

Voting has commenced for the 2016 Bar Council. I am standing for election as part of the Political Neutrality ticket, the members of which are at this link:
<https://gallery.mailchimp.com/f9d5d94adfbcf842e4c2d812/files/NeutralityTicket.pdf>

My view is that the role of the Bar Association is to look after the interests of barristers. A strong and independent Bar is in the public interest, and for this reason the Political Neutrality ticket seeks a Bar Association that focuses on its members. Outside that remit the Bar Association should confine itself to public comment on only the most important rule-of-law issues, where members of our profession are likely to have a shared view. This has not been the trend. The Bar Association has expressed controversial public views on children in detention (Media Release, 14 February 2015), affirmative action (The Australian, 4 September 2015), Muslim head-gear (Media Release, 3 October 2015), climate change (Saturday Law Interview, 3 January 2015), racial vilification (Submission to AG, 2 May 2014) and numerous other issues. I have been a member of the NSW Bar for more than forty years. I am aware of no precedent for this sustained bout of controversial posturing.

Irrespective of what one regards as the permissible scope of media comment by the Bar Association, the organization exists for the benefit of its members. This is incompatible with public attacks on our members. Earlier this year one of the leaders of the Anti-ticket ticket stated in the media that the attitude of the NSW Bar to women is 'offensive' and 'ignorant' ('Australian Financial Review, 4 September 2015). I completely repudiate this kind of public attack on our profession by its own peak body. The NSW Bar should be collegiate.

Last week a letter went out expressing support for the Anti-ticket ticket, which referred to the traditional role of the Bar in public advocacy. These references are misplaced. The recent behaviour of the Bar Association represents a profound break with tradition, and cannot be confused with 'advocacy'. It is for the Leader of the Opposition to attack the government and to put out policy statements during election campaigns. By contrast, the Bar Association relies for its effectiveness on working collaboratively with government. The circumstances under which it is appropriate for the Bar Association to denounce an Australian head-of-government as 'ill-informed' and 'patronising', as the Bar Association did last year, are very rare indeed.

The NSW Bar is enriched by the fact its members represent a diversity of views from across the political spectrum. A Bar Association that gives the impression of supporting one or other side of the political spectrum not only harms its own standing, but alienates those of its members who may not share the particular views being espoused.

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