Monday Briefs | 18 October 2010 | Issue 303

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

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This week: Launch of 2011 NSW State Election Policy Platform, NSW Government releases draft bail laws and book your table for Annual Members Dinner.

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- Rule of Law in Australia Conference: The rule of law, the courts and constitutions, *6 November*
- Sports Law Seminar featuring the Hon. John Fahey AC, President, World Anti-Doping Agency (WADA), *9 November*
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NEWS

Law Society launches 2011 NSW State Election Policy Platform

The Law Society has launched its Policy Platform – 'Justice and Fairness' – for the 2011 NSW State Election.

The NSW State Election on 26 March 2011 provides a valuable opportunity to ask candidates about their intentions for policy-making and law reform in the next Parliamentary term. In our Policy Platform, the Law Society of NSW seeks a commitment from all parties to measures which we believe will increase justice and fairness in our legal system and in our community.

The Policy Platform proposes reform in four sections, with the aim of securing:

- Enhanced access to justice
- A balanced criminal justice system
- A fairer civil justice system
- Improved governance and legislation

Download the 2011 NSW State Election Policy Platform document.

NSW Government releases draft bail laws for public comment

The Government is inviting feedback on new draft bail laws along with 21 other recommendations outlined in a major review of the state's bail system.

The *Review of the Bail Act 1978* (NSW) and Bail Bill 2010 are available at www.lawlink.nsw.gov.au/clrd. Public submissions close on Wednesday 27 October.

Disciplinary Decision

- The Council of the Law Society of NSW v Frank Douglas Hammond [2010] NSWADT 244

Law Society Standing Committees 2011 – Invitation

Solicitors practising in New South Wales are invited to submit expressions of interest for membership of 2011 standing committees for one year from 1 January 2011.

View the eligibility criteria, the list of committees and expression of interest form.

Completed forms must reach the Society no later than close of business on 29 October 2010.

Specialist Accreditation Scheme – 2011 Program

Practitioners are invited to register their interest for the Specialist Accreditation Scheme's 2011 Program by completing an Expression of Interest form.

Eligible practitioners will be given the opportunity to seek accreditation in the areas of Business Law, Children's Law, Commercial Litigation, Criminal Law, Family Law, Government and Administrative Law (a new area), Property Law and Wills and Estate Law. Practitioners whose work is focused in one of these areas should not overlook the benefits of undertaking and gaining accreditation.

A candidate information kit (including application form and assessment requirements) will be available from November/December 2010.

Reminder – District Court Arbitrators' Panel 2011-2012

Nominations are invited for the District Court Arbitrators' Panel 2011-2012.

Practitioners interested in nomination or re-nomination to the Panel must read the Combined Guidelines for Law Society Nominations of NSW Supreme Court, District Court and Local Court Arbitrators and complete a District Court Arbitrators Expression of Interest form.

Applications must be received no later than 31 October 2010.

Out now: Law Society Diary 2011

The Law Society Diary for 2011 is now available for immediate purchase from the Law Society Shop online.

Each desk diary contains a comprehensive and reliable directory of firms and barristers, along with information on stamp duty, costs, courts, government agencies, and much more.

Court Updates

Change of fees in the Supreme Court (Civil Procedure) and Administrative Decisions Tribunal

New Regulations increasing fees commencing on 18 October 2010:

- Administrative Decisions Tribunal Amendment (Fees) Regulation 2010 (NSW)
- Civil Procedure Further Amendment (Fees) Regulation 2010 (NSW)

Change of certain Federal Court fees

New Regulations increasing fees commencing 1 November 2010:

- Federal Magistrates Amendment Regulations 2010 (No.2)
- High Court of Australia (Fees) Amendment Regulations 2010 (No. 2)
- Family Law Amendment Regulations 2010 (No 3)

Media

Law Society of NSW

- Message to State election candidates: 'Bail: A key area for law reform', *18 October*
- Pro Bono 'pro' wins award, *14 October*

NSW Attorney General

- A further 10 courts upgraded in NSW Supreme Court, *15 October*
- Help at court for victims of domestic violence in Dubbo, *14 October*
- New bail laws released for public comment, *13 October*
- Help at court for victims of domestic violence in Parramatta, *12 October*
- Strenthening victims' consultation in charge negotiations, *11 October*

Other

- 2010 Justice Awards, *14 October* (Law and Justice Foundation)
- Integrity Commissioner welcomes new jurisdiction, *13 October* (Aust Commission for Law Enforcement Integrity)
- Possession and Use of Narcotics and Cocaine, *13 October* (BOCSAR)
- Alcohol and Psycho-stimulant use, *13 October* (BOCSAR)
- Unchanged census results point to the need for continued radical change, *6 October* (HR & EO Commission)
- Consultation on Protection from Discrimination on the Basis of Sexual Orientation and Sex and/or Gender Identity, *5 October* (HR & EO Commission

LEGAL & POLICY

Proclamations

- Superannuation Legislation Amendment Act 2010 No 60: 8 October 2010 for many provisions.

Case Management – District Court of NSW

There have been some examples in recent times of solicitors being under-prepared when appearing at directions hearings. The Law Society's Litigation Law and Practice Committee has prepared an information sheet to assist practitioners.

Submissions

Law Society of NSW

- Business Regulation Benchmarking – Planning, Zoning and Development Assessment
- Appearances by non-practitioner advocates in the Land and Environment Court

Law Council of Australia

- Non-recourse lending to superannuation fund trustees, *8 October* (Law Council of Australia)

EDUCATION & EVENTS

Sports Law Seminar featuring the Hon. John Fahey AC, President, World Anti-Doping Agency (WADA)

Mary Macken, President of the Law Society of NSW, is hosting a half-day Sports Law Seminar on Tuesday 9 November 2010 at the State Library of NSW, Sydney.

'Sport, A Law Unto Itself' will look in detail at the current state of play in relation to sports governance, examining the modus operandi of organisations such as WADA, the Court of Arbitration of Sport and the International Olympic Committee.

The seminar, worth up to 3.5 CLE units, will run from 12pm to 4pm and will cost $120.

This is an event not to be missed for those involved, or interested in, the dynamic world of sports law.

View details and register for 'Sport, A Law Unto Itself'.

Book now: Law Society's Annual Members Dinner

Bookings for the Law Society's Annual Members Dinner on Thursday 28 October at the Art Gallery of NSW close on Wednesday 20 October.

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.

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. Enquiries: Pam Hall on 9926 0261 or email pam.hall@lawsociety.com.au.

NSW Young Lawyers CLEs

October CLE Seminars

- 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
- One Day CLE Seminar: Evidence Act, Sat 30, 9am

November CLE Seminars

- Cross Border Litigation in Australia, Wed 3, 5.30pm
- Labour Law Developments and Opportunities in Indonesia / Is the Term of Mutual Trust and Confidence Implied by

Australian Law?, Wed 10, 5.30pm

- Interlocutory Injunctions and Other Urgent Remedies in the Equity Division for Employment Lawyers / Trade Practices in Employment Law, Wed 17, 5.30pm
- Shareholder Agreements: Setting the Terms of a Business Relationship, Tues 23, 1.00pm
- The Rise and Rise of Green Companies: How to Bring That Company to Listing, Wed 24, 5.30pm
- The Three Cs: Communication, Conflicts and Costs, Tues 30, 1.00pm

CLE DVDs & Papers Available

- 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)
- Drafting International Arbitration Clauses and Observations on International Arbitration Legislation – Paper Only (MIS41)

The College of Law Seminars & Programs

- Supreme Court: The Essential Guide to Practice and Procedure, Tues 19 October, 9am to 4.30pm
- Succession Law Revisited, Tues 19 October, 4.30pm to 6pm
- The New Tax on Property Purchases, Wed 20 October, 9am to 10am
- Fundamentals of Intellectual Property, Thurs 21 October, 9am to 12.15pm
- Use of Email, Internet and Social Media in the Workplace, Thurs 21 October, 1pm to 2.15pm
- Update on Retirement Village Laws – 6 Months On, Thurs 21 October, 3pm to 5pm
- The ABC of Will Drafting, Fri 22 October, 9am to 12.30pm
- Check out our range of Web Conferences.

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.

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

Events

Event	Date and Location
Australian Association of Constitutional Law invites its members to a paper presented by Associate Professor James Stellios (Australian National University) entitled 'A Rethinking of the Separation of Powers'.	Wednesday 20 October, 5.30pm Court 18B, Federal Court Queens Square, Sydney
Law, Governance and Social Justice Series: An invitation to hear Rev Tim Costello on 'Rights and law and a whole lot more' – uses and abuses of law and governance in achieving social justice. Free but registration is essential via email to: sjp@unsw.edu.au by Monday 1 November.	Wednesday, 3 November, 5pm to 6.15pm, SMC Conference Centre 66 Goulburn St, Sydney
Rule of Law in Australia Conference: The rule of law, the courts and constitutions Speakers and chairpersons at the conference include: the Honourable J D Heydon AC; Chief Justice J J Spigelman AC; The Hon Justice P Brereton AM; The Right Honourable Lord Goldsmith QC PC; Nicholas Cowdery AM QC; Professor George Williams. The conference is organised by the NSW Bar Association in conjunction with the Rule of Law Institute of Australia. Enquiries Katie Hall 9229 1720.	Saturday, 6 November, 9am to 2pm Intercontinental, Sydney

REMINDERS

- The Diversity Debate organised by the Women Lawyers Association of NSW, Wed 20 October, 12.15pm, Union, University & Schools Club of Sydney, 25 Bent St, Sydney.
- ALPMA Summit 2010 – On The Edge, Fri 22 & Saturday 23 October, Star City, Sydney
- Anti-Discrimination Board Breakfast Seminars, Tues 26 October, 7am to 8.30am, Hyde Park Forum, Level 1, Hyde Park Inn, 271 Elizabeth St, Sydney
- Crime or Care? The Problem of Cause of Death and "Intention to Kill' in End-of-Life Care, Thurs 28 October, 2pm, Medical Foundation Building Auditorium, 92-94 Parramatta Road, Camperdown
- 2010 CLEAA Conference, Thurs 28 & Fri 29 October, Sydney
- STEP Address: The Interface Between Equitable Principles and Public Law by The Honourable Robert French AC, Chief Justice of Australia on Friday 29 October, 5.30pm, Banco Court, Supreme Court of NSW, Queen's Square, Sydney. Enquiries: Neil Wickenden on 9020 4000.
- 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 Ethics Seminar, Fri 22 October, 2pm to 5pm, Noahs on the Beach
- North Metropolitan: Dinner Meeting, Tues 26 October, 6.30pm, Chatswood Golf Club
- City of Sydney: Malingering as a Mental Disorder, 3 November, 5.30pm to 6.30pm, Level 3 Pitt St, Sydney

REMINDERS

- City of Sydney:

  Quality Systems, Wednesday 20 October, 5.30pm to 6.30pm, Level 3, 115 Pitt Street Sydney

  Cocktail Celebration, Friday 22 October, 5.30pm to 7pm, Downing Centre Local Court Complex Foyer

  HR Management, Wednesday 27 October, 5.30pm to 6.30pm, Level 3, 115 Pitt Street Sydney
- North Metropolitan:

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

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 (members only) or call them today on 9568 6330.

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Performance benchmarks & strategic advice for firms

Legal Business Monitor is an easy-to-use online application designed to help law practices improve their profitability. Features include:

- reporting on a range of factors affecting your firm's performance
- comprehensive salary and charge rate application
- web teleconference with an FMRC Legal consultant
- scenario modelling capability to conduct 'what if' analyses

The Legal Business Monitor is available to Law Society members at a discounted rate. For more information:

- View a brief video: Sam Coupland of FMRC describes the Legal Business Monitor (1.29 mins).
- Download the brochure.
- Visit the Legal Business Monitor website.