

The YL Office will be **CLOSED** during the Olympics

debrief

VISIT OUR WEB SITE: www.lawsocnsw.asn.au/yl/

A Fresh
Perspective



Time for a face-lift

Our tired, but hard working, web site has recently had a face lift. We have even changed the old, dull YL logo. Take a peek at www.lawsocnsw.asn.au/yl/ and see what you think.

While you are at our web site take the time to have a quick surf around. Hopefully the new format will make it easier to find information about careers, committees, upcoming events and some useful links.

Law Society Elections 2000

The Law Society Council is comprised of 21 solicitors who nominally represent the 15,000 members of the NSW profession. There are seven vacancies in the up-coming election and you will shortly receive ballots in the mail.

Firstly, I would encourage you to vote. There are two former NSWYL candidates currently on Law Society Council. In 1998 former President of NSWYL, Michael Antrum was elected. In last year's elections, Shauna Jarret was successful. Both were active members of NSWYL for many years and their presence has increased the representation of younger solicitors in the profession's governing body.

Secondly, before you vote take the time to look at the candidates. Do they represent your interests? Do they represent the interests of younger solicitors? Do they support a Code for Employed Solicitors?

NSWYL's Executive Council has endorsed the candidature of Daren Anderson. Daren has been an active member of NSWYL for 6 years and is the Chair of the Criminal Law Committee and an Executive Councillor.

LAW SOCIETY ELECTIONS 2000 DAREN ANDERSON

The Law Society Council Elections are upon us again. This time each year we are asked to vote for 7 of our colleagues and entrust them to look after our collective interests. How many of us actually vote? Statistically, less than 20% of the profession. When it comes to young lawyers, the figure is probably much lower. Whether it is because of general apathy, a lack of interest or time factors is unclear. This year I am asking you to take a few moments of your time to participate in the future of our profession by casting a vote. You will shortly receive your ballot papers for Election 2000! As the NSW Young Lawyers' (YOUR) candidate, I am committed to the following:

- Increasing the voice of younger members of the profession on the profession's governing body,
- A code setting minimum standards and conditions for all employed solicitors, including minimum salaries,
- The active lobbying of Government in the interests of all members of the profession,
- The abolition of all forms of mandatory sentencing,
- The protection of the rights of Accused persons,
- The protection and restoration of common law rights for injured people,
- A Bill of Rights for all Australians.

I have been an active member of Young Lawyers since 1994. Currently, I am the Chair of the Criminal Law Committee and an Executive Councillor. I am a partner in a small city firm, Carbone Anderson, and practice primarily in criminal law and civil litigation. I also lecture at Blacktown Traffic Offenders Program. At 31 years of age, I have another 5 years of active involvement in NSWYL ahead.



Daren Anderson
Chair Criminal Law Committee &
Executive Councillor
(Tel: 9299 1650 or email
dja@carboneanderson.com.au)

Daren Anderson, the NSWYL candidate for this year's Law Society Council Elections.



NSW Young Lawyers is holding its annual Ball on Saturday 28 October 2000 at the Dockside Convention Centre Darling Harbour.

This year's Ball, with a "Lush" theme, promises to be even more luscious, luxurious and exciting than last year's Ball. Tickets include a three course sit down meal, all drinks, live band and DJ.

Don't miss out! Last year's ball sold out one week in advance (and demand for tickets is expected to be high). Tickets are \$90 for individuals or \$85 each for tables of twelve (including GST).

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REFUGEE LAW

WHY TEMPORARY PROTECTION VISAS ARE A RAW DEAL

Temporary Protection Visas came into force on 20 October 1999 with changes to the Migration Regulations. Compared with the permanent protection visa, the TPV provides no rights for unauthorised arrivals to:

- bring their families into Australia;
- return if they leave Australia;
- access the settlement services provided to refugees who enter Australia under the off-shore program; or
- access the mainstream social welfare system to obtain pensions and the Newstart allowance.

TPVs Are Wrong In Law And Do Not Meet Stated Policy Objectives

The Federal Government justifies its treatment of these people as second class refugees on the basis of their mode of arrival by boat instead of through our off-shore program. According to a media release issued on 13 October 1999 by The Hon. Phillip Ruddock MP, Minister for Immigration and Multicultural Affairs, the measures are aimed at those trying to exploit Australia's 'generous' arrangements for refugees.

The argument that mode of arrival of these refugees by boat should determine government support should be rejected. The refugees' cases should be assessed on their merits. Many people who arrive by boat do so, not because they are trying to avoid some assessment process but because they are in imminent danger and because the assessment locations are often under staffed, have huge backlogs of applications and are located in cities that are remote from where these people need help.

It is alarming that the measures in fact restrict the rights of those found to be refugees, rather than just those trying to exploit the system. In this regard Article 31 of the 1951 Refugee Convention (to which Australia is a signatory) urges States not to penalise refugees who arrive without documentation. Article 34 of the Convention notes that any system which keeps a Convention refugee's status in limbo is irreconcilable with the spirit of the Convention and is irreconcilable with the permanent status granted to all other Convention refugees in Australia (which is also the problem with Safe Haven visas).

The Minister's Media Release identifies Iraq, Afghanistan and Turkey as the source of unauthorised arrivals who are trying to exploit Australia's arrangements for refugees. Statistical analysis does not support the view that asylum seekers from these countries are trying to exploit the system, as approximately 97% of Iraqi, and 93% of Afghani asylum seekers were granted refugee status in the 1998/9 financial year. The vast majority of such arrivals are therefore



recognised as Convention refugees, and come to Australia seeking protection with a well-founded fear of persecution.

"Dumping" is an Unfair Burden on Churches and Community Groups

Many community groups and churches have expressed concern about the inadequacy of support and the lack of coordination of services by the Government beyond the dropping off point. Detainees from Port Hedland, Woomera and Curtin are bussed straight to Perth, Adelaide, Brisbane and now Melbourne with only enough money for one night's accommodation, a practice becoming known as "dumping". Church and community groups have been forced into providing temporary housing, clothes, blankets, food, volunteer interpreters and English lessons. The Minister has criticised these groups in the media for providing these services!

TPVs Impact Badly On Those With Torture/Trauma Issues

Many of those granted refugee status have been tortured or greatly traumatised by the horrifying experiences they have suffered. From many groups' experience of working with refugees, granting temporary protection as opposed to permanent residence will only intensify such mental health issues. Recent research undertaken by the School of Psychiatry at the UNSW supports this view.

The practice of "dumping" is particularly stressful for many refugees after a bewildering time in detention. To be released with little money and no government-coordinated services is extremely disorientating.

Call for Action

Australians are urged to contact their local MP and the Minister for Immigration & Cultural Affairs, Mr Philip Ruddock, to voice their objections to Temporary Protection Visas.

Susan Harris
NSWYL Human Rights Committee &
Refugee Advocate, National Council of Churches in Australia.
Editors Note: The postal address for the Minister's Electoral Office is PO Box 1866
Hornsby Northgate NSW 1635, Tel (02) 9482 7111 & Fax (02) 9482 7018.

F I S H N E T

<http://www.lawsocnsw.asn.au/yl/>

Check out the NSWYL new web site and logo! The site includes information about the organisation, NSWYL Committees, their work, how to become an active member and recent press releases. You can also view debrief online. Send our Executive Officer, Poppy Drekis(ptd@lawsocnsw.asn.au or Tel 9926 0270), your comments and suggestions.

http://trans.business.gov.au/imotof/imotof_tep.wxh.whe#Chekli

If you haven't found it yet, you can register an ABN at this site.

<http://www.norton.com/avcenter/hoax.html>

Sick of getting emails warning of viruses. Norton's site has a useful list of hoax viruses.

<http://www.ozemail.com.au/~iofm/>

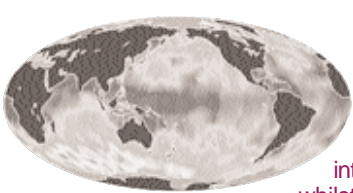
Ever wondered what a high risk autopsy room looks like? There is some useful information and links on the NSW Institute of Forensic Medicine's site for those lawyers in need of forensic information or assistance.

<http://www.wheretoeat.com.au/Sydney/>

Can't find a restaurant? This online guide should assist with searches by geographical area and cuisine type.

<http://www.chaser.com.au/>

Described as a "satirical webzine", this site provides a comical version of current news items. See also <http://silly2000.com> a parody of the Olympics site.



THINKING GLOBALLY

Whether it is a chance to gain international law experience or to simply travel whilst working (or work whilst travelling, depending on your perspective), working overseas has become a goal for many Australian lawyers. It has not always been this way. Nowadays, a stint working in a major financial centre is seen by many young lawyers as a natural progression - for the experience, the fun and the money!

The most popular locations for Australian lawyers are England, Hong Kong and Singapore. Europe, Canada and the USA are becoming increasingly popular, but for language and jurisdictional reasons, are less popular destinations for travelling Australian lawyers. Practices in Asian countries such as Korea, Thailand, Vietnam and Japan have also been expanding and are more receptive to Australian lawyers than ever before.

Overseas firms will usually recruit lawyers who bring excellent skills and can add value to the firm. Generally, it is the solicitors who have between two and five years' post admission experience that obtain roles overseas. This is because these lawyers are the ones who are in highest demand. Lawyers with more experience also tend to have already established career paths locally, and are less inclined to make a move overseas. Overseas firms are looking for quality lawyers. Good academics and big firm training are, for many firms, a very important factor, as is the area of expertise.

Areas of demand differ depending on the country. Although these are not the only passports to working internationally, the commonly sought areas of expertise are banking and finance, IT, telecommunications, Corporate, Energy, Projects and Funds Management. The demand also differs depending on whether contract or permanent work is sought. For example, litigators are in demand for contract but not permanent roles in London.

There are logistical matters specific to obtaining work in each jurisdiction. Some ways to turn your global thinking into action are to check the web sites of recruiters, speak to recruiters who specialise in international recruitment or arrange a secondment through your firm.

Mary Horniblow
(mary.horniblow@mahlab.com.au)
Mahlab Recruitment (www.mahlab.com.au)
A member of the NSWYL Careers Committee

WHO OWNS MY GENES? - NSWYL OPEN FORUM

His Honour Justice Michael Kirby and Dr. Kristine Barlow-Stewart addressed over 200 people attending a recent NSWYL Open Forum on Genetics & The Law. The free public Forum was held at Parliament House on Monday 14 August. It focussed on the legal implications of genetic advancements and was organised by the NSWYL Human Rights Committee.

In his address, Justice Kirby recommended that the Federal Government consider requesting an interim report on the impacts of genetic technology on human rights before the release and consideration of final recommendations which could take a few years. In August, the Federal Government announced that it had asked the Australian Law Reform Commission and the Health

Ethics Committee to make recommendations in relation to whether legislation was necessary to deal with problems of discrimination arising in the context of new genetic tests.

Justice Kirby said at the Forum that with the rapid pace of genetic developments, especially in the United States, Western Europe and Japan, Australia should consider international trends in determining what limitations should be imposed. Justice Kirby suggested, for instance, that Australia should perhaps follow the United Kingdom in imposing a limitation on genetic testing in respect of policies of life insurance below the equivalent of £225,000.

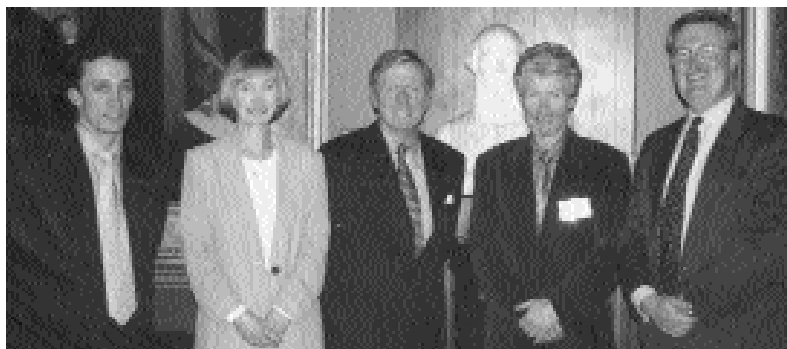
Dr Kristine Barlow-Stewart, Geneticist at the

Royal North Shore Hospital, released the findings of her survey on genetic discrimination. Dr Barlow-Stewart said that she had uncovered over 60 instances of unfair and discriminatory practices by insurance companies and the public service in her survey.

Discussion at the Open Forum covered the considerable ethical problems associated with cloning, gene therapy and pre-natal testing. Justice Kirby said the public should overcome the negativity that is sometimes associated with the new technology. His Honour noted that this technology is not "alien" to humans, but is a result of research and human intelligence.

Attendance at this year's NSWYL Open Forum surpassed that of the 'Law and Order' Open Forum held last year by NSWYL on the eve of the State Elections in March.

Thanks to Marc Allas from the Human Rights Committee for organising the Forum and Annabelle Young and the rest of the NSWYL office for their assistance.



Pictured (l - r) Marc Allas, NSWYL Human Rights Committee, Dr. Kristine Barlow-Stewart, His Honour Justice Michael Kirby OBE, Dr Carey and Dr Simon Longstaff.

NSWYL ANNUAL ASSEMBLY NOTICE OF MEETING

The NSWYL Annual Assembly will be held on Saturday 4 and Sunday 5 November at Homebush. NSWYL has two Assemblies each year when major decisions on policy and direction are formulated.

Elections for the organisation's Office Bearers (Vice-President, Secretary and Treasurer) and five positions on the Executive Council will be held. Any young lawyer at the Annual Assembly who has attended at least one out of the four previous Assemblies is eligible for election. Each NSWYL Regional Delegate and a number of representatives from a wide range of organisations and associations attend the two Assemblies (for more information see

<http://www.lawsocnsw.asn.au/yl/about/assemblies/>).

FAR WEST COMMUNITY LEGAL CENTRE

The Far West Community Legal Centre opened with a fanfare in Broken Hill on 18 July. The Centre was designed to fill the gap in existing services available in the justice system in the area. The Centre's Principal Solicitor is the NSWYL Far West Regional Delegate, Kate Jarzabek.



THANK YOU

The Community Services Committee would like to thank Deacons Graham James, Baker & McKenzie and McCabes for their generous contributions to the Winter Clothing and Blanket Drive and to all of the firms who made cash donations.



NSWYL SUPER BOWL 2000



Pictured (l-r) the Henry Davis York team and the winning team PWC Legal. Both law firms were also sponsors of the event.

How many disco moves can a lawyer make with a bowling ball? Over 200 young lawyers found out on Friday 28 July when they were transported by bus to Randwick for the 2nd Annual NSWYL Super Bowl. Decked out in regulation bowling shoes and some very funky disco gear, players danced and bowled to the music of DJ Billy K.

Following the unspoken quest for the team with the most beers, confirmed by the stampede at the bar, Young Lawyers got down to the real battle for the bowling honours.

Unlike some of the other more inebriated teams, PWC Legal again showed their bowling prowess by winning the coveted Super Bowl trophy for the second year in a row. Best Dressed Team went to the very 70's Barker Gosling team. The Worst Team title was awarded to Morgan & Banks Pin Pals who concentrated more on dancing down the aisles than bowling. Many thanks to our four sponsors, Morgan & Banks Legal, Henry Davis York, PWC Legal and Naiman Clarke, to whom NSWYL are most grateful. The evening was a great success.

The Community Services Committee would also like to thank the bowlers for their generosity in purchasing tickets in the charity raffle. \$500 was raised for Creative Youth Initiatives, a Sydney City Mission program that co-ordinates music, drama and art projects for homeless and marginalised youth.

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NSW YOUNG LAWYERS CONTINUING LEGAL EDUCATION PROGRAMME - OCTOBER 2000

- **Family Law - Contracting Out**
1:00 - 2:00 pm, Tuesday,
10th October, 2000, \$50
- **www.jurisdiction.com**
5:30 pm - 7:30 pm, Wednesday,
11th October, 2000, \$75
- **Dust Diseases Litigation**
5:30 pm - 7:30 pm, Wednesday, 18th
October, 2000, \$75
- **Misleading & Deceptive Conduct**
5:30 pm - 7:30 pm, Wednesday, 25th
October, 2000, \$75
- **The New 2000 Contract for Sale
of Land & Business**
5:30 pm - 8:00 pm, Monday,
30th October 2000, \$75

All seminars are held on level 9 at the Law Society of NSW. Prices include GST. If you would like to receive further information or a registration form for any of the above seminars please contact Elvira Khairallah on 99260 270, fax:9926 0282 or email:exk@lawsocnsw.asn.au

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YOUTH DRUG COURT PROGRAM

The Youth Drug Court (YDC) Program Pilot commenced on 31 July 2000 and operates in western Sydney. It combines intensive judicial supervision and case management of young offenders charged with criminal offences arising from alcohol or drug use. The YDC Program Pilot arose out of recommendations put forward by the Drug Summit earlier this year. The Legal Aid Commission has prepared information packages for solicitors who work in the Children's Court.



DREAM JOB

Name: Sally McCausland

Admitted: 1992

Position: Supervising Legal Officer, Arts Law Centre of Australia (www.artlaw.com.au), the national community legal centre for the arts.

Current Job Description:

Supervising a team of four lawyers giving free telephone advice to film makers, bands, multimedia and visual artists and performers across Australia. In addition to answering

telephone queries, we also draft sample contracts and information sheets, write articles for our newsletter, give seminars and work on policy submissions. We also go on interstate workshop tours.

How did you hear about the job? I started volunteering at the Arts Law Centre while I was working as an Intellectual Property lawyer at Freehills. When I came back from an overseas trip I decided to go full time.

First full-time job: Judge's Associate in the Federal Court.

Worst ever job: An after school job selling chiko rolls in a milkbar. I didn't get an interview at Coles.

Career Highlights: Front row Stones' tickets courtesy of a t-shirt pirates raid while at Freehills. Going to Melville Island to give a two day workshop in the Community Arts Centre while at Arts Law. It was very informal, I talked while everyone painted and at lunchtime we all went down to the beach for a barbeque.

Best part of the job: Talking to creative people and learning how the industry works. Helping them get more artistic control and more money.

Worst part of the job: Being a national free telephone service, we are always busy. It's sometimes hard to juggle everything, so you have to be organised at delegating to volunteers and coordinating pro bono help. Our pro bono lawyers are very generous and provide a huge proportion of our service.

Have you read a case lately and what was it? I've been co-lecturing a Masters course on law and the arts so I have had to read quite a few international cases on celebrity image rights, produce placement etc.

What do you do to relax/have fun outside of work? I recently got my motorbike licence so I am often on weekend trips practicing my cornering.

Any tips for young lawyers who want to work in a similar area? Get intellectual property experience and make contacts by volunteering.

This issue of debrief has been edited by Karen Weeks. All expressions of opinion are published on the basis that they are not to be regarded as expressing the official opinion of Young Lawyers. Young Lawyers accepts no responsibility for the accuracy of any opinion or information contained in this publication. Readers should rely on their own inquiries in making any decisions touching their own interests.

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