



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 26 May 2016
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Hutley SC; Moses SC; Game SC (by phone); Loukas SC;
Khandhar; Bennett AC QC (by phone); Bell SC; Cunneen
SC; Lonergan SC; McHugh SC; Walker; Welsh;
Mitchelmore; Shead; Higgins; Callan; Hunt; Antipas;
Hutchinson (by phone)

APOLOGIES: Gleeson; Roy

IN ATTENDANCE: Deputy Executive Director

MINUTES

The minutes of the meeting of 12 May 2016 were confirmed.

PRESIDENT'S REPORT

Noted.

FINANCE

Noted.

MEMBERSHIP

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

Timothy Boyle
Brian Costello

10 Selborne Wentworth
ODPP Newcastle

Samuel Hallahan
Simon O'Sullivan – B

5 Wentworth Chambers
Edmund Barton Chambers (SA)

FOR CONSIDERATION

Memorandum to the Bar Council dated 11 May 2016 from the Chair, Equal Opportunities Committee – Membership of Pride in Diversity.

RESOLVED to authorise the New South Wales Bar Association to become a Tier 2 member of Pride in Diversity at a cost of \$6,160 (inclusive of GST). The Bar Council, noting that such membership would involve a recurring annual expense, agreed that in the long term the focussed seminars offered by Pride in Diversity under the program should aim to deliver training primarily to members.

Letter from the President dated 12 May 2016 to Dr M Faruqi MLC – Abortion Law Reform Bill

The Bar Council agreed in principle with the President's view that the draft *Abortion Law Reform (Miscellaneous Acts Amendment) Bill* generally raised moral and ethical, as opposed to legal, considerations and that the Association should not take a public position in respect of the legislation at this stage. However, it was agreed that the Bill should be referred to the Criminal Law and Human Rights Committees for advice as to whether the Bill raised any particular substantive legal issues.

2016 Senior Counsel Application Documentation: Guide to Practical Aspects (marked up); Invitation to Apply (marked up); Protocol as at 14 May 2015

Mary Walker and Kara Shead declared an interest and took no part in the Bar Council's discussion of this matter.

Bar Council RESOLVED to approve the draft Protocol as at 14 May 2015 and the marked up versions of the Cover Sheet for Senior Counsel Application, Invitation to Apply and Guide to Practical Aspects for the purposes of the 2016 Senior Counsel application process.

FOR INFORMATION

Resolution of 28 April 2016 pursuant to cl 15.7 of the Constitution of the NSW Bar Association concerning practising certificates for Government lawyers.

Noted.

Email exchanges between the Executive Director and Mary Walker dated 10 May 2016 – Full time Tribunal members and practising certificates (barristers).

Noted.

Minutes of the meeting of the Practice Development Committee held on 16 March 2016

Noted.

Minutes of the meeting of the Common Law Committee held on 28 April 2016

Noted.

Minutes of the meeting of the Common Law Committee held on 3 May 2016

Noted.

Submission in response to the NSW Government Options Paper *On the Road to a Better CTP Scheme*

Noted. Elizabeth Welsh noted that the Government has now publicly released the submissions to the current Compulsory Third Party Review, including those of CTP insurers and the Insurance Council. The CTP Insurer submissions favour a no fault, defined benefits model for the scheme. The Common Law Committee is considering the issues raised in these submissions and will provide advice to the Bar Council on the next steps to be taken as soon as possible.

Half year report to the Bar Council dated 13 May 2016 from the Women Barristers Forum for the 2015 financial year.

Noted.

Letter to The Hon Scott Farlow MLC dated 13 May 2016 – NSW Bar Association Submission to Select Committee on the Legislative Council Committee System.

Noted.

New Barristers' Committee Report to Bar Council dated 17 May 2016

Noted.

NSW Bar Association Submission dated 18 May 2016 – Review of section 6 of the *Law Reform (Miscellaneous Provisions) Act 1946* – NSW Law Reform Commission Consultation Paper no 17 ‘Third Party Claims on Insurance Money’.

Noted.

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

The meeting closed at 6pm.

Confirmed as a correct record.

Noel Hutley SC
President

Date: