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BAR COUNCIL REPORT

ADMISSION TO PRACTICE AS A BARRISTER

From 1963 to 1968 the Bar and the Law Institute of Victoria were greatly concerned about the quality of training received by many articled clerks and the difficulty of obtaining suitable articles. After running a series of pilot courses, the Councils of the Bar and Institute in October 1967 recommended that a permanent post graduate school should be established in which the graduate should receive one year's full time instruction to fit him for practice either as a barrister or a solicitor. The Councils recommended that this tuition should, after a short transitional stage, be in substitution for the present one year's service under articles.

The recommendation met resistance in the Council of Legal Education. A committee considered the recommendation and made a compromise proposal.

It proposed that there be a six month practical training course each year and that before admission graduates should complete this course and serve six months' articles. Upon admission the practitioner would be required to spend the first six months' practice as either an employee Solicitor or a reader at the Bar.

This compromise proposal was approved by the Councils of both the Bar and the Institute. When it was put to the vote on the Council of Legal Education in 1968 it was overwhelmingly defeated, receiving only the votes of the representatives of the Bar and the Institute.

In 1971 the Leo Cussen Institute came into existence. In 1972 it conducted four three-week courses of practical training, each for thirty articled clerks, and these were approved as part of articles. In 1973 the Institute conducted a six month course of practical training for articled clerks, and this again was approved under Rule 4 of the Council of Legal Education.

In 1973, following the making of a Wages Board Determination for articled clerks, the difficulty of obtaining Articles was becoming insoluble. The Law Institute determined to recommend that graduates be admitted to practice after satisfactory completion of a course of practical training to be conducted by the Leo Cussen Institute for Continuing Legal Education, but that a Solicitor who became admitted upon completion of such a course should not be entitled to practise as a principal Solicitor until he had completed twelve months service as an employee Solicitor. The Law Institute was of the view that an amendment to the Legal Profession Practice Act would be necessary to enable these recommendations to be implemented.

The Law Institute sought the views of the Bar Council on these recommendations. The Bar Council discussed the recommendations but in the event resolved that it did not desire to express a view on them. However, the Bar Council went on to resolve —

(i) that if any such proposals were implemented the Bar Council would wish that adequate arrangements should have been made before such implementation to ensure that students in the proposed School of Practical Training should receive adequate financial assistance during the period of the course;

(ii) that no line be drawn between admission as a Barrister and admission as a Solicitor;

(iii) that admission in the Supreme Court should be the final step in enabling a person to practice as a barrister or a solicitor, and that such entitlement should not preclude the Bar imposing its own requirement upon those who wish to sign the Bar Roll.

This year the Leo Cussen Institute is conducting a six months' course designed to provide instruction as an alternative to Articles. The students attending the course are apparently eligible for the same financial assistance as is available to other tertiary level students, so to that extent the Bar Council's desire for adequate financial assistance has been met.

On the 17th December 1974, a sub-committee

was appointed to consider changes to the Rules relating to the qualifications of those eligible to practice as Barristers and Solicitors. This committee comprised the Solicitor-General (Dawson Q.C.), the Chairman of the Leo Cussen Institute (Judge Ogden), The Executive Director of the Victorian Law Foundation (Professor Sharwood), The President of the La Law Institute of Victoria (Mr. J.A. Dawson) and a representative of the Victorian Bar (Goldberg).

The sub-committee on principle that it is undesirable that persons completing the course of practical training at the Leo Cussen Institute should be permitted to commence practice as Solicitors on their own without some time spent in an established office and that having regard to the Bar's reading rules this restriction was not of such importance.

Accordingly the recommendation of the sub-committee was that the rules be amended so that in the case of a graduate who has obtained from the Leo Cussen Institute a certificate that he has satisfactorily completed its course of practical training such person should be required to file with the Prothonotary prior to admission "an undertaking to the Court that he will not, without the approval of the Council practice as a Solicitor whether solely on his own account or in partnership with any other practitioner or upon terms of sharing with any other practitioner the remuneration for any business unless he has previously been employed as a Solicitor or firm of Solicitors in a practice in Victoria for a period of at least six months."

The Attorney-General has raised no objection to this recommendation and it will be laid before Parliament in the near future.

The effect of this recommendation upon a former Barrister seeking to practise as a Solicitor in Victoria is that he must either serve as an employee Solicitor for the six months period or seek an exemption from the Council.

These discussions have caused the Bar Council to look at the question of the educational standards that should be required of a person practising at the Bar. As a result, the Bar Council has resolved that the question of the prerequisites to signing the Roll of Counsel and the educational and training requirements of persons seeking to come to the Bar be examined by an Ad Hoc Committee and that such committee give a report to the General Committee. Storey, Q.C., Porter and Hassett have been appointed the Bar Council members on this committee with power to co-opt. The members of this committee would be very pleased to receive any suggestions or comments on the matters referred to them from any member of the Bar.

RIGHT OF COUNSEL TO APPEAR INTERSTATE:

The Bar Council has asked its representatives on the Law Council of Australia to take up with the Law Council the desirability of reciprocity of Admission for interstate Practitioners being adopted in all States of the Commonwealth of Australia.

READING:

The Bar Council has adopted the principle that legal vacations be not counted as part of the period during which a pupil is required to remain in his Master's room without accepting briefs. This means that in principle the two months period which Readers are required to serve in their Master's rooms before being eligible to take briefs will be periods during which the Master would expect to be engaged in his practice.

MATERIAL ISSUED TO READERS

For some time persons coming to the Bar have been issued with a great deal of material consisting of printed books, newsletters and roneoed single and multiple sheets of paper. The material issued is not set out in any particular order and it may be that a good deal of it is not read and is discarded. Further, the material is not indexed, and even if read, the future member of the Bar encounters difficulty in later rechecking matters in it.

Much of the material rapidly becomes outdated by subsequent publications, and because

of the absence of an Index in any permanent form, later superceding publications are unlikely to refer to the earliest publication.

The Reading Committee has recommended to the Bar Council that the present publication be replaced by a loose-leaf folder entitled "Directory", and that it be issued to all members of the Bar and to all of those being called to the Bar.

The Reading Committee felt that a loose-leaf format would enable the Bar Council to readily amend it at any time by merely issuing replacement pages. The Committee has suggested that the contents should include chapters on:—

(a) The Victorian Bar, including the Rules and lists of Committees.
(b) Entry to the Bar, including eligibility, procedure and duties of Master and pupil.
(c) Ethics.
(d) Clerks, including the Clerking Rules and the relationship between the Barrister and his Clerk.
(e) Retainer and fees, including Rules, agreements between the Bar Council and the Law Institute, lists of fees, and procedure for collection of overdue fees.
(f) Chambers, setting out the history of Barristers Chambers Limited, the principles applying to allocation of rooms, and a copy of the tenancy agreement and the rules relating to the car park.
(g) The Bar Library.
(h) The Bar Superannuation Scheme.
(i) The Bar Social Calendar.

The Bar Council has approved the concept of such a loose-leaf folder and has requested the Reading Committee to report on the anticipated costs.

GUIDELINES FOR MASTERS AND READERS DURING PUPILEAGE

A member of the Bar sought advice from the Bar Council as to whether he should have two pupils at the same time. In the particular case involved, the two pupils would have commenced reading with the same Master within one month of each other, so that they would both have been in the Master's Chambers for a period of about five months, including one month during which each would be required to be in attendance in the Master's Chambers without taking briefs. The Bar Council resolved that having regard to its policy that, in general, no Master should have two pupils at the one time, the Honorary Secretary should not give permission in the case in question.

COUNCIL RETURNING TO THE BAR

During the last twelve months the Bar Council has had occasion to consider several applications by persons wishing to return to the Bar after some period away from the Bar. In each case this has involved questions of seniority of reading, and of the engaging of a Clerk. In the cases concerned the Bar Council has resolved that the Counsel in question be permitted to sign the Roll of Counsel, and that upon signing the Roll he be accorded seniority, for domestic purposes, as if his name had not been removed from the Roll. Also the Bar Council has granted permission to dispense with the requirement of reading. Finally, in each case the Counsel has been granted permission to re-engage his former clerk, and the Bar Council has resolved that the Counsel be counted as one of those additional Counsel in active practice for whom the Clerk was permitted to act in the next Clerking year commencing after the Counsel has again engaged the Clerk.

WARNINGS BY MAGISTRATES ON CANCELLATION OF LICENCE

The Young Barristers' Committee drew the attention of the Bar Council to an incident at a Magistrates Court where a defendant whose licence had been cancelled was apprehended by Police shortly after driving away from Court and charged with driving whilst his licence was cancelled. The Bar Council resolved to write to the Attorney-General drawing his attention to the desirability of Magistrates' informing a defendant whose

licence is suspended and/or cancelled that such suspension and/or cancellation operates forthwith.

The Attorney-General has replied agreeing that a defendant whose licence is suspended or cancelled should be given an appropriate warning, and noting that he is having the matter taken up with the Chief Stipendiary Magistrate so that an appropriate arrangement can be made.

The Secretary of the Law Department has subsequently advised that all Stipendary Magistrates have been requested to give such a warning.

PARTNERSHIPS AT THE BAR

The Bar Council appointed a Committee to investigate the case for the continuance of a Separate Bar, and to consider whether any and what changes should be made in the present organisation or practices of the Victorian Bar.

The Committee made a report to the Bar Council covering a number of different matters. One of the matters was that of partnership at the Bar. The Committee considered the advantages and disadvantages of partnerships or other forms of group practice at the Bar and concluded with a recommendation that they should be permitted. The Bar Council considered the report and resolved that it disapproved of the concept of partnerships between members of the Bar advocated by the report and that such part of the report should not be adopted.

TAXATION AND INFLATION

The Bar Council resolved that its representatives on the Executive of the Law Council of Australia should take steps at the forthcoming meeting of the Executive to have submissions for the improvement of the taxation position of the practising legal profession made to the Mathews Committee. Acting with great speed the Law Council has made these submissions.

BRITISH SUBJECT REQUIREMENT OF ADMISSION

Rule 12 of the Rules of the Council of Legal Education states that no person shall be Admitted who is not a British subject aged 21 years or more. As to the validity of this Rule see Borensztejn -v- Board of Examiners 1961 V.R. 209 and Kahn -v- Board of Examiners 1939 V.L.R. 273, (1939) 62 C.L.R. 422. The question of the appropriateness of this Rule has been raised by the National Committee on Discrimination in Employment and Occupation, and also by an Irish Practitioner who has applied for admission.

The Bar Council has advised the Bar Representatives on the Council of Legal Education that the requirement of a British Subject in this Rule should be rescinded.

COUNTY COURT FEES

On the 10th April a recommendation for the increase of Barrister's fees in the County Court was forwarded to the Chief Judge of the County Court.

FIRST AID

The Bar Council had confirmed the purchase of an Oxy-Viva Resuscitator and other first aid equipment to be installed in Owen Dixon Chambers.

FAMILY LAW BILL AND REGULATIONS

A report of the Joint Matrimonial Clauses Committee has been forwarded to the Law Council of Australia as a report of the Joint Matrimonial Clauses Practice Committee without the Law Reform Committee or the Bar Council forming any view upon it. This was at the request of the Law Council. In addition, the Joint Matrimonial Causes Committee has been asked for its comment on the draft Family Law Regulations, and in particular its comments upon the scale of costs and Schedule 2 of the draft Regulations and with respect to Regulation 27 which eliminates Court Vacations.

SANCTIONS IN PREVENTING ROAD ACCIDENTS

The Law Reform Committee of the Bar Council has recommended to the Bar Council that a joint committee with the Law Institute of Victoria be constituted to make recommendations to the Bar and the Institute in relation

to proposals outlined in a letter from the Law Institute concerning research into the effectiveness of sanctions in preventing road accidents.

ADMINISTRATIVE APPEALS TRIBUNAL 1975

The Law Council of Australia required a report urgently on this Bill. Accordingly, arrangements were made for a member of the Bar to prepare a report on the Bill, and this report was forwarded to the Law Council early in April, 1975.

COUNSEL SPEAKING LOUDLY

The Editors of the Bar News have been asked to refer to the need for Counsel to speak loudly in moving admisstions. This is apparently not a reflection upon the ability of Counsel to make themselves heard by the members of the Full Court, but because the acoustics of the First Court make it difficult for those attending admissions as spectators to hear what Counsel say.

OFFICERS AND MEMBERS OF BAR COUNCIL AND BAR COMMITTEES

The officers and members of the Bar Council and Bar Committee and Bar representatives on outside bodies as at 10th April 1975, are shown in the glass covered notice board in the passage between the Clerk's offices.

BAR CATERING

In October 1974 the Bar Council received a letter signed by about 60 secretaries working in Owen Dixon Chambers complaining about the catering services on the 13th floor.

The matter was investigated by the Chairman and the then Vice-Chairman, and also the Catering committee consisting of the Hon. Treasurer (Walsh) and Dowling and Batt, and reports were placed before the Bar Council. The reports included advice received from an outside catering expert who made an extensive examination of the operations on the 13th floor.

A number of matters emerged from these reports. Mrs. Unger employs five girls who comprise one cook, two waitresses and two girls on the sandwich bar, and at present prices it would be uneconomic to employ more. Some of the plant and equipment is defective or inadequate. It appeared that the prices charged for the food was inadequate having regard to the general practice in the catering trade elsewhere. Substantial structural alterations to enable an improvement of the facilities of the kiosk could not be justified as a matter of economics.

Following upon these reports and consideration by the Bar Council, the Council decided to investigate fully the question of catering in Owen Dixon Chambers from a long term point of view, but in the short term it resolves —

That the Catering sub-Committee be authorised to proceed with the following items:

A. The provision of appropriate maintenance for the Cool Room, Stove, Deep Fry and Coffee Urn presently in use.

B. The provision of a suitable new toaster.

C. A maintenance inspection of the Air Conditioning so as to achieve more efficient function thereof in the kitchen.

D. The retention of an Architect to investigate the possibility of:—

   (i) An extension of the flue over the washing machine in the kitchen to the area immediately behind the Kiosk so that the flue can serve both washing machine and Kiosk;

   (ii) The provision of a suitable removable partition wall and entrance door to the Dining Room to extend from a position at or about the site of the present cabinet to the pillar on the south wall;

   (iii) Ingress and egress from the Lounge Room to the outside verandah area.

E. To implement the recommendation of the Architect in respect of the matters referred to in "D" hereof if considered appropriate.

That the catering Sub-Committee be authorised

to recommend to the caterer an increase in the charge for meals in the Dining Room as part of negotiations for improved food and service.

That a circular be sent to members of the Bar informing them of the substance of the action which has been taken, seeking their patronage of the Dining Room and making recommendations as to the hours during which their Secretaries ought to attend the Kiosk for the purpose of purchasing lunches for their employers.

That a circular be sent to Secretaries employed in Owen Dixon Chambers providing appropriate information in relation to price listings and such other items as are considered necessary and recommending hours during which they should attend the Kiosk to purchase items therefrom.

That the Catering Sub-Committee be authorised to arrange for the regular cleaning of the outside verandah area and maintenance of the plants thereon by the caretaker and to negotiate an appropriate remuneration to the caretaker for such services.

That the Catering Sub-Committee be constituted as a permanent Committee consisting of Walsh, Batt and Dowling to be responsible generally for the maintenance of the catering and other services on the 13th floor and to report regularly to the General Committee of the Bar Council.

Furthermore on the 10th April 1975 the Bar Council adopted the following further recommendations:—

(a) The improvement of the quality and presentation of food, as a result of a price increase.

(b) The adoption of a plan for a varied cycle of menus over a period of 3-4 weeks, after discussion between the caterer and the Bar Catering Committee.

(c) The adoption of a simplified system of payment for meals by barristers, and the abandonment of the system whereby one person only operates the cash register.

(d) The repainting of the Common Room & Lounge and either replacing (in whole or in part) or shampooing of the carpet on the 13th floor.

(e) The installation of a "charcoal grill" (gas and ceramic stones), and a low level "Bain Marie" for hot foods.

(f) The acquisition of sufficient furniture to ensure that the tables and chairs are adequate to cope with the increase in demand.

(g) The alteration of the layout of the kiosk to facilitate faster turnover.

(h) The implementation of self-service facilities from the counter in the lounge.

(i) The purchase of additional furniture for the lounge area, as required.

(j) The circulation of a printed form for sandwich orders.

(k) The adopting by the caterer of a positive policy of goodwill towards barristers' secretaries.

Farewell:

JUDGE DETHRIDGE

Judge Leo Dethridge was appointed to the County Court Bench in 1946, long before most of the present Bar had commenced their law courses. There are few left among us who remember him in practice. He had an abundance of common sense, and a quick appreciation of the merits of a case. He would fight to the last ditch for the cause he felt was just, and would readily seek a compromise when he appreciated that his client's best interests were served by keeping out of court. His word was always his bond and he never misled either an opponent or a judge in order to win a case. On the bench, there was no apparent change in the man we so admired as a colleague. He has no delusions of grandeur. He avoided the judicial menopause, and refrained from any form of pontification.

Above all, it was his courtesy, good humour and tolerance which made him an ornament to the bench. He was always patient with young counsel who through inexperience groped their way through their cases. He re-

tained an unfailing faith in his fellow man, and in the criminal cases he heard, brought compassion and understanding to the treatment of human frailties. Even when those to whom he extended leniency let him down (as they often did), he did not visit wrathful vengeance on the miscreant.

Leo was a quiet judge. He made no headlines. He is rarely mentioned in the law reports. He was rarely appealed against, and even more rarely, successfully. In 1970, he became the last Chairman of the County Court Judges, and his organisational and administrative skill ensured a smoothly working bench to the satisfaction of his colleagues and the profession generally. It seems hard to realise that he has reached the retiring age, as he retains such a keen interest in all that goes on around him, particularly the activities of youth, and the artistic and sporting spheres. We hope that in his retirement, he will continue to associate with the bar and visit us often.

Welcome:

CHIEF JUDGE WHELAN

On 19th March 1975 Desmond Patrick Whelan Q.C. commenced his appointment as Chief Judge of the County Court of Victoria following the retirement of Judge Dethridge C.M.G. His Honour was educated at Xavier College, and after naval service from 1943 to 1946, he attended the University of Melbourne.

He was admitted to practise in 1950, and on the 6th of October of that year he signed the Roll of Counsel and entered Equity Chambers as the pupil of Fazio. He quickly established a large general practice at the bar, but particularly he became known as an expert in the "running down" jurisdiction. He took silk in 1964, and is 49 years of age. From March 1972 to the date of his appointment, His Honour was a member of the Victorian Bar Council, and as such he had been Chairman of its Law Reform Committee and also Chairman of a Committee reporting on certain aspects of the rights of accused and convicted persons, and particularly recommending that bail be readily available. These recommendations are reported at Page 18.

The position of Chief Judge of the County Court in Victoria is one newly created by statute, and His Honour's elevation to this high office has been widely acclaimed.

JUDGE MORNANE

John William Joseph Mornane was appointed a Judge of the County Court on the 8th April 1975.

Educated at Xavier College he emerged from Melbourne University as a colourful heavy weight with a well deserved reputation for wit and partinacity. His latter day opponents will not have noted any change.

His Honour suffered only two disruptions to his practice. The first on the outbreak of War in 1939 when he enlisted as a private and emerged as a sergeant; the second on his discovery of the ancient game of golf in 1954 in which his promotion has not been quite so rapid. Hence his tendency to plead golf as "a game of skill or alternatively a game of skill and chance".

Certainly an advocate with a wider understanding of the law would be hard to find. His deep knowledge coupled with a human sympathy for the less reputable side of life led him away from his initial practice in the field of equity and into that of civil judge. It has been said that a jury is composed of twelve men who are chosen to decide which of the parties has the better barrister. If the adage be accurate then one could only say that on this course those represented by Mornane left nothing to chance.

His involvement in the law has not been confined to advocacy. He devoted many years to tutoring at the Melbourne University and over a period has whelped no less than twelve pups. His appointment represents and end of an era for the Bar.

The Bar has already given testimony to his popularity at his welcome and those Counsel who heard his address from the Bench on that occasion can have no doubts as to the way they are to approach him in his new office.

A.L.A.O. and LEGAL AID IN VICTORIA

The following chronology sets out the milestones in the history of legal aid in Victoria as at 1st May, 1975.

1949	Bar and Institute press Hollway Government for Poor Persons Legal Assistance. Offer accepted but not implemented by government. Similar offer renewed to each successive government.
1961	Legal Aid Act passed. Limited Assistance only.
1964	Legal Aid Committee commences operation. Function complementary to civil and criminal aid available from Public Solicitor.
1967	
March 17	Legal Aid Committee obtains 20% of surplus of Guarantee Fund (Act 7539)
1969	
Dec. 2	Legal Aid Committee obtains 30% of surplus of Guarantee Fund (Act 7889)
Dec. 16	Public Solicitor divested of civil jurisdiction (Act 7919)
1972	
May 9	Legal Aid Committee obtains 50% of surplus of Guarantee Fund (Act 8259)
Dec. 18	Fitzroy Legal Service commences. Legal and other services provided voluntarily. Since then, some 25 similar services have commenced in Victoria.
1973	
March 8	Victorian Bar Council amends rules to enable barristers to participate in Free Legal Service organisations.
April 30	Federal grant of $2m distributed between all states' legal aid schemes.
July 25	Attorney General foreshadows A.L.A.O. to provide legal services for:— pensioners ex-servicemen and dependants aborigines migrants assisted overseas students other approved persons everyone in need in Federal law matters. Australian Legal Aid Review Committee appointed ("Turner Committee")
Sept. 6	A-G establishes A.L.A.O. by directive. No means test for pensioners, aborigines, students, servicemen and no fixed means test for others.
1974	
Jan.	A.L.A.O. begins recruiting staff.
Feb. 8	First report of Legal Aid Review Committee ("Turner report")
May 6	A.L.A.O. Sunshine opens
7	Duty lawyer provided by Bar and Institute for three weeks at Prahran Magistrates' Court.
15	Law Council of Australia appoints a committee to examine the Turner report.
June 3	Duty lawyer provided by Bar and Institute for three weeks at Melbourne Magistrates' Court.
June 30	Legal Aid Committee balance sheet for year 1973-74 — State Government contributes only $2,000 — Income derived (inter alia) from * Australian Government — 25% * Solicitors Guarantee Fund—39%
July 16	Law Council receives its committee's report.
19	A.L.A.O. Brunswick opens.
Sept. 7	Conference of State Legal Aid Schemes reports that A.L.A.O. is

soliciting business throughout Australia, with no definite policy on many matters including:—
- means test for applicants
- its own sphere of operations
- payment to independent profession it retains
- whether it should act for opposing parties

Oct. 7 Legal profession representatives meet to settle a memorandum for discussion with A-G.

8 Meeting with A-G who contends
- need for an independent profession
- need for free comprehensive well advertised A.L.A.O. with a flexible means test
- A.L.A.O. would not act for two opposing parties
- A.L.A.O. should pay 100% of fees of private profession retained by it
- he is in favour of commission (headed by the A-G) to co-ordinate all legal aid.

10 Victorian Bar Council decides:—
- to recommend to Law Council that A.L.A.O. and Legal Aid Committee operate in tandem without change to the contemplated functions of either
- not to participate in any challenge to A.L.A.O.'s constitutionality and advise the Law Council not to do so either.

15 Law Institute determines method of controlling work from A.L.A.O. to profession and circularises members.
Copy provided for members of Bar.

Oct. 31 Discussion paper on Legal Aid published by Commission of Enquiry into Poverty ("Sackville Commission") (412 pages)

Nov. 1-2 Law Council of Australia recommends the creation of a statutory commission ("The Australian Legal Aid Commission") which would (inter alia)
- define the scope of A.L.A.O. formulate guidelines on
  - means test for applicants
  - allocation of work between salaried and private profession
  - the fees to be paid to the private profession

Submissions of different legal bodies invited.

Nov. 7 Victorian Bar Council recommends that A.L.A.O. itself become an independent statutory body, and otherwise indorses Law Council's recommendations.

21 A.L.A.O. plans new offices in Ballarat, Footscray, Morwell, Preston, Ringwood and Shepparton and continues to recruit staff.

28 A.L.A.O. (Melbourne) advises that it will use the same referral procedures as the Legal Aid Committee, and, like the committee, pay 80% of certified costs.

Dec. 2 Law Council requests A-G to establish an independent Australian Legal Aid Commission.

11 Victorian Bar Council distributes memorandum to members detailing procedures to be adopted when briefed by A.L.A.O.

23 Victorian Bar suggests to A.L.A.O. that it should be converted into an independent statutory corporation.

1975

Jan. 3 A.L.A.O. advises that it will now pay "90% of the full appropriate brief fee".

9 A.L.A.O. announces it will not engage in conveyancing work.

10 Law Institute extraordinary general Meeting called for 20th February to move (inter alia) unconstitutionality of A.L.A.O.

Feb. 10 Senator Murphy A.G. (Senator Murphy) becomes High Court Justice. Replaced by Mr. Enderby, Q.C.

14 A-G. confirms payment of 90% of brief fees as a move to payment of full fees.

21 A.L.A.O. now has 26 offices with 34 more planned to open in 1975.

March 12 A-G. addresses Bar at O.D.C.

15 A-G attends Law Council meeting. Discussion only.

20 A.C.T. Supreme Court declares (inter alia) that barristers and solicitors while performing duties for A.L.A.O. are not entitled to act for members of the public in A.C.T. — Law Institute members asked to give postal vote (inter alia) on constitutional challenge to A.L.A.O.

31 The indications are that impending claims on the Guarantee Fund will mean no surplus and thus no funds from that source for the Legal Aid Committee (39% of income derived from this source 1973-74).

April 15 By a postal ballot, solicitors move Law Institute to challenge A.L.A.O. constitutionally.

24 A-G. indicates that no more federal funds may be paid to the Legal Aid Committee if the challenge to A.L.A.O.'s constitutionality proceeds.

April A.L.A.O. and Legal Aid Committee hold decisions regarding their respective functions. Australian Government agrees to pay $807,682 to Legal Aid which is required to continue its operations until June 1975. As a result of the conference the following arrangements, limited to the year ending 30th June, 1975, were made.

The Legal Aid Committee will refer the following to the A.L.A.O.—

(1) Applicants for aid in any proceedings arising out of the Commonwealth Matrimonial Causes Act 1959.

(2) Persons charged with offences under any Commonwealth legislation.

(3) Applicants for aid in any civil proceedings under Commonwealth legislation.

(4) All persons in receipt of Social Service Benefits (including Unemployment Benefits.)

(5) Students.

(6) Newcomers to Australia.

(7) Exservicemen (limited to British or Australian).

The A.L.A.O. would refer to the Legal Aid Committee all applicants for aid (except those falling within categories (4), (5), (6) and (7) above) in the following matters.

(1) Matrimonial matters arising out of State Law.

(2) Criminal matters under State Law in either a Magistrates Court or the Appeal jurisdiction of the County Court.

(3) Civil proceedings under State Law in all jurisdictions.

May 6 Australian Government announces to the press that the sum of $307,082 will be paid direct to the Legal Aid Committee.

The above short history is felt necessary for the information of members. It may readily be seen that all persons involved in the provision of legal service are unanimous in their support of moves to have legal services available to all who may require it. This means of course that present legal services must be extended.

An extension of legal services is necessary despite the blossoming of some 25 Free Legal Services in Victoria. Their existence is a mere pointer to the need, not a satisfaction of it.

Clearly also, the extension of the available legal services cannot be made by the profession itself. Hitherto the Legal Aid Committee has provided an opportunity for many to obtain legal advice which was hitherto beyond their means. Again, few would suggest that the Legal Aid Committee satisfied the need.

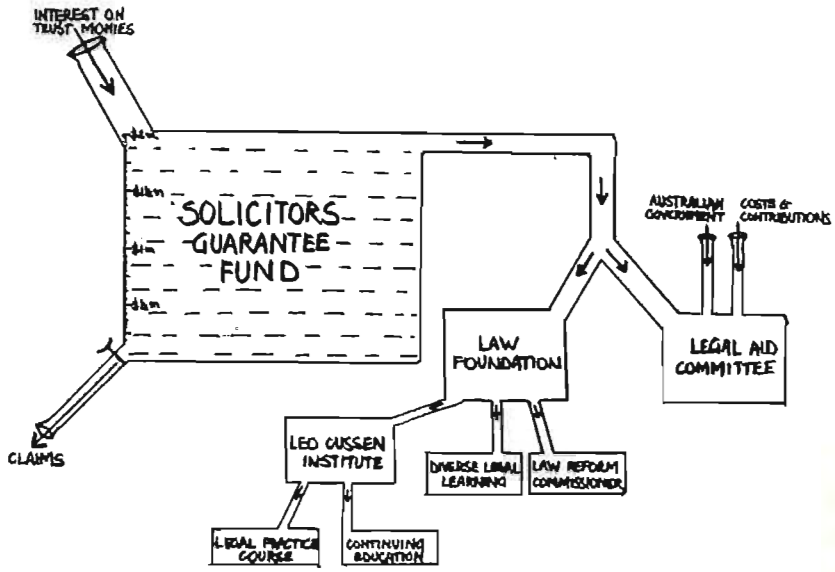
What was necessary was the purse of the Federal Government. Only that source had finance sufficiently ample to enable the necessary and proper expansion of legal services.

The fact that the Federal Government is now prepared to finance the extension of legal services must be a consolation to lawyers and public alike.

Then why the wrangle? The essence of the present debate is to be found in the question what form should the Federal assistance take. Should the Federal Government make a massive infusion of funds into the Legal Aid Committee? Or is it more appropriate to set up a whole new organisation — A.L.A.O.?

Many practitioners hold a deep seated suspicion of A.L.A.O. They are concerned at the prospect of competing with an organisation with unlimited funds, the right to advertise and which offers legal services free of charge. They believe it will result in nationalization of the profession and frustration of the legal services intended to be provided, because of inevitable and unavoidable bureaucratic expansion and inefficiency.

This view may be a little far fetched and heroic. But it has not been mollified by the conflict among some pronouncements by A.L.A.O. on its intended sphere of operations nor by the apparently generous interpretation of these pronouncements by A.L.A.O. officers in practice. But, whatever its intentions, A.L.A.O. will be unable to operate without using a vast number of practitioners and if many of these choose not to be on the staff of A.L.A.O. and to remain in private practice then A.L.A.O. must tailor its operations to take account of this. Or if it is not prepared to accept this restraint, it will need to use and probably to rely upon the private profession. Yet, if A.L.A.O. advertises, as it will probably need to, it will certainly take a major share of all new clients.



Unfortunately for those at ringside, one of the contestants may have difficulty coming out for the next round. Impending claims on the Guarantee Fund may well result in the demise of the Legal Aid Committee (see diagram).

Should there be an attack on the constitutionality of A.L.A.O.? The Law Institute members have moved that this question be resolved, and certainly the feeling within the profession is that they stand a better than even chance of success in respect of certain activities of the A.L.A.O.

The Bar Council has taken the view that it is far more important to have a separate statutory Australian Legal Aid Commission overseeing A.L.A.O. and the services which it provides and working for the co-ordination of legal aid services throughout Australia. It also takes the view that the A.L.A.O. ought to be independent of any government department. The Bar Council is a strong supporter of the policy of the Law Council of Australia on legal aid and the A.L.A.O.

The Bar Council has an advisory committee of two who advise the Bar Council upon policies to be taken upon legal aid. Upon the appointment of Mr. Justice Jenkinson, his place was taken on this advisory committee by Costigan Q.C., and he and Dowling now constitute the committee. The representative of the Victorian Bar upon the Executive of the Law Council of Australia is McGarvie Q.C. D. Bennett is Assistant Honorary Secretary of the Law Council.

The Bar representatives on the Legal Aid Committee are Hogg Q.C., O'Bryan Q.C., Dyett and Villeneuve-Smith.

REFORMS TO PRACTICE and PROCEEDURE IN THE SUPREME COURT

An extensive report covering 55 pages recommending fundamental changes to practice and procedure in the Supreme Court to avoid delays was adopted by the Victorian Bar Council and the Council of the Law Institute of Victoria and has been forwarded to the Chief Justice and the Law Reform Commissioner. Both Councils adopted the details report and recommendations of the Joint Standing Committee on Supreme Court Practice and

Procedure. The Bar Council did not adopt a small portion of the report which had recommended the appointment of Acting Judges to the Supreme Court. This Joint Standing Committee makes reports and recommendations in practice and procedure in the Supreme Court. It has three representatives appointed by the Bar Council and three appointed by the Council of the Institute. The members of the Committee who made the report are J.D. Davies Q.C., H.W. Fox, W. Ormiston (Bar representatives), G.M. Stewart, W. Clancy and B.M. Fry (Law Institute representatives). For the purposes of this report the committee was joined by two additional representatives with particular knowledge of Matrimonial Causes, K.J.A. Asche Q.C. (Bar representative) and T.A. Pearce (Law Institute representative).

The Committee examined a number of reports of committees of the Bar and committees of the Institute made in recent years upon improvements to practice and procedure in the Supreme Court and made a comprehensive report upon alterations now considered necessary.

The following recommendations were made by the Committee:

JUDICIAL SPECIALIZATION

Without dividing the Court into divisions its work should be organized so that Judges who perform particular judicial work with dispatch and efficiency should devote extended periods in doing that work and should be given the general control over and guidance of the cases in that field.

MATRIMONIAL CAUSES

The appointment of at least wo additional Judges is necessary to handle the present Matrimonial Causes work of the Supreme Court.

At least one additional Judge is needed to assist with the disposal of undefended suits.

In defended suits it is recommended that for a trial period a system be followed in which the Judges would take a more active part in promoting settlements. It is suggested that defended cases be broght on early before a Judge on a procedure similar to a Summons for Directions at which the Judge would enquire as to the real issues between the parties and the likelihood of settlement. It is essential that the clients be present when this is done so that enquiries are made of counsel as to the outstanding issues in the presence of their clients. Cases which are settled could be disposed of forthwith.

The early hearing of custody disputes and other disputes involving children should receive the highest priority.

PRACTICE COURT AND MISCELLANEOUS CAUSES LIST

A third additional Judge should be appointed to assist in Practice Court and Miscellaneous Causes work. Two Practice Courts and a Miscellaneous Causes List should be correlated so that the three courts function as a cohesive unit. One of the Practice Court Judges should handle predominantly the Matrimonial Causes applications. The cases to be referred to the Miscellaneous List should be limited to the lengthier of the Practice Court type of application. Long cases should go to another List.

