



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 27 October 2016
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Moses SC; Game SC; Loukas SC; Khandhar; McHugh SC;
Walker; Welsh; Shead; Callan; Gleeson; Antipas; Roy; Mack

APOLOGIES: Hutley SC; Bell SC; Cunneen SC; Lonergan SC;
Mitchelmore; Hutchinson

NON-ATTENDANCE: Bennett AC QC; Higgins

IN ATTENDANCE: Executive Director; Deputy Executive Director; Deputy
Director, Professional Conduct (for professional conduct
matters)

The Senior Vice-President took the Chair in the absence of the President.

MINUTES

The minutes of the meeting of 6 October 2016 were confirmed.

MATTERS ARISING FROM THE MINUTES OF THE MEETING OF BAR
COUNCIL OF 1 SEPTEMBER 2016

Noted.

OUTSTANDING ACTIONS AS AT 20 OCTOBER 2016

Noted. Greg Antipas advised that the first meeting of the Escrow Payment Services Focus
Group will be held on 2 November 2016.

SENIOR VICE-PRESIDENT'S REPORT

The Senior Vice-President noted that the President was currently in Melbourne attending the joint ABA/Victorian Bar Conference. He also noted that he, the President and other Bar Councillors had attended the 2016 Senior Counsel scrolls presentation ceremony in the Common Room on 25 October. The event had been a great success and Bar Council extended its thanks to the Association's events staff for their efforts.

FINANCE

Noted.

FOR CONSIDERATION

Memorandum to the Bar Council dated 22 September 2016 from the Chair, Diversity & Equality Committee – Updated objectives for the Diversity & Equality Committee

RESOLVED to approve the updated terms of reference for the Diversity and Equality Committee as proposed in the memorandum.

Memorandum to the Bar Council dated 26 September 2016 from the Chair, Diversity & Equality Committee – Gender Pay Gap – strategic plan for action

The Bar Council thanked the Diversity and Equality Committee and its Chair Anthony McGrath SC for their work on the strategic plan for action. The Bar Council noted that the Committee should prepare a further memorandum for its consideration seeking approval to commission an expert analysis as foreshadowed in the memorandum. It was also agreed that the President should write to McGrath SC thanking the Committee for its efforts.

Memorandum to the Bar Council dated 18 October 2016 from the ADR Committee – Accreditation and re-accreditation of mediators

(a) Mediation accreditation

RESOLVED to accredit the applicants recommended in the memorandum as 'new' mediators for the period 25 October 2016 until 25 October 2018 under the NMAS.

ALSO RESOLVED to re-accredit the applicants recommended in the memorandum as mediators for the period 25 October 2016 until 25 October 2018 under the NMAS.

(b) District Court mediators

RESOLVED to recommend the applicants suggested in the memorandum to the Chief Judge for the 2017-18 District Court mediator list. The Committee recommends the above applicants also be included on the list the Association keeps for the District Court.

Email to the President dated 17 October 2016 from the Senior Vice President – 2016 Harm Minimisation Summit

It was agreed that the proposed draft letter to the NSW Cross-Party Harm Minimisation Group be submitted for the President's signature, subject to the deletion of the paragraph included in the draft regarding the Portuguese model regarding decriminalisation of drug use and possession.

GENERAL BUSINESS

- (a) CTP reform – Elizabeth Welsh advised that the Government has put its compulsory third party reforms on hold pending the introduction of a motor accidents regulation to take effect on 1 November capping legal costs in small and children's matters. The Bar Council noted that the Government was likely to proceed with the reform package in the New Year. Elizabeth Welsh advised that the Common Law Committee would be meeting in the near future to discuss next steps.
- (b) Resignation of Justin Gleeson SC as the Commonwealth Solicitor-General - The Senior Vice-President noted that the Law Council of Australia had published a media statement on 24 October concerning Justin Gleeson SC's resignation as Commonwealth Solicitor-General.
- (c) LCA submissions – The Junior Vice-President raised the question of whether more can be done to draw members' attention to Law Council of Australia policy submissions which members of the NSW Bar had played a substantial role in preparing. As a starting point, a link could be established from the Association's website to the LCA's submissions webpage.
- (d) The Senior Vice-President noted that this was the last meeting of the Bar Council prior to the upcoming election. He thanked all members for their work during the year and extended his best wishes to those who were re-standing for election.

FOR INFORMATION

Memorandum to the Bar Council dated 12 October 2016 from the Senior Projects Lawyer
– Retention Statistics 1994 – 2016

Noted.

Criminal Law Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

ADR Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Costs & Fee Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Human Rights Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Legal Aid Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Common Law Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Diversity & Equality Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Family Law Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

Indigenous Barristers' Strategy Working Party – Report on activities from 1 July 2015 to
30 June 2016

Noted.

Practice Development Committee – Report on activities from 1 July 2015 to 30 June 2016

Noted.

The meeting closed at 5.45pm.

Confirmed as a correct record:

Noel Hutley SC
President

Date: