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Introduction

Welcome to the June 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

The Law Council, as a well-respected legal body in the Asia-Pacific region, has much to offer and learn from its counterparts in neighbouring countries and beyond.

Cementing strong relationships between lawyers in the Asia-Pacific region in particular has long been an aim of the Law Council.

I am pleased to announce that another step in the process was achieved recently in the form of the signing of a Memorandum of Understanding (MOU) between the Law Council of Australia and the Papua New Guinea Law Society.



I met with PNG Law Society President Kerenga Kua in Port Moresby to sign the MOU, which recognises the relationship between the two bodies in the areas of CLE and professional skills development.

The PNG Law Society has decided to make CLE compulsory for its members renewing practising certificates each year.

Attendance at CLE events in the past has not been strong. Furthermore, the number of practitioners prepared to deliver CLE courses is also very limited.

I indicated that the Law Council would provide whatever assistance may be required by the Law Society as it strives for this goal.

While in Port Moresby I also co-hosted a function with the Law Society for Papua New Guinea graduates of the Victorian Bar Readers' Course.

I personally have participated in six of these training courses and believe that the entire initiative has been very successful.

About 80 PNG practitioners have so far graduated from this course and many returned for the reunion.

The Law Council and PNG Law Society has sought a commitment from these practitioners to run at least one CLE session over the next 12 months in Papua New Guinea for the benefit of that nation's lawyers.

Working with PNG practitioners to establish a strong CLE program was identified as a priority for the Law Council's recently established South Pacific Bar Secretariat.

The Secretariat is very pleased to be involved in this project. It is hoped that, in time, similar CLE projects will be replicated in other countries in the Pacific with the support of local practitioners, Law Societies and Law Societies in Australia and New Zealand.

I should also note that the Queensland Law Society has been a strong supporter of strengthening CLE projects in PNG for a number of years and we look forward to their ongoing support in this area.

In what proved to be extremely productive trip to Papua New Guinea, Law Council representatives also met with PNG's Chief Justice, Attorney-General and Dean of its Law School.

More Family Court Access for Separating De Factos

The Law Council has welcomed the Federal Government's decision to allow de facto couples to access the federal family law courts to resolve property and maintenance matters.

Law Council President Ross Ray QC said the Council was pleased that the new Government had acted so swiftly and early in its term to introduce this long-awaited legislation.

"The Law Council's Family Law Section has been a vigorous supporter of this reform," Mr Ray said.

"In fact, its submission concerning the inconsistency and inequities resulting from different regimes in the various States and Territories was the catalyst for the issue first being taken up by the Standing Committee of Attorneys-General at its meeting in April 1998."

Mr Ray said this much-needed and socially advantageous legislation was long overdue given the high and ever-increasing percentage of Australians who live, regardless of gender, in marriage-like relationships in preference to formal marriage.

While States and Territories currently have legislation dealing with the financial rights and obligations of unmarried partners on relationship breakdown – including, in most instances, same sex partners – the Law Council is pleased that the rights of these couples will now be able to be determined in specialist courts on a nationally consistent basis throughout the country.

"This is particularly so where the States and Territories have long since given their powers over children to the Commonwealth so that all Australian children – regardless of the marital status or gender of their parents – are dealt with under a single set of consistent laws," Mr Ray said.

"It has taken a long time to allow these couples to have all of their family law matters dealt with in the same jurisdiction – and at the same time – as the other issues arising from relationship breakdown," he said.

Glass Ceiling Still An Issue In Legal Profession

By Rosemary Budavari

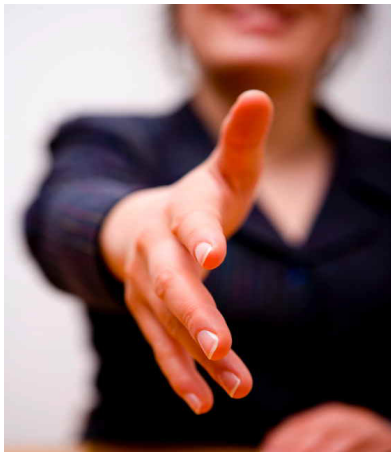
Women will not naturally advance within the legal profession over time simply because of the higher percentage of females now studying law, according to the Chief Justice of New Zealand, Dame Sian Elias.

Chief Justice Elias was addressing the second Australian Women Lawyers Conference, held in Melbourne from 12-14 June 2008.

Sponsored by the Law Council, the conference brought together distinguished judges, senior practitioners and academics. The conference also

provided an opportunity for young women lawyers to present their perspectives.

Chief Justice Elias gave a keynote address in which she called for greater efforts to advance the position of women in society generally, as well as to advance the position of women in the legal profession.



She labelled the argument that the advancement of women in the legal profession would occur naturally over time because of the higher percentage of women now studying law “a lie”.

Chief Justice Elias called for specific measures to combat domestic violence, which she identified as a major inhibitor to the social advancement of women. She also called for more attention to be given to support for women within the profession and to their promotion.

The call by Dame Elias for specific measures to support women lawyers was echoed by Elizabeth Broderick, the Sex Discrimination Commissioner, who recommended a range of measures arising from her experience as a part-time Partner at Blake Dawson Waldron and from her consultations in her new role.

The other keynote speaker, Justice Diana Bryant, Chief Justice of the Family Court of Australia, also addressed the issue of domestic violence and the role of women lawyers acting pro bono or on legal aid in representing victims such as Heather Osland in their efforts to “create justice”.

The role of women lawyers in “creating justice” was also examined in sessions dealing with topics as diverse as commercial law, crime, discrimination, feminist jurisprudence, Indigenous issues, international arbitration and judicial discretion.

Each speaker displayed comprehensive knowledge of their field of expertise and there

were valuable contributions from conference participants, such as Leneen Ford AC, the first female Governor of Queensland, who stressed the importance of support networks such as Women Lawyers Associations.

The conference also agreed on a draft communiqué containing commitments to a range of measures to advance the rights of women and the rule of law.

The communiqué was to be finalised by the Board of Australian Women Lawyers and further information on the communiqué and the conference can be found at <http://www.womenlawyers.org.au/>

Future of Federalism Conference Goes International

There will be a distinct international flavour to the next month’s *Future of Federalism* Conference, which is being hosted by The University of Queensland’s Centre for Public, International and Comparative Law at the TC Beirne School of Law, and the Law Council of Australia’s European Focus Group.

Registrants for the highly-anticipated conference include international delegates from as far away as Uganda and Nepal.

In addition, the German Embassy has agreed to sponsor the conference, which will feature a distinguished panel of national and international federalism experts discussing a wide range of topics.

Issues on the conference agenda include comparative evaluation of the state of federalism, papers focusing on the distribution of powers and fiscal arrangements in Australia, and critical discussions of the Rudd government’s vision for the future of Australian federalism.

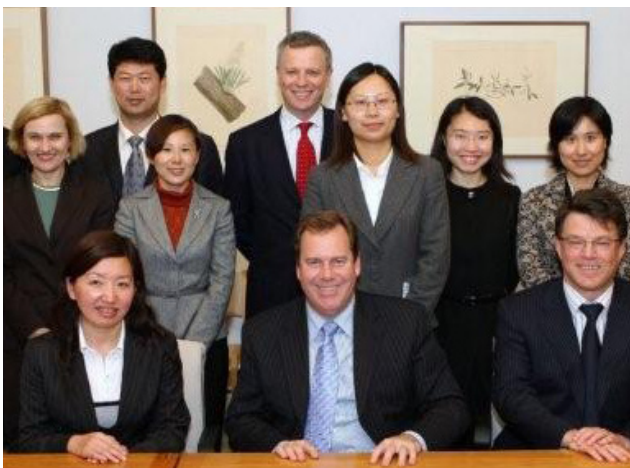
Newly appointed Solicitor-General, NSW barrister Mr Stephen Gageler SC, will be part of the high profile speaker list. He will be joined by the Hon Justice Margaret White from the Supreme Court of Queensland, The Hon Justice Robert French of the Federal Court of Australia and Professor Thomas Fleiner, Director of the Centre for Federalism in Switzerland.

The conference is highly recommended for those working in the legal profession, as well as politicians, academics and those with an interest in the law; with CPD points available for attendees.

Online registration and a complete list of the conference speakers and program is available at www.fedcon2008.net

Chinese Lawyers Reflect on Their Australian Experience

A group of Chinese lawyers returned to the Law Council Secretariat in Canberra this month to share their experiences as participants in the 2008 Australia-China Legal Professional Development Program.



Earlier this year, members of the group participated in 12-week professional placements within Australian law firms and government departments in Melbourne, Sydney, Adelaide and Perth.

Returning to the Law Council, where they briefly visited in March, the participants gave a presentation on their experiences during their three-month stint working with the Australian profession.

The visit was hosted by Law Council President-elect John Corcoran, whose firm sponsored one member of the Chinese delegation.

The feedback from all participants was extremely positive – a clear reflection of how much they enjoyed the opportunity to immerse themselves in the Australian profession.

The program is supported by the Law Council, the Attorney-General's Department, the All China Lawyers' Association and the Chinese Ministry of Justice.

After visiting the Law Council, the group also met with the Federal Attorney-General, Robert McClelland.

The Secretariat has been advised that funding has been approved to conduct a further program in 2009. Strong interest in the 2009 program has already been expressed from firms in Perth and Adelaide following visits by Sandra Purser from the Attorney-General's Department with some of the exchange lawyers.

Portal Paves Way for Online Access to Justice

Australia's Commonwealth Law Courts have launched an on-line system that will improve services for the legal profession and allow the public easier access to justice.

The new Commonwealth Courts Portal allows lawyers and the public to access to the Family, Federal and Federal Magistrates' courts via the one system.

The eCourt Portal provides secure web-based access to information about cases that are before any of the three courts.

The Portal will ultimately provide integrated web-based services to judicial officers, litigants and court staff with real-time information about cases before the courts.

Lawyers registered with the Portal can keep track of their cases, including documents filed and future court events as well as outcomes and any orders made.

It allows any authorised user, including a lawyer, judge, litigant or journalist, to immediately see a list of files of interest to them.

Documents can be lodged and accessed electronically, virtual court cases conducted online and all of the lead up steps in a case carried out electronically.

Federal Attorney-General Robert McClelland, who

launched the system, said online technology like the Portal would help make the Commonwealth courts more efficient, cut legal costs and assist lawyers and the public to work their way through cases more quickly.

“This portal is an impressive example of cooperation between the Commonwealth Courts, which will certainly enhance access to justice and reduce costs,” Mr McClelland said.

“Those who work in the law know that an effective justice system requires the continual development of more efficient ways to progress litigation – from filing to finalisation. By embracing online technology the Courts are showing they’re willing to move with the times to improve the flow of information.”

Legal Aid Boost for Regional Australia

Australians living outside metropolitan areas are set to benefit from an injection of nearly \$6 million in funding to improve access to justice in regional, rural and remote communities.



The funding is part of the Regional Innovations Program for Legal Services. It will be provided through legal aid commissions in New South Wales, Queensland, Western Australia and Tasmania who sought additional funds for a range of capacity-building initiatives.

Funding is also being made available through the National Association of Community Legal Centres to support country law graduates to complete their practical legal training in regional Australia.

Announcing the move, Attorney-General Robert McClelland said experience showed that if legal problems were not resolved early, they could compound and result in a range of adverse consequences, including the loss of health, job, home and relationships.

“Helping country firms to employ lawyers and build their capacity to provide local legal services will ensure people can get early help with their legal problems and prevent these problems from escalating,” Mr McClelland said.

“This will help encourage those graduates to consider long-term employment opportunities in regional Australia and increase the number of law graduates who choose to remain in their local communities to work as legal practitioners,” Mr McClelland said.

The funding comes on top of a \$10 million one-off injection for the Commonwealth Community Legal Services Program, and a \$7 million one-off injection for legal aid.

Justice Group Needs Support to Survive

An effective spokesperson for an organisation needs to intimately know the people it represents and the issues it stands for.

That explains why Justice Action spokesperson Brett Collins is so passionate about his role.

Justice Action has been around for more than 30 years and campaigns for the rights of prisoners and offers support networks for former inmates wishing to get back into the community.

Collins knows this area so well because he is fully aware of what life is like on the “inside”.

He served 10 years of a 17-year sentence for armed robbery and was released in 1980.

Today, Collins and Justice Action are working on a number of campaigns, including lobbying for support for those in prisons with mental illness, campaigning to re-instate all-day visits to Emu Plains Women’s Prison for children whose mothers are in jail.

Justice Action also continues to campaign around a number of issues in the prison system, including

deaths in custody, hepatitis C in prisons, the fight for David Hicks and defending prisoners' voting rights.

But the group cannot do it alone.

A significant proportion of Justice Action's funding is generated by printing company Breakout DesignPrintWeb.

Established more than 20 years ago, Breakout was formed as a means of maintaining a half-way house for former prisoners wanting to get back into the community.

"We have run the business since 1984, and have funded the prisoner movement through its profits," Collins said.

"Our work with Justice Action mentoring, working with the prisoner community and reducing crime in the process is widely acclaimed."

However, a dip in funding now threatens the group's future.

"For decades we have had significant unions pass all their work to us, but the volume has gradually declined until the present stage where we can't sustain ourselves," Collins said.

"We are looking for some companies to pass some of their print and design work to us, matching their current suppliers, to allow us to continue the community work."

"We need to expand our national operation with growing needs in the area of crime and punishment. We propose real alternatives and work with the people affected," he said.

Organisations or individuals interested in assisting Breakout and Justice Action continue their work can contact Brett Collins on (02) 9283 0123 or email brett@justiceaction.org.au

For more information on Justice Action, visit <http://www.justiceaction.org.au>

What's On

John Briton, Queensland's first Legal Services Commissioner, will feature as part of a high-profile speaker list at the upcoming Third International Legal Ethics Conference, hosted by the TC Beirne School of Law at The University

of Queensland and Griffith University's Griffith Law School. Mr Briton will be speaking on the topic of "Incorporated Legal Practices – Dragging the Regulation of the Legal Profession into the Modern Era". The conference has been designed to cater for both scholars and legal practitioners, with a designated "practitioners' day", and is supported by the Queensland Law Society and the Bar Association of Queensland. CPD points are available for conference attendees and registrations. Further information is available at www.griffith.edu.au/conference/legal-ethics-2008. The conference is being held from 13-16 July.

The Law Council of Australia and the New South Wales Bar Association are hosting a Federal Criminal Law Conference on 5 September 2008 in Sydney. 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 New South Wales Bar Association, Anna Katzmann SC, with the President of the Law Council of Australia, Ross Ray QC, presenting the keynote address. The conference will be followed by a Conference Dinner with participants and interested barristers and solicitors. Minister for Home Affairs Bob Debus is scheduled to deliver the Conference Dinner address.

The 2008 National Access to Justice and Pro Bono Conference will be held at the Masonic Centre in Sydney on 14 and 15 November. The theme of this year's conference is "Working Together". Barrister for Dr Mohamed Haneef, Stephen Keim SC, will headline an impressive line-up of guest speakers. For more information, visit www.a2j08.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 or email dbenmoshe@paragon-conventions.com

The Queensland Law Society Legal Careers Expo will be held at the Sebel and Citigate Hotel in Brisbane on Monday, 28 July from 1pm. The Expo brings careers, employment and training

opportunities to law graduates and legal support staff by connecting legal organisations with thousands of career-minded individuals. The event promises to be a valuable networking opportunity for young lawyers and support staff. The Expo will give attendees the opportunity to meet with law firms from across Queensland. A number of highly professional law firms will be profiling their corporate vision and their unique expectations for potential employees. For inquiries, or to register your interest, contact Gill Richardson at the Queensland Law Society on (07) 3842 5818 or email g.richardson@qls.com.au

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 or (03) 9432 0335. For sponsorship opportunities contact Jenny Watson on 0414 618 629 or email 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: 31 July - 3 August – Basic Mediation* – Gold Coast; 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

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.