

Victorian Bar News No.6

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RECENT APPOINTMENTS

It is clear that statutory tribunals are taking a role of increasing importance in community affairs. Recently tribunals have been established as part of statutory machinery regulating new areas of legislation, in environmental protection and compensation for victims of criminal violence. It is gratifying to see the appointment of experienced members of the Bar to these bodies, Opas, Q.C., as Chairman of the Environment Protection Appeal Board and Scurry as the Crimes Compensation Tribunal.

Congratulations and best wishes are tendered to both.

The Editors.

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BAR COUNCIL REPORT

Amendment of the Commonwealth Constitution

The Bar Council has resolved that it does not wish to make any submissions for the amendment of the Constitution involving broad questions of public policy, public administration and public finance as these are basically political issues. The Bar Council has however advised the Law Council of Australia and the Victorian Parliamentary Delegation that the following matters should be examined in detail.

- (a) The legislative power of the Commonwealth.
- (b) s.75 (i) and (ii).
- (c) Judicial review of the actions of officers of the Commonwealth (s.75 (v)).
- (d) s.76 (iv).
- (e) The introduction of a Bill of Rights.

Aboriginal Legal Service

The Council of the Victorian Aboriginal Legal Service invited the Bar Council to appoint an official representative to the Council. The Bar Council called for volunteers and a very gratifying response was received from members of the Bar. O'Bryan, Q.C. was appointed. Castan is the Honorary Secretary of the Council.

Attorney-General's Working Party on the Revised Justices Act Rules

R. M. Read has been appointed to the Attorney-General's Working Party on the revised Justices Act Rules.

Commonwealth Poverty Inquiry

The Bar Council has joined with the Law Institute Council in setting up a Joint Committee for the purposes of preparing and recommending to the two Councils submissions upon legal aid by the Victorian Legal Profession to the Commonwealth Committee of Enquiry into Poverty. Bar Council representatives appointed were Jenkinson, Q.C. Dowling and Faris.

County Court Practice

The Chairman of the County Court Judges has advised that a County Court Rules Committee has been established including representatives of the Bar Council and Law Institute. Heerey has been appointed the Bar Council's representative on this committee.

The Bar Council has adopted a number of recommendations by the Joint Standing Committee with the Law Institute on County Court Practice and procedure.

These include:

(1) Recording of Evidence.

That an approach be made to the Government to obtain a commitment to the introduction of recording of evidence in the County Court based on the following priorities:

- (a) Running transcripts in criminal cases.
- (b) Recording of proceedings in civil cases of a substantial nature.

(2) Pleadings

That the Court Rules be amended to provide that the Notice of Defence referred to in O.24 R.32 be filed and delivered in writing upon written request being given by the Plaintiff, but that this amendment not apply to actions claiming damages for death, personal injuries or property damage arising out of an accident on the highway involving a motor vehicle. It was also recommended that notice of special defence under O.13R.1 be provided where it is alleged that a motor vehicle involved in an accident was not driven by the Defendant or as servant, or agent on his behalf.

Personal Indemnity Insurance

Further investigation is being made into the possibility of an autonomous personal indemnity insurance scheme being established within the Bar.

Personal Injuries Jurisdiction

The Bar Council has appointed a committee to consider ways of improving the personal injuries jurisdiction in the Supreme

Court. Members of the Committee are Lazarus, Q.C., Marks, Q.C., Searby, Q.C., and Sher.

24th May, 1973	11	2 hrs. 30 min.
31st May, 1973	13	1 hr. 45 min.
14th June, 1973	11	2 hrs. 30 min.
28th June, 1973	14	2 hrs. 30 min.

Town Planning Appeals Tribunal

Following upon meetings between the Chairman of the Committee and the Secretary of the Local Government Department, it was resolved that:

1. The Bar Council is of the view that each Town Planning Appeal Tribunal should have as its chairman a person holding a full time appointment as such.
2. Subject to the foregoing, it is of the view that there is no impropriety in a barrister acting as a relief chairman of the Town Planning Appeals Tribunal from time to time provided:
 - (a) there is a panel of barristers available to act as relief chairmen which is of sufficient size to ensure that the appointment of any one is not upon a regular or frequent basis;
 - (b) appointment as a relief chairman is offered to members of the panel in strict rotation; and
 - (c) the appointment of relief chairmen is made to fulfil a temporary need only.

Further discussions have been held as a result of which the Local Government Department will implement their recommendations.

Reading

The Bar Council has adopted the recommendation of the Reading Committee against pupils appearing in Court with their masters during pupillage.

Meetings of the Bar Council

22nd March, 1973	16	2 hrs. 40 min.
5th April, 1973	14	2 hrs. 30 min.
12th April, 1973	10	1 hr.
17th April, 1973	12	2 hrs. 35 min.
3rd May, 1973	12	2 hrs. 25 min.
17th May, 1973	12	2 hrs. 45 min.

THE YOUNG BARRISTERS' COMMITTEE

Since the last issue of the Victorian Bar News the Young Barristers' Committee have met on the following occasions: 29th March, 12th and 26th April, 10th and 23rd May, 6th and 20th June, 1973.

Following the first Forum Meeting of the Young Barristers which was held on the 14th March, 1973, a Joint Committee on Magistrates Courts has been established the members of which are Keon-Cohen (Secretary), R. J. Johnston and R. Read from the Bar and J. Cain (Chairman), G. F. Dawson and G. Testro from the Law Institute. The Joint Standing Committee has met on two occasions to date namely on the 13th and 27th June, 1973 and has determined to put before the Magistrates' Conference to be held on 26th and 27th July, 1973 the profession's concern regarding delays in the Magistrates Courts. To assist that Committee Young Barristers will be requested to keep a monthly record, on a roneoed sheet to be provided, of all matters in which Counsel are briefed, which have not been reached at Magistrates Courts. It is hoped that these records may be of assistance in representations to be made to the authorities as to the alleviation of delays. Many topics of concern to Young Barristers of the Victorian Bar have been discussed and canvassed by the Young Barristers Committee. These topics included:

Reading:

Recommendations were made by this Committee to the Bar Committee with regard to reading at the Bar and the relationship of pupils to their masters having regard to the new rules recently determined by the Bar Council. The Bar Council has considered a report of a sub-committee appointed by it to consider these problems and the results of this report are recorded elsewhere in this news.

Forum Meeting:

Considerable discussions took place as to the context and form of the next forum meeting of the Junior Bar which meeting was eventually held on the 16th May and adjourned to 13th June, 1973. Various members of the Committee prepared introductions to topics for discussion at this forum meeting and the topics included: Report on Committee Activities; Legal Aid; Contributions to Bar Funds; Public Relations approach; and robing.

Procedure for Complaints concerning Magistrates and Judges:

The present system was for complaints to be made to the Bar Council or alternatively for the Bar Council to request a report from the barrister concerned and for appropriate action to be taken according to the circumstances. Representations have been made to the Bar Council that the Young Barristers' Committee be able to receive complaints from Young Barristers concern-

ing Judges, Magistrates and Justices of the Peace and that it be entitled to make recommendations on such complaints to the Bar Council.

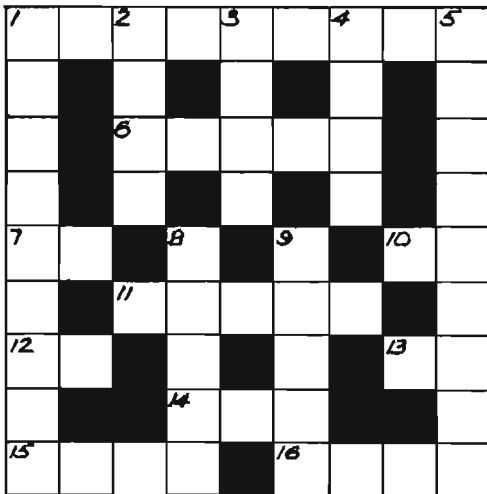
Late Payment of Counsel's Fees:

This matter is now to be considered by the Joint Standing Committee concerning fees and costs and by the Storey Committee on Fees to which Hassett has been invited.

Barristers' Indemnity Fund:

Enquiries were made and it was ascertained that the Dominion Insurance Company would insure Barristers to a limit of \$200,000 with a \$500 - excess upon an actual premium of \$100 - plus stamp duty.

Other matters which have been discussed by the Young Barristers' Committee included Library - photocopying machine and text books; Loans to Readers; Incorporation of Counsel; Committal Proceedings; Overdue Fees; Barristers' Indemnity Fund; Entertaining Magistrates; Prisoners' Rights.



SOLUTION WILL BE PUBLISHED IN NEXT ISSUE

CROSSWORD

ACROSS

1. Hang by the neck (Lat Abb) (3, 3, 3).
6. A rescuer swears for a change (5)
7. A measure (2)
10. Behold the submediant (2)
11. An alternative to settlement (5)
12. Also fro (2)
13. 3.14 etc. (2)
14. To lengthen a palindrome (3)
15. Time between long vacations (4)

DOWN

1. How a wise Judge would act (9)
2. Mash a pretence for a change (4)
3. Not odd (4)
4. By repute, litigation's greatest certainty (4)
5. The gift of lawyers and Irishment (9)
8. The Court's mouthpiece (5)
9. Myer trier (4, 1.)

**FITZROY LEGAL SERVICE THROUGH
ROSE COLOURED GLASSES -
A Personal View (G. M. Eames)**

Twelve months ago the attitude of the legal profession generally to legal aid was one of disinterest, ignorance or a blind faith in the adequacy of existing schemes. Credit must go to Legal Service Fitzroy, for not only did it help to shatter these dream time preconceptions, but also it generated in their stead a burst of energy, enthusiasm and research of such magnitude as to profoundly influence the public image of lawyers.

Within the period of Fitzroy's operation, attitudes have changed radically. The initial suspicion and, in some cases, downright hostility which the organizers faced, has given way first to tolerance and then overwhelmingly to support, as committees of barristers and solicitors have adopted, in part or whole, the Fitzroy model for future legal aid planning. The Law Institute will shortly introduce a sweeping program for local legal centres, which will revolutionize poverty law concepts in Victoria.

Quite apart from the day to day performance of Fitzroy (and for all its faults it has achieved a great deal as a local legal centre) there have been some other interesting sidelights to its operation.

To me, the most striking thing about the Fitzroy centre has been the people who have been involved in it. Two years ago with the heat of debate over issues like Vietnam and Apartheid, it was impossible to conceive the protagonists even agreeing on any "social welfare" scheme let alone participating harmoniously within one. Former Presidential adviser George Kennon, in his book "Democracy and the Student Left" expressed the view, then widely held, that reasoned debate and unselfish community involvement had been replaced by a mindless rhetoric for totally selfish considerations by the radical left. Whilst this view was, in my opinion, nonsense it illustrated the gulf separating the opposing forces.

Within this atmosphere, lawyers were characterised as tools of the establishment hell bent on preserving the status quo. Yet now, at Fitzroy, one finds anarchist and

D.L.P member rostered together. The lawyer on duty may be young or middle aged and talk of generation gaps appears irrelevant.

What in fact has happened, is that people have been forced to re-assess their positions and the ultimate aim of the community welfare is sufficiently recognized to bind together hitherto opposing groups. It is a fundamental change in attitude for many lawyers to see their role as relevant only in the context of total community well being. They have found that this concept need not be in conflict with their own personal interests. I believe that this change of outlook, will ultimately achieve much for lawyers. It will restore to the profession many young graduates, who saw law as a socially parasitic profession unable to satisfy their own idealism and, incidentally, counter the public disfavour, in which lawyers have at times been held by all sections of the community.

The real danger of course, is that all this idealism will collapse and the voluntary legal centres with it. This has tended to happen in some parts of the U.S.A. but proper structuring of the centres should avoid it. The Fitzroy committee, recognizing this, has recently limited itself to a tight geographical area, imposed a means test and introduced a broad system of committees. Its aim is to expand much more into a community role beyond mere legal assistance. Plans are well in hand for free medical facilities to supplement the existing social worker liaison with the lawyers.

The need for continued co-operation at this formative stage between all sections interested in legal aid is very clear. Some groups have extremely far reaching concepts for this sort of centre. They extend to alternative finance and even alternative television based on particular community needs. If all this sounds far fetched it is interesting to note that facilities and equipment already exist for these purposes.

The challenge then is for lawyers and their professional bodies to provide the structures required for state wide legal aid coverage, without dampening the enthusiasm of those more ambitious groups, nor coming into conflict with them (unless of course

they endanger existing schemes or threaten to lower the quality of legal advice or representation).

I believe the challenge will be met. No lawyer can avoid playing a role in accepting the challenge. Nor should he try.

A DEFENDER IN DERBY

During May a young Aboriginal man from the Mowanjum Mission in Western Australia, one Monty Woolagusda, was charged with an aggravated assault on a policeman. Knowing of the funds made available by the Federal Government for the legal representation of Aborigines, the Mission Authorities applied to the Legal Aid Committee of the Law Society of W.A. An experienced practitioner, Mr. Howard Olney, was assigned to conduct the defence. The defendant was acquitted. When told of this an Aboriginal teacher at the Mission said "I thought lawyers were only for white people". This is believed to be the first time that an Aborigine has been represented by a lawyer before the Stipendiary Magistrate in Derby.

THE WHELAN COMMITTEE REPORT

The Report of the Committee set up by the Bar Council to report upon the aspects of the rights of accused and convicted persons was adopted by the Bar Council on 22nd March, 1973. The members of the Committee were, Whelan, O.C. (Chairman), Mullaly, Hampel, Brian Bourke, Gurvich and O'Keefe. The Bar Council made representations to the Attorney-General for Victoria seeking the implementation of the following recommendations:

A. With respect to bail pending trial or appeal.

- (a) That a right of appeal to the County Court should be provided in cases within the jurisdiction of such Court against a refusal to grant bail on committal for trial or pending appeal.
- (b) That the present right of an accused to have recourse to the Supreme Court should be pre-

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

- (c) That the relevant statutes should be amended to provide that an accused person being granted bail is entitled prima facie to be released on his own recognisance subject to such conditions (if any) as appear necessary and that sureties should be required only in exceptional cases which fall into one of the following classes:
 - (i) the accused has previously absconded from bail or escaped from legal custody;
 - (ii) the accused is a non-resident of Victoria, has no "ties" in this State and it is established that it is probable that such accused will not appear on his trial if released on his own recognisance without sureties.
- (d) That where sureties are required or if the action recommended in (c) be not adopted such sureties should not be required to lodge the amount of recognisance in cash or securities.
- (e) That a system should be instituted whereby upon committal for trial to either the Supreme Court or the County Court of an accused who is then taken into or remains in custody a Judge of the appropriate Court should review the circumstances of the particular case within fourteen days of such committal and make such order thereon as to the release of the accused on bail

and/or as to the fixing of a date for the trial of the accused as such Judge sees fit.

- (f) That investigations should be conducted to determine the practicality of introducing a scheme (such as the Manhattan Bail Scheme) to ensure that on the occasion of the accused's first appearance before a Magistrates' Court or Justice pending the hearing of an offence punishable summarily or pending committal for trial or dismissal for an offence within the jurisdiction of the Supreme Court or County Court (if the accused is willing to co-operate) accurate verified information is placed before such Magistrate or Justice as to:
- (i) the prior record of the accused;
 - (ii) the family situation and ties of the accused;
 - (iii) the accused's employment and the continuity thereof;
 - (iv) the accused's residence and the length of time thereat;
 - (v) any exceptional circumstances such as age, health or occupation.
- (g) That a roster of Justices of the Peace should be instituted to ensure that each prison has a "duty" Justice for the taking of recognisances at all reasonable times.

B. With respect to hearings by a Visiting Magistrate at Pentridge of charges against prisoners and/or applications and complaints by prisoners.

- (a) That at each State prison a court room be set up to be used by the visiting magistrate on the hearing of charges against prisoners;
- (b) That the hearing of charges against prisoners should be con-

ducted in circumstances as near as practicable to those which obtain in Magistrates' Courts.

- (c) That an accused prisoner should have the opportunity to be represented on the hearing of a charge against him and that such representation be provided by the office of the Public Solicitor unless the accused prisoner is able to arrange his own representation.

C. With respect to the methods and procedures followed by the Parole Board in considering whether to release a prisoner on parole.

- (a) That the appropriate Minister of the Crown be advised by the Bar Council that complaints have been made to the said Committee:
 - (i) That prisoners do not know when and/or if they have been considered by the Board for release on parole;
 - (ii) That due to the inadequate number of staff, cases on occasions are not fully investigated.
 - (iii) That in the event that parole is refused the individual prisoner is not advised as to the grounds upon which such decision was made and is given no opportunity of challenging the accuracy of the information upon which the Board has acted.
- (b) That such Minister be requested to communicate these facts to the Parole Board.

D. With respect to facilities for Interviews between Prisoners and Legal Advisers.

That the Bar Council make representations to the responsible Minister of the Crown requesting the co-operation of the prison officials in discussions

with representatives of the profession with a view to obtaining proper facilities for interviews with prisoners serving a sentence and pointing out that the implementation of this recommendation is a matter of some urgency if prisoners charged before a Visiting Magistrate are to be provided with the right to be represented.

A letter was received from the Minister for Social Welfare advising of the Parole Board's comments upon the report advising of procedures adopted by the Parole Board and enclosing a copy of the booklet "Parole" which is distributed to prisoners in Victorian Gaols. The Bar Council also received a letter from the Attorney-General for Victoria advising that he had asked the Statute Law Revision Committee to report on the law relating to bail in the light of certain American Schemes.

Because the Whelan Committee Report deals with questions of civil liberties of wide public importance the Bar Council decided that it should be published and the Victorian Law Foundation has made a grant which will enable this to be done.

CONTEMPT PROCEEDINGS AGAINST COUNSEL

Considerable interest was generated recently among members of the Bar when Nettlefold was required by Kaye J. to show cause why His Honour should not take action in relation to certain remarks addressed to the Court by Nettlefold at the conclusion of the evidence in a criminal trial. These remarks related to certain questions which His Honour had directed to one of the accused who had given evidence on the preceding day.

The matter came on for hearing some days after the conclusion of the trial. Harris Q.C. and Phipps appeared on behalf of Nettlefold and, having heard submissions put by them, His Honour drew the distinction between bona fide criticism of a judge and conduct calculated to lower the authority of the Court. The former, uttered without malice, is permissible whereas the latter

tending, as it does, to weaken the system of justice is reprehensible, whether the conduct be that of counsel or of a member of the public at large.

His Honour accepted the assurance of Harris that no discourtesy was intended and found that, having regard to the fact that the words were not uttered in the presence of the jury, there had been no interference with the administration of justice. He therefore did not take any action against Nettlefold.

The Bar acknowledges the parts played by Harris, Q.C., and Phipps in this matter and by Messrs. Blake & Riggall, who acted as solicitors for Nettlefold in an honorary capacity. Mr. A. R. Lobban of that firm, who is the President of the Law Institute of Victoria, attended to the matter personally and was present in Court during the hearing.

CONTINUING LEGAL EDUCATION IN VICTORIA

— *Mrs. Rosemary Balmford, Executive Director Leo Cussen Institute for Continuing Legal Education.*

Every member of the Bar received last month from the Leo Cussen Institute for Continuing Legal Education a circular inviting him to indicate what he felt to be his needs in the field of continuing legal education. Some suggestions as to possible responses were included in the circular; these suggestions were not intended to limit the range of possibilities open. There is a vast range of possible courses; varying greatly in content, in manner of presentation, in size of potential audience, in geographical location and in many other ways.

The Leo Cussen Institute, as members of the profession know, was established in 1972 by the legal profession of Victoria. The Bar Council is represented on the Leo Cussen Institute by His Honour Judge Ogden and Mr. E. D. Lloyd, Q.C. The Leo Cussen Institute is concerned with two areas of legal education, namely practical training of graduates in law before their admission to practice, and the continuing education

of the profession. Courses of training for graduate articled clerks were held in 1972 and are being held this year; these courses have been described elsewhere (Law Institute Journal March 1973, p.71). This article is concerned solely with the continuing education of members of the legal profession.

It may be assumed, but it is better to assume it expressly rather than impliedly, that the broad objective of continuing education in a profession is to improve the service which that profession can give to the community. Any other objective must be regarded as subordinate.

In the late twentieth century we have come to be aware that nothing is more certain than the continuance of change. In this world of change, if the legal profession is to continue to serve the community as it should, a practitioner cannot rely upon learning from experience alone, to keep him informed of changes in the law since he qualified fifty, or even five years ago. He must study to keep himself aware of changes in the law and of the changes in the community itself which lead to and react to, changes in the law.

The Leo Cussen Institute, financed by the Victoria Law Foundation, has been set up by the legal profession as a direct result of the profession's awareness of the need for continuing education to enable us to cope with change. It has the fundamental resources needed for the task.

However, in the nature of things, if the profession is to benefit as it should from the establishment of a body committed to continuing education, the members of the profession have two essential roles to play.

Firstly, they must indicate their needs. The Leo Cussen Institute does not know by divine inspiration what fields of law are changing and where there is for this or any other reason, a need for instruction. It is for practitioners, the specialist and the generalist alike, to make known to the Leo Cussen Institute where help is needed.

Secondly, in most cases, instruction for the profession must come from the profession. It is for those with special knowledge and experience to conduct courses for others whose clients will need that knowledge and

experience. This is happening already and will continue.

Widespread interest in the Leo Cussen Institute's programme of courses for 1973 and the large attendances at the courses already held, shows clearly that the profession is aware of a need for continuing legal education. The 1973 programme is a simple experimental one, designed to provide courses of different kinds and to cater for different groups within the profession. With the benefit of that experience and further assistance from members of the profession, it will be possible to devise even more useful courses over a wider spread of topics.

While much of the need for continuing education arises from the increasing rate of change in the law and elsewhere this is by no means the only source of need. Refresher courses in special fields for people wishing to acquire expertise in a speciality, courses in subjects which an individual has chosen not to study at the University, and courses in routine techniques in particular situations, are all important.

In addition there are fields of learning outside the law, a knowledge of which can be of great importance to the practitioner. The lawyer should know enough to know when to call in the expert and how to communicate with him, and how to use his help to the fullest advantage of the client. This is so whether the expert be a town planner, a criminologist, an accountant or management consultant.

At present the Leo Cussen Institute is concerned to ascertain the needs of the legal profession of Victoria for continuing education. As a stimulus to thought the following list of titles of courses which have been held in several different jurisdictions may be of assistance. Some are likely to be relevant here and now; some are not.

United Kingdom

Lectures given for solicitors by the College of Law in recent years.

Evidence and the Solicitor
The Motorist and the Civil Law
The Motorist and the Criminal Law
Time Limit Traps

The Bastard and His Rights
 Interest Payments and other Tax Topics
 Estate Duty and the Changes
 Conveyancing: The New Conditions of Sale
 Leases: Security of Tenure up-to-date
 The Matrimonial Home up-to-date
 Bankruptcy - An Outline of the Modern Law
 Business Transactions Abroad - some traps for Solicitors
 Converting a business into a company, (with special reference to the revenue aspects)
 Drafting of Service Agreements
 Tax Planning for Retirement
 Improvements to Residential Property
 Compulsory Purchase and Compensation
 Let the Trader Beware
 New Divorce Law: Points in Practice
 Personal Injury Claims: Some recent cases on damages
 Industrial Relations Act: New Field for Solicitors
 The E.E.C. and the General Practitioner
 Marriage Breakdown: Nullity, Breakdown and Divorce
 Enforcement of Judgements including Attachment of Earnings
 The Budget 1972 and other Tax Subjects
 Value Added Tax and the Solicitor
 Landlord and Tenant
 Conveyancing Changes

United States of America

Some two day courses of lectures conducted in recent years by the Practising Law Institute.

Tax and Business Planning
 Mergers and Acquisitions
 Real Estate Construction
 Real Estate Value in Condemnation [= Acquisition]
 Co-operatives and Condominiums
 Nursing Homes: Legal and Business Problems
 Corporate Accounting Problems
 Accountants Liability
 Tax Fraud Cases
 Land Acquisition and Assembly
 Sale and Leasehold Financing
 Labour Aspects of Immunization Law

Supermarkets: Business and Legal Problems
 Commercial Litigation Preparation and Trial Pointers
 Psychiatry for Lawyers
 Conglomerates and Congeneries
 Small Trade Associations
 Tax Planning for your Corporate Client
 Private Clubs: Legal and Business Problems
 Personal Injury Liability
 Franchising: Second Generation Problems
 Going Public
 Tax Consequences of Investments
 Law Office Economics and Management
 Farm and Ranch Law
 Pleasure Boating: Legal and Business Problems
 Mobile Homes: Legal and Business Problems

Some "Summer Workshops" were conducted in 1964 by the Practising Law Institute, for periods ranging from two to five days. At these shirtsleeve working sessions, you will have the opportunity of spending a prolonged period with the leading specialists in your area and learning their methods for success. The workshops are also small enough in size so that each individual's questions can be discussed and analysed."

Planning Large Estates
 Counselling Professional Athletes and Entertainers
 Recruiting and Interviewing (of professional staff)
 Establishing and Administering Pension and Profit Sharing Plans
 The Lawyer's Secretary (for secretaries)
 Negligence Trials
 Personal Injury Medicine
 Experimental Medicine Liability
 Workshop for newly appointed prosecutors
 Maritime Personal Injury Trials
 Medical Malpractice for Plaintiff's Counsel
 Medical Malpractice for Defence Counsel
 Negotiating Settlements in Personal Injury Actions
 Pollution and Industrial Wastes
 Current Labour - Management Problems
 The Drug Industry

Representing Franchisors
 Importing and Exporting
 Financial and Legal Problems Confronting Industrial Companies To-day
 Computers and Law Office Management.

Victoria

Some of the various courses conducted chiefly as lectures in recent years by the Law Institute. An asterisk indicates a lecture intended primarily for newly admitted practitioners.

- Legal Aspects of trade with New Zealand
- Canadian developments in chattel security and consumer credit
- Trade Practices
- Valuation
- Contracting out of liability
- Office Management
- Evidence and contemporary science
- Matrimonial property disputes
- The multi-national corporation
- Alcohol, drugs and chattels
- Illegitimacy
- * Purchase of a Business
- * Local Government
- * Strata Titles
- * Civil Procedures in Petty Sessions
- * Mortgages and Leases
- Incorporation of small businesses
- Law office retirement planning
- Private company takeovers and amalgamations
- * Titles office procedures
- * Bills of costs
- * Contracts for Sale of Land
- * Town Planning Permits and Appeals
- Urban Renewal Act 1970
- Environment Protection Act 1970
- * Workers Compensation
- Professional negligence and solicitors' indemnity
- Liability for wrong advice
- Exemption clauses
- Life insurance

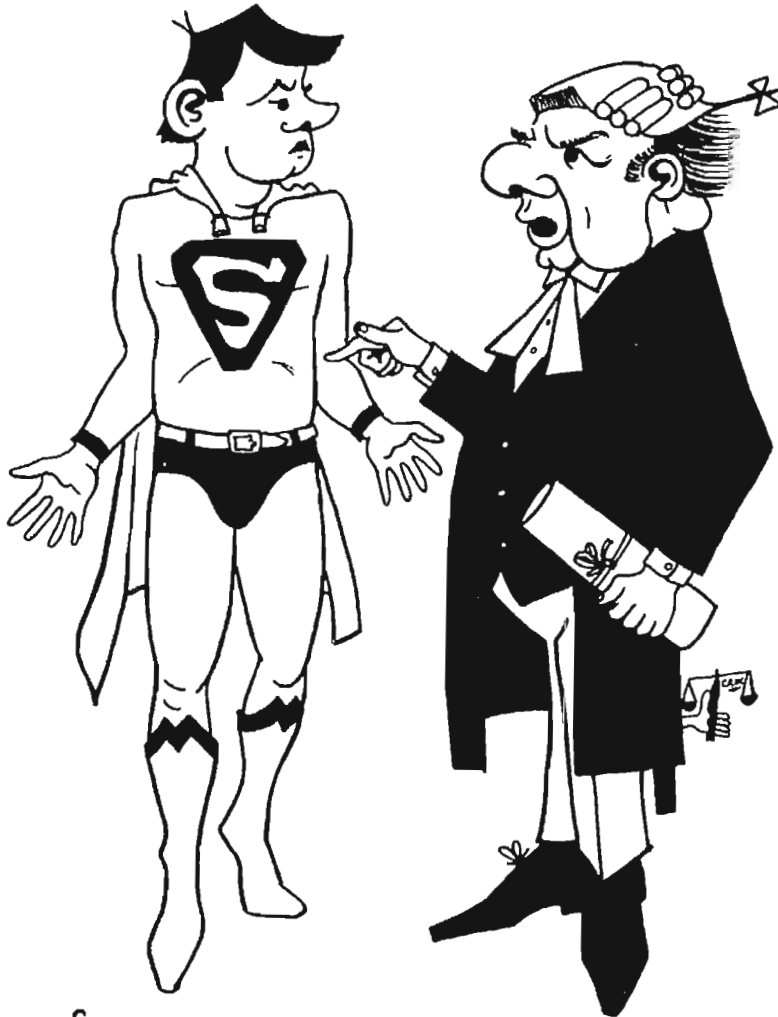
Finally, some suggestions which have been made to the Leo Cussen Institute.

Know-how agreements and the mainten-

- ance of trade secrets
- Trading with Japan
- Building and Engineering Contracts
- Commercial arbitration
- Workshops for Trial Lawyers
- The Unincorporated Association or Club
- Tax avoidance and estate planning (including special courses for country districts)
- Superannuation from both employer's and employee's view points
- Franchising
- Interviewing and recruiting lawyers
- Take-overs of companies and acquisitions of businesses
- Duties of Directors
- Company flotations
- Problems of Proof: EDP materials, expert testimony
- Criminal punishment today (collaboration with social workers, psychologists, etc.)
- Land use and environmental control
- Mineral exploitation (Constitutional issues: international law issues: municipal law; regulation of extractive industries)
- Copyright protection (which complements trade marks and designs, know-how, and trade secrets. Special attention might be given to public copying)
- Town and Regional Planning
- Local Government Law
- Export Business Law
- Children's welfare following breakdown of a family unit
- Financing of Companies: Private and Public Issue of Securities
- International Commercial Litigation and Arbitration
- Legal Aspects of Air Transport
- Trade Marks and Designs
- Liquidation of Companies
- Will contest cases.

It is hoped that the foregoing will stimulate the Victorian profession to recognise and express its needs for continuing education. This done, the Leo Cussen Institute can begin planning to satisfy those needs.

THE ADVENTURES OF LEX FORI



SURE, YOU LOOK GREAT —
BUT IT'LL RUIN YOUR ALIBI !

WORDS IN WIGS

Why do injuries "arise out of" motor car accidents? Surely injuries rather "descend from beneath" motor car accidents. The Inferno rather than the Resurrection is the correct metaphor. Injuries are never "caused" by motor car accidents. That is asserting a logic about motor car accidents which learned frequenters of the Magistrates' Courts know cannot exist.

Legislation is proposed "with respect to" a subject. So polite is our profession that **even concepts** bow to each other. The Federal Parliament has power "with respect to" the subjects listed in Section 51 of the Constitution. Even in this would-be practical document words take on the aspect of grave and mannered persons, words in wigs, preserving priority and place.

As in real life in the legal profession, so after a longer acquaintance, concepts too drop their formality. A letter is written "in reference" or "with regard" to a previous letter. The letters here are not "in respect", like barristers or Japanese. They are observing the easier etiquette of an Australian pub, "referring to" and "regarding" each other over a friendly beer.

And things like cross-examination "in relation" or even "relative" to character do go on. In this example the two concepts "cross-examination" and "character" are thoroughly familiar. The closeness however of their "relationship" is not entirely clear. We know what is meant when X "has relations" with Y. Let us say in this expression that the concept "cross-examination" and the concept "character" are **just good friends**.

