

2012/2013

ANNUAL REPORT

PREPARED BY THE LAW SOCIETY
OF WESTERN AUSTRALIA

www.lawsocietywa.asn.au

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Western Australia**

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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.

The plan 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 RESULTS

3,406

**Members of the
Society**

42

**Committees of the
Society**

464

**Members serving on
Society committees**

59

**Submissions made
by the Society**

38

**Schools participating
in the 2013 Mock
Trials Competition**

43	Solicitors and Barristers with Family Law Accreditation as at 30 June 2013
3,441	Visitors to the Old Court House Law Museum
6,296	Number of young people and members of the community assisted by the Francis Burt Law Education Programme (FBLEP)
4,659	Students participated in the Francis Burt Law Education Programme (FBLEP)
258	Committee meetings
61	Number of Law Access pro bono referrals
36	Number of events held during Law Week
48	Firms accredited with the Quality Practice Standard (QPS) as at 30 June 2013
15	QPS firms achieved 15 years of accreditation
58	Society CPD learning events held
2,566	Number of registrants for CPD events
198	Law Summer School attendees
19	Graduates of the Legal Assistants Training Course
788	Students took part in the 2012 Mock Trials Competition

EXECUTIVE



Dr Christopher Kendall
President
(John Toohey Chambers)



Craig Slater
Senior Vice President
(Francis Burt Chambers)



Konrad de Kerloy
Vice President
(Freehills)



Pamela Hass
Treasurer
(Department of State
Development)

The Council of the Law Society of Western Australia for 2012:

ORDINARY MEMBERS

Brendan Ashdown	(John Toohey Chambers)
David Blades	(John Toohey Chambers)
Hayley Cormann	(Clayton Utz)
Pamela Hass	(Department of State Development)
Dr Eric Heenan	(Francis Burt Chambers)
Anthony Kay	(Anthony Kay)
Matthew Keogh	(Freehills)
Belinda Lonsdale	(Albert Wolff Chambers)
Greg McIntyre SC	(John Toohey Chambers)
Denis McLeod	(McLeods)
Elizabeth Needham	(Francis Burt Chambers)
Steven Penglis	(Freehills)

COUNTRY MEMBER

Cameron Syme	(Latro Lawyers)
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JUNIOR MEMBERS

Adam Ebell	(Office of the Director of Public Prosecutions)
Clinton Russell	(King & Wood Mallesons)
Nicholas van Hattem	(Aboriginal Legal Service)

IMMEDIATE PAST PRESIDENT

Hylton Quail	(Francis Burt Chambers)
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COUNCIL 2013

EXECUTIVE



Craig Slater
President
(Francis Burt Chambers)



Konrad de Kerloy
Senior Vice President
(Herbert Smith Freehills)



Matthew Keogh
Vice President
(Herbert Smith Freehills)



Elizabeth Needham
Treasurer
(Francis Burt Chambers)

The Council of the Law Society of Western Australia for 2013:

ORDINARY MEMBERS

Brendan Ashdown	(John Toohey Chambers)
Hayley Cormann	(Clayton Utz)
Pamela Hass	(Department of State Development)
Dr Eric Heenan	(Francis Burt Chambers)
Anthony Kay	(Anthony Kay)
Belinda Lonsdale	(Albert Wolff Chambers)
Greg McIntyre SC	(John Toohey Chambers)
Denis McLeod	(McLeods)
Alain Musikanth	(Francis Burt Chambers)
Elizabeth Needham	(Francis Burt Chambers)
Clinton Russell	(King & Wood Mallesons)
Nicholas van Hattem	(State Solicitor's Office)

COUNTRY MEMBER

Mike Hayter	(Mid West Lawyers)
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JUNIOR MEMBERS

Emma Cavanagh	(HopgoodGanim)
Adam Ebell	(Office of the Director of Public Prosecutions)
Hayley Ellison	(Culshaw Miller)

IMMEDIATE PAST PRESIDENT

Dr Christopher Kendall	(John Toohey Chambers)
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Craig Slater
President

The past financial year has been a busy and successful time and the Society has accomplished a great deal.

The Society ended the membership year with 3406 members - a record high. Retention and growth of our membership in these tougher economic times is a fantastic result. It was underpinned by policies of engaging our membership and the wider profession. Consultation, engagement, working with the membership and addressing real concerns like depression and mental health has lead us to this result.

I highlight other key achievements for this year below.

Law Reform and Committee Work

At the start of my term as President, I mentioned that I hoped to continue the work of improving the standing of the Society's authority among those which we engage with; principally its membership, government, both executive and judicial, and others who interact with lawyers.

Considering that goal for a moment, the improvement of the standing of the Society has been achieved through providing quality work in the form of policy and submissions. A focus on clear and rational submissions dramatically improved the respect for the Society's opinion. I hope the Society continues to move away from rhetoric and politics in submissions and aims to provide the best understanding of the law. This year's submissions are excellent examples.

In my interactions with government and others, I have observed a great respect for the views of lawyers and great interest in the work of the Society. That interest and respect is perpetuated by the exceptional quality of work prepared by the Society.

This work depends on many lawyers volunteering their time and effort to assist with the work of the committees of the Law Society. These committees are the powerhouse for the respect for the legal profession. As President I noticed the work of these committees is highly valued and persuasive.

Over the last year I have been impressed with the scope and volume of work completed on behalf of the profession and the wider community.

The Society's committees made a combined total of 59 submissions to various state and federal government departments and the Law Council of Australia on topics including:

- Review of the *Liquor Control Act 1988*
- Complaints against Judiciary
- Representative proceedings
- The position paper on the Appointment of Senior Counsel in WA

This is an example of some of the most important work related to our profession; making the law operate in a way that the experience of lawyers is simply better for the community and for lawyers. I have a great respect for the work of the committees.

Thank you to the Policy team at the Society who work with the committees to prepare these reports.

Senior Counsel Report

The delivery of this report was the conclusion of a significant volume of work completed during lengthy and difficult circumstances for the Society. In November 2012, the Society's Council accepted the *Appointment of Senior Counsel in Western Australia* position paper which records the Society's position on the appointment of senior counsel. It was the genuine wish of Council that this paper contribute in a positive way to improving this key feature of our profession.

The Report posed seven recommendations in total. Two recommendations related to improving the operations of the Society on this area were adopted. Recommendation 2 proposed a change to the Practice Direction to refer to 'leadership in the practice and ethics of law' as a means by which the criterion of eminence might be satisfied.

The Society is grateful that the Chief Justice, in consultation with others, agreed to amend the Practice Direction to expressly reflect the substance of this suggestion. He said it was consistent with the practice in Western Australia. The Practice Direction was amended to add to paragraph 5 at 10.3, the following sentence:

"Demonstrated leadership within the profession, including leadership in the provision of guidance and advice to more junior practitioners may be taken into account in assessing this criterion."

Whilst some of the recommendations were not adopted, the Society is pleased this lengthy process has resulted in some reform.

The process of engagement with the Chief Justice, Society members and others in the profession improved the Society's standing as an advocate for the wider profession.

Law Week 2013

I would like to thank our members for their support during yet another successful Law Week programme. In particular I would like to acknowledge The Hon Robert French AC, Chief Justice of the High Court of Australia for an engaging and entertaining keynote address at the Law Week Luncheon.

The Society's Young Lawyers Committee hosted a public seminar which was extremely well received, on the topic of Cyber Bullying and the Law. The panel looked at the legal consequences of cyber bullying, how cyber bullying can be prevented and the effect of bullying on victims, the community response to it by policing and enforcement, and rights for redress, formal and informal. Thank you to the panel members for participating.

I would like to congratulate this year's deserving recipients of the Law Week Lawyer of the Year award:

- Tom Percy QC (Albert Wolff Chambers) this year's winner of Lawyer of the Year with more than five years' experience; and
- Gary Mack (Fremantle Community Legal Centre) this year's winner of Lawyer of the Year with less than five years' experience.

I would also like to congratulate the other winners of civic and other awards over the last year including the former Attorney General Jim McGinty acknowledged with an AM, former Justice Robert Nicholson AO (nominated for a WA Citizen of the Year award in the professions category), David Jenaway, Herbert Smith Freehills, who collected the Attorney General's Community Service Award and Lindsey Pheloung-Beck, Squire Sanders, who won the Mahla Pearlman Australian Young Environmental Lawyer of the Year award.

Regional Membership

In February this year I attended a full day conference in Bunbury. The conference was driven primarily by the need to provide CPD events outside of Perth. The event was a great success and I am grateful to the Hon Wayne Martin AC, Chief Justice of Western Australia and His Hon Judge Peter Martino, Chief Judge of the District Court as well as members of the State Administrative Tribunal (SAT) and Family Court of Western Australian for providing their time. The Society is looking to improve its engagement with regional lawyers and a similar conference is organised for November 2013. The Society has endeavoured to add to the Law Mutual Risk Management seminars provided in rural areas with at least one other CPD point event. Looking forward, the Society is trying to engage more closely with the Family Court and Legal Practice Board to ensure their circuits to rural areas coincide with the Society's, which may enable a combined event, whether it is a CPD or social event

it will be of value to practitioners who may not make it to Perth quite as often as they would like.

Chief Justice's Law Week Youth Appeal

Established in 2001, the Chief Justice's Youth Appeal distributes donations to a variety of worthwhile projects and support services throughout Western Australia. In particular, the Appeal focuses on charities that assist in diverting youth from the criminal justice system. Thanks to the generous support of our members, funds are raised through a variety of means, including the Lawyers for a Cause event held in November 2012, and the Young Lawyers Committee Charity Breakfast.

This year, it pleases me to announce that \$15,000 of the Chief Justice's Law Week Youth Appeal's available funds was donated to Headspace Kimberley. The funding will be used to run two 10-week programmes focused on building the life skills and health and wellbeing of young people living in Broome. Headspace Kimberley is an extremely worthy recipient of the Chief Justice's Law Week Youth Appeal funds.

Supreme Court Library

I was pleasantly surprised by the number of members who took the time to contact me when I sought comments and feedback. There is an interest in keeping the library and retaining access to it. It was heartening to see responses from a cross section of the profession - the responses were not just from small firms with few resources, but also larger commercial firms who had tailored their own collections in the light of the material available at the Supreme Court. Retention of this library and its availability to the public is not only a mark of the stature of the profession, it is an access to justice issue. Not a single response to the request for feedback indicated that the costs to practitioners (or to the public) outweighed the benefit of a suitably resourced library. I wish

Konrad de Kerloy, Senior Vice President well with his ongoing discussions with the State Government on retaining and improving this library.

Law Council of Australia Executive

In June 2013, the Directors of the Law Council elected Dr Christopher Kendall as a Director for their Executive. I am very pleased for Chris and excited that for the first time in a long time we have a representative on the national body for lawyers. Continued improvement of the communication with the profession outside of this State should be a long term goal of the Society. I am sure that it is now one step closer with a representative on the Executive.

Electronic Voting

In September 2012, the Council of the Society resolved to introduce electronic council elections for the 2013 Council. I am pleased to observe after much planning, that the process went smoothly and will continue for the 2014 Council.

Executive Meetings

The Society has held a number of Executive meetings with government and the judiciary on a variety of important matters, including:

- The Chief Justice and President of the Court of Appeal
- Family Court Judges and the Family Law Practitioners Association
- Magistrates Court of Western Australia
- President of Law Council of Australia
- Legal Aid Western Australia
- Legal Practice Board of Western Australia
- Western Australian Bar Association

Appreciation

The past financial year reflects a vast contribution made by our members. It is this dedication and tireless work ethic which continues to make the Society a thriving organisation.

I would like to thank the Council and Committee members for their invaluable contribution. I am very fortunate to have worked with such a dedicated team.

I would like to thank the many Committee Convenors who organise the business of the committees and manage their work. I would also like to thank all who dedicated their time to sit on the Society's Committees, your tireless work in providing comment and strategies for improvement of the profession is greatly appreciated.

Thank you to David Price, the Society's Executive Director for his leadership across the organisation. Thank you also to the Law Society staff for their enthusiasm, dedication and professionalism which ensured another very successful year.

Thanks, finally, to my family for their forgiveness, patience and so many meals set aside for someone returning home, usually, very late.



Craig Slater
President

EXECUTIVE DIRECTOR'S REPORT



David Price
Executive Director

The Society has continued to work hard in its role as the representative body for the legal profession in Western Australia through 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.

Membership

I am very pleased to report that this year the Society achieved another record membership number in 2012/2013 by reaching 3406 members of the legal profession. To achieve this, our focus has been about connecting, supporting, learning, value and influence.

Professional Development

The Society also undertook a significant review of its Continuing Professional Development (CPD) programme which saw the adoption of a new CPD Business Plan by Council in May 2013. The new plan aims to again further improve the Society's Professional Development offering to the legal profession by broadening our programme and providing learning experiences to better meet the needs of legal practitioners.

The Voice of the Legal Profession in Western Australia

The Society has been active in its role as 'the voice of the legal profession in Western Australia' in many ways over the last 12 months. We have spoken out in the media; our committees have worked tirelessly in responding to issues and requests to review and comment on matters affecting the law both at a local level and at a national level via Law Council of Australia. Through the hard work of our Committees 59 submissions were prepared in 2012/2013.

Pro Bono and Community Services

There were a number of significant events at the Old Court House Law Museum including the design and installation of 'Old Court House, Big Stories: The First Fifty Years of Perth's Oldest Surviving Building'. This was completed and opened to the public in November 2012.

The Old Court House Law Museum had a total of 3441 visitors, compared to last year's total of 2957.

The Francis Burt Law Education Programme (FBLEP) welcomed a total of 6296 people compared to 5507 in 2011/2012 – that's a 13% increase of visitor numbers.

This year's Law Week was a huge success. It was pleasing to see members of the profession getting involved in the various activities. 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 Law Mutual contribution rate increased by 4.7% in 2012/2013. This equates to a Partner/Director contribution rate increase from \$4,581 in 2011/2012 to \$4,795 in 2012/2013.

Thank you

I would like record my sincere appreciation to the Immediate Past President Dr Christopher Kendall, our current President Craig Slater and their Executive teams in 2012/2013 for their support and commitment the Society, its members, myself and our staff.

Thank you also to the Law Society Council's of 2012 and 2013 and our many Committee members, all of whom 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 yet again worked tirelessly in 2012/2013 to deliver a very successful year for the Law Society. Thank you to each and every one of you.

David Price
Executive Director

Annual General Meeting

The Society's Annual General Meeting was held on Monday, 29 October 2012.

Council

Councillor Meeting Attendance
1 July 2012 to 31 December 2012.

Member	Total Council meetings attended (Total 5)
Dr Christopher Kendall	3
Craig Slater	5
Konrad de Kerloy	3
Pamela Hass	3
Brendan Ashdown	3
David Blades	5
Hayley Cormann	4
Dr Eric Heenan	4
Anthony Kay	5
Matthew Keogh	5
Belinda Lonsdale	3
Greg McIntyre SC	4
Denis McLeod	5
Elizabeth Needham	4
Steven Penglis	3
Hylton Quail	4
Cameron Syme	2
Adam Ebell	2
Clinton Russell (from August 2012)*	3
Nicholas van Hattem	3

*Vacancy created from the resignation of Junior Member in June 2012.

Executive

The Executive, consisting of the President, Senior Vice President, Vice President, Treasurer and Co-opted Council members met eight (8) times during the year.

Council

Councillor Meeting Attendance
1 January 2013 to 30 June 2013.

Member	Total Council meetings attended (Total 5)
Craig Slater	5
Konrad de Kerloy	4
Matthew Keogh	4
Elizabeth Needham	5
Brendan Ashdown	3
Hayley Cormann	3
Pamela Hass	3
Dr Eric Heenan	4
Anthony Kay	5
Dr Christopher Kendall	2
Belinda Lonsdale	2
Greg McIntyre SC	3
Denis McLeod	4
Alain Musikanth	4
Clinton Russell	4
Nicholas van Hattem	5
Mike Hayter	5
Emma Cavanagh	5
Adam Ebell	4
Hayley Ellison	3

Co-opted Councillors 2012/2013

Cameron Syme – May to Aug 2012
Anthony Kay – Sept to Dec 2012
Brendan Ashdown – Jan to Apr 2013
Adam Ebell – May to Aug 2013

Law Mutual Fund

Members of the Council of the Trustee being the Law Society of Western Australia (Inc) – attendance 1 July 2012 to 31 December 2012.

Member	Total Council meetings attended (Total 1)
Dr Christopher Kendall	1
Craig Slater	1
Konrad de Kerloy	1
Pamela Hass	0
Brendan Ashdown	1
David Blades	1
Hayley Cormann	0
Dr Eric Heenan	1
Anthony Kay	1
Matthew Keogh	1
Belinda Lonsdale	1
Greg McIntyre SC	1
Denis McLeod	1
Elizabeth Needham	0
Steven Penglis	1
Hylton Quail	1
Cameron Syme	1
Adam Ebell	1
Clinton Russell <i>(from August 2012)</i>	0
Nicholas van Hattem	0

Law Mutual Fund

Members of the Council of the Trustee being the Law Society of Western Australia (Inc) – attendance 1 January 2013 to 30 June 2013.

Member	Total Council meetings attended (Total 2)
Craig Slater	2
Konrad de Kerloy	2
Matthew Keogh	2
Elizabeth Needham	2
Brendan Ashdown	2
Hayley Cormann	1
Pamela Hass	1
Dr Eric Heenan	1
Anthony Kay	2
Dr Christopher Kendall	0
Belinda Lonsdale	0
Greg McIntyre SC	2
Denis McLeod	2
Alain Musikanth	2
Clinton Russell	2
Nicholas van Hattem	2
Mike Hayter	2
Emma Cavanagh	2
Adam Ebell	2
Hayley Ellison	0

Public Purposes Trust

Members of the Council of the Trustee being the Law Society of Western Australia (Inc) – attendance 1 July 2012 to 31 December 2012.

Member	Total Council meetings attended (Total 3)
Dr Christopher Kendall	1
Craig Slater	1
Konrad de Kerloy	1
Pamela Hass	2
Brendan Ashdown	2
David Blades	3
Hayley Cormann	3
Dr Eric Heenan	2
Anthony Kay	3
Matthew Keogh	1
Belinda Lonsdale	2
Greg McIntyre SC	2
Denis McLeod	3
Elizabeth Needham	3
Steven Penglis	1
Hylton Quail	3
Cameron Syme	1
Adam Ebell	1
Clinton Russell (from August 2012)	2
Nicholas van Hattem	3

Public Purposes Trust

Members of the Council of the Trustee being the Law Society of Western Australia (Inc) – attendance 1 January 2013 to 30 June 2013.

Member	Total Council meetings attended (Total 2)
Craig Slater	0*
Konrad de Kerloy	0*
Matthew Keogh	0*
Elizabeth Needham	2
Brendan Ashdown	1
Hayley Cormann	1
Pamela Hass	1
Dr Eric Heenan	1
Anthony Kay	2
Dr Christopher Kendall	0
Belinda Lonsdale	1
Greg McIntyre SC	1
Denis McLeod	2
Alain Musikanth	2
Clinton Russell	0*
Nicholas van Hattem	2
Mike Hayter	2
Emma Cavanagh	0*
Adam Ebell	1
Hayley Ellison	1

*Note: Councillors conflicted in items on the PPT Agenda and therefore did not attend the meeting.

Chief Justice's Law Week Youth Appeal Trust

Members of the Council of the Trustee
being the Law Society of Western
Australia (Inc) – attendance 1 January
2013 to 30 June 2013.

Member	Total Council meetings attended (Total 3)
Craig Slater	3
Konrad de Kerloy	2
Matthew Keogh	2
Elizabeth Needham	3
Brendan Ashdown	1
Hayley Cormann	2
Pamela Hass	2
Dr Eric Heenan	2
Anthony Kay	3
Dr Christopher Kendall	1
Belinda Lonsdale	2
Greg McIntyre SC	2
Denis McLeod	3
Alain Musikanth	3
Clinton Russell	3
Nicholas van Hattem	3
Mike Hayter	3
Emma Cavanagh	3
Adam Ebell	2
Hayley Ellison	2

TEAM REPORT

CORPORATE SERVICES

The Corporate Services team had numerous achievements in 2012/2013.

The final stages of the CRM were implemented during the year and we are now focusing our efforts on continually improving its capability. These enhancements are aimed at creating efficiencies in our operations through a seamless online environment.

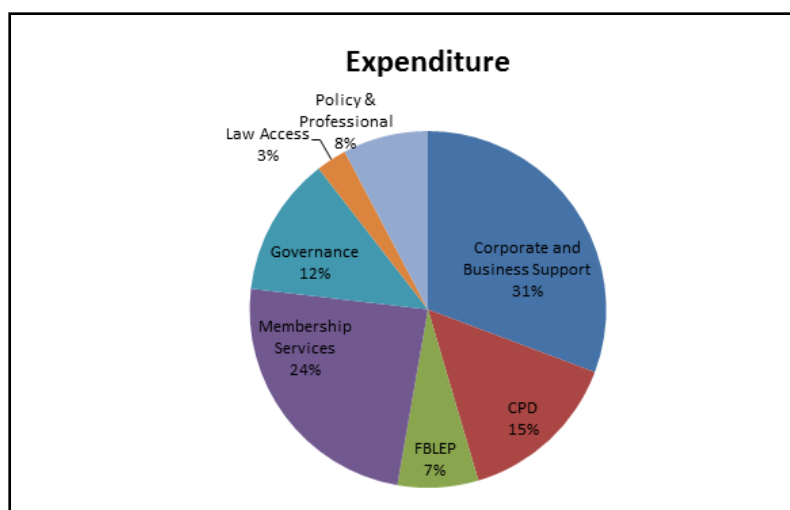
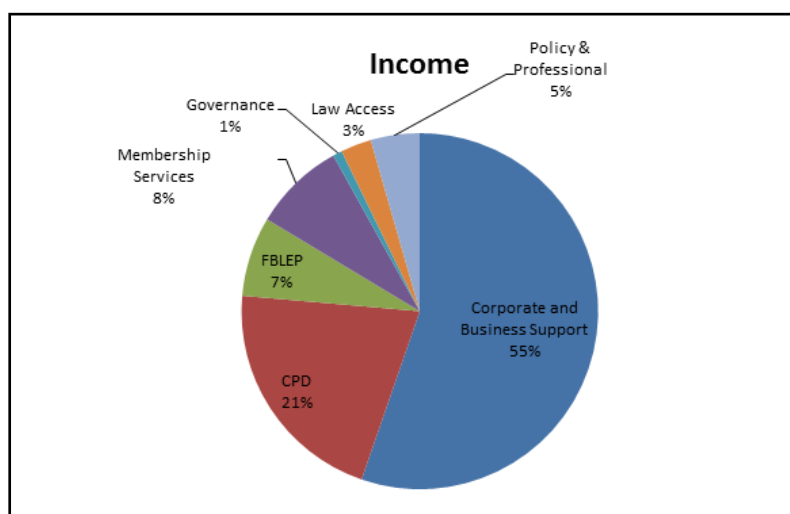
The team has worked hard on improving our meeting room booking system and we have revised our catering requirements to deliver a better service to everyone who attends the Society offices for meetings and seminars.

Our Find-a-Lawyer referral service has kept our receptionist busy throughout the year with over 20,000 referrals provided. We are planning to improve this service with a user friendly self help portal on the Society's website.

The Society has occupied its new premises for over 12 months and all is going well with the ownership and occupancy of Level 4 and part of Level 5.

The team has embarked on a project to switch the finance system from Geni to Sage ERP 300. The operations of the Society have outgrown Geni and Sage is well placed to handle the financial management needs of the Society well into the future.

The 2012/2013 financial year result was a deficit of \$18,623. There has been a significant decline in CPD seminar revenue which was a major factor in the Society's financial result. Council and management were aware of this decline at the mid way point in the financial year and were able to make adjustments to operations to minimise the deficit without compromising service delivery to members. The Society ended the year with accumulated net assets of \$2,374,327 and cash reserves of \$1,568,064.



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 Services team with \$2,500,922 being paid out in grants in the 2012/2013 financial year. Grants totalling \$1,943,077 have been approved for payment in 2013/2014.

This year the Community Services Team recorded significant increases in levels of engagement by members of the public and members of the profession with our services.

The Law Access Scheme more than doubled the number of pro bono matters placed with private practitioners compared to the previous financial year.

The Francis Burt Law Education Programme (FBLEP) assisted 6296 young people and members of the community - an increase of 14.3% compared to the previous financial year.

Visitors to the Old Court House Law Museum continued to increase with 3441 visitors this year compared to 2957 last year, an increase of 16.4%.

The Mock Trials Competition registered 788 students from 38 schools with 43 lawyers and law students volunteering to coach, and 53 lawyers and law students volunteering to judge.

Particular highlights for Community Services included:

The Sir Ronald Wilson Lecture, co-ordinated by the FBLEP, was held in August 2012. The lecture, delivered by Adjunct Professor Dennis Eggington of the Aboriginal Legal Service of WA, was very well attended and was filmed due to a new sponsorship arrangement with Murdoch University.

In September 2012 partnerships were formed with the Australian Government Solicitor and Edith Cowan University's Faculty of Business and Law which provide secondees to Law Access, and which assisted the pro bono referral scheme to more than double its placements that year.

The Presbyterian Ladies' College won the 2012 Mock Trials Grand Final which was held on 23 October. The Grand Finalist was announced by The Hon Wayne Martin AC, Chief Justice of Western Australia with trophies and prizes presented by Cheryl Gwilliam, Director General of the Department of the Attorney General.

The Old Court House Law Museum's new exhibition *Small Court House Big Stories* sponsored by Lotterywest was first opened to the public during Heritage Weekend in November 2012 with a talk presented by Professor Geoffrey Bolton AO.

Kalico Consulting commenced work in March 2013 on a feasibility study into the future of pro bono arrangements in WA with the support of a Lotterywest Grant provided to the Community Legal Centres Association of WA.

The official launch of the Old Court House Law Museum's new exhibition was held in February 2013.

Law Week 2013 was held from Monday, 13 May to Friday, 17 May. The week featured 36 events of which two were for high school students, 25 were for members of the public, three were solely for members of the profession and six were attended jointly by members of the public and members of the profession.

In late June 2013 The Hon Wayne Martin AC, Chief Justice of Western Australia chaired a very successful Law Access

panel discussion – *Pro Bono: Why, Where and How* which was designed to highlight the valuable contribution made by pro bono practitioners and encourage more practitioners to undertake pro bono work.

Thanks are extended to our dedicated staff and volunteer committee members and to the funding bodies without whom we would not be able to operate:

The Public Purposes Trust, the Department of Education, the Department of the Attorney General and Lotterywest.



Gary Mack, Tom Percy QC and Craig Slater, President, Law Society

In a year that culminated with a record high membership total of 3406 (an increase from 3346 the previous year), the Member Services and Marketing team pursued a number of new initiatives in 2012/2013 that bolstered member value, provided new and innovative ways for members to engage with each other and the Society, enhanced awareness of our brand, and ramped up recruitment efforts across key segments of the profession.

Member Value

The team approached the year with a clear goal to deliver more for the membership dollar – including the creation of new opportunities for members to engage with each other and the Society:

- Quarterly Sole Practitioner and Small/Boutique Firm Forums commenced - free member events for networking and learning. Regional members can participate by teleconference.
- Quarterly 'Society Club' offered another complimentary networking opportunity for members.
- Social business and knowledge sharing opportunities were presented through the creation of new online membership communities on LinkedIn and Facebook. Over 600 members engaged through these new channels since November 2012.
- Over 30 sporting, social and networking events for the profession were delivered.

Other wins for members included the introduction of:

- A new 'on-leave' membership category to enable members on maternity or unpaid leave to suspend membership for up to 12 months.
- A new student membership category priced at \$20 (in addition to the premium student membership package already in existence for \$80 per annum) to enable more university

students to begin their association with the Society earlier in their careers.

New Member Recruitment

Attracting a new generation of members continued to be a priority and a marketing campaign themed around the 'Power of Community' was developed to support membership growth targets. The message behind this extensive campaign is that 'we grow as individuals with the support of a community', and that when you join the Law Society of Western Australia, you join a network that benefits you, and ultimately, the profession.

We also worked together with universities and the young lawyer community to support those at the outset of their career in law. The 'Rise to the Challenge' marketing campaign promoted the benefits of membership to young and new lawyers, and promoted a new category of university student recruitment for those studying law in WA. University presentations, a career guidance evening, and regular dialogue with student law societies further strengthened our university relations and student recruitment efforts.



The Law Office Management community of the profession was also the focus of a new member recruitment initiative, with the 'Fuel Your Firm's Success' campaign promoting the benefits of membership for management professionals. The team worked in conjunction with the Law Office Management (LOM) Committee to continually improve our offering to this important segment of the profession (refer to LOM Committee report).



Brand and Reputation

Media coverage of the Society and its advocacy efforts, the profession and access to justice issues featured in the press throughout the year – with Law Week 2013 a highlight of the calendar. The resulting coverage brought valuable exposure to the Society, the profession and important issues such as cyber bullying, sexting, justice reinvestment and consumer scams.

Partnerships

Strategic partnerships and sponsorships enabled us to deliver many of our valuable events and initiatives. New affiliations were formed with leading brands such as LexisNexis, HBF, BMW, and Mercedes-Benz to deliver savings to members, or new networking opportunities.

Our partnerships with Bankwest, Interpeople, Hays, Law In Order, and John Toohey Chambers continued to strengthen across the year. We thank our partners and value our relationships with them enormously.

Working with Employers

To reward and recognise those firms and practices that pay for membership of their staff, we launched 'Sponsoring Firm' status. A relationship manager from the Law Society team partners with these firms to coordinate annual briefings, economic updates, mental health workshops or other initiatives to better support these organisations.

Universities

The Deans of each of the University Law Schools or their representatives, together with representatives from legal practices, government, student law societies and young lawyers form the Graduate and Academic Standards Committee. This Committee is facilitated by the Law Society and met three times this year. The group oversees graduate opportunities and issues.

The Society also worked closely with student Law Societies, and continued to support the careers of the lawyers and members of tomorrow through mentoring programmes, Grad-Match to help place graduates with practices, mentoring programmes, on-campus presentations and a career guidance evening.

Making a difference

Lawyers for a Cause 2012 saw over 200 members of the profession walk, run and cycle their way around the Perth circuit to raise over \$13,000 for the Chief Justice's Youth Appeal. The proceeds were donated to Headspace Kimberley. Special thanks to Bradley Bayly Legal, Clayton Utz and Marsh for their sponsorship of this event.

Quality Practice Standard

A total of 219 firms are registered for certification through the Quality Practice Standard process. Out of this number 48 firms are accredited with the Quality Practice Standard.

Nine firms registered their interest in QPS for this period.

Three new firms qualified for QPS certification, which are:

- Chalmers Legal Studio Pty Ltd
- MM Legal Pty Ltd
(trading as Mendelawitz Morton)
- Squire Sanders (AU) Perth

27 QPS firms achieved the significant milestone of having retained their accreditation for 10 years; and,

15 QPS firms achieved the significant milestone of having retained their accreditation for 15 years.

The 15th Anniversary of QPS firms fell on 19 March 2012. On 6 July 2012, the Society introduced the new QPS Standard. The changes applied from the date of the 2013 audit.

Professional Development (PD) began a new phase this financial year as the Membership and Professional Development teams split to become service teams in their own right. The aim to bring a greater focus on education and communication, programme design, speaker engagement and relationship building with the legal community.

The CPD membership category first introduced in 2011/2012 achieved a 17% increase in those taking up the opportunity to undertake unlimited CPD eligible seminars. In fact many undertook far in excess of the 10 CPD points required.

July 2012 saw the last intake for the Legal Assistants Training Course which had been delivered for many years through the vision of Anne Lake. A new direction was taken in May 2013 with the introduction of The Essential Legal Assistant which provided strong emphasis on professional skills development including administration processes, legal research, managing stakeholders, working in the legal environment, legal practice areas, legal terminology and key legal documents. Those attending the course came from within law firms as well as many from outside the legal profession wishing to enter as legal assistants.

As part of our ongoing commitment to support the mental health and wellbeing of the legal profession the PD team delivered 11 seminars to a total of 705 Law Mutual insured professionals and Members of the Society. With the support of the courts these were run in Perth as well as to the regions of Bunbury, Busselton, and Kalgoorlie.

Delivering seminars is almost the end point, as much preparation, research and consultation conducted behind the scenes is required. This year the Professional Development team kept in touch with the professions' needs and professional development issues through its newly formed Learning & Development Forum. Three forums were held during the year and included Learning & Development professionals from law firms. Initial interest was strong and has provided significant benefits to the Society

and participating firms including positive relationship building, sharing of content ideas, informal mechanisms for research, greater understanding and perspective of stakeholder needs. The forum gained momentum throughout the year and indicates increased participation going forward.

In February 2013 the Society was pleased to hold its first regional conference. The South West Professional Development Conference is part of the Society's commitment to provide access for regional members to training and development. Conducted at the Lord Forrest Hotel Bunbury, the conference was fruitful and provided an important occasion for the Society to connect with regional practitioners and to gain greater understanding of regional practice on the ground. Attendees heard from The Hon Wayne Martin AC, Chief Justice of Western Australia; His Hon Peter Martino, Chief Judge of the District Court; His Hon Judge David Parry, Deputy President State Administrative Tribunal; Joseph McGrath SC, Director of Public Prosecutions; Magistrate Michelle Pontifex, Bunbury Court House; and Craig Slater, President of The Law Society.

A week after the regional conference saw Law Summer School 2013 with its theme 'A Moment to Think!'. Topics certainly provided many moments for thought, discourse and learning. Close to 200 delegates heard from Dr Stuart Palmer, St James Ethic Centre

Sydney (Law & Responsibility); Father Frank Brennan Australian Catholic University (Ethics in the Public Square); Joseph Catanzariti, The Law Council of Australia and Solicitor-General Grand Donaldson SC (The Future of the National Legal Profession); The Hon Nicholas Hasluck AM (Law and Literature in the Whitlam Dismissal); and Professor Erika Techera, UWA (Legal Issues Concerning Sharks in Western Australian Waters) in addition to the four concurrent sessions. The conference culminated in the launch of Society Club with drinks and conviviality on the terrace of The University Club.

The year ended with an evaluation of activities through focus groups with members and non members. It was a great chance to connect with past delegates and talk about issues from many perspectives. Feedback was then incorporated into the new Professional Development Business Plan for the financial years 2013-2016.

Special thanks to legalsuper and Michael O'Donnell for the ongoing sponsorship and support of CPD. This year has seen the partnership go from strength to strength and we look forward to our continuing relationship.

Finally thanks to the PD team, the Education Committee and the Law Summer School Committee.



2013 Law Summer School

The Policy and Professional Services team supports 23 of the Society's committees. The team supports those committees that consider legal, ethical and professional conduct issues as well as a number of the special interest Committees; Aboriginal Lawyers, Mental Health and Wellbeing, Joint Law Society/Women Lawyers, Law in Asia and In-House/Government Lawyers. The substantial work carried out by committees in 2012/2013 is demonstrated by the list of submissions and the individual committee reports elsewhere in this Annual Report.

Submissions made by Society committees result from requests for comment from outside bodies or from the committees' own initiative. The Society regularly receives requests for comment from the government and government agencies, Parliamentary Committees, the Senate, Ministers, the Law Council of Australia, the Law Reform Commission of Western Australia etc. All submissions are subject to Council approval. In 2012/2013 the Society made 59 submissions.

In the past year, in addition to the 23 Standing Committees, ad hoc committees were established to prepare submissions in response to the Law Reform Commission of Western Australia's Discussion Papers, *Complaints Against Judiciary* issued September 2012 and Representative Proceedings issued February 2013. An ad hoc committee was also established to draft a submission to the review of the *Liquor Control Act 1988*.

Law in Asia Committee

In 2012 the committee formerly known as the LAWASIA Committee was renamed the 'Law in Asia Committee'. Its focus is to develop relationships with Law Societies and other legal institutions in countries in the Asia region with a view to disseminating knowledge, building ties, and hosting visiting legal officials or bar representatives to facilitate continuing professional development activities, and to advance and

maintain links between the Law Society and various institutions in those countries.

