



ANNUAL REPORT OF COMMITTEES 2020



THE LAW SOCIETY
OF NEW SOUTH WALES

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INTRODUCTION

The Law Society’s committees are committees of the Council with powers, authorities and tasks delegated by the Council. They are established as a source of expert advice and assistance to Council, the Law Society and the profession and are convened annually on the basis of need.

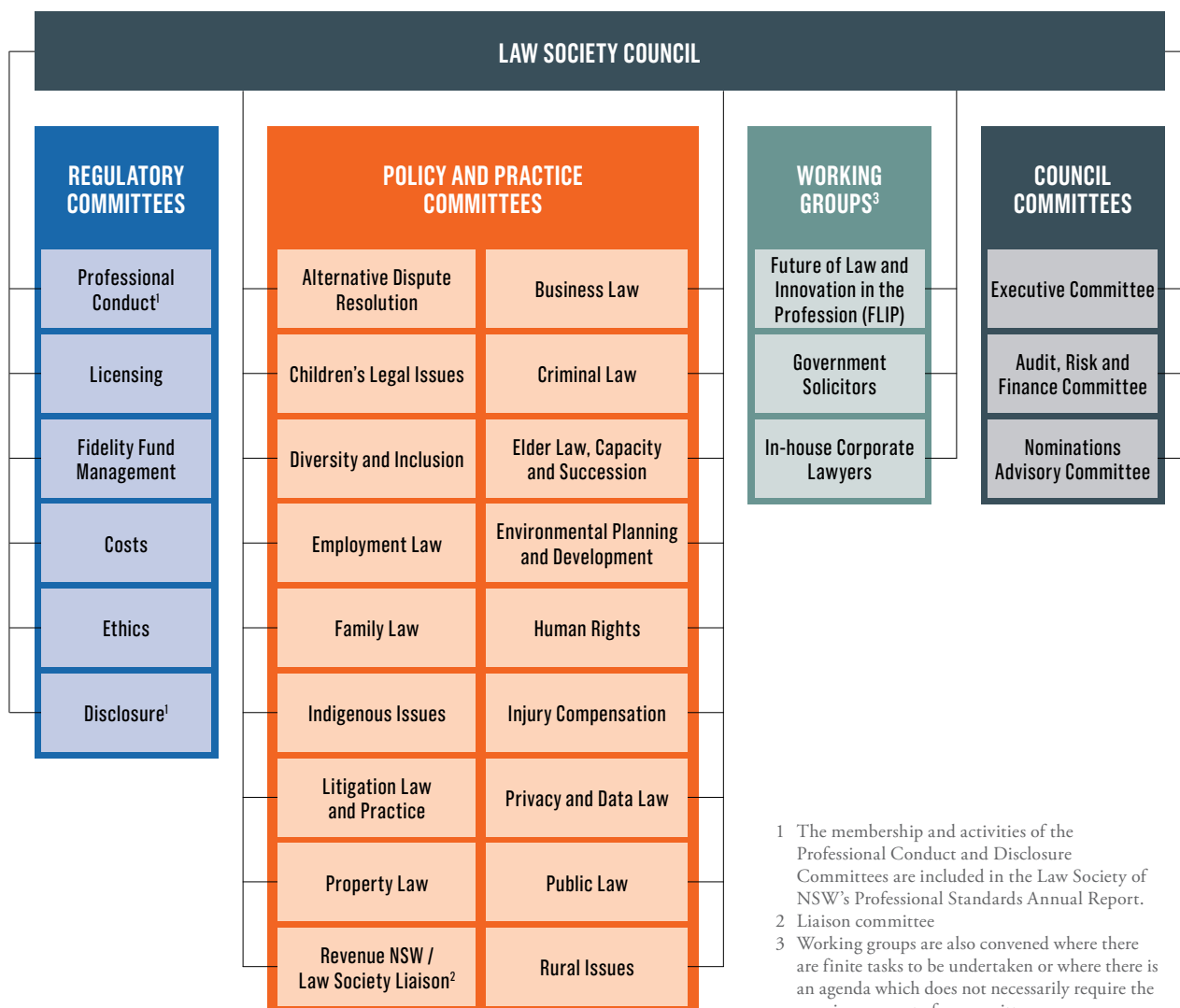
Functions vary somewhat from committee to committee but, typically, are as follows:

- a source of policy proposals and reform initiatives
- a forum for consideration of practical issues and resolution of problems

- a review body and commentator (in relation to legislation, discussion papers, reports, etc)
- a monitor of practice standards and advocate of ongoing training and skills development
- a liaison body

Committees have an important role and the way in which they perform is integral to the professionalism of Council’s decision making and the performance of the Law Society as a whole. Members’ participation is welcomed and is critical to the success of committees.

Law Society Committees



1 The membership and activities of the Professional Conduct and Disclosure Committees are included in the Law Society of NSW’s Professional Standards Annual Report.

2 Liaison committee

3 Working groups are also convened where there are finite tasks to be undertaken or where there is an agenda which does not necessarily require the ongoing support of a committee.

ALTERNATIVE DISPUTE RESOLUTION

2019 membership: Z. Kekeff (Chair), A. Sanderson (Deputy Chair), L. Absalom, L. Bishkov, J. Bowker, A. Boyd-Boland, G. Ettinger, J. Fan, N. Flaskas, M. Kofman, Judge L. Levy, K. Lewis, P. Lewis, J. McDermott, S. Parker, T. Peisley, A. Scarcella, M. Shepherd, A. Tesoriero, F. Townend, G. Ulman, N. Harvey (Policy Lawyer).

2020 membership: Z. Kekeff (Chair), G. Ulman (Deputy Chair), J. Anderson, P. Argy, J. Ashby-Boyd, L. Bishkov, A. Boyd-Boland, K. David, G. Ettinger, P. Farrell, N. Flaskas, R. Hughes, C. Jeffery, M. Kofman, Judge L. Levy, K. Lewis, P. Lewis, A. Lopes De Lima, J. McDermott, H. Miedzinski, T. Peisley, A. Scarcella, F. Townend, J. Tyrell, J. Woodward, N. Harvey (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to alternative dispute resolution (ADR).

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law and the application of ADR, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- To educate and promote solicitor mediators and arbitrators, hold Continuing Professional Development (CPD) events and contribute to Law Society Journal articles and Monday Briefs
- Accreditation of legal practitioner mediators – examination of the current system of NMAS
- The globalisation of Dispute Resolution, and efforts to improve cross-border enforcement – including The Singapore Convention
- Online and automated Dispute Resolution – consider the growing use of technology and artificial intelligence as well as benefits/issues, in consultation with the Privacy and Data Law Committee
- To encourage the use of ADR clauses to the profession and to liaise with other stakeholders and professional bodies, such as chartered accountants, to encourage mediation and arbitration

Activities

The Committee carried out the following activities during the year under review:

- Held a joint Law Society and Bar Association Mediation Committee event: Commercial Mediation Strategies: a lawyer's guide to successful negotiations, on 29 August 2019. The event was facilitated by Committee member Mr. John McDermott
- Committee members attended The Law Society of New South Wales Government Solicitors Conference 2019 on 3 September 2019 at the Four Seasons Hotel, Sydney
- Committee members attended the event titled NSW Arbitration for the Profession – A joint event between The Australian Institute of Family Law Arbitrators and Mediators and The Law Society of New South Wales on 29 November 2019
- ADR Policy Lawyer for the Committee attended Mediator Standards Board Annual General Meeting to represent the Law Society of NSW and the ADR Committee in October 2019 at the Victorian Bar Council Chambers in Melbourne
- In May 2020 the Committee supported the Law Society CPD webinar called 'The new National Arbitration List: what practitioners need to know' on 5 June 2020

The Committee made a submission on the following issue during the year under review:

- Singapore Convention on Mediation

The Committee also contributed to the following joint submission during the year under review:

- Joint Select Committee Inquiry into Australia's Family Law System

BUSINESS LAW

2019 membership: A. Cerny (Chair), A. Care (Deputy Chair), A. Behman, D. Castle, T. Hunter, J. Kabos, C. Kenny, I. Luke, K. McLean, K. Montano, I. Napier, D Ramsay, N. Regan, T. Russell, L. Serafim, R. Snowden, J. Stathis, L. To, K. Tudhope, A. Vatani, L. Booth (Policy Lawyer).

2020 membership: A. Cerny (Chair), T. Russell (Deputy Chair), C. Bertuch, A. Boog, D. Castle, C. Felicio, T. Hunter, J. Kabos, T. Masters, K. McLean, T. Mylecharane, D Ramsay, B. Roe, L. Serafim, R. Snowden, J. Stathis, A. Vatani, L. Booth (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to business law. Without limiting the Committee's area of review, subcommittees were convened for the following specific areas, which fall within the Committee's consideration:

- Competition and Consumer Law
- Contract Law
- Corporations
- Financial Services
- Insolvency
- Taxation

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Regulation of the financial sector, in particular, monitoring the implementation of recommendations from the Final Report into the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry
- Corporate governance
- Monitoring continuing competition and consumer law reform
- Monitoring tax law and practice developments including legal practitioners' interactions with the Australian Taxation Office

Activities

The Committee carried out the following activities during the year under review:

- Participated in consultative forums with the Tax Practitioners Board ("TPB")
- Participated in a stakeholder meeting with the TPB to discuss the TPB Review
- Participated in a stakeholder roundtable with Treasury representatives to discuss draft legislation for the cash payment limit
- Participated in a NSW Small Business Strategy Workshop
- Participated in a working group to review the Contract for the sale of business 2015 edition
- Participated in a Standards Australia Technical Committee QR-017 *Organizational Governance: AS 8001 Fraud and Corruption Control*

The Committee made submissions on the following issues during the year under review:

- BAS Services and the TPB's Legislative Instrument Power
- Cash payment limit – draft legislation
- Financial Services Royal Commission – Trustees of Registrable Superannuation Entities
- Improving the Effectiveness of the Consumer Product Safety System
- Mortgage broker best interests and remuneration reforms
- Review of the Tax Practitioners Board – Discussion Paper
- Strengthening prudential requirements for remuneration

The Committee also contributed to the following joint submissions during the year under review:

- ATO processes for dealing with deceased estates
- Building Stronger Foundations Discussion Paper
- Commissioner's Practice Note – Grouping of discretionary trust
- Commissioner's Practice Note – Payroll Tax on shares and options
- Consultation on draft provisions for the Justice Cluster Miscellaneous Amendment Bill (No 1) of 2019
- COVID-19 provisions – (multiple submissions)
- Draft Building and Development Certifiers Regulation 2019
- Draft Variation – Taxation Administration PAYG Withholding for Foreign Resident Capital Gains
- *Modern Slavery Act 2018* and associated matters
- Review of the *Civil and Administrative Tribunal Act 2013*

CHILDREN'S LEGAL ISSUES

2019 membership: J. Wong (Chair), C. Banks (Deputy Chair), M. Blanco, A. Choi, M. Dimech, A. Elliott, L. Goodwin, A. Hadaway, J. Higgins, J. Irwin, A. Johnson, F. Kay, M. Loundar, S. Niles, K. Phillips, C. Samuels, Magistrate T. Sheedy, G. Slack-Smith, A. Tang, A. Small (Policy Lawyer).

2020 membership: J. Wong (Chair), J. Irwin (Deputy Chair), C. Akthar, K. Beckhouse, M. Blanco, N. Callander, A. Choi, M. Dimech, R. Frankham, L. Goodwin, R. Haynes, J. Higgins, K. Hopgood, F. Kay, M. Loundar, S. Niles, K. Phillips, Z. Robinson, C. Samuels, Magistrate T. Sheedy, G. Slack-Smith, J. Symons, A. Tang, A. Small (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to children and child rights, both in the civil (including care and protection matters) and criminal contexts.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Reducing the number of young people in custody in NSW, including in relation to:
 - The review into the minimum age of criminal responsibility
 - The review of the *Young Offenders Act 1997* (NSW)
 - Children on custodial remand in cases of family crises or chronic homelessness
- The intersection of education, children in out of home care, and the criminal justice system in NSW
- Advocacy for children with disabilities in NSW, including in relation to the National Disability Insurance Scheme and the Disability Royal Commission
- The operation of the care and protection framework in NSW, including:
 - Implementation of 2018 legislative reforms; and
 - Funded service provider involvement in care and protection matters through case management

Activities

The Committee carried out the following activities during the year under review:

- The Committee was represented on, and contributed to the work of: the Children's Court Advisory Committee, the NSW Legal Assistance Forum *doli incapax* working group, the Youth Justice Advisory Committee, and the NSW Civil and Administrative Tribunal Administrative and Equal Opportunity Division Consultative Forum
- Liaised with the NSW Department of Communities and Justice, the NSW Department of Education, Youth Justice NSW, Legal Aid NSW, the Children's Court of NSW, and the office of the Advocate for Children and Young People on various matters in the civil (including care and protection matters) and criminal contexts
- Attended a site visit at Cobham Youth Justice Centre at the invitation of Youth Justice NSW
- Attended the 2019 Solutions Summit to End Violence Against Children and the launch of the 2019 Children's Rights Report

The Committee made a submission on the following issue during the year under review:

- Transfer of adult detainees to Corrective Services NSW Custody Policy

The Committee also contributed to the following joint submissions during the year under review:

- Australian Law Reform Commission Final Report, Review of the Family Law System
- Australian Security Intelligence Organisation Amendment Bill 2020
- Consultation on draft provisions for the Justice Cluster Miscellaneous Amendment Bill (No 1) of 2019
- Council of Attorneys-General Age of Criminal Responsibility Working Group Review
- Draft Mandatory Diseases Testing Bill 2020
- Feedback on notices of Child Abuse, Family Violence or Risk
- Free and equal: An Australian conversation on human rights
- Inquiry into the support for the children of imprisoned parents in New South Wales
- Integrated Birth Certificates
- Joint Practice Direction for Family Law
- Joint Select Committee Inquiry into Australia's Family Law System
- Minimum age of criminal responsibility
- NSW legislation beta website – feedback
- Options for improving the family violence competency of legal practitioners
- Review of the *Young Offenders Act 1997* (NSW)
- The use of strip searches under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)

COSTS

2019 membership: H. Macken (Chair), B. Bellach, J. Dobson, P. Ferguson, A. Halstead, V. Higinbotham, R. Nicholas, K. Rosati, P. Rosier, T. Russell, T. Stern, J. Tyrell, R. Walker, M. Whelan.

2020 membership: H Macken (Chair), B Bellach, P Sutherland, K Rosati, T Stern, L Hamilton, V Higinbotham, R Nicholas, T Russell, R Walker, P Rosier, S Akerman, P Taylor, C Hannah, S Robey.

Functions

The functions of the Costs Committee are defined by the directives of the Council of the Law Society. These Council directives provide the general delegation of powers, authorities and discretions to the Costs Committee.

The specialist services provided by the Costs Committee include:

- Providing the legal profession with ready access to a body of specialist legal knowledge that can provide detailed and timely guidance or information on costs issues.
- Monitor the effect of the *Civil Procedure Act 2005* and the *Uniform Civil Procedure Rules* with respect to costs.
- Monitor the efficacy of the costs assessment scheme.
- Examine and comment on legislation and law reform proposals relating to solicitors' costs, including memorandums for costs reform by the Law Council of Australia.

- Assist solicitors in NSW to understand their rights and obligations under that legislation.
- Respond to any costs related requests for guidance including solicitor enquiries written guidance and in-house services whilst working in conjunction with other committees of the Law Society. This promotes a culture of integrity and independence to the legal profession, promoting ethics and professional standards for solicitors and providing a foundation for maintaining public confidence about the costs standards of the profession.
- Update the Costs Guidebooks and Costs Agreement/ Costs Disclosure precedents on the Law Society Costs web page. The Costs Committee also manage and update other helpful online Costs materials, such as the Contracting Out Letters and Notification of Client's Rights form.
- Comment on Costs-related articles to the *Law Society Journal*.
- Monitor the effect of the *Legal Profession Uniform Law* regarding Costs.
- Examine and comment on legislation and law reform proposals relating to solicitors' costs. These activities aim to reduce the regulatory burden for solicitors, simplify the provisions in the legislation and ensure its effectiveness.

CRIMINAL LAW

2019 membership: A. Lumsden (Chair), P. Wright (Deputy Chair), Deputy Chief Magistrate M. Allen, C. Bell, V. Chan, P. Coady, E. Conditis, S. Doumit, D. Giddy, S. Grodzicki, R. Hoyles, J. Hunter, L. Kaban, H. Ketley, R. Leary, M. Mantaj, R. McMahon, P. Musgrave, J. Pheils, R. Richardson, K. Saddington, J. Sanders, T. Spohr, J. Styles, J. Sutton, R. Tumeth, J. Weir, E. Winborne, R. Geare (Policy Lawyer).

2020 membership: A. Lumsden (Chair), M. Mantaj (Deputy Chair), C. Akthar, Deputy Chief Magistrate M. Allen, C. Bell, A. Biliass, P. Blake, V. Chan, P. Coady, E. Conditis, D. Giddy, R. Hoyles, J. Hunter, L. Kaban, H. Ketley, R. Leary, R. McMahon, S. Mortimer (from April 2020), P. Musgrave, R. Ogdan, J. Pheils, K. Powell (until April 2020), K. Saddington, J. Sanders, T. Spohr, J. Styles, J. Sutton, J. Weir, R. Geare (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to criminal law and to uphold the rule of law.

The role of the Criminal Law Committee is to review and comment on law and policy affecting criminal justice and to assist in the just and orderly development of the criminal law, having regard to:

- The interests of people charged with criminal offences and others affected by the criminal justice system
- The rights of people in custody
- The interests of intellectually disabled, mentally ill and other cognitively impaired people as they are affected by the criminal law
- The rights of Indigenous Australians

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- The Department of Communities and Justice's criminal justice reforms
- Local Court resourcing
- Monitoring the reform of Legal Aid fees for private practitioners
- Incarceration rates, in particular Indigenous incarceration rates

Activities

The Committee carried out the following activities during the year under review:

- The Committee was represented on, and contributed to the work of the: District Court Criminal Business Committee, Court of Criminal Appeal User Group, Domestic Violence Reforms Consultation Group, Corrective Services NSW Legal Practitioners Consultative Group, Child Sexual Offences Evidence Pilot Implementation Monitoring Group, Early Appropriate Guilty Pleas Working Group, Corrective Services NSW Legal eBrief Committee, Online Service for Committal for Sentence Project Team, Indictable Process Review Steering Committee, and Legal Aid NSW Panel Selection Committees
- The Committee liaised with the NSW Department of Communities and Justice, NSW Bar Association, NSW Police Force, NSW Local Court, NSW District Court, NSW Supreme Court, Offices of the Director of Public Prosecutions (Cth and NSW), Legal Aid NSW, the Aboriginal Legal Service, NSW Young Lawyers, and Corrective Services NSW on various matters relevant to the criminal justice system

The Committee made submissions on the following issues during the year under review:

- Aboriginal support persons
- ADVO reforms – (multiple submissions)
- Assistance for private practitioners during the COVID-19 pandemic
- Cognitive Impairment Diversion Program
- Consultation on drafting of proposals for second Miscellaneous Bill – (multiple submissions)
- Consultation paper: defences and partial defences
- Consultation paper: diversion in the summary jurisdiction
- Contact with Local Court Registries
- Draft Criminal Trials Practice Note
- Draft fee scales
- Draft Proposals: Consent in relation to sexual offences
- Evidence Amendment (Tendency and Coincidence) Bill 2020
- Fees Paid to Private Practitioners in Legally Aided Matters
- *Inclosed Lands, Crime and Law Enforcement Legislation Amendment (Interference) Act 2016*
- Indictable Process Review
- Inquiry into the Road Transport Amendment (Mobile Phone Detection) Bill 2019
- Intensive Correction Orders – (multiple submissions)
- Issues Paper: Review of s293 of the *Criminal Procedure Act 1986* – (multiple submissions)
- Mental Health and Cognitive Impairment Forensic Provisions Bill 2020
- Online Registry for criminal matters
- Proposals for inclusion in the Justice Cluster Miscellaneous Amendment Bill 2020
- Proposed amendments to the *Legal Aid Commission Act 1979*
- Reform to recognise the loss of an unborn child as a result of a criminal act

- Reforming the NSW Coronial System
- Reforms to special care offences
- Review of the Law Council’s Policy Statement on a Commonwealth Criminal Cases Review Commission
- Section 293 *Criminal Procedure Act 1986*
- Sexual Assault Communication Privilege – (multiple submissions)
- Statutory review of the *Crimes (Serious Crime Prevention Orders) Act 2016*
- The *Child Protection (Offenders Registration) Act 2000*
- Uniform Evidence Law (Tendency and Coincidence) Model Provisions 2019

The Committee also contributed to the following joint submissions during the year under review:

- Consultation on draft provisions for the Justice Cluster Miscellaneous Amendment Bill (No 1) of 2019
- Consultation on highly contentious bills
- Council of Attorneys-General Age of Criminal Responsibility Working Group Review
- COVID-19 provisions – (multiple submissions)
- Draft Mandatory Diseases Testing Bill 2020
- Joint Letter to the NSW and Commonwealth Attorney Generals regarding inaction on the ALRC Pathways Report
- Joint Select Committee Inquiry into Australia’s Family Law System
- Minimum age of criminal responsibility
- *Modern Slavery Act 2018* and associated matters
- NSW legislation beta website – feedback
- The Justice Reform Initiative
- The use of strip searches under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)

DIVERSITY AND INCLUSION

2019 membership: J. Warner (Chair), E. Espinosa (Deputy Chair), M. Batliwalla, B. Charlton, H. Dassanayake, A. Drayton, Z. Edries, J. Fan, M. Graczol, R. Grant, R. Harvey, K. Hong, K. Iles, D. Kelly, M. Khoo, J. Lim-Young, A. Lyras, R. MacSweeney, T. Nicholls, N. Parsons, K. Rathie, J. Skelton, T. Tran, J. Vincent, A. Small (to August 2019) / C. Elvy (from August 2019) (Policy Lawyers).

2020 membership: R. MacSweeney (Chair), J. Warner (Deputy Chair), E. Allen, B. Charlton, A. Drayton, Z. Edries, M. Graczol, R. Grant, K. Hong, M. Kakaire, D. Kelly, E. Lau, I. Luke, A. Lyras, H. McConagle, B. McGrath, A. Miller, J. Parker, N. Parsons, K. Rathie, I. Reiss, J. Skelton, N. Stewart, T. Tran, J. Vincent, D. Yadav, C. Elvy (to February 2020 / from April 2020) / A. Small (March 2020) (Policy Lawyers).

Functions

The role of this Committee is to promote diversity, equality and inclusion in the legal profession, in particular by progressing initiatives to ensure the equality of opportunity for all members of the profession, regardless of race, ethnicity, heritage, gender, age, religion, disability, sexual orientation, gender identity or intersex status.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Support the implementation of initiatives that promote cultural diversity in the legal profession
- Develop resources and case studies in line with the Committee's mission including in relation to promoting gender diverse and culturally diverse leadership in the profession
- Consideration of specific issues relating to the advancement of women, intersectionality, people with disability, LGBTQI+ and other minority groups in the legal profession and undertaking initiatives to create awareness and develop thought leadership on these issues within the legal profession
- Consideration of diversity-related issues that create barriers to entry into, retention and progression through the legal profession

Activities

The Committee carried out the following activities during the year under review:

- Continued to promote and monitor the uptake of the Law Society's Charter for the Advancement of Women in the Legal Profession
- Contributed to the assessment of and planning for the awards for the Charter for the Advancement of Women in the Legal Profession, which were presented at the Annual Members dinner on 24 October 2019
- Contributed to a panel event to mark International Day of People with Disability at the Law Society on 28 November 2019, with speakers: the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services; Ms Rosemary Kayess, Director, UNSW Disability Innovation Institute; and University of Sydney Law School Emeritus Professor Ron McCallum AO
- Participated in a discussion with CEO of People with Disability Australia, Mr Jeff Smith, on issues facing people with disability, and current initiatives and advocacy priorities at PWD Australia

ELDER LAW, CAPACITY AND SUCCESSION

2019 membership: D. Browne (Chair), R. Neal (Deputy Chair), L. Absalom, L. Baber, K. Bozinovska, L. Brown, J. Clarke, N. Darcy, B. Dornan, S. Field, A. Fleming, J. Goode, B. Hayward, I. Hoskinson (from October 2019), R. McCullagh, P. McGowan, A. McIntyre, J. McMillan, M. Morris, K. O'Donnell, R. Pollard, L. Rogers, N. Scanlon, A. Schiralli, M. Schyvens, B. Simpson, K. Whitley, S. Hunt (Policy Lawyer).

2020 membership: D. Browne (Chair), R. Neal (Deputy Chair), L. Absalom, L. Baber, K. Bozinovska, L. Brown, J. Clarke, N. Darcy, M. Dixon, B. Dornan, B. Hayward, I. Hoskinson, A. Koumoukelis, R. Lewis, M. Lovelock, S. McAuley, R. McCullagh, P. McGowan, A. McIntyre, J. McMillan, M. Morris, K. O'Donnell, D. Pickering, R. Pollard, M. Reid, N. Scanlon, A. Schiralli, M. Schyvens, T. Tunbridge, K. Whitley, S. Hunt (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to elder, capacity and succession law.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Elder abuse prevention, including guidance and/or protocols for financial services
- Enduring appointments including guardianship, powers of attorney and financial management, including the NSW government response to NSWLRC *Review of the Guardianship Act 1987*
- Accommodation designed for, or particularly affecting, older people, including the outcome of the Royal Commission into Aged Care Quality and Safety
- Superannuation, including in relation to death benefit nominations
- Succession law, including harmonisation across states and territories

Activities

The Committee carried out the following activities during the year under review:

- Contributed to practitioner resources published on the Law Society website, including a set of FAQs and a detailed guidance paper on witnessing documents electronically pursuant to COVID-19 arrangements
- Engaged with the medical profession about solicitors attending their clients in health or aged care facilities, and about client referrals for the purpose of assessing mental capacity
- Engaged with the Ageing and Discrimination Committee about solicitors reporting elder abuse without breaching legal professional obligations
- Engaged with the Law Society of Western Australia and with ACT Legal Aid on the development of guidance on assessing mental capacity

Committee members:

- Represented the Law Society at NSW Department of Customer Service roundtables on proposed reforms to retirement villages law
- Represented the Law Society at NCAT Guardianship Division Consultative Forums
- Represented the Law Society at a Commonwealth Attorney-General's Department forum on a proposed national register of enduring powers of attorney
- Engaged with the banking sector regarding uniformity of banking processes relating to deceased estates
- Engaged with the NSW Registry of Births, Deaths and Marriages to improve processes around death certificates

The Committee made submissions on the following issues during the year under review:

- Miscellaneous amendments to succession law including amendment of *Probate and Administration Act 1898* (NSW)
- Reform of the law governing superannuation death benefit nominations

The Committee also contributed to joint submissions on the following issues during the year under review:

- Access to digital records upon death or incapacity
- ATO processes for dealing with deceased estates
- Commissioner's Practice Note – Foreign Surcharges and Discretionary Trusts
- COVID-19 provisions – (multiple submissions)
- Draft Retirement Villages Amendment (Rules of Conduct for Operators) Regulation 2019 (NSW)
- Enhancing protections relating to the use of Enduring Power of Attorney instruments
- Integrated Birth Certificates
- Law Admissions Consultative Committee report on redrafting the academic requirements for admission
- NSW legislation beta website – feedback
- Proposed amendment to the *Relationships Register Act 2010* (NSW)
- Proposed Convention on the Rights of Older Persons
- Proposed reform of the law governing retirement villages
- Proposed remaking of the *Relationships Register Regulation 2015* (NSW) and amendment of the *Births, Deaths and Marriages Register Regulation 2017* (NSW)
- Revenue Ruling – Deceased Estates
- State Revenue Legislation Further Amendment Bill 2019
- Statutory Review of the *Civil and Administrative Tribunal Act 2013* (NSW)

EMPLOYMENT LAW

2019 membership: N. Keats (Co-Chair), J. van der Plaats (Co-Chair), B. Akers, T. Angelopoulos, M. Byrnes, P. Costigan, M. Doherty, B. Feltham, A. Grayson, L. Izzo, C. Kerley, D. King, K. Lewis, D. Lloyd, H. Macken, D. McEvoy, P. Noakes, D. Potts, C. Stebbing, W. Steenson, A. Van Gent, S. Williams, A. Woods, A. Small (until August 2019) / C. Elvy (from August 2019) (Policy Lawyers).

2020 membership: N. Keats (Co-Chair), J. van der Plaats (Co-Chair), B. Akers, P. Almond, T. Angelopoulos, M. Byrnes, J. Camden, P. Costigan, C. Divani, M. Doherty, B. Feltham, L. Forsyth, A. Grayson, L. Izzo, C. Kerley, D. King, K. Lewis, H. Macken, P. Macken, V. Maroulis, D. McEvoy, D. Potts, C. Stebbing, W. Steenson, S. Trimby, C. Elvy (until February 2020) / A. Small (from February 2020) (Policy Lawyers).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to employment and industrial law.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee work for 2020

The Employment Law Committee considered policy and practice issues arising in relation to employment and industrial law, and in particular, monitored practice issues in the Federal Court, Federal Circuit Court, Fair Work Commission and the Industrial Relations Commission.

Activities

The Committee carried out the following activities during the year under review:

- Participated in the Federal Circuit Court of Australia (Industrial Law) User Group
- Participated in the Federal Court of Australia (Employment and Industrial Relations National Practice Area) User Group
- Participated in the NSW Industrial Relations Commission User Group
- Held a dinner with members of the Fair Work Commission and NSW Industrial Relations Commission
- The Committee's Co-Chair provided evidence on behalf of the Law Society at a Parliamentary hearing into the Anti-Discrimination Amendment (Complaint Handling) Bill 2020 (NSW)

The Committee made the following submissions during the year under review:

- Fair Work Commission Practice Note – Lawyers and Paid Agents
- Improving protections of employees' wages and entitlements: Strengthening penalties for non-compliance
- Proposed amendments to the *Fair Work Commission Rules 2013* – (multiple submissions)

The Committee also contributed to the following joint submissions during the year under review:

- Anti-Discrimination Amendment (Complaint Handling) Bill 2020
- COVID-19 provisions – (multiple submissions)
- Industrial Relations Consultation Discussion Papers
- International Labour Organisation Convention on Violence and Harassment in the World of Work (C190)
- NSW legislation beta website – feedback
- Priorities for Federal Discrimination Law Reform
- Religious freedom reforms
- Review of the *Civil and Administrative Tribunal Act 2013*

ENVIRONMENTAL PLANNING AND DEVELOPMENT

2019 membership: P. Wright (Chair), J. Walsh (Deputy Chair), M. Bonanno, A. Cahill, B. Charlton, C. Drury, L. Finn, C. Huegill, R. James, A. Knox, R. McCulloch, D. Morris (to October 2019), P. Murray, M. Pearce, A. Penklis, B. Rayment (from October 2019), J. Schipp, J. Sheehan, P. Vergotis, J. Wood, L. Booth (Policy Lawyer).

2020 membership: R. McCulloch (Chair), E. Espinosa (Deputy Chair) (until May 2020), C. Drury (Deputy Chair from June 2020), M. Bonanno, A. Cahill, B. Charlton, L. Finn, C. Huegill, R. James, A. Knox, P. Murray, M. Pearce, A. Penklis, B. Rayment, J. Schipp, J. Sheehan, P. Vergotis, L. Booth (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to planning and environmental law.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Implementation of the legislative amendments to the *Environmental Planning and Assessment Act 1979*
- Review of the *Environmental Planning and Assessment Regulation 2000*
- Appropriate public consultation on the introduction of legislative planning and related instruments, including State Environmental Planning Policies

Activities

The Committee carried out the following activities during the year under review:

- Participated in a Certifier practice guide subgroup on the 'consistency test'

- Participated in, and contributed to, the work of the Land and Environment Court Users Group
- A Committee representative attended a meeting with representatives from NSW Treasury in relation to the Productivity Commissioner's Review of the Independent Planning Commission
- Participated in a Working Group with the Department of Planning, Industry and Environment and other stakeholders to review the provisions of the *Environmental Planning and Assessment Regulation 2000* relating to planning certificates and to develop a template certificate
- Attended a meeting with representatives from the Department of Planning, Industry and Environment and other stakeholders to discuss changes to occupation certificates

The Committee made the following submissions during the year under review:

- Environmental Planning and Assessment (Territorial Limits) Bill 2019
- Improving the infrastructure contribution system
- Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Offences for the unlawful removal/lopping of trees
- Policy on Sustainable Development
- Review of the *Impounding Act 1993*
- Review of the Independent Planning Commission

The Committee also contributed to the following joint submissions during the year under review:

- Building Stronger Foundations Discussion Paper
- COVID-19 provisions – (multiple submissions)
- Draft Building and Development Certifiers Regulation 2019
- Draft Schedule 2 Planning Certificates
- Inquiry into Professional Engineers Registration Bill 2019
- Lessons to be learned in relation to the Australian bushfire season 2019-20
- Public Consultation on the Design and Building Practitioners Bill 2019
- Regulation Review Project Working Group – Planning certificates
- Short-term rental accommodation in NSW – A new regulatory framework

ETHICS

2019 membership: S. Alden, R. Anderson, G. Bates, A. Best, W. Burton, S. Cohen, S. Crellin, M. Curran, R. Fletcher, B. Haines, R. Hoyles, H. Macken, D. Miller, J. Moller, S. O'Regan, S. Pallavicini, K. Rosati, T. Spohr.

2020 membership: S. Alden, R. Anderson, G. Bates, A. Best, W. Burton, S. Crellin, B. Haines, R. Hoyles, H. Macken, M. Meares, D. Miller, J. Moller, S. Pallavicini, K. Rosati, T. Spohr.

Mission Statement

- To maintain and enhance the integrity of the legal profession and to ensure the proper discharge by members of the profession of their obligations to the Court, clients and community, encourage, maintain and enhance desirable professional practices and to prevent and resist undesirable professional practices within the profession.
- To promote desirable professional conduct by members of the legal profession and enhance public confidence in the integrity of solicitors.
- To provide timely information and education of ethical obligations of solicitors to the legal profession.
- To ensure continuity of the required professional standards and to provide guidance to the legal profession on issues of professional ethics.

Functions

The Ethics Committee has its role and function defined by the directives of the Council of the Law Society. Contained within these Council directives are the general delegation of powers, authorities and discretions to the Ethics Committee.

Review and scrutiny by the Council provides a set of goals that will focus on maintaining and promoting the high ethical standards of the legal profession.

The specialist services provided by the Ethics Committee include:

- Providing the various sectors of the legal profession with assistance and oversight. Guidance is provided to practitioners in general practice including law firms, government departments, inhouse and community legal centres.
- Responding to requests for guidance and information from solicitor enquiries, allowing easy access by all sectors of the legal profession to the professional services provided by the Law Society.
- Developing and implementing education programmes, publishing relevant guidelines and articles on specific topics to assist the legal profession, and research and submissions on ethical issues on behalf of the legal profession, to clarify and assist developing legal practice.

Consequently, this has promoted a culture of integrity and independence within the legal profession by constantly promoting ethics and professional standards for solicitors. Desired outcomes have been achieved in maintaining high ethical standards amongst solicitors and promoting public confidence about the legal profession.

The Ethics Committee has a diverse membership that represents the breadth of the legal profession and the practical skills needed in daily practice. The membership includes practitioners from government departments, private practice (large, medium and small) and in-house departments with many years of experience to draw from.

The combined specialist knowledge of the Ethics Committee provides expert guidance on all ethical issues for solicitors.

Support is provided to the Committee by the Ethics Department (part of the Professional Support Unit of the Law Society) with administrative and legal resources.

Regular meetings of the Ethics Committee are held each month to review a broad range of ethical matters affecting the legal profession.

Activities

The Committee carried out the following activities during the year under review:

- The provision of specialist services on ethics training and guidance by education programmes on ethics for the legal profession.
- Addressing the needs of key sectors within the legal profession such as government, in-house, private firms and young lawyers.
- Review of the Australian Solicitors' Conduct Rules and commentary.
- Content and delivery of ethics education utilising a suite of new information technologies to promote access and availability for the legal profession.
- Developing greater links with the public and legal profession to promote ethics issues, public confidence and access to high professional standards.
- Providing leadership within the profession and fostering links between state and national organisations to promote ethical standards for the legal profession.

FAMILY LAW

2019 membership: C. Banks (Co-Chair), Z. Kekeff (Co-Chair), R. Bakoss, K. Beckhouse, J. Burreket, J. Dawson, P. Doolan, J. Higgins, A. Iuliano, T. Kelman, M. Lama, L. Longbottom, J. Loughman, L. Maitland, L. McGirr, B. McGrath, M. Meares, T. Nicholls, A. Sanderson, I. Satkunanathan, M. Shepherd, G. Thompson, M. Whitehead, J. Wong, M. Youssef, S. Hunt (Policy Lawyer).

2020 membership: C. Banks (Co-Chair), Z. Kekeff (Co-Chair), L. Baber, K. Beckhouse, B. Bryant, C. Bryett, J. Burreket, A. Colquhoun, P. Davis, J. Dawson, P. Doolan, B. Hayward, J. Higgins, F. Hoad, T. Kelman, E. Lau, P. Lewis, L. Longbottom, L. Maitland, B. McGrath, M. Meares, H. Miedzinski, A. Sanderson, G. Thompson, M. Whitehead, S. Hunt (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to family law issues in New South Wales.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Monitor the outcome of the Australian Law Reform Commission review of the family law system and the Joint Select Committee for Australia's Family Law System, including identifying priorities and recommendations for implementation
- Advocate for adequate judicial resources and for workable structures and processes in the courts in which family law matters are heard, in particular as regards prioritising the best interests of children, and as regards the proposed merger of the Family Court and Federal Circuit Court
- Encourage and promote the use of alternative dispute resolution in family law, including encouraging the courts' uptake of the Law Society Family Law Settlement Service
- Advocate for better systemic responses to domestic and family violence in the context of family law
- Advocate for better access to legal representation, particularly in regional areas, and including adequate legal aid funding

Activities

The Committee carried out the following activities during the year under review:

- Engaged with PEXA, the Office of the Registrar General and the Department of Customer Services about electronic conveyancing in family law matters
- Monitored the uptake of the Law Society's Family Law Settlement Service
- Members of the Committee represented the Law Society at various Family Court and Federal Circuit court Liaison Groups

The Committee made the following submissions during the year under review:

- Draft Joint Practice Direction for Family Law
- Federal Circuit and Family Court of Australia Bill 2019 (Cth) and Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 (Cth)
- Proposed amendment to the *Relationships Register Act 2010* (NSW)
- Resourcing of the Family Court of Australia and Federal Circuit Court of Australia

The Committee also contributed to the following joint submissions during the year under review:

- Australian Law Reform Commission Final Report, Review of the Family Law System
- Duty exemptions on family law unregistered arbitral awards and de facto couples
- Feedback on notices of Child Abuse, Family Violence or Risk
- Integrated Birth Certificates
- Joint Select Committee Inquiry into Australia's Family Law System
- Options for improving the family violence competency of legal practitioners
- Proposed remaking of the *Relationships Register Regulation 2015* (NSW) and amendment of the *Births, Deaths and Marriages Register Regulation 2017* (NSW)

FIDELITY FUND MANAGEMENT

2019 membership: A Boog (Chair), D Bricknell, P Coster, R Flitcroft, J Glowrey, P Lewis, E Patrick, W Readford, P Smith, D Vine-Hall.

2020 membership: A Boog (Chair), D Bricknell, P Coster, R Flitcroft, J Glowrey, P Lewis, E Patrick, W Readford, D Vine-Hall.

Functions

The function of the Committee is to administer the Legal Practitioners Fidelity Fund in the exercise of powers delegated to it by the Council of the Law Society of New South Wales.

Activities

The Committee carried out the following activities during the year under review:

- Met on 11 occasions to consider and determine claims made against the Fund, recoveries and matters relating to the Fund's management.
 - Determined 65 claims worth \$12,928,939.12. Of the 65 claims, 45 for an aggregate amount of \$9,233,273.21, were allowed, partly allowed or settled. A total of 20 claims were totally disallowed. Additionally, 4 claims for \$402,678.56 were withdrawn.
 - Recoveries during the year amounted to \$3,890,466.32.
 - As at 30 June 2020, there were 76 undetermined claims against the Fund (involving 11 law practices) amounting to \$11,343,753.55, compared with 99 undetermined claims totalling \$17,481,476.81 the previous year.
 - Of the 76 claims mentioned above, outstanding claims involve \$9.7m regarding 4 law practices (53 claims). The remaining 7 law practices are the subject of claims for \$1.6m.
- The total paid to claimants during the year was \$8,497,584.37 comprising principal of \$8,276,209.90 and interest of \$221,374.47, involving claims in respect of 8 law practices. In a financial year, not all claims allowed or partly allowed may be paid in that same period, as formal requirements may not be completed in that year.
 - New claims received during the year totalled \$6,657,724.69.
 - Provision for claims is \$3,826,000 which comprises claims received and likely to be successful as well as an amount for instances where there is evidence that there may have been default or failure to account but where the claims are yet to be lodged. In addition, there are contingencies of \$14,894,016. This amount comprises notices of default or failure to account in respect of which a claim has not been made and where there is presently insufficient evidence that there may have been a default or failure to account, claims received which, based on current information, are considered not likely to be successful and disallowed claims subject to appeal or possible appeal.
 - All allowed claims for default or failure to account have been paid at 100 cents in the dollar.
 - Solicitors' contributions to the Fund for the 2019/2020 year were \$80 per solicitor where required to contribute. The Legal Profession Uniform Law (NSW) provides that government and corporate solicitors do not contribute to the Fund.
 - 8 law practices (including 3 practices involving the same defaulting solicitor) have been the subject of paid claims during the year. In relation to those, 1 defaulting solicitor has been bankrupted and in the other instances proceedings are being considered by the Committee or are being prepared.

FUTURE OF LAW AND INNOVATION IN THE PROFESSION (FLIP)

2019 membership: E. Espinosa (Chair) (Executive), M. Tidball (Executive), M. Ludvigova (Executive), A. Boumerhe (Executive), R. Harvey, S. Walker, B. Stack, C. Bibby, M. Legg, G. Ulman, D. Browne, A. Care, R. Prangell.

2020 membership: R. Harvey, (Chair) (Executive), S. Stewart (Executive), M. Ludvigova (Executive), J. Warner, B. Stack, C. Bibby, M. Legg, G. Ulman, A. Care, R. Prangell.

Function

As a part of its function in supporting the legal profession through the technological and innovative disruption facing the industry, the Law Society released the FLIP Report in March 2017. The report sets out 19 recommendations for the Law Society to implement.

Priorities

The role of this Committee is to advise the Council and the management of the Law Society in the implementation of the recommendations of the FLIP Report.

Activities

All initiatives facilitating implementation of the Flip recommendations fall under the umbrella of the FLIP Program. Ultimately, the FLIP Program stems from the Law Society's commitment to serving as a thought leader to protect and advance the integrity and quality of the legal profession. The Law Society is fully supporting the implementation of the FLIP Program including by a dedicated internal staffing structure.

- Head of Innovation and Strategic Engagement, Martina Ludvigova, oversaw the development and roll-out of the overall FLIP Program.
- A crucial component of the FLIP Program is the annual FLIP Conference. The second FLIP Conference was held on 25 July 2019 and offered members of the legal profession the opportunity to hear from over 50 leading Australian and international legal experts, judiciary, academics, and regulators on the latest advances in the profession. It was the most ambitious and challenging event ever developed by the Law Society for the legal profession.
- More than 650 members of the profession attend the event. In one day, we provided 18 face-to-face sessions and 11 hours of demonstrations showcasing the innovations

that are significantly altering the shape of the Australian legal landscape. Our purpose built "Today & Tomorrow Alley" provided an immersive and interactive experience. The Law Society undertook extensive research to create this virtual journey into the future. A Law Tech Theatre and Emerging Tech Lounge showcased the newest technologies shaping the evolution of the practice of law in Australia.

- The Flip Conference was concluded with the Flip Dinner, where attendees were exposed to the latest innovation when The Supreme Court and The Law Society of NSW #InnovateLaw hackathon finalists and winners were announced.
- We continue to evolve the FLIP online portal, which is part of the Law Society's website. The portal facilitates information across all sectors of the profession about developments in legal technology, work process improvements and client focused services including via podcasts and the FLIP events.
- The FLIP Stream research partnership between the Law Society and UNSW is led by Professor Michael Legg. Since 2018, through the FLIP Stream, the Law Society funds the University's research and innovation projects for five years, with a new topic to be focused on each year. Topics covered so far include: 2018: *Artificial Intelligence and the legal profession*, 2019: *Change leadership for lawyers* and 2020: *The sustainability of law and lawyers*. The research is hosted on the FLIP online portal and further disseminated to the members through the FLIP Program.
- Our popular FLIP Buzzwords is a bi-monthly series focused on different legal profession buzzwords from ethical, regulatory, risk management, privacy and legal practice perspectives. The panel sessions during the reporting period included: "NewLaw" held on 28 August 2019, "Cloud" held on 9 October 2019, "Change Management" held on 12 December 2019, "LawTech" held on 26 February 2020 at the Law Society. Followed, by a highlight podcast of each session and available to members on the FLIP Portal.
- Notwithstanding the implications of COVID 19, since March 2019, the FLIP Program was adapted to be delivered completely online.
- Accordingly, the launch of *Change leadership for lawyers* FLIP Stream's annual research topic was held virtually on 29 April with over 650 registrations.
- The twelfth FLIP Buzzword on "Design Thinking" was also held virtually on 12 May 2020, with over 600 registrations. The virtual sessions are available for members as live online events as well as on-demand.

GOVERNMENT SOLICITORS

2019 membership: E. Espinosa (Chair), R. MacSweeney (Deputy Chair), A. Boumerhe (Executive), H. Bell, A. Abadee, S. Alden, D. Barker, J. Camden, J. Docherty, R. Fletcher, M. Graczol, K. Harry, M. Keenan, N. Lawless, J. McGovern, K. Nash, M. Pearce, T. Postma, C. Ragusa, C. Samuels, C. Savundra, R. Spitzer, J. Stathis, J. Tozer, P. Vartuli, J. Wong, M. Wright, N. Justen-Hoven (Policy Lawyer).

2020 membership: E. Espinosa (Chair) (to May 2020), R. MacSweeney (Chair from June 2020), J. Wong (Deputy Chair), A. Boumerhe (Executive), A. Abadee, S. Alden, A. Baril, D. Barker, H. Bell, P. Buchberger, J. Camden, A. Duvall, G. Ettinger, M. Graczol, K. Harry, M. Keenan, A. Kennedy, J. McGovern, K. Nash, J. Patterson, M. Pearce, T. Postma, C. Ragusa, C. Samuels, R. Spitzer, J. Stathis, J. Tozer, A. Tsacalos, P. Vartuli, J. Windsor, N. Justen-Hoven (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to government solicitors.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Assist in developing a detailed plan/strategy to raise the profile of Government Solicitors within the rest of the legal profession
- Identify initiatives to increase the engagement of Government Solicitors within the profession, other segments of the profession and within the government segment itself
- Preparation of practitioner guidance
- Advise on topics for the Government Solicitors Conference
- Promote and manage the John Hennessy Legal Scholarship and the Michelle Crowther PSM Excellence Award
- Promote the benefits of Law Society membership to Government Solicitors

Activities

The Committee carried out the following activities during the year under review:

- Provided advice and assistance for the Government Solicitors Conference and other relevant CPD activities
- Updated the 'Handy Hints' publication for Government Solicitors
- Promoted and administered the John Hennessy Legal Scholarship and the Michelle Crowther PSM Excellence Award
- Managed the Reciprocal In-House CPD program for government solicitors
- Prepared articles for inclusion on the Government Solicitors Committee hub webpage and other Law Society publications



HUMAN RIGHTS

2019 membership: A. Mojtahedi (Chair), M. Nawaz (Deputy Chair), W. Ahmed, S. Bowes, S. Bruck, Dr. S. Calnan, K. Dewey, A. Drayton, R. Fletcher (until July 2019), A. Levin, K. McKenzie, R. Pettit, I. Reiss, E. Ryan, S. Sharmin, A. Sinclair, A. Talbot, J. van der Plaats, A. Small (Policy Lawyer).

2020 membership: A. Mojtahedi (Chair), M. Nawaz (Deputy Chair), W. Ahmed, J. Anderson, P. Blake, S. Bowes, S. Bruck, Dr. S. Calnan, A. Drayton, K. Elali, R. Haynes, J. Le, A. Levin, K. McKenzie, A. Newton, N. Regan, I. Reiss, E. Ryan, S. Sharmin, A. Sinclair, J. Warner, J. Windsor, A. Small (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to the obligations of Australia and NSW under international and domestic human rights law, and to uphold the rule of law.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Advocacy for a NSW Human Rights Act
- Disability advocacy in NSW, including in relation to the Disability Royal Commission
- Housing and homelessness
- The treatment of asylum seekers
- Anti-discrimination law reform
- Climate change and human rights

Activities

The Committee carried out the following activities during the year under review:

- The Committee's Chair provided evidence on behalf of the Law Society at Parliamentary hearings into the *Modern Slavery Act 2018* (NSW) and the Anti-Discrimination Amendment (Complaint Handling) Bill 2020 (NSW)
- Met with a delegation from the US Department of State and the US Department of the Treasury to discuss the application of sanctions under the *Global Magnitsky Human Rights Accountability Act 2016*
- Hosted two representatives from the Intellectual Disability Rights Service as guest speakers at a Committee meeting to discuss the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- Hosted the CEO of Greenpeace Australia Pacific as a guest speaker to discuss the intersection of climate change and human rights

The Committee made the following submissions during the year under review:

- Australian Government Consultation Paper on a new International Strategy on Human Trafficking and Modern Slavery
- Inquiry into a framework for autonomous sanctions under Australian law to target human rights abuses
- Inquiry into the human rights of women and girls in the Pacific
- Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020
- Migration Amendment (Repairing Medical Transfers) Bill 2019
- National Action Plan to Combat Modern Slavery 2020-2024 – Public Consultation Paper
- Religious Freedom Bills – Second Exposure Drafts
- Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019

The Committee also contributed to the following joint submissions during the year under review:

- Anti-Discrimination Amendment (Complaint Handling) Bill 2020
- Australian Security Intelligence Organisation Amendment Bill 2020
- Centrelink Compliance Program and related automated processes
- Council of Attorneys-General Age of Criminal Responsibility Working Group Review
- Enhancing housing protections for international students in NSW
- Free and equal: an Australian conversation on human rights

- Industrial Relations Consultation Discussion Papers
- Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press
- Inquiry into the *Modern Slavery Act 2018* and associated matters
- International Labour Organisation Convention on Violence and Harassment in the World of Work (C190)
- Minimum age of criminal responsibility
- Priorities for Federal Discrimination Law Reform
- Proposed Convention on the Rights of Older Persons
- Religious freedom reforms
- Review of the *Civil and Administrative Tribunal Act 2013*
- Senate Select Committee on COVID-19
- The Justice Reform Initiative
- The use of strip searches under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)
- Universal Periodic Review (third cycle) stakeholder submission

INDIGENOUS ISSUES

2019 membership: J. Behrendt (Chair), P. Mulroney (Deputy Chair), Z. Armytage, S. Bailey, Professor D. Barker, D. Barnes, Justice R. Benjamin, B. Cansdale, D. Captain-Webb, R. Cook, A. Cregan, S. Crellin, B. Dufty, M. Dupuis, M. Gleeson, B. Greenwood, M. Holden, C. Longman, J. Lovric, J. Madden, B. Massender, Dr. T. McComsey, P. Mountain, B. Murray, S. Owen, R. Sexton, T. Shepherd, G. McArthur (Policy Lawyer).

2020 membership: J. Behrendt (Chair), P. Mulroney (Deputy Chair), Z. Armytage, S. Bailey, Professor D. Barker, D. Barnes, E. Bastable, B. Cansdale, D. Captain-Webb, R. Cook, A. Cregan, S. Crellin, L. De Silva, B. Dufty, M. Dupuis, C. Edwards, D. Elston, M. Gleeson, B. Greenwood, M. Holden, J. Lovric, Dr. T. McComsey (from March 2020), P. Mountain, R. Sexton, T. Shepherd, G. Slack-Smith, A. Vorst-Parkes, T. Wallace, J. Weate, C. Elvy (until February 2020) / V. Kuek (from February 2020) (Policy Lawyers).

Functions

The role of this Committee is to represent the Law Society and its members on legal policy and practice issues arising in relation to Indigenous people in NSW.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Indigenous incarceration rates (including disability and cognitive impairment; sentencing and diversion; police accountability; and deaths in custody)
- Domestic and family violence, care and protection and family law
- Improving access to justice, including through Indigenous lists, Indigenous sentencing courts, funding for legal services to Indigenous people and targeted resources for the legal profession
- Aboriginal cultural heritage protection, Aboriginal land rights and native title
- Consumer and civil law issues (including birth certificates and identity documents; access and engagement with education; housing; and financial services)
- Aboriginal self-determination, community empowerment and Aboriginal economic development (including reform pursuant to the Uluru Statement and Indigenous procurement policies)

Activities

The Committee carried out the following activities during the year under review:

- Liaison with the Legal Profession Reconciliation Network
- Liaison with ANTaR (Australians for Native Title and Recognition)
- Steering advice and oversight of the Law Society's Indigenous Reconciliation Strategic Plan 2019-2022

- Published General Guidance for solicitors representing Aboriginal and Torres Strait Islander clients on the Law Society's website
- Provided support for an ad hoc Judicial Working Group to explore ways in which courts can improve services for Indigenous users
- Liaison with the Judicial Commission of NSW and the Bar Association of NSW to share information as appropriate and to provide joint events of mutual interest

The Committee made the following submissions during the year under review:

- Core funding for Tranby National Indigenous Adult Education & Training
- Discussion Paper: Overturning prior unjust child abuse settlements
- Draft Minister's Guidelines: Reduction of a penalty notice amount
- Funding changes to the Indigenous Legal Assistance Program
- National Legal Assistance Partnership Overview Paper
- Pathways to Justice Report

The Committee also contributed to the following joint submissions during the year under review:

- Australian Law Reform Commission Final Report, Review of the Family Law System
- Centrelink Compliance Program and related automated processes
- Council of Attorneys-General Age of Criminal Responsibility Working Group Review
- COVID-19 provisions – (multiple submissions)

- Free and equal: An Australian conversation on human rights
- Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Inquiry into the support for the children of imprisoned parents in New South Wales
- Integrated Birth Certificates
- Joint Practice Direction for Family Law
- Joint Select Committee Inquiry into Australia's Family Law System
- Lessons to be learned in relation to the Australian bushfire season 2019-20
- Review of the *Civil and Administrative Tribunal Act 2013*
- Review of the *Young Offenders Act 1997* (NSW)
- Senate Select Committee on COVID-19
- The Justice Reform Initiative
- Universal Periodic Review (third cycle) stakeholder submission

IN-HOUSE CORPORATE LAWYERS

2019 membership: C. James (Chair), R. Hunter (Deputy Chair), J. Brooke-Cowden, A. De Govrik, K. Elali, E. Espinosa, P. Housden, E. Liondis, T. May, K. Montano, J. Moses, Y. Nehme, J. O'Shannassy, S. Pallavicini, E. Papanikolaou, N. Regan, S. Russo, R. Saville, A. Selim, B. Williams, C. Williamson, E. Xue, N. Justen-Hoven (Policy Lawyer).

2020 membership: R. Hunter (Chair), E. Espinosa (Deputy Chair) (to May 2020), I. Luke (Deputy Chair from June 2020), T. Csillag, A. De Govrik, K. Elali, P. Housden, K. Iles, C. James, S. Mackenzie, J. Moses, J. O'Shannassy, S. Pallavicini, E. Papanikolaou, N. Regan, S. Russo, J. Sefton, J. Wilkin, N. Justen-Hoven (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to in-house corporate lawyers.

The Committee's priorities include:

- Acting as thought leaders in providing guidance and support resources for in-house corporate lawyers throughout NSW
- Facilitating collaboration and knowledge sharing through the in-house corporate segment by hosting informative and innovative engagement opportunities

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Providing collaboration and knowledge sharing opportunities through identification and delivery of appropriate events/forums
- Preparation of practitioner guidance and other resources on relevant and topical issues faced by in-house corporate lawyers

Activities

The Committee carried out the following activities during the year under review:

- Drafted practical guidance on ethical issues faced by in-house counsel
- Held several forums for the in-house community and a collaboration with the Government Solicitors Committee

The Committee also contributed to the following joint submissions during the year under review:

- Proposed Amendments to the Australian Solicitor's Conduct Rules
- Proposed Amendments to the definition of 'related entity' and 'corporate legal practitioner' in the Uniform Law

INJURY COMPENSATION

2019 membership: T. Stern (Chair), H. Macken (Deputy Chair), A. Abboud, S. Butcher, B. Cassidy, T. Concannon, G. Daley, L. Davidson, G. Guest, M. Issa, I. Jones, C. Ktenas, P. Macken, R. May, K. McCusker, A. Mulcahy, D. Potts, C. Slan, J. Thurgood, K. Toshack, M. Warton, B. Williams, A. Prigan (Policy Lawyer).

2020 membership: T. Stern (Chair), T. Concannon (Deputy Chair), A. Abboud, S. Butcher, B. Casado, B. Cassidy, G. Daley, L. Davidson, G. Guest, S. Harris, I. Jones, C. Ktenas, A. Lopes De Lima, H. Macken, P. Macken, R. May, K. McCusker, A. Mulcahy, D. Potts, C. Slan, J. Thurgood, K. Toshack, M. Warton, D. Weng, A. Prigan (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to personal injury law.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Develop recommendations to better facilitate access to legal services under the *Motor Accident Injuries Act 2017*
- Contribute to the implementation of a Personal Injury Commission
- Further investigate the impact of the minor injury test under the Compulsory Third Party scheme and present options for addressing issues to the NSW Government
- Monitor legal and policy issues in relation to the Workers Compensation scheme
- Monitor legal and policy developments in relation to the dust diseases scheme and medico-legal issues

Activities

The Committee carried out the following activities during the year under review:

- Represented the Law Society on and contributed to the work of: the Workers Compensation Commission User Group, the Motor Accidents Insurance Regulation Quarterly Legal Forum, the Supreme Court Common Law Users Group, the State Insurance Regulatory Authority (SIRA) Policy and Operational Forum and the SIRA Legal Forum
- Liaised with key stakeholders, including the NSW Bar Association, the Australian Lawyers Alliance and SIRA

The Committee made the following submissions during the year under review:

- 2020 Review of the Workers Compensation Scheme
- *AAI Limited v Singh* [2019] NSWSC 1300
- Comments on the draft Motor Accidents Compensation Regulation 2020
- CTP Care (early by agreement) fact sheet consultation
- CTP scheme data
- Customer service conduct principles consultation paper
- Draft Working Paper: Establishing a Personal Injury Commission
- Motor Accidents Guidelines Version 5 – Consultation
- Proposed Dust Diseases Tribunal Regulation 2019
- Proposed Motor Accident Guidelines – Authorised Health Practitioners
- Review of the minor injury definition in the *Motor Accident Injuries Act 2017*
- SIRA Compliance and Performance Review of the Workers Compensation Nominal Insurer
- Stakeholder consultations: Establishing a Personal Injury Commission
- State Insurance Regulatory Authority CTP Claim Form Review: Policy & Operation Forum Consultation
- State Insurance Regulatory Authority Guidance Note and Factsheet review
- Workers Compensation scheme costs schedule

The Committee also contributed to the following joint submissions during the year under review:

- COVID-19 provisions – (multiple submissions)
- Draft Mandatory Diseases Testing Bill 2020
- Settled Matters List

LICENSING

2019 membership: D. Humphreys (Chair – retired from Council 11/03/2019), J. Wong (Chair – appointed Chair 11/03/2019), R. Flitcroft (Deputy Chair), D. Barker, A. Biliás, M. Curran, G. Daley, P. Ferguson, K. Harry, W. Steenson, T. Gibson (Head of Licensing & Scheme), L. Ryan-Angel Dewar (Licensing Compliance Solicitor), J. Jameson (Licensing Solicitor).

2020 membership: J. Wong (Chair), R. Flitcroft (Deputy Chair – retired from Council 23/10/2020), A. Biliás, D. Barker, G. Daley, P. Ferguson, K. Harry, M. Curran, W. Steenson, E. Trumper, T. Gibson (Director, Licensing & Registry), L. Ryan-Angel Dewar (Licensing Compliance Solicitor), J. Jameson (Licensing Solicitor).

Functions

The Committee's functions derive from Chapter 3 Part 3.3, 3.4 and 3.5 of the *Legal Profession Uniform Law (NSW) (Uniform Law)* and pertain to the grant, renewal and variation of practising certificates and associated monitoring of compliance with practising certificate conditions and other licensing requirements.

The Committee's core work includes consideration of non-standard licensing applications made by legal practitioners for or in respect of:

- exemption from, or reduction of, the statutory period of supervised legal practice (**SLP**)
- grant of unsupervised or principal of a law practice practising certificate
- variation of a practising certificate type
- imposition, or removal, of other reasonable and relevant discretionary conditions
- practice management course (**PMC**) compliance
- certificates of fitness requirements
- compliance by solicitor's with undertakings
- continuing professional development (**CPD**) statutory requirements

During the reporting year, the Committee's work increased in complexity - arising partly from the unprecedented difficulties facing practitioners caused by the COVID-19 pandemic and being responsive to practitioners' individual circumstances within the regulatory parameters under the Uniform Law. As such, the Committee has continued to consider licensing applications and review licensing policies and associated regulatory matters in an educative way, so as to raise awareness of, and the need for compliance with, statutory responsibilities.

Priorities

The Committee conducts the following activities with a view to:

- meeting the objectives set out in s. 3 of the Uniform Law;
- improving compliance with, and monitoring of, entitlements to engage in legal practice in NSW and associated practising certificate requirements; and
- improving overall risk management by practising members of the profession.

Activities

The Committee considered 324 non-standard licensing applications:

Type of application	% of overall applications	Application examples
Exemption from, or reduction of, the statutory period of SLP	26%	<ul style="list-style-type: none"> Practitioners seeking to rely on legal practice experience undertaken in foreign jurisdictions prior to, and post their admission in Australia; or Practitioners who were unable to obtain certification of SLP due to a variety of circumstances such as the death or refusal of former supervisors or the nature of the work
Unsupervised and / or principal of a law practice practising certificate (PC)	22%	<ul style="list-style-type: none"> Practitioners who had not held an unsupervised PC in Australia for a period in excess of five years; or Practitioners who sought to rely on legal practice experience undertaken in foreign jurisdictions; or Practitioners who held PCs that remained subject to conditions yet to be satisfied in order to vary their PC to that of a principal
CPD	21%	Extensions of time in which to comply with the statutory CPD requirements and incidences of non-compliance, including referral to the Director, Legal Regulation for repeated non-compliance or for making of false declarations identified through the annual CPD compliance audit.
Other licensing matters	31%	<ul style="list-style-type: none"> Discretionary conditions, including supervision or practice restriction conditions or practitioners requiring an unsupervised PC to practise in a foreign jurisdiction PMC requirements Practitioners seeking recognition for quasi legal practice experience Practitioners with legal practice experience under the transitional exemption provisions Practitioners practising outside the terms of their PC conditions External and remote supervision plans, including those interstate and overseas, particularly impacted by the COVID-19 pandemic Use of both appropriate and non-misleading titles under the Uniform Law Change in CPD requirements in response to the COVID-19 pandemic CPD exemptions

LITIGATION LAW AND PRACTICE

2019 membership: J. Warner (Chair), E. Yamine (Deputy Chair), S. Baxter, S. Brodowski, E. Chan, J. Fan, S. Fernandez, R. Flitcroft, P. Green, D. Hing, J. Howard, C. Hutchinson, G. Johnson, R. Kenna, K. McLean, J. Prowse, J. Robb, R. Ryan, C. Savundra, M. Stephens, T. Stern, P. Sutherland, J. Tyrell, G. Ulman, T. Webb, S. Webber, P. Wiggins, T. Withane, G. McArthur (Policy Lawyer).

2020 membership: J. Warner (Chair), E. Yamine (Deputy Chair), L. Absalom, J. Ball, S. Baxter, S. Brodowski, K. David, P. Farrell, S. Fernandez, P. Green, D. Hing, J. Howard, C. Hutchinson, G. Johnson, R. Kenna, K. Martin, K. McLean, S. Murray, C. Peterson, J. Prowse, J. Robb, J. Sefton, M. Stephens, T. Stern, P. Sutherland, S. Webber, P. Wiggins, M. Zraika, L. Booth (to April 2020) / C. Elvy (from April 2020) (Policy Lawyers).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to civil litigation.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Liaise with the Government, courts and tribunals about issues affecting practitioners, including scale costs, cost assessment processes and court Practice Notes
- Monitor developments and, where appropriate, advocate, in relation to online courts and registries in Australian jurisdictions and overseas
- Respond to issues arising from consultations and inquiries relating to class actions, litigation funding and contingency fees, including the Australian Law Reform Commission Inquiry into Class Action Proceedings and Third-party Litigation Funders

Activities

The Committee carried out the following activities during the year under review:

- Represented the Law Society on a number of court committees and User Groups, including the Supreme Court Alternative Dispute Resolution Steering Committee, Supreme Court Common Law (Civil) Users Group, Supreme Court Rules Committee, Uniform Rules Committee, District Court Civil Business Group, District Court Rules Committee, NSW Civil and Administrative Tribunal (NCAT) Liaison Group and NCAT Home Building Consultative Forum
- Maintained a list of practitioners willing to act in the role of independent solicitor in the execution of search orders (Anton Piller Orders)

The Committee made the following submissions during the year under review:

- Court and Tribunal Fees
- Draft Model Defamation Amendment Provisions
- Inquiry into litigation funding and the regulation of the class action industry

The Committee also contributed to the following joint submissions during the year under review:

- Building Stronger Foundations Discussion Paper
- COVID-19 provisions – (multiple submissions)
- Public Consultation on the Design and Building Practitioners Bill 2019
- Review of the *Civil and Administrative Tribunal Act 2013*
- Settled Matters List

PRIVACY AND DATA LAW

2019 membership: P. Leonard (Chair), K. Keogh (Deputy Chair), S. Blanks, H. Brown, L. Chapman, T. Csillag, A. Drayton, C. Emery, M. Fai, O. Ganopolsky, I. Halford, R. Jeyasingam, A. Kopsias, E. Lu, L. Mannering, T. May, J. McAteer, S. McKenzie, M. Meares, S. Ng, S. O’Gorman, M. Snell, D. Turner, S. Wallace, K. Watts, A. Prigan (Policy Lawyer).

2020 membership: P. Leonard (Chair), K. Keogh (Deputy Chair), S. Blanks, H. Brown, L. Chapman (until March 2020), G. Collins, N. Commins, A. Cook, T. Csillag, A. Drayton, M. Fai, O. Ganopolsky, I. Halford, C. Higgins, A. Jacquet (from February 2020), R. Jeyasingam, A. Kopsias, B. Liang, T. Long, J. McAteer, M. Meares, S. Ng, S. O’Gorman, J. Rogers, J. Sabet, D. Vaile, K. Watts, A. Prigan (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to privacy and data law.

The Committee’s priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Monitor privacy issues that may arise, including from innovative uses of data, communications, artificial intelligence, including machine learning, and other technology
- Monitor legal and policy developments in relation to privacy laws; access to data (private sector and government); the collection, retention and use of data; and data sharing and data linkage
- Develop proposals in relation to privacy laws; the regulation of the use of surveillance, facial recognition and data derived through surveillance in both the public and private sectors; and the regulation of the use of artificial intelligence, including machine learning

- Monitor legal and policy developments in cyber risk, cyber security and business data governance; and develop proposals in relation to measures to mitigate and address risks
- Monitor causes of action and remedies available to affected individuals, including alternative mechanisms such as codes and statements of principle

Activities

The Committee carried out the following activities during the year under review:

- Liaised with key stakeholders on privacy and data laws, including the NSW Department of Customer Service on the development of an artificial intelligence strategy for NSW

The Committee made the following submissions during the year under review:

- Data Sharing and Release Legislative Reforms discussion paper
- Law Council Cyber Precedent Website
- Mandatory notification of data breaches by NSW public sector agencies
- NSW Government’s Artificial Intelligence Strategy

The Committee also contributed to the following joint submissions during the year under review:

- Centrelink Compliance Program and related automated processes
- Consultation on the Australian Human Rights Commission’s Human Rights and Technology Report
- Draft proposals on access to digital records upon death or incapacity
- Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press
- Universal Periodic Review (third cycle) stakeholder submission

PROPERTY LAW

2019 membership: R. Harvey (Chair), J. Glowrey (Deputy Chair), M. Andrews, A. Antony, B. Barry (from September 2020), D. Bluth, A. Cahill, A. Care, G. Channell, J. Crittenden, M. Devitt, D. Fitzclarence, R. Goncalves, C. Huegill, M. Jebeile, L. Liang, G. Maksimovic, B. Malone, C. Martin, T. McKibbin, G. Newton, M. Osborne, Dr. S. Pallavicini, P. Rosier, D. Skapinker, D. Stott, M. Swan, K. Tran-Tsai, G. Lea (Policy Lawyer).

2020 membership: R. Harvey (Chair), C. Huegill (Deputy Chair), M. Andrews, A. Antony, D. Bluth, A. Cahill, A. Care, G. Channell, J. Crittenden, M. Devitt, D. Fitzclarence, J. Glowrey, R. Goncalves, M. Jebeile, G. Maksimovic, B. Malone, T. McKibbin, J. McMillan, G. Newton, M. Osborne, Dr. S. Pallavicini, P. Rosier, D. Skapinker, D. Stott, M. Swan, K. Tran-Tsai, G. Lea (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to property law and conveyancing practice.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern
- Where relevant, preparing and reviewing standard documentation for use by the profession (including contracts, leases etc)

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Assist with the further implementation of electronic conveyancing, including participating in consultations regarding the interoperability of electronic lodgment networks
- Participate in consultations initiated by the Office of the Registrar General and the NSW Department of Customer Service, including community title reforms and building industry reforms

Activities

The Committee carried out the following activities during the year under review:

- Prepared the Contract for the sale and purchase of land – 2019 Edition
- Participated in various roundtable discussions with NSW Fair Trading, including in relation to building reforms and strata and community title reforms
- Participated in quarterly liaison meetings with NSW Land Registry Services and the Office of the Registrar General
- Provided input to the National Interoperability Industry Panel through the Law Council of Australia
- Participated in industry consultation with the Office of the Registrar General on matters including off the plan reforms and the COVID-19 residual lodgment process
- Participated in the NSW Interoperability Working Groups
- Participated in the Law Council's National Electronic Conveyancing System Committee
- Participated in NCAT Forums in relation to the Strata and Community Title lists

The Committee made the following submissions during the year under review:

- Community Schemes Reform
- COVID-19 provisions – (multiple submissions)
- Discussion Paper – Off-the-plan contracts – Conveyancing (Sale of Land) Amendment Regulation 2019
- Draft Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020
- E-Conveyancing: Interoperability – (multiple submissions)
- Guidance for e-settlement agents
- Model Participation Rules and Model Operating Rules – version 6
- Property and Stock Agents Amendment Regulation 2019
- Regulatory Impact Statement – *Residential Tenancies Regulation 2019*
- Review of Conveyancing Rules version 5
- Review of pricing framework for electronic conveyancing services in NSW
- Review of the effectiveness and efficiency of the NSW Home Building Compensation Fund
- Review of the Intergovernmental Agreement for an Electronic Conveyancing National Law

The Committee also contributed to the following joint submissions during the year under review:

- Building Stronger Foundations Discussion Paper
- COVID-19 provisions – (multiple submissions)
- Draft Building and Development Certifiers Regulation 2019
- Draft Schedule 2 Planning Certificates
- Draft Variation – Taxation Administration PAYG Withholding for Foreign Resident Capital Gains
- Enhancing housing protections for international students in NSW
- Enhancing protections relating to the use of Enduring Power of Attorney instruments
- Inquiry into Professional Engineers Registration Bill 2019
- Public Consultation on the Design and Building Practitioners Bill 2019
- Retirement Village Exit Entitlements Discussion Paper
- Review of the *Civil and Administrative Tribunal Act 2013*
- Short-term rental accommodation – A new regulatory framework

PUBLIC LAW

2019 membership: A. Chalk (Chair), P. Wright (Deputy Chair), A. Abadee, Dr. G. Appleby, Dr. H. Bell, Dr. S. Calnan, B. Hearnden, R. Heinrich, G. Johnson, M. Keenan, Dr. M. Landrigan, A. Markus, J. McGovern, M. O'Brien, C. Ragusa, M. Snell, Dr. S. Thompson, Dr. A. Tsacalos, A. Zekanovic, S. Hunt (until August 2019) / C. Elvy (from August 2019) (Policy Lawyers).

2020 membership: A. Chalk (Chair), A. Abadee (Deputy Chair), A. Baril, Dr. S. Calnan, A. Duvall, R. Heinrich, G. Johnson, M. Keenan, A. Kennedy, Dr. M. Landrigan, A. Markus, J. McGovern (until May 2020), A. Mojtahedi, S. Murray, M. O'Brien, A. Rafter (from May 2020), C. Samuels, H. Sims, K. Smith, M. Smyth, Dr. A. Tsacalos, S. Webb (from March 2020), A. Zekanovic, C. Elvy (until February 2020) / V. Kuek (from February 2020) (Policy Lawyers).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to public law matters, including constitutional law, administrative law, the rule of law, the principles of representative and responsible government, the separation of powers, government accountability, and the operation of the federal system.

The Committee's priorities include, in relation to such matters:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Identifying opportunities to improve review frameworks in relation to administrative decisions (eg, greater provision of internal review, external merits review etc)
- Matters that affect the powers and independence of investigative and oversight bodies (e.g. ICAC, LECC)
- Counter-terrorism and national security legislation
- The resilience of public institutions and the role of the rule of law
- Monitoring the changing relationship between areas of public law and private law

These initiatives will be considered in the context of relevant international standards and frameworks.

Activities

The Committee carried out the following activity during the year under review:

- Hosted a guest speaker to discuss cyber security from a government accountability perspective

The Committee made the following submissions during the year under review:

- Inquiry into nationhood, national identity and democracy
- Inquiry into the making of delegated legislation in NSW
- NSW Broadcast of Proceedings Resolution

The Committee also contributed to the following joint submissions during the year under review:

- Australia's 2020 Cyber Security Strategy
- Australian Security Intelligence Organisation Amendment Bill 2020
- Centrelink Compliance Program and related automated processes
- Consultation on highly contentious bills
- COVID-19 provisions – (multiple submissions)
- Inquiry into making delegated legislation in NSW
- Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press
- Review of the *Civil and Administrative Tribunal Act 2013*

REVENUE NSW / LAW SOCIETY LIAISON

2019 membership: A. Boog (Co-Chair), C. Smythe (Co-Chair), A. Chek, G. Chiert, F. Di Francesco, J. Dudley, K. Farrell, A. Fernandez, B. Hewitt, J. King (to October 2019), F. Lam, D. Lam, J. Lee, R. Nguyen, T. Nguyen, I. Phillips, R. Prasad, J. Shead, M. Smith, M. Telan, L. To, G. Vale, J. Yem, G. Lea (Policy Lawyer).

2020 membership: A. Boog (Chair), C. Smythe, (Co-Chair), M. Brewster, A. Chek, G. Chiert, F. Di Francesco, J. Dudley, A. Fernandez, B. Hewitt, F. Lam, D. Lam, J. Lee, R. Nguyen, T. Nguyen, N. O'Reilly, I. Phillips, R. Prasad, L. Serafim, J. Shead, M. Telan, L. To, G. Vale, J. Yem, G. Lea (Policy Lawyer).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to state revenue issues in New South Wales.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern

Activities

The Committee carried out the following activities during the year under review:

- Reviewed the application of Revenue Rulings and Commissioner's Practice Notes
- Participated in a collaboration session with Revenue NSW regarding electronic lodgment of applications

The Committee made the following submissions during the year under review:

- Commissioner's Practice Note – Landholder – Fixed to Land
- State Revenue Legislation Further Amendment Bill 2019

The Committee also contributed to the following joint submissions during the year under review:

- Commissioner's Practice Note – Foreign Surcharges and Discretionary Trusts
- Commissioner's Practice Note – Payroll Tax on shares and options
- Commissioner's Practice Note – Grouping of discretionary trust
- Family law unregistered arbitral awards and de facto couples
- Revenue Ruling – Deceased Estates
- State Revenue Legislation Further Amendment Bill 2019

RURAL ISSUES

2019 membership: A. Boog (Co-chair), J. Thurgood (Co-chair), C. Banks, D. Fitzclarence, J. Hennessey, R. Jarratt, S. Mason, P. Moffitt, S. Morgan, R. Quiggin (to November 2019), K. Rankin (to October 2019), L. Kelly (from November 2019), G. Ryan, N. Scanlon, A. Prigan (Policy Lawyer).

2020 membership: J. Thurgood (Co-chair), J. van der Plaats (Co-chair), R. Austin, C. Banks, S. Colquhoun, D. Fitzclarence, A. Fleming, C. Hannah, R. Jarratt, L. Kelly, S. Mason, A. Miller, P. Moffitt, S. Morgan, G. Ryan, N. Scanlon, M. Shephard, M. Twyford, A. Prigan (to March 2020) / C. Elvy (from April 2020) (Policy Lawyers).

Functions

The role of this Committee is to represent the Law Society and its members on policy and practice issues arising in relation to rural NSW.

The Committee's priorities include:

- Developing and commenting on law reform and legal policy proposals (including preparing submissions, and liaising with government and other stakeholders in this process)
- Educating the legal profession about changes to the law, and providing guidance on practice and other issues
- Exchanging information about issues arising in legal practice (such as recent case law) that may indicate a legal policy issue or concern
- Where relevant, preparing and reviewing standard documentation for use by the profession (including contracts, leases etc)

Committee priority issues for 2020

The Committee identified the following priority issues for 2020:

- Better access to justice in rural and regional areas, including the provision of adequate judicial resources in rural and regional areas
- Monitoring legal issues in relation to water management and food scarcity
- Identifying topics for the Rural Issues Conference
- Monitoring the sustainability of legal practice in rural, regional and remote areas
- Monitoring legislative and policy developments on rural issues, including in relation to crown land management

Activities

The Committee carried out the following activities during the year under review:

- Provided advice on topics and speakers for the Rural Issues Conference held in October 2019
- Maintained factsheets on rural issues on the Law Society's website
- Contributed to the establishment of drought assistance package for practitioners assisting drought-affected clients

The Committee made the following submission during the year under review:

- Drought Assistance Funding

The Committee also contributed to the following joint submissions during the year under review:

- COVID-19 provisions – (multiple submissions)
- Lessons to be learned in relation to the Australian bushfire season 2019-20
- Senate Select Committee on COVID-19

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ISSUES

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Talk to us today

Keynote speaker The Hon. Melinda Pavey, at the Law Society of NSW's Rural Issues Conference 2019

JOINT SUBMISSIONS

Made by the Law Society on behalf of more than one committee

- 2020 Cyber Security Strategy
- Anti-Discrimination Amendment (Complaint Handling) Bill 2020
- ATO processes for dealing with deceased estates
- Australian Law Reform Commission Final Report, Review of the Family Law System
- Australian Security Intelligence Organisation Amendment Bill 2020
- Building Stronger Foundations Discussion Paper
- Centrelink Compliance Program and related automated processes
- Comments on draft amendments for inclusion in a Justice Cluster Miscellaneous Amendment Bill 2019
- Commissioner's Practice Note – Foreign Surcharges and Discretionary Trusts
- Commissioner's Practice Note – Grouping of discretionary trust
- Commissioner's Practice Note – Payroll Tax on shares and options
- Consultation on draft provisions for the Justice Cluster Miscellaneous Amendment Bill (No 1) of 2019
- Consultation on highly contentious bills
- Council of Attorneys-General Age of Criminal Responsibility Working Group Review
- COVID-19 provisions – (multiple submissions)
- Draft Building and Development Certifiers Regulation 2019
- Draft Mandatory Diseases Testing Bill 2020
- Draft proposals on access to digital records upon death or incapacity
- Draft Schedule 2 Planning Certificates
- Draft Variation – Taxation Administration PAYG Withholding for Foreign Resident Capital Gains
- Enhancing housing protections for international students in NSW
- Enhancing protections relating to the use of Enduring Power of Attorney instruments
- Family law unregistered arbitral awards and de facto couples
- Feedback on notices of Child Abuse, Family Violence or Risk
- Free and equal: An Australian conversation on human rights
- Independent *Review of the Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Industrial Relations Consultation Discussion Papers
- Inquiry into Professional Engineers Registration Bill 2019
- Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press
- Inquiry into the support for the children of imprisoned parents in New South Wales
- Integrated Birth Certificates
- International Labour Organisation Convention on Violence and Harassment in the World of Work (C190)

- Joint Letter to the NSW and Commonwealth Attorney Generals regarding inaction on the ALRC Pathways Report
- Joint Practice Direction for Family Law
- Joint Select Committee Inquiry into Australia's Family Law System
- Law Admissions Consultative Committee report on redrafting the academic requirements for admission
- Lessons to be learned in relation to the Australian bushfire season 2019-20
- Minimum age of criminal responsibility
- *Modern Slavery Act 2018* and associated matters
- NSW legislation beta website – feedback
- Options for improving the family violence competency of legal practitioners
- Personal service of documents during the pandemic in the Dust Diseases Tribunal
- Priorities for Federal Discrimination Law Reform
- Proposed amendment to the *Relationships Register Act 2010* (NSW)
- Proposed Convention on the Rights of Older Persons
- Proposed remaking of the *Relationships Register Regulation 2015* (NSW) and amendment of the *Births, Deaths and Marriages Register Regulation 2017* (NSW)
- Public Consultation on the Design and Building Practitioners Bill 2019
- Regulation Review Project – Planning certificates
- Religious freedom reforms
- Retirement Village Exit Entitlements Discussion Paper
- Revenue Ruling – Deceased Estates
- Review of the *Civil and Administrative Tribunal Act 2013*
- Review of the *Young Offenders Act 1997* (NSW)
- Senate Select Committee on COVID-19
- Settled Matters List
- Short-term rental accommodation – A new regulatory framework
- State Revenue Legislation Further Amendment Bill 2019
- The Justice Reform Initiative
- The use of strip searches under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)
- Universal Periodic Review (third cycle) stakeholder submission

Made by the Policy and Practice Department (no relevant committee)

- 2020-2021 Pre-Budget Submission
- Ability for Federal Judicial Officers to witness statutory declarations under the *Oaths Act 1900* (NSW)
- Amendment of payment claims requirements under the *Building and Construction Industry Security of Payment Act 1999*
- COVID-19 provisions – (multiple submissions)
- Essential Legal Services
- Implementation of election commitments

THE LAW SOCIETY OF NEW SOUTH WALES

170 Phillip Street, Sydney NSW 2000, DX 362 Sydney

ACN 000 000 699 ABN 98 696 304 966

lawsociety.com.au

T +61 2 9926 0333 F +61 2 9231 5809

E lawsociety@lawsociety.com.au

