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Lawyers to face IR onslaught

THE NSW Government will introduce legislation next week to refer its industrial relations powers to Canberra, a move that will see the nation's lawyers facing an onslaught of work.

The move, announced by NSW IR Minister and Attorney-General John Hatzistergos, means all states other than WA have committed to referring their powers. All but NSW have now passed legislation to give effect to the referrals.

The legislation is expected to be introduced in the middle of next week, while the Government wants it passed this year. The fate of the legislation now relies on the Upper House, of which the government does not have control.

Blake Dawson employment practice leader Stephen Woodbury told *The New Lawyer* the move is the logical step in terms of simplifying the industrial relations system, which started with the Howard government's move to effectively set up a national industrial relations system.

For his professional peers, Woodbury said the move will see work around arrangements for those clients who have to move from the state system to the federal system.

"It's going to be operational from 1 January 2010. So we will need to review the draft legislation, which is going to be released next week, and review how that might impact on clients and particular industry

sectors that might need to make the transition," he said.

Pressed as to whether lawyers now specialising in the state system will lose work, Woodbury said there will not be a massive loss of work.

"Most lawyers who specialise in the state system would be primarily working for state government departments, agencies, corporate entities like various departments of state government. They will continue to work in the state system so that work will remain. Also, they are retaining the occupational health and safety jurisdiction at the state level, so that work will remain in the state system as well."

Woodbury said Fair Work Australia is going to set up offices in regional areas, particularly in NSW, including Newcastle and Wollongong, which will provide greater access to those regional areas. He said they will also benefit people using the system, such as lawyers.

Woodbury said: "Now that we have a Labor government in place and new federal legislation and mainly state Labor governments, other than WA, the impediment to state governments now transferring all their IR powers over to the federal system are probably not as significant as when you had different parties and legislation in place at the state and federal system."

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>> local news

Armstrong first firm to become carbon neutral

ARMSTRONG Legal has become Australia's first carbon neutral lawyers following accreditation by the Carbon Reduction Institute.

CRI has already certified three more law firms and is in the process of auditing an additional three across New South Wales, Queensland and Victoria and expects all to be carbon neutral by the end of November.

"The process is simple and cost effective. By reducing the company's carbon footprint the firm is reducing its impact on the environment and reaching one of the company's goals of acting as good corporate citizens by demonstrating it is socially and environmentally aware," said Peter Magee, partner for Armstrong Legal.

"Armstrong Legal's carbon neutral status has been well received by both clients and staff. It is sending a powerful message to the business community that the firm is serious about making a difference to the environment and that all companies can make a change."

"The company's carbon neutral stance was the first of several environmental initiatives that have now been implemented into the practice. All have had an impact on minimizing overall business costs," Magee said.

"Armstrong Legal's green stance has contributed to the firm's growth in a tough business environment. Many clients are passionate about the business and its stance on helping the environment. This factor alone has contributed to new business."

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DLA Phillips Fox appoints new board chairman

DLA Phillips Fox has appointed David East as Chairman of the Board.

Sydney-based East replaces interim chairman, Martin Wiseman, who has held the position of chairman since March 2008.

East has been a member of the board since July 2008 and joined the DLA Phillips Fox partnership in 2002.

A finance and projects lawyer, East has more than 25 years experience in the field and has previously worked at Clifford Chance in London, where he worked primarily on syndicated lending and cross-border aircraft financing transactions; Blake Dawson, where he was partner; and Andersen Legal, where he was also partner.

"I am very excited and optimistic about our firm's future and I look forward to taking on the role of Chair at this time of significant change in the legal services market," East said.

East's other areas of expertise include infrastructure and PPP projects, construction and project finance, structured and



David East

tax effective finance, acquisition finance and debt capital markets. Recent infrastructure projects include desalination, water treatment, energy, health and hospitals and transport. Wiseman, who is a partner at the Auckland office, will remain at the firm, but not on the board.

Caroline Atkins, partner in the firm's Canberra office, will instead

join the board. Atkins joined the firm in May 2002 and has over 25 years experience in commercial law advising both the government and the private sectors with specific expertise in government procurement, strategy and policy implementation as well as intellectual property rights, technology law and legal risk and contract management.

The new board appointments were announced at the annual Partners' Conference held in Melbourne last weekend, which was attended by 139 partners from Australia and New Zealand as well as 25 DLA Piper representatives and the firm's new chief executive, Tony Holland.

Holland was appointed as the firm's new chief executive, late last month, but will not officially start take on the role until February 2010.

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>> Deal of the day

Freehills acts on CalEnergy deal

LAW firm Freehills has advised CalEnergy Gas (Australia) Limited on an option to sell its 15 per cent interest in the BassGas Project to AWE Petroleum Pty Ltd (AWE).

AWE will be able to buy CalEnergy's interest in the Project for \$80 million. The BassGas Project consists of an offshore, unmanned wellhead platform connected by pipeline to a gas processing facility onshore at Lang Lang in south eastern Victoria. The Project, which commenced in 2006, produces natural gas, LPG and condensate.

The Freehills team was led by partner Rob Merrick and solicitors Alistair Warren and Nicola Petit and senior associate Imogen Scanlan.

Freehills partner Rob Merrick said: "CalEnergy is a long-standing client of the firm whom we have advised on all aspects of its participation in the BassGas Project. We are delighted to have assisted CalEnergy at all stages of its ownership of the asset, from appraisal and feasibility through to development, financing and divestment."

In a separate transaction, AWE and Innamincka Petroleum Limited (Innamincka) have entered into arrangements which may result in Innamincka acquiring 7.5 per cent of the CalEnergy equity.

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New Private Funder Seeks Litigators

With varying interests in alternative asset classes, Argentum Partners' most recent venture features a Litigation Growth fund subscribed exclusively by private Asian and Australian investors.

'Argentum Litigation Investments forms just one part of the diversified holding company, now with strategic interests in ATE Insurance and Litigation Funding' said Non-executive board member and insurance expert Alex Toe.

The difference between Argentum and other Litigation Funders is a network of private investors looking for tangible, alternative asset classes and Litigation Funding fits the bill perfectly. 'Network investors are buying a share of the action, so to speak. We align ourselves with a range of legal professionals and other brokers seeking finance. They furnish Argentum with the right case, and we take care of the capital' said Mr Toe speaking from London where the company has established a satellite office.

Based in Hong Kong, the company also has a representative office in Australia and recently announced that corporate headquarters will soon move to Singapore where the business will continue carving its niche in Australia and the UK. Sponsoring London's Litigation Costs seminar generated a lot of interest from the European market' said Mr Toe, 'and we are now actively seeking out Australian lawyers and brokers with the right cases in their portfolios'.



Alex Toe is a Media Contact and non-executive board member of Argentum Litigation. Please direct any enquiries to: alex@argentumlitigation.com