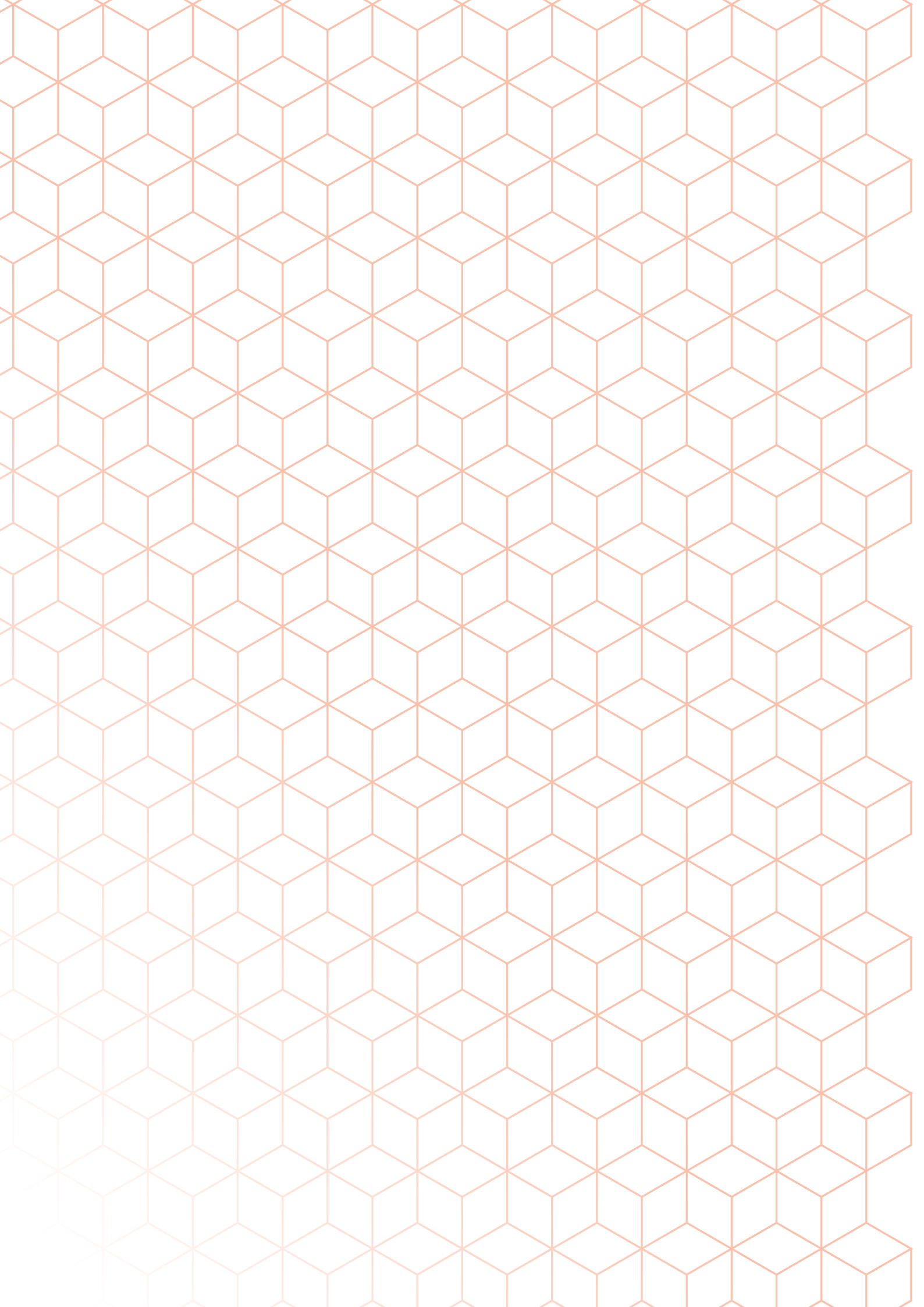


ANNUAL REPORT OF POLICY COMMITTEES 2024

21

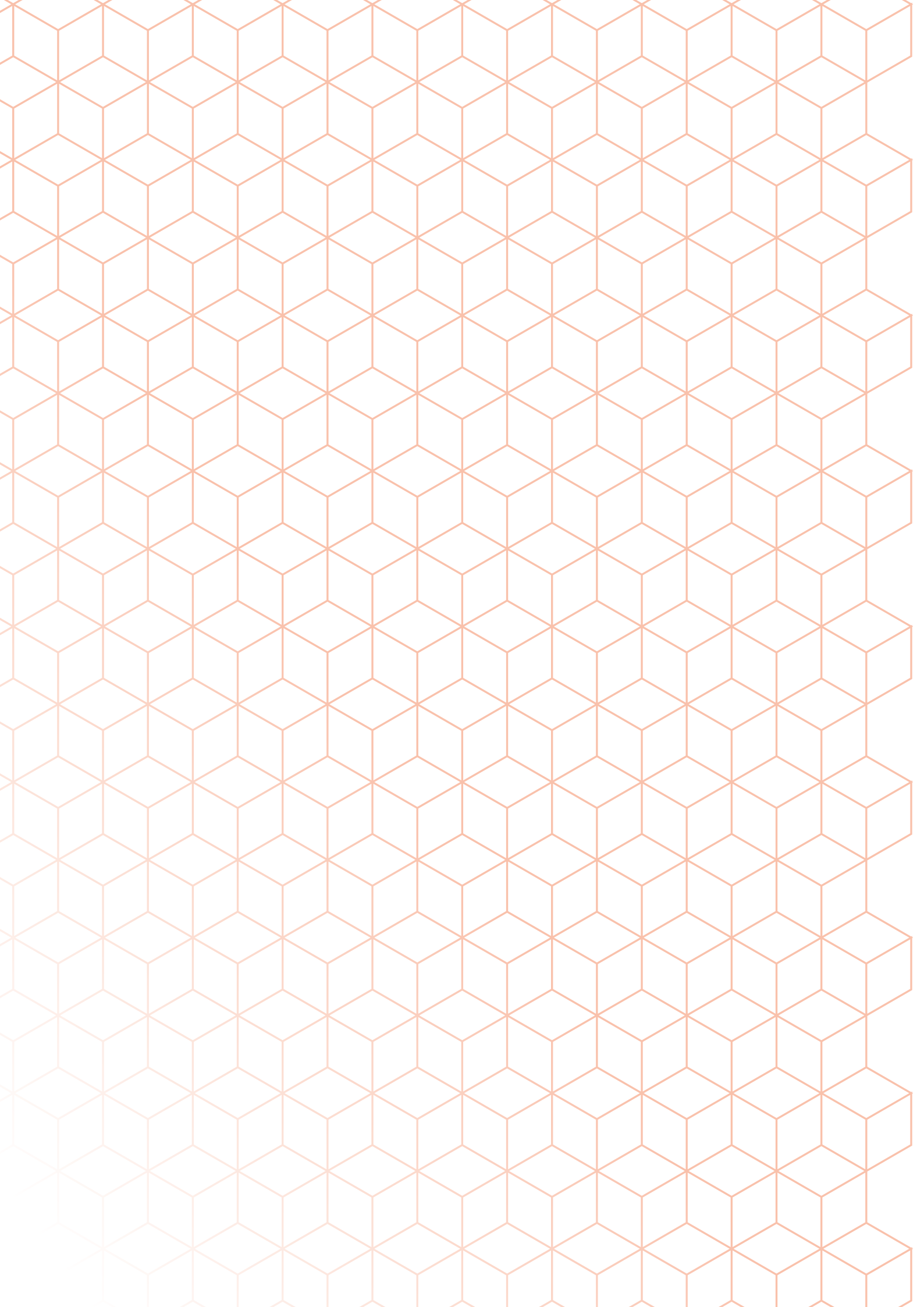


THE LAW SOCIETY
OF NEW SOUTH WALES



CONTENTS

Introduction	1
Alternative Dispute Resolution	3
Business Law	4
Children's Legal Issues	5
Criminal Law	6
Diversity and Inclusion	8
Elder Law, Capacity and Succession	9
Employment Law	10
Environmental Planning and Development	11
Family Law	12
Human Rights	13
Indigenous Issues	14
Injury Compensation	15
Litigation Law and Practice	16
Privacy and Data Law	17
Property Law	18
Public Law	19
Revenue NSW / Law Society Liaison	20
Rural Issues	21
Joint submissions	22



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.

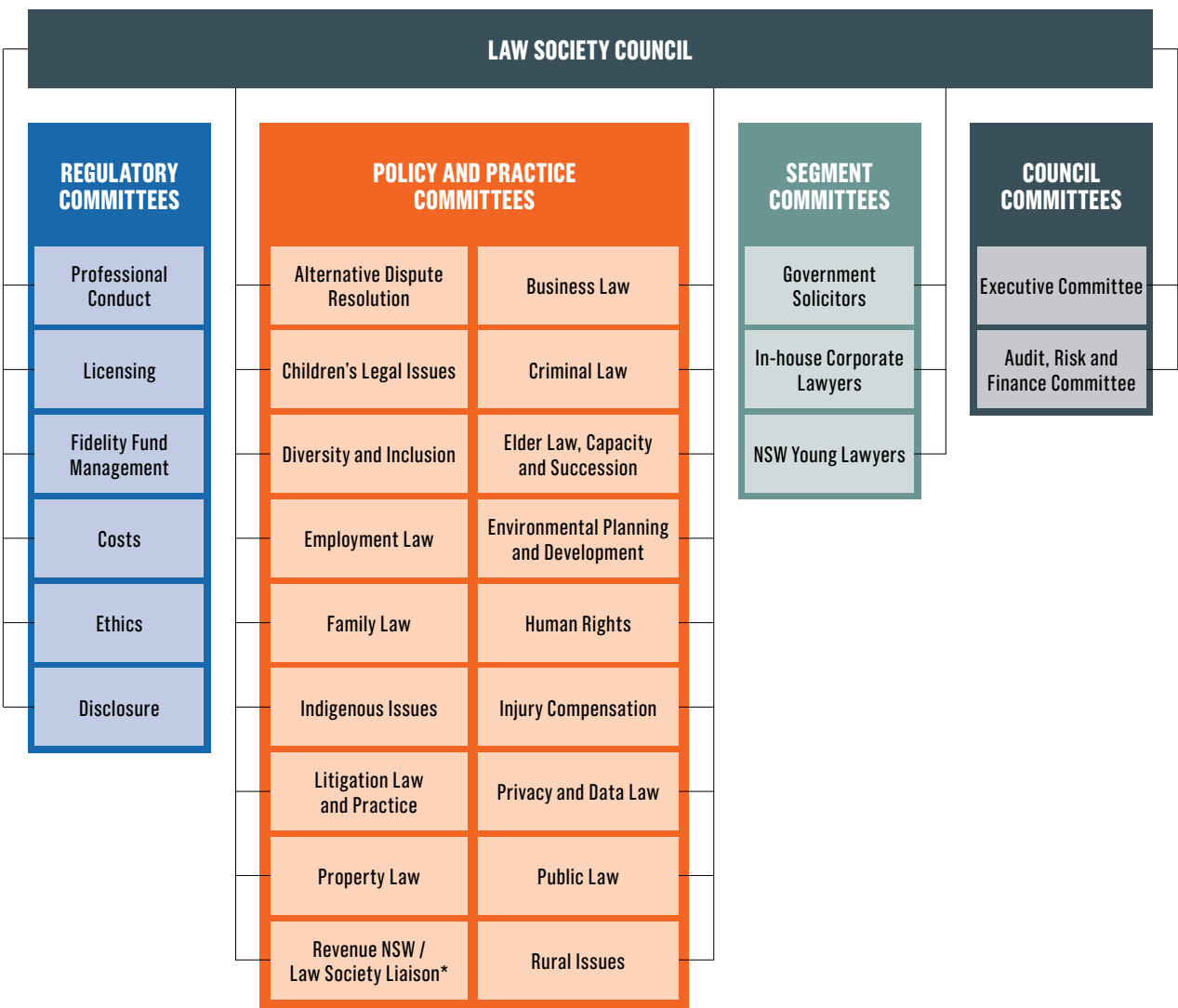
The committees’ functions vary somewhat from committee to committee but, typically, are as follows:

- 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

2023 membership: G. Ulman (Chair), M. Ziegler (Deputy Chair), J. Anderson, Judge K. Andronos, P. Argy, K. David, G. Ettinger, G. Fabiani, P. Farrell, D. FitzGerald, L. Gerritsen (from October 2023), S. Kendall, P. Lewis, J. McDermott, N. Malhotra, J. Robb, Dr A. Roy, C. Seil, N. Harvey (Policy Lawyer).

2024 membership: G. Ulman (Chair), M. Ziegler (Deputy Chair), Judge K. Andronos, P. Argy, F. Bayari, T. Cullenward, K. David, G. Ettinger, G. Fabiani, O. Finemore, D. FitzGerald, L. Gerritsen (until May 2024), S. Kendall, P. Lewis, J. McDermott, N. Malhotra, M. Mills, S. O'Connor, P. Onisforou (from May 2024), J. Robb, Dr A. Roy, C. Seil, K. Wu, 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 2024

The Committee identified the following priority issues for 2024:

- Advancing the proposition of compulsory pre-litigation mediation in appropriate matters, including the piloting of a program in Sydney
- Monitoring the Draft Australian Mediator and Dispute Resolution System (AMDRAS) Standards
- Discussing and understanding practice issues impacting the profession practising in ADR
- Holding a continuing professional development event in 2024

Activities

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

- On 16 August 2023, Mr. Christopher Boyle, Chair of the Mediator Standards Board (MSB) addressed the Committee and discussed the MSB's ongoing work on the development, maintenance, and review of the National Mediator Accreditation System
- The Annual General Meeting of the Mediator Standards Board was held on 30 October 2023 with Committee member Ms. Miriam Ziegler (Deputy Chair) being elected to the Board
- On 19 October 2023 the Committee held their annual CPD event "Let's settle this once and for all: ADR 2023 and Beyond"
- The Law Society's ADR Model Clauses were reviewed and updated by the Committee and published on the website
- Committee Members attended the Australian ADR Conference & Awards Pure Gold – The Minting of Australian Dispute Resolution on 21 and 22 March 2024

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

- Australian Mediator and Dispute Resolution System Standards

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

- 2024 National Pro Bono Target Review
- Fee Scale for Commonwealth family and civil law matters

BUSINESS LAW

2022 membership: A. Cerny (Chair), T. Masters (Deputy Chair), A. Balis, S. Brown, A. Care, C. Cowley, E. Ferris (from August 2023), M. Gupta, P. Harrison, 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, S. Hewison (Policy Lawyer).

2024 membership: A. Cerny (Chair), T. Masters (Deputy Chair), A. Balis, S. Brown, V. Caldwell, D. Chien, C. Collingwood (until May 2024), E. Ferris (until May 2024), O. Fischbein, M. Gupta, P. Harrison, J. Iyer (from June 2024), M. Lo, K. McLean, T. Mierendorff, K. Redenbach, B. Roe, F. Schoneveld, L. Serafim, R. Snowden, R. Staltare, J. Stathis, T. Stevensen, C. Sylow, S. Hewison (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 have been convened for the following specific areas, which fall within the Committee's consideration:

- Competition and consumer
- Commercial and corporate
- Financial services
- Insolvency and restructuring
- Intellectual property and technology
- 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 2024

The Committee identified the following priority issues for 2024:

- Responding to consultations initiated by the NSW and Commonwealth Treasury, the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission, the Australian Prudential Regulation Authority, the Australian Taxation Office and the NSW 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 the Standards Australia Technical Committee HB 325-20008: Assuring probity in decision making
- Participated in stakeholder roundtables with the Australian Taxation Office as part of the Foreign Investment Stakeholder Group
- Participated in the ASIC Regional Liaison Committee

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

- Independent Review of the Franchising Code of Conduct
- Legislating the objective of superannuation
- Merger Reform
- Personal Insolvency
- Proposed measures in response to events involving PwC
- Regulating Digital Asset Platforms
- Small Business Charter and Action Plan

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

- Co-regulation in building and construction
- General Federal Law Rules and Practice Directions
- Non-compete clauses and other restraints
- Reforming Australia's anti-money laundering and counter-terrorism financing regime
- *Revenue, Fines and Other Legislation Amendment Act 2023* (NSW)
- Review into the *Design and Building Practitioners Act 2020* (NSW) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW)
- Review of the *Modern Slavery Act 2018* (NSW)
- Statutory Declarations Amendment Bill 2023
- Wholesale Unit Trust Schemes
- Winding down Australia's cheques system

CHILDREN'S LEGAL ISSUES

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

2024 membership: J. Wong (Chair), J. Clifford (Deputy Chair), K. Bromley, N. Callander, E. Canning, R. Carty (June 2024), I. Caulfield (June 2024), S. Clarke, Z. De Re, R. Frankham, L. Goodwin, A. Hall, S. Hargans, S. Ienna, K. Kelso, E. Leong, E. Mathenge, G. Mojtahedi (from February 2024), Inspector T. Moore (from April 2024), D. Neligan, S. Niles, K. Phillips, Z. Robinson, A. Ross, K. Rowley, J. Smith, J. Stanton, Inspector J. Symons (until April 2024), R. Ward, 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 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 2024

The Committee identified the following priority issues for 2024:

- 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
 - Diversion from 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 and implementation of the Family is Culture recommendations
- 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
- Out of home care issues including reducing the use of emergency care, and improving the leaving care process

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 Care 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, the NSW Office of the Children's Guardian 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 organised a Care and Protection Roundtable with stakeholders

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

- Children's Court Winha-nga-nha List
- Children's Court Regulation 2024 (NSW)
- *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cth)
- Legislative reform options to clarify the jurisdiction of the Children's Court
- Special Inquiry: Children and Young People in Alternative Care Arrangements

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

- Bail and Crimes Amendment Bill 2024
- Child Protection (Offenders Registration) Amendment Bill 2024
- Department of Education Legal Issues Bulletins
- Early intervention approaches
- Inquiry into community safety in regional and rural communities
- Inquiry into e-cigarette regulation and compliance in New South Wales
- Inquiry into the Equality Legislation Amendment (LGBTIQ+) Bill 2023
- Out-of-Home Care cost and pricing
- Statutory Review of the *Online Safety Act 2021* (Cth)

CRIMINAL LAW

2023 membership: J. Sanders (Chair), M. Mantaj (Deputy Chair), C. Bell, A. Biliyas, R. Breckenridge, V. Chan, E. Conditis, D. Elston, B. Ford, P. Gibson, D. Giddy, R. Hoyles, Professor J. Hunter (until August 2023), S. Ienna, L. Kaban, J. Keane, J. King, J. Lewis, R. McCarthy, R. McMahon, S. Rees, J. Sutton, Deputy Chief Magistrate T. Tsavdaridis, R. Tumeth, M. Watts, F. Way, A. Whitehead, J. Wong, C. Daly / M. Sarwar (from October 2023) (Policy Lawyers).

2024 membership: J. Sanders (Chair), M. Mantaj (Deputy Chair), C. Bell, R. Breckenridge, V. Chan, E. Conditis, D. Elston, B. Ford, P. Gibson, D. Giddy, E. Hoile, R. Hoyles, S. Ienna, S. Joyner, L. Kaban, J. King, J. Lewis, R. McCarthy, R. McMahon (until March 2024), J. Ramsland, S. Rees, T. Spohr (from March 2024), J. Sutton, Deputy Chief Magistrate T. Tsavdaridis, R. Tumeth, F. Way, A. Whitehead, 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 2024

The Committee identified the following priority issues for 2024:

- Resourcing of the NSW criminal justice system, including resourcing for justice agencies and Courts, digital infrastructure, and specialist and therapeutic Court processes
- Reducing Indigenous incarceration rates, including monitoring the operation of the Walama list
- Improving outcomes for the broader community and vulnerable groups, including through diversion from the criminal justice system
- 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 Corrective Services NSW Legal Practitioners Consultative Group, the Supreme Court Trial User Group, and the Child Sexual Offence Evidence Program Rollout Implementation Committee
- 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 Law Reform Commission, Courts Tribunals and Service Delivery, Transport for 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
- *Child Protection (Offender Registration) Act 2000* (NSW)
- *Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2023* (NSW)
- Crimes (Domestic and Personal Violence) Amendment Bill 2024
- *Crimes (High Risk Offenders) Regulation 2024* (NSW)
- *Crimes (Sentencing Procedure) Regulation 2024* (NSW)
- Criminal Legislation Amendment (Knife Crimes) Bill 2023
- Criminal Procedure Amendment (Child Sexual Offence Evidence) Bill 2023
- Current and proposed sexual consent laws in Australia
- Establishing a Federal Parole Authority
- Inquiry into the Jury Amendment Bill 2023
- Jury Amendment Bill 2023
- Justice Miscellaneous Bill (No 2) 2023
- Law Reform Commission Review of serious road crime offences
- Legal Services for victims and survivors of sexual assault
- NSW Law Reform Commission Review of serious road crime
- NSW Sentencing Council Review of 'good character' in sentencing
- NSW Sentencing Council Review of firearms, knives and other weapons offences
- Operation of the *Mandatory Disease Testing Act 2021* (NSW)
- Part 4, Division 4 (Sacrilege and housebreaking) of the *Crimes Act 1900* (NSW)
- Section 21A(5A) of the *Crimes (Sentencing Procedure) Act 1999* (NSW)
- Sentencing for weapons-related offences
- *Terrorism (High Risk Offenders) Regulation 2024* (NSW)
- Young Offenders Legislation

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

- Australian Law Reform Commission Inquiry into Justice Responses to Sexual Violence
- Bail and Crimes Amendment Bill 2024
- Bail and Other Legislation Amendment (Domestic Violence) Bill 2024 and Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024
- Child Protection (Offenders Registration) Amendment Bill 2024
- Department of Education Legal Issues Bulletins
- Early intervention approaches
- Financial Services Regulatory Framework in Relation to Financial Abuse
- Independent National Security Legislation Monitor Review of Secrecy Offences in Part 5.6 of the *Criminal Code 1995*
- Independent Review of the National Legal Assistance Partnership
- Industrial Manslaughter Consultation paper
- Inquiry into community safety in regional and rural communities
- Inquiry into e-cigarette regulation and compliance in New South Wales
- Inquiry into the Equality Legislation Amendment (LGBTIQA+) Bill 2023
- Justice Legislation Amendment (Miscellaneous) Bill 2023
- LGBTQ+ Conversion Practices
- Migration Amendment (Removal and Other Measures) Bill 2024
- Review of Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023
- Review of NSW's Forced Marriage Protections
- Review of Part 4AF of the *Crimes Act 1900* (NSW) and Part 9, Division 7 of the *Roads Act 1993* (NSW)
- Section 93Z of the *Crimes Act 1900* (NSW)
- Serious racial and religious vilification
- Statutory Review of the *Coroners Act 2009* (NSW)

DIVERSITY AND INCLUSION

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, U. Senasinghe, J. Skelton, T. Spirovski, N. Stewart, J. Tyrrell, C. Wu, A. Yazdani, S. Bathurst (Policy Lawyer).

2024 membership: J. Tyrrell (Chair), I. Luke (Deputy Chair), A. Albury, E. Allen, G. Burke, A. Chebbo, D. Cheung, J. Dawes, Z. Edries, V. Giang, R. Grant, M. Gurlica, K. Hanigan, J. Horsburgh, S. Ibrahim, J. Jayasuriya, R. Karim, B. Koh, S. Lee, A. Lyras, R. MacSweeney, S. Mtango, A. Pale, K. Pender, V. Roles, J. Skelton, T. Spirovski, C. Stebbing, N. Stewart, G. Wijeratne, C. Wu, A. Yazdani, S. Bathurst (until May 2024) / S. Hunt (June 2024) (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 innate variations in sex characteristics.

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 2024

The Committee identified the following priority issues for 2024:

- 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, LGBTIQ+ 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 an event on equitable remuneration in the legal profession, with a keynote address delivered by Professor Anna Cody, Sex Discrimination Commissioner
- Hosted a Cultural Diversity networking event for the International Day for the Elimination of Racial Discrimination, with a keynote address delivered by Magistrate Imad Abdul-Karim
- Hosted Hayley Angell, Chartered Accountants ANZ, to address the Committee on strategies to address the gender pay gap in professional services
- Developed a guidance document on *Equitable Remuneration in the Legal Profession*
- Developed a guidance document on *Elimination of all Forms of Racial Discrimination: An Introductory Guidance for the Legal Profession*
- Developed a webinar on the new positive duty to prevent workplace sexual harassment
- Continued the work of 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 contributed to joint submissions on the following issues during the year under review:

- Judicial Commission Taskforce
- Practice Note - Pronunciation of Names and Preferred Forms of Address
- Public Leadership Statement on Sexual Harassment and Discrimination and the National Model Framework on Sexual Harassment

ELDER LAW, CAPACITY AND SUCCESSION

2023 membership: J. McMillan (Co-Chair), R. Neal (Co-Chair), L. Absalom, B-J. Attard, A. Britton, L. Brown, E. Chappel, J. Clarke, N. Darcy, S. Davis, M. Dixon, 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, N. Saad (Policy Lawyer).

2024 membership: J. McMillan (Co-Chair), R. Neal (Co-Chair), L. Absalom, B-J. Attard, E. Azzi, A. Britton, L. Brown, E. Chappel (from February until March 2024), J. Clarke, N. Darcy, S. Davis, M. Dixon, A. Gordon, B. Hayward, D. Heffernan, G. Kirwan, S. Kirsani, A. Koumoukelis, A. McIntyre, M. Money, P. Onisforou, K. Penfold, J. Pignataro, R. Pollard, G. Ryan, C. Saradetch, A. Schiralli, L. To, J. Vu, K. Wright (from March 2024), N. Saad (until March 2024) / G. Lea (from March 2024) / M. Lee (June 2024) (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 2024

The Committee identified the following priority issues for 2024:

- 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 outcomes of the Royal Commission into Aged Care Quality and Safety and the design of the new Aged Care Act
- 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 chairs 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
- Supported members' understanding of issues concerning elder law, estate planning and estate administration by reviewing and developing Law Society website resources, including new FAQs on remote witnessing and releasing appointment documents to Enduring Attorneys or Guardians
- Worked with the CPD team to run a webinar on the online probate system, facilitated by the Deputy Registrar
- Assisted the Supreme Court of NSW with renewing the List of Independent Administrators (in operation until 2026)
- Monitored the operation of new procedures under the updated Practice Note SC Eq 07 for the Probate and Family Provision List (previously the Succession and Probate List) of the Supreme Court of NSW

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

- A New Aged Care Act: Exposure Draft Consultation Paper No. 2
- Delays in processing superannuation death benefit claims
- Practice Note SC Eq 7 – Probate and Family Provision List
- Uncontested probate applications – new online system

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

- Achieving greater consistency in laws for financial enduring powers of attorney
- Financial Services Regulatory Framework in Relation to Financial Abuse
- Identification of property sold under power of attorney
- *Powers of Attorney Regulation 2016* (NSW)
- *Retirement Villages Regulation 2017* (NSW)
- Winding down Australia's cheques system

EMPLOYMENT LAW

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, 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, S. Hunt (Policy Lawyer).

2024 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, T. Grellman, K. Iles, L. Izzo, C. Kerley, D. King, M. Kuga, K. Lewis, A. Lyras, D. McEvoy, C. Stebbing, W. Steenson, S. Hunt / M. Lee (June 2024) (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 priority issues for 2024

The Employment Law Committee considered policy and practice issues arising in relation to employment and industrial law, 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 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:

- Exposure Draft Fair Work Commission Rules 2024
- Industrial Court of NSW
- Modern Awards Review 2023-24: Discussion Paper - Work and Care
- NSW Industrial Relations Framework
- Paid agents and the Fair Work Commission

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

- Costs in anti-discrimination matters – Australian Human Rights Commission (Costs Protection) Bill 2023
- Fair Work Legislation Amendment (Closing Loopholes) Bill 2023
- General Federal Law Rules and Practice Directions
- Industrial Manslaughter Consultation paper
- Non-compete clauses and other restraints
- Public Leadership Statement on Sexual Harassment and Discrimination and the National Model Framework on Sexual Harassment
- Review of the *Anti-Discrimination Act 1977* (NSW)
- SafeWork NSW Strategic Plan 2024-2029 Consultation

ENVIRONMENTAL PLANNING AND DEVELOPMENT

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. Ulrich, P. Vergotis, S. Hewison (Policy Lawyer).

2024 membership: R. McCulloch (Chair), A. Penklis (Deputy Chair), J. Baldwin (until May 2024), M. Bonanno, A. Cahill, B. Charlton, R. Chick, D. Fitzclarence, J. Hewitt, K. Huxley, R. Kandola (from May 2024), A. Knox, M. Macken, L. Morphet, S. Murphy, P. Murray, Professor J. Sheehan, M. Thomas, S. Ulrich, P. Vergotis, S. Hewison (until May 2024) / G. Lea (June 2024) (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 2024

The Committee identified the following priority issues for 2024:

- 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

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

- Inquiry into historical development consents in NSW

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

- Building Bill 2024
- Discussion paper – A review of land acquisition in NSW
- Discussion paper – Installation and Commissioning of Fire Safety Systems
- Discussion paper – Statutory Review of the *Crown Land Management Act 2016* (NSW)
- Inquiry into the planning system and the impacts of climate change on the environment and communities
- Nature Positive Laws: Reforming the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Regulation of fire safety systems
- Review into the *Design and Building Practitioners Act 2020* (NSW) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW)

FAMILY LAW

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, G. Morgan, J. Morris, A. Murray, J. Nessworthy, C. Pitcher, L. Shelly, M. Whitehead, S. Yigit, S. Hunt (Policy Lawyer).

2024 membership: J. Dawson (Co-Chair), G. Thompson (Co-Chair), C. Banks, B. Bryant, J. Burreket, N. Callander, L. Coady, A. Colquhoun, S. Costi, P. Davis, M. Gittoes-Caesar, M. Hayward, F. Hoad, F. Kirkman, C. Knox, O. Lacey, C. Lam, Dr M. Livermore, L. McGregor, G. Morgan, J. Morris, A. Murray, C. Pitcher, 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.

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 2024

The Committee identified the following priority issues for 2024:

- Advocating, as appropriate, regarding changes to family law and practice that prioritise the best interests of children and support the best processes and outcomes for parties, including changes to legislation, Rules of Court and Practice Directions
- Monitoring, and as necessary advocating for, the provision of adequate judicial resources and for workable processes in the Court, 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 and sustained funding for legal assistance services including legal aid services
- Strengthening the Law Society's relationship with the Court 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
- 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:

- Exposure Draft: Family Law Amendment Bill (No. 2) 2023
- *Family Law Amendment (Information Sharing) Regulations 2023* (Cth)

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

- Australian Law Reform Commission Inquiry into Justice Responses to Sexual Violence
- Continuing Professional Development for Legal Practitioners on Coercive Control
- Exposure draft Family Law (Superannuation) Regulations (Cth)
- Fee Scale for Commonwealth family and civil law matters
- Justice Legislation Amendment (Miscellaneous) Bill 2023

HUMAN RIGHTS

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

2024 membership: A. Mojtahedi (Chair), J. Tyrrell (Deputy Chair), W. Ahmed, K. Beirne, Dr S. Calnan, S. Clarke, M. Coidan, S. Dhillon, R. Dominguez, A. Drayton, A. Duvall, J. Hall-Spence, S. Henderson, M. Iskander, E. Leong, A. Levin, K. McKenzie, P. Novotna, S. Parsons, D. Pereira, J. Redfern, K. Renehan, C. Robinson, G. Rohan, N. Ruppert, A. Sinclair, A. Small, G. Stribling, 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 2024

The Committee identified the following priority issues for 2024:

- Advocacy for dedicated human rights legislation and legal protections for human rights in NSW
- Disability advocacy in NSW
- Housing and homelessness
- Anti-discrimination law reform
- Elimination of modern slavery
- Migration law reform, including the treatment of asylum seekers

Activities

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

- Hosted a guest speaker to address the Committee on human rights in Hong Kong
- Hosted guest speaker, Kerry Weste, Australian Lawyers for Human Rights, to update the Committee on the status of the campaign for a Human Rights Act in NSW
- Hosted guest speaker, Tom Gotsis, Parliamentary Research Service, to address the Committee on protest law in NSW
- Liaised with the Law Council of Australia and Australian Lawyers for Human Rights

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

- Amendments to the migration framework to support visa holders experiencing domestic and family violence
- Australia's Humanitarian Program 2024-25
- Australia's Sixth Report under the International Covenant on Economic, Social and Cultural Rights
- Australian Human Rights Commission Amendment (Costs Protection) Bill 2023
- Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities
- Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023
- Review of Australia's visa Significant Cost Threshold
- Review of skilled migration points system

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

- Bail and Crimes Amendment Bill 2024
- Costs in anti-discrimination matters – Australian Human Rights Commission (Costs Protection) Bill 2023
- Exposure draft Family Law (Superannuation) Regulations (Cth)
- Fair Work Legislation Amendment (Closing Loopholes) Bill 2023
- Fee Scale for Commonwealth family and civil law matters
- General Federal Law Rules and Practice Directions
- Improving NSW rental laws consultation paper
- Independent Review of the National Legal Assistance Partnership
- Inquiry into the Equality Legislation Amendment (LGBTIQA+) Bill 2023
- LGBTQ+ Conversion Practices
- Migration Amendment (Removal and Other Measures) Bill 2024
- Public sector whistleblowing stage 2 reforms – Public Consultation Questions
- Review of Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023
- Review of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* (Cth)
- Review of NSW's Forced Marriage Protections
- Review of Part 4AF of the (NSW) and Part 9, Division 7 of the *Roads Act 1993* (NSW)
- Review of Subdivision C of Division 3 of Part 2 of the *Australian Citizenship Act 2007* (Cth) (Citizenship Cessation Determinations)
- Review of the *Anti-Discrimination Act 1977* (NSW)
- Review of the Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024
- Review of the *Modern Slavery Act 2018* (NSW)
- Section 93Z of the *Crimes Act 1900* (NSW)
- Serious racial and religious vilification

INDIGENOUS ISSUES

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

2024 membership: J. Behrendt (Co-Chair), D. Captain-Webb (Co-Chair), Z. Armytage, B-J. Attard, E. Bastable, M. Brazel (from March 2024), D. Byers, Dr S. Calnan, B. Charlton, S. Crellin, Z. De Re, L. De Silva, B. Dufty, J. Fing, M. Gleeson, L. Holden, M. Holden, E. Hudson-Buhagiar, J. Lovric, O. Monaghan, S. Mortimer, P. Mulroney, P. Novotna, L. Swan, L. Walder, 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 2024

The Committee identified the following priority issues for 2024:

- 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 National Agreement on Closing the Gap Priority Reform areas 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
- Participation in the PIAC and ALS led coronial reform working group
- Engagement with the NSW Civil and Administrative Tribunal consultative forum on Tenancy, Social Housing and Aboriginal matters, including the new Indigenous tenancy list
- 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
- Participation in the Revenue NSW Fairer Fines Roundtable

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

- Aboriginal Community Bail Panel Project
- Children's Court Winha-nga-nha List
- Clarifying consultation requirements for offshore petroleum and greenhouse gas storage regulatory approvals
- Commencement of Schedule 1 of the *Fisheries Management Amendment Act 2009* (NSW)
- Inquiry into economic self-determination and opportunities for First Nations Australians
- National Agreement on Closing the Gap

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

- 2024 National Pro Bono Target Review
- Australian Law Reform Commission Inquiry into Justice Responses to Sexual Violence
- Bail and Crimes Amendment Bill 2024
- Bail and Other Legislation Amendment (Domestic Violence) Bill 2024 and Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024
- Discussion paper – Statutory Review of the *Crown Land Management Act 2016* (NSW)
- Early intervention approaches
- Improving NSW rental laws consultation paper
- Independent Review of the National Legal Assistance Partnership
- Inquiry into community safety in regional and rural communities
- Nature Positive Laws: Reforming the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Out-of-Home Care cost and pricing
- Statutory Review of the *Coroners Act 2009* (NSW)

INJURY COMPENSATION

2023 membership: T. Concannon (Chair), L. Davidson (Deputy Chair), A. Abboud, N. Baker, S. Butcher, D. Cameron, A. Crisp, R. Dababneh, G. Guest, B. Hagipantelis, P. Hunt, I. Jones, K. Kennedy, C. Khoudair, A. Lopes, P. Macken, M. Manokarthas, 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).

2024 membership: T. Concannon (Chair), L. Davidson (Deputy Chair), A. Abboud, N. Baker, S. Butcher, A. Crisp, R. Dababneh, T. Driscoll, E. Garnett, G. Guest, P. Hunt, I. Jones, K. Kennedy, C. Khoudair, C. Lehmann, A. Lopes, P. Macken, R. May, R. Mellor, L. Mitchell, 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 2024

The Committee identified the following priority issues for 2024:

- Developing recommendations to better facilitate access to justice and legal services under Workers Compensation legislation
- Developing recommendations to better facilitate access to justice and legal services under the *Motor Accident Injuries Act 2017* (NSW), including advocating for the recommendations in the Clayton Utz / Deloitte Statutory Review of Motor Accidents
- Contributing to the ongoing operation of the Personal Injury Commission
- Advocating for more accessible legal support for claimants across the Workers Compensation and Motor Accidents schemes
- 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 and any common law action arising from institutional abuse

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 IRO Approved Lawyers Group
- Liaised with key stakeholders, including the NSW Bar Association, the Australian Lawyers Alliance, the Independent Review Office, the Personal Injury Commission and SIRA
- Developed an updated Joint Statement of Medico-legal Relations with the Australian Medical Association (NSW)

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

- 2022 Review of the Workers Compensation Scheme
- Appeals Costs under the Independent Legal Assistance and Review Service for Workers Compensation Court Matters
- Independent Legal Assistance and Review Service Indexation
- Inquiry into Birth Trauma
- Joint Statement on Medico-Legal Relations
- Legal Support Review

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

- SafeWork NSW Strategic Plan 2024-2029 Consultation

LITIGATION LAW AND PRACTICE

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. McLean, K. Martin, 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. Hewison (Policy Lawyer).

2024 membership: E. Yamine (Chair), S. Fernandez (Deputy Chair), J. Ball, S. Birchall, S. Brodowski, K. David, J. Emmerig, A. Fernando, V. Giang, P. Green, Magistrate M. Greenwood, A. Hack, D. Hing, J. Howard, C. Hutchinson, G. Johnson, E. Keir, S. Loughnan, K. McLean, K. Martin, C. Morson, C. Peterson, J. Prowse, J. Punthakey, R. Ryan, M. Saville, M. Stephens, P. Sutherland, B. Thomson, J. Tyrrell, Dr S. Willis, S. Hewison (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 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 2024

The Committee identified the following priority issues for 2024:

- 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:

- Direct speech in affidavit evidence
- Phasing out of cheques – impact on tendering conduct money and subpoena compliance
- Practice Note SC Gen 17 – Supreme Court Representative Proceedings
- Staged repeal of the *Oaths Regulation 2017* (NSW)
- Summary judgment and the *Building and Construction Industry Security of Payment Act 1999* (NSW)

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

- Modernising Document Execution: Proposed reform to the execution of Commonwealth Statutory Declarations
- Practice Note - Pronunciation of Names and Preferred Forms of Address
- Reforming Australia's anti-money laundering and counter-terrorism financing regime
- Review into the *Design and Building Practitioners Act 2020* (NSW) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW)
- Winding down Australia's cheques system

PRIVACY AND DATA LAW

2023 membership: O. Ganopolsky (Co-Chair), A. Jacquet (Co-Chair), S. Blanks, H. Brown, P. Cenoz, A. Cerny, C. Cloudsdale, N. Commins, A. Duvall, M. Fai, R. Grant, G. Jefferson, J. Kulawiec, Professor P. Leonard, I. Lewis (from September 2023), B. Liang, J. McAteer, S. McLaughlan, L. Mannering, A. Mitchell, S. Ng, L. Nicholson, S. O’Gorman, R. Scanlon, L. Sinclair, V. Taylor (until September 2023), N. Saad (Policy Lawyer).

2024 membership: O. Ganopolsky (Chair), A. Cerny (Deputy Chair), S. Blanks, H. Brown, P. Cenoz, D. Chien, C. Cloudsdale, N. Commins, S. Eibl (from May 2024), A. Jacquet, G. Jefferson, K. Keogh, Professor P. Leonard, I. Lewis (until March 2024), B. Liang, J. McAteer, S. McLaughlan, L. Mannering, A. Mitchell, S. Ng, L. Nicholson, S. O’Gorman, R. Revis (from May 2024), L. Sinclair, E. Vollebregt, R. Wilkins (from March until May 2024), N. Saad (until March 2024) / S. Bathurst (from March 2024) / M. Lee (June 2024) (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 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 2024

The Committee identified the following priority issues for 2024:

- 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:

- Chair appeared as a witness at the NSW Parliamentary Inquiry into AI in NSW hearing with the 2024 President of the Law Society
- Attended the expert roundtable and consultation hosted by the Australasian Society for Computers and Law and WTW (Roundtable), with the Australian Department of Home Affairs, to discuss the Australian Cyber Security Strategy legislative reforms
- Liaised with key stakeholders on privacy and data laws, including state and federal government agencies

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

- 2023-2030 Australian Cyber Security Strategy: Legislative Reforms – Consultation Paper
- Artificial intelligence in New South Wales
- Data and Digital Government Strategy
- Digital ID Bill 2023 (Exposure Draft) and related documents
- Digital ID Rules, Accreditation Rules and Data Standards Consultation
- Doxxing and Privacy Reforms
- Review of Australia’s Credit Reporting Framework
- Safe and Responsible AI in Australia
- Use of AI by litigants and practitioners in NSW courts

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

- Improving NSW rental laws consultation paper
- Opportunities and impacts arising out of the uptake of artificial intelligence technologies in Australia
- Statutory Review of the *Online Safety Act 2021* (Cth)

PROPERTY LAW

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).

2024 membership: R. Harvey (Chair), C. Huegill (Deputy Chair), M. Andrews, E. Ashley, A. Cahill, G. Channell, J. Crittenden, M. Devitt, F. Dimis, E. Di Stefano, D. Fitzclarence, M. Jebeile, O. Kiely, A. Landy, M. Macken, T. McKibbin, J. McMillan, G. Maksimovic, G. Milani, G. Newton, M. Osborne, Dr S. Pallavicini, N. Scanlon, K. Shahani, D. Skapinker, A. Stiles, G. Stilianou, M. Swan (until May 2024), A. Yadzani, 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 2024

The Committee identified the following priority issues for 2024:

- 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 NSW Building Commission, including statutory review of strata title legislation and ongoing building reform consultations
- 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
- Participated in consultation with the Office of the Registrar General, including regarding strata and caveat reforms

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

- Better protection against apartment building defects
- Building Bill 2023
- Coal Mine Subsidence Compensation Amendment Bill 2024
- *Conveyancing (General) Regulation 2018* (NSW)
- Electronic Conveyancing National Law - National Enforcement Framework
- Fire Safety Reforms – Certification, Ongoing Testing and Maintenance
- Information Notices
- Orders and undertakings under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW) and the *Design and Building Practitioners Act 2020* (NSW)
- *Real Property Regulation 2019* (NSW)
- Statutory Review of the Strata Laws
- Strata Legislation Amendment Bill 2023

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

- Achieving greater consistency in laws for financial enduring powers of attorney
- Building Bill 2024
- Co-regulation in building and construction
- Discussion paper – A review of land acquisition in NSW
- Discussion paper – Installation and Commissioning of Fire Safety Systems
- Discussion paper – Statutory Review of the *Crown Land Management Act 2016* (NSW)
- eConveyancing Payments Industry Code
- Identification of property sold under power of attorney
- Improving NSW rental laws consultation paper
- National Legal Profession Anti-Money Laundering and Counter-Terrorism Financing Guidance
- *Powers of Attorney Regulation 2016* (NSW)
- Public consultation on the Government's response to the statutory review of the *Personal Property Securities Act 2009* (Cth)
- Reforming Australia's anti-money laundering and counter-terrorism financing regime
- Regulation of fire safety systems
- *Retirement Villages Regulation 2017* (NSW)
- *Revenue, Fines and Other Legislation Amendment Act 2023* (NSW)
- Review into the *Design and Building Practitioners Act 2020* (NSW) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW)
- Winding down Australia's cheques system

PUBLIC LAW

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

2024 membership: G. Johnson (Chair), D. Smith (Deputy Chair), A. Chalk, E. Hammond, R. Heinrich, Dr M. Keenan, V. La, C. Lithgow, A. Mojtahedi, M. O'Brien, K. Renehan, G. Rohan, B. Sellers (until May 2024), K. Smith, M. Smyth, V. Tiano, Dr A. Tscalos, A. Walsh, A. Zekanovic, V. Kuek / S. Bathurst (June 2024) (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 2024

The Committee identified the following priority issues for 2024:

- 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, the National Anti-Corruption Commission)
- Considering the role of technology in 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, access to justice, and the performance and integrity of administrative law systems)
- Monitoring and promoting whistleblower protections in NSW and the Commonwealth
- Monitoring developments in respect of the rights to the freedom of expression and protest, and related protections against vilification and hate speech, including rights of review

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:

- Hosted guest speaker, Geoff Scott, to address the Committee on the Uluru Dialogue process (December 2023)
- Facilitated meeting between Mr Peter Maynard KC, President of the Commonwealth Lawyers Association, and the Law Society President and CEO

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

- Aspects of Part 5 of the *NSW Reconstruction Authority Act 2022* (NSW)
- Inquiry into civics education, engagement, and participation in Australia
- Inquiry into the administration of the 2023 NSW state election: truth in political advertising
- Inquiry into the Administrative Review Tribunal Bill 2023 and the Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Bill 2023
- Review of the *NSW Reconstruction Authority Act 2022* (NSW)
- Technology assisted voting interim review report
- The Administrative Review Tribunal Bills – Next Steps

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

- General Federal Law Rules and Practice Directions
- Improving NSW rental laws consultation paper
- Independent National Security Legislation Monitor Review of Secrecy Offences in Part 5.6 of the *Criminal Code 1995*
- Judicial Commission Taskforce
- Justice Legislation Amendment (Miscellaneous) Bill 2023
- Migration Amendment (Removal and Other Measures) Bill 2024
- Modernising Document Execution: Proposed reform to the execution of Commonwealth Statutory Declarations
- Opportunities and impacts arising out of the uptake of artificial intelligence technologies in Australia
- Public sector whistleblowing stage 2 reforms – Public Consultation Questions
- Review of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* (Cth)
- Review of Part 4AF of the *Crimes Act 1900* (NSW) and Part 9, Division 7 of the *Roads Act 1993* (NSW)
- Review of Subdivision C of Division 3 of Part 2 of the *Australian Citizenship Act 2007* (Cth) (Citizenship Cessation Determinations)
- Review of the Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024
- Serious racial and religious vilification
- Statutory Declarations Amendment Bill 2023
- Statutory Review of the *Online Safety Act 2021* (Cth)

REVENUE NSW / LAW SOCIETY LIAISON

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

2024 membership: A. Chek (Co-Chair), C. Smythe (Co-Chair), B. Baker, R. Barbour, S. Bazouni, C. Bitz, M. Brewster, G. Carry, F. Di Francesco, V. Donnelly, A. Fernandez, K. Fitzpatrick, P. Gell, G. Hawkins, B. Hewitt, J. Hickman, M. Holman, R. Kable, D. Lam, J. Lee, M. Morris, R. Nguyen, R. Newey, D. Nicholls, S. Paterson, L. Roberts, G. Ryan, G. Samaras, V. Sharma, M. Telan, K. Thompson, L. To, G. Vale, D. Wong, L. Wood-Bradley, 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 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 made a submission on the following issue during the year under review:

- Remission of Interest Guidelines

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

- *Revenue, Fines and Other Legislation Amendment Act 2023* (NSW)
- Wholesale Unit Trust Schemes

RURAL ISSUES

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).

2024 membership: G. Ryan (Chair), A. Gordon (Deputy Chair), C. Colwell, J. Dawson, C. Egan, A. Ferguson, J. Fletcher, V. Gibson, W. Glowrey, S. Morgan, A. Parbery, N. Savage, J. Sheen, J. Spear, J. van der Plaat, N. Saad (until March 2024) / S. Hewison (from April 2024) (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 (contracts, leases etc.)

Committee priority issues for 2024

The Committee identified the following priority issues for 2024:

- 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 support and assistance for the 2024 NSW Law Careers Fair
- Provided advice on topics and speakers for the 2024 Annual Conference

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

- HELP debt relief policy for legal practitioners working in rural, regional and remote locations


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

- Discussion paper – Statutory Review of the *Crown Land Management Act 2016* (NSW)
- Inquiry into community safety in regional and rural communities
- Public consultation on the Government's response to the statutory review of the *Personal Property Securities Act 2009* (Cth)
- Winding down Australia's cheques system

JOINT SUBMISSIONS

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

- 2024 National Pro Bono Target Review
- Achieving greater consistency in laws for financial enduring powers of attorney
- Australian Law Reform Commission Inquiry into Justice Responses to Sexual Violence
- Bail and Crimes Amendment Bill 2024
- Bail and Other Legislation Amendment (Domestic Violence) Bill 2024 and Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024
- Building Bill 2024
- Child Protection (Offenders Registration) Amendment Bill 2024
- Climate Change Policy Background Paper
- Continuing Professional Development for Legal Practitioners on Coercive Control
- Co-regulation in building and construction
- Costs in anti-discrimination matters – Australian Human Rights Commission (Costs Protection) Bill 2023
- Department of Education Legal Issues Bulletins
- Discussion paper – A review of land acquisition in NSW
- Discussion paper – Installation and Commissioning of Fire Safety Systems
- Discussion paper – Statutory Review of the *Crown Land Management Act 2016* (NSW)
- Early intervention approaches
- eConveyancing Payments Industry Code
- Exposure draft Family Law (Superannuation) Regulations 2024 (Cth)
- Fair Work Legislation Amendment (Closing Loopholes) Bill 2023
- Fee Scale for Commonwealth family and civil law matters
- Financial Services Regulatory Framework in Relation to Financial Abuse
- General Federal Law Rules and Practice Directions
- Identification of property sold under power of attorney
- Improving NSW rental laws consultation paper
- Independent National Security Legislation Monitor Review of Secrecy Offences in Part 5.6 of the *Criminal Code 1995*
- Independent Review of the National Legal Assistance Partnership
- Industrial Manslaughter Consultation paper
- Inquiry into community safety in regional and rural communities
- Inquiry into e-cigarette regulation and compliance in New South Wales
- Inquiry into the Climate Change (Net Zero Futures) Bill 2023
- Inquiry into the Equality Legislation Amendment (LGBTIQA+) Bill 2023
- Inquiry into the planning system and the impacts of climate change on the environment and communities
- Judicial Commission Taskforce
- Justice Legislation Amendment (Miscellaneous) Bill 2023
- LGBTQ+ Conversion Practices
- Migration Amendment (Removal and Other Measures) Bill 2024
- Modernising Document Execution: Proposed reform to the execution of Commonwealth Statutory Declarations
- National Legal Profession Anti-Money Laundering and Counter-Terrorism Financing Guidance
- Nature Positive Laws: Reforming the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Non-compete clauses and other restraints
- Opportunities and impacts arising out of the uptake of artificial intelligence technologies in Australia
- Out-of-Home Care cost and pricing
- *Powers of Attorney Regulation 2016* (NSW)
- Practice Note - Pronunciation of Names and Preferred Forms of Address
- Public consultation on the Government's response to the statutory review of the *Personal Property Securities Act 2009* (Cth)
- Public Leadership Statement on Sexual Harassment and Discrimination and the National Model Framework on Sexual Harassment
- Public sector whistleblowing stage 2 reforms – Public Consultation Questions
- Reforming Australia's anti-money laundering and counter-terrorism financing regime
- Regulation of fire safety systems
- *Retirement Villages Regulation 2017* (NSW)
- *Revenue, Fines and Other Legislation Amendment Act 2023* (NSW)
- Review into the *Design and Building Practitioners Act 2020* (NSW) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW)
- Review of Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023
- Review of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* (Cth)
- Review of NSW's Forced Marriage Protections
- Review of Part 4AF of the *Crimes Act 1900* (NSW) and Part 9, Division 7 of the *Roads Act 1993* (NSW)
- Review of Subdivision C of Division 3 of Part 2 of the *Australian Citizenship Act 2007* (Cth) (Citizenship Cessation Determinations)
- Review of the *Anti-Discrimination Act 1977* (NSW)
- Review of the Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024
- Review of the *Modern Slavery Act 2018* (NSW)
- SafeWork NSW Strategic Plan 2024-2029 Consultation
- Section 93Z of the *Crimes Act 1900* (NSW)
- Serious racial and religious vilification
- Statutory Declarations Amendment Bill 2023

- 
- Statutory Review of the *Coroners Act 2009* (NSW)
 - Statutory Review of the *Online Safety Act 2021* (Cth)
 - Sustainable Finance Strategy
 - Wholesale Unit Trust Schemes
 - Winding down Australia's cheques system

