



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 28 May 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; Toomey; Wood; Stitt; Callan; Hyde Page; Antipas; Sethi

APOLOGIES: Khandhar

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

MINUTES

The minutes of the meeting of 14 May 2015 were confirmed, subject to an amendment regarding discussion of the item 'Schedule of Bar Council meetings and Agenda Items' and another minor amendment.

OUTSTANDING ACTIONS AS AT 21 MAY 2015

Noted.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director spoke to his report, noting the major issues the Bar will face with the introduction of the Uniform Law.

The President requested Bar Councillors to ask their clerks to remind floor members of the 7 June deadline for practicing certificate renewal applications.

Bar Council noted that Michael Fordham SC has been course director for 18 Bar Practice Courses over the last nine years, and acknowledged his significant contribution to the running of the courses and the assistance given to the Readers.

MEMBERSHIP

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

Jonathan Burnett	Eleven Wentworth
Phillip Cornege – B	Thackery Chambers, New Zealand
Andrew Edington	5 Selborne Chambers
Meaghan Fleeton	7 Garfield Barwick Chambers
Felicity Graham	Sir Owen Dixon Chambers
Russell Johnson	Ground Floor Wentworth
Frances St John	10 Selborne/Wentworth
Sonia Tame	New Chambers

FOR CONSIDERATION

BarCover – continued need for Bar Council oversight under trust deed

The correspondence from Bar Cover dated 24 March was noted. It was agreed that the issue of Bar Council's role in overseeing aspects of Bar Cover's operations be further considered by the Executive.

Memorandum to the Bar Council dated 8 April 2015 from Christopher Wood – Protocol for the release of survey data

The Bar Council discussed the proposed protocol for release of information regarding the 2014 Bar Survey, and agreed to some minor amendments to the Protocol.

RESOLVED that the Protocol on the release of the 2014 survey results be adopted.

ALSO RESOLVED that the function of Bar Council in approving the release of information from the 2014 survey to committees or sections of the Bar Association or their chairs, or individual members, be delegated to the Executive.

Memorandum to the Bar Council dated 20 May 2015 from the President – Bar Council meetings - updated

Bar Council, after making a minor amendment to the content of the memorandum, noted the memorandum.

Memorandum to the Bar Council dated 27 April 2015 from the Equal Opportunity Committee – Updated terms of reference for the Equal Opportunity Committee

Bar Council approved the modified terms of reference for the Equal Opportunity Committee.

Memorandum to the Bar Council dated 27 March 2015 from the Equal Opportunity Committee – Silks' Undertaking

Bar Council agreed to defer the proposal so that it can be considered in the context of the forthcoming Report of the Equitable Briefing Working Party.

GENERAL BUSINESS

Referral by Independent Commission Against Corruption to the Director of Public Prosecutions

Cunneen SC left the meeting and took no part in the discussion of this item.

The Bar Council noted that ICAC announced by a media release on 27 May that it had furnished evidence to the DPP for consideration of whether charges of attempting to pervert the course of justice and giving false evidence to the Commission are available against Margaret Cunneen SC. Bar Council noted that the Association's general policy was that no comment is to be made on matters where possible charges are pending. It was agreed that Menzies QC examine the ICAC media release and discuss the matter further with the President.

FOR INFORMATION

Cover Sheet for Senior Counsel Application 2015; Invitation to Apply and Guide to Practical Aspects

Senior Counsel Protocol – as at 14 May 2015

Noted.

Letter to The Hon Gabrielle Upton MP dated 6 May 2015 from the President – *Court and Crimes Legislation Amendment Bill 2015*; letter to the President dated 7 May 2015 from The Hon Gabrielle Upton MP – *Court and Crimes Legislation Amendment Bill 2015*.

Noted.

Minutes of the Meeting of the Practice Development Committee held on Wednesday, 13 May 2015

Noted.

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

- Email to the Bar Council dated 11 May 2015 from the Deputy Executive Director – Letter to Members of the NSW Bar Council – ICAC amendment
- Email to the Bar Council dated 12 May 2015 from the Deputy Executive Director – *Australasian Lawyer* piece on Barristers and stress
- Email to the Bar Council dated 13 May 2015 from the Director, Organisation & Development – MEDIA RELEASE: Small business changes a boon for law practices; but legal aid freeze will hurt access to justice

The meeting closed at 6.30pm.

Confirmed as a correct record:

Jane Needham SC
President

Date: