



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 6 October 2016
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Hutley SC; Moses SC; Game SC; Loukas SC; Khandhar;
Bennett AC QC; Bell SC; Cunneen SC; Lonergan SC;
McHugh SC; Shead; Callan; Gleeson; Antipas; Mack

APOLOGIES: Walker; Higgins; Welsh; Mitchelmore; Roy; Hutchinson

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

MINUTES

The minutes of the meeting of 8 September 2016 were confirmed.

MEMBERSHIP

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

Madeleine Bridgett	6 St James' Hall Chambers
Yu-Sheng Chen	Edmund Barton Chambers
Fraser Doak	Henry Parkes Chambers
Alexander Djurdjevic	3 Wentworth Chambers
Luke Hammond	4 Selborne Chambers
Armen Karlozian	8 Wentworth Chambers
Piotr Klank	Ground Floor Wentworth
Kay Marinos	12 Selborne/Wentworth
Cameron Murphy	Denman Chambers
David Palmer	11 Garfield Barwick Chambers
David Turner	Edmund Barton Chambers

FOR CONSIDERATION

Memorandum to the Bar Council from the Senior Projects Lawyer – Non-renewal of membership of the Association

The Bar Council RESOLVED, pursuant to clauses 6.2.2 and 7.2.1 (b) of the Constitution, to terminate the membership of those persons listed in the memorandum, with the exception of Ms Kate Barrett.

Professional Conduct Committee #5

The Bar Council reaffirmed that the recently established PCC 5, chaired by the President, was a formal committee of the Bar Council and that it holds the same authorities and delegations as those held by the other four professional conduct committees.

Memorandum to the Bar Council dated 19 September 2016 from Director, Professional Development – Bar Council Elections – Polling Officers.

Pursuant to cl. 14.7 of the Constitution, the Bar Council resolved to appoint the following persons to be polling officers for the Bar Council election now being conducted.

Indraveer Chatterjee
Tarik Abdulhak
Harrison Grace

Michael Burke
Zaina Shahnawaz
Patrick McCarthy

LIFE MEMBERSHIP

The President noted that the Executive Director retires on 21 October 2016. The President stated:

Tonight is the final meeting at which the Bar Council will receive the valuable assistance of Philip who will soon retire as the Executive Director of the Bar Association.

He was appointed to that position effective 10 November 1997. As the then President, David Bennett said on his appointment:

“He brings to the Association a long history of achievements, extensive experience and dealings with State and Federal Ministers and Government departments as well as significant administrative expertise.”

That experience involved senior roles in the Department of Prime Minister and Cabinet during the Fraser and Hawke governments, Head of the Department of Social Security’s Queensland and Northern Territory Administration, Director of Review for the Queensland Public Sector Management Commission set up by Premier Goss after the long coalition government and Pro Vice-Chancellor (Planning and Administration) at the Australian National University.

The Chief Justice has remarked that he never saw anyone as dedicated to his work as Philip.

Philip has worked with nineteen councils and twelve Presidents. He has been there through some pretty tough times for the Bar, notably during the presidencies of Ruth McColl and Bret Walker when the Bar faced the consequences of the delinquency of many barristers on their taxation obligations and later when its very existence was up for grabs.

Though I cannot speak for all of them, I can speak for many who I know well and each holds Philip in the highest regard.

It amuses me when I hear uninformed speculation that Philip has been Sir Humphrey controlling hapless Bar Councillors, including apparently a succession of bumbling Jim Hackers sitting where I now sit. I have yet to hear of that suggestion being put directly to Tom Bathurst, Ruth McColl, Anna Katzmann or Bret Walker to name but four of the somewhat powerful personalities who have preceded me.

The truth is that Philip has been an exemplary Chief Executive Officer of our organisation. He has brought a wealth of experience to each Council and to each member of the Executive and a fearless determination to give his honest opinion, no matter how apparently unpalatable that may have appeared at any particular time.

However, having discharged his duty once a decision has been adopted by the Council or the Executive, he has with dedication, proceeded to implement it personally and through the staff of the Association irrespective of his views.

In relation to the staff, I should say he has been instrumental in moulding the employees of the Bar Association into the loyal and effective body they are for the achievement of our aims and policies.

On a personal note, he has saved me on more than one occasion from making what might be politely described as a gaff. I am indebted to him. I will miss him and I am sure those present will too. However such is his energy he does not depart to bowls or cruises but to a full palate of literary undertakings in his beloved field of Australian history. I ask this Council to confer life membership on him by acclamation.

The Bar Council RESOLVED, that Philip Alan Selth OAM be appointed a Life Member for exceptional service to the Bar Association and to the profession of the law.

Letter to the President dated 23 September 2016 from Michael Fordham SC – Director, Bar Practice Course

The President advised that after completion of the last Bar Practice Course, Michael Fordham SC had resigned as Director of the Bar Practice Course ‘after something like 12 ½ years and 25 odd courses in a row’. Fordham SC had given an enormous amount of his time and energy to assisting hundreds of Readers enter the profession as a barrister. The Bar Council, indeed the profession as a whole, owed Fordham SC an immense debt of gratitude.

The Bar Council RESOLVED, that Michael John Fordham SC be appointed a Life Member for exceptional service to the Bar Association and to the profession of the law.

Penny Johnston, Director, BarCare

The President advised that Penny Johnston, Director, BarCare, would retire later this year after a successor had been appointed. Penny started as Director, BarCare in 2008, initially for a period of six months, to implement a revised 'triage' scheme. She has given nine years of outstanding service to the Bar Association and its members, and their relatives. She has literally saved lives, and assisted dozens of persons who needed financial, medical, emotional or other forms of support and assistance. The Executive Director regularly complains that Penny is not charging for all the hours she works. Much of Penny's work is confidential, known only to her and those with whom she has worked. But I have heard dozens of stories about what she has done to assist those needing assistance; at times, those contacted by Penny at the request of a friend, colleague or family member had not appreciated they did need assistance - or that it was available.

The Bar Council RESOLVED that Penny Johnston be appointed a Life Member for exceptional service to the Bar Association.

FOR INFORMATION

New South Wales Bar Submission dated 7 September 2016 – Comments regarding Exposure Draft of the *Industrial Relations Act (Industrial Court) Bill 2016*.

Noted.

Joint letter to The Hon John Della Bosca and Ms Nancy Milne, CTP Reform Reference Panel dated 9 September 2016 from the Law Society of NSW, NSW Bar Association and Australian Lawyers Alliance – NSW CTP Insurance Scheme Reform

Noted. The Bar Council expressed its appreciation for Welsh's participation in the recent *7.30 Report* program dealing with proposed changes to the CTP Greenslips scheme which will clearly adversely impact on some injured persons.

Letter to the Public Purpose Fund dated 14 September 2016 from the Deputy Executive Director – Bar Association's Legal Assistance Referral Scheme – Report on Scheme's Activities – 1 July 2016 – 30 June 2016

Noted. The Bar Council expressed its appreciation for the work of the staff of the Association's Legal Assistance Department, and the barristers who provide pro bono assistance, for the enormous amount of assistance they give to members of the public, at times under trying circumstances.

Memorandum to the Bar Council dated 15 September 2016 from the Deputy Executive Director – Social Media report

Noted.

Letter to The Hon Guy Zangari MP, Shadow Minister for Justice and Police dated 16 September 2016 from the President – *Law Enforcement Conduct Commission Bill 2016*

Noted.

Letter to the President dated 16 September 2016 from the President, The Tasmanian Bar – *Legal Profession (Barristers) Rules 2016 (TAS)*

Noted.

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

- Email to the Bar Council dated 13 September 2016 from the Deputy Executive Director – Draft Submission to the Legislative Council Standing Committee on Law and Justice Inquiry into the Workers Compensation Scheme
- Email to the Bar Council dated 21 September 2016 from the Deputy Executive Director – CTP campaign release
- Email to the Bar Council dated 22 September 2016 from the Deputy Executive Director – CTP ad for Saturday
- Email to the Bar Council dated 26 September 2016 from the Deputy Executive Director – NSW Bar Association – correspondence, policy brief and case studies re NSW Government proposed CTP reforms

The meeting closed at 5.25 pm.

Confirmed as a correct record.

Noel Hutley SC
President

Date: