



NEW SOUTH WALES
BAR ASSOCIATION

ANNUAL REPORT

2022–23



Acknowledgement of Country

The NSW Bar Association's office is on the traditional lands of the Gadigal People of the Eora Nation. As many of our staff continue to work 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.

FRONT COVER PERMISSIONS:

Permission granted by the Supreme Court of NSW.
Murray Harris Photography 2023

REGISTERED OFFICE

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

AUDITOR

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

BANKERS

National Australia Bank
75 Elizabeth Street
Sydney 2000

ANNUAL GENERAL MEETING

AGM is Thursday, 2 November 2023
at 5.00pm in Bar Association
Common Room

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Year in review



President's Report

The reporting year saw the Bar return from the pandemic, with some of the normalcy restored to our court and chambers work, but not completely without change, as many chambers evolve with more practitioners embracing working from home when they can and flexible workplace arrangements.

The Bar as a whole appears to be emerging from the pandemic with largely the same numbers of barristers practising as when we entered it. At the onset of the pandemic there were 2420 practising barristers in New South Wales and around 500 under fives. There are now at the time of writing this, 2428 practising barristers and over 500 under fives. The Bar Association has 3218 members, with 178 judges, 155 interstate and overseas barristers and 341 former barristers and judicial officers.

After long periods out of chambers, the majority of the Bar is back to in-person court and chambers work, with almost two-thirds of respondents in our most recent practising certificate survey identifying that they are physically in court or chambers four or more days per week. A component of the Bar is still working remotely, with just under a fifth of barristers reporting working two days or less physically in chambers or court.

Inclusive and Diverse Bar

In 2023 the NSW Bar welcomed a record number of female readers to the profession. The May 2023 Bar Practice Course comprised 45% readers, and 47% of readers enrolled in the September 2023 Bar Practice Course are women. While the percentage of women at the Bar overall is now 25.5%, women count for around 35% of under Tens. I am hopeful that more flexible workplace arrangements for parents, the strong stand of the Bar against sexual harassment, discrimination and bullying, our updated Best Practice Guidelines and positive workplace obligations will see the profession usher in a new era of equality.

Following the formal launch of the Bar Association's updated Best Practice Guidelines in June 2022, a number of continuing professional development seminars have been delivered to barristers, clerks and chambers' staff regarding the Guidelines, practical aspects for their implementation, and legislative changes to the *Sex Discrimination Act 1984* (Cth) and the *Fair Work Act 2009* (Cth). The Bar Association also engaged Dr Rebecca Michalak, Managing Director of PsychSafe Pty Ltd to deliver training addressing the role of Respectful Relations Officers (RROs) in chambers and practical guidance for RROs when receiving reports of potential breaches. Ample time was provided for chambers to seek independent legal advice to ensure the currency of their adopted guidelines in the face of the flagged legislative changes, and in order that they were suited to the particular structure of each chambers. In July 2023, a majority of chambers advised that they have implemented or substantially adopted the Bar Association's updated Best Practice Guidelines. This is a very positive step forward for the profession.



Our Advocates for Change for 2022–2023 were Anthony McGrath SC (now Justice McGrath of the Supreme Court, formerly of Alinea Chambers) for gender diversity, Lee-May Saw of Frederick Jordan Chambers for cultural diversity, Dr Robert Dubler SC of 12th Floor Selborne Wentworth Chambers for accessibility, and Sharyn Hall SC for LGBTIQI diversity. They have continued to encourage members to step up as leaders in the promotion of an inclusive profession. Highlights over the past twelve months include events coinciding with Sydney WorldPride, an inaugural panel discussion on cultural diversity and equitable briefing and the establishment with the Law Society of NSW of the joint court user group on accessibility.

The changing and dynamic face of the Bar was evident when hundreds of barristers gathered on the steps of the Supreme Court in October 2022 for a historic photograph of the NSW Bar in its 86th year, as we shed masks, returned to in-person court appearances and our QCs became KCs. It is vitally important that the Bar continues to welcome and support all of those who have the intellect and mettle to pass the Bar exam and the Bar Practice Course, no matter their background.

I wish to acknowledge, in particular, the commitment and work of the Diversity and Equality Committee, Wellbeing Committee, New Barristers Committee, Accessibility Panel and the Women Barristers Forum in promoting and supporting a diverse, welcoming and inclusive Bar.

Supporting First Nations Lawyers and Law Students at every stage of their career

The First Nations Committee has continued its decades-long commitment to addressing the under-representation of Aboriginal and Torres Strait Islander lawyers coming to and practising at the NSW Bar. A number of initiatives provide career development opportunities and enhance career prospects for First Nations lawyers and law students. The Bar's First Nations Mentoring Program was expanded this year beyond law students to encompass early career First Nations lawyers. Three First Nations law students from universities across NSW also undertook rotations with barristers and judicial officers in the Supreme Court, the Land and Environment Court of NSW and the District Court as part of the First Nations Clerkship program.

The Indigenous Barristers' Trust The Mum Shirl Fund, which celebrated its 21st anniversary, supports the First Nations Graduate Fellowship placement at the Bar Association. This support enables a graduate to work with the legal assistance referral service, as well as actively assisting aspiring First Nations law students who wish to be advocates to overcome significant financial disadvantage in order that they can study for and sit the Bar exams.

Advocacy on the Voice

As the referendum for an Aboriginal and Torres Strait Islander Voice to Parliament and the Executive draws near, we embrace an historic opportunity to redefine the nation's relationship with its First Peoples and to 'close the gap' in our Constitution.

In February 2023, the Association co-hosted the 'Exchanging Ideas' symposium with the Ngarra Yura Committee of the Judicial Commission of NSW and the Law Society of NSW. The symposium featured addresses by the Honourable Robert French AC, the Commonwealth Attorney-General the Honourable Mark Dreyfus KC MP, Professor Megan Davis and Dr Tony McAvoy SC, examining First Nations consensus in constitutional reform, nation building and treaty-making processes.

The Association has endorsed the Uluru Statement from the Heart and supported the establishment of a constitutionally enshrined First Nations Voice since soon after the release of the Uluru Statement on 26 May 2017.

On 6 April 2023, the NSW Bar Council voted unanimously to endorse the proposed wording for the Constitution alteration to enshrine a First Nations Voice as sound and appropriate, and to support public advocacy in support of a 'Yes' vote for this substantive form of constitutional recognition. I published a President's message on 12 April 2023 to members, and an opinion piece announcing and explaining the decision was published in the *Sydney Morning Herald* the next day. The response from the NSW Bar was overwhelmingly positive, albeit that a very small number of NSW barristers publicly voiced opposition.

On 1 May 2023, with Tony McAvoy SC, Bar Councillor, Chair of the Association's First Nations Committee and member of the Law Council's Indigenous Legal Issues Committee,

I testified before the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum's Inquiry into the Constitution Alteration (Aboriginal and Torres Strait Islander) Voice 2023 in support of the proposed wording. Consistent with the position of the Association, as well as the views of eminent constitutional experts, the Inquiry subsequently recommended that the Bill be passed without amendment.

The Association has also launched a webpage on the Voice with this background and useful links to information that can be drawn upon as members engage in interesting and informed conversations with colleagues and community members in the lead up to the referendum.

On 8 June 2023, the Victorian Bar also stated its position in support of constitutional recognition, and its determination that the proposed amendment is sound, appropriate and compatible with Australia's system of representative government which would be enhanced by the addition of the Voice. The Law Institute of Victoria also supports the Voice and the Law Society of NSW recently announced its unanimous support for the proposed constitutional amendment to enshrine an Aboriginal and Torres Strait Islander Voice in the Constitution.

Extensive Policy Work

The Bar Association is well served by the enormous work of its 15 expert policy committees and the exceptional leadership of our policy team by Harriet Ketley. The breadth of work undertaken on a voluntary basis, for the benefit of the profession and the administration of justice, is astounding.

There have been a significant number of federal legislative developments over the last year. Following the announcement of the abolition of the Administrative Appeals Tribunal in December 2022, the Association provided extensive input to the Law Council's submission on the development of a new Federal Administrative Review body to replace it. Extensive input to the Law Council was also provided on the scope of a Federal Judicial Commission, the current Federal Inquiry into Australia's Human Rights Framework and the Australian Law Reform Commission's Inquiry into religious educational institutions and anti-discrimination laws.

On 31 May 2023, the Australia-UK Free Trade Agreement (FTA) entered into force. The FTA is expected to have broad implications for the Bar and we are engaging closely with the Legal Services Regulatory Dialogue which includes representatives of the Law Council, the Legal Services Council and the Admissions Committee. The dialogue will consider contemporary approaches to legal services trade, and professional mobility of lawyers, requalification requirements and the availability of different legal practice business models in Australia and the UK.

The Federal Government's planned expansion of the anti-money laundering and counter-terrorism financing regime will also have far-reaching implications for the legal profession. With the assistance of our Commercial section a comprehensive submission was provided to Government and the Law Council strongly opposing the

extension of the regime to barristers. We highlighted the unacceptable conflicts such a regime would present for the discharge of a barrister's professional obligations, the increase to costs for clients and impediments to access to justice. We remain actively involved in advocating on behalf of NSW barristers as the reforms progress and are opposing proposals that threaten to water down obligations of confidentiality or impose unwarranted administrative or financial burdens on barristers.

In the lead-up to the March 2023 State Election the expertise of the committees fed into the Association's key election priorities for the incoming State Government. These included adequate funding of NSW courts and tribunals to address COVID-19 related backlogs and delays, and including a substantial increase in Legal Aid funding. The latter issue will be at the forefront of the upcoming Review of the National Legal Assistance Partnership. We also continued to push for the recommendations of the Special Commission of Inquiry into the drug 'Ice' to be implemented without further delay and the overhaul of the NSW coronial system, as recommended by the Select Committee on the coronial jurisdiction in New South Wales. We have also continued to strongly advocate for reforms to the definition of 'minor injury' in the *Motor Accidents Injuries Act 2017* (NSW).

Throughout the year the Association provided expert advice based on the experience of its members on the development of other significant State and Federal law reforms. Notable highlights include:

- The Media and Innovation and Technology Committee's input into the ongoing Review of the Model Defamation Provisions
- Advice on the wording of the new offence of coercive control, in order that it is appropriately targeted to lessen the risk of the offence capturing those it is designed to protect, and urging comprehensive education for police prior to commencement of the new offence next year
- Submissions prepared by the Common Law Committee to the Statutory Review of the *Personal Injury Commission Act 2020* (NSW) and the NSW Parliamentary Review of the CTP and Lifetime Care and Support Schemes
- A detailed submission to Commonwealth Treasury's consultation on Climate-related Financial Disclosure
- A submission to the Federal Parliamentary Inquiry into Addressing Australia's Illicit Drug Problem
- Close engagement by the Costs and Fees Committee with the Legal Services Council's Review of the costs disclosure thresholds under the Uniform Law.

The Bar also continued to advocate for reforms to bring about systemic change to close the gap in the criminal justice system for First Nations people. Overwhelmingly, First Nations women and children are grossly overrepresented in custody, even above the overrepresentation of men. Statistics published by

the NSW Bureau of Crime Statistics and Research in June 2023 revealed that despite the NSW Government pledge to cut the rate of First Nations adult incarceration by 15 per cent by 2031 and by 30 per cent for minors aged 10–17, all but two key indicators of Aboriginal overrepresentation showed increases at every stage of the NSW criminal justice system. The number of First Nations adults in prison is still increasing and the remand custody population for Aboriginal young people also rose by a shocking 87.8% from December 2021.

The Association will continue to push for changes across the criminal justice system, including greater focus on youth diversion, support for people to comply with their bail, raising the minimum age of criminal responsibility from 10 years old to 14 years old (without exception), improved discretionary policing practices, and greater investment in therapeutic sentencing processes aimed at reducing re-offending. We continue to reiterate our call for funding for a permanent Walama Court to be prioritised by the new State Government.

The Bar also rose to meet new challenges in the rapidly evolving area of artificial intelligence throughout the 2022–23 year. In July 2023, the Association published guidelines on 'Issues Arising from the Use of AI Language Models (including ChatGPT) in Legal Practice'. The guidelines acknowledge the unique ethical and practical challenges posed by the advent and evolution of AI language models and outline the obligations under the *Legal Profession Uniform Conduct (Barristers) Rules 2015* (NSW) that barristers must consider before, and not breach in the event of, use of AI language models in their legal practice. The Association will regularly review and update the guidelines to ensure their currency for members, as it maintains a watching brief on other developments in the AI, technology and cybersecurity sphere through its Media and Information Law and Technology Committee.

Professional Conduct, Continuing Practice Development and BarCare

The Bar Council's regulatory functions are a significant part of the work of the Association, with the Bar Council, supported by the staff of the Professional Conduct department and four Professional Conduct Committees (PCCs), determining 76 complaints in the reporting year. This year the Association has had a particular focus on resolving longstanding complaints and implementing guidelines to reduce delays. The Association's Ethical Guidance Scheme, which enables members to seek ethical guidance from senior counsel serving on the Association's PCCs continues to be utilised to good effect, with thirty-five senior counsel available to assist members in 2022–2023.

Throughout the year, the Bar Association's Committees organise a range of Continuing Professional Development (CPD) seminars to educate members on a wide variety of areas in order to both enhance their practice at the Bar and support members to fulfil their regulatory obligations. With close to 3000 unique viewers of our online program, members are actively taking advantage of our CPD resources to expand their knowledge, upskill and to satisfy the requirements of maintaining a practising certificate.

I extend my heartfelt gratitude to the members, judicial officers and professionals who have generously contributed their time and expertise to educating members of the Bar through CPDs and in the Bar Practice Course. Their dedication embodies but one of the extraordinary aspects of the collegiality and generosity of the legal community. Over 200 barristers and members of the judiciary dedicate their time to the Bar Practice Course alone.

In February and March, the Bar Association held its annual regional conference series, a welcome opportunity to engage with members of the Bar beyond the Sydney metropolitan area. There are two barristers on Bar Council this year who are based in the regions and several with national practices. The experience of the regional conference series allowed collective reflection on the unique challenges faced by regional practitioners, particularly in the aftermath of the floods that struck the Northern Rivers region early last year. The impact of this disaster continues to deeply affect our members and court systems in the region. The Bar continues to work with the judiciary to endeavour to clear backlogs created by the dual impact of the floods and the pandemic.

It is evident that there is still significant work ahead to support the recovery and rehabilitation of the Northern Rivers region. However, in the midst of this hardship, practitioners in the area maintain astounding resilience. The unpredictability of such disasters serves as reminder that unity and support from the profession is necessary, not only at the time of the immediate impact, but for the duration of consequent effects.

BarCare has provided invaluable assistance to barristers, their family members, clerks and Bar Association staff, with 98 people utilising the service, up from 89 in the 2021–22 year. This willingness to contact *BarCare* is to be applauded.

Collegiality

While it now feels like a long time ago, we welcomed the emergence of the profession from the pandemic with our inaugural Spring Dinner in September 2022, with the Chief Justice of New South Wales, the Honourable Andrew Bell, as our distinguished guest of honour. The Bar has supported a plethora of events in this reporting year, embracing the ability to be together again. These included the inaugural Readers lunch in the Chief Justice's garden to welcome our online cohorts, resumption of the Bench and Bar Lunch, 15 Bobbers for multiple new judicial appointments, memorials for the late Philip Selth OAM and Janet Coombs AM, the annual Tutors and Readers Dinner, an event to celebrate Experienced Barristers, and a dual group of Silk Bows in the High Court of Australia. In May 2023 we hosted a sold-out Bench & Bar Dinner, with almost 700 attendees. Only last month we honoured acting Justice Carolyn Simpson AO in lectures by the two recent Katrina Dawson Award recipients at the Sybil Morrison lecture.

Finances

The Association remains in a stable financial position, thanks to the prudent and sustainable management of the Association's resources and the investment strategy implemented by the Finance, Investment and Audit Committee (FIAC). In the reporting year the Bar's investments have performed well amid rising interest rates. This, combined with other efficiencies, enabled the Association to not increase practising certificate and membership fees for 23/24 despite inflation running at 6% over the reporting year, and the Association's pandemic-affected activities returning to normal. The Bar Council was mindful of the broader inflationary cost pressures on NSW barristers when determining to not increase fees for 23/24, and we noted these inflationary pressures appear likely to continue into this financial year. The treasurer and other members of the FIAC, along with the Association's finance manager are to be commended for their diligence.

Association Staff

Our IT staff have been an invaluable support especially at PC renewal time, and as we again commence the new silk selection consultation process. A special thanks also to our certification and finance staff. Investment in technology to upgrade the Association's AVL facilities allowed both in-person and remote or hybrid committee meetings to continue, supportive of the needs of participants. The Bar Library remains a valuable and highly regarded resource, embraced by members and well-utilised. We also owe a debt of gratitude to our education staff who run the Bar Practice Course, exams and CPD series, our staff who publish *InBrief* every day along with working on upcoming Bar News issues, our regulatory and policy staff, those running LARS, and our hardworking operations staff.

Finally, thank you to our indomitable executive director, Andreas Heger, and his executive team, for their leadership and extraordinary efforts as we emerge from the pandemic with adjusted workplaces and focus on service delivery for our undiminished membership.

Gabrielle Bashir SC

President, NSW Bar Association

Executive Director's Report

Balancing the risks and rewards of change

The Bar, like the rest of society, is grappling with the benefits and risks of technological change. The reporting year saw several important advancements in our governance, membership and regulatory activities aided by technology, as well as steps taken to assist the Bar, and the Association itself, manage some of the associated risks.

The 2023 Bar Council elections were held using a purpose-built online platform for the first time in the Association's history in October–November 2022, with two-thirds of voters choosing to use the platform. Pleasingly, this increased participation significantly to 1164 voters, albeit off an artificially low base of 658 with a covid affected election in 2021. The system was designed to be as simple as possible while replicating the traditional paper ballot. That almost one-third of votes were cast using the paper ballot shows a preference among some voters for the traditional method, and for this reason the hybrid system will again be used for the 2024 Bar Council election later this year.

The now hopefully familiar online renewals platform also enabled the Association to conduct an audit of the CPD record of all practising barristers in the recent PC renewals. Under this platform, all CPDs viewed online through the Association's CPD streaming platform on our website are automatically allocated to the CPD record on the NSWBA members' dashboard, with manual entry of CPD only required for other types of CPD. Following feedback from users, further amendments to this system will be considered if used again in 2024. This audit replaces the usual October audit of a random selection of 10% of the Bar and was very successful.

The CPD streaming platform also contains important CPDs for the Bar on managing some of the risks of our increasing use of technology, such as 'How secure is my platform? Managing risk with electronic briefing and cloud storage'. Much more work on materials to address these issues is planned in the coming year and the Bar should keep an eye out for these. The Association itself has also undertaken significant work on our cybersecurity; work which is continuing in an ever-evolving environment.

In July, the Bar Council issued guidelines titled 'Issues Arising from the Use of AI Language Models (including ChatGPT) in Legal Practice' – a must-read for any barrister considering using these platforms in any part of their practice. This augments the extensive ethical guidance available to barristers including the ethical guidance service where the staff of the Professional Conduct department or a Professional Conduct Committee member can provide ethical guidance via phone. There were over 300 calls for ethical guidance or information from the public in the reporting year, reflecting the significant value of this professional standards service provided by the Association.

The Association continues to use videoconferencing – so familiar to us all now – to hold hybrid committee meetings and to provide a balance of in-person and online CPDs (all of which are available online afterwards on our CPD streaming page). We have invested in technology and



now have two rooms available in the Association for hybrid meetings or CPD presentations in addition to the major audiovisual suite in the Common Room.

While we are embracing technology, there has been a focus on returning to in-person events in the Common Room for a portion of our CPD program and collegiality events in the reporting year, with 36 CPDs and many social events held in person, including:

- 15 bobbers for Justice Raper and Justice Peden, Justice Jackman and Justice Meek, and Judge Fitzsimmons and Judge McHugh, which also recognised Judge McHugh's life membership of the Association following his Presidency.
- a memorial event acknowledging the life and contribution to the Bar Association of my predecessor and life member, Philip Selth OAM, which had been delayed due to the pandemic following his death in 2020.
- a celebration of life in memory of Janet Coombs AM, who was a transformational member of the Bar and life member of the Association, following her death in 2022.

Combined with the Spring Ball held in September 2022, the Bar's collegiality events were back with a vengeance and well-attended, including the May 2023 Bench and Bar Dinner returning to pre-pandemic attendance levels, sold out with almost 700 attendees.

In this regard the Association continues to seek to balance the benefits of technology with the need to maintain in-person activities to foster collegiality and the significant benefits to the Bar that this brings.

The importance of the Bar remaining a community of practice cannot be understated. Technology brings with it significant benefits and flexibility, which can provide efficiencies and that are particularly important for members of the Bar with parental or other caring responsibilities and those living in regional locations. However, for a profession of sole practitioners, the benefits to health and wellbeing of maintaining social connection with the Bar and the professional and ethical learning and guidance available from colleagues cannot be underestimated.

These and all the activities of the Association are underpinned by the hard and often unnoticed work of the 35 staff of the Bar Association, along with the incredible voluntary contribution of our 384 committee members and the 21-member Bar Council. I would like to thank all for another year of hard work and achievement. There is always more to do, and the focus on balancing the risks and benefits of technology at the Bar will continue in the coming year along with the rest of the wide-ranging business of the Bar Association.

Addressing sexual harassment, bullying and discrimination

Building on the extensive work undertaken in the 2021/22 reporting year, the rollout of the Updated Best Practice Guidelines (BPGs), including multiple CPD, free specific training for Respectful Relations Officers and liaison with chambers, was a major piece of work in the current reporting year. This has culminated in the release on the Association's website of the list of chambers that have notified the Association of their decision in respect of implementation of the updated BPGs. At the time of writing,

- 47 chambers have advised the Association that they have implemented or substantially adopted all of the updated BPGs
- 4 chambers have advised the Association that they have implemented or substantially adopted the updated model harassment, bullying and discrimination BPG and have their own parental leave policy
- 4 chambers have advised the Association that they have implemented or substantially adopted the updated model harassment, bullying and discrimination BPG
- 4 chambers have advised the Association that they have developed and adopted their own guidelines or policies addressing matters contained in the updated BPGs
- 10 chambers have in place the BPGs approved in 2014.

I would like to acknowledge the work of the staff of the policy and law reform team, particularly Harriet Ketley, Alanna Condon and Gabrielle Lillcrap, for their tireless work on this significant project for the Bar over the reporting year, as well as the many barristers who have been involved.

I would also like to acknowledge the work of the Association's Sexual Harassment Officer, Jenny Houen. Reporting and use of the SPOT tool is increasing slowly, as are the incidences of people contacting the Sexual Harassment Officer. International experience tells us that usage increases with time and I would encourage anyone needing help or guidance to make use of the available resources.

Wellbeing

The Wellbeing Committee's diet of informative seminars, collegiality and charity events continued in the reporting year, with the Bench and Bar lunches and the experienced barristers program returning post-COVID-19, charity events with Our Big Kitchen, and the piloting of a Mental Health First Aid certificate program for the Bar some of the highlights.

Demand for BarCare has increased this year, in part due to an increase in assistance sought in relation to bullying and harassment. This is a critical part of welfare at the Bar and I would encourage members of the Bar and their families to consider its counselling and financial support services.

Practice and member support

The return to in-person events enabled the Practice Development Committee to organise a very successful 'speed dating' event with the ATO in the Common Room, with more events under consideration. Work continued on emergency childcare assistance, improving our member benefits scheme and another three outstanding issues of Bar News, the online edition of which transitioned to a new platform on our website during the reporting year.

Professional development

The core professional development activities of the Bar Association were again delivered successfully in the reporting year, with our now tried and tested model for managing COVID-19 seamlessly implemented in the Bar Course. I am pleased to report that the level of interruption caused by COVID-19 significantly decreased in both the course and the exams - a trend that hopefully will continue this year. Special thanks to Gillian Mahony, who directed both courses, with the May 2023 course being her last as course director. She has held this role for seven years and was awarded life membership of the Association for her contribution. I would also like to thank Ed Muston SC who oversees our examinations, the outgoing Chair of the Education Committee Rob Hollo SC after five years' service as Chair and Bali Kaur our director, professional standards and support along with the rest of the Education Committee and the staff for another successful year.

The CPD conference program was well-attended in February and March this year. Conferences were run in Orange (23 attendees), North Coast (28 attendees), Newcastle (30 attendees), and Sydney (80 in person and 77 online). They were as ever a great opportunity for me to meet regional members and I very much appreciated my discussions with members and our regional representatives.

Policy and law reform

The Bar Association's policy work included providing over 100 submissions to Government (either directly or through the Law Council of Australia or the Australian Bar Association) and issuing eight media releases, along with significant media activity throughout the reporting year by the President.

The 2023 NSW State election was a significant focal point for the Association's advocacy in the reporting year, much of which the President has outlined in her report and I will not repeat here. Advocacy on the response to the Ice Inquiry, the Voice to Parliament, a fully funded Walama Court, coronial reform and First Nations Peoples overrepresentation in the criminal justice system were major priorities for the Association. This advocacy sits alongside the ever-important but less noticed review of the myriad smaller proposals of Government for change; to identify and resist the gradual curtailing and infringement of fundamental rights. This work sits alongside our important services provided to members including the Fee Recovery Service, the NMAS accreditation scheme, and initiatives to support and encourage First Nations students and lawyers to consider a career at the Bar.

The significant contribution of the NSW Bar Association to improving public policy would not be possible without a lot of hard work, often with very limited notice or time to consider proposals, from the staff of the policy and law reform team, led by our director Harriet Ketley, and the volunteer barristers on our 15 policy committees. This is a significant contribution by our members and staff and an important tradition of the Bar.

Library

The Bar Library remains a bedrock of the Association's services to the Bar, with our three librarians providing outstanding services throughout the year, including handling over 8350 research requests and processing almost 6000 loans. A big thanks to our librarians for their significant contributions to the work of the Bar.

LARS

The Bar Association's Legal Assistance Referral Scheme has seen high demand in the reporting period, and again received support from 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 FY23 LARS received a total of 338 formal applications for assistance, including a significant number of referrals from the Supreme and District Courts. These referrals both assist the disadvantaged litigant and the courts to manage often complex matters and are a cornerstone of the LARS program. The Duty Barrister Scheme also continued from the Downing Centre. I would like to thank all of our volunteer barristers, and especially staff member Ray Burgess for his work over the reporting year.

Professional conduct and certification

The Bar Council finalised 76 complaints in FY2023, up from 74 the previous year. The Professional Conduct department has been working hard to implement new systems and processes, with a particular focus on resolving the oldest, and often most complex, complaints. This work has been successful and will continue in the coming year. The Association's certification activities – perhaps our most critical function – were successfully delivered again, with minor updates to our platform to improve this service further.

Conclusion

The staff of the Bar Association have once more done a fantastic job supporting the regulatory and membership activities of the Association. The labour market shortages in the reporting year have made recruiting challenging and required vacancies to be carried longer than usual, and still the staff have tirelessly delivered our services in partnership with our fantastic committees. I am very grateful to the staff and particularly my management team for all their hard work and support throughout the reporting year.

I also especially thank the President, Gabrielle Bashir SC, and the other members of the Bar Council Executive with whom I work so closely throughout the year. The skills, commitment and diligence brought to the responsibilities of the Association's office bearers, particularly the President, are truly remarkable. This is made even more remarkable by its voluntary nature. This voluntary service to the institution of the Bar is one of its finest traditions and it has been my privilege to work with the President, the other members of the executive and the broader Bar Council throughout the year.

Looking forward, the Association is well placed to support the Bar as it transitions to the new normal of a post-COVID-19 world in which technology is increasingly in the courts and a part of the profession.

Andreas Heger

Executive Director, NSW Bar Association

Profile



Statistics

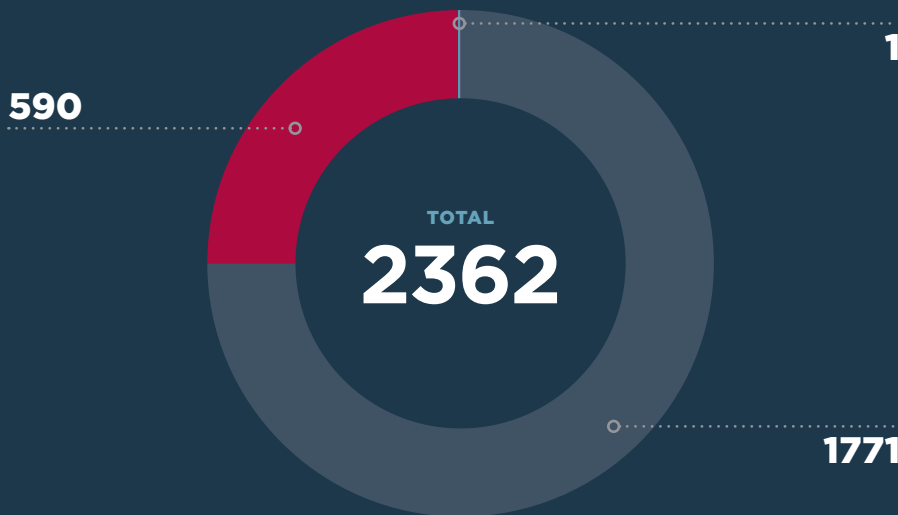
Membership

As at 30 June 2023 there were **3218 members**



Members who hold a NSW practising certificate (PC)

including members based interstate & overseas and 13 life members who have a current NSW PC



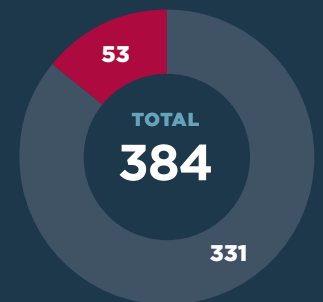
● Male ● Female ● Undefined

Non-practising Members*

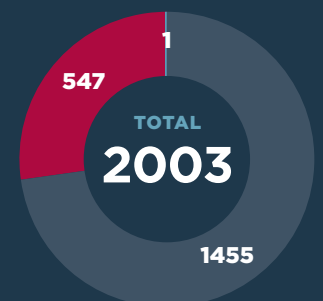
including honorary clerks, life members, judges and non-practising barristers



Number of Senior Counsel (KC or SC)



Number of Junior Barristers



Practitioners

As at 30 June 2023 there were **2387 barristers with a NSW PC**



Practitioners holding NSW practising certificates

including practitioners based interstate & overseas



Office Bearers

As at 30 June 2023



GABRIELLE BASHIR SC
President



DR RUTH HIGGINS SC
Senior Vice President



DOMINIC TOOMEY SC
Junior Vice President



MICHAEL IZZO SC
Treasurer



NICHOLAS BROADBENT
Secretary

Bar Council

Kate Eastman AM SC
Tony McAvoy SC
Yaseen Shariff SC
Nicolas Kirby
Amy Munro
James Mack
Claire Palmer
Carl Young

Ingmar Taylor SC
Vanessa Whittaker SC
David Patch
Catherine Gleeson
Callan O'Neill
Rose Khalilizadeh
Georgina Westgarth
Claire Roberts

Bar Association Staff

OFFICE OF THE EXECUTIVE DIRECTOR

Executive Director	Andreas Heger
Chief Operating Officer	Elizabeth Wing

LIBRARY

Managing Librarian	Ben Laing
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POLICY AND LAW REFORM

Director	Harriet Ketley
-----------------	----------------

PROFESSIONAL STANDARDS AND SUPPORT

Director	Bali Kaur
-----------------	-----------

PROFESSIONAL CONDUCT

Director	Stephanie Mancell
-----------------	-------------------

PROFESSIONAL STANDARDS AND MEMBERSHIP

Manager	Donna Boyce
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Committees

As at 30 June 2023

ACCESSIBILITY PANEL

Valerie Heath (Chair)	Sean Docker	Vikram Misra
Robert Dubler SC	Kellie Edwards	Matthew Cobb-Clark
Craig Everson SC	Angela Petrie	<i>Alanna Condon</i>
Tina Jowett	Brenda Tronson	<i>(Bar Association Staff Member)</i>
Sean Flood	Alexander Edwards	

ALTERNATIVE DISPUTE RESOLUTION

John Fernon SC (Chair)	Hugh Stowe	Wilson Chan
Gregory Burton SC	Michael Dawson	David Phillips
Adam Casselden SC	David Liebhold	Andrew Bailey
Charles Colquhoun SC	Craig Carter	Matthias Thompson
Neil Jackson	Christopher Palmer	<i>Madison Thompson</i>
Philip Bambagotti	Vanessa Thomas	<i>(Bar Association Staff Member)</i>

BAR NEWS

Ingmar Taylor SC (Chair)	Daniel Klineberg	Naomi Wootton
Gail Furness SC	Catherine Gleeson	David Townsend
Farid Assaf SC	Talitha Fishburn	Winnie Liu
Dominic Villa SC	Elizabeth Nicholson	Bridget Flaherty
Anthony Cheshire SC	Kevin Tang	<i>Rebecca Seraglio</i>
Simon Philips	Ann Bonnor	<i>(Bar Association Staff Member)</i>
Reg Graycar	Claire O'Neill	
Sean O'Brien	Stephen Ryan	
Kavita Balendra	Nicholas Bentley	

CLIMATE CHANGE LAW PANEL

Ruth Higgins SC (Co-Chair)	James Hutton SC	Kate Lindeman
Richard Lancaster SC (Co-Chair)	Robert White	Jerome Entwisle
Bret Walker AO SC	Sebastian Hartford Davis	Matthias Thompson
Noel Hutley SC	Janet McKelvey	Michele Kearns (Clerk)
Tim Game SC	Natasha Hammond	<i>Lucy Kelley</i>
Kristina Stern SC	James Mack	<i>(Bar Association Staff Member)</i>

COMMON LAW

David Hooke SC (Chair)	Darryn Kelly	Eraine Grotte
Bede Kelleher SC (Deputy Chair)	Maria Gerace	Nicola Compton
Richard Cheney SC	Andrew Combe	James Masur
David Talintyre	Ross Stanton	<i>Lucy Kelley</i>
Shaun McCarthy	Raphael Perla	<i>(Bar Association Staff Member)</i>
Iain Todd	Jnana Gumbert	

COSTS & FEES

Mark Walsh SC (Chair)	Katherine Oldfield	Matt Karam
Philippe Doyle Gray (Deputy Chair)	Bora Kaplan	David Smith
John Baird	David Robertson	<i>Lucy Kelley</i>
David Stewart	Kirralee Young	<i>(Bar Association Staff Member)</i>

CRIMINAL LAW

Stephen Odgers SC (Co-Chair)	Paul Coady	Linda Barnes
Helen Roberts SC (Co-Chair)	Brett Hatfield	Dev Bhutani
John Stratton SC	Duncan Brakell	Rebecca McMahon
Richard Wilson J SC	Emmanuel Kerkyasharian	Nicholas Cowdery AO, QC
Georgina Wright SC	David Scully	<i>(Academic Member, UNSW)</i>
Kellie Stares SC	Elizabeth McLaughlin	<i>Lucy Kelley</i>
Nathan Steel	Rebecca Suters	<i>(Bar Association Staff Member)</i>
Lester Fernandez	Rose Khalilizadeh	

DIVERSITY AND EQUALITY

Sera Mirzabegin SC (Co-chair)	S Tully	Eugene Chan
Melanie Cairns (Co-Chair)	Nipa Dewan	Winnie Liu
Miles Condon SC	Uche Okereke-Fisher	Elly Phelan
Ragni Mathur SC	Karen Petch	Jackson Wherrett
Sean Flood	Carolina Soto	Dr Katherine Fallah
Awais Ahmad	Frank Tao	<i>Alanna Condon</i>
Juliet Curtin	Faheem Anwar	<i>(Bar Association Staff Member)</i>
Renee Bianchi	Mahmud Hawila	

EDUCATION

Robert Hollo SC (Co-Chair)	Sean Docker	Callan O'Neill
Patrick Griffin (Co-Chair)	Gillian Mahoney	Christina Trahanas
Ed Muston SC	Lester Fernandez	Georgina Westgarth
Michael O'Meara SC	Paul Coady	Claire Roberts
Frank Veltro SC	Hayley Bennett	Professor Alex Steele
Perry Herzfeld SC	Peter Maddigan	<i>Bali Kaur</i>
Sharyn Hall SC	Imtiaz Ahmed	<i>(Bar Association Staff Member)</i>
Philip Hogan	Shauna Ross	

FAMILY, CARE AND ADOPTION

Robert Lethbridge SC (Chair)	Angela Petrie	Linton Teoh
Peter Cummings SC	Michael Weightman	Denise Kaiti
Martha Barnett SC	Gary Hill	Sarwa Abdelraheem
Mark Anderson	John Longworth	Tereza Seric
Neil Jackson	Mary Rebehy	<i>Madison Thompson</i>
Esther Lawson	Claire Cantrall	<i>(Bar Association Staff Member)</i>

FIRST NATIONS

Tony McAvoy SC (Chair)	Ross Hanrahan	Charles Gregory
Damian Beaufiles (Deputy Chair)	Nicholas Newton	Rhea Thrift
Chris Ronalds AO SC	Paul Bolster	Andrew Metcalfe
Janet Manuell SC	Natasha Case	Travis Jackson
Eric Wilson SC	Lang Goodsell	Rebecca McMahon
David Kell SC	David Phillips	<i>Madison Thompson</i>
Simeon Beckett SC	Mitchell Davis	<i>(Bar Association Staff Member)</i>

HUMAN RIGHTS

Simeon Beckett SC (Co-Chair)	Carmel Lee	Kathleen Heath
Miiko Kumar (Co-Chair)	Evangeline Arulrajah	Kate Beattie
Craig Lenehan SC	Charles Gregory	Katherine Fallah
Donna Ward SC	Corrie Goodhand	Dr Daniel Joyce
Kate Barrett	Fiona McNeil	<i>(Academic member, UNSW)</i>
Brenda Tronson	Madeleine Bridgett	<i>Alanna Condon</i>
Trent Glover	Celia Winnett	<i>(Bar Association Staff Member)</i>
Bora Kaplan	Douglas McDonald-Norman	
Jason Donnelly	Oliver Jones	

INDUSTRIAL EMPLOYMENT HEALTH AND SAFETY

Bruce Hodgkinson AM SC (Co-Chair)	Penny Thew	Bilal Rauf
Yaseen Shariff SC (Co-Chair)	Bruce Miles	Glenn Fredericks
Shane Prince SC	Jamie Darams	Maurice Baroni
Anthony Britt	Craig Lambert	<i>Alanna Condon</i>
Andrew Gotting	Michael Seck	<i>(Bar Association Staff Member)</i>
Paul Moorhouse	Anna Perigo	
Simon Meehan	Larissa Andelman	

MEDIA AND INFORMATION LAW AND TECHNOLOGY

Michael Green SC (Co-Chair)	Lyndelle Barnett	Daniel Meyerowitz-Katz
Matthew Richardson SC (Co-Chair)	Barry Dean	Jordan Widjaja
Angela Bowne SC	Pouyan Afshar	Carolyn McKay (Academic Member)
Richard Potter SC	Raphael Perla	<i>Lucy Kelley</i>
Tamir Maltz	Robert Armitage	<i>(Bar Association Staff Member)</i>
Ben Kremer	Anton Hughes	
Beth Oliak	Wen Wu	

INQUESTS AND INQUIRIES

Kristina Stern SC (Chair)	Paul Bolster	Louise Coleman
Sophie Callan SC (Deputy Chair)	Patrick Rooney	Hugh Dillon
Patrick Griffin SC	Kirsten Edwards	Jake Harris
Adam Casselden SC	Robert Ranken	Emma Sullivan
David Kell SC	Trent Glover	Sarah Love
Donna Ward SC	Joanna Davidson	<i>Alanna Condon</i>
Scott Robertson SC	Christine Melis	<i>(Bar Association Staff Member)</i>

INTERNATIONAL

Greg Loughton SC Mark Dempsey SC Dennis Wilson Daniel Meltz Chester Brown Sean Baron Levi	Elisa Holmes Danielle Forrester Jesse Kennedy Karen Petch Christina Trahanas Katie Sutton	Boxun Yin Trish Hoff (Clerk) <i>Donna Boyce</i> (Bar Association Staff Member)
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LEGAL AID

Sharyn Hall SC (Co-Chair) James Trevallion (Co-Chair) Kellie Stares SC Hugh White Craig Mulvey Christopher Lawrence Jane Paingakulam Scott Fraser	William Calokerinos Cara Feiner Juliet Lucy Robert Armitage Justine Hopper Zoe Alderton Talitha Hennessy Talia Epstein	Thomas Liu Rajiv Baldeo David Mulligan Grainne Marsden <i>Lucy Kelley</i> (Bar Association Staff Member)
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NEW BARRISTERS

Elly Phelan (Co-Chair) Nicholas Bentley (Co-Chair) Tomislav Bicanic Carolina Soto David Edney Alison Hammond Megan Caristo	David Townsend Gina Edwards Ella Dalrymple Aleksandra Ilic Chelsea Brain Melissa McGrath Antonia Quinlivan	Bridget Flaherty Michael Morgan Jordan Smith Jeh Coutinho (Clerk) <i>Bali Kaur</i> (Bar Association Staff Member)
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PRACTICE DEVELOPMENT

David Thomas SC (Chair) Michelle Painter SC Tom Brennan SC Andrew Bulley Mark Seymour Christopher Palmer	Faraz Maghami Robert Carey Ingrid King Courtney Ensor Geoff Farland Anton Hughes	Catherine Bembrick Paul Walker (Clerk) Angela Noakes (Clerk) <i>Donna Boyce</i> (Bar Association Staff Member)
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SUCCESSION AND ELDER LAW

Lindsay Ellison SC (Chair) Ian Davidson SC David Liebhold Francois Salama Hayley Bennett	Simon Chapple Kirrilee Young Justin Brown Irina Hoskinson Craig Birtles	Kim Boettcher Lara Nupuri <i>Madison Thompson</i> (Bar Association Staff Member)
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WELLBEING

Cynthia Cochrane SC Kevin Connor SC Michelle Painter SC Dauid Sibtain SC Fiona Sinclair Phoebe Arcus Robert White	Gabriella Rubagotti Greg Antipas Talitha Fishburn Ben Mee Geoff Farland Emily Graham Talitha Hennessy	Megan Evetts Fabian Di Lizia Nicola Gollan Michael Pruscino Jeh Coutinho (Clerk) <i>Rebecca Seraglio</i> (Bar Association Staff Member)
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PROFESSIONAL CONDUCT COMMITTEES

PCC#1

Edward Muston SC (Co-Chair)
 Kate Morgan SC (Co-Chair)
 Robert Hollo SC
 Ingmar Taylor SC
 Dominic Villa SC
 Madeleine Avenell SC
 Bill Neild SC
 Charles Colquhoun SC

Justine Beaumont SC
 Patrick Knowles SC
 Kieran Ginges
 Catherine Gleeson
 Joanne Little
 Simon Fitzpatrick
 Sharna Clemmett
 Radhika Withana

Brin Anniwell
 Naomi Oreb
 Georgia Lewer
 Emma Bathurst
 Bharan Narula
 Georgina Westgarth
 Carl Young

PCC#2

Michael Izzo SC (Chair)
 Janet Manuell SC
 Robert Sheldon SC
 Peter Braham SC
 Nick Kidd SC
 David McLure SC
 David Thomas SC
 Donna Ward SC

James Arnott SC
 Justin Young
 Sean Hughes
 Melanie Cairns
 Nicholas Broadbent
 Rob Ranken
 Amy Munro
 Tamara Phillips

Zoe Hillman
 Emma Beechey
 Jocelyn Jaffray
 Daniel Habashy
 Rose Khalilizadeh
 Zoe Alderton

PCC#3

Yaseen Shariff SC (Chair)
 David Williams SC
 Ian Neil SC
 Nicholas Owens SC
 Anthony McInerney SC
 James Emmett SC
 Sophie Callan SC
 Peter Newton SC

Andrew Fox SC
 Ragni Mathur SC
 David Patch
 Nathan Steel
 Peter Maddigan
 Nic Kirby
 Conor Bannan
 Callan O'Neill

Stephanie Patterson
 John Longworth
 Angus McAuley
 Claire Palmer
 Daniel Fuller
 Claire Roberts

PCC#4

Dominic Toomey SC (Chair)
 Jeremy Morris SC
 Anthony Cheshire SC
 David Rayment SC
 James Hutton SC
 Mark Anderson
 Luke Brasch
 Andrew Naylor

Eric Balodis
 Roger Harper
 Scott Maybury
 Nick Kabilafkas
 Thomas Jones
 Ben Kremer
 Lisa Doust
 Faraz Maghami

Robert Yezerski
 Awais Ahmad
 Christopher Othen
 Greg Antipas
 James Mack
 Sonia Tame
 Emily Graham
 Kate Lindeman

Reports



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

New South Wales Bar Association's Legal Assistance Schemes

Report on Activities – 1 July 2022 – 30 June 2023

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 650 barristers are on the pro bono panels to receive referrals through the Legal Assistance Referral Scheme (LARS) or to volunteer as a Duty Barrister.

The Legal Assistance Referral Scheme (LARS)

In the 2022–23 financial year LARS increased its collaborative and capacity building work with other Legal Assistance providers that are working at the coalface, and temporarily suspended accepting applications directly from members of the public. This has allowed LARS to focus on appropriate referrals to the Scheme. These services are better placed within the communities that they serve to triage and refer appropriate matters to LARS. They identify meritorious matters that are appropriate for referral, however fall outside current Legal Aid or CLC eligibility policies or that require the assistance of a barrister because the legal issue is complex and beyond the capacity of that service to deliver.

LARS continues to accept and assist with referrals received from Courts and Tribunals made under the UCPR or the Federal Court Rules. LARS also continues to facilitate urgent requests from the DPP for a barrister to give discrete advice to witnesses or a self-represented accused to ensure a trial can properly proceed.

In the financial year ending 30 June 2023, LARS received 338 applications for assistance, a decrease from 479 applications received in the previous financial year. This decrease reflects the number of unmeritorious applications previously received directly from members of the public.

2022 saw the introduction of our LARS weekly newsletter that goes out to all our volunteers enabling them to read about a matter or make an offer to assist by clicking on a link. This has proved to be very effective and popular with our barristers. This year our volunteer panel of barristers contributed 2900 hours of pro bono assistance through LARS.

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. From the feedback we have received from both the judiciary and members of the public we have every reason to believe that duty barristers have provided, and continue to provide, a valuable resource for the fair and effective administration of justice.

Conclusion

LARS volunteer barristers continue to support and promote the Bar's pro bono activities as one of the finest traditions of the NSW Bar.

Family, Care and Adoption Committee

The Family, Care and Adoption Committee continued throughout 2022–23 to contribute to law reform and support members practising in the family law, care and protection jurisdictions.

The committee closely considered a range of significant proposed reforms to family law, preparing the Association's submission to the Law Council of Australia in relation to the exposure draft Family Law Amendment Bill 2023 and monitoring the progress of the Bill subsequently introduced into Federal Parliament. The committee also informed the Association's submissions to the Law Council and the Federal Circuit and Family Court of Australia in relation to other confidential consultations, and to the Department of Communities and Justice concerning the remaking of the Children and Young Persons (Care and Protection) Regulation 2012.

The committee monitored practice issues raised by members of the Bar, maintaining engagement with the Federal Circuit and Family Court of Australia by regularly attending court user group meetings. Martha Barnett SC also represented the Association at a roundtable discussion with the Family Law Council.

The committee contributed to the Legal Aid Committee's research into legal aid funding issues and formed a subcommittee with the Alternative Dispute Resolution Committee to consider options for promoting the services of barristers as mediators in family law matters.

The committee made a significant contribution to the Association's CPD program in collaboration with other family law experts at the Bar. Neil Jackson presented on the topic of 'Parental Alienation' on 2 August 2022 and on 'Family Violence Awareness Training for the Legal Profession' on 19 October 2022. Peter Cummings SC and Neil Jackson organised a presentation by Scott Richardson on section 90AE of the *Family Law Act 1975* (Cth) on 23 March 2023. Peter Cummings SC also chaired a panel discussion with Peter Batey and Melissa Gillies to provide practical assistance for practitioners in managing challenging situations in court.

The committee also presented to readers at the Bar Practice Course in May 2023, providing valuable insight into family law practice at the Bar.

First Nations Committee

Supporting First Nations lawyers and law students

In 2022–23, the First Nations Committee created a range of opportunities to support First Nations lawyers and law students joining and remaining in the profession while continuing to advocate on law reform issues of concern to First Nations peoples.

The committee worked with the Indigenous Barristers' Trust The Mum Shirl Fund to revitalise the First Nations mentoring program, building on the strengths of the program as it has operated since 2008 and expanding it to First Nations solicitors. The mentoring program is designed to provide First Nations lawyers and law students with support, networks, experience and practical legal knowledge through mentoring by barristers and judges, with the opportunity to stay connected with peers, mentors, the Association and the Trust. The committee has worked closely on the design and implementation of the new scheme, which will be launched in 2023–24. Committee members also attended the Gilbert + Tobin First Nations Law Students' Networking Event to promote the mentoring program and opportunities available for First Nations law students.

The committee oversaw preparations for the NSW Bar Association's First Nations clerkship program 2023, which will see three First Nations law students completing placements with barristers and with judges at the Supreme Court, Land and Environment Court and District Court in the second half of 2023. The program provides First Nations law students with insight into the daily operation of the justice system and the opportunity to forge valuable networks in the profession.

The committee arranged a visit by First Nations students from the UNSW pre-law program, facilitating student visits to chambers and to court and offering valuable insights into working as a barrister.

The committee also liaised with the Australian Tax Office regarding briefing opportunities for First Nations barristers and supported an informative webinar for First Nations counsel on briefing opportunities with government agencies.

Submissions

Throughout 2022–23, the committee contributed to Association submissions to the Law Council of Australia regarding inquiries of the Joint Standing Committee on Electoral Matters into the 2022 Federal Election and the Referendum (Machinery Provisions) Amendment Bill 2022, as well as the Parliamentary Joint Committee on Human Rights' Inquiry into Australia's Human Rights Framework.

In collaboration with the Succession and Protective Law Committee, the First Nations Committee contributed to the Association's submission to the Law Council regarding the Department of Health and Aged Care's ongoing consultation on the design of a new model for regulating aged care, emphasising the need to implement the recommendations of the Royal Commission into Aged Care Quality and Safety for improving aged care for First Nations people.

The committee informed the Association's support for the Law Council's policy position on responses to children under the minimum age of criminal responsibility¹.

The committee contributed to the Association's advocacy regarding the introduction of the Fisheries Management Amendment (Enforcement Powers) Bill 2022 and the likely disproportionate impact of expanded search and seizure powers for NSW Fisheries officers on First Nations people. The Committee welcomed the findings and recommendations of the NSW Legislative Council Inquiry into the Commencement of the *Fisheries Management Amendment Act 2009* in November 2022, including the recommendation that surveillance, compliance actions and prosecution actions against Aboriginal cultural fishers immediately cease until Schedule 1 of the *Fisheries Management Act 2009* is commenced.

The committee also monitored the operation of the Walama List pilot in the District Court, with committee member Janet Manuell SC continuing to represent the Association on the Walama Working Group. In 2022–23 the Association continued to advocate strongly for a permanent, fully funded Walama Court – a measure to reduce indigenous incarceration and as supported by the Australian Law Reform Commission's Pathways to Justice Report no 1 of the NSW Select Committee on the High level of First Nations people in Custody and oversight and review of deaths in custody and by stakeholders across the NSW justice system.

Educating and engaging the profession

The committee's ongoing partnership with the Ngarra Yura Committee of the Judicial Commission of NSW and the Indigenous Issues Committee of the Law Society of NSW gave rise to a successful series of educational programs for the legal profession. The First Nations Speaker Series took place in September and October 2022, featuring presentations by Ms Emily McDaniel, Director, First Nations at the Powerhouse Museum, Dr Miriam Rose Ungunmerr Baumann AM, 2021 Senior Australian of the Year, and Mr Peter Cooley, founding member of First Hand Solutions Aboriginal Corporation and CEO of IndigiGrow. On 26 April 2023, a panel presentation was held on the topic of Bugmy Justice Reports chaired by the Honourable Justice Dhanji and featuring his Honour Judge McGrath SC; CEO of Deadly Connections, Ms Carly Stanley; and member of the Bugmy Justice Project Working Group, Dr Thalia Anthony.

On 1 August 2022, committee member Travis Jackson also facilitated a presentation regarding the operation of the Galambany Court in the Australian Capital Territory (ACT) by Special Magistrate Anthony Hopkins of the ACT Magistrates Court.

¹ Law Council of Australia, Responses to Children under the Minimum Age of Criminal Responsibility – Position Paper – Addendum to the Policy Statement on the Minimum Age of Criminal Responsibility (25 June 2022), available [here](#).



Ongoing projects

The committee closely considered and sought the support of other committees for a draft Statement of Commitment to Reconciliation with NSW First Nations and First Nations People, as well as strategies to support First Nations candidates sitting the Bar Exams. These initiatives will continue into the new committee year.

ADVOCACY FOR THE VOICE

The Association has for many years endorsed the Uluru Statement from the Heart and supported the establishment of a constitutionally enshrined First Nations Voice, the first element of the Uluru Statement's call for 'Voice, Treaty, Truth'.

In the lead-up to the referendum to amend the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice to Parliament and the Executive, the Association established a Voice Working Group to assist in development of policy, advocacy and legal education in relation to the Voice.

Bar Council decision on 6 April 2023 and the Parliamentary Inquiry into the Aboriginal and Torres Strait Islander Voice Referendum

On Thursday 6 April 2023, the NSW Bar Council met to consider both the wording of the proposed amendment to the Constitution set out in the Constitution Alteration (Aboriginal and Torres Strait Islander) Voice Bill 2023, and the policy position that the NSW Bar should adopt, if any, in relation to the proposal to enshrine the Voice in the Australian Constitution.

The Bar Council voted unanimously to endorse the proposed wording for the Constitution alteration to enshrine a First Nations Voice as sound and appropriate, and to support public advocacy in support of a 'Yes' vote for this substantive form of constitutional recognition. The Bar Council

did so having considered other publicly available alternative proposals and arguments for and against the wording, and for and against a 'Yes' vote, including those suggesting more limited forms of recognition and consultation.

On 1 May 2022, NSW Bar Association President Ms Gabrielle Bashir SC and Chair of the First Nations Committee Tony McAvooy SC gave evidence on behalf of the Association together with witnesses from the Law Council of Australia at a public hearing for the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum's Inquiry into the Constitution Alteration (Aboriginal and Torres Strait Islander) Voice 2023. The Inquiry subsequently recommended the Bill be passed without amendment.

The Association's Voice Advocacy Webpage

As part of its educational mandate, the Voice Working Group launched a Voice advocacy webpage on the Association's website. The webpage provides a brief background to the proposed amendment to the Constitution and the Association's long-standing support for the establishment of a constitutionally enshrined First Nations Voice. The website also provides members with a toolkit of factual and legal information, including hyperlinks to useful resources to inform and assist members in the lead-up to the referendum including guidance material prepared by the Law Council of Australia.

Education Committee

The Education Committee provides advice, guidance and support to the Bar Council, the Executive Director, the Professional Standards and Support and other departments of the New South Wales Bar Association.

In particular the Committee concentrates on the Bar Examinations, the Bar Practice Course, the tutor / reader program and the continuing professional development of counsel. In these activities, the Committee supports the objectives set out in the New South Wales Bar Association's Strategic Plan.

In 2022–23 this has included: the continuing education of barristers, the development of specific techniques applicable to remote advocacy, the promoting of equality and diversity at the Bar, and supporting readers and the junior counsel.

The committee has assisted in the development of guidelines and policies relating to the assessment of applications from barristers seeking exemption from the educational and reading requirements pertaining to obtaining a practising certificate in New South Wales.

The content and format of the Bar Examinations continues to be under constant review.

The committee has delivered a Practice Management Course and continues to develop the popular Regional Conference Series.

Gillian Mahoney the Director of the Bar Practice Course, completed her eight-year tenure in this position. Her important work was recognised with life membership of the Association.

Robert Hollo SC finished his term as Chair of the Committee. His unstinting work, over many years, has greatly contributed to the success of a number of projects.

Women Barristers Forum

Throughout the reporting year, the Women Barrister's Forum (WBF) continued its significant endeavours, consistent with the efforts of the past two decades. The professional landscape faced by women barristers has undoubtedly changed since WBF was formally established in 2004. Unfortunately, women currently constitute only around 24% of practising barristers and 12% of silks. In this contemporary climate, the WBF works (often alongside the Women Lawyers Association and the NSW Bar Association Diversity and Equality Committee) to:

- promote awareness, discussion and resolution of issues which particularly affect women barristers
- identify, highlight and eradicate discrimination against women in law and in the legal system
- advance substantive, and not merely formal, equality for women at the bar and in the legal profession generally
- provide a professional and social network for women barristers
- support and encourage women at the bar
- promote the interests and skills of women barristers; and
- support diversity and flexibility at the bar.

To this end, the Women Barristers Forum, in collaboration with Women Lawyers Association of NSW, hosted the annual Women Silks event, sponsored by the NSW Bar Association. The guest speaker was the Hon Justice Jayne Jagot. WBF reiterates its congratulations to Ragni Mathur SC, Kellie Stares SC, Justine Beaumont SC, Elizabeth Bishop SC and Martha Barnett SC on their recent appointment to Senior Counsel.

WBF also runs, among others, the annual 'Pathways to Silk' CPD session, which is widely regarded as an invaluable resource for senior juniors who are contemplating an application. This year the panel comprised Jodie Steel SC, Liz Collins SC, Dominique Hogan-Doran SC and Penelope Wass SC.

WBF and Women Lawyers Association, sponsored by the NSW Bar Association, also hosted the Celebration of Life in Memory of Janet Coombs AM to acknowledge the significant contribution Janet made to the NSW Bar. The Honourable Mary Gaudron KC, as the guest speaker, delivered a warm and memorable speech about Janet's life at the NSW Bar and what life was like for women barristers at the time.

The WLANSW, Women Barristers Forum, NSW Bar Association Diversity and Equality Committee celebrated International Women's Day 2023 with a fabulous networking lunch. The year's IWD theme was 'Cracking the Code: innovation for a gender equal future'. The guest speaker Wajiha Ahmed spoke of her experience as a lawyer of 21 years. Wajiha shared some interesting and, at times shocking, insights about her experience as a woman and a woman of colour practising law in NSW. We were also lucky enough to be joined by former Afghani Judge Farah Atahee; a woman who after the fall of the Afghani government had to flee her home state for fear of persecution. It was a pleasure to have her with us.

The outgoing chair of WBF is Naomi Sharp SC who demonstrated unfailing dedication and commitment to fearlessly promoting women at the NSW Bar during her time as Chair. Naomi had the formidable task of being the WBF Chair during the COVID-19 lockdowns, and she ensured that women readers and junior women barristers were well supported during this time. WBF thanks Naomi for her strong leadership.

Indigenous Barristers' Trust The Mum Shirl Fund

The Indigenous Barristers' Trust The Mum Shirl Fund 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 Trust 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; Anthony McAvoy SC and Chris Ronalds AO SC.

Indigenous Barristers' Trust The Mum Shirl Fund is an integral part of the Bar's implementation of its Reconciliation Action Plan. Indigenous Barristers' Trust The Mum Shirl Fund uses the definition of Aboriginal and Torres Strait Islander people 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 peoples' community. The 2022 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.

Indigenous Barristers' Trust The Mum Shirl Fund'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.

Indigenous Barristers' Trust The Mum Shirl Fund 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.

Diversity and Equality Committee

Throughout 2022–23, the committee continued its work to assist the Association to develop, implement and promote strategies, policies and initiatives to attract, retain and nurture members of the NSW Bar who are reflective of the community they serve. The committee was pleased to continue to work with the Association's Advocates for Change, the Women Barristers Forum and the Association's Accessibility Panel where shared objectives were identified. Some of the committee's 2022–23 highlights are set out below.

Addressing harassment, discrimination and bullying

Committee Co-Chairs, Sera Mirzabegian SC and Melanie Cairns, with committee member, Winnie Liu presented a CPD seminar to the Bar on the Association's updated Best Practice Guidelines (BPGs) on 23 August 2022. This seminar explained the content in the updated BPGs, and how chambers can implement the BPGs, including establishing appropriate grievance handling processes. Following that seminar, Sera Mirzabegian SC and committee member, Eugene Chan, delivered a seminar on the updated BPGs to clerks and chambers staff. The committee also assisted the Association with the development of the Respectful Relations Officer training that is available via the Association's online CPD library.

In addition, the Committee developed the 2023 Regional CPD Conference seminar on 'How to stop bullying: Your rights and obligations'. Committee member, Uche Okereke-Fisher presented this seminar at the Newcastle conference. The committee also presented to the readers at the September 2022 and May 2023 Bar Practice Course on diversity and equality initiatives and appropriate workplace behaviour, including barristers' professional obligations pursuant to the Legal Profession Uniform Conduct (Barristers) Rules 2015.

LGBTQI principles on inclusiveness

The NSW Bar Association's LGBTQI principles on inclusiveness and the Association's supporting LGBTQI inclusivity webpage were launched in July 2022. The principles seek to ensure that everyone is treated equally under the law, build inclusive and safe workplaces, and

assist Chambers/Floors to attract and retain the best candidates. The supporting LGBTQI inclusivity webpage includes a range of LGBTQI resources, including practical tips for being an LGBTQI ally, and links to a number of services and supports.

To coincide with the launch of the principles, the committee also organised a seminar on the principles with Stephene Tully; Sharyn Hall SC, the Association's Advocate for Change for LGBTQI diversity; and Christopher Nelson of Pride in Diversity. The committee also organised a further seminar on LGBTQI allyship, chaired by Stephene Tully and presented by Dean Clifford-Jones, Chairperson and National Director of Pride in Law, and Christopher Nelson of Pride in Diversity.

Racial, cultural and religious diversity and inclusion

In collaboration with the Association's Advocate for Change for cultural diversity, Lee-May Saw, the committee organised a panel discussion on cultural diversity and equitable briefing on 15 June 2023. The panel, chaired by Ragni Mathur SC, consisted of Mr Michael Tidball (Secretary, NSW Department of Communities and Justice), Ms Jasmina Ceic (Partner, Nyman Gibson Miralis), Mr Hiroshi Narushima (Partner, Gilbert + Tobin), Ms Lee-May Saw and Chair of the committee's Racial, Cultural and Religious Diversity and Inclusion subcommittee, Ms Uche Okereke-Fisher. The panel engaged in an informative discussion about cultural diversity and inclusion in briefing decisions, data collection practices and policies that may facilitate the briefing of culturally diverse practitioners.



Equitable briefing

On 27 March 2023, the Committee and the Women Barristers Forum jointly presented a CPD seminar on the Law Council of Australia's updated Equitable Briefing Policy. This seminar was chaired by the Association's Advocate for Change for gender diversity, Anthony McGrath SC, and presented by Kate Eastman AM SC and Naomi Sharp SC. The seminar addressed the key changes to the updated policy, the review process that informed the changes and ways in which barristers may adopt the policy. Further information about the policy is available on the Association's Equitable Briefing webpage.

Major events and publications

The committee and the Women Barristers Forum hosted an online Female Law Students Open Day on 24 August 2022. Penultimate and final year female law students at all universities in NSW were invited to attend. The Open Day commenced with a panel discussion, chaired by committee members Juliet Curtin and Jesmini Ambikapahty, with her Honour Justice Anna Mitchelmore, her Honour Judge Brana Obradovic and Tiffany Wong SC. Following the panel discussion, students met with barristers in virtual 'break out' rooms to discuss the day-to-day life of a barrister and a range of practical questions about a career at the NSW Bar.

On 9 November 2022, the committee hosted the annual Sybil Morrison Lecture. The lecture was established in 2019 to celebrate the achievements of women who have joined the Bar, and is named in honour of Sybil Morrison, the first woman to practise at the NSW Bar. The 2022 lecture, chaired by Her Excellency the Honourable Margaret Beazley AC KC, honoured the Honourable Elizabeth Evatt AC's achievements and contributions to the development of the law and the legal profession. Kathleen Heath, the 2020 Katrina Dawson Award recipient, and Nicola Gollan, a 2021 Katrina Dawson Award recipient, presented informative papers on the Honourable Elizabeth A Evatt AC.

The committee, together with the Women Lawyers Association of NSW and the Women Barristers Forum, hosted an International Women's Day Lunch on 8 March 2023. UN Women Australia's theme for 2023 was 'Cracking the Code: Innovation for a gender equal future'.

Committee member, Eugene Chan, interviewed Tiffany Wong SC for a piece in the Autumn 2023 edition of *Bar News*. The pair discussed Wong SC's journey to the Bar, her cultural background and things that can be done, individually and collectively, to improve the inclusivity and diversity of the legal profession.

The committee also prepared *InBrief* announcements for diversity and inclusion days throughout 2023–24 to inform the Association's members about key events throughout the year.

Climate Change Committee

Overview

The newly-formed Climate Change Committee made considered contributions to law reform and policy developments that fell within its terms of reference throughout 2022–23. The committee produced an outstanding submission to the Commonwealth Treasury on climate-related financial disclosure, leveraged its policy priorities through the Bar Association's 2023 State Election Policy Statement, and contributed to the professional development of the Association's members through a live debate between Tim Game SC and Georgina Wright SC on environmental prosecutions. The committee has also been heavily involved with the climate change and environmental law edition of *Bar News*, which will be published in Winter 2023.

Submissions

In February 2023, the Climate Change Committee produced its first policy submission, being a submission in response to the Commonwealth Treasury's ongoing consultation on climate-related financial disclosure. The submission supported Australia's alignment with international practice on climate-related financial risk disclosure, in particular reporting against the global baseline envisaged by the International Sustainability Boards, subject to certain important qualifications.

In May 2023, the committee provided input to a Law Council of Australia submission to the Parliamentary Joint Committee on Human Rights for its Inquiry into Australia's Human Rights Framework, proposing that the right to a safe, clean, healthy and sustainable environment be included in new federal human rights legislation.

Proactive policy advocacy

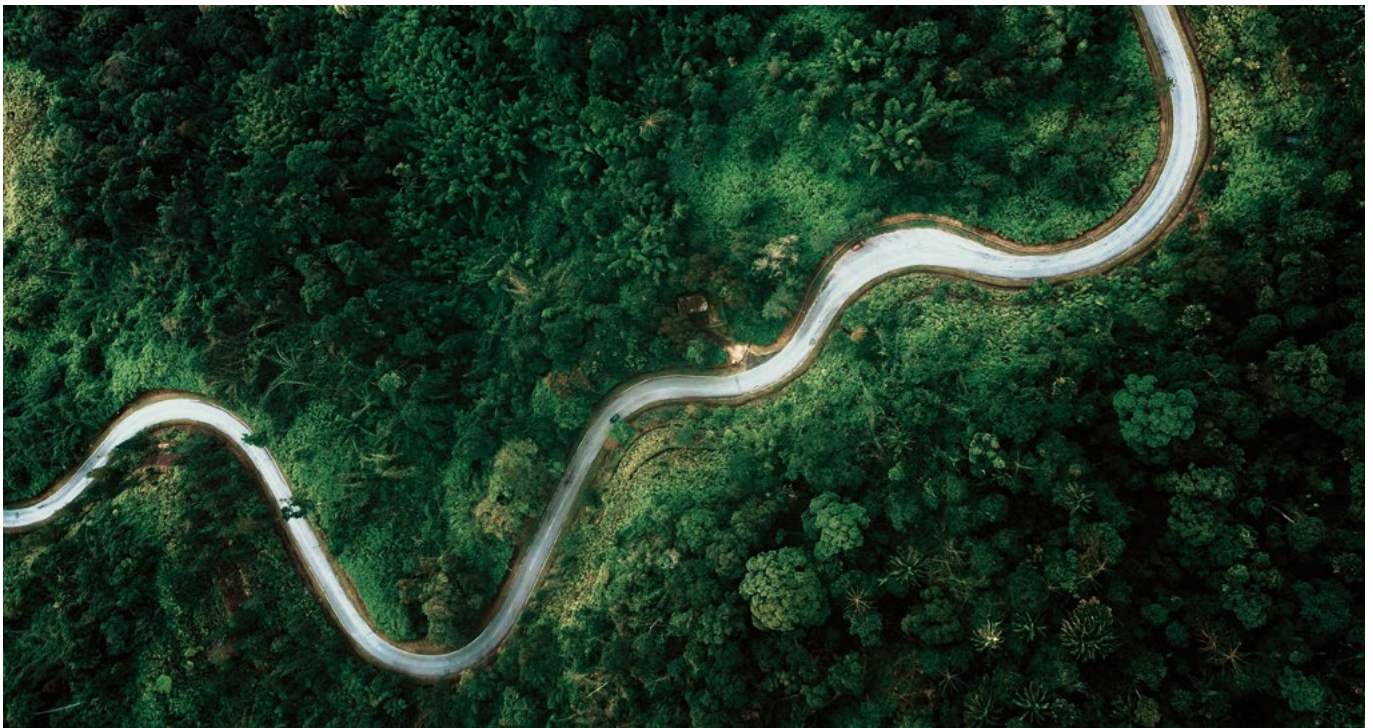
In 2022–23, the Climate Change Committee leveraged its policy priorities through the Bar Association's 2023 State Election Policy Statement, in which it called on all political parties to commit to tangible reforms at a state level by: establishing a dedicated Department or Minister for climate change; setting up a Statutory Commission or Standing Parliamentary Committee of Inquiry into climate change; and identifying what reforms are required to environment and planning laws to enable NSW to facilitate the energy transition and to otherwise mitigate the effects of climate change.

At the annual conference of the Environment and Planning Law Association (NSW) in November 2022, committee co-Chair Richard Lancaster SC gave a presentation on a panel with Mr Eddie Synot and Professor Merlin Crossley addressing ways that science, law and indigenous studies can come together to address climate change.

The committee has also been heavily involved with the upcoming climate change and environmental law edition of *Bar News*, which will include notable contributions from the Chairs and several committee members.

CPDs

On 1 December 2022, the committee hosted a live debate between Tim Game SC and Georgina Wright SC on environmental prosecutions. The CPD provided a platform for thought-provoking and productive discussions and received outstanding feedback.



Support barristers in the conduct of their profession

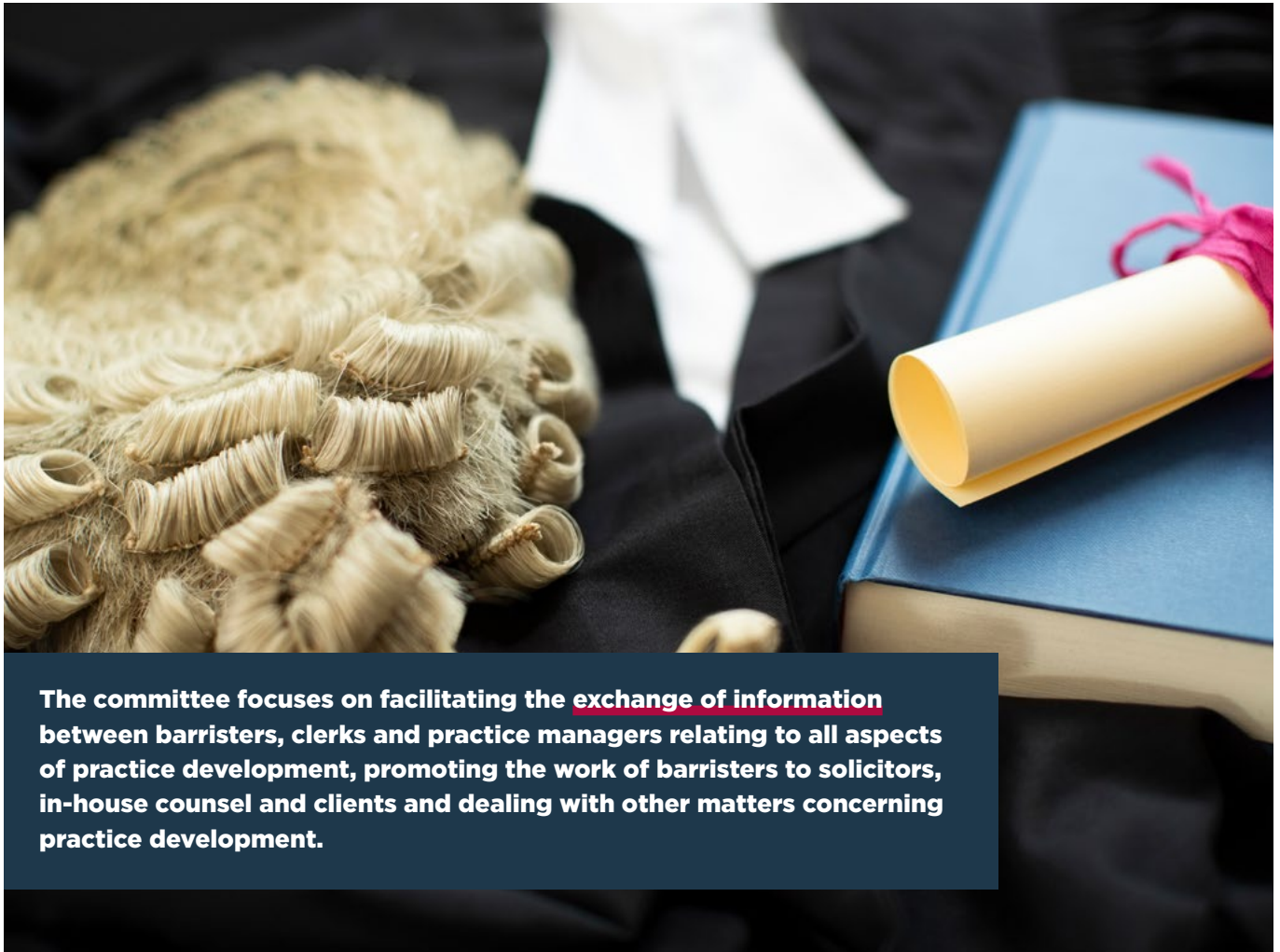
Practice Development Committee

The Practice Development Committee undertook many projects within the 2022–23 year. The committee focuses on facilitating the exchange of information between barristers, clerks and practice managers relating to all aspects of practice development, promoting the work of barristers to solicitors, in-house counsel and clients and dealing with other matters concerning practice development.

The biggest project was the Australian Taxation Office (ATO) speed dating event. The ATO direct briefing event was successful with eighty attendees who enjoyed the ‘speed dating’ format. The event was aimed at junior barristers under 7 years of practice. ATO and barrister directories were circulated with an expression of interest form given to all barristers. Feedback from ATO and barrister attendees was very positive, with those ATO representatives who’d had the opportunity to get to know barristers for tax related matters. It was also a well-received event as it was in person, one of the first few back after the pandemic. This event provided a good networking opportunity for the junior bar, and promoted barristers not only to solicitors, but to the ATO as well.

The committee has also undertaken some more educational endeavours within the last year. Two CPDs were held, one focussing on electronic briefing and another on cyber hacking. These CPDs were received well and provided answers on hard ethical questions. There has been planning for future CPDs to answer questions about ADR, regional briefing and reading for the future. The committee has also been working on a mentoring program for the Bar.

The committee has been attending seminars concerning First Nations briefing policies, held discussions with the ACCC for a briefing event, and worked on a new direct briefing pilot program for the Bar.



The committee focuses on facilitating the exchange of information between barristers, clerks and practice managers relating to all aspects of practice development, promoting the work of barristers to solicitors, in-house counsel and clients and dealing with other matters concerning practice development.

Alternative Dispute Resolution Committee

In 2022–23, the Alternative Dispute Resolution (ADR) Committee focussed on opportunities for recognising and promoting the skills and expertise of members practising in ADR.

The committee continued to assist the Association to exercise its function as a Recognised Mediator Accreditation Body, accrediting members in accordance with the National Mediator Accreditation System (NMAS), reviewing and making recommendations to the Bar Council for accreditation and nomination to the Supreme and District Court mediator lists. The committee has been involved in updating the Association's 'Barrister ADR Practitioner Lists'.

The committee particularly focused in 2022–23 on promoting barristers as arbitrators, with a subcommittee forming to consider a process for appointments by the Association of members as arbitrators pursuant to a template dispute referral clause. The subcommittee has been involved in reviewing approval and accreditation processes for arbitrators run by the Association in the past and by other organisations. The subcommittee is also developing a proposal for a CPD series on arbitration, in partnership with regional law societies, which will continue into the new committee year.

Further, the committee has planned advocacy around the strengths of barristers as court-appointed arbitrators and the need for review of their remuneration rates.

A subcommittee also formed to consider the potential design of an independent Bar mediator accreditation scheme and the advantages this could provide members.

In a CPD chaired by John Fernon SC on 22 February 2023, Hugh Stowe presented on a methodology for settlement claim valuation for the practical assistance of members.

The committee also worked on the design of a proposal to implement a Family Law Expedited Mediation Scheme and formed a subcommittee with the Family, Care and Adoption Committee to consider options for promoting the services of barristers as mediators in family law matters.

In 2023–24, the committee will continue considering opportunities for promoting the particular skills and expertise brought by barristers to ADR.

Succession and Protective Law Committee

In 2022–23, the committee changed its name from the Succession and Elder Law Committee to the Succession and Protective Law Committee, to reflect the shift in terminology in international law and usage and the committee's focus on issues of vulnerability and capacity more generally.

Following the success of the inaugural Judges Talk series in 2021–22, the committee organised a further series to educate and engage members of the Bar practising in succession law. Featuring presentations by currently serving Judges of the Supreme Court, these CPDs were chaired by the committee Chair, Lindsay Ellison SC and facilitated by members of the committee, including:

- A presentation by the Honourable Justice Hallen, 'Evidence in Probate suits: Is there really no hierarchy?' facilitated by Hayley Bennett (8 March 2023)
- A presentation on 'Will Construction' by the Honourable Justice Meek, facilitated by David Liebhold (22 March 2023)
- A presentation on 'Mediation and ADR in Equity' by the Honourable Justice Elisabeth Peden, facilitated by Ian Davidson SC (5 April 2023); and
- A presentation on 'Context in Law, a Digression: Neuroscience, Text, Context and Purpose' by the Honourable Justice Lindsay, Kevin Connor SC and Hayley Bennett (19 April 2023).

The committee has been actively engaged in law reform, working with the First Nations Committee to provide detailed input to the Law Council of Australia for the Department of Health and Aged Care's ongoing consultation on the design of a new model for regulating aged care. The committee also provided valuable feedback to the Law Council's review of its *Best Practice Guide for Legal Practitioners in Relation to Elder Financial Abuse* and draft *Best Practice Guide for Legal Practitioners on Assessing Mental Capacity*. The committee contributed to a submission and roundtable discussion for the Department of Communities and Justice consultation on a nationally consistent scheme for access to digital records upon death or loss of decision-making capacity, and to the Association's submission to the Legal Services Council for its review of costs disclosure thresholds.

The committee strengthened working relationships with the Law Council of Australia and the Law Society of NSW, including through Kirralee Young attending a meeting of the Law Council's National Elder Law and Succession Law Committee in May.

The committee has also been closely considering legislative amendments that would increase efficiencies in succession matters. The Committee will continue developing these proposals for the consideration of the Bar Council in the next committee year.

Inquests and Inquiries Committee

Throughout 2022–23, the Inquests and Inquiries Committee made significant contributions to the NSW Bar Association’s policy and advocacy work, maintained engagement with key courts, commissions and other relevant bodies, and supported the continuing professional development of members of the bar who practise in all aspects of inquests and inquiries related work.

Policy and advocacy work

The committee’s expertise, in collaboration with the Association’s Public Law Section, informed the Bar Association’s submission to the NSW Parliament’s Committee on the Independent Commission Against Corruption (ICAC) in relation to its review of aspects of the *Independent Commission Against Corruption Act 1988* (NSW). Committee member Scott Robertson SC and Richard Lancaster SC, representative of the Public Law Section, appeared on the Association’s behalf at a public hearing in relation to the inquiry on 4 November 2022. The Association’s submission and evidence were referred to throughout the Parliamentary Committee’s report and formed the basis of one of its recommendations for legislative change, which the NSW Government proposes to implement.

The committee also continued its ongoing work to inform the Association’s advocacy regarding reform of the coronial system in NSW. The committee has established a subcommittee to continue work on this matter, noting, in particular, the Association’s [media release](#) regarding the former NSW Government’s response to the Report of the Legislative Council Select Committee on the coronial jurisdiction in NSW, and the Association’s call to all political parties to give full weight to the detailed findings and recommendations of the Select Committee in the Association’s [NSW Election 2023 Policy Statement](#).

Committee members also assisted the Association to provide input to the Law Council of Australia for the Law Council’s submissions:

- regarding the establishment of the National Anti-Corruption Commission
- to the Attorney-General’s Department regarding the ‘*Scoping the establishment of a federal judicial commission discussion paper*’; and
- to the Senate Legal and Constitutional Affairs References Committee regarding the inquiry into missing and murdered First Nations women and children.

Engagement with courts and other key organisations

Throughout 2022–23, the committee continued to organise discussion forums with the NSW State Coroner, the NSW Crown Solicitor’s Office and members of the committee. These forums provide opportunities for productive discussion regarding operational and practice matters, and opportunities to discuss matters brought to the committee’s attention by barristers who appear as advocates in the coronial jurisdiction.

The committee has also assisted the Bar Association to collaboratively engage with the State Coroner in relation to the protocols, practice notes and guidance material across various areas of the Coroners Court’s work.

Continuing professional development and engagement with members

The committee also continued its work to support the ongoing professional development of members whose practice encompasses inquests and inquiries work. In 2022–23, the committee organised the following CPD seminars:

- **Royal Commissions, Social Policy and Multi-Skilling: Where does Counsel Assisting fit?** This seminar was presented by the Honourable Ronald Sackville AO KC and moderated by Donna Ward SC. During this seminar, Mr Sackville shared his expertise and experiences as the Chair of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and as a Judge of the Federal Court of Australia (now retired).
- **Perspectives on Fairness in Inquisitorial Proceedings.** Robert Ranken chaired a panel comprising Richard Beasley SC, Pat Griffin SC, and Dr Hayley Bennett. The panel discussed inquisitorial fairness from the perspectives of the person presiding over the proceedings, counsel assisting and persons who may be appearing for an interested or affected party.
- **Responding to Recommendations from the Coroner – A Practical Perspective from NSW Police Force and NSW Ministry of Health.** This CPD seminar addressed a number of practical matters, including how recommendations are received and reviewed by the organisation identified in the recommendation, how counsel for a sufficient interest party can best advocate that no recommendation is necessary or that any recommendation is drafted in a way that makes practical sense to the organisation. Donna Ward SC chaired this informative conversation with Natalie Marsic, General Counsel, Office of the General Counsel, NSW Police Force, and Deanne Tadros, Director, Professional Capability and Legal Operations, NSW Ministry of Health.

The committee’s CPD seminars were well attended by the Bar and are available online via the Association’s CPD library. The committee looks forward to developing and delivering a diverse and practical CPD program throughout 2023–24.

The committee also prepared a piece titled ‘*Counsel Assisting – Advisor or Scribe?*’ for the Summer 2022 edition of *Bar News*. This piece addressed important matters, including the role of counsel assisting once evidence and submissions have concluded at an inquest or inquiry, and the extent to which counsel assisting can or should support an inquisitor with their report or findings.

Human Rights Committee

The Human Rights Committee continues to assist the Association to monitor legislation and prospective legislation for its impact on human rights, and raise awareness among the Association's members on human rights issues. The committee's expertise enabled the Association to respond to a significant number of state and federal law reform consultations throughout 2022–2023.

Policy and law reform

Simeon Beckett SC and Miiko Kumar, Co-Chairs of the Committee, represented the Association at a roundtable discussion in October 2022 organised by the Federal Attorney-General's Department regarding a consultation draft of the National Principles to address coercive control. During this roundtable, Beckett SC and Kumar spoke about the recent amendments to the *Crimes Act 1900* (NSW) following the NSW Joint Select Committee on Coercive Control. They also emphasised the importance of defining coercive control, further education (including for the legal profession) and broad consultation, including with First Nations, people with disabilities and the LGBTQIA+ community.

Simeon Beckett SC and committee member Kate Barrett, also represented the Association at a roundtable discussion in December 2022 with the Australian Law Reform Commission regarding the inquiry into religious educational institutions and anti-discrimination laws. Representatives from legal organisations across the country were present. Beckett SC and Barrett spoke about the current religious exemptions for students and staff in the *Anti-Discrimination Act 1977* (NSW) and the differences between the NSW legislation and the more recent amendments to the anti-discrimination legislation in other Australian jurisdictions.

In addition to contributing to a number of Bar Association submissions to confidential government consultations, the committee also assisted the Law Council of Australia in the preparation of submissions to the:

- Attorney-General's Department in response to its comprehensive 'Administrative Review Reform Issues Paper' which sought views on the development of a new federal administrative review body
- Parliamentary Joint Committee on Human Rights in response to the inquiry into Australia's Human Rights Framework
- Australian Law Reform Commission in response to its consultation paper on 'Religious Educational Institutions and Anti-Discrimination Laws'
- Attorney General's Department regarding its targeted review of offences for human trafficking, slavery and slavery-like practices in Divisions 270 and 271 of the *Commonwealth Criminal Code Act 1995* (Cth)
- Attorney-General's Department in response to its discussion paper on 'Scoping the establishment of a federal judicial commission'

- Senate Legal and Constitutional Affairs References Committee regarding its inquiry into missing and murdered First Nations women and children;
- Attorney-General's Department regarding the statutory review of the *Modern Slavery Act 2018* (Cth); and
- Administrative Appeals Tribunal on its 'Exposure Draft - Migration and Refugee Division Practice Direction'.

The proactive work of the committee's Bill of Rights subcommittee, including detailed analysis of comparative rights coverage across different jurisdictions (including Australian states and territories with human rights acts and/or a charter of human rights) and available remedies, enabled the committee to provide valuable assistance to the Parliamentary Joint Committee on Human Rights in its consideration of whether the Australian Parliament should enact a federal Human Rights Act.

Members of the committee's Migration Law subcommittee also prepared proactive memoranda on human rights issues arising in respect of Temporary Protection Visas, Safe Haven Enterprise Visas and the Immigration Assessment Authority.

Many of the above submissions, particularly in relation to the inquiry into Australia's National Human Rights Framework, inquiry into religious educational institutions and anti-discrimination laws, and modern slavery legislation are policy and law reform matters that the committee has been monitoring, and contributing to, for some time.

Continuing professional development

The committee was pleased to co-host, with the Association's Education and Criminal Law Committees, an in-conversation CPD event with President of the NSW Bar Association, Gabrielle Bashir SC and playwright, Suzie Miller. Bashir SC and Miller discussed a wide range of topics relating to criminal law, policy and law reform, and how the most vulnerable interact with our legal system. They also discussed how the creative arts have a role to play in our community generally and the practise of law specifically.

The Committee is developing an informative and topical CPD program for 2023–2024. Likely seminar topics include the experiences of other jurisdictions that have enacted a human rights act, investigating and prosecuting international crimes, and safeguarding human rights in international extradition.

Criminal Law Committee

Over the last year, the Criminal Law Committee has commented on a remarkable range of policy and law reform issues, actively responding to numerous requests for submissions on proposed legislative changes at a state and federal level. The committee has also tirelessly advocated for criminal justice reforms to reduce the unacceptably high rates of incarceration of First Nations People in NSW including the establishment of a fully supported Walama Court, building on the Walama List Pilot which has been operating at the Sydney District Court since February 2022.

Active participation in policy development, law reform & stakeholder engagement

The committee has contributed to the Bar Association's position on the introduction and appropriate framing of a coercive control offence in NSW, with committee Co-Chair Stephen Odgers SC and Rose Khalilizadeh testifying in October 2022 to the NSW Standing Committee on Social Issues Inquiry into the Bill Crimes Legislation Amendment (Coercive Control) Bill 2022. Their evidence followed the Bar Association's submission on the exposure draft of the Bill. The position advanced by the Association on the appropriate fault element for the offence was accepted by the NSW Government and the new offence is slated to commence early next year.

At the federal level, the committee supported the Law Council of Australia's advocacy for the establishment of an independent federal parole authority, and contributed to the Bar Association's detailed submission to the Federal Attorney-General's Department on the draft Federal Court of Australia Amendment (Extending Criminal Jurisdiction and Other Measures) Bill 2022.

Throughout the year, the majority of the committee's submissions were in response to confidential government proposals; however, the committee also prepared, or was a key contributor to, submissions addressing:

- the NSW Attorney General's review of the *Terrorism (Police Powers) Act 2002* (NSW)
- the NSW Law Reform Commission's Review of Bail: Firearms and Criminal Associations. The Commission ultimately agreed with the Bar Association's contention that risks in respect of firearms offences or offences relating to criminal associations are adequately dealt with under the existing legislative framework. The committee also provided a preliminary submission to the Commission's review of serious road crime.
- the Independent National Security Legislation Monitor's review of the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth)
- the NSW Sentencing Council's review into fraud and fraud-related offences
- the Federal Parliamentary Inquiry into the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022
- the implications of the NSW Supreme Court's decision in *Application of MLC Investments Limited* [2022] NSWSC 1541 and potential amendments to s 249E of the *Crimes Act 1900* (NSW) arising from that decision
- the development of a new strategic plan for the NSW Local Court

The committee also worked on Bar Association submissions calling for greater safeguards of the rule of law in legislation introduced to the State Parliament in the latter half of 2022 in relation to organised crime, including the new digital evidence access order regime, amendments to the *Confiscation of Proceeds of Crime Act 1989* (NSW), the new Drug Trafficker Declarations Scheme and the expansion of the unexplained wealth order scheme under the *Criminal Assets Recovery Act 1990* (NSW).

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. In August 2022 the Association adopted the Law Council of Australia's addendum to its policy on the minimum age of criminal responsibility. The policy provides overarching model guidance on responses to children under a lowered minimum age of criminal responsibility.
- implementation of the recommendations of the Ice Inquiry that personal drug use should be treated as a health issue rather than a matter for the criminal justice system. The committee also provided a submission to the federal Parliamentary Joint Committee on Law Enforcement's Inquiry into Addressing Australia's Illicit Drug Problem in January 2023.
- review of the recently introduced s 22B of the *Bail Act 2013* (NSW) which has undermined the objectives of the Early Appropriate Guilty Plea scheme reforms.

Following the release of the Interim Report of the Hon T F Bathurst AC KC Inquiry into the convictions of Kathleen Folbigg on 5 June 2023, the committee also re-agitated its long standing proposal that the *Criminal Procedure Act 1986* (NSW) be amended to include a requirement that expert opinion evidence only be admitted if the trial judge is satisfied that the evidence is 'sufficiently reliable'.





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 at ad hoc stakeholder meetings including:

- 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 SC continued to attend the legal practitioners' consultative groups hosted by Corrective Services NSW and also represented the Bar Association on the Department of Justice's Coercive Control Legal Sector reference group
- Committee member Nicholas Cowdery AO KC participated in a series of forums held by the Department of Premier and Cabinet to inform the development of a whole-of-government Alcohol and Other Drug Strategy.

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 March 2023 by Co-Chair Stephen Odgers SC and Tim Game SC on *Stanley v Director of Public Prosecutions* (NSW) [2023] HCA 3: Implications for Administrative Law and Sentencing
- a webinar hosted on 6 October 2022 by Dr Arlie Loughnan, Professor of Criminal Law and Criminal Law Theory at the University of Sydney Law School, and chair Tim Game SC on 'Rethinking Criminal Responsibility'.

Common Law Committee

Overview

Throughout 2022–2023, the Common Law Committee continued to make contributions to law reform and policy development, as well as the professional development of the Bar Association’s members.

Submissions and appearances at NSW parliamentary inquiries

The Common Law Committee responded to requests for input from multiple government agencies, including:

- a response to the Independent Review Office’s June 2022 Issues Paper with respect to a review of the Independent Legal Assistance and Review Service (ILARS)
- a submission to the Standing Committee on Law and Justice’s 2022 Review of the Workers Compensation Scheme
- a submission to the Standing Committee on Law and Justice’s 2022 Reviews of the Compulsory Third Party Insurance and Lifetime Care and Support schemes, and a further submission on the question of whether the ILARS scheme should be extended to claimants under the *Motor Accident Injuries Act 2017* (NSW) (MAI Act)
- a submission to the State Insurance Regulatory Authority (SIRA) on the Statutory Review of the *Personal Injury Commission Act 2020* (NSW)
- a submission to the Department of Customer Service regarding a package of proposed NSW Building Law reforms relating to strata and community land schemes; and
- a submission to SIRA on the draft Home Building Compensation Insurance Guidelines.

Additionally, members appeared on behalf of the Association at the hearing into the 2022 Review of the Workers Compensation Scheme and at the combined hearing into the 2022 Reviews of the Compulsory Third Party Insurance and Lifetime Care and Support schemes.



Proactive policy advocacy

The committee took up a number of opportunities for proactive policy advocacy, included successfully advocating for the reinstatement of the Supreme Court Common Law User Group, which constitutes a vital forum for addressing practical issues relating to personal injury and professional negligence matters.

CPDs

In June 2023, committee member James Masur was to host a CPD webinar on ‘Permanent stay applications in historical child abuse claims’, commenting on how access to justice has been restricted for victim-survivors due to the recent development of a body of case law in NSW. This has been deferred pending the High Court’s decision in *GLJ v The Trustees of the Roman Catholic Church for the Diocese of Lismore*, which was heard on 8 June 2023.

Also in June 2023, committee member Shaun McCarthy hosted a CPD webinar on ‘The elastication of vicarious liability’, examining recent case law on the circumstances in which an employer may be held vicariously liable for the negligent or criminal acts of an employee.

The CPD event provided a platform for thought-provoking and productive discussions and was well received by a significant online audience.

Media and Information Law and Technology Committee

Overview

Throughout 2022–23, the Media and Information Law and Technology Committee (MILT Committee) closely monitored and proactively participated in developments in the defamation, privacy law, media freedom, data law, artificial intelligence and information technology spheres. The committee maintained a watching brief on cybersecurity and data confidentiality issues, made a number of submissions to the Review of the Model Defamation Provisions, and supported the Law Council of Australia's work on cybersecurity in the legal profession. The committee also co-led the development of guidelines on *Issues Arising from the Use of AI Language Models (including ChatGPT) in Legal Practice*, co-hosted the second intervarsity Law Students' Blog Competition, and facilitated a CPD webinar on 'Artificial intelligence, robots and the law'.

Submissions and stakeholder consultations

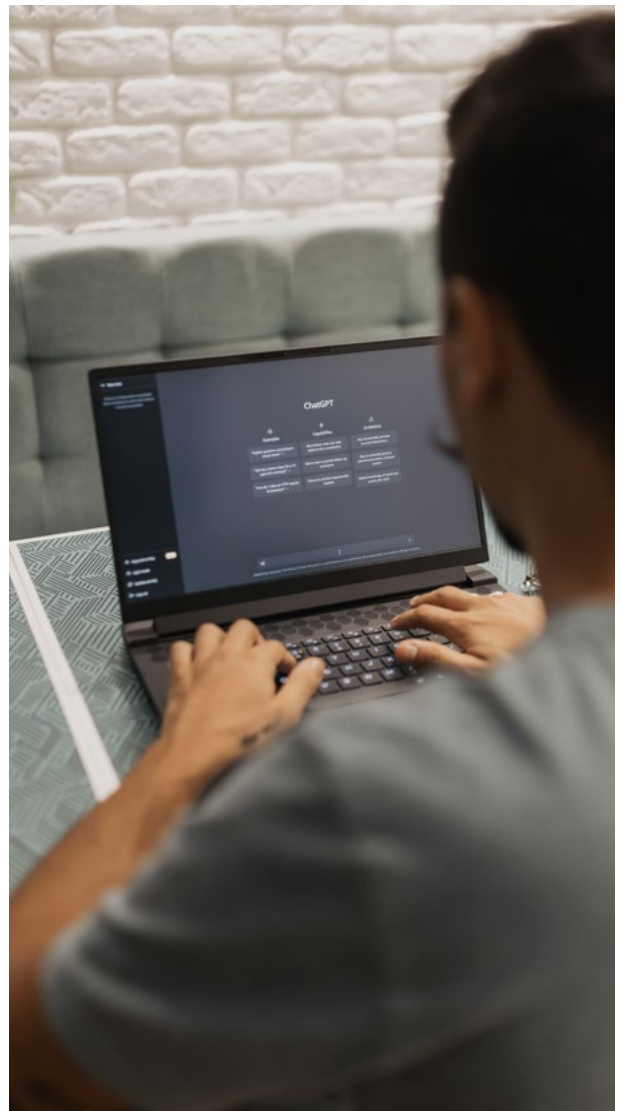
Throughout 2022–23, the MILT Committee made considered and comprehensive contributions to a number of consultations that fell within its reformulated terms of reference. Notable submissions included: a cross-committee submission in response to the NSW Department of Communities and Justice's consultation paper on a nationally consistent scheme for access to digital records upon death or loss of decision-making capacity; three submissions and attendance at roundtables and meetings in relation to both stages of the Review of the Model Defamation Provisions; and a detailed and comprehensive update to the Law Council regarding the Association's ongoing work to promote cybersecurity in the NSW legal profession.

Internal policy projects

The MILT Committee progressed several significant policy projects throughout the 2022–23 year as part of its remit to identify, investigate and monitor new technological developments and to ensure that members are properly equipped to incorporate the latest technology into their practice in a manner that complies with their ethical and professional obligations. In 2022, the committee, through its academic member, Dr Carolyn McKay, partnered with the Sydney University Law Society to jointly host the second intervarsity Law Students' Blog Competition. In 2023, the committee worked closely with Professional Conduct Committee #1 to develop guidelines on *Issues Arising from the Use of AI Language Models (including ChatGPT) in Legal Practice*, which were approved by Bar Council in June 2022 and have since been published. The committee will continue to monitor relevant developments with ChatGPT and AI to ensure these guidelines remain up to date in a rapidly changing environment.

CPDs

In November 2022, committee members Angela Bowne SC and Jordan Widjaja facilitated an engaging and informative CPD webinar by Professor Mary-Anne Williams on the topic of 'Artificial intelligence, robots and the law'.



Legal Aid Committee

Overview

The Legal Aid Committee's principal priorities for 2022–23 were advocating for fair and adequate remuneration for members engaged in Legal Aid work and contributing to the development of Legal Aid NSW's policies. The committee maintained a structured and productive liaison with Legal Aid NSW on matters relevant to enhancing access to justice and securing sustained and sufficient funding of legally aided matters where counsel is engaged. The committee also made considerable progress on a comprehensive report on ideal fee scales and the consequences of underfunding of legally aided matters which it intends to publish in the latter half of 2023. The committee also contributed to the professional development of the Bar through two informative and engaging CPD webinars.



Reactive and proactive policy and law reform advocacy

The Legal Aid Committee took up several opportunities in 2022–23 for reactive and proactive advocacy on policy and law reform issues affecting members who accept Legal Aid briefs. The committee provided confidential advice and made recommendations to Bar Council and Executive on a matter arising under Part 4.3 of the *Legal Profession Uniform Law 2014* (NSW) and on issues for readers arising from Legal Aid NSW's Grants Online work offer process for direct access panels. The committee maintained a close and productive consultative relationship with Legal Aid NSW and engaged in important discussions with the Bar Association's Criminal Law Committee and key external stakeholders in the interests of justice regarding 'rolling lists'. The committee also made considerable progress on a comprehensive report on ideal fee scales for civil, criminal and family law matters and the consequences of underfunding of legally aided matters, and provided input to the Law Council on the draft Terms of Reference for the 2023 Review of the National Legal Assistance Partnership. The committee looks forward to providing substantive input to the review later in the year.

CPDs

In February 2023, committee members Scott Fraser and Rajiv Baldeo hosted a CPD webinar on 'Appearing in Legal Aid Matters'. In June 2023, Kellie Stares SC and Jane Paingakulam delivered a CPD presentation on 'Merit Assessment of Legal Aid Indictable Appeal Matters'. Both CPDs were chaired by the committee Co-Chair, James Trevallion, and received outstanding feedback in terms of the practical utility of the content, particularly for more junior barristers who accept legally aided work.

Support barristers in the conduct of their practices

New Barristers Committee



The committee has continued to organise its fortnightly coffee catchups which all under six juniors are invited to attend. A silk and a senior junior attend each catchup to meet the juniors and share their experiences and insights. The committee also provides other regular **networking opportunities** for barristers under six years.

The New Barristers Committee is one of the most active within the NSW Bar Association and meets monthly to achieve the following goals and objectives:

- 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
- To otherwise support the work of the Bar Council as and when needed.

The committee aims to provide continued learning and development opportunities for the Junior Bar. Since June 2022, the committee has organised over 12 CPDs independently or in collaboration with other committees covering a range of topics, including:

- A welcome to the Bar panel for new readers
- What to do when your leader is unable to appear
- Working with silks
- Judicial Q&A
- Written & oral advocacy tips for juniors
- Use of social media by barristers
- Ethical decision-making for barristers
- Cross-examination workshops; an
- District Court criminal practice.

The committee has representatives on the Childcare Working Group, Law Council of Australia Young Lawyers Committee and the Equitable Briefing Working Group.

Professional Standards and Support

The Professional Standards and Support (PSS) team is responsible for the following key service delivery areas:

- education-related requirements for entry to the profession including Bar Exams, Bar Practice Course, Readership and Mentoring Programs
- an ongoing CPD program, including the regional conference series; and
- events management.

The PSS team is committed to providing relevant, practical and intellectually engaging content to members to assist in their ongoing professional development.

Exams

The team successfully ran both exams this year in February and June.

In February 2023, the Bar Association ran its sixth online computer-based exam, which was adapted and taken offsite to maintain a COVID-safe environment.

At its peak, registration for the February 2023 exams reached a total of 146 candidates. These candidates sat under a COVID-19 plan with heightened health and safety requirements involving a mandatory sanitising of stations, and the wearing of a mask for the entire exam sitting. In total, 96 candidates attempted the February 2023 Bar Examination.

In June 2023, 160 candidates submitted a registration to sit for the Bar Exam. A total of 117 candidates sat the examination with the assistance of 23 members of the Association preparing and marking papers for both Bar Exams.

The Bar Examination working party, a subcommittee 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 September 2022 course represented the 61st Bar Practice Course. The course utilised online teaching methods for all lectures, which were live streamed via Zoom, and court appearances. The mock trials ran in a hybrid format for some readers using several different technologies such as Zoom and Teams, simultaneously with the in-person court sessions. The course was a success with 33 readers attending and successfully completing the course.

The 62nd Bar Practice Course was held in May 2023. 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 mock trials were successfully held in person for all readers for the first time since COVID-19. 38 readers attended and successfully completed the course.

Gillian Mahony directed both courses with the May 2023 course being her final Bar Practice Course as Director.

In 2022–2023, 71 readers completed the course. An increasing percentage of women is seen undertaking the course (39 per cent), greater than the overall percentage of women in practice at the Bar generally (24 per cent).

	Bar Practice Course 02/22	Bar Practice Course 01/23
Number of attendees	33	38
Male readers	22	21
Female readers	11	17
Average time as a solicitor before coming to the bar (years)	8	6

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 continued to include sessions on sexual harassment as part of the Bar Association's commitment to respectful conduct and the elimination of sexual harassment, discrimination and workplace bullying. Two sessions were held by the First Nations Committee as part of the Bar Association's plan to support First Nations Peoples.

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.

Continuing Professional Development

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’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 was minimised.

In 2022–23 the department offered 49 seminars covering all four strands, plus a number of workshops and conferences. All CPD seminars and webinars were offered online or in person. Our CPD webinars ensure that all members have access to quality CPDs from the convenience of their desks or mobile devices. 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 the Bar.

Number of CPDS	49
Total Unique Viewers	2846
Total Registrations	4192
Conversion rate	67.89%

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 third time the Sydney conference was run as a hybrid conference allowing members the choice to attend face-to-face or online.

Events

The PSS department is responsible for delivering key social events to promote collegiality within all areas at the Bar.

The Bar Association proudly hosted the Spring Dinner in September 2022 with 350 guests in attendance. The guest of honour was the Chief Justice of New South Wales, the Hon Andrew Bell.

The annual Bench and Bar Dinner was held in May 2023 and sold out in the first week of ticket sales with a record number of attendees. The guest of honour was the Hon Justice J Gleeson of the High Court of Australia, Mr Senior was Mr Greg Sirtes SC of 12 Wentworth/Selbourne Chambers and Ms Junior was Ms Catherine Gleeson of New Chambers.

Events	Attended
2022 Spring Ball	350
2023 Bench and Bar Dinner	700
2022 Tutor and Readers Dinner	100
2022 Silk Scrolls	80

Costs and Fees Committee

Overview

Throughout 2022–23, the Costs and Fees Committee continued to make considered contributions to law reform and policy developments that fell within its terms of reference. The committee made several submissions to government departments and agencies, engaged in effective advocacy, hosted two informative and engaging CPD seminars, and continued to support the Association's members through the Fee Recovery Service.

Submissions

Notable submissions prepared by the Costs and Fees Committee throughout 2022–23 included:

- input to the Law Council of Australia regarding the Joint Costs Advisory Committee's 2022 Inquiry into Legal Practitioners' Scale of Costs
- feedback to the Legal Services Council (LSC) on two draft rules relating to managed investment schemes and conditional costs agreements and a submission on Costs Disclosure Thresholds under the Uniform Law
- feedback to the Costs Assessment Rules Committee (CARC) on the revised CARC Guideline, *Costs Payable Between Parties under Court Orders*.

Policy developments and proactive policy advocacy

The committee maintained a close and productive liaison with the CARC throughout 2022–23 as part of its broader advocacy efforts to ensure that the Bar receive fair and reasonable remuneration for their services. The committee revisited the contentious issue of cancellation fees under Part 4.3 of the Uniform Law and commenced work on a costs case notes project which fostered an increase in corporate knowledge among the Bar as to current costs law.

CPDs

In February 2023, Katherine Oldfield and Kirralee Young hosted a CPD on 'How to capture the value of your effort', providing advice to the Bar on how to record, bill and recover the appropriate amount using the costs processes available to barristers. In March 2023, Jock Baird and David Smith hosted a CPD on 'Costs orders for a gross sum without assessment and recent cases on costs claimed by lawyers acting for themselves'. Both CPDs provided a platform for thought-provoking and productive discussions and received outstanding feedback. The CPD by Katherine Oldfield and Kirralee Young now forms part of the Bar Practice Course.

Support to the Bar Association's members

Throughout 2022–23, the Costs and Fees Committee continued to provide practice support to the Bar Association's members through the operation of the Fee Recovery Service. Over the course of the committee year, the Fee Recovery Service assisted 28 members in their attempts to recover unpaid legal fees.



Wellbeing Committee

At the heart of the Wellbeing Committee's mission lies a sincere dedication to facilitating and nurturing an environment to focus on the wellbeing of our members. Our aim is to promote a balanced and healthy lifestyle by providing educational resources and fostering active participation in social and recreational activities.

The 2020–21 readers lunch was a wonderful initiative to foster collegiality among the recently admitted barristers from the 2020/2021 Covid-19 Bar Practice Courses and to unite them with the Bench and the Bar, whom many had never met in person before. Held within the spectacular Chief Justice's Garden, the event provided a wonderful atmosphere and opportunity for the readers to connect with judges, registrars, magistrates and Senior counsel, promoting a sense of community and support.

We also take pride in acknowledging the invaluable contributions of our more experienced members of the Bar. The Experienced Barristers evening event in February 2023 celebrated the dedication and service of experienced barristers who have surpassed fifty years of service to the NSW Bar.

Similarly, we brought back the Bench and Bar Lunches, informal gatherings that encourage networking between the Bar and the Bench in a relaxed and welcoming setting. The first event, held at Jardin in Queen's Square, was attended by six judges of the Federal Court and six judges of the Supreme Court of NSW. The overwhelmingly positive feedback reflected the collegiate atmosphere of the event.

The Wellbeing Committee has also continued its successful Eat, Sleep, Move and Mind Matters series of webinars. These included addressing bullying and incivility in the law by Dr Dawn D'Amico (US psychotherapist), 'A Brain for Life' by Dr Nicola Gates, maximising cognition by Dr Vanessa Bennett, as well as a panel of marathon swimmers sharing their insights in May.

The Wellbeing Committee continues to foster wellbeing by facilitating various initiatives. Regular yoga classes, the Bar knitting club, Bar bushwalking, the Full Court Bench (Bar netball team) and Bar FC activities offer opportunities for members to maintain a healthy and balanced lifestyle while pursuing their legal practice.

Confidential Assistance BarCare

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 Association and 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.

BarCare is available to meet and talk with barristers and assist them to seek help from a panel of specialists. BarCare will generally pay for up to six sessions to support the barrister in accessing appropriate professional assistance. Barristers from outside the metropolitan area are encouraged to contact Jenny Houen who will locate a suitable treating practitioner in their area.

In 2022–2023 BarCare assisted 98 people (88 barristers and 10 family members, clerks and Bar Association staff). The majority of these contacts continue to be 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, bullying and sexual harassment. The impact of the COVID-19 pandemic on mental health and wellbeing continues to be seen.

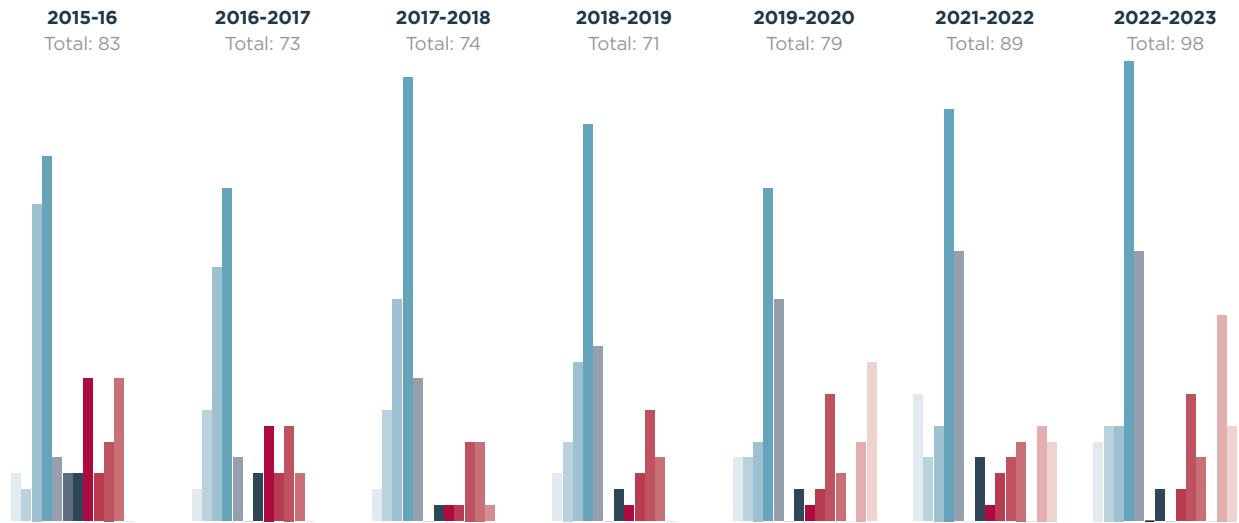
In 2022–2023 eight requests for financial assistance were submitted to the Barristers' Benevolent Fund, all of which were granted. These grants were made to assist barristers and their families confronted with a range of life challenges, such as illness of a barrister or a close family member and to assist with funeral costs. These applications are dealt with confidentially by the 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 her role as Sexual Harassment Officer the Director of BarCare has responded to a number of inquiries and requests for advice. The Association has made available an online tool, Spot, which allows those who have witnessed or experienced discrimination, workplace bullying or sexual harassment at the NSW 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 manner. In 2022–23 there were four reports made to the Spot tool, 10 private reports created and 292 page views of Spot.

BARCARE (cont'd)

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	2022-2023
Colleague via bar	0	1	2	1	2	3	0
Bar staff	11	8	7	13	8	6	4
Self	46	44	48	43	53	62	80
Colleague	13	11	8	8	4	6	10
Family	2	2	1	1	5	2	3
Clerk	2	2	3	3	4	7	1
Advice for colleague	9	5	5	2	3	3	0
Total	83	73	74	71	79	89	98

Gender

	2015-16	2016-17	2017-2018	2018-2019	2019-2020	2021-2022	2022-2023
Male	46	41	44	44	41	37	52
Female	37	32	30	27	28	52	46

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	2022-2023 Male	2022-2023 Female
<34	9	8	12	10	3	5	10	2	9	7	3
35-44	14	7	24	11	10	9	16	13	13	8	17
45-55	24	17	12	12	10	9	6	10	13	14	16
56-65	17	20	15	8	2	8	8	9	4	13	1
>65	2	18	2	3	0	8	0	3	0	8	1
Unknown	17	0	9	2	0	0	0	0	13	0	0

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	2022-2023 Male	2022-2023 Female
<5	25	23	24	14	10	9	12	10	20	13	18
6-15	19	19	22	13	8	11	9	12	10	12	12
16-25	10	14	7	8	4	7	1	9	8	9	7
26-35	11	11	7	5	2	8	0	4	1	7	2
>35	1	4	4	1	0	2	0	2	0	7	1
Unknown	17	2	5	0	0	0	0	0	0	0	0
N/A						5	15		13	1	9

Reinforce the Bar Association as a representative organisation, a co-regulator, as a leader in the legal and broader communities and an employer

Bar Library

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

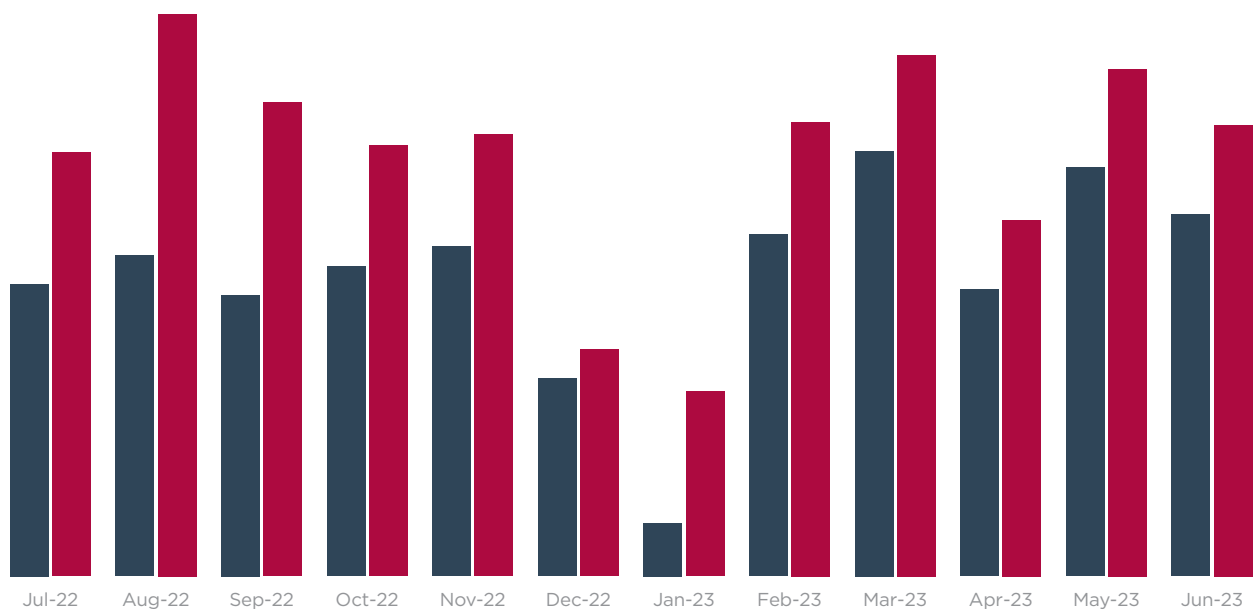
Its major goals are to:

- assist the Bar in the effective use of library resources
- provide information resources in the most appropriate medium
- provide a relevant, up-to-date and well-balanced collection to provide an effective resource to enhance barristers' skills
- provide legal reference and research services for the Bar, exam candidates and Bar Association staff
- identify, select, acquire, process and make available resource material within the parameters of the collection development policy, to constitute a relevant, up-to-date and well-balanced collection
- provide library orientation and legal research training; and
- provide an online library catalogue that enables the Bar to find, follow and access the materials relevant to their practice.

The Bar Library continues to provide exceptional service, receiving record levels of requests and demand for loans.

Bar Library Loans & Requests 2022–33

● Loans ● Requests



After a couple of years of significant upheaval, 2022–23 was a year of consolidation and progress of new initiatives. One of the biggest challenges facing the Bar Library presently and into the future is the management of the physical space of the library. During the past financial year, we have managed to significantly increase the amount of shelf space available for collection development using a combination of strategies. As this will be an ongoing issue, plans are in development to more effectively use the limited space we have available.

The year has also seen considerable effort going into improving the library's processes in areas such as removing anomalies from membership criteria and revisiting and rewriting the library rules to be more in accordance with the current needs and expectations of the Bar. Where available multi-year deals were renewed with publishers, the long-term nature of these deals providing significant savings in accordance with the Bar Association's strategic plan.

The library has and will continue to offer the Bar and chambers staff personalised training opportunities and access to publisher-led training on demand.

The Bar Library provides a unique combination of physical and electronic materials befitting the needs of the NSW Bar, research services and training assistance and will continue to identify and support the needs of the Bar into the future.

Professional Standards and Membership

The Professional Standards and Membership team supports the work of the Practice Development, International, Wellbeing and Bar News committees. It also administers the Professional Standards Scheme and the Association's Professional Indemnity Insurance (PII) activities, including supporting the Professional Indemnity Insurance Working Group, chaired by Garry Rich SC. It coordinates other members services and the Association's publications.

The Professional Standards Scheme and PII

The NSW Bar Association's Professional Standards Scheme benefits the entire community. Barristers are practising advocates and advisers, both in and out of the courtroom. It is widely accepted that outcomes for clients improve significantly when there is competent legal advice and representation at the earliest possible stage of any dispute. In fact, the proper operation of our court system depends on the interaction between experienced judges and specialist advocates. Barristers are officers of the court, but they also compete with one another in the market for legal services. That market depends, to a degree, on the availability of affordable professional indemnity insurance to protect both clients and barristers in the event of a claim for financial loss. By limiting the liability of barristers to \$1.5 million, the scheme reduces risk to both insurers and members, and helps to ensure the supply of affordable insurance cover for most possible claims. The NSW Bar Association Professional Standards Scheme also upholds the standards of local practising barristers and ensures that clients may draw upon a large and diverse pool of skilled advocates for representation and advice. It ensures that members of the association are insured appropriately, participate in continuing professional development and are subject to a complaints and disciplinary structure. Annual activities include audits of CPD compliance and use of the Professional Standards Scheme limitation of liability disclosure statement. The team also reviews complaint and insurance data to identify professional standards risks and adapt our CPD program to address emerging risks.

The team supports the PII Working Group to review PII policies for the Bar each year prior to their approval by the NSW Attorney General, as well as liaise with insurers to identify and resolve issues in the PII market for barristers.



Other member services and publications

Other member services include the Member's Advantage Program, offering members specialized benefits, services and resources. The program aims to enhance the professional and personal wellbeing of barristers by providing them with exclusive offerings and opportunities. During the reporting year the team has also assisted the Childcare Working Group in its review of emergency childcare services for the Bar.

The PS&M team is also responsible for managing various publications that enable the Bar to stay well-informed. These publications include the daily email bulletin, InBrief, which delivers updates on Bar Association activities, important court announcements, the Association's CPD program, regulatory updates, and events of interest. Another prominent publication is the widely read Bar News, which stands as the preeminent legal journal of record for the NSW Bar. Additionally, the team oversees Bar Classifieds and the production of the Annual Report, all of which collectively ensure that members remain abreast of pertinent developments and opportunities within the legal community.

Professional Conduct and Certification

The Professional Conduct Department has a broad range of functions. Its principal regulatory function is to facilitate the investigation of complaints about barristers, show cause events, and other disclosures.

The department also:

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

PROFESSIONAL CONDUCT AND CERTIFICATION (cont'd)

The department 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 2022–2023 the Bar Council investigated 155 complaints: 71 complaints made during the year and 84 complaints made in previous years but still ongoing.

The Bar Council determined 76 matters during the year, as follows:

- 48 were dismissed under the *Legal Profession Uniform Law (NSW)*
- 14 resulted in the barrister being cautioned or reprimanded
- 4 were referred to the New South Wales Civil and Administrative Tribunal
- 8 complaints were withdrawn; and
- 2 were referred to the Office of the Legal Services Commissioner (due to conflict of interest or jurisdictional issues).

In 2022–2023 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 71 complaints received in 2022–2023 shows that: 21 were made by the barrister's client or former client; 29 were made by the opposing party or opposing solicitor or barrister; and five were made 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 (35) were to do with ethical matters. A further 17 arose from issues about competence and diligence. Other significant issues were personal conduct (8), communication (5) and costs (3).

The Professional Conduct Department continues to work closely with the Professional Standards Department 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.

Following notification of a show cause event, 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 and a report is furnished to the Bar Council.

In 2022–2023 three show cause events were notified to the Bar Council.

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 department serve as secretaries of the committees. The committees began to hold hybrid meetings, being a combination of members attending in person and members attending via 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 is taken, in the interests of maintaining professional standards and public confidence in the profession.

Ethical guidance and information

The Bar Association Ethical Guidance Scheme enables members of the Association to seek ethical guidance from the senior counsel serving on the Association's professional conduct committees. Thirty five senior counsel were available to assist members in 2022–2023. Most calls are initially directed to (and 'triaged' by) the Association's Professional Conduct department staff.

The department frequently 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 2022–2023 the department received over 300 calls seeking either ethical guidance or information.

During the annual renewal of practising certificates period the department also provides support and guidance to barristers relating to disclosures and other requirements under the *Legal Profession Uniform Law (NSW)*.

Financial Report



Financial Report for The New South Wales Bar Association

ABN 18 526 414 014

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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 7th September 2023. The directors have the power to amend and reissue the financial statements.

DIRECTORS' REPORT

FOR THE YEAR ENDED 30 JUNE 2023

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 2023 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 2022 to 30 June 2023.

Name	From	To
Gabrielle Bashir SC	01/07/2022	
Ruth Higgins SC	01/07/2022	
Dominic Toomey SC	01/07/2022	
Michael Izzo SC	01/07/2022	
Nicholas Broadbent	01/07/2022	
Kate Eastman AM SC	01/07/2022	
Anthony McAvoy SC	07/11/2022	
Ingmar Taylor SC	01/07/2022	
Sophie Callan SC	01/07/2022	15/04/2023
Vanessa Whittaker SC	18/04/2023	
Yaseen Shariff SC	01/07/2022	
David Patch	01/07/2022	
Nicolas Kirby	11/07/2022	
Catherine Gleeson	01/07/2022	
Callan O'Neill	01/07/2022	
Amy Munro	07/11/2022	
James Mack	08/11/2022	
Rose Khalilizadeh	01/07/2022	
Claire Palmer	01/07/2022	
Georgina Westgarth	01/07/2022	
Carl Young	04/11/2022	
Claire Roberts	06/11/2022	
Andrew Stone SC	01/07/2022	04/11/2022
Sean Hughes	01/07/2022	04/11/2022
David Rayment SC	01/07/2022	04/11/2022
Patrick Knowles SC	01/07/2022	04/11/2022
Kate Lindeman	01/07/2022	04/11/2022

DIRECTORS' REPORT (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2023

Information on directors

The directors' qualifications, experience and special responsibilities during the financial year 1 July 2022 to 30 June 2023 are as follows. All directors are practising barristers.

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 practices 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.
 Member of the Finance, Investment and Audit Committee.

Name: **Ruth Higgins SC**
Title: Senior Vice-President
Qualifications: LLB (Hons I), DipLPrac (Glasgow), DPhil (Oxford)
Experience and expertise: Ruth was called to the Bar in 2006 and was appointed Senior Counsel in 2017. She practices 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.
 Member of the Finance, Investment and Audit Committee (July 2022 – October 2022).

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 practices 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.

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 practices in a wide range of areas including commercial and public law.
Special Responsibilities: Member of the Bar Council Executive – Treasurer.
 Member of the Finance, Investment and Audit Committee – Chair.

Name: **Nicholas Broadbent**
Title: Secretary
Qualifications: LLM (Harvard), B Ec LLB (Hons I) (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.
Special Responsibilities: Member of the Bar Council Executive – Secretary. Member of the Finance, Investment and Audit Committee.

**DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023**

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 practices 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:	Anthony McAvoy SC
Title:	Bar Councillor
Qualifications:	LLB (QUT)
Experience and expertise:	Anthony was called to the Bar in 2000 and was appointed Senior Counsel in 2015. He practices in a wide range of areas including commissions of inquiry, native title, environmental law, administrative law, human rights and discrimination law, coronial inquests and criminal 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 practices in a wide range of areas including commercial law, public and administrative law, constitutional law and industrial law.
Special Responsibilities:	Member of the Finance, Investment and Audit Committee (since April 2023).
Name:	Sophie Callan SC (<i>ceased as a Director on 15 April 2023</i>)
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 practices in a wide range of areas including criminal law, administrative law, corporations and commercial law, equity and inquiries.
Special responsibilities:	Member of the Finance, Investment and Audit Committee (November 2022 - April 2023).
Name:	Vanessa Whittaker SC
Title:	Bar Councillor
Qualifications:	BA (UQ), LLB (Sydney) BCL (Oxford)
Experience and expertise:	Vanessa was called to the Bar in 2005 and appointed Senior Counsel in 2018. She practices in a wide range of areas including commercial law, equity, insolvency and bankruptcy, insurance law, and professional liability.
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 practices in a wide range of areas including employment, industrial and discrimination, commercial, corporate and coronial and inquiries.
Special responsibilities:	None.

**DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023**

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

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

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 practices 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.

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 practices in a wide range of areas including common law, personal injury, commercial law, and industrial law.
Special Responsibilities: None.

Name: Amy Munro
Title: Bar Councillor
Qualifications: LLM, LLB (Hons) BA
Experience and expertise: Amy was called to the Bar in 2012. She practices in a wide range of areas including commercial law, Commissions of Inquiry, equity, insurance, professional liability, trade practices and competition law.
Special Responsibilities: None.

Name: James Mack
Title: Bar Councillor
Qualifications: LLB (Hons)
Experience and expertise: James was called to the Bar in 2014. He practices in a wide range of areas including commercial law, equity, defamation, class actions, building and construction and regulatory.
Special Responsibilities: None.

Name: Rose Khalilizadeh
Title: Bar Councillor
Qualifications: LLB (Hons) BA
Experience and expertise: Rose was called to the Bar in 2017. She practices in a wide range of areas including criminal law, children's criminal law, criminal appeals and Commissions of Inquiry and Inquests.
Special Responsibilities: None.

**DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023**

Name: **Claire Palmer**
Title: Bar Councillor
Qualifications: DPhil (Oxford) BCom (Hons I) LLB (Hons I)
Experience and expertise: Claire was called to the Bar in 2017. She practices in a wide range of areas including administrative law, constitutional law, commercial law, human rights law and coronial jurisdiction.
Special Responsibilities: None.

Name: **Georgina Westgarth**
Title: Bar Councillor
Qualifications: LLB (Hons I), BA (ANU)
Experience and expertise: Georgina was called to the Bar in 2018. She practices in a wide range of areas including commercial and criminal law.
Special Responsibilities: None.

Name: **Carl Young**
Title: Bar Councillor
Qualifications: LLM (UOW), BA LLB (UON)
Experience and expertise: Carl was called to the Bar in 2018. He practices as a Crown Prosecutor.
Special Responsibilities: None.

Name: **Claire Roberts**
Title: Bar Councillor
Qualifications: BA (Media), LLB (Hons) (Melbourne), LLM (Kent Scholar) (Columbia)
Experience and expertise: Claire was called to the Bar in 2019. She practices in a wide range of areas including commercial law, public and administrative law, inquests and inquiries and media law
Special Responsibilities: None.

Name: **Andrew Stone SC** (*ceased as a director on 4 November 2022*)
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 practices in a wide range of areas in common law.
Special Responsibilities: None.

Name: **Sean Hughes** (*ceased as a director on 4 November 2022*)
Title: Bar Councillor
Qualifications: DipL
Experience and expertise: Sean was called to the Bar in 2004. He practices as a Crown Prosecutor.
Special responsibilities: None.

Name: **David Rayment SC** (*ceased as a director on 4 November 2022*)
Title: Bar Councillor
Qualifications: LLM, LLB (Hons I), BA (Hons I)
Experience and expertise: David was called to the Bar in 2004. He practices in a wide range of areas including commercial, corporations, real property and commercial law.
Special responsibilities: Member of the Finance, Investment and Audit Committee (July 2022 – November 2022).

DIRECTORS' REPORT (CONTINUED) FOR THE YEAR ENDED 30 JUNE 2023

Name: **Patrick Knowles SC** (*ceased as a director on 4 November 2022*)
 Title: Bar Councillor
 Qualifications: LLB (UNSW), LLM (Hons 1) (Cambridge)
 Experience and expertise: Patrick was called to the Bar in 2009. He practices in a wide range of areas including administrative, public and constitutional, commercial and common law.

Special responsibilities: None.

Name: **Kate Lindeman** (*ceased as a director on 4 November 2022*)
 Title: Bar Councillor
 Qualifications: BA (Hons 1) LLB (Hons 1) BCL (Oxford)
 Experience and expertise: Kate was called to the Bar in 2017. She practices in a wide range of areas including commercial and public law practice.

Special Responsibilities: None.

Company Secretary

Nicholas Broadbent has held the role of Company Secretary since November 2021 (see above 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 amongst 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
- Support the Bar to deal with COVID-19
- Deliver excellent professional development and education for barristers at all career stages
- 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

DIRECTORS' REPORT (CONTINUED) FOR THE YEAR ENDED 30 JUNE 2023

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 practicing 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 practicing 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, Bar-Care, 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 supports our objectives of retaining the best talent at the Bar, committing to respectful conduct toward all those with whom we deal including 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 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;
- co-ordinating the provision of pro bono or reduced cost legal services to underprivileged sections of the public through the Bar Association's Legal Assistance Referral Scheme and Duty Barristers Schemes, 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. The reporting year saw increased activity in ongoing measures to address harassment, bullying and discrimination at the Bar with comprehensive training and the implementation of updated Best Practice Guidelines.

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 2023 was \$1,401,637 (2022: income of \$398,602).

**DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023**

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 2022 to 30 June 2023 there were 22 Meetings held

Name	Meetings Attended	Meetings Held*
Gabrielle Bashir SC	22	22
Ruth Higgins SC	21	22
Dominic Toomey SC	20	22
Michael Izzo SC	21	22
Nicholas Broadbent	21	22
Kate Eastman AM SC	16	22
Anthony McAvoy SC	6	14
Ingmar Taylor SC	21	22
Sophie Callan SC	13	17
Vanessa Whittaker	5	5
Yaseen Shariff SC	18	22
David Patch	20	22
Nicolas Kirby	20	22
Catherine Gleeson	19	22
Callan O'Neill	17	22
Amy Munro	13	14
James Mack	13	14
Rose Khalilizadeh	19	22
Claire Palmer	14	22
Georgina Westgarth	20	22
Carl Young	14	14
Claire Roberts	14	14
Andrew Stone SC	8	8
Sean Hughes	7	8
David Rayment SC	6	8
Patrick Knowles SC	8	8
Kate Lindeman	6	8

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

DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023

Meetings of the Finance, Investment and Audit Committee

From 1 July 2022 to 30 June 2023 there were 4 meetings.

Name	Meetings Attended	Meetings Entitled to Attend
Michael Izzo SC, Chair	4	4
Gabrielle Bashir SC	4	4
Ingmar Taylor SC	1	1
David Rayment SC	1	1
Sophie Callan SC	1	2
Ruth Higgins SC, Chair	1	1
Nicholas Broadbent	3	4
Catherine Gleeson	4	4

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 3218 members at balance date, and the total that members are liable to contribute is \$12,872.

**DIRECTORS' REPORT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2023**

Auditor's Independence Declaration

A copy of the Auditor's Independence Declaration as required under section 307C of the Corporations Act 2001 given to the Directors by the lead auditor for the audit undertaken by RSM Australia is included on page 58.

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



G. Bashir SC
President

Sydney, NSW
7th September 2023



M. Izzo SC
Treasurer

**RSM Australia Partners**

Level 13, 60 Castlereagh Street Sydney NSW 2000
GPO Box 5138 Sydney NSW 2001

T +61 (0) 2 8226 4500

F +61 (0) 2 8226 4501

www.rsm.com.au

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 2023, 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.

A handwritten signature in blue ink that reads 'RSM'.

RSM AUSTRALIA PARTNERS

A handwritten signature in blue ink that reads 'C J Hume'.

C J Hume
Partner

Sydney, NSW

Dated: 8 September 2023

THE POWER OF BEING UNDERSTOOD
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 2023**

	Notes	2023 \$	2022 \$
Revenue	2	10,934,374	11,006,965
Employee benefits expense		(4,275,125)	(4,520,003)
Legal and professional fees		(1,612,049)	(1,868,660)
Subscriptions		(1,079,576)	(1,029,175)
Communications and information technology expense		(504,143)	(426,105)
Depreciation expense	3	(244,750)	(244,866)
Occupancy expense	3	(178,104)	(162,652)
Advertising and marketing expense		(215,292)	(204,331)
Financial expense	3	(407,668)	(407,650)
Seminar and function expense		(408,706)	(206,902)
Right-of-Use depreciation	3	(473,654)	(473,654)
Other expenses from ordinary activities		<u>(478,763)</u>	<u>(347,332)</u>
Surplus before investment revaluation to market		1,056,544	1,115,635
Fair value adjustment on financial assets through surplus or (deficit)		<u>345,094</u>	<u>(717,033)</u>
Profit before income tax expense		1,401,638	398,602
Income tax benefit	4(a)	<u>-</u>	<u>-</u>
Net surplus / (loss)		<u>1,401,638</u>	<u>398,602</u>
Other comprehensive income for the year, net of tax		<u>-</u>	<u>-</u>
Total comprehensive income / (loss)		<u>1,401,638</u>	<u>398,602</u>

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

STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2023

	Notes	2023 \$	2022 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	5	4,367,264	8,605,604
Receivables	6	96,013	26,514
Other financial assets	7	9,260,194	4,029,578
Other assets	8	350,619	274,915
TOTAL CURRENT ASSETS		<u>14,074,090</u>	<u>12,936,611</u>
NON-CURRENT ASSETS			
Other financial assets	7	6,577,799	5,873,659
Deferred Tax Asset	9	132,188	29,825
Right-of-use assets	10	1,651,594	2,125,248
Property, plant and equipment	11	447,870	645,129
Intangible Assets	12	33,190	0
TOTAL NON-CURRENT ASSETS		<u>8,842,641</u>	<u>8,673,861</u>
TOTAL ASSETS		<u>22,916,731</u>	<u>21,610,472</u>
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	13	1,187,491	871,176
Employee benefits	14	404,036	384,501
Lease liabilities	15	651,616	587,967
Contract liabilities	16	7,179,930	7,157,885
TOTAL CURRENT LIABILITIES		<u>9,423,073</u>	<u>9,001,529</u>
NON-CURRENT LIABILITIES			
Employee benefits	17	81,880	52,032
Deferred Tax Liabilities	18	132,188	29,825
Lease liabilities	15	1,988,164	2,639,780
Provisions	19	416,518	414,036
TOTAL NON-CURRENT LIABILITIES		<u>2,618,750</u>	<u>3,135,673</u>
TOTAL LIABILITIES		<u>12,041,823</u>	<u>12,137,202</u>
NET ASSETS		<u>10,874,908</u>	<u>9,473,270</u>
ACCUMULATED FUNDS			
Accumulated surpluses		<u>10,874,908</u>	<u>9,473,270</u>
TOTAL ACCUMULATED FUNDS		<u>10,874,908</u>	<u>9,473,270</u>

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS
FOR THE YEAR ENDED 30 JUNE 2023

	Accumulated Surpluses	Total Accumulated Funds
	\$	\$
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	<u>9,473,270</u>	<u>9,473,270</u>
Balance at 30 June 2022	<u>9,473,270</u>	<u>9,473,270</u>
Profit after income tax expense for the year	1,401,638	1,401,638
Other comprehensive income for the year, net of tax	-	-
Total comprehensive income for the year	<u>10,874,098</u>	<u>10,874,098</u>
Balance at 30 June 2023	<u>10,874,908</u>	<u>10,874,908</u>

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

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2023**

	Note	2023 \$	2022 \$
Operating activities			
Receipts from operating activities		11,164,632	11,401,811
Payments to suppliers and employees		(9,518,837)	(9,965,086)
Dividends received		332,168	266,029
Interest received		168,992	36,344
Income tax paid		-	-
		<u>2,146,955</u>	<u>1,739,098</u>
Investing activities			
Proceeds from sale of plant and equipment		-	1,199
Payments for plant and equipment		(33,031)	(29,176)
Proceeds from financial assets		91,756	339,065
Payments for financial assets		(450,802)	(1,079,282)
Proceeds from other financial assets		(5,230,616)	5,200,849
		<u>(5,622,693)</u>	<u>4,432,655</u>
Financing activities			
Interest payments on lease liabilities		(177,117)	(214,750)
Principal payments on lease liabilities		(585,485)	(526,648)
		<u>(762,602)</u>	<u>(741,398)</u>
Net cash outflow from financing activities			
Net increase/(decrease) in cash and cash equivalents		(4,238,340)	5,430,355
Cash and cash equivalents at the beginning of the financial year		<u>8,605,604</u>	<u>3,175,249</u>
Cash and cash equivalents at the end of the financial year	5	<u><u>4,367,264</u></u>	<u><u>8,605,604</u></u>

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 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of Preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – 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 judgements

The preparation of the financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Association's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements, are disclosed in note 1 (u).

(b) Revenue Recognition

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

- (i) *Subscriptions and Practising Certificate Fees*
Subscriptions and Practising Certificate Fees comprise annual fees for membership and practising certificates. Subscriptions and Practising Certificate Fees are recognised on a pro rata basis through the course of the year to which the fees relate.
- (ii) *Administration Charge*
Administration charges comprise revenue earned from the provision of administrative services. They are recognised when the fee in respect of services is receivable.
- (iii) *Dividends Received*
Revenue from dividends is recognised when the right to receive the payment is established.
- (iv) *Interest Income*
Interest income is recognised on a time proportion basis using the effective interest method.
- (v) *Grants*
Grants comprise monies received during the year in respect of the professional conduct department and legal assistance department. Income is recognised when the grant is receivable.
- (vi) *Other Income*
Income from other sources is recognised when the fee in respect of other products or services provided is receivable.

NOTES TO THE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)****(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.

NOTES TO THE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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.

NOTES TO THE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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) Intangible Assets

Intangible assets acquired separately are initially recognised at cost. Finite life intangible assets are subsequently measured at cost less amortisation and any impairment. The gains or losses recognised in profit or loss arising from the derecognition of intangible assets are measured as the difference between net disposal proceeds and the carrying amount of the intangible asset. Significant costs associated with database are deferred and amortised on a straight-line basis over the period of their expected benefit, being their finite life of 3 years.

(o) 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.

(p) 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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(q) 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.

(r) 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.

(s) 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.

(t) 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.

NOTES TO THE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(s) Fair Value Measurement (continued)

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 Judgements

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

These estimates and judgements 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 judgements made have been described below:

Estimation of useful lives of assets

The Association determines the estimated useful lives and related depreciation and amortization 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 judgement 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).

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)****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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

2. REVENUE	2023 \$	2022 \$
Operating revenue		
Subscriptions and practising certificate fees	7,249,951	7,208,067
Bar Practice Course & Bar Examinations	538,767	589,965
	<hr/>	<hr/>
	7,788,718	7,798,032
Other revenue		
Interest and dividends	568,489	305,689
Seminars	57,945	66,182
External funding	2,184,883	2,630,629
Other	334,339	206,433
	<hr/>	<hr/>
Revenue from continuing operations	10,934,374	11,006,965
	<hr/> <hr/>	<hr/> <hr/>
 <i>The disaggregation of revenue from contracts with customers is as follows:</i>		
Timing of revenue recognition		
Services transferred at a point in time	3,684,423	3,798,898
Services transferred over time	7,249,951	7,208,067
	<hr/>	<hr/>
	10,934,374	11,006,965
	<hr/> <hr/>	<hr/> <hr/>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023 \$	2022 \$
3. EXPENSES		
Depreciation expense		
Depreciation on property, plant and equipment	230,290	244,866
Depreciation Expense on right-of-use assets	473,654	473,654
Amortisation on intangible assets	14,460	-
Financial expense		
Interest expense on lease liabilities	177,117	214,750
Bank charges	109,194	95,910
Insurance expense	121,357	96,990
	407,668	407,650
Lease expenses		
Minimum lease payments	769,222	694,579
Variable lease payments	-	-
Short-term lease payments	-	-
Low-value assets lease payments	-	-
Occupancy		
Occupancy costs	178,104	162,652
	178,104	162,652

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
4. INCOME TAX EXPENSE		
(a) Reconciliation of income tax expense to prima facie tax payable		
Net surplus/ (deficit) from continuing operations	1,401,638	398,602
Tax at the Australian tax rate of 25% (2021: 25%)	350,409	99,651
Decrease in income tax expense due to:		
- Net mutual income	(413,122)	(455,179)
Permanent differences	18,102	9,094
Derecognition of deferred tax assets	44,611	346,434
Income tax expenses / (benefit)	<u>-</u>	<u>-</u>
(b) Deferred tax assets not recognised comprised of temporary differences attributable to:		
Tax Losses	(44,611)	(305,554)
Other provisions	-	(40,880)
Total	<u>(44,611)</u>	<u>(346,434)</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
5. CASH AND CASH EQUIVALENTS		
Cash at bank	466,364	1,598,647
Term deposits	3,900,000	7,006,057
Petty cash	900	900
	<u>4,367,264</u>	<u>8,605,604</u>

	2023	2022
	\$	\$
6. RECEIVABLES		
Other Receivables	20,954	18,784
Interest Receivable	75,059	7,730
Total Receivables	<u>96,013</u>	<u>26,514</u>

	2023	2022
	\$	\$
7. OTHER FINANCIAL ASSETS		
Current Financial Assets:		
Term deposit (i)	<u>9,260,194</u>	<u>4,029,578</u>

- (i) The Association has classified its Term deposits as other current financial assets in the current year where the investment term of these deposits are longer than 3 months.

Non-current At cost		
Investments in associates	<u>14</u>	<u>14</u>

Financial assets at fair value through profit or loss

Shares in Australian listed companies	4,893,352	4,520,587
Fixed interest securities – listed	<u>1,684,433</u>	<u>1,353,058</u>
	<u>6,577,785</u>	<u>5,873,645</u>
Total other financial assets – non current	<u>6,577,799</u>	<u>5,873,659</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

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

	2023	2022
	\$	\$
Opening fair value	5,873,645	5,850,461
Additions	450,802	1,079,282
Disposals	(91,756)	(339,066)
Revaluation increments/(decrements)	345,094	(717,032)
Closing fair value	<u>6,577,785</u>	<u>5,873,645</u>

Fair value measurement

Fair value hierarchy (Note disclosures)

The following tables detail the Company'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 2023				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,684,433	-	-	1,684,433
Shares in Australian listed companies	4,893,352	-	-	4,893,352
	<u>6,577,785</u>	-	-	<u>6,577,785</u>
30 June 2022				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,353,058	-	-	1,353,058
Shares in Australian listed companies	4,520,587	-	-	4,520,587
	<u>5,873,645</u>	-	-	<u>5,873,645</u>

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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

(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.

	2023	2022
	\$	\$
8. OTHER ASSETS		
Prepayments	349,784	272,236
Inventories	835	2,679
Total Other Assets	<u>350,619</u>	<u>274,915</u>
	2023	2022
	\$	\$
9. DEFERRED TAX ASSET		
Deferred Tax Asset	<u>132,188</u>	<u>29,825</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

10. RIGHT-OF-USE ASSETS

	Leased Premises \$	Total \$
At 30 June 2023		
Cost	6,423,708	6,423,708
Accumulated depreciation and impairment	(4,772,114)	(4,772,114)
Net carrying amount	<u>1,651,594</u>	<u>1,651,594</u>
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
At 1 July 2022, net carrying amount	2,125,248	2,125,248
Depreciation / amortisation charge for the year	(473,654)	(473,654)
At 30 June 2023, net carrying amount	<u>1,651,594</u>	<u>1,651,594</u>

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.

NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

11. PROPERTY, PLANT AND EQUIPMENT

	Refurbishments \$	Furniture, computers, office machines and equipment \$	Kitchen equipment \$	Total \$
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
At 30 June 2023				
Cost	3,258,836	1,908,071	3,511	5,170,418
Accumulated depreciation and impairment	(2,923,548)	(1,795,489)	(3,511)	(4,722,548)
Net carrying amount	335,288	112,582	-	447,870

Movements:

Year ended 30 June 2023

At 1 July 2022, net carrying amount	488,814	156,315	-	645,129
Additions	-	33,031	-	33,031
Disposals	-	-	-	-
Depreciation/ amortisation charge for the year	(153,526)	(76,764)	-	(230,290)
At 30 June 2023, net carrying amount	335,288	112,582	-	447,870

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
12. INTANGIBLES		
Database & website		
At cost	352,315	304,665
Accumulated amortisation	(319,125)	(304,665)
Net Carrying Amount	<u>33,190</u>	<u>-</u>
Movements:		
Year ended 30 June 2023		
At 1 July 2022, net carrying amount	-	-
Additions	47,650	-
Disposals	-	-
Depreciation/ amortisation charge for the year	(14,460)	-
At 30 June 2023, net carrying amount	<u><u>33,190</u></u>	<u><u>-</u></u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
13. TRADE AND OTHER PAYABLES		
Trade and other payables	<u>1,187,491</u>	<u>871,176</u>
14. CURRENT LIABILITIES		
Employee Benefits	<u>404,036</u>	<u>384,501</u>
15. LEASE LIABILITIES		
Current		
Lease liabilities	651,616	587,967
Non-current		
Lease liabilities	1,988,164	2,639,780
Total	<u>2,639,780</u>	<u>3,227,747</u>
<i>Future Lease Payments</i>		
Future lease payments are due as follows		
Within one year	795,805	769,222
One to five years	2,587,094	3,382,899
More than five years	-	-
Total	<u>3,382,899</u>	<u>4,152,121</u>
16. CONTRACT LIABILITIES		
Current		
Subscriptions, practising certificate fees & other revenue received in advance	<u>7,179,930</u>	<u>7,157,885</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
17. NON-CURRENT LIABILITIES		
Employee Benefits	<u>81,880</u>	<u>52,032</u>
18. DEFERRED TAX LIABILITY		
Deferred Tax Liability	<u>132,188</u>	<u>29,825</u>
19. NON-CURRENT LIABILITIES -PROVISIONS		
Lease make good	<u>416,518</u>	<u>414,036</u>

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:

Lease Make Good 2023

Carrying amount at start of year	414,036
Additional provisions recognised	2,482
Carrying amount at end of year	<u><u>416,518</u></u>

20. RELATED PARTY DISCLOSURES

(a) Key management personnel

Key management personnel compensation for the year ended 30 June 2023 and 30 June 2022 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:

	2023	2022
	\$	\$
Employee benefits	<u>1,448,689</u>	<u>2,402,402</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

(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 \$963,064 (2022: \$919,679) 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:

	2023 \$	2022 \$
Current Receivables		
Barristers Benevolent Association	11,163	10,026
The Indigenous Barristers' Trust The Mum Shirl Fund	-	4,323
	<u>11,163</u>	<u>14,349</u>
Current Payables		
Barristers Benevolent Association	43,517	45,200
The Indigenous Barristers' Trust The Mum Shirl Fund	49,399	47,761
	<u>92,916</u>	<u>92,961</u>

(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	2023 %	2022 %
Bar Brief Pty Ltd	Australia	100.00%	100.00%

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023**

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, it's network and unrelated firms:

	2023	2022
	\$	\$
Audit Services – RSM Australia Partners		
Audit of the Financial Statements	33,900	32,300
<hr/>		
Other Services – RSM Australia Partners		
Advisory Services	8,000	7,570
Preparation of Tax Return	9,800	8,020
	51,700	47,890

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 2022 -2023 amounted to \$ 2,005,253 (2022: \$2,420,504)

23. EVENTS OCCURRING AFTER THE REPORTING DATE

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 2023 and 30 June 2022.

DIRECTORS' DECLARATIONS

In the directors' opinion:

- (a) the financial statements and notes set out on pages 63 to 83 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 2023 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.



G. Bashir SC
President



M. Izzo SC
Treasurer

Sydney, NSW
7th September 2023

**RSM Australia Partners**

Level 13, 60 Castlereagh Street Sydney NSW 2000
GPO Box 5138 Sydney NSW 2001

T +61(0) 2 8226 4500
F +61(0) 2 8226 4501

www.rsm.com.au

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 2023, 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 2023 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 2023 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 'C J Hume', is written over a light blue circular stamp.

C J Hume
Partner

RSM Australia Partners

Sydney, NSW
Dated: 8 September 2023

Financial Report for Barristers' Benevolent Association Of NSW

ABN 18 466 736 745

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

The principal activities 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 7th September 2023. 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 2023

	Notes	2023 \$	2022 \$
Revenue	2	345,694	295,122
Interest income		17,508	2,719
Audit and accounting		(5,200)	(10,599)
Bar care costs		(45,086)	(42,316)
Employee benefits expense		(98,494)	(90,721)
Gifts		(135,000)	(47,500)
Impairment of loans - write back		-	-
Profit on sale of investments		9,439	71,173
Other operating expenses		<u>(11,464)</u>	<u>(13,974)</u>
Surplus before fair value gains		77,397	163,904
Net gains/(losses) on non-current assets held at fair value through surplus or deficit		<u>281,552</u>	<u>(565,587)</u>
Surplus/(deficit) before income tax		358,949	(401,683)
Income tax expense	1 (c)	<u>-</u>	<u>-</u>
Net surplus/(deficit)		358,949	(401,683)
Other comprehensive income		<u>-</u>	<u>-</u>
Total comprehensive income/(deficit)		<u>358,949</u>	<u>(401,683)</u>

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

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2023

	Notes	2023 \$	2022 \$
CURRENT ASSETS			
Cash and cash equivalents	3	609,458	586,787
Financial assets	4	70,195	294,297
Trade and other receivables	5	68,712	68,314
TOTAL CURRENT ASSETS		<u>748,365</u>	<u>949,398</u>
NON-CURRENT ASSETS			
Other financial assets	6	5,516,315	4,945,406
TOTAL NON-CURRENT ASSETS		<u>5,516,315</u>	<u>4,945,406</u>
TOTAL ASSETS		<u>6,264,680</u>	<u>5,894,804</u>
CURRENT LIABILITIES			
Trade and other payables	7	19,758	21,126
Employee benefits	8	42,511	30,216
TOTAL CURRENT LIABILITIES		<u>62,269</u>	<u>51,342</u>
TOTAL LIABILITIES		<u>62,269</u>	<u>51,342</u>
NET ASSETS		<u>6,202,411</u>	<u>5,843,462</u>
ACCUMULATED FUNDS			
Accumulated surpluses		6,202,411	5,843,462
TOTAL ACCUMULATED FUNDS		<u>6,202,411</u>	<u>5,843,462</u>

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS
FOR THE YEAR ENDED 30 JUNE 2023

	Accumulated Surpluses \$	Total Accumulated Funds \$
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
Total comprehensive income	358,949	358,949
At 30 June 2023	6,202,411	6,202,411

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 2023

	2023	2022
	\$	\$
OPERATING ACTIVITIES		
Receipts from members, sponsorship, and general activities	116,457	98,187
Payments to suppliers	(284,317)	(188,763)
Interest and dividends received	246,347	186,132
	<hr/>	<hr/>
Net cash inflow from operating activities	78,487	95,556
INVESTING ACTIVITIES		
Proceeds from other financial assets	300,690	-
Proceeds from financial assets	224,102	917,342
Payments for other financial assets	(580,608)	(461,638)
	<hr/>	<hr/>
Net cash inflow/ (outflow) from investing activities	(55,816)	455,704
Net increase in cash and cash equivalents	22,671	551,260
Cash and cash equivalents at the beginning of the year	586,787	35,527
	<hr/>	<hr/>
Cash and cash equivalents at the end of the year	609,458	586,787
	<hr/>	<hr/>

3

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 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of Preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards – 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 judgements

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

(b) Revenue Recognition

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

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONT'D)****(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 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) Trades and Other Receivables

Trade receivables are initially recognized 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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONT'D)****(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, it's 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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONT'D)****(i) 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 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, maximizing the use of relevant observable inputs, and minimizing the use of unobservable inputs.

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023

	2023 \$	2022 \$
2. REVENUE		
Contributions	114,757	111,603
Distribution and dividend income	230,937	183,519
Membership	-	-
	<u>345,694</u>	<u>295,122</u>
<i>Disaggregation of revenue</i>		
The disaggregation of revenue from contracts with customers is as follows:		
<i>Geographical regions</i>		
Australia	<u>345,694</u>	<u>295,122</u>
3. CASH AND CASH EQUIVALENTS		
Cash at bank	51,245	36,668
Term deposits	558,213	550,119
Total	<u>609,458</u>	<u>586,787</u>
4. FINANCIAL ASSETS		
Term deposits		
Current	<u>70,195</u>	<u>294,297</u>
5. TRADE AND OTHER RECEIVABLES		
Current		
NSW Bar Association	43,517	45,200
Accrued interest	2,910	812
Interest free loans	22,000	22,000
Tax receivable	285	302
Total	<u>68,712</u>	<u>68,314</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023**

6. OTHER FINANCIAL ASSETS	2023	2022
	\$	\$
Non-Current		
Designated at fair value through surplus or deficit		
- Fixed interest securities	1,449,130	1,149,318
- Shares in Australian listed companies	4,067,185	3,796,088
	<u>5,516,315</u>	<u>4,945,406</u>

Financial assets at fair value through profit or loss

	2023	2022
	\$	\$
Opening fair value	4,945,406	4,978,182
Additions	580,608	886,461
Disposals	(291,251)	(353,650)
Revaluation increments/(decrements)	281,552	(565,587)
Closing fair value	<u>5,516,315</u>	<u>4,945,406</u>

Fair value measurement

Fair value hierarchy

The following tables detail the Company'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

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023**

	Level 1 \$	Level 2 \$	Level 3 \$	Total \$
30 June 2023				
Assets				
Financial assets fair value through profit or loss				
Fixed interest securities	1,449,130	-	-	1,449,130
Shares in Australian listed companies	4,067,185	-	-	4,067,185
	<u>5,516,315</u>	-	-	<u>5,516,315</u>

30 June 2022

Assets

Financial assets fair value through profit or loss				
Fixed interest securities	1,149,318	-	-	1,149,318
Shares in Australian listed companies	3,796,088	-	-	3,796,088
	<u>4,945,406</u>	-	-	<u>4,945,406</u>

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.

7. TRADE AND OTHER PAYABLES

	2023 \$	2022 \$
Trade payables	8,600	11,100
Other payables	11,158	10,026
	<u>19,758</u>	<u>21,126</u>

8. CURRENT LIABILITIES- EMPLOYEE BENEFITS

	2023 \$	2022 \$
Employee Benefits	42,511	30,216
	<u>42,511</u>	<u>30,216</u>

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023**

9. 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	R Higgins SC	D Toomey SC	M Izzo SC
N Broadbent	K Eastman AM SC	A McAvoy SC	I Taylor SC
S Callan SC	V Whittaker SC	Y Shariff SC	D Patch
N Kirby	C Gleeson	C O'Neill	A Munro
J Mack	R Khalilizadeh	C Palmer	G Westgarth
C Young	C Roberts	A Stone SC	S Hughes
D Rayment SC	P Knowles SC	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 NSW Bar Association at no cost to the Association.

(d) Receivables from and Payables to related parties

	2023	2022
	\$	\$
Current Receivables		
The New South Wales Bar Association	43,517	45,200
	43,517	45,200
Current Payables		
The New South Wales Bar Association	11,158	10,026
	11,158	10,026

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023****10. 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:

	2023	2022
	\$	\$
Audit Services –RSM Australia Partners		
Audit of the Financial Statements	<u>8,600</u>	<u>7,700</u>

11. CONTINGENT LIABILITIES

The Association had no contingent liabilities as at 30 June 2023 and 30 June 2022.

12. COMMITMENTS

The Association had no commitments as at 30 June 2023 and 30 June 2022.

13. EVENTS OCCURRING AFTER THE REPORTING DATE

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 88 to 100 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 2023 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.



G. Bashir SC



M. Izzo SC

**Sydney, NSW
7th September 2023**

**RSM Australia Partners**

Level 13, 60 Castlereagh Street Sydney NSW 2000
GPO Box 5138 Sydney NSW 2001

T +61 (0) 2 8226 4500

F +61 (0) 2 8226 4501

www.rsm.com.au

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 2023, 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 2023 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 2023 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 handwritten signature in blue ink that reads 'RSM'.

RSM Australia Partners

A handwritten signature in blue ink that reads 'C J Hume'.

C J Hume
Partner

Sydney, NSW
Dated: 8 September 2023

Contributors to the Barristers' Benevolent Fund

His Honour Judge A J Abadee	Ms C Bembrick	Mr Gregory Burton SC	C Craigie SC
Mr J Abernethy	Mr K G Bennett	Mr I F Butcher	Mr M Cranitch SC
Justice W Abraham	Mr Jared Bennett	Mr L J Byrne	Dr M G Crowley
Mr J Adamopoulos	His Honour Judge J Bennett SC	Mr P Callaghan SC	Mr Jamie Darams
Mr P Aitken	Mr Nicholas Bentley	Ms S Callan SC	Mr Peter D'Arcy-King
Ms Sandrine Alexandre-Hughes	Mr Duncan Berents	Mr Benjamin Cameron	Mr M J Darke SC
Ms C J Allan	Mr A Berger	The Hon M W Campbell QC	Mr I E Davidson SC
Mr P Allport	The Hon P A Bergin AO SC	Mr I Garth Campbell	Ms J Davidson
Ms J Ambikapathy	Mr H P T Bevan SC	Mr A D Campbell	Mr T J Davie
Mr M W Anderson	Mr Benjamin Bickford	The Hon M W Campbell KC	The Hon Justice D L Davies SC
Ms Sophie Anderson	Dr C J Birch SC	Mr Adrian C Canceri	Mr R Davies
Mr Edward Anderson	Ms E A Bishop SC	Ms Claire Cantrall	Mr W Dawe KC
Mr K W Andrews	Mr J D Blackah	Mr G Carolan	Mr Sebastian M De Brennan
Ms S L Andrews	Ms Hollie Blake	Ms P R Carr	Mr J B de Vere Tyndall
Mr Nic Angelov	Mr A Blank	Ms S J Carr	Ms K Deards SC
Mr G Antipas	Mr Denes M Blazer	Mr D Carroll	Mr Dominic Delany
Mr I G A Archibald	Mr M Bloom	Ms Nicole S Carroll	Mr M Dempsey SC
His Honour Judge D Arnott SC	Dr S Blount	Ms V L Carty	Mr Tony Di Francesco
Mr J A Arnott SC	The Hon J M Boland AM	Mr Charles H Cassimatis	Mr Richard Di Michiel
Mr M Ashhurst SC	Mr Craig Bolger	Ms Michelle Castle	Ms Olivia J Dinkha
Ms Kavita Balendra	Mr Stephen Bourne	Mr T D Castle SC	Mr Avni Djemal
Mr Eli Ball	Mr A J Bowen	Mr Christopher Catt	Mr Alexander Djurdjevic
Mr Conor Bannan	Her Honour Judge E Boyle	Mr J J Cauchi AM SC	Mr B G Docking
Mr A Bannon SC	Dr M L Brabazon SC	Dr R D Cavanagh	Mr P L Dodson
Dr M Barnett SC	Mr B C A Bradley	Ms J C Chapman	Mr A Doig
Mr Darrell Barnett	Ms Chelsea Brain	Mr Simon Chapple	Mr James Douglas
Dr Sean Baron Levi	Mr James Braithwaite	Mr A Cheshire SC	Mr P F Doyle
Mr D Barrow	Mr Luke Brasch	Mr Arjun Chhabra	Mr Justin Doyle
Mr G M Barter	Mr W P Brewer	Mr M Christie SC	Mr J Doyon
Mr J Bartos	Mr J A Brezniak	Mr G A Coakes	Mr R Driels
Ms G A Bashir SC	Mr Campbell Bridge SC	Mr M Cobb-Clark	Mr I C Duane
Mr M J Bateman	Ms Madeleine Bridgett	Mr R A Coffey	Her Hon Justice Sandra Duggan
Mr T J Bates	Mr M C Brogan	His Honour Richard Cogswell SC	Ms Emma Dunlop
Mr P Batey	Dr Chester Brown	Mr B A Coles KC	Mr J R Dupree
Ms Emma Bathurst	The Hon J E Brownie KC	The Hon D J Collier AM	Mr D Dura
Mr T Bathurst AC KC	Mr P Bruckner	Mr Nicholas J Condylis	Mr P Dwyer
Mr Paul Batley	The Hon John P Bryson KC	Mr N A Confos	Ms Kate Eastman AM SC
Mr R C Beasley SC	Mr Derek Buchanan	Dr A L Connolly	The Hon R Edmonds AM SC
Ms Kate Beattie	Mr A J Bulley	Mr Adrian Coombes	Mr David Edney
Mr R S Bell	Mr S Burchett	Ms A Cotter-Moroz	Mr Matthew Eirth
	Mr Michael Burke	Mr G P Craddock SC	Ms E Elbourne
		His Honour Judge	

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

Mr El-Choufani	Mr G M Gregg	The Hon Justice Mark Ierace	Ms J Levick
The Hon Justice M A Elkaim	Mr Charles Gregory	Ms Aleksandra Ilic	Mr Christoph Liedermann
Mr G A Elliott	Mr L T Grey	Mr Bill Ilkovski	Ms Ye Catherine Lin
Mr L Ellison SC	Mr L V Gyles SC	Ms Emily Ito	Mr P J Livingstone
Ms Talia R Epstein	Ms S T Hall SC	Mr M A Izzo SC	Mr J R J Lockhart SC
Ms Luisa Evans	The Hon Justice P Hallen	Mr N S Jackson	Mr D M Loewenstein
The Hon Elizabeth A Evatt AC	The Hon J P Hamilton QC	Mr Sydney Jacobs	Mr J Longworth
Mr Oshie Fagir	Ms L Hamilton	Mr Liam James	The Hon I J Loughnan
Mr Geoff Farland	Mr Roger Harper	Mr Evan James	The Hon Justice C Loukas-Karlsson
Ms Stephanie Fendekian	Mr J M Harris	Ms Sophie Jeliba	Mr Timothy C. Lowe
Mr Lester Fernandez	Ms V A Hartstein	Mr Philip Jenkyn OAM	Dr Juliet Lucy
Mr J J E Fernon SC	Mr M Hassall	The Hon Peter Johnson SC	Mr Terrence Lynch SC
Mr S G Finch SC	Peter Hastings KC	Mr Russ Johnson	Mr M Lynch
Mr J M Fitzgerald	Ms Jo Haughton	Mr G J Johnson	Mr Ryan R Lynch
Mr S L C Flett	Ms Dymphna Hawkins	The Hon Peter Johnson SC	Mr Angus Macauley
Mr W G Flynn	The Hon Wayne Haylen KC	Mr Thomas Jones	Ms G F Mahony
Mr James Foley	Ms S Hayward	Mr B L Jones SC	His Honour Judge P G Mahony SC
Mr M J Fordham SC	Mr David Healey	Ms T Jonker	Mr Tamir Maltz
Ms D Forrester	Mr T Healey	Mr D K Jordan	Dr Christos Mantziaris
The Hon G F Foster	Ms A Healey	Mr Llewellyn Judd	Mr A E Maroya
Mr K M Francis	Mr M J Heath	Ms L E Judge	Mr D A Marr
Ms A Francis	Mr John F Heazlewood	Mr S D Kalfas SC	Mr H J Marshall SC
Ms R Francois	Ms Zelig Heger	Mr M A Karam	Mr P D Massey
Mr Ian Fraser	Mr G J Hickey	Mr Anthony Kaufmann	Ms L McBride
Mr Stephen J Free SC	Mr F P Hicks SC	Mr J A Kearney	The Hon Ruth McColl AO SC
Mr Mark Friedgut	The Hon P J Hidden AM	Mr Michael Keene	Mr M F McDermott
Mr Neal Funnell	Dr Ruth C A Higgins SC	Mr J Kellaway	Ms T McDonald SC
Mr N E Furlan	Mr A Hill	Mr R Keller	Mr James M McEnaney
Mr M J Gallagher	Ms S Hill	Mr J C Kelly SC	Ms L P McFee
Mr J M Galluzzo	Ms Jennifer Hillier	Mr D P Kelly	Mr I J McGillicuddy
Mr T A Game SC	Mr J S Hilton	Mr Jesse Kennedy	Mr Chris McGorey
Mr Stephen Gardiner	Mrs Michelle Hirschhorn	Dr John Keogh	Mr G McGrath
Ms Anna F Garsia	Mr A Hochroth	Mr S M Kettle	Mr M J McGrowdie
Mr G P Gee	The Hon Justice C Hoeben AM RFD	Ms E Keynes	Mr R S McIlwaine SC
Mr G Gemmell	Mr Paul F Hogan	Mr P Khandhar SC	Mr G McIlwaine
Ms M A Gerace	Ms D Hogan-Doran SC	Mr L King SC	Mr A J McInerney SC
Mr James T G Gibson	Mr R W Hood	The Hon D Kirby QC	Mr Sebastian McIntosh
Mr Kieran D Ginges	Mr David Hooke SC	Mr I Kirgiz	Magistrate L McManus
Mr A Givney	Ms J S Hopper	Mr P M Kite SC	Mr S J McMillan
Mr R D Glasson	Mr P A Horobin	Mr Piotr Klank	Mr G P McNally SC
Ms Catherine Gleeson	Mr Jacob Horowitz	Mr Victor A Kline	Mr A McQuillen
Mr A Goldsworthy	Tom Howard SC	Mr Daniel Klineberg	Mr Liam Meagher
Ms Nicola L Gollan	Mr Slade Howell	Mr David D Knoll AM	Ms M D Meares
Ms C R Goodhand	Judge Chris Hoy SC	Mr G Kumarasinhe	Ms Jennifer K Mee
The Hon P R Graham KC	Mr T Hughes	Mrs J Layani Ellis	Mr T M Mehigan SC
Ms Emily C Graham	Mr S Hughes	Mr James Leaver	Mr P J Menary
Mr G J Graham	Mr V B Hughston SC	Susan Leis	Ms T Z Messner
Ms Reg Graycar	Ms L E Hulmes	Mrs K Leotta	Mr Andrew Metcalfe
Mr Michael Green SC	Mr R Hussey	Mr G Levick	

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

Mr Meyerowitz-Katz	Mr E Petersen	Mr P F Santucci	Mr Frank Tao
Mr Carlos Mobellan	Ms Angela Petrie	Dr Amanda Sapienza	Mr B Taylor
Mr P J Mooney SC	Mr D Petrushnko	Mr S H Scarlett OAM RFD	Mr R J Taylor
Mr C A Moore SC	Ms Meredith Phelps	Mr S A Schaudin	Mr M Thangaraj SC
Mr T J Morahan	Ms S Phillips	Mr Michael Seck	The Hon G R James AM KC
Mr J M Morris SC	Mr J Phillips SC	Ms Rashelle L Seiden SC	Ms Penny Thew
Mr Hugh Morrison	Mr Andrew Pickles SC	Mr Tim Senior	Mr G M Thomas
Mr K Morrissey	Mr B Pluznyk	Mr Ian Serisier	Mr Cameron L Thompson
Mr A R Moses SC	Mr J Poulos KC	Mr J P Sewell	Ms W Thompson
Mr Bill Neild SC	Ms T M Power	Mr J E Sexton SC	Mr J Cranston Thompson
Mr Ryan K Jameson	Mrs Margaret Pringle	Mr Mark Seymour	Mr James Thompson
Ms R Khalilizadeh	Mr Colin Purdy	Mr Jayneil Shandil	Ms Mandy Tibbey
Ms Sonia Tame	Mr R E Quickenden	Mr Yaseen Shariff SC	Mr A G Todd
Mr P R Munro AM	Her Honour Judge A M Quirk	Mr Kunal Sharma	Mr Andrew Tokley KC
Hon. C L Murphy AM MLC	Mr M C Ramage KC	Mr J Shaw	Mr John Travassaros
Mr Neil Murray SC	Mr Robert Ranken	Ms Karen Shea	Mr J Trevallion
Mr Andrew P L Naylor	The Hon Justice S D Rares	Mr J C Sheahan KC	Ms B J Tronson
Ms J Needham SC	Mr B W Rayment KC	Mr J Sheller SC	Her Honour Judge R C Tupman
Mr P W Neil SC	Mr J Redwood SC	Mr Nikolaos Sifakas	Mr R. D. Turnbull
Mr P T Newton SC	The Hon Justice A Rees	Mr Craig Simpson	Mr Spiro Tzouganatos
Mr Nicholas Newton	Ms D Reid	Mr Nicholas Simpson	Mr Alexander S Vial
Mr Gerald Ng	Mr M Rennie	Mr Geoff Simpson	Magistrate J F Viney
Nicholas Bentley	Mr S Reuben	Mr R Skiller	Mr Bret Walker AO SC
Mr L W Nicholls	Mr Garry Rich SC	The Hon Greg Smith SC	Mr Philip Wallis
Mr W B Nicholson	Mr David Rickard	Dr James V Smith	Mr Martin John Walsh
Mr J Nicholson	Mr T F Robertson SC	Ms Amelia Smith	Dr C S Ward SC
Mr Justen Nixon	Mr Scott Robertson SC	Dr Michael Smith AM	Mr E Wasilenia
Mr Paul J Nolan	Mr Bryan Robinson	Mr M Southwick	Mr G J Watkins
Stephen Norrish KC	Mr Declan Roche	Mr C Sperling	Mr Martin Watts
Mr Malcolm Oakes SC	Mr Daniel S Roff	Mr D G Staehli SC	Mr John A Weaver
Mr Rhys O'Brien	Mr Jackson Rogers	Mr Ashley Stafford	Dr R J Webb
Ms Beth Oliak	Mr C S Rogers	Mr S J Stanton	Ms C A Webster SC
Mr E L Olivier	The Hon R Rolfe	Mr N Steel	Mr Michael J Weightman
Her Honour Judge E Olsson SC	Mr D Ronzani	Miss E H G Steer	His Honour Judge R H Weinstein SC
Mr R N O'Neill	Mr Patrick Rooney	Mr C Steirn SC	Ms Katie Weir
Ms Naomi Oreb	Mr J A Rose	Ms A Stenmark SC	Mr J N West KC
Ms Tahn O'Rourke	Mr K Roser	Ms T Stevens	Mr Adrian Williams
Ms Olla A Otrebski	Dr F T Roughley	Mr D C P Stewart	Mr Andrew A Wilson
Ms M Painter SC	Ms Leah J Rowan	Mr H W M Stitt	Mr E W Wilson SC
Mr Christopher Palmer	Mr P A Rowe	Mrs Elizabeth Stolier	Ms Tiffany L Wong SC
Mr David Parish	Mr R Royle	Mr J Stoljar SC	Mr Christopher Wood SC
Mr Andrew J Parker	Ms E J Rusiti	Mr Hugh Stowe	Her Honour Judge D Woodburne SC
Ms S Patterson	Mr Peter Russell	Her Honour Judge W Strathdee	Ms D A Woods
Mr C J Peadon	Mr Tim Russell	The Hon T J Studdert QC	Mr M L Wright SC
Mr James Penny	Mr J J Ryan	Mr G J Sundstrom	Mr Paul Ye
Ms A Perigo	Mr T J Ryan	Ms Rebecca Suters	Ms Sophie York
The Hon Justice M Perry	Mr M V Sahade	Mr S Sykes	Mrs K J Young
Dr G Pesce	Mr J R Sainty	Mr J O Tancred	
Peter Dunning KC	Ms K Sant	Mr C Tanner	

The Indigenous Barristers' Trust The Mum Shirl Fund

ABN 53 124 431 831

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

The 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 7 September 2023. 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 2023

	Notes	2023 \$	2022 \$
Revenue	2	178,284	142,586
Interest received		15,612	1,841
Audit and accounting		(6,800)	(6,500)
Payroll		(43,426)	(15,520)
Bank charges		-	16
Conference expenses		-	-
Gifts		(19,500)	(10,948)
Other Expenses		(10,228)	(6,500)
		<hr/>	<hr/>
Surplus before income tax expense		113,942	104,975
		<hr/>	<hr/>
Income tax expense	1(c)	-	-
		<hr/>	<hr/>
Net surplus		113,942	104,975
Other comprehensive income		-	-
		<hr/>	<hr/>
Total comprehensive income		113,942	104,975
		<hr/> <hr/>	<hr/> <hr/>

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

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2023

	Notes	2023 \$	2022 \$
CURRENT ASSETS			
Cash and cash equivalents	3	421,448	750,631
Financial Assets	4	507,010	75,184
Other receivables	5	57,329	49,652
TOTAL CURRENT ASSETS		<u>985,787</u>	<u>875,467</u>
TOTAL ASSETS		<u>985,787</u>	<u>875,467</u>
CURRENT LIABILITIES			
Trade and other payables	6	7,301	10,923
TOTAL CURRENT LIABILITIES		<u>7,301</u>	<u>10,923</u>
TOTAL LIABILITIES		<u>7,301</u>	<u>10,923</u>
NET ASSETS		<u><u>978,486</u></u>	<u><u>864,544</u></u>
ACCUMULATED FUNDS			
Accumulated surpluses		<u><u>978,486</u></u>	<u><u>864,544</u></u>

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

STATEMENT OF CHANGES IN ACCUMULATED FUNDS
FOR THE YEAR ENDED 30 JUNE 2023

	2023	2022
	\$	\$
As at 1 July - opening	864,544	759,569
Total comprehensive income	<u>113,942</u>	<u>104,975</u>
As at 30 June - closing	<u>978,486</u>	<u>864,544</u>

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

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2023

	2023	2022
	\$	\$
OPERATING ACTIVITIES		
Receipts from sponsorship and general activities	177,411	130,221
Interest received	8,808	1,461
Payments to suppliers and grantees	<u>(83,576)</u>	<u>(34,795)</u>
Net cash inflow from operating activities	<u>102,643</u>	<u>96,887</u>
INVESTING ACTIVITIES		
Proceeds from (repayment for) term deposits	<u>(431,826)</u>	<u>535,750</u>
Net cash (outflow)/inflow from investing activities	<u>(431,826)</u>	<u>535,750</u>
Net (decrease)/increase in cash and cash equivalents	(329,183)	632,637
Cash and cash equivalents at the beginning of the year	<u>750,631</u>	<u>117,994</u>
Cash and cash equivalents at the end of the year	3 <u><u>421,448</u></u>	<u><u>750,631</u></u>

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 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of Preparation

These general-purpose financial statements have been prepared in accordance with Australian Accounting Standards – 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 conversion

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

Critical accounting estimates and judgements

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

(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.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONT'D)

(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 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) Financial Assets

(i) Classification

The Trust classifies its financial assets in 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.

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023****1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONT'D)****(f) Financial Instruments (continued)****(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 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.

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023

	2023 \$	2022 \$
2. REVENUE		
Contributions received	178,284	142,586
Revenue from continuing operations	178,284	142,586
<i>Disaggregation of revenue</i>		
The disaggregation of revenue from contracts with customers is as follows:		
<i>Geographical regions</i>		
Australia	178,284	142,586
3. CASH AND OTHER EQUIVALENTS		
Cash at bank	307,271	213,436
Term deposits	114,177	537,195
	421,448	750,631
4. FINANCIAL ASSETS		
Current		
Term deposits	507,010	75,184
5. OTHER RECEIVABLES		
Current		
NSW Bar Association	49,399	47,761
GST receivable	450	1,215
Accrued interest	7,480	676
	57,329	49,652

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023

6. TRADE AND OTHER PAYABLES

Current

NSW Bar Association
Provisions

-	4,323
7,301	6,600
7,301	10,923

7. 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
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

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

	2023 \$	2022 \$
Current Receivables		
The New South Wales Bar Association	49,399	47,761
	49,399	47,761
Current Payables		
The New South Wales Bar Association	-	4,323
	-	4,323

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2023**

8. 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:

	2023	2022
	\$	\$
Audit Services –RSM Australia Partners		
Audit of the Financial Statements	7,300	3,900

9. CONTINGENT LIABILITIES

The Trust had no contingent liabilities as at 30 June 2023 and 30 June 2022.

10. COMMITMENTS

The Trust had no commitments as at 30 June 2023 and 30 June 2022.

11. EVENTS OCCURRING AFTER THE REPORTING DATE

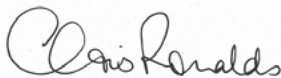
No matter or circumstance has occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the association, the results of those operations or the state of affairs of the Trust.

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 108 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) presents fairly the Trust's financial position as at 30 June 2023 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

Sydney, NSW
7 September 2023

**RSM Australia Partners**

Level 13, 60 Castlereagh Street Sydney NSW 2000
GPO Box 5138 Sydney NSW 2001

T +61 (0) 2 8226 4500

F +61 (0) 2 8226 4501

www.rsm.com.au

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 2023, 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 2023 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 2023 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 that reads 'RSM'.

RSM Australia Partners

A handwritten signature in blue ink that reads 'C J Hume'.

C J Hume
Partner

Sydney, NSW
Dated: 8 September 2023



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