

ANNUAL REPORT 2017/18

THE **ESSENTIAL MEMBERSHIP** FOR THE LEGAL PROFESSION



The Law  Society®
— OF WESTERN AUSTRALIA —

The **voice** of the **legal profession** in Western Australia

The Law Society of Western Australia

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— OF WESTERN AUSTRALIA —

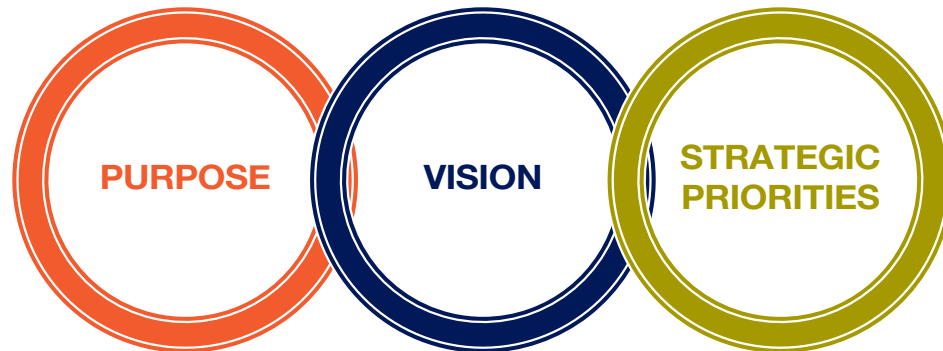
The voice of the legal profession in Western Australia



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Strategic Direction 2017/2020



Purpose	The voice of the legal profession in Western Australia
Vision	The essential membership for the legal profession
Strategic Priorities	<ul style="list-style-type: none"> • Strong Advocacy • High Value Services • Organisational Excellence

Strong Advocacy

The Law Society is respected as the voice of the legal profession. It proactively engages keystakeholders on key issues and facilitates rational analysis to adopt sensible positions that are sought after by members, Law Council of Australia, Government and media representatives.

The Law Society's views are considered to be well researched, measured, reasonable and representative. Members are highly engaged in expert committees and working groups. The Law Society is not afraid to speak on controversial issues, but it "picks its battles". It is transparent about why and how decisions have been made. Opinions are easy to access and well promoted via spokespeople, press releases, the website and ecommunications.

The Law Society plays a pivotal role in driving a range of profession and public education initiatives. This contributes to improved public perceptions of the legal profession.

High Value Services

The Law Society continues to stay in touch with members' needs and responds with an improved range of desirable, value adding services and benefits, including:

- information services
- referral and support services
- education and professional development
- member privileges
- networking and social events
- professional indemnity insurance via Law Mutual (WA)
- mentoring services

Organisational Excellence

The Law Society develops and promotes customised services, targeted at various member segments.

The Law Society is forward thinking and financially sustainable, with effective systems. The Council offers strong, representative and collaborative leadership.

There is a strong and compelling value proposition, supported with clear strategies to retain and attract a growing number of members. Our communication is responsive, effective and tailored for member needs.

Staff and members have a clear understanding about their role and are motivated to achieve the Law Society's vision.

Membership Survey

2018 Member Scorecard Results

In February, 376 members evaluated the Society's performance against eight key performance indicators (KPIs) in the Society's four-year strategic plan, *Strategic Direction 2017-2020*. Member feedback indicates the Society is committed to building a reputation as the essential membership for lawyers.

A growing number of members are reporting high satisfaction. Overall, 86% of members are satisfied, an increase of 3% points over the past 12 months and up 14% points since 2011.

The Society is considered to be the voice of the legal profession and to be keeping members well informed about changes in legislation and key issues affecting the profession. There is high satisfaction with the Society's ecommunications, including *Friday Facts*, *CPD News* and *YLC News*.

The Society's website, *Brief* journal and continuing professional development were flagged as areas to address when Council adopted the new Strategic Plan in 2017. Over the past 6 months, the Society has been developing new strategies to better meet members' needs in these areas.

Organisational Excellence (% satisfied; % agree)	2018 Score	Target
Member satisfaction	86%	●

Strong Advocacy (% agree)	2018 Score	Target
Has a good understanding of members' needs	74%	●
Keeps members well informed about changes in legislation and key issues affecting the profession	86%	●
Is the voice of the legal profession in Western Australia	83%	●

High Value Services (% satisfied)	2018 Score	Target
The Law Society's website	64%	●
<i>Brief</i> journal	79%	●
Continuing Professional Development	69%	●
E-newsletters	86%	●

● Target achieved ● Target not achieved



Hayley Cormann
President

2017 marked the Society's 90th Anniversary, under the leadership of Immediate Past President, Alain Musikanth, and was a period for celebration, reflection and change.

On 1 July 2017, the Law Society commenced its new *Strategic Direction 2017-2020*, adopted by the Law Society's Council in February 2017. The new strategic plan reflects key stakeholders' needs and expectations and provides a clear focus and direction for the future of the Law Society.

In 2018, and in the Society's 91st year, the Law Society continues to reach a greater depth and breadth of membership, achieving record numbers of over 4,000 members by 30 June. We approach 2019 with renewed hope, engagement and innovation, to continue the work of the Law Society, to reach out to even greater numbers in our profession, as well as to build the influence of the organisation with stakeholders and within the broader community.

Uniform Law

Throughout 2017/18 the Law Society has continued to work closely and constructively with stakeholders and the profession, with a view to taking Western Australia forward in the nationalisation of our profession. The end goal is to achieve uniformity around a cohesive set of rules and regulations for how the Australian legal profession be best run. As members know, the Law Society has long advocated for the inclusion of Western Australia in a uniform system of regulation for our profession, as long as certain conditions are met in any agreement and/or legislation to effect this arrangement. This includes guaranteed Western Australian representation on the national Legal Services Council and the continuation of a local regulatory body run by representatives of our profession and independent of government. The Society remains closely engaged in the current progress towards a national profession to ensure these conditions, and overall the

interests of our profession and community, are best met.

Law Reform & Policy

The Law Society remains focussed on 'closing the gap': reducing the rates of imprisonment of Indigenous Australians in our criminal justice system. The Law Society published policy papers in 2017/18 on access to justice issues faced by Aboriginal and Torres Strait Islander peoples, deaths in custody, issues contributing to incarceration of Indigenous women and children, and mandatory sentencing. This includes maintaining the Society's sustained call on legislators to repeal, or amend laws, which provide for a penalty of imprisonment for offences arising from a fine default, and furthermore, to abolish mandatory sentencing laws.

The Law Society also published policy papers relating to matters of criminal law, including family violence, mentally impaired accused, the Royal Commission into institutionalised responses to child sexual abuse, bail and the death penalty. The statistics of the occurrence of family violence in Australia remains a national tragedy, and the Society continues to advocate for the proper funding of courts dealing with family law matters, as well as family violence support services; the development and implementation of domestic violence strategies for particularly vulnerable groups, and finally, the identification and implementation of measures designed to reduce the prevalence of domestic and family violence.

Throughout the year, the Law Society has continued to promote both the administration of justice and law reform. Through its extensive committee structure, the Law Society dealt with large numbers of requests for analysis and comment from stakeholders and third parties, made submissions, as well as initiated comment and scrutiny on various legal and practice issues, including proposals for improvement of the law.

You can read more about the Law Society's work across the many areas of law within the

Committee Reports contained in this Annual Report.

Future of the Legal Profession

Another major focus of the Law Society in 2017/18, and of course continuing, is the future of our legal profession. In 2017, the Law Society published guidelines on the unbundling of legal services, while the November edition of Brief was devoted largely to subjects directly relevant to the future of the profession.

Also in 2017, the Law Society published a position paper titled *The Future of the Legal Profession*, which explored those significant issues for the legal profession likely to increase in significance in coming years, including law schools, law graduates and employment rates, the business structures of law firms, globalisation and liberalisation of markets, demographic changes, billing practices and the effect of technological advancements.

People Unlawfully Engaging in Legal Work

The Law Society has also been keen to address the spectre of non-practitioners performing legal work, a practice which must be challenged to ensure the public is protected from incompetent or unethical practitioners, and to ensure the effective provision of professional services. Following a comprehensive study, the Law Society published a position paper titled *People Unlawfully Engaging in Legal Work: Protecting the Community*, which provides a set of substantive recommendations for law reform, each of which the Law Society continues to advocate for.

This includes making representations to the WA Attorney General for the:

- a) repeal of section 12(4) of the *Legal Profession Act 2008* (WA), or alternatively,
- b) adoption of the Legal Profession Uniform Law, and the insertion of a new provision that would prevent unqualified people from providing products to the public that generate legal advice.

The Society is also progressing the preparation of guidelines for non-lawyers who may engage in legal practice on the meaning of 'legal practice' and will be publishing material for the community to reference on the benefits of instructing a qualified legal practitioner over an unqualified person.

Website Review

2017/18 also saw the Law Society embark on a review of its website, and the refreshed site was launched in May 2018, with a view to modernising the site, improving its accessibility and usability. Feedback obtained to date confirms the website refresh has been well received by the Law Society's members and other stakeholders, and statistics show an increase in page views since the website refresh.

CPD Review

During 2017/18 the Law Society undertook a review of its Continuing Professional Development programme, with the goal of achieving greater value for members. An opportunity was identified to provide a high-value, low-cost CPD solution for members, and the Law Society was this year delighted to launch its new CPD Freedom offering, details of which are outlined in the Programmes section of this Annual Report. Further recommendations out of the review will be implemented shortly, and we look forward to sharing these exciting changes with members soon.

Constitution Review

The year in review also saw a comprehensive evaluation of the Law Society's Constitution, to ensure conformity with the requirements of the *Associations Incorporation Act 2015* (WA). As part of the review, scope for further refinements to the Constitution consistent with contemporary notions of good corporate governance was also identified.

In August 2017, feedback was sought from members regarding a series of possible

constitutional amendments developed as part of the review. Following completion of that process, the Law Society's Council approved a final set of proposed amendments in October 2017. The amendments were unanimously approved by members of the Law Society at its Annual General Meeting on 9 November 2017.

90 Year Anniversary

2017 was the occasion of the Law Society's 90th anniversary, with the celebrations culminating in the publication of *Celebrating 90 Years of the Law Society of Western Australia*, a book authored by historian Dr Cathy May, looking back over the first nine decades of the Law Society's history. The book is available for purchase from the Law Society.

Stakeholder Engagement

Throughout the year in review the Law Society's Executive has met both formally and informally, with senior members of the judiciary and representatives of the courts, Commonwealth and State ministers, senior government officers and other stakeholders to discuss matters of significance to the administration of justice.

A Collegiate & Connected Profession: Law Week

The Law Society was delighted to showcase over 50 events for the community and legal profession across Western Australia during Law Week 2018. The Law Society itself hosted seven major events between Monday, 14 May and Friday, 18 May, attended by over 800 people. The focus of Law Week was on law and justice in the community, access to justice and recognition of legal practitioners who have provided exceptional service to the profession and community.





David Price
Chief Executive Officer

The second half of 2017 drew the Law Society's 90th anniversary celebrations to a close. As I mentioned in my report last year, the Law Society has undergone significant changes since its establishment in 1927 but its core objects, and its commitment to those objects, remain unaltered: advancing the interests of the legal profession; promoting good practice and curbing malpractice; advancing legal education; promoting the administration of justice and the development and improvement of the law; and encouraging collegiality.

It is the commitment to these objects that continues to make the Law Society the essential membership for the legal profession in Western Australia.

Members were again sent an invitation to participate in the '2018 KPI Scorecard Survey', undertaken by Catalyse, an independent strategic planning and research organisation. The purpose of this confidential survey was to evaluate the Law Society's performance against eight key performance indicators in the Law Society's four-year strategic plan, *Strategic Direction 2017-2020*. Member feedback confirms the Law Society is committed to building a reputation as the **essential membership for the legal profession**.

A growing number of members are reporting **high satisfaction**. Overall, 86% of members are satisfied, an increase of 3% points over the past 12 months and up 14% points since 2011.

Our members consider the Law Society to be the voice of the legal profession and to be keeping them well informed about changes in legislation and key issues affecting the profession. There is high satisfaction with the Law Society's e-communications, including *Friday Facts*, *CPD News* and *YLC News*.

A complete report of 2018 KPI Scorecard Survey results are included in this Annual Report on page 3

This past year has seen the Law Society continue its good work and achieve a number of positive results in line with its core objects including:

- Record membership of 4,062 (as at April 2018) with a 84% retention rate. (This figure includes 32 Life Members.)
- The Law Society's Constitution was reviewed to ensure compliance with the *Associations Incorporation Act 2015* and approved by members at the AGM in November 2017.
- The Law Society completed a review of its Continuing Professional Development programme.
- The Law Society's website underwent a refresh, as part of the Law Society's commitment to keeping members informed and connected.

Thank you

My thanks and sincere appreciation is extended to the Immediate Past President Alain Musikanth, current President Hayley Cormann, and both their Executive teams in 2017/18 for their support and the commitment they have provided to the Law Society, our members, the staff and me in my role.

Thank you also to the Law Society Council members of 2017 and 2018 and our many committee members, all of whom volunteer many hours of their time to enable the Law Society to do the very important work that it does.

Finally I would like to acknowledge and thank all of the Law Society staff for another successful year.

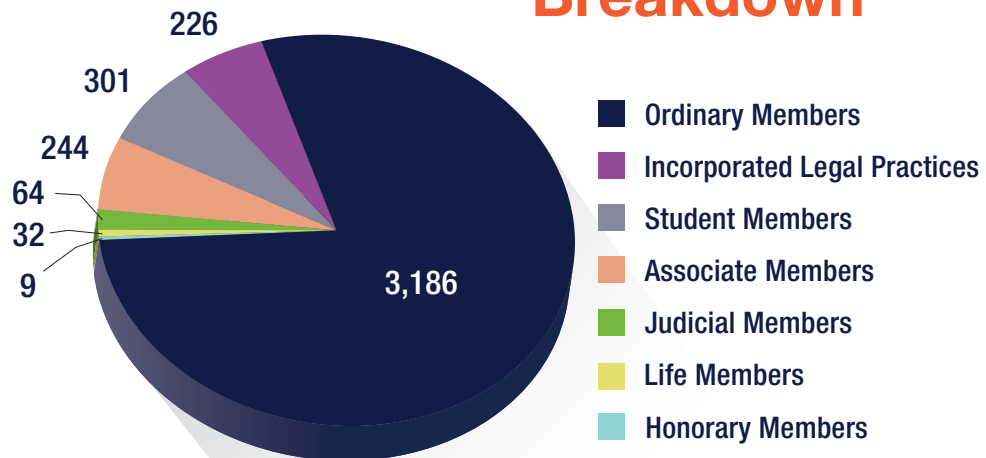
Law Society of WA Events, 2017/18 Snapshot





4,062
members
2017/18

Breakdown



298

members shaped the Law Society's advocacy by sitting on **32 committees** contributing to **48 Submissions** to Council

45

firms accredited through the Quality Practice Standard

48

members accredited through the Family Law Specialist Accreditation programme



20 Policy Briefing Papers

published to communicate the Law Society's policy on key issues affecting the profession

4,737

registrations for the Law Society's
continual professional
development offering

2,701

registrations for Law Society events

1,489

participating members in
Professional Standards Scheme, an
increase of 16% members opting to
cap their professional liability

19,261

people educated on the legal
profession through the Francis Burt
Law Education Programme



Successfully lobbied for the
expungement of historical
homosexual convictions and
lobbying for the adoption of
the Legal Profession Uniform
Law in Western Australia



24 junior practitioner
mentees successfully
completed the Law Society
mentoring programme



Reconciliation Action Plan
Innovate is formally
launched in February 2018

Council 2017

The Council of the Law Society of Western Australia for 2017

1 January 2017 to 30 June 2017



Executive



Alain Musikanth
President
(Francis Burt Chambers)



Greg McIntyre SC
Vice President
(John Toohey Chambers)



Hayley Cormann
Senior Vice President
(Clayton Utz)



Jocelyne Boujos
Treasurer
(Sceales Lawyers)

Ordinary Members

Brahma Dharmananda SC (Quayside Chambers)

Nathan Ebbs (Bennett + Co)

Adam Ebell (Office of the Director of Public Prosecutions)

Elisabeth Edwards (Multiplex Constructions)

Catherine Fletcher (Office of the Director of Public Prosecutions)

Rebecca Lee (Francis Burt Chambers)

Marshall McKenna (Gilbert + Tobin)

Denis McLeod (McLeods)

Stefan Sudweeks (Jackson McDonald)

Nicholas van Hattem (State Solicitor's Office)

Paula Wilkinson (Kim Wilson & Co)

Country Member

Brooke Sojan (Legal Aid WA)

Junior Members

Jodie Moffat (Bennett + Co)

Noella Silby (MDC Legal)

Immediate Past President

Elizabeth Needham (Francis Burt Chambers)

Chief Executive Officer

David Price

Council 2018

The Council of the Law Society of Western Australia for 2018

1 January 2018 to 30 June 2018



Executive



Hayley Cormann
President
(Clayton Utz)



Greg McIntyre SC
Senior Vice President
(John Toohey Chambers)



Alain Musikanth
Immediate Past President
(Francis Burt Chambers)



Jocelyne Boujos
Junior Vice President and Treasurer
(Sceales Lawyers)

Ordinary Members

Brahma Dharmananda SC (Quayside Chambers)
Elisabeth Edwards (Multiplex Constructions)
Catherine Fletcher (Office of the Director of Public Prosecutions)
Emma Griffiths (Asociatii Commercial Lawyers)
Karina Hafford (Slater and Gordon)
Eric Heenan (Francis Burt Chambers)
Fiona Low
Marshall McKenna (Gilbert + Tobin)
Denis McLeod (McLeods)
Jodie Moffat (Peel Community Legal Services Inc.)
Nicholas van Hattem (State Solicitor's Office)
Paula Wilkinson (Kim Wilson & Co)

Country Member

Kerstin Stringer (Mandurah Legal)

Junior Members

Zoe Bush (State Solicitor's Office of Western Australia)
Sarah O'Brien-Smith (HopgoodGanim Lawyers)
Brooke Sojan (Office of the Director of Public Prosecutions)

Immediate Past President

Alain Musikanth (Francis Burt Chambers)

Chief Executive Officer

David Price

Governance

The Law Society's Annual General Meeting was held on Thursday, 9 November 2017.

Councillor Meeting Attendance

1 July 2017 to 31 December 2017

Member	Council (Total 4)	Trustee of Law Mutual Fund (Total 3)	Trustee of the Public Purposes Trust (Total 3)	Trustee of the Chief Justice's Youth Appeal Trust (Total 1)
Alain Musikanth	4	3	3	1
Hayley Cormann	4	3	3	1
Greg McIntyre SC	3	3	2	-
Jocelyne Boujos	3	2	2	1
Elizabeth Needham	3	2	2	1
Brahma Dharmananda SC	3	3	2	1
Nathan Ebbs	2	1	2	1
Adam Ebell	3	2	3	1
Elisabeth Edwards	4	3	3	1
Catherine Fletcher	3	2	2	1
Rebecca Lee	3	2	3	1
Marshall McKenna	3	2	2	-
Denis McLeod	2	1	1	1
Stefan Sudweeks	1	1	-	-
Nicholas van Hattem	4	3	3	1
Paula Wilkinson	4	3	3	1
Brooke Sojan	4	3	3	1
Sarah O'Brien-Smith (appointed August 2017)	2	2	2	1
Jodie Moffat	3	2	2	1
Noella Silby	1	1	1	1

Councillor Meeting Attendance

1 January 2018 to 30 June 2018

Member	Council (Total 5)	Trustee of Law Mutual Fund (Total 4)	Trustee of the Public Purposes Trust (Total 2)	Trustee of the Chief Justice's Youth Appeal Trust (Total 1)
Hayley Cormann	5	4	2	1
Greg McIntyre SC	5	4	2	1
Jocelyne Boujos	4	3	2	1
Alain Musikanth	3	2	-	-
Brahma Dharmananda SC	3	3	1	-
Elisabeth Edwards	4	4	2	1
Catherine Fletcher	4	4	2	1
Emma Griffiths	2	2	1	-
Karina Hafford	5	4	2	1
Eric Heenan	5	4	2	1
Fiona Low	4	4	2	1
Marshall McKenna	2	2	1	-
Denis McLeod	5	4	2	1
Jodie Moffat	4	3	1	1
Nicholas van Hattem	4	3	1	-
Paula Wilkinson	5	4	2	1
Kerstin Stringer	4	3	2	1
Zoe Bush	5	4	2	1
Sarah O'Brien-Smith	5	4	2	1
Brooke Sojan	3	3	2	1

Constitution

There is an Executive of the Council consisting of the President, the Vice-Presidents, the Immediate Past President and one ordinary member of the Council who is to be appointed by the Executive for up to 6 months in each calendar year.

Executive Appointed Councillors 2018

- Nicholas van Hattem – 13 February to 31 May 2018
- Eric Heenan – 1 June to 30 September 2018

Stakeholder Meetings

Executive Meetings 2017

Federal Attorney General

Legal Practice Board and the Legal Profession Complaints Committee

Solicitor General

Chief Justice of Western Australia and the President of the Court of Appeal

President of the Children's Court, Chief Magistrate and Presiding Magistrates of the Drug Court and the Mental Health Court

Executive Meeting 2018

President, Law Council of Australia

Stakeholder Meetings 2018 (President/CEO)

Chief Justice of Western Australia

Chief Magistrate

Attorney General

Shadow Attorney General

Executive Director, Law Firms Australia

President, WA Police Union

Shadow Minister for Police and representative for the Shadow Attorney General

Constitution

1. There is an Executive of the Council consisting of the President, the Vice-Presidents, the Immediate Past President and one ordinary member of the Council who is to be appointed by the Executive for up to 6 months in each calendar year.

Associations Incorporation Act 2015

2. A member of the management committee of an incorporated association who has a material personal interest in a matter being considered at a management committee meeting must disclose the nature and extent of the interest at the next general meeting of the association.

Name of Member	Date of Meeting/Item No.	Description of interest
Jocelyne Boujos	15.03.2018 – Item E7 – Law Society Review of Taxation Status 2018	Partner, Scales Lawyers

Submissions

Submissions 2017

Law Council of Australia Federal Issues Management Protocol and Proposed Trial
Amendments to Legal Profession Regulations 2009
Amending the Administration Act 1903(WA) to Increase the Statutory Legacy
Australian Law Reform Commission Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples
Amendment to Order 21 Rule 5 of the Supreme Court Rules
Law Council of Australia – Law of Contempt
Chapter 8 of the Equality Before the Law Bench Book
Courts Legislation Amendment Bill 2017
Law Council of Australia Statement on the Referendum Council Report
Amendment to Rule 79 of the Magistrates Court (Civil Proceedings) Rules 2005
Law Council of Australia National Model Gender Equitable Briefing Policy Report
Inquiry into End of Life Choices
Criminal Injuries Compensation Act 2003 – Section 39
Ministerial Review of the State Industrial Relations System
Order 66 Rule 51 of the Supreme Court Rules
Magistrates Court Report
Reconciliation Action Plan - Innovate

Submissions 2018

Department of Mines, Industry Regulations and Safety – Update on Legislative Programme
Legal Costs Committee Review of Contentious Business Determinations – Group A
Submission to WA Government on Waste Reform
Confidential – Strata Titles Act Reform: Regulation Discussion Paper Seller Disclosure
Judiciary Amendment (Commonwealth Model Litigant Obligations) Bill 2017
Confidential – Superannuation Splitting – De Facto Couples in WA – Proposed Solution
Judiciary Amendment (Commonwealth Model Litigant Obligations) Bill 2017
Improving the Integrity of GST on Property Transactions’ Measures – Draft Notifications

Review of the Statutory Report on the Guardianship and Administration Act 1990
Legal Costs Committee Review of Contentious Business Determinations – Group B
Consultation Draft Community Titles Bill 2018
Different Valuation Dates for the Taking of Land Under the Land Administration Act 1997
Amendment to Supreme Court Practice Direction 4.1.2.2
Legal Costs Committee Review of Contentious Business Determinations – Group A and C
Criminal Appeals Amendment Bill 2018
Strata Titles Amendment Bill 2018 – Termination of Schemes
Legal Costs Committee Review of Contentious Business Determinations – Amendments to Civil Liability Act
Security of Payment for Subcontractors Review
Ministerial Review of the State Industrial Relations System – Interim Report
Australian Law Reform Commission – Review of the Family Law System
Australian Solicitors’ Conduct Rules Consultation Paper Submission
Stakeholder Consultation – Uniform Evidence Legislation for WA
Review The Australian Young Lawyers Committee Position Paper on Workplace Standards – Recommendation 2.4 of the Final Directions Paper - The Law Society of Western Australia
Response to the Women Lawyers of Western Australia’s (WLWA) 20th Anniversary Review (Review) of the 1994 Chief Justice’s Gender Bias Taskforce Review - Mental Health and Wellbeing Initiatives
Delays in the Family Court of Western Australia
Assuring Professional Competence
Amendments to Criminal Injuries Compensation Act 2003
Health Services Act 2016 – Compensable Persons Regulations
Final Directions Paper – Gender Diversity Initiatives at the Office of the Director of Public Prosecutions and the State Solicitor’s Office
Data on Court Appearances by Gender
Pro Bono Legal Services Requirement for Government Tenders
Australian Law Reform Commission Inquiry into Class Action Proceedings and Third Party Litigation Funders

Nominations to External Boards

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

Nominations to External Boards	Representative(s)
ASIC Regional Liaison Committee	Shane Stewart
Witness Intermediary Project Steering Committee	Elizabeth Needham
Law Council of Australia National Integrity Working Group	Konrad de Kerloy
Law Council of Australia Equal Opportunity Committee	Jenni Hill
Legal Aid Commission	John Prior, Elspeth Hensler, Genevieve Cleary, Maryse Aranda
Strategic Criminal Justice Forum	Karen Farley SC
Law Council of Australia – National Criminal Law Committee	David Davidson
Industry Advisory Group on Security of Payment Reform	Greg Steinepreis, Basil Georgiou (proxy)
Law Council of Australia Corporate Governance Committee	Chief Executive Officer
Legal Aid Committee 2018-2019	Trevor O’Sullivan, Edward Greaves, Andrew Monisse
Australian Pro Bono Centre Board	General Manager Advocacy
Legal Aid Commission	Elspeth Hensler
University of Western Australia Law Indigenisation Project – Reference Group	Krista Dunstan

Sponsors

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

Partners	Member Privilege Partners	
BankWest – Financial Services Partner	Ascend Business Technology	LexisNexis
Legalsuper – CPD Partner	Audi	Lexus
	Avis and Budget	Macquarie
	Barbagallo Group	Mantra Group
	Bayswater Mazda	Mercedes-Benz
	Black Swan State Theatre Company	mobistorage
	BMW	Parker & Co
	Brittons Formal Wear	QANTAS
	Capital Partners	Quest Mounts Bay Road
	Claremont Artframers and Gallery	Red Balloon
	Complete Office Supplies	Regalia Craft
	Direct Fusion Technologies	The Western Australian Club
	DoneltNow	Virgin Australia
	endota spa	Volkswagen Group Australia
	Fernando's Ital Jewellers	Watershed Premium Wines
	Finer Details Concierge and Organiser Service	Wine Direct
	Fleet 1st	
	Funky Bunches	
	Gillies Group	
	HBF	
	Hyundai	
	Incito Wealth	
	John Hughes Group	
	Kleenheat	
	Leblon Outdoor Design	

Life Members

2017

Mr Robert Kronberger

2016

Susan Fielding

The Hon Kevin Parker AC RFD QC

Chris Zelestis QC

2015

The Hon Justice Carmel McLure

Steven Penglis

Clare Thompson

2014

Dudley Stow

2013

Her Hon Antoinette Kennedy AO

The Hon Robert Nicholson AO

2012

His Excellency Malcolm McCusker
AC CVO QC, Governor of WA

The Hon Chief Justice Wayne Martin AC

The Hon Michael Murray QC

The Hon Daryl Williams AM QC

2010

John Fiocco

2009

Elizabeth Heenan

2008

John Gillett

David Garnsworthy

2007

Michal Lewi

2005

The Hon Judge John Chaney

Rick Cullen

2003

The Hon Sir John Lavan

2002

Gregory Boyle

Judy Eckert

The Hon Robert French

The Hon Chief Justice David Malcolm AC

Robert Meadows QC

Her Hon Judge Kate O'Brien

John Syminton

1998

The Hon Sir Francis Burt AC

The Hon P Durack QC

The Hon John Toohey AC

The Hon Ian Medcalf AO

1996

The Hon Barry Rowland QC

The Hon John Wickham QC

Rory Argyle



▲ 90th Anniversary of the Law Society of Western Australia

Back: David Price (2006-present Chief Executive Officer); Greg McIntyre SC (2017 Vice President), Jocelyne Boujos (2017 Treasurer); Ian Weldon (2004 President); Elizabeth Heenan (2003 President/Life Member); Neil Roberts (1981-85 Executive Director); Clare Thompson (2002 President/Life Member); The Hon Justice Ken Martin (2001 President/Life Member); John Ley (1999 President); Her Hon Kate O'Brien (1998 President/Life Member); John Syminton (1997 President/Life Member); Michael McPhee (1994 President); Hayley Cormann (2017 Senior Vice President); John Fiocco (Life Member); Ted Sharp (1993 President)

Middle: Matthew Howard SC (2016-17 President, WA Bar Association); Susan Fielding (Life Member); Steven Penglis (Life Member); Laurie Shervington (Life Member); Maria Saraceni (2006-07 President); The Hon Chief Justice Wayne Martin AC (2006 President/Life Member); The Hon Justice John Chaney (1991 President/Life Member); The Hon Michael Murray AM QC (1988 President/Life Member); Robert Meadows QC (1986-87 President); The Hon Daryl William AM QC (Life Member); Alison Gaines (1997-2006 Executive Director)

Front: John Gillett (Life Member); The Hon Carmel McLure AC QC (Life Member); Dudley Stow (2008-09 President/Life Member); Konrad de Kerloy (2014 President); Alain Musikanth (2017 President); The Hon Barry Rowland QC (1973-75 President); The Hon Geoffrey Miller QC (1979-81 President); His Hon Hal Jackson (1985 President); The Hon Robert Nicholson AO KCSJ FAAL (Life Member); The Hon Robert French AC (Life Member)

Lawyer of the Year Awards

Practitioner with more than five years' experience

2018

Haley Allan

2017

Simon Creek

Nicholas van Hattem

2016

Claire Rossi

Glen McLeod

2015

John Fiocco

2014

Melanie Cave

2013

Thomas Percy QC

2012

Denis McLeod

Clare Thompson

2011

Shayla Strapps

Amanda Goodier

2009

Steven Penglis

2008

Dr Johannes Schoombee

Practitioner with less than five years' experience

2018

Tegan Harrington

2017

Krista Dunstan

2016

Michael Geelhoed

2015

Callum Hair

2014

Jessica Bowman

Stephanie Puris

2013

Gary Mack

2012

Tammy Solonec

2011

Breony Allen

2009

Toni Emmanuel

2008

Anna Rakoczy



▲ Hayley Cormann, Law Society President with Lawyer of the Year Award winner (Practitioner with more than five years' experience); Haley Allan



▲ Hayley Cormann, Law Society President with Lawyer of the Year Award winner (Practitioner with less than five years' experience); Tegan Harrington





GENERAL MANAGER

REPORTS



Mary Woodford
General Manager
– Advocacy

Advocacy

This report sets out the advocacy work undertaken by the Law Society Committees and the major outcomes that have been achieved in programmes, policy and legislative reform since July 2017 along with key achievements of the Mentoring Programme, the Reconciliation Action Plan programme and the Professional Standards Scheme.

Advocacy Highlights & Projects

This year almost 300 Law Society members participated in the Committees and working groups and contributed valuable knowledge and experience to the Law Society's advocacy efforts in law reform, policy and legal commentary resulting in influence in each of these areas.

Key policy positions and guidelines included:

- *"People Unlawfully Engaging in Legal Work: Protecting the community"* (August 2017)
- *"Future of the Legal Profession"* (December 2017)
- *Information Guide: Law Graduates' and Junior Legal Practitioners' Working and Pay Conditions* (June 2018)
- *Unbundling Guidelines* (August 2017)
- *Protocols for Lawyers with Aboriginal or Torres Strait Islander Clients in Western Australia* (July 2017)
- The Sale of the Western Australian Land Registry (May 2018)

- Legal Assistance Funding with the Law Society briefing paper being updated to re-state the position that the funding shortfall that accrues in 2018 needs to be addressed by the State Government
- Issues affecting the incarceration rates of Aboriginal and Torres Strait Islander Women
- Access to Justice Issues Faced by Aboriginal and Torres Strait Islander Peoples of Western Australia
- Royal Commission into Institutional Responses to Child Sexual Abuse.

At the time of writing this report the introduction of Legal Profession Uniform Law is likely to be a key focus in the next reporting period. To this end Council has appointed a working group with internal and external representation, and settled the terms of reference as it prepares to guide the profession on the adoption of Uniform Law as it is progressed by the State Government.

The Committee Reports set out in detail the contribution that Advocacy Committees have made during the year with notable submissions to government on:

- Strata Titles Amendment Bill 2018 (introduced into Parliament June 2018)
- Community Titles Bill 2018 (introduced into Parliament June 2018)
- the Sale of the Western Australian Land Registry

- the Statutory Review of the *Guardianship and Administration Act*
- Waste Reform (February 2018)
- Magistrates Court Report (December 2017)
- ALRC Discussion Paper: Incarceration Rates of Aboriginal and Torres Strait Islander Peoples (August 2017)

Other projects completed this year that provide resources to the profession included:

- a new edition of the Joint Form of General Conditions for the Sale of Land (13 February 2018) which now incorporates the Foreign Residents Withholding Tax and the Electronic Conveyancing Annexures
- updated Costs Agreements
- a number of amendments to the Constitution of the Law Society of Western Australia to ensure compliance with the *Associations Incorporation Act 2015* (WA);

The Law Society also continued to work with the Law Council of Australia and the legal community in Western Australia including the courts, government, regulators, State Solicitor's Office, the Office of the Director of Public Prosecutions, a range of professional associations and both Federal and State Members of Parliament.



◀ The Law Society's adopts key positions and guidelines, *Future of the Legal Profession* (December 2017)

▶ Briefing Paper focusing on *Issues affecting the incarceration rates of Aboriginal and Torres Strait Islander Women*

Committee Administration

At the end of 2017 the biennial spill of Committee members was completed resulting in a number of new Committee members being appointed. This has enabled the Committees to have broader member participation and representation from within the profession on each Committee. Further, Council members have been appointed to at least one Committee as of January 2018 to provide Council with a direct link with its Committees.

Advocacy continued in its main role of supporting the Law Society's publication of key public policies during the year with the following policies being of significant influence with the Government:

- Legal Profession Uniform Law
- End of life choices
- Incarceration of Aboriginal and Torres Strait Islander peoples
- Legal assistance funding

Advancement of Women in the Legal Profession

A Working Group of Council continued to oversee the implementation of the recommendations from the 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report.

Initiatives during the year included:

- Amendment of Practice Direction 10.3 to include a statement that a part-time or flexible practice is not a bar to appointment as Senior Counsel
- Promotion of LCA "unconscious bias" training to members of the profession (men and women)
- Promotion of the Workplace Gender Equality Agency (WGEA) guide to reporting on the Law Society website
- Diversity seminar with Director of WGEA as speaker held on 14 February 2018
- research undertaken and consultation with Perth law firms in relation to voluntary gender targets

- Consultation with an inter-firm group of diversity representatives from different firms
- Conferral with the Attorney General regarding a briefing policy for State Government departments
- Arranging meetings between the YLC, Deans of law schools and law school societies regarding gender bias
- Encouraging legal practices to develop policies and complaints processes addressing gender discrimination, sexual harassment and bullying

LawCare WA

Advocacy in the area of mental health and wellbeing for our profession is a key priority for the Law Society. Our LawCare WA services are directed at assisting members to manage career, finances and health and wellbeing issues. The Member Assistance Programme provides members with up to three free counselling sessions per year. Through the Senior Advisors Panel and the Western Australian Bar Association Referral

Service, members can access experienced practitioners for advice on ethical issues or complaints. The Law Society continued its LawCare WA service and the Employee Relations Advice Line, in response to one of the recommendations in the Final Directions Paper concerning the availability of career support. The Employee Relations Advice Line allows members to obtain advice from industry experts from the Chamber of Commerce and Industry of Western Australia in relation to human resources and employee relations issues.

Mentoring

The Law Society continues to conduct a mentoring programme for practitioners and more recently has removed the requirement that mentees be between 0 and 5 years post admission and increased the diversity amongst mentors. The programme is coordinated by a trained external facilitator who conducts information sessions for both mentors and mentees and manages the programme to ensure that the mentors and mentees are supported throughout the programme. A six monthly report indicated that there is a high level of positive feedback from both mentors and mentees. The survey following completion of the programme showed that of the 24 mentees paired to mentors over 95% of participants rated the program in the 75th percentile and that over 70% of mentees/mentors were still meeting.

Professional Standards Scheme

The Law Society's Professional Standards Scheme that commenced on 1 July 2014 continued to grow this year. As of 30 June the Scheme had 1,489 participating members; 204 more than the number of participating members a year earlier. A more detailed report on the Scheme appears under the Professional Standards Scheme Committee report. This year the management of risk across the Law Society was fully integrated into a centralised risk management portfolio within the Society and it now comes under a new risk management position. This enables the Law Society to deliver opportunities to the profession to improve its professional standards in a more holistic way.

Reconciliation Action Plan

The Reconciliation Action Plan (RAP) programme provides a framework for the Law Society to support the national reconciliation movement.

The Law Society's RAP Working Group oversees the strategic document that supports its Innovate RAP initiatives which include practical actions that drive the Law Society's contribution to reconciliation both internally and in the community in which it operates.

There are four RAP types (Reflect, Innovate, Stretch, Elevate) that set minimum elements required for the Law Society to build strong relationships, respect and opportunities within the organisation and community. In July 2017 Reconciliation Australia approved the Law Society's Innovate RAP and it was formally launched at the Law Society in February with a function for staff, members of Council and the Indigenous Legal Issues Committee.

An Innovate RAP outlines work towards achieving the Law Society's vision for reconciliation. Initiatives for this RAP are:

- providing opportunities to build and maintain relationship with Aboriginal and Torres Strait Islander peoples;
- engaging staff and stakeholders in reconciliation and cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements;
- developing and maintaining mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples, communities and organisations to support positive outcomes;
- developing relationships, actions and targets with local stakeholders to promote reconciliation and the Law Society's vision for reconciliation;
- engaging employees in understanding the significance of Aboriginal and Torres Strait Islander

cultural protocols, such as Welcome to Country and Acknowledgement of Country to ensure there is a shared meaning; and

- investigating opportunities to incorporate ATSI supplier diversity within the Law Society and improve and increase Aboriginal and Torres Strait Islander employment outcomes within the Law Society.

The Law Society has commenced cultural awareness training for all staff. A pre- and post-training survey of Law Society staff guided future training to ensure its relevance. The survey results demonstrated that staff value the training and see it as beneficial to their work and that the training increased their knowledge of Aboriginal and Torres Strait Islander cultures and histories.

Finally, the advocacy work undertaken this year would not be possible without the commitment and contributions of the Committee and Working Group convenors and members. The Law Society thanks you all for this very worthwhile contribution to its advocacy.



Vernon Thompson
General Manager
– Corporate Services

Corporate Services

Introduction

In addition to the Financial Management of the Law Society, The Corporate Services Team provides a broad range of support to the administration of the day to day operations of the Law Society. This support includes marketing and communications, business development, human resources and payroll, IT management and support and general administration support to all of the operational groups within the Law Society, including Law Mutual (WA), Law Access Ltd and the Public Purposes Trust.

Financial Position

The Law Society has reported a normalised operating net surplus of \$266,869 for the year ended 30 June 2018, which is in line with forecasted expectations. This surplus includes a growth in Ordinary Member numbers of 5% on the previous financial year and has enabled the Law Society to retain membership fees at the same rates for the 2018/19 financial year.

The total membership numbers for the year were 4,062, representing an increase of 192 members on the previous year.

As reflected in the audited accounts, the Law Society ended the financial year with accumulated net assets of \$2,200,000. This includes the recognition of the revaluation on premises owned by the Society and cash reserves of \$2,300,000.

A breakdown of the Law Society's sources of income and areas of expenditure has been included at the end of this report.

Workplace Health and Safety

The Law Society is committed to a best practice environment, safety and health standards and regularly monitors workplace health and safety (WHS) in accordance with our WHS Management Plan (2016-2020).

Information and Communications Technology

The Law Society continued with the deployment of its IT Strategic Plan, which was developed in partnership with external consultants, and involved the following primary activities:

- an annual desktop refresh;
- successful annual backup and disaster recovery testing;
- planned network and system upgrades; and
- infrastructure planning including planning for significant system upgrades.

Marketing and Communications

The Marketing and Communications team is responsible for a wide range of activities including the design and production of print and digital marketing collateral, social media management, customised and targeted

marketing campaigns, media engagement, advertising and business development.

The following are some examples of the regular products and activities which the team supports and/or provides:

- 11 issues annually of the Law Society's monthly journal, *Brief*
- Over 200 regular e-newsletters and customised email campaigns
- Development of marketing and communications material for key activities such as:
 - * Law Week
 - * Membership renewal campaigns
 - * Council elections
 - * Publication of the Law Society Diary and Directory

Each year the Marketing and Communications team develops a Marketing and Communications Strategic Plan, which forms the strategic map for higher level activities to improve the effectiveness of communications, increase media engagement and improve members' knowledge of the Law Society's services and the legal profession in general. In line with this Strategic Plan, the Marketing and Communications team carried out an extensive review and refresh of the Law Society's website.

Based on feedback received from both internal and external stakeholders, the refreshed website shows significant improvements particularly in terms of design, searchability and mobile responsiveness.

Media Engagement

In the 2017/18 year the Law Society produced 18 media statements covering a wide range of topics including appointments and retirements within government and the judiciary, legal assistance funding, charitable donations and community engagement, the publication of the Law Society's 90th anniversary book, the future of the legal profession, the advancement of women in the legal profession, the Law Society's cyber security partnership with Edith Cowan University and the Western Australian land registry.

The Law Society and its important initiatives were featured prominently by media outlets, including in opinion pieces in The West Australian and an extensive interview with the Law Society's President in Business News.

Social Media

Social media is a key communication tool and encourages members and non-members alike to connect with the Law Society. The Law Society utilises Facebook, LinkedIn and Twitter to engage and interact with members of the Law Society and the wider community from an informal platform and keep members informed in a timely manner about events, activities and news relevant to our members and the legal profession as a whole.

Law Access

The Law Society continues to provide significant in-kind support to Law Access for finance, payroll, marketing and communications, insurance and IT requirements. The Law Society continues to refer members of the public seeking to apply to the Law Access Pro Bono Referral Scheme.

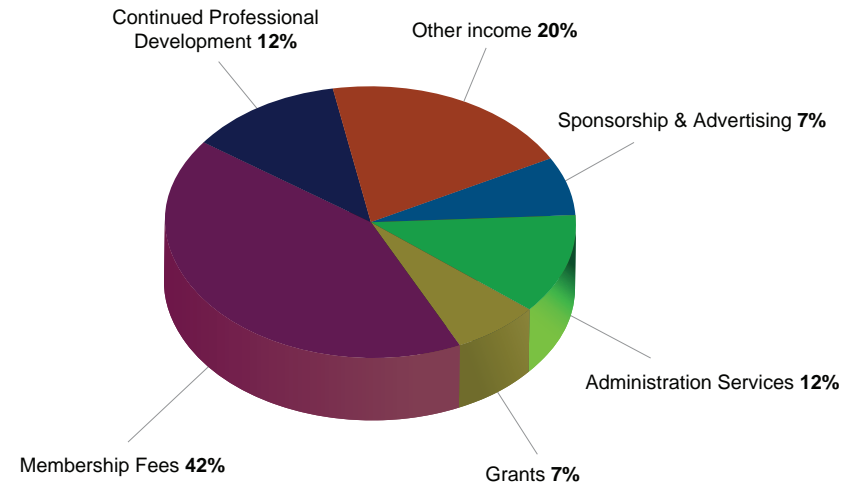
Public Purpose Trust

The Law Society acts as the trustee of the Law Society Public Purposes Trust. Through the direction of the Attorney General the trust provides financial support to organisations offering valuable services to the community.

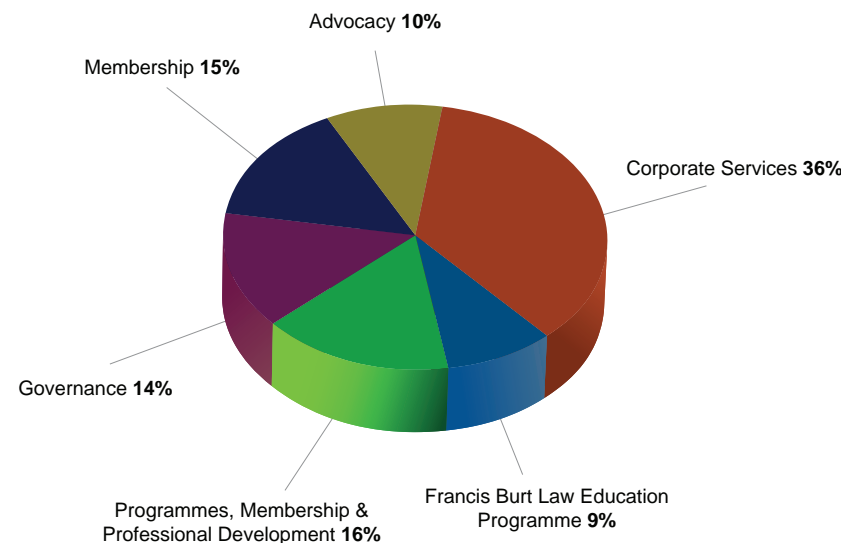
The financial and administrative functions of the Trust are managed by the Law Society with over \$2,232,489 being paid out in grants by the Attorney General in the 2017/18 financial year.

Please note that although the Law Society of Western Australia is the trustee of the Law Society Public Purposes Trust, it does not decide which applicants are to receive funding. Applications are assessed through an independent three-stage process with the final decision made by the Attorney General.

Law Society Income 2017/18



Law Society Expenditure 2017/18





John Rogers
General Manager
– Law Mutual (WA)

Law Mutual (WA)

Law Mutual (WA) provides professional indemnity insurance arrangements and effective risk and claims management solutions for the Western Australian legal profession while recognising the public interest.

The basic contribution rate for the 2018/2019 Professional Indemnity (PI) insurance arrangements reduced by 10% compared to the previous year. This was primarily due to prudent capital management allowing a release of surplus funds to lower contributions.

The number of claims has remained relatively constant against the number of practitioners. However, the number of notifications of circumstances has increased. The numbers are estimated for 2017/18 to be 80 and 108 respectively against a five year average of 63 (claims) and 126 (notifications).

Law Mutual has dedicated personnel for each of the core functional areas of insurance services, finance, risk management and claims to address customer service and the needs of the business. The work carried out in 2017/18 has allowed us to increase our risk management initiatives and streamline our business processes. This will result in better claims outcomes and improved customer service.

Each year Law Mutual publishes an information booklet which details the insurance arrangements including general information on claims, what is and isn't covered and the calculation of annual contributions. The booklet for the 2018/2019

insurance year has been distributed and is available on the Law Mutual website. For the 2018/2019 insurance year, as for the previous two years, Law Mutual placed the underwritten part of the PI insurance arrangements with the following underwriters:

- Vero (50%);
- Allianz Australia (25%); and
- Amlin (Lloyds Syndicate) (25%).

During the reporting period, the Law Society approved and Law Mutual (WA) published the Practice and Matter Management Guidelines. The Guidelines provide a structured view of what Law Mutual (WA) considers to be the requirements for good practice and matter management, with a focus on professional liability risk management. An Introduction to Practice and Matter Management seminar was included as part of the 2017/18 risk management seminar programme to provide practitioners with an insight into the content of the Guidelines and to provide further information on how practitioners can meet the requirements in their practice.

The 2017/18 risk management seminars and other training were attended by over 1450 insureds. 111 insured firms were able to claim a 5% discount on their 2018/2019 Annual Contribution for having met risk management training requirements.

In addition to the risk management seminars, Law Mutual (WA) facilitated four risk management workshops. The workshops provided an opportunity for practitioners

to consider and provide feedback on the practical application of the requirements for good practice and matter management. The results of the analysis and information captured at the workshops will inform the content of the 2018/2019 risk management seminar programme.

The Professional Indemnity Insurance Management Committee (PIIMC) oversees the operations of Law Mutual, providing guidance and advice as required. There is a close working relationship between the PIIMC and the staff of Law Mutual. The following table sets out details of the number of meetings and attendance for PIIMC.

Committee member	Meetings attended (Total 9)
Dudley Stow	7
Denis McLeod	6
Jocelyne Boujos	6
Nathan Ebbs	2
Hayley Cormann	3
Paula Wilkins	3
Eric Heenan	3
Ian Williams	6
Laurie Shervington	6



Áine Whelan
General Manager
– Programmes

Programmes

Programmes' client facing services aim to retain and grow membership, provide relevant Continuing Professional Development (CPD) for the profession, and deliver a committed education programme to schools and the broader community.

In 2017/18 the Law Society continued to deliver essential membership services that resulted in positive member engagement and growth including:

- strong membership base with 84% retention and 4.9% increase in overall membership numbers enabling no increase in membership fees for 2018/19 for the second year in a row;
- leader in CPD with 5% growth in overall participation in programmes across multiple learning channels;
- strong loyalty to the Law Society's CPD education programme with CPD Active membership increasing by 7%; and
- 3% growth in learning through the Law Society's eLearning portal.

Membership Services

The Law Society's vision as the essential membership of the legal profession ensures a strong focus on continuing to provide value for members. Working with our membership and providing timely and relevant information and events has resulted in very positive engagement with the legal professional as

illustrated by strong growth in membership numbers. Highlights in the membership area include:

- 4,062 members in 2017/18, compared to 3,870 in 2016/17 demonstrating a 4.9% increase in overall membership numbers compared to a 2.9% increase in 2016/17. This increase has enabled membership fees to be retained for 2017/18; and
- increase in market share of 5.9% (members with practising certificates and section 36) and an increase in ordinary members by 5.2% with the Law Society recording 3,186 ordinary members in 2017/18 compared to 3,028 in 2016/17 which is above the strategic target of 2% to 5% growth per annum;
- This success is a reflection of the Law Society's strong culture of providing good customer service, listening to members' needs and continually striving to provide better value for members. In 2016/17 a number of initiatives contributed to this including:
 - continuation of pro-rata membership rates for new members;
 - engagement with members and potential members through presentations, student expos, visits to firms and delivering high quality events;
 - provision of high value CPD Active membership through an extensive CPD

Programme and discounting of key events such as Law Summer School conference;

- relevant engagement and communication of the Law Society's programmes, resources and benefits through the website and social media channels;
- high value events including the Young Lawyer Inter Profession Networking, Law Week, Law Summer School, High Court Cocktail Event; and
- Excellence in customer service and a member-facing approach to engagement.

After a busy calendar of events last year for the Law Society's 90th Anniversary which included the inaugural Law Society Gala Dinner and the 90th Anniversary Cocktail Party, 2017/18 returned to delivering 23 very successful events whilst almost retaining the attendance levels of the previous year (2,701 compared to 2,793 the previous year). Popular events were the Sole Practitioner Forums, Volleyball and Netball, Society Sundowner and the Young Lawyer Inter Profession Networking events, all of which provided valuable opportunities for networking, socialising and learning collectively. The Young Lawyer Inter Profession Networking Series was a strong example of providing opportunities for younger members of the profession to network and socialise with

young professionals outside the law. The majority of attendees were from our loyal membership base with non-members accounting for approximately 20% of all attendees. The social highlights of the year included *The High Court comes to the Westin* (exclusive for members), *End of Year Celebration* which had the largest number of attendees to date, and *Society Sundowner* (Society Club rebranded) all providing much sought-after opportunities for the profession to catch up socially.

The Law Society's member privileges programme continued to provide significant discounts and value-adds across a range of home, lifestyle and corporate organisations. New member privilege partners included Red Balloon, Quest Mounts Bay Road, and Virgin Australia. The Law Society's accreditation programmes, Quality Practice Standard and Family Law Accreditation, provided members with the opportunity to achieve recognition, enhance their competitiveness, mitigate risk and ensure excellence in service.

The biennial Family Law Accreditation exams took place in the reporting period with an increase of 25% in candidates since the previous exams. Six candidates passed the accredited specialisation assessment programme and became Accredited Family Law Specialists in Western Australia, consistent with the pass rate in other states.

The Law Society congratulated two new Quality Practice Standard firms, making a total of 48 firms currently accredited. Two yearly accreditation workshops, one QPS in-house workshop and the inaugural QPS Networking Event, were held during the reporting period.

Law Society Law Graduate Programme

As part of its commitment to supporting young lawyers, the Law Society operates a Law Graduate Programme in conjunction with Law Access Limited. We have been pleased to host two graduates in the last year, providing training in and exposure to professional services administration, CPD programming, accreditation frameworks and event management. In addition the Programme gives law graduates the opportunity to spend three days a week at Law Access, performing valuable

legal work on a pro bono basis. Law Access is a registered charity connecting vulnerable members of the community with pro bono legal advice and representation. The balance of both learning environments creates a unique learning opportunity for law graduates, providing additional skills to equip them for future employment.



Law Week 2018

Law Week 2018 marked a notable increase in the number and quality of events, making for the most successful Law Week yet for the Law Society. It supported over 50 events across Western Australia with participation by the legal profession, community, schools and radio stations. These events were divided approximately 60% in metropolitan areas including Perth, Fremantle, Maddington, Bassendean, Subiaco, Mount Claremont and Victoria

Park and 40% of events delivered in the country areas of Albany, Bunbury, Mandurah, Geraldton and Kalgoorlie. It has been very rewarding to see increased engagement with Law Week and the increase in activity in regional Western Australia. Highlights of Law Week were:

- Law Week Breakfast and the Attorney General's Community Service Law Awards featuring a keynote address by The Hon John Quigley MLA on the Law Week Theme "Enhancing community access to justice and legislative reform."
- Panel Discussion - My Culture My Story: Aboriginal Women Leaders in Law, led by Deanne Fitzgerald, Senior Aboriginal and Torres Strait Islander Advisor at the Western Australian Museum, a panel discussion of Aboriginal women leaders in law, including Kelsi Forrest, Ashleigh Lindsay, Kate George and Sue Gordon, about their life and career experiences.
- Law Week Awards Night included the announcement of the 2018 Lawyer of the Year Awards, and the recognition of practitioners who have held a practising certificate for more than 50 and 60 years. The evening also acknowledged the Law Society's newly Accredited Family Law Specialists.
- Law Access Walk for Justice which attracted approximately 500 supporters who walked united along the Perth Foreshore and in doing so raised over \$40,000 for the Law Access Pro Bono Referral Service.
- Young Lawyers Committee Law Week Panel Discussion on *Access to Justice for Indigenous Peoples*.
- Social Justice Career Opportunities Evening comprising law students, young lawyers and the wider profession explored how to engage in the social justice space and understand the legal professional skills required when embarking on related career pathways.
- Youth Civics Leadership Day for Year 10 students from metropolitan and regional schools with students participating in this event who had displayed leadership potential and/or civic awareness.

- Presentation by Consumer Protection '10 things you need to know about the consumer laws that protect you' held at the Society.
- CPD Day for Regional Practitioners: new initiative providing a CPD conference in Perth at no cost for regional members of the Law Society. This initiative was introduced to assist regional practitioners to access face-to-face CPD but also provide additional opportunities to engage with each other and with members of the wider profession through invitations to Law Week social events.

Continuing Professional Development (CPD)

In 2017/18 the Law Society consistently delivered relevant topics presented by senior decision-makers. These included the Chief Justice of Western Australia the Hon Wayne Martin AC, Chief Coroner of Western Australia Ros Fogliani, senior members of the State Administrative Tribunal and Magistracy, and the President of the New South Wales Court of Appeal the Hon Justice Margaret Beazley AO to share valuable perspectives as speakers and chairs in this year's programme. Other special guests who generously donated their time and experience to support the education of Western Australian lawyers included the Commonwealth Race Discrimination Commissioner Dr Tim Soutphommasane, the Director of the Workplace Gender Equality Agency Libby Lyons, President of the Law Council of Australia Morry Bailes, Michael Kahn and Chris Osborn from the USA, President of the Victorian Bar Dr Matthew Collins QC, and First Parliamentary Counsel Peter Quiggin PSM. We thank the many barristers and solicitors who contributed to the Law Society's peer-to-peer learning environment at 160 St George's Terrace, through our eLearning platform, live streaming webinars and seminar papers. During Law Week, a CPD Day for regional practitioners deepened our commitment to improving access for all our members.

Another of our annual highlights was the Essentials of Advocacy course which introduced a new Negotiation Skills component led by His Honour Judge Michael Gething, and our Practical Advocacy Weekend led by His Honour Judge Patrick O'Neal was delivered for the first

time at a city location in real courtrooms, with delegates gaining the added benefit of professional voice and performance coaching by respected trainer Julia Moody.

This year was also one of self-reflection as we made time to develop greater value for our members. We identified an opportunity to build our value proposition by improving our complete CPD solution and hence in June 2018 CPD Freedom was launched. CPD Freedom is now available exclusively to Law Society members for a low cost high value subscription fee of \$600 (plus GST) for experienced lawyers and \$300 (plus GST) for restricted legal practitioners. With CPD Freedom, more than 90% of the Law Society's face-to-face seminars and all live webinars will be available to members for no additional cost from 1 July 2018.

Another successful outcome this year was the recently completed upgrade to the audio visual capabilities of the Law Society's seminar training room which will enhance audience experiences as we continue to deliver more webinars and high-quality content tailored for local lawyers.

In an environment of rapid change in the volume of and access to information, the Education Committee continues to work closely with the Law Society's specialist committees, external stakeholders and leaders in their field to identify and develop relevant and engaging content for its CPD programme. The Law Society thanks its Education Committee for sharing networks and skills, speakers for donating their time and knowledge and all sponsors who see value in our programme. The Law Society especially appreciated the ongoing support of legalsuper, our CPD partner.

Law Summer School, the Law Society's annual flagship legal education conference, was held on Friday, 23 February 2018. Once again it proved the ideal forum to debate the most important issues facing the legal profession and the wider community.

Education and Community Services

This year the Society continued to engage with members of the public and the profession through The Old Court

House Law Museum, The Francis Burt Law Education Programme and the Mock Trial Competition.

The total number of participants in FY17/18 was 19,261, a 23% increase:

- 10,986 total participants in the Francis Burt Law Education Programme;
- 1,304 student participants in the Mock Trial Competition (2018 calendar year); and
- 6,971 visitors to the Old Court House Law Museum.



Old Court House Law Museum

The Museum welcomed 6,971 visitors in FY17/18 which is a significant increase of 28%. This increase can be attributed to our new school holiday programmes, the installation of temporary exhibitions and the public talks programme. Of particular interest this year:

- Temporary exhibitions included *Kate George: The First Aboriginal Person to Study Law at UWA*, *The Anatomy of Crime – Cracking the World of Forensics*, *John Burdett Wittenoom – Colonial Chaplain, Justice of the Peace, Educator, Community Figure*, and *The History of the Law Society of WA*.

- Public programmes *My Culture, My Story: Aboriginal Women Leaders in Law*, featuring Dr Sue Gordon AM, Kate George, Ashleigh Lindsay and Kelsi Forrest and a talk by historian Dr Pamela Statham-Drew on John Burdett Wittenoom. The Museum's Oral Histories Project focused on digitising and standardising the collection in order to make the collection accessible.
- School Holiday Programmes: 206 children aged 7-12 and parents participated in the Museum's school holiday programmes in the reporting period.

The Museum provides highly visual and engaging content for the community which has been shared more widely this year through the launch of its Facebook and Instagram pages and quickly developed an online following.

The Supreme Court of Western Australia agreed to provide the Museum with a new collection storage area in what was previously Court 8. This is an exciting opportunity for the Museum as it strives to ensure the Museum collection is stored and maintained to the National Standards for Australian Museums and Galleries.

Mock Trial Competition

The 2017 Mock Trial Competition finalists were Presbyterian Ladies College and Chisholm Catholic College with the Chisholm Catholic College team winning for the second year in a row. More than 1,300 students from 53 schools in 124 teams were registered in the 2018 Competition. 659 students achieved WACE accreditation towards their high school graduation in 2018. This number is expected to rise during the final stages of the 2018 Competition as students complete more rounds.

Nicholas Troy from Wesley College was awarded the 2017 Murdoch University Most Outstanding Mock Trial Student Scholarship and 30 students attended the Mock Trial Competition Training Seminar & Workshop held at Murdoch University.

The Competition wouldn't be the success it is without volunteers from the legal profession who take on coaching or judging roles: 87 judges, 55 coaches. The Society is



also grateful to the many teachers from 53 schools who managed the 124 teams in 2018.

Francis Burt Law Education Programme

The Programme engaged with 8,862 daily visitors with 85% of those groups being primary or secondary school groups. When combined with the Cluedunnit Kids Competition, the Lawyer Visits to Schools Network and the Remote and Regional Loan Box Programme FBLEP Pack the total number of participants reached 11,011; a 21% increase in comparison to FY16/17.

Major projects for the Programme included:

- The review and expansion of the FBLEP Year 3-6 online pre and post-visit student and teacher resources mapped to the WA curricula;
- The Subsidised School Visits Programme;
- The Cluedunnit Kids Competition;
- The Youth Civics Leadership Day;

- The 2017 Sir Ronald Wilson Lecture: Presented by the Hon Robert French AC; and
- The Lore Law Project which aims to support a reduction in the high rates of Aboriginal youth contact with the WA justice system in the long-term through culturally robust strategies which provide capacity building for young Aboriginal peoples and empower Aboriginal youth led initiatives to address issues affecting them in their communities.

The Law Society thanks the dedicated volunteer Committee Members and funding bodies without whose assistance the Law Society's Education and Community Services would not be able to operate:

- The Public Purposes Trust;
- The Department of Education; and
- The Department of Justice.





COMMITTEE

REPORTS

Access to Justice Committee

Greg McIntyre SC
Convenor



The 2017-18 year was another busy one for the Access to Justice Committee. The Convenor represented the Law Society on the Law Council of Australia Access to Justice Committee, co-ordinating the positions taken at a State and National level on relevant issues.

While a strong campaign from the Law Society, Law Council of Australia and other State law societies led to the Federal Government cancelling planned cuts to Legal Assistance Funding in the 2017 Budget, no funding increases have been granted and the sector remains in crisis. As a result the Access to Justice Committee continues to advocate for the implementation of the recommendations in the Productivity Commission's Report *Inquiry into Access to Justice Arrangements* including immediate provision of a further \$120m from the Federal Government to cover civil legal assistance, and a further \$8m from the WA Government. The Committee has also advocated for the WA Government to introduce a requirement for pro bono legal work to be undertaken by firms seeking to tender for government legal work, consistent with the Victorian model.

The Committee participated in consultations for a feasibility study into establishing a Community Justice Centre in WA and recommended that the project be supported. It also assisted in the preparation of the Law Society's Unbundling Guidelines.

Law Access Limited continues to be represented at meetings through a position on the Committee and provides monthly reports, including in relation to its Stakeholder Advisory Committee. Law Access is a not-for-profit organisation that coordinates the giving of pro bono (free or reduced cost) legal assistance by the Western Australian legal profession and is a wholly-owned subsidiary of the Law Society.

The Law Society acknowledges and thanks:

- Greg McIntyre SC (Convenor)
- Maryse Aranda
- Alexandria Bishop
- David Blades
- Greg Boland (retired 2017)
- Mark Cox
- Lara Gotti
- Dominique Hansen (Observer)
- Gary Mack
- Marshall McKenna (retired 2017)
- Jennie McKenzie
- Gregory Mohen (appointed 2018)
- Steven Penglis
- Jonathan Slack-Smith (retired 2018)
- Nicholas Snare
- Justin Stevenson (Observer)
- Heather Williams
- Jo Wynaden (appointed 2018)

Accreditation Committee

Trevor O'Sullivan
Convenor



The Accreditation Committee advises the Law Society's Council on the rules and regulations that govern the granting of accreditation by the Law Society. In a secondary capacity the Committee acts as the advisory board for family law accreditation.

Accredited family law specialists practising in Western Australia must be members of the Law Society, and there are currently 47 accredited family law specialists accredited in Western Australia.

The Committee's achievements in 2017-2018 include:

- assessment of professional development activities submitted by accredited specialists, for which accreditation professional development points may be allocated;
- finalisation of the biennial specialist accreditation assessment programme, with six newly accredited family law specialists attaining their accreditation this year;
- re-accreditation and auditing of accredited specialists; and
- the mutual recognition of interstate accredited specialists, in accordance with the national accreditation scheme

The current accreditation assessment programme concluded in November 2017 and of the 12 candidates initially enrolled in the assessment programme, six passed the accredited specialisation assessment. For the first time in Western Australia, new specialists were acknowledged and presented with their Certificates of Accreditation by the President of the Law Society at the Law Week Awards Night and cocktail evening on 18 May 2018.

The high degree of difficulty of the accredited specialisation programme is reflected in the modest completion rate. This year's completion rate is consistent with that across other States and Territories this year. Specialist accreditation

provides formal recognition of a legal practitioner's high degree of technical competency in the area of family law. The privilege of formally applying the accredited family law specialist designation, and distinctive logo, is reserved exclusively for accredited specialists. Appointment as a specialist is a significant milestone in the career of a family law practitioner, and the Committee congratulates those admitted as candidates and wishes them well for the assessment tasks ahead.

The Law Society also actively participates in the Family Law Specialist Accreditation National Steering Committee. This ensures that all States and Territories share information to facilitate a consistent approach to assessment and credentialing. In an assessment year, the National Steering Committee works to promote consistency and uniformity of approach. That has included the Committee working with representatives of the other law societies and institutes to review and settle the assessment tasks and marking guides for assessment. Western Australia is the only State in which accredited practitioners are required to submit requests to the Committee for the approval and allocation of professional development points. This task represents a significant commitment of time for the Committee and this year the Committee has discussed the potential to reduce the number of meetings required and to approve more of the requests for points via circular resolution.

The Law Society acknowledges and thanks:

- Trevor O'Sullivan (Convenor)
- Damien Bowen
- Debbie Clinch
- Warren Elder
- Samuel Fahey
- Rodney Hooper SC
- Elizabeth Hynes
- Eric Martino
- Paula Wilkinson

Administrative, Constitutional and Migration Law Committee

Greg McIntyre SC
Convenor



The Administrative, Constitutional and Migration Law Committee met jointly with the Human Rights and Equal Opportunity Committee during 2017/18.

An issue of concern which it confronted, and continues to be engaged with, is the suspension of regional certification body applications in Perth under the Regional Sponsored Migration Scheme and the removal of the Perth metropolitan area from the Scheme. The Committee has also monitored proposed amendments to the Australian citizenship legislation and changes to employer sponsored visas.

The Committee maintained a liaison with the Administrative Appeals Tribunal through membership of its Users' Group and has sought to re-establish regular liaison with the Department of Home Affairs.

The Committee also endeavoured to maintain a liaison with the Migration Institute of Australia and the Australian Institute of Administrative Law.

The Law Society acknowledges and thanks:

- Greg McIntyre SC (Convenor)
- Alexandria Bishop
- John Fickling
- Kendra Hagan
- Peter Lochore
- Janette McCahon
- Alex McGlue
- Martin Udall
- Dr Janet Woollard
- Crawford Yorke

Alternative Dispute Resolution Committee

Laurie James AM
Convenor



The Law Society is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation System (NMAS) and the Council of the Law Society will take into consideration the recommendations of the Alternative Dispute Resolution Committee in considering its decision on re-accreditation and accreditation. During the year, the Committee considered and recommended applications for accreditation and re-accreditation.

As an RMAB, the Law Society should have a suitable process for complaints against mediators it accredits. A suitable complaints resolution process is under consideration by the Committee and Nicoletta Ciffolilli and Marcus Pullen have been designated a working group for that purpose.

Also under consideration are amendments to the criteria for appointment to the Panel of Arbitrators and Panel of Mediators created by the Law Society. Those amendments are under further consideration by the Committee as a result of the input from the Council.

The Committee also discussed the difficulty of mediators in regional areas obtaining sufficient CPD points for compliance with the NMAS. Avenues for dealing with this are being explored, but without any immediate solution being seen.

The Committee also considered whether the Law Society should be proposing that there be a requirement for Genuine Steps Statements before litigation is commenced.

The Law Society acknowledges and thanks:

- Laurie James (Convenor)
- Scott Ellis (Deputy Convenor)
- Mark Blundell
- Graham Castledine
- Nicoletta Ciffolilli
- Maha Chaar
- Michael Hollingdale (appointed 2018)
- Stanley Kawalsky (dec.)
- Nathan Landis (appointed 2018)
- Dr Richard Lilly
- Su Lloyd (dec.)
- Marcus Pullen
- His Hon Judge Chris Stevenson
- Evan Sylwestrzak
- Nicholas van Hattem (appointed 2018)

Brief Editorial Committee

Jason MacLaurin
Convenor



Published since 1974, *Brief* is the official journal of the Law Society. As such, it fulfils an important and public purpose. It informs members about the Law Society's activities, its functions (in both senses of the word) as well as publishing articles of interest to all sectors of the Western Australian legal profession.

11 monthly editions of *Brief* were published in the past financial year. Examples of significant articles featured in *Brief* over the year include:

- July 2017: Legal Traditions in an Age of Disruption by Katie Miller, Executive Director Legal Practice, Victoria Legal Aid, adapted from her keynote address to the Law Week Breakfast;
- July 2017: Review with photographs from the Law Society's 90th Anniversary Cocktail Party at Perth Town Hall;
- December 2017: Interview with outgoing President Alain Musikanth and incoming President Hayley Cormann;
- March 2018: An Advisory Body for Aboriginal and Torres Strait Islander Peoples in Australia by Bertus De Villiers, Adjunct Professor, Curtin University; and
- June 2018: Law Week review.

An example of an edition focusing on a more specific area was the April 2018 'Educating the WA Legal Profession' issue, which included a number of excellent articles from Western Australian universities on legal education, as well as a comprehensive review of the Law

Society's 2018 Law Summer School conference.

Brief has also in the last financial year provided items concerning the many judicial appointments and farewells.

Brief regularly includes items designed to assist the profession in the broader concerns of general wellbeing and meeting the challenges presented by technology, including the November 2017 Future of the Legal Profession themed issue, which included a survey of lawyers' cyber security practices, information on 'unbundling' and the future of legal education.

There have also been some new aspects of *Brief* in the last financial year, including the reintroduction of the Drover's Dog column and greater emphasis given to the lighter (and also more social) side of the practice of the law, including the Ex Juris: Travel Tales from the Legal Profession feature and Aunt Prudence Juris advice column from the Law Society's Young Lawyers Committee. These have been well received by the profession, going on the feedback received to date.

The Committee thanks all those who submitted articles or items for consideration, and encourages anyone who is interested in doing so to submit material.

Thank you also to those who make regular monthly contributions to *Brief*, such as Dean Alston for his cartoon, Robert Glade-Wright with Family Law Case Notes and Gino Dal Pont for his ethics column.

The Law Society acknowledges and thanks:

- Jason MacLaurin (Convenor)
- Gregory Boyle
- Tom Camp
- Dr Rebecca Collins
- Robert French (retired 2017)
- Melissa Koo (retired 2017)
- The Hon John McKechnie QC
- Alain Musikanth (retired 2017)
- Fiona Poh
- Dr Pat Saraceni
- Robert Scales
- Verginia Serdev-Patterson
- Moira Taylor (retired 2017)
- Eu-Min Teng

Commercial Law Committee

Shane Stewart
Convenor



The Commercial Law Committee's role is to report and make recommendations to the Law Society's Council on commercial issues of significance to the Law Society and its members.

The Committee has representatives on the following liaison groups:

- Consumer Protection Liaison Group;
- ASIC Regional Liaison Group; and
- Law Council of Australia, Business Law Section, Corporations Law Committee.

Members of the Committee attended meetings in order to obtain information and to provide feedback on behalf of the Law Society on various topics. For example, in October 2017, the Director of Legislation and Policy from the Department of Commerce, Penny Lipscombe, attended a Committee meeting to provide a comprehensive legislative and policy update to the Committee.

In 2017/18, the Committee considered a wide range of commercial issues and monitored legal developments and the progress of new legislation and reports in relation to a number of different subject areas, including:

- the regulation of automated vehicles;
- safe harbour provisions protecting directors from liability for insolvent trading while restructuring;

- limitations to ipso facto clauses giving a party to a contract the right to terminate on the occurrence of certain insolvency related events;
- the Directors' *Liability Reform Bill*; and
- changes to competition laws.

Representatives of the Commercial Law Committee participated in consultations with:

- the Treasury in relation to a proposal for a general safety provision in the Australian Consumer Law; and
- the National Transport Commission in relation to regulatory options to assure automated vehicle safety in Australia.

The Law Society acknowledges and thanks:

- Shane Stewart (Convenor since Jan 2018)
- Robert French (Deputy Convenor since Jan 2018)
- Jenny Cutri (Convenor until Jan 2018)
- Bruce Meredith (Deputy Convenor until Jan 2018)
- Bruno Camarri
- Sonia Chee
- Andrew Crean
- David Davidson (retired 2017)
- Paul Evans
- Brahma Dharmananda SC
- Maggie McGuinn
- Robert McKenzie
- Fiona Ng (Observer)
- Sarah O'Brien-Smith
- Adam Santa Maria (retired 2017)
- Andreas von Altenstadt
- Rachel Webber
- Linda Widdup

Construction and Infrastructure Committee

Greg Steinepreis
Convenor



The Law Society's Construction and Infrastructure Committee was established in August 2015. The Committee's meetings are held in conjunction with meetings of the Law Council of Australia's Construction and Infrastructure WA Group. This Group is part of the Law Council's Business Law Section's longstanding Construction and Infrastructure Committee.

Topics for discussion by the Committee have related to local as well as national issues relating to the construction industry.

The Committee's activities for 2017-18 included the following:

- Considering discussion papers provided by the Industry Advisory Group (IAG) appointed by the State Government to investigate and report on reform of security of payment legislation in the building and construction industry in WA and participating, on behalf of the Society, in the IAG workshops;
- Preparing written submissions from the Society to the IAG;
- Considering the report by John Murray to the Federal Government in relation to his Enquiry on Security of Payment Laws in the building and construction industry;
- Considering decisions of the Supreme Court and the State Administrative Appeals Tribunal on cases of significance to the construction industry; and
- Co-hosting a seminar for construction practitioners with Resolution Institute, the Society of Construction Law Australia and the Chartered Institute of Arbitrators in November 2017.

The Law Society acknowledges and thanks:

- Greg Steinepreis (Convenor)
- Michael Hollingdale (immediate past Convenor)
- Elizabeth Cubitt (retired 2017)
- Scott Ellis
- Basil Georgiou
- James Healy
- Stephen McComish
- Laurie James
- Nathan Landis
- Richard Lilly
- Chris Ryder
- Robert Shaw
- Elisabeth Edwards
- Phil Loots
- Adrienne Parker
- Toby Browne-Cooper

Costs Committee

Fraser Robertson
Convenor



The Costs Committee's primary function is to make recommendations to the Law Society's Council in relation to reviews conducted by the statutory Legal Costs Committee (LCC).

In 2017/18, the Law Society made detailed submissions to the LCC in relation to the reviews of the scales for litigious matters.

The Law Society also made a submission to the Chief Justice of Western Australia in relation to amending Order 66 rule 51 of the *Rules of the Supreme Court 1971 (WA)* to bring the rule into line with the current structures relating to the assessment of costs.

Other matters considered by the Committee in 2017/18 include:

- progress on reform in respect to the Suitors' Fund;
- the processes and procedures in dealing with taxations in the Magistrates Court of Western Australia, which included meeting with Magistrate Matthew Walton;
- the introduction of the Legal Profession Uniform Law in Western Australia; and
- costs orders in interlocutory applications in the District Court of Western Australia.

Members of the Committee also presented the CPD seminar *Beware the Ides of March – the dark arts of costs*, a seminar on effective costs and billing practices.

On a sad note, the Committee lost a long standing member in Stanley Kawalsky who unfortunately passed away during the year. Stan's contribution will be missed greatly.

The Law Society acknowledges and thanks:

- Fraser Robertson (Convenor)
- Matthew Curwood (Deputy Convenor)
- Brendan Ashdown
- Maria-Luisa Coulson
- David Davidson
- Justin Edwards (retired 2017)
- Stewart Forbes
- David Garnsworthy
- Richard Graham
- Dr Eric Heenan
- Stanley Kawalsky (former Committee member)
- Lachlan Palmos
- Amy Pascoe
- Philippa Rezos
- Milos Supljeglav
- Daniel Yazdani

Country Practitioners Committee

Kerstin Stringer
Convenor



The Committee's strategic focus continues to be developed with a view to ensuring that it is representing, engaging, supporting and advocating for all members of the profession in rural, regional and remote areas.

The Committee continues to identify issues that country lawyers are dealing with that require support and promotion through the Law Society: in particular resources, mental health issues, remuneration, recruitment and retention, professional isolation, mentoring and the technological changes impacting on legal practice.

The Committee was involved in two high-profile events during the reporting period: firstly, the Social Justice Opportunities evening where members provided information to students and other practitioners, and then in Law Week at the inaugural CPD event for rural, regional and remote legal practitioners.

The Committee acknowledges the support from the 13th Chief Justice of Western Australia, the Hon Wayne Martin AC, QC, with his invitation to regional members to advise him (directly) of how the Courts can be more accessible and user-friendly.

The Committee has also maintained its representation on the Rural, Regional and Remote Lawyers Committee of the Law Council of Australia and continues to monitor the Justice Project. The Committee will consider the report's recommendations which are due later in 2018 and in particular those recommendations relating to access to legal assistance in the regions as well as recommendations about access to resources to support lawyers that practise in these areas.

The Law Society acknowledges and thanks:

- Kerstin Stringer (appointed 2018)
- Brooke Sojan (retired 2017)
- Ryan Arndt (retired 2017)
- Julia Barber (retired 2017)
- Clare Brennan (appointed 2018)
- Peter Brindal
- Amelia Englert
- Kylie Kerin (retired 2017)
- Lex Payne (retired 2017)
- Amanda Sommerville (appointed 2018)

Courts Committee

Clinton Russell
Convenor



The Courts Committee continues to play an important role as a conduit for two-way feedback, and the dissemination of information to practitioners, between the Law Society, the Federal Court, Supreme Court, Family Court, State Administrative Tribunal, District Court and Magistrates Court.

In 2017/18, the Courts Committee assisted the Law Society to make submissions on various reforms and rule changes, including submissions to:

- the Supreme Court regarding the rules in respect to the amendment of writs, the timing of applications for special costs orders and the Practice Directions in respect to expert evidence;
- the Law Council of Australia regarding the law of contempt;
- the Magistrates Court regarding applications to set aside default judgment;
- the Attorney General in relation to necessary amendments to the *Suitors Fund Act 1964 (WA)*; and
- the Attorney General and the Chief Magistrate regarding proposals for improving the efficiency of court processes in the Magistrates Court.

In addition, the Committee has monitored issues and liaised with the Supreme Court and District Court in relation to electronic filing and has considered ways to help address challenges that arise when a party to court proceedings is a self-represented litigant. The Courts Committee was also involved in consultations regarding a proposal for a community justice centre in Western Australia and the ongoing issue of delays in the Family Court.

The Law Society acknowledges and thanks:

- | | |
|---|--|
| • Clinton Russell (Convenor) | • Nathan Landis |
| • David Bruns
(Deputy Convenor) | • Aaron McDonald |
| • Geoffrey Bourhill | • Marshall McKenna |
| • Tim Carey | • Hon Justice Simon Moncrieff |
| • Raymond Christensen
(retired 2018) | • Mark Pendlebury |
| • Rick Cullen | • Martyn Plummer |
| • David Davidson
(retired 2017) | • Dr Pat Saraceni |
| • Karen Farley SC | • Principal Registrar Larissa Strk |
| • Stewart Forbes | • Peter Van der Zanden
(retired 2017) |
| • Angelina Gomez | • Judge Fiona Vernon
(retired 2018) |
| • Richard Graham | • Deputy Chief Magistrate
Elizabeth Woods |
| • Edward Greaves | • Magistrate Matthew Walton |
| • Fiona Halsey | |
| • Jennifer Hill | |
| • District Registrar Martin Jan
(retired 2017) | |
| • Registrar George Kingsley | |

Criminal Law Committee

David Davidson
Convenor



The 2017/18 financial year was once again a very busy year for the members of the Criminal Law Committee.

The Committee is well balanced with prosecutors, defence lawyers, barristers and sole practitioners but still lacks a voice from the Aboriginal Legal Service (ALS). A representative from the ALS would be a welcome addition to the Committee membership.

The Committee continues to monitor the mandatory sentencing provisions under the burglary offences of the *Criminal Code* for unjust outcomes for offenders. Furthermore, the mandatory sentencing provisions for reckless driving under the *Road Traffic Act* are also being monitored for similar purposes. The Law Society remains committed to its opposition to all forms of mandatory sentencing.

The Criminal Law Committee has continued to advocate regarding issues within the prison environment and its non-workability for lawyers dealing with clients who are incarcerated. The Law Society met with the Office of the Inspector of Custodial Services, and the report *The Digital Divide: Access to digital technology for people in custody* will hopefully bring a positive outcome for this matter. The problems that legal practitioners experience using the prisons to see clients on a daily basis has not improved, especially in the women's prison.

The Committee also contributed to a number of Government initiatives relating to criminal law and procedure over the past 12 months, including a review of the proposed Commonwealth deferred prosecution agreements scheme, preparation of a position paper on the Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017 and a submission to the Department of Justice regarding the adoption of the Uniform Evidence Legislation in Western Australia. The Committee has also been supportive of finding ways to reduce time delays in the District and Supreme Courts with the ever decreasing budgets and greater workloads.

The Committee maintains liaison with other relevant committees: Registrar Whitbread is a member of the Stirling Gardens Magistrates Court Committee and the Convenor David Davidson has been appointed to the Law Council of Australia's National Criminal Law Committee. The Committee has also contributed to the Aboriginal Incarceration and Justice Reinvestment Working Group and monitors the Disability Justice Centre with its member Karen Farley SC providing regular reports.

The Law Society acknowledges and thanks:

- David Davidson (Convenor)
- Karen Farley SC (Deputy Convenor)
- Patricia Aloï (appointed 2018)
- Ryan Arndt
- Mara Barone (retired 2017)
- Avril Bartlett
- Stephen Butcher
- Kate Gregory
- Jodie Moffat (appointed 2018)
- Lex Payne (retired 2017)
- Carly Price
- Kirsten Scott
- Nicholas Snare
- Sam Vandongen SC (retired 2017)
- Registrar Whitbread

Education Committee

Hayley Cormann
Co-Convenor

Alain Musikanth
Co-Convenor



The Law Society's Education Committee oversees the Law Society's Continuing Professional Development (CPD) programme, curated and developed by the Law Society's Professional Development Team, and delivered by subject matter experts.

The Committee's membership is strongly supported by the Western Australian legal profession, ensuring the Law Society delivers engaging and informed education, as well as offering a variety of formats to suit a range of learning styles and preferences.

In 2017/18, within the CPD programme, there was greater diversity of speakers and content, and many topics were offered for the first time. This included a day conference on Elder Abuse; a seminar on the innovations and partnerships of Community Legal Centres, and a workshop on 'mindfulness' as a tool for dealing with distressed clients.

Our inaugural 'Country Practitioners' Day' as part of Law Week 2018, was oversubscribed, attracting delegates from as far north as Broome and the Pilbara, to Kalgoorlie and, from the south west as far as Esperance.

Our popular Ethics on Friday seminars continued, supported by experts from members of the Law Society's Ethics Committee, the Legal Practice Board, and the Legal Profession Complaints Committee. Our annual flagship conference, Law Summer School, in 2018 included substantive law topics, and invaluable sessions on cultural diversity and inclusion, with the closing address delivered by respected company director Diane Smith-Gander.

In 2017/18, we provided education focused on supporting core skills for today's lawyers, with seminars on mental health and resilience, leadership, legal and operational risk mitigation, artificial intelligence, and implicit bias. The Society also proudly worked together with other associations, including the National Environmental Law Association, Women Lawyers WA, Australian Legal Practice Management Association, and the Asian Australian Lawyers Association.

This year also launched the Society's first research partnership, with the Edith Cowan University Security Research Institute and its Director, Prof Craig Valli. A survey of the Law Society's members informed a series of seminars to improve the cybersecurity awareness of Western Australia's lawyers, and also resulted in a research paper delivered at the University of Texas at Austin in May 2018. The Society gained momentum in providing greater access to all, but in particular regional and outer metropolitan members, by making a greater number of seminars available via webinar and on our online eLearning platform.

In 2017, the Society completed an external review of its CPD programme, which review demonstrated the Law Society's strength in delivering valuable education for our profession. The review also provided important recommendations for future opportunities which were adopted by the Council in December 2017, for action.

We thank all members of the Committee, and we pay respect to long-standing Education Committee member, Su Lloyd, who sadly passed away in May 2018.

The Law Society acknowledges and thanks:

- Hayley Cormann (Co-Convenor)
- Alain Musikanth (Co-Convenor)
- Elizabeth Needham (Co-Convenor - retired 2017)
- Fiona Grgich
- Fiona Low
- Dr Pat Saraceni
- Adam Levine
- Glen McLeod
- Shonelle Duthie
- Angelina Gomez
- Su Lloyd (dec.)
- Alex Noonan

Elder Law and Succession Committee

Elizabeth Heenan
Convenor



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

- power of attorney reform, including interstate mutual recognition;
- legislative progress in succession law;
- probate practice; and
- the *Family Provision Act 1972* (WA).

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 a Committee member (currently the Convenor) represents the Law Society.

In the past year, the Committee completed its review of the Report of the Statutory Review of the Guardianship and Administration Act 1990. The Law Society made submissions to the Attorney General on the recommendations in the Report, which have been provided to the Department of Justice for consideration when an amendment Bill is at the drafting stage.

The Committee has been monitoring the progress of the inquiry by the Legislative Council Select Committee into Elder Abuse. The Law Society has provided the Select Committee with the Law Council of Australia's submission to the Australian Law Reform Commission's Elder Abuse Inquiry, to which the Committee contributed.

Members of the Committee have also contributed to the Law Society's briefing paper in relation to end of life choices.

The Committee is conducting the following reviews:

- a review of the *Retirement Villages Act 1992* (WA) having regard to recent legislative reforms in Queensland; and
- a review to extend Statutory Wills to minors.

The Committee also consulted with the Law Society's Education Committee for a CPD seminar on *Succession law and secret offspring*, which examined the decision in *Lemon v Mead*, limited and special grants of administration and assets outside the will.

The Law Society acknowledges and thanks:

- | | |
|---------------------------------|----------------------------------|
| • Elizabeth Heenan (Convenor) | • Nova Oldfield |
| • Michael Bowyer | • Michaela Speering |
| • Sally Bruce | • Kerstin Stringer |
| • Nicoletta Ciffolilli | • Matthew Wallis |
| • Tara Connolly | • Michelle Wilkes (retired 2017) |
| • Natalie Connor | • Gabriel Wong |
| • Rob Durey | • Daniel Yazdani |
| • Susan Fielding | |
| • Daniel Gill | |
| • Craig Gregson | |
| • Craig James (retired 2017) | |
| • Dr John Hockley | |
| • Patrick Hughes (retired 2018) | |
| • Amanda Liston | |
| • Peter Lochore | |
| • Dr Peter MacMillan | |
| • Janette McCahon | |
| • Peter Nevin | |

Employment Relations Committee

Daniel White
Convenor



The Employee Relations Committee is represented by practitioners who practice in the fields of employment, industrial relations and diversity (including discrimination and harassment).

The fields of law dealt with by the Committee are subject to considerable legislative change from time to time depending on the Government of the day. As a result, the Committee remains committed to its bi-partisan cause and largely refrains from making submissions to the Law Society's Council on proposed legislative changes in order to maintain its neutrality.

A significant focus of the Committee's work in the last year has been on the Ministerial Review of the State Industrial Relations System. The Committee has provided two submissions to the Review and is awaiting the release of the final report. In particular, the submission expressed the Law Society's concern

that the Interim Report appears to suggest the possible abolition of the Full Bench of the Western Australian Industrial Relations Commission (WAIRC). Appeals direct to a Supreme Court judge from the WAIRC, as suggested by the Interim Report, may create significantly increased case load work for the Supreme Court.

The Law Society acknowledges and thanks:

- Daniel White (Convenor)
- David Blades (appointed 2018)
- Philip Brunner
- Joseph Burke
- Stephen Butcher
- Mark Cox
- Anna Creegan
- Catherine Fletcher (appointed 2018)
- Robert French (retired 2017)
- Cory Fogliani (appointed 2018)
- Kendra Hagan
- Renae Harding
- Dominique Hartfield
- Michael Jensen
- Kimberley Jones (appointed 2018)
- Stephen Kemp
- Layla Langridge (retired 2017)
- Clarence Paul
- Joanna Vincent (retired 2017)
- Ben Watson

Environment, Town Planning and Local Government Committee

Denis McLeod
Convenor



The Environment, Town Planning and Local Government Committee had a busy 2017/18 year with outcomes including:

- continued advocacy on the transfer of environmental appeals to independent adjudication in the State Administrative Tribunal. The Committee is committed to continuing its efforts to deprive Western Australia of the distinction of being the only State where planning appeals are not dealt with by an independent tribunal;
- a number of submissions to Government, including on the recent waste reform consultation; and
- monitoring of:
 - o the review of the *Contaminated Sites Act 2003* (WA);
 - o State Planning Policy 2.8, and the impact on landowners of its provisions for uncompensated setting aside of land for conservation purposes; and
 - o the possibility of Third Party planning appeals.

The Committee maintained its participation in the activities of the Australian Environment and Planning Law Group.

A major project of the Committee during the reporting period was to assist in dealing with the apparent depletion of the planning law specialist adjudicating membership at the State Administrative Tribunal, culminating in representations made by the Law Society to the Minister for Planning and the Attorney General. The Committee was pleased to note the appointment of his Honour Judge David Parry to the Tribunal in September 2017.

The Law Society acknowledges and thanks:

- Denis McLeod (Convenor)
- Charmian Barton
- Andrew Carr
- Graham Castledine
- Martin Flint
- Clare Gleeson
- Stephen Halls (appointed 2018)
- Peter Lochore (retired 2017)
- Eve Lynch
- Alexander McGlue
- Glen McLeod
- Belinda Moharich
- Gregory Mohen (appointed 2018)
- Linda Rowley
- Julius Skinner
- Craig Slarke
- Elisabeth Stevenson
- Dr Stephen Willey

Ethics Committee

Julian Sher
Convenor



The Ethics Committee had another active year, with sub-committees reporting on a range of issues, culminating in the publication of the Law Society's new guidelines on Unbundling of Legal Services and the discussion paper "People Unlawfully Engaging in Legal Work: Protecting the Community".

The Committee continues its work in advocating for the adoption of the Uniform Law in Western Australia, including providing a submission to the Law Council of Australia on its review of the Australian Solicitors' Conduct Rules and participating in the Law Society's new Legal Profession Uniform Law Working Group. The Committee has also contributed to the Law Society's discussion paper concerning the Future of the Legal Profession and will continue to contribute to the Law Society's Futures Reference Group.

The Convenor has contributed to the Law Society's Anti-Money Laundering and Counter-Terrorism legislation and Future of the Legal Profession Working Groups. He is occasionally asked to provide ethical advice to members of the Law Society and speak at public events.

The Committee undertakes a monitoring role of new methods of professional advertising and alternative ways of providing legal services and other professional conduct matters as required from time to time.

The Committee has commenced its general review of the Society's Ethical and Practice Guidelines to ensure they remain up to date. The Committee thanks Cinzia Donald for her continuing assistance with this task.

The Committee acknowledges the considerable contribution to the Committee's activities of Fiona Vernon (now Her Honour Judge Fiona Vernon). The Committee congratulates her on her appointment to the bench and acknowledges her invaluable role as Deputy Convenor of the Ethics Committee.

The Law Society acknowledges and thanks:

- Julian Sher (Convenor)
- Fiona Vernon (Deputy Convenor) (retired 2017)
- Michael Cashman (appointed 2018)
- Cinzia Donald
- Justin Edwards (retired 2017)
- Paul Evans
- Angelina Gomez
- Dorothy Guerini (retired 2017)
- Nicola Jansen (appointed 2018)
- James Healy (retired 2017)
- Ashley Macknay
- Alain Musikanth
- Alison O'Dwyer (retired 2017)
- Nova Oldfield
- Craig Slater
- Fiona Stanton
- Nicola Watts (appointed 2018)

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 (the Programme), including the Mock Trial Competition (the Competition), and the Old Court House Law Museum (the Museum).

During the year under review, more than 10,000 participants received the benefit of programmes and services provided by the Programme. The Cluedunnit Kids competition continued its success in 2018 with joint winners from Peter Moyes Anglican Community and St Lawrence's Primary School in Geraldton.

382 primary and secondary students and teachers benefitted from the Subsidised Schools Programme thanks to sponsorship from the WA university law faculties. Approximately 100 people attended the 2017 Sir Ronald Wilson Lecture presented by the Hon Robert French AC.

Progress has been made with the Lore Law Project; a long-term Aboriginal youth-led, skills for life approach that acknowledges Aboriginal youth often walk in two worlds. The project involves building and training a strong Aboriginal Youth Leadership Team to facilitate a Human Centred Design process with high risk communities; Stage 1: Five years, Stage 2: 10 years and Stage 3: 10+ years.

The winners of the 2017 Mock Trial Competition were from Chisholm Catholic College; the second year in a row that a team from this school won the Competition. In the 2018 Competition, over 1,300 students from 53 schools in 124 teams participated. The support and assistance of

volunteers from the legal profession, who take on the role of either a team coach or a judge, is invaluable to the success of the Competition.

The number of visitors to the Old Court House Law Museum in the reporting period was 6,971, a 28% increase. Temporary exhibitions during the reporting period included *John Burdett Wittenoom*, *The Anatomy of Crime – Cracking the World of Forensics*, *Kate George: The First Aboriginal Person to Study Law at UWA* and *The History of the Law Society of WA*. Public programmes delivered included *My Culture, My Story: Aboriginal Women Leaders in Law*, a talk by historian Dr Pamela Statham-Drew on John Burdett Wittenoom and school holiday programmes. The Museum's Oral Histories Project focused on digitising and standardising the collection in order to make it more accessible.

In December 2017 the Department of Education advised that it would cease its funding of the Francis Burt Law Education Programme and the Mock Trial Competition as at 1 July 2019. The Advisory Committee has commenced a project of strategic planning, in conjunction with other stakeholders, to investigate ways in which funding might be obtained to ensure the continuation of these valuable community services beyond July 2019.

The Law Society acknowledges and thanks:

- The Hon Wayne Martin AC (Convenor)
- Professor Jürgen Bröhmer
- Professor Paul Fairall
- Emeritus Professor Peter Handford
- Katja Levy
- Marshall McKenna
- Stephen Powell
- Krishna Prasad
- Philippa Schrape
- Associate Professor Natalie Skead
- Professor Joan Squelch
- Dr Adam Tomison

General Conditions for the Sale of Land Committee

Frank Poeta
Convenor



The main focus of the General Conditions for the Sale of Land Committee's work in 2017/18 was the full review of the Joint Form of General Conditions for the Sale of Land (Joint Form) to produce an updated 2018 revision. The 2018 revision incorporated the Foreign Residents Withholding Annexure and the Electronic Conveyancing Annexure and included a number of amendments to update the form including:

- provisions to address the changes to the *Sale of Land Act 1970*;
- updates to the provisions dealing with encumbrances;
- provisions dealing with the *Personal Property Securities Act 2009*;
- provisions dealing with electronic conveyancing;
- provisions dealing with the CGT withholding tax regime;
- updates to the provisions dealing with duty;
- changes to the provisions dealing with the buyer's right and time to inspect;
- changes to the provisions dealing with the seller's warranties; and
- provisions to allow service of notices by email.

The 2018 revision of the Joint Form was approved by the Law Society and the Real Estate Institute of Western Australia in October 2017 and released in February 2018.

In addition, the Committee produced an Annexure to deal with the Federal Government's implementation of the new residential premises buyer GST withholding regime effective from 1 July 2018. This regime requires a buyer of new residential premises to withhold the GST otherwise payable by the seller to the ATO and pay that amount directly to the ATO, or for the buyer to provide the seller with a bank cheque for that amount payable to the ATO. The Annexure was approved by the Law Society and the Real Estate Institute of Western Australia in June 2018. It is proposed that the provisions included in the Annexure will be included in the next revision of the Joint Form.

The Law Society acknowledges and thanks:

- Frank Poeta (Convenor)
- Gary Thomas (Deputy Convenor)
- Christopher Booth
- Craig Bradley
- Hayden Groves
- Meagan Johnston
- Ross McCallum
- John Prevost
- Peta Whyte
- Gabriel Wong

Human Rights and Equal Opportunity Committee

Greg McIntyre SC
Convenor



The Human Rights and Equal Opportunity Committee met jointly with the Administrative, Constitutional and Migration Law Committee during the past year.

In 2017/18, the Committee monitored the work of the Law Council of Australia in developing policy positions on:

- the Royal Commission into the Protection and Detention of Children in the Northern Territory;
- the Closing the Gap Refresh;
- the Religious Freedom Review; and
- the National Redress Scheme for survivors of institutional child sexual abuse.

The Convenor is the Law Society representative on the Law Council of Australia's National Human Rights Committee. Committee member Jennifer Hill is the Law Society representative on the Law Council of Australia's Equal Opportunity Committee.

The Committee is also represented on the Law Society's Aboriginal Incarceration and Justice Reinvestment Working Group, which contributed to the Law Council of Australia's submission to the Australian Law Reform Commission's Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

Members of the Committee have also assisted the Law Society to develop a briefing paper in relation to end of life choices in anticipation of the Joint Select Committee Inquiry Report into the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices which is due in August 2018.

The Committee is preparing a position paper on the introduction of a Human Rights Act in Western Australia.

The Law Society acknowledges and thanks:

- Greg McIntyre SC (Convenor)
- Nicola Ashford
- Alexandria Bishop
- Zoe Bush
- Emma Cavanagh (retired 2017)
- Rebecca Dennison
- Alexander Griffiths
- Kendra Hagan
- Jennifer Hill
- Michael Jensen
- Mathea McCubbing (retired 2017)
- Elizabeth Needham
- Ilse Petersen
- Rabia Siddique
- Carolyn Tan

Indigenous Legal Issues Committee

Krista Dunstan
Convenor



This year, the Indigenous Legal Issues Committee joined with representatives from the Law Society's Human Rights and Equal Opportunity Committee and Access to Justice Committee to prepare a submission to the Australian Law Reform Commission's Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

The Committee continues to support the implementation of a Reconciliation Action Plan (RAP) for the Law Society, which entered into the 'Innovate' phase. The Innovate RAP establishes the Law Society's approach for advancing reconciliation within the organisation and outlines its reconciliation strategies and initiatives.

The Law Society's Mentoring Programme for Indigenous law students completed its eighth year. The Law Society will be looking to further develop its relationships with each of the universities to ensure the success of this valuable programme and that students are properly supported.

As part of the Committee's activities the Law Society co-hosted with the Chief Justice of Western Australia, the Hon. Wayne Martin AC, a panel discussion that

also provided a networking platform for Indigenous law students and members of the profession as well as profile the work of the Committee.

The Committee continues to work closely with the Francis Burt Legal Education Programme to provide input and advice in relation to programmes and initiatives being developed by the Programme. This includes the Lore Law Project, an educational campaign targeting Aboriginal youth in both metropolitan and regional Western Australia and providing education about legal rights and responsibilities to school and community groups.

The Committee maintains its commitment to communicating on issues of importance to Aboriginal and Torres Strait Islander peoples and recommended to the Law Society's Council a set of cultural protocols and guidelines for practitioners representing Aboriginal and Torres Strait Islander peoples in Western Australia. The Protocols for Lawyers with Aboriginal or Torres Strait Islander Clients in Western Australia are available on the Society's website.

The Law Society acknowledges and thanks:

- Krista Dunstan (Convenor)
- Chloe D'Souza
- Emma Garlett
- Tegan Harrington
- Marree Hart
- Marshall McKenna
- Jenny McKenzie
- Sara Pearson (retired 2018)
- John Ralph

In-house/Government Lawyers Committee

Pamela Hass
Convenor



The In-house/Government Lawyers Committee aims to promote and support the specific needs of in-house and government lawyers within the Law Society. It particularly seeks to promote increased understanding in the wider profession of the in-house sector which constitutes over 30% of the national legal profession.

The Committee continues to support the Law Society's CPD programme with suggestions for seminars and participation in seminars which not only engage the in-house sector but also inform and educate the private profession on the particular challenges facing in-house practitioners.

The Committee is in the process of preparing to host a Law Society social function for members

from other in-house organisations such as AMPLA, ACC and SOUL to socialise with members of the Law Society. This will be the second function of this nature, the first highly successful function being in the 2016/17 year.

The Committee has continued its work of the last two years to improve the situation of restricted practitioners who are supervised by a non-prescribed agency under the *Legal Profession Act 2008*.

The Committee is also working to highlight other issues of concern to in-house and government practitioners including workload stress with numerous approved redundancies in the public sector.

The Law Society acknowledges and thanks:

- Pamela Hass (Convenor)
- Elisabeth Edwards (Deputy Convenor)
- Avril Bartlett
- Sarah Coxon
- David Davidson
- Peter Doherty
- Joelle Hervic (retired 2017)
- Lyn Magro (retired 2017)
- Lex Payne (retired 2017)
- Adam Santa Maria (retired 2017)
- Shona McIntyre (appointed 2018)
- Ilse Petersen
- Joanne Quinn (retired 2017)
- Miriam Sauley
- Zoran Vukojevic
- Graeme Windsor (retired 2017)



Insolvency and Reconstruction Law Committee

Chris Pearce
Convenor

The Insolvency and Reconstruction Law Committee is a committee of the Business Law Section of the Law Council of Australia.

As in previous years, the Committee has continued to liaise with the Australian Securities and Investments Commission, the Australian Financial Security Authority and the Australian Restructuring Insolvency & Turnaround Association, and the Committee is ably assisted by Adrian Saggars of ASIC and Paul Devellerez of AFSA who continue regularly attending its meetings and provide invaluable insights.

The Committee also works with other members of the Law Council's subcommittee in Adelaide, Brisbane, Canberra, Melbourne and Sydney. At the end of 2017, the Committee's state and national Chair, Victoria Butler, retired her position after many years of service.

The federal reform agenda in the insolvency profession has continued this year, requiring substantial work from the Committee, which made a number of submissions to government, including on:

- Treasury's paper on proposals to combat illegal phoenixing;
- the Inquiry into the *Treasury Laws Amendment (2017 Enterprise Incentives No 2) Bill 2017* (in conjunction with the Law Council's Corporations Committee);
- the *Bankruptcy Amendment (Enterprises Incentives) Bill 2017*; and
- the ATO's use of garnishee notices (in conjunction with the Law Council's Taxation Committee).

In October 2017, Committee members attended the Law Council's Insolvency and Reconstruction annual workshop in Sydney with members of the committees of the other states.

The Law Society acknowledges and thanks:

- Chris Pearce (Convenor)
- Philip Blaxill
- Victoria Butler (retired 2017)
- Michelle Dean
- Paul Devellerez
- Sam Dundas
- James Healy (appointed 2018)
- Eric Heenan
- David John
- Richard Johnson
- Robert McKenzie
- Chris McLeod
- Nino Odorisio
- Claire Petersen
- Adrian Saggars
- John Vaughan SC (retired 2018)

Joint Law Society/Women Lawyers Committee

Catherine Fletcher
Convenor



The Joint Law Society/Women Lawyers Committee is a liaison group comprising representatives from Women Lawyers of Western Australia (WLWA) and the Law Society.

During 2017/18, the Committee:

- conducted a review of the Quality Practice Standards (QPS) to identify opportunities where the QPS can address diversity and inclusion issues;
- updated the Law Society's *Equality of Opportunity Model Briefing Policy*, which now encourages all briefing entities to adopt the Law Council of Australia's *National Model Gender Equitable Briefing Policy*;
- hosted a very successful High Tea with keynote speaker Fiona McLeod SC, who delivered a presentation on the topic 'Mind the Gap: It's the journey as well as the destination';
- assisted in developing a seminar on workplace diversity initiatives chaired by the Convenor and presented by Libby Lyons (Director, Workplace Gender Equality Agency), Margie Tannock (Squire Patton Boggs), Jake Howard (Norton Rose Fulbright), Elizabeth Macknay (Herbert Smith Freehills) and Leanne Nickels (DLA Piper); and

- nominated candidates for the 2018 WA Women's Hall of Fame and the WLWA Woman Lawyer of the Year Awards.

The Committee also assisted the Law Society's Advancement of Women in the Legal Profession Working Group to implement the Law Society's *Final Directions Paper*, a strategic plan for addressing the recommendations in WLWA's *20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report*. At the time of writing the Committee is developing an exit survey to identify retention issues and trends in consultation with firms so that there is shared information about gender equity issues.

The Law Society acknowledges and thanks:

- | | |
|-------------------------------------|---------------------------------|
| • Catherine Fletcher (Convenor) | • Tamasin Jonker (retired 2018) |
| • Rebecca Lee (Deputy Convenor) | • Janette McCahon |
| • Nikita Barsby (retired 2017) | • Tuba Omer |
| • Melanie Callow | • Fiona Poh (retired 2017) |
| • Debbie Clinch | • Joanne Quinn (retired 2017) |
| • Susan Diamond | • Jasmine Sims |
| • Hayley Dodson | • Charmaine Tsang |
| • Cinzia Donald | • Anne Wood (retired 2017) |
| • Malerie Durham | |
| • Judge Wendy Gillan (retired 2018) | |
| • Elizabeth Heenan (retired 2018) | |
| • Jennifer Hill | |
| • Daniela Ion | |

Mental Health and Wellbeing Committee

David Davidson
Convenor



The Mental Health and Wellbeing Committee worked carefully through the 13 recommendations that were adopted under the Law Society's *Mental Health & Wellbeing Recommendations 2016-2020* (following the review of the *2011 Report on Psychological Distress and Depression in the Legal Profession*).

An example of this was the review of Recommendation 12, which involved assisting the Law Society to develop a seminar on fostering healthy relationships with the bench.

In conjunction with the Young Lawyers Committee, the Committee developed a survey for junior lawyers in order to learn more about the issues they face as a result of their working conditions and to provide some context for potential initiatives aimed at addressing these issues.

The Committee has encouraged strong advocacy about the use and access of the Law Society's

LawCare WA programme and has monitored the use of the Member Assistance Programme (counselling service) and the Employee Relations Advice Line. The Committee promoted the use of the Locum Register and outlined the benefits, especially to small firms and sole practitioners, of taking leave and allowing another practitioner to operate their business.

Committee members are proactive in promoting the mental health services that the Law Society provides at events and seminars.

The Law Society acknowledges and thanks:

- David Davidson (Convenor)
- Ryan Arndt (retired 2017)
- David Blades
- Libby Fulham
- Emma Griffiths
- Justine Howard
- Sasha Johnson (retired 2017)
- Marshall McKenna (retired 2017)
- Alyce Lynch
- Philippa Rezos
- Linda Richardson
- Amanda Sommerville (retired 2018)
- Nik Snare
- Matthew Wallis
- Sam Witton (retired 2017)

Personal Injuries and Workers' Compensation Committee

Gray Porter
Convenor



The Personal Injuries and Workers' Compensation Committee has continued its involvement in matters affecting the administration of compensation claims and damages awards for personal injuries.

The Committee has recommended that the Law Society make submissions in relation to the Workers Compensation (Legal Practitioners & Registered Agents) Costs Determination, and a request has been made of the WorkCover WA Costs Committee that it convene and call for submissions.

The Committee continues to await draft regulations under the *Health Services Act 2016* (Cth) regarding public hospitals' claims for recovery of medical expenses from compensable patients post-settlement. The issue of access to hospital and medical practitioner files pre-litigation was also an issue of consideration by the Committee.

Members of the Committee continue to participate in WorkCover WA's Conciliation and Arbitration Service Users' Group and Costs Committee. The Deputy Convenor continues to serve on the Law Council of Australia's Personal Injuries and Compensation Committee which meets to discuss the compensation systems in the various states.

Other matters reviewed by the Committee this year included the *Limitation Act* amendment for child abuse and the Commonwealth redress scheme and amendments considered necessary to the *Criminal Injuries Compensation Act*.

Legislative review of the *Worker's Compensation and Rehabilitation Act 1981* remains pending. The Law Reform Commission of Western Australia's project on Claims for Non-Economic Loss for Wrongful Death under the *Fatal Accidents Act 1959* is expected to occupy the Committee during 2018/19.

The Law Society acknowledges and thanks:

- Gray Porter (Convenor)
- David Bruns (Deputy Convenor)
- Michelle Antunovich
- Geoffrey Bourhill (retired 2017)
- Mark Civitella
- Dan Connor
- Erica Dobson
- Asanka Gunasekera
- Karina Hafford
- Vidal Hockless
- Nakkie Le Roux
- Michael Lourey (retired 2017)
- Joel Trigg
- Kerry Wood

Professional Indemnity Insurance Management Committee

Dudley Stow
Convenor



The Professional Indemnity Insurance Committee (PIIMC) has, as required by the *Legal Profession Act*, put in place the PI insurance arrangements for the 2017/18 financial year. The negotiations were similar to previous years. The insurance placement includes consideration of the actuarial report prepared by our actuary, advice of our broker and our staff.

Ultimately, the annual contribution rate decreased by an average of approximately 10%, primarily due to prudent capital management enabling the subsidisation of the rate. We hope to be in a position to stabilise or further reduce rates in future years. However, this, as always will depend on claims outcomes and underwriting market conditions. I would mention also claims numbers in the last two years have shown an increase on the five year average.

PIIMC has continued its focus on risk management initiatives that will, over time, lower the incidence and cost of claims leading to more stable contributions subject of course to the underwriting market. The most visible sign of this is the ongoing successful risk management seminar programme. However, we have continued to increase risk management resources initiatives. Importantly, we have targeted higher risk firms for specific risk management reviews.

We are pleased that they have all accepted the recommendations that resulted and are working to improve their internal risk management.

The Law Mutual team has highly experienced insurance capabilities that enabled us to fully analyse the PI insurance arrangements to ensure they are fair and equitable to practitioners and their clients while maintaining a very broad coverage at a reasonable cost.

Financially, Law Mutual is in a very sound position and neither the annual audit nor actuarial reports for 2016/2017 were qualified.

Finally I wish to thank PIIMC committee members for their diligence and contribution for what has been another challenging but rewarding year.

In particular, I farewell Laurie Shervington and Ian Williams from the PIIMC, with my personal thanks for their guidance and help during their term on the Committee. I also welcome our two new members, Peter Forbes and Robert Evans, who commenced on 1 July 2018.

The Law Society acknowledges and thanks:

- Dudley Stow (Convenor)
- Eric Heenan
- Ian Williams
- Jocelyne Boujos
- Paula Wilkinson
- Laurie Shervington
- Denis McLeod

Professional Standards Scheme Committee

Alain Musikanth
Convenor



The Law Society's Professional Standards Scheme commenced on 1 July 2014. The Scheme caps occupational liability of participating members at \$1.5 million, \$5 million or \$10 million depending on the insurance policies and total annual fee income of the law practice.

The Professional Standards Scheme Committee was established to:

- consider issues relating to the Scheme, the Professional Standards Councils (PSCs) and the Professional Standards Act 1997 (WA);
- act under specific delegation of Council, where granted, to make decisions in accordance with the Scheme and the Professional Standards Act 1997 (WA);
- develop policy to assist in administering the Scheme;
- make recommendations from time to time to Council regarding the administration of the Scheme; and
- review the Scheme from time to time.

During the 2017/18 year, the Committee considered a number of applications for higher discretionary caps and made recommendations to Council. Four applications for discretionary caps were approved by Council during the course of the year. The Committee also oversaw the preparation and submission of the Law Society's fourth annual compliance report to the PSCs and the second year of implementation of the Scheme's risk management and compliance framework.

The Committee is pleased to report that as at 30 June 2018, the Scheme had 1,489 participating members; 204 more than the number of participating members a year earlier.

The Law Society acknowledges and thanks:

- Alain Musikanth (Convenor)
- Brendan Ashdown
- Nathan Ebbs
- Greg Pynt (retired 2017)
- Craig Slater
- Verginia Serdev-Patterson
- Irena Ferraro (appointed 2018)
- Vidal Pinckney-Hockless (appointed 2018)

Property Law Committee

Gary Thomas
Convenor



The focus of the Property Law Committee this year has been on the significant changes to the *Strata Titles Act 1985*, the new Community Titles Bill 2018, the implementation of electronic conveyancing and the consideration of the implications for the sale of the Western Australian land registry.

At the time of this report the Strata Titles Bill 2018 and the Community Titles Bill 2018 have been introduced and second read in the Legislative Assembly and it is the Government's intention that both Bills be passed by the end of 2018. The Government has also announced that consistent with the Law Society's Position Paper, *Sale of the Western Australian Land Registry*, it will not be privatising the Western Australian land registry.

The Committee has worked closely with the Strata Titles Act Reform Team at Landgate to ensure that its comments on the Bills were considered by the Government in the drafting process.

Members of the Property Law Committee represent the Law Society on a number of external stakeholder groups and committees, the Law Council of Australia Legal Practice Section Australian Property Law Group, and the Law Council of Australia E-conveyancing Working Group. Notably during this period there was a lot of activity for Law Society representatives on the Landgate Industry Reference Group and the PEXA Industry Reference Group.

As in previous years, the Committee has continued to monitor issues arising in specific areas including the *Contaminated Sites Act 2003*, retirement villages, the Land Titles Registration Manual and the Business Focussed Amendments to the *Transfer of Land Act 1893*.

The Law Society acknowledges and thanks:

- Gary Thomas (Convenor)
- Marcus Easthope (Deputy Convenor)
- Mark Atkinson
- Peter Beekink
- Christopher Booth
- Sarah Coxon (appointed January 2018)
- Susan Dukes
- Malerie Durham (appointed January 2018)
- Craig James
- Meagan Johnston
- Fiona Low (Ex Officio) (appointed January 2018)
- John Prevost
- Doug Solomon
- Gabriel Wong
- Peta Whyte
- Joel Yeldon
- Keith Bales (retired December 2017)
- Jarred Johnstone (retired December 2017)

Quality Practice Standard Committee

Craig Slater
Convenor



The QPS committee is proud to report that of the 45 accredited firms, 10 firms can claim 20 years as an accredited firm and 18 more firms have more than 10 years such experience. The committee celebrates and congratulates those firms on these important milestones.

In the last year the QPS Committee welcomed two new firms to the QPS scheme.

The QPS Committee continued to provide CPD programmes and assisted with other CPD training.

The QPS Committee introduced a networking event for QPS firms to coincide with the QPS training and the Committee looks forward to increasing the number and usefulness of such events for QPS accredited firms.

The QPS Committee was pleased to note that the Council of the Law Society agreed with the conclusions of the QPS strategic review that the QPS scheme has the potential to be a high value education service that responds to the needs of members when: tendering for work; complying with client requirements; marketing; complying with the Professional Standards Scheme (PSS); and, meeting Law Mutual (WA) insurance discount requirements. The Committee looks forward to working on the recommendations of the review including: increasing the positive marketing for the scheme; addressing the risk management requirements of PSS and Law Mutual (WA); and, the operational review of the scheme.

The Committee in the coming year will consider how the scheme will change to address integrating the QPS with changes that will arise from WA participation in the National Legal Profession Uniform Law scheme.

The QPS Committee considered and discussed with a representative of the Joint Law Society and Women Lawyers Committee, the 2014 Gender Bias Taskforce Review by Women Lawyers of WA. Consistent with the Council's resolution to implement aspects of that report as suggested in the Law Society's Final Directions paper, the QPS Committee resolved to take a leadership position with this issue and will consider how the QPS scheme can expressly address some of the recommendations on flexible workplace practices.

At the end of the financial year the Council of the Law Society deferred the completion of the operational review of the QPS scheme. The QPS Committee looks forward to responding and completing that review by 30 June 2019.

The Law Society acknowledges and thanks:

- Craig Slater (Convenor)
- Dorothy Guerini
- Peter Liron
- Andrew McGuinness
- Julie Ots
- Murray Thornhill
- David Vilensky

Taxation Law 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. The Committee is an active one meeting monthly at the offices of the Law Society.

A new initiative in 2018 is that members of the Tax Committee have been working with the editor and committee of "Brief", the Journal of the Law Society of Western Australia, to write regular columns on current taxation issues to further the education of readers and members of the Law Society.

In 2018 the Committee welcomed new members to the Tax Committee. Their willingness to join the Committee and contribute at the meeting is commendable. The Committee is actively seeking new members and will consider any applications to join.

In 2017-2018 the Tax Committee made submissions on various State and Commonwealth taxation issues. This work involved considerable effort by members resulting in an improvement in the taxation laws.

Further refining of the procedural requirements of the Foreign Resident Capital Gains Withholding Tax that came into force on 1 July 2016 occurred.

The Committee members have been involved in serving on various Committees of the Law Society, the Law Council of Australia and various advisory Taxation Committees involving the Australian Taxation Office and other representative organisations.

The Taxation Committee has continued to be represented on the Tax Round Table, a practitioner's forum to assist practitioners' access to the ATO.

Members of the Committee have been active presenting Continuing Legal Education Seminars for the Law Society. Members of the Committee are engaged in providing seminars for providers such as Continuing Legal Education and various professional associations.

Members of the Taxation Committee published articles of interest to the legal profession in "Brief" and other journals.

Members of the Committee would like to thank Grahame Young for keeping the Committee updated on all State and Interstate Revenue Issues and developments at the State Revenue Office.

Members of the Committee would like to thank Humphrey Faas for keeping the Committee informed of recent developments in taxation raised by the Taxation Committee of the Law Council of Australia (LCA). Humphrey presents a report at Committee meetings on the activities of the LCA in the development of taxation laws in Australia. Members of the Committee attended the LCA Taxation Committee's Annual Workshop held on the Twin Waters Resort in Queensland. Many attendees find this Workshop very beneficial and attendance is encouraged.

I would like to thank all members of the Committee for their support during the year.

The Committee had a very successful year.

The Law Society acknowledges and thanks:

- John Hockley (Convenor)
- Humphry Faas (Deputy Convenor)
- Jocelyne Boujos
- Joel Emery (retired 2017)
- John Fickling
- Walter Gianotti (Observer) (retired 2018)
- Fiona Halsey
- Elizabeth Heenan (retired 2017)
- Thomas Henn
- Jonathon Leek
- David Murphy
- Sarah Ozanne (retired 2017)
- Sam Radici
- Alex Sceales (appointed 2018)
- Robert Sceales
- Nolan Sharkey (retired 2017)
- Matthew Sunits
- Clare Thompson
- Zoran Vukojevic
- Chelsea Walsh (appointed 2018)
- Grahame Young

Young Lawyers Committee

Sarah O'Brien-Smith
Convenor



The Law Society's Young Lawyers Committee (YLC) is dedicated to providing key support to new members of the profession.

During the year the Law Society through the YLC provided a range of events focused on the young and emerging segment of membership including:

- social events to promote collegiality, such as the Welcome to the Profession breakfast and inter-firm sporting events (volleyball and netball);
- the Western Australian Golden Gavel Competition, which was held as an evening event instead of a breakfast event for the second time in 2017 and was a highlight of the social calendar;
- the Practical Advocacy Weekend, including a preparatory seminar as well as a weekend of coaching sessions by judges and other senior members of the profession, which was held in the Children's Court in Perth for the first time in 2017 instead of in Mandurah, in order to make the event more accessible for practitioners;
- raising awareness about social justice issues through a panel discussion during Law Week 2018 on the topic of access to justice for Indigenous Peoples, chaired by Michael Lundberg, Quinn Emanuel Urquhart & Sullivan and attended by a panel comprised of the Hon John Quigley MLA, Attorney General of Western Australia, the Hon Justice Robert Mazza, Supreme Court of Western Australia, Peter Collins, Aboriginal Legal Service of Western Australia and Tammy Solonec, Amnesty International;
- informing junior lawyers about alternative career paths, with a focus on social justice and community legal centres, at the Social Justice Opportunities Evening;
- mental health and wellbeing initiatives, including a Geoffrey Robertson QC-style mental health hypothetical panel discussion;

- informal networking opportunities for lawyers in small to mid-sized firms through the Small Firms Network; and
- the annual Law Student Mentoring Programme, which in 2018 included law students from all Western Australian law faculties for the first time and which continues to increase in numbers - from 50 students in 2017 to 76 students in 2018.

In recognition of the changing legal landscape, the YLC has maintained its focus on giving junior lawyers the opportunity to build their professional networks with young professional bodies from other industries, including accounting, consulting and engineering. This includes meeting with various young professional bodies, promoting their events and holding regular Inter Profession Networking events. In 2018, the Committee hosted a Speed Networking event, which gave young professionals the opportunity to develop "soft" skills and network with professionals from other industries.

In addition to these initiatives, the YLC also:

- introduced a new agony aunt column, Aunt Prudence Juris, and interviews with members of the profession who have had diverse and interesting career paths, in the *Brief* journal;
- continued to arrange monthly case notes and provide various articles for *Brief*;
- conducted a survey of junior lawyers seeking feedback on issues facing junior lawyers and on the Committee's activities;
- continued to connect with the five Western Australian Law Student Faculty Societies and the Australian Young Lawyers Committee; and
- continued to welcome observers at Committee meetings.

The Committee Facebook page also reached 1600 likes.

The Law Society acknowledges and thanks:

- Sarah O'Brien-Smith (Convenor)
- Nicola Ashford (Deputy Convenor)
- Alyce Lynch (Deputy Convenor)
- Natalie Connor (Deputy Convenor)
- Zoe Bush
- Jack Carroll
- Melanie Callow
- Alison Cooper
- Nic Coveney (retired 2017)
- Sean Gomes
- Catherine Graville (retired 2017)
- Michelle Leach
- James Marzec
- Marc McCaughey (retired 2017)
- Shona McIntyre
- Alex Noonan
- Sarah Ozanne (retired 2017)
- Fiona Poh
- Hague Skinner
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Financial Statements

for Financial Year 2017/18



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

Opinion

We have audited the financial report being a special purpose financial report, of the Law Society of Western Australia Inc. (the "Association") which comprises the statement of financial position as at 30 June 2018, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the declaration of the Council.

In our opinion, the accompanying financial report presents fairly, in all material respects, the Association's financial position as at 30 June 2018 and of its financial performance and its cash flows for the year then ended in accordance with the financial reporting requirements of the *Associations Incorporation Act 2015*, sections 72 – 77 of the Constitution of the Association, and the accounting policies described in Note 3.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Association in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

Emphasis of Matter – Basis of Accounting and Restriction on Distribution and Use

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Association to meet the financial reporting requirements of *Associations Incorporation Act 2015* and sections 72 – 77 of the Constitution of the Association. 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 or used by parties other than the members. Our opinion is not modified in respect of this matter.

Other Information

The Council is responsible for the other information. The other information comprises the information included in the Association's annual report for the year ended 30 June 2018, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Council for the Financial Report

The Council of the Association is responsible for the preparation and fair presentation of the financial report and has determined that the basis of preparation and accounting policies described in Notes 1 and 3 to the financial report is appropriate to meet the requirements of *Associations Incorporation Act 2015* and sections 72 – 77 of the Constitution of the Association and is appropriate to meet the needs of the members. The Council's responsibility also includes such internal control as the Council's 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.

In preparing the financial report, the Council is responsible for assessing the ability of the Association to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Council either intend to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Association's internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Council.
- Conclude on the appropriateness of the Council's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Council regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU



Peter Rupp

Partner

Chartered Accountants

Perth, 25 October 2018



Financial Statements

For the year ended 30 June 2018

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Statement of Profit or Loss and Other Comprehensive Income

For the Year Ended 30 June 2018

	NOTES	2018 \$	2017 \$
Revenue	5	4,974,311	5,076,861
Investment income		38,992	38,937
Other gains and losses	6	2,199	2,459
Loss on the revaluation of properties		(1,177,409)	-
Governance expenses		(653,218)	(640,930)
Member services expenses		(1,704,801)	(1,778,646)
Advocacy and community programmes expenses		(883,605)	(977,923)
Finance and administration expenses		(1,507,010)	(1,404,955)
(Deficit)/Surplus for the year		(910,540)	315,803

Other comprehensive income

Items that will not be reclassified subsequently to surplus or deficit:

Loss on revaluation of properties	(122,592)	-
Other comprehensive loss for the year	(122,592)	-
Total comprehensive (loss)/income for the year	(1,033,132)	315,803

The above Statement of Profit or Loss and Other Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position

As at 30 June 2018

	NOTES	2018 \$	2017 \$
CURRENT ASSETS			
Cash and cash equivalents	15	2,335,753	2,919,934
Trade and other receivables	7	66,093	221,675
Other assets		129,576	76,909
Total current assets		2,531,422	3,218,518
NON-CURRENT ASSETS			
Property, plant and equipment	8	3,826,289	5,084,524
Intangible assets	9	9,314	12,996
Total non-current assets		3,835,603	5,097,520
Total assets		6,367,025	8,316,038
CURRENT LIABILITIES			
Trade and other payables	10	483,066	615,536
Borrowings	12	-	2,287,500
Provisions	11	360,375	313,976
Income received in advance		1,468,077	1,817,168
Total current liabilities		2,311,518	5,034,180
NON-CURRENT LIABILITIES			
Borrowings	12	1,831,500	-
Provisions	11	21,858	46,577
Total non-current liabilities		1,853,358	46,577
Total liabilities		4,164,876	5,080,757
Net assets		2,202,149	3,235,281
MEMBERS' FUNDS			
Reserves	13	-	122,592
Retained surplus	14	2,202,149	3,112,689
Total members' funds		2,202,149	3,235,281

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

For the Year Ended 30 June 2018

	NOTE	RESERVES \$	RETAINED EARNINGS \$	TOTAL \$
Balance as at 1 July 2016		122,592	2,796,886	2,919,478
Surplus for the year		-	315,803	315,803
Total comprehensive income for the year		-	315,803	315,803
Balance as at 1 July 2017		122,592	3,112,689	3,235,281
Deficit for the year		-	(910,540)	(910,540)
Loss from revaluation of properties	13	(122,592)	-	(122,592)
Total comprehensive loss for the year		(122,592)	(910,540)	(1,033,132)
Balance as at 30 June 2018		-	2,202,149	2,202,149

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows

For the Year Ended 30 June 2018

	NOTES	2018 \$	2017 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Member subscriptions		2,071,472	2,916,778
Interest received		41,462	36,575
Receipts from other operating activities		3,287,396	3,560,807
Payments to suppliers and employees		(5,407,569)	(5,236,021)
Net cash (used in)/generated by operating activities	15	(7,239)	1,278,138
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, plant and equipment		(119,992)	(72,990)
Payments for intangible assets		(950)	-
Net cash used in investing activities		(120,942)	(72,990)
CASH FLOWS FROM FINANCING ACTIVITIES			
Repayment of borrowings		(456,000)	-
Net cash used in financing activities		(456,000)	-
Net (decrease)/increase in cash and cash equivalents		(584,181)	1,205,148
Cash and cash equivalents at the beginning of the year		2,919,934	1,714,786
Cash and cash equivalents at the end of the year	15	2,335,753	2,919,934

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Notes to the Financial Statements

1. General Information

The financial statements have been prepared on the basis that the Law Society of Western Australia is a non-reporting entity because, in the Council's opinion, there are unlikely to exist users dependent on a general purpose financial report. The financial report is therefore a special purpose financial report that has been prepared in order to meet the requirements of the Associations Incorporation Act 2015 (WA).

The financial statements have been prepared in accordance with the recognition and measurement requirements specified by the 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'.

The Law Society of Western Australia is an incorporated association registered in Western Australia.

The Law Society of Western Australia is a not-for-profit entity for the purpose of preparing the financial statements under the Australian Accounting Standards.

2. Application of new and revised Australian Accounting Standards

2.1 Amendments to Accounting Standards that are mandatorily effective for the current reporting period

The Law Society of Western Australia has adopted all of the new and revised Standards and Interpretations issued by the Australia Accounting Standards Board (the AASB) that are relevant to its operations and effective for an accounting period that begins on or after 1 July 2017.

Applications of the amendments have had no impact on the Law Society of Western Australia.

2.2 New and revised Australian Accounting Standards and Interpretations on issue but not yet effective

At the date of authorisation of the financial statements, the Law Society of Western Australia has not applied the following new and revised Australian Accounting Standards, Interpretations and amendments that have been issued but are 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 2018	30 June 2019
AASB 15 'Revenue from Contracts with Customers', AASB 2014-5 'Amendments to Australian Accounting Standards arising from AASB 15', AASB 2015-8 'Amendments to Australian Accounting Standards – Effective Date of AASB 15', and AASB 2016-3 'Amendments to Australian Accounting Standards – Clarifications to AASB 15'	1 January 2018	30 June 2019
AASB 16 Leases	1 January 2019	30 June 2020
AASB 1058 Income of Not-for-Profit Entities, AASB 1058 Income for Not-for-Profit Entities (Appendix D), AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities	1 January 2019	30 June 2020

3. Accounting policies

3.1 Goods and services tax

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

- a) where the amount of GST incurred is not recoverable from the Australian Taxation Office, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- b) for receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the Australian Taxation Office is included as part of payables in the Statement of Financial Position.

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 Australian Taxation Office is classified within operating cash flows.

3.2 Revenue recognition

Revenue is recognised only when it is probable that the economic benefits will flow to the Law Society of Western Australia and the amount can be reliably measured.

Revenue is measured at the fair value of consideration received or receivable after taking into account any trade discounts and volume rebates.

3.3 Borrowing costs

Borrowing costs are recognised in profit or loss in the period in which they are incurred.

3.4 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 Law Society of Western Australia in respect of services provided by employees up to the reporting date.

3.5 Taxation

The Law Society of Western Australia is exempt from income tax under section 50-5 of the Income Tax Assessment Act (1997).

3.6 Property, plant and equipment

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

Any revaluation increase arising on the revaluation of such land and buildings is recognised in other comprehensive income and accumulated within equity, except to the extent that it reverses a

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

On the subsequent sale or retirement of a revalued property, the attributable revaluation surplus remaining in the properties revaluation reserve is transferred directly to retained earnings. No transfer is made from the revaluation reserve to retained earnings except when an asset is derecognised.

Fixtures and equipment are stated at cost less accumulated depreciation and accumulated impairment losses.

Depreciation is recognised so as to write off the cost or valuation of assets less their residual values over their useful lives, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate 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.

3.7 Intangible assets

Intangible assets acquired separately

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. The estimated useful life and amortisation method are reviewed at the end of each reporting period, with the effect of any changes in estimate being accounted for on a prospective basis. Intangible assets with indefinite useful lives that are acquired separately are carried at cost less accumulated impairment losses.

Derecognition of intangible assets

An intangible asset is derecognised on disposal, or when no future economic benefits are expected from use or disposal. Gains or losses arising from derecognition of an intangible asset, measured as the difference between the net disposal proceeds and the carrying amount of the asset are recognised in profit or loss when the asset is derecognised.

3.8 Leases

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

3.9 Provisions

Provisions are recognised when the Law Society of Western Australia has a present obligation (legal or constructive) as a result of a past event, it is probable that the Law Society of Western Australia 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.

3.10 Financial instruments

The financial assets of the Law Society of Western Australia are classified into the following specified categories: 'held-to-maturity' investments, 'available-for-sale' (AFS) financial assets and 'loans and receivables.' The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Loans and receivables

Trade receivables, loans, and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. Interest income is recognised by applying the effective interest rate, except for short-term receivables when the effect of discounting is immaterial.

Impairment of financial assets

Financial assets are assessed for indicators for impairment at the end of each reporting period. Financial assets are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows of the investment have been affected.

For certain categories of financial assets, such as trade receivables, assets that are assessed for impairment on a collective basis even if they were assessed not to be impaired individually. Objective evidence of impairment for a portfolio of receivables could include the Law Society of Western Australia's past experience of collecting payments, an increase in the number of delayed payments in the portfolio past the average credit period of 60 days, as well as observable changes in national or local economic conditions that correlate with default on receivables.

For financial assets carried at amortised cost, the amount of the impairment loss recognised is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the financial asset's original effective interest rate.

For financial assets that are carried at cost, the amount of the impairment loss is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the current market rate of return for a similar financial asset. Such impairment loss will not be reversed in subsequent periods.

The carrying amount of the financial asset is reduced by the impairment loss directly for all financial assets with the exception of trade receivables, where the carrying amount is reduced through the use of an allowance account. When a trade receivable is considered uncollectible, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against the allowance account. Changes in the carrying amount of the allowance account are recognised in profit or loss.

For financial assets measured at amortised cost, if, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed through profit or loss to the extent that the carrying amount of the investment at the date the impairment is reversed does not exceed what the amortised cost would have been had the impairment not been recognised.

Derecognition of financial assets

The Law Society of Western Australia derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or when it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another party. If the Law Society of Western Australian either transfers nor retains substantially all the risks and rewards of ownership and continues to

control the transferred asset, the Law Society of Western Australia recognises its retained interest in the asset and an associated liability for amounts it may have to pay. If the Law Society of Western Australia retains substantially all the risks and rewards of ownership of a transferred financial asset, the Law Society of Western Australia continues to recognise the financial asset and also recognises a collateralised borrowing for the proceeds received.

On Derecognition of a financial asset in its entirety, the difference between the asset's carrying amount and the sum of the consideration received and receivable and the cumulative gain or loss that had been recognised in other comprehensive income and accumulated in equity is recognised in profit or loss.

On derecognition of a financial asset other than in its entirety (e.g. when the Law Society of Western Australia retains an option to repurchase part of a transferred asset), the Law Society of Western Australia allocates the previous carrying amount of the financial asset between the part it continues to recognise under continuing involvement, and the part it no longer recognises on the basis of the relative fair values of those parts on the date of the transfer. The difference between the carrying amount allocated to the part that is no longer recognised and the sum of the consideration received for the part no longer recognised and any cumulative gain or loss allocated to it that had been recognised in other comprehensive income is recognised in profit or loss. A cumulative gain or loss that had been recognised in other comprehensive income is allocated between the part that continues to be recognised and the part that is no longer recognised on the basis of the relative fair values of those parts.

3.11 Financial liabilities

The financial liabilities of the Law Society of Western Australia 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 Law Society of Western Australia derecognises financial liabilities when, and only when, the Law Society of Western Australia'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.

3.12 Fair value measurement

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date, regardless of whether that price is directly observable or estimated using another valuation technique. In estimating the fair value of an asset or a liability, the Law Society of Western Australia takes into account the characteristics of the asset or liability if market participants would take those characteristics into account when pricing the asset or liability at the measurement date. Fair value for measurement and/or disclosure purposes in these financial statements is determined on such a basis, except for share-based payment transactions that are within the scope of AASB 2, leasing transactions that are within the scope of AASB 117, and measurements that have some similarities to fair value but are not fair value, such as net realisable value in AASB 2 or value in use in AASB 136.

In addition, for financial reporting purposes, fair value measurements are categorised into Level 1, 2 or 3 based on the degree to which the inputs to the fair value measurements are observable and the significance of the inputs to the fair value measurement in its entirety, which are described as follows:

- Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities that the Law Society of Western Australia can access at the measurement date;
- Level 2 inputs are inputs, other than quoted prices included within Level 1, that are observable for the asset or liability, either directly or indirectly; and
- Level 3 inputs are unobservable inputs for the asset or liability.

4. Critical accounting judgments and key sources of estimation uncertainty

In the application of the Law Society of Western Australia'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.

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.

4.1 Key sources of estimation uncertainty

The key assumptions concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are discussed below or elsewhere in the financial statements:

Useful lives of property, plant and equipment

As described above, management reviews the estimated useful lives of property, plant and equipment at the end of each reporting period. There has been no change to the estimated useful lives of property, plant and equipment in the current financial year.

Useful lives of intangible assets

As described above, management reviews the estimated useful lives of intangible assets at the end of each reporting period. There has been no change to the estimated useful lives of intangible assets in the current financial year.

Valuation of building

The Law Society of Western Australia's premises on 160 St Georges Terrace are measured and reported at fair value.

The premises were revalued by Opteon Property Group Pty Ltd on 30 June 2018 and the valuation was undertaken in accordance with the International Valuation standards and in accordance with applicable financial reporting standards, namely *AASB 13 Fair Value Measurement*.

5. Revenue

	2018	2017
	\$	\$
Member subscriptions	2,097,990	2,005,199
Membership services and activities	142,713	240,080
CPD programme and education	860,958	886,878
Grants and distributions	336,573	394,099
Marketing and promotion	359,756	454,858
Finance and administration services	618,046	611,249
Other revenue	558,275	484,498
Total Revenue	4,974,311	5,076,861

6. Other gains and losses

Gain on disposal of property, plant and equipment	2,199	2,459
Net gain	2,199	2,459

7. Trade and other receivables

Current		
Trade debtors	20,046	189,483
Accrued income	45,371	29,046
Other receivables	676	3,146
	66,093	221,675

8. Property, plant and equipment

Carrying amounts of:		
Building	3,600,000	4,900,000
Plant and equipment	226,289	184,524
	3,826,289	5,084,524

	Building at fair value	Plant and equipment at cost	Total
Balance at 30 June 2017			
Cost or valuation	4,900,000	1,668,647	6,568,647
Accumulated depreciation and impairment	-	(1,484,123)	(1,484,123)
	4,900,000	184,524	5,084,524
Balance at 30 June 2018			
Cost or valuation	3,600,000	1,788,640	5,388,640
Accumulated depreciation and impairment	-	(1,562,351)	(1,562,351)
	3,600,000	226,288	3,826,288

The following useful lives are used in the calculation of depreciation.

- Plant and Equipment 4-11 years
- Buildings 40 years

8.1 Measurement techniques of revalued amounts

The fair value of the Law Society of Western Australia's premises was determined by Opteon Property Group Pty Ltd on 30 June 2018. This valuation has been prepared using the direct comparison valuation method in accordance with the International Valuation Standards 2017 and AASB 13 *Fair Value Measurement*.

9. Intangibles

	2018	2017
	\$	\$
Carrying amounts of:		
Trademark	9,314	12,996
	9,314	12,996
	Trademark	
Balance at 30 June 2017		
Cost	48,353	
Accumulated amortisation	(35,357)	
	12,996	
Balance at 30 June 2018		
Cost	49,303	
Accumulated amortisation	(39,989)	
	9,314	

Trademarks are amortised over an estimated useful life of 10 years.

10. Trade and other payables

	2018	2017
	\$	\$
Current		
Trade creditors	45,702	83,061
Accrued expenses	54,974	41,027
Other payables	382,390	491,448
	483,066	615,536

11. Provisions

Current		
Employee benefits	360,375	313,976
Non-current		
Employee benefits	21,858	46,577
	382,233	360,553

12. Borrowings

	2018	2017
	\$	\$
Current		
Bank loan secured at amortised cost	-	2,287,500
Non-current		
Bank loan secured at amortised cost	1,831,500	-
	1,831,500	2,287,500

The Law Society of Western Australia's loan facility is secured by level 4 and part of level 5, 160 St Georges Terrace, PERTH WA 6000. This loan facility expires on 31 December 2019.

13. Property revaluation reserve

	2018	2017
	\$	\$
Balance at beginning of year	122,592	122,592
Decrease arising on the revaluation of properties	(122,592)	-
Balance at end of year	-	122,592

Valuation of the Law Society of Western Australia was completed by Opteon Property Group on 30 June 2018 (Refer to note 8.1).

14. Retained earnings

Balance at the beginning of the year	3,112,689	2,796,886
(Deficit)/Profit for the year	(910,540)	315,803
Balance at the end of year	2,202,149	3,112,689

15. Cash and cash equivalents

For the purposes of the statement of cash flows, cash and cash equivalents include cash on hand and in banks, net of outstanding bank overdrafts. 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.

	2018	2017
	\$	\$
Cash at bank and on hand	1,815,062	994,704
Short-term deposits	520,691	1,925,230
	2,335,753	2,919,934

15.1 Reconciliation of profit for the year to net cash flows from operating activities

(Deficit)/Surplus for the year	(910,540)	315,803
Loss on the revaluation of properties	1,177,409	-
Depreciation and amortisation of non-current assets	82,860	79,603
	<u>349,729</u>	<u>395,406</u>
Movements in working capital		
Decrease/(increase) in trade receivables	155,580	(21,093)
(Decrease)/increase in other assets	(52,667)	9,944
(Decrease)/increase in trade and other payables	(132,470)	155,109
Increase in provisions	21,681	32,611
(Decrease)/increase in income in advance	(349,092)	706,161
Cash (used in)/generated from operations	<u>(356,968)</u>	<u>882,732</u>
Net cash (used in)/generated by operating activities	(7,239)	1,278,138

15.2 Reconciliation of liabilities arising from financing activities

Changes in the Law Society of Western Australia's liabilities arising from financing activities are shown in the table below. Liabilities arising from financing activities are those for which cash flows were, or future cash flows will be classified in the statement of cash flows as cash flows from financing activities.

	Balance as at 1 July 2017	Financing cash flows (i)	Balance as at 30 June 2018
Borrowings (note 12)	2,287,500	(456,000)	1,831,500
	<u>2,287,500</u>	<u>(456,000)</u>	<u>1,831,500</u>

(i) Repayments of borrowings as represented in the statement of cash flows.

16. Related parties disclosures

During the financial year, and in the periods specified below, the following members served in the Council of the Law Society of Western Australia.

Members who served 1 January 2018 to June 2018	Members who served 1 July 2017 to 31 December 2017
Hayley Cormann	Alain Musikanth
Greg McIntyre SC	Hayley Cormann
Jocelyne Boujos	Greg McIntyre SC
Alain Musikanth	Jocelyne Boujos
Brahma Dharmananda SC	Elizabeth Needham
Elizabeth Edwards	Brahma Dharmananda SC
Catherine Fletcher	Nathan Ebbs
Emma Griffiths	Adam Ebell
Karina Hafford	Elizabeth Edwards
Eric Heenan	Catherine Fletcher
Fiona Low	Rebecca Lee
Marshall McKenna	Marshall McKenna
Denis McLeod	Denis McLeod
Jodie Moffat	Stefan Sudweeks
Nicholas van Hattem	Nicholas van Hattem
Paula Wilkinson	Paula Wilkinson
Zoe Bush	Deblina Mittra (resigned June 2017)
Sarah O'Brien-Smith	Sarah O'Brien-Smith (from August 2017)
Brooke Sojan	Jodie Moffat
Kerstin Stringer	Noella Silby
	Brooke Sojan

Transactions between the Law Society of Western Australia and councillor related entities

Other than the President who receives a presidential honorarium, no member of Council receives directly or indirectly any fees, bonuses or other remuneration. The total honorarium paid in the financial year ending 2018 was \$125,514. (30 June 2017: \$125,418).

During the reporting period, legal services were provided to the Law Society of Western Australia, under normal commercial terms and conditions, by firms of which Councillors were partners. A total of \$7,125 (30 June 2017: \$nil) was paid by the Law Society of Western Australia for these legal services.

The Law Society of Western Australia received income from firms of which Council members are partners, employees and consultants. The following fees were received from all parties under the same terms and conditions as other members of the Law Society of Western Australia:

- membership fees;
- registration fees for Continuing Professional Developments and membership events.

Transactions between the Law Society of Western Australia and Law Mutual (WA)

During the current financial year, Law Mutual (WA) paid the Law Society of Western Australia administration, consulting and management services on normal commercial terms and conditions amounting to \$459,672 (30 June 2017: \$450,479).

At 30 June 2018, Law Mutual (WA) owed the Law Society of Western Australia \$20,046 (30 June 2017: \$76,518).

Transactions between the Law Society of Western Australia and the Law Society Public Purposes Trust

In the 2017-18 financial year, the Law Society of Western Australia received grants payments from the Public Purposes Trust for the following activities:

	2018 \$	2017 \$
Francis Burt Law Education Programme	200,000	200,000
Francis Burt Law Education Programme - Oral History Project	10,714	10,504
Law Week	20,000	10,000
	230,714	220,504

The Public Purposes Trust paid \$146,546 (2017: \$146,546) to the Law Society of Western Australia for administration, consulting and management services on normal commercial terms and conditions.

At 30 June 2018, no monies were owed by the PPT to the Law Society of Western Australia (30 June 2017: \$2,244).

17. Commitments

(a) Operating Leases

	2018 Minimum Future Lease Payments \$	2017 Minimum Future Lease Payments \$
No later than 1 year	7,992	7,992
Longer than 1 year and not longer than five years	6,660	14,652
Longer than 5 years	-	-
	14,652	22,644

(b) Secured Bank Loans

	2018 Minimum Future Payments \$	2017 Minimum Future Payments \$
No later than 1 year	-	2,287,500
Longer than 1 year and not longer than five years	1,831,500	-
Longer than 5 years	-	-
	1,831,500	2,287,500

The Law Society of Western Australia secured a variation to its existing loan facility in December 2017 for its premises on 160 St Georges Terrace. This loan facility is a variable rate loan that will expire in 2019.

18. Remuneration of auditor

	2018 \$	2017 \$
Audit of the financial statements	25,200	25,200
	25,200	25,200

The auditor of the Law Society of Western Australia is Deloitte Touche Tohmatsu.

Statement by Council

As detailed in the Notes to the Financial Statements, the Law Society of Western Australia 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. Accordingly, this 'special purpose financial report' has been prepared to satisfy the Council's accountability in the Law Society of Western Australia's constitution and reporting obligation under the Associations Incorporation Act 2015 (WA)

The Council declares that:

- (a) in the Council's opinion, there are reasonable grounds to believe that the Law Society of Western Australia will be able to pay its debts as and when they become due and payable; and
- (b) in the Council's opinion, the financial statements and notes are in accordance with the Associations Incorporation Act 2015 (WA), the Law Society of Western Australia's constitution and applicable accounting standards.

Signed on behalf of and in accordance with a resolution of the Council.



Hayley Cormann
President

25 OCTOBER 2018

Date

Jocelyne Boujos
Treasurer

25 October 2018.

Date