

Victorian Bar News

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BAR COUNCIL REPORT

1. Legal Aid Commission

The Bar Council has appointed representatives to a Joint Committee with the Law Institute which has been preparing submissions with respect to the proposed Legal Aid Commission.

A great deal of work has been undertaken by the Committee, and the Bar Council has approved the draft submissions prepared by the Joint Committee, with some amendments.

2. Young Lawyers' Forum

This Forum was held in Sydney in December, 1976, under the auspices of the Law Council of Australia. A representative of the Bar Council attended the Forum, and a National Young Lawyers Association was formed. The Association will play an active part in the 19th Australian Legal Convention to be held in Sydney in July, 1977.

3. Review of Legal Profession Practice Act

The Law Institute is giving consideration to setting up an Inquiry into the Legal Profession Act and has invited the Bar Council for its views. The Bar Council has had a number of discussions with the Law Institute Executive and others on the subject.

4. Australian Legal Aid Office — Payment of Counsel's Fees

The Bar Council has had some correspondence with the Deputy Director of A.L.A.O., with a view to arranging for counsels' fees to be paid directly by A.L.A.O. A.L.A.O. has indicated its unwillingness for financial and administrative reasons to make direct payments.

5. Training of Magistrates

Recommendations by the Young Barristers' Committee concerning the training of Magistrates have been adopted by the Bar Council, and have been submitted on behalf of the Bar Council and the Young Barristers'

Committee to the Solicitor-General's Committee for the Training of Magistrates. The recommendations are as follows:—

1. Magistrates should have the academic qualifications for admission to practice as Barristers and Solicitors.
2. Subject to possessing those academic qualifications, eligibility for appointment should not be restricted to the Public Service or governed by the provisions of the Public Service Act, and should be based on merit.
3. A nominee of the Bar Council together with a nominee of the Young Barristers' Committee should attend the Solicitor-General's Committee to present the above submissions.

6. Joint Consultative Body with the Law Institute and the Police Association

This body has met, and discussed areas of common interest.

7. Unreported Supreme Court Judgements

The Bar Council and its Law Reform Committee have been in communication with the Chief Justice concerning the development of a scheme for the compilation of unreported Supreme Court Judgments. Ormiston Q.C. is to act as the Chairman of the Committee to look into such a scheme.

8. "Richard Griffith Library"

The Bar Council has confirmed the decision of Barristers Chambers Ltd. to re-name the library in Owen Dixon Chambers the "Richard Griffith Library". A suitable plate bearing the name of the library is to be acquired, and placed over the doorway.

9. Ethical Procedures

The Bar Council is to undertake an investigation of disciplinary rules and procedures of the Bar.

10. Catering

At the end of last year the services of Mr. and Mrs. Fahey as Caterers for the Bar in Owen Dixon Chambers were terminated, and

the Bar Council engaged Messrs. Michael Ferguson and Michael Christian as Caterers for the commencement of the 1977 year. (See separate article on catering arrangements elsewhere in this issue).

11. Chief Secretary's Sub-Committee concerning Beach Inquiry

The Chief Secretary has asked for submissions on behalf of the Bar, to be made to the Chief Secretary's Sub-Committee concerned with the recommendations of the Beach Inquiry. The Bar Council is about to consider a long report of a special sub-committee on this matter.

12. Legal Aid Committee Staff

The Chairman of the Bar Council and the President of the Law Institute of Victoria have written to the Attorney-General to endeavour to obtain an assurance that the present staff of the Legal Aid Committee will be offered employment by the new Legal Aid Commission when it is set up.

13. Royal Commission on Legal Services in England and Wales

In or about April four members of the Bar will be visiting the United Kingdom, and the Bar Council has authorised those members to contact the appropriate persons in the United Kingdom with a view to reporting to the Bar Council on their return on current events and information relating to the United Kingdom Royal Commission on Legal Services.

14. Register of Barristers

The possibility of the establishment of a Register of Barristers to be published regularly by the Bar, and the information to be contained in any such Register is being investigated by the Public Relations Committee.

THE YOUNG BARRISTERS' COMMITTEE

The poor attendance at the meeting called last December by the Young Barristers' Committee of all Barristers under six years' standing was probably only partly due to the relative lack of pre-meeting publicity. Although approximately half the Bar would have been eligible to attend, in fact only 25 to 30 were present.

The meeting was called principally to discuss a Report prepared by some members of the Committee setting out various recommendations affecting the future role of the Young Barristers' Committee. A list of those recommendations appears in the last copy of the Bar News. The Report suggested, amongst other things, that the Committee have the power to make public pronouncements on matters peculiarly affecting Young Barristers. It was surprising that so few attended the December meeting to consider this recommendation. The Report was rejected by the meeting.

The Young Barristers' Committee does not appear to have selected the date for the meeting wisely. The Committee had previously considered the Report as a whole without discussion on its various aspects, and without adopting it decided to refer it to the Bar Council to obtain its views. Before these views had been received the December meeting was called. It is difficult to see why the meeting to consider the Report did not take place either before it was sent to the Bar Council or after it had reported back. The Bar Council now has on its agenda to consider a Report prepared by the Young Barristers' Committee which the Young Barristers have rejected.

It seemed to the writer that the Report was rejected primarily because of the recommendation contained in it that the Young Barristers' Committee have the power to make public pronouncements on matters peculiarly affecting Young Barristers. It was argued against accepting the Report that it

was unnecessary for the Committee to have this power; that there has been no instance where the Bar Council has refused to speak for the Bar. It was further argued that such a power could be divisive of the Bar and that a pronouncement coming from only a section of the Bar could be seen as not the view of the whole Bar and therefore "counter-productive".

The rejection of the Report poses the question: Why have a Young Barristers' Committee? The answer to that question is not self-evident. It obviously has something to do with the suspicion that the bar administration is a gerontocracy when one considers the relative size of the age groups of the Bar and the numbers of their representatives on the Council.

On the other hand the cries of those who claim to be disenfranchised now seem a little hollow. If the Young Barristers are not concerned as a group to pursue their collective interests then the Young Barristers' Committee runs the risk, at best, of withering or, at worst, of becoming a forum for an unrepresentative pressure group.

In every social organisation there is a recognisable tendency that committees must "do things" and this is no less true of the legal profession; thus a law reform commission will undoubtedly reform laws and the degree to which this sort of thing is self-perpetuating is a matter for individual speculation. The Young Barristers' Committee is no different. Some seem to take the view that it cannot do nothing and if no-one favours it with an issue or problem to solve, why then, it should go out and attract a bit of business. This is not everyone's view. I am sure the Barristers under six years' call will, if sufficiently concerned, bring matters to the attention of the Committee. Hopefully the Committee will have the patience to await their beckoning.

Welcome:

Mr. JUSTICE KEELY

Mr. J.A. Keely Q.C. was recently appointed as a Judge of the Industrial Division of the Federal Court of Australia. Educated at St. Patrick's College Melbourne, His Honour was destined to become a leader of the Industrial Bar from his early beginnings when, after a period with the Victorian Law Department, he joined the late Sir Raymond Kelly, then Chief Judge of the Arbitration Court, as his Associate. While with Sir Raymond he learned much which would stand him in good stead in his future career. Towards the end of his course he moved to the firm of Maurice Blackburn & Co. and was articled to Mr. Bob Brodneyn, a legendary figure in the Australian industrial scene.

In February 1954 he was admitted to practice and signed the Bar Roll. He took silk in 1969. While developing a large practice in the workers compensation field, he was able to obtain a firm foothold within the sphere of industrial law. He participated in the 1950's in two cases which have remained landmarks in the industrial law area, firstly as junior to Gregory Gowans Q.C., in the famous Dunlop Rubber Case which is a leading authority in the field of Union membership and the capacity of unions to represent their members. Shortly after, he became involved in his first major case in the Arbitration Commission, as it had become, in the now famous Professional Engineers Case — a case which ran for well-nigh four years. During that period His Honour worked firstly as junior to P.D. Phillips Q.C., then M.V. McInerney Q.C. and later O.J. Gillard Q.C. Including His Honour, there were in that case some 14 counsel who subsequently became judges in one or other of the Australian Courts.

Between 1967 until 1972 His Honour appeared either as junior or as leader for the Commonwealth in all national wage cases in which the Commonwealth appeared. From 1972 until his appointment to the Bench His

Honour appeared for the State of Victoria in national wage cases. In between these appearances His Honour appeared in notable and lengthy proceedings in the Industrial Court — including the famous Mitchell case and Egan v. Meagher, a case which is still providing work for the judges of the Federal Court, recently appointed.

His Honour's motto was — 'You can achieve anything you desire by hard work'. He lived up to that motto right throughout his period of practice both as junior and as a leader.

His Honour's recent welcome was testimony to the esteem and regard with which he is held by the Victorian profession. He will bring to the new Federal Court the benefit of his long experience and wealth of knowledge of Industrial Law. We wish His Honour a long and satisfying career on the Bench.

Welcome:

Mr. JUSTICE WALSH

Geoffrey Innis Walsh, a former member of the firm of solicitors Messrs. Walsh Spriggs Nolan and Finney has been appointed to the bench of the Family Court.

His Honour studied law at Melbourne University as a clerk under articles to Mr. Bob Vroland of Messrs. Vroland Pearce and Webster. He was admitted in 1951 and practised as an employee solicitor with Messrs. Rodda Ballard and Vroland.

In 1952 His Honour established his own practice in Box Hill where he remained until his appointment in January 1977. In the course of these years His Honour conducted an extensive practice which more and more tended towards Family Law. He used to appear himself from time to time and since the establishment of the new court of which he is now a member he was a frequent advocate before that Bench.

His Honour served as a member of the Council of the Law Institute from 1968 until

his appointment and for part of that time was its Chairman and Vice President.

His Honour is a keen golfer. He is also often seen at the Sorrento Yacht Club where like his recently acquired brother, Brooking he sails a Matilda. His Honour is understood to be responsible for the design of this class of yacht.

The Bar welcomes this appointment and trusts that His Honour, bringing as he does a practical experience of a kind not always available to Counsel, enjoys his new office.

Welcome:

Mr. JUSTICE ALLEY

On the 2nd February 1977 Stephen George Alley, former partner in Messrs. Moule Hamilton and Derham was welcomed as a member of the Australian Conciliation and Arbitration Commission.

After serving articles with Mr. Derham, himself a very experienced practitioner in the field of Industrial Law, His Honour became a member of the firm in 1951 and 1953 in circumstances which are more akin to the theatrical rather than the legal world, he stepped into the shoes of his former principal when the latter became ill and unable to conduct an appeal in the State Industrial Appeals Court. From that time His Honour practised extensively in that field and thereafter instructed counsel in every National wage case and in most major cases before the commission and its predecessor.

His Honour on many occasions appeared himself before the commission and the Industrial Appeals Court. Notwithstanding these heavy commitments he is the author of "Industrial Law in Victoria" published in 1973, the standard text on the Labour and Industry Act. A member of Committee of the Industrial Relations Society of Victoria for many years he was its President in 1974.

He served as the Honorary Secretary of the Council of Law Reporting in Victoria

since 1959 and for many years the Honorary Secretary of the Missions of Seamen.

The Bar congratulates His Honour on his appointment and wishes him well in his new position.

Welcome:

Mr. JUSTICE SMITHERS

On the 17th January, 1977, Mr. Justice Adrian Smithers was appointed as the ninth Victorian Family Court Judge and the eighth member of our Bar to be elevated to that Bench in the last year or so. The loss of work, if any, experienced by some divorce specialists at the Bar should be adequately compensated for by the prospect of more rapid elevation than hitherto known.

Mr. Justice Smithers is the son of Sir Reginald Smithers who has long been a Judge of the Federal Industrial Court but now amalgamated into the new Federal Court. His Honour was educated at Melbourne Grammar and Melbourne University prior to being admitted to practice in 1958 and signing the Roll of Counsel in 1961. During his sixteen years at the Bar he earned the respect of his brethren as a hard worker and a determined opponent but always a thoroughly pleasant gentleman. He was also known to be endowed with that not always lawyer-like characteristic, a sense of humour. He had an extensive Supreme Court and County Court general practice and spent a large proportion of each of his latter years at the Bar at the Geelong circuit. He and Bongiorno became the best of enemies at that circuit. At the time of his appointment His Honour was Counsel assisting Mr. Justice Minogue in the inquiry into Third Party Insurance premiums in Victoria.

His Honour was a member of the Bar Counsel for a number of years and had three readers, Raiskums, G.D. Johnstone and Wild. Johnstone has recently been appointed a

referee of the Small Claims Tribunal. For many years His Honour has shared chambers and secretaries with Hart and the succession of readers in both sets of chambers were always made most welcome in seeking the assistance of His Honour in their various legal problems.

His Honour will also be remembered by the Bar for his sporting activities. He is a keen competitor in tennis, squash and golf. In fact it appears that His Honour lives on a tennis court in Camberwell. A small secluded portion of which is a building which houses his wife and five children in addition to his Honour. He was a more than useful wingman in the Melbourne Grammar Firsts and again at the University.

He was also Captain of the school's Second Eleven Cricket. He refuted claims made on the occasion of his welcome to the Bench that he was not a particularly skilful spinner noting that in the vital last match of the season he obtained the excellent figures of five wickets for forty-five runs. He acknowledged, however, that the purists might disparage that performance on the basis that he only bowled three overs. His Honour also lays claim to have opened the batting for the Bar with Merralls against the Law Institute and to have lasted for thirty minutes. History does not record, and may not be interested, in his score that day.

His Honour intends to continue his sporting activities when his judicial duties permit. We wish him well in his new role and trust that he experiences success and satisfaction in it. His Honour indicated at his welcome that he will miss his friends at the Bar — we will also miss him.

Welcome:

Mr. JUSTICE O'BRYAN

On the 2nd day of February 1977 Norman Michael O'Bryan Q.C. was appointed at the age of 46 as a Judge of the Supreme

Court of Victoria precisely 38 years after the appointment of his father, the late Sir Norman O'Bryan, who was also appointed at the age of 46 on the 2nd February, 1939.

His Honour was educated at Xavier College, Melbourne, where he distinguished himself as an outstanding swimmer and as a member, with Gobbo Q.C., of the 1948 crew which was the last Xavier College crew to win the Head of the River.

In 1949 His Honour commenced Law at the University of Melbourne and graduated in 1952 and commenced his Articles with Whiting & Byrne and completed them with the firm then known as J.W. & F. Galbally. He signed the Bar Roll in 1954 and read in the Chambers of Little (later Sir Douglas) who, incidentally had read in the Chambers of the late Sir Norman O'Bryan. In the same year he married Margaret Uniacke, a University Graduate in Arts. They now have six children, of whom two are already studying law.

At the Bar His Honour was always in great demand from his earliest days. He conducted a number of jury trials in his first year at the Bar and in his second year he successfully conducted the defence in the Parmenter murder trial. He developed an extremely broad practice in Melbourne and on circuit, particularly at Mildura, Warnambool and Shepparton. He practised in all jurisdictions, combining skill in advocacy with a very sound knowledge of the law.

His Honour was sought after as a Master and before he took Silk he whelped no less than eight pups, namely Hayden, Bryson, Morrish, Pitt, Gurvich, R. Read, Ruddle and R.R.A. Lewis. In 1971, after 17 years at the Bar, His Honour was appointed Queens Counsel.

