

Russell Kennedy Annual Government CPD Day, 2020



Friday 14 February 2020
Level 12, 469 La Trobe Street, Melbourne

8:30 am - 9:00 am

Arrival - light breakfast and coffee cart

Your Russell Kennedy host for the day will be [Ben Lloyd](#), Principal.

9:00 am - 9:30 am

Session 1: Welcome and keynote address

This session is worth 0.5 CPD point in *Practice Management*

[Fiona McLeay](#), Victorian Legal Services Board CEO and Victorian Legal Services Commissioner will open our annual CPD Day. Fiona will discuss in further detail about the Board's role along with her role, its functions and some of the challenges and what the future outlook is.

Prior to her appointment Fiona was the CEO of Justice Connect, Australia's largest provider of pro bono legal assistance. She began her legal career at Phillips Fox, then worked at Clayton Utz before becoming General Counsel at World Vision and moving to the Public Interest Law Clearing House (PILCH) Victoria in 2010.

9:30 am - 10:30 am

Session 2: Ethics - The vibe is not enough

This session is worth 1 CPD point in *Ethics*

[Rebecca Fraser](#), Russell Kennedy Senior Associate, will discuss a range of topical ethical issues for government lawyers and practical management strategies. The session will include the ethical challenges of advising policy teams, and how ethical duties apply to the increasing use of technology in the provision of legal advice.

Rebecca has over a decade of experience in government law, specialising in legislative development, statutory interpretation and regulatory reform. Rebecca has worked in house for government departments and regulators.

10:30 am - 10:45 am

Break and coffee cart

10:45 am - 11:45 am

Session 3: Information sharing across government and with regulated persons – trends, traps and tricks

This session is worth 1 CPD point in *Substantive Law*

Information sharing across government and with persons regulated by government does not occur in a legal vacuum of a single piece of legislation. Rather there is a complex interplay of powers, obligations and rights which may influence decisions to share information across government and with regulated persons. Further the exercise of these decisions should not be devoid of broader considerations of risks, policy objectives and the public interest.

In this session [Emma Turner](#), Russell Kennedy Principal, will discuss:

- the interplay between express information sharing powers and confidentiality provisions in scheme specific legislation and general privacy law;
- how to deal with claims of privacy by corporations; and
- sharing information obtained in the course of regulatory and enforcement investigations.

Emma will explore the trends in these themes, share some of the traps she has encountered and the possible tricks and workarounds available to facilitate the sharing of information.

11:45 am - 12:45 pm

Session 4: Government writing and presenting - clear and concise communications

This session is worth 1 CPD point in *Professional Skills*

Communicating effectively to internal and external stakeholders is core business for legal professionals. This workshop will show you how to prepare for critical communications in a time effective manner.

[Ben Richards](#), Principal at Aticus, has 22 years of experience working with Government lawyers and their clients.

Ben has coordinated the successful bid presentations for iconic infrastructure pitches around Australia. He has facilitated a number of prominent public hypothetical discussions and has prepared National Press Club speeches at Cabinet Minister level.

12:45 pm - 1:30 pm	Light lunch and refreshments provided
1:30 pm - 2:15 pm This session is worth 0.75 CPD point in <i>Substantive Law</i>	<p>Session 5: Drafting and negotiating liability caps and indemnities: A practitioner's guide.</p> <p>In this presentation Kyle Gillan, Russell Kennedy Principal, will explore:</p> <ul style="list-style-type: none"> • The general law of damages • Contractual mechanisms to transfer risk through indemnities • Limitations and interpretation of indemnities • Drafting tips • Recent cases and developments
2:15 pm - 3:00 pm This session is worth 0.75 CPD point in <i>Substantive Law</i>	<p>Session 6: The Good, the Bad and the Ugly of search warrants</p> <p>The power to enter land with a warrant is an effective way to gather evidence. However, when a search warrant is not executed correctly, or there are defects in the application documents, things can turn ugly.</p> <p>Kylie Walsh, Russell Kennedy Special Counsel, will take you through the good, the bad and the ugly of search warrants to help you to manage and advise Government investigators using search warrant powers. The presentation will include common law powers of seizure, the limits on the use of seized evidence and recent case studies.</p>
3:00 pm - 4:00 pm This session is worth 1 CPD point in <i>Practice Management</i>	<p>Session 7: Testing the model – sticking to the model litigant guidelines when the going gets tough - a panel discussion</p> <p>Guest panellists:</p> <p>W Brind Zichy-Woinarski, Queens Counsel Sarala Fitzgerald, Barrister</p> <p>It is easy to say that you will act as a model litigant, but actually doing so in some circumstances can be challenging to the practitioner, in-house counsel and public-servant alike. Our panel will look at circumstances where the requirement to comply with the highest standard of profession practice can be challenged by self-represented litigants, bureaucratic inertia, disputes between departments, departmental policy and how the Model Litigant Guidelines can get on with its relatives: legal professional duties and ethics, Public Sector Values, prosecutorial ethics and legislative restrictions on behaviour like the Civil Procedure Act and the Charter.</p> <p>This session will be facilitated by Ben Lloyd, Principal, and Sarah Manly, Principal, Russell Kennedy Lawyers.</p>
4:00 pm	Networking and refreshments

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