



NEW SOUTH WALES  
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION  
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 11 December 2014  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm

**PRESENT:** Needham SC; Moses SC (by phone); Hogan-Doran; Doyle Gray; Bennett AC QC; Sullivan QC; Phillips SC; Game SC; Traill; Toomey; Wood; Stitt; Hyde Page; Antipas; Sethi

**APOLOGIES:** Hutley SC; Menzies QC; Cunneen SC; Walker; Khandhar; Callan

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

**MINUTES**

The minutes of the meetings of 13 and 27 November 2014 were confirmed.

The minutes of the Executive meeting of 25 November 2014 were confirmed.

**PRESIDENT'S REPORT**

Noted. The President in particular drew attention to the current state of play regarding the Association's child care scheme, noting that it is hoped to achieve full capacity in February 2015, at which time the Association will have no ongoing financial liability in relation to spaces at the Martin Place Early Learning Centre.

**ACTING EXECUTIVE DIRECTOR'S REPORT**

Noted.

## FINANCE

Noted.

## FOR CONSIDERATION

### **Memorandum to the Bar Council dated 14 November 2014 from the Bar Council Executive – Delegation of Authority to the Bar Council Executive**

RESOLVED that, with effect until any reconsideration of this resolution at the first meeting of the next Bar Council, and pursuant to the powers vested in it by virtue of clause 14.3.1 of the Constitution of the Bar Association (the Association), the Bar Council makes the delegation set out in paragraph 1 hereunder.

1. To a committee comprising the President, the Senior and Junior Vice Presidents, the Treasurer and the Secretary (the Executive):
  - (a) subject to the direction and control of the Council and to the matters referred to in subparagraph (b) the day-to-day administration of the affairs of the Association;
  - (b) notwithstanding the provisions of subparagraph (a) the power conferred on the Executive does not extend to:
    - (i) the power to appoint, terminate or renew the contract of the Chief Executive or to vary the terms of that contract in any substantial respect;
    - (ii) the power to enter into any contract of employment with any person at a gross salary (including benefits) in excess of \$150,000 per annum or with a termination period in excess of 12 months;
    - (iii) the power to enter into any contract or undertaking of an amount in excess of \$20,000 or extending beyond a period of 12 months other than in the ordinary course of the ordinary business of the Association.”
2. The Executive is required to report to Bar Councillors upon the commencement of proceedings commenced by or against the New South Wales Bar Association and upon any matters in which solicitors are instructed by the Association otherwise than those involving disciplinary matters.

**Memorandum to the Bar Council dated 2 December 2014 from the Bar Council Executive – Life Membership – Ian Temby AO QC**

RESOLVED to award Ian Temby AO QC life membership of the New South Wales Bar Association for exceptional service to the Bar Association and to the profession of the law.

**GENERAL BUSINESS**

- (a) Queens Counsel – The President noted that a memorandum had been received from Alan Sullivan QC proposing the establishment of a Working Party to examine and report to the Bar Council on the Queens Counsel issue.

It is proposed that the memorandum will be considered at the next meeting of the Bar Council to be held on 12 February 2015. The President noted that the memorandum will be circulated to Bar Councillors and requested that Councillors with any other papers on the topic provide them to the Executive Director by 2 February.

- (b) Strategic Planning Day - The President noted that it had been two years since the finalisation of the Bar Association's Strategic Plan and that it would be appropriate to hold a Bar Council Strategic Planning Day in the New Year. The Planning Day has been set down for Saturday 2 May in the Common Room. A report on the current state of implementation of the Plan will be prepared for consideration at the first Executive meeting of 2015.
- (c) Valedictory – The President thanked all Bar Councillors and the staff of the Association for their hard work during 2014.

**FOR INFORMATION**

**Bar Council Delegations as at November 2013**

Noted.

**Memorandum to the Bar Council dated 18 November 2014 from Director, Organisation & Development – CPD Conferences 2015**

Noted.

**Minutes of the Meeting of the Practice Development Committee held on Wednesday, 19 November 2014**

Noted.

**Letter to the Executive Director dated 20 November 2014 from Larry King SC – District Court Civil Business Liaison Committee**

Noted.

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

Papers circulated via e-mail prior to the meeting -

- Email to the Bar Council dated 1 December 2014 from the Deputy Executive Director – Herald article on drug possession arrest rates
- Email to the Bar Council dated 1 December 2014 from the Deputy Executive Director – Smallbone – Supreme Court Judgment – Brereton J dated 1 December 2014
- Email to the Bar Council dated 2 December 2014 from the Executive Assistant – LCA – Minutes of Meeting held on 6 September 2014
- Email to the Bar Council dated 3 December 2014 from the Deputy Executive Director – Productivity Commission Report on Access to Justice
- Email to the Bar Council dated 4 December 2014 from the Deputy Executive Director – Appointment to the High Court of Australia

The meeting closed at 6.45 pm.

*Confirmed as a correct record:*

Jane Needham SC  
President

Date: