



# City of Sydney Law Society Newsletter

November 2013  
Issue 6

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## CSLS 2012 – 2013

### EXECUTIVE COMMITTEE

**Stephen Bell**, *President*  
(Tel: 9261 4086)

**Nea Goodman**, *Treasurer*  
(Tel 8303 6311)

**Robert Eaves**, *Secretary*  
(Tel 0425-259-007)

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## PRESIDENT'S MESSAGE

*Stephen Bell, CSLS president*

### CSLS 21ST BIRTHDAY – CELEBRATE WITH US

Following the annual general meeting, a celebratory dinner will be held at Parliament House, Dining Room. Julian Burnside, QC graciously agreed to be the dinner speaker however as now declined due to personal reasons. Charles Waterstreet - barrister, journalist, writer and producer and playwright of well loved "Rake" series has agreed to speak. All welcome, but limited spaces available.

Discounted prices to members due to the sponsorship of the Law Society of NSW, LawCover and Alyson Ashe & Associates, Legal Costs Consultants. See registration form for full details.

### CSLS CLE SEMINARS

CSLS CLEs ended on 7 November 2013 and will recommence on **Thursday 6 February 2014** with Linden Barnes, Law Society of NSW Ethics Solicitor.

### THE ANNUAL MEET THE JUDGES/MAGISTRATES COCKTAIL PARTY 11 OCTOBER 2013

Over 180 persons attended the Downing Centre. The Bar Choir sang several renditions and lifted spirits.

### MEMBERSHIP RENEWALS

Renewals are overdue. The renewal form is at the end of this newsletter. Members are reminded of the benefits of membership including free CLE which continues to be run weekly from February to November, at the Commercial Travellers Club, Martin Place, Sydney. Renewals are \$100 (incl GST) and \$50 (incl GST) for solicitors with 1-2 years experience. **New memberships** currently discounted by 50% to \$50 (incl GST) and \$25 (incl GST) for solicitors with 1-2 years experience.

### PRACTICE VIABILITY SUB COMMITTEE

The subcommittee is preparing a submission to the Productivity Commission on Access to Justice. Ideas and suggestions to the convenor Phillip Roberts: [phillipcrob@gmail.com](mailto:phillipcrob@gmail.com)

## MATTERS OF INTEREST

### NEWS FROM SOUTH AUSTRALIA

In South Australia lawyers have been excluded from civil matters worth under \$25,000. See <http://m.courier.mail.com.au/news/national/attorney-general-rau-criticises-lawyers-suing-to-beat-deadline/story-fnii5yv5-12266445046>

### NEW CASES

#### UK

#### ***PGF II SA v OMFS Company 1 Ltd [2013] EWCA Civ 1288***

Court of Appeal on Appeal from the High Court Lord Justices Maurice Kay, Beatson & Briggs 12/10/2013. Held silence in the face of an invitation to participate in ADR is, as a general rule of itself unreasonable regardless whether an outright refusal or a refusal to engage in ADR. Briggs held: the court's task is to encourage the more proportionate conduct of civil litigation is so important in current economic circumstances that it is appropriate to emphasise that message by a sanction which even if a little more vigorous than I would have preferred, nonetheless operates pour encourage les autres res. Hence costs sanctions were applied.

#### ***The Queen v D(R) 169/2013 The Crown Court at Blackfriars***

Judgement of HH Judge Peter Murphy in Relation to Waring of niqaab by defendant during proceedings in Crown court

The defendant was charged with a single count of witness intimidation, while wearing the burq'a and niqaab (although no issue of visual identification arose at the trial). Held the defendant who refused to remove a full face veil will not be permitted to give evidence. The Judge called for parliament or high courts to rule definitely on the issue.

#### NSW

#### ***Adco Constructions Pty Ltd v Ronald Goudappel*** - Workers Compensation

The High Court granted special leave to appeal on 11 October 2013.

**NEWS****National Electronic Conveyancing NSW**

On 8 October, 2013 the first electronic transaction in NSW through Property Exchange Australia (PEXA) was registered – a discharge of mortgage. The Commonwealth Bank and NAB are now processing mortgages through PEXA. Victoria commenced in June 2013.

PEXA the electronic conveyancing platform, Release 1 provides for processing of mortgages, discharges of mortgage and re-finance transactions and will be expanded over the year to additional States and major financial institutions.

Release 2 in 2014 will include the ability to lodge caveats, conveyances, pay stamp duty and third party disbursements.

**New Publications****Consumer Law & Policy in Australia & New Zealand (Federation Press 2013)**

Edited by Justin Malbon and Luke Nottage.

Examines the Australian Consumer Law reform package and compares it to recent reforms in New Zealand, European Union, Japan & Canada as well as parallel regulation of consumer credit and other financial markets impacting on consumers. Specific areas covered include "definitions of consumers, statutory guarantees, unfair terms in consumer contracts, unconscionable conduct regulation; product liability, leading ad hardship provisions for consumer credit, banking and financial advice, interest rates caps and lots more.

## 2013 – 2014 MEMBERSHIP APPLICATION FORM

### Renewal

- Individual Membership \$100.00 (incl GST)  
 Newly admitted Solicitor (1-2 years) \$50.00 (incl GST)  
 Student Member \$ 20.00 (incl GST)  
 Group Membership for \_\_\_\_ members (Please attach list of names, addresses and email address)

### New Members only

- Individual Membership ~~\$100.00~~ NOW \$50.00 (incl GST)  
 Newly admitted Solicitor (1-2 years) ~~\$50.00~~ NOW \$25.00 (incl GST)  
 Group Membership for \_\_\_\_ members (Please attach list of names, addresses and email address)

Membership remains current to 30 June 2014. **NEW MEMBERS** or associate members applying between 1 April and 30 June, 2014 will continue membership to 30 June, 2015. New Members applying between 1 October 2013 and 31 March 2014 receive a 50% discount. Law students may join as Student Members for \$ 20 per annum (no discounts).

## APPLICANT'S DETAILS

Name: ..... Title: .....

Firm: .....

Postal address: ..... P/code.....

DX: ..... Phone: ..... Mobile: .....

Email: .....

## PAYMENT METHOD (tick one)

- Visa     MasterCard     Cheque (Payable to City of Sydney Law Society)

I enclose payment of \$..... Credit card No: ..... Expires: ..... / .....

Name (please print): ..... Signature: .....

I apply for membership and declare that I am eligible for the category of membership applied for (see below):

Signed: ..... Dated:        /        / 20

Full voting membership is available to:

- Persons who hold or are eligible to hold a practising certificate under the Legal Profession Act in NSW;
- Judges, judicial officers and tribunal members;
- Academic lawyers;
- Persons who have retired from any of the above classes.

Associate Membership (non-voting) is available a person who currently works in the legal profession and has worked in the legal profession for a period of five years (in aggregate) over the last eight years. Details of such work should be submitted with the application.

Student Membership (non-voting) is available to a person who is currently either a graduate-at-law or a student undertaking legal or other related studies.

**Please return this form with payment to:** City of Sydney Law Society (ABN 88 377 230 477),  
GPO Box 1907, Sydney NSW 2001. Phone 9266 0012 Fax 9266 0062 Email [info@sydneycitylawyers.com.au](mailto:info@sydneycitylawyers.com.au)

City of Sydney Law Society (CSLS)  
has great pleasure in inviting you to our

## 21<sup>st</sup> Anniversary Celebration Dinner

Acknowledging the enormous voluntary contribution of Sydney Lawyers  
in the presence of

The Honourable Victor Dominello MP



## Mr Charles Waterstreet

Barrister – Author – Journalist – Producer  
*Keynote Speaker*

Tuesday 26 November 2013, at 6:30pm for 7pm

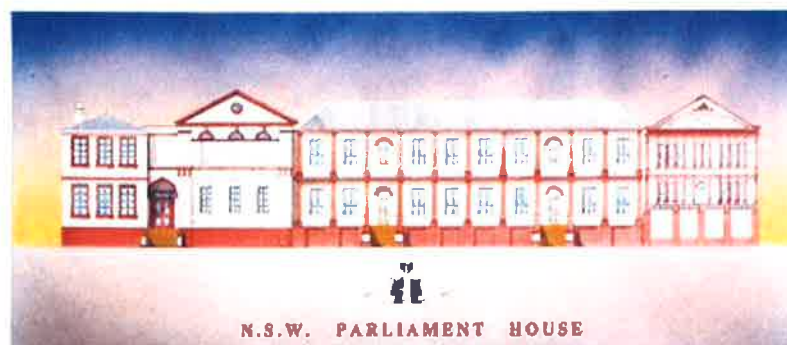
The Strangers Function Room,  
Parliament House, Macquarie Street, Sydney

Cost: Members: \$80pp Non-Members: \$105 pp  
(3 course dinner and drinks)

Dress: Lounge Suit/Black Tie

**RSVP 18 November 2013 - Please book early as seats are limited.**

Enquiries: Ann Parisi Ph. 9266 0012 Email: [info@sydneycitylawyers.com.au](mailto:info@sydneycitylawyers.com.au)



Artist: Simon Fieldhouse

CSLS proudly sponsored by The Law Society of New South Wales, Lawcover and Alyson, Ashe & Associates

City of Sydney Law Society (CSLS)

## 21<sup>st</sup> Anniversary Celebration Dinner

Parliament House, Macquarie Street, Sydney

Tuesday 26 November 2013, at 6:30pm for 7pm

# REGISTRATION FORM

**Proudly acknowledging our Annual Dinner Sponsors:**



THE LAW SOCIETY  
OF NEW SOUTH WALES



Alyson Ashe & Associates  
Experienced Legal Costs  
Consulting Services  
0414 362 477  
[www.alysonashe.com.au](http://www.alysonashe.com.au)

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Please print all details clearly. Attach a list with names of additional attendees

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Name

Firm:

Email:

Telephone:

Payment method: Credit Card  Visa  MasterCard (Amex not accepted)

Cheque (payable to City of Sydney Law Society)

Cost: 3 Course dinner and drinks incl  CSLS member - \$80pp  Non Member - \$105pp (all prices incl GST)

Special dietary requirements:

Credit Card Number:

Expiry date: \_\_\_\_ / \_\_\_\_

Amount: \$

Name on credit card

SIGNATURE:

PLEASE RETURN THIS FORM WITH PAYMENT TO: CITY OF SYDNEY LAW SOCIETY (ABN 88 377 230 477)  
GPO Box 1907, SYDNEY, NSW 2001 ALL ENQUIRIES: ANN PARISI, EXECUTIVE OFFICER  
PHONE 9266 0012 FAX 9266 0062 EMAIL [INFO@SYDNEYCITYLAWYERS.COM.AU](mailto:INFO@SYDNEYCITYLAWYERS.COM.AU)

## City Of Sydney Law Society Contact Details

<b>Executive Officer:</b>	Ann Parisi Telephone 9266 0012 Fax 9266 0062
<b>Postal</b>	GPO Box 1907 SYDNEY NSW 2001
<b>Email</b>	<a href="mailto:info@sydneycitylawyers.com.au">info@sydneycitylawyers.com.au</a>
<b>Website</b>	<a href="http://www.sydneycitylawyers.com.au">www.sydneycitylawyers.com.au</a>

### Proudly acknowledging our Annual Dinner Sponsors:



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