CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMME

FEBRUARY TO JUNE 2018
Keeping up to date with the latest legal and professional developments

lawocietywa.asn.au
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*Terms, conditions and exclusions apply. Inc GST. Figures based on the 2016/17 CPD Programme.
From the Law Society

The Law Society is delighted to present its Continuing Professional Development (CPD) programme and is proud to support the education of the Western Australian legal profession. Our unrivalled programme connects you with leaders in the profession, judiciary and academia.

As the representative body of the legal profession and a not-for-profit organisation, the Law Society’s focus remains to provide an outstanding educational experience tailored to the needs of local practitioners. Our seminars, webinars, workshops and forums are informative and practical, providing you with information that you can use in your day-to-day practice, and unparalleled networking opportunities.

We understand it can be a challenge for busy lawyers, and especially country practitioners, to join us for face-to-face seminars at our training facility at 160 St Georges Terrace, Perth. The Law Society therefore takes a multi-faceted approach to legal education, offering webinars – sessions that can be accessed live online – and our eLearning platform, through which you can obtain high quality CPD seminars, wherever and whenever you like.

I encourage practitioners to consider the Law Society’s CPD Active membership. CPD Active provides significant value for money, allowing practitioners to complete their CPD requirements for a single flat fee of $800*. To find out more, please visit law societywa.asn.au/cpd-active.

Thank you to all our eminent speakers, who bring this programme to life through their skill, enthusiasm and knowledge, generously shared with the Western Australian legal profession.

Having just celebrated its 90th anniversary, the Law Society remains your original, and the best, partner in professional development. When you purchase a CPD seminar from the Law Society, the money stays within the profession, helping to deliver on and improve our CPD programme, as well as to further our advocacy and community work.

Accept no less – choose the Law Society as your partner in CPD.

Hayley Cormann
President
The Law Society of Western Australia

For the legal profession, where complex problem-solving and the ability to negotiate with and manage people sits at the heart of daily practice, a constructive culture that supports and respects learning is crucial. Leaders and aspiring leaders within the profession increasingly recognise that learning is a lifelong commitment and cannot begin and end in a classroom.

In an industry that is more connected and transnational than ever before, jurisdictionally-specific training reminds us that localism is important and that we are members of a West Australian legal profession. Every member of a legal services team is or has the potential to be client facing, and to enhance or damage relationships; tailored education for lawyers and support staff can help to mitigate some of the risk and help to foster a culture of candour. An organisational culture that encourages sharing of current information, openly receives feedback and new ideas from external sources, and reflects upon this information to improve performance, is positioned to be more proactive and resilient to change.

Whether delivered the traditional way in seminars or workshops, through blended learning, or on-demand, the range of options to access relevant and timely professional training is vast. Things can and do go wrong – fortunately, through the sharing of war stories and other case studies at a seminar, the catastrophe can be deconstructed and the lesson learned vicariously. The concept of continuous improvement does not have to be embedded in a personal development plan to be looked at and updated once a year. An employer that respects the importance of a constructive culture that fosters learning, and its capacity to empower or promote reflective practice, is positioned well in the war to attract and retain the best talent. A lawyer committed to delivering the best outcomes for clients, and to develop personally and professionally, will seek out training that inspires and facilitates problem-solving. However, the reality for the busy lawyer is that the compliance goal of meeting the requirements mandated by the Legal Profession Act, to accrue ten continuing professional development points across four competency areas by 31 March every year, tends to drive thoughts and actions towards the end of the CPD year. In 2018, the end of the CPD year falls on the Easter long weekend, so please be mindful of this as you plan your learning. As ever, we are most grateful to the Law Society’s CPD sponsor, legalsuper. Thank you for partnering with the Law Society of Western Australia in your professional development journey, and for allowing us to be here to support you.

Dr Andrew Lu OAM
LLB, LLM, SJD, ANZIIF (Fellow) CIP
Manager Professional Development
The Law Society of Western Australia

The Law Society of Western Australia
Phone: (08) 9324 8600 | Fax: (08) 9324 8699
Email: cpd@lawsocietywa.asn.au | Website: lawsocietywa.asn.au

*Terms, conditions and exclusions apply.
## FEBRUARY–JUNE 2018
### CONTINUING PROFESSIONAL DEVELOPMENT CALENDAR

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### ANYTIME CPD WITH eLearning

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**Please note** All new online CPD seminars will be available for purchase and completion during the month of March 2018 to meet your CPD requirements by 31st March 2018.

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**Law Week Special CPD Day for Rural, Regional and Remote Legal Practitioners**

**Friday, 18 May 2018**

**Location:** The Law Society of Western Australia, level 5, 160 St Georges Terrace, Perth

- 6 points across all 4 competency areas
- Includes 2 Law Mutual (WA) Risk Management points
- Country members of the Law Society: No Cost
- Country non-members of the Law Society: $150 inc GST

Registration also includes attendance at the Law Week Awards Night and Cocktail Evening on Friday 18 May 2018.

To register your expression of interest, please email cpd@lawsocietywa.asn.au
Succession Law

Tuesday, 13 February
2.00pm – 5.30pm

Succession law and secret offspring - current issues

Chair: Elizabeth Heenan
Special Counsel, Culshaw Miller; Convener Elder Law and Succession Committee, Law Society of Western Australia.

Daniel Yazdani
Lawyer, Commercial, Wills and Estates, Bowen Buchbinder Vilensky

Amanda Liston
Principal, Amanda Liston Legal

Jane Needham SC
Barrister, NSW Bar

Angelina Gomez
Counsel, Clifford Chance

This seminar brings together counsel for the executor in Lemon v Mead, WA’s highest profile succession case of 2017, to discuss what constitutes adequate provision for the proper maintenance of a billionaire’s secret offspring? For more modest estates, the seminar looks at how to deal with assets outside of the will such as jointly owned real property and superannuation? Finally, for centuries in England, limited and special grants of administration have been made by Courts exercising probate jurisdiction in circumstances where a general or unlimited grant of probate or administration was not appropriate. The seminar explores these ancient and well-established grants available to applicants in various circumstances, and considers recent Australian cases which have dealt with these limited grants.

Afternoon tea will be provided.

Level: Intermediate

1 point, Competency 2, Professional Skills
2 points, Competency 4, Substantive Law

Professional Skills | Diversity

Wednesday, 14 February
9.30am – 11.30am

At the Heart of Success: current workplace gender diversity initiatives driving change

Chair: Catherine Fletcher
Law Society Council Member; Chair of Joint Law Society/ Women Lawyers of WA and Advancement of Women in the Legal Profession Working Group; State Prosecutor, DPP

Libby Lyons
Director, Workplace Gender Equality Agency

Elizabeth Macknay
Partner, Herbert Smith Freehills

Jake Howard
Partner, Norton Rose Fullbright Australia

Margie Tannock
Partner, Squire Patton Boggs (AU)

Leanne Nickels
Partner, DLA Piper Australia

More employers are taking action to address pay gaps and gender imbalances that persist across the economy, according to 2016-17 workplace data released by the Workplace Gender Equality Agency (WGEA). WGEA is responsible for conducting work towards ensuring people have access to the same resources, rewards and opportunities regardless of gender. The significant progress towards workplace gender equality is advanced by employers that recognise the need to achieve broadly equal outcomes for women and men. This relates to pay equality, gender balance in Australia’s boardrooms and gender equality in management, promotion, recruitment and retention.

Special guest Libby Lyons, Director of the Workplace Gender Equality Agency will shed a spotlight on the step change in employer focus on gender equality referencing the Agency’s world-leading dataset 2016-17 gender equality scorecard. Partners of major law firms will also outline how they are demonstrating their commitment and leadership to gender equality and what it means for their businesses.

Morning tea will be provided.

Level: General

1.5 points, Competency 2, Professional Skills

Employment Law

Thursday, 15 February
9.00am – 12.15pm

Current issues in Employment Law

Chair: Daniel White
Special Counsel, Mills Oakley

Dominique Hartfield
Of Counsel, Squire Patton Boggs (AU)

Stephen Kemp
Director, Employ Law

Joanna Vincent
Solicitor

Cory Fogliani
Fogliani Lawyer

The world of work is forever changing and the new (or not so new) ‘gig economy’ has blurred and challenged the boundaries of our labour laws. Who are gig workers and where do they fit in Australia’s labour law system? How are gig workers regulated in the UK, USA and Europe? What does the future hold? These are some of the questions addressed in this seminar. Specifically hear about developments in key areas of restraints of trade, confidentiality and intellectual property as they relate to employees and the inducement of breach of contract by new employers.

In addition, a reminder about sham contracting (what is an independent contractor), restraints, accessorial liability, extension of time, legal representation in the Fair Work Commission, and a look at how the National Employment Standards interact with Awards, industrial agreements and contracts of employment, unfair dismissal and general protections. Thought leaders in employment and safety law will summarise recent cases, and share their insights into emerging trends.

Morning tea will be provided.

Level: Intermediate

3 points, Competency 4, Substantive Law
Family Law

**Friday, 16 February**

**1.00pm – 2.00pm**

*Ethics on Friday: ethical dilemmas for Family Lawyers*

*Chair: Elizabeth Needham*
  Barrister, Francis Burt Chambers

*Paula Wilkinson*
  Director, Kim Wilson & Co

*Adam Somerville-Brown*
  Senior Associate, Kim Wilson & Co

Understanding ethical obligations and recognising ethical dilemmas will be the subject of a paper presented by Accredited Family Law Specialists Paula Wilkinson and Adam Somerville-Brown.

Ethical standards of conduct represent an important professional obligation which we each have as lawyers. The session will focus upon the duties owed by family lawyers to the Court and the relevant Professional Conduct Rules. It will address some ethical dilemmas, in fact scenarios, making reference to case law along the way. The session is interactive.

A light lunch will be provided.

**Level: General**

1 point, Competency 3, Ethics and Professional Responsibility

Migration Law

**Wednesday, 21 February**

**5.00pm – 6.30pm**

*Migration Law Update Part 1*

*Chair: Peter Lochore*
  Barrister, Francis Burt Chambers

*David Blades*
  Barrister, Perth Chambers

*Tony Caravella*
  Director, Chisholm Law

In this seminar experienced migration practitioners, including former members of the AAT involved in migration decision making, will discuss some current trends in migration law and explain key migration principles which have emerged from recent judgments delivered by the Courts. Topics covered in this session:

- Recent Federal Court judgments on visa cancellations under s 501 of the Migration Act 1958
- Recent developments in bridging visas

**Level: Intermediate**

1.5 points, Competency 4, Substantive Law

Practice Management

**Webinar**

**Tuesday, 27 February**

**1.00pm – 2.00pm**

*How to avoid becoming a target for claims*

*Chair: Vicki Coles*
  Manager Risk, Law Mutual (WA)

*Ronwyn North*
  Managing Director, Streeton Consulting Pty Ltd

This seminar presents a way of approaching underlying causes of professional liability claims and will help inform risk management priorities, policies and work practices. If you have never had a claim made against you, how do you know whether this is a result of good luck or good practice? There are many potential risks in legal practice so it’s important to focus your investment of time and effort for claims prevention. The session is suitable for all practitioners and will provide research based insights into patterns of claims causation common to all practice areas. It will enable you to better assess the effectiveness of your current approaches to preventing claims and identify opportunities to reduce your exposure.

**Level: General**

1 point, Competency 1, Practice Management

Risk Management
Practice Management | Risk Management

**Wednesday, 28 February**

**10.00am – 12.00pm**

Supervision: obligations and risks

Libby Fulham  
Executive Director, Legal Practice Board

John Rogers  
General Manager, Law Mutual (WA)

This seminar is approved for the purposes of Law Mutual Risk Management training.

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Defamation

**Thursday, 1 March**

**4.30pm – 6.00pm**

Defamation and injurious falsehood

Chair: Martin Bennett  
Principal, Bennett & Co

Dr Matthew Collins QC  
Barrister, Victorian Bar

Rachael Young  
Barrister, Fourth Floor Chambers

Jason MacLaurin  
Barrister, Francis Burt Chambers

As noted recently by the Victorian Supreme Court ‘defamation is a difficult area of law, even for experienced practitioners and for judges having familiarity with the law of defamation’. Defamation law has attracted considerable recent publicity after the decisions in Rebel Wilson v Bauer Media Inc, Rayney v The State of Western Australia and President Trump’s responses to Michael Wolff’s book Fire & Fury. This seminar will provide a general overview of the principles of, and considerations in bringing and defending claims in, defamation and injurious falsehood. It will address questions such as how the meaning of a publication is determined, whether publication has taken place, the available defences, whether a defamation trial should be by jury, and the assessment of damages. Updates will be provided upon recent controversial issues in defamation law, including the application of defamation law to internet searches and modern forms of communication, and the lifting the statutory cap on defamation damages.

Level: Intermediate

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Professional Skills | Webinar

**Thursday, 8 March**

**1.00pm – 2.00pm**

Online legal research skills including accessing free resources

Chair: Carmen Maughan  
Senior Professional Development Officer, Law Society of Western Australia

Kirsty McPhee  
Practice Manager, Tottle Partners

Practitioners, students and researchers rely on online sources for most legal research. It may be a surprise that extensive, reliable case law and legislation databases are easily accessible by everyone free of charge.

Review how legal researchers can maximise their results, identify the most useful “tools” available, learn how to keep up to date, and critically how to better manage information that’s found including:

- strategies to find the information you need
- techniques for browsing and searching legislation and case law
- tricks to getting the most out of the best free legal resources available
- practical knowledge management tips for modern practitioners

This seminar is tailored for lawyers and support staff in law firms who are responsible for and conduct regular online research.

Level: General

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Member - $230 | Non-member - $305 | CPD Active - $0

Special Price: Members less than 5 years practising - $80
**Tuesday, 13 March**

**9.00am – 10.30am**

Using encryption: ensuring only those who you want to see it, are the only ones who can see it!

Chair: Dr Andrew Lu OAM  
Manager Professional Development, Law Society of Western Australia; Adjunct Senior Lecturer, UWA Law School  

Professor Craig Valli  
Director, ECU Security Research Institute

As part of our ECU Cyber Security Research Institute seminar series on cybersecurity for lawyers, this workshop steps you through the fundamentals of encryption in practice. Learn about:

- Mailvelope and how it protects your email correspondence  
- A demonstration of Mailvelope installation and use  
- VeraCrypt and protecting stored information on USBs and hard drives  
- Hardware based disk and file encryption options and how to use them

**Level: Intermediate**

- 0.5 point, Competency 1, Practice Management  
- 1 point, Competency 2, Professional Skills

**Wednesday, 14 March**

**12.00pm – 2.00pm**

The challenges of ethical decision-making for in-house counsel

Michael Kahn JD  
Co-Founder, ReelTime CLE, USA  

Chris Osborn JD  
Co-Founder, ReelTime CLE, USA

This is the first of two seminars from our international guest speakers where you will explore professional skills and ethics in a new way.

**Ethics**  
**In-house**  
**Professional Skills**

**Level: General**

- 1 point, Competency 2, Professional Skills  
- 1 point, Competency 3, Ethics and Professional Responsibility

**Wednesday, 14 March**

**4.00pm – 6.00pm**

“Nobody told me there’d be days like these!” - Stress, pressure, & ethical decision-making in the practice of law

Michael Kahn JD  
Co-Founder, ReelTime CLE, USA  

Chris Osborn JD  
Co-Founder, ReelTime CLE, USA

This is the second of two seminars from our international guest speakers where you will explore professional skills and ethics in a new way.

**Ethics**  
**Professional Skills**

**Level: General**

- 1 point, Competency 2, Professional Skills  
- 1 point, Competency 3, Ethics and Professional Responsibility

**Special Price:**  
- Members less than 5 years practising - $125  
- Members - $180 | Non-member - $255 | CPD Active - $0  
- Special Price: Members less than 5 years practising - $190  
- Special Price: Members less than 5 years practising - $195  
- Member - $240 | Non-member - $265 | CPD Active - $0  
- Special Price: Members less than 5 years practising - $190
### Costs

**Thursday, 15 March**  
**9.00am – 1.30pm**

Beware the Ides of March - the dark arts of costs  
Chair: Matt Curwood  
Barrister, Francis Burt Chambers

Brendan Ashdown  
Barrister, John Toohey Chambers

Stewart Forbes  
Barrister & Solicitor

Philippa Rezos  
Law Complaints Officer, Legal Profession Complaints Committee

Fraser Robertson  
Barrister, John Toohey Chambers

A hands-on Masterclass of the Law of Costs and Billing. Effective costs and billing practice is a fundamental component in legal practice and essential skill for any lawyer. The Law Society’s Costs Committee presents this seminar with experienced costs specialists along with the Legal Profession Complaints Committee focusing on:

- The core areas of the law of costs including retainers, costs agreements, trust accounts, disclosure, billing and taxation/assessment of costs
- Costs agreement clauses that work and don’t work, and things to watch out for
- New, better ways to draw bills
- Billing alternatives including fixed fees and value based billing
- Gaining an understanding of ethical billing – what can and cannot be billed
- What the Legal Profession Complaints Committee is looking out for and analysis of recent disciplinary cases
- Survey of case law

Morning tea and lunch will be provided.

**Level:** General

1 point, Competency 1, Practice Management  
1 point, Competency 2, Professional Skills  
1 point, Competency 3, Ethics and Professional Responsibility  
1 point, Competency 4, Substantive Law

### Environmental Law

**Tuesday, 20 March**  
**9.00am – 12.30pm**

Current issues in Environmental Law  
Chair: Glen McLeod  
Principal, Glen McLeod Legal

Denis McLeod  
Partner, McLeods

Julius Skinner  
Principal, LSV Borello

Charmian Barton  
Partner, HWL Ebsworth

In most Australian States, planning and environment matters are subject to the jurisdiction of a specialist court or tribunal but not in Western Australia; appeals under the Environmental Protection Act 1986 (WA) are determined by the Minister for the Environment. There have been repeated calls to end the ministerial appeals system and establish an environmental jurisdiction by creating a specialist court or tribunal or expanding the jurisdiction of the State Administrative Tribunal (SAT).

This seminar addresses the advantages and disadvantages of the current system including the relationship between the systems which often provides headaches for those advising clients e.g. what is the proper scope of the two systems?, how is duplication avoided?, how do the appeal systems relate? It will also consider whether an environmental jurisdiction in the SAT or specialist court is a viable possibility in the WA context.

Finally it will consider the impact of the Assessment Bilateral Agreement on environmental approval processes over the last two years and provide an update on the status of the Approval Bilateral Agreement.

Morning tea will be provided.

**Level:** Intermediate

3 points, Competency 4, Substantive Law

### Insolvency

**Tuesday, 20 March**  
**4.30pm – 6.00pm**

Insolvency: Safe harbour & ipso facto reforms  
Victoria Butler  
Partner, Jackson McDonald

Andrew Birch  
Vantage Performance

On 11 September 2017 two significant reforms to Australia’s insolvency laws were passed through the Senate. The introduction of the insolvent trading safe harbour provisions, commenced in September 2017, and the ipso facto reforms commencing on 1 July 2018. Many companies in Australia are underperforming; however, too few will seek expert assistance early enough, which contributes to the alarming statistic that only 1 in 5 businesses survive to see their 5th birthday. Early intervention is more likely to result in a favourable outcome and it is expected that these law reforms will encourage earlier intervention thus having a positive impact on the rate of business success. This seminar will discuss the above reforms and the important issues raised for commercial and insolvency advisers. Don’t miss this opportunity to hear experienced voices share their perspectives on both changes.

**Level:** General

1.5 points, Competency 4, Substantive Law
One of the ways reputation is built, or damaged, is through the presentation of documents and correspondence. Whether the correspondence is directed internally or externally, it should consistently reflect professionalism which underpins brand value.

This practical session will focus on four areas that are essential for consistently producing the highest quality correspondence:

1. Structure – good structure adds clarity to your communications
2. Plain English – general principles and the provision of legal specific resources
3. Proofreading/editing – a focus on the use of amendment marks to save time when editing
4. Templates and precedents – how to access and create high quality templates and precedents

This session is pitched at legal practitioners and support staff who deal with document creation and management.

**Level:** General  
**1 point, Competency 2, Professional Skills**

**Wednesday, 21 March**  
**1.00pm – 2.00pm**

**Drafting guidelines for effective correspondence**

**Chair:** Carmen Maughan  
Senior Professional Development Officer, Law Society of Western Australia

**Jane Lynch**  
Learning & Development Trainer, Squire Patton Boggs (AU)

**Webinar**

Register online at lawsocietywa.asn.au/cpd

**SEMINARS**

**Professional Skills**  
Member - $125 | Non-member - $190 | CPD Active - $0

Special Price: Members less than 5 years practising - $80

**Webinar**

Register online at lawsocietywa.asn.au/cpd

**SEMINARS**

**Professional Skills**  
Member - $180 | Non-member - $255 | CPD Active - $0

Special Price: Members less than 5 years practising - $125

A view from the bench provides a great opportunity for junior practitioners to receive practical advice on appearing before the Supreme, District and Magistrates Court and the State Administrative Tribunal.

Highly experienced speakers will provide advice on general conduct in the courts; expectations of junior lawyers; insights into conducting pre-trial processes; and necessary documents for submission.

This is a great opportunity to engage directly with members of the Judiciary regarding the key dos and don’ts for court appearances.

There will be facilitated Q&A time at the end where attendees will have the chance to draw on the knowledge of the experienced judicial speakers.

Refreshments will be provided at the conclusion of the seminar.

**Level:** General  
**1.5 points, Competency 2, Professional Skills**

**Wednesday, 21 March**  
**5.30pm – 7.00pm**

**A view from the bench**

**His Honour Judge Mark Herron**  
District Court of Western Australia

**Charlotte Wallace**  
Senior Member, State Administrative Tribunal

**Deen Potter**  
Magistrate, Magistrates Court of Western Australia

**Natalie Whitby**  
Registrar, Supreme Court of Western Australia

**Practice Management**  
**Professional Skills**

**Thursday, 22 March**  
**8.30am – 1.00pm**

**Maximising your billable hour through managing your time and building resilience**

**Philippa Ravn**  
Consultant, Uneon

Lawyers continue with increasing demands, challenges and issues arising from the complexity and volume of work, paired with demanding personalities and timeframes. Maintaining high productivity, positive mental health during stressful times and the capacity to run a practice, are the basis for competitive advantage and longevity in legal practice.

This workshop will explore:

- Identifying prioritisation and planning techniques
- Analysing productivity schedules and patterns
- Managing procrastination, effective meetings and overwhelming workloads and emails, ‘fighting fire’
- Stress management and resilience
- Time management in legal practice: negotiation, advocacy, mediation, drafting/writing and in court

Morning tea and a light lunch will be provided.

**Level:** General  
**2 points, Competency 1, Practice Management  
1 point, Competency 2, Professional Skills**

**Litigation**

**Thursday, 22 March**  
**4.00pm – 5.00pm**

**Expert Evidence: instructions, privilege and waiver of privilege**

**Chair:** Fiona Low  
Lecturer, Edith Cowan University

**Alain Musikanth**  
Barrister, Francis Burt Chambers; Immediate Past President, Law Society of Western Australia

Expert evidence presents a rare exception to the general rule that, in Court, opinions are irrelevant and the only opinion which counts is that of the judge.

The speaker will, in the context of civil and commercial litigation:

- Identify the key concepts relevant to expert evidence
- Consider the appropriate provision of instructions to an expert
- Explore privilege, and waiver of privilege, in the context of expert evidence
- Provide tips to avoid pitfalls associated with instructing experts

**Level:** General  
**1 point, Competency 4, Substantive Law**
Mental Health & Well Being

Professional Skills

Friday, 23 March
8.30am – 4.30pm

Mindfulness: the powerful weapon for dealing with distressed clients

Cameron Aggs
Managing Director, Mindfulness Training Specialist

One of Australia’s foremost mindfulness training specialists, Cameron Aggs is best known for the design and delivery of programmes which reduce the negative impacts of vicarious stress on profitability and high performance.

Practice Management

Monday, 26 March
4.00pm – 5.00pm

Unbundling of legal services

Julian Sher
Director of Professional Programs, Curtin Law School; Chair, Law Society Ethics Committee

Paul D. Evans
Partner, Quinn Emanuel Urquhart & Sullivan; Adjunct Professor, Murdoch University Law School

Phillippa Rezos
Law Complaints Officer, Legal Profession Complaints Committee

The term ‘unbundling’ is used in connection with all types of legal services, and involves the breaking down of a legal matter into constituent parts. Each bundle may become a matter in its own right, with a more limited scope. The unbundling of legal services can be an effective way of delivering “fast, quick and cheap” access to legal services and may operate in the client’s best interests, but the formation of a limited scope retainer agreement requires careful thought. The Law Society has published guidelines for the unbundling of services and for limited scope (unbundled) retainers, which are to be read in conjunction with the Law Society’s Costs Kit.

This seminar will address the issues arising when practitioners undertake limited scope retainers, including the management of the inherent risks, including the risks posed by technological change.

Level: General

Litigation

Tuesday, 27 March
9.00am – 10.00am

Third party dispute finance in the resources sector

Nathan Landis
Investment Manager, IMF Bentham

Disputes in the resources sector are steeped in complexity, cost and associated risk. Participants in these types of disputes are increasingly looking for innovative ways to finance the running of these disputes, manage risks and reduce costs. Despite its origins in assisting impecunious claimants obtain access to justice, modern dispute finance is not just for those who cannot pay. Much of the recent growth is driven by well-resourced, financially capable parties simply seeking to shift, or share, the cost and risk of commercial disputes to a third party. This seminar will discuss what dispute finance is and its application to the types of disputes likely to be encountered in the resources sector.

Level: General

Property

Tuesday, 27 March
4.00pm – 5.00pm

Joint Form of General Conditions for the Sale of Land in Western Australia - 2018 update

Chair: Peta Whyte
Consultant, CWS Lawyers

Paul Donovan
Director, MDS Legal

Helen Burnside
Senior Associate, MDS Legal

Frank Poeta
Partner, Herbert Smith Freehills

The purpose of this seminar will be to analyse the changes being introduced in early 2018 to the Joint Form General Conditions for the Sale of Land; the conditions most commonly used for the sale of land in Western Australia. Particular topics to be addressed:

- the rectification of defects before settlement and the ramifications of unrepaired defects during final inspections
- Representations and warranties by sellers and the ramifications of them being breached.
- Deposits, sub-divisions and the concept of “Future Lots”
- Service of notices, including (now) by email
- Early possession before settlement and who is liable to pay outgoings.
- Other amendments to the General Conditions and the standard Offer and Acceptance produced by REIWA, including electronic conveyancing, security interests and foreign resident withholding amounts.

Level: General
In this seminar experienced migration practitioners, including former members of the AAT involved in migration decision making, will discuss some current trends in migration law and explain key migration principles which have emerged from recent judgments delivered by the Courts. Topics covered in this session:

- Partner visas and the decision in He v MIBP [2017] FCAFC 206
- Recent developments in migration law

**Level:** Intermediate

**Register online at lawsocietywa.asn.au/cpd**

**Ethics**

**Webinar**

**Thursday, 29 March**

**1.00pm – 2.00pm**

**Conflicts of interest**

*Darren Jackson SC*

Barrister, Francis Burt Chambers

A lawyer’s duty in relation to conflicts of interest has as its foundation the long established fiduciary relationship between lawyers and their clients. When a conflict of interest arises, the lawyer’s duty is to act in “perfect good faith”. This duty is mirrored in the Legal Profession Conduct Rules. Learn through practical examples of conflicts of interest when instructions should be declined on the basis of a conflict of interest, what information should be disclosed when conflicts arise, and what is required in order to establish effective “information barriers”.

**Level:** General

**Register online at lawsocietywa.asn.au/cpd**

**Practice Management**

**Professional Skills**

**Tuesday, 10 April**

**9.00am – 10.30am**

**Cyber security: Mobile device protection**

*Chair: Áine Whelan*

General Manager Programmes, Law Society of Western Australia

*Professor Craig Valli*

Director, ECU Security Research Institute

Mobile device protection is essential for today’s lawyer, and the ECU Security Research Institute’s survey of the WA Legal Profession confirms a need for targeted training on this topic. You will learn about:

- encryption and protection of information when your phone is lost or stolen
- screen locking options and a walk through the options available to provide stronger security and why screen locking is important
- anti-virus and the options available for your mobile device
- remote locking accessibility when your phone is stolen or misplaced.

Bring your mobile device and leave the seminar with protections in place.

**Level:** Intermediate

**Register online at lawsocietywa.asn.au/cpd**

**Practice Management**

**Thursday, 31 May**

**3.00pm – 5.00pm**

**QPS Accreditation Workshop 1**

*Peter Liron*

Consultant, Pace Enterprises

*Julie Ots*

Principal, Ots & Associates

*Vicki Coles*

Manager Risk, Law Mutual (WA)

The Law Society of Western Australia’s Quality Practice Standard (QPS) reflects excellence in legal practice management. It is a means by which firms and practices can enhance competitiveness, deepen client relationships, mitigate risk and ensure that accountability in service excellence is upheld.

This workshop is the first step in the pathway towards QPS accreditation and participation is compulsory for all legal practices pursuing this stamp of distinction.

**Level:** General

**Register online at lawsocietywa.asn.au/cpd**

**Practice Management**

**Thursday, 7 June**

**3.00pm – 5.00pm**

**QPS Accreditation Workshop 2**

*Peter Liron*

Consultant, Pace Enterprises

*Vicki Coles*

Manager Risk, Law Mutual (WA)

Completed the QPS Accreditation Workshop 1? This must-attend workshop is for legal practices on the pathway towards QPS accreditation. It builds on the key learning gained in the first workshop, but offers you and your team further support and coaching.

The Law Society of Western Australia’s Quality Practice Standard (QPS) reflects excellence in legal practice management. It is a means by which firms and practices can enhance competitiveness, deepen client relationships, mitigate risk and ensure that accountability in service excellence is upheld.

**Level:** General

**Register online at lawsocietywa.asn.au/cpd**

**Migration Law**

**Wednesday, 28 March**

**9.30am – 11.00am**

**Migration Law Update Part 2**

*Chair: Matthew Crowley*

Barrister, Francis Burt Chambers

*Amanda Goodier*

Director, Chisholm Law

*Shayla Strapps*

Director, Chisholm Law

In this seminar experienced migration practitioners, including former members of the AAT involved in migration decision making, will discuss some current trends in migration law and explain key migration principles which have emerged from recent judgments delivered by the Courts. Topics covered in this session:

- Partner visas and the decision in He v MIBP [2017] FCAFC 206
- Recent developments in migration law

**Level:** Intermediate

**Register online at lawsocietywa.asn.au/cpd**
Digital Marketing is an essential consideration when trying to establish a new business or grow an existing one. From the smallest of service providers through to the largest of practices, a considered strategy can be the difference between business growth and stagnation. Jump-Start Your Digital Marketing provides a deeper understanding of the digital landscape, an understanding of the primary tools available and some guidance on when and how to employ them to maximise outcomes.

**Level: General**

1 point, Competency 1, Practice Management

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**Litigation**

**Learning**

**Advocate’s Immunity**

Chair: John Vaughan SC
Barrister, Francis Burt Chambers
Joshua Thomson SC
Barrister, Francis Burt Chambers

Put simply, the doctrine of advocate’s immunity provides an advocate with immunity for any claims that may be brought arising out of the advocate’s conduct of litigation. In 2016 the High Court of Australia, in the decision of Attwells v Jackson Lalic Lawyers Pty Limited [2016] HCA 16, reaffirmed the doctrine of advocate’s immunity as good law in Australia despite it being abolished in the UK and New Zealand. However, the High Court confirmed that the immunity applied only to advice that leads to, or is intimately connected with, the conduct of the case in Court and the majority in Attwells v Jackson Lalic Lawyers held that the scope of the immunity does not extend to negligent advice leading to settlement of a case. In this seminar, Joshua Thomson SC examines the scope of the doctrine in light of Attwells v Jackson Lalic Lawyers and the public policy reasons underlying it.

**Level: Intermediate**

1 point, Competency 4, Substantive Law

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**Litigation**

**Learning**

**Drafting settlement offers and deeds**

Chair: John Fiocco
Barrister, Fourth Floor Chambers
Gregory Pynt
Barrister, Francis Burt Chambers

Drafting settlement offers and deeds can be deceptively complicated with traps for even the most experienced practitioners. Settlement deeds are often drafted in a rush relying on standard precedent clauses without proper consideration of the individual circumstances of the settlement. This can lead to unintended consequences if the deed is subsequently scrutinised and exposed to a professional negligence claim. Drafting settlement offers and deeds addresses the above concerns including:

- best practice tips on drafting settlement offers, common mistakes and how to avoid them
- the pros and cons of Order 24A v Calderbank offers
- drafting to ensure your client obtains the full costs benefits of the settlement offer
- legal principles regarding the interpretation of settlement deeds by courts

**Level: Intermediate / Advanced**

1 point, Competency 2, Professional Skills

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**Ethics**

**Learning**

**Ethics on Friday: Misleading Conduct**

Chair: The Hon Justice McGrath
Supreme Court of Western Australia
Cassandra Paterson
Manager, Litigation, Legal Profession Complaints Committee
Geoff Abbott
Barrister, Francis Burt Chambers

The Legal Profession Complaints Committee sees a number of complaints arising from misleading conduct by lawyers towards clients, the court, colleagues or the general public. Misleading conduct can range from ‘innocent’ or ‘inadvertent’ to ‘deliberate’ or ‘conscious’ – the latter being at the high end of dishonesty.

Misleading behaviour includes:

- oral and written legal submissions
- affidavits and witness statements
- communication with opponents, clients and the court
- advertising, marketing and promotion

**Level: General**

1.5 points, Competency 3, Ethics and Professional Responsibility

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**Litigation**

**Learning**

**Appearing in SAT**

Chair: Her Hon Judge Fiona Vernon
District Court of Western Australia
Dr Bertus De Villiers
Member, SAT

This seminar looks at:

- An overview of the operation of the State Administrative Tribunal with reference to onus of proof; the standard of proof; and general procedures
- The manner in which the State Administrative Tribunal deals with expert evidence, conferral of witnesses and concurrent evidence
- Recent case law and important decisions arising from the respective jurisdictions of the State Administrative Tribunal

A senior practitioner, regularly appearing in the State Administrative Tribunal, joins Dr De Villiers to provide additional perspectives and commentary.

**Level: General**

1.5 points, Competency 4, Substantive Law
Register online at lawsocietywa.asn.au/cpd

**Caveats**

Chair: Gary Thomas  
Partner, Tottle Partners

Anthony Davis  
Senior Associate, Tottle Partners

Kym Kerr  
Partner, Mills Oakley

The use of caveats may raise professional ethics issues as well as legal issues. A recent decision by the State Administrative Tribunal found the lodging of a caveat without there being a caveatable interest to be professional misconduct on the part of the lawyer. Join us for a refresher on caveats and caveatable interests as the speakers explore the relevance of caveats in family law proceedings including inappropriate use. The seminar concludes with a panel discussion, including an opportunity for questions.

**Level:** General  
1 point, Competency 4, Substantive Law

**Strata Reform: dispute resolution changes and reforms to protection of purchasers**

Chair: Mark Atkinson  
Director, Atkinson Legal

Alison Fleming  
Lead Lawyer, Strata Titles Act Reform, Landgate

Sean Macfarlane  
Senior Lawyer, Strata Titles Act Reform, Landgate

Reforms to the Strata Titles Act 1985 are taking shape with Landgate aiming to introduce the Strata Titles Amendment Bill to Parliament in late 2017. Reforms will result in substantial changes to the way strata disputes are resolved and to the disclosure obligations on sellers of strata lots and the avoidance rights of purchasers:

**Strata dispute resolution:**
- Expanding the jurisdiction of the State Administrative Tribunal to resolve almost all strata disputes
- What additional powers State Administrative Tribunal will be granted to resolve strata disputes
- Case studies demonstrating how the dispute resolution reforms will work

**Seller disclosure and buyer avoidance rights:**
- What will be the new seller disclosure obligations
- How buyer avoidance rights under the Strata Titles Act will be changed

Presented by Landgate’s Strata Titles Act Reform team, this seminar is highly recommended for all lawyers who practice in strata titles and property law in general.

**Level:** Intermediate  
2 points, Competency 4, Substantive Law

**When there’s a knock on the door...how to respond to an unannounced visit from the ATO or ASIC**

Chair: Jocelyne Boujos  
Partner, Sceales

Clare Thompson  
Barrister, Francis Burt Chambers

Tamasin Jonker  
Barrister, Francis Burt Chambers

The Australian Tax Office and ASIC have wide information gathering powers, including the power to search a law office as part of its investigations. Do you know what to do when the ATO seeks to exercise its powers? Learn how a lawyer should respond if the ATO or other Commonwealth authority or regulator (such as the AFP, or ASIC) comes knocking in search of client information at your premises.

**Level:** Intermediate  
1.5 points, Competency 4, Substantive Law

**The impact of culture on ethical behaviour**

Adam Levine  
Partner, K&L Gates

There is a crisis of culture, or “culture shocks” occurring in various industries, including financial services, retail and start-ups. This has attracted the attention of regulators, legislators and other stakeholders. This seminar examines what culture actually is, explores the legal and general risks arising from poor culture, and considers the steps that can be taken to address this.

**Level:** General  
1 point, Competency 3, Ethics and Professional Responsibility
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Designed for newer lawyers and those seeking a timely refresher, Essentials of Advocacy and Negotiation provides valuable information to advance an understanding of how to persuade and present compelling arguments. Hear from a distinguished cast of pre-eminent members of the legal profession on case theory and presentation, opening and closing statements, examination and cross-examination, what makes a good advocate, and how to negotiate with confidence.

This year’s training includes an additional focus on negotiation. Best practice negotiation leads to better relationships and successful business outcomes. The powerful combination of strong advocacy and negotiation skills is essential for lawyers to be successful in today’s contemporary business environment.

To express interest please contact cpd@lawsocietywa.asn.au

Essentials of Advocacy and Negotiation

Friday 22 and Saturday 23 June 2018
EVENTS CONNECTING YOU IN THE PROFESSION

Be inspired and informed

Participate in our educational events which aim to provide the profession with high quality and engaging content from well-respected speakers. Key highlights include:

- Law Summer School, Friday, 23 February 2018, The University Club, Crawley
- Sole Practitioner and Small Firm Forums, three forums planned for 2018. Free for members.

Experience Law Week

Law Week showcases events which provide the opportunity for the community and the legal profession to engage in open dialogue and build a shared understanding of the role of law in society. It is an excellent opportunity for the profession to promote its role in enabling an open, independent and unbiased judicial system. The Law Society is proud to deliver these key events for the profession:

- Walk for Justice, Tuesday, 15 May 2018
- Law Week Panel Presentation hosted by the Law Society’s Young Lawyers Committee, Wednesday, 16 May 2018, Supreme Court of Western Australia
- Law Week Cocktail Party and 2018 Lawyer of the Year Awards, Friday, 18 May 2018, Bankwest Place, Perth

Connect and socialise

The Law Society hosts a range of events for members and non-members throughout the year including social, sporting and special interest events. Key highlights include:

- Society Club cocktail events, three functions planned for 2018. Free for members.
- Beach Volleyball Tournament hosted by the Law Society’s Young Lawyers Committee, Friday 9 March 2018, SandSports Australia, Nedlands
- Pilates Classes, running in April 2018. Free for members.
- Inter Profession Networking events hosted by the Law Society’s Young Lawyers Committee. Two events planned for 2018, keep an eye on our website or the YLC Facebook page.

Be entertained at our biennial Gala Dinner – the key event for the legal profession

Building on the success of the 2016 Gala Dinner, our 2018 Gala Dinner, the premier social occasion for the legal profession, promises to be a night of entertainment, great food and wine, dancing and fun. Connect socially with friends and colleagues and enjoy the charity silent auction in the sophisticated surrounds of the premium venue, Crown Towers.

Save the date now and keep an eye out for further information in the coming months.

- Gala Dinner, Saturday, 4 August 2018, Crown Towers
Leverage the power of membership

- Opportunity to be a part of a network of over 3,800 colleagues
- Strong advocacy through publication of 35-50 legal submissions annually
- 30+ specialist committees for members to influence the agenda
- Professional events and business development opportunities

Invest in your professional practice

- Access to the Professional Standards Scheme to limit occupational liability
- Make arrangements for professional indemnity cover with Law Mutual (WA)*
- Become accredited through Quality Practice Standard (QPS) and Accredited Family Law Specialist programmes
- Access to free counselling sessions and online health and wellbeing resources through LawCare WA

Join the Law Society

If you are interested in joining the Law Society or have any queries on your existing membership, please contact (08) 9324 8692 or membership@lawsoceitywa.asn.au
Visit our website for further information on member initiatives at lawsocietywa.asn.au

Stay informed

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