

ANNUAL REPORT OF COMMITTEES 2023



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.

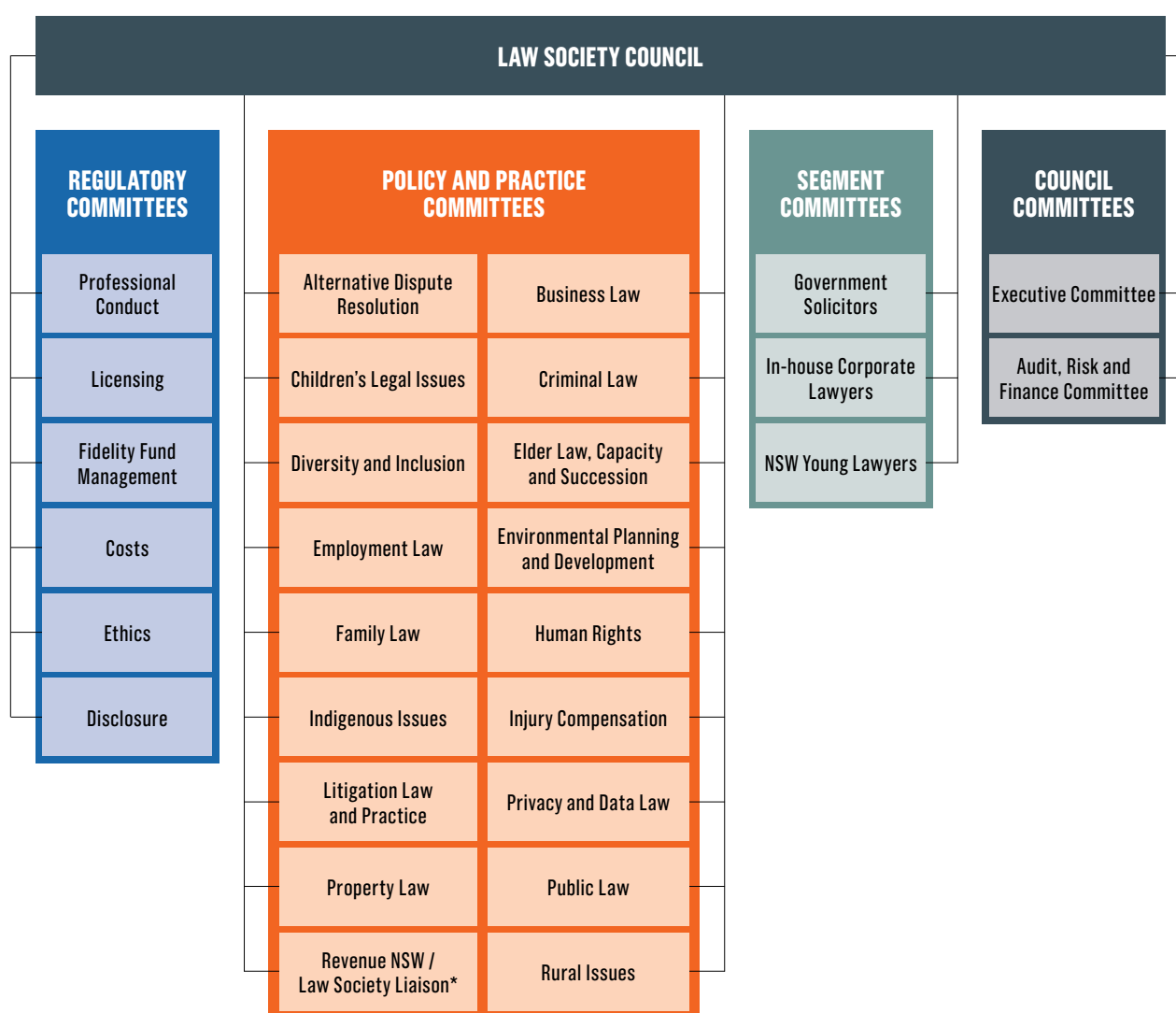
The committees’ functions vary somewhat from committee to committee but, typically, are as follows:

- 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 for 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



* Liaison committee

ALTERNATIVE DISPUTE RESOLUTION

2022 membership: G. Ulman (Chair), M. Ziegler (Deputy Chair), P. Argy, A. Bhattacharjee, A. Boyd-Boland, K. David, G. Ettinger, G. Fabiani, P. Farrell, N. Flaskas, N. Geikie, R. Hughes, Z. Kekeff, S. Kendall, M. Kofman, Judge L. Levy, P. Lewis, A. Lopes De Lima, P. Lorraine, J. McDermott, J. Robb, C. Seil, N. Harvey (Policy Lawyer).

2023 membership: G. Ulman (Chair), M. Ziegler (Deputy Chair), J. Anderson, P. Argy (from February 2023), K. David, G. Ettinger, G. Fabiani, P. Farrell, D. FitzGerald, S. Kendall, Judge L. Levy, P. Lewis, J. McDermott, N. Malhotra (from February 2023), J. Robb, Dr A. Roy, C. Seil, 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 all forms of 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 2023

The Committee identified the following priority issues for 2023:

- Advancing the proposition of compulsory pre-litigation mediation in NSW
- Discussing and understanding practice issues impacting the profession practising in ADR
- Publishing commentary for the profession's benefit
- Hosting guest speakers within the ADR field to leverage their views and experiences
- Holding a continuing professional development event in October 2023

Activities

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

- The Committee monitored the Singapore Convention on Mediation with a particular focus on Australia ratifying the Convention.
- On 21 September 2022, Ms Nina Harding addressed the Committee. Ms Harding was named Australian Mediator of the Year 2022 at the recent Australasian Law Awards.
- Committee members attended the Resolution Institute Conference, 'Green Shoots: Emerging Trends in Dispute Resolution', which was held 6–7 October 2022.
- The Annual General Meeting of the Mediator Standards Board was held on 17 October 2022 with the Law Society hosting the meeting.
- Committee members formed a working group with members from the Litigation Law and Practice Committee to prepare a report on whether there should be mandatory pre-litigation mediation in NSW.
- The Committee reviewed the findings and recommendations from the National Mediator Accreditation System Review 2020–2022.
- The Committee finalised its review of the Law Society's current dispute resolution model clauses.

The Committee contributed to a joint submission on the following issue during the year under review:

- 2023 State Election Policy Platform

BUSINESS LAW

2022 membership: A. Cerny (Chair), T. Masters (Deputy Chair), S. Brown, A. Daquinag, P. Harrison, M. Lo, K. McLean, V. Manalo, T. Mierendorff, D. Newhouse, B. Roe, L. Serafim, D. Smith, K. Smith, R. Snowden, J. Stathis, T. Stevensen, H. Tang, L. Booth (Policy Lawyer).

2023 membership: A. Cerny (Chair), T. Masters (Deputy Chair), A. Balis, S. Brown, A. Care, C. Cowley, M. Gupta, C. Hall, P. Harrison, E. Heuston, S. Howari, K. Kapetas, M. Lo, K. McLean, T. Mierendorff, B. Roe, F. Schoneveld, K. Smith, R. Snowden, J. Stathis, T. Stevensen, C. Taylor, E. Wong, L. Booth (until April 2023) / S. Hewison (from April 2023) (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 business law. Without limiting the Committee's area of review, subcommittees have been convened for the following specific areas, which fall within the Committee's consideration:

- Competition and consumer law
- Contract law
- Corporations
- Financial services
- Insolvency
- Intellectual property
- 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 2023

The Committee identified the following priority issues for 2023:

- Responding to consultations initiated by the NSW and Commonwealth Treasury, the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission, and the Department of Customer Service
- Monitoring legal and policy developments in relation to:
 - competition and consumer law reform
 - tax law and practice developments, including legal practitioners' interactions with the Australian Taxation Office
 - financial services, including superannuation
 - the innovative use of data, artificial intelligence and other technology in the business law context
- Consideration of issues arising (and advocating where appropriate) in relation to legislative proposals aimed at addressing climate change transition risk

Activities

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

- Participated in a stakeholder roundtable meeting with Treasury representatives to discuss reforms to the Foreign Investment Review Framework
- Collated nominations for the Takeovers Panel
- Participated in the Standards Australia Technical Committee QR 17 Organisational Governance AS 8001 Fraud and Corruption Control
- Participated in stakeholder roundtables with the Australian Taxation Office as part of the Foreign Investment Stakeholder Group
- Participated in the ASIC Regional Liaison Committee
- Participated in a Law Council of Australia analysis of the national legal profession to identify risks in compliance with proposed anti-money laundering and counter-terrorism financing reforms
- Participated in a joint subcommittee with the Ethics Committee in the development of a Professional Standards guidance note for practitioners on the Register of Foreign Ownership of Australian Assets

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

- Financial Adviser Professional Standards
- Improving Corporations and Financial Services Law
- Multinational Tax Integrity and Tax Transparency
- Quality of Advice Review
- Regulating Buy Now, Pay Later in Australia
- Statutory review of the *Payment Times Reporting Act 2020* (Cth)
- Superannuation Annual Members' Meeting Notices
- Taxpayers' Charter Review
- Token Mapping

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

- 2023 State Election Policy Platform
- Change of Trustees
- Commissioner's Practice Note – Leases and Change in Beneficial Ownership
- Draft Building Compliance and Enforcement Bill 2022 (NSW) and Draft Building and Construction Legislation Amendment Bill and Regulation 2022 (NSW)
- Exemptions for litigation funding schemes
- Home building compensation reforms
- Jurisdictional limits of the Local Court
- Privacy Act Review Report
- Revenue Ruling – Declaration of Trust and Acknowledgement of Trust and Revenue Ruling – Variations of Trust
- Review of Australia's Modern Slavery Act
- Strategic Plan to Combat Modern Slavery

CHILDREN'S LEGAL ISSUES

2022 membership: J. Wong (Chair), K. Hopgood (Deputy Chair), S. Bourne, B. Bowman, R. Breckenridge, A. Christie-David, Z. De Re, J. Fing, L. Goodwin, A. Hall, S. Hargans, M. Inger, K. Kelso, E. Leong, D. Neligan, S. Niles, K. Phillips, Z. Robinson, A. Ross, K. Rowley, G. Slack-Smith, R. Ward, K. Williamson (until August 2022), N. Saad (until October 2022) / C. Daly (from October 2022) (Policy Lawyers).

2023 membership: J. Wong (Chair), K. Hopgood (Deputy Chair) (until May 2023), J. Clifford (Deputy Chair) (June 2023), S. Bourne, B. Bowman, G. Bromwich, C. Delaney, Z. De Re, J. Fing, L. Goodwin, A. Hall, S. Hargans, M. Hayward, K. Kelso, B. Kennedy (until May 2023), E. Leong, D. Neligan, S. Niles, K. Phillips, Z. Robinson, A. Ross, K. Rowley, J. Smith, Detective Inspector J. Symons (from March 2023), R. Ward, C. Daly (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 2023

The Committee identified the following priority issues for 2023:

- Reducing the number of young people in NSW custody, including investigating:
 - The minimum age of criminal responsibility
 - Children on remand, including cases of family crises or homelessness
 - Restorative justice and diversion in the Criminal Justice System
 - Target 11 initiatives under Closing the Gap
- The overrepresentation of Indigenous children in the NSW child protection and criminal justice systems, including monitoring Closing the Gap Targets
- The intersection of education, children in out of home care, and the criminal justice system in NSW
- Monitoring online safety legislation in relation to children and young people
- Reviewing and updating the Representation Principles for Children's Lawyers

Activities

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

- The Committee represented the Law Society on, and contributed to, the work of various Groups and Committees, including the Children's Court Advisory Committee, the Children's Court Care Working Group, the Children's Court *Family is Culture* Working Group and the Youth Justice Advisory Committee
- The Committee 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, the NSW Police Force, 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

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

- Youth Justice and Child Wellbeing Reforms

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

- 2023 State Election Policy Platform
- *Child Protection (Offender Registration) Act 2000* (NSW)
- *Children and Young Persons (Care and Protection) Regulation 2022* (NSW)
- Family Law Amendment (Information Sharing) Bill 2022
- Family Law Amendment Bill Exposure Draft and Consultation Paper
- Statutory Review of the *Victims Rights and Support Act 2013* (NSW)

CRIMINAL LAW

2022 membership: J. Sanders (Chair), M. Mantaj (Deputy Chair), C. Bell, A. Biliias, V. Chan, P. Coady, E. Conditis, D. Elston, P. Gibson, D. Giddy, I. Hogan, R. Hoyles, Professor J. Hunter, S. Ienna, C. Irani, L. Kaban, H. Ketley (until September 2022), J. Lewis, E. Liddell, S. Mason, J. Pheils, T. Spohr, J. Styles, J. Sutton, Deputy Chief Magistrate T. Tsavdaridis, J. Wong, R. Geare (Policy Lawyer).

2023 membership: J. Sanders (Chair), M. Mantaj (Deputy Chair), C. Bell, A. Biliias, R. Breckenridge (from April 2023), A. Burkitt (until May 2023), V. Chan, P. Coady (until March 2023), E. Conditis, D. Elston, B. Ford, P. Gibson (from February 2023), D. Giddy, R. Hoyles, Professor J. Hunter, S. Ienna, L. Kaban, J. Keane, B. Kennedy (until May 2023), J. King (from May 2023), J. Lewis, R. McCarthy (from February 2023), R. McMahon (from March 2023), J. Pheils (until March 2023), S. Rees (from May 2023), J. Sutton, Deputy Chief Magistrate T. Tsavdaridis, R. Tumeth, M. Watts, F. Way, A. Whitehead (from March 2023), J. Wong, C. Daly (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 affected by, and involved in, the criminal justice system
- The rights of people charged with criminal offences and 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 2023

The Committee identified the following priority issues for 2023:

- Resourcing of NSW courts, including resourcing for digital infrastructure, to address delay and to support specialist and therapeutic Court processes
- Reducing Indigenous incarceration rates, including monitoring the operation of the Walama list
- Diversion from the criminal justice system, including improving outcomes for vulnerable groups
- Improving disclosure in criminal cases

Activities

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

- Committee members represented the Law Society on, and contributed to the work of, various external Groups and Committees, including the Early Appropriate Guilty

Pleas Working Group, Child Sexual Offences Evidence Program Reference Group, Corrective Services NSW Legal Practitioners Consultative Group, Corrective Services NSW Legal eBrief Committee and the Supreme Court Trial User Group

- The Committee liaised with key stakeholders on matters related to the effective functioning of the criminal justice system and criminal justice law reform, including the NSW Department of Communities and Justice, Youth Justice NSW and the NSW Police Force

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

- Access to offenders' superannuation for victims and survivors of sexual abuse
- Bail: Show cause offences and the unacceptable risk test
- Chief Magistrate's Memorandum No. 28 – COVID-19
- Crimes (Administration of Sentences) Amendment (No Body, No Parole) Bill 2022
- Crimes Amendment (Protection of Criminal Defence Lawyers) Bill 2022
- Crimes Legislation Amendment (Coercive Control) Bill 2022
- Criminal Cases Review Commission
- Criminal Legislation Amendment (Knife Crimes) Bill 2023
- *Criminal Procedure Regulation 2017* (NSW)
- Current and Proposed Sexual Consent Laws in Australia
- Developing legal services for victims and survivors of sexual assault
- District Court Expert Evidence Practice Note
- Drug reform advocacy
- *Evidence (Audio and Audio Visual Links) Regulation 2015* (NSW)
- Fraud consultation paper
- Miscellaneous Justice Bills
- NSW organised crime legislative reform
- Prosecutorial Disclosure in Criminal Cases in NSW
- Review of sentencing law for firearms, knives and other weapons offences
- Review of serious road crime
- Statutory review of the *Evidence Amendment (Tendency and Coincidence) Act 2020* (NSW)
- Statutory review of the *Terrorism (Police Powers) Act 2002* (NSW)
- *Terrorism (High Risk Offenders) Act 2017* (NSW) and the *Crimes (High Risk Offenders) Act 2006* (NSW)

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

- 2023 State Election Policy Platform
- 2023 Workplace Reform Consultations
- *Child Protection (Offender Registration) Act 2000* (NSW)
- Draft National Principles to address Coercive Control
- Federal parole authority
- Privacy Act Review Report
- Procedural protections for victims of sexual harassment who are witnesses in civil proceedings

DIVERSITY AND INCLUSION

2022 membership: R. MacSweeney (Chair), I. Luke (Deputy Chair), K. Addo, E. Allen, K. Brooker, G. Burke, R. Cook, J. Dawes, M. Dawson, Z. Edries, M. Graczol, R. Grant, K. Hong, S. Ibrahim, R. Karim, D. Kelly, A. Khan, A. Lyras, A-J. Merrett, A. Pale, K. Pender, V. Roles, T. Spirovski, N. Stewart, J. Tyrrell, J. Warner, M. Yelavich, S. Bathurst (Policy Lawyer).

2023 membership: R. MacSweeney (Chair), I. Luke (Deputy Chair), A. Albury, E. Allen, J. Berbotto, K. Brooker, G. Burke, D. Cheung, C. Coupland, T. Csillag, J. Dawes, Z. Edries, M. Graczol, R. Grant, M. Gurlica, M. Hamayun, S. Ibrahim, R. Karim, C. Kirkpatrick, A. Lyras, R. Manguray, A-J. Merrett, S. Mtango, A. Pale, K. Pender, V. Roles, L. Shelly, J. Skelton, T. Spirovski, N. Stewart, J. Tyrrell, C. Wu, A. Yazdani, S. Bathurst (Policy Lawyer).

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 2023

The Committee identified the following priority issues for 2023:

- Supporting the implementation of initiatives that promote cultural diversity and anti racism in the legal profession and its workplaces
- Developing initiatives and resources in line with the Committee's mission in relation to promoting a disability aware and culturally diverse legal 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, and progression through, the legal profession
- Encouraging allyship in the legal profession and a commitment to achieving outcomes for diverse communities

Activities

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

- Hosted a Cultural Diversity networking event, with a keynote address by Justice Hament Dhanji, Supreme Court of NSW
- Hosted workshops with Charter for the Advancement of Women signatories and other leading law firms on equitable remuneration in the legal profession
- Hosted a Pride Breakfast event, with a keynote address by Edwin Cameron, former Justice of the Constitutional Court of South Africa
- Established the Court Disability User Group, in conjunction with the NSW Bar Association
- Liaised with the Women Lawyers Association of NSW, the Muslim Legal Network (NSW), the Australian Asian Lawyers Association and the Pacific Legal Association NSW

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

- Court Users Group on Accessibility

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

- 2023 State Election Policy Platform
- An appropriate cost model for Commonwealth anti-discrimination laws
- Commonwealth Government – Employment White Paper Consultation

ELDER LAW, CAPACITY AND SUCCESSION

2022 membership: J. McMillan (Chair), R. Neal (Deputy Chair), L. Absalom, A. Britton, J. Clarke, D. Copeland, N. Darcy, M. Dixon, F. Fagan, L. Gerritsen (from October 2022), B. Hayward, A. Koumoukelis, M. Lovelock, R. McCullagh, P. McGowan, A. McIntyre, R. MacSweeney, M. Money, K. Penfold, R. Pollard, A. Schiralli, L. To, E. Tsihlis (nee Alabasinis), P. Vartuli, K. Whitley, S. Yoo (until October 2022), S. Hunt (Policy Lawyer).

2023 membership: J. McMillan (Co-Chair), R. Neal (Co-Chair), L. Absalom, B-J. Attard, A. Britton, L. Brown, E. Chappel (from February 2023), J. Clarke, N. Darcy, S. Davis, M. Dixon, F. Fagan, L. Gerritsen, T. Goodwin, B. Hayward, D. Heffernan, G. Kirwan, A. Koumoukelis, M. Lovelock, A. McIntyre, M. Money, K. Penfold, R. Pollard, G. Ryan, A. Schiralli, L. To, S. Hunt (until May 2023) / N. Saad (from May 2023) (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 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 2023

The Committee identified the following priority issues for 2023:

- Elder abuse awareness, prevention and mitigation, including improving legal, procedural and practical remedies available to elder abuse victims
- Enduring appointments including guardianship, powers of attorney and financial management, in particular, improving processes that evidence the use of enduring instruments
- Accommodation designed for, or particularly affecting, older people, including the outcome of the Royal Commission into Aged Care Quality and Safety
- Succession law, including harmonisation across states and territories and improving estate administration processes

Activities

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

- Committee members attended a meeting of the Law Council's National Elder Law and Succession Law Committee to discuss a range of federal and state-based issues, and recent advocacy work
- Assisted the Supreme Court of NSW with operational aspects of the Succession List, including maintaining a List of Independent Administrators
- Supported members' understanding of issues concerning elder law, estate planning and estate administration by developing and reviewing Law Society website resources, including guidelines on remote witnessing and mental capacity
- Worked with the CPD team to develop a program to educate practitioners on the legal, ethical and practice issues arising in elder law and succession law
- Monitored the operation of new procedures in family provision matters under Supreme Court of NSW Succession and Probate List

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

- A new model for regulating aged care – multiple submissions
- Aged Care Amendment (Implementing Care) Reform Bill 2022
- Best Practice Guide for Legal Practitioners in Relation to Elder Financial Abuse
- Best Practice Guide for Legal Practitioners on Assessing Mental Capacity
- Independent Review of the *Ageing and Disability Commissioner Act 2019* (NSW)
- Liability of a Legal Personal Representative of a Deceased Person
- NSW Trustee and Guardian
- *Oaths Regulation 2017* (NSW)
- Quality of Care Amendment (Restrictive Practices) Principles 2022

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

- 2023 State Election Policy Platform
- Budget priorities 2023–24
- A nationally consistent scheme for access to digital records upon death or loss of decision-making capacity
- Change of Trustees

EMPLOYMENT LAW

2022 membership: B. Feltham (Co-Chair), N. Keats (Co-Chair), T. Angelopoulos, M. Byrnes, P. Costigan, M. Dawson, M. Doherty, M. Doyle, A. Grayson, C. Kerley, D. King, K. Lewis, A. Lyras, D. McEvoy, H. Macken, S. Nachiappan, D. Potts, C. Stebbing, W. Steenson, M. Tuohy, N. Saad (Policy Lawyer).

2023 membership: B. Feltham (Co-Chair), N. Keats (Co-Chair), T. Angelopoulos, S. Berry, M. Byrnes, P. Costigan, M. Dawson, M. Doherty, M. Doyle, L. Drake, J. Farah, A. Grayson (until April 2023), K. Iles, L. Izzo, C. Kerley, D. King, M. Kuga, K. Lewis, A. Lyras, D. McEvoy, S. Nachiappan, D. Potts, C. Stebbing, W. Steenson, J. van der Plaats, N. Saad (until May 2023) / S. Hunt (from May 2023) (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 2023

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

Activities

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

- Participated in the Federal Circuit Court User Group – Sydney Registry (Industrial Law)
- 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
- Supported the Law Society's Fair Work Commission and Industrial Relations Commission Dinner

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

- Consultation: proposed enterprise agreements statistical reports
- Draft Fair Work (Statement of Principles on Genuine Agreement) Instrument 2023
- *Fair Work Act 2009* (Cth) small claims procedure
- Fair Work Commission – approach to conciliation of unfair dismissal matters
- Federal Court's Class Actions Practice Note
- Industrial Relations Commission – s 173 Objection and Request Form
- SafeWork NSW Strategy

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

- 2023 State Election Policy Platform
- 2023 Workplace Reform Consultations
- An appropriate cost model for Commonwealth anti-discrimination laws
- Commonwealth Government – Employment White Paper Consultation
- Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022
- Privacy Act Review Report
- Procedural protections for victims of sexual harassment who are witnesses in civil proceedings
- Recommendation 26 of the *Respect@Work Report*
- Review of Australia's Modern Slavery Act
- Senate Committee Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022
- Senate Committee Inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022

ENVIRONMENTAL PLANNING AND DEVELOPMENT

2022 membership: R. McCulloch (Chair), A. Penklis (Deputy Chair), J. Amy, J. Baldwin, K. Blunden, M. Bonanno, R. Bullmore, A. Cahill, B. Charlton, R. Chick, K. Huxley, R. James, B. Jenkins (from August until October), A. Knox, M. Macken, E. Ryan, Professor J. Sheehan, M. Thomas, P. Vergotis, L. Booth (Policy Lawyer).

2023 membership: R. McCulloch (Chair), A. Penklis (Deputy Chair), J. Amy, J. Baldwin, K. Blunden, M. Bonanno, R. Bullmore, A. Cahill, C. Cai, B. Charlton, R. Chick, A. Davidson, R. James, A. Knox, M. Macken, M. Mallos, Professor J. Sheehan, M. Thomas, S. Urlich, P. Vergotis, L. Booth (until April 2023) / Sonja Hewison (from April 2023) (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 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 2023

The Committee identified the following priority issues for 2023:

- Appropriate public consultation on the introduction of legislative planning and related instruments, including State Environmental Planning Policies
- Consideration of the issues arising (and advocating where appropriate) in relation to planning and environmental proposals aimed at addressing climate change transition risk

Activities

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

- Participated in, and contributed to, the work of the Land and Environment Court Users Group
- Participated in the Selection Panel for the recruitment of Sydney and Regional Panel Chairs and members

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

- Coastal Design Guidelines
- Proposed amendments to the State Environmental Planning Policy (Housing) 2021
- Special flood consideration clause Explanation of Intended Effect

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

- 2023 State Election Policy Platform
- Draft Building Bill 2022
- Planning Certificate Fees

FAMILY LAW

2022 membership: C. Banks (Co-Chair), J. Dawson (Co-Chair), B. Bryant, J. Burreket, C. Christaki, L. Coady, A. Colquhoun, P. Davis, M. Hayward, J-L. Higgins, F. Hoad, K. Kearley, Dr M. Livermore, B. McGrath, M. Mastronardi, M. Meares, J. Neo, C. Pitcher, J. Smith, G. Thompson, M. Whitehead, S. Yigit, S. Hunt (Policy Lawyer).

2023 membership: J. Dawson (Co-Chair), G. Thompson (Co-Chair), B. Bryant, J. Burreket, L. Coady, A. Colquhoun, P. Davis, A. Gordon, M. Hayward, F. Hoad, K. Kearley, Dr M. Livermore, L. McGregor, M. Meares (until March 2023), G. Morgan, J. Morris, A. Murray, J. Nessworthy, C. Pitcher, L. Shelly, M. Whitehead, S. Yigit, 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 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 2023

The Committee identified the following priority issues for 2023:

- Advocating in relation to Government responses to 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
- Monitoring, and as necessary advocating for, the provision of adequate judicial resources and for workable processes in the courts in which family law matters are heard, in particular as regards prioritising the best interests of children
- Encouraging and promoting the use of alternative dispute resolution in family law, including encouraging uptake of the Law Society Family Law Settlement Service
- Monitoring, and where appropriate advocating in relation to, systemic responses to domestic and family violence in the context of family law, including education
- Advocating for better access to legal representation, particularly in regional areas, including adequate legal aid funding
- Strengthening the Law Society's relationship with the Federal Circuit and Family Court of Australia and exploring further ways of working with the Court to help familiarise practitioners with Court operations and assist the Court to understand emerging practice issues

Activities

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

- Worked with the Court in relation to Court resourcing issues, both in terms of judicial resourcing and the availability of Court facilities, particularly in the context of COVID-19 and repeated flooding events
- Worked with the Court in relation to reducing delays and improving consistency in the processing of Applications for Consent Orders
- Worked with Legal Aid NSW in relation to Commonwealth legal aid funding for family law matters
- Represented the Law Society on a number of groups, including the Federal Circuit and Family Court Liaison Groups for the Sydney, Parramatta, Wollongong and Newcastle Registries

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

- Family Law Amendment Bill 2023
- Family Law Amendment (Information Sharing) Bill 2023
- Federal Circuit and Family Court of Australia Central Practice Direction
- *Federal Circuit and Family Court of Australia (Family Law) Rules 2021*
- Federal Circuit and Family Court of Australia Practice Directions and Special Measures Information Notices

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

- 2023 State Election Policy Platform
- Budget priorities 2023–24
- Draft National Principles to address Coercive Control
- Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022
- Family Law Amendment (Information Sharing) Bill 2022
- Family Law Amendment Bill Exposure Draft and Consultation Paper
- Independent Review of the National Legal Assistance Partnership
- Statutory Review of the *Victims Rights and Support Act 2013* (NSW)

GOVERNMENT SOLICITORS

2022 membership: J. Wong (Chair), R. MacSweeney (Deputy Chair), S. Alden, K. Boyd, Capt. I. Campbell, J. Camden, G. Ettinger, M. Filippeli, M. Graczol, T. Haber, K. Harry, Dr M. Keenan, C. Lithgow, S. Mclaughlan, K. Pastrovic, A. Railton, M. Siciliano, J. Stathis, A. Thomas, Dr A. Tsacalos, J. Tozer, P. Vartuli, K. Watts, J. Windsor, N. Justen-Hoven (Policy Lawyer).

2023 membership: J. Wong (Chair), Dr M. Keenan (Deputy Chair), S. Alden, K. Boyd, J. Camden, Capt. I. Campbell, C. Cloudsdale, G. Ettinger, M. Filippeli, M. Graczol, T. Haber, B. Hughes, C. Lithgow, B. McGrath, K. Pastrovic, V. Phillips, M. Smith, J. Stathis, R. Su, A. Thomas, J. Tozer, A. Tsacalos, P. Vartuli, N. Justen-Hoven (Policy Lawyer).

Functions

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

The Committee's priorities include:

- Addressing issues relating to the practice of government solicitors (including preparing submissions, and liaising with government agencies and other stakeholders in this process)
- Supporting the development of networks between government solicitors in different agencies
- Educating government solicitors about changes to the law, and providing guidance on practice and other issues
- Exchanging information, sharing insights and commenting on issues arising in government solicitors' legal practice (such as recent case law or changes in policy) that are relevant to the practice of government solicitors

Committee priority issues for 2023

In addition to any matters referred to it by the Council, President or CEO from time to time, the Committee has the following priority issues for 2023:

- Identifying initiatives to increase engagement with, and raise the profile of, government solicitors within the profession
- Maintaining, strengthening and advancing our relationships with internal and external stakeholders
- Advising on topics and speakers for the Government Solicitors Conference
- Promoting and managing the John Hennessy Legal Scholarship and the Michelle Crowther PSM Excellence Award
- Providing support as subject matter experts to assist with the execution of the membership strategy, including developing resources and creating content

Activities

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

- Provided advice and assistance for the Government Solicitors stream of the Law Society Annual Conference and other relevant CPD activities.
- Implemented a Government Lawyers and Vicarious Trauma session – Self-care Strategies for the segment
- Undertook a review of the Handy Hints for Government Legal Practitioners publication with a view to updating the content
- Promoted and administered the John Hennessy Legal Scholarship and the Michelle Crowther PSM Excellence Award
- Prepared articles and interviews for inclusion on the Government Solicitors Committee hub webpage, in the Public Record, and in other Law Society publications
- Considered ethical and other practice issues raised by government solicitors through the Committee and its members

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

- Review of the *Modern Slavery Act 2018* (NSW)

HUMAN RIGHTS

2022 membership: A. Mojtahedi (Chair), J. Tyrrell (Deputy Chair), W. Ahmed, Dr S. Calnan, S. Clarke, S. Dhillon, R. Dominguez, A. Drayton, S. Henderson, J. Le, E. Leong, A. Levin, K. McKenzie, M. Markoulli, A. O'Donoghue, S. Parsons, A. Pasternacki, N. Ruppert, A. Sage (until August 2022), A. Sinclair, S. Bathurst (Policy Lawyer).

2023 membership: A. Mojtahedi (Chair), J. Tyrrell (Deputy Chair), W. Ahmed, J. Anderson, Dr S. Calnan, S. Clarke, M. Coidan, I. Crowther (until February 2023), S. Dhillon, R. Dominguez, A. Drayton, A. Duvall, S. Fleigner, S. Henderson, M. Iskander, J. Le, E. Leong, A. Levin, K. McKenzie, M. Markoulli, M. Nekoodast, S. Parsons, J. Redfern, G. Rohan, N. Ruppert, A. Sinclair, G. Stribling (from April 2023), Y. Su, S. Bathurst (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 2023

The Committee identified the following priority issues for 2023:

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

Activities

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

- Hosted guest speakers from PIAC, Tim Ngui and Thomas Chailloux, to address the Committee on the intersection of homelessness and the law
- Liaised with the Law Council of Australia, Australian Lawyers for Human Rights, and the Human Rights for NSW Alliance

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

- Administrative Appeals Tribunal – Migration and Refugee Division Practice Direction
- Australia's Humanitarian Program 2023–24
- Australian Law Reform Commission Consultation Paper – Religious Educational Institutions and Anti-discrimination Laws
- Consultation on Skilled Migration Reform
- Discussion Paper – Humanitarian Program 2022–2023
- Management of Migration to Australia – Family Reunion and Partner Related Visas
- National Human Rights Framework Review
- Religious vilification amendments to the *Anti-Discrimination Act 1977* (NSW)
- Review of the *Migration Amendment (Clarifying International Obligations for Removal) Act 2021* (Cth)
- Stage 2 Reform of the Disability Standards for Accessible Public Transport 2022

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

- 2023 State Election Policy Platform
- 2023 Workplace Reform Consultations
- Budget priorities 2023–24
- An appropriate cost model for Commonwealth anti-discrimination laws
- Independent Review of the National Legal Assistance Partnership
- Native Title Respondent Scheme
- Privacy Act Review Report
- Recommendation 26 of the *Respect@Work Report*
- Review of Australia's Modern Slavery Act
- Senate Committee Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022
- Senate Committee Inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022
- Statutory Review of the *Victims Rights and Support Act 2013* (NSW)
- Strategic Plan to Combat Modern Slavery

IN-HOUSE CORPORATE LAWYERS

2022 membership: R. Hunter (Chair), J. Moses (Deputy Chair), D. Bitsis, A. De Govrik, K. Elali, D. George, K. Hinde, P. Housden, E. Liondis, I. Luke, H. Makam, L. Mannering, K. Murali, E. Papanikolaou, T. Swan, C. Sylow, M. Tangonan, A. Von Konigsmark, N. Justen-Hoven (Policy Lawyer).

2023 membership: R. Hunter (Chair), J. Moses (Deputy Chair), N. Ali, D. Bitsis, L. Bruce, T. Csillag, A. De Govrik, J. Farah, R. Fletcher, D. George, M. Guilday, P. Housden, U.-A. Jo, P. Jones, R. MacSweeney, L. Mannering, E. Papanikolaou, M. Smyth, T. Swan, C. Sylow, M. Tangonan, A. Von Konigsmark, E. Wong, R. Zahrai, 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 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 2023

In addition to any matters referred to it by the Council, President, or CEO from time to time, the Committee identified the following priority issues for 2023:

- Providing collaboration, networking and knowledge sharing opportunities through identification and delivery of appropriate events, forums, social media pages and communications for in-house corporate lawyers throughout New South Wales
- Preparing and commissioning practitioner guidance and other resources on relevant and topical issues faced by in-house corporate lawyers
- Developing new relationships and strengthening existing ties with other industry bodies to better support the in-house segment, which includes collaborating on initiatives with the Government Solicitors Committee
- Providing support as subject matter experts to assist with the execution of the membership strategy
- Working to create an insightful and compelling program for the In-House Corporate Lawyers stream of the Annual Conference 2023
- Creating a capability set or framework to identify the competencies required of in-house lawyers as their career develops

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
- Provided practical advice on forums and other relevant CPD activities
- Attended the Young Lawyers Careers Fair to further promote the option of an in-house career
- Undertook a review of the Handy Hints for In-House Lawyers publication with a view to updating the content.
- Created a LinkedIn group for in-house practitioners who are members of the Law Society
- Prepared articles and interviews for inclusion on the In-House Corporate Lawyers Committee hub webpage, in In The House, and in other Law Society publications
- Considered ethical and other practice issues raised by corporate solicitors through the Committee and its members
- Managed and facilitated The Practice Network, an initiative of the Committee to facilitate regular networking and knowledge sharing between sole general counsels or those in a small team
- Provided advice and assistance for the In-House Corporate Lawyers stream of the Law Society Annual Conference

INDIGENOUS ISSUES

2022 membership: J. Behrendt (Chair), D. Captain-Webb (Deputy Chair), Z. Armytage, B-J. Attard, S. Bailey, Dr S. Calnan, R. Cook (July 2022), Z. De Re, L. De Silva, B. Dufty, M. Dupuis, J. Fing, M. Gleeson, L. Holden, M. Holden, K. Hopgood, J. Lovric, Dr T. McComsey, P. Mulrone, B. Murray, P. Novotna, R. Sexton, K. Smith, V. Kuek (Policy Lawyer).

2023 membership: J. Behrendt (Chair), D. Captain-Webb (Deputy Chair), Z. Armytage, B-J. Attard, Dr S. Calnan, R. Cavanagh, B. Charlton, S. Crellin (from February 2023), Z. De Re, L. De Silva, H. Donaldson, B. Dufty, M. Dupuis, M. Gleeson, L. Holden, M. Holden, E. Hudson-Buhagiar, J. Lovric, Dr T. McComsey, O. Monaghan, S. Mortimer, P. Mulrone, P. Novotna, L. Swan, V. Kuek (Policy Lawyer).

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 2023

The Committee identified the following priority issues for 2023:

- 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; native title; and natural resource management
- Consumer and civil law issues (including birth certificates and identity documents; access to 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:

- Participation in the NSW Legal Assistance Forum Closing the Gap Working Group
- Engagement with the NSW Civil and Administrative Tribunal consultative forum on Tenancy, Social Housing and Aboriginal matters
- Liaison with the Legal Profession Reconciliation Network
- Development and provision of the First Nations Speaker Series with the Judicial Commission of NSW and the Bar Association of NSW
- Participation in the Children's Court Indigenous care list working group

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

- Cultural Heritage Protection Reform Options
- Fisheries Management Amendment (Enforcement Powers) Bill 2022
- Improving access to justice for Indigenous tenants of the NSW Civil and Administrative Tribunal
- Inquiry into missing and murdered First Nations women and children
- Statutory review of the domestic violence provisions in the *Residential Tenancies Act 2010* (NSW)

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

- 2023 State Election Policy Platform
- Budget priorities 2023–24
- *Children and Young Persons (Care and Protection) Regulation 2022* (NSW)
- Commonwealth Government – Employment White Paper Consultation
- Facilitating and administering Aboriginal land claim processes
- Family Law Amendment Bill Exposure Draft and Consultation Paper
- Inquiry into the Aboriginal and Torres Strait Islander Voice
- Inquiry into the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022
- Native Title Respondent Scheme
- Privacy Act Review Report

INJURY COMPENSATION

2022 membership: T. Concannon (Chair), L. Davidson (Deputy Chair), A. Abboud, F. Bellissimo, S. Butcher, A. Chan, D. Cooper, D. Ens, R. Galea, G. Guest, S. Harris, P. Hunt, I. Jones, K. Kennedy, C. Khoudair, C. Ktenas, A. Lopes, P. Macken, M. Manokarathas, R. May, A. Mulcahy, P. Ohm, D. Potts, T. Tancred, J. Thurgood, K. Toshack, D. Weng, R. Yousef, S. Bathurst (Policy Lawyer).

2023 membership: T. Concannon (Chair), L. Davidson (Deputy Chair), A. Abboud, N. Baker, S. Butcher, D. Cameron, R. Dababneh, G. Guest, B. Hagipantelis, P. Hunt, I. Jones, K. Kennedy, C. Khoudair, A. Lopes, P. Macken, M. Manokarathas, R. May, N. Morehead, A. Mulcahy, C. Newton, P. Ohm, D. Potts, K. Sawers, T. Tancred, E. Thompson, J. Thurgood, K. Toshack, D. Weng, R. Yousef, S. Bathurst (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 injury compensation 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 2023

The Committee identified the following priority issues for 2023:

- Developing recommendations to better facilitate access to justice and legal services under the *Motor Accident Injuries Act 2017* (NSW)
- Contributing to the ongoing operation of the Personal Injury Commission
- Monitoring and encouraging implementation of the Clayton Utz/Deloitte Statutory review of the *Motor Accident Injuries Act 2017* (NSW)
- Encouraging a quick and fair outcome from the Review of Legal Support for Injured People, including an emphasis on making legal support more accessible for claimants, particularly for statutory benefits disputes
- Monitoring the outcomes of the Review of the Independent Legal Assistance and Review Service and its impact on legal costs in the workers compensation scheme
- Monitoring legal and policy developments in relation to the dust diseases scheme, autonomous vehicle regulation, medico-legal, medical negligence and public liability issues
- Monitoring legal costs issues in Commonwealth / NSW redress schemes

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: Law Council Personal Injury and Compensation Committee; Personal Injury Commission Rules Committee; Personal Injury Commission Stakeholder Reference Group; NSW State Insurance Regulatory Authority (SIRA) Motor Accidents Legal Forum; and the Pre-Injury Average Weekly Earnings Reference Group
- Liaised with key stakeholders, including the NSW Bar Association, the Australian Lawyers Alliance, the Independent Review Office, the Personal Injury Commission and SIRA

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

- 2022 Review of the Compulsory Third Party Scheme – multiple submissions
- 2022 Review of the Workers Compensation Scheme – multiple submissions
- Draft Guidelines for the Provision of Relevant Services (Health and Related Services) in workers compensation and Compulsory Third Party
- Expanding access to commutations in the NSW Workers Compensation Scheme
- Guidance Material for Joint Medico-Legal Assessments
- Independent Legal Advice and Representation Service Review
- Independent Review Office Complaints and Compliments Policy, and Unreasonable Conduct Policy and Procedures
- Independent Review Office Medical Disputes early resolution
- Inquiry Report – Errors in Weekly Payments
- Joint Statement on Medico-Legal Relations
- Medicare Compensation Recovery Program
- Memorandum of Understanding between the Personal Injury Commission and the State Insurance Regulatory Authority
- Motor Accident Guidelines: Compulsory Third Party Care
- Motor Accident Guidelines: Version 9
- Motor Accident Injuries Amendment Bill 2022 (NSW)
- Personal Injury Commission Amendment Bill 2022 (NSW)
- *Personal Injury Commission Rules 2021*
- Pre-injury average weekly earnings Review
- Protocol and practice in the Personal Injury Commission
- Statutory Review of the *Personal Injury Commission Act 2020* (NSW)
- *Workers Compensation Regulation 2016* (NSW)

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

- 2023 State Election Policy Platform
- Jurisdictional limits of the Local Court

LITIGATION LAW AND PRACTICE

2022 membership: E. Yamine (Chair), S. Fernandez (Deputy Chair), S. Brodowski, K. David, P. Green, Magistrate M. Greenwood, A. Hack, D. Hing, J. Howard, C. Hutchinson, G. Johnson, E. Keir, R. Kenna, K. McLean, K. Martin, S. O'Connor, C. Peterson, J. Prowse, J. Robb, M. Stephens, P. Sutherland, J. Tyrrell, J. Warner, S. Webber, Dr S. Willis, S. Lee (until August 2022) / N. Harvey (from September until October 2022) / Claudia Daly (from October 2022) (Policy Lawyers).

2023 membership: E. Yamine (Chair), S. Fernandez (Deputy Chair), S. Brodowski, K. David, P. Green, Magistrate M. Greenwood, A. Hack, D. Hing, J. Howard, C. Hutchinson, G. Johnson, E. Keir, R. Kenna, K. Martin, K. McLean, C. Morson, C. Peterson, J. Priestly, J. Prowse, J. Punthakey, J. Robb, M. Stephens, P. Sutherland, J. Tyrrell, Dr S. Willis, J. Windsor, C. Wong, S. Bathurst (until March 2023) / S. Hewison (from April 2023) (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 2023

The Committee identified the following priority issues for 2023:

- Liaising with the Government, courts and tribunals about issues affecting practitioners, including scale costs, cost assessment processes and court Practice Notes
- Monitoring developments and, where appropriate, advocating for consistency in relation to online courts and registries in Australian jurisdictions and overseas
- Recognising positive technological changes that have occurred as a result of the COVID-19 pandemic and advocating for funding for permanent implementation of technology in the civil court system as appropriate

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
- Participated on the "Service Charter" working group at the NSW Sheriff's Office. Updated the list of practitioners willing to act in the role of independent solicitor in the execution of search orders (Anton Piller Orders)

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

- Availability and use of authorised reports
- Best practice principles for online proceedings
- *Civil Procedure Regulation 2017* (NSW)

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

- 2023 State Election Policy Platform
- Change of Trustees
- Costs disclosure thresholds
- Exemptions for litigation funding schemes
- Jurisdictional limits of the Local Court
- Review of the Costs Assessment Rules Committee Guideline on Ordered Costs

PRIVACY AND DATA LAW

2022 membership: O. Ganopolsky (Co-Chair), A. Jacquet (Co-Chair), J. Amos, S. Blanks, T. Bowen, H. Brown, B. Cameron, A. Cerny, N. Commins, A. Drayton, A. Duvall, M. Fai, K. Keogh, Professor P. Leonard, B. Liang, J. McAteer, S. McLaughlan, L. Mannering, M. Meares, S. Ng, L. Nicholson, M. O'Brien, S. O'Gorman, A. Prigan, L. Sinclair, J. Skelton, R. Staltare, K. Watts, R. Wilkins, S. Lee (until August 2022) / N. Saad (from August 2022) (Policy Lawyers).

2023 membership: O. Ganopolsky (Co-Chair), A. Jacquet (Co-Chair), S. Blanks, T. Bowen (until February 2023), H. Brown, P. Cenoz, A. Cerny, N. Commins, C. Cloudsdale, A. Duvall, M. Fai, R. Grant, G. Jefferson, J. Kulawiec, Professor P. Leonard, B. Liang, J. McAteer, S. McLaughlan, L. Mannering, A. Mitchell, S. Ng, L. Nicholson, S. O'Gorman, R. Scanlon, L. Sinclair, V. Taylor (from February 2023), N. Saad (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 2023

The Committee identified the following priority issues for 2023:

- Monitoring privacy issues that may arise, including from innovative uses of data, communications, artificial intelligence, including machine learning, and other technology
- Monitoring 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
- Developing 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
- Monitoring legal and policy developments in cyber risk, cyber security and business data governance; and developing proposals in relation to measures to mitigate and address risks
- Monitoring 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 state and federal government agencies
- Reviewed the practitioner resources relating to cyber security published on the Law Society's website
- Hosted representatives of the NSW Department of Customer service as guest speakers on the new ID Support scheme

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

- 2023-2030 Australian Cyber Security Strategy – Discussion Paper
- Data and Cyber Security and the Legal Profession
- Senate Committee Inquiry into the Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022
- Senate Committee Inquiry into the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022

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

- 2023 State Election Policy Platform
- A nationally consistent scheme for access to digital records upon death or loss of decision-making capacity
- Budget priorities 2023–24
- Family Law Amendment Bill Exposure Draft and Consultation Paper
- Family Law Amendment (Information Sharing) Bill 2022
- Independent Review of the National Legal Assistance Partnership
- Privacy Act Review Report

PROPERTY LAW

2022 membership: R. Harvey (Chair), C. Huegill (Deputy Chair), M. Andrews, E. Ashley, A. Cahill, G. Channell, J. Crittenden, M. Devitt, E. Di Stefano, D. Fitzclarence, C. Graves, C. Hagopian, L. Jackson, M. Jebeile, O. Kiely, T. McKibbin, J. McMillan, G. Maksimovic, B. Malone (until September 2022), G. Newton, M. Osborne, Dr S. Pallavicini, H. Robilliard, D. Skapinker, A. Stiles, D. Stott, M. Swan, G. Lea (Policy Lawyer).

2023 membership: R. Harvey (Chair), C. Huegill (Deputy Chair), M. Andrews, E. Ashley, A. Cahill, G. Channell, J. Crittenden, M. Devitt, E. Di Stefano, D. Fitzclarence, C. Graves, S. Hatcher, M. Jebeile, O. Kiely, T. McKibbin, J. McMillan, G. Maksimovic, G. Milani, D. Morabito, G. Newton, M. Osborne, Dr S. Pallavicini, N. Scanlon, K. Shahani, D. Skapinker, A. Stiles, M. Swan, K. Whitley, 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 and leases)

Committee priority issues for 2023

The Committee identified the following priority issues for 2023:

- Participating in consultations regarding the interoperability of electronic lodgment networks
- Responding to consultations initiated by the Office of the Registrar General, NSW Land Registry Services, the NSW Department of Customer Service and the Small Business Commissioner, including statutory reviews of strata title legislation and the *Retail Leases Act 1994* (NSW)
- Participating in ongoing consultation with the Office of the Registrar General and NSW Land Registry Services in relation to the transition to digital survey plans

Activities

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

- Participated in various roundtable discussions with NSW Fair Trading, including in relation to building reforms
- Participated in quarterly liaison meetings with NSW Land Registry Services and the Office of the Registrar General
- Participated in the National Interoperability Panel for interoperability in electronic conveyancing
- Participated in the Law Council of Australia's National Electronic Conveyancing System Committee
- Participated in consultation with NSW Land Registry Services, including regarding the transition to digital survey plans and the information notice
- Participated in consultation with the Office of the Registrar General, including regarding strata and off the plan reforms
- Drafted the Contract for the sale and purchase of land, 2022 edition
- Determined a dispute under the Conveyancing Dispute Resolution Scheme

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

- Amendments to strata and community land schemes regulations – COVID-19 reforms
- *Building Legislation Amendment (Building Classes) Regulation 2022* (NSW)
- Coal mine subsidence compensation – Discussion Paper
- *Conveyancing (General) Regulation 2018* (NSW)
- *Conveyancing (Sale of Land) Regulation 2022* (NSW)
- Interoperability pricing for Electronic Lodgement Network Operators – Independent Pricing and Regulatory Tribunal Draft Report
- Interoperability pricing for Electronic Lodgement Network Operators – Issues Papers
- Issues Paper 2 – Independent Pricing and Regulatory Tribunal investigation of interoperability pricing for eConveyancing transactions
- NSW Electronic Conveyancing Enforcement
- Off the plan contracts for residential properties – Discussion paper
- *Retail Leases Regulation 2022* (NSW)
- Review of the *Retail Leases Act 1994* (NSW)
- Strata Legislation Amendment Bill 2022
- *Strata Schemes Development Act 2015* (NSW) and the *Strata Schemes Management Act 2015* (NSW)
- Strata schemes insurance and certificates of currency

Activities

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

- 2023 State Election Policy Platform
- Change of Trustees
- Commissioner's Practice Note – Change in Beneficial Ownership
- Commissioner's Practice Note – Leases and Change in Beneficial Ownership
- Draft Building Bill 2022
- Draft Building Compliance and Enforcement Bill 2022 (NSW) and Draft Building and Construction Legislation Amendment Bill and Regulation 2022 (NSW)
- Home building compensation reforms
- Inquiry into the Property Tax (First Home Buyer Choice) Bill 2022
- Planning Certificate Fees
- Proposed anti-money laundering and counter-terrorism reforms
- Revenue Ruling – Declaration of Trust and Acknowledgement of Trust and Revenue Ruling – Variations of Trust
- Water Licensing Improvement Program

PUBLIC LAW

2022 membership: A. Chalk (Chair), G. Johnson (Deputy Chair), J. Boughey, A. Duvall, Dr J. Farrell, R. Heinrich, Dr M. Keenan, Dr M. Landrigan (July 2022), A. Mojtahedi, M. O'Brien, A. Reeve, E. Ryan, A. Sage (until August 2022), H. Sims, D. Smith, K. Smith, M. Smyth, Dr A. Tsacalos, J. Windsor, A. Zekanovic, V. Kuek (Policy Lawyer).

2023 membership: A. Chalk (Chair), G. Johnson (Deputy Chair), Professor L. Crawford (from February 2023), Dr J. Farrell, R. Heinrich, Dr M. Keenan, V. La, A. Mojtahedi, M. O'Brien, A. Reeve, G. Rohan, H. Sims, D. Smith, K. Smith, M. Smyth, Dr A. Tsacalos, A. Zekanovic, V. Kuek (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 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 2023

The Committee identified the following priority issues for 2023:

- Identifying opportunities to improve review frameworks in relation to administrative decisions (greater provision of internal review, external merits review etc.)
- Monitoring matters that affect the powers and independence of investigative and oversight bodies (e.g. the Independent Commission against Corruption, the Law Enforcement Conduct Commission)
- Reviewing the making and operation of COVID-19 related laws in NSW and other Australian jurisdictions
- Considering the role of technology in administrative decision making
- Monitoring the incorporation of evolving scientific understandings of human reasoning in the processes of judicial and administrative decision making
- Monitoring the resilience of public institutions and the role of the rule of law (including the use of delegated powers, public access to the written law, and access to justice)

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

Activities

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

- Co-hosted an event with the Australian Institute of Administrative Law on the impact of integrity agencies on anti-corruption culture in government

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

- Administrative Review Reform: Issues Paper
- Federal Judicial Commission
- Inquiry into Commonwealth Grants Administration
- Inquiry into National Anti-Corruption Commission Legislation
- Inquiry into the 2022 Federal Election
- Inquiry into the appointment of the former Prime Minister to administer multiple departments
- Inquiry into the operation of the Commonwealth Freedom of Information laws
- Inquiry into the provisions of the Public Interest Disclosure Amendment (Review) Bill 2022
- National Anti-Corruption Commission
- Review of aspects of the *Independent Commission Against Corruption Act 1988* (NSW)
- Technology assisted voting review

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

- 2023 State Election Policy Platform
- Budget priorities 2023–24
- Facilitating and administering Aboriginal land claim processes
- Federal parole authority
- Inquiry into the Aboriginal and Torres Strait Islander Voice
- Inquiry into the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022
- Privacy Act Review Report

REVENUE NSW / LAW SOCIETY LIAISON

2022 membership: A. Chek (Co-Chair), C. Smythe (Co-Chair), A. Bailey, R. Barbour, M. Brewster, F. Di Francesco (until November 2022), V. Donnelly, A. Fernandez, J. Gharib (until July 2022), B. Hewitt, R. Kable, D. Lam, J. Lee, R. Nguyen, T. Nguyen, M. Nowell, S. Paterson, I. Phillips, M. Sealey, M. Telan, L. To, G. Vale, D. Wong, A. Zbaras, G. Lea (Policy Lawyer).

2023 membership: A. Chek (Co-Chair), C. Smythe (Co-Chair), J. Ayres, A. Bailey, R. Barbour, G. Carry, F. Di Francesco, V. Donnelly, A. Fernandez, P. Gell, G. Hawkins, B. Hewitt, R. Kable, F. Ketenci, D. Lam, J. Lee, M. Macken, M. Morris, R. Newey, R. Nguyen, T. Nguyen, S. Paterson, I. Phillips, M. Sealey, M. Telan, L. To, G. Vale, D. Wong, A. Zbaras, 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 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

Activities

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

- Commissioner's Practice Note – Shared Equity Home Buyer Helper – Financial Assets & Excess
- Revenue and Fines Legislation Amendment Bill 2022
- Revenue Legislation Amendment Bill 2023

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

- 2023 State Election Policy Platform
- Commissioner's Practice Note – Change in Beneficial Ownership
- Commissioner's Practice Note – Leases and Change in Beneficial Ownership
- Inquiry into the Property Tax (First Home Buyer Choice) Bill 2022
- Revenue Ruling – Declaration of Trust and Acknowledgement of Trust and Revenue Ruling – Variations of Trust
- Revenue Ruling – Transfer of Primary Production Property between Family Members

RURAL ISSUES

2022 membership: G. Ryan (Co-Chair), J. Thurgood (Co-Chair), R. Austin, C. Banks, S. Field, J. Fletcher, J. Goode, R. Jarratt, S. Mason, P. Moffitt, S. Morgan, H. Quade, P. Robinson, N. Savage (from November 2022), N. Scanlon, J. Spear, J. van der Plaat, N. Willing (until September 2022), N. Saad (Policy Lawyer).

2023 membership: G. Ryan (Chair), P. Moffitt (Deputy Chair), C. Banks, C. Colwell, A. Ferguson, J. Fletcher, A. Gordon, S. Morgan, A. Parbery, N. Savage, N. Scanlon, J. Sheen, J. Spear, P. Vagg, J. van der Plaat, K. Whitley, N. Saad (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 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 (contracts, leases etc.)

Committee priority issues for 2023

The Committee identified the following priority issues for 2023:

- Better access to justice in rural, regional and remote (RRR) areas, including supporting the retention of electronic witnessing provisions and advocating for additional Magistrates, District Court Judges and improved court rooms in RRR areas
- Monitoring legal issues in relation to resource regulation, including energy regulation
- Identifying topics for the Annual Conference
- Identifying and assisting in developing resources to better equip RRR legal practices to recruit and retain lawyers and promote the benefits of relocating to RRR areas

Activities

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

- Provided advice on topics and speakers for the 2022 Annual Conference
- Provided support and assistance for the 2023 NSW Law Careers Fair
- Hosted a representative from Revenue NSW as guest speaker to discuss amendments to the *Duties Act 1997* (NSW)
- Engaged with rural and remote practitioners in relation to access to justice issues
- Monitored a drought assistance package for practitioners assisting drought-affected clients

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

- *Game and Feral Animal Control Regulation 2022* (NSW)

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

- 2023 State Election Policy Platform
- Commonwealth Government – Employment White Paper Consultation
- Planning Certificate Fees
- Revenue Ruling – Transfer of Primary Production Property between Family Members
- Water Licensing Improvement Program

JOINT SUBMISSIONS

MADE BY THE LAW SOCIETY ON BEHALF OF MORE THAN ONE COMMITTEE

- 2023 State Election Policy Platform
- 2023 Workplace Reform Consultations
- A nationally consistent scheme for access to digital records upon death or loss of decision-making capacity
- An appropriate cost model for Commonwealth anti-discrimination laws
- Budget priorities 2023–24
- Change of Trustees – multiple submissions
- *Child Protection (Offender Registration) Act 2000* (NSW)
- *Children and Young Persons (Care and Protection) Regulation 2022* (NSW)
- Commissioner’s Practice Note – Change in Beneficial Ownership
- Commissioner’s Practice Note – Leases and Change in Beneficial Ownership
- Commonwealth Government – Employment White Paper Consultation
- Consultation on costs disclosure thresholds
- Draft Building Bill 2022
- Draft Building Compliance and Enforcement Bill 2022 (NSW) and Draft Building and Construction Legislation Amendment Bill and Regulation 2022 (NSW)
- Draft National Principles to address Coercive Control
- Exemptions for litigation funding schemes
- Facilitating and administering Aboriginal land claim processes
- Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022
- Family Law Amendment Bill Exposure Draft and Consultation Paper
- Family Law Amendment (Information Sharing) Bill 2022
- Federal parole authority
- Home building compensation reforms
- Independent Review of the National Legal Assistance Partnership
- Inquiry into the Aboriginal and Torres Strait Islander Voice
- Inquiry into the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022
- Inquiry into the Property Tax (First Home Buyer Choice) Bill 2022
- Jurisdictional limits of the Local Court
- Native Title Respondent Scheme
- Planning Certificate Fees
- Privacy Act Review Report
- Procedural protections for victims of sexual harassment who are witnesses in civil proceedings
- Proposed anti-money laundering and counter-terrorism reforms
- Recommendation 26 of the *Respect@Work Report*
- Revenue Ruling – Declaration of Trust and Acknowledgement of Trust and Revenue Ruling – Variations of Trust
- Revenue Ruling – Transfer of Primary Production Property between Family Members
- Review of Australia’s Modern Slavery Act
- Review of the Costs Assessment Rules Committee Guideline on Ordered Costs
- Senate Committee Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022
- Senate Committee Inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022
- Statutory Review of the *Victims Rights and Support Act 2013* (NSW)
- Strategic Plan to Combat Modern Slavery
- Water Licensing Improvement Program



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