



NEW SOUTH WALES
BAR ASSOCIATION

**THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL**

MINUTES OF PROCEEDINGS

**Thursday 7 September 2017
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Moses SC; Game SC; Bell SC; Weinstein SC; Nomchong SC;
McHugh SC; Shead SC; Katekar (by phone) Khandhar;
Higgins; Callan; (by phone); Antipas; Roy; Hutchinson

APOLOGIES: Terracini SC; Loukas SC, Walker, Welsh, Mitchelmore, Izzo,
Gleeson

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

MINUTES

The minutes of the meeting of 24 August 2017 were confirmed.

**Memorandum to the Bar Council dated 24 August 2017 from the Legal Officer,
Professional Conduct – Approval of application form for the grant of an Australian
Registration Certificate by a foreign lawyer**

RESOLVED to approve, pursuant to section 473 of the *Legal Profession Uniform Law (NSW)*
and rule 20 of the *Legal Profession Uniform General Rules 2015*, the attached request for an
applicant to address matters that the Bar Council considers appropriate, contained within the
attached draft application form by a foreign lawyer for the grant of an Australian Registration
Certificate.

**Memorandum to the Bar Council dated 30 August 2017 from the Director, Professional
Conduct – Withdrawal of Complaints**

RESOLVED that where a complaint is withdrawn, a Professional Conduct Committee is not required to report to the Bar Council unless the Committee recommends that the Bar Council exercise powers under section 273(2)(a) or (b) of the *Legal Profession Uniform Law (NSW)*.

FINANCE

Annual report for the New South Wales Bar Association dated 30 June 2017

Annual report for the Barristers' Benevolent Association of NSW dated 30 June 2017

The Bar Council RESOLVED that in their opinion as Directors of The New South Wales Bar Association:

- a. the financial statements and notes are in accordance with the *Corporations Act 2001*, including:
 - i. complying with Accounting Standards – Reduced Disclosure Requirements (including the Australian Accounting Interpretations) and the Corporations Regulations 2001; and
 - ii. giving a true and fair view of the company's financial position as at 30 June 2017 and of its performance for the financial year ended on that date; and
- b. there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

The Bar Council RESOLVED that in their opinion as trustees of the Barristers Benevolent Association of NSW:

- a. the financial statements and notes satisfy the requirements of the Australian Charities and Not-for-Profits Commission Regulation 2012, including:
 - i. complying with Accounting Standards – Reduced Disclosure Requirements (including the Australian Accounting Interpretations) and the Corporations Regulations 2001; and
 - ii. giving a true and fair view of the Association's financial position as at 30 June 2017 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the financial year ended on that date; and
- b. there are reasonable grounds to believe that the Association will be able to pay all of its debts as and when they become due and payable.

Bar Council further RESOLVED that the President and Treasurer sign the Directors' Report and the Directors' Declarations on behalf of the Council.

The Bar Council approved the Financial Statements to be included in the Association's Annual Report for 2016-17.

FOR CONSIDERATION

Memorandum to the Bar Council dated 29 August 2017 from Kim Kemp, Senior Projects Lawyer – Professional Standards Scheme – Application for Mutual Recognition in Tasmania

Noted.

FOR INFORMATION

Minutes of Meeting of the Finance, Investment and Audit Committee dated 28 August 2017

Noted. The Bar Council in particular noted the proposed appointment of the Association's new auditors, RSM Australia.

Letter to the Bar Association from the Chair, Women's Barristers Forum dated 23 August 2017 – NSW Women Lawyers Achievement Awards

Noted.

Letter to the Attorney General dated 23 August 2017 from the President – Crimes (Sentencing Procedure) Amendment (Sentencing Options) Bill 2017

Noted.

Email to the Deputy Executive Director dated 28 August 2017 from the Finance Manager – Further material requested regarding Benevolent Fund Gifts and Loans

Noted.

Letter to the Hon R J Ellicott AC QC dated 30 August 2017 from the President – in recognition of retirement from practice

Noted.

Letter to Mr Barry Toomey QC dated 30 August 2017 from the President – 50 years of service at the Bar

Noted.

The meeting closed at 5.50 pm.

Confirmed as a correct record:

Arthur Moses SC
President

Date: