

Victorian Bar News No. 9

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

September, 1974

IN THIS ISSUE:

	PAGE
RECENT ACTION BY LAW COUNCIL OF AUSTRALIA	2
JUSTICES OF THE PEACE	3
VICTORIA LAW FOUNDATION	6
THE LATE LOUIS VOUMARD	9
THE LATE PETER BRUSEY	10
READING RULES	11
MOUTHPIECE	11
CANOEING DEBACLE IMMINENT	12
NEW MEMBERS OF THE BAR	13
NAME REMOVED AT OWN REQUEST	13
MANY CAPS MAKE FOR LIGHT WORK	13
LADIES AT THE BAR	14
BENCH AND BAR AGAINST COMBINED SERVICES GOLF	14
CHILDREN'S WELFARE ASSOCIATION OF VICTORIA	14
AMNESTY INTERNATIONAL	14
ESTABLISHMENT OF CLERKING COMMITTEE	14
CLERK DURING FIRST TWO MONTHS AT THE BAR	14
BARRISTERS RESUMING ACTIVE PRACTICE	14
CAPTAIN'S CRYPTIC	15
SOLUTION TO CAPTAIN'S CRYPTIC (No. 8)	16

RECENT ACTION BY LAW COUNCIL OF AUSTRALIA

OFFICES MOVE TO MELBOURNE

The Secretariat of the Law Council moved to the 4th floor, Hume House, 185 William Street, Melbourne during April. It is at present run by Mrs. Yvonne Laughlan, Secretary/Stenographer. The Honorary Secretary of the Law Council is Mr. Robyn H. Y. Syme of the firm of Hedderwick, Fookes and Alston and the Assistant Honorary Secretary is D. M. Bennett of this Bar. The Honorary Treasurer is McGarvie Q.C. Steps have been set in motion to advertise for a full-time Secretary-General. The Law Council practice is that the members of the Executive in the city which as the Secretariat for the time being, act as a Local Executive Committee to deal with the management and administration of the organisation. The local Executive Committee which meets at the Law Council Office each Tuesday, consists of Messrs. T. Molomby, J. Cain, R. E. McGarvie Q.C., R. H. Y. Syme and D. M. Bennett.

EXECUTIVE DECISIONS

Between 16th and 18th May, 1974, a meeting of the Executive of the Law Council of Australia was held in Sydney. Among the decisions made and the matters discussed at the Executive Meeting were the following :

- (a) That in the interest of economy and convenience, as a general rule Committees of the Law Council will be made up of members from the one State or Territory. Also in the interest of communication between the Executive and the Committee and in order to have a direct line of responsibility to the Executive, major committees should have a member of the Executive as Chairman or convenor wherever possible.
- (b) The Newsletter is to be made an interesting publication. Its Editor is D. M. Bennett who receives journalistic assistance from Mr. Columb Brennan. It was decided that the Newsletter should issue within four weeks after an Executive Meeting and contain material that is current and topical. Normally there should be four or five issues a year.
- (c) Submissions on behalf of the Legal Profession have been made to the Asprey Committee which is enquiring into the Australian Income Tax System.
- (d) The 18th Australian Legal Convention at Canberra in July, 1975 is likely to have as its official guests the Chief Justice of the United States of America and a Judge from Eire.
- (e) The Victorian Joint Committee on the Human Rights Bill has been asked to collate the views of the various constituent bodies of the Law Council by the end of June.
- (f) A comprehensive report from the Committee of Computerization of Legal Data dated March, 1974 has been received by the Victorian Bar and other constituent bodies from the Australian Attorney-General. The Committee included a representative of the Law Council. It was suggested that members of the Committee be invited by constituent bodies to address their members upon the potentialities of computers for obtaining legal data.
- (g) The President of the Law Society of Papua New Guinea, Mr. Keith Young attended the Meeting and gave a comprehensive report on the situation of the Legal Profession in Papua New Guinea. He suggested that the Australian Legal Profession could give assistance in the following ways :-
 - (1) By providing finance for the printing of pamphlets and the running of a bus by local students in their Legal Aid Assistance Scheme.

**TO: The Secretaries and Council (respectively)
of:
The Law Institute and Victorian Bar Council
of Victoria
4th July, 1974.**

Sirs:

re: Judicial Powers of Victorian Justices of the Peace.

In the Melbourne Herald of 15th July, 1974 there was published a remarkable letter under the names of your leaders, Messrs. R. E. McGarvie Q.C. (Chairman) and J. A. Dawson (President), respectively. As this purported to speak for both prestigious bodies, on the strength of the specious claims made therein, I am impelled to make a very strong protest.

I will deal seriatim which several of the points which I state are plainly objectionable about the letter, viz:—

1. The opening paragraph refers to a feeling about a recent Herald controversy anent the judicial powers of justices of the peace in Victoria that "we at the law institute feel that we should not remain silent".
COMMENT: May I invite both your associations to indicate how many of the general body of members were made privy to the need to break "silence" on this — despite having "no financial or career interest"?
2. The seventh paragraph declares there is a differential standard in quality of adjudication as between the paid magistracy and justices ("less satisfactory") in the overall "experience of practising lawyers in this state".
COMMENT: Apart from the patronising dogmatism of this allegation, which is unworthy of saddling the rank and file of your members with, this is a generality that can have no real basis. What evidence can you adduce? Was there a plebiscite of members? It certainly fooled the Herald editorial (in its issue of July 3).
3. The ninth paragraph is more patronising than usual (perhaps, commendably so). Here your learned leaders evince a concern that the proper application of the law be left to training "regarded essential for stipendiary magistrates".

COMMENT: The cautious wording here betrays the fact there is not so much disinterest (despite the assurance lawyers have no "financial or career interest" in this controversy). Lawyers are well aware of the limited jurisdiction of justices of the peace in our courts. So that the inferences left by this insert do not do your members, or your leaders, any credit at all.

4. The eleventh paragraph makes this laudable assertion: "We are, however, concerned with the quality of justice received by citizens". We share common ground there, perhaps?

COMMENT: Is not "quality" a relative thing? With most litigants (and counsel) this "quality" is measured as to whether one wins or loses a case, at Privy Council level or St Kilda Magistrates' Court. I fear your leaders "took on" the Herald on this one. But in a public controversy, I suggest it does the profession no credit at all?

5. The final three paragraphs seek to express the hope that Victoria will adopt the New South Wales practice where the participation of justices of the peace in courts there is minimal.

COMMENT: In the first instance, is it a fact that in NSW justices "have not for years sat upon courts nor exercised judicial powers". For the rest. What studies or research have been undertaken by either of your bodies to prefer "the position which has long existed in NSW"? With the invaluable "local knowledge" of justices plus the expense involved (in a time of inflation in the economy) — without some such research — what grounds are there for change? On the other hand there is ample evidence that many a court situation here has been "rescued" by the presence of a justice.

I pass on now to another matter — perhaps it is germane to the issues here? On 31st October 1966, according to the Melbourne "Age" next day, Mr. McGarvie was reported as having addressed the Constitutional Club of Melbourne. The report outlined a number of what I regarded at the time as irresponsible claims about justices of the peace

generally and, accordingly, I registered my complaint in a letter to the Bar Council of Victoria. Your members, no doubt, will regard the findings of the latter body of some interest? The then Chairman, Mr. Kevin Anderson QC (today — His Honor Mr. Justice Anderson of the Supreme Court of Victoria) wrote:

15th December, 1966.

"Dear Mr. Power,

Further to your letter of November 5 1966 in relation to statements attributed to Mr. R. E. McGarvie Q.C. concerning Honorary Justices. I have now to inform you that the Victorian Bar Council has investigated the matter raised by you. The Council has considered Mr. McGarvie's address as a whole and is satisfied the remarks attributed to him in the press were taken out of the context of his address to the Constitutional Club and for that reason do not give a true representation of the sense in which they were made.

It was further determined, as Mr. McGarvie was expressing his own personal views on the occasion under consideration and was not speaking on behalf of the Bar or of my Council, that no action be taken by my Council.

Sincerely yours,
(Signed) Kevin Anderson
CHAIRMAN."

COMMENT: Did senior counsel claim a "mis-reporting"?

Is the public to assume that Mr. McGarvie NOW, in fact, expresses the official view of the profession? The exchange referred to (with Mr. Anderson and the Bar) was included in a book I wrote in 1967 — "Stranger at the Door" — about the work of justices (pages 135—8), copies of which I left with both your associations, at the time.

When a responsible journal ("The Herald") is impelled, in its issue of July 3, to publish "considerations of economy must not override considerations of justice" on the strength of the flimsy "evidence" adduced by your learned leaders (with the punch-line, "And they are right") which would never be admissible in any "Kangaroo

Court" (such as the Victorian Football League Tribunal — to which SM's and some members of the Bar lend their prestige), is it not time then for the profession to take stock of the "quality" of its current leadership?

Hence it is that, again, I protest to your respective associations. May I, respectfully, invite the Committees of both bodies to require of their leaders to produce tangible instances, apart from generalities, to justify their published criticism of justices of the peace; and, furthermore, present these to the Honorable, the Attorney-General, for investigation? If Messrs. McGarvie Q.C. and Dawson are unable or are not willing to do this, may I invite a public apology to justices?

Yours sincerely,
Frank R. Power (JP)

c.c. The Herald, HSV7, The Age, RVAHJ,
Sir Philip Jones, The Minister.

**Honorary Secretary,
The Victorian Bar Council 22nd July, 1974.**

Dear Mr. Hansen,

re: Judicial Powers of Justices of the Peace.

Thank you for your form acknowledgement of the 19th. I look forward to the further advice you forecast. You will surely appreciate that the Herald article on July 2, under the offensive caption "Injustice on the Cheap", contained NO facts — yet it purported to speak for your members.

You may rest assured that there is nothing "cheap" about the time and effort put in, much of which your members have long stood to benefit from? In a period of gross inflation in the economy, the President Kennedy concept of, "Ask not what your country can do for you — ask what you can do for your country", is never better exemplified than by Justices of the Peace. As for "quality", many a judge has provided instances of our standing in this area. It has been my experience to have

previously had confrontations with your Council. These were fairly conducted and I would now express the hope that justice will prevail in your deliberations upon the issues herein.

Sincerely yours,
(Signed) Frank F. Power

13th August, 1974.

Dear Mr. Power,

re: Judicial Powers of Victorian Justices
of the Peace

I am writing to advise you that your letters of the 4th July and the 22nd July, 1974 have been considered by the Victorian Bar Council at a meeting held on the 3rd August, 1974.

I have been directed by the Bar Council to inform you of that fact and of the following, namely that:—

- (a) the Chairman of the Bar Council acted with the authority of the Bar Council in joining in sending the joint letter upon the exercise of judicial power by Justices of the Peace which was published in the "Herald" on 2nd July, 1974;
- (b) in New South Wales Justices do have rights to exercise judicial powers but seldom do so;
- (c) the Bar Council confirms the statements in the joint letter and confirms that they represent the experience and views of the great majority of members of the Victorian Bar who have practised in Courts of summary jurisdiction;
- (d) Mr. R. E. McGarvie Q.C. did not claim that his address to the Constitutional Club on 31st October, 1966 had been mis-reported in the press. The Bar Council of its own motion, having considered his address as a whole, was satisfied that the remarks attributed to him in the press were

taken out of the context of his address and for that reason did not give a true representation of the sense in which they were made.

I have also been directed to provide those to whom you sent a copy of your letter, with a copy of this letter. Accordingly, a copy of this letter is being provided to the Editor, The Herald; the Manager, HSV7; the Editor, The Age, The Secretary, Royal Victorian Association of Honorary Justices, Sir Phillip Jones and the Attorney-General of Victoria.

Yours sincerely,
(Signed) H. R. Hansen,
hon secretary,
Victorian Bar Council

VICTORIA LAW FOUNDATION

With the appointment of a full-time Executive Director (Dr. Robin Sharwood, who took up office in March) and the opening of offices shared jointly with the Law Reform Commissioner (at 155 Queen Street), the Victoria Law Foundation has entered upon a new phase of its activities.

The Foundation was established by statute in 1967. The statute (as amended) takes the form of amendments to the Legal Profession Practice Act, and the full citation is appended hereto as a note.¹ In moving the Second Reading of the Bill in the Legislative Assembly, the then Attorney-General described its objects thus:—²

"The Bill proposes the establishment under the name 'Victoria Law Foundation' of a body of impressive stature, dignity and weight having particular authority within the resources it commands to promote essential law research projects, legal education and law libraries and a general charter for moving towards the improvement of the law and its administration".

The Foundation comprises ten members. The Chief Justice, the Attorney-General, the President of the Law Institute and (under a provision of the Law Reform Act 1973) the Law Reform Commissioner are all members ex officio; the Chief

Justice is designated in the Act as President of the Foundation. The two ex officio members first named together with the Law Institute each nominate two additional members — “duly qualified legal practitioners” — who are then appointed by the Governor in Council. A list of the Foundation’s present members is appended hereto.³

The income of the Foundation is provided from the surplus (as statutorily defined) in the Solicitors’ Guarantee Fund. This Fund derives the greater part of its income from the interest earned on that proportion of solicitors’ trust accounts required to be deposited with the Law Institute for investment under provisions of the Legal Profession Practice Act first introduced in 1954. The surplus in the Solicitors’ Guarantee Fund is now shared equally between the Foundation and legal aid.

The Foundation reports to Parliament through the Attorney-General.

So much by way of introduction. What has the Foundation done since it began its work in 1969, and what does it hope to do? Without attempting a complete catalogue of its activities, we shall examine each of the statutory heads in turn.

(i) The promotion of legal research relating to law reform in Victoria.

So far the Foundation has acted largely by making grants-in-aid to individuals or bodies for approved projects. It has taken a broad view of what is encompassed by the term “legal research” and of the relationship which such research must bear to law reform. Thus, in addition to grants to such bodies as the Chief Justice’s Law Reform Committee and law reform committees of the Bar and the Institute, and to individual research workers in fields such as copyright law and compulsory acquisition of land, it has made grants for several projects in the fields of criminology and what might be called “legal sociology”. Further it has already in two instances jointly sponsored projects with the (N.S.W.) Law Foundation; it may

be expected that there will be other co-operative ventures of this kind, because the Act expressly contemplates that research might take place beyond the borders of the State, and its concern is with law “in” (not “of”) Victoria.

With the passing of the Law Reform Act 1973, the Foundation now has a statutory responsibility to fund the operations of the Law Reform Commissioner, and it has begun to do so.

The Foundation itself also intends to engage in research into law reform, in appropriate cases. To this end, and to avoid unnecessary duplication of effort, a “clearing-house” arrangement is being set up with the Law Reform Commissioner, the Chief Justice’s Law Reform Committee and the Statute Law Revision Committee. Suitable consultative arrangements will also be entered into with the State Law Department, the Bar, the Institute and the Law Schools.

(ii) The promotion of legal education in Victoria.

The principal object of the Foundation’s concern under this head has been the Leo Cussen Institute of Continuing Legal Education, to which it has made large grants by way of subsidy. There have also been significant grants for particular purposes to the Law Schools of Melbourne and Monash, to LaTrobe University (for the Department of Legal Studies) and to the Institute of Legal Executives. Subsidies have been given to support special law lectureships (Southey, Barry, Fullagar) and for other projects of a minor nature.

This is an area where the limits of the Foundation’s statutory responsibilities have not been finally determined and where the relationship between Foundation financing and financing from other sources (notably, Government sources) has yet to be worked out.

(iii) Assistance to law libraries in Victoria

Important assistance has been given to the Law Libraries of Melbourne and Monash Universities, the Bar Library, the libraries in Magistrate's Courts and the legal collections in the libraries in Magistrate's Courts and the legal collections in the libraries of La Trobe and the R.M.I.T. To promote the neglected cause of law librarianship in this country, a grant has recently been made to the Law Librarian at Monash (Mr. E. J. Glasson) to enable him to attend a course at the Library of Congress, Washington, D.C.

The Foundation has agreed to purchase the library of Mr. Justice Pape for the joint use of the Law Reform Commissioner and itself, and provision for it has been made in the suite at 155 Queen Street, it is intended to develop this superb basic collection as a specialist library in the fields of the Foundation's statutory responsibilities.

(iv) Improving the administration of law in Victoria.

The most important project to have been supported so far under this head is the Law Department's pending study (using management consultants) of criminal trials and criminal appeals in the County Court, Melbourne.

The Foundation has also made a substantial grant to the Law Institute for an expert survey of solicitors' earnings and expenses. Thus the statutory head is being interpreted so as to cover studies of the profession itself — its role, its functions, its organization and so on. Such an interpretation is of some importance, not only because this is an area which is attracting thoughtful attention overseas but also because it is an area into which the official law reform bodies would not seem able to enter.

In reliance on one or other of the heads, or a combination of them, the Foundation has subsidized a number of publications, in whole or in part. No doubt grants to this end will continue to be made, although experience overseas suggests that they

should be made with considerable caution, or publishers may come to look on the Foundation as a means for avoiding what ought to be ordinary commercial risks.

The future of the Foundation seems to lie in the natural development of the potential already appreciated as inherent in its statute. The opportunities before it are very great, and as it becomes more expert in its task and better known within the profession, the Universities and the community generally, there will be no lack of projects to which it can set its hand, either directly (through a modest staff of its own) or by way of grants to others. While no-one should expect miracles overnight — Foundation administration is a complex and responsible task, and the reform of "lawyers' law" should never be rushed — there is every reason to suppose that the Foundation is determined to play an influential and constructive role in the shaping of our law and legal institutions (professional and academic) in the years to come.

Dr. R. L. Sharwood

1. Legal Profession Practice (Victoria Law Foundation) Act 1967; Legal Profession Practice Act 1969, s.2; Legal Professional Practice (Amendment) Act 1970; Legal Profession Practice (Amendment) Act 1972, s.3; Law Reform Act 1973, s.14 (and note s.11).
2. Hansard, Vol. 286, p. 3277 (2nd March 1967).
3. Ex Officio:
The Hon. The Chief Justice; the Hon. the Attorney-General; the Law Reform Commissioner (*Mr. T. W. Smith, Q.C.); the President of the Law Institute of Victoria (Mr. J. A. Dawson).

Appointed:

The Hon. Mr. Justice Gowans, *Mr. J. M. Rodd, C.B.E. (on the nomination of the Chief Justice); *Sir James Forrest, *Mr. J. A. Gobbo, Q.C. (on the nomination of the Attorney-General); *Mr. P. C. Trumble, Mr. A. D. Norster (on the nomination of the Law Institute of Victoria).

(Original members of the Foundation are indicated by an asterisk.)

THE LATE LOUIS VOUMARD

Earlier this year the Bar was saddened by the death of Louis Voumard. At his funeral, Mr. Justice Nimmo delivered a most moving oration. In part, he said :-

Lou Voumard was no ordinary person. He was a man of high intelligence, inflexible integrity, immeasurable compassion and natural humility. He was a devoted husband and father, a warm hearted friend, a distinguished lawyer, author, university lecturer and adviser to governments, a sound arbitrator and a practical Christian.

Physically short and lightly built but richly endowed mentally, he was known to his contemporaries at the Victorian Bar as "the little man with the big brain". Of gentle disposition, he was never known to say or do anything that would hurt another. No one ever spoke ill of him. He lived to lighten the burden of others whenever he could. All were better and none was worse for having known him.

Our friend was called to the Victorian Bar in 1921. His legal talent was quickly recognized and in the ensuing years up to the advent of the economic depression in the late twenties he made steady progress and earned a comfortable living. During the depression, work in the jurisdictions in which he practised fell away and it was not long before he was struggling to make ends meet. He faced this severe reverse in his fortunes with courage and cheerfulness.

The shortage of briefs did not mean idleness for Lou Voumard. He used the time at his disposal to write the first edition of his text book, a masterpiece on the law of real property. His book has been acclaimed not only by lawyers throughout Australia but by lawyers of other countries as well. After the publication of his book at the end of 1939 Lou Voumard never looked back. In the early forties he held lectureships at the Melbourne

University in Mercantile Law and Commercial Law. After the war as briefs began to pour into his Chambers, he gave up his lectureships. Only his infinite capacity for work enabled him to cope with the demand for his services. The Victorian Bar never had a more industrious, conscientious and dedicated barrister. Knowing his computer like brain, other barristers were constantly in and out of his rooms with their problems.

He became one of Her Majesty's Counsel on 11th July, 1950. As is so often the case when a barrister takes silk, Lou Voumard was thereafter inundated with briefs and there are many solicitors here who could testify to the long periods that they had to wait before he could look at their briefs. The same solicitors would say that the result justified the long wait.

Between May, 1963 and September, 1968 he was a member of the Victorian Bar Council. He sat on committees of the Council which dealt with County Court Fees, Ethics, Barristers' Chambers, Barristers' Clerks and the important question of Liability Without Fault. His wisdom stood out at meetings of the Council and its Committees and was greatly appreciated by those who sat with him. On the 20th May, 1971 the Victorian Bar made him one of its Honorary Life Members. On only four occasions has this honour been conferred, the other illustrious recipients being Sir Robert Menzies, Sir James Tait and the late Sir Eugene Gorman. Lou practised at the Victorian Bar for over 53 years. Many have wondered why he was not appointed to the Supreme Court of Victoria. The explanation is a simple one. He was a victim of circumstances. When he was young enough to be appointed there were no vacancies; when there were vacancies he had passed the age beyond which judges are not appointed.

From 1935 onwards our friend sat on a variety of boards, committees and councils set up by the government of Victoria, government instrumentalities and charitable organisations. He chaired most of them. On many of them he served in a voluntary capacity.

In the early sixties he chaired boards set up by the Victorian Government in its quest for information and advice on proposed legislation concerning the sale of land and strata titles. It is acknowledged that his contribution in respect of such matters, which was given voluntarily, was mainly responsible for the legislation we now have on these two important subjects. When the Sale of Land Act became law in 1965 he became the first arbitrator appointed under it and held that office until he reached the retiring age of 72.

In 1969 he was appointed Chairman of the Local Government Advisory Board and held that office until March of this year.

On 15th December, 1970 he was appointed by the Government as Chairman of a Special Board established to enquire into Local Government Finances.

As a barrister, author and adviser to government he made a tremendous contribution to the organic growth of the law of this State. As a man, his helpfulness and humanity earned for him the respect and affection of the members of both sides of the profession in this State.

THE LATE PETER BRUSEY

On 8th August 1974 Peter Julian Brusey Q.C. formerly of the Victorian Bar died suddenly of a heart attack in the garden of his home at Spreakley Hollow, Frensham, Surrey in England.

Peter Brusey had been educated at Fort Augustus in Scotland. After some further seven years at the Benedictine Monastery there, he studied law at London University and qualified and practised as a solicitor. In 1956 he migrated to Australia, joining the staff of Arthur Robinson & Co. Solicitors. In 1959 he came to the Bar and within a short time developed an outstanding commercial practice, with particular expertise in company law and income tax. He took silk in 1970.

He appeared for the defence in many company prosecutions and in many important cases, including a successful application for the postponement of the execution of Ronald Ryan, the last person to be hanged in this State. He was a fluent and persuasive advocate and in the field of estate management and income tax, was noted for his originality and inventiveness.

He had a wide range of interests outside the law. He had been President of Buoyancy Foundation, a body set up to provide welfare assistance and guidance to young persons with drug addiction problems. He was also a member of the Arts Council of Australia, with a particular interest in the fields of contemporary music and drama.

In January 1974 he returned to England with his family to take up a position with Slaughter & May, a leading firm of London solicitors. At a function to mark his departure, there was a large attendance of his fellow members of the Bar, indicating the high esteem in which he was held. His wit, warmth and personal qualities were very much valued by his many friends at the Victorian Bar.

READING RULES

At its meeting held on the 27th June, 1974 the Bar Council made several amendments to the Reading Rules i.e. the Rules which regulate the requirements of persons coming to the Bar reading in Chambers for two months before they are allowed to accept any briefs. Those Rules as amended now read as follows :-

- "1. Subject to Rule 2 of These Rules an applicant to sign the roll of Counsel will not be permitted to sign the Roll of Counsel unless -
- (i) he has made application to the Bar Council for permission to sign the Roll and the Honorary Secretary has given 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;
 - (ii) he has thereafter been in daily attendance as a pupil in such chambers for not less than two months during which period he has not undertaken any legal work other than as a pupil to his master and has not engaged in any activity which a member of counsel on the Roll would not be at liberty to engage in;
 - (iii) he has undertaken to read as a pupil in the chambers of his master for a period of at least four months immediately following the said period of two months;
 - (iv) he declares that he read such material as the Bar Council shall for the time being have prescribed; and
 - (v) he has undertaken to attend a course of lectures as prescribed by the Bar Council.

- 2. The Bar Council may dispense with all or any of the requirements of Rule 1 of these Rules -
 - (i) if the applicant has practised exclusively as Counsel in any other State or Territory of the Commonwealth for a period of more than one year;
 - (ii) if the Council is of the opinion that the applicant is unable to arrange for such pupillage; or
 - (iii) if the Council for any other reason thinks it proper in the circumstances to make such dispensation.
- 3. No fee shall be payable by any pupil to his master in respect of pupillage.
- 4. Provided that he has the permission of the Honorary Secretary of the Bar Council to do so, an applicant may practise as a member of Counsel upon the completion of the said period of two months pending his signing the Roll."

MOUTH PIECE

I was browsing through McGarvie's waste paper basket the other day when I lit upon a document carefully crumpled for future consideration.

"Just the thing for the Young Barristers' Committee" the Pale Wig enthused.

The waistcoat thought it much too heady. But, being a careful chap I thought it worth preserving and here it is :-

Gentlemen,

First and foremost let us introduce ourselves. We are probably the most go-ahead and highly specialised organisation communication-wise in the country and we are determined to stay that way. You are an industrious and dedicated group of professionals carrying out in this State an unparalleled range of community service.

Why do we write to trouble you? Because we can see that you have a need — a need to be recognised for what you really are — and because we very sincerely believe that we can satisfy that need.

In short, gentlemen, what we propose is a package deal in which your services are presented to the public through the agency of improved public relations. The package firmly based on a comprehensive socio-economic and task-oriented assessment of the community requirements that the members of your organisation are best fitted to serve.

Our organisation has taken the liberty of carrying out what we call a Preliminary Goals Survey in respect of these matters over the last few months. We should like the chance of discussing with you, gentlemen, our P.G.S. and especially its ramifications and its relevance to your deliberations as you steer your organisation towards the twenty first century.

The following is in summary form the tentative conclusions achieved by our P.G.S. investigations:—

1. The image of the Barrister in the eye of the general public is that of a wealthy, self-centred, arrogant professional.
2. The Barrister does not project himself as concerned with the social issues in the midst of which he conducts his practice.
3. The Barrister operates in a system which is unnecessarily archaic and complex which features have the effect of benefitting him financially.

You, gentlemen, are of course well aware of the falsity of these impressions, but we believe they should give your organisation grave cause for concern; the more so since your considerable efforts to assist others, to update the system and to play a responsible role in society pass very largely unnoticed in the public eye.

We have every confidence in our methodology and are prepared to put our money (so to speak) where our mouth is. In plain words we have built our reputation upon success. As an indication of our trust success-wise in the project which we are confident you will see fit to authorise, we are prepared to offer our services absolutely free and without any charge to you for the first twelve months of our association. If at the end of that time you are not able to see a perceptible improvement in the relationship between your profession and the community that you serve, then we shall trouble you no further, in any way shape or form.

Indeed, such is our confidence in our product that we are prepared, should you so require, to put this offer in writing.

In conclusion, gentlemen, we welcome the opportunity to discuss the contents of this letter with your good selves at your convenience or in Chambers.

We are looking to a long and fruitful association to our mutual advantage.

We remain,

Very sincerely yours,

Byrne & Ross D.D.,

CANOEING DEBACLE IMMINENT

The Bar Council has given its written approval to an historic challenge of the Bar to Solicitors to compete in a canoe race.

The Bar Council which is believed to be concerned at recent poor performances of Counsel in tennis and cricket was no doubt encouraged by their fine showing in the gruelling 250 mile Murray Marathon recently.

The race is expected to be held on the Yarra on a Saturday in Spring this year at a time and on a course to be decided by connections.

A usually reliable source believes that at a recent meeting of the Bar Council a quiet confidence was expressed by a Councillor who asked not to be named. "We are quietly confident" he said.

A spokesman for the race said that favourites for the two glamour places are Langslow and D. Ross who have been in hard training since the decision was announced.

Kings Cup coach Guest was characteristically non-committal. "We'll thrash them", he said. "The Solicitors are a wily lot but my boys have proved themselves in the last two marathons. We won't even have to raise a sweat".

Keen observers say that although the Solicitors are believed to be in secret training on the upper reaches of the Barwon, the Bar is still a firm favourite.

Colourful sportsman Newton J. is expected to be asked to present the winners trophy.

It is confidently expected that the following notice will shortly be posted by those authorised to do so :-

"Suggestions as to the identity of the donor of a trophy are sought.

Practice sessions will commence soon.

Prosecutors and Lady Barristers are particularly welcome.

The Bar's borrowing powers extend to 16 foot Canadian canoes (Double) and Kayaks (Single and Double).

Bring your own roasting spit, food and drink to the practice sessions or event.

For those who like delicacies, Beef Wellington may be provided by a prominent caterer after a little chat on Barrister Solicitor relations.

Float and be in it.

Suggestions to and enquiries may be made of the Secretary or Assistant Secretary."

MEMBERS WHO HAVE SIGNED THE ROLL SINCE JUNE 1974

G. J. Z. Levine
M. J. McRae (Miss)
A. Z. Kornblum
S. C. Mathews
D. B. Forster
T. W. Woods
F. G. Davey
B. H. Dans
R. C. W. Walker

MEMBERS WHOSE NAMES HAVE BEEN REMOVED AT THEIR OWN REQUEST

P. Faris
W. O. a'Beckett
T. Schwarcz

MANY CAPS MAKE FOR LIGHT WORK

Whether the respondent has now any rights against Mr. G, I do not attempt to lay down at this stage. There is no evidence that he saw the respondent at any time before he became the purchaser of her lease. After the contract he became her legal adviser, for when the appellant lodged the caveat he acted as solicitor for her, his vendor. That relation appears to have been a continuing one when she allowed him the deduction from the purchase money. Apparently he continued to act as her solicitor until in this appeal he becomes also her junior Counsel; and he was the chief witness at the trial in the assertion of the supposed liability of the appellant.

(Hensley v Reschke (1914) 18C.L.R. 452 per Barton J. at 463).

LADIES AT THE BAR

For the first time in the history of the Victorian Bar there are now ten ladies actively engaged in practice at the Bar. No doubt the other members of the Bar look forward to substantial increases in that number in the future.

BENCH AND BAR AGAINST COMBINED SERVICES GOLF

The annual golf match between the Bench and Bar and Combined Services was held at Royal Melbourne Golf Club on the 28th day of June 1974.

The MacFarlan Cup was won by the Bench and Bar — six matches to two. The cup was presented to Mr. Justice Dunn by Colonel I. J. Wilson on behalf of the Combined Services.

The Bruche Cup was won by the Combined Services — six matches to two, with one match square. The Cup was presented by Mr. Justice Coldham to Air Commodore Cumming.

CHILDREN'S WELFARE ASSOCIATION OF VICTORIA

The Children's Welfare Association is anxious to obtain the services of an honorary legal adviser. Any member of Counsel who is concerned with the rights of children and might be prepared to assist the work of the Association is requested to contact the Honorary Secretary of the Bar Council.

AMNESTY INTERNATIONAL

As part of the continuing Campaign for the Abolition of Torture, Amnesty International is seeking to compete an international register of legal practitioners who are prepared to take part in the campaign in their professional capacity. Any member of counsel seeking further information or interested in being included in the register should contact B. J. Bourke of counsel.

ESTABLISHMENT OF CLERKING COMMITTEE

The Bar Council at its meeting on the 30th May 1974 decided as follows:—

That the Bar Council appoint a Clerking Committee, such Committee to be responsible to the General Committee, and that the Clerking Committee be constituted so far as possible from members of the Bar Council but so that it consists of one member from each Clerking Group and that one of such members be appointed by the Bar Council to be Chairman thereof and another of such members be appointed by the Bar Council to be Vice-Chairman thereof.

The Bar Council thereafter appointed Marks Q.C. Chairman, Whelan Q.C. as Vice-Chairman and Jenkinson Q.C., Lazarus Q.C., Sher and Keon-Cohen as members.

CLERK DURING FIRST TWO MONTHS AT THE BAR

The Bar Council at its meeting held on the 30th May 1974 decided that a person commencing the period of two months in Chambers without taking briefs should be accepted at the commencement of that period upon a Clerk's List.

BARRISTERS RESUMING ACTIVE PRACTICE

At its meeting on the 30th May 1974 the Bar Council decided that as a matter of policy, unless it otherwise decides in any particular case, a member of the Bar who is resuming active practice (whether or not his name has been removed from the Roll of Counsel) should be permitted to engage as his Clerk the Clerk formerly engaged by him and that in such event he should be counted as an additional member of Counsel employing that Clerk for the purpose of computing gains and losses with respect to the Clerk's list and that the rights of the Clerking Group involved to be augmented in that or any succeeding year should not be otherwise affected.



CAPTAIN'S CRYPTIC

The captain sends greetings to Merralls and Spry. Accompanied by heartfelt apology.

This crossword's a breeze for whomever may cry "It must not be just crude etymology".

But the rank and file members have found it quite hard.

To complete (or begin!) crossword numbers previous
And so it's for those that this word crossing bard has removed from this number clues devious.

ACROSS:-

1. Royal correspondence to Q.C. not without prejudice (7,6)
8. A quiet word before Gregory Gowans in town (5)
9. And bring with you some Latin leaders (5)
10. Male next of kin of an only unmarried orphan (5)
11. Conceal a tough skin (4)
13. Little Alexander becomes Roman law (3)
14. A meter used to do this a long time age (4)
18. English crier (5)
20. With three more, to read between the lines would be hellish (5)
23. Or. (5)
24. Speak, for example (3)
26. This institution moves the Opas vehicle (1, 1, 1)
28. ... ventre sa mere (2)
29. Youthful chief (5, 1, 1)
30. Small neuter goat without Big K (2)
33. Queen Street Quester (5, 8)

DOWN:-

1. Begin an action by boat (6)
2. Not quite floored, but published at any rate (6)
3. French boredom (5)
4. Where bulls mate with bears (5, 8)
5. Helped by President's staff (5)
6. Cut out the duty (6)
7. Verbal only in court (6)
12. Possessive (3)
15. Pedal digit (3)
16. Upgrade for a speck of dust (7)
17. Private taxi (7)
18. Overturn the Bench (6)
19. For horses (3)
21. Heroic opponent (3)
22. But what if the pupil had dyslexia? (6)
25. Article preceeding vowel (2)
27. 3. 142857142857142857142857 etc. (2)
31. Child's gratitude reversed (2)
32. Do not touch me Sir Jasper (2)

**SOLUTION TO CAPTAIN'S CRYPTIC IN
ISSUE No. 8**

ACROSS

1. Ex aequo et bono
7. Suit
8. Nice
9. Elm
11. Roar
12. Rap
13. Find
14. Awl
15. Return
17. Accuse
19. Car
20. Argue
21. Yearn
22. An
24. El
26. Never Paid
27. Smith, J.
28. Passed

DOWN

1. Ensurer
2. Enter judgment
3. Utterance
4. Exemplary
5. Beneficiaries
6. Overdue
10. Law
15. Elan
18. Sane
22. Arts
23. Ors
25. Lied

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.