

Council news

Committee news

The Pro Bono and Access to Justice Committees are to be merged. The Superannuation, Marketing and Insurance Law Committees are to be dissolved and replaced with a list of practitioners interested in those areas.

Practising certificates

Council has determined that:

- where an application for a practising certificate is made and fees paid on or before July 1, the certificate will be dated on the date on which the certificate is signed by the secretary of the Law Society, but should be issued for the period from July 1.
- where an application is made and fees paid after July 1 and the applicant continues to practise after June 30, each application must be submitted to Council or Executive Committee pursuant to Section 40(1)(a)(iii) of the QLS Act. Council or the Executive will consider whether discretion should be exercised to allow the certificate to relate back to July 1. The certificate will be dated on the day it is signed by the secretary after all of requirements are satisfied.
- where application is made after July 1 and the practitioner is to commence practice after that date, the certificate will be dated on the day on which the secretary signs it and be in force from the date all requirements are met.

- with the certificate of insurance, if requirements have been met and fees paid by July 1, the certificate of insurance should be effective from July 1.
- if application is not made until after July 1 and the practitioner continues to practise after that date, the certificate of insurance will be dated on the date it is issued but be effective from July 1 provided the premium is paid.
- where a practitioner applies after July 1 and has not practised from July 1 to that date, the certificate of insurance will be effective from the date when the application and fees are paid. Fees will be calculated pro rata.

Specialist accreditation

Michael Meadows of Flower & Hart and QLS Councillor, is to chair the new Property Law Specialist Accreditation Advisory Committee. Other members of the Committee are: Paul Newman, Allens Arthur Robinson; Sharon Christensen, QUT Faculty of Law; Warren Denny, Flower & Hart; Scott Gregory, Barwicks; Bill LeMass, LeMass Solicitors.

John de Groot, de Groot & Co, will chair the Succession Law Specialist Accreditation Advisory Committee. Others on the Committee are: Glenn Dickson, Office of the Public Trustee of Queensland; Peter Wilson, Thompson Hannan; and Alison Wordsworth, McCullough Robertson.

QLS submissions

Date	To	Subject
September 18	Department of Families	Juvenile Justice Amendment Bill 2001
September 26	Deputy Premier	Office of State Revenue
October 3	Attorney-General	Queensland Law Society Act 1952 – stamp duty
October 12	Commissioner for Fair Trading	Property Agents & Motor Dealers Act 2000 forms.

Struck off

The Solicitors' Complaints Tribunal has found Morris George Scott Beattie guilty of professional misconduct and ordered that his name be struck off the roll.

Clarification

Andrew Lyons, author of the case note 'The quest continues: who is a fiduciary?' published in the November issue, says certain text did not appear as submitted. The following paragraphs should replace the four paragraphs following the first full paragraph in column one on page 24.

"The majority's decision means a client who obtains advice from an accountant or, by extension, a valuer, simply as to the value of an asset will not enjoy the benefit of the duties of loyalty owed by a fiduciary. However, if the accountant or valuer goes a step further and, for example, recommends the asset be purchased the fiduciary relationship may exist.

"Note the boundary line. The work performed by the accountants was not mechanical: behind the conclusion as to price and value lay important judgements. A party relying on the opinion would be guided or influenced by those judgements. The joint judgement does not in terms consider this guidance. It is difficult to see why such guidance should be free of the duties of loyalty owed by a fiduciary.

"Further, if the majority's approach is correct it has implications for what it means to be in the well-recognized categories of fiduciary relationship: parties within those relationships can advise in ways parallel to the advice given by the accountants in *Pilmer* and, presumably, be free of fiduciary duties despite being in such a category."

Intellectual Property Law

- ◆ Trade Mark Litigation/Registration
- ◆ Copyright Advice and Infringement Work
- ◆ Licensing Agreements (IP/IT)
- ◆ Passing-Off and Patent Litigation
- ◆ Technology Transfers
- ◆ Trade Secret Protection
- ◆ Trade Practices
- ◆ Research and Development Agreements

Jacqui Rigby-King heads the Intellectual Property Law division at Macrossans Lawyers and has more than 18 years experience as a lawyer. Jacqui welcomes referral work in her speciality areas.



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QLS website update



www.qls.com.au

- ➔ Australian Tax Office notice of partial withdrawal to GSTR2001/5
- ➔ Changes to lease precedents order form and pricing
- ➔ Online Proctor articles
- ➔ Duties Bill 2001 passed on November 7; scheduled to take effect in March.
- ➔ Childrens' legal issues forum papers
- ➔ Federal Court Amendment Rules 2001 (No. 3) which commenced November 14.
- ➔ Jurisdiction of the Federal Magistrates Court increased
- ➔ Amendments to the *Property Agents & Motor Dealers Act 2000* and new forms
- ➔ Land & Resources Tribunal practice direction No 2 of 2001 and notice No 2 of 2001.
- ➔ New membership application form for practising certificates and QLS membership.



Queensland has won the national schools conflict resolution & mediation (SCRAM) competition for the first time since the competition went national in 1998. The winning team, students from Pine Rivers State High, are, from left, front: Latisha McKee, Melissa Milne, Adele Osborne, Ashleigh Turner, and Travis Bell. Back, from left: Sara White; Linda Lavarch, Member for Kurwongbah and Attorney-General's representative; QLS president Joe Tooma who presented the school with the winner's prize of \$4,000; and Isaac Braiden. Over 120 schools competed this year. The three adjudicators for the national final represented each of the competing states: Geoff Gronow of Victoria; Micheline Dewedney of Sydney and co-author of 'The Mediators' Handbook'; and David Bancroft, executive manager of the ADR branch of Queensland's Justice Department. Many Queensland solicitors are an integral part of SCRAM as there is a large pro bono involvement from volunteer adjudicators.