



actlawsociety

**The Law Society
of the
Australian
Capital Territory**

**ANNUAL REPORT
2007-08**

75

1933—2008

75 years serving the
Canberra community

75**1933—2008**75 years serving the
Canberra community**actlawsociety**

**THE LAW SOCIETY OF THE
AUSTRALIAN CAPITAL TERRITORY
Annual Report 2007-08**

Contents

Annual General Meeting - Notice of Meeting	4
Minutes of previous Annual General Meeting	5
Office Bearers, Councillors	7
Law Society Staff	7
President's Report	8
Committee Membership & Reports	
ACT Pro Bono Clearing House	10
Church	10
Civil Litigation	11
Collaborative Law	11
Commercial & Business Law	11
Complaints	12
Continuing Legal Education	12
Criminal Law	13
Equal Opportunities in the Law	13
Family Law	14
Functions & Law Week	15
Industrial Relations	15
Law Office Managers Forum	15
Legal Profession Act & Ethics	16
Mental Health & Children's Services	16
Practice Management	16
Property Law	16
Young Lawyers	17
Treasurer's Report	19
Financial Statements as at 30 June 2008	20

NOTICE CONVENING THE ANNUAL GENERAL MEETING

The **Annual General Meeting** of the Society will be held on
Thursday, 18 September 2008 commencing at 5.00 pm
Molonglo Room, **Canberra Club**

Business

1. To receive the Annual Report
2. To receive the Audited Financial Statements
3. To declare the results of the election of office-bearers for the ensuing year
4. To appoint an auditor
5. To consider general business

5.1 Mandatory Continuing Professional Development – Agenda paper attached.

Complimentary drinks and nibbles will follow the Annual General Meeting at the same venue.

For catering purposes please register your attendance to Ms Yvette De Paoli at the Society by email yvette.depaoli@actlawsociety.asn.au or phone (02) 6247 5700.



L Vardanega
Secretary

18 August 2008

**MINUTES OF THE ANNUAL GENERAL MEETING OF
THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY**
held in the Theo Nataras Multicultural Centre, North Building, Level 2, 180 London Circuit, Canberra City,
ON THURSDAY, 20 SEPTEMBER 2007 AT 12.30PM

Present: Trevor Barker, Rod Barnett, Noor Blumer, Mark Blumer, John Bundock, John Buxton, Chris Chenoweth, Tony Cibiras, Bill Coombes, Edward Corbett, Linda Crebbin, Andrew Crockett, Chris Donohue, Denis Farrar, Michael Flynn, Sheila Foliaki-Singh, Andrew Freer, Richard Garnett, Fil Giles, Jim Gralton, Brian Hatch, Walter Hawkins, Kathryn Heuer, Faye Higgins, Michael Higgins, Ken Hubert, Shane Jones, Andrew Jory, Brian Loftus, Don Malcolmson, Allan Nelson, Graeme Nettle, David Nimmo, Mary O'Connor, Athol Opas, Bill Redpath, Jayne Reece, Richard Refshauge, Ross Reid, Robert Reis, Andrew Roberts, Bruno Romano, Peter Romano, Domenico Romano, Emily Ryan, Eunice Ryan, Nathalie Shepherd, Helen Small, Amber Sullivan, Gary Tamsitt, Mark Tigwell, Greg Walker, Ross Watch, Brian Worth, Loretta Zamprogno

In attendance: Messrs King and MacArthur, and Mss Sims, Clay and de Paoli

The meeting opened at 12.40pm.

The President, Mr Walker, welcomed all members to the Annual General Meeting.

1. **APOLOGIES:**

Mss Kay Barralet, Thena Kyprianou, Louise Vardanega, Messrs Ian Campbell, Robert Coen, Graeme Finlayson, Hugh Jorgenson, Fred Lester and David Mitchell.

2. **MINUTES**

The minutes of the Annual General Meeting held on 21 September 2006 were previously circulated to all members as part of the Annual Report.

It was **resolved** (Hatch/Watch) that the Minutes be accepted.

3. **PRESIDENT'S REPORT**

The President noted that his written report was previously circulated to all members as part of the Annual Report.

The President noted that after a long and difficult time the Model Law Project is coming to an end. The final provisions of the *Legal Profession Act 2006* (costs disclosures and trust accounting) will be debated on 25 September 2007 and come into operation on 1 October 2007. He said that the Executive Committee has authorised him to speak with the ACT Attorney-General, Mr Simon Corbell MLA, seeking a one month delay in the implementation of the costs agreement provisions. He said the Society had prepared a number of documents, which are now available on the Society's website, to assist members in costs disclosures.

The President said the Society had recently conducted a second seminar in respect of trust accounting and that there will be a second seminar held in respect of costs disclosures on 11 October 2007. The President thanked Vice-President Athol Opas, the Executive Director, Project Officer and Mr Bryan Meagher (President, ACT Bar Association) for their work on the project. He said that a number of the provisions in the Act had been thrust upon the profession, but he believed the Society had achieved the best outcome for the profession as it could expect.

The President said another issue of interest to the profession was the proposal by the Department of Justice & Community Safety (JACS) to restructure ACT tribunals. He said that the Department is looking at a number of options with the preferred option being the amalgamation of the current 18 tribunals into one super tribunal with one presiding officer and registry. The President said that the Society had held a Members' Forum on 11 September 2007 at which Mr Peedom (AAT) and Mr Quinton (JACS) attended. He said the Society is now in the process of putting together a paper which will go to the Department within the next few weeks.

In conclusion, the President said that this was the end of his two terms as President and it had been a privilege to have fulfilled the position. It has been a hectic two years but thoroughly rewarding. He said the highlight was working with the Council, Executive, Secretariat, committees, PBCH and LAB. It has been a pleasure to be part of a profession that had such a strong community focus.

It was **resolved** (Watch/Hatch) that the President's report be accepted.

4. **FINANCIAL STATEMENTS**

The 2006-07 Financial Statements were previously circulated to all members as part of the Annual Report.

Ms Crebbin reported that the bottom line had been a good result for an organisation with a small income. Ms Crebbin acknowledged the work of the Executive Director and the Secretariat and moved a vote of thanks for the work of the Society's Accountant, Mr Stewart MacArthur. This was carried by acclamation.

It was **resolved** (Hatch/Watch) that the Financial statements for 2006-07 be accepted.

5. ELECTION OF COUNCIL

The Executive Director noted that the Returning Officers appointed by Council, Mr Trevor Barker and Mr Robert Reis, had reported to the Society on the results of the election. The Executive Director announced the results as follows:

1232 members were eligible to vote – 329 votes were received representing 26% of the membership.

President: Mr Rod Barnett
Vice Presidents: Mr Athol Opas
Mr Bill Coombes
Secretary: Ms Louise Vardanega
Treasurer: Mr Brian Hatch
Councillors: Ms Kay Barralet
Mr Ben Biddington
Mr Ian Campbell
Mr Chris Donohue
Mr Martin Hockridge
Mr Don Malcolmson
Mr Matt O'Brien
Ms Jayne Reece
Ms Amber Sullivan
Mr Paul Vane-Tempest

It was noted that Mr Walker would become the Immediate Past President.

It was **resolved** (Watch/Hatch) that the Returning Officers' report be accepted.

It was also **resolved** (Worth/Noor Blumer) that the ballot papers for the 2007-08 Annual General Election be destroyed pursuant to Clause 17 of the Society's Constitution.

Mr Walker congratulated the successful candidates. He noted that Ms Vardanega had been returned for a successive 20th year. Mr Walker thanked Mss Crebbin, Falvi and Purcell for their contribution to Council. He said that Mr Redpath had served on the Council for 8 continuous years and thanked him for his contribution to the Council and Society. Mr Walker then thanked those members who stood for election unsuccessfully and moved a vote of thanks to the Returning Officers. This was carried by acclamation.

6. APPOINTMENT OF AN AUDITOR

Members noted that Duesburys Nexia had indicated their willingness to accept appointment for 2007-08.

It was **resolved** (Watch/Hatch) that Duesburys Nexia be appointed as Auditors for 2007-08.

7. OTHER BUSINESS

a) **Legal Profession (Solicitors) Rules.**

Mr Walker said that with the passage of the Legal Profession Act 2006 the Society was now required to consider amendments to the Legal Profession (Solicitors) Rules. He said a discussion paper had been circulated to members on 23 August 2007 and on 30 August 2007 the Society had circulated an advice from Michael Phelps whom the Society had engaged to look at amendments and provide guidance to the Society. He said that Council had met on 17 September 2007 and resolved, subject to any views expressed at the Annual General Meeting, to accept the views set out in the Discussion Paper. No views were expressed. He said that the Society would, in accordance with Council's resolution, have the changes notified.

8. INCOMING PRESIDENT

Mr Barnett acknowledged the sacrifice that Mr Walker had made on behalf of the Society. He said that Mr Walker was a quiet achiever and was able to get across the issues very quickly. In particular, he exhibited those skills when dealing with the Model Law Project. He said the new legislation had an element of consumerism as the Government strongly pushed a number of provisions to protect the client which places a further burden upon practitioners. The President said that have provided a platform to go forward and concentrate more on member services. He said he was looking at setting up a Costs Committee to assist practitioners in relation to disputes they may have with clients, as practitioners must abide strictly to the provisions of the Act. He raised the Possibility of having some professional Costs Assessors assist in such disputes.

The President said that Mr Walker had facilitated the steps forward and throughout his time as President, he had overcome many personal challenges. He said the Society's relationship with the Government is good and the relationship with the Bar is excellent. Mr Barnett said he would work with an open door policy and assist members where possible.

The President reminded Councillors that the next meeting of Council was scheduled for 15 October 2007. Photographs of the new Councillors will be taken at 5.00 pm prior to the meeting.

The Meeting closed at 1.05 pm.



actlawsociety

Office Bearers 2007-08

President:	Mr Rod Barnett
Vice President:	Mr Athol Opas
Vice President:	Mr Bill Coombes
Secretary:	Ms Louise Vardanega
Treasurer:	Mr Brian Hatch
Executive Member:	Mr Martin Hockridge
Immediate Past President:	Mr Greg Walker

Council Members 2007-08

Ms Kay Barralet
Mr Ben Biddington
Commander Ian Campbell
Mr Chris Donohue
Mr Don Malcolmson
Mr Matt O'Brien
Ms Jayne Reece
Ms Amber Sullivan
Mr Paul Vane-Tempest

Society Secretariat

Executive Director:	Mr Larry King
Professional Standards Director:	Mr Rob Reis
Accountant:	Mr Stewart MacArthur
Executive Secretary:	Ms Debbie Sims
Member Services Officer:	Ms Yvette De Paoli
Committee Administrator:	Mrs Jan Dutton
Bookkeeper:	Mrs Kathleen Lui
Complaints Secretary:	Mrs Linda Mackay
Project Officer:	Ms Jo Clay
Receptionist:	Ms Jocelyn Campbell



President's Report 2007-08

Finances

The Society's funds are in healthy position, primarily due to more than expected income from practising certificate fees. This reflects growth in the numbers of our private and

government sector members.

Statutory funds have once again increased due to good interest rates, the continued strength of turnover in practitioner trust accounts and a good rate of recovery on legal costs from disciplinary matters. Legal Aid and community legal centres have benefited from this sound state of affairs. The trend may not continue if there is a downturn in the economy.

New compliance obligations

The regulation of the profession has changed drastically over the last few years. Costs disclosure and trust accounting provisions in the Legal Profession Act 2006 (the Act) commenced on 1 October 2007. The Legal Profession (Solicitors) Rules 2007 were amended on the same day to remove inconsistencies. Now that the Family Law Rules dealing with costs disclosure have been removed (as of 1 July 2008, the costs disclosure provisions in the Act cover the field. Other minor amendments were made to tidy up the Act and a few more are pending.

The Society has prepared standard costs documents for modification and use by practitioners, and has received a steady flow of queries about how costs and trust accounting provisions work. I am always happy to hear from members of the profession about 'problem areas' and how the Society can assist.

There are more compliance changes on the horizon.

ACAT

The ACT Legislative Assembly has just passed a series of bills to establish the consolidated 'ACT Civil and Administrative Tribunal'. This will affect those who deal with tribunal matters, as well as the Society and the profession generally. The Disciplinary Tribunal that hears conduct matters for legal practitioners has now become part of that broader Tribunal. I congratulate the recently appointed presidential members, former Law Society Councillor and Treasurer Linda Crebbin and a former Attorney-General, Bill Stefaniak MLA.

AML/CTF

Stage Two of the Anti-Money Laundering and Counter-Terrorism Financing law will create new compliance obligations for law firms when it

commences. The Law Council of Australia has been handling negotiations with Austrac and Federal Government on our behalf, and will assist the profession to comply with Stage Two obligations. I will keep members informed of progress.

MCPD

Mandatory Continuing Professional Development for ACT solicitors may commence in 2009, depending on the will of the profession and decisions made at the national political level. If introduced, each practitioner who holds a restricted or unrestricted practicing certificate will be required to complete 10 units of continuing professional development each year.

The new schedule of medico-legal fees agreed by the Society and the Australian Medical Association came into effect on 1 November 2007, and can be found on the Society's website.

The Society has led a number of investigations, examinations and disciplinary matters under the Act this year. I urge you all to read the Complaints Committee report, to attend training as needed and to make sure you understand your obligations under the Act, regulations and rules. If you remain in doubt about an issue, please contact the Society. We would always prefer to assist members to comply than to sanction them when they do not.

People

The profession has lost a number of fine minds in recent times.

Justice Crispin, former judge of the ACT Supreme Court, retired on 3 October 2007.

We were devastated by the untimely death of the Late Justice Terry Connolly, former judge of the ACT Supreme Court. He is deeply missed by the profession and local community. We have decided to hold an annual Human Rights Memorial Lecture in his honour.

On a happier note, we welcomed Justices Hilary Penfold and Richard Refshauge to the ACT Supreme Court. Several members were recognised for their achievements this year, including Ms Elizabeth Lee, who won the inaugural ACT Law Society Young Lawyer of the Year Award, and Mr Brooke Horne, who won the ACT Golden Gavel for the second year running.

Operation of the Courts

I have met with representatives of the Department of Justice and Community Safety and participated in the Courts Stakeholders Forum to discuss courts

administration. Those discussions have resulted in including better signage in the courts and the introduction of Courts Assistants to direct litigants to the right court and advise about where legal advice can be obtained. I trust that further efficiencies will follow. I also met regularly with the judges of the Supreme Court this financial year to discuss issues of concern to the profession and to put forward ideas developed by our Civil Litigation Committee. I am hopeful that the addition of the ACAT into the administration of justice in the Territory will help streamline the operations of the Supreme and Magistrates Courts.

Road Transport (Third-Party Insurance) Bill 2007

This bill was in development in 2006 and passed on 21 August 2008. The Society had limited lead times to make submissions about the law and regulations under it. This is unfortunate given the affect this law will have on the rights of Canberrans.

National work

The local profession's national interests continue to be represented by the Law Council of Australia. Key areas of work for the Law Council this financial year were:

- the impact of Anti-Money Laundering and Counter-Terrorism Financing law on the legal profession;
- protecting client legal privilege;
- supporting the rule of law in Fiji and the South Pacific region;
- harmonizing the regulation of the national profession, including agreeing to national minimum standards regarding professional indemnity insurance and mandatory continuing professional development; and
- preliminary policy work towards a national bill or charter of rights.

Mr Bill Grant OAM, former CEO of the NSW Legal Aid, was appointed as Secretary-General to the Law Council in December 2007 and has embraced the challenges of the job.

Events

The Legal Profession once again celebrated a successful Law Week in May 2008. Our Law Week charity was the Snowy Hydro SouthCare Helicopter Service. Highlights of the week included Justice Ken Crispin's Blackburn lecture on 'Law and Liberty' and the 75th Anniversary Dinner at the High Court of Australia. Happy birthday to the Society!

We have appointed Mr Bill Coombes to curate a collection of memorabilia in honour of our anniversary. Bill would love to hear from anyone who has interesting documents, artifacts or anecdotes about the Society's history.

Other services

The Society has had a busy year in terms of member services. I urge you to read the Committee reports to see the high volume and quality of work performed by our generous committee volunteers. We have delivered a number of quality seminars under our continuing legal education programme. Our Young Lawyers have piloted a number of new and successful events. We have also nearly completed the upgrade for our member database and website, and I trust the new versions will be more user-friendly.

Submissions

- Workers Compensation
- Stamp Duty Office Protocol
- Electronic Conveyancing
- Planning & Development Act
- Unit Titles
- Civil Law (Sale of Residential Premises) Act
- Role of the National Capital Authority
- Sexual and Violent Offences Legislation Amendment Bill 2008
- Reforms to court jurisdiction, committal processes and the election for judge alone trials
- Road Transport (Third Party Insurance) Act 2008 and Regulation
- Access to the Alexander Maconochie Centre
- Other planning and development issues including concessional leases, Crown Lease Extension of time and Building Development Covenants.

And finally...

I look forward to commencing my second term as President and intend to continue serving the profession to the best of my abilities. Please let me know how the Society can help you.



Rod J. Barnett
President

75

1933—2008

75 years serving the
Canberra community**actlawsociety**

THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY Committee's Membership & Report's

ACT PRO BONO CLEARING HOUSE

Geoff Adams
Genevieve Bolton
Jo Clay
James Dunn
Suzanne Falvi
Kathryn Grimes
Larry King
Jon Lovell
Bill Redpath
Svetlana Todoroski
Tessa Van Duyn
Chris Wheeler
Steven Whybrow
Heidi Yates
Debbie Sims (Executive Secretary)

The ACT Law Society, with the support of the ACT Bar Association and volunteers from law firms and Community Legal Centres, administers the Clearing House. The Clearing House aims to match up pro bono legal talent with clients in need of pro bono legal services.

Applications for assistance are received by the Society. They are processed by a secondee from one of our participating law firms. They are then assessed against eligibility criteria by our volunteer Assessment Panels. Applicants are then referred out to a private practitioner, to a Community Legal Centre or Legal Aid, or found ineligible for assistance under the guidelines.

The Clearing House has had another successful year. Our Clearing House Administrator, Ms Sims, has provided the following statistics.

- 59 applications were received in 2007 and 31 as of 6 August 2008.
- 43 applications were successfully referred out to practitioners in 2007 and 31 as of 6 August 2008.
- Another 7 applicants were assisted in other ways, such as by referral to Legal Aid or to a practitioner on a deferred payment basis.

Interestingly, the rate of applications received and referred on has remained fairly constant since the Clearing House commenced in 2004. Areas of need have shifted slightly, although family law remains the biggest area of need. Key areas of need in 2007 were family law, administrative law, employment law, finance and debt matters and discrimination law. In the first half of 2008, key areas were family law, criminal law and employment law.

We thank all our volunteers and Community Legal Centres

for their support and assistance, without which this service could not operate. We also thank our secondees and their firms - Karina Harvey and Garrick Larkin (from Australian Government Solicitor), Anthony Orford (from Clayton Utz), Mary Wignall and Katrina Mark (from DLA Phillips Fox) and Geoff Shaw (Minter Ellison).

The Clearing House is always looking for more volunteers. Practitioners may serve on an Assessment Panel, which is a Wednesday lunchtime commitment about once per month. Practitioners may also sign up to accept referrals. Family law practitioners are particularly needed. Volunteers may limit the amount of work they are prepared to do, and remember – the more people volunteering, the less work each will be asked to do!

If you would like to volunteer your services for the Clearing House, please contact our Administrator on Debbie.Sims@actlawsociety.asn.au / 6247 5700.

Jo Clay (ACT Law Society)

CHURCH

Lady Lorraine Bevan (Chair)
Barbara Campbell
Chris Erskine
Ken Hubert
Yvette De Paoli (Member Services Officer)

The Church Committee only meets 4 or 5 times from, end of July onwards. During these few months before Christmas, we have to move very expeditiously to send out the many various invitations and obtain the necessary approval for the date and venue.

The service this year was held at the Uniting Church, Pilgrim Place, Canberra City.

Again this year, as we always try to do, the Committee decided to be innovative.

The format, the participation of the many people involved in the service and speaker, Bishop George Browning, we wish to particularly thank.

We were happy as to the number of members who attended the service, which appears to be improving year after year. Again, I must thank Mr Ken Hubert for his efforts in promotion and advertising. I also wish to thank Ms Barbara Campbell for her participation and efforts in organising the recorder group. And, I also wish to thank the recorder group for their efforts and excellent contribution of such lovely music.

As stated previously, we are the only place in Australia,

apart from the Northern Territory which holds an Ecumenical Church Service, and again I re-iterate that as the Committee puts so much work into the service to ensure that all denominations are catered for, we would like to see more practitioners support the commencement of the legal year by attending the Church Service. The reason for this, is that the ACT is too small to hold separate services as seen in the much larger capital cities in other states.

I wish to thank all those clergy who have assisted, the organist, and the various members of the Courts and our House of Assembly for being involved.

I also wish to thank the Governor-General of the Commonwealth of Australia, His Excellency Major General Michael Jeffrey AC CVO MC for reading the First Lesson and attending.

Overall, we believe this year's service was most successful, and of course, we will strive to improve the service each year.

It is always a pity that more practitioners do not attend. Even if they do not normally go to church, or even if they do not agree with God, or Christian principals, the address is always more than worthwhile.

It is, however, very unfortunate that despite a number of requests we have not been advised of a date for the service prior to June of this year or indeed any year. This would have made our job alot easier. The reason being simply that the Governor-General's appointments are often taken up prior to July, and the High Court Judges (who we would like to have involved more often) have their leave and other engagements booked prior to July. Not having this date by the end of June inhabits the Committee in thier choice of speakers available, and also restricts the format for the service.

Lorraine Bevan (Chair)

CIVIL LITIGATION

Richard Faulks (Chair)

Graeme Blank

Mary Brennan

John Henry

Steven Hausfeld

Walter Hawkins

John Little

Melanie McKean

Sarah Simpson

Russell Patrick

Karl Pattenden

Hugh Jorgensen

Annie Glover

Jan Dutton (Committee Administrator)

The last 12 months have, again, been busy for the Civil Litigation Committee.

During that period, we lost one of our long-serving members, Richard Refshauge, following his appointment to the Bench. The Committee expressed its unanimous appreciation of the significant contribution made by Justice Refshauge to the Committee.

One of the important roles for the Committee has been the monitoring of the new Court Procedures Rules. At times, the Committee has provided input to some amendments to the Rules, and there is a strong working relationship between

the Committee and the Joint Court Rules Committee. The registrars of the Supreme Court and Magistrates Court remain members of our committee.

We have seen the development of a new CTP scheme for the ACT. The Act was presented to the profession as a final product and, although there have been some limited opportunities for comment, the Civil Litigation Committee has had no input into the provisions of the legislation. At the present time, there is a pressing issue relating to the regulations underpinning the legislation, and a subcommittee has been formed to comment on the regulations when they are available. The CTP scheme is due for commencement in August 2008.

Another important role of the Committee has been the monitoring of the Workers' Compensation Scheme. Despite the fact that the ACT Government commissioned a review of the scheme, and a detailed report was made available, no action has been taken to implement the recommendations of the Review Committee at this stage. Previously, I was able to represent the position of the Committee and the Law Society through the Workers' Compensation Advisory Committee, but that committee has been disbanded and, at this stage, it is unclear what will be the future direction for workers' compensation in the ACT. The Civil Litigation Committee is carefully monitoring that.

In addition to major issues like those set out above, there have been numerous other matters that have come before the Committee, and I am very grateful to our large and diverse membership for their input and hard work on those issues from time-to-time. It is clear that the next 12 months will certainly involve significant work for the Civil Litigation Committee.

Richard Faulks (Chair)

COLLABORATIVE LAW

Phil Davey (Chair)

Melita Bozin

Greg Brackenreg

Lois Clifford

Julie Dobinson

Jill Heeley

Kathryn Heuer

Margaret Reid

Jan Dutton (Committee Administrator)

COMMERCIAL & BUSINESS LAW

Brian Tetlow (Chair)

Rod Badgery

Peter Garrison

David Hanstein

Richard Lewis

Chris MacPhillamy

Jill McSpedden

Peter Quinton

Allan Bedford

John Irvine

Geoff Nicoll

Katy Grimes

Jan Dutton (Committee Administrator)

The Committee meets monthly and has tried to act pro-

actively in relation to issues of significance to the profession.

This year the Committee has considered:

- The Powers of Attorney Act
- Money Laundering issues for solicitors
- Liaison with the Business Law Section of the Law Council
- Tax and incorporated legal practices
- Carbon trading

As well as these issues a broad range of matters have come before the Committee and my thanks go to the Committee members for the time and effort they have put into the Committee's work.

Brian Tetlow (Chair)

COMPLAINTS

Graeme Finlayson (Chair)

Lois Clifford

Bill Coombes

Sheena Dadge

Michael Deasey

Jim Dunn

Michael Eley

Tony Foley

Karen Fogarty

Jeanine Lloyd

Col Maclachlan

Ross Reid

Alyssa Taylor

Mark Tigwell

Linda Mackay (Complaints Secretary)

With the departure of Joanne Purcell from the Committee this year, members welcomed Alyssa Taylor of Bradley Allen as its latest Young Lawyers representative on the Committee. The Committee also welcomed new members Mark Tigwell of Tetlow Tigwell Watch and Lois Clifford of Dobinson Davey Clifford Simpson.

Since the inclusion of the Professional Conduct Rules in the Legal Profession Act 2006 as subordinate legislation from 1 July 2006, a number of minor amendments have been made to align the Rules with amendments to the Act. Most notable has been the elimination of some costs Rules resulting from the operation of the Costs provisions of the Act from 1 October 2008.

Changes to the Rules included an amendment requiring practitioners to retain client documents for at least seven years after the conclusion of a matter, making it consistent with the Act. Previously the retention period was six years. Changes to the complaints and discipline Chapter of the Act included the requirement that a complainant whose complaint is dismissed has twenty eight days from receipt of the statement of reasons to lodge an appeal with the Disciplinary Tribunal.

With the imminent establishment of the ACT Civil Administrative Tribunal, a body in which the Legal Practitioners Disciplinary Tribunal will form part, discussions are continuing between the Law Society and the Department of Justice and Community Service on a number of issues including eligible members to sit on the Disciplinary Tribunal.

There were 93 formal complaints received during the reporting year, six less than the previous year. The Disciplinary Tribunal has reprimanded three practitioners since its inception, finding that the conduct complained of amounted to unsatisfactory professional conduct.

In addition to the handling of the formal complaints received, there were approximately 150 enquiries received from practitioners and 280 from members of the public.

To assist practitioners, an analysis of the complaints received has been carried out; this analysis indicates the type of conduct raised in the complaints. In relation to the type of the complaints, the major areas of law and concern were:

Areas of Law 2007/2008

- | | |
|------------------------|----|
| • Family Law | 28 |
| • Personal Injuries/WC | 5 |
| • Conveyancing | 30 |
| • Civil Litigation | 12 |
| • Employment Law | 1 |
| • Wills & Probate | 5 |
| • Criminal Law | 7 |
| • Other | 5 |

Type of Matter

- | | |
|----------------------------------|----|
| • Costs | 15 |
| • Failure to communicate | 19 |
| • Failure to follow instructions | 10 |
| • Possible negligence | 5 |
| • Discourtesy | 6 |
| • Conflict of interest | 6 |
| • Delay | 11 |
| • General conduct | 9 |
| • Acting without instructions | 8 |
| • Others | 33 |

I extend my gratitude to Rob Reis and Linda Mackay and all members of the Committee for their hard work & dedication over the past year.

Graeme Finlayson (Chair)

CONTINUING LEGAL EDUCATION

Mark Blumer (Chair)

Graeme Blank

Caroline Bush

Barbara Campbell (until September 2007)

Genevieve Cuddihy

Louise Donohoe SC

Anthony Field (until April 2007)

Michael James

Richard Lewis

Athol Opas

Alison Osmand (until March 2008)

Jayne Reece (until March 2008)

Simon Taylor

Kelly Thomas

Ting Yuan

Loretta Zamprogno

Yvette De Paoli (Member Services Officer)

The 2007/08 year was not a good one for CLE, compared with previous years and compared with the way 2008/09 is shaping. I don't know why.

There were 11 seminars with 504 registrations, an average of 46 per seminar. The total profit was \$9,402.35.

If mandatory 'continuing professional development' is

adopted by the ACT Law Society, the CLE committee will face a major challenge to meet the increased demand for quality educational opportunities. I am sure the committee, which is filled with enthusiastic and clever members, will be up to it. So will Yvette de Paoli, our co-ordinator, who continues to do a great job.

To those who generously gave of their knowledge, skill and time as presenters of seminars, we acknowledge your very real contribution to the legal profession.

Mark Blumer (Chair)

CRIMINAL LAW

Matt O'Brien (Chair)

Ben Aulich

Michael Chilcott

Richard Davies

Paul Edmonds

Mark Fleming

Shiela Foliaki Singh

Miriam Garni

Shane Gill

Annie Glover

Martin Hockridge

John Jasinski

Hugh Jorgensen

Michael Kukulies Smith

Jerry Leyland

Brian Liddy

John Lundy

Sean Moysey

Darryl Perkins

Michael Ryan

James Sabharwal

Tim Sharman

Jon White

Jan Dutton (Committee Administrator)

At the outset I would like to thank Martin Hockridge for his efforts as chairman of the Criminal Law Committee over the past five or so years and for his support since I assumed the chair in November last year.

The past year, and particularly the past six months, have been marked by significant changes to legislation governing the practice of criminal law. Of particular concern to the Committee have been the changes proposed and enacted that will severely limit an accused's ability to access and test the evidence upon which the prosecution seeks to rely. The Committee has also expressed its concern over the mooted changes to the Magistrates' Court jurisdiction.

The opening of the AMC (the new ACT prison) later this year will also bring changes to sentencing options realistically available to the courts and this, too, will add to the challenges facing the criminal legal profession.

The Committee lost the services of Richard Refshauge after some twenty years of service, much of which was as chairman, when he was appointed a Justice of the Supreme Court. I reiterate the Committee's congratulations on His Honour's appointment.

Similarly, on behalf of the Committee I send our congratulations to Jon White, for many years a member of the Committee, who has just been appointed as ACT Director of Public Prosecutions.

The committee agenda contains standing items of importance to criminal law solicitors. We regularly consider any developments in the Family Violence Intervention program, drug and alcohol programs, and new criminal justice proposals. We benefit by having the Registrars of the Supreme Court and Magistrates Court, representatives from the Department of Justice & Community Safety and from Corrective Services, the Director of Public Prosecutions and other people from that office and the Commonwealth DPP as well as academics attending our meetings. Many "nuts and bolts" matters can be raised and sorted out.

The assistance provided by private and legal aid solicitors giving up their time is much appreciated.

I take this opportunity to extend my thanks to all committee members, both those of many years standing and those of more recent vintage, who have contributed to the work of the criminal law committee during the last year.

Matt O'Brien (Chair)

EQUAL OPPORTUNITIES IN THE LAW

Noor Blumer (Chair)

Jessica Dickerson (resigned 11 December 2007)

Louise Donohoe

Tristy Falkenberg

Traci Harris

Margaret Hunter

Leonie Kennedy

Jerry Mooketsi (resigned 11 December 2007)

Janean Richards

Alisa Taylor

Sara Wedgwood

Helen Weldon (resigned 12 February 2008)

Jan Dutton (Committee Administrator)

The Equalising Opportunities in the Law Committee has met on the 10 July, 14 August, 11 September, 13 November and 11 December 2007 and the 12 February, 8 April and 10 June 2008.

Survey of membership

This committee has drafted a survey for members along the lines of the NSW Law Society membership survey to identify the performance and satisfaction of practitioners in the ACT. The Law Society is also interested in a survey and is in the process of modifying the survey for implementation. Particular thanks to Sara Wedgwood for her input.

Depression

The committee has encouraged the Law Society to ensure that each issue of Hearsay contains a prominent notice with respect to the free service available from Relationships Australia for practitioners with problems. We have also found out the level of service and usage and that 18 sessions were provided in 2005/2006.

Law Council of Australia EOL Committee activities

The committee is represented on the EOL Committee of the Law Council of Australia by Noor Blumer who chairs that committee. Louise Donohoe is also on that committee representing the ACT Bar Association and Janean Richards as past President of Australian Women Lawyers. Some of the activities which were supported by this committee and the Law Society of the ACT are as follows:

1. The LCA EOL committee finalised draft Flexible Workplace Guidelines which were accepted by

Council.

2. The LCA EOL Committee met in Brisbane in September 2007 and attended the National Indigenous Legal Conference which is was most impressive in every sense.
3. The Model Equality of Opportunity Briefing Policy pilot project to implement a reporting mechanism was funded and work commenced by Courage Partners with the cooperation of various firms including Canberra firms.
4. The funding application for the undertaking of a new Gender Appearance Survey of appearances of courts in superior jurisdictions in conjunction with AWL was approved by the LCA Councillors on 14 June 2008 in sum of \$45,000.00.
5. Oral submissions were made on behalf of the LCA EOL committee at the Commonwealth Review of Legal Services Forum held in Canberra in May.
6. A new draft anti discrimination, sexual harassment and workplace harassment rule was drafted by the committee for inclusion in the new National Model Conduct Rules.

Womens Lawyers of the ACT and Australian Women Lawyer activities

Leonie Kennedy, current president of the Women Lawyers Association of the ACT is also a director of Australian Women Lawyers, is on this committee and reports from and to those organisations. Janean Richards' term as President of Australian Women Lawyers finished last year. Activities of those organisations included:

1. The 2nd Australian Women Lawyers Conference in Melbourne in June 2007 with Chief Justice Sian Elias of New Zealand key note speaker. A large contingent attended from the ACT;
2. Submissions to the Commonwealth Review of Legal Services;
3. Anniversary dinner celebrating 10 years of AWL was held in Melbourne and attended by patron, Mary Gaudron and many from the ACT.
4. A function was held to welcome new Justices of the Supreme Court, Richard Refshauge and Hilary Penfold QC, the first women appointment to the ACT Supreme Court.
5. Various functions in the ACT with speakers of interest were held at Red Belly Black; always enjoyable and well attended. Speakers included Chief Justice Higgins, Attorney General Simon Corbell, Renee Leon (Chief Executive JACS) and Chris Craigy SC (Commonwealth DPP).

Continuing Legal Education

This committee was invited to provide a participant on the Continuing Legal Education committee. Ms Louise Donohoe SC now represents this committee on the CLE Committee and is coordinating a CLE session on Briefing of Barristers. This committee is concerned that if national CLE/CDP guidelines come into place, that 1 hour of training every 2 years in areas of anti-discrimination and sexual harassment be included as a mandatory requirement.

Flexible Workplace Guidelines

The Law Council issued draft Flexible Workplace Guidelines and this committee recommended that the Law Society support those guidelines, which they did and the Guidelines

have been adopted by LCA.

Suggestions to fill positions for Magistrates in the ACT

This committee has provided some names of suitable persons for future anticipated vacancies for Magistrates to the Law Society of the ACT executive by way of assistance.

Noor Blumer (Chair)

FAMILY LAW

Olivia Gesini (Chair)

Greg Burnett

Kay Barralet

George Brzostowski

Mary Burgess

Barbara Campbell

Lois Clifford

Julie Dobinson

Gavin Howard

Pam Lyndon

Lessli Strong

Margaret Reid

David Ridge

Stephen Bourke

Denis Farrar

Jan Dutton (Committee Administrator)

During 2008 the Family Law system (comprising the Courts, practitioners and litigants) has been coming to terms with the significant number of changes which came into effect in the previous two years.

The jurisdiction of the Federal Magistrates Court has continued to grow with most filings now being in that Court and the Family Court of Australia hearing the longer and more complex trials only.

Practitioners have been coming to grips with the Family Court's Less Adversarial Trial method of adjudicating children's cases. Meanwhile Pre-Action Procedures have continued to operate in both Courts with pre-filing certificates related to mandatory dispute resolution having been attempted by parties before going to Court in children's matters now being required in both the Family Court of Australia and Federal Magistrates Court jurisdictions.

The third stage being the last and most substantial raft of Child Support reforms came into effect on 1 July 2008. This involved a completely new set of formulae coming into effect in order to calculate child support liabilities for children whose parents have separated the other major reform is the new regime applicable to Child Support Agreements.

Another 25 new Family Relationship Centres have commenced operation around Australia in July 2007 and the Family Court's long-standing jurisdiction to adjudicate costs between solicitor and client in the Family Law area has been revoked effective 1 July 2008.

The Family Law Committee has been keeping abreast of the changes as well as working on reports and changes that are yet to become law, such as the commencement of the Model Defacto Relationships Legislation.

The Family Law Committee has continued to run its successful seminars on particular matters of interest to Family Law Practitioners.

The seminars continue to be well attended by members of the profession as well as a number of students and other interested parties. Special thanks go to Lessli Strong for organising the seminars and to Judy Harrison and Margie Rowe of the ANU Legal Workshop for kindly hosting them. Topics have included LAT procedures, and Affidavit drafting in the Family Court and Federal Magistrates Court of Australia.

Kay Barralet edited The Family Way Newsletter in the second half of last year. Barbara Campbell and the writer have taken over this year.

The Committee has continued its close ties with the Courts including by regular attendance of its representatives at Family Court forum meetings convened by Deputy Chief Justice Faulks and meetings with the Federal Magistrates and Registrars of the Court.

In April 2008 the Biennial National Family Law Conference took place in Adelaide. A number of Committee members were involved including Stephen Bourke who spoke at a plenary session on the topic of superannuation and Family Law and Denis Farrar who was prominent as the ACT representative and the Treasurer of the Family Law section. The involvement of Committee members in Collaborative Law nationally and in Canberra has continued. The writer has continued her role as the ACT representative on the Law Council's National Collaborative Law Committee.

Olivia Gesini (Chair)

FUNCTIONS & LAW WEEK

Bill Redpath (Chair)

Chanaka Bandarage

Rosemary Budavari (until July 2007)

Ben Caddaye

Jan Dutton

Louise Donohoe SC

Elenore Eriksson

Sheila Foliaki-Singh

Leonie Kennedy

Larry King

Fred Lester

Katrina Mackenzie

Samantha Nichol

Athol Opas

Jason Parkinson

Svetlana Todoroski

Heidi Yates

Yvette De Paoli (Member Services Officer)

The Committee has been particularly busy with additional functions for the farewell to Justice Crispin and the welcoming of Justices Refshauge and Penfold.

As is appropriate for the 75th Anniversary of the Society, the theme of Law Week was "75 Years Serving the Community".

The Functions Committee organised the 75th Anniversary Commemorative Dinner at the High Court during that week and the function was well attended with strong representation by former Presidents and an entertaining and informative speech from Master Harper on the history of the Society.

Retired Justice Ken Crispin gave the Blackburn Lecture in a wide ranging talk on "Law and Liberty" and money was

raised for the Snowy Hydro South Care Helicopter Service, largely through the good work of the Young Lawyers and their quiz night.

Congratulations to the Law Courts side for winning the Law Week Soccer competition. It is worth noting that the Law Society/Council team beat the ACT Barbarians in a hard fought clash. Thank you Ben Caddaye for organising the competition and remaining cool under the adversities of dealing with ANU.

Arising from the 75th Anniversary the Committee proposed that resources be used to locate and preserve elements of the early history of the Society and legal practice in Canberra. The Council have adopted this suggestion and Bill Coombes has been appointed to oversee the project.

On the Functions side, the Bar has become more involved in the last 12 - 18 months in Law Week and Functions activities and this has been good for cross-pollination in the profession. We still have too many people RSVPing very late (and causing us to be nervous) and too few people from large law firms attending our functions.

Thank you to Yvette De Paoli for doing the hard work in turning the Committee's ideas into reality and to the Committee for it's hard work suggesting, eating and drinking. It's a tough job but someone's got to do it.

Bill Redpath (Chair)

INDUSTRIAL RELATIONS

John Wilson (Chair)

Bradley Beasley

Alan Campbell

Cawley Hennings

Danny Kynaston

Don Malcolmson

Jamie Ronald

Kiri Ross

Jan Dutton (Committee Administrator)

The Society's Industrial Relations Committee meets to consider industrial relations and employment issues relevant to the profession in the ACT and, through the Society, to advise members of developments in this area where appropriate. This year, issues that the Committee has considered include non-legal practitioners preparing collective agreements and other employment-related instruments for a fee, presentations to members (in conjunction with the Continuing Legal Education Committee), national harmonisation of Workers Compensation and Occupational Health and Safety laws, and the federal government's 'Fair Dismissal Code.'

John Wilson (Chair)

LAW OFFICE MANAGERS FORUM

Tanya Berlis (Chair)

Jan Dutton (Committee Administrator)

The Law Office Managers Forum meets on the fourth Wednesday of each month from 1.00-2.00pm. The forum generally has a guest speaker addressing various topics of interest. In 2007/2008 the following speakers have addressed LOMF;

- Mr Callahan - (First Aid)
- Angela & Diana - (Ezy-Lodge Pty Ltd)

- Adrian Bray - (Trust Auditor)
- Terence Brouner & Neil Thomas (Docs Corp.)
- ALPMA Launch – (Brent Jackson – ANU)

LOMF provides a venue for networking and a wonderful source for ideas and strategies.

Tanya Berlis (Chair)

LEGAL PROFESSION ACT & ETHICS

Michael Phelps (Chair)

Paul Armarego

Rod Badgery

Trevor Barker

Jo Clay

Graeme Finlayson

Tom Howe QC

Robert Reis

Gerald Santucci

Gloria Wong

Jan Dutton (Committee Administrator)

The Committee only had cause to meet on five occasions throughout the year.

Most of the matters considered by the Committee fell into one of two categories, namely:

1. Issues emerging with the commencement of Part 3.1 (Trust Monies and Trust Accounts) of the Legal Profession Act on 1 October 2007, and the Legal Profession Regulations, including:
 - changes to trust account procedures.
 - record keeping.
 - compliance matters generally.
2. Ethical issues, including:
 - disclosure to an employer of details of a show cause event by an employed lawyer, in the particular case, an undischarged bankrupt.
 - impact of personal/sexual relationship on a solicitor/client relationship.
 - perceived or actual conflicts of interest.

I again extend my thanks to all Committee members, the committee administrator and the other Society staff for their contribution and ongoing support to the important work of this Committee.

Michael Phelps (Chair)

MENTAL HEALTH & CHILDREN'S

Jerry Leyland (Chair)

Mary-Therese Daniel

Sheila Foliaki-Singh

Helen Hayunga

Matthew Kamarul

Brian Liddy

John Lundy

Roberta McRae

Athol Morris

Amanda Nutall

Darryl Perkins

Michael Toole

Amanda Tonkin

Gillian Witchard

Jan Dutton (Committee Administrator)

PRACTICE MANAGEMENT

Bill Baker (Chair)

Graeme Blank

Phil Davey

Rob Reis

Gary Tamsitt

Paul Vane-Tempest

Linda Mackay (Complaints Secretary)

The Practice Management Committee has had another fruitful and effective year.

We have been meeting on an as needs basis, primarily to deal with the structure and implementation of the Practice Management Course, which was conducted in October and November 2007 with eighteen participants. We were pleased with the number of solicitors who are seeking to gain their Unrestricted Certificates. As usual the Course comprised a number of solicitors not practising in the private sector. It is encouraging to note that most of them were able to confirm that they found the Course to be extremely well presented and of significant use to them in their careers. We would have expected this response from solicitors working in private practice, but appreciate the difficulty of making some of the course topics relevant to Government lawyers.

The Course which ran over five days, comprised presentations in Risk Management, Profitability, Stress Management, Tax Effectiveness, Employment Issues, Trust Accounting, Advanced Communications and Costs. The Committee has regularly considered the contents and the quality both of the subject matter and the presenters. I am pleased to say that we have a very polished programme that will play its part in ensuring that folk with Unrestricted Certificates are better equipped to the task at hand.

In addition we continued to run seminars for newly admitted solicitors. A total of 78 newly admitted solicitors attended those seminars, which were presented by Rob Reis, Ken Cush, John Buxton, Gerald Santucci and Margot Kindley. Rob Reis also conducted Risk Management Seminars for new admitted solicitors. 45 attended those seminars.

Myself, Rob Reis and Maureen Miller from my office, also presented Risk Management Seminars for support staff, with 43 attendees. 21 support staff also attended our Trust Accounting Seminars, which were presented by Rob Reis, Phil Davey and Tanya Berlis.

I am very grateful for the practitioners who give their time on a voluntary basis to assist on the Committee and with its various presentations. You can see from the list of presentations, that Rob Reis is playing an extremely significant role as a presenter and a member of the Committee. The unsung hero of course is Linda Mackay, who puts it all together. She has made my job extremely easy, and is a pleasure to work with. We are indeed fortunate to have such a proficient organiser with a totally professional outlook.

Bill Baker (Chair)

PROPERTY LAW

Michael James (Chair)

Alfonso del Rio

Geoff Hay

John Irvine

Susan McCarthy

Jill McSpedden
Richard Nesbitt
John Chamberlain
Peter Waight
Chris Wheeler
Ruth Harris
Roberta McRae
Tony Thew
Jason Hinder
Jan Dutton (Committee Administrator)

The last twelve months (as always) has been a very busy period for the Property Law Committee.

The introduction of the Planning and Development Act involved an enormous effort from the Committee, and as always Mr Chris Wheeler's input and enthusiasm to the process was invaluable.

In addition to the same a subcommittee including Mr Chamberlain, Mr Hay and Mr Hinder arranged to produce the 2008 version of the standard ACT Conveyancing Contract.

Two separate submissions have been made to government in relation to the question of Concessional Leases.

There have been multiple submissions in relation to other property related matters, including a long and detailed submission on changes to the Unit Titles Act, electronic conveyancing, Stamp Duty Office protocols and further refinement of the Civil Law (Sale of Residential Premises) Act.

This year also marked the retirement from the Committee of two of its longest standing members. John Power left very early in the year and Robin Gibson at the very end of the year. Both left the Committee with decades of hard work in the Committee to their credit. The Committee is indebted to them for their long and hard work.

There are a number of new members to the Committee who have great skill and expertise and who will contribute to the important work it does in the following twelve months.

I thank each and every member for their invaluable contribution to date.

Michael James (Chair)

YOUNG LAWYERS

Amber Beck (Chair)
Farhana Islam (Vice-Chair)
Edward Campbell (Treasurer)
Lisa Heads (Secretary)
Andrew Allan
Chak Chow
Leila Galang
Andrew Joseph
Elizabeth Landford
Elizabeth Lee
Francesca Leone
Fred Lester
John Plumidis
Fiona Reading
Charu Shankar
Kelisiana Thynne
Nicky Tran
Ting Yuan
Jan Dutton (Committee Administrator)

My time as Chairperson of the Young Lawyers Committee (YLC) unfortunately started with receipt of the sad news that our Patron, His Honour Justice Terence Connolly had passed away. After some months without a Patron, we were finally able to extend an invitation to His Honour Justice Richard Refshauge to become our Patron. Justice Refshauge's first official event as our Patron was at the Great Debate on Monday, 18 August 2008. We have no doubt that Justice Refshauge will do an excellent job as our Patron, and look forward to seeing him at our future events.

Social Events

The first event the new YLC committee was tasked with organising was the yearly Golden Gavel Competition (sponsored by DFP Recruitment) during the Law Society's Annual Dinner. Brooke Horne from Minter Ellison won this event for the second time, with the Peoples' Choice Award going to Fred Lester who won a selection of Gary Parker's fine Long Rail Gully wines. Brooke proudly represented the ACT at the National Golden Gavel hosted by the Tasmanian Young Lawyers Committee on 16 November 2007 and put in a very impressive effort only to be nudged out by "The Taxinator".

Our Social Sub-Committee (Sayuri Piper, Lisa Heads) kept our young lawyers well entertained throughout the year by continuing our monthly Friday functions at various drinking establishments around Canberra including the Uni Pub, Kremlin Bar, and Knightsbridge Penthouse, and other events such as a wine-tasting night at Plonk and a dinner at Jus Qytly. We also had extremely enjoyable firm-hosted drinks at Dibbs Abbott Stillman Lawyers and Meyer Vandenberg. The YLC's social functions remained popular with regular attendances of 70+ people at most events.

With the assistance of Fred Lester's gourmet BBQ skills we again hosted our Annual Long Rail Gully BBQ in November 2007. This was a great event, with all enjoying an excellent culinary experience combined with the wonderful Long Rail Gully wines.

In December 2007 we hosted our first ever Christmas Cruise, this sold out event featured a BBQ, karaoke and pole dancing! We have already confirmed a booking for a larger cruise aboard the MV Southern Cross this December – this will be an event not to miss!

We hosted our inaugural Touch Football Tournament on 28 March 2008. This event sold out, with a total of 16 teams registering for the event. The trophy was awarded to the Comcare team this year – but we're sure they will face stiff competition from the private sector firms next year if they wish to retain the trophy! Thank you to RSM Bird Cameron who sponsored this event.

We also joined the accountants at the launch of their Young Members Committee this year, and we're looking forward to holding more social and sporting events in conjunction with them.

On 31 July 2008, the YLC hosted its second mid-winter dinner at Teatro Vivaldi, which was again generously sponsored by Gillian Beaumont Legal. Thanks to our sponsors 120 young lawyers were able to enjoy a 5-course dinner, plus fine wine for a mere \$20!

Charity Events

\$1000 was raised for the Prostate Cancer Foundation of Australia when we hosted a "Bowling 4 Balls", a night of lawn bowls, live music and a BBQ at the Forrest Lawn Bowls Club. SBR kindly sponsored this night.

The 2008 Law Week Quiz Night held on 15 May 2008 came

together as the result of a fantastic effort by the YLC, and the assistance of our major sponsor, Gillian Beaumont Legal. We must also thank Steve Whybrow and Jane Ferry (our question writers), and Brendan Ding and Jonathan Mandl (CCH) for their assistance, support and enthusiasm. An extra warm thank you needs to be extended to Jonathan Beaumont for again accepting the difficult task of MC-ing the rowdy crowd. This evening raised \$3,000 for the Snowy Hydro SouthCare Rescue Helicopter Service.

The YLC have organised a Movie Night at Dendy on 25 August 2008 to raise much needed funds for the National Brain Injury Foundation. We hope that this event will be a great success, and look forward to being able to support such a worthy cause.

Educational Events

This year we introduced the "Meet the Judge Lunch Series" which was extremely well attended, indeed sold out on most occasions. Chief Justice Higgins, Justice Penfold, Justice Gray, and Justice Refshauge all enjoyed the opportunity to mingle with the young lawyers in a more informal environment, whilst sharing their advice and stories over lunch.

The YLC also held a sold-out Financial Planning Seminar with Larissa Zimmerman from Financial Fitness, and a Networking Seminar in conjunction with the Schmooze Young Professionals Network.

The Great Debate on 18 August 2008 between the Hon Simon Corbell (Attorney General) and Zed Seselja (Leader of the Opposition) was a great success. The topic was "Is all fair in love and politics?", and was won by Mr Corbell for the negative. This event was sponsored by PCA People, with Justice Refshauge joining me in adjudicating the debate and mingling with YLC members over wine and cheese.

Major Projects

The YLC has completed a Model Employment Contract for young lawyers, which is designed to set out the basic principles of employer responsibility together with a view to preventing workplace bullying. We thank Mr Paul Vane-Tempest of Blake Dawson and the crew at Minter Ellison for their part in making this project happen!

The YLC has also finalised a set of Committee Guidelines, designed to assist with committee administration and decision-making. We are looking forward to approval of these guidelines in due course.

The YLC has written an informative and humorous Young Lawyers' Survival Handbook Diary— this is an important publication, containing all the answers to questions that young lawyers may be too afraid to ask. This project has been sponsored by Hays Recruitment, and is due to be released in December 2008 – make sure you put in your order soon!

Other Matters

The YLC has continued to welcome new legal practitioners into the profession. We have been regularly moving the admissions of young lawyers, as well as hosting congratulatory morning tea ceremonies on the ground floor of the Uni Pub following each ceremony. Much thanks goes to Fiona Reading, Nicky Tran, Andrew Joseph, Leila Galang and Ting Yuan for their assistance in organising and running these events.

The YLC has been in regular attendance at the ANU Legal Workshop courses, where we have been presenting regular seminars about entering the legal profession and life as a young lawyer, as well as attending their social events.

The YLC has continued to liaise with the Australian Young

Lawyers Committee, where we have been active in both representing the ACT young lawyers as well as contributing to legal issues of national interest. Elizabeth Landford has now taken over from me as the ACT representative on this committee, and I'm sure she will bring her usual dedication and enthusiasm to this role.

Obiter Dictum continued to receive favourable feedback this year with Farhana Islam (our Vice-chair) at the helm as editor. Kelisiana Thynne and Fiona Reading have also worked very hard on this publication, and we will miss their presence on the YLC.

We have also begun the process of implementing a tiered sponsorship system. We hope to have a new sponsorship system in place for the next financial year. We anticipate that the implementation of this system will see us being able to offer bigger and better events for the legal community.

Forecast September 2008 onwards ...

The YLC elections are looming, and it looks like we will again have an enthusiastic and active committee organising events for the legal community. We have many events to look forward to:

- September 2008 – Social drinks to celebrate the induction of the new YLC members and thank the departing YLC members for all of their hard work
- October 2008 – ACT Golden Gavel
- November 2008 – Long Rail Gully Wine Tasting
- December 2008 – Christmas Cruise

Acknowledgements

The YLC members are extremely hard working individuals, they donate their precious personal time to organise and run events for the legal community, and often receive very little acknowledgement or congratulations for doing so. On behalf of the ACT legal profession I would like to thank Farhana Islam (Vice-Chair), Edward Campbell (Treasurer), Lisa Heads (Secretary), Fred Lester, John Plumidis, Fiona Reading, Chak Chow, Nicky Tran, Francesca Leone, Kelisiana Thynne, Elizabeth Lee, Leila Galang, Ting Yuan, Charu Shankar, Elizabeth Landford, Andrew Joseph, and Andrew Allan for their amazing efforts over the past year.

On behalf of the committee I would also like to thank Jan Dutton and Kathleen Lui from the ACT Law Society, who have done an amazing job in taking registrations and payment for YLC events, as well as sent out numerous emails on my behalf.

I would also like to acknowledge our generous sponsors over the past year, the teams at SBR, Gillian Beaumont Legal, Long Rail Gully, RSM Bird Cameron, DFP Recruitment, and PCA People have all contributed to ensuring the success of our events.

As of September 2008 I will be resigning as Chairperson of the YLC and relocating from Canberra. Having immigrated here just over two years ago, I will miss the support and collegiality of the Canberra legal community. While it has been an extremely busy twelve months, it has also been an extremely enjoyable and challenging experience, and I wish the new YLC Chair all the best.

Amber Beck (Chair)

75

1933—2008

75 years serving the
Canberra community**actlawsociety**

TREASURER'S REPORT 2007/08

Financial Statements

I am pleased to present the Annual Report on the Society's Accounts for 2007/08.

1. General Account

This account covers the income and expenditure relating to the general operations of the Society.

2. Statutory Deposits Trust Account

This account comprises deposits of solicitors' trust moneys lodged with the Society to earn interest which is paid into the Statutory Interest Account.

3. Statutory Interest Account

This account is used to accumulate interest earned on funds deposited in the Statutory Deposits Trust Account together with interest earned on the balances in solicitors' trust accounts. From it grants are made to support the Legal Aid Commission and other legal aid services. The costs of disciplinary proceedings are paid from this account.

4. Solicitors' Fidelity Fund

The Fidelity Fund exists to meet any claims by clients for compensation in respect of loss arising from a solicitor's failure to account for trust funds or other valuable property. The costs of random inspections, investigations and the appointment of managers are met from this Fund.

General Account

As at 30 June 2008 the accumulated funds of the Society stood at \$874,845. This is an increase of \$85,818 on the previous year.

The Society's income increased by almost 13%. The major factor was increased revenue from practising certificate fees as a result of an increased number of practitioner members.

The Society's expenditure increased by almost 11%.

Council continues to scrutinise all areas of expenditure and has approved a budget for 2008/09 which is expected to produce a small surplus.

Statutory Deposits Trust Account

Total deposits at 30 June 2008 amounted to well over \$9.9 million, an increase of 6% on the previous year.

It will be noted from the statement of cash flows that this increase was due to additional deposits totalling \$3,710,694 less repayments of deposits amounting to \$3,129,129.

Statutory Interest Account

The Statutory Interest Account derives its income from interest on solicitors' statutory deposits, interest on the balance in solicitors' trust accounts, and from the investment of the funds held in the Statutory Interest Account itself.

The income of the Account of \$2,876,732 was an increase of over 23% on the previous year.

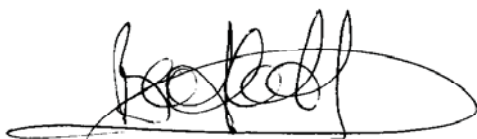
Council has decided that an amount of \$1.9 million will be made available during 2008/09 for grants to the Legal Aid Commission and other community legal aid organisations.

Solicitors' Fidelity Fund

The accumulated funds of the Fidelity Fund increased by \$281,714 to a total of \$4,459,837.

It is again pleasing to note that the Society has not been required to pay compensation as a result of a defalcation since 1999.

Expenditure on investigations, examinations and managers' costs was substantially lower than in the previous year. The implementation of the trust accounting provisions of the Legal Profession Act 2006 delayed the random inspections programme.



Brian Hatch
Treasurer