



NEW SOUTH WALES  
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION  
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 5 June 2014  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm

**PRESENT:**

Needham SC; Hutley SC; Moses SC; McHugh SC; Toomey;  
Temby QC; Street SC; Game SC; Loukas SC; McGrath SC;  
Traill; Walker (by phone); Healey; Morris; Stone; Khandhar;  
Callan; Hunt; Hyde Page; Dobraszczyk

**APOLOGIES:**

Gleeson

**IN ATTENDANCE:**

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

**MINUTES**

The minutes of the meetings of 8, 15 and 22 May 2014 were confirmed.

**MEMBERSHIP**

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

Kim Anderson  
Ryan Coleiro – B  
Matthew Conaglen  
The Hon. Justice Kathleen Farrell – B  
Fiona Hayden – B  
The Hon Bradley Hazzard MP – B  
Justine Hopper  
Judith Ireland – B  
Madelaine Kloucok

Seven Wentworth Chambers  
Forbes Chambers  
University of Sydney  
Federal Court of Australia  
State Chambers  
Parliament House, Sydney  
Sir Owen Dixon Chambers  
Culwulla Chambers  
Blackstone Chambers

Amy Knox	9 Wentworth Chambers
Chanel Kuipers – B	Family Law Chambers
James Moshides	South Coogee, NSW
Ben Mostafa	6 Selborne/Wentworth
Christine Melis – B	Melbourne Chambers, VIC
Melanie Orr – B	3 <sup>rd</sup> Floor St James Hall
Sorrel Palmer – B	NSW Bar Association
Megan Robinson – B	William Deane Chambers
John Stanhope	ODPP Newcastle
Lisa Stewart – B	6 Selborne/Wentworth
Matthew Symon	Level 22 Chambers
Janine Todd – B	Sir Anthony Mason Chambers

### **Renewal of Practising Certificates for 2013-2014**

The Executive Director advised that 2252 practising certificate renewal applications had been sent to the Bar. As at 3pm that day, 1694 renewal applications had been received, and 790 certificates issued. Twenty-three barristers had advised that they would not be renewing their practising certificate.

### **FOR CONSIDERATION**

**Memorandum to the Bar Council dated 30 May 2014 from Moses SC, McGrath SC, Morris and Toomey – NSW Bar Association submission to the Royal Commission into Institutional Responses to Child Sexual Abuse Issues Paper 5 “Civil Litigation”; Further Memorandum to the Bar Council dated 5 June 2014 from Moses SC, McGrath SC, Morris and Toomey – NSW Bar Association submission to the Royal Commission into Institutional Responses to Child Sexual Abuse Issues Paper 5 “Civil Litigation”**

The President declared an interest and took no part in the discussion of this issue.

RESOLVED that a supplementary submission be sent to the Royal Commission which makes it clear that the New South Wales Bar Association supports the following recommendation:

- a. Any organisation which provides education (including academic, recreational, sporting or religious tuition) to children or health or social services should have a corporate legal entity that is capable of being sued in respect of future claims;
- b. If there is no corporate legal entity established, then the provision of such services be prohibited unless relevant trusts and trustees of such organisations be capable of being sued in relation to future claims against those organisations so that the trust assets are available to satisfy any judgment.

The Council also agreed that the comments contained in the further memorandum of 5 June concerning vicarious liability also be incorporated in the supplementary submission.

## **FOR INFORMATION**

**NSW Bar Association Reconciliation Action Plan – First Year Report 2013 dated 6 May 2014 from Chris Ronalds SC, Chair, IBSWP/RAP Working Party**

Noted.

**Minutes of the Meeting of the Finance, Investment & Audit Committee held on 7 May 2014**

Noted. The Treasurer advised that the Committee had engaged a consultant to advise upon appropriate and prudent use of the Association's surplus. The Council agreed that the deadline for the Committee's report to Bar Council on this issue be extended to 20 August 2014.

The Bar Council noted the position of the Committee relating to ethical investments, and agreed that, if any change in the Association's policies in this regard is proposed in the future, a recommendation would have to be considered by the Council.

**Memorandum to the Bar Council dated 14 May 2014 from Kim Kemp, Policy Lawyer – Aggregated claims information for period ended 31 March 2014**

Noted. The Bar Council extended its thanks to Ms Kim Kemp for her work in providing a summary analysis of claims information for the period.

The Council also noted the decline in claims and notifications to insurers over the last five years, along with the diminution in claims costs in the same period.

The Council requested that the Professional Indemnity Insurance Working Group seek from the PII insurers information concerning trends in premiums (and claims) over the past five years and report to Bar Council on this issue.

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

- Law Council of Australia – Inquiries and Consultations List – 19 May 2014
- Email dated 20 May 2014 to the Bar Council from the Executive Director – Renewal stats – where we are at present
- Email dated 22 May 2014 to the Bar Council from the Deputy Executive Director – Draft Association submission in response to Productivity Commission draft report

- Email dated 26 May 2014 to the Bar Council from the Executive Assistant – Unconfirmed minutes – Law Council of Australia
- Email dated 28 May 2014 to the Bar Council from the Executive Director – ‘Renewal stats – where we are at present’
- Law Council of Australia – Inquiries & Consultations List – 2 June 2014

The meeting closed at 6pm.

*Confirmed as a correct record.*

Jane Needham SC  
President

Date: