



NEW SOUTH WALES  
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION  
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 8 December 2016  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm

**PRESENT:** Hutley SC; Moses SC; Game SC; Loukas SC; Callan;  
Weinstein SC; Lonergan SC; McHugh SC; Welsh; Katekar;  
Izzo; Gleeson (by phone); Antipas (by phone); Roy;  
Hutchinson

**APOLOGIES:** Terracini SC; Bell SC; Walker; Khandhar; Mitchelmore;  
Higgins

**IN ATTENDANCE:** Executive Director; Deputy Executive Director

MINUTES

The minutes of the meeting of 17 November 2016 were confirmed.

The Executive minutes of the meeting of 22 November 2016 were confirmed.

The Executive minutes of the meeting of 18 October 2016 were confirmed.

MATTERS ARISING FROM THE MINUTES OF THE MEETING OF BAR  
COUNCIL OF 17 NOVEMBER 2016

Noted.

OUTSTANDING ACTIONS AS AT 30 NOVEMBER 2016

Noted. The President advised that discussions with the Law Society were continuing regarding the draft media release on the Government justice cluster administrative arrangements, and that the Bar Council would be kept informed of developments.

## **PRESIDENT'S REPORT**

Noted.

## **EXECUTIVE DIRECTOR'S REPORT**

Noted.

## **MEMBERSHIP**

The following were admitted as Class A – Local Practising Barrister – unless otherwise shown:

James Doyon – B  
Phillip Lonergan

Clashfern Chambers (QLD)  
State Chambers

## **FOR CONSIDERATION**

### **Parliamentary Joint Committee Inquiry into Freedom of Speech in Australia - Submission by the New South Wales Bar Association**

The Bar Council agreed to refer the draft submission back to the Human Rights Committee for further consideration as to the wording of section 18C of the *Racial Discrimination Act 1975* (Cth) and the desirability of proposed amendments to the section. It was agreed that an extension would be sought from the Law Council of Australia, and that the President would discuss the issue further with Sarah Pritchard SC, the Chair of the Human Rights Committee.

### **Amended NSW Bar Association Travel Policy – for endorsement**

RESOLVED to approve the revised NSW Bar Association Travel Policy.

### **Memorandum to the Bar Council dated 17 November 2016 from the Senior Vice-President – Mental Health Survey of Barristers**

RESOLVED to authorise the Senior Vice-President and the Chair of the Health and Wellbeing Committee, Kylie Nomchong SC, to negotiate with Rachel Spearing, the Chair of the Wellbeing at the Bar Project of the UK Bar, to work with the NSW Bar to conduct a survey regarding the wellbeing of NSW barristers and analyse its results.

**Memorandum to the Bar Council dated 28 November 2016 from the ADR Committee – Accreditation and reaccreditation of mediators – District Court mediators 2016 - 2017**

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

ALSO RESOLVED to recommend the applicants for 2017-18 District Court mediator list named in the memorandum to the Chief Judge for appointment to that list. Those applicants will also be included on the list kept by the Association for the District Court.

**Memorandum to the Bar Council dated 28 November 2016 from the Education Committee – Procedures for notification of tutors where readers fail to comply with reading conditions**

RESOLVED to approve the revisions to relevant forms and procedures involving notification of tutors as recommended in the Education Committee's memorandum.

**Memorandum to the Bar Council dated 29 November 2016 from the Senior Vice-President – Proposal for an award to a woman reader to be named in honour of the late Katrina Dawson**

RESOLVED to support the proposal for a Katrina Dawson Award and authorise the Senior Vice-President and the Chair of the Diversity and Equality Committee to work on the proposed award with the Katrina Dawson Foundation.

**Memorandum to the Bar Council dated 30 November 2016 from the Deputy Executive Director – Composition of the Strategic Plan Working Party**

RESOLVED to appoint the Treasurer and Ben Katekar as additional members of the Strategic Plan Working Party as replacements for Margaret Cunneen SC.

**Memorandum to the Bar Council dated 30 November 2016 from the Director, Professional Conduct - Delegation to the Executive Director in connection with Trans-Tasman Mutual Recognition Act**

RESOLVED pursuant to section 30 of the *Legal Profession Uniform Law Application Act 2014* to delegate to the Executive Director the powers and functions of the Bar Council in relation to any application for a practising certificate made by William Tumai. This delegation is to be exercised in consultation with a member of the Bar Council Executive.

## FOR INFORMATION

Joint letter to CTP Review from the NSW Law Society, NSW Bar Association and Australian Lawyers Alliance dated 25 November 2016 – Discussion Paper: Reforming insurer profit in compulsory third party (CTP) motor vehicle insurance; Joint letter to CTP Review from the NSW Law Society, NSW Bar Association and Australian Lawyers Alliance dated 25 November 2016 – CTP Review – claims handling and dispute resolution

Noted. The Bar Council thanked Andrew Stone SC in recognition of his work on the two recent joint submissions to SIRA on insurer profit and claims handling and dispute resolution. Elizabeth Welsh advised that actuarial costings of various possible proposals which would reduce green slip costs were being considered, and that it was intended to provide the Government with a further submission from the legal profession in this regard before Christmas. The Bar Council will be kept informed of developments and a draft submission circulated.

### Minutes of the meeting of FIAC held on 25 November 2016

Noted.

The following papers were circulated via e-mail prior to the Council meeting.

- Email to the Bar Council dated 23 November 2016 from the Deputy Executive Director – CTP Reform

The meeting closed at 6.20pm.

*Confirmed as a correct record:*

Noel Hutley SC  
President

Date: