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President's message

2011 has started as an exciting time for the Law Council of Australia with our national and international activities rolling out at a cracking pace. It is an honour to be elected President of the Law Council of Australia, the nation's peak legal body, and I am grateful for the messages of support from the profession. My first act as President was to lose my voice. My first official speech was to the Council of Chief Justices of the American Superior Courts. This was an audience of Chief Justices, so you hit the ground running at the Law Council.

Last year was touted as crucial for legal profession reforms and 2011 will be no different in this regard. The ongoing reform to legislation governing the regulation of the legal profession continues to receive a lot of attention in legal circles, which reinforces its importance to lawyers and the Australia community alike.

The Law Council will continue to fully support the initiative of the Council of Australian Governments (COAG) in reforming the legal profession. COAG recently had its first meeting of the year on February 13 and agreed in principle to settle reforms to legal profession regulation by May 2011.



This is an exciting development for the legal profession with the light starting to appear at the end of the tunnel. National legal profession reform was first raised when the Law Council was formed back in 1933. You could say these reforms are nearly eight decades in the making. The National Profession offers significant benefits and opportunities to its members. Our system is already the envy of other countries, and this will make it much better for our lawyers and their clients.

It is very important that the benefit of a totally national profession is achieved by all jurisdictions. Having seen the American experience, a jurisdiction opting out finds itself significantly disadvantaged. Accepting a level of compromise will be rewarded in the long run.

Another crucial area for the Law Council this year will be in relation to the attraction and retention of lawyers in regional, rural and remote (RRR) Australia—the RRR initiative. As the inaugural co-Chair of the Law Council's Recruitment and Retention Committee, and having worked with many of our regional lawyers, this is an area to which I am very committed. This year will see the initiative launch into full-swing with the development of a national website, DVD and integrated marketing and promotional campaign. The Committee is now also turning its attention to the situation of female practitioners and newly admitted practitioners, and these are crucial issues.

Ensuring greater coordination of the work being undertaken in the Pacific will also be one of my priorities for the Law Council this year. This will involve further development of the South Pacific Lawyers Association. One of my initiatives in

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President's message (cont.)

this area will be the development of a masterclass program, and which I will seek your help to take to our regional neighbours.

Internationally, we are further developing our relationships with the key American jurisdictions of New York and California, as well as building upon our excellent relationship with the Bar Council of India. Meetings with all three have already taken place.

I recently spoke at a Defence Heads of Panel Workshop and reinforced the Law Council's desire to see the development of the new Military Court and the integration of the

Defence Force lawyers into the general legal community. The Law Council now enjoys a strong relationship with Defence lawyers and has been able to assist in recent years with the implementation of practice rules.

Key priorities for the Law Council this year include enhancing opportunities for women in the law. We are also working towards implementing the undertakings outlined in the Policy Statement on Indigenous Australians and the Legal Profession. The latter, in particular, recently took a significant step forward as Law Council hosted its Reconciliation Action Plan

consultation at the [Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra](#). The consultation was the first of a series of meetings to discuss practical measures to improve Indigenous participation in the legal profession, and to promote understanding between Indigenous and non-Indigenous people in the legal profession.

I am looking forward to what my term as President of the Law Council in 2011 will bring and to working with you in the coming year.

— Alexander Ward

Pioneering young lawyer helping relieve the strain in time of need

Louisa Fitz-Gerald is one of Australia's brightest and most dedicated lawyers. She recently won the 2011 Australia Young Lawyer Award—chosen by the Australian Young Lawyers' Committee of the Law Council of Australia—and kindly took time out of her busy schedule to talk with @theLCA about life and the law.

At just 28 years old, young lawyer Louisa Fitz-Gerald has already built a résumé to rival those of professionals many years her senior. Articulate, confident and passionate, she is an archetypical example of how hard work and dedication can make a significant contribution to the world around us.

Louisa's work with patients suffering from chronic, and in many cases terminal, illness is truly inspiring. She established the Cancer Council Legal Referral Service for cancer patients in NSW after reading a report published by the Law and Justice Foundation (2006) that recognised a gap in access to justice for people suffering from chronic illnesses. She also worked with law firm Baker & McKenzie who had a similar service operating in Victoria—the Peter Mac Cancer Patients Legal Clinic—which she based the NSW platform on.



"Baker McKenzie has a really good service running in Victoria at the Peter MacCallum Cancer Centre and I saw that model and service and was really keen to implement it in NSW," Louisa said in an interview with @theLCA.

'Keen', however, does not begin to describe Louisa's efforts. Over a period of 18 months, she established the legal referral service in partnership with the Cancer Council of NSW.

"The cancer services landscape in NSW is very different from that in Victoria.

"In Victoria, most patients will receive at least some treatment through the Peter MacCallum Cancer Centre at some point in their cancer journey. This meant that one firm [Baker McKenzie] could provide services at one hospital and thereby capture most patients in need of assistance.

"In NSW, cancer treatment is spread across several major hospitals all around Sydney, as well as in the larger regional towns, so it just wasn't practical for only one firm to be involved. It made sense

Pioneering young lawyer helping relieve the strain in time of need (cont.)

for an umbrella organisation like the Cancer Council to be involved."

Louisa pitched the idea to the Cancer Council, who were more than willing to be a part of the project and coordinate the legal requests that come through the referral service.

"Louisa's an intelligent, extremely motivated and energetic person who's an absolute joy to have within our organisation," said Gill Batt who is the Director of Cancer Information and Support Services at Cancer Council NSW.

"Her well honed legal skills and drive have been absolutely instrumental in helping establish the legal referral service, which relieves cancer patients from their legal stresses so that they can concentrate on treatment and recovery."

By offering the service through Cancer Council, Louisa said it is easier to link clients with other services that may assist them, including financial planning, financial counselling, peer support, counselling, transport and accommodation.

"We see our Helpline as the hub for a range of services, of which legal assistance is just one. The Cancer Council has strong links with health professionals across the state, which made it easier to promote the service and generate referrals.

The Service was launched in March 2010 at the Parliament of New South Wales House. It now assists hundreds of patients on a yearly basis and is supported by some of the state's most high-profile law firms.

The service assists cancer patients and carers across NSW to access legal services, when they would otherwise be unable to do so, because of cost, illness or other barriers.

Requests to the service come in by phone through the Cancer Council Helpline or from referrals by social workers from hospitals in Sydney and regional areas.

"The larger law firms in Sydney, and also many regional practices, have been really amazing in assisting people, so we've



Chief Justice John Doyle AC, South Australian Supreme Court handing over the award. Photo: Bryan Charlton

been able to offer the service right across the state.

"Over 95% of the requests lead to legal work being required. Unfortunately some people pass on before the work can be done but very few requests don't have real substance to them."

"The areas of law and practice involved include wills and powers of attorney, access to superannuation, mortgage hardship and other consumer credit problems, insurance, employment and immigration issues relating to access to Medicare and overseas relatives for those in the final stages of life," Louisa said.

At the recent 2011 Advocacy Conference, held at the University of Adelaide, Louisa was presented with the 2011 Australian Young Lawyer Award for her work in establishing the Cancer Council Legal Referral Service.

Louisa said the award was a significant achievement from both a personal and professional perspective.

"I was really surprised when I got the call to say I had won," she said with a modestly that permeates her personality.

"I feel really lucky, not only to have some personal recognition but also to get the recognition of the project.

The Australian Young Lawyer Award recognises and rewards the achievements of individual young lawyers and organisations for outstanding contributions to the

profession and the community. The winner is chosen by the board of the Australian Young Lawyers' Committee of the Law Council of Australia.

"One of the great things I think that will come out of receiving the award is people are going to hear about the Cancer Council's referral service.

"The award is going to be really helpful for the service; it's going to deliver a real boost, and that's great because so far we've been able to help 600 cancer patients and their families.

"Hopefully that number will grow exponentially as a result of this award," Louisa said.

Gill Batt agrees, "Cancer Council NSW is absolutely delighted with Louisa's award for being involved in the legal referral service as it reinforces our place as an innovative organisation. It also offers much needed publicity about the service to people in the legal and health profession, as well as cancer patients who it serves."

Pouyan Afshar is also one of Louisa's biggest supporters. Pouyan—a former President of NSW Young Lawyers—is a lawyer at Baker & McKenzie in Sydney and nominated Louisa for the 2011 Australian Young Lawyer Award.

"The first time I heard of Louisa, and met her, was when she was nominated for the NSW Young Lawyers Patron Awards," Pouyan said.

Pioneering young lawyer helping relieve the strain in time of need (cont.)



Louisa FitzGerald and Emma Hlubcek.
Photo: Bryan Charlton

"I began work at Baker & McKenzie and started doing some pro bono work which included working with the referral service, so in that sense I got to know about how the service operated."

"The service has filled a great gap in the provision of legal pro bono services for patients suffering from chronic illness."

As the 2010 President of the NSW Young Lawyers, Pouyan was well placed to nominate projects and individuals for this year's Australian Young Lawyer Awards.

"Because of the work I had done with cancer patients through the service, I thought Louisa's would be an excellent nomination for the Australian Young Lawyer Award."

"Louisa has shown a lot of initiative in establishing this service for the community and that is what I think the role of a young lawyer in the community is."

And it's a role Louisa relishes playing. While choosing a career path can often be an arduous and lengthy process for many, Louisa was destined to become a lawyer for as long as she can remember.

"I can't remember ever having a different career goal, actually," she said with a knowing laugh.

"What I've wanted to do within my career has changed a lot over the years and it continues to change."

The diversification and evolving nature of her career has kept Louisa's passion for the law strong. When not working in her capacity at the Cancer Council, she facilitates a post-graduate law course at UNSW focusing on environmental markets.

"Like a lot of people, I think climate change is one of the critical issues facing our generation."

"The course explores trading credits and permits in the environmental market, whether that's water, biodiversity or renewable energy."

"We were doing really interesting work as varied as writing contracts to underlie emissions trading transactions and also advising on policy and new legislation for governments not only in Australia but right across the world."

Louisa is also a regular volunteer at the Inner West Legal Centre which she said gives her an opportunity to diversify her legal work.

"It's really immediate the difference you can make to someone's life by having them come and present their problem to you and finding a solution for them—it's a really great environment to work in."

Her challenging career has given her a strong insight into what it means to be a young lawyer and what it takes to succeed in such a competitive and demanding environment.

"If I had a young lawyer that I was advising in ten years, I would probably say to look for opportunities to change things and to pursue that as hard as you can — you don't have to wait for somebody to suggest an idea to you."

"I'd also advise them to maintain a balance. There are a lot of young lawyers who are working incredibly hard trying to make their mark and I think we see the negative effects of that in mental illness statistics in the legal profession, which is a high issue that needs to be looked at and that will be facing young lawyers over the next decade."

True to her word and beliefs, Louisa maintains a strong work-life balance. Away from her endeavours in the law,

she is a regular young professional in a big city. Her Facebook page pays tribute to an eclectic mix of music, movies and books; but it's her love for cooking that piques her interest when she isn't on the clock.

"People sometimes think I'm a little bit crazy with the things I cook because I'm really into molecular gastronomy," she said in a manner that demanded further explanation.

Molecular gastronomy is a discipline practiced by both scientists and food professionals that studies the physical and chemical processes that occur while cooking. It seeks to investigate and explain the chemical reasons behind the transformation of ingredients, as well as the social, artistic and technical components of culinary and gastronomic phenomena in general.

In short, it's an interest that has led Louisa to create the bizarre—and sometimes seemingly impossible—out of food. She describes one of her signature dishes as "medallions of venison covered in savoury granola with a potato foam and celeriac gel."

A potato foam?

"It's like bubbles in a bath," she said with a laugh that reinforces her passion for the, albeit slightly obscure, culinary arts.

In balancing her current lifestyle between the law and potential master chef, Louisa still has an eye on where she'd like to be in the future. She plans to continue expanding the Cancer Council Referral Service throughout NSW and also nationally, as well as exploring opportunities for people to use their skills for the betterment of local communities.

"Building partnerships between the private sector and the not-for-profit sector to give people opportunities to give back to the community is something I really enjoy doing; and I'm sure that I'll stay in that general focus," she said.

"There's a place for all of us in giving back to the community and when you have a career that allows you to do that it's really the luckiest thing we have."



Q&A with the Law Council's newest Executive Member

Leanne Topfer was recently appointed as an Executive Member of the Law Council of Australia Executive.

Leanne was President of the Law Society of Tasmania in 2006 and has been a member of the Council of the Law Society of Tasmania since 1999.

She gained a Bachelor of Laws with first class honours from the University of Tasmania in 1982 and was admitted to practice in 1983. She has worked as a lawyer since then and is a partner in a regional firm where she has a general practice with an emphasis on civil litigation.

Leanne is on the Law Council Recruitment and Retention of Lawyers working group, which has been focussing primarily on the problem of recruitment and retention of lawyers in rural, regional and remote areas of Australia.

Leanne is married to Colin McKenzie, has two sons and in her spare time enjoys playing the clarinet in the Burnie Concert Band, walking, relaxing at Sisters Beach and reading a good book.

@theLCA would like to thank Leanne for donating her time for some Q&A.

Congratulations on your appointment to the Law Council of Australia Executive. What does this appointment mean to you from a professional and personal standpoint?

I'm pleased to be in a position where I can, as cliché and trite as it sounds, hopefully make a difference.

What drove you to run for membership of the LCA Executive?

I have been a lawyer for 27 years and I wanted to contribute more broadly than just through my legal practice. I have enjoyed being on the Council of the Law Society of Tasmania for over 10 years and I wanted to engage with the profession on a national level – being part of the bigger picture is exciting, and very important.

What do you see as the critical issues for the Law Council in 2011 and beyond?

Working through the implementation of national legal profession reform will be a critical issue.

Addressing the decline in legal services in regional areas, like the one in which I live.

Ensuring the Law Council continues to represent and support the needs of ordinary lawyers, as well as continuing the wider role as an advocate for the rule of law. I believe the treatment of asylum seekers and refugees in Australia is an important issue for the Law Council.

What are your goals as a member of the LCA Executive?

To help inform the debate from the position of a person who has spent their career in small law firms in regional areas.

When did you decide to become a lawyer? Was there something in particular that inspired/drove you towards the legal profession?

I fell into it by chance, really – I spent my first year of university studying teaching and I quickly discovered it was not for me.

It was a process of elimination – I didn't want to be a doctor, a scientist, or just do arts; law was all that was left. I'm very glad I did.

What do you enjoy about being a lawyer?

I enjoy the variety. The variety of human circumstances that I deal with, and the intellectual challenge of resolving the legal problems with which I am presented.

I am always talking to people – other lawyers, clients, witnesses. I still find being able to help people is very rewarding.

What has your experience as President of the Tasmanian Law Society taught you about working in peak representative bodies?

Working in a group like this can sometimes be very challenging – but what is important is that you approach every discussion with a willingness to listen and compromise.

I remain positive about the people who get involved in this kind of body: most are genuine in their desire to do some good. When you start from this understanding it makes working with others much easier.

You're a prominent member of the Law Council Recruitment and Retention of Lawyers working group; can you describe your experience in the group? What drove you to become a part of this working group?

The recruitment of lawyers to work in regional areas as well as the retention of women are two pressing issues for the profession. I feel I'm well placed to contribute to the discussion about both these issues.

The fact the group exists shows that it is being taken seriously, and this is heartening.

Can you please share your thoughts on the Recruitment and Retention of Lawyers in RRR areas and why it's such an important issue? Do you think the problem is one that can be fixed? What, in your opinion, needs to be done?

A problem that firms are facing is getting young lawyers to come and work for them, and then staying for any period of time beyond basic training. They are generally not attracted to

Q&A with the Law Council's newest Executive Member (cont.)

country areas. If we don't find a way to deal with this there will be huge access to justice problems in the next decade as well as succession issues for the aging practitioners who practice regionally.

As I deal with this reality every day – other firms closing, reducing in size, the options for accessing legal advice available to people decreasing – it is something I am very concerned about.

I don't think there are any easy solutions, but talking about it and recognising its importance is a critical first step. We are lobbying the government for funding to make it easier to employ people at a salary which is competitive. This is only one part of what has to be wider ranging reform in dealing with the issue of attracting, selecting and retaining practitioners in RRR areas.

You're also a member of the Guardianship and Administration Board. Can you please describe what this involves?

Sitting on the Board, I help to ensure people with disability are properly provided for, and treated with dignity and respect.

It also involves making sure those who have the capacity to make decisions are able to; and those who are unable to make decisions are supported and protected.

What are your passions away from being a lawyer? Are you a born and bred (and proud!) Tasmanian?

I was born in Tasmania – and despite doing a fair bit of travelling, I can't imagine anywhere better to live.

Everything is so close, it really is exceptionally beautiful, and the sense of community is wonderful.

Everyone should visit. It's great!

QUT Virtual Law Placement hailed a success

The Queensland University of Technology (QUT) Virtual Law Placement (VLP) has been hailed a success by participants and convenors alike following the program's conclusion at the end of last year.

The VLP offers students the opportunity to experience work in a law firm or an organisation which can utilise their legal skills. Rather than being physically present in the workplace, students and their workplace supervisors communicated using a variety of technologies such as email, video conferencing, a Blackboard site and Sharepoint. The students also had access to an academic supervisor at QUT.

The Law Council was approached to participate in VLP following the success of VLP programs in 2008 and 2009.

In total, the Law Council offered a Virtual Law Placement to a group of seven law students from the Queensland University of Technology.

The QUT students placed at the Law Council produced briefing papers on possible reforms to federal laws relating to:

- ◇ Age discrimination;
- ◇ Disability discrimination;
- ◇ Discrimination on the basis of criminal record;
- ◇ Discrimination on the basis of sexual orientation;
- ◇ Race discrimination;
- ◇ Sex discrimination; and
- ◇ Categories of exceptions to discrimination under federal laws.

Andrew McDonnell was one of the students participating in the program and said the program provided a valuable learning experience.

"I was initially attracted to the virtual placement program as a fellow student completed the subject the previous year and sung the subject's praises for content, practicality, relevance and the challenge it posed.

"After reading the unit details I was very interested in getting some virtual real world experience through an organisation which was not the university. The Law Council from my research does great work not just for the legal community but for the wider community as well.

"The program gave me a broader perspective of the legal community, and its role within. The wide variety of organisations which participated in the program in conjunction with QUT was a testament to its relevance in the area of real world learning.

"The major benefits have been the ability to interact with other students, legal professionals in interesting and relevant subject areas within the law."

Andrew completed his briefing paper on discrimination on the basis of criminal record, with reference to State and Federal Anti-Discrimination legislation.

"I chose this subject due to its relevance and complexities with particular reference to limited Anti Discrimination laws in Australia which can still allow persons who have paid the penalty for past crimes to be re-punished in the future in employment as well as obtaining specific qualifications.

"I am passionate about many areas of Anti Discrimination law especially in the area of Mental Illness and Elder law. Greater efforts must be made to protect those who are most vulnerable in the community, Indigenous peoples, children, the elderly as well as those with mental and physical illness and disabilities," he said.



Amanda Musumeci also completed the VLP and said the course material was a real attraction for her when she decided to take part in the program.

“After reading all of the proposed projects on offer, I was most drawn to the project being undertaken by the Law Council of Australia, as I have an interest in discrimination law.

“I had actually just completed a QUT subject called ‘Discrimination and Equal Opportunity Law’, which I thoroughly enjoyed, and decided that I wanted to take my learning and knowledge in this area further.”

Amanda added that the program has delivered many benefits in her pursuit of a career in the legal profession.

“In terms of my legal studies, the virtual placement has assisted me to become a more in-depth researcher and concise writer.

“For me, the major benefit of the virtual placement was its real world

focus. I had the opportunity to attend a video conference interview, participate in numerous teleconference meetings, research the international and domestic perspectives of a current topic, and contribute towards a Law Council of Australia submission.

“My paper related to the Commonwealth Age Discrimination Act. This involved outlining key features of the legislation, summarising any themes emerging from international and domestic criticism of the effectiveness of the laws at eliminating discrimination, and finally, identifying any recommendations for reform,” she said.

Law Council Secretary-General, Bill Grant, said the program was a win-win situation for everyone involved.

“The QUT students and their academic supervisor provided very positive feedback on their placement with the Law Council.

“The students’ work will be of direct assistance to the Law Council’s advocacy in relation to the consultations being undertaken by the Attorney-General’s Department in relation to the consolidation of federal anti-discrimination laws,” Mr Grant said.

Overall the student projects resulted in a significant amount of high quality research for the Law Council and the VLP initiative was considered a valuable investment for the Law Council.



Law Council makes long-term commitment to reconciliation



Indigenous Legal Issues
Committee Member, Tony McAvoy

Law Council of Australia President, Alexander Ward, is proud of the work his organisation continues to devote to Indigenous affairs.

“Reconciliation is a topic of great importance to Australia’s legal profession,” he said at the launch of the Law Council’s Reconciliation Action Plan, held at Parliament House.

The consultation was the first of a series of meetings to discuss practical measures to improve Indigenous participation in the legal profession, and to promote understanding between Indigenous and non-Indigenous people in the legal profession.

Mr Ward said the entire legal profession had an important role to play in addressing many of the inequities suffered by Indigenous Australians.

“Indigenous Australians make up a very small proportion of the legal profession and a fundamental objective for the legal profession must be finding ways to increase the number of Indigenous people studying law and gaining admission to practice,” Mr Ward said.

The RAP consultation meeting was chaired by Raelene Webb QC and Tony McAvoy—the inaugural Indigenous Legal Professional of the Year—and discussed a number of actions the Law Council can take to:

- ◇ promote relationships and improve respect and understanding between the legal profession and Aboriginal and

Torres Strait Islander people and organisations; and

- ◇ increase opportunities for Indigenous people in the legal profession.

“The Law Council is considering a number of positive suggestions arising from the meeting, including improving education outcomes, increasing cultural awareness and developing partnerships with Aboriginal and Torres Strait Islander organisations and legal professional bodies,” Mr Ward said.

The decision to develop a RAP followed the launch of the Law Council’s first Policy Statement on Indigenous Australians and the Legal Profession, in February 2010.

This landmark Policy Statement sets out a number of commitments for the Law Council, including promoting initiatives which boost indigenous participation in the legal profession and the development of a Reconciliation Action Plan (RAP).

And there is also the John Koowarta Law Scholarship, which has assisted several indigenous Australians in completing their legal studies.

The development of the RAP and the Policy Statement on Indigenous Australians and the Legal Profession has been primarily driven by its Indigenous Legal Issues Committee (ILIC)—chaired by former Law Council President, Glenn Ferguson.

The ILIC is responsible for advising the Law Council in relation to legal and policy matters impacting on Aboriginal peoples and Torres Strait Islanders, including native title, land rights, human rights, customary law, cultural heritage and intellectual property and reconciliation.

So why is the Law Council developing a RAP?

“The Law Council has a role to play in improving education outcomes and career opportunities for Indigenous

people,” Mr Ferguson said in his speech at the recent RAP consultation.

“One way of doing this is to show young Indigenous people that a career in the law is possible and achievable.

“Another way is to support those who strive to be legal professionals and celebrate the achievements of Indigenous lawyers, to encourage more Aboriginal and Torres Strait Islander people to study and practice law,” he said.

Reconciliation Australia was represented at the consultation by its CEO Leah Bell who outlined the history and purpose of the RAP program. Ms Bell noted that the consultation was the beginning of a journey for the Law Council and the legal profession as a whole, toward making the profession culturally safer for Indigenous people.

She also added that the commitment to the development of a RAP represented a substantial shift in the way the industry does business and engages with the community. In committing to develop a RAP, she said the Law Council is making a long term commitment to reconciliation.

Mr Ward echoed Ms Bell’s statements and said although still in its infancy, he believes the RAP will make a significant contribution to reconciliation in Australia.

“The Law Council is considering a number of positive suggestions arising from the meeting, including improving education outcomes, increasing cultural awareness and developing partnerships with Aboriginal and Torres Strait Islander organisations and legal professional bodies.

“I am also pleased to note that a number of the Law Council’s constituent bodies are also developing their own RAPs and we will work with them to develop an integrated approach,” Mr Ward said.

Man behind the Presidency – Alexander Ward

Law Council President Alexander Ward has over 25 years' experience as a solicitor and barrister.

Mr Ward is a barrister at Edmund Barton Chambers in Adelaide, South Australia. He commenced at the bar in 2002 and practises in civil litigation, with an emphasis on accident cases, fraud cases and cases involving complicated liability issues.

Mr Ward commenced his career at Ward and Partners with his father prior to establishing his own firm Ward and Ward with his wife Amanda in 1993.

Mr Ward was President of the Law Society of South Australia in 2004-05 and during this time was a member of several Law Society Committees including those mentoring indigenous law students, and those addressing community relations and professional standards.

He is currently the Chair of the Law Council's Educational Committee and is on the board of the Commonwealth Lawyers Association.

Mr Ward also lectures for continuing legal education and graduate law students. He has a keen interest in country Australia and was the inaugural Chair of the Law Council's Recruitment and Retention Committee, specifically focusing on the serious issues affecting rural, regional and remote Australia.

Mr Ward is a legal officer in the Royal Australian Navy Reserves and has been a Guard Commander in the Parade and Ceremonial division of the South Australian Navy. He also has a keen interest in military and classical history, enjoys bush walking and travelling in outback Australia and spending time with his family.

Mr Ward and his wife Amanda have three children – Nicholas, Xanthe and India.

Mr Ward goes to Washington

Law Council President, Alex Ward, and Chairman of the Law Council's International Law Section, Dr Gordon Hughes, last month had the honour of being invited to speak at the Conference of Chief Justices, held in Washington D.C



Chief Justice Parker of North Carolina, Gordon Hughes, Chief Justice Cobb of Alabama, Alex Ward, at Conference of Chief Justices, Washington DC, January 2011



Linda S. Dalianis, Chief Justice of the New Hampshire Supreme Court with Law Council President, Alexander Ward

Australia to carefully consider international calls to improve its human rights performance

Appearing before the UN Human Rights Council in Geneva on 31 January 2011, the Australian Government committed to give full and proper consideration to 145 recommendations made by the international community to improve Australia's human rights performance. The recommendations form part of the Universal Periodic Review process where UN member States have the opportunity to question States on their human rights performance. The Australian Government was represented at the review by Senator Kate Lundy and Peter Woolcott, Australia's Ambassador to the UN.

During the review, 50 countries, including the United Kingdom, the US, Canada, Norway, New Zealand, Ghana, Mexico and South Africa, raised concerns with Australia's human rights performance and made recommendations for changes to legislation and government policy. Many of the issues raised and recommendations made reflected those contained in a joint report to the UN Human Rights Council prepared by a coalition of NGOs, to which the Law Council contributed.

A common theme among the recommendations for reform was that Australia enact a Human Rights Act, with close to 40 recommendations relating to strengthening human rights protections in Australia's domestic laws. Other common recommendations included that Australia recognise same-sex marriage, abolish mandatory immigration detention and entrench Indigenous rights in the Constitution. Many countries were also interested in improving gender equality, with Norway, for example, recommending that Australia adopt targets of 40%

female representation on boards. There were also a number of strong recommendations made regarding Australia's counter-terrorism laws. Issues raised included reviewing Australia's counter-terror laws to ensure compliance with international human rights standards; as well as the appointment of an Independent Security Legislation Monitor.

When responding to these recommendations, Australian Ambassador to the United Nations, Peter Woolcott, said that while the Government was not yet prepared to accept or reject any of the recommendations, it would fully consider and formally respond to each recommendation to the UN Human Rights Council in June 2011. While the Ambassador did not indicate the Government's position on any of the specific recommendations that were made, he acknowledged that Australia has much work to do in many areas, including addressing the significant social and economic disadvantage faced by Aboriginal and Torres Strait Islanders people, and the prevalence of violence against women and children. Australia must provide its final response to the recommendations made by June 2011.

The Law Council looks forward to working with the Government to ensure that it fully considers and responds to each of the recommendations made. The 145 recommendations for change made by the international community highlight the gaps in the existing protections for human rights under Australian law and the urgent changes that are needed to ensure that Government policies give effect to the international commitments Australia has made. Many of the

recommendations also reflect priority human rights concerns of the Law Council, including the need for a federal Human Rights Act, changes to strengthen anti-discrimination laws and an end to the policy of mandatory detention of asylum seekers.

The Law Council considers the UPR process to be an opportunity for the world to see how well Australia can respond to these human rights challenges and continue to build its reputation as a leader in human rights protection.

The UPR process has already provided an opportunity for Australia to demonstrate its human rights achievements, with many countries congratulating Australia on the leadership role it has played in the development of international human rights standards and institutions. Many countries also welcomed recent Government commitments to strengthen human rights, including through a proposed Joint Parliamentary Committee which will scrutinize all draft laws from compliance with human rights standards.

During the session, the Australian Government also took the opportunity to announce a number of new human rights commitments, including the appointment of full time Race and Disability Discrimination Commissioner, an undertaking to table the reports and view of UN human rights bodies and mechanisms in Parliament and increased development assistance funding to be applied to the protection of human rights the Asia Pacific region. The Law Council looks forward to the Australian Government adopting further measures to help solidify its positive reputation in this area.

Legal practitioner details now on register of migration agents

The Migration Agents Registration Authority (MARA) recently announced the register of migration agents has now been updated to include information about registered migration agents who hold a legal practising certificate.

The changes will take effect from 1 February, 2011, are supported by the Advisory Board to the Office of the MARA and is in response to requests from organisations, including the Law Council of Australia.

The Law Council has lobbied the MARA over a long period to achieve this important change, which will improve information available to consumers and enable people to make a better informed choice about who they will retain to assist with migration issues.

In addition to displaying the information for each Australian legal practitioner, the "Find an Agent" function on the Office of the MARA's website will be updated so that searches may be performed on this criterion.

The change is voluntary and those who wish to opt out can contact the MARA to request that information about their legal practising certificate not be included on the register.



CLPwatch site updated

The latest updates have been posted to the Law Council's Federal Litigation Section's [CLPwatch website](#). The [CLPwatch site](#) was established to provide regular updates and case notes on cases affecting client legal privilege for practitioners. Case notes added this month are:

- ◇ Mohamed Haneef and Australian Federal Police [2010] AATA 514 (9 July 2010);
- ◇ Ferella v Official Trustee in Bankruptcy [2010] FCA 766 (22 July 2010);
- ◇ Griffiths v Rose [2010] FCA 964 (31 August 2010);
- ◇ Dye v Commonwealth Securities Ltd (No 5) [2010] FCA 950 (1 September 2010);
- ◇ AED Oil Ltd & Ors v Elizabeth Back & Ors (No 3) [2010] VSC 403 (10 September 2010);
- ◇ Media Ocean Ltd v Optus Mobile Pty Ltd (No 8) [2010] FCA 1049 (27 September 2010);
- ◇ Weston v Publishing and Broadcasting Ltd [2010] NSWSC 1288 (5 November 2010);
- ◇ Brunswick Hill Apartments Pty Ltd v CGU Insurance [2010] VSC 532 (24 November 2010);
- ◇ Allen v State of Queensland [2010] QSC 442 (26 November 2010); and
- ◇ Gillies v Downer EDI Ltd [2010] NSWSC 1323 (3 December 2010).



Upcoming events

5th Annual CPD Immigration Law Conference

The Immigration Lawyers Association of Australasia Focus Group (ILAA) of the International Law Section of the Law Council of Australia will host the 2011 CPD Immigration Law Conference in co-operation with the Law Institute of Victoria and Russell Kennedy.

The aims of the Conference are to provide legal professionals with CPD points accreditation under the Migration Agents Registration Authority (MARA) scheme, to highlight and discuss important immigration law issues and to provide participants with a forum to exchange experiences.

The Conference will be held at the RACV City Club in Melbourne on 11 & 12 March 2011.

Registrations are available [online](#).

The Vincents' 49th Annual Symposium

The Vincents' 49th Annual Symposium will take place at the Brisbane Convention and Exhibition Centre on Friday, Saturday 25-26 March 2011. The Symposium program has almost 80 sessions covering the full spectrum of legal practice.

The Symposium 2011 will feature a new skills-based stream featuring workshops on advocacy with Professor George Hampel QC of the Advocacy Institute, along with interactive sessions on negotiation and communication skills.

Registrations and a full Symposium program are available [online](#).

Freycinet Family Law Conference — 14/15 May 2011

The annual conference of the Family Law Practitioners' Association of Tasmania will this year take place at Freycinet Lodge on Tasmania's east coast.

The conference will feature leading family law barristers, solicitors and judges from around Australia talking about current family law developments.

The conference will be held in conjunction with an executive meeting of the Family Law Section. A registration brochure will issue in March and to be included in the distribution list or for any other inquiries call Michael Foster on 03 62 359369.

