

## In This Issue

### President's Message

Beginning of the End for Our  
Immigration Detention System

E-Conveyancing Move  
Welcomed by LCA

Lawyers Vital in Rule of Law  
Battle

ABS Embarks on Legal Services  
Study

LCA and ABA Back  
Condemnation of Zimbabwe

Australasian Law Management  
Journal Survey

Sponsors Jump Aboard 75th  
Celebrations

Property Law Website Launched  
What's On



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## Introduction

Welcome to the July issue of the Law Council's regular e-newsletter—**@theLCA**. As always, the Law Council welcomes your contributions to **@theLCA**. For more information, contact the editor on the details provided.

## President's Message

### Ross Ray QC

Access to justice and pro bono issues are close to the heart of the Australian legal profession.

The provision of justice to the Australian community is fundamental to the acceptance of the rule of law and to the stability of the community at large.

Figures suggest that about \$250 million of pro bono work was performed by Australian solicitors in 2007 – the equivalent of one week per year for each solicitor in this country. I know that the Australian Bars also support the community through pro bono assistance by their members.

That's an admirable commitment by the legal profession to dedicate such a significant portion of their time to "working for free".

The figures are also prime example of how the Australian legal profession is "working together" to address the varying legal needs of our community.

"Working Together" will be the theme off the second annual Access to Justice and Pro Bono Conference, to be held in Sydney on 14 and 15 November 2008.

The first conference of this type was held in Melbourne about two years ago and it was a resounding success, attracting 220 delegates and a host of great guest speakers.

A joint venture between the Law Council of Australia and the National Pro Bono Resource Centre, this year's conference will explore how various groups can work more closely together and collaborate in projects and programs that will address access to justice issues.

Conference delegates will be given a unique opportunity to engage in discussions, exchange information and opinions and network with other practitioners on a broad range of topics.

Some distinguished guest speakers have been confirmed for this

year's event, including National Association of Community Legal Centres Convenor Liz O'Brien, NSW Justice Minister John Hatzistergos, Federal Magistrate Michael Baumann, and Robin Knowles QC, Chairman of the Bar Pro Bono Unit of England and Wales

I am personally looking forward to attending this conference and I urge others with an interest in access to justice issue to visit the conference website and find out how they can register for what promises to be an enriching two days.

For more information, go to [www.a2j08.com.au](http://www.a2j08.com.au)

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## Beginning of End for Our Immigration Detention System

The Law Council has welcomed this week's announcement by the Federal Government that immigration detention will only be used as a last resort for those who pose a danger to the community.



For more than a decade, the Law Council has been strongly and consistently opposed to mandatory, indefinite and non-reviewable immigration detention.

It has repeatedly called for the Federal Government to abolish the mandatory detention of all asylum seekers who arrive in Australia without a valid visa, and to replace that policy with a limited form of reviewable detention.

"The announcement marks the beginning of the end of Australia's shameful policy of mandatory,

indefinite and non-reviewable immigration detention," Law Council President Ross Ray QC said.

"The Law Council is pleased that some of the checks and balances associated with the rule of law will be reintroduced into the system," he said.

"We are particularly pleased that the Immigration Department will have to conduct three-monthly reviews as to whether those detained should continue to be held. We are also pleased that unauthorised persons arriving by boat will have access to legal assistance and an independent review of unfavourable decisions."

Mr Ray said the changes announced would go some way towards restoring Australia's tarnished reputation among international human rights bodies.

Only two months ago the UN Committee Against Torture recommended that Australia abolish mandatory detention and emphasised that detention should only be used as a last resort with limits on maximum periods.

"The Law Council looks forward to further moves to increase Australia's compliance with its human rights obligations following the outcome of the current Parliamentary Inquiry into migration detention in Australia," he said.

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## E-Conveyancing Move Welcomed by LCA

The Law Council has welcomed a Council of Australian Government (COAG) resolution on the development and implementation of a national electronic conveyancing system.

As part of the resolution, COAG have committed all jurisdictions to a timetable for implementing the project. They have also acknowledged that a funding agreement needs to be put in place early so that the development of the project is properly resourced from the outset.

Further, COAG have recognised that while the entity which implements and runs the system should be owned by the jurisdictions, it should be governed by a skills-based board with appropriately diverse experience and outlook.

They have also acknowledged that implementation

of the system is not just about software but will also require the development of nationally consistent business rules.

"The resolution is a positive and long sought-after breakthrough in the legal profession's campaign to see a seamless, national electronic conveyancing system implemented in Australia," Law Council President-elect John Corcoran said.

COAG has clarified the role to be played by the Victorian electronic conveyancing system, ECV, in the development of the new national system.

They have indicated that ECV will be assessed and used to the extent that it is suitable as the basis for the underlying software for that system.

"As a major stakeholder, the Law Council, on behalf of the legal profession, looks forward to continuing to contribute to the development and implementation of this significant national project," Mr Corcoran said.

"This project has the potential to deliver real benefits to consumers through reduced settlement costs, loan processing and lodgement fees. A great deal of preparatory work has already been done on developing a national system, and I am glad that today it is one step closer to realisation," he said.

## Lawyers Vital in Rule of Law Battle

The President of the Law Council, Ross Ray QC, has told a legal conference in Fiji that lawyers were effective weapons in the fight to promote and defend the rule of law in the South Pacific region.

After being welcomed in a traditional ceremony as the chief guest, Mr Ray told the South Pacific Law Conference that the legal profession had an obligation to actively promote the rule of law to the community.

"The fact remains that law and order challenges facing South Pacific nations will never be solved by aid alone," Mr Ray said.

"The role of Law Societies and Bar Associations is to promote and defend the law to equip lawyers, to in turn equip society with the laws, tools and institutions to promote and defend the principles of the rule of law as a foundation for a just and

equitable society," he said.

He told the conference that the recently-formed South Pacific Bar Secretariat was an example of how lawyers could work together to strengthen the rule of law in the region.

"The South Pacific Bar Secretariat is committed to developing collegiality amongst the legal fraternity in the South Pacific by providing a forum to share ideas and also to provide a united voice for South Pacific lawyers," Mr Ray said.

Mr Ray's speech to the conference coincided with a meeting between the Australian and New Zealand Foreign Affairs Ministers and the Interim Fiji Government, to reaffirm the Pacific Island Foreign Minister Forum's commitment to assisting Fiji in its preparations for a democratic election early next year.

The Law Council has previously worked with the Fiji Law Society in promoting and defending the rule of law in that country.

"Lawyers should seek to drive change by setting an example. Lawyers should seek to be role models for their fellow citizens by maintaining the highest standard of personal and professional ethics and themselves embodying the principles of the rule of law."

## ABS Embarks on Legal Services Study

As part of its commitment to providing statistics on a range of service industries in Australia for the 2007-08 financial year, the Australian Bureau of Statistics (ABS) is conducting a survey of businesses and organisations involved in providing legal services.



The last survey of this type was conducted for the 2001-02 financial year. The publication, *Legal Practices Australia, 2001-02*, can be found online at [www.abs.gov.au](http://www.abs.gov.au)

The latest survey is being run in response to a submission from the Attorney-General's Department, and Law Council President Ross Ray QC strongly endorses industry participation in the study.

The ABS has been responsive to the Law Council's need for updated industry information at a fine level, as well as information on access to justice, which is a current critical issue.

The results of this survey will help inform policy for improved and appropriate initiatives for the Australian Legal Profession.

The survey will cover barristers, solicitor firms, and other legal service and legal support businesses; including patent attorneys, conveyancing firms and notary services.

Organisations such as Community Legal Centres, Aboriginal Legal Services, Legal Aid Commissions, Public Prosecutors and Government Solicitors will also be covered in the survey.

The ABS expects to mail out the survey questionnaire to a sample of legal services businesses and organisations in August 2008. It will collect income and expense data relevant to legal services operations, as well as information on employment, fields of work, legal aid and pro bono work.

The questionnaire has been tested with a number of associations, as well as individual solicitor firms and barristers across the country and has been well received.

The information requested by the ABS will remain confidential as it is collected under the Census and Statistics Act 1901. This means that data collected from individual businesses or organisations cannot be shared with any other organisation, including government departments.

Data from this survey will be released in an aggregated form only so that details of individual businesses or organisations cannot be identified. Most of the data requested should be readily available from existing accounts, but where that is not the case the ABS will accept careful estimates.

Data from the legal services survey is expected to be available in mid 2009. Broad aggregate data will be available on-line and, subject to confidentiality, more detailed data can be made available on request.

Further information on the survey can be sought from Geoff Frost on (03) 9615 7787. Any assistance needed in completing the survey form can be obtained by phoning 1800 246 878.

## LCA and ABA Back Condemnation of Zimbabwe

The Law Council of Australia and the Australian Bar Association have both endorsed a series of resolutions made by bar associations around the world condemning the recent deterioration of the rule of law in Zimbabwe.

Australian Bar Association President Tom Bathurst QC and Law Council President Ross Ray QC have lent their support to the resolutions made at this month's World Bar Conference in Belfast.

At the conference, bar associations from across the world resolved to:

- Deplore the defiance of the Government of Zimbabwe of its human rights obligations under domestic and international law.
- Call upon the secretary of the Southern African Development Community, the African Union and the United Nations to initiate all steps necessary to return the rule of law to Zimbabwe.
- Condemn the detention without trial of Eric Matinenga, leader of the Harare Bar, and the defiance of the order for his release granted on an urgent basis by the High Court.
- Call upon the members and secretariat of the South African Development Community to ensure that independent legal observers are permitted to be present in all courts of Zimbabwe throughout the trials of members of the legal profession who are being prosecuted for alleged offences.
- Demand that the lawyers of Zimbabwe are permitted without intimidation or penalty to perform their duty to represent and defend their clients in accordance with the rule of law and ensure their clients are entitled to basic human rights.
- Demand that the magistrates of Zimbabwe be allowed to adjudicate impartially and without intimidation on cases before them.
- Demand that the Attorney-General independently and impartially exercise his powers to uphold the rule of law.

"The Law Council and the Australian Bar Association have been highly critical of the Zimbabwean Government for its blatant disregard for the rule of law and we join the bars of the world

in condemning the Government's recent actions," Mr Ray said.

## Australasian Law Management Journal Survey

Legal practitioners are being encouraged to provide feedback on the Legal Practice Section of the Law Council's *Australasian Law Management Journal*.

A resolution was passed by Directors of the Law Council in 2007 for the journal (then known as the *Australian Law Management Journal*) to be distributed to managing partners of all Australian law firms and to barristers in all States and Territories, for a six-edition (18 month) trial period.

The purpose of this trial period distribution is to provide broad exposure for the journal, which will hopefully translate to a level of paid subscriptions at the end of that term which will allow the journal to be self-funding.

Twelve months into the trial period a survey of recipients is to be conducted, to ascertain whether they see value in continuing to receive the journal and would pay a subscription fee to receive it.

This survey will be conducted in conjunction the distribution of the Winter 2008 edition, distributed on 15 July.

A hardcopy faxback survey will be inserted with each copy distributed, although the survey can also be completed online.

The Law Council is seeking the support of constituent bodies to assist it in drawing as large a number of responses as possible, by either distributing an email to practitioners, or including a prominent notice in their electronic newsletters (where applicable), calling upon the people receiving the journal to fill in the online survey



The link to the online survey is <http://www.datamonkey.com.au/surveys.html>.

## Sponsors Jump Aboard 75th Celebrations

The Law Council of Australia is pleased to welcome Qantas and Toll Priority as sponsors of its 75<sup>th</sup> Anniversary Gala Dinner, to be held on Friday, 19 September at the Australian War Memorial in Canberra.



At the first ever conference of Australian Legal Societies, held in Sydney in April 1933, a constitution was drawn up for the formation of the Law Council of Australia – and the nation's peak legal body was born.

Seventy-five years down the track, politicians, members of the judiciary, past presidents and many others will gather in Canberra to mark this significant milestone.

Invitations were issued last week for the black tie event, which is being held in the War Memorial's spectacular Anzac Hall from 7pm.

Tickets cost \$140 and are available from the Law Council.

A copy of the invitation and further details regarding the 75th Anniversary Dinner are available at [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

## Property Law Website Launched

A new website highlighting the need to reform real property laws and promote uniformity across Australia has been launched.

The website is the initiative of the Property Law Reform Alliance (PLRA), a group formed in 2003 to pursue uniformity in property laws and procedures.

"Australia has one system of corporations law, but eight different approaches to property law, which adds cost and complexity to everyday transactions", PLRA Chairman Peter McMahon said.

"This new website aims to show government, business and the community that a streamlined approach to property law will benefit anyone who has an interest in buying, selling or leasing properties."

Mr McMahon said that traditional "states rights" arguments against property law reform have created untenable artificial barriers to greater growth and prosperity.

"In an age of globalisation and instant communications, the inevitable delays, red tape, and cost to trade and commerce caused by discrepancies in property law can no longer be justified," he said.

"If Australia is to continue to be attractive to international investors, our antiquated approach to property law needs to be overhauled."

"This new website will showcase the important work we are pursuing."

Mr McMahon, a senior partner in national law firm Clayton Utz, called on anyone who has an interest in bringing property law into the 21st century to visit the site and support the work of the Property Law Reform Alliance.

Visit the website at [www.plra.com.au](http://www.plra.com.au)

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## What's On

Registration has opened for the 2008 National Access to Justice and Pro Bono Conference, to be held in Sydney on 14 and 15 November. The conference, which will revolve around the theme "Working Together", is presented by the Law Council of Australia and the National Pro Bono Resource Centre, supported by the Australian Legal Assistance Forum, the Family Law Section of the Law Council and the New South Wales Bar

Association. Confirmed guest speakers include National Association of Community Legal Centres Convenor Liz O'Brien, NSW Justice Minister John Hatzistergos, Federal Magistrate Michael Baumann, and Robin Knowles QC, Chairman of the Bar Pro Bono Unit of England and Wales. Visit [www.a2j08.com.au](http://www.a2j08.com.au)

The New South Wales Bar Association and Law Council Australia invite you to attend the Federal Criminal Law Conference, which will be held in Sydney on 5 September 2008. The conference aims to generate new ideas for reform of criminal law and procedure at the Commonwealth level. It will also provide the opportunity for the legal profession to develop a "reform platform" that can be fed into, and presented at, a broader Federal Criminal Law Conference hosted by the Commonwealth Attorney-General's Department on 30 September 2008 in Canberra. The conference will run for one day and will be opened by the President of the Law Council of Australia, Ross Ray QC. Following the conference there will be a dinner held at Establishment, with Bob Debus as guest speaker. For further details, email Katie Hall, Events Coordinator, NSW Bar Association at [khall@nswbar.asn.au](mailto:khall@nswbar.asn.au) or visit <http://www.nswbar.asn.au/cpdattachs/FCLC.pdf>

The Family Law Section of the Law Council's 12th Annual Family Law Intensive will be held in Melbourne on Saturday, 23 August at the Sofitel Hotel on Collins Street. The full-day intensive will focus on the practical issues and solutions to everyday problems encountered by family law practitioners. Guest speakers include Justice Paul Cronin, Federal Magistrate Grant Riethmuller, and Victorian Legal Services Commissioner Victoria Marles. The intensive runs from 9am to 5pm. Visit <http://www.familylawsection.org.au/resource/FinalRegn-Brochureasamended16Jun08.pdf>

The Australian Corporate Lawyers Association (ACLA) will hold its 14th annual National Conference on 6-7 November at the Sydney Hilton Hotel. The theme of this year's Conference is: The In-house Jigsaw: pulling the pieces together. The 2-day program features over 25 workshops and CLE sessions including a keynote address from Tony D'Aloisio, the Chairman of ASIC. The ACLA Annual Dinner on the Thursday evening will provide fabulous food, music and entertainment before the ACLA Australian In-house Lawyer of the Year Awards 2008 are presented. The full Conference brochure will be available shortly. For more details, visit [www.acla.com.au](http://www.acla.com.au)

Jamaica will host the Commonwealth Lawyers Association 25th anniversary conference, to be held from 16-19 October 2008 at the Ritz Carlton, Montego Bay. Full details and regular updates are available at [www.paragon-conventions.com/cia08](http://www.paragon-conventions.com/cia08) or email [dbenmoshe@paragon-conventions.com](mailto:dbenmoshe@paragon-conventions.com)

Preparations are already underway for the 36th Australian Legal Convention, to be held in Perth from 17-20 September 2009. Please put the date in your diaries and look out for further details later this year.

This year's ALPMA Legal Management Summit will be held at Star City, Sydney, on 10 and 11 October. Each year the ALPMA Legal Management Summit gets bigger and better – and this year will be no exception. With more streams, more speakers and more variety, the 2008 Summit is set to impress. With keynote presenters from overseas and Australia, the program has been fine tuned to offer all delegates both strategic and operational sessions to “*reFresh Your Law Firm*”. For more information, please contact Kerrie Billings at [k.billings@alpma.com.au](mailto:k.billings@alpma.com.au) or (03) 9432 0335. For sponsorship opportunities contact Jenny Watson on 0414 618 629 or email [j.watson@alpma.com.au](mailto:j.watson@alpma.com.au)

LAWASIA's flagship event is set to place in Kuala Lumpur in late October. The 21st LAWASIA conference features well respected speakers from around the region who will share their insights and experience in these areas of the law and more. The conference will help legal professionals - and through them, their clients - navigate the vast and fluid waters of the legal industry. The conference will showcase over 30 sessions including four plenary sessions, featuring 90 speakers from across the region. Representatives from some of the region's most respected law firms are serving as moderators and panellists. Visit the conference website <http://www.lawasiakl2008.org>

Gold Coast-based Bond University Dispute Resolution Centre is running the following short (one to four day) courses during 2008: 15-16 August – Assessment Course – Bond University; 28-31 August – Advanced Mediation\* – Marriott, Gold Coast; 16-19 October – Basic Mediation (in conjunction with Leo Cussen Inst) – Melbourne; 7-8 November – Assessment Course (in conjunction with Leo Cussen Inst) – Melbourne; 27-30 November – Basic Mediation\* – Marriott, Gold Coast. \*Courses with an asterisk have a Foundation Family Mediation Stream, run in conjunction with AIFLAM (Australian Institute of Family Law Arbitrators and Mediators). For details, contact Kate Bolas – email [kate.bolas@lawcouncil.asn.au](mailto:kate.bolas@lawcouncil.asn.au)