profit or loss (extract)				
	2016 Previously stated	Adjustment	2016 Restated	
Current assets				
Revenue	39,666,414	-	39,666,414	
Employee benefits expense	(5,054,990)	-	(5,054,990)	
Depreciation and amortisation	(4,910,283)	3,476,000	(1,434,283)	
Finance expenses	(2,034,330)	-	(2,034,330)	
Rent and utilities expenses	(8,861,800)	-	(8,861,800)	
Utilities expenses	(1,030,080)	-	(1,030,080)	
Administration expenses	(10,897,198)	-	(10,897,198)	
Surplus before income tax	6,877,733	3,476,000	10,353,733	
Income tax (expense) / benefit	(2,153,726)	(398,000)	(2,551,726)	
Surplus for the year	4,724,007	3,078,000	7,802,007	

# THE VICTORIAN BAR INCORPORATED DETAILED INCOME STATEMENT

Detailed Statement of Profit and Loss for the year ended 30 June 2017

		2017 (unaudited)	2016 (unaudited)
	Notes		
Revenue			
Bar Dinner Fees		69,490	69,100
Bar News Advertising Revenue		5,482	3,564
Conferences, Seminars & CPD Fees		168,063	140,615
Interest Income		177,331	136,454
Income from Investments		755,750	96,952
Legal Services Board & Commissioner	1	462,994	731,04
Mediation Fees		551,290	311,661
Readers Course Fees		3,503,830	533,409
Subscriptions		74,734	3,459,457
Other		102,813	111,345
Total Revenue		5,768,965	5,593,599
Expenses			
Audit Fees & Tax		106,618	87,915
Australian Bar Association		144,370	137,809
Bank & Credit Card Fees		40,216	42,815
Bar Dinner Expense		94,493	96,566
Bar News Expenses		70,280	73,716
Bookkeeping & Accounting		54,000	44,223
Books & Subscriptions		63,996	95,371
Catering Expenses		79,163	71,992
Depreciation		86,184	67,87
Conference & seminars		24,501	97,588
Health & Well Being Program Expense		84,913	72,463
ICC Project Expenses		4,963	113,227
Law Council of Australia		219,401	211,784
Media & Consultants		103,359	57,485
Photocopier Expenses		27,897	25,740
Printing & Stationery		74,562	45,155
Pro Bono Scheme Expenses		440,375	431,838
Readers Course & CPD		263,366	321,725
Rent, Amortisation & Fit-out		989,809	963,716
Employee benefits & expenses		2,154,141	1,947,106
Travel Expenses		88,128	74,739
Other Administration Costs		405,544	469,22

TOTAL EXPENSES	5,620,280	5,550,065
SURPLUS FOR YEAR BEFORE INCOME TAX BENEFIT/(EXPENSE)	148,685	43,534
Income Tax Benefit/(Expense)	253,578	256,156
SURPLUS FOR YEAR	402,263	299,690

# Notes to the Detailed Statement of Profit and Loss for the year ended 30 June 2016

I. LSB/LSC Reimbursement and Contribution	2017 (unaudited)	2016 (unaudited)
The Legal Services Board and the Legal Services Commissioner reimburse the Victorian Bar for t costs of the roles delegated to it in relation to regulation and registration of barristers in Victoria		
Regulation	157,186	150,570
Complaints & Disputes	97,820	94,310
Library	58,350	56,650
Pro Bono Scheme	442,394	429,511
	755,750	731,041
2. Retained Earnings		
Retained Earnings at the beginning of the year	13,275,205	12,975,515
Surplus for the year	402,263	299,690
Retained Earnings at the end of the year	13,677,468	13,275,205

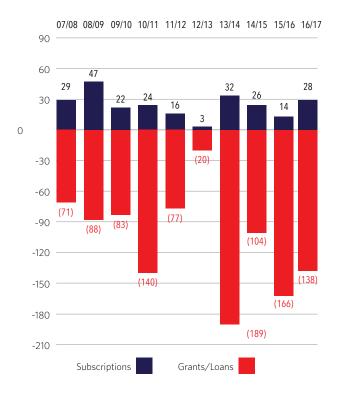


### BARRISTERS' BENEVOLENT ASSOCIATION

### Barristers' Benevolent Association Of Victoria Annual Report For The Year Ending 30 June 2017 (Unaudited)

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

10 Year History of Subscriptions and Grants/Loans



During 2016-2017, the Association made payments to eight members totalling 140,148. Of this amount, 90,580 were loans and 49,568 were grants.

# Amounts Held by Equity Trustees at Market Value at 30 June 2017

The market value of assets at 30 June 2017 with their rates of return is set out below:

	ASSET VALUE		ASSET	YIELD
		%		%
Equity Trustees Flagship Fund	763,381	38.8	46,515	11.1
Equity Trustees Wholesale Mortgage Income Fund	613,938	31.2	16,851	3.4
Equity Trustees PIMCO Wholesale Australian Bond Fund	368,645	18.8	18,614	0.6
Equity Trustees Cash Management Fund	219,529	11.2	3,584	1.1
	1,965,494		85,564	

Basis of Preparation of Comparative Financial Statement The Comparative Financial Statement for the year ended 30 June 2017 has been prepared using historical costs for recording transaction and comparative asset values.

### Capital Movement between/within funds

From time to time, capital movements occur between/within the funds managed by Equity Trustees which will be reflected in an adjustment to the closing fund balance.

### BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

# Comparative Financial Statement for the Year Ended 30 June 2017

	2017 (unaudited)	2016 (unaudited)
	\$	\$
Capital Fund		
Opening balance at 1 July 2017	1,627,128	1,698,540
Receipts	-	_
Donations received during the year	27,900	13,642
Loan repayments received	50,000	-
Imputation credits refund	-	-
Net Income Earned During the Year	85,564	81,573
	1,790,592	1,793,755
Payments		
Grants	49,568	45,000
Loans	90,580	120,500
Total payments to Members	140,148	165,500
	1,650,444	1,628,255
Capital movement within/between Funds	22,881	(1,127)
Closing balance at 30 June 2017	1,673,325	1,627,128
Loans		
Opening Balance at 1 July 2016	433,166	312,666
Add new loans	90,580	120,500
Less loan repayments	(50,000)	-
Less loans converted to grant	-	-
Loans at 30 June 2017	473,746	433,166
TOTAL ASSETS AT 30 JUNE 2017	2,147,071	2,060,294
Amounts Held by Equity Trustees (at Cost) at 30 June 2017		
Equity Trustees Flagship Fund	463,837	464,566
Equity Trustees Wholesale Mortgage Income Fund	613,938	
Equity Trustees PIMCO Wholesale Australian Bond Fund	376,021	376,021
Equity Trustees Cash Management Fund	219,529	472,603
BALANCE AT 30 JUNE 2017	1,673,325	

### Jennifer J Batrouney QC and Daniel J Crennan QC

On behalf of the Committee of Management Victorian Bar Council.

