

VICTORIAN BAR
ANNUAL REPORT

2021



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Annual Report of the Victorian Bar Incorporated for the year ended 30 June 2021

To be presented to the Annual General Meeting of the Victorian Bar Incorporated
to be held 25 October 2021 via online video conferencing platform

THE VICTORIAN BAR INCORPORATED REGISTERED NO. A00343045



PRESIDENT'S REPORT 2021

CHRISTOPHER BLANDEN QC



The challenges of the previous 12 months have had a significant impact on the practices of Victorian barristers. The collective personal, financial and professional toll on members was unprecedented and exacerbated by lockdown fatigue and the uncertainty of ongoing and changing restrictions.

Yet, the resilience of Victorian Bar's members, staff and Council prevailed. Throughout the year we celebrated milestones, accomplished important goals and achieved remarkable progress in ensuring the Bar and its members continued to thrive as much as possible during these challenging times.

Pandemic response and wellbeing

In response to the difficulties posed by the pandemic and to ensure members weathered the worst of government restrictions, Bar Council focussed its attention on enhancing the wellbeing of members.

This included undertaking robust advocacy on behalf of members to improve their access to financial assistance and wellbeing services, as well as ensuring governmental policies take into account the unique needs of members' practices.

In February 2021, the Victorian Bar launched an online health and wellbeing portal for members and their families with the financial assistance of the Victorian Legal Services Board and Commissioner. The initiative was spearheaded by the Bar's Health and Wellbeing Committee, chaired by Sally Flynn QC. The portal is an essential part of the Bar's existing suite of resources designed to empower members and those who support them to seek information and help when they need it.

Throughout the year, Senior Vice-President Róisín Annesley QC and I liaised regularly with the Victorian Courts' heads of jurisdiction regarding the re-establishment of in-person hearings. On several occasions, we met with senior representatives of the Department of Health and Human Services and the Department of Justice and Community Safety to discuss the impact of restrictions – such as limitations on child minding, in-person court appearances and access to Chambers – on members' ability to undertake their work effectively.

An operational fund surplus enabled Bar Council to provide each eligible member with a rebate on the subscription fee. An additional rebate was provided to barristers who specialise in criminal law, as they were particularly impacted by a protracted loss of work and income during the pandemic.

Financial assistance for members also came from other sources. Barristers' Chambers Limited (BCL) continued to provide much-needed rent relief and members were also able to receive



(L-R): Student Engagement Committee Co-Chair Tim Farhall, President of the Court of Appeal the Honourable Justice Chris Maxwell AC, Victorian Bar President Christopher Blanden QC, Dean of Monash Law School Professor Bryan Horrigan, Pro Bono Committee Chair Meredith Schilling, Teaching Associate at Monash University Sally Andersen and Barrister Laura Hilly at the Launch of Open Justice Project.

financial support from the Barristers' Benevolent Fund. I extend my thanks to BCL for its ongoing support of members and the barristers who generously donated to the fund.

Following extensive work throughout this reporting period, the Bar launched its revised Code of Conduct for members in September 2021. The revised code encourages reporting of sexual harassment, bullying and discrimination. A Peer Support Barristers Program has also been established to help victims and guide barristers concerned about their behaviour.

The Grievance Protocol was also revised, enabling anyone who interacts with a barrister to raise a grievance with the Ethics Committee.

Celebrating milestones, appointments and farewells

In May 2021, we welcomed our new Executive Director, Amanda Utt. Amanda had worked in several roles at the Victorian Bar since 2015 and stepped into the position of acting CEO in 2020. Amanda has been instrumental in supporting the Victorian Bar's strategic objectives and furthering members' interests.

In June 2021, John Karkar QC resigned as Chair of BCL. John, a widely respected and leading commercial Silk, used his

considerable experience and sound judgment to guide BCL through some very challenging times. Subsequently, the Honourable John Digby QC was appointed BCL's Chair. John has a long and venerable history of serving the Bar and the wider legal profession.

Our members continue to serve the community through the important roles they occupy in the legal profession. In addition to the more than 80 members who became judges, justices and registrars in Victorian and federal courts and tribunals, I am pleased that the following members were honoured with esteemed appointments:

- › The Honourable Simon Steward became Justice of the High Court of Australia in December 2020
- › Rowena Orr QC became the Solicitor-General of Victoria in May 2021
- › Rear Admiral the Honourable Jack Rush RFD QC RAN became Judge Advocate General of the Australian Defence Force in July 2021.

Significant achievements and progress

Since November 2020, Bar Council has set about to fulfil high priority objectives to further members' interests. These include significant progress in securing the renewal of the Essoign Club's lease, the facilitation of a poll where the majority of



(L-R): Victorian Bar Council President Christopher Blanden QC and the Honourable Justice Simon Steward at the 2021 Victorian Bar Dinner.

members voted in favour of the Bar remaining a member of the Law Council of Australia, enabling the Readers' Course to continue without disruption despite pandemic-related restrictions and the renewal of a service agreement with the Law Library of Victoria to secure members ongoing access to a complete digital collection of resources at the Richard Griffith Library.

As part of a governance review and having regard to Recommendation 2 of the Final Report of the Royal Commission into the Management of Police Informants, the Bar Council amended the Constitution to ensure that it reflects the modern practices, roles and standards of the Victorian Bar and the expectations of the essential executive roles of the Bar. The amendment also enables the Bar Council to remove from the Bar Roll any member who ceases to be an Australian lawyer.

Through excellent planning and luck, the Victorian Bar Dinner was held during a brief break between lockdowns in May 2021. The dinner was a resounding success - the biggest held to-date with some 573 guests, 83 of whom were members being honoured for their recent appointments.

Among our VIP guests were the Attorney-General, the Honourable Jaclyn Symes; Senator the Honourable Amanda Stoker; Chief Justice of the Supreme Court of Victoria and Chair of Courts Council, the Honourable Anne Ferguson; the

Honourable Simon Steward, Justice of the High Court of Australia and innumerable judges from all jurisdictions.

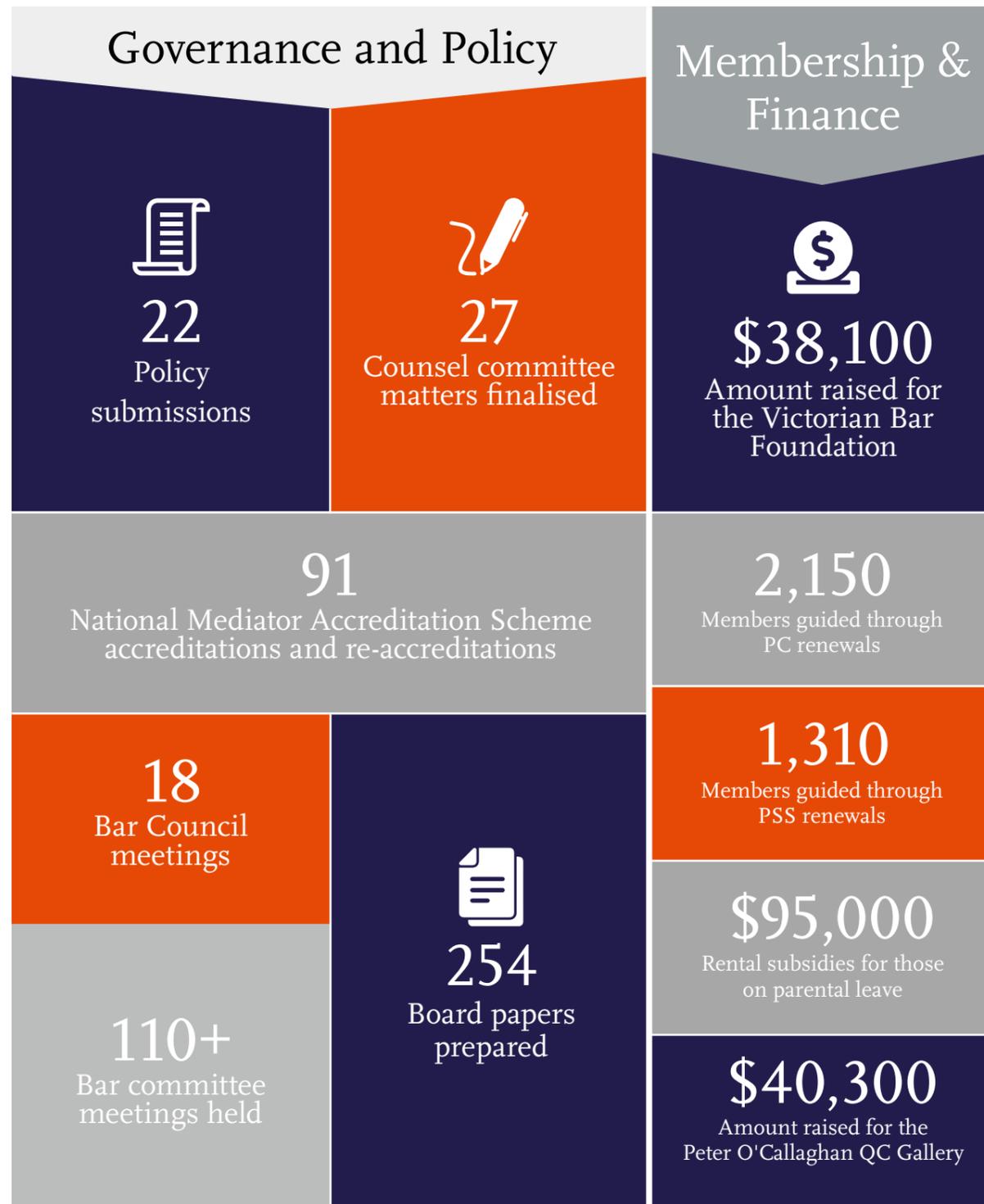
Finally, I would like to acknowledge the tireless work and invaluable assistance that I have received from the Bar Council and executive, particularly Róisín Annesley QC, Senior Vice-President; former Junior Vice-President, the Honourable Helen Rofe, Judge, Federal Court of Australia; Darryl Burnett, Junior Vice-President; Mary Anne Hartley QC, Honorary Treasurer; Robyn Sweet, Assistant Honorary Treasurer and Amanda Utt, Executive Director.

I would also like to thank members who give their time voluntarily to contribute to our committees, associations, education programs and other Bar activities, and Bar staff, for all their time and dedication over the past 12 months.

Christopher Blanden QC
President

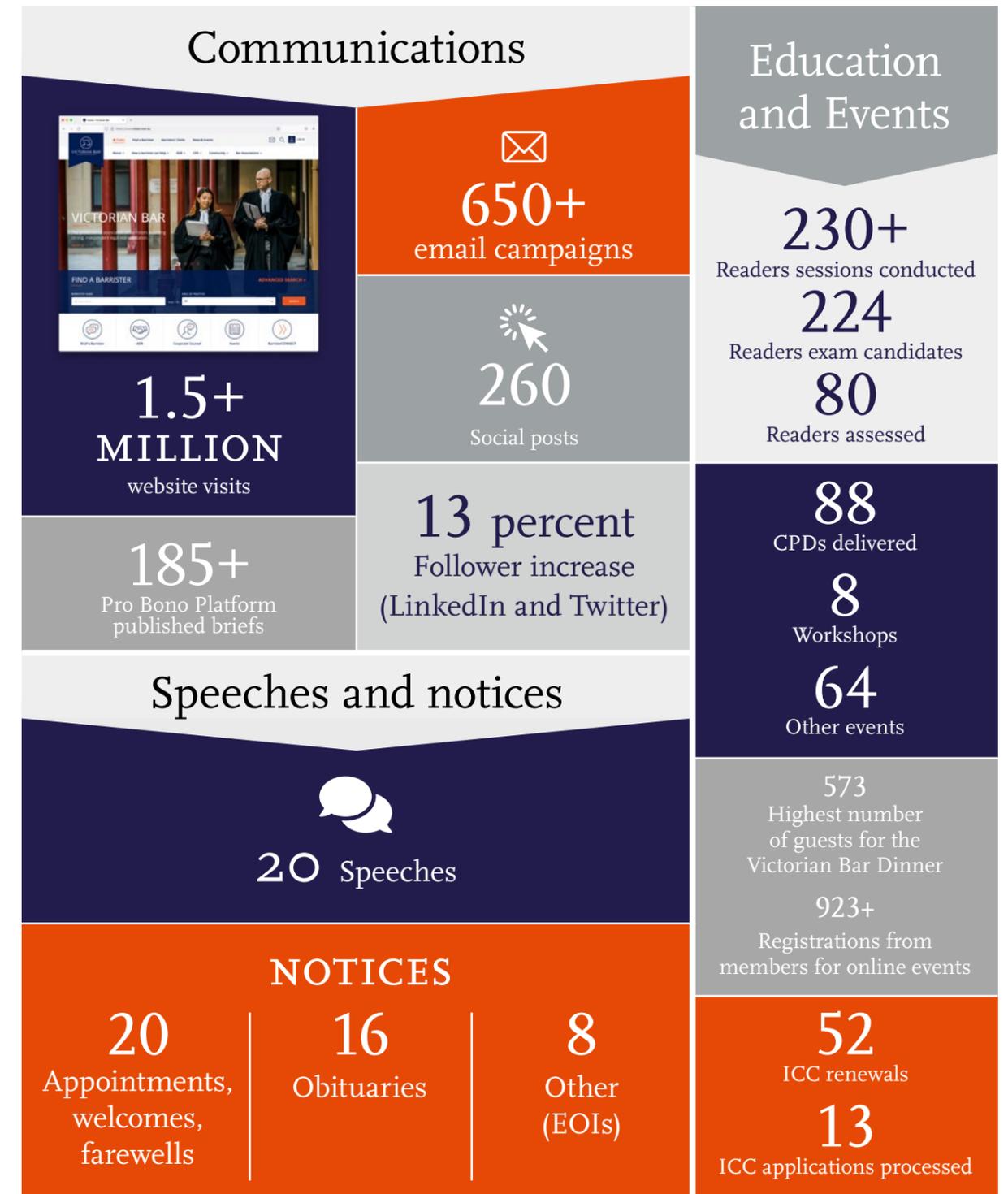
KEY FIGURES

Key insights from 2020-21



KEY FIGURES (continued)

Key insights from 2020-21



PART II
BAR COUNCIL
2020-2021

PART II

Category A:

Eleven counsel who are Queen's Counsel, Senior Counsel or junior counsel of not less than 15 years' standing



President Christopher Blanden QC	Senior Vice-President Róisín Annesley QC	Former Junior Vice-President The Honourable Justice Helen Rofe ¹	Junior Vice-President Darryl Burnett ²	Honorary Treasurer Mary Anne Hartley QC	Member Paul Holdenson QC	Member Simon Marks QC ³
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Member Dr Ian Freckelton AO QC	Member Peter Chadwick QC ⁴	Member Georgina Schoff QC ⁵	Member Dr Suzanne (Sue) McNicol AM QC	Member Paul Hayes QC	Member Eugene Wheelahan QC
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Category B:

Six counsel who are not of Queen's Counsel or Senior Counsel and are of not more than 15 nor less than six years' standing



Member Paul Kounnas	Member Benjamin Murphy	Assistant Honorary Treasurer Robyn Sweet	Member Amy Wood	Member Ben Jellis	Member Nawaar Hassan
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Category C:

Four counsel who are not of Queen's Counsel or Senior Counsel and are of less than six years' standing

Honorary Secretaries appointed by the Victorian Bar Council



Member Nicholas Phillpott	Member Roshena Campbell	Member Lana Collaris	Member Lachlan Molesworth	Honorary Secretary Edward (Eddy) Gisonda	Assistant Honorary Secretary Dr Robin Smith	Assistant Honorary Secretary Joel Silver
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1 The Honourable Justice Helen Rofe was appointed to Federal Court of Australia, effective 12 July 2021.
2 Darryl Burnett was elected as the Junior Vice-President on 19 August 2021.
3 Simon Marks QC resigned from Bar Council on 13 November 2020.
4 Peter Chadwick QC was elected to the Bar Council on 16 December 2020.
5 Georgina Schoff QC was elected to the Bar Council on 27 July 2021.

BAR COUNCIL MEETING ATTENDANCE 2019-2020

Eight Meetings of the Victorian Bar Council were held between 1/07/20 and 12/11/20 (being the date of the final meeting of 2019-2020 Bar Council), including two Special Purpose Bar Council meetings.

Number of meetings attended / Number eligible to attend

Bar Council Member	2019-2020 Bar Council
Category A: Queen's Counsel, Senior Counsel or junior counsel who are of not less than 15 years' standing in order of seniority	
Wendy Harris QC (President)	8 of 8
Simon Marks QC (Senior Vice-President)	8 of 8
Sam Hay QC (Junior Vice-President)	8 of 8
Paul Holdenson QC	7 of 8
Dr Ian Freckelton AO QC	8 of 8
Dr Sue McNicol AM QC	8 of 8
Adrian Finanzio SC	7 of 8
Helen Rofe QC	8 of 8
Minal Vohra SC	8 of 8
Stewart Maiden QC (Honorary Treasurer)	8 of 8
Justin Hannebery QC	8 of 8
Category B: Junior counsel who are of not less than six years standing and not of 15 or more years' standing	
Elizabeth Ruddle	8 of 8
Meg O'Sullivan	8 of 8
Emily Porter	7 of 8
Gabi Crafti (Assistant Honorary Treasurer)	8 of 8
Sarah Keating	8 of 8
Kathleen Foley	8 of 8
Category C: Junior counsel who are of less than six years' standing	
Daniel Nguyen	8 of 8
Raini Zambelli	8 of 8
Reegan Grayson Morison	7 of 8
Rabea Khan	8 of 8
Honorary Secretaries	
Katherine Brazenor (Honorary Secretary)	7 of 8
Kieren Hickie (Assistant Honorary Secretary)	9 of 9
Hadi Mazloum (Assistant Honorary Secretary)	8 of 9

BAR COUNCIL MEETING ATTENDANCE 2020-2021

Ten meetings held between 12/11/20 (being the date of first meeting of the 2020-2021 Bar Council) and 30/06/21, including one Special Purpose Bar Council meeting.

Number of meetings attended / Number eligible to attend

Bar Council Member	2020-2021 Bar Council
Category A: Queen's Counsel, Senior Counsel or junior counsel who are of not less than 15 years' standing in order of seniority	
Christopher Blanden QC (President)	10 of 10
Róisín Annesley QC (Senior Vice-President)	10 of 10
The Honourable Justice Helen Rofe (former Junior Vice-President; appointed to Federal Court of Australia on 12 July 2021)	8 of 8
Darryl Burnett (Junior Vice-President; elected on 19 August 2021)	10 of 10
Mary Anne Hartley QC (Honorary Treasurer)	9 of 10
Simon Marks QC (resigned from Bar Council on 13 November 2020)	1 of 1
Paul Holdenson QC	10 of 10
Dr Ian Freckelton AO QC	9 of 10
Peter Chadwick QC (elected to the Bar Council on 16 December 2020)	7 of 7
Dr Sue McNicol AM QC	9 of 10
Paul Hayes QC	10 of 10
Eugene Wheelahan QC	8 of 10
Category B: Junior counsel who are of not less than six years standing and not of 15 or more years' standing	
Paul Kounnas	10 of 10
Benjamin Murphy	8 of 10
Robyn Sweet (Assistant Honorary Treasurer)	10 of 10
Amy Wood	10 of 10
Ben Jellis	9 of 10
Nawaar Hassan	9 of 10
Category C: Junior counsel who are of less than six years' standing	
Nicholas Phillpott	10 of 10
Roshena Campbell	8 of 10
Lana Collaris	10 of 10
Lachlan Molesworth	9 of 10
Honorary Secretaries	
Edward (Eddy) Gisonda (Honorary Secretary)	6 of 8
Dr Robin Smith (Assistant Honorary Secretary)	7 of 8
Joel Silver (Assistant Honorary Secretary)	6 of 8



VICTORIAN BAR STAFF



Amanda Utt
Executive Director



Mark Bryant
Manager, Finance
& Membership



Nina Massara
Education Manager



Kai Li Zhu
Senior In-house
Legal Counsel



Denise Bennett
Executive Assistant
to the President and
Bar Council



Daniel Cousens
Digital
Communications
Coordinator



Fernando Gallieto
Graduate Lawyer



Filomena Giuliani
Events Coordinator



Fiona Faulkner
Mediation Centre
Coordinator



Daphne Ioannidis
Administration
Assistant,
Membership



Golam Kibria
Education
Coordinator - CPD



James Kioussis
Executive Assistant
to the Executive
Director



Mia Montagiani
Communications
& Marketing
Coordinator



Helen Phan
Finance &
Compliance Officer



Poorva Sabnis
Corporate Services
Coordinator



Nikki Walker
Education
Coordinator -
Readers



PART IV
BAR ASSOCIATIONS

Children's Court Bar Association

Committee members as at 30 June 2021: Teresa Porritt (President), Christine Pollard (Honorary Treasurer), Samantha Renwick (Secretary), Arna Delle-Vergini, Natalie Sheridan-Smith, Michael Kats, Kyriaki Vavoulis, Jordana Cohen, Kim Cullen, Michelle Jenkins, Ffiona Livingstone Clark, Elizabeth Warnock.

The Children's Court Bar Association acknowledges that the year 2021 continues to present an enormous challenge for our members practising in the Children's Court and related jurisdictions, and for our clients - who are not only amongst the most vulnerable people in society but also those who struggle to cope with the world as it was, let alone as it currently is under COVID-19. Online court appearances and the chronic under-funding of our jurisdiction have made it very difficult for all of us but especially our clients whose ability to properly participate in proceedings is hard to assess.

The Children's Court Bar Association Committee has focussed on analysing and evaluating the consequences of such dramatic changes for our members. We have undertaken several detailed surveys of our members' health and wellbeing (December 2020) and the impact on our professional lives (June 2021). We also seek regular anecdotal feedback and communicate broadly with our membership so that we can effectively advocate for them in our ongoing liaison with the President of the Children's Court, DFFH/CPLO, VLA/LIV and private practitioner organisations. One positive outcome is the increase in that consultation process and the strengthening of these collegiate relationships to ensure that the interests of our members and clients are at the forefront of time-sensitive decision-making in this jurisdiction.

Our contribution to the Children's Court CPD sessions over 2020-2021 has been important given the number of changes in the last 18 months. Our own delivery of CPD topics has kept our members well-engaged including: *Redress for Children and Young People abused in State care* (July 2021); *Ethics in the Children's Court* (August 2021); and *Advocacy in the Mental Health Tribunal* (October 2021). Another positive is that Zoom has meant we can better connect with our members in Regional Victoria.

Some new initiatives of the Children's Court Bar Association Committee include:

- › Developing portfolio responsibilities - Health and wellbeing, CPD, court liaison, engagement with key organisations (DFFH/CPLO/LIV/VLA/Private practitioners/Youth justice), public relations and marketing;
- › Creation of an on-call ('panic') list of very experienced members of Children's Court Bar Association. These experienced members can be contacted by our members

to listen, offer sage advice or to be a sounding board for any urgent practical, procedural, evidentiary or professional advice. This is a complex jurisdiction and I would especially encourage junior members of our Bar to make use of this important resource at any time;

- › Establishing a 'town hall' forum for our members to openly discuss issues and the future direction of the Children's Court Bar Association. This will help us prioritise important issues and better advocate with external organisations. It is hoped that this may become an annual event; and
- › "Renovating" our Children's Court Bar Association VicBar website to improve access to important legal resources.

We applaud the recent appointments of our members:

- › Ms Melissa Stead as a Magistrate of the Children's Court (former President of the Children's Court Bar Association).
- › Ms Judy Benson as Judicial Registrar of the Children's Court (former Children's Court Bar Association Committee member/office bearer).

We also acknowledge the immense contribution our former President Ms Teresa Porritt has made in that role for the last year or so, and in previous years as a committee member. Ms Porritt resigned from the position on 29 July 2021.

In short, our objectives for the future are clear - to exert influence within the jurisdiction to ensure that our members' interests are protected and promoted and that our clients' interests are championed. In the next 12 months, we will be focussing on ensuring that new barristers are properly trained and supported when commencing practice in this jurisdiction.

Commercial Bar Association

Committee as at 30 June 2021: Claire Harris QC (President), Paul Hayes QC (Senior Vice-President), Stewart Maiden QC (Junior Vice-President/Convenor), Sam Rosewarne (Treasurer), Emma Murphy (Honorary Secretary), Veronica Holt (Assistant Honorary Secretary), Dr Oren Bigos QC, Hamish Redd, Kieran Hickie, Jesse Rudd, Georgia Berlic, Raini Zambelli.

On 26 November 2020, The Commercial Bar Association (CommBar) held its annual general meeting, at which time Stewart Maiden QC was re-elected as Vice-President (Convenor), Sam Rosewarne was re-elected as Treasurer and Dr Oren Bigos QC was re-elected as an ordinary member of the Executive.

CommBar Report

COVID-19 continued to disrupt legal practice in 2021. Despite all its challenges, the 2020/2021 financial year has been a busy one for CommBar. This year we have more than 700 members, including clerks, and 21 specialist sections covering core areas of commercial practice.



(L-R): Claire Harris QC, President of the Commercial Bar Association, Peter Garrow, President of the Victorian Division, ACC and Legal Practice Lead, Telstra Corporation Inc. and Barrister John Heard at the ACC- Victorian Bar networking event.

CommBar continued its membership with the Association of Corporate Counsel (ACC) and on 21 April 2021, we were able to host a face-to-face speed networking event in the Neil McPhee room. The event was lively and well-attended, and we were pleased to have some very positive feedback from ACC members, including some corporate counsel who had not been able to attend an in-person event for more than a year and were pleased to be able to meet barristers and colleagues in-person. CommBar is continuing to work with the ACC to identify legal topics of interest our members can present at online or in-person CPD events while our ability to meet in person remains unpredictable.

CommBar was pleased to again award the CommBar Alan Goldberg Readers' Bursary (in March 2021) to two readers. The bursary was established in 2018/2019 and aims to support young commercial practitioners intending to practise commercial law at the Victorian Bar. The bursary covers the fees for the Readers' Course and the Bar entry examination. Previously the bursary was awarded to one reader per Readers' Course intake. However, given the financial stresses that COVID-19 has imposed on many, the Executive amended the bursary's terms of reference to enable the Executive to award the bursary to up to two readers in special circumstances. CommBar has now awarded the bursary to five readers since the bursary's inception.

CommBar's sections continue to host a range of CPDs on a variety of legal topics. After surveying members, there has been a renewed focus on affiliation with CommBar sections, to facilitate contact for junior members of the commercial bar in a period where interaction in chambers has been curtailed. CommBar also resolved to create a new section, the Real Property Section, chaired by Daniel Aghion. This decision was taken in recognition of the fact that there was no section dedicated to property law and that many of our members are property law specialists and may wish to affiliate with a section which reflects their practice. CommBar has also continued to work with sections to produce submissions on areas of law reform.

CommBar has continued its seminar series in collaboration with the judiciary and Victorian universities. A particularly successful session was the *Reflections on the 10th Anniversary of the Competition and Consumer Act 2010* held as part of the National Commercial Seminar Series, a joint program of the Federal Court, CommBar, and the Monash Centre for Commercial Law. The session was chaired by the Honourable Justice John Middleton of the Federal Court of Australia and President of the Competition Tribunal, with an expert panel of Rod Sims (Chairman of the ACCC) and Neil Young QC.

Daniel Lorbeer, editor of the CommBar blog, continues to ensure the publication of an outstanding range of member articles and case notes through *CommBar Matters*. Scott Cromb

has been appointed his co-editor this year. CommBar is very grateful for their work on this important platform for CommBar members. Through CommBar's subscription to *Lexology* – an important international legal research platform – *CommBar Matters* articles are made available to in-house counsel, law firms, government agencies and academia.

CommBar has been disappointed that other plans for networking and social events have been planned and cancelled on so many occasions due to COVID restrictions. So, we look forward to the year ahead, when events focussed on the junior members of CommBar, another ACC networking event, our annual event with the judiciary and the profession, and a CommBar dinner during the rescheduled Australian Bar Association conference will be able to take place.

Common Law Bar Association

Committee as at 30 June 2021: Ross Gillies QC (Chairman), Mary Anne Hartley QC (Treasurer), David Martin (Secretary), Timothy Tobin SC, James Mighell QC, Andrew Clements QC, Róisín Annesley QC, Áine Magee QC, Michelle Britbart QC, Fiona Ellis, Patrick Over, Gavin Coldwell, Stephen Jurica, Michael Clarke, Stella Gold, Julia Frederico, Gemma-Jane Cooper, Raphael Ajzensztat, Jessica Clark, Scott Davison, Tristan Nathanielsz, Peter Haddad.

During the year, the Common Law Bar Association has been involved in a number of activities including: -

- › Continued liaison with Judges of the Supreme Court, in particular, the Hon Justice John Dixon and Justice A. Keogh, regarding the conduct of common law trials in the Supreme Court.
- › Numerous meetings with Judges of the County Court, including Judge Tsalamandris especially about the much welcomed and appreciated efforts by Her Honour to have common law cases, including jury trials, continue to be heard despite the obvious challenges posed by the COVID-19 pandemic.
- › The Common Law Bar Association is represented on the various user groups including the Personal Injuries List, the Medical List and the Dust and Diseases List and *Key Points Bulletins* emanating from the court following meetings of the various user groups have been circulated to members.
- › The Common Law Bar Association has been assisted by submissions drawn by members of the association both to government and to VicBar. In particular, detailed submissions have been prepared and submitted: -
 - › regarding proposed changes to WorkSafe's Legal Costs Order;
 - › to the Workplace Safety Reform Agent Review.
- › There has been a modest increase in the number of common law CPDs. A sub-Committee has been formed to organise CPDs during 2021. The sub-Committee consists of Áine

Magee QC, Gemma-Jane Cooper, Raph Ajzensztat, Peter Hamilton and Patrick Over.

- › Providing case summaries of recent court decisions to its members.
- › Hosting a very successful dinner following the 2020 Annual Meeting on 4 March 2021.

The number of members of the Common Law Bar Association continues to increase. Currently, there are 318 members of the Victorian Bar who are members of the Common Law Bar Association.

Compensation Law Bar Association

Committee as at 30 June 2021: Ian McDonald QC (President), Raymond Ternes (Treasurer), Megan Cameron (Secretary), Maria Tsikaris, Sascha Dawson, Kim Bradey, Lachlan Allan, Roberto Paoletti, Peter Haddad, Kathy Karadimas.

The Compensation Law Bar Association (CLBA) continues as an active and vibrant association representing barristers specialising in statutory benefits at the Victorian Bar and advocating for the efficient administration of justice in these jurisdictions. Its current membership is approximately 132, including a significant number of Senior Counsel.

During the past year, there have been various reforms canvassed in relation to the WorkCover system, which have had, and have the potential to have a significant impact on stakeholders. Following submissions and work by members of the committee in late 2020, daily fees replaced the brief fee and refresher system of fees for counsel in WorkCover matters in the Magistrates' Court. This aligns the court's practice with the County and Supreme Courts, and in the association's view is a helpful modernisation, as well as being of direct benefit to all barristers who practise in the jurisdiction.

An independent review was conducted into WorkCover's agent model and management of complex claims. The Compensation Law Bar Association partnered with the Common Law Bar Association and made a comprehensive joint submission in response.

In addition, the CLBA adopted the Common Law Bar Association's response to proposed amendments to the Legal Costs Orders and Ministerial Directions.

The CLBA continues to conduct social and education events of benefit to its members.

On 11 December 2020, the CLBA held an inaugural annual dinner, entitled 'Good Riddance 2020'. In view of his many years of dedicated service to the Magistrates' Court, and the jurisdiction generally, Magistrate Brian Wright was the guest of honour. The event was thoroughly enjoyed by the seventy-odd attendees; regrettably however numbers were capped because of COVID-19 restrictions.



(L-R): Rosalind Avis, Sharon Lacy, Justice Mandy Fox, Megan Tittensor SC at the Echo Beach conference.

The Committee has organised a number of useful educational sessions during the year:

- › On 7 October 2020, Belinda Schembri of the Supreme Court Library ran a seminar tailored for compensation law barristers.
- › On 1 June 2021, Magistrate Brian Wright presented "Workers' Compensation: an introduction/refresher".

The CLBA congratulates the Honourable Justice James Gorton QC, formerly one of its members, on his elevation to the Supreme Court in late 2020.

Maria Tsikaris and Lachlan Allan continue to distribute relevant judicial decisions to members contemporaneously, an invaluable resource for practising barristers.

The Committee wishes to thank all those members involved in drafting submissions, presenting educational seminars, and running events for their hard work over the past year.

Criminal Bar Association

Committee as at 30 June 2021: David Hallowes SC (Chair), Sally Flynn QC (Vice-Chair), Paul Smallwood (Secretary), Megan Casey (Treasurer), Colin Mandy SC, Sharon Lacy, Jarrod Williams, Jamie Shaw, Jason Gullaci, Cynthia Lynch, Rosalind Avis, Ffyona Livingstone Clark, Amanda Burnnard, Alexander Patton, Felicity Fox.

The past year has been a challenging one for all in the criminal justice system. The Criminal Bar Association (CBA) has continued to address those challenges by seeking to work constructively with the courts, government and other agencies.

The question as to how to deal with the logistical difficulties caused by COVID-19 but still maintain a justice system fair to all has increased the workload of the CBA considerably. The welfare of our members affected by the pandemic also remains at the forefront of our efforts.

We have continued to make submissions and be involved in committees across a wide range of topics including:

- › Jury numbers
- › The response to the well-publicised Royal Commission into the Management of Informants
- › Topology
- › Consideration of changes to legislation

In November 2020, Daniel Gurvich QC and Simon Moglia stepped down from their roles as Chair and Secretary respectively. They both made outstanding contributions to the CBA and we thank them for their tireless work.

We also thank Cecily Hollingworth and Anthony Lewis who both gave great service to the committee.

In March 2021, the CBA held a wildly successful conference at Echo Beach. Apart from being educated on such important



(L-R): Judge Alice Carter, Barrister Caroline Paterson, Barrister Alison Burt and Solicitor Georgia Hargreaves at FLBA Barefoot Bowls on 23 April 2021.

topics as what the Harry Potter stories can teach us about the practice of Criminal Law, it was an opportunity to catch up with others in person. The iconic band Bridgetown had the floor heaving on the Saturday night with some highly regarded dance moves.

We congratulate Judges Justin Hannebery, Marcus Dempsey, Pardeep Tiwana and Magistrate Alexandra Burt who have taken judicial appointments in the past year.

Finally, the 2020 CBA dinner will be held at the Melbourne Town Hall on the 18 February 2022 after numerous adjournments. Bring it on!

Family Law Bar Association

Committee as at 30 June 2021: Geoffrey Dickson QC (Chair), Caroline Paterson (Deputy Chair), Robin Smith (Treasurer), Alison Burt (Secretary), Gerard Holmes, Hilary Bonney, Andrew Barbayannis, Sarah Hession, Jeanette Swann (CPD Co-ordinator).

The Family Law Bar has managed to weather the impact of the global pandemic relatively well, thanks in large part to the decision of our Chief Justice Will Alstergren taken very early on to introduce online hearings through Microsoft Teams in the Federal Circuit and Family Court of Australia. By the time this financial year commenced, both trials and duty lists were able to be heard remotely, which provided our members with ongoing work, and ensured that the waiting lists for litigants were not dramatically increased.

Our busy CPD program, which has been coordinated by both Alison Burt and more recently Jeanette Swann, continued online throughout the year. One benefit of online seminars was that we were able to reach a much wider audience, including solicitors throughout Victoria, who would not usually be able to

travel to the city to attend face-to-face seminars. We are grateful to several of our members who gave up their time to present on a variety of different topics.

The Committee has represented the interests of our members in the drafting of submissions to government on various issues and proposed legislative change. For example, Hilary Bonney attended a Law Council of Australia round table meeting about family violence awareness, education and training. Sarah Hession prepared submissions to the Law Council of Australia regarding the review of the banning of direct cross-examination in family law proceedings. The committee is particularly grateful to Martin Bartfeld QC who was instrumental in assisting Alison Burt and Jeanette Swann to prepare our submissions to the Law Council in response to a consultation paper regarding significant proposed changes to the legislation regarding property matters.

We were unable to hold our Christmas function at the end of 2020, and our annual barefoot bowls event was postponed from February to April thanks to a snap lockdown. This event was once again sold out. We hosted a drinks function in March at Denmark House for our barristers. People were genuinely happy to be there and catch up with colleagues and friends, some of whom had not seen each other for more than a year.

Our beloved and dedicated Secretary, Jennifer Howe, was appointed as a Judge of the Federal Circuit Court. We will miss her energy, enthusiasm and stellar organisational skills and we wish her well in her new role. Alison Burt has stepped into her shoes as Secretary.

Industrial Bar Association

Committee as at 30 June 2021: Catherine Symons (President), Malcolm Harding SC (Senior Vice-President), Paul O'Grady QC (Vice-President), Yasser Bakri (Treasurer), Kate Burke (Secretary), Richard Dalton QC, Joel Fetter, Dimitri Ternovski, Nico Burmeister, Fiona Knowles, Rebecca Preston, Alex Manos, Leigh Howard.

The Industrial Bar Association (IBA) attracts counsel who undertake or have an interest in work in industrial and employment law. Its members (who number approximately 230) typically practise in State and Commonwealth courts and tribunals and represent the interests of employers, employees, representative bodies and regulators.

During the past financial year, the IBA has, despite some of the constraints introduced by the 'COVID-normal' environment, maintained its commitment to the delivery of a high quality continuing professional development (CPD) program of topics of significance to its members and practitioners of employment and industrial law. The seminars were universally well attended, provoked interesting and thoughtful exchanges between speakers and attendees, and received positive feedback.

During 2020/21 the IBA:

- › Coordinated and provided speakers (Matthew Minucci, Franceska Leoncio and Nadia Stojanova) for a webinar titled *'Enforcement of minimum entitlements – existing powers and proposed wage theft laws'* that was held on 20 August 2020 and chaired by Paul O'Grady QC with the participation of a speaker from the Fair Work Ombudsman (FWC);
- › Coordinated and provided speakers (Chris O'Grady QC and Yasser Bakri) for a webinar titled *Industrial action – compliance with orders and the need for it to have an industrial character* held on 24 September 2020 and chaired by Malcolm Harding SC;
- › Collaborated with Justice Bromberg to organise and provide a number of speakers (Rebecca Davern, Nadia Stojanova, Nico Burmeister and Alex Manos) for the (now) annual Federal Court Employment and Industrial Law seminar that was held (online and streamed nationally) on 4 December 2020; and
- › Coordinated a webinar titled *Getting the most out of alternative dispute resolution in industrial law matters* that was held on 24 June 2021 with the participation of David Ryan (Registrar, Federal Court of Australia) and Brian Lacy AO (Victorian Bar, former Senior Deputy President, AIRC) and chaired by Paul O'Grady QC.

The IBA has continued to engage with the courts and the FWC through user groups and other forums and has sought to understand and communicate to members about the measures taken by the various jurisdictions to respond to the challenges introduced by COVID-19.

Closer to home, as in previous years, the IBA has participated in Bar Association sessions for the two cohorts of Bar readers. However, acknowledging that the closure of chambers for much of the year deprived readers and junior barristers of the collegiality and assistance customarily extended to them by their colleagues, in September 2020, the IBA introduced a 'virtual open-door policy' for readers and members of the IBA under two years' call.

In a gap between lockdowns, the IBA managed to hold an in-person social event for its members on 6 May 2021 at Mr Tulk Café. The highlight of the evening was a debate *'Unions do it better'* in which teams comprising Rachel Doyle SC and Nico Burmeister and Justin Bourke QC and Siobhan Kelly (moderated by Justice Niall) robustly advanced their respective cases.

The IBA is fortunate to have so many members contributing as committee members and as contributors to the CPD program. The IBA thanks Craig Dowling SC, Richard Dalton QC, Rohan Millar, Andrew Bell and Andrew Denton for their valuable contributions to the work of the IBA committee over past years (including in various leadership roles), and welcomes new committee members Joel Fetter, Fiona Knowles, Leigh Howard, Alex Manos and Dimitri Ternovski.

Migration Law Bar Association

Committee as at 30 June 2021: Guy Gilbert SC (President), Angel Aleksov (Vice-President), Krystyna Grinberg (Treasurer), Catherine Symons (Secretary), Georgina Costello QC, Christopher Tran.

The Migration Law Bar Association has had a quiet year, principally been due to the restrictions imposed due to COVID-19. Planned CPD events have been cancelled or delayed. However, liaison between the Association and the Federal Circuit and Federal Court continued, predominantly around listing and pro bono referrals. The Association was approached from time to time by the registrar of the High Court, to assist with pro bono referrals.

We also worked with the Asylum Seekers Resources Centre, and the Bar's Pro Bono Committee, each wishing to set up a pilot scheme for a limited legal assistance. The scheme is designed to fund counsel to appear in the General Division of the Administrative Appeals Tribunal, in cases where a visa has been cancelled on character grounds under Section 501 of the Migration Act. The impetus for the scheme comes from recognition of a significant gap in this area of the law; it is not covered by Victoria Legal Aid. The consequences can be dire. Many people have been in Australia for years, with no family or connection to their home country, and/or might have fled that country fearing persecution.

Military Bar Association

Committee as at 30 June 2021: Paul Panayi (President), Scott Davison (Vice-President), Dan Coombes (Treasurer), Robin Smith (Secretary).

Patrons: The Honourable Justice William Alstergren (Senior Patron), RADM The Honourable John (Jack) Rush RFD QC (Navy Patron), Andrew Kirkham AM RFD QC (Air force Patron), Vacant (Army Patron).

Membership: The Military Bar Association's (MBA) membership currently stands at 40, with members across Australia. Members enjoy a variety of benefits, including pro bono assistance, mentoring scheme, military ethics advice, advocacy to the Department of Defence and government in relation to issues affecting MBA members.

In 2021, the MBA invited new members to join, and it is expected that membership will significantly increase in 2022. New members need only have an active interest in Military Law, but otherwise the membership base is broad, with a mix of civilian and military members, practising in Military Law.

Legal Community Involvement: The MBA has been invited to assist and comment on the policies and initiatives of various government organisations and does so on an issue-by-issue basis. The MBA is giving active consideration to

having representatives on other government and professional organisations.

Conflict of Interest Policy: The Department of Defence policy on conflict of interest has been the subject of significant correspondence and lobbying with the department, judiciary, JAG, Attorney-General and others. As a result of this lobbying and support from the Victorian Bar Council, particularly thanks to President Christopher Blanden QC, we are pleased to report that the policy has been revised and the changes now align the policy with the MBA's lobbying position over the last few years.

New Judge Advocate General: The MBA congratulates Rear Admiral the Honourable Jack Rush RFD QC RAN on his appointment to the position of Judge Advocate General (JAG) of the Australian Defence Force (ADF) and his commission to Rear Admiral of the Royal Australian Navy, effective 30 July 2021. The JAG was a former judge of the Supreme Court of Victoria, Chairman of the Victorian Bar Council and Queen's Counsel. The Governor-General signed the appointment in Executive Council and the JAG was sworn in by a justice of the Federal Court of Australia, in a private ceremony in the Federal Court. There will be a ceremonial sitting scheduled and details will be circulated In Brief.

The JAG is the ultimate authority within the military justice system and is effectively equivalent to Chief Justice of this important, specialist jurisdiction. Military discipline in the armed services is vital both in Australia and on operational service overseas. In view of the Courts Martial system of military justice and the creation of the International Criminal Court, an independent and properly operating Australian military justice system, together with the complementary jurisdiction of the civilian courts, ensures that accused Australian service personnel receive justice and fairness in military trials. We wish the JAG all the best in this new and important national role.

CPD Presentations: The Family Law Bar Association together with the MBA held a family law CPD with emphasis on ADF members and veterans in the family law jurisdiction. The MBA aims for a CPD every few months, and we anticipate future CPDs with the Criminal Bar Association, as Afghan War Crimes matters gain further media attention.

Media Liaison: The MBA is receiving many media enquiries. The MBA has decided to appoint a person to act as a media liaison, and a suitable person for this role is being sought.

New Army Patron: The position of Army Patron was left vacant out of respect for the Late Hon Jack Tracy RFD QC, the former Army Patron. An announcement will follow later in the year.

Committees: It was agreed that the MBA would form a number of specialist sub-committees. These will include: Military Ethics, Discipline Law Advocacy, Administrative Law Advocacy, Operations Law, Functions, and Policy.

Functions: The MBA will present at each Readers' course, when all the Bar associations attend. A black-tie dinner will be held for RADM Rush later in the year, should COVID restrictions allow. An annual military law lecture will also be established in 2022.

Tax Bar Association

Committee as at 30 June 2021: Daniel McInerney QC (President), Eugene Wheelahan QC (Vice-President), Andrew Broadfoot QC (Treasurer), Daniel Diaz (Secretary), Kay Chan (CPD Convenor), Catherine Pierce, Dr Steven Stern, Hadi Mazloum, Claire Nicholson, Fiona Cameron, Gareth Redenbach, Mia Clarebrough, Matthew Meng, Michael Wells, Khai-Yin Lim, Adam Craig.

Terry Murphy QC retired as the President of the Tax Bar Association (TBA) at the November 2020 AGM. TBA acknowledges and thanks Terry for his significant contribution to the TBA. Upon Terry's retirement, Daniel McInerney QC was appointed President, Eugene Wheelahan QC was appointed Vice-President, and Andrew Broadfoot QC was appointed Treasurer.

TBA remains one of the most innovative Bar associations, with a growing membership now comprising 138 members. Throughout the COVID-19 pandemic, the TBA provided members with both online and in-person opportunities for continuing professional development, professional engagement, pro bono advocacy, and networking and social functions.

Highlights in the 2020/21 financial year include:

- › hosting welcome drinks on 17 March 2021 for the Honourable Justice Simon Steward upon his appointment to the High Court of Australia.
- › delivering the TBA annual dinner on 29 April 2021 with the Honourable Justice John Middleton as the keynote speaker.
- › arranging a cross-border CPD seminar on taxation treaties and domestic law chaired by Lord Hodge of the Supreme Court of the United Kingdom, in conjunction with the Australian Bar Association (ABA) and members of the Australian and United Kingdom Bars.
- › presenting tax CPD seminars on behalf of the Victorian Bar on 20 May 2021, entitled *"Travellex and Auctus: Recent decisions of the High Court and Full Federal Court"*; *"Ethical obligations of parties and counsel involved in AAT proceedings"*, on 25 March 2021, and on 7 December 2020 *"Commissioner of Taxation v Glencore – The Full Court decision"*.
- › supporting the Administrative Appeals Tribunal's pro bono scheme, including advocating for the tax deductibility of childcare expenses on a pro bono basis at the Federal Court.
- › organising speed networking events on 21 September 2020 which introduced new counsel to the Australian Taxation Office (ATO), and on 18 May 2021 which enabled TBA members to meet with the ATO and ATO panel firms.

- › facilitating the building of relationships between members including online tax discussions led by senior members for junior members, hosting an online trivia night on 8 October 2020 for members and tax practitioners, and an online morning tea on 21 August 2020 for new members to meet other TBA members.
- › providing CPD seminars to tax and legal practitioners including seminars to the ATO on “*How to brief counsel*” and “*Administrative penalties*”, the Tax Institute of Australia, the Law Institute of Victoria, the Tax Practitioners Board, the Australasian Tax Teachers’ Association Conference, and Leo Cussen Centre.
- › working with the ATO through membership of the ATO Private Groups Stewardship Group and Private Groups Stakeholder Group, each comprised of the ATO, key industry and representative bodies, tax professionals and privately owned groups.
- › liaising with other professional associations such as the Law Council of Australia and the Tax Institute.
- › maintaining the TBA website (www.taxbar.asn.au) to provide the public with information on TBA members, and tax judgments and decisions of Australian courts and tribunals.
- › establishing a TBA blog to provide case notes for the High Court and Federal Court cases.
- › updating members and subscribers to the TBA mailing list with recent tax law developments.
- › assisting with hosting of the 2021 ABA National Conference in Melbourne unfortunately postponed due to the pandemic.

Gender Equitable Briefing Policy (GEBP): WBA has worked to promote the GEBP. Our initiatives have included:

- › The finalisation of the Gender Equitable Briefing Statistics Project which culminated in a brilliant presentation by Dr Kylie Weston-Scheuber, who produced a compelling presentation that we will be able to utilise for our work going in the future. The WBA is keen to continue this work.
- › We have held small group networking sessions the following firms:
 - › Slater and Gordon (4 sessions)
 - › Maddocks (1 session)
 - › Hall and Wilcox (4 sessions)
 - › Cornwalls (3 session)
 - › Landers and Rogers (5 sessions)

Women Barristers’ Association

Committee as at 30 June 2021: Jennifer Batrouney AM QC (Convenor), Alison Umbers (Assistant Convenor), Gayann Walker (Assistant Convenor), Marion Isobel (Secretary), Louise Martin (outgoing Secretary), Khai-Yin Lim (Assistant Secretary), Joye Ellera (Treasurer), Natalie Blok (Membership Officer), Astrid Haban-Ber (AWL representative), The Honourable Justice Helen Rofe, Susan Aufgang, Diana Price,

Emma Pepler, Luisa Alampi, Karina Popova, Laura Mills, Michelle Bennett, Beth Warnock, Priya Wakhlu.

This year the WBA had many hard-working volunteers who persevered through unprecedented conditions brought about by the COVID-19 pandemic to continue the aims of our organisation. Without our Executive and Committee Members, we would not have been able to provide the extensive, valuable programs conducted this challenging year. May I take the opportunity to thank each of you now.

Membership: WBA currently has 415 members, of whom 351 are fee-paying (the remainder being judicial members and readers). This compares with 295 members in the previous financial year.

Convenor’s report in relation to the year’s activities

Retirement of Patron, the Honourable Justice Pamela

Tate: We thank the Honourable Justice Pamela Tate for her patronage, and welcome WBA’s new patron, the Honourable Justice Melinda Richards.

WBA hosted a retirement dinner for Justice Tate in April at the Essoign. As one of our first post-pandemic live events it was very well attended with approximately 25 per cent of the attendees from the judiciary.

In addition to this, we held a seminar over Zoom with Slater and Gordon to promote opportunities to work in the common law area and to explain ‘no win, no fee’ arrangements.

- › We held regional networking in small groups over Zoom. This initiative started as a pilot program, and then, with the assistance of the sub-committee and others co-opted to host sessions, we held 10 sessions with solicitors from across Victoria. Our volunteers liaised with various regional solicitor contacts and local bar associations to identify solicitors willing to participate. There was a large uptake from barristers seeking to participate.

Wellness and Connection: The pandemic also saw WBA start a series of wellness events and ways to connect our members.

- › WBA ran a series of chair yoga workshops lead by Nicki Hanley.
- › On 7 August 2020, WBA and Absolute Health and Fitness hosted an online presentation by dietician Atlanta Miall on nutrition.
- › On 9 October 2020, WBA hosted a Zoom presentation by international performance coach Shona Rowan who spoke on “*Impact, Influence and Visibility for Women*”. Thank you to Svenson Barristers, Dever’s List, Young’s List, List A and Holmes List for supporting this event.
- › WBA co-hosted a financial resilience seminar for members (June 2021) with legalsuper.

- › WBA started an online book club which has been meeting monthly since August 2020. Although there is always lively conversation during this meeting, it isn’t always centred around the month’s book selection!

Collaboration with External Stakeholders: WBA continued its relationship with Victorian Women Lawyers (VWL).

- › On 27 May 2021, WBA partnered with VWL to co-host the Annual Dame Roma Mitchell Memorial Luncheon at Myer Mural Hall featuring guest speaker, the Honourable Mary Delahunty.
- › WBA promoted the VWL online screening of the documentary *Brazen Hussies*.
- › WBA promotes, and our members are participating in, the VWL mentoring program.

WBA has continued to develop its relationship with senior government leaders and heads of jurisdiction.

- › In May, WBA met with Chief Justice Anne Ferguson to discuss the *Preventing and Addressing Sexual Harassment in Victorian Courts* and VCAT – Report (the Szoke Report) and Recommendations.
- › The WBA met with Victorian Attorney-General Jaclyn Symes in May. Discussions with the Attorney’s office included consultations with WBA in relation to judicial appointments (as recommended in the Szoke Report), promotion of equitable briefing within government departments, as well as the possibility of a program to increase opportunities for board appointments for our members.

Policy Activities: The Policy Sub-Committee was also very active this year.

- › WBA made a submission to the Legal Services Board in relation to Continuing Professional Development.
- › We also made a submission to the Victorian Bar’s review of the Nous Report into education at the Bar.

Celebrating Achievements: WBA started a new series of events called *Breakfast with the Stars*. These functions are intended to inspire our members and provide insights on the career paths of some of the most experienced and successful members of our profession including:

- › Justice Incerti and Fiona McLeod AO SC (10 September 2020)
- › Justice Jennifer Davies and Helen Symon SC (17 November 2020)
- › Justice Pamela Tate and Jennifer Batrouney AM QC (3 December 2020)
- › Rachel Doyle SC who promoted her new book *Power and Consent* (30 March 2021)
- › Justice Michelle Quigley and Marita Foley SC (19 May 2021)

WBA nominated two outstanding females for an award to recognise their outstanding contribution to the law.

WBA hosted its annual *Leaps and Bounds* event celebrating a number of judicial, tribunal and silk appointments (as well as Bar Council members) in a virtual event (December 2020). The WBA also recognised several of our members with the following WBA awards:

- › Rachel Doyle SC: “She Lion of the Year Award”
- › Áine Magee: “Pro Bono Award”
- › Anna Robertson: “Mentor of the Year Award”
- › Laura Keily: “Innovator of the Year Award”
- › Dr Kylie Weston-Scheuber: “Outstanding Service Award”
- › Rachel Ellyard: “Outstanding Advocate of the Year”

Women in History: The WBA’s Women in History Sub-Committee hosted two online seminars called *Practice in a Pandemic: Challenges and Opportunities for Women at the Victorian Bar*. These seminars were aimed at highlighting the impact of the COVID-19 pandemic on women at the Bar in various practice areas. Recordings of these seminars are on the Victorian Bar website.

- › The first session, held on 12 November 2020 was moderated by Diana Price and featured:
 - › Minal Vohra SC
 - › Sally Flynn QC
 - › Katherine Farrell
 - › Michelle Wilson
 - › Laura Johnston
- › The second session, held on 26 November 2020 was moderated by Jennifer Batrouney AM QC and featured:
 - › Rachel Doyle SC
 - › Susan Brennan SC
 - › Maria Pilipasidis
 - › Kathleen Foley
 - › Eleanor Coates
 - › Serena Armstrong

Other thanks:

- › Thank you to the Bar Office for its continued support, and a special thanks to Poorva Sabnis and Filomena Giuliani for their work to support our events.
- › Thank you to Marijana Hegedis and her team at the Essoign Club. They have been instrumental in coordinating and catering our events this year.
- › Thank you to Fiona McLeod AO SC who continues to encourage and support the WBA in so many ways.



PART V
STANDING COMMITTEES

Alternative Dispute Resolution Committee

Committee as at 30 June 2021: Tony Elder (Chair), Glen Pauline (Deputy Chair), Gregory Harris QC, Peter Condliffe, Gerard Holmes, Carey Nichol, Susan Gatford, Tony Horan, John Hall, Caroline Paterson, Timothy Maxwell, Cameron Charnley, Reegan Grayson Morison, Shannon Finegan, Nicholas Phillpott (Bar Council representative).

On 30 June 2020, the ADR committee comprised of Tony Elder (Chair), Tony Horan (Deputy Chair), Greg Harris QC, Robert Miller, Peter Condliffe, Carey Nichol, Glen Pauline, John Hall, Martin Guthrie, Adrian Muller, Cameron Charnley, Kristy Fisher and Reegan Morison as Bar Council representative.

The ADR committee thanks those members who retired either during or at the end of 2020: Robert Miller, Matt Walsh, Martin Guthrie, Adrian Muller and Kristy Fisher.

At the start of 2021, the committee welcomed new members: Gerard Holmes, Susan Gatford, Caroline Paterson, Timothy Maxwell, Reegan Morison (moving from Council representative), Shannon Finegan and Nicholas Phillpott as the council representative. Tony Elder was appointed Chair and Glen Pauline Deputy Chair.

During the year, the committee was assisted by and extends its thanks to Victorian Bar office staff, in particular Travis McKay, Jaclyn Symons and Fernando Gallieto.

Victorian Bar Advanced Mediator Accreditation Scheme: The ADR committee submitted a revised scheme which was accepted and passed by the Bar Council at its meeting in November 2019. The promotion of the scheme has continued to be limited by the COVID-19 restrictions but will be resumed when restrictions are eased.

SLEM Scheme in the Magistrates' Court: During the year, representatives of the ADR committee have joined with members of the Magistrates' Court to further develop the Single List of External Mediators (SLEM) scheme.

Continuing Professional Development: The ADR committee continued to host monthly discussion/de-brief sessions and conducted a number of mediation specific CPDs during the year and distributed several newsletters to the Bar's accredited mediators.

Victorian Bar Mediation Scheme: In conjunction with the Commercial Division of the County Court, the ADR committee finalised a protocol for the referral of commercial disputes to members of the Bar. Since adoption of the protocol, the

committee has continued to administer and advise the Bar Council President on referrals. In conjunction with the Common Law Division of the County Court, the committee has also recast the protocol to enable timely referral of Family Provision disputes to the scheme. It is hoped to finalise that second protocol in the near future.

Bar website: The ADR committee continued to work with the Bar on modifications and refinements to the Bar website to improve its accuracy and the visibility of the Bar's ADR capabilities and services.

International Chamber of Commerce Students' Mediation Competition: The Bar continued its sponsorship of the competition through the Henry Jolson QC prize which was presented to the winners by a representative of the ADR committee.

National Register of Nationally Accredited Barrister Mediators: In late 2019, the ADR committee obtained agreement in principle from the New South Wales and Queensland Bars and the Australian Bar Association (ABA), for the hosting on the ABA website of links to each State Bars' list of nationally accredited mediators. With the onset of COVID-19 restrictions, the development of that register has been slow, however, we hope to see the register go live before the end of 2021.

Lawyers Certificate in Mediation Course: The postponed 2020 course went ahead in November 2020 using the Victorian Bars' Learning Management System and Zoom. The course was held online over several weekends in November. The 2021 fully subscribed course was held over several weekends in May, again online.

Victorian Commercial Arbitration Service (VCAS): The ADR committee reviewed the VCAS scheme and an associated draft protocol which the scheme's proponents had developed with County Court and provided its comments to the Bar Council. Further guidance has been sought from the Bar Council.

Domestic Arbitration: The ADR committee has had discussions with the Bar's International Arbitration Committee (IAC) and has agreed with it that a joint recommendation will be made to the Bar Council to transfer responsibility for domestic arbitration to the IAC.

I wish to thank the members of the ADR committee, members of the Victorian Bar office and Bar Presidents, Wendy Harris QC and Christopher Blanden QC, for their work on the various projects addressed by the committee during the year. Particularly with the advent of COVID-19, there has been a considerable workload in the last few months.

Art and Collections Committee

Committee as at 30 June 2021: Siobhan Ryan (Chair), Peter Willis SC (Deputy Chair), Charles Parkinson, Amy Wood, Stephen Jurica, Edward Gisona, Leana Papaelia, Brian Mason, Daniel Kinsey, Nicholas Modrzewski and Sophie Prince (Honorary Curator).

In December 2020, the Art and Collections (A & C) Committee farewelled our chair of more than a decade, Peter Jopling AM QC. The committee acknowledges and thanks Jopling for his indefatigable vision and leadership, which saw the foyers of Owen Dixon Chambers re-invented as the Peter O'Callaghan QC Gallery, the establishment of the Peter O'Callaghan QC Gallery Foundation and the commissioning of portraits by leading Australian painters, photographers, sculptors and video-makers. Jopling remains involved in the gallery through his chairmanship of the Foundation. We also farewelled committee members Campbell Thomson, Miguel Belmar Salas and Raini Zambelli and welcomed new members, Peter Willis SC, Amy Wood and Brian Mason.

During the 2020-2021 year, we took delivery of the following commissions:

- › Ceramic bust of Alfred Deakin by Stephen Benwell
- › Painted portrait of Ron Merkel QC by Tony Clark
- › Photo portrait of Julian Burnside AO QC by Gary Summerfield
- › Video portrait of Allan Myers AC QC by Shaun Gladwell

The A & C committee also accepted three gifts. The first is a photo portrait of William Ah Ket, the first Victorian barrister of Asian descent, who signed the Bar Roll in 1904 (No. 88) and went on to have a successful career of more than 30 years. The photograph is a reprint of an original studio portrait taken at or around the time that Ah Ket signed the Bar Roll. It was a gift of Ah Ket's descendants. The family has also loaned the Bar Ah Ket memorabilia which is currently on display in the vitrines in the walkway between Owen Dixon Chambers East and West wings.

The second is a charcoal portrait of the Honourable Paul Guest OAM QC by Ted May, gifted by Paul Guest. Guest was a member of the Bar for 30 years, a three-time Olympic rower and a Family Court Judge. He is a philanthropist and a great advocate of the arts, particularly in regional Victoria, having recently donated a significant collection of works to the Bendigo Gallery.

The third is a photo portrait of Harold Holt gifted by John Dever. Harold Holt was a member of the Bar (c 1930 to 1932) and attained the office of Prime Minister of Australia. His portrait is within Clause 1(d) of the committee's Acquisitions & Commissions Protocol. The photo of Holt emerging from the ocean with a speargun and a fish was selected, after consultation, because it connects with the younger generation.

All of these works have now been installed under the expert eye of curator, Murray White.

Also, during the course of the year, the portrait of the Honourable Geoffrey Nettle AC QC by Jude Rae was commissioned, upon his retirement from the High Court. Fundraising also commenced for a portrait of criminal barrister, Brendan Murphy QC by Julius Killerby, which has since been commissioned. The Murphy QC proposal and fundraising were championed by a group of his juniors. The commission was approved by the A & C committee under clause 1(e) of the Protocol which relates to practising members of the Victorian Bar who have distinguished themselves in the practice of their profession and or in their service to the Victorian Bar and/or in their service to the wider community. It is very pleasing to see Bar members engaging with the collection in this way.

2021 began with the Peter O'Callaghan QC Gallery being part of *Photo 2021*, a Melbourne and regional Victoria event showcasing local and international photographers. From 18 February 2021 to 26 March 2021, the gallery exhibited *The Congo Tales* by Pieter Henket, a New York-based, Dutch photographer. Henket and an international team, including a Congolese philosopher and Congolese artist, travelled to a remote village in the Amazon rainforest to photograph and preserve the region's myths and lore. The photographs are luminous high-quality visions of the stories. The exhibition was fully funded by Bar member donations.

12 April 2021 was the 180th anniversary of the founding of the Victoria Bar, upon the admission to the Supreme Court of New South Wales sitting at the Port Phillip District of its first five barristers, including a young Irishman, Redmond Barry. The A & C committee and the gallery board chose to unveil the video portrait of Allan Myers AC QC by Shaun Gladwell on this day. The portrait was unveiled by Professor Glyn Davis with Gladwell in attendance. The committee also installed a 180th anniversary exhibition in the vitrines. The exhibition, curated by Daniel Kinsey, Brian Mason and Siobhan Ryan, showcases a diverse array of marvellous artefacts, such as the Silver Cigarette case and McFarlane's snuff box and tells their stories.

Dr Peter Yule has delivered the final manuscript of the Bar history, with its publication funded by crowdfunding led by Gabi Crafti and others. The generous response enabled the Bar History Book Committee to commission a beautiful and solid tome, is scheduled for publication at the end of 2021. A & C Committee members, Peter Jopling and Charles Parkinson together with BCL's Geoff Bartlett, are to be congratulated for their hard work and persistence in bringing this to fruition.

Over two days in late June 2021, Caroline Fry of Grimwade Conservation Services (GCS) of the University of Melbourne and her team undertook a condition survey of the Peter



(L-R): Allan Myers AC QC and artist Shaun Gladwell at the unveiling of the video portrait of Myers.

O'Callaghan QC Gallery portrait collection. The GCS report will become a master plan for the maintenance and restoration needed to be carried out on the collection in the future.

All of the above occurred in a pandemic year, marked by four of Melbourne's five lockdowns.

Audit Finance and Risk Committee

Committee membership as at 30 June 2021: Mary Anne Hartley QC (Chair), Robyn Sweet (Deputy Chair), Dr Ian Freckelton AO QC, Paul Hayes QC, Donald Farrands QC, Romauld Andrew, Peter Crofts, Douglas Shirrefs, Benjamin Murphy, Lana Collaris and Lachlan Molesworth.

The Audit Finance and Risk Committee (AFRC) acknowledges the support of Susan Lawrence (former Manager - Finance and Membership) and Mark Bryant (Manager - Finance and Membership).

2021 activities and achievements: The Audit Finance and Risk Committee oversees the Bar's budget and annual reporting delegations and monitors and maintains the Bar's risk register. Its most important responsibility is to oversee the preparation of the budget and end of year accounts and to make recommendations about these matters to Bar Council. In discharging its obligations, the AFRC liaises with the Bar management and external auditors.

The AFRC, working closely with management, recommended a budget to Bar Council which enabled the reduction in subscription fees for all barristers in Category 1 for the 2021-2022 financial year. Bar Council approved the reduced subscriptions in addition to an earlier rebate paid in the financial year ended 30 June 2021 being \$250 for all members and an additional \$150 for eligible members of the Criminal Bar Association.

Further to its regular oversight activities, this year the Committee:

- › reviewed proposals for the development of the Bar's IT system;
- › reviewed the risk register;
- › reviewed the Professional Standards Improvement Plan;
- › reviewed the Risk Management and Policy Framework;
- › made recommendations to Bar Council about:
 - › upgrading critical software concerning the Bar Roll database;
 - › the subscriptions programs; and
 - › a redevelopment of the VicBar website.

Continuing Professional Development Committee

Committee membership as at 30 June 2021: Oren Bigos QC (Chair), Richard Dalton QC (Deputy Chair), Minal Vohra SC, Charles Shaw QC, Darren Mort, Peter Clarke, Patrick Noonan, Robert O'Neill, Christopher Brown, Premala Thiagarajan, Rachel

Walsh, Myles Tehan, Vicki Bell, Eugene Wheelahan QC (Bar Council representative) and Nina Massara (Victorian Bar staff).

The Bar's CPD program had to adjust quickly to the COVID-19 pandemic. Previously most seminars were held at the Neil McPhee Room in Owen Dixon East, with many seminars being recorded for later viewing for those who could not attend. With the threat of the pandemic, in early 2020 the Bar moved to virtual seminars, with remote attendance by speakers and the audience, ably coordinated by the Victorian Bar office. Virtual seminars continued to be recorded for later viewing via the Bar's intranet portal.

In the future, there remains room for holding some seminars remotely, while for other seminars there will be a welcome return to the Neil McPhee room to enable physical interaction by participants, particularly when the audience includes clients.

Seminars offered during the Melbourne lockdowns included two series for more junior members of the Bar – on the fundamentals of insolvency and criminal law. Both were well-attended (virtually) and generated positive feedback.

During 2020, the CPD committee met remotely. The topics discussed included measures to develop the CPD seminar program, the annual CPD audit, consideration as to whether various proposed seminars qualify for CPD points, and whether a brief survey should be conducted at the end of each CPD seminar for feedback to be provided to the speaker. In addition, the CPD committee was involved in the consultation for the Bar's and the Victorian Legal Services Board + Commissioner's reviews into legal education.

The CPD committee's initiatives for 2021 include holding a junior bar conference (subject to COVID restrictions) and establishing a 'fundamentals' or 'refresher' CPD program on key areas of relevance across the Bar to members of various levels of seniority (on topics such as procedure and evidence).

Thanks to the barristers who gave up their time to serve on the CPD committee. And as always, the Victorian Bar staff assisted the CPD committee's work diligently and professionally, with particular thanks to Nina Massara and Golam Kibria.

Counsel Committee

Committee as at 30 June 2021: The Counsel Committee was freshly constituted in November 2020, consisting from date of Dr Ian Freckelton AO QC (Chair), Róisín Annesley QC, Eugene Wheelahan QC, Darryl Burnett, Benjamin Murphy, Ben Jellis and Nawaar Hassan. It was assisted by Edward Gisona (Honorary Secretary), Dr Robin Smith and Joel Silver (Assistant Honorary Secretaries).

The committee thanks those members who retired in November 2020: His Honour Judge Justin Hannebery, Sam Hay QC (Chair), Katherine Brazenor (Honorary Secretary), Hadi Mazloum

(Assistant Honorary Secretary), Adrian Finanzio SC, Minal Vohra SC, Meg O'Sullivan, Sarah Keating and Kieran Hickie.

The committee is appointed pursuant to clause 63 of the Constitution of the Victorian Bar. It is comprised solely of members of the Bar Council. For the purposes of making recommendations to the Bar Council, it considers matters in relation to the grant, renewal, variation, suspension or cancellation of practising certificates, and applications to sign the Roll of Counsel. Additionally, the committee deals with matters relating to the removal of members' names from the Roll pursuant to the show-cause procedure set out in Part 14 of the Constitution.

The committee meets on an as-needs basis depending on the business of the committee; since the last report it has met eight times.

The Bar's *Protocol for Dealing with Disclosures* delegates to the Honorary Secretaries the role of reviewing routine disclosures made in the course of applications for renewal or grant of practising certificates, and applications to sign the Roll of Counsel, and to make recommendations directly to the Bar Council.

The 2020-2021 practising certificate renewal cycle required the review of eight disclosures for recommendation to the Bar Council. The 2021-22 renewal cycle required the review of 12 disclosures. Pursuant to the protocol, the Honorary Secretaries reviewed and made recommendations on a further 26 disclosures made by September 2020 Reader applicants and 35 disclosures by March 2021 Reader applicants. Three of those applications were referred to the Counsel Committee for determination.

The committee considered nine fresh matters in which there were out-of-cycle disclosures relating to fit-and-proper person issues or disclosures of automatic show-cause events pursuant to Section 88 of the *Legal Profession Uniform Law*. The committee also considered four pre-existing matters. At 30 June 2021, seven of those matters had been finalised and six were the subject of continuing investigation.

The committee monitors compliance with conditions placed on barrister practising certificates as well as undertakings given by barristers in suitability matters. As at 30 June 2021, there were 14 practising certificate restrictions being monitored for compliance.

Overall, including suitability matters disclosed as part of the 2020 - 2021 and 2021 - 2022 practising certificate renewal cycles including any out-of-cycle disclosures, the committee finalised 27 matters in the period from July 2020 to June 2021.

The committee is grateful for the ongoing support provided by the Victorian Bar office and the Honorary Secretaries. In particular, Rachel Stelfox, former In-House Legal Counsel (Regulation) and Kai Li Zhu, the Bar's Senior In-House Legal



Dr Ian Freckelton AO QC, speaking at the Ramadan Iftar Dinner.

Counsel, provided high quality and dedicated support to the committee on certain challenging matters.

Equality and Diversity Committee

Committee as at 30 June 2021: Jenny Firkin QC (Chair), Astrid Haban-Ber (Deputy Chair), Christopher McDermott (Secretary), The Honourable Justice Helen Rofe (Bar Council representative), Louie Hawas, Malcolm Harding SC, Marc Felman, Carl Moller, Jonathan Wilkinson, Clare Cunliffe, Natalie Campbell, Andrea de Souza.

The Equality and Diversity Committee (EDC) implemented many measures to promote equality and diversity at the Victorian Bar, and in the legal profession more broadly.

Policies and publications: The EDC prepared or participated in developing various policies and publications, including:

- › the Bar's first Statement of Principles on Disability
- › the Health and Wellbeing Portal
- › a pamphlet on being a LGBTIQ community ally

The EDC has worked continuously with the Victorian Bar office and Bar Council to review mechanisms dealing with sexual harassment complaints at the Bar.

Readers' Course and Leadership training: The EDC hosted two new panel sessions for the Readers' course:

- › *Discrimination, Equality and Diversity at the Bar: Tips, Strategies and Resources for New Barristers*
- › *Sexual harassment and Bullying*

The EDC is working together with the Readers' Course Committee to introduce a session on mentoring for mentors, incorporating sexual harassment training, during the next Readers' course.

The EDC, together with the Courts, will present a Leadership CPD incorporating sexual harassment training for counsel of 10 years-plus standing later this year.

Seminars, panels and events: Judges, barristers, experts, academics and others were featured presenters in dynamic EDC organised events including:

- › a CPD *Trauma informed legal practice and litigation*;
- › a CPD *Equality & Anti-Discrimination Law Update & Practical Tips for Assisting LGBTIQ Clients*;
- › a CPD 'Could I just finish the question?' – *Views from the Bench, Bar and solicitors on 'Female Judges, Interrupted'*;
- › an 'in conversation' event with the Hon Kenneth Hayne AC QC *Stamping out Sexual Harassment at the Bar*;
- › a CPD, in conjunction with the Women Barristers' Association and LegalSuper, *Pathways to financial security for women barristers*;
- › an Iftar Dinner celebrating Ramadan, in partnership with the Australian Intercultural Society.

Other initiatives: The EDC recommended 11 measures to address sexual harassment at the Bar, relating to education, messaging, regulation, a complaints procedure, policy, data and ongoing review. The recommendations were adopted by Bar Council in August 2020. Those already implemented are outlined above.

- › The LGBTIQ Working Group launched a WhatsApp messaging group to offer support, social connection, sharing of information and resources, and general collegiate discussion.
- › On the recommendation of the EDC, the Bar signed a Memorandum of Understanding with the Women's Legal Service, becoming a consortium partner in *Starts With Us*, a justice sector action project for the prevention of violence against women.

Submissions and correspondence: The EDC prepared many submissions and correspondence on behalf of the Bar in support of equality and diversity in the legal profession:

- › submission to the Victorian Legal Services Board + Commissioner (VLSB+C) - *CPD Review July 2020*.
- › letter to the Australian Bar Association regarding the effectiveness of rule 123 of the *Legal Profession Uniform Conduct (Barristers) Rules 2015*.
- › submissions to the Law Council of Australia relating to: National roundtable addressing sexual harassment; Amendments to the Sex Discrimination Act 1984 (Cth); Establishment of a Standing Federal Judicial Commission to investigate issues of proved misbehaviour concerning harassment and bullying; Facilitating a more diverse legal profession (persons with disability).
- › submission to Dr Helen Szoke AO - *Review of Sexual Harassment in Victorian Courts and VCAT*.

The Chair would like to thank the dedicated EDC members for their significant contributions and congratulates the Honourable Justice Helen Rofe on her appointment to the Federal Court.

Ethics Committee

Committee as at 30 June 2021: Peter Chadwick QC (Chair), Charles Shaw QC (Deputy Chair), Andrew Strum QC, Stewart Maiden QC, Lisa Hannon QC, Sam Tatarka, Fiona Ellis, James Barber, Simon Pitt, Justin Wheelahan, Sarah Cherry, Paul Kounnas, Alexandra Golding, Carmen Currie, Lucy Kirwan, and Simon Fuller.

Since the withdrawal, in August 2019, by the Victorian Legal Services Board Commissioner, of the delegation to the Ethics Committee to investigate complaints and undertake preliminary investigations, the committee has ceased to undertake that work and as a result the work of the committee has waned.

Nevertheless, the Ethics Committee – comprising as it does, of experienced practitioners across all jurisdictions, selected for their knowledge of the ethical framework and the rules of conduct – seeks to continue to perform a number of important functions for the Bar.

First, the committee continues to provide advice, and if requested or required, formal resolutions, to members of the Bar as to how to conduct themselves, from an ethical standpoint, in a particular situation. Advice and resolutions are often provided in urgent circumstances and frequently within a short period of a request being made. In the 2021 year, 41 formal resolutions were provided to members of the Bar. A large proportion were provided within 24 hours of being requested.



The Honourable Justice Helen Rofe, Barrister Christopher McDermott, Victoria Legal Services Board Commissioner Fiona McLeay and Health and Wellbeing Committee Chair Sally Flynn QC at the launch of the Bar's Health and Wellbeing Portal on 24 February 2021.

Second, the Ethics Committee recommends the provision of, and often assists in presenting, seminars to provide education to barristers about their ethical obligations. During the 2021 year, the Ethics Committee or members of it presented 5 seminars on ethical topics to members of the Bar.

Third, members of the Ethics Committee assist in teaching the ethics component of the Readers' course. This year, four members of the committee were involved in that work.

Fourth, the Ethics Committee conducts a grievance procedure between barristers commenced pursuant to the Bar's Grievance Protocol. In the 2021 year, the Ethics Committee conducted two such grievance procedures, with one resolved and one withdrawn.

I recognise the service of Róisín Annesley QC and Patrick Over who left the committee this year. Róisín's contribution to the Ethics Committee has been immense. She served for nine years, including three as Chair, which is a tremendous contribution. She conducted herself in those roles with sensitivity, decency, common sense, humility, and wisdom and at all times with a sense of humour. The Bar is enormously in her debt.

I would also like to thank Jaclyn Symons and Fernando Gallieto of the Victorian Bar office for their hard work and the great support they provided to the Ethics Committee and to me as Chair, throughout the year.

Despite its diminished role, the Bar is still well served by the Ethics Committee and the committee continues to play a very important role in the work and life of the Bar. The obligations of Counsel are important, complex and sometimes in conflict. The Committee continues, with the considerable experience and skill of its members, to guide barristers to abide by these important ethical obligations.



The Victorian Bar Community Choir performed at the 2021 Victorian Bar Pro Bono Awards held on 5 May 2021

Health & Wellbeing Committee

Committee as at 30 June 2021: Sally Flynn QC (Chair), Emily Porter (Deputy Chair), Daniel Briggs (Secretary), Julie Davis, Dr Michelle Sharpe, Timothy Marsh, Esther James, Banjo McLachlan, Fiona Batten, Calum Henderson, Ashleigh Harrold and Paul Kounnas (Bar Council representative).

The committee thanks the members who retired during the year including Nicola Collingwood, Lionel Wirth, Matthew Meng and Michael Taylor. The committee would particularly like to thank the former deputy Chair, Greg Ahern, for his considerable contribution to the committee over a significant period.

The impact of the pandemic has continued to make the work of the committee challenging. Current events highlighted the need to provide support and resources to members who are facing many difficulties including fluctuations in workflow and finances, stress and other mental health and wellbeing issues. The committee together with the Victorian Bar office arranged for the psychologist, Sandy Rea, to deliver the COVID Capsule Part 1 and Part 2 in June 2020 to help our members navigate the difficult environment we all face. Zoom trivia nights, WhatsApp Groups, group emails and scheduled phone calls ensured that no barrister was left behind as we strived to make sure we all stayed connected.

The major accomplishment of the committee was an online health and wellbeing portal for Victorian barristers was launched in February 2021, at wellbeing.vicbar.com.au. The portal was developed to support barristers facing many challenges and difficulties in their personal and professional lives. The portal is a bespoke resource for barristers and will provide ongoing, holistic support to members. We are grateful for the financial support of the Victorian Legal Services Board and Commissioner in developing the portal. The construction of the portal, in conjunction with the Victorian Bar office, was

our major project for 2020 and we are very proud of this resource which will be updated with relevant and useful material.

In 2021, the CPD sub-committee, led by Dr Michelle Sharpe, has put together a comprehensive and quality educational CPD program with many excellent speakers covering relevant issues. The committee, with the assistance of the Victorian Bar office, once again made free flu shots available on 25 May and 26 May 2021, an initiative well supported by members. The Chair of the committee, together with Bernadette Healy, psychologist, once again presented to each Readers' course on the issues of mental and physical health, resilience, anxiety, sleep, emotional intelligence, mindfulness and achieving work/life balance. Prioritising issues surrounding physical and mental health will be subjects addressed in the CPD program for 2020-2021.

The Victorian Bar Community Choir continued to thrive on an online forum when restrictions required it to. The choir, led by Annemarie Sharry, was able to continue sessions via Zoom and members were able to enjoy the camaraderie that comes when singing together in the choir. We look forward to the choir performing again in public as soon as they are able to.

The committee continues to oversee the barristers' counselling service which provides both crisis and occasional counselling for barristers and members of their immediate family in times of need. Bernadette Healy, of the Re-Vision Group, and Converge International, are available for five counselling sessions offered free of charge to members with costs being met by the Victorian Bar. This important resource for our members cannot be underestimated.

Human Rights Committee:

Committee as at 30 June 2021: Alistair Pound SC (Chair), Aggy Kapitaniak (Deputy Chair), Alex James-Martin (Secretary), Felicity Gerry QC, Douglas Laidlaw AM CSC, Tomaso Di Lallo, Susan Borg, Adam McLean, Hugo de Kock, Nicholas Goodfellow, Stella Gold, Andrew Yuile, Roshena Campbell, Julia Kretzenbacher, Shanta Martin, Rowan Minson and Julian Murphy.

The Human Rights Committee thanks the following members who retired at 31 December 2020: Peter Willis SC, who had served on the committee since 2011, the last six years as Chair, Russell Moore and Anthony Krohn.

The committee's remit: The Human Rights Committee is one of the Bar Council's longest standing policy advisory committees. Its task is to raise for attention issues that affect the liberty and dignity of all persons and any other issues that engage human rights.

The committee's focus is on legislation and administration, and other issues which raise systemic issues, within Victorian and Commonwealth jurisdictions. It does not address individual cases.

The committee is especially concerned with issues affecting access to justice, equality before the law, freedom from discrimination and from the arbitrary exercise of power, and adherence by government at all levels to widely accepted human rights norms, including those established by the International Conventions to which Australia is a signatory.

Activities of the committee in 2020-2021: During 2020-2021, the committee met regularly by video conference, as well as circulating material between meetings. A wide range of topics were considered at committee meetings, including the impact of the COVID-19 pandemic on human rights, modern slavery, immigration detention, the use of facial recognition technology by law enforcement agencies, data retention and privacy, and a national human rights charter.

The committee continued to monitor the impact of the COVID-19 pandemic, and the emergency measures introduced at state and federal level to respond to the pandemic. The pandemic has given rise to a wide range of human rights issues, including delays to criminal trials, judge-alone criminal trials, the challenges of maintaining the principle of open justice, privacy, freedom of assembly and expression, as well as consideration of reasonable limitations on rights for the protection of public health. In this context, the committee, through the Bar Council, expressed its concerns relating to the extension of the state of emergency provisions in the *Public Health and Wellbeing Act 2008* (VIC) and aspects of the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020* (VIC). The committee also raised with the Bar Council its concerns relating to aspects of the *Justice Legislation Amendment (System Enhancements and Others Matters) Act 2021* (Vic) which extended, or made permanent, some of the temporary changes to the justice system introduced in 2020.

The committee, through the Bar Council, contributed to a Law Council of Australia submission to a review by the Senate standing committee on Legal and Constitutional Affairs of the *National Emergency Declaration Act 2020* (Cth) and made a joint submission, with the Indigenous Justice Committee, to the State Attorney-General and Shadow Attorney-General in support of the campaign to raise the age of criminal responsibility.

The committee has also continued to monitor the impact of the *Modern Slavery Act 2018* (Cth). During the year under review, members of the committee, Felicity Gerry QC and Shanta Martin, presented a CPD seminar on the Act and the publication of the first tranche of modern slavery statements made by reporting entities under the Act.

Working with others: The committee has worked collaboratively with a wide range of other organs of the Bar. We thank the Victorian Bar's policy lawyers, Jaclyn Symons and Fernando Gallieto, for their work.

During the period under report, Shanta Martin served as a member of the Law Council of Australia Advisory Committee on Business and Human Rights.

Indictable Crime Certificate Committee (ICCC)

Committee as at 30 June 2021: The Hon Robert Redlich AM QC (Chair), Peter Chadwick QC, Simon Marks QC, Paul Holdenson QC, Dr Ian Freckelton AO QC, Sam Hay QC, David Hallows SC and Sarah Keating.

The Indictable Crime Certificate (ICC) is an accreditation and quality assurance program, overseen by the Indictable Crime Certificate Committee (ICCC) on behalf of the Victorian Bar in conjunction with Victoria Legal Aid.

In 2020-21 the ICCC received 10 new applications, taking the total number of received applications to 369. The 2020-21 period saw 51 ICC holders renew their certificates. Some of the accreditation components were not able to be delivered due to social distancing requirements. Applicants who were impacted were awarded extensions to fulfil these requirements. Extensions for the renewal of certification were also granted to those certificate holders under financial stress due to COVID-19.

A full review of the ICC accreditation scheme was launched in May 2020 to determine whether it provides suitable quality assurance and is fit for purpose. Due to disruption brought about by COVID-19, the project was put on hold. It is now being reviewed by a newly appointed steering committee, with the final report to be presented in late 2021.

The committee thanks retiring committee members, the Hon Justice Justin Hannebery and Daniel Gurchich QC, for their valuable contribution to the work of the committee. The committee is particularly grateful to the Hon David Habersberger QC who has provided invaluable support to the ICC education programs and to the committee over many years.

Indigenous Justice Committee

Committee as at 30 June 2021: Anne Sheehan (Co-Chair), Timothy Goodwin (Co-Chair), Anthony Schlicht, Jeremy Whelen, Nicholas Goodfellow, Gordon Chisholm, Serena Armstrong, Kate Stowell, Rabea Khan, John Heard, Julian Murphy and Paul Kounnas (Bar Council representative).

Retiring members in December 2020: Jennifer Batrouney AM QC, Peter Willis SC, Elizabeth Ruddle QC (Bar Council



Uncle Jim Berg speaking at the 2021 Victorian Bar Pro Bono Awards.

representative) and Justin Willee

The Indigenous Justice Committee (IJC) acknowledges the significant contribution by all retiring members over an extended period. In particular, thanks to Jennifer Batrouney AM QC and Peter Willis SC on the consolidation of the Trust funds available to support Indigenous members of the Bar.

The Clerkship program in early 2021 was postponed due to COVID restrictions. With the strong support of the Supreme Court and the Federal Court, the 2021 Clerkship will commence in person as soon as restrictions permit. Other support for Indigenous Law students and lawyers offered were information sessions on coming to the Bar and the mentorship program. Collaboration with the Readers Course Sub-Committee has led to targeted information and assistance being offered to Indigenous lawyers planning to sit the Bar exam.

A highlight of 2021, initiated by the Pro Bono Committee, was the *Uncle Jim Berg Award for outstanding pro bono advice or advocacy that enhances access to justice for First Nations clients either nationally or in Victoria*. As a visionary in test case litigation and a lifetime advocate within the justice system for Aboriginal people of Victoria, Uncle Jim Berg provides inspiration for current and future barristers.

The renewal of the Reconciliation Action Plan of the Bar has involved significant work and currently sits with Reconciliation Australia for approval in the near future.

Innovation & Technology Committee

The Innovation and Technology (I&T) Committee is again chaired by Garry Bigmore QC. Its other members are Juliet Forsyth SC, Glen Pauline, Andrew Downie, Elizabeth Boros, David Kim, Benjamin Jellis, Angus Christophersen, Emma Poole and Gayann Walker.

The committee continues to strive to share and promulgate information about technology-led change in the legal sector, opportunities for barristers to use technology to their

advantage in their day-to-day practices, technology changes in courts and changes in the way in which barristers may be briefed.

In 2020, COVID-19 exponentially accelerated the rate of technological change reflected in those objectives.

In March 2021, the committee requested the Victorian Bar office to conduct a digital courts survey via a link from *In Brief*. The 272 responses to the 12 questions asked (along with many detailed observations) informed the Bar Council's response to a letter from the Federal Court of Australia inviting comments to assist the court in considering how it will utilise digital technology in the future conduct of its business. The survey has also provided a useful basis for the formulation of representations to other courts and tribunals.

Even when the effects of the pandemic recede, it is likely that virtual hearings, conferences and mediations will continue when appropriate.

The committee also continues to monitor cyber-security and cloud storage, liaising regularly with Barristers' Chambers Limited (BCL). Electronic briefing, using iPads in courts and tribunals and using PDFs to the best advantage are regular agenda items.

A committee sponsored CPD session on optimising the use of Microsoft Word in practice was held on 9 August 2021.

Other CPD sessions in contemplation include keeping operating systems and software up to date, using anti-virus software, making multiple secure backups of electronic data on a regular basis, tips for identifying scam emails, using cloud services and securely sharing electronic documents with instructors, clients, experts and witnesses.

The committee continues to focus on supporting barristers to work effectively with electronic briefs and to practise from home if necessary or convenient. Its 2020 guide for *Working Remotely & Preparing for Virtual Appearances* and its *Tips for Virtual Hearings* remain accessible from the *Health & Wellbeing* tile on the member dashboard in the Bar's website, under *Communications Archive Regarding COVID-19 / Resources to help you work electronically and remotely*.

International Advocacy Training Committee

Committee as at 30 June 2021: Philip D Corbett QC (Chair), Remy van de Weil QC, Sarah Thomas, Hilary Bonney, Jim Shaw, Peter O'Farrell, Albert Dinelli, John Tracey, Erin Hill, Clare Cunliffe, Ashleigh Harrold, Lachlan Molesworth and Tanya Kamil with assistance from Victorian Bar staff Nina Massara (Education Manager) and Golam Kibria (Education Coordinator). Retiring members of the committee from 2019-



Kristobella Haro won the inaugural Ruby-Anne Laufa Best Female Advocate Award

2020 were Her Honour Judge Anna Robertson, Sally Flynn QC and Emma Pepler.

Since 1990, members of the Victorian Bar and judiciary have provided advocacy skills training to trainees of the Legal Training Institute, Port Moresby, Papua New Guinea (PNG) and lawyers of the South Pacific Region. The International Advocacy Training Committee (IATC) continues these activities throughout 2020 and continued to do so in 2021 including during the COVID-19 pandemic (albeit remotely).

In early October 2020, the IATC delivered an intensive three-day appellate advocacy workshop remotely, via Zoom, for 32 government lawyers from Vanuatu who gathered in Port Vila. The lawyers were from the Office of Public Prosecutions, Public Solicitor's Office and the State Law Office of Vanuatu. The program covered both criminal and civil appellate advocacy as well as guidance on written advocacy and ethics. The program was funded by the Australian Aid-funded Policing and Justice Support Program (Vanuatu). Also in attendance were the Honourable Justices Trief and Wiltens from the Supreme Court of Vanuatu, the Attorney-General of Vanuatu and the Public Prosecutor of Vanuatu, all of whom provided valuable local insight. The Victorian Bar teaching team was led by Phil Corbett QC (Chair, IATC) and included the Hon Ray Finkelstein AO QC, Her Honour Judge Anna Robertson, Ray Gibson QC (Senior Crown Prosecutor), Remy van de Wiel QC, Sally Flynn QC, Hilary Bonney, Jim Shaw, Jim Doherty, Albert Dinelli and Clare Cunliffe to whom the committee is most grateful.

From 19 to 23 October, the 20th Civil & Criminal Advocacy Workshop was conducted in Port Moresby for the Legal Training Institute over five days of intense teaching and coaching via Zoom. A total of 82 trainees attended the workshop including students from Bougainville and the Solomon Islands. These advocacy skills workshops have become an integral and compulsory part of the course undertaken by graduates as part of their qualification for admission to practise as national lawyers in PNG. The Acting Director and the staff of the

Legal Training Institute consider the workshop to have been extremely successful despite some initial technical difficulties. The members of the Victorian Bar teaching team are to be commended for their patience and agility in executing a remotely delivered teaching program of this magnitude for the first time. Funding for the workshop is provided by the Australian Government Department of Foreign Affairs and Trade under the Justice Services and Stability for Development program.

The workshop was opened by the Chief Justice of Papua New Guinea, the Honourable Sir Gibbs Salika and was attended by members of the local legal profession, including Tauvasa Tanuvasa Chou-Lee, the Solicitor-General of PNG, who is a graduate of the Victorian Bar Reader's Course. The teaching team was led by Philip Corbett QC with assistance from Julie Buxton as administrator and team coordinator. The members of the Victorian Bar and Judiciary who lent their valuable time and expertise were: The Honourable Justice Josh Wilson (Family Court of Australia), His Honour Judge Christopher O'Neill (County Court of Victoria), Her Honour Judge Anna Robertson, Remy van de Wiel QC, Phil Corbett QC (Team Leader), Sally Flynn QC, Benjamin Lindner, Stephen Russell, Ian Percy, Maya Rozner, Hilary Bonney, Trevor Wallwork, Brad Newton, Sarah Porritt, Peter O'Farrell, Paul Kounnas, Aggy Kapitaniak, Diana Price, Nick Goodenough, Clare Cunliffe, Daniel Nguyen, Julie Buxton (Team Administration and Logistics), Nina Masara and Aylah Lohman (Victorian Bar Office Support).

Kristobella Haro won the inaugural Ruby-Anne Laufa Best Female Advocate Award, presented after the workshop by Maurice Laufa. The award which is sponsored by the Victorian Bar was named in honour of Maurice's daughter, the late Ruby-Anne Laufa, who had participated in the 2015 workshop. Ruby-Anne died tragically in 2017, the victim of domestic violence. Many of the teaching team from the Victorian Bar had taught and knew Ruby-Anne well. Before her passing, Ruby-Anne was earmarked for an outstanding career in the legal profession – a former Miss South Pacific PNG, she was a budding lawyer, leader, entrepreneur and passionate advocate for victims of gender-based violence.

Invitations have been extended to the Victorian Bar to deliver advocacy training in PNG, the Solomon Islands, Vanuatu and Tonga in 2021. These will be conducted remotely but the intention is to conduct face-to-face training as soon as possible. The reputation of the Victorian Bar as a reliable and professional teaching organisation is unrivalled in the region. Discussions are also underway with Lord Chief Justice Whitten of the Supreme Court of Tonga regarding another teaching program for members of the Profession in the Kingdom of Tonga and Tuvalu.

The committee also coordinates the selection and placement of international students in the Bar Readers Course. Demand for places in the course for lawyers from the South Pacific

has increased and is highly sought after by emerging leaders of the profession in the region. The committee has put in place a protocol and timeline for applications and a selection sub-committee to ensure transparency and integrity in the selection process.

Unfortunately, both of the students selected to attend the September 2020 Readers' Course could not attend due to the Australian border closures and have deferred their places to September 2022.

The International Internship Program that was launched in 2019 with the International Commission of Jurists (Victoria) was also placed on hold for 2020-21 but it is hoped it will resume in 2022.

The committee will continue to offer and expand advocacy skills workshops to meet the needs of the lawyers of the South Pacific with whom the committee and teaching teams have formed close bonds. The Victorian Bar has developed and retains a strong reputation for the delivery of pro bono advocacy training in the South Pacific and 2020-2021 saw that reputation confirmed. The members of all teaching teams and the committee work hard and under difficult conditions and their work and dedication reinforces the commitment of the Victorian Bar to legal education and advocacy training in the region.

International Arbitration Committee

Committee as at 30 June 2021: Gregory Harris QC (Chair), Dr Andrew Hanak QC (Deputy Chair), Jeremy Twigg QC, Bernard Carr, Eugenia Levine, Elle Nikou Madalin, Timothy Maxwell, Raini Zambelli, James Waters, Amy Hando, Huw Watkins and Paul Hayes QC (Bar Council representative).

2020

As a consequence of the COVID-19 pandemic, the International Arbitration Committee did not convene a committee meeting in 2020.

In June 2020, the former Chair of the Committee, Martin Scott QC, as a member of the Australian Centre for International Arbitration (ACICA) Board sought the committee's input in relation to proposed revisions that were to be made to the International Bar Association's Rules on the Taking of Evidence. A response was prepared by members of the committee on behalf of the Bar.

2021

In 2021, the committee proposed to investigate steps which might be available to reinvigorate and enhance the arbitration culture in Victoria. Consideration is being given to the how arbitration is marketed by the Bar. Further, how the Bar recognises qualified and unqualified arbitrators and arbitration practitioners more broadly.

Consideration is also being given to any assistance that the

committee may provide the lower courts and tribunals in an effort to reduce the significant backlog of cases by encouraging parties to arbitrate.

Library Committee

Committee as at 30 June 2021: Mark Robins QC (Chair), Dr Paul Vout QC (Vice Chair), Dr Steven Stern (Secretary), Peter Willis SC, Richard Brear, John Gordon, Cilla Brookes, Jonathan Wilkinson, Nawaar Hassan, Lucy Line, Ray Ternes and Nicholas Bird.

The Library Committee thanks the members who retired during the year, namely The Honourable Justice Helen Rofe, Mark Campbell and Andrew Burnett.

The Bar Library's integration with the Law Library of Victoria (LLV) again continues to bring considerable benefits to the Bar. Now that the COVID-19 lockdowns are coming to an end, members will again be able to make use of the three computer terminals in the Richard Griffith Library (RGL) to access the library's expanding digital collection. Throughout 2020 and in early 2021 the committee liaised with the LLV's launch of its online digital access service for use by Bar Members, <https://www.lawlibrary.vic.gov.au/barristers>, securing considerable additional valuable search materials at no cost for Barrister users. Note: as commercial services resume their normal course a number of the major free titles will no longer be available. Nevertheless, other titles continue to be added to this service through the efforts of the LLV, its director and her staff.

The Bar's agreement with the LLV is subject to renewal at the end of June 2021. The Chair and Vice-Chair of the committee have conducted some preliminary discussions with the Director of the LLV in this regard to enable the Bar Council and the newly appointed Executive Director of the Victorian Bar to progress such negotiations more formally. The committee remains firmly of the view of the importance of the continuing alliance between the RGL and the LLV, and the significant benefits that flow therefrom to all members of the Bar, and in particular the extensive digital resources available in the RGL.

The committee, with the support of the LLV staff, and in particular Belinda Schembri, are presently reviewing additional hard-copy texts to be acquired for the RGL from its annual acquisition budget. Although the committee favours digital acquisitions where possible, the commercial reality of the legal publishers' pricing strategies for multiple user digital licences renders such acquisitions impossible without either a significant increase in the library budget or a significant discount by the publishers. A subcommittee has been formed to try to identify a discrete number of broadly useful digital texts which might be economically acquired for the 2021 year, although the economic challenges faced remain high. This is a matter presently under review.

The committee has met with leading members of the Criminal Bar Association to identify some digital resources that may usefully be added to the RGL to particularly assist in the recovery of the Criminal Bar. The resources discussed are presently being costed with a view to the Committee giving a recommendation to the Bar Council. Whilst other Bar Associations covering other practice areas (including the Tax Bar Association, the Family Law Bar Association, the Children's Court Bar Association and the Common Law Bar Association) have been approached too with a view to advising the Bar Council as to future acquisitions relevant to those practice areas, the committee remains of the view that in the present unique circumstances of 2021, the needs of the Criminal Bar should be given priority.

Otherwise, Bar members continue to make kind donations of textbooks and monographs which they have written and to offer reports, journals and volumes from their own libraries upon retirement or after downsizing. Particular thanks go to the Honourable Sir James Gobbo AC CVO QC, the Honourable Sir Daryl Dawson AC KBE CB QC

The Honourable Peter Heerey AM QC sadly passed away on 1 May 2021. The Bar extends its condolences to Peter's family, friends and colleagues.

The committee members have worked tirelessly throughout the year, and have variously participated in workshops conducted by the LLV on improving access by the legal profession to the LLV digital collection. The committee looks forward to progressing this into 2021 and beyond.

The committee has recently completed negotiations with the operators of Bar-Net/JADE for the provision of an expanded version of the JADE Professional online research resource and reports to Bar members at an advantageous price. The Bar Council is presently considering the committee's recommendation in that regard.

The committee has also undertaken a review of the extended collection of the RGL which is shelved or stored on diverse floors of Owen Dixon West and East and other chambers (provided through the generosity of the barristers on those various floors). As shelf space in the RGL and in chambers becomes an ever-more critical and scarce resource, the committee considers the need to preserve and make available the RGL's holdings (in particular, important legacy report sets of former judges and important members of the Bar) should take primacy over other material (such as redundant volumes such as out-of-date textbooks, or loose statute reprints etc., which are now readily accessible on-line). It is hoped that a full digital record will soon be available through the library page on the Bar website informing members of precisely where these branch libraries are situated and what reports they contain.

Bar members are otherwise reminded of the extensive monograph and reading collection in the RGL and Bar Council

Chamber. The Essoign Club is next door to the RGL and members are always welcome to bring in their morning tea or coffee while browsing the monograph and historical collections. The RGL houses the computer terminals and photocopier, the Australian authorised reports, up-to-date and frequently used textbooks, heritage items and lending library books (see yellow sticker on the spine). Lots of new textbooks have been acquired in end-of-financial-year and calendar-year sales.

English reports and journals are in the Neil McPhee Room next door. Other international reports and journals are in the Bar Council Chamber. Branch libraries for spare sets, some journals and older textbook collections have been established in Owen Dixon Chambers East and West, Lonsdale Chambers, Crockett Chambers and Castan Chambers in various common areas. See the Directory in the RGL room for details.

The lawlibrary.vic.gov.au website has a full catalogue of electronic and hard-copy resources, which identifies the Bar Library's hard-copy holdings. The Bar Library page on the vicbar.com.au website has library policies and procedures, as well as the relevant library committee members who welcome your questions and suggestions. A hard-copy catalogue of the LLV's electronic collection and exclusively hard-copy reports is kept in a folder in the RGL.

New Barristers' Committee

Committee as at 30 June 2021: Erin Gardner (Chair), Scott Davison (Deputy Chair), Daniel Diaz (Secretary), Jamie Richardson, John Leung, Nicholas Phillpott, Alan Ford, Felicity Fox, Nicholas Bird, Priya Wakhlu, Tim Glass, Heather Anderson.

The committee thanks those members who retired during the year: Nico Burmeister, Andrew Burnett, Reegan Morison, Andrea de Souza, Rabea Khan and Nick Mutton.

COVID-19: The last year has been a difficult year for all barristers and particularly for new barristers. The committee continued its role as a voice for new barristers with the Bar Council and the Victorian Bar office. The committee was also part of the steering group for the Victorian Bar Mentoring Pilot Program. In response to the effect of COVID-19 on certain practice areas, the committee established a work referral system for barristers requiring devilling assistance to quickly advertise work opportunities to new barristers. Finally, the committee has continued to undertake its program of CPD and social events for new barristers in the emerging COVID-normal environment.

CPD Events: The committee hosted a seminar on changing practice areas in November 2020. In March 2021, the committee hosted a seminar on the Victorian Commercial Arbitration Scheme and opportunities for new barristers in arbitration and a seminar on ethical issues facing new barristers. Further CPD events are planned for the second half



The 2021 Victorian Bar Pro Bono Awards winners were announced at a ceremony held at the Commonwealth Law Courts on 5 May 2021.

of 2021, with a focus on proceedings in which new barristers are heavily briefed (such as intervention orders) and advocacy. The committee thanks all speakers who gave up their time to speak at CPD events.

Social Events: After a year of COVID-19 turmoil, the committee was able to host its first face-to-face event in December 2020, an end-of-year barefoot lawn bowls dinner. The committee will again arrange informal coffee events for new barristers to meet senior barristers in the second half of 2021 as well as a further end-of-year event.

Finally, the committee has continued to speak to March and September Readers, fielding questions about what the new barristers can expect in their first year of practice.

The committee is grateful for the ongoing support it receives from the judiciary, senior members of the Bar and the Bar executive including the Education and Policy team.

Pro Bono Committee

Committee as at 30 June 2021: Meredith Schilling (Chair), Don Farrands QC (Deputy Chair), Leslie Glick QC, Darryl Burnett (Bar Council representative), Nicholas Kanarev, Meg O'Sullivan, Adam Coote, Eugenia Levine, Dr Laura Hilly, Willem Drent, Christopher Lum, Anna J O'Callaghan, Bonnie Renou, Emma Ryan (Justice Connect), Heather Bell (Justice Connect).

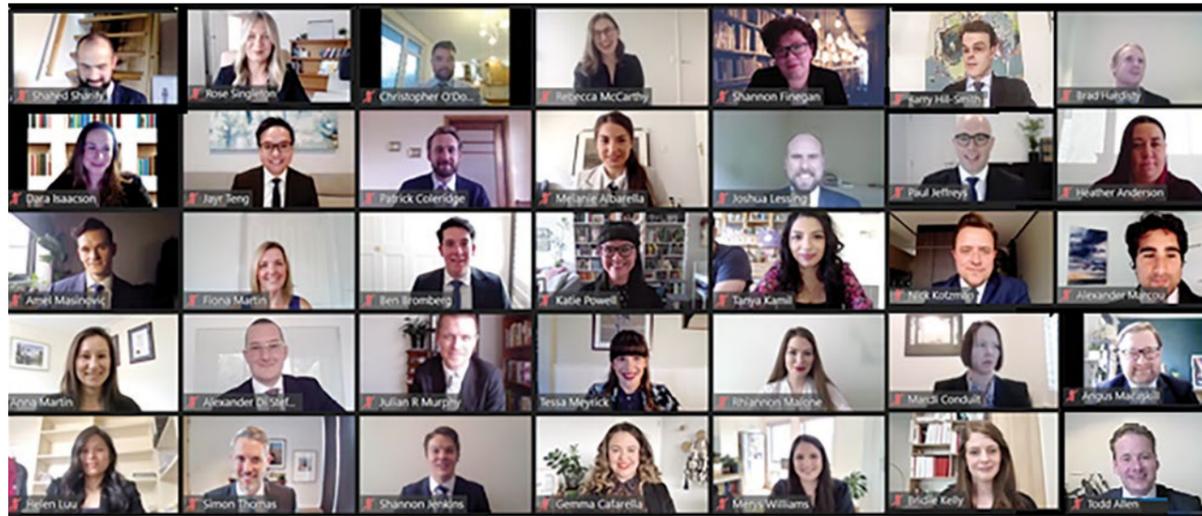
The Pro Bono Committee (PBC) supports the longstanding tradition of barristers performing work *pro bono publico* by overseeing the Bar's various pro bono schemes. Pro bono work performed by barristers under the schemes helps improve access to justice for clients, promotes the rule of law and supports the administration of justice in our Courts.

The schemes operate under two models. First, the Victorian Bar Pro Bono Scheme (the VBPBS) facilitates pro bono legal services to the general community. Justice Connect administers the VBPBS on behalf of the Bar, triaging requests for assistance from the broad community and coordinating referrals to suitable barristers and law firms. Secondly, the various Court referral schemes facilitate pro bono services for self-represented litigants in cases that are already before Courts. These schemes currently operate in the Victorian Supreme Court and Court of Appeal, the County Court and the Coroners Court, under protocols which have been developed collaboratively with each Court and which identify the types of matters which may be suitable for referral to the Bar for pro bono assistance, and the procedures governing such referrals.

2021 has been an exceptionally busy year for the committee, despite the restrictions caused COVID-19. The committee's work during the past year includes the following:

Pro bono platform: The Victorian Bar's new online Pro Bono Platform, launched in June 2020, continues to revolutionise the way in which pro bono referral requests can be made under the court referral schemes, by enabling court users to input requests for pro bono assistance directly into the platform. Those requests are then circulated automatically to barristers with experience in the relevant practice area (or who have shown an interest in accepting pro bono work in that area), who can accept the referral online. The platform has streamlined referrals, increased the speed of their acceptance by barristers and has created greater transparency of pro bono opportunities. The committee continues to work on developing the functionality of the platform.

Review of court referral schemes: In late 2020, the committee undertook reviews of the each of the Supreme, County and



THE VICTORIAN BAR SEPTEMBER 2020 READERS. FIRST ROW (L-R): Shahed Sharify; Rose Singleton; Christopher O'Donnell; Rebecca McCarthy; Shannon Finegan; Harry Hill-Smith; Brad Hardisty; **SECOND ROW:** Dara Isaacson; Jayr Teng; Patrick Coleridge; Melanie Albarella; Joshua Lessing; Paul Jeffreys; Heather Anderson; **THIRD ROW:** Amel Masinovic; Fiona Martin; Ben Bromberg; Katie Powell; Tanya Kamil; Nick Kotzman; Alexander Marcou; **FOURTH ROW:** Anna Martin; Alexander Di Stefano; Julian R Murphy; Tessa Meyrick; Rhiannon Malone; Marci Conduit; Angus Macaskill; **FIFTH ROW:** Helen Luu; Simon Thomas; Shannon Jenkins; Gemma Cafarella; Merys Williams; Bridie Kelly; Todd Allen

Coroners Courts pro bono schemes. The sub-committee, chaired by Don Farrands QC, met with judicial officers and staff of the Supreme and County Courts to review the operation of those schemes and identify areas for future improvement. The success of the schemes rests on their collaborative development and the committee is extremely grateful for the constructive and valuable input that the committee has received from each relevant jurisdiction.

Pro Bono and the Family Court of Australia and Federal Court of Australia: The VBPBS and the court referral schemes referred to above do not currently include similar formal arrangements with either the Family Court of Australia or the Federal Court of Australia. However, during the year the committee met with representatives of those Courts with a view to streamlining the referrals from those courts into a structure similar or parallel to the current referral schemes. It is anticipated that these further referral scheme developments will be well progressed by the end of calendar year 2021.

Pro Bono Awards: Every two years, the Bar's Pro Bono Awards recognise some of the exceptional pro bono contributions and achievements of Victorian Barristers. This year's awards were announced at a ceremony at the Owen Dixon Commonwealth Law Courts Building on 5 May 2021. The Victorian Bar Choir opened proceedings, followed by a welcome speech from Justice Joshua Wilson of the Family Court, which celebrated the efforts of the nominees.

A highlight of this year's awards were the speeches of Justice Debbie Mortimer and Gunditjmarra elder, Uncle Jim Berg, both of whom had new awards named in their honour. The evening's grand prize, the Victorian Bar Pro Bono Trophy for outstanding

individual achievement in pro bono advocacy went to Matthew Albert, for his exceptional pro bono contribution over many years. The awards were superbly organised by a sub-committee chaired by Meg O'Sullivan and Christopher Lum.

Victorian Bar Monash Faculty of Law Open Justice Project: In 2021, the committee's discussions with Monash University Law Faculty about establishing a pilot pro bono student assistance scheme came to fruition with the launch on 24 March 2021 of the Victorian Bar and the Monash Faculty of Law, Open Justice Project. The project, which was developed in collaboration with the Victorian Bar Student Engagement Committee, enables later-year undergraduate and postgraduate students at the faculty to provide pro bono legal assistance (such as research and paralegal assistance) to barristers in pro bono matters.

The committee is honoured that the Honourable Justice Chris Maxwell AC, President of the Court of Appeal, accepted the committee's invitation to act as patron of the project. The project attracted more than 100 applications from students and has been highly successful. Committee members Dr Laura Hilly and Willem Drent have spearheaded this project.

Disaster Legal Help Victoria: In May 2021, the Victorian Bar Council formalised the appointment of a committee to advise Bar Council on matters relating to Disaster Legal Help Victoria (DLHV). DLHV is a joint initiative of Victoria Legal Aid (VLA), the Federation of Community Legal Centres, the Law Institute of Victoria, the Victorian Bar and Justice Connect who have agreed to work together to ensure access to legal assistance for people affected by disasters. DLHV was initially established in 2009 in response to the Black Saturday bushfires and has operated as a principally unfunded partnership for the past



THE VICTORIAN BAR MARCH 2021 READERS. BACK ROW (L-R): Peter Turner; Shawn Rajanayagam; Christopher Fitzgerald; Nicholas Petrie; James Page; James Penny; Conor O'Bryan; Andrew Sprague; Shane Dawson; Luke Perilli; **SECOND ROW:** Christian Farinaccio; Michael O'Haire; Emile Goldman; Cal Viney; Christin Tom; Minh-Quan Nguyen; Julia Wang; Sophie Molyneux; Manu Chaudhary; Ahmed Terzic; **THIRD ROW:** Vanessa Bacchetti; Phoebe Prosser; Nicholas Boyd-Caine; David De Witt; Tim McCulloch; Lachlan Hocking; Ben Thompson; Charles Pym; Nicholas Baum; Liam McAuliffe; Lisette Stevens; Kate Lyle; Ella Zauner; Sophie Stafford; Raymond Elishapour; Zoe Anderson; Seated: Georgina Rhodes; Amanda Storey; Anabelle Tresise; Jacqueline Fumberger; Lara O'Rorke; Monique Hardinge; Nadia Deltondo; Andrea Tate; Mietta McDonald; Sophie Kearney; Julia Nikolic.

11 years, responding on an "as-needs" basis to provide legal assistance to Victorians impacted by disasters. During early 2021, DLHV undertook a detailed review of its strategy and service model. The committee's Chair, Meredith Schilling, participated in that review on behalf of the Victorian Bar. The review has enabled DLHV to refine and redevelop a new strategy and service model which has the capacity to provide a flexible, considered response to disasters, and which is integrated with existing emergency management responses, focuses on local engagement, is culturally appropriate and trauma informed. The committee will continue to advise Bar Council on matters relating to DLHV in the future.

CPDs: In July 2021, the committee hosted a CPD for clerks of the Victorian Bar. The presentation, which was held remotely, was an opportunity to update the clerks on the Victorian Bar's current pro bono schemes and enlist their assistance in promoting pro bono to barristers on their lists.

In August 2021, the committee will co-present a series of seminars with the Visa Cancellations Working Group (VCWG) - a nationwide body of specialists in visa cancellation matters. The aim of the seminars is to equip barristers to accept briefs from VCWG members to act in AAT visa cancellation matters under the *Migration Act 1958* (Cth), an area of increasing pro bono need.

Readers Course Committee

Committee as at 30 June 2021: Sue McNicol AM QC (Chair), Eugene Wheelahan QC (Vice Chair), the Hon Ray Finkelstein AO, QC, Chris O'Grady QC, Justin Graham QC, Ben Ihle QC, Erin Gardner, Sarah Porritt, Janine Gleeson, Ben Gibson, Aphrodite Kouloubaritsis, Gordon Chisholm, James McComish, Lachlan Cameron, Felicity Fox.

The committee acknowledges and thanks retiring committee members for their valued service and commitment to the work of the committee and the Bar: Simon Marks QC (Chair), Michael Borsky QC, Anthony Strahan QC*, Michael Rush QC, Kathleen Foley, Diana Price*.

The Readers' Course Committee, chaired by Dr Sue McNicol AM QC has continued to oversee the form and content of the Readers' course and the Bar exam in accordance with the Bar's Application & Reading Regulations. This has been done in close consultation with Victorian Bar office.

Continuing with the refresh of the Bar Readers' course that was initiated in early 2020, the Committee re-appointed a Course Review Working Group (CRWG). The CRWG continued to monitor the course content, with a focus on monitoring and improving feedback mechanisms.

* Anthony Strahan QC and Diana Price continue to actively assist the committee in an Honorary capacity.

The onset of the COVID-19 pandemic resulted in significant disruption to educational deliveries. The committee worked closely with the Bar office education team to deliver a modified course by remote means. The developments and modifications made to the course in March 2020 were carried into an enforced fully online delivery of the course for the September 2020 cohort and a hybrid delivery in March 2021. It was a considerable undertaking, and a significant achievement, for both courses to be conducted successfully, notwithstanding the significant disruptions caused by COVID-19 and the lockdown restrictions which Melbourne experienced for much of the period.

The onset of COVID-19 resulted in some attrition of September readers deferring placement to 2021. This included two overseas readers set to join the September cohort as part of the International Advocacy Program who were unable to attend due to international border closures. However, the Bar was able to accommodate two Readers from South Australia, where the course is recognised for equivalency to join the South Australian Bar. In all, 35 readers completed the September 2020 course (including the two South Australian readers) and 48 readers completed the March 2021 course.

For the first time in October 2020, the Bar successfully delivered an electronic exam in accordance with the recommendations of the 2019 Exam Review Panel Report to Bar Council. With additional challenges imposed by the pandemic, remote invigilation was introduced to the exam. New procedures and protocols for dealing with exam rule deviations were developed in conjunction with the Bar office education team.

The Bar continues to attract great interest within the profession as a vocational destination. 224 candidates sat the October 2020 exam, with 107 successful candidates who received offers to undertake the Readers' courses in 2021 and March 2022.

The administration of the exam and the Readers' course presents significant challenges, with both the 2021 courses filled after the October 2020 exam. Consequently, the committee recommended that only one exam be run in late 2021 for course placements in 2022. This exam is scheduled for 24 October 2021 and will again be an electronic, remotely invigilated exam. The committee is grateful to Dr Martine Marich who has kindly offered a podcast series and webinar to exam candidates to assist in their preparation.

The administration of the exam and all candidate resources will continue to be overseen by the exam working group, appointed by the committee, with a particular focus on improving access to the Bar for First Nations candidates, working with the Indigenous Justice Committee.

The issue of the surplus of successful exam candidates and resulting delayed course commencement will be a focus for the Committee in 2021. A working group has been appointed to address this growing issue, with recommendations to be made to Bar Council later in 2021.

The International Internship Program, successfully launched in August 2019, was put on hold in 2020 and 2021 due to international border closures. The program provides international applicants with an opportunity to secure an in-depth understanding of the administration of justice in Victoria through a placement program run by the Victorian Bar with assistance from the International Commission of Jurists (ICJ), the Federal Court of Australia and the County Court of Victoria.

Student Engagement Committee

Committee as at 30 June 2021: Kess Dovey (Co-Chair), Tim Farhall (Co-Chair), James Waters (Co-secretary), Bonnie Renou (Co-secretary), Sebastian Reid, Shaun Ginsbourg, Clive Madder, Erin Hill, Daniel Nguyen, Rachel Matson, Priya Wakhlu and Roshena Campbell (Bar Council representative)

The work of the Student Engagement Committee (SEC) has continued apace, despite the disruption to its usual activities caused by COVID-19.

The committee continued its program of outreach to both high schools and universities. The committee members regularly spoke to high school students (either by Zoom or, in person) with an emphasis on schools in communities underrepresented at the Bar – including Sirius College, Buckley Park College and Featherbrook College. The committee also presented or participated in webinars and careers fairs for law students from Australian Catholic University, Deakin University, La Trobe University and Monash University. These events involved discussing life as a barrister, and the role of the Bar more generally. The committee regards a key part of its role as helping ensure that law students understand the importance of the Bar as a public institution and why an independent and diverse Bar is essential to protecting rights, resolving disputes and demanding accountability in a modern society. In addition, the committee provided webinars on advocacy to students at Australian Catholic University and La Trobe University, both of which were very well received. The committee also ran an online panel presentation for Law Week 2021 entitled “Ask A Barrister”, in which members of the public asked questions of practising barristers, with one member interviewed on RRR breakfast radio in support of the event. The committee is planning to offer a webinar on the recent *Sharma* case, targeted at secondary school students, highlighting the role of barristers in that case.

Along with the Bar's Pro Bono Committee, the SEC has also been collaborating with Monash University to develop the



Victorian Bar News 2021 – Winter Edition

Open Justice Project. This new project, to enable later-year students to provide research assistance to barristers at the Victorian Bar in pro bono matters, was launched by the Honourable Justice Chris Maxwell AC, President of the Court of Appeal and Bryan Horrigan, Dean of Monash Law School, on 24 March. The first cohort of students has recently completed the program, and an interim evaluation is being prepared ahead of the second cohort of students commencing in August. If successful, the project will be assessed with a view to potentially expanding the program.

The formal shadowing program remained on hold for the first half of 2021, primarily because, due to COVID-related uncertainty, the external activities that are usually a core feature of the program (such as the Supreme Court Library tour and presentation from the Juries Commissioner) are not currently available. A further difficulty is that, following the loss of the Student Matching Coordinator position last year, there is an even greater administrative burden associated with the full program that would need to be borne by committee members unless or until that position is reinstated.

However, interest in the program remains high. Despite considerable turnover of key contacts at universities last year, universities remain interested in participating in the program when it restarts. The committee also continues to receive inquiries from individual students about shadowing

opportunities. As a result, until the full program can restart, the committee is working to place a small number of students with individual barristers or floors until the full program can recommence either later in 2021 or in 2022 (subject to the availability of external activities).

The committee extends its thanks to Co-Chairs Zubin Menon and James Waters, who both stepped down from their roles in 2021 (although James remains on the committee as Co-Secretary). Their leadership over the past few years, and particularly through the disruption of 2020, saw the committee move from strength to strength – including the development of the revised shadowing program in 2019-20, the continuation of the highly successful bail moot events during Law Week, increased engagement through the SEC's presence on social media, and the maintenance of a regular program of outreach to schools and universities. The committee thanks them for their commitment and tireless efforts.

Victorian Bar News Editorial Committee

Committee as at 30 June 2021: Justin Wheelahan (Editor), Annette Charak (Editor), Natalie Hickey (Editor), Michael Wise QC, Carmella Ben-Simon, Campbell Thomson, Stephen Warne, John Tesarsch, Tony Horan, Amy Wood, Temple Saville, Brad Barr, Hadi Mazloum, Jesse Rudd, Veronica Holt and Shanta Martin.

In 2020-2021, the Victorian Bar News committee continued to create a biannual magazine for members of the Bar and Bench.

The bumper summer issue recognised our COVID-normal lives nine months into the pandemic. It celebrated the creativity of barristers: prose, satire and poetry. It also covered stories of lockdown and reflections on the justice system and court craft during COVID-19.

The winter issue reflected our members' leap to embrace all that our professional and social community has to offer during the 'open-for-business' months in 2021. This year has underscored the ongoing importance of Bar News as a pillar for maintaining community.

The purpose of *Bar News* is to inform readers of various activities around the Bar, showcase the diversity and range of talent of its members, inspire debate and discussion about matters of interest to barristers and the legal profession, and record the story of the Bar and its members.

The Bar News Committee is assisted by copy editor Peter Barrett, and Guy Shield who deals with layout, illustrations, design, typesetting and the look and feel of the magazine. Southern Colour was responsible for final production of the summer issue, Southern Impact for the winter issue.

PART VI
PUBLIC, JUDICIAL
& OTHER OFFICE



The Bar congratulates members appointed to Public, Judicial and other Office:

Commonwealth Appointments

High Court of Australia

The Honourable Justice Simon Steward

Federal Court of Australia

The Honourable Justice Helen Rofe

Family Court of Australia and Federal Circuit Court of Australia

Senior Registrar and National Operations

Registrar - Judicial Case Management Dr Anna Parker

Senior Registrar Rohan Hoult

Federal Circuit Court of Australia

His Honour Judge Patrick O'Shannessy

His Honour Judge Jonathan Davis

Her Honour Judge Jennifer Howe

His Honour Judge Jonathan Forbes

Her Honour Judge Catherine Symons

Victorian Appointments

Supreme Court of Victoria

Court of Appeal

The Honourable Justice Maree Kennedy

The Honourable Justice Kristen Walker

Trial Division

The Honourable Justice Michael Osborne

The Honourable Justice James Gorton

The Honourable Justice Richard Attiwill

The Honourable Justice Stephen O'Meara

Judicial Registrar Patricia Matthews

County Court of Victoria

Her Honour Judge My Anh Tran

Her Honour Judge Fiona Todd

His Honour Judge Justin Hannebery

Her Honour Judge Anna Robertson

His Honour Judge Marcus Dempsey

Her Honour Judge Sharon Burchell

His Honour Judge Pardeep Tiwana

Judicial Registrar Adrian Muller

Magistrates' Court of Victoria

Her Honour Magistrate Alexandra Burt

Her Honour Magistrate Melissa Stead

Judicial Registrar Michael Gurvich

Judicial Registrar Allison Vaughan

Children's Court of Victoria

Judicial Registrar Judith Benson

Victorian Civil and Administrative Tribunal

Civil Division Deputy President Richard Wilson

Other Appointments

Solicitor-General of Victoria

Rowena Orr QC

Joint Standing Committees

Law Aid

(Victorian Bar Incorporated and Law Institute of Victoria)

Paul O'Dwyer SC (Trustee)

James Mighell QC

Michelle Britbart QC

Fiona Ryan

Medico-Legal Joint Standing Committee

Tim Tobin SC

Mary Anne Hartley QC

Marietta Bylhouwer

Dr Paul Halley

Police/Lawyers Liaison Joint Standing Committee

Ian Hill QC

National Legal Profession Representative Bodies

Australian Bar Association

Board of Directors

Matthew Howard SC (President), Dr Matthew Collins AM QC (Vice-President)

and Christopher Blanden QC (Victorian Bar Representative)

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Criminal Law Committee

Zoe Broughton, Zubin Menon, Amelia Beech, Paul Smallwood, and Ffiona Livingstone Clark

Diversity & Inclusion Committee

Christopher McDermott

Ethics Committee

Dr Michael Rush QC, Patrick Doyle, Maree Norton and Maya Narayan

Family Law Committee

Andrew Strum QC

Indigenous Issues Committee

Thomas Keely SC and Anne Sheehan

International Committee

Lord Chief Justice of Tonga Michael Whitten, Paul Hayes QC, Stewart Maiden QC and Raini Zambelli

Tax Committee

Jennifer Batrouney AM QC, Daniel McInerney QC, Angela Lee, Gareth Redenbach and Michael Wells

Law Council of Australia

Directors

Justin Hannebery QC and Lachlan Molesworth

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Alison Burt

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David Neal SC (Co-chair)

Business and Human Rights Committee

Peter Willis SC (alternate member) and Shanta Martin (Special Advisor)

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Laurence White

Indigenous Legal Issues Committee

His Honour David Parsons SC

National Criminal Law Committee

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National Human Rights Committee

Emrys Nekvapil

Rural Regional and Remote Committee

Simon Molesworth AO QC

Young Lawyers Committee

Alan Ford

Defamation Working Group

Renee Enbom QC

Indigenous Incarceration Working Group

David Neal SC

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Commonwealth Courts and Tribunals

Federal Court of Australia

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Corporations and Commercial NPA User Group

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Employment & Industrial Relations NPA User Group

Malcolm Harding SC

Insolvency (Bankruptcy and Corporate Insolvency) User Group

Philip Corbett QC, Michael Gronow QC, Carl Moller and Charles Parkinson

Intellectual Property Users' Group

David Shavin QC and Tom Cordiner QC

Migration User Group

Georgina Costello QC, Nick Wood, Angel Aleksov and Sarah Zeleznikow

Pro Bono Working Group

Catherine Symons, Richard Wilson, Eugenia Levine, Angel Aleksov, Sarah Zeleznikow, Willem Drent and Lachlan Molesworth

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State Courts and Tribunals

Supreme Court of Victoria

Arbitration Users' Group

Hugh Foxcroft QC

Chief Justice's Rules Committee

Jonathon Moore QC

Commercial Court Users Group

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Dust Diseases Users' Group

His Honour Judge Arushan Pillay, Ross Gillies QC,

Michael Wilson QC, John Gordon, Patrick Over, Geraldine Gray and Andrew Dimsey

Institutional Liability List User Group

Geraldine Gray and Natasha Crowe

Judicial Review and Appeals Users' Group

Michael Fleming QC, Dr Ian Freckelton AO QC, Peter Hanks QC, Jason Pizer QC, Christopher Horan QC, Lisa De Ferrari SC, Ben Ihle QC, Rachel Ellyard, Emily Latif and Emrys Nekvapil

Law Library of Victoria Committee

Ian Upjohn CSC QC, Dr Paul Vout QC and Nawaar Hassan

Legal Costs Committee

Stewart Maiden QC

Supreme Court Library Committee

Dr Paul Vout QC and Nawaar Hassan

Personal Injury User Group

Ross Gillies QC, Timothy Tobin SC, James Mighell QC, David Martin and Andrew Dimsey

Probate Users' Committee

Richard Boaden, Shane Newton, Simon Pitt, Ursula Stanisich, Thomas Mah and Eleanor Coates

Property Law List User's Group

Robert Hay QC, Russell Moore, David Lloyd, Matthew Townsend, William Rimmer, Leana Papaelia and Jennifer Findlay

Victorian Compensation and Planning Users' Group

The Honourable Justice James Delany, The Honourable Stuart Morris QC, Christopher Canavan QC, Anthony Southall QC, Christopher Wren QC, Jeremy Gobbo QC, Christopher Townshend QC, David Batt QC, Adrian Finanzio SC, Susan Brennan SC, Nicholas Tweedie SC, Paul Connor QC, Jason Pizer QC, Juliet Forsyth SC, Marita Foley SC, Lisa Hannon QC, Sandro Goubran QC, Craig Porter, Graeme Peake, Matthew Townsend, Romauld Andrew, David O'Brien, Lisa-Maree Lo Piccolo, Sarah Porritt, Paul Chiappi, Peter O'Farrell, Ragnath Appudurai, Nicola Collingwood, Dermot Connors, Barnaby Chessell, Louise Hicks, Ian Munt, Simona Gory, Emma Murphy and Carly Robertson

Victoria University Sir Zelman Cowen Centre Advisory Committee

Fiona McLeod AO SC

Monash University Centre for Commercial Law and Regulatory Studies - CLARS External Advisory board

The Honourable Raymond Finkelstein AO QC, Dr Oren Bigos QC, Dr Warwick Rothnie and Ian Horak

Monash University Dean of Law's External Professional Advisory Committee

Paul Willee RFD QC

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Cost Review Committee**Criminal User Group**

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Defamation List User Group

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Family Property Division User Group

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County Court Rules Committee

Georgina Coghlan QC and Michael Corrigan

WorkCover Users' Group

Ian McDonald QC (Chair)

Magistrates' Court of Victoria**Alternative Dispute Resolution Committee**

Carey Nichol and Cameron Charnley

Civil Practice Committee

Hugh Burchill and Steven Lowry

Criminal Court User Group

Colin Mandy SC, Andrew Sim and Amanda Burnnard

WorkCover Users' Group

Kim Bradey and Megan Cameron (nee Tait)

Victorian Civil and Administrative TribunalAdvocate Members – The Legal Practice List at VCAT
Anthony Southall QC**Statutory Appointments****Legal Services Board**

Jennifer Batrouney AM QC (Advocate elected member)

Legal Services Board – Legal Costs Committee

Stewart Maiden QC

Legal Services Council – Admissions Committee

Dr Jason Harkess and Dr Elizabeth Boros

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Jennifer Batrouney AM QC

Melbourne Law School Tax Masters Advisory committee

Jennifer Batrouney AM QC, Catherine Symons QC, Frank O'Loughlin QC and Mia Clarebrough

Victoria University College of Law & Justice Program Advisory Committee

Dr David Denton RFD QC

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ATO Public Advice and Guidance Panel

Jennifer Batrouney AM QC

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Annette Charak

Charity Law Association of Australia & New Zealand

Jennifer Batrouney AM QC

Competition & Consumer Law

Daniel Clough, Alice Muhlebach and Tim Farhall

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Michael Pearce SC and Annette Charak

Disability Discrimination Commissioner

Dr Ben Gauntlett

Fair Work Commission Termination of Employment User Group

Yasser Bakri and Rebecca Preston

Firearms Appeals Committee

Katherine Brazenor (Chairperson), Paul Stefanovic and Samuel Stafford

Heritage Council of Victoria

The Honourable Simon Molesworth AO QC and Adrian Finanzio SC

International Bar Association – Bar Issues Commission

Fiona McLeod AO SC

International Bar Association – Diversity & Inclusion Council

Fiona McLeod AO SC (Chair)

Justice Connect

Richard Wilson

Law Institute of Victoria – Commercial Law Section Committee

Jennifer Batrouney AM QC, Christopher Furnell, Tim Grace, John Morgan, Dr Philip Bender, Emma Mealy, Andrew Sykes, Matthew Meng, Khai-Yin Lim, Sanjay Schrapel and Amanda Storey

Law Institute of Victoria – Not for Profit Committee

Jennifer Batrouney AM QC

Law Institute of Victoria - Tax Specialist Accreditation Advisory Committee

Frank O'Loughlin QC

Legal Practitioners Liability Committee Board

Adrian Finanzio SC

Legal Super Pty Ltd

James Peters AM QC

Mediator Standards Board - Board of Directors

Peter Condliffe

Post Sentence Authority

Michele Williams QC (Chair)

Takeover Panel

Michael Borsky QC

The Victorian Assisted Reproductive Treatment Authority (VARTA) – Board member

Nicole Mollard

The Victoria Legal Aid - Collaborative Planning Committee

Simon Moglia

Victoria Law Foundation Board

Peter Caillard

Victorian Law Reform Commission

Kathleen Foley

Victorian Legal Admissions BoardThe Hon David Habersberger QC - Deputy Chair,
Dr Suzanne McNicol AM QC and Magda Karagiannakis**Victorian Legal Admissions Committee**

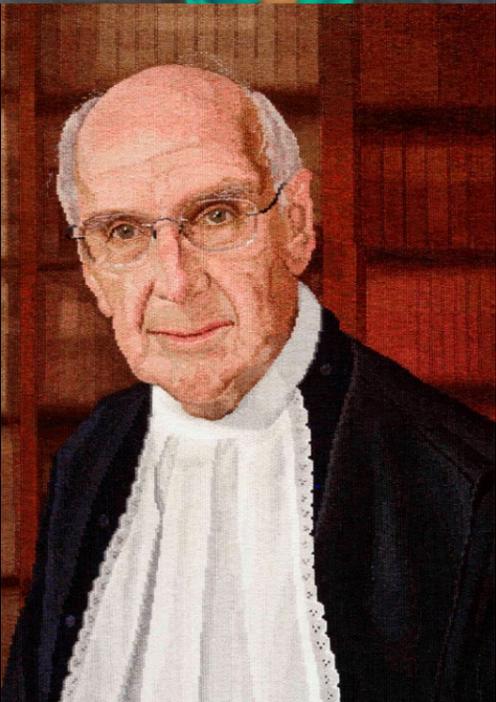
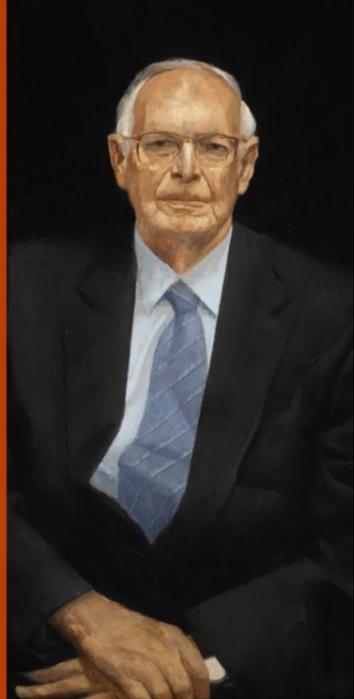
The Honourable David Habersberger QC, Nicholas Green QC, Ian Waller QC, Jennifer Batrouney AM QC, Lisa Hannon QC, Samuel Hay QC and Magda Karagiannakis

Victorian Legal Admissions Academic Course Appraisal Committee

Dr Jason Harkess, Magda Karagiannakis and Dr Elizabeth Boros



PART VII
PERSONALIA



Obituaries

The Bar Council records with deep regret the death of the following members and past members of the Victorian Bar:

2020/21

- Norman Rosenbaum, BR No: 2309, 25 July 2020
- John M Selimi, BR No: 2989, 1 August 2020
- Robin Chan, BR No: 4574, 28 September 2020
- Glenn R D Waldron AO QC, BR No: 527, 29 September 2020
- Jillian M Crowe, BR No: 1786, 4 October 2020
- Martin C Ravech QC, BR No: 465, 30 October 2020
- Colin L Lovitt QC, BR No: 923, 10 January 2021
- The Honourable John Gilmour QC, BR No: 2919, 6 February 2021
- His Honour John K Nixon, BR No: 595, 11 March 2021

- Michael J Ruddle, BR No: 961, 20 March 2021
- Jacqui Katsivas, BR No: 5061, 30 March 2021
- Dan Christie, BR No: 3040, 14 April 2021
- Jeffery A Gyles, BR No: 1261, 15 April 2021
- Margaret V Collis, BR No: 2869, 24 April 2021
- The Honourable Peter C Heerey AM QC, BR No: 810, 1 May 2021
- The Hon Leonard S Ostrowski QC, BR No: 807, 30 May 2021
- David C Munro RFD, BR No: 975, 8 June 2021
- His Honour Frank Walsh AM QC, BR No: 579, 26 June 2021

Honours

During the year, the following Victorian judges, members and past members of the Victorian Bar were recipients of the following honours:

Australia Day Honours 2021

- Bret W Walker AO SC
- Patrick F Tehan OAM QC
- Daryl J Williams AM QC

The Queen's Birthday Honours 2021

- The Honourable Justice David J Porter AM
- The Honourable Patricia A Bergin AO SC
- Her Honour Judge Felicity P Hampel AM
- Dr Ian R L Freckelton AO QC
- His Honour Ian L Gray AM
- Michael J F Sweeney OAM
- Douglas W Laidlaw AM CSC

45 Years at the Bar

- Julian W K Burnside AO QC
- Simon K Wilson QC
- Michael A Tovey QC
- Vincent A Morfuni QC
- Trevor S Monti QC
- Patrick A Casey
- Ian G Crisp
- John B Nunns
- Charles G Gidley
- David O'Doherty
- John R P Lewisohn
- David R Myers

SENIOR COUNSEL



Victoria's newest silks are:

Donald James Farrands
 Patrick Leo Bourke
 Peter Richard Fary
 Timothy John Puckey
 Dr Julianne Elizabeth Jaques
 Lisa Janelle Hannon
 Patrick Joseph Wheelahan
 Justin Stuart Graham
 Peter Harcourt Wallis

Megan Tittensor
 Alistair David Pound
 Dr Paul Tasman Vout
 Sandro Goubran
 Christopher Thomas Carr
 Daniel James McInerney
 Georgina Anne Coghlan
 Elizabeth Helen Ruddle
 Benno Matthew Ihle

PART VIII ROLL OF COUNSEL



The following is a statistical profile of membership of the Bar Association and a listing of those joining, leaving or transferring their membership during the year ended 30 June 2021.

Division	Description	Male	Female	Total
AI	Victorian Practising Counsel	1475	690	2165
	- <i>Queen's Counsel or Senior Counsel</i>	251	42	293
	- <i>Junior Counsel</i>	1224	648	1872
AII	Crown Prosecutors and Public Defenders	16	16	32
AIII	Interstate and Overseas Practising Counsel	82	13	95
	- <i>Queen's Counsel or Senior Counsel</i>	37	3	40
	- <i>Junior Counsel</i>	45	10	55
AIV	Victorian Practising Counsel without a current practising certificate, temporarily absent from practice	7	4	11
BI	Governors	0	1	1
BII	Judges, Associate Judges, Magistrates and Judicial Registrars	206	93	299
BIII	Ministers of the Crown and Members of Parliament	3	0	3
BIV	Solicitors-General and Directors of Public Prosecutions	2	2	4
BV	Full-Time Members of Statutory Tribunals	22	18	40
BVI	Crown Counsel & Parliamentary Counsel	1	0	1
BVII	Other Official Appointments	6	4	10
CI	Retired Judges and Other Judicial Officers	138	23	161
CII	Retired Holders of Public Office other than Judicial Office	11	3	14
CIII	Retired Counsel	259	45	304
D	Academics	7	5	12
TOTAL		2235	917	3152

The following persons signed, re-signed, transferred or were removed from the Roll of Counsel:

Division A Part I (Victorian Practising Counsel)

Signed

Simon Peter Thomas, Jayr Tejada Teng, Tessa Ruth Meyrick, Heather Anderson, Fiona Louise Martin, Dara Suzanne Isaacson, Anna Elise Martin, Rhiannon Noreen Malone, Todd Oscar Stafford Allen, Rose Joy Singleton, Gemma Goodwin Cafarella, Melania Kimberlie Albarella, Julian Redmond Murphy, Mohammad (Shahed) Sharify, Joshua Preis Lessing, Paul Lewis Jeffreys, Amel Masinovic, Bridie Louise Kelly, Katie-Anne Holly Powell, Patrick Declan Coleridge, Shannon Lee Jenkins, Angus John Macaskill, Merys Elizabeth Williams, Alexander Marcou, Benjamin Bromberg, Rebecca McCarthy, Nicholas William Burrows Kotzman, Tanya Kamil, Shannon May Chew Finegan, Alexander Roman Di Stefano, Harry Hill-Smith, Bradley Hardisty, Jennifer Ball, Peter Turner, Nadia Deltondo, Andrew

Sprague, Michael O'Haire, Timothy McCulloch, Amanda Storey, Georgina Rhodes, Christian Farinaccio, Lara O'Rorke, Nicholas Petrie, Andrea Tate, Cal Viney, James Page, Ben Thompson, Liam McAuliffe, Monique Hardinge, Julia Wang, Raymond Elishapour, Christin Tom, Sophie Stafford, Shane Dawson, Jacqueline Anne Fumberger, Phoebe Prossor, Lachlan Hocking, Nicholas Boyd-Caine, David De Witt, Nicholas Baum, Kate Lyle, Sophie Molyneux, Shawn Rajanayagam, Luke Perilli, Sophie Kearney, Lisette Stevens, Christopher Fitzgerald, Emile Goldman, Ella Zauner, Ahmed Terzic, Charles Pym, Zoe Anderson, Minh-Quan Nguyen, James Penny, Conor O'Bryan, Annabel Tresise, Vanessa Bacchetti, Mietta McDonald, Manu Choudhary, Julia Nikolic

Re-signed

Pierre H A M Testart, Rodney J McNeil, Bill Baarini, Sandra Horovitz, Andrew T Conley, Nikola (Nik) Dragojlovic, Erica Lawson, Bryan Mueller, Jessie E Taylor

Transfers from

Eric D Wawra, Nick Wallwork, Ian Hardingham QC, Michael Waugh, Gavan L Rice, Nic Chow, Edward P Fennessy, Norman C Franzi, Michael R Simon, Anthony G Southall QC, Rohan N Hoult, Frances I O'Brien QC, Anthony J Lavery, Baptista Lai, Rohan Hamilton, Joseph Toal, His Honour Geoffrey T Chettle, Patrick M O'Shannessy SC, Alexandra C Burt, Melissa Stead, Adrian Muller, Roger J Young, Nick J Button, Kathryn B Hamill, Anna Parker, James Peter Gorton QC, P Justin Hannebery QC, The Honourable Peter C Heerey AM QC, Cecily Hollingworth, Chris N Jessup QC, Michael S Osborne, Elizabeth Ruddle QC, Michael W Thompson QC, Zubin Menon, Christopher (Chris)

Hanson, Patricia E Dobson, Stanley E Isaiah, Andrew G Waters, Michael J Wood, Jonathan B Davis QC, Jennifer Howe, Arthur Bolkas, Robert S Lancy, Rowena Orr QC, Richard H M Attiwill QC, Judy Benson, Simona Gory, John Langmead QC, Stephen A O'Meara QC, Stewart F McNab, Simon A Bright, Kate M Rowe, David R Myers, Michael K Gurvich, Allison G Vaughan, Michael D G Heaton QC, Kevin T Armstrong, George S Baker, Jennifer L Beard, Marcus E Dempsey, Richard J H Maidment QC, Frank J Ravida, Anna L Robertson, Julian Siggins, Pardeep S Tiwana, Nigel M Turner, Fiona Todd

Transfers to

Alex G Manos, Shane G S Collins, Joseph Toal, Timothy R Marsh, Rodney Hepburn, Rohan Hamilton, Eliza M Bergin

Removed from

Jacqui Katsivas, Erica Lawson, Amy Peek, Rachel Waters, Norman O'Bryan AM SC, Michael W Symons, Mary Sevdalis, Lisa A Mendicino, Jagdeep Jassar, Caroline Ratcliffe-Jones, Rod Saunders, Andrew J Bailey

Division A Part II (Crown Prosecutors & Public Defenders)

Transfers from

Timothy R Marsh

Transfers to

Kathryn B Hamill, Cecily Hollingworth, Elizabeth Ruddle QC, Zubin Menon, Andrew G Waters

Division A Part III (Interstate and Overseas Counsel)

Signed

Nicholas J Floreani, Alain J Musikanth, The Honourable Colin J Forrest SC

Transfers from

Alex G Manos, Rodney Hepburn, Eliza M Bergin, Picha Djohan

Transfers to

Nick Wallwork, Simon A Bright

Removed from

James G Renwick SC, Lorenzo Boccabella, Dominic Katter, Bruce R McClintock SC, Christine Melis, Edward Bassett, James Whyte, Duncan E Graham SC, Christopher J Birch SC, Ronald J Webb SC, Jason Raftos

Division A Part IV (Vic Practising Counsel temporarily absent without current PC)

Transfers from

Shane G S Collins, Vincent Tallarida, Rudi D Cahrssen, Michael J Colbran QC, Richard G Pentony, Clive G Scott, Joseph Toal, Elliot J Perlman, Rohan Hamilton

Transfers to

Nic Chow, Eric D Wawra, Rohan Hamilton, Joseph Toal, Nick J Button, Simona Gory, Julian Siggins

Stayed In

Patmalar Ambikapathy, Anna M Bennett (Bogan), Victor J Perton

Removed from

Julian Snow, Nha Nguyen, Robin Robinson

Division B (Judiciary and Official Appointments)

Transferred To

Rohan N Hoult (appointed as Senior Registrar of the Family Court of Australia and Federal Circuit Court of Australia)

Kate Auty (appointed as Chair of the Victorian Environment Protection Authority)

Patrick M O'Shannessy SC (appointed to the Federal Circuit Court of Australia)

Alexandra C Burt (appointed to the Magistrates Court of Victoria)

Melissa Stead (appointed to the Magistrates Court of Victoria)

Adrian Muller (appointed as Registrar in the Commercial Division of the County Court of Victoria)

Anna Parker (appointed as Senior Registrar of the Family Court of Australia)

James Peter Gorton QC (appointed to the Supreme Court of Victoria)

P Justin Hannebery QC (appointed to the County Court of Victoria)

Chris N Jessup QC (appointed as Acting Inspector-General of Intelligence and Security)

Michael S Osborne (appointed to the Supreme Court of Victoria)

The Honourable Mark S Weinberg AO (appointed as a Reserve Judge of the Supreme Court of Victoria)

Jonathan B Davis QC (appointed to the Federal Circuit Court of Australia)

Jennifer Howe (appointed to the Federal Circuit Court of Australia)

Rowena Orr QC (appointed as Solicitor-General of Victoria)

Kristen Walker QC (appointed to the Supreme Court of Victoria)

Richard H M Attiwill QC (appointed to the Supreme Court of Victoria)

Judy Benson (appointed as Judicial Registrar of the Children's Court of Victoria)

Stephen A O'Meara QC (appointed to the Supreme Court of Victoria)

Michael K Gurvich (appointed as Judicial Registrar of the Melbourne Magistrates' Court of Victoria)

Allison G Vaughan (appointed as Judicial Registrar of the Melbourne Magistrates' Court of Victoria)

Judge Terry McGuire (moved from the Federal Circuit Court of Australia to the Family Court of Australia - Hobart registry)

Marcus E Dempsey (appointed to the County Court of Victoria)

Picha Djohan (appointed to the Victorian Civil and Administrative Tribunal)

Anna L Robertson (appointed to the County Court of Victoria)

Pardeep S Tiwana (appointed to the County Court of Victoria)

Sharon A Burchell (appointed to the County Court of Victoria)

Fiona Todd (appointed to the County Court of Victoria)

For noting

The Honourable Justice Simon Steward (appointed to the High Court of Australia)

The Honourable Justice Jacqueline Gleeson (appointed to the High Court of Australia)

Justice Maree Evelyn Kennedy (appointed as Judge of Appeal of the Supreme Court of Victoria)

Transfers from

Her Honour Judge Susan Cohen, His Honour Judge Frank Saccardo*, The Honourable Justice Geoffrey A A Nettle AC, Her Honour Judge Susan E Pullen, Judge Ronald D Curtain, The Honourable Justice Peter W Almond, The Honourable Justice Pamela Tate

Division C (Retired)

Transfers from

The Honourable Mark S Weinberg AO, The Honourable Justice Geoffrey A A Nettle AC

Transfers to

Ian Hardingham QC, Michael Waugh, Gavan L Rice, Edward P Fennessy, Norman C Franzi, Michael R Simon, Anthony G Southall QC, Frances I O'Brien QC, Anthony J Lavery, Baptista Lai, Vincent Tallarida, Joseph Toal, Michael J Colbran QC, Richard G Pentony, Clive G Scott, His Honour Geoffrey T Chettle, Her Honour Judge Susan Cohen, His Honour Judge Frank Saccardo*, Elliot J Perlman, Roger J Young, The Honourable Peter C Heerey AM QC, The Honourable Justice Geoffrey A A Nettle AC,

Her Honour Judge Susan E Pullen, Michael W Thompson QC, Judge Ronald D Curtain, Christopher (Chris) Hanson, Patricia E Dobson, Stanley E Isaiah, Michael J Wood, The Honourable Justice Peter W Almond, Arthur Bolkas, Robert S Lancy, The Honourable Justice Pamela Tate, John Langmead QC, Stewart F McNab, Kate M Rowe, David R Myers, Michael D G Heaton QC, Kevin T Armstrong, George S Baker, Jennifer L Beard, Richard J H Maidment QC, Frank J Ravidia, Nigel M Turner

Name removed

Nicola Gobbo

Division D (Academics)

Transfers to

Rudi D Cahrssen

Grant of PC

Pierre H A M Testart, Rodney J McNeil, Alex G Manos, Shane G S Collins, Joseph Toal, Simon Peter Thomas, Jayr Tejada Teng, Tessa Ruth Meyrick, Heather Anderson, Fiona Louise Martin, Dara Suzanne Isaacson, Anna Elise Martin, Rhiannon Noreen Malone, Todd Oscar Stafford Allen, Rose Joy Singleton, Gemma Goodwin Cafarella, Melania Kimberlie Albarella, Julian Redmond Murphy, Mohammad (Shahed) Sharify, Joshua Preis Lessing, Paul Lewis Jeffreys, Amel Masinovic, Bridie Louise Kelly, Katie-Anne Holly Powell, Patrick Declan Coleridge, Shannon Lee Jenkins, Angus John Macaskill, Merys Elizabeth Williams, Alexander Marcou, Benjamin Bromberg, Rebecca McCarthy, Nicholas William Burrows Kotzman, Tanya Kamil, Shannon May Chew Finegan, Alexander Roman Di Stefano, Harry Hill-Smith, Bradley Hardisty, Bill Baarini, Timothy R Marsh, Rodney Hepburn, Sandra Horovitz, Andrew T Conley, Rohan Hamilton, Nikola (Nik) Dragojlovic, Erica Lawson,

Jennifer Ball, Jessie E Taylor, Bryan Mueller, Eliza M Bergin, Peter Turner, Nadia Deltondo, Andrew Sprague, Michael O'Haire, Timothy McCulloch, Amanda Storey, Georgina Rhodes, Christian Farinaccio, Lara O'Rorke, Nicholas Petrie, Andrea Tate, Cal Viney, James Page, Ben Thompson, Liam McAuliffe, Monique Hardinge, Julia Wang, Raymond Elishapour, Christin Tom, Sophie Stafford, Shane Dawson, Jacqueline Anne Fumberger, Phoebe Prossor, Lachlan Hocking, Nicholas Boyd-Caine, David De Witt, Nicholas Baum, Kate Lyle, Sophie Molyneux, Shawn Rajanayagam, Luke Perilli, Sophie Kearney, Lisette Stevens, Christopher Fitzgerald, Emile Goldman, Ella Zauner, Ahmed Terzic, Charles Pym, Zoe Anderson, Minh-Quan Nguyen, James Penny, Conor O'Bryan, Annabel Tresise, Vanessa Bacchetti, Mietta McDonald, Manu Choudhary, Julia Nikolic

* The Honourable Frank Saccardo QC sadly passed away on 16 September 2021. The Bar extends its condolences to Frank's family, friends and colleagues.

CONSOLIDATED GROUP ENTITIES

Victorian Bar Incorporated

Registered No. A0034304S
Owen Dixon Chambers East
Level 5 / 205 William Street
Melbourne, Victoria 3000
T: 03 9225 7111
F: 03 9225 6068
E: vicbar@vicbar.com.au
W: www.vicbar.com.au

Bar Council Members

Mr Christopher Blenden QC (President)	Mr Eugene Wheelahan QC Mr Paul Kounnas
Ms Róisín Annesley QC (Senior Vice-President)	Mr Benjamin Murphy Ms Amy Wood
Mr Darryl Burnett (Junior Vice-President)	Mr Ben Jellis Ms Nawaar Hassan
Ms Mary Anne Hartley QC (Honorary Treasurer)	Mr Nicholas Phillipott Ms Roshena Campbell
Ms Robyn Sweet (Assistant Honorary Treasurer)	Ms Lana Collaris Mr Lachlan Molesworth
Mr Paul Holdenson QC Dr Ian Freckelton AO QC Mr Peter Chadwick QC Ms Georgina Schoff QC Dr Suzanne (Sue) McNicol AM QC Mr Paul Hayes QC	Mr Edward (Eddy) Gisonda (Honorary Secretary) Dr Robin Smith (Assistant Honorary Secretary) Mr Joel Silver (Assistant Honorary Secretary)

Barristers Chambers Limited

ACN 004 454 004
Board of Directors
Mr A J Finanzio SC (Acting Chairman)
Ms P A Neskovic QC
Ms Susan Brennan SC (ceased 27 August 2021)
Mr Sam Hay QC
Ms Catherine Walter AM
Mr Mick Brennan
Mr P Clark (CEO and Managing Director)
Mr Eugene Wheelahan QC
Mr John Karkar QC (ceased 17 June 2021)

Opus Workspaces Pty Ltd

ACN 624 652 357
Board of Directors
Ms Susan Brennan SC (ceased 27 August 2021), Mr Paul Clark

The Melbourne Bar Pty Ltd

ACN 004 640 108
Mr Christopher Blenden QC, Ms Mary Anne Hartley QC

REPORTS OF GROUP ENTITIES

The Victorian Bar Incorporated – Officers' Report

The officers, members of the Council of the Victorian Bar Incorporated, submit herewith the annual financial report of the Association for the financial year ended 30 June 2021. In order to comply with the provisions of the Associations Incorporation Reform Act 2012 and generally appropriate good practice disclosure, the Officers report as follows:

The names of the Officers of the Association during or since the end of the financial year are included on page 9 of the annual report under Bar Council.

Principal Activities

The Victorian Bar Incorporated is a professional association for lawyers practising solely as barristers. As well as serving its barrister members, the Bar serves the public interest through its activities in improving access to justice and law reform and its pro bono work. The Bar has two wholly owned subsidiary companies: Barristers Chambers Limited owns and leases buildings, which are provided as chambers to barristers, and provides telephone and internet services to members of the Bar; and The Melbourne Bar Pty Ltd which is a non-operating nominee company. Barristers Chambers Limited has one wholly owned subsidiary, Opus Workspaces Pty Ltd, which provides serviced office space.

Review of Operations

During the financial year ended 30 June 2021 the Association achieved a surplus from ordinary activities of \$1,040,883 (2020: \$563,485) after an income tax expense of \$694 (2020: \$5669 benefit). Its consolidated surplus from ordinary activities was \$1,877,660 (2020: \$2,321,215 loss) after an income tax benefit of \$694,110 (2020: \$430,177 benefit).

Changes in State of Affairs

Except as set out in the accompanying financial reports, there was no significant change in the state of affairs of the Association during the financial year.

Subsequent Events

The outbreak of COVID-19 and the subsequent quarantine measures imposed, as well as the travel and trade restrictions that were put in place in early 2020 have continued to cause disruption to businesses and economic activity throughout the financial year. Subsequent lockdowns and continued restrictions into the new financial year continue to present business challenges to our members.

The impact of the COVID-19 pandemic is ongoing, and the group will continue to adjust to the varying restrictions. As the situation remains fluid (due to evolving changes in government policy and evolving business and customer reactions thereto) as at the date these financial statements are authorised for issue, the Officers of the Association considered that the financial effects of COVID-19 on the Association's financial statements cannot be reasonably estimated for future financial periods.

There has been no other matter or circumstance which has arisen since the end of the year that has significantly affected, or may significantly affect the company's operations, the result of those operations or the company's state of affairs.

Future Developments

Substantial changes in the operations of the Association are ordinarily determined by a vote of members which are communicated other than through the Annual Report.

Environmental Regulations

The Association is not subject to any significant environmental regulations under Australian law.

Dividends

The Association is incorporated under the Associations Incorporation Act 1981 (Vic). It is precluded under the Act and its Constitution from paying a dividend to its members. The Association is a not for profit organisation.

Indemnification of Officers

During the financial year, the Association paid a premium in respect of a contract insuring the Officers of the Association (as named above and on page 9 of the Annual Report) and all Executive Officers of the Association and of any related body corporate against a liability incurred as an officer or executive officer to the extent permitted by the Association's Constitution.

The contract of insurance prohibits disclosure of the nature of the liability and the amount of the premium.

The Association has not otherwise, during or since the financial year, except to the extent permitted by law, indemnified or agreed to indemnify an officer or auditor of the Association or of any related body corporate against a liability incurred as such an officer or auditor.

Proceedings on Behalf of the Association

No person has applied for leave of court to bring proceedings on behalf of the Association or to intervene in any proceedings to which the Association is a party for the purpose of taking responsibility on behalf of the Association for all or part of those proceedings. Signed in accordance with a resolution of the Council made pursuant to the Constitution of the Victorian Bar.

Associations Incorporation Reform Act 2012 Sections 94(2)(b), 97(2)(b) and 100(2)(b)

Annual statements give true and fair view of financial position of incorporated association

We, Christopher Blenden QC and Mary Anne Hartley QC, being President and Honorary Treasurer of the Victorian Bar Council respectively, and members of the Victorian Bar Council, which is the Committee of the Victorian Bar Incorporated certify that:

The financial statements (and notes thereto) attached to this certificate give a true and fair view of the financial position of the Victorian Bar Incorporated during and at the end of the financial year of the Association ended on 30 June 2021.

Dated this 18th day of October 2021

On behalf of the Officers



Christopher Blenden QC
President
18 October 2021



Mary Anne Hartley QC
Honorary Treasurer
18 October 2021

PART XI
FINANCIAL REPORTS

Independent Auditor's Report to the Members of The Victorian Bar Incorporated

Opinion

We have audited the financial report of The Victorian Bar Incorporated and its subsidiaries (the "Group"), which comprises the consolidated statement of financial position as at 30 June 2021, the consolidated statement of profit or loss and other comprehensive income, consolidated statement of changes in equity and consolidated statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and declaration by the Officers.

In our opinion, the accompanying financial report presents fairly, in all material respects, the Group's financial position as at 30 June 2021, and of its financial performance and its cash flows for the year then ended, in accordance with Australian Accounting Standards to the extent described in Note 3 to the financial report, the *Associations Incorporation Reform Act 2012* and the Constitution.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Group in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter – Basis of Accounting and Restriction on Distribution and Use

We draw attention to Note 3 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Officers financial reporting responsibilities under the *Associations Incorporation Reform Act 2012* and the Constitution. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the members and should not be distributed or used by parties other than the members. Our opinion is not modified in respect of this matter.

PART XI

Other information

The Officers are responsible for the other information. The other information comprises the information included in, or distributed with the annual financial report, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Officers for the Financial Report

The Officers are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Associations Incorporation Reform Act 2012* and the Constitution and for such internal control as the Officers determine is necessary to enable the preparation and fair presentation of the financial report and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Officers are responsible for assessing the Group's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Officers either intend to liquidate the Group or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable

Deloitte.

Deloitte Touche Tohmatsu
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Australia
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Fax: +61 (0) 3 9671 7001
www.deloitte.com.au

assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

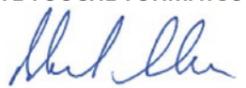
As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- › Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- › Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Group's internal control.
- › Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Officers.
- › Conclude on the appropriateness of the Officers' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty

exists related to events or conditions that may cast significant doubt on the Group's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Group to cease to continue as a going concern.

- › Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Officers regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.


DELOITTE TOUCHE TOHMATSU


Robert Collie
 Partner
 Chartered Accountants
 Melbourne, 18 October 2021

Officers' declaration

The Officers have determined that the Victorian Bar Inc (the "Association") is not a reporting entity because in the opinion of the Officers there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this special purpose financial report has been prepared to satisfy the Officers' reporting requirements under the Victorian Bar Inc's Constitution and the *Associations Incorporation Reform Act 2012*.

The Officers of the Association declare that:

1. The financial statements and notes thereto, as set out on pages 62 to 82:
 - a. Comply with accounting standards, the *Associations Incorporation Reform Act 2012* and the reporting requirements under the Victorian Bar's Constitution; and
 - b. Give a true and fair view of the financial position as at 30 June 2021 and performance for the year ended on that date, in accordance with the accounting policies described in Note 3 to the financial statements, of the Association and the Group entities.
2. In the Officers' opinion there are reasonable grounds to believe that the Association will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the Council of the Association.

On behalf of the Officers



Christopher Blanden QC
 President
 Melbourne, 18 October 2021



Mary Anne Hartley QC
 Honorary Treasurer
 Melbourne, 18 October 2021

Statement of profit or loss and other comprehensive income for the year ended 30 June 2021

	Note	Consolidated		Parent	
		2021 \$	2020 \$	2021 \$	2020 \$
Continuing operations					
Revenue	4	48,246,662	49,365,187	5,824,774	6,691,147
Gain / (loss) on financial assets		169,088	(173,574)	169,088	(173,574)
(Loss) / gain on revaluation of investment properties		(4,656,241)	(6,745,588)	-	-
Employee benefits expense		(7,067,442)	(6,819,417)	(2,184,277)	(2,507,742)
Depreciation and amortisation expense	5	(15,182,963)	(15,147,648)	(136,503)	(224,097)
Lease expenses		(24,877)	(207,972)	(1,165,808)	(1,158,305)
Administration expenses		(5,716,187)	(4,769,536)	(1,424,559)	(2,069,613)
Write off intangible assets		(41,138)	-	(41,138)	-
Finance costs	5	(1,844,992)	(3,240,607)	-	-
Building management expenses		(8,608,188)	(10,293,865)	-	-
Technology expenses		(1,778,627)	(1,998,228)	-	-
Utilities expense		(2,594,276)	(3,132,917)	-	-
(Loss)/profit before income tax expense		900,819	(3,164,165)	1,041,577	557,816
Income tax benefit/(expense)	6	694,110	430,177	(694)	5,669
(Loss)/ profit for the year		1,594,929	(2,733,988)	1,040,883	563,485

Other comprehensive income net of income tax

Items that may be reclassified subsequently to profit or loss:

Fair value gain on cash flow hedging instruments during the year		292,731	412,773	-	-
Total comprehensive (loss)/income for the year		1,887,660	(2,321,215)	1,040,883	563,485

The accompanying notes form part of these financial statements.

Statement of financial position at 30 June 2021

	Note	Consolidated		Parent	
		2021 \$	2020 \$	2021 \$	2020 \$
Current assets					
Cash and cash equivalents	7	13,176,578	14,146,820	4,093,454	3,943,305
Trade and other receivables	8	1,725,569	1,598,056	103,534	64,485
Other assets	9	2,688,453	751,642	17,346	44,807
Intercompany receivable		-	-	-	1,795,069
Current tax receivable		771,491	-	52,669	-
Total current assets		18,362,091	16,496,518	4,267,003	5,847,666
Non-current assets					
Investment in subsidiary	10	-	-	10,187,430	10,187,430
Other financial assets	11	6,342,939	4,990,946	6,342,939	4,990,946
Property, plant and equipment	12	19,321,290	20,497,962	124,040	149,735
Intangible assets	14	18,269	123,716	18,269	123,716
Investment property	13	275,800,000	277,400,000	-	-
Goodwill		153,330	153,330	-	-
Other assets	9	15,289,233	15,454,991	-	-
Deferred tax asset		19,098	146,911	19,098	146,905
Right-of-use asset		59,827,140	70,668,780	-	9,345
Total non-current assets		376,899,299	389,436,636	16,691,776	15,608,077
Total assets		395,133,390	405,933,154	20,958,779	21,455,743
Current liabilities					
Trade and other payables	15	13,389,062	13,946,626	4,381,921	4,050,736
Provisions	17	1,296,482	475,902	139,497	156,641
Derivative financial liability	19	332,788	339,637	-	-
Current tax liability		-	1,858,290	-	1,858,290
Lease liabilities		12,207,093	12,043,218	-	9,727
Total current liabilities		27,225,425	28,663,673	4,521,418	6,075,394
Non-current liabilities					
Borrowings	16	45,000,000	45,000,000	-	-
Provisions	17	4,273,347	3,775,400	29,043	12,914
Trade and other payables	15	672,932	446,667	-	-
Deferred tax liabilities		23,509,461	24,340,005	-	-
Derivative financial liability	19	-	284,736	-	-
Lease liabilities		70,151,023	81,009,131	-	-
Total non-current liabilities		143,606,763	154,855,939	29,043	12,914
Total liabilities		170,832,188	183,519,612	4,550,461	6,088,308
Net assets		224,301,202	222,413,542	16,408,318	15,367,435
Equity					
Reserve		(331,642)	(624,373)	-	-
Retained earnings		224,632,844	223,037,915	16,408,318	15,367,435
Total equity		224,301,202	222,413,542	16,408,318	15,367,435

The accompanying notes form part of these financial statements.

Statement of changes in equity for the year ended 30 June 2021

	Retained earnings \$	Total \$	
Parent			
Balance at 1 July 2019	14,803,950	14,803,950	
Profit for the year	563,485	563,485	
Total comprehensive income for the year	563,485	563,485	
Balance at 30 June 2020	15,367,435	15,367,435	
Balance at 1 July 2020	15,367,435	15,367,435	
Profit for the year	1,040,883	1,040,883	
Total comprehensive income for the year	1,040,883	1,040,883	
Balance at 30 June 2021	16,408,318	16,408,318	
	Retained earnings \$	Cash flow Hedge Reserve \$	Total \$
Consolidated			
Balance at 1 July 2019	225,771,903	(1,037,146)	224,734,757
Loss for the year	(2,733,988)	-	(2,733,988)
Other comprehensive loss for the year	-	412,773	412,773
Total comprehensive income/(loss) for the year	(2,733,988)	412,773	(2,321,215)
Balance at 30 June 2020	223,037,915	(624,373)	222,413,542
Balance at 1 July 2020	223,037,915	(624,373)	222,413,542
Profit for the year	1,594,929	-	1,594,929
Other comprehensive income for the year	-	292,731	292,731
Total comprehensive income/(loss) for the year	1,594,929	292,731	1,887,660
Balance at 30 June 2021	224,632,844	(331,642)	224,301,202

The accompanying notes form part of these financial statements.

Statement of cash flows for the year ended 30 June 2021

		Consolidated		Parent	
	Note	2021 \$	2020 \$	2021 \$	2020 \$
Cash flows from operating activities					
Receipts from members and customers		47,459,952	46,092,173	5,128,900	6,224,332
LSB reimbursements and contributions		491,550	518,506	491,550	518,506
Interest paid		(1,842,620)	(3,233,110)	-	-
Payments to suppliers and employees		(27,168,978)	(23,138,423)	(4,417,009)	(6,376,555)
Income tax received/(paid)		(2,638,403)	1,533,638	11,222	335,164
Net cash generated by operating activities	18(b)	16,301,501	21,772,784	1,214,663	701,447
Cash flows from investing activities					
Receipts for financial assets		26,102	766,834	26,102	766,834
Receipts for sale of property, plant and equipment		420,647	-	-	-
Payments for financial assets		(1,043,732)	(2,068,934)	(1,043,732)	(2,068,934)
Payments for intangible assets		(14,049)	(32,347)	(14,050)	(22,224)
Payments for investment property improvements		(3,056,000)	(2,745,586)	-	-
Payments for property, plant and equipment		(4,844,643)	(9,315,114)	(23,107)	(46,383)
Net cash used in investing activities		(8,511,675)	(13,395,147)	(1,054,787)	(1,370,707)
Cash flows from financing activities					
Repayment for borrowings		(8,760,068)	(6,646,903)	(9,727)	(9,809)
Net cash used in financing activities		(8,760,068)	(6,646,903)	(9,727)	(9,809)
Net (decrease) / increase in cash and cash equivalents		(970,242)	1,730,734	150,149	(679,069)
Cash and cash equivalents at the beginning of the year		14,146,820	12,416,086	3,943,305	4,622,374
Cash and cash equivalents at the end of the year	18(a)	13,176,578	14,146,820	4,093,454	3,943,305

The accompanying notes form part of these financial statements.

I. General information

The Victorian Bar Inc. (“the Association”) is incorporated under the *Associations Incorporation Reform Act 2012, Victoria* and operates in Australia.

The registered office and the principal place of business of the Association is:

Level 5, 205 William Street
Melbourne VIC 3000

The Association is a private, voluntary, self-funded, non-profit, professional association of barristers who practise in Victoria. Its principal activity during the year was to provide regulatory and other services to barristers who practice in Victoria.

2. Adoption of new and revised Accounting Standards

2.1 Amendments to Accounting Standards that are mandatorily effective for the current reporting period

The Association has adopted all the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to their operations and effective for an accounting period that begins on or after 1 July 2020. Their adoption has had no material impact on the disclosures and/or amounts reported in these financial statements.

The following pronouncement is relevant for the annual reporting period for not-for-profit (NFP) entities preparing special purpose financial statements:

- › AASB 2019-4 *Amendments to Australian Accounting Standards – Disclosures in Special Purpose Financial Statements of Not-for-Profit Private Sector Entities on Compliance with Recognition and Measurement Requirements*

AASB 2019-4 introduces additional disclosures in special purpose financial statements on the compliance with recognition and measurement requirements and is mandatorily effective for the current period (ie for the year ending 30 June 2021) for NFP entities.

- › AASB 2018-7 *Amendments to Australian Accounting Standards – Definition of Material*

This standard amends AASB 101 Presentation of Financial Statements and AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors, and makes consequential amendments to several other pronouncements and publications. The Group has adopted these amendments for the first time in the current year. The amendments make the definition of material in AASB 101 easier to understand and are

not intended to alter the underlying concept of materiality in Australian Accounting Standards. The concept of ‘obscuring’ material information with immaterial information has been included as part of the new definition.

The threshold for materiality influencing users has been changed from ‘could influence’ to ‘could reasonably be expected to influence’. The definition of material in AASB 108 has been replaced by a reference to the definition of material in AASB 101. In addition, the Standard also amends other Australian Accounting Standards and the Conceptual Framework that contain a definition of ‘material’ or refer to the term ‘material’ to ensure consistency.

There was no material impact to the financial statements as a result of the adoption of these standards.

2.2 Standards and Interpretations in issue not yet adopted

At the date of authorisation of the financial statements, the Group has not applied the following new and revised Australian Accounting Standards, Interpretations and amendments that have been issued but are not yet effective:

Standards/amendment	Effective for annual reporting periods beginning on or after
AASB 1060 – <i>General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 entities</i>	1 July 2022
AASB 2020-1 <i>Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current</i> and AASB 2020-6 <i>Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date.</i>	1 July 2023
AASB 2020-3 <i>Amendments to Australian Accounting Standards – Annual Improvements 2018-2020 and Other Amendments</i>	1 July 2022
AASB 2021-2 <i>Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates</i>	1 July 2023

The potential impact of the revised Standards/Interpretations on the Association’s financial statements has not yet been determined.

3. Significant accounting policies

Financial reporting framework

The Officers have determined that the Association is not a reporting entity because, in the opinion of the Officers, there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored to satisfy specifically all of their information needs. Accordingly, this special purpose financial report has been prepared to satisfy the Officer’s reporting requirements under The Victorian Bar Inc.’s Constitution and the *Associations Incorporation Reform Act 2012*.

For the purpose of preparing the financial statement, the Association is a not for profit entity.

Statement of compliance

The financial report has been prepared in accordance with the *Associations Incorporation Reform Act 2012*, the Victorian Bar Inc. Constitution, the basis of accounting specified by all Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101 ‘Presentation of Financial Statements’, AASB 107 ‘Statements of Cash Flow’, AASB 108 ‘Accounting Policies’, ‘Changes in Accounting Estimates and Errors’, and ‘AASB 1054 Australian Additional Disclosures’.

The financial report includes the separate financial statements of the Association and the consolidated financial statements of the Group.

Basis of preparation

The financial report has been prepared on the basis of historical cost, except for the revaluation of certain non-current assets and financial instruments. Cost is based on the fair values of the consideration given in exchange for assets. All amounts are presented in Australian dollars, unless otherwise noted.

Critical accounting judgements and key sources of estimation uncertainty

In the application of the Group’s accounting policies, management is required to make judgments, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are considered relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Valuation of investment properties

The Group obtains independent valuations for its investment properties on at least a biennial basis or when there is a significant change in market conditions. All three properties owned by the Group were independently valued at 30 June 2021. The fair values of properties are calculated using a combination of market sales comparison and capitalisation rate. The fair value measurement of investment property has been classified as a level 3 fair value as it’s derived from valuation techniques that include inputs that are not based on observable market data (unobservable inputs).The key judgements for each unobservable valuation input are:

- › Market sales comparison: Utilises recent sales of comparable properties, adjusted for any differences including the nature, location and lease profile. The market rent applied at 30 June 2021 across the three properties ranged from \$490 to \$666 psm;
- › Capitalisation rate: Capitalises the fully-leased net income for a property into perpetuity at an appropriate capitalisation rate. The fully leased net income is based on market rents, operating costs and future income on vacant space. The capitalisation rate reflects the nature, location and tenancy profile, together with current market evidence and sales, of comparable properties. The capitalisation rates applied at 30 June 2021 across the three properties ranged from 4.50%-5.75%.

The fair value of the properties is sensitive to these assumptions, in particular the market capitalisation rate. If the market capitalisation rate applied in the valuations was adjusted +/-25 basis points, the fair value would be \$20,017k higher or \$11,373k lower than the amount recognised at 30 June 2021.

Given the unknown future impact COVID-19 might have on the commercial real estate market, coupled with a lower interest rate environment, a higher degree of judgement is required in assessing the inputs that determine property valuations. As there have been a number of transactions in the market throughout the current financial year, in a COVID-19 impacted environment, there is enough market evidence on which management and independent specialist valuers can rely to appropriately assess the fair value of the properties held. However, the fair values are a best estimate and may differ to the actual sales price if the properties were sold.

Provision for impairment of receivables

The Group has assessed the impact of COVID-19 on the expected credit loss allowance against trade receivables outstanding at 30 June 2021. Current and expected collection of trade receivables since the start of the COVID-19 pandemic has been reflected in the assessment. The Group’s expected credit loss allowance increased from \$1,228k at 30 June 2020

3. Significant accounting policies (continued)

Critical accounting judgements and key sources of estimation uncertainty (continued)

to \$2,249k as at 30 June 2021. The ongoing COVID-19 related restrictions in Victoria means that collection of outstanding receivables is inherently uncertain and actual collections may differ from the amount included in the expected credit loss allowance at 30 June 2021.

Make Good Provision

The Group has various “make good” obligations under its long-term property lease contracts. A provision has been recognised for the present value of the estimated expenditure required to fulfil these obligations at the end of the lease terms. The estimated costs are based on recent make good activity performed by the Group and quotes from suppliers. The range applied to each property is between \$290 and \$444 per square metre and varies based on the extent of the works required and the standard of the building. Since the works on the various properties will be performed well into the future and can be subject to negotiated outcomes with landlords, the actual cost to make good the properties could differ from the provision recognised as at 30 June 2021.

(a) Principles of consolidation

The consolidated financial statements incorporate the financial statements of the Association and entities controlled by the Association (its subsidiaries) made up to 30 June each year. Control is achieved when the Association:

- › has the power over the investee;
- › is exposed, or has rights, to variable returns from its involvement with the investee; and has the ability to use its power to affects its returns.

The Association reassesses whether it controls an investee if facts and circumstances indicate that there are changes to one or more of the three elements of control listed above.

Consolidation of a subsidiary begins when the Association obtains control over the subsidiary and ceases when the Association loses control of the subsidiary. Specifically, the results of subsidiaries acquired or disposed of during the year are included in profit or loss from the date the Association gains control until the date when the Association ceases to control the subsidiary.

Where necessary, adjustments are made to the financial statements of subsidiaries to bring the accounting policies used into line with the Group’s accounting policies.

All intragroup assets and liabilities, equity, income, expenses and cash flows relating to transactions between the members of the Group are eliminated on consolidation.

(b) Cash and cash equivalents

Cash comprises cash on hand and on demand deposits. Cash equivalents are short-term, liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are shown within borrowings in current liabilities in the statement of financial position.

(c) Employee benefits

A liability is recognised for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave when it is probable that settlement will be required, and they are capable of being measured reliably.

Liabilities recognised in respect of employee benefits expected to be settled within 12 months are measured at their nominal values using the remuneration rate expected to apply at the time of settlement.

Liabilities recognised in respect of employee benefits which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the Group in respect of services provided by employees up to the reporting date.

(d) Income tax

Subscription income received by the Association from its members is non-taxable through the mutuality principle. Receipts from non-members are regarded as assessable income for income tax purposes. Member expenses are non-deductible. Other expenses which are not directly deductible from assessable income are apportioned between non-tax deductible and tax-deductible expenses according to taxation regulations.

All income received by Barristers Chambers Limited, a subsidiary association of the Association, and its subsidiary (Opus Workspaces Pty Ltd), is taxable.

The charge for current income tax expenses is based on the profit for the year adjusted for any non-assessable or disallowed items. It is calculated using tax rates that have been enacted or are substantively enacted by the balance sheet date.

Deferred tax is accounted for using the balance sheet liability method in respect of temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements. No deferred income tax will be recognised from the initial recognition of an asset or liability, excluding a business combination, where there is no effect on accounting or taxable profit or loss.

Deferred tax is calculated at the tax rates that are expected to apply to the period when the asset is realised, or liability is settled. Deferred tax is credited in the income statement except where it relates to items credited or debited directly to equity, in which case the deferred tax is adjusted directly against equity.

Deferred income tax assets are recognised to the extent that it is probable that future tax profits will be available against which deductible temporary differences or unused tax losses and tax offsets can be utilised.

The amount of benefits brought to account or which may be realised in the future is based on the assumption that no adverse change will occur in income taxation legislation and the anticipation that the economic entity will derive sufficient future assessable income to enable the benefit to be realised and comply with the conditions of deductibility imposed by the law.

(e) Tax consolidation

The Association and its subsidiaries, Barristers’ Chambers Ltd and The Melbourne Bar Pty Ltd, together with Opus Workspaces Pty Ltd, are part of a tax-consolidated Group under Australian taxation law. The Association is the head entity in the tax-consolidated Group. Tax expense/income, deferred tax assets and deferred tax liabilities arising from temporary differences of the members of the tax-consolidated Group are recognised using the ‘Group allocation’ approach by reference to the carrying amounts in the separate financial statements of each entity and the tax values applying under tax consolidation. Current tax liabilities and assets and deferred tax assets arising from unused tax losses and relevant tax credits of the members of the tax-consolidated Group are recognised by the Association (as head entity in the tax-consolidation Group).

(f) Property, plant and equipment

Plant and equipment, leasehold improvements and equipment under finance lease are stated at cost less accumulated depreciation and impairment. Cost includes expenditure that is directly attributable to the acquisition of the item. In the event that settlement of all or part of the purchase consideration is deferred, cost is determined by discounting the amounts payable in the future to their present value as at the date of acquisition.

The carrying amount of plant and equipment is reviewed annually by the Association’s Officers to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash.

Depreciation

The depreciable amount of all property, plant and equipment including buildings and capitalised leased assets, but excluding freehold land, is depreciated on a straight-line basis over their useful lives to the economic entity commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

	Depreciation Rate
Leasehold Improvements	4-10%
Plant and Equipment	5-33%

The assets’ residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting period. An asset’s carrying amount is written down immediately to its recoverable amount if the asset’s carrying amount is greater than its estimated recoverable amount. Gains and losses on disposals are determined by comparing proceeds with the carrying amount.

These gains and losses are included in the income statement. When revalued assets are sold, amounts included in the revaluation reserve relating to that asset are transferred to retained earnings.

(g) Investment property

Investment properties, being land and office buildings, are held for rental yields and are not occupied by the Group. They are carried at fair value. Changes in fair values are presented in profit and loss as part of other income. The cost of major renovations and improvements are capitalised as an addition. The cost of maintenance, repairs and minor improvements are charged to profit and loss when incurred.

The Group obtains independent valuations for its investment properties at least every two years. At the end of each reporting period, the Officers update their assessment of the fair value of each property, taking into account the most recent independent valuations. The Group determine a property’s value within a range of reasonable fair value estimates.

The best evidence of fair value is current prices in an active market for similar properties. Where such information is not available the officers consider information from a variety of sources including:

- › current prices in an active market for properties of different nature or recent prices of similar properties in less active markets, adjusted to reflect those differences;
- › discounted cash flow projections based on reliable estimates of future cash flows; and
- › capitalised income projections based upon a property’s estimated net market income, and a capitalisation rate derived from an analysis of market evidence.

3. Significant accounting policies (continued)

(h) Intangible assets

Intangible assets with finite lives that are acquired separately are carried at cost less accumulated amortisation and accumulated impairment losses. Amortisation is recognised on a straight-line basis over their estimated useful lives. The estimated useful life and amortisation method are reviewed at the end of each reporting period, with the effect of any changes in estimate being accounted for on a prospective basis. Intangible assets with indefinite useful lives that are acquired separately are carried at cost less accumulated impairment losses.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following have been demonstrated: the technical feasibility of completing the intangible asset so that it will be available for use or sale; the intention to complete the intangible asset and use or sell it; the ability to use or sell the intangible asset; how the intangible asset will generate probable future economic benefits; the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and the ability to measure reliably the expenditure attributable to the intangible asset during its development.

The amount initially recognised for internally generated intangible assets is the sum of the expenditure incurred from the date when the intangible asset first meets the recognition criteria listed above. Where no internally generated intangible asset can be recognised, development expenditure is recognised in profit or loss in the period in which it is incurred. Subsequent to initial recognition, internally generated intangible assets are reported at cost less accumulated amortisation and accumulated impairment losses, on the same basis as intangible assets that are acquired separately.

(i) Leases assets

The Group assesses whether a contract is or contains a lease, at inception of the contract. The Group recognises a right-of-use asset and a corresponding lease liability with respect to all lease arrangements in which it is the lessee, except for short-term leases (defined as leases with a lease term of 12 months or less) and leases of low value assets (such as small items of office equipment). For these leases, the Group recognises the lease payments as an operating expense on a straight-line basis over the term of the lease unless another systematic basis is more representative of the time pattern in which economic benefits from the leased assets are consumed.

The lease liability is initially measured at the present value of

the lease payments that are not paid at the commencement date, discounted by using the rate implicit in the lease. If this rate cannot be readily determined, the Group uses its incremental borrowing rate.

Lease payments included in the measurement of the lease liability comprise:

- ▶ Fixed lease payments (including in-substance fixed payments), less any lease incentives receivable
- ▶ Variable lease payments that depend on an index or rate, initially measured using the index or rate at the commencement date
- ▶ The amount expected to be payable by the lessee under residual value guarantees

The lease liability is presented as a separate line in the statement of financial position.

The lease liability is subsequently measured by increasing the carrying amount to reflect interest on the lease liability (using the effective interest method) and by reducing the carrying amount to reflect the lease payments made.

The right-of-use assets comprise the initial measurement of the corresponding lease liability, lease payments made at or before the commencement day, less any lease incentives received and any initial direct costs. They are subsequently measured at cost less accumulated depreciation and impairment losses.

Right-of-use assets are depreciated over the shorter period of lease term and useful life of the underlying asset. If a lease transfers ownership of the underlying asset or the cost of the right-of-use asset reflects that the Group expects to exercise a purchase option, the related right-of-use asset is depreciated over the useful life of the underlying asset. The depreciation starts at the commencement date of the lease.

The right-of-use assets are presented as a separate line in statement of financial position.

The Group applies AASB 136 Impairment of Assets to determine whether a right-of-use asset is impaired and accounts for any identified impairment loss as described in the 'Property, plant and equipment' policy.

(j) Provisions

Provisions are recognised when the Group has a present obligation (legal or constructive) as a result of a past event, it is probable that the Group will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured

3. Significant accounting policies (continued)

(j) Provisions (continued)

using the cashflows estimated to settle the present obligation, it's carrying amount is the present value of those cashflows.

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, the receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

The Group is required to restore leased premises to their original condition at the end of the respective lease terms. A provision is recognised for the present value of the estimated expenditure required to remove any leasehold improvements where the obligation and the amount can be reliably estimated.

(k) Payables

Trade payables and other accounts payable are recognised when the Group becomes obliged to make future payments resulting from the purchase of goods and services.

(l) Revenue

Revenue from subscriptions is recognised in the period that the subscription relates to. Revenue from leased properties is recognised on a straight-line basis over the lease term in accordance with lease agreements.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customer by reference to the stage of completion of the service being provided.

Revenue from leased properties is recognised as invoiced on a monthly basis based on the short term tenancy agreements with barristers.

Interest revenue is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

All other revenue is stated net of the amount of goods and services tax (GST).

(m) Borrowings

Borrowings are recorded initially at fair value, net of transaction costs. Subsequent to initial recognition, borrowings are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit and loss over the period of the borrowing using the effective interest rate method.

Bills of exchange are recorded at an amount equal to the net proceeds received, with the premium or discount amortised over the period until maturity. Interest expense is recognised on an effective yield basis.

Borrowing Costs directly attributable to the acquisition, construction or production of assets that necessarily take a substantial period of time to prepare for their intended use or sale, are added to the cost of those assets, until such time as the assets are substantially ready for their intended use or sale.

All other borrowing costs are recognised in the income statement in the period in which they are incurred.

(n) Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:

- i. where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- ii. for receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables. Cash flows are included in the cash flow statement on a net basis. The GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

(o) Impairment of tangible and intangible assets other than goodwill

At each reporting date, the Association reviews the carrying amounts of its tangible and intangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Where the asset does not generate cash flows that are independent from other assets, the Association estimates the recoverable amount of the cash-generating unit to which the asset belongs. Where a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest Group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

Recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

3. Significant accounting policies (continued)

(o) Impairment of tangible and intangible assets other than goodwill

If the recoverable amount of an asset (or cash-generating unit) is estimated to be less than its carrying amount, the carrying amount of the asset (cash-generating unit) is reduced to its recoverable amount. An impairment loss is recognised immediately in profit or loss, unless the relevant asset is carried at revalued amount, in which case the impairment loss is treated as a revaluation decrease.

Where an impairment loss subsequently reverses, the carrying amount of the asset (cash-generating unit) is increased to the revised estimate of its recoverable amount, but only to the extent that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset (cash-generating unit) in prior years. A reversal of an impairment loss is recognised immediately in profit or loss, unless the relevant asset is carried at fair value, in which case the reversal of the impairment loss is treated as a revaluation increase.

(p) Financial instruments

Financial assets and financial liabilities are recognised when the Group becomes a party to the contractual provisions of the instrument.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in profit or loss.

Financial assets

All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace. All recognised financial assets are measured subsequently in their entirety at either amortised cost or fair value, depending on the classification of the financial asset.

Classification of Financial assets

Financial assets that meet the following conditions are measured subsequently at amortised cost:

- › the financial asset is held within a business model whose objective is to hold financial assets in order to collect contractual cash flows; and
- › the contractual terms of the financial asset give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

By default, all other financial assets are measured subsequently at fair value through profit or loss (FVTPL).

The Association's financial assets at amortised cost includes trade receivables.

Amortised cost and effective interest method

The amortised cost of a financial asset is the amount at which the financial asset is measured at initial recognition minus the principal repayments, plus the cumulative amortisation using the effective interest method of any difference between that initial amount and the maturity amount, adjusted for any loss allowance. The gross carrying amount of a financial asset is the amortised cost of a financial asset before adjusting for any loss allowance.

The effective interest method is a method of calculating the amortised cost of a debt instrument and of allocating interest income over the relevant period.

For financial assets other than purchased or originated credit-impaired financial assets (i.e. assets that are credit-impaired on initial recognition), the effective interest rate is the rate that exactly discounts estimated future cash receipts (including all fees and points paid or received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) excluding expected credit losses, through the expected life of the debt instrument, or, where appropriate, a shorter period, to the gross carrying amount of the debt instrument on initial recognition. For purchased or originated credit-impaired financial assets, a credit-adjusted effective interest rate is calculated by discounting the estimated future cash flows, including expected credit losses, to the amortised cost of the debt instrument on initial recognition.

Impairment of financial assets

The Association recognises a loss allowance for expected credit losses on trade receivables. The amount of expected credit losses is updated at each reporting date to reflect changes in credit risk since initial recognition of the respective financial instrument.

The Association always recognises lifetime expected credit losses (ECL) for trade receivables. The expected credit losses on these financial assets are estimated using a provision matrix

3. Significant accounting policies (continued)

(p) Financial instruments (continued)

based on the association's historical credit loss experience, adjusted for factors that are specific to the debtors, general economic conditions and an assessment of both the current as well as the forecast direction of conditions at the reporting date, including time value of money where appropriate.

Lifetime ECL represents the expected credit losses that will result from all possible default events over the expected life of a financial instrument.

During 2021, a provision on expected credit losses has been recorded.

Measurement and recognition of expected credit losses

The measurement of expected credit losses is a function of the probability of default, loss given default (i.e. the magnitude of the loss if there is a default) and the exposure at default. The assessment of the probability of default and loss given default is based on historical data adjusted by forward-looking information as described above. As for the exposure at default, for financial assets, this is represented by the assets' gross carrying amount at the reporting date; for financial guarantee contracts, the exposure includes the amount drawn down as at the reporting date, together with any additional amounts expected to be drawn down in the future by default date determined based on historical trend, the entity's understanding of the specific future financing needs of the debtors, and other relevant forward-looking information.

For financial assets, the expected credit loss is estimated as the difference between all contractual cash flows that are due to the association in accordance with the contract and all the cash flows that the association expects to receive, discounted at the original effective interest rate.

If the Group has measured the loss allowance for a financial instrument at an amount equal to lifetime ECL in the previous reporting period, but determines at the current reporting date that the conditions for lifetime ECL are no longer met, the Group measures the loss allowance at an amount equal to 12-month ECL at the current reporting date, except for assets for which simplified approach was used.

The Association recognises an impairment gain or loss in profit or loss for all financial instruments with a corresponding adjustment to their carrying amount through a loss allowance account.

Derecognition of financial assets

The Group derecognises a financial asset only when the contractual rights to the cash flows from the asset expire, or when it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another entity. If the entity neither transfers nor retains substantially all the risks and rewards of ownership and continues to control the transferred asset, the entity recognises its retained interest in the asset and an associated liability for amounts it may have to pay. If the entity retains substantially all the risks and rewards of ownership of a transferred financial asset, the entity continues to recognise the financial asset and also recognises a collateralised borrowing for the proceeds received.

On derecognition of a financial asset measured at amortised cost, the difference between the asset's carrying amount and the sum of the consideration received and receivable is recognised in profit or loss.

Fair value hedges

The fair value change on qualifying hedging instruments is recognised in profit or loss except when the hedging instrument hedges an equity instrument designated at fair value through other comprehensive income ("FVTOCI") in which case it is recognised in other comprehensive income.

The carrying amount of a hedged item not already measured at fair value is adjusted for the fair value change attributable to the hedged risk with a corresponding entry in profit or loss. For debt instruments measured at FVTOCI, the carrying amount is not adjusted as it is already at fair value, but the hedging gain or loss is recognised in profit or loss instead of other comprehensive income. When the hedged item is an equity instrument designated at FVTOCI, the hedging gain or loss remains in other comprehensive income to match that of the hedging instrument.

Where hedging gains or losses are recognised in profit or loss, they are recognised in the same line as the hedged item.

The Group discontinues hedge accounting only when the hedging relationship (or a part thereof) ceases to meet the qualifying criteria (after rebalancing, if applicable). This includes instances when the hedging instrument expires or is sold, terminated or exercised. The discontinuation is accounted for prospectively. The fair value adjustment to the carrying amount of the hedged item arising from the hedged risk is amortised to profit or loss from that date.

Financial liabilities

Financial liabilities, including borrowings and trade and other payables, are initially measured at fair value, net of transaction costs.

All financial liabilities are measured subsequently at amortised cost using the effective interest method.

3. Significant accounting policies (continued)

(p) Financial instruments (continued)

Loans and borrowings

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost.

Derecognition

The Group derecognises financial liabilities when, and only when, the Group's obligations are discharged, cancelled or they expire. The difference between the carrying amount of the financial liability derecognised and the consideration paid and payable is recognised in profit or loss.

Offsetting of financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the consolidated statement of financial position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, to realise the assets and settle the liabilities simultaneously.

(q) Business Combinations

Acquisitions of businesses are accounted for using the acquisition method. The consideration transferred in a business combination is measured at fair value, which is calculated as the sum of the acquisition-date fair values of assets transferred, liabilities incurred and the equity instruments issued by the Association in exchange for control of the acquiree. Acquisition-related costs are recognised in profit or loss as incurred. At the acquisition date, the identifiable assets acquired and the liabilities assumed are recognised at their fair values.

Goodwill is measured as the excess of the sum of the consideration transferred over the net of the acquisition-date amounts of the identifiable assets acquired and the liabilities assumed. If, after reassessment, the net of the acquisition-date amounts of the identifiable assets acquired and liabilities assumed exceeds the sum of the consideration transferred, the excess is recognised immediately in profit or loss as a bargain purchase gain. Where the consideration transferred by the Association in a business combination includes assets or liabilities resulting from a contingent consideration arrangement, the contingent consideration is measured at its acquisition-date fair value. Changes in the fair value of the contingent consideration that qualify as measurement period adjustments are adjusted retrospectively, with corresponding adjustments against goodwill.

Measurement period adjustments are adjustments that arise from additional information obtained during the 'measurement period' (which cannot exceed one year from the acquisition date) about facts and circumstances that existed at the acquisition date.

The subsequent accounting for changes in the fair value of contingent consideration that do not qualify as measurement period adjustments depends on how the contingent consideration is classified. Contingent consideration that is classified as equity is not remeasured at subsequent reporting dates and its subsequent settlement is accounted for within equity. Contingent consideration that is classified as an asset or liability is remeasured at subsequent reporting dates in accordance with AASB 9 'Financial Instruments', or AASB 137 'Provisions, Contingent Liabilities and Contingent Assets', as appropriate, with the corresponding gain or loss being recognised in profit or loss.

If the initial accounting for a business combination is incomplete by the end of the reporting period in which the combination occurs, the Association reports provisional amounts for the items for which the accounting is incomplete. Those provisional amounts are adjusted during the measurement period (see above), or additional assets or liabilities are recognised, to reflect new information obtained about facts and circumstances that existed as of the acquisition date that, if known, would have affected the amounts recognised as of that date.

(r) Goodwill

Goodwill arising on an acquisition of a business is carried at cost as established at the date of the acquisition of the business (see Note q above) less accumulated impairment losses, if any. For the purposes of impairment testing, goodwill is allocated to each of the association's cash generating units (or Groups of cash-generating units) that is expected to benefit from the synergies of the combination. A cash-generating unit to which goodwill has been allocated is tested for impairment annually, or more frequently when there is an indication that the unit may be impaired. If the recoverable amount of the cash-generating unit is less than its carrying amount, the impairment loss is allocated first to reduce the carrying amount of any goodwill allocated to the unit and then to the other assets of the unit pro rata based on the carrying amount of each asset in the unit. Any impairment loss for goodwill is recognised directly in profit or loss. An impairment loss recognised for goodwill is not reversed in subsequent periods. On disposal of the relevant cash-generating unit, the attributable amount of goodwill is included in the determination of the profit or loss on disposal.

3. Significant accounting policies (continued)

(s) Going Concern

Consolidated Entity

The onset of the COVID-19 pandemic and the various restrictions put in place in Victoria, has had and continues to have a significant impact on the economy, general business activity and the operation of Victorian Courts, all of which impacts the ability of barristers to generate fees. Steps taken by the Group during the year to support barristers included subscription reductions, as well as rent waivers and rent deferrals on an ongoing basis, both provided to affected barristers. The Group operated within the framework provided by the Commercial Tenancy Relief Scheme (the "Scheme") in its arrangements with barristers over the period the scheme was in place.

At 30 June 2021, the Group was in a current liability position of \$8,863,334 (2020: \$12,167,155), generated a profit for the year then ended of \$1,594,929 (FY20: loss of \$2,733,988) and generated positive operating cash flows of \$16,301,501 (2020: \$21,772,784). As in previous years, current liabilities include deferred revenue of \$9,628,728 (2020: \$8,333,229) being rent and subscriptions prepaid by barristers in advance of the end of the financial year. This balance will be realised in the ordinary course of business and is therefore not expected to be settled in cash. The Group's debt facility is not due for repayment until May 2023. The Group was in compliance with all banking covenants during the year and at 30 June 2021, with significant headroom.

The Group has considered various scenarios in relation to its forecast performance and cash flows for at least the next 12 months as it continues to be impacted by the COVID-19 restrictions. Under all of these scenarios, the Group is forecast to have sufficient cash and access to undrawn facilities to continue to meet its debts as and when they fall due. As such, the Officers consider it appropriate for the Group's financial statements to be prepared on a going concern basis.

The Group has considered various scenarios in relation to its forecast performance and cash flows for at least the next 12 months as it continues to be impacted by the COVID-19 restrictions. Under all of these scenarios, the Group is forecast to have sufficient cash and access to undrawn facilities to continue to meet its debts as and when they fall due.

As such, the directors consider it appropriate for the Group's financial statements to be prepared on a going concern basis.

Company

At 30 June 2021, the Company was in a current liability position of \$254,415 (2020: \$227,728), generated a profit for the year then ended of \$1,040,883 (FY20: \$563,485) and generated positive operating cash flows of \$1,214,663 (2020: \$701,447). As in previous years, current liabilities include deferred revenue of \$2,085,524 (2020: \$2,025,250) being subscriptions prepaid by barristers in advance of the end of the financial year. This balance will be realised in the ordinary course of business and is therefore not expected to be settled in cash.

	Consolidated		Parent	
	2021 \$	2020 \$	2021 \$	2020 \$
4. Revenue				
Revenue from operating activities				
Subscriptions	3,565,587	4,366,432	3,565,587	4,366,432
Readers course, mediation & seminar fees	1,014,164	1,179,561	1,014,164	1,179,561
Technology revenue	1,534,470	1,919,887	-	-
Other revenue	1,310,884	1,141,853	588,198	425,877
Rental income	39,212,037	38,998,634	-	-
Managed floor solutions	950,323	1,032,045	-	-
	47,587,465	48,638,412	5,167,949	5,971,870
Revenue from non-operating activities				
Interest revenue	2,372	7,498	-	-
Investment income	165,275	200,771	165,275	200,771
Legal Service Board and Commissioner contributions	491,550	518,506	491,550	518,506
	659,197	726,775	656,825	719,277
Total revenue	48,246,662	49,365,187	5,824,774	6,691,147
5. Surplus before income tax				
Surplus for the year has been arrived at after charging the following items of expense:				
Finance cost				
Interest on Mortgage	1,844,992	3,240,607	-	-
Depreciation and amortisation				
Software	78,358	123,895	78,358	123,895
Plant, equipment and improvements	15,104,605	15,023,753	58,145	100,202
	15,182,963	15,147,648	136,503	224,097
Auditors remuneration - Deloitte				
Auditing of the Financial Reports	46,650	44,050	46,650	44,050
Taxation and Accounting Services	24,000	25,000	24,000	25,000
Other services	6,600	6,400	6,600	6,400
Auditors remuneration - PwC				
Auditing of the Financial Reports	73,500	61,000	-	-
Taxation and Accounting Services	9,000	21,000	-	-
Other services	4,000	4,000	-	-
	163,150	161,450	77,250	75,450

	Consolidated		Parent	
	2021 \$	2020 \$	2021 \$	2020 \$
6. Income tax (expense)/benefit				
Components of income tax (expense)/benefit				
Tax expense comprises:				
Current tax benefit/(expense)	92,421	(2,145,128)	(127,112)	(114,138)
Deferred tax (expense)/benefit relating to timing differences	601,689	2,575,305	127,806	119,807
	694,110	430,177	694	(5,669)
7. Cash and cash equivalents				
Cash deposits with banks	9,446,796	10,568,674	363,672	365,158
Short-term money market deposits	3,729,782	3,578,146	3,729,782	3,578,147
	13,176,578	14,146,820	4,093,454	3,943,305
8. Trade and other receivables				
Trade receivables	4,124,502	2,826,126	103,534	64,485
Loss allowance for expected credit losses	(2,398,933)	(1,228,070)	-	-
	1,725,569	1,598,056	103,534	64,485
9. Other assets				
Current				
Prepayments	2,688,453	321,696	17,346	44,807
Fit-out incentive	-	429,946	-	-
	2,688,453	751,642	17,346	44,807
Non-current				
Fit out incentive	15,289,233	15,454,991	-	-
	15,289,233	15,454,991	-	-
10. Investment in subsidiary				
Investment in subsidiaries	-	-	10,187,430	10,187,430
The consolidated Group is made up of the parent entity, the Victorian Bar Inc., and subsidiary companies the Melbourne Bar Pty Ltd and Barristers' Chambers Limited and its subsidiary Opus Workspaces Pty Ltd.				
Barristers' Chambers Limited is a public company incorporated in Australia and operating in Australia. Opus Workspaces Pty Ltd is a private company incorporated and operating in Australia. It is wholly owned by Barristers' Chambers Ltd. Barristers' Chambers Ltd is wholly owned by the Association.				
The Melbourne Bar Pty Ltd is a private company incorporated in Australia. It has not operated. It has acted as a nominee of the Victorian Bar Inc. in being the registered owner of shares in Barristers Chambers Limited and entering into license agreements with approved clerks.				

	Consolidated		Parent	
	2021 \$	2020 \$	2021 \$	2020 \$

11. Other financial assets

Financial assets carried at fair value through profit or loss	6,342,939	4,990,946	6,342,939	4,990,946
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Other financial assets comprise predominantly of capital notes, which are held in a portfolio managed by JB Were.

12. Property, plant and equipment

Carrying amounts of

Plant and equipment	70,119	86,613	70,119	86,613
Art works	53,921	63,122	53,921	63,122
Fixtures and fittings	16,786,932	10,421,446	-	-
Assets under construction	2,410,318	9,926,781	-	-
	19,321,290	20,497,962	124,040	149,735

Parent

	Plant and equipment at cost \$	Art Works \$	Capital Work-in-progress \$	Total \$
Balance at 1 July 2020				
Cost	1,459,653	211,275	-	1,670,928
Accumulated depreciation	(1,373,040)	(148,153)	-	(1,521,193)
	86,613	63,122	-	149,735
Balance at 1 July 2021				
Cost	1,619,507	211,275	-	1,830,782
Accumulated depreciation	(1,549,388)	(157,354)	-	(1,707,742)
	70,119	53,921	-	124,040

Consolidated

	Assets under construction \$	Fixtures and fittings \$	Plant and equipment at cost \$	Art Works \$	Total \$
Balance at 1 July 2020					
Cost	9,926,781	32,287,256	1,459,654	211,275	43,884,966
Accumulated depreciation	-	(21,865,810)	(1,373,041)	(148,153)	(23,387,004)
	9,926,781	10,421,446	86,613	63,122	20,497,962
Balance at 1 July 2021					
Cost	2,410,318	27,227,468	1,619,507	211,275	31,468,568
Accumulated depreciation	-	(10,440,536)	(1,549,388)	(157,354)	(12,147,278)
	2,410,318	16,786,932	70,119	53,921	19,321,290

13. Investment properties

Consolidated

	Land and buildings Owen Dixon Chambers West \$	Land and buildings Owen Dixon Chambers East \$	Land and buildings Douglas Menzies Chambers \$	Total \$
As at 1 July 2019				
Cost or fair value	179,200,000	73,300,000	28,900,000	281,400,000
Additions	1,790,000	939,000	17,000	2,746,000
Revaluation	(2,390,000)	(3,839,000)	(517,000)	(6,746,000)
Balance as at 30 June 2020	178,600,000	70,400,000	28,400,000	277,400,000

As at 1 July 2020

Cost or fair value	178,600,000	70,400,000	28,400,000	277,400,000
Additions	2,387,000	205,000	464,000	3,056,000
Revaluation	(3,387,000)	(305,000)	(964,000)	(4,656,000)
Balance as at 30 June 2021	177,600,000	70,300,000	27,900,000	275,800,000

14. Intangible assets

Parent and Consolidated

	Software \$	Total \$
Cost	380,648	380,648
Accumulated amortisation	(256,932)	(256,932)
Balance as at 30 June 2020	123,716	123,716
Cost	324,538	324,538
Accumulated amortisation	(306,269)	(306,269)
Balance as at 30 June 2021	18,269	18,269

The useful life of Software used in the calculation of amortisation is 5 years.

	Consolidated		Parent	
	2021 \$	2020 \$	2021 \$	2020 \$

15. Trade and other payables

Current				
Deferred revenue	9,442,726	8,333,229	2,085,524	2,025,250
Trade creditors and accruals	3,946,336	5,541,350	2,296,397	1,953,439
The Essoign Club	-	72,047	-	72,047
	13,389,062	13,946,626	4,381,921	4,050,736

Non-Current

Deferred revenue	672,932	446,667	-	-
	672,932	446,667	-	-

16. Borrowings

Non-Current				
Bank borrowings	45,000,000	45,000,000	-	-

The loan is secured by a charge over property situated at 525-539 Lonsdale Street, Melbourne known as Owen Dixon Chambers West and property situated at 205-221 William Street, Melbourne known as Owen Dixon Chambers East. The loan has an unused drawing capacity of \$15,500,000 at year-end and the facility matures in May 2023.

17. Provision

Current				
Make good provision	750,056	-	-	-
Employee benefits	546,426	475,902	139,497	156,641
	1,296,482	475,902	139,497	156,641

Non-current

Make good provision	4,189,529	3,731,486	-	-
Employee benefits	83,818	43,914	29,043	12,914
	4,273,347	3,775,400	29,043	12,914

	Consolidated		Parent	
	2021 \$	2020 \$	2021 \$	2020 \$

18. Cash and cash equivalents

(a) Reconciliation of cash and cash equivalents

For the purposes of the statement of cash flows, cash and cash equivalents includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash and cash equivalents at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash and cash equivalents	13,176,578	14,146,820	4,093,454	3,943,305
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(b) Reconciliation of surplus for the year to net cash flows from operating activities

Surplus / (deficit) for the year after income tax	1,594,929	(2,733,988)	1,040,883	563,485
Depreciation and amortisation of non-current assets	15,182,963	15,147,648	136,503	224,097
Loss on revaluation of investment property	4,656,241	6,746,000	-	-
Unrealised gain / (loss) on financial asset	(334,363)	173,574	(334,363)	173,574
Write off of intangible assets	41,138	-	41,138	-

Changes in net assets and liabilities:

<i>(Increase)/decrease in assets:</i>				
Trade and other receivables and other assets	(127,513)	(1,346,246)	1,783,484	23,015
<i>Increase/(decrease) in liabilities:</i>				
Trade & other payables	(1,852,917)	(297,207)	331,185	(668,645)
Deferred revenue	1,521,764	127,796	-	-
Provisions	1,318,528	2,915,219	(1,015)	56,426
Current taxes	(2,629,781)	3,558,951	(1,910,959)	449,302
Deferred taxes	(702,731)	(2,455,490)	127,807	(119,807)
Other assets	(2,366,757)	(63,473)	-	-
	16,301,501	21,772,784	1,214,663	701,447

19. Derivative financial instruments

Current				
Interest rate swap contracts	332,788	339,637	-	-

Non-Current

Interest rate swap contracts	-	284,736	-	-
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20. Officers remuneration

No member of the Council received any remuneration from the Association. A premium was paid for Directors' and Officers' Liability insurance.

21. Subsequent events

In July 2021 the Victorian government announced that the Commercial Tenancy Relief Scheme will be reintroduced to provide rent relief for eligible tenants to support small and medium sized businesses as they emerge from lockdown. The relief is required to be offered to tenants who can demonstrate financial hardship as a result of COVID-19. Management is currently working with Barristers to assess the level of rental relief that may need to be provided but does not anticipate any material exposure to the Group in excess of provisions recognised at 30 June 2021 and its aforementioned conservative cash flow forecasts assumptions for FY22.

On 1 July 2021 the Group entered into a new lease agreement for Level 10, 200 Queen Street Melbourne with the intention of subleasing these premises following internal fit-out works. The new lease commences on 1 July 2021 for a 6 year and five month period. The lease will be accounted for under AASB16 - Leases.

There have been no other matters or circumstances that have arisen since 30 June 2021 that has significantly affected the Group's operations, results or state of affairs, or may do so in future years.

THE VICTORIAN BAR INCORPORATED DETAILED INCOME STATEMENT (UNAUDITED)

Detailed Statement of Profit and Loss for the year ended 30 June 2021

	Notes	2021 (unaudited)	2020 (unaudited)
Revenue			
Bar Dinner Fees		96,892	(600)
Bar News Advertising Revenue		10,841	7,909
Conferences, Seminars & CPD Fees		147,560	32,282
Income from Investments		159,839	200,771
Legal Services Board & Commissioner	1	491,550	518,506
Mediation Fees		281,474	444,509
Readers Course Fees		595,334	702,770
Subscriptions		3,565,587	4,366,432
JobKeeper and other Government support		377,500	194,923
Other		98,197	223,645
Total Revenue		5,824,774	6,691,147

Detailed Statement of Profit and Loss for the year ended 30 June 2021 (continued)

	2021 (unaudited)	2020 (unaudited)
Expenses		
Audit Fees & Tax	80,950	77,249
Australian Bar Association	0	174,549
Bank & Credit Card Fees	7,552	9,626
Bar Dinner Expense	110,976	938
Bar News Expenses	57,311	46,059
Books & Subscriptions	93,996	96,742
Catering Expenses	14,708	39,178
Computer Software and Support	162,213	144,024
Conference & seminars	74,077	7,617
Depreciation	136,503	224,097
Employee benefits & expenses	2,184,277	2,507,742
Health & Well Being Program Expense	157,806	131,728
ICC Project Expenses	0	(24,431)
Law Council of Australia	116,526	228,388
Marketing and Sponsorships	71,984	74,558
Media & Consultants	59,525	96,175
Printing & Stationery	11,465	40,945
Pro Bono Scheme Expenses	17,765	17,880
Project costs	17,476	286,043
Readers Course & CPD	103,417	244,068
Rent, Amortisation & Fit-out	1,165,808	1,158,305
Travel Expenses	3,336	64,902
Unrealised (gain)/loss on investments	(169,088)	173,574
Other Administration Costs	304,615	313,375
Total Expenses	4,783,197	6,133,331
Surplus before Income Tax	1,041,577	557,816
Income Tax Expense/Benefit	(694)	5,669
Surplus for the year	1,040,883	563,485

Notes to Detailed Statement of Profit and Loss for the year ended 30 June 2021

	2021 (unaudited)	2020 (unaudited)
1 LSB/LSC Reimbursement and Contribution		
The Legal Services Board and the Legal Services Commissioner reimburse the Victorian Bar for the costs of the roles delegated to it in relation to regulation and registration of barristers in Victoria.		
Regulation	289,746	298,804
Complaints & Disputes	167,449	172,628
Library	34,355	47,074
	491,550	518,506

2 Retained Earnings

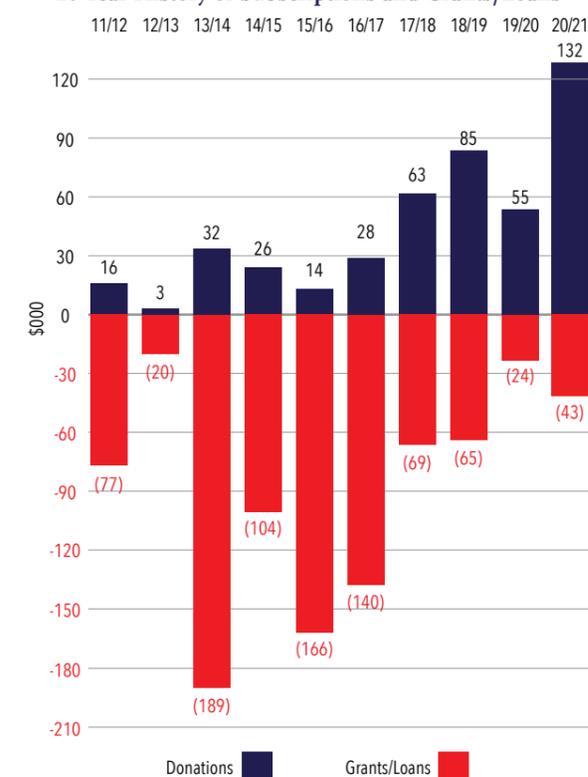
Retained Earnings at the beginning of the year	15,367,435	14,803,950
Surplus for the year	1,040,883	563,485
Retained Earnings at the end of the year	16,408,318	15,367,435

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Barristers' Benevolent Association of Victoria Annual Report
for the year ended 30 June 2021 (Unaudited)

The Committee of Management for the Association is the Victorian Bar Council through its President and Honorary Treasurer who form the Sub-Committee of Management.

10 Year History of Subscriptions and Grants/Loans

Amounts Held by Equity Trustees at
Market Value at 30 June 2021

The market value of the Association's investment portfolio at 30 June 2021, together with the income and asset yield is set out below:

	ASSET VALUE		ASSET YIELD*	
	\$	%	\$	%
Equity Trustees Wholesale Mortgage Income Fund	\$363,938	12.8%	\$12,661	3.5%
Equity Trustees Growth Fund	\$1,517,646	53.7%	\$57,083	4.4%
Equity Trustees Cash Management Fund	\$945,905	33.5%	\$397	0.1%
	\$2,827,489		\$70,141	

* - represents Income Yield

Basis of Preparation of Comparative Financial Statement

The Comparative Financial Statement for the year ended 30 June 2021 has been prepared using historical costs for recording transaction and comparative asset values.

Capital Movement between/within funds

From time to time, capital movements occur between or within the funds managed by Equity Trustees which will be reflected in an adjustment to the closing fund balance.

During 2020-2021, the Association made payments by way of grants and loans to four members totalling \$43,447.

Donations received for the 2020-2021 year were \$132,545. In addition, the Association received loan repayments totalling \$94,113 during the year.

BARRISTERS' BENEVOLENT ASSOCIATION OF VICTORIA

Comparative Financial Statement for the Year Ended 30 June 2021
(Unaudited)

	2021 (unaudited) \$	2020 (unaudited) \$
Capital Fund		
Opening balance at 1 July	2,534,331	2,296,626
Receipts		
Donations received during the year	132,545	55,165
Loan repayments received	94,113	20,387
Imputation credits refund	8,090	15,250
Net Income Earned During the Year	62,051	197,724
Total receipts	296,799	288,526
Payments		
Grants	(20,990)	(23,700)
Loans	(22,457)	-
Investments	-	-
Legal fees	(3,526)	(27,121)
Total payments	(46,973)	(50,821)
Net receipts/(payments)	249,826	237,705
Capital movement within/between Funds	-	-
Capital Fund (at cost) at 30 June	2,784,157	2,534,331
Loans		
Opening Balance at 1 July	351,416	371,803
Add new loans	22,457	-
Less loan repayments	(94,113)	(20,387)
Less loans converted to grant	-	-
Loans at 30 June	279,760	351,416
Total Assets at 30 June	3,063,917	2,885,747
Capital Fund Investments held by Equity Trustees (at cost)		
Equity Trustees Flagship Fund	-	-
Equity Trustees Growth Fund	1,474,314	1,474,314
Equity Trustees Wholesale Mortgage Income Fund	363,938	363,938
Equity Trustees PIMCO Wholesale Australian Bond Fund	-	-
Equity Trustees Cash Management Fund	945,905	696,079
Closing balance (at cost) at 30 June	2,784,157	2,534,331

Christopher Blanden QC and Mary Anne Hartley QC
Sub-Committee of Management
Victorian Bar Council





VICTORIAN BAR