

In situations where a compensation payment or part thereof falls outside the scope of the exemption in subsection 160ZB(1), the pertinent portion will have to be "grossed up" to take CGT liability into account. Similarly, in loss of consortium claims, lawyers may have to take GCT into account when assessing damages.

This will have the effect of inflating awards/settlements in such instances by at least a third to 40 per cent.

The draft Ruling will apply to "years of income commencing both before and after the date on which it is issued". It is apparent that the Ruling will become operative from the time the CGT provisions were introduced (i.e. 20 September, 1985). However, the Ruling will not apply to taxpayers to the extent that it conflicts with the terms of any settlement agreed to before the date the final Ruling is issued.

Until the final ruling is issued, in cases where it appears that payments may attract CGT implications, it might be appropriate to include as a term of settlement the following:

"This settlement is entered into by the parties on the understanding and on the basis that the proceeds of settlement are exempt from Capital Gains Tax pursuant to subsection 160ZB(1) of the *Income Tax Assessment Act* and that the settlement conflicts with draft taxation Ruling 94/D35 and any final Ruling made pursuant thereto."

Special notice

You Can Register NOW for the forthcoming NSW LEGAL CONVENTION. The Convention, an initiative of the Law Society of NSW, will run from **WEDNESDAY 25 OCTOBER to WEDNESDAY 1 NOVEMBER** and will be launched by the Attorney General of NSW, the Hon Mr Jeff Shaw QC, MLC, at Sydney's Museum of Contemporary Art.

Over 100 events are scheduled for the week-long Convention. Among these are about 20 special events including debates, forums, simulations, breakfasts, lunches and days for special interest groups.

Highlights include:

- *Justice and the Media* - a debate featuring NSW judges and prominent media personalities exploring the controversial issues of cameras in courts, the media's reporting of justice, the impact of subjudice laws, and the role of judges in the media.

- *The Common Law and Lawyers - Is There a Future For Them?* - This forum, hosted by the NSW Bar Association, will examine the role the Common Law plays in the protection of individual rights and ask what future the Common Law has.

While a number of the high profile events are subsidised by the Law Society and will be presented free of charge, seating is limited so it is essential that you register for each event.

The Convention will also feature over 50 Continuing Legal Education seminars, including a full day of Specialist Accreditation seminars. The program of practical legal education seminars will address a wide range of areas, including personal injury, with seminars on medical negligence, the *Motor Accidents Act* and more. The two day exhibition LEXPO '95, will give practitioners hands-on experience with the latest in law related technology.

The highlight of the Convention's social program will be a Gala Night at Paddington Town Hall. This party will feature a swing band, stage shows and dancing into the night.

Take advantage of the early registration discount and the package deals. The CLE package will offer you up to a 33 per cent discount on the price of seminar attendance. Alternatively, you may choose the Convention Gold Pass which will entitle you to attend a number of special events as well as CLE seminars at a substantial discount. You may of course register for individual events and select your own pattern of attendance.

To get your copy of the Convention Program with the registration liftout, or if you have any questions about the Convention, ring the Convention Help Line on (02) 373 7310.