

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

MINUTES OF PROCEEDINGS

**Thursday 24 October 2013
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Boulten SC; Needham SC; Temby QC; McHugh SC; Traill; Hutley SC; Street SC; Game SC; Moses SC; Lydiard; Walker; Stone; Toomey; Callan; Hunt; Steggall; McMahon.

APOLOGIES: Leave of absence was given for McGrath SC; Healey; Peden.

The Council noted that as Hyde Page had been absent from three consecutive meetings of the Bar Council without leave of absence, a question had arisen as to whether his position on the Council had become vacant pursuant to cl. 12.4.1(g) of the Association's Constitution.

IN ATTENDANCE: Executive Director; Deputy Executive Director; Director, Professional Conduct (for professional conduct matters); Executive Assistant.

MINUTES

The minutes of the meeting of 4 and 10 October 2013 were confirmed.

FINANCE

The Treasurer spoke to the September accounts. He advised that he had met with senior staff of the Association to discuss possible problems with funding from the Public Purpose Fund. This matter would be taken up with the incoming Director General of the Attorney General's Department and then, if necessary, with the Attorney General.

FOR CONSIDERATION

Memorandum from the Deputy Executive Director to the Bar Council dated 27 September 2013 – Life Membership of the New South Wales Bar Association

Bar Council RESOLVED to confer life membership on the Hon Margaret Beazley AO and the Hon James Allsop AO for exceptional service to the Bar Association and to the profession of the law.

Letter from Crown Solicitors Office to the Executive Director dated 26 September 2013 – Application for an exemption under s.54 (2) of the *Legal Profession Act*

Bar Council agreed to defer consideration of this issue until the first meeting of the next Bar Council. A note concerning the current educational requirements in relation to Crown Prosecutors and Public Defenders is to be concurrently made available to the Council.

***Wang v Farkas* – Request for amicus – Summary of issues by Council**

Bar Council considered the note from Counsel, and agreed that the Court should be notified that Counsel will be available as amicus to provide assistance to the Court as requested; the Association would not seek to instruct Counsel as to the position the Court might adopt.

Memorandum to the Bar Council from the President – ABA Council meeting held on 28 September 2013 in Brisbane

The Bar Council noted the issues raised in the President’s memorandum ahead of the next ABA meeting to be held on the weekend in Adelaide. The President undertook to keep Bar Council informed of developments.

Email from Andrew Stone to the Executive Director dated 24 September 2013 – ABA Agenda

Noted.

Judicial appointments - Memoranda to the Bar Council from the President and Executive Director dated 15 October 2013; memorandum from Andrew Stone dated 22 October 2013.

The memoranda to the Bar Council from the President and Executive Director was noted. No further action was taken in relation to Stone’s memorandum.

John Hyde Page - letter to financial members of the NSW Bar Association, ‘Bar Council: Change needed’.

The Bar Council considered whether there was any merit in a public rebuttal of Hyde Page’s extraordinary ‘campaign letter’ sent to members of the Bar. The Council, noting that Hyde Page had yet again not attended the Council meeting (although he had been asked to do so to discuss his various public statements), saw little merit in spending time on the letter. Its deficiencies and disregard for basic courtesies were self-evident. It was probably defamatory of several identified persons.

The Council, however, took strong exception to the public criticism, yet again, of the Association’s staff. It was offensive, and totally unjustified. The Council unanimously RESOLVED that the Council record its support for, and trust in, the integrity of the staff at all levels. The Council asked the Executive Director to convey its resolution, and its appreciation of the staff’s efforts throughout the year, to all members of staff.

FOR INFORMATION

Letter from the President to the Sentencing Council dated 14 October 2013 – Consultation Paper on Standard Non-Parole Periods

Noted.

Agreed outcomes from Bar Council Strategy Day, Saturday 4 February 2012’; memorandum to the Bar Council from the Director, Organisation & Development dated 3 October 2013 –‘Strategic Plan – implementation progress report’; note by Mary Walker and Elizabeth Peden dated 9 October 2013, ‘Dispute Resolution Outside of Court’.

It was agreed that an update on implementation of the outstanding agreed actions arising from the Bar Council Strategy Day held on 4 February 2013 be provided to a future Bar Council meeting.

Minutes of the meeting of the Bar Council Executive held on 15 October 2013

Noted.

Extraordinary General Meeting Costings

Noted.

GENERAL BUSINESS

Working party on alternative business models

Temby QC advised that the working party was hoping to meet the following week.

Valedictory

The President noted that this was the last meeting of the 2013 Bar Council. He thanked all Bar Councillors for their contribution during the year.

The Bar Council unanimously expressed its thanks to the President for his leadership and hard work in what had been a challenging year.

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

- Law Council of Australia – Inquiries and Consultation Lists as at 14 October 2013.
- Minutes of the meeting of the Australia Bar Association Council held on 27 July 2013.
- Bar Association Committee Reports:

- Costs and Fees Committee
 - Legal Aid Committee
 - Human Rights Committee
 - Common Law Committee
 - Professional Development Committee
 - Bar Association's Legal Assistance Referral Scheme (LARS)
 - Criminal Law Committee
 - Equal Opportunity Committee
 - Transport, Maritime and Air Law Committee Report
 - Women Barristers Forum
 - Indigenous Barristers' Strategy Working Party
 - Family Law Committee
 - Alternative Dispute Resolution Committee
 - New Barristers
 - Professional Development Department/Education
-
- Law Council of Australia – *Précis* – 15 October 2013
 - Australian Corporate Lawyers Association annual in house survey results for 2013.
 - Media Release from the Attorney General, Minister for Justice dated 16 October 2013 – President appointed for NSW Super Tribunal.

The meeting closed at 7:00pm.

Confirmed as a correct record:

Phillip Boulten SC
President

Date: