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Bankers

National Australia Bank
75 Elizabeth Street
Sydney 2000

Annual General Meeting

The Annual General Meeting
will be held at 5.00pm on
6 November 2014 in the Bar
Association Common Room.



PRESIDENT'S REPORT

Jane Needham SC
@NSWBarPresident

The New South Wales Bar was privileged to benefit from the leadership of Philip Boulten SC for most of the 2013 and 2014. I was elected president on Boulten SC's resignation on 22 May 2014, and so a report on the 2013–14 year must draw heavily on his achievements.

A matter of focus for the Bar Association has been an improvement in communications. In February 2014, the Bar Council approved social media guidelines for use of the association's LinkedIn and Twitter presences. The LinkedIn page contains a deal of information about the association and acts as an adjunct to the new website, which was launched in 2013. The Twitter handles of @NSWBar, @InBrief and @NSWBarPresident enable publication of information in real time, as well as an engagement with an audience who may not normally be aware of the bar's activities. The carefully drafted guidelines ensure there will be no Twitter scandals of the type which reach the front page of newspapers on a regular basis.

A number of issues have faced the New South Wales Bar this year.

In September 2013, a general meeting of the Bar Association was held in the Common Room to discuss whether or not a form of incorporation for barristers' practices should be pursued. The association obtained advices from leading barristers in a number of areas bearing upon the proposal. The proposal was rejected by a handsome majority – rightly, in my view, because the proposal focused on issues relating to personal, not public, benefit. The vote demonstrates the significant support for the traditional sole practitioner model and the Cab Rank Rule, which have so long defined our profession.

Another issue relating to barristers' practices which has garnered spirited debate arose after Queensland in 2013, and Victoria early in 2014, reverted to the title of QC for their senior counsel. A working group was established by Boulten SC under the leadership of Priestley QC to determine whether the Bar Association should approach the attorney general to seek support for the re-establishment of the title of QC. On 20 May 2013, Bar Council met and resolved that no such approach should be made. Again, the decision was made on the grounds of public interest, in particular the desirability of continuing the exclusion of the Executive from the process of appointment of silk.

In May 2014, the new Bail Act came into effect. A few weeks later, the New South Wales Government announced a review under the former attorney general, John Hatzistergos, in response to some decisions which were unpopular in the popular mind. Despite representations to the attorney general that such a review was premature, the review went ahead and its recommendations are now encapsulated in the bill. It is to be regretted that populism overcame the long period of collaborative work, which led to the

Another issue relating to barristers' practices which has garnered spirited debate arose after Queensland in 2013, and Victoria early in 2014, reverted to the title of QC for their senior counsel.

reform of the old Bail Act with the more sensible provisions of the 2014 Bail Act, which focussed on the protection of the community. Time will tell how the new bill will function.

As ever, the bar has been asked to comment on or respond to external reports or inquiries. A large number of submissions have been prepared and lodged on various issues by the relevant committees and the association staff supporting those committees. Copies of submissions and policy documents are available on the website.

The Bar Association could not provide the services it does without the excellent people employed by the association. The executive director, Philip Selth, and his staff provide an enthusiastic and professional service and I thank them all for their dedication and enthusiasm. Nor could the bar function without the hard work of our committees under their dedicated chairs and I thank each person who has served on a committee, and those who have offered to serve. The number of volunteers for each committee position is many times that which can be accommodated, and I understand the frustration when a member is not chosen. A balance needs to be struck between continuity and new blood, and I encourage interested members to continue to volunteer and not to be deterred from re-applying next year.

In September 2013, the Productivity Commission Issues Paper, Access To Justice Arrangements, required a sustained effort from the bar.

Two responses have been particularly important. In September 2013, the Productivity Commission issues paper, *Access To Justice Arrangements*, required a sustained effort from the bar. A working party was established to frame the Bar Association's response, which it did in a very tight timeframe. Arthur Moses SC and Dominique Hogan-Doran appeared at the Sydney hearing on behalf of the bar and received a very positive response. The draft report was released in April 2014 and concentrated on issues which, generally, the bar was in agreement with, relating to improved access to justice, guidelines on self-represented litigants, and better application of case management with the complexity and substance of the case in mind.

In March 2014, the Law Council of Australia released the National Attrition and Re-Engagement Survey (NARS). The draft report sought responses, again in a very tight timeframe. To formulate this response,

Female barristers were more likely to report experiencing almost every form of discrimination or type of harassment at work compared with their counterparts in private practice or in-house legal roles.

the NARS Response Working Party was able to accomplish a very good response to the Law Council, ably supported by Megan Black, the Bar Association's senior policy lawyer. The bar's response to NARS was tripartite. The first was a response to the Law Council itself, responding to the findings in the survey and providing the Law Council with information on the various programmes and initiatives of the association in the relevant areas. The second was the establishment of a working party devoted to the issue of equitable briefing, in recognition that despite a decade or so of hard work by interested committees and sections, little ground has been gained. That working party has commenced its work under its co-chairs Moses SC and Kate Eastman SC, and has been authorised to co-opt outside the practising members of the association, to include clerks, partners of top- and mid-tier firms, and in-house counsel, in an attempt to broaden the reach of women at the bar. The third was the continuation of the NARS Working Party to oversee the continued initiatives in response to NARS within the bar.

The NARS report, while not specific to the bar, had a significant response from NSW lawyers. It contained a number of disturbing statistics relating to the experience of women and men at the bar, including:

- Female barristers were more likely to report experiencing almost every form of discrimination or type of harassment at work compared with their counterparts in private practice or in-house legal roles. Eighty-four per cent of female respondents reported experiencing discrimination due to gender during their time at the bar.
- Reported rates of bullying or intimidation were high for men and women at the bar, at 51 per cent and 80 per cent respectively.
- The most common reason for women not to consider a career at the bar was that they were uninterested in a career at the bar, or that they felt that they did not have the requisite skills and experience.
- Male and female barristers reported dissatisfaction with the financial pressures associated with life at the bar, as well as the pressure of the role and the environment.

A number of initiatives and existing programmes are seeking to progress the bar in the above areas. In relation to women considering a career at the bar, the Equal Opportunity Committee held an open day



Lt General David Morrison, Jane Needham SC, Julia Baird SC, the Hon Justice Ruth McColl

for female law students, in which the students were allocated, in small groups, to female barristers and were given the opportunity to spend a day with them, meeting a female judge in the process. The open day, as it has in previous years, garnered significant positive feedback.

In relation to financial pressures, the Practice Development Committee and the Alternative Business Structures Working Party are investigating how barristers can expand their practices and draw upon best practice business development models. The Bar Association has held CPDs on costs recovery and practice management. The BarCare programme, which has been an extremely successful scheme of the Benevolent Fund under the care of Penny Johnston, has enabled many barristers to receive assistance in times of stress. I commend BarCare to all members.

Members may recall receiving a survey with their 2014 practising certificate renewals. The level of response to the survey was remarkably high – over 50 per cent of applicants for practising certificates – and the data collected is being analysed by an external consultant. The ensuing information will be particularly useful in shaping our response to the challenges facing the bar in all areas.

On 5 June 2014, the Bar Council approved four Best Practice Guidelines, in the areas of Harassment, Discrimination, Victimisation and Vilification (which replaced the existing Sexual Harassment Policy); Bullying; Parental and Other Extended Leave; and Grievance Handling. These Best Practice Guidelines were launched by Lt Gen Morrison, chief of the Australian Army and noted gender warrior, at the Bar Association in August 2014. At that launch, the general said:

It is guidelines such as these that will undoubtedly engender a mutual respect between your members and the people they serve. The guidelines will also offer an example to other institutions in the broader Australian society. To my eyes, it cements your status as a first class, modern association which has a clear view of the significant advantages that are accrued through an inclusive and diverse workforce.

It is my wish that the Bar Association will, in the coming years, indeed be recognised as such an association.



EXECUTIVE DIRECTOR'S REPORT

Philip Selth OAM

National practice

As I noted in my report for 2012–13, since my 2008–09 report I have been writing about what was initially a Council of Australian Governments (COAG) 'plan to achieve national regulation of the legal profession'. At long last, there has been some 'movement at the station', with Victoria and New South Wales now having enacted legislation to this end. Unfortunately, other jurisdictions have yet to recognise the merits - and inevitability - of a national scheme.

In April 2014 the Victorian Parliament passed the *Legal Profession Uniform Law 2014*, originally developed under the auspices of COAG. As the then attorney general, the Hon Greg Smith SC, MP, noted when introducing the *Legal Profession Uniform Law Application Bill 2014* into the NSW Parliament to apply the provisions of the Legal Profession Uniform Law, this legislation improves on the COAG taskforce's legislative package, with a range of changes having been made :

to simplify its administration and substantially reduce regulatory costs. These changes also ensure that existing regulatory structures at the local level can continue to be used to provide the efficient and effective delivery of regulatory services. ...

The principles of co-regulation, with involvement for the profession in critical areas of regulatory responsibility, are preserved

The uniform law provides for the establishment of two new bodies that will set policy and ensure consistent application across participating jurisdictions, being the Legal Services Council and an Admissions Committee, together with a commissioner for uniform legal services regulation. The Law Council of Australia and the Australian Bar Association, of both of which the Bar Association is a constituent member, has a formal role in nominating members of the council and admissions committee. They also have a legislatively enshrined role to develop uniform rules relating to legal practice, professional conduct and continuing professional development.

The NSW Parliament, with bi-partisan support, passed the Legal Profession Uniform Law Application Bill on 13 May 2014 and it received assent on 20 May 2014. Part of the legislation was proclaimed on 1 July so that the council and admissions committee could be appointed, and the commissioner and staff appointed. There remains a large amount of work to be done to draft companion and subordinate legislation to give full effect to the aims of the Application Bill. It is anticipated that the legislation will fully come into effect on 1 July 2015. (On 5 September 2014 the New South Wales and Victorian Attorneys General Brad Hazzard and Robert Clark announced the appointment of the former head of the Australian Government Solicitor's Office, Dale Boucher, as the commissioner for uniform legal

services regulation and chief executive of the Legal Services Council.)

A major function of the council will be to develop and approve the new uniform 'practice rules'. The Australian Bar Association has already drafted uniform conduct rules, which will be put to the council for endorsement. These rules have already been adopted by the various bars; the *New South Wales Barristers' Rules* having come into effect on 6 January 2014.

The Australian Bar Association is now working on uniform professional development and practice rules. The professional development rules recently approved by the ABA Council are basically those that now apply to the New South Wales Bar. Uniform 'direct access' rules will be more challenging to draft, as each jurisdiction currently has different arrangements, especially in areas such as direct access briefing. While at the moment the Legal Profession Uniform Law has only been enacted in NSW and Victoria, it is clearly in everyone's interest that the rules that will be submitted to the council for endorsement have been settled in advance with all bars. A significant amount of all of this work has been undertaken by staff of the Bar Association.

It is to be hoped that as other jurisdictions come to see that common standards applying to the profession across Australia can only benefit the profession - and our clients - those jurisdictions, too, will progressively join with NSW and Victoria to form a truly national profession.

Conduct rules

As noted above, the Australian Bar Association has drafted national rules that will be submitted to the Legal Services Council for endorsement. All bars across Australia have either adopted the new rules, or are to do so.

Direct access briefing

As also noted above, the Australian Bar Association is drafting a 'practice rule' governing direct access briefing for endorsement by the Legal Service Council.

Put broadly, there are two types of direct access briefing. The first, usually known as 'direct briefing', is where a corporate or government lawyer briefs a barrister directly, without using an external solicitor. Any in-house lawyer with a current practising certificate can directly brief a barrister. The advantages of direct briefing in this area are numerous. Strategic, early and direct involvement of a barrister saves time and money.

The second type, 'direct access', is where a barrister (or solicitor) accepts a brief from a member of the public, who usually has no legal qualifications. Complaints from the client to the legal services commissioner in such cases are not uncommon. Reasons for this include the client's lack of understanding of the legal process, unreasonable expectations and poor communication between the practitioner and the client. There have also been complaints that the practitioner has not carried out the work for which the client has paid. There currently are different 'rules' concerning direct access briefing in each State and Territory.

It remains to be seen whether a national 'direct access' briefing rule can be drawn that will lessen the number of complaints the practice generates. However, irrespective of how that rule may read, it is essential that the barrister undertaking direct access work fully discuss with their client what a barrister can and cannot do (such as not being able to file process); the likely timetable for the matter and the fees that the barrister will charge (and any likely changes as the matter develops). Contemporaneous notes of these discussions are desirable.

The barrister who receives fees in advance must comply strictly with Regulation 106A of the *Legal Profession Regulation 2005*. Failure to do so has been held to be professional misconduct, and removal from the Roll of Local Practitioners has followed.

Australian Bar Association

The Australian Bar Association, established in 1962 by the bars of NSW, Victoria and Queensland which is now made up of all the state and territory bars. Noel Hutley SC, the senior vice-president, is the Bar Association's representative on the ABA Council. Phil Boulton SC is its treasurer.

For many years the ABA was best known for its biennial conference and more recently the work of its Advocacy Training Council. The development of a truly national profession, and the recognition in the national legislation of the role of the ABA as the peak representative body for Australian barristers, has led to a greater recognition of the need for common practice and conduct rules – and for the bar to be heard as an independent voice advocating for the rule of law. It was not so many years ago that each bar acted without conscious regard to how their actions may affect the other bars. The enhanced role of the ABA in recent years has done much to assist the inter-bar collegiality and co-operation that previously relied primarily on the conferences and training courses.

Greater attention is being paid to ways in which the Australian Bar can work with, and assist, the legal profession in our near north and the Pacific. There is also a deliberate attempt to raise the profile of the Australian Bar across south-east Asia, and to promote the accessibility and quality of Australian advocates. One such example of the ABA's work in this area is its involvement with the International Malaysia Law Conference to be held in September.

In 2015 the ABA will be holding its biennial conference in Washington and Boston, with the theme 'Trends in American Justice: Impacts for Australia'.

Law Council of Australia

The New South Wales Bar Association, as is the independent bar in each state and territory, is a constituent member of the Law Council of Australia. At the time of writing this report Arthur Moses SC, the Bar Association's junior vice-president, is the Bar Association's director on the council.

The LCA, drawing on the assistance of members of the profession across Australia, makes high quality submissions to the federal parliament, commissions of inquiry and federal agencies. Members of our bar make a significant contribution to these submissions.

There are currently suggestions being made that the president be a full-time paid position, which would disenfranchise potential office-bearers who are sole practitioners, who do not have the support of a firm behind their absence from practice. The role of the LCA president has grown in recent years, not least because of the incessant demands of the media. There is a proliferation of meetings and conferences overseas at which the LCA is expected by some to be represented. However, the answer is not a full-time president but rather acceptance of a federated model where directors, and others, share the workload of an important legal institution, rather than authority and duty being left to a few senior office bearers.

The Bar Association staff

As I say each year, this part of my report is the hardest part to write. I struggle to find a different way to say what I have said before. Few outside the Bar Association's past and present office bearers realise the amount of work undertaken by the staff, and the inordinately long hours many put in to provide a quality service to members and others. The Bar Association is lucky to have the staff that it does.

Further thanks

I also wish to record my thanks to the members of the Bar Council, committee chairs and others who have given me, and the Bar Association, so much assistance over the past year. Being able to pick up the phone and ring, or knock on their door a member of the bar whose assistance I may be seeking for another member of the bar, a member of the public, a government, or for myself and my staff, and knowing that only very rarely I will not be immediately and willingly given that assistance, is of enormous comfort.

I particularly wish to thank presidents Phil Boulten SC and Jane Needham SC for their unstinting support for me and the rest of the Bar Association's staff, and for their being available – and tolerant – at all hours of the day, seven days of the week.

OFFICE BEARERS



Jane Needham SC
President



NEW SOUTH WALES
BAR ASSOCIATION



Noel Hutley SC
Senior Vice-President



Arthur Moses SC
Junior Vice-President



Michael McHugh SC
Treasurer



Dominic Toomey
Honorary Secretary

THE BAR COUNCIL

As at 30 June 2014

Jane Needham SC

Sandy Street SC

Anne Healey

Catherine Gleeson

Noel Hutley SC

Tim Game SC

Jeremy Morris

John Hyde Page

Arthur Moses SC

Garry McGrath SC

Andrew Stone

Carolyn Dobraszczyk

Michael McHugh SC

Chrissa Loukas SC

Paresh Khandhar

Dominic Toomey

Kate Traill

Sophie Callan

Ian Temby QC

Mary Walker

Warwick Hunt

BAR ASSOCIATION STAFF

As at 30 June 2014

Office of the Executive Director

Executive Director	Philip Selth OAM BA (Hons) LLB
Executive Assistant	Georgina Stow

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. Assistant (Records)	Kim Ellis
Records Assistant	Mel Whitehorn
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

Professional Development Department

Director, Organisation & Development	Chris D'Aeth LLB (Hons) MBA
Professional Development Manager	Anna Hurtig Adair BA BSSc MA Dip Ed
Event Manager	Katie Retford BM
Education Assistants	Irene Puntillo Stella Giandiri

Bar Library

Librarian	Lisa Allen B App Sc (Info) M Inf Stud
Assistant Librarian	Jennifer Hughes BA DIM
Technical Services Librarian	Leonie Anderson B App Sc (Info)

Law Reform and Public Affairs

Deputy Executive Director	Alastair McConnachie LLB
Publications Manager	Chris Winslow BA (Hons) MIntS
Senior Policy Lawyers	Megan Black BA LLB (Hons) Roshana Wikramanayake BEc LLB
Policy Lawyers	Jo Wilton LLB Kim Kemp LLB

Finance Department

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

STATISTICS

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

MEMBERS

Members who hold a NSW PC (including members based interstate & overseas and nine life members who have a current NSW PC)	
Male	1788
Female	456
Total	2244
Number of senior counsel (QC or SC)*	
Male	326
Female	35
Total	361
Number of 'junior' barristers**	
Male	1462
Female	421
Total	1883

Practising address of members who hold a NSW PC	
New South Wales	2235
Australian Capital Territory	2
Queensland	2
Overseas	5

Members (inc. honorary life members, judges and non-practising barristers)	
Male	577
Female	154
Total	731
(Inc. 27 honorary life members without a current NSW PC)	

Occupation of non-practising members	
Academic	13
Clerk	20
Crown prosecutor (interstate / Commonwealth)	3
Former barrister	145
Former judge / magistrate	111
Interstate / overseas barrister	183
Judge	174
Judicial officer	3
Magistrate	31
Statutory appointment	9
Other	37
Member of parliament	1
Solicitor-general (Commonwealth)	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.

STATISTICS

PRACTITIONERS

Practitioners holding NSW PCs (including practitioners based interstate and overseas)	
Male	1797
Female	461
Total	2258
Practitioners who are senior counsel (QC / SC)	
Male	327
Female	36
Total senior counsel	363
Junior barristers	
Male	1470
Female	425
Total junior barristers	1895

Location of holders of a NSW PC

	Juniors		Silks		Total
	Male	Female	Male	Female	
NSW	1466	423	323	36	2248
ACT	2	0	0	0	2
Queensland	2	0	0	0	2

Overseas practitioners by country of residence

	Juniors		Silks		Total
	Male	Female	Male	Female	
New Zealand	0	0	1	0	1
UK	0	0	3	0	3
Singapore	0	1	0	0	1
Canada	0	1	0	0	1



NEW SOUTH WALES BAR ASSOCIATION

2013




July	August	September	October	November	December
Bar exams	Tutors' & Readers' Dinner	Bar Practice Course	Drinks with the judiciary	Silks presentation ceremony	Bar Tennis Day
15 Bobber for His Hon Nicholas Manousaridis	Common Law Drinks	Drinks with the judiciary	Silk appointments	Bar Association AGM	PCC Committee Drinks
	15 Bobber for the Hon Justice Leeming	Female law students open day	Career at the Bar Open Day	Party for the Hon TEF Hughes AO QC	UNSW Pre-Law Day
	ADR Conference	Extraordinary General Meeting of the Bar	Pink and Blue Ribbon Breakfast	15 Bobber for her Hon Judge Sharron Norton SC and his Hon Judge Mark Williams SC	15 Bobber Stephen Hanley SC



Left: the 2013 Tutors & Readers' Dinner. Below, left: the Hon TEF Hughes AO QC at a party to mark his retirement from practice. Below: Bar Practice Course 02/2013.



2014

January	February	March	April	May	June	
ABA Advocacy Course	High Court silk bows and ABA dinner	CPD regional conferences	Childcare Scheme Launch	Bench & Bar Dinner	Bar exams	
Bar v Solicitors Golf	CPD regional conferences begin	Personal Injury Conference	Book launch for <i>Justice in Arms</i>	Bar Practice Course	Committee Drinks	
	Bar exams		Women barristers' forum	Indigenous Barristers' Trust fundraiser		
	Keith Mason portrait handover and life membership presentations		Book launch of <i>Key Issues in Judicial Review</i>			
						
						
						
<p>Top: Launching the Bar Association's Childcare Scheme. Above: 2014 Bench and Bar Dinner at the Westin Sydney. Left: Portrait of Keith Mason.</p>						

Arranging and promoting continuing professional development



PROFESSIONAL DEVELOPMENT DEPARTMENT

The role of the department

The professional development department provides education, training and additional learning and development services to all practising barristers in NSW. The main responsibilities of the department are to:

- Co-ordinate services for new barristers. There are two main aspects to the substantive educational services for new barristers: the bar examinations; and the Bar Practice Course;
- Provide continuing professional development (CPD) seminars;
- Arrange the various social functions put on by the association for members, such as the Bench & Bar Dinner, the Tutors & Readers Dinner and the 15-Bobber functions.

The department remains focussed on our core objectives: to continue to provide relevant, practical or intellectual content to members to assist in the ongoing professional development of members and their practices. The department was supported during the year in review by new sponsorship partners, complementing the existing sponsorship arrangements.

The department continues to work closely with the Bar Council and the committees to identify areas of need and interest to members and to provide services that address the need and interest in a timely and cost effective manner.

Exams

For the February 2014 bar examinations 157 candidates submitted a registration form to sit for one or more of the examinations. The three examinations are: Practice and Procedure; Evidence; and Ethics. In the end 128 candidates sat the examinations. In June 2014, 120 candidates attempted one or more of the examinations. A total of 46 members of the association assisted in the preparation and marking of papers in February 2014 and 44 assisted with the June 2014 examinations.

This represents an increase of four per cent of candidates registering to sit for exams and a four per cent increase in the candidates sitting the exams over the previous year.

REPORTS

Arranging and promoting continuing professional development

The department remains focussed on our core objectives: to continue to provide relevant, practical or intellectual content to members to assist in the ongoing professional development of members and their practices.

The Bar Examination Working Party, chaired by Carol Webster SC, continues to provide support, guidance and assistance to the department in the implementation of the Bar Council policy in relation to the bar exams. The examination format remained the same as in previous years.

Bar Practice Course

It was noted last year that the second Bar Practice Course (BPC) of the calendar year was to be moved in 2013 to run over four weeks before the school holidays in September–October. Early indications are that this earlier course is more attractive to readers and it is leading to similar numbers of readers in each course. The department will continue to monitor the timing of all events to ensure it continues to meet the needs of new barristers and chambers.

The August–September 2013 and May 2014 course represented the 46th and 47th BPC. The courses were directed (for the eighth year) by Michael Fordham SC.

In 2013–14, 96 readers completed the two courses. This is up by 12 on the 84 readers from 2012–13. The course continues to have a greater percentage of women undertaking the course (35 per cent) than the percentage of women at the bar generally (20.8 per cent).

The course continues to be a four week course. The overall structure of the course timetable has remained constant in recent years while individual components of the course have been developed and refined. The Bar Practice Course would not be possible without the very generous support of over 140 barristers and members of the judiciary who give so willingly of their time to develop the skills of the junior bar.

By way of brief illustration of the extent of the involvement provided (often every course) by dedicated members of the bar as well as of the judiciary, each Bar Practice Course spans four weeks. During those four weeks, there are over 50 scheduled lectures, mini-trials and workshops, featuring in excess of 140 barristers and judges. Readers also undertake seven evening advocacy workshops, plus a full day Saturday workshop under the guidance of trained advocacy instructors. A further four evenings are dedicated to the various jurisdictions, with judicial officers from the Local, District, Supreme and Federal courts giving up their time, and court rooms, to hear applications. The involvement of the judiciary is best exemplified by the very popular day with judges where each reader accompanies a judge for a day. The course culminates in a final mock trial, a full-day Saturday hearing, again before members of the judiciary. The commitment of all involved is absolute.

We could not run these courses without the continuing support from the presenters, instructors and

Arranging and promoting continuing professional development

judges who set aside time from their busy practices to assist in welcoming and guiding the newest members of the bar. The Bar Council wishes to extend its sincere thanks to all those involved in the Bar Practice Course.

CPD

Amongst the goals of the Bar Council in introducing CPD in 2002, as a requirement of maintaining a barrister's practising certificate in New South Wales, is a recognition that in order to maintain the professional reputation of the bar, it is essential that it maintains the highest professional standards. Continuing education was, and remains, the most obvious and direct means of achieving that end.

In 2013–14 the department offered 64 seminars (96 points) covering all four strands plus a number of workshops and conferences. The conference program continued to enjoy strong support from all members. Conferences were run throughout February and March in Orange, Newcastle, Parramatta, the North Coast, and two conferences in Sydney. The conference programmes were designed to offer a wide range of topics and speakers that would be of interest to all members.

As in previous years the preparation for the conferences for 2015 will commence around the time of the publication of the annual report. If any member would like to be involved in the conferences – or any aspect of the CPD program – you are encouraged to contact the Professional Development Department.

A reminder about CPD online: In June 2012 the Bar Association wrote to all members to advise of the launch of CPD Online. It remains a popular and convenient way for members to access previous CPD seminars (and papers).

Additional activities

The university open day remains a popular day in the calendar. Held in spring each year it attracts over 100 students from the 10 law faculties in NSW. The department also provided a full calendar of social events, with the Bench and Bar Dinner again being the highlight of the year. A wide variety of social functions including 15 Bobbers, the Tutors' and Readers' Dinner and the Judicial Q&A were put on for members.

Thank you

As in previous years, the department is extremely grateful for all the assistance provided by a great many volunteers. All give of their time freely and willingly with an eye only to the improvement of the New South Wales Bar. It simply would not be possible for the department to operate without the support and commitment of so many.

Education Committee

The committee provides oversight to the professional development department's activities, including (but not limited to) the exams, the Bar Practice Course, the reading programme and CPD activities. The

Arranging and promoting continuing professional development

committee has made a number of recommendations relating to policy to the Bar Council and has worked collaboratively with the Examination Working Party and the New Barristers' Committee in relation to the exams and issues impacting upon the junior bar.

Currently the committee is focussed on improvements to the statutory list of tutors and providing additional information to tutors. The committee is also reviewing the information provided to examination candidates with a view to addressing health and wellbeing concerns.

New Barristers' Committee

The goals and objectives of the New Barristers' Committee are to:

- promote the pursuit of excellence through targeted Continued Professional Development, camaraderie through social events and other traditions of the general bar amongst NSW barristers under six years;
- assist NSW barristers under six years to build and develop their practices;
- make submissions to the Bar Council regarding issues and matters that affect the interests of barristers under six years seniority; and
- otherwise support the work of the Bar Council as and when needed.

The New Barristers' Committee provides a great deal of assistance to the professional development department, particularly in the design and provision of CPD for the junior bar. The committee is also responsible for the annual cross-examination workshop. The next scheduled cross-examination workshop will be in February / March 2015.

Health Sport and Recreation Committee

The aim of the Health, Sport and Recreation Committee is to encourage members to maintain a balanced and healthy lifestyle through education and by providing the opportunity to participate in organised sporting, social and recreational activities. The Bar Association's website provides links and contacts to a diverse range of sporting and social activities that are on offer to members throughout the year.

The annual health testing day was well attended by many members. The initiative provides an opportunity for a swift cholesterol, blood sugar and blood pressure test in the Bar Association Common Room. Many members also took the opportunity to have a 'flu shot to ward off illness in the winter period.



EQUAL OPPORTUNITY COMMITTEE

During the last year the Equal Opportunity Committee has made significant efforts to promote diversity at the New South Wales Bar and equality of opportunity for all of its members.

In addition to contributing to policy development at a national level through the Law Council of Australia, the committee has undertaken work on a number of policy initiatives for the New South Wales Bar. Perhaps the most substantial initiatives have resulted from the committee's development of the Equity and Diversity Policy, which was passed by Bar Council on 16 May 2013.

Since that time, the committee has been working on an Implementation Strategy for the Policy in consultation with the Women Barristers Forum, the Indigenous Barristers Strategy Working Party and the New Barristers Committee. It is anticipated that the strategy will be completed during the coming year; it will provide a clear guide to members of the bar, clerks and association staff on the adoption of practices that will minimise the risk of contravening anti-discrimination legislation and will promote diversity of and equal opportunity at the bar. More broadly, it will:

- guide the work of the committee;
- create awareness of, and promote commitment to, equity and diversity principles;
- strengthen the bar by promoting diversity and equality; and
- recognise the positive value of a diverse bar.

In addition to the development of the Equity and Diversity Policy, the committee reviewed the Sexual Harassment Policy and developed new Best Practice Guidelines on Sexual Harassment, Discrimination; Bullying; Parental Leave; and Grievance Handling. The guidelines address the obligations placed on barristers under Rule 117 of the *New South Wales Barristers' Rules*. The Best Practice Guidelines were adopted by the Bar Council in June and during the coming year, the committee will be holding a number of seminars promoting and explaining the new practice guidelines.

During the past year, the committee concentrated on the availability of child care for members of the bar. It reviewed the emergency child care scheme and conducted a survey of members concerning child care requirements. This led to the submission to the Bar Council of a Bar Association child care scheme in which the Bar Association would enter into an arrangement with Guardian Early Learning to provide long day care for member of the association in the Sydney CBD. In November the Bar Council accepted

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The EOC has been exploring equity issues experienced by those coming to the bar. A survey of clerks and heads of chambers was undertaken to obtain information about facilities offered to readers including information about availability of reader's accommodation, timing of applications, the fees charged to readers in the first year and the availability of rooms for readers after the completion of their readership.

the proposal and on 3 April the NSW Bar Association Child Care scheme in association with Guardian Early Learning was officially launched.

The EOC has been exploring equity issues experienced by those coming to the bar. A survey of clerks and heads of chambers was undertaken to obtain information about facilities offered to readers, including information about availability of reader's accommodation, timing of applications, the fees charged to readers in the first year and the availability of rooms for readers after the completion of their readership. The committee extends its thanks to those who responded to the survey. The responses provided are being considered, and will inform the development of a strategy to promote equity for those coming to the bar.

Over the last 12 months the committee has continued its efforts to promote the Equitable Briefing Policy to firms of solicitors and large institutional clients in addition to liaising with the Women Barristers Forum to develop strategies for promoting implementation of the policy. The committee has developed a section for the Bar Association website providing information about the Equitable Briefing Policy.

The committee continued its male mentoring program during the year, and with the WBF and the Professional Development Department assisted in formalising the existing mentoring program.

During the course of the year, the committee hosted CPD seminars as part of its Successful Speaker Series, featuring the author David Marr and her Honour Justice Beazley. The committee also hosted a CPD seminar by Professor Ludmilla Stern on 'International Courts and Interpreters'. The committee presented CPD seminars to satisfy the requirements of Clause 176 of the *Legal Profession Regulation 2005*.

In October 2013 the committee hosted the annual Pink and Blue Ribbon Breakfast at the Metro Cafe at Hyde Park and organised a table to attend the Toongabbie Legal Centre fundraising dinner in October 2013.

In September 2013 the committee held the annual Open Day for Female Law Students at which over 90 very enthusiastic law students spent a morning at the bar with their barrister guides and during which they had a discussion with a female judge. The committee hopes that in the near future some of our open day graduates will be readers at the bar.

Promoting the interests of practising barristers

INDIGENOUS BARRISTERS STRATEGY WORKING PARTY

The Indigenous Barristers' Strategy Working Party is dedicated to the implementation of the Indigenous Lawyers' Strategy at the bar. The membership of the working party consists of barristers, two District Court judges and representatives from the Law Schools of the University of New South Wales and the University of Technology and the NSW Public Defender's Office.

The major activity for 2014 was the promotion and implementation of the Bar Association's Reconciliation Action Plan (RAP) which commenced on 1 January 2013. This involved a range of activities.

The development of the RAP is important because it ensures that the Bar Association's efforts are consistent with national efforts towards reconciliation in the legal profession led by the Law Council of Australia. Also, the RAP documents the association's responsibility to ensure that the NSW Bar reflects the values of equity and diversity.

The RAP clearly sets out the Bar Association's goals for the coming years and the way that those goals can be achieved. In doing so, the association is building on over 16 years' experience in creating pathways for Aboriginal and Torres Strait Islander people to the New South Wales Bar.

Over the past year, the working party continued to develop its already strong focus on Indigenous law students. Often working closely with Ngalaya Aboriginal Corporation, the working party provided encouragement and incentives for students to progress through their studies to one day consider the bar as career choice.

The mentoring scheme was established in February 2009. Mentors have worked with 26 students who have now graduated and many remain in contact with and provide professional support for the new solicitors. There are currently 27 Indigenous law students being mentored by NSW barristers. Students continue to report substantial increases in their understanding of the way the legal system works which provides a significant input to their legal studies. Barristers continue to remark on the rewarding nature of the scheme and frequently claim the benefits are higher to them than to the student.

Developing part-time employment opportunities for Indigenous law students and mentoring opportunities for new Indigenous law graduates is a significant focus for the working party. The employment scheme for Indigenous law students has successfully run over the last 12 years. Students are provided with the opportunity to conduct administrative work and research for barristers and gain an understanding of the role of a barrister. There are three students employed currently.

In December 2013, the bar hosted the students attending the UNSW Indigenous Pre-Law Program. The students met barristers and visited their chambers to gain an insight into the work of a barrister. They attended court for a period and then met with Justice Michael Slattery who talked to them about being a judge and the way the court system worked.

Promoting the interests of practising barristers

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A special trust fund, The Indigenous Barristers' Trust The Mum Shirl Fund (the trust), 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 as a public benevolent institution under the *Income Tax Assessment Act 1936* (Cth).

There are four trustees: the current president of the NSW Bar Association, Jane Needham SC, Justice Michael Slattery of the NSW Supreme Court, Mullenjaiwakka, an Indigenous barrister, and Chris Ronalds AM SC. Philip Boulten SC was a trustee during his presidency.

The trust made grants to 17 Indigenous law students to attend the 8th National Indigenous Legal Conference in Alice Springs in October 2013 and 17 Indigenous law students to attend the World Indigenous Legal Conference in Brisbane in June 2014. Grants enabled several law students who had fallen into financial difficulties to continue with their legal studies.

On 28 November 2013, the trust hosted an informal social function for Indigenous law students and lawyers in conversation with Judge Joseph Flies-Away, JD, MPA, associate justice of the Hualapai Court of Appeals, Arizona, USA led by Tony McAvoy, barrister. The event was held at Metro St James and 35 students and lawyers attended as well as four barristers. It was an interesting and engaging exchange about drug courts and different approaches for effective judicial intervention with Indigenous people struggling with various addictions.

On 29 May 2014, the trust held its annual fundraiser when it hosted a cruise on the Aboriginal owned boat *Mari Nawi*, run by the Tribal Warrior Association, to view the lights of the Vivid Festival from Sydney Harbour. Eighty judges, barristers and Indigenous law students spent three hours marvelling at the spectacular light shows on the many harbour side venues, enjoyed the Aboriginal food and the performances of two Aboriginal dancers accompanied by didgeridoos.



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PRACTICE DEVELOPMENT COMMITTEE

The Practice Development Committee aims to maintain and promote the unique services offered by the New South Wales Bar.

During the reporting year, the committee was largely focussed upon initiatives intended to assist targeted groups to be better informed about the services the New South Wales Bar offers and to better identify suitable counsel for particular matters.

The committee continued to be chaired by Richard McHugh SC during the reporting year. Once again, part of the committee's focus has been work on initiatives which enable the bar to promote or market itself to in-house counsel with current solicitors' practising certificates directly.

The Bar Association continued its corporate alliance with the Australian Corporate Lawyers Association during the period, and much of the committee's activities involved furthering links with corporate in-house counsel:

- The committee settled questions for in-house counsel relating to briefing the bar, which were included in ACLA's annual survey of its members. The survey results indicated that in the past 12 months 44.9 per cent of respondents had directly briefed a barrister (up four per cent from 2012), and that the reason for directly briefing a barrister continues to be for the specialist expertise provided by the bar;
- The committee facilitated the inclusion of an article by Dr Elisabeth Peden in the September ACLA journal entitled 'Legal Privilege for in-House Lawyers: what is protected and what is not?';
- The committee has also prepared and provided material for inclusion in the In-House Counsel page on the new Bar Association website, which is specifically devoted to briefing the bar;
- The committee organised a CPD seminar to be held in 2014 devoted to working with in-house counsel; and
- The Bar Association hosted a networking function for in-house counsel at the annual ACLA NSW Corporate Counsel day in February 2014.

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The committee designed and settled new areas of practice for the Bar Association's Find a Barrister facility, which provide more specific guidance for in-house counsel and other solicitors in finding barristers with particular areas of expertise.

During the reporting period work commenced on the preparation of a brochure on briefing the bar aimed at government lawyers, along the lines of the *Briefing Barristers Directly – A Guide for In House Counsel* pamphlet which the committee finalised in 2012.

However, the committee has this year also pursued some wider initiatives for the benefit of the bar.

The committee designed and settled new areas of practice for the Bar Association's Find a Barrister facility, which provide more specific guidance for in-house counsel and other solicitors in finding barristers with particular areas of expertise. Members were asked to indicate relevant areas of practice for the new facility in conjunction with the 2014 renewals process.

On a more general level, a sub-committee has been formed to examine and report back on:

- development of a CPD seminar on marketing chambers, aimed at clerks and heads of chambers; and
- preparation of template marketing materials for chambers and a possible marketing manual and checklist, similar to materials prepared by the Bar Council of England and Wales.

The committee intends to examine and report to Bar Council on broad marketing issues and possible strategies during the coming year.

Finally, and perhaps most importantly, the committee designed a broad survey of the bar which was provided to members with their 2014-15 renewal papers. The 45 questions in the survey cover a broad range of matters relevant to practise at the bar, ranging from time spent in court and costs and overheads to social issues such as family responsibilities and discrimination and harassment. The response from the bar was excellent with 1174 (over 50 per cent of practising NSW barristers) submitting completed surveys.

The survey is the first of its kind for well over a decade, and is intended to obtain data which can be used to develop, support and justify future initiatives by the Bar Association for its members. The survey results are to be analysed and a report prepared for the consideration of the Bar Council.

Promoting the interests of practising barristers

WOMEN BARRISTERS FORUM

The Women Barristers Forum (WBF) is a Section of the New South Wales Bar Association. It exists to promote awareness, discussion and resolution of issues which particularly affect women barristers, to identify, highlight and seek to eradicate discrimination against women in law, advance substantive, and not merely formal, equality for women at the bar and in the legal profession generally, and to provide a professional and social network for women barristers and promote their interests and skills and to support diversity and flexibility at the bar.

The May 2014 AGM saw a new executive committee elected. Michelle Painter SC is the chair, Kate Morgan and Lee-May Saw are the vice chairs, Rosalind Winfield is the treasurer and Amy Douglas-Baker and Kavita Balendra are each a co-secretary.

During the last 12 months, the members of WBF have worked on a series of projects and initiatives, including:

- Presentation of a varied programme of continuing professional development seminars for barristers showcasing the skills and expertise of women barristers at all levels of seniority. Seminars have included sessions directed to practice management, particularly financial management, personal insurance and superannuation for barristers.
- As part of its policy mandate, WBF has prepared submissions on behalf of the Bar Association to the Australian Human Rights Commission in relation to pregnancy and return to work.
- As part of its efforts to provide a social and networking opportunities for women barristers, WBF, together with partner organisation NSW Women Lawyers Association, hosts the twice annual Janet Coombs Women Readers Lunches. The lunches were held in October 2013 and May 2014.
- The Women Silks drinks in November 2013 year celebrated the recent appointment of seven women barristers as senior counsel. The event was attended by over 100 members of the legal profession, including members of the judiciary and solicitors. WBF looks forward to holding a similar function this November. This event is also co-hosted with NSW Women Lawyers.
- A new initiative, email bulletins are sent from time to time to members to announce and celebrate the achievements of women barristers and women lawyers generally. Among the achievements that have been celebrated are appointments of women barristers to the bench, international organisations, and to boards of directors.

An important event during the last year was the forum of members, held on 5 April 2014. There were two main issues for discussion: the future work of WBF and whether the WBF was to become a committee of the Bar Association or to remain a section of the Bar Association. The chair at the time, Mandy Tibbey, devoted a great deal of time and energy to liaising with the staff of the Bar Association and Jane Needham SC, (then senior vice-president of the Bar Association) and a lively debate was entered into on the day. The outcomes and objectives arrived at during the forum were presented to members at the AGM in May 2014, where the members determined that the WBF would remain a section.

The success of each year's committee is necessarily based on the hard work and achievements of previous years' committees. Mandy Tibby's leadership as chair for the 2013–14 year was integral to the ongoing

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An important event during the last year was the forum of members, held on 5 April 2014. There were two main issues for discussion: the future work of WBF and whether the WBF was to become a committee of the Bar Association or to remain a section of the Bar Association.

success of the Forum. The other members of the 2013-2-14 executive committee are also to be thanked and commended for their ongoing dedication and contributions. They are: Rosalind Winfield, Kerrie Leotta, Susan Kluss, Margaret Holz, Brenda Tronson, Amy Douglas-Baker, Lee-May Saw, Deborah Dinnen, Caroline Dobraszczyk, Kathryn Millist-Spendlove, Sarah Talbert, Michelle Swift, Theresa Dinh, Larissa Andelman, and Julie Wilcsek.

For the 2014–15 year WBF has an extensive programme of new and ongoing works, including:

- a CPD programme showcasing women barristers as presenters;
- development and implementation of a women barristers alumni programme, a new initiative as part of the response to the NARS report;
- working with the Education Committee as part of the response to the NARS report;
- the Women Readers lunches in September 2014 and May 2015;
- the Women Silks Drinks in November 2014;
- with the EOC, supporting the women barristers mentoring scheme;
- preparation of submissions on behalf of the Bar Association, in consultation with the EOC, to the Productivity Commission in relation to childcare and workforce participation; and
- a long overdue upgrade and refreshing of the WBF website.

WBF will continue to work with members of the EOC and the Equitable Briefing Working Party to promote the Equitable Briefing Policy.

WBF members will attend the bi-annual Australian Women Lawyers Conference in Adelaide in October 2014. Michelle Painter SC and Lee-May Saw from the current executive committee will be attending, together with Bar Association President Jane Needham SC and Trish McDonald (chair, EO Committee) and Megan Black from the Bar Association.

The executive committee recognises that the ongoing and important work of the WBF is undertaken by a large pool of members, who are co-opted to various subcommittees and special purpose working groups. WBF also acknowledges the support provided by staff of the Bar Association, with special thanks to Megan Black who has been integrally involved in the work of the WBF.



BarCare continues to provide a confidential service for barristers and their families who are experiencing difficulties. BarCare is funded by the Benevolent Fund of the New South Wales Bar Association. The assistance is not limited to matters relating specifically to work at the Bar. By providing access to professional help its aim is to reduce the likelihood of complaints and disciplinary matters resulting from personal difficulties. No information is passed to the Bar Association without the expressed permission of the barrister involved.

There is a raised awareness across the legal fraternity that it has been identified as the professional group that is most vulnerable to depression. The positive side of this is that barristers are seeking professional help earlier. This year large proportion of the barristers who called BarCare directly are just confirming the process to make an appointment with one of the people listed on the BarCare Panel of Specialists. The panel includes psychologists, psychiatrists, bereavement counsellors, drug and alcohol specialists and financial advisers. Generally it is easiest for the barrister to call the professional they wish to attend and make the appointment as the barrister can arrange a mutual convenient time. When making an appointment the barrister advises that it is a BaCare appointment. This allows the account to come to me to signed off for payment and remove the barrister's name. This ensures confidentiality as no identifying information is provided to the Bar Association office. The Panel of Specialists generously gives priority to BarCare clients.

The adversarial aspect of work at the bar can take an emotional toll on individual barristers. Colleagues in chambers and their clerks sometimes notice individual barristers who are stressed. BarCare is called upon for guidance on how to approach a barrister that they believe is not well or just having a tough time. Sometimes the colleagues are prepared to discuss their concerns directly with the barrister. If not BarCare will call the barrister and indicate that colleagues are concerned and offer help. In most instances this is assistance welcomed however if the barrister says that no help is required no further contact is made.

The primary presenting problems from the calls during the past year are collated in Table 1. These grouping are fairly arbitrary based on the discussions made with the caller There has been and increase in the number of physical health problems from the number reported in previous years. The primary problem can often be part of a range of difficulties that a barrister is experiencing. Over half of the problems could be classified as emotional and that is the trigger for the request for assistance. Difficulties with finance and particularly outstanding matters with the Australian Taxation Office are found to be an

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Table 1: Primary presenting problem	2009-10	2010-11	2011-12	2012-13	2013-14
Bereavement	5	5	4	3	2
Psychological	19	8	12	15	7
Depression	7	13	8	10	11
Stress/anxiety	3	8	7	10	4
Marital difficulties	7	4	4	1	8
Gambling	1	0	1	0	0
Physical health	3	3	3	4	9
Alcohol		2	1	1	3
Financial	7	9	9	3	5
Advice and NFA	8	5	10	6	7
Rejected offer of assistance	5	1	1	2	1
Total	65	58	60	55	57

Table 2: Source of referral	2009-10	2010-11	2011-12	2012-13	2013-14
Colleague via bar	-	-	-	2	2
Bar staff	7	9	11	14	14
Self	31	31	28	27	22
Colleague	20	10	9	7	6
Family	-	3	4	1	3
Clerk	-	-	3	2	3
Advice for colleague	5	5	5	2	7
Total	65	58	60	55	57

Table 3: Gender	Male	Female
2010-11	40	18
2011-12	36	24
2012-13	37	18
2013-14	37	20

Table 4: Age (yrs)	<34	35-44	45-55	56-65	>65	Unknown
2010-11	4	10	13	19	3	9
2011-12	7	15	13	12	3	10
2012-13	6	12	13	13	4	7
2013-14	3	12	11	15	5	11

Table 5: Years at bar	<5	6-15	16-25	26-35	>35	Unknown
2010-11	12	16	14	6	3	7
2011-12	16	14	11	3	4	12
2012-13	12	14	10	7	5	7
2013-14	8	16	12	6	3	12

BARCARE

underlying problem that created the stress. It cannot be emphasised strongly enough the need for each barrister to have an accountant. From the day of admission to the bar even when earnings are minimal it is imperative that good accounting practises are developed.

The Benevolent Fund pays for the initial specialist appointment and additional consultations on a needs basis. In cases of financial hardship or personal crisis, Penny Johnston, director, care and assistance, will prepare a written submission for financial assistance. The Bar Council considers this request and where considered appropriate financial assistance will be provided through a grant or a loan.

COSTS AND FEES COMMITTEE

The most significant project undertaken by the Costs and Fees Committee during the year has been the review and updating of the costs precedents on the Bar Association's website, which has now been completed. The committee has also alerted members to direct access disclosure documents required by cl 24B of the *New South Wales Barristers' Rules* by preparing a note for *InBrief*.

The committee provided advice to Bar Council on the impact of filing fee increases in the Federal Court (relevant to the preparation of submissions by the Law Council of Australia and the Senate Inquiry report on the impact of those increases on access to justice in Australia) and prepared a note for *InBrief* to alert members to the fee increase.

The committee has continued to monitor developments arising from the Chief Justice's Review of the Costs Assessment Scheme undertaken by Brereton J. The most recent step has been the publication of a response by the chief justice in which his Honour accepted most of the recommendations in Justice Brereton's report with a view to bringing the proposals for reform to the attention of the attorney general.

In response to a request for guidance, the committee drafted a policy in relation to the operation of the association's fee recovery assistance service which has been adopted by Bar Council. The committee also prepared a procedural outline for barristers on fee recovery by costs assessment.

The committee continues to monitor the progress of the Legal Profession Uniform Law project. The *Legal Profession Uniform Law Application Act 2014* (NSW) has been enacted, but a commencement date has not yet been proclaimed for provisions relating to legal costs. Necessary subordinate legislation has not yet been promulgated or published in draft.

The committee has also continued to monitor developments in the law relating to costs generally and in their particular application to barristers.

Promoting the interests of practising barristers



Photo: Murray Harris Photography

BAR LIBRARY

The Bar Library provides an efficient and effective library service to members and staff of the Bar Association and to practicing members of the profession.

Its major goals are to

- provide a relevant, up to date and well balanced collection;
- assist members in the effective use of library resources; and
- provide information resources in the most appropriate medium.

It supports the practice of the members of the New South Wales Bar by providing the following services:

- 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;
- legal reference services for members, exam candidates and Bar Association staff;
- library orientation and legal research training; and
- provision of an index of current legal weblinks.

Online catalogue

In 2014, the Bar Library's online catalogue was redesigned to bring it into line with the Bar Association's website. Password access was reintroduced to enable members to search for, locate, reserve and renew items of interest. Members can also access the following databases from their chambers via the catalogue:

- Heinonline
- ASX Listing Rules
- Corporations Law
- Making of Modern Law
- AGIS

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The most popular area of the website, the Library Links, which lists all important free online resources can be accessed without a login.

At the end of the financial year, the library's unreported judgments collection was digitized. About 22,000 judgments of the New South Wales and Federal Court, along with some miscellaneous decisions from other jurisdictions, are available in PDF from the library's web catalogue.

The library handled an average of 58 loans and returns daily in this financial year, which compares to 55 last year. The almost 14000 loans last financial year were mainly textbooks (9450), with law reports the runner up on 3204.

The Bar Library completed over 4000 requests in the 2013–14 financial year, an average of c340 per month. The bulk of these requests could be completed using the library's resources, but some need to be sourced from the library's networks.

The Bar Library continues reciprocal agreements with law courts libraries, law firm libraries in the LILLI (Legal Inter-Library Loans) network and more formally with university and other libraries via the LADD (Libraries Australia Document Delivery) service. This is a cost effective method of increasing the library's resources, however, the terms of some online licences have impacted on the accessibility of resources. This is a continuing issue for service delivery.

The library hosts meetings of the Health, Sport & Recreation Committee's Bar Book Club and Bar Knit Group.

The librarian would also like to thank volunteers who have assisted at the Benjamin Andrew Footpath Library <http://footpathlibrary.org/> this year. It is greatly appreciated and we hope more members will volunteer in the future.



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LAW REFORM AND PUBLIC AFFAIRS

The Bar Association's public affairs activities seek to promote and defend the essential principles which underpin our justice system, as well as the interests of its members, in the public arena, in accordance with the association's stated aims to promote the administration of justice and to seek to ensure that the benefits of the administration of justice are reasonably and equally available to all.

The role of the association in this regard was most clearly highlighted during the reporting year by its public campaign against the government's mandatory sentencing legislation in 2014.

In the wake of the public outcry which followed the sentencing at first instance of Keiren Loveridge in November 2013, there was widespread criticism of the judiciary and the justice system generally for being out of touch with community expectations regarding sentencing.

At the time the then president of the Bar Association, Phillip Boulten SC, made a number of media appearances defending the judiciary from uninformed attacks and seeking to explain the role of judges in sentencing:

I think you would see that magistrates and judges know a lot about real life, because they see it unfold every day in their courts. They're the ones who see everything that goes to court, and they're the ones who are most exposed to what happens out there on the streets...by and large, judges have a very difficult task... especially when they have to sentence people, because the sentencing exercise involves a whole range of competing factors, not just denunciation and the proper imposition of punishment, but it also involves having to look at the individual.

Ray Hadley Show, 2GB 15 November 2013

The New South Wales Government almost immediately vowed to introduce mandatory eight year sentences for so-called 'one punch' killings where the offender was affected by alcohol and/or drugs. The Bar Association publicly opposed these proposals, arguing against the capricious results that can ensue

LAW REFORM AND PUBLIC AFFAIRS

from any mandatory sentencing regime, which, by definition, cannot take into account the circumstances of each individual case.

It's one size fits all. It doesn't matter what the circumstances are that relate to the offence or the offender, the judge has no discretion.

Boulten SC, *Seven News*, 22 January 2014.

The Bar Association instead proposed comprehensive changes to liquor licensing arrangements as the preferable response to alcohol-fuelled violence, including venue lock outs, curfews on liquor store sales and so on. The government's response embodied both approaches, and it recalled parliament for a special sitting in January where the laws were passed, despite robust opposition from the Bar Association and other legal profession groups.

However, the mandatory sentencing debate did not end there. The government then foreshadowed the introduction of an array of mandatory minimum sentences for various violent acts committed under the influence of alcohol or drugs. Again, these proposals were actively opposed by the legal profession. President Phillip Boulten SC and the chair of the Criminal Law Committee, Stephen Odgers SC, made a number of media appearances expressing the Bar Association's vigorous opposition to mandatory sentencing.

It removes the ability of the courts to be able to actually impose a sentence that matches the circumstances of the offender and the crime, and the benefits of it are very difficult to measure, and indeed most studies suggest they're either nil or very small.

Boulten SC on 702 ABC *Breakfast with Robbie Buck*, 25 February 2014

The Bar Association and other legal profession groups vigorously lobbied members of parliament against the bill. Eventually amendments to the government's legislation were passed in the Legislative Council, which restored an element of judicial discretion in sentencing for the list of offences. Despite further attempts by the government to convince the Legislative Council to pass the original proposal, the legislation remained deadlocked when the government refused on two occasions to agree to the amendments.

Another piece of legislation which raised substantial issues for the criminal justice system was the *Crimes Amendment (Zoe's Law) Bill 2013* (No 2). That private member's bill sought to significantly change New South Wales law by providing that a foetus that satisfied the definition in the bill of an 'unborn child' will be treated as a 'person'. The bill represented a potential major change to NSW law by separately recognising the legal rights of a foetus. The Bar Association opposed the bill, and lobbied members of parliament extensively against the legislation. President Phillip Boulten SC and Stephen Odgers SC made numerous media appearances explaining the association's position.

The logical next step is to criminalise the deliberate killing of a foetus or the deliberate and wilful killing of a foetus. And that could be manslaughter or murder, but we don't understand that to be murder. We don't understand that to be an offence which carries life imprisonment. It's one that carries severe punishment, but it's not murder under the current law, never has been, and it ought not be.

Boulten SC, ABC Radio National *Background Briefing*, 10 November 2013

Making recommendations and promoting the administration of justice

The bill, which was subject to a conscience vote by members of the two major parties, passed the Legislative Assembly, but stalled in the Legislative Council, where it appeared there was insufficient support for its passage.

Again, tort law reform was a priority for the association in its public affairs work, with bar councillor Andrew Stone making a number of print and electronic media appearances in the context of the government CTP roundtable which was held in July 2013 following the failure of its no fault legislative proposals earlier in the year.

Well, the system we've got at the moment at least looks after the innocent victims of accidents. It covers their future wage loss and it covers their future treatment expenses. To expand it to a no-fault system, the government's got to cut somewhere. And so what they're doing is they're cutting all wage loss and all treatment expenses for 90 per cent of those injured past five years. And where that really kicks in is, for example, if you've got a child who's injured and they have ongoing surgical needs and to meet those surgical needs past five years, they need an allowance for it.

Andrew Stone, ABC NSW Radio *Statewide Drive*, 25 July 2013.

Apart from these major concerted public affairs and lobbying campaigns, Bar Association representatives also made important media appearances on a wide range of topics including the association's new childcare scheme, evidentiary considerations in ICAC prosecutions and federal legal aid budget cuts in the course of the reporting year.

As in previous years, thanks are due to the chair of the Criminal Law Committee, Stephen Odgers SC, who assisted with a number of media enquiries concerning aspects of the criminal law. A number of other members of the Bar Association dealt with media matters on the president's behalf during the reporting year, including Senior Vice-President Jane Needham SC, Andrew Stone and Esther Lawson.

Apart from the direct media appearances by the president and other members of the bar, a crucial part of the Bar Association's public affairs activities involves the background briefing of journalists by officeholders and senior staff. This work is both proactive and in response to specific requests and has as its goal the promotion of accurate reporting in the coverage of often complex legal issues in the press and electronic media.

Additionally, a great deal of the Bar Association's public affairs work is not picked up in the mainstream media. Members and association staff give up their time to conduct sessions for other professional bodies and government agencies on a variety of topics, ranging from aspects of law reform to the Legal Assistance Referral Scheme. The association also sponsors a variety of university prizes and university teams for international moots.

The Bar Association aims to take a principled stand in the often heated and passionate public debate on legal issues, and seeks to uphold the rule of law and essential tenets of our legal system in contributing to public discourse. As a result, the association regularly attracts criticism from public commentators and politicians as a result of its frequent opposition to populist depictions of the judiciary and justice system. The role of the Bar Association, however unfashionable, is to provide an objective source of information on our legal system and uphold the essential legal principles on which our democracy is based.

LEGAL AID COMMITTEE

The Legal Aid Committee continued to work collaboratively with Legal Aid NSW during the year to achieve the best possible outcome for barristers performing legally aided work during the year.

There have been substantial cuts to the Legal Aid NSW budget and the committee made a number of submissions on a range of policy issues to assist legally aided persons and improve conditions for barristers undertaking such work in the current dire financial environment. The impact of cuts to Commonwealth legal aid funding, which will have a major impact on an already massively overburdened legal aid system in New South Wales, was also addressed.

Restrictions announced by Legal Aid for funding of defended criminal matters in the Local Court were reviewed and a note was drafted for *InBrief* to alert members to the new rules.

The committee considered proposed changes in relation to funding arrangements for mandatory defence disclosure under new case management provisions and made a submission to Legal Aid on these issues. A note was drafted for *InBrief* to alert members of the interim funding arrangements in relation to defence disclosure notices, including provision for a submission to be made for additional funding when this is justified by 'exceptional circumstances'. Members were advised that Legal Aid would monitor how these interim measures operate in practice. To ensure that the impact of these changes, in particular the necessity to conduct any additional work, is understood, members were encouraged to make submissions for additional preparation where this is justified by the circumstances.

There have been substantial cuts to the Legal Aid NSW budget and the committee made a number of submissions on a range of policy issues to assist legally aided persons and improve conditions for barristers undertaking such work in the current dire financial environment.

The committee considered the availability of legal aid for contempt proceedings and made comments to Legal Aid NSW regarding the implementation of its current policy.

Assistance was provided for a review of the Duty Scheme for Metropolitan Local Courts serviced by a Legal Aid Office which is to be expanded to include the allocation of duty and urgent case work. The committee also worked with Legal Aid NSW in relation to the Mental Health Advocacy Panel and the General Civil Law Panel.

The committee provided information to assist the New Zealand Criminal Bar Association with a comparative international research project aiming to assess the fiscal and human rights costs and benefits of several selected legal aid models, including the New South Wales model.



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TRANSPORT, MARITIME & AIR LAW COMMITTEE

The Transport, Maritime and Air Law Committee was established in October 2012. Whilst its genesis arose from matters maritime, the scope of its interest extends to include the law relating to aviation as well as other modes of transportation, in particular in an international context and as part of international trade and business. This is reflected in the members of the committee who have significant experience across all aspects of transportation law. The objectives and function of the committee are:

- to monitor developments in maritime, aviation and transportation law and its practice both within New South Wales and also elsewhere (especially inasmuch as it affects practice within New South Wales);
- to bring such developments to the attention of the members of the Bar Association, including by the provision of lectures and seminars;
- to provide a forum within which members of the Bar Association may raise, discuss and consider such developments as well as the need for amendments to or reform of any aspect of maritime, aviation and transportation law; and
- to provide advice to the Bar Council in relation to such matters.

The committee has during its second year maintained its focus on its education objective.

To this end, a number of members of the committee have over the past year given papers or presentations at conferences associated with maritime, aviation and transportation law, such as the Maritime Law of Australia and New Zealand's annual conference in 2013 and branch conference in May 2014. These presentations, which have been directed not just at those members of the association, but also at solicitors and clients with an interest in this area. As such, this has allowed the knowledge and ability of NSW barristers in these areas of law to be showcased to both solicitors and clients, consistent with the association's broader objectives of promoting the bar and the use of barristers.

Further presentations are planned for this year, including a seminar for members of the bar itself, to expand the interest and knowledge of barristers in this area of law and to bring them up to date with the most recent developments.

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TRANSPORT, MARITIME AND AIR LAW COMMITTEE

The committee has also undertaken a review of the resources currently available to members of the Bar Association practising in this area and made representations to the Bar Library about updating those resources. It is intended that such a review be carried out periodically to ensure that barristers practising in this field have access to the most up to date texts, journals, law reports and electronic services relevant to the this area of law.

Members of the committee have also participated in the recent meetings of the Federal Court Admiralty Users Group, and provided comments to both MLAANZ and the Admiralty Rules Committee on further proposed changes to the Admiralty Rules and the potential liability of the Admiralty Marshal for the consequences of arrest.

It is intended that the committee continue to pursue this educative role with further seminars and presentations planned for the coming year.



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 to the New South Wales Law Reform Commission, the New South Wales Sentencing Council, the ombudsman, the New South Wales attorney general and the Law Council of Australia on a number of issues. Some of these submissions have been made on a confidential basis, others have been widely publicised.

Issues on which submissions have been made include:

- Encouraging appropriate early guilty pleas
- Criminal appeals
- Parole
- Standard non parole periods
- The effect of *Barbaro v The Queen; Zirilli v The Queen* [2014] HCA 2
- Sentencing of child sexual assault offenders
- The consent provisions of the *Crimes Act 1900*
- Consorting offences
- Family victim impact statements in homicide cases
- The abolition of the DNA Review Panel
- Female genital mutilation
- The introduction of the:
 - *Firearms and Criminal Groups Legislation Amendment Bill 2013*
 - *Law Enforcement (Powers and Responsibilities) Amendment Bill 2014*
 - *Crimes Amendment (Provocation) Bill 2014*
 - *Crimes Amendment (Strangulation) Bill 2014*

The Bar Association also engaged in extensive lobbying with respect to two bills, the *Crimes Amendment (Zoe's Law) Bill 2013* and the *Crimes Amendment (Intoxication) Bill 2014*, opposing their enactment. To this date, neither has been enacted.

The Criminal Law Committee continued to pursue its own reform agenda. Work has been proceeding apace on a draft drug law reform policy, which the committee anticipates will be completed before the end of the year.



ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

During 2013–14 the ADR Committee continued to provide opportunities for all barristers to gain increased knowledge and experience of ADR, to be accredited or approved as ADR practitioners, and to promote the interest and expertise of the bar in ADR.

Mediation accreditation and arbitration approval

In September and October 2013, the committee continued to administer the accreditation/re-accreditation of mediators under the National Mediator Accreditation System (NMAS); the appointment of mediators and arbitrators to the various court panels; and the approval by Bar Council of barristers as arbitrators under the BarADR scheme.

The New South Wales Bar Association remains one of the largest mediator accrediting bodies under the NMAS with over 100 accredited mediators. To assist mediators seeking reaccréditation who had less than the required 25 hours of mediation experience over the preceding two years, the committee arranged two one-day mediation refresher courses in both 2013 and 2014 delivered by the Australian Commercial Disputes Centre which, as a result of the association's partnership with ACICA, provides the courses at a discounted fee.

The committee ran a series of three two-hour workshops in July and August for all barristers covering all aspects of commercial arbitration, both domestic and international with special requirements such as an award writing exercise for those who wished to be approved under BarADR. The workshops were attended by over 100 barristers. In October 2013, Bar Council approved 21 new arbitrators. The committee also recommended 38 barristers for inclusion in the Local Court Arbitration List.

CPDs and other training

The ADR Committee organised a number of CPDs during 2013–14 including 'Disclosure in mediation', 'Mistakes in mediation', 'Developing your ADR practice', 'Dealing with difficult mediators...and counsel', 'Representing clients at mediation – choosing the most effective role' and 'Applying 10 neuro-principles to successful advocacy'.

The committee also presented a mediation intensive in August 2013 consisting of three CPDs, including

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‘Dealing with culture and personality’ and ‘Practical mediation’.

In March 2014, the committee presented a further three practical mediation CPDs, ‘Appearing for a party in a Family Provision Mediation’, ‘Mediating Professional Negligence Disputes’ and ‘Advocacy in Mediation’.

In addition, a substantial amount of preparation was done towards the all-day 2014 Mediation Masterclass to be held on 16 August 2014 for 80 barristers.

ACICA membership

The Bar Association’s corporate membership of ACICA has continued to be fruitful. Other corporate members are Allens Linklaters, Ashurst, Clayton Utz, Clifford Chance, Corrs Chambers Westgarth, DLA Piper, Herbert Smith Freehills, Holman Fenwick Willan, King&Wood Mallesons, Minter Ellison, Norton Rose Fulbright, Sapere Research Group and the Victorian Bar.

Corporate members’ logos are featured prominently on ACICA’s website, on its publications, including its Arbitration and Mediation Rules, and in its promotion of events and conferences that it sponsors. As a consequence, the association’s logo is widely publicised in corporate and legal circles both in Australia and overseas, particularly South-East Asia.

ACICA had significant involvement in a number of events during the Sydney Arbitration Week in December 2013. Together with the IBA Arbitration Committee and the Law Council, it presented a conference on ‘Key Issues in International Arbitration in the Asia Pacific Region’. It also supported the Young International Council for Commercial Arbitration Workshop. It will also be prominently involved in Sydney Arbitration Week in 2014, including presenting an all day conference with two NSW barristers involved in sessions. In April, ACICA successfully bid against Hong Kong, Kuala Lumpur and Moscow to host the 2018 International Council for Commercial Arbitration conference in Sydney. The committee will work towards the bar having significant representation at this conference.

‘Mediator Chat’

The committee held three ‘Mediator Chats’ as opportunities for barristers who are mediators or interested in learning more about mediation to get together in an informal environment, where a topic relevant to mediation is discussed in a light hearted way. Topics during 2013–14 were ‘Marketing yourself as a mediator – it’s a waste of time’, ‘BATNA, WATNA – we should ban mediator jargon’, and ‘The only neutral mediator is a dead one’. The events have been well attended and have developed to include an informative group discussion following the topic presentation.

Broadcast email

A regular broadcast email is sent by Jo Wilton, the Bar Association’s policy lawyer attached to the committee, to ADR practitioners and other barristers who have notified their interest. It provides details about upcoming CPDs, seminars and conferences of interest, important information about accreditation or approval, and other matters relevant to ADR.



Photo: iStockPhoto

COMMON LAW COMMITTEE

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 the interests of a sustainable insurance market;
- 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.

The Common Law Committee continued to deal with a significant workload over the reporting period. After Jeremy Gormly SC stepped down as of 30 June 2013, Andrew Morrison SC took over as chair of the committee.

A major focus of the committee over the reporting period was the government's ongoing consideration of motor accidents reform following its failure to pass no fault legislation in the first half of 2013. The committee had been very actively involved in lobbying against the government's no fault motor accidents legislation. After the legislation stalled in the Legislative Council, the government held a roundtable on CTP reform at Parliament House on 24 July 2013. The Bar Association was represented at the roundtable by Andrew Stone from the committee.

Following the roundtable, representatives of the committee met the minister for finance, the Hon Andrew Constance MP, on 29 July 2013 to discuss the government's ongoing plans for motor accidents reform. It appears unlikely that the government will proceed with further legislation before the March 2015 election, however the government has certainly not ruled out an attempt to reintroduce a no fault scheme in the future.

The committee also prepared a major submission to the Standing Committee on Law and Justice's

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The Bar Association, in conjunction with the Law Society and the Australian Lawyers Alliance, produced a costed alternative proposal for reform aimed at reducing the price of Green Slips (the government's own stated policy goal), while diluting the worst aspects of the government's proposals.

biennial review of the functions of the Motor Accidents Authority and the Lifetime Care and Support Authority in November 2013. Andrew Stone and the association's deputy executive director gave evidence before the standing committee on 7 March 2014. At the time of writing, the committee has just released its report, which takes up a number of the association's major recommendations for motor accidents legislative reform.

Workers compensation was the committee's other major focus over 2013–14. The Bar Association, along with other legal profession groups, holds serious concerns about a number of the amendments contained in the government's 2012 workers compensation amendments, particularly those which restricted workers benefits, legal representation and appeal rights.

Over the reporting period, the Bar Association had the opportunity to restate its concerns in the context of two important reviews conducted into the workers compensation scheme.

The committee prepared submissions to the Standing Committee on Law and Justice Review of the functions of WorkCover in January 2014, and committee members Andrew Stone and Elizabeth Welsh gave evidence before the committee on 28 March. At the time of writing, the standing committee's report is still to be released.

The government also commissioned a separate statutory review of the 2012 amendments. Committee representatives met with the consultants conducting the review, and a detailed submission from the association was provided to them in early June 2014. Since that time, the government has announced proposed regulatory changes which soften some aspects of the scheme, however more substantive reform is still sorely needed.

The Bar Association has worked hard to establish a constructive dialogue with government on these issues and committee representatives are involved in ongoing legal profession consultative forums with both the MAA and WorkCover.

COMMON LAW COMMITTEE

Over the reporting period, the committee also:

- prepared submissions to the minister for finance concerning the establishment of advisory committees under the *Safety, Return to Work and Support Board Act 2012*;
- prepared comments to the Law Council of Australia in respect of its proposed discussion paper on percentage-based contingency fees;
- prepared submissions to the Motor Accidents Authority on draft claims assessment guidelines issued as a result of the Court of Appeal's decision in *Smalley v Allianz* [2013] NSWCA 318;
- prepared submissions to the Royal Commission into Institutional Child Abuse in response to its Issues Paper 5 *Civil Liability*;
- provided advice to ADR Committee on which categories of Court of Appeal matters would be suitable for referral to court annexed mediation;
- conducted negotiations with the Motor Accidents Authority on a draft new legal profession costs regulation;
- provided comments to the Supreme Court on a draft practice note concerning representative proceedings; and
- organised the program for the very successful 2014 Personal Injury and Common Law Conference held on 15 March.

Particular thanks are due to Andrew Stone, who was a driving force behind the association's response to the motor accidents reforms, along with William Fitzsimmons and Elizabeth Welsh.

In addition, committee members, in conjunction with the events manager, arranged a drinks function for the Common Law Bar held at Settlement on Quay on 23 August 2013. Justice Stephen Campbell was the guest of honour. The committee is organising a similar function for the Common Law Bar to be held later in 2014 to coincide with the anniversary of *Donoghue v Stevenson*. These events have been extremely successful in promoting collegiality at the Common Law Bar.

HUMAN RIGHTS COMMITTEE

The Human Rights Committee dealt with a wide range of issues during the last year. In October 2013 the committee prepared a submission to the Just Terms Compensation Legislation Review conducted by David Russell SC which was concerned with the adequacy of New South Wales just terms compensation as it applies to real property rights.

In April 2014 the committee prepared a submission on behalf of the New South Wales Bar Association to the Department of Attorney General and Justice on the exposure draft of the *Freedom of Speech (Repeal of s 18C) Bill 2014* which proposed certain amendments to the racial vilification provisions in ss 18B to 18E of the *Racial Discrimination Act 1975* (Cth).

The committee also provided comments to the Law Council of Australia to assist with its response to the Australian Human Rights Commission's National Inquiry into Children in Immigration Detention 2014.

In November 2013 the chair and the committee secretary attended a roundtable discussion on racial vilification arranged by the Australian Human Rights Commission.

In December 2013 the chair, some members of the committee and the committee secretary attended a meeting with the race discrimination commissioner, Dr Tim Soutphommasane, to discuss issues of mutual concern.

The committee also organised a number of Continuing Professional Development seminars.

On 11 July 2013 Professor Harold Koh, who had served as Legal Advisor to the US Department of the State from 2009 to January 2013 presented a seminar on 'Obama's Global Legal Strategy'. Registrations were required due to the interest in this event. The chair hosted a dinner for Professor Koh and Mrs Koh which was arranged by the committee secretary and attended by most of the members of the committee.

On 30 July 2013 Professor Christine Kaufmann of the Zurich Law School spoke about recent developments in human rights and the financial sector. The seminar was chaired by Professor Paul Redmond, emeritus professor, University of New South Wales with commentary by Alice Cope, executive manager, UN Global Compact Network Australia.

On 20 November 2013 Professor Fiona de Londras of Durham Law School, Dr Fergal Davis of UNSW Law School and Dr Jessie Blackbourn of UNSW Law School gave a seminar entitled 'Critical Debates on Counter Terrorist Judicial Review'.

On 28 November 2013 the committee organised a seminar on the constitutional law perspectives of same-sex marriage legislation in Australia. The speakers were Professor Anne Twomey, professor of constitutional law at the University of Sydney and director of the university's Constitutional Reform Unit and Perry Herzfeld, barrister. The seminar was chaired by the Hon Justice Pepper.



FAMILY LAW COMMITTEE

In the 2012 report this committee reported upon its participation in a joint initiative of the NSW Bar with the Law Society of NSW, the Family Court of Australia, and the Federal Magistrates Court (as it then was) as a consequence of which Bar Council recommended a list of 30 barristers for a pilot Family Law Settlement Service (FLSS) panel. This panel comprised both barristers and solicitors to which the two participating courts referred 89 property settlement cases for mediation in which the mediator participated at a flat fee and at which settlement of 58 per cent was achieved.

Participants in the program were asked for feedback and Marilyn Scott from Macquarie University was appointed to undertake an independent review of the pilot program. Following upon this review the Family Court of Australia and the Federal Circuit Court have agreed to an ongoing participation in the referral of matters to a FLSS panel. However, following the review and after consultation, there are new minimum qualifications and experience requirements to be eligible for appointment to the panel.

The requirements are:

- accreditation as a mediator with the NSW Bar Association; and/or
 - accreditation as a Family Dispute Resolution practitioner; and
 - a current NSW Bar Association practising certificate; and
 - demonstrated substantial involvement in the area of family law in the 3 years prior to application; and
 - demonstrated that the time devoted to this area of practice, in each year of the past 3 years, is not less than 25 per cent of normal full-time practice; or
 - if unable to meet the above criteria (for example, through illness or parental leave), but still wish to be considered for the FLSS Panel, a demonstration of family law mediation and litigation experience.
- In late 2013 the Bar Association called for applications to be considered under the new criteria and for appointment to the panel for a 2 year period. To date 8 appointments have been made and from the applications it is clear that there are a number of barristers who hold the requisite Family Law practice experience but did not meet the criteria because they are not accredited as a Mediator or Family Dispute Resolution practitioner.

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With sadness the committee notes the passing of two long term identities of Family Law. Firstly, Mr Malcolm Broun QC OAM who practised at the NSW Bar for over 50 years, and for much of his professional life made a very substantial commitment to participating in and supporting CPD.

All those who previously applied or may now wish to apply continue to have the opportunity to do so as it has been accepted that the bar may nominate further participants after the annual mediation accreditation process.

Justice Stuart Fowler AM, who was appointed to the Sydney Registry, retired in November 2013. Sadly the attorney has yet to announce any replacement or intention to replace.

The activities of members of this committee have been varied. During the year it has:

- provided nominees to a selection committee for the FLSS panel;
- provided nominees to the representative committee for Supreme Court Adoption Applications;
- provided a delegate to the Childrens Court Advisory Committee;
- provided nominees to serve upon the NSW Legal Aid Review Committee;
- provided delegates to the NSW Legal Care and Selection Committee which is charged with the appointment and selection of panel lawyers in legal aid in the Childrens Court;
- contributed to the CPD program; and
- reviewed and contributed to submissions on Family Law undertaken by the Law Council.

With sadness, the committee notes the passing of two long term identities of Family Law. Firstly, Mr Malcolm Broun QC OAM who practised at the NSW Bar for over 50 years, and for much of his professional life made a very substantial commitment to participating in and supporting CPD. He was a prominent figure in the development of the jurisprudence following the 1975 Act. Secondly, Mr Scott Mitchell, formerly a barrister, State Magistrate, Inaugural president of the Childrens Court of NSW, and most recently, prior to his retirement as deputy State Coroner. During his long career at the bar Mr Mitchell practised predominantly in Family Law. He was a colourful character and made an undoubted contribution to the jurisprudence.

LEGAL ASSISTANCE REFERRAL SCHEME

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 Bar Association's offices unannounced. All legal assistance enquiries were addressed to the best of our ability.

For the 2013–14 financial year, 239 formal applications for assistance were received and processed. This is a decrease of 18 applications compared to the same period last year. Of the 239 applications, 95 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 1500 hours of work through the scheme, with 20 matters still in the court system. This was made up of 1000 hours of work in matters referred in the current period and an additional 500 hours of work in continuing matters commenced in the previous financial year. Since the scheme's inception in 1994 barristers have contributed approximately 44,000 hours of work. The following facts arising from the attached statistical analysis of the scheme's activities over the last financial year are worth noting.

- No fee matters comprised the highest category by a ratio of 3:1 in matters handled on a continuing basis.
- Sixty per cent of matters referred to barristers were considered to have legal merit/prospects of success.
- There was an almost 60 per cent increase in the number of referrals from members of the public. This is consistent with the nearly 35 per cent decrease in the number of referrals from solicitors.
- The highest demand for assistance was for matters before the Supreme Court of NSW (83) followed by the Federal Circuit Court (37).
- Nearly 77 per cent of the applications to the scheme were refused legal aid as being outside the Commission's guidelines.

The Law Kitchen (TLK)

The Law Kitchen (TLK) has as its objectives the provision of free legal services to persons who are transiently, episodically or chronically homeless. The Bar Association has continued to allocate a solicitor employee to assist a member of the bar, Mr Les Einstein, in advice sessions for the Woolloomoolloo community at the *BackShed Café* managed by the Hope Street organisation. A member of the Bar Association's staff has also assisted by taking phone calls and referring the clients to the most appropriate service provider. This arrangement has enabled both TLK and Hope Street to provide a more holistic service where legal assistance, social work, counselling and a coffee are all accessible to some of the most marginalised individuals and families in Sydney.

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.

Promoting access to justice

Interaction with other pro bono service providers

LARS works closely with the Law Society Pro Bono Scheme. There continues to be almost daily contact between the two schemes.

Together with the Law Society pro bono solicitor, the manager of the scheme met with new 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 Bar Association's deputy executive director, who supervises the operation of LARS, deputises for the executive director at LawAccess board meetings and at meetings of the trustees of the Pro Bono Disbursement Fund when he is not available.

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.

Some of the activities/initiatives of the manager of the scheme during the year were as follows:

- at the request of the court and in conjunction with a member of the bar, established a panel of barristers willing to assist in appeals to the full bench of the Family Court of Australia;
- attended a seminar conducted by Justice Peter McClelland in relation to the scope of the forthcoming Royal Commission into Institutional Responses to Sexual Assault;
- attended an art show of Aboriginal art as a joint presentation between Gadens and the Arts Law Centre of Australia where Her Honour Justice Margaret Beasley spoke in her capacity as Patron of the Centre;
- attended Salvos Legal Christmas Party for their clients at Auburn;
- with a barrister, attended meetings at Refugee Advice and Casework Service to discuss how members of the bar could continue to assist refugees since the Department of Immigration & Border Protection's axing of the Federal Court Legal Assistance Scheme;
- attended the launch of Justice Connect at the offices of Henry Davis York;
- meeting with the newly-appointed director of Justice Connect to outline how the two schemes could maximise co-operation;
- hosted an afternoon tea for 18 students working with the Public Interest Advocacy Centre in an attempt to encourage students to engage in pro bono work once they were qualified;
- attended a conference at Coogee on 'Unrepresented Litigants in the Court System'; and
- attended quarterly meetings of stakeholders and community representatives of the Refugee Review Tribunal.

LEGAL ASSISTANCE REFERRAL SCHEME

Volunteers encouraged

In 2013–14, the executive director and the manager of the scheme made a presentation to new barristers at the Bar Practice course with a pleasing response in the number of readers who volunteered to help the scheme and go on the Duty Barrister Roster. 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 in the various 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 are directed to the association's website under 'Find a Barrister', which has been visited 113,432 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 areas 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 100 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 a healthy number of 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.

Court appointed pro bono schemes

The manager and staff of LARS assist 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 operating in the Federal Court, Federal Circuit Court, Supreme Court, Land & Environment Court and District Court of NSW. The executive director has ongoing discussions with members of the judiciary and court staff in relation to these schemes. The schemes impose a significant burden on members of the bar and in cases where there is insufficient time for a judge/magistrate or registrar to make a referral under their own schemes, on Bar Association and LARS staff.

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 association also have to deal with the applicants who attend inannounced. Staff have received training in dealing with difficult clients and in how to identify, and deal with, those clients suspected of having a mental illness.

Promoting access to justice

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 support given by Bar Association staff to these schemes, is significant.

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 services to necessitous people requiring legal help. 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 of Bar Association staff who work with walk-in applicants.

LEGAL ASSISTANCE REFERRAL SCHEME - CASE STUDIES

A grandfather approached the scheme for assistance in relation to his grandson who had been charged with four traffic offences. There was a distinct possibility he could be sent to jail. A junior barrister agreed to assist and arranged for the matter to be adjourned so that an application for Legal Aid could be made. When the application was refused the barrister agreed to stay in the matter for a substantially reduced fee. He advised that it should be dealt with under section 32 of the *Mental Health (Forensic Provisions) Act 1990* (NSW). Arrangements were made for the necessary reports to be carried out. When the matter next came before the court, with some convincing, the Magistrate allowed the application and made the s 32 orders. The grandson avoided all four charges and his licence was to be returned in eight weeks.

The president of the Bar Association received a letter from the grandfather which said:

On Monday, hundreds if not thousands of court cases occurred throughout Australia. The results of some made the national news whilst others made the daily newspapers due to their 'importance.' One of these hundreds of court cases occurred at my local court, the results of which were considered not to be worthy of a report in either the national news or the daily papers. It was just a traffic matter that involved a young man for the rest of his life. I cannot really think of anything more important than that. I am so thankful that the barrister also saw it as important. I will always be grateful that the NSW Bar Association and members like (the barrister's name) exist.

A solicitor who had accepted a matter under the Law Society Pro Bono Scheme contacted us on behalf of the client, a man with a number of health problems, currently serving a sentence for drug-related activities. His ex-wife had made an application in the Federal Circuit Court to relocate overseas with their three young sons. The boys had maintained regular contact with their father whilst he was incarcerated.

LEGAL ASSISTANCE REFERRAL SCHEME - CASE STUDIES

A barrister agreed to assist. After a three day hearing the court permitted the mother to relocate, however orders were made for the children to return to Australia for several weeks each year, to spend time with their father. The court ordered the parents to share the cost of annual travel to Australia except for the first year when the costs were to be borne by the mother. The barrister contributed over 100 hours to the matter on a no fee basis.

The president of a local heritage and conservation society approached the scheme in relation to Land & Environment Court proceedings. He was seeking a declaration from the court that a council had acted without authority in granting a tender for demolition of a heritage item, which was also within a heritage conservation area, without the lodgement of a development application. He was concerned that a notice of motion the council had lodged to dismiss his application would be successful on the grounds of a technicality due to his lack of legal knowledge and representation. Senior counsel agreed to give him advice and re-draft the summons. This was submitted to the council and the council agreed not to press the motion to strike out the proceedings.

Subsequently another senior counsel and a junior barrister agreed to appear at the two day hearing and were successful on one of the three grounds of appeal. The orders of the court restrained the council from constructing part of the works proposed without first obtaining development consent.

A young woman from regional New South Wales was referred to our scheme by a barrister who had agreed to act for her on a no fee basis in a family law property settlement matter. There had been an initial dispute in relation to the existence of a de facto relationship. The contributions made by either party were both financial and non-financial, however there was common ground that the de facto husband brought in a much larger proportion of the initial contribution. The pool of net assets was relatively small. Due to the short term nature of the relationship, it was clear that the proportion entitled to the de facto wife on a global basis would not be large.

After much, and at times heated, negotiations, the matter was resolved by filing terms of settlement by consent. The amount agreed upon was in the barrister's opinion considerably greater than the court would have awarded had the matter proceeded to hearing.

Matters such as these, where the net marital pool is small, benefit enormously from a barrister's pro bono assistance where one party can be denied a fair and equitable settlement due to the cost of running the matter far exceeding the amount of any judgment that could be expected in such a situation.

REPORTS

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME STATISTICS

	2012–13	2013–14
High Court		
Application for special leave	2	2
Original jurisdiction	-	-
Total	2	2

Federal Court		
Full bench appeals	-	-
Immigration	5	3
Administrative	1	2
Discrimination	-	3
Intellectual property	2	-
Trade practices	3	-
Native title	-	-
Bankruptcy	3	2
Total	14	10

Federal Magistrates Court		
Discrimination	1	1
Family law - access	10	10
Family law - child support	1	1
Family law - residency	6	5
Family law - property settlement	1	4
Intellectual property	-	-
Industrial relations	1	-
Immigration	16	13
Bankruptcy	1	2
Total	37	36

Supreme Court		
Court of Appeal	7	11
Court of Criminal Appeal	8	9
Common Law	33	26
Administrative	5	1
Equity	21	23
Criminal	6	1
Corporations List	-	-
Commercial	-	1
Family Provisions	7	8
Defamation	-	2
Professional Negligence	5	1
Total	92	83

	2012–13	2013–14
Family Court of Australia		
Full bench appeals	-	1
Access	3	5
Residency	3	7
Child support	-	-
Spousal maintenance	-	-
Property settlement	5	7
Total	11	20

District Court		
Criminal	9	9
Civil	14	11
Care proceedings	3	1
Defamation	3	-
Professional negligence	2	-
Total	31	21

Local Court		
Criminal	11	16
Civil	19	14
Coronial inquest	-	1
Total	30	31

Children's Court	3	2
Coroner's Court	4	2

Tribunals (pre-NCAT)		
Administrative Appeals Tribunal	4	2
Administrative Decisions Tribunal	10	5
Consumer Trader Tenancy Tribunal	3	1
Migration Review Tribunal	-	-
Victims Compensation Tribunal	1	1
Anti-Discrimination Board	-	-
Medical Tribunal	-	-
Guardianship Tribunal	-	-
Refugee Review Tribunal	1	1
Tribunals, post-NCAT from 1 January 2014		
Administrative Appeals Tribunal	-	2
NCAT	-	8
Total	19	20

Land and Environment Court	5	3
AIRC-Fair Work Australia	8	7
Fair Work Commission	1	2

REPORTS

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME STATISTICS

	2012-13	2013-14		2012-13	2013-14
Referral source			Rejection / No action		
Community legal centre	41	41	Outside guidelines	84	70
Law Society / solicitor	64	75	No further information received / no further contact from applicant	27	38
Member of the public	49	32	No longer requires LARS assistance	11	16
Legal Aid	33	26	Subject to Federal Court RRT LAS	6	5
LawAccess	21	24	Subject to Federal Court LAS	-	2
Judge / magistrate / registrar	19	32	Subject to Supreme Court LAS	2	-
Member of the bar	15	15	Referred to community legal centre	-	-
Member of parliament	1	-	Briefed barrister privately	4	2
PILCH	2	2	Briefed solicitor privately	-	3
Pro bono director of a large firm	3	2	Matter discontinued	-	1
Welfare / community group	1	1	Unable to refer - insufficient resources	-	1
Attorney General's Department	1	2	Requires a migration agent	-	-
Internet	-	5	Too late notification	5	4
Client location			Matter dismissed	-	-
Sydney Metropolitan Area			Matter settled	-	2
<i>West</i>	71	70	Conflict of interest	1	0
<i>North</i>	44	51	Total	140	144
<i>South</i>	42	39	Turnaround		
<i>East</i>	11	19	Same day	21	17
Inner City	17	12	Less than a week	36	19
Central Coast	9	9	1-2 weeks	24	29
Country	21	15	2 weeks plus	36	30
Prison	16	12	Total	117	95
Villawood Detention Centre	11	8	Basis brief accepted		
Interstate	9	4	No fee - merit assessment	117	95
Overseas	6	-	No fee - continuing involvement	87	69
Total	257	239	Reduced fee - continuing involvement	15	14
Types of work done			Speculative / costs recovery - continuing involvement	14	11
Merit assessment - no fee	117	95	Market rates - continuing involvement	1	1
Advice (over and above initial merit assessment)	71	67	Basis on which refused legal aid		
Conferences	42	31	Merit	37	27
Appearances	19	22	Financial	22	28
Matters settled	-	2	Outside guidelines	198	184
Appearances at hearing	29	15	Matters considered by a barrister to have legal merit / prospects of success		
Mediations	1	1	Yes	72	70
Other (inc. second opinion & preparation of submission)	15	26	No	55	47



Photo: Fairfax Photos

PROFESSIONAL CONDUCT DEPARTMENT

The Professional Conduct Department's main function is to facilitate the investigation of complaints about 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, including functions related to practicing certificates;
- facilitates the provision of ethical guidance to barristers;
- responds to queries from barristers, solicitors and members of the public regarding the Legal Profession legislation and regulatory processes;
- assists the Bar Council in connection with reports submitted to the Legal Profession Admission Board; and
- assists in the ongoing development and review of legal profession legislation including rules relating to barristers.

Complaints

Under the *Legal Profession Act 2004*, complaints about a barrister's conduct are made to the legal services commissioner. The commissioner deals with consumer disputes involving legal practitioners and refers most conduct complaints concerning barristers to the Bar Council for investigation and determination.

Complaints referred to the Bar Council are investigated by one of the four professional conduct committees established by the council. The committees report to the Bar Council, which makes a determination in respect of each complaint.

In the course of 2013–14 the Bar Council investigated 106 complaints – 59 complaints that were made during the year and 47 complaints made in previous years but ongoing as at 1 July 2013. Of

those investigations, 42 were finalised during the year – 24 complaints were dismissed, three resulted in the barrister being cautioned, four barristers were reprimanded, the Bar Council determined to refer 11 matters to the Administrative Decisions Tribunal / Civil and Administrative Tribunal, and three complaints were withdrawn. In addition two complaint investigations were returned to the legal services commissioner as they related to other investigations conducted by the commissioner.

A complainant may apply to the legal services commissioner for a review of decision by the Bar Council to dismiss a complaint or to caution or reprimand a barrister. In 2013–14 the legal services commissioner completed reviews of seven Bar Council decisions to dismiss a complaint (three of those Bar Council decisions were made in the year 2012–13 and four in 2013–14). In six of the review matters the commissioner confirmed the Bar Council's decision to dismiss the complaint. In the remaining matter the commissioner decided to reinvestigate the complaint pursuant to section 545 of the Legal Profession Act. After completing the reinvestigation, the commissioner dismissed the complaint.

Show cause events

Under the *Legal Profession Act 2004* barristers 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 Act requires the Bar Council to investigate show cause events and determine whether the barrister is a fit and proper person to hold a barrister's practising certificate. These investigations are also carried out by the Professional Conduct committees. In 2013–14 the Bar Council completed seven investigations into show cause events, each of which related to bankruptcy matters. In five matters the Bar Council determined that the barrister was a fit and proper person to hold a barrister's practising certificate and conditions were placed on the practising certificates of the barristers. In one matter the Bar Council determined that the barrister was not a fit and proper person to hold a barrister's practising certificate and the practicing certificate was cancelled. In the remaining matter the Bar Council was unable to make a determination due to the barrister's failure to provide information and the barrister's practising certificate was suspended pursuant to section 70 of the Legal Profession Act.

Professional conduct committees

There are four professional conduct committees. 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 Professional Conduct Department serve as secretaries of the committees. The committees held 52 meetings in total during the reporting year.

The professional conduct committees play a major role in the investigative process. Committee members devote 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 complaint handling process. The Bar Council would like to thank the community members who served on the committees for their significant contribution – Jenny-Lea Charlier, Pam Clay, John Davison, Jane Fry, Allan Gibson, Brian Gold, Lyn Langtry, Jennifer Mason, Anthony Pang, Bill Purdue, Patrick Smith, Jim Tsirimiagos, Rachel Williams and Penny Wright.

Professional Conduct Department

The committees also receive valuable input from their academic members and the Bar Council is grateful for the assistance of Maxine Evers and Dr Rita Shackel.

The Bar Council wishes to express its sincere appreciation to the 62 barristers who served on the professional conduct committees in 2013–14. 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.

Ethical guidance and information

The Bar Association Ethical Guidance Scheme enables barrister members of the association to seek ethical guidance from the senior counsel then serving on the association's professional conduct committees. Twenty-six senior counsel were available to assist members in 2013–14. Most calls are initially directed to the Bar Association's Professional Conduct department. The department also receives calls from barristers, solicitors and members of the public enquiring about the Legal Profession Act, the *New South Wales Barristers' Rules*, conduct issues and the processes relating to complaints and show cause events. In 2013–14 the officers of the professional conduct department received close to 300 calls seeking either ethical guidance or information.

REPORTS

Professional Conduct Department

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 <i>New South Wales Barristers' Rules</i>	5
Breach of Legal Profession Act / Regulation	5
Breach of confidentiality; conflict of interest	5
Cost issues	5
Other conduct	1
Unsatisfactory advice and representation	38
Total number of complaints	59

Source of complaints made to the Bar Council during the year	
Complainant	Number
Bar Council	8
Barrister	1
Client/former client	27
Government department / statutory body	2
Instructing solicitor	2
Legal services commissioner	2
Opposing party	6
Opposing solicitor	5
Other	6
Total number of complaints	59

Number of consumer disputes referred to mediation during the year
Nil

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS

Number and type of complaints investigated during the year by the Bar Council		
Note: No matters were investigated by an independent investigator under s 532 LPA 2004		
Figures include complaints remaining under investigation as at 30 June 2013, all complaints in respect of which the Bar Council made a decision and complaints that were withdrawn during the year.		
Complaint type	Complaints investigated that were made during the year	Complaints investigated that were made in previous years
Breach of <i>New South Wales Barristers' Rules</i>	5	5
Breach of Legal Profession Act / Regulation	5	3
Breach of confidentiality; conflict of interest	5	2
Cost issues	5	6
Other conduct	1	0
Unsatisfactory advice and representation	38	31
Sub-totals:	59	47
Total number of complaints investigated:		106

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 <i>New South Wales Barristers' Rules</i>	1	3
Breach of confidentiality; conflict of interest	1	0
Cost issues	1	1
Unsatisfactory advice and legal representation	4	14
Sub-totals	6	18
Total number of complaints dismissed:		24

Number and type of complaints in respect of which an Australian lawyer was reprimanded or cautioned during the year by the Bar Council		
Complaint type	Complaints made during the year	Complaints made in previous years
Costs issues	0	1
Unsatisfactory advice/representation	0	6
Sub-totals	0	7
Total number of reprimands or cautions:		7

REPORTS

Professional Conduct Department

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
Costs issues	0	1
Unsatisfactory advice and representation	2	0
Sub-totals	2	1
Total number of complaints withdrawn		3

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 <i>New South Wales Barristers' Rules</i>	0	1
Breach of Legal Profession Act / Regulation	1	3
Costs issues	0	1
Unsatisfactory advice and representation	1	4
Sub-totals	2	9
Total number of complaints referred to tribunal		11

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

Breach of Legal Profession Act / Regulation	4
Costs issues	1
Unsatisfactory advice and representation	3
Total number of complaints	8

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)

2

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS

Summary of the results of proceedings in the Administrative Decisions Tribunal completed during the year
Note: This includes proceedings in respect of which findings were delivered but penalty orders not made during the year

Barrister / former barrister	Findings	Penalty
John Ebow Annan	30/04/2014 professional misconduct*	Not heard as at 30/06/2014

In April 2013 the Bar Council commenced proceedings in the Court of Appeal against John Bernard Costigan, a former barrister. On 4 December 2013 the court ordered that the name of John Bernard Costigan be 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		
Note: All complaints are at the stage where they remain under investigation		
Age of complaints not finally dealt with at the end of the year	Number	Complaints made in year ending 30 June
Up to three months	23	2014
Between four and six months	12	2014
Between seven and twelve months	14	2013
Between thirteen and eighteen months	6	2013
Between nineteen and twenty four months	2^	2012
Between twenty five and thirty months	2*	2011
Total	59	

^ This figure includes 1 complaint investigations that have been suspended

* This figure includes 2 complaint investigations that have been suspended.

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	
Note: Figures relate to complaints in respect of which a decision was made by the Bar Council during the year	
Time intervals between receipt of complaint and decision of the Bar Council	Number
Up to six months	10
Between seven & twelve months	21
Between thirteen and eighteen months	6
Between nineteen and twenty-four months	4
Between twenty five and thirty months	1**
Total	42

** This figure includes 1 complaint investigation that has been suspended

COMMITTEES & SECTIONS OF THE BAR ASSOCIATION

For the year 2013-14

Alternative Dispute Resolution

Angela Bowne SC (chair)
Malcolm Holmes QC
Peter Callaghan SC
Campbell Bridge SC
Robert Angyal SC
Ian Davidson SC
Nicholas Kidd SC
Mary Walker
Rashda Rana
Julia Soars
Deborah Robinson
Andrew Fox
Dr Sean Bogan

Bar News

Jeremy Stoljar SC (editor)
Greg Burton SC
Arthur Moses SC
Richard Beasley SC
David Ash
Kylie Day
Daniel Moujalli
Nicolas Kirby
Daniel Klineberg
Catherine Gleeson
Victoria Brigden
Caroline Dobraszczyk
Kathryn Millist-Spendlove
Susan Cirillo
Fiona Roughley

Common Law

Andrew Morrison SC (chair)
Simon Harben SC
Andrew Lidden SC
Robert Sheldon SC
Duncan Graham SC
Lorna McFee
Greg Hickey
William Fitzsimmons
Kim Burke
Eugene Romaniuk
Dominic Priestley
Andrew Stone
Elizabeth Welsh
Luke Morgan
Leslie Whalan
Andrew Oag
Jnana Gumbert

Costs and Fees

Mark Brabazon SC (chair)
John Sharpe
Michael Eagle
James T Johnson
Philippe Doyle Gray
Simon Philips
Justin Hogan-Doran
Janet McDonald
Michelle Castle
Amy Douglas-Baker
Lee Corbett
Brian Camilleri (interstate barrister)

Criminal Law

Stephen Odgers SC (chair)
Nicholas Cowdery AM QC
Tim Game SC
Phillip Boulten SC
Chrissa Loukas SC
John Stratton SC
Jennie Girdham SC
Gabriel Wendler
David Patch
Ian Bourke
Sally Dowling
David O'Neil
Gaby Bashir
Matthew Johnston
Richard Wilson
Sam Duggan
Kieran Ginges
Kara Shead
Lester Fernandez
Sophie Beckett
Scott Fraser

Education

Tony Payne SC (chair)
Richard Weinstein SC
Robert Hollo SC
Michael Fordham SC
Carol Webster SC
Michael Hall
Grant Brady
Philippa Ryan
Kellie Edwards
Joanne Shepard
Sophie Callan
Elizabeth Peden
Patrick Knowles

Equal Opportunity

Trish McDonald SC (chair)
Kate Eastman SC
Jacqueline Gleeson SC
Virginia Lydiard
Phillipa Gormly
Sally Dowling
Jess Chapman
David J Price
Anthony McGrath
Ashok Kumar
Melissa Fisher
Anthony Cheshire
Hakan Sonmez
Penny Thew
Elizabeth Picker
Hilbert Chiu
Sarah Talbert
Adria Poljak

Family Law

Grahame Richardson SC (chair)
Scott Wheelhouse SC
Richard Schonell SC
Michael Kearney SC
Warwick Tregilgas
Mark Anderson
Robyn Druitt
Paul Sansom
Peter Campton
Elizabeth Campton
Elizabeth Boyle
Esther Lawson
Angela Petrie
Susan Leis
Catherine Spain

Health, Sport and Recreation

Zali Steggall (chair)
David Robinson SC
Anthony Lo Surdo SC
Adrian Gruzman
Robert Montgomery
Andrew Scotting
Marina Delhanty
Adam Casselden
Nicholas Newton
Narelle Butler
Sean Docker
Quang Nguyen
Michael Gleeson
Adria Poljak

COMMITTEES & SECTIONS OF THE BAR ASSOCIATION

For the year 2013-14

Human Rights

Sarah Pritchard SC (chair)
Richard Lancaster SC
Kate Eastman SC
Philip Hogan
Simeon Beckett
Shane Prince
Julian Gormly
Derek Hand
Reg Graycar
Dale Bampton
Jonathan Clark
Nicholas Broadbent
Trent Glover
Laura Thomas
Amy Munro
Natalie Zerial
Jahan Kalantar

New Barristers

Patrick Knowles (chair)
Nicolas Kirby
Daniel Klineberg
Jane Paingakulam
Anthony Kaufmann
James King
Matthew Graham
Jane Petrolo
Hilbert Chiu
Awais Ahmad
David Scully
Louise Jackson
Mary Rebehay

Legal Aid

Carolyn Devonport SC (chair)
Tim Game SC
Phillip Boulten SC
Alex Radojev
Neil Jackson
Maria Cinque
Ertunc Ozen
Nicole Carroll
Ian Nash
Sophia Beckett
Pauline David
Clyllyn Sperling

Practice Development

Richard McHugh SC (chair)
Elizabeth Cheeseman SC

Michael McHugh SC
Eugene Romaniuk
Ian Hemmings
Michelle Painter
Peter Lowe
Kylie Day
Patrick Knowles
Philip Wallis
Nick Tiffin

PCC #1

Tim Game SC (chair)
Malcolm Holmes QC
Tony Payne SC
Richard Weinstein SC
Kylie Nomchong SC
Julia Loneragan SC
Peter Russell
Andrew Scotting
Lesley Whalan
Matthew Darke
Edward Muston
Madeleine Avenell
Scott Maybury
Michael Izzo
Michelle McMahon

PCC #2

Ian Temby AO QC (chair)
Philip Doherty SC
Gregory Nell SC
Trish McDonald SC
Alister Henskens SC
Jacqueline Gleeson SC
Dominic Toomey
Justin Young
David McLure
Mark Seymour
Simon Buchen
Donna Ward
Scott Aspinall
Rob Munro
Lorna Sproston

PCC #3

Noel Hutley SC (chair)
John Agius SC
John Halley SC
Garry McGrath SC
Gail Furness SC
Michael Kearney SC
James Duncan

David Robertson
Janet Oakley
Ian Bourke
Michelle Painter
Nicholas Owens
Anthony Cheshire
Reg Graycar
Warwick Hunt

PCC #4

Michael McHugh SC(chair)
David Williams SC
Peter Hamill SC
Julia Baird SC
Arthur Moses SC
Elizabeth Cheeseman SC
Stephen Climpson
Matthew White
Shane Prince
Kate Williams
Adrian Williams
Fenja Berglund
Sophie Callan
Yaseen Shariff
Angus Stewart

Senior Counsel Selection Committee

Jane Needham SC
Noel Hutley SC
Simon Harben SC
Carolyn Davenport SC
Richard Lancaster SC
Sarah Pritchard SC
The Hon Jane Matthews AO

Transport, Maritime and Air Law Committee

Gregory Nell SC
Glen Miller QC
Peter King
Christopher Ward
Craig Carter
Tom Brennan
Bridie Nolan
Terry Mehigan
Angus Stewart
Theresa Dinh
Bernard Lloyd

COMMITTEES & SECTIONS OF THE BAR ASSOCIATION

For the year 2013-14

Bar Association sections and working parties

Women Barristers Forum
Sandra Duggan SC (chair)
Margaret Holz (vice-chair)
Kerrie Leotta (treasurer)
Lee-May Saw (deputy treasurer)
Deborah Dinnen (secretary)
Sarah Talbert (secretary)

Professional Indemnity Insurance
Working Group
Garry Rich (chair)

Administrative Law Section
Convenor: Neil Williams SC
Secretaries: Stephen Free and Katherine
Richardson

Industrial Law Section
Convenor: John West QC
Secretary: Shane Prince

COURT LIAISON MEMBERS

For the year 2013-14

State courts and tribunals

Supreme Court Possessions List
Users Group
Brendan Burke

Industrial Relations Commission
Max Kimber SC

Local Court
Lester Fernandez

NSW Civil and Administrative Tribunal
NCAT Liaison Group: Carol Webster SC

**NCAT Administrative, Equal
Opportunity and Occupational
Divisions Consultative Forums:** Carol
Webster SC

**NCAT Guardianship Division
Consultative Forum:** Irving Wallach

Federal courts and tribunals

High Court of Australia
David Jackson AM QC

Federal Court
Malcolm Oakes SC
Richard Cobden SC
Rhonda Hendersen

Family Court of Australia
Grahame Richardson SC

Federal Circuit Court
Kate Morgan

REPRESENTATIVES ON EDUCATIONAL BODIES

For the year 2013-14

Legal Profession Admission
Board
Garry McGrath SC
Magaret Allars

Legal Qualifications Committee
John Fernon SC
Susan Leis
Elizabeth Picker

Law Examinations Committee
Michael Christie

University of NSW
Faculty of Law
Anne Healey

Notre Dame University,
Sydney
Richard Perrignon

University of Western Sydney

External Law Advisory Committee
Robert O'Neill

University of Wollongong
Faculty of Law, Visiting Committee
Bruce Collins QC

COURT COMMITTEES AND WORKING PARTIES

For the year 2013-14

State courts and tribunals

Supreme Court Uniform Rules
Committee

Carol Webster SC
Mark Walsh (deputy)

Supreme Court Rule Committee

Carol Webster SC
Mark Walsh (deputy)

Supreme Court Admiralty
Users Group Committee

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

ADR Steering Committee

Angela Bowne SC
Mary Walker

Criminal Trial Efficiencies
Working Group

Stephen Odgers SC

Commercial List Users Committee

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

Common Law Division

Civil Users Committee

Peter Deakin QC
Tony Hewitt SC
Lorna McFee

Corporations List Users Group

Malcolm Oakes SC
Robert Newlinds SC
James Thomson
James Johnson

Equity Liaison Group

Robert Newlinds SC
Robert Harper SC
Jane Needham SC
Gregory Sirtes SC
Mark Ashurst
Miles Condon
Phillipa Ryan
Vanessa Whittaker

Probate Users Group

Michael Willmott SC

Court of Appeal Users Group

John Maconachie QC
David Davies SC

Court of Criminal Appeal Users Group

Stephen Odgers SC

Land and Environment Court

User Group
Thomas Howard

District Court

Rule Committee

Paresh Khandhar

Civil Business Committee

Peter Deakin QC
Larry King SC

Criminal Listings Review Committee

Kate Traill

Local Court

Rule Committee

Warwick Hunt

Workers Compensation

Commission Users Group

Gregory Beauchamp
David Baker (alternate)

Commonwealth courts and tribunals

Federal Court of Australia User
Committee

Malcolm Oakes SC
Richard Cobden SC
Rhonda Henderson

Family Court of Australia Case
Management Committee

Grahame Richardson SC

MEMBERS APPOINTED TO STATE AND FEDERAL COURTS

For the year 2013-14

Supreme Court of New South Wales

Peter Hamill SC

Federal Court of Australia

Jacqueline Gleeson SC

District Court of New South Wales

Dina Yehia SC

Helen Wilson SC

New South Wales Local Court

Peter Barnett SC

Kate Thompson

APPOINTMENTS TO NATIONAL LEGAL PROFESSIONAL BODIES

For the year 2013-14

Law Council of Australia

Director

Jane Needham SC

Alternate Director

Philip Selth OAM

Access to Justice Committee

Christopher Whitelaw

AustLII Working Group

Philip Selth OAM

Jennifer Pearce

Alternative Dispute Resolution
Committee

Mary Walker (chair)

Anti-Money Laundering Working
Group

Tim Game SC

Australian Young Lawyers Committee
Jennifer English

Client Legal Privilege Advisory
Committee

Cameron Moore SC

Dr Ruth Higgins

Equalising Opportunities in the Law
Committee

Patricia McDonald SC

FOI Reform Working Group

Philip Selth OAM

National Occupational Health and
Safety Review Working Group

Ingmar Taylor SC

Mark Cahill

Indigenous Legal Issues Committee

Chris Ronalds SC

Dr Sarah Pritchard

Anthony McAvoy

Judicial Issues Working Group

Philip Selth OAM

Model Conduct Rules Working Group

Jennifer Pearce

Military Justice System Working Group

Dr James Renwick

Model Equal Opportunity Briefing
Policy Working Group

Trish McDonald SC

(alt Julie Baird SC)

Dominique Hogan-Doran

National Criminal Law Committee

Tim Game SC

Bret Walker SC

Stephen Odgers SC

Phillip Boulten SC

National Profession Harmonisation
Committee

Philip Selth OAM

Human Rights Bill Adviser

Nicholas Cowdery AM QC

Australian Advocacy Institute

Her Honour Judge Ann Ainslie-Wallace

STATUTORY APPOINTMENTS

For the year 2013-14

Aboriginal and Torres Strait Islander Health Practice Tribunal

The Hon Jennifer Boland AM (deputy
chair)

Members

The Hon Graham Mullane
Michael Joseph SC
Peter Dwyer
Mark Lynch
Ian Newbrun
Robert Titterton

Administrative Appeals Tribunal

Senior members

Peter Taylor SC
Dean Letcher QC

Administrative Decisions Tribunal

Community Services Division
Sigrid Higgins (deputy president)

Judicial members

The Hon Graham Mullane
Louise Goodchild

General Division

His Honour Judge K O'Connor AM
(president)
Peter Callaghan SC (deputy president)

Legal Services Division

Deputy president & divisional head
The Hon Justice WR Haylen

Deputy president

David Patten (deputy president)

Judicial members

The Hon Graham Mullane
Paul Blacket SC
Sharron Norton SC
Lionel Robberds QC
Robertson Wright SC

Equal Opportunity Division

Richard Perrignon
Robertson Wright SC

Retail Leases Division

Deputy presidents

Peter Callaghan SC
David Patten

Judicial member

The Hon Graham Mullane

Revenue Division

Deputy president & divisional head

Rashelle Seiden

Judicial member

Richard Perrignon

Australian Taxation Office Legal Practitioners Forum

Holger Sorensen

Chinese Medicine Tribunal

Deputy chair

The Hon Jennifer Boland AM

Members

The Hon Graham Mullane
Michael Joseph SC
Peter Dwyer
Mark Lynch
Ian Newbrun
Robert Titterton

Chiropractic Tribunal

Phillipa Gormly (deputy chair)

Companies Auditors and Liquidators Disciplinary Board

Chair

Howard Insall SC (chair)

Council for Law Reporting

Michael Sexton SC
Phillip Boulten SC
Peter Brereton SC
Richard Lancaster SC
Mark Leeming SC
Mark Robinson SC
Sophie Callan SC
Todd William Marskell

DNA Review Panel

Kenneth Shadbolt (chair)

Members

Keith Alder
Paul Winch

Dental Tribunal

Deputy chairperson

The Hon Graham Mullane

Members

The Hon Jennifer Boland AM
Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

Guardianship Tribunal

Legal members

Robert Quickenden
Shaun McCarthy (part-time)
The Hon Jennifer Boland AM

Independent National Security Legislation Monitor

Bret Walker SC

STATUTORY APPOINTMENTS

For the year 2013-14

Judicial Commission

President

The Hon TF Bathurst AC

Members

The Hon Justice J Allsop AO
The Hon Justice M Boland AM
The Hon Justice B Preston

Legal Aid Commission

Board members

Stephen Hanley SC
Alternate: Tim Game SC
Annette Bain

Legal Aid review committees

Committee No.1

Paul Blacket SC

Committee No.2

Winston Terracini SC
1st alternate: Anne Healey
2nd alternate: Paul Menzies QC

Committee No.3

Ian Bourke
Alternate: Christopher O'Donnell

Family Law Legal Aid Review Committee No.1

Gregory Moore
John Berry OAM
Alternate: Elizabeth Boyle

Family Law Legal Aid Review Committee No.2

Esther Lawson
John Levy

Legal Aid Monitoring Committee

Phillip Boulten SC

Legal Aid Public Interest Human Rights

Committee
Sarah Pritchard
Alternate: Nick Poynder

Law and Justice Foundation Board

John Sheahan SC

Law Week Board
Philip Selth OAM

Medical Radiation Practice Tribunal

The Hon Jennifer Boland AM (deputy chair)
The Hon Graham Mullane
Michael Joseph SC
Peter Dwyer
Mark Lynch
Ian Newbrun
Robert Titterton

Medical Tribunal

His Honour Judge P Johnstone (deputy chair)
The Hon Justice C Staff
His Honour Judge A Colefax SC
His Honour Judge M Elkaim SC
His Honour Judge S Walmsley SC
Her Honour Judge G Murrell SC
Her Honour Judge L Flannery SC
His Honour Judge P Lakatos SC
His Honour Judge L Levy SC
His Honour Judge P Mahony SC

Motor Accidents Authority

Claims Assessment and Resolution Service
Robert Quickenden
John Turnbull
William Fitzsimmons
John Tancred
Helen Wall
John Watts
Margaret Holz

Nursing and Midwifery Tribunal

The Hon Jennifer Boland AM (chair)
The Hon Graham Mullane (deputy chair)
Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

Occupational Therapy Tribunal

The Hon Jennifer Boland AM (deputy chair)
The Hon Graham Mullane
Michael Joseph SC
Peter Dwyer
Mark Lynch
Ian Newbrun
Robert Titterton

Optometry Tribunal

Phillipa Gormly (deputy chair)

Patent and Trademarks Attorneys Disciplinary Tribunal

Katrina Howard SC

Osteopath Tribunal

Phillipa Gormly (deputy chair)

Pharmacy Tribunal

Peter Dwyer (chair)
Mark Lynch

Physiotherapy Tribunal

The Hon Graham Mullane (deputy chair)
The Hon Jennifer Boland AM
Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

APPOINTMENTS

Podiatry Tribunal of NSW

The Hon Graham Mullane (deputy chair)
The Hon Jennifer Boland AM
Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

Workers Compensation Commission

President
His Honour Judge G Keating

Senior full-time arbitrators
Deborah Moore
Michael Snell

Psychology Tribunal of NSW

The Hon Graham Mullane (deputy chair)
The Hon Jennifer Boland AM
Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

Full-time arbitrators
Brett Batchelor
Elizabeth Beilby
Grahame Edwards
Michael McGrowdie

Part-time arbitrator
Richard Perrignon

Professional Standards Council

Brian Rayment QC

Sessional arbitrators
Jeffrey Phillips SC
Bruce McManamey
Christopher Wynyard
William Dalley
Carolyn Rimmer
Lorna McFee
John Harris
Ross Stanton

Sentencing Council

The Hon Justice A Whealy (deputy chair)
Nicholas Cowdery AM QC
Mark Ierace SC
Lloyd Babb SC

Tax Practitioners Board

His Honour P Whitford SC (part-time)

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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 28 August 2014. 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 2014 and the auditors' report thereon.

Directors

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

S Callan	N Hutley SC	A Moses SC	D Toomey
T Game SC	McGrath SC	A Stone	K M Traill
A Healey	M McHugh SC	A Street SC	M Walker
W Hunt	J Needham SC	I Temby QC	J Hyde Page

The following persons were directors from the beginning of the financial year to 8 November 2013:

Z Steggall	E Peden	V Lydiard	M McMahon
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The following persons were directors from 8 November 2013 up to the date of this report:

C Gleeson	C Dobraszczyk	P Khandhar
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P Boulten SC resigned on 29 May 2014. C Loukas SC was appointed on the same day.

All directors are practising barristers.

DIRECTORS' REPORT

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 including:

- running various programmes for the benefit of members of the association, including Professional Development, ABA Member Benefits, Cost Recovery Assistance, BarCare, social programs and the publications of reports, briefings and ancillary publications. In addition, operating the association's library and administering the association's Professional Standards Scheme;
- making various representations to government and government agencies on specific legal policy and practice issues as they arise;
- working with media organisations and other bodies in order to disseminate to the public the bar's position on key issues;
- co-ordination of the provision of pro bono or reduced cost legal services to underprivileged sections of the public through the association's Legal Assistance Referral Scheme; and
- fulfilling the association's statutory duties in relation to the regulation of the legal profession through the work of its Professional Conduct Committees and the Bar Council.

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

Short and long term objectives and strategies

The Bar Association's short-and-long-term objectives are to:

- promote the public good in relation to legal matters viewed in the broadest context;
- promote collegiality and mutual assistance amongst its members;
- represent the interests of its members in dealing with government, the broader legal profession, the media and the community;
- promote fair and honourable practice among barristers; and
- maintain and impose standards of professional conduct and participate in the discipline of members when required.

The Bar Association's strategy for achieving these is set out in our strategic plan and includes:

- making representations to government concerning legislation and otherwise;
- encouraging public discussion on topics concerning the law and other matters of public interest, by seminars and otherwise;
- running continuing professional development programs for its members;
- organising social gatherings, for its members and others;
- through Bar Care, assisting members with problems, and through its Benevolent Association helping those in financial distress;
- setting up and promoting the work of committees, including those concerned with professional discipline, and sections.

DIRECTORS' REPORT

Strategies and performance

Each year the incoming Bar Council reviews progress made over the preceding 12 months in achieving the stated objectives. The Bar Council has developed a Strategic Plan which charts many of the Bar Association's objectives over a three year period.

Review and results of operations

The Bar Association continued to engage in its principal activity during the financial year. The comprehensive income of the association for the year ended 30 June 2014 was \$327,677 (2013: \$335,225). This result represents a decrease of \$7,548 in comprehensive income compared to that of the prior year.

Association particulars

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

174 Phillip Street
Sydney NSW 2000

Meetings of directors

From 1 July 2013 to 30 June 2014 there were 24 meetings.

Name	Meetings attended	Meetings held
Phillip Boulten SC (president until 29 May 2014)	22	22
Jane Needham SC (SV president and then president from 29 May 2014)	16	24
Noel Hutley SC (JV president 14 Nov 13 -29 May 14 and then SV president)	21	24
Michael McHugh SC (treasurer)	24	24
Dominic Toomey (secretary from 14 Nov 13)	18	24
Sophie Callan	17	24
Caroline Dobraszczyk	14	15
Tim Game SC	20	24
Catherine Gleeson	14	15
Anne Healey	23	24
Warwick Hunt	17	24
John Hyde Page	16	24
Paresh Khandhar	11	15
Chrissa Loukas SC	3	3
Virginia Lydiard	8	9
Garry McGrath SC	23	24
Michelle McMahon	5	9

DIRECTORS' REPORT

Meetings of directors

Name	Meetings attended	Meetings held
Jeremy Morris	15	15
Arthur Moses SC (JV president from 29 May 2014)	23	24
Elizabeth Peden	2	9
Zali Steggall	5	9
Andrew Stone	23	24
Sandy Street SC	22	24
Ian Temby QC (JV president to 14 November 2013)	19	24
Kate Traill (Secretary to 14 November 2013)	19	24
Mary Walker	23	24

Meetings of the Finance, Investment and Audit Committee

From 1 July 2013 to 30 June 2014 there were six meetings.

Name	Meetings attended	Meetings held
Anne Healey	6	6
Michael McHugh SC(chair)	6	6
Dominic Toomey	2	6
Noel Hutley SC	6	6
Arthur Moses SC	5	6

Members' guarantee

If the Bar Association is wound up, the Constitution states that each member is required to contribute to meet all outstanding obligations of the association and any such amounts as may be required, but not exceeding \$4 per member. The Bar Association had 2,955 members at balance date, and the total that members are liable to contribute is \$11,820.

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 74.

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



J Needham SC

President

Sydney, 28 August 2014



M McHugh SC

Treasurer



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 2014 I declare that, to the best of my knowledge and belief, there have been no contraventions of

- (a) the auditor independence requirements of the *Corporations Act 2001* in relation to the audit; and
- (b) any applicable code of professional conduct in relation to the audit.

A handwritten signature in black ink, appearing to read 'D K Swindells', written over a horizontal line.

Sydney, NSW
28 August 2014

D K Swindells
Partner

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Email: mailbox@hlbnsw.com.au | Website: www.hlb.com.au
Liability limited by a scheme approved under Professional Standards Legislation
HLB Mann Judd (NSW Partnership) is a member of  HLB International. A world-wide network of independent accounting firms and business advisers.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2014

	Notes	2014 \$	2013 \$
Revenue from continuing operations	2	8,231,377	7,914,432
Employee benefits expense		(3,649,570)	(3,575,371)
Legal and professional fees		(1,031,882)	(805,341)
Subscriptions		(676,820)	(745,593)
Communications and information technology expense		(240,340)	(208,930)
Depreciation and amortisation expense		(487,813)	(448,922)
Occupancy expense		(646,480)	(592,101)
Advertising and marketing expense		(268,236)	(193,301)
Financial expense		(167,591)	(158,521)
Seminar and function expense		(297,710)	(271,795)
Other expenses from ordinary activities		(592,788)	(595,598)
Profit (loss) on sale of available-for-sale financial assets		-	8,741
Surplus before income tax expense		172,147	327,700
Income tax (expense)	3(a)	(2,889)	(10,551)
Net surplus		169,258	317,149
Other comprehensive income			
Changes in fair value of available-for-sale assets		222,954	17,082
Transfer to (from) profit or loss on sale of available-for-sale financial assets		-	8,741
Income tax (expense) credit relating to other comprehensive income		(64,535)	(7,747)
Other comprehensive income for the year, net of tax		158,419	18,076
Total comprehensive income		327,677	335,225

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2014

	Notes	2014 \$	2013 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	15	8,764,316	5,935,824
Receivables		14,386	40,879
Held-to-maturity investments	4	-	4,041,477
Income tax receivable		45,272	27,422
Inventories		9,352	2,629
Other assets	6	177,345	163,430
TOTAL CURRENT ASSETS		9,010,671	10,211,661
NON-CURRENT ASSETS			
Other financial assets	5	3,975,297	1,825,823
Deferred tax assets		7,411	9,548
Property, plant and equipment	8	2,447,574	2,870,694
TOTAL NON-CURRENT ASSETS		6,430,282	4,706,065
TOTAL ASSETS		15,440,953	14,917,726
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	9	503,682	673,966
Employee benefits		658,470	656,891
Fees received in advance	10	6,019,275	5,729,175
TOTAL CURRENT LIABILITIES		7,181,427	7,060,032
NON-CURRENT LIABILITIES			
Employee benefits		102,445	92,234
Deferred tax liabilities	3	115,292	51,348
TOTAL NON-CURRENT LIABILITIES		217,737	143,582
TOTAL LIABILITIES		7,399,164	7,203,614
NET ASSETS		8,041,789	7,714,112
ACCUMULATED FUNDS			
Accumulated surplus		7,801,382	7,632,124
Reserves	11	240,407	81,988
TOTAL ACCUMULATED FUNDS		8,041,789	7,714,112

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 2014

	Accumulated Surplus	Reserves	Total Accumulated Funds
	\$	\$	\$
At 30 June 2012	7,314,975	63,912	7,378,887
Total comprehensive income for the year	317,149	18,076	335,225
At 30 June 2013	7,632,124	81,988	7,714,112
Total comprehensive income for the year	169,258	158,419	327,677
At 30 June 2014	7,801,382	240,407	8,041,789

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 2014

	Notes	2014 \$	2013 \$
Cash flows from operating activities			
Receipts from operating activities		7,710,582	7,373,258
Payments to suppliers and employees		(7,281,835)	(6,450,510)
Dividends received		99,246	41,416
Interest received		38,026	90,820
Income tax paid		(19,191)	(74,971)
Net cash inflow from operating activities		546,828	980,013
Cash flows from investing activities			
Payments for plant and equipment		(65,251)	(80,387)
Proceeds from investments		5,072,273	6,683,303
Payment for investments		(2,725,358)	(8,356,282)
Net cash inflow (outflow) from investing activities		2,281,664	(1,753,366)
Net increase/(decrease) in cash and cash equivalents		2,828,492	(773,353)
Cash and cash equivalents at the beginning of the financial year		5,935,824	6,709,177
Cash and cash equivalents at the end of the financial year		8,764,316	5,935,824

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 2014

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*.

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 to which the fees relate.

(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.

(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.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(c) Income tax

The Bar 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 12). Payments made under operating leases (net of any incentives received from the lessor) are charged to profit or loss 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 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) Receivables

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Receivables (continued)

Collectability of 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 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 the receivables.

The amount of the impairment loss is recognised in 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 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) Financial assets

Classification

The Bar Association classifies its financial assets in the following categories: 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 each investment at initial recognition.

(i) Receivables

Trade and other receivables are non-derivative financial assets with fixed or determinable payment amounts 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 as non-current assets.

(ii) Available-for-sale financial assets

Available-for-sale financial assets, comprising marketable 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.

(iii) Held-to-maturity investments

The Bar 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 listed securities are based on current bid prices.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(i) Financial assets (continued)

Recognition and derecognition

Receivables and held-to-maturity investments are initially recognised at cost.

Available-for-sale investments are initially recognised at fair value plus transactions costs.

Subsequent measurement

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 directly in equity as part of other comprehensive income.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in the Fair Value Reserve are included in profit or loss as gains and losses from available-for-sale financial assets.

Impairment

The Bar 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 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 or loss) is removed from the fair value reserve and recognised in profit or loss. Impairment losses recognised in profit or loss on equity instruments are not reversed through profit or loss.

(j) Property, plant and equipment

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

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

- Library 20 years
- Refurbishments 4 to 15 years
- Furniture, Computers, Computer Software, 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.

(k) Intangibles

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 employees' 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.

(iii) Retirement benefit obligations

The Bar Association contributes to accumulation superannuation plans. Contributions are charged against profit or loss as they are made.

(n) 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.

(o) Comparative figures

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

	Notes	2014 \$	2013 \$
2. REVENUE FROM CONTINUING OPERATIONS			
Operating revenue			
Subscriptions and practicing certificate fees		5,836,966	5,597,650
Reading programme		523,100	484,600
		<hr/> 6,360,066	<hr/> 6,082,250
Other revenue			
Interest and dividends		364,082	395,928
Seminars		100,836	119,151
Administration charge		9,068	16,841
External funding		1,171,406	1,072,507
Other		225,919	227,755
		<hr/> 8,231,377	<hr/> 7,914,432
3. INCOME TAX EXPENSE			
(a) Reconciliation of income tax expense to prima facie tax payable			
Net surplus from continuing operations		172,147	327,700
Tax at the Australian tax rate of 30% (2013: 30%)		51,644	98,310
Increase/(decrease) in income tax expense due to:			
- Net mutual expense (income)		(52,814)	(78,798)
Tax effect of amounts which are not deductible (assessable)		602	(1,403)
Adjustments for current tax of prior periods		3,457	(7,558)
		<hr/> 2,889	<hr/> 10,551
(b) Deferred tax liability			
General:			
Accrued interest		12,261	16,210
		<hr/> 12,261	<hr/> 16,210
Recognised in reserve:			
Held to maturity investments	11	103,031	35,138
		<hr/> 115,292	<hr/> 51,348

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

	2014 \$	2013 \$
4. HELD-TO-MATURITY INVESTMENTS		
Term Deposits at cost		
Current	-	4,041,477
5. OTHER FINANCIAL ASSETS		
Non-current - at cost		
Investments in associates	14	14
Available for sale – at fair value		
Shares in Australian listed companies	1,901,900	1,106,524
Fixed interest securities - listed	2,073,383	719,285
	3,975,297	1,825,823
(a) Investments in associates		

The Bar 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 Bar 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 Bar Association also holds seven 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 Bar 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.

	2014 \$	2013 \$
6. OTHER ASSETS		
GST receivable	28,036	2,073
Prepayments	108,439	107,325
Accrued interest	40,870	54,032
	177,345	163,430

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

	2014 \$	2013 \$
7. INTANGIBLES		
Database & website		
At cost	304,665	304,665
Accumulated amortisation	(304,665)	(304,665)
Net carrying amount	-	-

8. PROPERTY, PLANT AND EQUIPMENT

	Library \$	Refurbishments \$	Furniture, computers, computer software, office machines and equipment \$	Kitchen equipment \$	Total \$
At 30 June 2013					
Cost	469,043	3,225,183	1,565,787	1,686	5,261,699
Accumulated depreciation and impairment	(281,429)	(1,169,399)	(938,491)	(1,686)	(2,391,005)
Net carrying amount	187,614	2,055,784	627,296	-	2,870,694
At 30 June 2014					
Cost	469,043	3,225,183	1,630,480	1,686	5,326,392
Accumulated depreciation and impairment	(304,881)	(1,380,881)	(1,191,370)	(1,686)	(2,878,818)
Net carrying amount	164,162	1,844,302	439,110	-	2,447,574
Movements:					
Year ended 30 June 2014					
At 1 July 2013, net of accumulated depreciation	187,614	2,055,784	627,296	-	2,870,694
Additions	-	-	65,251	-	65,251
Disposals	-	-	(558)	-	(558)
Depreciation/ amortisation charge for the year	(23,452)	(211,482)	(252,879)	-	(487,813)
At 30 June 2014, net of accumulated depreciation	164,162	1,844,302	439,110	-	2,447,574

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

	2014 \$	2013 \$
9. TRADE AND OTHER PAYABLES		
Trade and other payables	<u>503,682</u>	<u>673,966</u>
10. FEES RECEIVED IN ADVANCE		
Current		
Subscriptions, practicing certificate fees & other revenue received in advance	<u>6,019,275</u>	<u>5,729,175</u>
11. RESERVES		
Fair value reserve	<u>240,407</u>	<u>81,988</u>
Consists of:		
Revaluation	343,438	117,126
Less: Deferred income tax	<u>(103,031)</u>	<u>(35,138)</u>
	<u>240,407</u>	<u>81,988</u>
Nature and purpose of reserve		
Changes in the fair value of available-for-sale financial assets are taken to the fair value reserve.		
12. COMMITMENTS		
Lease commitments		
Operating lease commitments payable		
Within one year	526,727	524,815
Later than one year but not later than 5 years	<u>2,104,530</u>	<u>2,067,112</u>
	<u>2,631,257</u>	<u>2,591,927</u>

The Bar Association leases from Counsels' Chambers the two premises from which it operates. The main premises are on a fifteen year lease, with an option to renew for a further five years. This lease expires in March 2027. Additional office space is occupied under a three year lease with rent increases of three per cent in the 2nd and 3rd year. This lease expires in December 2014 and allows for two further options of three years each.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

13. 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:

P Boulten SC	W Hunt	M McHugh SC	Z Steggall
S Callan	N Hutley SC	M McMahon	A Stone
C Dobraszczyk	J Hyde Page	A Moses SC	A Street SC
T Game SC	J Morris	J Needham SC	I Temby QC
C Gleeson	C Loukas SC	M Walker	D Toomey
P Khandhar	V Lydiard	E Peden	K M Traill
A Healey	G McGrath SC		

(b) Key management

Key management personnel compensation for the years ended 30 June 2014 and 30 June 2013 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 2014 and 30 June 2013 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.

	2014 \$	2013 \$
Short-term employee benefits	1,303,223	1,312,939
Long-term employee benefits	32,882	39,227
	1,336,105	1,352,166

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2014

13. RELATED PARTY DISCLOSURES (CONTINUED)

(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 Bar Association paid rent (including associated air-conditioning, electricity and cleaning charges) totalling \$633,250 (2013: \$611,372) for office space to Counsel's Chambers Limited, 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.

	2014	2013
	\$	\$
14. 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	45,500	44,200
Other services – tax compliance	7,325	7,145
Other assurance services - PCD Grant Audit	3,700	3,600
	56,525	54,945

15. CASH AND CASH EQUIVALENTS

Reconciliation of cash

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	1,300,610	2,183,270
Term deposits	7,462,806	3,751,654
Petty cash	900	900
	8,764,316	5,935,824

16. 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 in 2013–14 amounted to \$983,872 (2013: \$864,957).

17. SUPERANNUATION

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

DIRECTORS' DECLARATION

In the directors' opinion:

- (a) the financial statements and notes set out on pages 75 to 88 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 2014 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.



J Needham SC
President

Sydney
28 August 2014



M McHugh SC
Treasurer



INDEPENDENT AUDITOR'S REPORT

To the members of The New South Wales Bar Association

We have audited the accompanying financial report of The New South Wales Bar Association (the company), which comprises the statement of financial position as at 30 June 2014, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration, for the company.

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 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 gives a true and fair view and 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 about 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 of the financial report that gives a true and fair view 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.

Independence


In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*.

HLB Mann Judd (NSW Partnership) ABN 34 482 821 289

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INDEPENDENT AUDITOR'S REPORT (CONTINUED)

Opinion

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

- giving a true and fair view of the company's financial position as at 30 June 2014 and its performance for the year ended on that date; and
- complying with Australian Accounting Standards and the *Corporations Regulations 2001*; and

Matters relating to the electronic presentation of the audited financial report

This auditor's report relates to the financial report of The New South Wales Bar Association for the financial year ended 30 June 2014 published in the annual report and included on the company's website. The company's directors are responsible for the integrity of the company's website. We have not been engaged to report on the integrity of this website. The auditor's report refers only to the financial report identified above. It does not provide an opinion on any other information which may have been hyperlinked to/from the financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

A handwritten signature in black ink, appearing to read 'HLB Mann Judd', with a stylized flourish at the end.

HLB MANN JUDD
Chartered Accountants

A handwritten signature in black ink, appearing to read 'D K Swindells', with a stylized flourish at the end.

D K Swindells
Partner

Sydney, NSW
4 September 2014

BARRISTERS' BENEVOLENT ASSOCIATION

Financial report for the year ended 30 June 2014

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The financial statements cover Barristers' Benevolent association of NSW as an individual entity. Its registered office and principal place of business is 174 Philip St, Sydney NSW 2000.

The financial statements were authorised for issue by the Committee of Management on 28 August 2014. The Committee of Management have the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2014

	Note	2014 \$	2013 \$
Revenue from continuing operations	2	339,939	331,876
Net gains/(losses) on non-current assets held at fair value through profit or loss		378,933	259,487
Loss on sale of investments		-	(17,430)
Auditor's remuneration		(9,500)	(9,250)
Bank charges		(50)	(27)
Bar care costs		(13,513)	(9,570)
Employee benefits expense		(42,267)	(39,395)
Gifts		(60,000)	(100,000)
Investment fees		(2,000)	(2,000)
Legal and professional fees		-	(3,800)
Loan forgiveness		(5,000)	-
Allowance for impairment of loans		(1,178)	-
Other operating expenses		(180)	(366)
Surplus before income tax		585,184	409,525
Income tax expense		-	-
Net surplus		585,184	409,525
Other comprehensive income		-	-
Total comprehensive income		585,184	409,525

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2014

	Notes	2014 \$	2013 \$
CURRENT ASSETS			
Cash and cash equivalents		712,031	209,004
Held-to-maturity investments	4	160,000	738,816
Loans and receivables	3	62,963	57,134
TOTAL CURRENT ASSETS		934,994	1,004,954
NON-CURRENT ASSETS			
Other financial assets	5	3,834,846	3,179,452
TOTAL NON-CURRENT ASSETS		3,834,846	3,179,452
TOTAL ASSETS		4,769,840	4,184,406
CURRENT LIABILITIES			
Trade and other payables		11,500	11,250
TOTAL CURRENT LIABILITIES		11,500	11,250
TOTAL LIABILITIES		11,500	11,250
NET ASSETS		4,758,340	4,173,156
ACCUMULATED FUNDS			
Accumulated surpluses		2,326,458	1,741,274
Reserves	6	2,431,882	2,431,882
TOTAL ACCUMULATED FUNDS		4,758,340	4,173,156

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 2014

	Accumulated Surpluses	Capital Reserves	Total Accumulated Funds
	\$	\$	\$
At 30 June 2012	1,331,749	2,431,882	3,763,631
Total comprehensive income	409,525	-	409,525
At 30 June 2013	1,741,274	2,431,882	4,173,156
Total comprehensive income	585,184	-	585,184
At 30 June 2014	2,326,458	2,431,882	4,758,340

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 2014

	Notes	2014 \$	2013 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from members, sponsorship and general activities		144,669	267,128
Payments to suppliers		(132,260)	(139,395)
Interest/dividends received		125,237	94,858
Net cash inflow from operating activities		137,646	222,591
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from other financial assets		30,000	35,000
Proceeds from held to maturity investments		605,460	976,119
Payments for other financial assets		(65,250)	(1,007,268)
Payments for held to maturity investments		(204,829)	(268,000)
Net cash (outflow) inflow from investing activities		365,381	(264,149)
Net increase/(decrease) in cash and cash equivalents		503,027	(41,558)
Cash and cash equivalents at the beginning of the year		209,004	250,562
Cash and cash equivalents at the end of the year		712,031	209,004

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 2014

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).

Compliance with Australian Accounting Standards – Reduced Disclosure Requirements

The financial statements of Barristers' Benevolent association of NSW comply with Australian Accounting Standards – Reduced Disclosure Requirements as issued by the Australian Accounting Standards Board ('AASB').

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 dividends 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

Net gains or losses on 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.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(c) Income tax

The association is exempt from income tax.

(d) Cash and cash equivalents

For purposes of presentation in the statement of cash flows, cash and cash equivalents includes cash at bank.

(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 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 (allowance 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 profit or loss with other expenses. When a loan or 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 amounts previously written off are credited against other expenses in profit or loss.

(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 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 profit or loss in the period in which they arise. Dividend income is recognised in profit or loss 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 of 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.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 the 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 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 or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

	2014 \$	2013 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Contributions	119,278	118,706
Distribution/ dividend income	181,228	132,528
Interest income	38,669	80,514
Membership income	764	128
Revenue from continuing operations	339,939	331,876

3. LOANS AND RECEIVABLES

Current

NSW Bar Association	47,178	35,758
Accrued interest	2,968	10,253
Interest free loans (net of allowance for impairment)	22,177	19,000
Allowance for impairment of interest free loans	(9,678)	(8,500)
GST receivable	318	623
	62,963	57,134

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

	2014 \$	2013 \$
4. HELD TO MATURITY INVESTMENTS		
Term deposits		
Current	160,000	738,816
	160,000	738,816

5. OTHER FINANCIAL ASSETS

Non-current

Designated at fair value through profit or loss

- Fixed interest securities	1,346,822	1,110,235
- Shares in Australian listed companies	1,873,999	1,508,978
- Australian managed funds	614,025	560,239
	3,834,846	3,179,452

6. RESERVES

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

Nature and purpose of reserves

Capital reserve

Changes in the fair value of financial assets at fair value through profit and loss 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

7. RELATED PARTY DISCLOSURES

(a) Committee of Management

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

P Boulten SC	W Hunt	M McHugh SC	Z Steggall
S Callan	N Hutley SC	A Stone	M McMahon
C Dobraszczyk	J Hyde Page	A Street SC	A Moses SC
T Game SC	J Morris	I Temby QC	J Needham SC
C Gleeson	C Loukas SC	D Toomey	M Walker
P Khandhar	V Lydiard	K M Traill	E Peden
A Healey	G McGrath SC		

The members of the Committee of Management are also directors of the New South Wales Bar association.

(b) Key management

The key management personnel are members of the Committee of Management of the association.

No compensation was paid, or payable, to the members of the Committee of Management of the association.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

7. RELATED PARTY DISCLOSURES (CONTINUED)

(c) Other transactions

The association conducts its business from the premises of NSW Bar association at no cost to the association.

	2014	2013
	\$	\$

8. 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	9,500	9,250
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9. EVENTS OCCURRING AFTER THE REPORTING DATE

Changes since reporting date in the market values of financial assets at fair value through profit or loss held by the association has impacted the total value of the financial assets. As at 18 August 2014, the total market value of financial assets at fair value through profit or loss held by the association was \$3,935,534 compared with \$3,834,846 as at 30 June 2014, an increase of 2.6 per cent.

COMMITTEE OF MANAGEMENT DECLARATION

In the opinion of the Committee of Management of Barristers' Benevolent association of NSW, the financial statements and notes as set out on pages 92 to 98:

- (a) have been drawn up in accordance with Accounting Standards – Reduced Disclosure Regime and other mandatory professional reporting requirements in Australia;
- (b) present fairly the association's financial position as at 30 June 2014 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; and
- (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 the Committee of Management:



J. Needham SC



M. McHugh SC

Sydney
28 August 2014



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 2014, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Committee of Management declaration, as set out on pages 92 to 99.

Committee of Management responsibility for the financial report

The Committee of Management is responsible for the preparation of the financial in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and for such internal control as the Committee of Management determine is necessary to enable the preparation and fair presentation 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 about 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 Committee of Management, 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 Committee of Management or management.

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

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INDEPENDENT AUDITOR'S REPORT (CONTINUED)

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 2014, and its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.

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 year ended 30 June 2014 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.

It does not provide an opinion on any information which may have been hyperlinked to/from the financial report. 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 on The New South Wales Bar association's website.

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 'DK Swindells'.

DK Swindells
Partner

Sydney
4 September 2014

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

The Hon Justice M Adams	Ms E Boyle	Mr B W Collins QC
Ms Sandrine Alexandre-Hughes	Mr M L Brabazon SC	Mr G B Colyer
Mr M W Anderson	Mr Luke Brasch	Mr A Combe
Mr K W Andrews	Mr Bernard D Brassil	Ms N Compton
Mr Nic Angelov	Mr W P Brewer	Mr N A Confos
Mr G Antipas	Mr Campbell Bridge SC	Dr A L Connolly
His Honour Judge C J Armitage	Mrs M Bridger	Mrs K Conte-Mills
Mr D P M Ash	The Hon J E Brownie QC	Mr A Conwell
Her Honour Judge L M Ashford	Mr P Bruckner	Mr Aaron Cornish
Mr W Baffsky	The Hon J P Bryson QC	Ms A Cotter-Moroz
Mr A Bannon SC	Mr D A Buchanan SC	Mr G P Craddock SC
The Hon C J Bannon QC	Mr S J Buchen	The Hon Justice M G Craig
Mr I Barker QC	Mr A J Bulley	His Honour Judge C Craigie SC
Mr P A Barnes	Mr S Burchett	Mr M Cranitch SC
Mr Darrell Barnett	Mr K J Burges	Mr M G Crowley
Ms M Barnett	Mr Stephen Burley SC	Mr I Cullen
Ms Kate Barrett	Mr Gregory Burton SC	Mr P R Cummings SC
Mr C Barry QC	Mr I F Butcher	Mr M J Darke
Mr J Bartos	Mr M P Cahill	Ms J Davidson
Mr E H Baskerville	Mr P Callaghan SC	Mr T J Davie
Mr M J Bateman	Ms S Callan	The Hon Justice D L Davies SC
Mr T J Bates	The Hon M W Campbell QC	Mr J Davis
Chief Justice	Mr A D Campbell	Mr Andrew R Davis
Mr Paul Batley	Ms M Campbell	Mr W Dawe QC
Mr R P Battley	Mr Adrian C Canceri	Mr A T S Dawson
Mr P A Beale	Mr G Carolan	Mr Roger de Robillard
Mr R C Beasley SC	Mr J L Carr	Ms Maureen De Vere
His Honour H H Bell	Ms Nicole S Carroll	Ms K Deards
Mr A J Bellanto QC	The Hon K J Carruthers QC	Mr M Dempsey SC
Mr David Bennett AC QC	Mr R J Carruthers	Mr Tony Di Francesco
His Honour Judge J Bennett SC	Mr D A Caspersonn	Mr Richard Di Michiel
Mr K G Bennett	Mr Charles H Cassimatis	Ms Olivia J Dinkha
Mr S B Benson	Mr T D Castle	Mr B G Docking
Mr G Berecny	Ms Michelle Castle	Mr P L Dodson
Mr Duncan Berents	Mr Christopher Catt	Mr P J Doherty SC
Mr J Berry OAM	Mr J J Cauchi SC	Mr Gary Doherty
Mr D A Bertini	Mr R Cavanagh SC	Mr A Doig
Dr S Berveling	Ms J Chapman	Mr Guy Donnellan
Mr H P T Bevan	Mr Keith Chapple SC	Mr P F Doyle
Dr C J Birch SC	Mr A Cheshire	Mr Justin Doyle
The Hon Justice P Biscoe	Mr M Christie SC	The Hon Senior Deputy President L Drake
Ms E A Bishop	Mr J R Clarke SC	Mr R Driels
Mr Paul Blackburn-Hart SC	Mr Paul Coady	Mr I C Duane
Mr G Blank	His Honour Judge G A Coakes	Mr J Duncan
Dr S Blount	His Honour Judge Richard Cogswell SC	The Hon J R Dunford QC
Mr R A Bonnici	The Hon B J K Cohen QC	Mr J R Dupree
Mr P R Boulten SC	Mr J Cohen	Mr D Dura
Mr M Boulton	Mr I R Coleman SC	Mr Philip Durack SC
Mr I D Bourke	Mr M A Coleman	Mr P Dwyer
Mr A J Bowen	Mr B A Coles QC	The Hon Justice R Edmonds

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr M Einfeld QC
 Ms E Elbourne
 His Honour Judge M A Elkaim SC
 The Hon R J Ellicott QC
 Mr L Ellison SC
 Mr C A Evatt
 The Hon Elizabeth A Evatt AC
 Ms Tania Evers
 Mr Oshie Fagir
 Ms Mary Falloon
 Ms M Fanning
 Mr Lester Fernandez
 Mr J J Fernon SC
 Mr S G Finch SC
 His Honour Judge Finnane RFD QC
 Mr E T Finnane
 Mr W M Fitzsimmons
 Mr F Fletcher
 Mr A G J Foel
 Mr David Forster
 The Hon M L Foster QC
 Mr P J Frame
 Ms R Francois
 His Honour Judge D Frearson SC
 Mr Mark Friedgut
 Mr M J Gallagher
 Mr J M Galluzzo
 Mr T A Game SC
 Mr Stephen Gardiner
 Mr J J Garnsey QC
 The Hon R W Gee
 Ms H Gerondis
 Mr Nicolaous Ghabar
 Mr James T G Gibson
 Mr M G Gilbert
 Ms M A Gillies
 Mr R D Glasson
 Ms Catherine Gleeson
 Mr S Golledge
 Ms Louise Goodchild
 Mr J V Gooley
 Mr J P Gormly SC
 Mr Martin Gorricks
 Mr G M Gould
 Mr R J Grady
 Mr G Graham
 The Hon P R Graham QC
 Mr G J Graham
 Mr Matthew Graham
 Mr E N Gramelis

Ms R Graycar
 Mr M Green
 Mr R P Greenhill SC
 Mr L T Grey
 Mr A M Gruzman
 Mr Mark Gunning
 Mr L V Gyles SC
 Mr W J Hadley
 Mr J Hale
 Mr R L Hamilton SC
 Mr S J Harben SC
 Mr Roger Harper
 Mr R Harrington
 Mr J M Harris
 Mr Christian Hart
 Ms V A Hartstein
 The Hon J Hatzistergos
 Ms Jo Haughton
 Miss A Hawkins
 Mr T Healey
 Ms A Healey
 Miss Jane E Healey
 Mr David Healey
 Ms V M Heath
 Mr M J Heath
 Mr G R Heathcote
 Mr John F Heazlewood
 Ms Zelig Heger
 Mr I J Hemmings SC
 Her Honour Judge L Henderson
 Mr J Hennessy
 Mr A A Henskens SC
 Mr R A Hewson
 Mr G J Hickey
 Mr F P Hicks
 Dr Ruth C A Higgins
 Mr D J Higgs SC
 Mr A Hill
 The Hon B E Hill QC
 Mr I D Hill QC
 Mr P A Hill
 Ms S Hill
 Mr D Hirsch
 Mrs Michelle Hirschhorn
 Ms G Hoebe
 The Hon Justice C Hoebe AM RFD
 Ms D Hogan-Doran
 Mr J A Hogan-Doran
 Mr T L Hollo
 Mr R W Hood

Mr W D Hosking QC
 Mr D Howard SC
 Ms K J Howard SC
 Mr T G Howard SC
 Mr A Howell
 His Honour Judge C Hoy SC
 Mr T Hughes
 Mr S Hughes
 Mr V B Hughston SC
 Mr B Hull
 Mrs Melissa Humphreys
 Mr W Hunt
 Mr D F Jackson AM QC
 Ms L M Jackson
 Ms Elizabeth James
 Mr R Jankowski
 Mr R Johnson
 The Hon Justice P A Johnston
 Mr G M Johnston
 The Hon H P W Johnston QC
 Mr E J Johnston
 Mr Greg Jones
 Mr G J Jones
 Mr M A Jones SC
 Mr B L Jones
 Mr D K Jordan
 Ms T Jowett
 Mrs F Jowett
 Ms L E Judge
 Mr S D Kalfas SC
 Mr Leonard Karp
 Mr Anthony Kaufmann
 The Hon Dr Tricia Kavanagh
 Mr J A Kearney
 Mr J T Kearney
 Mr David Kell
 Mr D P Kelly
 Mr P Kennedy-Smith
 Dr John Keogh
 Mr V F Kerr
 Mr S M Kettle
 Mr P N Khandhar
 Mr N J Kidd SC
 Mr L King SC
 His Honour Judge M J King SC
 Mr P Kintominas
 The Hon D Kirby QC
 Mr Nic Kirby
 Mr P M Kite SC
 Mr Patrick Knowles

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr Peter Kondich	Mr G McIlwaine	Mr D P M O'Dowd
Mr A S Kostopoulos	Mr A J McInerney SC	Deputy President K J O'Grady
Mr P J Krebs	Mr R McKeand SC	Mr R A O'Keefe
Mr Peter Kulevski	The Hon J K McLaughlin AM	Ms Beth Oliak
Mr A Kumar	His Honour Judge R P McLoughlin SC	Mr P P O'Loughlin
Mr G Kumarasinhe	Mr David McLure	The Hon J L O'Meally AM RFD
Mr R Lancaster SC	Mr G P McNally SC	Mr D B O'Neil
Miss Esther A Lawson	Ms V McWilliam	Mr R N O'Neill
Ms J Levick	Mr M K Meek SC	Mr B C Oslington QC
His Honour Judge L A Levy SC	Mr T M Mehigan	Ms M Painter SC
Ms Y C Lin	Ms T Z Messner	The Hon G A Palmer AM QC
Mr P J Livingstone	Mr Andrew Metcalfe	Mr Christopher Palmer
Mr W L S Lloyd	Mr A Miller	Ms L Paraska
Mr D M Loewenstein	Mr R Montgomery	Mr David Parish
Mr J Longworth	Mr P J Mooney SC	Ms S Patterson
The Hon Justice I J Loughnan	Mr A W Mooney	Dr Elisabeth Peden
Mr W P Lowe	Mr G Moore	The Hon Justice R A Pepper
Mr J A Loxton	Mr C A Moore SC	Mr R J Perrignon
Mr G Lucarelli	Mr Paul Moorhouse	Mr E Petersen
Mr M Lynch	Mr P R Moran	Mr D Petrushenko
Mr T Lynch SC	Mr K Morrissey	Mr G R Petty SC
Mr P Macarounas	Mr A R Moses SC	Miss Meredith Phelps
Mr Angus Macauley	Mrs S B Moses	Ms S Phillips
The Hon Justice R Macfarlan	Mr J Murphy	Mr J Phillips SC
Mr D J A Mackay	Ms A Murphy	Mr A M Pickles
Mr J E Maconachie QC	Mr Neil Murray	Mr K J Pierce
Mr R H Macready	Mr Andrew P L Naylor	Mr I H Pike AM
Mr C Magee	Ms J Needham SC	Mr B Pluznyk
His Honour Judge P G Mahony SC	Mr P W Neil SC	Mr G S Poole
His Honour Judge N Manousaridis	Mr I M Neil SC	Mr Glen Porter
Dr Christos Mantziaris	Mr C R C Newlands SC	Mr J Poulos QC
Mr A E Maroya	The Hon P J Newman RFD QC	Ms K Poulos
Mr H J Marshall SC	Mr Nicholas Newton	Mr J Priestley
Mr A M Martin	Mr R K Newton	Mr D Priestley
Mr M McAuley	Mr Gerald Ng	Mr Shane Prince
Ms L McBride	Mr N A Nicholls SC	Mrs Margaret Pringle
Mr S McCarthy	Mr J Nicholson SC	Mr D R Pritchard SC
Mr M F McDermott	Mr W B Nicholson	The Hon A F Puckeridge QC
Mr J D McDonald	Mr G Niven	Mr Colin Purdy
Ms T McDonald SC	Mr Paul J Nolan	The Hon Dr Rodney Purvis AM QC
Ms L P McFee	His Honour Judge S Norrish QC	Mr R E Quickenden
Mr I J McGillicuddy	Mr J O North	Mr Tom Quilter
Mr G McGrath	Mr M Oakes SC	Mr M C Ramage QC
Mr M McHugh SC	Mr Rhys O'Brien	The Hon Justice S D Rares
Mr R S McIlwaine SC	Mr B A Odling	Mr B W Rayment QC

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr J Reading SC	Mr A H Slater QC	Mr Philip Wallis
Mr J P Redmond	The Hon J P Slattery AO QC	His Honour Judge S L Walmsley SC
Mr J Redwood	Mr D A Smallbone	Mr W J Walsh
Mr M Rennie	The Hon Greg Smith MP SC	Mr Martin John Walsh
Mr A J J Renshaw	Ms L Smith	Dr C S Ward
Dr J G Renwick SC	Mr M Southwick	Mr E Wasilenia
Mr S Reuben	Mr M S Spartalis	Mr J A Waters
Mr Garry Rich SC	Mr Ashley Stafford	Mr G J Watkins
Mr T F Robertson SC	Mr S J Stanton	Mr O G Watt
Mr Scott Robertson	Mr G J Stanton	Mr P Webb QC
Mr M W Robinson	Mr R A Stanton	Dr R J Webb
Mr J E Robson SC	Mr C Steirn SC	Ms Julie A Webb
Mr Declan Roche	Mr A G C Stenhouse	Mr J J Webster SC
The Hon R Rolfe	Ms A Stenmark SC	Ms C A Webster SC
Mr M K Rollinson	Mr C Stewart	Mr Michael J Weightman
Mr D Ronzani	Mr K L Stewart	Mr R H Weinstein SC
Ms F T Roughley	Mr Angus Stewart	Miss E Welsh
Miss Leah J Rowan	Mr Robert Stitt QC	Mr J N West QC
Mr J E Rowe	Mr H W M Stitt	Mr S Wheelhouse SC
Mr P A Rowe	Mr P G W Stitz	Ms Jenny Whitaker
Mr T M Rowles	Mr A J Stone	Mr J B Whittle SC
Mr R Royle	The Hon M Stone	Mr Michael B Williams SC
Mr G Rundle	Mr Hugh Stowe	Mr Adrian Williams
Mr S Rushton SC	Mr P Strasser	Mr Jay Williams
Mr S Russell	Ms W Strathdee	Mr M S Willmott SC
Mr Peter Russell	The Hon T J Studdert QC	Mr D Wilson
The Hon D M Ryan QC	Mr G J Sundstrom	Mr M J Windsor SC
Mr T J Ryan	Mr R M Sweet	Mr Christopher H Withers
Mr J J Ryan	Mr J O Tancred	Mr Matthew Wong
Mr J R Sainty	Mr R H Taperell	Mr Christopher Wood
Ms K Sant	Mr R J Taylor	Mr S A Woods
Mr F Santisi	Mr I Taylor SC	The Hon Justice R J Wright
His Honour Judge S Scarlett	Mr I Temby AO QC	Ms Sophie York
Mr G Scragg	Mr M Thangaraj SC	The Hon P W Young AO
Mr Michael Seck	Mr J Cranston Thompson	Mr Justin Young
Ms Rashelle L Seiden SC	Ms W Thompson	Mrs K J Young
Mr Ian Serisier	Mr Cameron L Thompson	Attendees Zines function
Mr J P Sewell	Mr D J Thorley	Organisers admin Law Dinner
Mr J E Sexton SC	Mr D S Timmins	
Mr Yaseen Shariff	Mr T K Tobin QC	
The Hon George Sharpe	Mr D R J Toomey	
Ms Sasha Shearman	Mr John Travassaros	
The Hon C S C Sheller AO QC	Mr J A Trebeck	
Mr J Sheller	Ms B J Tronson	
Mr Lucas Shipway	Her Honour Judge R C Tupman	
Mr Nikolaos Siafakas	Mr C I Twomey	
Mr Craig Simpson	Mr J B de Vere Tyndall	
Mr Geoff Simpson	Mr J Van Aalst	
Mr R Skiller	Mr Gus Van Der Vlag	
Mr P M Skinner	Mr Bret Walker SC	

INDIGENOUS BARRISTERS' TRUST – THE MUM SHIRL FUND

Financial report for the year ended 30 June 2014

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The financial statements cover the Indigenous Barristers' Trust - The Mum Shirl Fund as an individual entity. Its registered office and principal place of business is at 174 Philip Street, Sydney NSW 2000.

The financial statements were authorised for issue by the trustees on 18 August 2014. The trustees have the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2014

	Note	2014 \$	2013 \$
Revenue from continuing operations	2	99,105	88,763
Audit and accounting		(4,700)	(4,600)
Bank charges		(84)	(80)
Conference expenses		(42,419)	(35,417)
Fundraising		(3,411)	-
Grants made		(66,913)	(28,506)
Other expenses		(9,464)	-
(Deficit)/surplus before income tax expense		(27,886)	20,160
Income tax expense		-	-
Net (deficit) /surplus		(27,886)	20,160
Other comprehensive income		-	-
Total comprehensive (loss) / income		(27,886)	20,160

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2014

	Note	2014 \$	2013 \$
CURRENT ASSETS			
Cash and cash equivalents		99,760	69,404
Held-to-maturity investments	4	368,961	419,734
Other receivables	3	26,805	34,174
TOTAL CURRENT ASSETS		495,526	523,312
TOTAL ASSETS		495,526	523,312
CURRENT LIABILITIES			
Trade and other payables		4,700	4,600
TOTAL CURRENT LIABILITIES		4,700	4,600
TOTAL LIABILITIES		4,700	4,600
NET ASSETS		490,826	518,712
ACCUMULATED FUNDS			
Accumulated surplus		490,826	518,712

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 2014

	2014 \$	2013 \$
As at 1 July - opening	518,712	498,552
Total comprehensive (loss) / income	(27,886)	20,160
As at 30 June - closing	490,826	518,712

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 2014

	2014 \$	2013 \$
Cash flows from operating activities		
Receipts from sponsorship and general activities	106,473	51,683
Payments to suppliers & grantees	(126,891)	(68,503)
Net cash outflow from operating activities	(20,418)	(16,820)
Cash flows from investing activities		
Proceeds/(Payments) from term deposits	50,774	20,753
Net increase/(decrease) in cash and cash equivalents	30,356	3,933
Cash and cash equivalents at the beginning of the year	69,404	65,471
Cash and cash equivalents at the end of the year	99,760	69,404

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 2014

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 and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations).

Compliance with Australian Accounting Standards – Reduced Disclosure Requirements

The financial statements of Indigenous Barristers' Trust (the trust) comply with Australian Accounting Standards – Reduced Disclosure Requirements as issued by the Australian Accounting Standards Board ('AASB').

Historical cost conversion

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

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 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 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.

(d) Cash and cash equivalents

For purposes of presentation in the statement of cash flows, and in the statement of financial position, cash and cash equivalents includes cash at bank.

(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.

(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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(h) Goods and Services Tax (GST) (continued)

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 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 or financing activities which are recoverable from or payable to the taxation authority are presented as operating cash flows.

	2014 \$	2013 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Contributions received	71,627	67,874
Interest	16,478	20,889
Fundraising income	11,000	-
Revenue from continuing operations	99,105	88,763

3. OTHER RECEIVABLES

Current

NSW Bar Association	20,569	28,649
GST receivable	4,030	973
Sundry Debtors	-	1,000
Accrued interest	2,206	3,552
	26,805	34,174

4. HELD-TO-MATURITY INVESTMENTS

Current

Term deposits	368,961	419,734
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5. 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	4,700	4,600
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NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2014

6. 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

Jane Needham SC

Justice Michael Slattery

Mullenjaiwakka

Phillip Boulten SC

(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.

7. EVENTS OCCURRING AFTER THE REPORTING DATE

No significant events have occurred since the reporting date which would impact on the financial position of the trust disclosed in the statement of financial position as at 30 June 2014 or on the results and cash flows of the trust for the year ended on that date.

TRUSTEES' DECLARATION

In the opinion of the trustees of Indigenous Barristers' Trust – The Mum Shirl Fund,

(a) the financial statements and notes as set out on pages 106 to 111:

(i) have been drawn up in accordance with Accounting Standards – Reduced Disclosure Requirements and other mandatory professional reporting requirements in Australia; and

(ii) present fairly the trust's financial position as at 30 June 2014 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.

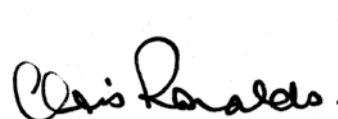
(b) there are reasonable grounds to believe that the trust will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the trustees:



J. Needham SC
Trustee

Sydney
18 August 2014



C Ronalds SC
Trustee



INDEPENDENT AUDITOR'S REPORT

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

We have audited the accompanying financial report of The Indigenous Barristers' Trust – The Mum Shirl Fund (the trust), which comprises the statement of financial position as at 30 June 2014, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies, and other explanatory information, as set out on pages 106 to 111.

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 trustee'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 the trustees or management.

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

Independence

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

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Liability limited by a scheme approved under Professional Standards Legislation

HLB Mann Judd (NSW Partnership) is a member of HLB International. A world-wide network of independent accounting firms and business advisers.



INDEPENDENT AUDITOR'S REPORT

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of The Indigenous Barristers' Trust – The Mum Shirl Fund as at 30 June 2014, and of its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.

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 2014 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.

It does not provide an opinion on any other information which may have been hyperlinked to/from the financial report. 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.

A handwritten signature in black ink that reads 'HLB Mann Judd'.

HLB Mann Judd
Chartered Accountants

Sydney
25 August 2014

A handwritten signature in black ink that reads 'D K Swindells'.

D K Swindells
Partner

