Monday Briefs | 12 September 2011 | Issue 345
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: National Legal Professional Reform update; Family Court notice; Expressions of Interest for Law Society committees.

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Previous issues

National Legal Profession Reform

On Friday, revised draft legislation was released for national regulation of the legal profession following discussions between the Attorneys General of the Commonwealth, New South Wales, Victoria, Queensland and the Northern Territory. It appears as if the project is progressing notwithstanding the decision of the other States and the ACT not to commit. I, together with senior regulatory and policy solicitors at the Law Society, am reviewing the legislation which contains a number of amendments made since the previous draft was released in December 2010. We will be looking particularly closely at amendments in the key areas of legal costs and the role of the Law Society in regulation. Information on the reforms is available on the Law Society website.

Nominations for the Law Society's Presidents Medal close on 30 September 2011. The nominations will be considered by a selection panel which I will convene after the close of nominations. The successful candidate will be presented with the medal at the Law Society's Annual Members Dinner to be held at the Art Gallery of NSW on Thursday 27 October 2011.

Stuart Westgarth, President 2011

NEWS

> National Legal Profession Reform information available
The Law Society website has been updated with new information on the National Legal Profession Reform following the release of revised draft legislation on Friday. Information is available on the process, the draft National Law, Attorney-General's media release and a summary report on key issues and amendments.

> Family Court of Australia notice
The Family Court of Australia has issued a notice to Practitioners on the protocol for communicating with chambers.

> Expressions of Interest: 2012 Law Society Standing Committees
Solicitors practising in New South Wales are invited to submit expressions of interest for membership of 2012 standing committees. Further information and the expression of interest

Specialist Accreditation 2012 Program
Become accredited in:
> Business and Personal Taxation Law

forms. Please submit forms by 28 October 2011 by mail, fax or email (using the interactive form). For enquiries email marcelle.drinkwater@lawsociety.com.au.

> Commonwealth Courts Portal information

The Family Law Court issued a notice on Commonwealth Courts Portal information sessions in October. These will be held in the Sydney, Parramatta and Newcastle Family Law Courts Registries.

> Deputy Director of Public Prosecutions position available

The Honourable Greg Smith SC MP, Attorney General, is seeking expressions of interest from qualified persons for appointment as a Deputy Director of Public Prosecutions under the Director of Public Prosecutions Act 1986 for a fixed term that may be renewed. Further information on this position.

> Law Society Precedents Updates

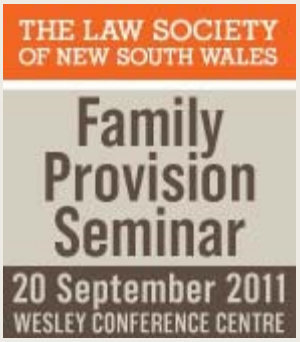
The following Law Society Precedents have been updated:

- Conveyancing – Purchaser
- Conveyancing – Vendor
- Estate
- Family Law
- Federal Court Forms
- Lease
- Personal Injury – Victims Compensation
- Personal Injury – Workers Compensation
- Wills.

See more info. and download the updates, or contact the Precedents Administrator on (02) 9926 0278.

> Employment and Industrial Law
> Government and Administrative Law
> Immigration Law
> Local Government and Planning Law
> Personal Injury

Applications open until 16 April 2012.



Family Provision Seminar

20 September, 4.30pm

This Seminar will focus on improving practice and procedure in relation to Family Provision applications. Further details.

> Expressions of Interest: 2012 Specialist Accreditation advisory committees

The Law Society invites Expressions of Interest for the Specialist Accreditation advisory committees. Committee members assist in the governance, policy development and business strategy of the Scheme and contribute to the development of a specific area of practice. Please complete the form and submit by COB 28 October 2011. For enquiries email anita.khosla@lawsociety.com.au.

> The Honourable John Spencer Purdy 1935 – 2011

Last Friday a memorial service was held for The Hon John Purdy. The Law Society would like to express its condolences to his family and friends. John joined the Law Society in the late 1970s and was appointed CEO in 1980. He displayed a powerful intellect, was highly regarded by the Presidents under whom he served and was committed to the work of the Law Society. John left the Law Society to become a Judge of the Family court. He was revered and respected throughout his career.

> Diary note: 2011 Annual Members Dinner

The President, Stuart Westgarth and the Council of The Law Society of New South Wales invite you to the 2011 Annual Members Dinner on 27 October in Sydney. Join us in acknowledgement of the contributions of solicitors and celebrate the achievements of long-standing members with guest speaker The Hon. Greg Smith SC MP. Further details will be provided in the coming weeks or queries can be directed to Lauren Hann at events2011@lawsociety.com.au.

> New CLE Podcasts available

My CLE Library gives you the opportunity to view CLE Podcasts immediately following purchase from any computer at any time. New Podcast titles include *Insolvency Litigation Fundamentals* and *Who would be a Director?*

> Temporary Court closure, Waverley

The Court House at Waverley will close temporarily for renovations. The last day of sittings will be 23

September 2011, with an estimated period for closure of 22 weeks. The Court's work will be diverted to both the Downing Centre Local Court (Level 5 for Civil Debt recovery) and Central Local Court.

> Legally Assisted Family Dispute Resolution survey
Following the recent release of the national Collaborative Practice Guidelines by the Law Council of Australia, the Family Law Pathways Network has commissioned a study on the use of different settlement and resolution options in family law and to ascertain the needs of practitioners. Practitioners are encouraged to complete the questionnaire by 23 September.

> Department of Immigration and Citizenship's NSW CRG meeting
Practitioners are invited to attend 20 September, 5.30pm, Level 18, Australia Square, to discuss issues to be raised at the next Client Reference Group (CRG) meeting. RSVP by COB 19 September to Sonya Scott (02) 8247 8247 or sscott@malyonlaw.com. If you are unable to attend but wish to have a matter raised, email details to info@malyonlaw.com.

> Legal Aid NSW - updated website
Legal Aid NSW has launched a new website with a strong emphasis on accessibility, particularly around the use of plain English.

Media Updates - September 2011

02 Free NSW Legal Help Service Celebrates 10th Birthday (NSW Att. Gen)
04 New national security awareness campaign (Federal Att. Gen)
06 NSW to expand court network and reduce recidivism (NSW Att. Gen)
06 Law Society of NSW welcomes State Government Budget (Law Society)
09 National Legal Profession one step closer (Federal Att. Gen)

FOLLOW US

LEGAL & POLICY

High Court Judgments

> Jemena Asset Management (3) Pty Ltd v Coinvest Limited [2011] HCA 33 (7 September 2011) Catchwords: alter, impair or detract from - direct inconsistency - indirect inconsistency.

> Momcilovic v The Queen [2011] HCA 34 (8 September 2011)
Catchwords: declaration - diversity jurisdiction - evidential onus - incompatibility - institutional integrity - interpret - legal onus - legislative intention - matter - possession - possession for sale - resident of a State - right to be presumed innocent.

Assents

> Australian Jockey and Sydney Turf Clubs Merger Amendment Act 2011 No 30; Assent 1 September 2011.
> Gaming Machine Tax Amendment Act 2011 No 31 ; Assent 1 September 2011.
> Restart NSW Fund Act 2011 No 32; Assent September 2011.

Submissions - Law Council of Australia

> Refund of Excess Concessional Contributions

PROFESSIONAL DEVELOPMENT

Links to:

Young Lawyers CLE

Seminars

September
13 Manage your law practice and make a profit
14 Mediating and Arbitrating in NSW

27 Personal Property Securities (PPS) – how will this affect you and your clients?
28 Probate and Administration Applications and Strategies in Estate Litigation

Location: Level 3, 170 Phillip St, Sydney. Contact 99260270 or email ylgeneral@lawsociety.com.au.

One day Advocacy Seminar
Don't miss your last chance to register for the 2011 Annual One Day CLE Seminar on Advocacy, 17 September in Sydney as places are filling fast.

College of Law

Seminars

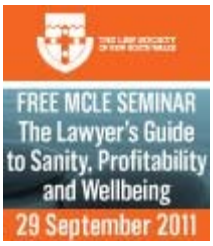
September
14 Fundamentals of Commonwealth Criminal Law
15 The Art of Letter Writing and Advices
15 Current Developments in Insolvency
16 The Essential Guide to Family Law Practice and Procedure

Centre for Best Practice: Sole Practitioners Course
23, 24 and 30 September

Negotiation Skills Audit Certificate Program
4, 5, 25 and 26 November

EVENTS

Law Society events



Lawyer's Guide to Sanity, Profitability & Wellbeing
29 September
A free one-day MCLE seminar on health and wellbeing in Sydney.

Further information.

Luncheon Welcoming the New DPP
13 October
The Law Society invites practitioners to this luncheon to welcome the new Director of Public Prosecutions, Mr Lloyd Babb SC.

Advocacy & Ethics Mediation Workshop, 16 September, A half day workshop presented by the Law Society and LEADR.

DNA Evidence Seminar, 22 September, His Honour Judge Andrew Haesler SC will focus on the use of DNA evidence in the Local Court.

Regional law societies

New listings:
> Newcastle Law Society: Sexual Offence Allegations and Realities, 16 Sep, City Hall,

Newcastle.
> North Metropolitan Law Society: September Dinner Meeting, 20 Sep, Chatswood Golf Club.

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

The legal community

'Insult and Emotion, Calumny and Invective': The Constitutional Protection of Incivility in Political Communication in New South Wales. Australian Association of Constitutional Law members seminar, 14 September, Sydney

Bribery & Corruption in Trusts and Estates, The Society of Trust and Estate Practitioners (STEP), 28 September, Sydney. Ph: 9020 4000.

Embarking upon a convention case, NSW branch of the Aviation Law Association of Australia & New Zealand, 6 October, Sydney. Ph: 9264 4244

Diploma Course in International Commercial Arbitration, Chartered Institute of Arbitrators (Australia) Limited, 8-16 October 2011, Sydney. Ph: 9230 0677

Also see the Law Society website for current events previously listed in Monday Briefs.

SERVICES & SUPPORT

Save on IT with PowerBuy

PowerBuy brings you great discounts on the latest IT products. Subscribe to PowerBuy's monthly IT newsletter and take advantage of these savings: save $100 on Apple MacBook laptops; Save $150 on a 14" Lenovo Laptop; and save 12% on a Lenovo E320 laptop. View all Business offers and Home Office offers^.

Register now for the online course, 22 Sept, and learn tips to keep your IT equipment up to date, increase network speed and select the most efficient and cost-effective products for your business.

^Coupon terms and conditions apply for all offers. See www.powerbuy.com.au for details. Offers end 30 September 2011.

Join MBF and spring into action with Puma Gear*

Join the Law Society of NSW corporate health plan today and receive up to $300 worth of Puma gear. Claim immediately on most extras, including optical, general dental, physiotherapy and chiropractic. Offer ends 30 September 2011.

Visit www.mbf.com.au/corplogin (login with user name: lawsociety and password: healthplan).

*Terms and conditions apply.

Discounted advertisement rate for members on Seek

Place an ad on Seek today and receive a discounted Law Society rate of only $162 (plus GST).

Seek gives you access to over 4500 legal jobs in Australia. Further information on this member offer.

Counselling services for solicitors

The Law Society provides confidential, free counselling services:

> The Lawyers Assistance Program (LAP) is available to any solicitor experiencing practice management issues. Call 1800 777 662 or visit www.lap.com.au.

> The Members Assistance Program (MAP) is a service for Law Society members and their families. Call 1300 360 364 or visit www.davcorp.com.au.

Quick links | Young Lawyers | Seek Legal Jobs | Precedents | Member Connexions

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