Monday Briefs | 14 March 2011 | Issue 320
A weekly update on regulatory changes, events and information relevant to the legal profession.

MONDAY BRIEFS

THE LAW SOCIETY OF NEW SOUTH WALES

This week: President's Charity Trivia Night; seminars for corporate lawyers; Family Law amendment; Workers Compensation info.

Click here to view the online version
Previous issues

Message from the President, Stuart Westgarth

The NSW media is increasingly giving attention to the policies of the political parties in the lead up to the State Election on 26 March 2011. Some of the Law Society's proposals have received favourable media attention, including our call for a commitment from all parties to provide funding to reduce delays and backlogs in DNA analysis. One issue which has not received adequate media attention is the Law Society's call to restore to existing legislation the right of parties appearing in tribunal proceedings to choose to be represented by a lawyer without the need to seek leave or permission beforehand.

The Coalition has responded by agreeing to review the issue of legal representation at tribunals under the Consumer, Trader and Tenancy Tribunal Act and the Guardianship Act as well as under the Environmental Planning and Assessment Act.

The Labor Party agrees with the Law Society that in many instances legal representation can assist individual parties and help the courts but adds that it is appropriate in some tribunals that there be limitations on the extent to which legal representatives can participate. After the Election I will be pursuing this issue further with whichever party forms Government.

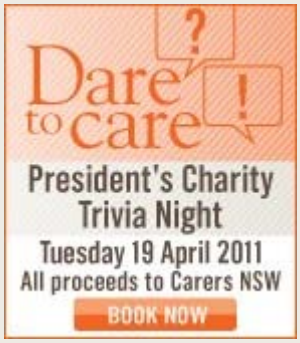
NEWS

> Family Law Amendment Rules 2011 (No 1)
Changes to the Family Law Amendment Rules 2011 (No 1) on 1 Mar 2011 have affected the following forms and publications: Consent Orders Kit (no. of copies), User Guide to eFiling Divorce Applications (timing), User Guide to eFiling Initiating Applications (timing). See the Family Law Courts website for updated forms and publications and Austlii for the amendments.

> Corporate Lawyers Seminar: Risking It All
The Law Society's Corporate Lawyers Committee will host a complimentary ethics seminar for corporate lawyers on 29 Mar from 5.30pm. See the event listing.

> Reminder: Court Presentation for Legal Practitioners
This popular presentation, held on 1 Mar at the Supreme Court, is available to view online.

> Workers Compensation Permanent Impairment Claims and Quality Assurance
The Law Society's Injury Compensation Committee has prepared information to help practitioners respond to quality assurance issues regarding workers compensation medico-legal



Dare to care: The President's Charity Trivia Night
Brush up on your general knowledge and sign up for the President's Charity Trivia Night. Hosted by comedian Rob McHugh, it's sure to be a fun-filled event. All proceeds raised will be donated to the 2011 President's

reports. Read more.

> Reminder: Department of Immigration and Citizenship's NSW Client Reference Group (CRG)
The next meeting of the CRG is 18 March. Practitioners are invited to a preliminary meeting on 15 March, 5.30pm, Level 18 Australia Square, to discuss issues to be raised. RSVP by COB 14 Mar to Sonya Scott: (02) 8247 8247 or sscott@malyonlaw.com. If unable to attend, but you wish to have a matter raised, email details to info@malyonlaw.com or call Katie Malyon (02) 8247 8247.

> Specialist Accreditation 2011/2012 – Reaccreditation
Specialists are reminded that completed renewal forms and accompanying documentation must be returned by 1 Apr 2011. Blank forms are available here.

> Judicial retirement
The Honourable Justice Tobias AM RFD will retire as a Judge of the Appeal of the Supreme Court of NSW on 25 Mar 2011. A formal ceremony will be held in the Banco Court, Supreme Court of NSW, 25 March, 9.30am.

> Mock Trial Competition seeking volunteers
Volunteering as an acting Magistrate for Mock Trial is a great way to become involved with your community while helping high school students learn about the legal system. For more information, or to register your interest, email amanda.baysari@lawsociety.com.au.

> NSW Law Reports
NSWLR Volume 76, Part 3 is now available to online and print subscribers. For a list of cases in the part, and other NSWLR parts and volumes, go to www.nswlr.com.au/reports

Charity, Carers NSW. Read more and book your tickets.

The following Precedents suites have been updated:
> Leases
> Family Law
> Federal Court Forms
> Personal Injury
> Bankruptcy & Insolvency
> Wills & Power of Attorney
> Conveyancing
> Estates

Updates available from the Precedents website.

Media Updates

4 Mar	Legal reforms bring Australian and New Zealand courts closer together (Fed Attorn Gen.)
4 Mar	New national register for domestic and family violence orders (Fed Attorn Gen.)
4 Mar	Communique – Standing Committee of Attorneys-General (Fed Attorn Gen.)
9 Mar	GPS tracking plan for violent offenders, (SMH)
11 Mar	Countdown to March 26 Election: Urgent need for review of rural and regional court services (Law Society NSW)

LEGAL & POLICY

High Court Judgments

> Leonilda Marcolongo v Yu Po Chen & Anor [2011] HCA 3
Catchwords: real property – conveyancing – s 37A Conveyancing Act 1919 (NSW) – voluntary alienation to defraud creditors

> Hogan v Hinch [2011] HCA 4
Catchwords: Constitutional law – Chapter III of the Constitution – suppression orders – Serious Sex Offenders Monitoring Act 2005 (VIC)

Proclamations of commencement

> Courts and Crimes Legislation Further Amendment Act 2010 No 135: 4 March 2011 and 1 April 2011 for some provisions.
> Crimes (Sentencing Procedure) Amendment Act 2010 No 136: 14 March 2011 for uncommenced provisions.
> James Hardie Former Subsidiaries (Winding up and Administration) Amendment Act 2009 No 116: 3

March 2011 for uncommenced provisions.
> Protected Disclosures Amendment (Public Interest Disclosures) Act 2010 No 84: 3 March 2011 and1 July 2011 for some provisions and 1 January 2012 for remaining provisions.
> Superannuation Legislation Amendment (Family Law) Act 2003 No 77: 3 March 2011 for some provisions.
> Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010 No 8: 3 March 2011 for uncommenced provisions.
> Water Management Amendment Act 2008 No 73: 1 April 2011 for some provisions.
> Water Management Amendment Act 2010 No 133: 4 April 2011 for some provisions.

Submissions – Law Society
> Affordable Rental Housing SEPP Review

Submissions – Law Council of Australia
> Consultation on the Criminal Justice Response to Slavery and People Trafficking; Reparation and Vulnerable Witness Protections

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PROFESSIONAL DEVELOPMENT

Specialist Accreditation
In 2011 eligible practitioners can gain accreditation in Business Law, Children's Law, Commercial Litigation, Criminal Law, Family Law, Government & Adminstrative Law and Wills & Estates Law. Apply for Specialist Accreditation in 2011. Read more about the benefits of accreditation. Applications will remain open until 15 Apr 2011.

NSW Young Lawyers CLE
One Day Seminars
Earn up to three quarters of your annual CLE points. Remaining One Day Seminars include Family Law and Property Law. Read more & register.

Seminars

March		April	
16	Sentencing for Serious Traffic Offences	6	Introduction to Australian Covered Bonds
22	Ethics for Litigators: Rule 42 Professional Conduct and Practice Rules	19	Improving Your Pleadings and Avoiding Strike-out Applications
23	Water Law & Contaminated Land Management	20	Significant Developments in Sentencing Law
30	The Three Cs: Communication, Conflicts and Costs	27	Kirk – One Year On
31	Pets and Family Law		

College of Law
Seminars and webconferences

March			
15	The Essential Guide to Challenging a Will	17	A Guide to Practice and Procedure in the District and Local Court
15	Sentencing in the Local Court – An Update	17	The Annual Allens Arthur Robinson Intellectual Property Law Fest
16	Webconference: ASIC Update	17	Disruption of Retail Trading: Is there a Compensatory Recourse
16	Commercial Negotiation Strategies for Lawyers	18	Preparing Effective Affidavits
16	Personal Property Securities Law	21	Environment and Planning Law Reform for Property Lawyers
17	Webconference: Motor Accidents Compensation	21	Slip & Fall Cases & Other Accidents – Your Guide to Occupier's Liability

Practice Management Courses

Unrestricted Practising Certificate – Corporate and Government Practice Management Course, 13, 14 and 20 May. Enrol now.

Office and legal training

New Family Law Procedures course

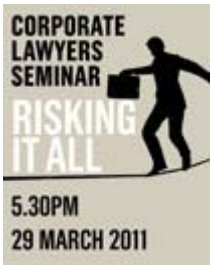
A one day Family Law Procedures course for legal support staff will be held on 5 May. Subjects include the Family Court system, divorce, parenting matters, subpoenas, costs, child support, dealing with emotional clients and more. Read more about the Family Law course and enrol.

Evening Course for Legal Secretaries

The next 12-week Evening Course begins on 2 May. The course runs two nights a week and covers major areas of law such as litigation, commercial law, conveyancing, family law and more. Individual modules are available. Read more about the Evening Course and enrol.

EVENTS

Law Society events



Corporate Lawyers Seminar: Risking It All

Tues 29 Mar

Learn how to handle a crisis situation, including internal investigations, the role of general counsel and managing the fall-out.

Financial Review Legal Conference 2011

Thurs 31 Mar

Proudly sponsored by The Law Society, providing an opportunity for members to attend at the discounted price of $825 incl GST.

Regional law societies

New listings:

> Liverpool & Fairfield Law Society: Forum Sentencing Update, 22 Mar, Liverpool Library
> Eastern Suburbs Law Society: March Dinner Seminar & AGM, 23 Mar, Eastern Suburbs Leagues Club
> North Metropolitan Law Society: March Dinner Meeting, 29 Mar, Chatswood Golf Club

See the Law Society's online CLE & Events Calendar for all current regional events.

The legal community

Breaking Australia's Silence: Wikileaks and Freedom, 16 Mar, Sydney Town Hall. Free public forum featuring Mary Kostakidis, John Pilger, Julian Burnside AO QC and Andrew Wilkie MP.

Recognition of Indigenous People in the Constitution – What will it take to bring about change?, 17 Mar, University of NSW. Panel discussion with experts in the field.

The state of human rights for lesbians, gays, bisexuals and transgender people around the world, 21 Mar, Sydney Law School. Free seminar presented by the Social Justice Program and the Sydney Centre for International Law.

Ethical Underpinnings of Business Law, 7 Apr, University of Technology, Sydney. Annual Lawyers and Ethics Eminent Speaker Lecture featuring The Hon. Kevin Lindgren QC.

Lawyers Outback Journey, 24 Apr – 1 May, Marree, South Australia. Tour to the Arabunna

Aboriginal community organised by Diverse Travel Australia.

To view upcoming events listed in previous editions of Monday Briefs, visit the Law Society's Events for the legal community web page.
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