



PRESIDENT'S REPORT

The New South Wales Bar faced a number of challenges this year that required careful consideration and strong public advocacy.

In January and February 2013, the Bar Association was prominent in the public debate about proposed changes of the law that undermined the age old right to silence. The *Evidence (Evidence of Silence) Amendment Bill 2013* and the *Criminal Procedure Amendment (Mandatory Pre-Trial Defence Disclosure) Bill 2013* amended the Evidence Act and the Criminal Procedure Act in very substantial ways.

The first of these bills made inroads into an accused person's right to claim the privilege against self-incrimination at a police station. The usual 'caution' issued to a suspect was changed so that where a defendant exercised their right to silence in some circumstances, an adverse inference could be drawn subsequently if, at their trial, they relied upon facts that had not been referred to in their police station interview.

The second of the two bills made substantial changes to criminal procedure at trial, requiring the defence to make substantial disclosures in advance of the trial about the nature of the defence to be relied upon.

The Bar Association conducted a media and lobbying campaign against the two bills that included a joint public forum held with the Sydney Institute of Criminology in the Bar Common Room. I also made numerous electronic and print media appearances pointing out the shortcomings of the bills and their effect on individual liberties. We also lobbied members of parliament and provided briefing materials to many politicians in an endeavour to help the progress of the bills.

Ultimately, both bills passed the Legislative Council by the barest of margins. The Bar Association campaign, though, was very effective in reducing the impact of the laws. The police station caution provision will only apply in very rare circumstances.

Throughout the year, the Bar Association was also engaged in the public and parliamentary debate about proposed changes to the Motor Vehicle Accident Scheme. The New South Wales Government showed determination to introduce a 'no fault' scheme that was designed to reduce benefits to injured people and to cut them out of court proceedings. The association took a constructive approach, proposing an alternative range of policies that would assist the government to achieve some of their aims but which would ameliorate the impact of the proposed scheme on many injured people.

The New South Wales Government showed determination to introduce a 'no fault' scheme that was designed to reduce benefits to injured people and to cut them out of court proceedings.

The Common Law Committee, particularly, was very effective in providing traction to the opponents of the bill. After a significant debate, the legislation was withdrawn from parliament. The government is currently reshaping its approach. The bar stands ready to engage in further constructive policy contributions on this important issue.

The work of the Bar Council continued in a very effective manner throughout this year. Early in the year, the Bar Council spent considerable time

PRESIDENT'S REPORT

reviewing the entire process of the appointment of silk. The debate was an open and free-flowing one around the Bar Council table. Ultimately, some modest changes to the existing protocol were agreed upon and, after consultation with the membership, those changes were effected.

The New South Wales model for selection of senior counsel is the most exhaustive and effective one in Australia. At its essence is the benefit of the approval of applicants by their peers and the judiciary. This system has the benefit of being 'our' system – not an honorific gifted by the government.

Despite the Queensland Bar's move to revert to the government bestowed 'QC', there is no real enthusiasm in New South Wales to abandon our very worthy process of the appointment of 'SCs'.

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At a general meeting of the Bar Association in September, the membership turned its attention to whether or not we should adopt a narrow form of incorporated practice, with one shareholder and one director companies being entitled to 'practise' as barristers. This proposal was overwhelmingly rejected. It was a strong indication of barristers' commitment to independence and the Cab Rank Rule.

Unfortunately, the model that was proposed had no apparent public benefit. The debate focussed on how barristers could pay less tax and avoid having to pay damages if they were found to be negligent. The

members' decision to reject this proposal was almost inevitable.

The Bar Association maintains a continuing watch on the developing English approach to alternative practice models. In England, barristers' corporations compete in the open market for legal services contracts and barristers are entitled to initiate and conduct litigation. They can even form associations with solicitors and other non-barristers.

Meanwhile, the New South Wales Bar provides excellent legal services for very good value. Our fees compare extremely favourably with the fees charged by most commercial solicitors firms. The standard of our work is the equal of any lawyer in the world.

The Bar Council will continue to investigate creative forms of practising at the bar. We are always on the lookout for ways to market our services and to provide opportunities for our members.

Finally, I would like to mention our commitment to a joint project between the Law Council of Australia and the Australian Bar Association to highlight the unacceptably high representation of Aboriginal Australians in the criminal justice process. The incarceration rates for indigenous people are unacceptably high throughout Australia – especially in the Northern Territory and Western Australia. I am a member of a working party which will be working for the next 18 months to bring about some important focus on policy outcomes in this crucial area.

Phillip Boulton SC
President



EXECUTIVE DIRECTOR'S REPORT

National practice

Since my 2008–09 report I have been writing about what was initially a Council of Australian Governments (COAG) 'plan to achieve national regulation of the legal profession'. Regrettably, matters have only deteriorated. It now appears that New South Wales and Victoria will, at least initially, be the only jurisdictions to enact what is now being called the *Legal Profession Uniform Law*.

The Bar Association has worked closely with officers of the Attorney General's Department, the legal services commissioner and the Law Society in preparing for implementation of the new scheme, which will see uniform standards applied locally by the regulatory authorities in the states and territories that enact the new legislation.

The *Legal Profession Uniform Law* is intended to be introduced into the NSW and Victorian parliaments before the end of 2013 and so initially cover around 70 per cent of Australian lawyers. However, at the time of writing this report we had still to see the revised Bill, and the previously promised Commonwealth funding for the start-up costs is in question, no one should be holding their breath waiting for the legislation to be proclaimed. The delay in enacting the legislation, which will bring significant benefits to the practice and regulation of the profession, is unfortunate. Even more regrettable is parochial opposition to there being a truly national profession (with proper recognition of the local bars and law societies) which is maintained by some elements of the profession and others in various states and territories. Hopefully, as other jurisdictions see that the new legislation is not some 'Commonwealth take-over' (as some have claimed) and that common standards applying to the profession across Australia can only benefit the profession, those jurisdictions, too, will progressively join with NSW and Victoria to form a truly national legal profession.

Conduct rules

In my report last year I noted that once the national profession legislation is adopted the Australian Bar Association, rather than the individual councils of the Australian bars, will become the rule-making body, subject to the approval of the national board. I referred to some minor amendments that the Bar Council had asked be considered by the ABA when the national rules were submitted to the national board for endorsement.

Because of the long delay in the national legislation being enacted, in May 2013 the ABA Council agreed to some minor amendments to the national rules. The Bar Council approved those amendments. At the time of my writing this report, the amendments were with the attorney-general for his approval prior to their being gazetted. All bars across Australia have either adopted the revised national rules, or are in the process of doing so.

Law Council of Australia

The New South Wales Bar Association, as is the independent Bar in each state and territory, is a constituent member of the Law Council of Australia. Jane Needham SC is the Bar Association's director on the council.

I noted last year the practical problems of a barrister holding a position on the Law Council's Executive. However, for a range of reasons, including the appointment of the LCA president, Joe Catanzariti as a Vice President of the Fair Work Commission and an 'ad hoc' election to fill the consequent vacancy, there are now four barristers on the Executive: the president, Michael Colbran QC (Victorian Bar), president-elect, Duncan McConnell (NT Bar), Fiona McLeod SC (Victorian Bar) and Dr Christopher Kendall (WA Bar).

The Law Council meetings are, in voting terms,

dominated by the solicitors. However, while the solicitors are not shy of putting forward their views in a 'bloc vote', it would be rare for there to be a straight Bar/solicitor split on a matter. I cannot recall this having happened on a substantive issue in recent years.

In January 2012 Emeritus Professor Sally Walker AM, the secretary-general of the Law Council, stepped down from this position and was replaced by Martyn Hagan, previously the executive director of the Law Society of Tasmania.

The Australian Bar Association

The Bar Association is a constituent member of the Australian Bar Association. The carefully planned accession of Michael Colbran QC to the ABA Presidency the year before he was to become president of the Law Council fell apart when Joe Catanzariti's term as LCA president was cut short by his appointment to the Fair Work Commission. Colbran QC is thus now, until the end of 2013, president of the ABA as well as the LCA for the rest of 2013.

For many years the ABA's secretariat has been provided by the Queensland Bar Association. The recent appointment of the ABA's long-term Secretary, Dan O'Connor, as deputy president of the Queensland Industrial Relations Commission, was the catalyst for a more decentralised administration. The New South Wales Bar Association's finance manager, Basil Catsaros, now also manages the ABA's finances. Boulten SC is for 2013 the ABA treasurer.

The ABA is probably best known to members of our Bar for its biennial conferences, which this year were held in Bologna and Rome. Senior members of the Australian, UK and Italian judiciary, of the Italian, Australian, UK and Scottish bars, and Italian academics with international reputations in areas such as human rights, presented papers. The high standard

of the papers, and the willingness of the speakers to engage in frank debate with the audience, made a major contribution to the profession's professional development.

It is expected that the 2015 conferences will be held in Asia.

Another of the ABA's major achievements each year are the advocacy courses it conducts under the rubric of the Advocacy Training Council, established in 2005.

The ATC's establishment was an important first step for the ABA, as the peak body for Australian barristers, to become directly involved in the initial and ongoing training of barristers practising at the independent referral bars. It was also a clear recognition of the ABA's emphasis on the maintenance and enhancement of professional standards, in particular, advocacy training.

Philip Greenwood SC of the New South Wales Bar is the ATC chair.

Each year the ABA conducts a five-day residential Advanced Trial Advocacy course in January, a five-day residential Essential Trial Advocacy course in June and a three-day Appellate Advocacy course in September.

These courses are designed for barristers of all levels of experience - from readers to senior silks. The advocacy coaches include senior judges and senior silks from around Australia, as well as international silks and performance coaches.

In 2012-13 these courses were run in Brisbane, Perth and Sydney. The 2014 Advanced Trial Advocacy course will be held in Brisbane on 20-24 January 2014.

The ABA also conducts regular coaching clinics for advocacy instructors.

The Bar Association's website

The Bar Association's website is becoming an increasingly valuable method of publishing material to the world about the work of the Bar Association and, in particular, drawing to the attention of the solicitors' side of the profession and members of the public the experience and skills of members of the bar.

The association's website is often the first port of call for members, solicitors and anyone considering a career at the bar. The existing website is durable and comprehensive, but has experienced a huge growth in the information and pages it contains. At the end of 2012 the Bar Association embarked on a major review of the site and a comprehensive analysis of the needs of visitors and members. This root and branch review has been performed with the assistance of experts in this field and the new site will be launched in late 2013. The new site will take advantage of advances in technology and the information presented will be generated from a redesigned 'content management system' that will allow greater flexibility and responsiveness than was previously possible. In addition, the search features will be improved and the overall design and layout will provide visitors with a better experience.

The focus of the new website will be to directing members into areas of interest to them - and in some cases only accessible to members - while providing greater information to solicitors and the general public wishing to brief the bar.

A key area of the new, and current, website is 'Find-a-barrister'. It accounts for over half of all traffic to the website. The Practice Development Committee has considered improvements to this area, including providing greater specificity in relation to practice areas to assist solicitors and in house counsel. Those

developments are covered in greater detail in the Practice Development Committee's report.

The Bar Association staff

This part of my annual report is always the hardest to write. It is very difficult to say what I wish to say without repeating that I said last year- and in previous years. In my first annual report, that for the year ended 30 June 1998, I wrote that I wished:

to record my appreciation for the work of the Bar Association staff. Few outside the office realise the amount of work undertaken by the staff, and the inordinately long hours many put in to provide a quality service to members and others.

I still hold this view, but to a much greater extent. The Bar Association is lucky to have the staff that it does.

Further thanks

I should also like to record my thanks to the members of the Bar Council who have given me, and the Bar Association, so much help.

I would like to particularly thank Phil Boulten SC, for the unstinting support he has given me, be it after court over a glass of mineral water (for him); on the telephone late at night; an early breakfast near his chambers and during the weekend in a coffee shop at King's Cross. He tolerantly responds to emails virtually twenty-four hours a day, seven days a week. The president having a role as counsellor to the executive director is not provided for in the Bar Association's Constitution, but Boulten SC's self-imposed acceptance of this role is gratefully appreciated.

PA Selth
Executive Director

OUR AIMS

The Bar Association is a voluntary association of practising barristers. The association's short-and-long-term objectives are to:

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

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

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

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 amongst 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. In 2013 there were 21 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.

BAR COUNCIL

As at 30 June 2013

Phillip Boulten SC

Jane Needham SC

Ian Temby QC

Noel Hutley SC

Sandy Street SC

Tim Game SC

Arthur Moses SC

Garry McGrath SC

Michael McHugh SC

Virginia Lydiard

Kate Traill

Mary Walker

Anne Healey

Andrew Stone

Dominic Toomey

Sophie Callan

Elisabeth Peden

Warwick Hunt

Zali Steggall

John Hyde Page

Michelle McMahon

OFFICE BEARERS



Phillip Boulten SC
President



Jane Needham SC
Senior Vice-President



Ian Temby QC
Junior Vice-President



Michael McHugh SC
Treasurer



Kate Traill
Honorary Secretary

THE YEAR IN REVIEW

2012

July	August	September	October	November	December
Tutors' & Readers' Dinner	Common Law Drinks	Drinks with the judiciary	Silk appointments	Silks presentation ceremony	Bar Tennis Day
Bar exams	15 Bobber for the Hon Justice Campbell	Career at the Bar Open Day	Bar Practice Course	AGM	Great Bar Boat Race
Barristers in Schools	15 Bobber for his Honour Judge Taylor SC	15 Bobber for the Hon Justice Lindsay	Pink and Blue Ribbon Breakfast	Book launch of the Maurice Byers Address	
	ADR Conference		NSW v Victoria Bar Hockey match	Barristers in Schools	
	Francis Forbes Lecture			Life membership presentation Lindgren AM QC & Meagher	
				15 Bobber for his Honour Judge McClintock SC	



Top left: Barristers in Schools, Justice and Police Museum, 26 November 2012. Bottom right: New South Wales Bar Hockey Team, October 2012. Bottom left: Pink and Blue Ribbon Breakfast, 26 October 2012.

2013

January	February	March	April	May	June
ABA Advocacy Course	CPD regional conferences begin	CPD regional conferences	Sir Maurice Byers Address	Bench & Bar Dinner	15 Bobber for the Hon Justice Aldridge
Bar v Solicitors Golf	Bar exams 15 Bobber for his Honour Judge Craigie SC	Personal Injury Conference		Bar Practice Course Indigenous Barristers' Trust fundraiser	15 Bobber for the Hon Justice Kunc



Above: the 2013 Bench and Bar Dinner at the Westin Sydney. Left: Bar Practice Course 01/2013.

OUR PEOPLE

As at 30 June 2013



NEW SOUTH WALES BAR ASSOCIATION

Office of the Executive Director

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

Legal Assistance Referral Scheme

Legal Assistance Manager	Heather Sare
Administrative Assistant	Wendy Incoll BA

Administration Department

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

Professional Conduct Department

Director	Jennifer Pearce BEc LLB
Deputy Directors	Helen Barrett LLB Peter Smith LLB BLJS

Bar Library

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

Professional Development Department

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

Finance Department

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

Law Reform and Public Affairs

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

STATISTICS

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

MEMBERS

As at 30 June 2013 there were 2915 members.

Members who hold a NSW practising certificate (including members based interstate & overseas and nine life members who have a current NSW PC)	
Male	1754
Female	438
Total	2192
Number of senior counsel (QC or SC)*	
Male	318
Female	34
Total	352
Number of 'junior' barristers**	
Male	1436
Female	404
Total	1840

Practising address of members holding a NSW PC	
New South Wales	2186
Australian Capital Territory	2
Queensland	1
Overseas	3

Members (inc. honorary life members, judges and non-practising barristers)	
Male	579
Female	144
Total	723
(Inc. 27 honorary life members without a current NSW PC)	

Occupation of non-practising members	
Academic	13
Clerk	15
Crown prosecutor (interstate / Commonwealth)	2
Former barrister	141
Former judge / magistrate	110
Interstate / overseas barrister	188
Judge	175
Judicial officer	2
Magistrate	30
Statutory appointment	10
Other	35
Attorney general	1
Solicitor-general (Commonwealth)	1

PRACTITIONERS

As at 30 June 2013 there were 2210 barristers with a NSW PC.

Practitioners holding NSW practising certificates (including practitioners based interstate and overseas)	
Male	1767
Female	443
Total	2210
Practitioners who are senior counsel (QC or SC)	
Male	318
Female	34
Total senior counsel	352
Junior barristers	
Male	1449
Female	409
Total junior barristers	1858

Location of holders of a New South Wales PC					
	Juniors		Silks		Total
	Male	Female	Male	Female	
New South Wales	1445	409	316	34	2204
ACT	2	0	0	0	2
Queensland	1	0	0	0	1
Overseas	1	0	2	0	3

Overseas practitioners by country of residence					
	Juniors		Silks		Total
	Male	Female	Male	Female	
New Zealand	1	0	0	0	1
United Kingdom	0	0	2	0	2

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

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

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

THE BAR LIBRARY

Promoting the interests of practising barristers



Photo: Murray Harris Photography

The Bar Library provides access to authoritative legal information and an efficient and effective library service to members and staff of the Bar Association and to practicing members of the profession. Its major goals are to

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

It does this by providing the following services:

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

In 2012-13, the Bar Library's online catalogue was used by 246 users per month. This number does not include visits to the Library Links or other parts of the library's website.

The library handled an average of 55 loans and

returns daily in this financial year. Loans of hard copy materials are decreasing as more titles become available in PDF and online format. The highest percentage of loans were made to practicing members, however loans to other libraries are an important part of maintaining reciprocal relations within our profession.

During the last year the library has been participating in the Legal Inter-Library Loans Interchange (LILLI) Network. This provides an Interlibrary Loan request system for participating libraries and increases the number of resources that the library has access to.

The library responded to a total of 3721 requests in the 2012-13 financial year. This was an average of 310 per month. The system allows the librarians to keep a record of reference queries undertaken and ensures that responses are supplied to members in an accurate and timely manner without duplicating research tasks. We can also determine trends in subject, type of information requested and resources required and plan with reference to this information.

This year the library continued to host meetings of the Health, Sport & Recreation Committee's Bar Book Club and Bar Knit Group initiatives. The librarian would also like to thank volunteers who have assisted at the Benjamin Andrew Footpath Library <http://footpathlibrary.org/> this year. It is greatly appreciated and we hope more members will volunteer in the future.

Thanks to the librarians who have worked very hard in the service of the members again this year.

NEW BARRISTERS' COMMITTEE

Promoting the interests of practising barristers



Photo: Fairfax Photos

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

- promote the pursuit of excellence through targeted Continued Professional Development, camaraderie through social events and other traditions of the general bar amongst NSW barristers under six years;
- assist NSW barristers under six years to build and develop their practices; to make submissions to the Bar Council regarding issues and matters that affect the interests of barristers under 6 years seniority; and
- otherwise support the work of the Bar Council as and when needed.

The New Barristers' Committee contributes a number of seminars each year to the CPD programme. The seminars generally are of an introductory nature to an area of law or practice. In addition the committee is also responsible for an annual cross-examination workshop. The next scheduled cross-examination workshop will be in February / March 2014.

The committee recently held the third 'A Judicial Q&A'. The evening was generally regarded as a great success and offered an excellent opportunity for the

junior bar to meet with members of the judiciary in an informal and relaxed setting. The event built on the successes of the previous two events and will be repeated in the year ahead. The committee has also recently started an initiative of planning monthly social gatherings open to all barristers under 6 years.

In March 2013 the Bar Council launched the first edition of the Reader / Tutor Guidelines. The guidelines build on the previous work of Neil Williams SC and others and were a joint initiative of the committee, along with the Education Committee. Improving the tutor / reader relationship remains one of the key priorities for the committee in the year ahead.

As in previous years, the chair of the committee was invited to address the new readers about to embark upon the Bar Practice Course. As most members will recall, the BPC is a busy and often stressful period. The chair reiterated many of the foundation tenets of the New South Wales Bar, in particular the open door policy, and offered assistance to any reader during the course or at any point in their career at the bar. The committee regularly surveys barristers completing their reading year and uses the results of those surveys to inform the committee of policy directions and initiatives.

INDIGENOUS BARRISTERS STRATEGY WORKING PARTY

Promoting the interests of practising barristers

The Indigenous Barristers' Strategy Working Party is dedicated to the implementation of the Indigenous Lawyers' Strategy at the bar. The membership of the Working Party consists of barristers, a District Court judge and representatives from the Law Schools of the University of New South Wales and the University of Technology.

The major activity for 2012 was the development and then the launch of the Bar Association's Reconciliation Action Plan (RAP) which commenced on 1 January 2013. The focus in 2013 is the implementation of the RAP to meet the timelines in it.

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

The RAP clearly sets out the Bar Association's goals for the coming years and the way that those goals can be achieved. In doing so, the association is building on over 15 years' experience in creating pathways for Aboriginal and Torres Strait Islander people to the New South Wales Bar. The RAP focuses on:

- Building relationships with Ngalaya, the Indigenous Lawyers and Law Students Association of NSW, law schools, the Law Society, the Law Council of Australia, Aboriginal Legal Service, the Bar Association's Committees and celebrating National Reconciliation Week.
- Building respect by engaging in cultural learning, acknowledgement of country, continuing professional development and participation in NAIDOC Week.



Reconciliation AUSTRALIA RECONCILIATION ACTION PLANS

- Providing opportunities for Aboriginal and Torres Strait Islander people by supporting the Indigenous Barristers' Trust the Mum Shirl Fund, promoting participation in the Indigenous Barristers Strategy Working Party, promoting the Indigenous mentoring and employment schemes, hosting a seminar for the pre-law Indigenous students at UNSW and supporting the annual National Indigenous Legal Conference.

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

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

The employment scheme for Indigenous law students has successfully run over the last 11 years. Students are provided with the opportunity to conduct administrative work and research for barristers and gain an understanding of the role of a barrister.

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

The mentoring scheme was established in February 2009. Mentors have worked with 24 students who have now graduated and many remain in contact with and provide professional support for the new solicitors. There are currently 15 Indigenous law students being mentored by NSW barristers. Students continue to report substantial increases in their understanding of the way the legal system works which provides a significant input to their legal studies. Barristers continue to remark on the rewarding nature of the scheme and frequently claim the benefits are higher to them than to the student.

In December 2012, the bar hosted the students attending the UNSW Indigenous Pre-Law Program. The students met barristers and visited their chambers to gain an insight into the work of a barrister. They attended court for a period and then met with Justice Michael Slattery QC who talked to them about being a judge and the way the court system worked.

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

There are four Trustees: the current president of the New South Wales Bar Association, Phillip Boulten SC, Justice Michael Slattery QC of the NSW Supreme Court, Mullenjaiwakka, an Indigenous barrister, and Chris Ronalds AM SC.

The trust made grants to enable 15 Indigenous law students to attend the 7th National Indigenous Legal Conference in Perth in October 2012 and 10 Indigenous lawyers and law students to attend the first World Indigenous Lawyers' Conference in Hamilton, New Zealand in September 2012. Grants enabled four solicitors who started practice in the last two years to attend an advocacy course to build up their skills and increase their confidence in the court work.

Moving forward, both the working party and the trust will be maintaining and improving its already existing programs and funding students to attend the 8th National Indigenous Legal Conference in Alice Springs in October 2013 .

PRACTICE DEVELOPMENT COMMITTEE

Promoting the interests of practising barristers

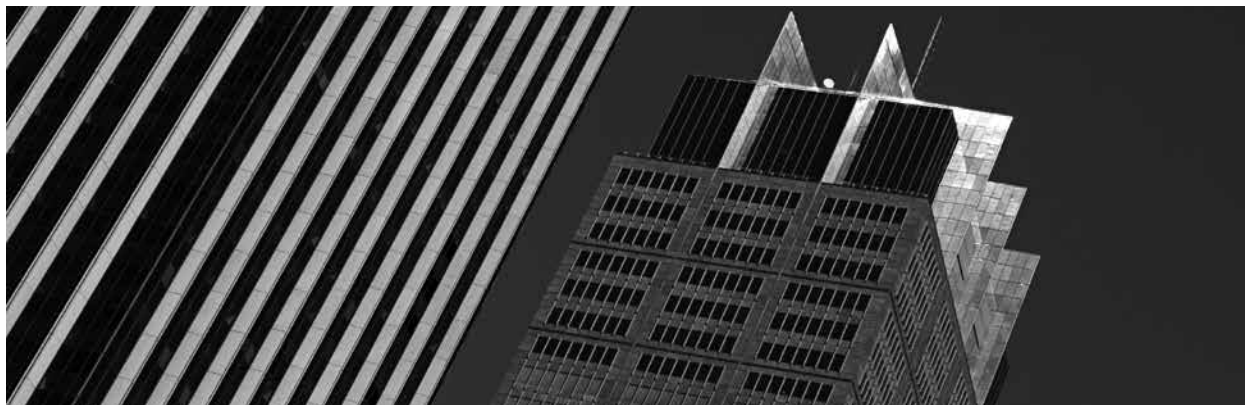


Photo: iStockPhoto

The Practice Development Committee aims to maintain and promote the unique services offered by the bar, namely, specialised advocacy skills.

The committee continued to be chaired by Richard McHugh SC during the reporting year and welcomed two new members in 2012–13 – Ian Hemmings and Michelle Painter.

Again the committee's major focus has been work on initiatives which enable the bar to promote or market itself to in-house counsel with current solicitors' practising certificates directly.

During the year, the committee recommended to Bar Council that the association join the Australian Corporate Lawyers Association (ACLA) as a Corporate Alliance Partner. This arrangement has enabled the committee to gain a better perspective of the expectations and needs of in-house counsel in dealing direct with the bar, and provided opportunities for the bar to promote its services to corporate counsel.

The Bar Association's relationship with ACLA resulted in the participation of Richard McHugh SC in a panel discussion on briefing the bar at the ACLA NSW State Conference on Thursday, 28 February 2013. The Bar Association also sponsored a function at the event which was attended by the president along with members of Bar Council and the Practice Development Committee.

In conjunction with these developments, the committee prepared a Bar Association pamphlet specifically aimed at in house counsel which notes the advantages of briefing the bar direct in the following circumstances:

- seeking legal advice – written or in conference;
- review of contracts and other documents for particular issues, for example: tax; human resources/employment, restraint of trade; public relations/media; regulatory/compliance issues;
- advice on dispute resolution, including strategy and resourcing; and
- urgent applications and less complex matters.

The pamphlet was distributed widely at the ACLA State Conference and remains an ongoing resource for in-house counsel.

As part of its arrangement with ACLA, the Bar Association will provide a biannual article on an item of interest to in-house counsel in the ACLA journal. The first piece, written by Dr Elisabeth Peden of the New South Wales Bar on aspects of privilege for in-house counsel, will appear in the September ACLA journal.

The committee and the Bar Council see the continuing relationship with ACLA as an important part of the association's efforts in raising the bar's profile with corporate counsel.

At the time of writing, committee members are working with the Bar Association's CPD staff to design a seminar for barristers specifically aimed at understanding the needs and expectations of in-house counsel when dealing direct with the bar.

Bar Council has approved the development of a new website for the Bar Association, which is expected to be launched later in 2013. The committee has spent some time over the reporting year in considering improvements to the website which may have benefits for the development of barristers' practices.

The committee has for some time been considering ways in which the effectiveness of the Bar Association's Find a Barrister search facility can be improved to bring more specificity for solicitors and in-house counsel searching for barristers with particular areas of expertise.

During the reporting year, the committee and committee secretary worked with Bar Association IT staff on options to design a revised Find a Barrister facility for the new website which will make it easier for those seeking briefing counsel to find the appropriate barrister for a particular matter. Users will be able to search by seniority, along with the existing categories of name, location, gender, senior

or junior counsel, language spoken, gender and areas of practice.

The committee also gave a deal of consideration to the areas of practice available in Find a Barrister. The committee has developed a two tier searchable system, featuring primary and secondary areas of practice, which is intended to give members greater scope in setting out specific areas of expertise, and provide greater accuracy and value to users of the facility.

The committee and the Bar Council see the continuing relationship with ACLA as an important part of the association's efforts in raising the bar's profile with corporate counsel.

The committee also noted the need to develop materials for a specific page on the new website which would be specifically aimed at the needs of in-house counsel. The committee is considering the range of materials that should be made available on the new page in order to help in-house counsel gain a better understanding of the bar and how to select and brief counsel.

The committee will continue to work to identify emerging issues relating to barristers' practice in the coming year.

WOMEN BARRISTERS FORUM

Promoting the interests of practising barristers

The Women Barristers Forum ('WBF') is a section of the New South Wales Bar Association. It exists to promote diversity at the bar, to assist women at the bar in their careers by raising awareness of any structural or other barriers to the participation and advancement of women barristers and to provide opportunities for professional contact, support and friendship. All women barristers are members of the WBF, but in practice the work of the WBF is conducted through the Executive Committee, which is elected at an AGM each year and meets monthly. Sub-committees work on particular issues and projects.

Ms Sandra Duggan SC very ably chaired the WBF for the 2012-13 year. Her work has been greatly appreciated by the Executive Committee. She brought tremendous organisational skills to the position, with flair and vision as well. As chair, she steered the WBF through a busy, focussed and productive year.

WBF also thanks the member of the active and creative Executive Committee for 2012-13: Larissa Andelman, Deborah Dinnen, Amy Douglas-Baker, Talitha Fishburn, Anne Gibbons, Margaret Holz, Katherine Johnson, Josephine Kelly, Sue Kluss, Kerry Leotta, Michelle McMahon, Kylie Nomchong, Lee-May Saw, Tatiana Stack, Sarah Talbert, Brenda Tronson, Julie Wilcsek, Roslyn Winfield, Mandy Tibbey.

The New South Wales Bar Association provides vital staff support for the work of the WBF and we thank the Bar Association for the work of Roshana Wikramanayake and Megan Black, both of whom have unstintingly supported the work of WBF.

Celebrating women silk appointments

In 2012 twelve women in NSW were appointed as silk, a record number. Perhaps the most enjoyable event held by the WBF in 2012 was the celebration of those appointments at a cocktail function. Justice Jane Matthews spoke inspiringly and presented each of the newly appointed silks with a stunning bouquet. Many well-wishers were on hand to enjoy the evening.

Supporting and enhancing women's participation at the bar

Lunchtime CPDs focussing on work-life balance and

issues around being both barrister and parent proved popular in 2012-13. WBF wishes to thank the women barristers, at all levels of seniority, who gave time to share their experiences of dealing with the demands of practice and the demands of a growing family. Many are showing that 'it can be done' and that there are a variety of ways in which to manage that.

The women's mentoring scheme for barristers in their post-readership year continued. The second year of practice at the bar can be a time when the support experienced as a reader suddenly ceases. This program assists barristers to move to the next stage of practice. Barristers can opt in to the program, which many barristers have found useful. The work of the mentoring sub-committee of WBF was undertaken this year in co-ordination with the Equal Opportunity Committee.

In 2012-13 WBF made submissions to Bar Council on the Draft Strategic Policy and Bar Retention Statistics.

Co-operation also continued with the Equal Opportunity Committee in other areas within WBF's remit, such as implementation of the Equitable Briefing Policy and the Discrimination and Sexual Harassment policies of the Bar Association. Many chambers have already adopted the Discrimination and Sexual Harassment policies disseminated by the New South Wales Bar Association and WBF encourages all chambers to do so.

In 2012-13 WBF made submissions to Bar Council on the Draft Strategic Policy and Bar Retention Statistics. We also provided a Memorandum for Ms Jane Needham SC for discussion at the ABA Pathways for Women at the bar teleconference.

Women coming to the bar

WBF Executive Committee members have been invited to speak at a number of events highlighting the bar as a career option for women.

With the Women Lawyers Association, we continued to co-host a twice yearly lunch for female readers, known as the 'Janet Coombs lunch for New Female Barristers'. This event provides an opportunity for female readers to lunch with female barristers, magistrates and judges to share experiences and practice strategies. Ms Margaret Holz is both

president of the NSW WLA (which involves both barristers and solicitors) and an Executive Committee member of WBF, providing a valuable point of contract between the two organisations.

The First Women at the Bar project, a multimedia presentation recording the experiences and reflections of women admitted to the bar up to 1975 was launched in 2011. It now has an original music score accompanying the spoken word. We hope that the work will be used extensively in university law schools and schools to educate young people about career options and to assist them to understand the history of women at the New South Wales Bar. The bar website's oral history section includes the presentation, which is well worth watching.

HEALTH SPORT AND RECREATION COMMITTEE

Promoting the interests of practising barristers

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

In addition to assisting like-minded members to link up in sporting and recreational activities the committee has also spent much of the reporting year focussed on highlighting important health issues. The annual health testing day was well attended by many members. The initiative provides an opportunity for a swift cholesterol, blood sugar and blood pressure

test in the Bar Association Common Room. Many members also took the opportunity to have a 'flu shot to ward off illness in the winter period.

In addition to the health checks and 'flu shots the committee has worked on a soon to be released health checklist. It will be distributed to all members and is a reminder to regularly monitor health and well-being. The health check list is intended to encourage members to undergo regular health checks conducted by medical practitioners. The hope is that the health check list will inspire a moment of self-focus for members. It will also contain additional information, such as contact numbers for BarCare, should a member require more information or assistance.

COSTS AND FEES COMMITTEE

Promoting the interests of practising barristers

The most significant initiative of the Costs and Fees Committee during the year under review has been the committee's continuing Barristers' Remuneration Project. The initial emphasis has been on education. The committee sponsored a series of seminars presented by committee members in Sydney designed to help barristers to adopt practical strategies and practice management techniques to reduce fee disputes and delinquency, to improve professional relationships with solicitors and other payers, and to improve the efficiency of fee recovery within the existing regulatory framework. The seminars focussed on topics of costs disclosure (Jim Johnson), options for dealing with outstanding debt (Justin Hogan-Doran), recovery (Philippe Doyle Gray and Michael Eagle) and assessment of costs (John Sharpe). Committee members also presented seminars at regional CPD conferences around the state. The seminars were notably well attended. It is proposed to provide the seminar papers in booklet form.

The committee also considered the report arising from the chief justice's review of the Costs

Assessment Scheme (Hon Justice Paul Brereton et al, *Report of the Chief Justice's Review of the Costs Assessment Scheme* (Supreme Court of New South Wales, 12 March 2013). The Bar Association had previously made submissions to the review. The report is extensive, and recommends a range of legislative and administrative reforms. One of its major themes is the reduction of delay in the effective quantification of legal costs and in their ultimate payment or repayment, as the case may be. The chief justice has invited public submissions prior to publishing his own response to the report.

The committee also provided advice to Bar Council on a number of topics, including proposed fee increases in federal courts (which was the subject of consideration and submissions by the Law Council of Australia, informed inter alia by the committee's advice), interest on unpaid fees, and the regulatory and practical constraints affecting fees in advance and other means for securing payment of barristers' fees. The committee has also continued to monitor developments in the law and to provide ad hoc advice on questions relating to costs and fees.

STRATEGIC PLANNING COMMITTEE

The Bar Association's strategic plan was adopted by the Bar Council on 11 October 2012. It was the culmination of a year-long process of enquiry and consultation that commenced with the Bar Council's strategic planning day. The Strategic Planning Committee's role was to bring together all of the information that had been generated, both internally and by other associations and similar bodies, into one coherent document. The committee was informed by similar work at the Bar of England and Wales, and also by the Victorian Bar's strategic plan.

As the plan was developed, members of the Bar Association were invited to comment and further development of the plan occurred. The final version of the plan was presented to the Bar Council in October 2012. The plan contains ten

broad objectives, each containing a number of sub categories. The anticipated time period for the completion of each objective (and the various sub-categories) all vary. Some are immediate, short-term goals and others have a long-term focus and may take a number of years to achieve.

Members of the incoming 2013 Bar Council were charged with responsibility for individual objectives within the plan and have been pursuing those objectives in the reporting period and beyond. To date some of the items in the plan (those with a short time frame) have been completed or nearly completed. Progress on the other objectives has also been positive. The plan will be reviewed by the incoming 2014 Bar Council.

BARCARE AND BARRISTERS' BENEVOLENT FUND

Promoting the interests of practising barristers

BarCare is an integral part of the bar community that provides assistance to barristers who are experiencing difficulties in either their professional or personal life. The service is funded for the Barristers' Benevolent Fund and operates independently for the Bar Association. The service is strictly confidential and BarCare does not give any personal information to the Bar Association without the expressed permission of the barrister involved. In addition to providing professional psychological support it has the capacity to give financial assistance in times of need such as illness or bereavement.

A recent letter of thanks summarised the role that BarCare had played saying:

The Benevolent Fund's support at the time was not just immense practical benefit, it was also symbolically important, because it reminded me that I was part of a professional caring community, a reality that it is easy to lose sight of at times.

Analysis of the raw data collected for the 2013–2013 years show a similar pattern to previous years with an average of one contact each week. This can be via the dedicated telephone line or via the email address. These calls receive a triage response. In some cases the BarCare director will meet the barrister and over a cup of coffee and will talk through the options available to assist in resolving the situation. Other callers will have a general telephone discussion and a recommendation to seek professional help from one of the Panel of Specialists on the BarCare website. Barristers are also able to contact the panel of specialist directly without contacting BarCare. The Benevolent Fund covers the cost of the first consultation regardless of the mode of first contact. All specialist accounts are sent to BarCare and personal details are removed before the account is forwarded to the Bar Association for payment.

The primary presenting problem in calls for assistance fall under the psychological/depression/stress and anxiety categories possibly reflecting the demanding nature of work at the bar. In many cases there can be several additional problems driving the stress such as financial or marital problems. Three callers this year have indicated that the stress they were experiencing related directly to the interaction with



particular clients. Vexatious or disappointed clients unfortunately are part of the territory when practising at the bar.

This year there have been several enquiries seeking career counselling. These have come from a broad range of age groups. Through the work of BarCare it is obvious that work at the bar is tough and the amount of work in some specialist fields is diminishing.

When a referral is made by a third party such as colleague, Bar Association staff, or family member a call will be made to the barrister. The Barrister will be told that a colleague has raised concerns that they may be experiencing difficulties and assistance offered. In these circumstances the name of the original caller is not disclosed. There is no obligation by the barrister to accept any intervention. Each year some barristers have been grateful and surprised that any others are concerned for their wellbeing. Others have indicated that they are already seeking help, do not need help or resent the intrusion. In these latter cases no further contact is made.

BARCARE AND BARRISTERS' BENEVOLENT FUND

Promoting the interests of practising barristers

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

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

Table 3: Gender	Male	Female
2010-2011	40	18
2011-2012	36	24
2012-2013	37	18

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

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

PROFESSIONAL DEVELOPMENT DEPARTMENT

Arranging and promoting continuing professional development



Photo: Murray Harris Photography

The Professional Development Department provides educational and other services to all practising barristers in New South Wales. The main responsibilities of the department are to:

- Co-ordinate the bar examinations, Bar Practice Course and Reading Programme;
- Provide continuing professional development (CPD) for members;
- Liaise with commercial and other CPD providers in order to inform members of additional CPD seminars, conferences and events; and
- Arrange the various social functions put on by the Bar Association for members, such as the Bench & Bar Dinner, the Tutors & Readers Dinner, the Great Bar Boat Race and various other functions in the common room, such as the 15 Bobber functions.

The 2012-13 year was a busy year for the Professional Development Department. Changes to the department's calendar meant that three examination sittings were conducted in the year, in addition to the usual range of activities; such as Bar Practice courses, CPD conferences, CPD seminars and social events.

The examinations remain a labour intensive operation for the Bar Association with over 40 barristers involved in preparation and marking on each occasion.

The department continued to look for new ways to add value to member events and seminars and were pleased to be supported by a range of new sponsorship partners, complementing the existing sponsorship arrangements.

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

Bar examinations and examination tutorials

Due to the changes in the professional development calendar for 2013 there were three examination sittings in the reporting period. A total of 97 candidates sat one or more bar examinations in July 2012. In February 2013 a total of 130 candidates sat for the various exams and 109 candidates sat in June 2013. A number of candidates sat in more than one examination period. The examinations remain a labour intensive operation for the Bar Association with over 40 barristers involved in preparation and

PROFESSIONAL DEVELOPMENT DEPARTMENT

Arranging and promoting continuing professional development

marking on each occasion. Our thanks to those members for their contribution and, in particular, to the members of the Examination Working Party who continue to guide the Bar Association's examination processes. The examination format remained the same as in previous years.

Bar Practice Course

The October 2012 and May 2013 were the 44th and 45th Bar Practice courses (BPC). They also covered the seventh year that Michael Fordham SC has been course director. The October 2012 BPC was one of the smallest courses in many years with just 26 readers in the course. However, it was not the beginning of a trend. In May 2013 the number of new barristers returned to the long term average and 55 readers participated in the course.

This fluctuation in numbers, in particular smaller numbers in the second course, has been noted in previous annual reports. The department understood there was some reluctance on the part of readers to commence so late in the year and to have such a brief period of time in chambers before the court holidays at the end of the year. To address these concerns the department has altered the timing of the second BPC in future years so that it commences in August and concludes before the September school holiday period. The first of these 'earlier' courses will be the second BPC of 2013.

The course continues to have a greater percentage of women undertaking the course (35 per cent) than the percentage of women at the bar generally (20 per cent).

The course continues to have a greater percentage of women undertaking the course (35 per cent) than the percentage of women at the bar generally (20 per cent). The average age of a new barrister also appears to be slowly creeping up, although it does fluctuate with each course.

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

Continuing Professional Development

The 2012–13 CPD year concluded on 30 March 2013. In now traditional fashion the Bar Association's series of CPD conferences were offered to members in February and March 2013. The conferences were well attended and received great support from members of the judiciary and senior members of the bar. One day conferences were run in Newcastle, Orange, the north coast and Parramatta. Two conferences were run in Sydney; one a general CPD conference and second a personal injury conference for members of the common law bar.

Sixty-four CPD seminars were held in the domestic CPD programme, with seminars covering all four CPD strands.

Sixty-four CPD seminars were held in the domestic CPD programme, with seminars covering all four CPD strands. A number of seminars were organised in collaboration with other stakeholders such as the Supreme Court of NSW, the Law Society of NSW, The Gilbert and Tobin Institute of Public Law and Legal Aid. The New South Wales Bar Association also hosted both the public hearing held by the Independent National Security Legislation Monitor, Mr Bret Walker SC and the COAG Review of Counter-terrorism Legislation chaired by the Hon Anthony Whealy QC.

Highlights of this year's programme included The Inaugural Plunkett Lecture with the Hon Greg Smith SC MP, attorney general of NSW; the 2013 Maurice Byers Lecture: 'Finality', with the Honourable A M Gleeson AC QC; 'Plain Language in Legal Writing' with Professor Bryan Garner and 'Commercial List Appeals in the Court of Appeal' presented by the Hon T F Bathurst, chief justice of NSW, the Hon Justice Allsop AO, president of the Court of Appeal and the Hon Justice Beazley AO, judge of appeal.

For the year ahead, we continue to welcome input and suggestions from the Bar Association's various committees and sections for direction on practice-specific needs in CPD.

In addition to the in-house programme the association also monitors CPD seminars and events organised by commercial and academic providers and, from time-to-time, bring them to the attention of members via *In Brief* to ensure that barristers have access to a broad range of CPD, both within Australia and overseas.

In January 2013 the seventh Australian Bar Association Residential Advocacy Course was conducted in Brisbane. The five day residential course is run by the profession for the profession. The course focusses on the skills of a barrister in

court and attempts to create an environment that is as close to the real experience as possible. As in previous years the course included realistic briefs and required proper preparation, and performance in real court settings. Anyone who wishes to improve their advocacy skills in court is encouraged to register and attend the eighth course, to be held in Brisbane in January 2014.

It has been another busy year of events at the association with a comprehensive calendar comprising over 40 events.

Other events and social functions

Within the Professional Development Department the Bar Association's dedicated events manager, Katie Retford, provides members with a full calendar of events, with the Bench and Bar Dinner again being the highlight of the year. A wide variety of social functions including 15 Bobbers, the Tutors' and Readers' Dinner, and A Judicial Q&A (NBC) were put on for members. The department also hosts an annual Career at the Bar Open Day, an event to introduce university students to life at the bar.

Overview of the professional development calendar for 2013-14

	Exams and tutorials	CPD conferences	BPC	CPD seminars
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

PROFESSIONAL DEVELOPMENT DEPARTMENT

Arranging and promoting continuing professional development

It has been another busy year of events at the Bar Association with a comprehensive calendar comprising over 40 events. There were seven 15 Bobbers to mark judicial appointments and two life membership presentations to the Hon Kevin Lindgren AM QC and the Hon Justice Anthony Meagher. Other regular features included the Tutors' and Readers' Dinner, the Common Law Drinks, Silks presentation ceremony, drinks with the New South Wales Judiciary and the Judicial Q&A.

Charities supported through events included: the National Breast Cancer Foundation and Prostate Cancer Foundation of Australia (Pink and Blue Ribbon Breakfast) and the Indigenous Barristers Trust and the Mum Shirl Fund (Shoot for the Bar Photography Competition and awards party).

The Bench and Bar Dinner took place at the Westin Sydney on 10 May 2013 and was attended by 675 members of the association and distinguished guests. The guest of honour was the Hon Justice Stephen Gageler. Mr Senior was Peter Hastings QC. Ms Junior was Philippa Ryan. The evening was a great success.

During the year in review functions were also held for members of the association's committees, the judiciary and parliamentarians to acknowledge their contribution to the association and the wider community.

And finally – thank you

Once again our sincere thanks to all the members of the various working parties and additional volunteers, speakers and presenters for their tireless work, creativity and motivation in the past year. All give their time freely and willingly with an eye only to the improvement of the bar. The department and the wider bar remain indebted to you. The work is onerous and occasionally thankless. We are, as always, extremely grateful for your contributions and goodwill in the past twelve months.

Education Committee

As noted in previous reports, the Education

Committee recommenced in December 2011. At the conclusion of Coles QC's presidency of the Bar Association the chairmanship of the committee moved to Anthony Payne SC. The committee provides oversight to the department's activities, including (but not limited to) the exams, the Bar Practice Course, the reading programme and CPD activities. The committee has made a number of recommendations relating to policy to the Bar Council and has worked collaboratively with the Examination Working Party and the New Barristers' Committee in relation to the exams and issues impacting upon the junior bar.

In 2012–13 the committee helped launch the new Reader / Tutor Guidelines which were developed in collaboration with the New Barrister's Committee. These guidelines will be discussed further under the work of the New Barristers' Committee. The reader – tutor relationship and support during the transition to a career at the bar has been a key area of focus through the year and is a matter the committee continues to take an interest in and seek to develop further.

In addition to the tutor component of the reading year the committee has also considered additional support and education requirements for new barristers, including the reintroduction of advocacy tune-up workshops. These workshops are intended to assist readers in developing their advocacy skills and to provide a venue to discuss any matters that may have arisen in the first months of practice.

Early in the 2012–13 year, a new CPD policy prepared by the committee was approved by Bar Council and put into effect. The policy was updated by the committee to reflect the changing landscape of professional development and education technologies and to bring the Bar Association into line with other regulatory bodies in allowing members to self-accredit their ongoing professional development activities.

LAW REFORM AND PUBLIC AFFAIRS

Making recommendations and promoting the administration of justice



Photo: iStockPhoto

The aims of the New South Wales Bar Association include promoting the administration of justice and seeking to ensure that the benefits of the administration of justice are reasonably and equally available to all members of the community. The Bar Association's public affairs activities seek to promote and defend the essential tenets of our justice system, as well as the interests of its members, in the public arena.

For some time, the Bar Association has advocated a fairer approach to personal injury reform, where the focus should be upon proper compensation of injured victims of accidents, rather than on cost cutting and lower insurance premiums.

This tension between benefits for the injured and lower premiums was an enduring theme of the Bar Association's work in response to the New South Wales Government's announcement of a no fault compulsory third party proposal early in 2013. In response to the government's discussion paper proposing a no fault scheme, the association, along with other legal profession groups, prepared an alternative proposal for motor accidents reform which proposed a number of changes to the system which would have the effect of reducing green slip prices while minimising the negative effects upon the injured

inherent in the government's proposal. The legal profession's submission, which was fully costed by Deloitte Australia, was not however adopted by the government, which subsequently introduced the no fault *Motor Accident Injuries Amendment Bill 2013* into the parliament.

Representatives of the Bar Association, including the president, Phillip Boulten SC, Jeremy Gormly SC, chair of the Common Law Committee, and bar councillor and Common Law Committee member Andrew Stone, made frequent media appearances to put the case against a no fault scheme. While the government pointed to legal costs as a major driver of costs in the green slip scheme, the association in part focused upon excessive profits made by scheme insurers as one of the causes of poor scheme performance:

While the government pointed to legal costs as a major driver of costs in the green slip scheme, the association in part focused upon excessive profits made by scheme insurers as one of the causes of poor scheme performance

LAW REFORM AND PUBLIC AFFAIRS

Making recommendations and promoting the administration of justice

The Bar Association also argued that the provisions in the draft bill were modeled upon changes made in the United Kingdom a number of years ago, but failed to ensure that an accused would have access to legal advice before making a decision concerning their exercise of the right to silence.

Well, take this as the starting point: that for the last ten years, the insurers have been making very good money out of the green slips schemes. They're meant to keep about 10 percent of the total premium as profit, and they've been keeping upwards of 20 percent. So they've been on a very good wicket, for a very long time.

What the Government now proposes is some very radical changes. Until now you've had to prove - in most instances - ...fault, that this driver has run you down, they're at fault, you get compensated. The drivers who cause accidents, they haven't got any compensation....This change ... moves us to a no-fault scheme, where everybody gets some money. But of course when you bring in 7000 new at-fault drivers, it means you've got to strip the benefits back to pay for it.

So the net result is that a load more people get something, the innocent victims get a whole lot less in order to pay for the drivers who ran them down.

Andrew Stone, bar councillor, on the Ray Hadley Show, 2GB, 18 June 2013.

Representatives of the Bar Association lobbied extensively against the no fault scheme, emphasising in particular its negative impact on child victims of motor accidents and provisions effectively removing legal representation. Although the legislation passed the Legislative Assembly, it stalled in the upper house, where the opposition and cross bench expressed substantial concerns about these aspects of the bill, largely due to the lobbying of legal profession groups.

At the time of writing, the government has announced a roundtable for stakeholders, including the legal profession, in an attempt to achieve some consensus concerning the green slip scheme. The Bar Association will continue to strongly advocate the rights of the injured and argue against a no fault approach.

The other major public affairs campaign for 2012-13

concerned the Bar Association's opposition to the government's proposals concerning the right to silence. In October 2012 the NSW Government released a draft exposure bill which sought to introduce a negative inference if an accused exercised their right to silence in certain circumstances. The Bar Association vigorously opposed the changes through its written submissions and in the public arena.

The government's overarching rationale for the amendments, along with associated changes concerning mandatory defence disclosure, appeared to be partly based on achieving greater criminal trial efficiencies:

Well, the government's pushing these proposals on the basis that they're going to speed up the trial process. In fact it's going to do the opposite. It's going to clog the trials up with legal arguments about what does it mean when somebody didn't mention something and it's going to further make it more difficult for the accused at trial. It's going to more than subtly tip the balance in favour of the prosecution in the criminal process.

President Phillip Boulton SC on 702 Mornings with Linda Mottram, 14 March 2013.

The Bar Association also argued that the provisions in the draft bill were modeled upon changes made in the United Kingdom a number of years ago, but failed to ensure that an accused would have access to legal advice before making a decision concerning their exercise of the right to silence.

It will be the English system without the safeguards. The English have found it to be extraordinarily expensive. They've found it to be extraordinarily complex. It raises a whole lot of very important issues that are fought out commonly in the courts.

Phillip Boulton SC, ABC 702 Radio News, 11 February 2013.

The Bar Association held a joint seminar on the proposed laws with the Sydney Institute of Criminology in the Bar Common Room on 11 February 2013 where an audience of 200 was in attendance. Papers were presented by the president, Phillip Boulten SC, and Associate Professor David Hamer from the University of Sydney Law School.

The legislation passed the parliament on 20 March 2013, including a number of amendments to the original draft bill which toned down some of the worst aspects of the legislation, and only applied the adverse inference concerning exercise of an individual's right to silence in circumstances where a legal adviser was present. At the time the attorney general had indicated that changes were made in response to concerns raised by the Bar Association.

The Bar Association's public affairs role is often to act as an honest broker in public discourse regarding the law.

During the year, the Bar Association actively engaged with the media on a number of other key issues, including the substantial cuts to victims compensation proposed by the government in 2013 and the attack on judicial independence constituted by the treasurer's approach to the determination of judicial remuneration. These issues received significant media coverage.

Thanks are due to the chair of the Criminal Law Committee, Stephen Odgers SC, who assisted with a number of media enquiries concerning aspects of the criminal law, along with other members of the Bar Association who dealt with media matters on the president's behalf, including the Senior Vice-President Jane Needham SC, Andrew Stone, Elizabeth Welsh and others.

As well as the direct media appearance work undertaken by the president and other senior

members of the bar, an important aspect of the association's public affairs activities involves the briefing of journalists by officeholders and senior staff. Such work is conducted both proactively and in response to media requests, and is aimed at eliminating errors and misreporting in the coverage of often complex legal issues in the press and electronic media.

Similarly, a great deal of public affairs work is undertaken which is not picked up in the mainstream media. Members of the bar and staff of the association give up their time to conduct seminars or presentations at universities, other professional bodies and government agencies on a variety of topics, from the Bar Association's Legal Assistance Referral Scheme to aspects of law reform. The association also is an ongoing sponsor of various university prizes and university teams for international moots.

In 2012-13 the Barristers in Schools programme continued to raise the profile of the bar in the broader community. A session was conducted with students of Neutral Bay Public School during the reporting year. The program will continue with other schools in 2013-14.

The Bar Association's public affairs role is often to act as an honest broker in public discourse regarding the law. Association representatives are available to clarify aspects of legislation or caselaw for the media. In the popular media essential tenets of our system are commonly overlooked, ignored or misrepresented. The association has an important role to play in providing an objective source of information on our system of justice and upholding inherent legal principles on which our democracy is based, even if those principles appear unfashionable in the face of populist law and order rhetoric which is regrettably a still a major feature of the approach of many media organisations today.

CRIMINAL LAW COMMITTEE

Making recommendations and promoting the administration of justice

During the last year the Criminal Law Committee has made a significant contribution to the development of the criminal law in New South Wales.

In addition to monitoring legislative and policy developments on a daily basis, the committee has made a number of written and oral submissions. Some of these submissions have been made on a confidential basis, others have been widely publicised.

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

- Sentencing
- Fitness to plead
- Disclosure practices of investigatory agencies and of the Department of Public Prosecutions
- Spent convictions for juvenile offenders
- Bail
- Provocation
- Jury directions
- Serious sex offenders
- Encouraging appropriate early guilty pleas
- The sentencing of serious violent offenders
- The exclusion of lawyers for jury service

Perhaps the most important development in the criminal law during the last year was the enactment of the *Evidence Amendment (Evidence of Silence) Act 2013* (NSW) and *Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act 2013* (NSW).

As regards the first, in September 2012 the government released an exposure draft of a bill that would allow the court to draw an adverse inference in circumstances where an accused refused to provide information to police during questioning that they ought reasonably to have known, after being given the opportunity to consult with a legal practitioner in relation to the effect of failing to provide such information. Before such an inference could be drawn, the police were required to give the accused a special caution. The bill was prepared without any

consultation with the profession. The Bar Association made a comprehensive written submission to the attorney general highlighting the serious ramifications of restricting the right to silence. In particular, the point was made that allowing an opportunity to consult a lawyer was not sufficient protection bearing in mind that, in the United Kingdom, adverse inferences are only available where the defendant was questioned in the presence of his or her lawyer. A revised bill was introduced in March 2013. It included an additional requirement that the caution be given in the physical presence of a legal practitioner, with the practical consequence that an adverse inference will only be available where the defendant was questioned in the presence of his or her lawyer.

The Bar Association made a comprehensive written submission to the attorney general highlighting the serious ramifications of restricting the right to silence.

The Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill was cognate with the revised Evidence Amendment (Evidence of Silence) Bill. This bill contained provisions requiring mandatory prosecution and defence disclosure before trial. The failure of the defence to comply with disclosure obligations may result in an unfavourable inference being drawn against the accused.

Both bills were opposed by the Bar Association. The opposition and the Greens endorsed the association's views, but unfortunately that support was not enough to prevent the bills being passed by the New South Wales Parliament. Since their enactment, the committee has focussed its attention on assisting the profession to prepare appropriately for the commencement of the legislation.

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

TRANSPORT, MARITIME AND AIR LAW COMMITTEE

Making recommendations and promoting the administration of justice



Photo: iStockPhoto

The Transport, Maritime and Air Law Committee was established in October 2012, in part as a result of both a request of Bar Council by the Federal Admiralty Rules Committee for comments on proposed amendments to the *Admiralty Rules 1988* (Cth) and a recognition of the desirability of a forum within the New South Wales Bar Association in which the views of the members of the association could be obtained in relation to these changes, as well as other aspects of this area of law, and conveyed to and implemented by Bar Council.

Although the genesis of the committee may have been in the waters of maritime law, the scope of its interest is not so confined and extends to include aviation law as well as the law relevant to other modes of transport. This is reflected in the membership of the committee, which includes members of the association with significant experience across all aspects of transportation law. Whilst an important area of interest for the committee is international transport and the law relating to international transport (much of which is based or sourced in international law), the committee's focus nevertheless remains on the implications and application of these areas of law domestically, in particular insofar as they may affect the rights, obligations and business of those for whom members of the Bar Association may be called upon to represent or to whom they may be asked to provide advice.

The objectives and function of the committee are:

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

TRANSPORT, MARITIME AND AIR LAW COMMITTEE

Making recommendations and promoting the administration of justice

To this end, the committee aspires to continue the objectives of the Bar Association's former Maritime, Air and Transport Law Section, chaired by Brian Rayment QC from 1998 to 2000. The committee is currently chaired by Gregory Nell SC, who was also the secretary of the earlier section.

Although in its infancy, the committee has, during its first year, focused on the pursuit of the second of its objectives and to this end has undertaken a number of seminars for the benefit of members of the association.

A number of members of the committee have also presented papers on matters of maritime and transport law at other conferences during the year.

The first of these was a seminar addressing a number of recent developments in maritime law within Australia, in particular in a paper delivered by Mr Alexander Street SC. This was followed by a consideration and discussion of the amendments to the Admiralty Rules that were then being proposed by the Admiralty Rules Committee, which included a controversial rule that authorised the Admiralty marshal to remove ship's papers from a vessel under arrest. That discussion in turn formed the basis of Bar Council's response to the Rules Committee's invitation for comment on its proposed rule changes, as well as some suggestions of other possible areas of reform in this area.

A second seminar was held in March 2013 at which two then hot topics were examined. The first was in an address by Dr Christopher Ward in relation to the enforcement of the law relating to illegal fishing in Australian waters. The second was in a presentation by Bridie Nolan which identified and explained recent changes to the *Navigation Act 1912* (Cth) and cognate legislation concerning Australian coastal shipping. These legislative changes were part of a raft

of legislation and other measures introduced by the Commonwealth Government in 2012 in an attempt to reform and reinvigorate Australian coastal shipping. The interest and controversy of these changes is demonstrated by the subsequent series of judgments in the Federal Court of Australia in the ongoing litigation between CSL Shipping and the minister for infrastructure. For those who were unable to attend this seminar, both papers are being made available on the Bar Association's website.

A number of members of the committee have also presented papers on matters of maritime and transport law at other conferences during the year. This included the New South Wales branch of the Maritime Law Association of Australia and New Zealand's mini conference in April 2013 and in conjunction with other committees of the association. Members of the committee will also be speaking at the Maritime Law Association's annual conference in Sydney in September this year. The participation of members of the committee in such outside events is not only in the pursuit or furtherance of its educative role, but also serves to promote to solicitors and clients alike the New South Wales Bar and the services which its members are able to provide to the public in this area of law.

The committee has also promoted and supported the series of periodic lunch time seminars on maritime law topics which are arranged by John Levingston (a member of the committee) in conjunction with the Maritime Law Association of Australia and New Zealand, University of Newcastle and Federal Court of Australia.

The committee is continuing to pursue its educative role with further seminars on other matters of interest planned for the coming year.

LEGAL AID COMMITTEE

Making recommendations and promoting the administration of justice

During the past year the Legal Aid Committee has made a number of submissions to the attorney general and Legal Aid NSW on a range of policy issues to assist legally aided persons and improve conditions for barrister undertaking such work.

For many years the committee has been negotiating with Legal Aid NSW for an overall increase to the level of remuneration received by members of the bar conducting work on legally aided matters. Unfortunately the current chronic underfunding of Legal Aid NSW continues to have a major impact on the way in which legal assistance services are delivered in New South Wales.

These difficulties have been exacerbated by the funding cuts in the state budget which have forced Legal Aid NSW to make savings. In some instances where policy changes have been made, the committee has been forced to accept that it could only disagree strongly with the proposed policy changes and seek an assurance that the changes are temporary and that the policy will be reviewed when the current fiscal climate changes. The committee will continue to push for increases in fees as soon as any additional funding becomes available.

The Legal Aid Committee has sought to work collaboratively with Legal Aid NSW to achieve the best possible outcome for barristers performing legally aided work during this period of economic uncertainty.

In February 2013 the committee arranged for senior officers of Legal Aid NSW to present a seminar on recent developments in Legal Aid and the criminal sphere, including the operation of panels and payment for preparation work.

The committee has continued to liaise with Legal Aid NSW on a number of other important panels, including the Legal Aid Review Committee, the Family Law Legal Aid Review Committee, the Independent Children's Lawyer Panel, the General Family Law Panel, the Care and Protection Panel and

the Specialist Barristers Panel for Complex Criminal Matter and Appellate Matters.

The committee has also assisted Legal Aid with the implementation of a duty scheme for metropolitan local courts serviced by a Legal Aid Office which is currently being reviewed and expanded.

In June 2013 the committee made a successful submission to the Commonwealth attorney-general to provide urgent funding to enable the Custody Notification Service to continue to operate in New South Wales. Since July 2012 the Aboriginal Legal Service had covered the costs of its staff providing this 24 hour telephone line service to every Aboriginal person taken into custody to implement Recommendation 224 of the Royal Commission into Aboriginal Deaths in Custody. However, the Aboriginal Legal Service indicated that it could not afford to continue to maintain the service beyond 30 June 2013 and the New South Wales Government also stated that it would not fund the service.

Unfortunately the current chronic underfunding of Legal Aid NSW continues to have a major impact on the way in which legal assistance services are delivered in New South Wales.

The Commonwealth attorney-general has agreed to provide funding to allow this essential service to continue, ensuring access to justice for vulnerable people, who would otherwise be at real risk of suicide or self-harm as there have been no Aboriginal deaths in police custody in New South Wales since the service began in 2000.

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

Making recommendations and promoting the administration of justice



Photo: Murray Harris Photography

General activities of the ADR Committee

During the 2012-13 financial year, the ADR Committee continued to provide opportunities for all barristers to gain increased knowledge and experience of ADR, to promote the interest and expertise of the bar in ADR (including barristers who practise as mediators, arbitrators and expert determiners) and to provide training for barristers as arbitrators. The committee continued to administer the accreditation and re-accreditation of mediators under the National Standards, the appointment of mediators to court panels and the approval of Bar Council of barristers as arbitrators.

The committee also continued to promote the NSW Bar Dispute Resolution Centre on Level 1, Selborne Chambers. Administered by Counsel's Chambers, the centre is the most convenient dispute resolution centre for barristers and solicitors in the CBD.

2012 'ADR in Australia and Beyond'

A highlight of the year was the 5th annual ADR workshop held at the Westin Hotel in Sydney. Reflecting the strong relationship between the New South Wales Bar Association and the Australian Centre for International Commercial Arbitration (ACICA), the workshop was for the first time hosted

The committee also continued to promote the NSW Bar Dispute Resolution Centre on Level 1, Selborne Chambers.

jointly by the two organisations. The keynote address was delivered by the then attorney-general for Australia the Hon Nicola Roxon MP, which drew considerable media attention on the day. Other presenters included the Hon Justice Julie Ward, the Hon Justice Steven Rares, the Hon Justice Lindsay Foster as well as senior Australian ADR practitioners from law firms as well as from the bar.

CPDs and other training

In addition to the ADR workshop, the committee provided a number of other opportunities for barristers to attend ADR related training during 2012-13. CPDs included 'Disclosure in mediation', 'Mistakes in mediation', 'Developing your ADR practice' and 'Dealing with difficult mediators...and counsel.' The committee endeavours to invite experienced ADR practitioners to speak at CPDs where appropriate, and speakers at 'Developing your ADR practice' include representatives of ACICA and the Chartered Institute of Arbitrators.

The ADR Committee also arranged for the Australian Commercial Disputes Centre (ACDC) to provide a tailored New South Wales Bar Association one-day mediator refresher course for barristers seeking national re-accreditation who had less than the required 25 hours of mediation experience over the preceding two years. Feedback from participants who attended the inaugural refresher course was very positive and the committee has arranged with the ACDC to run two refresher training days in 2013.

No arbitration training was held in 2012/2013 as the committee was developing a 6 hour training program to be held in July and August 2013, speakers at which were to include judges of the Federal and Supreme Courts and experienced external arbitrators as well as experienced barrister arbitrators.

The New South Wales Bar Association remains one of the largest RMABs under the under the National Mediation Accreditation System (NMAS) with over 100 accredited mediators.

‘Mediator chat’

‘Mediator chat’ is an initiative of the Mediation Practice Group, a sub-committee of the ADR Committee. These events are an opportunity for mediators at the New South Wales Bar or those interested in learning more about mediation to get together in an informal social environment, where a topic relevant to mediation is discussed in a light hearted way. Topics during 2012–13 included ‘Passive mediators ruin mediation’ and ‘Marketing yourself as a mediator – it’s a waste of time.’ The events have been well attended and during 2013 have developed to include an informative group discussion following the topic presentation.

Mediation accreditation

The New South Wales Bar Association remains one of the largest RMABs under the under the National Mediation Accreditation System (NMAS) with over 100 accredited mediators. Accreditation is for two years and the committee has carried out the administration of accreditation and re-accreditation of mediators under the NMAS on behalf of the Bar Association annually since 2008. In 2012, the committee recommended to Bar Council the accreditation of 14 ‘new’ and 4 ‘experience qualified’ mediators as well as the re-accreditation of 55 mediators who were last accredited in 2010.

Broadcast email

A regular ‘broadcast email’ is sent by Jo Wilton, the Bar Association’s Policy Lawyer attached to the committee, to all accredited mediators, approved arbitrators, approved expert determiners and other barristers who have notified their interest in receiving the broadcast. It provides details about upcoming CPDs, seminars and conferences of interest, important information about accreditation or approval, and other matters relevant to ADR.

COMMON LAW COMMITTEE

Making recommendations and promoting the administration of justice



Photo: iStockPhoto

The Common Law Committee faced a particularly challenging year over the reporting period. In 2012–13 the New South Wales Government introduced major changes to the Motor Accidents scheme, which proposed substantial reductions to the common law rights of injured people and sought to drastically reduce the right to legal representation. These proposals came in the aftermath of the government's workers compensation changes, which were of a similar ilk. Although the committee up until recently had been focussed on discrete, incremental reforms to personal injury laws which would make a realistic difference for injured people, the government's proposals forced the committee on to a campaign footing for much of the reporting year.

Following the appointment of Stephen Campbell SC (as he then was) as a justice of the Supreme Court, Jeremy Gormly SC took over as committee chair.

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

- restore a proper balance between the competing demands of fair compensation for the injured and interests of the insurance premium paying public;
- bring the WorkCover and Motor Accidents schemes into line with the *Civil Liability Act 2002*

to create uniform thresholds and other provisions concerning all personal injuries;

- remove arbitrary methods of assessment under workers compensation and motor accidents legislation; and
- enable personal injury compensation to be determined by independent courts.

Through their participation on the government's joint Task Force, representatives of the committee were able to keep the bar informed of developments in the implementation of the workers compensation legislation during the reporting year. This process culminated in education sessions held for the legal profession in the Common Room in December 2012 on the operation of the new legislation.

In February 2013, the New South Wales Government released details of a proposed no fault compulsory third party scheme. Under the government's proposals, benefits for innocent victims of motor accidents were substantially reduced, along with a right to general legal representation.

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

the worst aspects of the government's proposals. The government however chose to ignore the profession's alternative proposal and proceeded with its no fault plan.

The Bar Association commenced an intensive lobbying campaign, along with selective media appearances by the president, Jeremy Gormly SC and committee members Andrew Stone and Elizabeth Welsh. Meetings were arranged with key government figures, the opposition, cross bench and others, detailing the shortcomings of the

At the time of writing, the government has announced a consultative roundtable at Parliament House to discuss aspects of the reforms. The Bar Association will be represented at the roundtable.

During 2012-13, the committee also prepared the association's submission to the Staysafe Committee Inquiry into Non-Registered Motor Vehicles dated 24 April 2013. Andrew Stone provided evidence to the committee on 24 June 2013 on the Bar Association's behalf.

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

government's proposal and promoting the legal profession's alternative proposal. Thanks are due to those additional committee members who took part in those discussions, including Andrew Morrison SC, Andrew Lidden SC, William Fitzsimmons and Paresh Khandhar. Although the Motor Accident Injuries Compensation Bill 2013 was introduced into the parliament and passed the Legislative Assembly in May, the bill stalled in the Legislative Council where it became apparent that serious concerns were held by members of the cross bench and opposition. The various concerns raised regarding aspects of the bill were in no small part due to the lobbying efforts of the association and other legal profession groups.

All members of the committee were generous with their time and efforts in what was an important year. Particular thanks are due to Jeremy Gormly SC, who assumed the chair's position at short notice at what was a particularly challenging time for the common law bar, and to Andrew Stone, who was a driving force behind the association's response to the motor accidents reforms.

The committee is again organising a function for the common law bar to be held later in 2013 to coincide with the anniversary of *Donoghue v Stevenson*. Last year's event was extremely successful in promoting collegiality at the common law bar.

HUMAN RIGHTS COMMITTEE

Making recommendations and promoting the administration of justice

The Human Rights Committee has dealt with a wide range of issues during the last year and organised a number of Continuing Professional Development seminars.

On 19 November 2012 the president of the Bar Association, Phillip Boulten SC, chaired a seminar a seminar entitled 'Addressing the 'immunity gap': accountability for Sri Lankan war crimes' exploring the ground-breaking work of the International War Crimes Evidence Project (ICEP), an Australian-led initiative that draws together international expertise in relation to the investigation and prosecution of those bearing high-level responsibility for war crimes. The seminar was presented by Mark Ierace SC, a member of ICEP's Committee of Experts and former prosecutor at the International Criminal Tribunal for the former Yugoslavia and Claire Hammerton, Project Manager of ICEP.

The committee also organised a seminar presented by the Hon Anthony Whealy QC, chair of the COAG Review of Counter-Terrorism Legislation, Bret Walker SC, Independent National Security Legislation Monitor, and Phillip Boulten SC who discussed national security and counterterrorism legislation and the appropriateness and effectiveness of Australia's current laws.

On 28 February 2013 Professor Andrew Byrnes, chair of the Australian Human Rights Centre at the University of New South Wales and member of the Human Rights Committee chaired a seminar entitled 'Human Rights Legislation and Parliamentary Scrutiny'. This was presented by the Honourable Harry Jenkins MP, chair of the Parliamentary Joint Committee on Human Rights and Ms Debbie Mortimer SC, who had appeared for and against the Victorian Government in cases involving the Victorian Charter of Human Rights and Responsibility which came into operation on 1 January 2007. The presentation included insight about the Parliamentary Joint Committee's role in elevating the consideration of human rights in the legislative process, some of the challenges faced and how the committee is working to overcome those challenges.

The committee also prepared submissions on a number of important issues.

- It provided input into the Law Council of Australia's submission on the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013*.
- The committee assisted the Indigenous Barristers' Strategy Working Party with the drafting of the Bar Association's Reconciliation Action Plan.
- The Bar Council approved a submission prepared by the committee on the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012* which was provided to the Law Council.
- The Bar Council also approved comments prepared by the committee on Draft Law Council Policy Statements on the Principles applying to Detention.

The committee prepared a submission on behalf of the association for a Parliamentary Inquiry into Racial Vilification Law in New South Wales. The committee also represented the association at the hearing and a further submission was drafted to respond to questions taken on notice.

Some of the committee meetings during the last year were attended by a member of the Bar Human Rights Committee of England and Wales and there was discussion about collaboration between the two committees.

The chair of the committee met with Mr Ken Roth, executive director of Human Rights Watch Australia, and the committee subsequently made a submission to the Federal Government in support of a successful application by Human Rights Watch Australia to be listed as a Deductible Gift Recipient (DGR) in the tax code.

Some of the committee meetings during the last year were attended by a member of the Bar Human Rights Committee of England and Wales and there was discussion about collaboration between the two committees.

The committee corresponded with the Honourable Paul Lynch MP, the shadow attorney general,

in relation to Mr Lynch's proposal to amend the *Interpretation Act 1987* (NSW).

The chair and some members of the committee also met with Professor Gillian Triggs, president of the Australian Human Rights Commission, to congratulate her on her appointment and to discuss issues of mutual interest.

FAMILY LAW COMMITTEE

Making recommendations and promoting the administration of justice

Funding for the Commonwealth courts exercising jurisdiction in family law matters remains an ongoing significant concern. However, the recent announcement of the appointment of two judges in the Parramatta Registry of the Family Court of Australia is very welcome news. Further appointments are desperately required in the Sydney Registry.

During the course of this year this committee has:

- Provided submissions in relation to arbitration in family law;
- contributed to the CPD programme;
- made extensive submissions in respect of the NSW Government Child Protection Legislative Reform Discussion Paper;
- provided delegates to the Children's Court Advisory Committee;
- made submissions to the Family Law Council on

surrogacy and family formation and review of parentage laws;

- provided nominees to serve on the NSW Legal Aid Review Committee;
- provided delegates to the NSW Legal Aid Care and Selection Committee which is charged with appointing panel lawyers in Legal Aid in the Children's Court; and
- provided nominees to a working group for Supreme Court adoption applications.

LEGAL ASSISTANCE REFERRAL SCHEME

Promoting access to justice



Photo: iStockPhoto

In 2012–13 the Bar Association's staff received in the order of 500–600 enquiries about legal assistance and related matters. Many enquiries were made by persons visiting the association's offices unannounced. All legal assistance enquiries were addressed to the best of our ability.

For the 2012–13 financial year, 257 formal applications for assistance were received and processed. This is an increase of approximately three per cent compared to the same period last year. Of the 257 applications, 117 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 2750 hours of work through the Scheme, with 44 matters still in the court system. This was made up of 1500 hours of work in matters referred in the current period and an additional 1250 hours of work in continuing matters commenced in the previous financial year.

Since the scheme's inception in 1994 barristers have contributed approximately 42,600 hours of work.

The Law & Justice Foundation Awards

In October 2012 LARS was nominated for the Pro Bono Partnership Award sponsored by the National Pro Bono Resource Centre. The nomination recognised the contribution of members of the bar in the Off Shore Asylum Seekers Project. The project was a joint initiative with the Public Interest Law Clearing House, Legal Aid NSW, the Law Society of NSW, migration support groups, and firms of solicitors. Collaboration was undertaken to devise a strategy, request expressions of interest, provide training and ultimately provide specialised legal advice and representation to vulnerable off-shore asylum seekers, ensuring they received the same assistance as on-shore arrivals. The scheme was launched in June 2011 and continued to March 2012 when the Department of Immigration and Citizenship commenced processing offshore asylum seekers in the same manner as onshore arrivals.

The Law Kitchen (TLK)

The Law Kitchen (TLK) has as its objectives the provision of free legal services to persons who are transiently, episodically or chronically homeless. The Bar Association has continued to allocate a dedicated solicitor employee to assist a member of the bar, Mr Les Einstein, in advice sessions for the Woolloomooloo community at the *BackShed Café* managed by the Hope Street organisation. A member of the association's staff also assists by taking phone calls and referring the clients to the most

appropriate service provider. This arrangement has enabled both TLK and Hope Street to provide a more holistic service where legal assistance, social work, counselling and a coffee are all accessible to some of the most marginalised individuals and families in Sydney.

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

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 Pro Bono Solicitor and a solicitor from PILCH, the Manager of the scheme met with customer service officers at LawAccess to outline the scheme's guidelines and give feedback as to the outcomes of the referrals made by LawAccess to the scheme. It was pleasing to note there was a 60 per cent increase in the number of referrals made by LawAccess to the scheme. The executive director of the Bar Association is a board member of LawAccess. The association's deputy executive director, who oversees the operation of LARS, is a member of the LawAccess NSW Strategy Committee and deputises for the executive director at LawAccess board meetings and at meetings of the trustees of the Pro Bono Disbursement Fund when he is not available.

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

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

- In conjunction with a member of the bar, established a panel of barristers willing to assist in coronial inquests.

- Hosted an afternoon tea for 19 students working with the Public Interest Advocacy Centre. The students expressed great interest in the workings of the scheme and gave very positive feedback.
- Attended the Parramatta launch of the Legal Aid Settlement Services International Program to assist newly arrived migrants.
- Attended the Pro Bono Conference in Melbourne.
- Attended a seminar hosted by Legal Aid to promote the work of the Migrant Resource Centre
- Attended a DLA Piper presentation hosted by Amnesty International on the plight of Afghan women.
- Made a presentation at Legal Aid to solicitors from community legal centres
- Attended the launch by the Hon Tanya Plibersek of the Refugee Advice & Casework Centre's Family Reunion program at the offices of PILCH.
- Attended the Refugee Review/Migration Review Tribunals' Open Day which included a mock asylum seeker hearing.
- Attended various PILCH functions/meetings which covered unfair dismissal; organisational issues for the Off-Shore Asylum Seekers' Project; the situation in Nauru and the farewell to PILCH in its present form.

Volunteers encouraged

In 2012-13, the executive director and the manager of the scheme made a presentation to new barristers at the bi-annual Bar Practice courses, with a pleasing response for volunteers 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

LEGAL ASSISTANCE REFERRAL SCHEME

Promoting access to justice

pro bono schemes.

Barristers' Referral Service

The Barristers' Referral Service is aimed at addressing the increasing number of requests to the association for assistance in obtaining the services of a barrister. Enquiries are directed to the association's website under 'Find a Barrister', which has been visited 262,469 times over the past twelve months. This avenue of assistance is invaluable for many applicants who have not qualified for assistance through LARS on financial grounds. If the enquirer does not have access to the internet, staff fax or post them a list of barristers in the relevant area of practice.

Duty Barrister schemes

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

Barristers are rostered to attend each day at the courts. The schemes were promoted to readers at each of the Bar Practice courses, which resulted in a healthy number of additional volunteers being added to the roster.

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

Court appointed pro bono schemes

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

the bar and in cases where there is insufficient time for a judge/magistrate or registrar to make a referral under their own schemes, on Bar Association and LARS staff.

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

There have been many difficult phone calls, which often involve multiple calls from the one person, or from different individuals, which are dealt with by the Scheme. Reception staff of the association also have to deal with the applicants who attend unannounced. Staff have received training in dealing with difficult clients and in how to identify, and deal with, those clients suspected of having a mental illness.

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.

Conclusion

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

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

Case studies

A young woman with an intellectual disability came to the scheme for assistance in relation to proceedings in the retail and tenancy division of the Administrative Decisions Tribunal. She had entered into a lease to start an arts café but the development application she had lodged with the local council was not approved. In those circumstances, the lease required her to provide notice to the lessor that the lease would come to an end. The client claimed that the lessor had agreed to an extension of time for that notice so that she could continue to pursue the development application. The issue in contention at the tribunal was whether such extensions had been agreed. The lessor claimed that there was no such agreement, and by not lodging a Notice of Termination, the client was liable for the rent for the period of the lease.

Mediation ordered by the tribunal had failed. The client's life savings were held by the lessor as a deposit and were the subject of the dispute. A barrister agreed to appear at the hearing. Two days had been set down for the hearing, but this was insufficient, so the matter was adjourned for some months. Prior to the hearing resuming, the matter was settled.

The association received a letter of appreciation which said: 'The barrister was one of those rare people who renews one's faith in our system of justice, that perhaps, sometimes, it can be available to all and not just those with deep pockets. That the justice system isn't akin to an exclusive country club with entry granted only to the wealthy, that it can be as it should be for all its citizenry. I cannot thank the staff of the Legal Assistance Referral Scheme

and the New South Wales Bar Association enough for their help in getting the barrister to read my file in the first place. Please keep up the good work you do in LARS for those members of society who cannot afford or are in some other way unable to stand up for themselves.'

Salvos Legal referred a woman to the scheme in relation to a parental responsibility dispute with her ex-husband regarding their young daughter. She had been refused Legal Aid because her income slightly exceeded their threshold. In reality she was drowning in debt and was paying a large amount of child support to her ex-husband. The child had been living with the mother but the father had collected her from a city child-care centre refusing to return her to the mother as per previous arrangements. Both parents had made claims of abuse against the other in relation to their daughter. The day before the hearing the father's representatives filed a Notice of Ceasing to Act. On the day of the hearing the father tried desperately to have the matter adjourned to secure alternative representation. The barrister to whom the matter was referred pressed submissions that each day the child was not with her mother was causing the child additional stress. The judge agreed, noting that it was a very strong Family Report recommending that the child live with the mother. There were negotiations with the father outside court. On the morning of the third day of hearing, signed orders were handed up to the judge who ordered that the child be returned to live with the mother and spend four days a fortnight with the father.

LEGAL ASSISTANCE REFERRAL SCHEME

Promoting access to justice

A District Court judge referred a young man to the scheme for assistance in a court-appointed mediation. He had suffered serious injuries in a fall from a balcony and was suing the property owner for damages. There had been significant delay in bringing the matter to court as, amongst other things, a previous legal adviser had been struck off for malpractice. There was a large volume of documents to be considered. Senior counsel agreed

to assist with the help of junior counsel and appear before a registrar at the mediation. A settlement was brokered with the impecunious owner of the property whereby the limited funds received would allow a thorough forensic investigation into the liability of the architect and the local council which had approved the plans

Summary of th 2012-13 Legal Assistance Referral Scheme statistics

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 (almost 75 per cent) of those matters handled on a continuing basis
- Nearly 70 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
- A 20 per cent decrease in the number of unique hits on the Bar Association's website for legal assistance. This is consistent with the increase in the number of referrals from LawAccess, the courts and instructing solicitors this year.

A 70 per cent of the number of referrals received from judges/magistrates/Registrars

A 20 per cent increase in the number of matters received in the Federal Magistrates Court/Federal Circuit Court received from the Law Society Pro Bono Scheme and solicitors generally

Matters received in / from	Increase (decrease) in matters received (%)
Family Court of Australia	(60)
Fairwork Australia	100
Supreme Court of NSW	42
LawAccess	60
Tribunals	(35)
LegalAid NSW	(20)

LEGAL ASSISTANCE REFERRAL SCHEME STATISTICS

	2011-12	2012-13
High Court		
Application for special leave	2	1
Original jurisdiction	-	-
Total	2	1

Federal Court		
Full bench appeals	2	-
Immigration	9	5
Administrative	1	1
Discrimination	3	-
Intellectual property	-	2
Trade practices	-	3
Native title	1	-
Bankruptcy	1	3
Total	17	15

Federal Magistrates Court		
Discrimination	1	1
Family law - access	7	10
Family law - child support	-	1
Family law - residency	2	6
Family law - property settlement	8	1
Intellectual property	1	-
Industrial relations	1	1
Immigration	9	16
Bankruptcy	2	1
Total	31	37

Supreme Court		
Court of Appeal	8	7
Court of Criminal Appeal	8	8
Common Law	20	33
Administrative	3	5
Equity	20	21
Criminal	1	6
Corporations List	-	-
Commercial	-	-
Family Provisions	2	7
Defamation	1	-
Professional Negligence	2	5
Total	65	92

	2011-12	2012-13
Family Court of Australia		
Full bench appeals	1	-
Access	9	3
Residency	8	3
Child support	1	-
Spousal maintenance	-	-
Property settlement	7	5
Total	26	11

District Court		
Criminal	8	9
Civil	11	14
Care proceedings	8	3
Defamation	4	3
Professional negligence	-	2
Total	31	31

Local Court		
Criminal	17	11
Civil	10	19
Coronial inquest	1	-
Total	28	30

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

Tribunals		
Administrative Appeals Tribunal	13	4
Administrative Decisions Tribunal	7	10
Consumer Trader Tenancy Tribunal	2	3
Migration Review Tribunal	-	-
Victims Compensation Tribunal	3	1
Anti-Discrimination Board	-	-
Medical Tribunal	1	-
Guardianship Tribunal	1	-
Refugee Review Tribunal	4	1
Total	31	19

Land and Environment Court	5	5
AIRC-Fair Work Australia	4	8
NSW Industrial Rels. Comm.	5	1

LEGAL ASSISTANCE REFERRAL SCHEME STATISTICS

	2011-12	2012-13		2011-12	2012-13
Referral source			Rejection / No action		
Community legal centre	41	41	Outside guidelines	74	84
Law Society / solicitor	64	75	No further information received / no further contact from applicant	23	27
Member of the public	49	32	No longer requires LARS assistance	-	11
Legal Aid	33	26	Subject to Federal Court RRT LAS	7	6
LawAccess	21	24	Subject to Federal Court LAS	3	-
Judge / magistrate / registrar	19	32	Subject to Supreme Court LAS	-	2
Member of the bar	15	15	Referred to community legal centre	-	-
Member of parliament	1	-	Briefed barrister to appear privately	3	4
PILCH	2	2	Briefed solicitor to appear privately	-	-
Pro bono director of a large firm	3	2	Matter discontinued	2	-
Welfare / community group	1	1	Unable to refer - insufficient resources	2	-
Attorney General's Department	1	2	Requires a migration agent	1	-
Internet	-	5	Too late notification	4	5
Client location			Matter dismissed	1	-
Sydney Metropolitan Area			Matter settled	2	-
West	69	71	Conflict of interest	-	1
North	38	44	Total	122	
South	40	42	Turnaround		
East	9		Same day	25	21
Inner City	18	17	Less than a week	28	36
Central Coast	8	9	1-2 weeks	27	24
Country	28	21	2 weeks plus	47	36
Prison	21	16	Total	127	117
Villawood Detention Centre	8	11	Basis brief accepted		
Interstate	7	9	No fee - merit assessment	127	117
Overseas	3	6	No fee - continuing involvement	93	87
Total	249	257	Reduced fee - continuing involvement	19	15
Types of work done			Speculative / costs recovery - continuing involvement	15	14
Merit assessment - no fee	127	117	Market rates - continuing involvement	-	1
Advice (over and above initial merit assessment)	92	71	Refused legal aid on basis of		
Conferences	43	42	Merit	28	37
Appearances	21	19	Financial	18	22
Matters settled	1	-	Outside guidelines	203	198
Appearances at hearing	32	29	Matters considered by a barrister to have legal merit / prospects of success		
Mediations	4	1	Yes	72	70
Other (inc. second opinion & preparation of submission)	15	15	No	55	47

PROFESSIONAL CONDUCT DEPARTMENT



The Professional Conduct Department's main function is to facilitate the investigation of complaints about barristers, show cause events, and other disclosures.

The department also:

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

Complaints

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

Complaints referred to the Bar Council are investigated by one of the four professional conduct committees established by the council. The

committees report to the Bar Council, which makes a determination in respect of each complaint.

In the course of 2012-13 the Bar Council investigated 84 complaints – 51 complaints that were made during the year and 33 complaints made in previous years but ongoing as at 1 July 2012. Of those investigations, 37 were finalised during the year – 26 complaints were dismissed, three resulted in the barrister being cautioned, the Bar Council determined to refer three matters to the Administrative Decisions Tribunal, one matter was resolved as a consumer dispute and four matters were withdrawn. In addition five complaint investigations have been suspended – one at the request of the legal services commissioner and the others on the basis that the Bar Council has commenced proceedings in the Court of Appeal in relation to the former barrister the subject of the complaints.

A complainant may apply to the legal services commissioner for a review of decision by the Bar Council to dismiss a complaint or to caution or reprimand a barrister. In 2012-13 the legal services commissioner completed reviews of four Bar Council decisions to dismiss a complaint (two of those Bar Council decisions were made in the year 2011-12 and two in 2012-13). In all matters the commissioner confirmed the council's decision to dismiss the complaint.

PROFESSIONAL CONDUCT DEPARTMENT

Show cause events

Under the *Legal Profession Act 2004* barristers must notify the Bar Council of show cause events, that is, certain bankruptcy matters or a conviction for a serious offence or a tax offence. The Act requires the Bar Council to investigate show cause events and determine whether the barrister is a fit and proper person to hold a barrister's practising certificate. These investigations are also carried out by the Professional Conduct committees. In 2012–13 one barrister notified the Bar Council of a conviction for a serious offence and there were seven show cause events related to bankruptcy matters and one related to both bankruptcy matters and tax offences. Seven investigations were completed. In each the Bar Council determined that the barrister was a fit and proper person to hold a barrister's practising certificate and conditions were placed on the practising certificates of six of the barristers.

Professional conduct committees

There are four professional conduct committees. Each committee is chaired by a member of the Bar Council who is a senior counsel. Committees are comprised of barrister members and community members. The committees may also include a legal academic. The deputy directors of the Professional Conduct Department serve as secretaries of the committees. The committees held 39 meetings in total during the reporting year.

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

Community representation on the professional conduct committees is vital to the proper functioning of the complaints handling process. The Bar Council

would like to thank the community members who served on the committees for their significant contribution – Jenny-Lea Charlier, Pam Clay, John Davison, Jane Fry, Allan Gibson, Brian Gold, Dr Bernard Kelly AM, Lyn Langtry, Jennifer Mason, Anthony Pang, Francis Payne OAM, Bill Purdue, Patrick Smith, Jim Tsirimiagos and Rachel Williams.

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

The Bar Council wishes to express its sincere appreciation to the 61 barristers who served on the professional conduct committees in 2012–13. Their service demonstrates the ongoing commitment of the profession to ensuring complaints regarding the conduct of barristers are fully investigated and appropriate disciplinary action taken in the interests of professional standards and maintaining public confidence in the profession.

Ethical guidance and information

The Bar Association Ethical Guidance Scheme enables barrister members of the association to seek ethical guidance from the senior counsel then serving on the association's professional conduct committees. Twenty eight senior counsel were available to assist members in 2012–13. Most calls are initially directed to the association's Professional Conduct Department. The department also receives calls from barristers, solicitors and members of the public enquiring about the Legal Profession legislation, Barristers' Rules, conduct issues and the processes relating to complaints and show cause events. In 2012–13 the officers of the professional conduct department received close to 300 calls seeking either ethical guidance or information.

PROFESSIONAL CONDUCT STATISTICS

Number & type of complaints made to the Bar Council during the year	
Figures comprise complaints referred by the legal services commissioner to the Bar Council for investigation and complaints made by the Bar Council	
Type of complaint	Number
Breach of Barristers' Rules	5
Breach of Legal Profession Act / Regulation	1
Cost issues	5
Other conduct	0
Unsatisfactory advice and representation	40
Total number of complaints	51

Source of complaints made to the Bar Council during the year	
Complainant	Number
Bar Council	7
Barrister	1
Client/former client	26
Government department / statutory body	1
Instructing solicitor	4
Legal services commissioner	5
Opposing party	3
Opposing solicitor	2
Other	2
Total number of complaints	51

Number of consumer disputes referred to mediation during the year
Nil

PROFESSIONAL CONDUCT STATISTICS

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

Note: No matters were investigated by an independent investigator under s 532 LPA 2004

Figures include complaints remaining under investigation as at 30 June 2013, all complaints in respect of which the Bar Council made a decision and complaints that were withdrawn during the year.

Complaint type	Complaints investigated that were made during the year	Complaints investigated that were made in previous years
Breach of Barristers' Rules	5	5
Breach of Legal Profession Act / Regulation	1	0
Cost issues	5	1
Other conduct	0	3
Unsatisfactory advice and representation	40	24
Sub-totals:	51	33
Total number of complaints investigated:		84

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

Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Barristers' Rules	1	3
Cost issues	0	1
Other conduct	0	3
Unsatisfactory advice and legal representation	5	13
Sub-totals	6	20
Total number of complaints dismissed:		26

Number and type of complaints in respect of which an Australian lawyer was reprimanded or cautioned during the year by the Bar Council

Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Barristers' Rules	0	1
Unsatisfactory advice/representation	0	2
Sub-totals	0	3
Total number of reprimands or cautions:		3

Number and type of complaints withdrawn during the year by the Bar Council		
Complaint type	Complaints made during the year	Complaints made in previous years
Unsatisfactory advice and representation	2	2
Sub-totals	2*	2
Total number of complaints withdrawn		4
* In addition one complaint was resolved as a consumer dispute		

Number and type of complaints referred by the Bar Council to the Administrative Decisions Tribunal during the year		
Complaint type	Complaints made during the year	Complaints made in previous years
Breach of Legal Profession Act / Regulation	1	0
Unsatisfactory advice and representation	1	1
Sub-totals	2	1
Total number of complaints withdrawn		3

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

Nil

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

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

Barrister / former barrister	Findings	Penalty
James Mathew Miller	14/12/2011 unsatisfactory professional conduct and professional misconduct	4/07/2012 order that name be removed from the Roll of Legal Practitioners
David Claude Fitzgibbon	127/03/2012 unsatisfactory professional conduct	27/07/2012 reprimand
Christine Nash	29/10/2012 professional misconduct	26/3/2013 order that name be removed from the Roll of Legal Practitioners
Asuzu	31/08/2011 unsatisfactory professional conduct and professional misconduct*	30/05/2012 reprimand and conditions to be attached to practising certificate

An appeal has been lodged by the former barrister

During the 2012/2013 year the Bar Council commenced proceedings in the Supreme Court against John Bernard Costigan, a former barrister. On 28 March 2013 the Supreme Court ordered that pursuant to s 720 of the *Legal Profession Act 2004* John Bernard Costigan be restrained from engaging in legal practice in contravention of s 14 of the *Legal Profession Act 2004*.

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

Note: All complaints are at the stage where they remain under investigation

Age of complaints not finally dealt with at the end of the year	Number	Complaints made in year ending 30 June
Up to three months	20	2013
Between four and six months	7	2013
Between seven and twelve months	13^	2012
Between thirteen and eighteen months	5	2012
Between nineteen and twenty four months	2	2011
Total	47	

^ This figure includes 2 complaint investigations that have been suspended

* This figure includes 3 complaint investigations that have been suspended.

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

Note: Figures relate to complaints in respect of which a decision was made by the Bar Council during the year

Time intervals between receipt of complaint and decision of the Bar Council	Number
Up to six months	14
Between seven & twelve months	14
Between thirteen and eighteen months	3
Between nineteen and twenty-four months	1
Total	32

COMMITTEES OF THE BAR ASSOCIATION

For the year 2012-13

Alternative Dispute Resolution

Angela Bowne SC (chair)
Peter Callaghan SC
Campbell Bridge SC
Robert Angyal SC
Ian Davidson SC
Anthony Lo Surdo SC
Richard Bell
Mary Walker
Rashda Rana
Julia Soars
Deborah Robinson
Andrew Fox
Jonathon Kay Hoyle

Bar News

Jeremy Stoljar SC (editor)
Keith Chapple SC
Arthur Moses SC
Richard Beasley
David Ash
Kylie Day
Sera Mirzabegian
Jenny Chambers
Daniel Klineberg
Nicolas Kirby
Catherine Gleeson
Victoria Brigden
Therese Catanzariti
Caroline Dobraszczyk
Fiona Roughley

Common Law

Jeremy Gormly SC (chair)
Chris Barry QC
Andrew Morrison SC
Simon Harben SC
Phil Doherty SC
Richard Cavanagh SC
Lorna McFee
Greg Hickey
William Fitzsimmons
Eugene Romaniuk
Dominic Priestley
Andrew Stone
Elizabeth Welsh
Luke Morgan
Paresh Khandhar

Costs and Fees

Mark Brabazon SC (chair)
Garry McGrath SC
John Sharpe
Michael Eagle
James T Johnson
Philippe Doyle Gray
Simon Phillips
Justin Hogan-Doran
Janet McDonald

Criminal Law

Stephen Odgers SC (chair)
Nicholas Cowdery QC
Tim Game SC
Ian McClintock SC
Phillip Boulton SC
John Stratton SC
Robert Bromwich SC
Greg Scragg
Gabriel Wendler
David Patch
Ian Bourke
Sally Dowling
Nicole Noman
Matthew Johnston
Gabrielle Bashir
Jennie Girdham
Richard Wilson
Kieran Ginges
Ertunc Ozen
Ian Nash
Kara Shead
Lester Fernandez

Equal Opportunity

Trish McDonald SC (chair)
Virginia Lydiard
Phillipa Gormly
Sally Dowling
Kate Eastman
Rhonda Bell
Jeunesse Chapman
David J Price
Anthony McGrath
Ashok Kumar
Peter Bruckner
Melissa Fisher
Hakan Sonmez

Anthony Cheshire
Jennifer Single
Sarah Talbert

Family Law

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

Health, Sport and Recreation

Zali Steggall (chair)
David Robinson SC
Andrew Coleman SC
Anthony Lo Surdo SC
Greg Scragg
Robert Montgomery
John Malcolm Harris
Richard Perrignon
Andrew Scotting
Adam Casselden
Nicholas Newton
Narelle Butler
Sean Docker
Daniel Tynan
Michael Gleeson

Human Rights

Sarah Pritchard (chair)
Nicholas Cowdery QC
Melissa Perry QC
Richard Lancaster SC
Anne Healey
Simeon Beckett
Kate Eastman
Tony McAvoy
Andrew Naylor
Sean Docker
Reg Graycar
Jonathan Kay Hoyle
Trent Glover

COMMITTEES OF THE BAR ASSOCIATION

For the year 2012-13

Laura Thomas
Prof Andrew Byrnes
Sheryn Omeri

New Barristers

Sophie Callan (chair)
Patrick Knowles (deputy chair)
Nicolas Kirby
Daniel Klineberg
Jane Paingakulam
Catherine Gleeson
Anthony Kaufmann
James King
Matthew Graham
Monica Neville
Samantha King
Hilbert Chiu
Claire Latham
Awais Ahmad
David Scully

Legal Aid

Ian McClintock SC (chair)
Tim Game SC
Phillip Boulten SC
Stephen Hanley SC
Alex Radojev
Neil Jackson
Maria Cinque
Ertunc Ozen
Ian Nash
Esther Lawson
Benjamin O'Donnell

Practice Development

Richard McHugh SC (chair)
Robert Dick SC
Ian Hemmings
Elizabeth Cheeseman
Michelle Painter
Michael McHugh
Eugene Romaniuk
Peter Lowe
Kylie Day
Patrick Knowles
Nick Tiffin

PCC#1

Tim Game SC (chair)
David Higgs SC
Tony Payne SC
Geoffrey Johnson SC
Richard Weinstein SC
Peter Russell
Kylie Nomchong
Julia Loneragan
Michael McHugh
Dominic Villa
Edward Muston
Madeleine Avenell
Scott Maybury
Michael Izzo

PCC #2

Ian Temby AO QC (chair)
Tim Hale SC
Philip Doherty SC
Gregory Nell SC
Trish McDonald SC
Alister Henskens SC
Dominic Toomey
Hugh Stowe
Rashelle Seiden
Justin Young
David McLure
Jeanette Richards
Mark Seymour
Scott Aspinall
Eva Elbourne

PCC #3

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

PCC #4

Justin Gleeson SC (chair)
David Williams SC
Peter Hamill SC
Mark Hobart SC
Julia Baird SC
Virginia Lydiard
Stephen Climpson
Elizabeth Cheeseman
Miles Condon
Matthew White
Kate Williams
Fenja Berglund
Sophie Callan
Yaseen Shariff

Professional Indemnity Insurance Working Group

Garry Rich (chair)

Constitutional and Administrative Law Section

Neil Williams SC (convenor)
Stephen Free (secretary)
Katherine Richardson (secretary)

Industrial Law Section

John West QC (convenor)
Shane Prince (secretary)

Women Barristers Forum

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

STATUTORY APPOINTMENTS

For the year 2012-13

Aboriginal and Torres Strait Islander Health Practice Tribunal

Deputy chair

The Hon Jennifer Boland AM

Members

The Hon Graham Mullane

Michael Joseph SC

Peter Dwyer

Mark Lynch

Ian Newbrun

Robert Titterton

Administrative Appeals Tribunal

Senior members

Peter Taylor SC

Dean Letcher QC

Administrative Decisions Tribunal

Community Services Division

Deputy president

Sigrid Higgins

Judicial members

The Hon Graham Mullane

Louise Goodchild

General Division

President

His Honour Judge K O'Connor AM

Deputy president

Peter Callaghan SC

Legal Services Division

Deputy president & divisional head

The Hon Justice WR Haylen

Deputy president

David Patten

Judicial members

The Hon Graham Mullane

Paul Blacket SC

Sharron Norton SC

Lionel Robberds QC

Robertson Wright SC

Equal Opportunity Division

Judicial members

Richard Perrignon

Robertson Wright SC

Retail Leases Division

Deputy presidents

Peter Callaghan SC

David Patten

Judicial member

The Hon Graham Mullane

Revenue Division

Deputy president & divisional head

Rashelle Seiden

Judicial member

Richard Perrignon

Australian Taxation Office Legal Practitioners Forum

Holger Sorensen

Chinese Medicine Tribunal

Deputy chair

The Hon Jennifer Boland AM

Members

The Hon Graham Mullane

Michael Joseph SC

Peter Dwyer

Mark Lynch

Ian Newbrun

Robert Titterton

Chiropractic Tribunal

Deputy chairperson

Phillipa Gormly

Companies Auditors and Liquidators Disciplinary Board

Chair

Howard Insall SC

Council for Law Reporting

Michael Sexton SC

Phillip Boulten SC

Peter Brereton SC

Richard Lancaster SC

Mark Leeming SC

Mark Robinson SC

Sophie Callan SC

Todd William Marskell

DNA Review Panel

Chairperson

Kenneth Shadbolt

Members

Keith Alder

Paul Winch

Dental Tribunal

Deputy chairperson

The Hon Graham Mullane

Members

The Hon Jennifer Boland AM

Michael Joseph SC

Ian Newbrun

Robert Titterton

Peter Dwyer

Mark Lynch

Guardianship Tribunal

Legal members

Robert Quickenden

Shaun McCarthy (part-time)

The Hon Jennifer Boland AM

Independent National Security Legislation Monitor

Bret Walker SC

STATUTORY APPOINTMENTS

For the year 2012–13

Judicial Commission

President

The Hon TF Bathurst

Members

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

Legal Aid Commission

Board members

Stephen Hanley SC
Alternate: Tim Game SC
Annette Bain

Legal Aid review committees

Committee No.1

Paul Blacket SC

Committee No.2

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

Committee No.3

Ian Bourke
Alternate: Christopher O'Donnell

Family Law Legal Aid Review Committee No.1

Gregory Moore
John Berry OAM
Alternate: Elizabeth Boyle

Family Law Legal Aid Review Committee No.2

Esther Lawson
John Levy

Legal Aid Monitoring Committee

Phillip Boulten SC

Legal Aid Public Interest Human Rights Committee

Sarah Pritchard
Alternate: Nick Poynder

Legal Profession Admission Board

Board members

Garry McGrath SC
Margaret Allars

Legal Qualifications Committee

John Fernon SC
Susan Leis
Elizabeth Picker

Examinations Committee

Michael Christie SC

Law and Justice Foundation Board

John Sheahan SC

Law Week Board

Philip Selth OAM

Medical Radiation Practice Tribunal

Deputy chair

The Hon Jennifer Boland AM

Members

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

Medical Tribunal

Deputy chair

His Honour Judge P Johnstone

Members

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

Motor Accidents Authority

Claims Assessment and Resolution Service

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

Nursing and Midwifery Tribunal

Chair

The Hon Jennifer Boland AM

Deputy chair

The Hon Graham Mullane

Members

Michael Joseph SC
Ian Newbrun
Robert Titterton
Peter Dwyer
Mark Lynch

Occupational Therapy Tribunal

Deputy chair

The Hon Jennifer Boland AM

Members

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

Optometry Tribunal

Deputy chair

Phillipa Gormly

Patent and Trademarks Attorneys Disciplinary Tribunal

Katrina Howard SC

Osteopath Tribunal

Deputy chair

Phillipa Gormly

COURT COMMITTEES AND WORKING PARTIES

For the year ended 30 June 2013

Pharmacy Tribunal

Chairperson

Peter Dwyer

Member

Mark Lynch

Physiotherapy Tribunal

Deputy chair

The Hon Graham Mullane

Members

The Hon Jennifer Boland AM

Michael Joseph SC

Ian Newbrun

Robert Titterton

Peter Dwyer

Mark Lynch

Podiatry Tribunal of NSW

Deputy chair

The Hon Graham Mullane

Members

The Hon Jennifer Boland AM

Michael Joseph SC

Ian Newbrun

Robert Titterton

Peter Dwyer

Mark Lynch

Psychology Tribunal of NSW

Deputy chair

The Hon Graham Mullane)

Members

The Hon Jennifer Boland AM

Michael Joseph SC

Ian Newbrun

Robert Titterton

Peter Dwyer

Mark Lynch

Professional Standards Council

Brian Rayment QC

Sentencing Council

Deputy chair

The Hon Justice A Whealy

Members

Nicholas Cowdery AM QC

Mark Ierace SC

Lloyd Babb SC

Tax Practitioners Board

Part-time member

His Honour P Whitford SC

Workers Compensation Commission

President

His Honour Judge G Keating

Senior full-time arbitrators

Deborah Moore

Michael Snell

Full-time arbitrators

Brett Batchelor

Elizabeth Beilby

Grahame Edwards

Michael McGrowdie

Part-time arbitrator

Richard Perrignon

Sessional arbitrators

Jeffrey Phillips SC

Bruce McManamey

Christopher Wynyard

William Dalley

Carolyn Rimmer

Lorna McFee

John Harris

Ross Stanton

Federal Court of Australia User Committee

Malcolm Oakes SC
Richard Cobden SC
Rhonda Henderson

Family Court of Australia Case Management Committee

Grahame Richardson SC

Supreme Court committees

Uniform Rules Committee

Carol Webster SC
Mark Walsh (deputy)

Rule Committee

Carol Webster SC
Mark Walsh (deputy)

Admiralty Users Group Committee

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

ADR Steering Committee

Angela Bowne SC
Mary Walker

Criminal Trial Efficiencies Working Group

Stephen Odgers SC

Commercial List Users Committee

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

Common Law Division Civil Users Committee

Peter Deakin QC
Tony Hewitt SC
Lorna McFee

Corporations List Users Group

Malcolm Oakes SC
Robert Newlinds SC
James Thomson
James Johnson

Equity Liaison Group

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

Probate Users Group

Michael Willmott SC

Court of Appeal Users Group

John Maconachie QC
David Davies SC

Court of Criminal Appeal Users Group

Stephen Odgers SC

District Court

Rule Committee

Paresh Khandhar

Civil Business Committee

Peter Deakin QC
Larry King SC

Criminal Listings Review Committee

Kate Traill

Land and Environment Court Users Group

Thomas Howard

Local Court

Rule Committee

Warwick Hunt

Workers Compensation Commission Users Group

Gregory Beauchamp
David Baker (alternate)

MEMBERS APPOINTED TO STATE AND FEDERAL COURTS

For the year ended 30 June 2013

Supreme Court of New South Wales

The Hon Justice Geoffrey Lindsay
The Hon Justice Arthur Emmett
The Hon Justice Francois Kunc
The Hon Justice Fabian Gleeson
The Hon Justice Mark Leeming
The Hon Justice Stephen Robb

District Court of New South Wales

His Honour Judge Ian McClintock SC
His Honour Judge Christopher Craigie SC
Her Honour Judge Sarah Huggett
His Honour Judge Antony Townsden
His Honour Judge Peter Whitford SC

New South Wales Local Court

Magistrate Derek Lee
Magistrate Mark Douglass
Magistrate Karen Robinson

High Court of Australia

The Hon Justice Stephen Gageler
The Hon Justice Patrick Keane

Federal Court of Australia

The Hon James Allsop AO

Family Court

The Hon Justice Murray Aldridge

Federal Circuit Court of Australia

Judge Suzanne Jones

COURT LIAISON MEMBERS

For the year ended 30 June 2013

Supreme Court Possessions List Users Group

Brendan Burke

Industrial Relations Commission

Max Kimber SC

Local Court

Lester Fernandez

High Court of Australia

David Jackson AM QC

Federal Court

Malcolm Oakes SC
Richard Cobden SC
Rhonda Hendersen

Family Court of Australia

Grahame Richardson SC

Federal Magistrates Court

Kate Morgan

APPOINTMENTS TO NATIONAL LEGAL PROFESSIONAL BODIES

AS AT 30 JUNE 2013

Law Council of Australia

Director

Jane Needham SC

Alternate Director

Philip Selth OAM

Access to Justice Committee

Christopher Whitelaw

AustLII Working Group

Philip Selth OAM

Jennifer Pearce

Alternative Dispute Resolution Committee

Chair

Mary Walker

Anti-Money Laundering Working Group

Tim Game SC

Australian Young Lawyers Committee

Jennifer English

Client Legal Privilege Advisory Committee

Cameron Moore SC

Dr Ruth Higgins

Equalising Opportunities in the Law Committee

Patricia McDonald SC

FOI Reform Working Group

Philip Selth OAM

National Occupational Health and Safety Review Working Group

Mark Cahill

Ingmar Taylor

Indigenous Legal Issues Committee

Chris Ronalds SC

Dr Sarah Pritchard

Anthony McAvoy

Judicial Issues Working Group

Philip Selth OAM

Model Conduct Rules Working Group

Jennifer Pearce

Military Justice System Working Group

Dr James Renwick

Model Equal Opportunity Briefing Policy Working Group

Trish McDonald SC

(alt Julie Baird SC)

Dominique Hogan-Doran

National Criminal Law Committee

Tim Game SC

Bret Walker SC

Stephen Odgers SC

Phillip Boulton SC

National Profession Harmonisation Committee

Philip Selth OAM

Human Rights Bill Adviser

Nicholas Cowdery AM QC

Australian Advocacy Institute

Her Honour Judge Ann Ainslie-Wallace

REPRESENTATIVES ON EDUCATIONAL BODIES

For the year ended 30 June 2013

Legal Profession Admission Board

Jeremy Gormly SC

Garry McGrath SC

Legal Qualifications Committee

John Fernon SC

Susan Leis

Elizabeth Picker

Law Examinations Committee

Michael Christie

University of NSW

Faculty of Law

Anne Healey

Notre Dame University, Sydney

Richard Perrignon

University of Western Sydney

External Law Advisory Committee

Robert O'Neill

University of Wollongong

Faculty of Law, Visiting Committee

Bruce Collins QC

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

The financial statements were authorised for issue by the directors on 5 September 2013. The directors have the power to amend and reissue the financial statements.

DIRECTORS' REPORT

The directors present their report together with the financial statements of The New South Wales Bar Association ('the association') for the year ended 30 June 2013 and the auditors' report thereon.

Directors

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

P Boulten SC	V Lydiard	E Peden	D Toomey
T Game SC	McGrath SC	Z Stegall	K M Trill
A Healey	M McHugh SC	A Street SC	M Walker
W Hunt	J Needham SC	I Temby QC	

The following persons were directors from the beginning of the financial year to 9 November 2012:

B Coles QC	C Loukas SC	K Nomchong SC	D Smallbone
J Gleeson SC			

The following persons were directors from 9 November 2012 up to the date of this report:

S Callan	J Hyde Page	A Moses SC
N Hutley SC	M McMahon	A Stone

G Lindsay SC resigned on 26 July 2012. P Hamill SC was appointed on the same day, resigning on 9 November 2012.

All directors are practising barristers.

DIRECTORS' REPORT

Principal activities

The principal activities of the association during the course of the financial year were to conduct the affairs of The New South Wales Bar Association including:

- Running various programmes for the benefit of members of the association, including Professional Development, ABA Member Benefits, Cost Recovery Assistance, BarCare, social programs and the publications of reports, briefings and ancillary publications. In addition, operating the association's library and administering the association's Professional Standards Scheme;
- Making various representations to government and government agencies on specific legal policy and practice issues as they arise;
- Working with media organisations and other bodies in order to disseminate the bar's position on key issues to the public;
- Co-ordination of the provision of pro bono or reduced cost legal services to underprivileged sections of the public through the association's Legal Assistance Referral Scheme; and
- Fulfilling the association's statutory duties in relation to the regulation of the legal profession through the work of its Professional Conduct Committees and the Bar Council;
- There were no significant changes in the nature of these activities during the financial year.

Short and long term objectives and strategies

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

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

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

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

Strategies and performance

Each year the incoming Bar Council is to review progress made over the preceding 12 months in achieving the stated objectives. The Bar Council has developed a Strategic Plan which charts many of the association's objectives for the next three years.

DIRECTORS' REPORT

Review and results of operations

The association continued to engage in its principal activity during the financial year. The comprehensive income of the association for the year ended 30 June 2013 was \$335,225 (2012: \$221,365). This result represents an increase of \$113,860 in comprehensive income from the prior year.

Association particulars

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

174 Phillip Street
Sydney NSW 2000

Meetings of directors

From 1 July 2012 to 30 June 2013 there were 21 meetings.

Meetings of the Finance, Investment and Audit Committee

From 1 July 2012 to 30 June 2013 there were 4 meetings.

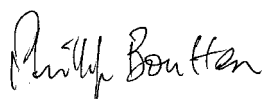
Name	Meetings attended	Meetings held
Bernard Coles QC	0	2
Ian Temby QC (chair to 14/11/12)	2	2
Anne Healey	3	4
Kylie Nomchong	2	2
Michael McHugh SC(chair from 15/11/12)	3	4
Dominic Toomey	3	4
Noel Hutley SC	2	2
Arthur Moses SC	1	1

MEMBERS' GUARANTEE

If the Bar Association is wound up, the Constitution states that each member is required to contribute to meet all outstanding obligations of the association and any such amounts as may be required, but not exceeding \$4 per member. The association had 2,924 members at balance date, and the total that members are liable to contribute is \$11,696.

Auditor's independence declaration

A copy of the Auditor's Independence Declaration as required under section 307C of the *Corporations Act 2001* given to the directors by the lead auditor for the audit undertaken by HLB Mann Judd is included on page 66. The report is made in accordance with resolution of directors made pursuant to section 298(2) of the *Corporations Act 2001*.



P Boulton SC
President



M McHugh SC
Treasurer

Sydney
5 September 2013

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 2013, I declare that, to the best of my knowledge and belief, there have been no contraventions of

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



D K Swindells
Partner

Sydney
5 September 2013

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2013

	Notes	2013 \$	2012 \$
Revenue from continuing operations	2	7,914,432	8,188,617
Employee benefits expense		(3,575,371)	(3,449,324)
Legal and professional fees		(805,341)	(1,208,181)
Subscriptions		(745,593)	(666,707)
Communications and information technology expense		(208,930)	(206,832)
Depreciation and amortisation expense		(448,922)	(597,268)
Occupancy expense		(592,101)	(591,280)
Advertising and marketing expense		(193,301)	(246,883)
Financial expense		(158,521)	(149,195)
Seminar and function expense		(271,795)	(288,742)
Other expenses from ordinary activities		(595,598)	(468,768)
Profit (loss) on sale of available-for-sale financial assets		8,741	(7,620)
Surplus before income tax expense		327,700	307,817
Income tax (expense)	3(a)	(10,551)	(66,652)
Net surplus		317,149	241,165
Other comprehensive income			
Changes in fair value of available-for-sale assets		17,082	(20,665)
Transfer to (from) profit or loss on sale of available-for-sale assets		8,741	(7,620)
Income tax (expense) credit relating to other comprehensive income		(7,747)	8,485
Other comprehensive income for the year, net of tax		18,076	(19,800)
Total comprehensive income		335,225	221,365

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2013

	Notes	2013 \$	2012 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	15	5,935,824	6,709,177
Receivables		40,879	7,816
Held-to-maturity investments	4	4,041,477	3,425,269
Income tax receivable		27,422	-
Inventories		2,629	2,870
Other assets	6	161,357	226,397
TOTAL CURRENT ASSETS		10,209,588	10,371,529
NON-CURRENT ASSETS			
Other financial assets	5	1,825,809	458,307
Deferred tax assets		9,548	4,927
Property, plant and equipment	8	2,870,694	3,239,966
TOTAL NON-CURRENT ASSETS		4,706,051	3,703,200
TOTAL ASSETS		14,915,639	14,074,729
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	9	671,879	326,483
Employee benefits		656,891	621,667
Income tax payable		-	29,563
Fees received in advance	10	5,729,175	5,605,075
TOTAL CURRENT LIABILITIES		7,057,945	6,582,788
NON-CURRENT LIABILITIES			
Employee benefits		92,234	69,921
Deferred tax liabilities	3 (b)	51,348	43,133
TOTAL NON-CURRENT LIABILITIES		143,582	113,054
TOTAL LIABILITIES		7,201,527	6,695,842
NET ASSETS		7,714,112	7,378,887
ACCUMULATED FUNDS			
Accumulated surplus		7,632,124	7,314,975
Reserves	11	81,988	63,912
TOTAL ACCUMULATED FUNDS		7,714,112	7,378,887

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS

For the year ended 30 June 2013

	Accumulated Surplus	Reserves	Total Accumulated Funds
	\$	\$	\$
At 30 June 2011	7,073,810	83,712	7,157,522
Total comprehensive income for the year	241,165	(19,800)	221,365
At 30 June 2012	7,314,975	63,912	7,378,887
Total comprehensive income for the year	317,149	18,076	335,225
At 30 June 2013	7,632,124	81,988	7,714,112

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

STATEMENT OF CASH FLOWS

For the year ended 30 June 2013

	Notes	2013 \$	2012 \$
Cash flows from operating activities			
Receipts from operating activities		7,373,258	7,528,254
Payments to suppliers and employees		(6,450,510)	(7,314,630)
Dividends received		41,416	8,926
Interest received		90,820	122,585
Income tax paid		(74,971)	(118,297)
Net cash inflow from operating activities		980,013	226,838
Cash flows from investing activities			
Payments for plant and equipment		(80,387)	(656,087)
Proceeds from investments		6,683,303	7,073,539
Payment for investments		(8,356,282)	(3,632,166)
Net cash inflow (outflow) from investing activities		(1,753,366)	2,785,286
Net increase/(decrease) in cash and cash equivalents		(773,353)	3,012,124
Cash and cash equivalents at the beginning of the financial year		6,709,177	3,697,053
Cash and cash equivalents at the end of the financial year	15	5,935,824	6,709,177

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of preparation

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

Historical cost convention

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

Critical accounting estimates and judgements

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

(b) Revenue recognition

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

(i) Subscriptions and practising certificate fees

Subscriptions and practising certificate fees comprise annual fees for membership and practising certificates. Subscriptions and practising certificate fees are recognised on a pro rata basis through the course of the year to which the fees relate.

(ii) Administration charge

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

(iii) Dividends received

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

(iv) Interest income

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

(v) Grants

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(vi) Other income

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

(vii) Donations

Revenue from donations is recognised upon receipt.

(c) Income tax

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

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

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

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

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

(d) Leases

Leases in which a significant portion of the risks and rewards of ownership are not transferred to the association as lessee are classified as operating leases (Note 12). Payments made under operating leases (net of any incentives received from the lessor) are charged to profit or loss on a straight-line basis over the period of the lease.

(e) Impairment of assets

Assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows from other assets (cash generating units). Non-financial assets other than goodwill that suffered an impairment loss are reviewed for possible reversal of the impairment at the end of each reporting period.

(f) Cash and cash equivalents

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Receivables

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

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

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

(h) Inventories

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

(i) Financial assets

Classification

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

(i) Receivables

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

(ii) Available-for-sale financial assets

Available-for-sale financial assets, comprising marketable securities, are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the end of the reporting period.

(iii) Held-to-maturity investments

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

Fair Value

The fair values of listed securities are based on current bid prices.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(i) Financial assets (continued)

Recognition and derecognition

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

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

Subsequent measurement

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

Available-for-sale financial assets are subsequently carried at fair value. Changes in the fair value of available-for-sale financial assets are recognised directly in equity as part of other comprehensive income.

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

Impairment

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

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

(j) Property, plant and equipment

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

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

- Library 20 years
- Refurbishments 4 to 15 years
- Furniture, computers, computer software, office machines and equipment 3 to 5 years
- Kitchen equipment 5 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

(k) Intangibles

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) Trade and other payables

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

(m) Employee benefits

(i) Wages and salaries and annual leave

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

(ii) Long service leave

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

(iii) Retirement benefit obligations

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

(n) Goods and Services Tax ('GST')

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

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

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

(o) Comparative figures

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Operating revenue		
Subscriptions and practicing certificate fees	5,597,650	5,518,028
Reading programme	484,600	331,200
	<hr/>	<hr/>
	6,082,250	5,849,228
Other Revenue		
Interest and dividends	395,928	484,591
Seminars	119,151	129,217
Administration charge	16,841	15,315
External funding	1,072,507	1,451,186
Other	227,755	259,080
	<hr/>	<hr/>
Revenue from continuing operations	7,914,432	8,188,617
	<hr/>	<hr/>
3. INCOME TAX EXPENSE		
(a) Reconciliation of income tax expense to prima facie tax payable		
Net surplus from continuing operations	327,700	307,817
	<hr/>	<hr/>
Tax at the Australian tax rate of 30% (2011:30%)	98,310	92,345
Increase/(decrease) in income tax expense due to:		
- Net mutual expense (income)	(78,798)	(12,740)
Tax effect of amounts which are not deductible (assessable)	(1,403)	(12,572)
Adjustments for current tax of prior periods	(7,558)	(381)
	<hr/>	<hr/>
Income tax expense	10,551	66,652
	<hr/>	<hr/>
(b) Deferred tax liability		
General:		
Held to maturity investments	-	(4,728)
Accrued interest	16,210	20,470
	<hr/>	<hr/>
	16,210	15,742
Recognised in reserve:		
Held to maturity investments	11 35,138	27,391
	<hr/>	<hr/>
	51,348	43,133
	<hr/>	<hr/>

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
4. HELD-TO-MATURITY INVESTMENTS		
Term Deposits at cost		
Current	4,041,477	3,425,269
Non-current	-	-
	4,041,477	3,425,269

5. OTHER FINANCIAL ASSETS

Non-current - at cost

Investments in associates	14	14
---------------------------	----	----

Available for sale - at fair value

Shares in Australian listed companies	1,106,524	161,337
Fixed interest securities - listed	719,285	296,970

	1,825,809	458,321
--	------------------	----------------

(a) Investments in associates

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

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

(b) Investment in Counsel's Chambers Limited

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

	2013 \$	2012 \$
6. OTHER ASSETS		
Prepayments	107,325	158,165
Accrued interest	54,032	68,232
	161,357	226,397

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
7. INTANGIBLES		
Database		
At cost	304,665	304,665
Accumulated amortisation	(304,665)	(304,665)
Net carrying amount	-	-
Movements:		
Opening book amount	-	66,497
Amortisation charge for the year	-	(66,497)
Net carrying amount	-	-

8. PROPERTY, PLANT AND EQUIPMENT

Movements:	Library	Refurbishments	Furniture, computers, computer software, office machines and equipment	Kitchen equipment	Total
	\$	\$	\$	\$	\$
At 30 June 2012					
Cost	469,046	3,220,043	1,523,717	1,686	5,214,492
Accumulated depreciation and impairment	(257,977)	(957,797)	(757,066)	(1,686)	(1,974,526)
Net carrying amount	211,069	2,262,246	766,651	-	3,239,966
At 30 June 2013					
Cost	469,043	3,225,183	1,565,787	1,686	5,261,699
Accumulated depreciation and impairment	(281,429)	(1,169,399)	(938,491)	(1,686)	(2,391,005)
Net carrying amount	187,614	2,055,784	627,296	-	2,870,694
Year ended 30 June 2013					
At 1 July 2012, net of accumulated depreciation	211,069	2,262,246	766,651	-	3,239,966
Additions	-	5,140	75,247	-	80,387
Disposals	-	-	(737)	-	(737)
Depreciation/ amortisation charge for the year	(23,455)	(211,602)	(213,865)	-	(448,922)
At 30 June 2013, net of accumulated depreciation	187,614	2,055,784	627,296	-	2,870,694

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
9. TRADE AND OTHER PAYABLES		
Trade and other payables	673,952	331,439
GST Payable	(2,073)	(4,956)
	<u>671,879</u>	<u>326,483</u>
10. FEES RECEIVED IN ADVANCE		
Current		
Subscriptions , practicing certificate fees & other revenue received in advance	<u>5,729,175</u>	<u>5,605,075</u>
11. RESERVES		
Fair value reserve	<u>81,988</u>	<u>63,912</u>
Consists of:		
Revaluation	117,126	91,303
Less: deferred income tax	(35,138)	(27,391)
	<u>81,988</u>	<u>63,912</u>
Nature and purpose of reserve		
Changes in the fair value of available-for-sale financial assets are taken to the fair value reserve.		
12. COMMITMENTS		
Lease commitments		
Operating lease commitments payable		
Within one year	524,815	509,529
Later than one year but not later than 5 years	2,067,112	2,058,252
	<u>2,591,927</u>	<u>2,567,781</u>

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

13. RELATED PARTY DISCLOSURES

(a) Directors

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

P Boulten SC	W Hunt	M McHugh SC	Z Stegall
S Callan	N Hutley SC	M McMahon	A Stone
B A Coles QC	J Hyde Page	A Moses SC	A Street QC
T Game SC	G Lindsay SC	J Needham SC	I Temby QC
J Gleeson SC	C Loukas SC	K Nomchong SC	D Toomey
P Hamill SC	V Lydiard	E Peden	K M Traill
A Healey	G McGrath SC	D Smallbone	M Walker

(b) Key management

Key management personnel compensation for the years ended 30 June 2013 and 30 June 2012 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 2013 and 30 June 2012 are as follows :

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

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

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

	2013 \$	2012 \$
Short-term employee benefits	1,312,939	1,228,074
Long-term employee benefits	39,227	33,496
	1,352,166	1,261,570

(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 \$611,372 (2012: \$588,606) for office space to Counsel's Chambers Limited being a company of which some directors of the association are also members. The bulk of this payment was at two-thirds of the normal market rate.

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2013

	2013 \$	2012 \$
14. REMUNERATION OF AUDITORS		
During the year the following fees were paid or payable for service provided by the auditor of the association:		
Audit of the financial statements	44,200	43,000
Other services – tax compliance	7,145	7,900
Other assurance services - PCD grant audit	3,600	3,500
	54,945	54,400

15. CASH AND CASH EQUIVALENTS

Reconciliation of cash

Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash at bank	2,183,270	3,581,889
Term deposits	3,751,654	3,126,388
Petty cash	900	900
	5,935,824	6,709,177

16. REIMBURSEMENT BY THE PUBLIC PURPOSE FUND

Section 700(n) of the *Legal Profession Act 2004* requires certification by the auditor of the costs incurred by the Bar Council in relation to its regulatory function. Expenditure on regulatory activities reimbursed by the Public Purpose Fund in 2012-13 amounted to \$ 864,957 (2012:\$ 1,249,087).

17. SUPERANNUATION

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

DIRECTORS' DECLARATIONS

In the directors' opinion:

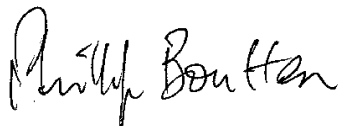
(a) the financial statements and notes set out on pages 67 to 80 are in accordance with the *Corporations Act 2001*, including:

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

(ii) giving a true and fair view of the company's financial position as at 30 June 2013 and of its performance for the financial year ended on that date; and

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

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



P Boulten SC

President



M McHugh SC

Treasurer

Sydney

5 September 2013

INDEPENDENT AUDITOR'S REPORT

To the members of The New South Wales Bar Association

We have audited the accompanying financial report of The New South Wales Bar Association, which comprises the statement of financial position as at 30 June 2013, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration for The New South Wales Bar Association, as set out on pages 67 to 81.

Directors' responsibility for the financial report

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

Auditor's responsibility

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

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

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

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

Matters relating to the electronic presentation of the audited financial report

This auditor's report also relates to the financial report of The New South Wales Bar Association for the financial year ended 30 June 2013 included on The New South Wales Bar Association's website. The company's directors are responsible for the integrity of The New South Wales Bar Association website. We have not been engaged to report on the integrity of this website. The auditor's report refers only to the financial report identified above. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

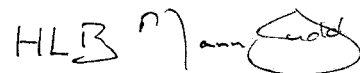
Independence

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 5 September 2013, would be in the same terms if provided to the directors as at the time of this auditor's report.

Auditor's opinion

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

- (a) giving a true and fair view of the company's financial position as at 30 June 2013 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Regulations 2001*.



Sydney
6 September 2013

HLB MANN JUDD
Chartered Accountants



D K Swindells
Partner

BARRISTERS' BENEVOLENT ASSOCIATION

Financial report for the year ended 30 June 2013

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

The financial statements were authorised for issue by the Committee of Management on 5 September 2013. The Committee of Management have the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
Revenue from continuing operations	2	331,876	372,612
Net gains/(losses) on non-current assets held at fair value through profit or loss		259,487	(130,559)
Loss on sale of investments		(17,430)	-
Auditor's remuneration		(9,250)	(8,900)
Bank charges		(27)	(85)
Bar care costs		(9,570)	(12,550)
Employee benefits expense		(39,395)	(40,321)
Gifts		(100,000)	(78,702)
Investment fees		(2,000)	(2,000)
Legal and professional fees		(3,800)	-
Loan forgiveness		-	(11,200)
Allowance for impairment of loans		-	6,960
Other operating expenses		(366)	(913)
Surplus before income tax		409,525	94,342
Income tax expense		-	-
Net Surplus		409,525	94,342
Other comprehensive income		-	-
Total comprehensive income		409,525	94,342

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2013

	Notes	2013 \$	2012 \$
CURRENT ASSETS			
Cash and cash equivalents	9	209,004	250,562
Held-to-maturity investments	4	738,816	1,547,083
Loans and receivables	3	57,134	83,308
TOTAL CURRENT ASSETS		<u>1,004,954</u>	<u>1,880,953</u>
NON-CURRENT ASSETS			
Other financial assets	5	<u>3,179,452</u>	<u>1,893,678</u>
TOTAL NON-CURRENT ASSETS		<u>3,179,452</u>	<u>1,893,678</u>
TOTAL ASSETS		<u>4,184,406</u>	<u>3,774,631</u>
CURRENT LIABILITIES			
Trade and other payables		<u>11,250</u>	<u>11,000</u>
TOTAL CURRENT LIABILITIES		<u>11,250</u>	<u>11,000</u>
TOTAL LIABILITIES		<u>11,250</u>	<u>11,000</u>
NET ASSETS		<u><u>4,173,156</u></u>	<u><u>3,763,631</u></u>
ACCUMULATED FUNDS			
Accumulated surpluses		1,741,274	1,331,749
Reserves	6	<u>2,431,882</u>	<u>2,431,882</u>
TOTAL ACCUMULATED FUNDS		<u><u>4,173,156</u></u>	<u><u>3,763,631</u></u>

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS

For the year ended 30 June 2013

	Accumulated surpluses	Capital reserves	Total accumulated funds
	\$	\$	\$
At 30 June 2011	1,237,407	2,431,882	3,669,289
Total comprehensive income	94,342	-	94,342
At 30 June 2012	1,331,749	2,431,882	3,763,631
Total comprehensive income	409,525	-	409,525
At 30 June 2013	1,741,274	2,431,882	4,173,156

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

STATEMENT OF CASH FLOWS

For the year ended 30 June 2013

	Notes	2013 \$	2012 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from members, sponsorship and general activities		267,128	168,279
Payments to suppliers		(139,395)	(154,272)
Interest/dividends received		94,858	91,039
Net cash inflow from operating activities		222,591	105,046
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from other financial assets		35,000	32,000
Proceeds from held to maturity investments		976,119	563,379
Payments for other financial assets		(1,007,268)	(580,559)
Payments for held to maturity investments		(268,000)	-
Net cash (outflow) inflow from investing activities		(264,149)	14,820
Net increase/(decrease) in cash and cash equivalents		(41,558)	119,866
Cash and cash equivalents at the beginning of the year		250,562	130,696
Cash and cash equivalents at the end of the year	9	209,004	250,562

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations).

Compliance with Australian Accounting Standards – Reduced Disclosure Requirements

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

Historical cost convention

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

Critical accounting estimates and judgements

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

(b) Revenue recognition

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

(i) Contributions

Revenue from contributions is recognised when the contribution is received.

(ii) Dividend and distribution income

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

(iii) Interest income

Interest income is recognised as it accrues.

(iv) Other Income

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

(v) Changes in fair value of investments

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(c) Income tax

The association is exempt from income tax.

(d) Cash and cash equivalents

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

(e) Loans and receivables

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

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

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

(f) Other financial assets

Classification

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

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

Recognition and Derecognition

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

Subsequent Measurement

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

Fair Value

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Impairment

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

(ii) Held-to-maturity investments

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

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

(g) Trade and other payables

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

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

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

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

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

	2013 \$	2012 \$
Contributions	118,706	134,287
Distribution/ dividend income	132,528	117,869
Interest income	80,514	120,138
Membership income	128	318
	<hr/>	<hr/>
Revenue from continuing operations	331,876	372,612

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
LOANS AND RECEIVABLES		
Current		
New South Wales Bar Association	35,758	42,821
Accrued Interest	10,253	26,823
Interest free loans	19,000	21,000
Allowance for impairment of interest free loans	(8,500)	(8,500)
GST receivable	623	1,164
	57,134	83,308

3. HELD-TO-MATURITY INVESTMENTS

Term Deposits

Current	738,816	1,547,083
	738,816	1,547,083

4. OTHER FINANCIAL ASSETS

Non-Current

Designated at fair value through profit or loss

- Fixed interest securities	1,110,235	933,255
- Shares in Australian listed companies	1,508,978	480,633
- Australian Managed Funds	560,239	479,790
	3,179,452	1,893,678

5. RESERVES

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

Nature and purpose of reserves

Capital reserve

Changes in the fair value of financial assets at fair value through profit and loss have been transferred from accumulated surplus to reserves in prior years. This no longer is the practice of the association. This account also includes capital profits made in the prior years.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

6. RELATED PARTY DISCLOSURES

(a) Committee of Management

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

P Boulten SC	W Hunt	M McHugh SC	Z Stegall
S Callan	N Hutley SC	M McMahon	A Stone
B A Coles QC	J Hyde Page	A Moses SC	A Street SC
T Game SC	G Lindsay SC	J Needham SC	I Temby QC
J Gleeson SC	C Loukas SC	K Nomchong SC	D Toomey
P Hamill SC	V Lydiard	E Peden	K M Traill
A Healey	G McGrath SC	D Smallbone	M Walker

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

(b) Key management

The key management personnel is the Committee of Management of the association.

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

(c) Other transactions

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

7. REMUNERATION OF AUDITOR

	2013 \$	2012 \$
During the year the following fees were paid or payable for services provided by the auditor of the association:		
Audit of the financial statements	9,250	8,900

8. CASH AND CASH EQUIVALENTS

Reconciliation of cash

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

	2013 \$	2012 \$
Cash at bank	209,004	250,562

9. EVENTS OCCURRING AFTER THE REPORTING DATE

Changes since reporting date in the market values of financial assets at fair value through profit or loss held by the association has impacted the total value of the financial assets. As at 31 August 2013, the total market value of financial assets at fair value through profit or loss held by the association was \$3,582,314 compared with \$3,179,462 as at 30 June 2013, an increase of 12.7%.

COMMITTEE OF MANAGEMENT DECLARATION

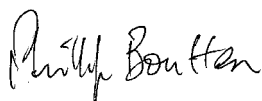
In the opinion of the Committee of Management of Barristers' Benevolent Association of NSW, the financial statements and notes as set out on pages 84 to 91:

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

(b) present fairly the association's financial position as at 30 June 2013 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date; and

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

Signed in accordance with a resolution of the Committee of Management:



P. Boulten SC



M. McHugh SC

Sydney

5 September 2013

INDEPENDENT AUDITOR'S REPORT

To the members of Barristers' Benevolent Association of NSW:

We have audited the accompanying financial report of Barristers Benevolent Association of NSW, ('the association'), which comprises the statement of financial position as at 30 June 2013, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Committee of Management declaration as set out on pages 84 to 92.

Committee of Management responsibility for the financial report

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

Auditor's responsibility

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

INDEPENDENT AUDITOR'S REPORT

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

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

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

Independence

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

Auditors opinion

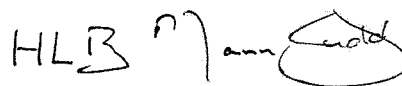
In our opinion the financial report presents fairly, in all material respects, the financial position of Barristers' Benevolent Association of NSW as at 30 June 2013, and its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.

Matters relating to the electronic presentation of the audited financial report

This Auditor's report relates to the financial report of the association for the year ended 30 June 2013 included on The New South Wales Bar Association's website. The directors of The New South Wales Bar Association are responsible for the integrity of The New South Wales Bar Association's website. We have not been engaged to report on the integrity of this website. The audit report refers only to the financial report identified above.

It does not provide an opinion on any information which may have been hyperlinked to/from the financial report. If users of this report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on The New South Wales Bar Association's website.

Sydney
6 September 2013



HLB MANN JUDD
Chartered Accountants



D K Swindells
Partner

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

S A Adair	L Brasch	N A Cotman SC	The Hon R J Ellicott QC
The Hon Justice M Adams	B D Brassil	A Cotter-Moroz	G Elliott
S Alexandre-Hughes	W P Brewer	D Cowan SC	L Ellison SC
M W Anderson	C Bridge SC	C Craigie SC	C A Evatt
K W Andrews	The Hon J E Brownie QC	M Cranitch SC	M Falloon
N Angelov	P Bruckner	M Crawford-Fish	M Fanning
I G A Archibald	The Hon J P Bryson QC	M G Crowley	L Fernandez
D P M Ash	D A Buchanan SC	I Cullen	J J Fernon SC
Her Honour Judge L Ashford	The Hon T Buddin QC	P R Cummings	The Hon M D Finlay QC
C E Backhouse QC	A J Bulley	G Curtin SC	His Honour Judge Finnane RFD QC
W Baffsky	S Burchett	W J Dalley	E T Finnane
A Bannon SC	S Burley SC	M J Darke	The Hon G Fitzgerald AC QC
The Hon C J Bannon QC	G Burton SC	A d'Arville	W M Fitzsimmons
I Barker QC	I F Butcher	T J Davie	S Flanigan
P A Barnes	L J Byrne	The Hon Justice D Davies	A G J Foel
J Barnett	M P Cahill	J Davis	D Forster
D Barnett	P Callaghan SC	A R Davis	The Hon M L Foster QC
K Barrett	S Callan	W Dawe QC	P J Frame
C Barry QC	B Camilleri	A T S Dawson	R Francois
G M Barter	The Hon MW Campbell QC	D Day	His Honour Judge Frearson SC
J Bartos	A D Campbell	R de Robillard	M Friedgut
E H Baskerville	A C Canceri	M De Vere	N E Furlan
M J Bateman	G Carolan	P J Deakin QC	S Galitsky
T J Bates	N S Carroll	K Deards	J L Gallagher
P Batley	R J Carruthers	M Dempsey SC	T A Game SC
P A Beale	D A Caspersonn	T Di Francesco	S Gardiner
R C Beasley SC	C H Cassimatis	T J Dixon	J J Garnsey QC
K E Becker	M Castle	B G Docking	G Gemmell
His Honour H H Bell	J J Cauchi SC	P L Dodson	M A Gerace
A J Bellanto QC	R Cavanagh SC	P J Doherty SC	H Gerondis
D Bennett AC QC	C Champion	G Doherty	G Gersbach
His Honour Judge Bennett SC	J Chapman	A Doig	J T G Gibson
K G Bennett	K Chapple SC	G Donnellan	M G Gilbert
S A Benson	J R Clarke	B Donnelly	M A Gillies
G Berecny	P Coady	P F Doyle	R D Glasson
D Berents	His Honour Judge G Coakes	J Doyle	C Gleeson
H P T Bevan	His Honour Judge Cogswell SC	R Driels	A Goldsworthy
P G Bickford	The Hon BJK Cohen QC	I C Duane	S Golledge
Dr C J Birch SC	M A Coleman	The Hon JR Dunford QC	J V Gooley
E A Bishop	B A Coles QC	J R Dupree	J P Gormly SC
P Blackburn-Hart SC	R J Colquhoun	D Dura	M Gorrick
P Bodor QC	G B Colyer	P Durack SC	G M Gould
The Hon J M Boland AM	A Combe	P Dwyer	M R Gracie
R A Bonnici	C Conde	K Eastman SC	R J Grady
P R Boulten SC	N A Confos	M J Easton	G Graham
I D Bourke	Dr A L Connolly	The Hon Justice R Edmonds	The Hon PR Graham QC
A J Bowen	K Conte-Mills	M Einfeld QC	G J Graham
C Boyd	A Conwell	L S Einstein	M Graham
E Boyle	P J Cook	E Elbourne	E N Gramelis
M L Brabazon SC	A Cornish	His Honour Judge Elkaim SC	M Green

R P Greenhill SC	V B Hughston SC	J Longworth	P R Moran
G M Gregg	B Hull	P B Lott	K Morrissey
L T Grey	M Humphreys	The Hon Justice Loughnan	A R Moses SC
A M Gruzman	R Hunt	W P Lowe	S B Moses
M Gunning	W Hunt	J A Loxton	J Murphy
L V Gyles SC	D F Jackson AM QC	G Lucarelli	A Murphy
W J Hadley	L M Jackson	M Lynch	N Murray
P Hamill SC	R Jankowski	T Lynch	The Hon JA Nader RFD QC
R L Hamilton SC	G Jensen	P Macarounas	A P L Naylor
S J Harben SC	The Hon Justice P Johnson	A Macauley	J Needham SC
R Harper	G M Johnston	D J A Mackay	P W Neil SC
R Harrington	The Hon HPW Johnston QC	The Hon RN Madgwick QC	C R C Newlinds SC
J M Harris	E J Johnston	His Honour Judge Mahony QC	The Hon P Newman RFD QC
V A Hartstein	G J Jones	T Maltz	P T Newton
The Hon J Hatzistergos	B L Jones	N Manousaridis	N Newton
T Healey	D K Jordan	Dr C Mantziaris	R K Newton
A Healey	T Jowett	His Honour Judge Marien SC	G Ng
D Healey	L E Judge	A E Maroya	N A Nicholls
V M Heath	A Karim	H J Marshall SC	The Hon J Nicholson SC
M J Heath	A Kaufmann	A M Martin	P J Nolan
G R Heathcote	The Hon P M Kavanagh	M J Maxwell	His Honour Judge Norrish QC
J F Heazlewood	J A Kearney	M McAuley	J O North
Z Heger	J T Kearney	L McBride	M Oakes SC
Her Honour Judge L Henderson	D Kell	R D McCrudden	A J O'Brien
J Henness	R Keller	M F McDermott	P J O'Connor
A A Henskens SC	H Kelly SC	J D McDonald	B A Odling
R A Hewson	D P Kelly	T McDonald SC	Deputy President K O'Grady
F P Hicks	P Kennedy-Smith	M A McDonogh	The Hon B O'Keefe AM QC
The Hon Justice P Hidden AM	Dr J Keogh	L P McFee	B Oliak
R C A Higgins	V F Kerr	I J McGillicuddy	P P O'Loughlin
D J Higgs SC	S M Kettle	G McGrath	Her Honour Judge Olsson SC
A Hill	Dr P D Keyzer	Dr F R McGrath AM OBE	The Hon J O'Meally AM RFD
I D Hill QC	P N Khandhar	R S McIlwaine SC	D B O'Neil
D Hirsch	N J Kidd SC	G McIlwaine	R N O'Neill
M Hirschhorn	J Kildea	A J McInerney SC	B C Oslington QC
G Hoeben	L King SC	R McKeand SC	M Painter
The Hon Justice Hoeben AM RFD	His Honour Judge M King SC	The Hon J K McLaughlin	C Palmer
A Hogan	P Kintominas	His Honour Judge McLoughlin SC	B R Pape
D Hogan-Doran	The Hon D Kirby QC	G P McNally SC	L Paraska
The Hon K J Holland QC	P M Kite SC	T M Mehigan	D Parish
M L Holz	T A Kolomyjec	T Z Messner	S Patterson
R W Hood	P Kulevski	Q Nguyen	Dr E Peden
D J Hooke SC	A Kumar	The Hon J A Miles AO	E Pender
W D Hosking QC	G Kumarasinhe	A Miller	The Hon Justice R A Pepper
A J Hourigan	R Lancaster SC	R Montgomery	A Perigo
Professor D Howard SC	S Lipp	P J Mooney SC	M J Perry
K J Howard SC	P J Livingstone	A W Mooney	Dr M Perry QC
His Honour Judge C Hoy SC	W L S Lloyd	G Moore	E Petersen
T Hughes	D M Loewenstein	C A Moore SC	G R Petty SC
S Hughes	S J Longhurst	J Moore	M Phelps

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

J Phillips SC	The Hon DM Ryan QC	A Sullivan QC	J Williams
A M Pickles	J R Sainty	G J Sundstrom	T J J Willis
I H Pike AM	K Sant	R M Sweet	M S Willmott SC
G J Plowman QC	F Santisi	J O Tancred	D Wilson
B Pluznyk	His Honour Judge S Scarlett	R H Taperell	M J Windsor SC
G S Poole	M Seck	K V Taylor AM RFD	C H Withers
Glen Porter	R L Seiden	R J Taylor	C Wood
R Potter	J P Sewell	I Temby AO QC	Her Honour Judge Woodburne SC
J Poulos QC	J E Sexton SC	M Thangaraj SC	S A Woods
K Poulos	M Seymour	P Thew	The Hon L Wright QC
D G Price	Y Shariff	J C Thompson	G Wright
J Priestley	The Hon G Sharpe	W D Thompson	S York
D Priestley	J Shaw	W Thompson	The Hon P W Young AO
S Prince	J C Sheahan SC	C L Thompson	J Young
M Pringle	The Hon C S C Sheller AO QC	D J Thorley	K J Young
D R Pritchard SC	J Sheller	M Tibbey	Participants - Bar Boat Race
His Honour Judge Puckeridge QC	L Shipway	D S Timmins	
C Purdy	The Hon D Shoebridge MLC	T K Tobin QC	
The Hon Dr R Purvis AM QC	C M Simpson SC	A G Todd	
R E Quickenden	C B Simpson	D R J Toomey	
M C Ramage QC	C Simpson	S A Torpey	
J Rawlings	R Skiller	J Travassaros	
B W Rayment QC	P M Skinner	J A Trebeck	
D M Re	A H Slater QC	B J Tronson	
J P Redmond	The Hon J P Slattery AO QC	Her Honour Judge Tupman	
A J J Renshaw	D A Smallbone	C I Twomey	
Dr J G Renwick SC	The Hon R F Smart	J B de Vere Tyndall	
S Reuben	The Hon G Smith MP SC	G Van Der Vlag	
G Rich	L Smith	J F Viney	
G Richardson SC	M S Spartalis	B Walker SC	
D Rickard	A Stafford	P Wallis	
D M Roberts	G J Stanton	His Honour Judge Walmsley SC	
T F Robertson SC	R A Stanton	W J Walsh	
S Robertson	J Stanton	Dr C S Ward	
M W Robinson	N Steel	E Wasilenia	
J E Robson SC	C Steirn SC	J A Waters	
D Roche	A G C Stenhouse	G J Watkins	
M K Rollinson	A Stenmark SC	O G Watt	
D Ronzani	Magistrate J Stevenson	P Webb QC	
K Roser	C Stewart	Dr R J Webb	
F T Roughley	K L Stewart	C A Webster SC	
L J Rowan	D C P Stewart	R H Weinstein SC	
J E Rowe	A Stewart	E Welsh	
P A Rowe	R Stitt QC	J N West QC	
T M Rowles	H W M Stitt	S Wheelhouse SC	
R Royle	P G W Stitz	J Whitaker	
N H Rudland	A J Stone	J B Whittle SC	
G Rundle	H Stowe	N Wikramanayake SC	
P Russell	P Strasser	M B Williams SC	
J J Ryan	W Strathdee	A Williams	

INDIGENOUS BARRISTERS' TRUST – THE MUM SHIRL FUND

Financial report for the year ended 30 June 2013

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

The financial statements were authorised for issue by the trustees on 19 August 2013. The trustees have the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
Revenue from continuing operations	2	88,763	200,315
Audit and accounting		(4,600)	(4,500)
Bank charges		(80)	(98)
Conference expenses		(35,417)	(97,168)
Fundraising		-	(14,944)
Grants made		(28,506)	(27,530)
Other expenses		-	(888)
Surplus before income tax expense		20,160	55,187
Income tax expense		-	-
Net surplus		20,160	55,187
Other comprehensive income		-	-
Total comprehensive income		20,160	55,187

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2013

	Note	2013 \$	2012 \$
CURRENT ASSETS			
Cash and cash equivalents	7	69,404	65,471
Held-to-maturity investments	4	419,734	412,967
Other receivables	3	34,174	24,614
TOTAL CURRENT ASSETS		523,312	503,052
TOTAL ASSETS		523,312	503,052
CURRENT LIABILITIES			
Trade and other payables		4,600	4,500
TOTAL CURRENT LIABILITIES		4,600	4,500
TOTAL LIABILITIES		4,600	4,500
NET ASSETS		518,712	498,552
ACCUMULATED FUNDS			
Accumulated surplus		518,712	498,552

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS

For the year ended 30 June 2013

	2013 \$	2012 \$
As at 1 July - opening	498,552	443,365
Total comprehensive income	20,160	55,187
As at 30 June - closing	518,712	498,552

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

STATEMENT OF CASH FLOWS

For the year ended 30 June 2013

	2013 \$	2012 \$
Cash flows from operating activities		
Receipts from sponsorship and general activities	51,683	210,402
Payments to suppliers & grantees	(68,503)	(163,928)
Net cash inflow from operating activities	(16,820)	46,474
Cash flows from investing activities		
Proceeds/(Payments) from term deposits	20,753	(50,000)
Net increase/(decrease) in cash and cash equivalents	3,933	(3,526)
Cash and cash equivalents at the beginning of the year	65,471	68,997
Cash and cash equivalents at the end of the year	69,404	65,471

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and other authoritative pronouncements of the Australian Accounting Standards Board (including Australian Accounting Interpretations).

Compliance with Australian Accounting Standards – Reduced Disclosure Requirements

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

Historical cost conversion

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

Critical accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the trust's accounting policies. There are no estimates

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

and judgments that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue recognition

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

(i) Contributions

Revenue from contributions is recognised when the contribution is received.

(ii) Interest income

Interest income is recognised as it accrues.

(iii) Other income

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

(c) Income tax

The trust is exempt from income tax.

(d) Cash and cash equivalents

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

(e) Held-to-maturity investments

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

(f) Other receivables

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

(g) Trade and other payables

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

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

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

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

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Contributions received	67,874	68,443
Interest	20,889	24,631
Conference revenue	-	98,441
Fundraising income	-	8,800
Revenue from continuing operations	88,763	200,315
3. OTHER RECEIVABLES		
Current		
New South Wales Bar Association	28,649	7,182
GST receivable	973	7,223
Sundry debtors	1,000	-
Accrued interest	3,552	10,209
	34,174	24,614
4. HELD-TO-MATURITY INVESTMENTS		
Current		
Term deposits	419,734	412,967
5. REMUNERATION OF AUDITORS		
During the year the following fees were paid or payable for services provided by the auditor of the trust:		
Audit of the financial statements	4,600	4,500

6. RELATED PARTY DISCLOSURES

(a) Trustees

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

Chris Ronalds SC	Bernard Coles QC
Justice Michael Slattery	Mullenjaiwakka
Phillip Boulten SC	

(b) Key management

The key management personnel are the trustees of the trust.

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2013

	2013 \$	2012 \$
7. CASH AND CASH EQUIVALENTS		
Reconciliation of cash		
For the purposes of the presentation in the statement of cash flows, cash includes cash on hand and in bank, net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:		
Cash at bank	<u>69,404</u>	<u>65,471</u>

8. EVENTS OCCURRING AFTER THE REPORTING DATE

No significant events have occurred since the reporting date which would impact on the financial position of the trust disclosed in the statement of financial position as at 30 June 2013 or on the results and cash flows of the trust for the year ended on that date.

TRUSTEES' DECLARATION

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

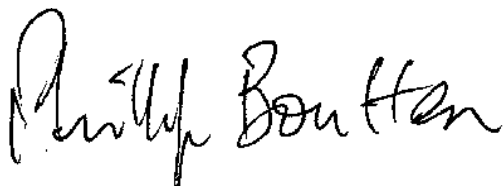
(a) the financial statements and notes as set out on pages 97 to 102:

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

(ii) present fairly the trust's financial position as at 30 June 2013 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date.

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

Signed in accordance with a resolution of the trustees:



P. Boulton SC

Trustee

Sydney

19 August 2013



C Ronalds SC

Trustee

INDEPENDENT AUDITOR'S REPORT

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

We have audited the accompanying financial report of The Indigenous Barristers' Trust – The Mum Shirl Fund ('the trust'), which comprises the statement of financial position as at 30 June 2013, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies, and other explanatory information, as set out on pages 97 to 102.

Trustees responsibility for the financial report

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

Auditor's responsibility

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

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

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

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

Independence

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

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of The Indigenous Barristers' Trust – The Mum Shirl Fund as at 30 June 2013, and of its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements.

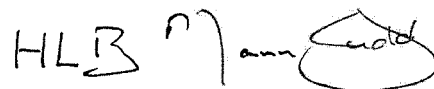
Matters relating to the electronic presentation of the audited financial report

This Auditor's report relates to the financial report of the trust for the financial year ended 30 June 2013 included on The New South Wales Bar Association's website. The directors of The New South Wales Bar Association are responsible for the integrity of The New South Wales Bar Association's website. We have not been engaged to report on the integrity of this website. The audit report refers only to the financial report identified above.

It does not provide an opinion on any other information which may have been hyperlinked to/from the financial report. If users of this report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented is on The New South Wales Bar Association's website.

Sydney

19 August 2013

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

HLB MANN JUDD
Chartered Accountants

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

D K Swindells
Partner