

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

**MINUTES OF PROCEEDINGS**

**Thursday 7 February 2013  
in the Boardroom of the New South Wales Bar Association  
at 4.30 pm**

**PRESENT:** Boulten SC; Needham SC; Temby QC; McHugh SC;  
Hutley SC; Street SC; Game SC; McGrath SC; Walker;  
Toomey; Peden; Hunt; Steggall; Hyde Page; McMahon.

**APOLOGIES:** Traill; Lydiard; Peden

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

**MINUTES**

The minutes of the meeting of 13 December 2012 were confirmed.

**PRESIDENT'S REPORT**

Noted.

**EXECUTIVE DIRECTOR'S REPORT**

Noted.

**FINANCE**

**Financial statements for November and December 2012.**

Noted.

**FOR CONSIDERATION**

**Memorandum to the Bar Council from the Finance Manager dated 25 January 2012  
– Insurance Disclosures.**

Noted. The President asked that any Bar Councillor who thought they may have a matter that should be declared to the Association's raise the matter with the Finance Manager.

### **Australian Corporate Lawyers Association Corporate Counsel Day 2013.**

The President noted that he, along with members of the Practice Development Committee and some Bar Councillors, would be attending the ACLA Corporate Counsel Day drinks on 28 February. Richard McHugh SC, the Chair of the Practice Development Committee, will be participating in a panel discussion on the benefits of in-house counsel briefing the Bar direct in the course of the day. The President noted that the event provides an opportunity to network with in-house counsel, and encouraged Bar Councillors to attend.

### **Memorandum to the Bar Council from Andrew Stone dated 30 January 2013 – The CTP Scheme.**

#### **RESOLVED:**

- (i) Noting that the compulsory third party scheme is under review by the NSW Government;
- (ii) Noting that the Common Law Committee is preparing to provide submissions to that review;
- (iii) Noting that Bar Council opposes any further substantial reduction in benefits to those injured in motor vehicle accidents;
- (iv) The Common Law Committee is requested to keep Council apprised of developments and to submit a plan of action to the Bar Council for consideration as and when appropriate.

Bar Council also noted that it is, in principle, willing to actively engage in advocating against “*reform*” of the CTP scheme that sees any substantial reduction in benefits to the injured and the removal of the availability of legal advice to those bringing claims. Bar Council is, in principle, ready to consider all appropriate assistance.

#### **GENERAL BUSINESS**

NSW Civil and Administrative Tribunal Reference Group The Senior Vice-President noted that she had attended the first meeting of the NCAT reference group earlier in the day. It appears that the Government is considering a general prohibition on legal representation in the new Tribunal unless leave is granted. This issue is one of concern for the Bar. The Senior Vice-President noted that the Association Tribunals Working Party would be reconvened to prepare submissions to Government.

#### **FOR INFORMATION**

**Letter from the President to the Hon T.F Bathurst, Chief Justice dated 19 December 2012 concerning amendments proposed by the Uniform Rules Committee to amend the Uniform Civil Procedure Rules.**

Noted.

**Letter from the Attorney General to the President dated 21 January 2013 concerning the availability of Court Officers in District Court civil sittings; letter from the President to the Attorney General dated 19 December 2012.**

Noted.

**Minutes of the meeting of the Bar Council Executive held on 5 February 2013.**

Noted. The Bar Council agreed that any draft Association submission prepared to the NSW Legislative Council Standing Committee on Social Issues Inquiry into Same Sex Marriage Law in New South Wales should be circulated for comment to the Bar Council before finalisation.

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

- Law Council of Australia – Inquiries and Consultation Lists as at 7 January 2013.
- Law Council of Australia – Inquiries and Consultation Lists as at 14 January 2013.
- Law Council of Australia – Inquiries and Consultation Lists as at 21 January 2013.
- Law Council of Australia – Inquiries and Consultation Lists as at 30 January 2013.
- Law Council of Australia – Inquiries and Consultation Lists as at 5 February 2013.
- Minutes of the meeting Australian Bar Council held on 8 September 2012.
- Memorandum to the Bar Council from the President dated 17 December 2012 – A Bar campaign to contest the bills of undermining the right to silence; response provided to the Trail Efficiency Working Group concerning the government’s proposal to legislate for compulsory defence disclosure in criminal cases; response from Arthur Mosses SC regarding the President’s memo.
- Letters from the President to the Attorney General and the Chief Judge dated 19 December 2012 concerning availability of District Court Officers in civil sittings and offers of compromise respectively.
- Draft minutes of the meeting of the Australian Bar Council held on 8 December 2012
- Law Council of Australia – *Précis* – 5 February 2013
- Letter to the Attorney General dated 30 January 2013 – NSW Civil and Administrative Tribunal Reference Group.
- Letter to the Minister for Finance and Services dated 30 January 2013 – Reform to the NSW motor accidents scheme as reported in the Daily Telegraph.

The meeting closed at 6.05pm.

*Confirmed as a correct record:*

Phillip Boulten SC  
President

Date: