

Victorian Bar News

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BAR COUNCIL REPORT

Legal Education

The Bar Council has set up a Special Working Committee on Legal Education which is reviewing the whole system of legal education in Victoria, including the role of the Royal Melbourne Institute of Technology Law Course and the role of the Leo Cussen Institute. A Report from this Committee is expected shortly.

Subpoenaing of Medical Witnesses

The Chairman of the Bar Council participated in some public discussions with respect to the position of medical witnesses who are subpoenaed to appear in Court, and actions taken by Judge Gray in a particular case. The actions of the Chairman in making available to the Press the full facts of the case were approved by the Bar Council.

Young Lawyers Forum

A Young Lawyers Forum is to be held at the 19th Australian Legal Convention, in Sydney, next July. Walmsley has been appointed as the Bar's representative on the Provisional National Committee for the Young Lawyers Forum. More information concerning the Young Lawyers Forum will be made available at a later date.

Public Solicitor's Fees

The Bar Council has been active in negotiations with the Secretary of the Law Department and the Attorney-General, in relation to its request for an increase in Public Solicitor fees. No certain indication as to when the increase will be granted has yet been obtained, but the matter is being pursued.

Royal Commission on Legal Services (U.K.) and Inquiry into New South Wales Legal Profession

The Bar Council is keeping a close watch on developments in these two Inquiries. Certain of the material which has been formulated by the Bar Council in previous years concerning

aspects of the operation of the Bar which are thought to be helpful have been forwarded to the Law Council of Australia, or to the Chairman of the New South Wales Bar Council.

Supreme Court Delays

Davies O.C. and the Chairman of the Bar Council have continued to engage in a series of discussions with the Attorney-General and with the Chief Justice, with a view to the adopting of steps to mitigate the current state of delay in Supreme Court Lists. Some relief is expected to be felt by virtue of the opening of the new Courts in the building which previously housed the Crown Law Offices, behind the existing Supreme Court building and facing Lonsdale Street. The backlog of cases appears to be increasing, and the concern of the Bar has been made known in all relevant quarters.

Catering

The Bar Council has kept under review the operations of the catering services on the 13th floor, and is presently engaged in steps with a view to improving the service, and variety of foods available to members of the Bar.

Legal Aid

A draft Legal Aid Ordinance for the Australian Capital Territory has been circulated as a "model" for implementation throughout Australia by the Territories and the States but strenuously opposed as such by the Law Council and the Bar Council. In addition, a draft Bill for the Western Australian Legal Aid Commission has been received and is being given consideration. This is accepted by the Law Council and Bar Council as a more satisfactory "model" and the Federal and State A.G.'s have indicated non-opposition to it in principle.

Federal Court of Australia Bill

The right of appeal from the proposed new Federal Court of Australia to the High Court is restricted by this Bill, and the Chairman has communicated to the Commonwealth Attorney-General, the concern of the Bar Council of the

restriction on the right of appeal and the desirability of such right of appeal being made equivalent to the right of appeal available from State Supreme Courts.

Access to Witnesses

The Bar Council has forwarded a letter to the Chief Secretary, the Attorney-General, the Chief Commissioner of Police and the Chief Stipendiary Magistrate pointing out that there is no property in witnesses, and that a Barrister who seeks to talk to a witness subpoenaed by the Police, is acting properly and cannot properly be prevented from so doing by either the Police or a Stipendiary Magistrate.

Unreported Judgments

The Bar Council has endorsed the principle that all written judgments including rulings on sentence of the Supreme Court be available for perusal in the Supreme Court Library. The matter has been referred back to the Law Reform Committee to ensure implementation of the resolution.

Closing of Clerks' Offices

The Clerks will all close their offices at 1.00pm on Friday, 24th December, 1976 and re-open on the morning of 13th January, 1977. An answering service will be provided in Mr. Dever's office and a member of his staff will be available during the working hours on working days over the period from 3rd January, 1977 to 13th January, 1977 to receive telephone calls on behalf of all members of the Bar.

General Meeting — Beach Report

At a General Meeting of the Bar held on Tuesday, 10th November, 1976 the following three resolutions were put and carried:—

1. That this meeting expresses its support and confidence in Beach Q.C. and the other members of Counsel involved in and assisting the Inquiry and condemns the unwarranted public attacks made upon their professional integrity.

2. That this meeting calls for the immediate release of the general recommendations of the Beach Report and requests the Chairman of the Bar Council to make representations to the Attorney-General to that effect.
3. That before any steps are undertaken in relation to the establishment of the proposed Consultative Body as set out in the Chairman's memo dated the 27th October 1976 the nature and function of such body be made the subject of a General Meeting of the Bar.

The General Meeting of the Bar held on Tuesday 7th December, 1976 is referred to on Page 9.

YOUNG BARRISTERS' COMMITTEE

One of the major preoccupations of the Young Barristers' Committee over the past year has been to examine its present function and to consider ways of making it a more effective instrument for representing the interests of those who comprise its "constituency".

This exercise was prompted by two factors: firstly, it was found that very frequently when a matter was raised in Committee much time was wasted in determining whether the Young Barristers' Committee on the one hand or the Bar Council or one of its standing Sub-Committees on the other was the appropriate body to consider it; secondly, the rapid increase in persons signing the Bar Roll made it apparent that the representation of members under six years' call on the Bar Council was becoming increasingly less commensurate with the numbers of such persons at the Bar (more than half the Bar is under six years' call yet only three of the eighteen members of the Bar Council fall within that category).

A Sub-Committee of the Young Barristers' Committee prepared a Report on the matter

which was subsequently adopted by the Young Barristers' Committee and forwarded to the Bar Council. The recommendations are currently being considered by an ad hoc Sub-Committee of the Bar Council specially constituted for this purpose.

It is not proposed to detail that Report. However, it is appropriate to perhaps outline some of the ideas which lay behind its recommendations and the general nature of the recommendations.

It was felt that the Young Barristers' Committee should more actively seek to represent its constituency. It should be the natural place of recourse in the first instance for general practising problems concerning younger Barristers. It should therefore publicize its existence more effectively and establish more effective channels of communication.

Furthermore it should have the responsibility of dealing with those matters (other than ethical problems) referred to it which are peculiarly related to the practice of younger Barristers. To be specific, it should deal with problems arising from practice in Magistrates' Courts. It was felt by many members of the Young Barristers' Committee that the responsibilities vested in the Magistrates' Court Sub-Committee of the Bar Council should, for example, be vested in the Young Barristers' Committee.

The desirable level of involvement in Magistrates' Court practice was thought by some members to extend to such matters as: surveillance of the standards in Magistrates' Courts — of Magistrates, Justices of the Peace, Police Prosecutors and Barristers; procedural reform; and reform of the substantive law which fell to be administered exclusively by Magistrates' Courts. One idea contemplated was that a register should be established and maintained by the Committee to collate reports from members of its constituency of incidents or problems concerning such matters. In this way trends and practices in these Courts generally or by particular individuals could be

identified. Serious incidents would, of course, still be looked into in their own right. Furthermore there was some support for the view that the Young Barristers' Committee should have, in these matters, an independent power of complaint or recommendation to bodies outside the Bar and also a right of public expression of opinion in its own name in some circumstances.

The Report recommended the creation of a Constitution for the Young Barristers' Committee the salient features of which should be:

1. Guide lines as to what are proper matters for its consideration.
2. The Chairman to be selected from members of the Committee of six years' call and under.
3. Publication of all Resolutions or Minutes of proceedings in the Bar Library or other place of easy access.
4. Power to request the Bar Council or its standing Committees to report upon action taken on matters referred to it by the Young Barristers' Committee.
5. Election of members for a two year term with half the membership coming up for election each year.
6. The maintenance of a complaint or problem register to collate reports from members of its constituency.
7. In relation to practising problems and areas of interest peculiar to Barristers of six years' call and under (e.g. practice in the Magistrates' Courts), a power of independent recommendation, complaint and public expression of opinion in the name of the Young Barristers' Committee.

At the time of going to print the incoming Young Barristers' Committee for the current year has made tentative arrangements for a forum of all young Barristers to discuss these recommendations. It is expected that this forum should take place on the 13th December next. The success of the meeting will depend largely upon the attendance of a substantial number of those interested.

Welcome:**Mr. JUSTICE FREDERICO**

The Family Court are indeed fortunate to obtain Mr. Justice Frederico as the latest Victorian Family Court Judge. His Honour was admitted to the Bar in 1956 and in his 20 years as counsel, he practised in a wide variety of jurisdiction and was known both by the judiciary, solicitors and his fellow practitioners at the Bar as a member of counsel who had flair, diligence and a great capacity for work. He was born into a notable legal family and it is believed that his father commenced smoking the large cigars of which he is so fond, from the time of the birth of His Honour. He has had no reason to stop smoking them since. His father is of course, Judge Frederico, recently retired, who has also lately made news heading the Vapold Enquiry.

Mr. Justice Frederico has a brother and sister who are well known Melbourne solicitors, Raymon and Serita. It would have been a quite remarkable achievement having a father and son on the bench at the same time but by a matter of weeks this did not occur.

Mr. Justice Frederico had a wide circuit practice both in Mildura and Sunshine and good authority has it that he preferred Mildura. Apart from Family Law work of which he has done much over the years, he also practised as a Jury Advocate and in the commercial field. In his early days as a Magistrates' Court Lawyer he was a fiery and well known figure particularly in the western suburbs and had some stunning successes in the drunk driving field.

Upon reading his record at Xavier, one could first imagine that he was in some difficulties because when one reads the school magazine it is stated that Hubert Frederico had gone for a row. However, after more searching enquiries it turns out that this was his sport. He has been coach of the Australian Eight and in recent years as Coach of Xavier College crew.

It is through no fault of His Honour that this crew has been unsuccessful for some 25 years in winning a Head of the River.

He had four Readers, Perry, A. Graham, Heliotis and Weil in his years at the Bar.

His Honour also found time to lend his talents to the profession generally. At the time of his appointment he was a member of the Board of Examiners and of the Juries and Family Law Practice Committees. In addition he served on two joint committees with the Law Council of Australia — the Defamation Law Committee and the Family Law Committee.

The Bar wishes His Honour a satisfying career in his new work confident that his courtesy and kindness will be a model for all.

Welcome:**JUDGE BELSON**

On the ninth of November Victor Herbert Belson Q.C. was appointed a Judge of the County Court. Judge Belson was educated at Haileybury College and at Trinity College — University of Melbourne. He came to the Bar in 1939 and read in the Chambers of R.R. Sholl. In his early years as counsel he built up a large practice in the criminal jurisdictions but as he advanced in seniority he acquired, with equal facility, an even larger practice in civil juries in the Supreme Court. Somehow he found time to be a highly respected Master to four readers — Phillips Q.C., Bland, Ellis and Stanley Johnston.

His Honour took silk in 1960 continuing to be very active in civil matters but again finding his talents in demand in the criminal courts. Those close to Judge Belson will never forget the series of calamities which befell him in 1974. A major operation was followed by an amputation of one of his legs and a long period of hospitalization and convalescence. Finally

there occurred the untimely death of that "very parfait gentle knight" Peter Brusey Q.C., one of His Honour's dearest friends. These tribulations were, however, faced with characteristic courage and resolve. Within weeks of his recovery His Honour had returned to practice and soon resumed his rightful place as one of the Bar's leaders. Now has come this extremely popular appointment to the Bench.

Judge Belson brings to his office learning, dedication and a capacity for straight talking which will endear him to members of the profession and litigants alike. He leaves us one of his sons — David — who is a well known member of the Junior Bar.

The writer expresses the hope that His Honour, together with his ebullient hat, will continue to be seen in Owen Dixon Chambers as a matter of regularity.

Welcome:

ROBERTS S.M.

Neil Roberts has recently taken up the position of Magistrate and Coroner in South Kowloon in Hong Kong.

Roberts has asked that his thanks be expressed to all members of the Victorian profession, Bench and Bar for their assistance and courtesy during his time at Melbourne. He would be pleased if any of his colleagues passing through Hong Kong would contact him there.

The Bar wishes him well in his new position.

Tribute:

GRIFFITH J.

The late Judge Read was his uncle. Dick Griffith could imitate him to perfection. When Lennie rang he would say, "That you, Dickie Boy?" It was hard not to think of him as "Dickie Boy".

He was a gentle man who had trained himself to impeccable manners. It was a most disarming weapon and I used to find myself uncommonly polite when talking to him.

A lot of his obsessions were infectious. There were fountain pens and books. I find myself with a pocketful of fountain pens, I subscribe to the Selden Society and line my shelves with books I never read. A year or so ago I tore myself away from the Folio Society into which he had led me.

He had his own ideas about a parent-child relationship. When the Griffith children were very young our secretary made daily sorties to the kiosk in William Street for chocolate frogs which were placed strategically on her desk for collection.

He talked remarkably well on any subject. His knowledge was encyclopaedic and his skills nearly as extensive. He could do anything with his hands. He made his book shelves himself, cabinets, desks; he was a master in woodwork. What he saved by his own labours he put into the books which filled the shelves.

The drawer of his desk was always well stocked with barley sugar and contained hammers, chisels, screw drivers, pliers, nails — everything required for an emergency.

He never allowed a question to go unanswered and gaps in accurate recall were filled with most convincing fictions. It took me years to realise that a lot of the information was inaccurate. He never flinched at providing details. If you gave him the chance he might reel off the names of Hannibal's elephants or tell you the number

of hairs on Caesar's head. He had a detailed and thorough knowledge of horror films and the names of all their artistic exponents. For years he had his shirts tailored in Dublin. He introduced me to Carr's Table Water Biscuits and Twining's tea. I never succumbed to the daily lunch of two wafer biscuits — lightly spread with vegemite — and a cup of black tea. Despite this he might wax eloquent about gourmet food.

His highly mesmeric personality, his gift for language and his warm nature resulted in a constant stream of admirers to the room opposite. The year of his appointment to the Bench we had to replace the carpet. The track into 604 was worn threadbare. It was bad enough when he was taken from us to the bench. What now that he has been taken from us altogether with shocking speed.

K.H.M.

SENATOR THE HONOURABLE IVOR JOHN GREENWOOD, Q.C.

On the 13th October 1976 the death occurred of Senator The Honourable Ivor John Greenwood, Q.C.

Following his early schooling at Hartwell State School, Mont Albert Central State School and Scotch College, Senator Greenwood studied law at Melbourne University graduating in 1949.

Whilst at the University he took an active interest in debating and in politics, and in 1947 became President of the Melbourne University Liberal Club. Two years later he was elected President of the University's Students Representative Council.

After graduating from the University he became Associate, first to Sir Frank Kitto, and later to Sir Owen Dixon.

In 1951 Senator Greenwood was admitted to the Victorian Bar. His career at the Bar was a

distinguished one. He quickly established a large practice in the field of Commercial Law where he earned a reputation as a zealous and industrious advocate. In 1969 he took silk.

Whilst at the Bar Senator Greenwood played an active role in the Law Council of Australia holding the position of Secretary to the Council from 1963 to 1968.

Although the law was Senator Greenwood's chosen profession his first love was clearly politics, and it was in politics that he had such a brilliant career. One year after his admission to the Bar Senator Greenwood became a member of the Victorian Liberal Party Executive serving there from 1952 to 1966 when he became Vice President of the Liberal Party of Victoria. His deep involvement in politics came to fruition in 1968 when he filled the casual vacancy caused by the resignation from the Senate of the Right Honourable John Gorton. His progress within the Parliament was as swift as his activity outside it. Three years after entering Parliament Senator Greenwood joined the Ministry as Minister for Health and five months later became Attorney-General, a post he held until the 1972 general election. In December 1972 he was elected Deputy Leader of the Opposition in the Senate. With the return of the Liberal Party to Government Senator Greenwood became Minister for the Environment Housing and Community Development, and held that post until ill-health compelled him to tender his resignation shortly prior to his death.

Throughout his parliamentary career Senator Greenwood was respected by all sides, not only for his integrity and honesty, but also for his formidable skills as a debater. As the Leader of the Government in the Senate said in the course of moving the motion of condolence in the Senate on the 13th October, "Senator Greenwood was without doubt, one of the strongest, most vigorous and most skilful debaters this chamber has ever seen. For that alone he will be missed."

FOR THE NOTER UP**Family Court**

Add: Frederico J. 45 1/10/31 1976.

Supreme Court of Victoria

Delete: Griffith J.

Master

Delete: Endrey.

County Court

Add: Judge Belson 61 18/9/15 1976 1987

THE NEW SILKS

The Bar congratulates the following members whose appointment as Queen's Counsel was announced on 24th November 1976.

David A. Hunt (NSW)

John David Traill (NSW)

L.J. Priestly (NSW)

Malcolm Herbert McLelland (NSW)

T. Simos (NSW)

Paul Richard Mullaly

Peter Uno Rendit

Michael Neil O'Sullivan

George Hampel

Howard William Fox

Richard Patrick Dalton

John Spence Winneke

John Francis Lyons

Keith David Marks

Clifford Leslie Pannam

**NATIONAL SUMMER SEMINARS
AT MONASH**

During the latter part of January 1977 the Law Council of Australia and the Faculty of Law at Monash in conjunction with the Faculty of Law at Melbourne University are conducting a two week national summer programme of seminars for lawyers and related professions. The aims of the programme are to assist busy practitioners to acquaint themselves with developments in new areas of law, to bring themselves up to date in traditional areas of law and practice, to expose practitioners to problems arising in selected areas of law and its administration, and to enable an exchange of ideas between practitioners and academics. The programme includes the following -

Week 1 17th to 21st January.

1. International Commercial Arbitration.
Dr. G.D.S. Taylor
2. Legal Counselling in Australia-Japan transactions.
Dr. M. Smith
Mr. P.A. Davis
3. Trade Practices Law and Practice.
Prof. R. Baxt
Prof. M. Brunt,
Faculty of Economics
& Member of Trade
Practices Tribunal.

Note:

Course 2 and 3 may be offered in Week 2 if there are sufficient applicants.

Week 2 24th to 28th January.

4. Current Developments in Taxation Law.
Dr. Y. Grbich
5. Government Regulation of International Trade.
Dr. G.D.S. Taylor
6. Consumer Tribunals.

7. Company Securities.

Prof. H.A.J. Ford,
Melbourne University,
Mr. G. Samuel, Solicitor,
and Prof. R. Baxt.

Week-end 22nd and 23rd January.

Partners in problem solving — Lawyers and
Counsellors in family law jurisdiction.

One Day Seminars

Legal Aid — 22nd January.

Law Science and Technology — (date to be fixed)

Challenging Administrative Actions —
— 24th January.

Enquiries and applications should be addressed
to Prof. Baxt, Dr. M. Smith, June Nelson at
Faculty of Law Monash University
Phone 541 0811 Ext. 3303.

- (a) promoting better mutual understanding of the respective roles of the Bar, the Police and Solicitors;
- (b) providing an avenue of communication between the respective bodies for expression of views and passing of information relating to the principles, practice and procedure of the criminal law;
- (c) discussing and if thought useful conveying to their respective governing bodies the merits of any reform of substantive criminal law or procedure;

and notes that it is intended that such Committee:—

- (1) will not make any public statement purporting or seeming in any way to represent the views of the Bar or the Bar Council; and
- (2) will not discuss incidents the subject of findings in the Beach Inquiry Report; and
- (3) will not in any by-pass or disregard the normal channels for reception and handling of complaints against members of the Police Force or the legal profession."

GENERAL MEETINGS OF THE BAR

Pursuant to the request of the General Meeting on 10th November the Bar Council called a further meeting to discuss the role of a proposed consultative body between lawyers and the police.

At the further meeting held on 7th December considerable and passionate discussion took place about the desirability and the function of such a body.

The following resolution proposed by Hampel Q.C. was passed by the meeting:—

"That this meeting endorses the action of the Bar Council in agreeing to send representatives to the consultative body comprising representatives of the Police Department, the Police Association and the Law Institute with a view to such Committee having the nature and function of:

BAR COCKTAIL PARTY

On Tuesday the 21st December the Common Room will once again resound to the clamour of the annual Christmas Cocktail Party.

Members are urged to attend this function which is an opportunity to rub shoulders with judges, wives and secretaries in an atmosphere of easy informality.

Old timers will be particularly pleased to note that the Bar Council has been able to obtain the services of Unger Catering for the evening.

REFLECTIONS ON THE ELECTION

"May I ask what you are reading?" murmured the Reader with nervous deference.

"Indeed" boomed Bigwig, "it's the list of candidates for the judicial primaries".

"What are they?"

"Eighteen of these hopefuls are elected to the Bar Council where they select a Chairman to be appointed to the Bench. In short, it is the means by which barristers elect judges".

"Is this an honoured, as distinct from a constitutional convention?" queried the Reader.

"It's as predictable as the Lord Mayor's suit, just have a look at that new Elite Board in the Common Room".

"What is the main attribute required of such a person?"

"Friends".

The Reader studied the list of names.

"Do they have any policies?"

"No, no, it's against public policy to make their policies public".

"Can anyone stand?"

Bigwig frowned.

"Therein lies the problem. Any barrister can stand. There is a complete absence of property qualification".

"But surely", gasped the Reader, "you're in favour of universal suffrage?"

"Of course I'm not! Do you realise that in between electing judges these hopefuls make decisions affecting the future of the Bar?"

"So?"

"So it stands to reason that you want the men of property, the men with the most to lose running the show — they won't dare bugger it up!"

"Who are they?"

"The men with huge overdrafts, mortgages, two cars and kids at private schools".

Understanding dawned in the Reader's eyes.

"Yes, yes, they would have to be concerned with the faster collection of fatter fees".

"Exactly".

"But how would you operate the elections?"

Bigwig cleared his throat. "Firstly, I'd eliminate all this nonsense about counsel of not less than x years' standing. All that erroneously assumes is that experience has taught them more than self protection. Secondly, I'd introduce categories of liabilities. For example, 'counsel with liabilities of not less than \$30,000'."

The Reader nodded thoughtfully.

"But what about a category for those with large holdings of shares and debentures in Barristers Chambers Ltd.?"

"My boy" sighed Bigwig, "considering the condition of Owen Dixon Chambers such holdings come under the heading of liabilities".

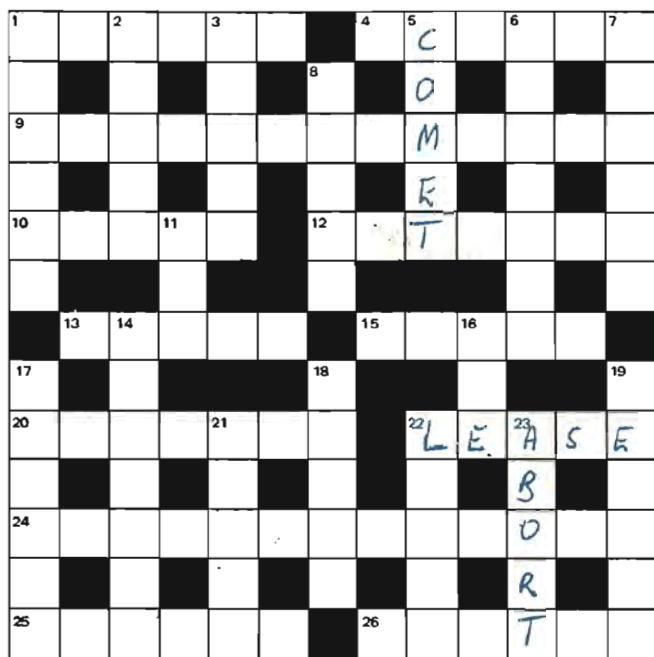
The Reader smiled. "It's a great scheme and I'm glad to know you were just pulling my leg about your opposition to universal suffrage".

"Pulling your leg, how so?", snorted Bigwig.

"Well", smiled the Reader, "from what I hear there isn't one barrister who wouldn't qualify."

CAPTAIN'S CRYPTIC

NO. 18



ACROSS:

1. bower from ill spoken ship shelter (6)
4. sounds like a natural growth of ship's company (6)
9. real inheritable property (13)
10. strong headwind for a proboscis (5)
12. a necessary allowed by law (7)
13. o corpulent wax makers (5)
15. spasm (5)
20. bewitch in monotone (7)
22. letting contract (5)
24. growth of capital by continued interest (13)
25. cedes (6)
26. visible projectile makes bomb cavity (6)

DOWN:

1. Hellenic Minerva (6)
2. minstrel boys like Shakespeare (5)
3. not dis brudder (5)
5. Halley's claim to fame (5)
6. review (7)
7. make certain (6)
8. bathe in liquid on a slope (5)
11. sight the tooth (3)
14. wheeler's double for pedalling (7)
16. prosecute to employ (3)
17. cash from the styx
18. stories become the worse for age (5)
19. end of French term (6)
21. a 10c piece is intended (5)
22. after the due time (5)
23. prematurely conclude trial (5)

TRAVELLING TO THE EDINBURGH LAW CONFERENCE

A group of lawyers has become concerned about the high cost of travelling to overseas conferences and has made an approach to the R.A.C.V. Travel Service to see whether a flexible and economical tour can be arranged for those wishing to attend the forthcoming Commonwealth Law Conference in Edinburgh next July.

A seven day tour has been proposed from Australia to Edinburgh leaving from Sydney on 18th July. The package includes economy class excursion air fare, hotel accommodation from 18th to 23rd July, transfers, portorage, a cocktail party and buffet dinner in Thailand on the way over.

The tour will leave Sydney for Thailand where two days will be spent in Bangkok and Pattaya then a two night stop-over in Copenhagen before arrival in Edinburgh on 24th July.

The package includes an open dated return air ticket valid for 180 days.

The price from Melbourne is \$1299 based on fares as at 1st November, 1976.

Enquiries to O'Loghlan.

ETHICS RULINGS

In relation to a matter recently considered by the Ethics Committee, it confirmed the rule that a practising barrister may not use professional stationery on which his academic qualifications are disclosed. Also, he may not describe himself on such stationery as "barrister" or "barrister-at-law".

The Ethics Committee recently conducted summary hearings in relation to three counsel for failing to attend lectures contrary to undertakings given by them to do so at the time that they made applications to sign the Roll of Counsel. A similar proceeding against a fourth member of counsel was adjourned because that member of the Bar left for overseas on the day of the hearing.

1. Two counsel were dealt with under Rule 32B. They attended the Committee and were given the following advice by the Chairman:

"When you signed the Roll of Counsel you signed an undertaking to attend a course of lectures. You have not honoured that undertaking. The Ethics Committee regards the giving of an undertaking as a serious matter, whether given to a court, to a fellow barrister or to The Bar Council. The only way that a barrister can discharge such an obligation is either to perform the undertaking or to ask he be relieved from performing it. He cannot ignore it without being guilty of misconduct."

2. One counsel was dealt with under Rule 32C. After hearing counsel's explanation, the Committee resolved in the following terms:

- (a) That he had committed a disciplinary offence in that he had breached his undertaking to attend lectures.
- (b) That he be requested to undertake to attend the course of lectures to be given next year.
- (c) That the Vice-Chairman give the following advice to him:
 - (i) That the Ethics Committee regards undertakings given by prospective members of this Bar very seriously.
 - (ii) That the Bar Council spends much time to arrange these lectures particularly for his benefit but more important particularly for the bene-

fit of the public which will suffer at his hands if he is not competent.

- (iii) That it is a serious matter to give an undertaking and to break it wilfully or because it is treated as being of so little importance that it is broken through sheer laxity which the Committee believes was the case here.

- (d) That he be directed to pay to the Honorary Treasurer the sum of \$20 within 14 days.
-

NORTHERN SUBURBS LEGAL SERVICE

The Northern Suburbs Legal Service is a voluntary legal aid service operating at the offices of the Social Welfare Department, 16 Cramer Street, Preston on Monday and Tuesday nights between 6 and 8 p.m. The Service is officially supported by the Law Institute and had close links with the Legal Aid Committee. An employee of the Legal Aid Committee operates the Service during the day on Wednesdays. The Service is organized on a roster basis and practitioners are not required to attend more than one night per month.

Any member interested in offering their services should contact Hobson on PABX 381.

MOUTHPIECE

"It's these ethical problems that I find so difficult. No one will give you a straight answer". The Waistcoat settled down in his post prandial torpor, his fingers in cathedral pose.

"Just experience that's all", he murmured contentedly enjoying his vol au vent, again.

"Suppose you have a witness to call and he makes a statement to your solicitor and then he tells you it's not true. He wants to give different evidence in Court. Which version do you reckon is the truth".

"Beside the point my dear chap", interposed the Waistcoat, "it is no function of counsel to assess the truth of the evidence. That's what they pay Judges their huge salaries for". Encouraged by the respectful silence he pursued the idea. "Your job is to present the case as instructed".

"But you're not supposed to lead evidence which you know to be false". The naivety of Whitewig was touching.

"Of course, but how do you know it's false? It's no part of your function to know whether it is true or false. Your job is to present your evidence as instructed. If he changes his story you just ask him again what are his instructions".

"But he may not be believed".

"Every witness must take that risk".

"It's unethical to lead evidence which you know to be false it's bad advocacy to lead evidence which will be believed to be false".

"Mmm".

". . . And that's where you must be careful. The judge and the jury are not easy to fool and the prosecutor will get into your client . . ."

"But", ventured Whitewig, "I am the prosecutor".

Byrne D.

SPORTING NEWS

During the July vacation Allan Myers and his wife and friends embarked upon a hiking trip which took him to places including Bangladesh, Bengal and Kashmir. A team of sherpas was hired for their trek through the mountains of Kashmir where the temperature dropped as low as freezing point at such height as 15500 feet. He was rather amazed to see some Australian Merino rams when he had ascended about 15000 feet of one mountain. Hazards in their travels included glacial bridges across rivers.

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One of our editors, David Ross, who is now studying overseas, was the subject of an article in the Bangkok Post some time ago. Under the headline, "Paddling for Pleasure — Payom Kusujarit meets an adventurous Aussie", an account is given of his lone voyage down the Tha Chin river. The article explained that he changed his original idea of canoeing in other parts after having been told of the threats of insurgency and of banditry. As it was, he was forced to "job" one of the bandits in his travels through areas which had not been visited by westerners to any extent. He found that Thai monasteries were the only place to stay in some regions and the abbots were hospitable. The article concluded: "and what's more he ate Thai native food and even suffered a bout of dysentery!"

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The annual Golf Match between the Bar and Benches and the Services was held at the Royal Melbourne Golf Club on the 30th September, 1976. The Bruce Cup was won by the Bar and Bench and accepted by Mr. Justice Sweeney and the Macfarlan trophy was won by the Services and presented to their representative by Master Jacobs.

Four Eyes

MOVEMENT AT THE BAR**Members who have signed the Roll (Since September 1976)**

K.L. CHENERY
T. SIMOS, Q.C. (NSW)
B.M. JAMES (NSW)
M.H. McLELLAND, Q.C. (NSW)
C.J. McPHERSON
G.J. THOMAS
P.L. HORMAN
F.M. ROBINSON (WA)
R.E. WILLIAMS (ACT)
I.G. SUTHERLAND (re-signed)
B.J. HERRON (NSW)
R.H. GRACE (NSW)
E.P. FENNESSY
R.D. BRISTOL
J.J. WEBSTER (NSW)
M. HUGH-JONES

Members whose names have been removed at their own request

D.E. GRAY (Non-Practising List)
M. SCARFO
PROF. D.E. ALLAN (From 1/3/1977)

Member who has transferred from the Non-Practising List to the Practising List

A. ENDREY, Q.C. (From 1/1/1977)

Members who have transferred to the Non-Practising List

A.J. KELLY
N.E. ROBERTS
J.R. PERRY

The total number in active practice (not including Crown Prosecutors) is now 563.

SOLUTION TO CAPTAIN'S CRYPTIC NO. 18

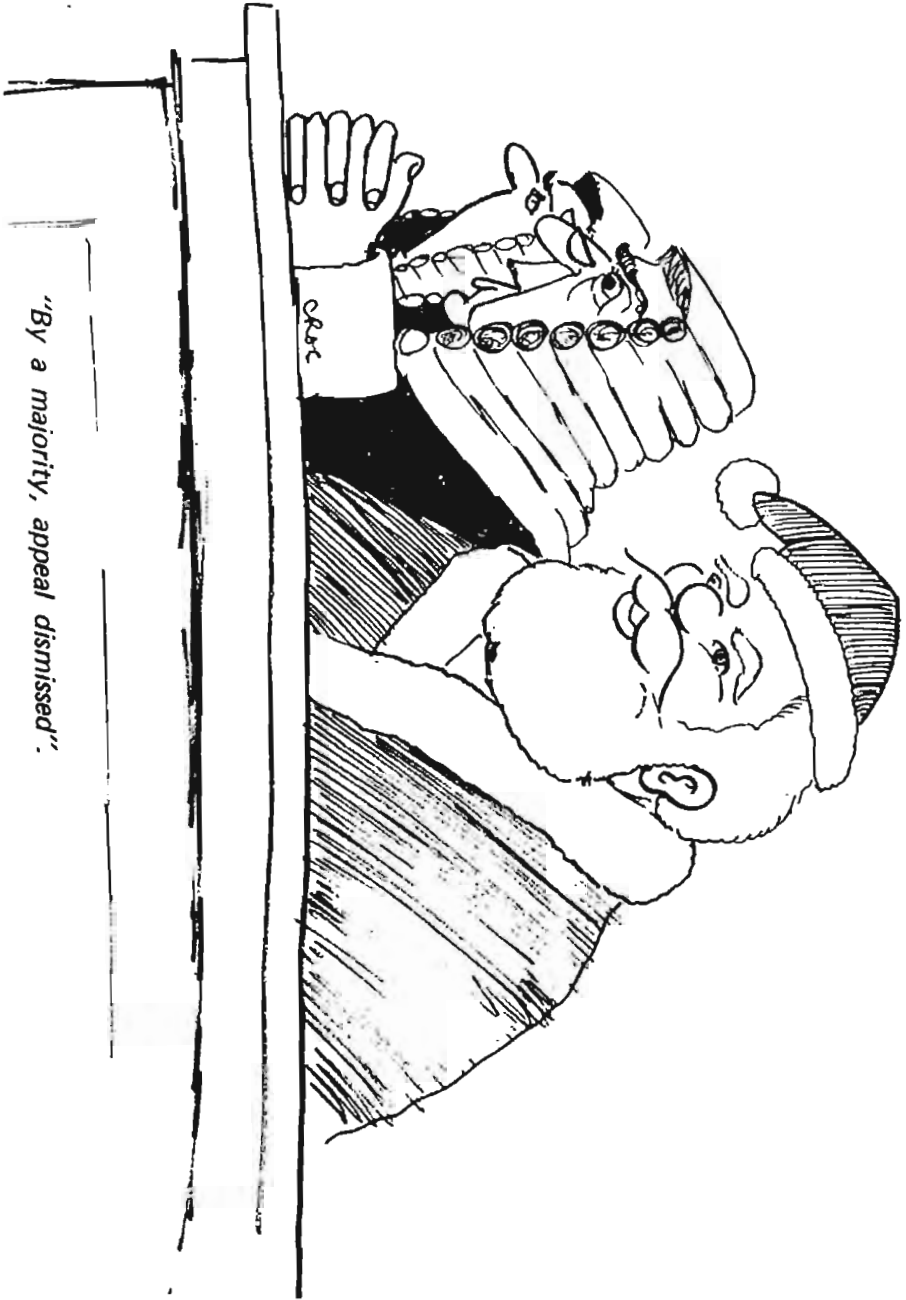
1	A	R	2	B	O	3	U	R	4	A	5	C	6	C	R	7	U	E
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9	H	E	R	E	D	I	T	A	M	E	N	T	S					
E		D		E		E		E		O		U						
10	N	O	S	11	E	R		12	E	S	T	O	V	E	R			
E			Y					P					E		E			
	13	O	14	B	E	S	E		15	S	P	16	U	R	T			
17	L		I					18	S			S				19	C	
20	E	N	C	H	21	A	N	T		22	L	E	23	A	S	E		
G		Y		I		A				A		B		S				
24	A	C	C	U	M	U	L	A	T	I	O	N	S					
C		L		E		E		E		E		R		E				
25	Y	I	E	L	D	S		26	C	R	A	T	E	R				

Editors: David Byrne, David Ross (in absentia)

Editorial Committee: Ron Castan, John Coldrey, Max Cashmore,
Andrew Kirkham, Lynne Opas, Tony North

Cartoonist: Crossley

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"By a majority, appeal dismissed".