Directory

Registered office
Selborne Chambers
174 Phillip Street
Sydney 2000
Ph: + 61 2 9232 4055
Fax: + 61 2 9221 1149
www.nswbar.asn.au

Auditor
RSM Australia Partners
GPO Box 5138
Sydney NSW 2001
www.rsm.global/australia

Bankers
National Australia Bank
75 Elizabeth Street
Sydney 2000

Annual General Meeting
The Annual General Meeting will be held on Thursday, 1 November 2018 at 5.00pm in the Bar Association Common Room.

Cover photo
Daniel Chen @ Unsplash

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New South Wales Bar Association Annual Report 2017-18 | 1
THE YEAR IN REVIEW

President’s Report

2017-18 has been a time of great disruption. Our world and our society continue to face unprecedented change, and the legal profession is no different. The concept of service may seem somewhat old-fashioned. Yet at the New South Wales Bar, service remains the reason we exist. Now, more than ever, there is a need for fearless service of the administration of justice. And perhaps more urgently than ever before, there is a need to speak out on behalf of the voiceless and to advocate and agitate for the rule of law in our courts, in our parliaments, in the media and the public arena. Even and especially when it is unpopular to do so.

I am proud to say that in 2017-18 the New South Wales Bar has met disruption with dynamic resolve. Our members continue to act in the best tradition of the oldest and largest independent Bar in Australia. Just last month, the Supreme Court of Nauru paid tribute to the service of the New South Wales barristers who defended the so-called Nauru 19, noting that counsel acted ‘appropriately, professionally and courageously in putting their clients’ case to the courts’ and upholding their duties as lawyers and responsibilities to their clients despite threatening conduct.

In 2017-18 the New South Wales Bar Association has answered disruption with disruptive policy that is bold, forward-thinking and tenacious, as we strive to serve our members at the bar, the broader community and promote the rule of law.

First among the objectives of the Bar Association’s Constitution is to ‘promote the administration of justice’. The Bar Association’s Strategic Plan has provided a roadmap for success and a benchmark for accountability throughout the year, as the association’s departments and committees have achieved this objective in their respective work. There is much work done by many behind the scenes that members often do not get the chance to see. The varied activities and initiatives of the Bar Association, its committees and departments are outlined in detail in this annual report, and I commend it to you.

Headline statistics are no substitute for these comprehensive reports. Nonetheless, they capture a remarkable snapshot of the volume of work undertaken by the Bar Association and its members, and the passion of those involved in delivery. Local barristers contributed more than 4000 hours of work under the Bar Association’s Legal Assistance Referral Scheme in 2017-18, a nine percent increase on the previous year. 113 readers completed the Bar Practice Course during the reporting year, under the guidance of the Professional Development Department. One in three candidates were women. 78 barristers served on the Professional Conduct Committees, which met a total 50 times throughout the year, and the Professional Conduct Department supported Bar Council to investigate 163 complaints. The Law Reform and Public Affairs Department provided more than 100 submissions to governments, statutory bodies and the courts.

Of the many initiatives delivered by the Bar Association this year, I have room only to mention a few. I highlight the following developments not because these are any more important or worthy of mention than any other initiatives but rather as a sample of the diverse work undertaken that epitomises the driving ethos of the association and the strength of our ongoing commitment to service.

Former chief justice Robert French AC once noted that in order for the rule of law to operate effectively, access to justice cannot be limited to the rich and powerful. This year, the Bar Association has continued to advocate to secure extra funding for legal aid in order to ensure that people are better represented and lawyers are properly remunerated. We have consistently argued that the criminal justice system functions more fairly and effectively when defendants are represented by experienced and well-prepared legal counsel. The Bar Association successfully sought the intervention of the NSW Premier to secure an additional $10m for Legal Aid NSW, which is to be allocated to pay the fees of lawyers retained to undertake work with the Early Appropriate Guilty Plea Scheme. However, under-resourcing of legal aid in NSW continues to pose serious challenges for clients, the victims of crime, witnesses, counsel and the courts in promoting the administration of justice. The failure to properly fund Legal Aid NSW has also meant that it has been unable to fund civil law cases. Many of the significant cases which established significant principles in relation to consumer protection and discrimination law were funded by legal aid prior to the slashing of funding by successive governments of both political persuasions. In recent times, this has resulted in individuals being denied access to justice to seek relief against corporations which have caused them loss. This problem has
been highlighted by some of the
evidence in the Royal Commission
into Misconduct in the Banking,
Superannuation and Financial
Services Industry. Of course, as
we all know, when individuals are
forced to commence proceedings
and are unrepresented, this leads to
court time being taken up as judicial
officers do not have the assistance
of lawyers representing both parties
delays. We remain committed to
working with the government, the
courts and community to secure
additional funding for Legal Aid NSW
to undertake its important work in
both civil and criminal law areas. At
this time, the Bar Association and
the NSW Law Society are currently
working with Legal Aid NSW in order
to propose a sustainable model
of funding for legal aid in NSW.
This year, the Bar Association
developed and actively championed
policy and law reform designed
to reduce Indigenous rates of
incarceration, which remain a national
shame. More than a quarter of the
NSW prison population identify
as Aboriginal and Torres Strait
Islander, yet First Nations Australians
make up less than three percent of
Australia’s national population.
In response to the Australian Law
Reform Commission’s national
incarceration inquiry, Bar Council
formed a Joint Working Party
on the Over-representation of
Indigenous people in the NSW
Criminal Justice System, consisting
of four members of each of the
Human Rights Committee, the
Criminal Law Committee and the
Indigenous Barristers’ Strategy
Working Party. In September
2017, in a thorough and detailed
submission, the Bar Association
proposed new sentencing guidelines
to ‘expressly require courts to
consider the unique systemic and
background factors’ affecting
Aboriginal offenders, ‘providing
equal justice in sentencing decisions’.

I am pleased to report that in
June 2018 the Police Association
of NSW lent its support to the
Bar Association’s advocacy for
the government to trial a specific
indigenous sentencing court – the
Walama Court – based on the
Victorian Koori Court and the NSW
Drug Court. I have recently met with
the premier and the NSW attorney
general and am hopeful that this
proposal will be implemented by
the NSW Government without
further delay. In the year ahead,
the association will continue to
argue for innovative solutions to
address the underlying causes of
Indigenous offending and recidivism,
and ensure generations of people
do not continue to cycle through
our criminal justice system.
The Bar Association has proudly
advocated for social justice for
Australia’s First Nations, including
by supporting the Uluru Statement
from the Heart. In January 2018
the association announced the
creation of the Bar Association’s First
Nations Committee to represent
the association and our members
on legal policy and practice issues
concerning First Nations Peoples.
Balancing the Bar Association’s
statutory functions with the
provision of members services has
been a keen focus of Bar Council
and the Executive throughout the
year. As mentioned in the executive
director’s report, this work has
included bolstering the development
and resourcing of our members’
services cluster. In this respect, I note
that I executed a heads of agreement
with the National Australia Bank this
year in relation to the establishment
of an escrow service which will
enable barristers to secure their
funds without the uncertainty or
delay of payments by solicitors or
the establishment of a trust account.
A review is currently being
undertaken of the constitution
governing the use of monies in
the Benevolent Fund to ascertain
if it can be accessed by members
in wider circumstances than it is
presently utilised. However, in the
interim, the Bar Association has been
promoting the use of BarCare and
access to the Benevolent Fund.
The Bar Association has continued
to engage with the Association of
Corporate Counsel and law
firms to promote the excellence
and cost effectiveness of
the junior bar who should be
briefed early in proceedings.
Many of our practising barristers
participated in a survey regarding
practice development, cultural,
linguistic and educational diversity,
with an outstanding response rate
of 63 per cent. We are grateful
to members for taking the time
to complete this survey. This
information will enable Bar Council
to ensure that our policies and practices
as an association are grounded in
sound data and enable us to track
and target meaningful improvements
to the services and support
we offer to members’ practice
development and welfare. I have
written on the need for members
of the judiciary to be mindful
of their conduct in court which,
according to some who participated
in the earlier Wellbeing survey,
at times, bordered on bullying.
Additionally, we have worked
to promote the importance of
diversity both at the New South
Wales Bar and on the Bench
through engagement with multiple
stakeholders across a range of
policies and platforms. There is no
doubt that a judiciary and a bar that
reflect the community they serve
better enhances public confidence
in the administration of justice,
including respect for the rule of law.
After a campaign by the Bar
Association and discussion with the
NSW Government throughout the
reporting year, the NSW Government
announced its commitment to raise the maximum statutory judicial retirement age to 75 and the pension age to 65. The Bar Association initiated this reform because Bar Council formed the view that there were compelling reasons for reform, including to ensure the skills and expertise of the state’s experienced judicial officers can be made available for longer, to better align the judicial pension with the pension schemes of other members of the Australian community and to promote the administration of justice by encouraging diversity in appointments to the bench.

In addition, the Bar Association has advocated on behalf of Australian families and children for much-needed resourcing and meaningful reform of Australia’s family law system to improve outcomes and access to justice for court users in their time of need. This has included preparing submissions to and engaging with the Australian Law Reform Commission, the Law Council of Australia, the parliament, the courts and the community.

The measure of good policy and good law is as much in its implementation as its inspiration or initiation. There remains much work to be done in 2018-19 and the efforts outlined in this annual report will stand the association in good stead to voraciously continue to pursue these endeavours in the months to come.

It has been an honour and a privilege to serve as president. I have never taken the position for granted, nor have I taken lightly the burden of the trust which members have placed in me to perform this important role. I would like to thank the Executive and the Bar Councillors for their wise counsel, tireless service and contribution, as well as those who have graciously given of their time and expertise to the Bar Association whether by serving on a committee or working party, as a representative on a court user group, contributing to submissions, CPDs or articles for Bar News.

The Bar Association has recorded another year of sound management under the stewardship of the Finance, Investment and Audit Committee. I commend the financial statements to the membership and particularly thank the committee and our treasurer, Anna Mitchelmore, for their work in this critical area.

Last but not least, I wish to thank Greg Tolhurst and the staff of the Bar Association for their enthusiasm, professionalism and hard work throughout the year.

It has long been my view that we are most effective as a bar when we act in a collegiate manner and look out for the welfare of our colleagues, which is instrumental to us discharging our onerous obligations as officers of the court. My conviction in the importance of collegiality to a modern, energised and fiercely independent bar has been vindicated this year as I have had the opportunity to work with you to serve the administration of justice and the public good.

I commend the 2017-18 annual report to you.

Arthur Moses SC
President
Executive Director’s Report

Greg Tolhurst  
Executive Director

Introduction

I have spent a considerable amount of time this year in and out of chambers talking to members and taking up a lot of their time with various questions. I would begin this column by expressing my gratitude to all those who have kindly given of their time and expertise.

One of the more important focus points for the Bar Association this year has been the new strategic plan. On 27 July 2017 the Bar Council resolved to accept the Strategic Plan 2017-20 as drafted by the strategic plan working party. The plan recognises that the provision of legal services is well into a disruptive phase and seeks to position the NSW Bar to meet the challenges it will face over the next 5-10 years.

The concern of the Strategic Plan is one of focussing on strategies that enhance the objectives of the Bar Association which are to:

a. promote the public good in relation to legal matters and the administration of justice viewed in the broadest context;
b. promote collegiality and mutual assistance among its members;
c. represent the interests of its members in dealings with government, the broader legal profession, the media and the community;
d. promote fair and honourable practice among barristers;
e. promote the continuing education of barristers;
f. promote, maintain and improve the interests and standards of local practising barristers;
g. help members grow their practice either locally or internationally through education and the development of commercial opportunities;
h. (through the statutory role of its Council) assist in matters of professional discipline of members and the resolution of complaints against them.

Strategic plans consist of three elements which may be expressed, ‘what’, ‘why’ and ‘with what’. That is, ‘what are you going to do’, ‘why are you going to do that’ and ‘what resources are you going to commit’.

Given the current disruption in the legal services market the Bar Association is committed to a strong focus on the Strategic Plan over the coming two years. Carriage of the Strategic Plan rests with the Bar Association staff, the Bar Council and its committees. Some aspects may also be given to ad-hoc working groups. In order to ensure that we implement each aspect of the Strategic Plan and consider the roll-out of its initiatives over the three year period, the president now has regular meetings of Bar Association staff and all heads of committees. Those initiatives that have been triggered in this first year of the Strategic Plan can be gleaned from a reading of the committee reports in this publication.

Some of the initiatives in the Strategic Plan and their success will depend to a large extent on the bar making decisions as to where it wants to position itself in coming years and in turn this will inform the Bar Association as to how it will focus its time and resources. This will require many informal and formal conversations to take place. We have been thinking about what might be the common foundation of information needed for the Bar Council to trigger those conversations such as demographics, possible impact of technology, relevance of globalisation of legal services, impact of specialisation, diversity, client needs, movements in the services law firms are providing, business models for the bar and obviously the core beliefs of the bar.

In short, business models, drivers for change, industry trends and assumptions and beliefs. From there we can build some scenarios for the operating environment of the bar and potential options for discussion. That discussion will allow the Bar Association to understand the role members want it to play in that future. More of this to follow in 2019.

Office matters

It has been a busy year for the Bar Association staff as we go about streamlining aspects of the office and I would like to thank the staff who have worked long days and, in many cases, weekends to bring about change. It is not possible here to mention every piece of work we have done but I will mention a few.

First, work continues on developing an on-line renewal platform. The platform was tested with a number of members this year and we received valuable feedback from them. All is set for a roll out next year which will result in significant efficiencies for the Association.

Second, we have been developing the new website and this too will
Executive Director’s Report (continued)

be launched soon. This has not been a rebranding exercise so the website will in many ways look the same but the functionality will improve. We have studied the traffic on the website and know what you and the public use most and need to get to within one or two clicks. The Innovation and Technology Committee have also been working on improving the ‘Find a Barrister’ function.

Third, we have re-structured the Professional Conduct Department to address a long-held wish by staff in that department to play a more active role in working closely with Professional Development and Law Reform and Public Affairs to inform the educational, policy and CPD offerings of the Bar Association so that these proactively address matters that we see arising in complaints. We are now in a position for that to occur. We have also been working on developing a more focussed set of CPD offerings moving forward.

Fourth, we have further developed the members’ services cluster and invested resources into that section to support its work. The section has been heavily involved in the development of the website but also recently launched a new suite of member benefits which we hope you will take advantage of.

Finally you will also have noticed in your PC renewal this year that a short survey was attached. This was developed by the staff and we will continue to carry out these short surveys each year to provide us with good data for decision making.

The National Conference

As I noted briefly in my report last year, in late 2017 the New South Wales Bar was invited to co-host the 2018 Australian Bar Association National Conference. Each year the ABA holds a national or international conference. The conference it co-hosts with one of the state bars, this year that being the New South Wales Bar. The conference is put on by the bar and is intended to be for the whole profession and to bring Australia’s legal community together with politicians, press and the public to engage in important discussions of issues of national significance and drive law reform and public debate. The conference title is *Rise2018* and is a two-day legal conference to be held at the International Convention Centre, Darling Harbour, between 15-17 November 2018. These national conferences involve enormous amounts of time and energy and I would like to thank the staff at the New South Wales Bar Association and the conference steering committee for all the effort they have put into organising the conference. I would also like to acknowledge the work of the ABA staff, particularly ABA CEO Cindy Penrose, who has worked collaboratively with us over the last eight months in bringing the conference together.

I will finish again by thanking the Bar Association staff for all their help and dedication during the year. I would like pay special tribute to three members of staff who left us this year after many years of service to the Bar Association: Katie Retford (11 years), Barrie Anthony (19 years) and Helen Barrett who retired after 33 years of service to the Bar Association. We wish them all well for their future endeavours.
The Bar Association is a voluntary association. Being a member and holding a barrister’s practising certificate (PC) are distinctly separate.

As at 30 June 2018 the Bar Association had 3204 members.

<table>
<thead>
<tr>
<th></th>
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<tbody>
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<td>Members, practising</td>
<td></td>
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</tr>
<tr>
<td>Male</td>
<td>1754</td>
<td>1788</td>
<td>1805</td>
<td>1838</td>
<td>1832</td>
<td>1862</td>
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<tr>
<td>Female</td>
<td>438</td>
<td>456</td>
<td>485</td>
<td>500</td>
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<tr>
<td>Total</td>
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<td>2290</td>
<td>2338</td>
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</table>

<table>
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<tr>
<th>Members, practising - senior counsel</th>
<th>(as at 30 June. QC or SC)</th>
</tr>
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<tbody>
<tr>
<td>Male</td>
<td>318</td>
</tr>
<tr>
<td>Female</td>
<td>34</td>
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<tr>
<td>Total</td>
<td>352</td>
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<table>
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<tr>
<th>Members, practising - junior counsel</th>
<th>(as at 30 June)</th>
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<tbody>
<tr>
<td>Male</td>
<td>1436</td>
</tr>
<tr>
<td>Female</td>
<td>404</td>
</tr>
<tr>
<td>Total</td>
<td>1840</td>
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<table>
<thead>
<tr>
<th>Members without a NSW practising certificate</th>
<th>(as at 30 June)</th>
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<tbody>
<tr>
<td>Former barrister</td>
<td>141</td>
</tr>
<tr>
<td>Former judge / magistrate</td>
<td>110</td>
</tr>
<tr>
<td>Interstate / overseas barrister</td>
<td>188</td>
</tr>
<tr>
<td>Judge</td>
<td>175</td>
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<tr>
<td>Judicial officer</td>
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<tr>
<td>Magistrate</td>
<td>30</td>
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<tr>
<td>Solicitor-general (Commonwealth or state)</td>
<td>1</td>
</tr>
<tr>
<td>Crown prosecutor (interstate or Commonwealth)</td>
<td>2</td>
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<tr>
<td>Statutory appointment</td>
<td>10</td>
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<tr>
<td>Member of parliament</td>
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<tr>
<td>Trial advocate</td>
<td>15</td>
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<tr>
<td>Academic</td>
<td>13</td>
</tr>
<tr>
<td>Clerk</td>
<td>15</td>
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<tr>
<td>Other</td>
<td>35</td>
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<tr>
<td>Total</td>
<td>723</td>
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<table>
<thead>
<tr>
<th>Life members</th>
<th>(as at 30 June)</th>
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<tr>
<td>Current NSW PC holders</td>
<td>9</td>
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<tr>
<td>Non-practising</td>
<td>27</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
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## Practising Certificates

### Practitioners who are senior counsel (SC or QC)

<table>
<thead>
<tr>
<th></th>
<th>NSW</th>
<th>QLD</th>
<th>WA</th>
<th>ACT</th>
<th>UK</th>
<th>NZ</th>
<th>USA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>341</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>344</td>
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<tr>
<td>Female</td>
<td>42</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>42</td>
</tr>
<tr>
<td>Total</td>
<td>383</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>386</td>
</tr>
</tbody>
</table>

### Junior barristers

<table>
<thead>
<tr>
<th></th>
<th>NSW</th>
<th>QLD</th>
<th>WA</th>
<th>ACT</th>
<th>UK</th>
<th>NZ</th>
<th>USA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1526</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1530</td>
</tr>
<tr>
<td>Female</td>
<td>495</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>499</td>
</tr>
<tr>
<td>Total</td>
<td>2021</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2029</td>
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</table>

### Percentage of male and female barristers with a NSW PC

- **Junior**
  - 75.4% Male
  - 24.6% Female

- **Senior**
  - 89% Male
  - 11% Female

- **Total**
  - 77.6% Male
  - 22.4% Female
Office Bearers

Arthur Moses SC
President

Tim Game SC
Senior Vice-President

Andrew Bell SC
Junior Vice-President

Anna Mitchelmore
Treasurer

Sophie Callan
Honorary Secretary

Bar Council
As at 30 June 2018

Arthur Moses SC
Tim Game SC
Andrew Bell SC
Anna Mitchelmore
Sophie Callan
Richard Weinstein SC

Michael McHugh SC
Kylie Nomchong SC
Gabrielle Bashir SC
Ruth Higgins SC
Kate Morgan SC
Mary Walker

Paresh Khandhar
Nanette Williams
Ben Katekar
David Rayment
Vanessa Whittaker
Michael Izzo

Julia Roy
Courtney Ensor
James Mack
### Bar Association Staff

As at 30 June 2018

<table>
<thead>
<tr>
<th>Office of the Executive Director</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Greg Tolhurst</td>
</tr>
<tr>
<td>Executive Assistant</td>
<td>Georgina Stow</td>
</tr>
<tr>
<td>Director Legal</td>
<td>Jennifer Pearce</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administration Department</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Receptionist</td>
<td>Maree Fitzgerald</td>
</tr>
<tr>
<td>Admin. Assistant (Records)</td>
<td>Kim Ellis</td>
</tr>
<tr>
<td>Records Assistant</td>
<td>Melanie Whitehorn</td>
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<table>
<thead>
<tr>
<th>Bar Library</th>
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<tbody>
<tr>
<td>Librarian</td>
<td>Lisa Allen</td>
</tr>
<tr>
<td>Assistant Librarian</td>
<td>Leonie Anderson</td>
</tr>
<tr>
<td>Technical Services Librarian</td>
<td>Emma Sellwood</td>
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<table>
<thead>
<tr>
<th>Finance Department</th>
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<tbody>
<tr>
<td>Finance Manager</td>
<td>Basil Catsaros</td>
</tr>
<tr>
<td>Deputy Finance Manager</td>
<td>Lubaina Paisawala</td>
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<tr>
<td>Certification Officer</td>
<td>Barrie Anthony</td>
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<thead>
<tr>
<th>Legal Assistance Referral Scheme</th>
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<tbody>
<tr>
<td>Legal Assistance Manager</td>
<td>Heather Sare</td>
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<tr>
<td>Administrative Assistant</td>
<td>Ray Burgess</td>
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<th>Professional Conduct Department</th>
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<tr>
<td>Director, Professional Conduct</td>
<td>Jocelyn Sparks</td>
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<tr>
<td>Deputy Director</td>
<td>Helen Barrett</td>
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<tr>
<td>Legal Officer</td>
<td>Angela Huang</td>
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<tr>
<td>Senior Administrative Assistant</td>
<td>Corinne Gilbert</td>
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<th>Law Reform and Public Affairs</th>
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<tr>
<td>Deputy Executive Director</td>
<td>Alastair McConnachie</td>
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<tr>
<td>Co-ordinator, Services &amp; Benefits</td>
<td>Chris Winslow</td>
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<td>Publications &amp; Promotions</td>
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<tr>
<td>Co-ordinator</td>
<td>Michelle Nisbet</td>
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<tr>
<td>Senior Policy Lawyer</td>
<td>Roshana Wikramanayake</td>
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<td>Senior Projects Lawyer</td>
<td>Kim Kemp</td>
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<tr>
<td>Policy Lawyer</td>
<td>Ting Lim</td>
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<td>Policy Lawyer</td>
<td>Elizabeth Pearson</td>
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<th>Professional Development Department</th>
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<tr>
<td>Director, Professional Development</td>
<td>Bali Kaur</td>
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<td>Professional Development</td>
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<tr>
<td>Co-ordinator</td>
<td>Tiffany McDonald</td>
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<tr>
<td>Event Manager</td>
<td>Katie Retford</td>
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<tr>
<td>Education Assistant</td>
<td>Courtney Ford</td>
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Committees  As at 30 June 2018

Alternative Dispute Resolution
Ian Davidson SC (Chair)
Max Kimber SC
Peter Callaghan SC
John Fernan SC
Robert Angryal SC
Anthony Lo Surdo SC
Michael McGrowdie
Mary Walker
Jeffery Sewell
Philip Bambagiotti
Justin Hogan-Doran
Fiona Sinclair
Philip Carr
Deborah Robinson
Sean Oag
Sarah Warren

Costs and Fees
Mark Brabazon SC (Chair)
Mark Walsh SC
Michael Eagle
Mark Cleary
Philippe Doyle Gray
Michael Dawson
Andrew Harding
Janet McDonald
David Stewart
Emma Beechey

Criminal Law
Stephen Ogders SC (Chair)
John Agius SC
Tim Game SC
Ian Bourke SC
Gabrielle Bashir SC
Gina O’Rourke SC
Kara Shead SC
Neil Adams
Bernad Glennon
David Jordan
Anne Healey
David O’Neil
Peter Singleton
Richard Wilson
Kieran Ginges
Sophia Beckett
Lester Fernandez
Sharyn Hall
Helen Roberts
Sophie Anderson
Elizabeth McLaughlin
Rose Khalilizadeh

Academics
Luke McNamara/
Alex Steel (UNSW)
David Hamer (USYD)
Nicholas Cowdery QC

Diversity and Equality
Kate Eastman SC (Chair)
Adam Casselden SC
Richard Scruby SC
Stephanie Fendekian
Hakan Sonmez
Penny Thew
Sophie Callan
Brenda Tronson
Lee-May Saw
Zoe Hillman
Sonia Tame
Alexandra Rose
Sevinch Morkaya
Bernice Ng

Education
Kelly Rees SC (Chair)
John Marshall SC
Graham Turnbull SC
Richard Weinstein SC
Robert Hollo SC
Ian Bourke SC
Michael Hall SC
Edward Muston SC
Sean Docker
Michael O’Meara
Gillian Mahony
Melanie Cairns
Greg Antipas
Julia Roy
Jocelyn Williams
David Birch

Family Law
Michael Kearney SC (Chair)
Peter Cummings SC
Jonathon Priestley SC
Peter Campton SC
Paul Sansom SC
Lynette Judge
Warwick Tregilgas
Mark Anderson
Robyn Dritt
Derek Hand
Angela Petrov
Alexandra Shearman
Giles Stapleton
John Longworth

Human Rights
Sarah Pritchard SC (Chair)
Richard Lancaster SC
Angus Stewart SC
Michael Wright SC
Simeon Beckett
Shane Prince
Paul Moorhouse
Tom Dixon
Trent Glover
Alexandra Rose

Academic
Professor Andrew Byrnes (UNSW)

Innovation & Technology
Michael Green SC (Chair)
Dominic Villa
Catherine Gleseson
Anton Hughes
James Mack
Anna Spies

Legal Aid
Dean Jordan SC (Chair)
Tim Game SC
Alex Radojev
David G Price
Ashok Kumar
Greg Bullard
Michael King
Sharyn Hall
Emmanuel Kerkyasharian
Michelle Swift
Cyllyn Sperling
Michael Valentin
Rose Khalilizadeh

New Barristers
James Mack (Chair)
Jock Baird
Janet McKelvey
Thomas Buterin
Geoff Farland
Corrie Goodhand
Gideon Gee
Glenn Fredericks
Ali Cheema
Maree Wilson
Sonia Stewart
Catherine Hamilton-Jewell
Nick Roucek
Trish Hoff (Clerk)

Practice Development
Elizabeth Cheeseman SC
(Chair)
Tom Thawley SC
Ian Hemmings SC
Michelle Painter SC
Peter Lowe
David Thomas
William Edwards

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Trish Hoff (Clerk)

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Elizabeth Cheeseman SC
(Chair)
Tom Thawley SC
Ian Hemmings SC
Michelle Painter SC
Peter Lowe
David Thomas
William Edwards
Wellbeing
Kylie Nomchong SC (Chair)
Peter McGrath SC
Nicholas Eastman
Ben Kremer
Community Members
Kellie Edwards
Michael Gleeson

PCC#3
Chrissa Loukas SC (Chair)
David Williams SC
Nicholas Owens SC
Sheila Kaur-Bains
Community Members
Andrea Zahra
Andrew Fox
Yaseen Shariff
Jonathan Kay Hoyle
James Emmett
Stephanie Patterson
Rebecca Gall
Community Members
Jenny-Lea Charlier
Catherine Hart

PCC#4
Andrew Bell SC (Chair)
Angus Stewart SC
Michael McHugh SC
Matthew White SC
Peter McGrath SC
Kate Williams SC
Mark Anderson
Andrew Naylor
Nicholas Eastman
Michelle England
Ben Kremer
Community Members
Jim Tsirimigas
Rachel Williams
John Coleman

Sections
For the year 2017–18
Commercial Law
Convenor: Andrew Bell SC
Secretaries: Michael Izzo

Industrial Law
Convenor: Bruce Hodgkinson SC
Secretaries: Yaseen Shariff

Public Law Section
Convenor: Neil Williams SC
Secretaries: Stephen Free & Katherine Richardson

Women Barristers Forum
Chair: Michelle Painter SC
Vice-chairs: Kate Morgan SC
Michelle McMahon

Treasurer
Rosalind Winfield

Co-secretaries
Caroline Dobraszczcyk
Theresa Power
WLANSW Liaison
Lee-May Saw

IT officer
Kavita Balendra
### Court Committees and Working Parties  For the year 2017-18

**Supreme Court**
- **Uniform Rules Committee**
  - Carol Webster SC
- **Rule Committee**
  - Carol Webster SC
- **Common Law Division**
  - Civil Users Group
    - Eugene Romaniuk SC
    - Lorna McFee
  - **Probate Users Group**
    - Michael Willmott SC
  - **Court of Criminal Appeal Users Group**
    - Stephen Odgers SC
- **Land and Environment Court User Group**
  - Clifford Ireland
- **Industrial Relations Commission User Group**
  - Yaseen Shariff
  - Patricia McDonald SC
- **Workers Compensation Commission**
  - Ross Stanton

**District Court**
- **Rule Committee**
  - Paresh Khandhar
- **Civil Business Committee**
  - Larry King SC
  - Eugene Romaniuk SC
- **Criminal Business Committee**
  - Rose Khalilzadeh

**Local Court**
- **Rule Committee**
  - Lisa-Claire Hutchinson
- **Downing Centre User Forum**
  - John-Paul Redmond

**NSW Civil and Administrative Tribunal (NCAT)**
- **Occupational Division Consultative Forum**
  - Carol Webster SC
- **Guardianship Division Consultative Forum**
  - Irving Wallach
- **Administrative, Equal Opportunity and Consultative Forum**
  - Brenda Tronson

### NSW Council of Law Reporting  For the year 2017-18

- Mark Brabazon SC
- Garry Rich SC
- Professor Margaret Allars SC
- Todd Marskell
- Sophie Callan

### Representatives on Educational Institutions  For the year 2017-18

**Law Extension Committee (University of Sydney)**
- Tony O’Brien
- Janet Oakley

**University of NSW**
- Faculty of Law
  - Anne Healey

**University of Western Sydney**
- External Law Advisory Committee
  - Robert O’Neil

**University of Wollongong**
- Faculty of Law, Visiting Committee
  - Bruce Collins QC
Reports

Arranging and promoting continuing professional development

Professional Development Department

The Professional Development Department provides education, training and additional learning and development services to all practising barristers in NSW.

The main responsibilities of the department are to:

- Co-ordinate 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 promote collegiality and mutual assistance among its members and to implement the strategic plan. This involves identifying 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 2018 Bar examinations 149 candidates submitted a registration to sit for the Bar Examination. Not all that registered sat the examination in February – 109 candidates sat the examination.

In June 2018, 142 registered and 111 candidates sat the single Bar Examination. A total of 32 members of the association assisted in the preparation and marking of papers in February 2018 and 37 assisted with the June 2018 examinations.

The Bar Examinations Working Party, a subcommittee of the Education Committee, chaired by Richard Weinstein SC continues to provide support, guidance and assistance to the department in the implementation of the Bar Council policy in relation to the Bar Exam.

Bar Practice Course

The August/September 2017 and May 2018 courses represented the 52nd and 53rd BPC. The courses were directed by Gillian Mahony. In 2017–18 113 readers completed the two courses. This is 29 readers more than 2016–17. The course continues to see a greater percentage of women undertaking the course (35 per cent) than the overall percentage of women in practice at the bar generally (23 per cent).

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. In 2017–18 the following sessions were added to the course: ‘Providing for Aboriginal clients and witnesses’ and ‘Working with Interpreters’. The Bar Practice Course would not be possible to deliver to the high standard that it is without the very generous support of over 200 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.

In February 2018

109 candidates sat the Bar examination.

In June 2018

111 candidates sat the Bar examination.

In 2017-18

113 candidates completed the two Bar Practice Courses,

29 readers more than 2016-17

In 2017-18

35% of candidates were women. The overall percentage of women in practice at the Bar is generally 23 per cent.
In 2016–17 the department offered professional standards of the bar and the highest professional reputation is fundamental to maintain a barrister’s practising certificate in New South Wales. The CPD requirement in order to extend its sincere thanks to all those involved in the Bar Practice Course. 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.

CPD

The CPD requirement in order to maintain a barrister’s practising certificate in New South Wales is fundamental to maintain the professional reputation of the bar and the highest professional standards. In 2016–17 the department offered 66 seminars (84 points) covering all four strands plus a number of workshops and conferences. The professional development department is working towards introducing live-streaming to increase and improve regional inclusivity. With the support of the IT department, the CPD program and supporting software continue to undergo development and upgrading in order to increase member take up of this service. New microphone and computing software were introduced in 2017 to improve the video and audio quality. The conference program continued to enjoy strong support from all members and provided excellent opportunities for networking and promoting collegiality. 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. An additional all day specialist CPD conference was held at the Federal Court, titled ‘The Sword of Damocles’ which examined the unique world of regulatory litigation. As in previous years, the preparation for the conferences for 2019 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.

Mentoring Program

Since 2014 the NSW Bar Association Mentoring program has supported over 100 junior barristers in their second year at the bar. The aim of the program is to increase retention and career progression within the bar. The program is a unique 10-month professional development initiative supporting junior barristers in building confidence, expanding networks and achieving a long term successful career at the bar. During 2017 and 2018 the program continued to connect junior barristers with a more experienced barrister. The senior barristers are mentors and confidential advisors offering a private forum, outside of chambers, for mentees to discuss their practice, career plans and challenges. The 2017 program was launched in May 2017, 32 barristers in their second year at the bar successfully took part in this program. The Art of Mentoring was successfully engaged as the external mentoring provider in 2018 after a full evaluation of the mentoring program and its suitability to the NSW Bar. The 2018 program is currently running with 28 mentors and mentees. The program is made available to all barristers in their second year of practice.

Additional activities

The University Open Day remains a popular day in the calendar. Held in spring each year it attracts over 120 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 generously with the end goal being the improvement of the bar. It simply would not be possible for the department to operate without the support and commitment of so many.
Arranging and promoting continuing professional development

Education Committee

The committee provides support and guidance to the Bar Council, the executive director, the Professional Development Department and other departments of the New South Wales Bar Association in respect of the educational activities of the NSW Bar, and implements on Bar Council’s behalf: the NSW Bar Exam, the Bar Practice Course, the tutor/reader program, the mentoring program and Continuing Professional Development Program. In its activities the Education Committee supports attainment of the objectives set out in the New South Wales Bar Association’s Strategic Plan. In 2018 this has included the continuing education of barristers, the development of transformational knowledge and skills so that barristers can compete in the environment of increasing internationalisation of the law; equality and diversity of the NSW Bar membership; and supporting readers and the junior bar. 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. The committee this year focussed on improvements to the Mentoring program, CPD program, reader/tutor guidelines and established a compulsory CPD for all tutors to attend. The committee also reviewed the reader/tutor information on the Bar Association website leading to improvements to make it easier for those coming to the bar to access the relevant information.

Supporting readers and the junior bar

New Barristers Committee

The goals and objectives of the New Barristers Committee are:

1. To promote the pursuit of excellence through targeted continuing 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. These CPDs and workshops provide an informal opportunity for under 6s to practise their advocacy skills. The workshops comprise an initial seminar, followed by a group cross-examination exercise and conclude with a demonstration by senior members of the bar. The next scheduled cross-examination workshop will be in February / March 2019.

The committee also provides regular breakfast events providing networking opportunities for NSW barristers under six years.
The Practice Development Committee’s major responsibilities under the Bar Association’s Strategic Plan involve facilitating closer collaboration directly with in-house counsel and the promotion of the bar as a highly cost efficient part of the litigation process. These items form part of the committee’s core responsibilities and are an ongoing priority. Accordingly, the committee’s primary focus remains the promotion and marketing of the bar’s services to in-house counsel, both corporate and government, in two principal areas, direct briefing and early briefing. The committee has been active in developing new ways to promote the services of the bar beyond our traditional, and still core, market of instructing solicitors. The committee developed a proposal for and co-ordinated the 2017 IBA Open Chambers Evening as a satellite event during the 2017 IBA conference in Sydney in October 2017. Eighteen chambers hosted events on the evening of 10 October 2017. Over 320 guests attended these events. The events were directed to marketing the New South Wales Bar and the services it offers to conference delegates (many of whom were in-house counsel) in a convivial and informal atmosphere. Invitations were also extended to local in-house counsel, including through the Association of Corporate Counsel (ACC), as well as to members of the regional bars, the judiciary and others. A feature on the Chambers Evening was included in the Summer 2017 edition of Bar News.

In November 2017 association representatives presented a NSW Bar Association-sponsored session on direct briefing at the ACC National Conference in Alice Springs. The 2017 ACC Australia Benchmarks and Leading Practices Report identified employment/workplace relations law as one of the top three areas of work that in-house legal departments are most likely to outsource. In addition to sponsoring an award and a table at the gala dinner, the Bar Association presented a master class on direct briefing in an employment context (presented by Ingmar Taylor SC and Kellie Edwards along with Westpac In-House Counsel Justin Moses). A Barista Bar staffed by clerks (Michele Keams, Angela Noakes and Emma Houlihan) ran throughout the conference to provide practical advice to in-house counsel regarding briefing the bar. In-house counsel delegates displayed a great deal of interest in the information provided on how and when to brief the bar direct and in the NSW Bar merchandise available at the conference.

The committee oversees the association’s corporate partnership arrangements with ACC Australia which provide ongoing opportunities for the bar to interact with and promote its services to in-house counsel. The Association hosted a function at the ACC NSW Corporate Counsel Day in May 2018 which provided in-house counsel the opportunity to network with members of the Bar Council and the committee and will be presenting again at the 2018 ACC National Conference.

In mid-2017 the committee arranged for the Bar Association’s sponsorship of the 10th Anniversary of the Toongabbie Legal Centre Seminar Series and liaised with the New Barristers Committee to provide members to present and chair sessions. The committee also drafted a policy regarding third party service providers which was adopted by the Bar Council in November 2017.

The committee has also been active in the continuing professional development area over the reporting year, developing a proposal for a CPD series aimed at personal marketing for barristers; and Ian Hemmings SC will present a session later in 2018 regarding running paperless trials in the Land and Environment Court.

The committee has also contributed ideas for enhancement of the Bar Association’s website and has an ongoing role in monitoring and improving specific web content regarding briefing the bar and in-house counsel.

Strategic Plan 2017-20

Marketing and promoting the work of barristers

Rationale: To ensure Bar Association members remain engaged in the marketplace and consumers of legal services perceive the Bar as a viable and cost effective option – especially in the earlier stages of litigation.

1. Closer collaboration directly with corporate counsel.

2. Promotion of the Bar as a highly cost efficient part of the litigation process.

3. Encourage, by subsidy or otherwise, education activities by barristers, including but not limited to teaching advocacy overseas.
Dispute resolution outside courts

Alternative Dispute Resolution Committee

2017-18 saw a continued trend in the legal profession of increasingly using bodies other than the courts to resolve disputes.

The ADR Committee has worked to promote and support NSW barristers’ work both in representing clients in and conducting mediations, arbitrations and other methods of alternative dispute resolution.

Training for members
In 2017-18 the ADR Committee continued to assist the Bar Association to exercise its function as a Mediation Accreditation Body under the National Mediation Accreditation System. In 2017 the committee recommended to Bar Council the accreditation of a number of ‘new’ and ‘experience-qualified’ mediators, in addition to re-accrediting members last accredited in 2015.

The ADR Committee has supported the association and Bar Council to maintain lists of barristers accredited or approved as mediators, arbitrators or expert determiners, and provided these lists to the Local, District and Supreme Courts as required.

Additionally, the ADR Committee has planned and provided continuing professional development to ADR barrister practitioners throughout the year, including presenting Barristers’ Skills, Practice Management and Business Skills sessions at the association’s regional conferences in Newcastle, Ballina and Sydney in early 2018.

Skills & standing in ADR forums
The ADR Committee has worked throughout the year to advance barristers’ skills and standing via a number of key projects.

In September 2017 the ADR Committee hosted an ‘ADR Chat’ event in Sydney which provided an opportunity for ADR barrister practitioners to get together in an informal social environment to network and discuss a topical issue. Robert Angyal SC and John J Whelan led discussion on the topic ‘Lessons from the Cricketers’ Pay Dispute – Negotiating Commercial Agreements in the Spotlight’.

Further, the ADR Committee has worked with the Education Committee to develop and expand the ADR training provided to junior barristers, including through involvement in the Bar Practice Courses.

The ADR Committee has invested a significant volume of time and work in planning the ADR Masterclass 2018, a highly respected one-day CPD conference dedicated to alternative dispute resolution, was held in August. Speakers will include the chief justice of NSW, the Hon TF Bathurst AC; president of the New South Wales Bar Association, Arthur Moses SC; UNCITRAL rapporteur Professor Khory McCormick; and Gold Walkley award-winning journalist and lawyer Richard Ackland AM.

Strategic Plan 2017-20
Dispute resolution outside courts

Rationale: Effective dispute resolution encompasses choosing the most appropriate and effective process for resolving a dispute between parties. Traditional litigation is now complemented and augmented by numerous alternatives. The Bar Association should ensure members are able to offer a full suite of services to consumers.

1. To increase the number of barristers as mediators and arbitrators especially for complex matters.

2. Establish a committee to foster the work of barristers who regularly appear in, or sit on, tribunals or administrative bodies.
Dispute resolution outside courts

Alternative Dispute Resolution Committee (continued)

The ADR Committee has also worked to revise and update the content of BarADR’s website to better profile the standing and skills of ADR barrister practitioners and make BarADR’s services more accessible to clients, the public and solicitors. The Bar Association has continued to circulate regular broadcast emails, including the ADR Mailout newsletter, to accredited mediators, approved arbitrators, approved expert determiners and other interested barristers. These emails provide details about upcoming CPDs, relevant case law and industry developments, as well as important information about accreditation. In response to the increasing globalisation of ADR, the ADR Mailout now includes an ‘ADR Abroad’ section to profile educational opportunities and news of interest to members interested in international practice development.

Liaising with relevant professional bodies
Throughout 2017-18 members of the ADR Committee continued to represent the Bar Association on the New South Wales Supreme Court’s ADR Steering Committee and the board of the Australian Centre for International Commercial Arbitration. The ADR Committee has assisted the association to respond to requests from the courts to nominate barrister ADR practitioners, including under the Practice Note Supreme Court Gen 6 (Supreme Court – Mediation).

Additionally, members of the ADR Committee have worked collaboratively with the Law Society and the association’s Family Law Committee to maintain and participate in the Family Law Settlement Service.

Ian Davidson SC stepped down as chair of the ADR Committee in May 2017 after two years of service. The ADR Committee will continue its important work in 2018-19 under the guidance of new chair, Mary Walker.
Wellbeing Committee

In 2016 the Wellbeing Committee was formed for the purposes of identifying the causal factors of poor mental and physical health among barristers and targeting them for intervention by the Bar Association.

The committee participates in research and education, promotes collegiality and helps to organise recreational activities.

In the 2016-17 annual report it was noted that the Quality of Working Life (QoWL) survey was distributed to all practising barristers in March-April 2017. During the first quarter of the reporting year, the data was analysed by researchers at the University of Portsmouth. Initial findings were revealed at the Clerks Association Conference in July 2017, after which the Bar Association submitted a series of follow-up enquiries with the researchers.

Once the Wellbeing Committee subsequently received the final report in early 2018 it began to interpret the results and to recommend remedial action.

Judicial bullying
A key finding of the QoWL survey was in respect of judicial bullying, which two-thirds of respondents (619 barristers) said they had experienced. This was the subject of a column by President Arthur Moses SC in the Autumn 2018 issue of the Bar News and his presentation to a CPD mini-conference. It has been the focus of endeavours by the committee throughout the remaining months of the reporting year. There is no formal definition of the phenomenon, but respondents identified as examples:

- Belittling, patronising or humiliating comments in front of colleagues or a jury
- Repeated intimidation and interruptions
- Angry outbursts and yelling
- Unreasonable deadlines
- Gender slurs: ‘Being asked in an open court who will take care of my baby during the trial’

The salient points of the QoWL survey are:

- Respondents who said they had experienced judicial bullying returned significantly lower average scores on the Quality of Working Life and Barristers Wellbeing scales than those who did not
- For both men and women barristers, judicial bullying correlates with diminished wellbeing and quality of working life, however the effect is relatively more pronounced for men
- Judicial bullying was reported by barristers of all levels of seniority
- Junior members of the bar who experienced bullying returned lower scores for wellbeing and quality of working life than their more senior colleagues
- The incidence of bullying is reportedly higher in the District Court and Supreme Court than in other courts
- A ‘Yes’ response to the question on judicial bullying correlates with a cluster of factors, which together predict a low quality of working life. Most of these other factors relates to a barrister’s working conditions, some of which will be discussed below.

After careful deliberation, the committee has promulgated a number of recommendations and at the time of publication, consultations involving the president, Bar Council and other stakeholders are ongoing.

Rationale: One of the objectives of the Bar Association is to promote, maintain and improve the interests and standards of local practising barristers. The Bar Association should look for ways to assist barristers in their practice, easing administrative burdens where possible, and promoting a culture that values and encourages a reasonable work/life balance.

1. To assist barristers in relation to recovering counsels’ fees by providing clear and actionable mechanisms to recover unpaid fees.

2. To establish an escrow service provided by the Bar Association to its members in conjunction with a financial institution.

3. Establish mechanisms to allow members to take a short to medium term break from chambers work, whether for personal leave (including carer and parental leave) or other reasons, should they wish to do so.

4. Promote to members the advantages and benefits of a balanced lifestyle, appropriate stress management, and improved physical fitness.

5. Provide greater assistance to members in relation to financial management. Appropriate financial planning including the management of debt, superannuation and insurance.

6. To establish mechanisms to assist members in the transition from the Bar to retirement or other fields of endeavour.
Assisting barristers with the economic and personal challenges of a sole practitioner

Wellbeing Committee

Poor quality of working life

More than one-third of respondents are not satisfied with their quality of working life. The survey identified a cluster of factors related to working conditions the bar, which together can lead to poor mental health outcomes. Among them are:

- Working more than 60 hours per week
- Working more than 20 unpaid hours per week
- Lack of sleep
- A perception that other barristers are more productive
- Perfectionism
- A feeling that their practice isn’t secure

Women are more likely than their male counterparts to return lower average scores on the Quality of Working Life and Barristers Wellbeing scales, while older barristers returned higher average scores than their younger peers.

Under the Bar Association’s Strategic Plan 2017-20, one of the 12 headline objectives is to ‘promote a culture that values and encourages a reasonable work / life balance’ (page 5).

The relevant performance indicators direct the Bar Association, through its new Services and Benefits Department, in conjunction with the Wellbeing Committee, to:

- Establish mechanisms to allow members to take a short to medium term break from chambers work, whether for personal leave (including carer and parental leave) or other reasons, should they wish to do so.
- Promote to members the advantages and benefits of a balanced lifestyle, appropriate stress management, and improved physical fitness
- Establish mechanisms to assist members in the transition from the bar to retirement or other fields of endeavour.

Pursuant to these objectives, the Wellbeing Committee focussed on delivering the following key projects in 2017-18.

New BarCare website

As noted elsewhere in this report, BarCare is singularly the most important demonstration by members of their collegiality and mutual assistance during times of crisis in their personal or professional lives. The strictly confidential service is funded by the Barristers’ Benevolent Association and operates independently of the Bar Association.

At the request of the Wellbeing Committee, the Benevolent Association approved funding for a new and improved BarCare website, which went live in February 2018.

Mindfulness seminars

A variety of organisations have shown increasing interest in mindfulness meditation as a way of helping their employees and members to increase concentration and meet the challenges of stress and sometimes overwhelming work demands.

In April 2018 Theresa Baw and the Wellbeing Committee organised ‘TheMindful Barrister’, an interactive presentation in the Common Room, to provide an overview of the science of how mindfulness reduces stress and enhances focus, introduce the practice of mindfulness meditation, and explore ways in which mindfulness can be incorporated into daily work in chambers and before court. Theresa also published an article on mindfulness in Bar News. More seminars are planned for 2018-19.

Sleep deprivation and wellness seminars

One of the key findings of the QoWL Survey was that practising barristers have a problem with sleep deprivation and waking in the early hours of the morning. The physical and emotional effects of inadequate or interrupted sleep patterns are well known. Particularly relevant for barristers are blood pressure, cardiovascular disease, poor concentration and micro-sleeps during the day.

The Wellbeing Committee has targeted chronic sleep deprivation for intervention. At the time of publication, preparatory research is under way for hosting seminars presented by medical specialists.
Wellbeing Committee (continued)

St John Ambulance training
The committee has identified gaps in the preparedness of some members and their chambers to deal with medical emergencies. In June 2018 the Bar Association hosted a well-attended St John Ambulance Express First Aid course in the Common Room. Barristers, clerks and chambers staff attended and the feedback from the course was extremely positive. Plans are afoot for a repeat course in October 2018.

Life after the bar
Almost one-third of practising barristers in NSW are over 60 years of age - the overwhelming majority of whom are men. Although the survey data suggest that this cohort enjoys above-average quality of working life at the bar, there is anecdotal evidence that many barristers would welcome opportunities to find fulfilment outside their practice - whether through voluntary public service, teaching, study or commerce.

The committee has resolved to identify projects that would assist senior barristers in these endeavours. The first of these will come in September (2018) when the committee will jointly host an information seminar with Australian Business Volunteers, a social enterprise that seeks to place skilled business people and professionals, such as barristers, on short-term, capacity-building secondments in Papua New Guinea and elsewhere in the Asia Pacific region.

Member Advantage
By the time of publication, the Bar Association’s Services and Benefits Department will have entered into a partnership with Member Advantage in order to expand the range of lifestyle and leisure benefits that can be accessed by members. The Wellbeing Committee will be involved in efforts to tailor these offerings to address the needs of practising barristers.

Other projects
In addition to these major projects, the Wellbeing Committee will continue to promote, organise and/or assist in the organisation of health, social and sporting events. Bench and Bar Lunches and the Great Bar Boat Race are well-attended and well-received by participants for promoting collegiality and wellbeing.
BarCare is an integral part of the Bar community that provides assistance to barristers who are experiencing difficulties in their professional or personal lives.

The service is funded by the Barristers’ Benevolent Fund and operates independently of the Bar Association. The service is strictly confidential and BarCare does not give any personal information to the Bar Association without the express permission of the barrister involved. In addition to providing professional psychological or other support it also has the capacity to give financial assistance in times of need, such as illness or bereavement.

2017-18 saw 74 barristers and clerks seeking assistance for themselves or for a family member, or advice for a colleague for whom they were concerned. As in previous years, the great majority of these contacts have been self-referred. The most common primary presenting problems were stress and anxiety (38 per cent), often consequent to work related issues, followed by depression (19 per cent). While these may be the primary presenting problem there are frequently secondary issues present, such as problematic alcohol use or relationship difficulties. These figures reflect the findings of the Quality of Life survey, undertaken in 2017 which found that 66 per cent of barristers reported experiencing quite high levels of stress at work, 42 per cent reported a high level of job dissatisfaction and 36 per cent reported a lack of contentment with their life as a whole. The, at times, isolating and unpredictable nature of the work often contributes to a sense of feeling anxious and overwhelmed. BarCare is available to meet and talk with barristers and assist them to seek help from one of the psychologists or psychiatrists on the panel of specialists. The Benevolent Fund will pay for the first three or four sessions to support the barrister in accessing appropriate professional assistance.

BarCare is aware that the services it offers are not easily accessible to barristers working outside of Sydney, who are often practising in a setting that is both professionally and geographically isolated. It is currently working to identify appropriate psychologists practising in regional areas to include on the panel of specialists to widen the access and provide support. Barristers are always welcome to contact BarCare director, Jenny Houen and she will locate a suitable person in their area.

In 2017-18 BarCare submitted seven requests for financial assistance to the Barristers’ Benevolent Fund, all of which were granted. These grants were to assist barristers facing a range of unexpected life challenges, including illness and bereavement. Requests for assistance should be discussed with Jenny Houen.

The Benevolent Association

The Barristers’ Benevolent Association of New South Wales was established to set up a scheme whereby financial assistance may be provided to persons who are (or have been) members of the NSW Bar and who have practised predominantly in NSW. There are no fixed circumstances in which such assistance may be provided save for it being directed to ‘necessitous and deserving cases’. It provides a fund for those who are suffering from hardship either in the short term or long term. The funding is an important part of the collegiate life of the Bar and how we look after each other.
### Primary presenting problem

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**2012**

- **18%**

- **37%**

**2018**

- **49%**

- **64%**

**Referrals for stress and anxiety**

**Percentage of self-referred**

**REPORTS**

Confidential Assistance

BarCare

2012

- 49%

2018

- 64%
Assisting barristers with the economic and personal challenges of a sole practitioner

Costs and Fees Committee

One of the main functions of the committee is to provide technical and policy advice to Bar Council on matters relating to legal costs and fees in response to requests from Bar Council. These include some confidential inquiries. They also include advice and drafting of submissions to government bodies on behalf of the Bar Association. During the year under review, the committee has inter alia

• advised Bar Council, drafted submissions and liaised with the Legal Services Council in relation to proposed changes to disclosure thresholds and forms,
• advised Bar Council in relation to proposed changes to Civil Practice Note 1 of the Local Court,
• advised Bar Council on certain fee-related products offered to barristers, and
• advised and prepared submissions to government in relation to the remuneration of costs assessors.

The committee and the Bar Association have long advocated an increase in assessors’ remuneration, the ex-GST rate not having changed since 1995. The attorney general has responded by increasing the rate from $175 to $285 per hour.

The committee has finalised a new Costs Information Pack prepared by Janet McDonald, which is to be provided to all new barristers, to those returning to practice at the bar and to those moving to New South Wales from other jurisdictions.

In November 2017 members of the committee worked with colleagues from the American Bar Association’s Law Practice Division to organise a joint webinar on the use of legal project management as a technique to improve the estimation of fees at the outset of litigation so as to increase the likelihood of recovery of fees by the successful party and improve client service. The webinar was aimed at exchanging learning in Australia and the USA in this area as well as fostering relationships with colleagues and marketing the bar. A member of the Costs and Fees Committee moderated the webinar and another member was a panellist on the webinar held on 1 December 2017. The committee intends to continue to build relationships with its counterparts and hold further webinars.

In March 2018 the chair and members of the committee delivered professional development seminars on practice management and business skills for barristers at the Bar Association’s regional and Sydney conferences.

As in previous years, the chair and committee members provided ad hoc and generally informal advice to members and to Bar Association staff on a range of cost-related issues. The committee also implemented some minor revisions of the costs precedents on the Bar Association website.
Provision of services to members

Bar Library

The Bar Library aims to provide a relevant, up to date and well balanced collection; to assist members in the effective use of library resources and to provide information resources in the most appropriate medium to practising barristers, members and staff of the Bar Association.

The librarians identify, select, acquire, process and make available resource materials to meet the information needs of users.

In 2017-18, the three full time librarians answered more than 4,000 requests for information from members of the bar, associate members of the association and staff. Around 11,000 legal resources were borrowed.

The librarians provide legal reference services for members, Bar Association staff, committees and exam candidates as well as library orientation tours and legal research training.

The library regularly publishes a guide to assist in user education. Members can also subscribe to the weekly bulletin via the library website to assist with their current awareness.

The librarians continued to work on cataloguing, updating and making available resources via the library website.

Many more resources, such as LexisRed titles, Oxford journals, Heinonline’s journal and law report collection and CCH’s ebook collection can be accessed from chambers.

The library’s long serving assistant librarian, Jenny Hughes, resigned earlier this year to concentrate on bringing up her much-anticipated children. We thank her for her hard work, dedication and support during her time in the ‘dungeon’.

Leonie Anderson is now assistant librarian and Emma Sellwood is the new technical services librarian.

The library continues to provide support to the Bar Book Club and the Bar Knit Group, services aimed at improving wellbeing for members.

In 2017-18 the three full time librarians answered more than 4,000 requests for information.

Around 11,000 legal resources were borrowed.

Strategic Plan 2017-20

Provision of services to members

Rationale and objective: To provide members of the New South Wales Bar Association with services to assist them in the operation of their practices and enable them to maintain links with the Bar Association once they have ceased to practise.

1. To maintain and develop library services for the benefit of practising and non-practising members of the Bar Association.

2. To create a ‘member benefits and services’ cluster to plan, co-ordinate and develop member benefits and services taking into account the needs of the city and regional bars.

3. To work towards the provision of amenities and resources for practising and non-practising members of the Bar Association.
Equity and diversity of membership

Diversity and Equality Committee

On 1 July 2017, the Diversity & Equality Committee (DEC) welcomed a new chair, Kate Eastman SC taking over from Anthony McGrath SC who was chair of the DEC from 1 July 2015 to 30 June 2017. Between 1 July 2017 and 30 June 2018 the DEC has met on 10 occasions and also held a committee strategic planning half day on 30 January 2018 to discuss the work plan for the committee going forward in light of the Bar Association’s Strategic Plan.

Under Ms Eastman’s leadership the DEC’s work has reviewed how the committee’s various initiatives have been implemented. The committee acknowledged that it needed to focus on monitoring and evaluating the many initiatives and programs. The need for reliable and current data has been identified as a key issue to monitor, evaluate and measure progress. There has also been a focus on carrying out work that has ‘value add’ to the NSW Bar Association and the objectives of the Bar Association’s Strategic Plan. The DEC continues to work collaboratively with other committees as needed for reliable data and working collegiately with other committees as areas for continuing improvement.

The need for reliable data and working collegiately with other committees as areas for continuing improvement.

The rise of the #metoo movement has shone a light on sexual harassment at the NSW Bar and on 16 October 2017, Ms Eastman SC presented a seminar ‘Crossing the Line: Behaviour that gets barristers into trouble’, chaired by the president, Arthur Moses SC. The seminar was livestreamed and recorded. Since that time, the recording has had approximately 600 views online as well as being presented again by DEC members, Sonia Tame and Penny Thew in regional conferences between February 2018 and March 2018. The seminar was accompanied by a paper of the same title published in Bar News (Summer) and authored by Kate Eastman SC, Sophie Callan and Aditi Rao.

Need for reliable data and working collegiately with other committees as areas for continuing improvement.

Work on sexual harassment and implementation of the best practice guidelines to make the NSW Bar a more inclusive, respectful and diverse workplace continues to be a significant piece of work for the DEC.

The committee has examined issues for the Bar Association’s membership with respect to disability and age.

The committee has standing items on mentoring, data collection, childcare, flexible working, barriers to entry to the bar, community engagement and BPGs.

The committee has identified the need for reliable data and working collegiately with other committees as areas for continuing improvement.

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The committee has identified the need for reliable data and working collegiately with other committees as areas for continuing improvement.
First Nations Committee

On 8 December 2017, Bar Council resolved to establish the First Nations Committee. This was announced on 29 January 2018 and membership was announced on 19 February 2018.

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 of Aboriginal or Torres Strait Islander descent, identifies as an Aboriginal person or a Torres Strait Islander and is accepted by the relevant community as an Aboriginal and 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 Aboriginal and Torres Strait Islander community.

The committee marks an increased level of engagement by the NSW Bar Association with the legislation and policy matters that affects Aboriginal and Torres Strait peoples. The committee was formulated on the basis that it would bring into its operation the Indigenous Barristers Strategy Working Party, now called the Indigenous Barristers Sub Committee. Notionally the Joint Working Party on Indigenous Incarceration also comes under the umbrella of the First Nations Committee, although it is comprised of members from the First Nations Committee, the Criminal Law Committee and the Human Rights Committee.

The first meeting of the First Nations Committee was held on 22 March 2018 and the second meeting was held on 5 July 2018. The Indigenous Barristers Strategy Sub-Committee met on 31 May 2018.

The First Nations Committee is currently finalising its initial strategic plan. The major work of the committee this year is the review of the various, relevant Bar Association policies, contributions through the Chairperson to the Law Council of Australia, submissions on Constitutional recognition of the Aboriginal and Torres Strait Islander Peoples, consideration of the issues surrounding the low numbers of Aboriginal and Torres Strait Islander People holding judicial appointments, opportunities for recognition by the Bar Association of its initial Aboriginal and Torres Strait Islander members and a further review of the Bar Association’s Reconciliation Action Plan.

Strategic Plan 2017-20

Equity and diversity of membership

Rationale: In order to assist society the Bar must represent and reflect society. A vibrant Bar will support and encourage equal opportunity in respect of gender, race, disability, sexuality and human diversity.

1. Improve diversity at the Bar and promote and ensure equality of opportunity irrespective of age, physical disability, class, gender, ethnicity, sexual orientation and religion.

2. Identify and remove barriers to entry to the Bar, practice and advancement at the Bar. Promote and ensure equality of opportunity for barristers and for any person wishing to come to the Bar.

3. Increase the adoption of and ensure the implementation of the Equitable Briefing Policy for female barristers by clients, solicitors, government, barristers’ clerks and barristers.
Developing part-time employment opportunities for law students is a low key program. Unfortunately, few employment opportunities have been made available to date with currently three law students working with barristers.

On 19 July 2017, the second Share A Judge’s Day was held. Nineteen First Nations law students spent the day with a judge from the Federal Court, the NSW Supreme Court or the Land and Environment Court and finished with a social event. Students and judges all considered the Day to be a significant success.

In August 2017, seven barristers assisted the organisers of the UNSW Law Students Mooting Competition for Australia’s First Peoples by working with individual students for the two weeks before the mooting period and assisted them with their advocacy skills and their preparation during the mooting rounds.

In October 2017, the trust made the third annual award at the UNSW Indigenous Students Awards to Jason O’Neil with an award of $500 for promoting advocacy.

On 12 December 2017, the UNSW pre-law students attended a one day program at the Bar Association. This is the 18th year that this program has been conducted and was a highly successful exchange from the students and the seven barristers who joined the students and explained their careers and then took them on small group tours of chambers. Justice Slattery addressed the group on the various roles and functions of a Supreme Court judge. An informal luncheon facilitated easy exchanges and demystifying the bar and the operation of the justice system.

The Indigenous Barristers’ Trust—The Mum Shirl Fund (the trust) was established in 2001 to create a pool of funds to provide financial assistance to First Nations barristers especially in their first few years of practice and to First Nations law students and lawyers. The fund has deductible gift recipient status under the Income Tax Assessment Act 1936 (Cth).

There are four trustees: Justice Michael Slattery of the NSW Supreme Court; the current president of the NSW Bar Association, Arthur Moses SC; Anthony McAvoy SC and Chris Ronalds AO SC.

For the 11th year, the trust funded 15 First Nations law students from all NSW law schools to attend the National Indigenous Legal Conference, an initiative of the Working Party and now seen as the leading Aboriginal and Torres Strait Islander legal conference in Australia. In November 2017, over 140 mainly Aboriginal and Torres Strait Islander lawyers and law students met in Adelaide for two days of papers and discussions on all-important First Nations legal issues and also specific issues involving law students.

The trust continues to provide financial support to any Aboriginal law students who have a significant financial problem that threatens their ability to continue and complete their law studies.
The Women Barristers Forum (WBF) supports women at the New South Wales Bar by advancing the skills of women, encouraging diversity and equality, and cultivating strong professional and social networks for women barristers.

The 2017-18 year saw continuing success for WBF: WBF celebrated the accomplishments of women at the Bar, organised CPD and other seminars, and facilitated a range of networking and philanthropic initiatives.

WBF also aims whenever possible to work with the Diversity and Equality Committee of the NSW Bar Association to promote women barristers.

The WBF’s key activities for the year have included the following:

Continuing Professional Development and other seminars

WBF has organised a number of seminars throughout this period, with the emphasis on women barristers and judges as speakers. These seminars have included the following:

- Towards the end of July 2017, the Hon Justice Jagot, Vanessa Whittaker and Clarissa Amato presented a compelling CPD seminar on ‘Interlocutory Applications’ that covered practical advocacy tips, as well as substantive issues arising in common applications.
- In August 2017, Arthur Moses SC, Kate Eastman SC and Jane Needham SC presented an informative seminar on the National Model Gender Equitable Briefing Policy, providing a step-by-step practical guide to reporting.
- In February 2018, the chair, Jane Needham SC, Sarah McNaughton SC and Kelly Rees SC presented a seminar on ‘Pathways to Silk’. This seminar provided barristers interested in applying for silk with invaluable practical advice on how to shape their practice in the years leading up to a silk application. WBF saw a significant interest among junior and more senior male and female barristers, and provided a fantastic opportunity to have questions answered by women who have previously been on the Senior Counsel Selection Committee.
- In March 2018, Richard Scruby SC and Brenda Tronson dissected and discussed the wealth of data collated on the number of women appearances in NSW Courts, Federal Court (NSW Registry) and the High Court of Australia between November 2016 and April 2017. The seminar was chaired by Kate Eastman SC, and expanded on her work in the 2016 paper, Visible Targets: The Case for Equitable Briefing which shed light on the 141 per cent gender pay gap among barristers Australia wide, with the New South Wales Bar comprised of only 21 per cent women in 2015.
- In August 2018, WBF facilitated a round-table lunch discussion on returning to work from parental leave with a panel of barristers (being Gabby Bashir SC, Jonathan Clark, Melanie Cairns and Naomi Oreb).

Social functions

The new silks function in 2017 was, once again, a great success. Guest speaker The Hon Mary Gaudron QC proved a huge drawcard and a record number of barristers were in attendance to celebrate our new women silks.

Throughout the year, WBF has also organised drinks nights at the Verandah Bar and invited readers. These events are always enjoyable and provide an opportunity for women barristers to get together and exchange ideas.

Fitted for Work clothing drive

In both 2017 and 2018 WBF was proud to support the Fitted For Work Clothing Drive, following on from overwhelming success in previous years. Fitted For Work Clothing is a Sydney-based charity that supports women experiencing adversity to break through barriers to get and keep work. This is done by providing women with a selection of clothes, as well as coaching and mentoring to ensure they are job ready, and have the best chance of success in work and beyond.
The New South Wales Bar Association Strategic Plan 2017-20 acknowledges that ‘informed public debate and the provision of legal expertise to law reform proposals is crucial to the maintenance of the rule of law in society and the administration of justice’ and to this end contains the strategic objective ‘To continue the role of the New South Wales Bar Association, collectively and through individual members, as a voice on issues relating to the administration of justice.’

Two of the major aims of the association enunciated in its Constitution relate to the promotion of the administration of justice and making recommendations with respect to legislation, law reform, Rules of Court and the business and procedure of courts. In order to fulfil these aims and objectives, the association’s Law Reform and Public Affairs Department provides secretariat, research and writing support to the association’s various ‘policy’ committees and assists the president and other officeholders in advancing the association’s public profile.

The primary focus of the Bar Association’s policy staff is to assist with research and the drafting of submissions on draft legislation and other policy proposals from government and statutory bodies such as the NSW Law Reform Commission and NSW Sentencing Council, parliamentary committees and the courts. In the reporting year, the department was responsible for over 100 submissions on policy issues.

The department also assists with particular law reform and policy priorities identified by the president, the Executive and the Bar Council. In this regard the department provided research and drafting support to the president on a number of major projects including:

- Advocating the establishment of the Walama Court, a specific sentencing jurisdiction for indigenous offenders;
- Successfully lobbying the New South Wales Government for an increase in counsel’s fees under the new early guilty plea regime;
- Proposing an increase in the judicial retirement age to 75 and the renaming of magistrates as ‘judges’.

The department’s policy work provides a springboard for the Bar Association’s public affairs activity. The director, law reform and public affairs works with the president, Executive and Bar Council in preparing and disseminating the association’s public statements and responds to requests for comment and background from the media. The co-location of the association’s policy and public affairs functions ensures close co-ordination of the association’s policy and public policy positions.

The Bar Association seeks to defend and promote fundamental tenets of our justice system such as the rule of law in its public affairs work. Another ongoing aspect of this work is to educate members, the media and the broader community concerning issues of legal principle and the justice system.

During the reporting year, the president in his role as the Bar Association’s spokesperson made extensive contributions to public debate regarding justice and law reform issues. Throughout 2017 the association had been advocating the position of people with moderately severe injuries under the government’s new CTP scheme. When the government introduced a restrictive definition of ‘minor injury’ by regulation in November of that year, President Arthur Moses SC expressed the association’s disappointment with the outcome and concerns about the treatment of the injured:

The regulations exclude injured people with moderately severe injuries which manifest in neurological damage from access to damages, even if those injuries prevent them from returning to work. This
approach has been adopted in spite of the acknowledgement by medical specialists, during the consultation process that such injuries are genuine and can be disabling. (Sun Herald 24 November 2017)

The president’s comments led to his appearance on the Ray Hadley Show to reinforce the Bar Association’s concerns with the unfairness inherent in the government’s position:

The insurance industry has got off very well out of this and I see no need for the community who will ultimately have to pay for it either through social welfare or individuals selling their homes having to in effect compensate insurance companies. (That) will lead to their bottom lines being better and that is not fair and that is not how policy (should) be made in this state. (Ray Hadley Show 2GB 1 December 2017)

In March 2018 the Australian Law Reform Commission released its detailed report into Indigenous incarceration, proposing a number of initiatives that had been advocated by the Bar Association. At the time the president’s media release stated:

Many of the Report’s recommendations reflect the New South Wales Bar Association’s submissions to the Inquiry. Last year the Bar Council established a high level Joint Working Party on the Over-representation of Indigenous People in the NSW Criminal Justice System consisting of practising barristers, judges and prominent experts to prepare submissions to the Inquiry … the NSW Bar is indebted to the working party for their important work which has significantly contributed to this outcome.

In the NSW Criminal Justice System consisting of practising barristers, judges and prominent experts to prepare submissions to the Inquiry … the NSW Bar is indebted to the working party for their important work which has significantly contributed to this outcome. (Arthur Moses SC, Media Release, 11 May 2018 ‘Uninformed Personal Attacks On Judges Undermine Our Justice System’.)

These kinds of statements embody the Bar Association’s dual public affairs functions of contributing to policy debate and educating the media and public on issues relating to the bar, the justice system and the rule of law.
Contribute to public debate

Human Rights Committee

The Human Rights Committee worked on a broad range of matters during the last year.


The committee continued to work collaboratively with the Law Council of Australia. The former chair of the Bar Association’s Human Rights Committee was also the chair of the Law Council’s Human Rights Committee and the two committees worked closely together on various projects.

In August 2017 the Human Rights Committee prepared comments on the Australian Border Force Amendment (Protected Information) Bill 2017 for input into a submission to be made by the Law Council of Australia. This Bill had been introduced by the minister for immigration and Border Force protection in order to clarify the secrecy and disclosure provisions within the Border Force Act 2015.

In November 2017 the committee prepared a comprehensive submission in relation to the law of contempt which was provided to the Law Council for incorporation into its submission to the Senate Legal and Constitutional Affairs Committee Reference into the Law of Contempt.

In June 2017 the Legislation Review Committee of the New South Wales Parliament invited the Bar Association to make a submission to the committee inquiry into the operation of the Legislative Review Act 1987. The Human Rights Committee prepared an extensive submission, which was made in November 2017. The New South Wales Bar Association was invited to appear before the Legislation Review Committee at a public hearing in May 2018. Two members of the Human Rights Committee, who had prepared the association’s submission, appeared on 21 May 2018 and also provided further material to assist the Legislation Review Committee with its work.

In March 2018 a member of the committee prepared an article on gender fluidity and the law which was published in Bar News. The article provided a brief introduction to the non-binary world and how the law is slowly addressing this.

The former chair of the Human Rights Committee and some members of the committee are also members of the New South Wales Bar Association’s Joint Working Party on the Over-representation of Indigenous people in the New South Wales Criminal Justice System, which is co-chaired by the former chair of the Human Rights Committee. In September 2017 the Joint Working Party prepared a comprehensive submission to the Australian Law Reform Commission Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

In February 2018 the joint working party prepared a submission to the Legislative Assembly Committee on Law and Safety Inquiry into Youth Diversionary Programs in New South Wales. On 30 April 2018 the former chair of the Human Rights Committee and two members of the joint working party appeared before the Committee on Law and Safety at a public hearing to assist the committee with its inquiry.
CONTRIBUTE TO PUBLIC DEBATE

FAMILY LAW COMMITTEE

2017-18 was a significant year for Australia’s family law system. The Family Law Committee has played an important role in promoting the public good and tirelessly advocating for both the administration of justice and meaningful outcomes for families and children in the face of uncertainty and change.

In October 2017 the Australian Law Reform Commission began the first comprehensive review of the Family Law Act 1975 (Cth) since the legislation commenced. On 30 May 2018 the Commonwealth attorney-general announced that the government would introduce legislation in Spring 2018 to significantly restructure the federal courts and establish a new ‘Federal Circuit and Family Court of Australia’.

Consistent with its mandate under the Bar Association’s Strategic Plan, the committee has actively informed and contributed to public debate about the future of Australia’s family law system, including by engaging in discussions about law reform with the Law Council of Australia, the courts, the Australian Government and the media. Further, the committee has provided legal expertise to inform critical evaluation of law reform proposals and highlight the urgent need for improved resourcing and funding of the family law courts and legal aid.

Throughout the year, members of the committee have been actively involved in representing the Bar Association at key meetings with stakeholders, including the courts, the government and the Law Council of Australia.

In April the committee hosted the ‘State of the Family Law System’ seminar, presented by the committee chair, Michael Kearney SC, the Hon Stephen O’Ryan QC and Suzanne Christie, and chaired by the president of the Bar Association. This event was well-attended by the family law judiciary and the NSW Bar. In May the committee actively contributed to the Law Council of Australia’s response to the ALRC’s Issues Paper, in addition to drafting an independent submission informed by the experiences of the family law bar in NSW registries of the family law courts.

The committee has continued to represent the interests of clients and family law practitioners at the NSW Bar in liaison with the courts, through representatatives of the committee regularly meeting with Federal Circuit Court judges and Family Court judges to provide feedback to the profession and to put forward the views of the profession in relation to the conduct of hearings and the management of delays in the courts. A committee nominee continued to serve on the high level working group with judges in the Family Court and Federal Circuit Court. The committee participated in providing continuing support to the Family Law Settlement Service which provides mediators for referral by the Federal Circuit Court.

Additionally, the committee provided advice to the Commonwealth Attorney-General’s Department on an exposure draft of the Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2017, the committee chair providing evidence to the Senate Legal & Constitutional Affairs Committee in July upon invitation following receipt of the submissions. The committee also hosted a CPD on Gender Dysphoria following the decision of Re Kelvin, a case that the president described as a powerful reminder that family law is about people, especially children, who deserve to be treated with dignity by experienced judges.

There remains much work to be done in relation to the proposed reforms to Australia’s family law system which will no doubt continue in 2018-19. The efforts of the committee in researching, planning and advocating for meaningful reform have set the committee and the Bar Association in good stead to continue these endeavours in the year to come.
Contribute to public debate

Criminal Law Committee

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

It has been a particularly busy year with the attorney general introducing significant criminal justice reforms and a reform package on child sexual abuse laws. The committee has considered and responded to over 40 government consultations which include statutory reviews, inquiries, participation in consultation roundtable meetings as well as reviewing miscellaneous justice amendments and wide ranging substantive amendments to criminal justice legislation.

Criminal Justice Reforms Package

In May 2017, the NSW attorney general announced that the NSW Government intended to introduce criminal justice reforms designed to deliver justice more quickly to communities and victims as well as strengthening sentencing options. Between July 2017 and August 2017, the NSW Bar Association Criminal Law Committee was consulted on a number of amendments relating to the criminal justice reforms. These amendments are contained in the following Acts which were all passed by government on 24 October 2017:

- Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017;
- Crimes (High Right Offenders) Amendment Act 2017;
- Crimes (Administration of Sentences) (Parole) Act 2017; and

The Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017 gave rise to the Early Appropriate Guilty Plea (EAGP) mechanism which commenced on Monday, 30 April 2018. The new sentencing reforms are due to commence on 24 September 2018. In February 2018, the committee presented a CPD seminar on the changes due to the EAGP scheme to assist barristers with understanding the changes. The seminar was presented by Sophia Beckett, with the session chaired by Tim Game SC and Stephen Odgers SC providing commentary.

Legislative reform package on child sexual abuse laws

Following the release of the Royal Commission into institutional responses to child sexual abuse’s Criminal Justice Report, the government announced that it would introduce significant reforms in NSW to its child sexual abuse laws. The Criminal Law Committee representatives, Stephen Odgers SC and Sharyn Hall participated in a number of roundtable discussions on the legislative reform package between October 2017 and November 2017. The NSW Bar Association was consulted on the draft Bill between December 2017 and May 2018 with the Criminal Law Committee reviewing and writing submissions in response to aspects of the Bill. The Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 was eventually passed on 20 June 2018.

Other inquiries

The Criminal Law Committee also provided a submission to the New South Wales Legislative Council Standing Committee on Law and Justice’s inquiry into the adequacy and scope of special care offences. We were ultimately invited to provide oral evidence to the Legislative Council Standing Committee. Sharyn Hall and Richard Wilson represented the Association at these proceedings on 27 June 2018.

In addition, the Criminal Law Committee provided a submission to:

- Sentencing Council’s review into victim’s involvement in sentencing;
- The Independent National Security Legislation Monitor’s review of the Prosecution and Sentencing of Children for Commonwealth Terrorist Offences; and
- The New South Wales Law Reform Commission’s (NSWLRC) inquiry into consent in relation to sexual assault offences.

The Criminal Law Committee has also been represented in the NSW Bar Association Joint Working Party on the overrepresentation of Indigenous people in the NSW Criminal Justice System contributing to submissions made to the Australian Law Reform Commission and the Legislative Assembly Committee on Law and Safety inquiry into the Adequacy of Youth Diversionary Programs.
Contribute to public debate

Common Law Committee

At the commencement of the reporting year Robert Sheldon SC took over as chair of the committee from Andrew Morrison SC, who had held the position for the previous four years.

The committee’s primary focus over the reporting year was its continued engagement with the NSW Government regarding its changes to the motor accidents scheme, a process requiring extensive work from committee members. The Motor Accident Injuries Act 2017 was passed by the parliament in March 2017 and established a revised scheme for the resolution of personal injury claims resulting from motor accidents.

Since the passage of the Act, committee members have been involved in ongoing consultations with SIRA on the regulations and guidelines that will underpin the new legislation, which deal with issues ranging from the definition of ‘minor injury’ (particularly important as common law rights will only be activated where an injury is regarded as more than ‘minor’) to legal costs, dispute resolution structures and claims processes.

By the time of the commencement of the new scheme on 1 December, it became apparent that the approach taken to the definition of minor injury was at odds with the government’s stated aim of preserving common law rights for the seriously injured. The current definition of ‘minor injury’ means that many people with moderately severe injuries will be excluded from claiming common law damages.

In early 2018 the president met with the premier and the minister to raise the Bar Association’s ongoing concerns. At that meeting an undertaking was given to provide the association with monthly data on claims under the new regime so that the effect of the definition could be monitored. Since that time the committee has been analysing the monthly claims data provided by SIRA. Although it is too early to make a definitive judgment, there are indications that the government may have overestimated the number of claims which will be made under the scheme and that there could be scope to wind back the current restrictive definition of ‘minor injury’ without affecting the government’s commitment to lower green slip prices.

Other significant work done by the committee in the reporting period included:

- Preparing draft submissions in response to District Court Practice Note (Civil) No 1 regarding case management in the General List;
- Providing submissions to the Department of Finance review of workers compensation dispute resolution arrangements, which has resulted in recommendations for a single dispute resolution system for statutory workers compensation claims;
- Preparing submissions to the Standing Committee on Law and Justice Reviews of the CTP and Workers Compensation Schemes;
- Giving preliminary consideration to a set of guiding principles for the Bar Association’s policy approach regarding any move to establish a single system for the determination of personal injury claims;
- Liaising with the Supreme Court concerning procedures regarding evidentiary statements;
- Contributing to submissions in response to the chief magistrate’s proposal to increase the civil jurisdiction of the Local Court. The submissions opposed any increase in this regard;
- Contributing to representations by the Bar Association regarding country sittings of the District Court; and
- Organising a successful common law drinks function on 24 August 2017 at the Verandah Wine Bar. The Hon Justice Ian Harrison was the guest of honour for the evening.

Particular thanks are due to Elizabeth Welsh, Paresh Khandhar and Ross Stanton for their contributions during 2017-18.
The Legal Aid Committee has continued to work strategically during the past twelve months to assist members of the Bar Association performing legal aid work as well as improving access to justice in New South Wales.

The main project for the committee has been to try to secure an increase in fees paid to barristers undertaking criminal matters for Legal Aid NSW as there has not been an increase in those fees for more than 11 years. Members of the committee undertook a comprehensive review of fees paid in such matters to assist with negotiations for a fee increase. The chair and some members of the committee attended several meetings with the CEO and other officers of Legal Aid NSW and proposals made by Legal Aid NSW were analysed by members of the committee.

The Legal Aid Committee also examined reforms introduced by the NSW Parliament in relation to the Early Appropriate Guilty Plea Scheme, which commenced on 30 April 2018. The committee assisted the association to make several submissions to Legal Aid NSW and the attorney general for a significant increase in the funding to be provided for counsel to act in these matters to try to ensure that the scheme will not fail. In September 2017 the committee considered proposed new fee scales for counsel provided by Legal Aid NSW and prepared a response to that proposal.

In March 2018 the committee assisted with the president’s campaign to seek additional funding from the New South Wales Government for the Early Appropriate Guilty Plea Scheme, which had been gravely underfunded. Additional funding was ultimately announced in the New South Wales Government budget in May 2018. There are ongoing negotiations for a substantial increase in fees paid to counsel for this work as well as a number of other areas of legally aided work.

In April 2018 a seminar was organised on the crisis in legal aid. The seminar was presented by a member of the Legal Aid Committee and a panel comprising members from the committee also spoke. The seminar highlighted the decline in funding for Legal Aid NSW and touched on interstate and international experiences. Many members in the audience shared their views and stories.

In October 2017 the committee prepared a letter to the Department of Justice which was conducting a review of the New South Wales Government’s support for legal services provided by community legal centres. The letter sought an increase in funding to be made available for legal aid so as to allow real access to professional legal services for all members of the community, particularly in relation to criminal law and family law.

In October 2017 the committee also prepared a letter to Legal Aid NSW regarding proposed changes to service delivery in the New South Wales North West region.

The committee continued to assist Legal Aid New South Wales with its panels. In January 2018 one of the members of the Legal Aid Committee was nominated to be the New South Wales Bar Association’s representative on the Crime and Grants Subcommittee of the Legal Aid NSW Board.

In May 2018 a nominee was provided to represent the Bar Association on the Panels Monitoring Committee. Nominees were also arranged to sit on selection committees for the Complex Criminal Law Solicitors Panel, the Appellate Criminal Law Barrister Panel and the Summary Criminal Law Panel.

In June 2018 a nominee was provided to sit on the selection committee of the Back Up Duty Scheme. A new representative was also arranged to replace the former member of the Care and Protection Panel Selection Committee, who was unable to continue in this role.
Contribute to public debate

Industrial, Employment, Health & Safety Committee

The Industrial, Employment Health and Safety Committee was established by a resolution of Bar Council on 8 December 2017. The committee replaces the previous Industrial Law Section and its establishment recognises the need for a specialist committee with the following functions:

• To engage with barristers practising in the industrial, employment and health and safety areas and to ensure a sense of collegiality and best practice among those members;
• To organise seminars/lectures/discussions to deal with developments in industrial, employment and health and safety law;
• In consultation with the president, to act as a liaison between the Bar Association and its members and the various courts and tribunals engaged in industrial, employment and health and safety matters; and
• To assist the Bar Association in dealing with government on industrial, employment and health and safety matters.

Bruce Hodgkinson AM SC and Yaseen Shariff were respectively appointed as chair and secretary of the committee, which held its first meeting in February 2018. Over the period to 30 June 2018 the committee’s major priorities have included:

• Working with members of the Federal Court and the Fair Work Commission regarding potential joint CPD events regarding topical industrial and employment issues. The first such CPD, regarding appearances before industrial tribunals has been scheduled for August 2018 and Vice President Catanzariti of the Fair Work Commission will participate;
• Participating in discussions with government representatives regarding the relocation of the Industrial Relations Commission to Parramatta;
• Preparing representations to the federal minister for employment and the attorney-general regarding the disparity in court fees in adverse action claims depending on whether the applicant had been dismissed or was still in employment;
• Preparing comments to the Federal Court User Group regarding Fair Work Ombudsman submissions on concise statements for pleadings in the Federal Court;
• Organising a social function for the Industrial Bar to mark the establishment of the committee, which will be held in August 2018.

The committee chair and secretary participate in Federal and Federal Circuit Court industrial law user groups as well as user groups for the Fair Work Commission and Industrial Relations Commission. The user groups provide an important forum whereby the views of the Industrial Bar can be conveyed on a variety of issues in these jurisdictions. The chair has encouraged members to consult with their colleagues and bring forward relevant industrial, employment, health and safety issues to the committee for its consideration.
**Promoting access to justice**

**Legal Assistance Referral Scheme**

**Hours of work**
In 2017-18 barristers contributed 4040 hours of work through the Legal Assistance Referral Scheme (LARS), with 10 matters still in the court system. This was made up of 1812 hours of work in matters referred in the current period and an additional 2228 hours of work in continuing matters commenced in previous financial years.

The total number of hours represents a nine per cent increase from the previous year. Barristers also contributed 820 hours of work through the court appointed Federal Court Pro Bono Scheme. Since the scheme’s inception in 1994 barristers have contributed approximately 56,640 hours of work.

**Applications**
In the 2017-18 financial year, 273 formal applications for assistance were received and processed. This is an almost five per cent increase on the number of applications received last year. Of the 273 applications, 137 were eligible under the scheme’s guidelines for referral to a barrister.

The assessment of all applications involves the expenditure of considerable time and resources, whether they were ultimately referred or not. The breakdown of those applications not referred to barristers is set out in the accompanying statistics.

**Salient points**
- Nearly 80 per cent of the applications to the scheme were refused Legal Aid as being outside the commission’s guidelines.
- 61 per cent of matters referred to barristers were considered to have legal merit/prospects of success.
- No-fee matters comprised the highest category by a ratio of 5 to 1 in referred matters.
- Judges, magistrates and registrars comprised the highest referral source.
- Nearly 40 per cent of matters received were in the Supreme Court of NSW.
- The number of referrals from country areas increased by 40 per cent.
- The number of matters received from detention centres increased four-fold.
- The number of website hits to the pages of Legal Assistance/Duty Barrister and Legal Assistance Referral Scheme guidelines on the Bar Association's website increased by 30 per cent.
- The number of matters received in the Family Court of Australia decreased by 45 per cent.

**The Law Kitchen (TLK)**
The Law Kitchen (TLK) was established in 2011 by barristers Les Einstein and Geoff Pulsford, joined by Stephen Richards, solicitor and a stalwart support of TLK's work. Very sadly since those early days both Geoff and Steve have passed away but their contribution to the work of TLK continues to have an enduring influence.

TLK has an informal arrangement with Hope Street Urban Compassion, a charitable organisation operating in the Woolloomooloo area which manages a number of services. This arrangement which has gone on for some years now has enabled both TLK and Hope Street to provide a more holistic service to marginalised individuals and their families who are in need of legal assistance, social work, counselling and someone to talk to. Hope Street Urban Compassion has recently provided a quiet and safe office space in the downstairs area of its premises.
This is a significant step. The legal difficulties of a number of clients seen by TLK arise out of circumstances which are highly sensitive and confidential. TLK’s ability to respect and protect that sensitivity has now been enhanced by the availability of the private working space now afforded to them.

Over the last year a number of barristers have continued to volunteer to assist TLK and the association’s solicitor employee to ensure that TLK provided legal advice sessions almost every week. The association is extremely grateful to all of them.

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. There is also a close working relationship with Refugee Advice & Casework Centre (RACS) and Salvos Legal.

Legal Aid consistently refers matters to the scheme where it is unable to assist and Justice Connect contacts us when matters are outside its parameters for assistance.

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.

The executive director of the Bar Association is a board member of Law Access. The association’s deputy executive director, who oversees the operation of LARS, deputise for the executive director at Law Access board meetings and at meetings of the trustees of the Pro Bono Disbursement Trust Fund.

During the year the manager of the scheme continued to be a member of the steering committee of the Justice for Refugees (JFR) project initiated by the RACS. This led to a proposal being put to Bar Council to be a RACS fundraising partner to support furtherance of its work. As part of that arrangement LARS arranged and hosted a fundraising event at the association’s premises attended by 126 people and raised $14,271.00 on the night.

With the assistance of LARS staff arranged a cocktail party to thank all members of the bar who supported LARS and the Duty Barrister Schemes over the previous two years. Many members of the judiciary attended. The manager attended meetings with:

- The deputy executive director and the deputy president of NCAT to assess the efficacy of the referral arrangement with NCAT in its Administrative and Equal Opportunity Division
- The Administrative Appeals Tribunal with a view to setting up a panel of barristers to assist the tribunal along the lines of the scheme operating in the Administrative and Equal Opportunity Division at NCAT
- Salvos Legal, the Law Society of NSW and the Law & Justice Foundation

The manager also attended a course on ‘Handling Difficult People’ arranged and hosted by the Bar Association as well as a course on Legal Aid guidelines arranged and hosted by the Bar Association.

Volunteers encouraged

In 2017-18, 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.
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 Downing Centre and John Maddison Tower to assist the Local and District Courts. 120 barristers from all levels of seniority have volunteered to assist. Barristers are rostered to attend each day at the courts. The schemes were promoted to readers at each of the Bar Practice courses, which resulted in a healthy number of additional volunteers being added to the roster.

An additional iPad and looseleaf service were provided to support barristers at both locations.

Four duty barristers see an average of four clients each per day, which equates to approximately 4,000 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, the Full Bench of the Family Court of Australia, 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 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 proportion 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 Bar Association is committed to ensure the highest possible level of co-ordination between legal service providers, and will continue to work with these organisations in that regard. LARS is a scheme which operates at the coalface of offering services to necessitous people requiring legal help.

We feel that the scheme embodies and reflects the strongly held view of the profession that a person’s rights and access to justice should not be diminished because of impecuniosity.

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

Legal Assistance Referral Scheme Case Studies

The Law Society Pro Bono Scheme referred a matter to a solicitor who asked for a barrister’s assistance in making a Family Provision claim on behalf of his client who was an elderly woman on a disability pension. The claim was against the estate of her late mother as she had been excluded from the will.

The woman had been the subject of both physical and emotional abuse at the hands of her mother since a child. The abuse was daily and unrelenting. She and her elder sister were forced to make their own clothes from the ages of 12/13 years. At aged 14/15 years they regularly found money by begging on the streets during the day and night. They used the money to buy fabric, pay for bus fares and other necessities. From the ages of 10/11 years they were completely responsible for the rearing of their two younger siblings as well as all the household duties. These duties were inspected by their now deceased mother.

While studying at university the deceased began stalking her on campus and at friends’ homes. This continued when she set up house with a boyfriend in a house close to the university. She was also stalked as she continued post-graduate studies at another university. Her health was badly affected when she contracted a rare auto-immune disorder which prevented her from working in a paid capacity.

A barrister agreed to assist and a claim was lodged in the Supreme Court. The court made an order for family provision in favour of the client.

A duty judge of the Supreme Court of NSW referred a matter involving a dispute over the burial of the remains of her teenage son. Her son had had a disability and died suddenly in tragic circumstances.

A barrister agreed to assist on an urgent basis.

The mother of the deceased wanted her son’s body to be buried in New Zealand where she lived and where her son’s grandparents were buried. She argued that Maori culture supported this. The father of the deceased wanted his son’s body to be cremated in NSW where he and his family lived. The court heard evidence from a cultural expert that it was not uncommon for Maori families to cremate a body and from family members who testified that the teenager did not have strong ties to New Zealand.

His Honour commented what a difficult decision it was for the court to make. He ordered that the body be released to the father and that after the funeral service and cremation, both parents were to receive half of the ashes.

A senior member of NCAT sitting in the Administrative & Equal Opportunity Division referred a woman to the scheme for assistance in relation to a claim alleging racial discrimination and abuse against her neighbor in a social housing complex.

The woman had been subjected to prolonged and ever escalating incidents of verbal abuse concerning her country of birth and attendant accent. These incidents became intolerable causing the applicant to leave the premises.

Senior counsel agreed to assist. The respondent did not appear at the hearing. The tribunal ordered that the respondent apologise in writing and a copy of that apology be placed in the community hall on the ground floor of the building where the applicant used to live. The respondent was to pay the applicant $2,500. If the respondent did not comply with the order to apologise then the respondent was to pay the applicant $2,500 by way of damages for non-compliance.
A solicitor approached the scheme on behalf of his impecunious client living in accommodation provided by a charity. The client was in dispute with a former solicitor friend over the ownership of a property.

The client had been a tenant of the previous owner of the property and became a friend. Because of the friendship the owner indicated that she would be willing to sell the unit to the client at a lower than market price. At the time the client was working and had a legacy from his parents’ estate. The client consulted with his friend who was a solicitor. Ultimately the solicitor proceeded as purchaser on the basis that he ‘had good contacts with the bank’ and would be able to raise the necessary funds. The client contributed his available funds. The transfer was effected into the name of the solicitor only and the client continued to live in the property as a tenant paying the quarterly levies on an alternating basis to compensate the now owner for what had been described as the client paying lower than market rent. The client had also contributed to upgrading the finishes on the unit but informed the owner he would have to vacate the property as he could no longer afford the special levies. In an attempt to finalise the financial arrangement between them, the owner calculated what he thought the client was entitled to.

The instructing solicitor believed there was an unequal bargaining position between the parties as his client seemed to suffer from a disability.

A barrister agreed to assist and after receiving a strongly worded letter the owner agreed to pay the client four times the amount which he had initially offered.

The deputy president of NCAT sitting in a regional area referred a woman to the scheme for assistance in an anti-discrimination claim against a large education provider.

The woman was an ex-teacher who was now on a disability support pension from a chronic back condition. She also suffered from numerous environmental sensitivities, especially scent sensitivity. She had been unsuccessful in attempting to negotiate a position with the education provider to take her sensitivities into account in the classroom and was unable to complete her studies.

A barrister agreed to assist and appear at the hearing which was set down to be heard in northern NSW. Prior to the hearing the barrister appeared at a mediation with the education provider on behalf of the client, which extended over 2 days. The matter was settled on the first of what was to be a three-day hearing on terms acceptable to the client. LARS was able to obtain pre-approval from the Trustees of the Pro Bono Disbursement Trust Fund for reimbursement of the barrister’s costs in travelling to the hearing. The barrister contributed over 100 hours of work over a two-year period on a no fee basis.

A junior barrister responded to an urgent request to the scheme from a judge’s associate sitting in a civil matter in the District Court.

It was a slip and fall matter which happened at the defendants’ rental property. There was no landlord insurance on the property. The plaintiff’s claim amounted to over $600,000. The hearing before the court was in the second day of attempting to proceed. It was initially set down for three days and had been vacated once. His Honour was prepared to stand the matter down until the next day to allow the scheme to find a barrister to allow the hearing to proceed.

The defendants had been previously represented by a solicitor but were now litigants in person. There was a language difficulty. The plaintiff had supplied an interpreter which the court had deemed not to be of the required standard.

His Honour allowed the junior barrister to be involved as amicus but the plaintiff objected to being cross-examined by the barrister whilst in that role. The barrister continued in the matter as counsel representing the defendants.

Ultimately the defendants were not successful but the court reduced the plaintiff’s claim to approximately $70,000. Through their own hard work and frugal habits the defendants owned a family home and a rental property but were not wealthy people. The decision meant they were not forced into homelessness nor bankruptcy. The importance of the decision highlighted the benefit of legal representation to the clients which can be effected through the scheme and to the overall facilitation of the administration of justice.

Overall, the barrister contributed over 100 hours of no fee work.
Promoting access to justice

Legal Assistance Referral Scheme Statistics

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### Promoting Access to Justice

#### Legal Assistance Referral Scheme Statistics (continued)

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| **District Court**|         |         |         |         |         |
| Criminal          | 9       | 10      | 12      | 28      | 38      |
| Civil             | 11      | 12      | 10      | 18      | 17      |
| Care proceedings  | 1       | 2       | 6       | -       | -       |
| Defamation        | -       | 3       | 2       | 1       | -       |
| Professional negligence | - | -       | -       | -       | -       |
| **Total**         | 21      | 27      | 30      | 47      | 55      |

| **Local Court**   |         |         |         |         |         |
| Criminal          | 16      | 16      | 18      | 10      | 12      |
| Civil             | 14      | 14      | 7       | 7       | 9       |
| Coronial inquest  | 1       | 1       | -       | -       | -       |
| Family law - residency and access | - | -       | 1       | -       | -       |
| **Total**         | 31      | 31      | 26      | 17      | 21      |

| **Other courts**  |         |         |         |         |         |
| Land and Environment Court | 3  | 5       | 4       | 5       | 4       |
| Children’s Court  | 2       | 1       | 1       | 1       | 2       |
| Coroner’s Court   | 2       | 3       | 3       | 1       | 1       |
| **Total**         | 7       | 9       | 8       | 7       | 7       |

| **Tribunals**     |         |         |         |         |         |
| Administrative Appeals Tribunal | 2 | 2       | 1       | 2       | -       |
| NCAT              | 8       | 16      | 13      | 25      | 26      |
| Workers’ Compensation Commission | - | 1       | -       | -       | -       |
| **Total**         | 10      | 18      | 15      | 27      | 26      |

| **Commissions**   |         |         |         |         |         |
| Fair Work Commission/ NSW IRC | - | -       | 9       | 4       | 4       |
### Promoting access to justice

#### Legal Assistance Referral Scheme Statistics (continued)

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* Website hits: 10,580, 3,977, 4,418, 3,351, 4,418

*unique hits to the pages of Legal Assistance, Duty Barrister / LARS guidelines on the updated website

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* These numbers are not truly reflective as at this stage we are not able to collect multiples

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In 2017-18

- 61 referrals were from a judge / magistrate or registrar
- 22 referrals were from a colleague / member of the bar

Client Location

- Total Sydney area 70%
- Central Coast 8.4%
- Country 5.5%
- Prison 3.7%
- Villawood detention centre 6.2%
- Overseas 0.3%
- Interstate 5.9%
### Legal Assistance Referral Scheme Statistics (continued)

#### Rejection / No action

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside guidelines</td>
<td>70</td>
<td>69</td>
<td>70</td>
<td>54</td>
<td>58</td>
</tr>
<tr>
<td>No further information received / no further contact from applicant</td>
<td>38</td>
<td>38</td>
<td>36</td>
<td>36</td>
<td>61</td>
</tr>
<tr>
<td>No longer requires LARS assistance</td>
<td>16</td>
<td>17</td>
<td>4</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Subject to Federal Court RRT LAS</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subject to Federal Court LAS</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subject to Supreme Court LAS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Referred to community legal centre</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Briefed barrister privately</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Briefed solicitor privately</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Matter discontinued</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Unable to refer - insufficient resources</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Requires a migration agent</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Too late notification</td>
<td>4</td>
<td>2</td>
<td>6</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Matter dismissed</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Matter settled</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Conflict of interest</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>143</strong></td>
<td><strong>136</strong></td>
<td><strong>128</strong></td>
<td><strong>119</strong></td>
<td><strong>146</strong></td>
</tr>
</tbody>
</table>

#### Turnaround

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Same day</td>
<td>17</td>
<td>25</td>
<td>20</td>
<td>37</td>
<td>42</td>
</tr>
<tr>
<td>Less than a week</td>
<td>19</td>
<td>30</td>
<td>37</td>
<td>33</td>
<td>14</td>
</tr>
<tr>
<td>1-2 weeks</td>
<td>29</td>
<td>21</td>
<td>29</td>
<td>28</td>
<td>24</td>
</tr>
<tr>
<td>2 weeks plus</td>
<td>30</td>
<td>35</td>
<td>42</td>
<td>44</td>
<td>37</td>
</tr>
<tr>
<td>Matters pending</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>95</strong></td>
<td><strong>111</strong></td>
<td><strong>128</strong></td>
<td><strong>142</strong></td>
<td><strong>137</strong></td>
</tr>
</tbody>
</table>

#### Basis brief accepted

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No fee - merit assessment</td>
<td>95</td>
<td>111</td>
<td>114</td>
<td>142</td>
<td>117</td>
</tr>
<tr>
<td>No fee - access to justice: urgent requests from DPP</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>31</td>
</tr>
<tr>
<td>No fee - continuing involvement</td>
<td>69</td>
<td>76</td>
<td>84</td>
<td>93</td>
<td>90</td>
</tr>
<tr>
<td>Reduced fee - continuing involvement</td>
<td>14</td>
<td>14</td>
<td>13</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>Speculative / costs recovery - continuing involvement</td>
<td>11</td>
<td>20</td>
<td>17</td>
<td>22</td>
<td>9</td>
</tr>
<tr>
<td>Market rates - continuing involvement</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>95</strong></td>
<td><strong>111</strong></td>
<td><strong>128</strong></td>
<td><strong>142</strong></td>
<td><strong>137</strong></td>
</tr>
</tbody>
</table>

#### Basis on which refused legal aid

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Merit</td>
<td>27</td>
<td>35</td>
<td>23</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>Financial</td>
<td>28</td>
<td>20</td>
<td>35</td>
<td>46</td>
<td>36</td>
</tr>
<tr>
<td>Outside guidelines</td>
<td>184</td>
<td>188</td>
<td>184</td>
<td>194</td>
<td>218</td>
</tr>
</tbody>
</table>
The Professional Conduct Department has a broad range of functions. Its principal regulatory function is to facilitate the investigation of complaints about barristers, show cause events, and other disclosures.

The department also:

- provides advice and policy support to the Bar Council in respect of the council’s functions under legal profession legislation, including functions related to practising certificates and legal practice in general,
- facilitates the provision of ethical guidance to barristers,
- responds to queries from barristers, solicitors and members of the public regarding complaints and regulatory processes,
- assists the Bar Council in connection with enquiries from, and reports submitted to, the Legal Profession Admission Board,
- assists in the ongoing development and review of legal profession legislation, including rules relating to barristers,
- provides assistance to the Executive and other departments within the Bar Association in relation to the interpretation and application of legal profession and other legislation, and
- liaises with the Professional Development Department in relation to CPD and other training issues which come to notice in connection with regulatory matters.

Work related to the implementation of the Uniform Law, which came into effect in NSW and Victoria on 1 July 2015, is ongoing. This includes liaison with the Legal Services Council, Commissioner for Uniform Legal Services Regulation, the Office of the Legal Services Commissioner, the Law Society, Legal Profession Admission Board and Law Council of Australia.

Complaints

Complaints about a barrister’s conduct are made to the NSW Legal Services Commissioner. The commissioner deals with consumer disputes involving legal practitioners and refers most disciplinary matters concerning barristers to the Bar Council for assessment, investigation and determination.

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

In 2017-18 the majority of complaints were dealt with under the Legal Professional Uniform Law (NSW), although a small number of complaints (those made before 1 July 2015) were dealt with under the Legal Profession Act 2004.

In the course of 2017-18 the Bar Council investigated 163 complaints – 74 complaints made during the year and 89 complaints made in previous years but ongoing as at 1 July 2017. Of those investigations, the Bar Council made a determination in 68 matters during the year – 53 complaints were dismissed under the Legal Profession Act 2004 or closed under the Legal Profession Uniform Law (NSW), 11 resulted in the barrister being cautioned or reprimanded, and the Bar Council determined to initiate proceedings in the New South Wales Civil and
Professional Conduct Department

Professional Conduct (continued)

Administrative Decisions Tribunal in four matters. In addition, seven complaints were withdrawn and five complaints were referred to the Office of the Legal Services Commissioner (due to conflict of interest or jurisdictional issues).

In 2017-18 the commissioner completed one review of a Bar Council decision made under the Legal Profession Act 2004 about a complaint. The commissioner confirmed the Bar Council’s decision to dismiss the complaint. There have been no reviews of Bar Council decisions made under the Legal Profession Uniform Law (NSW).

An analysis of the complaints received in 2017-18 shows:

- 63 barristers were the subject of one or more complaints made in 2017-18 (approximately 2.6 per cent of the barristers in NSW);
- Source of complaints – 40 per cent were made by the barrister’s client or former client and 25 per cent by the opposing party or opposing solicitor;
- Jurisdiction type – 25 per cent relate to criminal jurisdiction and 16 per cent to family law;
- Complaint issues - many complaints arise from poor communication. Other significant issues include costs (including failure to comply with disclosure obligations, overcharging and billing issues), conflict of interest and instructions relating to pleas or settlement;
- Direct access – 20 per cent of complaints arise from matters in which the barrister was directly retained by the client.

The Professional Conduct Department is liaising with the Bar Association’s Professional Development Department to develop training relevant to issues arising in complaint matters.

Show cause events

Under the Legal Profession Uniform Law (NSW) barristers must notify the Bar Council of automatic show cause events, that is, certain bankruptcy matters or a conviction for a serious offence (as defined in the legislation) or a tax offence. The Bar Council is required to determine whether the barrister is a fit and proper person to hold a practising certificate.

The investigation of show cause events is carried out by the professional conduct committees.

In 2017-18 two show cause events were examined. One investigation was completed during the reporting year, with the Bar Council determining that the barrister was not a fit and proper person to hold a practising certificate. The other matter remains under investigation as at 30 June 2018.

Professional conduct committees

The professional conduct committees comprise barrister members and community members. Each committee is chaired by a senior member of the bar. The deputy directors of the Professional Conduct Department serve as secretaries of the committees. The committees held 50 meetings in total during the reporting year.

The professional conduct committees play a major role in the preliminary assessment and investigation of complaints. Committee members devote many hours of their time, on a voluntary basis, and their input is highly valued by the Bar Council.

In 2017-18

- 63 barristers were the subject of one or more complaints.
- 40% of complaints were made by the barrister’s client or former client.
- 25% of complaints relate to criminal jurisdiction.
- 20% of complaints arise from matters in which the barrister was directly retained by the client.
Community representation on the professional conduct committees is vital to the healthy functioning of the complaint handling process. The Bar Council would like to thank the community members who served on the committees for their significant contribution – Judy Bursle, Jenny-Lea Charlier, John Coleman, John Davison, Sandra Fleischmann OAM, Jane Fry, Robyn Godding, Catherine Hart, Jennifer Mason, Wendy Phillips, Bronwyn Preston, Mike Smart, Ross Tarlinton, Merrin Thompson, Jim Tsirimiagos and Rachel Williams.

The Bar Council wishes to express its sincere appreciation to the 78 barristers who served on the professional conduct committees this year. Their service demonstrates the ongoing commitment of the profession to ensuring complaints regarding the conduct of barristers are fully investigated and appropriate disciplinary action taken in the interests of professional standards and maintaining public confidence in the profession.

**Ethical guidance and information**

The Bar Association Ethical Guidance Scheme enables barrister members of the Bar Association to seek ethical guidance from the senior counsel serving on the association’s professional conduct committees. Twenty-seven senior counsel were available to assist members in 2017-18. Most calls are initially directed to the association’s Professional Conduct Department.

The department also receives calls from barristers, solicitors and members of the public enquiring about Barristers Rules, conduct issues and the processes relating to complaints and show cause events. In 2017-18 the officers of the Professional Conduct Department received over 300 calls seeking either ethical guidance or information.
Professional Conduct Statistics

Number and Type of Complaints referred to the Bar Council during the year

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>4</td>
</tr>
<tr>
<td>Competence and diligence</td>
<td>16</td>
</tr>
<tr>
<td>Compliance matters</td>
<td>1</td>
</tr>
<tr>
<td>Costs</td>
<td>6</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>42</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total number of complaints</strong></td>
<td><strong>74</strong></td>
</tr>
</tbody>
</table>

Source of complaints referred to the Bar Council during the year

<table>
<thead>
<tr>
<th>Source of complaints</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Council</td>
<td>6</td>
</tr>
<tr>
<td>Barrister</td>
<td>2</td>
</tr>
<tr>
<td>Client / former client</td>
<td>28</td>
</tr>
<tr>
<td>Government department / statutory body</td>
<td>2</td>
</tr>
<tr>
<td>Instructing solicitor</td>
<td>2</td>
</tr>
<tr>
<td>Opposing party</td>
<td>12</td>
</tr>
<tr>
<td>Opposing solicitor</td>
<td>5</td>
</tr>
<tr>
<td>Witness</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total number of complaints</strong></td>
<td><strong>73</strong></td>
</tr>
</tbody>
</table>

Number & type of complaints assessed/ investigated during the year by the Bar Council

All complaints referred to the Bar Council were disciplinary matters - no consumer matters were referred.

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Competence and diligence</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Compliance matters</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Costs</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>42</td>
<td>28</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>74</strong></td>
<td><strong>89</strong></td>
</tr>
</tbody>
</table>

**Total Number of complaints dismissed / closed** 163
### Number & type of complaints dismissed under the Legal Profession Act 2004 or closed under the Legal Profession Uniform Law (NSW) during the year by the Bar Council

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Competence and diligence</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Compliance matters</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Costs</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>6</strong></td>
<td><strong>47</strong></td>
</tr>
</tbody>
</table>

Total Number of complaints dismissed / closed: 53

* In addition, four complaints were returned to the legal services commissioner due to jurisdictional issues or conflict of interest.

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

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Compliance and diligence</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Costs</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Personal conduct</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>0</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

Total Number of complaints dismissed / closed: 11

### Number & type of complaints withdrawn during the year

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Compliance</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Costs</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>3</strong></td>
<td><strong>4</strong></td>
</tr>
</tbody>
</table>

Total Number of complaints dismissed / closed: 7

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

<table>
<thead>
<tr>
<th>Complaint type</th>
<th>Complaints made during the year</th>
<th>Complaints made in previous years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance matters</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td><strong>Sub-totals</strong></td>
<td><strong>0</strong></td>
<td><strong>4</strong></td>
</tr>
</tbody>
</table>

Total Number of complaints dismissed / closed: 4

*Decisions made by NCAT during the reporting year are available on the Bar Association website at www.nswbar.asn.au*
REPORTS

Professional Conduct Department

Professional Conduct Statistics (continued)

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

<table>
<thead>
<tr>
<th>Number and type of complaint where proceedings were instituted</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance</td>
<td>1</td>
</tr>
<tr>
<td>Costs</td>
<td>1</td>
</tr>
<tr>
<td>Ethical matters</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total number of complaints</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>

In addition, one barrister commenced proceedings in NCAT seeking a review of the Bar Council determination in a complaint matter.

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

<table>
<thead>
<tr>
<th>Age of complaints not finally dealt with at the end of the year</th>
<th>Number</th>
<th>Complaints made in the year ending 30 June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than six months</td>
<td>36</td>
<td>2018</td>
</tr>
<tr>
<td>Between seven and twelve months</td>
<td>24</td>
<td>2017</td>
</tr>
<tr>
<td>Between thirteen and eighteen months</td>
<td>16</td>
<td>2017</td>
</tr>
<tr>
<td>Between nineteen and twenty four months</td>
<td>6</td>
<td>2016</td>
</tr>
<tr>
<td>Up to three years</td>
<td>1</td>
<td>2016</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>83</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note: These complaints remain under investigation.

Time intervals involved in the complaint process, being the time between receipt of a complaint and finalisation of the complaint

<table>
<thead>
<tr>
<th>Time intervals between receipt of complaint and completion</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to six months</td>
<td>19</td>
</tr>
<tr>
<td>Between seven and twelve months</td>
<td>24</td>
</tr>
<tr>
<td>Between thirteen and eighteen months</td>
<td>18</td>
</tr>
<tr>
<td>Between nineteen and twenty four months</td>
<td>10</td>
</tr>
<tr>
<td>Up to three years</td>
<td>8</td>
</tr>
<tr>
<td>Up to four years</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
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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 dollars, which is The New South Wales Bar Association’s functional and presentation currency.
The New South Wales Bar Association is an unlisted public company limited by guarantee.
The financial statements were authorised for issue by the directors on 6 September 2018. The directors have the power to amend and reissue the financial statements.

Directors’ Report

For the year ended 30 June 2018

The Directors present their report together with the financial statements of The New South Wales Bar Association (“the Association”) for the year ended 30 June 2018 and the auditors’ report thereon.

Directors

The following persons were directors of the Association i.e. members of the Bar Council, during the whole of the financial year and up to the date of this report:
S Callan J Roy A Moses SC A Bell SC
T Game SC P Khandhar M Walker R Weinstein SC
M Izzo K Nomchong SC B Katekar A Mitchelmore
M McHugh SC

The following persons were directors from the beginning of the financial year to 3 November 2017:
C Gleeson L Hutchinson E Welsh G Antipas
WTerracini SC K Shead SC

The following persons were directors from 3 November 2017 up to the date of this report:
J Mack C Ensor K Morgan SC V Whittaker
D Rayment N Williams

R Higgins SC resigned on 3 Nov 2017. She was re-appointed on 6 February 2018, replacing C Loukas SC who resigned on that day.
J Gormly SC was a director from 3 November 2017 to 5 March 2018. G. Bashir SC was a director from 5 March 2018.
All Directors are practising barristers.
Directors’ Report  
(continued)

For the year ended 30 June 2018

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:

- operating the Bar Library;
- organising the Bar Exams and a program of Continuing Professional Development;
- running various programs for the benefit and wellbeing of its members such as: ABA Member Benefits, Fee Recovery Assistance, Ethical Guidance, BarCare, social events, and various publications;
- administering the Bar Association’s Professional Standards Scheme;
- making submissions and providing advice 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 Association’s position on key issues;
- co-ordinating 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 Duty Barristers Schemes; and
- fulfilling the Bar Association’s statutory duties in relation to the regulation of the legal profession through the work of its Professional Conduct Committees and the Bar Council.

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

Short and long term objectives and strategies
The Association’s aims are to:

- promote the public good in relation to legal matters viewed in the broadest context;
- promote collegiality and mutual assistance among 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;
- promote the continuing education of barristers;
- promote, maintain and improve the interests and standards of local practising barristers;
- help members grow their practice either locally or internationally through education and the development of commercial opportunities; and
- (through the statutory role of its Council) assist in matters of professional discipline of members and the resolution of complaints against them.

The Association’s strategies for achieving these aims are set out in its strategic plan and include:

- Promoting a national legal profession to enhance the independence of the legal profession by retaining control over the development of practice, conduct, and continuing professional development rules;
- Marketing and promoting the work of NSW barristers;
- Assisting barristers with the economic and personal challenges of a sole practitioner;
- Contributing to informed public debate and the provision of the Bar’s legal expertise in relation to law reform proposals;
- Provision of services to its members, including welfare services through BarCare;
- Supporting and encouraging equity and diversity at the NSW Bar, and
- Promoting the administration of justice.

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 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 surplus of the Association for the year ended 30 June 2018 was $336,356 (2017: $1,087,489). This surplus was achieved despite expenses having gone up in certain areas including expenses associated with additional staffing, occupancy costs increasing in line with rental review and I.T. costs.
Directors’ Report (continued)

For the year ended 30 June 2018

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 2017 to 30 June 2018 there were 20 meetings.

<table>
<thead>
<tr>
<th>Name</th>
<th>Meetings attended</th>
<th>Meetings entitled to attend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arthur Moses SC (President)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Tim Game SC (Senior Vice President)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Chrissa Loukas SC (Junior Vice President to 22 Feb 18)</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Andrew Bell SC (Treasurer to 22 Feb 18, Junior VP from 22 Feb 18)</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Sophie Callan (Secretary to 3 Nov 17 and from 22 Feb 18)</td>
<td>12</td>
<td>20</td>
</tr>
<tr>
<td>Jeremy Gormly SC</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Gabrielle Bashie SC</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Mary Walker</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Greg Antipas</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Michael McHugh SC</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>Elizabeth Welsh</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Paresh Khandhar</td>
<td>17</td>
<td>20</td>
</tr>
<tr>
<td>Anna Mitchelmore (Secretary from 3 Nov 17 to 22 Feb 18, then Treasurer from that date)</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Kate Morgan SC</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>Kara Shead SC</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Vanessa Whittaker</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Ruth Higgins SC</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Courtney Ensor</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>David Rayment</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Catherine Gleeson</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Julia Roy</td>
<td>17</td>
<td>20</td>
</tr>
<tr>
<td>Lisa-Claire Hutchinson</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>James Mack</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Winston Terracini SC</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Kylie Nomchong SC</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Richard Weinstein SC</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>Nanette Williams</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Ben Katekar</td>
<td>13</td>
<td>20</td>
</tr>
<tr>
<td>Michael Izzo</td>
<td>19</td>
<td>20</td>
</tr>
</tbody>
</table>
**Directors’ Report** (continued)

For the year ended 30 June 2018

**Meetings of Directors** (continued)

**Meetings of the Finance, Investment and Audit Committee**
From 1 July 2017 to 30 June 2018 there were 4 meetings.

<table>
<thead>
<tr>
<th>Name</th>
<th>Meetings attended</th>
<th>Meetings held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregory Antipas</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Michael McHugh SC</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Chrissa Loukas SC</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Andrew Bell SC</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Sophie Callan</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Arthur Moses SC</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Kate Morgan SC</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Kylie Nomchong SC</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Anna Mitchelmore</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Tim Game SC</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

**MEMBERS’ GUARANTEE**

If the 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 Association and any such amounts as may be required. The Association had 3,101 members at balance date, and the total that members are liable to contribute is $12,404.

**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 RSM Australia is included on page 58.

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

A Moses SC

A Mitchelmore

Sydney, NSW
6 September 2018
AUDITOR’S INDEPENDENCE DECLARATION

As lead auditor for the audit of the financial report of New South Wales Bar Association for the year ended 30 June 2018, I declare that, to the best of my knowledge and belief, there have been no contraventions of:

(i) the auditor independence requirements of the Corporations Act 2001 in relation to the audit; and

(ii) any applicable code of professional conduct in relation to the audit.

RSM AUSTRALIA PARTNERS

C J Hume
Partner

Sydney, NSW
Dated: 6 September 2018
### Statement of Surplus and Other Comprehensive Income

For the year ended 30 June 2018

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>2</td>
<td>9,636,155</td>
</tr>
<tr>
<td>Employee benefits expense</td>
<td></td>
<td>(3,853,560)</td>
</tr>
<tr>
<td>Legal and professional fees</td>
<td></td>
<td>(1,420,656)</td>
</tr>
<tr>
<td>Subscriptions</td>
<td></td>
<td>(953,949)</td>
</tr>
<tr>
<td>Communications and information technology expense</td>
<td></td>
<td>(468,839)</td>
</tr>
<tr>
<td>Depreciation and amortisation expense</td>
<td></td>
<td>(339,020)</td>
</tr>
<tr>
<td>Occupancy expense</td>
<td></td>
<td>(825,170)</td>
</tr>
<tr>
<td>Advertising and marketing expense</td>
<td></td>
<td>(273,349)</td>
</tr>
<tr>
<td>Financial expense</td>
<td></td>
<td>(136,863)</td>
</tr>
<tr>
<td>Seminar and function expense</td>
<td></td>
<td>(302,317)</td>
</tr>
<tr>
<td>Other expenses from ordinary activities</td>
<td></td>
<td>(711,534)</td>
</tr>
<tr>
<td>Surplus before investment revaluation to market</td>
<td></td>
<td>350,898</td>
</tr>
<tr>
<td>Profit on financial assets at fair value through surplus or deficit</td>
<td></td>
<td>52,724</td>
</tr>
<tr>
<td>Surplus before income tax expense</td>
<td></td>
<td>403,622</td>
</tr>
<tr>
<td>Income tax (expense) / benefit</td>
<td>3(a)</td>
<td>(67,266)</td>
</tr>
<tr>
<td><strong>Net surplus</strong></td>
<td></td>
<td><strong>336,356</strong></td>
</tr>
<tr>
<td>Other comprehensive income for the year, net of tax</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td><strong>Total comprehensive income</strong></td>
<td></td>
<td><strong>336,356</strong></td>
</tr>
</tbody>
</table>

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 2018

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>12</td>
<td>1,361,509</td>
</tr>
<tr>
<td>Receivables</td>
<td></td>
<td>11,732</td>
</tr>
<tr>
<td>Other financial assets</td>
<td>4</td>
<td>11,362,891</td>
</tr>
<tr>
<td>Inventories</td>
<td></td>
<td>6,078</td>
</tr>
<tr>
<td>Other assets</td>
<td>5</td>
<td>255,077</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td></td>
<td>12,997,287</td>
</tr>
<tr>
<td><strong>NON-CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other financial assets</td>
<td>4</td>
<td>3,033,981</td>
</tr>
<tr>
<td>Deferred tax assets</td>
<td>3(b)</td>
<td>22,756</td>
</tr>
<tr>
<td>Property, plant and equipment</td>
<td>7</td>
<td>1,423,518</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT ASSETS</strong></td>
<td></td>
<td>4,480,255</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td></td>
<td>17,477,542</td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>8</td>
<td>666,984</td>
</tr>
<tr>
<td>Employee benefits</td>
<td></td>
<td>661,554</td>
</tr>
<tr>
<td>Fees received in advance</td>
<td>9</td>
<td>6,641,238</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td></td>
<td>7,969,776</td>
</tr>
<tr>
<td><strong>NON-CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td></td>
<td>40,217</td>
</tr>
<tr>
<td>Deferred tax liabilities</td>
<td>3(b)</td>
<td>82,915</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT LIABILITIES</strong></td>
<td></td>
<td>123,132</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td></td>
<td>8,092,908</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td></td>
<td>9,384,634</td>
</tr>
<tr>
<td><strong>ACCUMULATED FUNDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surpluses</td>
<td>9</td>
<td>9,384,634</td>
</tr>
<tr>
<td><strong>TOTAL ACCUMULATED FUNDS</strong></td>
<td></td>
<td>9,384,634</td>
</tr>
</tbody>
</table>

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 2018**

<table>
<thead>
<tr>
<th></th>
<th>Accumulated Surpluses $</th>
<th>Total Accumulated Funds $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance at 30 June 2016</td>
<td>7,960,789</td>
<td>7,960,789</td>
</tr>
<tr>
<td>Surplus after income tax expense for the year</td>
<td>1,087,489</td>
<td>1,087,489</td>
</tr>
<tr>
<td>Other comprehensive income for the year, net of tax</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total comprehensive for the year</td>
<td>1,087,489</td>
<td>1,087,489</td>
</tr>
<tr>
<td>Balance at 30 June 2017</td>
<td>9,048,278</td>
<td>9,048,278</td>
</tr>
<tr>
<td>Surplus after income tax expense for the year</td>
<td>336,356</td>
<td>336,356</td>
</tr>
<tr>
<td>Other comprehensive income for the year, net of tax</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total comprehensive income for the year</td>
<td>336,356</td>
<td>336,356</td>
</tr>
<tr>
<td>Balance at 30 June 2018</td>
<td>9,384,634</td>
<td>9,384,634</td>
</tr>
</tbody>
</table>

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 2018**

<table>
<thead>
<tr>
<th></th>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from operating activities</td>
<td>9,859,008</td>
<td>9,205,791</td>
<td></td>
</tr>
<tr>
<td>Payments to suppliers and employees</td>
<td>(9,291,848)</td>
<td>(8,722,647)</td>
<td></td>
</tr>
<tr>
<td>Dividends received</td>
<td>104,740</td>
<td>77,660</td>
<td></td>
</tr>
<tr>
<td>Interest received</td>
<td>233,249</td>
<td>283,705</td>
<td></td>
</tr>
<tr>
<td>Income tax paid</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash inflow from operating activities</strong></td>
<td>905,149</td>
<td>844,509</td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proceeds from sale of plant and equipment</td>
<td>1,842</td>
<td>2,448</td>
<td></td>
</tr>
<tr>
<td>Payments for plant and equipment</td>
<td>(211,541)</td>
<td>(127,379)</td>
<td></td>
</tr>
<tr>
<td>Proceeds from sale of investments</td>
<td>1,076,279</td>
<td>2,650,166</td>
<td></td>
</tr>
<tr>
<td>Payment for purchase of investments</td>
<td>(11,260,350)</td>
<td>(15,664)</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash (outflow)/inflow from investing activities</strong></td>
<td>(10,393,770)</td>
<td>(2,509,571)</td>
<td></td>
</tr>
<tr>
<td><strong>Net (decrease)/increase in cash and cash equivalents</strong></td>
<td>(9,488,621)</td>
<td>3,354,080</td>
<td></td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the beginning of the financial year</strong></td>
<td>10,850,130</td>
<td>7,496,050</td>
<td></td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the end of the financial year</strong></td>
<td>1,361,509</td>
<td>10,850,130</td>
<td></td>
</tr>
</tbody>
</table>

The above statement of cash flows should be read in conjunction with the accompanying notes.
Notes to the Financial Statements
For the year ended 30 June 2018

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.

(i) 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.

(ii) 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 judgment in the process of applying the Association’s accounting policies. There are no estimates and judgments that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) Revenue Recognition

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

(i) Subscriptions and Practising Certificate Fees

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

(c) Income Tax

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

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

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

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

Deferred tax assets and liabilities are offset when there is a legally enforceable right to offset current tax assets and liabilities and when the deferred tax balances relate to the same taxation authority. Current tax assets and liabilities are offset where the entity
Notes to the Financial Statements (continued)

For the year ended 30 June 2018

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

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 surplus or deficit, 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 Association as lessee are classified as operating leases (Note 10). Payments made under operating leases (net of any incentives received from the lessor) are charged to surplus or deficit 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 three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

(g) Receivables

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

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

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

(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) Held-to-maturity investments

The Association classifies its term deposits as held-to-maturity investments. Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Association's management has the positive intention and ability to hold to maturity. Held-to-maturity 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 year ended 30 June 2018

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(iii) Designated at fair value through surplus or deficit

The Association classifies financial assets ‘at fair value through surplus or deficit’, unless they are otherwise classified. Changes in fair value of these financial assets are recognised in surplus or deficit.

(iv) Recognition and Derecognition

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

Financial assets at fair value through surplus or deficit are initially recognised at fair value plus transactions costs, with fair values based on current bid prices for listed securities, and on published market prices for fixed interest securities.

(v) Subsequent Measurement

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

Financial assets at fair value through surplus or deficit are subsequently carried at fair value. Gains and losses are recognised within other income or other expense.

(i) 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:

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

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

(k) Intangibles

Intangibles consist of expenditure paid to external consultants on software used to record the Association’s database. The database has been amortised over its estimated useful life of 3 years.

(l) Trade and Other Payables

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

(m) Employee Benefits

(i) Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits and annual leave expected to be settled within 12 months of the end of the reporting period, are recognised as payables in respect of 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 surplus or deficit 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.
Notes to the Financial Statements (continued)

For the year ended 30 June 2018

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

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.

(c) Comparative Figures

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

(p) New or amended Accounting Standards and Interpretations adopted

The company has adopted all of the new or amended Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (‘AASB’) that are mandatory for the current reporting period.

Any new or amended Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

(q) Current and non-current classification

Assets and liabilities are presented in the statement of financial position based on current and non-current classification.

An asset is classified as current when: it is either expected to be realised or intended to be sold or consumed in the company’s normal operating cycle; it is held primarily for the purpose of trading; it is expected to be realised within 12 months after the reporting period; or the asset is cash or cash equivalent unless restricted from being exchanged or used to settle a liability for at least 12 months after the reporting period. All other assets are classified as non-current.

A liability is classified as current when: it is either expected to be settled in the company’s normal operating cycle; it is held primarily for the purpose of trading; it is due to be settled within 12 months after the reporting period; or there is no unconditional right to defer the settlement of the liability for at least 12 months after the reporting period. All other liabilities are classified as non-current.

Deferred tax assets and liabilities are always classified as non-current.

(r) Impairment of non-financial assets

Non-financial assets are reviewed 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.

(s) Fair value measurement

When an asset or liability, financial or non-financial, is measured at fair value for recognition or disclosure purposes, the fair value is based on the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date; and assumes that the transaction will take place either: in the principal market; or in the absence of a principal market, in the most advantageous market.

Fair value is measured using the assumptions that market participants would use when pricing the asset or liability, assuming they act in their economic best interests. For non-financial assets, the fair value measurement is based on its highest and best use. Valuation techniques that are appropriate in the circumstances and for which sufficient data are available to measure fair value, are used, maximising the use of relevant observable inputs and minimising the use of unobservable inputs.
2. REVENUE FROM CONTINUING OPERATIONS

### Operating revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscriptions and practising certificate fees</td>
<td>6,480,276</td>
<td>6,391,414</td>
</tr>
<tr>
<td>Bar Practice Course &amp; Bar Examinations</td>
<td>606,150</td>
<td>485,350</td>
</tr>
<tr>
<td><strong>Total operating revenue</strong></td>
<td>7,086,426</td>
<td>6,876,764</td>
</tr>
</tbody>
</table>

### Other revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest and dividends</td>
<td>331,644</td>
<td>356,955</td>
</tr>
<tr>
<td>Seminars</td>
<td>116,914</td>
<td>136,069</td>
</tr>
<tr>
<td>External funding</td>
<td>1,874,800</td>
<td>1,507,556</td>
</tr>
<tr>
<td>Other</td>
<td>226,371</td>
<td>435,799</td>
</tr>
<tr>
<td><strong>Total other revenue</strong></td>
<td>2,551,730</td>
<td>2,029,880</td>
</tr>
</tbody>
</table>

**Revenue from continuing operations**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>9,636,155</td>
<td>9,313,143</td>
</tr>
</tbody>
</table>

3. INCOME TAX EXPENSE

(a) Reconciliation of income tax expense to prima facie tax payable

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net surplus from continuing operations</td>
<td>403,622</td>
<td>1,077,698</td>
</tr>
<tr>
<td>Tax at the Australian tax rate of 27.5% (2017: 30%)</td>
<td>110,996</td>
<td>323,309</td>
</tr>
<tr>
<td>Decrease in income tax expense due to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Net mutual income</td>
<td>(174,246)</td>
<td>(333,634)</td>
</tr>
<tr>
<td>Tax effect of amounts which are not deductible</td>
<td>130,516</td>
<td>534</td>
</tr>
<tr>
<td><strong>Income tax expense/(benefit)</strong></td>
<td>67,266</td>
<td>(9,791)</td>
</tr>
</tbody>
</table>

(b) Deferred taxes

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferred tax asset</td>
<td>22,756</td>
<td>7,106</td>
</tr>
<tr>
<td>Deferred tax liability</td>
<td>(82,915)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>(60,159)</td>
<td>7,106</td>
</tr>
</tbody>
</table>
Notes to the Financial Statements (continued)

For the year ended 30 June 2018

4. OTHER FINANCIAL ASSETS

Held-to-maturity investments:

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term deposit (i)</td>
<td>11,362,891</td>
<td>1,519,572</td>
</tr>
</tbody>
</table>

(i) The Association has classified its Term deposits with maturity term longer than 3 months as other current financial assets in the current year

Non-current

At cost

| Investments in associates | 14 | 14 |

Designated at fair value through surplus or deficit

| Shares in Australian listed companies | 3,033,967 | 1,710,434 |
| Fixed interest securities - listed   | -       | 927,065   |

Total other financial assets – non current

|                                | 3,033,981 | 2,637,513 |

(a) Investments in associates

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

The Association holds one $10 share in the Pro Bono Disbursement Fund Pty Ltd. The Executive Director of the Association is a director of 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.

(b) Investment in Counsel’s Chambers Limited

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

5. OTHER ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepayments</td>
<td>209,567</td>
<td>203,607</td>
</tr>
<tr>
<td>Accrued interest</td>
<td>45,510</td>
<td>39,165</td>
</tr>
</tbody>
</table>

|                                | 255,077       | 242,772       |
6. INTANGIBLES

Database & website

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>At cost</td>
<td>304,665</td>
<td>304,665</td>
</tr>
<tr>
<td>Accumulated amortisation</td>
<td>(304,665)</td>
<td>(304,665)</td>
</tr>
<tr>
<td>Net carrying amount</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

7. PROPERTY, PLANT AND EQUIPMENT

<table>
<thead>
<tr>
<th></th>
<th>Library $</th>
<th>Refurbishments $</th>
<th>Furniture, computers, computer software, office machines &amp; equipment $</th>
<th>Kitchen equipment $</th>
<th>Total $</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 30 June 2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost</td>
<td>469,043</td>
<td>3,154,110</td>
<td>1,306,377</td>
<td>3,511</td>
<td>4,933,041</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>(375,238)</td>
<td>(1,981,771)</td>
<td>(950,347)</td>
<td>(2,258)</td>
<td>(3,309,614)</td>
</tr>
<tr>
<td>Net carrying amount</td>
<td>93,805</td>
<td>1,172,339</td>
<td>356,030</td>
<td>1,253</td>
<td>1,623,427</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Library $</th>
<th>Refurbishments $</th>
<th>Furniture, computers, computer software, office machines &amp; equipment $</th>
<th>Kitchen equipment $</th>
<th>Total $</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 30 June 2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost</td>
<td>469,043</td>
<td>3,234,876</td>
<td>1,386,102</td>
<td>3,511</td>
<td>5,093,532</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>(469,043)</td>
<td>(2,165,214)</td>
<td>(1,033,133)</td>
<td>(2,624)</td>
<td>(3,670,014)</td>
</tr>
<tr>
<td>Net carrying amount</td>
<td>-</td>
<td>1,069,662</td>
<td>352,969</td>
<td>887</td>
<td>1,423,518</td>
</tr>
</tbody>
</table>

Movements:

Year ended 30 June 2017

<table>
<thead>
<tr>
<th></th>
<th>Library $</th>
<th>Refurbishments $</th>
<th>Furniture, computers, computer software, office machines &amp; equipment $</th>
<th>Kitchen equipment $</th>
<th>Total $</th>
</tr>
</thead>
<tbody>
<tr>
<td>At 1 July 2017, net carrying amount</td>
<td>93,805</td>
<td>1,172,339</td>
<td>356,030</td>
<td>1,253</td>
<td>1,623,427</td>
</tr>
<tr>
<td>Additions</td>
<td>-</td>
<td>80,765</td>
<td>128,931</td>
<td>-</td>
<td>209,696</td>
</tr>
<tr>
<td>Disposals</td>
<td>-</td>
<td>-</td>
<td>(233)</td>
<td>-</td>
<td>(233)</td>
</tr>
<tr>
<td>Write off</td>
<td>(70,353)</td>
<td>-</td>
<td>-</td>
<td>(70,353)</td>
<td></td>
</tr>
<tr>
<td>Depreciation/amortisation charge for the year</td>
<td>(23,452)</td>
<td>(183,442)</td>
<td>(131,759)</td>
<td>(366)</td>
<td>(339,019)</td>
</tr>
<tr>
<td>At 30 June 2018, net carrying amount</td>
<td>-</td>
<td>1,069,662</td>
<td>352,969</td>
<td>887</td>
<td>1,423,518</td>
</tr>
</tbody>
</table>
8. TRADE AND OTHER PAYABLES

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and other payables</td>
<td>666,984</td>
<td>791,126</td>
</tr>
</tbody>
</table>

9. FEES RECEIVED IN ADVANCE

<table>
<thead>
<tr>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscriptions, practising certificate fees &amp; other revenue received in advance</td>
</tr>
</tbody>
</table>

10. COMMITMENTS

<table>
<thead>
<tr>
<th>Lease Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Lease Commitments Payable</td>
</tr>
<tr>
<td>Within one year</td>
</tr>
<tr>
<td>Later than one year but not later than 5 years</td>
</tr>
<tr>
<td>Later than 5 years</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

The 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 2020. Balances disclosed are GST exclusive.

11. 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Name</th>
<th>Position</th>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>N Williams</td>
<td>CEO</td>
<td>C Ensor</td>
<td>CEO</td>
<td>M McHugh SC</td>
<td>CEO</td>
</tr>
<tr>
<td>D Rayment</td>
<td>CFO</td>
<td>B Katekar</td>
<td>CFO</td>
<td>W Terracini SC</td>
<td>CFO</td>
</tr>
<tr>
<td>A Moses SC</td>
<td>Director</td>
<td>K Shead SC</td>
<td>Director</td>
<td>G Bashir SC</td>
<td>Director</td>
</tr>
<tr>
<td>A Higgins SC</td>
<td>Director</td>
<td>C Gleeson</td>
<td>Director</td>
<td>K Nomchong SC</td>
<td>Director</td>
</tr>
<tr>
<td>P Khandhar</td>
<td>Director</td>
<td>L Hutchinson</td>
<td>Director</td>
<td>A Mitchelmore</td>
<td>Director</td>
</tr>
<tr>
<td>J Roy</td>
<td>Director</td>
<td>G Antipas</td>
<td>Director</td>
<td>A Bell SC</td>
<td>Director</td>
</tr>
</tbody>
</table>

(b) Key management personnel

Key management personnel compensation for the years ended 30 June 2018 and 30 June 2017 is set out below. The key management personnel are the directors of the Association, and those executives with authority and responsibility for planning, directing and controlling the activities of the Association.

Other than the directors, the key management personnel identified for the years ended 30 June 2018 and 30 June 2017 are as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Name</th>
<th>Position</th>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Tolhurst</td>
<td>Director</td>
<td>Bali Kaur</td>
<td>Director</td>
<td>Lisa Allen</td>
<td>Director</td>
</tr>
<tr>
<td>Alastair McConnachie</td>
<td>Manager</td>
<td>Jocelyn Sparks</td>
<td>Manager</td>
<td>Basil Catsaros</td>
<td>Manager</td>
</tr>
<tr>
<td>Jennifer Pearce</td>
<td>Administrative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee benefits</td>
<td>1,388,192</td>
<td>1,245,606</td>
</tr>
</tbody>
</table>
11. RELATED PARTY DISCLOSURES (continued)

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

The Association paid rent (including associated air-conditioning, electricity and cleaning charges) totalling $789,868 (2017: $709,549) for office space to Counsel’s Chambers Limited, a company of which some directors of the Association are also members. The bulk of this payment was at two-thirds of the normal market rate.

(d) Loans to/from related parties
There were no loans to or from related parties at the current and previous reporting date.

(e) Receivable from and payable to related parties
There were no trade receivables from or trade payables to related parties at the current and previous reporting date.

12. CASH AND CASH EQUIVALENTS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at bank</td>
<td>954,023</td>
<td>921,064</td>
</tr>
<tr>
<td>Term deposits (i)</td>
<td>406,586</td>
<td>9,928,166</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>900</td>
<td>900</td>
</tr>
<tr>
<td></td>
<td><strong>1,361,509</strong></td>
<td><strong>10,850,130</strong></td>
</tr>
</tbody>
</table>

(ii) The Association has classified its Term deposits with maturity term longer than 3 months as other current financial assets in the current year.

13. REIMBURSEMENT BY THE PUBLIC PURPOSE FUND

Section 34 (3)(a) of the Legal Profession Uniform Law Application Act 2014 requires certification by the auditor of the costs incurred by the Bar Council in relation to its regulatory function. Expenditure on regulatory activities in 2017-2018 amounted to $1,674,800 (2017: $1,313,711).

14. EVENTS OCCURRING AFTER THE REPORTING DATE

Changes since reporting date in the market values of financial assets at fair value through profit or loss held by the Association has impacted the total value of the financial assets. As at 22 August 2018, the total market value of financial assets at fair value through profit or loss held by the Association was $3,145,006 compared with $3,033,967 as at 30 June 2018, an increase of 3.66%.

15. CONTINGENT LIABILITIES

The company had no contingent liabilities as at 30 June 2018 and 30 June 2017.
Directors’ Declaration

In the directors’ opinion:

(a) the financial statements and notes set out on pages 54 to 70 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 2018 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.

A Moses SC
Sydney, NSW
6 September 2018

A Mitchelmore
Independent Auditor’s Report

RSM Australia Partners
Level 13.01 Castlereagh Street Sydney NSW 2000
GPO Box 5058 Sydney NSW 2001
T: 02 8220 4500
F: 02 8220 4501
WWW.RSM.COM.AU

Opinion
We have audited the financial report of New South Wales Bar Association (the Company), which comprises the statement of financial position as at 30 June 2018, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the directors’ declaration.

In our opinion, the accompanying financial report of the Company 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 2018 and of its financial performance for the year then ended; and

(ii) complying with Australian Accounting Standards – Reduced Disclosure Requirements and the Corporations Regulations 2001.

Basis for Opinion
We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor’s Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Company in accordance with the auditor independence requirements of the Corporations Act 2001 and the ethical requirements of the Accounting Professional and Ethical Standards Board’s APEs 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the Corporations Act 2001, which has been given to the directors of the Company, would be in the same terms if given to the directors as at the time of this auditor’s report.

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

Other Information
The directors are responsible for the other information. The other information comprises the information included in the Company’s annual report for the year ended 30 June 2018, but does not include the financial report and the auditor’s report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.
Independent Auditor’s Report (continued)

Responsibilities of the Directors for the Financial Report

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

In preparing the financial report, the directors are responsible for assessing the ability of the Company to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Company or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of our auditor’s report.

RSM Australia Partners

C J Hume
Partner

Sydney, NSW
Dated: 12 September 2018
# Statement of Surplus and Other Comprehensive Income

For the year ended 30 June 2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>2</td>
<td>330,341</td>
<td>359,640</td>
</tr>
<tr>
<td>(Loss)/profit on sale of investments</td>
<td></td>
<td>(1,216)</td>
<td>70,495</td>
</tr>
<tr>
<td>Auditor’s remuneration</td>
<td></td>
<td>(9,500)</td>
<td>(10,400)</td>
</tr>
<tr>
<td>Bar care costs</td>
<td></td>
<td>(25,814)</td>
<td>(24,867)</td>
</tr>
<tr>
<td>Employee benefits expense</td>
<td></td>
<td>(80,614)</td>
<td>(60,718)</td>
</tr>
<tr>
<td>Gifts</td>
<td></td>
<td>(105,941)</td>
<td>(125,000)</td>
</tr>
<tr>
<td>Impairment of loans - write back</td>
<td></td>
<td>800</td>
<td>200</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td></td>
<td>(7,486)</td>
<td>(5,146)</td>
</tr>
<tr>
<td>Surplus before fair value gains</td>
<td></td>
<td>100,570</td>
<td>204,204</td>
</tr>
<tr>
<td>Net gains on non-current assets held at fair value through surplus or deficit</td>
<td></td>
<td>55,214</td>
<td>169,052</td>
</tr>
<tr>
<td>Surplus before income tax</td>
<td></td>
<td>155,784</td>
<td>373,256</td>
</tr>
<tr>
<td>Income tax expense</td>
<td>1 (c)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Surplus</strong></td>
<td></td>
<td>155,784</td>
<td>373,256</td>
</tr>
<tr>
<td><strong>Other comprehensive income</strong></td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total comprehensive income</strong></td>
<td></td>
<td>155,784</td>
<td>373,256</td>
</tr>
</tbody>
</table>

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 2018

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>$257,866</td>
<td>$464,453</td>
</tr>
<tr>
<td>Held-to-maturity investments</td>
<td>$2,042,278</td>
<td>$1,875,548</td>
</tr>
<tr>
<td>Loans and receivables</td>
<td>$46,548</td>
<td>$58,185</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td>$2,346,692</td>
<td>$2,398,186</td>
</tr>
<tr>
<td><strong>NON-CURRENT ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other financial assets</td>
<td>$3,086,994</td>
<td>$2,880,822</td>
</tr>
<tr>
<td><strong>TOTAL NON-CURRENT ASSETS</strong></td>
<td>$3,086,994</td>
<td>$2,880,822</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td>$5,433,686</td>
<td>$5,279,008</td>
</tr>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>$9,500</td>
<td>$18,233</td>
</tr>
<tr>
<td>Employee benefits</td>
<td>$7,627</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td>$17,127</td>
<td>$18,233</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td>$17,127</td>
<td>$18,233</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td>$5,416,559</td>
<td>$5,260,775</td>
</tr>
<tr>
<td><strong>ACCUMULATED FUNDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surpluses</td>
<td>$5,416,559</td>
<td>$5,260,775</td>
</tr>
<tr>
<td><strong>TOTAL ACCUMULATED FUNDS</strong></td>
<td>$5,416,559</td>
<td>$5,260,775</td>
</tr>
</tbody>
</table>

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 2018

<table>
<thead>
<tr>
<th></th>
<th>Accumulated Surpluses</th>
<th>Total Accumulated Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>At 30 June 2016</strong></td>
<td>$4,887,519</td>
<td>$4,887,519</td>
</tr>
<tr>
<td>Total comprehensive income</td>
<td>$373,256</td>
<td>$373,256</td>
</tr>
<tr>
<td><strong>At 30 June 2017</strong></td>
<td>$5,260,775</td>
<td>$5,260,775</td>
</tr>
<tr>
<td>Total comprehensive income</td>
<td>$155,784</td>
<td>$155,784</td>
</tr>
<tr>
<td><strong>At 30 June 2018</strong></td>
<td>$5,416,559</td>
<td>$5,416,559</td>
</tr>
</tbody>
</table>

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 2018

CASH FLOWS FROM OPERATING ACTIVITIES

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts from members, sponsorship and general activities</td>
<td>129,680</td>
<td>145,477</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(229,661)</td>
<td>(227,791)</td>
</tr>
<tr>
<td>Interest and dividends received</td>
<td>212,298</td>
<td>215,095</td>
</tr>
<tr>
<td><strong>Net cash inflow from operating activities</strong></td>
<td>112,317</td>
<td>132,781</td>
</tr>
</tbody>
</table>

CASH FLOWS FROM INVESTING ACTIVITIES

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from other financial assets</td>
<td>324,129</td>
<td>1,171,567</td>
</tr>
<tr>
<td>Proceeds from held to maturity investments</td>
<td>294,036</td>
<td>15,000</td>
</tr>
<tr>
<td>Payments for other financial assets</td>
<td>(476,303)</td>
<td>(351,083)</td>
</tr>
<tr>
<td>Payments for held to maturity investments</td>
<td>(460,766)</td>
<td>(1,004,177)</td>
</tr>
<tr>
<td><strong>Net cash (outflow) from investing activities</strong></td>
<td>(318,904)</td>
<td>(168,693)</td>
</tr>
<tr>
<td><strong>Net (decrease) in cash and cash equivalents</strong></td>
<td>(206,587)</td>
<td>(35,912)</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the beginning of the year</strong></td>
<td>464,453</td>
<td>500,365</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the end of the year</strong></td>
<td>257,866</td>
<td>464,453</td>
</tr>
</tbody>
</table>

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

Notes to the Financial Statements
For the year ended 30 June 2018

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 judgments

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

(b) Revenue Recognition

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

(i) Contributions

Revenue from contributions is recognised when the contribution is received.
Notes to the Financial Statements (continued)

For the year ended 30 June 2018

(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 surplus or deficit 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
As the Barristers’ Benevolent Association of NSW is a charitable institution in terms of subsection 50-5 of the Income Tax Assessment Act 1997, as amended, it is exempt from paying 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) Loans and Receivables
Loans and receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. These are repayable on demand.

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

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

(f) Other Financial Assets
Classification
The Association classifies its financial assets in the following categories: financial assets designated at fair value through surplus or deficit and held-to-maturity investments.

(i) Financial assets at fair value through surplus or deficit
Recognition and Derecognition
Financial assets at fair value through surplus or deficit are initially recognised at fair value and transaction costs are expensed in surplus or deficit. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and the Association has transferred substantially all the risk and rewards of ownership.

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

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

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

Held-to-maturity investments are carried at amortised cost using the effective interest method.
Notes to the Financial Statements  (continued)
For the year ended 30 June 2018

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES  (continued)

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

(h) Employee Benefits
(i) Short-term employee benefits
Liabilities for wages and salaries, including non-monetary benefits, annual leave and long service leave expected to be settled wholly within 12 months of the reporting date are measured at the amounts expected to be paid when the liabilities are settled.

(ii) Other long-term employee benefits
The liability for annual leave and long service leave not expected to be settled within 12 months of the reporting date are measured at the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

(i) 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.

(j) New accounting standards
Certain new accounting standards of the Australian Accounting Standards Board have been published that are not mandatory for 30 June 2018 reporting periods. The directors’ assessment of the impact of these new standards is that they will have no material impact on the future financial reports of the Association, other than as follows:

AASB 15: Revenue from Contracts with Customers and AASB 1058: Income of Not-for-Profits AASB 15 and AASB 1058 will apply to the Association for the first time for the year ending 30 June 2020, unless the Association decides to adopt the Standards earlier. The Association does not consider these two Standards will have an impact on future financial reports.

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Contributions</td>
<td>120,690</td>
<td>137,338</td>
</tr>
<tr>
<td>Distribution and dividend income</td>
<td>154,334</td>
<td>174,352</td>
</tr>
<tr>
<td>Interest income</td>
<td>55,317</td>
<td>47,950</td>
</tr>
<tr>
<td>Revenue from continuing operations</td>
<td>330,341</td>
<td>359,640</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW Bar Association</td>
<td>33,649</td>
<td>50,407</td>
</tr>
<tr>
<td>Accrued interest</td>
<td>12,679</td>
<td>7,662</td>
</tr>
<tr>
<td>Interest free loans</td>
<td>16,100</td>
<td>16,900</td>
</tr>
<tr>
<td>Allowance for impairment of interest free loans</td>
<td>(16,100)</td>
<td>(16,900)</td>
</tr>
<tr>
<td>GST receivable</td>
<td>220</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>46,548</td>
<td>58,185</td>
</tr>
</tbody>
</table>
4. HELD-TO-MATURITY INVESTMENTS

Term Deposits

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>2,042,278</td>
<td>1,875,548</td>
</tr>
</tbody>
</table>

5. OTHER FINANCIAL ASSETS

Non-Current

Designated at fair value through surplus or deficit
- Fixed interest securities  - 325,345
- Shares in Australian listed companies  3,086,994  2,555,477

6. RELATED PARTY DISCLOSURES

(a) Committee of Management

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

- N Williams
- C Ensor
- M McHugh SC
- M Izzo
- S Callan
- D Rayment
- B Katekar
- J Mack
- W Terracini SC
- R Weinstein SC
- A Moses SC
- K Shead SC
- T Game SC
- G Bashir SC
- K Nomchong SC
- R Higgins SC
- C Gleeson
- C Loukas SC
- M Walker
- A Mitchelmore
- P Khandhar
- L Hutchinson
- K Morgan SC
- E Welsh
- A Bell SC
- J Roy
- G Antipas
- V Whittaker
- J Gormly 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 the members of the Committee of Management of the Association.

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

(c) Other Transactions

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

7. EVENTS OCCURRING AFTER THE REPORTING DATE

Changes since reporting date in the market values of financial assets at fair value through surplus or deficit held by the Association have impacted the total value of the financial assets. As at 22 August 2018 the total market value of financial assets at fair value through surplus or deficit held by the Association was $3,253,233 compared with $3,086,994 as at 30 June 2018, an increase of 4.74%.
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 74 to 79 satisfy the requirements of 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) giving a true and fair view of the Association’s financial position as at 30 June 2018 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 all of its debts as and when they become due and payable.

Signed in accordance with subsection 60.15(2) of the Australian Charities and Not-for-profits Commission Regulation 2013.

A Moses SC
A Mitchelmore

Sydney, NSW
6 September 2018
Independent Auditor’s Report

For the year ended 30 June 2018

Opinion
We have audited the financial report of Barristers’ Benevolent Association of NSW, which comprises the statement of financial position as at 30 June 2018, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the declaration by committee of management.

In our opinion, the financial report of Barristers’ Benevolent Association of NSW has been prepared in accordance with Division 60 of the Australian Charities and Not-for-profits Commission Act 2012, including:

(a) giving a true and fair view of the registered entity’s financial position as at 30 June 2018 and of its financial performance and cash flows for the year ended on that date; and

(b) complying with Australian Accounting Standards – Reduced Disclosure Requirements and Division 60 of the Australian Charities and Not-for-profits Commission Regulation 2013.

Basis for Opinion
We conducted our audit in accordance with Australian Auditing Standards – Reduced Disclosure Requirements. Our responsibilities under those standards are further described in the Auditor’s Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Barristers’ Benevolent Association of NSW in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board’s APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

Other Information
The committee of management are responsible for the other information. The other information comprises the information included in Barristers’ Benevolent Association of NSW’s annual report for the year ended 30 June 2018 but does not include the financial report and the auditor’s report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.
Independent Auditor’s Report (continued)

For the year ended 30 June 2018

Responsibilities of committee of management for the Financial Report

The committee of management of the registered entity are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and the Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act) and for such internal control as the committee of management 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.

In preparing the financial report, committee of management are responsible for assessing Barristers’ Benevolent Association of NSW’s ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate Barristers’ Benevolent Association of NSW or to cease operations, or has no realistic alternative but to do so.

Auditor’s Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: http://www.auasb.gov.au/auditors_responsibilities/ard.pdf. This description forms part of our auditor’s report.

RSM Australia Partners

C J Hume
Partner

Sydney, NSW
Dated: 12 September 2018
Contributors to the Barristers’ Benevolent Fund
### Contributors to the Barristers’ Benevolent Fund (continued)

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr A Goldsworthy</td>
<td>Mr A Hochroth</td>
<td>Mr A J Kegh</td>
<td>Mr Peter J McGrath SC</td>
<td></td>
</tr>
<tr>
<td>Mr S Golledge</td>
<td>Ms G Hoeben</td>
<td>Mr S M Kettle</td>
<td>Mr M McHugh SC</td>
<td></td>
</tr>
<tr>
<td>Mr J V Gooley</td>
<td>Mr A Hogan</td>
<td>Ms R Khalilzadeh</td>
<td>Mr R S McIvorwaine SC</td>
<td></td>
</tr>
<tr>
<td>Ms F Gordon</td>
<td>Ms D Hogan-Doran SC</td>
<td>Mr P N Khandhar</td>
<td>Mr G McIvorwaine</td>
<td></td>
</tr>
<tr>
<td>Mr J P Gormly SC</td>
<td>Mr T L Hollo</td>
<td>Mr N J Kidd SC</td>
<td>Mr A J McIverney SC</td>
<td></td>
</tr>
<tr>
<td>Mr J F Gormly</td>
<td>Mr R W Hood</td>
<td>Mr L King SC</td>
<td>Mr J K McLachlan AM</td>
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<tr>
<td>Mr G M Gould</td>
<td>Mr D J Hooke SC</td>
<td>Mr I Kirigiz</td>
<td>Mr Daniel McMahon</td>
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<tr>
<td>Mr R J Grady</td>
<td>Mr R Hooper SC</td>
<td>Chief Commissioner</td>
<td>Magistrate L McManus</td>
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<tr>
<td>Mr G Graham</td>
<td>Ms J S Hooper</td>
<td>P M Kite SC</td>
<td>Mr S J McMillan</td>
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<tr>
<td>Mr G J Graham</td>
<td>Mr P A Horobin</td>
<td>Mr Piotr Klark</td>
<td>Mr G McNally SC</td>
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<tr>
<td>Ms Felicity Graham</td>
<td>Mr Jacob Horowitz</td>
<td>Mr D D Knoll AM</td>
<td>Miss L McSpedden</td>
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<tr>
<td>Ms R Graycar</td>
<td>Mr T Hughes</td>
<td>Mr Patrick Knowles</td>
<td>Mr Ben Mee</td>
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<tr>
<td>Mr M Green SC</td>
<td>Mr S Hughes</td>
<td>Mr Peter Kondich</td>
<td>Ms Jennifer K Mee</td>
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<tr>
<td>Mr R P Greenhill SC</td>
<td>Mr V B Hughston SC</td>
<td>Mr G Kumarasimh</td>
<td>Mr M M Keek SC</td>
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<tr>
<td>Mr L T Grey</td>
<td>Mr B Hull</td>
<td>Mr A Leopold SC</td>
<td>Mr T M Mehigan</td>
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<td>The Hon M B Grove QC</td>
<td>Ms L E P Halms</td>
<td>His Honour Judge C Hoy SC</td>
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<tr>
<td>Mr J L Gruzman</td>
<td>Mrs Melissa Humphreys</td>
<td>Mr T Hughes</td>
<td>Mr P J Menary</td>
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<td>Mr J Guihot</td>
<td>Mr Bill Ilkovsko</td>
<td>Mr S Hughes</td>
<td>Ms T Z Messner</td>
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<tr>
<td>Mr Mark Gunning</td>
<td>Ms Emily Itu</td>
<td>The Hon Justice C Hoy SC</td>
<td>The Hon J A Miles AO</td>
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<tr>
<td>Mr J Hale</td>
<td>Mr S Jacob</td>
<td>Ms Elizabeth James</td>
<td>Mr C Mitchell</td>
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<tr>
<td>The Hon Justice P Hall</td>
<td>The Hon P Jacobson QC</td>
<td>Mr R J Johnson</td>
<td>Mr P J Mooney SC</td>
<td></td>
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<tr>
<td>Ms S T Hall</td>
<td>Ms Elizabeth James</td>
<td>Mr R Johnson</td>
<td>Mr G Moore</td>
<td></td>
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<tr>
<td>The Hon Justice P Hallen</td>
<td>The Hon Justice P A Johnson</td>
<td>Mr G J Johnson</td>
<td>Mr A Moore SC</td>
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<tr>
<td>Mr J M Hallion</td>
<td>Mr R J Johnson</td>
<td>Mr Russ Johnson</td>
<td>Mr J Moore</td>
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<tr>
<td>The Hon JP Hamilton QC</td>
<td>Mr B L Jones</td>
<td>Mr Thomas Jones</td>
<td>Mr T J Morahan</td>
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<tr>
<td>Ms L Hamilton</td>
<td>Mr Oliver Jones</td>
<td>Mr Oliver Jones</td>
<td>Mr J M Morris SC</td>
<td></td>
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<tr>
<td>Ms Natasha Hammond</td>
<td>Ms K Jones</td>
<td>Ms J K Jordan</td>
<td>Mr Hugh Morrison</td>
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<td>Mr G Hansen</td>
<td>Mr K Josifoski</td>
<td>Mr K Jordan</td>
<td>Mr K Morrissey</td>
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<tr>
<td>Mr S J Harben SC</td>
<td>Ms T Jowett</td>
<td>Mr K Jpesikoski</td>
<td>Mr Charles Moschoudis</td>
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<tr>
<td>Mr Roger Harper</td>
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<td>Ms S D Kalfas SC</td>
<td>Mr A R Moses SC</td>
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<td>Mr J M Harris</td>
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<td>Mr Jake Harris</td>
<td>Ms K Jones</td>
<td>Mr A Karim</td>
<td>Ms J A Mundey</td>
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<tr>
<td>Mr Christian Hart</td>
<td>Mr D K Jordan</td>
<td>Mr Leonard Karp</td>
<td>Mr P R Munro AM</td>
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<tr>
<td>Ms V A Hartstein</td>
<td>Mr K Josifoski</td>
<td>Mr Anthony Kaufmann</td>
<td>Ms A Munro</td>
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<tr>
<td>Mr B E Haverrfield</td>
<td>Ms T Jowett</td>
<td>The Hon Dr Tricia Kavanagh</td>
<td>Mr C L Murphy</td>
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<tr>
<td>Miss A Hawkins</td>
<td>Ms L E Judge</td>
<td>Mr J B Kay Hoyle</td>
<td>Mr Neil Murray</td>
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<tr>
<td>Mr W R Haylen QC</td>
<td>Mr S D Kalfas SC</td>
<td>Mr J A Kearney</td>
<td>Nicholas Poynder</td>
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<tr>
<td>Mr T Healey</td>
<td>Ms G A Karam</td>
<td>Mr J T Kearney</td>
<td>The Hon J A Nader RFD QC</td>
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<tr>
<td>Ms A Healey</td>
<td>Mr A Karim</td>
<td>Mr J Keeving</td>
<td>Mr Andrew P L Naylor</td>
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<tr>
<td>Mr David Healey</td>
<td>Mr Leonard Karp</td>
<td>Mr S Keim SC</td>
<td>Ms S J Needham SC</td>
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<tr>
<td>Ms V M Heath</td>
<td>Mr Anthony Kaufmann</td>
<td>Mr Jelloway</td>
<td>Mr P W Neil SC</td>
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<tr>
<td>Mr M J Heath</td>
<td>The Hon Dr Tricia Kavanagh</td>
<td>Mr R Keller</td>
<td>Ms M Neville</td>
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<tr>
<td>Mr G Thrachote</td>
<td>Mr J B Kay Hoyle</td>
<td>Mr Hayden Kelly SC</td>
<td>Mrs Danielle New</td>
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<tr>
<td>Mr John F Healewood</td>
<td>Mr J A Kearney</td>
<td>Mr D P Kelly</td>
<td>Mr C R C Newlands SC</td>
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<tr>
<td>Mr R A Hewson</td>
<td>Mr J T Kearney</td>
<td>Mr Jesse Kennedy</td>
<td>The Hon P J Newman RFD QC</td>
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<td>Mr G J Hickey</td>
<td>Mr J Keeving</td>
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<td>Mr Nicholas Newton</td>
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<td>Mr F P Hicks SC</td>
<td>Mr S Keim SC</td>
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<td>Mr Gerald Ng</td>
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<tr>
<td>The Hon P J Hidden AM</td>
<td>Mr J Lelloway</td>
<td></td>
<td>Mr N A Nicholls SC</td>
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<tr>
<td>Dr Ruth C A Higgins SC</td>
<td>Mr R Keller</td>
<td></td>
<td>Mr L W Nicholls</td>
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<tr>
<td>Mr A Hill</td>
<td>Mr Hayden Kelly SC</td>
<td></td>
<td>Mr J Nicholson</td>
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<tr>
<td>Ms S Hill</td>
<td>Mr D P Kelly</td>
<td></td>
<td>Mr G Niven</td>
<td></td>
</tr>
<tr>
<td>Mr J S Hilton</td>
<td>Mr Jesse Kennedy</td>
<td></td>
<td>Mr Paul J Nolan</td>
<td></td>
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<tr>
<td>Mr D Hirsch</td>
<td></td>
<td></td>
<td>His Honour Judge</td>
<td></td>
</tr>
<tr>
<td>Mrs Michelle Hirschhorn</td>
<td></td>
<td></td>
<td>S Norrish QC</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Mr M Oakes SC</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Mr Rhys O’Brien</td>
<td></td>
</tr>
</tbody>
</table>
Contributors to the Barristers’ Benevolent Fund (continued)

Mr B A Odling
Ms Victoria O’Halloran
Mr P P O’Loughlin
Her Honour Judge
E Olsson SC
The Hon J L O’Meally AM RFD
Mr D B O’Neill
Mr R N O’Neill
Mr Seyi Onitiri
Mr A J J Renshaw
Mr S Reuben
Mr Garry Rich SC

Mr David M Roberts
Mr T F Robertson SC
Mr Scott Robertson
Mr M W Robison
Miss W L Robinson QC
Mr Bryan Robinson
The Hon Justice J E Robson
Mr Declan Roche
Mr Daniel S Roff
The Hon R Rolfe
Mr M K Rollinson
Mr D Ronzani
Mr J A Rose
Mr K Roser
Ms F T Roughley
Mr J E Rowe
Mr P A Rowe
Mr T M Rowles
Ms T Harris-Roxas
Ms J L Roy
Mr R Royle
Mr G Rundle
Mr S Russell
Mr Peter Russell
The Hon D M Ryan QC
Mr T J Ryan
Mr J J Ryan
Mr M V Sahade
Mr J R Sainty
Ms K Sant
Mr F Santisi
Mr P F Santucci
Ms Lucy Saunders
Mr S H Scarlett DAM RFD
Mr S A Schaudin
Mr G Scragg
Mr Michael Seck
Ms Rashele L Seiden SC
Mr R J A Sergi
Mr Ian Serisier
Mr J P Sewell
Mr J E Sexton SC
Mr Mark Seymour
Mr K P Shadbolt
Mr Yaseen Shariff
Mr Phillip G Sharp
Mr J C Sheahan QC
Mr J Shelter
Mr Lucas Shipway
Mr Craig Simpson
Mr Geoff Simpson
Mr Nicholas Simpson
The Hon Greg Smith SC
Mr Craig J Smith SC
Ms L Smith
Mr B Snelling

Mr M S Spartalis
Mr C Sperling
Mr D G Staehli SC
Mr Ashley Stafford
Mr G J Stanton
Mr R A Stanton
Mr C Stein SC
Ms A Stenmark SC
Mr K L Stewart
Mr D C P Stewart
Mr Angus Stewart SC
Ms S L Stewart
Mr Robert Stitt QC
Mr P G W Sitz
Mr P Strasser
Mr G J Sundstrom
Mr Philip Swaine
Ms Sonia Tame
Mr J O Tancred
Mr R J Taylor
Mr B Taylor
Ms Jane E Taylor
Mr M Thangaraj SC
Ms P Thew
Mr G M Thomas
Ms W Thompson
Mr Cameron L Thompson
Ms Mandy Tibbey
Miss L Ticehurst
His Honour Judge
R S Toner SC
Mr J A Trebeck
Mr J Trevalliion
Ms B J Tronson
Mr J Van Aalst
Mr D F Villa
Mr Brett Walker SC
Mr I H Wallach
Mr Philip Wallis
Mr W J Walsh
Mr Mark Walsh SC
Dr C S Ward SC
Mr E Waslenia
Mr G J Watkins
Mr M G Watson SC
Mr P Webb QC
Dr R J Webb
Ms C A Webster SC
Mr Michael J Weightman
Mr R H Weinstein SC
Mr J N West QC
Mr S Wheelhouse SC
Ms J Wilcsek
Mr Adrian Williams
Mr Jay Williams

Deputy President E G Wood
Mr Christopher Wood
Mr S A Woods
Peter P Wray-McCann
Ms G Wright
Mr John Wydell
Ms Sophie York
Indigenous Barristers’ Trust – The Mum Shirl Fund

Financial report for the year ended 30 June 2018

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 Phillip Street, Sydney NSW 2000.

The financial statements were authorised for issue by the Trustees on 14 August 2018. The Trustees have the power to amend and re-issue the financial statements.

Statement of Surplus and Other Comprehensive Income

For the year ended 30 June 2018

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
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</thead>
<tbody>
<tr>
<td>Revenue from continuing operations</td>
<td>2</td>
<td>155,385</td>
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<tr>
<td>Audit and accounting</td>
<td>(6,000)</td>
<td>(5,150)</td>
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<tr>
<td>Bank charges</td>
<td>(76)</td>
<td>(75)</td>
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<tr>
<td>Conference expenses</td>
<td>(21,713)</td>
<td>(36,780)</td>
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<td>Fundraising</td>
<td>-</td>
<td>(2,560)</td>
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<td>Grants made</td>
<td>(73,344)</td>
<td>(125,803)</td>
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<td>Other expenses</td>
<td>-</td>
<td>(500)</td>
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<td>Surplus before income tax expense</td>
<td>54,252</td>
<td>(74,548)</td>
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<td>Income tax expense</td>
<td>1(c)</td>
<td>-</td>
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<tr>
<td>Net surplus</td>
<td>54,252</td>
<td>(74,548)</td>
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<tr>
<td>Other comprehensive income</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total comprehensive income</td>
<td>54,252</td>
<td>(74,548)</td>
</tr>
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</table>

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 2018**

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
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<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
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</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>69,385</td>
<td>65,258</td>
</tr>
<tr>
<td>Held-to-maturity investments</td>
<td>408,879</td>
<td>358,422</td>
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<tr>
<td>Other receivables</td>
<td>43,910</td>
<td>43,392</td>
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<tr>
<td><strong>TOTAL CURRENT ASSETS</strong></td>
<td>522,174</td>
<td>467,072</td>
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<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td>522,174</td>
<td>467,072</td>
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<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
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<tr>
<td>Trade and other payables</td>
<td>6,000</td>
<td>5,150</td>
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<tr>
<td><strong>TOTAL CURRENT LIABILITIES</strong></td>
<td>6,000</td>
<td>5,150</td>
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<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td>6,000</td>
<td>5,150</td>
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<tr>
<td><strong>NET ASSETS</strong></td>
<td>516,174</td>
<td>461,922</td>
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<td><strong>ACCUMULATED FUNDS</strong></td>
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<tr>
<td>Accumulated surpluses</td>
<td>516,174</td>
<td>461,922</td>
</tr>
</tbody>
</table>

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 2018**

<table>
<thead>
<tr>
<th>Notes</th>
<th>2018 $</th>
<th>2017 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>As at 1 July - opening</td>
<td>461,922</td>
<td>536,470</td>
</tr>
<tr>
<td>Total comprehensive income/(loss)</td>
<td>54,252</td>
<td>(74,548)</td>
</tr>
<tr>
<td>As at 30 June - closing</td>
<td>516,174</td>
<td>461,922</td>
</tr>
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</table>

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 2018

<table>
<thead>
<tr>
<th></th>
<th>2018 $</th>
<th>2017 $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from sponsorship and general activities</td>
<td>144,910</td>
<td>80,568</td>
</tr>
<tr>
<td>Interest received</td>
<td>9,957</td>
<td>10,748</td>
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<tr>
<td>Payments to suppliers and grantees</td>
<td>(100,283)</td>
<td>(170,718)</td>
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<tr>
<td><strong>Net cash (outflow)/inflow from operating activities</strong></td>
<td>54,584</td>
<td>(79,402)</td>
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<td><strong>Cash flows from investing activities</strong></td>
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<tr>
<td>Proceeds/(Payments) from term deposits</td>
<td>(50,457)</td>
<td>99,268</td>
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<td><strong>Net increase/(decrease) in cash and cash equivalents</strong></td>
<td>4,127</td>
<td>19,866</td>
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<td>Cash and cash equivalents at the beginning of the year</td>
<td>65,258</td>
<td>45,392</td>
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<tr>
<td><strong>Cash and cash equivalents at the end of the year</strong></td>
<td>69,385</td>
<td>65,258</td>
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</tbody>
</table>

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

Notes to the Financial Statements
For the year ended 30 June 2018

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 convention**

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

**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 judgment in the process of applying the Trust’s accounting policies. There are no estimates and judgments that have a significant risk of causing material adjustments to the carrying amounts of assets and liabilities within the next financial year.

(b) **Revenue Recognition**

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

(i) **Contributions**

Revenue from contributions is recognised when the contribution is received.

(ii) **Interest income**

Interest income is recognised as it accrues.

(iii) **Other Income**

Income from other sources is recognised when the income is receivable.
Notes to the Financial Statements (continued)
For the year ended 30 June 2018

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

(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.

Term deposits are recognised at cost.

(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.

(i) New accounting standards
Certain new accounting standards of the Australian Accounting Standards Board have been published that are not mandatory for 30 June 2018 reporting periods. The directors’ assessment of the impact of these new standards is that they will have no material impact on the future financial reports of the Trust, other than as follows:

AASB 15: Revenue from Contracts with Customers and AASB 1058: Income of Not-for-Profits AASB 15 and AASB 1058 will apply to the Trust for the first time for the year ending 30 June 2020, unless the Trust decides to adopt the Standards earlier.

The Trustees consider that these Standards will have no impact on the Trust’s revenue recognition.
2. REVENUE FROM CONTINUING OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions received</td>
<td>145,428</td>
<td>85,059</td>
</tr>
<tr>
<td>Interest</td>
<td>9,957</td>
<td>11,261</td>
</tr>
<tr>
<td><strong>Revenue from continuing operations</strong></td>
<td><strong>155,385</strong></td>
<td><strong>96,320</strong></td>
</tr>
</tbody>
</table>

3. OTHER RECEIVABLES

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW Bar Association</td>
<td>36,628</td>
<td>35,109</td>
</tr>
<tr>
<td>GST receivable</td>
<td>5,814</td>
<td>6,294</td>
</tr>
<tr>
<td>Accrued interest</td>
<td>1,468</td>
<td>1,989</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43,910</strong></td>
<td><strong>43,392</strong></td>
</tr>
</tbody>
</table>

4. HELD-TO-MATURITY INVESTMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Term deposits</td>
<td>408,879</td>
<td>358,422</td>
</tr>
</tbody>
</table>

5. RELATED PARTY DISCLOSURES

(a) Trustees

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

- Chris Ronalds SC
- Arthur Moses SC
- Justice Michael Slattery
- Tony McAvoy SC

(b) Key management

The key management personnel are the Trustees of the Trust.

No compensation was paid or payable to Trustees of the Trust during the financial year or the previous year.
Trustee’s Declaration

In the opinion of the Trustees of Indigenous Barristers’ Trust The Mum Shirl Fund ("the Trust"),

(a) the financial statements and notes as set out on pages 86 to 90 of the Annual Report up to 30 June 2018:

(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 2018 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:

C Ronalds AO SC
Trustee
14 August 2018
Sydney, NSW
Independent Auditor’s Report

To the Members of The Indigenous Barristers’ Trust – The Mum Shirl Fund

Opinion

We have audited the financial report of The Indigenous Barristers’ Trust – The Mum Shirl Fund, which comprises the statement of financial position as at 30 June 2018, 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, and notes to the financial statements, including a summary of significant accounting policies, and the declaration by trustees.

In our opinion, the financial report of The Indigenous Barristers’ Trust – The Mum Shirl Fund has been prepared in accordance with Division 60 of the Australian Charities and Not-for-profits Commission Act 2012, including:

(a) giving a true and fair view of the registered entity’s financial position as at 30 June 2018 and of its financial performance and cash flows for the year ended on that date; and

(b) complying with Australian Accounting Standards – Reduced Disclosure Requirements and Division 60 of the Australian Charities and Not-for-profits Commission Regulation 2013.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards – Reduced Disclosure Requirements. Our responsibilities under those standards are further described in the Auditor’s Responsibilities for the Audit of the Financial Report section of our report. We are independent of the The Indigenous Barristers’ Trust – The Mum Shirl Fund in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board’s APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

Other Information

The trustees are responsible for the other information. The other information comprises the information included in The Indigenous Barristers’ Trust – The Mum Shirl Fund’s annual report for the year ended 30 June 2018 but does not include the financial report and the auditor’s report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.
Independent Auditor’s Report (continued)

Responsibilities of Trustees for the Financial Report
The trustees of the registered entity are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards – Reduced Disclosure Requirements and the Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act) and for such internal control as the committee of management 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.

In preparing the financial report, committee of management are responsible for assessing The Indigenous Barristers’ Trust – The Mum Shirl Fund’s ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate The Indigenous Barristers’ Trust – The Mum Shirl Fund or to cease operations, or has no realistic alternative but to do so.

Auditor’s Responsibilities for the Audit of the Financial Report
Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of our auditor’s report.

RSM Australia Partners

C J Hume
Partner
Sydney, NSW
Dated: 14 August 2018