

ANNUAL REPORT



2010/2011

**The Law Society of
Western Australia**

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STRATEGIC PLAN 2010 - 2013

Vision

To be the representative body for the legal profession in Western Australia.

Purpose

The voice of the legal profession in Western Australia.

Vision

To be the representative body for the legal profession in Western Australia.

Key Result Areas

Key Result Area 1: High value membership

Key Result Area 2: Leaders in Continuing Professional Development

Key Result Area 3: Voice of the legal profession in Western Australia

Key Result Area 4: Promoting access to Justice

Key Result Area 5: Best practice professional association

Our Strategy

The Strategic Plan will guide the activities of the Society over the next three years. This Plan has been developed to provide a framework to take the Society into the future. It sets an exciting direction for the future of the Society and all those associated with it – members, staff and the legal profession as a whole.

The Society will achieve its purpose and vision and deliver on the objectives of the strategy by ensuring we understand and respond to:

- Maximise membership across the profession
- Maintain a strong identity and reputation
- Contribute to the enhancement of the professional knowledge and skills of the legal profession
- Represent the interests of the WA legal profession and maintain recognition as a credible and independent commentator and source of information on legal and public policy issues
- Promote access to justice
- Enhance the image of the profession
- Maximise efficiency, effectiveness and service quality
- Ensure organisational capability, and
- Ensure appropriate administration, investment, management and governance of Law Mutual.

Key Product Areas and Services

Our key products and services will at all times be aligned to, and complement our Key Result Areas.



SNAPSHOT OF ACHIEVEMENTS

The Law Society of Western Australia has successfully achieved numerous targets throughout the 2010/2011 financial year. Below you will find some of our key achievements.

41 - Solicitors and Barristers with Family Law Accreditation as at 30 June 2011

3,885 - Members of the public who visited the Old Court House Law Museum

22,820 - Referrals of Law Society Members to the Public from the Referral Database

300 - Committee meetings

42
Committees of the
Society

884 - Number of Law Access contacts/referrals

475
Members serving
on Society
committees

715 - Number of people who attended Law Week events

52 - Submissions made

3,329
Members of the
Society

45 - Firms accredited with the Quality Practice Standard as at 30 June 2011

50 - Society CPD learning events held

111 - Firms responded to the Salary Survey

2,500
Registrants at
Society CPD
learning events

40 - Graduates of the Legal Assistant's Training Course

4,886 - Students and teachers participated in the Francis Burt Law Education Programme (FBLEP)

33
Schools
participating in the
2010 Mock Trials
Competition

COUNCIL 2010

The Council of the Law Society of Western Australia for 2010 consisted of the following members:

EXECUTIVE



Hylton Quail
President



Simon Watters
Senior Vice President



Dr Christopher Kendall
Vice President



Craig Slater
Treasurer

ORDINARY MEMBERS

Simon Creek (from June 2010)

Konrad De Kerloy

Judith Fordham

Graham Goerke

Pamela Hass

Belinda Lonsdale

Greg McIntyre SC

Denis McLeod

Steven Penglis

John Prior

Shane Sirrett

Craig Slater

John Staude (resigned February 2010)

COUNTRY MEMBER

Carmel McKenzie

JUNIOR MEMBERS

Dr Eric Heenan

Matthew Keogh

Elaine Wambeck

IMMEDIATE PAST PRESIDENT

Dudley Stow

COUNCIL 2011

The Council of the Law Society of Western Australia for 2011 consisted of the following members:

EXECUTIVE



Hylton Quail
President



Dr Christopher Kendall
Senior Vice President



Craig Slater
Vice President



Konrad de Kerloy
Treasurer

ORDINARY MEMBERS

Simon Creek

Anthony Kay

David Blades (from June 2011)

Matthew Keogh

Graham Goerke

Belinda Lonsdale

Pamela Hass

Greg McIntyre SC

Denis McLeod

Steven Penglis

John Prior

Judith Fordham (resigned June 2011)

COUNTRY MEMBER

Cameron Syme

JUNIOR MEMBERS

Dr Eric Heenan

Lana Paxman

Nicholas van Hattem

IMMEDIATE PAST PRESIDENT

Dudley Stow

PRESIDENT'S REPORT



Hylton Quail

President

Over the past financial year I am very pleased that you, our members, have not only continued to support us but enabled us also to grow and achieve record membership again.

A big focus this year has been the launch of the *Report on Psychological Distress and Depression in the Legal Profession*, at the commencement of Law Week 2011 authored by the Society's Senior Vice President, Dr Christopher Kendall. The Report resulted in 29 recommendations that were adopted by Council in March, to address this important issue facing our profession.

One of the recommendations was the establishment of Society's new Mental Health and Wellbeing Committee, created to oversee the implementation of the 29 Report recommendations and promote discussion and debate regarding matters relating to mental health and wellbeing for the WA legal profession. The Committee comprises of members from varying backgrounds within the legal profession. They held their first meeting on 18 July.

A key feature of the launch of the Report in Law Week was the re-establishment of a new LawCare service, providing professional, confidential and free counselling services to support the mental health and wellbeing of Society members. In addition, the Society, in partnership with the Western Australian Bar Association has established a Members' Advice Service to assist with LPCC complaints. As I mentioned in my column in July Brief, the willingness of WABA members to provide pro bono services to practitioners is the hallmark of a noble profession and in the finest traditions of the Bar.

Voice of the Legal Profession in Western Australia

The Society has an important public role to play in defending the rule of law and

separation of powers and, on occasion, moderating criticism of courts which is often based on a lack of understanding of our legal system, appeals processes and the nature of judicial decision making. I regard the Society's media activities and our focus on public education and explanation of the law through the media as a vital part of what we do and what we will continue to do. Consequently the public profile of the Society has grown substantially over the last few years, particularly as we have taken a leading role in the public debate on a number of 'law and order' issues.

We opposed the introduction of prohibited behaviour orders and were successful in limiting their operation in relation to children. We have continued to speak out against mandatory sentencing and successfully led the campaign against proposed stop and search laws. On a positive note, our long term advocacy on jury reform has resulted in amendments which will make juries more representative and strengthen the criminal justice system for the future.

Law Reform

The Society has been very active in law reform; our committees having done another sterling job this year. The Society's Committees made a combined total of 52 submissions to various State and Federal government departments and the Law Council of Australia on topics including the *Civil Judgments Enforcements Act 2004*; the Law Council of Australia's Draft Position Paper on Constitutional Recognition of Indigenous Australians; the *Intelligence Services Legislation Amendment Bill 2011 (Cth)*; the Professional Standards Scheme Submission to the Commonwealth Attorney

General; the *Workers' Compensation and Injury Management Amendment Bill 2011 (WA)* – just to name a few.

I would like to thank all members who dedicate their time to sit on the Society's Committees. Your tireless work in providing comment and strategies for improvement on various legal and practice issues is greatly appreciated.

A more detailed overview can be found in the Convenor's reports and Submissions section later in this publication.

National Legal Professional Reform

Since early 2009, the Society has been part of the consultation process for the National Legal Profession Reform (NLPR) Project that has been initiated by the Federal Government in order to further harmonise the legal profession across Australia. This initiative has been driven by the Standing Committee of Attorneys General (SCAG) following direction by the Council of Australian Governments (COAG). There is significant impetus from the Federal Department of the Attorney General to see this project through. The Society adopted a policy position on the proposed National Regulatory Framework in November 2009 and this has guided our position on national reform to date.

A revised version of the National Law and National Rules was publicly released on 20 December last year and at the COAG meeting on 13 February 2011 the COAG (with the exception of Western Australia and South Australia) agreed in principle to settle reforms to legal profession regulation by May 2011. As I mentioned last year, while the Society fundamentally supports nationalisation of the legal profession through the implementation of national standards, we have voiced serious

concerns about the proposed reforms. These concerns are shared by the Attorney General and WA Bar Association. The State Government has said it will not enact the National Bill and Rules but will work with the profession to implement national standards at State level.

Continuing Professional Development

The Society has been very active in all areas of our operations over the last year. We have approved and are now implementing our second CPD business plan which will see us continue to deliver high quality, cost competitive and relevant CPD to members in more varied formats. Law Summer School was very successful in 2011, selling out months in advance. It continues to be the premier event in the State's CPD calendar and the excellent local and interstate speakers were again well received.

Legal Aid

The Society has been actively engaged in the Law Council of Australia's *Legal Aid Matters* campaign. The objective of the campaign is to persuade the Federal Government to guarantee an adequately funded legal aid system, ensuring a cooperative, nationally consistent and fair approach to the provision of legal aid and access to justice for all. Perhaps as a consequence of the campaign, WA has seen some increase in federal Legal Aid funding in the last few months but nowhere near what we believe is required to restore Legal Aid funding to 1997 service levels. In the recent State budget Legal Aid received a very welcome funding boost which has enabled them to expand their duty lawyer service.

The Society, in conjunction with Legal Aid,

the Law Council and other law societies, will continue to lobby both State and Federal Governments for increased legal aid funding.

Throughout this project, Society Immediate Past President, Dudley Stow has been a member of the consultative group that provides recommendations and feedback to the NLPR Taskforce. Dudley is one of only two WA representatives in the consultation group and is a strong advocate for the protection of WA practitioners' rights in a nationalised system. Both Dudley and I have travelled east on many occasions over the past year to lobby for the WA position on national reform.

Insurance and Risk Management

Through Law Mutual, insurance costs for practitioners decreased and we are looking carefully at implementing a broader risk management program in future. I would like to acknowledge the work that is being done by the Professional Indemnity Insurance Management Committee which is chaired by the Immediate Past President, Dudley Stow.

The Society has also resolved to progress with an application for a Professional Standards Scheme with the aim of introducing it in 2012/2013.

In Conclusion

Your Society has never been in better shape. We constantly strive to better serve our members and I am looking forward to a very exciting year ahead.



Hylton Quail
President

EXECUTIVE DIRECTOR'S REPORT



David Price
Executive Director

The Law Society of Western Australia has continued to work hard over the past 12 months to be the representative body for the legal profession in Western Australia through providing high value membership, delivering a leading professional development program, being the voice of the legal profession in Western Australia, promoting access to justice and striving to be a best practice professional association.

Hylton Quail was re-elected as President for 2011 and Dr Christopher Kendall and Craig Slater were elected as the Vice Presidents for 2011. Konrad De Kerloy was elected by Council as Treasurer in February.

High Value Membership

I am very pleased to report that this year the Society achieved another record membership number in 2010/2011 reaching 3359. This represents a 35% growth in membership over the last five years.

A big focus this year was the launch of the *Report on Psychological Distress and Depression in the Legal Profession*, authored by the Society's Senior Vice President, Dr Christopher Kendall. The Report resulted in 29 recommendations that were adopted by Council in March, to address this important issue facing our profession.

Another exciting project for the Society was the introduction of a Client Relationship Management (CRM) system. Pursuant to the Society's Strategic Plan 2010-2013, Key Result Area of High Value Membership strategy of using up-to-date technology to communicate with members and deliver member services and benefits, the Society undertook an extensive evaluation process of CRM systems in 2010. The process culminated with the appointment of a CRM supplier in December 2010 and Stage 1 'Go Live' in May 2011.

The Society sought CRM functionality to streamline mutual engagement with our members and other stakeholders

through the integration of our membership and financial databases and the Society's website. This allows for more streamlined and convenient interactions for members with the Society through the website, including the opportunity to pay subscriptions and register for membership and CPD events online, update details and areas of interest together with an online CPD Diary facility to keep track of accrued CPD points.

The CRM will also allow the Society to provide more targeted communication with our members in the future, including via members' registered areas of interest or membership type. Further staged implementation is expected throughout the next financial year including the introduction of an online shop providing a range of Society merchandise for purchase including past CPD learning event videos and seminar papers, costs kits and related practice materials.

Leading Professional Development

I am pleased to report that this financial year the Society delivered 159.5 hours of continuing professional development. A new Continuing Professional Development (CPD) business plan was adopted by Council in May 2011. The new plan aims to further improve the Society's CPD offering to the legal profession by broadening our program to better meet the needs of legal practitioners. As part of our CPD program in 2010/2011 the Society, in partnership with

the University of Western Australia, ran the very successful one day Summer School which was attended by 250 people.

The Voice of the Legal Profession in Western Australia

The Society has been active in its role as “the voice of the legal profession in Western Australia” in many ways over the last 12 months. We have spoken out in the media; our committees have worked tirelessly in responding to issues and requests to review and comment on matters affecting the law both at a local level and at a national level via Law Council of Australia. Through the hard work of our committees, 52 submissions were prepared compared to 46 in 2009/2010.

The Society with the assistance of the Law Council of Australia and the Conference of Law Societies also continued to advocate on behalf of the interests of the Legal Profession in Western Australia on the National Legal Profession Reform Project in line with our adopted policy position.

Access to Justice

Following the terrible fires in Roleystone, the Society was involved in a joint response - Bushfire Legal Help - with Legal Aid WA and the Community Legal Centres Association of WA, providing pro bono assistance.

There were also a number of significant events at the Old Court House Law Museum including displays to celebrate the 150th Anniversary of the Supreme Court.

The Francis Burt Law Education Programme was also busy with the Regional, Remote & Rural Education programme, run in Kununurra in June. The subsidised school visit scheme,

co-ordinated with the financial and in-kind assistance of the Supreme Court of WA was also very successful.

Law Mutual (WA)

The Professional Indemnity Insurance Management Committee (PIIMC) was established under the Legal Profession Act 2008 in 2009/2010. The PIIMC is chaired by Dudley Stow and comprises 7 members, of whom 4 members are members of the Law Society Council.

Council adopted a new 2011-2013 Strategic Plan for Law Mutual in May 2011, which will guide the activities of Law Mutual over the next two years. The Strategic Plan was developed in collaboration with the PIIMC members and senior staff of Law Mutual and provides a framework to take Law Mutual into the future.

The Law Mutual contribution rate decreased by 5% in 2011/2012. This equates to a Partner/Director contribution rate decrease from \$4,842 in 2010/2011 to \$4,581 in 2011/2012.

Life Members

Laurie Shervington and John Fiocco were made life members in 2010/11. Both Mr Shervington and Mr Fiocco have been very active within the Society and have contributed greatly to the profession.

Thank you

Firstly I would like to record my thanks and appreciation to President Hylton Quail and his Executive teams in 2009/2010 and 2010/2011 for their unquestionable commitment to the Society, its members and our staff.

Secondly, I would also like to thank the Society Council's of 2010 and 2011 and our

**This year the
Society achieved
another record
membership.**

many Committee members who volunteer countless hours of their time to enable the Society to do the very important work that it does.

Finally I would like to particularly acknowledge and thank my Senior Management Team and all of the Society staff who have worked tirelessly again in 2010/2011 to achieve what has been achieved and to deliver what has again been a very successful year for the Society. Thank you to each and every one of you.



David Price
Executive Director

GOVERNANCE

Members of the Society can view the Minutes of Council and Executive meetings on our website www.lawsocietywa.asn.au.

Council

Councillor Meeting Attendance
1 July 2010 to 31 December 2010

Member	Total Council meetings attended (Total 4)
Hylton Quail	3
Simon Watters	4
Dr Christopher Kendall	4
Simon Creek	2
Konrad de Kerloy	2
Judith Fordham	2
Graham Goerke	3
Pamela Hass	3
Belinda Lonsdale	3
Greg McIntyre SC	3
Carmel McKenzie	3
Denis McLeod	3
Steven Penglis	2
John Prior	3
Shane Sirett	3
Craig Slater	4
Dudley Stow	2
Dr Eric Heenan	4
Matthew Keogh	3
Elaine Wambeck	4

Executive

The Executive, consisting of the President, Senior Vice President, Vice President, Treasurer and Co-opted Council members met ten (10) times during the year (including two (2) Special Executive meetings).

Council

Councillor Meeting Attendance
1 January 2011 to 30 June 2011

Member	Total Council meetings attended inc one special meeting (Total 6)
Hylton Quail	5
Dr Christopher Kendall	6
Craig Slater	6
Simon Creek	3
Konrad de Kerloy	5
Judith Fordham (resigned June 2011)	2
Graham Goerke	5
Pamela Hass	3
Anthony Kay	5
Matthew Keogh	5
Belinda Lonsdale	4
Greg McIntyre SC	6
Denis McLeod	5
Steven Penglis	5
John Prior	4
Dudley Stow	3
Cameron Syme	4
Dr Eric Heenan	5
Lana Paxman	4
Nicholas van Hattem	5

Co-Opted Councillors 2010/2011

Greg McIntyre SC – May to August 2010
Matthew Keogh – September to December 2010
Belinda Lonsdale – January to April 2011
Dr Eric Heenan – May to August 2011

Council as Trustee of Law Mutual Fund

Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 July 2010 to 31 December 2010

Member	Total Council meetings attended (Total 1)
Hylton Quail	0
Simon Watters	1
Dr Christopher Kendall	1
Simon Creek	1
Konrad de Kerloy	0
Judith Fordham	0
Graham Goerke	1
Pamela Hass	1
Belinda Lonsdale	0
Greg McIntyre SC	1
Carmel McKenzie	1
Denis McLeod	1
Steven Penglis	1
John Prior	1
Shane Sirett	1
Craig Slater	1
Dudley Stow	0
Dr Eric Heenan	1
Matthew Keogh	1
Elaine Wambeck	1

Council as Trustee of Law Mutual Fund

Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 January 2011 to 30 June 2011

Member	Total Council meetings attended (Total 2)
Hylton Quail	2
Dr Christopher Kendall	2
Craig Slater	2
Simon Creek	1
Konrad de Kerloy	2
Judith Fordham (resigned June 2011)	1
Graham Goerke	2
Pamela Hass	1
Anthony Kay	1
Matthew Keogh	2
Belinda Lonsdale	2
Greg McIntyre SC	2
Denis McLeod	1
Steven Penglis	2
John Prior	1
Dudley Stow	1
Cameron Syme	2
Dr Eric Heenan	2
Lana Paxman	1
Nicholas van Hattem	1

GOVERNANCE

The Law Society of Western Australia is the trustee of the Public Purposes Trust. In its role as Trustee, the Society sets policies with regard to the investment of the Trust's assets and provides administration services to the Trust.

Council Attendance as Trustee of the Public Purposes Trust

Councillor Meeting Attendance as Trustee of the Public Purposes Trust 1 July 2010 to 31 December 2010

Member	Total Council meetings attended (Total 4)
Hylton Quail	3
Simon Watters	3
Dr Christopher Kendall	3
Simon Creek	2
Konrad de Kerloy	1
Judith Fordham	2
Graham Goerke	3
Pamela Hass	3
Belinda Lonsdale	3
Greg McIntyre SC	2
Carmel McKenzie	4
Denis McLeod	3
Steven Penglis	2
John Prior	2
Shane Sirett	3
Craig Slater	3
Dudley Stow	2
Dr Eric Heenan	4
Matthew Keogh	3
Elaine Wambeck	3

Council Attendance as Trustee of the Public Purposes Trust

Councillor Meeting Attendance as Trustee of the Public Purposes Trust 1 January 2011 to 30 June 2011

Member	Total Council meetings attended (Total 2)
Hylton Quail	2
Dr Christopher Kendall	2
Craig Slater	2
Simon Creek	1
Konrad de Kerloy	2
Judith Fordham (resigned June 2011)	0
Graham Goerke	2
Pamela Hass	1
Anthony Kay	1
Matthew Keogh	2
Belinda Lonsdale	1
Greg McIntyre SC	2
Denis McLeod	2
Steven Penglis	2
John Prior	1
Dudley Stow	1
Cameron Syme	1
Dr Eric Heenan	2
Lana Paxman	2
Nicholas van Hattem	1

Council Attendance as Trustee of the Chief Justice's Youth Appeal Trust

Councillor Meeting Attendance as Trustee
of the Chief Justice's Youth Appeal Trust
1 July 2010 to 31 December 2010

Member	Total Council meetings attended (Total 1)
Hylton Quail	0
Simon Watters	1
Dr Christopher Kendall	1
Simon Creek	1
Konrad de Kerloy	0
Judith Fordham	0
Graham Goerke	1
Pamela Hass	1
Belinda Lonsdale	0
Greg McIntyre SC	1
Carmel McKenzie	1
Denis McLeod	1
Steven Penglis	1
John Prior	1
Shane Sirett	1
Craig Slater	1
Dudley Stow	0
Dr Eric Heenan	1
Matthew Keogh	1
Elaine Wambeck	1

Council Attendance as Trustee of the Chief Justice's Youth Appeal Trust

Councillor Meeting Attendance as Trustee
of the Chief Justice's Youth Appeal Trust
1 January 2011 to 30 June 2011

Member	Total Council meetings attended (Total 3)
Hylton Quail	2
Dr Christopher Kendall	3
Craig Slater	3
Simon Creek	2
Konrad de Kerloy	2
Judith Fordham (resigned June 2011)	0
Graham Goerke	3
Pamela Hass	2
Anthony Kay	2
Matthew Keogh	3
Belinda Lonsdale	2
Greg McIntyre SC	3
Denis McLeod	3
Steven Penglis	3
John Prior	1
Dudley Stow	1
Cameron Syme	2
Dr Eric Heenan	3
Lana Paxman	2
Nicholas van Hattem	2

TEAM REPORT - BUSINESS SUPPORT

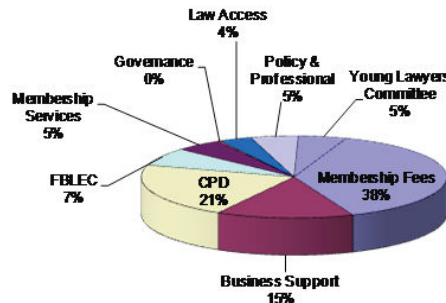
Vilma Ierace-Preen Executive Manager, Business Support

In 2010/2011 the Society ended the year with accumulated net assets of \$2,322,093 and cash reserves of \$2,034,245. In 2010/2011 the Society paid a capitation fee of \$98.54 (exc GST) per applicable member to the Law Council of Australia.

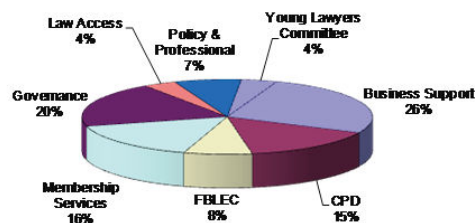
IT Plan

A server replacement project was undertaken in 2010/2011 upgrading the Society to a virtual server environment as per the IT Plan. The Society continued its desktop replacement program during the year.

Income by Department 2010/2011



Expenditure by Department 2010/2011



Public Purposes Trust



The Law Society of Western Australia is the trustee of the Public Purposes Trust. The trust's financial and administrative functions are undertaken by the Business Support team.

2010/2011 saw the commencement of grant payments under the new triennial funding regime. Grants approved for 2011/2012 total \$2.3 million. The trust has an active Investment Advisory Committee who manage the trust's equity portfolio.

Legal Contribution Trust

The Legal Contribution Trust is the fidelity fund for WA and is an independent statutory trust established under the *Legal Profession Act 2008* (formerly *Legal Contribution Trust Act 1967*). The Society's Business Support team provides financial and administrative support to the trust.

TEAM REPORT - MEMBER RELATIONS & BUSINESS DEVELOPMENT

Kelly Hick

**Executive Manager,
Member Relations &
Business Development**

Together with the Society's President, Executive and the Executive Director, the Society's Member Relations and Business Development team consolidated our member contact focus in 2010/11 with over 30 visits and presentations to city, metropolitan and country members and prospective members, including presentations by the Society's Executive at Law Mutual Risk Management sessions in Bunbury, Albany, Geraldton, Kalgoorlie and Broome. The National Legal Profession Reform Project, together with the Society's Report and development of initiatives to address psychological distress and depression in the legal profession were areas of continuing interest during visits and presentations.

Information sessions were also conducted with all Western Australian University Law Schools, and Graduates undertaking Practical Legal Training at The College of Law and Articles Training Program. An addition to our information program this year involved presentations to a number of groups of Graduates/Articled Clerks within firms. This initiative provided an excellent opportunity to inform those commencing their legal career, of the purpose and work of the Society, maximising their membership with the Society and how Graduates/Articled Clerks might get involved with the very active Young Lawyers Committee events and working groups.

The Member Relations and Business Development team were also members of the Project Team for the evaluation and implementation of the Society's new Customer Relationship Management (CRM) system. In accordance with the Society's Strategic Plan 2010-2013, Strategy of using up-to-date technology to communicate with members and deliver member services and benefits, the Society undertook an extensive evaluation process of CRM systems in 2010. The process

culminated with the appointment of a CRM supplier in December 2010 and Stage 1 'Go Live' in May 2011. Further staged functionality will follow throughout 2011/12.

Among a number of features, the Society's new CRM functionality will allow greater targeting of member communications and more detailed feedback to our members in relation to their engagement with the Society's services and activities, providing greater opportunities to customise services to member needs and better informing the Society's contact strategy initiatives.

The 2010/11 year was once again a busy one for the Society's involvement with the media with a continued increase from previous years in both the production of 24 media releases and recorded media comment in 121 print, television and broadcast media. The key issues attracting Society comment included mental health and the Society's *Report on Psychological Distress and Depression in the Legal Profession*, mandatory sentencing, jury reform, police powers (stop and search and drink/driving laws), Justice of the Peace powers in relation to bail matters, criminal confiscation laws and National Legal Profession Reform.

Pursuant to the Society's Communications and Marketing Plan (2010-2012), the Society also developed an updated Style Guide which was released in February 2011. The Style Guide's main purpose is to provide formal guidelines, including developed marketing templates, to ensure consistency and a best practice approach in the use of the Society's brand, marketing message and materials. This also extended to a consistent template format for the Society Committee's Agendas, Minutes and Action Sheets.

TEAM REPORT - COMMUNITY SERVICES

Maxina Martellotta
Executive Manager,
Community Services

Community Services have had a productive and exciting year with many new projects and initiatives launched during the reporting period. The achievement of securing three year funding from both the Public Purposes Trust and the Department of Education as reported in the last annual report has permitted the community services programs to consolidate and build on past achievements. As always the achievements of the last year would not have been possible without the individual and combined contributions of a dedicated community services team and the committees that provide support and guidance.

Law Access



Law Access continues to actively engage in a range of projects aimed at meeting the Society's objective of increasing access to justice by members of the West Australian community.

Maintenance and expansion of the Society's referral database saw the provision of 22,820 (compared to 20,158 in the last reporting period) referrals by the Society. The referral database is a free service available to members who wish to have their details registered for referral to members of the public. The Pro Bono Referral Scheme continues in its important role of acting as a clearing house to help members of our community obtain legal assistance in areas of law where there is limited or no assistance available from other legal service providers. In the reporting period Law Access fielded 844 individual contacts from members of the public who are seeking either referral or access to the scheme, a significant increase on last year's figure of (620 contacts).

The Access to Justice Committee continues to play a crucial role in the operation of the scheme in providing their support, insight and direction as well as continuing to take on the important role of assessing the suitability of applications. The Committee assessed 34 applications in this reporting period of which 20 were approved and successfully placed. Of the remaining applications 7 of those were not approved and the other 7 were approved but could not be placed. The Society has 40 firms registered on its pro bono database.

The Society also acknowledges the pro bono work undertaken by the many individuals who respond to requests for assistance.

Law Access continued its involvement in a range of networks and committees including:

- National Pro Bono Resource Centre
- Community Stakeholders Consultative Group
- Agency visits with a range of community legal centres
- Ongoing facilitation of the Pro Bono Network Group
- Pro Bono Bush Fires Response in partnership with Legal Aid WA and the Association of WA Community Legal Centres
- LCA Working Group on the recruitment and retention of lawyers in RRR.

Francis Burt Law Education Programme (FBLEP)

This reporting period saw over 4,886 participants come through the education programs. The education team continued to provide tailored education programs to school students and a range of adult and

community groups, as well as the provision of three professional development training events to school teachers including a training event in Kununurra.

This reporting period saw the closure of the Fremantle office of the education program. The reversion to commercial rates of rental for the office space in the Fremantle Prison Complex ultimately resulted in a decision to focus upon the Perth centre.

The Subsidised School Visits Program is a new initiative developed in conjunction with the Supreme Court of Western Australia in recognition of the 150th Anniversary of the Supreme Court of Western Australia celebrated in June 2011. The aim of the project is to target those schools (as identified by the Department of Education) that would most benefit from the program and would not otherwise be able to attend the school program offered by FBLEP without some form of financial assistance. By the end of July 2011 over 200 students had already benefited from this program with another estimated 325 students expected before the funds for this program conclude.

The FBLEP presented a portion of its schools programme to students at Kununurra District High School (KDHS) and students of the Clontarf and Werlemin Programmes. Students learnt about their rights and responsibilities in certain legal situations and were educated on the personnel and court process of the Magistrates Court. Students also had the opportunity to dress up in traditional legal regalia. The programme was presented to approximately 50 students in total, with approximately 25 of those students being in Year 9 at KDHS and the remaining students aged between 12 – 19 years and part of the Clontarf and Werlemin Programmes.

Old Court House Law Museum



The Old Court House Law Museum continues to go from strength to strength. The Museum had over 3,885 visitors through the centre in the reporting period. This number is significant given the Museum was closed from 20 April to 15 June 2011 for extensive renovations which included new roof shingles, a total repaint of the external walls and renovations to the portico.

Successful grant applications included Lotterywest funding which will see the launch of a new Audio Tour of the Old Court House Law Museum in the second half of 2011. A grant from the City of Perth and Department of Culture and Arts will see the hosting of an art exhibition in November 2011 of original works presented by five Western Australian artists each providing their interpretation of a story or event associated with the Old Court House Law Museum.

The City of Perth has also been both generous and supportive in providing new updated signage to the Old Court House Law Museum and recently gave approval to erect two interpretive boards in Stirling Gardens which will provide visitors with an interpretation of the building and its importance.

Mock Trial Competition

A number of schools use the competition as a valuable part of their curriculum framework providing them with an enjoyable and dynamic way of introducing students to the legal processes of Western Australia. In the course of the competition, students compete in three rounds before the competition becomes a “knock-out” competition. Outcomes are achieved in gaining knowledge of the Western Australian legal systems and structures, legal terminology, court etiquette, court protocol and the trial process.



Old Court House Law Museum

TEAM REPORT - COMMUNITY SERVICES

Student numbers participating in the competition have been increasing with a record number participating in the 2010 (646 students) and 2011 (764 students) events. Likewise the competition is attracting a broader range of schools.

In terms of the legal profession's engagement with schools in providing judging and coaching for participating teams in the reporting period we had a pool of 65 lawyers and law students who volunteered to act as judges in the competition and 44 who offered to act as coaches.

The Society gratefully acknowledges the ongoing funding provided by the Department of the Attorney General which makes this competition possible.

Law Week

Law Week was held in the week 16 to 20 May in conjunction with the event being held in every other State and Territory. The theme for the national law week event this year was *Law and Justice in Your Community*. Feedback for the event has been very positive with an overall increase in both the number of events on offer and attendances by both members of the public and profession.

The opening event for Law Week 2011 was the breakfast event *Caring for the Profession* at which the Society's *Report on Psychological Distress and Depression in the Legal Profession* was launched. This event was well attended with 147 registrations and had extensive media coverage of the report. The Society acknowledges the sponsorship for this event provided by:

- Malleson Stephen Jaques
- Clayton Utz
- College of Law
- Allens Arthur Robinson
- Blake Dawson
- Freehills

This year there was increased involvement by private law firms who participated by offering free public seminars and also a greater regional presence predominately by community legal centres who held information booths in local shopping centres. Firms that participated in Law Week overall reported good attendances at seminars. Also both Legal Aid WA and Aboriginal Legal Service contributed to the program of events.



Law Week Hypothetical

The Lawyer of the Year Awards were celebrated at a separate event sponsored by Bankwest. A slight increase in nominations in 2011 and a well attended function were successful outcomes for this event. Congratulations to this years winners:

- *Less than five years:*
Breony Allen of State Solicitor's Office
- *More than five years:* joint winners:
Shayla Strapps and Amanda Goodier of Case for Refugees

Law Week concluded with the Law Week Luncheon. The Luncheon's keynote speaker was the Federal Attorney General who presented the argument in favour of the National Legal Reform as well as perspectives provided by Alex Ward, President of Law Council of Australia and Hon Michael Mischin MLC who represented the State Attorney General.



Winner of the Lawyer of the Year Award, less than five years: Breony Allen of State Solicitor's Office

Funding Acknowledgments

The Law Society gratefully recognises that the range of community services provided in 2010- 2011 was supported through the provision of funding and in kind support from:

- Public Purposes Trust
- Department of Education
- Department of the Attorney General
- Lotterywest
- City of Perth
- Department of Culture and the Arts



Hon Michael Mischin MLC, Michael Cockram (winner of Attorney General Community Service Award), Cheryl Gwilliam DG, Department of Attorney General

TEAM REPORT - MEMBERSHIP & PROFESSIONAL DEVELOPMENT

Sonia Webster**Executive Manager,
Membership &
Professional
Development****Membership Services**

The Membership and Professional Development team was privileged to be involved with many of our members, both longstanding and new who attended the broad range of events, seminars and other initiatives conducted by the Society over the financial year.

2010/11 was a busy year for the Membership and Professional Development team with several projects and initiatives being delivered resulting in improved member services, engagement and some exciting outcomes.

As per the Society's Strategic Plan, the Membership Plan was reviewed and presented to Council with various new initiatives introduced to harness further member engagement and enhance member benefits.

Membership information visits and presentations were made to the four university law schools and legal training providers; the Articles Training Program and College of Law. Members of the Executive also visited several regional areas to speak with practitioners about the Society's services and benefits.

The Society's Member Privilege Program was reviewed in May and new privileges introduced to ensure high value initiatives continue to be provided to members.

Once again the Society held a number of events including Young Lawyer networking and sporting events, the Law Office Management expo and cocktail function, plus a variety of special occasion events including a reception for the Judiciary and 40, 50 and 60 year post-admission practitioners.

To launch its *Psychological Distress and Depression in the Legal Profession* Report and strategies developed to support mental health and wellbeing of legal practitioners, the Society held a breakfast featuring Dr Christopher Kendall, Society Senior Vice President, Marie Jepson, Director of the Tristan Jepson Memorial Foundation and Ian Shakespeare, PPC Worldwide Senior Vice President for the Asia Pacific. The Society's LawCare (WA) services and the engagement of PPC Worldwide in providing counselling services was also discussed at the event.

Lawyers for a Cause was a new sporting event for the 2010/11 financial year which brought together members of the profession to raise money for charity. Participants had a choice of taking part in a 5km walk, 10km run or 35 km cycle along the Swan River or a swim leg at City Beach, which culminated with a BBQ luncheon. All money raised from the event went towards the Chief Justice Youth Appeal which supports a variety of worthwhile projects.



President, Executive Director and Staff at Lawyers for a Cause Event

Continuing Professional Development



The Society continued to review its Continuing Professional Development (CPD) Business Plan in the 2010/11 financial year. Building on the previous review where the Society's CPD structure and processes were benchmarked against other best practice professional membership based organisations, the 2011-2013 CPD Business Plan examined the evolving landscape of continuing legal education.

In 2010/11 the Society increased the number of CPD hours delivered by 51.2% with a total of 159.5 hours over the year. The Society successfully diversified the range of courses offered over the year and delivered the Law Summer School conference, various full day seminars and workshops, short courses, young lawyer and law office management focussed programmes and the Legal Assistants' Training course. The Society also conducted the Advocacy Workshop and Advocacy Weekend and both events were fully booked due to strong demand for these.

With the generous support of the courts and Tribunal Services of the Department of the Attorney General and the District Court, the Society conducted a videoconference to the regions in December 2010. *Professional Conduct Rules* beamed live by video link from the Perth District Court's Ceremonial Court to regional courthouses in Albany, Bunbury, Geraldton and Kalgoorlie.

Most importantly, the Society is grateful for the time, effort and expertise of the various members who through the various committees and speaking opportunities contribute to the Society's CPD programme.

A highlight of the Society's CPD calendar was of course the 2011 Law Summer School. Once again the Law Summer School, building on the success of previous years, offered an excellent programme showcasing national and local speakers. The event sold out well in advance of the event date and preparations have now commenced for the 2012 Law Summer School. Our sincere thanks are extended to the organising committee for their invaluable contribution towards the programme.

Quality Practice Standard



A total of 210 firms are registered for certification through the Quality Practice Standard process. Out of this number 45 firms are accredited with the Quality Practice Standard.

Three new firms qualified for QPS certification, which are:

- Tan & Tan Lawyers Pty Ltd (trading as Tan & Tan Lawyers)
- Avon Legal Pty Ltd (trading as Avon Legal)
- Paterson & Dowding

24 QPS firms achieved the significant milestone of having retained their accreditation for 10 years.

The 15th Anniversary of the Launch of the QPS fell on 19 June 2011.



2011 Law Summer School



CPD Seminar

TEAM REPORT - POLICY & PROFESSIONAL SERVICES

Andrea Lace**Executive Manager,
Policy & Professional
Services**

The Policy and Professional Services team supports the Society's committees that consider legal, ethical and professional conduct issues. The substantial work carried out by these committees in 2010-2011 is demonstrated in the list of submissions and the individual Committee Reports in this annual report.

The Society acts as "the voice of the legal profession in Western Australia". Submissions and comments prepared by Society committees can result from requests from government and government agencies, Parliamentary Committees, the Senate, the Law Council of Australia, or from the Committees' own initiative. They are all subject to Council approval. In 2010/2011 the Society made 52 submissions.

The Policy and Professional Services team also supports the Council in considering matters relating to the regulation of the profession and the preparation of guidelines and other resource material for the benefit of members. Special interest groups such as the Joint Law Society/Women Lawyers Committee, the Country Lawyers Committee, the LawAsia Committee and the Aboriginal Lawyers Committee are also supported by the team.

Mental Health and Wellbeing Committee

Recently added to the committees supported by the Policy and Professional Services team is the Mental Health and Wellbeing Committee formed to implement the 29 recommendations in the *Report of the Ad Hoc Committee on Psychological Distress and Depression in the Legal Profession*.

LawCareWA

*Caring for the Legal Profession
in Western Australia*



Professional, confidential and free counselling and information services to support the mental health and wellbeing of Law Society of Western Australia members.

Includes up to three free counselling sessions for members.

The Law Society.
OF WESTERN AUSTRALIA
The voice of the legal profession in Western Australia



Aboriginal Lawyers Committee

Professional Standards Scheme

In May 2011 the Council resolved to proceed to make an application to the Professional Standards Council for a Professional Standards Scheme for the Society. The application and approval process takes approximately 12 months. Members will be provided with details of the Scheme when the matter has been progressed.

Legal Profession Conduct Rules

The Law Society of Western Australia Professional Conduct Rules were adopted by the Society's Council in October 1983 and subsequently were regularly updated. The statutory *Legal Profession Conduct Rules 2010* came into operation on 1 January 2011 and are "binding on Australian legal practitioners and locally registered foreign lawyers" (*Legal Profession Act 2008* s581). As a result, in March 2011 the Society's Council resolved to withdraw the Law Society of Western Australia Professional Conduct Rules.

However, as a number of the Society's Guidelines had been incorporated into the Law Society of Western Australia Professional Conduct Rules, the Society also resolved to approve Schedule 3 (Advertising of legal services), Schedule 4 (Leaving firms and contacting clients) and Schedule 6 (Guide to handover of documents on termination of retainer) as Society Guidelines, confirmed the Equitable Briefing Policy in Schedule 8 and confirmed its recommendation that the forms in rule 28 be used by solicitors when advising on loan or security documents.

Guidelines

In late 2010 the Society published on its website *Ethical & Practice Guidelines*, a practical guide to ethical and proper conduct

in day to day practice. These Guidelines are the result of a great deal of work by members of the Ethics Committee. The issues addressed are Duties to the Court, Duties of Courtesy and Fairness, Honesty, Threatening Proceedings, Undertakings, Conflicts, Commercial documents, Court documents, Negotiations, Mediation, Dealing with witnesses and unwelcome advice.

The *Ethical & Practice Guidelines* are currently under review by the Ethics Committee for consistency with the statutory conduct rules. At the same time the Guidelines that were formerly Schedules to the Law Society of Western Australia Professional Conduct Rules, are also being reviewed and updated.

2011 Revision of Joint Form of General Conditions for the Sale of Land

The 2011 Revision of the Joint Form of General Conditions for the Sale of Land issued in March 2011. This Revision resulted from the passing of the *Revenue Laws Amendment and Repeal Act 2010* (Act) which contained provisions to change the manner in which the lodgement and payment provisions of the *Duties Act* operate and led to the introduction of Revenue Online.

Mentoring Programs

The Mentoring Program for Junior Practitioners was reintroduced in 2008. It has now been successfully coordinated for three years. In 2011 a mentoring program for Aboriginal and Torres Strait Islander law students was also reintroduced (having been run once in 2004). The Society is extremely grateful to the following members of the Corporate Law Firms Association of Perth for funding these programs:

- Allens Arthur Robinson
- Blake Dawson
- Corrs Chambers Westgarth
- Clayton Utz
- DLA Phillips Fox
- Freehills
- Jackson McDonald
- Lavan Legal
- Mallesons Stephen Jaques
- Minter Ellison
- Norton Rose

Society members are encouraged to read the individual Committee reports to gain an understanding of the enormous voluntary contribution made by Committee members without which the Society could not achieve its purpose.



Women Lawyers High Tea

TEAM REPORT - LAW MUTUAL

Andrew Mawby
Executive Manager,
Law Mutual - Finance &
Administration



Council approved a Strategic Plan for Law Mutual (WA) in 2011. The plan will guide the activities of Law Mutual over the next two years. It was developed in collaboration with the Professional Indemnity Insurance Management Committee and provides a framework to take Law Mutual into the future.

Law Mutual also reviewed and adopted a new set of operating policies. The Policy manual was the result of significant work undertaken by the Professional Indemnity Insurance Management Committee and staff. As a result for the first time all insured were provided with a hard copy of the Law Mutual Information booklet as part of the 2010/2011 insurance renewal program and again for 2011/2012.

The Law Mutual Master policy for 2011/2012 was totally reviewed with the assistance of the Society's brokers Marsh Ltd. For the 2011/2012 year, Law Mutual placed the professional indemnity insurance arrangements with:

- QBE Insurance (Australia) Ltd: 50%
- Vero Insurance Limited: 15%
- Newline (Lloyds Syndicate): 15%
- Amlin (Lloyds Syndicate): 20%.

In terms of the costs associated with the Professional Indemnity Insurance arrangements for 2011/2012 the total amount payable per principal with a no claim bonus for professional indemnity insurance for 2011/2012 is \$4,9384 which is a 4% decrease over the total amount payable in 2010/2011 of \$5,148.

The rate of claims has remained stable over the last 12 months. The risk management program has continued and the topic covered in 2010/2011 was Supervision. Approximately 2,500 practitioners attended 40 seminars conducted by Law Mutual (WA) in the metropolitan and country centres in WA.

ABORIGINAL LAWYERS COMMITTEE REPORT

June Kenny **Convenor**

The Aboriginal Lawyers Committee is convened by June Kenny. The Committee was very active in 2010/11, which was its first full year as a Committee.

On 6 April 2011 the Committee's first function was held at the Society's premises. The event was opened with a Welcome to Country by Mrs May McGuire a respected Noongar Elder and Magistrate Sue Gordon gave a very informative speech.

The Society's Aboriginal and Torres Strait Islander Law Student Mentoring Program was re-commenced with two mentorees from UWA and mentors from the private profession.

The Committee was involved with the University of Notre Dame and the University of Western Australia's bid for the 2012 Indigenous National Legal Conference. Expressions of interest were sought from

relevant Western Australian entities to host the conference in Perth, with support from the Society and the Committee. If Western Australia is chosen as the venue for the 2012 Conference, the Committee will work hard towards making it a successful event.

The Committee contributed to the Society's submission to the Law Council of Australia on constitutional reform and Committee member Tammy Solonec and the Society's President attended the Law Council of Australia Discussion Forum, 'Constitutional Change: Recognition or Substantive Rights?' The Committee will continue to contribute to the Society's submissions on the proposed referendum for Constitutional Recognition of Indigenous Australians and other important legal issues impacting Aboriginal and Torres Strait Islander peoples.

ACCESS TO JUSTICE COMMITTEE REPORT

Rick Cullen **Convenor**

The Access to Justice Committee is convened by Rick Cullen. In 2010/11 the Committee continued to provide a central role in overseeing the Law Access Pro Bono Referral Scheme by supporting the role of the Pro Bono Coordinator and by acting as the assessment panel for applications. In 2010/11 the Committee assessed 34 applications. Twenty applications were found to have merit and were successfully placed, seven lacked merit and seven could not be placed.

Throughout the year there was ongoing development of the Pro Bono Network with regular events bringing together pro bono stakeholders from the private profession and Community Legal Centres in Western Australia.

ACCREDITATION COMMITTEE REPORT

Trevor O'Sullivan Convenor

The Convenor of the Accreditation Committee is Trevor O'Sullivan. The Committee deals with all aspects of accreditation but at present there is accreditation only for family lawyers in Western Australia. There are 41 Accredited Family Law Practitioners in Western Australia all of whom met their requirements for reaccreditation this year.

The Committee's main activities in 2010/11 were:

- To determine which CPD events were of a sufficient standard to attract points for the purpose of specialist accreditation.
- To attend, by teleconference, regular meetings of the National Family

Law Steering Committee to set and arrange the Australia-wide uniform examinations for accreditation which were held on Saturday 30 July 2011, with nine candidates in Western Australia.

- To organise the assessment and examination process for candidates.
- To progress a review and standardisation of the rules and regulations for accreditation in Family Law and mutual recognition by the various accrediting bodies through regular telephone conferences and a face-to-face meeting in Melbourne in February 2011.

ADMINISTRATIVE LAW, CONSTITUTIONAL LAW & MIGRATION LAW COMMITTEE REPORT

Michelle Hullett Convenor

The Administrative, Constitutional and Migration Law Committee is convened by Michelle Hullett. In September 2010 the State Freedom of Information Commissioner tabled his report on the administration of the *Freedom of Information Act 1992* by agencies in Western Australia which incorporated a number of the representations that had been made by the Committee for the Society's submission to the review.

In 2010/11 the Committee's Migration Law sub-committee prepared submissions:

- To the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the *Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010*.
- To the Law Council of Australia to assist in the preparation of the Law Council's submission to the Joint Select Committee on Australia's

Immigration Detention Network, incorporating comment on the Convention relating to the Status of Refugees, legal assistance under the terms of the *Migration Act 1958*, and proposed legislation.

At both a Federal and State level the Committee considered proposed legislation such as reforms to the Commonwealth's Freedom of Information laws and the *Migration Amendment (Character Test) Act 2011*, materials from the Commonwealth Attorney General's Department, Administrative Review Council, Law Council and Legal Aid WA, and matters including the status of judicial review reform at a State level and the Administrative Review Council's inquiry into Federal judicial review, and procedural fairness in the context of prohibition orders under the Liquor Control Act and recent cases.

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE REPORT

Laurie James
Convenor

In 2010/11 the activities of the Alternative Dispute Resolution Committee, convened by Laurie James, included:

- Noting with pleasure that the Draft Mediation Rules drafted in the previous year were adopted by the Society Council at its meeting on 3 August 2010 as the "Law Society of Western Australia Model Mediation Rules".
- Reviewing numerous applications for appointment to the Society Panel of

Mediators and Arbitrators and making recommendations to the Society Council in that regard.

- Reviewing the Practice Guidelines issued by the Law Council of Australia on Collaborative Practice.

In addition, the Committee contributed to the programme for the CPD seminar, "Working With The Civil Dispute Resolution Act 2011" at which the Convenor and two other Committee members will present papers.

BRIEF EDITORIAL COMMITTEE REPORT

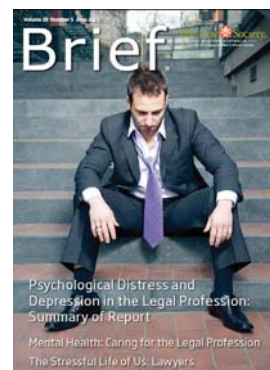
Ronald Bower
Convenor

The Brief Editorial Committee is convened by Ronald Bower, editor of *Brief*. In deciding upon content for each edition, the Committee keeps in mind that *Brief* is the Society's major official publication. On that basis it generally tends to prefer material originating from Western Australian legal writers; it confines the published material to that which is appropriately representative of the Society and the WA profession (without putting the Drover's Dog on too short a chain and with continuing enjoyment of Dean Alston's contributions) and it applies a balance between serious articles about legal issues and coverage of social, sporting and professional functions and developments.

In 2010/11 the magazine further developed and improved its appearance with the increased use of colour pages enabling the best reproduction of photographs and a more attractive style throughout the publication. The Young Lawyers Committee reliably and enthusiastically produced its young legal professional-focussed subject matter on several occasions during the year.

The Committee considers that it has been able to discharge its responsibilities in a satisfactory manner with the assistance of valuable contributions from Society staff, formal groups within the WA legal profession and the many Society members and other writers who generously have written the relevant and interesting articles which the magazine published in its eleven editions in 2010/11.

The continued relevance and usefulness of *Brief* magazine is assured so long as the WA profession continues to write and submit material for consideration for publication. The Committee thanks all of its authors, past and present, for their contributions.



June 2011 Edition of *Brief*

CLEAR WRITING COMMITTEE REPORT

Professor Neil McLeod Convenor

The Convenor of the Clear Writing Committee is Professor Neil McLeod. The Committee has conducted a plain English drafting competition for law students for more than a decade. The purpose of the competition is to emphasise to law students that it is vital that legal practitioners write clearly and precisely.

The 2011 competition attracted 107 entries. Since its inception more than 1,000 students have competed. One of the six prizes is reserved for a student in his or her first year of study towards a law degree.

The remaining five prizes are awarded to students in any year of the study of law, including first year. In 2011 two of the winners were first year students, namely Shane van Styn and Michelle Wilkes, both students at Edith Cowan University. The other four winners were Alisa Chak, Kahla Schilling, Wanjie Song and David Zhang, all students at the University of Western Australia.

This year's sponsors were Freehills, Jackson McDonald, Norton Rose, Allens Arthur Robinson, Tottle Partners and Blake Dawson.

COMMERCIAL LAW COMMITTEE REPORT

Rachel Webber Convenor

The role of the Commercial Law Committee, Convened by Rachel Webber, is to report and make recommendations to the Council on commercial issues of significance to the Society and its members. The Committee has representatives on the following liaison groups:

- State Revenue
- Consumer Protection
- Insolvency
- ASIC
- Law Council of Australia
- Business Law Section
- Corporations Law Committee.

In 2010/11 the Committee monitored legal developments and the progress of new legislation in relation to a number of different subject areas including the *Electronic Transactions Bill 2011* and the proposed National Business Names Registration System.

The Committee contributed to submissions or responses from the Society in relation to:

- Multi Disciplinary Partnerships and Managed Investment Schemes under Regulation 24 of the *Legal Profession Regulations 2009*.
- Franchising Bill 2010 (a Committee member, representing the Society, gave evidence to the Parliamentary Committee Inquiry into the Bill).
- *The Occupational Licensing National Law (WA) Bill 2010*.

Members of the Committee attended meetings and forums to obtain information and to provide feedback on behalf of the Society on various topics including the Unfair Contract Terms Information Session and Personal Property Securities Act.

COSTS COMMITTEE REPORT

Stewart Forbes Convenor

The Costs Committee is convened by Stewart Forbes. One of the Committee's primary roles is to make recommendations to the Society's Council in relation to reviews conducted by the statutory Legal Costs Committee ("LCC"). In 2010/11, the Society made detailed submissions to the LCC's reviews of Probate Costs and non-contentious Solicitors Costs. The new scales have been published and almost all of the Society's submissions were accepted.

The *Legal Profession Act 2008* came into effect on 1 March 2009. As a consequence a procedure needed to be created and implemented for assessment of solicitor/client costs. A meeting was held with Registrars of the Supreme Court and with the assistance of the Committee the Supreme Court Consolidated Practice

Directions have been supplemented with a procedure for applications of assessment of solicitor and client costs.

In 2010/11 the Committee spent considerable time reviewing and finalising a standard costs agreement for family law matters. Other matters considered by the Committee included:

- Attempted liaison with the Attorney General in relation to reform of the Suitsors' Fund
- Costs law reform, and particularly alternatives to time billing
- Litigation funding and practitioners' duties in this regard
- Revisions to federal scales of costs.

COUNTRY PRACTITIONERS COMMITTEE REPORT

Cameron Syme Convenor

The Country Practitioners Committee, convened by Cameron Syme, has members from Albany, Broome, Bunbury, Carnarvon and Geraldton. The Committee meets approximately every three months, or as required, by teleconference, to discuss issues facing country practitioners and ways of resolving them.

In 2010/11 issues discussed included:

- CPD - various ways of achieving CPD points in regional areas
- Appointment of Contractor – Sheriff's Officer and Bailiff Services for regional areas of the State
- Perth Magistrates Court – Telephone Link and Video Conference Facilities
- The Ad Hoc Committee on Psychological Distress and Depression in the legal profession
- The Society's counselling program and its availability to Country Practitioners
- Promoting QPS to regional law practices.

COURTS COMMITTEE REPORT

Steven Penglis Convenor

The Courts Committee, convened by Steven Penglis, continues to provide a regular point of contact between the Society and the Federal Court, Supreme Court, State Administrative Tribunal, District Court and Magistrates Court. Representatives from the Family Court joined the Committee in 2010/11. The open dialogue which the Committee enjoys with these Courts and the SAT has reduced significantly the number of major issues the Committee was required to deal with in the past. In this regard, the contributions of Registrar Jan, Principal Registrar Chapman, Registrar Kingsley, Magistrate Bromfield and Senior Member Tim Carey of the State Administrative Tribunal, the Hon Justice Simon Moncrieff of the Family Court and Rod Hooper, President of FLPA are acknowledged.

In 2010/11 the Committee dealt with matters including the Inquiry into Discovery of Documents in the Federal Courts; reviewing the requirement for the parties to personally attend the first case management conference in the Supreme Court; self represented litigants; the judgment interest rate under the *Civil Judgments Enforcements Act 2004*; preparing and recommending to the State Government the adoption of model litigant guidelines; commenting upon various rule changes proposed by the Supreme Court, District Court and Magistrates Court; consideration of Bailiff Services undertaken by Baycorp (WA) Pty Ltd.

EDUCATION COMMITTEE REPORT

Dr Christopher Kendall Convenor

In December 2010 Gregory Boyle stood down as Convenor of the Education Committee after 30 years of dedicated service. Sincere thanks are extended to Mr Boyle for his outstanding contribution. Dr Christopher Kendall was appointed Convenor in May 2011. In 2010/11 the Society successfully diversified its CPD offering to include an array of full-day, half-day workshops and symposiums to complement its short courses and seminars. During the course of 2010/11 the Society offered the following:

- 15 short seminars consisting of 1.5 to 2 hours duration
- Law Summer School full-day conference
- Costs School workshop series – offering 7 CPD points

- 6 full-day symposiums and workshops – offering 6 CPD points or more
- 6 half-day events – offering 4 CPD points or more
- 2 Legal Assistants' Training Courses
- Advocacy Practical weekend – offering 7 CPD points
- Advocacy Workshop (theoretical) – offering 7 CPD points
- Costs Guide online.

The Education Committee is highly appreciative to those who gave generously of their time and expertise during the 2010/11 financial year in the form of chairing or presenting at CPD events. Their generosity ensured that the profession of Western Australia was delivered a sufficient amount of relevant and interesting CPD topics during this period.

CRIMINAL LAW COMMITTEE REPORT

David Davidson Convenor

In December 2010 John Prior stood down as Convenor of the Criminal Law Committee after 8 years of dedicated service. David Davidson was appointed Convenor from January 2011.

The Committee is large with a diverse range of practitioners from the government and non-government sector, the bar, prosecutors and defence counsel. The State DPP, Legal Aid and the Aboriginal Legal Service WA are all represented. Coupled with the role of the Committee in responding to proposed legislative amendments, the Committee has an important function in proposing constructive amendments to laws and procedures followed in the various criminal law jurisdictions in Western Australia and nationally by relying on the positive and negative experiences of its members.

In 2010/11, the Committee made numerous submissions on many aspects of criminal law. These submissions ranged from improvements to the circuit project for the District Court which has been led by Her Honour Judge Yeats to amendment of rule 21 of the Criminal Procedure Rules for compliance by the accused to disclosure obligations in 28 days as opposed to 14 days before trial. Other submissions related to:

- *Criminal Protection (Offender Reporting) Act 2004* – a discretion with respect to reporting
- Provision of Psychiatric and psychological reports in the criminal jurisdiction
- LACC – disclosures guidelines for applicants for admission to the legal profession
- *Prohibitive Behaviours Act 2010*
- Evidence Act – visually recorded interviews and systematic review regarding pleas to facts

- Transcripts of proceedings in Magistrates Courts (criminal jurisdiction)
- Arranging Interpreters in the District Court – Criminal matters
- Statement of material facts – Corrective Services
- Spent Convictions Act
- First Day Hearing fees
- Listings – waiting times – Supreme Court.

Of significance, in January 2011, was the issue of the Joint Protocol between the Office of the Director of Public Prosecutions and the Society regarding circumstances in which Letters of Recognition will be made available to Defence Counsel and which is available on the Society's website.

The voluntary contribution of the members of the Criminal Law Committee is substantial but in particular the Committee extends its gratitude to Ryan Torabi for his able assistance in researching many matters for the Committee in the past year.

EMPLOYEE RELATIONS COMMITTEE REPORT

Stephen Kemp
Convenor

The Employee Relations Committee is convened by Stephen Kemp. In 2010/11 the Committee continued to investigate the possibility of developing training seminars to be presented by the Society. In addition members of the Committee were active in the deliberations and recommendations of the Society's Ad Hoc Committee on bullying.

ENVIRONMENT, TOWN PLANNING & LOCAL GOVERNMENT COMMITTEE REPORT

Denis McLeod
Convenor

The Convenor of the Environment, Town Planning & Local Government Committee is Denis McLeod. The Committee has members with special interests in one or more of the Committee's three broad reference areas. Much of the Committee's work was done by sub-committees or individuals delegated responsibility on an ad hoc basis when special issues arose.

The Committee considered all new written laws within its reference areas referred to the Society for comment or which otherwise came to the attention of Committee members, and kept under review issues for CPD seminars and Law Summer School topics which has become the Committee's major ongoing project.

The Committee has attempted to maintain an interest by State Government in the reform of the environmental appeals system, and arranged for Society communications with the responsible Ministers. The Ministers have advised that the transfer of environmental appeals to the SAT is a matter which is to be considered as part of the approvals reforms being managed through the Ministerial Taskforce on Approvals, Development and Sustainability.

The Committee treats this matter as a standing issue and will endeavour to ensure that it is not lost in the State Government's committee processes.

Contact has been maintained with the Law Council of Australia, Environment & Planning Law Group, and the Committee has under consideration a Submission on the Bush Forever and more general compensation and development constraint implications of State Planning Policy 2.8.

EQUAL OPPORTUNITY COMMITTEE REPORT

Ilse Petersen Convenor

The Equal Opportunity Committee is convened by Ilse Petersen. Committee member, Elizabeth Heenan, is a member of the Law Council of Australia's Equalising Opportunities in the Law Committee and regularly reports to the Committee.

In 2010/11 much of the Committee's work related to its representation on the Society's Ad Hoc Committee on Bullying whose work culminated with the release of the final report by Associate Professor Maryam Omari of Edith Cowan University, "Towards Dignity and Respect at Work: an Exploration of Work Behaviours in a Professional Environment".

Associate Professor Omari's Report was considered in the preparation of the *Report on Psychological Distress and Depression in the Legal Profession* released by the Society in May 2011.

In 2010/2011 the Committee also met with members of the Human Rights Committee, the Young Lawyers Committee's Human Rights Working Group and the Joint Law Society/Women Lawyers Committee to contribute to Society submissions on the *Sex Discrimination Amendment Bill*, the consolidation of Commonwealth anti-discrimination laws and the National Consultation Committee Submission, Human Rights Act.

ETHICS COMMITTEE REPORT

Julian Sher Convenor

The Ethics Committee is convened by Julian Sher. In August 2010, *Ethical & Practice Guidelines* produced by the Committee were approved by the Society's Council and made available to members on the Society's website. The Convenor and Committee member, Ashley Macknay, participated in a panel discussion on the Guidelines at the 2011 Law Summer School.

The Committee is now addressing amendments to the Guidelines to bring them into line with the statutory conduct rules introduced in January 2011. The amended Guidelines will include references to the statutory rules, as well as to matters of generally accepted etiquette within the profession.

The Committee is also reviewing and updating all of the Society's Guidelines, many of which were incorporated into the Law Society of Western Australia Professional Conduct Rules which were withdrawn by the Society's Council in March 2011.

Other issues considered by the Committee in 2010/11 included:

- Problems encountered when acting for clients with mental health problems which was raised with the Committee by the Mental Health Law Centre. A CPD event on these problems is to be arranged.
- Draft *Disclosure Guidelines for Applicants Admission to the Legal Profession*. A submission was made to the Law Admissions Consultative Committee (LACC) which sets the standards for admissions in Australia.
- To ensure that law practices which borrow money from clients the normal business of which is to lend money, it was recommended to the Legal Practice Board that Rule 15(6) of the *Legal Profession Conduct Rules 2010* be amended by adopting rule 12.3 of the Australian Solicitors Conduct Rules.

The Committee has and will continue to review topics suitable for CPD seminars.

FRANCIS BURT LAW EDUCATION PROGRAMME - ADVISORY COMMITTEE REPORT

**The Hon Chief Justice
Wayne Martin**

Convenor

The Hon Wayne Martin, Chief Justice of Western Australia, is the Convenor of the Francis Burt Law Education Programme Advisory Committee.

In 2010/11 the Committee continued to oversee the two primary components of FBLEP's business - the education programmes (including the Mock Trial competition), and the Museum. The Committee has accepted a proposal from the Society to rebrand these functions to better differentiate them. The education programmes will be provided under the name Francis Burt Law Education Programme, and the Museum will be known as the Old Court House Law Museum.

The education programmes have been boosted by funding associated with the

150th Anniversary of the Supreme Court which has enabled subsidised visits from schools which would otherwise be unable to attend. Consideration is also being given to the provision of education programmes in remote and regional areas. Unfortunately, it was necessary to close the Fremantle branch of the programme, after the government decided to charge rent for the Fremantle premises.

Funding has been obtained for an update of the Museum Interpretation Plan, which will include an audio tour. Visitor numbers have been constrained recently, however, as a result of the work associated with the replacement of the roof on the 1837 building.



Old Court House Law Museum Restorations



Replacement of the roof for the Old Court House Law Museum

FRANCIS BURT LAW EDUCATION PROGRAMME - ORAL HISTORY, MUSEUM & BUILDING COMMITTEE REPORT

In 2010/11 the Old Court House Law Museum was busy with several successful funding applications which will enable the Museum to improve the way the history of the building is interpreted and encourage visitors through new public programs due to be completed in 2011/12.

A Lotterywest Interpretation of Cultural Heritage grant of \$24,665 was received to be used towards the production of an audio tour of the Old Court House for a historical interpretation of the law and legal issues in Western Australia including the impact of British Law on Aboriginal people.

City of Perth Cultural Sponsorship (Arts Projects) granted funding of \$15,000 for research fees for five highly regarded WA artists to research and interpret a person or event associated with the Old Court House in the first fifty years of the Swan River Colony. The exhibition, entitled "Heroes or Villains of the Swan – Stories of Ourselves", will be held in the Old Court House in November 2011.

A Department of Culture and the Arts: Connect – Community Collections Funding Program 2011 grant of \$24,240 was received to be used towards the production of a catalogue, invitations, posters and banners to accompany and promote the exhibition "Heroes or Villains of the Swan – Stories of Ourselves" in November 2011.

The Museum participated in several major events including Government House Open Day, WA Week, Heritage Days and Supreme Court Open Day. These events attracted large visitor numbers to the Museum. The collaboration with the other organisations has been enjoyable and mutually beneficial.

The Museum was closed from 20 April 2011 to 15 June 2011 for repairs including

re-shingling, repainting and repairs to the portico. In spite of the two month closure the annual attendance figures increased by 700 visitors. In June 2011 the Museum participated in the Supreme Court Open Day and recorded the largest visitor attendance to date: 1464 visitors. The total number of visitors to the Museum in 2010/11 was 3,885.

Oral History Project

The Oral History Project continued without interruption thanks to the oral historians Geraldine Byrne and Ron Chapman. PPT funding allows the Society to record the memories of eminent Western Australian legal practitioners and members of the judiciary. Copies of the oral histories are donated to the State Library of Western Australia. This is an important step in ensuring that the oral histories are easily accessible and well used. The Museum currently holds 20 oral histories in the collection. In 2010/11 three oral histories were completed and three are in progress. It is encouraging to note that there have been several requests to view oral histories in the last year which suggests there is increased awareness of the material.

New Branding

New branding was developed for the Old Court House with a view to encouraging visitors. The Society's Communications Officer sought the Committee's agreement to the proposal to change the name and branding of the Museum as the Old Court House Law Museum. The changes will enable greater promotion of the Museum as a separate entity to the education programme.

FRANCIS BURT LAW EDUCATION PROGRAMME EDUCATION SUB-COMMITTEE REPORT

2010/11 saw 4,886 participants come through the education programme, as the education team continued to provide tailored education programs to students, community groups and teachers.

As part of Law Week, the Society held the Youth Civics Leadership Day which included for the first time an engaging one hour activity focussed on the Rule of Law. The Sir Ronald Wilson Lecture was presented by the Hon Justice Michael Murray on the topic *The Delivery of Criminal Justice: Building on the Past to Meet the Challenges of the Future*. In addition, the Society, together with Legal Aid WA presented a hypothetical aimed at high school students concerning the numerous legal issues faced by juveniles. The event was very well received.

In addition to ongoing programmes such as the Annual certificate of excellence for graduating year 12 students, several new initiatives were launched, including an outreach programme to teachers and students in remote and rural areas. The programme this year was held during June in Kununurra. The mapping of the FBLEP to the year 11 and 12 Politics and

Law Curriculum was updated in February 2011 and is available online together with pre and post-visit resources for year 4 -10 groups as well as a range of electronic legal education resources for teachers, students and the community.

Another successful initiative was the Subsidised School Visits Programme (SSVP), a joint initiative of the Supreme Court of Western Australia and the Society, to celebrate the 150th Anniversary of the Supreme Court of Western Australia.

Using the decile ranking of schools provided by the Department of Education, the FBLEP invited approximately thirty "at risk" high schools and thirty "at risk" primary schools to participate in the SSVP for June to December 2011.

The Supreme Court of Western Australia reimbursed the cost of bus hire for groups participating in the SSVP and the Society waived all of the FBLEP tour fees so that the groups participating in the SSVP incurred no expense. As at July 2011, 214 students and teachers had participated in the SSVP and another 400 students and teachers are expected to participate by December 2011.



Youth Civics Leadership Day - The Hon Justice Michael Murray presenting participation certificates.

GRADUATE & ACADEMIC STANDARD COMMITTEE REPORT

Brett Davies
Convenor

The Society's Graduate Monitoring Scheme was discontinued in late June 2010. In November 2010 the Council approved the establishment of the Graduate & Academic Standards Committee, convened by Brett Davies. The Committee's focus is:

- Graduate placement trends and process (excluding recruitment dates)
- Raising awareness by members of graduate pathways of admission
- Graduate and undergraduate law curricula and academic standards
- Equity issues for students and graduates.

At the Committee's invitation, Practical Legal Training (PLT) providers in WA, the College of Law and Leo Cussen Centre for Law (the latter organisation now conducts the Articles Training Program in WA) overviewed the PLT courses and admission pathways for Law Graduates in Western Australia.

The Committee has also received feedback from its representatives on Student and Graduate initiatives including the Society's Careers Uncut event and the annual Law Students' Societies Careers Fair. In 2011/12 the Committee's work will also include a review of graduate statistics including those accessing the Society's Clearing House service to secure graduate employment.

HUMAN RIGHTS COMMITTEE REPORT

Greg McIntyre SC
Convenor

The Human Rights Committee, convened by Greg McIntyre SC, during the course of 2010/11 met jointly with the Equal Opportunity Committee, the Young Lawyers Committee Human Rights Working Group and the Joint Law Society/Women Lawyers Committee to prepare submissions for the Council of the Society to convey to the Law Council of Australia on:

- Consolidation of the Commonwealth Anti Discrimination Laws
- *Sex Discrimination Amendment Bill*
- The National Consultation Committee Submission – Human Rights Act.

The Committee also prepared a submission on the *Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011*.

INSOLVENCY & RECONSTRUCTION COMMITTEE REPORT

Victoria Bulter Convenor

The Insolvency and Reconstruction Committee, convened by Victoria Bulter, is a joint committee of the Society and the Business Law Section of the Law Council of Australia. The agenda for committee meetings is produced by the Law Council of Australia.

In 2010/2011 the Committee considered or contributed to the following submissions:

- Corporations Amendment (Sons of Gwalia) Bill
- Managed investment schemes
- Treasury paper on fraudulent phoenix activity.

The Committee liaised formally and informally with the Australian Securities and Investments Commission, the Insolvency and Trustee Service Australia and the Insolvency Practitioners Association of Australia. Committee members, by way of information sharing, discussed recent cases within the bankruptcy and insolvency contexts.

The Annual National Workshop for Insolvency and Reconstruction Committees of the Business Law Section of the Law Council of Australia will take place in August 2011 and Committee member, James Healy, will present a paper.

INTELLECTUAL PROPERTY COMMITTEE REPORT

David Cox Convenor

The Intellectual Property Committee is convened by David Cox. An issue of particular concern to the Committee has been the closure of the Western Australian sub-office of IP Australia and through the Society, the Committee made submissions on this matter at Federal level to Senator Hon Kim Carr and at State level to Hon Bill Marmion. The Committee continues to monitor the effect of this closure on the dissemination of information on Intellectual Property in Perth.

The Committee liaises regularly with IP Australia, the statutory body that administers Intellectual Property laws in Australia. Matters that have been raised for discussion include:

- An exposure draft and explanatory memoranda for the *Intellectual Property Laws Amendment (Raising the Bar) Bill 2011*
- Closure of the IP Australia sub-office in WA

- Arranging speakers for Universities, TAFEs and community groups.

The Committee also liaises with the Intellectual Property Society of Australia and New Zealand and the Federal Court of Australia on talks that are being presented in Perth. The talks in the Federal Court of Australia, form part of the long running and well attended Intellectual Property Twilight Symposia.

The Committee assisted in the organisation of the Law Society's Trade Mark Law Symposium that is to be held on 18 August 2011 and the Convenor delivered talks on General Intellectual Property to Central TAFE for the second year running. The Committee has discussed rotating these talks amongst members of the Committee and has appointed Richard Plummer to present the talks in 2012.

JOINT FORM OF GENERAL CONDITIONS FOR THE SALE OF LAND COMMITTEE REPORT

Gregory Boyle Convenor

The Convenor of the Joint Form of General Conditions for the Sale of Land Committee is Gregory Boyle. The most significant work of the Committee in 2010/2011 was the publication of the 2011 Revision of the *Joint Form of General Conditions for the Sale of Land*.

This revision resulted from the passing of the *Revenue Laws Amendment and Repeal Act 2010 (Act)* which contained provisions to change the manner in which the lodgement and payment provisions

of the *Duties Act* operate and led to the introduction of Revenue Online (ROL). The Act came into operation on 1 March 2011. Amendments to the 2009 General Conditions were new definitions in clause 26.1, amendments to clause 3.3 (*Duty and Stamp Duty*) and a minor amendment to clause 10.6(c) (not related to ROL) with regard to strata special contributions.

The Committee continues to oversee changes in the law and practice which might have affect on the General Conditions.

JOINT LAW SOCIETY/WOMEN LAWYERS COMMITTEE REPORT

Elizabeth Needham Convenor

The Committee is a liaison group between the Women Lawyers Association and the Society. Members include representatives from WLWA, the Young Lawyers Committee, the Law Society and the Law Council of Australia's Equalising Opportunities in the Law Committee, all of whom report on local and national issues.

In 2010/11 the Committee considered a number of issues including the following:

- The *Sex Discrimination Amendment Bill 2010* - The Committee participated in reviewing and preparing comments to the Law Council with the Equal Opportunity Committee, the Human Rights Committee and the YLC Human Rights Working Group.
- 100th Anniversary International Women's Day - The Committee organised jointly with the Society a High Tea to celebrate the event which was very successful.
- Beyond the Statistical Gap: 2009 Court Appearance Survey - Strategy for Advancing Appearances by Female Advocates in Australian Courts.

- Emergency Family Care – Having obtained information about the existence of programs interstate, the Committee gathered information and now has an agreement with Dial-An-Angel which offers a discount to members.
- Flexible working arrangements – With the cooperation of Victorian Women Lawyers, the Committee proposed a Flexibility Protocol for flexible working arrangements which was approved by the Council and has been published on the Society's website.
- Gender Bias Taskforce – With the assistance of the Women Lawyers Association a review is now taking place in order to produce a scoping document. The Committee will await the scoping document before it undertakes anything further.

The Committee continues to encourage women to be a voice that is heard in the legal profession.

LAW MUTUAL PROFESSIONAL INDEMNITY INSURANCE MANAGEMENT COMMITTEE REPORT

Dudley Stow
Convenor



The Convenor of the Professional Indemnity Insurance Management Committee (PIIMC) is Dudley Stow. The PIIMC was established by the Society's Council in September 2009 in accordance with section 331 of the *Legal Profession Act 2008*. The PIIMC was created to assist Council to meet its obligation to arrange PI Insurance for legal practitioners in Western Australia and to assist Council in its role as the Trustee of the Law Mutual Fund. The PIIMC has several subcommittees the members of which all provide invaluable assistance.

The PIIMC was primarily involved in arranging the PI insurance for the 2011/2012 insurance year. It was pleasing that Law Mutual was able to negotiate a reduction in the Contribution payable for insurance

for 2011-2012 of 5.4% from the previous insurance year. To meet rising costs the Administration Levy for 2011/2012 was increased by 3.3% from \$790 to \$816 for all classes of practitioners other than Low Fee Earners for whom the rate remained unchanged at \$350. In addition, an updated annual booklet was sent to all practitioners.

The PIIMC is highly conscious of the need for ongoing risk management as the complexities of legislation such as the new Personal Property Acts mean that practitioners must constantly review, update and manage their skills. The theme of the 2010/11 annual Law Mutual risk management seminars was "Supervision" with 34 seminars being held in Perth and six in regional areas.

LAW SUMMER SCHOOL COMMITTEE REPORT

**Gregory Boyle and
 Stuart Kaye**
Convenors

Gregory Boyle, representing the Law Society, and Stuart Kaye, Dean of Law, University of Western Australia, are joint Convenors of the Law Summer School Committee.

The Society and the University of Western Australia co-hosted the 2011 Summer School on Friday, 25 February 2011 at the University Club. This was the third year of the re-launched Summer School and, once again, it was a sell out with 250 delegates enrolled.

The range of topics was significant and challenging, starting with the Hon Christopher Steytler's address intriguingly titled "Sisyphus Subdues". This year's contributors included the Hon Murray Gleeson, Retired Chief Justice of the High

Court of Australia, the Hon Carmel McLure, President of the West Australian Court of Appeal and the Hon Justice Christopher Maxwell, President of the Court of Appeal, Victoria; the Hon Christian Porter, Attorney General, gave an update on the criminal justice system and the Hon Justice Ken Martin chaired a session on key national ADR principles. The light relief was provided by Professor David Morrison, the Head of the School of Psychology at UWA and Professor Trevor Waring, the Chancellor of the University of New Castle.

The day represented a very good chance, not only to acquire a large number of CPD points but also to catch up with colleagues in a relaxed and non-adversarial environment.

LAWASIA COMMITTEE REPORT

Kanaga Dharmananda SC Convenor

The LawAsia Committee is convened by Kanaga Dharmananda SC. The Committee's focus has been to monitor developments in the LAWASIA community of countries at meetings and largely through email discussions.

In 2010/11 the Committee continued to advance steps to implement a secondment scheme so as to enable lawyers from developing countries to spend time with law firms or other institutions in Western Australia. A candidate is in the progress

of being advanced and arrangements are being worked through to enable that secondment to take place.

The Committee hopes to hold a sundowner in November 2011 and has been working to identify and approach speakers on a topic related to bi-lateral investment treaties. The LAWASIA Committee intends to have further discussions on topics of relevance to the region during the course of the coming year.

LAW OFFICE MANAGEMENT COMMITTEE REPORT

Corene Baird Convenor



The Convenor of the Law Office Management Committee is Corene Baird. In 2010/11 the work of the Committee included:

- 2011 Annual Salary Survey. 604 survey forms were sent to Managing Partners and HR Managers in city, suburbs and country. 111 responded: 1 - 10 Fee Earners 87 11 - 20 Fee Earners 13 21 + Fee Earners 11.
- Legal Assistants' Training Course.
- LOM Cocktails held on Thursday, 5 May 2011 at Trappist on King with 78 attendees.
- Brand Management. The Committee now has its own logo for all publications and marketing material.
- Law Office Managers' Directory which is still in process of being updated.
- Law Office Expo with 24 exhibitors, 85 registered attendees and at least the same number of unregistered attendees. Exhibitors and delegates alike commented that it was the most successful Expo yet.

- The Outstanding Contribution Award was announced at the Law Office Expo in October 2010. The winner was Elias Harfouch.

- CPD events:
 - Plain English for Support Staff & Practitioners was held on 10 August 2010. Speaker was Judi Hickey-Janes from the University of Notre Dame.
 - Do You Comply With The Legal Services Award? Was held on 1 February 2011. Speaker was Rosalie Poole from Clayton Utz.
 - Business Plan On A Page was held on 24 May 2011. Speaker was Shirley-Anne Fortina.

Seminars and Events already planned for 2011/2012 are:

- Basic & Advanced Free Legal Info
- Marketing Your Practice
- Trust Audit Processes.

PERSONAL INJURIES & WORKERS COMPENSATION COMMITTEE REPORT

Gray Porter Convenor

Gray Porter is Convenor of the Personal Injuries & Workers Compensation Committee. Committee members represent the Society on the Law Council of Australia Personal Injuries Committee and the WorkCover WA Costs Committee. In 2010 a Committee member represented the Society on the WorkCover WA Statutory Review Reference Group.

In 2010/2011 the Committee prepared submissions on a wide range of issues including, at State level:

- To WorkCover WA in support of the installation of video-conferencing facilities and until they are available to establish a protocol for the use of facilities elsewhere.
- To WorkCover WA in support of mutual recognition and greater availability of Approved Medical Specialists.
- To WorkCover WA in response to the Discussion Paper on Section 92(f) Settlements.
- To WorkCover WA and to the Minister on various proposed amendments to the *Workers Compensation and Injury Management Act 1981* (Act).
- To the Attorney General seeking a review of various aspects of the *Criminal Injuries Compensation Act 2003*.

On 21 October 2010 three Committee members met with the Minister's representatives to discuss the review of the Act and in particular, amendment to section 93K(4)(c)(i). Following this representation, the Society was advised that the government had decided to modify its position by amending s93K(4) to remove any reference to a time period within which court proceedings must be commenced.

At a Federal level, a submission was made on the *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011* and the Committee reviewed the Productivity Commission's Report on a National Disability Care and Support Scheme. The Committee also supported submissions to the Canberra Liberals, ACT Greens and the ACT Chief Minister in opposition to the *Road Transport (Third Party Insurance) Amendment Bill 2011 (ACT)* which proposed an arbitrary whole person impairment threshold.

PROPERTY LAW COMMITTEE REPORT

Chris Martin Convenor

The Convenor of the Property Law Committee is Chris Martin. 2010/11 commenced with an absentee registered proprietor losing his land in Karrinyup, and a real estate agent and settlement agent left to explain what had happened. Client identity verification ("CIV") found its way onto front pages. CIV has been an active issue for the Committee for some time. NECD Pty Ltd, the company that was charged with making electronic conveyancing a reality, commissioned PWC's Risk & Controls Solutions to reach a position on CIV and the Society made submission to that review.

The Committee continued to closely monitor the progress of electronic conveyancing. The Committee was represented on the Landgate Committee, the Law Council of Australia Committee and the Department of Commerce Conveyancing Working Party responsible for the implementation of national licensing of conveyancers.

The *Commercial Tenancy (Retail Shops) Agreements Act 1985* has traditionally been a subject of substantial comment and review by the Committee. There are currently amendments before the Parliament which were the subject of detailed submission by the Society in August 2009. During 2010/11 the Committee made submissions on related retail shop issues: retail shop registers and accessibility of tenant information to valuers.

With respect to the *Settlement Agents Act 1981* and conflicts inherent in settlement agencies being owned by real estate agencies, which the Society considers is not cured by disclosure, currently the Society awaits a response to a submission to the government.

Another area where the Committee has worked to improve legislative control is in respect to managers of strata complexes. These managers control significant sums and are not regulated. In 2011, representing the Society, a Committee member gave evidence to a Parliamentary Committee Inquiry. The Committee was also represented on the Land Tenure Committee.

At the request of the Family Law Practitioners Association, the Committee considered and gave its support for amendment to either the TLA or the FLA/FCA to permit estranged partners to caveat land owned by their former partner.

QUALITY PRACTICE STANDARD COMMITTEE REPORT

Craig Slater
Convenor

Craig Slater is Convenor of the Quality Practice Standard (QPS) Committee. In 2010/11 the Committee published articles addressing practice standards and continued to seek to improve the availability of information on the QPS and accreditation process. The Committee is in the process of reviewing its introductory information and related materials.

The Committee continues to consider seminars and professional development proposals designed to address the practice management issues affecting those firms participating in the QPS scheme and the law firms generally.

The continuing interest in the QPS scheme by legal practices in Western Australia, other associations and even government bodies remains of interest to the Committee. The 15th anniversary of the implementation of the QPS and accreditation of its first firms will arrive in the next year. In that context and the changes to the *Legal Profession Act* and National legislation, the Committee has prepared some changes to update the QPS and related material.



TAXATION COMMITTEE REPORT

John Hockley
Convenor

The Taxation Committee sits as a joint Committee of the Law Society of Western Australia and the Law Council of Australia. The Committee Convenor is John Hockley. The Committee thanks Jonathan Ilbery for his tireless work on matters raised by the Taxation Committee of the Law Council of Australia. The Committee is also represented on the Tax Practitioners Forum.

In 2010/2011 action on the Review of the State Revenue (the "Ilbery Report") has been slow with recommendations for reform being delayed. The Committee is hopeful that action and implementation of the recommendations may occur in the next year.

In 2010/2011 the Committee made submissions on various State and Commonwealth taxation issues. A recent area in which Committee members have made submissions is that of extending Client Legal Privilege to Tax Agents. The Committee was keen to point out some of the potential problems that may well arise if such a dispensation were given to Tax Agents.

Members of the Committee have been involved in presenting CPD Seminars for the Society and members of the Committee regularly write articles that are published in *Brief* and other journals.

YOUNG LAWYERS COMMITTEE REPORT

Matthew Keogh
Convenor



Matthew Keogh is Convenor of the Young Lawyers Committee (YLC). Towards the end of the 2010 calendar year, the YLC embarked on a strategic review of its operations and offerings to young lawyers resulting in its Strategic Plan 2011-2013. This review process enabled the YLC to consult and reflect upon what young lawyers want from the Society and how the YLC can best provide it.

In 2010/11 the YLC held four sporting events with over 350 attendees; four human rights & social justice events with over 330 attendees; nine YLC Basics CPD seminars with over 280 attendees; three advocacy programs with over 80 attendees; and eight social and other events with over 760 attendees.

2010/11 saw the introduction of the new premier event for young lawyers, the Young Lawyers Ball in September 2010, with the Attorney-General as guest speaker and over 200 attendees at the University Club (some WA young lawyers even making it down from Singapore). This event involved a great deal of hard work and planning by members of the YLC, the Social & Sport Working Group and Society staff, with all receiving very warm feedback from attendees for the hugely successful event.

Other new events included a Human Rights & Social Justice Careers & Opportunities Evening for those wanting to help out in their community, those looking for a career change, and for law students; a Human Rights & Social Justice Art Exhibition and talk on refugees and war; and a Law Week Asylum Seeker Debate.

This year also saw the establishment of a bi-monthly Human Rights & Social Justice Bulletin, which is distributed to members via Friday Facts and the YLC eNews, highlighting news, reports, studies, reviews and issues in Western Australia, nationally and internationally regarding human rights and social justice.

The YLC was also a major contributor to the Society's Ad-hoc Committee of Psychological Distress & Depression in the Legal Profession, making a considerable submission on relevant issues confronting young lawyers and approaches for the Society in dealing with these issues.



Matthew Keogh, The Hon Christian Porter MLA, Jennifer Porter, Professor Bill Ford, Chris Bates at the Young Lawyers Ball.

SUBMISSIONS - 2010

Submission by Law Council of Australian – National Legal Profession Reform Proposal – Law Council of Australia	Civil Judgments Enforcements Act 2004 – State Attorney General
National Law National Rules – National Legal Profession Reform Project Taskforce	Criminal Injuries Compensation Act 2003 – State Attorney General
Model Electronic Transactions Amendment Bill 2010 – Amendments to Electronic Transactions Act 2003 (WA) – State Attorney General	Facilities for Official Visits by Legal Practitioners to Banksia Hill Detention Centre and Rangeview Remand Centre – Minister for Corrective Services
Legal Practitioners (Official Prosecutions) (Accused's Costs) Determination 2009 – Review By Legal Costs Committee – Legal Costs Committee	Indeterminate Sentences – Sentencing Act 1995 – State Attorney General
Landgate Consultation Paper - Schemes Within Schemes, Leasehold Strata and Other Reforms to Strata Titles Legislation in Western Australia – Landgate	Civil Dispute Resolution Bill 2010 – Law Council of Australia
Sex Discrimination Amendment Bill 2010 – Law Council of Australia	Review of the Bail Act 1982 – State Department of the Attorney General
Children's Court Direction on Saturday Sittings in Perth – State Attorney General	Australian Human Rights Commission Consultation – Discrimination on the Basis of Sexual Orientation and Sex and/or Gender Identity – Law Council of Australia
National Criminal Cases Review Commission – Options Paper and Draft – Law Council of Australia	Proposal to Investigate a Two Tier Framework for Justices of the Peace in Western Australia – State Attorney General
Strategy for Advancing Appearances by Female Advocates in Australian Courts and Model Briefing Policy – Law Council of Australia	Law Council of Australia Draft Position Paper on Constitutional Recognition of Indigenous Australians – Law Council of Australia
Interlocutory Costs Orders - Review of the Amounts in the Schedule to Supreme Court Consolidated Practice Direction 4.7 – Supreme Court of Western Australia	Franchising Bill 2010 – Private Members Bill By The Hon Peter Abetz - Economics and Industry Standing Committee
Closure of State Sub-Offices of IP Australia - Federal Minister for Innovation, Industry, Science and Research and State Minister for Commerce, Science and Innovation and Housing and Works	Children's Court of Western Australia Act 1988 and Young Offenders Act 1994 – President of the Children's Court
National E-Conveyancing - Client Identity Verification – Law Council of Australia	
Draft National Framework for Advance Care Directives - HWL Ebsworth La	
Settlement Agents Owned by Real Estate Agents – Conflict of Interests – Minister for Commerce	
Commercial Tenancy (Retail Shops) Agreement Act 1985 – Position Paper – Lease Register – Department of Commerce	

SUBMISSIONS - 2011

Inquiry Into Occupational Licensing National Law (WA) Bill 2011 - Standing Committee on Uniform Legislation and Statutes Review	Professional Standards Scheme: Submission to Commonwealth Attorney-General – Federal Attorney General
Consolidation of Commonwealth Anti-Discrimination Laws – Request for Comment from Law Council of Australia – Law Council of Australia	Workers' Compensation and Injury Management Amendment Bill 2011 – Designation of Arbitrators by CEO of WorkCover WA – Minister for Commerce
Amendment to Regulation 24 – Legal Profession Regulations 2009 – Solicitor General	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further election Commitments and Other Measures) Bill 2011 - Society Security Policy Branch, Department of Families, Housing, Community Services and Indigenous Affairs
Circuits Improvement Project District Court – Proposal to Extend Time for Defense Disclosure – District Court of Western Australia	Law Admissions Consultative Committee – Disclosure Guidelines for Applicants for Admission to the Legal Profession – Law Council of Australia
Australian Law Reform Commission – Inquiry Into Discovery of Documents in Federal Courts – Australian Law Reform Commission	IMF Litigation Funding – Recommendations to the Chief Justice – Chief Justice of the Supreme Court of Western Australia
Arranging Interpreters in the District Court – Criminal Matters – District Court of Western Australia	Prohibitive Behaviour Orders Act 2010 – Supreme Court Practice Direction - Chief Judge District Court, Chief Magistrate and President Children's Court
Review by Legal Costs Committee: Legal Practitioners (Solicitors Costs) Determination 2009 and Legal Practitioners (Solicitors Non-Contentious Probate Costs) Determination 2010 – Legal Costs Committee	Dispute Resolution Directorate (DRD) Lack of Video Conferencing Facilities - Director of Dispute Resolution Directorate
Legal Profession Conduct Rules 2010 – Rule 15(6) Practitioner must not Borrow Money from a Client – Legal Practice Board	Evidence Act 1906 – Visually Recorded Interviews – State Attorney General
Road Transport (Third Party Insurance) Amendment Bill 2011 (Act) - Canberra Liberal Vicki Dunne; Canberra Liberal Brendan Smyth; ACT Green Meredith Hunter; ACT Green Amanda Bresnan; and ACT Chief Minister Jon Stanhope	Franchising Bill 2010 – Inquiry by Legislative Assembly Economics and Industry Standing Committee - Legislative Assembly Economics and Industry Standing Committee
Law Council of Australia - Draft Taxation Determination – Law Council of Australia	Inquiry Into Migration Amendment (Detention Reform And Procedural Fairness) Bill 2010 - Senate Standing Committee on Legal and Constitutional Affairs
Criminal Procedures Rules 2005 (WA) r21 – Chief Justice of the Supreme Court of Western Australia	Legislative Council Standing Committee on Uniform Legislation and Statutes Review – Optimal Time for Calling for Submissions - Standing Committee on Uniform Legislation and Statutes Review
Intelligence Services Legislation Amendment Bill 2011 – Senate Standing Committee on Legal and Constitutional Affairs	Community Protection (Offender Reporting) Act 2004 – Discussion Paper - Western Australia Law Reform Commission
Evidence Act 1906 s31(a) – Systematic Review Regarding Pleds to Facts – Commissioner of Police Western Australia	
Time Clashes at Supreme Court Stirling Gardens – Chief Justice of the Supreme Court of Western Australia	

NOMINATIONS TO EXTERNAL BOARDS

The Society nominated members to represent the profession on the following external boards and committees:

- Legal Aid Commission (WA)
- Law Council of Australia (LCA) Professional Ethics Committee
- Law Council of Australia (LCA) Access to Justice Committee
- Supreme Court Probate Committee
- Podiatrists Registration Board of Western Australia
- Western Australian Reproductive Technology Council
- State Records Advisory Committee
- The University of Western Australia – Faculty of Law Advisory Board

LIFE MEMBER LIST

1996

- Hon Barry Rowland QC
- Hon John Wickham QC
- Rory Argyle

1998

- Hon Ian Medcalf QC
- Hon John Toohey AC QC
- The Hon Sir Francis Burt AC KCMG QC
- The Hon P D Durack QC

2002

- The Hon David Malcolm AC QC KCSJ
- Gregory Boyle
- John Syminton
- Her Hon Judge Judy Eckert
- Hon Kate O'Brien
- The Hon Robert French AM
- Robert Meadows QC

2003

- The Hon Sir John Lavan

2005

- The Hon Justice John Chaney
- Rick Cullen

2007

- Michal Lewi AM

2008

- David Garnsworthy
- John Gillett

2009

- Elizabeth Heenan
- The Hon Justice Ken Martin

2010

- John Fiocco
- Laurie Shervington

SPONSORS

The Society would like to acknowledge and thank the following sponsors:

- Allens Arthur Robinson
- Bankwest
- Blake Dawson
- Bradley Bayly Legal
- Burgess Paluch Legal Recruitment
- Clayton Utz
- DX Mail
- Edith Cowan University
- Freehills
- Hays
- HHG Legal Group
- Interpeople
- Jackson McDonald
- John Toohey Chambers
- Legalsuper
- Lotterywest
- Mallesons Stephen Jaques
- Marsh
- Minter Ellison
- Murdoch University
- Public Purposes Trust
- Shearn HR Legal
- Talbot Olivier
- The City of Perth
- The College of Law
- The Department of Culture and the Arts
- The Department of Education
- The University of Notre Dame
- The University of Western Australia
- Vero Insurance





Financial Statements
for the year ended
30 June 2011

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Statement by Council

As detailed in Note 1 to the financial statements, Law Society is not a reporting entity because in the opinion of the Council there are unlikely to exist users of the financial reports who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this "special purpose financial report" has been prepared to satisfy the Council's accountability requirements under sections 71 to 76 of the Law Society's Constitution.

The Council declares that;

- (a) in the Councils' opinion, there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable; and
- (b) in the Councils' opinion, the attached financial statements and notes thereto are in accordance with the basis of accounting specified by all applicable accounting standards.



President



Treasurer

25 October 2011

Perth, WA

Independent Auditor's Report to the members of The Law Society of Western Australia

We have audited the accompanying financial report, being a special purpose financial report, of the Law Society of Western Australia, which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, the statement of cash flows and the statement of changes in equity for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Council as set out on pages 6 to 21.

The Responsibility of the Council of the Law Society of Western Australia for the Financial Report

The Council is responsible for the preparation and fair presentation of the financial report and have determined that the basis of preparation described in Note 1, is appropriate to meet the financial reporting requirements of the Law Society of Western Australia's Constitution and is appropriate to meet the needs of the members. The responsibility of the Council also includes such internal control as the Council determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial report presents fairly, in all material respects, the financial position of the Law Society of Western Australia as at 30 June 2011 and its financial performance for the year then ended in accordance with the financial reporting requirements of the Law Society of Western Australia's Constitution as described in Note 1.

Basis of Accounting and Restriction on Distribution and Use

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for distribution to the members for the purpose of fulfilling the Council's financial reporting requirements of the Law Society of Western Australia's Constitution. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the members and should not be distributed to or used by parties other than the members.

Deloitte Touche Tohmatsu
DELOITTE TOUCHE TOHMATSU



Leanne Karamfiles
Partner
Chartered Accountants
Perth, 25 October 2011

STATEMENT OF COMPREHENSIVE INCOME FOR THE FINANCIAL YEAR ENDED 30 JUNE 2011

	Note	2011 \$	2010 \$
<hr/>			
Revenue			
Continuing Professional Development		875,237	708,126
Law Access		103,633	149,570
Law Week		39,301	44,398
Francis Burt Law Education Centre		289,611	287,146
Membership & Governance		<u>2,785,104</u>	<u>2,662,623</u>
Total Revenue	2	4,092,887	3,851,863
Expenses			
Continuing Professional Development		(598,199)	(569,339)
Law Access		(103,692)	(150,250)
Law Week		(39,301)	(44,396)
Francis Burt Law Education Centre		(297,567)	(291,910)
Membership & Governance		<u>(2,890,591)</u>	<u>(2,558,201)</u>
Total Expenses	2(a)	<u>(3,929,350)</u>	<u>(3,614,096)</u>
 Surplus for the year		 <u>163,537</u>	 <u>237,767</u>
 Total Comprehensive Income		 <u>163,537</u>	 <u>237,767</u>

This statement is to be read in conjunction with the accompanying notes on pages 10-21.

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2011

	Note	2011 \$	2010 \$
Current Assets			
Cash and Cash Equivalents	10 (b)	2,034,245	2,632,582
Trade and Other Receivables	3 (a)	484,889	493,168
Deposit	3 (b)	227,273	
Inventories		929	941
Prepayments		62,691	70,124
Total Current Assets		<u>2,810,027</u>	<u>3,196,815</u>
Non Current Assets			
Property, Plant and Equipment	4	310,500	281,335
Intangible Assets	5	29,586	24,154
Total Non Current Assets		<u>340,086</u>	<u>305,489</u>
Total Assets		<u>3,150,113</u>	<u>3,502,304</u>
Current Liabilities			
Trade and Other Payables	6	265,061	462,236
Provisions	8	179,503	162,299
Income Received in Advance		319,903	673,547
Total Current Liabilities		<u>764,467</u>	<u>1,298,082</u>
Non Current Liabilities			
Provisions	9	63,553	45,666
Total Non Current Liabilities		<u>63,553</u>	<u>45,666</u>
Total Liabilities		<u>828,020</u>	<u>1,343,748</u>
Net Assets		<u>2,322,093</u>	<u>2,158,556</u>
Equity			
Retained Earnings		2,322,093	2,158,556
Total Equity		<u>2,322,093</u>	<u>2,158,556</u>

This statement is to be read in conjunction with the accompanying notes on pages 10-21.

STATEMENT OF CHANGES IN EQUITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2011

	2011 \$	2010 \$
<u>Retained Earnings</u>		
Opening Balance	2,158,556	1,920,789
Surplus for the year	163,537	237,767
Total Comprehensive Income	<u>163,537</u>	<u>237,767</u>
Balance as at 30 June	<u><u>2,322,093</u></u>	<u><u>2,158,556</u></u>

This statement is to be read in conjunction with the accompanying notes on pages 10-21.

STATEMENT OF CASHFLOWS

FOR THE FINANCIAL YEAR ENDED 30 JUNE 2011

	Note	2011 \$	2010 \$
<i>Cash Flows from Operating Activities</i>			
Receipts from Membership Fees		2,100,101	1,548,518
Grants & other Receipts from the Society's Activities		2,104,918	2,974,960
Interest and Bill Discounts Received		172,486	109,269
Payments to Suppliers and Employees		<u>(4,568,566)</u>	<u>(4,200,655)</u>
Net Cash (used in)/provided by Operating Activities	10 (a)	<u>(191,062)</u>	<u>432,092</u>
<i>Cash Flows from Investing Activities</i>			
Proceeds from sale of Property, Plant and Equipment		-	1,034
Payments for Property, Plant and Equipment		(171,432)	(61,848)
Refundable Deposit for purchase of premises		(227,273)	-
Payments for Intangible Assets		<u>(8,570)</u>	<u>(23,083)</u>
Net Cash Used in Investing Activities		<u>(407,275)</u>	<u>(83,897)</u>
Net (decrease)/increase in Cash and Cash Equivalents		(598,337)	348,195
Cash and Cash Equivalents at the beginning of the financial year		<u>2,632,582</u>	<u>2,284,387</u>
Cash and Cash Equivalents at the end of the financial year	10 (b)	<u><u>2,034,245</u></u>	<u><u>2,632,582</u></u>

This statement is to be read in conjunction with the accompanying notes on pages 10-21.

Notes to and forming part of the Financial Statements as at 30 June 2011

1. SUMMARY OF ACCOUNTING POLICIES

The entity is not a reporting entity because there are unlikely to exist users of the accounts who are dependent on general-purpose financial reports of the entity for information. These accounts are therefore a "Special Purpose Financial Report".

This special purpose financial report has been prepared to satisfy the Council's accountability requirements under sections 71 to 76 of the Constitution of the Law Society of Western Australia, the recognition and measurement requirements specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101, Presentation of Financial Statements, AASB 107 Cash Flow Statements and AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors.

The historical cost convention has been adopted. Cost is based on the fair values of the consideration given in exchange for assets.

In the application of A-IFRS management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstance, the results of which form the basis of making the judgements. Actual results may differ from these estimates. The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Judgements made by management in the application of A-IFRS that have significant effects on the financial statements and estimates with a significant risk of material adjustments in the next year are disclosed, where applicable, in the relevant notes to the financial statements.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The following significant accounting policies have been adopted in the preparation and presentation of the financial report:

(a) Recoverable Amount of Non Current Assets

Non-current assets are written down to recoverable amount where the carrying value of any non-current asset exceeds recoverable amount. In determining the recoverable amount of non-current assets, the expected net cash flows have not been discounted to their present value.

(b) Depreciation & Amortisation

Depreciation of non current assets other than freehold land is calculated on a straight line basis which takes account of the remaining useful life of the relevant assets and their estimated residual value. The following estimated useful lives are used in the calculation of depreciation:

- Leasehold Improvements the lesser of 10 years or the lease term
- Plant & Equipment 4-11 years

Amortisation of Intangible Assets relates to Trademarks which have a useful life of 10 years.

Notes Continued

(c) Income Tax

Income Tax expense is not attributable to the Society's income due to an exemption granted under section 50-5 of the Income Tax Assessment Act (1997).

(d) Employee Benefits

Provision is made for benefits accruing to employees in respect of wages, annual leave and long service leave and when it is probable that settlement will be required and they are capable of being measured reliably.

Provisions made in respect of wages, annual leave and long service leave expected to be settled within 12 months, are measured at their nominal values using the remuneration rate expected to apply at the time of settlement.

Provisions for employee benefits which are not expected to be settled within 12 months are measured as the present value of the estimated future cashflows in respect of services provided by employees up to the reporting date.

(e) Receivables

Trade receivables and other receivables are recorded at amounts due less any allowance for doubtful debts.

(f) Accounts Payable

Trade payables and other accounts payable are recognised when the Law Society becomes obliged to make future payments resulting from the purchase of goods and services.

(g) Bad Debts

All debts written off as bad debts are authorised by the Council of the Law Society.

(h) Goods & Services Tax

Revenue, expenses and assets are recognised net of the amount of goods and services tax (GST) except for receivables and payables which are recognised inclusive of GST.

The gross amount of GST recoverable from and payable to the Australian Taxation Office are included in notes 3 and 6 respectively.

Cash flows are included in the cash flow statement on a gross basis. The GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

(i) Revenue Recognition

Membership fees attributable to the year ended 30 June 2011 are recognised as income in the current reporting period.

Interest revenue is recognised when it is probable that the economic benefits will flow to the Company and the amount of revenue can be measured reliably.

Income from other services is recognised in the period in which the service is provided.

Notes Continued

(j) Contributions

Grants are recognised as revenue over the periods necessary to match them with the costs for which they are intended to compensate, on a systematic basis. During the period the following grants were recognized as revenue:

PPT Grant - Law Access	\$102,920
PPT Grant - Francis Burt Law Education Centre	\$160,000
PPT Grant - Law Week	\$ 31,528
Education Department Grant – FBLEC	\$ 77,700

No future commitments have been recognised as any unspent funds have been refunded to the grantors.

(k) Lease Incentives

Lease incentives received from entering into non-cancellable operating leases are recognised as a liability. Lease payments are allocated between rental expense and the reduction in the liability. The Society's lease expired during 2008/2009 and the lease incentive has now been reduced to nil.

(l) Law Mutual WA

In order for the Law Society to meet the obligations imposed by the "Legal Practitioner's (Professional Indemnity Insurance) Regulations 1995" to arrange Professional Indemnity Insurance for all legal practitioners in Western Australia, a Mutual Provident Fund was established on 1 July 1995 operating under the registered business name "Law Mutual WA". The scheme is managed by the Law Society and is a trust of which the Law Society is Trustee. The assets, liabilities and results of Law Mutual WA are not included in the financial statements of the Law Society.

As, Law Mutual WA is a separate trust and is not restricted to those practitioners who are members of the Law Society, separate financial statements are prepared for Law Mutual WA.

(m) Operating Leases

Operating lease payments are recognised as an expense on a basis which reflects the pattern in which the economic benefits from the leased assets are consumed.

(n) Provisions

Provisions are recognised when the Society has a present obligation (legal or constructive) as a result of a past event, it is probable that the Society will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cashflows estimated to settle the present obligation, its carrying amount is the present value of those cashflows. When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, the receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

Notes Continued

(o) Inventories

Inventories are valued at the lower of cost and net realisable value

(p) Intangible assets

Intangible assets balances relate to Trademarks and are recorded at cost. These trademark applications have now been registered and have been amortised on a straight-line basis over their estimated useful lives.

(q) Adoption of new and revised Accounting Standards

In the current year, the Society has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to its operations and effective for the current annual reporting period. The following Standards and Interpretations were adopted:

- AASB 2009-5: Further Amendments to Australian Accounting Standards arising from the Annual Improvements Process
- AASB 2010-3 Amendments to Australian Accounting Standards arising from the Annual Improvements Project

The adoption of these standards and interpretations did not have any effect on the financial position or performance of the Society.

Accounting Standards and Interpretations issued but not yet effective

The following Australian Accounting Standards and Interpretations have recently been issued or amended but are not yet effective and have not been adopted by the consolidated entity for the year ended 30 June 2011.

Standard / Interpretation	Effective for annual reporting periods beginning/ending on or after	Expected to be initially applied in the financial year ending
AASB 124 Related Party Disclosures (2009) and AASB 2009-12 Amendments to Australian Accounting Standards	1 January 2011	30 June 2012
AASB 9: Financial Instruments, AASB 2009-11 Amendments to Australian Accounting Standards arising from AASB 9 and AASB 2010-9 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)	1 January 2013	30 June 2014
AASB 2010-4 Further Amendments to Australian Accounting Standards arising from Annual Improvements Project	1 January 2011	30 June 2012
AASB 2010-5 Amendments to Australian Accounting Standards	1 January 2011	30 June 2012
AASB 2010-6 Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets	1 July 2011	30 June 2012
AASB 2010-8 Amendments to Australian Accounting Standards – Deferred Tax: Recovery of Underlying Assets'	1 January 2012	30 June 2013
IFRS 13 Fair Value Measurement	1 January 2013	30 June 2014

Notes Continued

2 Revenue from operations consisted of the following items:

	2011	2010
	\$	\$
Members Subscriptions	1,562,274	1,524,940
Administration Fees	205,492	197,400
Fees Received from Law Mutual	176,987	174,700
Interest	167,603	117,547
Seminars, Papers, Accreditation	832,737	670,501
Grants - Law Society Public Purposes Trust	294,448	336,238
Grants - Other	77,700	77,700
Quality Practice Scheme	41,889	48,730
Membership Services	101,446	114,865
Distributions from the Legal Contribution Trust	205,800	203,500
Sponsorship Arrangements	67,500	47,125
Diary Sales & Advertising	59,326	63,561
Other Revenue	299,685	275,056
	<u>4,092,887</u>	<u>3,851,863</u>

2(a) Surplus for the year has been arrived at after charging the following expenses

Auditor's Remuneration	20,000	20,375
Depreciation & Amortisation	145,330	113,900
Law Council Levy	243,051	224,240
Loss on Disposal of Non Current Assets	74	1,196
Meetings - AGM, Council, Committees etc.	56,832	56,923
Publications	39,851	35,753
Presidents Allowance	98,618	95,375
Quality Practice Scheme	23,870	28,578
Employee Benefits	2,087,404	1,878,815
Occupancy Expenses	316,582	295,919
Printing, Postage & Stationery	80,053	68,798
Other Overheads	817,685	794,224
	<u>3,929,350</u>	<u>3,614,096</u>

Notes Continued . . .

3(a) CURRENT TRADE AND OTHER RECEIVABLES	2011	2010
	\$	\$
Accrued Income	32,779	19,047
Trade receivables	358,657	398,891
GST receivable	79,600	56,496
Interest receivable	13,851	18,734
	<u>484,889</u>	<u>493,168</u>

3(b) DEPOSIT

A refundable deposit of \$227,273 (GST exclusive) has been paid for the proposed purchase of 160 St Georges Tce.

4. PROPERTY, PLANT & EQUIPMENT

	Leasehold Improvements at cost	Plant & Equipment at cost	Total Assets at cost
Gross Carrying Amount			
Balance as at 1/7/09	295,708	473,471	769,179
Additions	-	61,751	61,751
Disposals	-	(73,791)	(73,791)
Balance as at 1/7/10	295,708	461,431	757,139
Additions	-	171,432	171,432
Disposals	-	(521)	(521)
Balance 30/6/11	295,708	632,342	928,050
Accumulated Depreciation			
Balance as at 1/7/09	(208,951)	(230,657)	(439,608)
Depreciation Expense	(29,571)	(78,280)	(107,851)
Disposals	-	71,655	71,655
Balance as at 1/7/10	(238,522)	(237,282)	(475,804)
Depreciation Expense	(29,571)	(112,622)	(142,193)
Disposals	-	447	447
Balance 30/6/11	(268,093)	(349,457)	(617,550)
Net Book Value as at 30/6/11	27,615	282,885	310,500

Notes Continued

5. INTANGIBLE ASSETS

Intangible Assets relate to Trademarks which have been registered. The Trademarks have been amortised over the life of the Trademarks which is 10 years.

	Trademarks at cost
Gross Carrying Amount	
Balance as at 1/7/09	7,120
Additions	23,083
Disposals	-
Balance as at 1/7/10	30,203
Additions	8,570
Disposals	-
Balance 30/6/11	38,773
Accumulated Depreciation	
Balance as at 1/7/09	-
Depreciation Expense	(6,049)
Disposals	-
Balance as at 1/7/10	(6,049)
Depreciation Expense	(3,138)
Disposals	-
Balance 30/6/11	(9,187)
Net Book Value as at 30/6/11	29,587

	2011	2010
	\$	\$
6. TRADE AND OTHER PAYABLES		
Trade payables & accrued expenses	162,179	169,590
Grants received but not yet expended:		
- Francis Burt Law Centre	-	64,582
GST payable	102,882	228,064
	<u>265,061</u>	<u>462,236</u>
7. REMUNERATION OF AUDITORS		
Auditing Services - Deloitte Touche Tohmatsu	<u>20,000</u>	<u>20,375</u>

Notes Continued

	2011	2010
	\$	\$
8. PROVISIONS - CURRENT		
Employee Benefits		
- Annual Leave	137,092	133,416
- Long Service Leave	42,411	28,883
	<u>179,503</u>	<u>162,299</u>
9. PROVISIONS - NON CURRENT		
Employee Benefits		
- Long Service Leave	<u>63,553</u>	<u>45,666</u>
 Number of FTE employees at the end of the financial year	 <u>26</u>	 <u>22</u>
	2011	2010
	\$	\$
10. NOTES TO THE CASH FLOW STATEMENT		
(a) Reconciliation of Surplus from Ordinary Activities to Net Cash Flows from Operating Activities		
Surplus from ordinary activities	163,537	237,767
Depreciation of Non Current Assets	142,193	107,851
Amortisation of Intangible Assets	3,137	6,049
Loss on disposal of Non Current Assets	74	1,196
Changes in Net Assets and Liabilities		
(Increase)/Decrease in Assets		
Current receivables	8,279	47,010
Inventories	12	586
Other current Assets	7,433	2,033
Increase/(Decrease) in Liabilities		
Payables	(550,819)	(13,342)
Current provisions	17,204	44,937
Non current Liabilities	<u>17,888</u>	<u>(1,195)</u>
Net cash from operating activities	<u>(191,062)</u>	<u>432,092</u>

Notes Continued

(b) Reconciliation of Cash and cash equivalents

For the purpose of the Cash Flow Statement, cash includes cash on hand, and in banks and investments in money market instruments. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash at Bank & Deposits at Call	491,694	576,689
Commercial Bills	<u>1,542,551</u>	<u>2,055,893</u>
	<u><u>2,034,245</u></u>	<u><u>2,632,582</u></u>

11. RELATED PARTY DISCLOSURES

The people who were members of the Council of the Law Society at any time during the financial year were:

*Members who served
1 Jan 2011 to 30 June 2011*

Hylton Quail
 Dr Christopher Kendall
 Craig Slater
 Konrad De Kerloy
 David Blades
 Graham Goerke
 Pamela Hass
 Belinda Lonsdale
 Greg McIntyre SC
 Denis McLeod
 Steven Penglis
 John Prior
 Anthony Kay
 Dudley Stow
 Simon Creek
 Cameron Syme
 Dr Eric Heenan
 Matthew Keogh
 Lana Paxman
 Nicholas van Hattem

*Members who served
1 July 2010 to 31 Dec 2010*

Hylton Quail
 Simon Watters
 Dr Christopher Kendall
 Craig Slater
 Konrad De Kerloy
 Judith Fordham
 Graham Goerke
 Pamela Hass
 Belinda Lonsdale
 Greg McIntyre SC
 Denis McLeod
 Steven Penglis
 John Prior
 Shane Sirett
 Dudley Stow
 John Staude
 Carmel McKenzie
 Dr Eric Heenan
 Matthew Keogh
 Elaine Wambeck

Transactions between the Law Society and Councillor Related Entities

Other than the President who receives a presidential honorarium, no member of Council receives directly or indirectly any fees, bonuses or other remuneration. The total honorarium paid in 2010/2011 was \$98,618 inclusive of 9% superannuation. (2010:\$95,375).

Notes Continued

11. RELATED PARTY DISCLOSURES (CONT)

During the financial year transactions primarily for legal services were undertaken between the Law Society of Western Australia and firms of which Councillors are partners, consultants or employees. Such transactions were undertaken in the normal course of business and were made on normal commercial terms and conditions.

There were no amounts paid to firms of which Councillors were partners during the reporting period.

The Society also received fees from firms of which Council members are partners, employees and consultants. The fees were received from all parties under the same terms and conditions, as follows:

- registration fees for CPD events
- fees for membership services, eg. Law Society diary
- social events

Transactions between the Law Society and Law Mutual WA

During the year, the Society received fees from Law Mutual for administration, consulting and management services on normal commercial terms and conditions amounting to \$176,987 (2010: \$174,700).

At 30 June 2011, Law Mutual owed the Law Society \$63,008 (2010: \$85,726).

Transactions between the Law Society and the Law Society Public Purposes Trust

During the financial year, the Law Society was paid grants from the Law Society's Public Purposes Trust for the following purposes:

Law Access	\$102,920	(2010: \$144,404)
Francis Burt Law Education Centre	\$160,000	(2010: \$160,000)
Law Week	\$31,528	(2010: \$31,834)

At 30 June 2011, the Public Purposes Trust owed monies totalling \$38,380 to the Law Society of Western Australia (2010: \$35,017).

The Society received fees from the Public Purposes Trust for administration, consulting and management services on normal commercial terms and conditions amounting to \$132,492 (2010: \$128,800).

Notes Continued

12. COMMITMENTS

(a) Operating Leases – Office Space

The Law Society's lease for office space at 89 St Georges Terrace Perth (for a seven year period) became due for renewal in April 2009. An option to extend the lease for three years was taken up with a market review undertaken. The Society's commitments over the three year period are as follows:

	<u>2011</u>	<u>2010</u>
	Minimum Future Lease Payments \$	Minimum Future Lease Payments \$
No later than 1 year	251,740	298,567
Longer than 1 year and not longer than five years		251,740
Longer than 5 years	-	-
	251,740	550,307
	251,740	550,307

(b) Operating Leases – Office Equipment

The Law Society entered into a lease in May 2008 for photocopiers for a term of four years.

	<u>2011</u>	<u>2010</u>
	Minimum Future Lease Payments \$	Minimum Future Lease Payments \$
No later than 1 year	13,310	14,520
Longer than 1 year and not longer than five years		13,310
Longer than 5 years	-	-
	13,310	27,830
	13,310	27,830

(c) Purchase of Building

The Society has signed an agreement to purchase a strata titled property with an aggregate cost of \$4,575,000 (excluding GST). The property will settle in November 2011, and will be financed by a banking facility which has been approved by Bankwest.

13. SUBSEQUENT EVENTS

On 24 August 2011, the Society signed an agreement to purchase strata titled property with an aggregate cost of \$4,575,000 (excluding GST). The Society paid a deposit of \$227,273 (excluding GST) on 30 June 2011. The balance of the acquisition cost shall be paid on settlement at 30 November 2011. The Society has arranged the bank facilities of \$4,031,250 in relation to the acquisition of the property and fit-out costs. Note that the Society has expressed its intention to cease occupying the current premises at the end of the lease period in April 2012.

Notes Continued

14. PRINCIPAL ADMINISTRATION OFFICE

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