Government and In-House Lawyers Committee

This new committee met for the first time in December 2012. The committee's role is to provide a forum for the exchange of information and ideas for the purpose of representing and promoting the interests of in-house counsel and government lawyers in Western Australia. It will encourage the sharing of information within these sectors of the legal profession, consider topical issues relevant to practising law as in-house counsel and within government agencies and provide networking opportunities for in-house counsel and government lawyers.

Mental Health and Wellbeing Committee

The Mental Health & Wellbeing Committee continues to work to implement the 29 recommendations in the Society's Report, *Psychological Distress and Depression in the Legal Profession*.

Through LawCare, Society members have access to three free professional and confidential counselling sessions and other online information resources with PPC Worldwide International. Through the Members Advice Referral Service all members of the profession are assisted by the Western Australian Bar Association in dealing with complaints made to the Legal Profession Complaints Committee.

Professional Standards Scheme

An application from the Society for a limited liability scheme for Society members is being considered by the Professional Standards Council. The application approval process takes approximately 12 months. Members will be informed when the application is progressed.

Mentoring Programmes

The Society has structured mentoring programmes for junior practitioners and for Aboriginal and Torres Strait Islander law students. Both programmes are coordinated by a trained external facilitator and generously sponsored by the members of the Corporate Law Firms Association Perth (CLAP). These programmes would not be possible without this sponsorship or the magnificent voluntary contribution of the mentors who give so much of their time, knowledge and experience to the programmes.

Reconciliation Action Plan

The Society is currently drafting a Reconciliation Action Plan (RAP) to further enhance its relationship with Aboriginal peoples and Aboriginal law students, graduates and practitioners. The Society is hoping the RAP will provide practical measures to improve Aboriginal participation in the legal profession and promote understanding between Aboriginal and non-Aboriginal people in the legal sector. The primary objective of the Society's RAP will be to make a meaningful and practical difference to ensure that all Australians move forward together.

Committee Reports

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 role as the voice of the legal profession in Western Australia.



The Law Mutual Strategic Plan identifies the purpose of Law Mutual:

“to make arrangements for stable and economically priced professional indemnity cover for practitioners, and former practitioners, with efficient and effective management recognising the public interest”.

The Professional Indemnity Insurance Management Committee (PIIMC), was established pursuant to section 331 of the *Legal Profession Act 2008 (WA)*. PIIMC oversees the Law Mutual internal control, risk management, financial reporting and compliance monitoring processes associated with the making of the insurance arrangements for the legal profession in Western Australia. The PIIMC is governed by terms of reference which were adopted by the Law Society Council in 2009. The PIIMC is chaired by Dudley Stow and comprises seven members, of which four members are members of the Law Society Council.

A review of Law Mutual was conducted in the 2012/2013 year with several recommendations made in relation to the operational and strategic function and structure of Law Mutual. A new role of General Manager was created to be responsible for the operational, strategic and financial management of Law Mutual and initiating change to align with its overall strategic plan.

Each year PIIMC publishes a very informative booklet which details the structure of Law Mutual and gives general information on claims, what risks are covered and importantly detailed information on exclusions, discounts, low fee earner rates, retirement from practice and practitioners moving practice. The booklet is in the course of being published for the 13/14 financial year. Annually Law Mutual arrangements continue to provide professional insurance cover for a claim arising after retirement

from practice where the cause arose was the subject of the Law Mutual arrangement.

Part of the work of PIIMC is to monitor the cause, type, nature and size of claims. In the last 18 months a considerable amount of time and resources has been spent on claims as well as the restructuring of Law Mutual operations. PIIMC considers risk management as a major focus for Law Mutual.

In the past compulsory general risk management seminars have been held each year. While it is expected this focus will not change, a more detailed consideration of risks and their management will be developed to assist practitioners limiting their exposure to claims.

Late last year Anne Durack left Law Mutual after 17 years and we wish her well in her new endeavours. PIIMC welcomed the appointment of Jo-Anne Munro as its General Manager. Jo-Anne previously worked in the medical claims area of professional indemnity insurance and brings with her a wealth of experience in claims management and risk mitigation in the professional indemnity area.

As part of the role PIIMC reviews in detail with Law Mutual's brokers (Marsh) and its actuary claims and trends as well as proposal put to underwriters for cover not carried by Law Mutual. The committee is exceptionally pleased with the service and result achieved by Marsh. At one point there could well have been a substantial increase in premiums due to a very substantial increase in number and size of claims in the professional indemnity insurance area particularly in Directors' and Officers (D&O) as well as in the Finance Advisory industry.

For the past year notifications and claims have been tracking slightly below trend however any substantial claims can affect Law Mutual's overall result. As visible from the accounts Law Mutual has very substantial

reserves and it is the view of PIIMC, our auditors and in particular our actuary that it is in a very sound financial position.

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%

ABORIGINAL LAWYERS COMMITTEE

Nicole Casley Convenor

Nicole Casley was appointed Convenor upon the resignation of the inaugural Convenor, June Kenny. The Committee is sincerely indebted to Ms Kenny for her role in establishing the Committee.

The Committee assisted in bringing the 2012 National Indigenous Legal Conference (NILC) to Perth. Two Committee members were part of the conference organising committee. The seventh annual NILC was held on 5 and 6 October 2012 as a joint project of the University of Western Australia and Notre Dame University. The key themes for the conference were 'New Approaches to Justice' and 'Cultural and Natural Resources Management'. The conference was attended by over 180 delegates from across Australia and featured several high profile and very well received speakers. At the conference dinner on 5 October 2012 Aboriginal Lawyers Committee member Peter Dawson was presented with the Commonwealth Attorney General's 2013 Indigenous Law Student Prize by the Hon Melissa Parke MP, Federal Member for Fremantle.

The Law Society's Mentoring Programme for Indigenous law students is currently in its third year since being resurrected. The Mentoring Programme was extended in 2011 to include Aboriginal and Torres Strait Islander students in any year of their law degree, with five students mentored.

The Committee is working closely with the Francis Burt Legal Education Programme (FBLEP) to provide input and advice in relation to programmes and initiatives being developed by the FBLEP. This includes a new programme concerning the colonisation of Western Australia and the impact of British law on Aboriginal Peoples, in line with the new Australian Curriculum for History and English, and a 'People and the Law' exhibition at the Old Court House Law Museum examining legal issue in the first 50 years of the Swan River Colony.

The Committee has also assisted FBLEP with the development of a proposal for the production of a series of short films targeting Aboriginal Youth contact with the Police. It is proposed that Committee members be involved in the steering committee for this project going forward.

Committee members Krista McMeeken and Laura Vincent addressed high school students at the Law Week Youth Civics Leadership Day luncheon, conducted by FBLEP.

The Committee will work with the Society towards the finalisation of the Society's Reconciliation Action Plan.

Rick Cullen Convenor

In 2012/2013 the Committee continued to play a central role in overseeing the Law Access Pro Bono Referral Scheme by acting as the assessment panel for applications.

In September 2012 partnerships were formed with the Australian Government Solicitor and the Edith Cowan University Faculty of Business and Law to provide secondees to Law Access to assist with the assessment of applications to the pro bono referral scheme.

There were 130 applications to Law Access in 2012/2013, a 76 percent increase compared to the number of applications received the previous year, demonstrating that the scheme's profile and reputation continues to increase.

Sixty one matters were placed with pro bono providers in 2012/2013 with five of these matters placed with Legal Aid WA, a Community legal centre or a private solicitor for minor assistance. This is more than double the number of matters placed the previous year and almost triple the number of matters placed the year before that. Fifty matters lacked merit whilst 12 meritorious matters were unable to be placed. Two meritorious matters were awaiting placement at 30 June while six matters were awaiting final assessment by the Committee.

Law Access responded to 426 general inquiries in 2012/2013, down from 676 in 2011/2012, probably due to more information about the scheme now being available on the Society's website, including application forms.

In 2013, for the first time, Law Access issued electronically to lawyers on its contact list, two editions of *Law Access Pro Bono News* and contributed an article for the July 2013 edition of *Brief*.

On 20 June 2013 the Committee held 'Thank You Drinks' for those lawyers who had assisted Law Access in the past year. Lawyers interested in contributing on a pro bono basis were also welcomed. A panel discussion *Pro Bono: Why, Where and How?* was chaired by The Hon Wayne Martin AC, Chief Justice of Western Australia. The event was a great success with many practitioners joining the pro bono referral contact list as a result.

The Committee also undertook policy related activities, including preparation of a submission to the Commonwealth Review of Legal Assistance Services and policy work concerning access to interpreters for pro bono clients.

The Access to Justice Committee wishes to take this opportunity to thank our partners, the Australian Government Solicitor, the Faculty of Business and Law at Edith Cowan University and 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 WABA. A number of firms and practitioners were particularly generous, taking on multiple matters this year.

ACCREDITATION COMMITTEE

Trevor O'Sullivan
Convenor

The Accreditation Committee advises the Council of the Law Society on the rules and regulations that govern the granting of accreditation by the Society. In a secondary capacity the Committee acts as the advisory board for family law accreditation, the only area of specialist practice in which Society members can currently be accredited.

Notwithstanding the example set by the societies or institutes in NSW, Victoria and Queensland, there remains no apparent interest in broadening of specialist accreditation areas in Western Australia beyond the area of family law.

The primary tasks for the committee this year were considering and allocating points for various CPD events considered to be of a sufficient standard to attract points for the purpose of specialist accreditation and undertaking the audit for reaccreditation of existing accredited practitioners.

The Convenor and the Committee Secretary attend meetings of the National Family Law Steering Committee conducted by teleconference.

The main focus of the National Family Law Steering Committee teleconferences this year have been to deal with setting the national examinations for family law accreditation, and reviewing and standardising rules and regulations for accreditation in family law.

Seven candidates undertook the family law accreditation assessment examinations in Western Australia this year.

There are 43 accredited family law practitioners in Western Australia who met their requirements for reaccreditation this year.

ADMINISTRATIVE, CONSTITUTIONAL AND MIGRATION LAW COMMITTEE

Greg McIntyre SC
Convenor

In the reporting period the Committee prepared submissions on behalf of the Society, as follows:

- Inquiry into *Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010* - submission to the Senate Standing Committee on Legal and Constitutional Affairs.
- Joint Select Committee on Australia's Immigration Detention Network - submission to the Law Council of Australia.
- Proposed amendment to the Supreme Court Rules relating to Judicial Review of Administrative Decisions - submission to the Chief Justice of Western Australia who had requested comment on draft *Supreme Court Amendment Rules (No. 2) 2012*.

- Draft Policy Statement on Principles Applying to Detention in a Criminal Law Context and Policy Statement applying to the Detention of Asylum Seekers – submission to the Law Council of Australia.
- Migration Legal Advice Scheme – submission to Department of Immigration and Citizenship.

The Committee met with Richard Hooker, President (WA Chapter), Australian Institute of Administrative Law and is considering collaboration with other administrative law and migration law bodies.

The Convenor was appointed to represent the Society at Western Australia Community Liaison Meetings of the Australian Government's Migration Review Tribunal – Refugee Review Tribunal. Two meetings were held in the past year.

Laurie James Convenor

The Committee met on five occasions for the year ended 30 June 2013. Its activities during the year included the following.

- The Committee was concerned at the delay in the *Commercial Arbitration Bill 2011* becoming enacted as the *Commercial Arbitration Act 2012* and the subsequent delay in the proclaiming of the operative provisions of that Act. The Bill was proclaimed on 6 August 2013.
- A number of recommendations were made to Council for appointment to the Panel of Arbitrators and Mediators and several nominations were made by the President from that Panel for various ADR processes.
- As the statutory review of the *Construction Contracts Act 2004* was overdue, the Committee provided a draft letter to be sent by the President. That letter received a reply from the Building Commissioner advising that the review of the *Construction Contracts Act 2004* was expected to be approved by the Minister shortly.
- In order to promote the use of Alternative Dispute Resolution more widely, it was considered by the Committee there was a need to involve In-House Counsel and Government more closely, for which purpose it desired to work with the Government and In-House Lawyers Committee of the Society.

By invitation, Mr John Panegyres, In-House Counsel for the Kellogg Joint Venture Gorgon attended the Committee Meeting on 19 June 2013 and a most informative discussion took place. The Committee was pleased to note the positive attitude of the members of the Joint Venture towards ADR.

