



## PRESIDENT'S PIECE

By Wadi Nadzri

End of year celebrations, parties, Christmas, holidays and a break away from the grind, are all just around the corner. So what are you going to do?

Here are some simple tips to make the most of your break:

### 1) Stand up:

Depending on if you work in a small, medium or large firm whatever the case may be, spending 9 – 19 hours on your backside day after day can certainly take a toll. Holiday time means you have opportunity to use those things attached to your rump aka 'legs'. When presented with a chair, take a stand instead.

### 2) Talk without timing:

Have a conversation without looking down at the clock and recording how much time you have been blabbing for. Apparently the larger portion of the population do this and holidays provide a great opportunity for you to practise this simple form of un-recorded communication. This will also allow you to invest more effort into the conversation itself and naturally increase the amount of time you do talk to people. When recording time does roll around again, you would have naturally increased your recording time capability further justifying your entire existence.

### 3) Express an Opinion:

It is often difficult to and sometimes impossible to give clients, senior partners and colleagues a clear cut opinion on a matter. Things can swing both ways, you don't want to express an idea just in case it backfires, and the 'let's just see how it pans out' phrase is always the safe option. Since you are now out of the office, you are free to suggest those wonderful and wacky ideas that have been looming in your deepest darkest imagination. So go on, give it a go - free your mind.

With these simple steps, you will find yourself in no time standing up, in a conversation, telling it the way you see it....

Well that is at least until it comes crashing down and you are back at your desk in the New Year.

Merry Xmas and Happy New Year!

## What's happening?

### **Mixed weekend for Australian sport**

Aussies won the Rugby League, tied with Ireland in the Rugby Union and failed to keep Tiger Woods out of the gold jacket at the Australian Masters.

After such an emotional rollercoaster of weekend sport the return to work on Monday must have been an essential wind-down for many.

This week the Scots have been talking up a good game against the Wallabies (3:00am Sunday morning our time).

### **Christmas drinks @ Law Society House**

After last year's successful coalition of the willing, QYL and the renamed QLS New and Early Career Lawyers Section will again co-host some pre-Christmas drinks just in time for the start of the silly season.

After last year's successful collection of over 120 toys and books for The Smith Family Christmas appeal the 2009 event will once again support this worthy cause.

WHERE: Law Society House, 178 Ann Street, Brisbane.

WHEN: Wednesday 2 December from 5:30pm for 6:00-9:00pm.

COST: Toy or book donation

RSVP: via web link below

<https://www.qls.com.au/events/ei/cm.esp?id=2&pageid=COURSEDET&eiscript=23C0PZEKI&course=091202Z>

The 80-people capacity for this event fills up very quickly.

### **Serious article – Bankruptcy changes**

See page 3 for an update and opinion on proposed bankruptcy changes. Submission of articles to this newsletter is most welcome.

### **2010 QYL membership renewal**

QYL thanks our members and non-member supporters for a great 2009. Don't forget that all memberships expire on December 31.

Why not renew your membership for 2010 in November or December while you are full of seasonal merriment and goodwill? (ie. rather than in January or February with a thumping credit card hangover). We have your best interests at heart here. Honestly!



## QYL announces its fastest young lawyers for 2009

By Julian Creagh

Avid readers of this newsletter will be aware of QYL's fastest young lawyer competition, staged simultaneously with the Price Waterhouse Coopers Cool Night Classic fun run. After the rained-out debacle which was the 2008 event, it was a relief to see blue skies on the evening of 12 November 2009.

With everything in place, the many starters set off on a mad scramble along the downhill path from the Gardens Café towards Albert Street and gradually sorted themselves out over the 5.2 Km course that took in the Goodwill and Victoria bridges, South Bank and the below Riverside Expressway bikeway.

After over more than a full year of hype and dashed expectations; who were the fastest young lawyers?

The female category was won by Lisa Anthony of Freehills with a time of 23 minutes 45 seconds (37<sup>th</sup> of 892 female finishers).

Dave Abrey of Aitken Wilson Lawyers smashed the magical 20-minute barrier to finish 39<sup>th</sup> out of a total of 2124 finishers with a time of 19m 55s.

Lisa Anthony and Dave Abrey each win a complementary QYL membership for 2010 (normal membership fees: \$50, value: priceless).

QYL treasurer David Topp came in at 19m 48s with an impressive 36th place overall. David must concede the "free 2010 membership" prize to Dave Abrey however due to one or two conflict-of-interest issues:-

- being on the QYL committee;
- instigating the idea; and
- a Google search history which includes the phrase "scamming footrace timing chips and getting away with it"

With only seven seconds separating Dave and David the rematch in 2010 will be keenly awaited.

After the race a group of members recovered in the traditional way with a bar tab and food at the Pig & Whistle Riverside. The writer had to forego the pleasure of running his guts out in order to get to the pub nice and early to make sure the beer was being served at a suitable temperature for the returning runners.

QYL genuinely believes that a fit and healthy legal profession is a good profession. Weather permitting, QYL's "Fastest Young Lawyer" promotion will be repeated next year. If you currently break into a sweat taking the wrapper off a Mars bar you have a full 12 months to shape up and challenge Lisa and the two Davids. Alternatively, just join us at the after-party.



**To be a successful athlete, there are plenty of things you need; guts, determination, a solid training bank. Then there are things you don't need; good looks and a flash hairstyle. Our treasurer has the mix just right.**



## Bankruptcy – the new black

By Danielle Keyes,  
Insolvency & Restructuring, Deacons

This article is a quick summary of some of the proposed changes to the *Bankruptcy Act 1986* (“Act”) implemented by the *Bankruptcy Legislation Amendment Bill 2009*.

David Topp also has some comments on a likely consequence of the proposed threshold change.

### Proposed changes

The proposed changes to the Act include:

- Increase in the minimum amount of debt required for the issue of a bankruptcy notice from \$2,000 to \$10,000 (s41(1)(a)-s44);
- Increase of the “stay” period (in relation to the declaration of intention to present a Form 5 Debtor’s Petition s54A) from 7 days to 28 days (s5(1));
- Increase in the minimum amount of trustee remuneration from \$1,109 to \$5,000 (s161B) [NB. This does not affect ordinary remuneration under s162 or regulations – it is an acknowledgement of bare minimum costs of \$5,000 in administering a bankruptcy];
- Increase in the offence/penalty provisions; and
- Increase in the limits to Part IX agreements thresholds – there is still some debate as to the limits but it is currently after tax income \$63,363 and unsecured debts \$84,484.

**Side note** – the Government proposed a reduction in the term of bankruptcy from 3 years to 1 year, but did not proceed with this.

## Counsel’s Comments

By David Topp - Barrister

Being young (or young-ish) lawyers, many of us work or have worked at the coal face of this issue, given that it has long been a rite of passage for very junior practitioners to be delegated small debt recovery files in order to cut their teeth in litigation.

In my opinion it is a retrograde step to increase the minimum judgment amount required for the issue of bankruptcy notices from \$2,000 to \$10,000.

Late payment and non-payment of business debts is a curse of small business. To date the enforcement of relatively small debts has often been an uncommercial exercise for creditors on the time and cost front.

This point is not lost on many unscrupulous operators who factor in such creditor reluctance when crafting their obstruction strategies.

To date, one monkey on the tricky debtor’s back has been the risk of entering bankruptcy (and all of its negative implications) for non-payment of judgment debts of only \$2,000.

Increasing this threshold fivefold gives the green light to unscrupulous operators to proceed with even less cause for caution given that the prospects of being declared bankrupt would become virtually nil for judgment debts under \$10,000.

If the rationale behind the change is to limit the total number of bankruptcies, it could prove to be a false economy if the practical effect is more small business insolvency due to emboldened “rogue” operators.



## Cairns “Breakfast with the Law” October 2009

By Julian Creagh

QYL would love to say that we do our bit for lawyers and the community outside of the Brisbane CBD, unfortunately for a lot of the year this would be stretching the truth a wee bit. October is different however.



It is an annual tradition for a QYL speaker to be invited to Cairns for the “Breakfast with the Law”. This year I had the honour of enthraling (?) high-school legal studies students from the greater Cairns area with my topic; *“Lessons Learned and other War Stories - a young lawyer’s perspective”*.

My ability to relate to the students may have been questionable given that I finished high school a decade ago and that I wear a wristwatch to tell the time (which, according to some of the students, is very old-fashioned and uncool since there is apparently a perfectly functional clock on one’s touch-screen phone).

Nevertheless, nobody visibly fell asleep during my verbal guided tour of high school, university, job search, articulated clerkship and admission and I was warmly thanked for my *“insightful insights”* in a wonderful Russell Coight style tautology by the courageous student who MC’d the breakfast.

Full credit must go to the *Business Liaison Association* (<http://www.bla.org.au/>) and their sponsors for their fine work in bringing vocational information and opportunities in the law and many other industries to Cairns students. In particular, *Marino Moller Lawyers* give strong support to BLA activities in the legal field.

It wasn’t all breakfasts in posh hotels however. The trip to Cairns gave me the opportunity to play at the Half Moon Bay golf club which features groups of wallabies eating the grass on the fairways and spectacular 180-degree views of the mountain ranges surrounding Cairns on several holes.

I also had the opportunity to meet in person some long-term town agency colleagues, Cameron Price Lawyers, for lunch. It was interesting to hear the views of Cairns-based practitioners on matters such as client price sensitivity, CPD accessibility and other local perspectives on universal issues.

QYL will return to Cairns next year and for as long as we continue being invited.



L-R; Charlie Marino (Marino Moller Lawyers), the writer and Dr Anthony Grey with some of the students.



## Introducing: Adrian Moffatt 2010 QYL Vice-President

**Employer:** Diversified Mining Services Ltd

**Position:** Legal Counsel

**Age:** 32

**Area/s of Practice:** Corporate/Commercial but now a bit of everything working in-house

**Study:**

Completed a Bachelor of International Business (Hons) in Europe with a stint in the UK (long story). Worked in finance for Commsec in Sydney for a few years before doing my law degree at Bond.

Currently completing a Grad Dip in Applied Finance (Corporate Advisory) through FINSIA/KAPLAN.

**Why the move in-house:**

Prior to going in-house last month I was an associate in the corporate/commercial team at Carter Newell. Whilst there I was lucky to undertake 3 in-house secondments with clients in the engineering and mining services sectors.

I really enjoyed the scope of projects and work (both legal and non-legal) that I was involved in and I found being able to use my business and finance knowledge as well as my legal skills very rewarding. I would highly recommend the secondment experience to anyone.

Therefore, I guess my secondment experiences, my general interest in business and strategy and my long term goal of moving into executive management were the main drivers for the move in-house.

**The in-house experience:**

The in-house role that I have taken on is a "greenfield" role (the company never had a legal department before). Without the extensive resources, research facilities and support you are used to in a law firm, it can be very demanding being across a vast array of areas of the law required in-house. However, the hardest part I have found with the role is selling yourself to the business and justifying that you are more than just an expense and road block for the business.

Whilst not having time sheets is one of the obvious (and best) benefits, I have decided to maintain a basic timesheet system (30 min blocks) so that I can report back to management on what I have been doing and where the work is coming from.





- Favourite Book:** I enjoy reading autobiographies and biographies, Richard Branson's books are pretty good.
- Favourite TV Show:** Love watching Top Gear and most sports but am also ashamedly a big fan of reality tv as long as it does not involve singing or cooking, I like to see people with no talent get their 15 minutes of fame :-)
- Why a Lawyer:** I guess having 4 generations of law behind you it's hard to stay away.
- What if you weren't a lawyer?:** Life would be less stressful, my work life balance would be better and I would have never had those bad dreams about time sheets and billing :-)(Is that what you mean?)
- Where in 10 Years:** Hopefully in executive management or running my own finance/funds management company.

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## “Elevate” charity cocktail event wrap-up

On 22 October “The Source” (formerly Brisbane Jnr Chamber of Commerce [www.thesource.org.au](http://www.thesource.org.au)) held the “Elevate” charity Cocktail event and QYL was proud to join the many associations for young professionals promoting and supporting the event.

Guest speakers were Paul Borrud (Vice President of Facebook) and Stu McMullin (Founder of Hell Pizza). Paul's presentation was backed up with a number of videos made by the American Facebook programmers. From these videos we learned that when discussing performance the current trendy language is apparently not to say “*there was a ten-times increase...*” but to say “*there was a ten-X increase...*”. [QYL advises caution when using this terminology in relation to a 400% improvement as this could lead to confusion with the beer brewed at Milton.]

Stu McMullin was a very funny and engaging speaker. Apparently Hell Pizza have taken the decision to tone down their outrageous marketing for conservative Australian tastes. This is a shame because their full-tilt marketing efforts are scandalous and hilarious.

Over \$5,500 was raised for Brisbane Youth Services on the night. Congratulations to all QYL members and friends who attended.



**Left:** Paul Borrud of Facebook. **Right:** Danielle Keyes, Leah Mangano, Ebru Upcin, Sadia Stathis, Adrian Moffatt and Julian Creagh. Apologies for the crazy photo, we have normal-enough looking heads in real life. Here's a photography tip; don't set the camera on “scene” for indoor shots.



### Management Committee

|                        |                       |   |
|------------------------|-----------------------|---|
| <b>President:</b>      | <b>Wadi Nadzri</b>    | - Principal of Clear Legal                          |
| <b>Vice-President:</b> | <b>Adrian Moffatt</b> | - In House Counsel, Diversified Mining Services Ltd |
| <b>Secretary:</b>      | <b>Ebru Upcin</b>     | - Solicitor with Carter Newell Lawyers              |
| <b>Treasurer:</b>      | <b>David Topp</b>     | - Barrister   |

### Committee Members

|                        |   |
|------------------------|---|
| <b>Stephanie Byrne</b> | - Graduate Lawyer with Carter Newell Lawyers                        |
| <b>Julian Creagh</b>   | - Solicitor with Quinn & Scattini Lawyers (& QYL newsletter editor) |
| <b>Leanne Doxey</b>    | - Associate with Bain Gasteen Lawyers                               |
| <b>Kristin Duff</b>    | - Solicitor with Harmers Workplace Lawyers                          |
| <b>Emmelene Gray</b>   | - Solicitor with Blake Dawson Lawyers                               |
| <b>James Hiller</b>    | - Solicitor with John M O'Connor & Co Lawyers                       |
| <b>Steven Hogg</b>     | - Solicitor with Tucker & Cowen Lawyers                             |
| <b>Danielle Keyes</b>  | - Solicitor with Deacons Lawyers                                    |
| <b>Stephen Mackie</b>  | - Solicitor with Deacons Lawyers                                    |
| <b>Leah Mangano</b>    | - Associate with Carter Newell Lawyers                              |
| <b>Adrian Robins</b>   | - Solicitor with James Conomos Lawyers                              |
| <b>Janita Singh</b>    | - Solicitor with Ellison Moschella Lawyers                          |
| <b>Simon Taylor</b>    | - Barrister   |

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# Queensland Young Lawyers Inc

ABN 91 113 661 372

## Membership Application 2010

Full Name: \_\_\_\_\_

Date of birth:                      /                      /                      dd/mm/yyyy

Please indicate:

Solicitor     Barrister     Trainee Solicitor / Articled Clerk

Full-Time Student     Other: \_\_\_\_\_  
(Please provide copy of student card)

Date of Admission (if applicable)

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ dd/mm/yyyy

Level of Study (if applicable)

Firm/Employer/University:

Telephone Number:

(work)    (home/mobile)

E-Mail Address:

Secondary E-Mail Address:

Feel free to provide a webmail address just in case your employment email address becomes inoperative for any reason

How did you discover QYL?

Friend     Function     Proctor     Web

Other: \_\_\_\_\_

Signature:

If submitting form electronically for payment made online please scan & email a completed and signed copy of this form.

x

**Membership from now to 31 December 2010 - \$50 or \$25 for full-time student**

Amount Paid:                      \$ \_\_\_\_\_

Cheque or money order

Direct deposit: BSB: 638070; Account No: 9813527; Name: Queensland Young Lawyers  
[please attach a deposit slip/internet banking receipt to this form]

PayPal - date of payment                      /                      /

Visit [www.qldyounglawyers.com.au/membership-information.html](http://www.qldyounglawyers.com.au/membership-information.html) to pay by either



SUBMIT THIS FORM (AND CHEQUE/MONEY ORDER PAYABLE) TO:

**QUEENSLAND YOUNG LAWYERS INC  
GPO BOX 1147 BRISBANE QLD 4001**

[queenslandyounglawyers@gmail.com](mailto:queenslandyounglawyers@gmail.com) / [www.qldyounglawyers.com.au](http://www.qldyounglawyers.com.au)

*Your application will be considered at the next Management Committee Meeting held on or about the second Tuesday of each month. QYL will confirm your application shortly thereafter. GST is not payable on this membership fee.*

OFFICE USE ONLY

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Proposer's Signature & Name

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Seconder's Signature & Name