



NEW SOUTH WALES  
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION  
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 24 September 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; Sullivan QC; Phillips SC; Game SC; Cunneen SC; Toomey SC (by phone); Hughes; Wood; Stitt; Callan; Antipas; Sethi

**APOLOGIES:** Bennett AC QC; Walker; Khandhar

**NON-ATTENDANCE:** Hyde Page

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

**MINUTES**

The minutes of the meeting of 10 September 2015 were confirmed.

The President welcomed Thomas Hughes to the Bar Council, in place of Her Honour Catherine Traill, who has been appointed to the District Court bench.

**PRESIDENT'S REPORT**

Noted.

The President noted that earlier in the day she had announced the appointment of Dominic Toomey, along with twenty five others, as Senior Counsel. The Bar Council congratulated Toomey SC on his appointment.

The President advised that the outcomes document from the recent Bar Council Strategy Day was nearing completion and would be listed for the next Business and Policy meeting of the Bar Council.

## **EXECUTIVE DIRECTOR'S REPORT**

Noted. The Executive Director drew Bar Council's attention to the efforts of the Executive Assistant, Ms Georgina Stow, who had worked long hours in order to ensure that this year's Senior Counsel Selection process proceeded smoothly and efficiently. The Bar Council expressed its thanks to Ms Stow.

Sullivan QC thanked the Association, and its staff, for arranging and hosting the recent '15 bobber' to mark the retirement of long serving clerk Mr Paul Daley.

## **MEMBERSHIP**

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

Jared Bennett	3 Wentworth Chambers
Matthew Daniels	Chalfont Chambers
Leigh Finch	4 St James Hall Chambers
Peter Gaffney	Banco Chambers
The Hon Justice Brigitte Markovic – B	Federal Court of Australia
Sian-Alana McGee – B	8 Petrie Terrace Chambers (QLD)
Nicholas Simpson	13 St James Hall Chambers

## **FOR CONSIDERATION**

**Memorandum to the Bar Council dated 25 August 2015 from the Health & Wellbeing Committee – Automated External Defibrillators (AEDs) for chambers**

RESOLVED to meet any costs over \$2,000 for the purpose of purchasing a single automated external defibrillator device for each chambers comprising eight or more persons that wishes to participate in the 'group buy' negotiated by the Association.

**Memorandum to the Bar Council dated 25 August 2015 from the Health & Wellbeing Committee – Tristan Jepson Memorial Foundation (TJMF) – Psychological Wellbeing: Best Practice Guidelines for the Legal Profession**

RESOLVED to express Bar Council's in-principle support for the TJMF Best Practice Guidelines.

FURTHER RESOLVED to ask the Health and Wellbeing Committee to prepare a report to the Bar Council regarding the applicability of the current Guidelines to practice at the NSW Bar and any changes that would be required, having regard to the interaction of the TJMF Guidelines with the current Best Practice Guidelines (BPGs). The Committee was also to be asked to consult with other relevant committees and the Director, BarCare.

**Public statements on behalf of the New South Wales Bar Association – Proposed resolution from Jeffrey Phillips SC**

Bar Council agreed to defer the consideration of this item until after the upcoming Bar Council elections so that it can be dealt with by the incoming Council.

**Memorandum to the Bar Council dated 17 September 2015 from Arthur Moses SC, Junior Vice-President; Paul Menzies QC and Tim Game SC – Civil Juries**

RESOLVED that the Association forward to the Attorney General, the Shadow Attorney General and the leaders of the minor parliamentary parties and cross-benches a submission proposing that s 85 *Supreme Court Act 1970* (NSW) and s 76A *District Court Act 1973* (NSW) be amended to omit the requirement that the Court be satisfied that the ‘interests of justice’ require a trial by jury.

FURTHER RESOLVED that the Association issue a media statement and engage in media commentary explaining the reasons for the submission.

The submission is to be prepared by the Junior Vice-President, Menzies QC and Game SC.

**Memorandum to the Bar Council dated 17 September 2015 from Director, Organisation & Development – Bar Council Elections – Polling Officers**

Pursuant to clause 14.7.1 of the Bar Association Constitution, the Bar Council appointed as Polling Officers for the forthcoming Bar Council elections the following members of the Bar:

- Glenn Fredericks
- Tarik Abdulhak
- Danielle Woods
- Gideon Gee
- Maeve Curry
- Katharine Madgwick

**Memorandum to the Bar Council dated 21 September 2015 from Policy Lawyer – Non-renewal of membership of the Association**

RESOLVED pursuant to clauses 6.2.2. and 7.2. 1 (b) of the Constitution of the New South Wales Bar Association, to terminate the membership of the individuals named in the memorandum.

All non-renewers will be advised in writing of the termination of their Association membership and, again, be asked that they reconsider their decision not to renew.

**Report on a proposal for the removal of the prohibition on appointment of Queen’s Counsel in New South Wales; draft cover letter to the Attorney General and letter to the President dated 16 September 2015 from the Chief Justice of New South Wales**

The Bar Council noted the correspondence recently received from the Chief Justice regarding the Association’s draft paper proposing the removal of the prohibition on appointment of Queen’s Counsel in New South Wales.

RESOLVED to approve the draft covering letter and paper ‘The Chase for Change’ for submission to the Attorney General for her consideration. The President advised that she would be seeking a meeting with the Attorney to discuss the paper as soon as possible.

Bar Council also agreed that the paper should be regarded as confidential and not disseminated further until the President has the chance to discuss the matter with the Attorney.

**FOR INFORMATION**

**Minutes of the Australian Bar Association Council meeting held on 9 May 2015**

Noted.

**Memorandum to the Bar Council dated 16 September 2015 from the Paralegal Law Reform & Public Affairs – Fee recovery service for members**

Noted.

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

- Email to the Bar Council dated 4 September 2015 from the Deputy Executive Director – Media regarding diversity at the Bar
- Email to the Bar Council dated 11 September 2015 from the Executive Director – *AFR* article ‘No silk road to seniority’

The meeting closed at 5.45 pm.

*Confirmed as a correct record:*

Jane Needham SC  
President

Date: