

The National Public Sector Legal Officers' Forum 2010

Effective Strategies and Techniques to Enhance Legal Officers'
Efficiency and Performance

Liquid Learning is delighted to present the National Public Sector Legal Officers' Forum 2010 featuring a selection of expert commentaries and engaging case studies. The chief aim of this forum is to provide practical toolkits to support Legal Officers in increasing their efficiency.

FEATURED SPEAKERS



The Honourable Sir Laurence Street AC KCMG QC
Former Chief Justice Lieutenant Governor of New South Wales



Robert Orr Chief General Counsel
Australian Government Solicitor



Commodore Vicki McConachie Director General
Australian Defence Force Legal Services



Dr James Pople First Assistant Secretary, Civil Law Division
Attorney-General's Department



Simon Stretton SC Crown Solicitor
Crown Solicitor's Office, South Australia



Joan Sheedy Assistant Secretary, Privacy and FOI Policy Branch
Department of the Prime Minister and Cabinet



Ric Casagrande Manager, Legal
Australian Federal Police



The Honourable Justice Murray Kellam AO Chair of NADRAC
and Former Justice of the Court of Appeal
Supreme Court of Victoria
Adjunct Professor
Monash University



Robyn Bicket Chief Lawyer, Legal Division
Department of Immigration and Citizenship



Findlay McRae Director, Legal Services
Victoria Police



Graham Hill Director, Legal Branch
Department of Premier and Cabinet, Victoria



Brett Walker General Manager, Legal
CSIRO



Tony Keyes Senior Deputy Crown Solicitor
Crown Law, Queensland



Paddy Oliver Director, Legal Risk
SSAMM Management Consulting



Katherine Hilyard Managing Director
People and Strategy



Jeffrey Barnes Senior Lecturer; Director Teaching and Learning,
School of Law
La Trobe University



Liz Harris Managing Director
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10 & 11 March 2010
The Hotel Realm, Canberra

EXPLORE

- Effective Techniques to Enhance Your Skill-Set as a Legal Officer
- Understanding Current Law Reform and How it Affects Your Role
- In-depth Insights into Modern Negotiation Practices, Dispute Resolution and Legal Ethics
- Development in Legal Services Procurement

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Day One 10 March 2010

8.30 - 8.55 **Registration and Morning Coffee**

8.55 - 9.00 **Opening Remarks from the Chair**

9.00 - 9.45 **OPENING KEYNOTE CASE STUDY**

Ethics and Government Lawyers

As a specialist advisor in a wide range of public law areas, Robert has provided a range of advice on key public and constitutional law issues to the highest levels of government and has also played a leading role in developing and implementing significant policies and laws. In this session, Robert will examine the ethical responsibilities of government lawyers and investigate:

- The constitutional, legal and policy framework for government lawyers
- Public service, professional and ethical obligations
- How the ethical obligations of a public sector lawyer different to those in the private sector and how does it affect you?
- The key ethical issues for government lawyers
- The meaning of 'ethical awareness'

Robert Orr Chief General Counsel
Australian Government Solicitor

9.45 - 10.00 **Questions and Discussion**

10.00 - 10.45 **CASE STUDY**

Recent Developments in the Public Sector Legal Sphere

Ric Casagrande has a wealth of experience within the Public Sector and in this session he will talk about the recent developments across the public sector legal sphere, how they will effect current legal officers and explain how the Australian Federal Police handle these challenges as they arise. Explore:

- Reflecting on legal reform and its effects
- The Government's drive towards strategic thinking
- Dealing with organisational change and sustaining performance throughout

Ric Casagrande Manager, Legal
Australian Federal Police

10.45 - 11.00 **Questions and Discussion**

11.00 - 11.15 **Morning Tea**

11.15 - 12.00 **KEYNOTE ADDRESS**

ADR - Making the Right Choice

Sir Laurence Street QC is the former Chief Justice of the Supreme Court of New South Wales. He is the current vice president and former world president of the International Law Association as well as the Convenor & Chairman of the inaugural planning committee of the Australian Commercial Disputes Centre. He has associations with a number of leading Australian and International mediation organisations. Sir Laurence is extensively published in the area of ADR and mediation and has participated in over 2,000 successful mediations. He has designed innovative

techniques and combined various mechanisms for resolving complex or novel issues and will talk about some of the primary issues currently surrounding ADR:

- The future of ADR in Australia
- Increasing the odds of reaching an agreement
- Mediation/conciliation theory
- Mediation techniques in public sector activities

**The Honourable Sir Laurence Street AC KCMG
QC Former Chief Justice Lieutenant Governor of
New South Wales**

12.00 - 12.15 **Questions and Discussion**

12.15 - 1.15 **Networking Lunch**

1.15 - 2.00 **CASE STUDY**

Freedom of Information (FOI) Reform

The Government is proactively seeking a pro-disclosure cultural shift across the public sector with the impending Freedom of Information Reform. Legal Officers need to understand the implications this may carry. Joan Sheedy will look at this initiative and qualify what the FOI reform and its processes will carry, by exploring:

- The drivers behind the FOI reform
- The benefits of a pro-disclosure culture across the Government
- The implications of the reform on legal officers and their ilk

Joan Sheedy Assistant Secretary, Privacy and FOI
Policy Branch
Department of the Prime Minister and Cabinet

2.00 - 2.15 **Questions and Discussion**

2.15 - 3.00 **CASE STUDY**

Dealing with Law Reform

Findlay has over twenty years experience in the legal sector and is the former Chief Executive Officer of the Supreme Court of Victoria. He has overseen numerous law reforms in his time in the public sector. These law reforms can be tricky to deal with from a Legal Officer's perspective. Findlay will discuss how Victoria Police deal with the constant reform and will advise others how to do the same. Explore:

- The challenges posed by law reform for a police organisation
- How Victoria Police addressed recent law reforms and maintained services to the community
- How to make law reform meaningful to frontline staff

Findlay McRae Director, Legal Services
Victoria Police

3.00 - 3.15 **Questions and Discussion**

PLUS WORKSHOPS!

TWO Post-Forum
workshops on 12 March 2010

EARLY BIRD DISCOUNT

Receive \$100 off registration if you
register and pay by 29 January 2010

3.15 - 3.30 **Afternoon Tea**

3.30 - 4.15 **EXPERT COMMENTARY**

Developing Your Skill-Set as a Legal Officer - Negotiation

The Honourable Murray Kellam is a former solicitor, barrister and Queens Counsel. He was appointed a judge of the County Court in 1993 and a justice of the Supreme Court of Victoria in 1998. Murray has long had an interest in legal and judicial education and knows the integral role that negotiation can play in the position of legal officer. In this session, Murray will increase your negotiating skill-set by looking at some key issues within the negotiation sphere, concentrating on:

- Preparation as a key element for successful negotiation
- Examining different types of negotiation models
- Strategies for success

The Honourable Justice Murray Kellam AO

Chair of NADRAC and Former Justice of the Court of Appeal

Supreme Court of Victoria

Adjunct Professor

Monash University

4.15 - 4.30 **Questions and Discussion**

4.30 - 5.15 **CASE STUDY**

The Role of Government Lawyers and Legal Branches

The Legal Branch of the Victorian Department of Premier and Cabinet provides legal policy advice to the Premier, the Secretary and other bodies within the portfolio. Graham will discuss ways that government lawyers can increase the value to their agency including:

- Enhancing the role and contribution of government lawyers to the organisation
- The importance of being part of the outcome
- Government's changing expectations of public sector lawyers
- Professional duties and responsibilities
- Getting agencies to work together

Graham Hill Director, Legal Branch
Department of Premier and Cabinet, Victoria

5.15 - 5.30 **Questions and Discussion**

5.30 **Concluding Remarks from Chair**

5.30 - 6.30 **Networking Reception**

WHO WILL ATTEND

- General Counsel
- Legal Branch Managers
- Lawyers
- Legal Officers
- Regulatory and Compliance Officers

SUPER SAVER DISCOUNT

Receive \$200 off registration if you register and pay by 13 November 2009

8.00 - 8.25 **Morning Coffee**

8.25 - 8.30 **Opening Remarks from the Chair**

8.30 - 9.15 **OPENING CASE STUDY**

Legal Professional Privilege (LPP) – Where do You Stand?

Tony Keyes, both in his former role as the Executive Director of Law and Justice Policy, Department of Premier and Cabinet and now as Senior Deputy Crown Solicitor, has faced various issues surrounding Legal Professional Privilege time and time again. As a legal officer, it can be confusing to know where your obligations lie. Tony will delve further into LPP and discuss where legal officers really stand, discussing:

- LPP and ethical issues surrounding it
- LPP vs. duty of confidentiality
- Safeguarding privilege – suggested guidelines
- When does LPP apply?

Tony Keyes Senior Deputy Crown Solicitor
Crown Law, Queensland

9.15 - 9.30 **Questions and Discussion**

9.30 - 10.15 **CASE STUDY**

Career Management for Legal Officers' – Insights into Effective Professional Development

Commodore McConachie joined the Royal Australian Navy in 1984 as a Legal Officer and is currently Director General Australian Defence Force Legal Services. In this role, she is responsible for overseeing the professional development and legal training of ADF legal officers. In March 2000, the ADF introduced a new career structure and professional development regime for ADF legal officers. This structure, along with the Military Law Centre (MLC), enhances the ADF's ability to attract and retain highly skilled legal officers and ensures that ADF lawyers have the legal skills required by the ADF to undertake their duties. In this session, Vicki will explore:

- Recognising the need for and retention benefits of enhancing legal officers skills
- The career and professional development structure adopted by the ADF
- The co-ordination, formulation and delivery of legal training necessary for the professional development of legal officers and how Defence, use the Military Law Centre to achieve its goals

Commodore Vicki McConachie Director General
Australian Defence Force Legal Services

10.15 - 10.30 **Questions and Discussion**

10.30 - 10.45 **Morning Tea**

10.45 - 11.25 **CASE STUDY**

Recent Developments in Legal Fees Impacting Government Lawyers

Liz Harris has practised as a costs lawyer for more than 20 years, but in more recent times has also established a consultancy assisting clients manage their

relationship with their law firms, including a number of quasi-government, multi-nationals, insurers and corporates including the banking area. She has recently returned from the Legal Spend Management Conference in London. This session will cover:

- A report on the Review of Commonwealth Legal Services Procurement
- Alternative fee arrangements
- Performance benchmarks
- Project management and budgeting

Liz Harris Managing Director
Allocatur

11.25 - 11.40 Questions and Discussion

11.40 - 12.25 CASE STUDY

Expertise in Statutory Interpretation

Interpreting legislation can be an arduous task for any legal officer. Jeffrey will draw on his expertise to discuss, in the context of recent developments, the acquisition of mastery. This session will focus on the special issues facing public sector legal officers including the use of legislative history in statutory interpretation. In this session, he will discuss:

- Drawing on legislative history in statutory interpretation
- Advanced statutory interpretation
- Overcoming legal officer's challenges of interpreting and applying legislation

Jeffrey Barnes Senior Lecturer; Director Teaching and Learning, School of Law
La Trobe University

12.25 - 12.40 Questions and Discussion

12.40 - 1.25 CASE STUDY

Providing Sound Legal Advice – The Prerequisite to an Effective Legal Officer

Simon Stretton is responsible for the provision of high quality legal services to the South Australian Government. He also provides direct advice to the Attorney-General and to the Federal Government. Simon is the most senior officer in Crown Law and handles the most difficult legal matters on behalf of the Crown, so providing effective and concise legal advice is central to his role. Simon will talk about the fundamentals behind providing sound legal advice, focusing on:

- The chief factors behind first-rate advice
- How to become a more effective communicator
- Breaking down the barrier between legal officers and non-legal staff
- Encouraging a legal officer environment that supports excellent client focus and responsiveness

Simon Stretton SC Crown Solicitor
Crown Solicitor's Office, South Australia

1.25 - 1.40 Questions and Discussion

1.40 - 2.40 Networking Lunch

2.40 - 3.25 KEYNOTE CASE STUDY

The Attorney-General's Approach to Contemporary Legal Issues

The Attorney-General's Department takes a lead role in Government in coordinating and collaborating with

other agencies, emphasising the need for good chains of communication and demonstrating agility in response to whole-of-government concerns. The world has had to deal with huge global issues over the last year so the Attorney-General's Department has had to be flexible and innovative in its approach to policy development and service delivery in order to maintain its level of performance. Dr James Popple will talk about how the department has dealt with the current issues they have faced and continued to ensure a just and secure society. James will also talk about the department's future strategic goals. This session will explore:

- Australian civil justice - An equitable and accessible system
- Strategic priorities of the Attorney-General
- Overcoming modern issues in the public sector legal space

Dr James Popple First Assistant Secretary, Civil Law Division

Attorney-General's Department

3.25 - 3.40 Questions and Discussion

3.40 - 3.55 Afternoon Tea

3.55 - 4.40 CASE STUDY

Overcoming Challenges Facing Public Sector Legal Officers

With every calendar year and every new Government initiative, legal officers are faced with a host of new issues. With the current global climate being less than stable, this pattern shows no signs of letting up. Robyn Bicket, through her role as Chief Lawyer at DIAC, has extensive knowledge in how to deal with these everyday challenges. Robyn will take us through a few of the challenges that legal officers face and talk about potential resolutions to those very challenges, exploring:

- Duty of care
- Politicisation of public servants
- Privacy laws
- Staff development

Robyn Bicket Chief Lawyer, Legal Division
Department of Immigration and Citizenship

4.40 - 4.55 Questions and Discussion

4.55 - 5.40 CASE STUDY

Managing Intellectual Property in the Public Sector

Intellectual property is a potential minefield and legal officers are often the ones who are asked to navigate their way through. Brett Walker is an expert in the field of intellectual property and will take us through some of the more pertinent issues faced by legal officers today, discussing:

- Current intellectual property issues facing legal officers
- Protection versus public access
- Current legal issues in copyright and patents
- The difficulties in managing intellectual property

Brett Walker General Manager, Legal
CSIRO

5.40 - 5.55 Questions and Discussion

5.55 Closing Remarks and Conclusion of Forum

Workshops 12 March 2010

9.00 - 12.30 **WORKSHOP A**

Understanding Risk Awareness

The imperative for all legal branch managers and employees to become 'risk aware' is becoming increasingly important. Risk management is being used by legislators, regulators and market supervisors to evidence and ensure compliance. A risk aware culture is required to support and pervade the work ethic.

Within legal branches of Government Agencies, understanding and managing risk is of utmost importance. Paddy, with his extensive international legal and consulting background, will look in-depth at how being more 'risk aware' can benefit everyone. There are strategic, financial, operational, regulatory and statutory risks inherent in all legal branches. After completing this workshop, the audience will be more capable of harnessing their skills, identifying and managing risks and developing solutions that maximise an organisation's potential.

This workshop will cover:

- Identifying, mitigating and managing risks inherent in legal branches
- Risk and compliance tools
- Appropriate management systems
- Understand risk awareness
- The benefits of risk management
- Measuring and monitoring risk

Expert Facilitator: Paddy Oliver Director, Legal Risk

SSAMM Management Consulting

Paddy is a lawyer and management consultant. He has over 15 years experience advising and consulting to banks, financial services organisations, insurers and law firms in Australia, UK, Ireland and Hong Kong.

His forte lies in his ability to quickly understand the strengths and weaknesses of organisational processes and identify required improvements that are realistic and sustainable. A key outcome of all Paddy's assignments is improved knowledge and skills of staff. He focuses on harnessing the skills and experience of existing staff to develop solutions that maximise an organisation's potential.

12.30 - 1.30 **NETWORKING LUNCH**

1.30 - 5.00 **WORKSHOP B**

Leadership Skills for Legal Officers

The current government expects excellence in the provision of public service legal policy and advice. Competitiveness in this current environment requires a keen understanding of the government's intent, attunement to shifts in the policy environment nationally and globally, creativity in problem solving and in-depth insights in the professional skills engaged when negotiating and managing conflict.

People & Strategy have been strategically developing practical tools and training to build both individual and organisational capacity to engage effectively in these areas.

In this workshop, Katherine will take you through a series of facilitated activities and discussions in which she will introduce you to some of the models and tools that have been successfully applied to achieve leadership success as a Legal Officer in the public sector environment.

Expert Facilitator: Katherine Hilyard Managing Director


People and Strategy

Katherine joined People & Strategy over 10 years ago and is now the Managing Director. She is an excellent facilitator and works with senior executive groups, teams and middle managers. She is highly sought after for her facilitation and advisory skills.

Katherine has worked with clients from every APS Agency on strategic and practical consulting projects. She holds an Executive Masters in Business Administration from the Australian Graduate School of Management, UNSW.

ABOUT THE EVENT

The National Public Sector Legal Officer's Forum 2010 is designed to equip those working within the public sector legal sphere with cutting-edge techniques which will increase their efficiency and effectiveness. This Forum is featuring some of Australia's most influential legal minds, discussing and providing effective ways to enhance and improve upon the skill-sets that legal officers already hold. The outstanding speaker line-up will expose the delegates to progressive techniques designed specifically to improve the audience's ability to fulfil their role as a public sector legal officer.

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