



**Report of the Activities of  
Criminal Bar Association of Victoria Inc.  
1 August 2003 to 19 August 2004**

This report has been prepared for the Annual General Meeting of the Association to be held on 19 August 2004.

Throughout the reporting period the following members of the Association have served on the Committee of Management:

**Office Bearers:**

Chair	Lex Lasry
Vice Chairman	Ian Hill
Treasurer	Nicola Gobbo
Secretary	Reg Marron (until his appointment as a Magistrate in December 2003. Ed Lorkin was appointed as Secretary in January 2004).

**Ordinary Committee Members:**

Kellie Blair  
Jeanette Morrish and  
Julian McMahon  
Mark Rochford (to January 2004).

**Appointed Committee Members:**

Gerard Mullaly  
Benjamin Lindner  
Arne Marjanovic

**Non Voting Consultative Members**

In September 2003 Peter Morrissey and Nola Karapanagiotidis were co-opted to the Committee to assist on a number of issues relevant to the Association.

## **Committee of Management**

The Committee of Management includes the office bearers, the ordinary members of the Committee and up to three members appointed by the elected members of the Committee (Rule 22).

During the course of the Committee's term, following the Annual General Meeting of the Association on 31 July 2003, the Committee appointed three members to the Committee as listed above.

## **Annual Report of Association**

In the period 1 July 2003 to 30 June 2004 the Criminal Bar Association of Victoria Inc (CBA) has continued to deal with an extensive and wide ranging number of issues relevant to the objects of the CBA namely to: -

- Promote the professional interest of its members;
- Provide facilities and programmes which will assist members in their professional practice;
- Liaise with other bodies concerned with issues of professional interest to members;
- Provide representation for members in relation to matters which affect the interest of members generally and
- Represent the views of members to bodies and persons engaged in the administration of criminal justice and the review and development of criminal law, procedure and civil liberties.

The range and complexity of the CBA's activities over the last year in furtherance of those objects have been extensive and has necessitated the Executive Committee meeting at least weekly in addition to the numerous meetings undertaken with various organisations relevant to the criminal justice system both State and Federal.

By way of illustration some of the more significant activities and issues undertaken and addressed during the last twelve months include: -

- Continued involvement in the **Victorian Criminal Justice Coalition** in order to monitor and influence the "law and order" policy development of the major political parties in Victoria.
- The staging of the CBA's Annual **Advocating for Justice Lecture** on 20 May 2004 as part of Law Week. This year Sir Edward Woodward AC OBE QC spoke on the topic "Police Corruption: How to Control and Deal with it". Over 150 members and guests attended to discuss and debate this vital topic of importance to core criminal justice values.
- The CBA co-hosted a further **public seminar** on 16 June 2004 together with the Law Institute of Victoria and the Monash law Faculty designed to encourage on-going debate and focused on developing a solution to the problems posed by systemic police corruption. The outcome of that seminar was the formation of a joint working party which will proceed to develop a detailed model designed to tackle the problem for submission to Government as an agreed alternative to the present proposed Ombudsman's Office solution.

- The CBA was involved in co-hosting a public seminar on 21 April 2004 in conjunction with **Project Innocence** and the Law Institute of Victoria on DNA issues.
- The **Annual Dinner** at the Treasury Restaurant was attended by over 120 members and guests and was held to celebrate the 25<sup>th</sup> anniversary of the founding of the CBA and also to mark the retirement of Chief Justice Phillips a foundation and life member of the Association. Justice Cummins made a thoughtful and interesting speech to celebrate the work of the Association and its members.
- Our **Mid Winter Dinner** was held on 24 June 2004 at Matteo's Restaurant and was also a great success. The special guest of honour was Chief Justice Warren and an honoured guest was the Bar Chairman Robin Brett QC. Entertaining speeches were delivered by Judge Mick Bourke and by Reg Marron M.
- The holding of a number of **Seminars** as part of the Bar's Continuing Legal Education program on diverse and practical topics of relevance including: -
  - The conduct of sexual offences trials;
  - Prosecution Disclosure;
  - The law and practice associated with Bail Applications;
  - The law of Asset confiscation and Forfeiture;
  - The structuring of a Final Address;
  - Evidence of Consciousness of Guilt;
  - The choice between Summary Trial and Committal for Trial;
  - Advocacy in Criminal Law.
- The issuing of **Media Releases** on matters of public importance on such issues as
  - the need to establish a Police Integrity Commission to deal with Police Corruption;
  - concerns regarding the Victorian Law Reform Commission Report re Sexual Offences;
  - the extension of powers of detention and other powers contained in the ASIO Bill;
  - The State Government's decision to block independent recommendations for salary increases for Judges and Magistrates and
  - The State Government's announcement that it would not seek to introduce minimum mandatory sentencing.

In addition representatives of the CBA have participated in a number of **print, radio and television interviews** designed to promote the views of the CBA on a range of criminal justice issues.

- The production and distribution of our **Newsletter** in February and July containing items of interest concerning the activities of the CBA, its members and developments in the criminal law generally.
- The continued reconstruction and improvement of the **CBA Website** at [www.crimbarvic.org.au](http://www.crimbarvic.org.au) containing copies of CBA Newsletters, CBA submissions re legislative proposals, links to major legal research websites, court lists and events of interest to members.
- Continued Membership of the **Juvenile Justice Roundtable** designed to ensure that appropriate measures are maintained so that juveniles involved in the criminal justice system are treated in a manner consistent with their age and to minimise the risk that they are subsumed into the adult criminal system.

- The continued **liaison with judicial officers** and officials of the Supreme Court, County Court, Magistrates Court and Children's Court concerning the effective and efficient conduct of court lists and associated practices and procedures in criminal matters. In particular representatives of the CBA attend regular meetings of the Supreme Court Criminal Division and also monthly meetings of the County Court Criminal Users Group. The CBA considers that the exchange of views and ability to participate in such forums is of considerable value.
- The continued development of strong links to the Law Council of Australia especially through increased CBA participation in the activities of the **Criminal Law National Liaison Committee** of the Law Council.
- The CBA has been active in the establishment of the International Criminal Bar and occupies the position of Oceania representative on Council of the ICB and is the only Australasian representative. The ICB is expected to be the defence pillar in relation to the International Criminal Court. Representations have been made by the CBA to the Australian Government to ensure that the ICB enjoys support from Government in its proposed role.
- A strong focus on **Law Reform issues** especially in making detailed submissions on the development of appropriate legal policy or commenting on draft legislation and appearing as necessary before State and/or Federal Parliamentary Committees to advocate appropriate legislative outcomes and initiatives.

Over the last twelve months those functions have continued to grow both in number and complexity. Examples of such matters undertaken by the CBA in the last year include: -

- Night Courts and Extended Sitting Hours proposals;
  - Appeals Costs Act amendments;
  - Administration of Justice Offences Discussion paper;
  - Defences to Homicide Discussion Paper;
  - Double Jeopardy and Crown Appeal Discussion Paper;
  - Culpable and Dangerous Driving Amendments;
  - Amphetamines and Party Drugs Discussion Paper;
  - Legal Aid changes in Indictable funding arrangements;
  - Hospital Orders under the Sentencing Act;
  - Cross Border Investigative Powers and controlled operations proposals;
  - Anti Terrorism legislation;
  - Telephone Interception amendments;
  - Security Cases and clearance of defence counsel discussion paper;
  - Amendments to the Crimes Act and the Bail Act;
  - Commonwealth Crimes Act amendments;
  - Review of warrant powers and procedures and
  - Proposals for a Family Violence Division of the Magistrates Court.
- Working effectively with the **Bar Council** to ensure that our views are represented on matters of concern to our membership and on matters of interest to the whole Bar. We have an excellent relationship with the Bar Council and its officers and are grateful for the assistance and support the Bar and its officers provide.
  - The CBA is particularly pleased to continue its close association with and support of the **Bar's Readers' Courses** which continues to provide to readers an extremely professional, practical and wide ranging course preparatory to practice as a barrister. A large number of our members participate in a variety of ways in the conduct and planning of the course.

- **Liaison** on an on-going basis in relation to issues including:-
  - New Criminal Listing Procedures introduced on a trial basis in the County Court;
  - The County Court Committee concerning the operation of the Appeals Cost Fund Act;
  - Justice Teague's Committee re the criminal Division of the Supreme Court;
  - The Office of the Correctional Services Commissioner Stakeholders Forum;
  - The Establishment and continuation of Project Innocence in Victoria;
  
- During the past twelve months the CBA was delighted that the following members of the CBA were **appointed to judicial office**:
  - Judge Geoffrey Chettle and
  - Magistrate Reg Marron.

Very many members of the CBA have contributed willingly to the workload of the Association over the last year and each of them deserves special thanks and recognition. Without such assistance the work of the CBA could not be undertaken effectively. The Committee looks forward to that support continuing into the future and we encourage all members to participate fully in the affairs of the CBA and to contact committee members with suggestions on how the Association might be improved or strengthened. All seminars conclude with drinks and, together with our dinners, are valuable social events that we encourage all members to attend.

## **Lex Lasry**

Chair

### **Meetings held during the Reporting Period**

The previous Annual General Meeting was held on 31 July 2003. There have been no further general or special meetings of the Association during the reporting period.

The Committee of Management elected at the AGM on 31 July 2003 first met on 4 August 2003 and has met approximately 43 times since the AGM. The Committee meets at 8 am each Friday morning and otherwise as necessary.

### **Subscriptions**

Subscriptions for the last year have remained at the previous rate: joining fee of \$200 (or \$100 for those under three years call) plus a \$25 annual subscription.

### **Financial Reports**

The statement of assets, liabilities, expenditure and income for the financial year 2003/04 will be available at the Annual General Meeting or upon request from the Treasurer, Nicola Gobbo, List M.

## Membership

As at 31 July 2003 CBA membership was as follows:

Life Members	4
Honorary Members	61
Members (currently financial)	218
Members (non-financial)	129
<b>Total Membership</b>	<b>412</b>

As at 15 August 2004 CBA membership is as follows

Life Members	4
Honorary Members	61
Members (currently financial)	113
Members (non-financial)	184
<b>Total Membership</b>	<b>362</b>

Financial members are those who have paid or signed authorities for payment by their clerk up to and including the financial year 2003/04. The current number of unfinancial members is higher than might normally be the case since the renewals forms for the current year only issued to members on 2 August 2004.

The reduction in overall membership from 412 to 363 has occurred by reason of a decision being taken to delete reference to members who are two years or more in arrears in payment of membership dues. This approach gives a more accurate reflection of actual membership figures.

## Seminars

The Association hosted a significant number of seminars during the reporting period as part of the Victorian Bar Compulsory CLE program. Particular thanks are due to Jeanette Morrish, Richard Maidment and Duncan Allen for representing the CBA on the Bar's CLE committee.

The Association is extremely grateful to those members and non members who donated their time and expertise to present and conduct the seminars including: Justice Bongiorno, Sir Edward Woodward, Paul Coghlan DPP, Mark Pedley and Shane Kirne of the Federal DPP's Office, J Patrick M, Jeanette Morrish, Nicola Gobbo, Robert Richter, Philip Dunn, Richard Maidment, John Saunders, Neil Clelland, Brian Bourke, Gerard Mullaly, Jim Kennan, Mark Dean, Phillip Priest, Gregory Lyon, Ian Hill, Terry Forrest, Andrew Kirkham, Ray Elston, Duncan Allen, Peter Morrissey, Michael Tovey, Nicholas Robinson, David Ross, Stephen Shirrefs, Bruce Walmsley and Des Lane. In addition special thanks go to Barbara Walsh for her energy and assistance in staging the seminars.

## Newsletter

The Association has produced and edited two copies of the Association's Newsletter since the last AGM and Gerard Mullaly is to be congratulated on maintaining such a high standard of topical and relevant articles. At the same time Gerard and Benjamin Lindner have managed and developed the Association's website at [www.crimbarvic.org.au](http://www.crimbarvic.org.au) containing copies of CBA

newsletters, CBA submissions re legislative proposals, links to major legal research websites and events of interest to CBA members. We are intent on further improving the look and functionality of the website and have engaged a new consultant Steven Goldate to assist in that regard. We hope to launch the new version of the site towards the end of 2004.

### **Social Functions**

On 27 November 2003 the Association's Annual Dinner was held at the Treasury Restaurant in Collins Street and was attended by over 100 members and guests. Ian Hill was MC for the evening in Lex's absence at a death penalty trial in Singapore and the dinner honoured the retirement of Chief Justice Phillips and also celebrated the 25<sup>th</sup> anniversary of the formation of the Association.

Ian Hill spoke eloquently about Chief Justice Phillips and the important role he has played in the formation and development of the CBA. Chief Justice Phillips' speech in response was both witty and full of reminiscences of the Association's history. Justice Phil Cummins made an excellent and entertaining speech in honour of the CBA and of those who undertake the defence of liberty. Thanks go to Nicola Gobbo for a great organisational effort.

On 24 June some 90 Members and guests attended a wonderful dinner at Matteo's in North Fitzroy. Ex Secretary Reg Marron let us into the secrets of life as a Magistrate and Judge Mick Bourke regaled the throng with stories of legal aid battles in the early days and the delicate task of ensuring that his trial directions were apt and consistent with the dictates of the Court of Appeal. We were delighted that Chief Justice Warren was able to attend the dinner as a CBA guest. Once again thanks to Nicola Gobbo for putting the whole show on.

The Association has continued to host drinks following each of the Seminars held during the year. Each such occasion has been well attended and has provided a welcome opportunity for members to catch up. The Association has also continued its practice of addressing each new Reader's Course and of inviting prospective new members over to the Essoign Club for drinks.

Thanks go to all those who have helped to organise these functions and for making the year such a successful one.

Ed Lorkin  
Secretary  
19 August 2004