Many of the applications in the Practice Courts should be heard at appointed times and every attempt should be made to fix reasonably accurate times and dates for the commencement of the hearing of proceedings in the Miscellaneous Causes List.

COMMERCIAL CAUSES

There should be a Commercial Causes List as has existed in England since 1894 and in New South Wales since 1903. This would enable Commercial litigants to obtain a rapid decision upon a commercial problem. The List should be under the control of a particular Judge who might order that the matter be heard without pleadings, might define the issues to be tried, to direct the parties to admit the facts which are not in dispute, order immediate discovery of relevant documents and make any other similar orders necessary to ensure that the trial of the action can be heard within a short time.

LIST TO BE CONTROLLED BY A PARTICULAR JUDGE

The following fields of work should be placed under the overall control and guidance of a particular Judge:

1. Appeals under the Valuation of Land Act.
2. Building Cases.
3. Taxation Appeals.
4. Originating Summonses concerning the interpretation and administration of wills and trusts.
5. Commercial Causes.

LISTING CASES BY THE TERM INSTEAD OF THE MONTH

To avoid the loss of time involved in the changing of Lists at the end of each month cases should be listed by the term. There should be four terms extending from 1st February to Easter; Easter until the mid-year vacation; mid-year vacation until 30th September; and 1st October until the long vacation. Cases would be listed so that the hearings would cease about three days before the end of each term. The Judges sitting in Crime, the Full Court and on circuit could be treated as a separate group, changing their lists between themselves at the half term.

LISTING OF CASES IN THE NON JURY LISTS

Cases should be fixed to commence on a fixed date as is done in many other jurisdictions.

Several alternative ways of achieving this are put forward. One is the system used in the New South Wales Supreme Court and elsewhere, in which a Court officer called an Administrator controls all the main lists, lists cases for hearing and on the day of hearing allocates each case to a Judge for hearing. The fixing of days is done on the basis of figures showing the average number of cases which can be disposed of in a given time. Another system is to have a reserve Judge available to take cases from any of the lists become delayed. Another method is to list each day less than the number of cases expected to be dealt with and have a reserve list of cases ready for trial should a Judge become available.

The report strongly recommends that fixed dates be provided for the trial of all non jury cases, but makes no specific recommendation as to the method to be adopted to achieve this.

LISTING OF CASES IN THE JURY LISTS

It is not recommended that fixed dates be provided for jury cases, but it is recommended that jury cases be placed in a terms list rather than a months list.

INCREASE IN THE NUMBER OF JUDGES

While it takes the view that there would be sufficient work to keep five additional judges occupied the report limits its recommendation to the appointment of an additional three judges as mentioned above. Besides reducing list delays this would reduce the pressure on the existing Judges.

PHYSICAL FACILITIES OF THE COURT

The report states that the law courts are quite inadequate to cope with the volume of work with the Supreme Court now has to deal and recognise that it will take a good deal of time to provide additional, adequate accommodation. In the meantime, it is recommended that as spaces available in suitable buildings near the law courts this space be availed of for courts.

AMENDMENTS TO THE RULES OF THE SUPREME COURT

It is recommended that the pleading Rules be amended to provide that each party shall admit such of the material allegations contained in the pleading of the opposite party as are true and a defendant shall not deny generally the allegations contained in the Statement of Claim but shall set forth the facts upon which he relies, even though this may involve the assertion of a negative.

It is recommended that the rules be amended so as to require automatic discovery of documents within a month of the close of pleadings or alternatively that a party shall be entitled to endorse on his writ or pleading that he requires discovery of documents.

The rules as to interrogation should be altered to ensure that interrogatories are not prolix and are directed only to obtaining admissions of fact of which proof is required and to the essential elucidation of facts in issue.

RESPONSIBILITY OF COUNSEL

The Bar Council should take steps to instil in counsel a general feeling of responsibility with respect to the costs and length of litigation. As to the responsibility of solicitors, the Law Institute should take steps to see that its members understand and carry out the proceedures required for the efficient conduct of litigation. It should inform its members of what it regards as desirable procedures in various fields of litigation and of the time limits which an efficient solicitor should achieve with respect to such things as pleadings, discoveries, interrogatories, medical reports and the like.

RESERVED JUDGMENTS

It is recommended that Reserved Judgments should be handed down as is done in the High Court and should not be read in the presence of counsel and solicitors.

CONCLUDING REMARKS

The report states that improvements to pre-trial procedures will achieve little result unless there are a sufficient number of Judges to cope with the volume of each day's sittings, as well as to give attention to preparation for trial and the problems arising prior to trial. The appointment of additional Judges is a vital pre-requisite to successful reform. If the administration of the law is to be efficient there must be an adequate number of Judges in courts to deal with the cases which are ready to proceed.

REFORMS MEADE

In its letter sending the report to the Chief Justice the Bar Council recognized that some changes of the type recommended had been made since he became Chief Justice.

It also states that it is important that there be fixed dates for hearings so parties can plan for a hearing at a certain time. The report concludes that the present situation of the lists discourages commercial litigation and promotes inefficiency.

MONASH UNIVERSITY

LAW LIBRARY

The Monash University law library is now in a position to offer a limited range of services to practising members of the legal profession.

The library is prepared to lend textbooks for short periods if they are not in heavy demand by students, and periodical articles and reports can generally be made available through photocopying.

Enquiries should be directed to:

E.J. Gibson,
Law Librarian,
Monash University,
CLAYTON. 3168

Phone: 541-3310

YOUNG BARRISTERS' NEWS

It is proposed to publish in each forthcoming edition news of particular interest to the 60% of practising Barristers of less than seven years' call.

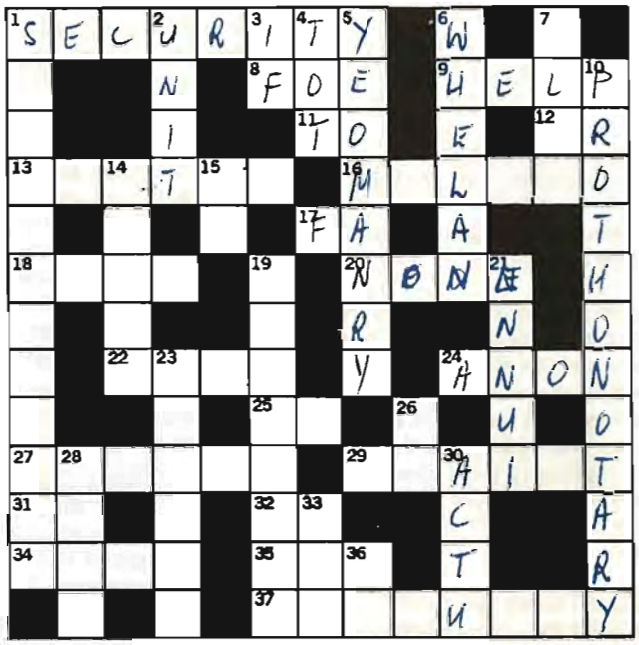
Bar News has been told by the Young Barristers Committee that there has been since March 1975 no news of particular interest to this group.

SPORTING NEWS

No sport has taken place since the last edition.

"Four Eyes"

CAPTAIN'S CRYPTIC No. 11



ACROSS

1. Protection in a pledge (8)
8. Adversary (3)
9. Assist the hireling (4)
11. Fro as well (2)
12. Alternatively heraldic gold (2)
13. Charon is also a gambler (6)
16. Become tender towards (4,2)
17. Shortened latin writ part to apprehend for satisfaction (2)
18. Shorten latin in the same place (4)
20. Change the fluorescent gas not the smallest part (4)
22. The alteration of observes to being (4)
24. Lacking a name briefly (4)
25. Sum (2)
27. A bird here is worth two in bush (2,4)
29. A sad action (6)
31. Behold, with 31 across makes a limited estate (2)
32. Id (2)
34. Not dead, but capable of becoming loathsome (4)
35. Not 12 across (3)
37. A tip, but not for the punter (8)

DOWN

1. Invoice of goods on board (8,4)
2. A single flat (4)
3. Most operative doubt said in a proviso (2)
4. Should a child drink this quantity? (3)
5. The body of freeholders (8)
6. Chief wrecker of the County Court (6)
7. Conspire a small fee simple (4)
10. Supreme Court registrar (12)
14. Artless (5)
15. A former spouse's slang (2)
19. Express statement of claim by age in D.L.P. (8)
21. The french weariness (5)
23. Ay, bets can become a judge (6)
26. The Iberian Article (2)
28. Fasten the bird's claw (4)
30. Hawke's first hat (1,1,1,1)
31. Removing the males from the counsellor makes an outcrop (3)
36. Hooray for the sun god! (2)

(Solution page 23)

MOUTHPIECE

"Funny how they pick April Fools' Day" he mused through a pall of bluish smoke.
The stench of the cheroot was so appalling that I moved aside a little. "Who picks it for what?"
"The tax boys. They've got the whole year to drop on you and yet they pick that day?"
"Perhaps you ought to complain to one or other of our brothers up at Canberra," smirked the pale wig.
"They've both got enough problems without loading them with this one."

By now the coffee urn was down to its lees and the noise of the vacuum was becoming insistent.
"What gets me," ventured the waistcoat, "is why the pay-ins are always smallest at this time when you need them most. I wonder if they hold them back to pay their own tax. You know, I've been getting those Foley print-outs. It was quite a shock to see first how much was owing. I'd be in a lot of trouble if it was paid in one hit."

"What is the Bar Council doing about it?" ventured the pale wig, "I for one wouldn't complain if they did something. It's been a while since I've seen a blacklist."

"Why don't you give George Laurens a ring? Then see how your practice comes on" came through the smoke. "And how would you like to spend a day up at the City Court as a litigant?"

"The trouble with you chaps is that you expect money to fall out of the sky. You're not prepared to chase it. You whinge about the mysterious relationship between barrister and solicitor and you mutter about trade unionism when the Bar Council tries to do anything. How does anybody collect money that's owing to them?"

"Oh God, haven't you had enough of socialism by now" and with that the waistcoat wandered off.

BYRNE ROSS D.D.

PROPOSED REFORMS TO BAIL PROCEDURES

In 1972 the Victorian Bar Council appointed a committee under the Chairmanship of Whelan Q.C. (as he then was) to investigate and make recommendations to the Bar Council upon certain aspects of prisoners' legal rights.

The committee considered, inter alia, matters relating to bail and in particular the question of prisoners obtaining bail pending trial or appeal. The findings of the committee were published in a document entitled "Certain Aspects of the Rights of Accused and Convicted Persons", and copies of this document were distributed to members of the Bar in 1973.

The recommendations made by the committee are set out at pages 16 and 17 of the Report and are as follows —

"(a) That a right of Appeal to the County Court should be provided in cases within the jurisdiction of such Court against a refusal to grant bail on committal for trial or pending appeal.

(b) That the present right of an accused to have recourse to the Supreme Court should be preserved even in cases where there has been an appeal under (a) to a County Court Judge. And that further such right of recourse to the Supreme Court should be extended so as to permit an application to such Court following a refusal by a Magistrate to grant bail pending an appeal to the County Court against conviction and/or sentence.

(c) That the relevant statutes should be amended to provide that an accused person being granted bail is entitled prima facie to be released on his own recognisance subject to such conditions (if any) as appear necessary. And that sureties should be required only in exceptional cases which fall into one of the classes referred to in paragraph 2.29 hereof.

(d) That where sureties are required or if the action recommended in (c) be not adopted such sureties should not be required to lodge the amount of the recognisance in cash or securities.

(e) If the course recommended in (c) is adopted we believe the number of persons in custody on remand would be reduced by 75%. In any event we recommend that a system should be instituted whereby upon committal for trial to either the Supreme Court or the County Court of an accused who is then taken into or remains in custody a Judge of the appropriate Court should review the circumstances of the particular case within fourteen days of such committal and make such order thereon as to the release of the accused on bail and/or as to the fixing of a date for the trial of the accused as such Judge sees fit.

(f) That investigations should be conducted to determine the practicability of introducing a scheme such as the Manhattan Bail Scheme to ensure that if the accused is willing to co-operate, accurate verified information as to the matters referred to in paragraph 2.33 hereof is placed before a Magistrate or Justice when an accused person appears before such Magistrate or Justice . . ."

The classes referred to in paragraph (c) above were —

(a) that the accused has previously absconded from bail or escaped from legal custody;

(b) that the accused is a non-resident of Victoria, has no "ties" in this State and it is established that it is probable that such accused will not appear on his trial if released on his own recognisance without sureties.

It was submitted in the Report that the fact of non-residence and lack of ties in Victoria should be insufficient in itself to establish the probability that the accused would not appear on his trial if released on his own recognisance without sureties, but matters relating to the gravity of the offence, the probability of conviction, the severity of the punishment if the accused were convicted, and the prior convictions of the accused were factors which could be used to establish such a probability.

The information which was to be verified, referred to in paragraph (f) above, related to —

(a) the prior record of the accused;

(b) the family situation and ties of the accused;

(c) the accused's employment and the continuity thereof;

(d) the accused's residence and length of time thereat; and

(e) any exceptional circumstances such as age, health or occupation.

In a publication dated the 11th day of March 1975 the Statute Law Revision Committee reported upon bail procedures. Among the witnesses who assisted the committee were Whelan, Q.C. (as he then was) and P.R. Mullaly, Prosecutor for the Queen, and a member of the Whelan Committee, representing the Victorian Bar Council. It appeared that "after hearing several witnesses express dissatisfaction with the present system and comment favourably upon " the Bar Council proposals and United States provisions the Statute Law Revision Committee believed that the criticisms of the present system relating to bail would be removed if a system similar to the United States system were introduced in Victoria, and "to obtain knowledge of overseas bail procedures together with other matters presently being considered by the committee, permission was obtained from the Honourable the Premier for the committee to travel to the United States of America and Canada". (See page 14 of its Report.)

The Committee undertook its investigations abroad and at page 21 the following appears —

"The committee recommends that the whole concept of bail and its application be recast so as to ensure that an accused person is prima facie entitled to be released unless evidence supports the refusal of bail.

The committee believes that a separate Bail Act is essential and accordingly recommends that legislation be enacted which will —

(a) state the basic principle that prima facie a justice shall release an accused upon his giving an undertaking that he will appear;

(b) place the onus clearly on the prosecution to prove the case for refusing bail;

(c) establish criteria which should be considered by a justice in deciding whether or not a person should be kept in custody;

(d) stipulate a priority list of alternatives which a justice must consider when deciding the question of bail;

(e) require that, where bail is opposed, available information on the accused's family, social, employment and criminal background be presented by the police;

(f) give the court power to consider any other matters which it considers desirable, when deciding bail;

(g) give the court power to direct that evidence etc. relating to bail not be published;

(h) require that a justice shall issue an appropriate order containing a statement of any conditions imposed and informing the person in writing of the penalties applicable to violations of the conditions;

(i) entitle the person to apply to have the conditions of release varied where practical by the justice setting the bail if he is unable to comply with the conditions imposed within 24 hours;

(j) permit a person who is refused bail or objects to the amount fixed or the conditions imposed to appeal to the court before which he is expected to be tried;

(k) retain the present right to appeal to the Supreme Court;

(l) require a justice or magistrate to record his reasons for refusing bail;

(m) make failure to appear in Court following release on bail a separate offence; and

(n) provide for bail after conviction in the magistrates' court.

The Committee recommends that —

(a) the date of an accused's appearance in court subsequent to committal for trial be notified to him by the Crown Solicitor;

(b) it be made a condition of the recognisance that the accused and any surety shall notify the Crown Solicitor of any change of his address; and

(c) the draft bail forms referred to this committee be adopted as soon as possible to give effect to recommendations (a) and (b).

The committee recommends that police continue to make use of section 458 (3) of the Crimes Act 1958.

The committee recommends that senior prison officers be permitted to admit persons to bail."

The alternatives referred to in paragraph (d) above are, in order, as follows:—

(a) release the accused upon his promise to appear in Court;

(b) release the accused on his own recognisance without sureties and without deposit of money or security to appear;

(c) release the accused on his own recognisance and require deposit of money or security of stated value;

(d) release the accused upon his entering into a recognisance with a surety or sureties in such amount as the judge directs;

(e) where the accused does not reside within a given number of kilometres from the court at which he is to appear, the justice may release him with or without sureties but shall require that a sum of money or security be deposited." (See page 16.)

It is very gratifying that the recommendations of the committee appointed by the Bar Council comprising the present Chief Judge Whelan, Hampel, Bourke, Mullaly, Gurvich, and O'Keefe have received such support and it is hoped that the Spring Session of Parliament will see them translated into law.

FRED

Average Fred is a plain sort of man
whose life style is simple, he enjoys what he can.
His assets are few and his income is small,
It's sometimes a wonder he gets by at all.
But his wife goes out working, part time at least,
So they just have enough, though it's seldom a feast.

His job's not demanding – what can you demand
of a fellow like Fred, he's an average hand.
He works a big press. There's a chance that one day
he'll loose a few fingers whilst earning his pay.
Or find himself stood down if business is slow,
For if profits are dropping it's Fred that will go.

When average Fred wants a telly or fridge,
He has to get finance to help him to bridge
the gap that is left between what he's got
and the price of the goods, which he simply has not.
So week in, week out, they must keep up the battle
to meet all the payments on this or that chattel.

He misses some payments, the stuff's repossessed
It's sold for a pittance – they sue for the rest.
He gets legal aid, and the job is perhaps
not quite as well done as for wealthier chaps
or big public venture with money to splash,
The law seems more equal if you've got lots of cash.

You can be pretty certain he'll pay too much
for all that he buys. He's a pretty soft touch
for dealers and salesmen. He's not in the know
about prices and discounts and how to save dough.
And he doesn't know someone well placed in the trade,
to get him big cuts on the price to be paid.

He's pushed round by poobahs and petty officials
from all the departments with fancy initials.
He can't buck the system or find how it works,
unlike the smart trendies who know all the lurks
and can get blokes on Council to fix up the gutter.
There's no-one to listen when Fred sadly mutters.

His kids go to school, perhaps Brunny tech,
It's not much of a place to be learning to peck
in the towns pecking order. In fact all that's bred
is a new generation of average Fred.
It seems very likely that'll stay quite a while
in their place, fairly close to the base of the pile.

So weep for poor Fred, and spare him some time
when he comes in your office, he's been into mine
He'll drive you demented. Your fee will be small
and you'll wish that he never had come in at all.
But there's one consolation. Don't worry your brow
that he'll sue you for error. He wouldn't know how.

Henshall.

MOVEMENT AT THE BAR
(Since March 1975)

MEMBERS WHO HAVE SIGNED THE BAR ROLL

N.C.J. Rustomjee
M.C. Pryles
M.A. Adams
T.S. Lynch
B. Phillips
J.A. O'Brien
R.S. Osborn
M.J. Strong
M. Strathmore
J. Wajcman
P.J.M. Turner
P. Faris (re-signed)
G. Thompson (Qld)

MEMBERS WHOSE NAMES HAVE BEEN REMOVED AT THEIR OWN REQUEST

NIL

ASPIRING MEMBERS WHO HAVE COMMENCED READING

P.R.M. Jones
M.A. McMullan
R.C. Macaw
J.P. Bicknell
I.C. Duffy
I.T. West
R.R. Boaden
R.J. Sarah
R.C. Forsyth
J.G. Ireland

Solution to Captains Cryptic No. 11

1 S	E	C	2 U	R	3 I	4 T	5 Y	■	6 W	■	7 P	■
H	■	■	N	■	8 F	O	E	■	9 H	E	L	10 P
I	■	■	I	■	■	11 T	O	■	E	■	12 O	R
13 P	U	14 N	T	15 E	R	■	16 M	E	L	T	T	O
P	■	A	■	X	■	17 C	A	■	A	■	■	T
18 I	B	I	D	■	19 P	■	20 N	O	N	21 E	■	H
N	■	V	■	■	L	■	R	■	■	N	■	O
G	■	22 E	23 S	S	E	■	Y	■	24 A	N	O	N
B	■	■	T	■	25 A	M	■	26 E	■	U	■	O
27 I	28 N	H	A	N	D	■	29 P	L	30 A	I	N	T
31 L	A	■	B	■	32 I	33 T	■	■	C	■	■	A
34 L	I	V	E	■	35 N	O	36 R	■	T	■	■	R
■	L	■	Y	■	37 G	R	A	T	U	I	T	Y

Editors: David Byrne, David Ross

Editorial Committee: Haddon Storey Q.C., John Coldrey, Max Cashmore, Lyn Opas

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Now I've seen the evidence I think our best defence is de minimis