

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

MINUTES OF PROCEEDINGS

**Thursday 6 June 2013
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Boulten SC; Needham SC; Hutley SC; Street SC; Game SC; Moses SC; McGrath SC; McHugh SC; Walker; Healey; Stone; Toomey; Callan; Hunt; Steggall; Page.

APOLOGIES: Temby QC; Traill; Lydiard; Peden, McMahon.

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

MINUTES

The minutes of the meeting of 16 May 2013 were confirmed.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director advised that, as of this afternoon, the Association had received 1673 practising certificate renewals. 698 practising certificates had been issued. 19 barristers had advised that they will not be renewing their practising certificates for 2013-14, and 523 renewal applications were outstanding.

FINANCE

Minutes of the meeting of the Finance and Audit Committee held on 14 May 2013.

Noted.

MEMBERSHIP

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

Name	Chambers
Faye Ashworth	5 St James Hall
His Honour Judge Peter Berman (Class B)	District Court NSW
Benjamin Bickford	Newcastle Chambers
Justin Brown	13 th Floor Selborne/Wentworth
Czar Calabazon	Marbury Chambers
Natasha Case	7 Garfield Barwick Chambers
Wilson Chan	7 Windeyer Chambers

Ian Coleman
 Mark Cowan
 Svetlana German
 Zelig Heger
 Lisa-Claire Hutchinson
 Anthony Lloyd
 Adam McGrath
 Nicholas Mirzai
 Claire Mudge
 Elizabeth Nicholson
 Richard Raffell
 Mary Rebehy
 Stephen Rugendyke
 Lauren Smith
 Vasilios Tzatzagos
 Caryn Van Proctor (Class B)
 Julie Wright

Waratah Chambers
 Parliamentary Counsels Office
 10th Floor Selborne/Wentworth
 Eleven Wentworth
 Forbes Chambers
 Edmund Barton Chambers
 16 Wardell Chambers
 Banco Chambers
 Chalfont Chambers
 Sir Owen Dixon Chambers
 Blackstone Chambers
 Carlingford, NSW
 Newcastle Chambers
 11 Garfield Barwick Chambers
 Frederick Jordan Chambers
 Ninian Stephen Chambers (VIC)
 Banco Chambers

FOR CONSIDERATION

PWC Report, Legal Aid Funding: Current Challenges and the Opportunities of Cooperative Federalism – Key Campaign Objectives – 2012/2013 Budget.

The President noted that the Law Council has called on constituent bodies to take up the principles set out in the Key Campaign Objectives. The Bar Council RESOLVED to adopt the principles in the LCA statement. The focus of the principles is on the restoration of Commonwealth legal aid funding to a 50% share with the States and Territories. The LCA is planning to hold a forum on Commonwealth/State legal aid funding and proposes to invite all State and Territory Attorneys General and their Shadows to attend. The Legal Aid Committee was considering these issues and will develop appropriate proposals for the consideration of Bar Council.

Memorandum from John Hyde Page to the Bar Council – Incorporated Legal Practice; email from George Thomas dated 10 February 2011; Advice prepared by Richmond SC dated 24 November 2010 – Incorporation of Barrister' practice; CV of David Graham Russell RFD QC

The Bar Council RESOLVED to commission a legal opinion from a senior member or members of the Bar about the consequences of barristers providing their services through single-member corporate entities. It was agreed that the Executive would commission such advice and report back to the Bar Council on the issue.

FOR INFORMATION

Memorandum from the Projects Officer to the Bar Council dated 15 May 2013 – Aggregated Claims Information for period ended 31 March 2013.

Noted.

Minutes of the meetings of the Common Law Committee held on 9 and 22 May 2013.

Noted.

Letter from the President to New South Wales Law Reform Commission dated 14 May 2013 – Confidential draft report on Sentencing.

Noted.

Letter from the President to the Attorney General dated 14 May 2013 – Report number 136 of the New South Wales Law Reform Commission: Jury Directions.

Noted.

Letter from Andrew Stone to the Minister for Finance and Services dated 23 May 2013; The *Motor Accident Injuries Amendment Bill 2013* – Clause 65ZZG and Suicide; Amending the *Motor Accident Injuries Amendment Bill 2013* – Summary of Proposals put forward by the Legal Profession.

Noted. The President advised that the legal profession had provided the Government, Opposition and Cross Bench with a set of proposed amendments which would ameliorate the worst aspects of the Bill, which was listed for debate in the Legislative Council in the sitting week commencing 18 June. Stone advised that the Association had conducted briefings with the Opposition and Cross Bench on the proposed amendments. The Bar Council expressed its thanks to Stone and other members of the Common Law Committee for their efforts on behalf of the Association concerning the Bill.

Letter to the Attorney General from the President of the Bar Association and the President of the Law Society dated 3 June 2013 – Public liability reform.

Noted.

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

- Minutes of the meeting of the Australia Bar Council held on 23 March 2013.
- New South Wales Bar Association Media Release dated 21 May 2013 – Legal aid needs support for abuse victims.
- Transcript: ABC Radio, The World Today – 15 May 2013 at 12.30pm – The President spoke - NSW Bar Association welcome thrust of reports recommending ratchet back of ASIO powers.
- Motor Accident Injuries Amendment Bill – Legislative Assembly – *Hansard* extra of the debate – 21 May 2013.
- Motor Accident Injuries Amendment Bill – Legislative Assembly – *Hansard* extra of the debate – 22 May 2013.
- New South Wales Bar Association Media Release dated 10 May 2013 – NSW Government abandons victims of sexual assault.

- Transcript: 2SM Morning with Leon Delaney, 9.15am, 13 May 2013 – Andrew Stone on changes to the New South Wales Motor Accident Scheme.
- Law Council of Australia – *Précis* – 15 May 2013
- Law Council of Australia – *Précis* – 28 May 2013
- Law Council of Australia – Inquiries and Consultation Lists as at 13, 20 and 27 May 2013.

The meeting closed at 6 pm.

Confirmed as a correct record:

Phillip Boulten SC
President

Date: