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# AUSTRALIAN Business Lawyer

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## Chairman's Message

The 1988 Annual General Meeting of the Section was held in Canberra on 1 September with 47 identifiable members of the Section present. I say "identifiable" because the meeting was held in the course of the Section luncheon during the Australian Legal Convention and there were at least another 120 persons in the room. The turnout of 47 members exceeded by 13 the number present at the AGM held in Melbourne in December 1987. It certainly was an experiment and, by all accounts, was very successful. Certainly the mood of the meeting was conducive to the smooth passage of the constitutional amendments which might otherwise have received more critical scrutiny! Both John Salter, Chairman of the Section on Business Law of the International Bar Association and Colm Allen, Treasurer of the Irish Bar, addressed the meeting and, immediately thereafter, Lord Justice Mustill of the Court of Appeal in England addressed both BLS members and non-members alike on the subject of international arbitration.

John Salter had earlier presented me with a gavel on behalf of the SBL in particular acknowledgement of the link between the SBL and the BLS having been the first of more than 190 such links which have since been accomplished. The BLS values highly its links with the SBL and I encourage those of you who have not already done so to join the SBL and to play a part on its expert international committees.

Committee work is at the heart of BLS activities. Members of BLS committees give a great deal of their time in considering proposals to change Federal legislation and in preparing submissions to Government. Much consultation occurs on a confidential basis and cannot be the subject of public discussion. The work is simply done quietly behind the scenes and often at the most effective time, prior to Cabinet policy decision making. There is no doubt that the BLS committee members are at the forefront of the development of law in their areas of expertise and I acknowledge their efforts in responding promptly to the numerous, often unreasonable, demands placed upon them.

Changes to the leadership of all our Committees took effect on 1 January 1989. The Executive particularly wishes to thank the retiring Chairmen and Deputy Chairmen for their enthusiasm, energy and support. They will, of course, continue to contribute as valued members of our committees in the future. The new Chairmen and Deputy Chairmen are as follows:

### Trade Practices

Chairman: Doug Williamson QC (Melbourne)  
Deputy Chairman: Roger Featherston (Sydney)

### Intellectual Property:

Chairman: Des Ryan (Melbourne)  
Deputy Chairman: Jenny Wilson (Sydney)

### Banking Finance & Consumer Credit

Chairman: Bill Gough (Sydney)  
Deputy Chairman: John Field (Melbourne)

### Companies:

Chairman: Professor Bob Austin (Sydney)  
Deputy Chairman: John Webster (Melbourne)

### Taxation:

Chairman: Mark Liebler (Melbourne)  
Deputy Chairman: Jim Momsen (Sydney)

### Insolvency:

Chairman: Bruce Hambrett (Sydney)  
Deputy Chairman: Peter Kennedy (Melbourne)

### Customs Law:

Chairman: Keith Steele (Sydney)  
Deputy Chairman: Paul Baker (Melbourne)

A workshop will be held in Sydney in February to clarify objectives and ensure smooth administration.

The more noticeable activities of the Section are its seminars and conferences. In recent months there have been seminars on cross vesting (jointly with the Family Law Section) and travelling seminars on capital gains tax and insolvency which visited all State capital cities and Canberra. Others will follow in 1989. In particular, our future seminar activities will be co-ordinated with Law Societies and Bar Associations whenever possible.

Successful twilight seminars have been held in conjunction with the Corporate Lawyers' Association. Planning is well under way for the second Business Law Section bi-annual conference to be held in Melbourne on April 10 and 11, 1989. Our suggested programme for the 1989 Australian Legal Convention to be held in Sydney has been accepted by the conference organisers and we

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expect to play our usual full part in those convention activities.

Membership of the Section has been slowly increasing and now stands at 1,150 thanks particularly to the efforts of the Deputy Chairman of the Section, Steven Cole, who has identified those types of firms in which the Section was not well represented and targeted them for special mailings to bring to their attention the benefits of Section membership.

Relations between the Section and the Law Council itself, have, during 1988, shown none of the signs of strain which led to the appointment by the Law Council Executive of one of its number to be a liaison person with the Section. Bruce DeBelle QC, now Treasurer of the Law Council, has observed such a smooth inter-relationship between the Section and the Law Council Secretariat that he has not been called upon to intervene.

This improvement in relations has been attributable in no small part to the efforts of Trevor Bennett who has been entirely supportive of the Section's endeavours. I wish to pay particular tribute to Trevor, who has now retired as Secretary General of the Law Council, for the support he has given the Section. His successor, Peter Levy, has already attended a meeting of the Executive and we look forward to working with him.

Perhaps the most significant event of the year was the visit to Australia, as the guests of the Section, of

Professor Roger Fisher from the Harvard Law School, his wife Carrie and his assistants Francine Pillemer, Wayne Davis and Rob Ricigliano, who conducted workshops on negotiation in Melbourne and Sydney before appearing at the Australian Legal Convention. The feedback from the workshops has been almost entirely positive and I think many lawyers had their eyes opened for the first time to a new way of thinking about negotiation as a principled approach to dealing with differences.

Relations between the Section and the various constituent bodies of the Law Council have continued to improve. Meetings have been held recently with representatives of the Law Societies of Western Australia, South Australia and Queensland and with the Bar Association of Queensland at which we have explored ways by which we can collaborate, particularly in relation to CLE. Earlier meetings were held with the Law Societies of Tasmania and New South Wales and with the Commercial Law Section of the Law Institute of Victoria.

1989 will be a busy year for the Section. If you are interested in our committee work or in helping us become a stronger part of the Law Council, please contact me through the LCA Secretariat.

**Alan L. Limbury**

# **Report on the Fifth Session of the Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions**

**Geneva — June 13th to 17th  
1988  
by D. J. Ryan**

With the assistance of the Law Council, I was included as a member of the Australian Government delegation to the Meeting of the Fifth Session of the Committee of Experts. The delegation was led by Mr Phil Thomas, Assistant Commissioner of Patents, and was provided with a Brief, prepared on the basis of submissions received from a number of interest groups including The Law Council, The Institute of Patent Attorneys of Australia, The Asian Patent Attorneys Association and the Australian Group of the Federation Internationale des Conseils en Propriete Industrielle, and on the Government policy in relation to the relevant questions as reflected in the ministerial response to the report of the IPAC Committee on the Australian patent system. As a member of the Australian delegation, I was able to participate fully in all the discussions of the Session, and on behalf of the Law Council as well as myself, I wish to record here my thanks to the Australian Government, to the Commissioner of Patents and to Phil Thomas for facilitating this level of participation. So far as I am aware, only Australia and Germany included non-government representatives in their delegations, and I believe that, as a result of the added perspective provided by this inclusion, our respective delegations were able to make a wider contribution to the discussions than might otherwise have been the case.

Before reporting in detail on the deliberations of the Session, I think it is useful that I provide some of the background.

First of all, I think it is necessary to see the harmonization proposals in the context of the very substantial international activity in the field of intellectual