

Changing Geer



Welcome to our first Alumni newsletter for 2010. We hope that the year has started well for you both professionally and personally.

Herbert Geer has had a successful year to date as we continue to pursue our growth strategy. We have promoted Kate Mabilia to partnership and welcomed 2 new partners, Martin Irwin and Paul Muscat, strengthening in key areas of workplace and insurance services, banking and finance and projects and construction. The firm now has 53 partners in Melbourne, Sydney and Brisbane.

We expect 2010 to be a year of continued growth across Sydney and Brisbane in particular. You may recall that just 2 years ago the firm had 24 partners. As we focus on growth it seems appropriate that we reflect on the beginnings of the firm.

Herbert Geer was recently announced as a finalist in the BRW Client Choice Awards in the Best Law Firm in Australia category for firms with revenue of \$50 to 200 million. To have made it as a finalist is a great achievement, and confirms our growing reputation. We are incredibly proud of this external endorsement from the best possible source, our clients.

In this edition of *Changing Geer* you will find an interview with Keith Geer, the founding partner of the firm. He started business in a "borrowed" room in Bank Place, Melbourne over 70 years ago.

Other key highlights for the firm this year so far have been the judgement in favour of our client iiNet, in what is a landmark case, and the successful decision in the matter of Kirk V Industrial Relations Commission of NSW & WorkCover NSW [2010] HCA 1. More on these below.

We hope that you enjoy this edition of *Changing Geer*.



William Fazio,
Managing Partner

iiNet wins landmark copyright battle

After a long year of preparation and a 4 week trial in October and November, judgment was handed down in the iiNet matter on Thursday 4 February, 2010.

Herbert Geer was pleased to have been a part of the team that achieved a win for our client iiNet, with Justice Cowdroy dismissing the application brought by over 30 of the big film studios and awarding costs to iiNet. The claim brought by the film studios, through the Australian based industry body AFACT (Australian Federation Against Copyright Theft) was that iiNet was liable for copyright infringement as it had authorised its customers to infringe copyright by making available online, electronically transmitting and making DVD copies of its films and television programs.

[CLICK HERE](#) for more details.

Implication of the High Court's decision in Kirk

The High Court decision in the matter of Kirk V Industrial Relations Commission of NSW & WorkCover NSW [2010] HCA 1 (3 February 2010)

("Kirk") has forever changed the way in which OH&S prosecutions in NSW are instituted, heard and determined.

It is also likely that the issues determined in Kirk will have implications for other specialist State Courts including in particular the extent to which the Supreme Courts of the States and ultimately the High Court supervise those Specialist Courts to ensure that they do not exceed their jurisdiction or otherwise engage in jurisdictional error.

[CLICK HERE](#) for more details.

Do you employ workers who are covered by state or federal awards?

If so, your business will most likely be covered by one or more of the modern awards made by the Australian Industrial Relations Commission (AIRC) during the recently completed award modernisation process.

For businesses where there is an enterprise agreement currently in place, the modern award will be relevant for any replacement enterprise agreement that you enter into on or after 1 January 2010 as the

relevant instrument for the 'better off overall test'.

[CLICK HERE](#) for more details.

The Accident Compensation Amendment Bill 2009

The Accident Compensation Amendment Bill 2009 was drafted in response to recommendations made by Mr Peter Hanks QC in the Accident Compensation Act review ("the Hanks report").

The proposed amendments include changes which will impact upon the rights of workers, dependants and employers in relation to weekly payments of compensation, lump sum benefits and common law claims.

The proposed amendments also alter provisions in relation to dispute resolution and self insurance.

[CLICK HERE](#) for more details.

Security of Payment Guide Projects and Construction Team

The Herbert Geer Projects and Construction team is pleased to provide you with a comparison of security of payment legislation across each jurisdiction in Australia, including new legislation enacted in the Australian Capital Territory, Tasmania and South Australia.

The comparison comprehensively details the similarities and differences of each of the legislation in key areas, such as the applicability of the legislation and the process for payment claims, payment schedules and adjudication.

[CLICK HERE](#) for more details.

FIRM ANNOUNCEMENTS:

Herbert Geer kicks off 2010 with new partner appointments

Herbert Geer announces the promotion of Kate Mabilia and the arrival of Martin Irwin as partner.

[CLICK HERE](#) for more details



Herbert Geer's Project and Construction team expands in Brisbane and Sydney

Herbert Geer announces the arrival of Paul Muscat as partner and Alex Robinson as special counsel.

[CLICK HERE](#) for more details



Herbert Geer lawyers get on their bikes for a good cause

Lawyers from Herbert Geer were amongst 1650 cyclists taking part the 2010 Murray to Moyne team cycle relay on 27th and 28th March, 2010.

The team is riding to raise money for the Centre for Eye Research Australia (CERA), one of the world's leading eye research institutes. All funds will support research into the causes, treatment and prevention of eye diseases and vision impairment.



Interview with Keith Geer

The following is an interview with Mr Keith Geer, one of the founding partners of Herbert Geer.

This interview gives a real insight into how difficult it was to start a business during the war. Despite returning from World War 2 to find his practice near gone, and with no office space, Keith Geer managed to pick up the pieces and build a very successful firm. Along the way acquiring clients like Village (now Village Roadshow) who, to this day, remain a Herbert Geer client.

[CLICK HERE](#) to read the interview.



This article was produced by Herbert Geer.
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The contents do not constitute legal advice and should not be relied upon as such