



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

**ANNUAL REPORT
2009-10**

actlawsociety

The Law Society Of The Australian Capital Territory

Annual Report 2009-10

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COUNCIL

Executive

President - Athol Opas (DEEWR)

Vice President - Kay Barralet (Mazengarb Barralet Family Lawyers)

Vice President - Martin Hockridge (ACT Legal Aid Office)

Secretary - Louise Vardanega (Australian Government Solicitor)

Treasurer - Commander Ian Campbell (Department of Defence)

Executive Member - Chris Donohue (Donohue & Co.)

Immediate Past President - Rod Barnett (Rod J Barnett & Associates)

Councillors

Sarah Avery (Ben Aulich & Associates)

Greg Brackenreg (Meyer Vandenberg)

Pru Flinn (Moray & Agnew)

Andrew Freer (KJB Law)

Christine Harvey (McSpedden Harvey)

Elizabeth Lee (Australian National University)

Fred Lester (Maurice Blackburn Lawyers)

Mark Tigwell (Tetlow Tigwell Watch Lawyers)

Paul Vane-Tempest (Blake Dawson)

STAFF

Executive Director - Larry King

Professional Standards Director - Rob Reis

Accountant - Stewart MacArthur (until August 2010) and
Lea McLean (from August 2010)

Professional Development Officer - Bill Coombes

Executive Secretary - Debbie Sims

Communications Officer - Yvette Luketic

Committee Administrator - Jocelyn Campbell

Bookkeeper - Kathleen Lui

Complaints Committee Secretary - Linda Mackay

Policy Lawyer - Catherine Hodge

Receptionist - Robyn Guilfoyle

NOTICE CONVENING THE ANNUAL GENERAL MEETING

The Annual General Meeting of the Society will be held on **Thursday, 23 September 2010** commencing at **12.30pm**, Level 2, **Novotel**, 65 Northbourne Avenue, Canberra City

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

Members Lunch will follow the Annual General Meeting at the same venue.

For catering purposes please register your attendance to Ms Kathleen Lui at the Society by email kathleen.lui@actlawsociety.asn.au or phone (02) 6247 5700.

A handwritten signature in black ink, appearing to read 'L Vardanega', is placed over a light grey rectangular background.

L Vardanega
Secretary

6 September 2010

MINUTES OF THE ANNUAL GENERAL MEETING OF THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY

held on Level 1, Novotel, 65 Northbourne Avenue Thursday, 24 September 2009 at 12.30pm

Present: Trevor Barker, Rod Barnett Kay Barralet Rachel Bird, Greg Brackenreg, John Bundock, Greg Burnett, John Buxton, Barbara Campbell, Bill Coombes, Edward Corbitt, Mike Cramsie, Chris Dennett, Chris Donohue, Emmanuel Ezekiel-Hart, Prue Flinn, Michael Flynn, Andrew Freer, Jim Gralton, Ken Grime, David Hanstein, Christine Harvey, Brian Hatch, Michael Higgins, Ken Hubert, Shane Jones, Clinton Jones, Thena Kyprianou, Elizabeth Lee, Rod Macdonald, Ben McCurtie, Jill McSpedden, Theresa Miskle, Allan Nelson, Richard Nesbitt, Graeme Nettle, John Nicholl, Athol Opas, Michael Phelps, Peter Reddy, Margaret Reid, Andrew Roberts, James Sabhawal, John Salinas, Paul Salinas, Dan Shillington, Gary Tamsitt, Brian Tetlow, Mark Tiglow, Jo Twible Greg Walker, Ross Watch, Robert Wilson, Ann Wyrrie, Louise Vardanega and Loretta Zamprognio

In attendance: Messrs King and MacArthur, and Mss Sims, Campbell, Guilfoyle, Hodge and de Paoli.

1. APOLOGIES: Messrs David Mitchell, Peter Cain, Fred Lester, Mark Blumer, Martin Hockridge, Andrew Crockett, Peter Romano, Hugh Jorgensen, Steven Gavagna, Ian Campbell and Bill Redpath.

2. MINUTES

Members noted that the minutes of the Annual General Meeting held on 18 September 2008 were uploaded onto the Society's website. Members were emailed advising that the Minutes were available on the website.

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

3. PRESIDENT'S REPORT

Members noted that the President's Report, as part of the Society's 2008-09 Annual Report, was uploaded onto the Society's website and a link emailed to members. Copies were available at the meeting.

The President highlighted a number of points, including:

- The COAG Legal Profession Regulatory Reform Project: The President said this project will provide real challenges for the Society and will have an impact on practitioners.
- MCPD: The President said the second challenge for the Society will be the mandatory continuing professional development program. He said there will be an Extraordinary General Meeting on 22 October to settle the details of the ACT scheme which will mirror the National guidelines.
- National Professional Conduct Rules: The President said that many practitioners have indicated that they are dissatisfied with the draft revised Rules and this will be canvassed with the Law Council of Australia.

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

4. FINANCIAL STATEMENTS

Members noted that the 2008-09 Financial Statements were uploaded on to the Society's website as part of the Annual Report. Members were notified by email.

Following brief comments by the Treasurer it was **resolved** (Hatch/Watch) that the 2008-09 Financial Statements 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 2009-10 election. The Executive Director announced the results as follows:

1,367 members were eligible to vote – 390 votes were received with 5 being invalid and 385 being valid or partially valid.

President: Mr Athol Opas
Vice Presidents: Mr Martin Hockridge
Ms Kay Barralet
Secretary: Ms Louise Vardanega
Treasurer: Mr Ian Campbell

Councillors: Ms Sarah Avery
Mr Greg Brackenreg
Mr Chris Donohue
Ms Prudence Flinn
Mr Andrew Freer
Ms Christine Harvey
Ms Elizabeth Lee
Mr Fred Lester
Mr Mark Tigwell
Mr Paul Vane-Tempest

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

It was also **resolved** (Hatch/Watch) that the ballot papers for the 2009-10 Annual General Election be destroyed pursuant to Clause 17 of the Society's Constitution.

Mr Barnett congratulated the successful candidates. He noted that Ms Vardanega had been returned for a successive 17th year. The outgoing President thanked Messrs Biddington and Robertson, who did not renominate, for their contribution to Council. He thanked those members who stood for election unsuccessfully and moved a vote of thanks to the Returning Officers. This was carried by acclamation. He thanked Messrs Coombes and Walker for their long association with the Society. He noted that Mr Walker was first elected to Council in 1989 and then again in 1995 and Mr Coombes was elected in 1998. This was carried by acclamation. Mr Barnett then moved a vote of thanks to the Returning Officers, Mr Trevor Barker and Mr Robert Reis. This was carried by acclamation.

6. APPOINTMENT OF AN AUDITOR

Members noted that Duesburys Nexia have indicated their willingness to accept appointment for 2009-10.

It was **resolved** (Coombes/Jones) that Duesburys Nexia be appointed as the Auditors for 2009-10.

7. OTHER BUSINESS

Mr Barnett then handed the chair to the incoming President Mr Opas to speak. Mr Opas thanked members for finding the time to attend the AGM. Mr Opas congratulated the new members of Council and thanked the outgoing members for their contribution to the Society. He acknowledged the service of past presidents under whom he had served as Councillor, Messrs Denis Farrar, Bill Redpath and Greg Walker, from whom he had developed a deep understanding of the Society's affairs. He thanked the outgoing Treasurer, Mr Bill Coombes, who has retired from practice.

Mr Opas acknowledged the achievements and contribution of the Society's outgoing President, Mr Rod Barnett, dating back to 1975 when Rod was elected Secretary to the Society. He said Mr Barnett has lobbied hard for a new Supreme Court building, legislative amendment to murder laws and a fifth judge for the Supreme Court. Under Mr Barnett's leadership the Society had established the Human Rights Committee and Government Lawyers Committee and recently commenced a regular Government Lawyers newsletter. On a personal level he said that Mr Barnett had brought a great sense of humour and charisma to the meetings of Council and Executive. Mr Opas said it had been a pleasure to work with Mr Barnett and expressed his thanks and gratitude for his leadership.

Mr Opas referred to two long serving members of Council, Mr Bill Coombes and Mr Greg Walker. Although Mr Walker will no longer serve on Council or Executive he will continue to remain actively engaged as Chair of the Society's Access to Justice Committee, Human Rights Committee and the Professional Indemnity Insurance Committee. In acknowledging the contribution of Mr Coombes, he noted that Mr Coombes had served an impressive 18 years on the Society's Complaints Committee. He was first elected to Council in 1998 and served in the positions of both Junior and Senior Vice President, and Treasurer. Mr Opas said Mr Coombes' latest task involved gathering historical records of the ACT legal profession for posterity.

Mr Opas said the Society's key priorities included the COAG reform project, mandatory CPD, Member Services and committee participation.

There being no other business Mr Opas closed the meeting at 1.13 pm.

President's Report 2009-10



The last 12 months have been a challenging but successful period for our Law Society.

National Legal Profession Reforms

The significance of proposed national legal profession reforms cannot be overstated. In late 2009 the process for reforming regulation of the national legal profession began in earnest. The COAG led reforms are aimed not only at achieving true harmonisation of the laws in each State and Territory which regulate the legal profession. These reforms also propose major structural change, including the establishment of a National Legal Services Board and a National Legal Services Ombudsman.

If done well, the national reforms will achieve true national harmonisation of regulation; simplify unnecessarily complex regulation; maintain the profession's independence; keep the costs of regulation to a minimum; and not complicate regulatory structures. However, the reforms as they currently stand guarantee none of those outcomes.

Amidst the uncertainty of the reforms, the national legal profession has pulled together behind the Law Council of Australia which has in turn provided outstanding leadership on this vital issue including via its President Glenn Ferguson and Secretary-General Bill Grant. The ACT Law Society, alongside other law societies and bar associations around Australia, undertook a detailed review of draft model legislation released in April 2010. We contributed to the Law Council of Australia's submission on behalf of the national legal profession. I particularly thank the volunteer members on our Society's working group established to review and prepare the Society's policy response to these reforms. Throughout this reform process, our Law Society has continued its proud tradition of punching above its weight on national legal issues.

Supreme Court resourcing and proposed "virtual District Court"

The ACT Law Society has worked diligently and openly on Supreme Court resourcing issues. The Society was an active contributor on the government appointed Supreme Court working group which recommended various solutions

to government to address resourcing issues within the Supreme Court.

Following the subsequent release of the ACT Government's 2010 Access to Justice Initiative, which included a proposal for an ACT District Court, the ACT Law Society, in conjunction with the ACT Bar Association, has cooperated constructively with the ACT Government to try to achieve the best possible solution to court resourcing. The Society clearly expressed its strong preference not to add the complexity of a middle court, particularly one initially resourced only with part-time judicial officers appointed from a limited pool of candidates. This debate has attracted much public interest. The Society will continue to work constructively with Government on measures which will best address court resourcing.

Movements in the ACT Magistrates Court

Late 2009 saw the retirement of former Chief Magistrate Ron Cahill after serving 32 years as a magistrate, including 24 years as Chief Magistrate. Ron also chaired the ACT Mental Health Tribunal. Ron has been a great contributor to the wider Canberra community. Ron served as Chairman of ACTAFL from 1998 to 2006. Ron has also served, and continues to serve, as Chair of Richmond Fellowship ACT. The ACT Law Society wishes Ron all the best for the future and thanks him for all that he has done for the people of the ACT.

In June 2010 former Special Magistrate Ken Cush completed his contract. In addition to a long and distinguished career as a solicitor, Ken did an outstanding job as Special Magistrate.

In early 2010 John Burns was appointed as ACT Chief Magistrate and in July 2010 Lorraine Walker was appointed as Magistrate. Both are excellent appointments and will serve the Canberra community well into the future.

Law Week 2010

Law Week 2010 was a great success. Highlights of Law Week 2010 included the usual outstanding quiz night organised by the Young Lawyers, the Law Week soccer competition and the new initiative of an official launch

combined with a celebrity debate over lunch. Law Week 2010 raised over \$13,000 for Law Week Charity, Galilee, a success unprecedented in recent memory.

Member services

In 2009 the Society's Council identified member services as a key objective for the Society.

Thanks to the hard work of the Society's interim CPD and member services officer, Bill Coombes, and supported by the Society's Executive Director, Larry King, the Society now has a comprehensive Continuing Professional Development program relevant to a broad spectrum of the Society's members both in private and public legal practice. This is an outstanding service to the Society's members.

The Society has significantly increased its services to its government lawyers who comprise over 25% of the Society's membership. The Society has an active Government Lawyers Committee, a regular and informative Government Lawyers Update, various CPD seminars of direct relevance to government lawyers, and the Society is currently establishing a government lawyers' mentoring program.

The Society is continuing to review other potential member services and I invite members' suggestions about other useful member services.

The Society's volunteer committees

The Society's volunteer committees have been active over the past 12 months. I thank all of the Society's volunteers, including all our committees, our Legal Advice Bureau volunteers, Pro Bono Clearing House volunteers and members of the Society's Council and Executive who also volunteer their time.

In September 2009 the Society's Council underwent substantial change following the election of 9 new Councillors. Our new Council has had to deal with difficult issues requiring careful judgement, including in the performance of the Society's regulatory role. I thank all members of Council for their diligence and support.

Special thanks also go to Theresa Miskle who until recently was Chair of the Society's Young Lawyer' Committee. During Theresa's leadership, the Young Lawyers Committee achieved many successes including securing the hosting of the National Golden Gavel Competition in Canberra later in 2010. I also congratulate Natalie Bruno on becoming the new chair of the Society's Young Lawyers Committee and I look forward to the continued success of our Young Lawyers Committee under Natalie's stewardship.

Final comments

2010 saw the retirement of the Society's accountant, Stewart MacArthur, after 21 years of service. Stewart performed an

outstanding service to the Society and all its members and will be greatly missed. Stewart is replaced by Lea McLean as the Society's new accountant. I am grateful for the efforts of all of the Society's staff, under the management of Executive Director, Larry King.

The past 12 months has seen the Law Society and Bar Association both face challenging and significant issues. I record my thanks to the Bar Association and its President, Stuart Pilkinton (who is soon to hand on the baton) for a collaborative and collegiate approach between our two organisations.

I invite suggestions from members on any matter including how the Society can best serve our members. I look forward to the year ahead.



Athol Opas
President

Committee Memberships and Reports

ACCESS TO JUSTICE

Greg Walker (Chair)
 Andrew Crockett
 Judy Harrison
 Martin Hockridge
 Jaleh Johannessen
 Ric Lucas
 Don Malcolmson
 Athol Opas
 Peter Quinton
 Simon Rice
 Gary Tamsitt
 Jocelyn Campbell (Committee Administrator)

The Committee, although still ad hoc met on a fairly regular basis during the last year as a result of some developments of significance in the area of access to justice. One of these was the Law Council's lobbying group for access to justice to which our committee chair was seconded and which met on a fortnightly basis during the period April to early June 2010. The purpose of that endeavor was to increase awareness within the political sphere of access to justice issues in an election year and also leading up to the Budget.

The Committee provided a background briefing to the President to assist him in his commentary on the release of the Green's Policy on access to justice and the President's commentary to the media with respect to access to justice issues generally.

The committee also met with government representatives in charge of the controversial Virtual District Court project and provided a significant level of feedback to government on that issue. The Committee chair, in addition formed part of the ad hoc committee of the Law Society & Bar Association dealing with the Virtual District Court issue.

I extend my thanks to all members of the Committee for their contribution and ongoing support.

Greg Walker (Chair)

ACT LEGAL EXECUTIVES COMMITTEE

Tanya Berlis (Chair)
 Mel Abberton
 Jacqui Bettio
 Alanna Davis
 Sue Hayes
 Ron Neilan

Fran Nichols
 Michael Olive
 Rosemary Orr
 Kim Pacey
 Juliet Reeve
 Hilary Saunders
 Yvonne Scandrett
 Gayle Sillis
 Joanne Swindley
 Lyzette Tantala
 Di Waters
 Ruth Winchester
 Kelly Wood
 Jocelyn Campbell (Committee Administrator)

The newly formed ACT Legal Executives Committee (ALEC) meets quarterly from 1-2pm. The committee members consist of practice managers, office managers, human resource managers and other management staff. ALEC's primary objective is to assist local law firms with the up-skilling of their business services team. Business services provided by internal staff such as finance, IT, HR, library and knowledge management staff.

In 2009/2010, Kriss Will presented a talk for ALEC on the New Legal Services Award.

ALEC will continue to source and present speakers on topical issues of the 2010/2011 period.

Tanya Berlis (Chair)

ACT PRO BONO CLEARING HOUSE

Geoff Adams
 Sarah Arthur
 Genevieve Bolton
 Andrew Crockett
 James Dunn
 Katy Grimes
 Anna Haynes
 Catherine Hodge
 Amy Kilpatrick
 Larry King
 Andrew Lu
 Svetlana Todoroski
 Chris Wheeler
 Steve Whybrow

Jo Wright
Debbie Sims (Executive Secretary)

Overview

The ACT Pro Bono Clearing House (PBCH) was established in 2004 to improve access to justice through the simple aim of trying to match people and organisations who are in genuine need of pro bono legal assistance with legal practitioners who are able to provide that assistance.

Applications are received from organisations and individuals and are assessed by the PBCH Assessment Panel, a changing panel of ACT legal practitioners, that meet weekly.

As at 10 August 2010 39 new applications had been received. This compares to 41 received at the same time in 2009. 36 were from individuals and 2 were from organisations. Of the 39 applications, 26 were successfully referred out to firms and 13 were unsuccessful because they did not have reasonable prospects of success, did not meet the means test eligibility criteria or did not have a legal issue.

The Secondee System

The panel is assisted by a rotating 'operational secondee', a lawyer from a Canberra law firm who spends approximately 3 months working with the PBCH. Their primary role is to meet with potential applicants, to assist them with preparing their PBCH application, provide a summary report to the panel and attend panel meetings.

Throughout 2009 it was realised the PBCH would benefit from a second secondee, a 'policy secondee' and in August 2009, the PBCH Management Committee agreed to the assistance of the second secondee. The primary role of the 'policy secondee' is to focus on developing the strategic and policy side of the PBCH. The secondee is preparing a draft issues paper for the PBCH committee to consider. The issues paper assesses the PBCH structure, stakeholder feedback, statistical data and provides recommendations for the future direction of the PBCH. To prepare the paper, various stakeholders, including community legal centres within Canberra and similar pro bono organisations throughout Australia have been consulted.

2010 - a snapshot.

During 2010, the Management Committee:

- has considered the definition of pro bono and what constitutes pro bono assistance;
- discussed the referral of family law matters and the small number of family law practitioners that are willing to take on referrals. The Management Committee is working to address this issue;
- considered the National Professional Indemnity Insurance Scheme;
- discussed the viability of engaging retired and career break lawyer; and
- continued with the general day to day operation of the PBCH.

Debbie Sims (PBCH Administrator)

ALTERNATE DISPUTE RESOLUTION

Uwe Boettcher (Chair)
Graeme Blank
Greg Brackenreg
Robert Clynes
Michael Flynn
Stephen Herrick

Kim Lackenby
Ian Nash
Nithya Sambasivam
Jocelyn Campbell (Committee Administrator)

The ADR Committee has considered and commented on the National Alternative Dispute Resolution Advisory Council report to the Attorney General entitled "The Resolve to Resolve - Embracing ADR to Improve Access to Justice in the Federal Jurisdiction". This was a far reaching report which actively encourages the use of ADR techniques to improve access to justice, reduce costs and to assist in the speedy resolution of disputes.

The report also included a model ADR clause for use in contracts and encouraged the use of ADR clauses in contracts. A model ADR clause is now available on the Society's web site and all practitioners are encouraged to use it.

The committee will use its best endeavours to increase the use of ADR in the future and encourages all members of the Society to use ADR techniques as widely as possible.

I wish to thank all members of the committee for their dedication and assistance throughout the year.

Uwe Boettcher (Chair)

CHURCH

Lady Lorraine Bevan (Chair)
Chris Erskine
Ken Hubert
Yvette Luketic (Communications Officer)

The Church Committee meets between July - December. During these months, the Committee work expeditiously to send out invitations and obtain the necessary approval for the date and venue of the Church Service.

The service this year was held at the St Joseph's Catholic Church, O'Connor. We wish to thank all those who participated in the service including the speaker, Bishop Stuart Robinson who delivered the address at the last minute, on behalf of the late Reverend Canon Russell Avery, who passed away a few days later.

Thanks must go to Ken Hubert and Yvette Luketic for assisting with the organisation of this year's service. I also thank the Society's Choir, Frankie and the Litigators, for their participation.

The Committee puts so much work into the service to ensure that all denominations are catered for. We would be pleased to see more members support the commencement of the legal year by attending the Church Service.

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

Lorraine Bevan (Chair)

CIVIL LITIGATION

Richard Faulks (Chair)
Graeme Blank
Mary Brennan
Jessica Bristol
Angus Bucknell
Annie Glover
Steven Hausfeld

Walter Hawkins
John Henry
Hugh Jorgensen
John Little
Athol Morris
Russell Patrick
Karl Pattenden
Sarah Simpson
Jocelyn Campbell (Committee Administrator)

Once again, the Civil Litigation Committee has had a full agenda over the past 12 months.

The Committee has had an ongoing role in providing feedback and suggestions to the Joint Advisory Rules Committee and has achieved some change which will assist the members of the Society in their everyday practices. I have served on the Rules Committee and therefore, have been able to provide direct feedback. The Civil Litigation Committee also has the advantage of input from Registrars Annie Glover and Hugh Jorgensen who also serve on the Rules Committee.

The Civil Litigation Committee also receives monthly reports about other issues affecting the ACT Courts and the ACT Civil & Administrative Tribunal. This has enabled us to have some input into procedures within those Courts and to hear about developments.

An important role was performed by Walter Hawkins serving on the monitoring committee reviewing the Court processes and in recent times, the Committee has been called upon to provide assistance to the Council of the Law Society in responding to the proposals by the Attorney-General to form a new virtual District Court, something that has not been the subject of any consultation. There will be an ongoing role in that regard.

Issues have also arisen from the application of the new CTP legislation known as the *Road Transport (Third Party Insurance) Act 2008*. There have been efforts by the Committee to bring about reform of some unsatisfactory aspects of that legislation but to date, government has not been responsive. Further lobbying will take place over the months to come and may involve the Opposition/ Greens.

In addition to the major issues set out above, the Committee is frequently called upon to comment on and develop submissions in relation to other matters affecting civil litigation in the ACT. We are very fortunate to have a large committee of experienced litigators who have been great support to me in dealing with the issues set out above. I particularly acknowledge the assistance of Angus Bucknell who stepped in to my role to chair the Committee when I was away over a two-month period.

Richard Faulks (Chair)

COMMERCIAL & BUSINESS LAW

Brian Tetlow (Chair)
Allan Bedford
Peter Garrison
Doug Gillespie
David Hanstein
John Irvine
Richard Lewis
Chris Macphillamy
Judy Morris

Geoff Nicholl
Peter Quinton
Paul Salinas
Jason Wenning
John Williams
Jocelyn Campbell (Committee Administrator)

The Committee meets monthly and has tried to act pro-actively in relation to issues to significance to the profession.

This year the Committee has:

- made continuing representations to the ACT Government regarding reforms to the Powers of Attorney Act and the revision of the approved forms
- considered the laws relating to Guardianship and capacity.
- liaised with the Business Law Section of the Law Council
- met jointly with the Wills and Probate Committee to consider matters of mutual interest
- met jointly with the Elder Law Committee to consider matters of mutual interest
- considered the reforms being introduced in the area of personal property security
- met with the President of the Society to consider matters of mutual interest

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)

COMMERCIAL LEASES

Allan Bedford (Chair)
Chris Donohue
John Irvine
George Kordis
Christine Murray
Alison Pratt
Jason Wenning
Jocelyn Campbell (Committee Administrator)

This Committee succeeded the working group previously entitled the Tenancy Code Committee which had been chaired by Brian Tetlow. That Committee operated actively when the ACT undertook a review of the law relating to commercial and retail leases. After final legislation in the form of the *Leases (Commercial & Retail) Act 2001* was in place that committee ceased to meet.

The new committee first met on 9 December 2009 and has subsequently met on 24 March and 28 July 2010.

The Committee has been reviewing matters in practice which have caused difficulties arising from the provisions in the Act. At the Committee's last meeting, Peter Quinton from ACT JACS attended to discuss some of the practice problems and possible ways that submissions might be made to the ACT proposing improvements to the legislation. In addition Mr Quinton outlined state and national proposals, which include the standardisation across Australia of the Lessor Disclosure Statement.

The Committee will also review from a practice perspective, the operation of the Magistrates Court exercising jurisdiction under the Act. This may result in an invitation to meet with a representative from the Court and a future meeting.

Allan Bedford (Chair)

COMPLAINTS

Karen Fogarty (Chair)
 Lois Clifford
 Sheena Dadge (Lay member)
 Michael Deasey
 Jim Dunn
 Michael Eley (retired June 2010)
 Sally Fleming (from June 2010)
 Tony Foley
 Ken Hubert (from June 2010)
 Jeanine Lloyd
 Colin Maclachlan (retired June 2010)
 John Solomon (from June 2010)
 Ross Reid
 Alyssa Taylor (on leave from the Committee since April 2010)
 Mark Tigwell

The Complaints Committee has completed another busy year which has included a number of changes in Committee members. Colin Maclachlan and Michael Eley resigned from the Committee due to impending retirement from practice. Colin and Michael have provided excellent service to the Committee and their wealth of experience in conduct matters coupled with their ability to identify the issues will be missed. The Committee wishes them all the best that retirement can offer. The Committee has also lost Alyssa Taylor temporarily as she has taken time off to travel and work overseas with her husband. Alyssa has been a valuable contributor to the Committee in the two and a half years since she first joined us and we look forward to her return.

In their places the Committee welcomed Ken Hubert (Capon & Hubert), John Solomon (Moray Agnew) and Sally Fleming (Bradley Allen) all of whom will continue the high standard of work produced by the committee.

During the year the Committee dealt with 104 formal complaints received during the reporting year, eight fewer than the previous year. In addition to the handling of the formal complaints received, our Professional Standards Director Robert Reis and Complaints Secretary Linda Mackay have dealt with approximately 220 enquiries received from practitioners and 350 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	2009/2010
Family Law	26
Conveyancing	33
Civil Litigation	17
Criminal Law	7
Personal Injuries/Medical Negligence/WC	8
Wills & Probate	5
Other	8
Type of Matter	
Costs	18
Failure to communicate	13
Failure to follow instructions	19
Possible negligence	4

Areas of Law	2009/2010
Discourtesy	7
Conflict of interest	7
Breach of confidentiality	5
Delay	10
Trust account irregularities	11
Acting without instructions	3
Quality of service	11
General conduct	51

In relation to the Complaints that warrant further action, they are referred to the Council of the Law Society which deals with the matter or the Council refers it to ACT Civil and Administrative Tribunal (ACAT).

There are currently 13 disciplinary matters filed in ACAT of which 10 have been heard. 5 of these decisions are still reserved. In each of the 5 decided matters, a finding of unsatisfactory professional conduct by the Practitioner was made.

The Council of the Law Society summarily concluded complaints against 3 Practitioners under the provisions of section 413 of the *Legal Profession Act 2006*.

My gratitude is extended to Robert Reis and Linda Mackay and all members of the Committee for their hard work and dedication over the past year.

Karen Fogarty (Chair)

CONTINUING PROFESSIONAL DEVELOPMENT

Ross Watch (Chair, from February 2010)
 Mark Blumer (Chair, until December 2009)
 Graeme Blank (until March 2010)
 Caroline Bush (until March 2010)
 Tony Cibiras
 Louise Donohoe SC (until February 2010)
 Steven Gavagna (until August 2010)
 Liana Grieve (from March 2010)
 Jaleh Johannessen
 Michael Kukulies-Smith
 Eva Logan (from February 2010)
 Sarah Mason-Jones (from February 2010)
 Sanaz Mirzabegian
 Katrina Musgrove (from February 2010)
 Athol Opas (until March 2010)
 Catharine Polldore (from March - April 2010)
 Peter Reddy (from February - May 2010)
 Emma Reilly (from February 2010)
 Allan Relf (from March 2010)
 Margie Rowe (from February 2010)
 Paul Salinas (from February 2010)
 Simon Taylor
 Alison Tibell (from March 2010)
 Dalila Velotti
 Angela Wisbey (from February 2010)
 Loretta Zamprogno
 Yvette Luketic (Communications Officer, until March 2010)
 Bill Coombes (Professional Development Officer, from March 2010)

The last six months of 2009/2010 year were much busier than last

year for CPD, particularly given the pending introduction of the mandatory scheme commencing on 1 July 2010.

There were 12 seminars (listed below) with an average of approximately 50 registrations per seminar. Some of the more popular sessions had up to 100 attendees.

1. Cross-examination - 7 July 2009
2. Coronial enquiries - 19 November 2009
3. ADR Practice Update - 25 November 2009
4. Shared Equity Scheme - 22 April 2010
5. Trust Accounting - 13 May 2010
6. The Sport of Intellectual Property - 19 May 2010
7. Building & Construction Industry (Security of Payments) Act - 25 May 2010
8. Privacy Law - 3 June 2010
9. Court Etiquette - 8 June 2010
10. ACAT - The First Year - 10 June 2010
11. For Better - For Worse. The Fair Australia Act - 16 June 2010
12. Pleadings - 23 June 2010

The CPD Committee also discussed with and advised the Council of the Law Society in relation to implementation issues regarding the new mandatory continuing professional development.

Council resolved during the year to employ a Professional Development Officer. Bill Coombes commenced in that position in early March 2010 and with the able assistance of the Committee, has established a programme of MCPD up to late February 2011, providing members with the facility to meet their CPD requirements in all three core areas.

I much appreciate the enthusiasm and knowledge of members of the committee, and thank Yvette Luketic, our effective and bubbly co-ordinator, until Bill Coombes' commencement and to those individuals who generously gave of their skill, knowledge and time to present seminars.

Ross Watch (Chair)

CRIMINAL LAW

Michael Kukulies-Smith (Chair)

Radmilla Andric

Sarah Avery

Sara Cronan

Richard Davies

Sheila Foliaki-Singh

Miriam Gani

Shane Gill

Annie Glover

Hugh Jorgensen

John Jasinski

Michael Lalor

Jerry Leyland

Brian Liddy

John Lundy

Nicole Mayo

Andrew McIntosh

Elizabeth McLaughlin

Sean Moysey (until November 2009)

Darryl Perkins

Jon White

Steve Whybrow

Jocelyn Campbell (Committee Administrator)

It has been a busy 12 months for the criminal law committee.

The 2009/10 year started with a raft of changes to the criminal law jurisdiction within the ACT. The concurrent implementation of SARP reform, amendments to the committal process and an increase to the jurisdiction of the Magistrates Court meant the year got off to a busy start for the committee. The year started with a seminar on the implementation of the changes for members. The committee wishes to thank Chief Magistrate Burns, Margaret Jones (ACTDPP) Supreme Court Registrar Annie Glover and Shane Gill for generously giving their time to assist members in coming to grips with the reforms.

Court security arrangements and the access to the AMC have remained consistent agenda items over the last twelve months. The committee has been working upon the implementation of members cards (similar to those issued in NSW) with a view to facilitating easier access for members as occurs with NSW correctional facilities and courts. The planning process of these cards is nearly completed and a sample card is expected to be unveiled shortly.

Over the last few months the Territory Governments announcement of a virtual District Court and repudiation of the recommendations of the Supreme Court Working Group have been a focus for committee members. The Criminal Law Committee held an extraordinary meeting in June to facilitate an internal advice for the executive and the President identifying many issues that have now been adopted in the Society's submission on this issue. No doubt over the next 12 months the proposed creation of a District Court will remain a strong focus of the committee. In the event the virtual district court becomes reality changes to the criminal jurisdiction will be as vast and the committee will play a strong role in keeping members informed of these changes whilst continuing to lobby for better access to justice for all Canberrans.

Finally, I would like to take this opportunity to thank all committee members for their support and input over the last twelve months. Special thanks to Matt O'Brien (Legal Aid ACT) for his many years of service to the committee; including fulfilling the role of Chair of the Criminal Law Committee up until his resignation in November 2009.

Michael Kukulies-Smith (Chair)

ELDER LAW

Judy Morris (Chair)

Glenda Bloomfield

Mark Bradbury

Cliff Carey

James Galton (until February 2010)

Nena Hicks (until April 2010)

Jill Heeley (until March 2010)

Sue La Peyre

Toni Leiper

Fred Lester (until April 2010)

Barbara Maguire

Judy Morris

Danny O'Hagan

Paul Salinas

David Walsh

Jocelyn Campbell (Committee Administrator)

It has been an interesting year for the Committee, which is made up of a great mix of people from differing backgrounds. For example: legal private practice, government and other organisations, such as:

COTA, ANU, Women's Legal Centre and the Public Trustee.

At our July meeting we were privileged with a visit from two key speakers:

Donna Evans from Support Link, an organisation who provide the Elder Abuse telephone line which was created out of a concern for the need of organisations to identify key areas of Elder Abuse. We discussed some of the following concerns:

- Financial and physical abuse
- Isolation - not being connected with services in the community
- Carers responsibilities: home help; transport and support for carers
- Awareness - medical and financial

Pam Jenkins from the Office of the Ageing confirmed the importance of engaging the police force and emergency services in the care of our elderly folk and the need for a higher media profile to prevent crime against the elderly.

Pam told us that they often dealt with four generations of people and the frustration of carers and their clients of "where to access services" required.

Often the elderly are frightened and have a fear of the unknown - they have a fear of homelessness and dependency on day-to-day assistance and the loss of some, or all, of their independence. The Public Trustee are often alerted by people in our community and banking institutions advising them of people they know - perhaps a neighbour - who is suffering with early onset dementia or a concern that someone is being abused (physically or financially) in some way.

Our August meeting discussed the NSW Review of the *Powers of Attorney Act* and the objectives of the Act and how, potentially, the ACT will follow. We were also advised of the legislative amendments to the *Aged Care Amendment Act*

The September meeting was informative with a visit from Basil La Brooy from the National Information Centre of Retirement Benefits, who spoke to us on "retirement benefits". Much of the discussion was around reverse mortgages on an information basis only with no financial advice provided. He provided us with brochures which contained websites and contact details for the Centre.

At the October meeting we appointed a sub-committee to look at preparing one, or maybe two, pamphlets for the general public to assist when a loved one dies and "What to Do". For example:

- Who needs a certified copy of the Will and/or a Death Certificate
- Different requirements from different superannuation funds, bank institutions and share companies;
- Advising service providers - such as: ActewAGL, Revenue Office and internet or telephone providers.

This is a work in progress and we hope to have something for the Law Society to provide in the near future. We were advised that the draft Retirement Village legislation was to be tabled in the Legislative Assembly in November 2009.

There was no meeting in November and, of course, our December meeting was held over lunch to celebrate Christmas.

Our meeting for the new year was held in February and discussion was held whether we would participate again this year in the Seniors Expo Day held at the Kingston Markets in March. It was decided that we did not hold sufficient information to be informative for our senior community this year, but would work on brochures and

pamphlets in the next 12 months to coordinate and provide a more "informed" stand at next year's event.

A report was provided by Ms Leiper from the Public Trustee's office of matters referred to them from the Guardianship Tribunal. Discussion ensued concerning a Certificate of Capacity and who would provide this certificate - a client's GP, or a Geriatrician. Often the Public Trustee obtains a certificate if a property is being transferred to one child over other children to ensure that the elderly person is not being taken advantage of by the transferee.

It was further noted that Mary Porter's proposed legislation for Retirement Villages was to be tabled on 5 May 2010 and Mary has been invited to attend our July meeting to discuss the legislation and the changes coming to the ACT - a meeting we are all looking forward to.

Unfortunately since our February meeting, we have not met, but individually we have been beavering away. I attended an international conference on Elder Law in Melbourne in May and sat quietly listening to speakers from around the world on the problems they are facing with their ageing population. In particular, there was much discussion about Powers of Attorney and how these work in other countries and what safeguards they have put in place trying to alleviate the potential for abuse.

Other matters discussed throughout the year were:

- ACT's Power of Attorney and the faults therein - we note that we cross over with the COMB Committee in this regard and have been in discussions with them about amendments to the documents; and
- A national Power of Attorney - this is a document being pursued by the Law Council's Elder Law Working Group of which I am a member;

I look forward to an invigorating year ahead with much to look forward to - the enacting of the Retirement Village legislation; changes to the Power of Attorney legislation and subsequent precedent; finalising our brochures/pamphlets assisting people in need after the death of a loved one; and being more pro-active in the community and to service providers raising awareness of Elder Abuse.

I welcome any input from the legal and other associated professions and extend an open invitation to you to attend any of our meetings - please contact the Law Society to confirm our timetable.

I want to personally thank our Committee members for their time, support and enthusiasm in assisting our ageing population and elderly folk in the ACT.

Judy Morris (Chair)

EQUAL OPPORTUNITIES IN THE LAW

Noor Blumer (Chair)

Robert Andersen

Chanaka Bandarage

Laura Boyland-Smith

Melanie Currie

Louise Donohoe SC

Graeme Gunn

Allyson Hogan

Margaret Hunter

Valentina Josifovski

Leonie Kennedy

Patrick Mayoh

Janean Richards

Sara Wedgwood
Jocelyn Campbell (Committee Administrator)

The Equalising Opportunities in the Law Committee has met on 14 July 2009, 11 August 2009, 8 September 2009, 10 November 2009, 9 February 2010 and 8 June 2010.

The number of meetings has been reduced in 2010 to six meetings per year with the executive assistance.

Anti-discrimination/Sexual Harassment/Bullying rules.

The committee was delighted when the Council of the ACT Law Society unanimously supported the inclusion of anti-discrimination, harassment and bullying rules in the draft ational model conduct rules at the request of the EOL Committee.

Survey of Membership

The written report that appeared in *Ethos* and is on the ACT Law Society website arising out of the membership survey conducted in 2009 and compiled by Ms Catherine Hodge of the ACT Law Society was informative and helpful in many ways. We were disappointed that the survey was not undertaken again in the 2010 membership year. We will request that the Law Society undertake the survey again in 2011.

National Indigenous Legal Conference

Sara Wedgwood of this committee attended the conference in Adelaide. The next National Indigenous Legal Conference is to be held in Canberra on 1 and 2 October 2010 and the committee is active in promoting this to Canberra law students and others to attend.

Facilities for the Deaf

Ms Sara Wedgwood has prepared an excellent paper on the existing facilities for the deaf in the Australian Capital Territory courts and making recommendations for improvements. That paper is to be published and provided to the Law Society and the relevant Courts.

Law Council of Australia EOL Committee Activities

The Committee is represented on the EOL Committee of the Law Council of Australia by Ms Noor Blumer who chairs that Committee. Ms Louise Donohoe SC is also on that Committee representing the ACT Bar Association.

Some of the activities which were supported by this committee and the Law Society of the ACT were as follows:

- The finalisation of the court appearance survey project. An excellent survey was conducted by the Law Council of Australia in association with Australian Women Lawyers and was published in about December 2009.
- The Law Council of Australia agreed to the inclusion of anti-bullying, sexual harassment and discrimination rules in the model draft conduct rules. This was supported unanimously by the ACT Law Society.
- The Equality of Opportunity Briefing Policy has been finalised and is now accessible online. Further promotion of that policy is underway.

The Committee is exploring undertaking a survey of solicitors salaries arising out of the pay equity submission that showed evidence that women lawyers are being paid \$7,000 - \$8,000 per year less than their male counterparts in the first couple of years after graduation.

Women Lawyers of the ACT and the Australian Women Lawyers Activities

AWL is preparing for its third Australian Women Lawyers conference to be held in Brisbane on 6 and 7 August 2010.

Ms Leonie Kennedy is the president of the Women Lawyers Association of the ACT and was previously a director of Australian Women Lawyers. Ms Sara Wedgwood of this committee now serves as the ACT director of Australian Women Lawyers. Regular reports were provided by them both during the course of the year.

ANU/UC Law Student Representative

Mr Patrick Mayoh, President of the ANU Law Students Society 2009, has been very active with respect to indigenous issues and provided a report on his trip to Doomadgee to *Ethos*. Mr Rob Andersen (President LSS 2010) has joined the committee.

Indigenous Law Student Representative

Ms Nicole Ella a final year ANU law student has joined the committee.

Liaison with University of Canberra Isaacs Society

Ms Melanie Curran attended meetings and reported with respect to the Isaac Committee and the upcoming social justice forum.

Legal Services Award

Mr John Wilson, Chair of the Industrial Relations Committee spoke to the Committee with respect to the effects and ramifications of the new legal services award.

Liaison with Law Society with Respect to CPD Program

We are in discussions with Mr Rob Reis with respect to including issues relating to bullying, discrimination and other employment related issues as part of the practice management course.

Bar Association Scholarship

The ACT Bar Association is providing a special scholarship for female applicants as readers.

My thanks to all committee members for their contributions during the year and also to Ms Jocelyn Campbell for hard work, motivation and commitment as well as the continuing support of the Law Society of the ACT.

Noor Blumer (Chair)

FAMILY LAW

Olivia Gesini (Chair)
Stephen Bourke
George Brzostowski SC
Mary Burgess
Greg Burnett
Barbara Campbell
Denis Farrar
Gavin Howard
Pam Lyndon
Alison Osmand
Rhonda Payget
Margaret Reid
David Ridge
Lessli Strong
Carlos Turini
Gillian Yeend
Jocelyn Campbell (Committee Administrator)

FUNCTIONS & LAW WEEK

Bill Redpath (Chair)
Chanaka Bandrage
Bradley Beasley
Carol Benda
Ben Caddaye

Ben Carmody
Helen Child
Sheila Foliaki-Singh
Leonie Kennedy
Larry King
Fred Lester
Yvette Luketic
Katrina Mackenzie
Mark McCormack (April 2010)
Therese Miskle
Alison Purvis (Feb 2010)
Jane Reardon (March 2010)
Jaime Ronald
Svetlana Todoroski
Jocelyn Campbell (Committee Administrator)

This year marked the first “national” law week as all jurisdictions celebrated law week in the same week and with the same theme “Law and Justice in the Community”

The ACT Law Society raised the idea with the Law Council of a national law week many years ago and it is hoped that it will develop into a truly national activity including a national event to mark the year.

For the ACT we experimented this year with a high profile launch that included a fundraising lunch and “great debate”. This was successful both financially and for those that enjoyed the entertainment. We hope to adopt a similar approach next year.

The Blackburn Lecture this year was delivered by Julian Burnside AC on “Injustice Within the Law - An Update”. It was a thought-provoking and well attended although it did not receive the publicity it deserved (no through lack of trying on the par of the Law Society.)

Once again the Young Lawyers Quiz Night was a tremendous financial success and the refurbished Canberra Club proved to be a worthwhile venue for this always entertaining event.

The soccer competition continues to be well patronized and well run. This year Blake Dawson won beating a valiant Law Society team. Thanks again to Ben Caddaye for organizing the competition. As it is unlikely Ben will be able to do so next year we are looking for a new coordinator.

I am pleased to report that this year Law Week was the most financially successful ever raising about \$13,000 for the charity, Galilee.

Regrettably, the Law Society had to cancel the Farewell Dinner to Chief Magistrate Cahill because of the latter’s health problems but we did run a successful welcome to the new Chief Magistrate with the ACT Bar Association.

Otherwise the members’ lunches were well patronized and provide a useful forum for conviviality within the profession. If you haven’t attended, you should.

The Women Lawyers Dinner was displaced by “the Great Debate”. This is an important event on the calendar and we will work with Women Lawyers in finding it a permanent time for the future.

The Committee will also work on developing a protocol with the ACT Bar Association for marking the comings and goings of our judges and magistrates.

Finally we are always looking for new ideas and new venues for functions and welcome enthusiasts to join the Committee or send us you ideas.

Thank you to committee members and to the able assistance we

received from Jocelyn Campbell and Yvette Luketic.

Bill Redpath (Chair)

GOVERNMENT LAWYERS

Chris Behrens (Chair)
Lindsay Aquilina
Peter Cain
Elissa Clarke
Avinesh Chand
Amit Khanna
Ondina Matera
Lizzie Landford
Alice Linacre
Athol Opas
Paul Pirani
Anne Saunderson
Amber Shergis
Victoria Todd
Neil Wareham
Catherine Hodge (Policy Lawyer)

The Government Lawyers’ Committee has completed its first full year of activities. The committee aims to provide services to the more than 500 government lawyer members of the ACT Law Society and to provide a forum for government lawyers to exchange ideas and information.

In its first year the Committee has published bi-monthly ‘Government Lawyers Update’ publications, held several seminars on topics of interest, including a presentation by the Commonwealth Attorney-General, Robert McClelland MP and a co-hosted seminar with ACLA on Commonwealth legal services post Blunn-Kreiger Review, presented by Tony Blunn AO. On the social side we have arranged well attended drinks functions at Muddle Bar and Parlour Wine Room.

The Committee has an active program for 2010/11 planned. Of particular interest is a government lawyer mentoring program which is due to commence shortly. This program will provide the opportunity for mentoring between lawyers in different government departments and agencies at all levels of seniority. Details of the program are to be released shortly.

My thanks to committee members for their valuable contributions. I also thank, especially, our ever-helpful committee coordinator, Catherine Hodge (ACT Law Society), without whom the committee could not operate.

Chris Behrens (Chair)

HUMAN RIGHTS

Greg Walker (Chair)
Mark Barrow
Sean Costello
Nathan Hancock
Martin Hockridge
Jaleh Johannessen
Gabrielle McKinnon
David Mossip
Andrew Whale
Jocelyn Campbell (Committee Administrator)

The Human Rights Committee is an ad hoc committee which held its inaugural meeting in February 2010. The function of the

committee at this stage is primarily that of a forum for members of the profession and interested community members to review the operations of the *ACT Human Rights Act 2004* including the 2009 amendments.

The Committee Chair represented the society at a forum convened by the Department of Justice and Community Safety in May at which community organisations with an exposure to the legislation were invited to recount their experience with its practical operations since its inception. The purpose of this was to provide Government with feedback in reviewing the operation of the Act.

I extend my thanks to all the Committee for their contribution and ongoing support.

Greg Walker (Chair)

INDUSTRIAL RELATIONS

John Wilson (Chair)

Bradley Beasley

Alan Campbell

Cawley Hennings

Ian Johnson

Danny Kynaston

Don Malcolmson

Jamie Ronald

Neil Wareham

Jocelyn Campbell (Committee Administrator)

LEGAL PROFESSION ACT & ETHICS

Michael Phelps (Chair)

Paul Amarego

Rod Badgery

Trevor Barker

Christine Harvey

Tom Howe QC

Robert Reis

Gerald Santucci

Gloria Wong

The Committee was only called upon to meet formally on an infrequent basis throughout the year with matters otherwise being dealt with out of session.

Typically, these matters required some direction or guidance to members in response to queries on matters of practice or ethics.

This included:

- Telegraphic transfer of trust funds
- Review of draft Court Suppression and Non Publication Orders Bill
- The appropriateness of a solicitor acting for a person in a personal injury claim directly approaching the alleged tortfeasor to obtain a statement
- Service of subpoenas upon expert witnesses

Once again, I extend my thanks to the members of the Committee and the support of the Society staff.

Michael Phelps (Chair)

MENTAL HEALTH & CHILDREN'S

Darryl Perkins (Chair)

Radmilla Andric

Samantha Dellamarta (from February 2010)

Colleen Duffy

Sheila Foliaki-Singh

Helen Hayunga

Matthew Kamural

Cindy Kua

Jerry Leyland

Brian Liddy

John Lundy

Katrina MacKenzie

John Mawson

Mark McCormack (from April 2010)

Brianna McGill (until February 2010)

Athol Morris

Amanda Nutall

Alasdair Roy

Frank Smith (from February 2010)

Alex Tandy

Cathleen Timbs (until March 2010)

Michael Toole

Jocelyn Campbell (Committee Administrator)

Of note over the last year is the appointment of Her Honour Karen Fryar as the new Children's Magistrate, and Magistrate Peter Dingwells reallocation to a hopefully more peaceful and less energetic role as a generalist Magistrate. Whilst Peter will be sorely missed, we most certainly look forward in working with Her Honour.

The Committee continues to be faced with issues which seem to persist over time- extremely slow progress in the introduction of programs facilitating the operation of Therapeutic Treatment Orders, seemingly inflexible Policepro arrest policies, lack of suitable accommodation for distressed and homeless children, City Watchhouse issues, lack of outpatient mental health facilities and programs, increasing applications by children & or their guardians for Protection Orders in relation to 'school yard' type disputes, the dwindling numbers of private practitioners willing, or able, to work in the children's setting, to name just a few.

The Committee is composed of legal practitioners working in a wide range of agencies, and some persons not legally qualified but critical in the areas we are interested in.

Many thanks to those energetic persons who involve themselves in the Committees work. We look forward to progressing children's and mental health matters in the following year, particularly through lobbying and meeting with stake holders in our sphere of interest.

Darryl Perkins (Chair)

MILITARY LAW

Don Malcolmson (Chair)

Anthony Blucher

Barbara Campbell

Avinesh Chand

Chris Coles

Natalie Cujes

Max Emanuel

Emanuel Ezekiel-Hart

Mark Fitzpatrick

James King

John Lundy

Kylie Maso
Matt O'Brien
Susan Penn
Peter Sutherland
Glenn Theakston
Catherine Wallis
Lee Warren
Paul Wilkinson
John Wilson
Jocelyn Campbell (Committee Administrator)

The Committee was formed to provide a forum where military lawyers, which includes members of the Defence Force, both permanent and reserve, can put forward issues of concern to the President and Council. While there's some value in having other practitioners on the Committee who have a professional interest in, say, military compensation matters or a general interest in military affairs, this is secondary to the Committee's activities.

The areas of interest to the Committee are:

- military lawyers and CPD;
- professional regulation of military lawyers, especially in a national profession;
- the relationship between the Society, the Law Council of Australia and the Department of Defence Legal Division as it impacts on military lawyers (the LCA President Elect, Alex Ward, is a reserve navy lawyer and very much 'on side');
- relationships between the Society and the professional Heads of Legal Corps of the Navy, Army and Air Force; and
- the establishment of the new Military Court.

Don Malcolmson (Chair)

PRACTICE MANAGEMENT

Bill Baker (Chair)
Graeme Blank
Phillip Davey
Gary Tamsitt
Robert Reis
Paul Vane-Tempest
Linda Mackay (Complaints Secretary)

The Practice Management Committee has again conducted a very successful Practice Management Course for solicitors seeking to obtain an Unrestricted Practising Certificate. There were 10 attendees at this year's course, with representatives from both the private sector and Government. Again the course was well received, with positive feedback from attendees.

In addition to the Practice Management Course, the committee again organised seminars covering Risk Management for Solicitors, Risk Management for Support Staff, Trust Accounting and seminars for newly admitted solicitors. Their popularity continues which is no doubt a reflection on the presenters and the content. The presenters were Rob Reis, Maureen Miller, Phil Davey, Tanya Berlis and myself. I thank all of those folk for their efforts and particularly those of my colleagues who have given up their time on a voluntary basis.

I also thank the other members of my committee, namely Graeme Blank, Phil Davey, Robert Reis, Gary Tamsitt and Paul Vane-Tempest. Unlike previous years we have had a relatively quiet year with no difficult issues to consider.

Bill Baker (Chair)

PROFESSIONAL INDEMNITY INSURANCE

Greg Walker (Chair)
Kim Bennett
Denis Farrar
Larry King
Jill McSpedden
Elizabeth Thomas
Jocelyn Campbell (Committee Administrator)

The committee is an ad hoc committee which generally meets only annually to review the terms of professional indemnity insurance policies offered to ACT practitioners prior to their submission to Council. In addition, this year the committee oversaw the successful transition of the majority of professional indemnity insurance policies for ACT practitioners from Willis Australia to Gallagher Insurance Brokers.

I express my thanks to all the Committee for their contribution and ongoing support.

Greg Walker (Chair)

PROPERTY LAW

Michael James (Chair)
John Chamberlain
Maggie Chapman
Tony Cibiras
Alfonso De Rio
Michael Flynn
Ruth Harris
Geoffrey Hay
Jayson Hinder
Daniel Huby (until November 2009)
John Irvine
Michael Leui (Observer)
Susan McCarthy
Roberta McRae
Jillian McSpeddon
Judy Morris (Observer)
Richard Nesbitt
Mark Poretti
Mark Tigwell
David Toole
Peter Waight
Chris Wheeler
Jocelyn Campbell (Committee Administrator)

The Property Law Committee has once again experienced a busy year with a number of significant policy submissions and ongoing liaison with government on all levels.

Richard Nesbitt has once again been invaluable in terms of liaising with the ACT Revenue Office and particularly in relation to stamp duty issues.

Peter Waight, assisted by Tony Cibiras undertook a survey of the settlements room which led to a reorganisation of timing for settlements on a Friday and also opened communication channels with each of the lending institutions.

The Chair and Chris Wheeler have had a number of long and involved discussions with Maggie Chapman and her colleagues from ACTPLA in relation to a review of concessional leases, the results of which are encapsulated in a Law Society submission to the exposure draft bill.

There has also been the usual ongoing dialogue between the Committee and the Land Titles Office in relation to the execution of documents, alteration to Land Titles Office forms, and registration processes generally.

As always, the same hard-working Committee members must be thanked for their diligence and enthusiasm in what is one of the Society's bigger and most active committees. As always I thank all members most sincerely for their contribution.

Michael James (Chair)

YOUNG LAWYERS

Theresa Miskle (Chair)

Hannah Albarece

Laura Boylan-Smith

Natalie Bruno (Vice Chair)

Jane Burndred

Amy Fulton

Sally Hiles

Veronica Jory

Sophie Knipe

Numira Kuruppu

Elizabeth Landford

Fred Lester (Immediate Past Chair)

Rory Markham

Shelley Miller

Jennifer Newman (Secretary)

John Salinas

Nithya Sambasivam

Phil Schubert (Treasurer)

Ben Shaw

Dean Thompson

Rachael Wakely

Jocelyn Campbell (Committee Administrator)

What a year it's been for the Territory's Young Lawyers! The 2009/10 year started in terrific form with the Inaugural Annual Young Lawyers' Winter Ball which was held in August 2009. Around 195 very glamorous attendees frocked up and rocked up to the Hotel Realm for a night of fun and frivolity.

The ACT YLC was strongly represented at the 36th Australian Legal Convention and Inaugural Young Lawyers' Conference in Perth in September 2009, where the ACT was done proud by our 2009 ACT Champion, Rouslun Churches, and where the Honorable former Justice Michael Kirby showed everybody a thing or two on the dance floor.

"A Spring Affair" was held at Long Rail Gully's winery on a stunning day in November 2009 overlooking the vineyards. Gary and Barbara Parker's ever-generous hospitality was the basis for a day of wine tasting and a delicious gourmet picnic lunch which hit new gastronomic heights.

The annual YLC Christmas Cruise in December 2009 proved yet again that the MV Southern Cross is the perfect (if by perfect, you mean delightfully tacky!) vessel to bring on the Christmas cheer.

Law firm drinks hosted throughout the year by Sparke Helmore, Dobinson Davey Clifford Simpson, and Minter Ellison have been a great opportunity for young lawyers to network and of course for the hosting firm to meet and greet some of the ACT's up-and-coming legal talent!

The YLC has run a roster throughout the year to ensure that those

aspiring practitioners who are not fortunate enough to know somebody to act as their moving Counsel upon their admission to the ACT Supreme Court are put in contact with a volunteer committee member on the roster. This service has been in high demand and we have moved approximately 100 admissions throughout the year.

In February 2010 the YLC hosted a lunch in conjunction with the Women Lawyers' Association, the theme of which was "How to Unite a Legal Profession Without Prejudice". Noor Blumer, Chair of the Law Council of Australia's Equalising Opportunities in the Law Committee, along with our own Law Society President, Athol Opas, shared their insights and views over an informal lunch which was followed by a question and answer session.

For 24 consecutive hours between 6pm Friday 26 March and 6pm Saturday 27 March, a team of 16 ACT Young Lawyers participated in the Cancer Council's Relay for Life at the Australian Institute of Sport. With the generous support of their friends, family and colleagues, these intrepid relayers walked and ran throughout the night and day to raise a total of \$4,051.00 in support of community members who have been affected by cancer.

Our breakfast CLE event in May 2010 with our special guest speaker Wing Commander Duncan Blake of the Australian Defence Force provided an entertaining, enlightening and sometimes confronting view of a day in the life of an ADF legal officer deployed in the conflict zones of the middle east.

Law Week 2010 was one of the highlights of the year for the YLC. Our annual quiz night was again a sell-out event and eager participants were unfortunately turned away. The razor sharp minds of the young profession (along with quite a few eager and competitive participants of a more experienced ilk) were put through their paces by the questions which were carefully formulated by Steve Whybrow and Jane Ferry - many thanks to them for yet again giving up their precious time to provide their invaluable assistance. The Quiz Night this year raised a record \$8,385, constituting a significant portion of the total of \$15,245 raised by the Law Society for this year's charity, Galilee.

Our Second Annual Young Lawyers' Winter Ball was held on a frosty evening in July 2010 at Kamberra Estate wines. A sell out event for the second year in a row, the night proved that the event has become a must-attend on the social calendar for all young lawyers!

As this goes to print, the Young Lawyer's Committee is preparing to welcome competitors from all over Australia as we host the 2010 National Golden Gavel competition here in our Nation's Capital in October. Stay tuned for this and many more future events as the 2010/11 Committee takes the helm!

A big congratulations and thank you must go to the energetic and generous committee members whose time and efforts make events and services like these possible.

Thank you also to Jocelyn, Kathleen, and the rest of the team at the Law Society for their abundant assistance throughout the year.

Theresa Miskle (Chair)

Treasurer's Report 2009/10

Financial Statements

actlawsociety

I am pleased to present the Annual Report on the Society's Accounts for 2009/10.

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

The General Account recorded a surplus of \$19,594 which increased the Society's accumulated funds to \$956,577 as at 30 June 2010.

This was a very satisfactory result, as the Society had budgeted for a deficit of \$73,000 in 2009/10. The favourable result was due to the fact that the Society did not experience a decline in practising certificate revenue, a situation that had loomed as a distinct possibility in early 2009.

Council will continue to closely monitor all expenditure. The Society has budgeted for a small deficit in 2010/11, however, any growth in either revenue from practising certificate fees or income from seminars should result in a breakeven result, or a slight surplus.

Statutory Deposits Trust Account

Total deposits at 30 June 2010 amounted to over \$13.2 million, an increase of 40% on the previous year.

It will be noted from the statement of cash flows that this increase was due to additional deposits totalling \$4,903,699 less repayments of deposits amounting to \$1,087,385.

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 \$1,789,455 was a decrease of 22% on the previous year, due largely to lower interest rates.

Council has decided that an amount of \$1,338,000 will be made available during 2010/11 for grants to the Legal Aid Commission and other community legal aid organisations. This is approximately 24% less than the 2009/10 grants total of \$1,765,000.

Solicitors' Fidelity Fund

The accumulated funds of the Fidelity Fund increased by \$139,482 to a total of \$4,799,504 as at 30 June 2010.

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



Ian Campbell
Treasurer



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

**Financial
Statements**

30 June 2010

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