



City of Sydney Law Society



14 April 2005

Seminars

Obtain your CLE points NOW in areas relevant to your practice, keep up to date on Legislation, problem areas and possible solutions, Court of Appeal trends from senior and pre-eminent practitioners.

The CSLS offers CLE as a service to its members at very modest cost recovery prices. Refreshments provided and opportunities to meet like minded professionals.

Seminars cost \$55 for members, \$66 for non-members (unless specified otherwise).

[Register here](#) to attend any seminar or event, a tax invoice will be sent to you.

Or contact Marianne on ph 9453 3511, fax 9453 3522, email csls@optusnet.com.au.

Venue for all seminars: Sydney Mechanics School of Arts, Lvl 1, 280 Pitt St. Sydney (b/w Park & Bathurst)

APRIL

20 April
5.30 pm

Building & Construction Disputes

******Last chance to register******

- Risks & Security for Payment Changes to legislation
- Recent decisions
- s. 7 exceptions
- Summary Judgments & much more!

Glen Miller, QC

James Martin Chambers

Chair: Nea Goodman, CSLS Treasurer

MAY

11 May
4 pm - 6 pm

Family Law Afternoon

Cost \$100.

- The Pilot Scheme in Children's Matters
- 69T Family Law Act and interaction with State Courts & Orders of the Children's Court
- Where to file and why: Find out!
- Federal Magistrates Court? Family Law Court?

Federal Magistrate Scarlett

Andrew Kostopoulos

Barrister, Garfield Barwick Chambers

Chair: Nea Goodman, Dept of Community Services

16 May
7:30am

Law Week Breakfast

Venue: Grace Hotel, corner King and York Street.
Cost: CSLS Members \$40, Non-members \$45

This year's theme:

Protecting our Kids - Transition years for Troubled Adolescents

Speaker:

Max Connery

Solicitor and convener "Stepping Stones"

2005 is a designated UN year for the rights of the child. We look forward to CSLS members supporting Law Week.

17 May
5:30-7:00pm

Updating your Disclosure and Costs Agreement to comply with the Legal Profession Act 2004

- The Act is likely to commence on 1 July 2005 and will affect all new matters after that date.
- The requirements for additional disclosure, exceptions to disclosure, changes to costs agreements, uplift fees and the effect of disclosure.
- Practical strategies on how to meet the new requirements.
- Billing and new time limits.
- Bring your existing disclosure or costs agreement for a practical approach to where amendments need to be made.
- Opportunities for discussion and questions.

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Phillipa Alexander

Director Costs Partners

Chair: Nea Goodman, CSLS Treasurer

19 May
5.30 pm

Church Law Forum: Tax Concessions and Exemptions

Free attendance. Venue: Wesley Mission, 220 Pitt St, Sydney

- Are there new issues for church and non-profit bodies applying to be endorsed as "tax concession charities" or "deductible gift recipients"?
- What are the difficulties in operating within tax exemptions and concessions eg. Regarding FBT and CGT?

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Newsletter

President: Victor Berger vberger@legalmdbb.com.au

Vice President: Anthony (Rusty) Restuccia Mob. 0419 698 753

Treasurer & CLE Convener: Nea Goodman nea.goodman@community.nsw.gov.au

Secretary: Brian Maher bmaher@pt.nsw.gov.au

Secretariat: c/MBB, 154 Elizabeth St, Sydney NSW 2000; DX 11606 Sydney Downtown
Ph 9453 3511 Fax 9453 3522 Email csls@optusnet.com.au

Presidents Message

I attended the Regional Presidents Induction Day on Thursday 17 March. In addition the Regional Presidents had a "confidential face to face briefing with the President of the Law Society".

I raised on behalf of CSLS a proposal to amend the Legal Profession Act to allow for the carrying forward for a year the MCLE points in excess of the maximum required for the year. This would bring lawyers into line with other professions.

The next Regional Presidents Meeting is to be held in mid-April 2005, and members are encouraged to raise issues for the CSLS President to raise at that meeting.

I take the opportunity of thanking Peter Singleton, barrister, for speaking at CSLS CLE in March 2005 on Privilege and Chris Ronalds, SC, on Mandatory s. 142 and a very special thanks to Abbott Tout and the Public Trustee for providing rooms and refreshments to CSLS Focus Groups and Forums.

Victor Berger
President

MEMBERSHIP FEES for 2004/2005 are overdue.
Individual Membership \$77.
Forward your renewal without delay.

Opportunities - call for Nominations for Cost Assessors

The Supreme Court of NSW is calling for nominations from legal practitioners with five years post admission experience for appointment as Costs Assessors for a period of up to three years commencing on 1 October 2005. The rate is \$192/hour inclusive of GST. Applications close on 13 May 2005.

For the application form and further information, see www.lawlink.nsw.gov.au (navigate to Supreme Court, then Practice Collection, then down to Cost Assessment for the Application Form and Declaration). The Application Form and Declaration should be attached to a Statement covering each of the essential criteria, and an indication of the preferred area of practice. Contact Jane Probert, Manager, Costs Assessment on 9230 8710 or email jane_probert@agd.nsw.gov.au .

Legal Profession Act, 2004 (effective date anticipated to be 01.07.05)

CSLS members are urged to make themselves familiar with the Act assented to in December 2004, all 475 pages of it! There are suggestions that amendments are under discussion however there is no certainty those discussions will lead to any substantive amendments to the thrust of the legislation. The LPA 2004 makes significant change to cost disclosure regimes and requirements to comply are complex, time consuming and require significant amendments to existing cost agreements and procedures. Have members any views that could be raised at the Regional Presidents meeting? Please email the President on vberger@legalmdbb.com.au .

CONTRACTS FOR SALE OF LAND
are available from CSLS at discounted prices.
Contact Kristan at L Rundle & Co on 9299 1828.

Email kmorris@lrundle.com.au

Support your Regional Law Society

CSLS Downing Centre Local Court Roster

CSLS administers the Downing Centre Local Court Roster. Volunteers are called for. Magistrates often refer members of the public to the Duty Solicitor. The Duty Solicitor has access to a designated private interview and CSLS is upgrading the fax and photocopier. CSLS is currently planning a joint training session for roster members with the Bar Association's Duty Roster Facilitator. A date will be announced shortly. Interested? Please contact Anthony Restuccia on 0419 698 753 or Nea Goodman on nea.goodman@community.nsw.gov.au direct.

Law Society Comparisons

The *Law Institute of Victoria* annual report for 2004 makes interesting reading. The LIV provides a Costing Service at competitive price for practitioners and in 2003/2004 a modest marketing plan saw the number of files grow to about 2000.

CSLS Property Focus Group

A seminar was held at the offices of Abbott Tout and attended by 20 members. Dennis Bluth and Margaret Hole, members of the Property Law Committee of the Law Society, and part of the drafting team discussed the 2005 edition of the Contract for Sale of Land and the changes in particular relating to GST as a mixed supply and the Vendor Duty Tax. The seminar was restricted to CSLS members only.

CSLS Wills & Estate Focus Group

This group met for the first time on 10 March 2005 with 23 attendees. A free flowing discussion ensued, the topics of solicitors recognising conflict of interest situations and undue influence as it relates to wills, being prominent.

It is anticipated the group will meet every two months. The date of the next meeting is not yet fixed. Watch the newsletter for the next date. In the meantime, register your interest with the CSLS secretariat.

A criminal Law Focus Group is proposed and expressions of interest are called for.

Contact Nea Goodman or Anthony Restuccia direct (contact details above). **CSLS Intellectual Property, Copyright, Trade Marks & Patents Focus Group** welcomes all comers. Contact the Chair, Paul Power direct on paul.power@sprusons.com.au .

Family Law Matters

The Family Law Council recently published *Best Practice Guidelines for Lawyers doing Family Law Work*, arising out of the recommendations of the Family Law Pathways Advisory Group in the 2001 Report, *Out of the Maze*. The Guidelines promote non adversarial dispute resolution and other good practices. Copies can be requested at www.familylawsection.org.au .

The Legal Practitioner's Guide was developed by the Child Support Agency in association with the Family Law Council and the Family Law section of the Law Council of Australia. The Legal Practitioner's Guide contains many useful precedents for Court Orders and Child Support Agreements made under the Child Support (Assessment) Act, 1989. A copy can be obtained at www.csa.gov.au/publications .

Federal Court Practice News Service

The Federal Court has established an electronic Practice News Service as of 1 March 2005. The service delivers notification of changes to the Court's practice and procedure to subscribers several times a year via email and covers legislative amendments affecting the Court's jurisdiction, amendments to Federal Court Rules and change to Practice Notes issued by the Chief Justice. Subscribe at <http://practicenews.fedcourt.gov.au/subscribe.aspx> .

Scholarships

The Italian Government is offering scholarships for the 2005/2006 academic year to Australian citizens and Italians residing in Australia. For information and application forms, contact: Italian Institute of Culture, level 45, Gateway, 1 Macquarie Place, Sydney. Phone 9292 7939, email office@iicsyd.org , web www.iicsyd.org .

Hong Kong Legal Qualifications

The Postgraduate Certificate in Laws (PCLL) prepares students to enter the legal profession in Hong Kong as trainee solicitors or pupil barristers. The course is one year full time or two years part time and is open to students who have completed 8 core subjects namely

Tort, Equity and Trusts, Property/land, Criminal, Company, Evidence, Contract and Constitutional law. Applications close end of April, classes commence September 2005. More information from: Admissions Office, City University Hong Kong: www.city.edu.hk/prospectus or contact Sheree Leung, admissions officer, by fax +852 2788 7480.

CSLS Meetings

Meetings are generally held on the third Tuesday of the month. Members are invited to attend and raise issues for discussion. Contact the secretariat for meeting locations.

The Church Law Forum

About 45 attended the Forum on 24 February. Justice Peter Young was the guest speaker on *Family Provision Act and Will Drafting*. The next meeting is on 19 May and the topic is *Tax Concessions and Exemptions* (New Issues for Churches and Charities applying to be endorsed as Tax Concession Charities and Deductible Gift Recipients - difficulties with fringe benefits tax and capital gains tax). For information contact Bryce Bridges on 9263 5463.

Money Laundering

The UK Law Society has published extensive guides in respect to the UK Laws for the reporting of money laundering. Around 12,500 reports were made by solicitors in UK during 2004, making solicitors the biggest reports outside the financial institutions.


The UK Court of Appeal in *Bowman v Fels* [2005] EWCA Civ 226 (8.3.2005 (Lord Justices Brooke, Mance & Dyson) found that the legal professional privilege places solicitors under a primary duty to the court and their client, exempting them from making money laundering reports when acting in litigation (see www.bailli.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2005/226.html&que).

Bowman v Fels has led to a substantial rewrite by the Law Society of England & Wales of its Money Laundering Guides, including a rewrite of paragraphs for use in client care letters or terms of engagement and suggestions for adaption for use within firms as to the firm's limit on acceptance of cash and/or policy on sending funds to third parties (see www.lawsociety.org.uk/newsandevents/news/view/view=newsarticle.law?NEWSID=).

CSLS Members are reminded that Money Laundering Legislation is on the political agenda for reporting in legal practices.

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