

Friday 30 March 2012

VENUE: COLLEGE OF LAW CITY LEVEL 7, ST JAMES CENTRE, 111 ELIZABETH ST, SYDNEY

Rule 42 for Property Lawyers with Tony Cahill & Negotiation with Steve Lancken

9.00am-10.00am 12130

Rule 42.1.6.1 - Ethics and Professional Responsibility (1 MCLE unit)

Ethical Issues for Property Lawyers with Tony Cahill

- ▶ Rebates
- ▶ Acting for both parties in a strata 'off the plan' transaction
- ▶ Auction contracts
- ▶ Negotiating draft contracts
- ▶ Defective properties and stigmatised properties

10.30am-11.30am 12131

Rule 42.1.6.2 - Practice Management and Business Skills (1 MCLE unit)

Risk Management for Property Lawyers with Tony Cahill

- ▶ Key concepts: "hazards", "risks" and "consultation"
- ▶ A risk management strategy
- ▶ Hazards in practice generally
- ▶ Hazards in property transactions at large and in specific types of property transactions

12.00pm-1.00pm 12132

Rule 42.1.6.3 - Professional Skills (1 MCLE unit)

Drafting Skills for Property Lawyers with Tony Cahill

- ▶ Defining plain English (or plain language?)
- ▶ Why does it matter?
- ▶ Some specific issues in property transactions
- ▶ Some general drafting tips
- ▶ Lessons from the cases

2.00pm-5.15pm 12133

A New Approach to Winning Negotiation Skills (3 MCLE units)

In response to the demand for programs covering negotiation skills, we bring you this popular half day seminar. The program will address the following issues as well as answer all your questions about negotiation:

- ▶ Who goes first? When to make the first offer
- ▶ Ideas to convince the other side, without having them walk away
- ▶ Some ideas that will make it easier to convince others to accept your ideas
- ▶ Making it easy for others to say YES (and hard to say no!)
- ▶ What is a BATNA and how to use it to great advantage
- ▶ Understanding what your client really wants and the interests of the others. Can this help in a negotiation?
- ▶ Creative options ... how to brainstorm ideas without giving away the deal.
- ▶ Learn when the deal on the table is too good to walk away

presented by: **Steve Lancken** The Trillium Group

This program also satisfies: Rule 42.1.6.3 - Professional Skills - 1 MCLE/CPD unit

Continuing Professional Education

MCLE Autumn Intensive

26th-30th March 2012

Inside you will find a selection of short seminars covering over 30 topics, designed to assist busy practitioners with meeting their MCLE obligations

GENERAL INFORMATION

HOW TO REGISTER

To register online go to www.collaw.edu.au/cpd. To register by mail or fax, please use the registration form in the centre of this booklet. To register by phone, please call (02) 9965 7111 with credit card details.

REGISTRATIONS

Registrations are transferable from one person to another, but if more than one member of your firm wishes to attend, please complete a separate registration form (or photocopy) for each registrant. If time remains, an acknowledgement will be sent to you. Registrations must be accompanied by payment.

CANCELLATIONS

Refunds may be requested in writing up to four working days prior to the seminar. A cancellation fee will apply. No refunds are available after the seminar. The College reserves the right to cancel or re-schedule courses, and to change speakers or revise content. No refunds can be given for online seminars where a login and password have already been issued.

FEES

The College of Law offers a discount on seminar registrations as a benefit for NSW Law Society members. College graduates are eligible for a further 10% discount valid for two years post admission. Community Legal Centre staff are eligible for 30% discount off the member price.

MANDATORY CLE/CPD

If these seminars are relevant to your professional development, you may claim one 'Unit' for each hour of attendance. Refreshment breaks are not included.

PRIVACY

If you require changes to your registration details or would like to be removed from CPE mailings, contact the CPE Directorate. The College collects personal information for registration purposes and for distributing information in relation to upcoming seminars and activities and to improve our services to you through research. No information is sold to third parties.

You have the right to access your personal information at any time. Please advise us of any changes and you will also need to advise the Law Society of NSW. Contact the Registry Department on Tel: 02 9926 0333 or registry@lawsociety.com.au

Please contact CPE for further information on:
cpd@collaw.edu.au
Tel: (02) 9965 7111 Fax: (02) 9223 7377

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Information in this booklet is correct at the time of printing.

WHAT ARE MY MCLE OBLIGATIONS?

Under the MCLE/CPD Rules and Guidelines, if this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one "unit" for each hour of attendance, refreshment breaks not included.

The annual requirement is ten (10) units each year from 1 April to 31 March.

ADDITIONAL REQUIREMENTS

As part of the requirement to complete 10 units per annum, three of these units must comply with Rule 42, as follows:

The Law Society Professional Conduct and Practice Rules (Solicitors Rules) also requires practitioners to include at least one (1) MCLE/CPD unit every year in each of the following fields:

42.1.6.1 Ethics and Professional Responsibility

42.1.6.2 Practice Management and Business Skills

42.1.6.3 Professional Skills

These obligations can be met by participating in a specific program on each topic, or attending a seminar in which part of the program (comprising 1 hour) addresses one of these topics.

SECTION 176

Solicitors must complete at least one MCLE/CPD unit every three years (as part of the 10 units) as follows:

In addition to the standard MCLE/CPD requirements, Section 176 of the Legal Profession Regulation 2005 requires solicitors who are required to undertake mandatory MCLE/CPD, to include a component relating to the management of the practice of law dealing predominantly with the principles of equal opportunity, the law relating to the discrimination and harassment, occupational health and safety law and employment law.

Note: Units undertaken to comply with Regulation 176 may be claimed towards the mandatory fields of Ethics and Professional Responsibility OR Practice Management and Business Skills.

CARRYOVER OF MCLE UNITS

Under the Rule 42.8 of the Solicitors Rules, extra MCLE/CPD units accrued in the period 1 January - 31 March in any year may be carried forward into the following MCLE year but can only be counted in one MCLE year. As such, if you attend seminars in this period and accumulate extra MCLE/CPD units, you may be eligible to fulfil some of your obligations for the next CPD year.

For further information, please visit the Law Society website at www.lawsociety.com.au and click on For Solicitors.

Monday 26 March 2012

VENUE: **TATTERSALLS CLUB** 181 ELIZABETH STREET, SYDNEY

Mandatory CPE Requirements - Rule 42 and Regulation 176

From 1 April 2009, amongst the ten (10) units you do each year, you must complete at least one unit in each of the following areas:

- ▶ Ethics and Professional Responsibility
- ▶ Practice Management and Business Skills; and
- ▶ Professional Skills

These sessions have been designed to satisfy Rule 42 of the Law Society Professional Conduct and Practice Rules.

Note: In addition, the requirement to complete the Regulation 176 CLE (on EEO, discrimination and OH&S) every three years remains – however, by attending a Regulation 176 CLE session you can also satisfy either your Ethics and Professional Responsibility requirement, or your Practice Management and Business Skills requirement, for that year.

9.00am-10.00am 12101

Rule 42.1.6.3 - Professional Skills

Negotiation Skills: Getting the Outcomes you Want

speaker: **Steve Lancken**

The Trillium Group

10.30am-11.30am 12102

Rule 42.1.6.1 - Ethics and Professional Responsibility

Ethics with a bit of Wattage

- ▶ Delinquent clients
- ▶ Handling former clients - in the dock!
- ▶ Firing clients ethically
- ▶ Modern technology and ethical practice

speaker: **Neil Watt**

Neil Watt Consulting

12.00pm-1.00pm 12103

Rule 42.1.6.2 - Practice Management and Business Skills

Recent Developments in Legal Costs

A timely look at recent cases and reforms in the area of costs and costs agreements.

speaker: **Alyson Ashe**

Alyson Ashe & Associates

2.00pm-3.00pm 12104

Regulation 176: Legal Profession Regulation 2005 OHS, EEO and Anti-Discrimination

speaker: **Dr Monica Hayes**

The College of Law

Tuesday
27 March
2012

VENUE:
TATTERSALLS CLUB
181 Elizabeth Street
Sydney

Please note Tattersalls
Club dress code.

PROPERTY LAW WITH TONY CAHILL

9.00am-10.00am 12105
Sale of Land Update

- ▶ Recent amendments to key property statutes
- ▶ Proposed changes to content of s149 Certificates
- ▶ Misleading and deceptive conduct in vendor-purchaser transactions
- ▶ Remedies for breach of contracts for sale
- ▶ Unfair contract terms legislation and its potential impact on sale contracts

10.30am-11.30am 12106
Deposit Dilemmas

- ▶ Nature of a deposit
- ▶ Deposit or penalty?
- ▶ Attempts to "top up" deposits on default
- ▶ Relief against forfeiture of deposit
- ▶ GST issues on release or forfeiture of deposit

12.00pm-1.00pm 12107
Leases Update

- ▶ The consultation draft *Retail Leases Amendment Bill 2011*
- ▶ Amendments to disclosure statements - towards a harmonised retail leasing regime?
- ▶ Relief against forfeiture of tenant's interest under a commercial lease
- ▶ Fixtures, fittings and other "installations" on leased premises
- ▶ The implications of the *Residential Tenancies Act 2010* to conveyancing generally

2.00pm-3.00pm 12108
Mortgages Update

- ▶ The November 2011 identification requirements for Torrens mortgages
- ▶ The latest on the *Personal Property Securities Act 2009*
- ▶ Unconscionable mortgage transactions
- ▶ Recent cases on fraud and forgery in mortgage transactions - "indefeasibility as to what?"
- ▶ Appellate authority on the *Farm Debt Mediation Act 1994: Waller v Hargraves Secured Investments Ltd*

3.30pm-4.30pm 12109
Property Taxes Update

- ▶ **GST**
 - ▶ The latest ATO GST rulings and draft rulings
 - ▶ *Gloxinia Investments* and its aftermath
 - ▶ Proposed changes to the GST treatment of farm land and going concerns
 - ▶ Cases on carrying on an enterprise, sale of vacant land
 - ▶ GST and deposits
- ▶ **State Property Taxes**
 - ▶ 2011 Regional Relocation Grant - eligibility & restrictions
 - ▶ Restrictions on first home purchase stamp duty relief

WILLS AND ESTATES LAW

12110
Testamentary Promises

- ▶ Contracts to make a Will
- ▶ Mutual Wills
- ▶ Estoppel Claims

speaker: **Michael Willmott SC**
13th Floor St James Hall Chambers

12111
Contested Probate Matters in Practice

A practical seminar that considers proceedings for a grant in solemn form, the nature of citations and special grants.

speaker:
John Armfield
Second Floor Wentworth Chambers

12112
Estate Planning - Who, What and How?

- ▶ Estate planning concept explained - Who, what and how?
- ▶ Use of testamentary trusts in estate planning and tax and testamentary trusts
- ▶ Case study

speaker: **Raymond Lim** TressCox

12113
Tips and Traps in Will Drafting

A practical approach to a range of issues.

- ▶ Choice and appointment of executors and trustees
- ▶ Revocation of previous wills
- ▶ Residuary clauses in wills and trusts in wills

speaker: **John Stinson** Diamond Conway

12114
Choosing Executors and Trustees - Legal and Practical Considerations

speaker:
Robert Monahan
AET Limited

FAMILY LAW

12115
Commercial Factors to Consider in Family Court Superannuation Matters

There are various commercial and financial factors to consider when looking at superannuation in family law matters. This session will bring you up to date with the latest developments in this area.

speaker: **Richard Bell** Sixteen Floor Wardell Chambers

12116
Expert Evidence in Family Law

Joint expert evidence: What if it goes against your client?

- ▶ When can you use adversarial experts?
- ▶ How do you use a shadow expert?
- ▶ Do you really want the evidence in the first place?
- ▶ How do you get the right single experts for the right jobs?
- ▶ How do you best prepare clients for the expert process, including Family Reports and is the expert biased?

speaker: **Rachel Slat** Broun Abrahams Burreket

12117
Financial Agreements - Recent Developments and why Practitioners should Beware

- ▶ Drafting financial agreements
- ▶ How to ensure financial agreements are binding
- ▶ Warnings to practitioners from recent case law

speaker: **Melinda Winning** Barkus Doolan Kelly

12118
A Review of Recent Legislative Amendments to Family Law Legislation, including Family Violence in Parenting Cases, and laws relating to International Child Abduction

speaker:
Duncan G Holmes Slade Manwaring

12119
What if you change your mind? Setting aside property orders under the Family Law Act

This session will cover advising a party who wants to revisit their property settlement.

speaker: **Christopher Othen**
Waratah Chambers

Personal Injury Law

9.00am-10.00am 12120

Proportionate Liability under the Civil Liability Regime

- ▶ Joint and several liability
- ▶ Concurrent wrong doers
- ▶ Contributory negligence

speaker: **Anthony Bowen** Edmund Barton Chambers

10.30am-11.30am 12121

Occupiers Liability

- ▶ Slip and fall cases
- ▶ Other accidents

speaker: **Ian Newbrun** William Deane Chambers

12.00pm-1.00pm 12122

Topical Issues in Personal Injury Law

- ▶ Effect of the new statute of limitations on medical negligence cases
- ▶ Duties of occupiers to provide a safe system of work to independent contractors

speaker: **Michael Eagle** Edmund Barton Chambers

Employment Law

2.00pm-3.00pm 12123

Developments in Enterprise Bargaining Laws

This session will address tribunal interpretations of the enterprise agreement related provisions of the Fair Work Act and in particular will look at:

- ▶ The requirement to bargain
- ▶ Bargaining orders
- ▶ Disputation during bargaining
- ▶ Drafting issues
- ▶ Approval of enterprise agreements

speaker: **Tim Capelin** Piper Alderman

3.30pm-4.30pm 12124

Dealing with Sick and Injured Workers: To Terminate or Rehabilitate

speaker: **Warwick Ryan** Swaab Attorneys

Building and Construction Law

9.00am-10.00am 12125

Expert Evidence in Building and Construction

speaker: **Robert Zikmann** Chalfont Chambers

10.30am-11.30am 12126

An Introduction to the FIDIC Forms of Contract

- ▶ What is FIDIC?
- ▶ What is the 'rainbow suite' of contracts?
- ▶ Key features of the 'Red' and 'Yellow' books
- ▶ Key features of the 'Silver' book
- ▶ Use of FIDIC in Australia and SE Asia

speaker: **Emanuel Confos** Gilbert + Tobin

12.00pm-1.00pm 12127

Building and Construction: The Emerging Trend of Dispute Resolution Boards

speaker: **Greg Begaud** Allens Arthur Robinson

Criminal Law

2.00pm-3.00pm 12128

Criminal Law: Sentencing for Child Pornography Related Offences

- ▶ Narrowing the scope of the pornographic material which is the subject of the charge
- ▶ The use (and misuse) of the COPINE Scale
- ▶ Assessing the objective seriousness of the offence
- ▶ Sentencing trends

speaker: **Michal Mantaj** Armstrong Legal

3.30pm-4.30pm 12129

Criminal Law: Principled Sentencing Practice

This session looks at some of the underlying principles of sentencing, and examines in detail some of the areas that often present problems: the Plead, the Facts, and Expert Reports.

speaker: **Paul Townsend** Legal Aid Commission of NSW