



NEW SOUTH WALES  
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION  
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 25 September 2014  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm

**PRESENT:** Needham SC; Hutley SC; Moses SC (by phone); McHugh SC; Temby QC; Terracini SC; Game SC; Loukas SC; McGrath SC; Traill; Walker; Healey; Stone; Callan; Hunt; Gleeson; Hyde Page; Dobraszcyk

**APOLOGIES:** Toomey; Morris; Khandhar

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

MINUTES

The minutes of the meeting of 11 September were confirmed.

MATTERS ARISING FROM THE MINUTES OF THE MEETING OF BAR COUNCIL OF 28 AUGUST 2014

Noted.

OUTSTANDING ACTIONS AS OF 18 SEPTEMBER 2014

Noted.

PRESIDENT'S REPORT

Noted.

## EXECUTIVE DIRECTOR'S REPORT

Noted.

## FINANCE

Financial statements for August 2014.

Noted.

## FOR CONSIDERATION

### **Memorandum to the Bar Council dated 17 September 2014 from Policy Lawyer – Non-renewal of membership of the Association**

RESOLVED, in accordance with clause 7.2.1 of the Association's Constitution, to terminate the membership of the individuals listed in the Policy Lawyer's memorandum. The Council noted that should anyone listed respond to the Executive Director's letter informing them of the Council's decision asking to be reinstated as a member, the Executive Director had the discretion to so arrange.

### **Drug Law Reform Policy Brief**

The Bar Council noted the Drug Law Reform Policy Brief prepared by the Criminal Law Committee and expressed its thanks to the Committee for their important work in producing the paper.

### RESOLVED:

1. To request the Committee to:
  - (a) amend the title of the document from "Policy Brief" to "Discussion Paper"; and
  - (b) amend the references in the paper to 'conclusions' to 'proposals' to reflect the position that they are the Committee's 'preliminary views subject to further expert and community consultation'.
2. The Council asked the Committee to develop a plan for the Bar Association to host a conference of experts and stakeholders. Representatives of professional organisations, including the medical profession and other interested parties, are to be invited to debate the issues raised by the paper. The Committee's proposal for the conference, including a proposed timeframe and costing, is to be finalised in conjunction with the Executive, and then submitted to the Bar Council for its approval.

[Type text]

3. Subject to the Bar Council's approval of the format and other details for the conference, the Council approves the ultimate release of the amended paper with the explicit statement that 'Bar Council is not in a position to endorse the preliminary views expressed in the Criminal Law Committee's Discussion Paper, nevertheless the Bar Council considers that the release of the paper will foster an evidence-based debate on an issue of public importance'.

## **GENERAL BUSINESS**

Bar Council noted that Temby QC will appear on the Association's behalf at a private briefing session with the NSW Parliament Joint Committee on the Independent Commission Against Corruption, as part of its Inquiry into prosecutions arising from ICAC investigations.

## **FOR INFORMATION**

### **Minutes of the meeting of the Equal Opportunity Committee of 19 August 2014**

Noted.

### **Annual Report of the Women Barristers' Forum 2014**

Noted.

### **Letter from the President dated 17 September 2014 to the Presiding Commissioner of the Productivity Commission – Productivity Commission Inquiry in relation to Childcare and Early Childhood Learning**

Noted.

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

- Email to the Bar Council dated 18 September 2014 from Executive Assistant – ABA Agenda – 20 Sept 2014
- Email to the Bar Council dated 23 September 2014 from Executive Assistant – Minutes of the ABA Meeting held on 26 July 2014

The meeting closed at 5.45pm.

*Confirmed as a correct record:*

[Type text]

Jane Needham SC

President

Date:

[Type text]