Disgustingly simple words like "about", "concerning", or the S.O.E.D. — sanctioned "re" are quite inappropriate for a legal document. Their more than very careful and scarce use would destroy the carefully built forms upon which our civility, nay our civilization, is based. "Untune that string . . ."

- W. O. a'Beckett.

NATIONAL SCHEME OF REHABILITATION AND COMPENSATION — COMMITTEE OF ENQUIRY

Some members of the Bar have been concerned at the manner in which the Rehabilitation and Compensation Committee is carrying out its function and that any scheme it recommends might involve diminishing or changing the legal rights of injured persons adversely to their interests or might deprive them of the right to have legal representation in pursuing their right to compensation.

In order to examine the position in New Zealand which has resulted from the Woodhouse Report recommending the abolition of Common Law Actions for damages for personal injury, the Bar Council and the Law Institute Council requested Marks, Q.C. and John Richards to visit New Zealand for discussions with the Law Society of New Zealand and other interested persons. They visited Auckland, Wellington and Christchurch during the week June 8th to 15th and have brought back a wealth of information.

The Law Institute and the Bar Council have joined in establishing a Joint Sub-Committee to prepare submissions to the Committee of Enquiry. The Bar Council representatives on the Joint Sub-Committee are Marks, Q.C., Beach, Q.C., Ravech, Barnard and Costigan.

On June 18th, the Chairman of the Bar Council (Harris, Q.C.) and the Chairman of the Law Institute Council (Mr. John Dawson) discussed with the Chairman of the Committee of Enquiry, Mr. Justice Woodhouse the time and manner of a submission on behalf of the Victorian Legal Profession.

After considering recommendations by the Joint Sub-Committee, the Victorian Bar Council on the 28th June, 1973 passed three resolutions which were shortly thereafter adopted by the Law Institute of Victoria, the Law Council of Australia and the Australian Bar Association. All such bodies resolved that they —

1. Welcome the action of the Federal

Government in setting up an enquiry into a National Rehabilitation and Compensation Scheme applicable without proof of fault and the fact that the Government has left open to enquiry the question whether this scheme should be complementary to or alternative to or in substitution for common law rights to compensation.

2. Support the introduction of such a scheme as a complement to common law rights to compensation. They regard as contrary to the public interest, and oppose, the abolition or abrogation of common law rights to compensation for personal injuries without the feasibility and operation of the No Fault Liability Scheme having been fairly tested over a period of time so that its practicality, its effect upon the public and its capacity for expansion may be properly assessed.
3. Adopt the policy of seeking that the enquiry into a National Rehabilitation and Compensation Scheme be conducted as an open enquiry with the right of the public to have access to the information placed before the enquiry and the right to challenge such information.

JUDGE JEFFREYS AND THE VICTORIAN BAR

A young ancestor of the family of Tom Neesham, of the Victorian Bar, once charmed and softened the notorious Judge

Jeffreys. As a young man Jeffreys secretly courted a wealthy heiress. The courtship was by notes passed back and forth by her governess. Alas, the governess was found in possession of a note and promptly dismissed. Note passing stopped altogether.

Jeffreys looked with sympathy upon the governess Sarah Neesham, found her to his liking and married her. They had numerous children.

Later she died. Tradition has it that it was when her benign influence was removed by death that he commenced to act like a Judge Jeffreys.

"ALL IN THE FAMILY"

Father and daughter:

P. H. N. Opas, Q.C., and Miss L. Opas.

Husbands and wives:

Mr. & Mrs. A. Hooper.

Mr. & Mrs. F. Daly.

Father-in-law & Son-in-law:

Mr. P. J. Brusey, Q.C., and P. A. Dunn.

Brothers:

J. L. & R. M. Read.

E. W. & R. C. Gillard.

M. J. G. & R. P. Gorton.

NEW MEMBERS OF THE BAR

(from 22nd March, 1973)

<u>Member:</u>	<u>Master:</u>	<u>Clerk:</u>
J. P. Leckie	Villeneuve-Smith	Muir
P. V. Batros, (W.A.)		
P. J. Kennon	Batt	Muir
T. C. L. Morris	Costigan	Muir
Barbara A. Cotterell	Hampel	Muir
B. C. Cairns	Ryan	Muir
R. L. Van de Wiel	Black	Muir
G. Slim	Nicholson	Muir
D. G. Just	Winneke	Muir
K. R. Handley, Q.C. (N.S.W.)		
G. G. Hicks	E. W. Gillard	Muir
N. A. Parkinson	Walker	Muir
J. R. Therry-Ward (N.S.W.)		
P. C. Dane	Forsyth	Muir
R. F. Punshon	Hill	Muir
B. B. Braun	Chernov	Muir
D. G. McGregor, Q.C. (N.S.W.)		
I. D. McIvor	Vincent	Muir

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