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Annual General Meeting

The Annual General Meeting
will be held at 5.00pm on
5 November 2015 in the Bar
Association Common Room.

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PRESIDENT'S REPORT



Jane Needham SC
@NSWBarPresident

We have also worked hard to ensure that we have a good relationship with the press; being able to respond to media inquiries ... promptly and fully is part of that effort.

Since my report in the 2014 edition of the New South Wales Bar Association's Annual Report, there have been a number of changes in the legislative landscape under which barristers in New South Wales practise. The most significant of those, the National Legal Profession Uniform Law, came into effect on 1 July 2015 and so is outside the scope of this report. However, the Bar Association staff have been working tirelessly to ensure that our members are well informed and prepared for the changes under which they will be operating from 1 July 2015. Those efforts are the culmination of some eight or nine years' work, and the state of preparedness the bar is in today would not have been possible without the efforts, in particular, of Philip Selth, executive director, and Jennifer Pearce, in-house counsel.

In 2014 the bar faced a significant challenge: the impact of the Sydney siege at the Lindt Café and the loss of one of our members, Katrina Dawson. The siege has had a lasting impact on many members, and I urge anyone who may be affected to contact BarCare (www.barcare.org) for assistance. During the year I have been involved in determining applications to the Benevolent Association to assist our members in many ways; providing support to the families of our late members, and to those of our members who may be suffering medical or other personal issues. If you know of someone who is in distress, you can contact the Bar Association to see if the Benevolent Association can help. I thank those members who have supported, and who continue to support, the Benevolent Association at practising certificate renewal time each year.

Throughout 2015 I have been liaising with other bars, and with the attorney general (Brad Hazzard, and then Gabrielle Upton), as well as with the chief justice and other heads of jurisdiction, about matters of interest to the bar. I am happy to report that there is a significant level of goodwill towards the bar from these quarters. We have also worked hard to ensure that we have a good relationship with the press; being able to respond to media enquiries (or to refer journalists to the Law Council or Australian Bar Association as appropriate) promptly and fully is part of that effort.

My 2014 report detailed a number of responses by the Bar Association to the Law Society NARS findings, and expressed a wish for the association to be seen as a 'first class, modern association which has a clear view of the significant advantages that are accrued through an inclusive and diverse workforce'.¹ In addition to the work set out in the 2014 report, I am pleased to say that we have developed a number of other steps in that direction.

The bar's child care initiative – in which the Bar Association guarantees 10 places per day at a state-of-the-art centre in Martin Place – opened in August 2014. At the moment it is running slightly under capacity, which is to the benefit of those parents and carers needing emergency care for their children should their

PRESIDENT'S REPORT

The Best Practice Guidelines which were launched in June 2014 have now been in place for a year.

It is humbling to see how many people volunteer for what are often only one or two places on committees, and to know that most, if not all, of them are extremely busy people in their professional and personal lives.

regular care arrangements fall down. It is envisaged that it will be at capacity in the very near future, and there is a waiting list being maintained by Guardian Early Learning Group.

The Best Practice Guidelines which were launched in June 2014 have now been in place for a year. Currently, 31 chambers have adopted the guidelines, some in amended form, and some as drafted by the Bar Association. Those guidelines are currently the subject of review after their first year of operation. I hope that more chambers will take the opportunity to adopt them. Those chambers which have adopted the guidelines are noted on the association's website and particularly on the page devoted to readers' accommodation, on the basis that the compliance by sets of chambers with those guidelines would be a useful piece of information for a reader contemplating making an application to chambers.

The survey I referred to in my 2014 report has now been the subject of analysis and its findings are being used to inform and advance the association's programs with the data so collected.

In 2015, as in every other year, we had an excess of volunteers for committee roles. It is humbling to see how many people volunteer for what are often only one or two places on committees, and to know that most, if not all, of them are extremely busy people in their professional and personal lives. I would like to thank everyone who volunteered, who has served on a committee during 2014–15, and in particular those who have moved on this year, for their commitment to our bar.

I noted last year the adoption of the recommendations of the Priestley Report regarding a return to the title of QC. The Bar Council elected in November 2014 took a different view from that in the report, and in May 2014 resolved to approach the attorney general for a legislative amendment to allow the grant of letters patent for those silk who wish to do so. A working party, chaired by the president, has been convened and will report to members in the second half of 2015.

The 2014 Bench and Bar dinner, with Beazley JA as the guest of honour, was a great success, selling out before the early bird discount period closed. Those who attended can attest to the quality of the speeches and my thanks go to Beazley JA, Lonergan SC and Hunt for their liveliness and, indeed, loveliness.

This year's annual report gives an outline of the work done by the Bar Association. As ever, I commend it to you, and thank the staff of the association for their hard work during the past year.

Endnotes

1. Lt Gen David Morrison, 'Building a positive culture at the New South Wales Bar', [2014] (Summer) *Bar News* 43, p.43

EXECUTIVE DIRECTOR'S REPORT



Philip Selth OAM

National practice

I have been writing in my annual report since that for 2008–09 about the original Council of Australian Governments (COAG) 'plan to achieve national regulation of the legal profession'. This has now been achieved, albeit not yet uniformly across Australia. The Legal Profession Uniform Law came into operation in NSW and Victoria on 1 July 2015, creating a common legal services market across NSW and Victoria. The Uniform Law replaced the *Legal Profession Act 2004* and the regulations and rules made under that Act. The Uniform Law aims to harmonise regulatory obligations while retaining local performance of regulatory functions. It regulates the legal profession across the two jurisdictions, governing matters such as practising certificates, cost disclosure and billing arrangements, complaint handling processes and professional discipline issues and continuing professional development requirements.

The new law covers 70 per cent of Australia's legal practitioners. It will extend to law practices elsewhere when more states and territories join the scheme, as inevitably they will once it is recognised that the new regime is to the benefit of the profession and of our clients – and that it is not some form of centralised takeover by government.

The new legislation will have very little impact on the individual barrister. Most of the changes that are required are to procedures and documentation done in the 'back office', as it were, by the Bar Association's staff.

There are, however, two changes as of 1 July that do impact on each barrister. The first of these are changes to *cost and billing arrangements*. A number of seminars and *In Brief* notices have been issued on the changes, and there is detailed information on the association's website at <http://www.nswbar.asn.au/for-members/costs-and-billing>.

The second change concerns *fees in advance in direct access matters*.

The legislation that regulates barristers receiving fees in advance in direct access matters changed on 1 July 2015. Clause 106A of the *Legal Profession Regulation 2005* was repealed on that date (along with the *Legal Profession Act 2004*).

The new provisions are clauses 15 and 16 of the *Legal Profession Uniform Law Application Regulation 2015*. Links to the legislation can be found on the Uniform Law page of the Bar Association website: <http://www.nswbar.asn.au/for-members/uniform-law>

Trust money is defined in the Legal Profession Uniform Law (s 129). It includes money received by a barrister on account of legal costs in advance of providing the services. Clause 15 of the Application Regulation permits a barrister to receive and hold fees in advance *in direct access matters only* and subject to a number of restrictions:

EXECUTIVE DIRECTOR'S REPORT

The Legal Profession Uniform Conduct (Barristers) Rules 2015 came into force on 1 July, along with the rest of the Uniform Law Scheme.

- the barrister maintains a 'trust money account' with an ADI for the sole purpose of holding fees in advance;
- the trust money account cannot be linked to any credit or mortgage facility;
- the barrister notifies the Bar Association of the name and certain details of the account, within 14 days of opening the account;
- fees in advance are deposited in the trust money account as soon as practicable after they are received by the barrister;
- the barrister provides a detailed written receipt as soon as practicable to the person from whom the money is received;
- the money remains deposited in the trust money account until a bill is given to the client, or the money is refunded to the client or paid to a solicitor later engaged by the client;
- the barrister appoints an external examiner to carry out an annual examination (first examination to be submitted to the Bar Association no later than 7 June 2017 and is to cover the period from commencement of the regulation).

This is only a summary of the provision. It is essential that a barrister who receives fees in advance examines clause 15 in detail. There is detailed information about the uniform law and fees in advance on the association's website, which is continually being updated: www.nswbar.asn.au/for-members/uniform-law

The Legal Profession Uniform Conduct (Barristers) Rules 2015 came into force on 1 July, along with the rest of the Uniform Law Scheme. The new Uniform Conduct Rules are largely the same as the Australian Bar Association's 'Model Rules', which were adopted in NSW in 2011. Immediately before the new rules were made by the Legal Services Council (the body that now determines the various rules under the Uniform Law), concern was expressed by a number of barristers who undertake alternative dispute resolution work about the wording of clause 11 of the Legal Profession Uniform Conduct (Barristers) Rules 2015:

11. Barristers' work consists of:
 - (a) appearing as an advocate;
 - (b) preparing to appear as an advocate;
 - (c) negotiating for a client with an opponent to compromise a case;
 - (d) representing a client in a mediation or arbitration or other method of alternative dispute resolution;
 - (e) giving legal advice;
 - (f) preparing or advising on documents to be used by a client or by others in relation to the client's case or other affairs;
 - (g) carrying out work properly incidental to the kinds of work referred to in (a)-(f); and
 - (h) such other work as is from time to time commonly carried out by barristers.

EXECUTIVE DIRECTOR'S REPORT

...the ABA is becoming a highly-regarded – and active – national body for the Australian Bar.

The view was put that that clause 11(d) should read: 'representing a client in *or conducting* a mediation or arbitration, reference or other method of alternative dispute resolution'.

In July the Bar Council resolved that the Australian Bar Association, which has the statutory responsibility of recommending rules under the Uniform Law to the Legal Services Council, be asked to seek to have Rule 11(d) amended to read 'representing a client in *or conducting* a mediation or arbitration or other method of alternative dispute resolution'. The Bar Association's ADR Committee is preparing a submission for Hutley SC, the council's representative on the ABA Council, to take to the ABA seeking this change. This matter is now on the ABA Council's agenda.

Australian Bar Association

The New South Wales Bar Association, as are the bars of each state and territory, is a member of the Australian Bar Association.

The idea of a Bar Association to represent Australia's barristers at a national level was first raised in the early 1960s. A resolution to form the Australian Bar Association (ABA) was passed on 27 July 1962 at a meeting in Brisbane of representatives of the New South Wales, Victorian and Queensland Bar Associations.

On 24 January, 1963 the inaugural general meeting of the Australian Bar Association was held in the Theatre Royal in Hobart, Tasmania and was attended by around 100 people – including members of the judiciary and the various state bars, including the Rt Hon Sir Owen Dixon, chief justice of Australia and the Hon Sir Garfield Barwick QC, the then attorney-general of the Commonwealth.

The ABA Bar Council now comprises the presidents or their nominee of each of the state and territory bars. Noel Hutley SC is our director.

As I noted in last year's report, the ABA is becoming a highly-regarded – and active – national body for the Australian Bar. The ABA is now regularly contacted by the media – and others – for comment or assistance on important issues of relevance to the profession. Submissions have been made to the Australian Parliament. The issues that have been canvassed this year include the political attack on the independence and integrity of the president of the Australian Human Rights Commission, Gillian Triggs, and the commission's report, *Forgotten Children*, about mandatory closed immigration detention of children; attacks on the independence of the judiciary; opposition to the death penalty; the abysmal funding of legal aid and the worsening rate of incarceration of Aboriginal and Torres Strait Islander peoples. The ABA's website <http://www.austbar.asn.au/> contains more detailed information on these and other activities undertaken over the past year.

EXECUTIVE DIRECTOR'S REPORT

Discussions have been held in Singapore and Brunei concerning, among other matters, rights of appearance of Australian barristers.

As part of the ABA's goals of developing links in the region, it has conducted training courses for advocates in Borneo and Singapore. Discussions have been held in Singapore and Brunei concerning, among other matters, rights of appearance of Australian barristers. Later this year there will be a series of Continuing Professional Development seminars conducted with Singaporean practitioners.

In early July the ABA held a conference in Washington and Boston. The speakers included the Rt Hon Beverley McLachlin PC, chief justice of the Supreme Court of Canada; the Honourable Justice Patrick Keane, High Court of Australia; the Hon Kim Beazley AC, Australian ambassador to the USA; Chief Judge Diane Wood, Seventh Circuit, US Court of Appeal; Chief Judge Jeffrey Howard, First Circuit, US Court of Appeal; and the Hon Tom Bathurst AC, chief justice of New South Wales.

The work of the ABA is all done on an honorary basis, including the administrative support given by the larger bars.

The work of the ABA is all done on an honorary basis, including the administrative support given by the larger bars. The Queensland Bar Association provides support to the work of its Advocacy Training Council; the Victorian Bar looks after its website, and the New South Wales Bar Association provides administrative and secretarial support. In January I was appointed the (honorary) chief executive officer of the ABA.

There is currently litigation in train over the use by another party of the title 'Australian Bar Association'. Accordingly, the Australian Bar Association incorporated a new entity, ABA Australian Bar Association Limited (ABA Limited). ABA Limited is an Australian public company limited by guarantee and assumes the role and function of the ABA going forward. As the current president of the ABA, Fiona McLeod SC, noted in her 2015 President's Report in June, 'It has been a long-held plan of the ABA to incorporate and this is a positive development for the future activities and governance of the ABA'. The New South Wales Bar Association's director, organisation and development, Chris D'Aeth, is the company secretary.

When the 2015–16 practising certificate renewal documentation was sent to the bar in April, there was an option for members to opt out of membership of the ABA. Only a handful did so.

Law Council of Australia

The Law Council of Australia, established in 1933, represents the legal profession at the national level, speaks on behalf of its constituent bodies on national issues, and strives to promote the administration of justice, access to justice and general improvement of the law.

The New South Wales Bar Association is a constituent member of the Law Council of Australia, as is the bar in each state and territory, and the Large Law Firm Group. Arthur Moses SC has been the association's director on the Law

EXECUTIVE DIRECTOR'S REPORT

The Law Council's focus is on ways in which the law and the justice system can be improved for the benefit of the community.

Council for the past year. At present, each law society and bar and the Large Law Firm Group has a director (although the smaller bars share a vote). This unwieldy governance structure has been frequently reviewed, but constituent bodies are reluctant to cede authority to the profession's peak body, especially if that means that they do not as of right have a place at the directors' table.

However, despite this problem – which must be resolved – the work of the Law Council that is on public display is uniformly of a high quality – and often influential. The Law Council's focus is on ways in which the law and the justice system can be improved for the benefit of the community. A major activity is its submissions to the federal parliament and its committees, to the federal government and to bodies such as the Productivity Commission and the Australian Law Reform Commission. Of direct benefit to the profession is the recently launched policy to promote diversity and equality in the profession.

A list of the Law Council's numerous submissions can be found at <http://www.lawcouncil.asn.au/lawcouncil/index.php/library/submissions>.

The Bar Association is lucky to have the staff that it does.

The Bar Association staff

I can only repeat what I said last year; it is difficult to say in a new way what I have consistently said for many years. The Bar Association is lucky to have the staff that it does. The long hours of dedicated service the staff routinely put in for the association, individual barristers and members of the public receives far too little recognition.

Further thanks

There are literally several hundred members of the bar who over the past year have provided the Bar Association, and me and my staff, with assistance, be it as a member of the Bar Council, a committee, working party, duty barrister scheme, court liaison nominee or in some other representational role or in response to ad hoc requests. I am grateful for all this generous donation of unpaid time and support. I particularly wish to thank the president, Jane Needham SC, for her unstinting support for me and the rest of the Bar Association's staff, and for being always available – and always friendly even when taking a phone call at a particularly unsociable hour or on a holiday, despite the very great workload she has had to carry on top of her practice and family commitments.

STATISTICS

The Bar Association is a voluntary association. Being a member and holding a NSW barrister's practising certificate (PC) are separate. The following is a statistical profile of both membership and barristers who hold a NSW practising certificate. As at 30 June there were 3058 members.

+ 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.

PRACTITIONERS

As at 30 June 2015 there were 2305 barristers with a NSW PC.

PRACTITIONERS HOLDING NSW PCS					
(including practitioners based interstate and overseas)					
Male					1815
Female					490
Total					2305
PRACTITIONERS WHO ARE SENIOR COUNSEL (QC / SC)					
Male					334
Female					37
Total senior counsel					371
JUNIOR BARRISTERS					
Male					1481
Female					453
Total junior barristers					1934
LOCATION OF HOLDERS OF A NSW PC					
	Juniors		Silks		Total
	Male	Female	Male	Female	
NSW	1476	453	331	36	2296
ACT	1	0	0	0	1
Queensland	3	0	0	0	3
OVERSEAS PRACTITIONERS BY COUNTRY OF RESIDENCE					
	Juniors		Silks		Total
	Male	Female	Male	Female	
New Zealand	0	0	1	0	1
UK	1	0	2	0	3
Singapore	0	0	0	1	1

STATISTICS

MEMBERS

MEMBERS WHO HOLD A NSW PC	
<i>(including members based interstate & overseas and seven life members who have a current NSW PC)</i>	
Male	1805
Female	485
Total	2290
Number of senior counsel (QC or SC)*	
Male	334
Female	37
Total	371
Number of 'junior' barristers**	
Male	1471
Female	448
TOTAL	1919

PRACTISING ADDRESS OF MEMBERS WHO HOLD A NSW PC	
New South Wales	2281
Australian Capital Territory	1
Queensland	3
Overseas	5

MEMBERS	
<i>(inc. honorary life members, judges and non-practising barristers)</i>	
Male	595
Female	173
Total	768
<i>(Inc. 32 honorary life members without a current NSW PC)</i>	



NEW SOUTH WALES
BAR ASSOCIATION®

OCCUPATION OF NON-PRACTISING MEMBERS	
Academic	13
Clerk	44
Commonwealth DPP	1
Crown prosecutor	2
Former barrister	156
Former judge / magistrate	106
Interstate / overseas barrister	185
Judge	176
Judicial officer	5
Magistrate	30
Statutory appointment	9
Other	38
Member of parliament	2
Solicitor-general	1

BAR COUNCIL

As at 30 June 2015

Jane Needham SC
Noel Hutley SC
Arthur Moses SC
Justin Hogan-Doran
Philippe Doyle Gray
David Bennett AC QC
Paul Menzies QC
Alan Sullivan QC
Tim Game SC
Jeffrey Phillips SC
Margaret Cunneen SC
Kate Traill
Mary Walker
Paresh Khandhar
Dominic Toomey
Christopher Wood
Hamish Stitt
Sophie Callan
John Hyde Page
Gregory Antipas
Ishita Sethi

OFFICE BEARERS



Jane Needham SC
President



Noel Hutley SC
Senior Vice-President



Arthur Moses SC
Junior Vice-President



Justin Hogan-Doran
Treasurer



Philippe Doyle Gray
Honorary Secretary



BAR ASSOCIATION STAFF

As at 30 June 2015

OFFICE OF THE EXECUTIVE DIRECTOR	
Executive Director	Philip Selth OAM BA (Hons) LLB
Executive Assistant	Georgina Stow
In-house Counsel	Jennifer Pearce BEc LLB
ADMINISTRATION DEPARTMENT	
Administration Manager	June Anderson
Receptionist	Maree Fitzgerald B Design JP
Admin. Assistant (Records)	Kim Ellis
Records Assistant	Melanie Whitehorn
Software Developer	Matthew Vickers
IT Consultant	Darren Covell
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)
FINANCE DEPARTMENT	
Finance Manager	Basil Catsaros B Comm CA
Deputy Finance Manager	Tess Santos B Sc (Business Admin.)
Certification Officer	Barrie Anthony JP
LEGAL ASSISTANCE REFERRAL SCHEME	
Legal Assistance Manager	Heather Sare
Administrative Assistant	Wendy Incoll BA
PROFESSIONAL CONDUCT DEPARTMENT	
Manager, Professional Conduct	Terrie Gibson BA LLB LLM
Deputy Director	Helen Barrett LLB
Deputy Director	Peter Smith LLB BLJS
LAW REFORM AND PUBLIC AFFAIRS	
Deputy Executive Director	Alastair McConnachie LLB
Publications Manager	Chris Winslow BA (Hons) MIntS
Senior Policy Lawyer	Megan Black BA LLB (Hons)
Senior Policy Lawyer	Roshana Wikramanayake BEc LLB
Policy Lawyer	Kim Kemp LLB
Paralegal	Sorrel Palmer BA(Hons)
PROFESSIONAL DEVELOPMENT DEPARTMENT	
Director, Organisation & Development	Chris D'Aeth LLB (Hons) MBA
Senior Projects Manager	Anna Adair BA BSSc MA Dip Ed
Professional Development Manager	Bali Kaur BA (Hons)
Event Manager	Katie Retford BM
Education Assistant	Stella Giandiri
Events Co-ordinator	Corinne Gilbert

REPORTS

Arranging and promoting continuing professional development

PROFESSIONAL DEVELOPMENT DEPARTMENT

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

The role of the department

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

- co-ordinate induction to practice of, and services for, new barristers. There are two main aspects to the substantive educational services for new barristers: the Bar Examinations; and the Bar Practice Course;
- provide continuing professional development (CPD) seminars and conferences;
- arrange the various social functions put on by the association for members, such as the Bench & Bar Dinner, the Tutors' & Readers' Dinner and the 15-Bobber functions.

The department remains focussed on our core objectives: to continue to provide relevant, practical and intellectual content to members to assist in their ongoing professional, and practice, development. The department continues to work closely with the Bar Council and the committees to identify areas of need and interest to members and to provide services that address those needs and interests in a timely and cost effective manner.

Exams

For the February 2015 Bar Exams 166 candidates submitted a registration form to sit for one or more of the examinations. The three examinations are: Practice and Procedure; Evidence; and Ethics. Not all those registered sat the examinations, in February 114 candidates sat the examinations. In June 2015, 143 registered and 118 attempted one or more of the examinations. A total of 46 members of the association assisted in the preparation and marking of papers in February 2015 and 47 assisted with the June 2015 examinations.

The Bar Examination Working Party, chaired by Carol Webster SC, continues to provide support, guidance and assistance to the department in the implementation of the Bar Council policy in relation to the Bar Exams. The examination format remained the same as in previous years. During the year, however, the Examination Working Party conducted a comprehensive review of the examination system, examining five years of examination data. This data and the accompanying report formed the basis of a recommendation to the Education Committee, and ultimately the Bar Council, regarding the format

PROFESSIONAL DEVELOPMENT DEPARTMENT

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.

...there are over 50 scheduled lectures, mini-trials and workshops, featuring in excess of 140 barristers and judges.

of bar examinations in the future. These deliberations, in turn, brought about a resolution to introduce a single integrated examination from February 2016 onwards. Transitional arrangements have been set down for affected candidates.

Bar Practice Course

The August/September 2014 and May 2015 course represented the 48th and 49th BPC. The courses were directed and overseen (for the ninth year) by Michael Fordham SC. In 2014–15 96 readers completed the two courses. This is equal to the number of readers in 2013–14. The course continues to see a greater percentage of women undertaking the course (37.5%) than the overall percentage of women in practice at the New South Wales Bar generally.

The course continues to be structured as a four week program of intensive, full-time study. The overall format of the course has remained constant in recent years while individual components have been developed and refined in response to feedback, as well as to developments in practice. The Bar Practice Course would not be possible to deliver to the high standard that it is without the very generous support of over 140 barristers and members of the judiciary who give so willingly of their time, frequently for both courses and year after year, to help provide readers with the best possible induction to practice at the bar.

The Bar Practice Course spans over 50 scheduled lectures, mini-trials and workshops, and the involvement of vast numbers of barristers assisting as tutors, lecturers, workshop leaders and advocacy coaches as well as judges, past and present, from all jurisdictions. As such, the course continues to be a major part of the professional development calendar and a considerable administrative task but culminates in some of the most rewarding experiences of the year. Through the Bar Practice Course, we see the very best of practice at the bar by way of collegiality, mentoring and tutelage, and dedication to court craft as well as the increasing diversity within the profession. The commitment of all involved is absolute.

We could not run these courses without the continuing support from the presenters, instructors and judges who set aside time from their busy practices to assist in welcoming and guiding the newest members of the bar. The Bar Council wishes to extend its sincere thanks to all those involved in the Bar Practice Course.

PROFESSIONAL DEVELOPMENT DEPARTMENT



The conference programs were designed to offer a wide range of topics and speakers that would be of interest to all members.

The university open day remains a popular day in the calendar. Held in spring each year, it attracts over 100 students from the 10 law faculties in NSW.

CPD

Among the goals of the Bar Council in introducing CPD in 2002, as a requirement of maintaining a barrister's practising certificate in New South Wales, is a recognition that in order to maintain the professional reputation of the bar, it is essential that it maintains the highest professional standards. Continuing education was, and remains, the most obvious and direct means of achieving that end. This sentiment was echoed in the articulation of the Uniform Rules that entered into effect on the 1 July 2015 and will guide CPD activity in the years to come.

In 2014–15 the department offered 74 seminars (111 points) covering all four strands plus a number of workshops and conferences. The conference program continued to enjoy strong support from all members. Conferences were run throughout February and March in Orange, Newcastle, Parramatta, the North Coast, and two conferences in Sydney. The conference programs were designed to offer a wide range of topics and speakers that would be of interest to all members.

As in previous years, the preparation for the conferences for 2016 will commence around the time of the publication of the annual report. If any member would like to be involved in the conferences – or any aspect of the CPD program – you are encouraged to contact the professional development department.

Additional activities

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

Thank you

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

REPORTS

Arranging and promoting continuing professional development

PROFESSIONAL DEVELOPMENT DEPARTMENT

Currently, the Education Committee is focussed on improvements to the examination process

The New Barristers' Committee provides a great deal of assistance to the professional development department, particularly in the design and provision of CPD for the junior bar.

The aim of the Health, Sport and Recreation Committee is to encourage members to maintain a balanced and healthy lifestyle...

Education Committee

The committee provides oversight to the professional development department's activities, including (but not limited to) the exams, the Bar Practice Course, the reading program 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. Currently the committee is focussed on improvements to the examination process and will shortly commence work on reviewing the reader/tutor information on the Bar Association website.

New Barristers' Committee

The goals and objectives of the New Barristers' Committee are: to promote the pursuit of excellence through targeted Continued Professional Development, camaraderie through social events and other traditions of the general bar among NSW barristers under six years; to 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 six years seniority; and to otherwise support the work of the Bar Council as and when needed.

The New Barristers' Committee provides a great deal of assistance to the professional development department, particularly in the design and provision of CPD for the junior bar. The committee is also responsible for the annual cross-examination workshop. The next scheduled cross-examination workshop will be in February / March 2016.

Health Sport and Recreation Committee

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

The annual health testing day was once again 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.

Promoting the interests of practising barristers

THE BAR LIBRARY

The library handled an average of 56 loans and returns daily in this financial year

We received and answered about 85 requests per week in the 2014–15 financial year.

The Bar Library provides an efficient and effective library service to members and staff of the Bar Association and to practising members of the profession. Its major goals are to:

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

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

- identifying, selecting, acquiring, processing and making available resource material within the parameters of the collection development policy, to constitute a relevant, up to date and well balanced collection;
- legal reference services for members, exam candidates and Bar Association staff;
- library orientation and legal research training; and
- provision of an index of current legal weblinks.

Library website

Use of the library's website grew this year. The same login and passwords issued for CPD streaming are also used to access the library's website. Members can reserve and renew items of interest, download items from the library's unreported judgments collection and also access available databases from their chambers. The Library Links area of the website which indexes all important free online resources can be accessed without a login.

The library handled an average of 56 loans and returns daily in this financial year which compares to 58 last year. At 13,300 loans were slightly down from the 14000 of last financial year but still comprised mostly textbooks and law reports. Requests to the library remained steady this year. We received and answered about 85 requests per week in the 2014–15 financial year. The library's collection can be utilised to answer most of these questions but we also use the resources of court libraries, law firm libraries in the LILLI (Legal Inter-Library Loans) network and more formally with university and other libraries via the LADD (Libraries Australia Document Delivery) service.

The library has continued to rationalise the collection, phasing out hard copy resources and increasing accessibility to online as the user group changes. Thanks to the librarians who have worked very hard in the service of the members again this year. The library continues to host meetings of the Health, Sport & Recreation Committee's Bar Book Club and Bar Knit Group. They are much appreciated by the membership. Thank you to the volunteers who assisted at the Benjamin Andrew Footpath Library <http://footpathlibrary.org/> this year. We hope more members will get involved in the future.

REPORTS

Promoting the interests of practising barristers

WOMEN BARRISTERS FORUM

Executive Committee

Chair

Michelle Painter SC

Vice-chairs

Kate Morgan

Michelle McMahon

Treasurer

Rosalind Winfield

Co-secretaries

Caroline Dobraszczyk

Theresa Power

WLANSW Liaison

Lee-May Saw

IT officer

Kavita Balendra

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

The Executive Committee was expanded to also include Lee-May Saw as Women Lawyers Association NSW liaison and Kavita Balendra as information technology officer.

In memorium

In December 2014 Katrina Dawson was killed in the Lindt Café Siege. Many members of WBF were her friends, and all members of WBF were affected by her tragic loss. Members of WBF participated in the various memorial events, including most recently at the Women Parliamentarians Conference Katrina Dawson Foundation fundraising lunch where 30 women barristers attended. WBF has made a donation to the Katrina Dawson Foundation and many members have donated in their private capacity.

Activities

During the last 12 months, the members of WBF have continued to work on a series of projects.

CPD

The WBF has maintained its focus on Continuing Professional Development seminars, of which it has presented on a variety of topics. In keeping with our mandate we have implemented lunch time seminars so that barristers whose family and other commitments make evening seminars difficult can still attend CPD events. Plans are well advanced for a continuing series of seminars into the coming year.

In March 2015 WBF worked with Salvos Legal to host a day of CPD, which involved presentations hosted by women judges (including Justice Ruth McColl AO (Court of Appeal), Justice Paddy Bergin (CJ Eq), Justice Melissa Perry (Federal Court) and Judge Liz Olsson (District Court) and involving 15 women barristers (four silks and 11 juniors). Approximately 200 people attended the conference and feedback was uniformly excellent.

Social events

The Women Silks Drinks in November 2014 celebrated the appointment of three women senior counsel. The evening was well attended by the bench and

The WBF has maintained its focus on Continuing Professional Development seminars...

Promoting the interests of practising barristers

WOMEN BARRISTERS FORUM

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

bar. WBF cooperated with WLANSW to host the twice annual Janet Coombs Women Readers lunches, coinciding with the readers courses in September and May. WBF has reinvigorated its Casual Drinks night. The event is held for all barristers at a local venue, Verandah Bar, and is intended to provide an informal evening of socializing. Our first one for the year coincided with a week of torrential rainstorms but was still well attended. All barristers and judges are welcome to attend.

NARS response

As part of the Bar Association's response to the findings of the Law Council's National Attrition and Re-engagement Study (NARS), WBF drafted a question for the bar exams on the Best Practice Guidelines. WBF members have also commenced what is likely to be a large and ongoing task of reviewing the Bar Practice Course materials. WBF is organising an alumni program for women barristers who have left the bar but who wish to maintain connections with the Bar Association and its members. WBF Executive Committee member Kate Morgan represents the WBF on the New South Wales Bar Association's Equitable Briefing party, one of the initiatives in response to the NARS Report. WBF will continue to work with members of the EOC and the Equitable Briefing Working Party to promote the Equitable Briefing Policy.

Advocacy

The chairs of WBF and the EO Committee (Painter SC and McGrath SC) have commenced meeting regularly to exchange information and ideas from their respective groups.

WBF members received funding from the Bar Association to attend the bi-annual Australian Women Lawyers Conference in Adelaide in October 2014. Michelle Painter SC attended, together with Bar Association President Jane Needham SC, Trish McDonald (chair, EO Committee) and Megan Black from the Bar Association. The conference was an excellent opportunity to inform the conference delegates of the work being done in NSW to respond to the NARS report, and to report on the many initiatives which NSW was implementing.

The WBF is working on a new project to ensure that clean safe convenient amenities are available to women barristers who are nursing infants.

The WBF is working on a new project to ensure that clean safe convenient amenities are available to women barristers who are nursing infants. The aim is to ensure that all court and tribunal buildings offer nursing mothers access to a safe, clean and private space. Some courts provide facilities, other courts provide exceedingly limited facilities or no facilities at all.

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

Promoting the interests of practising barristers

INDIGENOUS BARRISTERS' STRATEGY WORKING PARTY

Indigenous Barristers Strategy Working Party

Chris Ronalds SC (chair)
 Her Honour Judge Dina Yehia SC
 His Honour Judge Andrew Haesler
 Daniel Howard SC
 Janet Manuell SC
 Mullenjaiwakka
 Tony McAvoy
 Professor David Barker
 Professor Larissa Behrendt
 Jeni Engel

The Indigenous Barristers' Strategy Working Party is dedicated to the implementation of the Indigenous Lawyers' Strategy at the NSW Bar. The Bar Association uses the definition of Aboriginal people and Torres Strait Islanders as adopted by the High Court in the Tasmanian Dams Case (*Commonwealth v Tasmania* (1983) 158 CLR 1) which is a three part test. A person must be a person of Aboriginal or Torres Strait Islander descent, who identifies as an Aboriginal person or a Torres Strait Islander and is accepted by the relevant community as an Aboriginal person or a Torres Strait Islander. To obtain any benefits from any of the association's programs, an applicant must provide written verification of their acceptance in an ATSI community.

The Working Party's major focus in 2014–15 was the further promotion and implementation of the Bar Association's Reconciliation Action Plan (RAP) which commenced in January 2013. The RAP documents the Bar Association's responsibility to ensure that the New South Wales Bar reflects the values of equity and diversity, and sets out the association's goals for the coming years and the way in which those goals can be achieved. In doing so, the association is building on over 17 years' experience in creating pathways for Aboriginal and Torres Strait Islander people to practise at the New South Wales Bar.

Over the past year, the Working Party continued to develop its already strong focus on Indigenous law students, by providing encouragement and incentives for students to progress through their studies to one day consider the bar as career choice

Over the past year, the Working Party continued to develop its already strong focus on Indigenous law students, by providing encouragement and incentives for students to progress through their studies to one day consider the bar as career choice. The mentoring scheme was established in February 2009. Mentors have worked with many students who have now graduated and there are currently 35 Indigenous law students being mentored by NSW barristers. Mentors frequently remain in contact with and provide professional support for graduates once they become new solicitors. Students continue to report substantial increases in their understanding of the way the legal system works which provides a significant input to their legal studies. Barristers continue to remark on the rewarding nature of the scheme and frequently claim the benefits are higher to them than to the student.

Developing part-time employment opportunities for Indigenous law students and mentoring opportunities for new Indigenous law graduates is also a priority for the Working Party. The employment scheme for Indigenous law students has run successfully over the last 13 years. Under the scheme, students are provided with the opportunity to conduct administrative work and research for barristers and gain an understanding of the role of a barrister.

In August 2014, the association hosted 33 Indigenous law students to 'Share a Judge's Day'. Each student spent the day with a Supreme Court judge and sat in court and participated in the work and other activities of the judge and their staff behind the scenes. A social function hosted by the chief justice, the Hon

Promoting the interests of practising barristers

INDIGENOUS BARRISTERS' STRATEGY WORKING PARTY

In April 2015 the working party, along with the Law Society's Indigenous Issues Committee, presented a session on 'Communicating with Aboriginal Clients and Witnesses', which focussed upon intercultural communication between lawyers and Aboriginal English speaking clients and witnesses.

Tom Bathurst AC QC, was held in the evening and was attended by the (then) NSW attorney general, Mr Brad Hazzard, the judges, their staff, the students, barrister mentors and members of the Working Party.

In February 2015, the bar hosted Indigenous pre-law students from universities across the state. The students met barristers and visited their chambers to gain an insight into the work of a barrister. They attended court for a period and then met with Justice Michael Slattery who talked to them about being a judge and the way the court system works. The Working Party was also responsible for organising a number of CPD events for the bar and the wider profession during 2014-15, which reflected the association's commitment to hold appropriate Indigenous events for the bar under its RAP. In April 2015 the Working Party, along with the Law Society's Indigenous Issues Committee, presented a session on 'Communicating with Aboriginal Clients and Witnesses', which focussed upon intercultural communication between lawyers and Aboriginal English speaking clients and witnesses. The CPD event was organised in response to one of the recommendations of the Legislative Council Standing Committee on Law and Justice, and the panel included Dr Diana Eades, a specialist in critical sociolinguistics, David Pheeney a solicitor working with the Aboriginal Legal Service NSW and Sophia Beckett, a barrister specialising in criminal law.

The Working Party was also involved in the development and presentation of a National Reconciliation Week Event in May 2015 on Legal Responses to Family Violence, a panel presentation which featured, among others, Ms Rosie Batty, Australian of the Year 2015, Ms Dixie Link-Gordon from Rape and Domestic Violence Services Australia and the Honourable Justice Hilary Hannam of the Family Court of Australia. The session was jointly organised by the Working Party, the Law Society of NSW and the Judicial Commission of NSW.

A staff function was held in August 2014, which focused upon issues relating to the Constitutional recognition of Aboriginal and Torres Strait peoples, with assistance from the organisation known as RECOGNISE.

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, Jane Needham SC, Justice Michael Slattery of the NSW Supreme Court, Mullenjaiwakka, an Aboriginal barrister, and Chris Ronalds AM SC.

The trust was involved during the reporting year in preparations for the sponsorship of 16 Aboriginal students to attend the 2015 National Indigenous Legal Conference, which was held outside the reporting period in September 2015 in Melbourne.

Promoting the interests of practising barristers

PRACTICE DEVELOPMENT COMMITTEE

Committee members

Richard McHugh SC (chair)

Michael McHugh SC

Elizabeth Cheeseman SC

Michelle Painter SC

Eugene Romaniuk SC

Ian Hemmings SC

Peter Lowe

Kylie Day

Patrick Knowles

Philip Wallis

Stephanie Patterson

Nick Tiffen (clerk)

During the reporting period, the committee continued its focus on initiatives which enable the bar to promote or market itself to in-house counsel, and also was heavily involved in the analysis of the results of the 2014 Bar Survey in conjunction with Urbis Consulting.

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

- The committee again settled questions for in-house counsel relating to briefing the bar, which were included in ACLA's annual survey of its members. The survey results indicated that in the past 12 months 43.7 per cent of respondents had directly briefed a barrister (roughly equivalent to the previous year's findings), and that the reasons for directly briefing barristers are for the specialist expertise provided by the bar, and, interestingly, for major litigation;
- Organised a CPD session on marketing the bar, which was held in the Common Room on 22 October. The session featured members of the committee along with a clerk and partner of a leading firm, who provided different perspectives on opportunities for marketing for members of the bar;
- The committee also presented work a joint CPD seminar aimed at members and in-house counsel regarding reducing costs in litigation and the role of the bar which was held in March 2015;
- The Bar Association sponsored a drinks function for in-house counsel held at the conclusion of the ACLA Corporate Counsel Day in Sydney in March. The event, which was attended by bar councillors and members of the committee, provided an opportunity for in-house counsel to interact with members of the bar.
- Making arrangements for the presentation of a session from the NSW Bar at the annual meeting of ACLA to be held on the Gold Coast in November.

Promoting the interests of practising barristers

PRACTICE DEVELOPMENT COMMITTEE

The survey results provide a wealth of information about practice at the Bar, and will be used to inform future initiatives by Bar Council for Association members.

The committee's other major focus has been upon the analysis of and reporting on results of the 2015 Bar Survey, which was undertaken to provide a statistical profile of the NSW Bar in order to inform the Bar Council and be used to develop, support and justify future initiatives by the Bar Association for its members.

The committee formulated the questions included in the survey, which was sent to members along with practising certificate renewal papers in July. The response from members was outstanding – a total of 1174 completed survey forms were returned, which amounts to more than 50 per cent of practising NSW barristers.

Bar Council agreed to the committee's recommendation that the statistical analysis and reporting be undertaken by Urbis. Since July 2014 the committee has worked with Urbis in preparing extensive statistical tables which cover the results from the 45 survey questions and various cross-correlations between results covering issues such as gender, seniority and age, for example.

Urbis has also trained Bar Association staff to undertake their own cross-tabulations of survey answers so that further profiling can be undertaken as necessary.

The survey results provide a wealth of information about practice at the bar, and will be used to inform future initiatives by Bar Council for Association members.

The committee is giving consideration to the timing of the next survey of the bar, and any improvements that can be made to the survey questions.

Richard McHugh SC stepped down as chair of the committee at the end of the reporting period. Elizabeth Cheeseman SC has succeeded him in that role. The association is grateful to McHugh SC for his efforts in leading the committee through a number of major projects over the last five years.

Promoting the interests of practising barristers

EQUAL OPPORTUNITY COMMITTEE

Committee members

Trish McDonald SC (chair)

Richard Weinstein SC

Sally Dowling SC

Anthony McGrath SC

Virginia Lydiard

David Price

Ashok Kumar

Melissa Fisher

Penny Thew

Sophie Callan

Paul Folino-Gallo

Brenda Tronson

Lucinda Wilson

Amy Douglas-Baker

Anna Perigo

Jason Donnelly

Adria Poljak

Anthony Lloyd

Mary Rebehy

Aruna Sathanapally

Andrew Laughlin (clerk)

During the past year the Equal Opportunity Committee has developed and implemented strategies and undertaken significant work to promote diversity at the New South Wales Bar and equality of opportunity for all members.

In addition to contributing to policy development at a national level through the Law Council of Australia, the committee has undertaken work on a number of policy initiatives for the New South Wales Bar.

The committee's most significant work has been undertaken in response to the Law Council of Australia's *National Attrition and Re-engagement Study Report*. This has included creating and running an 'Advocates for Change' program, modelled on the Australian Human Rights Commission's 'Male Champions of Change'. Advocates are chosen from different areas of law, the first being Steven Finch SC in commercial law. Each advocate then hosts a small breakfast for practitioners in their area of practice to outline how they promote equality of opportunity within their own practice. Phillip Boulten SC will host a breakfast on criminal law in the second half of this year.

The committee has also drafted and promoted the adoption and implementation of the new Best Practice Guidelines for chambers on dealing with each of the following: sexual harassment, discrimination, bullying, parental leave and grievance handling. This has included encouraging chambers to adopt the guidelines, and arranging for training sessions and CPDs to be held on the guidelines and their implementation. The committee has also devoted time to:

- Promotion of the Bar Association's childcare scheme, which involves the guarantee of 10 full time places at the Martin Place Early Learning Centre. The scheme has been a great success, with significant uptake by members and very positive feedback.
- Creation and maintenance of the table of information on the Bar Association's website regarding the availability of readers' accommodation.
- Consideration of various proposals regarding the possible establishment of a parental leave scheme for the New South Wales Bar.
- Participating in a working party to review the application and operation of the 2004 Law Council of Australia Equitable Briefing Policy and consider the possible revision of it.
- Promoting the JobSupport employment scheme, which assists people with mild intellectual disabilities to secure employment. The Bar Association will provide chambers with information and assistance should they wish to engage staff using this scheme.
- Participating in the arrangements for the Junior Barrister Mentoring Program, in collaboration with the Women Barristers Forum and McCarthy Mentoring.

REPORTS

Promoting the interests of practising barristers

EQUAL OPPORTUNITY COMMITTEE

The committee's most significant work has been undertaken in response to the Law Council of Australia's National Attrition and Re-engagement Study Report.

- Hosting the Open Day for Female Law Students in August 2014 with students from Macquarie University, the University of Wollongong, the University of Western Sydney and the University of New South Wales, the next one of which is due to be held on Friday, 14 August 2015.
- Organising a very successful breakfast to raise funds for the Pink and Blue Ribbon charities, held at Hyde Park Barracks in October 2014, the next one of which is due to be held on Friday, 30 October 2015.

COSTS AND FEES COMMITTEE

Committee members

Mark Brabazon SC (chair)

John Sharpe

Michael Eagle

John Bartos

James T Johnson

Dominique Hogan-Doran

Philippe Doyle Gray

Justin Hogan-Doran

Janet McDonald

Michelle Castle

David Stewart

In preparation for the new regime, the committee undertook a full review of costs precedents and the costs and billing pages on the Bar Association's website.

The main business of the committee this year has revolved around the costs provisions of the Legal Profession Uniform Law (NSW), the *Legal Profession Uniform Law Application Act 2014* (NSW) and related subordinate legislation, which commenced on 1 July 2015. The committee provided input for the Bar Association's submissions on the Legal Profession Uniform General Rules. The chair also participated in confidential pre-enactment consultation and advised the Bar Association on other elements of the legislative package.

In preparation for the new regime, the committee undertook a full review of costs precedents and the costs and billing pages on the Bar Association's website. The new page and precedents were published within days of the final text of the legislation becoming known in June 2015.

Reflecting the committee's work, the chair was one of the speakers at the Bar Association's seminar on the new Uniform Law on 17 June 2015. Summaries of the new costs provisions and draft precedents were distributed.

Some particular matters may be noted. First, the new legislative package remains incomplete in that no Costs Assessment Rules have been promulgated. This will be the task of the Costs Assessment Rules Committee, which has yet to be constituted. Secondly, the legislative package has not yet responded to the great majority of recommendations of the chief justice's review of the costs assessment scheme. Thirdly, the new legislation significantly changes the rules relating to barristers receiving fees in advance. These areas will require continuing attention from the committee.

As in previous years, the committee also provided ad hoc advice to the Bar Council and members on questions relating to costs and fees, and committee members presented professional development seminars for the benefit of members.

Promoting the interests of practising barristers

BARCARE

It has been a very busy year for BarCare. The service has been able to provide confidential professional support for barristers experiencing difficulties. The greatest demand is for services of psychologists and psychiatrists. BarCare pays for the initial consultations and will cover additional sessions on a needs basis. No personal details are forwarded to the Bar Association without the consent of the barrister.

The service allows barristers to seek early professional intervention to deal with their personal problems. As in previous years, the summary of this year's data found that the larger number of barristers seeking BarCare services were younger and in the earlier phase of their career. That is under 44 years of age and practising at the bar for 15 years or less. This possibly reflects the fact that younger barristers have had somewhat different educational experiences and tend to seek help early. Approximately 61 per cent of all contacts are self-referrals, which is an increase of over 10 per cent in direct contact by barristers than in previous years.

Life at the bar is demanding on barristers' personal lives and the number seeking help for relationship issues has increased over the last couple of years. Financial pressures are rarely discussed during the first contact with BarCare. However finance has often been the trigger for manifesting feelings of anxiety and depression. It is vitally important that barristers have an accountant to assist in managing their practice.

The Sydney Siege

Members of the bar, their families and chambers staff felt the horrendous events of the 15 and 16 December at the Lindt Café. The siege took place at that time prior to Christmas when people were looking forward to the annual break, spending time with families and relaxing. The shock at the enormity of the siege unfolded throughout the first day as the news rippled quickly across the city and offices were evacuated. The Lindt Café is in the heart of Phillip Street and a popular venue for members of the bar to catch up with colleagues. It was in this comfortable setting the bar lost a most valued colleague and friend. The tragic loss of Katrina Dawson saw the outpouring of grief

In the early stages of the siege many barristers, chambers staff and clients were caught in the building. This was very traumatic for those involved. To assist in coping with the aftermath BarCare arranged for a psychologist from the specialist panel to conduct debriefing sessions in chambers.

of an entire city. The bar's thoughts and condolences are with her husband Paul, her three children and her brother barrister Sandy Dawson.

In the early stages of the siege many barristers, chambers staff and clients were caught in the building. This was very traumatic for those involved. To assist in coping with the aftermath BarCare arranged for a psychologist from the specialist panel to conduct debriefing sessions in chambers. Several of the panel psychologists worked tirelessly to provide urgent counselling sessions outside the usual business hours. Phone counselling was provided for individuals who felt unable to return to Phillip Street before the New Year. This terrible event galvanised the profession together to support each other. Calls were received where barristers were concerned about how staff members were coping. Staff in turn were worried about clients who had been trapped with them. And everyone closely involved was concerned about the staff of the cafe, who they considered as their friends.

The re-opening of the café was stressful for many. Calls are still coming from barristers who are struggling with the loss and horror of the siege. It is anticipated that for many the anniversary in December will be a difficult time. BarCare will be available to provide counselling if required.

The Benevolent Association was called on to respond to the emotional needs of the bar this year more than it had ever been in the past. Through its resources it was able to serve the bar in the true spirit of barristers for barristers in times of need.

REPORTS

Promoting the interests of practising barristers

BARCARE

1: PRIMARY PRESENTING PROBLEM	2010-11	2011-12	2012-13	2013-14	2014-15
Siege					15
Bereavement	5	4	3	2	4
Psychological	8	12	15	7	17
Depression	13	8	10	11	6
Stress/anxiety	8	7	10	4	15
Relationship difficulties	4	4	1	8	9
Gambling	0	1	0	0	0
Career advice	0	0	0	0	1
Physical health	3	3	4	9	4
Alcohol	2	1	1	3	1
Financial	9	9	3	5	2
Advice and NFA	5	10	6	7	5
Rejected offer of assistance	1	1	2	1	0
TOTAL	58	60	55	57	79

2: SOURCE OF REFERRAL	2010-11	2011-12	2012-13	2013-14	2014-15
Colleague via bar	0	0	2	2	0
Bar staff	9	11	14	14	13
Self	31	28	27	22	48
Colleague	10	9	7	6	7
Family	3	4	1	3	2
Clerk	0	3	2	3	4
Advice for colleague	5	5	2	7	5
TOTAL	58	60	55	57	79

3: GENDER	MALE	FEMALE
2011-12	36	24
2012-13	37	18
2013-14	37	20
2014-15	47	32



4: AGE (YRS)	<34	35-44	45-55	56-65	>65	UNKNOWN
2011-12	7	15	13	12	3	10
2012-13	6	12	13	13	4	7
2013-14	3	12	11	15	5	11
2014-15	6	22	27	13	2	9

5: YEARS AT BAR	<5	6-15	16-25	26-35	>35	UNKNOWN
2011-12	16	14	11	3	4	12
2012-13	12	14	10	7	5	7
2013-14	8	16	12	6	3	12
2014-15	22	26	13	7	2	9

Making recommendations and promoting the administration of justice

LAW REFORM AND PUBLIC AFFAIRS

The Bar Association's media activities are designed to educate the public as to the role of the justice system and about rule of law issues as they arise in public debate.

The Bar Association's public affairs activities seek to promote and defend the essential principles which underpin our justice system, as well as the interests of its members, in the public arena. The parameters of the Bar Association's public role are based upon the following specific objects of the Bar Association set out in clause 3.1 of the association's Constitution:

3.1.1 to promote the administration of justice;

3.1.2 to promote, maintain and improve the interests and standards of Local Practising Barristers;

3.1.3 to make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts;

3.1.4 to seek 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 media activities are designed to educate the public as to the role of the justice system and about rule of law issues as they arise in public debate. The Bar Association's public role extended to a number of law and legal policy-related issues during the reporting year.

However, these efforts on other issues paled into relative insignificance in the light of the tragic events of December last year with the loss of barrister Katrina Dawson, as well as the involvement of two other barristers, in the Lindt siege. Once the full impact of these events became clear, President Jane Needham SC, after consultation with Katrina's family, issued a tribute on the morning of 16 December:

It is with a heavy heart and deep sorrow that I must inform members of the New South Wales Bar Association that Katrina Dawson passed away in the early hours of this morning. Katrina, with two other members of the New South Wales Bar, were held as hostages during the incident at the Lindt cafe.

Katrina was one of our best and brightest barristers who will be greatly missed by her colleagues and friends at the New South Wales Bar. She was a devoted mother of three children, and a valued member of her floor and of our bar community. Our thoughts are with her family at this time.....'

In the ensuing days the Bar Association was inundated with requests for media comment, both in respect of the siege itself and legal issues surrounding the perpetrator, Man Monis.

Out of respect for the victims and their families, the Bar Association refrained from further comment for some days; however, it became apparent that, in the aftermath of the siege and with the benefit of hindsight, lawyers who had acted for the perpetrator and judicial officers involved in previous hearings were

Making recommendations and promoting the administration of justice

LAW REFORM AND PUBLIC AFFAIRS

..lawyers who had acted for the perpetrator and judicial officers involved in previous hearings were becoming the target of unjustified criticism (and in one case, threats to their physical safety) from individuals and the media.

becoming the target of unjustified criticism (and in one case, threats to their physical safety) from individuals and the media.

At this point it was necessary for the Bar Association to intervene to explain the role of lawyers and judicial officers in the justice system:

It has been regrettable that members of the judiciary have been targeted in a personal manner as if they were somehow to blame for the terrible events in Martin Place. Such comments are inappropriate and misplaced. Members of the judiciary each and every day in this State are required to discharge his or her oath of office by having to make difficult decisions based on the evidence that is before them. This task is an onerous one which the members of the State's judiciary discharge in good faith and according to law....

Further, the lawyers representing Mr Monis have also been the subject of personal abuse and criticism.

Such comments fail to understand that lawyers have an obligation to represent their clients to the best of their ability, irrespective of the personal views that a lawyer may have about the alleged conduct of their client. Members of the New South Wales Bar are not permitted to pick and choose who they represent, based on the alleged offence with which their client has been accused, or on their personal views about the individual. This ethical requirement ensures that all in our society are able to be represented before the courts.'

Jane Needham SC, Bar Association
media release, 19 December 2014.

The president undertook a number of television and radio interviews setting out the responsibilities of the judiciary and the profession.

Early in 2015, the Bar Association responded to comments made in the Australian Parliament by the prime minister, who chose to describe the activities of individuals facing terrorism charges before the courts thus: 'I don't think it would be possible to witness uglier fanaticism than this - more monstrous fanaticism and extremism than this'.

President Jane Needham SC said such commentary could prejudice a future trial:

What could happen is that the court could find it's impossible to have a jury being empanelled who was not affected by the comments. And that could either mean that the men would not receive a fair trial because the jury had already made up their minds, or that their trials might be stayed, and that has happened in the past where comments made in parliament have been the basis for stay application later.

Another primary focus of the Bar Association during the reporting year was legal aid funding. In December 2014, concerned by foreshadowed cuts to Commonwealth funded legal aid in complex criminal trials, the president called

Making recommendations and promoting the administration of justice

LAW REFORM AND PUBLIC AFFAIRS

The Bar Association's media activities are designed to educate the public as to the role of the justice system and about rule of law issues as they arise in public debate.

upon the Australian Government to restore proper levels of legal aid for these matters.

A number of media outlets reported the Bar Association's views and, at the president's request, Junior Vice-President Arthur Moses SC undertook various media interviews on the topic. In response to a campaign from the legal profession and other groups, the Australian Government subsequently decided to restore funding for these matters to previous levels.

Bail law reform was another area on which the Bar Association put forward robust views in 2014–15. Possible state government changes foreshadowed by the premier which would have shackled judicial discretion in relation to bail for certain offences brought forth the following response from the president:

The NSW government's proposal undermines basic principles of our justice system by removing the ability of the courts to consider all the circumstances of a particular case when considering bail.

(*'Baird Proposes Tightening Bail Laws'*,
Sydney Morning Herald, 23 February 2015).

Another major focus for the Bar Association was the Drug Law Reform Conference which was held in the Bar Common Room on 29 May 2015.

Another major focus for the Bar Association was the Drug Law Reform Conference which was held in the Bar Common Room on 29 May 2015. The conference involved a wide range of stakeholders and was intended to provide feedback on options for drug law reform which were included in a discussion paper released in November 2014 by the Criminal Law Committee. Over 70 delegates to the conference reached a high degree of consensus regarding the need for significant reform. The conference was hosted by the chair of the Bar Association's Criminal Law Committee Stephen Odgers SC, and its keynote speaker was Sir Grant Hammond, chair of the New Zealand Law Commission and former NZ High Court judge. The event received coverage in the *Sydney Morning Herald* through a news article and opinion piece from Odgers SC.

The association's representatives also made important media appearances on a wide range of topics including gender and diversity issues at the bar, stress in the legal profession and systems for oversight of judicial conduct in the course of the reporting year.

As in previous years, thanks are due to the chair of the Criminal Law Committee, Stephen Odgers SC and Junior Vice-President Arthur Moses SC, who both undertook media duties from time to time at the president's request.

Apart from direct media appearances, a crucial part of the Bar Association's public affairs activities involves the background briefing of journalists by officeholders and senior staff. This work is both proactive and in response to specific requests and is aimed at promoting accurate reporting in the coverage of often complex legal issues in the media.

REPORTS

Making recommendations and promoting the administration of justice

LAW REFORM AND PUBLIC AFFAIRS

... the Bar Association does attract negative comments from some commercial media outlets as a result of its opposition to populist depictions of the judiciary and justice system.

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

The Bar Association seeks to raise issues of legal principle in the public arena, supporting the rule of law and essential tenets of our legal system as set out in its Constitution. As a result, the Bar Association does attract negative comments from some commercial media outlets as a result of its opposition to populist depictions of the judiciary and justice system. It may be unfashionable in these days of media soundbites and social media, but the Bar Association will continue to seek to provide an objective source of information on our legal system and uphold the essential legal principles on which our democracy is based.

LEGAL AID COMMITTEE

Committee members

Dean Jordan (chair)

Carolyn Davenport SC

Tim Game SC

Alex Radojev

Neil Jackson

Maria Cinque

Craig Lambert

Sharyn Hall

Emmanuel Kerkyasharian

Peggy Dwyer

Clyllyn Sperling

Juliet Lucy

Allison Hawkins

The Legal Aid Committee undertook a number of projects during the last financial year due to substantial changes in a number of areas of legally aided work. Unfortunately, the current chronic underfunding of Legal Aid New South Wales continues to have a major impact on the way in which legal assistance services are delivered in New South Wales. The Legal Aid Committee has continued to work collaboratively with Legal Aid New South Wales to achieve the best possible outcome for barristers performing legally aided work during this period of funding uncertainty.

The committee considered the impact of changes implemented by Legal Aid New South Wales for funding of defended criminal matters in the Local Court and funding arrangements for mandatory defence disclosure under new case management provisions. Committee members are gathering further information on the effects of the changes and will continue to monitor changes. Policy changes for funding of contempt matters which had been announced by Legal Aid New South Wales in June 2014 were also reviewed by the committee.

There have been important developments concerning funding of indictable matters, as well as criminal matters generally. Members have raised difficulties with the on-line grants system which has resulted in barristers having to rely on solicitors to negotiate fees with Legal Aid New South Wales. The committee commenced a review of these issues in late 2014 and is working with Legal Aid New South Wales to improve the system.

Making recommendations and promoting the administration of justice

LEGAL AID COMMITTEE

The Bar Association has been concerned for some time about the significant decrease in Commonwealth funding for legal aid in New South Wales.

The Bar Association has been concerned for some time about the significant decrease in Commonwealth funding for legal aid in New South Wales. During the last financial year further significant cuts were made to Commonwealth funding of legal aid matters in New South Wales. In December 2014 the Board of Legal Aid New South Wales implemented policy changes which would have had the consequence of severely restricting funding for Commonwealth trials involving indictable matters. The Board also introduced policy changes to restrict the granting of aid in civil and family law matters. The association was informed that the Board had been forced to introduce these changes due to funding cuts and the increase in the number of such cases.

The Legal Aid Committee assisted the association to make a submission to the Commonwealth attorney-general on these issues. In February 2015 the committee prepared a submission to the Commonwealth attorney-general and the Federal Minister for Veterans' Affairs regarding policy changes to Legal Aid New South Wales which had cut Commonwealth funding for legal aid, including assistance to war widows and veterans who lodged appeals to the Administrative Appeals Tribunal in relation to pensions and gold cards.

In March 2015 the attorney-general approved additional Commonwealth funding to supplement the Expensive Criminal Cases Fund for the remainder of the 2014-15 financial year. As a direct consequence of the increase in Commonwealth funding, Legal Aid New South Wales was able to reverse policy changes which had affected claims by war veterans and their families and other civil law matters.

The committee prepared a comprehensive briefing note for the Australian Bar Association on the state of legal aid in New South Wales. It also assisted with the drafting of that part of the association's pre-election platform which dealt with legal aid.

The committee prepared a comprehensive briefing note for the Australian Bar Association on the state of legal aid in New South Wales.

In August 2014 Legal Aid New South Wales announced that the General Criminal Law Panel and the Specialist Barrister Panel (Criminal Appellate Matters) would be re-opened and that the Independent Children's Lawyer Panel would be renewed. The Legal Aid Committee provided nominees for the Selection Committees for each of these panels. The committee is continuing to liaise with Legal Aid New South Wales as to how the selection process will operate for each of these panels.

The committee worked with the Law Society of New South Wales to provide a number of joint nominations from the two organisations for the Legal Aid Review Committee and the Family Law Legal Aid Review Committee. The committee also assisted Legal Aid New South Wales with its General Family Law Panel and Children's Criminal Law Panel.

Making recommendations and promoting the administration of justice

CRIMINAL LAW COMMITTEE

Committee members

Stephen Odgers SC (chair)

Nicholas Cowdery AM QC

Tim Game SC

John Stratton SC

Sarah McNaughton SC

Chrissa Loukas SC

Sally Dowling SC

Penelope Wass SC

John Fitzgerald

Gabriel Wendler

David Jordan

Ian Bourke

Anne Healey

Gaby Bashir

Kieran Ginges

Richard Wilson

Kara Shead

Sophia Beckett

Lester Fernandez

Sharyn Hall

Jeffery Clarke

Alex Steel (UNSW)

David Hamer (Sydney University)

The committee finalised a discussion paper on the topic of drug law reform, which was provided to Bar Council on 23 October 2014.

During the last year the Criminal Law Committee has made a significant contribution to the development of the criminal law in New South Wales. The committee finalised a discussion paper on the topic of drug law reform, which was provided to Bar Council on 23 October 2014. Bar Council approved release of the document, and asked that the committee hold a conference of relevant stakeholders to further explore areas for reform. The conference was held in the Common Room on 29 May 2015 and was well attended, with representatives from NGOs, the legal profession, the medical profession, the Law Society, the Australian Medical Association, the courts and academia. A conference position was developed and is in the process of being finalised.

In addition to monitoring legislative and policy developments on a daily basis, the committee has made a number of written and oral submissions to the New South Wales Law Reform Commission, the New South Wales Sentencing Council, the Ombudsman, the New South Wales attorney general and the Law Council of Australia on a number of issues. Some of these submissions have been made on a confidential basis, others have been widely publicised. Issues on which submissions have been made include:

- amendments to the *Bail Act 2013*, subject of a report by his Honour Judge J Hatzistergos;
- consideration of possible amendments regarding 'show cause events', subject of a report by the Sentencing Council;
- proposed amendments to the *Crimes (Administration of Sentences) Regulation 2014*;
- the *Criminal Procedure Amendment (Domestic Violence Complainants) Bill 2014*;
- the Independent Commission Against Corruption, subject of a report by the Parliamentary Committee on the ICAC;
- a response to the Parliamentary Standing Committee on Law and Justice Report, 'The Family Response to the Murders in Bowraville', which was also provided to MPs in response to the *Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2015* and to the Law Reform Commission for its review of the operation of s 102 of the *Crimes (Appeal and Review Act) 2001*;
- the proposed Domestic Violence Disclosure Scheme pilot;
- offences applying to fatalities involving motor vehicles on private land, subject of a report by the Law Reform Commission;
- the replacement of judicial officers in criminal jury trials;
- amendment of the *Crimes (Sentencing Procedure) Act 1999* to address alcohol and drug fuelled violence, subject of a report by the Sentencing Council;
- the sentencing of child sexual assault offenders, subject of a report by a Parliamentary Joint Select Committee.

Making recommendations and promoting the administration of justice

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

Committee members

Angela Bowne SC (chair)

Malcolm Holmes QC

Peter Callaghan SC

Campbell Bridge SC

Robert Angyal SC

Ian Davidson SC

Nicholas Kidd SC

Mary Walker

Rashda Rana

Julia Soars

Deborah Robinson

Andrew Fox

Dr Sean Bogan

During 2014–15, 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 (which have been revised effective from 1 July 2015), the appointment of mediators to court panels and the approval by Bar Council of barristers as arbitrators.

A session on ADR was run during each Bar Practice Course.

The Bar Association renewed its fruitful membership of the Australian Centre for International Commercial Arbitration (ACICA) in July 2015. Other corporate members are Allens Linklaters, Ashurst, Clayton Utz, Clifford Chance, Corrs Chambers Westgarth, DLA Piper, Herbert Smith Freehills, Holman Fenwick Willan, King&Wood Mallesons, Minter Ellison, Norton Rose Fulbright, Sapere Research Group, Banco Chambers and the Victorian Bar.

The ADR Committee also gave detailed consideration to the position of ADR practitioners under the Bar Rules. In May the committee unanimously recommended to the Bar Council that the definition of ‘barristers’ work’ in what since 1 July 2015 has become clause 11 of the Legal Profession Uniform Conduct (Barristers Rules) 2015 be amended to include: ‘representing a client in or conducting a mediation or arbitration or other method of alternative dispute resolution’. On 16 July 2015, Bar Council resolved to approach the ABA to seek the amendment of Rule 11(d) by including ‘or conducting’ as recommended by the ADR Committee.

In 2015 Ms Angela Bowne SC stood down as chair after a fruitful seven and a half years of service. The association warmly thanks Angela for her valuable contribution to the activities, events and processes of the ADR committee.

CPDs and other training

In August 2014 the ADR committee ran a Mediation Masterclass at the Sheraton on the Park with a more interactive format than in past years and a focus on practical mediation issues. Round-table group discussions provided an opportunity for mediators to learn from each other and discuss challenging situations which often present during mediations. The keynote address ‘The Future of Mediation’ was delivered by Chief Justice Allsop of the Federal Court of Australia.

In addition to the Mediation Masterclass, the committee provided a number of other opportunities for barristers to attend ADR related training during 2014–15. CPDs included ‘Effective negotiation skills for commercial disputes’, ‘Mediation and neurobiology: why emotion and empathy belong in dispute resolution’, ‘Sport and ADR’ and ‘New developments in international

Making recommendations and promoting the administration of justice

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

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

The New South Wales Bar Association remains one of the largest mediator accrediting bodies under the NMAS with over 100 accredited mediators.

commercial and investment treaty arbitration’.

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 later in 2015.

‘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 2014–15 included ‘Med-Arb - it’s the unloved mongrel of ADR’ and ‘Mediations – they’re easier without the lawyers!’ The events are well worth attending and during 2014–15 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 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 2014, the committee recommended to Bar Council the accreditation of 22 ‘new’ and 7 ‘experience qualified’ mediators as well as the re-accreditation of 22 mediators who were last accredited in 2012. In addition, 10 barristers were recommended for the Family Law Settlement Service Panel.

Broadcast email

A regular ‘broadcast email’ is sent by Sorrel Palmer, the Bar Association’s Paralegal 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.

Making recommendations and promoting the administration of justice

COMMON LAW COMMITTEE

Committee members

Andrew Morrison SC (chair)

Simon Harben SC

Andrew Lidden SC

Robert Sheldon SC

Julia Lonergan SC

Eugene Romaniuk SC

Lorna McFee

Greg Hickey

William Fitzsimmons

Dominic Priestley

Andrew Stone

Elizabeth Welsh

Dominic Toomey

Bede Kelleher

Ross Stanton

Andrew Oag

Jnana Gumbert

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

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

As in previous years, the Common Law Committee dealt with a significant workload over the reporting year. Andrew Morrison SC continued as the chair of the committee in 2014–15.

Again, a major focus of the committee was the government's ongoing consideration of motor accidents reform. Following the failure of the government's proposed no fault motor accidents legislation to pass the Legislative Council in 2013, the government's major priority in this area has been the development of a new regulation to govern legal costs in motor accidents matters.

In early July 2014, the president, along with the chair and other representatives of the committee, met with the minister for finance, the Hon Dominic Perrottet MP, to discuss the government's plans for personal injury reform generally. At the time, the minister made it clear that the government would be consulting extensively with the profession on the content of the proposed costs regulation.

Since that time, members of the committee have been heavily involved in these discussions. Although an initial proposal from the Motor Accidents Authority would have drastically cut recoverable costs, as a result of extensive meetings, representations and negotiations, the final form of the regulation was settled which largely reflected the status quo, with modest increases in some categories of fees and new disclosure requirements being imposed upon solicitors. Over the reporting period, the committee also:

- prepared submissions to the statutory review of the *Workers Compensation Legislation Amendment Act 2012*;
- prepared correspondence from the president to the minister for finance concerning the *Motor Accidents (Lifetime Care and Support) Amendment Bill 2014*;
- represented the Bar Association at WorkCover's legal stakeholders forum in October 2014;

Making recommendations and promoting the administration of justice

COMMON LAW COMMITTEE

Although it is unclear what the government's intentions are in relation to long term motor accidents reform, the committee has established good relationships within government which allow the Bar Association ongoing input at both an agency and ministerial level.

- represented the Bar Association at various stakeholder consultations with the MAA;
- prepared comments to WorkCover regarding the draft *Workers Compensation (Existing Claims) Regulation 2014*;
- conducted a detailed analysis of the 2014 MAA Annual Report and levels of insurer profit under the NSW CTP scheme and met with the MAA to discuss this analysis;
- prepared submissions to the Motor Accidents Authority regarding new draft Claims Assessment Guidelines;
- participated in and prepared submissions to the Parkes Project, a review of inconsistencies in the NSW workers compensation system conducted by the WorkCover Independent Review Office;
- participated in discussions regarding future consultation structures involving the WorkCover's Safety, Return to Work & Support Division, and met with the chief executive officer of that agency to discuss future directions in motor accidents, workers compensation and the Lifetime Care and Support scheme;
- prepared draft material for inclusion in the Bar Association's 2015 pre-election policy;
- met with WorkCover officials regarding priorities in the distribution of benefits to injured workers; and
- prepared, in conjunction with Bar Association staff, the program for the 2015 Personal Injury Conference.

In addition, committee members, in conjunction with the events manager, arranged a very successful drinks function for the Common Law Bar held at The Hide on 22 August 2014. The Hon Justice Peter Garling was the guest of honour and spoke on the night.

At the time of writing, it appears that the government is interested in increasing benefits to injured workers under the NSW workers compensation scheme. The association will continue to encourage, and make suggestions to, government in this regard. Although it is unclear what the government's intentions are in relation to long term motor accidents reform, the committee has established good relationships within government which allow the Bar Association ongoing input at both an agency and ministerial level.

Particular thanks are due to Andrew Stone, who was a driving force behind the Bar Association's involvement in the area of motor accidents, along with Ross Stanton and Elizabeth Welsh, who have undertaken much of the Bar Association's workers compensation policy work.

Making recommendations and promoting the administration of justice

HUMAN RIGHTS COMMITTEE

Committee members

Sarah Pritchard SC (chair)

Richard Lancaster SC

Kate Eastman SC

Simeon Beckett

James Johnson

Shane Prince

Julian Gormly

Louise Goodchild

Reg Graycar

Trent Glover

Caroline Dobraszczyk

Natasha Case

Stephen Tully

Professor Andrew Byrnes
(UNSW)

The committee offered comments to the Law Council of Australia for its submission to the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.

The Human Rights Committee dealt with a wide range of issues during the reporting year. In July 2014 the committee provided substantial comments to the Law Council of Australia to assist with its response to the Senate Legal and Constitutional Affairs Legislation Committee on the *Migration Amendment (Protection and Other Measures) Bill 2014*.

In October 2014 the committee drafted a comprehensive submission for the Law Council on the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014*. The committee also provided a submission on behalf of the Bar Association to the Senate Legal and Constitutional Affairs Legislation Committee. A member of the Human Rights Committee represented the Law Council of Australia at the Senate Committee hearing at the Law Council's request. The committee offered comments to the Law Council of Australia for its submission to the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru. The committee also provided comments to the Law Council of Australia for the Law Council's response to the draft 18th, 19th and 20th reports of Australia pursuant to its obligations under the Convention on the Elimination of All Forms of Racial Discrimination.

In April 2015 the committee prepared a submission on behalf of the Bar Association to the acting independent national security legislation monitor, the Hon Roger Gyles AO QC, in relation to the inquiry into the impact on journalists of the operation of s 35P of the *Australian Security Intelligence Organisation Act 1979* (Cth).

The committee also organised a number of CPD seminars in the Common Room.

On 11 August 2014 the Hon Michael Kirby AC CMG presented a seminar entitled 'UN Commission of Inquiry on Human Rights in North Korea: How the UN met the Common Law' and spoke about his work as chair of the year-long inquiry which had investigated violations of human rights in the Democratic People's Republic of Korea.

The chair of the Human Rights Committee chaired a seminar on the 'Refugee Debate in Australia: Alternative Perspectives' on 19 August 2014. Julian Burnside AO QC and Professor Jane McAdam discussed the myths and realities of the refugee debate in Australia and alternatives to recent government policies on asylum seekers.

The committee also organised a discussion about the decision of the High Court in *NSW Registrar of Births, Deaths and Marriages v Norrie* delivered on 2 April 2014 which unanimously held that the *Births, Deaths and Marriages Registration Act 1995* (NSW) recognises that a person may be neither male nor female, and so permits the registration of a person's sex as 'non-specific'. David Bennett AC QC, who had appeared for the respondent in the High Court,

REPORTS

Making recommendations and promoting the administration of justice

HUMAN RIGHTS COMMITTEE

On 21 April the committee arranged a seminar on ‘The Forgotten Children Report: The National Inquiry into Children in Immigration Detention’.

Norrie, gave his insights on the approach to statutory construction taken by the court. Norrie, who had lobbied for the passage of the Act spoke about why the Act was necessary and the circumstances leading to litigation. Joanna Davidson commented on how the *Norrie* case sits within a growing trend towards legal recognition of differences of sex and gender.

On 21 April the committee arranged a seminar on ‘The Forgotten Children Report: The National Inquiry into Children in Immigration Detention’. Professor Gillian Triggs, the president of the Australian Human Rights Commission, spoke about the commission’s report which had been published in November 2014. Professor Elizabeth Elliott discussed her work as a medical consultant to the inquiry and her visit to Christmas Island with Professor Triggs in July 2014.

FAMILY LAW COMMITTEE

Committee members

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

In 2014–15 the committee met to consider significant pieces of legislation arising from amendments to the Family Law Act, and to grapple with the problems of domestic violence.

The lack of judges remains a significant problem for users of the Family Court and the Federal Circuit Court. Along with the Legal Aid Commission and the Law Society of NSW, the Bar Association’s Family Law Committee has provided delegates to – as well as initiated – consultations with the courts regarding the under-strength family law benches.

Fortunately in mid-2015, the Australian Government appointed the former attorney-general, the Hon Robert McClelland, as a justice of the Family Court. The committee welcomes his appointment and he will provide much assistance in meeting the courts burgeoning workload.

The committee also considered submissions in relation to the exposure draft bill to amend the Binding Financial Agreement provisions to the Family Law Act. In April 2015, the committee provided a delegate to a CPD on family violence, organised by the Judicial Commission’s Ngara Yuri Committee in conjunction with other bodies. The committee has also met and considered submissions in respect of the Senate Inquiry into Domestic Violence and the House of Representatives Child Support Inquiry.

The committee would like to acknowledge the enormous contribution of Grahame Richardson SC who over the past 17 years has chaired and steered the committee. The present committee and the profession generally are indebted to his enormous contribution.

The lack of judicial resources continues to remain a significant problem for users of the family court system...

LEGAL ASSISTANCE REFERRAL SCHEME

Highlights for 2014–15

- No fee matters comprised the highest category by a ratio of just over 2:1 in matters handled on a continuing basis. 55 per cent of matters referred to barristers were considered to have legal merit/prospects of success
- An almost 100 per cent increase in the number of referrals from members of the judiciary, magistrates and registrars. This coincides with a decision of the chief justice, the Hon Justice T F Bathurst AC in December 2014 to refer all requests for legal assistance made by the judiciary on behalf of self-represented litigants in the Supreme Court of NSW to LARS rather than the requests being dealt with by the court itself.

The Bar Association's staff received in the order of 600 enquiries about legal assistance and related matters. For the 2014–15 financial year, 243 formal applications for assistance were received and processed. This is an increase of five applications compared to the same period last year. Of the 243 applications, 111 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.

For the period in question, barristers contributed approximately 1700 hours of work through the scheme, with 15 matters still in the court system. This was made up of 1300 hours of work in matters referred in the current period and an additional 400 hours of work in continuing matters commenced in the previous financial year. Since the scheme's inception in 1994 barristers have contributed approximately 45,700 hours of work.

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, Les Einstein, in advice sessions for the Woolloomoolloo community at the BackShed Café managed by the Hope Street organisation. 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.

A seminar was arranged to inform members of the bar about the work of TLK. Barristers subsequently volunteered to attend Hope Street on a rostered basis.

While 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. Together with the Law Society Pro Bono Solicitor, the manager of the scheme met with new customer service officers at LawAccess to outline the scheme's guidelines and give feedback as to the outcomes of the referrals made by LawAccess to the scheme. The executive director of the Bar Association is a board member of LawAccess. The association's deputy executive director, who oversees the operation of LARS, deputises for the executive director at LawAccess board meetings and at meetings of the trustees of the Pro Bono Disbursement Fund when he is not available.

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME

Highlights for 2014-15

- This coincides with the highest levels of requests for assistance being for matters before the Supreme Court of NSW (92) followed by the Federal Circuit Court (49).
- There was also a 30 per cent increase in the number of referrals received from Community Legal Centres.
- Nearly 78 per cent of the applications to the scheme were refused Legal Aid as being outside the Commission's guidelines.

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 of the manager of the scheme during the year were as follows:

- Arranged a function for the Bar Council to thank the barristers who volunteered their services to assist both the Legal Assistance Referral Scheme and the Duty Barrister Scheme. Approximately 175 barristers attended along with the chief magistrate and other members of the Local Court judiciary.
- Attended a function at RACS (Refugee and Casework Service) to celebrate the opening of its new premises.
- Attended functions at the Aids Council of NSW, Justice Connect and one celebrating National Aborigines & Islanders Day Observance week.
- Attended quarterly meetings of stakeholders and community representatives of the Refugee Review Tribunal/Migration Review Tribunal.
- Attended the bi-annual conference arranged by the National Pro Bono Resource Centre held this year in Sydney.

Volunteers encouraged

In 2014-15, the executive director and the manager of the scheme made two presentations to new barristers at the Bar Practice course with a pleasing response in the number of readers who volunteered to help the scheme and go on the Duty Barrister Roster. The president and the executive director, by circular and personal representation, have also encouraged members to participate in all schemes administered by the Bar Association and in the various court-appointed pro bono schemes.

Barristers' Referral Service

The Barristers' Referral Service is aimed at addressing the increasing number of requests to the Bar Association for assistance in obtaining the services of a barrister. Enquiries are directed to the Bar Association's website under 'Find a Barrister', which has been visited 117,218 times over the past twelve months. This avenue of assistance is invaluable for many applicants who have not qualified for assistance through LARS on financial grounds. If the enquirer does not have access to the internet, staff fax or post them a list of barristers in the relevant areas of practice.

Duty Barrister schemes

The manager and staff of LARS manage the operation of the Duty Barrister Scheme which operates at the Local and District courts at the Downing Centre. Over 100 barristers from all levels of seniority have volunteered to assist.

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME

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

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

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, Land & Environment Court and District Court of NSW. The executive director has ongoing discussions with members of the judiciary and court staff in relation to these schemes.

The chief justice of the Supreme Court, after consultation with the Bar Association in December 2014, determined that all referrals from judges or registrars were to be referred to LARS rather than being dealt with by the court itself.

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

There continue to be many difficult phone calls, which often involve multiple calls from the one person, or from different individuals, which are dealt with by the scheme. Reception staff of the Bar Association also have to deal with the applicants who attend unannounced. 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. The scheme embodies and reflects the strongly held view of the profession that a person's rights and access to justice should not be diminished because of impecuniosity. The seemingly general increase in the numbers of unrepresented litigants, due in the main to the lack of Legal Aid funding, has contributed significantly to the workload (and stress) of LARS and other Bar Association staff who manage walk-in applicants.

LEGAL ASSISTANCE REFERRAL SCHEME CASE STUDIES

The clients did not have any money to pay a barrister as the husband was struggling with long-standing physical difficulties which affected his ability to work and they were raising and still caring for a disabled child. A barrister agreed to assist. He contributed over 40 hours of work for no fee. The matter settled on favourable terms to the defendants.

The man was extremely grateful to the barrister and told him that as he could never pay him in money terms he would be prepared to 'give him a kidney' anytime the barrister might need one. To date, the barrister's kidneys have been functioning well, and he hasn't needed to call on the offer.

An instructing solicitor contacted the scheme in relation to a Court of Appeal matter in which his clients had been co-defendants in the Supreme Court of NSW in proceedings which ran for over three months in 2012. There was a verdict in their favour and a costs order made against the plaintiff. The plaintiff lodged an appeal and the clients were facing a five day hearing. The solicitor advised that if the appeal was dismissed, which he expected it would be, there was no possibility of recovering any monies from the plaintiff as he already had costs in excess of \$1,000,000.00 against the clients and the State of New South Wales. It would simply be a matter as to whether the State of New South Wales would bankrupt him. The clients did not have any money to pay a barrister as the husband was struggling with long-standing physical difficulties which affected his ability to work and they were raising and still caring for a disabled child. A barrister agreed to assist. He contributed over 40 hours of work for no fee. The matter settled on favourable terms to the defendants.

A woman referred a man to the scheme who had been charged by police for trespassing and common assault (using threatening words). Police had served a provisional APVO on him, with the woman as the 'person in need of protection.' The man was very intoxicated at the time of the offences, so much so he could not stand and could not remember later what had transpired, and the woman expressed no fear or concern about him hurting her. She was worried for his welfare. A friend of the woman's called the police. The woman had been the man's friend and informal carer for many years and was convinced that the police had over-reacted to the situation. She asked them not to charge him and not to issue the APVO on her behalf. The police decided otherwise. The man had been and was suffering from many and varied physical and psychological issues (including depression and anxiety). He also had problems with alcohol misuse. He lived alone on the Mid North Coast. When the matter came before court, he pleaded not guilty to the charges and opposed the APVO. At the time he had some limited contact orders in the Family Court with his young son and was very concerned what impact any convictions and/or APVO would have on those and his ongoing involvement in his son's life. The woman supported the man with his court matters. A barrister agreed to appear on his behalf at the hearing in the Local Court Downing Centre. On the morning of the hearing day the barrister met with the Police Prosecutor and explained the background to the matter and requested the charges be dropped and the APVO be withdrawn. Just before lunch later that day the Police agreed to withdraw the charges and the APVO. The man was extremely grateful to the barrister and told him that as he could never pay him in money terms he would be prepared to 'give him a kidney' anytime the barrister might need one. To date, the barrister's kidneys have been functioning well, and he hasn't needed to call on the offer.

In 2013 a country solicitor referred an elderly man to the scheme who was facing

LEGAL ASSISTANCE REFERRAL SCHEME CASE STUDIES

The matter was eventually settled with the client receiving a greater share from his mother's estate. This allowed him to remain living in the property with his grandson who was studying for his HSC at the time.

eviction from a property which was the subject of dispute in the distribution of his mother's estate. The property was the only asset in the estate and his siblings wanted to sell it. The elderly man asserted that his mother had made it clear before her death that he could live in the house until his death as he had looked after her for the last four years of her life. His niece was the executrix of his mother's will. A barrister agreed to assist and contacted the solicitor for the estate. They were of the opinion that a mediation by teleconference was the best option because of the small size of the estate. A date for the mediation was set in Sydney at the offices of the Bar Association. On the morning of the mediation the client advised that he was unable to find the keys to his car so was unable to drive from his home in the country to Sydney. The mediation was cancelled. Some months later the client contacted the Bar Association to say that after the cancelled mediation he was diagnosed with a brain tumour and was rushed to St Vincent's Hospital by ambulance for treatment, however he was now being sued in the Supreme Court of NSW for unpaid rates on the property. Judgment had been obtained. The same barrister and a reader agreed to help and prepared a Notice of Motion, and a Cross Summons. The barrister also arranged for a solicitor to instruct him. The matter was eventually settled with the client receiving a greater share from his mother's estate. This allowed him to remain living in the property with his grandson who was studying for his HSC at the time.

Once a successful IT consultant, the stresses of the separation and litigation had contributed to the father receiving psychiatric treatment for a major depressive disorder. He was now on Centrelink benefits. A barrister agreed to assist.

A solicitor approached the scheme in relation to a family law re-location matter where her client, the father, was facing the prospect of his children being taken to the United Kingdom by the mother. The matter was set down for a three day hearing. The stresses of the separation and litigation had contributed to the father receiving psychiatric treatment for a major depressive disorder. He was now on Centrelink benefits. A barrister agreed to assist. With the intervention of the barrister, assistance from another senior family law barrister and several court appearances, the matter was settled at the end of the first day of the hearing. The mother was able to take the children to the UK but very good concessions were negotiated on the father's behalf. These concessions included, but were not limited to, the father being able to spend time with his children on Christmas Day for the first time in a number of years, and an order whereby the mother contributed one half of the fare for one return flight from Sydney to the UK each year so that the father could visit his children. Unless changed by an order of the court this would apply for the next 12 years. Overall the father was pleased with the outcome.

REPORTS

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME

HIGH COURT	2013-14	2014-15
Application for special leave	2	2
Original jurisdiction	-	-
TOTAL	2	2

FEDERAL COURT	2013-14	2014-15
Full bench appeals	-	2
Immigration	3	4
Administrative	2	2
Discrimination	3	1
Intellectual property	-	-
Trade practices	-	-
Native title	-	-
Bankruptcy	2	1
TOTAL	10	10

FAMILY COURT	2013-14	2014-15
Full bench appeals	1	-
Access	5	4
Residency	7	5
Child support	-	-
Spousal maintenance	-	-
Property settlement	7	-
TOTAL	20	9

FEDERAL CIRCUIT COURT	2013-14	2014-15
Discrimination	1	1
Family law - access	10	10
Family law - child support	1	1
Family law - residency	5	2
Family law - property settlement	4	8
Family law - spousal maintenance	-	2
Intellectual property	-	-
Industrial relations	-	2
Immigration	13	19
Bankruptcy	2	4
TOTAL	36	49

SUPREME COURT	2013-14	2014-15
Court of Appeal	11	6
Court of Criminal Appeal	9	7
Common Law	26	32
Administrative	1	3
Equity	23	25
Criminal	1	2
Corporations List	-	-
Commercial	1	3
Family Provisions	8	8
Defamation	2	5
Professional Negligence	1	1
TOTAL	83	92

DISTRICT COURT	2013-14	2014-15
Criminal	9	10
Civil	11	12
Care proceedings	1	2
Defamation	-	3
Professional negligence	-	-
TOTAL	21	27

LOCAL COURT	2013-14	2014-15
Criminal	16	16
Civil	14	10
Coronial inquest	1	1
TOTAL	31	27

OTHER COURTS	2013-14	2014-15
Land & Environment Court	3	5
Children's Court	2	1
Coroner's Court	2	3

TRIBUNALS	2013-14	2014-15
Administrative Appeals Tribunal	2	2
NCAT	8	16

COMMISSIONS	2013-14	2014-15
AIRC-Fair Work Australia	7	-
Fair Work Commission	2	-

REPORTS

Promoting access to justice

LEGAL ASSISTANCE REFERRAL SCHEME

REFERRAL SOURCE	2013-14	2014-15
Community legal centre	34	45
Law Society / solicitor	64	75
Member of the public	49	32
Legal Aid	26	23
LawAccess	21	24
Judge / magistrate / registrar	19	32
Member of the bar	15	15
Member of parliament	1	1
PILCH (now Justice Connect)	1	1
Pro bono director of a large firm	3	2
Welfare / community group	1	1
Attorney General's Department	1	1
Website hits	10,580	3,977*
* unique hits to the pages of Legal Assistance, Duty Barrister / LARS guidelines on the updated website		

CLIENT LOCATION	2013-14	2014-15
Sydney Metropolitan Area		
West	70	70
North	51	49
South	39	41
East	19	8
Inner City	12	23
Central Coast	9	11
Country	15	12
Prison	12	16
Villawood Detention Centre	8	4
Interstate	4	5
Overseas	-	4
TOTAL	239	243

TYPES OF WORK DONE	2013-14	2014-15
Merit assessment - no fee	95	111
Advice (over & above initial merit assessment)	67	76
Conferences	31	40
Appearances	22	26
Matters settled	2	-
Appearances at hearing	5	12
Mediations	1	1
Other (inc. 2nd opinion & prep. submission)	26	17

REJECTION / NO ACTION	2013-14	2014-15
Outside guidelines	70	69
No further information received / no further contact from applicant	38	38
No longer requires LARS assistance	16	17
Subject to Federal Court RRT LAS	5	-
Subject to Federal Court LAS	2	-
Subject to Supreme Court LAS	-	-
Referred to community legal centre	-	-
Briefed barrister privately	2	4
Briefed solicitor privately	3	-
Matter discontinued	1	-
Unable to refer - insufficient resources	1	1
Requires a migration agent	-	-
Too late notification	4	2
Matter dismissed	-	1
Matter settled	2	-
Conflict of interest	-	-
TOTAL	144	132

TURNAROUND	2013-14	2014-15
Same day	17	25
Less than a week	19	30
1-2 weeks	29	21
2 weeks plus	30	35
TOTAL	95	111

BASIS BRIEF ACCEPTED	2013-14	2014-15
No fee - merit assessment	95	111
No fee - continuing involvement	69	76
Reduced fee - continuing involvement	14	14
Speculative / costs recovery - continuing involvement	11	20
Market rates - continuing involvement	1	1

BASIS ON WHICH REFUSED LEGAL AID	2013-14	2014-15
Merit	27	35
Financial	28	20
Outside guidelines	184	188

MATTERS CONSIDERED BY A BARRISTER TO HAVE LEGAL MERIT / PROSPECTS OF SUCCESS	2013-14	2014-15
Yes	70	61
No	47	50
Considered by a barrister to have legal merit / prospects of success	60%	55%

THE UNIFORM LAW

As reported in last year's annual report, in early 2014 the Victorian and NSW parliaments enacted legislation to apply the Legal Profession Uniform Law in each state.

A number of provisions of the NSW legislation necessary to establish the regulatory bodies and the Uniform Rules commenced on 1 July 2014.

The Legal Profession Uniform Law establishes a Legal Services Council and a commissioner for uniform legal services regulation, and an Admissions Committee.

The Legal Services Council is the overarching body that will set policy and ensure consistent application of the Uniform Law across participating jurisdictions. Its objects include to ensure the Legal Profession Uniform Framework appropriately accounts for the interest and protection of clients of law practices. The commissioner for uniform legal services regulation promotes compliance with the Uniform Law and oversees the operation of the complaints handling mechanism. The commissioner has power to issue guidelines and directions to ensure consistent implementation of complaints provisions, but directions cannot be issued in relation to the outcome of a particular matter.

The council consists of five members drawn from participating jurisdictions – recommendations are made by the Law Council of Australia, the Australian Bar Association, and the attorney-general who constitute the Standing Committee (on the basis of expertise in the practise of law and/or protection of consumers and/or regulation of legal profession and/or financial management). The chair is appointed on the recommendation of the Standing Committee in consultation with the LCA and the ABA.

In September 2014 Mr Dale Boucher was appointed the inaugural commissioner for uniform legal services regulation and chief executive of the Legal Services Council. The following month the members of the Legal Services Council were appointed: the Hon Michael Black AC QC (chair), Fiona Bennett, Kim Boettcher, Steven Stevens and Bret Walker SC.

The co-regulatory model that operated in NSW under the *Legal Profession Act 2004* will continue, although

with some changes. The Legal Profession Uniform Law does not confer powers and functions directly on the Bar Council (unlike the 2004 Act). Regulatory functions and powers are instead conferred on *designated local regulatory authorities*. The designation of local regulatory authorities in NSW is set out in the *Legal Profession Uniform Law Application Act 2014* (NSW).

The Council of the New South Wales Bar Association is the designated local regulatory authority for purposes including:

- investigating and instigating proceedings concerning unqualified legal practice;
- recommending the removal of the name of a person from the Supreme Court roll;
- practising certificates – grant, renewal, imposition of conditions, variation, suspension and cancellation and show cause events;
- exchanging information; and
- applying for an injunction to restrain contraventions of the Legal Profession Uniform Law and the Uniform Rules.

The Law Society Council and the New South Wales legal services commissioner are also prescribed as designated local regulatory authorities for many of these purposes.

In New South Wales the designated local regulatory authority in respect of complaint functions and complaint investigations is the NSW legal services commissioner. The Legal Profession Uniform Law requires a local regulatory authority exercising complaint functions to be an independent entity and not a professional association. However, under the legislation, a local regulatory authority may delegate any complaint functions to a professional association.

Complaint functions have been delegated in NSW by the NSW legal services commissioner to the Bar Council and the Law Society Council.

A number of categories of uniform rules are prescribed in the uniform law. These rules have been developed over

REPORTS

Professional Conduct Department

THE UNIFORM LAW

Work relating to the implementation of the Uniform Law continues. CPDs have been conducted, a Uniform Law page has been added to the Bar Association website and InBrief notices about aspects of the new legislation have been issued.

recent months. The Bar Association has assisted the ABA in its role liaising with the Legal Services Council in the development of the uniform conduct and CPD rules for barristers by facilitating the public consultation and the review of draft rules that is required by the legislation. The association has also worked extensively with the LCA, ABA and Legal Services Council in the course of the development of the Legal Profession Uniform General Rules.

The Bar Association has been involved over the course of the reporting year in extensive negotiations with the Department of Justice in relation to amendments to the NSW Application Act and the development of the *Legal*

Profession Uniform Law Application Regulation 2015. This legislation commenced on 1 July 2015 together with the remaining provisions of the Legal Profession Uniform Law and all categories of uniform rules.

Work relating to the implementation of the Uniform Law continues. CPDs have been conducted, a Uniform Law page has been added to the Bar Association website and *InBrief* notices about aspects of the new legislation have been issued. All of the provisions of the legislation making up the Legal Profession Uniform Framework continue to be monitored, to identify any matters that may require review and/or amendment.

PROFESSIONAL CONDUCT IN 2014-15

The department's main function is to facilitate the investigation of complaints about barristers, show cause events and other disclosures as well as facilitating the provision of ethical guidance to barristers. The department also provides advice to the Bar Council in respect of the council's functions under the legal profession legislation.

The Professional Conduct Department was, during the latter part of this reporting year, very busy preparing itself for the significant change that the new regulatory regime under the Legal Profession Uniform Law will bring. A focus on developing relationships with the Office of the legal services commissioner and the New South Wales Law Society has seen us make great collaborative strides with our co-regulators.

Complaints

Under the *Legal Profession Act 2004* (LPA), complaints about barristers' conduct were made to the legal services commissioner (the commissioner) who may refer complaints to the Bar Council to be investigated by one of the four Professional Conduct committees (PCCs) established by the council.

Professional Conduct committees

The committees are delegates of the Bar Council for the purposes of investigating complaints. Each committee comprises Bar Council members and is chaired by senior counsel. Committees are comprised of barrister members and community members. The Bar Council wishes to

PROFESSIONAL CONDUCT IN 2014–15

express its sincere appreciation to the 70 barristers who served on the professional conduct committees in 2014–15 and who devoted many hours of their time, on a voluntary basis.

The deputy directors of the Professional Conduct Department serve as secretaries of the committees. The committees held 60 meetings in total during the reporting year.

Community representation on the committees is vital to the proper functioning of the complaint handling process and thereby ensuring a voicing of the community perspective in the complaints investigative process, and may also include a legal academic. The Bar Council is grateful for the assistance of our current academic member, Maxine Evers and Associate Professor Rita Shackel who retired as a PCC member in the reporting year.

Our community members' contribution to the complaints investigation process continues to be highly valued. The Bar Council would like to thank the community members who served on the committees for their significant contribution – John Davison, Jenny-Lea Charlier, Sandra Fleischmann OAM (returning member), Jane Fry, Allan Gibson OAM, Brian Gold, Jennifer Mason, Jim Tsirimiagos, Bronwyn Preston, Rachel Williams and the late Bill Purdue.

This year we farewelled community members Patrick Smith, Penny Wright and Lyn Langtry and we welcomed three new community members, Catherine Hart, Judy Bursle and Carolyn Stone. We also farewelled, Michael McHugh who served on our PCCs since 2001 as a member and more recently as chair of PCC#4; and Ian Temby after 19½ years of dedicated service on our PCCs, including 6½ years as chair.

In the course of 2014–15 the Bar Council investigated 116 complaints – 57 complaints that were made during the year and 59 complaints that were made in previous years but ongoing as at 1 July 2014. Of those investigations, 78 were finalised during the year – 50 complaints were dismissed, three resulted in the barrister being cautioned, five barristers were reprimanded, six complaints were withdrawn. The Bar Council determined to refer 12

matters to the Administrative Decisions Tribunal / Civil and Administrative Tribunal; nine of those matters arose out of complaints which had been made in previous years. One matter was resolved and one matter had been suspended pending the outcome of separate Supreme Court proceedings seeking removal from the roll. A further two complaint investigations were returned to the legal services commissioner so 38 matters remain under investigation as at 30 June 2015.

There has been continued effort by the department, working closely with the members of the PCCs to improve efficiency in respect of the time in which complaints are investigated. The results reflect this effort on the part of all involved.

Reviews of Bar Council investigations of complaints

A complainant may apply to the legal services commissioner for a review of a decision by the Bar Council to dismiss a complaint or to caution or reprimand a barrister.

In the course of the year the commissioner completed nine reviews of Bar Council decisions to dismiss a complaint. In each matter the commissioner confirmed the Bar Council's decision. This affirms the effectiveness of the Bar Council's procedures for the investigation of complaints and decision making.

Trends

Clients or former clients continue to be the major source of complaints, closely followed by opposing party and then opposing solicitor or counsel.

Of the matters where the Bar Council made an 'adverse' decision (to caution, reprimand or refer the matter to the tribunal), 11 of those involved a barrister retained on a direct access basis. One other fee dispute matter where the barrister was retained on a direct access basis was resolved as a consumer dispute.

Alleged breach of the *New South Wales Barrister's Rules* continues to be a significant complaint type. During the reporting year there was a slight increase in complaints relating to misleading conduct (generally) and of

PROFESSIONAL CONDUCT IN 2014–15

misleading the Bar Council and the court and a significant increase in complaints about unsatisfactory legal advice and representation.

Provision of ethical guidance

The Professional Conduct Department continues its role in facilitating continuous ethical guidance to members of the bar. The department 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.

The Ethical Guidance Scheme enables barristers to seek ethical guidance from a senior counsel serving on the PCCs. 27 senior counsel were available to assist members in the reporting year. In 2014–15 the officers of the Professional Conduct Department received close to 280 calls seeking either ethical guidance or information.

It is the ready access to this wide ranging expertise of those senior counsel, by members of the bar, which continues to assist in avoiding conflict or missteps by barristers and /or facilitates the early resolution of possible conflict and/or misunderstanding.

Through the complaints and discipline process, officers of the department are alerted to any particular barristers who may be suffering from any difficulties or lack of understanding. In the process of investigation of complaints the Bar Council is also in a position to recommend or offer assistance to the barrister concerned.

Uniform Laws

On 1 July 2015 the Legal Profession Uniform Law 2014 came into effect in New South Wales. Department staff are available to barristers and the public to respond to queries specifically regarding the provisions of the LPA and the Uniform Law which may affect them. This service will continue to be available during 2015 and it is proposed that seminars which are specific to the new Uniform Laws will be conducted for barrister members, readers, and PCCs.

Show cause events

Under the LPA barristers were required to notify the Bar Council of show cause events, that is, certain bankruptcy matters or a conviction for a serious offence or a tax offence as well as being charged with a serious offence. The LPA required 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 carried out by the PCC's as the delegate of the Bar Council.

In the reporting year, the Bar Council completed two investigations into show cause events which related to bankruptcy and tax offence matters. In one matter the Bar Council determined that the barrister was a fit and proper person to hold a barrister's practising certificate and in the other the Bar Council determined that the barrister was not a fit and proper person to hold a barrister's practising certificate.

Applications for readmission as a lawyer

One readmission matter was carried over from the previous reporting year and the Bar Council resolved not to oppose the application. One other readmission application has been carried forward to the next reporting year.

Applications for a practising certificate

During the reporting year, the Professional Conduct Committees (PCCs) examined six practising certificate applications. Of those, three applications were refused, two were granted. One application was returned to the LSC as a deemed refusal and is presently the subject of an appeal before the Supreme Court pursuant to section 108 of the *Legal Profession Act 2004*.

Two further applications for practising certificates which were received in May 2015 remain under consideration.

PROFESSIONAL CONDUCT IN 2014–15

Litigation

In addition to four new sets of proceedings which were commenced in NCAT during the reporting year the council was a party to the following litigation.

The Council of the New South Wales Bar Association v Franklin (No 2) [2014] NSWCA 42

In July 2008, Mr Franklin pleaded guilty to the charge that he had assaulted ‘TM’ in 2007 causing her actual bodily harm. In 2009, following a trial in the District Court, Franklin was convicted of three further offences, each taking place on the same date as the assault, namely common assault, taking and detaining TM without her consent and with the intent of obtaining an advantage (sexual gratification) and sexual intercourse without consent in circumstances of aggravation (i.e. assault occasioning actual bodily harm). At trial and sentencing Franklin had denied the conduct and had maintained that denial up to and including 25 November 2014.

On 12 December 2014 the Court of Appeal delivered its judgment. Meagher JA at [37] noted that

the fact of [Franklin’s] conviction of [sexual intercourse without consent in circumstances of aggravation] was sufficient to justify disqualification from practice’. However he also noted at [39] that ‘It is also necessary ... to examine the circumstances of the relevant offences.

Meagher JA stated that:

Here that conduct is inconsistent with [Franklin’s] possessing qualities of integrity and willingness to comply with the law and reveals defects of character incompatible with the standards and behaviour required of a member of the legal profession. To that extent [Franklin’s] underlying criminal conduct reflects adversely on his character and accordingly on his fitness to remain on the roll. [39]

and later that:

the fact that [Franklin] has on two occasions given knowingly false evidence also reveals defects of character, in particular as to his honesty, that are incompatible with the standards and behaviour required of a member of the legal profession. [42]

The court declared that Franklin is not a fit and proper person to remain on the roll of local lawyers, ordered that Franklin’s name be removed from the roll and ordered that Franklin pay the Bar Council’s costs of the proceedings.

Council of the New South Wales Bar Association v Quinlivan [2015] NSWCATOD 54

On 4 June 2015, NCAT handed down its decision arising out of Quinlivan’s failure to comply with conditions attached to his practising certificate, failure to comply with a notice served on him pursuant to section 660(1) of the LPA and for filing false income tax and BAS returns. The tribunal made findings of professional misconduct. The tribunal further ordered that a local practising certificate shall not be issued to Quinlivan before 1 July 2015 and such local practising certificate, if it is issued, shall be limited to practise as an employed solicitor, and that a practising certificate to practise as a barrister shall not be issued to Quinlivan until he is able to establish that he has overcome his gambling addiction and has in operation financial arrangements securing the payment of his taxation obligations.

Comeskey v The New South Wales Bar Association [2015] NSWSC 824

Mr Comeskey, a former New Zealand barrister, applied for admission as a legal practitioner in NSW by a notice under the *Trans-Tasman Mutual Recognition Act 1997* (Cth). He was admitted to practise in New South Wales. He then immediately applied to the Bar Council pursuant to section 45 of the LPA for the grant of a local practising certificate.

On 25 September 2014 the Bar Council resolved pursuant to section 48(1) of the LPA that Mr Comeskey’s application for the grant of a local practising certificate made on 24 June 2014 be refused on the basis Mr Comeskey is not a fit and proper person to hold a local practising certificate. The Bar Council further resolved that the question of whether to make an application to the Supreme Court of New South Wales for removal of Comeskey’s name from the roll be referred to the prothonotary of the Supreme Court.

PROFESSIONAL CONDUCT IN 2014–15

In his application to the Bar Council, he stated that he was not prohibited from carrying on any relevant occupation in New Zealand and he was not the subject of any special conditions as a result of any disciplinary proceedings in New Zealand. At the time that Mr Comeskey lodged his application to the Bar Council, Mr Comeskey did not hold a practising certificate in New Zealand, and therefore was prohibited from practising as a lawyer. Despite this, in his application, Mr Comeskey described his current profession as ‘Barrister NZ’. He answered ‘no’ to questions about whether he had any prior convictions or was subject to any prior complaints.

In 2010 Mr Comeskey had been suspended from practice for nine months in New Zealand and ordered to pay costs of \$66,000. He was also required to give certain undertakings (including apologising to members of the judiciary and the legal profession for misleading the court). Mr Comeskey did not return to practice in New Zealand and he did not pay the costs orders. Mr Comeskey did not disclose any of these matters in his application for the grant of a practising certificate. The existence of these prior disciplinary proceedings only became known 3 months after Mr Comeskey’s application for a practising certificate, as a result of a notice issued to him seeking further information.

Mr Comeskey appealed the Bar Council’s decision to the Supreme Court of New South Wales pursuant to section 108 of the LPA. In a judgment delivered on 25 June 2015, Hidden J dismissed Mr Comeskey’s application, upholding the Bar Council’s decision to refuse Mr Comeskey a local practising certificate. He found that Mr Comeskey’s claim that he was currently a practising barrister in New Zealand was a ‘deliberate falsehood’. He noted that at no stage did Mr Comeskey reveal that he was subject to 11 other

complaints to the Law Society of New Zealand between 2000 and 2010, which had only come to light as a result of a subpoena served by the Bar Association to the Law Society of New Zealand in the proceedings.

His Honour found that the 2010 complaints in New Zealand, together with Mr Comeskey’s attempt to conceal them, presented the biggest barrier to his success in the appeal. His Honour said that while ‘the other eleven complaints and the convictions for offences are not to be ignored, it is primarily the combination of the matters dealt with in the [NZ] Tribunal and the lack of candour demonstrated by Mr Comeskey’s conduct in pursuing admission to practise in this state which lead me to the conclusion that Mr Comeskey has not discharged his onus of establishing that he is a fit and proper person to hold a practising certificate’. His Honour was fortified in this view by the fact that Mr Comeskey did not file an affidavit nor put himself to the test of cross examination.

Scott John Roulstone ats New South Wales Bar Association

By summons filed on 9 December 2014 Mr Roulstone invoked a right of appeal pursuant to section 108 of the LPA from the deemed refusal by the Bar Council of his application for the grant of a barrister’s practising certificate.

The question for the court is whether the practitioner has discharged his onus of establishing that he is a fit and proper person to hold a practising certificate under section 48(3)(b) of the LPA. As at the end of the reporting period, the matter is part heard.

PROFESSIONAL CONDUCT STATISTICS 2014-15

Number & type of complaints made to the Bar Council during the year 1 July 2014-30 June 2015

Figures comprise complaints referred by the LSC to the Bar Council for investigation and complaints made by the Bar Council

TYPE OF COMPLAINT	NUMBER
Acting contrary to / failure to carry out instructions	2
Acting without instructions	2
Breach of Barristers' Rules	6
Breach of conditions attached to practising certificate	1
Incompetence in court	1
Misleading conduct	10
Overcharging / overservicing	2
Breach of Legal Profession Act / Regulation (excluding costs issues)	1
Breach of confidentiality; conflict of interest	2
Costs issues: inc. breach of costs disclosure, failure to make fee disclosure & fail to account	2
Unsatisfactory advice & representation	7
Pervert course of justice	1
Other	20
TOTAL NUMBER OF COMPLAINTS	57

Source of complaints made to the Bar Council during the year

COMPLAINANT	NUMBER
Bar Council	4
Opposing party	12
Client / former client	16
Instructing solicitor	2
Legal services commissioner	2
Opposing solicitor	10
Opposing barrister	1
Other	8
Witness	2
TOTAL NUMBER OF COMPLAINTS	57

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS 2014-15

Number of consumer disputes referred to mediation during the year

Nil

Number & 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 2015, all complaints in respect of which the Bar Council made a decision & complaints that were withdrawn during the year.

COMPLAINT TYPE	COMPLAINTS INVESTIGATED THAT WERE MADE	
	DURING THE YEAR	IN PREVIOUS YEARS
Acting contrary to / failure to carry out instructions	2	0
Acting without instructions	2	0
Breach of Barristers' Rules	6	8
Breach of conditions attached to practising certificate	1	2
Incompetence	1	1
Misleading conduct	10	8
Overcharging / overservicing	2	2
Breach of Legal Profession Act / Regulation (excluding costs issues)	1	0
Breach of confidentiality; conflict of interest	2	5
Costs issues – including breach of costs disclosure, failure to make fee disclosure & fail to account	2*	1
Unsatisfactory advice & representation	7	10
Pervert course of justice	1	2
Other	20	20
Sub-totals	57	59
TOTAL NUMBER OF COMPLAINTS INVESTIGATED		116

* One matter resolved as a consumer matter

PROFESSIONAL CONDUCT STATISTICS 2014-15

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

COMPLAINT TYPE	DECISIONS BY BAR COUNCIL ABOUT COMPLAINTS	
	MADE DURING THE YEAR	MADE IN PREVIOUS YEARS
Breach of Barristers' Rules	1	5
Delay / failure to provide chamber work	0	1
Incompetence	0	1
Misleading conduct	4	2
Practising without a practising certificate	0	1
Breach of confidentiality; conflict of interest	1	4
Costs issues – including breach of costs disclosure, failure to make fee disclosure & fail to account	1	2
Unsatisfactory advice & representation	1	6
Pervert course of justice	0	1
Other	10	9
Sub-totals	18	32
TOTAL NUMBER OF COMPLAINTS DISMISSED		50

Number & 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	2	1
Breach of conditions attached to practicing certificates	0	1
Rudeness and discourtesy	0	1
Unsatisfactory advice & representation	0	1
Misleading conduct	0	2
Sub-totals	2	6
TOTAL NUMBER OF REPRIMANDS OR CAUTIONS		8

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS 2014-15

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

COMPLAINT TYPE	COMPLAINTS MADE DURING THE YEAR	COMPLAINTS MADE IN PREVIOUS YEARS
Breach of Barristers' Rules	0	2
Misleading conduct	0	1
Other unethical conduct	0	1
Unsatisfactory advice & representation	0	1
Pervert the course of justice	0	1
Sub-totals	0	6
TOTAL NUMBER OF COMPLAINTS WITHDRAWN		6

Number & type of matters referred by the Bar Council to the Administrative Decisions Tribunal / Civil and Administrative Tribunal during the year

COMPLAINT TYPE	COMPLAINTS MADE DURING THE YEAR	COMPLAINTS MADE IN PREVIOUS YEARS
Breach of conditions attached to practising certificate	1	0
Breach of s 660 LPA	1	0
Delay / failure to provide chamber work	0	1
Failed to make fee disclosure	0	1
Misleading conduct	0	1
Other unethical conduct	0	1
Overcharging and / or overservicing	0	2
Rudeness and discourtesy	0	1
Unsatisfactory legal advice	1	2
Sub-totals	3	9
TOTAL NUMBER OF COMPLAINTS REFERRED TO TRIBUNAL		12

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS 2014-15

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

COMPLAINT TYPE	NUMBER
Overcharging	2
Personal conduct	1
Conflict of interest; failure to appear; breach of fiduciary duty	1
TOTAL NUMBER OF COMPLAINTS	4

Note: the Bar Council also instituted proceedings in the inherent jurisdiction of the Supreme Court in respect of one matter.

Number & type of complaints in respect of which proceedings were continued from preceding years in the Administrative Decisions Tribunal / Civil and Administrative Tribunal during the year by the Bar Council

Number of matters referred to mediation under section 336 or Division 5 of Part 4.3 during the year & the outcome of those matters	Number of compensation orders made under section 540(2)(c)
Nil	Nil

REPORTS

Professional Conduct Department

PROFESSIONAL CONDUCT STATISTICS 2014-15

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

Note: This includes proceedings in respect of which findings were delivered but penalty orders not made during the year

FORMER BARRISTER	FINDINGS	PENALTY
Quinlivan	professional misconduct	Limited right to practise subject to satisfying regulatory authorities of certain matters

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

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

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

AGE OF ACTIVE COMPLAINTS NOT FINALLY DEALT WITH AT THE END OF THE YEAR	NUMBER
Up to six months	20
Between seven & twelve months	11
Between twelve to twenty four months	6*
Up to three years	1
TOTAL	38

*includes one investigation that remains suspended

Time intervals between receipt of complaint and decision of the Bar Council

TIME INTERVALS BETWEEN RECEIPT OF COMPLAINT AND DECISION OF THE BAR COUNCIL	NUMBER
Up to six months	26
Between seven & twelve months	31
Between thirteen and eighteen months	8
Between nineteen & twenty four months	6
Up to three years	5
TOTAL	76

In addition one matter was suspended and one resolved

COMMITTEES

For the year 2014-15

Alternative Dispute Resolution

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

Bar News

Jeremy Stoljar SC (chair)
Greg Burton SC
Richard Beasley SC
David Ash
Nicolas Kirby
Daniel Klineberg
Catherine Gleeson
Victoria Brigden
Caroline Dobraszczyk
Susan Cirillo
Fiona Roughley
Talitha Fishburn
Juliet Curtin
Radhika Withana

Common Law

Andrew Morrison SC (chair)
Simon Harben SC
Andrew Lidden SC
Robert Sheldon SC
Julia Lonergan SC
Eugene Romaniuk SC
Lorna McFee
Greg Hickey
William Fitzsimmons
Dominic Priestley
Andrew Stone
Elizabeth Welsh

Dominic Toomey
Bede Kelleher
Ross Stanton
Andrew Oag
Jnana Gumbert

Costs and Fees

Mark Brabazon SC (chair)
John Sharpe
Michael Eagle
John Bartos
James T Johnson
Dominique Hogan-Doran
Philippe Doyle Gray
Justin Hogan-Doran
Janet McDonald
Michelle Castle
David Stewart

Criminal Law

Stephen Odgers SC (chair)
Nicholas Cowdery AM QC
Tim Game SC
John Stratton SC
Sarah McNaughton SC
Chrissa Loukas SC
Sally Dowling SC
Penelope Wass SC
John Fitzgerald
Gabriel Wendler
David Jordan
Ian Bourke
Anne Healey
Gaby Bashir
Kieran Ginges
Richard Wilson
Kara Shead
Sophia Beckett
Lester Fernandez
Sharyn Hall
Jeffery Clarke
Alex Steel (UNSW)
David Hamer (Sydney University)

Education

Tony Payne SC (chair)
Tom Blackburn SC
Richard Weinstein SC
Robert Hollo SC
Michael Fordham SC
Carol Webster SC
Patrick Griffin
Michael Hall
Grant Brady
Philippa Ryan
Kellie Edwards
Joanne Shepard
Warwick Hunt

Equal Opportunity

Trish McDonald SC (chair)
Richard Weinstein SC
Sally Dowling SC
Anthony McGrath SC
Virginia Lydiard
David Price
Ashok Kumar
Melissa Fisher
Penny Thew
Sophie Callan
Paul Folino-Gallo
Brenda Tronson
Lucinda Wilson
Amy Douglas-Baker
Anna Perigo
Jason Donnelly
Adria Poljak
Anthony Lloyd
Mary Rebehy
Aruna Sathanapally
Andrew Laughlin (clerk)

COMMITTEES

For the year 2014-15

Family Law

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

Finance Investment and Audit

Noel Hutley SC (chair)
 Alan Sullivan QC
 Dominic Toomey
 Justin Hogan-Doran
 Gregory Antipas

Health and Wellbeing

Arthur Moses SC (chair)
 Anthony Lo Surdo SC
 Chrissa Loukas SC
 Kylie Nomchong SC
 Peter McGrath SC
 Adrian Gruzman
 David Jordan
 Anne Healey
 Dominique Hogan-Doran
 Adam Casselden
 Scott Corish
 Eva Elbourne
 Matthew Lewis
 Michael Gleeson
 Elizabeth James
 Talitha Fishburn
 Ben Mee

Human Rights

Sarah Pritchard SC (chair)
 Richard Lancaster SC
 Kate Eastman SC
 Simeon Beckett
 James Johnson
 Shane Prince
 Julian Gormly
 Louise Goodchild
 Reg Graycar
 Trent Glover
 Caroline Dobraszcyk
 Natasha Case
 Stephen Tully
 Professor Andrew Byrnes (UNSW)

Legal Aid

Dean Jordan (chair)
 Carolyn Davenport SC
 Tim Game SC
 Alex Radojev
 Neil Jackson
 Maria Cinque
 Craig Lambert
 Sharyn Hall
 Emmanuel Kerkyasharian
 Peggy Dwyer
 Clyllyn Sperling
 Juliet Lucy
 Allison Hawkins

New Barristers

Daniel Klineberg (chair)
 Nicolas Kirby
 Jane Paingakulam
 Matthew Graham
 Awais Ahmad
 Claire Latham
 David Scully
 Nicholas Smith
 Callan O'Neill
 Giles Stapleton
 Mary Rebehy
 Joanna Davidson
 Melissa Tovey
 Michele Kearns (clerk)

Practice Development

Richard McHugh SC (chair)
 Michael McHugh SC
 Elizabeth Cheeseman SC
 Michelle Painter SC
 Eugene Romaniuk SC
 Ian Hemmings SC
 Peter Lowe
 Kylie Day
 Patrick Knowles
 Philip Wallis
 Stephanie Patterson
 Nick Tiffen (clerk)

Senior Counsel Selection

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

COMMITTEES

For the year 2014-15

Transport, Maritime & Air

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

PCC #1

Tim Game SC (chair)
 Tony Payne SC
 Kylie Nomchong SC
 Julia Lonergan SC
 Peter Russell
 Andrew Scotting
 Lesley Whalan
 Matthew Darke
 Edward Muston
 Madeline Avenell
 Scott Maybury
 Esther Lawson
 Michael Izzo
 Catherine Gleeson

PCC #2

Ian Temby QC (chair)
 Gregory Nell SC
 Alister Henskens SC
 Sarah McNaughton SC
 Ingmar Taylor SC
 Dominic Toomey
 Matthew Johnston
 Justin Young
 David McLure
 Mark Seymour
 Simon Buchen
 Teni Berberian
 Donna Ward
 Scott Aspinall
 Lorna Sproston

PCC #3

Noel Hutley SC (chair)
 John Halley SC
 Garry McGrath SC
 Michael Kearney SC
 Michelle Painter SC
 James Duncan
 Janet Oakley
 Ian Bourke
 Mandy Tibbey
 Nicholas Owens
 Reg Graycar
 Bill Nield
 Sophia Beckett
 Warwick Hunt

PCC #4

Michael McHugh SC (chair)
 Julia Baird SC
 Arthur Moses SC
 Elizabeth Cheeseman SC
 Matthew White SC
 David Kell
 Shane Prince
 Kate Williams
 Adrian Williams
 Fenja Bergland
 Sophie Callan
 Yaseen Shariff
 Amy Douglas-Baker
 Angus Stewart
 Adam McGrath

WORKING PARTIES

For the year 2014-15

Indigenous Barristers Strategy

Chris Ronalds SC (chair)
 Her Honour Judge Dina Yehia SC
 His Honour Judge Andrew Haesler
 Daniel Howard SC
 Janet Manuell SC
 Mullenjaiwakka
 Tony McAvoy
 Professor David Barker
 Professor Larissa Behrendt
 Jeni Engel

PII Working Group

Chair: Garry Rich SC

SECTIONS

For the year 2014-15

Industrial Law Section

Convenor: John West QC
Secretary: Shane Prince

Women Barristers Forum

Chair
 Michelle Painter SC
 Vice-chairs
 Kate Morgan
 Michelle McMahon

Treasurer
 Rosalind Winfield

Co-secretaries
 Caroline Dobraszczyk
 Theresa Power

WLANSW Liaison

Lee-May Saw

IT officer

Kavita Balendra

Public Law Section

Convenor: Neil Williams SC
Secretaries: Stephen Free &
 Katherine Richardson

COURT COMMITTEES AND WORKING PARTIES

For the year 2014-15

Supreme Court of NSW

Uniform Rules Committee

Carol Webster SC
Mark Walsh (deputy)

Rule Committee

Carol Webster SC
Mark Walsh (deputy)

Admiralty Users Group

Gregory Nell 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
Philippa Ryan
Vanessa Whittaker

Probate Users Group

Michael Willmott SC

Court of Appeal Users Group

John Maconachie QC

Court of Criminal Appeal Users Group

Stephen Odgers SC

Land and Environment Court User Group

Thomas Howard SC

Industrial Relations Commission User Group

Max Kimber SC
Patricia McDonald SC

District Court

Rule Committee
Paresh Khandhar

Civil Business Committee

Eugene Romaniuk SC
Larry King SC

Criminal Listings Review Committee

Kate Trail

Local Court

Rule Committee
Warwick Hunt

NSW Civil and Administrative Tribunal (NCAT)

Administrative, Equal Opportunity
and Occupational Divisions
Consultative Forum

Carol Webster SC

Guardianship Division Consultative
Forum

Irving Wallach

Commonwealth courts and tribunals

Federal Court of Australia User
Committee

Malcolm Oakes SC
Richard Cobden SC
Rhonda Henderson

Family Court of Australia Case
Management Committee

Grahame Richardson SC

MEMBERS APPOINTED TO STATE AND FEDERAL COURTS

For the year 2014-15

Supreme Court of NSW

The Hon Justice Desmond Fagan

District Court of NSW

Her Honour Judge Jane Culver

Her Honour Julia Baly SC

Local Court of NSW

Magistrate Dominique Burns

Magistrate Gary Wilson

Federal Circuit Court

Ian Newbrun

NATIONAL LEGAL PROFESSIONAL BODIES

For the year 2014-15

Law Council of Australia

Director

Jane Needham SC

Alternate Director

Philip Selth OAM

Access to Justice Committee

Christopher Whitelaw

Alternative Dispute Resolution

Committee

Mary Walker (chair)

Anti-Money Laundering Working

Group

Tim Game SC

Australian Young Lawyers

Committee

Jennifer English

Client Legal Privilege Advisory
Committee

Cameron Moore SC

Dr Ruth Higgins

Equalising Opportunities in
the Law Committee

Patricia McDonald SC

National Occupational Health and
Safety Review Working Group

Ingmar Taylor SC

Mark Cahill

Indigenous Legal Issues Committee

Chris Ronalds SC

Dr Sarah Pritchard

Anthony McAvoy

Model Conduct Rules Working
Group

Jennifer Pearce

Military Justice System Working
Group

Dr James Renwick

Model Equal Opportunity Briefing
Policy Working Group

Trish McDonald SC

(alt Julie Baird SC)

Dominique Hogan-Doran

National Criminal Law Committee

Tim Game SC

Bret Walker SC

Stephen Odgers SC

Phillip Boulten SC

National Profession Harmonisation
Committee

Philip Selth OAM

Human Rights Bill Adviser

Nicholas Cowdery AM QC

Australian Advocacy Institute

Her Honour Judge Ann Ainslie-Wallace

OTHER APPOINTMENTS

REPRESENTATIVES ON EDUCATIONAL BODIES

For the year 2014-15

Legal Profession Admission Board

Garry McGrath SC
Magaret Allars

Legal Qualifications Committee

John Fernon SC
Susan Leis
Elizabeth Picker

Law Examinations Committee

Michael Christie

University of NSW

Faculty of Law
Anne Healey

Notre Dame University, Sydney

Richard Perrignon

University of Western Sydney

External Law Advisory Committee
Robert O'Neill

University of Wollongong

Faculty of Law, Visiting Committee
Bruce Collins QC

COURT LIAISON MEMBERS

For the year 2014-15

State courts and tribunals

Supreme Court Possessions List Users Group
Brendan Burke

Industrial Relations Commission
Max Kimber SC

Local Court
Lester Fernandez

Federal courts and tribunals

High Court of Australia
David Jackson AM QC

Federal Court
Malcolm Oakes SC
Richard Cobden SC
Rhonda Hendersen

Family Court of Australia
Peter Campton SC
Federal Circuit Court
Kate Morgan

STATUTORY APPOINTMENTS

For the year 2014-15

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 SC

Alternate: Nick Poynder

Law and Justice Foundation Board

John Sheahan SC

Law Week Board

Philip Selth OAM

Motor Accidents Authority

Claims Assessment and Resolution Service

Robert Quickenden

John Turnbull

William Fitzsimmons

John Tancred

Helen Wall

John Watts

Margaret Holz

Professional Standards Council

Brian Rayment 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 10 September 2015. 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 Bar Association') for the year ended 30 June 2015 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:

S Callan	N Hutley SC	A Moses SC	D Toomey
T Game SC	J Needham SC	M Walker	K Traill
J Hyde Page	P Khandhar		

The following persons were directors from the beginning of the financial year to 7 November 2014:

J Morris	C Loukas	M McHugh SC	A Healey
I Temby QC	W Hunt	G McGrath SC	A Stone
C Gleeson	C Dobraszczyk		

The following persons were directors from 7 November 2014 up to the date of this report:

M Cunneen SC	D Bennett QC	J Phillips SC	A Sullivan QC
P Menzies QC	I Sethi	G Antipas	C Wood
H Stitt	P Doyle Gray	J Hogan-Doran	

A Street SC resigned on 7 August 2014. W Terracini SC was appointed on the same day

All directors are practising barristers.

Principal activities

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

- running various programs for the benefit of members of the Bar 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 Bar Association's library and administering the Bar Association's Professional Standards Scheme;
- making various representations to government and government agencies on specific legal policy and practice issues as they arise;
- working with media organisations and other bodies in order to disseminate to the public the bar's position on key issues;
- co-ordination of the provision of pro bono or reduced cost legal services to underprivileged sections of the public through the Bar Association's Legal Assistance Referral Scheme; and
- fulfilling the Bar Association's statutory duties in relation to the regulation of the legal profession through the work of its Professional Conduct Committee and the Bar Council.

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

Short and long term objectives and strategies

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

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

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

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

DIRECTORS' REPORT

Strategies and performance

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

Review and results of operations

The association continued to engage in its principal activities during the financial year. The comprehensive income (deficit) of the Bar Association for the year ended 30 June 2015 was (\$55,559) (2014: income of \$327,677).

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 2014 to 30 June 2015 there were 21 meetings.

Meetings of directors

NAME	MEETINGS ATTENDED	MEETINGS HELD
Jane Needham SC (president)	19	21
Noel Hutley SC (senior vice-president)	18	21
Arthur Moses SC (junior vice-president)	21	21
Michael McHugh SC (treasurer to 5 Nov 14)	8	8
Dominic Toomey (secretary to 5 Nov 14)	17	21
Justin Hogan-Doran (treasurer from 5 Nov 14)	11	13
Philippe Doyle Gray (secretary from 5 Nov 14)	12	13
Gregory Antipas	12	13
David Bennett AC QC	10	13
Sophie Callan	14	21
Margaret Cunneen SC	11	13
Caroline Dobraszczyk	7	8
Tim Game SC	20	21
Catherine Gleeson	7	8
Anne Healey	5	8
Warwick Hunt	8	8

DIRECTORS' REPORT

NAME	MEETINGS ATTENDED	MEETINGS HELD
John Hyde Page	20	21
Paresh Khandhar	14	21
Chrissa Loukas SC	6	8
Gary McGrath SC	8	8
Paul Menzies QC	12	13
Jeremy Morris	7	8
Jeffrey Phillips SC	13	13
Ishita Sethi	13	13
Hamish Stitt	11	13
Andrew Stone	6	8
Sandy Street SC	1	1
Alan Sullivan QC	11	13
Ian Temby QC	8	8
Kate Traill	17	21
Mary Walker	17	21
Christopher Wood	12	13

Meetings of the Finance, Investment and Audit Committee

From 1 July 2014 to 30 June 2015 there were four meetings.

NAME	MEETINGS ATTENDED	MEETINGS HELD
Alan Sullivan QC	2	3
Justin Hogan-Doran	2	3
Gregory Antipas	3	3
Anne Healey	1	1
Michael McHugh SC (chair to 7 Nov 2014)	1	1
Dominic Toomey	2	4
Noel Hutley SC (chair from 8 Nov 2014)	2	4
Arthur Moses SC	1	1

Members' guarantee

If the Bar Association is wound up, the Constitution states that each member is required to contribute an amount not exceeding \$4 per member to meet all outstanding obligations of the Bar Association and any such amounts as may be required. The Bar Association had 3,047 members at balance date, and the total that members are liable to contribute is \$12,188.

DIRECTORS' REPORT

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 70.

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



J Needham SC
President

Sydney, NSW
10 September 2015



J Hogan-Doran
Treasurer



Accountants | Business and Financial Advisers

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 2015 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.



Sydney, NSW
10 September 2015

D K Swindells
Partner

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

Level 19 207 Kent Street Sydney NSW 2000 Australia | Telephone +61 (0)2 9020 4000 | Fax +61 (0)2 9020 4190

Email: mailbox@hlbnsw.com.au | Website: www.hlb.com.au

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

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2015

	Notes	2015 \$	2014 \$
Revenue from continuing operations	2	8,896,467	8,231,377
Employee benefits expense		(3,810,653)	(3,649,570)
Legal and professional fees		(1,479,347)	(1,031,882)
Subscriptions		(857,416)	(676,820)
Communications and information technology expense		(316,505)	(240,340)
Depreciation and amortisation expense		(345,091)	(487,813)
Occupancy expense		(689,286)	(646,480)
Advertising and marketing expense		(208,935)	(268,236)
Financial expense		(213,774)	(167,591)
Seminar and function expense		(321,160)	(297,710)
Other expenses from ordinary activities		(621,381)	(592,788)
		<hr/>	<hr/>
Surplus before income tax expense		32,919	172,147
Income tax expense (benefit)	3(a)	(4,889)	2,889
		<hr/>	<hr/>
Net surplus		37,808	169,258
		<hr/>	<hr/>
Other comprehensive income			
Changes in fair value of available-for-sale assets		(129,273)	222,954
Income tax (expense) credit relating to other comprehensive income		35,906	(64,535)
		<hr/>	<hr/>
Other comprehensive income (deficit) for the year, net of tax		(93,367)	158,419
		<hr/>	<hr/>
Total comprehensive income (deficit)		(55,559)	327,677
		<hr/>	<hr/>

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 2015

	Notes	2015 \$	2014 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	14	9,318,639	8,764,316
Receivables		30,275	14,386
Income tax receivable		6,856	45,272
Inventories		3,697	9,352
Other assets	5	238,400	177,345
TOTAL CURRENT ASSETS		9,597,867	9,010,671
NON-CURRENT ASSETS			
Other financial assets	4	4,021,795	3,975,297
Deferred tax assets		7,944	7,411
Property, plant and equipment	7	2,170,399	2,447,574
TOTAL NON-CURRENT ASSETS		6,200,138	6,430,282
TOTAL ASSETS		15,798,005	15,440,953
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	8	747,868	503,682
Employee benefits		729,691	658,470
Fees received in advance	9	6,166,125	6,019,275
TOTAL CURRENT LIABILITIES		7,643,684	7,181,427
NON-CURRENT LIABILITIES			
Employee benefits		96,049	102,445
Deferred tax liabilities	3(b)	72,042	115,292
TOTAL NON-CURRENT LIABILITIES		168,091	217,737
TOTAL LIABILITIES		7,811,775	7,399,164
NET ASSETS		7,986,230	8,041,789
ACCUMULATED FUNDS			
Accumulated surpluses		7,839,190	7,801,382
Reserves	10	147,040	240,407
TOTAL ACCUMULATED FUNDS		7,986,230	8,041,789

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 2015

	Accumulated Surpluses	Reserves	Total Accumulated Funds
	\$	\$	\$
At 30 June 2013	7,632,124	81,988	7,714,112
Total comprehensive income for the year	169,258	158,419	327,677
At 30 June 2014	7,801,382	240,407	8,041,789
Total comprehensive income for the year	37,808	(93,367)	(55,559)
At 30 June 2015	7,839,190	147,040	7,986,230

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 2015

	Notes	2015 \$	2014 \$
Cash flows from operating activities			
Receipts from operating activities		8,364,905	7,710,582
Payments to suppliers and employees		(7,945,601)	(7,281,835)
Dividends received		164,835	99,246
Interest received		226,839	38,026
Income tax paid		32,159	(19,191)
Net cash inflow from operating activities	15	843,137	546,828
Cash flows from investing activities			
Payments for plant and equipment		(68,224)	(65,251)
Proceeds from investments		3,170	5,072,273
Payment for investments		(223,760)	(2,725,358)
Net cash inflow (outflow) from investing activities		(288,814)	2,281,664
Net increase (decrease) in cash and cash equivalents		554,323	2,828,492
Cash and cash equivalents at the beginning of the financial year		8,764,316	5,935,824
Cash and cash equivalents at the end of the financial year	14	9,318,639	8,764,316

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 2015

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 and interpretations as issued by the Australian Accounting Standards Board, and the *Corporations Act 2001*. The New South Wales Bar Association is a not-for-profit entity for the purpose of preparing the financial statements.

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 judgments

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 Bar Association's accounting policies. There are no estimates and judgements that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue recognition

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

(i) Subscriptions and practising certificate fees

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

(ii) Administration charge

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

(iii) Dividends received

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

(iv) Interest income

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

(v) Grants

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

(vi) Other income

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(c) Income tax

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

In addition, under the mutuality provisions of the Income Tax Assessment Act, income and expenses wholly applicable to members of the Bar 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.

Current and deferred tax is recognised in profit or loss, except to the extent that it relates to items recognised in other comprehensive income or directly in equity. In this case, the tax is also recognised in other comprehensive income or directly in equity, respectively.

(d) Leases

Leases in which a significant portion of the risks and rewards of ownership are not transferred to the Bar 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 which are largely independent of the 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 2015

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 Bar 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 uncollectible 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) Investments and other 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 financial assets were acquired. Management determines the classification of each investment at initial recognition.

(i) Receivables

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

(ii) Available-for-sale financial assets

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

(iii) Held-to-maturity investments

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(i) Investments and other financial assets (continued)

Recognition and derecognition

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

Available-for-sale financial assets are initially recognised at fair value plus transactions costs, with, fair values based on current bid prices for listed, and on published market prices for fixed interest securities.

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 other comprehensive income are reclassified to profit or loss as gains and losses from available-for-sale financial assets, also the amount previously recognised in the Fair Value Reserve for the securities sold is transferred to Accumulated Surpluses.

Impairment

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

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

(j) Property, plant and equipment

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

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

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

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(k) Intangibles

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

(l) Trade and other payables

These amounts represent liabilities for goods and services provided to the Bar 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.

(p) Accounting standards issued not yet operative

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2015 reporting periods and have not been early adopted by the Bar Association. The association's assessment of the impact of these new standards and interpretations is set out below.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(p) Accounting standards issued not yet operative (continued)

(i) AASB 15 Revenue from Contracts with Customers

The AASB has issued a new standard for the recognition of revenue. This will replace AASB 118 which covers contracts for goods and services and AASB 111 which covers construction contracts. The new standard is based on the principle that revenue is recognised when control of a good or service transfers to a customer – so the notion of control replaces the existing notion of risks and rewards. The standard permits a modified retrospective approach for the adoption. Under this approach entities will recognise transitional adjustments in retained earnings on the date of initial application (eg 1 July 2017), ie without restating the comparative period. At this stage, the Bar Association is not able to estimate the impact of the new rules on the group's financial statements. The association will make more detailed assessment of the impact over the next twelve months. This standard is mandatory for financial years commencing on or after 1 January 2017.

There are no other standards that are not yet effective and that would be expected to have a material impact on the entity in the current or future reporting periods and on foreseeable future transactions.

	2015	2014
	\$	\$
2. REVENUE FROM CONTINUING OPERATIONS		
Operating revenue		
Subscriptions and practising certificate fees	6,046,531	5,836,966
Reading program	516,525	523,100
	<hr/>	<hr/>
	6,563,056	6,360,066
Other revenue		
Interest and dividends	377,156	364,082
Seminars	149,503	100,836
Administration charge	37,137	9,068
External funding	1,579,406	1,171,406
Other	190,209	225,919
	<hr/>	<hr/>
Revenue from continuing operations	8,896,467	8,231,377

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

	2015 \$	2014 \$
3. INCOME TAX EXPENSE		
(a) Reconciliation of income tax expense to prima facie tax payable		
Net surplus from continuing operations	32,919	172,147
Tax at the Australian tax rate of 30% (2014: 30%)	9,876	51,644
Increase (decrease) in income tax expense due to:		
- Net mutual expense (income)	(15,558)	(52,814)
Tax effect of amounts which are not deductible (assessable)	793	602
Adjustments for current tax of prior periods		3,457
Income tax expense/(benefit)	(4,889)	2,889
(b) Deferred tax liability		
Recognised in profit or loss:		
Accrued interest	7,906	12,261
	7,906	12,261
Recognised in Fair Value Reserve:		
Held-to-maturity investments	64,136	103,031
	72,042	115,292
4. OTHER FINANCIAL ASSETS		
Non-current		
At cost		
Investments in associates	14	14
Available for sale – at fair value		
Shares in Australian listed companies	1,924,289	1,901,900
Fixed interest securities - listed	2,097,492	2,073,383
	4,021,795	3,975,297
(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 Bar Association is a director of that company; the purpose of that company is to hold and pay funds to reimburse legal practitioners for their disbursements incurred in the conduct of pro bono matters.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

(b) Investment in Counsel's Chambers Limited

The Bar Association also holds seven deferred ordinary shares ('the shares') in Counsel's Chambers Limited ('CCL'). The shares were acquired circa 1962 and have a cost of \$14, which has not been recorded in the Bar Association's records for many years. The shares entitle the Bar 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 reasonable fair value estimate, the Bar Association is precluded from measuring or recognising such values in its financial statements.

	2015	2014
	\$	\$
5. OTHER ASSETS		
GST receivable	-	28,036
Prepayments	212,048	108,439
Accrued interest	26,352	40,870
	<hr/>	<hr/>
	238,400	177,345
	<hr/>	<hr/>

6. INTANGIBLES

Database & website

At cost	304,665	304,665
Accumulated amortisation	(304,665)	(304,665)
	<hr/>	<hr/>
Net carrying amount	-	-
	<hr/>	<hr/>

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

7. PROPERTY, PLANT AND EQUIPMENT

	Library \$	Refurbishments \$	Furniture, computers, computer software, office machines and equipment \$	Kitchen equipment \$	Total \$
At 30 June 2014					
Cost	469,043	3,225,183	1,567,546	1,686	5,263,458
Accumulated depreciation and impairment	(304,881)	(1,380,881)	(1,128,436)	(1,686)	(2,815,884)
Net carrying amount	164,162	1,844,302	439,110	-	2,447,574
At 30 June 2015					
Cost	469,043	3,225,183	1,338,776	1,686	5,034,688
Accumulated depreciation and impairment	(328,333)	(1,592,363)	(941,907)	(1,686)	(2,864,289)
Net carrying amount	140,710	1,632,820	396,869	-	2,170,399
Movements:					
Year ended 30 June 2015					
At 1 July 2014, net carrying amount	164,162	1,844,302	439,110	-	2,447,574
Additions	-	-	68,224	-	68,224
Disposals	-	-	(308)	-	(308)
Depreciation/ amortisation charge for the year	(23,452)	(211,482)	(110,157)	-	(345,091)
At 30 June 2015, net carrying amount	140,710	1,632,820	396,869	-	2,170,399

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

	2015	2014
	\$	\$
8. TRADE AND OTHER PAYABLES		
Trade and other payables	747,868	503,682
9. FEES RECEIVED IN ADVANCE		
Current		
Subscriptions, practising certificate fees & other revenue received in advance	6,166,125	6,019,275
10. RESERVES		
Fair value reserve	147,040	240,407
<i>Consists of:</i>		
Revaluation	211,176	343,438
Less: Deferred income tax	(64,136)	(103,031)
	147,040	240,407
Nature and purpose of reserve		
Changes in the fair value of available-for-sale financial assets are taken to the fair value reserve.		
11. COMMITMENTS		
Lease commitments		
Operating lease commitments payable		
Within one year	556,776	526,727
Later than one year but not later than 5 years	2,249,108	2,104,530
	2,805,884	2,631,257

The Bar Association leases from Counsels' Chambers the two premises from which it operates. The main premises are on a fifteen year lease, with an option to renew for a further five years. This lease expires in March 2027. Additional office space is occupied under a three year lease with rent increases of 3% in the 2nd and 3rd year. This lease expires in December 2017 and allows for one further option of three years.

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2015

12. 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:

M Cunneen SC	W Hunt	M McHugh SC	P Doyle Gray
S Callan	N Hutley SC	H Stitt	A Stone
C Dobraszczyk	J Hyde Page	A Moses SC	A Street SC
T Game SC	J Morris	J Needham SC	I Temby QC
C Gleeson	C Loukas SC	M Walker	D Toomey
P Khandhar	P Menzies QC	D Bennett QC	K M Traill
A Healey	G McGrath SC	I Sethi	J Phillips SC
G Antipas	J Hogan-Doran	A Sullivan QC	C Wood
W Terracini SC			

(b) Key management

Key management personnel compensation for the years ended 30 June 2015 and 30 June 2014 is set out below. The key management personnel are the directors of the Bar Association, and those executives with authority and responsibility for planning, directing and controlling the activities of the Bar Association.

Other than the directors, the key management personnel identified for the years ended 30 June 2015 and 30 June 2014 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 Bar Association during the financial year.

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

	2015	2014
	\$	\$
Short-term employee benefits	1,414,917	1,303,223
Long-term employee benefits	(2,701)	32,882
	1,412,216	1,336,105

(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 \$649,006 (2014: \$633,250) for office space to Counsel's Chambers Limited, a company of which some directors of the Bar 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 2015

	2015	2014
	\$	\$
13. REMUNERATION OF AUDITORS		
During the year the following fees were paid or payable for service provided by the auditor of the Bar Association:		
Audit of the financial statements	46,865	45,500
Other services – tax compliance	7,545	7,325
Other assurance services - PCD Grant Audit	3,825	3,700
	<u>58,235</u>	<u>56,525</u>

14. 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	943,936	1,300,610
Term deposits	8,373,803	7,462,806
Petty cash	900	900
	<u>9,318,639</u>	<u>8,764,316</u>

15. CASH FLOW STATEMENT

Reconciliation of net surplus after income tax with cash flows from operations

Net surplus	37,808	169,258
Add (deduct):		
Depreciation	345,092	487,813
Profit on disposal of property plant & equipment	307	720
(Profit) loss on investments	36,855	
Interest & dividend income		(239,972)
Increase (decrease) in employee benefits	64,825	11,790
Increase (decrease) in receivables	26,655	13,691
Increase (decrease) in inventories	5,655	(6,723)
Increase (decrease) in prepayments	(103,609)	(1,114)
Increase (decrease) in trade & other payables	364,010	119,831
Increase (decrease) in income tax	65,539	(8,466)
Not cash inflow from operations	<u>843,137</u>	<u>546,828</u>

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2015

16. REIMBURSEMENT BY THE PUBLIC PURPOSE FUND

Section 700(n) of the *Legal Profession Act 2004* requires certification by the auditor of the costs incurred by the Bar Council in relation to its regulatory function. Expenditure on regulatory activities in 2014-15 amounted to \$1,370,299 (2014: \$983,872).

17. 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 Bar Association has impacted the total value of the financial assets. As at 28 August 2015, the total market value of financial assets at fair value through profit or loss held by the Bar Association was \$4,011,459 compared with \$4,021,781 as at 30 June 2015, a decrease of 0.26%.

DIRECTORS' DECLARATIONS

In the directors' opinion:

- (a) the financial statements and notes set out on pages 71 to 86 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 2015 and of its performance for the financial year ended on that date; and
- (b) there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

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

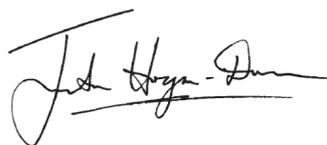


J Needham SC

President

Sydney

10 September 2015



J Hogan-Doran

Treasurer



Accountants | Business and Financial Advisers

INDEPENDENT AUDITOR'S REPORT

To the members of the New South Wales Bar Association

We have audited the accompanying financial report of the New South Wales Bar Association ('the company'), which comprises the statement of financial position as at 30 June 2015, the statement of surplus and other comprehensive income, the statement of changes in accumulated funds and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration, for the company.

Directors' responsibility for the financial report

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

Auditor's responsibility

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

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

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

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

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INDEPENDENT AUDITOR'S REPORT (CONTINUED)

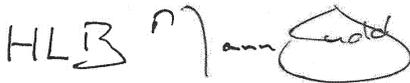
Independence

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

Opinion

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

- (i) giving a true and fair view of the company's financial position as at 30 June 2015 and its performance for the year ended on that date; and
- (ii) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.



HLB Mann Judd
Chartered Accountants
Sydney, NSW
10 September 2015



D K Swindells
Partner

BARRISTERS' BENEVOLENT ASSOCIATION

Financial report for the year ended 30 June 2015

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Independent Auditor's Declaration	99

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 10 September 2015. The Committee of Management has the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

For the year ended 30 June 2015

	Note	2015 \$	2014 \$
Revenue from continuing operations	2	405,443	339,939
Net gains/(losses) on non-current assets held at fair value through profit or loss		(79,305)	378,933
Loss on sale of investments		(3,212)	-
Auditor's remuneration		(9,785)	(9,500)
Bank charges		-	(50)
Bar care costs		(38,460)	(13,513)
Employee benefits expense		(51,191)	(42,267)
Gifts		(92,500)	(60,000)
Investment fees		(2,000)	(2,000)
Loan forgiveness		-	(5,000)
Allowance for impairment of loans		(10,322)	(1,178)
Other operating expenses		(576)	(180)
Surplus before income tax		118,092	585,184
Income tax expense	1(c)	-	-
Net surplus		118,092	585,184
Other comprehensive income		-	-
Total comprehensive income		118,092	585,184

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 2015

	Notes	2015 \$	2014 \$
CURRENT ASSETS			
Cash and cash equivalents		294,531	712,031
Held-to-maturity investments	4	719,624	160,000
Loans and receivables	3	61,958	62,963
TOTAL CURRENT ASSETS		<u>1,076,113</u>	<u>934,994</u>
NON-CURRENT ASSETS			
Other financial assets	5	3,816,425	3,834,846
TOTAL NON-CURRENT ASSETS		<u>3,816,425</u>	<u>3,834,846</u>
TOTAL ASSETS		<u>4,892,538</u>	<u>4,769,840</u>
CURRENT LIABILITIES			
Trade and other payables		16,106	11,500
TOTAL CURRENT LIABILITIES		<u>16,106</u>	<u>11,500</u>
TOTAL LIABILITIES		<u>16,106</u>	<u>11,500</u>
NET ASSETS		<u>4,876,432</u>	<u>4,758,340</u>
ACCUMULATED FUNDS			
Accumulated surpluses		2,444,550	2,326,458
Reserves	6	2,431,882	2,431,882
TOTAL ACCUMULATED FUNDS		<u>4,876,432</u>	<u>4,758,340</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 2015

	Accumulated Surpluses	Capital Reserves	Total Accumulated Funds
	\$	\$	\$
At 30 June 2013	1,741,274	2,431,882	4,173,156
Total comprehensive income	585,184	-	585,184
At 30 June 2014	2,326,458	2,431,882	4,758,340
Total comprehensive income	118,092	-	118,092
At 30 June 2015	2,444,550	2,431,882	4,876,432

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 2015

	2015	2014
	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from members, sponsorship and general activities	171,180	144,669
Payments to suppliers	(193,118)	(132,260)
Interest & dividends received	137,586	125,237
Net cash inflow from operating activities	115,648	137,646
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from other financial assets	69,809	30,000
Proceeds from held to maturity investments	199,211	605,460
Payments for other financial assets	(47,679)	(65,250)
Payments for held to maturity investments	(754,489)	(204,829)
Net cash (outflow) inflow from investing activities	(533,148)	365,381
Net increase (decrease) in cash and cash equivalents	(417,500)	503,027
Cash and cash equivalents at the beginning of the year	712,031	209,004
Cash and cash equivalents at the end of the year	294,531	712,031

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 2015

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 - Reduced Disclosure Requirements and interpretations as issued by the Australian Accounting Standards Board, and the *Australian Charities and Not-for-profits Commission Act 2012*. Barristers Benevolent Association of NSW is a not-for-profit entity for the purpose of preparing the financial statements.

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 Benevolent 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.

(c) Income tax

The association is exempt from income tax.

(d) Cash and cash equivalents

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 Benevolent 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 Benevolent 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 Benevolent 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 Benevolent 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 value of fixed interest securities are based on published market prices. The fair values of investments in Australian managed funds are based on the redemption price advised by the relevant fund manager.

Impairment

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(f) Other financial assets (continued)

(ii) Held-to-maturity investments

The association classifies its term deposits as held-to-maturity investments. Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Benevolent 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 Benevolent 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.

(i) Accounting standards issued not yet operative

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2015 reporting periods and have not been early adopted by the Benevolent Association. The association's assessment of the impact of these new standards and interpretations is set out below.

(i) AASB 15 *Revenue from Contracts with Customers*

The AASB has issued a new standard for the recognition of revenue. This will replace AASB 118 which covers contracts for goods and services and AASB 111 which covers construction contracts. The new standard is based on the principle that revenue is recognised when control of a good or service transfers to a customer – so the notion of control replaces the existing notion of risks and rewards. The standard permits a modified retrospective approach for the adoption. Under this approach entities will recognise transitional adjustments in retained earnings on the date of initial application (eg 1 July 2017), ie without restating the comparative period. At this stage, the Benevolent Association is not able to estimate the impact of the new rules on the group's financial statements. The association will make more detailed assessments of the impact over the next twelve months. This standard is mandatory for financial years commencing on or after 1 January 2017.

(ii) Other standards

There are no other standards that are not yet effective and that would be expected to have a material impact on the entity in the current or future reporting periods and on foreseeable future transactions.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

	2015	2014
	\$	\$
2. REVENUE FROM CONTINUING OPERATIONS		
Contributions	116,266	119,278
Distribution dividend income	248,436	181,228
Interest income	40,259	38,669
Membership income	482	764
	<hr/>	<hr/>
Revenue from continuing operations	405,443	339,939
	<hr/>	<hr/>
3. LOANS AND RECEIVABLES		
Current		
NSW Bar Association	49,277	47,178
Accrued interest	1,409	2,968
Interest free loans	30,000	22,177
Allowance for impairment of interest free loans	(20,000)	(9,678)
GST receivable	1,272	318
	<hr/>	<hr/>
	61,958	62,963
	<hr/>	<hr/>
4. HELD-TO-MATURITY INVESTMENTS		
Term deposits		
Current	<hr/>	<hr/>
	719,624	160,000
	<hr/>	<hr/>
5. OTHER FINANCIAL ASSETS		
Non-current		
Designated at fair value through profit or loss		
- Fixed interest securities	1,296,932	1,346,822
- Shares in Australian listed companies	1,945,031	1,873,999
- Australian managed funds	574,462	614,025
	<hr/>	<hr/>
	3,816,425	3,834,846
	<hr/>	<hr/>
6. RESERVES		
Capital reserve	<hr/>	<hr/>
	2,431,882	2,431,882
	<hr/>	<hr/>

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 Benevolent Association. This account also includes capital profits made in the prior years.

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

7. RELATED PARTY DISCLOSURES

(a) Committee of Management

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

M Cunneen SC	W Hunt	M McHugh SC	H Stitt
S Callan	N Hutley SC	A Stone	D Bennett QC
C Dobraszczyk	J Hyde Page	A Street SC	A Moses SC
T Game SC	J Morris	I Temby QC	J Needham SC
C Gleeson	C Loukas SC	D Toomey	M Walker
P Khandhar	P Menzies QC	K M Traill	I Sethi
A Healey	G McGrath SC	A Sullivan QC	J Phillips SC
G Antipas	J Hogan-Doran	P Doyle Gray	C Wood
W Terracini SC			

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

(b) Key management

The key management personnel are members of the Committee of Management of the Benevolent Association. No compensation was paid, or payable, to the members of the Committee of Management of the Benevolent Association.

(c) Other transactions

The Benevolent Association conducts its business from the premises of New South Wales Bar Association at no cost to the Benevolent Association

2015	2014
\$	\$

8. REMUNERATION OF AUDITORS

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

Audit of the financial statements	9,785	9,500
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9. EVENTS OCCURRING AFTER THE REPORTING DATE

Changes since reporting date in the market values of financial assets at fair value through profit or loss held by the Benevolent Association have impacted the total value of the financial assets. As at 28 August 2015, the total market value of financial assets at fair value through profit or loss held by the association was \$3,799,156 compared with \$3,816,425 as at 30 June 2015, a decrease of 0.45%.

COMMITTEE OF MANAGEMENT DECLARATION

In the opinion of the Committee of Management of Barristers' Benevolent Association of NSW;

(a) the financial statements and notes as set out on pages 89 to 96 are in accordance with the *Australian Charities and Not-for-profits Commission Act 2012*, including:

(i) complying with Accounting Standards – Reduced Disclosure Requirements and the *Australian Charities and Not-for-profits Commission Regulation 2013*, and

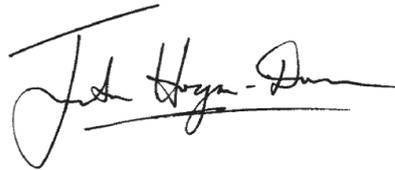
(ii) presenting fairly the association's financial position as at 30 June 2015 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date; and

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

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



J. Needham SC



J. Hogan Doran

Sydney, NSW
10 September 2015



Accountants | Business and Financial Advisers

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 Benevolent Association), which comprises the statement of financial position as at 30 June 2015, 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 89 to 97.

Committee of Management Responsibility for the Financial Report

The Committee of Management is responsible for the preparation of the financial report in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and the Australian Charities and Not-for-profits Commission Act 2012 (the ACNC Act) and for such internal control as the Committee of Management determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's responsibility

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

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Benevolent 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.

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INDEPENDENT AUDITOR'S REPORT (CONTINUED)

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of Barristers' Benevolent Association of NSW as at 30 June 2015, and its performance and its cash flows for the year then ended in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and Division 60 of the ACNC Act and the Regulations thereto.

Matters relating to the electronic presentation of the audited financial report

This Auditor's Report relates to the financial report of the Benevolent Association for the year ended 30 June 2015 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.

D K Swindells

Partner

Sydney, NSW

10 September 2015

HLB Mann Judd
Chartered Accountants

INDEPENDENT AUDITOR'S DECLARATION

To the committee of management at Barristers Benevolent Association of NSW:

We declare that to the best of our knowledge and belief, there have been no contraventions of any applicable code of professional conduct in relation to the audit of Barristers' Benevolent Association of NSW for the year ended 30 June 2015.

HLB Mann Judd

Chartered Accountants

Sydney, NSW
10 September 2015

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CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

The Hon Justice M Adams	Mr P J Doherty SC	Mr A Hill
His Honour Judge C J Armitage	Mr P Dwyer	The Hon B E Hill QC
His Honour Judge D Arnott SC	Mr R Driels	The Hon Justice C Hoeben AM RFD
Mr A Bannon SC	Mr D M Loewenstein	Mr Martin Gorrick
Mr I Barker QC	Mr I D Bourke SC	Mr V B Hughston SC
Mr G M Barter	Mr L T Grey	Mr T A Kolomyjec
Mr R S Bell	Mr R A Bonnici	Mr B Hull
Mr A J Bellanto QC	Mr Gregory Burton SC	Mr D F Jackson AM QC
Mr David Bennett AC QC	Mr M Einfeld QC	His Honour Acting Judge M C Marien SC
His Honour Judge J Bennett SC	His Honour Judge M A Elkaim SC	Mr R Johnson
Mr J Berry OAM	The Hon R J Ellicott QC	The Hon Justice P A Johnson
Dr C J Birch SC	Mr S Burchett	Ms L E Judge
Mr Paul Blackburn-Hart SC	The Hon Justice R Edmonds	Ms W Strathdee
Mr P E Blacket SC	Mr L Ellison SC	The Hon Dr Tricia Kavanagh
Mr W P Brewer	The Hon M J Finnane RFD QC	Mr J A Kearney
Mr Campbell Bridge SC	Mr F Fletcher	Mr R Keller
Mr Gus Van Der Vlag	Mr P J Frame	Mr L King SC
Mr D A Buchanan SC	His Honour Judge D Frearson SC	His Honour Judge M J King SC
Mr D A Bertini	Mr M A Coleman	The Hon D Kirby QC
Mr David Brogan	Mr J J Garnsey QC	Acting Justice P M Kite SC
Mr J R Sainty	Mr D J Hooke SC	Mr J W Korn
Mr J L Carr	Ms H Gerondis	Mr J T Kearney
Mr Keith Chapple SC	Mr G J Hickey	Mr G McGrath
His Honour Judge Richard Cogswell SC	Ms G Hoeben	The Hon Greg Smith SC
Mr I R Coleman SC	Mr G Graham	Mr C Leahy
Mr B A Coles QC	Mr R P Greenhill SC	His Honour Judge L A Levy SC
Mr B W Collins QC	Mr J P Gormly SC	Mr S J Longhurst
The Hon D Cowdroy OAM QC	Mr G M Gould	Mr S E Loomes
Mr R J Grady	Mr T A Game SC	Mr J A Loxton
His Honour Judge C Craigie SC	Mr W Dawe QC	Mr Greg Jones
Mr E H Baskerville	Mr T Hughes	Mr T M Rowles
Mr I Cullen	Mr M J Perry	Mr N A Confos
Mr R J Perrignon	The Hon Justice P Hallen	The Hon Justice R Macfarlan
The Hon Justice S Campbell	Mr R Harrington	Mr R H Macready
Mr J J Fernon SC	Mr N A Nicholls SC	Mr M Lynch
Mr D R Benson	The Hon W R Haylen QC	His Honour Judge C Hoy SC
Mr W J Dalley	Mr T Healey	Mr Paul Menzies QC
The Hon Justice D L Davies SC	Mr G Moore	Mr P J Mooney SC
Mr J Davis	The Hon Justice P J Hidden AM	Mr H J Marshall SC
Mr P J Deakin QC	Mr D J Higgs SC	

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr K Morrissey	Mr R Royle	Mr Michael B Williams SC
Mr R Montgomery	Mr G R Rummery QC	Mr M S Willmott SC
Mr J Murphy	Mr G Rundle	Mr D Wilson
His Honour Judge P G Mahony SC	The Hon D M Ryan QC	The Hon Lance Wright QC
Mr C D Freeman	Mr S Russell	Mr Hayden Kelly SC
Mr M McAuley	Mr S Rushton SC	Mr D Howard SC
Mr J A McCarthy QC	Mr W J Walsh	Mr T F Robertson SC
Mr M F McDermott	Mr J P Sewell	Mr W G Flynn
Ms S Duggan SC	Mr G Scragg	Mr M C Ramage QC
Mr J D McDonald	Mr J E Sexton SC	Mrs M Bridger
Ms L P McFee	Mr A H Slater QC	Mr M L Brabazon SC
Mr R S McIlwaine SC	Mr T J Morahan	Mr S J Harben SC
Mr R McKeand SC	Mr S J Stanton	Mr David Mallon
The Hon J K McLaughlin AM	Mr C Steirn SC	Mr K J Pierce
His Honour Judge R P McLoughlin SC	Mr C Stewart	Mr P A Rowe
Mr G P McNally SC	Mr Robert Stitt QC	Mr K L Stewart
Mr C W McEwen SC	Mr P Strasser	Dr John Keogh
Mr P W Neil SC	The Hon T J Studdert QC	Mr R W Hood
Mr R Gambi	Mr A Sullivan QC	Mr Terrence Lynch SC
Mr R Skiller	Mr M W Anderson	Mr M G Crowley
Mr J Nicholson SC	Mr C M Simpson SC	Mr M Christie SC
His Honour Judge S Norrish QC	Mr G J Stanton	Mr A J J Renshaw
Mr W B Nicholson	Mr A S Kostopoulos	Mr P L Dodson
Mr M Oakes SC	Mr K W Andrews	Mr R P Battley
Mr P J O'Connor	Mr T K Tobin QC	Mr P R Boulten SC
Mr P P O'Loughlin	Mr J Bartos	Ms A Cotter-Moroz
Mr R N O'Neill	Mr J A Trebeck	Mr J Cranston Thompson
Mr B C Oslington QC	Mr C I Twomey	Mr M J Windsor SC
Mr G R Petty SC	Her Honour Judge R C Tupman	Mr J M Harris
Mr J Priestley SC	Mr R J Taylor	Mr G McIlwaine
Mr J Phillips SC	Mr M P Cahill	Mr J E Robson SC
Mr J Poulos QC	Mr J Van Aalst	Ms R Graycar
Mr E Petersen	Mr Bret Walker SC	Mr M V Sahade
Mr R E Quickenden	Mr E Wasilenia	Mr C R C Newlinds SC
Mr B W Rayment QC	Mr G M Watson SC	Ms J Needham SC
Mr F Santisi	Mr O G Watt	Mr M K Meek SC
Mr S Reuben	Mr J N West QC	Mr J O Tancred
Mr M W Robinson	Mr I J McGillicuddy	Mr G B Colyer
Mr D Ronzani	Mr S Wheelhouse SC	Mr R S Sheldon SC
Mr J E Rowe	Mr J B Whittle SC	Mr J M Galluzzo

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr P M Skinner	The Hon J E Brownie QC	Mr M A Jones SC
Mr I M Neil SC	The Hon J R Dunford QC	Mr R Lancaster SC
Mr L V Gyles SC	Ms V M Heath	Mr I Taylor SC
Mr M Southwick	Ms A Healey	Mr R C Beasley SC
Mr Philip Durack SC	Mr K J Burges	Mr D B O'Neil
Mr D R Pritchard SC	The Hon P J Newman RFD QC	The Hon Justice R A Pepper
Mr Stephen Burley SC	The Hon R J Peterson QC	Mr E J Johnston
Mr M G Gilbert	Mr W D Hosking QC	Mr A J McInerney SC
The Hon Justice L McCallum	Mr S Hughes	Mr R Cavanagh SC
Mr R A Stanton	Mr G J Jones	Mr G J Sundstrom
Mr P G W Stitz	Mr V F Kerr	Mr M Green
Mr G P Craddock SC	Mr D Priestley	Ms L Byrne
Mr P J Cook	Mr M K Rollinson	Ms Kate Eastman SC
Mr I F Butcher	Mr I D Hill QC	Mr C Magee
The Hon Justice A Rees	Ms Sophie York	Miss E Welsh
Dr R J Webb	Mr S M Kettle	Mr R A Hewson
Mr R L Hamilton SC	Ms D Hogan-Doran	Ms M Painter SC
Mr Roger de Robillard	Mr B G Docking	Mr N J Kidd SC
Mr T J Ryan	Mr S A Woods	Ms K Sant
His Honour H H Bell	Dr J G Renwick SC	Mr T J Davie
The Hon M W Campbell QC	Mr Peter Russell	Mr C A Moore SC
The Hon K J Carruthers QC	Mr W L S Lloyd	Mr J Reading SC
The Hon Elizabeth A Evatt AC	Mr P R Cummings SC	Mr D D Knoll AM
The Hon M L Foster QC	Mr J V Gooley	Mr T J Bates
Mr G J Graham	Mr W J Hadley	Ms J Chapman
Mr D K Jordan	Mr J Henness	Mr G J Watkins
Mr T D Castle	Mr I C Duane	Mr P J Livingstone
Mr P A Barnes	Mr M Thangaraj SC	Dr C S Ward
The Hon J A Miles AO	Mr G T Gorton	Dr P D Keyzer
Mr R H Weinstein SC	Her Honour Judge D Woodburne SC	Mr David Kell
Dr F R McGrath AM OBE	Mr A R Harris QC	Mr J R Clarke SC
Ms V A Hartstein	Mr B Pluznyk	Ms P R Carr
The Hon J A Nader RFD QC	Mr D M Re	Mr P N Khandhar
Mr D S Timmins	Mr M J Bateman	Ms W Thompson
The Hon J L O'Meally AM RFD	Mr J F Viney	Mr A M Pickles
The Hon Dr Rodney Purvis AM QC	Ms C A Webster SC	Mr J Moore
The Hon George Sharpe	Mr A J Bulley	The Hon G Fitzgerald AC QC
Mr Mark Walsh	Mr E T Finnane	Dr Elisabeth Peden
The Hon C J Bannon QC	Mr N S Jackson	Dr Christos Mantziaris
The Hon J P Bryson QC	Mr M S Spartalis	Mr J C Sheahan QC

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Mr E N Gramelis	Miss Meredith Phelps	Mr John Travassaros
Mr D Burwood	Mr Cameron L Thompson	Mr David W Rayment
Mr T G Howard SC	Mr M J Darke SC	Ms Nicole S Carroll
Mr J J Ryan	Mr Adrian C Canceri	Mr S J Buchen
Mr D R J Toomey	Mr A J Bowen	Ms S Hill
Mr A D Campbell	Mr M Hutchings	Ms Cleopatra Calokerinos
Mr W P Lowe	Mr Adam J Williams	Mr Peter Kulevski
The Hon Justice M Perry	Ms Jenny Whitaker	Mr D Hirsch
Mr Shane Prince	Mr G Elliott	Ms Vanessa Whittaker
Mr Garry Rich SC	Mr P Bruckner	Mr M C Hay
Ms M Fanning	Mr Mark Gunning	The Hon J M Boland AM
Mr R D Glasson	Mr A D Justice	Mr James T G Gibson
Mr Hugh Stowe	Mr Andrew P L Naylor	Mr S Golledge
Mr D P Kelly	Mr Geoff Gersbach	Mr Adrian Williams
Mr Nicholas Newton	Ms Jo Haughton	Mr G Berecny
Mr R K Newton	Mr D Dura	Mr Tamir Maltz
Miss Leah J Rowan	Mr Roger Harper	Mr S W Aspinall
Mr Leonard Karp	Mr A T S Dawson	Mr Guy Donnellan
Mr John F Heazlewood	Mr F P Hicks	Magistrate Janet Stevenson
Mr Martin John Walsh	Ms Tania Evers	Ms Wendy Abraham QC
Mr G Kumarasinhe	Ms R Francois	Miss Esther A Lawson
Mr Paul G Bolster	Ms T Jowett	Mr A Combe
Mr G Gemmell	Mr H W M Stitt	Mr J Abernethy
Mr R Jankowski	Mr P F Doyle	The Hon R Rolfe
Ms Rashelle L Seiden SC	Mr Christopher Catt	Mr Stephen J Free
Mr Paul J Nolan	Ms M L Holz	Ms K Deards
Mr G Carolan	Mr T J Dixon	Dr Ruth C A Higgins
Mr B E Haverfield	Mr J P Redmond	Mr Paul Batley
Mr I G A Archibald	Mrs Michelle Hirschhorn	Mr Gary Doherty
Ms Miiko A Kumar	Mr Andrew Metcalfe	Mr Nic Angelov
Ms Maureen De Vere	Ms Tiffany L Wong	Mr H P T Bevan
Mr Luke Brasch	Mr Stephen Gardiner	Mr L J Byrne
Ms M A Gillies	Mr J P Donohoe	Mr Thomas Jones
Ms E Boyle	Mr Neil Murray	His Honour Judge S Scarlett OAM
Ms T Z Messner	Mr Mark Seymour	Mr Anthony N Parsons
Mr A Cheshire	Mr Kieran D Ginges	Ms C R Goodhand
Mr R J Carruthers	Miss M Carpenter	Mr A W Mooney
Ms J L Gallagher	Mr A E Maroya	Mr David Forster
Ms Mary Falloon	Mr Craig Bolger	Ms L McBride
Mr Christopher Wood	Mr J Sheller	Mr Christopher H Withers

CONTRIBUTIONS TO THE BARRISTERS' BENEVOLENT FUND

Dr A L Connolly	Mr Ashley Stafford	Mr D W Robertson
Mr David Imlah	Mr D Petrushnko	Ms Zelig Heger
Mr D J A Mackay	Ms Catherine Gleeson	Mr Angus Macauley
Mr W Hunt	Ms L Hamilton	Mrs K J Young
Mr T M Mehigan	Ms M Barnett	Mr Nikolaos Sifafakas
Mr Carl Boyd	Mr Anthony Kaufmann	Ms L Smith
Mr Michael Seck	Mr Colin Purdy	Mr Aaron Cornish
Mr A Conwell	Mrs Margaret Pringle	Mr Tom Quilter
Mr Craig Simpson	Mr Rhys O'Brien	Mr J Hale
Mr Darrell Barnett	The Hon Justice I J Loughnan	Ms S J Carr
Ms S Callan	Ms J Levick	Ms Y C Lin
Ms E Elbourne	Ms M Neville	Mr Peter Kondich
Mr J Cohen	Mr Angus Stewart SC	Mr Oshie Fagir
Mr Tony Di Francesco	Ms Sandrine Alexandre-Hughes	Miss A Hawkins
Mr Lester Fernandez	Mr C J Peadon	Ms K Jones
Mrs Melissa Humphreys	Ms Sasha Shearman	Mr Thomas Buterin
Ms M Campbell	Ms T Dinh	Mr Daniel S Roff
Mr Nicolaous Ghabar	Mr M Rennie	Ms A Bonnor
Mrs K Conte-Mills	Mr T L Hollo	Ms Natasha Hammond
Mr Bill Ilkovski	Ms Elizabeth James	Mr Geoff Simpson
Mr Charles H Cassimatis	Mr J Kellaway	Ms Julie A Webb
Mr Yaseen Shariff	Ms V L Carty	Mr A H Edwards
Ms Michelle Castle	Ms F T Roughley	Mr G E Babe
Mr A Miller	Mr P B Lott	Mr M A Karam
Mr B Snelling	Ms J Davidson	Mr Charles Gregory
Mr Mark Friedgut	Mr G Antipas	Ms Rebecca Suters
Mr D C P Stewart	Mrs S Clemmett	Mr B Symons
Mr Bernard D Brassil	Mr A Howell	Mr R Davies
Mr Christopher Palmer	Ms Louise Mathias	Ms T Ryan
Ms Melanie R Cairns	Ms A Murphy	Ms Sonia Tame
Ms B J Tronson	Ms S Patterson	Mr G P Gee
Mr Paul Coady	Mr H Pintos-Lopez	Mena House Chambers Pty Ltd
Mr S A Adair	Mr Duncan Berents	Attendees Public Law Section Dinner
Ms E A Bishop	Mr Andrew J Parker	
Mr Scott Robertson	Mr Richard Di Michiel	
Mr Lucas Shipway	Mr Anais d'Arville	
Mr David Healey	Mr Jay Williams	
Mr Larry Brazel	Ms I J King	
Mr Declan Roche	His Honour Judge Myers AM	
Mr Nic Kirby	Mr J Longworth	

INDIGENOUS BARRISTERS' TRUST – THE MUM SHIRL FUND

Financial report for the year ended 30 June 2015

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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 17 August 2015. The trustees have the power to amend and re-issue the financial statements.

STATEMENT OF SURPLUS AND OTHER COMPREHENSIVE INCOME

As at 30 June 2015

	Note	2015 \$	2014 \$
Revenue from continuing operations	2	88,963	99,105
Audit and accounting		(4,850)	(4,700)
Bank charges		(71)	(84)
Conference expenses		(8,576)	(42,419)
Fundraising		(8,029)	(3,411)
Grants made		(41,500)	(66,913)
Other expenses		(13)	(9,464)
		<hr/>	<hr/>
Surplus/(deficit) before income tax expense		25,924	(27,886)
Income tax expense	1(c)	-	-
		<hr/>	<hr/>
Net surplus (deficit)		25,924	(27,886)
Other comprehensive income		<hr/>	<hr/>
		-	-
Total comprehensive income (loss)		<hr/> <hr/>	<hr/> <hr/>
		25,924	(27,886)

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 2015

	Note	2015 \$	2014 \$
CURRENT ASSETS			
Cash and cash equivalents		44,582	99,760
Held-to-maturity investments	4	439,551	368,961
Other receivables	3	37,467	26,805
TOTAL CURRENT ASSETS		<u>521,600</u>	<u>495,526</u>
TOTAL ASSETS		<u>521,600</u>	<u>495,526</u>
CURRENT LIABILITIES			
Trade and other payables		4,850	4,700
TOTAL CURRENT LIABILITIES		<u>4,850</u>	<u>4,700</u>
TOTAL LIABILITIES		<u>4,850</u>	<u>4,700</u>
NET ASSETS		<u>516,750</u>	<u>490,826</u>
ACCUMULATED FUNDS			
Accumulated surpluses		<u>516,750</u>	<u>490,826</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 2015

	2015 \$	2014 \$
As at 1 July - opening	490,826	518,712
Total comprehensive income (loss)	<u>25,924</u>	<u>(27,886)</u>
As at 30 June - closing	<u>516,750</u>	<u>490,826</u>

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 2015

	2015	2014
	\$	\$
Cash flows from operating activities		
Receipts from sponsorship and general activities	78,302	106,473
Payments to suppliers & grantees	(62,888)	(126,891)
Net cash inflow / (outflow) from operating activities	15,414	(20,418)
Cash flows from investing activities		
Proceeds (payments) from term deposits	(70,592)	50,774
Net increase (decrease) in cash and cash equivalents	(55,178)	30,356
Cash and cash equivalents at the beginning of the year	99,760	69,404
Cash and cash equivalents at the end of the year	44,582	99,760

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 2015

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 – Reduced Disclosure Requirements and interpretations as issued by the Australian Accounting Standards Board. The Indigenous Barristers' Trust – The Mum Shirl Fund is a not for profit entity for the purpose of preparing the financial statements.

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

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

	2015 \$	2014 \$
2. REVENUE FROM CONTINUING OPERATIONS		
Contributions received	74,233	71,627
Interest	14,730	16,478
Fundraising income	-	11,000
	<hr/>	<hr/>
Revenue from continuing operations	88,963	99,105

3. OTHER RECEIVABLES

Current

NSW Bar Association	33,469	20,569
GST receivable	2,076	4,030
Accrued interest	1,922	2,206
	<hr/>	<hr/>
	37,467	26,805

4. HELD-TO-MATURITY INVESTMENTS

Current

Term deposits	<hr/>	<hr/>
	439,551	368,961

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	<hr/>	<hr/>
	4,850	4,700

6. RELATED PARTY DISCLOSURES

(a) Trustees

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

Chris Ronalds SC	Jane Needham SC
Justice Michael Slattery	Mullenjaiwakka

NOTES TO THE FINANCIAL STATEMENTS

For the financial year ended 30 June 2015

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(b) Key management

The key management personnel are the trustees of the trust.

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

7. EVENTS OCCURRING AFTER THE REPORTING DATE

No significant events have occurred since the reporting date which would impact on the financial position of the trust disclosed in the statement of financial position as at 30 June 2015 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 105 to 110:

(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 2015 and its performance, as represented by the results of its operations, changes in accumulated funds and cash flows, for the year ended on that date.

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

Signed in accordance with a resolution of the trustees:



J. Needham SC

Trustee

Sydney, NSW
17 August 2015



C Ronalds SC

Trustee



Accountants | Business and Financial Advisers

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 2015, 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 105 to 110.

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.

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

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Accountants | Business and Financial Advisers

INDEPENDENT AUDITOR'S REPORT

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of The Indigenous Barristers' Trust – The Mum Shirl Fund as at 30 June 2015, 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 year ended 30 June 2015 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 on the New South Wales Bar Association's website.

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

HLB Mann Judd
Chartered Accountants
Sydney, NSW
10 September 2015

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

D K Swindells
Partner