His Honour developed a reputation as an extremely hard and efficient worker which is no doubt reflected in the wide variety of important and lengthy cases in which he was involved. He prosecuted former senior members of the Police Force charged with serious offences arising out of the Abortion Inquiry and he also prosecuted in the lengthy Magna

Alloys fraud trial. He appeared for the Commonwealth of Australia in a number of important inquiries including the inquiries into the explosion on the "Western Spruce", the voyage of the "Noongah", the sinking of the tug "Melbourne", the collision between the "Illawarra" and the Derwent Bridge, Hobart and more recently the A.B.C. Control Board Inquiry. He acted for Stadiums Limited in the celebrated Pallante trial which took many weeks and involved complex questions of law, and last year he was Counsel in the lengthy Deta Nominees case concerning questions of industrial property.

As a measure of His Honour's popularity the Banco Court was packed at his welcome and on that occasion His Honour made it quite clear that he enjoyed court work and that, provided the profession kept him busy with court work, he believed he was going to be very happy on the Bench. His Honour quoted his brother, Mr. Justice Newton, as pointing out to him that if he was spared he would still be in Office in the twenty-first century. The Bar now wishes him success and satisfaction in his new office.

Welcome:

Mr. JUSTICE BROOKING

Robert Brooking has been appointed as a Judge of the Supreme Court of Victoria on the retirement of Sir Esler Barber.

He was educated at Wesley College, duxing his class in most years, and matriculated with two first class honours and one second class honour. To latin maxims he is no stranger, as latin was one of the subjects in which he attained first class honours. Although his secondary education was characterized by hard work and academic achievement he nevertheless found time to be on the staff of the school paper.

On matriculating he entered Melbourne University in 1948, graduating with honours degrees in both Law and Arts. It was during his Arts course that he became seriously

interested in Political Science and went through a vocational crisis involving a choice between an academic career in Political Science or a career in the law. He was interested in party politics as an undergraduate, being a member of the Liberal Club and involved through that club debating with people such as the late Ivor Greenwood and Senator Alan Missen. Later as a Barrister his concern with tactics may well be explicable by this background.

As a student, the high point of his debating career was no doubt a moot held in the centre of the main arena of the Melbourne Royal Showgrounds during the Royal Agricultural Show. It was held in competition with the wind, a military band, a fireworks display and an army troupe firing off guns. The moot was presided over by the then Mr. Bruce McNab. Good training indeed for his later judicial office. For doubting Thomases a photograph recording the bizarre occasion is in the possession of Judge McNab.

Apart from demonstrating his undoubted academic and debating skills at university he also demonstrated a flair for acting. He was involved in several productions of student reviews and no doubt there learnt to appreciate the skill and humour of the satirist. He is a long-standing and faithful fan of Barry Humphries. Before taking silk he frequently appeared for deserving Defendants, such as the Railways and the Tramways, in the civil jury lists. Perhaps his love of satire assisted him through these cases. They almost certainly account for what many saw as his intransigence in settlement negotiations.

While at university he was regarded as a sociable student and not an infrequent visitor to "Nortons". It is possible that those visits provided the basis for his appreciation of fine wine although his liking for gourmet food can hardly be explained in this way.

On graduating he did his articles at Hall & Wilcox, was called to the Bar in 1954, reading with Kevin Anderson and took silk in 1969. His master was of course a prodigious writer of text books and the pupil caught the habit. It obviously did neither of

them any harm. He in turn had seven readers. Bruno David (deceased) Anne Curtis (who has since left the Bar) Craig Porter, John Bingeman, Lloyd Bryant, Robert Monteith and Michael O'Dwyer. He was a demanding master but the rewards were immense.

He developed a significant interstate practice particularly in defamation work being, as he was, the Herald & Weekly Times Junior for many years. He was never keen sport and perhaps in one or two of those cases his lack of interest in sport was a handicap. However in recent times he has taken up sailing with much dedication. He is reputedly prepared to sail considerably further out from shore than Master Brett.

Particularly after taking silk, his practice was one of heavy commercial and building contract actions which require the sound knowledge of the law and dedication to hard work which he undoubtedly possesses. One of his more recent cases lasted in excess of five months. An advocate of considerable tactical skill his comparatively recent interest in chess is puzzling only for its lateness.

Although most certainly an enigma his dedication to the practice of the law is beyond question. A fine lawyer with an enormous capacity for work Robert Brooking leaves us to take his appointment on the Supreme Court Bench. One suspects that the only real difference for him will be that at weekends his car will be parked on the other side of William Street.

The Bar wishes him well.

Farewell:

Mr. JUSTICE BARBER

Sir Esler Barber retired as a Justice of the Supreme Court on the 25th day of February 1977. On that date the legal profession assembled to attend a farewell at which in addition to the traditional statements that are made at such functions, participants engaged in friendly rivalry to recall some of the best of His Honour's humour. The occasion

was unique in that the Family Court of Australia considered it appropriate to adjourn before its normal hour in order to enable the Judges of that Court, and those who practise before it, to be free to attend the farewell. The notice to that effect which was published in the law list, was of itself a unique recognition by practitioners in the Matrimonial Causes Jurisdiction of the contribution His Honour has made to the administration of justice in matrimonial causes.

Those members of the Bar who practised before His Honour will recall him, not so much as a "comedian" among Judges, but rather as a Judge who always managed to use his sense of humour to ensure that nobody left his Court feeling that they had "been on the rack". His ability to set at ease nervous, tense and worried clients, witnesses, solicitors and even Counsel has earned him the respect of all who entered his Court and a reputation for wisdom and sympathy which must be among the most important of judicial qualities.

His Honour served not only as a Judge of the Supreme Court but also as a Judge of the County Court and a Chairman of General Sessions.

Although in later years His Honour was concerned almost exclusively with Family Law his judicial activities also required him to acquire familiarity with the principles of land valuation when exercising jurisdiction under the Valuation of Land Act and also with such principles of engineering as were involved in determining the causes of the failure of two of Melbourne's Bridges. Despite his retirement His Honour will continue to exercise disaster jurisdiction in his pending enquiry into the recent bush fires.

The Bar wishes His Honour a long and happy retirement and hopes that he will continue to be seen often in the common room and at its functions.

FOR THE NOTER UP

Conciliation and Arbitration Commission

ADD:

Alley J.	54	25-11-22	1977
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Industrial Court:

ADD:

Keely J.	51	2-10-25	1976
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Family Court:

ADD:

Walsh J.	52	31-12-25	1977
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Smithers J.	42	14-4-34	1977
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Supreme Court of Victoria:

ADD:

O'Bryan J.	46	5-10-30	1977
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Brooking J.	46	7-3-30	1977
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DELETE:

Barber J.			
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CHANGES IN THE COMMON ROOM

At the commencement of this year new Caterers were retained by the Bar Council, to operate the facilities on the 13th floor.

Messrs. Michael Ferguson and Michael Christian who operate a catering service at the Royal St. Kilda Yacht Squadron have been retained on a trial basis, and have been working closely with the Catering and Functions Committee of the Bar Council, in order to endeavour to attract more custom to the 13th floor.

Efforts have been made to keep prices low, and to ensure that the quality of food is maintained a high standard. The increased attendances in the Common Room at lunch-time suggest that the new Caterers are meeting with the approval of the Bar.

All members of the Bar who have not yet tried the food provided by the new Caterers are urged to use the Common Room

on the 13th floor of Owen Dixon Chambers, where excellent meals are available at very moderate prices.

Some changes have also been introduced to the Kiosk service and facilities.

In order to minimize the crowding over the lunchtime period, and to economize on staff, it has been decided with the Caterers that sandwiches will be "pre-prepared", and that persons wanting sandwiches to special order, and to be made on the spot, will have to order them before 12 noon, to be collected at lunchtime.

Although this will involve some minor inconvenience to some members of the Bar, it will have the advantage of providing a faster service for the majority, and ensuring that an economical price range can be maintained.

The Functions and Catering Committee has been meeting regularly with the Caterers, and endeavouring to solve all the "teething" problems that have arisen, and the co-operation of all members of the Bar, and persons working in Owen Dixon Chambers is sought in the introduction of the new systems being implemented.

Re-organisation of 13th Floor Facilities

In addition to the introduction of new Caterers, the Bar Council is also considering a complete re-organisation of the Lounge and Common Room on the 13th Floor, and the renovation of existing facilities.

The proposals which have been prepared by Architects on behalf of the Bar, in consultation with the Caterers, envisage the use of the Lounge as a coffee lounge which is available for use by all persons working in Owen Dixon Chambers, as well as members of the Bar, and where light snacks and hot meals will be available, in addition to sandwich service.

The plans envisage the use of some of the space in the Common Room as an alternative "lounge area" which will remain the exclusive preserve of members of the Bar, and the retention of the main common room area for dining tables, which also will remain exclusively available to members of the Bar.

In addition, arrangements are proceeding for the common room to be used for the purpose of displays of works of art by prominent and leading artists, in an appropriate setting. The arrangements for the hanging of works of art is proceeding under the co-ordination of P. Guest.

The Architects have been authorised to proceed to the stage of the drawing of plans and specifications, in co-operation with the Functions and Catering Committee, which is still considering various ways of implementing the new developments suggested above.

It is hoped that these new proposals when implemented will have the effect of encouraging a greater number of members of the Bar and persons associated with the Bar to use the facilities on the 13th floor, thereby providing a more productive use of those facilities, and at the same time assisting the new Caterers to increase turnover, and maintain an economic price range.

Laundry Service:

The laundry service has been re-organised and is now to operate on the following basis:

1. Collection bags will be provided by the laundry and will be available from the Kiosk on the 13th floor together with a docket which must be filled in by those requiring laundry to be done.
2. Items to be laundered are to be placed in the collection bags and labelled with the docket containing the name of the owner and placed in the cupboard in the passageway adjacent to the Kiosk. Due to Health Regulations, the Caterers are not permitted to handle any laundry.
3. Laundry can then be collected and paid for at the Kiosk at any time excluding the period between 12.30 p.m. and 2p.m. which period is required for the exclusive provision of luncheons.

SOME BRIEF IMPRESSIONS OF THE CHINESE LEGAL SYSTEM

On the 9th November 1976, a team of 22 lawyers from the State of Victoria entered China at Chumchum on the Chinese-Hong Kong border. Only members of the legal profession were eligible to join the team and it was composed of 9 barristers, 12 solicitors and 1 university law lecturer. The barristers were:

Rupert Balfe
John Bingeman
John Coldrey
Roger Gillard
Michael Hammet
Jack Lazarus
Abe Monester
Peter Young
Brind Woinarski

Jack Lazarus was responsible for initiating and organising the visit. The visit lasted only 18 days, but despite the shortness of the visit, the team was able to visit Kwangchow (Canton), Peking, Nanking, Soochow, Shanghai and Changsha.

During the course of their visit, the team had two long meetings with members of the Chinese judiciary, one at Peking and the other at Shanghai. In Peking the team conferred with Mr. Lee Yuan, Vice-President of the Higher People's Court of the Peking Municipality, Mr. Lee Hung Chu, Director of the Criminal Court of the Intermediate People's Court of the Peking Municipality, Madam Wang Shu Wei, the Deputy Director of the Civil Court of the Intermediate People's Court of the Peking Municipality and Mr. Wang Jai Je, staff member of the General Secretariat of the Higher People's Court of the Peking Municipality. Some eight other local observers also attended this meeting. Several of them assisted the interpreter during the course of translating the conversation from Chinese into English and vice versa. After opening this meeting and extending a warm welcome, Mr. Lee Yuan informed the meeting that the visit by the team of 22

lawyers from the State of Victoria in Australia was the first to modern China by an accredited group of lawyers from overseas. In Shanghai the team conferred with Mr. Liu Tung-lo and Mr. Chu Kuh-ming, both members of the People's Court of the Shanghai District. In addition to the interpreter, there were also a number of other local officials present at this meeting.

The hierarchy of courts in China is divided into four levels with the People's Court at the lowest level, then the Intermediate People's Court, above it the Higher People's Court, and, at the top of the hierarchy, the Supreme Court. The socialist party introduced this system of courts after gaining power in 1949. Mr. Lee Yuan informed the meeting that these courts exercise their authority on behalf of the State. They punish law breakers, protect individuals and consolidate the dictatorship of the proletariat. The People's Courts are established in municipal districts and rural counties. They deal with the great bulk of the legal work, both criminal and civil, which is handled by the courts. The People's Courts only have jurisdiction over those matters which arise in their particular district or country. The Intermediate People's Courts are centred in geographical prefectures (similar to our former bailiwicks), e.g. the Peking Municipal District. These courts also hear cases at first instance, but only the more important cases. They also appear to hear cases which would ordinarily be heard by the People's Courts where the facts giving rise to such cases extend beyond one district or county. They also act as an appellate court for appeals from the People's Courts. The Higher People's Courts are concerned with cases at a provincial and a municipal level. They also act as an appellate court in respect of appeals from cases heard at first instance by the Intermediate People's Court. The Supreme Court is the highest judicial body in China. It undertakes the task of instructing and guiding all legal courts throughout China. Mr. Lui at the Shanghai meeting did suggest that cases could be referred to the Supreme Court but none had been referred from any of the

courts sitting in the Shanghai districts or counties since the Court's inception.

An aggrieved litigant either in the People's Court or the Intermediate People's Court may appeal to the next higher court in the hierarchy. This court will analyse the decision and the evidence received by the lower court and, if it is of the opinion that the lower court either abused its authority or mis-applied the law or based its decision on insufficient evidence, then it will allow the appeal. Should it allow the appeal, the appellate court may either ask the lower court to re-examine its decision or conduct a re-examination of the case itself. The decision made by the appellate court is final. There is no appeal from the determination of the appellate court, although it does appear that a convicted criminal has a right to petition a court at a higher level. The Supreme Court is responsible and accountable to the National People's Congress and the Standing Committee of that Congress, whilst the other courts are responsible and accountable to the provincial and local congresses and their respective standing committees. The presidents and vice-presidents of each of these courts are appointed by the congress to which the court is responsible and accountable and they remain in office until the next session of that congress (which usually sits in each instance about every five years).

Many of the older personnel who are members of the judiciary of the courts are veteran cadres of the Communist Party of China. In Peking, Mr. Lee Yuan referred to them as members who have been "well steeled and tempered by the Revolutionary War". Many of the younger members of the Court and the administrative staff responsible for managing the Courts, however, have been recruited from either the workers, the peasants or the soldiers. Some of these younger persons would have attended the Department of Law at either Peking or Shanghai Universities. These Departments of Law offer three types of courses: an ordinary (regular) training course of three years duration, a refresher course offering advanced studies over a short period to members of the legal system and a

short term training course for cadres engaged in legal activities at the factories or on the communes. None of the personnel, who enter the legal service of the State, is permitted to be elevated to a judicial office until they have served a period of training.

Shortly after gaining power in 1949, the Socialist Party abolished by proclamation the previous code and system of law. The Socialist Party proclaimed a new body of law which was directed to serving the interests of the masses. Accordingly, laws were passed to suppress counter-revolutionary activities, punish landlords, effect economic reforms, punish corruption, extend recognition to trade unions and regulate marriages. These laws were to be applied in accordance with the basic socialistic line as advanced by Mao Tse Tung. In 1954, the first National People's Congress adopted the First Constitution of China. This constitution was revised and amended at the fourth National People's Congress convened in 1975. Chapter 3 of the present constitution sets out the fundamental rights and duties of citizens. Article 26 of the constitution provides:

"The fundamental rights and duties of citizens are to support the leadership of the Communist Party of China, support the socialist system and abide by the Constitution and the laws of the People's Republic of China".

The cases heard by the courts may be divided into two categories: government prosecuted cases and citizen prosecuted cases.

Government prosecuted cases are criminal cases. Initially a criminal case is investigated by the Public Security Bureau (the organisation responsible for all the police forces in China, save for the police force deployed in the law courts, and formerly headed by Mr. Hua Kuo-feng, the successor to the late Chairman of the Communist Party of China Mao Tse Tung). The Bureau may conduct a preliminary trial to determine whether grounds exist to warrant the case being referred into court. If it is of the opinion that the citizen under investigation

deserves punishment, then the Bureau may submit a petition (perhaps the translation should be "an indictment" rather than "a petition") on behalf of the State requesting the court to try the case. The petition is accompanied by a report of the investigation conducted by the Bureau. If the Bureau is of the opinion, on the other hand, that the citizen ought not to be punished (even though the Bureau may consider him guilty), then it may discharge him. If the Bureau decides to petition the court, then it may arrest the suspected citizen. No arrest can be made in China, unless it has been sanctioned by the Bureau or determined by a People's Court.

Once a case is referred into court by the Bureau, the members of that court read the report furnished by the Bureau and conduct an investigation themselves into the alleged crime. Upon determining to hear the case, in the case of the People's Court, the court requests the local Communist Party committee in the area where the alleged offence occurred to select two representatives from the local people to sit on the tribunal together with the permanent judicial members of the court (although it does appear, that if the citizen was employed in a factory or on a commune, then the two representatives would be selected from his fellow workers in the factory or his fellow peasants on the commune). It was not stated whether the same practice applied with respect to the composition of the higher courts in the hierarchy when one of them conducted a trial. One tended to the opinion that only the People's Courts invited representatives to sit on the tribunal.

After the tribunal has been constituted to hear the case, the permanent member of the People's Court, who appears to act as chairman of the tribunal, formally reads to the citizens the contents of the indictment alleging the offence. It was explained by Mr. Liu at the Shanghai meeting, that the officers from the Bureau would have already informed the citizen of the offence being investigated by them. After reading the indictment, the citizen is asked by the members of the tribu-

nal how he pleads and whether he proposes to argue his own case or ask someone to represent him. Mr. Lee in Peking said he has "a full right of advocacy". Relatives, friends, neighbours or fellow workers can appear to argue his case. As everyone is organised and employed by an organisation (whether it be a factory or commune or governmental department) of one kind or another, frequently, there is a person in the organisation with some experience representing litigants. They would be called upon to act for the accused. There are no practising lawyers in China. The 1950's witnessed the emergence of a lawyers' association but most members of the association ceased practice when it emerged that there was little demand for their services. Mr. Lee explained this lack of demand was brought about by the people "enjoying full rights in the court" and, therefore, not feeling any need to have a permanent lawyer representing them. A court may insist on a trained lawyer participating in a case where the accused is a foreign national. The trained lawyer would either be a member of the administrative staff of a court or a teacher in a department of law from one of the universities.

The accused citizen is then tried in the presence of the masses at the place where the alleged offence occurred. Cases involving confidential or secret matters of State and sexual crimes are not heard at open trials. It is difficult to understand how an open trial is conducted if the accused citizen chooses to plead not guilty. If the accused citizen pleads guilty, the masses present at the open trial are permitted to criticize and ask questions of him.

The masses may also express opinions as to the type of punishment that should be passed on the accused. Mr. Lee at the Peking meeting explained there were four types of punishment which a court can impose on a convicted citizen: sentenced to work under the surveillance of the masses (in order to permit the offender to reform himself under the scrutiny of his colleagues), imprisonment (ranging in duration from 7 months to 15 years), life imprisonment and the death pen-

alty. The death penalty can be imposed for a number of offences — including murder and counter-revolutionary activities — but is rarely carried out, unless the offence is a most heinous one and has aroused "the wrath of the people". Murder cases occur infrequently. The most common counter-revolutionary offence is spying and associated activities committed by agents sent to the mainland by the Kuomintang (from Taiwan) and by the "imperialists". The object of punishment is to encourage the convicted citizen to reform himself. Both Mr. Lee and Mr. Liu stressed that courts were reluctant to imprison a person or effect the death penalty if there was any chance that the convicted citizen might reform himself.

In an actual case heard by the People's Court in Shanghai and presided over by Mr. Liu, a worker at a factory had been charged with stealing some money (1,000 yuan — about \$Aus.427.35 prior to the November 1976 devaluation) from the office safe. He pleaded guilty. During the course of his open trial in front of the masses, some of those present submitted he should be imprisoned. The majority, however, urged he should be placed under the surveillance of the masses as he had confessed his crimes and paid back the stolen monies. (Mr. Liu stated that a confession made by the accused was unimportant because the teachings of the late Mao Tse Tung stressed the line that a court should look at the whole of the evidence and material placed before it and only accept a confession after having closely and carefully examined it.) Mr. Liu and the workers sitting on the tribunal with him agreed with the view expressed by the majority of the masses present at the open trial and conveyed this view, together with their own opinion, to the committee of the local Party branch and to "the leadership" of the criminal division of the People's Court in Shanghai. Both bodies concurred with the views of the masses and the opinions of the members of the tribunal and the accused was sentenced to be placed under the surveillance of the masses for a period of 3 years. From the moment the Bureau commenced investi-

gating the offence to the handing down of the sentence, the whole of the case took about one week to complete. The open trial in the presence of the masses lasted more than 2 hours.

As expressed earlier, it is difficult to understand how an open trial is conducted when an accused citizen pleads not guilty. Mr. Liu informed the meeting at Shanghai that "there have been very few individual cases in Shanghai where the accused has been found not guilty and set free". In determining whether an accused person is guilty or not guilty, Mr. Liu explained that, after having examined the actions of the offender (paying particular regard to the seriousness of and the consequences which flow from them) and having obtained the opinion of the masses, a court will perform this task in accordance with the party policy and the law of the State. In addition to performing the functions set out above, the court is also expected to educate the masses through the handling of cases in order to discourage the recurrence of offences. It is only in this way, that the courts and the legal system "can best serve proletarian politics".

The second class of cases heard by the courts is civil cases, i.e. to say cases in which the private citizen prosecutes a claim or seeks relief against another private citizen. It seems doubtful whether a private citizen can prosecute a case against a department of the State. If a private citizen has a complaint to make against a department of the State, then the court will direct him to the officer in the department who can attend to his complaint. No fee is payable to the court in order to institute and conduct a civil case.

The civil division of the People's Courts hearing cases at first instance devotes most of its attention to hearing divorce cases. The law governing marriage, matrimonial property and divorce is codified and set out in a document entitled "The Marriage Law of the People's Republic of China". This code provides a "divorce is granted when husband and wife both desire it". If only one party desires it, a divorce will only be granted if all

efforts to effect a reconciliation have failed. Under this code, one spouse can leave his or her property after death to the other spouse. No mention is made in the code as to whether or not a parent can leave his or her estate to the children. But Mr. Chu at the meeting in Shanghai stated a person can leave his estate to any person he chooses by making a will. But a court will disregard the intention of such a person as expressed in his will, if it is of the opinion, that the will does not leave his estate in an equitable manner, e.g. the testator leaves the whole of his estate to his eldest child. In those circumstances, a court will urge the children of the deceased to try and resolve a more equitable distribution of the estate amongst themselves, but in the event of them failing to do so, the court will intervene and perform the task for them.

Apparently, contractual disputes between private citizens are rare. Cases involving disputes over real property would be non-existent as the ownership of all real property in China is vested in the State. Accordingly the State controls those who may use and occupy such property. Disputes between the State and foreigners may require determination by the courts, e.g. a dispute between a dissatisfied purchaser of Chinese products and the Department of Foreign Trade. Such a dispute would most likely be heard by the Intermediate People's Court in Peking. There are no claims in respect of personal injury as all incapacitated workers are supported by the State until they are fit to resume their gainful employment. Such persons are paid a salary equal to what they had been receiving prior to the event which gave rise to their incapacity.

It was emphasised that courts, in almost every civil case, encourage litigants to resolve their claims or disputes by way of pre-trial discussion and compromise. It is only after these pre-trial discussions have failed that a court will hear a case and make a determination.

The socialist system in China emphasises the interests and welfare of the masses with the result that the rights of the individual are protected to a lesser extent than the rights

of the individual in our society. As a consequence, disputes between individuals and between the individual and the State do not arise to the same extent and with the same frequency. In evaluating the Chinese system of law, there is little point in making a comparison with the system of law in operation in Australia and other English speaking countries, the legal systems of which are based on the common law as developed in England.

Unfortunately, the team was unable to see a court in session. It was informed by Mr. Lee in Peking and Mr. Liu in Shanghai that all the courts were in recess. Maybe those who are members of a future team to visit China - it is hoped this will be the first of many visits by groups of lawyers - will have the experience of seeing a Chinese court in session.

RAPE OFFENCES (PROCEEDINGS) ACT 1976 (No. 8950)

On 14th December last State Parliament passed without debate a Bill to introduce changes in the conduct of prosecutions for rape attempted rape and assault with intent to rape. The Bill was introduced to give effect to recommendations made by Law Reform Commissioner Smith Q.C. in his Report (No. 5) on Rape Prosecutions (Court Procedures and Rules of Evidence). Action was quick for this report summarised in Victorian Bar News September 1976 was only released on 3rd September 1976. Yet, in many respects, the Act goes a long way further than the recommendations particularly in its restrictions on the rights of the accused.

The Act affects proceedings for offences alleged to have been committed prior to the commencement of the Act in three general areas. It imposes time limits to ensure that prosecutions are conducted promptly. It regulates procedure upon committal proceedings and thirdly it imposes limits on reception of evidence as to the sexual activities of the complainant with persons other than the accused.

Time Limits

A new section 259A is introduced into the Crimes Act providing the trial of a person charged with any of the offences referred to shall not be commenced in any of the following situations:—

- (a) Where a Stipendiary Magistrate has ordered that the accused shall not stand trial for the offence. The Act contains a prohibition upon the commencement of preliminary examinations relating to any of the offences referred to after the period of three months after the accused is charged. This period may be extended by order of a Stipendiary Magistrate. At the expiration of the period of three months of such extended period the accused is to be brought before a Stipendiary Magistrate who is obliged, in the absence of special circumstances, to order that he shall not stand trial. These provisions do not apply in a number of circumstances set out in S.47A(ii) of the Magistrates (Summary Offences) Act 1975 as amended by the Act.
- (b) Where the information has not been laid before a Justice and the period of three months has elapsed since the accused has been charged on indictment presentment or ex officio information with the offence. This period may be extended by order of a Judge of the Supreme Court made before it has expired.
- (c) In any other case where three months has elapsed since the committal. This period also may be extended by order made before it has expired by a Judge of the Court to which the accused has been committed for trial.

Committal Procedure

By a new S.47A inserted in the Magistrates (Summary Proceedings) Act 1975 changes have been introduced to the procedure where the preliminary examination relates to any of the offences referred to. It will be noted that the ambit of this part of the new Act, and of that part relating to evidence, is wider than the time limit pro-

visions. The new section sets a number of rules the gist of which are as follows:—

- (a) The Hearing is before a Magistrate sitting alone.
- (b) The informant is to be represented by a lawyer.
- (c) The evidence of the complainant is to be given in camera. The Magistrate is entitled to permit other persons to be present in which case he is to state the grounds for the granting of the permission.
- (d) The evidence of the complainant is to be given by the hand up brief procedures set out in s.45 and 46 of the Magistrates (Summary Offences) Act 1975.

The informant, may apply to be relieved from the obligation to use the hand up brief and where there are "special circumstances by reason of which it is not in the interests of justice" the Magistrate may, after giving to the informant a short statement in writing of the special circumstances, relieve him of the obligation to use this procedure. It is of interest to note that the accused is not entitled to notice of such application nor entitled to be present at the application nor is he entitled to a copy of the short statement.

The hand up procedure so far as it concerns these proceedings obliges the informant to serve upon the accused a list of exhibits, photographs of exhibits, copies of documents and a copy of "those statements which the informant proposes to tender."

It is regrettable that the Legislature has not seen fit to direct that copies of all statements made by the complainant and the prosecution witnesses should not be made available to the accused.

In *Mahadeo v R* (1936) 2 All E.R. 813 the Privy Council quashed a conviction where the prosecutor had withheld statements of crown witness in conflict with their evidence. In recent years the Full Court in *R v Charlton* (1972) V.R. 758 has denied that an accused person has a legal right to such statements. Their production is seen rather as a rule of practice or as a convention whose breach is

not of itself ground for appeal. The extension of the hand up brief procedure to serious crimes such as rape may be seen as a legislative approval to departures from this rule of practice and an unnecessary imposition upon the integrity of prosecutors.

Evidence:

The Act prohibits evidence directed to the general reputation for unchastity of the complainant.

Evidence with respect to the sexual activities of the complainant with persons other than the accused is permitted by leave in one of these situations only —

- (a) where the Court is satisfied that the evidence has substantial relevance to facts in issue. Evidence is not so relevant by virtue of any inferences it may raise as to general disposition.
- (b) where it is satisfied that it is proper matter for cross-examination as to credit. Again the Act requires the Court to be satisfied that there are special circumstances by which it would impeach the credit of the complainant.
- (c) where it is relevant to sentence. Leave will be given in this situation where the accused has either indicated in writing his intention to plead guilty to all the sexual offences with which he has been charged or has pleaded guilty to them or has been convicted of them.

There has been great dissatisfaction with the existing state of the law with respect to the examination of complainants in sexual cases but there are four situations in which it is difficult to see the rules as framed doing justice —

- (i) The provisions may give protection to the complainant but they do not offer a protection to the accused by prohibiting evidence being led by the Crown to the effect of the complainant was a virgin with the strong suggestion that by reason of her virginity she would be less inclined to consent than otherwise.
- (ii) The act gives no protection to complain-

ants in cases other than the stipulated offences. There seems no reason in principle not to offer protection say to the male complainant of a homosexual attack.

- (iii) The prohibition without leave of evidence of sexual activities presumably will be interpreted to cover sexual activities with a co-accused in a multiple rape trial, although the section is not clear on the point. However, it is difficult to see how it would operate in the case of a multiple rape where one assailant is not on trial or is a crown witness.
- (iv) Finally the limitation on the leading of evidence of the complainant's sexual history as part of a plea may impose hardship upon an accused charged with alternative offences, say rape, attempted rape, carnal knowledge and indecent assault. The accused may be prepared to plead to a lesser offence but not the serious charge and thereby preclude himself from leading evidence which might otherwise be available in mitigation of sentence.

NOTANDA

Crimes Act 1976 (No. 8870)

The amendments to the Crimes Act discussed in the April 1976 edition of Victorian Bar News under the title *Alibis, Speeches and Pleas* come into force on 1st March 1977.

This Act prevents an accused from relying on the defence of alibi unless he has first given notice to the Crown and regularises the order of final addresses and enables the Court when passing sentence to take into account offences with which the accused has been charged or presented but of which he has not been convicted. The Act also makes provision for appeals where there has been a finding of insanity or unfitness to plead.

Family Court

The Family Court has now moved to new premises on the 18th floor Marland House. Telephone number is still 67 6973.

Official Welcome

There are occasions such as official welcomes or farewells to Judges when the Bar speaks as a body. Notices are displayed exhorting members to attend these functions. A striking feature of recent welcomes has been the poor representation by the junior members of the Bar.

It is doubtless not appropriate to compel Readers or others to attend these functions,

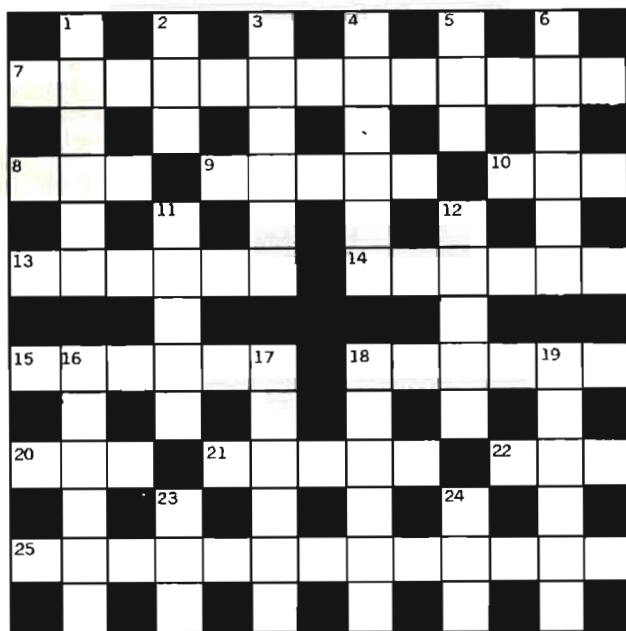
but surely it is not too much to expect Masters to instruct their Readers that attendance on such occasions not only does honour to the Judge concerned but also is an integral part of the corporate life which is a feature of the Bar.

19th Australian Legal Convention — Sydney

The date for receipt of registration forms, without incurring a surcharge, has been extended to 31st March, 1977.

CAPTAIN'S CRYPTIC

No. 19

**ACROSS:**

7. E Bien, all quiet for non common law charge (14)
8. Bird, for 24 down (3)
9. China changes to Corolla (5)
10. Brickie's implement of note is a tonic for a change (3)
13. Let's sist again (6)
14. Results (6)
15. Attack (6)
18. Therefore sleep most painful (6)
20. One step to water (3)
21. Salacious old seaman sounds belligerent (1, 4)
22. Tiny calculation (3)
25. Undesirable contractual feature (13)

DOWN:

1. An eyeglass becomes landowner (6)
2. Power of the Major (3)
3. Watch out (6)
4. To join or sever (6)
5. Foxy (3)
6. The negro's stance (6)
11. Terminal (5)
12. Medieval money making (5)
16. Relaxed but not prone (6)
17. Landlord is not the greater of two evils (6)
18. To join but not to sever (6)
19. Towards labials becomes ruined (6)
23. "You" really means "me" (3)
24. Pony for 8 across (3)

MOUTHPIECE

"The game's not worth the candle" he said.
 "You work for years and look what happens."

"What happens?" I ask.

"Well you find out that your father was a trammie".

"There are some very good people in the tramways". I tried to buck him up and realised that I had got a bit carried away. "

"Or at least there were then. But why does your father working for the tramways make you so miserable. I thought you were quite proud of it when Labour got in."

"Well now it gets in the way." He was getting more and more depressed — until at last the truth came out. "If only he had been a judge."

"What difference does that make if he was a good man?" I asked

"What difference? What difference would that make you ask? Are you a fool? It would mean that I would have to be made a judge."

"That can't be right" I said. Yet I was puzzled. Perhaps he was right. I cast my mind back over some of the recent appointments. Let's see, O'Bryan, son of a judge, Frederico, son of a judge, Smithers, son of a judge, Fullagar, son of a judge, Joske, son of a judge . . . My God he could be right.

"That can't be right", I said again. "There must be sons of judges who do other things."

"Of course there are, but any who come to the Bar are automatically appointed to the Bench. The remaining positions are tossed over to those also-rans who are the best stayers. Then you will find that in time the son of Also-Ran J is certain to become a judge if he goes to the Bar.

"What a burden to carry" I mused thinking of my colleagues. Winneke, Leckie, Rapke, Kaye, Smith, Gillard, Read, Belson, Adams, Franich just to name a few. Oh, Kelly too".

"And don't forget Larkins."

"And you could include Duggan and McArdle I suppose."

"What if the number of judges remains the same" he moaned.

Inheritable oligarchy, I thought. Three cheers for Nubert Stabey.

Byrne & Ross D.D.

FOR THE PERIPATETIC

A list of forthcoming conferences is set out hereunder.

Information may be obtained about these from the Executive Officer of the Bar, Miss Brennan.

Taxation Institute of Australia, 4th National Conference

Surfers Paradise, Queensland — 18-22 April, 1977

International Bar Association — Business Law — Symposium

London, England — 19 April, 1977

International Bar Association Seminar on: The Responsibility and Liability of Directors & The Lawyer's Role as a Director

London, England — 20-21 April, 1977

"Shoplifting" — Australian Institute of Criminology

Canberra — 2-6 May, 1977

"White-Collar and Corporate Crime" — Australian Institute of Criminology

Canberra — 16-20 May, 1977

3rd International Tax Planning Conference

Geneva, Switzerland — 18-20 May, 1977

"Bail" — Sydney University, Institute of Criminology

Sydney — 18 May, 1977

"Tomorrow's Imperatives — New Kinds of Care" Australian National Association for Mental Health

University of Western Australia — 20-22 May 1977

"Computers and the Law Conference"

Clayton, Victoria - 20-21 May, 1977

"Armed Holdup" - Australian Institute of Criminology

Canberra - 20 May - 3 June, 1977

International and Comparative Law Center - Annual Academy of American and International Law

Dallas, Texas - 31 May - 8 July, 1977

Australian Mining and Petroleum Law Association Inaugural Seminar

Melbourne, Victoria - 3-4 June, 1977

"Violence" - Australian Institute of Criminology

Canberra - 20-24 June, 1977

Law Council's 19th Australian Legal Convention

Sydney, Australia - 3-9 July, 1977

"Predicting Dangerousness in Criminal Law" Sydney University, Institute of Criminology

Sydney - 20 July, 1977

5th Commonwealth Law Conferences

Edinburgh, U.K. - 24-29 July, 1977

Seminar on: Problems of Law and Society, Asia, The Pacific, And The United States

Honolulu, Hawaii - 25 July - 12 August, 1977

American Bar Association

Chicago, U.S.A. - 4-11 August, 1977

"Society at Risk" - Australian Crime Prevention Council

University of Sydney - 11-18 August, 1977

World Congress of Philosophy of Law and Social Philosophy Theme: "Law and the future of Society"

Sydney/Canberra - 14-21 August, 1977

8th World Conference of World Peace through Law Movement

Manila, Philippines - 21-26 August, 1977

Law and Development Finance - Investment in Asia Conference

Hong Kong - 22-26 August, 1977

International Capital Markets in Asian Area

Hong Kong - 22-26 August, 1977

Conference on Legal Education for Non Lawyers

University of Newcastle - 23-24 August, 1977

International Congress on Civil Procedure

Theme: "Towards Law Courts with Human Face"

Ghent, Belgium - 27 August - 4 September 1977

Plenary Session on Forensic Psychiatry" World Psychiatric Association

Hawaii, U.S.A. - 28 August - 3rd September 1977

5th Lawasia Conference

Seoul, Korea - 30 August - 2 September, 1977

International Federation of Women Lawyers

Theme: "Human Rights and Development"

Lagos, Nigeria - 4-9 September, 1977

Union Internationale Des Avocats

Zagreb, Yugoslavia - 4-9 September, 1977

International Bar Association

Sydney, Australia - 10-16 September, 1978

International Fiscal Association - International Tax Conference

Sydney, Australia - 17-22 September, 1978

"Drunken Driving" - Sydney University, Institute of Criminology

Canberra, - 21 September, 1977

31st International Fiscal Association Congress

Vienna, Austria - 2-7 October, 1977

SPORTING NEWS

The Annual Tennis Match between the Bar and the Bench against the Solicitors was held at the Albert Park Tennis Club just prior to the Christmas break. The Bar and Bench were without the services of talented veterans, Hase and Tony Graham and our team was comfortably defeated by an enthusiastic and obviously well trained opposition.

The Bar and Bench Cricket Team have recently played two games against the Solicitors and the Western District Law Association. In the former, played at the Albert Ground, our team lost by a narrow margin in an encouraging display. McCaw, playing only his second game for the Bar and Bench batted with great determination and Connor obtained three wickets. In the latter game, the opposition were a little too strong although it is believed that a protest may be entered on the basis that their demon bowler was a local Policeman. Beaumont was felled by a "Thommo type" bumper which resulted in a nasty black eye. Notwithstanding this, he scored a gallant 39 runs, Bill Gillard scored 30 and John (F) Larkins 39, and our Captain, Dove, secured 3 wickets for 1 run after his failure to score with the willow.

In the Sailing world experts are still scratching their heads as to the physical possibility of Meldrum and Nicholson putting to sea in a "Mirror". Stott will soon be defending the Essendon Cup as part of the Wednesday Night Races. He recently sailed a Thunderbird with his reader, Couzens, and it is understood that the boat will be re-named "Chunderbird". Rattray is in the process of selling his yacht, appropriately named "The Myth"; whereas Campbell is regularly seen at the helm of his recent acquisition. Douglas and Howden attributed their near mishap recently to the accidental positioning of a beer can next to their compass which caused the needle to swing 20 degrees with the result that their craft narrowly missed three oil rigs.

Uren has been sailing in Club events at Geelong and others seen both on and in the water include McPhee, Webb, Fagan, Fox, Crossley, Webb and Crown Prosecutor Martin.

A recent addition to the Bar, Higham, recently set an Australian record for the 800 metres run and a big future is predicted. His ability to move quickly should also prove an asset in attendance at various courts. It is noted that both Blackburn and Bourke are still in excellent physical condition.

Langslow recently competed in the "Duzi Marathon" kayak race over an approximate distance of 94 miles in Natal, South Africa. The race began at Pitermaritzburg and finished at Durban. He defeated about half of the 500 or so competitors. The event involved shooting rapids and negotiating other treacherous territory. At one stage he had to carry his boat 7 miles and on another occasion carry it over a 15,000 feet mountain. He spent considerable time in the water and completed the marathon with a shortened kayak as the result of several collisions with rocks. His training for the event included his participation in the Murry River Classic where he finished third with D. Ross a game fourth. The latter had just returned to our shores from England and found both the competition and conditions (113°) a little too hot.

Leo Hart's long standing mortgage on the title of fitness fanatic of the year is now under challenge. Your correspondent understands that Bleechmore has formed a squad of one for his daily morning run from Doncaster to the City. We are waiting to see his reaction to a brief to appear at Werribee.

"Four Eyes"

MOVEMENT AT THE BAR

Members who have signed the Roll (Since end November 1976)

C. Gunst
M.A. Rizkalla (Mrs.)
J.F. Bleechmore
G.J. Evans
E.H. Wilson (previously signed 1944)
D.M. Austin
P.N. Rose
D.K. Reynolds
R.N.J. Young
B.W. Rayment (N.S.W.)

Due to sign 10/3/1977

W.M. Toohey
R.E. Cook
P.F. Tehan
A. Moshinsky (Mrs.)
G.J. Davies

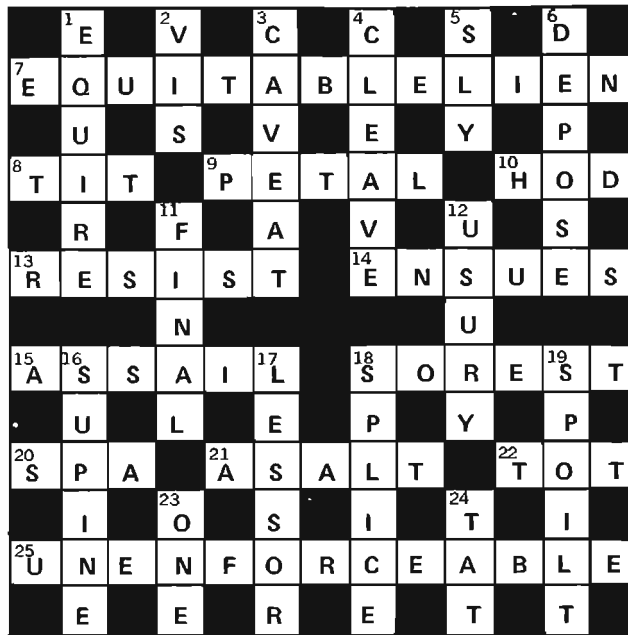
Members whose names have been removed at their own request

C. Turnbull
W.K. Nicholl (Non-practising list)

Members who have transferred to the Non-Practising List

S. Zifcak
M. Strathmore
G.D. Johnstone

SOLUTION TO CAPTAIN'S CRYPTIC No. 19



Message from the Captain:

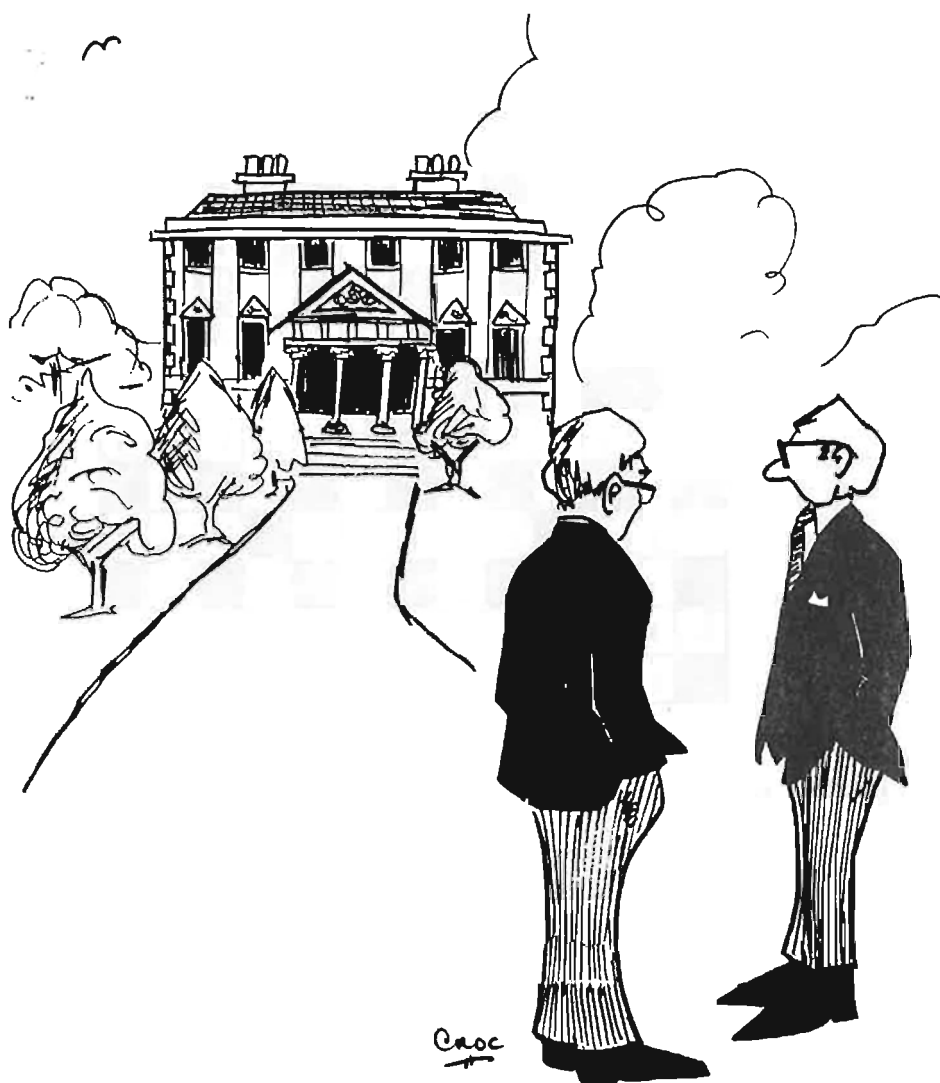
To those fans who grieve about the clue to 7 across the Captain profers an invitation to devise one that is more appropriate. The neatest correct entry (indeed any entry) will be published in the next issue and the contributor awarded a twelve month subscription to Bar News.

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Of course with a country court practice I had to do my own conveyancing.