



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 23 October 2014
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Needham SC; Hutley SC; Moses SC; McHugh SC; Toomey;
Temby QC; Game SC; Loukas SC; McGrath SC; Walker;
Healey; Morris; Khandhar; Hunt; Gleeson; Hyde Page;
Dobraszczyk

APOLOGIES: Terracini SC; Traill; Stone; Callan

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

MINUTES

The minutes of the meetings of 9 and 16 October 2014 were confirmed.

Minutes of the Executive meeting of 16 September, 7 October and 14 October 2014

Noted.

OUTSTANDING ACTIONS AS AT 16 OCTOBER 2014

Noted.

PRESIDENT'S REPORT

Noted. The President drew the Bar Council's attention to the functions for Clerks and Heads of Chambers held on 17 and 21 October respectively. Both events were particularly successful and well attended.

EXECUTIVE DIRECTOR'S REPORT (25 September- 23 October 2014)

Noted. The Executive Director spoke to that part of his report concerning the intention that the *Legal Profession Uniform Law 2014* come into force on 1 July 2015.

FINANCE

Noted. The Treasurer expressed his appreciation for the work of the Finance Investment and Audit Committee over the last year. Bar Council expressed its appreciation for the assistance provided by the Finance Manager in the last twelve months.

MEMBERSHIP

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

Theresa Phan	4 Wentworth Chambers
Razia Shafiq	Arthur Phillip Chambers
Rebecca Suters	James Dowling Chambers

FOR CONSIDERATION

Memorandum to the Bar Council dated 14 October 2014 from Stephen Odgers SC, Chair, Criminal Law Committee – Drug Law Reform Conference

RESOLVED to approve the proposal for a Drug Law Reform Conference to be held on 29 May 2015 as set out in the memorandum from the Chair of the Criminal Law Committee.

ALSO RESOLVED to approve Association funding for the entire event.

Memoranda to the Bar Council dated 16 October 2014 from the ADR Committee – Accreditation and re-accreditation of mediators – District Court mediator list 2015-16; District Court arbitration list 2015-16 – Addition to Local Court arbitration and the Family Law Settlement Service Panel

Walker declared an interest and did not take part in the discussion on the items concerning mediation re-accreditation and the District Court mediation list.

RESOLVED to accredit the applicants named in the memorandum as ‘new’ mediators for the period 25 October 2014 until 25 October 2016 under the NMAS (with the accreditation of certain members subject to the provision of an assessment certificate), with the exception of one other member, consideration of whose application will be deferred until the resolution of the current complaint against him under the *Legal Profession Act 2004*.

RESOLVED to accredit the applicants named in the memorandum as ‘experience qualified’ mediators for the period 25 October 2014 until 25 October 2016 under the NMAS (with the accreditation of two members subject to the provision of an assessment certificate).

RESOLVED to re-accredit the applicants named in the memorandum as mediators for the period 25 October 2014 until 25 October 2016 under the NMAS (with the re-accreditation of one member subject to the written confirmation of CPD hours completed and the re-accreditation of other members subject to the provision of a certificate of completion of refresher training course) with the exception of another member, consideration of whose application will be deferred until the resolution of the current complaint against him under the *Legal Profession Act 2004*.

RESOLVED that Bar Council recommend the applicants named in the memorandum to the Chief Judge for the 2015-16 District Court mediator list (subject to undertakings by barristers named above still to complete refresher training courses) with the exception of two members, consideration of whose applications will be deferred until the resolution of the current complaints against them under the *Legal Profession Act 2004*.

RESOLVED that Bar Council recommend the applicants named in the memorandum to the Chief Judge for the 2015-16 District Court arbitrator list, with the exception of two members, consideration of whose applications will be deferred until the resolution of the current complaints against them under the *Legal Profession Act 2004*.

RESOLVED that Bar Council recommends to the Chief Magistrate that an additional member be added to the Local Court Arbitration panel for the remainder of the 2014-15 period.

RESOLVED that Bar Council recommend the applicants named in the memorandum to the Family Court of Australia and the Federal Circuit Court for inclusion on the Family Law Settlement Service Panel for a period of 2 years (subject to undertakings by two members to complete refresher training courses).

Memorandum to the Bar Council dated 16 October 2014 from the Education Committee – Tutors Handbook – Reform of Statutory List of Tutors

RESOLVED to approve the content of the proposed handbook and authorise its dissemination, along with its launch by members of the Education Committee at the Bar Association CPD seminars to be held in February-March 2015.

ALSO RESOLVED to authorise the Executive Director and the Education Committee to make the changes regarding the Statutory List of Tutors recommended in the memorandum.

Letter to the Executive Director dated 16 October 2014 from Steve Kerbel, Secretary – Barristers Sickness & Accident Fund, Bar Cover – Bar Cover Director

RESOLVED to approve the issuing of a formal invitation by BarCover to Julia Lonergan SC to serve as a Director on the Board.

GENERAL BUSINESS

- (a) Walker raised the issue of a transition package for those leaving the Bar. She noted that the issue had been discussed with the Executive Director. The Executive Director advised that processes have been put in place in this regard through BarCare including the addition of a career counsellor to the BarCare panel. He also noted that Benevolent Fund grants can and have been made to assist members in their transition from the bar. The BarCare website is currently being redeveloped in this regard.
- (b) Valedictory The President, noting that this was the last meeting of the 2014 Bar Council, thanked all Bar Councillors for their contribution during the year. She also expressed her thanks for the work of the Executive Director, Deputy Executive Director, Executive Assistant and members of the Executive during the last 12 months.

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

- Email to the Bar Council dated 15 October 2014 from Deputy Executive Director – Definition of ‘the court’ consultation NSW Department of Justice
- Email to the Bar Council dated 22 October 2014 from Deputy Executive Director – Bar Association appearance at Parliamentary ICAC Inquiry
- Email to the Bar Council dated 22 October 2014 from Deputy Executive Director – Submission for approval – *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014*

The meeting closed at 6:10pm.

Confirmed as a correct record:

Jane Needham SC
President

Date: