Monday Briefs | 1 November 2010 | Issue 305
A weekly update on regulatory changes, events and information relevant to the legal profession

Click here to view the online version.

This week: Law Society Council election results, new Law Society ADR fees and places still available for next week's Sports Seminar.

NEWS

- 2010 Law Society Council election results
- New Law Society Fees for Alternative Dispute Resolution
- 6th edition of *Costs Guidebook* now available free to members

Regular sections
Court updates, Appointments/Vacancies, Media

LEGAL & POLICY

- Assents – various
- Local Court Rules (Amendment No 2) 2010
- Submissions – Law Council: Response to the Exposure Draft on Letters of Engagement

EDUCATION & EVENTS

Professional Development
- NSW Young Lawyers CLEs & DVDs
- The College of Law Seminars & Programs
- Last Conveyancing Day Course for 2010

Events
- Sports Law Seminar featuring the Hon. John Fahey AC, President, World Anti-Doping Agency (WADA), 9 November
- Women Lawyers Association of NSW Golden Girls Annual Lunch, *12 November*
- NSW Young Lawyers Annual Assembly Conference, *13 & 14 November*
- The University of Western Sydney Law Alumni Annual Dinner, *19 November*
- Monash University presents 'Through the Looking Glass' – National Engagement with International and Foreign Law and Governance.*1-3 December*
- Regional Law Societies new listings: City of Sydney, Newcastle

SERVICES & SUPPORT

- Free Fridays in November with Fitness First
- Law Society of NSW Gold Credit Card – Apply now and get 10,000 bonus points

---

NEWS

2010 Law Society Council election results

The following members were declared elected as Councillors of The Law Society of New South Wales by the Secretary, in accordance with clause 8.3.7 of the Articles of Association of The Law Society of New South Wales, at the Annual General Meeting held on Thursday 28 October 2010.

Three year terms:

- Country Councillor — Pauline WRIGHT
- Suburban Councillor — Theo TSAVDARIDIS
- Large Firm Councillor — Joseph CATANZARITI
- Corporate Councillor — Alexandra ROSE
- Councillor — Darryl BROWNE
- Councillor — Alan McMURRAN

Pouyan Afshar Mazandaran was appointed as the Young Lawyer Councillor for a term of 1 year in accordance with clause 8.1.8 of the Articles.

The voting results were as follows:

CATANZARITI Joseph	LARGE FIRM COUNCILLOR	1393
WRIGHT Pauline	COUNTRY COUNCILLOR	1316
BROWNE Darryl	ORDINARY COUNCILLOR	1103
McMURRAN Alan	ORDINARY COUNCILLOR	1085
TSAVDARIDIS Theo	SUBURBAN COUNCILLOR	1070
O'DONNELL Kim		1021
ROSE Alexandra	CORPORATE COUNCILLOR	972
BOYD Charlotte		856
WARTON Mark		850
DE GOVRIK Anthony		780
LINKENBAGH Maria		684
DOWNES Jon		382

New Law Society Fees for Alternative Dispute Resolution

The Law Society is introducing an administration fee for the processing of applications for the nomination or appointment of alternative dispute resolution practitioners. The existing fee for the Law Society Mediation Program will also be amended accordingly. The fees will commence on 1 January 2011.

View the new fees.

6th edition of ***Costs Guidebook*** now available free to members

The Law Society is pleased to announce the release of the latest edition of the Costs Guidebook (6th Ed).

The Guidebook is produced by the Costs Working Group and has been updated regularly since its introduction in 1994, incorporating feedback from practitioners.

The Guidebook is available online as a free service for Law Society members only. View the online Costs Guidebook 6th Edition.

Hard copies may be purchased from the Law Society Shop ($40 for members; $50 for non-members).

Appointments/Vacancies

Inaugural FOI Commissioner

Dr James Popple has been appointed Australia's first Freedom of Information Commissioner effective Monday 1 November. Dr Popple's previous role was as First Assistant Secretary of the Civil Law Division of the Commonwealth Attorney-General's Department.

Privacy Commissioner

The Honourable John Hatzistergos, MLC, Attorney General, is seeking expressions of interest for appointment as part-time Privacy Commissioner, for a fixed term of up to five years that may be renewed.

Further details and selection criteria. Applications close on Monday 8 November.

Court updates

Changes to Administrative Appeals Tribunal Fees (Federal)

Changes have been made to the way in which the AAT deals with fee exemptions, waivers and refunds. The changes apply to all applications lodged in the Tribunal from Monday, 1 November 2010. The changes have been implemented by amendments to the *Administrative Appeals Tribunal Regulations 1976*.

Read the Fact Sheet.

Family Law Courts

- New fees and guidelines
- Court Fees as of 1 Nov 10
- Registry hours Dec - Jan 11

Family Law Courts Christmas Party

A reminder that the Family Law Courts Christmas Party will be held on Friday 3 December from 5.30pm. For See further information and RSVP.

Amendment to ***Administrative Decisions Tribunal Regulation 2009*** (NSW)

On 18 October 2010 the *Administrative Decisions Tribunal Regulation* 2009 was amended to increase the fees payable in respect of proceedings before the Tribunal. View the fee schedule.

Media

Law Society of NSW

- ABC Radio news, Friday 29 October – Chief Justice of Australia Robert French calls for ongoing debate about the fees lawyers charge. Speaking at the NSW Law Society Annual Dinner on Thursday 28 October, the Chief Justice said legal fees were now too high.
- Lawyers Weekly, Thursday 28 October – C J French outs billable hours

Other

- ICAC investigations up 186% in 2009-10, *28 October*
- Sweeping campaign finance reform laws - Australian first, (NSW Premier), *28 October*
- Circle Sentencing begins in Moree, (NSW Att Gen), *27 October*
- Report on death of unborn child laws, (NSW Att Gen), *27 October*
- Fees for Freedom of Information requests to be slashed, (Fed Govt), *27 October*
- Introduction of legislation to ban cluster munitions, (Fed Att Gen), *27 October*
- The Public Defenders Criminal Law Conference 2011
- BOCSAR report: NSW Criminal Courts Statistics 2009, *25 October*
- BOCSAR report:Change in offence seriousness by juvenile offenders, *25 October*
- New laws provide equality for children born through surrogacy, (NSW Att Gen), *22 October*

LEGAL & POLICY

Assents

- Coastal Protection and Other Legislation Amendment Act 2010 No 78; Assent 27 October 2010.
- Community Justice Centres Amendment Act 2010 No 79; Assent 27 October 2010.
- Ombudsman Amendment (Removal of Legal Professional Privilege) Act 2010 No 80; Assent 27 October 2010.
- Classification (Publication, Films and Computer Games) Enforcement Amendment Act 2010 No 74; Assent 25 October 2010.
- Constitution Amendment (Recognition of Aboriginal People) Act 2010 No 75; Assent 25 October 2010.
- Industrial Relations Advisory Council Act 2010 No 76; Assent 25 October 2010.
- National Parks and Wildlife Amendment (Adjustment of Areas) Act 2010 No 77; Assent 25 October 2010.

Local Court Rules (Amendment No 2) 2010

The Local Court Rules (Amendment No 2) 2010 include additional methods by which service of originating and other documents may be effected.

Submissions

Law Council of Australia

- Response to the Exposure Draft on Letters of Engagement, *26 October*

EDUCATION & EVENTS

NSW Young Lawyers Annual Assembly Conference

The NSW Young Lawyers 2010 Annual Assembly Conference will take place at the Hilton Hotel in Sydney on 13 and 14 November 2010.

The program for the Conference is not only exciting, innovative and informative, you will also be able to earn three CLE units for attending. Three sessions on mandatory CLE subjects have been organised:

- Public Interest Litigation and Discrimination - Edward Santo, CEO, PIAC
- Advocacy, Law and Lawyers - The Hon. Justice Anna Katzmann, Federal Court of Australia
- Hypotheticals and Ethics - Steve Mark, Legal Services Commissioner of NSW

In addition to our excellent seminar speakers, there will be presentations by the 2010 NSW Young Lawyers Patron, the Hon. Justice Bergin and the incoming President of the Law Society of NSW. NSW Young Lawyers will also present their three-year plan and hold their 2010 Elections.

Read more and register for the Annual Assembly Conference & Gala Dinner.

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.

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

NSW Young Lawyers CLEs

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

December CLE Seminars

- Mandatory Rule 176 E, Wed 1, 1pm
- Mandatory Energy Disclosure / 'Green' Buildings and Leases, Thurs 2, 1pm
- Totani and the Hells Angels: Pushing the Envelope, Extraordinary Measures Against Ordinary Crime, Mon 6, 1pm
- Directions Hearings: Bomb Disposal Technique, Tues 7, 1pm
- Ethics for Litigators: Rule 42 Professional Conduct and Practice Rules, Wed 8, 1pm
- Overview of Trust Money and Trust Records, Thurs 9, 1pm

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

- Leasing: Retail, Commercial and Residential Tenancies, Friday 5 November, 9am to 12.30pm
- Coronial Inquests, Tuesday 9 November, 9am-12.15pm
- Fraud – the Unmanaged Risk for Practices,Tuesday 9 November, 1pm-2pm
- Check out our range of November Web Conferences (Family, Criminal, Property)
- Information about our popular Interactive Online Seminars

Legal Practice Management Courses 2010

Unrestricted Practising Certificate Sole Practitioners Course – Saturday 4, Friday 10 and Saturday 11 December.

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

Last Conveyancing Day Course for 2010

The Law Society's popular two-day Conveyancing Day Course will be held over 8 and 9 November. The Course is led by a specialist solicitor and is aimed at giving support staff the skills to confidently assist with conveyancing procedures. Topics covered include: preparing a contract, exchange, pre and post settlement procedures, searches, mortgages, settlement calculations and leases.

View the course information sheet and enrol or email onlinetraining@lawsociety.com.au.

Events

Event	Date and Location
Women Lawyers Association of NSW Golden Girls Annual Lunch. This 'high tea' lunch is an opportunity for our retired colleagues and Life Members to reconnect and meet some of our founding and pioneering women. Cost $25pp. RSVP with payment by 10 November.	Friday 12 November, 12:30pm to 2pm Union, University & Schools Club of Sydney, 25 Bent Street, Sydney.
The University of Western Sydney Law Alumni Annual Dinner (black tie) with the occasional address delivered by the Hon. Justice Peter McClellan, Chief Judge at Common Law, NSW Supreme Court. Tickets $125pp can be purchased via IPAY through the secure UWS website. Enquiries: Ph. 9852 5454.	Friday 19 November, 7pm Hilton Hotel State Room 488 George St, Sydney

Monash University presents 'Through the Looking Glass' – National Engagement with International and Foreign Law and Governance. Members of the legal profession are invited to attend a free address by the keynote speaker: The Hon Patrick Anthony Keane Chief Justice of the Federal Court of Australia	1 to 3 December Novotel Manly Pacific Hotel, Sydney Friday 3 December, 9.15am Court Room 1, Level 21 Federal Court, Sydney

REMINDERS

- Department of Foreign Affairs and Trade (DFAT) stakeholder consultations: Trans-Pacific Partnership Agreement negotiations, Thailand-Australia FTA (TAFTA) in-built agenda negotiations, Singapore-Australia FTA (SAFTA), Mon 8 November, 9.30am to11.30am (Public), DFAT NSW State Office, Level 10 Angel Place,123 Pitt Street, Sydney. RSVP by Tues 2 November by faxing 9357 4651 or emailing sharyn.wood@dfat.gov.au.
- Law, Governance and Social Justice Series: An invitation to hear Rev Tim Costello on 'Rights and law and a whole lot more', Wednesday, 3 November, 5pm to 6.15pm, SMC Conference Centre, 66 Goulburn St, Sydney. Register by 1 Nov to sjp@unsw.edu.au.
- Rule of Law in Australia Conference: The rule of law, the courts and constitutions, Saturday, 6 November, 9am to 2pm, InterContinental, Sydney
- NSW Civil Liberties Council presents the Annual John Marsden Memorial Lecture, Tues 9 November, 6.30pm, Grand Lodge Room, Sydney Masonic Centre
- 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
- The Federal Magistrates Court (General Federal Law) Sydney Employment Law User Group Meeting, Wed 17 November, 4.30pm, Level 5, John Maddison Tower, 88 Goulburn St, Sydney. Enquiries: Ph 9230 8264. RSVP agenda items by Friday 12 November to nswevents@fedcourt.gov.au.
- Commercial Law Association Seminars, Fri 19 November, Dixson Room, NSW State Library

  Class actions: recent developments and future trends, 9am to 12.30pm

  Commercial-in-confidence - a pious hope? Limits on protecting confidential information for business in the age of the whistleblower, 12.45pm to 2pm

Regional events and CLEs

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

NEW LISTINGS

- City of Sydney: AGM & Annual Dinner, Wednesday 10 November, 5.30pm, Castlereagh Boutique Hotel
- Newcastle: Conveyancing Seminar, Friday 12 November, 2pm to 5pm, Newcastle Room, City Hall, King Street

REMINDERS

- North Metropolitan: Date for Diary – Christmas Function and AGM, Tuesday 23 November, Royal Sydney Yacht Squadron, Kirribilli
- City of Sydney: Malingering as a Mental Disorder, 3 November, 5.30pm to 6.30pm, Level 3 Pitt St, Sydney

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

SERVICES & SUPPORT

Free Fridays in November with Fitness First

To help you get fit for summer, Fitness First is offering Law Society members FREE Fridays in the month of November. Download your pass.

Law Society members also receive 15% off standard membership rates. This includes Pay-As-You-Go or Annual Membership options.

With more than 45 clubs, 2500 group fitness classes per week and 900 personal trainers across NSW it has never been easier to get fit and lead a healthy lifestyle.

Offer valid for Law Society members and their immediate family members. Read more about Fitness First, for Law Society members.

Law Society of NSW Gold Credit Card – Apply now and get 10,000 bonus points

Apply for a Law Society of NSW Gold Credit Card now through the Law Society of NSW website, and we'll reward you with 10,000 Membership Rewards or Qantas Frequent Flyer points! Just spend at least $500 on your Card in the first two months after being approved and the points are yours.

Apply online or you can download the PDF application form.

- No annual Card fee – save $70 p.a
- No Supplementary Card fee – save $20 p.a. per Card
- Complimentary enrolment in Membership Rewards Ascent or Qantas Direct – save $80 p.a.
- Equals up to $170 added value.

Read more about the Law Society of NSW Gold Credit Card, for members only.