

# ANNUAL REPORT



2011/2012

**The Law Society of  
Western Australia**

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## CONTENTS

### Strategic Plan 2012-2014

Purpose  
Vision  
Key Result Areas  
Our Strategy  
Key Product Areas and Services

### Snapshot of Achievements

#### Council

2011  
2012

### President's Report

### Executive Director's Report

### Governance

Annual General Meeting  
Council  
Executive

### Team Reports

Corporate and Business Support  
Community Service  
Member Relations & Business Development  
Membership & Professional Development  
Policy & Professional Services  
Law Mutual

### Committee Reports

Aboriginal Lawyers  
Access to Justice  
Accreditation  
Alternative Dispute Resolution (ADR)  
*Brief*  
Clear Writing  
Commercial Law  
Costs  
Country Practitioners  
Courts  
Criminal Law

Education  
Elder Law & Succession  
Employee Relations  
Environment, Town Planning & Local Government  
Ethics  
Francis Burt Law Education Programme & Old Court House Museum Advisory  
Graduate & Academic Standards  
Human Rights & Equal Opportunity  
Insolvency & Reconstruction  
Intellectual Property  
Joint Form of General Conditions for the Sale of Land  
Joint Law Society/Women Lawyers  
Law Asia  
Law Summer School  
Law Office Management  
Mental Health & Wellbeing  
Personal Injuries and Workers  
Property Law  
Quality Practice Standard  
Taxation  
Young Lawyers

### Submissions

### Nominations to External Boards

### Sponsors

### Life Member List

### Financial Statements

## STRATEGIC PLAN 2012 - 2014

### 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 two years. This Plan is a revision framework adopted in 2010 to take the Society into the future. It builds on the exciting direction set 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 endeavours 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 2011/2012 financial year.

**45** - Solicitors and Barristers with Family Law Accreditation as at 30 June 2012

**5,507** - Students and teachers participated in the Francis Burt Law Education Programme (FBLEP)

**20,241** - Referrals of Law Society Members to the Public from the Referral Database

**42**  
Committees of the  
Society

**320** - Committee meetings

**27** - Number of matters placed with Pro Bono providers

**480**  
Members serving  
on Society  
committees

**35** - Number of events held during Law Week

**37** - Submissions made

**229** - Delegates and speakers attended Law Summer School

**3,346**  
Members of the  
Society

**45** - Firms accredited with the Quality Practice Standard as at 30 June 2012

**27** - QPS firms achieved 15 years of accreditation

**37** - Society CPD learning events held

**2390**  
Registrants at  
Society CPD  
learning events

**40** - Graduates of the Legal Assistant's Training Course

**40** - Graduates of the Legal Assistant's Training Course

**875** - Students took part in the 2012 Mock Trials Competition

**43**  
Schools  
participating in the  
2012 Mock Trials  
Competition

## 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**

**Konrad de Kerloy**

**Judith Fordham**

**Graham Goerke**

**Pamela Hass**

**Anthony Kay**

**Matthew Keogh**

**Belinda Lonsdale**

**Greg McIntyre SC**

**Denis McLeod**

**Steven Penglis**

**John Prior**

### COUNTRY MEMBER

**Cameron Syme**

### JUNIOR MEMBERS

**Nicholas van Hattem**

**Dr Eric Heenan**

**Lana Paxman**

### IMMEDIATE PAST PRESIDENT

**Dudley Stow**



## COUNCIL 2012

The Council of the Law Society of Western Australia for 2012 consisted of the following members:

### EXECUTIVE



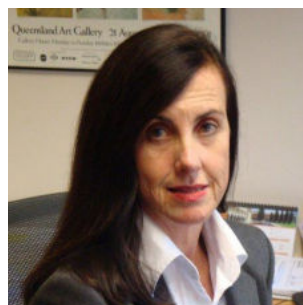
**Dr Christopher Kendall**  
**President**



**Craig Slater**  
**Senior Vice President**



**Konrad de Kerloy**  
**Vice President**



**Pamela Hass**  
**Treasurer**

### ORDINARY MEMBERS

**Brendan Ashdown**  
**David Blades**  
**Hayley Cormann**  
**Matthew Keogh**  
**Dr Eric Heenan**  
**Belinda Lonsdale**  
**Anthony Kay**  
**Greg McIntyre SC**  
**Denis McLeod**  
**Elizabeth Needham**  
**Steven Penglis**

### COUNTRY MEMBER

**Cameron Syme**

### JUNIOR MEMBERS

**Adam Ebell**  
**Nicholas van Hattem**  
**Clinton Russell**

### IMMEDIATE PAST PRESIDENT

**Hylton Quail**

## PRESIDENT'S REPORT



**Dr Christopher Kendall**  
President

**The past financial year has been busy and successful and the Society should be rightly proud of what it has accomplished. The Society ended the membership year with 3346 members and the budget is in a surplus position. Membership and CPD fees were again constant. This is a fantastic result. I highlight other key achievements below.**

### Member Survey

In November 2011, Catalyse conducted a membership study on behalf of the Society. The purpose of the study was to better understand members' needs, expectations and experiences. The Society invited current and past members to complete an online survey. The survey found that the Society is meeting its brand promise. It also showed that the Society is considered to have an excellent understanding of the profession, legal system, and political and legislative trends and agendas, and to be a strong advocate for social justice and legal change.

The survey highlighted four main challenges facing legal professionals:

- dealing with stress and depression;
- maintaining a work-life balance;
- fatigue and burnout; and
- meeting billing targets.

The Society has now implemented strategies to respond to these challenges, including the continued promotion of the Mental Health and Wellbeing Committee, and improvement of the Society's LawCare(WA) programme, discussed below.

### Strategic Plan

The Strategic Plan 2012-2014 will guide the activities of the Society over the next two years. This Plan is a revision of the framework adopted in 2010 to take the Society into the future. It builds on the direction set for the future of the Society and all those associated with it - members,

staff and the legal profession as a whole.

The revision of this Plan involved many different stakeholders: members, the Council and staff. Thank you to all those involved in this process.

### Health and Wellbeing

In 2011 the Society released its *Report on Psychological Distress and Depression in the Legal Profession*. I was honoured to be the author of this Report and thank Hylton Quail for encouraging me to do so. The Report proved to be an extremely important and much needed initiative. The story it tells inspires all of us to tackle this most pressing of issues: mental health and wellbeing.

The Council adopted all 29 of the Report's recommendations. These included the creation of a permanent Mental Health & Wellbeing Committee and the creation of LawCare(WA) – a psychological counselling service that offers members and staff members three free counselling sessions, a range of online learning and resources for managers and legal professionals coming to terms with colleagues in need.

The Society has prioritised this issue and will continue to build on the work it undertook this past financial year to ensure that its members, (city and rural), can access the support they need, when they need it.

I am particularly pleased that the Society, through Law Mutual, as part of its Risk Management sessions, delivered four mental health seminars in 2012. Two of



these were delivered via video link into the rural regions with the assistance of the Department of Attorney General's Court and Tribunal Services Division.

## New Premises

In April 2012, the Society moved to its new premises at Level 4 and part Level 5, 160 St Georges Terrace. This was a significant move for the Society and one that has been very well received. The decision to purchase space, rather than lease, came after careful consideration by the Society's Council in 2011. The opportunity to own was one of the key reasons behind the Council's decision to buy and move. Financially, it has already proved to be a wise move.

## Law Reform

Our logo/brand is "the Voice of the Legal Profession in Western Australia" – and that we certainly are. In the past year, our Committees wrote more than 30 submissions to State and Federal government departments and the Law Council of Australia on a diverse range of issues, ranging from proposed amendments to Workers' Compensation legislation and the difficulties being experienced by the Family Court, to name just a few.

I would like to thank all members who dedicate their time to sit on the Society's committees. A more comprehensive summary can be found in the Convenor's reports later in this Annual Report.

## Continuing Profession Development and Education

The Society delivered an impressive 164 hours of Continuing Professional Development in 2011/2012 - compared to 146 hours in 2010/2011.

Law Summer School again sold out in 2012 and was extremely well received. It continues to be the premier event in the profession's CPD calendar. The excellent local and interstate speakers at this year's

event were again well received.

## Regional Courts

In many ways, it is our role to work constructively and productively with government to articulate the needs of our members. We have proven quite successful in that regard.

In 2011, the Society lobbied the state government to increase its funding for regional court buildings. The Society thus welcomed the government's announcement of the new \$43 million Royalties for Regions funded Kununurra Courthouse. This new facility will offer two courtrooms, a jury deliberation area and separate spaces for witnesses and vulnerable court users, including children. There will also be pre-trial conference facilities, improved amenities for victims of crime secure outdoor courtyards and public parking onsite and close by.

## Admission of Foreign Lawyers

Earlier this year the concerns of some of the state's largest law firms relating to the admission criteria imposed on foreign lawyers were brought to my attention.

In late May 2012, I convened a well-attended roundtable discussion with a number of large firms and representatives from the Legal Practice Board to discuss the admission criteria for foreign lawyers recruited to work in Western Australia.

This is an important issue at a time when the state is undergoing a mining boom and there is a need for senior practitioners with considerable experience in the resource sector.

## Country Lawyers

The Society's 2011 Membership Survey identified a clear need for the Society to better understand and address the needs of its regional and rural members. At a special Council meeting in April 2012, the

Council agreed that, as part of the Society's 2012-2014 Strategic Plan, the Society will undertake a feasibility study to determine the specific needs of country members and how best to address those needs. The results of this survey will be available later in the year.

## Thank you to councillors and staff

The past financial year reflects the enormous contribution that so many of our members make and continue to make year after year to the Society and to the profession generally.

I would like to particularly thank Hylton Quail, who was President for the first half of this reporting period. Hylton served as President for two one-year terms. This was an enormous time commitment. Hylton's commitment to the Society during this period is much appreciated, as his ongoing support for the Society's council and committees.

I would also like to acknowledge the hard work and dedication of Society Executive Director David Price, who provides stable leadership and guidance across the organisation. Thank you also to the entire Law Society staff for another very successful year. You deserve much praise. You make all of us look good and we would not be able to do what we do without you.

Last but not means least, I would like to thank the 2011 and 2012 Council members for their invaluable contribution. Our discussions are lively, always interesting and always worthwhile. I feel very fortunate indeed to work with such a dedicated team.



**Dr Christopher Kendall**  
President

## EXECUTIVE DIRECTOR'S REPORT



**David Price**  
Executive Director

**The past 12 months at the Law Society of Western Australia has been a busy time again. The Society continued to work hard in its role as the peak representative body for the legal profession in Western Australia by providing high value membership, delivering a leading professional development programme, being the voice of the legal profession in Western Australia, promoting access to justice and striving to be a best practice professional association.**

Dr Christopher Kendall was elected as President for 2012 and Craig Slater and Konrad de Kerloy were elected as the Vice Presidents for 2012. Pamela Hass was elected by Council as Treasurer in February 2011.

The Society also undertook its third biannual membership survey in late 2011. The survey found that:

- The Society is meeting its brand promise, with 84% of respondents agreeing the Society is the voice of the legal profession.
- The Society is considered to have an excellent understanding of the profession, legal system, and political / legislative trends and agendas, and to be a strong advocate that makes proactive comments about the legal profession, justice and new legislation.
- Overall satisfaction with the Law Society of Western Australia remains relatively high, with 72% satisfaction.
- Members are particularly satisfied with CPD and information services (Friday Facts, Brief and email alerts).
- Members reported a significant improvement in key services.

Providing valuable opportunities for the Society to better understand member needs, experiences and expectations and plan accordingly, the 2011 Member Survey also invited respondents to comment on issues and challenges affecting those who work in the legal profession.

Following the membership survey the Society's Strategic Plan was reviewed and adopted by Council in April 2012. Members can view the plan on the Society's website.

Effective from July 2012 to June 2014, the Plan builds on a number of existing initiatives in the Plan's Key Result Areas, including research into the key market segments of the Society's membership to better understand and increase membership value and the regular and effective use of feedback channels, including social media channels, to ensure the Society identifies members' key issues. The latter will build on the research gathered in the social media survey conducted in March 2012, the learnings from which will also be incorporated into the Media & Communications Plan 2012 - 2014.

Additional initiatives arising from the reviewed Plan include the conduct of a feasibility study in 2012/2013 to better understand the needs of regional and rural members and greater engagement with employers to gain understanding of how to increase the perceived value and importance of Society membership.

The Society also purchased new premises at 160 St Georges Terrace and relocated to them at the end of April 2012. The brief provided by the Society to our designers was to use as much of the existing fit-out on Level 4 whilst not compromising on the delivery of a fresh, future focused workplace. Considering the overall density including staff, utility and meeting space amenity the fit-out has

achieved a very efficient use of space.

In addition we have achieved a multipurpose space on Level 5 in full seminar mode incorporating a reheat caterer's kitchen. The space can be used in various modes of operation due to commodious furniture Storage and acoustic operable walls. The rooms have been equipped with LCD screens, a mobile video conferencing unit and data projection to support the continued professional development activities of the Law Society. What has been achieved relative to a modest overall budget is exemplary in industry terms.

## Membership

I am very pleased to report that this financial year the Society achieved another record membership number by reaching 3346.

The Society continued to implement the recommendations contained in the *Report on Psychological Distress and Depression* adopted by Council in March 2011 to address this important issue facing our profession.

Another exciting project the Society undertook was the implementation of a new Customer Relationship Management (CRM) system.

## Professional Development

I am pleased to report that this financial year the Society delivered 164 hours of professional development compared to 146 hours in 2010/2011. The Continuing Professional Development business plan was revised and adopted by Council in May 2012. The revised plan aims to again further improve the Society's professional development offering to the legal profession by further broadening our programme to better meet the needs of legal practitioners. As part of our professional development programme in 2011/2012 the Society again in partnership with the University of Western Australia

ran the very successful one day Summer School which was attended by over 200 people.

## 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 the Law Council of Australia.

The Society with the assistance of the Law Council of Australia and the Conference of Law Societies also continued to advocate nationally on behalf of the interests of the Legal Profession in Western Australia.

## Pro Bono & Community Services

There were also a number of significant events at the Old Court House Museum including – the exhibition *Heroes or Villains of the Swan? Stories of Ourselves* and with three separate specific grants received from Lotterywest we are now almost halfway through the redesign of the Museum which, subject to continued receipt of annual grants from Lotterywest should be completed in 2015.

The Francis Burt Law Education Programme saw 5507 people participate in court visits, mock trials, trial re-enactments, empty court room activities, teacher professional development events and Law Week activities.

A total of 5507 students participated in the Education Programme and an additional 54 students enrolled in the 2012 Mock Trial Competition.

This year's Law Week was a huge success. It was pleasing to see members

of the profession getting involved in the various activities. Of course, Law Week would not be possible without a great team and thanks must go to the Society staff for delivering another successful programme. While Law Week may be over for another year, planning is already underway for next year. It was also pleasing to see that Law Week gained extensive media coverage this year, not only within metropolitan Perth, but also within regional areas of Western Australia.

## 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 Mr Dudley Stow comprises seven members, of which four members are members of the Law Society Council.

The Law Mutual Survey which was also undertaken in late 2011 noted the following:

The survey found that Law Mutual is fairly well known and liked. The organisation is generally regarded to be professionally operated, knowledgeable, accessible and responsive, with a sincere interest in solving problems. While many agree that it provides competitively priced coverage and an efficient claims management service.

The total contribution and Administration Levy payable per principal with a No Claim Bonus for 2012/2013 is \$5,131. This is a 4% increase over the total amount payable in 2011/2012 of \$4,937.

During 2011/2012, the Society also took the opportunity to review the structure and function of the business units of Member Relations and Business Development and Membership and Professional Development. With the objective of enabling a greater concentration of focus on member services and the related marketing, media and communications

## EXECUTIVE DIRECTOR'S REPORT

functions and the Society's professional development services, a restructure of the business units resulting in the establishment of a Member Services and Marketing team and Professional Development Team were approved in June 2012.

### Thank you

I would like record my sincere appreciation and thanks to Immediate Past President Hylton Quail and current President Dr Christopher Kendall and their respective Executive teams for their support and commitment to the Society, its members, myself and our staff.

Thank you also to the Law Society Council's of 2011 and 2012 and our many Committee members, all of whom who volunteer countless hours of their time to enable to Society to do the very important work that it does.

Finally I would like to particularly acknowledge and thank all of the Society staff who have worked tirelessly again in 2011/2012. 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](http://www.lawsocietywa.asn.au)

### Council

Councillor Meeting Attendance  
1 July 2011 to 31 December 2011

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

### Executive

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

### Council

Councillor Meeting Attendance  
1 January 2012 to 30 June 2012

Member	Total Council meetings attended inc one special meeting (Total 7)
Dr Christopher Kendall	6
Craig Slater	6
Konrad de Kerloy	6
Pamela Hass	5
Brendan Ashdown	6
David Blades	3
Hayley Cormann	7
Dr Eric Heenan	5
Anthony Kay	5
Matthew Keogh	7
Belinda Lonsdale	5
Greg McIntyre SC	7
Denis McLeod	3
Elizabeth Needham	6
Steven Penglis	6
Hylton Quail	4
Cameron Syme	4
Adam Ebell	7
Madge Mukund (resigned June 2012)	5
Nicholas van Hattem	4

### Co-Opted Councillors 2011/2012

Dr Eric Heenan – May to August 2011  
Graham Goerke – Sept to Dec 2011  
Nicholas van Hattem – Jan to April 2012  
Cameron Syme – May to August 2012

## GOVERNANCE

Members of the Society can view the Minutes of Council and Executive meetings on our website [www.lawsocietywa.asn.au](http://www.lawsocietywa.asn.au)

### Council as Trustee of Law Mutual Fund

Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 July 2011 to 31 December 2011

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

### Council as Trustee of Law Mutual Fund

Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 January 2012 to 30 June 2012

Member	Total Council meetings attended (Total 2)
Dr Christopher Kendall	1
Craig Slater	1
Konrad de Kerloy	1
Pamela Hass	2
Brendan Ashdown	2
David Blades	1
Hayley Cormann	2
Dr Eric Heenan	1
Anthony Kay	2
Matthew Keogh	2
Belinda Lonsdale	1
Greg McIntyre SC	2
Denis McLeod	2
Elizabeth Needham	2
Steven Penglis	2
Cameron Syme	2
Adam Ebell	2
Madge Mukund (resigned June 2012)	1
Nicholas van Hattem	1
Hylton Quail	1



**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 2011 to 31 December 2011

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

### **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 2011 to 31 December 2011

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

## TEAM REPORT - CORPORATE AND BUSINESS SUPPORT

2011/12 was an exciting and busy year for the Corporate & Business Support Team with the purchase and relocation to new premises at Level 4, 160 St Georges Terrace and record membership levels.

The team continued to implement the Society's Strategic IT Plan including the desktop replacement program, a wireless access point and the server migration. The relocation to new premises brought the implementation of a new VOIP telephone solution, multi-functional devices and fibre cabling to facilitate the roll-out of video conferencing facilities in 2012/13.

The Society ended the year with accumulated net assets of \$2,392,950 and cash reserves of \$1,377,616.

### Public Purposes Trust

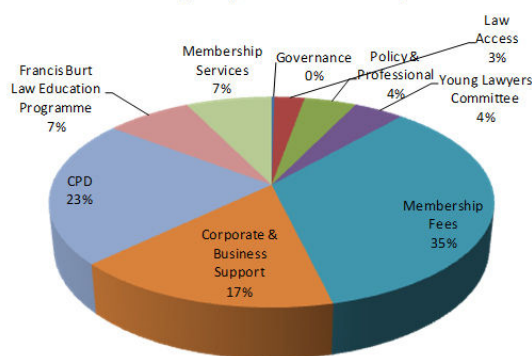
#### Public Purposes Trust

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 Corporate & Business Support team with \$2.3 million being paid out in grants. Grants totalling \$2.5 million have been approved for payment in 2012/13.

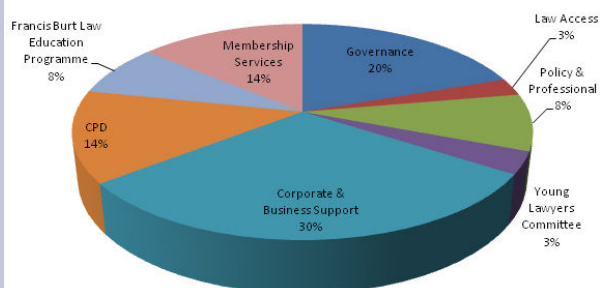
### Legal Contribution Trust

The Legal Contribution Trust is the fidelity fund for Western Australia and is an independent statutory trust established under the Legal Profession Act 2008. The Corporate & Business Support team provide financial and administrative support to the Trustees.

**Income by Department 2011/2012**



**Expenditure by Department 2011/2012**



## TEAM REPORT - COMMUNITY SERVICES

Community Services have had a challenging and productive year. The achievements of the last year were the result of the combined contributions of a dedicated community services team, the committees of volunteers that provide support and guidance to the team and the generous support of members of the profession who volunteered their services to the community. The work of the Community Services Team was made possible by core funding received from the Public Purposes Trust Fund, the Department of Education, and the Department of The Attorney General as well as specific project funding from Lotterywest, the Department of Culture and The Arts and the City of Perth.

More detail about each of our key achievement areas in 2011-12 is set out below.

### Francis Burt Law Education Programme (FBLEP)

In 2011-12 FBLEP provided services to 5507 members of school and community groups. These typically include a mock trial or trial

re-enactment in the Old Court House, an empty court session (in which students are taught about the layout of the court various roles in the court) and observing a court in session.

This year FBLEP launched the Lawyer Visits to Schools Network which operates for the entire school year. In previous years, this programme was a popular feature of Law Week, with more lawyers volunteering to speak to schools than schools could accommodate within one week. The Old Court House, the oldest building in the City of Perth and the third oldest building in Western Australia, provides a unique venue for students and the general public to explore the colonisation of WA, the establishment of British law in WA and the impact of colonisation on Aboriginal West Australians.

In 2011-12, as a first step toward addressing the Australian History Curriculum the FBLEP developed the Parkhurst 'Apprenticeship' Scheme activity for Year 9 and Year 6 groups. The FBLEP Australian History Curriculum activities are mapped to the curriculum



*Mabo 20th Anniversary panellists*

and schools/teachers can access those curriculum links on the FBLEP pages of the Society website. Pre and post-visit resources have also been developed and are available online.

The FBLEP continued to contribute legal and civics education resources to the Regional and Remote Schools Loan Box Programme in conjunction with The Constitutional Centre of Western Australia, The Parliamentary Education Office and The Electoral Education Centre. These boxes are available for use by schools in the remote and regional areas of Western Australia for a period of one month – free of charge. In 2011-12 381 students accessed FBLEP resources from the loan box.

The 20th anniversary of the Mabo decision provided an opportunity for FBLEP and the Aboriginal Lawyers Committee to jointly organise a panel discussion exploring the diverse experiences of Aboriginal Communities in WA 20 years on. The panellists included the Hon Justice Michael Barker (Federal Court of Australia), Mr Greg McIntyre SC (Instructing Solicitor Mabo 1 and 2 and Counsel Mabo 2), Mr George Irving (Chairperson Central Desert Native Title Services) and Ms Nicole Casley (Native Title Solicitor). Teachers, students, members of the legal profession and representatives from Aboriginal organisations were in attendance.

## Mock Trial Competition

We are now in our 26th year of the Mock Trial Competition, which commences at the start of the school year and the number of students and schools participating in the competition continues to steadily increase. In 2012, 875 students from 43 schools participated in the competition, compared to 770 students and 38 schools in 2011. In addition in 30 lawyers and law students volunteered to coach mock trial teams and 74 lawyers and law students volunteered to

judge the mock trials.

The Chief Justice of the Supreme Court adjudicated the Grand Final, held in October 2011 which was won by Wesley College – Team Gold. This was the first time in the history of the Competition where one school had two teams in the Grand Final.

The competition is now a recognised component of the curriculum framework for years 10 to 12 providing students with an enjoyable and dynamic way of introducing students to the legal processes of Western Australia. We also provide an accredited education programme for teachers, judges and coaches associated with the competition each year and have obtained recognition of the valuable contribution made by our volunteer coaches and judges who now receive credit towards their continuing professional development in recognition of their participation in the competition.

Murdoch University continues to recognise the community reach and importance of the programme by awarding its annual Law School Scholarship for the Most Outstanding Mock Trials Student. The recipient of the 2012 Murdoch University – Law School Scholarship for the Most Outstanding Mock Trials Students was awarded to Hannah Bailey of St Stephen's School, Carramar.

## Old Court House Law Museum



Old Court House  
Law Museum  
THE LAW SOCIETY OF WESTERN AUSTRALIA

In 2011-12 the Old Court House Law Museum (the Museum), which is open from 10am until 2.30pm from Wednesday to Friday, received 2957 visitors.

The Museum is one of the few law museums

in the world and is featured in international guide books such as Lonely Planet. It is located in the earliest surviving colonial building in the City of Perth and represents the cradle of British Law in Western Australia. The Museum provides a historical context to the education programmes conducted by FBLEP and highlights key historic events and figures which shaped the Western Australian legal and judicial landscape. The Museum setting brings the education programmes to life and helps to ensure a memorable educational experience as well as encouraging examination of the effect of the law and legal system on the Western Australian community by all museum visitors.

Thanks to three separate specific grants received from Lotterywest we are now almost halfway through the redesign of the Museum which, subject to continued receipt of annual grants from Lotterywest should be completed in 2015.

In 2010 the Museum received Lotterywest Interpretation of Cultural Heritage funding to begin the staged implementation of the Interpretation and Design Plan (2009). A grant of \$24665 was received to be used towards the production of an audio tour of the Old Court House for an historical interpretation of the law and legal issues in Western Australia including the impact of British Law on the Aboriginal people.

The Audio Tour project was completed in December 2011. The fifteen minute production includes contributions by Noongar elders Richard Walley, Reverend Sealin Garlett, Doolan Leisha-Eatts and Irene Stanton, Professor Geoffrey Bolton, the Honourable Chief Justice Wayne Martin AC, historian Geraldine Byrne and curator Sarah Toohey. Since January – June 2012 more than 175 people have requested the audio tour.

In November 2011 the Society was awarded



an Interpretation of Cultural Heritage of \$35,000 to redesign and improve the exhibits in the Judge's Chamber – the main display room in the Old Court House and introduction point for the themes addressed in the museum. The room will focus on the early years of the law in colonial Western Australia and the significance of the Old Court House. The interpretation will reflect on the existence of a prior system of Indigenous law, the establishment of British law in WA, the architecture and the multiplicity of uses of the Old Court House including church, school and concert hall.

The funding covers project costs including graphic design, fabrication and installation of interpretive signage in the Judge's Chamber. It is anticipated the project will be completed by November 2012.

The exhibition, 'Heroes or Villains of the Swan? Stories of Ourselves' was held in the Old Court House from 9 – 25 November 2011. In May 2011 the Law Society received City of Perth Cultural Sponsorship of \$15,000 for artists' research fees for the exhibition. Five artists were invited to research and develop artworks about a person or event associated with the Old Court House in its first 50 years.

The exhibition was co-presented by the Law Society and the City of Perth.

The Law Society also received \$24,000 funding from the Department of Culture and the Arts to produce a substantial catalogue with commissioned text from the artists, posters, invitations and text panels for this event.

The exhibition was scheduled to coincide with Heritage Weekend (12 - 13 November) and the National Museum Conference. The museum opening hours were extended to include Saturdays and Sundays 11 – 4pm during this time.

Visitor numbers during the exhibition were



825 including 120 visitors who attended the opening of the exhibition.

### **Signage in Stirling Gardens**

Following discussion with City of Perth and a request from the Law Society a new sign has been installed in Stirling Gardens to interpret the historical significance of the Old Court House and encourage visitors. City of Perth met the costs of design, fabrication and installation.

Oral historians continue to provide consulting services and conduct interviews of renowned members of the legal profession and judiciary.

The programme, which commenced in 2004, is now firmly established and this important work is currently being delivered by the Old Court House Museum through separate annual grants from the Public Purposes Trust (PPT). There are currently 25 oral histories in the collection and three in progress.

### **Law Access**

The Law Access service is unique in Western Australia and has developed close working relationships with the Western

Australian Bar Association, the Registrar of the Federal Court of Australia, Legal Aid WA, the Aboriginal Legal Service, community legal centres and the Family Law Practitioners Association.

Financial Year 2011-12 saw a marked increase in applications to Law Access, demonstrating that the scheme's profile and reputation continues to increase. 27 matters were placed with pro bono providers in 2011-12 with a further two matters placed with Legal Aid WA for minor assistance.

### **Establishment of PILCH Reference Group**

The WA PILCH Reference Group was formed in 2011-12 and is jointly convened by the Society and the Community Legal Centres Association (WA). It brings together a range of organisations and individuals whose purpose is:

- a) To assess the existing needs and gaps in the provision of services to allow and enhance access to justice in Western Australia and whether a PILCH or similar type entity is the best way to fill those gaps
- b) To facilitate strategic planning around the development and establishment of a

development and establishment of a WA PILCH and provide an opportunity for information exchange, networking, discussion and mutual support

c) To provide a mechanism for consultation and conversation between organisations and individuals who have an interest in the development and establishment of a WA PILCH

d) To facilitate strategic alliances and joint initiatives in relation to the development and establishment of a WA PILCH.

## Law Week

The Law Access scheme again coordinated Law Week, held in the week 14 – 19 May 2012. The programme delivered free legal advice and information to members of the public as well as special events for members of the community and the profession.

The Society acknowledges the vital contributions and assistance provided by members, staff and outside agencies which each year assists in bringing Law Week together.

The 2012 programme was able to be promoted and delivered thanks to sponsorship of \$9500, provided by the Department of The Attorney General (DoTAG) in February 2012, in addition to the annual DoTAG sponsorship for the Law Week Luncheon.

A total of 35 events were held. Of these, 29 events were held for members of the public. Three of these events were also jointly attended by members of the profession while six Law Week events were held for members of the profession only.

Events were held in the Perth CBD, Fremantle, Joondalup, Gosnells, Mirrabooka, Peel, Geraldton, Carnarvon, Northam, Kalgoorlie and Albany.

The programme included an extensive range of free seminars for members of

the public, public tours of the Supreme Court and free legal advice and information sessions.

Free legal advice was offered this year in Geraldton, Fremantle and Mandurah, with a free telephone advice service offered by the Citizen's Advice Bureau. Information booths held by Community Legal Centre's were again popular in both metropolitan and regional areas. Of particular interest this year was the "Traffic Offences" booth set up by the Northern Suburbs Community Legal Centre.

Highlights of the 2012 public programme included the widely reported Jury Open Day held in the District Court and a panel discussion on sexual trafficking and human slavery in the Supreme Court as well as two special events for young people; the joint Legal Aid WA/Law Society of WA Hypothetical, the Joint Law Society/ Women's Lawyer Seminar on Flexible Work Practices and the Law Week Luncheon. The Keynote speaker at the Law Week Luncheon was the then Treasurer and Attorney General the Hon Christian Porter MLA who spoke about Why Western

Australia Matters in the Global Legal Environment.

The winner of the 2012 Attorney General's Community Service Law Award was Ms Kylie Groves of Squire Sanders. The Award was presented by the Attorney General.

The joint Law Society of WA/WA Bar Association Media Award was also presented at the Law Week Luncheon and was won by Amanda Banks, Legal Affairs Editor of *The West Australian* newspaper.

The Law Society of Western Australia, Lawyer of the Year Awards were once again hosted by Bankwest and were held on Wednesday 16 May. More nominations were received for these awards than in previous years resulting in nine award finalists.

The joint winners of the Law Society Lawyer of the Year with five or more years of experience were Denis McLeod, McLeods Barristers and Solicitors and Clare Thompson, Francis Burt Chambers.

The winner of the Lawyer of the Year with less than 5 years experience was Tammy Solonec, the National Congress of



*Hypothetical: To Text or Not to Text. Don't be a Twit.*



Australia's First Peoples.

Special Law Week events for young people included the Youth Civics Leadership Day and the *Hypothetical: To Text or Not to Text. Don't be a Twit.*

Student participants for the Youth Civics Leadership Day were selected by their teachers on the basis of their contribution to their school community and their demonstration of leadership skills and/or civic awareness.

This Hypothetical event was once again jointly hosted by Legal Aid WA and the Francis Burt Law Education Programme. Held in Supreme Court Number 1 on the Wednesday 16 May the event was attended by around 100 high school students. The panel discussed scenarios concerning rights and responsibilities for young people using social media and students were encouraged to ask questions and actively engage in the "hypothetical" discussion with the panel which consisted of specialist police, Department of Education and Legal Aid Youth Law specialists.



Attorney General Christian Porter with 2012 Attorney General's Community Service Law Service Award winner Ms Kylie Groves.



Joint winners for the Law Society Lawyer of the Year with five or more years experience and winner of Lawyer of the Year with less than 5 years experience, with Law Society President, Dr Christopher Kendall (l-r) Denis McLeod, McLeods Barristers and Solicitors, Clare Thompson, Barrister, Francis Burt Chambers and Tammy Solonec, Director, National Congress of Australia's First Peoples.

## TEAM REPORT - MEMBER RELATIONS & BUSINESS DEVELOPMENT

The Member Relations and Business Development team was involved in a number of key strategic initiatives undertaken by the Society throughout 2011/2012. Working closely with Catalyse, an external consulting firm, the Society's third biennial Member Survey was conducted in November 2011. The Survey attracted 446 respondents (comprising both current, past and non-members) an increase of over 30% from our last survey in 2009.

This feedback also reinforced the importance of the Society's 'Supporting the Profession' initiatives which, in the case of LawCare(WA)®, the Senior Advisors Panel and the Mentoring Program have been reviewed, and where necessary revitalised, (some programmes significantly) and extensive campaigns to raise awareness of the services undertaken. Much of the impetus for the initiatives arose out of the 29 recommendations flowing from the Society's Psychological Distress and Depression in the Legal Profession Report, authored by Dr Christopher Kendall (now the Society's President) and launched in May 2011.

A new initiative, the Society's Members Advice Referral Service was established in late 2011 with the generous assistance of the Western Australian Bar Association. The Service provides advice, and where required representation, for practitioners who are the subject of complaint to the Legal Profession Complaints Committee and the State Administrative Tribunal.

The Supporting the Profession initiatives and feedback from the Society's Member Survey were among key topics of discussion undertaken by the Society's President, Executive and Executive Director and members of the Member

Relations & Business Development team during 2011/2012. The Society's member contact programme continued to extend the reach of the Society through visits and presentations to city, metropolitan and country members. Special thanks is extended once again this year to the Society's Executive who also travelled to regional Risk Management sessions to meet with practitioners to discuss Society services and benefits and matters of importance to the profession.

The Member Relations and Business Development Team also continued our on-site presentations to Graduates/ Articled Clerks within firms – an initiative that was warmly received once again. Our presentations to graduates at The College of Law also continued throughout the teaching year. Our thanks are extended to the many organisations who welcomed us during our presentations – and who actively participated in the discussions that ensued.

The significant work undertaken in the Society's media and communications areas was also reflected in the Member Survey with 84% of respondents agreeing that the Society was meeting its brand promise as the voice of the legal profession in Western Australia.

Throughout the year the Society connected with members via 129 e-communications including Friday Facts, CPD Newsletters, YLC e-News and Member Alerts.

During the year the President provided frequent media comment and the Society produced 21 media releases on diverse topics including mandatory sentencing, sexual trafficking, stop and search powers, the Prostitution Control Bill 2011 and the introduction of the Mental Health Court Diversion Programme. The President also gave 24 speeches to a variety of forums.

Law Week 2012 also produced considerable media interest with 16 comments in print media and seven in broadcast media. Nine media releases were also issued by the Society during Law Week.

Members of the team also remained integrally involved in the implementation phase of the Society's new Customer Relationship Management (CRM) platform following its 'go live' in May 2011. The new CRM functionality provided members with the opportunity to renew their membership and update their details and practice areas/interests online during the year and undertake online registration for member events and CPD. The exciting e-commerce 'Shop Online' functionality available via the Society's new look website will be available to members early in the 2012/2013 financial year.





## TEAM REPORT-MEMBERSHIP &amp; PROFESSIONAL DEVELOPMENT

### Membership Services

The Society achieved yet another record membership year with 3346 members in 2011/2012. Membership numbers increased in most Society categories with 27% increase in the Government Lawyer member category, a 9% increase in student members and a 5% increase in our country membership.

The Society's continued membership growth and engagement is integral to fulfilling its Purpose and Vision as the 'voice of the legal profession ...' and the 'representative body for the legal profession...' in Western Australia – so this result is an exciting one!

For the third successive year, it was also pleasing to note that there was no increase in fees for the Society's ordinary membership.

The third biennial Member Survey conducted in November 2011 also provided an excellent opportunity to received feedback from members – current, past and future. Regular market research in accordance with the Society's Strategic Plan and Membership Plan is vital in assessing how well the Society is meeting the expectations of our members and the matters affecting the profession.

In addition to some key matters outlined from the Survey in the Member Relations and Business Development team report, the Survey findings also indicated that the Society's strategic focus is aligning with members' needs with strongest performance in the areas indicated as high priority for members:

- being the voice of the legal profession
- keeping members informed about issues and trends
- Continuing Professional Development (CPD)

- networking opportunities
- promoting access to justice
- providing a supportive environment for members

The launch of the Society's new Customer Relationship Management (CRM) system in May 2011 also saw online renewal and managing contact details and profile options for members. Online registration for Society events via the Society's new-look website was also offered during 2011/2012. The CRM also provides for greater tracking of member engagement with the Society – valuable information when providing assistance and information to members and allowing the Society to tailor communications on particular areas of interest to the member in the future.

The Membership team also delivered 14 Young Lawyer Committee (YLC), Law Office Management (LOM) Committee and general membership events over the course of the year. Many events sold out with the inaugural YLC Ball in September 2011 selling out after only two weeks.

### Continuing Professional Development



Following a review of the Society's Continuing Professional Development (CPD) Plan in May 2011, the Society in 2011/2012 continued the significant growth in CPD hours delivered over the previous financial years with a total of 164 CPD hours.

The introduction of the CPD Membership category for the 2011/2012 membership year was well-received with 162 members taking up this membership, with category

members being able to participate in unlimited CPD eligible learning events.

This year also saw a continued focus on the diversification of subject matter, programme delivery and session length and time of the Society's CPD programme to increase flexibility and accessibility.

The CPD programme was also well supported by the profession with strong attendance numbers at many of the events. The inaugural Government Lawyers Symposium was held in September 2011 attracting 86 delegates. Four Mental Health and Wellbeing complimentary seminars supported by Law Mutual (and arising from the recommendations of the Society report on Psychological Distress and Depression in the Legal Profession) were also very well attended throughout the year with video-conferencing to the regions for the seminars 'Dealing with difficult personalities' and 'Strategies to increase resilience at work' in December 2011 and March 2012 respectively.

The CPD calendar's premiere event, Law Summer School held at the University Club on 24 February 2012 once again attracted over 200 attendees who enjoyed an excellent programme of learning events featuring a keynote address by Rt. Hon

Dame Sian Elias, Chief Justice of New Zealand, and collegiate networking. Our grateful appreciation is extended to our Law Summer School Organising Committee comprising Chief Justice Wayne Martin AC, Joint Chairs, Professor Stuart Kaye and Gregory Boyle, together with John Fiocco, David Price, Executive Director and members of the CPD team, for their tireless enthusiasm and work in developing yet another exceptional Summer School programme.

We also take this opportunity to thank our Society's Education Committee and the various member committees for their invaluable contribution to the development of the quality CPD programme for which the Society is known. Our grateful appreciation is also extended to the seminar presenters and panel chairs who give so generously of their time and expertise.

### Quality Practice Standard



A total of 210 firms are registered for certification the Quality Practice Standard

process. Of this number, 45 firms are accredited with the Quality Practice Standard.

Two new firms qualified for Quality Practice Standard (QPS) certification during 2011/2012:

- Integra Legal Pty Ltd
- Mid West Lawyers

QPS materials were also reviewed and refreshed in line with the changes to the QPS. Changes will apply from the date of the 2013 audit. The Society is grateful to Chief Justice Wayne Martin AC for his continued support of the QPS Scheme and his recent revision of the introduction to the QPS Information Booklet.

Our congratulations are extended to those firms which in 2011/2012 achieved significant milestones in their QPS accreditation. During this financial year 27 QPS firms retained their accreditation for 10 years and the following 12 firms achieved the 15th Anniversary of accreditation.

- AMCG Legal
- Corser & Corser, Barristers & Solicitors
- Culshaw Miller Lawyers
- Downings Legal
- Hammond King Touyz
- Jackson McDonald
- Kott Gunning
- Lavan Legal
- MDS Legal
- Mossensons
- summerslegal
- Talbot Olivier



2012 Law Summer School

## TEAM REPORT - 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 2011/2012 is demonstrated in the list of submissions and the individual Committee Reports in this annual report.

The Society is "the voice of the legal profession in Western Australia". Submissions and comments prepared by Society committees result from proactive action by the committees or requests from government and government agencies, Parliamentary Committees, the Senate, Ministers, the Law Council of Australia, the Law Reform Commission of Western Australia. All submissions are subject to Council approval. In 2011/2012 the Society made 37 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 Law Asia Committee and the Aboriginal Lawyers Committee are also supported by the team.

### Professional Standards Scheme

In May 2011 the Council resolved to proceed with an application to the Professional Standards Scheme for a limited liability scheme for Society members. The application has been submitted to the Professional Standards Council for comment. The application approval process takes approximately 12 months. Members will be informed when the application is progressed.

### Mental Health and Wellbeing Committee

The Mental Health and Wellbeing Committee held its first meeting in July 2011. The formation of the Committee was one of the 29 recommendations in the *Report on Psychological Distress and Depression in the Legal Profession* that was launched in Law Week 2011. The Committee's role is to implement the Report's 29 recommendations. Many of the recommendations have been implemented, significantly, the establishment of LawCare(WA)® and the Members Advice Referral Service.

Through LawCare(WA)® members have access to three free professional and confidential counselling sessions and other on-line information resources with PPC Worldwide International. The Western Australian Bar Association is maintaining a register of Silks and Senior Juniors who are prepared to either charge no fee, or charge a nominal or modest fee, for advice and representation for practitioners who are the subject of a complaint to the Legal Profession Complaints Committee. Further, articles addressing mental health issues have been regularly published in Brief and free seminars under the risk management banner have been held by the Society in conjunction with Law Mutual. During the 2011/2012 the topics were 'Resilience', 'Dealing with Difficult Personalities' and 'Strategies to increase Resilience at Work'.

### Elder Law and Succession Committee

The Elder Law and Succession Committee held its inaugural meeting in February 2012. Areas of interest to the Committee are power of attorney reform including interstate mutual recognition, legislative progress in succession law, probate



practice and amendment of the Non-Contentious Probate Rules when new legislation comes into effect. The Convenor, Mrs Elizabeth Heenan is a member of the Law Council of Australia's National Elder Law and Succession Committee and the Supreme Court of Western Australia Probate Committee.

## Review of Ethical and Practice Guidelines

In 2012 the Ethics Committee completed a review of the Ethical and Practice Guidelines which were originally developed in 2010. The *Ethical and Practice Guidelines* were updated for consistency with the statutory Legal Profession Conduct Rules 2010 and to incorporate a number of the Society's guidelines, including those that were part of the now defunct Law Society of Western Australia Professional Conduct Rules. The 2012 revision provides a practical guide to files and a commentary on advertising.

## Family Law Costs Kit

In 2011, in consultation with the Family Law Practitioners Association, the Society produced a Family Law Costs Kit in addition to the standard form costs kit. Details for acquiring both are available from the Society's website.

## Aboriginal Mentoring Programme

The Society has successfully coordinated a structured mentoring programme for junior practitioners for the past four years. 2011 saw the commencement of a structured mentoring programme for Aboriginal and Torres Strait Islander law students. Excellent feedback was received from the participating students. The number of participants has increased for the 2012/2013 programme. The Society

looks forward to the continued growth of the programme and continued support for both programmes from members of the Corporate Law Firms Association.

## Biennial Review of Committee memberships

A review of the membership of the Society's Standing Committees was conducted in 2011. These reviews are conducted biennially, calling for expressions of interest from current and prospective members. Committee members appointed to a committee following a biennial review are appointed for a term of four years. The term of membership of a percentage of members of all committees therefore expires every two years. Every endeavour is made to accommodate the interest areas of Society members. Of 116 expressions of interest received in 2011, 36 were from new members almost all of whom were appointed to a Committee (the exception being those members who expressed interest only in the Young Lawyers Committee (YLC), the terms of reference for which limit the number of its members).

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.

## LawCareWA<sup>®</sup>

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<sup>®</sup>  
OF WESTERN AUSTRALIA  
The voice of the legal profession in Western Australia

## TEAM REPORT - LAW MUTUAL



Council approved a Strategic Plan for Law Mutual (WA) in 2011 which is being implemented over 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 annually reviews its operating policies. The Policy manual was the result of significant work undertaken by the Professional Indemnity Insurance Management Committee and staff. All insured practitioners were provided with a hard copy of the Law Mutual information booklet as part of the 2011/2012 insurance renewal programme.

For the 2012/2013 year, Law Mutual placed the professional indemnity insurance

arrangements with:

- QBE Insurance (Australia) Ltd (50%);
- Vero (25%);
- Amlin (Lloyds Syndicate) – 25%

The total contribution and Administration Levy payable per principal with a No Claim Bonus for 2012/2013 is \$5,131. This is a 4% increase over the total amount payable in 2011/2012 of \$4,937.

The rate of claims has remained stable over the last 12 months. The risk management programme has continued and the topic covered in 2011/2012 was social media. Approximately 2,535 practitioners attended 40 seminars conducted by Law Mutual (WA) in the metropolitan and country centres in Western Australia.

## ABORIGINAL LAWYERS COMMITTEE

### June Kenny Convenor

The Aboriginal Lawyers Committee currently has seven law graduates and three law students as Committee members. Committee members who joined this year include law student Peter Dawson, winner of the Law Council of Australia 2012 John Koowarta Reconciliation Law Scholarship.

The Committee was involved with the successful bid from the University of Western Australia and the University of Notre Dame Australia to host the 2012 National Indigenous Legal Conference (NILC). The Committee has had two representatives on the NILC Committee assisting in the organisation of this year's Conference to be held on 5 and 6 October. This will be the seventh annual NILC and the key themes this year are 'New Approaches to Justice' and 'Cultural and Natural Resources Management'. There will be a Conference dinner on 5 October 2012 at which the Attorney General will present the Indigenous Professional of the Year Award and the Indigenous Law Student Prize.

In 2011 the Committee contributed to the

Society's submission in response to the Law Council of Australia's Discussion Paper on Constitutional Recognition of Indigenous Australians and in July 2011 Committee member Tammy Solonec, and Hylton Quail (then Law Society President) represented the Society at the Law Council's Discussion Forum 'Constitutional Change: Recognition or Substantive Rights?'

On 14 May 2012, at the Youth Civics Leadership Day luncheon, Peter Dawson gave an address to high school students and on 19 June 2012 the Committee held a joint function with the Francis Burt Law Education Programme at the Federal Court of Australia, Perth, 'Making Native Title Happen: the Legacy of Mabo'. The event, which involved a panel discussion, was well attended and attracted more than 90 attendees.

The Committee will continue to be involved in events, programmes and providing comment on important legal issues impacting on Aboriginal and Torres Strait Islander peoples.

## ACCESS TO JUSTICE COMMITTEE

### Rick O'Brien Convenor

In 2011/12 the Access to Justice Committee continued to play a central role in overseeing the Law Access Pro Bono Referral Scheme by supporting the Executive Manager Community Services in her pro bono coordination role and by acting as the assessment panel for applications.

There were 74 applications to Law Access in 2011/12, more than double the number of applications received the previous year, demonstrating that the scheme's profile and reputation continues to increase.

Twenty seven matters were placed with pro bono providers in 2011/12 with a further two matters placed with Legal Aid WA for minor assistance. This compares with 20 matters placed in 2010/11. Twelve matters lacked merit while six matters were unable to be placed. Seven meritorious matters were

awaiting placement at 30 June while 19 matters were awaiting final assessment by the Committee.

The Committee also undertook policy related activities writing to the Attorney General of Western Australia concerning the difficulties faced by victims of domestic violence in need of advice and representation in property settlement matters.

The Access to Justice Committee wishes to take this opportunity to thank members of the profession for their generous support of Law Access. Matters have been placed with sole practitioners, small firms, large firms, specialist community legal centres and the new Legal Aid Social Inclusion Program as well as with barristers through the Western Australian Bar Association.

## ACCREDITATION COMMITTEE REPORT

### Trevor O'Sullivan Convenor

The Accreditation Committee deals with all aspects of accreditation but at present there is accreditation only for family lawyers in Western Australia. There are 43 Accredited Family Law Practitioners in Western Australia all of whom met their requirements for reaccreditation this year.

The Committee's main activities in 2011/12 were:

- To determine which CPD events were of sufficient standards 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.

- 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.

## ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

### Laurie James Convenor

The Alternative Dispute Resolution Committee met on five occasions in 2011/2012. The Committee's activities during the year included the following:

- Preparation of criteria for appointment to the Law Society Panel of Mediators and Arbitrators, adopted after the process of discussion and amendment by the Council. The Convenor attended the meeting of the Council on 28 February 2012 in order to discuss with the Councillors the ongoing process of amendment of the criteria for the accreditation of mediators. The Committee was able to finalise the drafting of the criteria and to have those criteria approved by Council in consequence.
- A number of recommendations to the Council for appointment to the Panel of Arbitrators and Mediators. Several nominations were made by the President from that Panel for various ADR processes.
- Preparation of a submission, subsequently approved by the Executive, to the Legislative Council Standing Committee on Uniform Legislation and Statutes Review on the Commercial Arbitration Bill 2011 with particular reference to the power of an Arbitrator to act as Mediator or Conciliator.
- The Committee noted the fees payable (and paid) by the Law Society to remain as a Registered Mediator Accrediting Body and the fees payable by individual mediators on re-registration of their National Accreditation.

## BRIEF EDITORIAL COMMITTEE

### Rebecca Lee Convenor

In February 2012, Rebecca Lee became Editor of *Brief*, replacing Ronald Bower, who served outstandingly as editor for nine years. Mr Bower continues to serve on the *Brief* Editorial Committee.

The Committee meets monthly to discuss article submissions for each issue of *Brief*. Committee members consist of barristers; government and corporate solicitors and young lawyers in an endeavour to reflect the demographics of the profession, in terms of areas of practice and years post-admission.

During the financial year, eleven issues of *Brief* were produced. Editorial material for the journal continues to be sourced from members of the legal profession, mostly from within Western Australia but also from interstate and overseas. Material is either voluntarily submitted for publication or written at the suggestion of the *Brief*

Editorial Committee. Committee members number among the authors, although a decision to publish an item is based on the merits of the article. *Brief* continues to publish articles on topics of interest relevant to Society members, and has been mindful of implementing Recommendations 18 and 19 of the Society's *Report on Psychological Distress and Depression in the Legal Profession* prepared in March 2011.

Committee members also play an important role when it comes to editing and advising the authors on style and consistency. As *Brief* is the official journal of the Law Society, the committee not only strives to source and publish the highest-quality articles and images, it also maintains the Law Society's standards and culture.

The *Brief* Editorial Committee thanks all of its authors, past and present, for their valued contributions.

## CLEAR WRITING COMMITTEE

### Professor Neil McLeod Convenor

2012 is the 15th year of the Law Society of Western Australia's Plain English Drafting Competition for law students, conducted by the Clear Writing Committee. The purpose of the competition is to emphasise to law students that it is vital that legal practitioners write clearly and precisely. The competition and is now a regular part of life as a Western Australian law student. This year's competition attracted 122 entries and since its inception more than 1500 students have competed.

One of the six prizes awarded each year is reserved for a student in his or her first

year of study towards a law degree. The remaining five prizes go to students in any year of the study of law, including first year. This year's winners were Peter Viney a first year student at Edith Cowan University, and students at the University of Western Australia, Danielle Atlas, Jiang Hanming, Jade Anne Roberts, Erin Shaw and Stephanie Tham. Each winner receives a cash prize of \$150 and a winner's certificate. The Society is grateful to the competition sponsors Freehills, Norton Rose Australia, Ashurst Australia, Tottle Partners, Jackson McDonald and Allens.

## COMMERCIAL LAW COMMITTEE

### Rachel Webber Convenor

The Commercial Law Committee's role 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 a number of liaison groups:

- Office of State Revenue (OSR)
- Consumer Protection (Department of Commerce)
- Australian Securities and Investments Commission (ASIC)
- Law Council of Australia, Business Law Section, Corporations Law Committee and Insolvency and Reconstruction Committee.

In 2011/2012 the Committee considered a wide range of commercial issues and monitored legal developments and the progress of new legislation in relation to a number of subject areas including the *Legal Profession Amendments Regulations*

*2009, Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011 (Cth)*.

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

- Heavy Vehicle National Law – reversal of onus of proof in criminal liability for directors; and
- the establishment of a State Revenue working group with representatives from the Society and the OSR.

Members of the Committee attended meetings and forums and invited guests to attend Committee Meetings in order to obtain information and to provide feedback on behalf of the Society, on various topics including the National Business Name Registration System, National Occupational Licensing and the implementation of the registration system under the *Personal Property Securities Act*.



## COSTS COMMITTEE

### **Stewart Forbes** **Convenor**

One of the primary roles of the Costs Committee is to make recommendations to the Society's Council in relation to reviews conducted by the statutory Legal Costs Committee (LCC).

In December 2011 the Society made a detailed submission to the LCC's review of costs scales for litigious matters. Subsequently, in 2012, the LCC requested comment from the Society on draft proposals relating to the possibility of including fixed fees in the Supreme Court scale. This resulted in substantial research and debate, liaison with the Western Australian Bar Association and a lengthy and comprehensive further submission to

the LCC. A new scale is expected within a few months.

The Costs Committee has also instigated a proposal for the publication of judgments delivered by the Supreme Court Registrars.

Other matters considered by the Committee in 2011/2012 included:

- contact with the Attorney General in relation to reform of the Suitors' 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

### **Cameron Syme** **Convenor**

The Country Practitioners Committee comprises members from Albany, Broome, Bunbury, Carnarvon and Geraldton, with members from Esperance and other country locations joining from time to time. The Committee meets approximately every two months, or as required, by teleconference to discuss issues facing country practitioners and ways of resolving them.

In 2011/2012 issues discussed included:

- CPD – various ways of achieving CPD points in regional areas;
- Perth Magistrates Court – telephone

link and video conference facilities;

- The Report on Psychological Distress and Depression in the Legal Profession;
- Promoting QPS to regional law practices;
- Rural, Regional & Remote (RRR) Law Programme.

The major achievement for 2011/2012 has been progressing communication technology trials for potential use in delivery of CPD events to country practitioners. This technology should be rolled out for use by members in 2012/2013.

## COURTS COMMITTEE

### Steven Penglis Convenor

The Courts Committee continues to provide a regular point of contact between the Society, the Federal Court, Supreme Court, Family Court, State Administrative Tribunal, District Court and Magistrates Court. The open dialogue that the Committee enjoys with these Courts and the State Administrative Tribunal continues to mean that the Society's voice is heard by them on a regular basis and, likewise, they are able to keep the Society informed on a regular basis and seek the Society's views as and when required. In this regard, as in prior years,

the contributions of Registrar Jan, Principal Registrar Chapman, The Hon Justice Simon Moncrieff, Registrar Kingsley and Tim Carey of the State Administrative Tribunal are acknowledged and much appreciated.

In 2011/12, the Committee commented upon various rule changes proposed by the Supreme Court and the District Court, as well as many other matters relating to the practice and procedure of the Courts in Western Australia.

## CRIMINAL LAW COMMITTEE

### David Davidson Convenor

The Criminal Law Committee membership includes practitioners from private practice, Legal Aid WA, the Commonwealth and State DPP, and the Bar, being both prosecutors and defence lawyers. In the past year the practitioner representing the Aboriginal Legal Service resigned but will soon be replaced.

The Committee comments on proposed legislative amendments impacting upon the criminal justice system in Western Australia, but is often frustrated by the time limits given for making these submissions. The Committee also initiates submissions on laws and procedures followed in the various criminal law jurisdictions, often based on the experiences of its members.

In 2011/2012 the Committee made submissions/comments on a number of

diverse issues including:

- *Evidence Act* – Video Recorded Interviews
- Amalgamation of WA Police and Department of Justice databases
- Legal Aid briefing of barristers direct in criminal matters
- Criminal Organisation Control Bill 2011 (comments of the Immediate Past President, Hylton Quail were reported in *The West Australian* on 5 May 2012)
- Delay in disclosure in both the Magistrates Courts and the superior courts
- *Evidence Act* (Bankers records)
- Case Management Criminal Practice Directions (Supreme Court).

## EDUCATION COMMITTEE

### Dr Christopher Kendall Convenor

In 2011/12 the Society continued to develop Education programmes which included an array of full-day, half-day workshops and symposiums, as well as short courses and seminars.

During the course of 2011/12 the Society offered the following:

- 18 short seminars consisting of 1 to 3 hours duration
- Law Summer School full-day conference
- Costs School workshop series offering 7 CPD points
- 7 full-day symposiums and workshops offering 6 CPD points or more

- 9 half-day events offering 4 CPD points or more
- 2 Legal Assistants' Training Courses
- Advocacy Practical weekend offering 7 CPD points
- Costs Guide online.

The Education Committee is highly appreciative of those who gave generously of their time and expertise during the 2011/2012 financial year in the form of chairing or presenting at CPD events. Their generosity ensured that the profession of Western Australia was delivered relevant and interesting CPD topics during this period.

## ELDER LAW & SUCCESSION COMMITTEE

### Elizabeth Heenan Convenor

The Elder Law and Succession Committee held its inaugural meeting on 3 February 2012 at which the following matters, being the focus of attention of the National Elder Law Committee, were agreed as particular areas of interest:

- Power of attorney reform, including interstate mutual recognition
- Legislative progress in succession law
- Probate practice
- Amendment of Non-Contentious Probate Rules once new legislation comes into effect.

The Committee liaises with the Law Council of Australia National Elder Law and Succession Committee and with the WA Supreme Court Probate Committee through its representatives.

The Committee has commented on recent

amendments to the *Social Security Act 1991 (Cth)* and *Veterans Entitlement Act 1986 (Cth)* relating to recent legislative amendments in respect of controlled private trusts which resulted in a submission from the National Committee to the Department of Families, Housing, Community Services and Indigenous affairs raising concerns as to aspects of that legislation.

The Committee made a submission on the *Wills Amendment (International Wills) Bill 2012* which aims at introducing international wills into the Western Australian legislation.

The Committee is looking at co-ordinating a Wills Awareness Day in Western Australia following on the lead from New South Wales.

The Committee contributed to the Society's submission to the Legal Costs Committee on its proposal for fixed fee pricing for certain Inheritance Act disputes.

## EMPLOYEE RELATIONS COMMITTEE

**Cliff Pettit**  
**Convenor**

During 2011/2012 the Employee Relations Committee continued to work with the Society to develop tailored training to assist members who deal with employment related issues. The highlight of this programme for 2011/12 was the Society's Employment Law Symposium held in November 2011.

## ENVIRONMENT, TOWN PLANNING & LOCAL GOVERNMENT COMMITTEE

**Denis McLeod**  
**Convenor**

The Environment, Town Planning and Local Government Committee continues to operate with a dependable group of committed members who have special interests in one or more of the Committee's three broad reference areas.

The Committee met seven times since the last Report, but much of its work was done by sub-committees or individuals delegated responsibility on an ad hoc basis when special issues have arisen. There have been ad hoc Committees dealing with Bush Forever issues and Contaminated Sites legislation review.

The Committee has kept under review issues for CPD seminars and Law Summer School topics, which has become the Committee's major ongoing project. A subcommittee has assisted with that task.

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 principal aim

is to have environmental appeals determined by the SAT. The Ministers have let it be known that the transfer of environmental appeals is not to be undertaken at present. The Committee treats this matter as a standing issue, and will endeavour to ensure that it is not forgotten by the State Government.

The Committee has also considered on behalf of the Society all new written laws within its reference areas which were referred to the Society for comment, or which have otherwise come to the attention of Committee members.

Contact has been maintained with the Law Council of Australia, Environment & Planning Law Group. Also 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, and is considering a submission for the Law Society on the review of the *Contaminated Sites Act 2003 (WA)*.

## ETHICS COMMITTEE

### Julian Sher Convenor

In August 2010 the Society issued *Ethical & Practice Guidelines* designed to serve as a practical guide to practitioners on ethical and proper conduct in their day to day practices. In 2012 the Ethics Committee updated the *Ethical & Practice Guidelines* to bring them in line with the statutory *Legal Profession Conduct Rules 2010* and to incorporate a number of the Society's guidelines, including those that were part of the now defunct Law Society of Western Australia Professional Conduct Rules. Included in the 2012 revision of the *Ethical & Practice Guidelines* is a guide to the handover of documents on termination of a retainer, a guide to closing, storage and destruction of files and a commentary on advertising. The 2012 revision was approved by the Council in June 2012 and is available on the Society's members-only website.

The Committee has also compiled a collection of Law Society CPD papers on ethical conduct which will be published on the Society's website in 2013.

The Society, through the Committee, made a submission to the Legal Practice Board that rule 15(6) of the *Legal Profession Conduct Rules 2010* should be amended to allow law practices to borrow money from clients, the normal business of which is to lend money.

Other issues considered by the Committee in 2011/2012 included:

- Undertaking to practise as a barrister. The *Legal Profession Regulations 2009* have since been amended by inserting regulation 5 (1) "barrister's endorsement" relating to a condition imposed by the Legal Practice Board on a local practising certificate requiring the practitioner to work solely as an independent barrister.
- Disclosure Guidelines for Applicants for Admission to the Legal Profession. Submission was made to the Legal Admissions Consultative Committee.
- Professional Confidential Relationships Privilege for Journalists. Submission was made to the Attorney General.
- The process for appointment of Senior Counsel

At the Committee's initiative a CPD seminar, Legal Capacity: Acting for Minors and People under a Mental Disability, was held and the Convenor was a member of the Panel for the highly successful CPD seminar, Ethics & Professionalism: Is Law a Lost Profession?



## FRANCIS BURT LAW EDUCATION PROGRAMME AND OLD COURT HOUSE MUSEUM ADVISORY COMMITTEE

**Chief Justice of Western  
Australia,  
The Honourable Wayne  
Martin AC**

**Convenor**

The Francis Burt Law Education Programme and Old Court House Museum Advisory Committee has continued to oversee the activities of the Francis Burt Law Education Programme and the Old Court House Law Museum.

The education programme includes the provision of programmes to visiting school students and the mock trial competition. Following completion of the renovation of the Old Court House Law Museum building, including the replacement of its roof, student attendance and museum visitor numbers returned to normal levels. The Mock Trial competition continues to grow in numbers and attracts considerable interest. School visits were boosted during the year with the assistance of funding associated with the celebration of the 150th anniversary of the creation of the Supreme Court which

enabled visits by schools that would not have been able to afford to attend. Consideration has been given to ways in which education programmes might be taken to regional and remote Western Australia. Although one programme was presented in Kununurra, a source of regular funding for such programmes has not yet been identified.

An audio tour has been introduced for the Museum, and the displays within the museum have been refurbished. A substantial number of visitors attended the Museum in conjunction with the Open Day associated with the 150th anniversary of the Supreme Court.

The Committee has also agreed to refocus the Sir Ronald Wilson Lecture, so that it primarily addresses social justice issues with a target audience of law students and legal professionals.

## GRADUATE & ACADEMIC STANDARD COMMITTEE

### Brett Davies Convenor

Now in its second year of operation, the Graduate and Academic Standards Committee comprises the Deans/Deans' representatives from the University Law Schools of Edith Cowan University, Murdoch University, Notre Dame University of Australia and The University of Western Australia, together with representatives from the government sector, large and small/medium firms, graduates, the Young Lawyers Committee and Student Law Societies.

During 2011/2012, the Committee continued its focus on matters involving the following areas:

- Graduate placement research, trends and process (excluding recruitment dates) and the services offered by the Society in the area of graduate placement including the Graduate Clearing House service and Careers Uncut event;
- Raising awareness of graduate pathways of admission and relevant statistics in relation to those pathways;
- Graduate and undergraduate law curricula and academic standards; and

- Equity issues for students and graduates.

The Committee provided valuable feedback and suggestions on how the Society's Graduate Clearing House service might be enhanced; in particular via an information template sheet for completion by Graduates (or intending Graduates) who wish to submit applications to the Clearing House service. The information sheet will assist in capturing uniform information in relation to a Graduate's placement; location, practice area preferences and availability - important information for prospective employers.

The Committee also provided initial feedback on the Society's YLC Mentoring programme which commenced in 2012 with the valued support of Edith Cowan University. The Committee's Graduate representative Lyndsay O'Brien has been integrally involved with this pilot programme supporting later year Graduates' transition into the legal workplace. The Committee acknowledges the considerable efforts of Ms O'Brien and the YLC representative on the Committee, Taylor Woodworth, in relation to this project.

## HUMAN RIGHTS & EQUAL OPPORTUNITY COMMITTEE

### Greg McIntyre SC Convenor

This year saw a fusion of the Equal Opportunity Committee with the Human Rights Committee to form the Human Rights & Equal Opportunity Committee. Committee member Mrs Elizabeth Heenan is a member of the Law Council of Australia's Equalising Opportunities in the Law Committee and is able to liaise between the two Committees. Members of the Committee have also participated in teleconference meetings throughout the year of the Human Rights Advocacy Group of the Law Council of Australia.

In 2011/2012, submissions made by the Committee included:

- A submission on the Consolidation of Commonwealth Anti-Discrimination Laws, which was followed by teleconferences between the various States' law societies and the Law

Council of Australia to obtain a nationally consistent position on the issues.

- A letter to the Attorney General in conjunction with the Australian Medical Association concerning the detention of an intellectually disabled man for ten years without conviction, including an update on case law on the powers and duties of the Prisoners Review Board relevant to indeterminate sentences.
- A submission on the exposure draft of the National Human Rights Action Plan.
- A submission on the provisions relating to the various servitude offences in the *Crimes Legislation Amendment (Slavery, Slavery-Like Conditions and People Trafficking) Bill 2012*.
- Comments on the Optional Protocol to Convention Against Torture.

## INSOLVENCY & RECONSTRUCTION COMMITTEE

### James Healy Convenor

The Insolvency and Reconstruction Committee is a joint committee of the Law Society and the Business Law Section of the Law Council of Australia. In 2012 the Law Council's Annual National Workshop was held in Perth and was very well attended by practitioners sitting on the various state based Law Council committees. The workshop focused on the introduction of the PPSA and current legislative issues confronting insolvency practitioners, and established an agenda for work of the Committee for the coming year.

The Committee maintained its role of

liaising with the Federal Attorney General, Australian Securities and Investments Commission, Insolvency and Trustee Service Australia and the Insolvency Practitioners Association of Australia. Formal submissions were lodged by the Law Council in respect to the proposed reforms to registration requirements for insolvency practitioners and issues related to the priority for employee entitlements in insolvency. Issues arising out of the introduction of the Personal Properties Securities Act will also remain a focus for the Committee.

## INTELLECTUAL PROPERTY COMMITTEE

### David Cox Convenor

In 2011/2012 the Intellectual Property Committee investigated the possibility of making submission to the Advisory Council on Intellectual Property ('ACIP') review into the innovation patent system. A submission was ultimately not made due to difficulties with the short time frame provided by ACIP for comment. The Committee is monitoring the review on the Innovation patent system and a second review that is due to commence on patent licensing.

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 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 to be held in October 2012.

Working with IP Australia, the Convenor has had an ongoing role providing talks on General Intellectual Property to Central TAFE. In 2011, these talks were delivered by the Convenor and Mark Pullen. In 2012, the talks were given by Richard Plummer. The Committee is in talks with IP Australia with a view to expanding the attendance to these talks. The Committee plans to rotate the talks amongst members of the profession.

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

### Gregory Boyle Convenor

The Joint Form of General Conditions for the Sale of Land Committee has continued to receive observations from the legal profession (and others) about the practical application of the 2011 Revision.

The "subject to finance" clause in the REIWA Offer & Acceptance (which the Society did not draft) continues to be a source of contention which the Committee

is seeking to resolve in negotiations with REIWA.

The efforts of the Society to make the REIWA Offer & Acceptance form available to practitioners in electronic form has not yet borne fruit but this aspiration has not been lost.

## JOINT LAW SOCIETY / WOMEN LAWYERS COMMITTEE

**Elizabeth Needham**  
**Convenor**

The Joint Law Society / Women Lawyers Committee is a liaison group between Women Lawyers WA and the Law Society. Members include representatives from Women Lawyers WA, 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 2011/2012 the Committee considered a number of issues, including the following:

- In 2011 the Council adopted the Victorian Women Lawyers' Flexibility Protocol for flexible working arrangements and the Protocol is now published on the Society's website. The Committee ran a very successful panel discussion on flexible work practices during Law Week 2012.
- Members of the Committee also assisted the Young Lawyers Committee with the presentation of a debate about current issues of Sex Trafficking in Australia during Law Week 2012.
- The Committee is finalising a proposal for the Society to consider on a leave of absence category of membership.
- The Committee investigated emergency family care options for the profession. After a comprehensive review of the available agencies, the Society selected Dial-An-Angel and secured a discount for members.
- The Committee is currently considering aspects of the Law Council of Australia Court *Appearance Strategy for advancing appearances by female advocates in Australian courts* and suggested best practices action plan for implementation by the Society.
- The Committee is considering amendments to the Law Society's Model Briefing Policy to record the extent of engagement of female barristers.
- The Committee supported the Law Society's successful nomination of the Hon Antoinette Kennedy AO as a member of WA Women's Hall of Fame.

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



## LAW ASIA COMMITTEE

### **Kanaga Dharmananda** **Convenor**

In the second half of 2011 the Convenor, and human rights lawyer John Southalan, entered into arrangements for an Indonesian lawyer, Dyah Paramita, to visit Perth in March 2012. Ms Paramita's Perth placement was fully supported by the Society. Ms Paramita was hosted by Mallesons during her stay and she also had the opportunity to meet with a number of government personnel. Committee members and the Society's President enjoyed lunch with Ms Paramita on 23 March 2012 at the Society's premises. Ms Paramita gave an informative address on aspects of her practice in Indonesia

which has an emphasis on human rights and environmental law.

On 17 May 2012 a sundowner initiated by the Committee was hosted by Corrs Chambers Westgarth. The Committee was fortunate to have as guest speaker the Deputy Leader of the Opposition and Shadow Minister for Trade and Foreign Affairs, Hon Julie Bishop MP, who gave an excellent presentation on 'The rise of Asia's consumer class: opportunities for Australia'. Ms Bishop provided an insightful perspective on trends and likely policy developments in the Asian region.

## LAW SUMMER SCHOOL COMMITTEE

### **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 2012 Summer School on Friday, 24 February 2012 at the University Club. This was the fourth year of the re-launched Summer School and, once again, it was a sell out with more than 200 delegates enrolled.

Delegates gained insights from an impressive line-up of leading international and national experts. Law Summer School 2012 offered topics that were timely, sometimes provocative and encouraged debate and critical analysis. The events education programme commenced at breakfast with the Governor of Western Australia, His Excellency Malcolm McCusker

AO CVO QC, delivering a session entitled 'Ethics on Toast'.

The Chief Justice of New Zealand, the Rt Hon. Dame Sian Elias presented the second plenary of the day with the session chaired by the Chief Justice of Western Australia, the Honourable Wayne Martin AC. Other contributors included Hon Christian Porter MLA, then Attorney-General of Western Australia, Hylton Quail, Immediate-Past President of the Law Society, Gino Dal Pont, University of Tasmania and the Hon Kevin Parker, retired Judge of the International Criminal Tribunal for the Former Yugoslavia. The final plenary of the day included a session from Des Kennedy SC, Patricia Cahill SC and Professor Maryam Omari.

The day also afforded practitioners with the opportunity to catch up with colleagues in a relaxed and non-adversarial environment.

## LAW OFFICE MANAGEMENT COMMITTEE


**Corene Baird**  
**Convenor**

In 2011/2012 the many activities of the Law Office Management Committee included the following:

- 2012 Annual Salary Survey saw 1180 survey forms sent to Managing Partners and HR Managers in city, suburbs and country. There were 136 responses.
- Free Legal Research, Basic, held 6 September 2011
- Free Legal Research, Advanced, held 13 September 2011
- Marketing Your Practice, held 28 November 2011
- Best Quality Practices in a Law Firm, held 6 June 2012.
- Planning for the Law Office Expo to be held on 23 October 2012.
- The 2012 winner of the Outstanding Contribution Award will be announced later in the year
- Arrangements for LOM Office Cocktails held on 25 July 2012 at The George
- Discussions with the Convenor of the Mental Health & Wellbeing Committee regarding a Mental Health First Aid course.

## MENTAL HEALTH & WELLBEING COMMITTEE

### David Blades Convenor

The *Report on Psychological Distress and Depression in the Legal Profession* (Report) was launched by the Law Society during Law Week in 2011. One of the 29 recommendations in the Report was for a Mental Health and Wellbeing Committee to be formed. The Committee first met in July 2011.

At present the Committee has 8 members and 6 ex-officio members. The Committee has been working to implement the 29 recommendations in the Report. The following summarises some of the initiatives that have been undertaken by the Committee, and the Society, towards implementing the recommendations:

- The establishment of LawCareWA®. The Society appointed PPC Worldwide International to provide an integrated member/employee assistance model. Through LawCareWA® members have access to three free professional and confidential counselling sessions and other on-line information resources.
- The establishment of the Members Advice Referral Service. The Western Australian Bar Association is maintaining a register of Silks and Senior Juniors who are prepared to either charge no fee, or charge a nominal or modest fee, for advice and representation for practitioners who are the subject of a complaint to the Legal Profession Complaints Committee.
- Free seminars under the risk management banner held by the

Society in conjunction with Law Mutual. During 2011/2012 the topics were 'Resilience', 'Dealing with Difficult Personalities' and 'Strategies to increase Resilience at Work'. Where appropriate, these seminars were promoted to law students and graduates.

- On 7 March 2012, a Mental Health Awareness Training session was presented by an associate of PPC Worldwide International to which the Society invited members of the Western Australian Bar Association who provide assistance through the Members Advice Referral Service, members of the Senior Advisors Panel and practitioners who act as mentors in the Society's mentoring programmes.
- Amendment of the Quality Practice Standard by the QPS Committee to promote law firm employee health and wellbeing as part of the QPS process requirements.
- Promotion of the Society's initiatives through the Society's web page, *Brief* journal and *Friday Facts*. During 2011/2012 numerous articles were published in *Brief* dedicated to issues of mental health and wellbeing.
- In February 2012, the Convenor gave a presentation on the Report at the Law Summer School.

The Committee continues to work towards implementing all 29 recommendations in the Report.

## PERSONAL INJURIES & WORKERS COMPENSATION COMMITTEE

### Gray Porter Convenor

The Personal Injuries and Workers Compensation Committee members represent the Society on the Law Council of Australia's Personal Injuries Committee and the WorkCover WA Costs Committee. In 2012, a Committee member also represented the Society on the WorkCover WA Common Law Insurance Working Group.

In 2011/2012 the Committee prepared submissions on a wide range of issues:

- To WorkCover WA commenting on the *Worker's Compensation and Injury Management Conciliation Rules 2011* and the *Worker's Compensation and Injury Management Arbitration Rules 2011*.
- To the WorkCover WA Costs Committee raising concerns about the Draft *Worker's Compensation (Legal Practitioners and Registered Agents) Costs Determination 2011*.
- To the Attorney General raising concerns about section 39 of the *Criminal Injuries Compensation Act 2003*.
- To the Minister for Commerce proposing a repeal of section 27A of the *Motor Vehicle (Third Party Insurance) Act 1943* and section 87 of the *Worker's Compensation and Injury Management Act 1981*.
- The Committee also supported the Law Council of Australia's draft Position Paper: *A Model Limitation Period for Personal Injury Actions*.

## PROPERTY LAW COMMITTEE

### David Clark Convenor

In August 2011 a joint media release from Landgate, the WA Police and the Department of Commerce (Consumer Protection) advised that a taskforce was investigating an alleged fraudulent sale of a Ballajura property without the owners' consent or knowledge. It appeared that the scam originated in Nigeria. The result was the introduction by Landgate of new identification procedures for documents executed outside Australia. This was followed by amendments in November 2011 to the Codes of Conduct for real estate agents and settlement agents introducing identification procedures.

In early 2012 Landgate issued a Draft *Registrar and Commissioner of Titles Joint Practice: Verification of Identity* for certain documents executed both within and outside Australia. The Property Law Committee met with the Commissioner and Registrar of Titles and after careful consideration prepared a submission on a number of aspects of the Draft Practice. These included the proposed form of certification for completion by conveyancers. After considering feedback from the Society and other industry stakeholders a final Landgate Practice was issued effective from 1 July 2012 with a transitional implementation period to 2 January 2013.

Client identify verification (CIV) has been on the Committee agenda for the past few years as a core issue relating to electronic conveyancing. Western Australia is the first Australian state to introduce a CIV practice and its implementation will be closely monitored by National E-Conveyancing Development Limited, the company charged with making e-conveyancing a reality.

The Committee's Commercial Tenancies Sub-Committee was particularly active in 2011/2012 drafting comment to the Department of Commerce on amendments to the *Commercial Tenancy (Retail Shops)*

*Agreements Amendment Bill 2011* proposed by the Legislative Council Committee, to the Department of Commerce on its *Consultation Regulatory Impact Statement – Options for improving access to lease information in the retail tenancy market* and to the Department of Commerce on the *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations (No. 2) 2012*.

A submission was also made to the Minister for Commerce in response to a Consultation Regulatory Impact Statement and Discussion Paper, *Licensing of Strata Managers in Western Australia*. Strata Managers control significant sums and the Society has for many years submitted that strata managers should be regulated. With respect to Strata Titles legislation, the Society is represented by a Committee member on the Landgate Tenure Committee.

At the Committee's initiative the Society made a submission to the Minister for the Environment regarding the requirements of and penalties for non-compliance with section 68 of the *Contaminated Sites Act 2003*. The Minister advised that the Society's submission would be considered as part of a review of the Act which is currently being undertaken. The Committee also made submission to the Minister for Planning in relation to ss 136 and 140 of the Planning & Development Act and two Committee members met with one of the Department's legal officers to discuss the submission.

The Society continues to be represented by Committee members on the Landgate e-Conveyancing Committee and by the Convenor, David Clark, on the very active Law Council of Australia e-Conveyancing Working Group.

The Committee and the Society acknowledge the valued contribution of Chris Martin who retired from the role of Convenor in December 2011 after 12 years.



## QUALITY PRACTICE STANDARD COMMITTEE


**Craig Slater**  
**Convenor**

In 2011/2012 the Quality Practice Standard Committee updated the QPS in respect of several key issues affecting practice risks. There are three significant changes. The first relates to considering the identity of the client and the authority of the person purporting to give instructions. The second relates to apprising new arrivals to firms of the various external counselling services available. The third relates to implementing a process of continued review and improvement to the practice. All amendments reflect changes to practice and the profession over the last few years. Review and improvement of the QPS itself will be an ongoing process which will, of course, flow through to QPS accredited firms.

The QPS remains an important management system for firms considering incorporation and will be increasingly considered in the context of the requirements of the professional standards scheme being developed by the Society.

The QPS is an excellent reference point for practice management issues and there is now good evidence to support the claims of the QPS to being a factor in reducing professional indemnity insurance claims. It was that evidence that encouraged Law

Mutual this year to increase the discount to both newly accredited and existing QPS firms.

The auditor, Julie Ots, kindly prepared a number of articles for Brief highlighting practice developments relevant to QPS firms and firms generally. Auditor, Peter Liron, promoted participation in the scheme at the QPS seminars to firms and more widely to the Law Office Managers. The Committee is grateful to them both.

The 15th anniversary of the implementation of the QPS was celebrated with a cocktail party sponsored by Law Mutual. It was a great privilege to present certificates to the firms that have participated and supported the scheme since inception. That commitment encourages the QPS Committee to be confident that the scheme will continue to thrive and reach other significant milestones.

The other materials relevant to the scheme were also reviewed and refreshed. The committee is grateful for the generous endorsement of the scheme by the Chief Justice of Western Australia, the Honourable Wayne Martin AC, and we have included his endorsement in the new promotional materials.

## TAXATION COMMITTEE

### Dr John Hockley Convenor

The Taxation Committee sits as a joint Committee of the Law Society of Western Australia and the Law Council of Australia and meets monthly.

Members of the Committee met with The Taxation Board of Review when it met in Perth. The Board is involved in many taxation issues that are of importance to Western Australia. A recent area on which Committee members have made submissions is Taxation of Trusts. The problems that arise in the taxation of trusts have been known since 1985 when Capital Gains Tax was introduced. The problem has been to find the political will to deal with this issue. The reform programme had been progressing quite satisfactorily but has lost momentum

in recent months. It is now proposed to commence in 2013. Realistically, this is unlikely and June 2014 is more likely.

Committee members serve on various advisory Taxation Committees and Committee member, Jonathan Ilbery, is a member of the Law Council of Australia Taxation Committee. Mr Ilbery is sincerely thanked for his regular reports. The Committee is also represented on the Tax Practitioners Forum the video link-up on 25 October 2012.

Members of the Committee have been involved in presenting professional development seminars for the Law Society and regularly write articles for publication in *Brief*.

## YOUNG LAWYERS COMMITTEE



THE LAW SOCIETY OF WESTERN AUSTRALIA

### Adam Ebell Convenor

The Young Lawyers Committee (YLC) continues to be one of the busiest and most active committees of the Law Society. The Committee prides itself on being representative of the junior legal professionals in this State, with appointed members from various practice areas, organisations and geographic locations.

The Committee's diversity is reflected in the variety of events put on throughout the year. In 2011/2012 the YLC held three sporting events, four human rights & social justice events, two advocacy programmes, eight "YLC Basics" CPD seminars, and seven social and other events. The Committee strives to provide a broad range of opportunities for local young lawyers and law students, whatever their interests and passions may be.

Quality functions are a priority for the YLC, the success of which is demonstrated by the fact that they are consistently well attended and regularly sell out. The 2nd annual Young Lawyers Ball in September 2011, with special guest the Hon Justice Edelman, sold out within three weeks.

Human rights and social justice continues to be an area of activity for the YLC. Building on the success of last year's Asylum Seeker

Debate, another panel discussion was hosted during Law Week, this time focusing on sex trafficking and human slavery. This successful event, held at the Supreme Court, boasted a distinguished panel of judicial officers, law enforcement officials, politicians and academics. The YLC looks forward to continuing the tradition during next year's Law Week.

The Committee continues to engage and support law students through a variety of means, including the annual Career's Uncut evening. This year the Committee launched a university mentoring programme, pairing penultimate and final year law students with young lawyers. The pilot programme is being conducted with the law school at Edith Cowan University in 2012, with the plan to roll it out to other universities in future years.

An important function of the YLC is representation of young lawyers and their interests, best highlighted in 2011/2012 by the Committee's submission to Council on the appointment of Senior Counsel in Western Australia. With three current committee members and three former members on Council, junior practitioners in this State have a strong, vocal and engaged voice advocating on their behalf.

## SUBMISSIONS - 2011

- Request For Contribution To Submission To Joint Select Committee On Australia's Immigration Detention Network
- Financial Security in Retirement for Federal Magistrates
- Section 136(1) of the Planning and Development Act 2005
- Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 – Legislative Council Amendments
- Constitutional Recognition of Indigenous Australians
- Consultation Regulatory Impact Statement – Options for Improving Access to Lease Information in the Retail Tenancy Market in Western Australia
- Section 68 of the Contaminated Sites Act 2003
- Draft Revised Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2011
- Professional Confidential Relationships Privilege to protect Journalists
- Standing Committee of Attorneys-General Consultation Draft Proportionate Liability Model Provisions
- Law Council of Australia – International Strategy 2012
- Commercial Arbitration Bill 2011
- Consolidation of Commonwealth Anti-Discrimination Laws
- Workers' Compensation Conciliation Rules 2011 and Arbitration Rules 2011
- Family Court Matters
- Review By Legal Costs Committee: Legal Practitioners (Supreme Court) (Contentious Business) Determination 2010; Legal Practitioners (District Court Appeals) (Contentious Business) Determination 2010; Legal Practitioners (Supreme And District Court) (Criminal) Determination 2010; Legal Practitioners (Magistrates Court) (Civil) Determination 2010; Legal Practitioners (Magistrates Court) (Criminal) Determination 2010
- Proposed Repeal Section 27a Motor Vehicle (Third Party Insurance) Act 1943 And Section 87 Workers' Compensation And Injury Management Act 1981
- Sale Of Property By Receivers And Managers – Description On Transfer Of Land
- Criminal Injuries Compensation Act 2003
- Suppression Orders – Internet Sites
- District Court – Conducting Criminal Trial Listing Hearings By Telephone

## SUBMISSIONS - 2012

- Proposed Repeal Section 27a Motor Vehicle (Third Party Insurance) Act 1943 and Section 87 Workers' Compensation and Injury Management Act 1981
- Licensing of Strata Managers in Western Australia – Department of Commerce Regulatory Impact Statement and Discussion Paper
- Indeterminate Sentences and Indeterminate Detainment
- Legal Practitioners' Travel Costs – Submission to Legal Costs Committee
- Suitors' Fund Act 1964
- Case Management of Criminal Cases – Proposed Practice Directions
- Encroachment of the Principle that Property can only be taken on just terms
- Heavy Vehicle National Law – Reversal of Onus of Proof for Criminal Liability of Directors
- Legal Costs Committee - Review of Litigious Costs Determinations – Discussion Paper May 2012
- Legal Aid in Family Law Matters
- Mental Health and Wellbeing Committee Submission for Parliament of Australia's Inquiry into Workplace Bullying

## NOMINATIONS TO EXTERNAL BOARDS

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

- Legal Aid Commission
- Legal Aid Committee
- Law Council of Australia (LCA) Harmonisation of Proportionate Liability
- Supreme Court of Western Australia – Jury Advisory Committee
- State Records Advisory Committee
- WA Public Interest Clearing House
- Steering Committee
- State Revenue Working Group
- Law Council of Australia (LCA) National Criminal Law Committee
- Law Council of Australia (LCA) Litigation Funding Committee
- Strategic Criminal Justice Forum
- 160 St Georges Terrace Strata Council
- National Pro Bono Resource Centre Board



## SPONSORS

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

- Bankwest
- Bradley Bayley
- Burgess Paluch
- College of Law
- Fitness First
- Gem Recruitment
- Hays
- Interpeople
- John Toohey Chambers
- Legal Super
- LexData
- Shearn Legal
- UWA

## LIFE MEMBERS

### 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



*Financial Statements  
for the year ended  
30 June 2012*

## **Contents**

Statement by Council .....	2
Statement of Comprehensive Income .....	5
Statement of Financial Position .....	6
Statement of Changes in Equity .....	7
Statement of Cash Flows.....	8
Notes to the Financial Statements .....	9

## 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 Law Society's Constitution, including compliance with accounting standards to the extent prescribed in Note 3 and presenting fairly the financial position and performance of the Law Society.

Signed in accordance with a resolution of the Council.

On behalf of the Council.



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Dr Christopher Kendall  
**President**



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Craig Slater  
**Senior Vice President**

Date: 25 / 10 / 12

# **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 2012, the statement of comprehensive income, the statement of cash flows and the statement of changes in equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Council as set out on pages 8 to 25.

## *The council's Responsibility 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 3, 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 council's responsibility also includes such internal control as the council determine is necessary to enable the preparation and fair presentation 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 2012 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 3.

## *Basis of Accounting and Restriction on Distribution and Use*

Without modifying our opinion, we draw attention to Note 3 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist The Law Society of Western Australia to meet the 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**

A handwritten signature in black ink, consisting of a stylized circular loop followed by a horizontal line extending to the right.

**Leanne Karamfiles**

Partner

Chartered Accountants

Perth, 25 October 2012



## Statement of Comprehensive Income

For the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>Revenue</b>			
Continuing Professional Development		1,045,277	875,237
Law Access		101,506	103,633
Law Week		17,982	39,301
Francis Burt Law Education Programme		339,982	289,611
Membership & Governance		3,150,850	2,785,104
<b>Total Revenue</b>	<b>5 (a)</b>	<b>4,655,597</b>	<b>4,092,887</b>
<b>Expenses</b>			
Continuing Professional Development		(629,314)	(598,199)
Law Access		(101,760)	(103,692)
Law Week		(17,728)	(39,301)
Francis Burt Law Education Programme		(359,241)	(297,567)
Membership & Governance		(3,476,696)	(2,890,591)
<b>Total Expenses</b>	<b>5 (b)</b>	<b>(4,584,739)</b>	<b>(3,929,350)</b>
<b>Surplus for the year</b>		<b>70,858</b>	<b>163,537</b>
<b>Total Comprehensive Income for the Year</b>		<b>70,858</b>	<b>163,537</b>

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes on pages 9 to 22.

## Statement of Financial Position

As at 30 June 2012

	Note	2012 \$	2011 \$
<b>Current Assets</b>			
Cash and Cash Equivalents	12(b)	1,377,616	2,034,245
Trade and Other Receivables	6	180,917	484,889
Deposit		-	227,273
Inventories		880	929
Prepayments		78,130	62,691
<b>Total Current Assets</b>		<b>1,637,543</b>	<b>2,810,027</b>
<b>Non Current Assets</b>			
Property, Plant and Equipment	7	5,615,189	310,500
Intangible Assets	8	25,832	29,586
<b>Total Non Current Assets</b>		<b>5,641,021</b>	<b>340,086</b>
<b>Total Assets</b>		<b>7,278,564</b>	<b>3,150,113</b>
<b>Current Liabilities</b>			
Trade and Other Payables	9	321,401	265,061
Provisions	11(a)	163,699	179,503
Borrowings	13	1,835,625	-
Income Received in Advance		326,012	319,903
<b>Total Current Liabilities</b>		<b>2,646,737</b>	<b>764,467</b>
<b>Non Current Liabilities</b>			
Borrowings	13	2,086,607	-
Other Financial Liabilities	14	40,486	-
Provisions	11(b)	111,785	63,553
<b>Total Non Current Liabilities</b>		<b>2,238,878</b>	<b>63,553</b>
<b>Total Liabilities</b>		<b>4,885,615</b>	<b>828,020</b>
<b>Net Assets</b>		<b>2,392,950</b>	<b>2,322,093</b>
<b>Equity</b>			
Retained Earnings		2,392,950	2,322,093
<b>Total Equity</b>		<b>2,392,950</b>	<b>2,322,093</b>

The Statement of Financial Position should be read in conjunction with the accompanying notes on pages 9 to 22.

## Statement of Changes in Equity

For the year ended 30 June 2012

30 June 2012	Note	2012 \$	2011 \$
<b>Opening Balance</b>		<b>2,322,093</b>	<b>2,158,556</b>
Surplus for the year		70,858	163,537
Total Comprehensive Income for the year		70,858	163,537
<b>Closing Balance</b>		<b>2,392,950</b>	<b>2,322,093</b>

The Statement of Changes in Equity should be read in conjunction with the accompanying notes on pages 9 to 22.

## Statement of Cash Flows

For the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>Cash Flows from Operating Activities</b>			
Receipts from Membership Fees		1,862,322	2,100,101
Grants & other Receipts from the Society's Activities		3,648,909	2,104,918
Interest and Bill Discounts Received		124,336	172,486
Payments to Suppliers and Employees		(4,865,071)	(4,568,566)
<b>Net Cash provided/(used in) by Operating Activities</b>	<b>12(a)</b>	<b>770,496</b>	<b>(191,062)</b>
<b>Cash Flows from Investing Activities</b>			
Payments for Property, Plant and Equipment		(799,221)	(171,432)
Purchase of Premises		(4,550,136)	(227,273)
Payments for Intangible Assets		-	(8,570)
<b>Net Cash Used in Investing Activities</b>		<b>(5,349,357)</b>	<b>(407,275)</b>
<b>Cash Flows from Financing Activities</b>			
Proceeds from Long term borrowings		3,982,232	-
Repayment of Loans		(60,000)	-
<b>Net Cash Used in Financing Activities</b>		<b>3,922,232</b>	<b>-</b>
Net (decrease) in Cash and Cash Equivalents		(656,629)	(598,337)
Cash and Cash Equivalents at the beginning of the financial year		2,034,245	2,632,582
<b>Cash and Cash Equivalents at the end of the financial year</b>	<b>12(b)</b>	<b>1,377,616</b>	<b>2,034,245</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes on pages 9 to 22.

# Notes to the Financial Statements

## For the year ended 30 June 2012

### 1. General information

#### Principal place of business

Level 4  
160 St Georges Terrace  
PERTH WA 6000  
Tel: (08) 9324 8600

### 2. Application of new and revised Accountings 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 reporting period.

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

#### 2.1 Financial reporting framework

At the date of authorisation of the financial statements, the Standard and Interpretations listed below were in issue but not yet effective.

Standard/Interpretation	Effective for annual reporting periods beginning on or after	Expected to be initially applied in the financial year ending
AASB 9 'Financial Instruments', AASB 2009-11 'Amendments to Australian Accounting Standards arising from AASB9' and AASB 2010-7 'Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)'	1-Jan-13	30-Jun-14
AASB 13 'Fair Value Measurement' and related AASB 2011-8 Amendments to Australian Accounting Standards arising from AASB 13	1-Jan-13	30-Jun-14
AASB 119 'Employee Benefits' (2011) and AASB 2011-10 'Amendments to Australian Accounting Standards arising from AASB 119 (2011)'	1-Jan-13	30-Jun-14
AASB 1053 'Application of Tiers of Australian Accounting Standards'	1-Jul-13	30-Jun-14
AASB 2010-2 Amendments to Australian Accounting Standards arising from 'Reduced Disclosure Requirements'	1-Jul-13	30-Jun-14
AASB 2011-2 Amendments to Australian Accounting Standards arising from the 'Trans-Tasman Convergence Project - Reduced Disclosure Requirements'	1-Jul-13	30-Jun-14
AASB 2011-9 Amendments to Australian Accounting Standards - 'Presentation of Items of Other Comprehensive Income'	1-Jul-12	30-Jun-13

AASB 2011-10 Amendments to Australian Accounting Standards arising from AASB 119	1-Jan-13	30-Jun-14
AASB 2011-11 Amendments to AASB 119 arising from 'Reduce Disclosure Requirements'	1-Jul-13	30-Jun-14
AASB 2012-1 Amendments to Australian Accounting Standards – Fair Value Measurement – Reduced Disclosure Requirements	1-Jul-13	30-Jun-14

### 3. Statement of significant accounting policies

#### 3.1 Financial reporting framework

The Society is not a reporting entity because in the opinion of the Council there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. The financial report is therefore a special purpose financial report that 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 organisation is a not-for-profit entity.

#### 3.2 Statement of compliance

The financial statements have been prepared in accordance with 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 'Statements of Cash Flows', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors' and AASB 1054 'Australian Additional Disclosures.'

#### 3.3 Basis of preparation

The financial statements have been prepared on the basis of historical cost, except for certain non-current assets and financial instruments that are measured at revalued amounts or fair value, as explained in the accounting policies below. All amounts are present in Australian dollars, unless otherwise noted.

The financial statements have been prepared on the going concern basis of accounting, which contemplates the continuity of normal business activity, realisation of assets and settlement of liabilities in the normal course of business.

For the year ended 30 June 2012, the Society has a working capital deficiency of \$1,009,194. The working capital deficiency includes current borrowings of \$1,835,625, relating to a Commercial Advance Facility ("the Facility") which matures annually.

Notwithstanding the Council believes the going concern assumption is appropriate based on the following reasons:

1. At the time of entering into the facility the Society and the Financier had an understanding that the Facility would be reviewed annually for the purpose of its rollover;
2. The Council believes it is reasonable to expect that they will be granted a rollover of the facility within the next 12 months based on the following facts:
  - a. The Society has met all of its repayment commitments and expects to continue to do so; and
  - b. The Society has met all of the covenants contained within the Facility and expects to continue to do so.

Having regard to these matters, the Council are of the opinion that the going concern basis upon which the financial report is prepared continues to be appropriate.



Should the Society be unable to secure the rollover of the Facility within the next 12 months, there is a material uncertainty whether the Society will be able to continue as a going concern and, therefore, whether it will realise its assets and extinguish its liabilities in the normal course of business and at amounts stated in the financial report.

All amounts are presented in Australian dollars, unless otherwise noted.

### **3.4 Revenue recognition**

Revenue is measured at the fair value of the consideration received or receivable.

#### **3.4.1 Membership fees**

Revenue from membership fees attributed to the year ended 30 June 2012 is recognised as income in the current reporting period.

#### **3.4.2 Interest income**

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

#### **3.4.3 Other services**

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

### **3.5 Borrowing costs**

Borrowing costs directly attributable to the acquisition, construction or production of qualifying assets, which are assets that necessarily take a substantial period of time to get ready for their intended use or sale, are added to the cost of those assets, until such time as the assets are substantially ready for their intended use or sale.

All other borrowing costs are recognised in profit or loss in the period in which they are incurred.

### **3.6 Trade and other receivables**

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

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

### **3.7 Employee benefits**

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

Liabilities recognised in respect of short term employee benefits, are measured at their nominal values using the remuneration rate expected to apply at the time of settlement.

Liabilities recognised in respect of long term employee benefits are measured as the present value for the estimated future cash outflows to be made by the Society in respect of services provided by employees up to the reporting date.

### **3.8 Taxation**

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).

### 3.9 Property, plant and equipment

Land and buildings held for use in the production or supply of goods or services, or for administrative purposes, are stated in the statement of financial position at their revalued amounts, being the fair value at the date of revaluation, less any subsequent accumulated depreciation and subsequent accumulated impairment losses. Revaluations are performed with sufficient regularity such that the carrying amounts do not differ materially from those that would be determined using fair values at the end of each reporting period.

Any revaluation increase arising on the revaluation of such land and buildings is recognised in other comprehensive income and accumulated within equity, except to the extent that it reverses a revaluation decrease for the same asset previously recognised in profit or loss, in which case the increase is credited to profit or loss to the extent of the decrease previously expensed. A decrease in the carrying amount arising on the revaluation of such land and buildings is recognised in profit or loss to the extent that it exceeds the balance, if any, held in the properties revaluation reserve relating to a previous revaluation of that asset.

Properties in the course of construction for production, supply or administrative purposes, or for purposes not yet determined, are carried at cost, less any recognised impairment loss. Cost includes professional fees and, for qualifying assets, borrowing costs capitalised in accordance with the Society's accounting policy. Depreciation of these assets, on the same basis as other property assets, commences when the assets are ready for their intended use.

The depreciable amount on items of property, plant or equipment other than freehold land, is depreciated on a straight line basis over the useful lives of the assets. The estimated useful lives and residual values are reviewed at the end of each reporting period, with the effect of any changes in estimated accounted for on a prospective basis.

An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on the disposal or retirement of an item of property, plant or equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in profit or loss.

### 3.10 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                               |
| • Buildings              | 40 years                                 |

Amortisation of intangible assets relates to trademarks which have a useful life of 10 years.

### 3.11 Intangible assets

Intangible assets with finite lives that are acquired separately are carried at cost less accumulated amortisation and accumulated impairment losses. Amortisation is recognised on a straight-line basis over their estimated useful lives.

### 3.12 Inventories

Inventories are stated at the lower of cost and net realisable value.

### 3.13 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 the end of the reporting period, taking into account the risks and uncertainties surrounding the obligation. When a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows (where the effect of the time value of money is material).

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, a 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.

### **3.14 Trade creditors and other payables**

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

### **3.15 Financial Instruments**

Financial assets and financial liabilities are recognised when the Society becomes a party to the contractual provisions of the instrument.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in profit or loss.

#### **Financial Liabilities**

Financial liabilities are classified as either financial liabilities 'at FVTPL' or 'other financial liabilities'.

##### Other financial liabilities

Other financial liabilities, including borrowings and trade and other payables, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is that exactly discounts estimated future cash payments through the expected life of the financial liability, or (where appropriate) a shorter period, to the net carrying amount on initial recognition.

##### Derecognition of financial liabilities

The Society derecognises financial liabilities when, and only when, the Society's obligations are discharged, cancelled or they expire. The difference between the carrying amount of the financial liability derecognised and the consideration paid and payable is recognised in profit or loss.

#### **Derivative Financial Instruments**

The Society enters into derivative financial instruments to manage its exposure to interest rate risk, including interest rate swaps.

Derivatives are initially recognised at fair value at the date the derivative contract is entered into and are subsequently remeasured to their fair value at the end of each reporting period. The resulting gain or loss is recognised in profit or loss immediately unless the derivative is designated and effective as a hedging instrument, in which event the timing of the recognition in profit or loss depends

on the nature of the hedge relationship.

### **3.16 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.

### **3.17 Goods and services tax**

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:

- (i) Where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- (ii) For receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of the receivables or payables.

Cash flows are included in the statement of cash flows 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 within operating cash flows.

## **4. Critical accounting judgments and key sources of estimation uncertainty**

In the application of the Society's accounting policies, which are described in note 3, management is required to make judgements, estimates and assumptions about the carrying amounts of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. 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 in the revision affects both current and future periods.

The following are the critical judgements, apart from those involving estimations, that the directors have made in the process of applying the Society's accounting policies and that have the most significant effect of the amounts recognised in the financial statements.

### **4.1 Useful lives of property, plant and equipment**

As described in 3.10 above, the Society reviews the estimated useful lives of property, plant and equipment at the end of each reporting period. There were no changes made to the useful lives of property, plant and equipment during the year.

### **4.2 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.

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. The assets, liabilities and results of Law Mutual WA are therefore not included in the financial statements of the Law Society.

The 'Legal Practitioner's (Professional Indemnity Insurance) Regulations 1995' has since been repealed and replaced by 'Legal Profession (Professional Indemnity Insurance) Regulations 2009'.

## 5. Profit for the year from operations

### (a) Revenue from operations consisted of the following items:

	2012 \$	2011 \$
<b>Revenue</b>		
Administration Fees	211,982	205,492
Diary Sales & Advertising	60,465	59,326
Distributions from the Legal Contribution Trust	206,500	205,800
Fees Received from Law Mutual	199,570	176,987
Grants - Law Society Public Purposes Trust	254,726	294,448
Grants - Other	136,381	77,700
Interest	112,515	167,603
Members Subscriptions	1,714,670	1,562,274
Membership Services	237,310	101,446
Other Revenue	507,986	299,685
Quality Practice Scheme	42,661	41,889
Seminars, Papers, Accreditation	902,706	832,737
Sponsorship Arrangements	68,125	67,500
<b>Total Revenue</b>	<b>4,655,597</b>	<b>4,092,887</b>

### (b) Surplus for the year has been arrived at after charging the following expenses:

	2012 \$	2011 \$
<b>Expenses</b>		
Auditor's Remuneration	21,000	20,000
Depreciation & Amortisation	223,798	145,330
Law Council Levy	255,757	243,051
Loss on Disposal of Non Current Assets	51,897	74
Meetings - AGM, Council, Committees etc.	54,656	56,832
Net Loss Arising on Financial Liabilities designated as held for trading <sup>(1)</sup>	100,175	-
Publications	40,046	39,851
Presidents Allowance	117,614	98,618
Quality Practice Scheme	28,816	23,870
Employee Benefits	2,341,061	2,087,404
Occupancy Expenses	276,573	316,582
Printing, Postage & Stationery	73,987	80,053
Other Overheads	999,358	817,685
<b>Total Expenses</b>	<b>4,584,739</b>	<b>3,929,350</b>

(1) Includes a net loss arising on an interest rate swap that has been designated as held for trading. The net loss on the interest rate swap comprises a decrease in the fair value of the swap of \$40,486 and includes interest of \$59,689 paid during the year.

## 6. Trade and other receivables

	2012 \$	2011 \$
<b>Trade and Other Receivables</b>		
Accrued Income	36,909	32,779
Trade receivables	5,881	358,657
GST receivable	136,097	79,600
Interest receivable	2,030	13,851
	<b>180,917</b>	<b>484,889</b>

## 7. Property, plant and equipment

	Leasehold Improvements at cost	Property at cost	Plant & Equipment at cost	Total Assets at cost
<b>Gross Carrying Amount</b>				
Balance as at 1/7/10	295,708	-	461,431	757,139
Additions	-	-	171,432	171,432
Disposals	-	-	(521)	(521)
Balance as at 1/7/11	295,708	-	632,342	928,050
Additions	-	4,777,409	799,221	5,576,630
Disposals	(295,708)	-	(141,822)	(437,530)
<b>Balance 30/6/12</b>	<b>-</b>	<b>4,777,409</b>	<b>1,289,741</b>	<b>6,067,150</b>
<b>Accumulated Depreciation</b>				
Balance as at 1/7/10	(238,522)	-	(237,282)	(475,804)
Depreciation Expense	(29,571)	-	(112,622)	(142,193)
Disposals	-	-	447	447
Balance as at 1/7/11	(268,093)	-	(349,457)	(617,550)
Depreciation Expense	(27,141)	-	(192,903)	(220,044)
Disposals	295,234	-	90,399	385,633
<b>Balance 30/6/12</b>	<b>-</b>	<b>-</b>	<b>(451,961)</b>	<b>(451,961)</b>
<b>Net Book Value as at 30/6/12</b>	<b>-</b>	<b>4,777,409</b>	<b>837,780</b>	<b>5,615,189</b>



## 8. Intangible Assets

	Trademarks at cost
<b>Gross Carrying Amount</b>	
Balance as at 1/7/10	30,203
Additions	8,570
Disposals	-
Balance as at 1/7/11	38,773
Additions	-
Disposals	-
<b>Balance 30/6/12</b>	<b>38,773</b>
<b>Accumulated Amortisation</b>	
Balance as at 1/7/10	(6,049)
Amortisation Expense	(3,138)
Disposals	-
Balance as at 1/7/11	(9,187)
Amortisation Expense	(3,754)
Disposals	-
<b>Balance 30/6/12</b>	<b>(12,941)</b>
<b>Net Book Value as at 30/6/12</b>	<b>25,832</b>

## 9. Trade and other payables

	2012 \$	2011 \$
Trade payables & accrued expenses	205,170	162,179
GST payable	116,231	102,882
	<b>321,401</b>	<b>265,061</b>

## 10. Remuneration of Auditors

	2012 \$	2011 \$
Auditing Services - Deloitte Touche Tohmatsu	21,000	20,000

## 11. Provisions

### (a) Current provisions

	2012 \$	2011 \$
<b>Employee Benefits</b>		
Annual Leave	158,059	137,092
Long Service Leave	5,640	42,411
	<b>163,699</b>	<b>179,503</b>

### (b) Non-current provisions

	2012 \$	2011 \$
<b>Employee Benefits</b>		
Long Service Leave	<b>111,784</b>	<b>63,553</b>

## 12. Notes to the cash flow statement

### (a) Reconciliation of surplus from ordinary activities to net cash flows from operating activities

	2012 \$	2011 \$
<b>Cash Flows from Operating Activities</b>		
Surplus from ordinary activities	70,858	163,537
Depreciation of Non Current Assets	220,044	142,193
Amortisation of Intangible Assets	3,754	3,137
Loss on disposal of Non Current Assets	51,897	74
Net Loss Arising on Financial Liabilities designated as held for trading	40,486	-
<b>Changes in Net Assets and Liabilities</b>		
(Increase)/Decrease in Assets		
Current receivables	303,972	8,279
Inventories	50	12
Other current Assets	(15,439)	7,433
Increase/(Decrease) in Liabilities		
Payables	56,481	(550,819)
Current provisions	32,284	17,204
Non current Liabilities	6,109	17,888
<b>Net cash from operating activities</b>	<b>770,496</b>	<b>(191,062)</b>

## (b) Reconciliation of cash and cash equivalents

For the purposes of the statement of cash flows, cash and cash equivalents include cash on hand, in banks and investments in money market instruments. Cash and cash equivalents at the end of the reporting period as shown in the statement of cash flows can be reconciled to the related items in the statement of financial position as follows:

	2012 \$	2011 \$
Cash at Bank & Deposits at Call	909,002	491,694
Commercial Bills	468,614	1,542,551
	<b>1,377,616</b>	<b>2,034,245</b>

## 13. Borrowings

	2012 \$	2011 \$
<b>Current</b>		
Bank loan secured - at amortised cost	1,835,625	-
<b>Non-current</b>		
Bank loan secured - at amortised cost	2,086,607	-
	<b>3,922,232</b>	<b>-</b>

The bank loan is secured by Level 4 and part of Level 5, 160 St Georges Terrace, PERTH WA 6000.

## 14. Other Financial Liabilities

	2012 \$	2011 \$
<b>Held for trading derivatives not designated in hedge accounting relationship</b>		
Interest rate swaps	40,486	-
	<b>40,486</b>	<b>-</b>

## 15. Related parties 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 2012 to 30 Jun 2012	Members who served 1 July 2011 to 31 Dec 2011
Dr Christopher Kendall	Hylton Quail
Craig Slater	Dr Christopher Kendall
Konrad De Kerloy	Craig Slater
Pamela Hass	Konrad De Kerloy
Greg McIntyre SC	David Blades
Steven Penglis	Graham Goerke
Matthew Keogh	Pamela Hass
Anthony Kay	Anthony Kay
David Blades	Matthew Keogh
Belinda Lonsdale	Belinda Lonsdale
Elizabeth Needham	Greg McIntyre SC
Dr Eric Heenan	Denis McLeod
Hayley Cormann	Steven Penglis
Denis McLeod	John Prior
Brendan Ashdown	Simon Creek
Cameron Syme	Cameron Syme
Adam Ebell	Nicholas van Hattem
Madge Mukund	Dr Eric Heenan
Nicholas van Hattem	Lana Paxman
Hylton Quail	Dudley Stow

### 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 2011/2012 was \$117,614 inclusive of 9% superannuation. (2011:\$98,618).

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, e.g. 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 \$199,570 (2011: \$176,987).

At 30 June 2012, Law Mutual owed the Law Society \$5,881 (2011: \$63,008).

## 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:

	2012 \$	2011 \$
<b>PPT Grants</b>		
Law Access	106,000	106,000
Francis Burt Law Education Programme	150,000	150,000
Law Week	0	31,528
FBLEP - Oral History	4,000	-
	<b>260,000</b>	<b>287,528</b>

At 30 June 2012, the Public Purposes Trust did not owed monies to the Law Society of Western Australia (2011: \$38,380).

The Society received fees from the Public Purposes Trust for administration, consulting and management services on normal commercial terms and conditions amounting to \$136,801 (2011: \$132,492).

## 16. Commitments

### (a) Operating Leases – Office Space

The Law Society's ceased occupying 89 St Georges Terrace Perth at the end of the lease period in April 2012.

	2012 Minimum Future Lease Payments \$	2011 Minimum Future Lease Payments \$
No later than 1 year	-	251,740
Longer than 1 year and not longer than five years	-	-
Longer than 5 years	-	-
	<b>-</b>	<b>251,740</b>

### (b) Operating Leases – Office Equipment

The Society entered into a new lease agreement in April 2012 for photocopiers for a term of four years.

	2012 Minimum Future Lease Payments \$	2011 Minimum Future Lease Payments \$
No later than 1 year	12,776	13,310
Longer than 1 year and not longer than five years	36,787	-
Longer than 5 years	-	-
	<b>49,563</b>	<b>13,310</b>

### (c) Secured Bank Loans

The Society established a secured bank loan facility in November 2011 to purchase the new premises.

	2012 Minimum Future Payments \$	2011 Minimum Future Payments \$
No later than 1 year	1,835,625	-
Longer than 1 year and not longer than five years	2,086,607	-
Longer than 5 years	-	-
	<b>3,922,232</b>	<b>-</b>

## 17. Subsequent Events

There were no events subsequent to 30 June 2012 that have significantly affected or may significantly affect the operation of the Law Society.