

AUSTRALIAN LAWYERS ALLIANCE STUDENT NEWSLETTER

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Issue 7, March 2010

Graduate Employment Opportunities

Welcome to the seventh issue of the *Australian Lawyers Alliance Student Newsletter*, a quarterly electronic newsletter, which aims to provide you with articles, interviews and practical tips that are relevant to you as a law student.

Have you subscribed to this newsletter? If not, make sure you don't miss out on future editions by joining our FREE mailing list. Send an email to Nancy Sowah at nancy@lawyersalliance.com.au with "Student Newsletter Subscription" in the subject line.

The Australian Lawyers Alliance is the only national association of lawyers and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual. We have more than 1,500 members, who between them represent up to 200,000 people each year across Australia. For more information about our organisation, please visit www.lawyersalliance.com.au or call us on 02 9258 7700.

We are interested in receiving your feedback to help us improve future newsletters. Please feel free to let us know your thoughts by sending your comments to: news@lawyersalliance.com.au, with 're: ALASN' in subject header.

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In this issue

• Editorial	2
• Message from our National President, Mark Blumer	2
• Feature Article: The Job Search	3
• Student News	4
• Feature Article: Graduate Careers in the Community Legal Sector	5
• Member Profile: Claire O'Connor	7
• Volunteer Profile: Daniel Storok	8
• In the News	9
• Branch News	10
• Upcoming Events: Conferences and Seminars	14
• Announcements	15
• Positions Available	15

Editorial

For many of us, the beginning of the 2010 academic year coincided with the first day of autumn, a date that also carries considerable historical significance. On March 1 2008, Armenian police clashed with peaceful protestors rallying against allegedly fraudulent presidential elections, which resulted in the deaths of at least 10 people. In 2005, America revoked the death penalty for juveniles on March 1. In 2002, it was the day the US invasion of Afghanistan began. In 2003, the International Criminal Court held its inaugural session in The Hague on March 1. In 1975, colour television transmissions began in Australia. On 1 March 1974, seven people were indicted for their role in the Watergate break-in and charged with conspiracy to obstruct justice. History is full of important dates and significant events. But so what?

The new academic year can also be an important time for students. It is a time to take stock of previous achievements and look to the year ahead. What do I want to achieve this year? How will I achieve it? For final year students, it's an important time to think about what you want to do when you graduate. What impact will you make on the world? For some, the decision has already been made: a goal has been set; and an action plan has already been set in motion. But for others, the uncertainty of the future beyond graduation is at the forefront of their minds. What am I really interested in? What do I want to do with my life? It can be a very frustrating time.

In this issue, we focus mainly on providing a guide to those of you looking for a career option outside of the traditional law firm career path. It is all about exploring your options. Since there is such an extensive range of options out there, it wasn't possible to cover it all in detail so if something catches your interest, follow the links to find out more. The featured writer, Jane Staley, has written an article about graduate careers in the Community Legal Sector, which may be of interest to those with interests in social justice and individual rights and freedoms.



I hope this issue will help guide those of you struggling to find your feet in an increasingly corporate world.

Your editor,
Erica.

President's Message



My experience of applying for jobs as a graduate lawyer is lost in the mists of time and the folds of memory. Consequently, I will write about my experience as an employer; that experience is current.

Having managed small law firms (6-8 lawyers) for more than 20 years, I have been involved in hiring a lot of lawyers.

Typically, the process of recruitment includes reading a CV, interviewing the applicant and speaking to their referees.

CV: A CV should set out the person's educational and work experience and give the reader some idea about the whole person – that is why I always look at a person's hobbies and interests. I read the CV with a number of questions in mind. The first is, 'Who is this person – what are they like?' I look at their educational history to see if they seem to be good at certain things, like the English language and (because we are a specialist personal injury firm) in the subjects of tort law, litigation practice, dispute resolution and the like. I look at their work experience to see if they have had any legal work or, if not, what sort of work they have done. As an employer, I want to see that the applicant knows how to hold down a job for a reasonable period of time.

Interview: The interview is an opportunity for me to get a general idea of the personality of the applicant and to ask any questions that arise out of the application and CV. It is an opportunity for the applicant to expand on the CV – but in response to questions. The question in my mind here is, 'Will this person be able to do this job?' That question includes whether the applicant will fit with the culture of the firm. The applicant should also try and gauge (and ask any questions relevant to this) whether they think they will fit in. It is quite difficult to know, from a short interview, whether the person you are talking to will be suitable for your job and the culture of the firm. I get a rough idea from the interview and, if I think the person may be suitable, go to the referees.

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Referees: Of course, the referees should know that they have been named as referees and it is better if they know what job is being applied for. Personal referees are less useful to me than work referees. I want to know how the person behaves at work, not on the dance floor. One question I often ask a referee is, 'If you had the opportunity, would you employ this person again?'

I think the best advice I can give is to suggest that aspiring lawyers should do everything they can to get some legal work experience before they graduate. The combination of the formal study of law and working in a legal job is a very powerful educator. It also allows the student to work out whether they do want to practise law and what it is like. Experience in legal work also 'reduces the stakes' for both parties when the time comes to take a job as a qualified lawyer.

Good luck. ■

Mark Blumer is partner at *Blumers Personal Injury Lawyers*, and is President of the *Australian Lawyers Alliance*.

FEATURE ARTICLE

The Job Search

Finding a job to apply for can be as challenging as the application and interview process. There are many factors to take into account. For example:

- Where would you like to work?
- Big company, organisation or small business?
- What type of work are you looking for?

However, make sure you don't fall into the trap of only trying to look for the perfect job. That's not to say it doesn't exist, but if you keep holding out for that perfect job, it's more than likely that you'll let perfectly good opportunities pass you by. Treat those opportunities as stepping stones to where you want to end up. Notching up experience in a job similar to the job you actually want can do wonders for your résumé. Keep an open mind and make sure you do your research.

Remember, just because you're doing a law degree doesn't necessarily mean you have to be a lawyer. There are many options open to you. You may choose to work as a solicitor, barrister, paralegal, tipstaff, in-house

counsel, policy officer, legal researcher, academic, legal publisher, etc. These positions can be found in a variety of workplaces including law firms, courts, government departments, non-government organisations, publishing houses, universities, financial institutions, companies and business, etc. The choices are endless!

Below are some web resources to help you in your job search.

Graduate employment web resources

- *Graduate Opportunities* – <http://www.graduateopportunities.com/>
- *Graduate Careers Australia* – <http://www.graduatemcareers.com.au/>
- *myfuture Work Opportunities* – <http://www.myfuture.edu.au/The%20Facts/Work%20and%20Employment/Work%20Opportunities.aspx>

Law-related web resources

National

- Australasian Legal Information Institute – www.austlii.edu.au
- Law and Justice Foundation – www.lawfoundation.net.au
- Law Council of Australia – www.lawcouncil.asn.au
- The New South Wales Bar Association – www.nswbar.asn.au

States

- Law Institute of Victoria – www.liv.asn.au
- The Law Society of New South Wales – www.lawsociety.com.au
- Queensland Law Society - <http://www.qls.com.au/content/lwp/wcm/connect/QLS/Home/>
- The Law Society of South Australia - <http://www.lawsociety.sa.asn.au/>
- The Law Society of Western Australia - <http://www.lawsociety.wa.asn.au/>
- Law Society Northern Territory - <http://lawsociety.nt.asn.au/>
- The Law Society of Tasmania - <http://www.taslawociety.asn.au/web/en/lawsociety.html>

Courts and other

- <http://www.lawlinks.com.au/>

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Community Sector

- Legal Aid – <http://www.legalaid.nsw.gov.au/asp/index.asp?pgid=370>
- Community Legal Centres - <http://www.naclc.org.au/topics/2364.html>
- Community and not-for-profit - <http://www.jobseeker.org.au/>

Government-related web resources

- APSjobs – www.apsjobs.gov.au
- JobSearch – <https://jobsearch.gov.au>
- Australian Government – <http://australia.gov.au/topics/employment-and-workplace/australian-government-jobs>
- Victoria – www.jobs.vic.gov.au; www.graduates.vic.gov.au
- New South Wales – <http://jobs.nsw.gov.au/>
- Queensland – <http://jobs.qld.gov.au/>
- South Australia – <http://www.vacancies.sa.gov.au/asp/public/Home.aspx>
- Western Australia – <http://www.jobs.wa.gov.au/>
- Northern Territory – <http://notes.nt.gov.au/dcis/RMS.nsf/NTGEmploymentHome?OpenForm>
- Tasmania - <http://www.jobs.tas.gov.au/>

Careers Fair

Make sure you visit the Careers Fair while it's visiting your uni campus. Follow the links below or visit your uni website to check the dates. Mark them in your diary to make sure you don't forget!

- <http://www.graduatecareers.com.au/content/view/full/4020>
- http://www.graduateopportunities.com/career_advice/careers_fair_dates

The Big Meet

If you're a uni student in either Sydney or Melbourne, be sure to visit The Big Meet. Approximately 100 companies and organisations will gather under one roof, offering graduates and undergraduates a range of options including graduate employment, voluntary work, gap year programs, international internships, vacation work, postgraduate education, travel, teaching, overseas opportunities, etc.

For more information, see:

<http://www.thebigmeet.com.au/>

Graduate Programs 2010

Note the application closing dates for 2010 graduate programs by following the link below. The list is by no means exhaustive. If you are interested in a particular company, business, or organisation, check their website for job vacancy information.

Application Closing Dates –

http://www.graduateopportunities.com/closing_dates/graduate_program_2010_application_closing_dates

For further information and advice regarding the job search process, read Alyssa Dragnich's '[Job Search Tips for the Unemployed Law Graduate](#)' article, which appeared in *The Legal Intelligencer*.

Similarly, the *Graduate Careers Australia* website has a helpful step-by-step guide:

<http://www.graduatecareers.com.au/content/view/full/2793> ■

Student News

National and international news items about law students

**Australian law students produce international conventions manual for Vanuatu authorities**

For the full story, see:

<http://www.radioaustralia.net.au/pacbeat/stories/201001/s2801263.htm>

Intern volunteers visit US death row inmates through Reprive Australia

For the full story, see:

<http://www.theaustralian.com.au/business/legal-affairs/intern-volunteers-in-life-or-death-situation-on-us-death-row/story-e6frg97x-1225824474442>

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Thomson Reuters introduces international pro bono project connecting NGOs to lawyers

For the full story, see:

<http://www.law.com/jsp/article.jsp?id=1202441780002&rss=newswire>

Get a globalised law degree

For the full story, see:

<http://www.thesundaily.com/article.cfm?id=43011>

Blind law school grad gets say in bar exam accommodations

For the full story, see:

http://www.law.com/jsp/article.jsp?id=1202441785788&Blind_Law_School_Grad_Gets_Say_in_Bar_Exam_Accommodations

Call for increased assistance for Indigenous law students going into practice

For the full story, see:

<http://www.thenewlawyer.com.au/article/Lawyers-call-Indigenous-Australians-to-the-law/511291.aspx> ■

FEATURE ARTICLE

Graduate Careers in the Community Legal Sector

By Jane Staley

The pursuit of justice

You may have been attracted to the study of law because you want to 'make a difference'. Or, in the course of your studies, you may have been confronted by inequities and injustices that have made you want to make a contribution beyond the traditional practice of law. But as you near graduation, how do you transform these aspirations into a career? And what can you best do now, as a student that will ensure you are ready for such a career?

Making a difference a reality

One sector that certainly meets the 'making a difference' criterion is the community legal sector. There are over 200 community legal centres (CLCs) around Australia, providing free legal services to people experiencing economic, social or cultural disadvantage and whose life circumstances are often affected entirely by their legal problem. Funded primarily by federal and state governments, these independent services provide a breadth of opportunity for individual lawyers to make a real contribution to people's lives through direct legal services and policy development.

In addition to generalist CLCs, there are a number of specialist CLCs that focus on specific issues such as welfare rights, mental health, environmental law, credit and debt, disability discrimination, child support, tenancy, immigration, employment or the arts, or which target a specific group within the community, such as Aboriginal and Torres Strait Islanders, children and young people, women, older people, refugees, prisoners and the homeless.

Graduate pathways into Community Legal Centres

At the Federation of Community Legal Centres (Victoria) we have just completed the recruitment process for our Community Legal Centre Law Graduate Scheme. The scheme aims to deliver more effective community legal services across Victoria by recruiting excellent law graduates into Victorian community legal centres. Under the Scheme, a final year law student is offered:

- a paid position in a practical legal training (PLT) course;
- a CLC placement for the professional placement component of the PLT course;
- a 12-month graduate CLC lawyer position comprising three 'rotations' through CLCs, including one in a rural or regional CLC; and
- ongoing professional development throughout the 12-month position.

This is the first year of the Scheme, and already it has demonstrated the depth of commitment and experience that graduates have to offer the community legal sector. With over 90 applicants from all over the country for a

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single position, it has also demonstrated how competitive it is for students secure this type of role!

While this is the first graduate scheme specifically for the community legal sector, a few other schemes provide pathways into the community sector or Legal Aid around the country (see some links below). The general advice about preparing your application and the work you need to be doing now, while you are a student, would apply to any graduate position in a community legal centre.

Preparing for a career in the community legal sector

While academic achievement is important, it is by no means the most important attribute we look for in an application. We look for people who will bring a diverse range of experience and skills to the job, and who are able to demonstrate a commitment to social justice. This may be demonstrated through volunteering, subject choice, extra-curricular activities, work experience or life experience.

If you are serious about a career in the community legal sector, you may already be volunteering at a local or specialist CLC. If you would like to get involved as a volunteer, you can find details of opportunities in your area at <http://clcvolunteers.net.au/>. Volunteering will also give you an idea of the types of work you may be interested in (generalist services or a specialist area; client work or policy, or a mixture of both).

When we look at applications for graduate positions or traineeships, we look at both length of service at a CLC or similar NGO, as well as how often the applicant volunteers. The more hours you can put in, the deeper your experience will be. Look for opportunities to extend the type of voluntary work you do. Apart from regular volunteering, you could also apply for full-time internships, which are offered by some CLCs during term-breaks.

Some hints for applications

- The covering letter is crucial: show your commitment, articulate your ideals and demonstrate your desire for THIS job.

- Address the selection criteria: always use examples. It's ok to note weaknesses/lack of experience, but demonstrate how you would work to overcome them.
- Demonstrate understanding of the sector/ specific CLC.
- Read the application pack carefully, and follow the instructions.
- Presentation: spellcheck and proof your application carefully, combine all your documents into a single PDF, call the document by your own name (eg, Jemima Shingle.pdf).
- Make sure you meet the deadline – lateness will make you look disorganised and may disqualify you.

Useful links

Federation of Community Legal Centres (Victoria)
http://www.communitylaw.org.au/cb_pages/jobs_and_getting_involved.php

National Association of Community Legal Centres
<http://www.naclc.org.au/>

Legal Aid offers a range of graduate programs and traineeships. For further information, see the website of your local Legal Aid office. ■



Jane Staley is the Law Graduate Scheme Manager at the Federation of Community Legal Centres (Vic) Inc.

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Member Profile: Claire O'Connor

By Jessica Mankarios



Claire O'Connor was always attracted to a career in law. As a witness in a trial as a child over a MVA, she found the court a fascinating place and wanted a career that would combine her love of public speaking with her need to work in an area of social justice. For Claire, becoming a barrister was 'the best decision', and her only regret was that she didn't do it earlier!!!

In 1980, Claire graduated from Otago University, Dunedin, New Zealand, and was admitted. Working as a lawyer in South Australia, Claire appeared in court regularly as a solicitor. "I did murder trials, refugee cases and even a High Court case while a solicitor as counsel." Claire decided to become a barrister because she wanted the independence of life at the bar. "The best thing is being self-employed and the freedom it gives."

When asked how working as a barrister differs to working as a solicitor, Claire says, "As a solicitor you are more invested in the person and making hard decisions is sometimes difficult. As a barrister the ultimate outcome is the barrister's responsibility, which I enjoy. Not having control over the preliminary matters that bring a matter to trial can sometimes be a burden, however. Also, all the hard work in preparation is in the solicitor's hands. Barristers forget sometimes how hard being a solicitor is!"

Claire finds her role as a barrister both personally and professionally rewarding and enjoys the ability to advocate for those who would not have justice without her skills. Claire said, "The most rewarding aspect of my job is knowing that I have been able to achieve a legal outcome that has affected someone's life positively." She also enjoys jury trials where she has the

opportunity to explain the client's case to lay people in a way that allows them to understand the client's position, which she describes as "the hardest and yet most satisfying advocacy skill a lawyer can have". Her least favourite aspect of the job is not getting the outcome she had hoped for.

The most challenging area of law that Claire practises in is appeal work: having three skilled and intellectual persons considering and pulling apart your argument is challenging, along with providing solicitors with written opinions, especially when they deliver boxes of materials!

When asked about any areas of the law or groups of people that require the urgent attention of our nation's law-makers, Claire responded, "Refugees who have suffered a mental illness as a result of their detention for years in detention centres without access to adequate mental health services, in conditions we wouldn't allow for persons found guilty of murder." If Claire could model herself on one lawyer/barrister it would be Nelson Mandela. "He walked the walk and talked the talk and came out of imprisonment for his beliefs without bitterness and with compassion. A hero."

Claire recommends that law students become involved with the ALA and/or other similar organisations, as she has found that being a member of the ALA has allowed her to meet wonderful people both in South Australia and nationally.

After Claire had finished her final year in law she left New Zealand, came to Adelaide and started knocking on doors! Her advice to final law students when choosing a career path in law is "Find something about law that you love and get someone to pay you to do that." She is of the opinion that many firms like people who have other interests and passions besides law. Claire said, "If I am interviewing people, I want them to be confident and interesting – and to demonstrate some intellectual skills and abilities." In the current economic climate, Claire advises law students to follow their passions in law. "Don't make any decision solely based on money – make it based on getting out there and having a full life." Claire's advice to the current generation of law students is, "Lawyers should strive to make the unheard heard".

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In her spare time, Claire enjoys cycling to relax. "I like to cycle travel. I did a trip from Bangkok to Angkor Wat last year and am either doing Vietnam or Japan this year – the best fun!" She also enjoys watching movies and TV to unwind. Her favourite shows are *The Wire*, *Q and A*, *OI*, and *Boston Legal*. ■

Jessica Mankarios is a volunteer at the Australian Lawyers Alliance.

Volunteer Profile: Daniel Storok

By Erica Lai



Despite having an interest in environmental and corporate law, Daniel Aaron Storok has an active interest in social justice and tries to do as much as he can to help support charitable organisations, such as the Cancer Council with Daffodil Day.

Daniel is currently completing a Master of Laws (LLM) at the University of Sydney, but has already obtained an LLB, a degree in Business Management and Graduate Diploma in Legal Practice. Although he thinks there is very little not to like about completing the LLM, sometimes the assignments can be quite demanding, but overall Daniel still likes the challenge.

While completing numerous units on environmental law, Daniel found in Dr Chris McGrath – a barrister in Queensland practising in environmental law and a senior lecturer in environmental regulation at the University of Queensland – a mentor and someone he admires professionally. "The amount of work he has done to promote ecological sustainability, on both an international and national level, is very inspiring."

Daniel has just finished the practical component of the Graduate Diploma in Legal Practice by working at VK Solicitors and Associates, a boutique law firm which specialises in commercial and immigration matters. "The

work was very interesting and quite challenging. Having a hands-on role and dealing with complex matters from day one under the tutelage of the principal solicitor was an experience not to be forgotten. Working at a legal firm is quite distinct from other forms of employment. Attention to detail is crucial, and the need for clear and concise communication with clientele is priority number one."

In the future, Daniel hopes to obtain work focusing on the corporate sector, "Whether it be defending a company director who has breached his fiduciary duties, or working for ASIC in dealing with companies that have breached the law, my dream job would see me as a corporate law barrister, or as a CEO of a not-for-profit organisation which focuses on helping the sick or underprivileged in the local community."

In regards to applying for graduate positions, Daniel said. "I am looking to obtain a position at ASIC or in a mid-tier firm which focuses extensively upon high-quality training for their staff. Learning as much as possible from your first few years in the office is crucial for long-term success." Although gaining as much practical experience as possible in the workforce is important to Daniel, he wants to continue to learn. "Life is all about learning. I also hope one day to run my own business."

Daniel has been a volunteer at the ALA for the past six months. In describing his experience at the ALA he said, "It has been very rewarding to contribute work to an organisation which is about promoting equality and access to justice for all."

In his spare time, Daniel likes to watch movies (His favourite movie is *The Hangover*) or read biographies, particularly those which focus upon Nelson Mandela and his rise to power – such as *Higher than Hope: The Authorised Biography of Nelson Mandela*. Daniel is also active in the sporting arena, particularly in soccer.

When quizzed on the best advice he had been given, Daniel said, "As Abraham Lincoln once quoted: 'Give me six hours to chop down a tree and I will spend the first four sharpening the axe.' In other words, in order to obtain good grades, being thorough with your exam and assignment preparation is the key to success." ■

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In the news

ALLIANCE DIRECTOR'S STANCE ON MANDATORY SENTENCING IN *THE MERCURY* (2/3/10)

The Alliance has continued its fight to prevent mandatory sentencing laws being introduced in states and territories across Australia as governments seek to remove judicial discretion when police or emergency service workers are assaulted.

Greg Barns, ALA Tasmanian branch director, spoke with *The Mercury* this week, following an article in the newspaper quoting a Police Association of Tasmania spokesperson calling for such mandatory measures to be introduced in Tasmania.

Mr Barns told the paper that mandatory sentencing was dangerous and threatened civil liberties, as judges needed to be able to assess situations on a case-by-case basis in the event of mitigating circumstances.

He also said while the majority of police officers behaved appropriately when confronting situations, there had been times when they had mishandled their power and this was another reason why such a law should not be introduced.

In the article, the police association spokesperson claims that Mr Barns' comments undermine the integrity of the justice system, but fails to understand that mandatory sentencing is what undermines the justice system.

Interestingly, the Queensland Police Commissioner this week admitted that police officers in south-east Queensland had become desensitised to situations and his answer was to put more police on the street because of this desensitisation.

To view *The Mercury* story, click here:

http://www.themercury.com.au/article/2010/03/02/131035_scalesofjustice.html

To view the original police association article, click here:

http://www.themercury.com.au/article/2010/03/01/130771_scalesofjustice.html

To view the Queensland Police Commissioner's admission, click here:

http://www.news.com.au/couriermail/story/0,20797,26798301-3102,00.html?from=public_rss

QUEENSLAND CRIMINAL LAWYER TALKS TO INDIGENOUS RADIO ON MANDATORY SENTENCING

Alliance member and criminal lawyer, Peter Russo, discussed proposed mandatory sentencing laws for Queensland with the *National Indigenous Broadcasting Service* this week.

Mr Russo told the station that from every angle the proposed laws spelt disaster for civil rights, and Indigenous people may find themselves increasingly vulnerable to such draconian laws, which would stop judges assessing situations on a case-by-case basis.

NSW DEFAMATION LAW SPECIALIST SPEAKS TO CHANNEL NINE FOR ALLIANCE

Defamation law specialist, Michael Hall, was interviewed by *Channel Nine's* Denham Hitchcock, for the Alliance.

Mr Hall, from NSW's Nigel Bowen Chambers, took up the call following a request to the Alliance by Mr Hitchcock to explain aspects of the law in light of the recent Lara Bingle privacy and defamation case.

The Bingle case involves privacy and defamation issues following the publication of a nude photograph of the model.

ALLIANCE COMMENTS ON WORKERS' COMP IN SA PUBLISHED IN OHS ALERTS

Comments from SA president, Tony Kerin, on problems with the South Australian workers' compensation system have been distributed across via an OHS news service on the net to anyone with an interest in OHS issues.

South Australian representatives, including Mr Kerin and Peter Moloney, have been working tirelessly during the South Australian election campaign to raise the issue of the flawed WorkCover system.

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The campaign has included television and newspaper advertisements, press releases, media interviews and lobbying of both sides of government.

To read what is being said, go to:

<http://www.workplaceohs.com.au/NewsDetail.asp?ID=24882>

INTERNATIONAL

USA - BUSINESS HQ IS WHERE EXECUTIVES ARE

The *Associated Press* reports that the Supreme Court decided that a corporation's principal place of business is where the company's executives work, not where the company's products are sold. The unanimous ruling by the high court is likely to make it harder to sue out-of-state corporations in state courts, which are considered friendlier to class-action lawsuits than are federal courts.

For more information, see:

http://www.law.com/jsp/article.jsp?id=1202444339091&src=EMC-Email&et=editorial&bu=Law.com&pt=Law.com%20Newswire%20Update&cn=LAWCOM_NewsWireUpdate_20100223&kw=In%20Unanimous%20Ruling%2C%20Supreme%20Court%20Says%20Business%20HQ%20Is%20Where%20Executives%20Are

USA - MIRANDA WARNINGS TAKE A SUPREME HIT

The National Law Journal reports that the Supreme Court established new, more permissive rules for police who want to question a suspect for a second time after the suspect invokes his or her *Miranda* rights to remain silent. And, in a further ruling, the justices said that Florida's alternative wording of the warning is acceptable, even though it does not explicitly state that a suspect has a right to have a lawyer present during questioning.

For more information, see:

http://www.law.com/jsp/article.jsp?id=1202444486063&src=EMC-Email&et=editorial&bu=Law.com&pt=LAWCOM%20Newswire&cn=NW_20100225&kw='Miranda'%20Dealt%20Out-Of-Court%20Punch%20by%20High%20Court

SAUDI WOMAN SUES HOTEL FOR HOTEL FOR US\$1.3m OVER MOSQUITO BITES

Russian news service, *Ria Novosti*, notes a Saudi newspaper's report that a woman in Saudi Arabia is suing a five-star hotel because she received mosquito bites. The paper, *Al Hayat*, reported that a court in the city of Jidda started considering the lawsuit as the woman demanded that hotel owners pay her 5 million Saudi riyals (US\$1.3 million) in damages. She claimed that as a result of numerous mosquito bites she had suffered while staying at the hotel she fell ill, started having severe pains and itching, and her skin turned red. It is reported that a doctor advised her to undergo a medical examination and start treatment in a hospital.

For more information, see:

<http://en.rian.ru/strange/20100209/157817268.html>

Branch News

NATIONAL

PRODUCTIVITY COMMISSION RELEASES NOT-FOR-PROFIT REPORT

The Productivity Commission has released its final report on the *Contribution of the Not-for-Profit Sector*. The Commission found there is a need for wide-ranging reforms to remove unnecessary burdens and costs faced by the not-for-profit sector. Among its recommendations, the Commission noted the need for reform of government purchasing and contracting arrangements.

Download the Productivity Commission report here:

<http://www.pc.gov.au/projects/study/not-for-profit/report>

STATE - ACT

TERRITORY TORTS

(1) SLIP & FALL

A shopping centre and its contract cleaners were sued over a wet/damp floor. The centre escaped liability as it had delegated its duty to the cleaners. Joinder of shopping centre by plaintiff was not unreasonable.

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Bullock orders were given. This case provides good guidance for counsel when invited to provide a range for general damages.

For more information see:

<http://www.courts.act.gov.au/supreme/judgments/jennings.htm>

(2) LIMITATIONS

Court of Appeal on applicant's legal onus to justify extension of time v respondent's onus to adduce evidence to establish actual prejudice. No error was found in the Master's reasoning.

For more information see:

<http://www.courts.act.gov.au/supreme/judgmentsca/laws.htm>

The ALA would like to thank John Little of Maliganis Edwards Johnson for these contributions.

STATE - NSW

NEW GUIDELINES FOR ON-THE-SPOT-FINES

The NSW attorney-general recently signed off on two changes in relation to the issue of penalty notices under the *Fines Act 1996* (NSW). The AG has issued a set of guidelines, the Caution Guidelines, for use by officers who issue penalty notices under the *Fines Act 1996*. The guidelines specify that a number of factors should be considered before an officer issues a penalty notice. These include whether the person is homeless, has a mental illness or intellectual disability, or is under the age of 18.

In a related development, the AG has also issued a set of internal guidelines for agencies that issue penalty notices. The Internal Review Guidelines under the *Fines Act 1996* require agencies that issue penalty notices to withdraw the notice if it's given to a person who is unable to understand that their conduct constituted an offence, or is unable to control such conduct.

NEGLIGENT EXERCISE ROUTINE

Basha v Vocational Capacity Centre Pty Ltd & Anor [2009] NSWCA 409

In *Basha*, the plaintiff sued a vocational capacity centre and the practitioner who conducted the physical assessment for injury suffered during the course of that assessment on behalf of a workers' compensation insurer, the GIO. She had just undergone a right shoulder rotator cuff repair and a left shoulder decompression procedure. Less than a month later, she was required during the assessment to crawl nine metres and undertake other exercises that were alleged to have aggravated her existing injuries and required her to undergo further surgery. At first instance, Garling DCJ found negligence. The plaintiff appealed on quantum and the defendants appealed against the finding of breach of duty of care.

Applying s5B of the *Civil Liability Act*, the Court of Appeal was satisfied that the trial judge did not err in concluding that the crawling and weight-bearing activities were inappropriate and negligent. Accordingly, the defendants' appeals were dismissed with costs. The plaintiff's damages were substantially increased.

The ALA would like to thank Andrew Morrison SC for this contribution.

PERSONAL TRAINER LEADS TO PERSONAL INJURY

Wilson v Nilepac Pty Ltd [2009] NSWSC 1365 (McCallum J)

In *Wilson*, the plaintiff was a 40-year-old barrister who signed up for a fitness program with a personal trainer at a local gym. Four weeks into the program he suffered a lower back injury (prolapsed disc). He sued the personal trainer and the company owning the gym. The defendants acknowledged a duty of care and did not allege contributory negligence. The trial judge was not satisfied that there was any breach of contract or breach of duty on the part of the defendants on the facts, although he accepted the plaintiff as a truthful if fallible witness. The trial judge was, however, satisfied that on the probabilities that the injury was caused during the exercise routine.

The ALA would like to thank Andrew Morrison SC for this contribution.

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STATE - QLD

NEW LAWS FOR QLD TEACHERS

Primary teachers will be tested on their literacy, numeracy and science skills before entering Queensland classrooms under new laws. Education and Training Minister, Geoff Wilson, said the amendments would allow the Queensland College of Teachers to develop a new testing regime for teacher graduates. Other changes included the recognition of experience for those working in non-school settings such kindergartens or TAFE Senior Colleges for the purposes of teacher registration.

\$920,000 PROVIDED TO QUEENSLAND DISABILITY SERVICE-PROVIDERS

Queensland disability service providers will benefit from a \$920,000 funding boost by a joint State-Commonwealth program.

NEW DISTRICT COURT JUDGES APPOINTED

Four lawyers possessing a combined total of 127 years of legal experience have been appointed new judges of the District Court. The new judges are Kiernan Dorney QC, Brian Harrison, Richard Jones and David Reid. The appointments covered the retirements of Senior Judge Gilbert Trafford-Walker, Judge Helen O'Sullivan and Judge Charles Brabazon QC, and the appointment of Justice Alan Wilson as a Supreme Court judge. The appointments restore the number of District Court judges to a full complement of 38.

Kiernan Dorney QC has been practising as a barrister in Queensland since 1974 and has been a member of both the Legal Practice Tribunal and the Commercial and Consumer Tribunal. Brian Harrison is a former Aboriginal and Torres Strait Islander Legal Service and Legal Aid lawyer who was admitted as a solicitor in 1975 and has been practising at the private bar in Rockhampton and Mackay since 1986.

Richard Jones joined the private bar in Brisbane in 1985 and has practised extensively in the civil jurisdiction, particularly on compensation law and Land Court matters. He was appointed a member of the Land Court in 2005. Since 1979, David Reid has practised as either a

barrister or solicitor, focusing most recently on accident compensation cases, but previously also doing significant work in commercial and equity matters.

STATE - SA

NO BREACH OF MUTUALITY FOUND

Pollard v Walker Australia Pty Ltd 8/2/10 [2010] SAWCT 2

In *Pollard*, a worker fell and suffered a work aggravation of his pre-existing radiocarpoid arthritis in his wrist. The effects of the work aggravation continue to cause him partial incapacity, although not so as to incapacitate him for the work he was performing before his fall. He remains willing to do his pre-fall duties, but the respondent is not willing to provide them because of the risk of aggravating the wrist. Due to an alleged failure of the worker to attend work as per a return to work plan, the respondent claimed a breach of mutuality. McCouaig DP found that the worker did not breach mutuality by not attending for work and hence the respondent erred by ceasing his weekly compensation on the basis of such an alleged breach.

The ALA would like to thank David Kidd of Kidd's Law Publications (Kidd LRS Pty Ltd) for this contribution.

SA LIBS PLEDGE TO FIX RANN'S WORKCOVER 'MESS'

With South Australia's state elections to be held on 20 March, the Liberal Opposition has pledged to fix what it has dubbed 'the WorkCover mess' created by Mike Rann's Labor government, by 'clawing back' the authority's \$1.1 billion in unfunded liability through a range of reforms designed to increase accountability. Based on the model currently used in Queensland, opposition leader, Isobel Redmond, said her party plans to split WorkCover's existing dual role of regulator and insurer, with a new independent regulatory authority taking responsibility for ensuring WorkCover's operation, as the insurer is 'more open, transparent and accountable'.

While the *WorkCover Act* requires a review of WorkCover in 2011, Redmond said that her party would initiate an earlier review of the *WorkCover Act* if elected,

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with the intention of including the WorkCover Board's performance, WorkCover's management and the claims manager, EML, and legal services provider, Minter Ellison. The Liberals have pledged to 'abolish the monopoly in claims management' when the current claims manager's contract expires.

CAUSE OF ACTION NOT PROPERLY PLEADED

OE & DR Pope Pty Ltd v Harris & Orchard (No 3) [2010] SASC 10 (1 February 2010)

The plaintiff brought an action against his accountant for professional negligence. The plaintiff sought leave to file a 3rd further amended statement in the terms of the draft exhibited to the affidavit of its solicitor filed that day. The court rejected the application for the following reasons:

- 1). The cause of action was not properly pleaded; and
- 2). The defendant properly admitted that it had provided some services, but only in the context of a claim where the precise nature of the auditing had no bearing on the relief sought.

The court dismissed the claim and awarded costs to the defendant, to be paid by the plaintiff.

The ALA would like to thank Roopa Varadharajan for this contribution.

For the full judgment, see:
<http://www.austlii.edu.au/au/cases/sa/SASC/2010/10.html>

STATE - VIC

APPLICATION FOR LEAVE TO APPEAL DISMISSED AFTER COURT FAILS TO FIND ANY DEFECT IN SERVICE

Eastern Australia Airlines Pty Ltd v McLennan [2009] VSCA 293 (11 December 2009)

In *McLennan*, the respondent sought damages for pain and suffering and loss of earning capacity arising from an injury she sustained in November 2004 while employed by the applicant, Eastern Australia Airlines. Qantas Airways Ltd (Qantas), the parent company and self-insurer of Eastern Airlines employees, was required

to respond to the respondent's application under s134AB(4) of the *Accident Compensation Act 1985* within 120 days of receipt, failing which, by s134AB(9) of the Act, the worker is deemed to have suffered a serious injury.

Qantas was required to respond to the application within 120 days of 30 May 2008. However, according to Qantas, due to a defect in service, they did not receive the application until 29 September 2008 and thereafter responded within the time prescribed. If this argument was accepted by the court, the respondent should not have been deemed to have suffered a serious injury and consequently was not entitled to issue her proceeding. The Victorian Supreme Court of Appeal dismissed the application for leave to appeal, finding that the application was received by or was brought to the attention of Qantas on 30 May 2008. The court was satisfied that the sending of the application by registered mail did achieve the purpose of bringing the application to the attention of Qantas. The failure of the defendant to respond to the application as required by s134AB(7) was because it was overlooked or in some other way misplaced, and was not due to any defect in service.

The ALA would like to thank Daniel Storok for this contribution.

For the full judgment, see:
<http://www.austlii.edu.au/au/cases/vic/VSCA/2009/293.html>

STATE - WA

BRICK-MAKING COMPANY FINED FOR WORKER'S INJURY

Midland Brick has been hit with a \$70,000 fine after an incident in which an employee lost his right arm in 2006. The labour-hire employee was cleaning a material conveyor machine at the company's Jandakot premises when the machine unexpectedly started, ripping his right arm and shoulder from his body.

Worksafe WA says there was no emergency stop button and some of the guards were not properly attached to the machinery. In December, Midland Brick was convicted of failing to provide a safe workplace and causing serious harm to an employee.

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For the full story, see:

<http://www.abc.net.au/news/stories/2010/02/23/2828251.htm>

CRIMINAL

PRE-TRIAL PROCEDURAL REQUIREMENTS

An indictment must be presented within four weeks of committal unless time is extended by regulation, rules of the court or with the leave of the court, providing always that the accused is to be re-arraigned when the jury is empanelled: ss129 & 130 of *Criminal Procedure Act* 1986. The manner in which *voir dire* proceedings should be conducted is set out generally in s189 of the *Evidence Act* 1995. Pre-trial orders in prescribed sexual offence cases are binding on the trial judge unless, in the opinion of the trial judge, it would not be in the interests of justice for the order to be binding: s130A of the *Criminal Procedure Act* 1986. Notice of alibi must be given by the accused to the Director of Public Prosecutions at least 21 days prior to trial. If notice in the required form is not given, an accused person cannot adduce evidence of alibi without the leave of the court: s150 of the *Criminal Procedure Act* 1986.

REPORT ON THREE-DIMENSIONAL VIRTUAL ENVIRONMENTS

The Australian Institute of Criminology has released a report titled: *Crime risks of three-dimensional virtual environments* by Ian Warren and Darren Palmer.

Three-dimensional virtual environments (3dves) are the new generation of digital multi-user social networking platforms. Their immersive character and avatars enable a degree of virtual interaction not possible through conventional text-based internet technologies. In addition to the conventional range of cyber crimes (including economic fraud, the dissemination of child pornography and copyright violations), 3dves are the source of speculation and concern about a range of specific and emerging forms of crime and harm to users. Internal regulation by user groups, terms of service, or end-user licensing agreements, possibly linked to real-world criminological principles, are suggested. This paper also provides some directions for future research

aimed at understanding the role of Australian criminal law and the justice system more broadly in this emerging field.

Trends & issues in crime and criminal justice No. 388.

For more information, see:

<http://www.aic.gov.au/en/publications/current%20series/tandi/381-400/tandi388.aspx> ■

Upcoming Events

The Australian Lawyers Alliance is a leading national provider of Continuing Legal Education in every Australian state and territory. Events include local seminars and workshops, state and territory conferences, a medical law conference and a national conference. A limited number of free student places are available for all local seminars. Please contact the head office on (02) 9258 7700 for more information.

NSW State Conference 2010

19 March 2010 - 20 March 2010

Crowne Plaza Terrigal

For more information, please click [here](#).

VIC State Conference 2010

14 May 2010 - 15 May 2010

Peppers The Sands Resort Torquay

For more information, please click [here](#).

ACT Branch Conference 2010

25 June 2010

Hyatt Hotel Canberra

For more information, please click [here](#).

National Conference 2010

21 October 2010 - 23 October 2010

Alice Springs Convention Centre

For more information, please click [here](#). ■

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Help us get involved with your student association

The Australian Lawyers Alliance is committed to helping law students and student associations where we can. We are looking at a range of essay competition ideas, conducting a trial school program and a range of other ideas.

We want to get law student associations involved so we have their input and can provide assistance to them wherever possible. In order to help us do this, it would help to know who to contact.

If you are a member of a law student association or other support body, please email details of the association and, if possible, the name of the president or contact person, to nancy@lawyersalliance.com.au. ■

Announcements

ALA Legal Essay Competition 2010

The theme of the 2010 ALA legal essay competition focuses on human rights and the rights of the individual. Papers are welcome from all NSW undergraduate law students. Essays ought to be no more than 2000 words and must address one of the three topics below.

Topic 1: 'In the United States, at present there is a debate concerning health care reform. President Obama has indicated that health care reform may include a consideration of tort reform. Do you consider that there is a link between health care reform and tort reform?' Discuss.

Topic 2: 'The case of Dr Haneef confirms that it is important in a liberal democratic society to have a free press. Dr Haneef's case clearly demonstrates that a free press is of greater significance to the protection of the rights of individuals than a bill of rights. Do you agree?' Discuss.

Topic 3: 'There has been considerable debate concerning mandatory sentencing and truth in sentencing. The benefit of mandatory sentencing is that the punishment of an offender is known and truth in sentencing creates reassurance in members of the public of criminal punishment. Do you agree?' Discuss.

Entrants in the competition will have the chance to win:

- **\$1,000 cash prize** kindly donated by Stacks//Goudkamp Lawyers
- full year's membership of the Australian Lawyers Alliance
- a Certificate of Achievement
- publication of the winning essay in the industry journal, *Precedent*
- the opportunity to mingle with influential members of the legal profession who may be potential future employers

10 runners-up will receive a full year's student membership of the Australian Lawyers Alliance.

Submissions must be received by **5pm Friday 28 May 2010**, together with a completed [application form](#).

Contributions

Got some great goss? Want to share your tips with other law students across Australia? Something about uni annoying you? Don't just sit there, vent your frustrations! Send in your tips, gossip & over-the-top comments to news@lawyersalliance.com.au, with 're: ALASN' in the subject header.

Preference will be given to comments that are short and succinct: maximum length is 200 words. We reserve the right to edit comments for length. Anonymity is at your discretion.

Feedback

We are interested in receiving your feedback to help us improve future newsletters. Please feel free to let us know your thoughts by sending your comments to: news@lawyersalliance.com.au, with 're: ALASN' in the subject header. ■

Positions Available

Volunteer Researchers/Writers Australian Lawyers Alliance

We now need assistance in our Public Affairs and Policy team, and are looking to fill the following two positions:

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Position 1: Remote Research/Writer

The *Remote Research/Writer Assistant* provides support to the Legal & Policy Officer. You will prepare case summaries of the latest judgments and undertake other legal/policy research as directed by the Legal Officer. Office attendance is not necessary, so you can prepare the tasks at times and places most convenient for you – at home, on days off or even between uni lectures! Your written work will need to be of a high standard.

Position 2: In-House Research/ Writer

The *In-House Research/ Writer Assistant* must attend the Sydney office. You can choose which day best suits you to attend. It is expected that you will be diligent, competent, committed and trustworthy. Your written work, presentation and organisational skills will always be of a high standard. Our members are professionals and are used to dealing with and obtaining materials prepared by professionals.

You will be required to undertake research for our weekly e-newsletter. From time to time, you will also be required to undertake research and preparation for submissions, and perform administrative and editorial tasks, including the following:

- Liaising with members;
- Preparing the ALA newsletter;
- Providing assistance to the team that generates new member services and publications; and
- Providing general support to the Public Affairs team as required.

You will be kept busy. This is not a position for socialites or the indolent!

Requirements for Positions 1 & 2

Applicants must be in their penultimate year of their law degree, have excellent written, research and organisational skills and be competent with computers.

Applicants for position 2 are required to complete the Merit Selection questions below.

Conditions of Engagement

Both roles are considered voluntary and as such do not constitute an employment relationship. You will be working among a friendly and dedicated team that

maintains a strong work ethic, coupled with a flexible and relaxed work environment.

This is an excellent opportunity to gain experience in a not-for-profit organisation that offers both advocacy and educational services to lawyers. This position will help the successful applicant develop their written and research skills while gaining exposure in personal injury, human rights, OH&S, immigration, industrial relations and criminal law.

Merit Selection (Position 2 only)

Please include a response to each of the following with your application. Limit your response to **no more than 150 words**.

1. What specific skills, knowledge or experience will you bring to the ALA?
2. We are often faced with different, competing tasks. Describe a situation when you were required to plan ahead and prioritise your workload to ensure that work was completed to a deadline.
3. What makes a team work well together? Provide an example of team success or failure and what you learnt from it.

Applications

Please email a covering letter attaching your résumé/CV to Patrick Coetsee at: Patrick@lawyersalliance.com.au by close of business Monday 19 April 2010.

Please nominate which position you are applying for in the subject field of the email. You are welcome to apply for both positions. Applicants for position 2 selected for interview will be notified by telephone.

PLT Placement Offer**Attention all Sydney law students seeking placement for PLT**

The ALA is offering one student the awesome opportunity to complete their PLT at a member's firm. This highly sought-after position is available only to students who are members of the ALA and who wish to complete their PLT requirements for 2010.

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Located in the Sydney CBD, you will be working under the supervision of the firm's partner. Your work will be exclusively in personal injury. You must be a dedicated, meticulous and highly motivated student. This position comes with the possibility of future employment at the firm.

Please email expressions of interest to Michel Geurts (Michel@lawyersalliance.com.au) with a covering letter and your contact details.

You are welcome to submit your membership form now to take advantage of this fantastic opportunity.

The closing date is Wednesday 31 March 2010.

Further PLT offers will be made available to student members in future editions of this newsletter.

DON'T LET THIS OPPORTUNITY PASS – BE QUICK & GET IN FAST.

Graduate Employment Community Legal Centres, Victoria

The Federation of Community Legal Centres has recently commenced the Community Legal Centre Law Graduate Scheme. This program, funded by a Legal Services Board Grant, provides an opportunity for one law graduate per year to start their legal career in Victorian community legal centres.

Applications are now open for the 2010 Graduate Lawyer position. The position will involve a 12 month contract with three placements in Victorian CLCs, one of which is a rural and regional CLC (with housing assistance). Towards the end of the 12 month period, the Federation will work with the graduate to identify ongoing employment opportunities within CLCs. The position will commence in August 2010. This position will be open to law graduates who will have completed (or are currently completing) their practical legal training and will be eligible to be admitted to practice in August 2010.

For further details, please see:
www.communitylaw.org.au ■

Become a Lawyers Alliance member today for just \$35!

Want to enjoy all the benefits of being a member of the Australian Lawyers Alliance? As a full-time student, you can become a member for just \$35!

Membership gives you access to discounts on all of our legal education events around the country. These include seminars and conferences (around 35 events per year), which not only keep you updated on the latest developments in the law, but provide excellent networking opportunities with current practitioners in the field.

As a member, you will also receive subscriptions to our bi-monthly journal, *Precedent*, which is an excellent resource for university assignments, and our weekly email newsletter, *Australian Lawyers Alliance News*, which is the best way to keep up with developments in case law and policy around Australia.

Click [here](#) to download the form, and sign up today! ■

Enquiries

If you have any enquiries about the contents of this student newsletter, membership, events, or anything else please do not hesitate to send us an email at enquiries@lawyersalliance.com.au.

For sponsorship requests, please contact Mandy Wyer on 02 9258 7700 or at Mandy@lawyersalliance.com.au.

To contribute to this newsletter or get involved with the association in some other way, contact Nancy on 02 9258 7700 or nancy@lawyersalliance.com.au ■

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www.slatergordon.com.au

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If you are a business that would like to sponsor this publication, please contact Michel Geurts on 02 9258 7700 or at Michel@lawyersalliance.com.au.

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