



NEW SOUTH WALES  
BAR ASSOCIATION

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

**MINUTES OF PROCEEDINGS**

**Friday, 8 May 2015  
in the Boardroom of the New South Wales Bar Association  
at 4.00 pm**

**PRESENT:**

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

**APOLOGIES:**

Traill

**IN ATTENDANCE:**

Executive Director; Deputy Executive Director

**FOR CONSIDERATION**

**Letter and attachments from the Honorary Secretary to the Executive Director – “Bar Council Resolutions” dated 7 May 2015; Opinion from Bret Walker SC dated 8 May 2015 – “The New South Wales Bar Association; Bar Council Circular Resolutions; Further letter from Honorary Secretary to Executive Director dated 8 May 2015 – “Bar Council Resolutions”**

The President stated that the urgent meeting of Bar Council had been called to consider the matters raised in the Honorary Secretary’s letter and, in particular, the attempted use of clause 15.7 of the Association’s Constitution by a number of members of Bar Council to purport to pass a circular resolution relating to adopting a return to the title of Queen’s Counsel outside a Bar Council meeting and without all members of the Council being aware of the purported resolution.

The President advised that she had sought an opinion from Walker SC regarding the effect of the purported resolutions. That advice raised serious doubts as to the validity of the purported resolutions from both a legal and a governance perspective.

The Honorary Secretary tabled a letter dated 8 May 2015 apologising for the content of his letter of 7 May 2105.

Due to technological issues, Mary Walker did not attend the meeting by phone or participate in the meeting beyond this point.

RESOLVED that the motions attached to the Honorary Secretary's letter of 7 May 2015 do not now, and cannot hereafter, have any legal effect as resolutions of Bar Council or as proxies.

The President proposed that the purported circular motion regarding Queen's Counsel contained as an attachment to the Honorary Secretary's letter of 7 May 2015 be regarded as a proposed amendment to the existing motions on this issue to be considered at the next Bar Council meeting.

RESOLVED that the motions before Council on 14 May concerning Queen's Counsel be amended to the wording that appears in the enclosures to the letter from the Honorary Secretary to the Executive Director dated 7 May 2015. Those motions, in their amended form, are to be debated at the meeting on 14 May 2015.

The Bar Council then considered the proposed motion attached to the Honorary Secretary's letter of 8 May regarding possible amendments to the Senior Counsel Protocol. It was agreed that the Honorary Secretary would provide a revised version of the motion to the Association by close of business on Monday 11 May which would then circulated to Bar Councillors along with a revised agenda for consideration at the next meeting of Bar Council on 14 May.

The Council then considered the remaining draft resolutions attached to the Honorary Secretary's letter of 7 May.

RESOLVED that the other motions, the wording of which appear in the enclosures to the letter from the Honorary Secretary to the Executive Director dated 7 May 2015, be placed on the agenda for upcoming meetings of Bar Council, along with a note from the Executive Director regarding the practical implications of the proposals. The President noted that she would report on the proposed timetabling of those motions at the meeting of 14 May.

The President expressed her wish that next week's meeting would proceed in a more dignified and collegiate manner.

## GENERAL BUSINESS

*Independent Commission Against Corruption Amendment (Validation) Act 2015* - Bar Council noted that a number of Councillors had received correspondence from Tom Howard SC regarding the Association's position on the Act, which was passed by the State Parliament earlier in the week. The President advised that she had discussed the legislation and the Association's concerns with retrospective legislation with the Attorney General. She indicated that she was also intending to write to the Attorney General and the Premier. The correspondence would be included on the agenda for the Bar Council meeting on 14 May.

The meeting closed at 5.15pm.

*Confirmed as a correct record:*

Jane Needham SC  
President

Date: