Monday Briefs | 4 October 2010 | Issue 301

A weekly update on regulatory changes, events and information relevant to the legal profession

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This week: Draft Consumer Law Regulations released for public comment, Law Society Annual Report 2010 available online and 'Buyers Domain' joins Member Connexions.

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- Release of Draft Consumer Law Regulations and new website launch
- Law Society's 2010 Annual Report published online
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NEWS

Disciplinary Decision

Law Society of NSW v Gillroy [2010] NSWADT 232

Release of Draft Consumer Law Regulations and new website launch

The Federal Government has launched a new Australian Consumer Law website to keep consumers and businesses informed about the process and implementation of national consumer laws.

The launch coincides with the release of the draft Australian Consumer Law (ACL) Regulations for public comment. The consultation period for submissions closes on Wednesday 13 October. Read the media release for further information.

Law Society's 2010 Annual Report published online

The 2010 Annual Report of the Law Society of New South Wales, including the concise financial report and reports from the LawCover Group of Companies, the College of Law, and NSW Young Lawyers, is now available online at annualreport.lawsociety.com.au.

New Publication: ***Opening Law Term***, Chief Justice Spigelman's speeches

Opening Law Term, a collection of Opening of Law Term speeches delivered by NSW Chief Justice James Spigelman AC between 1999 and 2010, is available for purchase online.

The Chief Justice's speeches have covered a range of issues of great significance to the legal system in New South Wales and to the national legal system. They trace links between some of the major developments in the country's civic life, and outline directions for improvements to better suit the institutions of justice to the modern world.

Published by the Law Society of NSW, the book was officially launched on Monday 27 September by Sir Gerard Brennan AC KBE QC, former Justice of the High Court of Australia and Chief Justice from 1995 to 1998.

Tribute to the late Ron Baragry

Members are advised that a ceremony to remember and give thanks for the career of the late Ron Baragry, who died 9 September 2010, will be conducted in the Centenary Room, Industrial Court of New South Wales, 47 Bridge Street Sydney on Tuesday 12 October 2010 commencing at 9.30am.

Ron had a long and distinguished career in the field of industrial law and workplace relations, being a principal at the then firm of Cutler Hughes and Harris for many years, and then as legal advisor to the Australian Industry Group in his latter years. All members, friends and colleagues of Ron are invited to attend.

One week extension to nominate for Human Rights Medals and Awards

Nominations for the 2010 Australian Human Rights Commission's Human Rights Medals and Awards will now be accepted up until close of business on Monday 11 October 2010.

Further information and nomination forms.

Judicial Appointments

- Barrister David Day from Orange and Caleb Franklin, Principal Solicitor, Aboriginal Legal Service will be sworn in as Magistrates of the Local Court of NSW at 9am on Monday 11 October in courtroom 5.2 of the Downing Centre Local Court.

Court Updates

NSW Supreme Court Annual Review

The Supreme Court of NSW's Annual Review for 2009 is available on the Supreme Court's Lawlink web site.

Commonwealth Courts Portal Information Session

An information session has been organised for Wednesday 6 October 2010 at 1pm to 2pm at the Newcastle Family Law Courts Building. RSVP and further information.

Family Law Courts Christmas Party

Practitioners are invited to attend the Family Law Courts 2010 Christmas Party on Friday 3 December from 5.30pm. View the invitation for further information.

Media

Other

- Criminals to face up to their victims as part of new sentencing option for Central Coast courts, *30 September* (NSW Att Gen)
- Circle sentencing program to be expanded across NSW, *30 September* (NSW Att Gen)
- Attorney-General's legislative agenda, *30 September* (Fed Att Gen)
- What happens to the children of separated parents? *29 September* (ABS: Australian Social Trends)
- NSW limits sentence discount for sex offenders and other criminals, *28 September* (NSW Att Gen)
- Driving NSW economic and business sector growth: 2020, *28 September* (NSW Premier)

LEGAL & POLICY

Assents

- Electronic Transactions Amendment Act 2010 No 68; Assent 28 September
- Evidence Amendment Act 2010 No 69: Assent 28 September
- Plant Diseases Amendment Act 2010 No 70; Assent 28 September
- Privacy and Government Information Legislation Amendment Act 2010 No 71; Assent 28 September
- Terrorism (Police Powers) Amendment Act 2010 No 72; Assent 28 September
- Law Enforcement and National Security (Assumed Identities) Act 2010 No 73: Assent 29 September

High Court Judgments

- Miller & Associates Insurance Broking Pty Ltd v BMW Australia Finance Limited (Trade practices – Misleading or deceptive conduct – Non-disclosure
- Kostas & Anor v HIA Insurance Services Pty Limited T/as Home Owners Warranty & Anor (Courts – Appeals – Jurisdiction and powers)
- Travelex Ltd v Commissioner of Taxation (Taxes and duties – GST – Whether supply 'GST-free')

New Practice Note SC Eq 10 – Supreme Court of NSW

The Chief Justice has issued a new practice note SC Eq 10 - Revenue List. The purpose of this Practice Note is to set out the case management procedures employed in the List for the just, quick and cheap disposal of proceedings. It will commence from 1 October 2010.

Practice Note CORP 3 – Federal Court of Australia

The Chief Justice of the Federal Court has issued a new Practice Note CORP 3 – Schemes of Arrangement.

Change to Federal Magistrates Court Notice to Practitioners

The Notice to Practitioners: Filing of Supplementary Documents and Divorce Application by Electronic Communication has

been amended as follows.

- Paragraph 21 has been changed to clarify the document format that must be used for e-filing.
- Paragraph (25)(b) has changed the wording from 48 hours to 2 business days.
- A new Paragraph (25)(c) has been added to clarify the time requirements for documents to be filed on circuits.
- Paragraph 26, in regards to the length of time before unsubmitted applications are removed, has been changed from 30 days to 60 days.

View the amended Notice.

Robing in the Federal Court of Australia

The Federal Court has developed national guidelines for the robing of Counsel appearing before the Court. Read the guidelines.

Submissions

The Law Society of NSW

- State Environmental Planning Policy (Competition) 2010 (Draft Policy)
- Review of Vendor Disclosure for Residential Property Sales in NSW by Matt Brown MP - Discussion Paper
- Lobbying in NSW: An Issues Paper on the Nature and Management of Lobbying in NSW

EDUCATION & EVENTS

One Day CLE Seminar: Evidence Act

NSW Young Lawyers will be holding a One Day CLE Seminar on the Evidence Act on Saturday 30 October at the Hilton Hotel, Sydney.

A stellar cast of speakers will present on topics that are stimulating, contemporary and relevant. The seminar, worth up to 6.5 CLE units, will be divided into three streams. The first and third streams will cover general topics for all practitioners, such as expert evidence, self-incrimination and cross examination. The second stream will feature a choice of concurrent presentations on Criminal Law and Civil Litigation.

The registration fee is $380 for Law Society members and $479 for non-members.

View details and register for the One Day Evidence Act CLE Seminar.

Law Society of NSW Annual Members Dinner

Members are invited to attend the Law Society's Annual Members Dinner on Thursday 28 October at the Art Gallery of NSW.

Special guest speaker is the Hon Robert French AC, Chief Justice of Australia. The function will also honour practising solicitors with 50 years or more service to the law.

Bookings must be received by Friday 15 October. Cost is $130 and tables of 10 are available.

Further information and online registration.

Rural Issues Conference 2010

The Law Society's Annual Rural Issues Conference will be held on Friday 29 October at the Hilton Hotel in Sydney at a cost of $280 for members and $315 for non-members, including lunch and refreshments.

The full day of CLE covers risk management issues, tax and superannuation, conveyancing updates, family law, wills and estates and a talk on mental health and wellbeing.

Further information and registration is available on the Law Society website. Enquiries: Phone Pam Hall on 9926 0261 or email pam.hall@lawsociety.com.au.

NSW Young Lawyers CLEs

October CLE Seminars

- Migration Law: Perspectives from both Sides of the Bar Table, Tues 12, 5:30pm
- Using International Law Effectively in Australian Courts, Wed 13, 5:30pm
- Essentials of Child Support: What you Need to Know, Thurs 14, 5:30pm
- Land and Environment Court of NSW, Tues 19, 1pm
- The Use of Trusts for Business & Investment Restructuring, Tues 26, 1pm
- The Fair Work Act in Review and How to Effect a Fair Dismissal, Wed 27, 1pm

CLE DVDs & Papers Available (August/September)

- The Cross Border Protection of Children in a Changing World: The Hague Children Conventions – DVD and Paper (FL64/1189)
- Coastal Planning and Development in New South Wales – DVD and Paper (EN34/1190)
- Intellectual Property Law Update- Domestic and International Perspectives – DVD and Paper (PRO75/1191)
- What is the State of Play for Modern Awards: Compliance and Transitional Issues – DVD and Paper (EM71/1192)
- Constitutional Politics: The Australian Experience with Referendums – Paper Only (MIS40)
- Essential Criminal Law Update 2010: Sexual Assault Directions and an Update on DNA – DVD and Paper (CR93/1195)
- Advanced Criminal Law: Sentencing – DVD and Paper (CR94/1197)
- Property Acquisition and Development – DVD and Paper (PRO77/1196)
- How to Cope When the ACCC Comes Knocking and Issues in Online Behavioural Advertising – Paper Only (IT26)
- Drafting International Arbitration Clauses and Observations on International Arbitration Legislation – Paper Only (MIS41)

The College of Law Seminars & Programs

New On Demand Seminars, each with an audio recording (podcast) of the lecture, include the following.

- Interlocutory Injunctions and other Urgent Equity Division Remedies
- Ethical Issues for NSW Wills and Estates Practitioners
- Directors Duties and the Role of Directors and Officers Insurance
- The Circumstances in which an Accused Person can make an Application for Costs following an Unsuccessful Prosecution

Check out our range of On Demand CPD.

Legal Practice Management Courses 2010

Unrestricted Practising Certificate Partners Course (2-9 and 10-34 partner firms) – Friday 22, Saturday 23 and Saturday 30 October 2010.

Applications are now being accepted for all remaining 2010 courses. Enrol now.

Final Procedural Courses for 2010

Limited vacancies exist for the following courses.

- Online Conveyancing
- Online Wills & Probate
- Conveyancing – Two day procedural seminar (face-to-face)
- Customer Service in the legal environment (face-to-face)

The first of these final sessions commences on 11 October, so don't miss out. Enrol now!

For course information and application forms, visit www.lawsociety.com.au/stafftraining or email the coordinators at onlinetraining@lawsociety.com.au.

Events

Event	Date and Location
Toongabbie Legal Centre Annual Fundraising Dinner. View the flyer for further details and registration. RSVP by 11 October.	Friday 15 October, 6.45pm for 7.15pm Bowman Hall, Campbell Street Blacktown
Positive Leadership – Using the Principles of Positive Psychology to Build a Positive Workplace (ALPMA) This workshop provides a good insight into the theory of positive leadership.	Wednesday 20 October, 12.30pm Hunt & Hunt: Level 13, Gateway, 1 Macquarie Place, Sydney
ALPMA Summit 2010 – On The Edge Featuring an exceptional line-up of international and national industry leaders, the theme of this year's conference will be *New direction or business as usual?*	Friday 22 & Saturday 23 October Star City, Sydney
Anti-Discrimination Board Breakfast Seminars The seminar series covers the principles of equal opportunity, law relating to discrimination and harassment, OH&S, employment law and management of a legal practice.	Tuesday 26 October, 7am to 8.30am Hyde Park Forum, Level 1 Hyde Park Inn, 271 Elizabeth St, Sydney.
2010 CLEAA Conference Organised by the Continuing Legal Education Association of Australasia, this annual conference is relevant to those involved in providing continuing education and professional development for the legal profession.	Thursday 28 & Friday 29 October Sydney

REMINDERS

- 2010 Sydney Law School Postgraduate Information Evening, Thurs 14 October, 5.30-7pm. Register online. Information pack: ph 9351 0351/9351 0267 or email law.postgrad@sydney.edu.au.
- Financial Review International Dispute Resolution Conference 2010, Fri 15 October, Four Seasons Hotel, Sydney. Register online (NB 25% discount for Law Society members).
- Future of Law and Development Studies, International Trade Law and Developing Countries, Sat 16 October, Sydney Convention and Exhibition Centre, Darling Harbour. Complete an online registration.
- NSW Supreme Court Annual Concert, Mon 18 October, 5.15pm drinks, 6.15pm concert, Level 13 Banco Court. Tickets $55. Bookings essential with cheques payable to 'Supreme Court Concert' and sent to: Ms M. Finter, Justice Palmer's Chambers, Supreme Court of NSW, GPO Box 3, Sydney NSW 2001.
- 14th National Family Law Conference, 18 to 22 October, Canberra.
- Hot Topics in Commonwealth Compensation Seminar hosted by the Law Council's Commonwealth Compensation & Employment Law Committee, Fri 12 November, 9.30am, DLA Phillips Fox, Sydney

Regional events and CLEs

View the online CLE & Events Calendar for all regional listings.

NEW LISTINGS

- Newcastle: Legal Research CLE Seminar, Friday 29 October, 2pm to 5pm, Room UNH 150, Level 1, University House, Cnr King & Auckand Sts, Newcastle.

REMINDERS

- Newcastle: Civil Practice in the Local Court, Wed 6 October, 2pm, Newcastle Room, City Hall, King St, Newcastle
- City of Sydney:
  Towards A National Profession, Wed 6 October, 5:30pm, Level 3, 115 Pitt Street Sydney
  Retaining Woman in the Legal Profession – Why Does It Matter?, Wed 13 October, 5:30pm, 115 Pitt Street, Sydney.
- North Metropolitan:
  Practice Forum, Monday 11 October, 6pm, Mezzanine Level, Chatswood Club, 11 Help St, Chatswood
  Date for Diary – Christmas Function and AGM, Tuesday 23 November, Royal Sydney Yacht Squadron, Kirribilli
- St George Sutherland: Free MCLE Seminar: The Lawyers Guide to Sanity, Profitability & Wellbeing, 28 October, 9am.

Also see Rural, regional and remote vacancies.< SPAN>

SERVICES & SUPPORT

Introducing Buyers Domain to the Member Connexions Program

Buyers Domain is a leading residential property buyer's agency. Based in Sydney, Buyers Domain will help Law Society members find and purchase their new homes and investment properties.

To save time and eliminate stress from the property buying process, read more about Buyers Domain or call them today on 9568 6330.

Your invitation to stay at Dunk Island and Bedarra Island Resorts

Hideaway Resorts are celebrating their first year of owning Dunk Island and Bedarra Island Resorts by offering new specials to Law Society members. Receive discounts of up to 35% for all new holiday bookings between now and 31 March 2011.

Come and see for yourself their 'new and improved' island getaways...read more about Dunk and Bedarra, members only.