

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

**MINUTES OF PROCEEDINGS**

**Thursday 23 February 2012  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm**

**PRESENT:** Coles QC; Boulten SC; Needham SC; Temby QC; Healey; Lindsay SC; Street SC; Game SC; Gleeson SC; Lydiard; Traill; Walker; Loukas; Smallbone; McHugh; Nomchong; Toomey; Peden; Hunt; Steggall

**APOLOGIES:** Nomchong.

**IN ATTENDANCE:** Executive Director; Deputy Executive Director.

**MINUTES**

The minutes of the meeting of 9 February 2012 were confirmed.

**PROFESSIONAL CONDUCT**

**‘New South Wales Barristers’ Rules – August 2011’; Memorandum from the Director, Professional Conduct to the Bar Council, dated 6 February 2012.**

The Bar Council agreed that, for the purposes of Rules 96(b) and 99(n), the President appoint the Senior Counsel members of the Bar Council and Professional Conduct Committees.

The Council directed that the Director, Professional Conduct have published a note in *In Brief* explaining these Rules, and the requirement that a barrister who seeks advice from one of the nominated Senior Counsel is to reduce the advice to writing, and provide a copy to both the senior Counsel who gave the advice and the Director, Professional Conduct. The Director, Professional Conduct will draw these advices to the attention of the Bar Council.

**PRESIDENT'S REPORT**

The Bar Council noted the tabled President’s Report. The Council also noted that the Association had been represented by members of the Council, and other members of the Bar, at a large number of functions in recent weeks, including:

- 30 January 2012 - Red Mass – Opening of Law Term (President)

- 30 January 2012 - St James Anglican Opening of Law Term (Needham SC).
- 30 January 2012 - Canberra – Australian Bar Association Council (Lindsay SC and Executive Director).
- 30 January 2012 at - Canberra – High Court Senior Counsel Ceremony and ABA dinner for the new Silks (President and Executive Director).
- 7 February 2012 - Orthodox Church Service for the Opening of Law Term (Loukas)
- 9 February 2012 – Islamic Mosque Service to make the opening of Law Term (President, Lindsay SC, Healey, Amanda Tibbey and Zaid Khar).
- 10 February 2012 – The Great Synagogue Sydney Opening of Law Term Service (President)
- 16 February 2012 - Bar Council and Bar Association Staff Drinks.
- 18 February 2012 - Orange Regional CPD conference (President and Executive Director).

The President had attended the Supreme Court swearing-in of Justice Bellew on 31 January and Justice Stevenson on 1 February, and had spoken for the Bar at the swearing in of Judge Arnott of the District Court on 13 February 2012

Bar Council noted that Maiden SC has resigned as the Bar Association's representative on the Board of the Tristan Jepson Memorial Foundation and that Kylie Nomchong had agreed to replace him on the Board.

The President noted that he and the Executive Director had attended the Orange Regional CPD conference on Saturday 18 February, and that four more CPD conferences were to be held in the next month. He encouraged Bar Councillors to attend at least one of these conferences.

## **EXECUTIVE DIRECTOR'S REPORT**

The Bar Council noted the Executive Director's tabled report.

The Executive Director advised that copies of *Transitions in the Court*, a collection of the ceremonial speeches of the Hon J J Spigelman AC QC published by the Association, were now available for purchase. The book will 'launched' by the Hon A M Gleeson AC QC in the Common Room on 28 May, in conjunction with the handover to the Supreme Court of the portrait of James Spigelman commissioned by the Association and the Law Society.

The Executive Director advised that he would provide a more detailed report on Justis Publishing's proposal to link 'Find a Barrister' information to the citation of barristers' names in reported cases to a future Bar Council meeting.

The Executive Director also advised that the ABA Council was to meet towards the end of March to discuss, among other matters, suggested amendments to the National Conduct Rules.

## **FINANCE**

### **Financial statements for January 2012.**

#### **The New South Wales Bar Association Budget 2012/2013**

The Treasurer spoke to the Financial Statements and the draft budget for 2012 – 2013. He gave a detailed explanation of the Association's financial position, its anticipated income and expenditure for the forthcoming financial year- and a historical analysis of income and expenditure over the past five years. He noted that, as always, the proposed budget had been drawn conservatively.

The Treasurer advised that both the Executive and the the Finance Committee had considered drafts of the budget. They both had resolved to recommend that the Bar Council approve the budget, and that there be no increase in practising certificate or membership fees for 2012-13.

There was general agreement that the budget had been well prepared and is justified and reasonable.

RESOLVED to approve the draft 2012-2013 budget.

FURTHER RESOLVED that Practising Certificate and Membership fees for 2012-2013 be the same as for 2011-2012.

The Council expressed its appreciation to the Finance Manager, Mr Catsaros, for the excellent work he had done in preparing the budget.

### **Minutes of the meeting of the Finance, Investment & Audit Committee held on 16 February 2012.**

Noted.

## **FOR CONSIDERATION**

### **Agreed outcomes from the Bar Council Strategy Day, Saturday 4 February 2012.**

The Bar Council approved the record of agreed outcomes from the Strategy Day.

It was also agreed that an ad hoc committee would be established to develop the Association's Strategic Plan which had been decided upon at the Strategy Day. The President asked that members of Council interested in serving on the Committee should let the Executive Director know; membership of the Committee would be finalised by the Executive.

The President also asked that any members of the Bar Council who wish to serve on the proposed new Member Services Committee advise the Executive Director of their interest. This committee will be established when all committees are reviewed in March.

Bar Council agreed that its meeting to discuss policy issues relating to diversity at the Bar foreshadowed at the Strategy Day will be held on Thursday 22 March.

Bar Council agreed that the amended Outcomes document be distributed to members via *In Brief*.

Bar Council asked that a report on the implementation of Strategy Day outcomes be included on the agenda for the next 'policy' meeting of Bar Council to be held on 22 March. That meeting can also again consider the merits of the Association's Constitution being amended to entrench a maximum one year term for the President.

### **Executive Director – Statement of Duties**

The Bar Council agreed to adopt, pursuant to cl 14.4.12 of the Association's Constitution, the statement of duties as drafted by the Executive Director.

### **Memorandum from the Director, Professional Development to the Bar Council dated 22 February 2012 – Practising Certificate Conditions – CPD.**

The Bar Council RESOLVED not to formally impose a condition on every barrister's practising certificate that the holder is required to complete each year the Bar Council's Continuing Professional Development requirements.

### **FOR INFORMATION**

#### **Minutes of the meetings of the Bar Council Executive held on 22 December 2011, 31 January 2012 and 14 February 2012.**

Noted.

#### **Proposed Events Calendar 2012.**

Noted.

#### **NSW PC holders living in NSW who do not practice from established chambers.**

Noted. The Bar Council agreed that the issue of services for members who do not practise from established chambers be referred to the new Member Services Committee.

#### **Memorandum from the Policy Lawyer to the Bar Council dated 14 February 2012 – Aggregated Claims Information for period ended 31 December 2011.**

Noted.

**Email to the Executive Director from Justis Publishing dated 18 January 2012.**

Noted.

**Letter to the Hon Greg Smith SC MP, Attorney General, from the President dated 3 February 2012 – Publication of the names of children involved in criminal proceedings.**

Noted.

**‘Voluntary Legal Assistance by NSW Bar’; article from *The Australian Law Journal*, January 2012.**

Noted.

**Minutes of the meeting of the Common Law Committee held on 14 February 2012.**

Noted.

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

- New South Wales Bar Association Media Release dated 7 February 2012 – *Premier’s comments undermine confidence in the judiciary.*

The meeting closed at 5.45pm.

*Confirmed as a correct record:*

Bernard Coles QC  
President

