



NEW SOUTH WALES
BAR ASSOCIATION

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

MINUTES OF PROCEEDINGS

**Thursday 26 February 2015
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

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

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

MINUTES

The minutes of the meeting of 12 February 2015 were confirmed.

The Executive minutes of the meeting of 10 February 2015 were noted.

MATTERS ARISING FROM THE MINUTES OF THE MEETING OF BAR COUNCIL OF 12 FEBRUARY 2015

Noted.

OUTSTANDING ACTIONS AS AT 17 FEBRUARY 2015

Noted.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director drew attention to the references in his report to the various proposed 'national profession' Rules and proposed changes to regulation 106A.

Noted.

FINANCE

Financial statements for January 2015

Noted.

Memorandum to the Bar Council dated 19 February 2015 from the Treasurer – Draft NSWBA 2015/2016 budget

The New South Wales Bar Association Budget 2015 / 2016

The Treasurer spoke to the Financial Statements and the draft budget for 2015 – 2016. He gave a detailed explanation of the Association's financial position and its anticipated income and expenditure for the forthcoming financial year.

It was RESOLVED to approve the draft 2015-2016 budget.

FURTHER RESOLVED that there be no increase in Practising Certificate and Membership fees for 2015-2016.

The Bar Council thanked the Treasurer for his work on the budget. The Treasurer expressed his thanks to the Executive Director and Association staff for their assistance in the preparation of the budget, noting in particular the professionalism and hard work of the Finance Manager, Basil Catsaros.

Australian Bar Association financial statements for the year ended 30 June 2014

Noted.

MEMBERSHIP

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

Heather Harbon – B
Stephen Keim SC – B
Therese Ryan – B

6 Windeyer Chambers
Higgins Chambers (Brisbane)
Milton (QLD)

FOR CONSIDERATION

Letter to the President dated 8 December 2014 from Ian Barker QC – reinstatement of civil jury trials in the Supreme and District Courts; letter to the President dated 19 February 2015 from Jeremy Gormly SC and letter to the President dated 23 February 2015 from Bret Walker SC

The Bar Council agreed that this issue required further consideration. As a first step, the Deputy Executive Director will prepare a background paper to assist the Council in its ongoing deliberations.

Memorandum to the Bar Council dated 4 February 2015 from Director, Organisation & Development – Full time academic practising certificate

RESOLVED that practising certificates with academic conditions only be renewed or issued if the applicant is employed fulltime in a law faculty of a university based (wholly or substantially) in New South Wales.

Memorandum to the Bar Council dated 16 February 2015 from the Deputy Executive Director – Bar Council resolution of 16 October 2014 regarding mediators

The Bar Council RESOLVED to rescind its resolution of 16 October 2014 to seek advice from senior counsel regarding the position of mediators under the *Legal Profession Act 2014*, Bar Association Constitution, the *New South Wales Barristers Rules* and the Senior Counsel selection protocol.

Hutley SC, Moses SC, Hogan-Doran, Sullivan QC, Game SC, Khandhar and Toomey dissented.

Game SC asked that his dissent to the decision of Bar Council to allow Walker to be present for the discussion and vote on this item be noted.

Letter to the President dated 17 February 2015 from Peter Deakin QC – Bar Cover – Appointment of new Director

RESOLVED to approve the issuing of a formal invitation by BarCover to Jackie Sandford to serve as a Director on the Board.

Memorandum to the Bar Council dated 18 February 2015 from Policy Lawyer – Application for renewal of Practising Certificate for approval and request for a new delegation

RESOLVED pursuant to clause 11 of the *Legal Profession Regulation 2005*, to approve the Application for Renewal of Practising Certificate form 2015-16.

FURTHER RESOLVED, pursuant to s 696(2) of the *Legal Profession Act 2004* (NSW), to delegate to the Executive Director the power under s 48(1) of the *Legal Profession Act 2004* to refuse to renew a local practising certificate where the applicant has not obtained professional indemnity insurance on or before 30 June in the relevant renewal period.

Memorandum to the Bar Council dated 19 February 2015 from Deputy Executive Director – Delegation to and appointment as authorised person – Terrie Gibson, Manager, Professional Conduct

1. RESOLVED to delegate pursuant to s 696(2) of the *Legal Profession Act 2004* to Terrie Gibson, Manager, Professional Conduct, the powers and functions of the Bar Council to issue notices which may or are required to be issued under the *Legal Profession Act 2004*.
2. FURTHER RESOLVED to appoint pursuant to s 531A of the *Legal Profession Act 2004*, Terrie Gibson, Manager, Professional Conduct, to be an authorised person for the purposes of Part 4.4 of the *Legal Profession Act 2004*, but only for the purpose of exercising powers under Part 6.2 of the *Legal Profession Act 2004*.

FOR INFORMATION

Memorandum to the Bar Council dated 18 November 2014 from Policy Lawyer – Aggregated claims data for period ended 30 September 2014

Noted.

Minutes of the Australian Bar Association meeting held on 22 November 2014

Noted.

Memorandum to the Bar Council dated 17 February 2015 from Richardson SC – Family Law Committee six monthly report

Noted.

Memorandum to the Bar Council dated 18 February 2015 from Stephen Odgers SC, Chair, Criminal Law Committee – Report on activities July – December 2014

Noted.

Memorandum to the Bar Council dated 18 February 2015 from T McDonald SC, Chair, Equal Opportunities Committee – EOC report of activities July – December 2014

Noted.

Legal Aid Committee – Report to the Bar Council on activities from 1 July to 31 December 2014

Noted.

Costs and Fees Committee – Report to the Bar Council on activities from 1 July to 31 December 2014

Noted.

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

- Email to the Bar Council dated 6 February 2015 from the Deputy Executive Director – International strategy of Law Council
- Email to the Bar Council dated 10 February 2015 from the Deputy Executive Director – ACLA NSW Corporate Counsel Day Drinks – 4 March
- Email to the Bar Council dated 11 February 2015 from the Deputy Executive Director – Legal Aid and media
- Email to the Bar Council dated 13 February 2015 from the Deputy Executive Director – Federal Parliament Hansard
- Email to the Bar Council dated 13 February 2015 from the Deputy Executive Director – Transcripts

The meeting closed at 7.00pm.

Confirmed as a correct record:

Jane Needham SC
President

Date: