



NEW SOUTH WALES
BAR ASSOCIATION

**THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL**

MINUTES OF PROCEEDINGS

**Thursday 20 February 2014
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Boulten SC; Hutley SC; McHugh SC; Toomey; Temby
QC; Street SC; Game SC; Moses SC; McGrath SC; Traill;
Walker; Healey; Morris; Stone; Gleeson; Page

APOLOGIES: Needham SC; Khandhar; Callan; Hunt; Dobraszczyk

IN ATTENDANCE: Deputy Executive Director; Executive Assistant

MINUTES

The minutes of the meeting of 6 February 2014 were confirmed, subject to a minor amendment.

FINANCE

Financial statements for January 2014

Noted.

FOR CONSIDERATION

NSW Bar Association Budget 2014/2015; Memorandum from Andrew Stone – 2014-15 Budget and the CPI PC increase

The Treasurer spoke to the Financial Statements and the draft budget for 2014 – 2015. He gave a detailed explanation of the Association's financial position and its anticipated income and expenditure for the forthcoming financial year.

The Treasurer advised that the Finance Committee and the Executive had considered a draft of the budget. They both had resolved to recommend that the Bar Council approve the budget, and that there be a 2.6% (CPI) practising certificate and membership fee increase for Silks and Senior Juniors (5 years plus) only for 2014-15.

Stone spoke to his memorandum and moved that the Treasurer be invited to prepare a revised budget on the basis that there be no practising certificate and membership fee increase for 2014-15. The proposed resolution was not carried.

It was RESOLVED to approve the draft 2014-2015 budget, apart from the proposal therein to increase practising certificate fees for academics.

FURTHER RESOLVED that Practising Certificate and Membership fees be increased by 2.6% for Silks and Senior Juniors only for 2014-2015, apart from academic practising certificate holders.

It was agreed that the Finance, Audit and Investment Committee should examine and report back to Bar Council within four months on the practicality of establishing a broad policy on (i) fee increases and (ii) cash reserves and accumulated funds.

It was also agreed that a report should be sought from the Librarian as to the increasing costs of subscription services.

The Council expressed its appreciation to the Treasurer and the Finance Manager, Mr Catsaros, for the excellent work done in preparing the budget and responding to Bar Councillors' queries.

Memorandum to Bar Council dated 7 February 2014 from Executive Director – Professional Conduct – Court Ordered Mediation

Noted.

Memorandum to Bar Council dated 25 November 2013 from Andrew Stone – Bar Council Social Functions

RESOLVED that all New South Wales Bar Association Committee members be invited to a drinks function each year to thank them for their service. The function is to be held separately from the annual judicial drinks hosted by the Association and this year's event should be held in or around May 2014, depending on the availability of the Common Room. The catering details are to be finalised by Bar Association staff.

Issues Paper – The Office of Queen's Counsel in NSW and Memorandum to Bar Council from John Hyde Page – Appointment of Queen's Counsel

Bar Council noted the issues raised in the Issues Paper and Hyde Page's memorandum.

It was agreed that any proposal to reinstate the use of the term Queen's Counsel must be subject to consultation with the Association's membership.

RESOLVED to consult members on their views as to whether the Association should approach the State Government to seek support for the reinstatement of the office of Queen's Counsel. A formulated question, to be distributed to members in conjunction with the Issues Paper, is to be finalised by the Executive.

It was agreed that members would be asked to submit their responses to a designated email address within three weeks of the publication of the question and Issues Paper.

It was also agreed that the Executive settle the composition of a Working Party of practitioners, along with a suitable eminent person, to analyse and report to Bar Council on the responses received.

FOR INFORMATION

Minutes of Executive Meeting dated 11 February 2014

Noted.

Outstanding Actions as at 13 February 2014

Noted.

It was agreed that an item concerning the Report by Rufus Black, – 'The Victorian Bar – Performance, Challenges and Opportunities in the Post GFC Legal World' be added to the Outstanding Actions list. The Bar Council noted that the Practice Development Committee has prepared a draft survey of the Bar in order to gain data which could be used to inform a similar Report in NSW, and that the Committee would make inquiries of Mr Black concerning his possible involvement in analysis of the data to be collected.

It was agreed that item 7 on the list, concerning election materials, be considered at the next 'policy' meeting of Bar Council.

It was also agreed that the upcoming presentation to Bar Council concerning the new Association website, mentioned at item seven of the list, should include detail as to the cost and improved effectiveness of the project.

It was also agreed that the library-related issue raised in the context of discussions on the 2014-15 Budget be added to the list.

The following papers were circulated via e-mail prior to the Council meeting.

- Law Council of Australia – Inquiries and Consultation Lists as at 10 February 2014
- Email from Executive Assistant dated 11 February 2014 to Bar Council – ABA Media Releases
- Email from Deputy Executive Director dated 13 February 2014 to Bar Council – NSW Bar Association Media Release – Premier's Comments Undermine Public Confidence in our Courts

- Email from Deputy Executive Director dated 14 February 2014 to Bar Council – Transcript – ABC1, ABC News, Thursday, 13 February 2014
- Law Council of Australia – Inquiries and Consultation Lists as at 17 February 2014
- Email from Deputy Executive Director dated 20 February 2014 to Bar Council – Memo to Bar Council from Andrew Stone – 2014-15 Budget and the CPI PC Increase

The meeting closed at 6.35pm.

Confirmed as a correct record:

Phillip Boulten SC
President

Date: