Victorian Bar News

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BAR COUNCIL REPORT

Clerking
Since the last edition of "Bar News" an ad hoc sub-committee of the Bar Council, headed by J.H. Phillips Q.C., has, following advertisements inviting persons interested to apply for the position of a new clerk, interviewed a number of applicants. It is hoped that the successful applicant will be soon known and that the new clerk will be operating in approximately the middle of the year. The actual date of commencement is something which may have to be determined with the dates of in-take of new members in mind, as it is believed that the new clerk will have to rely primarily on these people to comprise his List. Of Course, any present member of the Bar who wanted to change from his existing list onto the new clerk's list would be given every encouragement to do so.

The new clerk will be housed to the rear of the area presently being developed on the northern side of Owen Dixon Chambers by the State Savings Bank. Mr. Bloomfield will also be moving into this area which is being developed by the Bar Council for this purpose.

Liquor Licence
The Bar Council has decided to apply for a liquor licence for the 13th Floor of Owen Dixon Chambers. The appropriate type of licence is a club licence and it is considered this will serve to encourage members of the Bar of all degrees of seniority and wherever their Chambers may be located to mix socially and also to enable the Bar to provide a more extensive range of dining and like services to members. A circular detailing the matters further and enquiring as to objections has recently been circulated.

Non-Practising List
The non-practising list as it presently operates has been in existence since March, 1966. It is comprised of Counsel on the Roll who neither engage in practice or hold themselves out as available to practice as barrister. It includes persons engaged in a number of activities such as Masters of the Supreme Court, Chairmen of Tribunals, Retired Barristers and others who at the time of their application to be transferred to the non-practising list or who were intending to pursue activities which were not regarded as inimical to the reputation of the Bar.

Persons on the List pay a subscription and are entitled to the use of the Bar facilities. However such persons are also bound by Counsel rules and in particular its ethical rulings.

The difficulty has arisen that many of those who fall into the last mentioned category of persons on the List have either changed their activities or have pursued them to a degree not previously anticipated. Some, too, have moved interstate. It was felt by the Bar Council that the continued presence of such persons on the List (with their corresponding right to describe themselves as "Barrister-at-Law") was not in the Bar's interests and the difficulty in overseeing their activities unduly burdensome on the Bar Council. As a result the Bar Council recently resolved there should no longer be a non-practising list and all present Counsel shall now have their names on the one Roll (apart from the Judges' List). Persons on the former Non-Practising List whose current activities are not known will now be contacted in order to determine whether it is appropriate for them to remain on the Roll. Consideration is being given to the creation of a means of distinguishing non-practising persons such as Masters or retired Barristers, for example, an Honorary List.

Academic Reading Rules
The changes in the rules applicable to new members of the Bar generally in respect of reading have created difficulties for academic lawyers who under the old rules were permitted to split the six months reading period into two periods of three months which they would serve in successive university vacations. In view of the extension of the reading period to 9 months the Bar Council is currently having to consider what arrangements can (and should) be made to accommodate academic lawyers who wish to become members of the Bar.

County Court Fees
In anticipation of the increased jurisdiction conferred upon the County Court by the County Court (Jurisdiction) Act 1979 No. 9308 (which is yet to be proclaimed) and at the invitation of the Chief Judge, the Bar Council recently submitted recommendations as to the appropriate fees for Barristers in the County Court for consideration by the Judges.

There are a number of other matters which are dealt with elsewhere in this issue of Bar News in which the Bar Council has been involved recently –

Readers Course and Masters' and Readers' Dinner

The Readers Course for new members of the Bar is now being conducted. Those readers attending signed the Bar Roll on Thursday, the 13th March, 1980, at the Inaugural Masters and Readers Dinner held on the 13th Floor of Owen Dixon Chambers. Sir Gregory Gowans Q.C., was the chief guest of the evening which appeared to be enjoyed by all and is felt to be a most worthy innovation.

High Court

The opening of the new High Court in Canberra in May this year will be a significant event and the Bar Council is encouraging members of the Victorian Bar to attend this and the accompanying celebrations.

R. C. WEBSTER

LAW BODIES TO CONSULT ON ADMISSION PROCEDURES

The formation of a Consultative Committee of the Law Admitting Authorities was announced in February. This Committee was convened by the Chief Justice of New South Wales, Sir Laurence Street. It comprises representatives of State and Territorial Law Admitting Authorities who are responsible for the admission of legal practitioners in Australia.

The formal statement of the role and function of the Committee is that it will provide the means for exchange and discussion of views and information between the Authorities represented on it. The Committee will take under consideration and formulate for the consideration of such Authorities proposals with respect to:

(a) the adoption of common criteria for the recognition of overseas qualifications.

(b) the adoption of common criteria for the admission of Australian practitioners.

(c) any other matter relating to the existence or effect of divergences between the admission requirements of the various States and Territories.

The Members of the Committee include Lush J. and Nash.

BARRISTERS PROFESSIONAL INDEMNITY INSURANCE

Already 320 members of the Victorian Bar have completed proposal forms for the Steeves Agnew Professional Indemnity Insurance Scheme. The Master Policy came into operation from the 1st February 1980 and although we have received a copy of the wording, the schedule to which it refers has not yet come to hand. Once both these documents have been approved by a sub-committee we will proceed to send out accounts for the current year.

Nearly all members of the Western Australian and South Australian Bars have already joined and sufficient proposal forms have been requested by the A.C.T. Bar and the Queensland Bar to enrol their members.

Berkeley

JOHN BENNETT BEQUEST

Members will recall that in his will the late John Bennett left a bequest to the Bar for the benefit of young barristers. The fund in hand now stands at approximately $13,000.

A Committee chaired by Walsh Q.C. has been appointed to consider how this sum might be best applied. Upon its recommendation the Bar Council on 12th March has authorised the purchase of a set of Authorised Reports to be placed in the proposed library at Four Courts Chambers. The Committee will welcome any further suggestions from young barristers. Contact Walsh on Pax. 424.

FAREWELL: JUDGE SOMERVILLE

On 17th December last, the profession gathered to farewell John Philip Somerville as a Judge of the County Court.

His Honour was one of that band of Melbourne barristers born in Tasmania. He was educated at Scotch College, and then returned to the Law School of the University of Tasmania which in due course admitted him to the degree of Bachelor of Laws in 1947. He had, in the meantime, served in the A.I.F. and as an R.A.A.F. pilot in the U.K.

He practised law in Tasmania until 1953, when he came to the Victorian Bar and read with H.T. Frederico in Selborne Chambers.

From that time, until he took silk on 28th November 1967, he practised successfully at the common law bar at Melbourne, and on circuit. He is particularly well remembered on the Wangaratta Circuit, where his love for the outdoors and for fishing provided a distraction from his professional pursuits. His career as a silk was interrupted by his appointment to the Bench on 23rd January 1968.

His Honour retires as a young man. He has served twelve years in the County Court. It is said that he plans to retire to South Australia. The good wishes of the Bar go with him.

FOR THE NOTER UP

Supreme Court

Tadgell J.	45	15.3.34	1980	2006

County Court

Delete: Judge Somerville

Add:

Judge Dixon	51	13.11.28	1980	2000
Judge Kelly	45	14.5.34	1980	2006

WELCOME: TADGELL J.

The appointment of Robert Clive Tadgell as a Judge of the Supreme Court is welcomed by the Victorian Bar.

His Honour was born in Brisbane, and educated at Brighton Grammar School, and then Wesley College. On leaving school, His Honour took employment as a trainee wool buyer, and completed his matriculation by part-time study.

He commenced his law course at the University of Melbourne in 1954, and graduated with an Honours degree in 1957. As an undergraduate he was resident in Trinity College, and was one of the early editors of the Melbourne University Law Review.

After graduating, he served as Associate to Sir Reginald Sholl, and was thereafter articled to Sir James Forrest of the firm of Hedderwick, Fookes & Alston. He was admitted to practise on 1st March 1960, and signed the Bar Roll on 1st April 1960. He read in the Chambers of the present Chief Justice, Sir John Young.

At the Bar, His Honour was from a very early time called on to appear in and advise in commercial, company and revenue matters. He appeared as junior counsel before the Royal Commission investigating the collapse of the West Gate Bridge. He was the Inspector appointed to investigate the

affairs of the General Mutual Insurance Group, and was more recently the Inspector appointed to enquire into the finances of the City of Sunshine. He was appointed one of Her Majesty's Counsel on 12th November 1974. He was a member of at least nine of the Committees of the Bar Council, a trustee of the Bar's Superannuation Fund, and (until his recent appointment) was the Bar's representative on the Faculty of Law at Melbourne University.

His Honour assisted in the publication of Wallace & Young's "Australian Company Law", and was the Australian revising editor of an Australian supplement to Charlesworth's "Mercantile Law". He occasionally lectured in Company Law at the University of Melbourne, and was a foundation lecturer in Mercantile Law in the Articled Clerks' Course.

His Honour is married with two sons. He is very much a family man, with developed interests in carpentry, gardening, music, wine and food, and things Scottish.

There have been four readers in his Chambers, Archibald, Blumzstein, Hayes and Ritter.

We congratulate him on his appointment.

WELCOME: JUDGE DIXON

On the 4th March, 1980, Alan Almslie Dixon was appointed a Judge of the County Court. His Honour was born on 13th November, 1928, and received his education at Wesley College and he was in residence at Queen's College at Melbourne University prior to his being admitted to practice on the 3rd March, 1952. Following his admission, His Honour was engaged in practice as a solicitor for four years before signing the Bar Roll on the 8th March, 1956. His Honour read with Coldham.

The Chairman of the Bar Council pointed out in extending a welcome to His Honour that His Honour had the unusual distinction of having had one third of a reader (Wajsenberg).

His Honour developed a general practice during the ten years which preceded his appointment to the office of Prosecutor for the Queen in 1966. At the time of his appointment, His Honour was the Senior Crown Prosecutor and a Committee Member of the Criminal Bar Association.

An interest in aspects of the law outside his immediate practice is evidenced by His Honour's having been a part-time teaching fellow in criminal law and evidence at Monash University, as well as having lectured for about seven years in criminal law at the R.M.I.T. and being a Senior Associate in the Criminology Department at the Melbourne University.

He is a great family man. He takes great delight in his four children, one of whom is following in his footsteps, being at present a second year law student. The swish of skis and the sound of surf have both played a large part in his recreations and an expertise in the noble product of the grape has been developed by His Honour over the years.

In extending the Bar's welcome to His Honour, the Chairman bemoaned the impossibility of dredging up any scandal in His Honour's background pointing out that circumstances as an indication of His Honour's probity.

In responding to the profession's welcome, His Honour commented on the enjoyment which he expected to derive from now having the "last say". Perhaps His Honour regretted the total removal of a right of reply to prosecutors some time ago.
His Honour also posed the question "Is there life after judicial appointment?". History seems to suggest that the answer is 'yes', and the Bar wishes him satisfaction and success during the course of his life on the Bench.

WELCOME: JUDGE KELLY

On the 11th March, 1980, the appointment of William Michael Raymond Kelly as a Judge of the County Court was announced. His Honour was born on 14th November, 1934, and received his education at Xavier College before obtaining his law degree at Melbourne University. His Honour was admitted to practice on 1st March, 1957, served his articles with Weigall and Crowther and signed the Bar Roll on 3rd February, 1958. He was granted Letters Patent on 22nd November, 1977.

His Honour is a son of Sir Raymond Kelly who was Chief Judge of the old Conciliation and Arbitration Court.

An initial general practice increasingly moved into the area of criminal law. His Honour's recent involvement in the following cases indicate his practice. Judgment has been reserved by the High Court in the cases of *Ward* (the boundary of Victoria) and *O'Connor* (drunkenness and intent) and by the Full Court of the Federal Court of Australia in the *Huckitta Station Case* (voluntariness of confessions). *Darrington* (duress in murder) is on its way to the Privy Council.

From the time of His Honour's University days, he has been noted for his old world attire, and for his rapid turnover of late model motor vehicles. He is the Vice-President of the Savage Club and a member of the Medico-Legal Society, the V.R.C. and the M.V.R.C.

He is also well known as a mentor. No one who sought his advice in a criminal matter was disappointed at the attention Kelly would give to the problem. It seemed that the first rule for running a difficult criminal trial was to see Kelly.

His Honour's service to the Bar has been notable. He has served as a member of the Bar Council, Chairman of the Crime Practice Committee, inaugural president of the Criminal Bar Association, draftsman of the Bar's substantial submissions to the Norris Committee and supervisor of the submissions that led to the first promulgation of a scale of fees in the Criminal Jurisdiction. He has had a substantial role in relation to the Leo Cussen Institute and to clerking and reading. He has for some years lectured at the Detective Training School.

His Honour was one of the many pups of Mornane and himself had six readers – Moorfoot, Kent, Hill, Rosenberg, Bleechmore and Salek. His Honour has now gone to resume the sharing of Chambers with his former Master.

The Bar congratulates His Honour and wishes him satisfaction and success in his judicial office.

READERS' PRACTICE COURSE

The Bar News (Spring Edition 1979) has previously reported the background to, the conduct of and the result of the Bar Council Meeting on Reading held on the 23rd June, 1979.

The subject of Reading had arisen largely as a response to a fear that there may have been a decline in the standards of the very junior Bar in both professional ethics and competence. Upon closer examination, this fear proved to have been groundless.

On the other hand it was apparent to the Bar Council that the standards of the junior Bar are capable of improvement. The two main problems discussed were the quality of reading itself – very much dependent on the ability of the Master to instruct and give of his time and experience – and the provision of a course of training in the skills required by practising advocate.

The formal views of the Bar Council were contained in resolutions which, inter alia, increased the period of reading to 9 months (with a 3 month non-brief period) and which set up an ad hoc committee to advise the Bar Counsel as to various matters. These included the implementation of proposals as to the 'skills' training.

The Bar News (Summer Edition 1979) subsequently reported that:

> "The Bar Council has received regular reports from the special ad hoc committee – J.H. Phillips Q.C., Kelly Q.C. and David Ross – set up to plan the establishment of the (Readers Practice) Course. It is expected that a curriculum will be prepared in time for the course to be operating so that it will be available to those signing the Bar Roll in March . . ."

This has in fact occurred. The 27 Readers who commenced at the Bar on Monday the 3rd March, 1980 found awaiting them portion of the resources of the Criminal Bar and the presence of the Bar Chairman. The Course commenced forthwith and is intended to last for eight weeks and to include three weeks of criminal practice, four weeks on civil practice and one week on Family Law. Built in to each separate subject will be consideration of the ethical problems peculiar to that jurisdiction and professional relationships therein. These three areas have been chosen as being those within which the junior barrister will most likely find his work in the early months and years. Specialised jurisdictions

such as Workers Compensation, Equity and Taxation cannot of necessity be included in a course of this nature.

The readers are effectively full-time students for the two months. Instruction is given in small groups of approximately 9 to 13 each, depending whether two or three members of Counsel are involved at the time. Instructors are asked to make themselves available for periods of at least a week at a time and are remunerated for that period.

The system of instruction is closely modelled on that developed by David Ross for the Leo Cussen Institute over the last four or five years. It is not intended to describe that teaching method in these notes – those who have been engaged as Instructors at the Leo Cussen Institute Course in lieu of Articles are familiar with it. Suffice to say that it is a method which relies upon total participation of those students present with the student performing practical tasks throughout. In addition, in our Courses the readers will be taken to various Courts and made aware of the procedures and practices relevant to each.

There is an obvious difficulty in operating and funding the Course outlined. The new readers are required to make a contribution of $400.00 each towards its costs (payable over the first ten months following their commencement). Provision of Instructors and co-ordinator's fees, however, soon dissipate these contributions. As well, there will be a desperate need for Instructors throughout the year. On the basis that each week during the Course we will need, say, two Instructors and that the Course will run eight weeks we will need to provide sixteen Instructors, and this is for three Courses each year. The number of volunteers in response to the Chairman's circular in February, 1980 was alarmingly small. It has become necessary to conscript volunteers. Hopefully future calls for assistance in participation will be met with a greater esprit de corps or else the Chairman's arm, Kitchener-like, will need to be displayed around barristerial haunts.

It is to be hoped that Readers on completion of the Course and the further one month non-brief period in their Masters' Chambers will be able confidently and competently to perform in Court – with a proper and lively appreciation of their duty to their colleagues and the Court, as well as to their clients.

The Course itself will need to be monitored carefully to ensure that it fulfills the functions for which it has been created and assists to maintain and, better still, improve the standards of advocacy of the junior Bar.

Wild

LOANS FOR YOUNG ENGLISH LAWYERS

Loans to help promising young barristers through their first few financially lean years in practice are to be introduced by the Senate of the Inns of Court and Bar later this year.

The scheme follows the Senate's concern that many able law students at universities are being lost to the Bar because of the lack of financial support at the start of their careers.

Many are being tempted from the Bar by salaries paid by large firms of solicitors to newly recruited articled clerks. Others opt for jobs in commerce and industry, or the Government legal service.

Under the scheme, approved by the Bar at its annual meetings last month, loans of up to £1,750 a year for their first two years of practice will be made available to 40 young barristers.

2½p.c. interest

Candidates selected by the Inns and the Senate will be expected to repay their loans with interest at 2½ per cent, during their four, fifth and sixth years in practice.

The scheme will cost about £70,000 to finance in its first year. Funds will come from the Inns of Court and the Senate, who will divert interest from investments.

Strong demands for financial support for new entrants to the profession came from the Young Barristers' Committee and the Bar Students in their evidence to the Royal Commission on Legal Services. This is expected to report in October.

But many younger members of the Bar do not consider that the new scheme goes far enough. Among proposals to raise more finance for loans to new entrants is a levy on rents paid by barristers for their chambers.

(From the Daily Telegraph September 1979)

THE BAR AND THE MICROCHIP REVOLUTION

Q.1 Has the Liesbosch Case (1933) A.C. 449 been overruled in any superior Court in Australia?

Q.2 From what original Rules or Statute did the forms now published as Forms 1 and 2 of Appendix A Part 1 of the Supreme Court Rules derive their existence?

Q.3 In what common law jurisdictions and on what terms have tape recordings been admitted in evidence?

Q.4 To what extent is Gourley's Case (1956) A.C. 185 good law in Australia today?

Q.5 Has the meaning of the word "retrenched" been considered by any appellate Court in the common law world?

These are typical questions which might confront any member of the Bar on any day. The issues raised in each of such questions could be of great importance in any particular case. Yet the ability of barristers to answer any of the above questions with certainty is, very likely, limited. The time required to answer all with accuracy would be immense. Is such a situation satisfactory?

Perhaps in the near future each barrister will have the ability to answer questions such as those above with a great deal more certainty and in far less time than at present. The Microchip Revolution will overturn preconceived ideas regarding legal research. Picture the scene: Chambers in 1985 . . .

A vestigial library of well-thumbed standard texts, such as Williams Supreme Court Practice rest on a small shelf; on the desk is a video screen and a typewriter keyboard. The barrister "logs in" by pressing his personal code number and he has immediate access to the vast research and retrieval computer system covering all judicial decisions, statutes and academic articles of the common law world. He might ask the computer to tell him the number of times that Gourley's Case has been referred to in the last 5 years in Australia. The answer after a search of all State and Commonwealth reported and unreported decisions, is given after 5 seconds. A further search might ask for the incidence of the word "overruled" or "distinguished" in each of the reports mentioning Gourley's Case, where such a word appears adjacent to or within 10 words of the word "Gourley".

The answer will immediately come back, perhaps referring to 3 or 4 decisions. These cases could then be scanned on the screen (with "Gourley" "distinguished" and "overruled" emphasized in brighter letters) and, if required, a print out could be made of any part of any of the cases. The computer could also state, on request, up to what date the information was accurate. The search thus completed would not be dependent upon the existing indexes or head notes of published reports (which, as we all know, are sometimes less than accurate) as the computer in a few seconds has searched the full text of the cases in its data bank as well as all head notes.

Computer systems to perform such tasks have existed for a number of years. The present revolution is brought about because of the dramatic fall in the cost of the necessary hardware and the incredible increase in computer power which has resulted from the design of the silicon chip. A computer of the 1950's costing say $1 million, is today replaced by a $5 or $10 micro computer. The computerisation of legal information began as an experiment in the mid

1960's in Ohio; it is now a reality, indeed perhaps almost a necessity, for any competent and up-to-date Bar. The information explosion is upon us, and we cannot, if we are to survive as a specialist group of practitioners, ignore its implications.

"In Coke's day reported decisions numbered only 5,000 and by Mansfield and Blackstones time had increased to 10,000. Today in Anglo-American jurisprudence, primary legal materials alone comprise about 3 million decisions and about 1.8 million statutes. Their annual growth is about 30,000 new decisions and 15,000 new statutes – a level of increase which gives no indication of abatement. Even the rate of increase is increasing!" (Legal research and the computer 1976)

The Victorian Bar should, in my view, immediately commence to consider when, at what cost, on what scale, at what speed, with what facilities and in what precise manner computerization should be adopted. The system will never replace an individual Barrister, only hamper the less competent members of the profession who prove unequal to the task of utilizing the information the machine is capable of bounteously and unmanageably providing. Without extreme care and skill the machine is worse than useless: in computer shorthand – "GIGO" – "Garbage in, Garbage out". But for people who know how to use the computer, the results could be dramatic in terms of accuracy achieved and time saved.

The Executive Committee of the Victorian Bar has taken its first tentative step into the microchip age by establishing a Bar Computer Committee. Through this Committee the Bar can evaluate the various systems on offer, work out the costs and the benefits, and present to all members of the Bar in the near future a workable proposal for consideration by everyone individually. I have been invited to act as Chairman of this Committee. I need the assistance of any of my colleagues who have knowledge, interest and time to devote to the task. If all of those who consider they might have something to give in the way of assistance would contact me I would be most grateful. I look forward to receiving many offers of help.

LEVIN
Equity Chambers
Clerk B

SECRETARY-GENERAL, LAW COUNCIL OF AUSTRALIA

In August Mr. R.D. Nicholson will compete his term as Secretary-General of the Law Council of Australia.

Members will have noticed ad advertisement in the newspapers and on the Bar Notice Board seeking applications for his replacement.

The term offered to the successful applicant is for five years, although other terms would be considered. The position is located at Melbourne with frequent travel. Remuneration is said to be "significant" and subject to annual review.

Those interested should address themselves to Ms. Eve Mahlab (267-2133) by 11th April, 1980.

SITUATIONS VACANT

The changed format and increased size of the Bar News has increased the amount of work load of those responsible for publication and the expertise which they are called upon to demonstrate.

The editorial committee would be pleased to hear any member interested in assisting in the work. A response from persons having previous experience in publishing, sketching or graphics would be particularly appreciated.

BYRNE & ROSS D.D.

MISLEADING CASE NOTE No. 9
DIVINE v. CONQUER
Supreme Court. Longwind J.
Whore-Lacy for the Plaintiff

The Plaintiff in this action, Blanch Divine, describes herself as a self-employed Public Relations Officer. One Friday evening some years ago she was on duty on the corner of Fitzroy and Acland Streets, St. Kilda when she was struck by an omnibus driven by one Mustafa Mafouz, and suffered injuries described as a "light work back" as a result. The quantum of the Plaintiff's injuries are not in issue here, being admitted at $75,000.00. I cannot myself see how these injuries, which prevented her only from lying down, could cause such a great loss of income as well as of enjoyment of life, but fortunately I do not have to consider that matter here.

The Plaintiff was well served on this evening, because a man of Yugoslav extraction, Mr Analgesic, who said he had been a passenger on the bus, gave her a card It was the card of a Mr. Lemons, a solicitor, which Mr. Analgesic said he has been given by a panel beater. She duly attended at Mr. Lemons' offices, and gave instructions to him to commence proceedings claiming damages for personal injuries on her behalf. Mr. Lemons prudently took a full statement from Miss Divine, and obtained medical reports, and also took proofs of evidence from Mr. Analgesic and the seven men he had brought with him from the Ethnic Witness Bureau.

Having obtained his instructions and the proofs of evidence, Mr. Lemons briefed the Defendant, Mr. Conquer of Counsel, to advise on the evidence and to draw a statement of claim. It is difficult at this time to tell where the fault lies for what subsequently occurred (or rather what did not occur), but some facts at least are certain. The brief to advise lay in or about Mr. Conquer's chambers for a number of years, where it was read by his readers, dusted from time to time by his secretary, and admired by his learned colleagues. The statement of Miss Divine, and in particular the photographs of her injuries, excited considerable speculation in Chambers, where the brief was widely read Sadly however, no advice was given, or statement of claim ever drawn.

The period prescribed for bringing the action under Section 5 of the Limitation of Actions Act duly expired, and despite an occasional desultory telephone call from Mr. Lemons' office, it expired with the brief still causing prurient and historical interest in barristers' chambers. Ultimately, bored perhaps by the brief's contents, or seeking fresher fields in the Family Court, the Defendant returned the brief with a memorandum of advice enclosed, which I shall set out in its entirety as a model of conciseness and elegance.

"The action for damages is barred by the provisions of the Limitations of Actions Act, and I therefore recommend against the commencement of proceedings".

Unsurprisingly perhaps, Miss Divine was upset by this turn of events, and sought advice from Messrs. Silver and Associates, Solicitors. She also refused to pay Mr. Lemons' account, and in a remarkably short time received a letter of demand in respect of that account. She took that letter to her new solicitors, and by way of reply they issued the Writ which commenced this action.

The pleadings in this action, like most drawn by solicitors, were verbose and imperfect, and there was a flurry of applications to strike out the second to seventeenth named Defendants, all of which were successful. Although I can understand (though not accept) the initial joinder of the President of the Law Institute and the Chairman of the Bar Council, the allegations against the Secretary-General of the United Nations and the President of the Festival of Light are beyond me. Likewise, I can see no reason for the allegation in paragraph 197 of the statement of claim of a breach of the duty imposed by Clause

15 of the 1972 Washington Draft Protocol on Outer Space Law. Fortunately, the matter has been simplified by those applications, and comes before me simply as an action for damages for negligence against Mr. Conquer.

I have come to a decision in this matter, and although favourable to the Plaintiff it is also favourable to the Defendant, and should be explained. Lest it be thought that I have been curiously understanding of barristers who are slow in their paperwork, it should be said that in my view such conduct is without justification. During my career at the Bar I had from time to time to search my conscience for any such justification. I found none then and I find none now.

The real reason for consideration are these: did the Plaintiff have a cause of action against Mafouz, was that cause of action prejudiced by the Defendant, and was the Defendant negligent?

Although the evidence before me disclosed that the omnibus driven by Mafouz was only travelling at 15 miles per hour (as it then was), I can see no exculpation in that. A perusal of my notes, both from the Bench and the Bar, shows that even the most violent of collisions occur with each vehicle travelling at no more than 20 miles per hour, with 15 miles per hour being a most common and dangerous speed.

It is clear, therefore, that the Plaintiff had a good cause of action against Mafouz, which was subsequently lost through the effluxion of time. It is equally clear, though, that the Defendant cannot be held to be negligent for that loss. Saif Ali's Case (1978) 3 WLR 849 shows the hopelessness of any person attempting to make such an allegation against a barrister, and Critchley's Case (1979) VR 374 shows that no liability attaches even to Counsel who abuses his position in Court.

All is not lost, however, because equity deems to be done that which ought to be done. There is no doubt that the Defendant ought to have drawn the statement of claim, and that the Plaintiff ought to have succeeded against Mafouz. Since Mafouz cannot now be found, equity is best served by my deeming that the Writ was issued, and entering judgment against the Nominal Defendant, with costs to be paid by Mr. Lemons and Mr. Silver, and I will enter judgment accordingly.

I will express no further view on the propriety of solicitors having their cards handed out by panel beaters, or issuing Writs as a response to letters of demand, as the order for costs speaks for itself.

Gunst.

S'COURTSOPHRENIA?

Juries

(5th Court, Mr. Justice Crickett, 10.30) — Grice v. Dahl and another (part heard); Hodgett v. Combes. (8th Court, Mr. Justice Marks, 10.30) — Briggs v. Zutt (part heard); Dahls v. Jurgens.

"Age" Law List 4/3/80

5th Court, Mr. Justice Crickett 10.30 . . .

If Mr. Justice Crickett
Delivers a rocket
Just jump down the wicket
It's easy to knock it.

But —

If Mr. Justice Crockett
Delivers a rocket
You're likely to snick it
So just try and block it.

The enthusiastic response to Blumsztein's mathematical conundrum published in the Bar News Summer Edition 1979, has been such as to encourage the publication of another more simple demonstration of the same apparent truth.

$$x = y$$

Multiplying by x

$$x^2 = xy$$

Subtracting y^2

$$x^2 - y^2 = xy - y^2$$

Factorising

$$(x + y)(x - y) = y(x - y)$$

Dividing by $(x - y)$

$$x + y = y$$
$$2y = y$$
$$2 = 1.$$

Q.E.D.

"Why the long face?"

"Tax is coming next month" said the Waistcoat with melancholy "and I just won't have the wherewithal."

"Aren't your fees coming in?" I asked.

"Coming in!" he shrilled. "My last pay in was one item for Interrogatories I drew in 1975."

"What's happened to the black list?" I asked. "Remember the system when counsel would take only prepaid briefs from solicitors who had failed to pay Counsel under 7 years?"

"That Committee ceased years ago", he said.

"Oh" I said, beginning to be infected by the gloom. "But there must be some form of collective action we can take. We're all in the same boat on this. What about a work to rules campaign?"

"Yes indeed". Waistcoat was brightening up. "When a solicitor rings up to ask whether a matter should be tried by Judge alone or by Judge and Jury we'll say 'sorry old chap, I'm unable to advise you unless you deliver a brief'."

"And if he asks you to have your own backsheet typed, you could ask for a Brief to Settle Backsheet."

"And the return of briefs", I said, "When we looked like being jammed we all return our briefs two or three weeks beforehand. Those briefs will then go on a constant roundabout until the solicitor must do them himself. This tactic would be particularly important in fraud summonses and in Workers Comp."

"And if a public solicitor brief came up, marked with a brief fee and no conference fee, we'd refuse to have the conference." Waistcoat was becoming positively jubilant.

"Then the secret weapon" I said. "Settle nothing. Imagine the chaos if every case were fought to the bitter end on all issues. The lists would thrombose.Solicitors would be sure to wilt under the seige."

"But we would not be able to mark a fee on anything except the contests" he wailed.

"What's the difference" I said, "We don't get paid".

Byrne & Ross DD.

LIFTS, LIFE AND FOOTBALL

It has often occurred to me of and concerning this fair city, in which it has been my lot to live if not languish this quarter century, that, with the advent of the football season, conversation becomes impossible with eighty percent of the male population. Perhaps one reason why the women I know are so much more attractive than the men is that they don't talk about football.

Far be it from me to suggest that there is something faintly ridiculous about thousands of people crammed into uncomfortable proximity, drinking themselves into a stupor, and screaming themselves hoarse at the antics of thirty six oversized underdressed sweaty men chasing a ball. Nor indeed that the grave question of whether Fred Nurk or Bill Spinks is the correct man for centre half forward (whatever that is) in next Saturdays "clash" with the "Magpies" is not a proper exercise for finely honed minds. Perhaps football discharges a useful social purpose. Save in places like Northern Ireland and Lebanon, religion no longer provides the incentive for us tp punch each others' heads. Nor do most people any longer have pie in the sky to look forward to. Maybe we need a new focus for our aggressions and utopian fantasies. ("Never mind lads, next year we'll kill the bastards and the flag will be ours".) It could make a suitable subject for a Ph.D. thesis in sociology "Popular Sport, the New Opiate: a Marxist interpretation of the football phenomena in the city of Melbourne", or some such portentous title.

All of which brings me by a process of lateral thinking to the subject of lifts and getting into them. There should be courses for modern man on getting into lifts. The only discussion of lifts and life I can recall is in a one act play where a group of people get stuck in one. There's a line something like "One doesn't marry people for their behaviour in lifts. A comparatively short part of one's life is spent in lifts". It is obvious that the author didn't work in Owen Dixon.

Have you noticed the way people stare at you balefully when the lift door opens? There they all are. The lift is already overcrowded. Everyone is a bit jumpy due to the alarming bumps and groans of the machinery and the thought that it is still nine floors to the ground. You, miserable worm, have stopped their descent for the umpteenth time. And somehow in the ten seconds, or given that it's our lift, ten minutes, that they have been in there, they have formed a community. This is their tribal territory. Step over the boundary at your peril. You plunge in and find that they are all talking about . . . football.

Now the other day quite by accident I discovered a way around this awkward situation. The answer is to carry something a bit unusual. Barristers you see have an insatiable desire to ask questions. They probably don't give a damn about you or the answers but they love asking questions. My Master used to say "Always have three examples for any proposition, no judge will ask you for more" so here goes. First example. Chap (not one of us) got on the lift at the ground floor the other day carrying a wig and gown. Not carrying them decently in a dilly bag, but naked through the streets as it were. Stranger to me. Well naturally I cross-examined him. Who was he looking for? Why was he here? Was he some sort of uncouth visitor from N.S.W. who needed to be taken to lunch and shown how to use a knife and fork? Turned out he had borrowed the stuff for a play and was returning it. When he got out no less a person than the Chairman of the Bar Council said he was glad I'd asked. When you get to be Chairman of the Bar Council you feel its your duty to make people feel at home. To have someone ask a visitor who the hell he is and where does he think he's going sort of breaks the ice.

Second example. Someone whose Monstera Deliciosa (a plant by the way) I had admired turned up at my chambers with a bit of it in a large green plastic bag. It's one of those indoor things with enormous green hands.

A man could get himself arrested for indecent assault just carrying it through the city. Well let me tell you; getting into a lift carrying that thing, looking as if you have a couple of metres long green hands growing out of your foot is enough to provide conversation for several floors. However it is pretty obvious what it's for. I mean there are a limited number of uses for a thing like that. Which leads me to my third example: an ordinary piece of wood. If you want to whip people into a frenzy of curiosity, get into the lift as I did carrying a length of two by one pinus radiata. The important thing is not to let on why you've got it. After a floor or two the whole lift will be eating out of your hand. Very gratifying for any barrister as we all enjoy centre stage. Coldrey who has an inventive if somewhat ribald mind was beside himself with excitement and made a number of very interesting suggestions. Even Miss Brennan was constrained to put aside discretion and press for an answer. By the time we reached the ground floor there was an animated conversation, and not about football.

One final thing however. This year the lifts have doors that close so fast you can't get on. And if you do the lifts themselves turn around and go the other way before you can press the button. A lot of money has been spent to achieve all that. So don't try carrying anything too large. You wouldn't want to damage the delicate mechanism . . .

Would you?

HENSHALL

NEW L.C.J. for U.K.

Britain will have a new Lord Chief Justice when Lord Widgery retires on health grounds after Easter.

The new incumbent Geoffrey Dawson Lane was appointed a Judge of the High Court, Queens Branch Division on 30 September 1966. A member of the Court of Appeal on 31 December 1974 his Lordship was translated at the House of Lords last year.

CRIMINAL BAR ASSOCIATION

Somewhat hesitantly, in view of the demise of dining-in nights and the like, the Criminal Bar Association decided to conduct its first annual dinner. Held at Allison's Restaurant in Windsor on Tuesday March 18, the night proved to be a very successful if somewhat raucous one.

Sixty members, unaccompanied by spouse or concubine, toasted their first member to be appointed to the Bench, Judge Dixon, and rather loudly paid homage to their ex-figure head, Kelly who had more recently joined him there.

Judge Kelly presented the Chairman's much sought after Awards to Vice-Chairman Hassett and Secretary Lovitt for services rendered in obtaining the first ever recommended scale of fees. Appropriately these were Gold Bags.

Lloyd Q.C., having successfully defended "The Herald" and its food writer when Angie Pitti of Allison's sued over a rather caustic restaurant review, insisted on Meldrum tasting the various proferred morsels before allowing anything to pass his silken lips. Later, those same lips completely captivated the audience in an address on the trials and tribulations of a criminal barrister. No mean feat considering the lateness of the hour and the condition of many of the audience.

At a meeting of the Association on March 27, Phillips Q.C. was installed as the new Chairman. The lack of ceremony was largely due to his absence at a Bar Council meeting. Vincent is now Vice-Chairman, Hassett Secretary and Lovitt Treasurer.

Those who have not paid the $5 subscription and interested members of the Bar generally, are invited to contact the new Treasurer.

LISTING CRIMINAL CASES IN ENGLAND

I am asked to provide an account of the English listing system by members of the Bar of Victoria and fellow members of the Criminal Bar Association, who are as concerned as I am at the time a criminal case is delayed before trial in the County Court.

There are certain differences to remember in England:

The Crown Court has a purely criminal jurisdiction similar to the criminal jurisdiction of our County Court; it does not rise at the end of each month, hence trials can commence at any time.

Judges of the Crown Court sit in criminal cases full-time and are attached permanently to that Court. They are assisted by Judges who sit in crime on rotation from the civil jurisdiction of the County Court and Deputy Circuit Judges and Recorders, being senior members of the Bar, sitting as Judges for a month perhaps at a time. Such barristers of ten years call or more apply to the Lord Chancellor's Office should they be willing to sit. Such a system has obvious advantages to the Bar seeking experience, and to the Crown in assessing new material. Such Deputy Judges are of course given cases of a less complicated and serious nature.

On committal from a Magistrates' Court, a case for trial is prepared by the Metropolitan Police Solicitors Office at the Crown Court to which it was committed. Most smaller cases are prepared properly by the Police before committal, and the hand-up brief system is used a great deal. It is also noticeable that much more evidence is agreed in English Courts under the provision whereby the statement submitted in the hand-up brief can be read at the trial by the Clerk to the Judge, to the Jury, i.e. Doctor's reports, Householders' statements as to burglary etc. There is an indication at committal by the defence which witnesses are required. Unless further notice is given, those not required can be read. Care is taken to avoid inadmissable material being included in such statements at the time they are taken.

At each Crown Court run by a Court Administrator, there is a listing room and a listing officer. On committal, cases are recorded usually in an index of one type or another and usually are listed for trial in order of committal. The oldest cases are heard first.

Extensive links are maintained by the listing room with the Bar, and the Police/Crown Solicitor briefs barristers to prosecute at an early stage, so that they can prepare or offer advice as to any matters they feel require attention. Cases are listed in "warning lists" as likely to be heard during the next month, but specific dates are not indicated. Counsel's clerk then is aware of which cases can be expected during the following month.

When cases are listed in any Crown Court, other cases known as "floaters" are also listed. They are listed with witnesses and assemble at Court. If a judge has a case actually listed in his Court which cannot commence the Court Administrator lists a "floater" in that Court. During the time such "floaters" wait, various agreements or settlements are often reached. There is therefore no Court time wasted as is often the case here. The situation is much eased though by the "agreed" evidence at the committal and the reduced number of witnesses required. Counsel in England would expect a reprimand from the bench for unnecessary witnesses being called, or for excessive cross-examination etc. Trials in England take less time, again due to there being less witnesses being called for cross-examination and due to various other reasons.

If a "floater" is not reached then it is listed as a trial the next day, or if there are valid reasons they are fixed for a date decided by Counsel and witnesses involved.

Cases are often fixed, if a valid reason exists, by Counsel's clerk on approach to the listing office, though care has to be taken that some clerks do not gain more favour than others. Cases are returned by Counsel both for the Crown and Defence at a late time, but this is unavoidable in any jurisdiction.

In my observations, some of the problems in Victoria could be alleviated by a criminal jurisdiction not breaking at the end of a month, as many Judges are unable to take cases after the third week of any month for fear they will over-run the end of the month.

In England in the early 1970's a similar backlog existed to Victoria today and the matter was tackled by the Lord Chancellor, at that time Lord Hailsham. Additional Courts were opened in halls around London. Non-custodial cases were dealt with where no cells were available. Deputy Judges sat and the list was reduced. In Melbourne various places would be available for this purpose.

Additional permanent Courts were also opened, such as the conversion of a Victorian Orphanage at Snaresbrook, some 20 minutes Tube train from London to a complex with numerous Courts. I have appeared in ex-Forresters' Halls, Church Halls, Masonic Halls and Officers' Messes. The backlog was reduced from eighteen months to six months in non-custodial cases. This was achieved in some two years.

I am of the view that the current facilities and staff cannot deal with the problem in Victoria, but that additional Courts and Judges are essential.

In my observations in both jurisdictions an indication in one month of the cases to be heard the following month is an advantage, with perhaps a call-over of those cases during the first two weeks of the month. If the total cases to be called-over of say forty, were listed in groups of say five over eight days, and the Crown was represented by a Prosecutor for the Queen, each case could be discussed by the Crown Prosecutor and Defence Counsel outside Court or even in Chambers at the County Court, and any settlement presented outside Court could be considered, and any witnesses not required could be excluded, or any evidence agreed settled etc. Such a system would require goodwill from the Bench and the Bar. In particular, the Barrister instructed to defend the case, and if necessary finalise the matter should appear at such call-over and not merely be represented by a stand-in to hold the brief. The Public Solicitor would also have to be in a position to take instructions. It would therefore require the attendance of the Police informant and the accused person or persons. The cooperation of the Criminal Bar is essential, but noting the concern expressed by the Criminal Bar Association, such cooperation is expected.

It may be necessary to obtain the services of more than one Prosecutor for the Queen if a large number of cases are called-over during the month. It is noted that pleas of not guilty are often put forward at a committal by a person accused of an offence merely to gain time and to profit by the delay before a jury trial is called on; there being in fact an actual decision to plead guilty, but a desire to gain time to prepare mitigating circumstances – so causing the loss of a "trial day" when called on.

In London more serious cases are heard at the Central Criminal Court, such as rape etc. and of course I am not aware as to the disposition of cases in the Supreme Court of Victoria, but it may be possible for additional cases to be heard in that Court rather than the County Court be overloaded as it is with much serious crime, ill-uited often to that jurisdiction.

I am also able to observe that the Crown Solicitor's Office is under-staffed, causing delays before a case is submitted to Crown Prosecutors for signature to a presentment. Police under-staffing causes frustration to the preparation officers of the Crown Solicitor in getting their task done, but it does seem that there are available a substantial number of cases to be dealt with.

I note the articles in the "Age" of 24/12/79, 31/12/79 and 8/1/80 and in particular that of 24/12/79 containing various submissions, especially that trials are taking longer due to inexperienced barristers, defence counsel and prosecutors. In trials I have observed over the last three years, while taking a deal of time, defence counsel have not been junior or what would be termed inexperienced in this State.

Hugh-Jones

LISTING PROCEDURES

There has recently been established an ad hoc committee to look into the listing of cases in the Supreme Court. The Bar representative is M.E.J. Black. Any member with any suggestions might communicate them to Black.

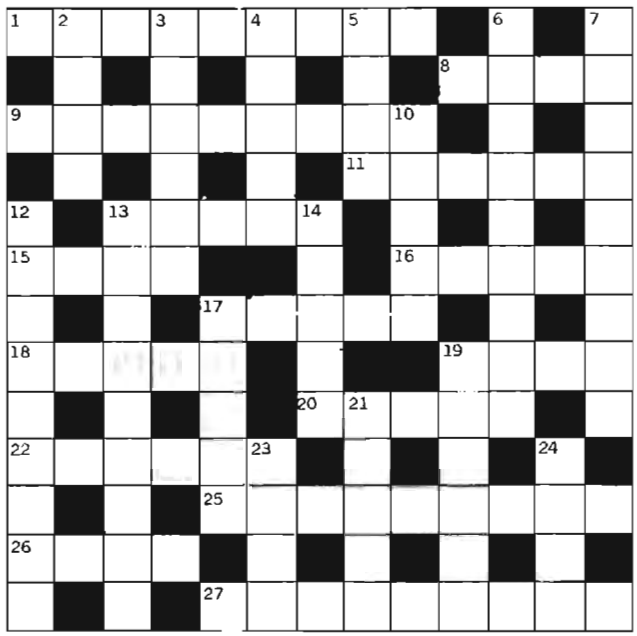
A MATTER OF STYLE

It is said that the eyes are the windows of the soul. It may be therefore that a person's manner of expression betrays his mental processes.

Students of the English language, and it would seem, Mr. Johnstone p. 26, cannot fail to be impressed at the evolution of Lord Denning's literary style from the days of High Trees House. The inferences to be drawn from such changes will doubtless provide many a fertile field for doctoral thesis in Law, Logic or Psychology or perhaps a mixture of them all.

So much for Lord Denning. The attentive reader's attention is now brought closer to home. Consider the literary style of the learned judge in Foster v. F.C.A. (1980) V.R. 63.

CAPTAIN'S CRYPTIC No. 31



Across:

1. Withholding sentence on good behaviour (9)
8. Mode of defence in an action (4)
9. The faculty of knowing (9)
11. Characteristic of the reasonable man? (6)
13. Family Court Judge (4,1)
15. Luna(4)
16. Ninth day before the Ides (5)
17. Narcotics (5)
18. O3 (5)
19. Givens (4)
20. The lot (5)
22. Printing errors (6)
25. Court officer to record court orders etc. (9)
26. Porgy becomes drinking vessels (4)
27. Wrinkle (9)

Down

2. ¼ acre (4)
3. Hindu trader (6)
4. 1/10 to the Church (5)
5. Abbreviated Oxford (4)
6. Of earth, air, fire and water (9)
7. Roman stone throwing machines (9)
10. Names of persons, places etc. (5)
12. Powerlessness (9)
13. Solo will (9)
14. Combat between two knights mounted (5)
17. △ (5)
19. Keeping company in U.S.A. (6)
21. Smell (5)
23. Our own C.I.A. (4)
24. Let it stand (4)

VERBATIM

An ethnic Defendant was having trouble with English before the Justices at Oakleigh.

Wajcman (helpfully): May I assist the court amicus curiae.

J.P.: We don't know what language she speaks.

Oakleigh Magistrates' Court
28th November 1979.

• • •

Forrest (rising to commence a plea in an 0.05 charge):
Is Your Worship proposing to go beyond the minimum disqualification:

Duggan S.M.:
No.

Forrest (sitting down):
Thank you, Your Worship.

Duggan S.M.:
Well done, silver-tongue.

Melbourne Magistrates' Court
November 1979.

• • •

Lord Denning on his 81st Birthday:
"As far as I am concerned, each year that passes only makes me better at my job."

"The Observer"
27th January 1980.

• • •

Gurvich (for the husband, cross examining the wife in a custody application):

And have you explained to him what homosexuals do?

Wife: No.

Gurvich:
You have skirted round the point.

Family Court
17th December 1979.

• • •

'The paling walls of the little yellow bathing box seemed to swell visibly as barrister Boris Kayser entered and declared: "This is a party of the inhabitants of Brighton Beach and the Bar, a combination of the archcrassness of lawyers and the beautiful le of Brighton".

Boris was right. It was 6 p.m. and the carpark on the clifftop was filling up with BMWs and Volvos as the barristers and their wives arrived for the annual beach blow-out thrown by criminal barristers Ramon Lopez and his wife Cr. Diane, a former Mayor of Brighton.

Inside Box 29, Boris was looking appreciatively at his hosts – "a pair whose hospitality is legendary" – and explaining the particular drawing power of their unique location.

"They're the ones with the box, you see. Without the box, it would be different."'

The National Times,
January 20, 1980.

• • •

Defendant was charged with handling stolen goods to wit: one sword. Upon conviction S.M. enquired whether he has a job.
Defendant: "Yes sir I'm a fencer . . ."
General courtroom laughter.
Defendant: "That is, I erect them . . ."

Prahran Magistrates Court
7th March, 1980.

• • •

Record of interview dated 7th January 1979 between Members of Northern Territory Police and aboriginal suspect.

Q. When I talk to you, you only have to answer my questions if you want to. I'm not forcing you to talk to me. If you want to tell me something you tell me something but you only have to tell me what you want to. You understand that one?

A. Yes.

Q. Am I, I'm not forcing you to sit here and talk to me?

A. Yes, you did force me to tell all them. About that mansworld.

Q. I'm only talking to you about that mansworld now.

A. Yeah, I know, but you, forced me just before you talk to me before so.

Q. How did I force you?

A. By grabbing me, grabbing my throat and the officer I think, tell me to tell the truth.

Q. Well, I don't think it's true now.

" . . . Well, I put them in the glass of water on the Bar Table, and they went into evidence."

SPORTING NEWS

On the racing scene, Dove is the part-owner of a promising four year old gelding named Tremendo which is trained by Noel Kelly at Dowling Forest. The horse has won several races in the bush recently and could be the one to follow in town in a middle distance race. Being by Stunning (sire of Daryl's Joy, Haymaker and other top stayers) one would expect Tremendo to show his best over a bit of ground.

• • •

Noel Ross has been on a diet recently. His weight loss has been in approximate proportion to the weight gained by a yearling filly which he and his wife raised since birth. The filly, by Lunchtime out of Queen's Hussar, looked a picture as she entered the ring at the recent selected sales. Unlike the Barrister who keeps a poker face when he settles favourably at the Board, he was obviously pleased when the hammer fell to the shout from the auctioneer "Gone for $19,000.00".

• • •

Some time ago, Duffy worked as a gaucho on a cattle ranch at Rosario in Argentina. We are told that the method of rounding up the cattle differs far from those that you see in the Marlboro advertisements. Duffy became an expert at swinging a bolas instead of a lassoo. The bolas, which comprises three balls on the end of three pieces of string, is swung at the feet of the cattle who are meant to trip over and then have their feet tied up. To those that engage in the Fun Runs, this piece of equipment may come in handy. Part of the customs of those on the cattle ranch included drinking sweet tea through a silver straw pushed into a silver embossed ostrich egg and picking one's teeth with cactus spikes. Hasta la vista!

• • •

Carter recently became the proud father of triplets who have been nicknamed the "Full Court". Someone, well knowing that Carter is a keen Collingwood supporter, suggested that he had been trying for a complete centreline for that team, but when it was discovered that one was a girl, said he had to settle for two wingers. The infants were not born until one week after the anticipated date of delivery and the cynic further remarked, "That's typical of a Collingwood centreline – always a bit slow."

• • •

The Bar and Bench have notched up two important victories recently. One was a narrow win against the Law Institute at the Annual Golf Day held at the Royal Melbourne Golf Club on Friday, the 29th of February, 1980 and the second was the historic win over the Law Institute in their Annual Cricket Match played at the Albert Ground on the 17th December, 1979. The Sir Henry Winneke Trophy returned to the Common Room for the first time in twelve years. The narrow eight run win has elsewhere been recorded (in 35 words) – see Vol. 54 L.I.J. 7.

The Bar, as it has done whereof the memory of man runneth not to the contrary, batted first. Opener Couzens top-scored with a fine 76, and was well supported down the list (for which read: arrived late after an appearance in the Practice Court) by Bill Gillard who made a classic 31 runs.

When the Solicitors batted, David Myers set the Bar on the way to victory with an acrobatic one-handed "blinder" at short cover to dismiss the Solicitor's captain (and usually prolific run scorer) Peter Fraser.

Some tight early bowling left the Solicitors needing quick runs later in their innings, but the Bar was able on this occasion to maintain the pressure with excellent performances from all the bowlers. Newcomer Ross Middleton took the honours with 3 for 30, although it was Captain Daryl Wraith who became the match hero. Wraith brought himself on to bowl the last over of the day with the Solicitors requiring 12 runs to win and the last batsmen at the crease. However, a desperate skied shot to mid-wicket off the fourth ball saw Garantziotis hold a fine catch, leaving the Solicitors eight runs short.

Scores:	
Victorian Bar	157
Couzens	76
Gillard	31
Connor	19
Law Institute	149
Middleton	8/1/3/30
Connor	8/5/2/9
Harper	8/0/2/31

• • •

The constant showing of cricket matches on the television has resulted in many grudge matches being arranged by members of the Bar. Already a match has been proposed for next year between members of the Bench and Bar who drink at the Golden Age and various members of the Age Newspaper, in particular those members of the Racing, Cricket and Football staff. The annual match between those Barristers on the tenth floor of Four Courts and those on the eight floor was played on Sunday, the 9th of December, 1979. The tenth floor, defending title holders, were surprisingly beaten by the eighth floor, assisted greatly by the man of the match, Middleton. The annual "Clive McPherson Trophy" was grudgingly handed over to the winners, whilst a barbeque was being enjoyed by all.

• • •

The Bar was represented at the 1980 Moomba Scrabble Championships by Kay and Crafti. Of the 160 original entrants, both made their way to finals of 40 competitors. Kay finished 18th with a two game aggregate of 658 and Crafti, 15th with a two game total of 675. Kay was heard to moan that they should have picked his best two games, whilst Crafti was complaining that he didn't get his rightful share of blanks and "s's". Neither excuse holds much water as the tournament was won by a fifteen and a half year old schoolboy!

• • •

The Equity and Commercial team put up a fine showing in the 13000 strong Fun Run over 8 miles. Jack Fajgenbaum who finished 6289th just pipped Fricke Q.C. (7287th) and Castan (7794th). But the flier was J.V.C. Guest who was 4995th. Poor old Stan Spittle could only finish 199th in 45.31 minutes. Other finishers included Golven, Vincent, Crossley and that light footed pair, Danos (81st) and Tebutt (88th).

(Our Howard pulled up well, 4700th. Eds.)

• • •

The Bar and Bench has a solid link with rowing. Dane was the coach of the Victorian eight which won the Kings Cup at Lake Wendouree the other day. He was formerly coach of the Australian crew which participated in the World Championships at Bled in Yugoslavia where they finished fourth. He has lately been appointed as the Olympic coach. Howden and Guest have been stalwarts in the rowing scene and Guest is the Chairman of the National Selection Committee. Frederico, J. was formerly coach of the Victorian eight and also coach of the Australian fours in 1967 and coach of the Australian Light weight eight in 1976. Douglas, who won a Gold Medal for Australia at the Perth Commonwealth Games when in the Bow seat of the Australian eight, later coached the Kings Cup crew in about 1965. Although not an exhaustive list, Keon-Cohen, Langslow, M. Gorton, Zahara and Arthur Adams have been prominent in rowing circles. The latter has been an active supporter of the recent "Age" campaign to clean up the Yarra as a result of being rescued from the same following a recent mishap when engaged in a veterans event.

• • •

The Ethics Committee may well be asked to investigate the circumstances of a very young member of the Bar playing in a recent cricket match between the Ward Room Members and the Bar held at H.M.A.S. Cerberus the other day. The matelots found the batting strip to their liking and proceeded to register a reasonable score in their innings. The wicket was as easy as that being experienced by the Australians in Pakistan at the present moment. After lunch however, it assumed a totally different complexion and the demon bowlers from the opposition had the Bar ducking and weaving. Bleechmore took rather too close a look at a fast rising ball and Harper is now sporting two very prominent black eyes, although we understand that he was very appreciative of the attractive female nursing staff. Gillard is apparently recommending that helmets be worn over our wigs next year when we play them in the return game.

FOUR EYES

HIGH COURT SETTLES

The 13th March, 1980 saw the close of the last sittings of the High Court in Sydney. The Court adjourned sine die in the presence of one solicitor, two old aged pensioners who had wandered in from Taylor Square, and the court crier.

The end of the era in Melbourne was marked rather more formally. On the 27th March, 1980 the Full Court sat at 10.00 a.m. and in the presence of a very large number of counsel and solicitors heard addresses by the Chairman of the Bar Council, Berkeley Q.C., and the President of the Law Institute of Victoria, Mr. Ball. The Chief Justice replied.

The High Court sat for the very first time on the 6th October, 1903 in the Banco Court of the Supreme Court of Victoria. Mr. Ball drew attention to a report of the proceedings in the Commonwealth Law Review of that year which noted that everyone appeared to be very nervous, including the Judges, and that the only person who seemed to know what was going on, was the Court crier.

It was in 1926 that the Court met for the first time in the building in Little Bourke Street.

The Chief Justice expressed the hope that the Judges would see Melbourne counsel in Canberra, both at Court and on social occasions.

Her Majesty the Queen will open the new High Court building in Canberra on Monday, 26th May, 1980. This is an historic event and an event of major significance for the Victorian Bar.

All members of the Bar who are able to do so are urged to attend for the opening ceremony and associated activity. A good representation will both mark the importance of the event and demonstrate to the Australian legal profession that we are, and will continue to be, readily available to appear in Canberra. It is wholly undesirable that a poor representation of Victorian counsel might create the opposite impression.

Only a handful of members can be present in the courtroom during the actual opening, due to the large number of Australian and overseas Judges and dignatories attending. However, on the Monday evening the Australian Bar Association is holding a ceremonial dinner which all counsel and their partners may attend. The cost will be about $30.00 per person.

Would all counsel wishing to go to Canberra for the opening of the Court please advise Miss Brennan on 67 4298 or PAX (6) 178.

LETTER TO THE EDITORS

Dear Sirs,

The Bar Council has decided to apply for (and will no doubt obtain) a licence for the main diningroom. A Club will be incorporated for this purpose and non-members will be excluded from that diningroom. I object to this on a number of grounds:

1. I object to being forced to join a drinking club before I can use the diningroom.
2. It is undesirable to give encouragement and facilities to barristers' drinking during the day and particularly drinking at lunchtime when they are to appear in Court in the afternoon.
3. A large number of barristers do not drink and equal money, attention and privileges ought to be lavished upon them.

Accordingly, I suggest that facilities for a gymnasium, sauna, showers etc. should be provided for those barristers who wish to use them to remain fit and healthy.

Any supporters of this proposal are requested to write to the Bar Council immediately.

Yours faithfully,
Faris

LAWYER'S BOOKSHELF

THE DISCIPLINE OF THE LAW

by Lord Denning

Lord Denning is probably the best known judge in the common law world. He has written a book. It takes the best bits from his best judgments. It links them up into simple stories. It is quite fascinating. It is highly readable. There are many things that could be said about it. This review aims to mention only three. First his style. Second his attitude to change in law. Third, his ability to ride unruly horses like public policy.

His style is very noticeable indeed. He says *everything* simply. He uses short sentences constantly. He uses them to great effect. It's catching. He writes as a man with a very firm grasp of the basic facts and the basic law. It is as if he had taken a course of Gowers "Plain Words" – a double dose. Sir Ernest Gowers states "Keep your sentences short. This will help both you to think clearly and your correspondent to take your meaning." ("Plain Words" Page 31) "They should be short and should have unity of thought." ("Plain Words" Page 263). Each proposition Denning states is a short step. One feels a child could take it. Each step somehow fits the mind, as well designed stairs seem ideally suited for ascending. This example is the last paragraph in the book:

> "It is something to have lived through this century – the most dangerous century in the history of the English people. Our family has done its part. All five of us brothers fought in the two wars. Two were lost. They were the best of us. Three survive. One to become a General. One an Admiral. And me, the Master of the Rolls. Some day, if I have time, I will tell the family story. But that must wait. I must get on with the next case. Nothing must be left undone."

Every sentence is a separate, carefully considered message. Each is like a small piece of wood, well turned. He spares us the shavings that other writers include. Consider the unemotional brevity of "Two were lost". Imagine the feelings he omitted to write that sentence! It has been said truth has its own idiom. So has understanding. Somehow Denning has managed to write the whole of this book in that idiom.

Lord Denning's attitude to change is revealed in all seven parts of his book. These seven parts are:

1. The construction of documents.
2. Mis-use of ministerial powers.
3. Locus standi.
4. Abuse of "group" powers.
5. High trees.
6. Negligence.
7. The doctrine of precedent.

Change is in fact his theme. He states in the preface "My theme is that the principles of law laid down by the Judges in the nineteenth century – however suited to social conditions of that time – are not suited to the social necessities and social opinion of the twentieth century. They should be moulded and shaped to meet the needs and opinion of today." He does not state explicitly what he means by "social necessities and social opinion". His attitude to change is best revealed by the following two statements about interpretation of statutes and the role of precedent.

> "A judge should ask himself the question: If the makers of the Act had themselves come across the ruck in the texture of it, how would they have straightened it out? He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases." (Page 12).

> "Let it not be thought from this discourse that I am against the doctrine of precedent. I am not. It is the foundation of our system of case law. This has evolved by broadening down from precedent to precedent. By standing by previous decisions, we have kept the common law on a good course. All that I am against is its too rigid application – a rigidity which insists that a bad precedent must necessarily be followed. I would treat it as you would a path through the woods. You must follow it certainly so as to reach your end. But you must not let the path become too overgrown. You must cut out the dead wood and trim off the side branches, else you will find yourself lost in thickets and brambles. My plea is simply to keep the path to justice clear of obstructions which would impede it." (Page 314)

He is all for courts being willing to reverse their own previous decisions. He lists the courts which are prepared to do this. Then he states "When we find that the Supreme Courts of those countries, after careful deliberation, decline to follow the House of Lords – because they are satisfied it was wrong – that is excellent reason for the House to think again. It is not beneath its dignity, nor is it now beyond its power, to confess itself to have been in error. Likewise with this court." (Page 303). Likewise with himself.

He admits to being wrong sometimes. "I put it much too strongly . . . I am sorry that I ever said it." (Page 310). Also he includes a number of rebukes from other judges. He allows Lord Simmonds to state his traditional views. He quotes Lord Hailsham at length in a judgment overruling a decision by Lord Denning and others on the Court of Appeal. Lord Hailsham's attitude to legal change contrasts with Denning's . . "in legal matters, some degree of certainty is at least as valuable a part of justice as perfection" (Page 312).

Lord Denning has accepted his role as an iconoclast. ("The Way of an Iconoclast" 3 Sydney Law Review 209 – March 1960.) Although the word can mean a breaker of images it means more precisely "one who assails cherished beliefs or venerated institutions on the grounds that they are erroneous or pernicious." There is ample evidence in this book of Lord Denning doing just that. There are also many examples of what he does find erroneous or pernicious and of how he goes about assailing them.

One thing he assails implicitly in all his judgments is mechanical, non-thinking application of a verbal formulae in law. He does not show the reverence for accepted traditional phrases and other judges show. He searches always for the direct and fresh way of stating what he understands is the law. He sees it clearly and says it as he sees it. He is against the mechanical application of precedents. He is against the mechanical dictionary-based interpretation of statutes. He is in favour of growth of the law by avoiding injustice wherever possible. In brief, he is, like Lord Reid, a dynamic judge. In avoiding the mechanical approaches he is, in a sense, getting machines in proper perspective as society has been doing since the industrial revolution.

He uses large concepts constantly – justice, "the public interest", "the public good", "fairness", "reasonableness", the "responsible citizen" who has a "sufficient interest". A Court judgment is a justification for a decision. Denning justifies his decisions by reference to these large concepts. He looks to them for guidance as mariners used to look at the stars. He refuses to be taken to a decision by a draftsman's oversight.

He also refuses to appear to be. Lord Hailsham in his review of this book (Guardian Gazette of the Law Society in U.K., 28.2.79) says that Denning could ". . . realise a little more sensitively than he does that public policy is indeed an unruly horse for judges to ride". He refers of course to the comment by Burrough in 1824 of public policy that ". . . it is a very unruly horse, and once you get astride it you never know where it will carry you. It may lead you from the sound law." Lord Hailsham was wary of these large ideas that Lord Denning uses with such ease and to such advantage. Denning uses them because he writes more from understanding than from memory. He understands justice. He understands law. He also understands the relationship between them. Law is a means and justice is an end. Law is the *best* means to attain justice. Surely that is what the Rule of Law means. If there is a conflict between law and justice, justice must be made to prevail, provided the law is left reasonably intact. He is more concerned with the spirit of the law than its letter.

For him, having an intellectual grasp of law is only part of a judge's task. The major part is a persistence and dedication to see justice done in each case. He is a sort of Grand Master of the brief and powerful

abstraction. He moves justice, fairness, reasonableness, and the public interest about in winning ways. He is undeniably and unashamedly creative as a judge. Almost every page has statements like "This seemed to me most unjust" (Page 13). "Then I turned to the unreasonableness of the Rule" (Page 159). "Those two factors cause injustices of all kinds" (Page 200).

Gough Whitlam has written of "The narrow legalism to which Sydney lawyers are prone" (S.M.H. 31.1.79). Lord Denning would consider that almost the worst criticism of a lawyer possible. It is probable Denning would agree with this statement by Alexander Solzhenitsyn "The letter of the law is too cold and formal to have a beneficial influence on society. Whenever the tissue of life is woven of legalistic relations, there is an atmosphere of moral mediocrity, paralysing man's noblest impulses" (Harvard University Address, June 1978).

There are tantalisingly few references to his personal history. He does mention his one year as a teacher of Mathematics at Winchester. He also mentions his Oxford tutors (both page 200). He is in his eighty-first year. It is to be greatly hoped he does write more about himself as he hopes to.

He has pointed the way ahead for lawyers in allowing the law to change with society. Lawyers will find this a splendid book in all ways. There is no petty quibbling here. He believes in keeping his eyes on the horizon where justice is. His book will encourage every lawyer who reads it to think about doing the same.

Ian M. Johnston

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Two further contributions to Stott's list of memorable cases published in Victorian Bar News Spring 1979:

Halter v. Darwin Turf Club Inc. (1979) 25 A.L.R. 394 where a dispute regarding matters equine was decided by Gallop J.

Woodcock v. Hoare (Workers Compensation Board 14th December 1979) where Judge Rendit held that soreness of a testicle was compensible.

PANNAM Q.C. – THE HORSE AND THE LAW (1979)

The Law Book Co. $12.50

I wouldn't recommend that anyone races out and buys "The Horse and the Law" for his 10 year old horse-loving daughter as a birthday present: it's not likely to displace "Black Beauty" and "My Friend Flicka" from the best selling list. In as much as the learned author might have hoped to write a book which would be readily understood by non-legal persons it, of necessity, fails because of the complexity and uncertainty of most of the subject matter.

Although the book could never be accused of having something for everyone, it covers a span which, on occasions, moves away from the horses. For the dog lover there is a small segment on dogs and the Dog Act of Victoria, although the text is silent on race-horses that don't try (known as cats). For the militant female there is quoted part of the judgment of Jordan C.J. in Bell v. Thompson (1934) 34 S.R. (N.S.W.) 431 which may stir the imagination.

"An unborn animal . . . until birth forms part of its dam. If a mare in foal suffers an injury... and the foal is not born alive, there is only a single chattel which has been injured, viz: a mare in foal." (P.95)

There are pieces of alarming and not widely known information such as

"Horses make noises varying from a gentle whinney to loud neighing and even screaming" (P.74) and "every horse competing in a race for a prize has some chance of success" (P.95)

However, as a concise legal text, brimming with authorities, the book is a "must" for any lawyer confronted with a problem involving horses in particular and animals in general. The ambit of the book ranges from simply explained contract principles, liability and rights arising out of injury caused by animals to the rights and obligations of people connected with racing, with a particular emphasis on Stewards enquiries, of which the learned author has more than a little experience (legal) – See R v. Brewer, Ex Parte Renzella (1973) V.R. 375.

The only major criticism of the Horse and the Law is at Chapter 1, "Some problems of Purchase", doesn't advise on the biggest problem of all – how to pick a good one!

H.

THE BAR ON TRIAL

Edited by Robert Haxell; Quartet Books, London & Melbourne, 1978. $5.80 (paperback)

With the current spate of inquiries and soul-searching into the legal profession both in Australia and abroad this volume should prove of interest to any member of the Victorian Bar interested in comparing his own situation with the position in the United States. The book consists of 9 chapters each dealing with a different aspect of life at the Bar. Each contains a critical examination. There are eight authors all of whom are barristers. From the brief biographical notes provided it would seem that at least 6 or the 8 are currently practising. The editor and major contributor Hazell is described as now working "in the public sector".

From the title of the book and from the publicity blurb on the back cover it would appear that the book is intended as some sort of expose. It speaks of the contributors as having "broken a tradition of silence to speak out against the short-comings and injustices of their profession". It then goes on to claim that "In this well documented account, there is ample justification for the authors' charges that barristers' training is inadequate, their relations with solicitors excessively hierarchical, that the Inns of Court mismanage their property, that barristers' clerks have too much power, that the organization of many barristers' chambers is woefully inefficient, and that the profession as a whole is urgently in need of reform."

Strong stuff indeed. Some of the allegations might strike responsive chords amongst members of the Victorian Bar. How far in fact the book substantiates the charges is open to question. As may be expected in a book of such a nature the chapters are uneven in their quality.

The chapters are headed: Introduction to the Bar; the Inns of Court; Legal Education; Pupillage; Clerks and Fees; the Criminal Bar; Women at the Bar; Independence and Fusion; and a Look into the Future.

The chapter on the Criminal Bar begins: "within the legal profession itself the Criminal Bar intends to be thought of as being a collection of hack orators, not lawyers, a group of extroverted performers who are intellectually inferior to their civil law collegues." Although the generalisation is not wholly true, the author says that it is "probably fair to say that the general standard of advocacy in the Crown Court compares poorly with the standard in even the lower courts of civil jurisdiction." Also that in "criminal defence work, however serious the charge, the barrister is generally not nearly as well prepared as for even the most minor civil claim in the High Court." There is not, the authors' claim, a "comparable amount of pre-trial effort and preparation, nor is there a comparable number of conferences and meetings. In part this may be because the State and not the defendant is usually the pay-master, so that it is the feeling that the defendant is not in a position to demand or expect the same standard of preparatory service as that accorded to a paying civil client."

The author also discusses legal aid and refers to what he sees as two particular abuses. The first is the rule that a Q.C. should apppear only with a junior barrister. It is the author's view that almost invariably in criminal cases the junior's presence is unnecessary since if the Q.C. is doing his job properly he should read all the papers and prepare the case himself doing nearly all the advocacy. Little is left for the junior to do except take notes.

In the United Kingdom Q.C.s are now permitted to appear on their own, so the practice can scarcely be regarded as a current abuse. His second criticism relates to trials involving more than one defendant, where each defendant is represented separately by one or more barristers although there may be no real conflict of interest. He instances a trial recently in the United Kingdom relating to an affray in which 7 defendants had been represented by 13 counsel, at the conclusion of which the Judge had called for an inquiry into the matter.

The author of the chapter on Clerks & Fees is particularly critical of the clerking system as it operates in England, comparing it unfavourably with the Australian. He instances many examples where he considers the clerks' role to be anachronistic or inefficient. The clerks now receive their remuneration entirely from the barristers who employ them. Their normal rate of commission is 10% of gross earnings, although some chambers pay their clerk a salary instead, whilst a few pay only 5%.

The author of Clerks & Fees makes many recommendations for what he sees as improvements. Local practitioners may be left to wonder his

suggested effective solution to the apparently serious problem of late payment of fees. The answer, he indicates, is to allow barristers to sue for their fees. The author suggests it could solve the problem overnight. We politely suggest that the author re-examine the Australian scene.

Again the Australian scene is looked at closely, particularly that of Victoria, in the chapter on Independence & Fusion. The author makes a strong case for more competition and for fusion of the profession. He states "it is often argued that because the profession has remained divided, fusion in Victoria has been a failure. But on the contrary, what it has achieved is to sweep away the whole mesh of mopolies and restrictive practices and to allow the Bar to survive and be seen to survive on it's own merits." He believes that even if the English profession were fully fused, the Bar would continue to exist. He notes that the present divisions and demarcations are almost entirely the product of trade union activity over the last 150 years. The Bar had existed perfectly well prior to this and he exhorts it to have the confidence again to compete on its own merits.

Local female practitioners who complain about what they see as prejudice and discrimination on the local scene will empathise with much in the chapter on Women at the Bar (the sole contribution to the book it would seem, by a female). Discrimination and prejudice apparently continue to exist. The slight increase in the number of women at the Bar has been almost entirely as a result of their own efforts and determination. They have received little encouragement or help from the men it is said. The Bar continues to retain the flavour of the public school, the military mess and the gentlemans' club. The men are apparently not leaping over themselves to make women feel more welcome.

The remaining chapters will be of varying interest to local practitions. Each chapter has a number of footnotes which are contained at the back together with a bibliography and index. For those then who would seek to understand better their own profession and to broaden their horizons in the process, the book is well worth its purchase price.

SHARP

APPOINTMENT OF PROSECUTORS

On March 25, 1980 the Governor-in-Council approved the appointment of the following counsel as Prosecutors for the Queen –

John Anthony Dee, 43
Colin David Hollis-Bee, 41
Maitland Arnold Lincoln, 44

The Bar accords its warmest congratulations and wishes them well.

SOLUTION TO CAPTAIN'S CRYPTIC No. 31

1 P	2 R	O	3 B	A	4 T	I	5 O	N	■	6 E	■	7 B
■	O	■	A	■	I	■	X	■	8 P	L	E	A
9 C	O	G	N	I	T	I	O	10 N	■	E	■	L
■	D	■	Y	■	H	■	11 N	O	R	M	A	L
12 I	■	13 H	A	S	E	14 J	■	U	■	E	■	I
15 M	O	O	N	■	■	O	■	16 N	O	N	E	S
P	■	L	■	17 D	R	U	G	S	■	T	■	T
18 O	Z	O	N	E	■	S	■	■	19 D	A	T	A
T	■	G	■	L	■	20 T	21 O	T	A	L	■	E
22 E	R	R	A	T	23 A	■	D	■	T	■	24 S	■
N	■	A	■	25 A	S	S	O	C	I	A	T	E
26 C	U	P	S	■	I	■	U	■	N	■	E	■
E	■	H	■	27 C	O	R	R	U	G	A	T	E

MOVEMENT AT THE BAR

Members who will have signed the Roll (since 6/12/1979)

Name	Date of Admission	Master
MAGUIRE, Gerard Joseph	2/ 5/1977	A.R.O. Rowlands
NEWTON, Shane Patrick	1/11/1979	P.C. Robinson
RICHARDS, Michael Joseph	1/11/1979	J.M.B. Cashmore
GILLESPIE-JONES, Simon	1/ 8/1979	P.A. Dunn
DERHAM, David Mark	1/ 4/1974	L.S. Ostrowski
PERRY, John Frederick	1/11/1979	J.T. Duggan
WILSON, Diamuid Michael	1/11/1979	C.W.G. Wheeler
TREVORAH, Peter Douglas	1/11/1979	M. Gurvich
VAUGHAN, Beverley Seymour	3/ 3/1980	D.H. McLennan
SMITH, Maureen Teresa (Miss)	1/ 8/1979	D.B. Blackburn
McINNIS, Murray Victor	1/ 6/1977	P.M. Guest
PRIEST, Phillip Geoffrey	3/ 3/1980	P. Murley
JUDD, Justin St. John	1/11/1979	F.C. James
GRAHAME, Steven Ralph	1/11/1979	J.V. Kay
LOGAN, James Anthony	3/12/1979	A. Graham
KISTLER, Peter Klaus	1/12/1978	C.J. Canavan
GOLDBERG, Phillip	2/ 4/1979	C.W. Porter
BENNETT, Erica Joice (Mrs.)	3/ 9/1956	R.M. Johnstone
COSGRIFF, Damien Francis	3/ 4/1975	G.G. McGrath
HURLEY, Thomas Victor	1/ 3/1979	R.C. Gillard
MUSHIN, Nahum	1/ 3/1972	M.C. Kim
FAGAN, Diana Margaret (Miss)	1/ 3/1976	J. Coldrey
POLITIS, Kiki (Miss)	3/ 3/1980	C. Heliotis
BLEWETT, Stephen Graham	1/11/1979	P.A. Wilson
CRENNAN, Susan Maree (Mrs.)	3/ 9/1979	F.G. Davey
TRIGAR, Philip Richard	1/ 4/1977	R.P.L. Lewis
SKENE, Graeme John	2/ 3/1970	J.A. Strahan
McDONALD, Colin Rodney	1/ 4/1976	F.H. Vincent

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

P.J. CAHILL

Member who has transferred to the Non-Practising List

H. HARBER

Members who have had their names removed from the Roll of Counsel at their own request

C.K. COMANS (A.C.T.)
C.T.H. CHESSUN
N.M. JEDWAB
B.G. WALMSLEY (from 30/4/1980)

Members in active practice: 702