BRIEF EDITORIAL COMMITTEE

Rebecca Lee
Convenor

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, 11 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.

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

2013 is the 16th year of the Law Society of Western Australia's Plain English Drafting Competition for law students. The purpose of the competition is to emphasise to law students that it is vital that legal practitioners write clearly and precisely.

The competition is now a regular part of life as a Western Australian law student. The 2013 competition attracted 70 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.

The winning students in 2013 were Ha Jefferson Chung Howe, a first year student at Murdoch, and students at The University of Western Australia, Danielle Atlas, Lily Hands, Marie Eberlein, Kate Galea and Andrew Manners.

Each winner receives a cash prize of \$150 and a winner's certificate thanks to the competition's sponsors, Herbert Smith Freehills, Jackson McDonald, Norton Rose Fulbright, Allens, Tottle Partners and Ashurst Australia.

Rachel Webber Convenor

The 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:

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

Between 1 July 2012 and 30 June 2013, 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 different subject areas including the *Legal Profession Amendment Regulations 2009*, and the *Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011 (Cth)*.

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

- Heavy Vehicle National Law – reversal of onus of proof in criminal liability for directors; and
- the implementation in WA of the COAG initiatives in relation to directors' liability for corporate fault

Members of the Committee attended meetings 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 National Occupational Licensing, changes to the commercial tenancy and retail tenancy legislation, changes to the ASX Guidance Note 8 on continuous disclosure and changes to the JORC Code.

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.

In 2012/2013, the Society made detailed submissions in relation to reviews of the scales of costs in relation to both litigious and non-litigious matters.

The Committee instigated a proposal to have judgments delivered by the Supreme Court registrars published. This proposal has now been approved to the extent that some decisions by Supreme Court registrars are published.

Other matters considered by the Committee in 2012/2013 included:

- contacting the Attorney General in relation to reform of the Suitors' Fund;
- costs law reform, and particularly alternatives to time billing and investigating contingency fees;
- the effects of the *Legal Profession Act* on solicitor/client costs and keeping members informed about important case law in this regard;
- revisions to federal scales of costs;
- amendments to the Supreme Court fee regulations;
- billing issues identified by the Legal Profession Complaints C and educating members in this regard.

COUNTRY PRACTITIONERS COMMITTEE

Mike Hayter
Convenor

2012/2013 was an active year for the Committee.

- **Regional Lawyers Salary Supplementation Scheme:**
Consideration was given to the Scheme's terms and conditions as used by the Law Society of Tasmania.
- **Verification of Identity training in regional centres:**
The Committee liaised with Landgate to hold VOI training workshops in several regional centres in addition to Perth and Bunbury.
- **Law Week:**
Most major country towns and cities engaged in various Law Week activities.
- **RRR Law:**
Consideration was given to the important area of recruitment and retention of rural, remote and regional lawyers.

- **Southwest Professional Development Conference:**
This conference was successfully conducted in Bunbury on 15 February 2013.
- **Proposed Reform to Deductions for Education Expenses:**
Committee members made a substantial contribution to Law Society's submissions to the Treasury and the Law Council of Australia.
- **Magistrates Court:**
The Committee, in conjunction with the Society's Courts Committee, is seeking a uniform approach to telephone/video link attendances in Magistrates Courts.
- **Country Member on Council:**
The membership will be asked at the 2013 Annual General Meeting to pass a motion to amend, in the Society's Constitution, the term of membership of the Country Member of Council from one to two years.

John Fiocco Convenor

After many years of dedicated service as Convenor of the Courts Committee, Steven Penglis retired from this position in December 2012. Following Mr Penglis' resignation John Fiocco was appointed as 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 Martin Jan,

Principal Registrar Keith Chapman, The Hon Justice Simon Moncrieff, Magistrate Richard Bromfield, Registrar George Kingsley and Tim Carey of the State Administrative Tribunal are acknowledged and much appreciated.

In 2012/2013, the Committee commented upon various reforms and Rule changes proposed by the Federal Court, Supreme Court, District Court and Magistrates Court, as well as many other matters relating to the practice and procedure of Courts and Tribunals exercising jurisdiction in Western Australia.

CRIMINAL LAW COMMITTEE

David Davidson Convenor

The Committee membership includes prosecutors and defence lawyers comprising members from the Office of the Director of Public Prosecutions (WA), Legal Aid WA, the Aboriginal Legal Service WA, the Bar and private practice.

In 2012/2013 the Committee made submissions on a number of diverse issues including:

- Five key justice issues:
 - Mandatory sentencing
 - Limits on discounts for pleas of guilty
 - The right to silence
 - Need for increased resources for forensic and scientific services
 - Preventative detention and regulation.
- Amendments to the Evidence Act - relating to the admissibility of bank statements and documents due to the difficulty in obtaining bankers' affidavits.
- Improved access for lawyers to clients/prisoners - the Inspector of Custodial Services was informed of numerous problems with the existing prison system. It is intended to discuss these issues with the Inspector in the coming year.
- WA Police Budget - the Committee's view is that the police do not always comply with disclosure obligations in a timely manner. The Government was asked to increase the police budget for training and disclosure.
- Adoption by the government of the 20 Law Reform Commission recommendations with respect to the *Community Protection (Offending Reporting) Act 2004*.
- Entitlement to programs for sentenced prisoners who lodge an appeal against conviction.

Initiated by the Committee, the Society was successful in having a computer with internet access and printer installed by the government at level 2A of the Magistrate's Court.

The Committee is passionate about maintaining a solid criminal law library in the Supreme Court and the new Supreme Court Library and has expressed its views to the relevant parties.

ELDER LAW AND SUCCESSION COMMITTEE

Elizabeth Heenan
Convenor

The Elder Law & Succession Committee's particular areas of interest are:

- Power of attorney reform, including interstate mutual recognition;
- Legislative progress in succession law;
- Probate practice; and
- 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 of which the Convenor is a member, and with the Supreme Court of Western Australia Probate Committee on which Committee members represent the Society.

In the past year the committee has made submissions in relation to the following.

- Inconsistency between section 3 of the *Electronic Transactions Regulations 2012* and Part X of the *Wills Act 1970*.
- Identification requirements of the Office of Births, Death and Marriages.
- Draft Supreme Court Practice Direction 9.22 *Family Provision Act 1972*.
- Funeral undertakers' compliance with the *Cremation Act 1929*.
- Legal Costs Committee's review of the Non-contentious Probate Costs Determination.

ETHICS COMMITTEE

Julian Sher
Convenor

In 2012 the Ethics Committee updated the Society's *Ethical and Practice Guidelines* following the introduction of the statutory Legal Profession Conduct Rules 2010, and to incorporate Law Society guidelines previously incorporated in the withdrawn Law Society of Western Australia Professional Conduct Rules. The *Ethical and Practice Guidelines* are designed to serve as a practical guide to practitioners on ethical and proper conduct in their day to day practices. These Guidelines are available to members on the Law Society's website.

In 2013 the Ethics Committee continued its review of the Guidelines. The use of social media is now the norm and a number of practices are using or contemplating the use of cloud computing. The literature on both is voluminous. The Ethics Committee has prepared simple guides to alert practitioners to issues of which they should be aware and which they should investigate further should they consider it appropriate.

Rule 15(6) of the *Legal Profession Conduct Rules 2010* provides that a practitioner must not borrow money from a client or a former client who has indicated a continuing reliance upon the advice of the practitioner in relation to the investment of money. The Society (at the initiation of the Ethics Committee) made submission to the Legal Practice Board that rule 15(6) should be amended to enable practitioners to borrow money from clients the normal business of which is to lend money. In response to the Society's submission, new rule 15(7A) was gazetted on 5 April 2013 listing the circumstances when rule 15(6) does not apply.

During the course of the year, the Convenor participated in CPD activity concerning ethical practice and the Committee considered and submitted to the Education Committee topics for the Law Society's CPD programme.

Other issues considered by the Committee included outsourcing and touting.

Denis McLeod Convenor

This 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 continues to lobby the State Government in relation to the reform of the environmental appeals process. The principal aim is to have environmental appeals determined by the SAT. The Committee will endeavour to ensure that this issue is not forgotten by the State Government.

In September 2012 the Committee made a submission on the review of the *Contaminated Sites Act 2003* (WA) (the Act). Issues addressed included the role and function of the Contaminated Sites Committee, section 25(3) of the Act regarding a person who caused contamination of a site, the definition of 'contamination' in the Act, sections 64 and 65 of the Act regarding innocent landowners, and section 68 in relation to disclosure requirements. The Committee also posed the question 'is it time to rethink the approach to contaminated sites in Western Australia' and provided comments to this end.

In December 2012 the Committee discussed State Planning Policy 2.8 Bush Forever with representatives from the Planning Department. The Committee's view is that instruments which purport to take land without payment of compensation or which otherwise restrict entrenched rights must be carefully drafted, clear and specific.

The Committee allocates time to discuss and review issues for CPD seminars and Law Summer School presentations and contact has been maintained with the Law Council of Australia, Environment and Planning Law Group.

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

The Hon Wayne Martin AC
Chief Justice of Western
Australia
Convenor

The committee has continued to oversee the activities of the Francis Burt Law Education Programme and the Old Court House Law Museum. Highlights of the year under review include an increase of 13% in visitor numbers for the education programme, 74% of which visitors comprised school groups. The education programmes took account of relevant Australian curricula launched during the year.

The Sir Ronald Wilson Lecture was presented by Adjunct Professor Dennis Eggington, and was well attended. A video file of the lecture has been posted on YouTube.

The popularity of the mock trials competition was maintained, with 38 schools registering for the 2013 competition, representing 72 teams and 788 students. 69 law students and practitioners volunteered to act as judges. The winner of the 2012 competition was Presbyterian Ladies College. Ten students competed for the Murdoch University Law School scholarship, the winner being Ms Heather Costelloe, from St Mary's Anglican Girls' School.

Visitors to the Old Court House Law Museum increased by 16% on the previous year. Applications to Lotterywest succeeded in securing funding for the design phase of a new exhibition entitled 'People and the Law'. A tax deductible public appeal has also

been established to assist funding planned upgrades to the museum's exhibition.

A new exhibition 'Small Court House, Big Stores: the first 50 years of law in Western Australia' opened to the public in November 2012 with an address by Emeritus Professor Geoffrey Bolton AO.

In February 2013, an address was given by Professor Anna Haebich, on the history of capital punishment in Western Australia, and during Law Week 2013, the museum hosted a talk between the Honourable Antoinette Kennedy and her biographer Tom MacKay on the subject of her biography 'Judicial Life Stories'.

During the year under review the museum acquired the robes of Justice Kevin Parker used at the International Criminal Tribunal for the former Yugoslavia in The Hague, a wig tin belonging to Septimus Burt dating from the 19th century, and a copy of an 1850 edition of '*Precise form of Wills*' signed by WA barrister Nathaniel Howell and by George Stone.

GENERAL CONDITIONS FOR THE SALE OF LAND

Gregory Boyle
Convenor

The most recent revision of the Joint Form of General Conditions for the Sale of Land was in 2011. The Committee has continued to receive observations from the legal profession, conveyancers, and others, about the practical application of the 2011 revision. These will be reviewed and taken into account in the next revision.

As electronic-conveyancing is becoming a reality the Committee has commenced its consideration of amendments necessary to accommodate its introduction.

Greg McIntyre SC Convenor

Submissions made in the reporting period included:

- **Submission to the Australian Bar Association:**

Committee member, Elizabeth Heenan, is a member of the Law Council of Australia's Equalising Opportunities in the Law Committee and reported that the Australian Bar Association had not included a rule against discrimination and harassment in its Barristers' Conduct Rules. The Australian Solicitors' Conduct Rules (the Law Council of Australia's model rules), the Western Australian Barristers' Rules and the *Legal Profession Conduct Rules 2010 (WA)* all contain a rule to the effect that a practitioner must not engage in conduct which constitutes discrimination, harassment or workplace bullying. The Society's submission was successful.

- **Submissions to Law Council of Australia:**

As input for a submission to the Independent National Security Legislation Monitor, Brett Walker SC (the Monitor). The Monitor's role is to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation on an ongoing basis. This role includes considering whether the laws contain appropriate safeguards for protecting the rights of individuals, remain proportionate to any threat of terrorism or threat to national security or both, and remain necessary.

As input for a submission to the consolidation of anti-discrimination legislation.

The Law Council of Australia Human Rights Advocacy Group conducted regular teleconferences throughout the year in which Committee members participated. Agenda items have included:

- Access to justice
- NDIS/NIIS
- Federal Court filing fees
- Federal Court resourcing
- Asylum seekers and immigration detention
- Anti-discrimination laws consolidation
- Mandatory sentencing of people smugglers and detention of Indonesian minors
- Constitutional recognition of Aboriginal and Torres Strait Islander Australians.

Following the detention of children at Hakea, the Committee added the detention of minors in adult prisons as an issue warranting action.

Issues referred for discussion by the Law Council of Australia Equalising Opportunities in the Law Committee were the National Attrition and Re-engagement Study (NARS) of women lawyers, the Law Council's Equitable Briefing Policy, and the 2009 Court Appearance Survey Strategy and Action Plan and the Law Council Diversity Policy.

Pamela Hass Convenor

The inaugural meeting of the Committee occurred on 7 December 2012. The creation of the Committee is a new initiative of Council.

The Committee has 12 members from a variety of organisations including State and Federal Government, Legal Aid, Office of the Director of Public Prosecutions and private corporations.

The Committee's activities during the year included the following:

- The preparation of Terms of Reference focusing on representation and promotion within the Law Society and the wider legal profession of the needs and interests of this sector of the profession.
- The expansion of membership of the Committee to ensure both Government (Federal and State) as well as private in-house counsel were represented.
- Appointment of Deputy Convenor being Graeme Windsor, Director, Australian Government Solicitors, Perth.
- Proposal of the Convenor as a member of the Senior Advisors Panel of the Law Society (subsequently accepted by Council) to ensure access for in-house practitioners to an adviser who has extensive in-house experience.

- Work on linkages with similar committees in other States as an information sharing exercise.
- Research on issues around the supervision of restricted practitioners by a non-prescribed government agency under the *Legal Profession Act 2008*.
- Investigation of preparation of articles for *Brief* magazine.
- Arrangements for a social networking function hosted by the Committee as part of the Law Society's 'Society Club' initiative on 25 September 2013.

The Convenor (who is also a member of Council) extends her thanks to all members of the Committee especially the Deputy Convenor, Graeme Windsor, for their ongoing enthusiastic support of the aims of this new Committee and the promotion of the needs and interests of the in-house and government sectors of the legal profession.

INSOLVENCY AND RECONSTRUCTION LAW 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 2013 the Perth committee has grown in size with the inclusion of a number of leading insolvency practitioners.

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.

Issues arising out of the implementation of the Personal Properties Securities Act and changes to the Bankruptcy Act will remain a focus for the Committee in the coming year.

INTELLECTUAL PROPERTY LAW COMMITTEE

Dr David Cox
Convenor

The Committee liaises regularly with IP Australia, the statutory body that administers Intellectual Property laws in Australia. The Committee 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 programme.

The Committee has made contact with the Intellectual Property Committee of the Law Society of Queensland with a view to establishing dialogue on matters of importance to the IP profession.

In October 2012 the Committee prepared a submission to IP Australia on behalf of the Society. The submission addressed matters in the IP Australia – Innovation Patents Raising the Step Consultation Paper.

The Committee welcomes opportunities to inform the public on matters relating to Intellectual Property.

JOINT LAW SOCIETY/WOMEN LAWYERS COMMITTEE

Elizabeth Needham
Convenor

The 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 2012/2013 the Committee considered a number of issues, including the following.

- The Committee ran a very successful panel discussion on flexible work practices during Law Week 2013. Speakers included the Hon Justice Janine Pritchard, Supreme Court of Western Australia (Chair), Rick Cullen, Cullen Babington Macleod, Kirsty Sutherland, Corrs Chambers Westgarth and Patricia O'Connor, Wesfarmers.
- The Committee continues to promote the Flexibility Protocol Guide for Flexible Workplace Arrangements (Flexibility Protocol), adopted by the Law Society in 2011, through articles in *Brief* and items in *Friday Facts*.
- The Society held a high tea on 8 March 2013 for International Women's Day with the theme "The Gender Agenda: Gaining Momentum". The high tea was held at the Pan Pacific and was well attended.

- The 'on-leave' membership category was approved by Council and is now available to Society members. There has been a positive response to the new category of membership with over ten applications so far.
- The Committee is currently considering aspects of the Law Council of Australia *Court Appearance Strategy for Advancing Appearances By Female Advocates In Australian Courts* (Strategy) and *Suggested Best Practices Action Plan* (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 is working towards the development of CPD seminars in relation to diversity principles to assist with the recruitment and retention of female practitioners.

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

LAW IN ASIA COMMITTEE

Kanaga Dharmananda SC
Convenor

In 2013 the LAWASIA Committee changed its name to 'Law in Asia' to avoid confusion regarding the Committee's relationship with the LAWASIA national body and to better reflect the Committee's focus.

At the same time, the Society's Council resolved that the focus of the Law in Asia Committee is to develop relationships with Law Societies and other legal institutions in countries in the Asia region with a view to disseminating knowledge, building ties, and hosting visiting legal officials or bar

representatives to facilitate continuing professional development activities, and to advance and maintain links between the Law Society and various institutions in those countries. Early steps to implement the Committee's new focus have been taken.

LAW OFFICE MANAGEMENT COMMITTEE



Corene Baird
Convenor

2013 Annual Salary Survey – survey invitations went to all members, but the surveys could only be completed by Managing Partners and HR Managers, or equivalents.

For the first time this year the survey and collation process was electronic.

Total of 115 responses (last year 136 responses) returned as follows:

1 - 10 Fee Earners (last year 110)	85
11 - 20 Fee Earners (last year 17)	17
21 + Fee Earners (last year 9)	13

We charged \$180 for member firms and \$230 for non-member firms for a copy of the survey results if they did not complete the survey. The purpose of this fee is to encourage firms to complete the survey and allow for the provision of more accurate data. There have so far been 15 (9 last year) requests for a paid copy of the survey results.

Law Office Management Cocktails – held on 25 July 2012 in conjunction with the Legal Assistants Training Course Graduation – 71 attendees.

Law Office Management Expo – held on 23 October 2012 with 25 sponsors and exhibitors as well as 30 paid delegates. Keynote presentation – 'Law in the Digital Domain' by Richard Adams of Deloitte.

Outstanding Contribution Award – announced at LOM Expo and the winner was Alesha Staples.

The Future Is Not What It Used To Be – Breakfast Panel – held on Tuesday, 11 June 2013. Panellists were Mark Pollock (BDO Perth), Annie Reeves (Maurice Blackburn), Shirley Ann Fortina (The POD Consultancy), Julie Beeck (Metrix Consulting) and Jenny McGillivray (Corrs Chamber Westgarth) – 81 attendees.

Mental Health First Aid Workshop – further discussions about this event have taken place throughout the year with a date scheduled for the current financial year which will be reported on in the 2013/2014 annual report. This is in conjunction with David Blades from the Mental Health & Wellbeing Committee.

Website – LOM area on the website has been updated with the current members and their profiles.

Law Office Managers Directory – this is in the process of being updated using information gathered in the 2013/2014 renewal campaign and a web-based list is being explored.

LinkedIn LOM Group – a LinkedIn group has been established which has had many posts both with the help of staff of the Law Society and also members of the LOM group. Activity with this group is hoped to increase over the coming year in order to reach a wider audience and provide valuable information for LSWA members.

LOM Recruitment campaign – the 2013/2014 member renewal campaign heavily promoted membership benefits for law office management professionals.

The arrival of a new competitor in the WA market in the form of ALPMA (Australasian Legal Practice Management Association) has assisted the LOM Committee to reassess its value proposition and focus on its unique position in the WA market place.

David Blades Convenor

The Committee was established in 2011 pursuant to a recommendation of the Society's 2011 *Report on Psychological Distress and Depression in the Legal Profession* ('Report'). The Committee's role is to oversee the implementation of the recommendations in the Report.

As part of the Society's commitment to the delivery of educational and information strategies, the Committee, Law Mutual, PPC and the Society's CPD Team work together to provide free seminars on various mental health issues. The seminars cover issues such as resilience, managing people with health concerns, ethical decision making and managing boundaries. These seminars are available to all practitioners insured through Law Mutual. The seminars have been a huge success. This year the Committee considered various new seminar mental health topics.

In addition, a hypothetical 'Young Lawyers Basics: From Graduate to Senior Practitioner' was moderated by The Hon Justice Chaney, a presentation was given at the State DPP as part of its internal mental health awareness programme and 'An Interview with Heath Black' was held as part of the CPD Insight series aimed at addressing the challenges confronting legal practitioners today.

Through the significant efforts of the Society's Executive Manager Membership and Marketing a very successful Sole Practitioner & Boutique Firm Forum was formed. Four well attended events were held and a LinkedIn network has been established. The Society's Locum Register was also refreshed.

The Committee has continued to contribute to the publication of articles on mental health and wellbeing in *Brief*. One such article was *The Mindful Lawyer Mediation and the Practice of Law* by Joel Orenstein.

The House of Representatives Standing Committee on Education and Employment conducted an Inquiry into workplace bullying. The report prepared in August 2010 by Associate Professor Maryam Omari, Faculty of Business and Law, Edith Cowan University entitled, "*Towards Dignity and Respect at Work: An exploration of work behaviours in a professional environment*" (referred to in the Report) was submitted to the Inquiry.

Gray Porter Convenor

The Committee's Deputy Convenor, David Bruns, is a member of the Law Council of Australia Personal Injuries Committee and a member of the WorkCover WA Costs Committee. The Convenor is a member of the WorkCover WA Injury Management Technical Group and two Committee members participate in WorkCover WA's new Conciliation and Arbitration Services Users' Group.

In 2012/2013 the Committee prepared submissions in relation to the following:

- *Rule 44G District Court Rules 2005:*
The rules result in the dismissal of an action by lapse of time and without any appearance before a court officer. Submission was made to the District Court seeking amendment to the rules to allow the Court to reinstate an action either by extending time or otherwise.
- *Criminal Injuries Compensation Act 2003:*
The Committee pursued submission to the Attorney General raising concerns about section 39 of the *Criminal Injuries Compensation Act 2003*.

- *Worker's Compensation (Legal Practitioners and Registered Agents) Costs Determination 2011:*

It was successfully submitted to WorkCover WA that the *Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2011* should be reviewed, the Determination having been introduced prior to new conciliation and arbitration procedures having come into operation. WorkCover WA recently advised that a meeting of the WorkCover Costs Committee would soon be convened.

David Clark Convenor

After considering feedback from the Society and other industry stakeholders, a *Registrar of Titles and Commissioner of Titles Joint Practice: Verification of Identity* (VOI Practice) was issued in June 2012 effective from 1 July 2012 with a transitional implementation period to 2 January 2013.

In July 2012 Society representatives met with representatives of Australia Post which offers a service to act as facilitator for verification of identity between client and lawyer/settlement agent. The Society could not endorse the Australia Post service but informed members of the service through *Friday Facts*. The Society also informed members of Landgate training workshops and worked with Landgate to arrange training in regional centres.

There was lengthy discussion by committee members of aspects of the VOI Practice and subsequent discussion with the Registrar of Titles and Commissioner of Titles regarding the incorporation of the VOI statement into the Landgate forms as an alternative to the VOI Practice statement on letter head or in a statutory declaration.

Western Australia is the first Australian state to introduce a VOI practice and its implementation is being closely monitored by National e-Conveyancing Development Limited (NECDL) the company charged with making e-conveyancing a reality.

In the first half of 2013 Committee members attended demonstrations of e-conveyancing by NECDL and later by PEXA (Property Exchange Australia) the purpose built system to support e-conveyancing. The Committee also attended presentations by Landgate on amendments to the *Transfer of Land Act 1893* and by the Office of State Revenue on amendments to the *Duties Act 2008*.

Submissions were made in response to the Department of Environment and Conservation's Review of the *Contaminated Sites Act 2003* and the Department of Commerce Consultation Paper on the Property Industry Codes of Conduct.

The Society continues to be represented by Committee members on the Landgate Land Tenure Group, the Law Council of Australia Legal Practice Section Australian Property Law Group and the Law Council of Australia e-Conveyancing Working Group of which the Convenor is a very active member.

QUALITY PRACTICE STANDARD COMMITTEE



Craig Slater
Convenor

The QPS Committee was pleased to observe that over the last year QPS firms adopted and amended their practice manuals and procedures to meet the new rules for compliance in the amended QPS. The year progressed smoothly for the reaccreditation of these firms notwithstanding the changes.

Similarly the Committee was pleased to observe continued interest in and uptake of accreditation by new firms. The gradual growth in the number of accredited firms is a great endorsement of the system and a firm indicator of the commitment of firms to improvements in their practices and better client service generally.

The QPS remains an important management system for firms considering incorporation and risk management. There is some statistical support for the view that firms that have QPS accreditation make fewer

claims against their professional indemnity insurance policy. That theory has been the reason for the discount on the professional indemnity insurance applied to QPS firms.

The Committee hopes that the data that has been accumulated on the claims experience of QPS firms compared to non-accredited firms will be useful in promoting the QPS to the Legal Practice Board of Western Australia as an appropriate management tool for incorporated legal practices and as a means to reduce some risks associated with professional practice.

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.

Committee members serve on various advisory Taxation Committees and attend meetings of the Tax Practitioners Forum by video link-up.

Members of the Committee have been involved in presenting CPD seminars for the Law Society and in writing articles for *Brief* and other journals.

The reform of the area of the Taxation of Trusts referred to in last year's report has unfortunately slowed. Several reasons for this include the large number of taxpayers affected by any change and the lack of the political will to deal with this issue especially in an election year. It is hoped that this long overdue reform is given more prominence in the near future.

Members of the Committee met with Chris Jordan the first non-taxation office Commissioner of Taxation when he addressed the Taxation Institute of Australia annual conference in Perth in March. Mr Jordan said that he hoped to reduce the number of Committees with whom the Tax Office consults and to streamline the settlement procedures for taxation disputes with the Taxation Office. Subsequently, Mr Jordan has published a framework for consultation. It has three main components:

1. Eight stewardship committees with strategic relationship and advisory roles;
2. Project-like consultation that is issues-based with the appropriate people at the right time;
3. A consultation hub that is a co-ordination unit and intelligence area.

YOUNG LAWYERS COMMITTEE



Adam Ebell
Convenor

The Young Lawyers Committee (YLC) continues to be one of the busiest and most active of the Society's committees, 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. The Committee strives to provide a broad range of opportunities for young lawyers and law students, whatever their interests and passions may be. Quality functions at affordable prices 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.

In 2013, the YLC launched Fundamentals, a refreshed CPD offering of a series of separate seminars for specific legal areas, aiming to provide junior practitioners with a deeper level of understanding of the relevant law and practice rather than simply scratching the surface.

Human rights and social justice continues to be an ever increasing area of activity for the YLC, driven by a passionate and enthusiast working group. Building on the success of last year's Sex Trafficking and Human Slavery presentation, a third annual panel discussion was hosted during Law Week, focusing on Cyber Bullying and the Law. The event was again hosted at the Supreme Court, and boasted a distinguished panel including Judge Denis Reynolds, President of the Children's Court. 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. In 2013 the Committee continued an association with Edith Cowan University, jointly running a mentoring program that paired penultimate and final year law students with young lawyers. It is hoped to offer the programme to other universities in 2014.

An important function of the YLC continues to be the representation of young lawyers and their interests. With four current committee members and four former members on the Council of the Law Society, junior practitioners in this State have a strong, vocal and engaged voice advocating on their behalf.

2012/2013 Event Summary

1. YLC Quiz Night – 19 July 2012, sponsored by Burgess Paluch, 134 attendees.
2. Human Rights & Social Justice Evening – 9 August 2012, 95 attendees.
3. Advocacy Weekend – 10-12 August 2012, 36 attendees.
4. YLC Ball – 8 September 2012, sponsored by Interpeople and UWA, 319 attendees.
5. Mental Health Awareness Day booth at Central Park – 10 October 2012
6. YLC Netball – 2 November 2012, sponsored by Hays Legal, 143 attendees.
7. YLC Volleyball/Calendar Kick Off – 15 March 2013, 100 attendees
8. YLC Lawn Bowls – 12 April 2013, 78 registrations.
9. Welcome to the Profession Breakfast – 16 April 2013, sponsored by College of Law, 160 attendees
10. Careers Uncut – 23 May 2013, sponsored by College of Law, 75 attendees
11. Golden Gavel – 20 June 2013, sponsored by Interpeople, 242 attendees.

SUBMISSIONS - 2012

- Crimes Legislation Amendment (Slavery, Slavery-Like Conditions And People Trafficking) Bill 2012
- Rule 44G District Court Rules – Dismissal Of Inactive Cases - Decision In Ruby v Doric Group Holdings Pty Ltd [2012] WADC 58
- Draft Commercial Tenancy (Retail Shops) Agreements Amendment Regulations (No. 2) 2012
- Francis Burt Law Education Programme Australian Civics And Citizenship Curriculum Draft Shape Paper Submission
- Publication of Decisions of Supreme Court Registrars
- *Criminal Injuries Compensation Act 2003*
- Operation of New Order 9A of the Supreme Court Rules
- Review of Magistrates Court Rules
- Subpoenas Returnable Prior to Trial – Confidentiality Issues
- Western Australian Police Budget 2012/2013
- Evidence Act 1906 – Proof of Bankers' Books
- Review of Legal Practitioners Access to Prisoners
- Australasian Professional Legal Education Council – Review of National Competency Standards
- *Sentencing Amendment Bill 2012*
- Electronic Transactions Regulations 2012 (WA)
- Department of Environment and Conservation - Review of *Contaminated Sites Act 2003*
- Discrimination and Harassment Provision in Conduct Rules
- IP Australia – Innovation Patents - Raising the Step Consultation Paper
- Increase In Federal Court Fees
- Application of Order 9A of the Supreme Court Rules in The District Court
- *Suitors' Fund Act 1964*
- Review by Legal Costs Committee: Legal Practitioners (Family Court of Western Australia) Determination 2010; Legal Practitioners (State Administrative Tribunal) Determination 2010; Legal Practitioners (Official Prosecutions)(Accuseds Costs) Determination 2010
- *Community Protection (Offender Reporting) Act 2004*
- Law Council of Australia – International Strategy 2013
- Easements and Surrender of Easements not to be Assessed for Duty
- Personal Liability for Corporate Fault: Applying the COAG Principles
- Transfer of Environmental Appeals to the State Administrative Tribunal
- Death Certificate Applications – Identification Requirements
- Law Reform Commission of Western Australia Discussion Paper – Complaints Against Judiciary
- Submission Regarding Stolen Wages Reparation Scheme
- Senior Counsel Policy Paper
- Mandatory Imprisonment - New Offence of Dangerous Driving Causing Death or Grievous Bodily Harm When Escaping Police Pursuit
- Proposed Amendment to Supreme Court Rules – Review Of Administrative Decisions
- Proposal for Amendment to Item 9 Schedule 1 of Supreme Court (Fees) Regulations – Acceptance of Provisional Assessment
- Proposed New Practice Direction in Family Provision Actions

SUBMISSIONS - 2013

- Five Key Criminal Justice Issues
- Review of *Liquor Control Act 1988*
- Interlocutory Costs Orders – Review Schedule 1 of Supreme Court Consolidated Practice Direction 4.7.1
- Senate Legal and Constitutional Affairs References Committee – Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia
- Delay in Delivery of Reasons for Decision in the Magistrates Court
- Property (Seizure and Sale) Orders
- Family Court Working Group – Interim Proposals to Address Delays
- Support of Mental Health Law Centre Submission to the Attorney General – Mandatory Sentencing of Persons with Mental Illness
- Submission to the Review of the National Partnership Agreement on Legal Assistance Services
- Senate Inquiry – Increase in Federal Court Fees
- Department of Immigration – Migration Legal Advice Scheme
- Legal Costs Committee Review - Legal Practitioners (Solicitors Costs) Determination 2011 and Legal Practitioners (Non-Contentious Probate Costs) Determination 2011
- Law Council of Australia – Policy Statements on Principles Applying to Detention of Asylum Seekers and in Criminal Law Context
- Inquiry Into the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013
- Submission to the Law Reform Commission Of Western Australia – Representative Proceedings
- Law Reform Commission of Western Australia Discussion Paper – Complaints Against Judiciary
- Stranding of Residents Released from Police Custody in Kununurra
- *Suitors' Fund Act 1964 (WA)*
- Prisoners Access To Programmes – Impact On Parole
- *Compliance with Cremations Act 1929*
- *Construction Contracts Act 2004*
- Submission on the Draft Years 3-10 Australian Curriculum Civics and Citizenship prepared by the Francis Burt Law Education Programme
- Advertising For Judicial Appointments to Superior Courts
- Submission – Department of Commerce, Consumer Protection, Discussion Paper, Property Industry Codes of Conduct



NOMINATIONS TO EXTERNAL BOARDS

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

- Supreme Court Law Library Advisory Committee
- The University of Western Australia Faculty of Law Advisory Committee
- National Pro Bono Resource Centre Board
- Law Council of Australia Ltd (LACL) Executive
- Office of State Revenue/Law Society of Western Australia Working Group
- Stirling Gardens Magistrates Court Committee
- WorkCover WA Conciliation and Arbitration Services Users' Group
- Migration Review Tribunal – Refugee Review Tribunal Community Liaison Program

SPONSORS

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

- Allens
- Ashurst
- Bankwest
- Bradley Bayly Legal
- Clayton Utz
- College of Law
- Hays
- Herbert Smith Freehills
- Interpeople
- Jackson McDonald
- John Toohey Chambers
- Law in Order
- legalsuper
- LexisNexis
- Marsh
- Norton Rose Fulbright
- Tottle Partners

LIFE MEMBERS

1996

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

1998

- The Hon Ian Medcalf QC
- The 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
- The 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

2012

- His Excellency Malcolm McCusker AC CVO QC, Governor of Western Australia
- The Hon Wayne Martin AC, Chief Justice of Western Australia
- The Hon Michael Murray QC
- The Hon Daryl Williams AM QC

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Statement by Council

As detailed in Note 3 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 Society 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.

X 

Craig Slater
President

X 

Elizabeth Needham
Treasurer

Date: 24.10.13

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 2013, the statement of profit or loss and other 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 2 to 21.

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 2013 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



Neil Smith
Partner
Chartered Accountants
Perth, 25 October 2013

Statement of Profit or Loss and Other Comprehensive Income

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
Revenue			
Continuing Professional Development		966,212	1,045,277
Law Access		106,000	101,506
Law Week		22,023	17,982
Francis Burt Law Education Programme		332,097	339,982
Membership & Governance		3,155,221	3,150,850
Total Revenue	5 (a)	4,581,553	4,655,597
Expenses			
Continuing Professional Development		(676,729)	(629,314)
Law Access		(107,098)	(101,760)
Law Week		(20,503)	(17,728)
Francis Burt Law Education Programme		(336,734)	(359,241)
Membership & Governance		(3,459,112)	(3,476,696)
Total Expenses	5 (b)	(4,600,177)	(4,584,738)
Surplus/(Deficit) for the year		(18,623)	70,858
Total Comprehensive Income for the Year		(18,623)	70,858

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 2013

	Note	2013 \$	2012 \$
Current Assets			
Cash and Cash Equivalents	12(b)	1,568,064	1,377,616
Trade and Other Receivables	6	93,156	180,917
Inventories		633	880
Prepayments		89,779	78,130
Total Current Assets		1,751,632	1,637,543
Non Current Assets			
Property, Plant and Equipment	7	5,327,095	5,615,189
Intangible Assets	8	25,271	25,832
Total Non Current Assets		5,352,366	5,641,021
Total Assets		7,103,998	7,278,564
Current Liabilities			
Trade and Other Payables	9	306,292	321,401
Provisions	11(a)	198,705	163,699
Borrowings	13	1,835,625	1,835,625
Income Received in Advance		500,730	326,012
Total Current Liabilities		2,841,352	2,646,737
Non Current Liabilities			
Borrowings	13	1,796,607	2,086,607
Other Financial Liabilities		35,024	40,486
Provisions	11(b)	56,687	111,785
Total Non Current Liabilities		1,888,319	2,238,878
Total Liabilities		4,729,671	4,885,615
Net Assets		2,374,328	2,392,950
Equity			
Retained Earnings		2,374,328	2,392,950
Total Equity		2,374,328	2,392,950

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 2013

	Note	2013 \$	2012 \$
Opening Balance		2,392,950	2,322,093
Surplus/(deficit) for the year		(18,623)	70,858
Total Comprehensive Income for the year		(18,623)	70,858
Closing Balance		2,374,328	2,392,950

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 2013

	Note	2013 \$	2012 \$
Cash Flows from Operating Activities			
Receipts from Membership Fees		2,123,567	1,862,322
Grants & other Receipts from the Society's Activities		3,128,912	3,648,909
Interest and Bill Discounts Received		70,500	124,336
Payments to Suppliers and Employees		(4,796,489)	(4,865,071)
Net Cash provided/(used in) by Operating Activities	12(a)	526,490	770,495
Cash Flows from Investing Activities			
Payments for Property, Plant and Equipment		(42,552)	(799,221)
Purchase of Premises		-	(4,550,136)
Payments for Intangible Assets		(3,490)	-
Net Cash Used in Investing Activities		(46,042)	(5,349,357)
Cash Flows from Financing Activities			
Proceeds from Long term borrowings		-	3,982,232
Repayment of Loans		(290,000)	(60,000)
Net Cash Used in Financing Activities		(290,000)	3,922,232
Net (decrease) in Cash and Cash Equivalents		190,447	(656,629)
Cash and Cash Equivalents at the beginning of the financial year		1,377,616	2,034,245
Cash and Cash Equivalents at the end of the financial year	12(b)	1,568,064	1,377,616

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 2013

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', and the relevant amending standards	1 January 2015	30 June 2016
AASB 13 'Fair Value Measurement' and AASB 2011-8 'Amendments to Australian Accounting Standards arising from AASB 13'	1 January 2013	30 June 2014
AASB 119 'Employee Benefits' (2011) and AASB 2011-10 'Amendments to Australian Accounting Standards arising from AASB 119 (2011)'	1 January 2013	30 June 2014
AASB 9 'Financial Instruments' (December 2009), AASB 2009-11 'Amendments to Australian Accounting Standards arising from AASB 9' and AASB 2012-6 'Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures' AASB 9 'Financial Instruments' (December 2010) and AASB 2010-7 'Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)' and AASB 2012-6 'Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures'	1 January 2015	30 June 2016
AASB 12 'Disclosure of Interests in Other Entities'	1 January 2013	30 June 2014
AASB 13 'Fair Value Measurement' and AASB 2011-8 'Amendments to Australian Accounting Standards arising from AASB 13'	1 January 2013	30 June 2014

AASB 119 'Employee Benefits' (2011), AASB 2011-10 'Amendments to Australian Accounting Standards arising from AASB 119 (2011)'	1 January 2013	30 June 2014
AASB 2011-4 'Amendments to Australian Accounting Standards to Remove Individual Key Management Personnel Disclosure Requirements'	1 July 2013	30 June 2014
AASB 2012-2 'Amendments to Australian Accounting Standards – Disclosures – Offsetting Financial Assets and Financial Liabilities (Amendments to AASB 7)'	1 January 2013	30 June 2014
AASB 2012-3 'Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities (Amendments to AASB 132)'	1 January 2014	30 June 2015

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 presented 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 2013, the Society has a working capital deficiency of \$1,086,927. The working capital deficiency includes current borrowings of \$1,835,625, relating to a Commercial Advance Facility ("the Facility") which matures annually.

Notwithstanding the above, 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.

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 2013 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 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.

Buildings, plant and other equipment in the course of construction for production, supply or administrative purposes, or for purposes not yet determined, are carried at cost, less subsequent depreciation and 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 (Profession Indemnity Insurance) Regulations 2009'.

5. Profit for the year from operations

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

	2013 \$	2012 \$
Revenue		
Administration Fees	256,074	211,982
Diary Sales & Advertising	48,790	60,465
Distributions from the Legal Contribution Trust	203,400	206,500
Fees Received from Law Mutual	206,000	199,570
Grants - Law Society Public Purposes Trust	276,000	254,726
Grants - Other	105,242	136,381
Interest	72,850	112,515
Gain Arising on Financial Liabilities designated as held for trading ⁽¹⁾	5,462	-
Members Subscriptions	1,652,878	1,714,670
Membership Services	285,603	237,310
Other Revenue	763,371	507,986
Quality Practice Scheme	55,971	42,661
Seminars, Papers, Accreditation	546,549	902,706
Sponsorship Arrangements	103,363	68,125
Total Revenue	4,581,553	4,655,597

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

	2013 \$	2012 \$
Expenses		
Auditor's Remuneration	24,741	21,000
Depreciation & Amortisation	334,697	223,798
Law Council Levy	270,958	255,757
Loss on Disposal of Non Current Assets	-	51,897
Meetings - AGM, Council, Committees etc.	40,417	54,656
Net Loss Arising on Financial Liabilities designated as held for trading ⁽²⁾	102,484	100,175
Publications	46,595	40,046
Presidents Allowance	118,365	117,614
Quality Practice Scheme	30,220	28,816
Employee Benefits	2,321,265	2,341,061
Occupancy Expenses	38,547	276,573
Printing, Postage & Stationery	76,043	73,987
Other Overheads	1,195,843	999,358
Total Expenses	4,600,177	4,584,739

(1) Includes a gain arising on an interest rate swap that has been designated as held for trading. The gain on the interest rate swap comprises an increase in the fair value of the swap of \$5,462.

(2) Interest of \$102,484 was paid during the year on the interest rate swap. In the previous

financial year, 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

	2013 \$	2012 \$
Trade and Other Receivables		
Accrued Income	20,180	36,909
Trade receivables	35,266	5,881
GST receivable	33,331	136,097
Interest receivable	4,379	2,030
	93,156	180,917

7. Property, plant and equipment

	Leasehold Improvements at cost	Property at cost	Plant & Equipment at cost	Total Assets at cost
Gross Carrying Amount				
Balance as at 1/7/11	295,708	-	632,342	928,050
Additions	-	4,777,409	799,221	799,221
Disposals	(295,708)	-	(141,822)	(437,530)
Balance as at 1/7/12	-	4,777,409	1,289,741	1,289,741
Additions	-	-	42,552	42,552
Disposals	-	-	-	-
Balance 30/6/13	-	4,777,409	1,332,293	1,332,293
Accumulated Depreciation				
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
Balance as at 1/7/12	-	-	(451,961)	(451,961)
Depreciation Expense	-	-	(330,646)	(330,646)
Disposals	-	-	-	-
Balance 30/6/13	-	-	(782,607)	(782,607)
Net Book Value as at 30/6/13	-	4,777,409	549,687	5,327,095

8. Intangible Assets

	Trademarks at cost
Gross Carrying Amount	
Balance as at 1/7/11	38,773
Additions	-
Disposals	-
Balance as at 1/7/12	38,773
Additions	3,490
Disposals	-
Balance 30/6/13	42,263
Accumulated Amortisation	
Balance as at 1/7/11	(9,187)
Amortisation Expense	(3,754)
Disposals	-
Balance as at 1/7/12	(12,941)
Amortisation Expense	(4,051)
Disposals	-
Balance 30/6/13	(16,992)
Net Book Value as at 30/6/13	25,271

9. Trade and other payables

	2013 \$	2012 \$
Trade payables & accrued expenses	212,906	205,170
GST payable	93,386	116,231
	306,292	321,401

10. Remuneration of Auditors

	2013 \$	2012 \$
Auditing Services - Deloitte Touche Tohmatsu	24,741	21,000

11. Provisions

(a) Current provisions

	2013 \$	2012 \$
Employee Benefits		
Annual Leave	155,271	158,059
Long Service Leave	43,434	5,640
	198,705	163,699

(b) Non-current provisions

	2013 \$	2012 \$
Employee Benefits		
Long Service Leave	56,687	111,784

12. Notes to the cash flow statement

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

	2013 \$	2012 \$
Cash Flows from Operating Activities		
Surplus/(deficit) from ordinary activities	(18,623)	70,858
Depreciation of Non Current Assets	330,646	220,044
Amortisation of Intangible Assets	4,051	3,754
Loss on disposal of Non Current Assets	-	51,897
Net Loss Arising on Financial Liabilities designated as held for trading	-	40,486
Changes in Net Assets and Liabilities		
(Increase)/Decrease in Assets		
Current receivables	86,947	303,972
Inventories	247	50
Other current Assets	(11,650)	(15,439)
Increase/(Decrease) in Liabilities		
Payables	(15,108)	56,481
Current provisions	(19,275)	32,284
Non current Liabilities	174,718	6,109
Net cash from operating activities	531,951	770,496

(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:

	2013	2012
	\$	\$
Cash at Bank & Deposits at Call	466,450	909,002
Commercial Bills	1,101,614	468,614
	1,568,064	1,377,616

13. Borrowings

	2013	2012
	\$	\$
Current		
Bank loan secured - at amortised cost	1,835,625	1,835,625
Non-current		
Bank loan secured - at amortised cost	1,796,607	2,086,607
	3,632,232	3,922,232

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

14. Other Financial Liabilities

	2013	2012
	\$	\$
Held for trading derivatives not designated in hedge accounting relationship		
Interest rate swaps	35,024	40,486
	35,024	40,486

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 2013 to 30 Jun 2013	Members who served 1 July 2012 to 31 Dec 2012
Craig Slater	Dr Christopher Kendall
Korad de Kerly	Craig Slater
Matthew Keogh	Konrad De Kerloy
Elizabeth Needham	Pamela Hass
Brendan Ashdown	Brendan Ashdown
Hayley Cormann	David Blades
Pamela Hass	Hayley Cormann
Dr Eric Heenan	Dr Eric Heenan
Anthony Kay	Anthony Kay
Belinda Lonsdale	Matthew Keogh
Greg McIntyre SC	Belinda Lonsdale
Denis McLeod	Greg McIntyre SC
Alain Musikanth	Denis McLeod
Clinton Russell	Elizabeth Needham
Mike Hayter	Steven Penglis
Nicholas van Hattem	Cameron Syme
Emma Cavanagh	Adam Ebell
Adam Ebell	Clinton Russell
Hayley Ellison	Nicholas van Hattem
Dr Christopher Kendall	Hylton Quail

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 for services provided to the Society. The total honorarium paid in 2012/2013 was \$118,365 inclusive of 9% superannuation. (2012: \$117,614).

The relevant Council members receive remuneration in their capacity as Committee Members of Law Mutual WA, an entity of the Society. The total remuneration paid in 2012/2013 was \$255,024 (2012: \$247,591).

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:

- membership fees;
- registration fees for CPD seminars;
- merchandises; and
- registration fees for 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 \$206,000 (2012:

\$199,570).

At 30 June 2013, Law Mutual owed the Law Society \$5,310 (2012: \$5,881).

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:

	2013 \$	2012 \$
Law Access	106,000	106,000
Francis Burt Law Education Programme	150,000	150,000
Law Week	10,000	-
FBLEP - Oral History	10,000	4,000
	276,000	260,000

At 30 June 2013, the Public Purposes Trust did not owe monies to the Law Society of Western Australia (2012: nil).

The Society received fees from the Public Purposes Trust for administration, consulting and management services on normal commercial terms and conditions amounting to \$138,000 (2012: \$136,801).

16. Commitments

(a) Operating Leases – Office Equipment

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

	2013 Minimum Future Lease Payments \$	2012 Minimum Future Lease Payments \$
No later than 1 year	12,776	12,776
Longer than 1 year and not longer than five years	24,487	37,262
Longer than 5 years	-	-
	37,262	50,038

(b) Secured Bank Loans

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

	2013 Minimum Future Payments \$	2012 Minimum Future Payments \$
No later than 1 year	1,835,625	1,835,625
Longer than 1 year and not longer than five years	1,796,607	2,086,607
Longer than 5 years	-	-
	3,632,232	3,922,232

17. Subsequent Events

There were no events subsequent to 30 June 2013 that have significantly affected or may significantly affect the operation of the Law Society.