



NEW SOUTH WALES
BAR ASSOCIATION

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

MINUTES OF PROCEEDINGS

**Thursday 19 June 2014
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Needham SC; Moses SC; McHugh SC; Toomey; Temby QC;
Street SC; Game SC; McGrath SC; Loukas SC; Walker; Healey;
Morris; Stone; Khandhar; Hunt; Gleeson; Dobraszczyk

APOLOGIES: Hutley SC, Callan, Hyde Page

NON-ATTENDANCE: Traill

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

MINUTES

The minutes of the meetings of 29 May and 5 June 2014 were confirmed.

Bar Council – Outstanding actions as at 12 June 2014.

Noted.

PRESIDENT'S REPORT

The President spoke to her tabled report.

The President drew the Bar Council's attention to the recent media release from the Australian Bar Association concerning the flawed consultation process for the appointment of Queensland's new Chief Justice. The President also noted that she had been approached in relation to a possible informal meeting of the Bar in relation to the QCs/SCs issue, and had indicated that, given Bar Council's recent decision in favour of retaining the senior counsel system, the matter was considered settled. The Bar Council endorsed that view.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director spoke to his tabled report. He advised that 2,252 practising certificate renewal applications had been sent to the Bar. As at 3pm that day, 2,149 renewal applications had been received, and 1,683 certificates issued. Thirty five barristers had advised that they would not be renewing their practising certificate.

The Bar Council also noted that the Committee drinks held on 12 June and mentioned in the Executive Director's report had been a great success, with 140 attendees.

FINANCE

Noted.

MEMBERSHIP

The following were admitted as Class A – Local Practising Barrister.

Rabea Dewan	3 St James Hall
Michael Powell	Dubbo, NSW
Nicholas Silva	Arthur Phillip Chambers
Steven Spadijer	8 Wentworth Chambers

FOR CONSIDERATION

Memorandum to the Bar Council dated 8 May 2014 from Mark Brabazon SC, Chair, Costs & Fees Committee – Fee recovery assistance service

Bar Council RESOLVED to accept the recommendations of the Chair, Costs and Fees Committee, concerning the nature of the Association's fee recovery service. In particular, Bar Council agreed that it is not the function of Association staff to advise members on the likely outcome of recovery action or assessment in any particular case.

Memorandum to the Bar Council dated 19 June 2014 from the NARS Working Party – National Attrition and Re-engagement Strategy Report

Kate Eastman SC attended the meeting to answer questions from Bar Councillors about issues raised in her memorandum concerning the proposed Best Practice Guidelines. She then withdrew from the meeting to allow for Bar Council discussion.

Bar Council **RESOLVED**:

1. to approve the proposed Best Practice Guidelines, subject to some suggested wording changes, to be settled by the Executive;
2. to approve the proposed submission to the Law Council of Australia in response to the NARS Report ;

3. that the NARS Working Party continue its work by considering and, where appropriate, taking steps to implement initiatives to address issues raised by the NARS Report; and
4. that a Working Party be established to focus upon the implementation of the Law Council's Equitable Briefing policy.

FOR INFORMATION

Minutes of the Meeting of the Practice Development Committee held on 21 May 2014

Noted.

Minutes of the Meeting of the Land and Environment Court User Group held on 4 June 2014

Noted.

New South Wales Bar Association Supplementary Submission to Royal Commission into Institutional Responses to Child Sexual Abuse – Issues Paper 5: Civil Litigation

Noted.

Briefing Note to Bar Council – Proposed Revision to Motor Accidents Compensation Regulation 2005 ('The Costs Reg')

Noted.

GENERAL BUSINESS

1. The Bar Council, noting the number of renewal-related professional conduct matters that invariably arise each year in the lead-up to 1 July, agreed that there should be a dedicated meeting to deal with these kinds of issues in late June 2015.
2. Walker raised the issue of the services available to assist members who were having difficulty meeting renewal fees. It was agreed that Walker discuss this issue with the Executive Director in the first instance.

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

- Law Council of Australia – Inquiries & Consultations List – 10 June 2014.
- Email to the Bar Council dated 11 June 2014 from Deputy Executive Director – Public opinion on sentencing.
- Email to the Bar Council dated 11 June 2014 from Deputy Executive Director – Briefing note to Bar Council – proposed revision to *Motor Accidents Compensation Act 1997*.

The meeting closed at 6.45pm.

Confirmed as a correct record:

Jane Needham SC
President

Date: