



President's Report

Bernard Coles QC

Following the announcement of the appointment of our immediate past president, now the Hon Tom Bathurst, as chief justice, I was elected president in May 2011. Tom Bathurst made an immense contribution to the Bar Association and legal affairs in this country, not just during his time as president, and, previously, as president of the Australian Bar Association, but also for a number of years as a bar councillor and senior office bearer.

My thanks are due to him and the executive director, Philip Selth, in ensuring the affairs of association were in excellent order when I came to this position.

Again, the principal issue facing the bar over the reporting year has been the proposed national legal profession reforms. The work done by the former president and the executive director in this regard has helped ensure that the draft legislation does not adversely affect the independence of the bar and the legal profession generally, and that Model National Barristers Rules have been agreed upon around the country. That both these challenges have been met goes to the great credit of my predecessor. At the time of writing, it appears that the goal of uniform national reform has received a set back due to waning support from some jurisdictions, however the arguments for the establishment of a truly national profession are surely too compelling for this state of affairs to continue for long.

Happily, this year's financial statements again indicate that the Bar Association's finances are in a healthy state. Throughout the reporting year, the treasurer, Ian Temby QC, regularly reported to the Bar Council that our financial position was sound. I thank the treasurer and the members of the association's Finance Investment and Audit Committee for their work in this regard.

Again this year, the committees have undertaken a tremendous amount of work, work which makes a real contribution to life at the bar and the administration of justice in this state. For example, the Criminal Law Committee developed a number of proposals arising out of the Criminal Justice Law Conference held in the Common Room in September, proposals which formed the basis of the Bar Association's pre-election policy provided to the New South Wales Government, the opposition and cross-bench prior to the March 2011 election. The Health, Sport and Recreation Committee has pursued a number of initiatives aimed at improving collegiality and quality of life at the bar. The Practice Development Committee has been undertaking detailed work on proposals aimed at improving the nature of practice at the bar, while the Common Law Committee prepared a number of pre-election principles in relation tort law reform and pursued a number of discrete law reform proposals. The ADR Committee, among other things, worked on the establishment of BarADR, a new service providing solicitors, in-house counsel and members of the public with access to barristers trained and accredited in the alternative dispute resolution (ADR) processes of mediation, arbitration and expert determination. Particular thanks are also due to the association's Professional Conduct committees. And the list goes on.

...it appears that the goal of uniform national reform has received a set back due to waning support from some jurisdictions, however the arguments for the establishment of a truly national profession are surely too compelling for this state of affairs to continue for long.

In the course of the year the Bar Council requested the Hon Kevin Lindgren QC to conduct a review of the Bar Association's educational programmes, and members were invited to make submissions. The review has now been completed and its recommendations are currently being considered by the Bar Council. I have established an Education Committee, which will examine the recommendations and make recommendations to Bar Council concerning the report's key findings.

During the reporting year, extensive refurbishments to the Common Room and the Bar Association's offices were completed. These renovations were funded from the association's reserves, and have made a significant improvement to the utility of the Common Room, along with ensuring staff can operate in more modern and pleasant surroundings.

I would like to thank all members of the Bar Council and Bar Association staff for the assistance they have given me and my predecessor over the reporting year.



Executive Director's Report

Philip Selth OAM

National practice

In May 2010 a draft Legal Profession National Law and National Rules were issued for public comment by the Council of Australian Government's National Profession Taskforce on the National Profession. The main areas of contention were the composition of the proposed national board, the maintenance of the independence of the legal profession while at the same time enhancing consumer protection, the centralisation of admissions, and the cost to the profession of implementing the new regime.

The Australian Bar Association and the Law Council of Australia gave a considerable amount of time and effort to reviewing the draft legislation and making submissions to the federal and state attorneys and directly to the taskforce. These submissions both put the case for substantive changes to be made and suggested technical amendments to improve the administration of the new regime.

The Australian Bar Association asked its immediate past president, Tom Bathurst QC, to continue as its principal spokesperson on the national scheme. The ABA wrote to Attorney-General Robert McClelland with its response to the consultation draft, supporting the principle of simplified uniform legislation and regulation, national standards, freedom of movement between jurisdictions and accessible consumer protection. The ABA confined its response to the topics that were of particular interest to the bar. Discussions were held with both the federal and state attorneys-general and with members of the taskforce.

In its very detailed submission, the ABA made the point that in undertaking the task of reviewing the structure of the national legal profession, governments should be mindful of the importance of achieving four fundamental objectives:

- the independence of the judiciary and their control over the admission process;
- the preservation of the independence of the national legal profession from dependence upon, or control by, the government of the day;
- the maintenance of the profession's high professional standards; and
- the preservation of the competitiveness of the legal profession in the legal services market.

The ABA put the case for:

- a national board where the majority of the members are appointed from the legal profession;
- the board and ombudsman, if one were to be appointed (the case for which the ABA did not believe has been established), being charged with the establishment of standards, but not having operational roles, which are best left to the existing local authorities, including the professional associations;
- the system of admission continuing to be done at a local level, but under national standards acceptable to the Council of Chief Justices;
- a reduction in the increased and unnecessary burden that is being imposed on the profession in the area of cost disclosures, compliance audits and management system directions and the application of consumer elements of the bill to law practices and commercial and government clients; and
- requirements imposed on the profession, in particular concerning the holding of professional indemnity insurance, being made subject to the commercial realities of the market place.

In December 2010 COAG approved for publication a further Legal Profession National Law. That draft substantially met the concerns that had been expressed by both the ABA and the LCA. Since that time the ABA, LCA and the New South Wales Bar Association, among others, have been working with government officers drafting the legislation. Technical amendments have been made to the draft legislation to ensure it meets its purpose and to improve its administration.

As at 30 June 2011 it was still to be determined when the Legal Profession National Law would be introduced into the parliaments of each of the states and territories. Regrettably, as at this time both the Western Australian and South Australian governments had not agreed to participate in the national scheme. The initial proposals for a national legal profession regime were seriously flawed. The current draft legislation is radically different, and when implemented will make us a truly national profession, and benefit not just the profession but also our clients.

In December 2010 COAG approved for publication a further Legal Profession National Law. That draft substantially met the concerns that had been expressed by both the ABA and the LCA.

Executive Director's Report

Conduct rules

In 2007 the Australian Bar Association agreed to a review of each bar's conduct rules with the aim of developing a uniform set of rules for all bars. The benefits of an identical set of rules that apply across Australia are obvious. The development of these rules was properly the role of the profession, not one to be picked up by default by some government agency. At the end of 2008 the president of the Australian Bar Association, Tom Bathurst QC, then the New South Wales Bar Association's senior vice president, appointed a working party comprising Michael Colbran QC of the Victorian Bar, Jennifer Pearce, the Bar Association's now director, professional conduct and myself to work with each bar to come up with a draft set of national rules. Each bar strongly supported the preparation of the proposed new rules and was quick to agree to common wording for most of the rules. The few 'policy' differences that were identified were discussed and resolved at meetings chaired by Bathurst QC. This work was well underway when in February 2009 the Council of Australian Governments (COAG) established the National Legal Profession Reform Taskforce.

Each bar strongly supported the preparation of the proposed new rules and was quick to agree to common wording for most of the rules.

The ABA's proposed national conduct rules were provided to the taskforce (and to federal and state attorneys-general and chief justices) in February 2010. At the same time, each bar published the rules for comment by their members and the public, as required in most jurisdictions by legal profession legislation.

There was very little response when the New South Wales Bar Association published the proposed new rules. When in May 2010 the taskforce issued a draft Legal Profession National Law, it included in its consultation package the draft national conduct rules that had been prepared for barristers by the Australian Bar Association, and those prepared for solicitors by the Law Council of Australia. A small number of submissions on the barristers' rules were received by the taskforce from legal bodies, consumer groups and members of the public. The submissions were provided to the ABA.

The ABA gave careful consideration to these submissions, and to comments and suggestions made by the councils of the various bars. On 27 November 2010 the ABA Council agreed to a uniform set of conduct rules, and asked each bar to introduce those rules in its jurisdiction until the proposed National Law came into force and the state and territory rules are superseded by rules made under that law.

If experience shows that the rules need to be amended, this will be done at a national level through the Australian Bar Association.

On 24 March 2011 the Bar Council approved gazettal of the new *New South Wales Barristers' Rules*. Before this was done, however, the proposed new rules were submitted to the new attorney general, the Hon Greg Smith SC MP, for his approval, as they had been to his predecessor, the Hon John Hatzistergos MLC.

The new rules were gazetted on 8 July 2011 and will come into effect on 8 August 2011. If experience shows that the rules need to be amended, this will be done at a national level through the Australian Bar Association.

55D of the *Judiciary Act 1903*

In my report for 2005–2006, I noted that there was a serious flaw in the national practising certificate regime. It was section 55D of the *Judiciary Act 1903*, enacted when there was no ACT (and Norfolk Island) law dealing with legal practice. The effect of this provision was that it was at least arguable that a person whose name is on a supreme court's or the High Court's roll of lawyers was entitled to practise in a federal court (including the High Court of Australia) without holding a practising certificate. This problem, which unfortunately was not simply a hypothetical problem, was raised by the Bar Association with both the former and current federal governments. There was general agreement that the Act needed to be brought up to date, but doing so was not a legislative priority.

On 3 March 2011 the *Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Act 2011* received royal assent. Schedule 6 (1) of the Act repealed section 55D of the *Judiciary Act*. The anomaly (and loophole) has now gone.

The Australian Taxation Office's secrecy provisions

Since November 2000 the Bar Association has been endeavouring to persuade the Australian Taxation Office and relevant Commonwealth ministers to amend section 16 of the *Income Tax Assessment Act 1936*. The requested amendment was to enable the ATO to provide the Bar Association with *publicly available information* (for example, court records) about action it has taken against those few barristers who abuse the taxation laws to the detriment of both the community and the profession. Unless the association is given the information, the first we often know is when the details are reported in the media.



In November 2009 the Australian Government introduced the *Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009* into the House of Representatives. The bill lapsed when the parliament was prorogued in July 2010, but reintroduced into the current parliament. The section of the explanatory memorandum for the bill concerning publicly available information gave as an example of information that would be available the following:

The New South Wales Bar Association has a statutory responsibility under the *Legal Profession Act 2004* (NSW) to satisfy itself that a barrister is a fit and proper person to hold a practising certificate.

Executive Director's Report

It is not an offence for a taxation officer to disclose to the New South Wales Bar Association that a NSW barrister has been convicted of a taxation offence in an open court. However, the ATO would not be able to supplement that information with, say, a copy of the barrister's tax return, which was not available to the public.

The amendment to the *Taxation Administration Act 1935* (where the various secrecy provisions have now been consolidated) came into effect in December 2010.

Law Council of Australia

The Law Council of Australia is the peak body representing the legal profession in Australia. All state and territory bars and law societies are members of the LCA. In general, the LCA speaks on issues of national and international importance to the profession, federal law and the operation of federal courts and tribunals and the constituent bodies speak at a state/territory level. However, the Bar Association makes a major contribution to the LCA through the submissions members draft for the LCA and through the work of the LCA's 'Sections' (practice area committees).

As in 2009–2010, the item of business on the LCA directors' agenda of most importance to the bars over the past year has been the proposed Legal Profession National Law. Major differences arose with several jurisdictions and the hoped-for unified approach to there being a national profession did not happen. While this is very disappointing, the lengthy debates around the LCA directors' table were conducted in a professional manner. The constructive approach by Bill Grant OAM, the LCA's secretary-general (and a member of the National Profession Taskforce) and the staff of the LCA's National Profession Secretariat to the many issues that arose in connection with what is probably the most important issue affecting the LCA since its establishment in 1933 is appreciated. Hopefully, with work now being undertaken, a position will be reached where the constituent bodies of the LCA are united on the need for there being one law providing for, and promoting, national consistency in the law applying to the Australian legal profession.

Australian Bar Association

The New South Wales Bar Association is a constituent member of the Australian Bar Association, which was formed in 1962. The ABA is the peak body representing the independent referral bars of each of the states and territories. While all the bars are members of the LCA, there are important issues where the ABA needs to, and does, speak out separately to the LCA.

The major functions of the ABA can be broadly categorised as:

- representing at a national level the independent referral; bars;
- working to establish uniform rules of conduct and practice for the bar across Australia
- the delivery of specialist, high quality training in advocacy for both newcomers to the bar and experienced trial advocates, and
- the delivery of a biennial international conference of immediate relevance to barristers' practices and where eminent speaker are able to share with practitioners their expertise and challenge them to consider different ways of practice as well as the future of the advocate's profession. (The 2011 conference was held in Berlin at the beginning of July 2011.)

During 2010–2011 the ABA spent a considerable amount of time and effort in contributing to the consultation process for the proposed Legal Professional National Law. During the year the ABA also settled, and began introducing at state and territory level, its national rules of conduct.

Pandora

The Bar Association's website is a comprehensive archive documenting vast amounts of information concerning the New South Wales justice system, its history and its institutions, in addition to a wealth of information concerning the bar itself. During the reporting year, the association's website has been added to the National Website Archive known as Pandora, which is operated by the National Library in collaboration with nine other Australian libraries and cultural collecting organisations. This arrangement ensures that the unique range of information available on the association's website is independently archived and kept in perpetuity for future generations.

Thanks

As I note each year, the activities recorded in this annual report only constitute a small part of the work done by and on behalf of the Bar Association. Many other activities are noted in *Bar News*, the daily *In Brief*, as well as on the web site. Due to the need to preserve the confidentiality of many of the Bar Association's dealings with state and federal attorneys-general, their departments, parliamentary committees and other law reform bodies, a significant part of the association's work goes unpublicised. This lack of public recognition for important work done by the association understandably disappoints some. However, as with negotiations and settlement conferences, publicity can all too often hinder, if not prevent, resolution of the matter. It also damages trust between the parties, trust that has been built up over many years and which is crucial to the working relationship between the Bar Association and, say, the attorneys-general.



I am very grateful for the extensive contribution made by members of the bar to the business of the Bar Association, public and in private. Hundreds of members of the association assist in its activities, whether as members of committees, sections; representatives on court liaison bodies; polling officers for the Bar Council election count; drafting submissions and providing comment on legislation; presenting CPD seminars; and participating in the association's various legal assistance schemes. The innumerable requests made on members, often at inconvenient times and at little notice, are invariably met with a helpfulness and tolerance that is greatly appreciated. I am also appreciative of the assistance given to the association by clerks and the staff of individual barristers

Executive Director's Report

I should like also record publicly the assistance and support given to the association's staff and me by Tom Bathurst QC, the association's president from 19 November 2009 to 17 May 2011, when he resigned on being appointed chief justice of New South Wales as of 1 June 2011. The work Bathurst QC did for the Bar Association, and the profession more generally, in particular his work as the ABA spokesperson on the proposed national legal profession legislation and as the driving force behind the ABA's adoption of national conduct rules, is relatively well known. What is not well known is the amount of time, and care, he put in for the association 'behind the scenes', and the support he gave not just me, but all of the association's staff. On my own behalf, and that of all the staff, I acknowledge with sincere thanks all that was done for us by 'Tom'.

I also acknowledge with thanks assistance given to me by Bernie Coles QC, president since 17 May 2011, the members of the Executive and other members of the Bar Council

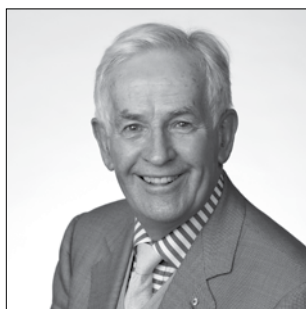
The Bar Association's staff

Each year under this heading I try to find a way of saying the same thing that I did the year before, but in a different way. However I may phrase it, the sentiment remains the same. Few members know the extent of the contribution made to the bar by the association's staff. Each year the staff strive to support the association and support those who seek the association's assistance. Again, I note with pride and thanks the work of the association's staff.

Bar Association office bearers



Phillip Boulten SC
Senior Vice-President



Ian Temby QC
Treasurer



Bernie Coles QC
President



Jane Needham SC
Junior Vice-President



Michael McHugh
Secretary

BAR COUNCIL 2011

As at 30 June 2011

Bernard Coles QC

Ian Temby QC

Geoff Lindsay SC

Phillip Boulten SC

Sandy Street SC

Tim Game SC

Jeremy Gormly SC

Jane Needham SC

Peter Maiden SC

Michael McHugh

Kate Traill

Chrissa Loukas

Richard Weinstein

Anne Healey

Miles Condon

Kylie Nomchong

Paresh Khandhar

Dominic Toomey

Sophie Callan

Warwick Hunt

Zali Steggall

2010

July	August	September	October	November	December
Tutors & Readers Dinner Bar exams 15 Bobber for the Hon Justice Margaret Cleary	Common Law Dinner Fundraising Trivia Night Dinner for Martin Place Homeless ADR Conference	Criminal Law Forum Bar Council dinner with the High Court Bar Council drinks with NSW judiciary Career at the Bar Open Day <i>15 Bobbers</i> The Hon Associate Justice Philip Hallen & his Honour Judge Ross Letherbarrow SC	Silk appointments Bar Practice Course 5th National Indigenous Legal Conference EOC champagne tasting event	Rule of Law Conference New Barristers Cheese Tasting + Cocktail night Annual General Meeting BBQ for Martin Place homeless Francis Forbes Lecture	Great Bar Boat Race Bar Tennis Day EO Committee Christmas Party



Clockwise from left: members of the bar assist at the BBQ for the Martin Place homeless. The Barristers in Schools took place in Law Week 2011. Paresh Khandhar at the Tutors and Readers Dinner 2010. Justice Harrison at the fundraising dinner for the Martin Place Homeless.



2011

January

ABA Advocacy Course
Bar v Solicitors Golf

February

CPD regional conferences begin
Bar exams
Mum Shirl Fund evening with Monique Coleman

March

Bar Association Personal Injury Conference
Common Room re-opens
CPD regional conferences
BarADR launch
15 Bobber for the Hon Justice Sackar

April

EOC Women's University Open Day

May

Sir Maurice Byers Address
Bench & Bar Dinner
Bar Practice Course
Barristers in Schools

June

Judicial Q&A
Tom Bathurst QC appointed chief justice of NSW
15 Bobber for her Honour Judge Elizabeth Olsson SC

Clockwise from right: Bench and Bar Dinner at the Hilton Sydney. A cocktail evening with Monique Coleman and the Indigenous Barristers' Trust. The swearing in of Chief Justice Tom Bathurst. The refurbished Common Room reopened in March.



Our aims

The Bar Association is a voluntary association of practising barristers. Our aims, as expressed in our Constitution, are to:

- Promote, maintain and improve the interests and standards of local practising barristers
- Make recommendations and promote the administration of justice
- Arrange and promote continuing professional development
- Inquire into questions as to professional conduct and etiquette of barristers



Our people

As at 30 June 2011

Office of the Executive Director

Executive Director	Philip Selth OAM BA (Hons) LLB
Executive Assistant	Corinne Brown

Legal Assistance Referral Scheme

Legal Assistance Manager	Heather Sare
Administrative Assistant	Wendy Incoll BA

Administration Department

Administration Manager	June Anderson
Receptionist	Maree Fitzgerald B Design JP
Admin. Officer (Records)	Kim Ellis
Administrative Officer	Fay Braddick
Software Developer	Matthew Vickers
IT Consultant	Darren Covell

Professional Conduct Department

Director	Jennifer Pearce BEc LLB
Deputy Directors	Helen Barrett LLB Peter Smith LLB BLJS
Administrative Assistant	Salvina Napoli-Torkamani

Bar Library

Librarian	Lisa Allen B App Sc (Info) M Inf Stud
Assistant Librarian	Jennifer Nott BA DIM
Technical Services Librarian	Leonie Anderson B App Sc (Info)
Library Technician	Sandra Vynes Dip Lib Inf Stud

Director	Chris D'Aeth LLB (Hons) MBA
PD Manager	Anna Hurtig BA BSSc MA Dip Ed
PD & Events Coordinator	Katie Hall BM
Education Assistants	Irene Puntillo Stella Giandiri

Finance Department

Finance Manager	Basil Catsaros B Comm CA
Deputy Finance Manager	Tess Santos B Sc (Business Admin.)
Certification Officer	Barrie Anthony JP

Law Reform and Public Affairs

Deputy Executive Director	Alastair McConnachie LLB
Publications Manager	Chris Winslow BA (Hons) MIntS
Senior Policy Lawyer	Megan Black BA LLB (Hons)
Policy Lawyers	Jo Wilton LLB Kim Kemp LLB
Acting Policy Lawyer	Joss Separovic BA LLB

Statistics

The Bar Association is a voluntary association. Being a member and holding a New South Wales barrister's practising certificate (PC) are separate. The following is a statistical profile of both membership and barristers who hold a New South Wales practising certificate.

MEMBERS

As at 30 June 2011 there were 2863 members.

Members who hold a NSW practising certificate (including members based interstate & overseas and eight life members who have a current NSW PC)	
Male	1743
Female	411
Total	2154
Number of senior counsel (QC or SC)*	
Male	316
Female	23
Total	339
Number of 'junior' barristers**	
Male	1427
Female	388
Total	1815

Practising address of members who hold a NSW PC	
New South Wales	2140
Australian Capital Territory	5
Queensland	4
Overseas	3
Tasmania	1
Western Australia	1

Members (inc. honorary life members, judges and non-practising barristers)	
Male	581
Female	128
Total	709
(Includes 28 honorary life members who don't have a current NSW PC)	

Occupation of non-practising members	
Academic	16
Clerk	18
Crown prosecutor (interstate / Commonwealth)	4
Former barrister	137
Former judge / magistrate	98
Interstate / overseas barrister	185
Judge	169
Judicial officer	6
Magistrate	40
Member of parliament	2
Other	33
Solicitor-general (Commonwealth)	1

PRACTITIONERS

As at 30 June 2011 there were 2173 barristers with a NSW PC.

Practitioners holding NSW practising certificates (including practitioners based interstate and overseas)	
Male	1757
Female	416
Total	2173
Practitioners who are senior counsel (QC or SC)	
Male	316
Female	23
Total senior counsel	339
Junior barristers	
Male	1441
Female	393
Total junior barristers	1834

Location of holders of a New South Wales PC					
	Juniors		Silks		Total
	Male	Female	Male	Female	
New South Wales	1428	393	314	23	2158
ACT	5	0	0	0	5
Queensland	3	0	1	0	4
Tasmania	1	0	0	0	1
WA	1	0	0	0	1

Overseas practitioners by country of residence					
	Juniors		Silks		Total
	Male	Female	Male	Female	
France	1	0	0	0	1
Hong Kong	1	0	0	0	1
New Zealand	1	0	0	0	1
United Kingdom	0	0	1	0	1

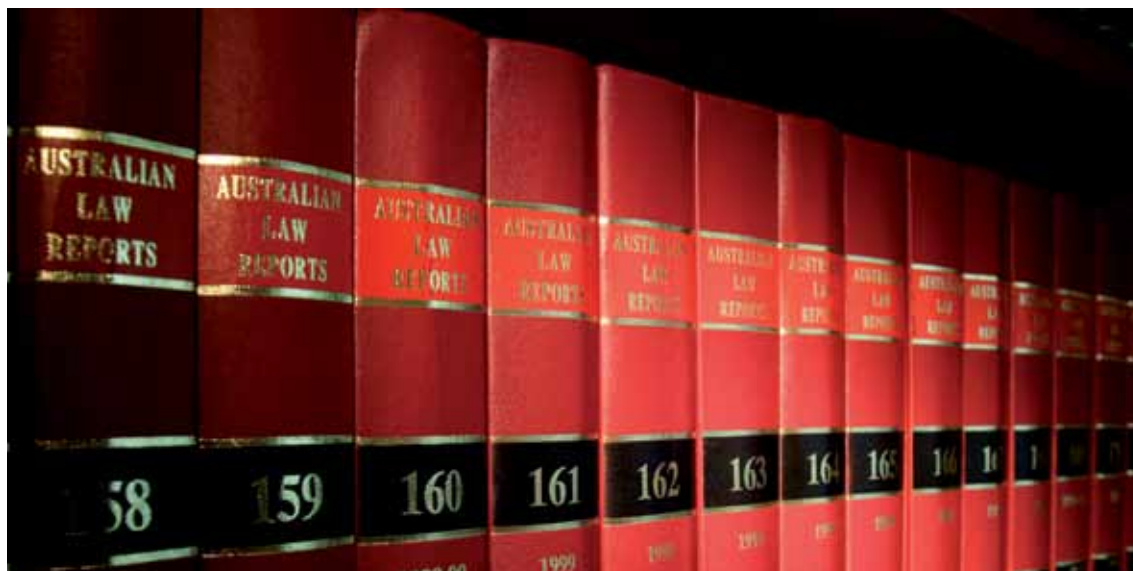
+ Senior counsel (SC and QC) are commonly called 'silks'. SCs have been appointed since 1993 and replaced the appointment of queen's counsel.

++ The term 'junior' barrister means all barristers except those who have been appointed senior counsel. A junior barrister does not necessarily indicate the ability or number of years at the bar; for example, some 'juniors' have been practising for 30 years.

* Practitioners who have advised that NSW is their principal place of practice.

Promoting the interests of practising barristers

The Bar Library



The Bar Library aims to provide an efficient and effective service to members and staff of the association and to practicing members of the profession. Its major goals are to

- support the practice of the members of The New South Wales Bar by identifying, selecting, acquiring, processing and making available resource material within the parameters of the collection development policy, to constitute a relevant, up to date and well balanced collection
- assist members in the effective use of library resources
- provide information resources in the most appropriate medium

It does this by providing the following services:

- development and maintenance of the library's collection
- provision of legal reference services for members, exam candidates and Bar Association staff;
- library orientation and legal research training;
- provision of an index of current legal weblinks

In 2010–11, the Bar Library's online catalogue was used by 274 different members. This number represents more than 15 per cent of the active user base. Over 50 per cent of those users have logged in more than five times and 20 per cent more than 20 times. The library handled an average of 78 loans and returns daily in this financial year, so even if the online catalogue is not being accessed, the library's hard copy resources continue to be in demand.

Password access via the website allows members to search for, locate and reserve items of interest. They can also renew items currently on loan. Members can also download available unreported judgments from the library's collection as well as seminar papers from CPD sessions. Encouraging greater use of the catalogue will be one of the goals of the coming year.

The library, through its reference management system handled an average of 300 requests per month in the 2010-2011 financial year. The system allows the librarians to keep a record of

reference queries undertaken by the librarians, and ensures that the responses supplied to members in an accurate and timely manner. We can also determine trends in subject, type of information requested and resources required and plan with reference to this information. Members may now lodge and follow the progress of their requests via the online catalogue.

The library has also been the venue for the Health, Sport & Recreation Committee's Bar Book Club and Bar Knit Group. The meetings have been very popular and a welcome break from matters legal.



New Barristers Committee

Continuing professional development

As in previous years the New Barristers Committee created a programme of CPD events that cater for the needs of the junior bar. Among this year's seminars were:

- 'Understanding Financial Reporting'
- 'The Family Provision Act'
- 'What to Do When a Complaint is Made Against You'
- 'Coronial Work Panel Discussion'
- 'Managing Your Practice, Life and Finances'

Seminars planned for later in 2011 include 'Lists of the Supreme Court' and 'How to be a Good Junior'.

Our goals

Promote the pursuit of excellence through continuing professional development

Promote camaraderie through social events amongst barristers under six years

Assist barristers under six years to build and develop their practices

Make submissions to the Bar Council regarding issues that affect the interests of barristers under six years seniority

Cross-Examination Workshop

Nearly 100 barristers registered to take part in the committee's fourth annual Cross-Examination Workshop. The workshop comprised a seminar and a demonstration with registered participants organised into groups to complete their own workshop of prepared materials. The seminar component of the series, held in May, was presented by Justice I G Harrison who invited Robert Stitt QC to present a 'masterclass' on cross-examination techniques. The seminar was very well-attended and well-received by junior and more experienced barristers alike. The demonstration, held in June, was presided over by the Hon Justice A Katzmann. On display were the cross-examination skills of Justin Gleeson SC, Tom Blackburn SC and Bruce McClintock SC. The excellent and challenging materials forming the basis of the workshop series were compiled by Daniel Klineberg, Catherine Gleeson and James King.

Promoting the interests of practising barristers

New Barristers Committee

Social events

The inaugural Judicial Q & A, kindly sponsored by the Barristers Sickness and Accident Fund, was held in June 2011. More than 80 barristers and guests of BSAF attended. The MC for the event was bar councillor, member of the New Barristers Committee and former magistrate, Warwick Hunt. Panel members included: the Hon Justice R A Pepper, the Hon Justice J Ward and his Honour Magistrate G Grogin. After an informative Q & A session, the Hon Murray Gleeson AC QC gave the concluding remarks.

The evening was a great success and offered an excellent opportunity for the junior bar to meet with members of the judiciary in an informal and relaxed setting. Thanks go to Duncan MacFarlane, Patrick Knowles and Sophie Callan for organising the event.

Policies and initiatives

Earlier in the year the Bar Council invited the committee to make a submission regarding the Reading Programme in light of the results of the review of the association's professional development activities by the Hon K E Lindgren QC. The committee will focus on certain aspects of the Reading Programme, in particular:

- Tutors
- Readers' practising certificate conditions
- Civil and criminal reading guidelines

Sophie Callan devised a survey regarding the Reading Programme which will be circulated to all new barristers in August 2011. A CPD targeted at tutors and readers is also being considered. At the conclusion of this survey and consultation period, the committee will formulate proposals for the Bar Council's consideration.

The New Barristers Committee is also assisting the Costs and Fees Committee to better understand fee recovery issues for new barristers. Pat Knowles and David Mackay are currently working with Philippe Doyle Gray and the Costs and Fees Committee in order to devise strategies to address these issues.

New readers

As in previous years, the chair of committee was invited to address the May 2011 Bar Practice Course. The chair reiterated the open door policy, and offered assistance to any reader during the course or at any point in their nascent career at the bar. The chair will offer a similar welcome to readers about to commence the October Bar Practice Course.

Health, Sport and Recreation Committee

The Health, Sport and Recreation Committee is dedicated to encouraging members to live balanced and healthy lifestyles and in order to achieve that goal it promotes a variety of sporting, social and recreational activities.

In order to keep everyone up to date with the committee's affairs, the Bar Association website now publicises endorsed events. Members can now see a list of all the committee's activities and find a point of contact for the events that interest them. The following is an overview of the committee's achievements across its three broad areas of responsibility in FY2010–2011.

Health

The Red Cross Blood Service's Elizabeth Street Donor Centre needs to collect more than 80 blood donations every day. The committee organised several blood drives over the course of the year and members were encouraged to bring friends and colleagues.

The committee is constantly searching for new and different ways to promote health at the bar. To this end, on 24 March 2011, the committee organised for members to receive flu shots and to undergo a health test that involved a cholesterol, glucose and blood pressure check.

The committee continues to support various events for fitness enthusiasts, such as the City to Surf, the Sydney Morning Herald Half-Marathon and the now legendary bar football team, NSW Bar FC.

Sport

The committee continues to support various events for fitness enthusiasts, such as the City to Surf, the Sydney Morning Herald Half-Marathon and the now legendary bar football team, NSW Bar FC.

This year, Bar FC competed for the third successive year in the Domain Soccer League lunchtime competition. It played teams from the wider business and government communities, such as AMP, Treasury, Reserve Bank, Middletons, Corrs and Energy Australia. Approximately 60 members of the bar participated in the games over the course of the season, providing a unique opportunity for members of the bar to meet others in a friendly, collegiate and fun environment.

Recreation

The committee now promotes an even broader range of different activities under its recreation banner. For example, May 2011 marked the inception of the Bar Knitting Group. The group meets on the fourth Wednesday of the month at 6.00pm in the Bar Library.

In line with keeping spirits high and blood pressure manageable, the committee has set up a regular lunch time walking group for members of all levels of fitness. All one requires to participate is a pair of joggers. The group meets twice a week and enjoys the beautiful city walking circuit for approximately 40 minutes.

The Bench and Bar lunches continue and yoga in the Bar Common Room attracts ongoing interest.

Promoting the interests of practising barristers

Indigenous Barristers' Strategy Working Party

The Indigenous Barristers' Strategy Working Party is a committee set up to implement the Indigenous Lawyers' Strategy at the New South Wales Bar. The membership of the working party is of barristers and representatives of the law schools of the University of New South Wales and the University of Technology, Sydney. Implementation of the strategy is a major focus of the working party. The IBS Working Party meets on an irregular basis when required.

Developing part-time employment opportunities for Indigenous law students and employment and mentoring opportunities for new Indigenous law graduates continues to be a significant focus for the working party.

A mentoring scheme was established in February 2009 and there are now 28 Indigenous law students being mentored by New South Wales barristers. Both students and barristers are gaining significant benefits from these relationships, with the students reporting a significant increase in their understanding of the ways the legal system works and the role of barristers in that system. Some report an increase in confidence in dealing with legal issues through their discussions with their mentors.

An employment scheme for Indigenous law students has been successfully run for the last nine years. During that time, over 30 students have worked part-time, usually one day a week during term time, for individual barristers or chambers. They do administrative work and research. There are three students currently working for barristers. This scheme is designed to provide some experience for students who have no other connection with the law and show them the work of a barrister close up. It is hoped that this will encourage them to properly consider the bar as a future career option. Another benefit has been access to a referee from within the profession when applying for jobs as solicitors after graduation.

A special trust fund, The Indigenous Barristers' Trust – The Mum Shirl Fund, was established in 2002 to create a pool of funds to provide financial assistance to Indigenous barristers especially in their first few years of practice, and to Indigenous law students and lawyers. The fund has deductible gift recipient status as a public benevolent institution under the *Income Tax Assessment Act 1936* (Cth).

There are four trustees: the current president of the Bar Association, Bernie Coles QC, Justice Michael Slattery, Mullenjaiwakka, now a retired Indigenous barrister, and Chris Ronalds AM SC. The former president and now chief justice of NSW, the Hon Thomas Bathurst, was a trustee until his elevation on 13 May 2011.

Barristers and judges continue to make generous donations to the trust so it can meet the special needs of Indigenous law students and law graduates. A range of grants were made which included providing financial assistance for some students with medical and other emergencies and help to transition to work from being a student. Several students were funded to attend international conferences at the United Nations in New York and in Hawaii as opportunities for career development.

On Monday, 7 February 2011, the Indigenous Barristers' Trust hosted a cocktail evening with Monique Coleman at ECQ Bar, Quay Grand. Monique Coleman, an American film star who starred in the *High School Musical* series, was appointed the first 'Youth Champion' by the United Nations at the end of 2010. She commenced her self-funded world tour in Sydney and aimed

to raise awareness about the challenges facing young people and promote the ideals of peace, respect for human rights and solidarity across generations, cultures and religions. The evening was attended by judges, barristers and many Indigenous lawyers and law students and was judged a great success.

The fifth National Indigenous Legal Conference in Canberra in October 2010 continued to build on the success of first Sydney conference in 2006. Those members who attended found it a stimulating and interesting forum and an opportunity to share experiences and discussions with Indigenous lawyers and law students from around Australia. The trust funded 16 Indigenous law students to attend the conference to provide them with an opportunity they would not have had otherwise.

Organising the sixth National Indigenous Legal Conference to be held in Sydney in August 2011 has been a significant activity of the working party and the directors of Ngalaya, the Indigenous Lawyers and Law Students Association during 2011.

The students participating in the University of NSW Indigenous Pre-Law Program attended the Bar Association for a day during their course in December 2010 and were taken to chambers and introduced to the work of a barrister. They spoke with Justice Slattery, who shared his experiences as both a barrister and a judge. Some barristers joined the students informally over lunch at Martin Place Chambers, where hospitality was generously offered as the association's premises were undergoing renovation. This visit is an annual event and is important in exposing Indigenous law students at the beginning of their studies to the career opportunities available at the bar.

Equal Opportunity Committee

The Equal Opportunity Committee has remained very active throughout 2010–2011. The committee recently began working more closely with other members of the bar including the Health, Sport and Recreation Committee and the Women Barristers Forum in a bid to further expand its horizons. This collaborative approach allows for the promotion of a wider array of interests, ranging from everything to mentoring and disability rights to Christmas parties and film nights!

Equitable briefing

Equitable briefing continues to be a priority for the committee. The committee has been proactive in ascertaining whether equitable briefing policies are being complied with, locating progress reports from private law firms and statistics from the deputy attorney general. The committee is now considering again approaching clients such as banks and insurance companies directly, and encouraging them to support the equitable briefing policy directly in their dealings with law firms.

Mentoring

Following on from its discussion with Professional Development Department, the committee officially began its male mentoring scheme in early 2011 and has provided between 15–20

Promoting the interests of practising barristers

readers with mentors so far. The committee has now decided to merge the scheme with the female mentoring program run by the Women Barristers Forum in a bid to create a more holistic and practical mentoring process. The WBF and EOC now formally work together to ensure that those who desire to be mentored are able to be provided with assistance, irrespective of their gender.

Successful Speakers Program

In previous years the committee, along with the Women Barristers Forum, has organised various talks throughout the year by prominent female speakers. This year the committee decided to manage the program on its own and to expand the category to 'successful speakers'. The most recent successful speaker was Helen Conway who was recently appointed as director of the Workplace Gender Equity Agency. Ms Conway was formerly general counsel for Caltex and prior to that a partner in a large law firm and a senior judicial member of the Equal Opportunity Tribunal.

University visits

On 15 April 2011 the Bar Association opened its Common Room doors to nearly 100 female law students from various NSW universities! The students were introduced to the ways of barristers and judges alike and had the opportunity to visit the Supreme, District and Industrial courts of New South Wales. This event continues to grow in popularity from year to year and always receives fantastic feedback from students, making it one of the committee's most revered and important events.

Collegiality events

In committee has continued, in conjunction with the Health Sport and Recreation Committee, to foster collegiality at the bar by arranging key social events.

Trivia night

The fund-raising trivia night on 12 August 2010 was a great success, with the committee raising over \$2,500 for the Righteous Pups, a charity that provides assistance dogs to autistic and other disabled children free of charge to their families. The committee has subsequently decided to make the trivia night an annual event and to nominate a different charity each year.

Breakfast

For the past two years the annual Pink Ribbon Breakfast has been a great success, raising money for breast cancer research. The committee has now decided that from here on in the event will be both a Pink and Blue Ribbon Breakfast, raising money for prostate cancer research and other cancers that are common amongst men. The next breakfast is set for 4 November 2011.

The committee also continues to organise occasional film nights and its yearly Christmas party in a bid to keep the bar entertained and socially active. The committee looks forward to expanding its horizons again in the year to come.

The Practice Development Committee

The Practice Development Committee aims to maintain and promote the unique services offered by the bar, namely, specialised advocacy skills. The committee continued to be chaired by Richard McHugh SC during the reporting year and a number of new members were brought in to augment its work.

One of the committee's primary aims has been to assess to what extent the bar can promote itself or market itself to in-house counsel directly. In particular, the committee has examined the practices of the Bar of England and Wales and how their services are marketed.

The committee has prepared proposals for the consideration of Bar Council aimed at encouraging in-house solicitors, both corporate and government, to brief members of the bar directly in appropriate matters, and setting out steps that could be taken to make it easier for in-house solicitors to find barristers to brief on that basis.

The committee has also examined and reported to Bar Council on a number of discrete issues relating to barristers' practice.

In the context of direct briefing of the bar, the committee examined, at the request of Bar Council, the possibility of introducing in New South Wales a practice direction along the lines of Supreme Court of Queensland Practice Direction No 2 of 2006. The practice direction requires counsel to file a document with the court certifying compliance with certain professional expectations of the court in relation to direct access matters and compliance with the disclosure obligations contained in the Queensland Barristers' Rules. Bar Council agreed with the committee's conclusion that the introduction of such a practice direction in New South Wales would be likely to have the adverse effect of discouraging the acceptance of otherwise appropriate direct access briefs and is unlikely to address the more concerning disadvantages that may arise in connection with the acceptance of direct access briefs, such as the undertaking of work other than barrister's work.

During the reporting year, the committee also gave detailed consideration to the implications of so-called virtual practice, whereby practitioners provide advice direct to clients online. As a result of its deliberations, the committee produced a paper on virtual practice for the consideration of Bar Council. The paper examined a particular internet 'legal question and answer' service and addressed potential difficulties that may follow from providing such a service. The Bar Council considered the report and resolved that barristers involved in the provision of online advice services should be made aware of the problems that arise and should ensure that they comply with the relevant provisions of the *Legal Profession Act 2004*, *Legal Profession Regulations 2005* and the *New South Wales Barristers' Rules*. The committee subsequently prepared a fact sheet on this issue which was distributed to the bar via *In Brief*.

The committee has also been examining the need for potential changes to rules and practice directions to assist in the earlier engagement of counsel in civil matters.

The committee's discussions over the reporting year have involved a wide range of topics surrounding practice at the bar. The committee will continue to consider other particular practice related issues as they arise including ongoing matters such as the need for flexible working hours at the bar.

Promoting the interests of practising barristers

The Women Barristers Forum

The Women Barristers forum is a section of the New South Wales Bar Association. All female members of the Bar Association are members of the WBF, however in practice WBF operates with the dedicated efforts of a small committee of volunteers. Julia Baird SC has been the chair of WBF since 2009, assuming that role on the retirement of Christine Adamson SC.

WBF exists to promote awareness, discussion and resolution of issues which particularly affect women barristers, to provide a professional and social network for women barristers, promoting their interests and skills and to support diversity at the bar. WBF seeks to work closely with the Equal Opportunity Committee of the Bar Association and the Women Lawyers Association. The following is an overview of the WBF's principal activities and projects in the 2010–11 financial year.



First women at the bar project

This significant oral history project records the experiences of the first women to practise at the New South Wales Bar in the period up to 1975. The project comprises a multimedia presentation and the research materials obtained in the course of researching and developing that presentation. The multimedia presentation will be launched in the Bar Common Room on 1 September 2011, with a premiere screening and acknowledgement of those many senior and retired practitioners who have contributed to the project. The event is a co-launch with the launch of the Bar Association's general history project. It is proposed that the multimedia production will be accessible through the Bar Association's website, whilst the research materials will be placed in the archives of the Bar Library.

The WBF would like to record the tireless efforts of the subcommittee comprising Mandy Tibbey, Jennifer Chambers, Josephine Kelly and Amy Douglas-Baker, the impetus for the project provided by Julie Soars and the work of Juliette Brodsky who has undertaken the interviews and research and has created the multimedia presentation.

Mentoring program for junior women barristers

The mentoring programme for the benefit of junior women barristers in their post readership year is a key feature of the Bar Association's work to encourage diversity at the bar and has been for many years. In 2009 WBF assumed and continues to have principal responsibility for conducting the women's mentoring program, with a subcommittee comprised of WBF and EOC members.

This year the EOC has piloted a men's mentoring scheme. WBF has proposed that the EOC continue to participate in the women's mentoring scheme and that the two mentoring schemes operate together, drawing on the years of work undertaken in relation to the women's mentoring scheme to ensure that junior barristers of both sexes are afforded the opportunity to participate.

Suggestions for coordinated implementation include drafting a joint protocol in relation to the mentoring programmes and hosting a joint information session. WBF looks forward to the coordination and implementation of the two mentoring programmes and the continued close cooperation of the EOC in the continuing success of the women's mentoring program.

Social functions

The WBF conducts several functions each year, encouraging collegiality, guidance and support among women at the New South Wales Bar and celebrating their achievements. In the 2011 financial year these have included:

- October 2010 and May 2011 women readers lunches, in 2011 re-named in honour of Janet Coombs and her efforts to welcome women to the bar during her years of practice. WBF, with the participation of Women Lawyers Association (WLA), hosts these twice yearly lunches for new women readers during the readers courses. The lunches provide an early opportunity for women readers to meet women barristers and solicitors and are open to all at the bar.
- November 2010 annual silks drinks – WBF organises and hosts annual silks drinks to celebrate the appointment of women senior counsel to the New South Wales Bar. In 2010 this function was hosted at the Hyde Park Barracks café.
- June 2011 'Women in Crime' drinks function for female barristers and solicitors practising in criminal law, co-hosted with Maurice Byers Chambers, which function was most successful with over 60 attendees. It was the first of a series of proposed solicitor and barrister functions directed to specific areas of practice.

The WBF will continue to organise and host the readers lunches, the silks drinks events identified above, and other events as such opportunities arise.

Continued co-operation with Women Lawyers' Association and EO Committee

The WBF continues to work with Women Lawyers' Association and the Equal Opportunity Committee of the Bar Association to promote functions and activities of those entities and ensure that the interests and concerns of women at the bar are communicated and addressed.

Women coming to the bar

WBF continues to participate in the research project being undertaken by WLA NSW relating to the career intentions of law students, focusing on female law students' attitudes to coming to the bar.

In addition, WBF continues to promote awareness of the bar as a career choice for women lawyers through WLA and Law Week events, and in responding to invitations to speak at events such as the launch of university women law students mentoring programmes.

Promoting the interests of practising barristers

BarCare is a confidential service to assist barristers that acts independently from the Bar Association. This is the third reporting period since BarCare has operated as a triage service provided by the director of care and assistance.



The demand has been consistent over the three years with approximately one new call each week. There were a total of 58 individual barristers seeking help either for themselves or for their colleagues in this reporting period. Depression was the primary presenting problem for 22 per cent of the cases seeking help. While this was the largest category many barristers had additional problems including financial and marital difficulties.

Primary presenting problem	2008–2009	2009–2010	2010–2011
Bereavement	8	5	5
Psychological	7	19	8
Depression	12	7	13
Stress/anxiety	6	3	8
Marital difficulties	5	7	4
Gambling	1	1	0
Physical health	11	3	3
Alcohol			2
Financial	3	7	9
Advice and NFA	4	8	5
Rejected offer of assistance	2	5	1
Total	59	65	58

BarCare is able to refer people to specialist from the expert panel. The panel contains professionals in the field of psychiatrists, psychologist, social workers and financial advisors. The Barrister's Benevolent Fund meets the cost of the first consultation. Accounts are forwarded to the director and are signed off and the identity removed. This ensures that barristers dealing with BarCare have strict confidentiality from the association. Any personal information is only disclosed the Bar Association with the express permission of the barrister.

Approximately one fifth of all calls were from family or colleagues who had concerns about a barrister. Sometimes the caller is seeking guidance about how they should approach the barrister who is experiencing difficulties. If preferred, the director will make a 'cold call' to the barrister and offer the services of BarCare. In this situation the name of the reporting person is not given to the barrister. Only one 'cold call' offer of assistance was rejected in this reporting period.

Source of referral	2008–2009	2009–2010	2010–2011
Colleague via bar	6		
Self via bar	3	2	
Bar staff	11	7	9
Self	22	31	31
Colleague	14	20	10
Family	3		3
Advice for colleague		5	5
Total	59	65	58

The age, sex and time practising at the bar are collected. These details are not available for all callers as some elect to seek information and guidance without disclosing any personal information. This is acceptable as the purpose of service is to provide any information that will assist barristers and their colleagues who are experiencing difficulties in their practice.

Gender	Male	Female
2008-2009	47	12
2009-2010	45	20
2010-2011	40	18

Age	<34	35-44 yrs	45-55 yrs	56-65 yrs	>65 years	Rejected / unknown
10/11	4	10	13	19	3	9

Years at bar	<5	6-15	16-25	26-35	>35	Unknown
Barristers 10/11	12	16	14	6	3	7

There was a two to one ratio of males to females contacting BarCare. The largest age group of nineteen barristers were in the ten-year group 55-65 years of age. Twelve barristers had been practising for less than five years. It is encouraging to see that these new barristers are seeking professional assistance when experiencing difficulties early in their career.

There were a number of premature or unexpected deaths of practising barristers. The Benevolent Fund was able to provide financial support to their families. The collegiate support that the fund provides in the form of professional or financial help for barristers in difficult times is sincerely valued from those receiving assistance.

The Barristers' Benevolent Fund

Every year there are barristers who encounter personal misfortune or require some form of assistance from the Benevolent Association in order to overcome a major problem. Every aspect of the operation of the Benevolent Association, from the donations made, to the

notification that a member is in difficulty, and assessing and providing assistance, is an expression of the collegiate nature of the life of a group of independent individuals collectively operating as the bar.

For the year ended 30 June 2011 the fund advanced no

loans. No previous loans were forgiven. Grants totalling \$48,234 were made to six parties.

Arranging & promoting continuing professional development

The Professional Development Department



Common Room refurbishment

The most significant change to the Bar Association's premises during the reporting year was the renovation work completed in the 2010 Christmas break. Major work was completed in the Common Room with the intention of not just improving the décor but to create technically superior educational facilities. In previous annual reports the growth of CPD seminars in the Common Room over the last decade has been well documented. In addition to the many hours the room is used for CPD, the room is also used exclusively by the Bar Practice Course for two months of the year. With these new demands the old facilities were being stretched. The new facilities have now been tested over a number of months and we are beginning to explore the capabilities of the new equipment. Some of the highlights in the Common Room and conference rooms include:

- Two permanent high definition cameras installed in the Common Room. This will allow all CPD seminars to be recorded in digital high definition. Initially these recordings will be made available to all members through the Bar Library. Shortly the recordings will be progressively made available for downloading/streaming direct to a barrister's computer. In addition, for the busy barrister on the move, they will be able to view the seminar on your iPhone, iPad or Android device. All members will be notified via *In-Brief* as and when these new facilities come online.
- A hearing loop has been installed in the Common Room. That is a magnetic induction loop installed in the floor that allows any hearing impaired person who wears a hearing aid fitted with a 'T-switch' to hear the speaker more clearly – especially if there is background noise.



- Touch panel controls on the lectern. Designed to give presenters easy access and control of their presentations. All aspects of the technology, from the lighting, to sound, to screens and even the media being played, can all be controlled from an easy to operate touch panel. For presenters that wish to avail themselves of the technology all of the technology can also be remotely controlled by a member of the Professional Development Department and an iPad.
- Behind the scenes the technology has also been improved from wireless internet access throughout the Common Room and conference rooms to state of the art equipment to reduce and eliminate microphone/speaker feedback improving the audio experience for those attending events and seminars.

The Professional Development Department will continue to improve seminar delivery in regional areas whilst remaining mindful of the costs involved.

In addition to the improvements already in place the Bar Association continues to strive to improve access to CPD seminars and events for regional members. The ability to stream/download seminars is just one facet of our strategy and we are currently exploring how the new technology can be harnessed in the future to allow all members to participate fully in seminars. Obviously solutions that rely heavily on new and experimental technology are not cheap nor, in the long run, ultimately the most successful solution. The Professional Development Department will continue to improve seminar delivery in regional areas whilst remaining mindful of the costs involved.

Report by the Hon Dr K E Lindgren QC

At the conclusion of 2010 the then president, Bathurst QC, invited the Hon Dr Kevin Lindgren QC to review aspects of the Bar Association's professional development activities. Members were invited to make oral or written submissions relating to: the bar exams; Bar Practice Course; the reading programme; and Continuing Professional Development. Dr Lindgren's considerable

Arranging & promoting continuing professional development

The Professional Development Department

experience in academia, at the bar and as a judge of the Federal Court – in addition to his experience from 1992–1999 as chair of the association’s Education Committee – were brought to bear in researching and compiling the report.

The report was completed in May 2011 and recommendations have been presented to the Bar Council for consideration. One of the recommendations was that an Education Committee be re-established to assist the numerous working parties and volunteers that give so generously of their time to complete the bar examinations and Bar Practice Course. The first job of the Education Committee will be to review the report and recommend to the Bar Council the best course of action to implement the changes that are required to maintain standards that the bar has come to expect.



Bar Practice Course 01/2011

The New Barristers Committee recently completed a survey of all members of the junior bar with a view to obtaining their views on the efficacy of the reading programme. They will shortly be reporting to the Bar Council with their submissions and the results of that survey.

Bar Exams and Bar Practice Course

In 2010–2011 there were two examination sittings: one in July 2010 and one in February 2011. Both had roughly equal numbers of candidates, 107 and 105 respectively. The same cannot be said of the Bar Practice Course. The October 2010 course contained 23 readers, the May 2011 course had 57 readers. This dichotomy is becoming more apparent. The association understands that many floors now have a policy whereby they will only take a reader if they commence in the May intake. The Professional Development Department will be discussing this issue with the Education Committee.

CPD in 2010–2011

In 2010–2011 the Bar Association provided 53 evening seminars (down from 60 the year before because the Common Room was closed for four months between November 2010 and February 2011). Seminars and events were held in numerous locations, including regional centres such as the North Coast, Newcastle and Orange. Single topic conferences, such as the Personal Injury Conference, ADR Workshop and the Rule of Law in Australia Conference, were also held, giving all barristers practising in New South Wales an opportunity to access to the CPD programme.

Looking to the year ahead

As already mentioned in this report, the Professional Development Department looks forward to working closely with the newly constituted Education Committee. Also in the year ahead the department will be celebrating the 10 year anniversary of the introduction of CPD. On 24 April 2002 the Bar Council resolved to introduce the Continuing Professional Development programme to be undertaken by all barristers with New South Wales practising certificates over the course of each practice year, commencing 1 July 2002. The department looks forward to celebrating the milestone next April.

Other events and social functions

In September 2010 the Bar Association hosted the now annual open day for university students considering the bar as a career. The event was once again well supported by all the universities with representatives most of the NSW law faculties. In total there were over 150 students in attendance in the Bar Common Room. Reports from those that attended were once again overwhelmingly positive. The usual favourites, such as the Bench & Bar Dinner and '15 Bobbers' were held throughout the year with some new additions to the calendar.

And finally...

The department wishes to express its gratitude to all the members of the various working parties and additional volunteers, speakers and presenters for their tireless work, creativity and motivation in the past year. The department and the wider bar remain indebted to you.

Making recommendations and promoting the administration of justice

Law Reform and Public Affairs

The specific aims of the Bar Association, as set out in its Constitution, include the promotion of the administration of justice and seeking to ensure that the benefits of the administration of justice are reasonably and equally available to all members of the community.

The Bar Association's public promotion and defence of the essential tenets of our justice system are a crucial part of its activities. The criminal law has traditionally been, and continues to be, a major policy focus for the association, not least in terms of the impact that 'law and order' policies have upon disadvantaged groups.



In December 2010 the Bar Association released its Criminal Justice Reform Submission, which set out some of its priorities in this area prior to the New South Wales election. The submission was prepared by the Criminal Law Committee and reflected the outcomes of the association's Criminal Justice Conference, which was held in September of 2010. Copies of the submission were provided to the then government, opposition and cross-bench.

Among other things, the policy concentrated on reforms in the way the criminal justice system deals with forensic patients and the sentencing of Aboriginal offenders. The latter group of proposals drew particular media interest.

The chair of the Criminal Law Committee, Stephen Odgers SC, appeared on the 2GB breakfast programme with Andrew Moore on 15 December 2010 to discuss this aspect of the association's submission:

What we're saying is that you have to bear in mind that the circumstances of the offender. So if they come out of a history of social and economic disadvantage, if there are cultural factors at work that influence the offending, if there are drug and alcohol addiction problems which are endemic and which influence the offending, that's all relevant to the question both of their culpability and equally to working out the best ways to address their problems and to prevent them reoffending.

Now that's not new. What we need to do is to take that approach seriously and to recognise that the current approaches, high levels of imprisonment for Aboriginal offenders with minimal programs to address the causes of the criminality, doesn't work and is extremely expensive. And so let's be more creative in dealing with these problems.

Also in the area of the criminal law, the Bar Association scrutinises legislation introduced into parliament in light of essential criminal law principles, and makes representations in appropriate cases. The new Coalition government's Crimes Amendment (Murder of Police Officers) Act, which introduced mandatory life sentences for persons convicted of murdering police officers, is a case on point.

The Criminal Law Committee prepared a comprehensive submission opposing the legislation on the grounds that, among other things, 'mandatory sentencing breaches basic principles of justice, in particular the concept that similar cases should be treated similarly but that relevant

differences should lead to different results.’ The Bar Association’s submission was provided to all parties in the parliament and individual briefings of members of parliament were conducted. The association’s submission was quoted with approval by a number of members in both houses of the parliament in the course of debate, however, despite the association’s concerns, the legislation passed the parliament.

... the Bar Association scrutinises legislation introduced into parliament in light of essential criminal law principles, and makes representations in appropriate cases.

During the reporting year the president, senior office holders and other senior representatives made media appearances in relation to a host of issues ranging from the retirement of Chief Justice Spigelman to the development of nationally consistent bar examinations to the need for defamation law reform.

In 2010–11 the Barristers in Schools programme continued to raise the profile of the bar. Under the programme, barristers give a presentation to year five or six primary school students on the role of the courts, basic principles of the justice system and provide an introduction to evidentiary concepts, such as hearsay and opinion evidence. The second element of the programme involves a mock criminal trial where students are allocated the roles of prosecutors, defence counsel, court officers, the accused, witnesses and jurors. One of the presenting barristers sits on the bench, while the other coaches and advises students in the course of the proceedings.

The programme was again run in consultation with Department of Education and Training, and a session was held with students from Cammeray Public School at the Central Local Court during Law Week. Once more, the association received uniformly positive feedback from teachers, students and Department of Education representatives. Other sessions are planned with a number of other primary schools for later in the year. Thanks are due to Karen Conte-Mills (who also designed the programme) and Sally Dowling for presenting the programme during Law Week.

As mentioned earlier, the Bar Association has a central role in upholding the independence of the criminal justice system and promoting the rule of law. In this context, the association maintained a high public presence in relation to a number of criminal law and legal policy issues which came to prominence during the reporting year. Apart from the media work done by both the immediate past and current presidents in this regard, particular thanks are extended to Stephen Odgers SC and Phillip Boulten SC who both assisted with media engagements, often at very short notice.

In addition to the direct media appearance work undertaken by the president and other senior members of the bar, another crucial part of the association’s public affairs activities involves the briefing of journalists by officeholders and senior staff. Such work is conducted both proactively and in response to media requests, and is an important element in trying to eliminate errors in the coverage of often complex legal issues in the press and electronic media.

In a media environment where essential tenets of our system are commonly overlooked or ignored for the sake of ratings or circulation figures, the association will always have an important role to play in providing an independent and objective viewpoint.

Making recommendations and promoting the administration of justice

Criminal Law Committee

During the last year the Criminal Law Committee has made a significant contribution to the development of the criminal law in New South Wales. In addition to monitoring legislative and policy developments on a daily basis, the committee has made a number of written and oral submissions. Some of these submissions have been made on a confidential basis, others have been widely publicised.

The committee's Criminal Justice Reform Submission was released before the state election on 26 March 2011. The submission was based on conference papers presented at the association's Criminal Justice Reform Conference in 2010. Publication of the submission attracted media attention and stimulated debate, particularly with respect to the proposals relating to levels of indigenous incarceration.

In May 2011 the newly elected government fulfilled an election promise, introducing the Crimes Amendment (Murder of Police Officers) Bill. The Bill imposed mandatory life sentences for people convicted of killing a police officer. The association wrote to the attorney general outlining its objections to the bill. By way of compromise, the Association sought an amendment to the bill that provided for the imposition of a non-parole period. The association also lobbied the opposition and the Greens, the latter of which moved the association's proposed amendment. Ultimately, notwithstanding intense opposition from the association, the bill was passed in June 2011.

The committee has otherwise provided written submissions to the New South Wales Law Reform Commission, the New South Wales Sentencing Council, the New South Wales attorney general and the Law Council of Australia on a number of issues, including:

- s 14(2)(a) of the *Road Transport (Driver Licensing) Act 1998* dealing with loss of demerit points where no conviction is recorded
- The proposed increase of Local Court powers
- Young people with cognitive and mental health impairments in the criminal justice system
- Complicity
- Bail
- Criminal incidents involving the death of an unborn child
- Execution of search warrants upon lawyers' offices and chambers
- monitoring of communications with legal representatives *under the Terrorism (Police Powers) Act 2002*
- Family victim impact statements
- The regulation of forensic procedures in New South Wales
- Judge alone trials
- Additional jurors for trials
- Introduction of an offence of negligence causing death or grievous bodily harm

A number of these submissions were accepted in whole or in part. The committee intends to continue pressing Bar Council's reform agenda. It has commenced work on a comprehensive drug reform policy with the assistance of academic members, associate professors Alex Steel and David Hamer. Broadly, the policy will consider the law in relation to licit and illicit drugs and the scope for reform of those laws. The committee is being assisted in this work by three law students from the University of New South Wales who are completing a public interest internship with the association; Amber Doyle, Emily Burke and James Cho.

Human Rights Committee

The Human Rights Committee has been responding to a rapidly changing legal environment in 2010–2011.

Counter-Terrorism White Paper 2010

The committee has prepared a paper in response to the Australian Government's Counter-Terrorism White Paper 2010. Of particular concern to the committee is how the government intends to balance its counter-terrorism strategy with existing human rights obligations. It is the view of the committee that the Australian Government's commitment to human rights in the White Paper is expressed with a high degree of generality, and that nothing less than an unwavering commitment to human rights, the rule of law and democratic values should be observed. The paper was submitted to Bar Council for consideration and was subsequently approved.

Privacy law reform

Increasingly, personal information and the lives of individuals are subject to considerable unwanted and unauthorised scrutiny and intrusion from a number of sources. Such intrusions are no longer simply matters of inappropriate behaviour by the press and television. Areas such as surveillance, the use of photographs and video and the use of information in many social networking and other Internet sites such as Facebook and YouTube are raising new and important questions regarding the right to privacy. The committee has been closely following the current debate regarding the creation of a statutory right to privacy and believes reform in this area is long overdue. Privacy law reform will continue to be a priority for the committee. To this end, an informal sub-committee has been established with a view to monitoring and contributing to developments in privacy law reform at both the federal and state level.

Amendment to New South Wales Constitution to recognise Indigenous persons

The committee prepared a submission for the Bar Council commenting on proposed amendments to the NSW Constitution to include a provision recognising Aboriginal and Torres Strait Islander peoples. The submission that substantive rights ought to be recognised was not adopted by the government. The committee is also following developments at a federal level.

Same-sex marriages

The Bar Council requested that the committee advise what position, if any, the Bar Association should adopt on the issue of marriage equality. The committee has since drafted a same-sex marriage briefing paper outlining the positions adopted in other jurisdictions. Australian same-sex couples are marrying overseas, but are unable to have their marriages recognised upon their return to Australia. This gives rise to new and interesting legal questions, especially if divorce occurs.

Governmental acquisition of private property

In light of the recent developments with the Solar Rebate Scheme, the committee has drafted a letter to the state attorney general, pointing out the lack of an equivalent section 51 (xxxii) of the Australian Constitution in NSW state law. The committee considers that there is a strong case for amending the New South Wales Constitution so as to include an appropriate guarantee that private property rights will only be acquired on just terms. The letter is currently before Bar Council for consideration.

Making recommendations and promoting the administration of justice

Family Law Committee



Members practising in the family law jurisdiction were disappointed that four judges who retired from the Sydney Registry of the Family Court during 2010–2011 were not replaced. The committee has urged the attorney general to appoint replacements or face spiralling delays in that court at first instance and on appeal.

Presently in Sydney, litigants who file an appeal can, absent of an order for expedition, expect a

delay in the order of 18 months from the time of filing to the anticipated date of hearing. Such a delay is entirely unacceptable, particularly in a jurisdiction where families' lives are often on hold until proceedings are finally determined. The unavoidable conclusion is that the Family Court is chronically under-resourced.

During the past year the Family Law Committee represented the Bar Council on the Family Law Case Management Committee; made submissions in respect of the proposed code of conduct for legal representatives in care and protection proceedings in the Children's Court of NSW; has made submissions on the *Commonwealth Family Law Amendment (Family Violence) Bill*; and has, by invitation, provided delegates to the meeting of the Family Court Judges Rule Committee. The committee has represented the Bar Council on the New South Wales Legal Aid Review Committee and the Care and Protection Panel Selection Committee.

Submissions have been reviewed in respect of the Senate Legal and Constitutional Committee regarding Child Support (Registration and Collection) Amendment Bill, and the Senate Legal and Constitutional Affairs Committee inquiry into international child abduction to and from Australia.

In May the committee hosted CPD seminars at Parramatta, at which Chester Porter QC delivered a paper on cross-examination of witnesses, both lay and expert, and the Hon John Ellis presented a paper on the preparation and presentation of argument in appeals. These events were well-received in the region. The Hon Peter Rose provided comments at both. The presenters are thanked for their generous assistance.

The unavoidable conclusion is that the Family Court is chronically under-resourced.

Last year the committee reported on the proposals for the consolidation of the family law jurisdiction of the Federal Magistrates Court with the Family Court of Australia, and on the measures proposed to be introduced in the *Access to Justice (Family Court Restructure and Other Measures) Bill 2010*. That bill has not progressed and the future of the proposal to consolidate those parallel jurisdictions remains in doubt.

Legal Aid Committee

The Criminal Law Committee made a number of submissions to the attorney general and Legal Aid NSW on a range of matters including means testing, fee increases and the Complex Criminal Matters Panel.

For a number of years the committee has pushed for an overall increase to the level of remuneration received by members of the bar conducting work on legally aided matters.

Underfunding of legal aid is having a major impact on the way in which legal assistance services are delivered in New South Wales. It has resulted in the prioritisation of matters, the reduction of services and the restriction of eligibility criteria.

Of particular concern to the association is the effect of underfunding on the relationship between Legal Aid NSW and the private sector. The participation of the private sector is essential for the delivery of legal assistance services in New South Wales. Notwithstanding this, fees paid to barristers are so low that only in very limited circumstances is it economically feasible for barristers to undertake work for Legal Aid NSW.

It is important for Legal Aid NSW to acknowledge that it is one of many competitors in the market for legal services. Notwithstanding acknowledgement that Legal Aid NSW cannot pay barristers at commercial rates, the fact remains that the continued failure to address the association's concerns in relation to rates of pay for barristers has the potential to seriously impact upon the delivery of legal assistance services in New South Wales.

The committee will continue to push for reform in relation to this issue and is hopeful that negotiations conducted with Legal Aid NSW and the attorney general over the coming year will result in an overall increase in the level of fees paid to barristers by Legal Aid NSW.

...fees paid to barristers are so low that only in very limited circumstances is it economically feasible for barristers to undertake work for Legal Aid NSW.

Over the course of the last year, the committee has also engaged in lengthy consultations with Legal Aid NSW in relation to the creation of the new Complex Criminal Matters Panel.

The Complex Criminal Matters Panel is being introduced in response to a finding by the Trial Efficiency Working Group that the running of criminal matters by inexperienced counsel often results in unnecessary delays in the court process.

A committee comprised of representatives from the association, the Law Society of NSW and Legal Aid NSW will appoint experienced junior counsel to the panel based on the merit of their applications. It is expected that less than 10 per cent of all Legal Aid NSW matters will be referred to the panel, which is capped at 50. The association expects the panel to be announced shortly.

Making recommendations and promoting the administration of justice

The Common Law Committee

The Common Law Committee over the last few years has focussed upon discrete, incremental reforms to personal injury laws which would make a realistic difference for injured people. Stephen Campbell SC took over as chair of the committee in August 2010 following the appointment of Ross Letherbarrow SC (as he then was) to the District Court bench.

The committee undertakes its work in the context of the Bar Association's broader tort law policy, which advocates changes to New South Wales personal injury laws which:

- restore a proper balance between the competing demands of fair compensation for the injured and interests of the insurance premium paying public;
- bring the WorkCover and Motor Accidents schemes into line with the *Civil Liability Act 2002* to create uniform thresholds and other provisions concerning all personal injuries;
- remove arbitrary methods of assessment under workers compensation and motor accidents legislation; and
- enable personal injury compensation to be determined by independent courts.

Over the course of the reporting year, the committee spent some time and effort in preparing a pre-election tort law policy based on these principles. The Bar Association's policy platform was distributed to the then government, the opposition and cross-bench prior to the March 2011 election, and these issues are being pursued with the new state government. Apart from these 'big picture' reforms, the committee continues to identify and pursue discrete personal injury-related issues, and prepare detailed submissions to government, parliamentary committees and heads of jurisdiction.

During 2010–11 the committee has provided input on the following matters:

- The New South Wales Law Reform Commission's reference concerning compensation to relatives. The Bar Association has made two submissions to this review and the committee intends to continue to monitor developments and prepare further submissions as the reference develops.
- Working with the Law Council of Australia in the preparation of a comprehensive response to the Productivity Commission's draft report *Disability Care and Support*. The report recommends the implementation of a national lifetime care and support scheme for the catastrophically injured, and more problematically, sets out its agenda for the implementation of a national no-fault scheme which would abolish common law rights by 2020.
- Ongoing reform of work injury damages laws concerning costs: the committee has prepared a number of submissions to the minister for finance advocating practical improvements which could be made to the work injury damages regime in NSW. Some of these proposals have gained support from WorkCover, and the committee's expectation is that improvements will be made to the costs regime in the near future, to the benefit of injured workers. The committee will continue to pursue these issues.

- Motor accidents: the committee continues to have a strong interest in the ongoing reform of motor accidents laws. One such process of crucial importance to the bar is the implementation by the Motor Accidents Authority of the current review of the Claims and Resolution Service (CARS). Members of the committee continued to prepare submissions to organisations such as the Motor Accidents Authority and the Lifetime Care and Support Authority in respect of draft changes to guidelines



and other administrative arrangements. Particular thanks are due to Andrew Stone in this regard. The committee prepared submissions to the Motor Accidents Authority advocating the need for an amendment to motor accidents legislation to overcome the implications of the decision of the Court of Appeal in *Zotti v AAMI*. The Government introduced and passed the Motor Accidents Compensation Amendment Bill 2010 last year which implemented the committee's proposal. As in previous years, the committee will prepare submissions to the regular review of the exercise of the functions of the Motor Accidents Authority and Motor Accidents Council conducted by the Law and Justice Committee of the Legislative Council;

- The committee prepared submissions and briefing documents in relation to the proposed increase of the Local Court's civil jurisdictional limit to \$100,000. Although the amendments proceeded, claims for damages arising from personal injury or death were excluded from the increase in the jurisdictional limit.

All members of the committee were generous with their time and effort in what was another productive year for the committee.

The committee will continue to develop responses to individual legislative proposals, inquiries and reviews as they arise. Three sub-committees dealing with work injury damages, Civil Liability Act and motor accidents issues, headed respectively by Hayden Kelly SC, Richard Cavanagh SC and Andrew Stone, have been established to assist the committee in its deliberations.

The committee is again organising a function for the common law bar to be held later in 2011 to coincide with the anniversary of *Donoghue v Stevenson*. Last year's event was extremely successful in promoting collegiality at the common law bar.

Promoting access to justice

Legal Assistance Referral Scheme (LARS)

As in previous years, the Bar Association's staff received in the order of 500-600 enquiries about legal assistance and related matters. Many enquiries were made by persons visiting the association's offices unannounced. All legal assistance enquiries were addressed to the best of our ability.

For the 2010–2011 financial year, 282 formal applications for assistance were received and processed. This is an increase of approximately 11.5 per cent for the same period last year. Of these applications, 119 were eligible under the scheme's guidelines for referral to a barrister. The assessment of all applications involves the expenditure of considerable time and resources, whether they were ultimately referred or not. The breakdown of those applications not referred to barristers is set out in the accompanying statistical report.

For the period in question, barristers contributed approximately 2550 hours through the scheme, with 25 matters still in the court system. This was made up of 1250 hours of work in matters referred in the current period and an additional 1300 hours of work in continuing matters commenced in the previous financial year. Since the scheme's inception in 1994 barristers have contributed approximately 36,550 hours of work.

The Law Kitchen (TLK)

TLK aims to provide free legal services for homeless persons whose needs are not catered for amongst the more structured forms of legal support. These are generally of a shop front nature and open during fixed hours which for many homeless people are difficult to access because of a variety of issues including depression, general isolation, and mental health.

It is the initiative of two barristers - Les Einstein and the late Geoff Pulsford. After an approach from Les Einstein in April this year, the Bar Association agreed to provide administrative support and assistance in the form of a dedicated legal assistant for six months on a pilot basis. Joss Separovic, a junior solicitor, was seconded into this role from other duties at the association.

Whilst we acknowledge that TLK is not part of the funding arrangement with the Public Purpose Fund, we include it because of its co-location and synchronicity with the work of LARS.

Interaction with other pro bono service providers

LARS works closely with the Law Society Pro Bono Scheme. There is virtually daily contact between the two schemes. The Bar Association's deputy executive director who now oversees the operation of LARS, together with the manager of the scheme, met with the chief executive officer of the Law Society of NSW and the pro bono solicitor to formulate a letter to the director general of the Department of Attorney General and Justice. The letter advises the two schemes have initiated discussions to explore greater consistency in the wording of the eligibility criteria for the respective schemes.

The deputy executive director and manager of the scheme met with the Australian information commissioner who was keen to have a scheme put in place where applications received from off-shore asylum seekers were processed expeditiously. Since then, there have been meetings with Public Interest Law Clearing House/Legal Aid/the Law Society and refugee support groups where discussions have taken place in an attempt to establish a system where matters can be referred to barristers and solicitors expert in the area of migration law.

Case studies

Legal Aid referred a client, held in the Villawood Immigration Detention Centre, to the scheme in relation to his application to set aside a decision by the minister for immigration and citizenship. The minister had revoked the client's visa on the grounds that he had breached the character test in the *Migration Act 1958*. Consequently the client faced the prospect of deportation. The client sought representation to put his case to the Administrative Appeals Tribunal. A barrister agreed to appear in the tribunal on his behalf, the client attending from detention.

The central issue was whether the client, after 16 years of heroin use, was in the process of overcoming his addiction. If so, it would mean he could desist from a long history of breaking into houses and stealing to finance his addiction. The client had previously been warned by the department that his criminal record provided grounds for his visa to be revoked.

Expert evidence on drug addiction and the client's progress in breaking his addiction was presented at the hearing indicating that the client was turning the corner, rejoining the mainstream and returning to being a useful member of society. Additionally, it was argued that should the client return to his former homeland – once torn by war and from which he had deserted compulsory national service – he faced the prospect of incarceration for up to ten years. Country information indicated that such custody would be served in substandard and possibly life threatening conditions, conditions that would breach Australia's international obligations.

Relying on the expert evidence that the client was in the process of closing the chapter of drugs and crime that had led to the revocation, the tribunal reversed the minister's decision, thus enabling the client to remain in Australia.

A judge in the Equity Division of the Supreme Court of New South Wales referred a well-educated young woman, due to give birth in less than a week, in relation to a lapsing caveat matter currently before the court. The young woman had been evicted from the matrimonial home by her ex-husband and was staying at a women's refuge. She had no family or financial support as she was born overseas, had met her ex-husband overseas and only had a short co-habitation in Australia. A barrister agreed to assist but came to the view that the proceedings in the Supreme Court were ill-conceived.

Another barrister and a firm of solicitors (obtained through the scheme) agreed to assist in having the matter transferred to the Federal Magistrates Court. At a conciliation conference an agreement was reached between the parties as to income support for the baby, but no success was forthcoming in relation to property as the ex-husband successfully pleaded poverty. The young woman and the baby now live in Department of Housing accommodation in Sydney.

A community legal centre referred a client to the scheme in relation to property settlement/parenting issues she was having with her ex-husband. Legal Aid provided a grant of aid for a

Promoting access to justice

Legal Assistance Referral Scheme (LARS)

The manager of the scheme gave a presentation arranged by Toongabbie Legal Centre to various support groups/government departments dealing with financially disadvantaged members of the public who currently needed or were likely to need legal advice or representation. She also attended two all-day seminars hosted by the Salvation Army.

Together with the Law Society pro bono solicitor and a solicitor from PILCH, the manager of the scheme on two occasions this year met with customer service officers at LawAccess to outline the scheme's guidelines and give feedback as to the outcomes of the referrals made by LawAccess to the scheme. The executive director of the Bar Association is a board member of LawAccess. The association's deputy executive director is a member of the LawAccess NSW Strategy Committee. He has deputised for the executive director at meetings of the trustees of the Pro Bono Disbursement Fund when he is not available. The manager also attends the Law & Justice Foundation's quarterly NSW Legal Referral Forum and quarterly meetings of the Refugee Review Tribunal.

The Bar Association is a member of the NSW Legal Assistance Forum (NLAF). The deputy executive director attends board meetings with the manager of the scheme as his alternate.

There is also a meeting every two months between representatives of LARS, the Law Society Pro Bono Scheme and the Public Interest Law Clearing House.

Volunteers encouraged

In 2010–2011, the executive director and the manager of the scheme spoke to readers about the scheme at the bi-annual Bar Practice courses, with a pleasing response in each instance. The president and the executive director, by circular and personal representation, have also encouraged members to participate in all schemes administered by the association and the in the various court court-appointed pro bono schemes.

Barristers' Referral Service

The Barristers' Referral Service is aimed at addressing the increasing number of requests to the association for assistance in obtaining the services of a barrister. Enquiries have been directed to the association's website under 'Find a Barrister', which has been visited 448,383 times over the past twelve months. This avenue of assistance is invaluable for many applicants who have not qualified for assistance through LARS on financial grounds. If the enquirer does not have access to the internet, staff fax or post them a list of barristers in the relevant area of practice.

Duty barrister schemes

The manager and staff of LARS manage the operation of the Duty Barrister Scheme which operates at the Local and District courts at the Downing Centre. Over eighty barristers from all levels of seniority have volunteered to assist.

Barristers are rostered to attend each day at the courts. The schemes were promoted to readers at each of the Bar Practice courses, which resulted in additional volunteers being added to the roster. Two duty barristers see an average of four clients each per day, which equates to approximately 2,000 members of the public each year.

Case studies (cont'd)

mediation for a parenting plan but the plan had expired. The parties could not come to an agreement with regard to property as the ex-husband refused to discuss it at mediation. The client had always been a stay-at-home mother to the five children of the marriage. The ex-husband always controlled the finances. The client did not know the value of the property, nor the amount of any mortgage. The house was in the ex-husband's sole name and he had told her she was not entitled to anything. The client was renting a small room on her own as all of the children were staying in the matrimonial home with the father. She was attempting to get assistance from the Department of Housing in order to get a house for her and the children, as she had no funds to get into the rental market.

The solicitor from the community legal centre thought the matter could be mediated and agreed to represent the client at the mediation. A barrister agreed to be the mediator. Through the barrister, arrangements were made for the ex-husband to be represented by a solicitor. Staff of LARS organised the venue for the mediation. After a full day of mediation the parties came to an agreement, both in relation to the property and a continuing parenting plan.

Court appointed pro bono schemes

The manager and staff of LARS assists with the administration of the court appointed legal assistance schemes concerning day-to-day enquiries which may arise, together with the provision and updating of the list of barristers who have volunteered their services. Barristers now support pro bono schemes in the Federal Court, Federal Magistrates Court, Supreme Court, Land & Environment Court and District Court. The executive director has ongoing discussions with members of the judiciary and court staff in relation to these schemes. These schemes impose a significant burden on members of the Bar and Bar Association staff.

The manager and staff also assist with the administration of the Federal Court/Federal Magistrates Court Refugee Review Tribunal Legal Assistance schemes.

There have been many difficult phone calls, which often involve multiple calls from the one person, or from different individuals, which are dealt with by the scheme. Reception staff of the Bar Association also have to deal with the applicants who attend unannounced. There have been several unpleasant scenes where senior staff or security have had to intervene. Staff have received training in dealing with difficult clients and there are plans to extend such training in the coming year.

The Bar Association continues to bear a significant portion of the costs for the administrative infrastructure needed to support the operation of the scheme. The staffing component of this support, in terms of time and salary, is significant.

Promoting access to justice

Conclusion

The pro bono landscape has changed significantly since the inception of the scheme in 1994. There are now more organisations, including courts, offering assistance. The Bar Association is committed to ensure the highest possible level of co-ordination between legal service providers, and will continue to work with these organisations in that regard. LARS is a scheme which operates at the coalface of offering legal services to necessitous people requiring legal help. We feel that the scheme embodies and reflects the strongly held view of the profession that a person's rights and access to justice should not be diminished because of impecuniosity.

The seemingly general increase in the numbers of unrepresented litigants, due in the main to the lack of Legal Aid funding, has contributed significantly to the workload (and stress) of LARS and other Bar Association staff who manage walk-in applicants.

Legal Assistance Referral Scheme statistics

Summary of the 2010–2011 Legal Assistance Referral Scheme Statistics

- No fee matters comprised the highest category of those matters handled on a continuing basis
- The number of matters received in the immigration jurisdiction of the Federal Court of Australia increased by approximately 250 per cent, with the overall number of applications across all jurisdictions of the court increasing by 50 per cent.
- A 200 per cent increase in the number of immigration matters received in the Federal Magistrates Court, with the total number of applications in all jurisdictions of the court increasing by nearly 95 per cent.

Matters received in / from	Increase (decrease) in matters received (%)
Family Court of Australia	25
Local Court	20
State and federal tribunals	30
District Court of New South Wales	(18)
Villawood Detention Centre	300
Community Legal Centres	39
All jurisdictions of Supreme Court of NSW	(8)

Legal Assistance Referral Scheme statistics

	2009–10	2010–11
High Court		
Application for special leave	5	6
Original jurisdiction	1	2
Total	6	8

Federal Court		
Full bench appeals	1	-
Immigration	3	11
Administrative	4	1
Discrimination	1	-
Intellectual property	-	-
Trade practices	2	1
Native title	1	-
Bankruptcy	-	5
Total	12	18

Federal Magistrates Court		
Discrimination	1	1
Family law - access	5	3
Family law - child support	3	4
Family law - residency	3	4
Family law - property settlement	2	8
Immigration	4	12
Bankruptcy	-	3
Total	18	35

Supreme Court		
Court of Appeal	10	11
Court of Criminal Appeal	8	10
Common Law	20	19
Administrative	4	2
Equity	31	27
Criminal	2	1
Corporations List	-	-
Commercial	-	1
Family Provisions	4	1
Defamation	-	2
Professional Negligence	2	-
Total	81	74

Land and Environment Court	2	1
Australian Industrial Rels. Comm.	-	1
NSW Industrial Rels. Comm.	6	5

	2009–10	2010–11
Family Court of Australia		
Full bench appeals	-	1
Access	5	7
Residency	6	3
Child support	2	1
Spousal maintenance	-	1
Property settlement	3	7
Total	16	20

District Court		
Criminal	15	8
Civil	19	21
Care proceedings	5	5
Defamation	4	1
Professional negligence	1	1
Total	44	36

Local Court		
Criminal	21	24
Civil	13	17
Total	34	41

Children's Court	4	4
Coroner's Court	5	6

Tribunals		
Administrative Appeals Tribunal	9	11
Administrative Decisions Tribunal	10	12
Consumer Trader Tenancy Tribunal	5	7
Migration Review Tribunal	-	1
Victims Compensation Tribunal	-	2
Anti-Discrimination Board	1	-
Total	25	33

Promoting access to justice

Legal Assistance Referral Scheme statistics

	2009–10	2010–11
Referral source		
Community legal centre	41	57
Law Society / solicitor	70	65
Member of the public	40	50
Legal Aid	23	24
LawAccess	25	20
Judge / magistrate / registrar	30	35
Member of the bar	9	20
Member of parliament	2	-
PILCH	1	4
Pro bono director of a large firm	10	1
Welfare / community group	1	3
Attorney General's Department	1	3
Web site hits	14,355	14,117

Client location		
Sydney Metropolitan Area		
West	61	85
North	53	52
South	34	37
East	15	14
Inner City	19	21
Central Coast	15	8
Country	22	16
Prison	15	18
Villawood Detention Centre	5	20
Interstate	14	10
Overseas	-	1
Total	253	282

Types of work done		
Merit assessment	122	119
Advice (over and above initial merit assessment)	81	84
Conferences	45	59
Appearances	26	29
Matters settled	7	-
Appearances at hearing	32	28
Mediations	4	2
Other (inc. second opinion & preparation of submission)	25	19

	2009–10	2010–11
Rejection / No action		
Outside guidelines	61	74
No further information received / no further contact from applicant	38	45
No longer requires LARS assistance	8	7
Subject to Federal Court RRT LAS	1	1
Subject to Federal Court LAS	1	-
Subject to Supreme Court LAS	-	1
Referred to community legal centre	1	3
Briefed barrister to appear privately	3	9
Briefed solicitor to appear privately	2	5
Matter discontinued	2	-
Unable to refer - insufficient resources	1	2
Requires a migration agent	-	1
Too late notification	9	11
Matter dismissed	-	2
Matter settled	3	2
Conflict of interest	1	-
Total	131	163

Turnaround		
Same day	20	23
Less than a week	19	33
1-2 weeks	29	20
2 weeks plus	54	43
Total	122	119

Basis brief accepted		
No fee - merit assessment	122	119
No fee - continuing involvement	79	73
Reduced fee - continuing involvement	25	28
Speculative / costs recovery - continuing involvement	16	17
Market rates - continuing involvement	2	1

Refused legal aid on basis of		
Merit	30	35
Financial	27	24
Outside guidelines	196	223

Matters considered by a barrister to have legal merit / prospects of success		
Yes	76	79
No	46	40

The Professional Conduct Department

The principal function of the Professional Conduct Department is to facilitate the investigation of complaints against barristers, show cause events, and other disclosures.

The department also:

- provides advice and policy support to the Bar Council in respect of the council's functions under the legal profession legislation;
- facilitates the provision of ethical guidance to barristers;
- responds to queries from solicitors and members of the public regarding regulatory provisions and the conduct of barristers; and
- assists the Bar Council in connection with reports submitted to the Legal Profession Admission Board.

The need to take strong disciplinary action does arise in relation to certain practitioners and such action is taken when necessary. Over the last four years, nine practitioners have been struck off the roll as a result of disciplinary action by the Bar Council. In the same period the practising certificates of eight practitioners were cancelled and five practising certificates were suspended.

Complaints

Under the *Legal Profession Act 2004*, complaints about a barrister's conduct are made to the legal services commissioner. The commissioner may refer complaints to the Bar Council for investigation and determination.

When a complaint is referred to the Bar Council it is investigated by one of the four professional conduct committees established by the council. The committees are delegates of the Bar Council for the purposes of investigating complaints. Each committee is chaired by a member of the Bar Council who is a senior counsel. Committees are comprised of barrister members and community members. The committees may also include a legal academic. The deputy directors of the department serve as secretaries of the committees.

In the course of 2010–2011 the Bar Council investigated 105 complaints – 55 complaints that were made during the year and 50 complaints made in previous years but ongoing as at 1 July 2010. Of those investigations, 65 were finalised during the year – 50 complaints were dismissed, two resulted in the barrister being reprimanded, four barristers were cautioned, six complaints were referred to the Administrative Decisions Tribunal, one matter was withdrawn, one matter lacked jurisdiction and another was resolved as a consumer dispute without formal mediation.

A complainant may apply to the legal services commissioner for a review of decision by the Bar Council to dismiss a complaint or caution or reprimand a barrister. In 2010–2011 the legal services commissioner completed reviews of nine Bar Council decisions to dismiss a complaint (five of those decisions were made in the year 2009–2010). In each matter the commissioner confirmed the Bar Council's decision to dismiss the complaint.

Professional conduct

Show cause events

Under the *Legal Profession Act 2004* barristers and applicants for a barrister's practising certificate must notify the Bar Council of show cause events, that is, certain bankruptcy matters or a conviction for a serious offence or a tax offence. The Bar Council is required to investigate show cause events and determine whether the barrister or applicant is a fit and proper person to hold a barrister's practising certificate. In 2010–2011 two barristers notified show cause events related to bankruptcy matters. No barrister notified the Bar Council of a conviction for a tax offences or a serious offence.

Professional conduct committees

The professional conduct committees play a major role in the investigative process. Committee members have devoted many hours of their time on a voluntary basis and their input is highly valued by the Bar Council.

Community representation on the professional conduct committees is vital to the proper functioning of the complaints handling process. The Bar Council would like to thank Denise Aldous, Geoff Geraghty AM and Simon Hayes, who completed their terms of appointment, for their significant contribution over a number of years to the work of the committees. Thanks are also extended to the community members who continued their terms with the committees – Rosemary Allsopp, Pam Clay, John Davison, Sandra Fleischmann OAM, Brian Gold, Anthony Pang, Bill Purdue, Patrick Smith and Rachel Williams. The Bar Council appointed five new community members in 2011 to fill vacancies on the committees and is pleased to welcome Allan Gibson, Dr Bernard Kelly AM, Lyn Langtry, Richard Lornie OAM and Francis Payne OAM and thank them for their contribution.

The committees also receive valuable input from their academic members and the Bar Council is grateful for the assistance of Maxine Evers, Michael Legg, Dr Arlie Loughnan, Dr Peter Radan and Dr Rita Shackel.

The Bar Council wishes to express its sincere appreciation to all the barrister members of the professional conduct committees. Their service demonstrates the ongoing commitment of the profession to ensuring complaints regarding the conduct of barristers are fully investigated and appropriate disciplinary action taken in the interests of professional standards and maintaining public confidence in the profession.

Professional conduct statistics

Number & type of complaints made to the Bar Council during the year	
Figures comprise complaints referred by the legal services commissioner to the Bar Council for investigation and complaints made by the Bar Council	
Type of complaint	Number
Breach of Barristers' Rule	10
Breach of Legal Profession Act / Regulation	1
Cost issues	5
Unsatisfactory legal advice and representation	35
Other conduct	4
Total number of complaints	55

Source of complaints made to the Bar Council during the year

Complainant	Number
Bar Council	6
Client/former client	27
Government department / statutory body	1
Instructing solicitor	1
Opposing party	13
Opposing solicitor	3
Other	4
Total number of complaints	55

Number of consumer disputes referred to mediation during the year and the results of mediation

Nil

Professional conduct

Professional conduct statistics

Number and type of complaints investigated during the year by the Bar Council		
Complaint type	Complaints investigated that were made during the year	Complaints investigated that were made in previous years
Breach of Barristers' Rule	10	9
Breach of Legal Profession Act / Regulation	1	1
Cost issues	5	4
Unsatisfactory advice and representation	4	10
Other conduct	35	26
Sub-totals:	55	50
Total number of complaints investigated:		105

Note: No matters were investigated by an independent investigator under s532 LPA 2004

Number and type of complaints dismissed during the year by the Bar Council		
Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Barristers' Rule	0	8
Cost issues	1	0
Unsatisfactory advice and legal representation	11	21
Other conduct	1	8
Sub-totals	13	37
Total number of complaints dismissed:		50

Number & type of complaints in respect of which an Australian lawyer was reprimanded or cautioned during the year		
Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Barristers' Rule	1	1
Breach of Legal Profession Act / Regulation	0	1
Cost issues	0	1
Unsatisfactory advice/representation	0	2
Sub-totals	1	5
Total number of reprimands or cautions:		6

Professional conduct

Professional conduct statistics

Number and type of complaints withdrawn during the year by the Bar Council

Complaint type	Complaints made during the year	Complaints made in previous years
Unsatisfactory advice and representation	1	0
Sub-totals	1	0
Total number of complaints withdrawn		1

Number and type of complaints referred by the Bar Council to the Administrative Decisions Tribunal during the year

Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Legal Profession Act / Regulation	1	0
Cost issues	0	1
Unsatisfactory advice and representation	0	3
Other conduct	0	1
Sub-totals	1	5
Total number of complaints referred to ADT:		6

Note: two further matters were finalised in the reporting year - one matter lacked jurisdiction and another was resolved as a consumer dispute without formal mediation

Number and type of complaints in respect of which proceedings were instituted in the Administrative Decisions Tribunal during the year by the Bar Council

Complaint type	Proceedings instituted in ADT
Breach of Legal Profession Act / Regulation	1
Cost issues	1
Other conduct	1
Unsatisfactory advice and representation	3
Total number of proceedings instituted in the ADT:	6

Number of matters referred to mediation under section 336 or Division 5 of Part 4.3 during the year & the outcome of those matters

Nil

Number of compensation orders made under section 540(2)(c)

Nil

Summary of the results of proceedings in the Administrative Decisions Tribunal completed during the year

Proceedings	Findings	Penalty
Miller, James Mathew (2 matters)	17/12/10 upc & pm	20/06/2011 Public reprimand and fine
Ghabrial, Jehane	24/12/2010 no upc/pm	Complaint dismissed
Ward, Mervyn John	22/02/2011 no upc/pm	Complaint dismissed

Summary of the results of proceedings in the Court of Appeal completed during the year

Proceedings	Orders
Hart, Peter John	21/03/2011 guilty of pm. Name removed from the roll.

Number of complaints not finally dealt with at the end of the year and age of complaints not finally dealt with at the end of the year		
Age of complaints not finally dealt with at the end of the year	Number	Complaints made in year ending 30 June
Up to six months	29	2011
Between seven & twelve months	8	2010
Between thirteen & eighteen months	2	2010
Between nineteen & twenty four months	1	2009
Total	40	

Time intervals involved in the complaint process, including the time between receipt of a complaint and the decision of the Bar Council under Part 4.5 in respect of the complaint

Time intervals between receipt of complaint and decision of the Bar Council	Number
Up to six months	22
Between seven & twelve months	23
Between thirteen and eighteen months	8
Between nineteen and twenty-four months	8
Up to three years	3
Up to four years	1
Total	65

Committees of the Bar Association

The following lists show committee membership during the 2010–2011 financial year.

Alternative Dispute Resolution

July–December 2010

Angela Bowne SC (chair)
Peter Callaghan SC
Campbell Bridge SC
Ian Bailey SC
Ian Davidson SC
Richard Bell
Mary Walker
Malcolm Gracie
Susan Phillips
Maria Gerace
Maeve McCarthy

Bar Association staff member

Jo Wilton

January–June 2011

Angela Bowne SC (chair)
Peter Callaghan SC
Campbell Bridge SC
Mark Dempsey SC
Robert Angyal SC
Ian Davidson SC
Dennis Wilson
Richard Bell
Mary Walker
Malcolm Gracie
Sigrid Higgins
Maria Gerace
Andrew Fox
Maeve McCarthy
Jonathon Kay Hoyle

Bar Association staff member

Jo Wilton

Bar News

July–December 2010

Andrew Bell SC (editor)
Keith Chapple SC
Mark Speakman SC
Arthur Moses SC
Jeremy Stoljar SC
Chris O'Donnell
Duncan Graham
Carol Webster
Ingmar Taylor
Richard Beasley
David Ash
Kate Williams
Kylie Day
Jenny Chambers
Catherine Gleeson

Bar Association staff member

Chris Winslow

January–June 2011

Andrew Bell SC (editor)
Keith Chapple SC
Arthur Moses SC
Jeremy Stoljar SC
Chris O'Donnell
Duncan Graham
David Alexander
Carol Webster
Ingmar Taylor
Richard Beasley
David Ash
Kylie Day
Jenny Chambers
Catherine Gleeson
Victoria Brigden
Therese Catanzariti

Bar Association staff member

Chris Winslow

Charities

January–June 2011

Alexander Street SC (chair)
Garth Blake SC
Garry McGrath SC
Greg Curtin SC

Bar Association staff member

Alastair McConnachie

Criminal Law

July–December 2010

Stephen Odgers SC (chair)
Tim Game SC
Ian McClintock SC
Daniel Howard SC
Phillip Boulten SC
Chris Hoy SC
John Stratton SC
Robert Bromwich SC
Phillip Ingram
Greg Farmer
Ian Bourke
Sally Dowling
Nicole Noman
Grant Brady
Gaby Bashir
Sarah Huggett
Richard Wilson
Warwick Hunt
Lester Fernandez

Bar Association staff member

Cindy Penrose

January–June 2011

Stephen Odgers SC (chair)
Nicholas Cowdery QC
John Agius SC
Tim Game SC
Ian McClintock SC
Phillip Boulten SC
John Stratton SC
Daniel Howard SC
Robert Bromwich SC
Neil Adams
Kate Traill
Ian Bourke
Alissa Moen
Sally Dowling
Nicole Noman
Matthew Johnston
Gabrielle Bashir
Sarah Huggett
Keith Alder
Richard Wilson
Ian Nash
Lester Fernandez

Bar Association staff member

Megan Black

Common Law

July–December 2010

Ross Letherbarrow SC (chair)
Steve Campbell SC
Hayden Kelly SC
Simon Harben SC
Lorna Mcfee
Greg Hickey
William Fitzsimmons
Richard Sergi
Eugene Romaniuk
Andrew Stone
Richard Cavanagh
Elizabeth Welsh
Adam Casselden
Paresh Khandhar
Shaun McCarthy

Bar Association staff member

Alastair McConnachie

January–June 2011

Steve Campbell SC (chair)
Andrew Morrison SC
Hayden Kelly SC
Simon Harben SC
Richard Cavanagh SC
Lorna McFee
Greg Hickey
William Fitzsimmons
Richard Sergi
Eugene Romaniuk
Andrew Stone
Elizabeth Welsh
Adam Casselden
Luke Morgan
Paresh Khandhar
Shaun McCarthy

Bar Association staff member

Alastair McConnachie

Costs and Fees

July–December 2010

Mark Brabazon SC (chair)
Stephen Campbell SC
Garry McGrath SC
Patrick Griffin
Philippe Doyle Gray
Janet McDonald
Michelle Castle

Bar Association staff member

Jennifer Pearce

January–June 2011

Mark Brabazon SC (Chair)
Garry McGrath SC
Michael Eagle
Philippe Doyle Gray
Justin Hogan-Doran
Angelina Gomez
Janet McDonald

Bar Association staff member

Megan Black

Finance Investment & Audit

June–December 2010

Tom Bathurst QC (chair)
Bernie Coles QC
Ian Temby QC
Anne Healey
Michael G McHugh
Dominic Toomey

Bar Association staff member

Basil Catsaros

January–June 2011

Tom Bathurst QC (chair)
Bernie Coles QC
Ian Temby QC
Anne Healey
Michael G McHugh
Dominic Toomey

Bar Association staff member

Basil Catsaros

Equal Opportunity Committee

July–December 2010

Elizabeth Olsson SC (chair)
Elizabeth Wilkins SC
Geoffrey Johnson
Richard Weinstein
Trish McDonald
Kate Eastman
David J Price
Peter Bruckner
Melissa Fisher
Anthony Cheshire
Jennifer Single
Elizabeth Picker

Bar Association staff member

Stephanie Mancell

January–June 2011

Trish McDonald SC (chair)
Melissa Perry QC
Geoffrey Johnson SC
Kate Eastman
Jeunesse Chapman
Sigrid Higgins
David J Price
Ashok Kumar
Peter Bruckner
Melissa Fisher
Mark Seymour
Anthony Cheshire
Jennifer Single
Rhonda Bell

Bar Association staff member

Joss Separovic

Committees of the Bar Association

The following lists show committee membership during the 2010–2011 financial year.

Family Law

July–December 2010

Grahame Richardson SC (chair)
Robert Lethbridge SC
Alison Stenmark SC
Peter Maiden SC
Richard Schonell SC
Margaret Cleary
Warwick Tregilgas
Mark Anderson
Paul Sansom
Peter Campton
Liz Boyle
Roger Harper

Bar Association staff member

June Anderson

January–June 2011

Graham Richardson SC (chair)
Alison Stenmark SC
Scot Wheelhouse SC
Peter Maiden SC
Richard Schonell SC
Richard Bell
Warwick Tregilgas
Mark Anderson
Paul Sansom
Peter Campton
Paul Livingston
Michael Kearney
Elizabeth Boyle
Esther Lawson

Bar Association staff member

June Anderson

Health, Sport and Recreation

July–December 2010

David Jordan (chair)
Simon Kalfas SC
Robert Newlinds SC
Anthony Lo Surdo
Penny Sibtain
Louise Clegg
Julian O'Sullivan
Carlos Mobellan

Lucinda Wilson
Nicholas Newton
Andrew Scotting
Paul Daley
Troy Sachs OAM
Bar Association staff member
Cindy Penrose

January–June 2011

Zali Steggall (chair)
Simon Kalfas SC
Arthur Moses SC
Andrew Coleman SC
John Malcolm Harris
Richard Perrignon
Anthony Lo Surdo
Andrew Scotting
Nicholas Newton
Lucinda Wilson
Daniel Tynan
Paul Daley

Bar Association staff member

Joss Separovic

Human Rights

July–December 2010

John Griffiths SC (chair)
Melissa Perry QC
Nicholas Cowdery QC
Mark Ierace SC
Richard Lancaster SC
Jonathan Kay Hoyle
Simeon Beckett
Kate Eastman
Sarah Pritchard
Craig Lenehan
Reg Graycar
Miranda Nagy
Genevieve Wilkinson
Nicholas Broadbent
Prof. Andrew Byrnes

Bar Association staff member

Cindy Penrose

January–June 2011

John Griffiths SC (Chair)
Nicholas Cowdery QC

Melissa Perry QC
Robert Beech-Jones SC
Richard Lancaster SC
Anne Healey
Simeon Beckett
Kate Eastman
Sarah Pritchard
Tony McAvoy
Sean Docker
Reg Graycar
Genevieve Wilkinson
Jonathan Kay Hoyle
Nicholas Broadbent
Prof Andrew Byrnes

Bar Association staff member

Joss Separovic

Indigenous Barristers Strategy Working Party

July–December 2010

Chris Ronalds SC (chair)
Andrew Haesler SC
Daniel Howard SC
Mullenjaiwakka
Peter Miller
Tony McAvoy
Lincoln Crowley
Professor David Barker
Professor Larissa Behrendt
Associate Professor Jill Hunter

January–June 2011

Chris Ronalds SC (chair)
Daniel Howard SC
His Honour Judge Andrew Haesler
Mullenjaiwakka
Peter Miller
Tony McAvoy
Professor David Barker
Professor Larissa Behrendt
Professor Christine Forster

Bar Association staff member

Joss Separovic

Legal Aid

July–December 2010

Ian McClintock SC (chair)
Geoff Lindsay SC
Tim Game SC
Phillip Boulten SC
Andrew Haesler SC
Stephen Hanley
Anne Healey
Neil Jackson
Nicole Carroll
Louise Goodchild
Nathan Steel
Esther Lawson
Warwick Hunt

Bar Association staff member

Cindy Penrose

January–June 2011

Ian McClintock SC (chair)
Tim Game SC
Stephen Hanley SC
Phillip Boulten SC
Alex Radojev
Alissa Moen
Neil Jackson
Nicole Carroll
Ian Nash
Esther Lawson

Tom Jones
Monica Neville

Bar Association staff member

Megan Black

New Barristers

July–December 2010

Kylie Day (chair)
Louise Goodchild
Penny Thew
Joanne Shepard
Richard Jefferis
Gillian Mahony
Phoebe Arcus
David Mackay
Warwick Hunt
Jennifer English
Ramena Kako
Sam Adair
Patrick Knowles

Bar Association staff member

Chris D'Aeth

January–June 2011

Joanne Shepard (chair)
Patrick Knowles
Duncan Macfarlane
David Mackay
Sophie Callan

Warwick Hunt
Nick Bender
Jennifer English
Sam Adair
Daniel Klineberg
Catherine Gleeson
James King
Monica Neville

Bar Association staff member

Chris D'Aeth

Professional Conduct Committee 1

July–December 2010

Tim Game SC (chair)
David Higgs SC
David Russell SC
Mark Dempsey SC
Tony Payne SC
Chris Hoy SC
Geoffrey Johnson SC
Jeremy Morris SC
Greg Farmer
Richard Weinstein
Kylie Nomchong
Penelope Sibtain
Edward Muston
Madeleine Avenell
Michael Izzo

Secretary

Emma Day

January–June 2011

Tim Game SC (chair)
Malcolm Holmes QC
David Higgs SC
Mark Dempsey SC
Tony Payne SC
Geoffrey Johnson SC
Richard Weinstein
Kylie Nomchong
Julia Lonergan
Kate Richardson
Edward Muston
Madeleine Avenell
Scott Maybury
Michael Izzo
Secretary
Helen Barrett

Practice Development

January–June 2010

Richard McHugh SC (chair)
Katrina Howard SC
Richard McHugh SC
Robert Dick SC
Sandra Duggan
Gail Furness
Michael McHugh
Kylie Day
Eugene Romaniuk
Nick Tiffen

Bar Association staff member

Stephanie Mancell

January–June 2011

Richard McHugh SC (chair)
Robert Dick SC
Sandra Duggan SC
Gail Furness SC
Michael McHugh
Eugene Romaniuk
Peter Lowe
Kylie Day
Patrick Knowles
Nick Tiffen

Bar Association staff member

Alastair McConnachie

Committees of the Bar Association

The following lists show committee membership during the 2010–2011 financial year.

Professional Conduct Committee 2

July–December 2010

Ian Temby AO QC (chair)
Bruce Collins QC
Malcolm Holmes QC
James Stevenson SC
Gregory Nell SC
Sandra Duggan SC
Trish McDonald SC
Jay Anderson
Dominic Toomey
Vahan Bedrossian
Edward Cox
Rashelle Seiden
David McLure
Jeanette Richards

Secretary

Emma Day

January–June 2011

Ian Temby AO QC (chair)
James Stevenson SC
Gregory Nell SC
Chris Hoy SC
Sandra Duggan SC
Trish McDonald SC
Dominic Toomey
Edward Cox
Rashelle Seiden
Justin Young
David McLure
Jeanette Richards
Mark Seymour
Eva Elbourne

Secretary

Peter Smith

Professional Conduct Committee 3

July–December 2010

Jane Needham SC (chair)
Liz Olsson SC
Mark Hobart SC
John Halley SC
James Lockhart SC
Garry McGrath SC
David Robertson
Janet Oakley
David Jordan
Ian Bourke
Sarah McNaughton
Natalie Adams
Angela Seward
Anthony Cheshire

Secretary

Emma Day

January–June 2011

Jane Needham SC (chair)
John Agius SC
John Halley SC
James Lockhart SC
Garry McGrath SC
Gail Furness SC
James Duncan
David Robertson
Janet Oakley
Ian Bourke
Natalie Adams
Anthony Cheshire
Jennifer Chambers
Warwick Hunt

Secretary

Peter Smith

Professional Conduct Committee 4

July–December 2010

Jeremy Gormly SC (chair)
David Williams SC
Peter Hamill SC
Phillip Mahony SC
Julia Baird SC
Brendan Hull
Anthony Spencer
Igor Mescher
Mark Best
Elizabeth Cheeseman
Patrick Griffin
Gary Wilson
Kate Williams
Yaseen Shariff

Secretary

Helen Barrett

January–June 2011

Jeremy Gormly SC (chair)
David Williams SC
Peter Hamill SC
Phillip Mahony SC
Mark Hobart SC
Julia Baird SC
Brendan Hull
Stephen Climpson
Igor Mescher
Elizabeth Cheeseman
Miles Condon
Patrick Griffin
Kate Williams
Sophie Callan
Yaseen Shariff

Secretary

Helen Barrett

Sections of the Bar Association

Administrative Law

Convenor: Alan Robertson SC

Industrial Law

Convenor: John West QC

Secretary: Shane Prince

Constitutional Law

Convenor: Stephen Gageler SC

Secretaries: Stephen Lloyd SC &
Katherine Richardson

Women Barristers Forum

President: Julia Baird SC

Vice-president: Sue Kluss

Treasurer: Kerrie Leotta

Secretary: Amy Douglas-Baker

Statutory appointments

For the year ended 30 June 2011

Administrative Appeals Tribunal

Peter Taylor SC (senior member)
Dean Letcher QC (senior member)

Administrative Decisions Tribunal

Community Services Division

Sigrid Higgins (deputy president)
Louise Goodchild (judicial member)

General Division

Deputy presidents

Peter Callaghan SC
Jane Needham SC
Sigrid Higgins

Judicial members

Gail Furness
Robert Wilson

Guardianship & Protected Estates List

Julian Millar

Legal Services Division

Sharron Norton SC
Lionel Robberds QC
Wendy Robinson QC
Paul Blacket SC
Robertson Wright SC

Equal Opportunity Division

Jane Needham SC (deputy president)
Gail Furness
Richard Perrignon

Retail Leases Division

Peter Callaghan SC (deputy president)
Liz Olsson SC
Sigrid Higgins

Revenue Division

Jane Needham SC (divisional head)
Michelle Hirschhorn
Richard Perrignon

Council for Law Reporting

Bret Walker SC (editor)
Christine Adamson SC (chairperson)
Ian Jackman SC
Geoff Lindsay SC
Peter Brereton SC
Sophie Callan SC

DNA Review Panel

Kenneth Shadbolt (chairperson)
Richard Button SC
Nicholas Cowdery QC

Motor Accidents Authority

Motor Accidents Council

Andrew Stone

Claims Assessment and Resolution Service

Robert Tonner
Robert Quickenden
John Turnbull
William Fitzsimmons
John Tancred
Helen Wall
John Watts
Margaret Holz

Home Building Advisory Council

Elizabeth Olsson SC

Judicial Commission of New South Wales

John Griffiths SC

New South Wales Law Reform Commission

Tim Game SC

Legal Aid Commission

Board members

Ian McClintock SC

Alternate: Phillip Boulten SC

Legal Aid Review Committees

Committee No.1

John McCarthy QC
1st alternate: Paul Menzies QC
2nd alternate: Paul Blacket SC

Committee No.2

Winston Terracini SC
1st alternate: Anne Healey
2nd alternate: Mark Buscombe

Family Law Legal Aid Review Committee No.1

Gregory Moore
1st alternate: Richard Schonell
2nd alternate: John Berry

Legal Aid Monitoring Committee

Phillip Boulten SC

Statutory appointments

For the year ended 30 June 2011

Public Interest Human Rights Committee

Sarah Pritchard

Alternate: Nick Poynder

Law and Justice Foundation Board

John Sheahan SC

Law Week Board

Philip Selth OAM

NSW Sentencing Council

Nicholas Cowdery AM QC

Mark Ierace SC

Patent and Trade Marks Attorneys Disciplinary Tribunal

Sigrid Higgins

Professional Standards Council

Brian Rayment QC (chair)

Public Interest Law Clearing House (PILCH)

Garry McGrath (director)

Phillip Boulten SC (alternate)

Workers Compensation Commission

Full-time arbitrators

Brett Batchelor

Elizabeth Beilby

Grahame Edwards

Michael McGrowdie

Deborah Moore

Michael Snell

Part-time arbitrators

Carolyn Rimmer

Sessional arbitrators

Jeffrey Phillips SC

Bruce McManamey

Christopher Wynyard

Members appointed to state and federal courts

For the year ended 30 June 2011

Supreme Court of New South Wales

The Hon Associate Justice Philip Hallen

The Hon Justice John Sackar

Chief Justice Tom Bathurst

District Court of New South Wales

Her Honour Judge Laura Wells SC

His Honour Judge Ross Letherbarrow SC

His Honour Judge Andrew Haesler SC

Her Honour Judge Donna Woodburn SC

Her Honour Judge Elizabeth Olsson SC

New South Wales Local Court

Magistrate Jane Culver

Magistrate David Day

Magistrate Michael Antrum

Magistrate Louise McManus

Federal Court of Australia

The Hon Justice Alan Robertson

Family Court of Australia

The Hon Justice Margaret Cleary

The Hon Justice Anne Ainslie-Wallace

Federal Magistrates Court

Federal Magistrate Garry Foster

Court committees and working parties

For the year ended 30 June 2011

Supreme Court committees

Uniform Rules Committee

Geoff Lindsay SC
Carol Webster (deputy)

Rule Committee

Geoff Lindsay SC
Carol Webster (deputy)

Admiralty Users Group Committee

Gregory Nell SC
Alternate: Alexander Street SC
Michael McHugh
Alternate: Edward Cox

ADR Steering Committee

Angela Bowne SC
Mary Walker

Criminal Trial Efficiencies Working Group

Stephen Odgers SC

Commercial List Users Committee

Tom Bathurst QC
Glenn Miller QC
Stephen Robb QC
John Kelly SC
Geoff Lindsay SC
Noel Hutley SC
Michael Rudge SC
Rodney Smith SC
Todd Alexis SC
Elizabeth Olsson SC
Lachlan Gyles SC
Mark Ashhurst
Elizabeth Collins

Common Law Division Civil Users Committee

Peter Deakin QC
Tony Hewitt SC
Lorna McFee

Equity Liaison Group

Robert Newlinds SC
Robert Harper SC
Jane Needham SC

Gregory Sirtes SC
Mark Ashurst
Miles Condon
Phillipa Ryan
Vanessa Whittaker

Corporations List Users Group

Malcolm Oakes SC
Robert Newlinds SC
James Thomson
James Johnson

Probate Users Group

Michael Willmott SC

Court of Appeal Users Group

John Maconachie QC
David Davies SC
Justin Gleeson SC

Court of Criminal Appeal Users Group

Stephen Odgers SC

District Court

Rule Committee
Paresh Khandhar
Civil Business Committee
Peter Deakin QC
Larry King SC

Criminal Listings Review Committee

Kate Traill

Local Court

Civil Claims Rule Committee

Andrew Kostopoulos

Criminal Rule Committee

Elizabeth Beilby

Dust Diseases Tribunal Rules Committee

Wendy Strathdee
Brian Ferrari (deputy)

Workers Compensation Commission Users Group

Gregory Beauchamp

Court committees and working parties

For the year ended 30 June 2011

Federal Court of Australia User Committee

Malcolm Oakes SC
Richard Cobden SC
Rhonda Henderson

Family Court of Australia Case Management Committee

Grahame Richardson SC

Land and Environment Court

Users Group

Jeffrey Kildea

Industrial Relations Commission

Rules Committee

Ian Neil SC

Arthur Moses

Users Group

Maxwell Kimber SC

Trish McDonald

Court liaison members

For the year ended 30 June 2011

Supreme Court Possessions List Users Group

Brendan Burke

High Court of Australia

David Jackson AM QC

Federal Magistrates Court

Kate Morgan

Industrial Relations Commission

Max Kimber SC

Federal Court

Malcolm Oakes SC

Richard Cobden SC

Rhonda Henderson

Refugee Review Tribunal

Nick Poynder

Local Court

Lester Fernandez

Family Court of Australia

Grahame Richardson SC

Representatives on educational bodies

For the year ended 30 June 2011

Legal Profession Admission Board

Jeremy Gormly SC

Garry McGrath SC

Legal Qualifications Committee

John Fernon SC

Susan Leis

Elizabeth Picker

Law Examinations Committee

Michael Christie

University of Sydney

Faculty of Law

Peter Garling SC

University of Technology, Sydney

Faculty of Law

Geoff Lindsay SC

University of Western Sydney

External Law Advisory Committee

Robert O'Neill

University of Wollongong

Faculty of Law, Visiting Committee

Bruce Collins QC

Appointments to national legal professional bodies

For the year ended 30 June 2011

Law Council of Australia

Director

Tom Bathurst QC

Mark Cahill

Ingmar Taylor

Alternate Director

Philip Selth OAM

Judicial Issues Working Group

Philip Selth OAM

Access to Justice Committee

Christopher Whitelaw

Model Conduct Rules Working Group

Jennifer Pearce

AustLII Working Group

Philip Selth OAM

Jennifer Pearce

Military Justice Working Group

Dr James Renwick

Indigenous Legal Issues Committee

Chris Ronalds SC

Dr Sarah Pritchard

Anthony McAvoy

Model Equal Opportunity Briefing Policy Working Group

Trish McDonald SC

Dominique Hogan-Doran

Alternative Dispute Resolution Committee

Mary Walker

National Criminal Law Committee

Tim Game SC

Bret Walker SC

Stephen Odgers SC

Phillip Boulten SC

Anti-Money Laundering Working Group

Tim Game SC

National Profession Harmonisation Committee

Philip Selth OAM

Young Lawyers Committee

Joshua Knackstredt

Client Legal Privilege Advisory Committee

Cameron Moore

Dr Ruth Higgins

Bill of Rights Adviser

Nicholas Cowdery AM QC

Equalising Opportunities in the Law Committee

Patricia McDonald SC

FOI Reform Working Group

Mark Robinson

Philip Selth OAM

National Occupational Health and Safety Review Working Group

Australian Advocacy Institute Board

Her Honour Judge Ann Ainslie-Wallace

Contents

Directors' report	62
Auditor's independence declaration	66
Statement of comprehensive income	67
Statement of financial position	68
Statement of changes in accumulated funds	69
Statement of cash flows	69
Notes to the financial statements	70
Directors' declaration	84
Independent auditor's report	85

These financial statements cover The New South Wales Bar Association as an individual entity. The financial statements are presented in Australian Currency.

The financial statements were authorised for issue by the directors on 8 September 2011. The directors have the power to amend and reissue the financial statements.

Directors' report

The directors present their report together with the financial statements of The New South Wales Bar Association ('the association') for the year ended 30 June 2011 and the auditors' report thereon.

Directors

The following persons were directors of the association during the whole of the financial year up to the date of this report:

P Boulten SC	A Healey	P Maiden SC	I Temby QC
B A Coles QC	W Hunt	M McHugh	D Toomey
T Game SC	P Khandhar	J Needham SC	K M Traill
J Gormly SC	C Loukas	A Street SC	

The following persons were directors from the beginning of the financial year to the 12 November 2010:

D Ash	K Day	L Goodchild	G McGrath SC
G Curtin SC			

The following persons were directors from 18 November 2010 up to the date of this report:

S Callan	K Nomchong	Z Steggall	R Weinstein
M Condon			

T Bathurst QC resigned on 17 May 2011. G. Lindsay SC was appointed on the same day.

All directors are practising barristers.

Principal activities

The principal activities of the association during the course of the financial year were to conduct the affairs of The New South Wales Bar Association and to operate The New South Wales Bar Association Library.

There were no significant changes in the nature of these activities during the financial year.

Directors' report

Short and long-term objectives

Short term objectives

One short-term objective of the association is to enhance the education programme for practitioners coming to the bar in New South Wales, and their continuing professional development while in practice. In order to assist in achieving this objective, the association commissioned a report from a former judge on the education programme, together with recommendations for improvement. This report is currently being considered by the Bar Council.

A second short term objective is to familiarise the bar with the new New South Wales Barristers' Rules, which mirror the proposed national model rules. The NSW rules came into effect on 8 August 2011. Seminars on the new rules will be held across the state, and explanatory material made available to all members of the bar.

Long term objectives

To promote the administration of justice and to promote, maintain and improve the interests and standards of local barristers. In this regard the association makes recommendations with respect to legislation & law reform, seeking to ensure that the benefits of justice are available to all. To this end, meetings with government Ministers, shadow ministers and other members of parliament are arranged in order to put forward the association's positions on legal policy issues which affect or are of direct relevance to practice at the bar. Meetings with members of the judiciary are arranged in relation to issues concerning the courts and the administration of justice. The association makes regular submissions to government in response to draft legislation, Discussion Papers and other legal policy reviews. Members of the Bar Council Executive also make themselves available to be interviewed in the media on issues concerning the bar.

Strategies and performance

Each year the incoming bar council is to review progress made over the preceding 12 months in achieving the stated objectives.

Dividends

No dividends were paid during the year and no recommendation is made as to dividends as dividends are forbidden by the Constitution.

Review and results of operations

The association continued to engage in its principal activity during the financial year. The net surplus of the association for the year ended 30 June 2011 was \$204,354 (2010: \$474,605). This result represents a decrease of \$270,251 in net surplus from the prior year.

Significant changes in the state of affairs

No significant changes in the state of affairs of the association occurred during the financial year.

Matters subsequent to the end of the financial year

There has not arisen in the interval between the end of the financial year and the date of this report any item, transaction or event of a material and unusual nature likely, in the opinion of the

Directors' report

directors of the association, to significantly affect the operations of the association, the results of those operations, or the state of affairs of the association in future financial years.

Association particulars

The New South Wales Bar Association, incorporated and domiciled in Australia, is an unlisted public company limited by guarantee. The address of the registered office and principal place of business is:

174 Phillip Street
SYDNEY NSW 2000

Likely developments and expected results of operations

In running its operations the association's aim is that, except for the amortisation of the premises refurbishment, the costs of doing so do not exceed the revenue available.

Environmental regulation

The association is not subject to any significant environmental regulations under Australian law.

Meetings of directors

Tom Bathurst QC (president to 17/05/11)	19	19
Bernard Coles QC (president from 17/05/11) (SV president from 18/11/10)	20	23
Phillip Boulten SC (SV president from 17/05/11) (JV president from 18/11/10)	20	23
Jane Needham SC (JV president from 17/05/11)	18	23
Ian Temby QC (treasurer)	19	23
Michael McHugh (secretary from 18/11/10)	22	23
David Ash	6	9
Sophie Callan	11	14
Miles Condon	11	14
Greg Curtin SC	7	9
Kylie Day	9	9
Tim Game SC	22	23
Louise Goodchild	6	9
Jeremy Gormly SC	12	23
Anne Healey	19	23
Warwick Hunt	16	23
Paresh Khandhar	17	23
Geoffrey Lindsay SC	4	5
Chrissa Loukas	12	23
Peter Maiden SC	12	23
Garry McGrath SC (secretary to 12/11/10)	9	9
Kylie Nomchong	9	14
Zali Steggall	13	14
Sandy Street SC	17	23
Dominic Toomey	15	23
Kate Traill	16	23
Richard Weinstein	12	14

From 1 July 2010 to 30 June 2011 there were 23 meetings.

Directors' report

Meetings of the Finance, Investment and Audit Committee

Name	Meetings Attended	Meetings Held
Tom Bathurst QC (president & committee member to 17/05/11)	2	3
Bernard Coles QC (senior VP to 17/05/11) (president from 17/5/2011)	4	4
Ian Temby QC (treasurer)	3	4
Anne Healey	2	4
Michael McHugh	4	4
Kylie Nomchong (appointed 28 June 2011)	0	0
Dominic Toomey	3	4

From 1 July 2010 to 30 June 2011 there were four meetings.

Insurance of officers

During the financial year the association has paid premiums in respect of directors' and officers' liability insurance contracts for the year ended 30 June 2011 and the association has paid premiums in respect of such insurance contracts until 30 April 2012. Such insurance contracts insure against certain liability (subject to specific exclusions) persons who are or have been directors or executive officers of the association.

The directors have not included details of the nature of the liabilities covered or the amount of the premium paid in respect of the directors' and officers' liability insurance contracts, as such disclosure is prohibited under the terms of the contracts.

Proceedings on behalf of the association

No person has applied for leave of court to bring proceedings on behalf of the association or to intervene in any proceedings to which the association is a party for the purposes of taking responsibility on behalf of the association for all or part of those proceedings.

No proceedings have been brought or intervened in on behalf of the association with leave of the court under section 237 of the *Corporation Act 2001*.

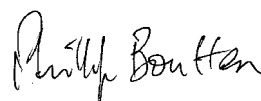
Auditor's independence declaration

A copy of the Auditor's Independence Declaration as required under section 307C of the *Corporations Act 2001* given to the directors by the lead auditor for the audit undertaken by HLB Mann Judd is included on page 66.

The report is made in accordance with resolution of directors made pursuant to section 298(2) of the *Corporations Act 2001*.



B Coles QC
President
Sydney
8 September 2011



P Boulton SC
Senior Vice-President

Auditor's independence declaration

To the directors of The New South Wales Bar Association:

As lead auditor for the audit of The New South Wales Bar Association for the year ended 30 June 2011, I declare that, to the best of my knowledge and belief, there have been:

- (a) no contraventions of the auditor independence requirements of the *Corporations Act 2001* in relation to the audit; and
- (b) no contraventions of any applicable code of professional conduct in relation to the audit.

A handwritten signature in black ink, appearing to read 'HLB Mann Judd'.

HLB MANN JUDD
Chartered Accountants

A handwritten signature in black ink, appearing to read 'P. B. Meade'.

P B Meade
Partner
Sydney
8 September 2011

Statement of comprehensive income

For the year ended 30 June 2011

	Notes	2011 \$	2010 \$
Revenue from continuing operations	2	7,749,426	7,707,133
Employee benefits expense		(3,446,236)	(3,410,301)
Legal and professional fees		(959,601)	(1,014,304)
Subscriptions		(642,664)	(607,801)
Communications and information technology expense		(206,604)	(222,181)
Depreciation and amortisation expense	3	(519,943)	(449,928)
Occupancy expense		(635,445)	(611,030)
Advertising and marketing expense		(132,129)	(137,335)
Financial expense		(172,292)	(134,341)
Seminar and function expense		(260,205)	(122,299)
Other expenses from ordinary activities		(479,792)	(489,539)
Surplus before income tax expense		294,515	508,074
Income tax expense	4(a)(b)	(90,161)	(33,469)
Net surplus		204,354	474,605
Other comprehensive income			
Net gain/(loss) from available-for-sale financial assets		32,336	14,471
Income tax relating to other comprehensive income	4(c)	(9,575)	(4,341)
Other comprehensive income for the year, net of tax		22,761	10,130
Total comprehensive income		227,115	484,735

The above statement of comprehensive income should be read in conjunction with the accompanying notes.

Statement of financial position

As at 30 June 2011

	Notes	2011 \$	2010 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	18	3,697,053	3,289,073
Trade and other receivables	7	24,274	23,517
Held-to-maturity investments	5	4,617,197	7,952,769
Inventories		2,271	2,606
Current tax assets		-	49,913
Other assets	8	196,288	271,438
TOTAL CURRENT ASSETS		8,537,083	11,589,316
NON-CURRENT ASSETS			
Held-to-maturity investments	5	2,150,000	1,000,000
Other financial assets	6	205,236	180,033
Deferred tax assets		4,995	6,230
Intangibles	9	66,497	168,042
Property, plant and equipment	10	3,115,192	890,057
TOTAL NON-CURRENT ASSETS		5,541,920	2,244,362
TOTAL ASSETS		14,079,003	13,833,678
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	11	710,470	953,789
Employee benefits	12	523,925	521,481
Income tax payable		68,856	-
Fees received in advance	13	5,494,359	5,300,300
TOTAL CURRENT LIABILITIES		6,797,610	6,775,570
NON-CURRENT LIABILITIES			
Employee benefits	12	59,833	59,346
Deferred tax liabilities	4c)	64,038	68,355
TOTAL NON-CURRENT LIABILITIES		123,871	127,701
TOTAL LIABILITIES		6,921,481	6,903,271
NET ASSETS		7,157,522	6,930,407
ACCUMULATED FUNDS			
Accumulated surplus		7,073,810	6,869,456
Reserves	14	83,712	60,951
TOTAL ACCUMULATED FUNDS		7,157,522	6,930,407

The above statement of financial position should be read in conjunction with the accompanying notes.

Statement of changes in accumulated funds

For the year ended 30 June 2011

	Accumulated Surplus	Reserves	Total Accumulated Funds
At 30 June 2009	6,394,851	50,821	6,445,672
Total comprehensive income for the year	474,605	10,130	484,735
At 30 June 2010	6,869,456	60,951	6,930,407
Total comprehensive income for the year	204,354	22,761	227,115
At 30 June 2011	7,073,810	83,712	7,157,522

The above statement of changes in accumulated funds should be read in conjunction with the accompanying notes.

Statement of cash flows

For the year ended 30 June 2011

	Notes	2011 \$	2010 \$
Cash flows from operating activities			
Receipts from operating activities		6,846,588	7,206,516
Payments to suppliers and employees		(6,552,461)	(6,087,585)
Dividends received		6,268	7,992
Interest received		124,298	12,141
Income tax received/(paid)		25,526	102,821
Net cash inflow from operating activities		450,219	1,241,885
Cash flows from investing activities			
Payments for plant and equipment		(2,656,964)	(178,953)
Proceeds from held to maturity assets		11,334,804	3,084,526
Payments for intangibles		-	(6,720)
Payment for term deposits		(8,720,079)	(11,801,337)
Proceeds from sale of plant and equipment		-	20,272
Net cash outflow from investing activities		(42,239)	(8,882,212)
Net increase/(decrease) in cash and cash equivalents		407,980	(7,640,327)
Cash and cash equivalents at the beginning of the financial year		3,289,073	10,929,400
Cash and cash equivalents at the end of the financial year	18	3,697,053	3,289,073

The above statement of cash flows should be read in conjunction with the accompanying notes.

Notes to the financial statements

For the financial year ended 30 June 2011

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – Reduced Disclosure Requirements, other authoritative pronouncements of the Australian Accounting Standards Board, including Australian Accounting Interpretations and the *Corporations Act 2001*.

Compliance with IFRS

A statement of compliance with International Financial Reporting Standards (IFRS) cannot be made due to the association applying the not-for-profit requirements of the Australian Equivalents to IFRS and because the association has adopted the Reduced Disclosure Requirements referred to above.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of available-for-sale financial assets.

Critical accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the association's accounting policies. There are no estimates and judgements that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. Revenue is recognised for the major activities as follows:

(i) Subscriptions and practising certificate fees

Subscriptions and Practising Certificate Fees comprise annual fees for membership and practising certificates. Subscriptions and Practising Certificate Fees are recognised on a pro rata basis through the course of the year.

(ii) Administration charge

Administration charges comprise revenue earned from the provision of administrative services. They are recognised when the fee in respect of services is receivable.

(iii) Dividends received

Revenue from dividends is recognised when the right to receive the payment is established.

Notes to the financial statements

For the financial year ended 30 June 2011

(iv) Interest income

Interest income is recognised on a time proportion basis using the effective interest method.

(v) Grants

Grants comprise monies received during the year in respect of the professional conduct department and legal assistance department. Income is recognised when the grant is receivable.

(vi) Other income

Income from other sources is recognised when the fee in respect of other products or services provided is receivable.

(vii) Donations

Revenue from donations is recognised upon receipt.

(c) Income tax

The association has adopted the balance sheet method of tax effect accounting.

In addition, under the mutuality provisions of the Income Tax Assessment Act, income and expenses wholly applicable to members of the association are not brought to account in calculating income for tax purposes.

Deferred income tax is provided in full, using the liability method, on temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements. Deferred income tax is determined using tax rates (and laws) that have been enacted or subsequently enacted by the end of the reporting period and are expected to apply when the related deferred tax assets is realised or the deferred tax liability is settled.

Deferred tax assets are recognised for deductible temporary difference and unused tax losses only if it is probable that future taxable amounts will be available to utilise those temporary differences and losses.

Deferred tax assets and liabilities are offset when there is a legally enforceable right to offset current tax assets and liabilities and when the deferred tax balances relate to the same taxation authority. Current tax assets and liabilities are offset where the entity has a legally enforceable right to offset and intends either to settle on a net basis, or to realise the asset and settle the liability simultaneously.

(d) Leases

Leases in which a significant portion of the risks and rewards of ownership are not transferred to the association as lessee are classified as operating leases (Note 15). Payments made under operating leases (net of any incentives received from the lessor) are charged to the statement of comprehensive income on a straight-line basis over the period of the lease.

(e) Impairment of assets

Assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by

Notes to the financial statements

For the financial year ended 30 June 2011

which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows from other assets (cash generating units). Non-financial assets other than goodwill that suffered an impairment loss are reviewed for possible reversal of the impairment at the end of each reporting period.

(f) Cash and cash equivalents

For purposes of presentation in the statement of cash flows, cash and cash equivalents includes cash on hand, deposits held at call with financial institutions and other short-term, highly liquid investments with original maturities of six months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

(g) Trade and other receivables

Trade and other receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less allowance for impairment. Trade and other receivables are due for settlement no more than 60-days from the date of recognition.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of trade and other receivables) is used when there is objective evidence that the association will not be able to collect all amounts due according to the original terms of receivables.

The amount of the impairment loss is recognised in the profit or loss with other expenses. When a trade and other receivable for which an impairment allowance had been recognised becomes uncollectable in a subsequent period, it is written off against the allowance account. Subsequent recoveries of amount previously written off are credited against other expenses in the profit or loss.

(h) Inventories

Inventories are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs necessary to make the sale.

(i) Investments and other financial assets

Classification

The association classifies its investments in the following categories: loans and receivables, available-for-sale financial assets and held-to-maturity investments. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investment at initial recognition.

(i) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payment that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the end of the reporting period which are classified

Notes to the financial statements

For the financial year ended 30 June 2011

as non-current assets. Loans and receivables are included in trade and other receivables in the statement of financial position (note 7).

(ii) Available-for-sale financial assets

Available-for-sale financial assets, comprising principally marketable equity securities, are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the end of the reporting period. Investments are designated as available-for-sale if they do not have fixed maturities or fixed or determinable payments and management intends to hold them for the medium to long term.

(iii) Held-to-maturity investments

The association classifies its term deposits as held-to-maturity investments. Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the association's management has the positive intention and ability to hold to maturity. Held-to-maturity financial assets are included in current assets except those with maturities greater than 12 months from the end of the reporting period, which are classified as non-current assets.

Fair Value

The fair values of quoted investments are based on current bid prices.

Recognition and Derecognition

Investments are initially recognised at fair value plus transactions costs. When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in market value reserve are included in the statement of comprehensive income as gains and losses from available-for-sale financial assets.

Subsequent Measurement

Loans and receivables, and held-to-maturity investments are carried at amortised cost using the effective interest method.

Available-for-sale financial assets are subsequently carried at fair value. Changes in the fair value of available-for-sale financial assets are recognised in the statement of comprehensive income.

Impairment

The association assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired. In the case of equity securities classified as available-for-sale, a significant or prolonged decline in the fair value of a security below its cost is considered as an indicator that the security is impaired. If any such evidence exists for available-for-sale financial assets, the cumulative loss – measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit and loss is removed from the fair value reserve and recognised in the profit or loss. Impairment losses recognised in the profit or loss on equity instruments are not reversed through the profit or loss.

Notes to the financial statements

For the financial year ended 30 June 2011

(j) Property, plant and equipment

All property, plant and equipment is stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the association and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the profit or loss during the reporting period in which they are incurred.

Depreciation on other assets is calculated using the straight line method to allocate their cost or revalued amounts, net of their residual values, over their estimated useful lives, as follows:

- Library 20 years
- Refurbishments 4 to 15 years
- Furniture, Computers, Office Machines and Equipment 3 to 5 years
- Kitchen Equipment 5 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount (note 1 (e)). Gains and Losses on disposals are determined by comparing proceeds with the carrying amount. These are included in the profit or loss.

(k) Intangibles

Intangibles consist of expenditure, paid to external consultants, on software used to record the association's database. The database is amortised over its estimated useful life of 3 years.

(l) Trade and other payables

These amounts represent liabilities for goods and services provided to the association prior to the end of financial year which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(m) Employee benefits

(i) Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits and annual leave expected to be settled within 12 months of the end of the reporting period are recognised as payables in respect of employee's services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

(ii) Long service leave

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to the expected future wage and salary levels, experience of employee departures and periods of service.

Notes to the financial statements

For the financial year ended 30 June 2011

(iii) Retirement benefit obligations

The association contributes to accumulation superannuation plans. Contributions are charged against income as they are made.

(n) Subscriptions and practising certificate fees

Subscriptions and practising certificate fees are received in advance for services to be provided in the financial year subsequent to balance date.

(o) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In this case it is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included in receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(p) Comparative figures

Where required by Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(q) New accounting standards and interpretations

The new accounting standards and interpretations published that are not mandatory for the year ended 30 June 2011, do not have significant impact on the presentation and disclosure of the financial statements.

The directors have elected under s.334(5) of the Corporations Act 2001 to apply AASB 1053 Application of Tiers of Australian Accounting Standards, AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements. AASB 1053 and AASB 2010-2 are not required to be applied until annual reporting periods beginning on or after 1 July 2013.

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Operating revenue		
Subscriptions and practicing certificate fees	5,332,178	5,141,471
Reading programme	343,060	399,320
	<u>5,675,238</u>	<u>5,540,791</u>
Other revenue		
Interest and dividends	515,445	385,421
Donations – Emerton Endowment Fund	-	19,542
Seminars	138,245	124,043
Administration charge	14,128	18,396
External funding	1,257,813	1,418,636
Other	148,557	200,304
	<u>7,749,426</u>	<u>7,707,133</u>
Revenue from continuing operations	<u>7,749,426</u>	<u>7,707,133</u>

3. EXPENSES

Surplus before income tax includes the following specific expenses:

Depreciation		
Library	23,453	23,452
Furniture, computers, office machines & equipment	141,991	149,097
Kitchen equipment	150	1,210
Amortisation		
- Refurbishment	252,804	175,371
- Database	101,545	100,798
	<u>519,943</u>	<u>449,928</u>
Depreciation and amortisation expense	<u>519,943</u>	<u>449,928</u>
Provision for employee benefits - movement	27,931	43,395

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
4. INCOME TAX EXPENSE		
(a) Income tax expense		
Current tax	96,202	-
Deferred tax	(14,148)	33,663
Adjustment of current tax of prior periods	8,107	(194)
Aggregate income tax expense	90,161	33,469
Deferred income tax (revenue) expense included in income tax expense comprises:		
(Increase)/decrease in deferred tax assets	(88)	(1,760)
Increase/(decrease) in deferred tax liabilities	(14,060)	35,423
	(14,148)	33,663
(b) Numerical reconciliation of income tax expense to prima facie tax payable		
Net surplus from continuing operations	294,515	508,074
Tax at the Australian tax rate of 30% (2010:30%)	88,354	152,422
Increase/(decrease) in income tax expense due to:		
- Net mutual expense (income)	(15,031)	(133,673)
Tax effect of amounts which are not deductible (taxable)	8,731	14,914
Adjustments for current tax of prior periods	8,107	(194)
Income tax expense	90,161	33,469
(c) Deferred tax liability		
	64,038	68,355
The balance comprises temporary differences attributable to shares in Australian listed companies:		
Movements:		
Opening balance 1 July	68,355	28,591
Charged to the profit or loss	(13,892)	35,423
Recognised in fair value reserve	9,575	4,341
Closing balance 30 June	64,038	68,355

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
5. HELD-TO-MATURITY INVESTMENTS		
Term deposits		
Current	4,617,197	7,952,769
Non Current	2,150,000	1,000,000
	<u>6,767,197</u>	<u>8,952,769</u>

6. OTHER FINANCIAL ASSETS

Non-current		
Investments in associates	14	4
Available for sale – at fair value		
Shares in Australian listed companies	205,222	180,029
	<u>205,236</u>	<u>180,033</u>

(a) Investments in associates

The association holds two \$2 shares in The Barrister's Sickness and Accident Fund Pty Ltd. The sole purpose of this company is to act as trustee for the Barrister's Sickness and Accident Fund.

The association holds one \$10 share in the Pro Bono Disbursement Fund Pty Ltd. The Executive Director of the association is a director of the company, the purpose of which is to hold and pay funds to reimburse legal practitioners for their disbursements incurred in the conduct of pro bono matters.

(b) Investment in Counsel's Chambers Limited

The association also holds 7 deferred ordinary shares ('the shares') in Counsel's Chambers Limited ('CCL'). The shares were acquired circa 1962 and have a cost of \$14, which has not been recorded in the association's records for many years. The shares entitle the association to: one vote per share at general meetings of CCL; the receipt of dividends as declared; and any surplus assets in the event of a winding up of CCL. The association does not have any record of dividends having been paid by CCL. In addition, it does not have the ability to significantly influence the voting at general meetings of CCL. As there is no active market in the shares and other valuation techniques do not permit the calculation of a range or reasonable fair value estimates, the association is precluded from measuring or recognising such values in its financial statements.

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
7. TRADE AND OTHER RECEIVABLES		
Trade receivables	11,635	7,471
Other	12,639	16,046
	<u>24,274</u>	<u>23,517</u>

8. OTHER ASSETS

Prepayments	102,416	130,850
Accrued interest	93,872	140,588
	<u>196,288</u>	<u>271,438</u>

9. INTANGIBLES

Database		
At cost	304,665	304,665
Accumulated amortisation	(238,168)	(136,623)
Net carrying amount	<u>66,497</u>	<u>168,042</u>
Opening book amount	168,042	262,120
Additions	-	6,720
Amortisation charge for the year	(101,545)	(100,798)
Net carrying amount	<u>66,497</u>	<u>168,042</u>

Notes to the financial statements

For the year ended 30 June 2011

10. PROPERTY, PLANT AND EQUIPMENT

	Library \$	Refurbishments \$	Furniture, computers, office machines and equipment \$	Kitchen equipment \$	Total \$
Year ended 30 June 2011					
At 1 July 2010, net of accumulated depreciation	257,971	333,195	298,741	150	890,057
Additions	-	1,991,809	665,156	-	2,656,965
Disposals	-	(6,599)	(6,833)	-	(13,432)
Depreciation/ amortisation charge for the year	(23,453)	(252,804)	(141,991)	(150)	(418,398)
At 30 June 2011, net of accumulated depreciation	234,518	2,065,601	815,073	-	3,115,192

	Library \$	Refurbishments \$	Furniture, computers, office machines and equipment \$	Kitchen equipment \$	Total \$
At 30 June 2010					
Cost	469,043	1,981,762	993,184	13,666	3,457,655
Accumulated depreciation and impairment	(211,072)	(1,648,567)	(694,443)	(13,516)	(2,567,598)
Net carrying amount	257,971	333,195	298,741	150	890,057
At 30 June 2011					
Cost	469,043	2,717,068	1,552,719	13,666	4,752,496
Accumulated depreciation and impairment	(234,525)	(651,467)	(737,646)	(13,666)	(1,637,304)
Net carrying amount	234,518	2,065,601	815,073	-	3,115,192

2011
\$

2010
\$

11. TRADE AND OTHER PAYABLES

Trade and other payables	702,662	924,707
GST Payable	7,808	29,082
Trade and other payables	710,470	953,789

Notes to the financial statements

For the year ended 30 June 2011

	2011	2010
	\$	\$

12. EMPLOYEE BENEFITS

The aggregate employee entitlement liability recognised and included in the financial statements as follows:

Current	523,925	521,481
Non Current	59,833	59,346
	<u>583,758</u>	<u>580,827</u>

13. FEES RECEIVED IN ADVANCE

Current

Subscriptions , practicing certificate fees & other revenue received in advance	<u>5,494,359</u>	<u>5,300,300</u>
---	------------------	------------------

14. RESERVES

Fair value reserve	<u>83,712</u>	<u>60,951</u>
--------------------	---------------	---------------

Nature and purpose of reserves

Fair value reserve

Changes in the fair value and exchange differences arising on translation of investments, such as equities, classified as available-for-sale financial assets, are taken to the fair value reserve. Amounts are recognised in the statement of comprehensive income when the associated entities are sold or impaired.

Movement during the year:

Fair value reserve

Balance as at 1 July	60,951	50,821
Unrealised gain/(loss) on investments (net of tax)	<u>22,761</u>	<u>10,130</u>
Balance as at 30 June	<u>83,712</u>	<u>60,951</u>

15. COMMITMENTS

Lease Commitments

Operating Lease Commitments Payable

Within one year	288,816	397,020
Later than one year but not later than 5 years	<u>-</u>	<u>288,816</u>
	<u>288,816</u>	<u>685,836</u>

Notes to the financial statements

For the year ended 30 June 2011

The association leases from Counsel's Chambers, the premises from which it operates, on a three year lease, increasing annually by three per cent. The lease expires in March 2012. The association is in the process of negotiating a new lease to commence on the expiry of the current lease. The new lease is expected to be for 15 years with an option for a further five years.

16. RELATED PARTY DISCLOSURES

(a) Directors

The names of persons who were directors of the association at any time during the financial year are as follows:

D Ash	L Goodchild	K Nomchong	A Street SC
T Bathurst QC	J Gormly SC	C Loukas	I Temby QC
P Boulten SC	A Healey	P Maiden SC	D Toomey
B A Coles QC	S Callan	G McGrath	K M Traill
G Curtin SC	W Hunt	M McHugh	R Weinstein
K Day	M Condon	J Needham SC	G Lindsay SC
T Game SC	P Khandhar	Z Steggall	

(b) Key management

Key management personnel compensation for the years ended 30 June 2011 and 30 June 2010 is set out below. The key management personnel are the directors of the association, and those executives with authority and responsibility for planning, directing and controlling the activities of the association.

The key management personnel identified for the years ended 30 June 2011 and 30 June 2010 are as follows :

Philip Selth	Chris D'Aeth
Lisa Allen	Basil Catsaros
June Anderson	Jennifer Pearce
Alastair McConnachie	

No compensation was paid or payable to directors of the association during the financial year.

The compensation paid or payable to key management personnel during the financial year comprised of:

	2011 \$	2010 \$
Short-term employee benefits	1,166,478	1,147,108
Long-term employee benefits	29,761	24,076
	1,196,239	1,171,184

Notes to the financial statements

For the year ended 30 June 2011

(c) Other transactions

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

The association paid rent (including associated air-conditioning, electricity and cleaning charges) totalling \$476,478 (2010: \$458,706) for office space to Counsel's Chambers Limited being a company of which some directors of the association are also members. The bulk of this payment was at two-thirds of the normal market rate.

2011	2010
\$	\$

17. REMUNERATION OF AUDITORS

During the year the following fees were paid or payable for service provided by the auditor of the association:

Audit of the financial statements	40,900	39,450
Other services - tax	6,400	6,200
Other assurance services - PCD Grant Audit	3,200	3,100
	<u>50,500</u>	<u>48,750</u>

18. NOTES TO THE STATEMENT OF CASH FLOW

Reconciliation of cash

For the purposes of the presentation in the statement of cash flows, cash includes cash on hand and in banks net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash at bank	474,060	520,365
Term deposits	3,222,093	2,767,408
Petty cash	900	1,300
	<u>3,697,053</u>	<u>3,289,073</u>

19. REIMBURSEMENT BY THE PUBLIC PURPOSE FUND

Section 700(n) of the *Legal Profession Act 2004* requires certification by the auditor of the costs incurred by the Bar Council in relation to its regulatory function. Expenditure on regulatory activities reimbursed by the Public Purpose Fund in 2010-2011 amounted to \$1,060,819 (2010:\$1,235,269).

Notes to the financial statements

For the year ended 30 June 2011

20. MEMBERS' GUARANTEE

The company is limited by guarantee. If the company is wound up, the Constitution states that each member is required to contribute to meet all outstanding obligations of the company and any such amounts as may be required, but not exceeding \$4. Total members at balance date were 2816.

21. SUPERANNUATION

The association contributes to several defined contribution employee superannuation funds. The association contributes to the funds in accordance with its statutory obligations.

22. EVENTS OCCURRING AFTER THE REPORTING PERIOD

No significant events have occurred since the balance sheet date which would impact on the financial position of the association disclosed in the balance sheet as at 30 June 2011 or on the results and cash flows of the association for the year ended on that date.

DIRECTORS' DECLARATIONS

In the directors' opinion:

(a) the financial statements and notes set out on pages 62 to 84 are in accordance with the *Corporations Act 2001*, including:

(i) complying with Accounting Standards – Reduced Disclosure Requirements (including the Australian Accounting Interpretations) and the *Corporations Regulations 2001*; and

(ii) giving a true and fair view of the company's financial position as at 30 June 2011 and of its performance for the financial year ended on that date; and

(b) there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the directors.

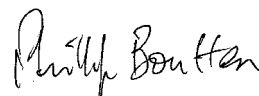


B Coles QC

President

Sydney

8 September 2011



P Boulton SC

Senior Vice-President

Independent auditor's report

For the year ended 30 June 2011

To the members of The New South Wales Bar Association

We have audited the accompanying financial report of The New South Wales Bar Association, which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration for The New South Wales Bar Association, as set out on pages 62 to 84.

Directors' responsibility for the financial report

The directors of the company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

Our audit did not involve an analysis of the prudence of business decisions made by directors or management.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Matters relating to the electronic presentation of the audited financial report

This auditor's report also relates to the financial report of The New South Wales Bar Association for the financial year ended 30 June 2011 included on The New South Wales Bar Association's website. The company's directors are responsible for the integrity of the The New South Wales Bar Association website. We have not been engaged to report on the integrity of this web site. The auditor's report refers only to the financial report identified above. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to

Independent auditor's report

For the year ended 30 June 2011

refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

Independence

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*. We confirm that the independence declaration required by the *Corporations Act 2001*, provided to the directors of The New South Wales Bar Association on 8 September 2011, would be in the same terms if provided to the directors as at the time of this auditor's report.

Auditor's opinion

In our opinion, the financial report of The New South Wales Bar Association is in accordance with the *Corporations Act 2001*, including:

- (a) giving a true and fair view of the company's financial position as at 30 June 2011 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Regulations 2001*.



HLB MANN JUDD
Chartered Accountants



P B Meade
Partner
Sydney
9 September 2011

Barristers' Benevolent Association

Financial report for the year ended 30 June 2011

Statement of comprehensive income	87
Statement of financial position	88
Statement of changes in accumulated funds	89
Statement of cash flows	89
Notes to the financial statements	90
Trustee's declaration	98
Independent auditor's report	99

This financial report covers Barristers' Benevolent Association of NSW as an individual entity. Its registered office and principal place of business is 174 Philip St, Sydney NSW 2000.

Statement of comprehensive income

For the financial year ended 30 June 2011

	Note	2011 \$	2010 \$
Revenue from continuing operations	3	397,924	299,880
Net gains/(losses) on non-current assets held at fair value through profit or loss		8,467	119,558
Auditor's remuneration		(8,600)	(8,300)
Bank charges		(80)	(70)
Bar care costs		(7,301)	(4,803)
Employee benefits expense		(41,241)	(50,015)
Gifts		(48,234)	(66,731)
Investment fees		(2,000)	(2,182)
Legal and professional fees		(2,272)	(8,528)
Loan forgiveness		-	(40,000)
Allowance for impairment		(15,460)	-
Other operating expenses		(229)	(536)
Surplus before income tax		280,974	238,273
Income tax expense		-	-
Net surplus		280,974	238,273
Other comprehensive income		-	-
Total comprehensive income		280,974	238,273

The above statement of comprehensive income should be read in conjunction with the accompanying notes.

Statement of financial position

As at 30 June 2011

	Notes	2011 \$	2010 \$
CURRENT ASSETS			
Cash and cash equivalents	11(a)	130,696	70,165
Held-to-maturity investments	5	1,844,184	1,245,705
Loans and receivables	4	73,598	153,508
TOTAL CURRENT ASSETS		<u>2,048,478</u>	<u>1,469,378</u>
NON-CURRENT ASSETS			
Held-to-maturity investments	5	100,000	605,000
Other financial assets	6	1,531,412	1,324,238
TOTAL NON-CURRENT ASSETS		<u>1,631,412</u>	<u>1,929,238</u>
TOTAL ASSETS		<u>3,679,890</u>	<u>3,398,616</u>
CURRENT LIABILITIES			
Trade and other payables	7	10,601	10,301
TOTAL CURRENT LIABILITIES		<u>10,601</u>	<u>10,301</u>
TOTAL LIABILITIES		<u>10,601</u>	<u>10,301</u>
NET ASSETS		<u>3,669,289</u>	<u>3,388,315</u>
ACCUMULATED FUNDS			
Accumulated surplus		1,237,407	956,433
Reserves	8	2,431,882	2,431,882
TOTAL ACCUMULATED FUNDS		<u>3,669,289</u>	<u>3,388,315</u>

The above statement of financial position should be read in conjunction with the accompanying notes.

Statement of changes in accumulated funds

For the financial year ended 30 June 2011

	Accumulated Funds \$	Capital Reserves \$	Total Members Funds \$
At 30 June 2009	718,160	2,431,882	3,150,042
Total comprehensive income	238,273	-	238,273
At 30 June 2010	956,433	2,431,882	3,388,315
Total comprehensive income	280,974	-	280,974
At 30 June 2011	1,237,407	2,431,882	3,669,289

The above statement of changes in accumulated funds should be read in conjunction with the accompanying notes.

Statement of cash flows

For the financial year ended 30 June 2011

	Notes	2011 \$	2010 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from members, sponsorship and general activities		240,486	313,538
Payments to suppliers		(109,657)	(339,382)
Interest/Dividends received/(paid)		89,852	35,974
Net cash inflow from operating activities	11(b)	220,681	10,130
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from other financial assets		232,920	444,644
Proceeds from held to maturity investments		110,200	-
Payments for other financial assets		(263,115)	-
Payments for held to maturity investments		(240,155)	(2,077,415)
Net cash (outflow) inflow from investing activities		(160,150)	(1,632,771)
Net increase/(decrease) in cash and cash equivalents		60,531	(1,622,641)
Cash and cash equivalents at the beginning of the year		70,165	1,692,806
Cash and cash equivalents at the end of the year	11(a)	130,696	70,165

The above statement of cash flows should be read in conjunction with the accompanying notes.

Notes to the financial statements

For the financial year ended 30 June 2011

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of the financial statements are set out below. These policies have been constantly applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations) and Australian Accounting Standards – Reduced Disclosure Regime. The trustees have the power to amend and re-issue the financial report.

Compliance with IFRS

A statement of compliance with International Financial Reporting Standards (IFRS) cannot be made due to the Trust applying the not for profit requirements of the Australian Equivalents to IFRS.

Historical cost convention

These financial statements have been prepared under the historical cost convention.

Critical accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the association's accounting policies. There are no estimates and judgments that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. Revenue is recognised as follows:

(i) Contributions

Revenue from contributions is recognised when the contribution is received.

(ii) Dividend and distribution income

Distributions and dividend are recognised as revenue when the right to receive payment is established.

(iii) Interest income

Interest income is recognised as it accrues.

(iv) Other income

Income from other sources is recognised when the income is receivable.

(v) Changes in fair value of investments

Notes to the financial statements

For the financial year ended 30 June 2011

Net gains or losses in investments designated at fair value through profit or loss are calculated as the difference between the fair value at year end and the fair value at the previous valuation point. This includes both realised and unrealised gains and losses, but does not include interest or dividends.

(c) Income tax

The association is exempt from income tax.

(d) Cash and cash equivalents

For purposes of presentation in the statement cash flows, cash and cash equivalents includes cash on hand.

(e) Loans and receivables

Loans and receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. These are repayable on demand.

Collectability of loans and receivables are reviewed on an ongoing basis. Debts which are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of loans and receivables) is used where there is objective evidence that the association will not be able to collect all amounts due according to the original terms.

The amount of the impairment loss is recognised in the income statement with other expenses. When a loan or receivable for which an impairment allowance had been recognised becomes uncollectible in a subsequent period, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the income statement.

(f) Other financial assets

Classification

The association classifies its financial assets in the following categories: financial assets designated at fair value through profit or loss and held-to-maturity investments.

(i) Financial assets at fair value through profit or loss

Recognition and derecognition

Financial assets at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the profit or loss. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and the association has transferred substantially all the risk and rewards of ownership.

Subsequent measurement

Financial assets at fair value through profit or loss are subsequently carried at fair value. Gains or losses arising from changes in fair value are presented in the income statement in the period in

Notes to the financial statements

For the financial year ended 30 June 2011

which they arise. Dividend income is recognised in the income statement as part of revenue from continuing operations when the association's right to receive the payment is established.

Fair value

The fair values of quoted investments are based on current bid prices. The fair values for investments in Australian managed funds are based on the redemption price advised by the relevant fund manager.

Impairment

The association assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired.

(ii) Held-to-maturity investments

The association classifies its term deposits as held-to-maturity investments. Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the association's management has the positive intention and ability to hold to maturity. Held-to-maturity financial assets are included in current assets except those with maturities greater than 12 months from the end of the reporting period, which are classified as non-current assets.

Held-to-maturity investments are carried at amortised cost using effective interest method.

(g) Trade and other payables

These amounts represent liabilities for goods and services provided to the association prior to the end of financial year which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(h) Goods and services tax (GST)

Revenue, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In this case it is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recovered from or payable to the ATO is included in receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(i) New accounting standards and interpretations

The new accounting standards and interpretations published that are not mandatory for the year ended 30 June 2011, do not have significant impact on the presentation and disclosure of the financial statements.

Notes to the financial statements

For the financial year ended 30 June 2011

The association has elected to apply AASB 1053 Application of Tiers of Australian Accounting Standards, AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements. AASB 1053 and AASB 2010-2 are not required to be applied until annual reporting periods beginning on or after 1 July 2013.

AASB 1053 establishes a differential financial reporting framework consisting of two tiers of reporting requirements for general purpose financial statements, comprising Tier 1: Australian Accounting Standards and Tier 2: Australian Accounting Standards – Reduced Disclosure Requirements (RDR). AASB 2010-2 makes amendments to each Standard and Interpretation indicating the disclosures not required to be made by 'Tier 2' entities or inserting 'RDR' paragraphs requiring simplified disclosures for 'Tier 2' entities. The adoption of these standards has resulted in reduced disclosures, largely in respect of related parties and financial instruments.

2. FINANCIAL RISK MANAGEMENT

The association's activities expose it to a variety of financial risks; market risk (including fair value interest rate risk and price risk), credit risk and liquidity risk. The association's overall risk management focuses on maintaining sufficient cash and maximising returns on the financial assets held under the policies approved by the Committee of Management.

There is no formal established mandate or strategy to manage the above risks as the association holds the majority of its assets in cash and cash equivalents and current held to maturity investments so that there is little risk of change in value. Management is of the view that by ensuring that all cash and cash equivalents and held to maturity investments are held with financial institutions with at least an 'AA' rating, the risks are being managed.

There are no changes in the strategies used to manage the financial risks from the previous period.

(a) Market risk

Market risk is the risk that the fair value of future cash flows of financial instruments will fluctuate due to changes in market variables such as interest rates, foreign exchange and equity prices. Market risk is managed and monitored by ensuring all investment activities are undertaken in accordance with the policies approved by the Committee of Management.

(i) Price risk

The association is exposed to equity securities price risk. This arises from investments held by the association for which future prices are uncertain. These investments are classified on the balance sheet as available-for-sale financial assets. All securities investments present a risk of loss of capital.

Approximately 66 per cent of the financial assets, excluding cash and cash equivalents, are securities in Australian listed companies and the remaining 34 per cent are in Australian managed funds. This risk is managed through diversification and selection of securities.

(ii) Cash flow and fair value interest rate risk

The association's main interest rate risk arises from cash and cash equivalents and the held-to-maturity investments; therefore the association's income and operating cash flows are subject

Notes to the financial statements

For the financial year ended 30 June 2011

to changes in market interest rates. The association has cash deposits and held-to-maturity investments which have floating rates.

(b) Credit risk

Credit risk represents the risk that the counterparty to a financial instrument will fail to discharge an obligation and cause the association to incur a financial loss.

Credit quality

Main exposure of credit risk is on cash and term deposits. The credit quality of the financial assets is managed by the association by using the Standard & Poor's rating categories, accordance with the policies of the Management Committee. The association's cash and investments are held as follows:

Financial Institution	Rating	2011	2010
NAB	AA	1,786,207	1,629,119
Macquarie Bank Ltd	A	3,673	6,751
CBA	AA	100,000	100,000
Westpac	AA	185,000	185,000
		2,074,880	1,920,870

(c) Liquidity risk

Liquidity risk is the risk that the association will encounter difficulty in meeting obligations associated with financial liabilities. This risk is managed through investment in short term deposits and equity securities in Australian listed companies, which under normal market conditions are readily convertible in cash. In addition the association maintains sufficient cash and cash equivalents to meet normal operating requirements. It is for this reason management is of the view that the association is not exposed to any liquidity risk, as its minimum cash holdings and short term deposits over a 12 month period are not expected to fall below \$1.8m.

Maturity analysis for financial liabilities

Financial liabilities for the association comprise trade and other payables. Trade and other payables have no conditional maturities but are settled typically within 30 days hence maturity analysis hasn't been disclosed.

Total trade and other payables at reporting date was \$10,601 (2010: \$10,301).

(d) Fair value measurements

The fair value of financial assets must be estimated for recognition and measurement or for disclosure purposes. The nominal value less estimated credit adjustments of trade receivables and payables is assumed to approximate their fair values.

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
3. REVENUE FROM CONTINUING OPERATIONS		
Contributions	154,650	137,232
Distribution/ dividend income	124,087	87,862
Interest income	118,587	74,655
Membership income	600	131
	<hr/>	
Revenue from continuing operations	397,924	299,880

4. LOANS AND RECEIVABLES

Current

NSW Bar Association	69,123	117,303
Interest free loans (net of allowance for impairment)	4,240	34,500
GST receivable	235	1,705
	<hr/>	
	73,598	153,508

5. HELD-TO-MATURITY INVESTMENTS

Term deposits

Current	1,844,184	1,245,705
Non current	100,000	605,000
	<hr/>	
	1,944,184	1,850,705

6. OTHER FINANCIAL ASSETS

Non-current

Designated at fair value through profit or loss

- Fixed interest securities	450,925	300,770
- Shares in Australian listed companies	553,205	535,422
- Australian managed funds	527,282	488,046
	<hr/>	
	1,531,412	1,324,238

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
--	------------	------------

7. TRADE AND OTHER PAYABLES

Trade and other payables	10,601	10,301
--------------------------	--------	--------

8. RESERVES

Capital reserve	2,431,882	2,431,882
-----------------	-----------	-----------

Nature and purpose of reserves

Capital reserve

Changes in the fair value of investments have been transferred from accumulated surplus to reserves in prior years. This no longer is the practice of the association. This account also includes capital profits made in the prior years.

Movement during the year:

Reserves

Balance as at 1 July	2,431,882	2,431,882
Transfer from accumulated surplus	-	-

Balance at 30 June	2,431,882	2,431,882
---------------------------	------------------	------------------

9. RELATED PARTY DISCLOSURES

(a) Trustees

The names of persons who were trustees of the association at any time during the financial year are as follows:

D Ash	L Goodchild	K Nomchong	A Street SC
T Bathurst QC	J Gormly SC	C Loukas	I Temby QC
P Boulten SC	A Healey	P Maiden SC	D Toomey
B A Coles QC	S Callan	G McGrath	K M Traill
G Curtin SC	W Hunt	M McHugh	R Weinstein
K Day	M Condon	J Needham SC	G Lindsay SC
T Game SC	P Khandhar	Z Steggall	

The trustees are also the directors of the New South Wales Bar Association.

Notes to the financial statements

For the financial year ended 30 June 2011

(b) Key management

The key management personnel are the trustees of the association.

No compensation was paid, or payable to the trustees of the association during the financial year.

(c) Other transactions

The association conducts its business from the premises of NSW Bar Association.

	2011	2010
	\$	\$
10. REMUNERATION OF AUDITORS		
During the year the following fees were paid or payable for services provided by the auditor of the association:		
Audit of the financial statements	8,600	8,300

11. NOTES TO THE STATEMENT OF CASH FLOWS

(a) Reconciliation of cash

For the purposes of the presentation in the statement cash flows, cash includes cash on hand and in bank, net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the statement cash flows is reconciled to the related items in the statement of financial position as follows:

Cash at bank	130,696	70,165
--------------	---------	--------

(b) Reconciliation of net cash provided by operating activities to net loss

Net surplus/ (loss)	280,974	238,273
Distributions from managed funds reinvested	(18,355)	(39,143)
Interest income	(113,679)	(74,058)
Allowance for impairment	15,460	-
Net gains/(losses) on non-current assets held at fair value through profit or loss	(8,467)	(119,558)
Net cash provided by operating activities before changes in assets and liabilities	155,933	5,514
Decrease/(increase) in trade and other receivables	64,448	4,135
Increase/(decrease) in trade and other payables	300	481

Notes to the financial statements

For the financial year ended 30 June 2011

Net cash from operating activities	<u>220,681</u>	<u>10,130</u>
------------------------------------	----------------	---------------

12. EVENTS OCCURRING AFTER THE BALANCE DATE

Changes since balance date in the market values of investments held by the association has impacted the total value of the financial assets. As at 7 September 2011, the total market value of investments held by the association was \$1,426,400 compared with \$1,531,412 as at 30 June 2011, a decrease of 6.9 per cent.

Trustees' declaration

In the opinion of the trustees of Barristers' Benevolent Association of NSW, the financial statements and notes as set out on pages 87 to 98:

- (a) have been drawn up in accordance with Accounting Standards – Reduced Disclosure Regime and other mandatory professional reporting requirements in Australia; and
- (b) present fairly the association's financial position as at 30 June 2011 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date.
- (c) there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable.

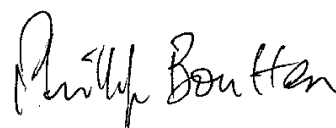
Signed in accordance with a resolution of trustees:



B. Coles QC
Trustee

Sydney

8 September 2011



P. Boulton SC
Trustee

Independent auditor's report

To the members of Barristers' Benevolent Association of NSW:

We have audited the accompanying financial report of Barristers Benevolent Association of NSW, ('the association'), which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information, and the trustees' declaration as set out on pages 87 to 98.

Trustees responsibility for the financial report

The trustees are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and for such internal control as the trustees determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the association's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the trustees, as well as evaluating the overall presentation of the financial report.

Our audit did not involve an analysis of the prudence of business decisions made by the trustees.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Matters relating to the electronic presentation of the audited financial report

This Auditor's Report relates to the financial report of the association for the financial year ended 30 June 2011 included on The New South Wales Bar Association's website. The directors of The New South Wales Bar Association are responsible for the integrity of The New South Wales Bar Association's website. We have not been engaged to report on the integrity of this website. The audit report refers only to the financial report identified above. If users of this report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented is on The New South Wales Bar Association's website.

Independent auditor's report

Independence

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of Barristers Benevolent Association of NSW as at 30 June 2011, and its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.



HLB MANN JUDD
Chartered Accountants



P B Meade
Partner
Sydney
9 September 2011

Contributions to the Barristers' Benevolent Fund

\$10,000 and above

S A Woods
Yoga Aid Pty Ltd

\$4,000 to \$4,999

P R Boulten SC
M Licha

\$3,000 to \$3,999

Anonymous

\$2,000 to \$2,999

G Richardson SC
T F Robertson SC
A Healey

\$1,000 to \$1,999

N Murray
D P M Ash
J M Chicken
P Bodor QC
A Bannon SC
I Barker QC
P J Doherty SC
A M Martin
G Curtin SC
J Murphy
B C Oslington QC
B Walker SC
J N West QC
C R C Newlinds SC
The Hon George Sharpe
The Hon J E Brownie QC
J Stoljar SC
R Cavanagh SC
M Green

\$500 to \$999

Great Bar Boat Race Participants
B A Coles QC
M R Gracie
His Honour Judge Finnane RFD QC
F Santisi

M L Brabazon SC
P P O'Loughlin
G J Jones
D S Timmins
C Barry QC
A C A Bridge SC
D A Buchanan SC
I Cullen
S G Campbell SC
The Hon R J Ellicott QC
The Hon Justice R Edmonds
The Hon R V Gyles AO QC
DF Jackson AM QC
J R Dupree
S D Kalfas SC
P M Kite SC
His Honour Judge L A Levy SC
T M Rowles
C Hoy SC
A McQuillen
P W Neil SC
D Nock SC
The Hon B O'Keefe AM QC
S Rushton SC
J E Sexton SC
A H Slater QC
DA Smallbone
C Steirn SC
C Stewart
K W Andrews
T K Tobin QC
C I Twomey
R J Taylor
P Webb QC
J J Webster SC
T Lynch
R Graycar
J Needham SC
L V Gyles SC
N Manousaridis
S Burley SC
A Rees SC

I C Duane
R Lancaster SC
M Painter
J R Clarke
J C Sheahan SC
D Burwood
G Rich
R L Seiden
M J Darke
J Hill
D Hirsch
K Day
H P T Bevan
W Hunt

\$250 to \$499
I Temby AO QC
S Duggan SC
D J Lloyd SC
The Hon Justice M Adams
J J Garnsey QC
A Goldsworthy
R Stitt QC
C A Webster
D R J Toomey
L King SC
J Poulos QC
C Vindin
J J Cauchi SC
J B Whittle SC
P Callaghan SC
His Honour Judge J Bennett SC
J P Gormly SC
His Honour Justice P Hallen
R Johnson
Dr Keith Rewell SC
R M Sweet
M B Williams SC
D Wilson
G McIlwaine
J E Robson SC
M Dicker

Contributions to the Barristers' Benevolent Fund

R de Robillard	S A Benson	The Hon J K McLaughlin
The Hon Acting Justice R F Smart	N Newton	His Honour Judge J Nicholson SC
I J Hemmings	L J Rowan	M Oakes SC
N S Jackson	J F Heazlewood	G Rundle
K Eastman	G Gersbach	J O North
C A Moore	K Barrett	W J Walsh
D Kell	P McEniery	T J J Willis
A Djemal	S Robertson	Her Honour Judge R C Tupman
F P Hicks		W M Fitzsimmons
M Tibbey	\$100 to \$249	M J Maxwell
J E Healey	C P Heazlewood	R W Hood
R N O'Neill	W Strathdee	P J Menary
M De Vere	N A Confos	G L Meehan
M P Cahill	J D McDonald	P Kintominas
H W M Stitt	L P McFee	M J Windsor SC
J Sheller	S Reuben	K J Howard SC
P A Beale	P G W Stitz	D R Pritchard SC
P H Blackburn-Hart SC	V M Heath	G P Craddock SC
G Van Der Vlag	S Hughes	His Honour H H Bell
The Hon Justice Cowdroy OAM	D P Kelly	G J Graham
D J Hooke SC	V B Hughston SC	Dr F R McGrath AM OBE
G Hoeben	P J McGrath	K P Shadbolt
R P Greenhill SC	R S Bell	The Hon J P Bryson QC
T A Game SC	J Berry	The Hon J R Dunford QC
P Hastings QC	G Brzostowski SC	J B Phelan
Federal Magistrate G A Coakes	R J Grady	D Priestley
J E Maconachie QC	J J Fernon SC	Dr J G Renwick
P G Mahony SC	J Duncan	J V Gooley
R D McCrudden	G Burton SC	M Thangaraj SC
D Ronzani	MLD Einfeld QC	Her Honour Judge L M Ashford
J P Sewell	L Ellison SC	A J McInerney
C M Simpson SC	G J Hickey	N J Kidd
The Hon Justice D J Collier	G M Gould	G J Watkins
Dr B Glennon	N A Nicholls	P N Khandhar
J C Thompson	D J Higgs SC	A D Campbell
J O Tancred	M Gorrick	S Prince
J A Waters	The Hon Justice P A Johnson	M A Gillies
A R Moses SC	J Kildea	R J Carruthers
N H Rudland	His Honour Judge M J King SC	M Falloon
A A Henskens	M Lynch	C Wood
A M Pickles	P G Maiden SC	A T S Dawson
Dr M Perry QC	K Morrissey	D Richards

L Goodchild	D Bennett AC QC	His Honour Judge R P McLoughlin SC
P Thew	J R Sainty	G P McNally SC
R C A Higgins	K Chapple SC	His Honour Judge S Norrish QC
T M Mehigan	His Honour Judge R Cogswell SC	G Niven
The Hon Justice P M Kavanagh	D Cowan SC	G Iknors
J Haughton	The Hon Justice M G Craig	B A Odling
D M Loewenstein	W J Dalley	S Phillips
A J J Renshaw	P Dooley	J Priestley
The Hon Dr Rodney Purvis AM QC	I D Bourke	J Phillips SC
Dr C J Birch SC	R A Bonnici	F J Purnell SC
D Brogan	S Burchett	E Petersen
R Driels	His Honour Judge D Frearson SC	R E Quickenden
L T Grey	S Galitsky	M W Robinson
The Hon Justice G A Palmer AM	H Gerondis	J E Rowe
R Alkadamani	G T Gillett	R Royle
A Stenmark SC	G Graham	S Russell
D J Thorley	G T Johnson SC	The Hon C S C Sheller AO QC
P Durack SC	A M Gruzman	P Strasser
I F Butcher	M A McDonogh	The Hon T J Studdert QC
R Francois	W Dawe QC	K G Bennett
R J Wilson	T Healey	J B Turnbull
The Hon Justice M Stone	G Moore	His Honour Judge S L Walmsley SC
B D Brassil	The Hon Justice C Hoebein AM RFD	S Wheelhouse SC
D Healey	G J Plowman QC	M C Ramage QC
K Roser	T A Kolomyjec	K J Pierce
T J Ryan	His Honour Judge M C Marien SC	P A Rowe
A Jamieson	P R King	K L Stewart
I J McGillicuddy	R Beech-Jones SC	Dr J Keogh
J M Harris	D T Kennedy SC	J Gleeson
J M Galluzzo	The Hon Justice D Kirby	M Christie SC
D K Jordan	J T Kearney	R P Battley
M J Heath	G McGrath	A Cotter-Moroz
D B O'Neil	The Hon G Smith SC MP	S W Climpson
M J Walsh	G Nicholson QC	R S Sheldon SC
R A Hewson	I Lawry	P M Skinner
The Hon Justice P W Young AO	S E Loomes	P J Cook
J Doyle	C Lonergan	R L Hamilton SC
H J Marshall SC	R Montgomery	The Hon E A Evatt AC
A Sullivan QC	M McAuley	R H Weinstein
E Wasilenia	M F McDermott	V A Hartstein
The Hon Justice Ainslie-Wallace	R S McIlwaine SC	The Hon J A Nader RFD QC
A J Bartley SC	R McKeand SC	The Hon J P Slattery AO QC

Contributions to the Barristers' Benevolent Fund

The Hon P J Newman RFD QC	T Jowett	B Hull
G L Raffell	P F Doyle	The Hon M D Finlay QC
S York	P Moorhouse	W D Thompson
D Hogan-Doran	M L Holz	C J Bannon QC
P Russell	M Hirschhorn	The Hon R N Madgwick QC
W L S Lloyd	Federal Magistrate L Henderson	The Hon D D Levine AO RFD QC
Her Honour Judge D Woodburne SC	S J Buchen	J F Viney
B Pluznyk	J T G Gibson	M Graham
A J Bulley	S Golledge	W P Brewer
H K Dhanji SC	Dr S Blount	J Davis
M S Spartalis	G Berecny	P Dwyer
R C Beasley	G Donnellan	His Honour Judge M A Elkaim SC
D Day	A A Gomez	The Hon Justice R G Forster
The Hon Justice R A Pepper	K Deards	M R Hardwick QC
G J Sundstrom	P Batley	A Hogan
S R Coleman	D Barry	The Hon Justice B M James
J Reading SC	J Redwood	L E Judge
J Chapman	D Forster	The Hon Justice R Macfarlan
G Lucarelli	L McBride	P J Mooney
P J Livingstone	C H Withers	Her Honour Judge A M Quirk
J Moore	C Simpson	G R Heathcote
J Trevallion	D Barnett	J Bartos
A Hatzis	E Elbourne	J A Trebeck
J J Ryan	T Di Francesco	The Hon L D S Waddy AM RFD QC
W P Lowe	C H Cassimatis	G M Thomas
A R Davis	Y Shariff	Dr R J Webb
M Fanning	A Miller	P A Barnes
H Stowe	G Ng	The Hon J A Miles AO
M Dolenech	D C P Stewart	The Hon Judge J L O'Meally AM RFD
I H Pike AM	L Shipway	P R Moran
R K Newton	L Brazel	A S Monzo
G Kumarasinhe	M J Weightman	B G Docking
R Jankowski	A Stafford	W J Hadley
P J Nolan	C Gleeson	T McDonald SC
G Carolan		S Jacobs
B Haverfield	\$25 to \$99	E T Finnane
E Boyle	Anonymous	E J Johnston
T Z Messner	B R Pape	Dr C S Ward
A Cheshire	The Hon B E Hill QC	P R Carr
A C Canceri	Dr A L Connolly	J L Gruzman
A J Bowen	M Neville	A Abadee
C P Taylor	G M Barter	L Karp
G Elliott	C A Evatt	L Brasch

G Blank	K Sant	J Baxter
M Gunning	Dr P D Keyzer	A Metcalfe
D Dura	Dr C Mantziaris	Dr R Hayes
R Harper	T J Dixon	B L Jones
T Evers	T L Wong	G Doherty
J P Redmond	M Seymour	D Imlah
S A Hughes	C Bolger	G Wright
A E Maroya	J Travassaros	J Cohen
N S Carroll	M Friedgut	M Campbell
S Sivaloganathan	A Conwell	The Hon H P W Johnston QC
M A Gerace	T D Anderson	P Kennedy-Smith
Magistrate J Stevenson	B Ilkovski	J B de Vere Tyndall
D Harkin	P Coady	D R Russell
D A Moujalli	A W Mooney	M G Crowley
L Fernandez	M J Bateman	Federal Magistrate S Scarlett
M Humphreys	S A Torpey	C R Goodhand
K Conte-Mills	J Young	T Saunders
M Castle	A P L Naylor	J P Deggens
B J Tronson	M R Cairns	A P Barlow
A Dinelli	D Parish	S Cirillo
J B Kay-Hoyle	K C Jhinga	E N Gramelis
D Roche	M A Coleman	
L Paraska	The Hon B J K Cohen QC	
G Denman	His Honour Judge D J Freeman	
V Brigden	N Angelov	
M Pringle	B Oliak	
A Hill	C Purdy	
J Keesing		
R Skiller	Under \$25	
S J Stanton	His Honour Judge C J Armitage	
A S Kostopoulos	E H Baskerville	
D A Caspersonn	J A Kearney	
W D Hosking QC	S J McMillan	
A J O'Brien	P L Dodson	
M K Rollinson	C Magee	
J Henness	G Gemmell	

Indigenous Barristers' Trust - The Mum Shirl Fund

Financial report for the year ended 30 June 2011

	Page
Statement of comprehensive income	106
Statement of financial position	107
Statement of changes in accumulated funds	107
Statement of cash flows	108
Notes to the financial statements	109
Trustees' declaration.....	115
Independent auditor's report.....	115

This financial report covers the Indigenous Barrister's Trust - The Mum Shirl Fund as an individual entity. Its registered office and principal place of business is 174 Philip Street, Sydney NSW 2000.

Statement of comprehensive income

For the financial year ended 30 June 2011

	Note	2011 \$	2010 \$
Revenue from continuing operations	3	93,253	83,022
Audit and accounting		(4,300)	(4,150)
Bank charges		(85)	(87)
Conference expenses		(13,491)	(14,204)
Fundraising		(4,470)	(5,542)
Grants		(49,441)	(20,940)
Other expenses		(525)	(1,394)
Surplus before income tax expense		20,941	36,705
Income tax expense		-	-
Net surplus		20,941	36,705
Other comprehensive income		-	-
Total comprehensive income		20,941	36,705

The above statement of comprehensive income should be read in conjunction with the accompanying notes.

Statement of financial position

As at 30 June 2011

	Note	2011 \$	2010 \$
CURRENT ASSETS			
Cash and cash equivalents	8	68,997	43,030
Held-to-maturity investments	5	345,262	337,617
Other receivables	4	52,406	45,927
TOTAL CURRENT ASSETS		<u>466,665</u>	<u>426,574</u>
TOTAL ASSETS		<u>466,665</u>	<u>426,574</u>
CURRENT LIABILITIES			
Trade and other payables		23,300	4,150
TOTAL CURRENT LIABILITIES		<u>23,300</u>	<u>4,150</u>
TOTAL LIABILITIES		<u>23,300</u>	<u>4,150</u>
NET ASSETS		<u>443,365</u>	<u>422,424</u>
ACCUMULATED FUNDS			
Accumulated surplus		<u>443,365</u>	<u>422,424</u>

The above statement of financial position should be read in conjunction with the accompanying notes.

Statement of changes in accumulated funds

For the financial year ended 30 June 2011

	2011 \$	2010 \$
As at 1 July - opening	422,424	385,719
Total comprehensive income	<u>20,941</u>	<u>36,705</u>
As at 30 June - closing	<u>443,365</u>	<u>422,424</u>

The above statement of changes in accumulated funds should be read in conjunction with the accompanying notes.

Statement of cash flows

For the financial year ended 30 June 2011

	Note	2011 \$	2010 \$
Cash flows from operating activities			
Receipts from sponsorship and general activities		65,288	66,268
Payments to suppliers & grantees		(53,161)	(46,167)
Net cash inflow from operating activities	8(b)	12,127	20,101
Cash flows from investing activities			
Proceeds/(payments) for term deposits		13,840	(319,924)
Net increase/(decrease) in cash and cash equivalents		25,967	(299,823)
Cash and cash equivalents at the beginning of the year		43,030	342,853
Cash and cash equivalents at the end of the year	8(a)	68,997	43,030

The above statement of cash flows should be read in conjunction with the accompanying notes.

Notes to the financial statements

For the financial year ended 30 June 2011

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of the financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations) and Australian Accounting Standards – Reduced Disclosure Regime. The trustees have the power to amend and re-issue the financial statements.

Compliance with IFRS

A statement of compliance with International Financial Reporting Standards (IFRS) cannot be made due to the trust applying the not for profit requirements of the Australian Equivalents to IFRS.

Historical cost conversion

This financial statements has been prepared under the historical cost convention.

Critical accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the trust's accounting policies. There are no estimates and judgments that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. Revenue is recognised as follows:

(i) Contributions

Revenue from contributions is recognised when the contribution is received.

(ii) Interest income

Interest income is recognised as it accrues.

(iii) Other Income

Income from other sources is recognised when the income is receivable.

(c) Income tax

The trust is exempt from income tax.

Notes to the financial statements

For the financial year ended 30 June 2011

(d) Cash and cash equivalents

For purposes of presentation in the statement of cash flows, cash and cash equivalents includes cash on hand.

(e) Held-to-maturity investments

The trust classifies its term deposits as held-to-maturity investments. Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the trust's management has the positive intention and ability to hold to maturity. Held-to-maturity financial assets are included in current assets except those with maturities greater than 12 months from the end of the reporting period, which are classified as non-current assets.

(f) Other receivables

Other receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Other receivables are usually settled within 30 days from the date of recognition.

Collectability of other receivables is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of other receivables) is used when there is objective evidence that the trust will not be able to collect all amounts due according to the original terms of receivables.

The amount of the impairment loss is recognised in the income statement with other expenses. When other receivables for which an impairment allowance had been recognised become uncollectable in a subsequent period, it is written off against the allowance account. Subsequent recoveries of amount previously written off are credited against other expenses in the statement of comprehensive income.

(g) Trade and other payables

These amounts represent liabilities for goods and services provided to the trust prior to the end of financial year which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(h) Goods and services tax (GST)

Revenue, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In this case it is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from or payable to the ATO is included in receivables or payables in the balance sheet.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from or payable to the taxation authority are presented as operating cash flows.

Notes to the financial statements

For the financial year ended 30 June 2011

(i) New accounting standards and interpretations

The new accounting standards and interpretations published that are not mandatory for the year ended 30 June 2011, do not have significant impact on the presentation and disclosure of the financial statements.

The directors have elected to apply AASB 1053 Application of Tiers of Australian Accounting Standards, AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements. AASB 1053 and AASB 2010-2 are not required to be applied until annual reporting periods beginning on or after 1 July 2013.

AASB 1053 establishes a differential financial reporting framework consisting of two tiers of reporting requirements for general purpose financial statements, comprising Tier 1: Australian Accounting Standards and Tier 2: Australian Accounting Standards – Reduced Disclosure Requirements (RDR). AASB 2010-2 makes amendments to each Standard and Interpretation indicating the disclosures not required to be made by 'Tier 2' entities or inserting 'RDR' paragraphs requiring simplified disclosures for 'Tier 2' entities. The adoption of these standards has resulted in reduced disclosures, largely in respect of related parties and financial instruments.

2. FINANCIAL RISK MANAGEMENT

The trust's activities expose it to a variety of financial risks; market risk (including fair value interest rate risk and price risk), credit risk and liquidity risk. The trust's overall risk management focuses on maintaining sufficient cash and maximising returns on the financial assets held under the policies approved by the trustees.

There is no formal established mandate or strategy to manage the above risks as the trust holds the majority of its assets in cash and cash equivalents so that there is little risk of change in value. Management is of the view that by ensuring that all cash and cash equivalents are held with financial institutions with at least an 'AA' rating, the risks are being managed.

There are no changes in the strategies used to manage the financial risks from the previous period.

(a) Market risk

Market risk is the risk that the fair value of future cash flows of financial instruments will fluctuate due to changes in market variables such as interest rates, foreign exchange and equity prices. Market risk is managed and monitored by ensuring all investment activities are undertaken in accordance with the policies approved by the trustees.

(i) Price risk

Given the trust has no equity securities, the trust has no exposure to equity securities price risk.

(ii) Cash flow and fair value interest rate risk

The trust's main interest rate risk arises from cash and cash equivalents; therefore the trust's income and operating cash flows are subject to changes in market interest rates.

The trust has cash deposits and other interest bearing deposits which have floating interest rates. At 30 June 2011, if interest rates had changed by 100 basis points with all other variables held

Notes to the financial statements

For the financial year ended 30 June 2011

constant, the surplus for the year would have been \$3,453 (2010: \$3,376) higher/lower as a result of higher/lower interest income.

(b) Credit risk

Credit risk represents the risk that the counterparty to a financial instrument will fail to discharge an obligation and cause the trust to incur a financial loss. Credit risk is not considered to be significant to the trust as the trust does not hold any investments in debt securities and it doesn't have any significant loans/receivables at both reporting dates.

Credit quality

The main exposure to credit risk is on cash and term deposits. The credit quality of the financial assets is managed by the trust by using the Standard & Poor's rating categories, accordance with the policies of the trustees. The trust has investments with National Australia Bank which has an 'AA' rating.

(c) Liquidity risk

Liquidity risk is the risk that the trust will encounter difficulty in meeting obligations associated with financial liabilities. This risk is managed through investment in short term deposits which under normal market conditions are readily convertible to cash. In addition the trust maintains sufficient cash and cash equivalents to meet normal operating requirements. It is for this reason management is of the view that the trust is not exposed to any liquidity risk, as at 30 June 2011, 15% of the trust's assets represent cash and cash equivalents.

Maturity analysis for financial liabilities

Financial liabilities for the trust comprise trade and other payables. Trade and other payables have no conditional maturities but are settled typically within 30 days (except unearned revenue) hence maturity analysis hasn't been disclosed.

Total trade and other payables at reporting date was \$23,300 of which \$19,000 related to unearned revenue (2010: \$4,150).

(d) Fair value measurement

The fair value of financial assets must be estimated for recognition and measurement or for disclosure purposes. The carrying amounts of receivables and payables are assumed to approximate their fair values due to their short-term nature.

Notes to the financial statements

For the financial year ended 30 June 2011

	2011 \$	2010 \$
3. REVENUE FROM CONTINUING OPERATIONS		
Contributions received	70,593	65,129
Interest	21,785	17,893
Fundraising income	875	-
	<hr/>	<hr/>
Revenue from continuing operations	93,253	83,022

	2011 \$	2010 \$
4. OTHER RECEIVABLES		
Current		
NSW Bar Association	47,375	36,250
GST receivable	1,667	418
Accrued interest	3,364	9,259
	<hr/>	<hr/>
	52,406	45,927

Risk exposure

The trusts exposure to risk for trade and other receivables is discussed in note 2.

5. HELD-TO-MATURITY INVESTMENTS

Current

Term deposits	<hr/>	<hr/>
	345,262	337,617

Risk exposure

The trusts exposure to risk for term deposits is discussed in note 2.

6. REMUNERATION OF AUDITORS

During the year the following fees were paid or payable for services provided by the auditor of the trust:

Audit of the financial statements	<hr/>	<hr/>
	4,300	4,150

Notes to the financial statements

For the financial year ended 30 June 2011

7. RELATED PARTY DISCLOSURES

(a) Trustees

The names of persons who were trustees of the trust at any time during the financial year are as follows:

Chris Ronalds SC	Tom Bathurst QC
Justice Michael Slattery QC	Mullenjaiwakka
Bernard Coles QC	

(b) Key management

The key management personnel are the trustees of the trust.

No compensation was paid or payable to trustees of the trust during the financial year or the previous year.

8. NOTES TO CASH FLOW STATEMENT

(a) Reconciliation of cash

For the purpose of presentation in the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items on the statement of financial position as follows:

	2011 \$	2010 \$
Cash at bank	68,997	43,030

(b) Reconciliation of net cash provided by operating activities to net surplus

Net surplus for the year	20,941	36,705
Interest income	(21,485)	(17,693)

Net cash provided by operating activities before changes in assets and liabilities:

Changes in assets and liabilities:

Decrease/(Increase) in other receivables	(6,479)	939
Increase in trade and other payables	19,150	150

Net cash from operating activities	12,127	20,101
---	---------------	---------------

Trustees' declarations

In the opinion of the trustees of Indigenous Barrister's Trust – The Mum Shirl Fund, the financial statements and notes as set out on pages 106 to 114:

- (a) have been drawn up in accordance with Accounting Standards – Reduced Disclosure Requirements and other mandatory professional reporting requirements in Australia; and
- (b) present fairly the trust's financial position as at 30 June 2011 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date.
- (c) there are reasonable grounds to believe that the trust will be able to pay its debts as and when they become due and payable.

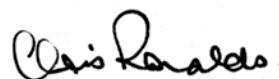
Signed in accordance with a resolution of trustees:



B. Coles QC
Trustee

Sydney

30 August 2011



C Ronalds SC
Trustee

Independent auditor's report

To the members of Indigenous Barrister's Trust – The Mum Shirl Fund:

We have audited the accompanying financial report of Indigenous Barristers Trust – The Mum Shirl Fund, ('the trust'), which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information, and the trustees' declaration as set out on pages 106 to 115.

Trustees responsibility for the financial report

The trustees are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and for such internal control as the trustees determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require

that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the trust's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the trust's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the trustees, as well as evaluating the overall presentation of the financial report.

Our audit did not involve an analysis of the prudence of business decisions made by directors or management.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Matters relating to the electronic presentation of the audited financial report

This auditor's report relates to the financial report of the trust for the financial year ended 30 June 2011 included on The New South Wales Bar Association's website. The directors of The New South Wales Bar Association are responsible for the integrity of The New South Wales Bar Association's website. We have not been engaged to report on the integrity of this website. The audit report refers only to the financial report identified above. If users of this report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented is on The New South Wales Bar Association's website.

Independence

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of Indigenous Barristers Trust – The Mum Shirl Fund as at 30 June 2011, and of its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.



P B Meade
Partner
Sydney
9 September 2011



HLB MANN JUDD
Chartered Accountants