



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 16 October 2014
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Needham SC; Hutley SC; Moses SC; McHugh SC; Toomey;
Temby QC; Game SC; Loukas SC; McGrath SC; Traill;
Walker; Healey; Morris; Stone; Khandhar; Hunt; Gleeson;
Hyde Page

APOLOGIES: Terracini SC; Callan; Dobraszcyk

IN ATTENDANCE: Deputy Executive Director; Executive Assistant

PRESIDENT'S REPORT

The President noted:

1. That the 2014 Silk Selection Committee recommended the appointment of 18 barristers as Senior Counsel from 102 applicants;
2. It was determined by the Committee that one of the applicants, Mary Walker, did not meet the criteria for appointment of the 2014 Silk Selection Protocol, and accordingly, Walker was not considered for appointment as Senior Counsel; and
3. No qualitative assessment was made of Walker's application. Instead, the wording of the Protocol was construed in a manner which resulted in the rejection of Walker's application as not falling within the Protocol. Her application did not advance to the stage of having its merits considered.

FOR CONSIDERATION

Memorandum to the Bar Council dated 15 October 2014 from the Executive – 2014 Silk Protocol

Memorandum to the Bar Council dated 15 October 2014 from Ian Temby AO QC – Senior Council Protocol

Memorandum to the Bar Council dated 16 October 2014 from Andrew Stone – 2014 Silk Selection

Email to the President dated 16 October 2014 from Tim Game SC – Bar Council meeting 16 Oct 14

Memorandum to the Bar Council dated 16 October 2014 from Mary Walker – 2014 Silk Selection

Walker declared an interest and was not present for this item.

Needham SC and Hutley SC were not present for the discussion relating to paragraph 3 of Walker's memorandum or paragraph 6(b) of Stone's memorandum.

Bar Council considered the memorandum from the Executive and those submitted by Temby QC, Game SC, Walker and Stone.

Bar Council RESOLVED to seek advice from a Senior Counsel from outside NSW as to:

- (a) the position of mediation work under the Legal Profession Act 2014, Bar Association Constitution and the *New South Wales Barristers Rules*; and
- (b) proposed changes to the Senior Counsel Selection protocol.

Game SC is to formulate specific draft questions for advice, which will be considered by the Executive and then circulated to the Bar Council.

The meeting closed at 6pm.

Confirmed as a correct record.

Jane Needham SC
President

Date: