



NEW SOUTH WALES
BAR ASSOCIATION

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

MINUTES OF PROCEEDINGS

**Thursday 14 December 2017
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Moses SC; Game SC; Loukas SC; Bell SC; Mitchelmore;
Gormly SC (by phone); Weinstein SC; Nomchong SC;
McHugh SC; Morgan SC; Walker; Khandhar; Williams;
Katekar; Rayment; Whittaker; Izzo; Callan; Roy; Ensor;
Mack

APOLOGIES: Executive Director

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

PRESIDENT'S REPORT

Noted.

FINANCE

Financial statements for November 2017.

Noted.

MEMBERSHIP

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

Eamon O'Neill

Maurice Byers Chambers

FOR CONSIDERATION

Memorandum to the Bar Council dated 29 November 2017 from Michael Izzo – Costs in legal assistance matters: UCPR 7.41; Memorandum to the Bar Council dated 31 October 2017 from Carol Webster SC and the Deputy Executive Director – Costs in Legal assistance matters UCPR 7.41; Memorandum to the Bar Council dated 23 March 2017 from Mark Brabazon SC

The Bar Council agreed not to pursue the proposed rule change regarding costs in settled pro bono matters.

Memorandum to the Bar Council dated 30 November 2017 from the Deputy Executive Director – Guidelines – Bar Council Committees – tenure and governance (with tracked changes)

RESOLVED to adopt the following principles regarding the operation of New South Wales Bar Association Committees (not including Professional Conduct Committees unless specifically mentioned):

1. Establishment of Committees

Bar Association Committees should continue to be established by the Bar Council and exercise delegated power from the Council pursuant to the Association's Constitution;

2. Appointment of Committees

The President should continue to exercise the power of appointment of Committee members (including Chairs) in consultation with Committee Chairs and relevant staff;

3. Term of appointment – members and chairs

That Committee Chairs should serve a maximum period of five years, subject to a discretion in the President to extend this period. It is also recommended that Ordinary Committee members may serve up to a maximum of five years with a rotation of 20% of Ordinary Committee members each year, subject to a similar discretion on the part of the President.

Up to three Advisory Members may be appointed to any Committee at the discretion of the President.

4. Casual vacancies/removal of members

The President should (a) continue to exercise the power to appoint replacement or additional members to Committees in consultation with the relevant Committee Chair; and (b) have the discretion to remove a Committee member for misbehaviour (including Chairs) in consultation with the relevant Chair as appropriate;

5. Size of Committees

The size of each Committee is to be determined year to year by the President in consultation with the relevant Committee Chair and Association staff;

6. Committee Charters

Any suggested changes to Committee Charters must be submitted to Bar Council for approval;

7. Conduct of Committee business

The conduct of Committee business should generally be at the discretion of individual Chairs in consultation with relevant Association staff, subject to the following principles:

- (a) a requirement that a quorum of 25% be present at a Committee meeting in order to enable that Committee to conduct its business;
- (b) the work of Professional Conduct Committees is wholly confidential. Other Committee members are bound by the confidentiality obligations attached to particular consultations and circumstances; a
- (c) minutes of meetings and 6 monthly reports on the work of the Association's "policy" Committees are to be provided to the Bar Council for information and provision of draft policy submissions to the Executive for approval;

8. Committee resourcing

Committees are required to seek approval from the Executive on a case by case basis for any additional resources that may be required to enable them to fulfil their responsibilities. The Association's travel policy for Committee members representing the Association at Conferences requires approval of costs in advance by the Executive Director;

9. Information package

An information package setting out the above principles and containing additional material such as the Association's Committee travel policy, Constitution and List

of Committees and their Charters be provided to all current and incoming Committee members.

10. Review of the Bar Council Committees – Tenure and Governance Guidelines

The Bar Council Committees – Tenure and Governance Guidelines be reviewed by Bar Council every two years.

GENERAL BUSINESS

Independence of Crown Prosecutors – the President detailed his recent correspondence with the Director of Public Prosecutions and media statement regarding the independence of Crown prosecutors and misleading reporting in that regard. Nanette Williams thanked the President on behalf of many Crown Prosecutors who had appreciated his public intervention and support.

FOR INFORMATION

Submission to the Legislation Review Committee Inquiry into the operation of the Legislation Review Act 1987

Noted.

Letter to the Chief Judge of the District Court dated 8 December 2017 from the President – Country sittings in civil matters; Letter to the President dated 11 December 2017 from the Chief Judge of the District Court in reply; Letter to the Chief Judge of the District Court dated 11 December from the President – Country sittings in civil matters

Noted.

Email to the President dated 7 December 2017 from Angus Stewart SC – Law Society Thought and Leadership Symposium – Feedback

Noted.

The meeting closed at 6 pm.

Confirmed as a correct record:

Arthur Moses SC
President

Date: