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Corporate Directory
Incorporating the annual report of
The New South Wales Bar Association
ABN 18 526 414 014

The Indigenous Barristers’ Trust
ABN 53 124 431 831

Financial results for
Barristers’ Benevolent Association of NSW
ABN 18 466 736 745

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Selborne Chambers
174 Phillip Street
Sydney 2000
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Auditor
HLB Mann Judd (NSW Partnership)
Level 19 207 Kent Street
Sydney NSW 2000
E-mail: mailbox@hlbnsw.com.au
www.hlbc.com.au

Bankers
National Australia Bank
75 Elizabeth Street
Sydney 2000

Annual General Meeting
The Annual General Meeting will be held at 1.00pm on November 2009 in the Bar Association Common Room.

Cover photo: Troy Bendeich / Newspix
President’s report

Anna Katzmann SC

Standing up for rights

Last year in these pages I referred to the furore over the World Youth Day Regulation, part of which the Federal Court held could have a ‘chilling’ effect on the exercise of the right of free speech. Noting the absence of human rights legislation in New South Wales or nationally, one did not need to be a soothsayer to predict that more legislation of this kind would follow.

This year (without public consultation) the New South Wales Parliament passed the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill, legalising the use of covert search warrants in the investigation of numerous criminal offences. It was trumpeted as ‘part of the State Government’s ongoing commitment to providing law enforcement agencies with the necessary armoury to respond effectively to major crime and keep the community safe’.

...it is difficult to see any justification for the conferral of such extraordinary powers in a liberal democracy.

The year in review

The Legislative Review Committee expressed concerns about the absence of ‘robust consultation’ on the Bill and reported that:

the broad covert search warrant powers significantly trespass on personal rights and liberties, particularly in regard to persons not suspected of serious criminal activity. The Committee also believes that the Act contains insufficient safeguards to address these.

The legislation provides NSW police with extraordinary powers to invade our privacy without our knowledge. The powers enable the police to enter the premises, not merely of suspects, but also of their hapless neighbours, and search and seize items without notice and using a subterfuge. What is more, the householder may not know that the search has been conducted for a period of up to three years afterwards. Until this legislation, powers of this kind were only exercisable in terrorism cases and then only by the NSW Police Counter-Terrorism Co-ordination Command and units of the NSW Crime Commission involved in terrorism-related investigations. Now they apply to all law-abiding citizens, cover a wide range of indictable offences and may be used by ordinary police officers. As I said at the time the Bill was introduced into the parliament, it is difficult to see any justification for the conferral of such extraordinary powers in a liberal democracy. Certainly, no good reason has been offered. Yet, it appears that the NSW Parliament decided that inconvenience to the police should trump the right to privacy. And it did so despite the lack of any empirical evidence showing the need for these

In Ousley v The Queen McHugh J said of provisions in the Commonwealth Crimes Act that make it mandatory for a police officer executing a search warrant to make a copy of it available to the occupier of the premises,

Such provisions reflect the desire to achieve an appropriate balance between a person’s rights of privacy and the need to facilitate the gathering of evidence against, and the apprehension and conviction of, those who have broken the criminal law. Recognition is given to the importance of enabling persons whose rights of privacy stand to be affected to satisfy themselves of the authority for such action...

In Ballis v Randall Hall J set aside three search warrants executed covertly by NSW Crime Commission officers. He acknowledged that investigating officers might find covert search warrants highly desirable – even necessary – and observed that it could be inconvenient not to be able to execute a search warrant without the knowledge of the occupier. However, he went on to say:

[I]nconvenience in carrying out an object authorised by legislation is not a ground for eroding fundamental common law rights; Plenty v Dillon (1991) 171 CLR at 654 referred to by the Full Court of the High Court in Coco v R [1993-94] 179 CLR 427 at 436.

Yet, it appears that the NSW Parliament decided that inconvenience to the police should trump the right to privacy. And it did so despite the lack of any empirical evidence showing the need for these
President’s report

covert search warrants and without proper consideration of whether this legislation was a proportionate response to the concerns apparently raised by the police, presumably in the wake of the decision in *Ballis v Randall*.

The NSW Government appeared to share these concerns when covert warrant powers were originally proposed for terrorism-related offences in the *Terrorism Legislation (Warrants) Bill 2005*. The then attorney general, the Hon Bob Debus MP, noted at the time that:

> General criminal activity has never aimed to perpetrate the mass taking of life, the widespread destruction of property, or the wholesale disruption of society in the way that terrorism does. The powers in the bill are not designed or intended to be used for general policing. Their use is restricted to the NSW Police Counter-Terrorism Co-ordination Command and to the units of the NSW Crime Commission assigned the task of investigating and responding to terrorism. Law enforcement agencies already have a wide array of investigation powers at their disposal and they will all continue to be employed in the fight against terrorism.  

When the government introduced its anti-terrorism legislation in 2005 it announced that the covert warrants scheme would be the subject of independent monitoring by the ombudsman for two years. Although the ombudsman reported to the government, the government has not tabled his report. Why the legislation was introduced before the ombudsman’s report is made public is a mystery.

Our experience with the covert search warrants legislation was replicated when the government introduced the Crimes (Criminal Organisations Control) Bill, only in this case there was even less time for debate. The Bill was introduced into the lower house on 2 April, passed through both houses that same day and commenced the following day. The Legislation Review Committee expressed its concerns that the Bill would criminalise a person’s associations rather than ‘a guilty act of a specified criminal conduct’ and would deny a person’s right to freedom of association, contrary to article 22 of the International Covenant on Civil and Political Rights. It pointed out that this legislation went further than its South Australian prototype and compared it to the old consorting laws of the Askin government about which the Wran Labor government had been very critical.

During the brief window of opportunity available to it, the Bar Association again briefed parliamentarians on our concerns, which were of the same order as those later voiced by the Legislation Review Committee, but both the New South Wales Government and Opposition, keen to be seen to be doing something about outlaw motorcycle gangs, seemed to be unable to see the wider picture.

Fortunately, with the change of government federally, there has been much greater consultation with the profession about these sorts of issues. In September last year the association co-hosted (with the Law Council of Australia) a Federal Criminal Law Conference, which was designed to feed into a forum later in the month in Canberra organised by the minister for home affairs. A number of highly qualified members of the bar and bench from across the country attended and presented papers. The association also attended and contributed to the Canberra forum. The purpose of both events was to generate ideas to improve the federal criminal law. In July this year the Australian Government released a discussion paper on proposed amendments to the national security legislation. The association is contributing to the Law Council’s response and may lodge its own separate submission. It is a pity that the New South Wales Government is apparently unwilling to follow the example of its federal counterpart.

Some opponents of human rights legislation have argued that a scrutiny of bills committee is sufficient to protect our rights from ill-conceived parliamentary incursions. However, the NSW experience suggests otherwise.
Some opponents of human rights legislation have argued that a scrutiny of bills committee is sufficient to protect our rights from ill-conceived parliamentary incursions. However, the NSW experience suggests otherwise. The NSW Legislation Review Committee’s powers are limited to reporting to both houses of parliament on whether a bill complies with certain criteria related to rights or process. Parliament is entitled to pass a bill even though the committee has not reported on it. In the case of the Crimes (Criminal Organisations Control) Bill, the committee’s report was published on 4 May 2009, over a month after the Bill passed through both houses. In the case of the covert search warrants legislation, although the committee did report before the Bill was passed, the government took no notice of what it had to say.

In June the Bar Association complemented its work on such legislation by presenting a comprehensive submission to the National Human Rights Consultation. The association, like the Law Council of Australia and the Victorian Bar, recommended the enactment of national legislation providing for the protection of human rights contained in international covenants Australia has ratified.

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I thank the criminal law and the human rights committees, and the Bar Association’s staff - Cindy Penrose and Alastair McConnachie - for their selfless efforts in helping the association to fulfil its role in promoting the administration of justice in the community by speaking out for the rights of all, no matter how little political mileage might be seen to be gained in doing so.

Barristers in schools
During the 2009 Law Week, the Bar Association launched its Barristers in Schools Programme. The programme involves sending barristers to primary schools to introduce children to the law and to barristers, at a time in their lives when they might come into contact with it but before their opinions and prejudices are formed. It was conceived as a way, not only to assist the community, but also to combat some of the negative publicity that dogs the legal profession. It was an unqualified success. Years 5 and 6 students from four schools enthusiastically participated in the programme and the Daily Telegraph sent a journalist and a photographer to one of the schools to cover the story. We are awaiting advice from the Department of Education before taking it further. However, the department has been very supportive to date and I am optimistic that it will shortly approve the programme’s expansion. Our thanks are due to Karen Conte-Mills, Margaret Cunneen SC and Andrew Martin for preparing the curriculum and conducting the programme.

Depression
Our work to raise awareness about, and encourage early intervention to address depression and other mental health issues, continues. During the year I visited a number of chambers to seek the views of members and to introduce Penny Johnston, our director, care and assistance. The work that Penny has performed in the relatively short period she has been with us has been invaluable. She has not only responded swiftly to the needs of individual barristers on request but has organised bereavement counselling for chambers and staff and for families and she has played a valuable role in cushioning the blow of disciplinary action for those of our members whom the Bar Council anticipates may benefit from her assistance. We are enormously grateful to her.

A final word
Finally I must thank the indefatigable executive director and the entire Bar Association staff for their support throughout my term of office. Few appreciate the extent of their efforts on our behalf. We are greatly indebted to them all.

Endnotes
1. Hansard, NSW Legislative Council, Tuesday 24 March 2009
2. Legislation Review Digest No. 2 of 2009 p 41
3. (1997) 192 CLR 69 at 112
4. [2007] NSWSC 422
5. Hansard NSW Legislative Assembly, 9 June 2005, p 16940
Executive director’s report

Philip Selth OAM

In February 2009 the Council of Australian Governments (COAG), which comprises the prime minister, state premiers, territory chief ministers and the president of the Australian Local Government Association, formally agreed that legal profession regulation would be added to its microeconomic and regulatory reform agenda.

On 30 April 2009 the prime minister and the federal attorney-general announced that COAG had agreed on ‘a plan to achieve national regulation of the Australian legal profession’.

COAG has agreed that:

- draft legislation providing uniform laws regulating the legal profession across Australia be prepared for consideration by COAG within 12 months;
- a specialist taskforce be appointed by the attorney-general to make recommendations and prepare the draft legislation; and
- a consultative group be appointed by the attorney-general to advise and assist the taskforce.

The taskforce comprises:

- Roger Wilkins AO - secretary, Commonwealth Attorney-General’s Department (chair);
- Bill Grant OAM - secretary-general, Law Council of Australia;
- Laurie Glanfield AM - director-general, NSW Attorney General’s Department;
- Mr Steven Goggs, acting chief executive, ACT Department of Justice and Community Safety; and
- Louise Glanville - executive director, Victorian Department of Justice.

The Consultative Group is chaired by the Hon Michael Lavarch, professor of law at Queensland University of Technology, a former federal attorney-general and former secretary-general of the Law Council of Australia. Members of the Consultative Group include the Hon Justice Murray Tobias AM RFD, Supreme Court of New South Wales and presiding member of the New South Wales Legal Profession Admission Board (and a former president of the NSW Bar Association); Joe Catanzariti, president, Law Society of New South Wales and partner at Clayton Utz; and me.

The mandate for the taskforce undertaking the reform project is very broad. The taskforce is considering all aspects of the existing system of regulation of the legal profession, including education, admission and practice with the goal of harmonising a single national regulatory framework.

The taskforce aims to produce draft legislation and to make recommendations on regulatory structures for the uniform regulation of the legal profession across Australia by 30 April 2010. The intention is to deliver ‘(a) a national legal profession and a national legal services market through simplified uniform legislation and regulatory standards; (b) clear and accessible consumer protection, so that consumers have the same rights and remedies available to them regardless of where they live; and (c) a system of regulation that is efficient and effective.’

No one can reasonably cavil with the stated intention. The ‘bumps in the road’ need to be removed - and the road kept in good repair. There must be national standards, for example, for admission, trust accounts, professional indemnity insurance and fee disclosure. There is no justification for different entry standards into either branch of the profession being applied in different jurisdictions. What constitutes professional misconduct or unsatisfactory professional conduct should be uniform across Australia.

However, there are a number of important and complex issues that will need to be addressed before the intention can be met. The important role of the Supreme Courts in the admission of legal practitioners and regulation of the
The year in review

A centralised regulatory system, which would inevitably cause delays and increase costs borne by the profession, would benefit neither the profession nor, more importantly, its clients.

There have been suggestions by some that the COAG project is justification for the present federated model of the Law Council being replaced by a national model with the state and territory bars becoming some form of ‘chapter’ of the Law Council. While such a national model for the profession’s peak representative body may evolve over time, the forced imposition of such a model would inevitably see the demise of the Law Council. As at 30 June 2009 the Consultative Council had yet to meet. The various possible models to form the basis of the proposed legislation being developed by the taskforce have yet to be published.

The second reason was the extraordinary amount of co-operation and good will the Working Party encountered as it worked its way around each bar discussing how best a national uniform set of Rules could be achieved.

At the time of writing, it is very likely that before the end of the 2009 calendar year the ABA’s proposed new set of uniform Rules will be formally submitted to the state and territory bars for consideration. Each bar will then consult its members. After that, the intention is that each bar will adopt as its Rules the new uniform Rules, albeit with a few minor differences required by, say, state legislation. This project is an excellent example of how different organs of the legal profession can work together to achieve a national purpose.

Section 55D of the Judiciary Act 1903

In my report for 2005 – 2006, I noted that there was a serious flaw in the national practising certificate regime. This is s 55D of the Judiciary Act 1903, enacted when there was no ACT (and Norfolk Island) law dealing with legal practice. The effect of this provision is that it is at least arguable that a person whose name is on a supreme court’s or the High Court’s roll of lawyers is entitled to practise in a federal court (including the High Court of Australia) without holding a practising certificate.

This problem, which unfortunately is not simply a hypothetical problem, has been raised by the Bar Association with both the former and current federal governments. There was general agreement that the Act needed to be brought up to date, but doing so was not a legislative priority.

On 3 December 2008 the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008 was introduced into the House of Representatives. As the Parliamentary Library noted in Bills Digest no. 89 2008 – 09, one of the Bill’s key amendments was to repeal s 55D of the

National Barristers’ Rules

As I noted in the 2007-2008 annual report, the Australian Bar Association, of which each state and territory bar is a constituent body, has as a major project the development of a uniform set of Rules for all bars. The benefits of an identical set of Rules that apply across Australia are obvious. The development of these Rules is properly the role of the profession, not one to be picked up by default by some government agency.

At the end of 2008 the president of the Australian Bar Association, Tom Bathurst QC, the Bar Association’s senior vice president, appointed a Working Party comprising Michael Colbran QC of the Victorian Bar, Jennifer Peace, the Bar Association’s then director, legal (and now director, professional conduct) and myself to work with each bar to come up with a draft set of national Rules. Each bar strongly supported the preparation of

The enormous contribution being made by the profession to its administration needs to be acknowledged and preserved. The important role of the bars and law societies in the administration of the profession, their contribution to the work of the courts and to the maintenance of the rule of law, working in a federal system, must be acknowledged.

Every person admitted is an officer of the Supreme Court. The legal profession must remain an integral part of whatever regulatory system is to be introduced. A centralised regulatory system, which would inevitably cause delays and increase costs borne by the profession, would benefit neither the profession nor, more importantly, its clients. Nor is there merit in a system of regulation that is administered by people with limited knowledge of the day to day realities of legal practice or who are physically located in another jurisdiction.

The important role of the bars and law societies in the administration of the profession needs to continue. Every person admitted is an officer of the Supreme Court. The legal profession must remain an integral part of whatever regulatory system is to be introduced. A centralised regulatory system, which would inevitably cause delays and increase costs borne by the profession, would benefit neither the profession nor, more importantly, its clients. Nor is there merit in a system of regulation that is administered by people with limited knowledge of the day to day realities of legal practice or who are physically located in another jurisdiction.

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Executive director’s report

Judiciary Act. At the time of writing this report, the Bill had passed the House of Representatives and is awaiting debate by the Senate.

The Australian Taxation Office’s secrecy provision

As I noted in last year’s report, since November 2000 the Bar Association has been endeavouring to persuade the Australian Taxation Office and relevant Commonwealth ministers to seek parliamentary approval to an amendment to section 16 of the Income Tax Assessment Act 1936. The aim is to allow the ATO to provide the association with publicly available information (for example, court records) about action it has taken against those few barristers who have abused the taxation laws to the detriment of both the community and the profession. Unless the association is given the information, the first we often know is when the details appear on the front pages of the newspapers. We know from bitter experience that the damage that sort of publicity causes, to both the reputation of the barrister concerned and the bar as a whole is, incalculable.

In August 2006 the Treasury commenced a review of the secrecy and disclosure provisions in the taxation legislation, about which the association made a submission.

In March 2009 the then assistant treasurer released for public comment an exposure draft Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 proposed to implement a single and consolidated framework to govern the protection and disclosure of taxpayer information received by the Australian Taxation Office in the course of administering the taxation laws. It is now proposed that ‘information that is lawfully available to the public can be disclosed regardless of the source of the information’. The Explanatory Material that accompanied the draft Bill gave the following example of how the new secrecy provision would operate in this area.

The New South Wales Bar Association has a statutory responsibility under the Legal Profession Act 2004 (NSW) to satisfy itself that a barrister is a fit and proper person to hold a practising certificate. It is not an offence for a taxation officer to disclose to the New South Wales Bar Association that a NSW barrister has been convicted in an open court. However, the ATO would not be able to supplement that information with, say, a copy of the barrister’s tax return, which was not available to the public.

This is exactly what the Bar Association has been seeking since November 2000.

In August 2009 the assistant treasurer issued a media release advising that the Australian Government intended to introduce legislation to standardise the tax secrecy laws into a single, standard piece of legislation in the spring sitting of parliament, that is, before the end of 2009.

The Law Council of Australia

The Bar Association is a constituent body of the Law Council of Australia. The president is a director of the Law Council.

The Law Council and the Australian Bar Association are discussing how matters of particular concern to the bars might be better addressed by the Law Council (the agenda for Law Council meetings is often dominated by matters primarily of interest to the solicitors’ branch of the profession), how the LCA might better draw upon the ‘intellectual resources’ of the bars and how barrister directors might be more able to contribute to the senior leadership of the Law Council, given the restraints of their being sole practitioners and the considerable demands on their time as members of the Law Council’s Executive.

Procurement of federal government legal work

I noted in last year’s report that the association had raised, with both the previous federal government and the current government, ways in which costs of providing some legal services to the Commonwealth could be reduced by recognising the cost competitiveness of the efficient barrister, particularly in the area of advisory work and in the conduct of legal proceedings. Ministers in both governments have acknowledged the merit in these proposals.

In March 2009 the attorney-general announced a broad review into the procurement of legal services following the significant increase in legal expenditure by Commonwealth agencies in the 2007 – 2008 financial year. The review is being conducted by former
The year in review

revised version of a new Constitution that comments received, in April approved a The Bar Council, having considered all the bring this provision more into line with the relating to the quorum, which would The proposed amendments, other than amendments was to: by the Bar Council. The purpose of these amendments to the Constitution proposed from members about a number of October 2008 comments were sought came into effect on 1 January 2000. In The Bar Association’s present Constitution to the review. The Bar Association has made a submission Bar Association’s Constitution The Bar Association’s present Constitution came into effect on 1 January 2000. In October 2008 comments were sought from members about a number of amendments to the Constitution proposed by the Bar Council. The purpose of these amendments was to:

• update references to the Corporations Act 2001 and make a number of amendments in line with requirements of that Act;

• delete provisions relating to the Registered Clubs Act 1976;

• simplify the procedure for removal of a member’s name from the register upon resignation of the member (clause 7.1.2);

• delete provisions relating to honorary members (there are no honorary members of the Bar Association);

• reduce the number of members required to form a quorum at a general meeting from 25 to 5 (clause 9.1.2), and in consequence delete clause 9.1.4; and

• make a number of minor changes of a mechanical nature.

The proposed amendments, other than relating to the quorum, which would bring this provision more into line with the Corporations Act, attracted little comment.

The Bar Council, having considered all the comments received, in April approved a revised version of a new Constitution that it is intended to be put to members in the near future. The proposed changes to the quorum have been deleted. An additional amendment is being proposed to clarify the procedure for proposing a resolution at a general meeting.

Thanks

The activities recorded in this annual report only constitute a small part of the work done by and on behalf of the Bar Association. Many other activities are noted in Bar News, the daily In Brief and frequent @CPD, as well as on the website. Due to the need to preserve the confidentiality of many of the association’s dealings with state and federal attorneys-general, their departments and parliamentary committees, for example, a significant part of the association’s work goes unpublicised. However, I can here publicly acknowledge much of the contribution made by members of the bar and friends of the bar to the business of the association.

Each year, hundreds of members of the association assist in its activities, whether as members of committees, sections, representatives on court liaison bodies; those who draft submissions and provide comments on legislation; those who present CPD seminars; the legal assistance volunteers and duty barristers. Others receive telephone calls from me and association staff in the early hours and on weekends as a result of media inquiries, and their helpfulness and tolerance in these trying circumstances is greatly appreciated. Sadly, too often the assistance and information we provide, usually which shows the bar and barristers in a good light, never makes it to press or broadcast. Editors and producers have a resistance to the positive portrayal of the profession, while the converse, where for example, a barrister or former barrister brings the bar into disrepute, assures extensive coverage. My sincere thanks are also due to the clerks and staff of barristers whose assistance we have called upon during the year.

I must also acknowledge the assistance given to me and the association’s staff by the president. Senior staff of the association and I are unfortunately required to contact her by ‘phone or e-mail at all hours of the day or night, seven days a week, about matters that usually need immediate resolution. The president tolerates this with a resigned good humour that is greatly appreciated. Similarly, the senior vice president has been more than tolerant of my frequent, often unheralded, visits to his chambers on urgent business.

The other members of the Executive, too, graciously provide assistance when requested. I acknowledge here the support I received from the now Justice Rachel Pepper in all her years on the Bar Council, particularly as its secretary from November 2005 until resigning from this position in April 2009 on being appointed to the Land and Environment Court.

The Bar Association’s staff

As I said last year, the Bar Association’s staff do not attend the association’s office just to do a daily darg and then clock off. They consider themselves, as they are, an integral part of the Bar Association. Many are members of the association. They work long hours, including at night and on weekends, to provide the best service they can to the association’s members and others who in some way have sought the association’s assistance. While at times treated unreasonably by a troubled correspondent, caller or vexatious visitor to the office, they strive to provide a courteous, efficient service. I am proud of the contribution to the association made by all the staff and am grateful for their personal support and for the support they give to the association and those who seek the association’s assistance.

PA Selth
Executive Director
Anna Katzmann SC was elected president of the Bar Association in November 2007. She has served as a member of Bar Council since 1994. Ms Katzmann began practising as a barrister in July 1980 and was appointed senior counsel in 1997. In 2002 the Women Lawyers' Association of NSW presented her with the ‘Woman Lawyer of Achievement’ award. Offices held include: 1995-2007, council member of the Australian Academy of Forensic Sciences and 1997-2000 part-time commissioner, Legal Aid Commission of NSW.
Our people

Office of the Executive Director

Executive Director
Philip Selth OAM BA (Hons) LLB

Executive Assistant
Corinne Brown

Legal Assistance Referral Scheme

Legal Assistance Manager
Heather Sare

Legal Assistance Administrative Assistant
Wendy Incoll BA

Administration Department

Administration Manager
June Anderson

Administrative Assistant

Administrative Officer (Records)
Kim Ellis

Receptionist
Maree Fitzgerald BDesign JP

Professional Conduct Department

Director, Professional Conduct
Jennifer Pearce BEc LLB

Deputy Director, Professional Conduct
Helen Barrett LLB

Deputy Director, Professional Conduct
Emma Day LLB

Assistant to the Director, Professional Conduct
Lorraine Haycock

Administrative Assistant
Meagan Phillips

Administrative Assistant
Lisa Waterworth

Bar Library

Librarian
Lisa Allen B App Sc (Info) M Inf Stud

Assistant librarian
Jennifer Nott BA DIM

Technical services librarian
Leonie Anderson B App Sc (Info)

Library Technician
Lee-Ann Walsh

Professional Development Department

Director, Professional Development
Chris D’Aeth LLB (Hons) MBA

Deputy Director, Professional Development
Jo Musumeci BA (Hons)

Professional Development & Events Coordinator
Katie Hall BM

Education Assistant
Stella Giandiri

Finance Department

Finance Manager
Basil Catsaros B Comm. CA

Deputy Finance Manager
Tess Santos B Sc (Bus Admin)

Certification Officer
Barrie Anthony JP

Law Reform and Public Affairs

Director
Alastair McConnachie LLB

Publications Manager
Chris Winslow BA(Hons) MIntS

Policy Lawyer
Cindy Penrose B Comm LLB

Projects Officer
Jo Wilton LLB
Statistics

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

Membership

As at 30 June 2009 there were 2800 members.

Members who hold a NSW practising certificate
(including members based interstate & overseas and life members who have a current NSW PC)

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Number of senior counsel (QC or SC)*

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Number of ‘junior’ barristers**

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Practising address of members who hold a NSW PC

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<th>Total</th>
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<tr>
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Honorary life members and non-practising barristers
(including members interstate and overseas)

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</table>

Occupation of non-practising members

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Judge</td>
<td>166</td>
</tr>
<tr>
<td>Magistrate</td>
<td>36</td>
</tr>
<tr>
<td>Statutory / government officer</td>
<td>8</td>
</tr>
<tr>
<td>Judicial officers</td>
<td>15</td>
</tr>
<tr>
<td>Academic (non-practising)</td>
<td>14</td>
</tr>
<tr>
<td>Interstate barrister</td>
<td>168</td>
</tr>
<tr>
<td>Overseas barrister</td>
<td>28</td>
</tr>
<tr>
<td>Former barrister</td>
<td>136</td>
</tr>
<tr>
<td>Former judge</td>
<td>100</td>
</tr>
<tr>
<td>Clerk</td>
<td>16</td>
</tr>
<tr>
<td>Miscellaneous</td>
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Practitioners

As at 30 June 2009 there were 2107 barristers with a NSW PC.

Practitioners holding NSW practising certificates
(including practitioners based interstate and overseas)

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>1730</td>
<td>377</td>
<td>2107</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

Practitioners who are senior counsel (QC or SC)

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<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
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</thead>
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<tr>
<td>Male</td>
<td>303</td>
<td>19</td>
<td>322</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Junior barristers

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1427</td>
<td>358</td>
<td>1785</td>
</tr>
<tr>
<td>Female</td>
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<td></td>
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Location of holders of a New South Wales PC

<table>
<thead>
<tr>
<th>Location</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
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<tr>
<td>ACT</td>
<td>6</td>
</tr>
<tr>
<td>Queensland</td>
<td>3</td>
</tr>
<tr>
<td>Victoria</td>
<td>1</td>
</tr>
<tr>
<td>Overseas</td>
<td>6</td>
</tr>
</tbody>
</table>

Overseas practitioners by country of residence

<table>
<thead>
<tr>
<th>Country</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>United Kingdom</td>
<td>1</td>
</tr>
<tr>
<td>New Zealand</td>
<td>3</td>
</tr>
<tr>
<td>Singapore</td>
<td>1</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>1</td>
</tr>
</tbody>
</table>

* Practitioners advised that NSW is their principal place of practice.
About us

Our history

In July 1896 an association of barristers was formed in New South Wales to consider and report upon all matters of current legislation, enunciate and enforce rules of professional discipline and to foster social and professional liaison among the members of the Bar.

On 9 June 1902 the old association was dissolved and the first annual meeting of a new body took place. It was called the Council of the Bar of New South Wales.

On 22 October 1936 the New South Wales Bar Association was incorporated and in the first meeting of the Council of the New South Wales Bar Association took place. The Memorandum and Articles of Association noted that the Bar Association would make suggestions on legislation, court rules, procedure and business. The memorandum also noted that a library would be established together with reading, meeting, and dining rooms, and power to undertake law reporting, printing, publishing and bookbinding.

Over the years, both the judicial and executive branches of government sought the advice of the Bar Association regarding Bills and Rules of Court. By 1960 the number being sent to the Bar Association had increased markedly. In 1962 the association formed a standing Law Reform Committee to deal with the increased workload. By 1968 there were 14 standing committees of the Bar Association including the Ethics, Finance, Fees, Accommodation, Liaison with the Law Society, Bar History, Law Reform, Continuing Legal Studies, Barristers’ Benevolent Association, Reading, Membership, Listing, Library and Housing committees.

In 2009 there were 16 standing committees. A considerable number of barristers are appointed as members of court liaison committees, government working parties and statutory authorities, providing their skills and expertise for the public benefit.

Servants of all yet of none

The motto of the coat of arms of the New South Wales Bar Association is ‘Servants of all yet of none’. The motto was included on the coat of arms granted to the Bar Association by the College of Arms in 1959. The motto emphasises specialised functions of barristers, which over the centuries have come to distinguish them from other legal practitioners.

Our aims

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

- to promote, maintain and improve the interests and standards of local practising barristers;
- to make recommendations and promote the administration of justice;
- to arrange and promote continuing professional development; and
- to inquire into questions as to professional conduct and etiquette of barristers.

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Promoting the interests of practising barristers

Indigenous Barristers’ Strategy Working Party

The Indigenous Barristers’ Strategy Working Party is a committee set up to develop employment and mentoring opportunities for Indigenous law students and graduates. Membership is comprised of barristers and representatives of the law schools at the University of New South Wales and the University of Technology, Sydney.

Mentoring Indigenous law students

The president of the Australian Human Rights Commission, the Hon Catherine Branson QC, the president of the Bar Association, Anna Katzman SC, and more than 50 barristers and Indigenous law students launched the Mentoring Indigenous Law Students Program on 12 March 2009 at the Holiday Inn Old Sydney - Rooftop. This was an initiative of the working party, which designed the programme and its mentoring guidelines.

Its purpose is to provide opportunities for barristers to share their wealth of professional and life experiences with Indigenous law students from across the state. The programme was established in close co-operation with a representative group of Indigenous law students to enrich their legal studies and to provide an understanding of the way the legal profession works at both a practical and a personal level. Direct contact with barristers is expanding the knowledge and networks of the students and providing an opportunity for the barrister to develop a relationship with the student for a substantial period.

The programme provides and fosters an environment for barristers and students to stay engaged and connected with the Indigenous Barristers’ Trust, the Bar Association and with each other.

It also helps students to explore career options and aspirations with experienced professionals, obtain advice and guidance on job application and presentation skills, gain access to inside knowledge on the way the legal profession works and acquire insightful information and advice on leadership, management and workplace relations.

There are 18 students from various New South Wales universities participating in the scheme in 2009.

Direct contact with barristers is expanding the knowledge and networks of the students...

The Indigenous Barristers’ Trust

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

The four trustees are the current president of the Bar Association, Anna Katzmann SC, the Hon Justice Michael Slattery, Mullenjaiwakka, the most senior of the four Indigenous barristers at the New South Wales Bar, and Chris Ronalds AM SC.

Barristers and judges continue to make generous donations to the trust so it can meet the special needs of Indigenous law students and law graduates. For three years Craig Leggat SC of Martin Place Chambers made significant monthly donations. Another member donates his sitting fees from a committee he attends as a Bar Association representative.

Conferences

The third National Indigenous Legal Conference, which was held in Melbourne in September 2008, built on the success of the inaugural Sydney conference and the second one in Brisbane. Members who attended found it a stimulating and interesting forum and an opportunity to share experiences and discussions with Indigenous lawyers and law students from around Australia.

The students participating in the University of NSW Indigenous Pre-Law Program attended the Bar Association for a day during their course in December 2008 and were taken to chambers and introduced to the work of a barrister. They visited courts and spoke with judges who shared their experiences, both as a barrister and then as a judge. This visit is an annual event and is important in exposing Indigenous law students at the beginning of their studies to the career opportunities available at the bar.

Indigenous law students were assisted in finding part-time employment with seven barristers or groups of barristers during the year. Further employment opportunities are being sought from interested barristers.

Social events

The working party organised a theatre event, Mathinna by Bangarra Dance Theatre on 15 August 2008 at the Sydney Opera House. This was the tragic story of a young Tasmanian Aboriginal woman torn between two worlds. This event provided an opportunity for social contact between barristers interested in Indigenous legal matters and to provide a cultural backdrop to discussions and debate.
In 2008-2009, the Women Barristers Forum continued its efforts in promoting awareness of the many talents of and diversity amongst women at the New South Wales Bar. The following warrant specific mention:

- a function to celebrate the appointment in 2008 of Julia Baird SC and Donna Woodburne SC as senior counsel on 6 November 2008, with a similar function planned for 2009 and proposed to be held on 5 November 2009;
- a CPD seminar by Michael Kelly of Kelly Speech Communication entitled ‘The Audacity of Inspiration – what barristers can learn from the speaking and presentation techniques of Barack Obama’ on 23 June 2009;
- investigating the possibility of other CPDs of interest and encouraging women barristers to give papers at regional CPDs;
- informal quarterly drinks functions held at Dolci restaurant in Phillip Street, Sydney open to all members of the bar to encourage collegiality and support among women at the bar – held on 19 March 2009 and 18 June 2009, with a further event planned for 22 October 2009;
- co-hosting on 28 August 2009 a ‘Women in Law’ dinner in conjunction with Sydney University Women’s College to promote women in the law, which is expected to have approximately 100 people attending;
- Julia Baird SC met, with Anna Katzmann SC, representatives of PILCH and others about matters concerning women’s participation at the bar;
- at each monthly meeting of WBF there was a report by, and suggestions to, a representative from the Bar Association’s Equal Opportunity Committee, which conducts many activities which are designed to assist women at the bar, including the mentoring programme, and to introduce women to the bar through University;
- Student Open days promoting a career at the bar to female law students; and
- Margaret Holz, a committee member of WBF, was appointed to the committee of NSW Women Lawyers and assists in the liaison between WLA and WBF.

In addition WBF continued to maintain its web site and database.

The history of the WBF

The genesis of the Women Barristers Forum (WBF) was a function held at The Westin, Sydney on 6 March 2002. This function was organised by eleven women barristers to network and promote camaraderie among women at the bar and to forge links with solicitors and the judiciary. That function was highly successful with over 200 members of the profession attending.

WBF developed rapidly. At the request of many women barristers, a forum was held on 25 October 2003 to discuss issues affecting women at the New South Wales Bar.

Another forum was convened on 19 June 2004 at which the WBF was established, with its aims being to:

- promote awareness, discussion and resolution of issues which particularly affect women barristers;
- identify, highlight and eradicate discrimination against women in law and in the legal system;
- advance equality for women at the bar and in the legal profession generally;
- provide a professional and social network for women barristers; support and encourage women at the bar;
- promote the interests and skills of women barristers; and support diversity and flexibility at the bar.

A momentum developed, with judges, barristers, solicitors, academics and law students attending events. One highlight was the Women in Law Dinner entitled, ‘Change by Generation’, co-hosted with the University of Sydney’s Women’s College on 25 August 2005. In addition, solicitors’ firms have hosted many networking evenings to provide an opportunity for women barristers to meet other members of the profession and to promote their equitable briefing policies. In promoting the Model Equal Opportunity Briefing Policy for Female Barristers and Advocates, adopted by the Bar Association, the WBF consulted solicitors and other users of barristers’ services over a period of two years to ascertain the best vehicle for promoting women barristers. Access to relevant information about the practices of women barristers was the immediate requirement. From June 2005, the primary focus of WBF was the development of a web site and a database of women barristers.

On 22 November 2006 the Inaugural Annual General Meeting of WBF was held, the Executive elected, and the web site launched. In 2007 the site was integrated into the Bar Association’s web site. It will be pivotal in providing information to the public about women barristers and their diverse accomplishments; communicating news and events; and recording the history of the WBF.
Promoting the interests of practising barristers

The Bar Association identified the need to extend the existing BarCare resources to provide an early intervention service. The position of director, care and assistance was established in early 2008. My work for the bar commenced in early March. Historically, the Bar Association only becomes aware that a member is having difficulties when a complaint is made. This can be the beginning of the inevitable pathway to a disciplinary hearing. This new position is designed to avoid an exacerbation of the problems by supporting members through difficult times.

The existing panel of health care specialists has been expanded and includes psychologists, psychiatrists, drug and alcohol specialists and financial advisors. I act as the first point of contact for barristers seeking advice in relation to their personal circumstances. Colleagues and family members are also encouraged to contact BarCare if they have concerns about a member. All contact with BarCare is strictly confidential and no personal information is provided to the Association without the express permission of the person involved. There is a dedicated telephone line and an e-mail address to contact me directly. Data is collected in an anonymous fashion describing the type of services provided. The Benevolent Fund will carry the cost of an initial consultation with one of the panel specialists.

In the brief time that this new service has been operating there has been a steady demand. Some matters are handled entirely by telephone contact. Referrals have been arranged for specialist treatment. BarCare is fortunate that through its panel of specialist services urgent appointments at short notice can be facilitated. In other circumstances an appointment can be made to discuss the nature of the problem and to determine whether specialist help is needed. These meetings are informal and often will be a matter of meeting for a cup of coffee.

My experience to date has demonstrated that working at the Bar is a stressful occupation. The number of self-referrals is heartening, showing that barristers are aware of the need to seek help. It is also obvious that there is a strong collegiate bond between the members of the bar. Colleagues concerned about the welfare of a peer have made approximately half of the calls to BarCare.

There has been a steady stream of calls and a diverse range of problems from simply needing a confidential chat to arranging a referral to a health care specialist. Problems such as depression, general health, marital difficulties and bereavement have been just a few of the calls received. Another aspect of BarCare is the capacity to provide financial assistance through a grant or a loan. Where a need has been identified I prepare a submission stating the circumstances but not the individuals name. The identity is disclosed only when a decision has been made and a cheque is drawn. There have been a number of instances this year where the fund has been able to reduce a member’s financial stress.

The establishment of my position has provided the opportunity for members and member’s families to individual guidance in times of stress. The response to date has shown that there is a need for this model of support.

Penny Johnston
Director
Care & Assistance

The Barristers’ Benevolent Fund

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

Every aspect of the operation of the Benevolent Association, from the donations made, to the notification that a member is in difficulty, and assessing and providing assistance, is an expression of the collegiate nature of the life of a group of independent individuals collectively operating as the bar.

For the year ended 30 June 2009 the fund advanced two loans totalling $40,000. Grants totalling $152,649 were made to 15 parties.
Promoting the interests of practising barristers

The Bar Library

The Bar Library aims to provide legal resources in a timely and accurate manner to the members of the New South Wales Bar and their staff and to staff of the New South Wales Bar Association.

Major goals of the library are to:

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

The library provides the following services:

- legal reference services for members, exam candidates and Bar Association staff;
- library orientation and legal research training;
- development and maintenance of links to relevant legal web sites; and
- current awareness services.

Reference continues to be a significant component of the services offered by the library and is well used by members outside the Phillip St precinct.

Visits to the library have increased since the renovation in February 2008. However in January 2009, the Sydney University Law School library closed, and there has been a marked increase in library use in the areas of loans, requests for interlibrary loans and for access to databases previously found at the Law School library.

In 2008/09, loans increased by 16.7 per cent. Part of this growth is the increasing use of the library’s collection of recordings of the Professional Development Department’s seminars. This is particularly apparent in the figures from February and March.

Equal Opportunity Committee

Equitable briefing

The year past has been another busy one for the Equal Opportunity Committee. It has progressed the Equitable Briefing Policy by approaching major corporate and institutional clients directly, as well as public and private solicitors. The policy has received strong support from the New South Wales Government, as well as a number of solicitors’ firms and corporate clients.

Disability access

As a result of several inquiries received by the committee during the reporting year, it is in the process of obtaining data from all chambers regarding the suitability of their accommodation for barristers with disabilities, in particular those with wheelchairs, so that the Bar Association can readily make such information available to prospective barristers.

Student open days

The committee also continued the practice of previous years by holding a Career at the Bar Open Day and other meetings with university students. Each event was well attended and the feedback indicated that it was well received.

Mentoring

The committee has continued the mentoring scheme for women in their second year of practice at the bar and has augmented it by hosting a series of social functions to encourage discussion among the participants. The committee considered whether the scheme should be extended to all barristers in their second year of practice. Following a dialogue with the Professional Development Department, it was decided to offer all readers nearing the end of their readership an opportunity to form a new mentoring relationship with their tutor or another senior barrister.

Women speakers

The committee followed its successful women speakers programme in conjunction with the Women Barristers Forum. The next speaker will be Sydney Morning Herald journalist Annabel Crabb, in November 2009. The committee has also hosted a number of programmes designed to reinforce the collegiality of the bar, such as film nights.

Child and aged care

The committee was pleased to host further CPD seminars which highlighted the emergency child care scheme and introduced the expansion of it to cover Aged and Carers’ care. The CPD was enthusiastically received and the aged care aspect of the scheme has enjoyed a considerable take up rate.
Last year’s report began with a reference to the effects on the bar of rising prices and interest rates. As the 2008-2009 reporting year progressed, however, a very different set of challenges became apparent as the global financial crisis impacted upon the Australian economy. The Bar Association’s Professional Development Department responded appropriately by appraising its services and providing a range of new seminars on financial planning and management of a modern practice at the bar. The department continues to meet its primary objective of providing sound, practical advice to members on ways to improve their practice, together with intellectually rewarding seminars on recent developments in the law.

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, concerned only to contribute to the improvement of the bar as an institution. It simply would not be possible for the department to operate without the support and commitment of so many.

Bar exams
For the July 2008 bar examinations 95 candidates submitted a registration form to sit for one or more of the examinations. The three examinations are: Practice and Procedure; Evidence; and Ethics. During the reporting year 81 candidates sat the examinations – equal the number from twelve months previously. In February 2009, 92 candidates attempted one or more of the examinations, up from 70 candidates the previous year (although similar to February 2007). A total of 41 members of the association assisted in the preparation and marking of papers in July 2008 and 43 assisted with the February 2009 examinations.

Bar Practice Course
Despite the relatively healthy number of candidates attempting the bar exams the number of readers in the October 2008 Bar Practice Course was one of the lowest on record, only 21 readers in total. There were 35 readers in the May 2009 Bar Practice Course. Encouragingly, the number of women choosing the bar as a profession continues to grow and both courses had a percentage of women significantly higher than the ratio of the general bar population. More than two-fifths of the October course (43 per cent) was female and the figure for the May course was 29 per cent. The bar continues to draw its readers from the ranks of solicitors, with 75-80 per cent of readers practising as a solicitor before being called to the Bar. The average age of a reader remains steady at about 35.

As set out in last year’s report, all readers, at the conclusion of the Bar Practice Course, return to the association each month to attend further ‘extension sessions’ which offer an opportunity to look at new and emerging jurisdictions or revisit existing or common areas of practice for a reader. Furthermore, all readers undertake two advocacy workshops: after three months and nine months. The purpose of the workshops is to develop advocacy skills introduced in the practice course and to reinforce concepts of case analysis, case theory and presenting evidence.

International influences
In January 2009 the Australian Bar Association Residential Advocacy Course was held at Macquarie Graduate School of Management, North Ryde. It was the third such course, building on the successes of the first one in Perth, in January 2007 and the second, also in Sydney, in January 2008. As in previous years the New South Wales Bar Association worked closely with the ABA and course directors to make it an outstanding success. The quality of the national and international coaches who provide their time so generously is also fundamental. Planning for the fourth course, due to take place in January 2010 in Brisbane, is well underway. Anyone who wishes to improve their advocacy skills in court is encouraged to register and attend.
Continuing Professional Development

The New South Wales Bar Association

Continuing professional development

In 2008-2009 the department offered 58 seminars, plus a further three workshops and six conferences. In addition, at the suggestion of the Common Law Committee, a specialist conference relating to personal injury was offered to barristers and other members. The department is grateful to the members of the Common Law Committee for their assistance with the design and preparation. Feedback from attendees was overwhelmingly positive and the event will be used as a template for other specialist conferences in 2010. Bar Association committees have been asked to consider whether a conference focussing on their area of law would be suitably interesting and beneficial to members.

The regional conference programme continued to enjoy strong support from all members. Conferences were run throughout February and March in Orange, Newcastle, Canberra, Parramatta and the North Coast. The conference programmes were designed to offer a wide range of topics and speakers.

New Barristers’ Committee CPDs

The New Barristers’ Committee programme of CPD events built on the success of the previous year and continued to draw healthy attendances in the common room.

The first seminar of the year in review concerned recent amendments to the Evidence Act 1995 (NSW) and was presented by Stephen Odgers SC and chaired by the chair of the New Barristers Committee, Kylie Day. The committee’s intention is to provide a CPD event each month - whether it be a seminar or workshop. Their programme is designed for, and by, junior members of the bar and is intended to give immediate and practical support and guidance regarding common problems, tasks, briefs and situations. Bar luminaries, such as Chester Porter QC, have provided their thoughts on advocacy. Members of the judiciary from state and federal courts have also generously made themselves available for the programme. Further seminars and workshops are planned for 2009-2010.

In addition to a programme packed with useful seminars, the committee also assists with, or is responsible for, a great many other projects including the Bench and Bar lunches. Initiated by Phil Greenwood SC and now run by Jeremy Gormly SC with the assistance of the New Barristers’ Committee.

The professional development department would like to acknowledge the work of the committee in 2008-09 and, in particular, the chair, Kylie Day.

Other events and social functions

The Bench and Bar Dinner took place at Sydney’s Hilton Hotel on 8 May and was attended by 655 members and guests. The guest of honour was Chief Justice French.

During the year 15 bobbers were held for justices Perram and Foster, as well as his Honour Judge Elkaim SC and his Honour Judge Levy SC. Functions were held for members of the association’s committees, the judiciary and parliamentarians to acknowledge their contribution to the association and the wider community.

Highlights

2008

July
Tutors and Readers Dinner
Bar exams
Duty Barristers / LARS function

August
Under Sixes Dinner
Mediation Workshop

September
Federal Criminal Law Conference
Parliamentary Drinks

October
Senior counsel appointments
Bar Practice Course 02/08

November
Indigenous Law Students Forum

December
Bar Dispute Resolution Centre opens
Great Bar Boat Race

2009

January
Indigenous Pre-Law Day
Third ABA Residential Advocacy Course

February
Personal Injury Conference
New silks ceremony, High Court
Bar exams
CPD Regional Conferences begin

March
CPD Intensive
Women law students visit the bar
Indigenous Mentoring Scheme launched

April
Sir Maurice Byers Address
Open Day for university students

May
Bench and Bar Dinner
Bar Practice Course 01/09

June
Bench and Bar Lunch
ABA Conference Strasbourg & London
Making recommendations and promoting the administration of justice

Law Reform and Public Affairs

What this proposal means is that police are entitled to enter the premises of all law-abiding citizens under false pretences and without notice. It is difficult to see any justification for the conferral of such extraordinary powers in a liberal democracy.

These were the words of President Anna Katzmann SC concerning the New South Wales Government’s Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009, which gave police unprecedented powers involving the use of covert search warrants.

Unfortunately, this was not the only occasion through the year where it was necessary for the Bar Association to take a strong stand against legislation which proposed significant inroads into individual rights in this state. The pro-law and order policies of the major parties in the New South Wales Parliament meant that the association’s voice was one of only a scant few raised against the more extreme elements of the government’s bikie gang legislation, the covert warrant provisions mentioned above, and other intrusive proposals such as the World Youth Day Regulations.

In the case of the Crimes (Criminal Organisations Control) Bill 2009 (the so-called ‘bikie gang’ legislation), the Bar Association was put in a position where it had to respond to the content of the legislation within an hour or two, as the Bill ended up being introduced, debated and passing both houses of New South Wales Parliament in the course of a single sitting day.

Nevertheless, the Bar Association’s concerns were provided as a matter of urgency to the government, opposition and cross-bench, and Ms Lee Rhiannon MLC of the New South Wales Greens placed these concerns on the parliamentary record in the course of the Legislative Council debate on the Bill.

The New South Wales Bar Association has also provided an analysis in the short time available. The Association makes the obvious but important point that it is completely inappropriate that legislation infringing on recognised basic civil liberties should be passed so quickly, with no consultation or opportunity for debate. As a general comment, the Bar Association states:

Police resources would be better used fighting actual crime rather than people’s associations. The legislation will not achieve anything other than to drive these organisations underground and make it more difficult to detect their existence and any associated criminal activities.

It is concerning that control orders can be made based on confidential police ‘intelligence’ rather than any publicly proven criminality. How could a person adequately challenge the making of such an order without access to the information on which it is based?

The Bar Association states that it is concerned at the anti-democratic nature of the legislation and the potential for abuse and injustices.

Amendments based upon the Bar Association’s concerns were moved in the Upper House but opposed by both major parties.

However the association’s approach to the unwelcome trend towards intrusive legislative schemes was not confined to criticism, however justified, and defence of legal principle. Throughout the reporting year, the president consistently took the opportunity to publicly advocate the Bar Council’s policy in favour of a statutory Charter of Rights, which would require governments to respond to human rights considerations in the context of legislation introduced into parliament. In her press release dated 10 December 2008, the president said:

A statute providing legislative protection for our basic rights, drafted after thorough consultation with the community, would help put a brake on the growing trend towards knee-jerk law making...A charter of rights would provide a legislative statement about the kind of society in which we want to live.

Throughout the reporting year, the association pursued opportunities to publicise the contribution to the community made by the bar.

The most notable development in this regard was the establishment and successful trial of the Barristers in Schools programme during 2008-09. Under the programme, barristers give a two hour programme during 2008-09. Under the programme, barristers give a two hour programme involving a mock criminal trial for school students on the court system, basic principles of the justice system and provide an introduction to evidentiary concepts, such as hearsay and opinion evidence. The second element of the programme involves a mock criminal trial where students are allocated the roles of prosecutors, defence counsel, court officers, the accused, witnesses and jurors. One of the presenting barristers sits on the bench, while the other coaches and advises students in the course of the proceedings.

... the association’s voice was one of only a scant few raised against the more extreme elements of the government’s bikie gang legislation, the covert warrant provisions...and other intrusive proposals such as the World Youth Day Regulations.
The programme was developed in close consultation with Department of Education and Training, and four sessions were held in suburban schools during Law Week.

The exercise was a great success. The Bar Association received uniformly positive feedback from teachers and Department of Education representatives on each session. The programme is very beneficial to students who would otherwise have limited, if any, understanding of the role of a barrister and the role of our court system and yet may become involved in it, whether as witnesses or defendants – or legal practitioners. The presentation at Summer Hill Primary School received favourable publicity in the Daily Telegraph which sent a journalist and a photographer to the school.

It is intended that the programme will be expanded in 2009-10, and a call made during that time for expressions of interest from the bar for volunteers to conduct future sessions. Particular thanks are due to the members of the association’s Working Party on the Bar and the Community, its chair, Margaret Cunneen SC and Karen Conte-Mills, who developed the programme along with Andrew Martin, who assisted in some of the presentations.

Human Rights Committee

In November 2008 the Bar Council resolved to support a federal charter of rights. It directed the Human Rights Committee to prepare a submission to the National Human Rights Consultation.

The Consultation Committee’s terms of reference identified the following issues:

- which human rights (including corresponding responsibilities) should be protected and promoted?
- are these human rights currently sufficiently protected and promoted?
- how could Australia better protect and promote human rights?

The Bar Association made its submission in June 2009. It argued that the most appropriate means to protect human rights in Australia is through the adoption of a national statutory charter or bill of rights that incorporates those rights recognised in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and which makes specific provision for the rights of Indigenous peoples.

The committee looks forward to the report that the National Human Rights Consultation will provide to the Australian Government by 30 September 2009.
Making recommendations and promoting the administration of justice

Alternative Dispute Resolution Committee

NSW Bar Dispute Resolution Centre
In early 2008, the Alternative Dispute Resolution Committee initiated negotiations with Counsel’s Chambers Ltd for the establishment of the NSW Bar Dispute Resolution Centre in the premises of the former National Disputes Centre with a view to providing NSW barristers with a strong identity and presence in the ADR industry. In August 2008, the committee’s recommendation to Bar Council that the association enter into an agreement with Counsel’s Chambers Ltd was approved, and the final steps were taken to establish the centre.

The centre was officially launched on Wednesday, 10 December 2008 by Attorney-General Robert McClelland. The attorney welcomed the bar’s initiative in setting up the centre, noting that it could not come at a better time because of the need for lawyers to think creatively about their roles in resolving disputes outside of court, particularly in the current economic times. The president of the Bar Association and the chairman of Counsel’s Chambers Ltd also made short speeches. The launch was well attended by about 80 guests including representatives of the judiciary, members of the bar, in-house counsel and others from the mediation community.

The centre commenced operating immediately after the launch and, with its flexible facilities, is able to accommodate all types of ADR process. It has its own website for bookings and information at www.nswbardisputeresolution.com.au

Barristers as accredited mediators
Another important development for the bar has been the setting up of a system for qualified barristers to become accredited as mediators under the National Mediator Accreditation System Standards. By 22 May 2008, upon the committee’s recommendation, the Bar Council declared the Bar Association to be a Recognised Mediator Accreditation Body under the standards. The committee then established an accreditation system compliant with the National Standards, with the additional requirements also envisaged by the standards, but not mandatory, that mediators hold practising certificates and have five years’ experience as a practising lawyer.

In October 2008, the Bar Council accredited 67 members as mediators for a period of two years in accordance with the standards. Many of those were accredited as ‘experience qualified’ mediators. Sixty three of the accredited mediators were also selected for appointment to the NSW District Court Panel of Mediators for 2009/2010.

A further accreditation process will take place in October 2009 in conjunction with selection of mediators for the Supreme Court Panel of Mediators for 2010/2011. Application forms were made available from early June 2009 and the committee held an information seminar on 3 June 2009 to advise barristers of the requirements for accreditation and selection for the court panel.

The accredited mediator and court appointed mediator lists appear on the Bar Association web site and mediators can be contacted directly through the e-mail facility on the web site.

The committee oversees the accreditation process and will continue to work on the implementation of the standards and to monitor further developments in relation to the standards. The Bar Association is one of 46 members of the National Mediator Accreditation Committee (NMAC), which was formed in February 2009 to have responsibility for the ongoing development and maintenance of the National Standards, and committee members have attended all NMAC meetings.

Seminars and educating barristers about ADR
One of the committee’s concerns has been to provide opportunities for barristers to learn more about ADR in
its various forms, to provide in-depth seminars on mediation, and to assist those seeking accreditation or re-accreditation as mediators to achieve the 20 CPD points required every two years under the National Standards. To this end, a series of seminars have been designed that provide both CPD points for renewal of practising certificates and mediation CPD points.

All seminars have been very well-attended, and included a seminar presented by committee members on expert determination, arbitration and other forms of ADR in March 2009 and the Voyager seminar in June 2009. The Voyager seminar, presented by Jeremy Gormly SC and Chris Barry QC, generated much interest from within the bar as well as from government departments such as Defence and the Crown Solicitor’s Office. In 2008, Gormly SC successfully settled 24 of the 25 remaining claims arising from the collision of HMAS Melbourne and HMAS Voyager in 1964. Barry QC represented parties in a number of the mediations.

The committee held a very successful all-day mediation workshop at the Bar Association in August 2008, which provided members with 6.5 points towards both the Bar Association’s CPD points and mediator points. Over 100 members attended the workshop and, on the basis of the positive feedback from registrants, an all day advanced mediation workshop is planned for September 2009.

Each year, the committee offers a series of four arbitration seminars, organised primarily by Ian Bailey SC, to enable barristers to satisfy the criteria for appointment to the Local and District courts lists of arbitrators. At the recommendation of the committee, the Bar Council agreed to refer to the chief judge of the District Court the names of 27 barristers wishing to be considered for appointment to the District Court list of arbitrators for 2009-2010. All were appointed by the chief judge.

To keep those interested in ADR, and in particular mediation, informed of upcoming events, important application dates, mediation-specific CPDs and other mediation related information, in early 2009, the committee instituted a regular broadcast e-mail to mediators accredited by the Bar Association and other barristers.

Mediators’ mentoring scheme
In late 2008, the committee introduced a mentoring scheme for barrister mediators to enable them to have the benefit of the experience of more senior mediators and to provide opportunities for discussion and feedback about particular problems that arise in mediations. It is also hoped that the scheme will result in barristers gaining experience through co-mediation and observation opportunities. Mentors and mentees are able to claim up to 10 hours (10 CPD points) towards accreditation. Sixty two barristers have volunteered for the mentoring scheme. The scheme is also open to barristers who are not mediators but who wish to improve their skills in appearing for parties at mediations by consulting experienced mediators.

Mediation and LARS
The committee recommended to the Bar Council late last year that the Legal Assistance Referral Service (LARS) programme be expanded to include mediation. This occurred in early 2009. Where the parties to the dispute have agreed upon mediation or a court or tribunal has ordered the dispute to mediation, an application may now be made under LARS for the assistance of barristers as legal representatives for mediations, and also for the services of barristers as independent mediators to facilitate the resolution of disputes.

In July 2008 as an introduction to all types of ADR, a second extension session in September covering mediation in depth, and a two hour in-depth session in the Bar Practice Course in May 2009.

Readers and ADR
In light of the increasing interest in and use of ADR, the committee has been concerned to ensure that readers are provided with information about ADR techniques, relevant legislation, court rules and court practice notes, and the skills needed to represent parties in ADR processes. Committee members presented a Bar Readers’ Extension session in July 2008 as an introduction to all types of ADR, a second extension session in September covering mediation in depth, and a two hour in-depth session in the Bar Practice Course in May 2009.
further assistance will be by agreement with the parties. A number of accredited mediators have volunteered to offer their services. The committee hopes that this scheme might also provide some co-mediation opportunities for barristers, and has prepared a list of the benefits of co-mediation for the manager of LARS.

**NSW ADR blueprint**

In May 2009, the NSW Attorney General’s Department published an ADR Blueprint Discussion Paper, which included a series of 19 proposals to increase the use of ADR in NSW. The ADR Blueprint put forward three key strategies to developing a less adversarial and litigious culture in NSW, two of which are of particular importance to the bar:

- changing the culture of the legal profession so that it becomes less focussed on running cases and more focussed on solving problems; and
- structuring the civil justice system so that, when litigation is contemplated or commenced, the system increases the likelihood that the dispute will be settled quickly.

The proposals included placing a legislative obligation on legal practitioners to provide information to their clients about ADR, introducing pre-action protocols for ADR, establishing a single Sydney International Arbitration Centre and moving to a system where all mediators on Supreme Court and District Court panels are accredited under the National Standards. The committee provided a detailed response to the Discussion Paper, with assistance from the Common Law Committee on particular issues, and is now represented on the ADR Blueprint Steering Committee, which met in late June 2009.

The Attorney General’s Department will now produce a number of ADR Blueprint Draft Recommendations Reports in response to comments received on the ADR Blueprint proposals.

**NADRAC inquiry into ADR in the civil justice system**

In early 2009 the Commonwealth attorney-general asked the National Alternative Dispute Resolution Advisory Council (NADRAC) to enquire into the possibility of increasing the use of alternative dispute resolution in civil proceedings. For the purposes of the enquiry, NADRAC were asked to specifically consider:

- whether mandatory requirements to use ADR should be introduced;
- how best to overcome practical or cultural barriers to the use of ADR;
- how ADR techniques can be used to enhance court and tribunal processes; and
- the provision of and standards for community and private ADR services.

A committee member attended a Stakeholder Consultation on 26 February 2009 at the Attorney-General’s Department in Sydney. An Issues Paper was released by NADRAC in March 2009 and the Committee prepared a response on behalf of the Bar Association in May 2009. As at 30 June 2009, the inquiry remained with NADRAC.

**South East Asia subcommittee**

The committee’s South East Asia subcommittee set up in early 2008 continues to be active in Indonesia, Singapore, Malaysia and elsewhere, liaising with individuals and organisations in those countries about alternative dispute resolution opportunities both in Australia and in South East Asia.

**Barristers’ Resolution Service**

A sub-committee is working to revive the Barristers’ Resolution Service under another name to provide access to the association’s arbitrators, experts, referees, case appraisers, evaluators, conciliators and mediators at any time in a dispute whether or not litigation has commenced.

**The future**

The committee’s past twelve months have been extremely active and productive, thanks to its very committed members and its very helpful and efficient projects officer, Jo Wilton. The New South Wales and Australian Government current inquiries into ADR and their emphasis on changing the culture of the legal profession are likely to have a significant impact on barristers’ work and the ways in which they practise in coming years. The committee has put considerable work in to responding to the two inquiries and will continue to work to assist the bar in facing the challenges that continue to arise as a result of the increasing emphasis on ADR.

The committee’s South East Asia subcommittee set up in early 2008 continues to be active in Indonesia, Singapore, Malaysia and elsewhere...
Criminal Law Committee

The committee has remained active in responding to proposed changes in NSW law relating to criminal justice. A detailed submission was made to the New South Wales Law Reform Commission on its consultation paper on jury directions. Members of the committee assisted in the formulation of an extensive briefing note in respect of the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 (NSW). A submission was made to the New South Wales Parliament in respect of proposed amendments to the Independent Commission Against Corruption Act. Submissions were made to the New South Wales Sentencing Council’s reviews of sentences for alcohol related offences and the standard non-parole period scheme.

The committee has also been active at the federal level. A submission was made to the Standing Committee of Attorneys-General in respect of the Model Spent Convictions Bill. Considerable assistance has been provided to the Law Council of Australia in respect of aspects of Commonwealth criminal law. For example, members have drafted substantial and well-received Law Council submissions on the Foreign Evidence Amendment Bill 2008, the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008, and the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009. The committee has done more than respond to government. It has been active in generating law reform initiatives for the criminal justice system. Together with the Bar Association and the Law Council of Australia, it organised the Federal Criminal Law Conference, held at the Hilton Hotel on 5 September 2008. The conference was similar in format to the successful Criminal Justice Reform Conference 2006, which focussed on state criminal law. The object of the 2008 conference was to develop possible reforms to substantive criminal law and criminal procedure at the federal level. Speakers from all over Australia presented proposals for reform of federal criminal law, and these suggested reforms are under consideration by the Commonwealth.

Legal Aid Committee

The focus of the committee’s work throughout the past year included:

- comment on merit test in legal aid care and protection matters and on the Report of the Special Commission of Inquiry into Child Protection Services in NSW (the Wood Report);
- management of changes to legal aid grants; and
- review of the fee structure for counsel.

Following the release of the the Wood Report, the government introduced the Children’s Legislation Amendment (Wood Inquiry Recommendations) Bill 2009, which proposed dramatic changes to care and protection proceedings throughout the state. Some were opposed by the Bar Association. During late March 2009 representatives of the Bar Association and the Family Issues Committee of the Law Society met with members of parliament to discuss the concerns arising out of the Bill. The main issues were the following:

- removal of the court’s power to order contact;
- limitations on the availability of ADR;
- limitations on the court’s power to order report;
- changes to the threshold for DoCS / court intervention; and
- changes to temporary care arrangements.

In March 2009 Legal Aid NSW launched a new version of Grants Online, its web-based facility for submitting applications for grants of legal aid. Continuing Professional Development seminars were held to cover the changes to legal aid grants, particularly, notification to counsel of a grant of aid, payment of pro-forma invoices for counsel’s fees, Trial Information Forms, approval for extensions and transfer of briefs between counsel.

The committee also engaged in discussions with the commission regarding the review of the fee structure for counsel and continues to acknowledge the spirit of co-operation demonstrated by Legal Aid NSW in relation to that review. The association values membership on many of the commission’s panels, including mental health advocacy, serious crime, general crime, veteran’s law and civil law.
Those who practised in the Family Court during 2008-09 had to contend with significant changes. On 1 March 2009 the Commonwealth received the states’ powers in respect of maintenance and property adjustments between parties to a de facto relationship. Couples, including same sex ones, who separated after that date or who agree to consensually accede to the jurisdiction of the federal Family Law courts now stand to have their claims determined pursuant to Part VIIIAB of the Family Law Act.

Growing backlogs
Ievitably, as older matters are exhausted in the state courts and new separations fall exclusively to courts exercising jurisdiction under the Family Law Act, there will be a substantial increase in the workload of the federal jurisdiction. While the Family Court of Western Australia has held jurisdiction in such matters for some time, the work in other states will represent a significant increase in volume. In Sydney, it is anticipated that most of the matters that would, under the old regime, have fallen to the Supreme Court will now occupy the Family Court. In New South Wales alone it is estimated that the judicial time occupied presently by such matters before judges and associate justices of the Supreme Court would occupy the equivalent of one to one and a half judges per annum.

Consequently, delays in the Family Court’s Sydney Registry are increasing. Judges there have dockets in excess of 80 matters each and more than 140 unallocated matters await their first docket listing. Parties who do not manage to resolve their cases consensually by the stage of completing a case assessment conference or conciliation conference can generally expect to then go into the unallocated pool for approximately 12 months before finding their way on to a judge’s docket. This must be recognised as a crushing burden upon members of the community waiting to have these important personal issues determined so that they can move on.

The problem is clearly a consequence of insufficient judicial resources. Retirements from the bench are not being replaced in a timely fashion, if at all. Judges who have recently been elevated to the Appeals Division, such as Justice O’Ryan, have not been replaced at a first instance level. The Commonwealth attorney-general initially had announced that the Family Court would receive one additional appointment nationwide to cope with the additional workload. Clearly this was an inadequate proposition, but faced with the consequences of the global financial crisis it is now understood that the court has been advised that this additional appointment will not be forthcoming. The association has continued to urge the attorney to give serious consideration to these issues.

Merger of Family Court and Federal Magistrates Court
It appears likely that the Australian Government will adopt the recommendations for the merger of the Federal Magistrates Court and the Family Court along the lines put forward in Des Semple’s report Future Governance Options for Federal Family Law Court in Australia – Striking the Right Balance. This may result in a further reduction in the number of judges and a two-tier judicial structure in the Family Court, the lower tier being constituted by those who are presently magistrates.

Retirements from the bench are not being replaced in a timely fashion, if at all.

Submissions and representations
This year the Family Law Committee has made representations to the Family Court’s Case Management and Liaison committees and to the Legal Aid Commission regarding the determination of persons to be included on its Independent Children’s Lawyers and Children’s Care and Protection panels. The committee has participated with the Law Council of Australia in making submissions to government and has provided assistance to the Bar Association’s Common Law Committee in respect of issues concerning the treatment of damages awards in the Family Court. The committee is also facilitating a series of continuing professional development seminars on advocacy at different levels in the family law jurisdiction.
The Common Law Committee

The Common Law Committee over the last two years has focussed upon discrete, incremental reforms to personal injury laws which would make a realistic difference for injured people.

The committee has also been given ongoing responsibility for the continued direction of personal injury reform. The reporting year again saw the committee deal with a number of significant personal injury-related issues, and prepare detailed submissions to government, parliamentary committees and heads of jurisdiction.

Ross Letherbarrow SC continued as chair of the committee and a number of new members were brought in to contribute to its work. In 2008-09 the committee again undertook a number of projects, either referred by the president or Bar Council, or identified and pursued by the committee itself.

Over the reporting year, the committee considered and made recommendations to the Bar Council on various issues, a number of which saw the preparation of detailed policy papers.

Among the matters examined were:

- the implications of the Supreme Court decision in *Corbett v Toll Stevedoring* for costs in s151Z Workers Compensation Act matters, resulting in the preparation of a submission to the New South Wales Government recommending legislative changes;
- issues involving the interaction between workers compensation legislation and the *Law Reform (Miscellaneous Provisions) Act 1965*, which also resulted in a submission to the attorney general and the minister for finance recommending legislative change;
- a submission to the Joint Review of the Dust Diseases Tribunal Claims Resolution Process in July 2008;
- preparation of a joint submission with the Law Society to the chief judge of the District Court concerning Practice Note DC (Civil) No 13;
- a proposal under consideration by the Attorney General’s Department concerning the possible extension of the jurisdiction of the Small Claims Division of the Local Court, which resulted in the preparation of a submission to the department on that issue;
- the Bar Association’s submission to the second review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council conducted by the Law and Justice Committee of the New South Wales Legislative Council. Ross Letherbarrow SC and Andrew Stone of the committee appeared before the committee in June 2009 to elaborate on the views expressed in the submission;
- members of the committee were heavily involved in the planning of the association’s 2009 Personal Injury Conference, and committee members also prepared and presented papers at that conference; and
- submissions to the Law Council of Australia in relation to the national review involving harmonisation of workers compensation laws.

As in previous years, members of the committee continued to prepare submissions to organisations such as the Motor Accidents Authority and the Lifetime Care and Support Authority in respect of draft changes to guidelines and other administrative arrangements. Particular thanks are due to Andrew Stone in this regard.

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

The reporting year again saw the committee deal with a number of significant personal injury-related issues, and prepare detailed submissions to government, parliamentary committees and heads of jurisdiction.
Promoting access to justice

Legal Assistance Referral Scheme (LARS)

For the 2008-2009 financial year, 283 formal applications for assistance were received and processed. This represents an increase of 31.62 per cent for the same period last year. Of these applications, 130 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 1560 hours through the scheme, with 23 matters still in the court system. An additional approximately 700 hours of work was contributed in relation to continuing matters commenced in the previous financial year.

Since the scheme’s inception in 1994 barristers have contributed approximately 32,000 hours of work.

The following facts arising from the attached statistical analysis of the scheme’s activities over the last financial year are worth highlighting:

- no fee matters comprised the highest category of those matters handled on a continuing basis;
- nearly 60 per cent of matters referred to barristers were considered to have legal merit/prospects of success;
- nearly 80 per cent of the applications to the scheme were refused legal aid as being outside the commission’s guidelines;
- an increase of 40 per cent in matters received in the Supreme Court of New South Wales;
- an increase of 53 per cent in matters received in the District Court of New South Wales;
- a 100 per cent increase in the number of matters received in the Coroner’s Court;
- a 53 per cent increase in matters received in Commonwealth and state tribunals;
- an 80 per cent increase in the number of matters received by members of the public;
- a 52 per cent increase in the number of matters referred by LawAccess;
- a 76 per cent increase in the number of matters referred by a judge/magistrate or registrar; and
- a 60 per cent increase in the number of referrals from the northern metropolitan area.

Volunteers encouraged

In 2008-2009, the executive director and the manager of the scheme spoke to readers about the scheme at the bi-annual Bar Practice Course, with a pleasing response in each instance. The president and the executive director, by circular and personal representation, have also encouraged members to participate in all schemes administered by the association and in the various court appointed pro bono schemes.

Duty Barrister Scheme

The manager and staff of LARS manage the operation of the Duty Barrister Scheme, which operates at the Local and District courts at the Downing Centre. Over eighty barristers from all levels of seniority have volunteered to assist. Barristers are rostered to attend each day at the courts. The schemes were promoted to readers at each of the bar practice courses, which resulted in additional volunteers being added to the roster.

Two duty barristers see an average of four clients each per day, which equates to approximately 2,000 clients per year.

Court appointed pro bono schemes

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

The manager of LARS also assists with the administration of the Federal Court/Federal Magistrates Court Refugee Review schemes.

Sexual Assault Communications Privilege Pilot Project (SACP)

In October 2008 Women's Legal Service NSW (WLS NSW) initiated a pro bono SACP pilot referral project in conjunction with the Bar Association, the Office of the Director of Public Prosecutions, Blake Dawson, Clayton Utz and Freehills. The project began in mid-February 2009 to run for an initial six month period. It provides pro bono legal representation and advice to sexual assault complainants in an attempt to keep the counselling and other health records of complainants confidential when their private files are subpoenaed for use in trials.

A training seminar was held at the Bar Association in February 2009 for barristers who had responded to a request for volunteers through In Brief. The seminar was conducted by a barrister and a solicitor from WLS NSW. The pilot project was formally launched at the offices of Blake Dawson on 17 April 2009 by the attorney general, the Hon John Hatzistergos MLC and the director of public prosecutions, Nicholas Cowdery AM QC.

Each stakeholder in the project agreed to keep statistics of matters undertaken and the number of hours contributed by the profession. At the end of the project period, a comprehensive assessment will be made of the project with a view to obtaining specific public funds for legal representation of complainants and to determine if legislative changes need to be made.

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Case studies

The Law Society Pro Bono Scheme referred a young woman for assistance in relation to a coronial inquest into the death of her baby. A barrister appeared on her behalf at the inquest and objected to her giving evidence, as she was a person of interest to police, and she was not required to do so. The brief of evidence was tendered as an exhibit and further oral evidence was given by the woman’s partner, the officer-in-charge of the investigation and an expert in forensic and scientific services from a university.

Ultimately, the deputy state coroner:

• noted the views of the caseworker that the mother had attended ante-natal reviews and was child focussed;

• stated that the evidence did not support the view that the baby’s methadone level was a contributing factor in its death; and

• found that the baby had died from accidental asphyxiation from smothering because the mother had fallen asleep following breast feeding.

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A young male New Zealand national, who had been detained in Villawood Immigration Detention Centre for four months approached the scheme for assistance in proceedings he had commenced in the Federal Magistrates Court as an unrepresented litigant against the minister for immigration and citizenship and the Migration Review Tribunal.

He had arrived in Australia in 2001 on his brother’s passport. In 2008 he presented himself to immigration authorities to request the cancellation of his special category visa so that he could obtain assistance to return to New Zealand. On learning that the immigration authorities were confusing him with the holder of another passport who had been using that passport to make trips between Australia and New Zealand, the young man withdrew his request for the cancellation of his visa.

In breach of the Migration Regulations 1994 the immigration authorities and later the Migration Review Tribunal rejected the young man’s assertions that he was not the user of that other passport and refused to accept his withdrawal of the cancellation request. He remained in detention and commenced proceedings in the Federal Magistrates Court for judicial review of the MRT decision.

A barrister agreed to assist and represented the young man in the Federal Magistrates Court proceedings. Upon an amended application and submissions drawn by counsel the minister ultimately consented to the issue by the court of the constitutional writs sought by the young man as pleaded by counsel, namely that the MRT had not complied with the Migration Regulations in not accepting the withdrawal of his request. When the orders were made, the young man was released from Villawood and returned to New Zealand.
Promoting access to justice

Legal Assistance Referral Scheme (LARS)

Interaction with other pro bono service providers

LARS works closely with the Law Society Pro Bono Scheme. There is virtually daily contact between the two schemes.

Together with the Law Society’s pro bono solicitor, the manager of the scheme met with customer service officers at LawAccess on two occasions this year 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 is a board member of LawAccess. The association’s director, law reform & public affairs, who now oversees the operation of LARS, is a member of the LawAccess NSW Strategy Committee. He has acted for the executive director at meetings of the trustees of the Pro Bono Disbursement Fund. The manager, or her assistant, also attends the Law & Justice Foundation’s quarterly NSW Legal Assistance Forum.

The Bar Association’s staff received in the order of 500–600 enquiries about legal assistance and related matters.

The Bar Association is a member of the NSW Legal Assistance Forum (NLAF). The scheme’s manager attends board meetings together with the director, law reform & public affairs. She continues to be a member of the Coalition of Aboriginal Legal Services’ working party and prisoners’ working party.

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

The Bar Association’s staff received in the order of 500–600 enquiries about legal assistance and related matters. 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. Staff at the association’s reception have had to deal with applicants who attend unannounced. There have been several unpleasant scenes where senior staff or security have had to intervene. Staff have received some training in dealing with difficult clients and there are plans to extend such training in the coming year.

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

Case studies (continued)

The Law Society Pro Bono Scheme referred a couple to the scheme who, between them, were facing 17 charges for allegedly underpaying an employee in a prosecution brought against them by the Office of Industrial Relations in the Industrial Magistrates’ Court. They owned and operated a shuttle service providing a service for passengers wishing to travel to the airport and other destinations.

The couple admitted to underpaying the employee, however disagreed on the amount owing, claiming that the amount owed had been calculated by the Office of Industrial Relations, based on the incorrect award and that they had relied on the same pay arrangements the employee had with the previous owners of the business. On this basis the magistrate entered a not guilty plea at the first mention date.

A barrister agreed to assist. He established that the driver had been paid under the Tourist and Service Coach Drivers State Award but should have been paid pursuant to the Motor Bus Drivers and Conductors State Award. He advised the clients to plead guilty to ten of the 17 counts of award breach. He made submissions in relation to the remaining seven counts. Five charges against the wife were withdrawn and the magistrate dismissed two of the charges against the husband relating to holiday pay. Each of the charges of award breach carried a fine of $10,000. The magistrate imposed a one-off fine of $500.00. The driver had also claimed a back payment of $40,000, which, after negotiations, settled for a payment of $5,000.

The barrister contributed 42 hours of work to the matter.

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A young woman on a parenting pension applied for assistance in relation to relocation, residency and access proceedings in the Federal Magistrates Court at Parramatta. She had made a decision to relocate her children from New South Wales to Queensland for reasons of the father’s mental health condition and was seeking orders from the court to validate her decision. A barrister agreed to assist and appear at an interim hearing. On the grounds that the mother had no alternative, and that the best interests of the children were served by continuing to stay in Queensland with her, the court ordered in her favour.

In a letter of appreciation the mother made the following comment about the barrister: ‘[s]he gave me hope that at least I will get a ‘fair go.’ I cannot tell you how that has lifted my spirits; I was feeling very disillusioned at the fairness of the system towards those in need.’
## Promoting access to justice

### Legal Assistance Referral Scheme statistics

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</tr>
<tr>
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<tr>
<td>Family law - property settlement</td>
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<td><strong>Land and Environment Court</strong></td>
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<td>Costs hearing</td>
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<td>Victims’ compensation</td>
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<td>-</td>
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<td>Professional negligence</td>
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<td><strong>Total</strong></td>
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<td>-</td>
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<tr>
<td>Family matters - child support</td>
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<td><strong>Total</strong></td>
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<td>36</td>
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<td><strong>Children’s Court</strong></td>
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<td><strong>Coroner’s Court</strong></td>
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<td>Administrative Decisions Tribunal</td>
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<tr>
<td>Nurses &amp; Midwife Tribunal</td>
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<tr>
<td>Refugee Review Tribunal</td>
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<tr>
<td>Victims Compensation Tribunal</td>
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<tr>
<td>Anti-Discrimination Board</td>
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<td><strong>Total</strong></td>
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## Promoting access to justice

### Legal Assistance Referral Scheme statistics

#### Referral source

<table>
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<tr>
<th>Referral source</th>
<th>2007-08</th>
<th>2008-09</th>
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<tbody>
<tr>
<td>Community legal centre</td>
<td>33</td>
<td>30</td>
</tr>
<tr>
<td>Instructing solicitor</td>
<td>33</td>
<td>35</td>
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<tr>
<td>Law Society</td>
<td>31</td>
<td>28</td>
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<tr>
<td>Member of the public</td>
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<td>30</td>
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<tr>
<td>Legal Aid</td>
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<td>23</td>
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<tr>
<td>LawAccess</td>
<td>21</td>
<td>32</td>
</tr>
<tr>
<td>Judge / magistrate / registrar</td>
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<td>30</td>
</tr>
<tr>
<td>Member of the bar</td>
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<td>20</td>
</tr>
<tr>
<td>Member of parliament</td>
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<td>5</td>
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<tr>
<td>PILCH</td>
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<td>Pro bono director of a large firm</td>
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<td>10</td>
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<tr>
<td>DPP</td>
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<tr>
<td>Welfare / community group</td>
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<td>-</td>
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<tr>
<td>Attorney General's Department</td>
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<tr>
<td>Web site hits</td>
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<td>14900</td>
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#### Rejection / No action

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<th>2008-09</th>
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<tr>
<td>Outside guidelines</td>
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<tr>
<td>No further information received / no further contact from applicant</td>
<td>33</td>
<td>42</td>
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<tr>
<td>Requires a solicitor</td>
<td>23</td>
<td>**</td>
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<tr>
<td>Eligible for legal aid</td>
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<td>**</td>
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<tr>
<td>Subject to Federal Court RRT LAS</td>
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<td>8</td>
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<tr>
<td>Subject to Fed. Ct Pro Bono Scheme</td>
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<td>-</td>
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<tr>
<td>Referred to community legal centre</td>
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<td>-</td>
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<tr>
<td>Briefed barrister to appear privately</td>
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<td>3</td>
</tr>
<tr>
<td>Briefed solicitor to appear privately</td>
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<td>4</td>
</tr>
<tr>
<td>Matter discontinued</td>
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<tr>
<td>Unable to refer - insufficient resources</td>
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<td>2</td>
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<tr>
<td>Too late notification</td>
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<td>4</td>
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<tr>
<td>Matter settled</td>
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<td><strong>Total</strong></td>
<td>114</td>
<td>153</td>
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* ** Included in ‘Outside guidelines’ for 2008-09

#### Client location

**Sydney Metropolitan Area**

<table>
<thead>
<tr>
<th>Location</th>
<th>2007-08</th>
<th>2008-09</th>
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<tr>
<td>West</td>
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<td>73</td>
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<tr>
<td>North</td>
<td>41</td>
<td>66</td>
</tr>
<tr>
<td>South</td>
<td>33</td>
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<td>East</td>
<td>12</td>
<td>7</td>
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<tr>
<td>Inner City</td>
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<td>27</td>
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<tr>
<td>Central Coast</td>
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<td>9</td>
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<tr>
<td>Country</td>
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<tr>
<td>Prison</td>
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<td>12</td>
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<tr>
<td>Villawood Detention Centre</td>
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<td>14</td>
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<tr>
<td>Interstate</td>
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<td><strong>Total</strong></td>
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<td>283</td>
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#### Types of work done

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<tr>
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<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merit assessment</td>
<td>102</td>
<td>130</td>
</tr>
<tr>
<td>Advice (over and above initial merit assessment)</td>
<td>63</td>
<td>101</td>
</tr>
<tr>
<td>Conferences</td>
<td>38</td>
<td>57</td>
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<tr>
<td>Appearances</td>
<td>31</td>
<td>35</td>
</tr>
<tr>
<td>Matters settled</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Appearances at hearing</td>
<td>27</td>
<td>41</td>
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<tr>
<td>Other (inc. second opinion &amp; preparation of submission)</td>
<td>18</td>
<td>31</td>
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#### Turnaround

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<th>2008-09</th>
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<tr>
<td>Same day</td>
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<td>24</td>
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<tr>
<td>Less than a week</td>
<td>16</td>
<td>18</td>
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<tr>
<td>1-2 weeks</td>
<td>28</td>
<td>33</td>
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<tr>
<td>2 weeks plus</td>
<td>48</td>
<td>55</td>
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<td><strong>Total</strong></td>
<td>102</td>
<td>130</td>
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#### Basis brief accepted

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<th>2008-09</th>
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<tr>
<td>No fee - merit assessment</td>
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<td>130</td>
</tr>
<tr>
<td>No fee - continuing involvement</td>
<td>65</td>
<td>99</td>
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<tr>
<td>Reduced fee - continuing involvement</td>
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<tr>
<td>Speculative / costs recovery - continuing involvement</td>
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<tr>
<td>Market rates - continuing involvement</td>
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#### Refused legal aid on basis of

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<th>2008-09</th>
</tr>
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<tbody>
<tr>
<td>Merit</td>
<td>11</td>
<td>30</td>
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<tr>
<td>Financial</td>
<td>22</td>
<td>30</td>
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<tr>
<td>Outside guidelines</td>
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<td>223</td>
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</table>

#### Matters considered by a barrister to have legal merit / prospects of success

<table>
<thead>
<tr>
<th>Matters considered by a barrister to have legal merit / prospects of success</th>
<th>2007-08</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>56</td>
<td>76</td>
</tr>
<tr>
<td>No</td>
<td>46</td>
<td>54</td>
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</table>
Questions as to professional conduct

The Professional Conduct Department

The principal role of the Professional Conduct Department is to facilitate the investigation of, and reporting to the Bar Council on:

- conduct complaints against barristers;
- notifications of show cause events; and
- other disclosures as required by the Legal Profession legislation.

Complaints
Under the Legal Profession Act 2004, complaints about a barrister's conduct are made to and investigated by the legal services commissioner. The commissioner may, pursuant to the Act, refer a complaint to the Bar Council for investigation and determination. In addition the Bar Council itself may make a complaint about a barrister.

In 2008/2009 the Bar Council received 60 new complaints for investigation – 49 complaints were referred by the legal services commissioner and 11 complaints were made by the Bar Council. The largest source of complaints was the client or former client of the barrister.

Where the Bar Council investigates a complaint, the complaint is referred to one of the council’s four professional conduct committees. The committees are delegates of the Bar Council for the purposes of investigating complaints. Each committee is chaired by a member of the Bar Council who is a senior counsel. Committees are comprised of barrister members, community members and academic members. The deputy directors of the department serve as secretaries of the committees.

In the course of 2008/2009 the Bar Council investigated 112 complaints – 58 complaints that were made during the year and 54 complaints made in the previous year but ongoing as at 1 July 2008. Of those investigations, 54 were finalised during the year – four complaints were withdrawn, 43 dismissed, three resulted in the barrister being reprimanded and in respect of four complaints the Bar Council decided to refer the matters to the ADT.

In the course of the year the legal services commissioner completed reviews of 22 Bar Council decisions to dismiss a complaint (eight of those decisions were made in the year 2007/2008). In each matter the commissioner confirmed the council's decision to dismiss.

Show cause events
Barristers and applicants for a barrister’s practising certificate are required to notify the Bar Council of show cause events, that is, certain bankruptcy matters or a conviction for a serious offence or a tax offence. Professional conduct committees investigate show cause events and report to the Bar Council, which then determines whether the barrister or applicant is a fit and proper person to hold a practising certificate. In the course of 2008-2009 three barristers notified show cause events related to bankruptcy matters, one barrister notified the Bar Council of convictions for serious offences, and one barrister notified a conviction for a tax offence.

Other disclosures
The Legal Profession Act 2004 requires barristers to notify the Bar Council if the barrister is convicted of certain offences or charged with a serious offence. The Legal Profession Regulation 2005 requires a person applying for a barrister’s practising certificate or renewal thereof to disclose certain information regarding convictions. Between July 2008 and June 2009 nine disclosures were made by barristers or applicants for a barrister’s practising certificate.

Other work
Other work carried out by the department includes:

- providing advice and policy support to the Bar Council in respect of the council’s functions under the Act;
- facilitating the provision of ethical guidance to barristers;
- responding to queries from solicitors and members of the public regarding regulatory provisions and the conduct of barristers;
- assisting barristers in corresponding with solicitors to recover outstanding legal fees; and
- assisting the Bar Council in connection with applications for re-admission to the legal profession and applications pursuant to s 26 of the Legal Profession Act where a person seeks an early declaration that matters disclosed to the Legal Profession Admission Board and the Council will not, without more, adversely impact on an application for admission.

Professional conduct committees
In late 2008 a number of community members on the professional conduct committees completed their terms of appointment. The Bar Association

Continued on page 37
Professional conduct statistics

The Professional Conduct Department

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.

<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Number</th>
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<td>Acting contrary to/failure to carry out instructions</td>
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<tr>
<td>Acting without instructions</td>
<td>1</td>
</tr>
<tr>
<td>Breach of Barristers’ Rule</td>
<td>5</td>
</tr>
<tr>
<td>Conflict of interest</td>
<td>3</td>
</tr>
<tr>
<td>Failure to return briefs</td>
<td>1</td>
</tr>
<tr>
<td>Incompetence</td>
<td>8</td>
</tr>
<tr>
<td>Misleading conduct</td>
<td>13</td>
</tr>
<tr>
<td>Other unethical conduct</td>
<td>3</td>
</tr>
<tr>
<td>Overcharging/overservicing</td>
<td>2</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>1</td>
</tr>
<tr>
<td>Practising without a practising certificate</td>
<td>1</td>
</tr>
<tr>
<td>Rudeness/discourtesy</td>
<td>4</td>
</tr>
<tr>
<td>Unlawful conduct</td>
<td>3</td>
</tr>
<tr>
<td>Unsatisfactory advice/representation</td>
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Total number of complaints: 60

Source of complaints made to the Bar Council during the year

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<th>Complainant</th>
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<td>Barrister</td>
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</tr>
<tr>
<td>Client/former client</td>
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<td>Instructing solicitor</td>
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<td>Legal services commissioner</td>
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<td>Opposing party</td>
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<td>Opposing solicitor</td>
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<tr>
<td>Other</td>
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</table>

Total number of complaints: 60
Number of consumer disputes referred to mediation during the year and the results of mediation

Nil

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

<table>
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<tr>
<th>Complaint Type</th>
<th>Complaints investigated that were made during the year</th>
<th>Complaints investigated that were made in previous years</th>
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<tbody>
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<td>Acting contrary to/failure to carry out instructions</td>
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<td>3</td>
</tr>
<tr>
<td>Acting without instructions</td>
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<td>3</td>
</tr>
<tr>
<td>Breach of Barristers’ Rule</td>
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<td>5</td>
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<td>Breach of confidentiality</td>
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<td>Breach of s660 of Legal Profession Act 2004</td>
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<td>Breach of undertaking</td>
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<tr>
<td>Conflict of interest</td>
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<td>3</td>
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<td>Failure to account</td>
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<tr>
<td>Incompetence</td>
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<td>6</td>
</tr>
<tr>
<td>Misleading conduct</td>
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<td>3</td>
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<tr>
<td>Other unethical conduct</td>
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</tr>
<tr>
<td>Overcharging/overservicing</td>
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<td>5</td>
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<tr>
<td>Personal conduct</td>
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<td>1</td>
</tr>
<tr>
<td>Practising without a practising certificate</td>
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<tr>
<td>Pressure to change plea/to plead guilty/to settle</td>
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<td>0</td>
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<tr>
<td>Rudeness/discourtesy</td>
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<td>1</td>
</tr>
<tr>
<td>Unlawful conduct</td>
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<td>1</td>
</tr>
<tr>
<td>Unsatisfactory advice/representation</td>
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<td>4</td>
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<td><strong>Sub-totals:</strong></td>
<td><strong>59</strong></td>
<td><strong>54</strong></td>
</tr>
<tr>
<td><strong>Total number of complaints investigated:</strong></td>
<td><strong>112</strong></td>
<td></td>
</tr>
</tbody>
</table>

Figures include complaints remaining under investigation as at 30/06/2009, all complaints in respect of which the Bar Council made a decision and complaints that were withdrawn during the year.

* Sub-total does not include two complaints made but not investigated – one consumer dispute resolved informally and one out of time complaint.
## Professional conduct statistics

The Professional Conduct Department

### Number and type of complaints dismissed during the year by the Bar Council

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting contrary to/failure to carry out instructions</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Acting without instructions</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Breach of undertaking</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Breach of Barristers’ Rule</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Conflict of interest</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Failure to communicate</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Incompetence</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Misleading conduct</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Other unethical conduct</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Overcharging/overservicing</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Practising without a practising certificate</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Rudeness/discourtesy</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Unlawful conduct</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unsatisfactory advice/representation</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>15</strong></td>
<td><strong>28</strong></td>
</tr>
</tbody>
</table>

**Total number of complaints dismissed:** 43

### Number & type of complaints in respect of which an Australian lawyer was reprimanded or cautioned during the year

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misleading conduct</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Other unethical conduct</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Unsatisfactory advice/representation</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>2</strong></td>
<td><strong>1</strong></td>
</tr>
</tbody>
</table>

**Total number of reprimands or cautions:** 3
### Number and type of complaints withdrawn during the year

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incompetence</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Other unethical conduct</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Overcharging/overservicing</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Sub-totals</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total number of complaints withdrawn:</strong></td>
<td><strong>4</strong></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach of s 660 of LPA 2004</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Failure to account</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Overcharging/overservicing</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Practising without a practising certificate</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>0</strong></td>
<td><strong>4</strong></td>
</tr>
<tr>
<td><strong>Total number of complaints referred to ADT:</strong></td>
<td><strong>4</strong></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Proceedings instituted in ADT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting without instructions</td>
<td>1</td>
</tr>
<tr>
<td>Failure to account</td>
<td>1</td>
</tr>
<tr>
<td>Overcharging/overservicing</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total number of proceedings instituted in the ADT:</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

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

- **Nil**

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

- **Nil**
Professional conduct statistics

The Professional Conduct Department

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

Proceedings commenced by the Bar Council in the Administrative Decisions Tribunal against eight persons who held or had held a barrister’s practising certificate were finalised in 2008/2009. The tribunal made orders that

- the names of four lawyers were removed from the Roll of Lawyers
- two barrister’s practising certificates were cancelled
- two fines of $2000 were imposed
- five reprimands were issued
- two orders were made requiring barristers to undergo further legal training

Number of complaints not finally dealt with at the end of the year

58

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

<table>
<thead>
<tr>
<th>Age of complaints not finally dealt with at the end of the year</th>
<th>Number</th>
<th>Complaints made in the year ending 30 June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to six months</td>
<td>24</td>
<td>2009</td>
</tr>
<tr>
<td>Between seven &amp; twelve months</td>
<td>14</td>
<td>2009</td>
</tr>
<tr>
<td>Between thirteen &amp; eighteen months</td>
<td>7</td>
<td>2008</td>
</tr>
<tr>
<td>Between nineteen &amp; twenty four months</td>
<td>7</td>
<td>2008</td>
</tr>
<tr>
<td>Up to three years</td>
<td>5</td>
<td>2007</td>
</tr>
<tr>
<td>Up to four years</td>
<td>1</td>
<td>2006</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>58</strong></td>
<td></td>
</tr>
</tbody>
</table>
Reports

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 to dismiss the complaint, issue reprimand or caution, or refer to the Administrative Decisions Tribunal.

<table>
<thead>
<tr>
<th>Time intervals between receipt of complaint and decision of the Bar Council</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to six months</td>
<td>19</td>
</tr>
<tr>
<td>Between seven &amp; twelve months</td>
<td>17</td>
</tr>
<tr>
<td>Between thirteen &amp; eighteen months</td>
<td>5</td>
</tr>
<tr>
<td>Between nineteen &amp; twenty four months</td>
<td>3</td>
</tr>
<tr>
<td>Up to three years</td>
<td>3</td>
</tr>
<tr>
<td>Up to four years</td>
<td>2</td>
</tr>
<tr>
<td>Over five years</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50</strong></td>
</tr>
</tbody>
</table>

advertised for expressions of interest for persons to serve as community members on the professional conduct committees. The very large response indicated that it is not only the association but also the wider community that recognises the importance of community representation on the professional conduct committees.

The Bar Council would like to thank John Freeman, Geraldine Walsh, Bronwyn Preston, Mary Werick, and Lyndsay Connors, whose appointments expired in late 2008, for their significant contributions over a number of years to the work of the committees. Thanks are also extended to the community members who continued their terms with the committees – Denise Aldous, Geoff Geraghty AM, Rosemary Allsopp, Sandra Fleischmann OAM, Judith Butlin and Simon Hayes. The Bar Association appointed six new community members to its committees in January 2009 and is pleased to welcome:

John Davison, Bill Purdue, Pam Clay, Anthony Pang, Patrick Smith and Rachel Williams, and to thank them for their contributions to the work of the committees.

The committees also receive valuable input from their academic members and the Bar Council is grateful for the assistance of Dorne Boniface, Professor Hilary Astor, Maxine Evers, Dr Andrew Buck and Dr Peter Radan.

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

All members of the professional conduct committees have devoted many hours of their time on a voluntary basis and their input to the investigative processes is highly valued by the Bar Council.
Committees of the Bar Association

The following lists display committee membership during the 2008-2009 financial year.

**Alternative Dispute Resolution**

**July - December 2008**
- Angela Bowne SC (chair)
- John West QC
- Campbell Bridge QC
- Peter Callaghan SC
- Bruce Hodgkinson SC
- Leonard Levy SC
- Ian Bailey SC
- Graham Barter
- Richard Bell
- Mary Walker
- Susan Phillips
- Andrew Bulley
- Ian Davidson

**January - June 2009**
- Angela Bowne SC (chair)
- John West QC
- Peter Callaghan SC
- Campbell Bridge SC
- Bruce Hodgkinson SC
- Ian Bailey SC
- Graham Barter
- Richard Bell
- Mary Walker
- Susan Phillips
- Andrew Bulley
- Maria Gerace

**Bar Association staff members**
- Kim Kemp
- Jo Wilton

**Bar News**

**July - December 2008**
- Andrew Bell SC (editor)
- Keith Chapple SC
- Gregory Neil SC
- John Mancy
- Arthur Moses
- Chris O’Donnell
- Carol Webster
- Richard Beasley
- David Ash
- Louise Clegg
- Julie Soars
- Kylie Day
- Jenny Chambers
- Duncan Graham
- Jeremy Stoljar
- Geoff Hull (clerk)

**January - June 2009**
- Andrew Bell SC (editor)
- Keith Chapple SC
- Mark Speakman SC
- Gregory Neil SC
- Arthur Moses SC
- Jeremy Stoljar SC
- Chris O’Donnell
- Carol Webster
- Richard Beasley
- David Ash
- Louise Clegg
- Julie Soars
- Kylie Day
- Andrew Scotting
- Jenny Chambers
- Geoff Hull (clerk)

**Bar Association staff member**
- Chris Winslow

**Criminal Law**

**July - December 2008**
- Stephen Odgers SC (chair)
- Anthony Bellanto QC
- Tim Game SC
- Phillip Boulten SC
- John Stratton SC
- Daniel Howard SC
- Elizabeth Wilkins SC
- Joanne Gallagher
- Richard Wilson
- Warwick Hunt
- Greg Farmer
- Sarah Huggett
- Robert Bromwich
- Susan Kluss
- Margaret Cunneen
- Frank Veltro
- Sally Dowling
- Gaby Bashir
- Matthew Johnston

**January - June 2009**
- Stephen Odgers SC (chair)
- Tim Game SC
- Philip Boulten SC
- John Stratton SC
- Daniel Howard SC
- Elizabeth Wilkins SC
- Phillip Ingram
- Paul Winch
- Susan Kluss
- Robert Bromwich
- Laura Wells
- Sally Dowling
- Nicole Noman
- Gaby Bashir
- Joanne Gallagher
- John Weir
- Richard Wilson
- Lester Fernandez
- Warwick Hunt

**Bar Association staff member**
- Cindy Penrose
Appointments

Common Law

July - December 2008
Ross Letherbarrow SC (chair)
Simon Harben SC
Stephen Campbell SC
Leonard Levy SC
David Russell SC
Paresh Khandar
Steven Woods
Richard Royle
Peter Frame
Elizabeth Beilby
Lorna McFee
Kylie Nomchong
Andrew Stone

January - June 2009
Ross Letherbarrow SC (chair)
Stephen Campbell SC
Simon Harben SC
Brian Ferrari
Peter Frame
Robert Harrington
Lorna McFee
Richard Royle
Greg Hickey
William Fitzsimmons
David Hooke
Duncan Graham
Andrew Stone
Richard Cavanagh
Paresh Khandar
Eva Elbourne

Bar Association staff member
Alastair McConnachie

Costs and Practice Management

January - June 2009
Tom Bathurst QC (chair)
Mark Brabazon SC
Geraldine Hoeben
Robert Dick
Andrew Coleman
Nick Tiffen (clerk)

Bar Association staff member
Jennifer Pearce

Equal Opportunity Committee

July - December 2008
Elizabeth Olsson SC (chair)
Simon Kalfas SC
Geoffrey Johnson
David Robertson
Julia Baird
Richard Weinstein
Phillipa Gormly
Trish McDonald
Patrick Griffin
Rachel Pepper
Kate Eastman
Rhonda Bell
David Price
Nicolette Bearup

January - June 2009
Elizabeth Olsson SC (chair)
Simon Kalfas SC
Julia Baird SC (deputy chair)
Geoffrey Johnson
Richard Weinstein
Anthony Lo Surdo
Trish McDonald
Rachel Pepper
Rhonda Bell
David J Price
Anthony Cheshire
Elizabeth Picker
Kavita Balendra

Bar Association staff member
Jennifer Pearce

Family Law

July - December 2008
Grahame Richardson SC (chair)
Robert Lethbridge SC
Margaret Cleary
Warwick Tregilgas
Peter Cook
Paul Sansom
Richard Schonell
Neill Macpherson
Emily Pender
Alison Stenmark

January - June 2009
Grahame Richardson SC (chair)
Robert Lethbridge SC
Alison Stenmark SC
Margaret Cleary
Warwick Tregilgas
Peter Cook
Paul Sansom
Richard Schonell
Melissa Gillies
Emily Pender
Debra Harris

Bar Association staff member
June Anderson

Finance Investment & Audit

July - December 2008
Tom Bathurst QC
Bernard Coles QC
Alexander Street SC
Anne Healey
Michael McHugh

January - June 2009
Tom Bathurst QC
Bernard Coles QC
Alexander Street SC
Anne Healey
Michael McHugh

Bar Association staff member
Basil Catsaros
## Committees of the Bar Association

The following lists display committee membership during the 2008-2009 financial year.

### Human Rights

**July - December 2008**
- Chris Ronalds SC (chair)
- Nicholas Cowdery QC
- Naomi Sharp
- Craig Lenehan
- Ruth Higgins
- Paul Winch
- Tom Brennan
- David Knoll
- Richard Lancaster
- Simeon Beckett
- Ben Kasep
- Sera Mirzabegian
- Alissa Moen
- Sarah Pritchard
- Mandy Tibbey
- Andrew Byrnes

**January - June 2009**
- Mark Ierace SC (chair)
- Nicholas Cowdery QC
- Alissa Moen
- Richard Lancaster
- Simeon Beckett
- Kate Eastman
- David Knoll
- Sarah Pritchard
- Hugh Stowe
- Ben Kasep
- Soruban Sivaloganathan
- Craig Lenehan
- Reg Graycar
- Miranda Nagy
- Professor Andrew Byrnes

**Legal Aid**

**January - June 2009**
- Ian McClintock SC (chair)
- Geoff Lindsay SC
- Andrew Haesler SC
- Stephen Hanley
- Mark Buscombe
- Luke Brasch
- Nicole Carroll
- Joseph Dalzell SM
- Angus Grant
- Charles Cassimatis

**New Barristers**

**July - December 2008**
- Kylie Day (chair)
- Angelina Gomez
- Adam Casselden
- Warwick Hunt
- Kara Shead
- Gillian Mahony
- Nicolette Bearup
- Spiro Tzouganatis
- John-Paul Redmond
- Esther Lawson
- Jennifer Single
- Ruth Higgins

**January - June 2009**
- Kylie Day (chair)
- David Rayment
- Louise Goodchild
- Nicolette Bearup
- Elizabeth Raper
- Esther Lawson
- Angelina Gomez
- Ruth Higgins
- Gillian Mahony
- Richard Jeferis
- Spiro Tzouganatis
- Warwick Hunt
- Joshua Knackstredt
- Jennifer English
- Ramena Kako

**Bar Association staff members**
- Katie Hall
- Jo Musumeci

### Indigenous Barristers Strategy Working Party

**July - December 2008**
- Chris Ronalds SC (chair)
- David Frearson SC
- Andrew Haesler SC
- Daniel Howard SC
- Mullenjaivakka
- Peter Miller
- Tony McAvoy
- Norman Laing
- Lincoln Crowley
- Professor David Barker
- Professor Larissa Behrendt
- Associate Professor Jill Hunter

**Bar Association staff member**
- Cindy Penrose

### Practice Management

**July - December 2008**
- Tom Bathurst QC (chair)
- Robert Dick
- Michael McHugh
- Nick Tiffen (clerk)

**Bar Association staff member**
- Jennifer Pearce
Professional Conduct Committee 1

**July - December 2008**
Alexander Street SC (chair)
Nye Perram SC (chair)
John Sheahan SC
Richard McHugh SC
Margaret Cunneen SC
Ian Tonking SC
Greg Farmer
David Hooke
Hugh Stowe
Alister Abadee
Philipppe Doyle Gray
Naomi Sharp
Sandy Dawson
Edward Muston
Madeleine Avenell

**Academic member**
Dorne Boniface

**Lay members**
Denise Aldous
John Freeman
Geraldine Walsh

**Secretary**
Sarah Colquhoun
Emma Day

**January - June 2009**
Tim Game SC (chair)
John Sheahan SC
David Russell SC
Robert Beech-Jones SC
Tony Payne SC
Greg Farmer
Jeremy Morris
Kylie Nomchong
David Ash
Hugh Stowe
Alister Abadee
Naomi Sharp
Edward Muston
Madeleine Avenell

**Secretary**
Sarah Colquhoun
Emma Day

**Academic member**
Dorne Boniface

**Lay members**
Denise Aldous
John Davidson
Bill Purdue

---

Professional Conduct Committee 2

**July - December 2008**
Peter Garling SC (chair)
Ian Temby AO QC
Liz Olsson SC
James Stevenson SC
Gregory Nell SC
Jay Anderson
Michael Jenkins
Richard Weinistein
Sandra Duggan
David Ash
Vahan Bedrossian
Edward Cox
Rachel Francois
Paul Kerr
Ruth Higgins

**Academic member**
Professor Hilary Astor

**Lay members**
Geoff Geraghty AM
Bronwyn Preston
Mary Werick

**January - June 2009**
Ian Temby AO QC (Chair)
Malcolm Holmes QC
James Stevenson SC
Gregory Nell SC
Braddon Hughes
Jay Anderson
Geoffrey Rich
Sandra Duggan
Dominic Toomey
Vahan Bedrossian
Edward Cox
David McLure
Jeanette Richards
Ruth Higgins

**Secretary**
Helen Barrett

**Academic member**
Professor Hilary Astor

**Lay members**
Geoff Geraghty AM
Pam Clay
Anthony Pang

---

Professional Conduct Committee 3

**July - December 2008**
Justin Gleeson SC (chair)
David Higgs SC
David Davies SC
Robert Beech-Jones SC
Graham Turnbull SC
Barry Cross
Ian Davidson
David Jordan
James Lockhart
Michael McHugh
Natalie Adams
Angela Seward
Margaret Holz
Philip Carr

**Academic member**
Maxine Evers

**Lay members**
Rosemary Allsopp
Sandra Fleischmann OAM

**Secretary**
Stephanie Mancell

**January - June 2009**
Phillip Boulten SC (chair)
David Higgs SC
David Davies SC
Graham Turnbull SC
John Halley SC
Garry McGrath
Ian Davidson
David Robertson
David Jordan
James Lockhart
Natalie Adams
Angela Seward
Margaret Holz
Philip Carr

**Secretary**
Emma Day

**Academic member**
Maxine Evers

**Lay members**
Rosemary Allsopp
Sandra Fleischmann OAM
Patrick Smith
Committees of the Bar Association

The following lists display committee membership during the 2008-2009 financial year.

**Professional Conduct Committee 4**

*July - December 2008*
- Bernie Coles QC (chair)
- Alexander Street SC
- David Williams SC
- Andrew Colefax SC
- Peter Hamill SC
- Mark Hobart SC
- Brendan Hull
- Garry McGrath
- Geoffrey Rich
- Igor Mescher
- Anne Healey
- Mark Best
- Patrick Griffin
- Kylie Nomchong
- Sigrid Higgins

*Academic member*
- Dr Andrew Buck

*Lay members*
- Judy Butlin
- Lyndsay Connors
- Simon Hayes

*January - June 2009*
- Jeremy Gormly SC (chair)
- David Williams SC
- Andrew Colefax SC
- Peter Hamill SC
- Robert Beech-Jones SC
- Mark Hobart SC
- Brendan Hull
- Andrew Kostopoulos
- Igor Mescher
- Anne Healey
- Mark Best
- Dominique Hogan-Doran
- Patrick Griffin
- Sigrid Higgins
- Garry Wilson
- David Rayment

*Secretary*
- Helen Barrett

*Academic members*
- Dr Peter Radan

*Lay members*
- Judy Butlin
- Simon Hayes
- Rachel Williams

**Senior Counsel Selection**

*July - December 2008*
- Anna Katzmann SC
- Tom Bathurst QC
- Stephen Gageler SC
- Tony Meagher SC
- Mark Ierace SC

**Sections**

*Administrative Law Section*
- Convenor: Alan Robertson SC

*Constitutional Law Section*
- Convenor: Stephen Gageler SC

**Women Barristers Forum**

President: Mary Walker
Vice-presidents: Linda McSpedden, Sue Kluss
Treasurer: Kerrie Leotta
Secretary: Erika Techera
Assistant Secretary: Julie Soars

**Appointments**

Committees of the Bar Association

The following lists display committee membership during the 2008-2009 financial year.
Appointments to state and federal courts
For the year ended 30 June 2009

Supreme Court of New South Wales
The Hon Justice Robert Macfarlan
The Hon Justice Julie Ward
The Hon Justice Robert Hulme
The Hon Justice Robert Forster
The Hon Justice Michael Slattery
The Hon Justice David Davies

Land and Environment Court
The Hon Justice Rachel Pepper

District Court of New South Wales
His Hon Judge D Frearson SC
His Hon Judge Michael Colefax SC
His Hon Judge Michael Bozic SC

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

Corporations List Users Group
Malcolm Oakes SC
Robert Newlinds SC
James Thomson
James Johnson

Equity Liaison Group
Robert Forster SC
Robert Newlinds SC
Robert Harper SC
Jane Needham SC
Greg Sirtes SC
Mark Ashhurst
Miles Condon
Phillipa Ryan
Vanessa Whittaker

Probate Users Group
Michael Willmott SC

ADR Steering Committee
Mary Walker

Land and Environment Court
Users Group
Jeffrey Kildea
Court committees and working parties (continued)

Industrial Relations Commission
Rules Committee
Ian Neil SC
Arthur Moses

Users Group
Maxwell Kimber SC
Trish McDonald

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

Criminal Listings Review Committee
Kate Traill

Local Court
Civil Claims Rule Committee
Andrew Kostopoulos
Criminal Rule Committee
Elizabeth Beilby

Dust Diseases Tribunal
Rules Committee
Wendy Strathdee
Brian Ferrari (deputy)

Workers Compensation Commission
Users Group
Gregory Beauchamp

Federal courts and tribunals

Federal Court of Australia
Court User Committee
Malcolm Oakes SC
Richard Cobden SC
Rhonda Henderson

Family Court
Case Management Committee
Grahame Richardson SC

Appointments to national legal professional bodies
For the year ended 30 June 2009

Law Council of Australia

Director
Anna Katzmann SC

Alternate Director
Philip Selth OAM

Access to Justice Committee
Christopher Whitelaw

AustLII Working Group
Philip Selth OAM
Jennifer Pearce

Indigenous Legal Issues Committee
Chris Ronalds SC
Dr Sarah Pritchard
Anthony McAvoy

Alternative Dispute Resolution Committee
Mary Walker

Anti-Money Laundering Working Group
Tim Game SC

Young Lawyers Committee
Joshua Knackstredt

Client Legal Privilege Advisory Committee
Cameron Moore
Dr Ruth Higgins

Constituent Body Policy Staff
Jennifer Pearce

Equalising Opportunities in the Law Committee
Patricia McDonald

Freedom of Information Reform Working Group
Mark Robinson

National Occupational Health and Safety Review Working Group
Mark Cahill
Ingmar Taylor

Judicial Issues Working Group
Philip Selth OAM

Model Conduct Rules Working Group
Jennifer Pearce

Military Justice Working Group
Dr James Renwick

Model Equal Opportunity Briefing Policy Working Group
Trish McDonald (Alt Julie Baird)
Dominique Hogan-Doran
Julia Baird SC

National Criminal Law Committee
Tim Game SC
Bret Walker SC
Stephen Odgers SC
Phillip Boulten SC

National Profession Harmonisation Committee
Philip Selth OAM

Bill of Rights Adviser
Nicholas Cowdery AM QC

Australian Bar Association
Tom Bathurst QC (president)

Australian Advocacy Institute Board
Her Honour Judge Ann Ainslie-Wallace
Bar Association representatives on educational bodies
For the year ended 30 June 2009

Legal Profession Admission Board
Peter Taylor SC
Jeremy Gormly SC
Garry McGrath

Legal Qualifications Committee
John Fernon SC
Janet Oakley
Philippe Doyle Gray
Susan Leis
Elizabeth Picker

Law Examinations Committee
Michael Christie

University of Sydney

Faculty of Law
Peter Garling SC

Law School Advisory Board
Jennifer Stuckey-Clarke
University of NSW, Faculty of Law
Margaret Holz

Law Extension Committee
Peter Hamill SC
Anthony O’Brien

University of Technology, Sydney - Faculty Board
Geoff Lindsay SC

University of Western Sydney

External Law Advisory Committee
Robert O’Neill

University of Wollongong

Faculty of Law, Visiting Committee
Bruce Collins QC

Court liaison members
For the year ended 30 June 2009

State courts and tribunals

New South Wales Court of Appeal
Donald Grieve QC

Supreme Court of New South Wales
Common Law Division
Richard J Burbidge QC

Equity Division
Robert G Forster SC
Possessions List
James Stevenson SC

Admiralty List
Alexander Street SC

Land and Environment Court
Malcolm G Craig QC

Industrial Relations Commission of New South Wales
Max Kimber SC

Local Court of New South Wales
Lester Fernandez

Federal courts and tribunals

High Court
David Jackson AM QC

Federal Court
Malcolm Oakes SC
Richard Cobden SC
Rhonda Hendersen

Family Court
Grahame Richardson SC

Federal Magistrates Court
Kate Morgan

Refugee Review Tribunal
Nick Poynder
Statutory appointments
For the year ended 30 June 2009

Administrative Appeals Tribunal
Peter Taylor SC

Administrative Decisions Tribunal

General Division
Deputy presidents
Peter Callaghan SC
Jane Needham SC
Elizabeth Olsson SC
Judicial members
Gail Furness
Sigrid Higgins
Robert Wilson
Guardianship & Protected Estates List
Julian Millar

Legal Services Division
Peter Callaghan SC (deputy president)*
Paul Blackett SC
Gail Furness*
Robert Macfarlan QC*
Sharron Norton SC
Lionel Robberds QC
Wendy Robinson QC)
Alison Stenmark SC
Robertson Wright SC

Equal Opportunity Division
Jane Needham SC (deputy president)
Larissa Behrendt*
Gail Furness
Richard Perrignon
Sarah Pritchard

Retail Leases Division
Peter Callaghan SC (deputy president)
Lizzie Olsson SC (deputy president)
Sigrid Higgins

Revenue Division
Jane Needham SC (divisional head)
Michelle Hirschhorn

Richard Perrignon

Council for Law Reporting
Bret Walker SC (editor)
Christine Adamson SC (chairperson)
Timothy Castle (deputy chairperson)*
Noel Hutley SC*
Ian Jackman SC
Geoff Lindsay SC
Peter Brereton

Motor Accidents Authority

Motor Accidents Council
Andrew Stone

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

Home Building Advisory Council
Elizabeth Olsson SC

Judicial Commission of New South Wales
John Griffiths SC

New South Wales Law Reform Commission
Tim Game SC

Legal Aid Commission

Board members
Geoff Lindsay SC
Alternate: Phillip Boulten SC

Legal Aid Review Committees 2007/08
Committee No.1
John McCarthy QC
1st alternate: Paul Menzies QC
2nd alternate: Paul Blacket SC
Committee No.2
Winston Terracini SC
1st alternate: Anne Healey
2nd alternate: Mark Buscombe

Family Law Legal Aid Review Committee No.1
Gregory Moore
1st alternate: Richard Schonell
2nd alternate: John Berry

Public Interest Human Rights Committee
Sarah Pritchard
Alternate: Nick Pouynder

Law and Justice Foundation Board
Bret Walker SC
Nye Perram SC
John Sheahan SC

Law Week Board
Philip Selth OAM

Patent and Trade Marks Attorneys Disciplinary Tribunal
Sigrid Higgins

Professional Standards Council
Brian Rayment QC (chair)

Public Interest Law Clearing House (PILCH)
Garry McGrath (vice president)
Geoff Lindsay SC (director)

The ‘*’ symbol denotes members who ceased to be a member of the committee at the end of calendar year 2008
New South Wales Bar Association
Financial report for the year ended 30 June 2009

This financial report covers The New South Wales Bar Association as an individual entity. The financial report is presented in Australian currency.

The financial report was authorised for issue by the directors on the 27 August 2009. The Bar Association has the power to amend and reissue the financial report.
Directors’ report

The directors present their report together with the financial report of The New South Wales Bar Association (‘the association’) for the year ended 30 June 2009 and the auditor’s report thereon.

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

- D Ash
- T Bathurst QC
- P Boulten SC
- B A Coles QC
- M Cunneen SCP
- A Dawson
- D A Coles QC
- M Holz
- A Haesler SC
- S Torrington

The following persons were directors from the beginning of the financial year to the 14 November 2008:
- A J Katzmann SC
- G McGrath
- A Khandhar
- J Needham SC
- P Garling SC
- J Neely
- A Healey
- M McHugh
- J Lancaster
- I Temby QC

The following persons were directors from 20 November 2008 up to the date of this report:
- T Game SC
- L Goodchild
- R Pepper
- J Gormly SC
- R Lancaster
- D Rayment
- R Khandhar
- J Needham SC
- I Temby QC

D Toomey was appointed as a director on the 29 April 2009 and continues in office at the date of this report:

R Pepper was a director from the beginning of the financial year until her resignation on the 29 April 2009.

All directors are practising barristers.

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

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

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

Review and results of operations
The association continued to engage in its principal activity during the financial year. The net surplus of the association for the year ended 30 June 2009 was $613,632 (2008: $330,447). This result represents a $283,185 increase in net surplus from the prior year.

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

Matters subsequent to the end of the financial year
There has not arisen in the interval between the end of the financial year and the date of this report, any item, transaction or event of a material and unusual nature likely, in the opinion of the directors of the association, to significantly affect the operations of the association, the results of those operations, or the state of affairs of the association in future financial years.
Directors’ report

Association particulars
The New South Wales Bar Association, incorporated and domiciled in Australia, is an unlisted public company limited by guarantee. The address of the registered office and principal place of business is:
174 Phillip Street, SYDNEY NSW 2000.

Likely developments and expected results of operations
In running its operations the association’s aim is that the costs of doing so do not exceed the revenue available.

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

Meetings of directors

<table>
<thead>
<tr>
<th>Name</th>
<th>Meetings attended</th>
<th>Meetings held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Katzmann SC (president)</td>
<td>20</td>
<td>21</td>
</tr>
<tr>
<td>Tom Bathurst QC (senior VP)</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>Bernard Coles QC (junior VP)</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>Paresh Khandhar (secretary from 29/4/09)</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Alexander Street SC (treasurer)</td>
<td>15</td>
<td>21</td>
</tr>
<tr>
<td>Kate Traill</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>Chrissa Loukas</td>
<td>15</td>
<td>21</td>
</tr>
<tr>
<td>Anne Healey</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>David Ash</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>Phillip Boulten SC</td>
<td>20</td>
<td>21</td>
</tr>
<tr>
<td>Jane Needham SC</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Garry McGrath</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>Michael McHugh</td>
<td>19</td>
<td>21</td>
</tr>
<tr>
<td>Ruth Higgins</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Richard Lancaster</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Timothy Game SC</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Jeremy Gormly SC</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>Ian Temby QC</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>David Rayment</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Louise Goodchild</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>Sandy Dawson</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Margaret Holz</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Peter Garling SC</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Margaret Cunneen SC</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Andrew Haesler SC</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Stuart Torrington</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Dominic Toomey</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Rachel Pepper (secretary to 29/4/09)</td>
<td>15</td>
<td>19</td>
</tr>
</tbody>
</table>

From 1 July 2008 to 30 June 2009 there were 21 meetings.
Directors’ report

Meetings of the Finance, Investment and Audit Committee

<table>
<thead>
<tr>
<th>Name</th>
<th>Meetings attended</th>
<th>Meetings held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Bathurst QC (senior VP )</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Bernard Coles QC (junior VP )</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Anne Healey</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Michael McHugh</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Alexander Street SC (treasurer )</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

From 1 July 2008 to 30 June 2009 there were four meetings.

Insurance of officers

During the financial year the association has paid premiums in respect of directors’ and officers’ liability insurance contracts for the year ended 30 June 2009 and since the financial year, the association has paid or agreed to pay on behalf of the association, premiums in respect of such insurance contracts for the year ending 30 June 2010. Such insurance contracts insure against certain liability (subject to specific exclusions) persons who are or have been directors or executive officers of the association.

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

Proceedings on behalf of the association

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

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

Auditor’s independence declaration

A copy of the auditor’s independence declaration as required under section 307C of the Corporations Act 2001 given to the Directors by the lead auditor for the audit undertaken by HLB Mann Judd is included on page 51.

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

A Katzmann SC  
President  
Sydney  
27 August 2009

A Street 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 2009, I declare that, to the best of my knowledge and belief, there have been:

(a) no contraventions of the auditor independence requirements of the Corporations Act 2001 in relation to the audit; and

(b) no contraventions of any applicable code of professional conduct in relation to the audit.

P B Meade
Partner

HLB MANN JUDD
(NSW Partnership)
Chartered Accountants
Sydney
27 August 2009
## Income statement

For the year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>8,216,135</td>
<td>7,822,514</td>
</tr>
<tr>
<td>Employee benefits expense</td>
<td>(3,436,518)</td>
<td>(3,319,066)</td>
</tr>
<tr>
<td>Legal and professional fees</td>
<td>(1,589,543)</td>
<td>(1,597,065)</td>
</tr>
<tr>
<td>Subscriptions</td>
<td>(558,224)</td>
<td>(508,137)</td>
</tr>
<tr>
<td>Communications and information technology expense</td>
<td>(244,292)</td>
<td>(272,498)</td>
</tr>
<tr>
<td>Depreciation and amortisation expense</td>
<td>(371,247)</td>
<td>(230,796)</td>
</tr>
<tr>
<td>Occupancy expense</td>
<td>(399,791)</td>
<td>(373,135)</td>
</tr>
<tr>
<td>Advertising and marketing expense</td>
<td>(172,289)</td>
<td>(194,811)</td>
</tr>
<tr>
<td>Financial expense</td>
<td>(142,671)</td>
<td>(140,072)</td>
</tr>
<tr>
<td>Other expenses from ordinary activities</td>
<td>(647,207)</td>
<td>(650,568)</td>
</tr>
<tr>
<td>Surplus before income tax expense</td>
<td>654,353</td>
<td>536,366</td>
</tr>
<tr>
<td>Income tax expense</td>
<td>40,721</td>
<td>205,919</td>
</tr>
<tr>
<td><strong>Net surplus</strong></td>
<td><strong>613,632</strong></td>
<td><strong>330,447</strong></td>
</tr>
</tbody>
</table>

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

### Reimbursement by the Public Purpose Fund

Section 700(3)(n) of the *Legal Profession Act 2004* requires certification by the auditor of the costs incurred by the Bar Council in relation to its regulatory function. Expenditure on regulatory activities reimbursed by the Public Purpose Fund in 2008-2009 amounted to $1,986,041.
Balance sheet  
As at 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>18(a)</td>
<td>10,929,400</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>7</td>
<td>37,745</td>
</tr>
<tr>
<td>Inventories</td>
<td></td>
<td>2,404</td>
</tr>
<tr>
<td>Current tax assets</td>
<td></td>
<td>152,570</td>
</tr>
<tr>
<td>Other assets</td>
<td>8</td>
<td>159,898</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td></td>
<td>11,282,017</td>
</tr>
<tr>
<td><strong>NON-CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other financial assets</td>
<td>6</td>
<td>158,566</td>
</tr>
<tr>
<td>Deferred tax assets</td>
<td></td>
<td>4,470</td>
</tr>
<tr>
<td>Intangibles</td>
<td>9</td>
<td>262,120</td>
</tr>
<tr>
<td>Plant and equipment</td>
<td>10</td>
<td>1,081,702</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT ASSETS</strong></td>
<td></td>
<td>1,506,858</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td></td>
<td>12,788,875</td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>11</td>
<td>656,320</td>
</tr>
<tr>
<td>Employee benefits</td>
<td>12</td>
<td>438,821</td>
</tr>
<tr>
<td>Fees received in advance</td>
<td>13</td>
<td>5,120,860</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td></td>
<td>6,216,001</td>
</tr>
<tr>
<td><strong>NON-CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td>12</td>
<td>98,611</td>
</tr>
<tr>
<td>Deferred tax liabilities</td>
<td>5 (c)</td>
<td>28,591</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT LIABILITIES</strong></td>
<td></td>
<td>127,202</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td></td>
<td>6,343,203</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td></td>
<td>6,445,672</td>
</tr>
<tr>
<td><strong>ACCUMULATED FUNDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td></td>
<td>6,394,851</td>
</tr>
<tr>
<td>Reserves</td>
<td>14</td>
<td>50,821</td>
</tr>
<tr>
<td><strong>TOTAL ACCUMULATED FUNDS</strong></td>
<td></td>
<td>6,445,672</td>
</tr>
</tbody>
</table>

The above balance sheet should be read in conjunction with the accompanying notes.
Statement of recognised income and expense
For the year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>Accumulated surplus</th>
<th>Reserves</th>
<th>Total accumulated funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 30 June 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>330,447</td>
<td>-</td>
<td>330,447</td>
</tr>
<tr>
<td>Changes in the fair value of available-for-sale financial assets, net of tax</td>
<td>-</td>
<td>(24,531)</td>
<td>(24,531)</td>
</tr>
<tr>
<td><strong>Total recognised income and expense for the year</strong></td>
<td>330,447</td>
<td>(24,531)</td>
<td>305,916</td>
</tr>
<tr>
<td>At 30 June 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>613,632</td>
<td>-</td>
<td>613,632</td>
</tr>
<tr>
<td>Changes in the fair value of available-for-sale financial assets, net of tax</td>
<td>-</td>
<td>(29,320)</td>
<td>(29,320)</td>
</tr>
<tr>
<td><strong>Total recognised income and expense for the year</strong></td>
<td>613,632</td>
<td>(29,320)</td>
<td>584,312</td>
</tr>
<tr>
<td>At 30 June 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>6,394,851</td>
<td>50,821</td>
<td>6,445,672</td>
</tr>
<tr>
<td>Changes in the fair value of available-for-sale financial assets, net of tax</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total recognised income and expense for the year</strong></td>
<td>6,394,851</td>
<td>50,821</td>
<td>6,445,672</td>
</tr>
</tbody>
</table>

The above statement of recognised income and expense should be read in conjunction with the accompanying notes.

Cash flow statement
For the year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from operating activities</td>
<td>7,910,067</td>
<td>7,132,756</td>
</tr>
<tr>
<td>Payments to suppliers and employees</td>
<td>(6,986,199)</td>
<td>(5,884,036)</td>
</tr>
<tr>
<td>Dividends received</td>
<td>9,872</td>
<td>10,640</td>
</tr>
<tr>
<td>Interest received</td>
<td>523,227</td>
<td>514,880</td>
</tr>
<tr>
<td>Income tax paid</td>
<td>(158,212)</td>
<td>(217,866)</td>
</tr>
<tr>
<td><strong>Net cash inflow from operating activities</strong></td>
<td>1,298,755</td>
<td>1,556,374</td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for plant and equipment</td>
<td>(212,517)</td>
<td>(808,389)</td>
</tr>
<tr>
<td>Payments for intangibles</td>
<td>(87,752)</td>
<td>(210,193)</td>
</tr>
<tr>
<td>Payment for available-for-sale financial assets</td>
<td>(2,978)</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from sale of available-for-sale financial assets</td>
<td>4,656</td>
<td>26,990</td>
</tr>
<tr>
<td><strong>Net cash outflow from investing activities</strong></td>
<td>(298,591)</td>
<td>(991,592)</td>
</tr>
<tr>
<td>Net increase in cash and cash equivalents</td>
<td>1,000,164</td>
<td>564,782</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the beginning of the financial year</strong></td>
<td>9,929,236</td>
<td>9,364,454</td>
</tr>
</tbody>
</table>

The above cash flow statement should be read in conjunction with the accompanying notes.
Notes to the financial statements
For the year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation
This general purpose financial report has been prepared in accordance with Australian Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations), and the Corporations Act 2001.

Compliance with IFRS
The financial report of The New South Wales Bar Association also complies with International Financial Reporting Standards, (IFRS) as issued by International Accounting Standards Board (IASB).

Historical cost convention
This financial statement has been prepared under the historical cost convention, as modified by the revaluation of available-for-sale financial assets.

Critical accounting estimates and judgments
The preparation of financial statements in conformity with AIFRS requires the use of certain critical accounting estimates. It also requires management to exercise its judgment 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 for the major activities as follows:

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

(ii) Administration charges
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.

(vii) Donations
Revenue from donations is recognised upon receipt.
Notes to the financial statements
For the year ended 30 June 2009

(c) Income tax
The association has adopted the balance sheet method of tax effect accounting.

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

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

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

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

(d) Leases
Leases in which a significant portion of the risks and rewards of ownership are not transferred to the association as lessee are classified as operating leases (note 15). Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement 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 each reporting date.

(f) Cash and cash equivalents
For cash flow statement presentation purposes, 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 three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

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

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

The amount of the impairment loss is recognised in the income statement 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 an amount previously written off are credited against other expenses in the income statement.

(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.
Notes to the financial statements
For the year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(i) Investments and other financial assets

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

(i) Loans and receivables
Loans and receivables are non-derivative financial assets with fixed or determinable payment that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the balance sheet (note 7).

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

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

Recognition and Derecognition
Investments are initially recognised at fair value plus transactions costs. When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

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

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

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

(j) Plant and equipment
All plant and equipment is stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset’s carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the association and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the reporting period in which they are incurred.
Notes to the financial statements
For the year ended 30 June 2009

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

- Library - 20 years
- Refurbishment - 3 to 4 years
- Furniture, Computers, Office Machines and Equipment - 3 to 5 years
- Glasses, Bar and Kitchen Equipment - 5 years

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

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

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

(m) Employee benefits
(i) Wages and salaries and annual leave
Liabilities for wages and salaries, including non-monetary benefits and annual leave expected to be settled within 12 months of the reporting date are recognised as payables in respect of employee’s services up to the reporting date 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 reporting date. Consideration is given to the expected future wage and salary levels, experience of employee departures and periods of service.

(iii) Retirement benefit obligations
The association contributes to accumulation superannuation plans. Contributions are charged against income as they are made.

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

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

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

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.
Notes to the financial statements
For the year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

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

(q) Emerton Endowment Fund (the fund)
The association acts as trustee for the fund. In its role as trustee of the fund it incurs a liability for which a right of indemnity exists from the fund’s assets. Accordingly no asset or liability relating to the fund is recognised in the financial statements of the association. Financial details relating to the activities of the fund during the year are disclosed in note 21.

(r) New accounting standards and interpretations
Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2009 reporting periods. The association’s assessment of the impact of these new standards and interpretations is set out below.

Revised AABS 101 Presentation of Financial Statements and AASB 2007-8 Amendments to Australian Accounting Standards arising from AASB 101 (effective from 1 January 2009).

The September 2007 revised AASB 101 requires the presentation of a statement of comprehensive income and makes changes to the statement of changes in equity, but will not affect any of the amounts recognised in the financial statements. If an entity has made a prior period adjustment or has reclassified items in the financial statements, it will need to disclose a third balance sheet (statement of financial position), this one being as at the beginning of the comparative period. The association intends to apply the revised standard from 1 July 2009. The principal effect, for the association, from the adoption of the revised AASB 101 will be the recognition of gains and losses on the holding of available-for-sale financial assets in the statement of comprehensive income.

2. FINANCIAL RISK MANAGEMENT

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

There is no formal established mandate or strategy to manage the above risks as the association’s policy is to hold at least half of its assets in cash and cash equivalents so that there is little risk of change in value. Management is of the view that by ensuring that all cash and cash equivalents are held with financial institutions with at least an A rating, the risks are being managed.

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

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

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

This risk is managed through diversification and selection of securities.

The association’s equity securities represent 1.23 per cent of total assets (2008: 1.64 per cent) hence price risk is not significant for the association and no sensitivity analysis has been shown.

(ii) Cash flow and fair value interest rate risk
The association’s main interest rate risk arises from cash and cash equivalents; therefore the association’s income and operating cash flows are subject to changes in market interest rates.
Notes to the financial statements
For the year ended 30 June 2009

The association has cash deposits and other interest bearing deposits which have floating rates. At 30 June 2009, if interest rates had changed by 100 basis points with all other variables held constant, surplus for the year would have been $64,030 (2008: $85,275) higher/lower as a result of higher/lower interest income.

(b) Credit risk
Credit risk represents the risk that the counterparty to a financial instrument will fail to discharge an obligation and cause the association to incur a financial loss. Credit risk is not considered to be significant to the association as it does not hold any investments in debt securities and it doesn’t have any significant loans/receivables at either reporting date.

Credit quality
Main exposure to credit risk is on cash and term deposits. The credit quality of the financial assets is managed by the association by using the Standard & Poor’s rating categories, in accordance with the policies of the Board. The association has investments with Rabobank Australia Limited which has an ‘AAA’ rating and with National Australia Bank (‘AA’ rating).

(c) Liquidity risk
Liquidity risk is the risk that the association will encounter difficulty in meeting obligations associated with financial liabilities. This risk is managed through investment in short term deposits and equity securities in Australian listed companies, which under normal market conditions are readily convertible in cash. In addition the association maintains sufficient cash and cash equivalents to meet normal operating requirements. Accordingly, management is of the view that the association is not exposed to any liquidity risk, as the minimum cash holdings over a 12-month period are not expected to fall below $6.5 m. This is in excess of 10 months’ funding of operational activities.

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

Total trade and other payables at reporting date were $656,320 (2008: $674,376).

(d) Fair value estimation
The fair value of financial assets must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date. The quoted market price used for financial assets held by the association is the current bid price; the appropriate quoted market price for financial liabilities is the current ask price.

The nominal value less estimated credit adjustments of trade receivables and payables approximate their fair values.
# Notes to the financial statements

For the year ended 30 June 2009

### 3. REVENUE FROM CONTINUING OPERATIONS

#### Operating revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscriptions and practising certificate fees</td>
<td>4,876,927</td>
<td>4,099,640</td>
</tr>
<tr>
<td>Reading programme</td>
<td>263,135</td>
<td>302,260</td>
</tr>
<tr>
<td><strong>Total operating revenue</strong></td>
<td><strong>5,140,062</strong></td>
<td><strong>4,401,900</strong></td>
</tr>
</tbody>
</table>

#### Other revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest and dividends</td>
<td>480,999</td>
<td>519,449</td>
</tr>
<tr>
<td>Donations - Emerton Endowment Fund</td>
<td>17,891</td>
<td>375,096</td>
</tr>
<tr>
<td>Seminars</td>
<td>112,320</td>
<td>83,873</td>
</tr>
<tr>
<td>Administration charge</td>
<td>28,445</td>
<td>82,617</td>
</tr>
<tr>
<td>External funding</td>
<td>2,164,936</td>
<td>2,189,722</td>
</tr>
<tr>
<td>Net gains on disposal of plant and equipment</td>
<td>208</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>271,274</td>
<td>169,857</td>
</tr>
<tr>
<td><strong>Total other revenue</strong></td>
<td><strong>8,216,135</strong></td>
<td><strong>7,822,514</strong></td>
</tr>
</tbody>
</table>

### 4. EXPENSES

Surplus before income tax includes the following specific expenses:

#### Depreciation

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library</td>
<td>23,452</td>
<td>23,452</td>
</tr>
<tr>
<td>Furniture, computers, office machines &amp; equipment</td>
<td>132,670</td>
<td>145,839</td>
</tr>
<tr>
<td>Glass, bar and kitchen equipment</td>
<td>1,644</td>
<td>1,644</td>
</tr>
</tbody>
</table>

#### Amortisation

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Refurbishment</td>
<td>177,656</td>
<td>59,861</td>
</tr>
<tr>
<td>- Database</td>
<td>35,825</td>
<td>-</td>
</tr>
<tr>
<td><strong>Depreciation and amortisation expense</strong></td>
<td><strong>371,247</strong></td>
<td><strong>230,796</strong></td>
</tr>
</tbody>
</table>

#### Provision for employee benefits (movement)

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>(13,160)</td>
<td>101,207</td>
<td></td>
</tr>
</tbody>
</table>

### 5. INCOME TAX EXPENSE

#### (a) Income tax expense

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current tax</td>
<td>50,421</td>
<td>73,929</td>
</tr>
<tr>
<td>Deferred tax</td>
<td>(13,972)</td>
<td>(2,816)</td>
</tr>
<tr>
<td>Adjustment of current tax of prior periods</td>
<td>4,272</td>
<td>134,806</td>
</tr>
<tr>
<td><strong>Aggregate income tax expense</strong></td>
<td><strong>40,721</strong></td>
<td><strong>205,919</strong></td>
</tr>
</tbody>
</table>

Deferred income tax (revenue) expense included in income tax expense comprises:

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Increase) decrease in deferred tax assets</td>
<td>1,629</td>
<td>(939)</td>
</tr>
<tr>
<td>(Decrease) increase in deferred tax liabilities</td>
<td>(15,601)</td>
<td>(1,877)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>(13,972)</strong></td>
<td><strong>(2,816)</strong></td>
</tr>
</tbody>
</table>
Notes to the financial statements
For the year ended 30 June 2009

(b) Numerical reconciliation of income tax expense to prima facie tax payable

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net surplus from continuing operations</td>
<td>654,353</td>
<td>536,366</td>
</tr>
<tr>
<td>Tax at the Australian tax rate of 30% (2008:30%)</td>
<td>196,306</td>
<td>160,909</td>
</tr>
<tr>
<td>Increase/(decrease) in income tax expense due to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Net mutual expense (income)</td>
<td>(159,699)</td>
<td>(83,677)</td>
</tr>
<tr>
<td>- Imputation credits</td>
<td>(4,231)</td>
<td>(3,738)</td>
</tr>
<tr>
<td>Tax effect of amounts which are not deductible (taxable)</td>
<td>4,073</td>
<td>(2,381)</td>
</tr>
<tr>
<td>Adjustments for current tax of prior periods</td>
<td>4,272</td>
<td>134,806</td>
</tr>
<tr>
<td>Income tax expense</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>40,721</strong></td>
<td><strong>205,919</strong></td>
</tr>
</tbody>
</table>

(c) Deferred tax liability

The balance comprises temporary differences attributable to shares in Australian listed companies:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening balance 1 July 2008</td>
<td>56,755</td>
<td>69,145</td>
</tr>
<tr>
<td>Charged to the income statement</td>
<td>(15,601)</td>
<td>(1,877)</td>
</tr>
<tr>
<td>Recognised in fair value reserve</td>
<td>(12,563)</td>
<td>(10,513)</td>
</tr>
<tr>
<td>Closing balance 30 June 2009</td>
<td><strong>28,591</strong></td>
<td><strong>56,755</strong></td>
</tr>
</tbody>
</table>

6. OTHER FINANCIAL ASSETS

Non-current

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investments in associates</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

Available for sale – at fair value

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shares in Australian listed companies</td>
<td>158,562</td>
<td>197,470</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>158,566</strong></td>
<td><strong>197,474</strong></td>
</tr>
</tbody>
</table>

Risk exposure

The association’s exposure to risk for other financial assets is discussed in note 2.

(a) Investments in associates

The association holds two $2 shares in The Barrister’s Sickness and Accident Fund Pty Ltd. The sole purpose of the association is to act as trustee for the Barrister’s Sickness and Accident Fund.
Notes to the financial statements
For the year ended 30 June 2009

6. OTHER FINANCIAL ASSETS (CONTINUED)

(b) Investment in Counsel’s Chambers Limited
The 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 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 report.

7. TRADE AND OTHER RECEIVABLES

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade receivables</td>
<td>4,010</td>
<td>4,090</td>
</tr>
<tr>
<td>GST receivable</td>
<td>28,490</td>
<td>11,052</td>
</tr>
<tr>
<td>Other receivables</td>
<td>5,245</td>
<td>240,971</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>37,745</strong></td>
<td><strong>256,113</strong></td>
</tr>
</tbody>
</table>

Risk exposure
The association’s exposure to risk for trade and other receivables is discussed in note 2.

8. OTHER ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepayments</td>
<td>137,303</td>
<td>75,710</td>
</tr>
<tr>
<td>Accrued interest</td>
<td>22,595</td>
<td>74,695</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>159,898</strong></td>
<td><strong>150,405</strong></td>
</tr>
</tbody>
</table>

Risk exposure
The association’s exposure to risk for other assets is discussed in note 2.

9. INTANGIBLES

Database

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>At cost</td>
<td>297,945</td>
<td>210,193</td>
</tr>
<tr>
<td>Accumulated amortisation</td>
<td>(35,825)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net carrying amount</strong></td>
<td><strong>262,120</strong></td>
<td><strong>210,193</strong></td>
</tr>
<tr>
<td>Opening book amount</td>
<td>210,193</td>
<td>-</td>
</tr>
<tr>
<td>Additions</td>
<td>87,752</td>
<td>210,193</td>
</tr>
<tr>
<td>Amortisation charge for the year</td>
<td>(35,825)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net carrying amount</strong></td>
<td><strong>262,120</strong></td>
<td><strong>210,193</strong></td>
</tr>
</tbody>
</table>
Notes to the financial statements
For the year ended 30 June 2009

10. PLANT AND EQUIPMENT

<table>
<thead>
<tr>
<th></th>
<th>Library $</th>
<th>Refurbishments $</th>
<th>Furniture, computers, office machines and equipment $</th>
<th>Glass, bar and kitchen equipment $</th>
<th>Total $</th>
</tr>
</thead>
</table>

**Year ended 30 June 2009**

At 1 July 2008, net of accumulated depreciation

<table>
<thead>
<tr>
<th></th>
<th>Library</th>
<th>Refurbishments</th>
<th>Furniture, computers, office machines and equipment</th>
<th>Glass, bar and kitchen equipment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions</td>
<td>-</td>
<td>38,258</td>
<td>174,259</td>
<td>-</td>
<td>212,517</td>
</tr>
<tr>
<td>Disposals</td>
<td>-</td>
<td>-</td>
<td>(4,448)</td>
<td>-</td>
<td>(4,448)</td>
</tr>
<tr>
<td>Depreciation/ amortisation charge for the year</td>
<td>(23,452)</td>
<td>(177,656)</td>
<td>(132,670)</td>
<td>(1,644)</td>
<td>(335,422)</td>
</tr>
</tbody>
</table>

At 30 June 2009, net of accumulated depreciation

<table>
<thead>
<tr>
<th></th>
<th>Library</th>
<th>Refurbishments</th>
<th>Furniture, computers, office machines and equipment</th>
<th>Glass, bar and kitchen equipment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>469,043</td>
<td>1,982,421</td>
<td>1,223,060</td>
<td>16,085</td>
<td>3,690,609</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>(164,168)</td>
<td>(1,352,184)</td>
<td>(952,121)</td>
<td>(13,081)</td>
<td>(2,481,554)</td>
</tr>
<tr>
<td>Net carrying amount</td>
<td>304,875</td>
<td>630,237</td>
<td>270,939</td>
<td>3,004</td>
<td>1,209,055</td>
</tr>
</tbody>
</table>

At 30 June 2009

<table>
<thead>
<tr>
<th></th>
<th>Library</th>
<th>Refurbishments</th>
<th>Furniture, computers, office machines and equipment</th>
<th>Glass, bar and kitchen equipment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>469,043</td>
<td>1,964,492</td>
<td>1,097,595</td>
<td>11,826</td>
<td>3,542,956</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>(187,620)</td>
<td>(1,473,653)</td>
<td>(789,515)</td>
<td>(10,466)</td>
<td>(2,461,254)</td>
</tr>
<tr>
<td>Net carrying amount</td>
<td>281,423</td>
<td>490,839</td>
<td>308,080</td>
<td>1,360</td>
<td>1,081,702</td>
</tr>
</tbody>
</table>

11. TRADE AND OTHER PAYABLES

<table>
<thead>
<tr>
<th></th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and other payables</td>
<td>656,320</td>
<td>674,376</td>
</tr>
</tbody>
</table>

**Risk exposure**

The association’s exposure to risk for trade and other payables is discussed in note 2.
# Notes to the financial statements

For the year ended 30 June 2009

## 12. EMPLOYEE BENEFITS

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

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>$438,821</td>
<td>$471,381</td>
</tr>
<tr>
<td>Non Current</td>
<td>$98,611</td>
<td>$79,211</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$537,432</strong></td>
<td><strong>$550,592</strong></td>
</tr>
</tbody>
</table>

## 13. FEES RECEIVED IN ADVANCE

### Current

Subscriptions and practising certificate fees received in advance

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5,120,860</td>
<td>$4,868,048</td>
</tr>
</tbody>
</table>

### Risk exposure

The association’s exposure to risk for fees received in advance is discussed in note 2.

## 14. RESERVES

### Fair value reserve

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$50,821</td>
<td>$80,141</td>
</tr>
</tbody>
</table>

### Nature and purpose of reserves

#### Fair value reserve

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

Movement during the year:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance as at 1 July 2008</td>
<td>$80,141</td>
<td>$104,672</td>
</tr>
<tr>
<td>Unrealised gain/(loss) on investments (net of tax)</td>
<td>$(29,320)</td>
<td>$(24,531)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$50,821</strong></td>
<td><strong>$80,141</strong></td>
</tr>
</tbody>
</table>

## 15. COMMITMENTS

### Lease commitments

#### Operating lease commitments payable

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within one year</td>
<td>$385,457</td>
<td>$187,147</td>
</tr>
<tr>
<td>Later than one year but not later than five years</td>
<td>$685,837</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,071,294</strong></td>
<td><strong>$187,147</strong></td>
</tr>
</tbody>
</table>

The association leases from Counsel’s Chambers, the premises from which it operates, on a three year lease, increasing annually by 3 per cent. The lease expires in March 2012.
Notes to the financial statements
For the year ended 30 June 2009

16. RELATED PARTY DISCLOSURES

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

D Ash     L Goodchild     R Lancaster     I Temby QC
T Bathurst QC J Gormly SC C Loukas D Toomey
P Boulten SC A Haesler SC G McGrath S Torrington
B A Coles QC A Healey M McHugh K M Traill
M Cunneen SC R Higgins J Needham SC
A Dawson M Holz R Pepper
T Game SC A J Katzmann SC D Rayment
P Garling SC P Khandhar A Street SC

(b) Key management

Key management personnel compensation for the years ended 30 June 2009 and 30 June 2008 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 2009 and 30 June 2008 are as follows:

Philip Selth  Chris D’Aeth  
Lisa Allen  Basil Catsaros  
June Anderson  Jennifer Pearce  
Alastair McConnachie  Anne Sinclair

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

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

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term employee benefits</td>
<td>1,255,375</td>
<td>1,194,570</td>
</tr>
<tr>
<td>Long-term employee benefits</td>
<td>33,579</td>
<td>23,030</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,288,954</strong></td>
<td><strong>1,217,600</strong></td>
</tr>
</tbody>
</table>
Notes to the financial statements
For the year ended 30 June 2009

16. 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 association paid rent (including associated air-conditioning, electricity and cleaning charges) totalling $349,798 (2008: $322,228) for office space to Counsel’s Chambers Limited being a company of which some directors of the association are also members. This payment was at two-thirds of the normal market rate.

17. REMUNERATION OF AUDITORS

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

<table>
<thead>
<tr>
<th>Service Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit of the financial report</td>
<td>38,000</td>
<td>36,565</td>
</tr>
<tr>
<td>Other services - Tax</td>
<td>6,000</td>
<td>7,650</td>
</tr>
<tr>
<td>Other assurance services - PCD Grant Audit</td>
<td>5,708</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>49,708</td>
<td>44,215</td>
</tr>
</tbody>
</table>

18. NOTES TO THE CASH FLOW STATEMENT

(a) Reconciliation of cash
For the purposes of the cash flow statement, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial period as shown in the cash flow statement is reconciled to the related items in the balance sheet as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at bank</td>
<td>4,524,870</td>
<td>1,555,710</td>
</tr>
<tr>
<td>Term deposits</td>
<td>6,402,956</td>
<td>8,371,786</td>
</tr>
<tr>
<td>Petty cash</td>
<td>1,574</td>
<td>1,740</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,929,400</strong></td>
<td><strong>9,929,236</strong></td>
</tr>
</tbody>
</table>
Notes to the financial statements
For the year ended 30 June 2009

18. NOTES TO THE CASH FLOW STATEMENT (CONT’D)

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

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net surplus</td>
<td>613,632</td>
<td>330,447</td>
</tr>
</tbody>
</table>

Amortisation 213,481 59,861
Depreciation 157,766 170,935
(Profit)/Loss on disposal of plant and equipment (208) 676

Net cash provided by operating activities before changes in assets and liabilities: 984,671 561,919

Changes in net assets and liabilities:

(Increase)/decrease in assets:
- Trade and other receivables 235,806 (51,436)
- Inventories 1,104 1,754
- Prepayments (61,593) 24,648
- Deferred tax assets 1,629 443
- Accrued interest 52,100 6,071
- Net GST receivable (17,438) 8,000
- Other financial assets - (9,567)
- Current tax asset (103,522) (49,048)

Increase/(decrease) in liabilities:
- Subscriptions and practising certificate fees received in advance 252,812 785,051
- Provisions - employee benefits (13,160) 101,207
- Provision for income tax payable - (51,259)
- Deferred tax liabilities (15,598) (12,390)
- Sundry creditors (18,056) 240,981

Net cash from operating activities: 1,298,755 1,556,374

19. MEMBERS’ GUARANTEE
The company is limited by guarantee. If the company is wound up, the Constitution states that each member is required to contribute to meet all outstanding obligations of the company and any such amounts as may be required, but not exceeding $4. Total members at balance date were 2,556.

20. SUPERANNUATION
The association contributes to several defined contribution employee superannuation funds. The association contributes to the funds in accordance with its statutory obligations.
Notes to the financial statements
For the year ended 30 June 2009

21. EMERTON ENDOWMENT FUND
The Emerton Endowment Fund (‘the fund’) is controlled by The New South Wales Bar Association as trustee for that fund. The accounting policies as stated in the notes to the financial statements also apply to this entity.

(a) As at 30 June 2009 Emerton Endowment Fund had net assets as follows:

<table>
<thead>
<tr>
<th>BALANCE SHEET</th>
<th>AS AT 30 JUNE 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2009</td>
</tr>
<tr>
<td>CURRENT ASSETS</td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>19,867</td>
</tr>
<tr>
<td>Receivables</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>19,867</td>
</tr>
<tr>
<td>NET ASSETS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19,867</td>
</tr>
</tbody>
</table>

(b) The net activity of the trust fund during the year ended 30 June 2009 is a deficit of $17,744 (2008: deficit of $293,306). This is represented by the following:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest income</td>
<td>147</td>
<td>6,928</td>
</tr>
<tr>
<td>Dividends received</td>
<td>-</td>
<td>2,005</td>
</tr>
<tr>
<td>Profit of sale of investment</td>
<td>-</td>
<td>72,856</td>
</tr>
<tr>
<td>Donations</td>
<td>(17,891)</td>
<td>(375,095)</td>
</tr>
<tr>
<td>Net deficit</td>
<td>(17,744)</td>
<td>(293,306)</td>
</tr>
</tbody>
</table>
Directors’ declaration

In the opinion of the directors of The New South Wales Bar Association:

(a) the financial statements and notes set out on pages 52 to 69, are in accordance with the Corporations Act 2001, including:

(i) giving a true and fair view of the financial position of the association as at 30 June 2009 and of its performance, as represented by the results of its operations and its cash flows, for the year ended on that date; and

(ii) complying with Accounting Standards and the Corporations Regulations 2001; and

(b) 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 directors:

[Signatures]

A Katzmann SC
President

A Street SC
Treasurer

Sydney
27 August 2009
Independent auditor’s report

To the members of The New South Wales Bar Association:

We have audited the financial report of The New South Wales Bar Association (‘the association’), which comprises the balance sheet as at 30 June 2009, and the income statement, statement of changes in recognised income and expense and cash flow statement for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the directors’ declaration, as set out on pages 52 to 70.

Directors’ responsibility for the financial report

The directors of the association are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Act 2001. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

In note 1, the directors also state, in accordance with Accounting Standard AASB 101: Presentation of Financial Statements, that compliance with the Australian equivalents to International Financial Reporting Standards ensures that the financial report, comprising the financial statements and notes, complies with International Financial Reporting Standards.

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. These Auditing 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 judgment, 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 entity’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 entity’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. We confirm that the independence declaration required by the Corporations Act 2001, provided to the directors of The New South Wales Bar Association on 27 August 2009, would be in the same terms if provided to the directors as at the time of this auditor’s report.
Independent auditor’s report

Auditor’s opinion

In our opinion:

(a) the financial report of The New South Wales Bar Association is in accordance with the Corporations Act 2001, including:

(i) giving a true and fair view of the association’s financial position as at 30 June 2009 and of its performance for the year ended on that date; and

(ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Regulations 2001; and

(b) the financial report also complies with International Financial Reporting Standards as disclosed in note 1.

P B Meade
Partner

HLB MANN JUDD
(NSW Partnership)
Chartered Accountants
Sydney
28 August 2009
Barristers’ Benevolent Association
Financial report for the year ended 30 June 2009

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Statement of changes in recognised income and expense 76
Cash flow statement 76
Notes to the financial statements 77
Trustee’s declaration 84
Independent auditor’s report 85
Contributions to the Barristers’ Benevolent Fund 87

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

For the financial year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>3</td>
<td>364,215</td>
</tr>
<tr>
<td>Auditor’s remuneration</td>
<td></td>
<td>(8,000)</td>
</tr>
<tr>
<td>Bank charges</td>
<td></td>
<td>(70)</td>
</tr>
<tr>
<td>Bar care costs</td>
<td></td>
<td>(6,058)</td>
</tr>
<tr>
<td>Changes in fair value of investments designated at fair value through profit or loss</td>
<td></td>
<td>(300,243)</td>
</tr>
<tr>
<td>Employee benefits expense</td>
<td></td>
<td>(29,964)</td>
</tr>
<tr>
<td>Gifts</td>
<td></td>
<td>(152,649)</td>
</tr>
<tr>
<td>Investment fees</td>
<td></td>
<td>(1,636)</td>
</tr>
<tr>
<td>Legal and professional fees</td>
<td></td>
<td>(6,918)</td>
</tr>
<tr>
<td>Loss on sale of investments</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Promotion costs</td>
<td></td>
<td>(180)</td>
</tr>
<tr>
<td>Stationery</td>
<td></td>
<td>(459)</td>
</tr>
<tr>
<td>Surplus/(loss) before income tax</td>
<td></td>
<td>(141,962)</td>
</tr>
<tr>
<td>Income tax expense</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td><strong>Net loss</strong></td>
<td></td>
<td>(141,962)</td>
</tr>
</tbody>
</table>

The above income statement should be read in conjunction with the accompanying notes.
## Balance sheet

**As at 30 June 2009**

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>10(a)</td>
<td>1,692,806</td>
</tr>
<tr>
<td>Loans and receivables</td>
<td>4</td>
<td>157,642</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td></td>
<td>1,850,448</td>
</tr>
<tr>
<td><strong>NON-CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other financial assets</td>
<td>5</td>
<td>1,309,413</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT ASSETS</strong></td>
<td></td>
<td>1,309,413</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td></td>
<td>3,159,861</td>
</tr>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>6</td>
<td>9,819</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td></td>
<td>9,819</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td></td>
<td>9,819</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td></td>
<td>3,150,042</td>
</tr>
<tr>
<td><strong>ACCUMULATED FUNDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td></td>
<td>718,160</td>
</tr>
<tr>
<td>Reserves</td>
<td>7</td>
<td>2,431,882</td>
</tr>
<tr>
<td><strong>TOTAL ACCUMULATED FUNDS</strong></td>
<td></td>
<td>3,150,042</td>
</tr>
</tbody>
</table>

The above balance sheet should be read in conjunction with the accompanying notes.
Statement of changes in recognised income and expense
For the financial year ended 30 June 2009

<table>
<thead>
<tr>
<th>Notes</th>
<th>Accumulated funds</th>
<th>Capital reserves</th>
<th>Total members funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 30 June 2007</td>
<td>1,021,980</td>
<td>2,431,882</td>
<td>3,453,862</td>
</tr>
<tr>
<td>Recognised income and expense</td>
<td>(161,858)</td>
<td>-</td>
<td>(161,858)</td>
</tr>
<tr>
<td>At 30 June 2008</td>
<td>860,122</td>
<td>2,431,882</td>
<td>3,292,004</td>
</tr>
<tr>
<td>Recognised income and expense</td>
<td>(141,962)</td>
<td>-</td>
<td>(141,962)</td>
</tr>
<tr>
<td>At 30 June 2009</td>
<td>718,160</td>
<td>2,431,882</td>
<td>3,150,042</td>
</tr>
</tbody>
</table>

The above statement of changes in recognised income and expense should be read in conjunction with the accompanying notes.

Cash flow statement
For the financial year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH FLOWS FROM OPERATING ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from members, sponsorship and general activities</td>
<td>211,906</td>
<td>321,170</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(274,269)</td>
<td>(312,801)</td>
</tr>
<tr>
<td>Interest received</td>
<td>101,164</td>
<td>93,139</td>
</tr>
<tr>
<td>Net cash inflow from operating activities</td>
<td>10(b)</td>
<td>38,801</td>
</tr>
<tr>
<td>CASH FLOWS FROM INVESTING ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proceeds from investments (transfer to main account)</td>
<td>66,829</td>
<td>220,000</td>
</tr>
<tr>
<td>Payments for investments</td>
<td>(41,874)</td>
<td>(495,545)</td>
</tr>
<tr>
<td>Net cash inflow/(outflow) from investing activities</td>
<td>24,955</td>
<td>(275,545)</td>
</tr>
<tr>
<td>Net increase/(decrease) in cash and cash equivalents</td>
<td>63,756</td>
<td>(174,037)</td>
</tr>
<tr>
<td>Cash and cash equivalents at the beginning of the year</td>
<td>1,629,050</td>
<td>1,803,087</td>
</tr>
<tr>
<td>Cash and cash equivalents at the end of the year</td>
<td>10(a)</td>
<td>1,692,806</td>
</tr>
</tbody>
</table>

The above cash flow statement should be read in conjunction with the accompanying notes.
Notes to the financial statements
For the financial year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been constantly applied to all the years presented, unless otherwise stated.

(a) Basis of preparation
This general purpose financial report has been prepared in accordance with Australian Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations). The trustees have the power to amend and re-issue the financial report.

Compliance with IFRS
The Financial Report of Barristers’ Benevolent Association of NSW ("the association") also complies with International Financial Reporting Standards (IFRS), as issued by International Accounting Standards Board (IASB).

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

Critical accounting estimates and judgments
The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. It also requires management to exercise its judgment 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 contribution is recognised when the contribution is received.

(ii) Dividend and distribution income
Distributions and dividend are recognised as revenue when the right to receive payment is established.

(iii) Interest income
Interest income is recognised as it accrues.

(iv) Other income
Income from other sources is recognised when the income is receivable.

(v) Changes in fair value of investments
Net gains or losses in investments designated at fair value through profit or loss are calculated as the difference between the fair value at year end and the fair value at the previous valuation point. This includes both realised and unrealised gains and losses, but does not include interest or dividends.
Notes to the financial statements
For the financial year ended 30 June 2009

(c) Income tax
The association is exempt from income tax.

(d) Cash and cash equivalents
For cash flow statement presentation purposes, 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 three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

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

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

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

(f) Other financial assets
Classification
The association classifies its financial assets as designated at fair value through profit or loss.

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

Subsequent measurement
Financial assets at fair value through profit or loss are subsequently carried at fair value. Gains or losses arising from changes in fair value are presented in the income statement in the period in which they arise. Dividend income is recognised in the income statement as part of revenue from continuing operations when the association’s right to receive the payment is established.

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

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

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

(h) Goods and Services Tax (GST)
Revenue, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In this case it is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.
Notes to the financial statements
For the financial year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

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

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

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

(i) New accounting standards and interpretations

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2009 reporting periods. The association’s assessment of the impact of these new standards and interpretations is set out below.

(i) Revised AABS 101 Presentation of Financial statements and AASB 2007-8 Amendments to Australian Accounting Standards arising from AASB 101 (effective from 1 January 2009)

The September 2007 revised AASB 101 requires the presentation of a statement of comprehensive income and makes changes to the statement of changes in equity, but will not affect any of the amounts recognised in the financial statements. If an entity had made a prior period adjustment or has reclassified items in the financial statements, it will need to disclose a third balance sheet, this one being as at the beginning of the comparative period. The association intends to apply the revised standard from 1 July 2009.

2. FINANCIAL RISK MANAGEMENT

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

There is no formal established mandate or strategy to manage the above risks as the association’s policy is to hold at least half of its assets in cash and cash equivalents so that there is little risk of change in value. Management is of the view that by ensuring that all cash and cash equivalents are held with financial institutions with at least an A rating, the risks are being managed.

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

(a) Market risk

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

(i) Price risk

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

Approximately 38 per cent of the financial assets, excluding cash and cash equivalents, are shares in Australian listed companies and the remaining 62 per cent are in Australian managed funds. This risk is managed through diversification and selection of securities.

The effect on the total accumulated funds and the surplus due to reasonably possible changes in market factors, as represented by movements in equity indices, with all other variables held constant in indicated in the table below part (iii) overleaf.

(ii) Cash flow and fair value interest rate risk

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

The association has cash deposits and other interest bearing deposits, which have floating rates. At 30 June 2009, if interest rates had changed by 100 basis points with all other variables held constant, surplus for the year would have been $16,413 higher/lower as a result of higher/lower interest income.
(iii) Summarised sensitivity analysis

The following table summarises the sensitivity of the association’s surplus and total accumulated funds to price risk and interest rate risk for financial assets and liabilities held at balance date. The reasonably possible movements in the risk variables have been determined based on management’s best estimate, having regard to a number of factors, including historical levels of changes in interest rates and with the relevant benchmark and market volatility. However, actual movements in the risk variables may be greater or less than anticipated due to a number of factors, including unusually large market shocks resulting from changes in the performance of the economies, markets and securities in which the association invests. As a result, historic variations in risk variables are not a definitive indicator of future variations in the risk variables.

<table>
<thead>
<tr>
<th>Price risk</th>
<th>Interest rate risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on operating profit / total accumulated funds</td>
<td></td>
</tr>
<tr>
<td>-10 %</td>
<td>+10 %</td>
</tr>
<tr>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>30 June 2009</td>
<td>(130,941)</td>
</tr>
<tr>
<td>30 June 2008</td>
<td>(156,664)</td>
</tr>
</tbody>
</table>

(b) Credit risk

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

Credit quality

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

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Rating</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAB</td>
<td>AA</td>
<td>1,403,999</td>
<td>1,377,468</td>
</tr>
<tr>
<td>Macquarie Bank Ltd</td>
<td>A/A-1</td>
<td>288,807</td>
<td>251,582</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,692,806</td>
<td>1,629,050</td>
</tr>
</tbody>
</table>

(c) Liquidity risk

Liquidity risk is the risk that the association will encounter difficulty in meeting obligations associated with financial liabilities. This risk is managed through investment in short term deposits and equity securities in Australian listed companies, which under normal market conditions are readily convertible in cash. In addition the association maintains sufficient cash and cash equivalents to meet normal operating requirements. It is for this reason management is of the view that the association is not exposed to any liquidity risk, as its minimum cash holdings over a 12-month period are not expected to fall below $1.5 m.

Maturity analysis for financial liabilities

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

Total trade and other payables at reporting date was $9,819 (2008: $10,190).
Notes to the financial statements
For the financial year ended 30 June 2009

2. FINANCIAL RISK MANAGEMENT (CONTINUED)

(d) Fair value estimates
The fair value of financial assets must be estimated for recognition and measurement or for disclosure purposes.
The fair value of financial instruments traded in active markets is based on quoted market prices at balance date. The quoted market price used for financial assets held by the association is the current bid price; the appropriate quoted market price for financial liabilities is the current ask price.

2009 $  2008 $

3. REVENUE FROM CONTINUING OPERATIONS
Contributions 150,978  129,511
Distribution/dividend income 111,718  205,821
Interest income 101,164  93,139
Membership income 355 -

Revenue from continuing operations 364,215  428,471

4. LOANS AND RECEIVABLES
Current
NSW Bar Association 110,234  100,019
Interest free loans 44,500  5,000
GST receivable 2,908  1,478

157,642  106,497

Risk exposure
The association’s exposure to risk for loans and receivables is discussed in note 2.

5. OTHER FINANCIAL ASSETS
Non-current
Designated at fair value through profit or loss
- Shares in Australian listed companies 492,734  522,393
- Australian managed funds 816,679  1,044,254

1,309,413  1,566,647

Risk exposure
The association’s exposure to risk for other assets is discussed in note 2.

6. TRADE AND OTHER PAYABLES
Trade and other payables 9,819  10,190

Risk exposure
The association’s exposure to risk for trade and other payables is discussed in note 2.
Notes to the financial statements
For the financial year ended 30 June 2009

7. RESERVES

<table>
<thead>
<tr>
<th></th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital reserve</td>
<td>2,431,882</td>
<td>2,431,882</td>
</tr>
</tbody>
</table>

Nature and purpose of reserves

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

Movement during the year:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance as at 1 July</td>
<td>2,431,882</td>
<td>2,431,882</td>
</tr>
<tr>
<td>Transfer from accumulated surplus</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Balance at 30 June</td>
<td>2,431,882</td>
<td>2,431,882</td>
</tr>
</tbody>
</table>

8. RELATED PARTY DISCLOSURES

(a) Trustees

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

D Ash  P Garling SC  R Lancaster  I Temby
T Bathurst QC  J Gormly  C Loukas  D Toomey
P Boulten SC  A Haesler SC  G McGrath  S Torrington
B A Coles QC  A Healey  M McHugh  K M Traill
M Cunneen SC  R Higgins  J Needham SC
S Dawson  M Holz  R Pepper
T Game  A J Katzmann SC  D Rayment
L Goodchild  P Khandhar  A Street SC

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

(b) Key management

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

(c) Other transactions

The association conducts its business from the premises of NSW Bar Association.
Notes to the financial statements
For the financial year ended 30 June 2009

9. REMUNERATION OF AUDITORS

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit of the financial report</td>
<td>$8,000</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

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

10. NOTES TO THE CASH FLOW STATEMENT

(a) Reconciliation of cash

For the purposes of the cash flow statement, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial period as shown in the cash flow statement is reconciled to the related items in the balance sheet as follows:

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at bank</td>
<td>$51,494</td>
<td>$330</td>
</tr>
<tr>
<td>Cash on deposit</td>
<td>$1,641,312</td>
<td>$1,628,720</td>
</tr>
<tr>
<td><strong>Total cash</strong></td>
<td><strong>$1,692,806</strong></td>
<td><strong>$1,629,050</strong></td>
</tr>
</tbody>
</table>

Reconciliation of net cash provided by operating activities to net loss

$$\begin{align*}
\text{Net loss} & = -141,962 \\
\text{Distributions from managed funds reinvested} & = -67,964 \\
\text{Write down of investments} & = 300,243 \\
\text{Net cash provided by operating activities before changes in assets and liabilities} & = 90,317 \\
\text{Increase in trade and other receivables} & = -51,145 \\
\text{Increase/(decrease) in trade and other payables} & = 3,190 \\
\text{Net cash from operating activities} & = 38,801
\end{align*}$$

Net loss

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net loss</td>
<td>$(141,962)$</td>
<td>$(161,858)$</td>
</tr>
<tr>
<td>Distributions from managed funds reinvested</td>
<td>$(67,964)$</td>
<td>$(166,299)$</td>
</tr>
<tr>
<td>Write down of investments</td>
<td>$300,243$</td>
<td>$440,637$</td>
</tr>
<tr>
<td><strong>Net cash provided by operating activities before changes in assets and liabilities</strong></td>
<td><strong>$90,317</strong></td>
<td><strong>$112,480</strong></td>
</tr>
<tr>
<td>Increase in trade and other receivables</td>
<td>$(51,145)$</td>
<td>$(14,162)$</td>
</tr>
<tr>
<td>Increase/(decrease) in trade and other payables</td>
<td>$(371)$</td>
<td>$3,190$</td>
</tr>
<tr>
<td><strong>Net cash from operating activities</strong></td>
<td><strong>$38,801</strong></td>
<td><strong>$101,508</strong></td>
</tr>
</tbody>
</table>
Trustees’ declaration

In the opinion of the trustees of Barristers’ Benevolent Association of NSW, the financial statements and notes as set out on pages 74 to 83:

(a) have been drawn up in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia; and

(b) present fairly the association’s financial position as at 30 June 2009 and its performance, as represented by the results of its operations, changes in recognised income and expense and cash flows, for the year ended on that date.

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

Signed in accordance with a resolution of trustees:

A Katzmann SC
Trustee
Sydney
27 August 2009

A Street SC
Trustee

27 August 2009
Independent auditor’s report
For the financial year ended 30 June 2009

To the members of Barristers’ Benevolent Association of NSW:
We have audited the accompanying financial report of Barristers’ Benevolent Association (‘association’), which comprises the balance sheet as at 30 June 2009, and the income statement, statement of changes in recognised income and expense and cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes as set out on pages 74 to 84.

Trustees responsibility for the financial report
The Trustees are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

In note 1, the Trustees also state, in accordance with Accounting Standard AASB 101: Presentation of Financial Statements, that compliance with the Australian equivalents to International Financial Reporting Standards ensures that the financial report, comprising the financial statements and notes, complies with International Financial Reporting Standards.

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. These Auditing 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 entity’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 entity’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 include 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.
Independent auditor’s report
For the financial year ended 30 June 2009

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

Auditor’s Opinion
In our opinion:

(a) the financial report presents fairly, in all material respects, the financial position of the association as at 30 June 2009, and its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations); and

(b) the financial report also complies with International Financial Reporting Standards as disclosed in note 1.

P B Meade
Partner

HLB MANN JUDD
(NSW Partnership)
Chartered Accountants
Sydney
28 August 2009
Contributions to the Barristers’ Benevolent Fund

**$4,000 and above**
M A Robinson

**$3,000 - to $3,999**
W Terracini SC
A Katzmann SC
Sir Owen Dixon Chambers

**$2,000 to $2,999**
N Murray
B W Walker SC
P J Doherty SC
D W Rayment
M Cranitch SC
A J Bellanto QC
P R Boulten SC
A Healey

**$1,000 to $1,999**
S A Kerr
D Wilson
J W Durack SC
D P M Ash
P Bodor QC
S Davis
M Green
S M Stewart
J R J Lockhart
J Murphy
The Hon Justice R A Pepper
J N West QC
L Lamprati SC
P M Kite SC
T F Robertson SC
J E Macanachie QC
T K Tobin QC
T Molomby SC
B W Collins QC
I Barker QC
Mario Licha
The Hon G S Sharp

**$500 to $999**
T F Bathurst QC
B A Coles QC
B W Rayment QC
Magistrate M G Allen
K Day
M R Gracie
F Santisi
C A Bridge SC
C Barry QC
E Ito
C P Hoy SC
J A McIntyre SC
S Duggan
K W Andrews
J Shaw
D Nock SC
S Rushton SC
I Cullen
M J Darke
J R Wilson SC
J R Clarke
A M Seward
J J Garnsey QC
T Lynch
B C Oslington QC
W M Fitzsimmons
P Webb QC
A McQuillen
R Gambi
S Burley SC
J M Chicken
R Cavanagh
H P T Bevan
J O North
D A Smallbone
J C Sheahan SC
J P Gormly SC
R Lancaster
S G Campbell SC
R Royle
J Needham SC
J E Robson SC
D M Bennett AC QC

**The Hon R J Ellicott QC**
V M Heath
His Honour Judge S Norrish QC
R L Seiden
R M Schonell
A R Moses SC
M H Baird
M S Willmott SC
C Steirn SC
G Rich
P J Deakin QC
J Poulos QC
G Farmer
I M Neil SC
P J Frame
E Welsh
D R J Toomey

**$250 to $499**
M Gorrick
G J Jones
C R C Newlinds SC
The Hon B S J O’Keefe AM QC
A H Slater QC
P W Neil SC
M B Williams SC
L King SC
W Strathdee
C I Twomey
P J McGrath
N Manousaridis
G Moore
J B Whittle SC
M L Brabazon SC
M Tibbey
His Honour Judge J Bennett SC
D Kell
M Lynch
V F Kerr
The Hon Acting Justice R F Smart
R K M Rasmussen
P Nagle
Contributions to the Barristers’ Benevolent Fund

A A Henskens
S L C Flett
C P Heazlewood
The Hon Justice Cowdroy OAM
R J Grady
P D Doyle Gray
D Cowan SC
R P Greenhill SC
M J Windsor SC
M A Cleary
D G Staehli SC
D J Hooke
A T S Dawson
G Lucarelli
F P Hicks
L T Grey
His Honour Judge L A Levy SC
P P O’Loughlin
O G Watt
R W Hood
G Nicholson QC
A M Martin
His Honour Judge M Bozic SC
P H Blackburn-Hart SC
A Stenmark SC
P Russell
J C Thompson
P F Liney
R J Taylor
L P McFee
E Olsson SC
D A Buchanan SC
D Ronzani
J E Sexton SC
J A Waters
D Hirsch
G M Gregg
T A Game SC
P Hastings QC
J Kildea
J J T Loofs
H Kelly SC

His Honour Judge J B Phelan
His Honour Judge M C Marien SC
S A Benson
R Graycar
His Honour Judge M J King SC

$100 to $249
The Hon Justice R Edmonds
C A Webster
P G W Stitz
H W M Stitt
A J J Renshaw
G Brzostowski SC
Dr K Rewell SC
W J Walsh
R M Sweet
A J Stone
S Reuben
P R Cummings
T M Rowles
The Hon J P Bryson QC
M Dicker
G Hoeben
C M Simpson SC
M G Gilbert
I F Butcher
D M Loewenstein
K Morrissey
S W Climpson
K J Howard SC
P J Cook
J V Gooley
C A Moore
P J Livingstone
R D McCrudden
A J McInerney
P J O’Connor
D Priestley
G R Petty SC
M Einfeld QC
D Burwood
S Hughes

The Hon Associate Justice J K McLaughlin
G J Watkins
The Hon Justice H Nicholas
The Hon Justice D J Collier
C E Backhouse QC
G Levick
M P Cahill
A D Campbell
Deputy President K J O’Grady
G Digby QC
G K Burton SC
G Graham
J J Ryan
J P Sewell
A M Pickles
G Van Der Vlag
P G Mahony SC
R C A Higgins
Y Shariff
The Hon J R Dunford QC
J Berry
K Roser
J Phillips SC
D R Pritchard SC
G J Graham
I C Duane
J S Gleeson
M G Craig QC
J O Tancred
T M Ower
N A Nicholls
G Curtin
P G Maiden SC
R A O’Keefe
G M Gould
J Van Aalst
D F Jackson AM QC
The Hon Justice M Adams
The Hon RN Madgwick QC
R P Battley
R J Wilson
The Hon Dr R Purvis AM QC
<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>J Sheller</td>
<td>D P Kelly</td>
<td>J A Trebeck</td>
<td>N J Kidd</td>
</tr>
<tr>
<td>P Callaghan SC</td>
<td>G Niven</td>
<td>N J Kidd</td>
<td>M B J Lee</td>
</tr>
<tr>
<td>C C Hodgetikss SC</td>
<td>C A Evatt</td>
<td>G Donnellan</td>
<td>G M Radburn</td>
</tr>
<tr>
<td>Robert Stitt QC</td>
<td>N H Rudland</td>
<td>M G Vincent</td>
<td></td>
</tr>
<tr>
<td>H J Marshall SC</td>
<td>I J McGillicuddy</td>
<td></td>
<td></td>
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<tr>
<td>P Hamill SC</td>
<td>R H Weinstein</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justin Doyle</td>
<td>D B O’Neil</td>
<td>L McManus</td>
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<tr>
<td>R Francois</td>
<td>L McBride</td>
<td>S Glasscott</td>
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<tr>
<td>R Driels</td>
<td>B Hull</td>
<td>E Petersen</td>
<td></td>
</tr>
<tr>
<td>Philip Durack SC</td>
<td>P R King</td>
<td>P A Rowe</td>
<td></td>
</tr>
<tr>
<td>R N O’Neill</td>
<td>G T Johnson</td>
<td>K L Stewart</td>
<td></td>
</tr>
<tr>
<td>J V Nicholas SC</td>
<td>M J Gallagher</td>
<td>G T Gillett</td>
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<tr>
<td>A J Bowen</td>
<td>D T Drewett</td>
<td>M G McHugh</td>
<td></td>
</tr>
<tr>
<td>The Hon T J Studdert QC</td>
<td>C Champion</td>
<td>N Ghabar</td>
<td></td>
</tr>
<tr>
<td>D Day</td>
<td>D Liebhold</td>
<td>J Duncan</td>
<td></td>
</tr>
<tr>
<td>T Z Messner</td>
<td>A W Mooney</td>
<td>I Lawry</td>
<td></td>
</tr>
<tr>
<td>Nicholas Newton</td>
<td>G Kumarsininhe</td>
<td>M W Robinson</td>
<td></td>
</tr>
<tr>
<td>D Cochrane</td>
<td>A Miller</td>
<td>S B Dixon</td>
<td></td>
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<tr>
<td>His Honour Judge R P Mcloughlin SC</td>
<td>P A Beale</td>
<td>I G A Archibald</td>
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<tr>
<td>R S Bell</td>
<td>R C Broadhead</td>
<td>A F Feron</td>
<td></td>
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<tr>
<td>I Taylor</td>
<td>J P Redmond</td>
<td>M Dolenc</td>
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</tr>
<tr>
<td>A Hogan</td>
<td>W L S Lloyd</td>
<td>W Austron</td>
<td></td>
</tr>
<tr>
<td>Dr C J Birch SC</td>
<td>I H Pike AM</td>
<td>K Chapple SC</td>
<td></td>
</tr>
<tr>
<td>David Brogan</td>
<td>The Hon Justice P Biscoe</td>
<td>M S Spartalis</td>
<td></td>
</tr>
<tr>
<td>M Oakes SC</td>
<td>M R Hardwick QC</td>
<td>K Barrett</td>
<td></td>
</tr>
<tr>
<td>The Hon Justice G A Palmer</td>
<td>J Priestley</td>
<td>M L Holz</td>
<td></td>
</tr>
<tr>
<td>P R Garling RFD SC</td>
<td>Dr J G Renwick</td>
<td>R E Quickenden</td>
<td></td>
</tr>
<tr>
<td>D J Thorley</td>
<td>Dr John Keogh</td>
<td>J F Heazlewood</td>
<td></td>
</tr>
<tr>
<td>J Keesing</td>
<td>S M Kettle</td>
<td>R K Newton</td>
<td></td>
</tr>
<tr>
<td>A G Todd</td>
<td>P J Nolan</td>
<td>M McAuley</td>
<td></td>
</tr>
<tr>
<td>D K Jordan</td>
<td>C Leahy SC</td>
<td>The Hon C S C Sheller AO QC</td>
<td></td>
</tr>
<tr>
<td>M A Gillies</td>
<td>P M Skinner</td>
<td>The Hon H D Sperling QC</td>
<td></td>
</tr>
<tr>
<td>A Jamieson</td>
<td>J Chapman</td>
<td>The Hon P J Newman RFD QC</td>
<td></td>
</tr>
<tr>
<td>Shane Prince</td>
<td>M J Stevens</td>
<td>A J Bulley</td>
<td></td>
</tr>
<tr>
<td>A Hill</td>
<td>R S McIlwaine SC</td>
<td>P Moorhouse</td>
<td></td>
</tr>
<tr>
<td>D G Price</td>
<td>B R Pape</td>
<td>A Williams</td>
<td></td>
</tr>
<tr>
<td>Avni Djemal</td>
<td>R S Warren</td>
<td>S T Hall</td>
<td></td>
</tr>
<tr>
<td>Tiffany L Wong</td>
<td>K Eastman</td>
<td>A M Gruzman</td>
<td></td>
</tr>
<tr>
<td>D J Lloyd</td>
<td>I H Nash</td>
<td>B Pluznyk</td>
<td></td>
</tr>
<tr>
<td>G B Beauchamp</td>
<td>Douglas Barry</td>
<td>T G Howard</td>
<td></td>
</tr>
<tr>
<td>G J Sarginson</td>
<td>A Street SC</td>
<td>B R Ferrari</td>
<td></td>
</tr>
<tr>
<td>N A Confos</td>
<td>R McKeand SC</td>
<td>G L Meehan</td>
<td></td>
</tr>
</tbody>
</table>
Contributions to the Barristers’ Benevolent Fund

K J Kelleher
Federal Magistrate G A Coakes
G Carolan
B E Haverfield
L J Rowan
R Montgomery
L Fernandez
J T G Gibson
M K Rollinson
M F McDermott
A S Kostopoulos
D A Caspersonn
S Galitsky
G Mcllwaine
J M Harris
R Skiller
D Forster
J R Sainty
S Colledge
R C Beasley
M Christie
C Simpson
D T Kennedy SC
T Jowett
G Rundle
K Deards
B D Brassil
G P McNally SC
M Fanning
A Cotter-Moroz
W P Lowe
J L Gruzman
D A Moujalli
The Hon J P Slattery AO QC
J J Webster SC
D G Dalton SC
The Hon B E Hill QC
J E Rowe
S York
J J Fernel SC
S Russell
A P L Naylor
D Healey
T M Mehigan
S Wheelhouse SC
J Chambers
R Beech-Jones SC
S B Piedade
J Moore
R Jankowski
The Hon Justice P A Johnson
The Hon Justice D Kirby
M C Ramage QC
A Lakeman
G M Watson SC
C Lonergan
W Dawe QC
J D McDonald
G Ikners
P T Newton
D M Falloon
G McGrath
S J Buchen
T Hughes
R I Bellamy
B J Sharpe
G A Bashir
A Cheshire
P Kintominas
V A Hartstein
M Thangaraj
H K Dhanji
Dr M Perry QC
M J Maxwell
G J Sundstrom
T J Bates
M J Perry
R L Hamilton SC
The Hon J A Nader RFD QC
H Stowe
K J Pierce
P Batley
H Gerondis
His Honour Judge D Frearson SC
G Little SC
D Hogan-Doran
T Healey
Her Honour Judge L M Ashford
C Bolger
G J Hickey
The Hon Justice S D Rares
The Hon D D Levine RFD QC
Dr F R McGrath AM OBE
The Hon K P Shadbolt
G E O’Connor
J A Moore
The Hon Acting Justice M W Campbell
The Hon R J Peterson QC
W D Hosking QC

$25 to $99

J A Mundey
N E Furlan
M J Heath
C J Bannon QC
J M Stowe QC
R Quinn
R A Hewson
J F Viney
S W Aspinall
N Nelson
R Kako
C Wood
I Strathdee QC
The Hon Justice C Hoeben AM RFD
The Hon M L Foster QC
P R Moran
A E Maroya
K G Bennett
R Page
R Alkadamani
R Harper
L Ma
P Dwyer
Dr S Blount
K Poulos
Financial reports for the Indigenous Barristers’ Trust

ABN 53 124 431 831 | 2008 - 2009

W P Brewer  
S Gardiner  
The Hon Justice P Brereton  
P F Flannery QC  
D Dura  
L E Judge  
G T Gorton  
T K Neill  
D Harkin  
C H Withers  
The Hon Justice P W Young AO  
B R Thorley AM  
P A Barnes  
G R Heathcote  
M Humphreys  
His Honour H H Bell  
M Castle  
S Sivaloganathan  
P Dooley  
W J Hadley  
P N Khandhar  
The Hon Judge J L O’Meally AM RFD  
K Conte-Mills  
J D E Jones  
P Urquhart QC  
The Hon Justice B M James  
A S Monzo  
P J Mooney  
A C Canceri  
Dr A L Connolly  
C P O’Donnell  
C Magee  
E Boyle  
L Brasch  
C Moschoudis  
E Beilby  
NS Carroll  
J Catsanos  
M Gunning  
D Barnett  
D Mallon  
Dr R J Webb  
N S Jackson  
R T Bell  
R J Carruthers  
T McDonald  
G Blank  
Professor R Croucher  
M A Gerace  
L Shipway  
J Baxter  
T W Haines AO  
Magistrate M Macpherson  
C C Waterstreet  
The Hon Lance Wright QC  
J Reading SC  
I H Wallach  
J Bartos  
W Thompson  
The Hon Justice P M Kavanagh  
The Hon J A Miles AO  
J Redwood  
M J Bateman  
G M Barter  
S A Torpey  
T G R Parker SC  
D Shoebridge  
G R Rummery QC  
J Henness  
E J Smith  
C Stewart  
J Travassaros  
T J Dixon  
J M Galluzzo  
M Friedgut  
D Rickard  
B Miles  
The Hon Justice P R Graham  
The Hon Justice J M Boland  
The Hon Justice S Rothman AM  
N J Allan  
The Hon H P W Johnston QC  
R A Bonnici  
N Angelov  
C Palmer  
L Karp  
The Hon B J K Cohen QC  
W D Thompson  
His Honour Judge D J Freeman  
G C Jones  
J Cohen

Under $25

G Smith SC  
E H Baskerville  
B Ilkovski  
D J Currie  
T Di Francesco  
G Doherty  
M Campbell  
L B Gorham  
M Auld  
T S Davidson QC  
J Young  
A M Goodridge  
M R Cairns  
B G Docking  
G Gemmell  
A Doig  
E L Dearn  
J B de Vere Tyndall  
M G Crowley  
A Kulik  
J Davis  
D Imlah  
M J Walsh  
C R Goodhand  
L J Byrne  
M Coleman  
J N Thompson  
C Amato
## Indigenous Barristers’ Trust - The Mum Shirl Fund

Financial report for the year ended 30 June 2009

### Income statement

For the financial year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>3</td>
<td>96,038</td>
</tr>
<tr>
<td>Audit and accounting</td>
<td></td>
<td>(5,000)</td>
</tr>
<tr>
<td>Bank charges</td>
<td></td>
<td>(11)</td>
</tr>
<tr>
<td>Conference expenses</td>
<td></td>
<td>(15,619)</td>
</tr>
<tr>
<td>Fundraising</td>
<td></td>
<td>(1,504)</td>
</tr>
<tr>
<td>Grants</td>
<td></td>
<td>(48,000)</td>
</tr>
<tr>
<td>Other expenses</td>
<td></td>
<td>(708)</td>
</tr>
<tr>
<td>Surplus before income tax expense</td>
<td></td>
<td>25,196</td>
</tr>
<tr>
<td>Income tax expense</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td><strong>Net surplus</strong></td>
<td></td>
<td><strong>25,196</strong></td>
</tr>
</tbody>
</table>

The above income statement should be read in conjunction with the accompanying notes.
### Balance sheet

**As at 30 June 2009**

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>7</td>
<td>342,853</td>
</tr>
<tr>
<td>Other receivables</td>
<td>4</td>
<td>46,866</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>389,719</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>389,719</td>
</tr>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td></td>
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<td></td>
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<td>4,000</td>
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<td><strong>TOTAL LIABILITIES</strong></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>385,719</td>
</tr>
<tr>
<td><strong>ACCUMULATED FUNDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td></td>
<td>385,719</td>
</tr>
</tbody>
</table>

The above balance sheet should be read in conjunction with the accompanying notes.

### Statement of recognised income and expense

**For the financial year ended 30 June 2009**

<table>
<thead>
<tr>
<th></th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>As at 1 July - opening</strong></td>
<td>360,523</td>
<td>297,999</td>
</tr>
<tr>
<td>Recognised income and expenses</td>
<td>25,196</td>
<td>62,524</td>
</tr>
<tr>
<td><strong>As at 30 June - closing</strong></td>
<td>385,719</td>
<td>360,523</td>
</tr>
</tbody>
</table>

The above statement of recognised income and expense should be read in conjunction with the accompanying notes.
Cash flow statement
For the financial year ended 30 June 2009

<table>
<thead>
<tr>
<th>Note</th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash flows from operating activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from sponsorship and general activities</td>
<td>85,541</td>
<td>57,058</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(70,842)</td>
<td>(22,883)</td>
</tr>
<tr>
<td>Net cash inflow from operating activities</td>
<td>7(b)</td>
<td>14,699</td>
</tr>
<tr>
<td>Net increase in cash and cash equivalents</td>
<td></td>
<td>14,699</td>
</tr>
<tr>
<td>Cash and cash equivalents at the beginning of the year</td>
<td></td>
<td>328,154</td>
</tr>
<tr>
<td>Cash and cash equivalents at the end of the year</td>
<td>7(a)</td>
<td>342,853</td>
</tr>
</tbody>
</table>

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

Notes to the financial statements
For the financial year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation
This general purpose financial report has been prepared in accordance with Australian equivalents to Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations). The trustees have the power to amend and re-issue the financial report.

Compliance with IFRS
The financial report of Indigenous Barristers’ Trust - The Mum Shirl Fund (“the trust”) also complies with International Financial Reporting Standards (IFRS) as issued by International Accounting Standards Board (IASB).

Historical cost convention
This financial statement has been prepared under the historical cost convention.

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

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

(i) Contributions
Revenue from contributions is recognised when the contribution is received.
Notes to the financial statements
For the financial year ended 30 June 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 cash flow statement presentation purposes, 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.

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

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

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

(f) 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.

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

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

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

(h) New accounting standards and interpretations
Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2009 reporting periods. The trust’s assessment of the impact of these new standards and interpretations is set out below.

(i) Revised AABS 101 Presentation of Financial Statements and AASB 2007-8 Amendments to Australian Accounting Standards arising from AASB 101 (effective from 1 January 2009)

The September 2007 revised AASB 101 requires the presentation of a statement of comprehensive income and makes changes to the statement of changes in equity, but will not affect any of the amounts recognised in the financial statements. If an entity had made a prior period adjustment or has reclassified items in the financial statements, it will need to disclose a third balance sheet, this one being as at the beginning of the comparative period. The trust attends to apply the revised standard from 1 July 2009.
Notes to the financial statements
For the financial year ended 30 June 2009

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

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

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

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

(i) Price risk
Given the trust has no equity securities, the trust has no exposure to equity securities price risk.

(ii) Cash flow and fair value interest rate risk
The trust’s main interest rate risk arises from cash and cash equivalents; therefore the trust’s income and operating cash flows are subject to changes in market interest rates.

The trust has cash deposits and other interest bearing deposits which have floating interest rates. At 30 June 2009, if interest rates had changed by 100 basis points with all other variables held constant, surplus for the year would have been $3,059 (2008: $2,777) higher/lower as a result of higher/lower interest income.

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

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

(c) Liquidity risk
Liquidity risk is the risk that the trust will encounter difficulty in meeting obligations associated with financial liabilities. This risk is managed through investment in short term deposits which under normal market conditions are readily convertible in cash. In addition the trust maintains sufficient cash and cash equivalents to meet normal operating requirements. It is for this reason management is of the view that the trust is not exposed to any liquidity risk, as 88 per cent of the trust’s assets represent cash and cash equivalents.

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

Total trade and other payables at reporting date was $4,000 (2008: $3,000).
Notes to the financial statements
For the financial year ended 30 June 2009

2. FINANCIAL RISK MANAGEMENT (CONTINUED)

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

<table>
<thead>
<tr>
<th></th>
<th>2009 $</th>
<th>2008 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions</td>
<td>73,536</td>
<td>69,407</td>
</tr>
<tr>
<td>Interest</td>
<td>20,983</td>
<td>19,000</td>
</tr>
<tr>
<td>Fundraising</td>
<td>1,519</td>
<td>-</td>
</tr>
</tbody>
</table>

Revenue from continuing operations

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><em><strong>Revenue from continuing operations</strong></em></td>
<td>96,038</td>
</tr>
</tbody>
</table>

4. OTHER RECEIVABLES

Current

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Bar Association</td>
<td>45,385</td>
<td>30,384</td>
</tr>
<tr>
<td>GST receivable</td>
<td>400</td>
<td>170</td>
</tr>
<tr>
<td>Accrued interest</td>
<td>1,081</td>
<td>4,815</td>
</tr>
</tbody>
</table>

46,866 | 35,369

Risk exposure
The trust's exposure to risk for trade and other receivables is discussed in note 2.

5. 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
- Danny Gilbert
- Michael Slattery QC
- Mullenjaiwakka
- Anna Katzmann 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.
Notes to the financial statements
For the financial year ended 30 June 2009

6. REMUNERATION OF AUDITORS

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

<table>
<thead>
<tr>
<th>Service</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit of the financial report</td>
<td>5,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

7. NOTES TO CASH FLOW STATEMENT

(a) Reconciliation of cash
For the purposes of the cash flow statement, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial period as shown in the cash flow statement is reconciled to the related items in the balance sheet as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at bank</td>
<td>36,937</td>
<td>50,446</td>
</tr>
<tr>
<td>Term deposits</td>
<td>305,916</td>
<td>277,708</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>342,853</td>
<td>328,154</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Description</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net surplus</td>
<td>25,196</td>
<td>62,524</td>
</tr>
<tr>
<td>Changes in assets and liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase in other receivables</td>
<td>(11,497)</td>
<td>(28,349)</td>
</tr>
<tr>
<td>Increase in trade and other payables</td>
<td>1,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net cash from operating activities</strong></td>
<td><strong>14,699</strong></td>
<td><strong>34,175</strong></td>
</tr>
</tbody>
</table>
Trustees’ declaration
For the financial year ended 30 June 2009

In the opinion of the trustees of Indigenous Barristers’ Trust – The Mum Shirl Fund, the financial statements and notes as set out on pages 92 to 98:

(a) have been drawn up in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia; and

(b) present fairly the trust’s financial position as at 30 June 2009 and its performance, as represented by the results of its operations, changes in recognised income and expense and cash flows, for the year ended on that date.

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

Signed in accordance with a resolution of trustees:

A Katzmann SC
Trustee
Sydney
27 August 2009

C Ronalds SC
Trustee

Independent auditor’s report
For the financial year ended 30 June 2009

To the members of Indigenous Barristers’ Trust – The Mum Shirl Fund:
We have audited the accompanying financial report of Indigenous Barristers’ Trust – The Mum Shirl Fund, which comprises the balance sheet as at 30 June 2009, and the income statement, statement of recognised income and expense and cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes as set out on pages 92 to 99.

Trustees’ responsibility for the financial report
The trustees are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

In note 1, the trustees also state, in accordance with Accounting Standard AASB 101: Presentation of Financial Statements, that compliance with the Australian equivalents to International Financial Reporting Standards ensures that the financial report, comprising the financial statements and notes, complies with International Financial Reporting Standards.

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. These Auditing 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.
Independent auditor’s report
For the financial year ended 30 June 2009

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 judgment, 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 entity’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 entity’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 include 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.

Auditor’s opinion
In our opinion:

(a) 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 2009 and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations); and

(b) the financial report also complies with International Financial Reporting Standards as disclosed in note 1.

P B Meade
Partner

HLB MANN JUDD
(NSW Partnership)
Chartered Accountants
Sydney
28 August 2009