



NEW SOUTH WALES
BAR ASSOCIATION

ANNUAL REPORT

2021-22



Acknowledgement of Country

Our office is on the traditional lands of the Gadigal People of the Eora Nation. During the COVID-19 pandemic many staff are working remotely. We acknowledge each of the First Nations Peoples on whose lands we work and pay deep respects to their elders past, present and future.

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ANNUAL GENERAL MEETING

The Annual General Meeting will be held on Thursday, 3 November 22 at 5pm. Details will be emailed to members prior to the Annual General Meeting.

Table of Contents

THE YEAR IN REVIEW

President's Report	5
Executive Director's Report	8

PROFILE

Statistics	12
<i>Membership</i>	
Composition of Bar Association membership	12
Practising member	12
- Senior counsel	12
- Junior counsel	12
Life members	13
Members without a NSW PC	13
Non-practising members – Top occupations	13
<i>Practising barristers</i>	
By gender	14
By gender and jurisdiction of residence	14
By age and seniority	15
Office Bearers and Bar Council	17
Bar Association Staff	18
Committees	19

REPORTS

Preserve the integrity, independence, ethics, service and the excellence of the Bar	
Diversity and Equality	24
First Nations	25
Indigenous Barristers' Trust	26
Accessibility Panel	27
Criminal Law	29
Human Rights	30
Common Law	31
Succession and Elder Law	32
Inquests & Inquiries	33
Family Law	34
Support barristers in the conduct of their profession	
Education Committee	35
International Committee	36
Continuing Professional Development (Professional Standards)	37
Alternative Dispute Resolution Committee	42
New Barristers Committee	43
Legal Aid Committee	44
Innovation and Technology Committee	45
Support barristers in the conduct of their practices	
Bar Library	46
BarCare	48
Cost & Fees Committee	50
Wellbeing	51
Practice Development Committee	53
A representative organisation, co-regulator, and leader in the legal and broader communities	
Legal Assistance Schemes	54
The Legal Assistance Referral Scheme (LARS)	54
The Duty Barrister Scheme	57
Professional Conduct	59

FINANCIAL STATEMENTS

New South Wales Bar Association	65
Barristers' Benevolent Association	95
Indigenous Barristers' Trust	111

■ Year in review



President's Report

This annual report is delivered in a year of leadership transition and I would like to begin by thanking Michael McHugh SC who was president from November 2020 to May 2022. I would also like to thank Executive members and Bar Councillors for their leadership of the Bar Association throughout 2021, the first quarters of 2022 and the continuing pandemic. Our expert committees and sections also work tirelessly and voluntarily in support of the Bar. In addition, the staff of the Bar Association under the guidance of our executive director Andreas Heger have made an enormous contribution to the ongoing successes of the Bar.

The Bar Association is a representative organisation and co-regulator, with responsibilities under the Uniform Law to protect the reputation of the Bar and provide leadership in the law. The regulatory, policy and welfare roles of the Bar Association and Bar Council are made possible by the hard work of our committees. Whether it is the plethora of policy submissions, many of them Cabinet-in-confidence, the support given to barristers in the conduct of their practice, recommendations in relation to professional conduct, or efforts to improve the health and wellbeing of members, the Bar Council works through its committees. One of my first acts as president was to settle the membership of the 2022-23 Bar Council Committees. It was rewarding to see first-hand the number and diversity of applicants, together with the breadth and depth of their expertise. It is a great strength of our profession that such a pool of talent is made available on a voluntary basis. This annual report reflects vital collaborative efforts on key initiatives in a year that has seen turbulence from the pandemic and the impact of various fiscal measures on markets, with the Bar Association held in good stead throughout.

The Bar Council itself represents the will of the electors – in other words, Class A members who hold a current barrister's practising certificate. A core aim of the Strategic Plan 2021-25 is to optimise representation and participation in the Bar Association, its committees and elections. It is unfortunate that participation in elections, whether by nominating oneself to be a candidate, or through the act of voting, has been declining in recent years. The turnout has been below 50 per cent since 2016, which is detrimental to fully representative participation. The Bar Council is intent on measures to reverse this trend, including through trialling a hybrid voting system in this year's election that permits a choice between paper based and online voting. I urge you all to actively participate both by nominations of suitable candidates for the rewarding work of being on Bar Council and by casting your vote either online or in the traditional paper-based form.

Promoting the Bar's policy positions

On the night of 21 May 2022, upon the Australian Labor Party claiming victory in the federal election, Prime Minister Albanese began his acceptance speech by acknowledging the traditional owners of the land on which they met but continued: 'And on behalf of the Australian Labor Party I commit to the Uluru Statement from the Heart in full'. At the Garma Festival recently,



a conversation was started with the Australian people about constitutional reform and proposed referendum questions. It is possible that Australia is on the cusp of re-defining its relationship with its Indigenous people and it is vital that the legal profession demonstrate leadership in a time of change.

We, too, support a constitutionally enshrined Aboriginal and Torres Strait Islander voice to parliament, and we recognise the shameful reality of injustices against Aboriginal and Torres Strait Islander people perpetrated by our criminal justice system. The Bar has nominated pre-eminent constitutional and public law barristers from our state to participate on behalf of the New South Wales Bar in national workshops and consultations as to any legal issues presented by the referendum and proposed Constitutional amendment wording.

At the core of priorities is also a desire for the Bar to contribute actively to initiatives to 'close the gap', and to support the needs of First Nations peoples and communities both in relation to access to justice and in their participation at the Bar. As Chief Justice Bell articulated upon his swearing in, the Uluru Statement from the Heart is 'an eloquent, accurate and powerful statement which looks forward to a 'fuller expression of Australia's nationhood' with great dignity', and in the spirit of that statement his Honour acknowledged 'the regrettable reality that this nation's laws and legal system have so often delivered the opposite of justice to our Indigenous people'.



This annual report reflects vital collaborative efforts on key initiatives in a year that has seen turbulence from the pandemic and the impact of various fiscal measures on markets, with the Bar Association held in good stead throughout.

During the 2021-22 reporting year we continued to advocate for reforms to address the over-representation of First Nations persons in custody, and the year ahead will be no exception. The First Nations Committee, in collaboration with other committees, made a submission to the Family is Culture legislative review, regarding First Nations children in care. While the District Court Walama List was welcomed by the Bar Association, a fully-fledged Walama Court remains a priority. More broadly, we have advocated for an increase to the minimum age of criminal responsibility, which in turn would have an immediate impact on overrepresentation of First Nations children in custody.

The Bar has also been actively involved in the promulgation of the complex offence of coercive control, and promoting a nationally cohesive response. The Bar Association has made submissions to a NSW Legislative Council Select Committee Inquiry on the modernisation and reform of the NSW coronial system, many of which were accepted with recommendations adopted in the recent report, *Coronial Jurisdiction in New South Wales*. The Bar has also participated in consultations with the Australian Law Reform Commission on its *Review of the Legislative Framework for Corporations and Financial Services* in the lead up to Interim Report B. Interim Report B will address the coherence of the regulatory design and hierarchy of laws, covering primary law provisions, regulations, class orders and standards, including across the *Corporations Act 2001* and the *ASIC Act 2001*.

In 2021 the New South Wales Government commissioned Clayton Utz and Deloitte to conduct a scheduled review of all aspects of the *Motor Accident Injuries Act 2017* and the compulsory third party insurance scheme. The review was completed in November 2021. In May 2022 the Bar Association made further comments on the Clayton Utz report, reiterating long-standing concerns about the categorisation of some soft tissue neck and back injuries as 'minor', regulation of legal advice and fees, and inadequate claims data.

During the reporting year, the Bar Association has made detailed and highly regarded submissions on the following:

- August 2021: the draft proposals of the NSW Law Reform Commission's Open Justice Review;
- November 2021: the Legislative Council's inquiry into the Public Interest Disclosure Bill 2021 (the 'NSW whistle-blower legislation').

During the course of 2021-22 our Policy Committees made 90 submissions, many of which will be examined in this annual report. I thank the chairs and members of those committees, as well as staff members of the Bar Association's Policy and Law Reform team who have contributed to this vital work.

Respectful conduct

The Bar Association's Strategic Plan commits us to fostering respectful conduct toward all those with whom we deal, including the elimination of sexual harassment, discrimination and workplace bullying. In order to achieve that, the plan calls for us to establish and implement best practices for support, reporting and processing of complaints of sexual harassment, bullying and discrimination.

Efforts have been made in recent years to collect data on the incidence of sexual harassment and bullying, including via the survey attached to this year's practising certificate renewals.

The data collected during renewals will inform further studies and consultations with stakeholders. There were high response rates, giving us confidence in the data. We are in a process of cultural reform and the data has shown both that we have come a long way in that reform, with approximately 94 per cent of the Bar reporting that in the last year they had not been subject to any form of workplace harassment (including sexual harassment). This also supports the view that work remains to be done to achieve our goal of elimination in this area. While the overwhelming majority also responded in a positive manner as to a lack of discrimination (91 per cent), and a majority in relation to lack of bullying (77.5 per cent), the data has told us that we must redouble our efforts to combat reported bullying, particularly as concerns younger members of the Bar and women, who were overrepresented insofar as reports of bullying. Our relationships with the judiciary and the solicitors branch of the profession are strong and stand us in good stead for positive engagement in this area.

The objective of best practice reporting was realised when the Bar Association's website was amended to include two anonymous, online reporting mechanisms. Spot uses artificial intelligence to prompt and receive an anonymous complaint. Similarly, ELKER is a joint initiative with the Office of the Legal Services Commissioner. It is an online platform for reporting an incident and connecting with a support team at OLSC.

In addition to anonymous, confidential online reporting mechanisms, amendments were made to Barristers Conduct Rule 123 and on 2 June 2022 the Bar Association launched its comprehensive updated Best Practice Guidelines. I would like to thank our expert working group on the Best Practice Guidelines for their diligent work over an extended period, which included attention to many legislative reforms in the period that the guidelines were being updated. Their work stands the Bar in good stead to ensure that our workplaces embrace the sweeping cultural change that the Bar Council is committed to furthering in this area. The heads of chambers attended the launch of the updated guidelines in force and the clerks are also on board. Our Diversity and Equality Committee, with some assistance from our Industrial, Employment, Health and Safety Committee is currently conducting a series of CPDs in relation to the updated Best Practice Guidelines.

I strongly encourage all of those who participated in the PC survey and reported being subject to workplace discrimination, harassment or bullying to report this conduct through the formal, informal or anonymous platforms, depending on which you are comfortable with, all of which are set out in the updated Best Practice Guidelines available on our website.

It has been a privilege to have served on, and to have led through Executive and now as president, the Bar Council at a time when it has responded so comprehensively and decisively to the scourge of sexual harassment.

Diversity at the Bar is to be encouraged and in this respect I applaud the efforts of our Advocates for Change, namely Anthony McGrath SC of Alinea Chambers who is our advocate for gender diversity, Lee-May Saw of Frederick Jordan Chambers who is our advocate for cultural diversity, Robert Dubler SC of 12th Floor Selborne Wentworth Chambers who has just been reappointed as our advocate for accessibility and Sharyn Hall who is our newly appointed advocate for LGBTQI diversity. I would also like to thank the outgoing advocate for LGBTQI diversity, Andrew Pickles SC who along with the DEC oversaw the drafting of the Principles on Inclusiveness that have been adopted by the Bar.

I also wish to acknowledge the dedication of the Wellbeing Committee and the Women Barristers Forum to proactively supporting a diverse, welcoming and supportive Bar.

Supporting the Bar with flexible, efficient services

Members with practising certificates will know that during renewals the Bar Association conducts a survey to inform the design and delivery of services. This survey also continues to enjoy very high response rates, giving us a high degree of confidence in the results. The picture the data paints is of a Bar that is resilient, with barristers adapting to a changing working environment during recent waves of the pandemic. PC holders reported a modest increase in median gross fee income, while women barristers, juniors under five years' seniority and regional barristers reported increases in median or average income. Services provided by the Bar Association, such as updated COVID alerts, *InBrief*, the Bar Library and Continuing Professional Development, are generally very highly regarded by members and, in the case of webinars, frequently well-attended. As we gradually restore services and operations following the lockdowns of 2021, resources will be allocated to re-booting initiatives such as emergency in-home childcare, collegial events and investigating appropriate ways for members to access financial advice.

In furtherance of more and better services, under Michael McHugh's tenure the Bar Association underwent a restructure, with the departure of several long-serving members of staff. This might have come as a surprise to some, but no organisation can be immune to change, especially where it is necessary to remedy an almost entirely flat structure at the organisation and to best serve its members who are sole traders in a highly competitive and constantly changing work environment. Changes to work practices, and reallocation of resources to where they are needed most will surely benefit members of the Bar to deal with the challenges that lie on the road ahead.

COVID-19 and the Bar

The profession has continued to prove resilient, engaged and strong through this continuing pandemic, with the Bar demonstrating versatility in the delivery of services, including through the recent 'winter wave' of Omicron variants. Jury trials continue to adapt with the operation of legislation that provides for reserve jurors to be sworn-in being extended, adjournments during trials where necessary, and remote participation of practitioners where the interests of justice are not compromised.

Our staff at the Bar and team of volunteers are to be commended for successfully delivering our Bar Exams and Bar Practice course throughout the year. This includes the most recent Bar Practice course being held in person in the common room, with an expert last minute pivot to online advocacy groups for some in the final week when COVID struck a small number, allowing all of our readers to complete the course as scheduled. The Bar is extremely grateful to the judges and barristers who participate for the benefit of our readers in this most important of regulatory functions and to the staff and our Bar Practice Course director who work tirelessly to ensure that the readers and participants have their expert guidance and support.



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Our readers from 2020 to 2022 can now fully participate in collegiate life and we are determined to make sure that they experience the traditions of the Bar. Fully attended swearing-in ceremonies, 15 bobbers, in-person CPDs and celebratory functions are now on the agenda. At the time of writing the Bar is set to reunite for a night out to celebrate our Spring Dinner. This year the ABA will be able to once again host the 2020 and 2021 High Court silk bows and dinner in Canberra and I look forward to representing our Bar at these wonderful events.

The good health and wellbeing of our members are also at the forefront of considerations, with the judiciary continuing their unwavering support of being flexible in the manner of participation in trials and hearings when adjustments are required. We have certainly mastered the art of 'learning to live' with COVID-19.

Fair and equal justice for all

This report also showcases the spectrum of work done by the Bar Association to promote access to justice, promote the standing of the Bar, and maintain a standard of excellence. In particular, I commend the section of this report providing an overview of the Legal Assistance Referral Scheme and the prodigious efforts of members who promote and uphold access to justice by giving so generously their time and expertise to the Duty Barrister Scheme.

Thank you

Thank you to Andreas Heger and the exceptional staff at the Bar Association for the advice and support given to myself, to members of the Bar Council, and to the committees. It is greatly appreciated. I commend the 2021-22 Annual Report to all members of the Bar Association.

Gabrielle Bashir SC

President

New South Wales Bar Association

Executive Director's Report

Adaptation

While the pandemic was over a year old at the commencement of the financial year 2022, this reporting year has seen a dramatic evolution of the pandemic and our adaptation to it.

On 1 July 2021 there were 24 daily cases of COVID-19, and the state had just entered its first partial lockdown, concerned with a 'Bondi Cluster'. In the next twelve months, the Bar, and broader community, would endure three waves where daily cases surged well over 20,000 and now over 3.3 million people in NSW have had the virus. Notwithstanding this the Bar Association and the Bar at large has continued to adapt and, at the end of the financial year, we have been able to reopen the Common Room after two years and resume collegiality and wellbeing events.

Reopening the Bar in a safe way has been a significant priority for me, the president and the Bar Council. Unlike many other institutions the Bar is held together by thousands of individual relationships and is built on a long tradition of mentoring and support, of learning from, socialising with and giving back to the broader Bar.

This has been emphasised to me sitting in the audience at the swearings-in of many of our members who have been called to the Bench this year. These leaders of the Bar all spoke of their gratitude to those barristers who had given their time to invest in the next generation of the Bar, the colleagues who had supported them through the vicissitudes of life in a jabot and gown and went on to fondly speak of their repaying this support by mentoring their own juniors.

The forced technological adjustment has brought considerable benefits – running our committees via Zoom has dramatically increased participation and broadened the capacity for members in regional areas and with family and other commitments to participate in the work of the Association. Talking to members, the availability of CPD Online is constantly raised as a boon for all – a free service that enables every barrister to fit their CPD activities around their busy practices and lives away from the Bar – lives which have been made considerably more complex over the past twelve months. However, it is important to balance this convenience with returning to chambers and the supports and collegiality they provide, along with the social and other activities of the Bar Association. As our new Chief Justice has said on many occasions, justice is best served in person, and the Bar is no exception.

Within the Bar Association staffing there has been adaptation and change to our structure and people over the reporting year, with a focus on ensuring resources are geared to our key service delivery activities and we are well placed to deliver on the objectives of our Strategic Plan. Several long serving staff moved on from the Association and I would like to acknowledge and thank Alistair McConnachie (15 years), Jennifer Pearce (16 years), Kim Ellis (21 years), Kim Kemp (20 years) and Georgina Stow (8 years) for their long service. They are well known to the Bar and their contributions have been significant.



It is a challenging time for the staff to deliver the Bar Association's services – requiring constant adaptation and change, and I would like to thank all the staff who have contributed over the reporting year for their hard work and skill, only a small sample of which I have space to detail here.

Addressing sexual harassment, bullying and discrimination

The Strategic Plan commits the organisation to the elimination of sexual harassment, discrimination and bullying, and the reporting year has seen the culmination of many streams of work aimed at addressing this objective, which has been a central focus of the work of the Association for several years.

This has included:

- Finalisation and launch of the *No Place for Sexual Harassment at the Bar* film, featuring then Chief Justice Bathurst and then President Michael McHugh SC, and associated CPDs;
- Launch of the confidential online record keeping and anonymous disclosure tool SPOT;
- The establishment of the Bar's independent Sexual Harassment Officer to provide free, confidential advice and support to people experiencing harassment, bullying or discrimination at the Bar;
- Launch of the Updated Best Practice Guidelines for Chambers and a new Guideline covering the Association; and
- Launch of Elker, an anonymous support platform run by the OLSC with the support of the Association and the Law Society.

This work will continue in FY23 with a range of further activities and initiatives, and I acknowledge here the Diversity & Equality Committee, the Best Practice Guidelines working group, successive Bar Council presidents and their Executives, and the many staff involved for their contributions to this major priority for the Association.

Practice support

Our Strategic Plan 2021-25 commits the Bar Association to supporting barristers in the conduct of their profession and to 'managing the impacts of the pandemic safely and [to assist] in ensuring disruption to the legal system is minimised'. This has remained a key focus for the Association again in FY22, with work including reporting daily updates on changes to court procedures, providing practice support, wellbeing advice and emergency counselling; and preserving continuity of essential regulatory services, such as PC renewals and CPD. Returning our services to face-to-face, notwithstanding the constantly evolving public health situation has been a high priority.

Wellbeing

An already difficult year was compounded for our Northern Rivers members when in February 2022 Lismore and the surrounding area was badly affected by flooding. I would like to particularly acknowledge the work of the Northern Rivers regional representative, Sophie Anderson, for her liaison work during this time, and thank Chris Winslow, our Manager, Standards & Support for his contribution. On 30 June 2022 the Wellbeing Committee hosted the Flood Relief Concert at the Sydney Conservatorium of Music, which was a success.

The Wellbeing Committee focussed on informative, high-quality webinars, delivered by academics and other experts, as part of the 'Mind Matters' and 'Eat, Sleep, Move' programs in FY22, with five webinars.

Beginning in the COVID lockdowns in mid-2021, the Barristers Safe Place replicated, in an online environment, the Bar's traditional 'Open Door Policy' of a confidential discussion about any issue that may be affecting a barrister's wellbeing. It was held fortnightly during Law Term.



The collegiality and voluntary efforts of the Bar to support its members is something the Bar must seek to protect, support and re-enliven as we emerge to live with the pandemic and the necessary adaption to the constant change we find ourselves in.

The Bar Book Club and the Bar Knitting Club resumed meetings, via Zoom in the second half of 2021 and in person in 2022, and Bar FC returned to the pitch.

BarCare saw an increase in demand, particularly through the Omicron wave in January. As ever I would like to acknowledge the work of our BarCare Director, Jenny Houen, and encourage members and their families to consider its counselling and financial support services.

Professional development

This reporting year saw significant demands on our professional development program, which we successfully ran despite lockdowns, subvariant waves and floods.

The holding of the February and June Bar Exams coincided with the Omicron and BA5 waves of the pandemic. Notwithstanding this we were successfully able to run both exams under strict health and safety conditions – an added inconvenience for the candidates, but far preferable to the alternative.

Similarly, the September 2021 Bar Practice Course was pandemic affected, with the course being run entirely online for the first time ever. The course made a welcome return to the Common Room for the May 2022 edition, again with strict COVID safety measures in place.

It is a testament to the staff of the Professional Standards & Support team, who look after our professional development services, that these key components of the Association's activities were able to be run successfully.

Special thanks to Gillian Mahony, who directed both courses, Ed Muston SC who oversees our examinations, staff Bali Kaur and Tiffany McDonald, and the entire Education Committee led by Rob Hollo SC for all its work. Our CPD program's main aims this year were to:

- continue to assist members to upskill and navigate the different online technologies and educate members on how to be successful with online advocacy;
- address sexual harassment at the Bar, including the launch in October 2021 of the *No Place for Sexual Harassment at the Bar* film and its use throughout the CPD calendar;
- provide wellness seminars to assist members with the challenges of the ongoing pandemic; and
- run the Education Committee's Practice Management course for barristers. This was run in February-April 2022, and focussed on assisting barristers with developing and growing their practices. The course was designed to benefit all barristers, particularly those in their first seven years of practice; 449 barristers registered to attend the course (almost 20 per cent of the Bar). This included 45 per cent of all first-year barristers registering to attend, 43 per cent of the barristers with 1-3 years of practice and 42 per cent with a seniority of 4-6 years.

The CPD conference program also continued to enjoy support from members notwithstanding the Omicron outbreak in February and March 2022. Conferences were run in Orange (25 attendees), the North Coast (19 attendees), Newcastle (29 attendees), and Sydney (102 in person & 121 online).

They were also a great opportunity for me to meet regional members and I very much enjoyed fruitful discussions with our regional members and our regional representatives.

Policy and law reform

The Bar Association's policy work included providing 90 submissions to Government (either directly or through the Law Council of Australia) and issuing nine media releases. A highlight was the Association's actions on the State Insurance and Care Legislation Amendment Bill 2022, where the then president's open letter to all NSW MPs regarding the use of Henry VIII clauses led to the Government accepting amendments to the Bill removing the offending clauses.

Some of the major public inquiries and consultations responded to included:

- State Insurance and Care Legislation Amendment Bill 2022 (response to McDougall review of iCare and the *State Insurance and Care Governance Act 2015* (NSW);
- Inquiry into the Public Interest Disclosure Bill 2021;
- Select Committee on Coronial Jurisdiction;
- Financial Services Legislation: Interim Report A (ALRC Report 137);
- Inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021;
- Review of *Aspects of the Independent Commission Against Corruption Act 1988* (NSW);
- Parliamentary Review of the Workers' Compensation Scheme (focus on rise in psychological claims);
- Family is Culture legislative review consultation;
- Privacy Act Review – Discussion Paper;
- Consultation on the McDougall Review, COVID-19 and future opportunities for personal injury schemes; and
- Inquiry into the Voluntary Assisted Dying Bill 2021 (NSW).



I would like to thank and acknowledge the work of the Association's 14 policy committees and the staff of the Policy & Law reform team for assisting the Bar Association to make such a significant contribution to improving public policy in the justice system.

Library

The reporting year saw the appointment of a new managing librarian for the Bar Library, Ben Laing, and continued outstanding services for members. The library's research service was delivered remotely through the lockdowns in late 2021, with a click and collect service running from December 2021 and a return to full time operations from February 2022. I would encourage all members to reacquaint themselves with the Bar Library's website and the excellent information services available to members both online and in person in the library.

LARS

The Bar Association's Legal Assistance Referral Service has seen unprecedented demand in the reporting period, and welcomed additional support through two graduate fellowships, for graduates from diverse backgrounds, including one generously funded by the Indigenous Barristers' Trust The Mum Shirl Fund for a First Nations graduate. In FY22 LARS received a total of 486 formal applications for assistance, up from 292 applications in FY21. This is the highest level of demand experienced since LARS commenced operations in 1996. The Duty Barrister service, which was suspended during the lockdowns in 2021 has reopened in the Downing Centre, while the office in John Maddison Tower has closed due to changes in court operations from that venue. I would like to thank the whole LARS team and the many barristers who have provided pro bono services for their excellent work improving access to justice in NSW.

Professional conduct

The Bar Council finalised 82 matters in FY2022, up from 69 matters the previous year. Our Professional Conduct Committee members and staff work tirelessly in this critical activity and the Bar Association is as ever very grateful for the voluntary contribution of its members to maintaining the highest standards of excellence at the NSW Bar. FY22 also saw the departure of Jocelyn Sparks, our Director of Professional Conduct in June 2022 and I would like to thank her for all her excellent work and professionalism in her four years in the role, and on a personal level, for her friendship and support over the past twelve months.

Conclusion

The staff of the Bar Association have once more shown their dedication and adaptability this year. It has been a very challenging environment to deliver the Bar Association's services in a safe way and the staff have done a great job. The Association's committees continue to produce outstanding work, preparing excellent CPDs, supporting the Association's policy activities, advocating for fundamental rights and the protection of the rule of law, and undertaking our regulatory work in education, certification, and professional conduct.

The broader Bar is showing its ability to adapt, and as the 'new normal' crystallises, the Association will do everything it can to continue to support its members and promote the highest standards of excellence in the profession as we embrace the benefits of change while retaining the best traditions of the Bar.

Andreas Heger

Executive Director

New South Wales Bar Association

Profile



Statistics

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 2022 the Bar Association had:



Members with
a NSW PC

2437

+

Members without
a NSW PC

1044

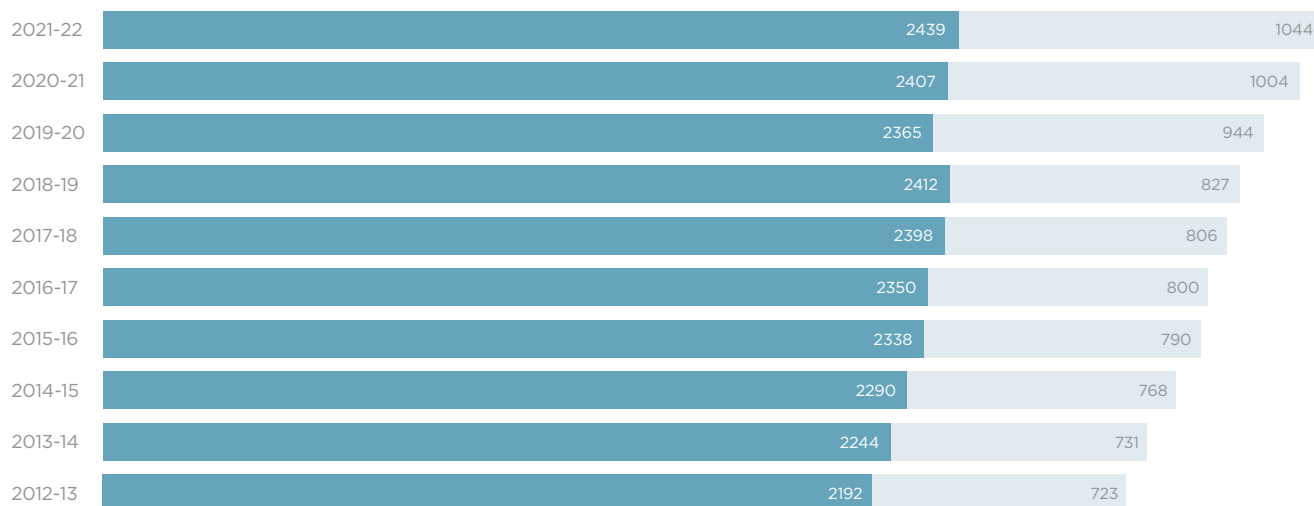
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Total
Members

3481

Membership

Composition of Bar Association membership (As at 30 June 2022)



● Practising members (Inc. life members with a PC)

● Non-practising members

Practising members (as at 30 June 2022. Inc. life members with a PC)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Male	1754	1788	1805	1838	1832	1862	1852	1815	1823	1841
Female	438	456	485	500	518	536	559	552	583	594
X							1		1	2
Total	2192	2244	2290	2338	2350	2398	2412	2367	2407	2437

Senior counsel (As at 30 June 2022. QC or SC)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Male	318	326	334	352	351	342	334	327	331	333
Female	34	35	37	38	40	42	42	44	50	53
Total	352	361	371	390	391	384	376	371	381	386

Junior counsel (As at 30 June 2022)

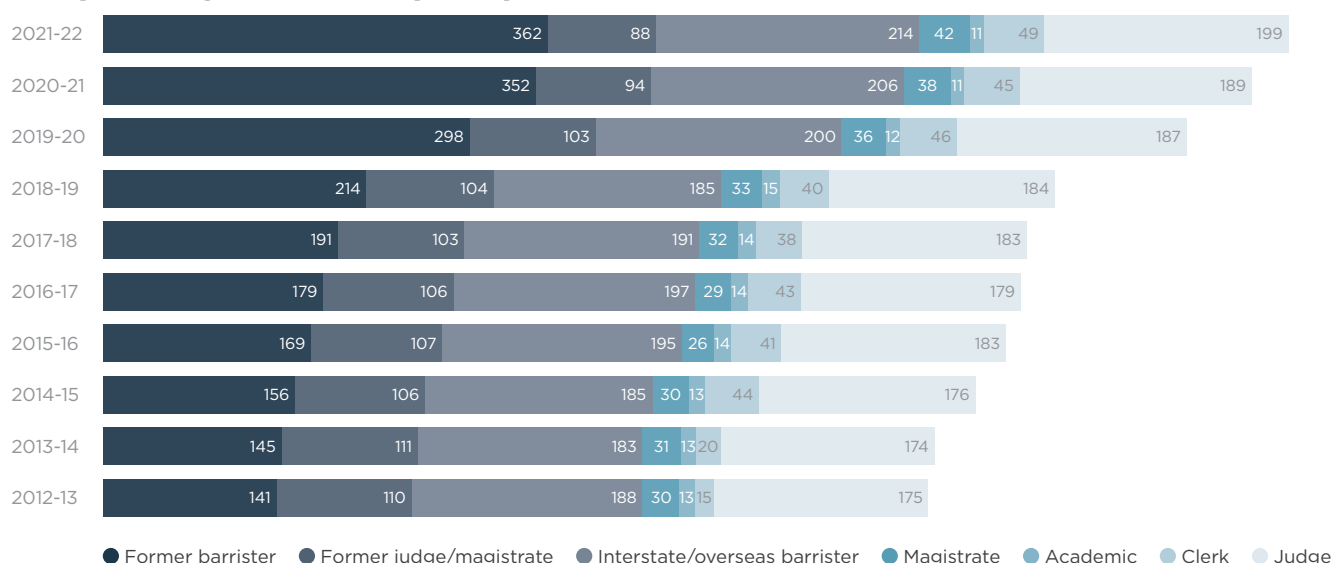
	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Male	1436	1462	1471	1486	1481	1520	1518	1488	1492	1508
Female	404	421	448	462	478	494	517	508	533	541
X							1		1	2
Total	1840	1883	1919	19488	1959	2014	2036	1996	2026	2051

Life members (as at 30 June 2022)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Current PC holders	9	9	7	7	13	11	11	10	12	13
Non-practising	27	27	32	32	32	35	37	36	34	30
Total	36	36	39	39	45	46	48	46	46	43

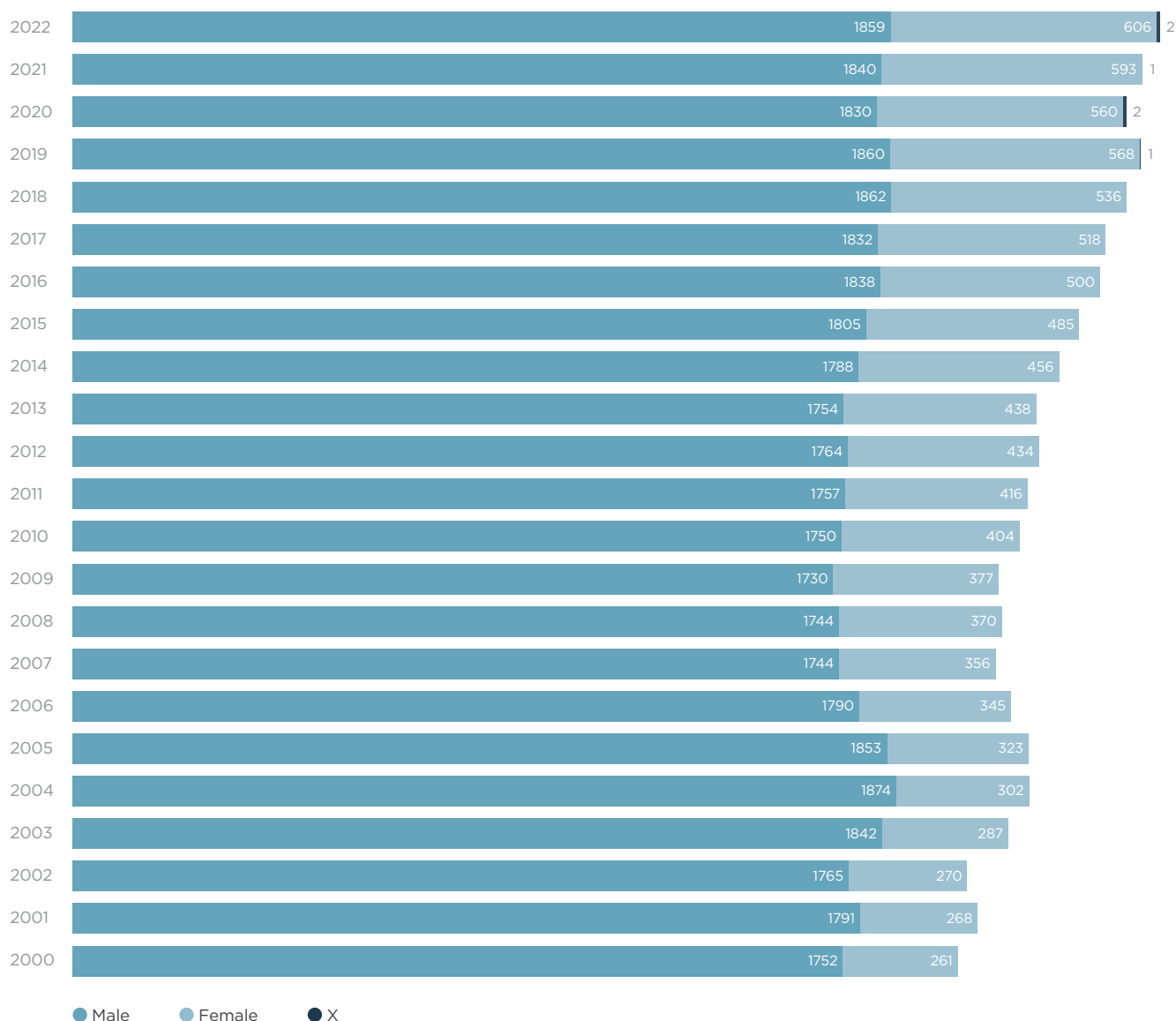
Members without a NSW practising certificate (as at 30 June 2022)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Former barrister	141	145	156	169	179	191	214	298	352	362
Former judge / magistrate	110	111	106	107	106	103	104	103	94	88
Interstate / overseas barrister	188	183	185	195	197	191	185	200	206	214
Judge	175	174	176	183	179	183	184	187	189	199
Judicial officer	2	3	5	5	4	5	5	6	6	9
Magistrate	30	31	30	26	29	32	33	36	38	42
Solicitor-general (Commonwealth or state)	1	1	1	1	0	0	0	0		1
Crown prosecutor (interstate or Commonwealth)	2	3	3	1	0	0	0	0	1	1
Statutory appointment	10	9	9	9	11	11	10	12	14	14
Member of parliament	1	1	2	2	2	2	2	2	2	2
Trial advocate	0	0	0	0	0	1	0	0	0	0
Academic	13	13	13	14	14	14	15	12	11	11
Clerk	15	20	44	41	43	38	40	46	45	49
Other	35	37	38	37	36	35	35	38	46	52
Total	723	731	768	790	800	806	827	940	1004	1044

Non-practising members - Top occupations (as at 30 June 2022)

Practising barristers

By gender (Practising certificate holders at 30 June 2022)



By gender and jurisdiction of residence (Practising certificate holders at 30 June 2022)

	NSW	QLD	ACT	TAS	UK	NZ	TOTAL
Senior counsel							
Male	337	1	0	0	2	1	341
Female	53	0	0	0	0	0	53
	390	1	0	0	2	1	394
Junior counsel							
Male	1514	2	1	1	0	0	1518
Female	549	1	1	0	1	1	553
X	2	0	0	0	0	0	2
	2065	3	2	1	1	1	2073
TOTAL	2455	4	2	1	3	2	2467

By age and seniority

These data are derived from the statistics page on the Bar Association's website and may differ from the annual report in some respects.

As at 30 June 2019

Ages	<= 29 Yrs	30 - 39 Yrs	40 - 49 Yrs	50 - 59 Yrs	60 - 69 Yrs	70 - 79 Yrs	80 - 89 Yrs	90+ Yrs	Total
Female	5	169	180	119	78	17	0	0	568
Male	20	296	398	440	492	204	13	2	1865
Total	25	465	578	559	570	221	13	2	2433

As at 30 June 2020

Ages	<= 29 Yrs	30 - 39 Yrs	40 - 49 Yrs	50 - 59 Yrs	60 - 69 Yrs	70 - 79 Yrs	80 - 89 Yrs	90+ Yrs	Total
Female	6	159	178	124	75	18	0	0	560
Male	10	290	382	454	464	220	11	1	1832
Total	16	449	560	578	539	238	11	1	2392

As at 30 June 2021

Ages	<= 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79	80 - 89	90+	Total
Female	7	162	180	149	69	25	0	0	593
Male	14	291	384	452	450	230	19	1	1841
Total	21	453	564	601	519	255	19	1	2434

As at 30 June 2022

Ages	<= 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79	80 - 89	90+	Total
Female	6	164	178	153	77	27	0	0	605
Male	11	296	383	438	443	264	25	1	1861
Total	17	460	562	592	520	291	25	1	2466

As at 30 June 2019

Seniority in years	< 1	1 - 5 Yrs	6 - 10 Yrs	11 - 15 Yrs	16 - 25 Yrs	26 - 35 Yrs	35+ Yrs	Total
Female	18	182	117	104	102	35	10	568
Male	35	321	267	243	396	340	262	1864
Total	53	503	384	347	498	375	272	2432

As at 30 June 2020

Seniority in years	< 1	1 - 5 Yrs	6 - 10 Yrs	11 - 15 Yrs	16 - 25 Yrs	26 - 35 Yrs	35+ Yrs	Total
Female	8	173	131	101	101	33	13	560
Male	16	309	279	214	436	299	277	1830
Total	24	482	410	315	537	332	290	2390

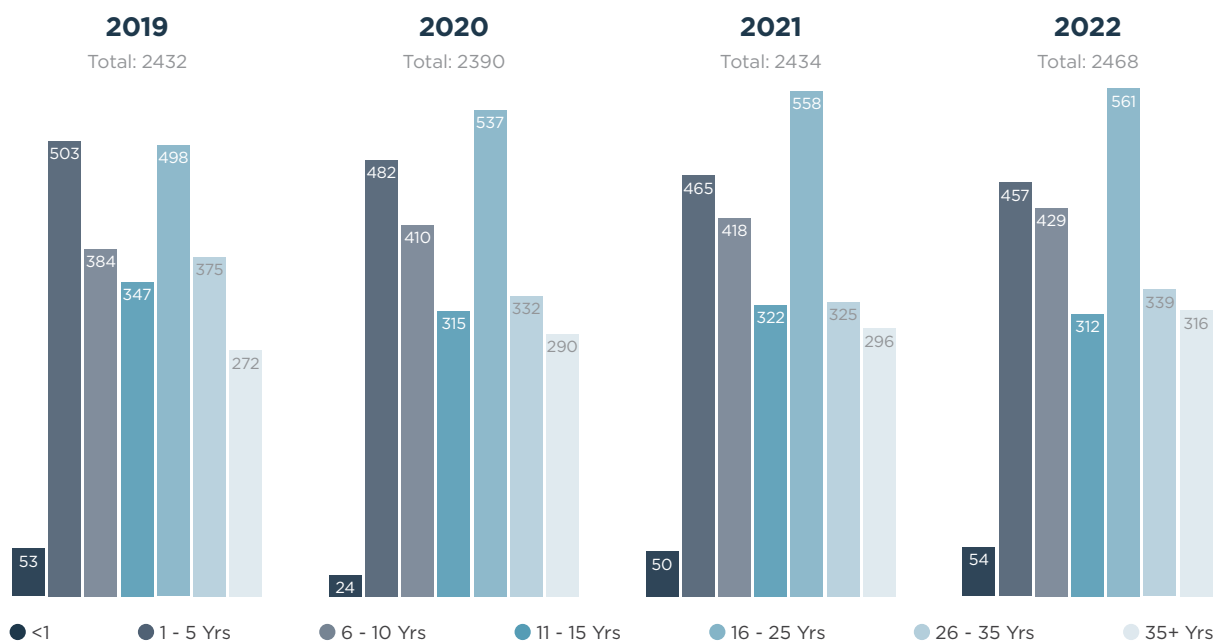
As at 30 June 2021

Seniority in years	< 1	1 to 5	6 to 10	11 to 15	16 - 25	26 - 35	36 -	Total
Female	19	171	136	103	117	32	15	593
Male	31	294	282	219	441	293	281	1841
Total	50	465	418	322	558	325	296	2434

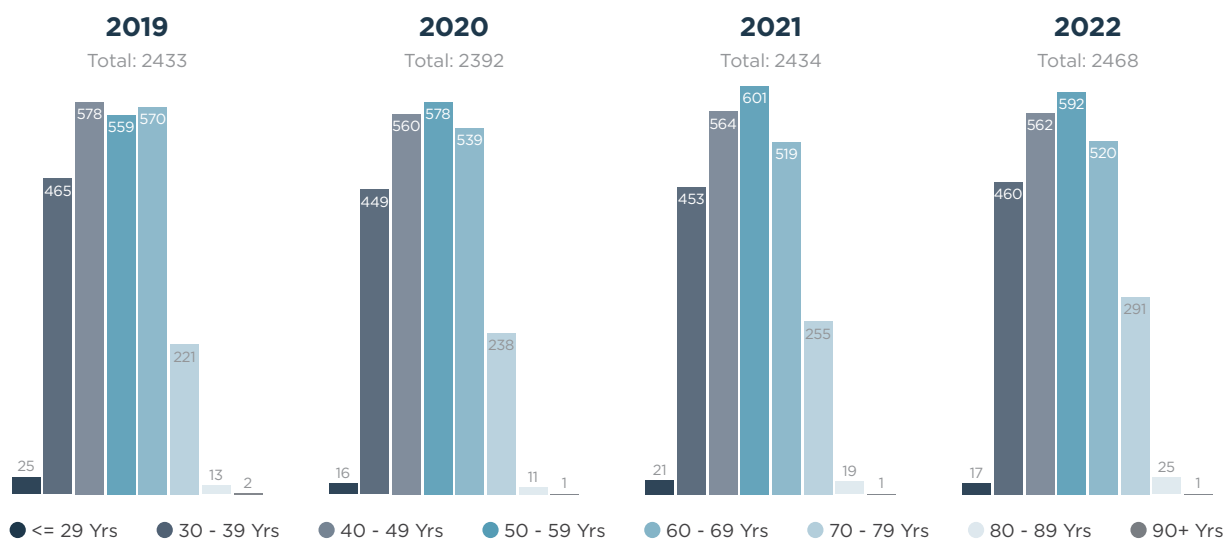
As at 30 June 2022

Seniority in years	< 1	1 to 5	6 to 10	11 to 15	16 - 25	26 - 35	36 -	Total
Female	14	169	146	94	126	40	16	605
Male	39	288	282	218	435	299	300	1861
Total	54	457	429	312	561	339	316	2466

Seniority comparison at 30 June 2021



Age comparison at 30 June 2021



Office Bearers

As at 30 June 2022



GABRIELLE BASHIR SC
President



RUTH HIGGINS SC
Senior Vice President



DOMINIC TOOMEY SC
Junior Vice President



MICHAEL IZZO SC
Treasurer



NICHOLAS BROADBENT
Secretary

Bar Council

Gabrielle Bashir SC
Ruth Higgins SC
Dominic Toomey SC
Michael Izzo SC
Nicholas Broadbent
Kate Eastman AM SC
Andrew Stone SC
Ingmar Taylor SC
Sophie Callan SC
Yaseen Shariff SC
Sean Hughes

David Patch
David Rayment
Patrick Knowles
Sharna Clemmett
Catherine Gleeson
Callan O'Neill
Rose Khalilizadeh
Kate Lindeman
Claire Palmer
Georgina Westgarth

Bar Association Staff

OFFICE OF THE EXECUTIVE DIRECTOR

Executive Director	Andreas Heger
Chief Operations Officer	Elizabeth Wing
Executive Officer	Tom Synnott

LIBRARY

Managing Librarian	Ben Laing
Librarian	Leonie Anderson
Librarian	Emma Sellwood

OPERATIONS

Facilities and Records	Mel Whitehorn
Receptionist	Maree Fitzgerald

FINANCE

Finance Manager	Lubaina Paisawala
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IT

Consultant	Darren Covell
Consultant	Matthew Vickers

LEGAL ASSISTANCE

Managing Solicitor	Katie Green
Senior Administrative Assistant	Ray Burgess
LARS Graduate Fellow	Jasmine Derbas
LARS Graduate Fellow	Nathan Allen

POLICY AND LAW REFORM

Director	Celia Barnett-Chu
Senior Policy Lawyer	Richard Easton
Policy Lawyer	Madison Thompson
Policy Lawyer	Alanna Condon
Policy Lawyer	Lucy-Ann Kelley
Paralegal	Wendy Chen

PROFESSIONAL STANDARDS AND SUPPORT

Director	Bali Kaur
Manager, Standards and Support	Chris Winslow
Manager, Learning Design and Development	Tiffany McDonald
Events Manager	Hayden Doria
Paralegal	Rebecca Seraglio

PROFESSIONAL CONDUCT

Director	Stephanie Mancell
Lawyer	Shar Doudman
Lawyer	Faye Westwood
Lawyer	Cynthia Lam
Certification and Regulatory Lawyer	Jessica Smith
Senior Projects & Administration	Corinne Gilbert

Committees

As at 30 June 2022

ACCESSIBILITY PANEL

Valerie Heath (Chair)
Robert Dubler SC (Deputy Chair)
Craig Everson SC
Tina Jowett
Sean Docker

Angela Petrie
Brenda Tronson
Vikram Misra
Nipa Dewan
Evangeline Arulrajah

Alexander Edwards
Matthew Cobb-Clark
Jeh Coutinho (Clerk)

ALTERNATIVE DISPUTE RESOLUTION

Mary Walker (Chair)
Hon Stephen O'Ryan QC
John Fernon SC
Gregory Burton SC
Adam Casselden SC
Neil Jackson
Philip Bambagiotti

Michael Dawson
David Liebhold
Craig Carter
Charles Colquhoun
Christopher Palmer
Vanessa Thomas
Philippa O'Dea

Mary Rebehy
David Phillips
Wilson Chan
Adele Carr
Jesse Kennedy
Navid Sedaghati

BAR NEWS

Ingmar Taylor SC (Chair)
Gail Furness SC
Anthony Cheshire SC
Farid Assaf SC
Dominic Villa SC
Penny Thew
Reg Graycar

Sean O'Brien
Kavita Balendra
Daniel Tynan
Daniel Klineberg
Catherine Gleeson
Talitha Fishburn
Kevin Tang

Ann Bonnor
Simon Phillips
Belinda Baker
Steven Ryan
Douglas McDonald-Norman
Naomi Wootton
David Townsend

CLIMATE CHANGE LAW PANEL

Ruth Higgins SC (Convener)
Bret Walker SC
Noel Hutley SC
Tim Game SC
Sarah Pritchard SC
Richard Lancaster SC
Robert White

Sebastian Hartford Davis
Kate Lindeman
Janet McKelvey
Natasha Hammond
James Mack
Michele Kearns (Clerk)

Academic members
Professor Lesley Hughes
Professor Martijn Wilder AM

COMMON LAW

Robert Sheldon SC (Chair)
Elizabeth Welsh (Deputy Chair)
Simon Harben SC
John Turnbull SC
Nicholas Chen SC
Paresh Khandhar SC

David Talintyre
Shaun McCarthy
Iain Todd
Darryn Kelly
Andrew Combe
Ross Stanton

Bill Loukas
Jnana Gumbert
Patrick Williams
Kayt Hogan

COSTS & FEES

Mark Walsh SC (Chair)
Paul Webb QC
Matthew Vesper
Philippe Doyle Gray

Janet McDonald
David Stewart
Katherine Oldfield
Bora Kaplan

Matt Karam
Karen Petch
David Smith

CRIMINAL LAW

Stephen Odgers SC (Co-Chair)
Helen Roberts SC (Co-Chair)
John Stratton SC
Richard Wilson J SC
Frank Veltro SC
Georgina Wright SC
Iain Todd

Nathan Steel
Ian Nash
Lester Fernandez
Kellie Stares
Paul Coady
Helen Roberts
Brett Hatfield

Duncan Brakell
Elizabeth McLaughlin
Rose Khalilizadeh
Linda Barnes
Dev Bhutani
Academic member
Nick Cowdery AO, QC (UNSW)

DIVERSITY AND EQUALITY

Kate Eastman SC (Chair)	Elisa Holmes	Karen Petch
Melissa Fisher (Deputy Chair)	Renee Bianchi	Carolina Soto
Robert Lethbridge SC	Nipa Dewan	Kathleen Heath
Miles Condon SC	Stephen Tully	Mahmud Hawila
Sean Flood	Sonia Tame	Elly Phelan
Melanie Cairns	Uche Okereke-Fisher	Jeh Coutinho (Clerk)
Awais Ahmad	Pandelis Tiliakos	

EDUCATION

Rob Hollo SC (Chair)	Sharyn Hall SC	Peter Maddigan
Patrick Griffin SC	Philip Hogan	Imtiaz Ahmed
Ed Muston SC	Sean Docker	Callan O'Neill
Tiffany Wong SC	Gillian Mahony	Christina Trahanas
Michael O'Meara SC	Lester Fernandez	Hugh Atkin
Sophie Callan SC	Paul Coady	<i>Honorary Academic member</i>
Perry Herzfeld SC	Hayley Bennett	Professor Alex Steele (UNSW)

FAMILY LAW

Robert Lethbridge SC (Chair)	Michael Weightman	Sarwa Abdelraheem
Hon Stephen O'Ryan QC	John Longworth	Linton Teoh
Peter Cummings SC	Neil Jackson	Sarah McCarthy
Mark Anderson	Mary Rebehly	
Christopher Lawrence	Claire Cantrall	

FIRST NATIONS

Andrew Smith (Acting Chair)	Simeon Beckett	David Phillips
Chris Ronalds AO SC	Nicholas Newton	Charles Gregory
Janet Manuel SC	Louise Goodchild	Damian Beaufils
Eric Wilson SC	Paul Bolster	Travis Jackson
Susan Phillips	Natasha Case	Rebecca McMahon

HUMAN RIGHTS

Sarah Pritchard SC (Co-Chair)	Trent Glover	Madeleine Bridgett
Simeon Beckett (Co-Chair)	Bora Kaplan	Douglas McDonald-Norman
Craig Lenahan SC	Carmel Lee	Eva Buzo
James Dupree	Evangeline Arulrajah	Kathleen Heath
Miiko Kumar	Charles Gregory	<i>Academic member</i>
Kate Barrett	Corrie Goodhand	Dr Daniel Joyce (UNSW)
Brenda Tronson	Celia Winnett	

INDUSTRIAL, EMPLOYMENT, HEALTH AND SAFETY

Bruce Hodgkinson AM SC (Chair)	Simon Meehan	Anna Perigo
Yaseen Shariff SC	Bruce Miles	Larissa Andelman
Anthony Britt	Michael Seck	Bilal Rauf
Andrew Gotting	Jamie Darams	Glenn Fredericks
Paul Moorhouse	Craig Lambert	Maurice Baroni

INNOVATION AND TECHNOLOGY

Michael Green SC (Chair)	Raphael Perla	Daniel Meyerowitz-Katz
Angela Bowne SC	William Higgs	Jordan Widjaja
Greg Waugh SC	Anton Hughes	Jackie Charles (clerk)
Tamir Maltz	Alexander Edwards	<i>Academic member</i>
Ben Kremer	Wen Wu	Carolyn McKay (USyd)
Beth Oliak	Savitha Swami	

INQUESTS AND INQUIRIES

Kristina Stern SC (Chair)	Scott Robertson	Christine Melis
Sophie Callan SC (Deputy Chair)	Kirsten Edwards	Damian Beaufiles
Patrick Griffin SC	Peggy Dwyer	Hugh Dillon
Adam Casselden SC	Robert Ranken	Jake Harris
Donna Ward SC	Trent Glover	Emma Sullivan
Georgina Wright SC	Joanna Davidson	
Patrick Rooney	Callan O'Neill	

INTERNATIONAL

Greg Laughton SC (Chair)	Dennis Wilson	Karen Petch
Mark Dempsey SC	Daniel Meltz	Katie Sutton
Jodi Steele SC	Chester Brown	Trish Hoff (Clerk)
Jonathon Redwood SC	Jesse Kennedy	

LEGAL AID

James Trevallion (Chair)	Scott Fraser	Luke Reeves
Alex Radojev	Duncan Brakell	Robert Armitage
David Patch	Michelle Swift	Rose Khalilizadeh
Craig Mulvey	Clyllyn Sperling	Talia Epstein
Christopher Lawrence	Jeffrey Clarke	Thomas Liu
Kellie Stares	Justine Hopper	
Jane Paingakulam	Nerissa Keay	

NEW BARRISTERS

Georgina Westgarth (Chair)	Tomislav Bicanic	Evette Prowse
Wen Wu	Ryan Coffey	David Townsend
Elizabeth Esber	Alison Hammond	Rebecca McMahon
Emily Graham	Megan Caristo	Elly Phelan
Nicholas Bentley	Carolina Soto	Anna Moule (Clerk)

PRACTICE DEVELOPMENT

Ian Hemmings SC (Chair)	Christopher Palmer	Anton Hughes
Michelle Painter SC	Alexander Flecknoe-Brown	Geoff Farland
David Thomas SC	Robert Carey	Sonia Stewart
Tom Brennan SC	Philip Wallis	Michele Kearns (Clerk)
Mark Seymour	Ingrid King	Paul Walker (Clerk)

SUCCESSION AND ELDER LAW

Lindsay Ellison SC (Chair)	Simon Chapple	Craig Birtles
Miles Condon SC	Kirralee Young	Kim Boettcher
Craig Mulvey	Justin Brown	
Hayley Bennett	Irina Hoskinson	

WELLBEING

Cynthia Cochrane SC (Chair)	Tim Castle SC	Ben Mee
Michelle Painter SC	Dauid Sibtain	Katrina Ratcliffe
Kevin Connor SC	Greg Antipas	Talitha Fishburn
Duncan Graham SC	Geoff Farland	Emily Graham
James Sheller SC	Robert White	

PROFESSIONAL CONDUCT COMMITTEES

PCC#1

Edward Muston SC (Chair)
 Robert Hollo SC
 Ingmar Taylor SC
 Kate Morgan SC
 Michael Izzo SC
 Elizabeth Raper SC
 Madeleine Avenell SC
 Sera Mirzabegian SC

Kieran Ginges
 Bill Neild
 Charles Colquhoun
 Patrick Knowles
 Catherine Gleeson
 Jo Little
 Simon Fitzpatrick
 Sharna Clemmett

Radhika Withana
 Brin Anniwell
 Georgia Lewer
 Emma Bathurst
 Bharan Narula
 Georgina Westgarth

PCC#2

Anna Mitchelmore SC (Chair)
 Robert Sheldon SC
 Nick Kidd SC
 David McLure SC
 Simon Buchen SC
 David Thomas SC
 Donna Ward SC

James Arnott SC
 Justin Young
 Sean Hughes
 Mark Seymour
 Melanie Cairns
 Nicholas Broadbent
 Rob Ranken

Tamara Phillips
 Zoe Hillman
 Emma Beechey
 Jocelyn Williams
 Belinda Baker
 Daniel Habashy
 Rose Khalilizadeh

PCC#3

Dr Ruth Higgins SC (Chair)
 David Williams SC
 Nicholas Owens SC
 Andre Zahra SC
 James Emmett SC
 Sophie Callan SC
 Yaseen Shariff SC

Peter Newton SC
 Andrew Fox SC
 David Patch
 Nathan Steel
 Angela Petrie
 Peter Maddigan
 Declan Roche

Nic Kirby
 Conor Bannan
 Callan O'Neill
 Stephanie Patterson
 John Longworth
 Claire Palmer
 Daniel Fuller

PCC#4

Dominic Toomey SC (Chair)
 Peter Cummings SC
 Jeremy Morris SC
 Anthony Cheshire SC
 Edward Cox SC
 Patrick Flynn SC
 Mark Anderson
 Luke Brasch

Andrew Naylor
 Eric Balodis
 Roger Harper
 David Rayment
 Nick Kabilafkas
 Thomas Jones
 Ben Kremer
 Lisa Doust

Amy Douglas-Baker
 Faraz Maghami
 James Hutton
 Robert Yezerski
 Greg Antipas
 Sonia Tame
 Kate Lindeman

Reports



Preserve the integrity, independence, ethics, service and the excellence of the Bar

Diversity and Equality Committee

The Diversity and Equality Committee continues to lead the development, implementation and promotion of strategies, policies and initiatives designed to attract, retain and nurture members of the New South Wales Bar who are reflective of the community they serve. Through its initiatives, events and education, the committee aims to promote diversity and encourage collegiality among the members of the Bar.

Policy work

The Diversity and Equality Committee was directly involved in assisting the Bar Association to prepare the following submissions:

- Review of the *Workplace Gender Equality Act 2012* (Cth): A letter to the Law Council of Australia providing input for a submission to the Department of Prime Minister and Cabinet in relation to the review of the Workplace Gender Equality Act 2012 (Cth), arising from the Respect@Work National Inquiry;
- Draft National Sexual Harassment Policy: A submission to the Law Council of Australia, providing input in response to the Law Council's draft National Model Sexual Harassment Policy; and
- Review of the Equitable Briefing Policy: A submission to the Law Council of Australia regarding its review of its Equitable Briefing Policy.

Internal reviews and proposals

The committee has worked with a Best Practice Guidelines Working Group to provide input into revised model Best Practice Guidelines on (a) Harassment, Discrimination and Bullying, and (b) Parental and Other Extended Leave. The committee will continue to assist the Bar Council through the delivery of a number of initiatives aimed at promoting the uptake and education of the updated Best Practice Guidelines.

The committee developed a number of memoranda to the Bar Council, including a proposal to amend the *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW)* to establish, as a mandatory component of a barrister's annual CPD requirements, engagement in activity under the category 'Anti-Discrimination and Harassment' (Barristers Rules r 123). The committee is also considering the selection criteria in the Bar Association's Senior Counsel Protocol.

The committee also worked on developing LGBTQI Principles on Inclusiveness for Bar Council, with the work of committee member Dr Stephen Tully. These were subsequently launched in August 2022. The principles promote respect and inclusion of LGBTQI people at the New South Wales Bar and send a message that unlawful discrimination and harassment on the basis of a person being from the LGBTQI community have no place at the Bar.

The committee also assisted the Education Committee with a comprehensive review of the Readers Course materials.

Collaborative advocacy

The committee has continued its ongoing work to raise awareness of, and promote, the Bar Association's resources to assist complainants and educate members about the Bar Association's commitment to address sexual harassment, discrimination and bullying at the New South Wales Bar.

Other ongoing priorities for the committee are its work in respect of diversity and inclusion, in collaboration with the Advocates for Change, and equitable briefing, in collaboration with the Women Barristers Forum.

Events and education

On 29 September 2021, the committee held the annual Sybil Morrison Lecture. The lecture was established in 2019 to celebrate the achievements of women who have joined the Bar. The inaugural lecture highlighted the life of Sybil Morrison, the first woman to practise at the NSW Bar. The 2021 lecture honoured the life and achievements of the Honourable Mary Gaudron QC. The 2021 Katrina Dawson award winner, Winnie Liu, presented a 40-minute paper which focussed on the life and contributions of her Honour. The event was chaired by the Governor of New South Wales. The committee has commenced planning for the 2022 annual Sybil Morrison Lecture to celebrate the achievements of the Hon Elizabeth Evatt AC QC.

The committee held the International Women's Day event on 8 March 2022 on the theme of 'Break the Bias' and racial equality at the Bar. The keynote speakers, Judge Yehia SC, then of the District Court of New South Wales, and Ms Sally Penni MBE, a distinguished UK barrister, discussed racial inequality and steps which can be taken towards eliminating it. Judge Yehia SC spoke about the overrepresentation of First Nations people in the criminal justice system, the establishment of the Walama List, as well as the obstacles facing women of colour in the profession and the issue of intersectionality. Ms Penni MBE spoke about her experience facing professional obstacles in the United Kingdom and outlined some of the initiatives adopted to combat prejudice and promote racial equality, diversity, and inclusion at the Bar of England and Wales and in its courts.

The chair and deputy chair of the committee presented to the October and February Readers Course on Diversity at the Bar and Sexual Harassment, including presenting the Bar Association's *No Place for Sexual Harassment*. A number of committee members also presented at the Regional CPD Conference Series in March 2022 on the topic of bystanders.

The committee is working with the Women Barristers Forum to plan the Female Law Students Open Day for August 2022. The Open Day will provide female law students with access to hear from women barristers and judges about what a career at the Bar is really like.

Chambers of the Future working group

The Chambers of the Future working group, a collaboration between the Diversity & Equality Committee and the Accessibility Panel, was established in August 2021 in response to an issues paper prepared in July 2020 that sought to identify potential projects that could be undertaken that may have an impact on, or the potential for improving, diversity at the Bar.

Preserve the integrity, independence, ethics, service and the excellence of the Bar

First Nations Committee

In 2021-22, the First Nations Committee continued its vital work in advocating for the rights of First Nations and First Nations people on systemic policy issues, encouraging and supporting First Nations people to pursue careers at the NSW Bar, and providing educational opportunities for members.

Active participation in policy development, law reform and stakeholder engagement

The committee has contributed to the Bar Association's advocacy work in 2021-22 on issues relevant to First Nations people, often through effective collaboration with other committees.

The committee contributed to the Bar Association's submission to the Select Committee Inquiry into the Coronial Jurisdiction in NSW. In part, the Bar Association submitted that the presence of First Nations persons in the coronial system in positions of power is important in creating a culturally safe institution and preventing future First Nations deaths, and that positions should be allocated for senior First Nations people on any governance board or committee established to oversee the NSW coronial system. The Select Committee's report, released in April 2022, endorsed these submissions, recommending that the NSW Government appoint significantly more qualified First Nations people to the judiciary, including as coroners, and introduce a First Nations Commissioner to sit with coroners dealing with First Nations deaths (*Recommendation 26*) as well as supporting the Bar Association's view that a body similar to the Queensland Coronial Services Governance Board be established with First Nations representation on it. Chair Tony McAvoy SC appeared before the Select Committee at a public hearing, while Andrew Smith (who served as the deputy chair from 1 July 2021 to 30 June 2022 and as the acting chair from 1 January 2022 to 30 June 2022) prepared answers to questions on notice directed to the Association by the Select Committee.

In collaboration with the Inquests and Inquiries Committee, the committee has informed Bar Association responses to confidential consultations by the Local Court of NSW and NSW State Coroner, and the NSW Government.

The committee contributed to the Bar Association's response to the Law Enforcement Conduct Commission's Discussion Paper, *Review of the Operation of the Amendments to the Consorting Law under Part 3A Division 7 of the Crimes Act 1900*.

The committee contributed to a Bar Association submission to a consultation with the Department of Communities and Justice regarding support services for the Drug Court.

The committee contributed to a Law Council of Australia submission, prepared jointly with the ADR and Family Law Committees, regarding new family dispute resolution services for Aboriginal and Torres Strait Islander families.

The committee also worked in collaboration with the Family Law Committee to prepare the Bar Association's submission to the NSW Government's legislative review of child protection laws and court procedures affecting First Nations children and young people, whereby the Bar Association urged the NSW

Government to take all practical and safe measures to reduce the overrepresentation of First Nations children in out-of-home care and to move promptly in its implementation of the Final Report of the *Family is Culture: Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales*.

Supporting First Nations law students, lawyers and barristers

The committee continued to oversee and support the existing mentoring arrangements and is reviewing the mentoring scheme. A revised mentoring scheme will be recommended to Bar Council in the 2022-23 year. The mentoring scheme matches students with practising counsel and has been the source of many long term supportive relationships in which there is often significant education for both mentor and mentee.

In order to collect accurate data on the numbers of First Nations barristers in NSW, the committee obtained the endorsement of Bar Council for inclusion of a question regarding Aboriginal or Torres Strait Islander identification in all future forms for the application for, or renewal of, a practising certificate. This will assist the Bar Association in a range of advocacy work and in offering opportunities and support to First Nations barristers.

The committee has also been involved in the Bar Association's review of its Best Practice Guidelines.

Developing educational opportunities

On 22 March 2022, the committee held a CPD on the topic of *Native Title Defences in Fishing Prosecutions*. Chaired by Charles Gregory, the event featured a range of speakers including: anthropologist Dr Natalie Kwok, councillor of the NSW Aboriginal Land Council, Danny Chapman, applicant of the South Coast Peoples native title claim and member of the NSW Aboriginal Fishing Rights Group, Wally Stewart, Chair Tony McAvoy SC and John Waters SC. The speakers offered their experiences and provided insights into the issues raised by ongoing prosecutions of First Nations fishermen on the NSW South Coast for contraventions of the *Fisheries Management Act 1994* (NSW). The well-received event focussed on evidentiary issues faced by defendants seeking to rely on s 211 of the *Native Title Act 1993* (Cth) as a defence. The committee continues to be concerned about these prosecutions and sees an ongoing need for barristers willing to provide pro bono services to First Nations persons charged with fishing offences.

In conjunction with the Ngara Yura Committee of the Judicial Commission of New South Wales and the Law Society of New South Wales, the committee hosted the inaugural First Nations Speaker Series to celebrate positive contributions made by First Nations people to Australian society. Justice Pepper of the Land and Environment Court and Deputy Chair, Andrew Smith co-chaired an interview with First Nations thought leader and author, Uncle Bruce Pascoe.

Deputy Chair Andrew Smith presented seminars in the Bar Practice Course in 2021 and 2022.

The committee will continue their significant advocacy work, law reform contributions and educational opportunities into the new committee year.

Preserve the integrity, independence, ethics, service and the excellence of the Bar

Indigenous Barristers' Trust The Mum Shirl Fund

The Indigenous Barristers' Trust The Mum Shirl Fund (the trust) was established in 2000 to create a pool of funds to provide financial assistance to First Nations barristers especially in their first few years of practice and to support First Nations law students and lawyers. The fund has deductible gift recipient status as a public benevolent institution under the *Income Tax Assessment Act 1936* (Cth).

There are four trustees: Justice Michael Slattery AM QC of the NSW Supreme Court; the current president of the New South Wales Bar Association, Gabrielle Bashir SC since November 2021 and before then Michael McHugh SC; Anthony McAvoy SC and Chris Ronalds AO SC.

The trustees were greatly saddened by the passing of the long-time trust patron, Sir Gerard Brennan AC KBE GBS QC. He attended many trust events and demonstrated great enthusiasm in speaking with First Nations lawyers and law students about life as a judge on the High Court – to their amazement and edification.

The trust is an integral part of the Bar's implementation of its Reconciliation Action Plan.

The trust 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, identify as an Aboriginal person or a Torres Strait Islander and be accepted by the relevant community as an Aboriginal person or a Torres Strait Islander. To obtain any benefits from any of the trust's programs, an applicant must provide written verification of their acceptance in an Aboriginal and Torres Strait Islander community.

The 2021 silks gave a significant donation to the trust, in a long standing but not continuous tradition of making the trust one of the recipients of the donations.

Unfortunately, due to COVID-19 restrictions, many of the trust's usual activities have been curtailed during this reporting period, including the mentoring and employment program.

The trust's primary focus continues to be building on over 20 years' experience in creating pathways for First Nations lawyers to commence practice and then to thrive at the New South Wales Bar. This includes funding a position within the Bar Association for a recent graduate to enable them to complete their formal training and have exposure to different practice experiences.

The trust also continues to provide financial support to any First Nations law students who have a significant financial problem that threatens their ability to continue with their law studies.

The trust's primary focus continues to be building on over 20 years' experience in creating pathways for First Nations lawyers to commence practice and then to thrive at the New South Wales Bar.



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Accessibility Panel

Established in 2019, the role of the Accessibility Panel includes:

- promoting accessibility of the NSW Bar to all barristers and aspiring barristers with a disability;
- being a confidential contact to receive accessibility complaints and requests for assistance by members and to provide advice, assistance and advocacy;
- addressing access issues in courts, chambers and other legal workplaces;
- developing policy and advising Bar Council and its committees about accessibility issues.

The Panel membership includes barristers working with visible and invisible disability and barristers who practise accessibility law.

In 2021-22, the Panel had three sub-committees:

- Built Environment
- Policy and Wellbeing
- Education

and also undertook a number of special projects outside or across these sub-committees.

The Panel applies the 'social model' of disability adopted by the UN Convention on the Rights of Persons with Disabilities (CRPD). This model recognises that disability is not an inherent or personal limitation or condition of an individual but the failure of society to accommodate diverse abilities and needs. Disability results from the interaction of people with the artificial barriers created by social attitudes and assumptions in designing the built environment including physical spaces, online/virtual environments, communications technology and other social environments. The term 'working with disability' is used in this short report rather than the CRPD preferred term 'impairment' only to distinguish accessibility issues from professional fitness to practise requirements and related supports.

The Panel recognises that accessibility of the NSW Bar and legal workplaces encompasses issues of diversity beyond disability and includes caring responsibilities and other historical vectors of discrimination and inequality. The Panel's role is also to work with the Diversity and Equality Committee to improve diversity and equality of opportunity at the Bar and enhance access to justice. The Panel works with other committees of the Bar on issues of common interest including the Human Rights Committee, the Education Committee and the New Barristers Committee.

Specific issues

Specific accessibility issues raised in the Panel's work this year include:

- accessibility of the Bar Association website, which saw the Association introduce regular compliance auditing;
- welcoming liaison of the Bar Association with relevant professional groups including Disabled Australian Lawyers Association (DALA) and the Diversity Committee of Victorian Women Lawyers;
- lack of consistent provision of Auslan interpreters in important announcements of legal information by government;
- unsafe baggage handling requirements for practitioners at court security check-ins, which pleasingly have been resolved in some locations.

Members' requests

During the year, the Panel received requests from members for advice or assistance.

The Panel encourages members to contact us with complaints or concerns. Confidential reports and requests can be made to the Panel Chair by telephone or email (see below for contact details).

Contact with the Panel can be made by barristers working with disability (temporary or permanent) or on behalf of colleagues, solicitors, clients and other users of legal services.

Invisible disability

The legal system and legal workplaces, including courts and chambers, create myriad barriers to the full inclusion of barristers, solicitors, clients, witnesses and other participants.

Disability discrimination law and legislated accessibility standards are slowly seeing remediation of courts and facilities but much work is still to be done in meeting even the most obvious and basic needs of persons working with the most highly visible disabilities and well-recognised needs for equality of access. The needs of many lawyers working with invisible disabilities have barely begun to be recognised let alone met.

Work in support of the Bar Association and Education Committee

The Panel welcomed the opportunity to review and contribute to updated Bar Association Best Practice Guidelines and in 2022-23 will develop consultation draft guidelines for the Bar Association on accessibility issues.

The Panel has continued to revise Bar Association policy and accessibility information for Bar Examinations and to consult with and advise the Education Committee on requests for reasonable accommodations.

The Panel presented at the 2021 and 2022 Bar Practice Courses and looks forward to presenting again in 2023.

Policy development and submissions

The Panel prepared and contributed to confidential submissions for the Bar Association and submissions and consultation responses on:

- federal anti-discrimination law reform;
- review of Disability Standards for Accessible Public Transport (which was completed in the 2022–23 year).

Education

The Panel held CPD webinars including a presentation to law students on 'A Career at the Bar with Disability'.

Built environment

Panel members have continued to physically survey and reported on specific access issues at the Downing Centre, the Supreme Court, Central Local Court and the John Maddison Tower. This work has resulted in correspondence by the President with heads of jurisdiction and ongoing liaison with the NSW Sheriff. Pleasingly luggage assistance mechanisms have been introduced in Queens Square and some other court entrances.

The Panel is continuing a review of online accessibility services and information for courts and tribunals.

Members are invited and encouraged to report specific or general access issues for action by the Panel.

Liaison with courts, services and interested groups

The Panel has further worked with the Law Society on the next stage of our proposal for a Court User Group on Accessibility, which is a primary initiative for 2023.

The Panel was pleased to help in representing the Association in support of the National Justice Project's Law Hack 2021 on Disability Justice.

Pro bono advocacy

Panel members have provided pro bono advice and representation on disability related matters at the request of Justice Connect during the year. These included accessibility advice, disability discrimination cases and NDIS litigation (both access and approval of supports) in the AAT. Panel members have again donated some hundreds of hours of legal assistance in disability advocacy to meet access to justice needs that are underserved by legal aid and other assistance schemes.

Advocating for advocates: on change, access and inclusion

Robert Dubler SC, who continues to serve the Panel as Deputy Chair was re-appointed as the NSW Bar Advocate for Change for a further term to continue to raise awareness of and encourage greater access to and inclusion in the NSW Bar for persons living with disability as members of the Bar, the wider legal profession and the community. As a proponent and the inaugural chair of the Accessibility Panel, Dubler SC led the Panel's work for its first two years and is continuing to provide vital leadership to the Panel and the Bar on Accessibility issues.

Bar Association Support

The Panel acknowledges the invaluable policy research and development and enthusiastic and tireless support provided by Bar Association staff throughout the year including Tom Synott, Celia Barnett-Chu and Alanna Condon.

Confidential Panel contact

Valerie Heath
tel: 9223 4065
email: v.heath@mauricebyers.com

Accessibility Panel Objectives

1. Assist Bar Council and its committees to consider, address and respond to matters involving disability, access and inclusion particularly in matters involving entry to the Bar, CPD seminars, matters dealt with by Professional Conduct Committees and in the issuance of NSW Bar Practising Certificates.
2. Address access issues in the built environment encountered by barristers, judges, solicitors and their clients, litigants and staff working at such locations.
3. Assist in the delivery of the aims and objectives of barristers with a disability.
4. Provide information, support and resources so that barristers with a disability can achieve their specialised needs and requirements to facilitate practice at the NSW Bar.
5. Act as an advocate by:
 - a. Providing a confidential point of contact and act as advocate for barristers with a disability, subject to Bar Council oversight; and
 - b. Commenting or developing policy for the benefit of the NSW Bar.
6. Encourage and assist persons with disability to join and thrive at the NSW Bar.



The Panel recognises that accessibility of the NSW Bar and legal workplaces encompasses issues of diversity beyond disability and includes caring responsibilities and other historical vectors of discrimination and inequality.

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Criminal Law Committee

Overview

The Criminal Law Committee (the committee) has, as in previous years, tirelessly responded to a high volume of requests for input on proposed policy and legislative changes and has itself proactively advocated for law reform in New South Wales (NSW) in 2021–22.

Submissions

Active participation in policy development, law reform & stakeholder engagement

Over the last year, the committee has commented on a remarkable range of policy and law reform issues and has actively responded to numerous requests for submissions on proposed legislative changes at a state and federal level.

Many of the committee's comments were in response to confidential proposals; however, it can be confirmed that the committee prepared, or was a key contributor to, submissions addressing:

- the New South Wales Law Reform Commission's Open Justice Review and draft proposals for access to, and disclosure and publication of, court and tribunal information
- the Law Council of Australia's proposals for a model definition of 'family violence';
- the Law Enforcement Conduct Commission's three-year statutory review of, and discussion paper on, the consorting laws in Div 7 of Pt 3A of the *Crimes Act 1900* (NSW) (as amended by the Criminal Legislation Amendment (Consorting and Restricted Premises) Bill 2018 (NSW));
- the NSW Legislative Council's Standing Committee on State Development's inquiry into animal welfare policy in New South Wales.

Committee members Nick Cowdery AO QC and Rose Khalilzadeh also gave evidence at the Standing Committee on Law and Justice's inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 (NSW) on 16 June 2022 after the committee prepared a written submission to the inquiry in April 2022.

The committee has continued to support the Bar Association in proactively calling for key criminal justice reforms, including:

- raising the minimum age of criminal responsibility from 10 to 14;
- a fully funded Walama Court;
- the adoption of the recommendations of the Special Commission into Ice and the treatment of personal drug use as a health issue rather than a matter for the criminal justice system.

Engagement with the courts and other agencies

Throughout the year, members of the committee have actively represented the Bar Association at key meetings with various stakeholders, including the courts, and ad hoc stakeholder meetings:

- committee member Nathan Steel continued to represent the Bar Association on the Early and Appropriate Guilty Plea Working Group and to monitor the operation of, and suggest improvements to, the New South Wales early guilty plea scheme;
- committee member Rose Khalilzadeh attended meetings of the Criminal Business Committee at the District Court of New South Wales;
- committee member Kellie Stares continued to attend the legal practitioners' consultative groups hosted by Corrective Services NSW.

Continuing Professional Development and support of the NSW Criminal Bar

In the past year, the committee continued to support members of the New South Wales Bar by delivering the following CPD events:

- a webinar hosted on 29 July 2021 on the Supreme Court (Criminal Appeal) Rules 2021 (NSW) to assist members to navigate the new rules and the changes made to the practice and procedure in the Court of Criminal Appeal;
- a seminar on sentencing for Commonwealth child sex offences, hosted on 4 August 2021;
- a conference speech delivered by Co-Chair Helen Roberts SC on prosecution disclosure obligations at the Bar Association's 2022 Regional Conference Series on 26 February 2022;
- a webinar on 9 June 2022 entitled 'It's Been a Privilege: Self-incrimination ('s 128 Advice') and the Compellability of Spouses, Partners, Parents and Children ('s 18 Advice')' that covered the operation of spousal privilege and the privilege against self-incrimination.

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Human Rights Committee

Overview

In the 2021–22 committee year, the Human Rights Committee (the committee) continued to actively monitor and comment on legislation, prospective legislation, and law reform for its impact on human rights, as well as raise awareness of human rights issues.

Law reform and stakeholder engagement

The committee prepared and contributed to a number of Bar Association submissions to confidential government consultations and to public consultations, including:

- the New South Wales Law Reform Commission's Open Justice Review and draft proposals for access to, and disclosure and publication of, court and tribunal information;
- Senate Legal and Constitutional Affairs Committee's inquiry into the performance and integrity of Australia's administrative review system.

The committee also prepared the Bar Association's written submission, lodged on 29 November 2021, to the Standing Committee on Law and Justice's inquiry into the Voluntary Assisted Dying Bill 2021 (NSW). The committee's Co-Chair Simeon Beckett and member Trent Glover, testified before the Standing Committee on 8 December 2021 and responses to the supplementary questions from the Standing Committee were lodged on 28 January 2022.

The committee also assisted the Law Council of Australia in the preparation of:

- a submission to the Parliamentary Joint Committee on Intelligence and Security's review of the *Counter-Terrorism (Temporary Exclusion Orders) Act 2019* (Cth);
- a policy position on automated administrative decision-making in Australia;
- a response to the Department of Prime Minister and Cabinet's consultation on the digital execution of statutory declarations and deeds.

Working in conjunction with the Common Law Committee, the committee also established a Privacy Tort working group to consider the development of a statutory tort of privacy, with consideration to the Australian Law Reform Commission's June 2014 report and the position in other countries. The Privacy Tort working group went on to assist the Law Council of Australia in its preparation of a response to the Attorney-General's Department's *Privacy Act Review – Discussion Paper*.

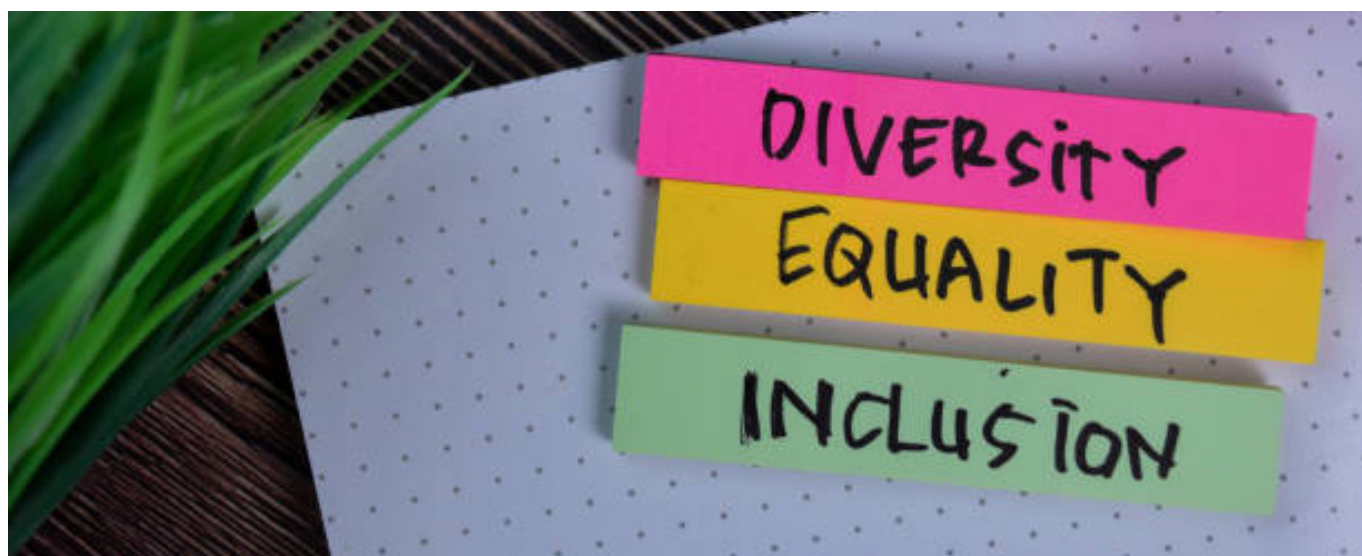
As part of its 'proactive' work, the committee's Bill of Rights Sub-committee continued to consider proposals for federal and state Bills of Rights and the systems for rights protections in other common law jurisdictions with a view to making recommendations about the Bar Association's policy in support of a Human Rights Act for New South Wales.

CPD events

The committee continues to play an active role in supporting professional development opportunities for members of the Bar. In the past year, the committee has delivered a series of CPD events, including:

- 'Stripped of Citizenship: The Indian Constitution, Human Rights and Public Law', on 5 August 2021;
- 'The Impact of COVID-19 on Prisoners' Rights – What Barristers Need to Know', on 16 November 2021.

The committee also made preparations to host a webinar on defamation and human rights in the 2022–23 committee year.



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Common Law Committee

Overview

The Common Law Committee continued to make considered contributions to law reform and policy developments that fell within its terms of reference throughout the 2021-22 committee year. The committee prepared and produced several submissions to government agencies and inquiries, engaged in discussion of additional law and policy issues that arose throughout the course of the year, and successfully influenced parliamentary debate. The committee also contributed to the professional development of the Bar Association's members through its active participation in CPD events.

Submissions

Throughout the 2021-22 year, the Common Law Committee responded to multiple government agencies and inquiries and made a number of submissions and recommendations, including but not limited to:

- A letter to the Department of Communities and Justice in response to a proposed amendment to negate the impact of the NSW Court of Appeal's decision in *Talifero v Asbestos Injuries Compensation Fund Limited as Trustee for the Asbestos Injuries Compensation Fund* [2018] NSWCA 227;
- A letter to the Independent Review Office regarding the Review of the Independent Legal Assistance and Review Scheme;
- A submission to the State Insurance Regulatory Authority (SIRA) Consultation on the McDougall Review, COVID-19 and future opportunities for personal injury schemes;
- A letter to iCare regarding Standard Deed of Release in Work Injury Damages Claims;
- A letter to the Standing Committee on Law and Justice regarding the 2020 Review of the Compulsory Third Party Insurance Scheme;
- A letter to SIRA regarding proposed amendments to the *Motor Accident Guidelines (Version 8)*.

Chair Robert Sheldon SC and Deputy Chair Elizabeth Welsh, also met on several occasions with the president of the Personal Injury Commission to discuss jurisdictional and procedural issues as part of ongoing liaison.

As in previous years, the committee received requests for input and commentary from a number of government instrumentalities on a regular basis throughout 2021-22. Members of the committee continued to sit on and attend several government-organised consultative forums and user groups.

CPDs

In March 2022, the committee presented at the Sydney conference on *Transference of Employment pro hac vice*. Also in March 2022, the committee's chair and deputy chair hosted a CPD webinar on 'Recent Decisions under the *Civil Liability Act 2002*', reviewing the current state of the law in NSW with specific reference to the words and phrases most recently considered by the Court of Appeal and High Court.

The committee intends to further its contributions to the professional development of the Bar Association's members throughout 2021-22.

Influencing parliamentary debate

The Common Law Committee's work throughout the 2021-22 year also had a major impact on parliamentary debate. On 9 May 2022, the Bar Association sent an open letter to all MPs in the NSW Parliament, regarding the State Insurance and Care Legislation Amendment Bill 2022. In the letter, the Bar Association expressed concerns regarding:

- a. the Henry VIII provisions contained in the Bill, which circumvent ordinary processes of parliamentary scrutiny and debate; and
- b. the lack of consultation by SIRA.

The letter was discussed by multiple MPs during debate in the Legislative Assembly. This ultimately led to amendments to the Bill which included omission of all of the clauses that the Bar Association was concerned about, as well as the government agreeing to undertake more detailed consultation on the amendments with stakeholders.

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Succession and Elder Law Committee

In its inaugural year, the Succession and Elder Law Committee focussed its efforts on making a significant contribution to the education and professional development of the Bar through its well attended discussion series, *The Judges Talk – Succession and Elders Law*. These innovative and well-received events provided invaluable insights, practice tips and question-and-answer opportunities to support members in the conduct of their profession.

Supporting members of the New South Wales Bar

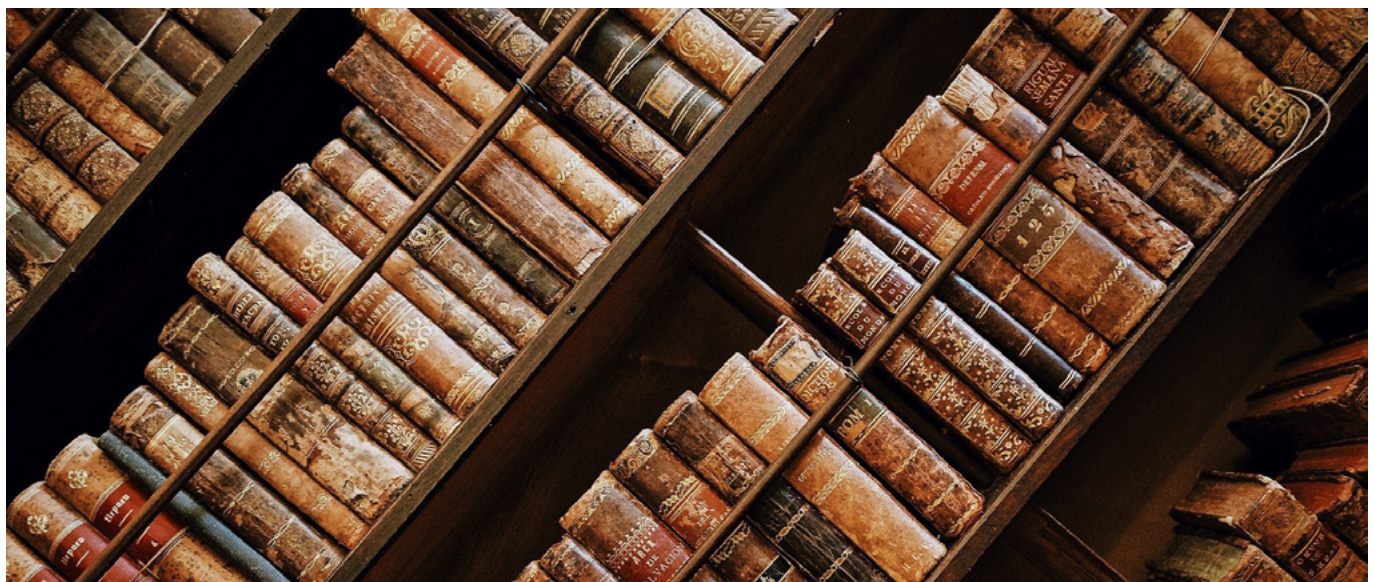
In 2021–22, the committee organised an engaging, informative series of seven CPD events with currently serving and retired judges of the Supreme Court focussing on various succession and elder law issues. All discussions were moderated by Chair Lindsay Ellison SC while each discussion featured a different guest speaker and barrister member of the committee:

- On 22 February 2022, the Honourable Justice Kunc presented on the 'Family Provision Jurisdiction', discussing practice and procedure relating to Family Provisions Claims under the *Succession Act 2006* (NSW) with Simon Chapple.
- On 3 March 2022, the Honourable Justice Lindsay discussed practice and procedure in the 'Probate Jurisdiction' with Craig Birtles.
- The Honourable Justice Brereton AM RFD presented on 'Elder and Protective Law' on 15 March 2022, discussing the role of the Supreme Court, NCAT and other applications in conversation with Kirralee Young.
- On 24 March 2022, the Honourable TF Bathurst AC, former chief justice of New South Wales, spoke about 'Ethical Issues in Practice' in conversation with Miles Condon SC.
- The Honourable Justice Leeming discussed recent Court of Appeal judgments concerning 'Testamentary Capacity and Knowledge & Approval', in conversation with Hayley Bennett, on 5 April 2022.
- The Honourable Justice Sackar gave a talk on 'Wills and Equity: Unconscionable Conduct and Undue Influence' with Kim Boettcher on 21 April 2022.
- The series was closed out on 27 April 2022 by the Honourable Justice Ward, Chief Judge in Equity speaking to 'Succession Litigation in the 21st Century – Time, Money, Evidence and Experts' with Chair Lindsay Ellison SC.

Active participation in policy development and law reform

From time to time, between organising and hosting these CPD events, the committee has monitored and discussed concerns arising in the succession and elder law space. The committee provided input to the Law Council on the Enduring Power of Attorney (EPOA) Model Provisions and decision-making principles that should be included in EPOA laws. The committee also considered and commented on Supreme Court Equity Practice Note 7.

The Succession and Elder Law Committee will continue to monitor developments in succession and elder law and devise new educational opportunities for the Bar in its second year.



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Inquests and Inquiries Committee

The Inquests and Inquiries Committee made significant contributions to the Bar Association's policy and advocacy work throughout the year, and it continues to engage with and support members at the Bar who practise in all aspects of inquests and inquiries work.

Policy and advocacy work

The committee's expertise informed the Bar Association's submission to the NSW Legislative Council's Portfolio Committee No. 1 – Premier and Finance regarding the Public Interest Disclosures Bill 2021. Hugh Dillon appeared on the Bar Association's behalf at a hearing in relation to the inquiry on 15 November 2021.

Cross-committee collaboration has continued, including with the First Nations Committee, to assist with the development of the Bar Association's submission to the Select Committee inquiry into the coronial jurisdiction in NSW. Chair Kristina Stern SC, and Kirsten Edwards appeared at the hearing on 29 September 2021 on behalf of the Bar Association. Hugh Dillon also appeared in a personal capacity.

The committee has also continued to assist the Bar Association to respond to a number of confidential government consultation requests.

Engagement with stakeholders

In March 2022, the committee organised the inaugural discussion forum with the state coroner, the Crown Solicitor's Office and members of the committee. This forum facilitates productive and collaborative engagement regarding operational and practice matters to maximise the effectiveness and operation of the coronial jurisdiction in NSW.

The committee has also assisted the Bar Association to collaboratively engage with the state coroner in relation to the implementation of protocols and practice notes across various areas of the Coroners Court's work.

Contribution to education

The committee has supported the ongoing education of members at the Bar by presenting the following CPD seminars:

- 'Royal Commissions and Inquests: Structure and Impact' – this seminar was chaired by the committee's deputy chair, Sophie Callan SC, with Jennifer Coate AO and Gail Furness SC, who brought a significant depth of experience and insight into the discussion regarding royal commissions and coronial inquests. The seminar dealt with a wide range of matters regarding the structure and impact of inquests and royal commissions over the past two decades and prompted a number of interesting questions from the audience.
- 'The role and aims of the NSW ICAC and issues for barristers appearing before the ICAC' – Scott Robertson, from the perspective of counsel assisting, chaired the seminar with the Hon Peter Hall QC and Tim Hale SC, who presented from the perspectives of the chief commissioner of the ICAC and of counsel for persons affected by the commission's investigations, respectively. This seminar addressed the role and aims of the NSW ICAC and the issues and challenges faced by barristers advising or appearing for persons affected by an investigation by the commission.

These CPDs had a high number of live attendees, and the committee is currently planning a number of other seminars which are intended to be held later in the year. Topics include the role and aims of public inquiries and issues for advocates, fairness in inquisitorial proceedings, and implementation and effectiveness of recommendations.



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Family Law Committee

Throughout 2021–22, the Family Law Committee continued to advocate effectively for members on issues arising in the recently formed Federal Circuit and Family Court of Australia (FCFCOA), supporting members in the conduct of their profession and their practice. The committee has helped drive the Bar Association's contributions to law reform in family law and developed a range of professional development and educational opportunities for members. Just prior to the end of the committee year, the Family Law Committee's terms of reference expanded to cover child protection and adoption, becoming the Family, Care and Adoption Committee.

Active participation in policy development and law reform

The committee has contributed to debate around live policy issues in the family law system, responding to requests for comment by the Australian Bar Association, the Law Council of Australia, the Commonwealth Attorney-General's Department, the Legal Services Council and the NSW Government.

The committee drove the Bar Association's submission in response to the Commonwealth Attorney-General's Department's consultation paper, *A New Decision-Making Framework for Property Matters in Family Law*. Through that submission the committee continued to advocate for the proper resourcing of the family law system, including adequate funding of the legal assistance sector, and for the maintenance of specialist knowledge and training for judicial officers, registrars, and court staff in the family courts. The committee also contributed substantially to the Bar Association's submission in response to the Commonwealth Attorney-General's Department's consultation paper, *Operationalising the National Strategic Framework for Information Sharing Between the Family Law and Family Violence and Child Protection Systems*.

The committee contributed to the Bar Association's submission to the Law Council of Australia's consultation on a proposed model definition of family violence and informed the Bar Association's input for the Law Council's submission to the Attorney-General's Department's consultation paper, *Improving the Competency and Accountability of Family Report Writers*. The committee also contributed to a Law Council of Australia submission, prepared jointly with the ADR and First Nations Committees, concerning new family dispute resolution services for Aboriginal and Torres Strait Islander families.

The committee contributed to the Bar Association's submission to the Legal Services Council concerning conditional costs agreements, agreeing they should be prohibited in child protection, custody, guardianship, adoption and child support proceedings.

The committee collaborated with the First Nations Committee to prepare the Bar Association's submission to the NSW Government's legislative review of child protection laws and court procedures affecting First Nations children and young people, whereby the Bar Association urged the NSW Government to take all practical and safe measures to reduce the overrepresentation of First Nations children in out-of-home care and to move promptly in its implementation of the final report of the *Family is Culture: Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales*.

The committee has also provided input for a Bar Association submission to a confidential consultation by the NSW Government.

Supporting members of the NSW Bar

The committee has continued to provide professional development and education opportunities to members. On 26 October 2021, Peter Cummings SC chaired a CPD on 'The New Rules – Changes to the Family Law System in the FCFCOA'. Presented by Patrick Williams of Newcastle Chambers and organised by Linton Teoh, this webinar discussed key changes arising from the new rules and practice directions of the FCFCOA for the benefit of members navigating the new court.

On 23 November 2021, the committee held a CPD on 'Family Violence and the Family Law System: Observations and Practical Advice from a Treating Psychiatrist', providing insights into the experiences of victim-survivors of family violence with the family law system. The session featured a conversation with Dr Karen Williams, consultant psychiatrist and founder of Doctors Against Violence Towards Women and was chaired by Robert Lethbridge SC with the assistance of Sarah McCarthy.

Chair Robert Lethbridge SC, Neil Jackson, Mary Rebehy, Sarwa Abdelraheem and Sarah McCarthy also presented as part of the Bar Association's regional conference series.

Engagement with the court

Peter Cummings SC, John Longworth and Claire Cantrall represented the Bar Association at Sydney Court User Group meetings throughout 2021–22, including sub-committee meetings considering the standardisation of orders for electronic documents, court books and digital platforms for file management by the court.

Michael Weightman has continued to represent the Bar Association at Newcastle Registry meetings, while Mary Rebehy and Sarwa Abdelraheem have acted as the Bar Association's representatives at Parramatta Registry meetings.

The committee's court liaison members at the Sydney, Parramatta and Newcastle registries have enabled the committee to develop a positive working relationship with the FCFCOA. The committee continues to utilise these invaluable lines of communication to bring practice issues raised by members to the attention of the court and advocate for the interests of clients and practitioners.

Through the continuing challenges posed by COVID-19 and the formation of the Federal Circuit and Family Court of Australia, the committee has continued to stand up for the best interests of clients and members, offer expert comments in relation to law reform issues, and develop professional development and education opportunities.

Support barristers in the conduct of their profession

Education Committee

The Education Committee provides support and guidance to the Bar Council and implements the Bar Exam, the Bar Practice Course, the tutor / reader program and Continuing Professional Development. The committee supports the attainment of the objectives set out in the New South Wales Bar Association's Strategic Plan in its activities. In 2021-22 this has included: the continuing education of barristers; the development of transformational knowledge and skills so that barristers can compete in an environment of increasing internationalisation of the law; promoting equality and diversity at the Bar; 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 developing a Practice Management Course, ongoing improvement to the exams, implementing a cap on the Bar Practice Course and the advancement of the CPD Program and Regional Conference Series.

The Education Committee supports the attainment of the objectives set out in the New South Wales Bar Association's Strategic Plan in its activities.



Support barristers in the conduct of their profession

International Committee

The International Committee began its first full year of operation in 2021-22, with Greg Laughton SC as the inaugural chairperson. The committee was formed for the purposes of promoting the New South Wales Bar into the Asia-Pacific region and assisting members to provide advice and dispute resolution services in commercial matters with cross-border components. Its subsidiary goals include:

- promoting Sydney as a competitive seat for international dispute resolution;
- targeting further growth in work for the Bar that may exist in political and diplomatic contexts, such as trade policy, bilateral agreements, human rights and treaty law; and
- increasing the diversity of counsel who are available to do international arbitrations.

The formation of the committee brings the Bar Association into line with the Bar Council of England and Wales, which has long had an International Committee to promote the expertise of English and Welsh barristers and London as a seat of international dispute resolution.

Using the *Inquiry on International Arbitration* (the Gyles Report, ABA 2019) as its guide, the committee identified three objectives:

- conduct a survey of NSW barristers as to what international credentials they have, what work they now undertake and what work they seek. The objective is to assist the committee in promoting the actions of the committee and providing education, training and support for members;
- target Australian-based stakeholders – governments, solicitors and in-house counsel – as well as international counterparties, including especially those with Australian-based operations, for work associated with transactions and operations with an Australian-based component; and
- identify key trade and investment partners, such as the United States, United Kingdom, Japan, New Zealand, Hong Kong, Singapore, Korea and high opportunity markets such as the Mekong Delta countries and the Pacific Islands.

Sydney as a dispute resolution centre

The committee met with the Hon Roger Gyles AO QC on 1 August 2021 to discuss the recommendations of his report. Following those discussions, Chair Greg Laughton SC convened a meeting with representatives from ACICA, CI Arb, Australian Dispute Centre, the Resolution Institute and a number of other potential stakeholders in March 2022. The purpose was to begin work on a business case for NSW Government funding or in-kind support for the establishment of a dispute resolution centre in Sydney. The committee is cognisant of the challenges involved but is encouraged by support from many quarters and convinced of the long-term benefits which would accrue to local practising barristers and to trade and investment in New South Wales.



Continuing Professional Development

One of the objectives of the International Committee is to contribute to the Bar Association's Continuing Professional Development program with content designed for barristers engaging in or seeking to engage in international work.

On 8 December 2021 the committee partnered with the Australian Centre for International Commercial Arbitration (ACICA) to hold a CPD seminar on 'International Arbitration and the Australian Consumer Law'. It was presented by Lucy Martinez, Terry Mehigan SC and Tim Breakspear SC in Federal Court No. 1.

Outreach

Soon after its formation the committee resolved to develop networks with Bar associations overseas, including Hong Kong, England and Wales, Papua New Guinea, Fiji and elsewhere in the Asia-Pacific region. Individual members of the committee are making use of their contacts to propose joint education programs and publication of articles in journals, all with the aim of promoting the expertise of the New South Wales Bar.

Further to this initiative, the committee contacted the Hong Kong Bar's International Committee to discuss a curriculum for an international arbitration and advocacy training course, to be held in conjunction with ACICA. Work is ongoing.

Capacity building

In the second half of the reporting year, the committee began work on a curriculum to train government lawyers and officials from Pacific Island states and elsewhere with a view to building the capacity of those countries on a range of matters associated with their dispute resolution processes and advocacy. Work is ongoing.

Ad hoc admissions and rights of appearance

In the latter half of the reporting year a shortage of skills and a tight labour market for legal professionals, as well as the Australia-UK Free Trade Agreement, gave rise to questions of ad hoc admissions and rights of appearance. The Bar Council of England and Wales has in place agreements with a number of countries. The committee is working closely with other committees of the New South Wales and Australian Bar associations to establish a position on this issue.

Support barristers in the conduct of their profession

Professional Standards and Support

The Professional Standards and Support (PSS) team is responsible for delivering complementary pillars of the Bar Association's Strategic Plan. It supports barristers in the conduct of their profession through the Professional Standards Scheme and its education programs. It supports barristers in the conduct of their practices through its committees, which deliver the journal, *Bar News*, practice development, innovation & technology and wellbeing initiatives. The team is responsible for the following key service delivery areas:

- ✓ education-related requirements for entry to the profession (Bar Exam, Bar Practice Course, Readership program);
- ✓ an ongoing CPD program, including the regional conference series;
- ✓ administering the Professional Standards Scheme;
- ✓ publications;
- ✓ professional indemnity insurance;
- ✓ wellbeing initiatives;
- ✓ promoting technology at the Bar;
- ✓ data collection and analytics; and
- ✓ events management.

The team works closely with other teams, such as Policy and Law Reform and Professional Conduct, especially those administering the Bar Council's certification functions, which are part of the council's regulatory role of protecting and promoting the highest standards of excellence at the New South Wales Bar.

The PSS team is committed to providing relevant, practical and intellectually engaging content to members to assist in their ongoing professional, and practice development. The team 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 preserving the integrity, independence, ethics, service and excellence of the Bar. In 2021-22 the team achieved this by providing a Bar Practice Course to the highest standards despite the need to adapt and pivot due to the COVID-19 pandemic. This also 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.

The team has remained focussed on ensuring the Bar Association remains at the forefront of technical and skills-based development within the profession, to continue to deliver quality education and stay adaptable in the future.

Exams

The team successfully ran both exams this year in February and June despite the challenges posed by the COVID-19 pandemic.

In February 2022, the Bar Association ran its fifth online computer-based exam, which was adapted and taken offsite to ensure a COVID-safe environment.

For the February 2022 Bar examinations, 154 candidates submitted a registration to sit for the Bar examination. Due to the surge in Omicron numbers in early January all candidates were offered the option to defer to the June exam. Those candidates who chose to sit the exam sat under a COVID plan with heightened health and safety requirements involving a mandatory rapid antigen test on arrival, temperature checking, sanitising stations, and the wearing of a mask for the entire exam sitting. In total, 84 candidates attempted the February 2022 Bar Examination. A total of 15 members of the association assisted in the preparation and marking of papers in February 2022.

For the June 2022 Bar examinations, 172 candidates submitted a registration to sit for the Bar examination. 111 candidates sat the examination. A total of 19 members of the association assisted in the preparation and marking of papers in June 2022.

The Bar Examination working party, a sub-committee of the Education Committee, chaired by Edward Muston SC, continues to provide support, guidance and assistance in the implementation of the Bar Council policy in relation to the Bar Exam. The Bar Council wishes to extend its sincere thanks to all those involved in the writing and marking of the Bar Examination.

Bar Practice Course

The 59th Bar Practice Course was held in September 2021. In 2020 the team had worked to adapt the course to be in a position to deliver it in either hybrid or fully remote format if required. Due to the COVID restrictions in place at the time, the September 2021 course had to be run entirely online for the first time. The course utilised online teaching methods for all lectures which were live streamed via Zoom and court appearances, including the final mock trial, were conducted via Zoom and Microsoft Teams. Thirty-six readers attended and successfully completed this course.

The 60th Bar Practice Course was held in May 2022. This course was run in-person under a COVID-safe plan. All advocacy workshops and applications before a judicial officer were held in person, with strict hygiene and social distancing. Some workshops were conducted online, via Zoom, due to presenters being isolated at home after testing positive to COVID-19. Fortunately, COVID cases were very quickly contained under the COVID safety plan. The final day of the course was undertaken online. Also, the mock trials had to be run in a hybrid format using several different technologies such as Zoom and Teams, simultaneously with the in-person court sessions. The course was a huge success despite the COVID cases due to the expert pivoting at the end. Forty-eight readers attended and successfully completed this course.

Gillian Mahony directed both courses. In 2021-22, 84 readers completed the course. An increasing percentage of women is seen undertaking the course (36 per cent), greater than the overall percentage of women in practice at the Bar generally (24 per cent).

	Bar Practice Course 02/21		Bar Practice Course 01/22	
Number of attendees	36		48	
Average age	35		35	
Median age	34		34	
Male readers	20	56%	34	71%
Female readers	16	44%	14	29%
Average time as a solicitor before coming to the bar	6.5		6.525	

The course continues to be structured as a four-week program of intensive, full-time study. The course has now been adapted to allow it to be pivoted to an online format at any time if required. 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. This year the course also included sessions on sexual harassment as part of the Association's commitment to respectful conduct and the elimination of sexual harassment, discrimination and workplace bullying. Two sessions were included from the First Nations Committee as part of the Association's plan to support First Nations Peoples and communities both in relation to access to justice and participation at the Bar.

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 and advocacy coaches; as well as judges, past and present, from all jurisdictions assisting. As such, the course continues to be a major part of the professional development calendar and a considerable administrative task but culminates in some of the most rewarding experiences of the year. Through the Bar Practice Course, we see the very best of practice at the Bar by way of collegiality, mentoring and tutelage, and dedication to court craft, as well as the increasing diversity within the profession. The current Bar Courses have also shown the resilience of our readers and presenters. The commitment of all involved is absolute.

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

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.

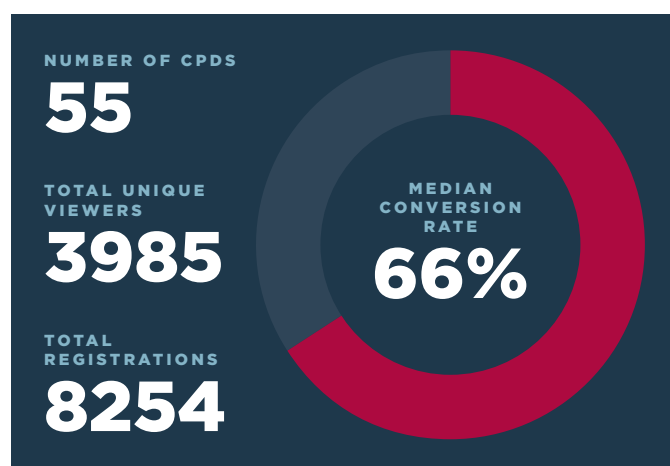
The CPD program pivoted quickly from a face-to-face format to an online format in March 2020 in response to the COVID-19 pandemic. The program has remained online due to the ongoing COVID-19 cases. The CPD program's main aims this year were to continue to assist members to upskill and to support and inform the Bar in managing the impacts of the pandemic safely and assist in ensuring the disruption to the legal system is minimised. The CPD program also provided some excellent wellness seminars this year to assist members with the challenges of the ongoing pandemic.

This year the Education Committee presented a Practice Management course for barristers, run by barristers, in February-April 2022. The course focussed on assisting barristers with developing and growing their practices. Each session of 1½ hours was hosted as a Zoom meeting. Attendance was free, with attendees invited to register for all the seminars or individual sessions. The course was designed to benefit all barristers, particularly those in their first seven years of practice. The course received substantial interest from the Bar; 449 barristers registered to attend the course. Of the 449 registered barristers, 265 registered to participate in all sessions, and 184 registered to attend one or more individual sessions. Registrations and interest grew throughout the program.

The program advertisement encouraged all barristers to attend but noted that the proposed content would be of particular benefit to those in their first seven years of practice. The highest number of registrations was from those with 10+ years at the Bar, followed by those with 1 to 6 years of practice. However, given the band's disparity, it is crucial to consider this in relation to the number of members in each band of seniority. This demonstrated the reverse trend, with almost half (45 per cent) of all first-year barristers registering to attend, 43 per cent of the barristers in 1–3 years of practice and 42 per cent with a seniority of 4–6 years. A significantly lower percentage of those with seven to nine years' practice or 10+ years seniority participating, with 25 per cent and 14 per cent respectively.

In 2021-22 the department offered 55 seminars (82.5 points) covering all four strands, plus a number of workshops and conferences. All CPD seminars and webinars were offered online or in a hybrid format. We would like to thank all presenters and committees who have worked with the department to ensure a successful transition to online learning.

Our CPD webinars ensure that all members have access to quality CPD from the convenience of their desks or mobile devices. It is pleasing to see that members from across regional NSW are accessing CPD via the online channel. Members' take-up of the online CPD service has been positive and feedback is encouraging as the online program provides greater flexibility and reach to our members.



TOPIC	UNIQUE VIEWERS	TOTAL USERS	MAX CONCURRENT VIEWS	*REGISTRATION FOR THE WHOLE SERIES	CONVERSION RATE	IN PERSON REGISTRATIONS	IN PERSON ATTENDEES
Wills and Equity: Unconscionable conduct and Undue Influence	196	198	172	648*	26.54%	26	11
Succession Litigation in the 21st Century – Time, money, evidence and experts	178	214	160	648*	24.69%	20	8

The online format will extend the reach of seminars, and educational offerings to regional practitioners, interstate and international Bars. Real-time transmission of quality video and audio between several locations has allowed for greater flexibility and member engagement.

The conference program continued to enjoy strong support from all members and aimed to provide excellent opportunities for networking and promoting collegiality. Conferences were run throughout February and March in Orange, the North Coast, Newcastle and Sydney. This year for the second time the Sydney conference was run as a hybrid conference allowing members the choice to attend face-to-face or online. The Sydney conference attendees showed an overall preference for the online delivery model with 55 per cent of all attendance being online.

As in previous years, the preparation for the conferences for 2023 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 Standards and Support team

The department is pleased to advise that as part of its commitment to promoting excellence in advocacy among its members and the recognition of the importance of training, the two advocacy programs introduced in 2020, the Vulnerable Witness Advocacy program and Advocacy Skills for Trial Advocates workshop will continue this year.

Mentoring Program

Since 2014 the NSW Bar Association Mentoring program has supported over 100 junior barristers in their second year at the Bar. The program aims 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 2021 and 2022 the program continued to connect junior barristers with a more experienced barrister. The senior barristers are mentors and confidential advisers offering a private forum, outside of chambers, for mentees to discuss their practice, career plans and challenges.

The 2022 program run by The Art Of Mentoring was launched in May 2022; 36 barristers in their second year at the Bar are successfully taking part in this program.

Mentoring

2021

- 139 eligible participants
- 24 mentees applied (17 per cent of those eligible)
- 20 completed the program (83 per cent of those who signed up)

2022

- 113 eligible participants.
- 36 mentees applied (32 per cent of those eligible)
- 36 mentor / mentee pairs

At this point in the program, 96 per cent of respondents have made contact with their mentoring partners and had their first meeting.

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.

Thank you

As in previous years, the team 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.

Timeline

2021



December

2021 Silks Scrolls Ceremony

August

Bar Practice Course started for Sept

October

July

September

Bar Practice Course

November

Maurice Byers Lecture
AGM
Judicial Q&A



April

Spigelman Oration
2021 Tutors & Readers Dinner

June

Updated Best Practice
Guidelines Launch
Staff Delayed Christmas Lunch
June Exam
Flood Appeal Recital

February

Feb Bar Exam
2022 Regional Conference Series
- Nth Coast (Ballina)

January

March

2022 Regional Conference Series
Sydney / Newcastle / Orange
Bathurst Retirement Function

May

May Bar Practice Course



2021 Bench & Bar Dinner



Support barristers in the conduct of their profession

Alternative Dispute Resolution Committee

Over the last year, the New South Wales Bar Association Alternative Dispute Resolution Committee has continued to support the education of members of the Bar in Alternative Dispute Resolution (ADR), promote the skills and expertise of barrister ADR practitioners and generate opportunities for barrister ADR practitioners.

CPDs

The ADR Committee has developed numerous Continuing Professional Development (CPD) seminars to enable members to develop their skills in ADR and keep abreast of developments in ADR. In October 2021, the committee facilitated a CPD featuring Toby Landau QC speaking on the topic of 'Accuracy of Fact Witness Memory in International Arbitration' followed by a CPD on 4 April 2022 on 'ADR in the Personal Injury Commission' with the president of the Personal Injury Commission, his Honour Judge Gerard Phillips. Both events were well-attended and well-received.

The committee has arranged a series of 'Fireside Chats' to provide informal discussion on issues relating to ADR. The first took place on 1 June 2022, with Max Kimber SC presenting on the topic of 'Preparation for Mediation: What Your Client and You Must Know'. Committee members Neil Jackson and Mary Rebehy presented on 18 August 2022 on 'ADR in the Federal Circuit and Family Court in 2022'.

The committee also arranged a CPD event on 27 June 2022 with guest speaker, the Honourable Michael McHugh AC QC on the topic of 'Negotiation'.

A debate which was jointly held with the New South Wales Law Society ADR Committee took place at the Law Society on 23 June 2022 with the topic: 'Is it Now Time to Take a Giant Leap and Introduce Mandatory Pre-litigation Mediation in New South Wales?' Representatives of the Bar and Law Society Committees contributed to both sides of the debate. The evening also provided a networking opportunity for barrister ADR practitioners.

The committee continues to provide a session on ADR in the Bar Advocacy Course for readers each semester.

The committee has also worked with the Law Council of Australia's International Law Section and Alternative Dispute Resolution Committee to present an Author's Series. Two sessions have been held:

- Dr Shapira Omer – 'A Theory of Mediators' Ethics: Foundations, Rationale and Application', and
- Professor Jean R Sternlight – 'The Psychology of Lawyers in Litigation and Negotiation'.

Project 2021-22

During this committee year, the ADR Committee developed proposals to Bar Council to promote the referral of ADR work to barrister ADR practitioners.

The committee has drafted a template Alternative Dispute Resolution clause for contracts, which is to preference choice of the Bar as the referral body for mediation and arbitration. The committee is also working to promote its use to external organisations to maximise the opportunities for the clause to become widely adopted.

The committee has recommended the establishment of a Family Law Expedited Mediation scheme with the Federal Circuit and Family Court of Australia. Further work is to be undertaken on the scheme in the coming financial year.

The Chair and David Phillips also contributed to a submission, prepared jointly with the First Nations and Family Law Committees, to the Law Council of Australia in relation to consultation by the Commonwealth Attorney-General's Department on new family dispute resolution services for Aboriginal and Torres Strait Islander families.

ADR accreditation

The ADR Accreditation Sub-committee continued to assist the Bar Association to exercise its function as a mediation accreditation body under the National Mediation Accreditation System. The ADR Committee has supported the Bar Association and Bar Council to maintain lists of barristers accredited as mediators. A list of arbitrators was also provided on request to the Local Court.

Support barristers in the conduct
of their profession

New Barristers Committee

The goals and objectives of the New Barristers Committee are: to promote the pursuit of excellence through targeted Continued Professional Development, camaraderie through social events and other traditions of the general Bar among New South Wales barristers under six years; to assist 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 Standards and Support team, particularly in the design and provision of CPD for the junior Bar. These CPDs and workshops provide an informal opportunity for under-sixes to practise their advocacy skills. The workshops include the annual cross-examination workshops, which 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 2023. The committee in October 2021 ran its annual Judicial Q & A, which was well attended. The committee also provides regular networking opportunities for barristers under six years.



Support barristers in the conduct of their profession

Legal Aid Committee

Overview

The Legal Aid Committee's priorities throughout the 2021-22 committee year were advocating for fair and adequate remuneration for members of the Bar Association engaged in Legal Aid work and contributing to the development of Legal Aid NSW's policies. As part of efforts towards achieving these objectives, the committee continued its liaison with Legal Aid NSW over the course of the year and prepared and produced a number of submissions broadly related to enhancing access to justice and securing sustained and sufficient funding of legally aided matters where counsel is engaged.

Consultations with Legal Aid NSW and practice support

The Legal Aid Committee continued to maintain a consultative relationship with Legal Aid NSW throughout 2021-22 by drafting submissions and attending meetings with the commission. The committee provided assistance on a number of the Bar Association's Cabinet-in-confidence submissions and confidential Legal Aid consultations and provided direct comments on several issues that fell within its terms of reference.

The committee also provided support to the Bar Association's members by liaising with Legal Aid on COVID-19 assistance measures in September 2021 and successfully calling for expedited processing of extensions and the implementation of certain pandemic-related policies which would assist members in the conduct of their practice.

Ongoing advocacy

Throughout 2021-22, the committee engaged in proactive and reactive advocacy efforts in the interests of the Bar Association's members. The committee is currently in the process of compiling a detailed report of recommendations on the issue of underfunding in Legal Aid matters where counsel is briefed. The report will outline the history and consequences of underfunding and discuss specific issues arising in criminal, civil and family law matters. It will generally speak to the need for fair and adequate remuneration for counsel engaged by Legal Aid as part of the provision of critical support to disadvantaged and marginalised members of the community who require legal assistance. The committee intends to publish the report in the 2022-23 year.

The committee is also considering the important policy and practice implications arising from the phenomenon of 'rolling lists' that has emerged as a practice in the District Court.

The committee continued to provide advice and made recommendations to the Bar Association's Executive on a number of Legal Aid-related matters throughout the 2021-22 committee year.

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Support barristers in the conduct of their profession

Innovation and Technology Committee

It is increasingly common for traditional legal concepts and principles to be challenged by new technology. Recent developments in information management, cryptocurrencies, artificial intelligence, and algorithms present novel ethical and legal challenges. During the 2021-22 committee year the Innovation and Technology Committee maintained a watching brief on technological innovations, cyber security, intellectual property, forensic practices and access to justice. The committee began publishing 'bar bytes' on the Bar Association's website, to keep members informed about technology, innovation and the law. On 11 April 2022 the committee hosted a CPD on 'Tracking cryptocurrency', concerning cryptocurrency regulation and forensic tools.

A particular focus of the committee is the impact of technology and innovation on the nature of barristers' work and their practices. The committee aims to:

- educate members on the latest technology and ensure members are properly equipped to use and embrace developments that may boost efficiency and productivity;
- assist members with incorporating the latest technology into their practice;
- ensure members are aware of digital security requirements and guard against potential breaches of data security;
- promote and ensure the ethical use of digital devices and services including social media, cloud-based file sharing, data security, storage and deletion, hardware and software; and
- provide advice to Bar Council on matters relating to technology as requested.

Occasionally, the Innovation and Technology Committee receives enquiries from vendors seeking to promote their products to barristers. The committee routinely assess software applications with far reaching consequences for privacy, digital security, confidentiality and professional obligations to clients and to the court. To that end, the committee drafted, and Bar Council approved, Product Review Guidelines for conducting CPDs and other events related to information technology.

The committee has continued to support the Legal Innovation and Technology Blog Competition in partnership with the University of Sydney and with assistance from the committee's academic member, Dr Carolyn McKay. The competition is a key point of outreach for the committee, with university students submitting blogs on legal innovation which were then judged by the committee.

Towards the end of the reporting year, it was announced that the committee would undergo a structural change, with a change of title, new terms of reference and co-chairs.



Support barristers in the conduct of their practices

Bar Library

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

Its major goals are to:

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

It provides the following services:

- identifying, selecting, acquiring, processing and making available resource material within the parameters of the collection development policy, to constitute a relevant, up to date and well-balanced collection;
- legal reference and research services for members, exam candidates and Bar Association staff;
- library orientation and legal research training;
- provision of an online library catalogue that enables members to find, follow and access the materials relevant to their practice; and
- provision of an index of current free access legal web links.

2021-22 has been a challenging year for the Bar Library and one of significant change, having seen the retirement of the esteemed, long-serving Bar librarian Lisa Allen in August of 2021. Lisa's replacement, Benjamin Laing, was appointed to the position in December 2021.

As with most of the community, the Bar Library was significantly affected by the COVID-19 lockdowns of 2021, being forced to close its doors from the end of June through to the end of November 2021 and then again from the beginning of the end of year break in 2021 through to Australia Day. During the last part of January and through February the library re-opened three days per week until eventually reopening five days per week from the beginning of March 2022.

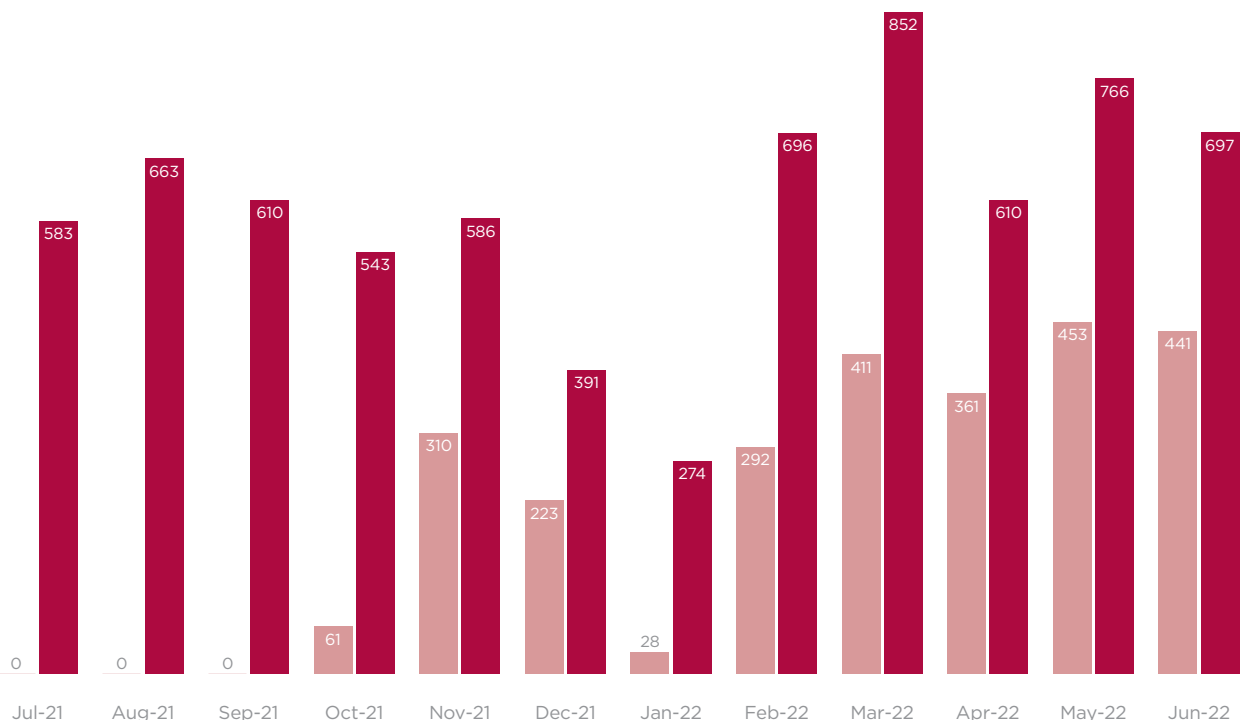
Throughout the lockdowns the Bar Library was able to maintain its service remotely, providing research assistance and materials via email while working from home. Once the hard lockdown had eased during October 2021 the library introduced a click and collect service for members to take out hard copy loans, with the librarians visiting two days per week to make materials available for collection while the library premises remained closed.

Since normal service resumed in March patronage has steadily increased and the library has since been operating as usual, open Monday to Friday 8:30am to 5:30pm.

The effect of the lockdowns can be seen in the figures below with no loans between July and September 2021 and gradually increasing with the click and collect service in operation throughout the remainder of the year and returning to normal levels from March. Research and reference requests, on the other hand, remained relatively steady, indicating the high level of service that continued while working remotely, only declining slightly in the lead up to the December-January break.

Bar Library Loans & Requests 2021-22

● Loans ● Requests



The break in service provided some challenges for the team, most notably a backlog of new texts had built up which needed to be purchased and accessioned to the collection. Additionally, a couple of years' accumulation of loose law report and journal issues needed to be disposed of and repurchased as bound volumes.

Another challenge that emerged was that it was clear the library was becoming short of physical space – the team has worked throughout 2022 to cull the collection of materials available online to create space for new materials to be housed.

A major initiative to digitise and make public unreported judgments from the 1970s-1990s was established in conjunction with the Law Courts Library in March 2022.

Multi-year deals were renewed with the major publishers in the lead up to the end of the financial year, the long-term nature of these deals providing significant savings for the Bar Association. Additionally, the library has reviewed and rationalised its online subscriptions in accordance with the Bar Association's Strategic Plan. Some seldom-used resources have been culled but mostly this has resulted in service duplication being minimised.

One area that has unfortunately been affected by rising costs has been interlibrary loans and the Bar Library is no longer a member of the Libraries Australia Document Delivery (LADD) service. The library can still obtain interlibrary loans on behalf of members from the Law Courts and Law Society libraries.

The library has and will continue to reach out offering members and chambers staff personalised training opportunities and access to publisher-led training on demand.

Despite the challenges and changes of the 2021-22 financial year the Bar Library is as well placed as ever to meet the needs of members and will continue to maintain its high levels of service into the future.



Support barristers in the conduct of their practices

BarCare

Confidential Assistance

BarCare is an integral part of the Bar community that provides assistance to barristers, their family members, clerks and Bar Association staff members 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.

In 2021-22 BarCare assisted 89 people (76 barristers and 13 family members, clerks and Bar Association staff). As in previous years the majority of these contacts have been self-referred but referrals are also made by Bar Association staff, clerks colleagues and family members. Primary presenting problems cover a range of areas, including stress and anxiety, relationship difficulties, depression, alcohol use and bullying and harassment. There was an increase in the number of barristers who recognised that they were suffering from vicarious trauma as a result of their work and sought assistance to deal with this over the last year.

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. Alternatively barristers are able to contact one of the specialists directly to make an appointment. The Benevolent Fund will pay for the first six sessions to support the barrister in accessing appropriate professional assistance. The service is a confidential one. Barristers from outside the metropolitan area are encouraged to contact Jenny Houen who will locate a suitable treating practitioner in their area.

The COVID-19 pandemic has continued to be very challenging both professionally and personally. While most have made the necessary changes to the manner in which their work is conducted there have remained challenges that have been a source of stress and anxiety. An ongoing sense of isolation from colleagues has been a common experience and has contributed to a negative impact on the mental health of many.

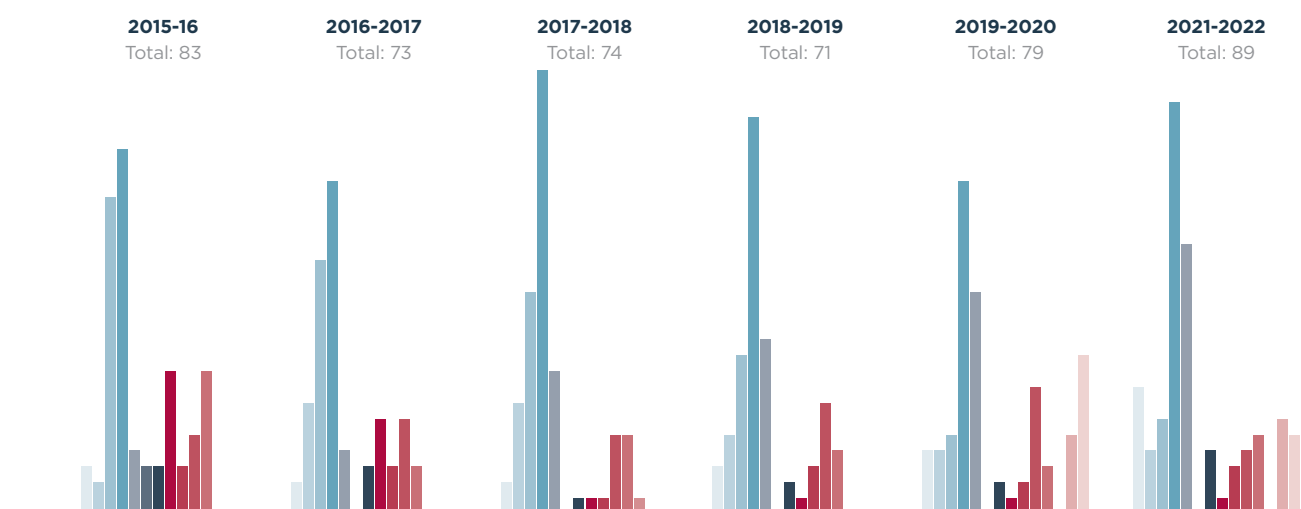
In 2021-22 four requests for financial assistance were submitted to the Barristers' Benevolent Fund, three of which were granted. These grants were made to assist barristers and their families confronted with a range of life challenges, such as illness of a barrister or a close family member and to assist with funeral costs. These applications are dealt with confidentially by the Bar Association's Executive and are assessed for eligibility according to the terms of the Benevolent Fund that such grants are to be directed to 'necessitous and deserving cases' for those suffering hardship either in the short or long term. Requests for assistance should be discussed with Jenny Houen.

In October 2021 the BarCare director's role expanded to include that of sexual harassment officer. This is an independent role and assists anyone who has experienced or witnessed discrimination, workplace bullying or sexual harassment at the New South Wales Bar. Those affected can contact the sexual harassment office directly for support and referral to appropriate services. Additionally the Bar Association has made available an online tool, Spot, which allows those who have witnessed or experienced discrimination, workplace bullying or sexual harassment at the New South Wales Bar to make a confidential record of what happened and, if they wish, to report the behaviour to the sexual harassment officer anonymously or in an identified fashion. In the eight months since Spot was launched there have been 534 page views and seven reports made to Spot.



Primary Presenting Problem

● Bereavement ● Psychological ● Depression ● Stress/Anxiety ● Relationship difficulties ● Gambling ● Career advice
 ● Physical health ● Alcohol ● Financial ● Advice and NFA ● Rejected offer of assistance ● Bullying/Harassment ● Vicarious trauma



Source of Referral

	2015-16	2016-17	2017-2018	2018-2019	2019-2020	2021-2022
Colleague via bar	0	1	2	1	2	3
Bar staff	11	8	7	13	8	6
Self	46	44	48	43	53	62
Colleague	13	11	8	8	4	6
Family	2	2	1	1	5	2
Clerk	2	2	3	3	4	7
Advice for colleague	9	5	5	2	3	3
Total	83	73	74	71	79	89

Gender

	2015-16	2016-17	2017-2018	2018-2019	2019-2020	2021-2022
Male	46	41	44	44	41	37
Female	37	32	30	27	28	52

Age

	2015-16	2016-17	2017-2018	2018-2019 Male	2018-2019 Female	2019-2020 Male	2019-2020 Female	2021-2022 Male	2021-2022 Female
<34	9	8	12	10	3	5	10	2	9
35-44	14	7	24	11	10	9	16	13	13
45-55	24	17	12	12	10	9	6	10	13
56-65	17	20	15	8	2	8	8	9	4
>65	2	18	2	3	0	8	0	3	0
Unknown	17	0	9	2	0	0	0	0	13

Years at Bar

	2015-16	2016-17	2017-2018	2018-2019 Male	2018-2019 Female	2019-2020 Male	2019-2020 Female	2021-2022 Male	2021-2022 Female
<5	25	23	24	14	10	9	12	10	20
6-15	19	19	22	13	8	11	9	12	10
16-25	10	14	7	8	4	7	1	9	8
26-35	11	11	7	5	2	8	0	4	1
>35	1	4	4	1	0	2	0	2	0
Unknown	17	2	5	0	0	0	0	0	0
N/A						5	15		13

Support barristers in the conduct of their practices

Costs and Fees Committee

Throughout 2021–22, the Costs and Fees Committee continued to assist the Bar Council and the members of the Bar Association by contributing to policy development and law reform work, and by consulting with Bar Council and members and preparing submissions on developments that fell within the committee's terms of reference together with responding to enquiries regarding costs issues arising in practice. The committee also contributed to the professional development of the Bar Association's members by hosting and presenting at CPD events, and continued to provide support to members, including through its Fee Recovery Service.

Active participation in policy development, law reform and members' enquiries

The Costs and Fees Committee responded to Bar Council's referrals, addressed members' concerns, and participated in policy development and law reform throughout the 2021–22 committee year.

The meaning of 'fair and reasonable' legal costs as that phrase appears in the *Legal Profession Uniform Law* (NSW) (Uniform Law) formed part of an ongoing and important discussion and led to the preparation for publication of guidance material on the Bar Association's website to assist members in the conduct of their practice. The committee also considered recent developments surrounding class actions, litigation funding, managed investment schemes and changes to professional conduct rules, including:

- the awarding of the first group costs order in a law practice's favour under s 33ZDA of the *Supreme Court Act 1986* (Vic) in *Allen v G8 Education Ltd* (S ECI 2020 4339);
- the progress of the Corporations Amendment (Improving Outcomes for Litigation Funding Participants) Bill 2021 (Cth); and
- the Australian Securities and Investments Commission's proposal in its Consultation Paper 345 *Litigation funding schemes: Guidance and relief* that the ASIC Corporations (Conditional Costs Schemes) Instrument 2020/38 (Cth) should not be remade when it expires in 2023.

The Costs and Fees Committee also produced written draft submissions for the consideration of Bar Council, including:

- a response to the Joint Costs Advisory Committee's annual inquiry into legal practitioners' scale of costs, in which the Bar Association made a number of recommendations consistent with the committee's advice and in furtherance of its advocacy efforts on behalf of members;
- two submissions to the Legal Services Council recommending appropriate increases to the lower and upper disclosure thresholds under cl 18 of Schedule 4 to the Uniform Law and proposing principled amendments to the inextensible 12-month time limit on legal practices applying for costs assessment under s 198 of the Uniform Law;
- a submission to the Department of Communities and Justice on its proposals to raise civil court fees by up to 74 per cent and to increase annually fees in accordance with the consumer price index; and

- a letter to the chief justice of the Supreme Court of New South Wales recommending that if the Costs Assessment Rules Committee guidelines were to continue to be used by assessors, a review of the costs and fees figures contained in the guidelines should be conducted to account for changes in the economy, inflationary increases in costs, and prevailing market conditions.

Professional development and education

Committee members Mark Walsh SC, Matt Karam and Katherine Oldfield conducted a CPD webinar on personal costs orders under s 99 of the *Civil Procedure Act 2005* (NSW) in November 2021. The webinar was well-received and attended by approximately 150 members of the Bar Association.

In February 2022, committee members Janet McDonald and Karen Petch spoke on the topic of costs and fees as panelists for Session 2 of the Bar Association's Practice Management Course 2022. Ms McDonald and Ms Petch received outstanding feedback on their presentations.

Support to the Bar Association's members

Throughout 2021–22, the Costs and Fees Committee continued to provide practice support to the Bar Association's members, including through the operation of the Fee Recovery Service and the formation of a Costs Assessment Sub-committee and a Fee Recovery Sub-committee.

The Costs Assessment Sub-committee comprised members Matthew Vesper, Bora Kaplan and Karen Petch, and was established to consider and respond to issues raised by members of the Bar Association regarding costs assessment processes for barristers. Mr Vesper and Mr Kaplan formed a further sub-committee, the Fee Recovery Sub-committee, to assess alternative fee recovery services to costs assessment under s 198 of the Uniform Law and to examine the interaction between the National Australia Bank's escrow service and the costs assessment system.

Members of the Bar Association continued to have access to the Fee Recovery Service throughout the 2021–22 committee year. The service is overseen by the Costs and Fees Committee but is operated by the committee's policy lawyer who is a member of the Bar Association's staff. To assist New South Wales barristers during the COVID-19 pandemic, the service was available over the course of the year to members whose invoices had been left unpaid for 90 days or more. Throughout the committee year, the Fee Recovery Service assisted 24 members of the Bar Association in their attempts to recover unpaid legal fees.

The committee's work was greatly assisted by the research, discussion and preparation of draft submissions by members of the committee, and in particular the insight and experience in costs matters of Philippe Doyle Gray and Janet McDonald. The committee thanks the Bar Association's staff for their assistance over the course of the last year and, in particular, the committee's policy lawyer, Richard Easton, whose diligent and significant contribution to the refining of policy issues was outstanding.

Support barristers in the conduct of their practices

Wellbeing Committee

The Wellbeing Committee's vision is to see the New South Wales Bar comprised of advocates whose independence, competence and resilience is supported by collegiality, mindfulness and self-care. The Wellbeing Committee has spent the last year working towards this vision to support the Bar while we experienced another severe wave of COVID-19. Given the circumstances, the Wellbeing Committee did not slow down, instead it worked with technology to alter the way it supports members to live a balanced and healthy lifestyle with improved physical and mental fitness.

The Wellbeing Committee was inundated with applications to join the committee, such that since July 2022 it has comprised 19 enthusiastic committee members from across the New South Wales Bar.

Mind Matters & Eat, Sleep, Move

The Wellbeing Committee has remained focussed on informative, high-quality webinars, delivered by academics and other experts, as part of the Mind Matters and Eat, Sleep, Move programs, chaired by Cynthia Cochrane SC and other members of the Wellbeing Committee.

- 4 November 2021: 'Trust Your Gut', a CPD webinar presented by Dr Fatima El-Assaad, senior research associate at the UNSW Microbiome Research Centre (MRC).
- 17 February 2022: 'Barrister Burnout', a CPD webinar presented by Professor Gordon Parker AO, Scientia Professor of Psychiatry at UNSW and founder of the Black Dog Institute.
- 7 March 2022: 'The Importance of Sleep', a CPD webinar presented by Dr Camilla Hoyos, a research leader in the Centre for Sleep and Chronobiology at the Woolcock Institute of Medical Research and a senior research fellow, School of Psychology, University of Sydney.
- 16 June 2022: 'Vicarious Trauma: Are your cases traumatising you?', a CPD webinar presented by Robyn Bradey, an accredited mental health social worker, Sally Dowling SC, Director of Public Prosecutions, and Esther Lawson, family law barrister, Waratah Chambers.

Each of the CPD webinars is available to watch on-demand on the Wellbeing page (<https://nswbar.asn.au/practice-support/wellbeing>). The Wellbeing Committee has more CPD webinars in both the Mind Matters and Eat, Sleep, Move strands scheduled for the balance of 2022.

The Wellbeing Committee is in regular contact with the Victorian Bar's Wellbeing Committee to share ideas for CPD webinars and other wellbeing matters generally.

Promoting collegiality and philanthropy

Beginning in the second wave of COVID lockdowns, the Barristers Safe Place replicated in an online environment the Bar's traditional open door policy of a confidential discussion about any issue that may be affecting a barrister's wellbeing. It was held fortnightly during law term.

While most collegiality events were placed on hold, given the circumstances, the Bar Book Club and the Bar Knitting Club stood strong, meeting via Zoom in 2021 and in-person in 2022.

Other initiatives and groups have also returned to normal practice including:

- The Bar runners, who completed the Sydney Morning Herald Half Marathon in May 2022, raising \$15,738, which exceeded all expectations.
- The Bar FC (football) and the Full Court Bench (netball) teams, which have returned to the field/court at the Domain to enjoy the fresh air out of chambers.
- The Bar Yogis, who have returned to the Bar Common Room on a Tuesday at lunchtime.
- The Bar bushwalkers, who have ventured back to the national parks around Sydney alongside family and friends, breaking record numbers.
- The Walking group, a highlight with many members joining on a Monday to go for a walk around Hyde Park together.

Shane Prince SC and Arthur Moses SC braved the cold and slept outside as part of the Vinnies CEO Sleepout, raising a remarkable \$28,000 in only a matter of days.

On 30 June 2022, the Wellbeing Committee hosted the NSW Flood Relief Concert at the Sydney Conservatorium of Music, with barrister Cameron Jackson (violin) playing alongside prize winning pianist Alexey Koltakov.

The Wellbeing Committee will be promoting collegiality again more than ever in the next year with events planned to bring the Bar back together in person again.

Raising awareness

The Wellbeing Committee's most recent initiative is the trial of the Mental Health First Aid training course, to equip members of the Bar with skills to recognise and assist co-workers who may be experiencing mental health problems or immediate crisis, until appropriate professional help is received or the problem is resolved. This initiative is still in the early stages of development, however, the Wellbeing Committee will continue to work on this project for the remainder of the year.

WELLBEING COMMITTEE (cont'd)

Providing services & benefits

The Wellbeing Committee provides services and benefits to members to assist physical and mental health. In April, the annual influenza vaccinations took place in the Bar Common Room, to ensure that all members had an opportunity to receive the flu vaccine between busy schedules.

The Wellbeing Committee has a partnership with Members Advantage, which sits on the dashboard on the Bar Association website. Members Advantage offers deals and savings for all members.

The Wellbeing Committee provides services and benefits to members to assist physical and mental health.



BarCare services remained imperative, with the second wave of COVID-19 and the floods experienced by members who live and work in Northern NSW. BarCare is an independent, professional counselling service, which helps members to manage emotional and stress-related problems, such as marital breakdown, drug or alcohol dependency and practice pressures. BarCare is available to all members of the Bar Association and their immediate families. BarCare is managed by Jenny Houen, who is available on 0427 317 958 or jhouen@barcare.org.

Alongside BarCare the Barristers' Benevolent Association of New South Wales remained accessible to all members who needed assistance in 'necessitous and deserving cases'. It provided a fund for those who were suffering from hardship either in the short term or long term.



Support barristers in the conduct of their practices

Practice Development Committee

The Practice Development Committee's major responsibilities under the Bar Association's Strategic Plan include:

- ✓ promoting the work of barristers to solicitors, in-house counsel and clients;
- ✓ facilitating the exchange of information between barristers, clerks and practice managers relating to all aspects of practice development;
- ✓ developing initiatives to assist barristers to maintain and grow their practices; and
- ✓ supporting readers and the junior Bar.

Promoting the Bar

One of the committee's priorities in the reporting period was to promote the Bar's services to in-house counsel, both corporate and government. To this end, the committee was involved in setting up BarBrief, a pilot program for promoting and facilitating direct briefing of barristers by in-house counsel. Work on BarBrief is ongoing.

Work has continued with other committees, and with the Australian Bar Association, to identify relevant Commonwealth and state legal panels, including at the Australian Taxation Office, the ACCC and ASIC, with a view to holding presentations regarding the value of briefing the Bar directly in appropriate cases. Meetings were held with the Office of Legal Services Co-ordination in the Commonwealth Attorney-General's Department.

The clerks appointed to the committee made a valuable contribution during the reporting year through their briefing roadshows for in-house teams and law firms. These focus on practical guidance for lawyers on briefing the Bar. Demand for the presentations is growing and they will continue to be rolled out in 2022-23.

Inter-committee cooperation

During 2021-22 the committee worked with the Innovation and Technology Committee, the Education Committee and others to:

- investigate possible future business models for the Bar and barristers chambers;
- help barristers and solicitors to better understand electronic briefing.

During the reporting year and the COVID-19 pandemic, members of the committee discussed a range of measures regarding online learning and teaching issues. One such measure involved evaluation and refinement of the Reading for the Future program. An innovative webinar for attendees of the 2020 and 2021 Bar Practice Courses was held at the end of June 2021, which focussed upon using technology in advocacy and as part of electronic briefing. The Reading for the Future project was developed in response to the reduction in face-to-face contact between senior members of the Bar and readers. Prior to the COVID-19 pandemic this contact occurred during lengthy court lists and other opportunities for face-to-face interactions. By focussing on technology, the session aimed to equip readers to connect with senior members of the Bar, through sharing technological skills and fostering collaboration.

Also, in support of electronic briefing, the committee worked with the Innovation and Technology Committee to publish on the Bar Association's website the Electronic Briefing Guideline, which assists barristers and their briefing solicitors with the preparation and presentation of electronic documents, as well as the organisation and processes involved in electronic briefing.

Supporting the junior Bar

In 2021-22 the committee continued to develop CPD projects on practice development issues, particularly those involving technology and the junior Bar.

During the reporting year the committee resolved to raise awareness among the junior Bar of the opportunities for advocacy experience provided by the association's Legal Assistance Referral Scheme (LARS) and Duty Barrister Scheme. On 24 February 2022 the committee hosted a CPD webinar titled 'Pro bono. Who Benefits?' on accepting pro bono work, the panels and referral schemes in operation and the practical matters to consider in undertaking such work.

On 29 March 2022 the committee hosted a CPD webinar titled 'A Practical Guide to NCAT', aimed at giving barristers an insight into the tribunal's practices and procedures and avoiding traps for new players.

In the final months of the reporting year, planning began for CPD webinars on the ethical return of briefs and a reprise of the October 2020 webinar 'Dawn Raiders', about the unannounced attendance of a corporate regulator or law enforcement authority exercising search and seizure powers.

A representative organisation, co-regulator, and leader in the legal and broader communities

Legal Assistance Schemes



CLIENT TESTIMONIAL

On behalf of my children and myself, I would like to thank your organisation for your time and resources to represent everyday people.

The Legal Assistance Department coordinates pro bono and reduced cost legal services, reflecting the strongly held view of the Bar that access to justice should not be diminished because a litigant has little or no money. More than 500 barristers are on the pro bono panels to receive referrals through the Legal Assistance Referral Scheme (LARS) or to volunteer as a duty barrister. Pro bono assistance provided by the Bar is not a substitute for Legal Aid, referrals through the scheme are only available in situations where a client has no other available option.

The Legal Assistance Referral Scheme (LARS)

LARS has experienced a sharp increase in demand, which may be partly attributed to an unprecedented increase in legal need arising from COVID-19, bushfire and flood related environmental disasters and the humanitarian crisis in Afghanistan. The increase may also be attributed to reduced funding and resourcing of Legal Aid and Community Legal Centres, causing applicants who are turned away from mainstream service providers to seek assistance further afield.

In the financial year ending 30 June 2022, LARS received 479 applications for assistance, increased from 292 applications received in the previous financial year. All applications are carefully assessed with respect to means, legal merit and availability of alternative assistance providers. Of the 479 applications received, 263 (55 percent) were assessed as suitable and referred to a barrister for assistance. This represents a further increase in matters that are ultimately referred to counsel following assessment, which was 98 (33.5 percent) in the 2020-2021 financial year.

Applications assessed as unsuitable were referred to another pro bono scheme or community legal centre whenever possible.

This year our volunteer panel of barristers contributed 3303 hours of pro bono assistance through LARS, increased from 2666 hours last year.

BARRISTER FEEDBACK

We negotiated a settlement today. This is a good result as it would have been struck out otherwise. The client is homeless with significant mental health issues. My instructing solicitor knew the lawyer on the other side and stepped in to resolve quickly. Neither of us have charged anything.

Referral source

26.5 per cent of referrals made to LARS came from Community Legal Centres and other not for profit service providers. 21 per cent came from the Office of the Director of Public Prosecutions. 18.7 per cent of referrals were received directly from courts and tribunals, with LARS continuing to facilitate all referrals made by the Supreme Court and Court of Appeal in accordance with Uniform Civil Procedure rule 7.36. A further 12.7 per cent of referrals came from the Law Society Pro Bono Scheme. The remaining 21 per cent of referrals came from mixed sources including applications received directly from members of the public or from people held in prisons and immigration detention.



CLIENT FEEDBACK

I'd like to say thank-you for seeing me yesterday and for all the hard work you put into my case, I'm forever grateful. I'd like to let you know I took all your advice on board, so fingers crossed.

Agreement with the Office of the Director of Public Prosecutions

In 2021 the Bar Association formalised its relationship with the Sydney ODPP office to receive referrals for witnesses requiring independent advice in proceedings where issues have arisen in relation to compellability and self-incrimination. This assistance is provided by the duty barristers in the spirit of facilitating the efficient administration of justice – without this advice trials are often unable to proceed.

Support for the Refugee Advice and Casework Service

Following the Taliban's takeover of Afghanistan in August 2021, LARS partnered with RACS to assist with the preparation of urgent humanitarian visa applications for people who have been displaced by the crisis. At the time of writing, more than 130 applications on behalf of people seeking asylum have been prepared and returned to RACS for submission to the Department of Home Affairs.

Disaster Response Legal Service

LARS is working with the DRLS in response to recent bushfire and flood disasters in NSW. Through this forum barristers have accepted referrals for briefs in complex insurance and property matters arising from the disasters. Barristers have also provided telephone advice to solicitors attending emergency hubs in disaster affected areas and provided pro bono CPD to Legal Aid solicitors to support them in this work.

FEEDBACK FROM SHOALCOAST CLC BUSHFIRE PROJECT SOLICITOR

I initially contacted LARS for a specialist opinion on a home building dispute for clients who were rebuilding after losing their home in the 2019-20 bushfires. The barrister was helpful and easy to communicate with. He participated in a teleconference with the clients, prepared a memorandum of advice and a draft letter of demand in a short turnaround period. The memorandum of advice was particularly great as it was written clearly and succinctly in language that the clients could understand. The clients decided not to pursue legal but after receiving the advice, however they said 'we feel strong knowing we have this under our belt.... Thank you so much for giving us that power'.

Assisting the Redfern Legal Centre COVID-19 Clinic

LARS has partnered with Redfern Legal Centre to provide advice and representation for people who had been fined by police under the COVID-19 Public Health Order lockdowns, which RLC solicitors had identified as being issued incorrectly. Through this partnership, barristers have assisted in having these fines revoked by police and/or dismissed in the Local Court.



CLIENT TESTIMONIAL

It is such a big relief and peace of mind to feel that we're not alone in this unfortunate event. We were kinda' in a stressful situation after we were fined for something we believe that we're not guilty of.

Jurisdiction

	2018-19	2019-20	2020-21	2021-22
High Court				
Total	5	7	5	7
Federal Court				
Total	11	12	23	33
Federal Circuit and Family Court				
Total	55	40	38	58
Supreme Court				
Court of Appeal	13	8	7	14
Court of Criminal Appeal	3	3	7	5
All other	67	67	73	96
District Court				
Criminal	40	23	24	91
Civil	15	11	11	21
Local Court				
Total	32	17	38	65
Tribunals				
Administrative Appeals Tribunal	4	6	7	12
NCAT	38	35	48	55
Other*				
Total	8	9	10	23

*Land and Environment Court, Children's Court, Coroner's Court, Fair Work Commission, Industrial Relations Commission, misc matters without a jurisdiction

Referral Source

	2018-19	2019-20	2020-21	2021-22
1. No Formal Referral*	63	66	69	100
2. DPP	32	26	15	101
3. Community Legal Centres and not-for-profit partners**	77	60	95	127
4. Law Society Pro Bono Scheme	46	27	44	61
5. Judges/ magistrate/ registrar, Tribunal member	73	60	69	90
Total	291	239	292	479

* members of the public, internet, members of Parliament, members of the Bar, other

** CLC, Legal Aid, LawAccess, Justice Connect, Pro bono director of a large firm, social worker, not-for-profit law firm

Referred Matters

	2018-19	2019-20	2020-21	2021-22
Number of applications eligible for referral to barristers	123	107	98	263

Hours

	2018-19	2019-20	2020-21	2021-22
Hours	1350	1370	2666	3303

The Duty Barrister Scheme

The Duty Barrister Scheme continues to be a popular volunteering opportunity for members who wish to immerse themselves in the fast-paced and mercurial atmosphere of the Downing Centre Local Court. The scheme offers junior barristers a fantastic opportunity to get on their feet and a further opportunity for more senior members to get out of chambers and do something different for the day. The magistrates sitting in the Downing Centre are universally appreciative of the assistance provided by duty barristers.

Unfortunately, the Duty Barrister Office at the Downing Centre had been closed for a significant portion of the year as a result of lockdown restrictions and directions issued by the chief magistrate. When it has been possible to open the office, the duty barristers have been exceptionally busy responding to the increased demand brought about by court closures and resumption of defended hearings.

During the April-June quarter no lockdowns were imposed and we were able to collect snapshot data from the Duty Barrister Office. Duty barristers mostly assisted with traffic (43 percent) and apprehended violence orders and assaults (19 percent) with the remainder of issues being an assortment of criminal charge, fines and appeals to the District Court.

FEEDBACK FROM THE BENCH

Extract from the Honourable Justice Kunc's decision in Re Estate of the Late Gerhard Anthony Haberl [2022] NSWSC 704

[112] ...While in an ideal world it would be unnecessary, the willingness of solicitors and barristers to provide pro bono assistance is an essential part of the obligations that characterise legal practice as a profession. In doing so, they not only assist their client, but also the court, to ensure that justice is done.

Ninety-six per cent of unrepresented parties attending the Duty Barrister Office were provided with advice on the day. Of those, 51 per cent were provided with pro bono representation in court.



Graduate Fellowship Program

In line with its Strategic Plan initiative to improve and support diversity at the Bar, the Bar Association has introduced a Graduate Fellowship Program, which provides financial support and mentoring to law graduates from diverse backgrounds while they complete their practical legal training.

We wish to acknowledge the Indigenous Barristers' Trust The Mum Shirl Fund for generously funding and supporting the First Nations Graduate Fellowship positions.

The graduate fellows work under the supervision of the LARS managing solicitor and assist with a variety of legal concerns while gaining a broad exposure to LARS clients, litigation files, barristers and the court. This year's graduate fellowships were awarded to Nathan Allen, Jasmine Derbas and Tonyka Jamieson.

Conclusion

We anticipate that increased requests for assistance will continue in the coming years, as existing funding for Legal Aid and community legal centres is not sufficient to meet demand. In this context, we will continue to support and promote the Bar's pro bono activities as one of the finest traditions of the New South Wales Bar. It is clear that more resources will be required to administer our work and respond to increasing demand.

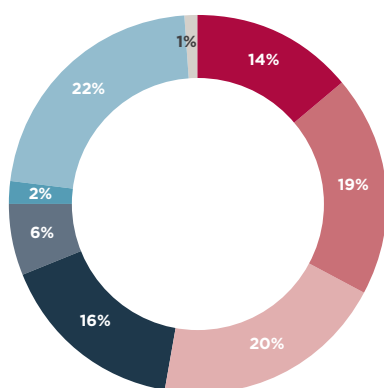
In the meantime the Bar Association will continue to advocate through our involvement in the NSW Legal Assistance forum and other forums for increased funding and support for the legal assistance sector as a whole.

Gender

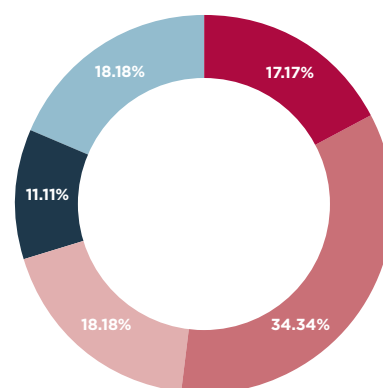
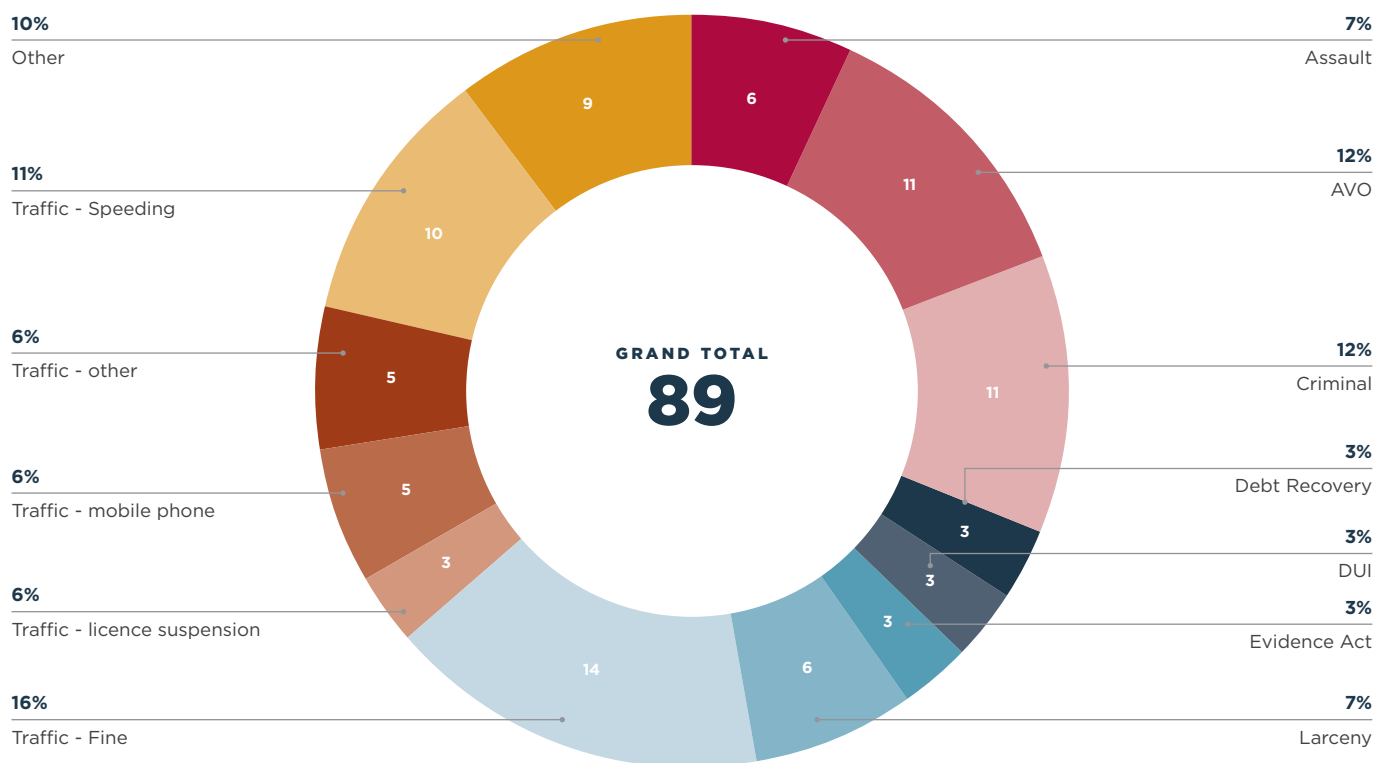
Female Male X

**Age of Duty Barrister Clients**

20-30
30-40
40-50
50-60
60-70
70-80
Unknown
Unknown

**Time spent on the matter**

0-15 Minutes
15-30 Minutes
30-45 Minutes
45-60 Minutes
More than an hour

**Duty Barrister Scheme - presenting charges**

A representative organisation, co-regulator, and leader in the legal and broader communities

Professional Conduct

Professional Conduct 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;
- assists the Executive and other teams within the Bar Association in relation to the interpretation and application of legal profession and other legislation;
- liaises with Professional Standards and Support in relation to CPD and other training issues, which come to notice in connection with regulatory matters.

Professional Conduct also participates on behalf of the Bar Council in consultations regarding amendments to the Legal Profession Uniform Law. 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 in NSW are made to the NSW Legal Services Commissioner. The commissioner refers most disciplinary matters concerning barristers to the Bar Council for assessment, investigation, and determination.

All such matters are assessed and investigated by one of the four Professional Conduct Committees established by the council. The committees report to the Bar Council, which makes a determination in respect of each complaint.

In the course of 2021–22 the Bar Council investigated 157 complaints – 74 complaints made during the year and 83 complaints made in previous years but still ongoing.

The Bar Council made a determination in 71 matters during the year.

- 45 were dismissed under the *Legal Profession Act 2004* or closed under the Legal Profession Uniform Law (NSW);
- 12 resulted in the barrister being cautioned or reprimanded;
- two were referred to the New South Wales Civil and Administrative Decisions Tribunal;
- five complaints were withdrawn, and
- seven were referred to the Office of the Legal Services Commissioner (due to conflict of interest or jurisdictional issues).

In 2021–22 there were no reviews by the Legal Services Commissioner of Bar Council decisions made under the Legal Profession Uniform Law (NSW).

An analysis of the 74 complaints received in 2021–22 shows:

- 31 were made by the barrister's client or former client and 23 by the opposing party or opposing solicitor, one by the instructing solicitor and five by the Bar Council itself. The balance were made by witnesses, a government or statutory body or other persons unrelated to the original matter.
- Most complaints (36) were to do with ethical matters. 17 arose from issues about competence and diligence. Other significant issues were costs (6), communication (7) and personal conduct (2).

The Professional Conduct team continues to work closely with Professional Standards and Support to develop training on the issues that arise most frequently in complaint matters and promote an educative approach.

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, 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 2021–22 no show cause events were examined.

The Ethical Guidance Scheme enables barristers to seek ethical guidance from the senior counsel serving on the Professional Conduct Committees.



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 lawyers of the Professional Conduct team serve as secretaries of the committees. The committees continued to hold their meetings by AVL technology during the reporting year.

The committees conduct the preliminary assessment and, where necessary, the 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.

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 these committees for their significant and ongoing contribution.

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

Ethical guidance and information

The Ethical Guidance Scheme enables barristers to seek ethical guidance from the senior counsel serving on the Professional Conduct Committees. Twenty-seven senior counsel were available to assist members in 2021-22. Most calls are initially directed to (and 'triaged' by) the Bar Association's Professional Conduct staff.

Professional Conduct also receives calls from barristers, solicitors, and members of the public enquiring about Barristers Rules, conduct issues and the processes relating to complaints, show cause events and practice issues. In 2021-22 Professional Conduct received close to 400 calls seeking either ethical guidance or information.

In addition, the staff dealt with approximately 40 queries relating specifically to fees in advance and trust money accounts. As well as calls, the Professional Conduct team also receives email enquiries on a daily basis.

Statistics

Number and type of complaints referred to the Bar Council during the year

Complaint type	Number
Communication	7
Competence and Diligence	17
Compliance	6
Costs	6
Ethical Matters	36
Personal conduct	2
Total number of complaints	74

Figures comprise complaints referred by the OLSC to the Bar Council for assessment, investigation and determination (including complaints made by the Bar Council).

Source of complaints referred to the Bar Council during the year

Source of Complaints	Number
Bar Council	5
Barrister	1
Client/Former Client	31
Government Department/Statutory Body	1
Instructing Solicitor	1
Opposing Party	19
Opposing Solicitor	4
Other	12
Total number of complaints	74

Number of consumer matters assessed/investigated during the year by the Bar Council

Complaint type	Complaints made during the year	Complaints made in previous years
Costs	1	3
Ethical Matters	0	1
Competence and diligence	0	2
Sub-totals:	1	6
Total number of complaints		7

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

Complaint type	Complaints made during the year	Complaints made in previous years
Communication	7	11
Competence and Diligence	17	21
Compliance Matters	6	2
Costs	6	8
Ethical Matters	36	37
Personal Conduct	2	4
Sub-totals:	74	83
Total number of complaints assessed/investigated		157

Figures include complaints remaining under investigation as at 30/06/2022, all complaints in respect of which the Bar Council made a decision & complaints that were withdrawn or referred to the Bar Council during the year.

Number and 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*

Complaint Type	Complaints made during the year	Complaints made in previous years
Communication	1	3
Competence and Diligence	1	4
Compliance Matters	1	0
Costs	1	2
Ethical Matters	10	20
Personal Conduct	2	0
Sub-totals:	16	29
Total number of complaints dismissed/closed		45

* In addition, 7 complaints were returned to the Office of the Legal Services Commissioner due to jurisdictional issues or conflict of interest.

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

Complaint Type	Complaints made during the year	Complaints made in previous years
Communication	0	2
Competence and Diligence	0	3
Compliance	0	1
Costs	0	1
Ethical Matters	0	4
Personal Conduct	0	1
Sub-totals:	0	12
Total number of reprimands or cautions		12

Number and type of complaints withdrawn during the year

Complaint Type	Complaints made during the year	Complaints made in previous years
Communication	1	0
Compliance	2	0
Costs	1	0
Ethical Matters	0	1
Sub-totals:	4	1
Total number of complaints withdrawn		5

Number and type of complaints referred by the Bar Council to the New South Wales Civil and Administrative Tribunal during the year

Complaint Type	Complaints made during the year	Complaints made in previous years
Costs	0	1
Personal Conduct	0	1
Sub-totals	0	2
Total number of complaints withdrawn		2

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

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

Number and Type of Complaint where Proceedings were Instituted	Number
Costs/other	1
Total number of complaints	1

Number of complaints not finally dealt with at the end of the year/ Age of Complaints not finally dealt with at the end of the year

Age of complaints not finally dealt with at the end of the year	Number	Complaints made in the year ending 30 June
Up to six months	27	2022
Between seven and twelve months	23	2021
Between thirteen and eighteen months	13	2021
Between nineteen and twenty-four months	7	2020
Up to three years	3	2020
Up to three years	5	2019
Up to four years	2	2019
Up to four years	3	2018
Up to five years	1	2016
Total	84	

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

Time Intervals between receipt of complaint and completion	Number
Up to six months	20
Between seven and twelve months	22
Between thirteen and eighteen months	14
Between nineteen and twenty-four months	4
Up to three years	9
Up to four years	3
Total	72

Note: these complaints remain under investigation

Financial Statements



Financial Report for The New South Wales Bar Association

ABN 18 526 414 014

CONTENTS

Directors' Report	66
Auditor's Independence Declaration	74
Statement of Surplus and Other Comprehensive Income	75
Statement of Financial Position	76
Statement of Changes in Accumulated Funds	77
Statement of Cash Flows	78
Notes to the Financial Statements	79
Director's Declaration	92
Independent Auditor's Report	93

These financial statements cover The New South Wales Bar Association as an individual entity (the Association). 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 8th September 2022. The directors have the power to amend and reissue the financial statements.

Directors' Report

For the year ended 30 June 2022

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 2022 and the auditors' report thereon.

Directors

The following persons were directors of the Association, i.e., members of the Bar Council, during the financial year or since the end of the financial year 1 July 2021 to 30 June 2022.

NAME	FROM	TO
Michael Mchugh SC	01/07/2021	12/05/2022
Gabrielle Bashir SC	01/07/2021	
Ruth Higgins SC	01/07/2021	
Dominic Toomey SC	01/07/2021	
Michael Izzo SC	05/11/2021	
Nicholas Broadbent	01/07/2021	
Kate Eastman AM SC	01/07/2021	
Andrew Stone SC	12/05/2022	
Ingmar Taylor SC	05/11/2021	
Sophie Callan SC	01/07/2021	
Yaseen Shariff SC	17/03/2022	
Sean Hughes	01/07/2021	
David Patch	01/07/2021	
David Rayment	01/07/2021	
Patrick Knowles	01/07/2021	
Sharna Clemmett	05/11/2021	30/06/2022
Catherine Gleeson	01/07/2021	
Callan O'Neill	01/07/2021	
Rose Khalilizadeh	01/07/2021	
Kate Lindeman	01/07/2021	
Claire Palmer	01/07/2021	
Georgina Westgarth	01/07/2021	
Anna Mitchelmore SC	01/07/2021	17/03/2022
Paresh Khandhar SC	01/07/2021	05/11/2021
Sera Mirzabegian SC	01/07/2021	05/11/2021
Kylie Nomchong SC	01/07/2021	05/11/2021
Nicolas Kirby	11/07/2022	

Information on directors

The directors' qualifications, experience and special responsibilities during the financial year 1 July 2021 to 30 June 2022 are as follows. All directors are practising barristers.

Name:	Michael McHugh SC <i>(ceased as a director on 12 May 2022)</i>
Title:	Former President
Qualifications:	DipL
Experience and expertise:	Michael was called to the Bar in 1999 and was appointed Senior Counsel in 2012. He practises in a wide range of areas including commercial law, public and administrative law and appellate.
Special Responsibilities:	Member of the Bar Council Executive – President (July 2021 – May 2022). Member of the Finance, Investment and Audit Committee (July 2021 – May 2022).
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Name:	Gabrielle Bashir SC
Title:	President
Qualifications:	LLB, BA
Experience and expertise:	Gabrielle was called to the Bar in 2000 and was appointed Senior Counsel in 2014. She practises in a wide range of areas including criminal law, appellate, commissions of inquiry and inquests, corporate crime and administrative law.
Special Responsibilities:	Member of the Bar Council Executive – President (since May 2022); Senior-Vice President (July 2021 – May 2022). Member of the Finance, Investment and Audit Committee (since May 2022).
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Name:	Ruth Higgins SC
Title:	Senior Vice-President
Qualifications:	LLB (Hons 1), DipLPrac (Glasgow), DPhil (Oxford)
Experience and expertise:	Ruth was called to the Bar in 2006 and was appointed Senior Counsel in 2017. She practises in a wide range of areas including competition law, class actions, energy, media, corporate criminal and corporations' matters.
Special Responsibilities:	Member of the Bar Council Executive – Senior Vice-President (since May 2022); Junior Vice-President (March 2022 – May 2022); Treasurer (July 2021 – March 2022). Member of the Finance, Investment and Audit Committee – Chair (July 2021 – March 2022); Member (since March 2022).
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Name:	Dominic Toomey SC
Title:	Junior Vice-President
Qualifications:	DipL, GradDipL
Experience and expertise:	Dominic was called to the Bar in 1999 and was appointed Senior Counsel in 2015. He practises in a wide range of areas including tort law, administrative law and Inquests and commissions of inquiry.
Special Responsibilities:	Member of the Bar Council Executive – Junior Vice-President (since May 2022).
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Name:	Michael Izzo SC
Title:	Treasurer
Qualifications:	BA, LLB (Syd) BCL, MPhil (Oxford)
Experience and expertise:	Michael was called to the Bar in 2005 and was appointed Senior Counsel in 2018. He practises in a wide range of areas including commercial and public law.
Special Responsibilities:	Member of the Bar Council Executive – Treasurer (since March 2022). Member of the Finance, Investment and Audit Committee – Chair (since March 2022).
<hr/>	
Name:	Nicholas Broadbent
Title:	Secretary
Qualifications:	LLM (Harvard), BEc LLB (Hons 1) (Macq.)
Experience and expertise:	Nicholas Broadbent was called to the Bar in 2009. He was appointed a Public Defender in 2020 and is based in Dubbo. Member of the Bar Council Executive – Secretary (since November 2021).
Special Responsibilities:	Member of the Finance, Investment and Audit Committee (since January 2022).

Name: **Kate Eastman AM SC**
 Title: Bar Councillor
 Qualifications: BA LLB (UNSW), LLM Dist (UCL), LLM (UTS), LLD (Hon) (UTS)
 Experience and expertise: Kate was called to the Bar in 1998 and was appointed Senior Counsel in 2012. She practises in a wide range of areas including commercial law, public and administrative law, constitutional law, appellate law, industrial law and international law.
 Special Responsibilities: None.

Name: **Andrew Stone SC**
 Title: Bar Councillor
 Qualifications: BA, LLB (Sydney)
 Experience and expertise: Andrew was called to the Bar in 1997 and was appointed Senior Counsel in 2015. He practises in a wide range of areas in common law.
 Special Responsibilities: None.

Name: **Ingmar Taylor SC**
 Title: Bar Councillor
 Qualifications: LLM (Sydney) BA, LLB (Adelaide)
 Experience and expertise: Ingmar was called to the Bar in 1997 and was appointed Senior Counsel in 2012. He practises in a wide range of areas including commercial law, public and administrative law, constitutional law and industrial law.
 Special Responsibilities: None.

Name: **Sophie Callan SC**
 Title: Bar Councillor
 Qualifications: LLB, BA (ANU)
 Experience and expertise: Sophie was called to the Bar in 2007 and was appointed Senior Counsel in 2020. She practises in a wide range of areas including criminal law, administrative law, corporations and commercial law, equity and inquiries.
 Special Responsibilities: None.

Name: **Yaseen Shariff SC**
 Title: Bar Councillor
 Qualifications: LLB, BEc (Sydney)
 Experience and expertise: Yaseen was called to the Bar in 2007 and appointed Senior Counsel in 2020. He practises in a wide range of areas including employment, industrial and discrimination, commercial, corporate and coronial inquests and inquiries.
 Special Responsibilities: None.

Name: **Sean Hughes**
 Title: Bar Councillor
 Qualifications: DipL
 Experience and expertise: Sean was called to the Bar in 2004. He practises as a Crown Prosecutor.
 Special Responsibilities: None.

Name: **David Patch**
 Title: Bar Councillor
 Qualifications: LLB (UNSW), BA (Sydney)
 Experience and expertise: David was called to the Bar in 1991. He practises as a Crown Prosecutor.
 Special Responsibilities: None.

Name: **David Rayment**
 Title: Bar Councillor
 Qualifications: LLM, LLB (Hons 1), BA (Hons 1)
 Experience and expertise: David was called to the Bar in 2004. He practises in a wide range of areas including commercial, corporations, real property and commercial law.
 Special Responsibilities: Member of the Finance, Investment and Audit Committee (since July 2021).

Name:	Patrick Knowles
Title:	Bar Councillor
Qualifications:	LLB (UNSW), LLM (Hons 1) (Cambridge)
Experience and expertise:	Patrick was called to the Bar in 2009. He practises in a wide range of areas including administrative, public and constitutional, commercial and common law.
Special Responsibilities:	None.
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Name:	Sharna Clemmett <i>(ceased as a director on 30 June 2022)</i>
Title:	Former Bar Councillor
Qualifications:	LLB (Hons)
Experience and expertise:	Sharna was called to the Bar in 2012. She practises in a wide range of areas including commercial law and equity, property law, consumer law, insolvency and corporation law.
Special Responsibilities:	None.
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Name:	Catherine Gleeson
Title:	Bar Councillor
Qualifications:	BA, LLB (Hons) (Sydney) BCL (Oxford)
Experience and expertise:	Catherine was called to the Bar in 2009. She practises in a wide range of areas including commercial law, common law, crime, inquests and inquiries, public and administrative law.
Special Responsibilities:	Member of the Finance, Investment and Audit Committee (since July 2021).
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Name:	Callan O'Neill
Title:	Bar Councillor
Qualifications:	LLM (UNSW), LLB (Hons) (UTS), BA (UTS)
Experience and expertise:	Callan was called to the Bar in 2012. He practises in a wide range of areas including common law, personal injury, commercial law, and industrial law.
Special Responsibilities:	None.
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Name:	Rose Khalilizadeh
Title:	Bar Councillor
Qualifications:	LLB (Hons) BA
Experience and expertise:	Rose was called to the Bar in 2017. She practises in a wide range of areas including criminal law, children's criminal law, criminal appeals and commissions of inquiry and inquests.
Special Responsibilities:	None.
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Name:	Kate Lindeman
Title:	Bar Councillor
Qualifications:	BA (Hons 1) LLB (Hons 1) BCL (Oxford)
Experience and expertise:	Kate was called to the Bar in 2017. She practises in a wide range of areas including commercial and public law practice.
Special Responsibilities:	None.
<hr/>	
Name:	Claire Palmer
Title:	Bar Councillor
Qualifications:	DPhil (Oxford) BCom (Hons 1) LLB (Hons 1)
Experience and expertise:	Claire was called to the Bar in 2017. She practises in a wide range of areas including administrative law, constitutional law, commercial law, human rights law and coronial jurisdiction.
Special Responsibilities:	None.
<hr/>	
Name:	Georgina Westgarth
Title:	Bar Councillor
Qualifications:	LLB (Hons 1), BA (ANU)
Experience and expertise:	Georgina was called to the Bar in 2018. She practises in a wide range of areas including commercial and criminal law.
Special Responsibilities:	None.

Name: **Anna Mitchelmore SC** *(ceased as a director on 17 March 2022)*
 Title: Former Junior Vice-President
 Qualifications: BA (Hons), LLB (Hons)
 Experience and expertise: Anna was called to the Bar in 2004 and was appointed Senior Counsel in 2018. She practised in a wide range of areas including administrative law, appellate and environmental and planning law.
 Special Responsibilities: Member of the Bar Council Executive – Junior Vice-President (November 2021 – March 2022).

Name: **Paresh Khandhar SC** *(ceased as a director on 5 November 2021)*
 Title: Former Junior Vice-President
 Qualifications: DipL, BBus(EcoFin)
 Experience and expertise: Paresh was called to the Bar in 1999 and was appointed Senior Counsel in 2018. He practises in a wide range of areas including commercial law and common law.
 Special Responsibilities: Member of the Bar Council Executive – Junior Vice-President (July 2021 – November 2021).

Name: **Sera Mirzabegian SC** *(ceased as a director on 5 November 2021)*
 Title: Former Secretary
 Qualifications: B Ec (Soc Sc) LLB (Hons 1), M Int Law
 Experience and expertise: Sera was called to the Bar in 2006 and was appointed Senior Counsel in 2021. She practises in a wide range of areas including commercial, class action, regulatory and public law practice.
 Special Responsibilities: Member of the Bar Council Executive – Secretary (July 2021 – November 2021).
 Member of the Finance, Investment and Audit Committee (July 2021 – November 2021).

Name: **Kylie Nomchong SC** *(ceased as a director on 5 November 2021)*
 Title: Former Bar Councillor
 Qualifications: LLB, Bec (Hons)
 Experience and expertise: Kylie was called to the Bar in 1997 and was appointed Senior Council in 2012. She practises in a wide range of areas including employment law, human rights and discrimination, professional negligence and administrative law.
 Special Responsibilities: None.

Name: **Nicolas Kirby**
 Title: Bar Councillor
 Qualifications: DipL
 Experience and expertise: Nicolas was called to the Bar in 2009. He practises in a wide range of areas including commercial law, equity, competition and consumer law, insolvency, corporations, insurance, wills and probate.
 Special Responsibilities: None.

Company Secretary

Nicholas Broadbent has held the role of Company Secretary since November 2021 (see page 67 for qualifications and experience).

Short and Long Term Objectives and Strategies

The Association's long-term objectives as set out in our Constitution include to:

- promote the administration of justice;
- promote, maintain and improve the interests and standards of NSW barristers;
- make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts;
- seek to ensure that the benefits of the administration of justice are reasonably and equally available to all members of the community;
- arrange and promote continuing legal education;
- promote fair and honourable practice among barristers.

The Association's short term objectives are to continue to deliver the aims of its *NSW Bar Association 2021-25 Strategic Plan*, including to:

- Promote the rule of law and advocate for fair and equal justice for all
- Ensure that the Bar attracts the best candidates to maintain high standards
- Improve and support diversity at the Bar to represent and support the society it serves
- Commit to respectful conduct toward all those with whom we deal including the elimination of sexual harassment, discrimination and workplace bullying
- Maintain ethics, integrity and excellence
- Maintain a leadership role in the community and the legal profession
- Maintain the integrity of the Bar through the Bar Association's co-regulatory role
- Retain the best talent at the Bar
- Deliver excellent professional development and education for barristers at all career stages
- Support the Bar to deal with COVID-19
- Support the appropriate use of technology
- Assist barristers with the economic challenges of being a sole practitioner
- Support the health and wellbeing of members
- Develop strategies to enable the Bar Association to identify and respond to both significant predicted and unforeseen issues, to protect the reputation of the Bar, barristers' practices and our people
- Provide outstanding services to members
- Optimise representation and participation
- Carry out responsibilities under the Uniform Law including monitoring and review of the regulatory environment and support for members
- Continue to increase access to the Bar Association's pro bono and support services

The Association's strategies for achieving those objectives are set out in the *NSW Bar Association 2021-25 Strategic Plan* available at <https://nswbar.asn.au/uploads/pdf-documents/SP2021.pdf>

Principal Activities and how these achieve our objectives

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, which supports our objectives relating to supporting barristers' practice and the maintenance of the highest standards of excellence among local practising barristers
- organising the Bar Exams, Bar Practice Course and a program of Continuing Professional Development, which supports our objectives relating to the maintenance of the highest standards of excellence among local practising barristers, continuing professional development and our regulatory functions under the Legal Profession Uniform Law.
- running various programs for the benefit and wellbeing of our members such as: Member Advantage, Fee Recovery Assistance, Ethical Guidance, BarCare, social events, and various publications including
- *Bar News*, which relates to our objectives of supporting the health and wellbeing of members and assisting barristers with the economic challenges of being a sole practitioner, among others;
- implementing programs to address harassment, bullying and discrimination, which support our objectives of retaining the best talent at the Bar, committing to respectful conduct toward all those with whom we deal including through the elimination of sexual harassment, discrimination and workplace bullying and promoting, maintaining and improving the interests and standards of NSW barristers;
- administering the Bar Association's Professional Standards Scheme, which promotes, maintains and improves the interests and standards of NSW barristers;
- making submissions and providing advice to government and non-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 which supports our objective of promoting the administration of justice;
- coordinating 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 Scheme, which supports our objective of seeking to ensure that the benefits of the administration of justice are reasonably and equally available to all members of the community; 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, although the reporting year saw increased activity in implementing measures to address harassment, bullying and discrimination at the Bar.

These principal activities assisted in achieving the Association's objectives, both short and long term during the reporting year, and these will continue in the coming financial year.

Measuring Performance

The Bar Council meets at least monthly to consider and make decisions on the Association's activities and initiatives and reviews reports of its committees' activities. The Finance, Investment and Audit Committee reviews financial, audit and investment performance and meets quarterly. The Executive Committee meets at least monthly to review and consider the activities of the Association. The Bar Council also meets monthly to undertake the Bar Council's regulatory functions under the Legal Profession Uniform Law. Proposals to the Bar Council are assessed against the Association's 2021-2025 Strategic Plan and its constitutional objects and include assessment of risks and financial implications.

Review and Results of Operations

The Association continued to engage in its principal activities during the financial year. The comprehensive profit of the Association for the year ended 30 June 2022 was \$398,602 (2021: income of \$1,111,723).

Association Particulars

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

174 Phillip Street, Sydney NSW 2000

Meetings of Directors

From 1 July 2021 to 30 June 2022 there were 23 Meetings held.

NAME	MEETINGS ATTENDED	MEETINGS HELD*
Michael McHugh SC	19	19
Gabrielle Bashir SC	22	23
Ruth Higgins SC	18	23
Dominic Toomey SC	20	23
Michael Izzo SC	14	14
Nicholas Broadbent	20	23
Kate Eastman AM SC	18	23
Andrew Stone SC	4	4
Ingmar Taylor SC	14	14
Sophie Callan SC	18	23
Yaseen Shariff SC	6	8
Sean Hughes	20	23
David Patch	22	23
David Rayment	19	23
Patrick Knowles	23	23
Sharna Clemmett	8	14
Catherine Gleeson	18	23
Callan O'Neill	18	23
Rose Khalilizadeh	19	23
Kate Lindeman	21	23
Claire Palmer	20	23
Georgina Westgarth	22	23
Anna Mitchelmore SC	14	15
Paresh Khandhar SC	6	9
Sera Mirzabegian SC	7	9
Kylie Nomchong SC	6	9

*Held represents the number of meetings held during the time the director held office as a director.

Meetings of the Finance, Investment and Audit Committee

From 1 July 2021 to 30 June 2022 there were 3 meetings.

NAME	MEETINGS ATTENDED	MEETINGS ENTITLED TO ATTEND
Michael Izzo SC, Chair	1	1
Gabrielle Bashir SC	1	1
Michael McHugh SC	2	2
David Rayment	3	3
Sera Mirzabegian SC	1	1
Ruth Higgins SC, Chair	3	3
Nicholas Broadbent	2	2
Catherine Gleeson	1	3

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 3,485 members at balance date, and the total that members are liable to contribute is \$13,940.

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 74.

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



Gabrielle Bashir SC
President

Sydney, NSW
8th September 2022



M. Izzo SC
Treasurer

RSM Australia Partners

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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 2022, 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: 8 September 2022

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AUDIT | TAX | CONSULTING

RSM Australia Partners is a member of the RSM network and trades as RSM. RSM is the trading name used by the members of the RSM network. Each member of the RSM network is an independent accounting and consulting firm which practices in its own right. The RSM network is not itself a separate legal entity in any jurisdiction.

RSM Australia Partners ABN 36 965 185 036

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Statement of Surplus and Other Comprehensive Income

For the year ended 30 June 2022

	NOTES	2022 \$	2021 \$
Revenue	2	11,006,965	9,650,129
Employee benefits expense		(4,520,003)	(4,396,525)
Legal and professional fees		(1,868,660)	(1,379,107)
Subscriptions		(1,029,175)	(1,033,744)
Communications and information technology expense		(426,105)	(457,286)
Depreciation expense	3	(244,866)	(311,436)
Occupancy expense	3	(162,652)	(191,244)
Advertising and marketing expense		(204,331)	(217,183)
Financial expense	3	(407,650)	(456,804)
Seminar and function expense		(206,902)	(86,823)
Right-of-Use depreciation	3	(473,654)	(445,275)
Other expenses from ordinary activities		(347,332)	(453,960)
Surplus before investment revaluation to market		1,115,635	220,742
Fair value adjustment on financial assets through surplus or (deficit)		(717,033)	890,981
Profit before income tax expense		398,602	1,111,723
Income tax benefit	4(a)		-
Net surplus / (loss)		398,602	1,111,723
Other comprehensive income for the year, net of tax		-	-
Total comprehensive income / (loss)		398,602	1,111,723

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

Statement of Financial Position

For the year ended 30 June 2022

	NOTES	2022 \$	2021 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	5	8,605,604	3,175,249
Receivables	6	26,514	21,131
Other financial assets	7	4,029,578	9,230,427
Other assets	8	274,915	150,205
TOTAL CURRENT ASSETS		12,936,611	12,577,012
NON-CURRENT ASSETS			
Other financial assets	7	5,873,659	5,850,475
Deferred Tax Asset	10	29,825	230,489
Right-of-use assets	11	2,125,248	2,598,902
Property, plant and equipment	12	645,129	862,018
TOTAL NON-CURRENT ASSETS		8,673,861	9,541,884
TOTAL ASSETS		21,610,472	22,118,896
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	13	871,176	752,840
Employee benefits	14	384,501	605,951
Lease liabilities	15	587,967	528,944
Contract liabilities	16	7,157,885	7,235,086
TOTAL CURRENT LIABILITIES		9,001,529	9,122,821
NON-CURRENT LIABILITIES			
Employee benefits	17	52,032	51,428
Deferred Tax Liabilities	18	29,825	230,489
Lease liabilities	15	2,639,780	3,227,747
Provisions	19	414,036	411,744
TOTAL NON-CURRENT LIABILITIES		3,135,673	3,921,408
TOTAL LIABILITIES		12,137,202	13,044,229
NET ASSETS		9,473,270	9,074,667
ACCUMULATED FUNDS			
Accumulated surpluses		9,473,270	9,074,667
TOTAL ACCUMULATED FUNDS		9,473,270	9,074,667

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 2022

	ACCUMULATED SURPLUSES \$	TOTAL ACCUMULATED FUNDS \$
Balance at 30 June 2020	7,962,947	7,962,947
Profit after income tax expense for the year	1,111,720	1,111,720
Other comprehensive income for the year, net of tax	-	-
Total comprehensive loss for the year	9,074,667	9,074,667
Balance at 30 June 2021	9,074,667	9,074,667
Profit after income tax expense for the year	398,603	398,603
Other comprehensive income for the year, net of tax	-	-
Total comprehensive income for the year	9,473,270	9,473,270
Balance at 30 June 2022	9,473,270	9,473,270

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 2022

	NOTE	2022 \$	2021 \$
Operating activities			
Receipts from operating activities		11,401,811	11,482,719
Payments to suppliers and employees		(9,965,086)	(9,498,667)
Dividends received		266,029	147,027
Interest received		36,344	89,860
Income tax paid		-	-
Net cash from operating activities		1,739,098	2,220,939
Investing activities			
Proceeds from sale of plant and equipment		1,199	-
Payments for plant and equipment		(29,176)	(149,166)
Proceeds from financial assets		339,065	
Payments for financial assets		(1,079,282)	(1,240,899)
Proceeds from other financial assets		5,200,849	49,315
Net cash provided by/used in investing activities		4,432,655	(1,340,750)
Financing activities			
Interest payments on lease liabilities		(214,750)	(244,498)
Principal payments on lease liabilities		(526,648)	(452,052)
Net cash outflow from financing activities		(741,398)	(696,550)
Net increase/(decrease) in cash and cash equivalents		5,430,355	183,639
Cash and cash equivalents at the beginning of the financial year		3,175,249	2,991,610
Cash and cash equivalents at the end of the financial year	5	8,605,604	3,175,249

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 2022

1. Summary of significant accounting policies

(a) Basis of Preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – Simplified Disclosures as issued by the Australian Accounting Standards Board, and the *Corporations Act 2001*. The New South Wales Bar Association is a not-for-profit entity for the purpose of preparing the financial statements.

Historical cost convention

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

Critical accounting estimates and judgments

The preparation of the 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. The areas involving a higher degree of judgment or complexity, or areas where assumptions and estimates are significant to the financial statements, are disclosed in note 1 (r).

(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

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.

(d) Leases

The Association assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Association applies a single recognition and measurement approach for all leases, except for short-term leases and leases of low-value assets. The Association recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets.

i. Right-of-use assets

The Association recognises right-of-use assets at the commencement date of the lease (i.e., the date the underlying asset is available for use). Right-of-use assets are measured at cost, less any accumulated depreciation and impairment losses, and adjusted for any remeasurement of lease liabilities. The cost of right-of-use assets includes the amount of lease liabilities recognised, initial direct costs incurred, and lease payments made at or before the commencement date less any lease incentives received. Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as follows:

- *Office buildings: over the remaining life of the lease*
- *maximum 15 years*

If ownership of the leased asset transfers to the Association at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

The right-of-use assets are also subject to impairment. Refer to the accounting policies in section (e) Impairment of non-financial assets.

ii. Lease liabilities

At the commencement date of the lease, the Association recognises lease liabilities measured at the present value of lease payments to be made over the lease term. The lease payments include fixed payments (including in-substance fixed payments), variable lease payments that depend on an index or a rate and payments of penalties for terminating the lease, if the lease term reflects the Association exercising the option to terminate. Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

In calculating the present value of lease payments, the Association uses its incremental borrowing rate at the lease commencement date because the interest rate implicit in the lease is not readily determinable. After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g., changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

(e) Impairment of Non-financial Assets

Non-financial assets are reviewed for impairment whenever events or changes in circumstances indicated 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.

Recoverable amount is the higher of an asset's fair value less costs of disposal and value-in-use. The value-in-use is the present value of the estimated future cash flows relating to the asset using a pre-tax discount rate specific to the asset or cash-generating unit to which the asset belongs. Assets that do not have independent cash flows are grouped together to form a cash-generating unit.

(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) Trade and other receivables

Trade receivables are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any allowance for expected credit losses.

The entity has applied the simplified approach to measuring expected credit losses, which uses a lifetime expected loss allowance. To measure the expected credit losses, trade receivables have been grouped based on days overdue.

Other receivables are recognised at amortised cost, less any allowance for expected credit losses.

(h) Inventories

Inventories are stated at the lower of cost and net realisable value on a 'first in first out' basis. Costs of purchased inventory are determined after deducting rebates and discounts received or receivable.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

(i) Financial Instruments

i. Investments and other financial assets

Investments and other financial assets, other than investments in associates, are initially measured at fair value. Transaction costs are included as part of the initial measurement, except for financial assets at fair value through profit or loss. Such assets are subsequently measured at either amortised cost or fair value depending on their classification. Classification is determined based on both the business model within which such assets are held and the contractual cash flow characteristics of the financial asset unless, an accounting mismatch is being avoided.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the company has transferred substantially all the risks and rewards of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying value is written off.

ii. Financial assets at fair value through profit or loss

Financial assets not measured at amortised cost or at fair value through other comprehensive income are classified as financial assets at fair value through profit or loss. Typically, such financial assets will be either: (i) held for trading, where they are acquired for the purpose of selling in the short-term with an intention of making a profit, or a derivative; or (ii) designated as such upon initial recognition where permitted. Fair value movements are recognised in profit or loss.

(j) 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 Association'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 Association'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.

(k) Contract Liabilities

Contract liabilities represent the Association's obligation to transfer goods or services to a customer and are recognised when a customer pays consideration, or when the Association recognises a receivable to reflect its unconditional right to consideration (whichever is earlier) before the Association has transferred the goods or services to the customer.

(l) Finance costs

Finance costs attributable to qualifying assets are capitalised as part of the asset. All other finance costs are expensed in the period in which they are incurred.

(m) 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 over the remaining life of the lease - maximum | 15 years |
| • Furniture, Computers
Computer Software
Office Machines and Equipment | 3 to 10 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.

An item of property, plant and equipment is derecognised upon disposal or when there is no future economic benefit to the incorporated Association. Gains and losses between the carrying amount and the disposal proceeds are taken to profit or loss.

(n) 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.

(o) Provisions

Provisions are recognised when the Association has a present (legal or constructive) obligation as a result of a past event, it is probable the Association will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the reporting date, taking into account the risks and uncertainties surrounding the obligation. If the time value of money is material, provisions are discounted using a current pre-tax rate specific to the liability. The increase in the provision resulting from the passage of time is recognised as a finance cost.

(p) 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.

(q) Goods and Services Tax (GST)

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

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

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

(r) New or amended Accounting Standards and Interpretations adopted*New and amended standards adopted by the Association*

The Association 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.

(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.

(t) Comparatives

Where necessary, comparative information has been re-classified to achieve consistency in disclosure with current financial amounts and other disclosures.

(u) Critical Accounting Estimates and Judgments

The directors make estimates and judgments during the preparation of these financial statements regarding assumptions about current and future events affecting transactions and balances.

These estimates and judgments are based on the best information available at the time of preparing the financial statements, however as additional information is known then the actual results may differ from the estimates.

The significant estimates and judgments made have been described below:

Estimation of useful lives of assets

The Association determines the estimated useful lives and related depreciation and amortisation charges for its property, plant and equipment and finite life intangible assets. The useful lives could change significantly as a result of technical innovations or some other event. The depreciation and amortisation charge will increase where the useful lives are less than previously estimated lives, or technically obsolete or non-strategic assets that have been abandoned or sold will be written off or written down.

Determining the lease term of contracts with renewal and termination options

The Association determines the lease term as the non-cancellable term of the lease, together with any periods covered by an option to extend the lease if it is reasonably certain to be exercised, or any periods covered by an option to terminate the lease, if it is reasonably certain not to be exercised.

The Association has a number of lease contracts that include extension and termination options. The Association applies judgment in evaluating whether it is reasonably certain whether or not to exercise the option to renew or terminate the lease. That is, it considers all relevant factors that create an economic incentive for it to exercise either the renewal or termination. After the commencement date, the Association reassesses the lease term if there is a significant event or change in circumstances that is within its control and affects its ability to exercise or not to exercise the option to renew or to terminate (e.g., construction of significant leasehold improvements or significant customisation to the leased asset).

COVID-19 pandemic

There are current uncertainties in the economy related to the COVID-19 outbreak that emerged since early 2020. These uncertainties have impacted the Association's operations and may create questions about the impairment or recoveries of certain assets. As the situation is still evolving, the full effect of the outbreak is still uncertain. It is however reasonably possible that COVID-19 will have an adverse impact on the Association's revenues and results for the next reporting year, the extent of which will depend on how long the outbreak lasts.

Incremental borrowing rate

Where the interest rate implicit in a lease cannot be readily determined, an incremental borrowing rate is estimated to discount future lease payments to measure the present value of the lease liability at the lease commencement date. Such a rate is based on what the Association estimates it would have to pay a third party to borrow the funds necessary to obtain an asset of a similar value to the right-of-use asset, with similar terms, security and economic environment.

Lease make good provision

A provision has been made for the present value of anticipated costs for future restoration of leased premises. The provision includes future cost estimates associated with closure of the premises. The calculation of this provision requires assumptions such as application of closure dates and cost estimates. The provision recognised for each site is periodically reviewed and updated based on the facts and circumstances available at the time. Changes to the estimated future costs for sites are recognised in the statement of financial position by adjusting the asset and the provision. Reductions in the provision that exceed the carrying amount of the asset will be recognised in profit or loss.

2. Revenue

	2022 \$	2021 \$
Operating revenue		
Subscriptions and practising certificate fees	7,208,067	6,282,205
Bar Practice Course & Bar Examinations	589,965	720,067
	7,798,032	7,002,272
Other revenue		
Interest and dividends	305,689	216,599
Seminars	66,182	88,736
External funding	2,630,629	2,265,059
Other	206,433	77,463
Revenue from continuing operations	11,006,965	9,650,129
<i>The disaggregation of revenue from contracts with customers is as follows:</i>		
Timing of revenue recognition		
Services transferred at a point in time	3,798,898	3,367,924
Services transferred over time	7,208,067	6,282,205
	11,006,965	9,650,129

3. Expenses

	2022 \$	2021 \$
Depreciation expense		
Depreciation expense on property, plant and equipment	244,866	311,436
Depreciation expense on right-of-use assets	473,654	445,275
Financial expense		
Interest expense on borrowings		
Interest expense on lease liabilities	214,750	244,498
Bank charges	95,910	121,010
Insurance expense	96,990	91,296
	407,650	456,804
Lease expenses		
Minimum lease payments	694,579	694,579
Variable lease payments	-	-
Short-term lease payments	-	21,992
Low-value assets lease payments	-	-
Occupancy		
Occupancy costs	162,652	191,244
	162,652	191,244

4. Income Tax Expenses

	2022 \$	2021 \$
(a) Reconciliation of income tax expense to prima facie tax payable		
Net surplus/ (deficit) from continuing operations	398,602	1,111,723
Tax at the Australian tax rate of 25% (2021: 26%)	99,651	289,048
Interest and dividends		
Decrease in income tax expense due to:		
- Net mutual income	(455,179)	(384,634)
Permanent differences	9,094	(1,622)
Derecognition of deferred tax assets	346,434	97,207
Income tax expenses / (benefit)	-	-
(b) Deferred tax assets not recognised comprised of temporary differences attributable to:		
Tax Losses	(305,554)	(137,751)
Other provisions	(40,880)	-
Total	(346,434)	(137,751)

5. Cash and Cash Equivalents

	2022 \$	2021 \$
Cash at bank	1,598,647	1,174,348
Term deposits	7,006,057	2,000,001
Petty cash	900	900
	8,605,604	3,175,249

6. Receivables

	2022 \$	2021 \$
Other Receivables	18,784	16,717
Interest Receivable	7,730	4,414
Total Receivables	26,514	21,131

7. Other Financial Assets

	2022 \$	2021 \$
Current Financial Assets:		
Term deposit (i)	4,029,578	9,230,427
(i) The Association has classified all its Term deposits as other current financial assets in the current year given the investment term of these deposits is longer than 3 months.		
Non-current At cost		
Investments in associates	14	14
Financial assets at fair value through profit or loss		
Shares in Australian listed companies	4,520,587	4,633,844
Fixed interest securities - listed	1,353,058	1,216,617
	5,873,645	5,850,461
Total other financial assets - non-current	5,873,659	5,850,475
Financial assets at fair value through profit or loss (Note disclosures)		
Opening fair value	5,850,461	3,718,581
Additions	1,079,282	1,240,899
Disposals	(339,066)	-
Revaluation increments/(decrements)	(717,032)	890,981
Closing fair value	5,873,645	5,850,461

Fair value measurement

Fair value hierarchy (Note disclosures)

The following tables detail the Association's assets and liabilities, measured or disclosed at fair value, using a three level hierarchy, based on the lowest level of input that is significant to the entire fair value measurement, being:

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly

Level 3: Unobservable inputs for the asset or liability

	LEVEL 1 \$	LEVEL 2 \$	LEVEL 3 \$	TOTAL \$
30 June 2022				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,353,058	-	-	-
Shares in Australian listed companies	4,520,587	-	-	-
	5,873,645	-	-	-
30 June 2021				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,216,617	-	-	-
Shares in Australian listed companies	4,633,844	-	-	-
	5,850,461	-	-	-

Assets and liabilities held for sale are measured at fair value on a non-recurring basis.

There were no transfers between levels during the financial year.

The carrying amounts of trade and other receivables and trade and other payables are assumed to approximate their fair values due to their short-term nature.

The fair value of financial liabilities is estimated by discounting the remaining contractual maturities at the current market interest rate that is available for similar financial liabilities.

(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 association 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 purpose of that association 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.

8. Other Assets

	2022 \$	2021 \$
Prepayments	272,236	147,744
Inventories	2,679	2,461
Total Other Assets	274,915	150,205

9. Intangibles

	2022 \$	2021 \$
Database & website		
At cost	304,665	304,665
Accumulated amortisation	(304,665)	(304,665)
Total Other Assets	-	-

10. Deferred Tax Asset

	2022 \$	2021 \$
Deferred Tax Asset	29,825	230,489

11. Right-of-use Assets

	LEASED PREMISES \$	TOTAL \$
At 30 June 2022		
Cost	6,423,708	6,423,708
Accumulated depreciation and impairment	(4,298,460)	(4,298,460)
Net carrying amount	2,125,248	2,125,248
Movements:		
Year ended 30 June 2022		
At 1 July 2021, net carrying amount	2,598,902	2,598,902
Depreciation / amortisation charge for the year	(473,654)	(473,654)
At 30 June 2022, net carrying amount	2,125,248	2,125,248

The Association leases premises under a non-cancellable lease with 2 to 15 years, in some cases, options to extend. On renewal, the terms of the leases are renegotiated.

12. Property, Plant and Equipment

	REFURBISHMENTS \$	FURNITURE, COMPUTERS, OFFICE MACHINES AND EQUIPMENT \$	KITCHEN EQUIPMENT \$	TOTAL \$
At 30 June 2021				
Cost	3,258,836	1,608,178	3,511	4,870,525
Accumulated depreciation and impairment	(2,615,686)	(1,389,311)	(3,511)	(4,008,508)
Net carrying amount	643,150	218,867	-	862,017
At 30 June 2022				
Cost	3,258,836	1,570,374	3,511	4,832,721
Accumulated depreciation and impairment	(2,770,022)	(1,414,059)	(3,511)	(4,187,592)
Net carrying amount	488,814	156,315	-	645,129
Movements:				
Year ended 30 June 2022				
At 1 July 2021, net carrying amount	643,150	218,867	-	862,017
Additions	-	29,176	-	29,176
Disposals	-	(1,197)	-	(1,197)
Depreciation / amortisation charge for the year	(154,336)	(90,531)	-	(244,867)
At 30 June 2022, net carrying amount	488,814	156,315	-	645,129

13. Trade and Other Payables

	2022 \$	2021 \$
Trade and other payables	871,176	752,840

14. Current Liabilities

	2022 \$	2021 \$
Employee Benefits	384,501	605,951

15. Lease Liabilities

	2022 \$	2021 \$
Current		
Lease liabilities	587,967	528,944
Non-current		
Lease liabilities	2,639,780	3,227,747
Total	3,227,747	3,756,691
<i>Future Lease Payments</i>		
Future lease payments are due as follows		
Within one year	769,222	743,528
One to five years	3,382,899	3,221,287
More than five years	-	930,834
Total	4,152,121	4,895,649

16. Contract Liabilities

	2022 \$	2021 \$
Current		
Subscriptions, practising certificate fees & other revenue received in advance	7,157,885	7,235,086

17. Non-current liabilities

	2022 \$	2021 \$
Employee Benefits	52,032	51,428

18. Deferred Tax Liability

	2022 \$	2021 \$
Deferred Tax Liability	29,825	230,489

19. Non-current Liabilities - Provisions

	2022 \$	2021 \$
Lease make good	414,036	411,744

Lease make good

The provision represents the present value of the estimated costs to make good the premises leased by the consolidated entity at the end of the respective lease terms

Movements in provisions

Movements in each class of provision during the current financial year, other than employee benefits, are set out below:

	2022 \$
Lease Make Good 2022	
Carrying amount at start of year	411,744
Additional provisions recognised	2,292
Carrying amount at end of year	414,036

20. Related Party Disclosures

(a) Key management personnel

Key management personnel compensation for the years ended 30 June 2022 and 30 June 2021 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.

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

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

	2022 \$	2021 \$
Employee benefits	2,402,402	2,193,445

(b) 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 \$919,679 (2021: \$887,991) 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.

(c) Loans to/from related parties

There were no loans to or from related parties at the current and previous reporting date.

(d) Receivable from and payable to related parties

The following balances are outstanding at the reporting date in relation to transactions with related parties:

	2022 \$	2021 \$
Current Receivables		
Barristers' Benevolent Association	10,026	5,546
The Indigenous Barristers' Trust The Mum Shirl Fund	4,323	-
	14,349	5,546
Current Payables		
Barristers' Benevolent Association	45,200	37,833
The Indigenous Barristers' Trust The Mum Shirl Fund	47,761	36,043
	92,961	73,876

(e) Related party transactions

Parent Entity

The New South Wales Bar Association is the parent entity.

Subsidiaries

Bar Brief Pty Ltd is the subsidiary.

(f) Interest in subsidiaries

NAME	PRINCIPAL PLACE OF BUSINESS / COUNTRY OF INCORPORATION	2022 %
Bar Brief Pty Ltd	Australia	100.00%

21. Remuneration of Auditors

During the financial year the following fees were paid or payable for services provided by Accounting Firm RSM Australia Partners, the auditor of the company, its network and unrelated firms:

	2022 \$	2021 \$
Audit Services – RSM Australia Partners		
Audit of the Financial Statements	32,300	30,570
Other Services – RSM Australia Partners		
Advisory Services	7,570	-
Preparation of Tax Return	8,020	5,000
	47,890	35,570

22. 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 2021 -2022 amounted to \$2,420,504 (2021: \$2,054,934).

23. Events Occurring After the Reporting Date

Other than the ongoing COVID-19 pandemic, no matter or circumstance has occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the Association, the results of those operations or the state of affairs of the Association.

24. Contingent Liabilities

The Association had no contingent liabilities as at 30 June 2022 and 30 June 2021.

Directors' Declarations

In the directors' opinion:

- a. the financial statements and notes set out on pages 75 to 91 are in accordance with the *Corporations Act 2001*, including:
 - i. complying with Accounting Standards – Simplified Disclosure Requirements (including the Australian Accounting Interpretations) and the Corporations Regulations 2001; and
 - ii. giving a true and fair view of the Association's financial position as at 30 June 2022 and of its performance for the financial year ended on that date; and
- b. there are reasonable grounds to believe that the Association will be able to pay its debts as and when they become due and payable.

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



Gabrielle Bashir SC
President



M. Izzo SC
Treasurer

Sydney, NSW
8th September 2022

RSM Australia Partners

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INDEPENDENT AUDITOR'S REPORT
To the Members of New South Wales Bar Association

Opinion

We have audited the financial report of New South Wales Bar Association. (The Association), which comprises the statement of financial position as at 30 June 2022, the statement of profit or loss and other 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 2022 and of its financial performance for the year then ended; and
- (ii) complying with Australian Accounting Standards – Simplified Disclosures under AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities 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 2022 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.

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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.

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 – Simplified Disclosures under AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities 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.

A handwritten signature in blue ink, appearing to read 'Cameron Hume'.

Cameron Hume
Partner

RSM Australia Partners

Sydney, NSW

Dated: 9 September 2022

Financial Report for the Barristers' Benevolent Association Of NSW

ABN 18 466 736 745

CONTENTS

Statement of Surplus and Other Comprehensive Income	96
Statement of Financial Position	97
Statement of Changes in Accumulated Funds	98
Statement of Cash Flows	99
Notes to the Financial Statements	100
Committee of Management Declaration	105
Independent Auditor's Report	106

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

The principal activity of the Association is the receipt of donations for investment in order to provide assistance to eligible persons.

The financial statements were authorised for issue by the Committee of Management on 8th September 2022. The Committee of Management has the power to amend and re-issue the financial statements.

Statement of Surplus and Other Comprehensive Income

For the year ended 30 June 2022

	NOTES	2022 \$	2021 \$
Revenue	3	295,122	313,419
Interest income		2,719	11,047
Audit and accounting		(10,599)	(5,385)
BarCare costs		(42,316)	(40,172)
Employee benefits expense		(90,721)	(85,465)
Gifts		(47,500)	(85,000)
Impairment of loans - write back		-	800
Profit on sale of investments		71,173	-
Other operating expenses		(13,974)	(18,793)
Surplus before fair value gains		163,904	90,451
Net gains/(losses) on non-current assets held at fair value through surplus or deficit		(565,587)	798,443
Surplus/(deficit) before income tax		(401,683)	888,894
Income tax expense	1 (c)	-	-
Net surplus / (deficit)		(401,683)	888,894
Other comprehensive income for the year, net of tax		-	-
Total comprehensive income / (deficit)		(401,683)	888,894

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

Statement of Financial Position

For the year ended 30 June 2022

	NOTES	2022 \$	2021 \$
CURRENT ASSETS			
Cash and cash equivalents	4	586,787	35,527
Financial assets	5	294,297	1,211,639
Trade and other receivables	6	68,314	54,792
TOTAL CURRENT ASSETS		949,398	1,301,958
NON-CURRENT ASSETS			
Other financial assets	7	4,945,406	4,978,182
TOTAL NON-CURRENT ASSETS		4,945,406	4,978,182
TOTAL ASSETS		5,894,804	6,280,140
CURRENT LIABILITIES			
Trade and other payables	8	21,126	14,169
Employee benefits	9	30,216	20,824
TOTAL CURRENT LIABILITIES		51,342	34,993
TOTAL LIABILITIES		51,342	34,993
NET ASSETS		5,843,462	6,245,147
ACCUMULATED FUNDS			
Accumulated surpluses		5,843,462	6,245,147
TOTAL ACCUMULATED FUNDS		5,843,462	6,245,147

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 2022

	ACCUMULATED SURPLUSES \$	TOTAL ACCUMULATED FUNDS \$
At 30 June 2020	5,356,251	5,356,251
Total comprehensive income	888,894	888,894
At 30 June 2021	6,245,145	6,245,145
Total comprehensive loss	(401,683)	(401,683)
At 30 June 2022	5,843,462	5,843,462

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 2022

	NOTE	2022 \$	2021 \$
OPERATING ACTIVITIES			
Receipts from members, sponsorship, and general activities		98,187	123,964
Payments to suppliers		(188,763)	(228,109)
Interest and dividends received		186,132	202,037
Net cash inflow from operating activities		95,556	97,892
INVESTING ACTIVITIES			
Proceeds from financial assets		917,342	482,092
Payments for other financial assets		(461,638)	(656,681)
Net cash outflow from investing activities		455,704	(174,589)
Net increase/(decrease) in cash and cash equivalents		551,260	(76,697)
Cash and cash equivalents at the beginning of the year		35,527	112,224
Cash and cash equivalents at the end of the year	4	586,787	35,527

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 2022

1. Summary of significant accounting policies

(a) Basis of Preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – Simplified 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 except for other financial assets which are measured at fair value.

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.
- 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) 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 Association'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 Association'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.

(e) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with financial institutions, 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.

(f) Trades and Other Receivables

Trade receivables are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any allowance for expected credit losses.

The Association has applied the simplified approach to measuring expected credit losses, which uses a lifetime expected loss allowance. To measure the expected credit losses, trade receivables have been grouped based on days overdue.

Other receivables are recognised at amortised cost, less any allowance for expected credit losses.

(g) Financial Instruments*i. Investments and other financial assets*

Investments and other financial assets, other than investments in associates, are initially measured at fair value. Transaction costs are included as part of the initial measurement, except for financial assets at fair value through profit or loss. Such assets are subsequently measured at either amortised cost or fair value depending on their classification. Classification is determined based on both the business model within which such assets are held and the contractual cash flow characteristics of the financial asset, unless an accounting mismatch is being avoided.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the company has transferred substantially all the risks and rewards of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying value is written off.

ii. Financial assets at fair value through profit or loss

Financial assets not measured at amortised cost or at fair value through other comprehensive income are classified as financial assets at fair value through profit or loss. Typically, such financial assets will be either: (i) held for trading, where they are acquired for the purpose of selling in the short-term with an intention of making a profit, or a derivative; or (ii) designated as such upon initial recognition where permitted. Fair value movements are recognised in profit or loss.

For trade receivables, the Association applies the simplified approach permitted by AASB 9, which requires expected lifetime losses to be recognised from initial recognition of the receivables.

(h) 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.

(i) Employee Benefits*iii. 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.

iv. 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 that match, as closely as possible, the estimated future cash outflows.

(j) 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.

(k) Changes in accounting policies, disclosures, standards and interpretations

The Association 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.

(l) 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. Critical accounting judgments, estimates and assumptions**(a) Impacts of COVID-19**

There are current uncertainties in the economy related to the COVID-19 outbreak that emerged since early 2020. These uncertainties have impacted the Association's operations and may create questions about the impairment or recoveries of certain assets. As the situation is still evolving, the full effect of the outbreak is still uncertain. It is however reasonably possible that COVID-19 will have an adverse impact on the Association's revenues and results for the next reporting year, the extent of which will depend on how long the outbreak lasts.

3. Revenue

	2022 \$	2021 \$
Contributions	111,603	125,177
Distribution and dividend income	183,519	188,242
Membership	-	-
	295,122	313,419
<i>Disaggregation of revenue</i>		
The disaggregation of revenue from contracts with customers is as follows:		
<i>Geographical regions</i>		
Australia	295,122	313,419

4. Cash and Cash Equivalents

	2022 \$	2021 \$
Cash at bank	36,668	35,527
Term deposits	550,119	-
Total	586,787	35,527

5. Financial Assets

	2022 \$	2021 \$
Term deposits		
Current	294,297	1,211,639

6. Trade and Other Receivables

	2022 \$	2021 \$
Current		
NSW Bar Association	45,200	37,833
Accrued interest	812	706
Interest free loans	22,000	15,000
Tax receivable	302	1,253
Total	68,314	54,792

7. Other Financial Assets

	2022 \$	2021 \$
Non-current		
Designated at fair value through surplus or deficit		-
- Fixed interest securities	1,149,318	991,041
- Shares in Australian listed companies	3,796,088	3,987,141
	4,945,406	4,978,182
Financial assets at fair value through profit or loss (Note disclosures)		
Opening fair value	4,978,182	3,523,058
Additions	886,461	656,680
Disposals	(353,650)	
Revaluation increments / (decrements)	(565,587)	798,444
Closing fair value	4,945,406	4,978,182

Fair value measurement

Fair value hierarchy (Note disclosures)

The following tables detail the Association's assets and liabilities, measured or disclosed at fair value, using a three level hierarchy, based on the lowest level of input that is significant to the entire fair value measurement, being:

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly

Level 3: Unobservable inputs for the asset or liability

	LEVEL 1 \$	LEVEL 2 \$	LEVEL 3 \$	TOTAL \$
30 June 2022				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,149,318	-	-	-
Shares in Australian listed companies	3,796,088	-	-	-
	4,945,406	-	-	-
30 June 2021				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	991,041	-	-	-
Shares in Australian listed companies	3,987,141	-	-	-
	4,978,182	-	-	-

Assets and liabilities held for sale are measured at fair value on a non-recurring basis.

There were no transfers between levels during the financial year.

The carrying amounts of trade and other receivables and trade and other payables are assumed to approximate their fair values due to their short-term nature.

The fair value of financial liabilities is estimated by discounting the remaining contractual maturities at the current market interest rate that is available for similar financial liabilities.

8. Trade and Other Payables

	2022 \$	2021 \$
Trade payables	11,100	7,800
Other payables	10,026	6,369
	21,126	14,169

9. Current Liabilities

	2022 \$	2021 \$
Employee Benefits	30,216	20,824
	30,216	20,824

10. 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:

G Bashir SC	G Westgarth	R Khalilizadeh	N Broadbent
K Eastman AM SC	M McHugh SC	K Nomchong SC	M Izzo SC
I Taylor SC	R Higgins SC	S Hughes	A Mitchelmore SC
P Khandhar SC	A Stone SC	D Patch	P Knowles
Y Shariff SC	S Clemmett	D Toomey SC	D Rayment
S Mirzabegian SC	S Callan	C O'Neill	C Palmer
C Gleeson	K Lindeman		

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 the NSW Bar Association at no cost to the Association.

(d) Receivables from and Payables to related parties

	2022 \$	2021 \$
Current Receivables		
The New South Wales Bar Association	45,200	37,883
	45,200	37,883
Current Payables		
The New South Wales Bar Association	10,026	6,639
	10,026	6,639

11. Remuneration of Auditors

During the financial year the following fees were paid or payable for services provided by Accounting Firm RSM Australia Partners, the auditor of the Trust:

	2022 \$	2021 \$
Audit Services – RSM Australia Partners		
Audit of the Financial Statements	7,700	7,625

12. Contingent Liabilities

The Association had no contingent liabilities as at 30 June 2022 and 30 June 2021.

13. Commitments

The Association had no commitments as at 30 June 2022 and 30 June 2021.

14. Events Occurring after the Reporting Date

Other than the ongoing COVID-19 pandemic, no matter or circumstance has occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the Association, the results of those operations or the state of affairs of the Association.

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 96 to 104 satisfy the requirements of the *Australian Charities and Not-for-profits Commission Act 2012*, including:
 - i. complying with Accounting Standards – Simplified 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 2022 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.



Gabrielle Bashir SC



M. Izzo SC

Sydney, NSW
8th September 2022

RSM Australia Partners

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INDEPENDENT AUDITOR'S REPORT To the Members of Barristers' Benevolent Association of NSW

Opinion

We have audited the financial report of Barristers' Benevolent Association of NSW, which comprises the statement of financial position as at 30 June 2022, 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 2022 and of its financial performance and cash flows for the year ended on that date; and
- (b) complying with Australian Accounting Standards – Simplified 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 – Simplified 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 2022 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.

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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.

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 – Simplified 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/ar4.pdf. This description forms part of our auditor's report.

A stylized blue ink signature of 'RSM'.

RSM Australia Partners

A stylized blue ink signature of 'C J Hume'.

C J Hume
Partner

Sydney, NSW
Dated: 9 September 2022

Contributors to the Barristers' Benevolent Fund

Mr J Abernethy
Justice W Abraham
Mr J Adamopoulos
The Hon Michael Adams QC
Mr J V Agius SC
Mr Imtiaz Ahmed
Mr P G Aitken
Ms Sandrine Alexandre-Hughes
Mr Edward Anderson
Mr M W Anderson
Ms Sophie Anderson
Mr K W Andrews
Mr Nic Angelov
Mr G Antipas
Mr I G A Archibald
Mr Thomas Arnold
Mr J A Arnott SC
Mr M Ashhurst
Mr Eli Ball
Mr Conor Bannan
The Hon C J Bannon QC
Mr A Bannon SC
Magistrate Michael Barko
Mr Darrell Barnett
Dr M Barnett
Mr D Barrow
Mr G M Barter
Mr J Bartos
Ms G A Bashir SC
Mr E H Baskerville
Mr M J Bateman
Mr T J Bates
Mr P W Bates
Mr Paul Batley
Mr R P Battley
Mr R C Beasley SC
Ms Kate Beattie
Ms C Bembrick
Mr David Bennett AC QC
Mr K G Bennett
Mr Jared Bennett
Mr D R Benson
Mr Duncan Berents

The Hon P A Bergin AO SC
Dr S Berveling
Mr H P T Bevan SC
Mr Benjamin Bickford
Dr C J Birch SC
Mr J D Blackah
Professor E J Blakely
Mr A Blank
Mr G Blank
Mr Denes M Blazer
Mr M Bloom
Dr S Blount
Mr Craig Bolger
Mr P R Boulten SC
Mr Andrew Bouris
Mr A J Bowen
Her Honour Judge E Boyle
Dr M L Brabazon SC
Mr James Braithwaite
Mr Luke Brasch
The Hon Justice P Brereton AM RFD
Mr W P Brewer
Mr J A Brezniak
Mr Campbell Bridge SC
Mrs M Bridger
Madeleine Bridgett
Ms Victoria Brigden
Mr M C Brogan
The Hon J E Brownie QC
Mr P Bruckner
The Hon J P Bryson QC
Mr Derek Buchanan
Mr D A Buchanan SC
Mr A J Bulley
Mr S Burchett
Mr Michael Burke
Mr Gregory Burton SC
Mr D Burwood
Mr I F Butcher
Mr L J Byrne

Mr P Callaghan SC
Ms S Callan SC
Mr Benjamin Cameron
Mr A D Campbell
The Hon Justice S Campbell
Mr Adrian C Canceri
Mr G Carolan
Ms P R Carr
Ms S J Carr
Mr D Carroll
Ms Nicole S Carroll
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Mr J J Cauchi AM SC
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Mr Simon Chapple
Mr A Cheshire SC
Mr M Christie SC
Mr G A Coakes
Mr M Cobb-Clark
Mr R A Coffey
His Honour Richard Cogswell SC
Mr B A Coles QC
Mr Nicholas J Condylis
Mr N A Confos
Dr A L Connolly
Mrs K Conte-Mills
Mr A Conwell
Ms Lucinda Cooper-Hackman
Ms A Cotter-Moroz
Mr G P Craddock SC
The Hon M G Craig QC
His Honour Judge C Craigie SC
Mr M Cranitch SC
Mr Jamie Darams
Mr M J Darke SC
Mr I E Davidson SC
Mr T J Davie
Mr R Davies

The Hon Justice D L Davies SC
Mr A T S Dawson SC
Mr Sebastian M De Brennan
Ms K Deards SC
Mr Dominic Delany
Mr Tony Di Francesco
Mr Richard Di Michiel
Mr Christian Dimitriadis SC
Ms Olivia J Dinkha
Mr T J Dixon
Mr Avni Djemal
Mr Alexander Djurdjevic
Mr B G Docking
Mr P L Dodson
Mr A Doig
Mr Guy Donnellan
Dr Roy D J Donnelly
Mr James Douglas
Mr P F Doyle
Mr Justin Doyle
Mr Philippe Doyle Gray
Mr J Doyon
Mr R Driels
Ms R Druitt
Mr I C Duane
Peter Dunning
Mr J R Dupree
Mr D Dura
Ms Kate Eastman AM SC
Mr David Edney
Mr M Einfeld QC
Mr El-Choufani
The Hon Justice M A Elkaim
Mr D W Elliott
Mr L Ellison SC
Ms Luisa Evans
The Hon Elizabeth A Evatt AC
Ms Tania Evers
Ms Mary Falloon
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Mr J J E Fernon SC	Mr Mark Gunning	Ms Emily Ito	Mr P J Livingstone
Mr S G Finch SC	Mr Adam Guy	Mr N S Jackson	Mr D M Loewenstein
Mr M J Finnane RFD QC	Mr L V Gyles SC	Mr D F Jackson AM QC	Mr B Loizou
Mr E T Finnane	Ms S T Hall SC	Mr Sydney Jacobs	Mr J Longworth
Mr J M Fitzgerald	The Hon Justice P Hallen	The Hon P Jacobson QC	The Hon I J Loughnan
The Hon G Fitzgerald AC QC	Ms L Hamilton	Mr Evan James	Mr Timothy C Lowe
Mr W G Flynn	Ms Natasha Hammond	Mr Liam James	Mr J A Loxton
Mr James Foley	His Honour Judge S Hanley SC	Mr R Jankowski	Mr G Lucarelli
Mr M J Fordham SC	Mr Roger Harper	Mr Philip Jenkyn OAM	Dr Juliet Lucy
The Hon G F Foster	Her Honour Judge S Harris	Mr Russ Johnson	Mr M Lynch
Mr P Fowler	Mr J M Harris	Mr G J Johnson	Mr Angus Macauley
Mr K M Francis	Ms V A Hartstein	Mr B L Jones	Mr C Magee
Ms R Francois	Ms Dymphna Hawkins	Ms T Jonker	Dr Christos Mantziaris
Mr Ian Fraser	Ms Dymphna Hawkins	Mr D K Jordan	His Honour Acting Judge M C Marien SC
Mr Glenn Fredericks	The Hon Wayne Haylen QC	Mr K Josifoski	Mr A E Maroya
Mr Mark Friedgut	Ms S Hayward	Ms T Jowett	Mr H J Marshall SC
Mr Neal Funnell	Mr T Healey	Mr Llewellyn Judd	Mr M McAuley
Mr N E Furlan	Mr David Healey	Mr S D Kalfas SC	Ms L McBride
Mr M J Gallagher	Ms A Healey	Mr M A Karam	Mr J A McCarthy QC
Mr J M Galluzzo	Mr M J Heath	Mr Leonard Karp	Mr S McCarthy
Mr R Gambi	Ms V M Heath	Mr Anthony Kaufmann	Ms Sarah A McCarthy
Mr Stephen Gardiner	Mr John F Heazlewood	The Hon Dr Tricia Kavanagh	Mr J A McCarthy QC
Ms J Gatland	Mr C P Heazlewood	Mr J B Kay Hoyle	The Hon Ruth McColl AO SC
Mr G P Gee	Ms Zelig Heger	Judge Julie Kearney	Mr M F McDermott
Ms M A Gerace	Mr D J Helvadjan	Mr Michael Keene	Mr Douglas McDonald-Norman
Mr James T G Gibson	The Hon Justice L Henderson	Mr J Kellaway	Mr James M McEnaney
Ms M A Gillies SC	Mr G J Hickey	Mr R Keller	Mr I J McGillicuddy
Mr Kieran D Ginges	Mr F P Hicks SC	Mr D P Kelly	Mr Chris McGorey
Mr A Givney	Dr Ruth C A Higgins SC	Mr J C Kelly SC	Mr G McGrath
Ms Catherine Gleeson	Mr A Hill	Mr Jesse Kennedy	Mr M J McGrowdie
The Hon Justice J Gleeson	Ms S Hill	Mr S M Kettle	Mr M McHugh SC
Ms S Goddard SC	Ms Jennifer Hillier	Ms E Keynes	Mr R S McIlwaine SC
Mr A Goldsworthy	Mr D Hirsch	Ms R Khalilzadeh	Mr G McIlwaine
Mr S Golledge SC	Mr A Hochroth	Mr P N Khandhar SC	Mr A J McInerney SC
Ms Louise Goodchild	Mr J A Hogan-Doran SC	Mr N J Kidd SC	Dr John K McLaughlin AM
Ms C R Goodhand	Mr T L Hollo	Mr L King SC	Mr G P McNally SC
Mr J F Gormly	Mr P J H Holmes	Mr Nic Kirby	Mr Patrick Meagher
Mr G M Gould	Mr R W Hood	Mr I Kirgiz	Mr Liam Meagher
Mr G J Graham	Ms J S Hopper	Mr Piotr Klank	Ms Jennifer K Mee
Ms Emily C Graham	Mr P A Horobin	Mr D D Knoll AM	Mr T M Mehigan SC
Mr E N Gramelis	Mr W D Hosking QC	Mr Peter Kondich	Mr P J Menary
Ms R Graycar	Mr Slade Howell	Mr G Kumarasinhe	Ms T Z Messner
Mr Michael Green SC	Mr T Hughes	Mr S Lawrence	Mr Andrew Metcalfe
Mr B R Green	Mr S Hughes	Mr James Leaver	Mr Meyerowitz-Katz
Mr R P Greenhill SC	Mr V B Hughston SC	Ms J Levick	Mr C Mitchell
Mr G M Gregg	Mr R Hussey	Mr G Levick	Mr Carlos Mobellan
Mr L T Grey	Ms Aleksandra Ilic	Mr D Liebhold	Mr S G Moffet
Ms E Grotte	Mr Bill Ilkovski	Mr Christoph Liedermann	Mr A W Mooney
Mr A M Gruzman	Chauntelle Ingenito	Ms Ye Catherine Lin	Mr P J Mooney SC

CONTRIBUTORS TO THE BARRISTERS' BENEVOLENT FUND (cont'd)

Mr C A Moore SC	Mr J L Polese	Mr P F Santucci	Mr James Thompson
Mr G Moore	Mr D Priestley SC	Mr S H Scarlett OAM RFD	Mr Cameron L Thompson
Mr Paul Moorhouse	Mrs Margaret Pringle	Mr S A Schaudin	Mr J Cranston Thompson
Mr T J Morahan	Mr D R Pritchard SC	Mr Michael Seck	Ms Mandy Tibbey
His Hon Judge D Morley	Mr Michael Pruscino	Ms Rashelle L Seiden SC	Miss L Ticehurst
Mr J M Morris SC	Mr Colin Purdy	Mr Tim Senior	Mr A G Todd
Mr Hugh Morrison	Mr I W Raine	Mr J P Sewell	Her Honour
Mr K Morrissey	Mr M C Ramage QC	Mr J E Sexton SC	Judge A Tonkin
Dr Charles Moschoudis	The Hon Justice S D Rares	Mr Mark Seymour	Mr John Travassaros
Mr A R Moses SC	Mr J P Redmond	Mr Jayneil Shandil	Mr J A Trebeck
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Mr C L Murphy	Ms D Reid	Mr Kunal Sharma	Ms B J Tronson
Mr Neil Murray SC	Mr M Rennie	Mr J C Sheahan QC	Mr R D Turnbull
Ms P J Muscat	Dr J G Renwick CSC SC	Mr J Sheller SC	Mr Spiro Tzouganatos
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Ms J Needham SC	Mr Garry Rich SC	Mr Derek N Shridhar	Mr Alexander S Vial
Mr C R C Newlinds SC	Mr D Rickard	Mr Nicholas Simpson	Mr Philip Wallis
Mr Nicholas Newton	Mr N Riordan	Mr Craig Simpson	Mr W J Walsh
Mr P T Newton SC	Mr David M Roberts	Mr R Skiller	Mr Martin John Walsh
Mr Gerald Ng	Ms C J Robertson	The Hon Greg Smith SC	Dr C S Ward SC
Mr L W Nicholls	Mr T F Robertson SC	Ms Amelia Smith	Mr E Wasilenia
Mr J Nicholson	Mr Scott Robertson	Dr Michael Smith AM	Mr G J Watkins
Mr Justen Nixon	Mr M W Robinson	Mr B C Smith	Ms Watson Keesing
Mr Paul J Nolan	Mr Bryan Robinson	Mr M Southwick	Dr R J Webb
Stephen Norrish QC	The Hon Justice J E Robson	Mr C Sperling	Ms C A Webster SC
Mr Malcolm Oakes SC	The Hon Justice J E Robson	Mr D G Staehli SC	Mr Michael J Weightman
Mr Rhys O'Brien	Mr Daniel S Roff	Mr Ashley Stafford	Mr J N West QC
Mr R N O'Neill	The Hon R Rolfe	Mr R A Stanton	Mr Adrian Williams
Mr Seyi Onitiri	Mr E G Romaniuk SC	Nathan Steel	Mr Michael B Williams SC
Ms Naomi Oreb	Mr D Ronzani	Miss E H G Steer	Mr Adam J Williams
Ms Tahn O'Rourke	Mr Patrick Rooney	Ms A Stenmark SC	Mr Andrew A Wilson
Ms Olla A Otrebski	Mr K Roser	Mr D C P Stewart	Mr Dennis Wilson
Ms M Painter SC	Ms F T Roughley	Mr H W M Stitt	Mr E W Wilson SC
Mr Christopher Palmer	Ms Leah J Rowan	Mr P G W Stitz	Mr M J Windsor SC
Mr David Parish	Mr P A Rowe	Mr J Stoljar SC	Ms Tiffany L Wong SC
Mr Anthony N Parsons	Mr T M Rowles	Mr Hugh Stowe	Mr Matthew Wong
Mr R A Parsons	Ms T Harris-Roxas	Her Honour	Her Honour Judge
Ms S Patterson	Mr R Royle	Judge W Strathdee	D Woodburne SC
Mr C J Peadon	Mr S Rugendyke	The Hon T J Studdert QC	Ms D A Woods
Mr R J Perrignon	Mr Geoffrey Rundle	Ms E Sullivan	Mr M L Wright SC
The Hon	Ms E J Rusiti	Mr G J Sundstrom	Ms G Wright SC
Justice M Perry	Mr Tim Russell	Ms Rebecca Suters	Mr John Wydell
Dr G Pesce	Mr S Russell	Mr Philip Swaine	Ms Sophie York
Mr E Petersen	Mr Peter Russell	Mr S Sykes	Mrs K J Young
Mr D Petrushnko	Mr J J Ryan	Ms Sonia Tame	Mr G T Young
Miss Meredith Phelps	Mr T J Ryan	Mr J O Tancred	Mr Justin Young
Ms S Phillips	Mr M V Sahade	Mr C Tanner	
Mr Andrew Pickles SC	Mr J R Sainty	Mr I Taylor SC	
Mr K J Pierce	Ms K Sant	Mr R J Taylor	
Mr H Pintos-Lopez	Mr F Santisi	Mr M Thangaraj SC	
Mr B Pluznyk		Mr R G Thomas	
		Ms W Thompson	

Financial Report for The Indigenous Barristers' Trust The Mum Shirl Fund

ABN 53 124 431 831

CONTENTS

Statement of Surplus and Other Comprehensive Income	112
Statement of Financial Position	113
Statement of Changes in Accumulated Funds	114
Statement of Cash Flows	114
Notes to the Financial Statements	115
Trustees' Declaration	119
Independent Auditor's Report	120

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 principal activity of the trust is the receipt of donations for distribution as grants.

The financial statements were authorised for issue by the Trustees on 1 September 2022. 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 2022

	NOTES	2022 \$	2021 \$
Revenue	3	142,586	161,053
Interest income		1,841	3,258
Audit and accounting		(6,500)	(6,170)
Payroll		(15,520)	-
Bank charges		16	(70)
Conference expenses		-	-
Gifts		(10,948)	(15,911)
Other expenses		(6,500)	-
Surplus before income tax expense		104,975	142,160
Income tax expense	1(c)	-	-
Net surplus		104,975	142,160
Other comprehensive income		-	-
Total comprehensive income		104,975	142,160

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

Statement of Financial Position

For the year ended 30 June 2022

	NOTES	2022 \$	2021 \$
CURRENT ASSETS			
Cash and cash equivalents	4	750,631	117,994
Financial assets	5	75,184	610,934
Trade and other receivables	6	49,652	36,891
TOTAL CURRENT ASSETS		875,467	765,819
TOTAL ASSETS		875,467	765,819
CURRENT LIABILITIES			
Trade and other payables	7	10,923	6,250
TOTAL CURRENT LIABILITIES		10,923	6,250
TOTAL LIABILITIES		10,923	6,250
NET ASSETS		864,544	759,569
ACCUMULATED FUNDS			
Accumulated surpluses		864,544	759,569

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 2022

	2022 \$	2021 \$
As at 1 July - opening	759,569	617,409
Total comprehensive income	104,975	142,160
As at 30 June - closing	864,544	759,569

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 2022

	NOTE	2022 \$	2021 \$
OPERATING ACTIVITIES			
Receipts from members, sponsorship, and general activities		130,221	184,076
Interest received		1,461	3,779
Payments to suppliers and grantees		(34,795)	(22,051)
Net cash inflow from operating activities		96,887	165,804
INVESTING ACTIVITIES			
Proceeds from (repayment for) term deposits		535,750	(273,111)
Net cash (outflow)/inflow from investing activities		535,750	(273,111)
Net increase/(decrease) in cash and cash equivalents		632,637	(107,307)
Cash and cash equivalents at the beginning of the year		117,994	225,301
Cash and cash equivalents at the end of the year	4	750,631	117,994

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 2022

1. Summary of significant accounting policies

(a) Basis of Preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – Simplified Disclosure requirements and interpretations as issued by the Australian Accounting Standards Board and the *Australian Charities and Not-for-profits Commission Act 2012*. 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.

(c) Income Tax

The Trust is exempt from income tax.

(d) 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 Trust'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 Trust'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.

(e) Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, 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.

(f) Financial Assets

i. Classification

The Trust classifies its financial assets as:

– *those to be measured at amortised cost.*

The Trust reclassifies debt investments when and only when its business model for managing those assets changes.

ii. Recognition and derecognition

Regular way purchases and sales of financial assets are recognised on trade-date, the date on which the Trust commits to purchase or sell the asset. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and the Trust has transferred substantially all the risks and rewards of ownership.

iii. Measurement

At initial recognition, the Trust measures a financial asset plus transaction costs that are directly attributable to the acquisition of the financial asset.

iv. Impairment

For trade receivables, the Trust applies the simplified approach permitted by AASB 9, which requires expected lifetime losses to be recognised from initial recognition of the receivables.

(g) Other Receivables

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

(h) 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.

(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 taxation authority are presented as operating cash flows.

(j) Changes in Accounting Policies, Disclosures, Standards and Interpretations

The Trust 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.

2. Critical accounting judgments, estimates and assumptions

(a) Impacts of COVID-19

There are current uncertainties in the economy related to the COVID-19 outbreak that emerged since early 2020. These uncertainties have impacted the Trust's operations and may create questions about the impairment or recoveries of certain assets. As the situation is still evolving, the full effect of the outbreak is still uncertain. It is however reasonably possible that COVID-19 will have an adverse impact on the Trust's revenues and results for the next reporting year, the extent of which will depend on how long the outbreak lasts.

3. Revenue

	2022 \$	2021 \$
Contributions received	142,586	161,053
Revenue from continuing operations	142,586	161,053
<i>Disaggregation of revenue</i>		
The disaggregation of revenue from contracts with customers is as follows:		
<i>Geographical regions</i>		
Australia	142,586	161,053

4. Cash and Cash Equivalents

	2022 \$	2021 \$
Cash at bank	213,436	117,994
Term deposits	537,195	610,934
	750,631	728,928

5. Financial Assets

	2022 \$	2021 \$
Current		
Term deposits	75,184	610,934

6. Other Receivables

	2022 \$	2021 \$
Current		
NSW Bar Association	47,761	36,043
GST receivable	1,215	568
Accrued interest	676	280
	49,652	36,891

7. Trade and Other Payables

	2022 \$	2021 \$
Current		
NSW Bar Association	4,323	-
Provisions	6,600	6,250
	10,923	6,250

8. 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	Gabrielle Bashir SC	M McHugh SC
Justice Michael Slattery AM QC	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.

(c) Receivables from and Payables to related parties

	2022 \$	2021 \$
Current Receivables		
The New South Wales Bar Association	47,761	36,043
	47,761	36,043
Current Payables		
The New South Wales Bar Association	4,323	-
	4,323	-

11. Remuneration of Auditors

During the financial year the following fees were paid or payable for services provided by Accounting Firm RSM Australia Partners, the auditor of the Trust:

	2022 \$	2021 \$
Audit Services – RSM Australia Partners		
Audit of the Financial Statements	3,900	3,641

12. Contingent Liabilities

The Trust had no contingent liabilities as at 30 June 2022 and 30 June 2021.

13. Commitments

The Trust had no commitments as at 30 June 2022 and 30 June 2021.

14. Events Occurring after the Reporting Date

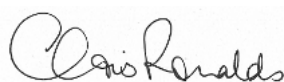
Other than the ongoing COVID-19 pandemic, no matter or circumstance has occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the association, the results of those operations or the state of affairs of the Trust.

Trustees' 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 112 to 118:
 - i. have been drawn up in accordance with Accounting Standards - Simplified Disclosure Requirements and other mandatory professional reporting requirements in Australia; and
 - ii. present fairly the Trust's financial position as at 30 June 2022 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

Bawley Point, NSW
1 September 2022

RSM Australia Partners

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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 2022, 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 2022 and of its financial performance and cash flows for the year ended on that date; and
- (b) complying with Australian Accounting Standards – Simplified 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 – Simplified 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 2022 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.

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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.

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 – Simplified 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.

A handwritten signature in blue ink, appearing to read 'RSM', is positioned above the text 'RSM Australia Partners'.

RSM Australia Partners

A handwritten signature in blue ink, appearing to read 'C J Hume', is positioned above the text 'C J Hume'.

C J Hume
Partner

Sydney, NSW
Dated: 9 September 2022



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