

Victorian Bar News No. 8

Published by the Victorian Bar Council,
Owen Dixon Chambers, 205 William Street, Melbourne, 3000.

June, 1974.

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THE BAR IN PUBLIC AFFAIRS

A time of increasing participation in public affairs by the Bar Council and by members of the Bar is a good time to consider the way in which this should be done.

Under the Bar Rules the Bar Council is to represent those practising exclusively as counsel in Victoria. The Bar Council has always regarded it as part of its function to explain the position of the Bar to the public. If an answer is required to criticism of the Bar or a barrister, this is done by the Bar Council. The Judges are honorary members of the Bar and are in no position to make a public answer to criticism levelled at them. On occasions the Bar Council has replied to such criticism. In these cases it is always for the Bar Council to decide whether the criticism justifies an answer, or should be disregarded.

In recent years, the Bar Council has extended its role beyond a mere reaction to criticism, and has taken positive steps to explain the working and policies of the Bar. In 1971 a joint press statement by the Chairman of the Bar Council and the President of the Institute outlined the grounds on which County Court fees and costs were increased. Members of the Bar have appeared on television and given interviews to pressmen. An economics lecturer doing a master's thesis on the economics of legal advice has been given access to Bar material showing the basis on which fees to counsel have been assessed. In adopting the open approach the Bar Council proceeds on three premises. The bar has nothing to fear from an objective examination of the services it provides, the remuneration it receives, or the way in which it operates. If it adopted a siege mentality and refused to make available information about its working and affairs, the public would inevitably assume that it had something discreditable to hide. The Bar must do what is necessary so that the public will have an accurate and balanced picture of the profession, and what it does today. Too often in the past, public knowledge has been limited to newspaper reports of the misdemeanors of the marginal few who have broken the standards and obligations of their profession. The public has not been reminded that the great majority of the profession do their

work honestly and well, and do a great deal of voluntary work for the community benefit in such areas as legal aid and law reform. One of the pressing needs of the Victorian legal profession is professional assistance in public relations to enable it effectively to convey to the public a balanced and accurate view of its activities.

Traditionally, the Bar has accepted a responsibility to take a public stance on the civil liberties of citizens. Typically it has made public comment or otherwise sought to persuade governments where legislation infringing civil liberties has been proposed. Thus, before the Statute Law Revision Committee, it opposed a proposed amendment designed to confer on police statutory powers to search and fingerprint persons in custody and to have them medically examined or placed in an identification parade. While theoretically attractive, to the practitioner it was obvious that this would clearly redound to the detriment of arrested suspects. Early in this year, the Statute Law Revision Committee recommended against the amendment. In recent times, the Bar has commenced itself to initiate change in the interests of civil liberties. The Whelan Committee, set up by the Bar Council, entered areas of the rights to bail and other prisoners' rights which had been neglected by law reformers for decades. The impact of its published report will have a profound influence on the right to bail in Victoria and elsewhere.

The last few years have seen the Victorian legal profession extending its influence in law reform beyond questions of civil liberties. It has played a part in bringing about changes in the law in areas familiar to practitioners where reform was seen to be necessary in the interests of the public. It was a Bar Committee under Marks, Q.C. which, with a similar committee from the Institute, pioneered the work which led to the publication of "No-fault Liability" and the setting up of the advisory committee, including representatives of the Bar Council and Institute Council. The report of this advisory committee was implemented in the Motor Accidents Act 1973 which introduced a practicable scheme of no fault liability compensation in Victoria. The Molomby Committee, a Law Council Committee consisting of Victorian barristers, solicitors

and law teachers, in 1972 recommended the introduction of fundamental legislative changes in its report "Fair Consumer Credit Laws". Already many of its recommendations have been implemented by legislation in South Australia, and other states.

Two questions which continually face the Bar Council today are: which public questions should it enter, and when it does enter upon a public question what method should it use to achieve the adoption of its views.

The Bar Council represents a profession. It does not represent a pressure group of any particular social viewpoint. It has members who reflect most shades of social, political and philosophical views existing in the community. Unanimity amongst members of the Bar is a phenomenon seldom observed. A guide for the Bar Council is that it should intervene on public questions only where it judges that its stand is likely to be supported by almost all members of the Bar. The recent constitutional convention was a case in point. There is a substantial division of opinion at the Bar on the desirable allocation of legislative power as between the Australian and the State Governments. The Bar Council decided not to adopt any policy on the question. By contrast the Bar Council's adoption of the Whelan Committee's recommendations for substantial liberalisation of the law and practice on the granting of bail is likely to receive unanimous or near unanimous support from barristers.

When a policy on a public question is adopted by the Bar Council there may be difficulty in deciding the best course to take in support of the policy. Usually the objective is to influence a government, whether the Victorian Government or the Australian Government. A dispassionate consideration of the best method of approach to Governments is aided at present by the fact that of the two major rival political parties in Australia, one is in power in Canberra and the other in Melbourne. As a general rule the most effective approach is a direct approach to the minister concerned stating fully the reasons behind the Bar Council Policy. Usually such approaches are given careful consideration. After adequate opportunity for the minister to consider the recommendations and make whatever reply or comment he desires, it is often useful to publish the Bar report. This course has been followed with the Whelan Report.

If the Bar Council is seen by the Government and the public to be seeking the adoption of a policy in the public interest, its recommendations carry more weight, if, as so frequently occurs these days, a recommendation is made jointly by the Bar Council and the Law Institute Council. Sometimes, where a question on which there is a Bar policy is being publicly debated the Bar Council may judge that a public statement by it will influence the adoption of the policy. It must always resist substituting the temporary satisfactions of grabbing the newspaper headlines for the lasting results likely to follow from a thoroughly investigated and well prepared recommendation. It is notable that the significant instances where Bar Council policies have been adopted, have been cases where the depth and preparation of the Bar's recommendations made them virtually unanswerable. These methods are usually the most effective. There have been in the past and there will be in the future, cases where special circumstances require other methods to be adopted.

The removal of the shrouds of silence from the Bar institutions has extended to members of the Bar themselves. Within the last year, barristers in Victoria have become entitled to speak and write publicly in many ways previously denied to them. Members of the Bar may now speak to audiences or over radio or television or may write letters or articles for publication on legal and other subjects identifying themselves as barristers if they wish. They are subject to minor restrictions designed mainly to prevent touting for business or discussion by counsel of cases in which they acted. The old rules often meant that in a public controversy concerning the law or its administration those most fitted to comment had to remain silent. With the practising profession unable to comment, the media usually turned to academics, some of whom were through lack of practising experience not well fitted to comment. It also tended to influence barristers to remain aloof from outside activities, and to live within the somewhat cloistered limits of home, chambers and court. The barrister, the Bar and the public will gain from the experience of greater participation in public affairs by members of the Bar. At a stage when the Bar Council is more

frequently taking a stand on public issues, it is only fair that members of the Bar who take a different stand should be free to say so. The health and strength of the bar is enhanced not weakened by a toleration of dissenting voices.

R. E. McGarvie

BAR COUNCIL ACTIVITIES

Queen's Counsel in Criminal Cases.

The Bar Council has rejected a motion that in trials on presentment concerning the liberty of the subject it is permissible for a Queen's Counsel to appear for the accused without a junior barrister being briefed to appear with him.

Bar Subscriptions.

The Bar Council has decided to implement and the clerks have agreed to take part in a voluntary scheme under which members of the Bar give orders to their clerks to pay out of money due to the barrister bar subscriptions, barristers' benevolent fund contributions and other sums due to the Bar.

Liquor Licence.

It has been resolved by the Bar Council to take no action to obtain a liquor licence for Owen Dixon Chambers.

Trade Practices Bill.

The Law Reform Committee of the Bar Council resolved that the proposed amendment to the Trade Practices Bill 1973 and the notes thereon be referred to

- (i) a Joint Committee with the Law Institute to consider the consumer protection aspects of the Bill, the Bar representatives to be J. Dwyer and R. Armstrong;
- (ii) a Joint Committee with the Law Institute to consider the restrictive practices aspects of the Bill, the Bar representatives to be E. F. Dunphy and A. Goldberg.

Portrait of Sir Henry Winneke.

The Bar Council has joined with the Judges and the Law Institute of Victoria in commissioning a painting of Sir Henry Winneke by Paul Fitzgerald for presentation to the Supreme Court Library.

Council Rules.

Amendments to Council Rules were proposed in September 1973 but not then proceeded with. The Bar Council has now decided that as Council Rules have not been consolidated and revised since 1963 it should appoint a committee to carry out a revision of the Rules and report to the Bar Council. The committee appointed consists of Fullagar Q.C. (Chairman), Storey Q.C., Dawson Q.C., and D. Graham.

Use of Magistrates Courts.

Pursuant to a suggestion from the Young Barristers Committee the General Committee of the Bar Council resolved to write to the Secretary of the Law Department suggesting that Magistrates Courts be opened at 9 a.m. on court days to provide sheltered conference and waiting space for litigants and Counsel.

Production of Bar Roll and Minutes.

It has been decided that the Bar Roll and minutes of the Bar and the Bar Council should be micro-filmed and the micro-film stored at Mayne Nickless Vaults in South Melbourne.

Payment of Fees.

At the request of the General Committee of the Bar Council the Chairman has written to the Clerks requesting them to place on their account forms the following words: "In the absence of an arrangement to the contrary, these fees are payable within 90 days of this account."

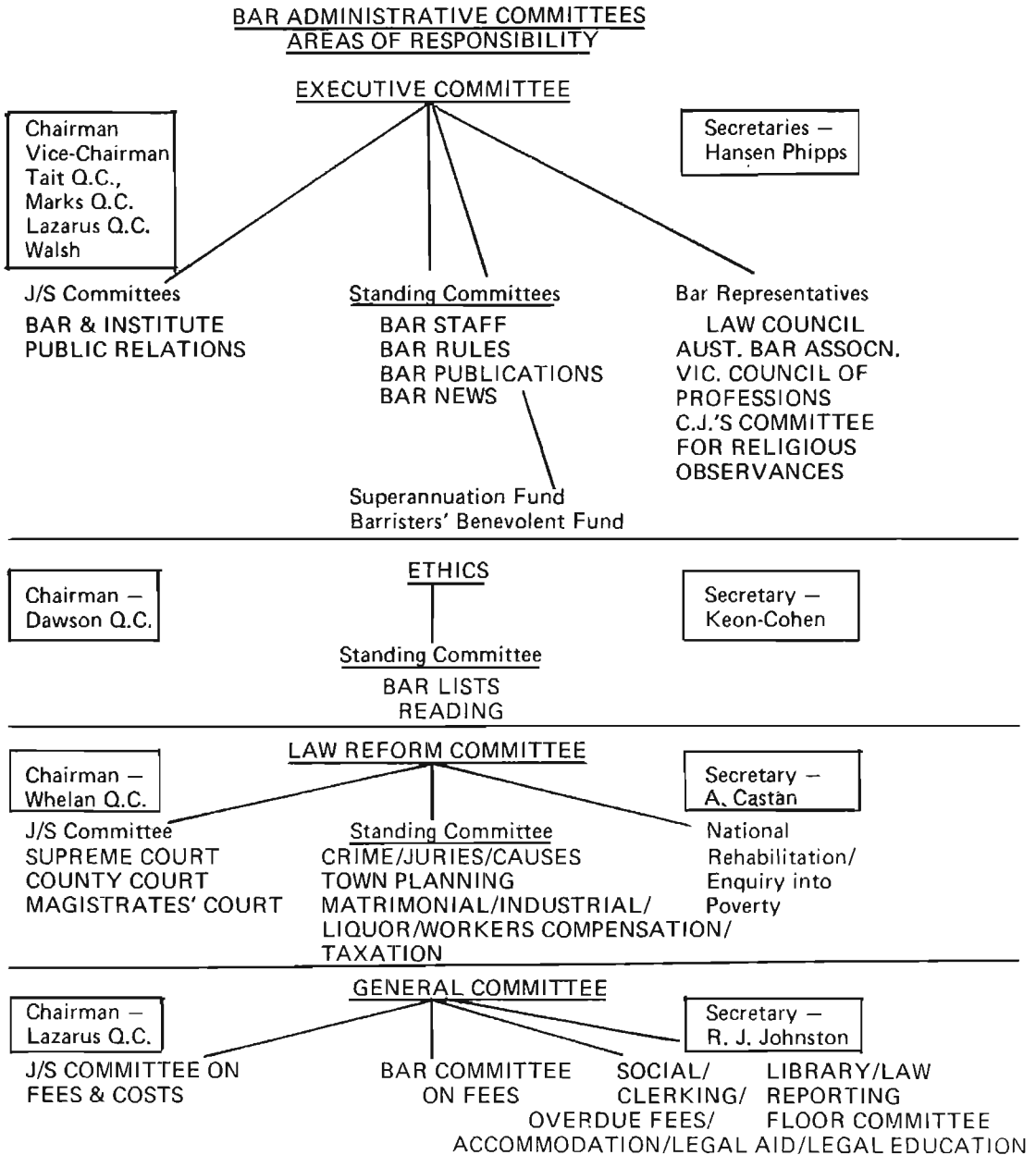
Use of Books in the Library.

The Bar Council has affirmed that in no circumstances shall Counsel or any other person without the express authority of the Chairman of the Library Committee remove any book from the library on the 13th floor for photocopying or any other purpose.

BAR ADMINISTRATIVE COMMITTEES.

Counsel are aware of the new system of Bar administration adopted by the Bar Council for a trial period until May 1974. The table below shows the areas of responsibility of the four administrative Committees appointed by the Bar Council.

The names of the members of all Bar Committees are set out on the notice board opposite the clerks rooms on the ground floor of Owen Dixon Chambers.



ENVIRONMENT PROTECTION LICENSING APPEALS

The Environment Protection Authority has now commenced hearing Third Party Appeals against licensing decisions of the Authority itself. The "third party" is a person "who feels aggrieved" and appeals on one or more of the available grounds in s. 32(5) of the Environment Protection Act 1970. When hearing such appeals the Authority is known as the "Environment Protection Authority Third Party Appeal Tribunal" and is addressed as "the Tribunal" or, through its Chairman, as "Mr. Chairman". Parties may be represented by barristers, solicitors or agent or may appear personally. Hearings are open to the public but, if necessary, may be held in part in camera with only the parties and their counsel or agents present.

The licensee (who will have been licensed, subject almost certainly to conditions, to discharge waste) and other persons who are parties may make oral or written submissions, the latter normally being read out by the person making the submission. Only one spokesman is ordinarily permitted to address the Tribunal; but witnesses, who are not required to take any oath, may be called to give evidence either by answering questions or by making statements. The Tribunal asks questions of witnesses first and then the parties may do so. Submissions are made in the order of third party appellant, licensee, and finally other persons in alphabetical order. Closing addresses are in the opposite order. After the conclusion of the hearing the parties are, in due course, advised of the decisions of the Tribunal.

The Environment Protection Appeals Board is concerned with appeals from the Third Party Appeal Tribunal with appeals by licensees from original licensing decisions of the Authority.

Before the Board any party to the appeal may appear by a barrister, solicitor or agent as well as personally. Evidence is generally required to be given on oath; except that the making of certain photographs and plans need not be proved.

Otherwise the rules of evidence are followed. The Respondent and then third parties cross examine the appellant's witnesses; respondent's witnesses are cross examined first by the appellant and then by third parties; third parties' witnesses are first cross examined by the appellant followed by third parties. Parties are permitted to make opening and closing addresses: appellant opens and then presents its case, followed by the respondent and then third parties in alphabetical order. Thereafter the appellant makes a closing address.

R. G. DeB Griffith

Gift of Candelabra.

The Bar Council acknowledged with appreciation the generous gift of a candelabra made to the Bar by Mr. Justice Harris.

JOINT STANDING COMMITTEES

It was noted in the last Annual Report of the Bar Council that there had been established a number of joint standing committees with the Council of the Law Institute of Victoria. This practice has been extended. In November 1973 the Bar Council joined with the Law Institute in the setting up of a Joint Standing Committee on Supreme Court Practice and Procedure. The Bar's members are Davies Q.C., Fox and Ormiston. This means that there are now joint standing committees in each jurisdiction.

In addition, joint committees have been established on public relations and on the use by former partners in a solicitors' firm of the name of a partner who has gone to the Bar. The Bar's representatives on the first committee are Lloyd Q.C., and Storey Q.C., and on the second committee they are Young Q.C., and Lazarus Q.C.

ETHICS

The Ethics Committee has resolved, in accordance with a ruling given in 1963, that as between two stuff gownsmen, seniority is decided according to the date of admission to practice rather than the date of signing the Bar Roll.

A member of counsel has been advised that there is no objection to a counsel being a member or chairman of a group comprising solicitors, accountants and barristers which meets regularly to discuss taxation and estate planning problems.

A summary hearing under the new Bar Disciplinary Rules has been held in relation to a member of the Bar. The offences which were found to have been proved were that the counsel involved had infringed a rule of professional conduct in two respects. A caution was administered.

NATIONAL SCHEME OF REHABILITATION AND COMPENSATION

In February 1974 a joint letter from the Chairman as the Chairman of the Council of the Law Institute was sent to each member of the Australian Parliament enclosing the joint submission of the Victorian profession to the Committee of Enquiry on a National Scheme of Rehabilitation and Compensation.

OMBUDSMAN

The Ombudsman has the important task of ensuring justice in administrative matters where no legal remedy lies. His role is complementary to that of the legal profession. It is therefore gratifying to know that two members of the Bar have been appointed to important positions in the office of the Ombudsman. T. Neesham is the First Assistant Ombudsman, and M. Lincoln the Senior Investigation Officer.

BARRISTERS CHAMBERS LIMITED

In response to the request of the Young Barristers' Committee it has been decided by the directors of Barristers' Chambers Ltd. that no new tenancies will be granted unless the applicant for the tenancy has paid or has agreed to pay by instalments a capital contribution to Bar Funds of \$2,500. In future 25% of the contributions by a member of the Bar to the Barristers' Superannuation Fund will be treated as a contribution to Bar funds for this purpose.

The directors also have decided that those who without good excuse persistently default in payment of rent of their chambers or their agreed instalments of capital contribution to Bar funds will have their tenancy terminated as a matter of course. They will be granted a special tenancy only upon their giving a bank order for the payment of their rent and instalments of capital contribution. Under a special tenancy they will pay a higher rate of rent which will be reduced to the normal rate of rent only if paid by the due date.

ACCOMMODATION

Barristers Chambers Ltd. has acted to provide more accommodation for barristers. It has taken premises on the 4th floor in Equity Chambers. This space will accommodate about 14 barristers. In addition, it has taken a lease on the 2nd and 3rd floors in Hume House.

CIRCULATION OF BAR NEWS

The Bar News is widely appreciated. The Chairman, Mr. McGarvie Q.C., was gratified recently to receive a letter from Mr. D. G. P. Russell, a practitioner in Rotorua, New Zealand, asking to become a subscriber.

18TH AUSTRALIAN LEGAL CONVENTION

The Planning Committee for the 1975 Australian Legal Convention, which will be held in Canberra, has confirmed that the date for the Convention will be the 2nd to the 9th July 1975.

BAR STAFF

There has been a re organisation of the staff of the Bar. The office of Registrar has been discontinued. Mr. D. E. Edwards is now engaged full-time in the office of Secretary of Barristers' Chambers Limited. He administers the affairs of that company and property of the Bar and continues to deal with barristers' tenancies and accommodation questions.

Miss Dorothy Brennan holds the newly created office of Executive Officer of the Victorian Bar. She administers the affairs of the Victorian Bar, the Bar Council and Bar Committees.

Mr. Edwards and Miss Brennan occupy adjacent offices in the administrative section on the 12th floor of Owen Dixon Chambers, Telephone 67 4298. Internal telephone Mr. Edwards (6) 177; Miss Brennan (6) 178

The proposal to engage an Accommodation Officer was not proceeded with. The other members of the Bar Staff are the Secretary-Typist (Mrs. Manning) and the Clerical Assistant.

The Caretaker, Mr. Brown continues to look after the care and running of the buildings.

CONTENTS OF CURRENT JOURNALS

For some time the Monash University Law Library has been producing for teaching staff, monthly photocopy collections of the contents pages of current legal journals received by the library.

It has been felt that these may also be of interest to practising lawyers, and the Supreme Court Librarian has agreed to display a copy of future collections in the Supreme Court Library.

MAGISTRATES' CONFERENCE 1974

The Chief Stipendiary Magistrate has informed the Secretary of the Bar Council that it was agreed at the last Magistrates' Conference that future Conferences would be held during the vacation of the Supreme Court. As a result, July 11–12 1974 has been allotted for the new Conference.

LAW REFORM COMMISSION

On the nomination of the Bar Council the Chairman (R. E. McGarvie Q.C.) has been appointed a member of the Law Reform Advisory Council for its first year of operation.

LEGAL AID

K. Jenkinson Q.C. and B. Treyvaud have been appointed Bar Council representatives on the Legal Aid Committee.

AMENDMENT TO READING RULES

The Reading Rules adopted on 8th March 1973 (see *Victorian Bar News* No. 5 p. 14) have been amended by substituting for Rule 1 (i) the following sub-rule:

“(i) he has made application to the Bar Council for permission to sign the Roll and the Honorary Secretary has granted him permission to commence attendance as a pupil in the chambers of a member of Counsel on the Roll of not less than seven years' standing.”

PERMANENT SECRETARIAT FOR LAW COUNCIL

At its meeting on the 1st and 2nd March last, the Executive of the Law Council of Australia resolved to implement a permanent secretariat. The secretariat will be located on the 4th floor of Humes Building until at least late 1976. A committee including the Chairman R. E. McGarvie Q.C., and D. Bennett from the Victorian Bar has been appointed as a Guideline Committee to recommend to the Executive a system of administrative organisation for the Law Council and its permanent secretariat

INTERRUPTION OF READING

The Bar Council considered an application by a member of the Bar who was reading for permission to break his reading period at its meeting on the 28th Day of March 1974. In the circumstances of that case the Bar Council granted permission for a break in the reading. However, it resolved that except where the Bar Council decides otherwise it is the general policy that the period of six months reading is to be without interruption.

ADVOCACY – AN ART WORTH REVIVING?

The art of advocacy "is an art indeed, but one of which in these latter days has fallen into neglect . . ." said the American jurist Stryker. It is a sentiment which seems to be a favourite among present day judges, who say in essence that advocacy, like Venetian glass work, requires both a skill and a flair which does not exist today in barristers.

It would be tempting to reply that the same judge could have been present at the demise of both. It would be even easier to attribute his thoughts to nostalgia and a desire for the return of the "good old days "

And when fireside discussion turns to the question of the "real" advocates, one realises that the names quoted authoritatively by the sages do not belong to this generation, with a mere handful of exceptions, perhaps for the present company.

The Change in Bar Rules

So much has been written about the decline of the art of advocacy that one wonders why something hasn't been done about it. Of course, the change in the Bar rules to prevent a barrister accepting briefs during the first two months of his reading will mean that a young barrister will spend more of his reading time in his master's chambers.

But will a young barrister acquire a great deal of useful knowledge from such an exercise? He may, but the chances are when he accepts his first brief in a magistrates' court, he will be unfamiliar of when and where to sit and stand, how to tender documents, when to cross-

examine and more importantly, when not to . . . he will only have seen his master in different jurisdictions.

Great Britain

The Omrod committee, appointed by the Lord High Chancellor, examined legal education in Great Britain. It concluded, in relation to pupillage, that "every effort must be made to improve it, and to eliminate, as far as possible, the difficulties which are inherent in the master pupil relationship . . . the danger that the pupil will not receive a sufficiently wide experience. Some of us think that much could be done to secure a wider experience by providing short courses on various topics of value in the early days of practice" (Cmnd 4595 p 77)

Based In Competence

Advocacy, the skill, is based on competence in the use of the rules of evidence and procedure, the tools of the trade. Clearly enough the art of advocacy is the refinement of competence. Equally clearly, the more quickly junior counsel masters the practice of his trade, the more likely is he to acquire those skills which we see in an advocate.

One would imagine that a Bar with a greater depth of skill in advocacy would make an overall greater contribution in decongesting the lists. There would also be innumerable juridicial advantages.

The answer may well lie in giving a barrister a thorough grounding in the basic principles of advocacy by a practical course during his reading. Such instruction would be complementary to the pupil master relationship and contribute the advantage of breadth of experience. It would also ensure that a

basic minimum of expertise was achieved by each new member of counsel.

Precedents for a Course

Such a proposal is not without precedent. The Inns of Court School of Law in England gives some practical exercises to new barristers under the supervision of more senior members.

A far more ambitious project was commenced in America by the National Institute for Trial Advocacy in 1972 (reported in *The American Bar Association Journal* 1972 Vol 58 page 1279). That course lasted for one month and tuition was given by leaders of the bench and the bar. The course was designed to enable the student to get as much practice as possible in performing learned principles and techniques.

First Course in Victoria

The first formal advocacy course in Victoria will take place this year during the six months full time articulated clerks course conducted by the Leo Cussen Institute. The instructor will be McPhee Q.C. It is intended that students will be given practical instruction in basic principles. They will learn by doing.

It will behove the bar to examine this course carefully if the "old values" are to be recaptured.

D. Ross

BAR TENNIS

The annual match against the Solicitors for the O'Driscoll Cup was played at the Albert Ground on the 17th of December, 1973.

The imminence of the Victorian Championships prevented the use of the ground on the day which would normally have been chosen, namely the 20th of December.

As it was a full court day the Bar suffered the usual problems of fitting their legal activities in with their social activities and a greatly weakened team was fielded. The result was the most severe defeat for the Bar since the matches have been instituted.

The organizers hope that next year they will be able to return to their former date when the trust the team will put up a better showing.

MOUTHPIECE

"They've got to be joking!"

"Who's joking about what?" I asked innocently.

"The price of the new reports. You must have seen it." The eyebrows of the indignant Counsel fairly shot into his former hairline.

Yes, I had seen the price list. It was a source of some consternation to me. But it had been some considerable time since the publisher's memorandum on this subject had found its way to my chambers and even then I hadn't really noticed it. Its impact had been carefully dulled by concealing it within advertisements for other books — books that would be of use only to those who had a busy practice selling strata titles to the G.P.O. and advising the Attorney-General on the

exercise of the prerogative of mercy in the A.C.T.

A moment's reflection revealed the enormity of the problem. There was each of 400 Barristers, seated quietly in his room, wallpapered by impressive books. The meanest library would have cost \$500. "The authorised reports are an absolute must for every style of practice. And then I simply must have some at home to cope with the paper-work." I suppose the average library in the building would be worth about \$4,000.

"Three quarters of a million worth of paper", I mused.

My brown study was disturbed by the arrival of a very pale wig. "Can you lend us five dollars?

This question disclosed at once the purpose of his visit and the state of his purse.

"And for what fell purpose do you require this sum?" I cautiously countered.

"Well, I have to go to Harston's to buy some paper. I had to pay the Butterworth instalment this week."

"You can't tell me things are as tough as that".

"It's the same for all the young fellows who are waiting for money".

I was amazed at this situation and could not but feel that if some of my clients conducted their business in this way they would not be able to afford litigation. Why don't they get together and buy cheap stationery and combine their libraries?

We adjoined for tiffin.

"Firstly its not done, except occasionally" said one straight back. "And secondly

the cost is still very high".

The waist coat: "We are in a profession not a business."

One of the sippers had an amazing and enlightening piece of intelligence.

"I'll wager the Bar Council doesn't pay that price".

We begged him to elaborate.

"My guess is that if the Bar Council buys books or booze", the sipper continued, "it gets a reduction. A wholesale price if you like".

"Well if the Bar Council can get it" said the straightback beginning to unbend, "why can't all the barristers join in bulk purchase to force the same concessions?"

"No reason at all" replied the sipper.

"Except that we are a group of individualists" said the waistcoat. "Our members would not engage in this sort of trade unionism."

But the straightback was not to be diverted, "We'd have to be the only trade or professional body that does not enforce a wholesale margin," he groaned.

"When the reports become computerised, as is the case in America, the need for sharing data facilities will be an even greater necessity" added the sipper.

"Not at all" responded waistcoat", we pride ourselves on our independence so much that we'd all buy our own machines.

It seemed to me that if the Bar Council ran a business it is surprising that its members did not.

Byrne & Ross, DD.

MEMBERS WHO HAVE SIGNED THE ROLL SINCE 5/10/73

C. G. Hillman	J. L. Read	Muir
H. Jolson	Goldberg	Foley
G. K. Moore	Dove	Dever
D. J. Belson	Winneke	Foley
J. A. Jordan	J. Kauffman	Hyland
K. R. Handley (N.S.W.)		
J. R. Therry-Ward (N.S.W.)		
A. R. Crozier-Durham	Tolhurst	Spurr
W. B. Strugnell	Mattei	Calnin
A. E. Scott	Stott	Calnin
O. M. Kiernan	Porter	Muir
J. H. Telfer	Forsyth	Calnin
J. B. Peirce	Willshire	Calnin
P. T. Fox	Fagan	Dever
P. V. Batros (W.A.)		
D. R. Gibson	Dunphy	Dever
N. J. Webb	Emery	Muir
D. E. Allan (Prof.)		
P. F. McDermott	Frizzell	Dever
D. G. Williamson		Spurr

MEMBERS WHOSE NAMES HAVE BEEN REMOVED AT THEIR OWN REQUEST

S. S. G. Pinzone
 M. J. Hannan
 P. J. Brusey, Q.C.
 L. J. Hayman

TRANSFERRED TO NON-PRACTISING LIST

D. J. Walls

TRANSFERRED FROM NON-PRACTISING LIST TO PRACTISING LIST

H. B. Connell

SOLUTION TO CAPTAIN'S CRYPTIC IN ISSUE NO. 7

Across

1. Interlocutory
9. Me
10. No
11. All
12. Plead
13. Act.
14. Marry
16. Entry
18. Bar
19. Gorge
20. Stand
21. Gaoled
22. Accost
24. Vendor
26. Cestui
27. Leave to defend.

Down

2. Nulla bona
3. Em
4. Reply
5. Overt act
6. Undue
7. To
8. Rack-rents
15. Regaled
17. Notices
21. Gavel
23. Tried
25. Rat
26. Cad

VICTORIAN BAR NEWS

Editors: Haddon Storey Q.C. and R. J. Johnston.

Editorial Committee: D. M. Byrne, D. Ross, L. Opas and M. Rozenes.

Printed by: W. & K. Purbrick Pty. Ltd.

APPOINTMENT OF NEW CHIEF JUSTICE

On the 1st May, 1974 the legal profession welcomed His Honour Mr. Justice Young to the Bench.

The occasion was a memorable one, because Mr. Justice Young was welcomed also as Acting Chief Justice and as the person who would become only the ninth Chief Justice to have occupied the office since 1852.

From the time he signed the Bar Roll in February 1949, Mr. Justice Young played a prominent and active part in the life of the Bar. In only his second year at the Bar he became the Honorary Secretary of the Bar Council, and he held that position for ten years. As Honorary Secretary Mr. Justice Young gave a great deal of his time and energy to the affairs of the Bar.

From 1969 to 1972 Mr. Justice Young was a member of the Bar Council, and during this period he served the Bar with great distinction. He became Chairman of the Ethics Committee, and he brought great qualities of compassion and understanding to this task. He also devoted considerable time to the preparation of a statement of the ethical rules which govern the conduct of members of the Victorian Bar which will be published shortly. This statement goes beyond a mere compilation of rulings of the Bar Council and includes connecting narrative and statements of principle.

In addition, Mr. Justice Young chaired many of the committees of the Bar Council whose recommendations have resulted in a re-organisation and strengthening of the Bar in recent years. In his many activities Mr. Justice Young has had a substantial influence on the Bar, and as Chief Justice he will well understand the true role and function of the Bar in the legal system.

Mr. Justice Young brings to the Bench many qualities and qualifications which fit him well for the high office he will occupy.

He was a strong but courteous and successful advocate with an extensive practice. He is the co-author of a recognised work on company law, and was a lecturer in company law, for a

number of years. But equally importantly, he is a man of high moral character.

In welcoming him to the Bench, the Chairman of the Bar Council pointed out that the Bar knew of his strong sense of fairness and justice, his courtesy and good manners, his strength and ability and his respect for people.

The Bar takes pride in Mr. Justice Young's appointment, and wishes him well.

SIR HENRY WINNEKE

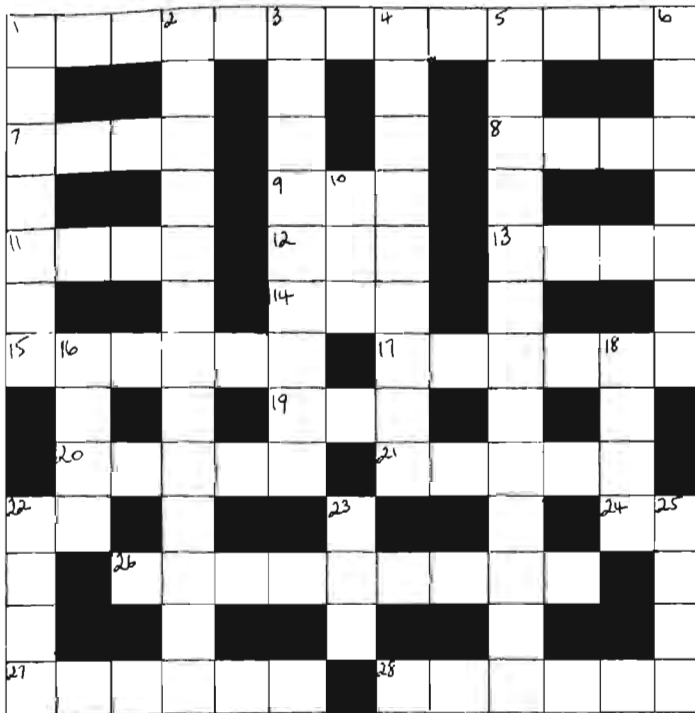
On Monday the 29th day of April 1974 the legal profession of Victoria farewelled the retiring Chief Justice of the Supreme Court, Sir Henry Winneke, on his leaving the Bench prior to taking up his appointment as Governor of Victoria.

At the farewell ceremony, the Chairman of the Bar Council, Mr. R. E. McGarvie Q.C., farewelled Sir Henry on behalf of the members of the Bar. In his speech the Chairman recounted how the Chief Justice had been the first holder of the office of Solicitor-General when it was established as an office to be held by a Queens Counsel who was not a Minister of the Crown in 1951 and thereafter held that office until appointment as Chief Justice in 1964. The Chairman stated that whilst Solicitor-General, Sir Henry had become identified with the attribute of fairness and this attribute had remained predominant in the subsequent judicial career of Sir Henry.

The qualities which Sir Henry displayed as Chief Justice will fit him well in his office as Governor. His sense of Justice, courtesy, understanding and sympathy which were so much in evidence on the Bench are splendid attributes to bring to such a position. These qualities were exemplified particularly when Sir Henry presided in the Court of Criminal Appeal and the Court was dealing with unrepresented appellants. The Court treated such appellants with respect and dignity, and they were able to conduct their cases with a minimum of embarrassment.

As the Chairman stated the respect which the Full Court of the Supreme Court of Victoria commands throughout not only Victoria but the whole of Australia and beyond is in no small measure due to the erudition which Sir Henry brought to bear whilst presiding in the Full Court.

Sir Henry is the first Victorian Governor with a completely Australian background. He also is the first Governor to be a Member of the Victorian Bar. This is a fact in which the Bar takes great pride. The Bar wishes Sir Henry well on taking up his high office as the Queen's representative in Victoria.



ACROSS:

1. According to what is just and good in Latin arbitration (2, 5, 2, 4)
7. An action in clothing (4)
8. The point is quite fastidious (4)
9. Add an Egyptian god to make a kingdom of the tree (3)
11. Utter a full loud sound, as a judge enraged (4)
12. Equal, for a change, to the charge (3)
13. One must perform this task to be a keeper (4)
14. Make law a pointed instrument (3)
15. Go back to answer (6)
17. Bring the charge (6)
19. A vehicle for many actions (3)
20. Put a case to disagree (5)
21. Hanker from any . . . er . . . (5)
22. One indefinite article (2)
24. The Greco? (2)
26. Diver Pane would not honour his debts (5,4)
27. The judge's name belies his mastery (5,1)
28. Having enacted, moved on (6)

DOWN:

1. "he profits from risk and uncertainty" (7)
2. Come in, O legal finale (5, 8)
3. Publication, in a manner of speaking (9)
4. Penalising good behaviour? (9)
5. If not related to Gilhooley, they would receive a benefit (13)
6. and long unpaid we presume (7)
10. Little Raleigh becomes our profession (3)
15. Dashed punctuation! (4)
18. Not M'Naughten's presumed state of mind (4)
22. To change humanities could produce an expression of frustration (4)
23. The litigious but unnamed others (3)
25. A scottish devil turned false (4)