



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 8 March 2018
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Moses SC; Game SC; Bell SC; Callan; Weinstein SC;
McHugh SC; Bashir SC Higgins SC; Khandhar; Williams;
Katekar; Rayment; Whittaker; Izzo; Roy; Ensor; Mack

APOLOGIES: Nomchong SC; Morgan SC; Mitchelmore; Walker

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

The Bar Council noted the resignation of Jeremy Gormly SC from the Bar Council as of 5 March 2018 and thanked him for his long service to the Council and the Association over many years. The President welcomed Gaby Bashir SC to the Bar Council.

MINUTES

The minutes of the meeting of 22 February 2018 were confirmed.

Memorandum to the Bar Council dated 6 March 2018 from the Director, Professional Conduct – Delegation, and appointment, to conduct complaint investigations - Jocelyn Sparks, Senior Deputy Director, Professional Conduct

1. **RESOLVED**, pursuant to section 30 of the *Legal Profession Uniform Law Application Act 2014*, to delegate to the Senior Deputy Director, Professional Conduct Department, the power to issue notices which may be, or are, required to be issued under the *Legal Profession Uniform Law (NSW)* and the *Legal Profession Uniform Law Application Act 2014* (NSW);

2. FURTHER RESOLVED that the Senior Deputy Director, Professional Conduct Department, be appointed to conduct complaint investigations pursuant to section 282 of the *Legal Profession Uniform Law (NSW)*; such appointment be made generally pursuant to section 282(3) of the *Legal Profession Uniform Law (NSW)*;
3. FURTHER RESOLVED that the Senior Deputy Director, Professional Conduct Department, be appointed to investigate matters under:
 - a) section 14, Part 2.1 of the *Legal Profession Uniform Law (NSW)* (unqualified practice);
 - b) Part 3.3 Division 2 of the *Legal Profession Uniform Law (NSW)* (admission);
 - c) Part 3.5 Division 4 of the *Legal Profession Uniform Law (NSW)* (show cause events); and
 - d) Part 3.9 of the *Legal Profession Uniform Law (NSW)* (disqualifications); and
4. FURTHER RESOLVED that the delegation to the Senior Deputy Director, Professional Conduct Department, does not derogate from existing delegations in force to the Director and the Deputy Directors, Professional Conduct.

FOR CONSIDERATION

Memorandum to the Bar Council dated 22 February 2018 from the Human Rights Committee – Proposed Amendments to Strategic Objectives – Strategic Plan 2017-20 (marked up copy tabled)

The Bar Council expressed its preference that the Strategic Plan 2017-2020 should remain in the form as approved by Bar Council last year and not be subject to further amendments over the life of the Plan. Accordingly it was agreed not to amend the Strategic Plan at this time. The Human Rights Committee's suggestions however will be taken into account in the development of the next iteration of the Strategic Plan in 2020.

Memorandum to the Bar Council dated 1 March 2018 from the Executive Director – Possible changes to the Coronial Jurisdiction

Noted.

Memorandum to the Bar Council dated 1 March 2018 from the Executive Director – ALRC Family Law Review

Noted. The President advised that he will be writing to the Chief Justice of the Family Court to seek a meeting with the Judges of the Court to discuss the ALRC reference and issues arising from it.

**Memorandum to the Bar Council dated 1 March 2018 from the Deputy Executive Director
– Bar Association Committee Charters**

RESOLVED to approve the proposed revised Charters for the ADR, Costs and Fees, Education, Family Law, Human Rights and Practice Development Committees, subject to an amendment to the proposed new ADR Committee Charter to clarify that the Committee's role included assisting the Bar Association to exercise its function as a Mediation Accreditation Body.

**Memorandum to the Bar Council dated 6 March 2018 from the Deputy Executive Director
– Corporate Governance Committee**

RESOLVED to appoint the following Bar Councillors to the Association's new Corporate Governance Committee;

- Richard Weinstein SC
- Mary Walker
- Vanessa Whittaker
- Michael Izzo

Letter to the President dated 1 March 2018 from Kelly Rees SC – Crown Prosecutors as Tutors

Letter to Kelly Rees SC dated 5 March 2018 from the President.

Noted.

FOR INFORMATION

Minutes of Meeting of the Industrial, Employment, Health and Safety Committee dated 20 February 2018

Noted.

New Bar Association WH&S Policy Documents:-

Appropriate Workplace Behaviour

Work Health & Safety Policy

Workplace Bullying Policy

Workplace Rehabilitation Policy

Noted.

The meeting closed at 6 pm.

Confirmed as a correct record:

Arthur Moses SC
President

Date: