



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 11 June 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; Menzies QC; Phillips SC; Game SC; Cunneen SC; Traill; Walker; Khandhar; Wood; Stitt; Callan; Hyde Page; Antipas; Sethi

APOLOGIES:

Bennett AC QC; Toomey.

IN ATTENDANCE:

Executive Director; Deputy Executive Director; Manager, Professional Conduct (for professional conduct matters).

MINUTES

The minutes of the meeting of 28 May 2015 were confirmed.

The minutes of the meeting of the Bar Council Executive held on 19 May 2015 were noted.

FINANCE

Financial statements for April 2015

Noted.

MEMBERSHIP

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

| Name | Chambers |
|---------------------|--------------------------|
| Brendan Campbell | ODPP Newcastle |
| Peter Fowler | Culwulla Chambers |
| Matthew Karam | New Chambers |
| Alexander Kaylinger | 2 Selborne Chambers |
| Carolyn McKay – B | University of Sydney |
| William Tuckey | Samuel Griffith Chambers |

FOR CONSIDERATION

Update from the Executive Director regarding the Uniform Law

The Executive Director noted that the *Legal Profession Uniform Law Application Legislation Amendment Bill 2015* had passed both Houses of NSW Parliament and received Royal Assent. A draft Legal Profession Uniform Law Application Regulation 2015 was currently being considered. The Executive Director also advised that CPD events regarding the new legislation, and particularly aspects regarding costs and fees, would be held during June and July, not just in the Common Room, once the legislation has come into force, which would involve Carol Webster SC, Mark Brabazon SC and Michelle Castle, as well as the Executive Director.

It was agreed that Heads of Chambers and/or clerks would be contacted and asked to encourage their floor members to attend these sessions.

Memorandum to the Bar Council dated 3 June 2015 from the Executive Director - Bar Council Elections

The Bar Council RESOLVED that, in order to promote informed voting by members of the Association in Bar Council elections, a page will be established on the Bar Association's website which will contain the list of candidates standing at the election, along with a link to each candidate's 'Find a Barrister entry' and an external website if requested. The system which is established should minimise the number of "click throughs" and a suitable disclaimer would apply in relation to information contained on any external webpage.

Memorandum to the Bar Council dated 3 June 2015 from the Executive Director and Secretary – Information session for Bar Councillors on the work of the Bar Association and its staff

Noted.

Memorandum to the Bar Council dated 3 June 2015 from the Director, Organisation & Development – Bar Practice Course 1/15 – Satisfactory Completion

Noted.

Memorandum to the Bar Council dated 3 June 2015 from the President - Transport, Maritime and Air Law Committee

The Bar Council agreed to the discontinuation of the Transport, Maritime and Air Law Committee, given that its work could be undertaken by an ad hoc working party if the need arose. The President will discuss the discontinuation of the Committee with the Chair, Gregory Nell SC

Memorandum to the Bar Council dated 4 June 2015 from the President and Deputy Executive Director – Delegation to the Executive – Statements to the media.

Bar Council agreed to defer its consideration of this issue until a meeting in August.

Memorandum to the Bar Council dated 4 June 2015 from the Director, Professional Conduct – Practising Certificates

Bar Council approved the draft application form for an Australian practising certificate, the suggested conditions to be attached to an Australian practising certificate for a barrister and the new practising certificate form.

FOR INFORMATION

2015-16 Practising Certificate Renewals

Update from the Executive Director regarding the renewal of practising certificates for 2015-2016.

The Executive Director advised that 2305 renewal applications had been sent to current barristers. Renewal applications were required to be received by cob 7 June. As of 3 pm, 11 June, 2141 applications had been received. Nineteen barristers had advised that they would not be renewing their practising certificate. Association staff were contacting those barristers who had neither returned a renewal application nor advised that they did not wish to renew their practising certificate.

The Executive Director spoke briefly about the problems that come to notice at renewal time, particularly those relating to barristers having to decide whether they should- or could – continue to practice. The Council noted the well-established systems now in place to

provide assistance to members experiencing problems, whether that be in the renewal or disciplinary contexts, or more generally.

Minutes of the Australian Bar Association meeting held on 2 February 2015

Noted.

Letter to the President dated 20 May 2015 from The Hon Catherine Cusack MP – Independent Commission Against Corruption.

Noted.

Letter to Senator The Hon Eric Abetz, Minister for Employment dated 21 May 2015 from the President – Legal representation in the Fair Work Commission.

Noted.

Minutes of the meeting of the Finance, Investment & Audit Committee held on 25 May 2015.

Noted.

Minutes of the meeting of the Common Law Committee held on 27 May 2015

Noted.

Letter to the President dated 29 May 2015 from the Premier of New South Wales – Administrative Changes Orders, the Justice Cluster and the role of the Attorney General

Noted.

Memorandum to the Executive dated 1 June 2015 from the Junior Vice-President – Request in accordance with Survey Protocol

Noted.

Memorandum to the Bar Council dated 2 June 2015 from the Deputy Executive Director – Gold Sponsorship of Australian Corporate Lawyers Association National Conference, Gold Coast, November 11-13 2015.

Noted.

Email to the Deputy Executive Director dated 4 June 2015 from Ingmar Taylor SC – Part time work at the Bar – access to survey data.

Noted.

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

- Email to the Bar Council dated 20 May 2015 from the Deputy Executive Director – Legal representation in the FWC.
- Email to the Bar Council dated 28 May 2015 from the Director, Organisation Development – Planning Day – preparation – one to one meetings.
- Email to the Bar Council dated 2 June 2015 from the Deputy Executive Director – Family Violence CPD – 5.15 tonight, Law Society of NSW.

The meeting closed at 6.40pm.

Confirmed as a correct record:

Jane Needham SC
President

Date: