

ANNUAL REPORT

2015/16

THE **ESSENTIAL** MEMBERSHIP
FOR THE LEGAL PROFESSION

Prepared by the Law Society of Western Australia
lawsocietywa.asn.au

The Law Society  **Society**[®]
— OF WESTERN AUSTRALIA —
The voice of the legal profession in Western Australia



The Law Society of Western Australia

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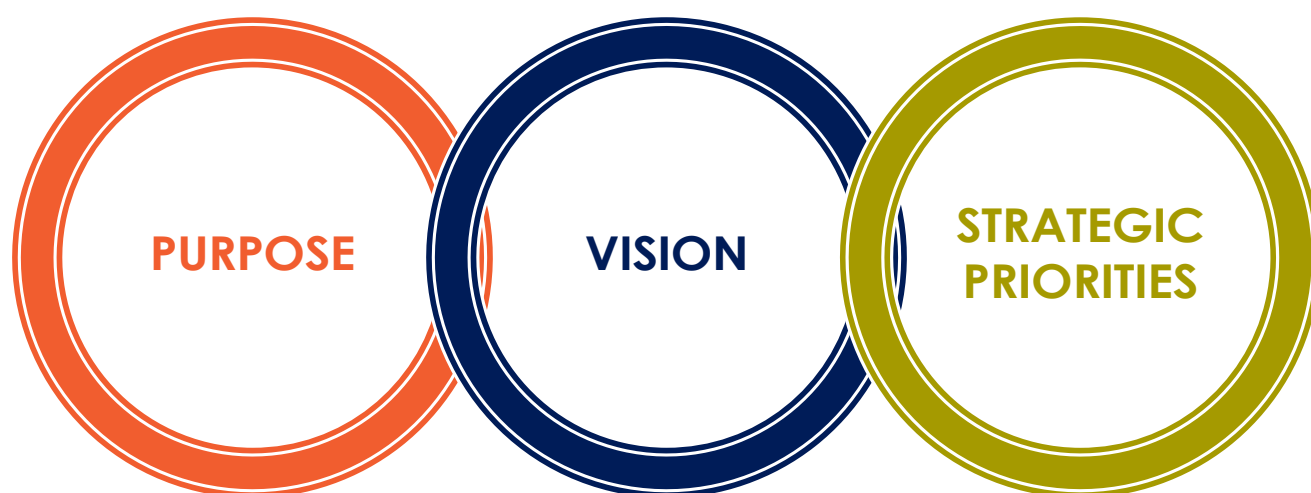
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Strategic Plan 2014/2018



Strong Advocacy

The Law Society of Western Australia is respected as the voice of the legal profession. It proactively engages key stakeholders 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 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 electronic communications.

The Law Society plays a pivotal role in improving access to justice by encouraging an increasing number of lawyers to provide pro bono services and driving a range of public education initiatives. This contributes to improved public perceptions of the legal profession.

High Value Services

The Law Society stays in touch with members' needs and responds with a range of desirable, value adding services and benefits, covering:

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

The Law Society utilises modern IT and CRM systems to develop and promote customised services, targeted at various member segments.

Organisational Excellence

The Law Society is considered to be forward thinking and financially sustainable with effective systems. The Council offers strong, representative and collaborative leadership. Priorities are aligned across the organisation with resources allocated to areas of greatest need.

There is a strong and compelling value proposition, supported with a clear marketing strategy to retain and attract a growing number of members. This is supported with modern technology and information systems, enabling communication to be responsive, effective and tailored for individual member needs.

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



Membership Survey

In April 2016, Law Society members and staff were invited to evaluate the Law Society's performance against a series of key performance indicators in the Strategic Plan. 404 members participated.

Overall satisfaction remains high with 83% of members reporting that they are satisfied.

The Law Society remains committed to building a reputation as the **essential membership for lawyers**. It is pleasing to see that member advocacy remains strong and employee advocacy has improved significantly over the year. The Law Society will continue to strive to provide you with a membership organisation that you're proud to be part of and happy to recommend to others.

Organisational Excellence	2016 Score	Trend	Target
Member satisfaction – % satisfied	83%		☑
Member Advocacy	80%		☑
Employee Advocacy	71%	↗	→

The Law Society continues to keep members informed about changes in legislation and key issues affecting the profession, effectively promotes access to justice and is regarded to be **the voice of the legal profession** in Western Australia.

Strong Advocacy – % agree	2016 Score	Trend	Target
Has a good understanding of members' needs	80%		☑
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	85%		☑
Effectively promotes access to justice	82%		☑

The Law Society is dedicated to delivering high value services. Members report that the Law Society are on target with the *Brief Journal*, e-newsletters, regular email information alerts, free networking and social events and community services.

Recent improvements to the website have been noticed with member satisfaction up 5% points, edging closer to the performance target.

The Law Society will retain a focus on improving Continuing Professional Development, committees and working groups, Find a Lawyer, LawCare WA, advocacy training, mentoring programmes and Grad-Match.

High Value Services – % satisfied	2016 Score	Trend	Target
The Society's website	71%	↗	→
<i>Brief journal</i>	87%		☑
E-newsletters	86%		☑
Regular email information alerts	81%		☑
Continuing Professional Development	79%		→
Committees and Working Groups	69%		→
Free networking and social events	65%		☑
Find a Lawyer	76%	↗	→
Member Privileges	49%		→
Community Services	76%		☑
LawCare (WA)	45%	↘	→
Senior Advisors' Panel	61%		→
Advocacy Training	61%		→
Mentoring programmes	58%		→
Grad-Match	33%	↘	→

☑ Target achieved → Making progress

If you have ideas about how the Law Society could improve, or to discuss these results further, please contact the Law Society's Chief Executive Officer on (08) 9324 8605 or dprice@lawsocietywa.asn.au.



President's Report

Elizabeth Needham
President

Strategic Campaigns

For 2015/16, the Law Society chose the following issues as Strategic Campaigns, which were key areas of focus throughout the year:

- Professional practice; and
- Wellbeing and mental health/retention/gender bias.

A significant review was undertaken into the Law Society's resources relating to professional practice. Research was conducted into the work being done in the field by other law societies around Australia and internationally, to determine what the Law Society could learn from other organisations. As a result, there were a number of improvements to Law Society resources, including our Costs Kit and Ethical and Practice Guidelines.

The Law Society's website now includes a wealth of professional practice material, which has been subdivided into categories including: Ethics and Professional Conduct, Costs, Complaints, Accreditation, and Setting up and Running a Law Practice.

The website now also features specialised pages for the benefit of various legal circles, including Country Lawyers, Indigenous Lawyers, In-house and Government Lawyers, Sole Practitioners and Small Firms, Women Lawyers and Young Lawyers. These pages provide tailored information relevant to specific subsections of the legal profession.

In the area of gender bias, the Law Society continues to provide support to the legal

profession in fully implementing the recommendations of the Women Lawyers of Western Australia's *2014 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report*. The Law Society has also adopted the Law Council of Australia's Diversity and Equality Charter and helped develop the National Equitable Briefing Policy.

Our Mental Health and Wellbeing Committee conducted a review of the Law Society's *Psychological Distress and Depression in the Legal Profession 2011 Report*. The original report made 29 recommendations to the Law Society pertaining to mental health and wellbeing, encompassing a range of awareness-raising, preventative and treatment-focused measures.

The Committee's review examined the relevance and effectiveness of each of the original recommendations. It found that since 2011, the Law Society has raised awareness of mental health and wellbeing within the legal profession, resulting in many of the original recommendations becoming redundant. Many of the initiatives proposed in the Report have become established as Law Society programmes and member benefits.

The Law Society remains concerned about the prevalence of mental health issues in the profession and is committed to doing what it can to reduce it.

The result of the review is that the Report's original 29 recommendations have been reduced to 13, which now form the *Mental Health and Wellbeing Recommendations 2016 to 2020*. The Law Society has adopted these recommendations and the next formal review will be conducted in 2020.

The Law Society's LawCare WA service is designed to support the health and wellbeing of our members. LawCare WA includes professional, confidential and free counselling and information. Members can access up to three free counselling sessions and a range of online information resources.

As part of the revamped website design, LawCare WA is now featured prominently, with beneficial resources highlighted on a number of pages. The Law Society's website now features multiple pages dedicated to health and wellbeing, which cover topics such as Life, Family and Relationships, Living Healthy, Financial Wellbeing and Work and Career.

The Law Society continues to collect case study information from legal professionals and firms across the topics of wellbeing and mental health, retention and gender bias. These case studies are designed to provide useful insights and strategies for practitioners who encounter similar scenarios or problems in the course of their professional and personal lives.

Diversity and Equality

In 2015, the Law Society adopted the Law Council of Australia's Diversity and Equality Charter.



We are a diverse and inclusive workplace

The Charter commits the Law Society to promoting diversity, equality, respect and inclusion, consistent with the principles of justice, integrity, equity and the pursuit of excellence upon which the legal profession is founded.

The Law Society recognises that diversity and equality provide benefits to the legal profession and the community as a whole. The Law Society promotes a Western Australian legal profession in which people are treated with respect and dignity, regardless of sex, sexuality, disability, age, race, ethnicity, religion, culture or other arbitrary feature.

The Law Society has encouraged its members and other organisations to adopt the Charter. The formal adoption of the Charter by legal practitioners and law practices is an important step in fostering equality through a supportive environment, allowing all individuals to reach their maximum potential, regardless of difference.

During 2015/16, the Law Society worked closely with the Law Council of Australia and other law societies and bar associations to develop a National Equitable Briefing Policy, in order to achieve a nationally consistent approach towards bringing about cultural and attitudinal change with respect to gender briefing practices.

Diversity and inclusion is also a focal point of one of the Law Society's strategic campaigns for 2016/17.

Reconciliation Action Plan

In July 2015, the Law Society launched its inaugural Reconciliation Action Plan (RAP). The RAP programme provides a structure for organisations to realise their vision for reconciliation with Aboriginal and Torres Strait Islander peoples in Australia. Through the programme, organisations develop a RAP, which documents what an organisation commits to do to contribute to reconciliation. Hundreds of organisations across Australia participate in the RAP programme with the assistance of Reconciliation Australia.

The Law Society's June 2015–June 2016 Reflect RAP outlined the Law Society's strategy to achieve its vision of:

- a profession where Aboriginal and Torres Strait Islander law students, graduates and practitioners feel valued and respected; and
- a community in which members understand and show respect for the Aboriginal and Torres Strait Islander cultures through building relationships and laying the foundation for increased

opportunities for Aboriginal and Torres Strait Islander peoples.

The Law Society's RAP was developed by our RAP Working Group, in consultation with our Indigenous Legal Issues Committee. The RAP Working Group continues to meet on a regular basis and has worked on a refreshed and renewed Reconciliation Action Plan for 2016-17. The Law Society's new 'Closing the Gap' Strategic Campaign for 2016-17 will also have a strong focus on legal issues affecting Aboriginal and Torres Strait Islander peoples, such as overrepresentation in our prison system.

Law Society Policy Positions and Media Strategy

During 2015-16, I have been working closely with our Advocacy and Marketing and Communications staff to develop a series of briefing papers on key issues, which provide a condensed guide to the policy positions of the Law Society.

The purpose of this has been to ensure that whoever from the Law Society is dealing with the media is fully briefed, so we are able to enter the public debate and act as the authoritative voice of reason, reaching both the legal profession and the public.

The briefing papers are designed to allow representatives of the Law Society to be armed with the knowledge required to address issues directly and promptly as they come under the media spotlight, and to advocate robustly for the interests of the Law Society's members.

Legal Aid Matters Campaign



Ahead of the 2016 Federal Election, a major focus of the Law Society's advocacy efforts was the national Legal Aid Matters campaign, which aimed to draw public attention to the nationwide crisis in legal assistance funding. The campaign aimed to highlight the harm caused by successive cuts to legal aid, leading to many disadvantaged members of the community being denied legal representation.

The *Legal Aid Matters* campaign called upon the Commonwealth Government to:

- develop a National Partnership Agreement with the States/Territories which is based on national objectives, as distinct from Commonwealth or State goals;

- restore Commonwealth funding to Legal Aid Commissions to a 50 percent share (up from 35 percent) on a constant per capita basis;
- immediately provide 50 percent of the further \$200 million called for by the Productivity Commission to fund civil law assistance; and
- make Commonwealth increases conditional on States and Territories at least maintaining their funding levels.

On Thursday, 28 April, the Law Society hosted a campaign panel forum titled *Be Afraid Without Legal Aid*. A highly engaged audience of practitioners heard from a range of eminent speakers from the judiciary, legal profession, Community Legal Centres and the Western Australian Bar Association.

The *Legal Aid Matters* campaign was also a central focus of Law Week 2016. Fred Chaney AO discussed the importance of a properly funded legal assistance sector at *The Case for Legal Aid* Law Week Breakfast on Monday, 16 May. On Tuesday, 17 May, I was one of several Ambassadors who took part in the inaugural Law Access Walk for Justice, to highlight the importance of pro bono work and to raise money for the Law Access Pro Bono Referral Service.

A major focus for the Law Society in the coming year will be advocating for greater resources to be allocated to legal aid in Western Australia, in the lead-up to the 2017 State Election.



Chief Executive Officer Report

David Price
Chief Executive Officer

I commenced in my role at the Law Society in July 2006, so I thought this year's annual report would be a good opportunity to reflect on where the Law Society was 10 years ago and where we are at now. In the 2005/06 Annual Report to members I noted the following:

- a) *That it had been a period of change for the Law Society of Western Australia with the departure of the Executive Director in January 2006 and the resignation of Wayne Martin QC as President in April 2006 to take up the position of Chief Justice.*
- b) *The Law Society was in a very interesting and challenging period with a number of internal and external issues including a push for a more nationalised system with the National Model Bill, the continued debate with regard to the role of the Law Council of Australia, the introduction of a new Legal Practice Act for Western Australia and mandatory legal professional development.*
- c) *As a membership based organisation our focus must clearly be on the things that are important to our members and that had commenced evaluating our internal practices to look for ways we could do things more efficiently and effectively to ensure that members got "good value".*

The Law Society continues to look for ways it can do things more efficiently and effectively to ensure that members get "good value" and the results over the past 10 years are pleasing;

- membership has increased by 55% from 2,432 in 2005/06 to a record 3,785 in 2015/16;

- an Ordinary Membership fee in 2005/06 was \$595 (inc GST) and in 2015/16 is \$785 (inc GST), a less than \$200 increase over 10 years.
- Member satisfaction has increased from 58% (2007) to 83% (2016), with 80% of members now saying the Law Society has a good understanding of their needs, 86% saying the Law Society keeps members well informed about changes in legislation and key issues affecting the profession and 85% saying the Law Society is the voice of the legal profession in Western Australia;
- face-to-face continuing professional development offering increased from 24 in 2005/06 to 82 in 2015/16;
- attendances at our face-to-face continuing professional development seminars have increased from 1,108 in 2005/06 to 3,465 in 2015/16;
- in 2006, 40% of the members of Council were women and in 2016 there are 60%; and
- in 2005/06 the Law Society had accumulated net assets of \$2,243,111 and \$1,705,671 cash reserves. Today the Law Society has \$2,933,983 of accumulated net assets and \$2,037,924 cash reserves plus the Law Society has paid down one third of the loan to purchase its premises at 160 St Georges Terrace that it bought in November 2011.

The Law Society remains committed to building a reputation as the **essential membership for the legal profession** and doing things more efficiently and effectively to ensure members get "good value". In particular the last financial year has seen a number of achievements

which are addressed throughout this annual report and reflected in the 2015/16 Strategic Plan Scorecard survey results included in the Annual Report at page 3.

Looking Forward

Looking forward, 2016/17 will be another challenging but exciting year at the Law Society. It will be 90 years since the Law Society was established on 15 June 1927 with 96 founding members when it was agreed that "an association of legal practitioners of Western Australia be formed". We will continue to strive to provide you with an organisation that you're proud to be a member of and prepared to recommend to others.

Thank you

I would firstly like to acknowledge and say thank you to Andrea Lace who retired from her role as General Manager Advocacy on the 31 March 2016 after a total of 20 years' service to the Law Society.

My thanks and sincere appreciation is extended to the Immediate Past President Matthew Keogh, current President Elizabeth Needham, and both their Executive teams in 2015/16 for their support and commitment they have provided to the Law Society, our members, the staff and me in my role in the past 12 months.

Thank you also to the Law Society Council members' of 2015 and 2016 and our many Committee members, all of whom volunteer many hours of their time to enable to 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 who have again worked tirelessly in 2015/16 to deliver a very positive and successful year for all of our members.

The year in numbers

2015/16



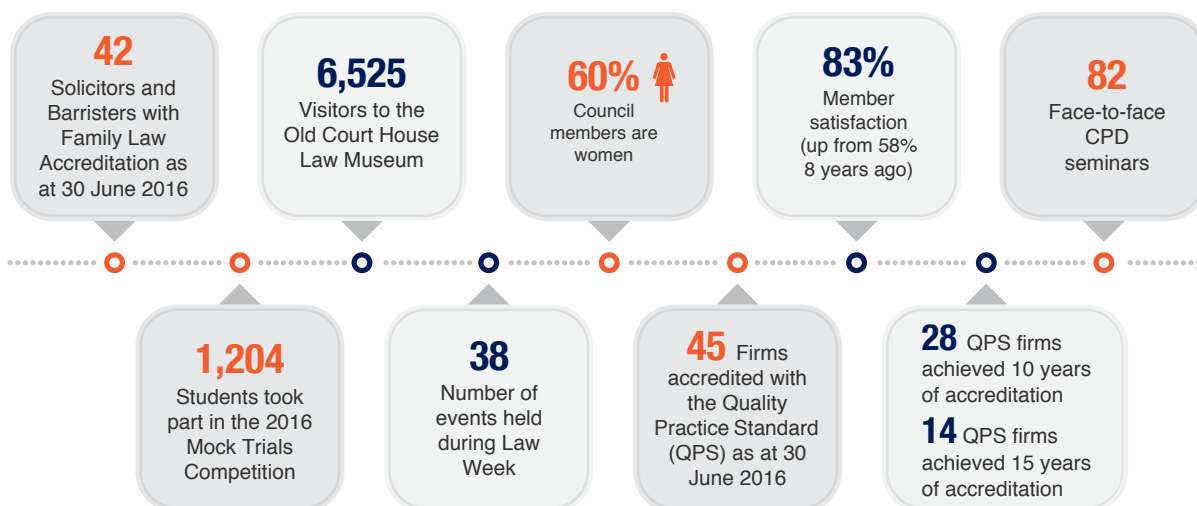
3,785
Record
Membership



35 Submissions

130

Teams participated
in the 2016 Mock
Trial Competition



3,465

Face-to-face participants
in CPD seminars

\$2,300,370

Grants approved by
the Attorney General
from the Law Society
Public Purposes Trust



Council 2015

The Council of the Law Society of
Western Australia for 2015

Executive | 1 July 2015 to 31 December 2015



Matthew Keogh
President (resigned August 2015)
(Herbert Smith Freehills)



Elizabeth Needham
Senior Vice President
President (August 2015 to present)
(Francis Burt Chambers)



Alain Musikanth
Vice President
Senior Vice President (August 2015 to present)
(Francis Burt Chambers)



Hayley Cormann
Treasurer
Vice President (August 2015 to present)
(Clayton Utz)



Marie Botsis
Treasurer (August 2015 to December 2015)
(DLA Piper)

Ordinary Members

Alison Aldrich (Alison & Associates)
Marie Botsis (DLA Piper)
Tara Connolly (Valenti Lawyers)
Brahma Dharmananda SC (Francis Burt Chambers)
Nathan Ebbs (Bennett + Co)
Adam Ebell
(Office of the Director of Public Prosecutions)
Nicholas Ellery (Corrs Chambers Westgarth)
Catherine Fletcher
(Office of the Director of Public Prosecutions)
Greg McIntyre SC (John Toohey Chambers)
Marshall McKenna (Allens)
Denis McLeod (McLeods)

Country Member

Georgia Pickering
(Bunbury Community Legal Centre)

Junior Members

Emma Cavanagh (Minter Ellison)
Ray Christensen (Zilkins)
Rosie Hill (State Solicitor's Office)

Immediate Past President

Konrad de Kerloy (Herbert Smith Freehills)



Council 2016

The Council of the Law Society of
Western Australia for 2016

Executive | 1 January 2016 to 30 June 2016



Elizabeth Needham
President
(Francis Burt Chambers)



Alain Musikanth
Senior Vice President
(Francis Burt Chambers)



Hayley Cormann
Vice President
(Clayton Utz)



Nathan Ebbs
Treasurer
(Bennett + Co)

Ordinary Members

Alison Aldrich (Alison & Associates)

Marie Botsis (DLA Piper)

Jocelyne Boujos (Sceales & Company)

Tara Connolly (Valenti Lawyers)

Adam Ebell

(Office of the Director of Public Prosecutions)

Nicholas Ellery (Corrs Chambers Westgarth)

Catherine Fletcher

(Office of the Director of Public Prosecutions)

Rebecca Lee (Francis Burt Chambers)

Greg McIntyre SC (John Toohey Chambers)

Marshall McKenna (Gilbert & Tobin)

Denis McLeod (McLeods)

Country Member

Brooke Sojan (Legal Aid WA)

Junior Members

Saran Bavich (Minter Ellison)

Sophie Ecker (Stardragon Holdings Pty Ltd and
Homunculus Pty Ltd)

Jodie Moffat (Bennett + Co)

Immediate Past President

Matthew Keogh (Herbert Smith Freehills)



Governance

Annual General Meeting

The Annual General Meeting was held on
Tuesday, 27 October 2015

Councillor Meeting Attendance

1 July 2015 to 31 December 2015

Member	Council meetings (Total 6)	Trustee of Law Mutual Fund (Total 1)	Trustee of the Public Purposes Trust (Total 3)	Trustee of the Chief Justice's Youth Appeal Trust (Total 1)
Matthew Keogh (resigned August 2015)	1	0	1	0
Elizabeth Needham	6	0	2	0
Alain Musikanth	5	1	3	1
Hayley Cormann	5	1	2 *	1
Alison Aldrich	6	1	3	1
Marie Botsis	5	0	2	0
Tara Connolly	3	0	1	0
Brahma Dharmananda SC	3	0	1	0
Nathan Ebbs	5	1	3	1
Adam Ebell	3	1	2	1
Nicholas Ellery	4	0	2	0
Catherine Fletcher	5	1	3	1
Greg McIntyre SC	5	1	3	1
Marshall McKenna	5	1	2	1
Denis McLeod	5	0	2	0
Konrad de Kerloy	5	0	1	0
Georgia Pickering	2	1	0 *	1
Emma Cavanagh	4	1	1 *	1
Ray Christensen	5	1	3	1
Rosie Hill	5	1	3	1

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



Governance

Councillor Meeting Attendance

1 January 2016 to 30 June 2016

Member	Council meetings (Total 6)	Trustee of Law Mutual Fund (Total 3)	Trustee of the Public Purposes Trust (Total 2)	Trustee of the Chief Justice's Youth Appeal Trust (Total 2)
Elizabeth Needham	4	3	2	2
Alain Musikanth	5	2	1	2
Hayley Cormann	6	2	2	2
Alison Aldrich	5	3	2	2
Marie Botsis	2	0	1	0
Jocelyne Boujos	6	3	2	2
Tara Connolly	5	2	1	2
Nathan Ebbs	4	2	1	1
Adam Ebell	3	1	1	1
Nicholas Ellery	4	1	1	2
Catherine Fletcher	5	3	2	1
Matthew Keogh	3	1	1	0
Rebecca Lee	5	3	2	1
Greg McIntyre SC	5	3	2	2
Marshall McKenna	4	2	1	1
Denis McLeod	3	1	2	0
Brooke Sojan	5	3	2	2
Saran Bavich	5	3	2	2
Sophie Ecker	4	2	1	2
Jodie Moffat	6	3	2	2

Executive

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

Co-opted Councillors 2015/16

Marie Botsis - May to August 2015
 Nathan Ebbs - September to December 2015
 Nicholas Ellery- January to April 2016
 Marshall McKenna – May – August 2016



Executive Meetings

Eight Executive meetings held over the financial year.

Executive Meetings

Attorney General for Western Australia and Director General of the Department of the Attorney General

Minister for Police

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

Western Australian Bar Association

Legal Aid Commission of Western Australia; Community Legal Centres Association (WA) Inc and Aboriginal Legal Services of WA (Inc)

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

Attorney General (Federal)

Law Council of Australia President and Managing Partners of Large Firms in Perth



Attorney General for Western Australia and Director General of the Department of the Attorney General



Minister for Police



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



Western Australian Bar Association



Legal Aid Commission of Western Australia; Community Legal Centres Association (WA) Inc and Aboriginal Legal Services of WA (Inc)



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



Attorney General (Federal)



Law Council of Australia President and Managing Partners of Large Firms in Perth

Submissions

Submissions 2015

Lawyer Prison Visits – Department of Corrective Services
Proposals to Modernise Processes for Publishing Western Australian Legislation – Parliamentary Counsel
Corporations Agreement – Attorney General (State and Federal)
Indigenous Legal Issues – Attorney General
Legal Education Discussion Paper – Law Council of Australia
Compensable Patients and Medical Claims by Hospitals – Minister for Health
Reform of Remote Communities in Western Australia and Proposed Consultations - Minister for Regional Development; Lands; Minister Assisting the Minister for State Development, and Minister for Mental Health; Disability Services; Child Protection
Baycorp Bailiff Services – Baycorp (WA)
Supreme Court of Western Australia – Changes in Security Screening Procedures – Chief Justice of Western Australia
Delivery of Reserved Decisions and Reasons for Decision – Supreme Court of Western Australia
WA Registrar and Commissioner of Titles Verification of Identity and Authority Requirements – Registrar of Title and Commissioner of Titles
Proposal for Amendment to Section 12A Sentence Administration Act 2003 – Attorney General
Review by Legal Costs Committee: Legal Profession (Supreme Court) (Contentious Business) Determination 2014; Legal Profession (District Court Appeals) (Contentious Business) Determination 2014; Legal Profession (Supreme And District Court) (Criminal) Determination 2014; Legal Profession (Magistrates Court) (Civil) Determination 2014; Legal Profession (Magistrates Court) (Criminal) Determination 2014 – Legal Costs Committee
Magistrates Court Website – Publication of Daily Court Hearing List – Magistrates Court and Tribunals

Submission 2016

Decisions of WorkCover WA Arbitrators – Workcover WA
Settlement Agents Code of Conduct 2016 – Department of Commerce
Law Reform Commission of WA Project 106: Provisional Damages for Gratuitous Services – Law Reform Commission
Legal Costs Committee Review: Legal Profession (Family Court of Western Australia) Determination 2014; Legal Profession (State Administrative Tribunal) Determination 2014; Legal Profession (Official Prosecutions) (Accused's Costs) Determination 2014 – Legal Costs Committee
Legal Costs Committee – Proposal for change to categories of Practitioners in Costs Scales - Legal Costs Committee
Expunging of Criminal Convictions for Historical Homosexual Offences – Attorney General
Real Estate and Business Agents Sales Representatives Code of Conduct 2016 – Department of Commerce
Parliamentary Counsel's Office New Facilities to Modernise Processes for Publishing Western Australian Legislation – Parliamentary Counsel
Harmonisation of Conduct Rules – Comparison between Legal Profession Conduct Rules 2010 (WA) and Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2016 – Legal Practice Board Western Australia
Compensable Patients and Medical Claims by Public Hospitals – Minister for Health
Proposed Amendments to Order 62A Rules of the Supreme Court 1971 (WA) re Mortgage Repossession Actions – Supreme Court of Western Australia
Proposed Amendments to Consolidated Practice Direction 8.1 – Delivery of Reserved Decisions and Reasons for Decision – Chief Justice of Western Australia
Solicitor Prison Visits – Commissioner Custodial Services
Joint Costs Advisory Committee Inquiry – Law Council of Australia
Law Council of Australia's Human Rights Policy Statement – Law Council of Australia
Draft National Model Equitable Briefing Policy – Law Council of Australia
Review of the National Disability Advocacy Programme – Law Council of Australia
Advancing Scrutiny of Suitors' Fund Bills – Attorney General
Australian Consumer Law Review Issues Paper – Australian Consumer Law Review
Fine Default Imprisonment – Law Council of Australia
Limited Partnerships Bill 2016 (Confidential) – Department of Commerce

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)
Law Council of Australia Domestic and Family Violence Working Group	Teresa Farmer, Elizabeth Needham
Law Council of Australia Transnational Practice Network	General Manager Advocacy
Law Access Limited Board	Helen Creed, Maria Saraceni
WorkCover WA Evaluation of Conciliation and Arbitration Services Focus Group	Gray Porter, Michelle Antunovich, Mark Civitella, Vidal Hockless, Asanka Gunasekera
WorkCover WA Conciliation and Arbitration Services Users' Group	Michelle Antunovich, Mark Civitella
Australian Pro Bono Centre Board	Manager Law Access Ltd
Legal Costs Committee	Clare Thompson, Brendan Ashdown, Matthew Curwood
Law Council of Australia International Development Assistance on the Rule of Law Network	Robert Lindsay
Legal Aid Committee (Legal Aid WA)	Trevor O'Sullivan, Anthony Clarke, Edward Greaves
Office of State Revenue Liaison Committee	Peta Whyte
Advisory Committee – Law Library in the David Malcolm Justice Centre	President of the Law Society
Law Council of Australia Elder Abuse Inquiry Working Group	Elizabeth Heenan

Sponsors

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

Partners
BankWest – Financial Services Partner
Legalsuper – CPD Partner
Sponsors and supporters
Ashurst
Auto Classic (BMW)
Bradley Bayly Lawyers
Burgess Paluch
Clayton Utz
College of Law
Corrs Chambers Westgarth
Curtin University
DLA Piper
Edith Cowan University
Herbert Smith Freehills
HHG Legal Group
Incito Wealth
Jackson McDonald
John Toohey Chambers
Law in Order

Leap Legal Software
Lexus
Macquarie
Marsh
Murdoch University
Norton Rose Fulbright
Office Information Australia
Practice Management Professionals
Profile Legal
Scott Print
Shearn HR Legal
TFS Corporation
Thomson Reuters
Unisearch Expert Opinion Services
University of Melbourne
University of Notre Dame
University of Western Australia

Life Members

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

Lawyer of the Year Awards

PRACTITIONER WITH MORE THAN FIVE YEARS' EXPERIENCE
2016
Claire Rossi and Glen McLeod
2015
John Fiocco
2014
Melanie Cave
2013
Thomas Percy QC
2012
Denis McLeod and Clare Thompson
2011
Shayla Strapps and Amanda Goodier
2009
Steven Penglis
2008
Dr Johannes Schoombee

PRACTITIONER WITH MORE THAN FIVE YEARS' EXPERIENCE
2016
Michael Geelhoed
2015
Callum Hair
2014
Jessica Bowman and Stephanie Puris
2013
Gary Mack
2012
Tammy Solonec
2011
Breony Allen
2009
Toni Emmanuel
2008
Anna Rakoczy

General Manager Reports





Advocacy

Mary Woodford

General Manager - Advocacy

It is a welcomed opportunity to make this report on behalf of the Advocacy team for 2015/16 and take the opportunity to thank my predecessor Andrea Lace for her significant contribution to this area of the Law Society's work.

Advocacy is supported by four lawyers and its primary role is to promote the voice of the profession on law reform, practice and procedure, ethics and policy issues through the 26 standing committees that report and make recommendations to the Council of the Law Society.

The committees, with the support of the Advocacy team, continue to work closely with Members of Parliament, government agencies, the Courts, the Law Council of Australia, the State Solicitors' Office, the Director of Public Prosecutions and other professional associations to obtain amendments to laws and procedures particularly those that are considered to be unacceptable in promoting equality before the law.

The individual committee reports that appear in this Annual Report highlight the range of issues that the Advocacy team has promoted during the 2015/16 reporting period. In particular there has been ongoing commitment to a number of key strategic initiatives including the implementation of the Law Society's Reconciliation Action Plan, the review of the Women Lawyers of Western Australia *20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report* and the joint Law Society and Law Council of Australia initiative seeking the State and Commonwealth commit to adequately funding legal aid, community legal centres and members of the community who are the victims of family violence. These areas will continue as high priority initiatives going into 2016/17.

The Law Society's Limitation of Liability Scheme that commenced on 1 July 2014 is also administered by the Advocacy

team and continued to grow this year recording 1,112 members (of which 151 were incorporated legal practices).

In this reporting period the Law Society also adopted a new five-year Risk Management Plan that sets out the risk control strategies and measures to be undertaken by the Law Society to manage material risks associated with the Professional Standards Scheme. This Plan will be maintained under the Law Society's Professional Standards Scheme Integrated Risk and Compliance Policy Framework.

The Law Society continues to conduct two structured mentoring programmes each year. The first for practitioners admitted less than five years and the second for Indigenous law students. Both programmes are coordinated by a trained external facilitator who conducts information sessions for both mentors and mentees and oversees the programmes to ensure that the matches are working satisfactorily.

This year there was an increase in the number of mentors that were available to be mentors and importantly reflected the changing demographics of the profession with greater representation of women, corporate counsel and practitioners that had both senior private practice (firms and the Western Australian Bar Association) and corporate in-house experience.

The mentoring programme is generously sponsored by the members of the Corporate Law Firm Association of Perth and it would not be possible without the generous contribution of the mentors who voluntarily give of their time, knowledge and experience.

As the new reporting period approaches, a number of new projects have commenced including a review of the Law Society's policies on closing the gap, death penalty, family violence, gender bias, imprisonment of fine defaulters, institutionalised child sex abuse inquiry, judicial resources, legal assistance funding, legal profession uniform

legislation, mandatory sentencing, no body – no parole, and the presumption of bias. Members are able to access these policies (as amended from time to time) on the Law Society website lawsocietywa.asn.au.

In addition, two new reviews have commenced for Joint Form of General Conditions for the Sale of Land and the Constitution of the Law Society of Western Australia.

The Law Society would like to thank the committee convenors and members for their participation in all aspects of the advocacy programme during the year.



Corporate Services

Leanne Follows

General Manager - Corporate Services

Corporate Services provides marketing, communications and business development support to all Law Society teams, including Law Mutual (WA). Corporate Services also provides financial, IT and administrative support to the Law Society, Law Access Ltd, the Legal Contribution Trust and the Public Purposes Trust.

Achievements for 2015/16 included:

Financial Position

The 2015/16 financial year result was a surplus of \$207,729. In the current economic climate the Law Society remains committed to streamlining processes and finding savings across the organisation.

The Law Society ended the year with accumulated net assets of \$2,919,478 and cash reserves of \$1,714,786. One third of the loan for the premises at 160 St Georges Terrace was repaid during the year, aligning with the Law Society Council's commitment to repay the loan within 15 years.

A breakdown of the Law Society's income and expenditure is shown at the end of this report. It should be noted that Law Access no longer forms part of the Law Society as it is now a Company Limited by Guarantee.

Training

The Law Society's dedicated training resource worked with all staff members during the year to document processes and develop flow charts and training materials to form part of the Law Society's training manual. The manual is now on the intranet to assist all staff. Training was also conducted on the CRM including Stratum, the Staff Portal; Informer reporting tools; and SharePoint.

Workplace Health and Safety

The Law Society is committed to best practice environment, safety and health standards and continues to monitor

workplace health and safety (WHS) in accordance with the WHS Management Plan. This includes monthly site inspections, fire warden and evacuation training, ergonomic assessments and the introduction of a Hazardous Substance Register. Security cameras were installed in reception and the Level 5 training room to improve staff safety.

CRM Improvements

The CRM continues to be a focus as the Law Society becomes more sophisticated in membership targeting and increasing member engagement. After significant development work, the member portal was launched in October 2015. This provides members access to benefits such as Law Society communications, *Brief*, upcoming events in the one area, and includes CPD points tracking. Development and testing of the new screens for the Limitation of Liability Scheme was completed and the data imported. The testing of reporting functionality associated with the Scheme is now underway. Data cleansing continues to be a priority and significant effort has gone into continually checking the integrity of the data. This work paid off during the renewal process, which went electronic this year and resulted in significant time and cost savings in relation to printing and postage.

Strategic IT Plan

With the assistance of the Law Society's IT provider, a Strategic IT Plan was implemented. This included the introduction of Zoom video conferencing facilities, an upgrade of multi-functional devices and the annual desktop refresh. The Sharepoint upgrade was implemented in April 2016. Significant work went into data cleansing, testing, the review of security permissions and design of a new room booking calendar. Work continues on tracking workflows, system documentation and training.

Law Access Ltd

The establishment of Law Access Ltd has resulted in the Law Society providing significant in-kind support to Law Access

for Finance, Payroll, Marketing and Communications and IT functions. The Reception team continues to field calls from members of the public seeking to apply to the Law Access Pro Bono Referral Scheme.

Marketing and Communications

The Law Society delivered a major achievement of a new user-friendly, mobile and tablet responsive website. The website has expanded the ability for visitors to search and book events, use our Find a Lawyer service, provided targeted information different segments of visitors and provide access to a wealth of resources for members and legal practitioners to assist them in their practice and career development.

The website also features a member section for members to update their details, register for events and seminars, download CPD points and access member-exclusive resources.

The Marketing and Communications Plan continues to be implemented with the overall objectives of improving communication effectiveness, increase media engagement and improve members' knowledge of the Law Society's services.

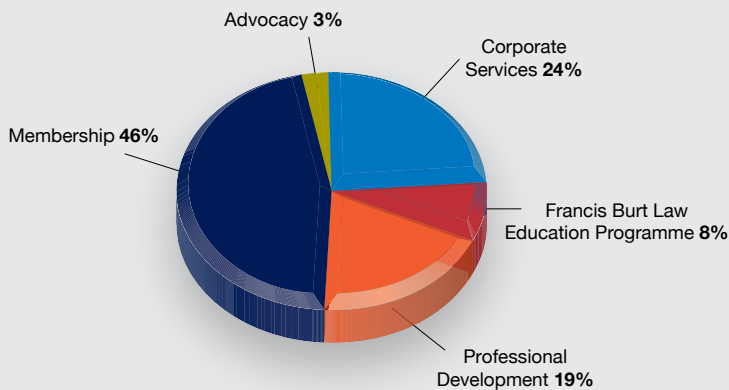
The Law Society has delivered member communications through various mediums including

- 11 issues of *Brief*; and
- email communications comprising of 50 *Friday Facts*, 25 *CPD News*, 12 *YLC News*, three *Law Mutual (WA) News* and 11 *Updates from the President*

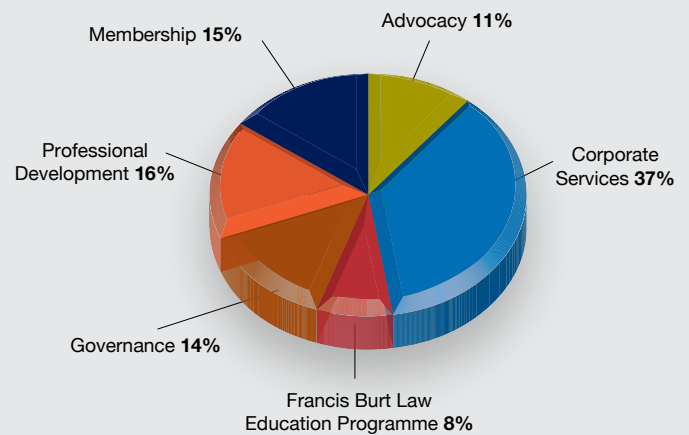
Media Engagement

In 2015/16 the Law Society produced 32 media releases and received 78 media mentions. The media releases covered a broad range of topics including appointments and retirements within government and the judiciary, the national legal aid crisis and Legal Aid Matters campaign, mandatory sentencing, self-defence under the criminal law, gender

Law Society Income 2015/16



Law Society Expenditure 2015/16



equality in the legal profession, the 25th anniversary of the Royal Commission into Aboriginal Deaths in Custody, Law Week 2016, the Street Banner Project for National Reconciliation Week, strata title reform and Law Society events.

The Law Society was involved in the Law Council of Australia's *Legal Aid Matters* campaign aimed to draw attention to the critical situation facing access to legal aid and community legal centres after successive Government funding cuts.

Social Media

The Law Society's Facebook, Twitter and LinkedIn communities continue to grow steadily in numbers and engagement. The social media channels update members and potential members with Law Society news, events and discussion topics related to the legal profession.

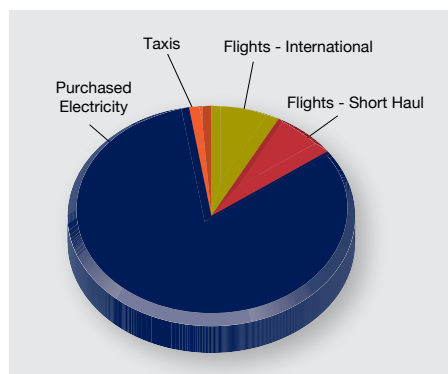
The Law Society wishes to thank all the advertisers and sponsors for their support and advertising during the year.

Australian Legal Sector Alliance Reporting

In August 2011, the Law Society joined the Australian Legal Sector Alliance (AusLSA) as a Partner Organisation. AusLSA is an alliance of Australian law firms who work together to promote sustainable practices across the legal sector. The Law Society has now participated in AusLSA's collection of Sustainability Data for 2014/15 and 2015/16. It is pleasing to note that Gross emissions per employee have decreased from 2.10 CO2 per head in 2014/15 to 1.95 in 2015/16. This is below the 2015 average CO2 per head of 4.39 for firms.

The accompanying chart shows the Law

Society's allocation of carbon emissions by source for 2015/16. Sources of gross emissions include CO2 from refrigerants, purchased electricity, green tariff electricity, flights, taxis, hire cars and personal vehicles.



With the conversion to LED lighting in 2016/17, a reduction in purchased electricity and further improvements in CO2 per head is anticipated.

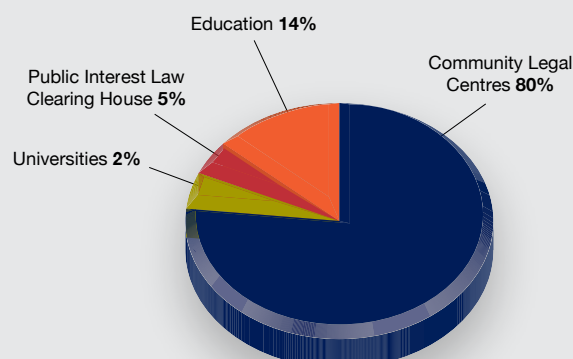
Public Purposes Trust

The Law Society of Western Australia is the trustee of the Law Society Public Purposes Trust.

The Trust's financial and administrative functions are undertaken by the Corporate Services team with \$2,192,859 being paid out in grants by the Attorney General in the 2014/15 financial year. Grants totalling \$2,300,370 have been approved for payment in 2015/16.

Note: The Law Society of Western Australia is the trustee of the Law Society Public Purposes Trust. However, 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.

Public Purposes Trust Grants 2015/16





Law Mutual (WA)

John Rogers

General Manager - 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 2016/17 professional indemnity insurance arrangements reduced by over 10% compared to the previous year. This was due to improved claims experience and prudent capital management. The number of claims and notifications of circumstances has remained reasonably constant. The numbers are estimated for 2015/16 to be 55 and 126 respectively against a five year average of 58 (claims) and 123 (notifications).

Law Mutual (WA) 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 2015/16 has allowed us to increase our risk management initiatives and streamline business processes. This will result in better claims outcomes and improved customer service.

Each year Law Mutual (WA) publishes an information booklet which details the insurance arrangements including general information on claims, what is and isn't covered and the calculation of contributions. The booklet for 2016/17 insurance year has been distributed and is available on the Law Mutual (WA) website lawmutualwa.com.au. For the 2016/17 insurance year, Law Mutual (WA) placed the underwritten part of the professional indemnity insurance arrangements with the following underwriters:

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

Previous lead underwriter (QBE) was not able to offer competitive terms. Law Mutual (WA) appreciates the support received from QBE over the last 10 years of involvement in the Law Mutual (WA) insurance arrangements.

A successful risk management seminar programme was implemented in 2015/16 for

all practitioners covered under the professional indemnity insurance arrangements. The seminar was made available online. In excess of 2,200 practitioners attended the seminars and 300 registered for online access.

Part of the work of Law Mutual (WA) is to monitor the cause, type, nature and size of claims. This allows it to develop and implement appropriate risk management responses for the benefit of the legal profession. The results of this analysis and information captured at the risk management seminars has been utilised in determining the risk management seminar programme for the 2016/17 insurance year.

Law Mutual (WA) has continued to develop our insurance and claims system which has, amongst other things, facilitated the streamlining of processes associated with the annual expiry and renewal of the professional indemnity insurance arrangements.

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

Committee member	Meetings attended (Total 8)
Dudley Stow	8
Matthew Keogh (resigned Sept 15)	0 (total 1)
Denis McLeod	7
Nathan Ebbs	8
Laurie Shervington	7
Hayley Cormann	5
Ian Williams	8
Jocelyne Boujos (commenced Feb 16)	4 (total 4)



Programmes

Áine Whelan

General Manager - Programmes

The Programmes team is responsible for all activities relating to membership, Continuing Professional Development (CPD) and public engagement with schools and the community through its education and community services activities.

The synergies arising from structuring these services, which focus predominantly on external engagement with the public and the profession, have been many; in particular a greater strategic focus providing high value membership and an enriched member experience through engaging with streamlined services offered.

Continuing with the transformation of operations under the Programmes team, 2015/16 saw a number of significant initiatives:

- a comprehensive review of Law Society events;
- the development of a new business plan for the 2016/19 period to reflect future strategy delivered.

The events review allowed the Law Society to take an objective look at events offered across social, networking, sporting and educational spheres to assess their relevance, value and benefits. Seven recommendations arose out of the review including the development of:

- clearly articulated purpose and policy for all Law Society events;
- the creation of an annual events calendar which reduced core events down from 22 to 16 allowing for clearer purpose and better utilisation of resources to deliver relevant events;
- the development of a strategic marketing framework for events; and
- a focus on better measurement of the profession's engagement with the Law Society through its annual calendar of events.

Some new events such as a biennial Gala Dinner and the Inter Profession Networking for

young lawyers and associated professionals were introduced through this process.

Membership Services – Your Essential Membership

Being committed to meeting members' needs kept the Law Society extremely busy with significant results this year being a positive to share, including:

- the Law Society attracted 3,785 members in 2015/16, compared to 3,731 the previous year demonstrating 1.45% increase in overall membership numbers;
- member loyalty is at an all-time high with the Law Society reaching a 95% member retention rate compared to 92% last year; and
- market share is also up by 3% (i.e. members with practicing certificates and section 36) with the Law Society attracting 2,942 ordinary members in 2015/16 compared to 2,854 in 2014/15. The strategic target set by the Law Society for growth in market share was within the set target range 2% to 5% per annum.

This success in membership retention as well as new membership growth is a reflection of a strong culture of providing good customer service, listening to members' needs and continually striving to build better value for members. This year saw a number of initiatives that have contributed to this including:

- adoption of pro rata membership;
- continual engagement with stakeholders via presentations, student expos and holding events with purpose;
- increased value of CPD Active membership;
- tailored value proposition for various member segments such as incorporated legal practices, sole practitioners, young lawyers, in-house and government lawyers;
- greater transparency and exposure of the Law Society's programmes, resources and benefits through the website; and
- a number of new member privileges

including new partnerships with the Western Australian Club, Etihad, Aurelio Costarella, Kleenheat, Lexus and Rottneest Express.

To support members in the cultivation of good networks, and encouraging positive interaction and dialogue about important issues, the Law Society held 14 events such as the Sole Practitioner Forums, Society Clubs, International Women's Day Lunch and Inter Profession Networking events. The Sole Practitioner Forums and Society Clubs were expanded to metro and regional areas including Fremantle, Guildford, Joondalup, Albany and Geraldton. The Sole Practitioner Forums have had a great impact attracting significantly stronger numbers and engagement this year.

In total 28 events for the profession were held across social, sporting, and informational spheres with over 2,400 registered attendances. Social highlights of the year included presenting the Law Society at different venues such as Flour Factory for the End of Year Celebration, Halfords Bar for the LGBTIQ Society Club, the Rose and Crown Hotel Guildford for Sole Practitioners Forum and Government House Ballroom for The High Court Dinner in August 2015.

Accreditation

Many members also participated in the Law Society's accreditation programmes through the Quality Practice Standard (QPS) and Family Law Accreditation Specialists as a means of enhancing their competitiveness, mitigating risk and ensuring excellence in service.

The Law Society congratulated three new QPS firms, including the first from the east coast of Australia, making a total of 45 firms currently accredited with the QPS. In addition to yearly QPS workshops, the Law Society also delivered in-house QPS workshops at law firms in Mandurah and Northbridge.

On 19 June 2016 the QPS reached its milestone of 20th anniversary since its launch on 19 June 1996.

As a result of Family Law Accreditation exams held in July 2015, the Law Society was pleased to announce three new practitioners to receive accreditation. The Accreditation process sets a very high standard each year.

Continuing Professional Development (CPD)

The Law Society's CPD programme is the result of close engagement with the profession and is designed

by practitioners for practitioners. This year delivered content relevant and responsive to developments in the law and practice in Western Australia. The programme attracted a total of 227 speakers recognised as experts as well as upcoming leaders in their area of expertise. The diversity of topics presented is a reflection of the diversity within the profession. The Law Society's two major programmes produced an inspiring breadth of subjects in areas such as dismantling myths around mental health and bullying, medico-legal, refugee, ethics, practice management for better business practice and risk mitigation, and building better professional skills for business development. It also provided a wide array of indepth topics under the main areas of substantive law including commercial, consumer, criminal, employment, estate planning, personal injury, property and litigation.

The Law Society again took the lead on producing the country roadshow to deliver CPD to country practitioners in conjunction with Law Mutual (WA), the Legal Practice Complaints Committee and the Legal Practice Board of Western Australia and engaged with practitioners in Albany and Geraldton.

CPD Active remained a value proposition, retaining the same price for several years and offering access to over 180 well respected speakers, 75 seminars, 150 hours of face-to-face training, 32 eLearning seminars, 38 hours of online learning. This year the number of CPD Active members grew by 9%.

The Essential Legal Assistant course was redesigned, updated and expanded to allow for legal electives, which provided greater choice for legal support staff who work in different sectors of the legal profession. Course delivery was expanded to include face-to-face training and completion of online seminars via the eLearning platform. Take up of learning via online seminars increased by a significant 65% demonstrating the importance of a diversity of delivery channels for professional development.

The Law Society acknowledges and is grateful for the support provided by all Law Society committees, the judiciary, academia, and members of the profession who chair and speak at Law Society seminars. Such high level support helps ensure the programme offers content of the highest quality.

The Law Society thanks the Education Committee members for their commitment, and all sponsors who support the CPD programme, in particular its CPD partner legalsuper.

Education and Community Services

This year the Law 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 increased significantly in 2015/16 to 15,787 reflecting a 43% increase on the previous year as follows:

- 8,058 total participants in the Francis Burt Law Education Programme – 22% increase;
- 6,525 visitors to the Old Court House Law Museum – 92% increase; and
- 1,204 student participants in the Mock Trial Competition (2016 calendar year) – 19% increase.

Old Court House Law Museum

The Old Court House Law Museum welcomed 6,525 visitors in 2015/16 an increase of 92%. That increase results from the Museum's expanded opening hours: Tuesday to Friday 10am to 4pm.

The Museum was successful in its application to Lotterywest for a grant to enable it to fabricate and install the last stage of the redesigned interpretation of the third room and the entrance to the Museum which is expected to take place in early 2017.

The Museum's temporary exhibitions in 2015/16 included *Brothers at War: The Parker Men*, *A Voice from the Front: Thomas Steane Louch* and *Eliza Tracey: Soapbox Orator and Litigant*. The collection policy was revised and updated in 2016 and includes aims and criteria by which candidates are chosen for the Oral Histories Project.

In May 2016, Hunted Interactive Theatre held performances over five nights at the Museum. The performance was based on a theme from Western Australian legal history and provided a new and different way to present the Old Court House and legal history to the public.

The oral history of the Hon Robert Nicholson AO was accessioned into the Museum's oral histories collection.

Mock Trial Competition

The 2015 Mock Trial Competition finalists were Mount Lawley Senior High School and Hale School with the Hale School team winning the 2015 Competition. There were 1,204 student participants from 55 schools in 130 teams in the 2016

Competition an increase of 19%. 610 students achieved WACE accreditation towards their high school graduation in 2016. This number is expected to rise during the finals stage of the 2016 Competition as students complete more rounds.

In 2015/16 the Competition manual was revised and reformatted, a new judging rubric was created and a panel of volunteers was formed to review and write new case material. The Competition wouldn't be the success it is without the 62 teachers and 127 volunteers from the legal profession that take on coaching and/or judging roles. The Law Society is grateful to all the volunteer coaches and judges from the profession whose voluntary contribution enables the success of the Competition.

Francis Burt Law Education Programme

The Francis Burt Law Education Programme engaged with 6,575 daily visitors with 79% of those groups being primary or secondary school groups. When combined with the Clueddunnit Kids Competition, the Lawyer Visits to Schools Network and the Remote and Regional Loan Box Programme the total number of participants reached 8,058.

Major projects included:

- the Year 7-10 primary and secondary programmes and resources mapped to the new WA curricula implemented in January 2016;
- Clueddunnit Kids Competition (sponsored by Curtin University)
- Hypothetical Event (co-presented with Legal Aid)
- 2015 Sir Ronald Wilson Lecture: Presented by Winthrop Professor Stephen Smith

- Let's Put Our Heads Together Project: aims to develop a two-way learning resource for Aboriginal youth and stakeholders who engage with youth who are in contact with the Western Australian justice system.

The Law Society thanks the dedicated volunteer committee members and funding bodies with whose assistance the Law Society's education and community services would not be able to operate:

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

Annual Events

Law Summer School

Law Summer School was yet again a great highlight for the year. The quality of the content and presenters was standout as they engaged the profession in big picture debate via the topic *Technology and the Law – Looking into the Future*. This year the Law Society used the hashtag #LawSummerSchool as part of its social media campaign to highlight some of the exceptional experiences during the day. Guest speakers such as Professor Gillian Triggs, President of the Human Rights Commission and legal futurist Professor Richard Susskind speaking via video link from the United Kingdom, captivated audiences and still have people talking about the engaging and insightful presentations on the day.

Law Week

The Law Society also coordinated Law Week 2016, which was one of the most successful to date, supporting over 38 events across Western Australia for

the legal profession and community. This included 11 events in metropolitan suburbs such as Fremantle, Dianella, Gosnells, Mirrabooka, Morley, Ocean Reef, Peppermint Grove, Southern River, Warnbro and eight events in country areas of Albany, Bunbury, Geraldton, Goldfields, and Mandurah. Highlights of Law Week were:

- Law Week Breakfast with keynote by Fred Chaney AO;
- Youth Civics Leadership Day bringing together 36 Year 10 students from 18 different schools who had demonstrated leadership potential and civic awareness within their school and community;
- Law Access inaugural Walk for Justice which attracted over 200 supporters who walked united along the Perth Foreshore and in doing so raised over \$26,000 for the Law Access Pro Bono Referral Service;
- The Amazing Race – Law Edition Geraldton;
- P.U.L.P. pop up legal practice pro bono legal advice to Perth's creatives;
- Law Mutual (WA) and the Law Society presented two free seminars on Mental Health Matters;
- Law Week Information Stall Kalgoorlie;
- the Law Society's Young Lawyers Committee hosted a Law Week Panel Discussion at the Supreme Court on Homophobia within the Law; and
- Law Week Cocktail Evening and Lawyer of the Year Awards at Bankwest Place.



Law Society Events

The Law Society held a range of events throughout 2015/16.



Law Week Cocktail Evening and Lawyer of the Year Awards



Practical Advocacy Weekend



High Court Dinner



YLC Netball Tournament



Law Summer School 2016



International Womens Day Luncheon



YLC Mentoring Programme



YLC Law Week Panel



2015 Sir Ronald Wilson Lecture



Law Week Breakfast and Attorney General's Community Service Law Awards

Committee Reports





Access to Justice Committee

Greg McIntyre SC

Convenor

Law Access Limited has now been running for just over 18 months, since 11 December 2014, as a service of last resort for those with meritorious cases and limited means unable to be assisted by Legal Aid or community legal centres. The Access to Justice Committee prior to the establishment of Law Access Limited performed two roles. The first was to assess the merit of applications to the Law Access Pro Bono Clearing House. That role has now been assumed by Law Access Limited with some continuing assistance with the assessment of complex cases from individual members of the Committee from time to time. The Committee receives reports from Law Access Limited, including in relation to its Stakeholder Advisory Committee and Lawyers for Refugees Network.

The second role of the Committee is a policy role contributing to Law Society policy positions and submissions. The Convenor also represents the Law Society on the Law Council of Australia Access to Justice, co-ordinating the positions taken at a State and National level on relevant issues.

On 21 January 2016 the Law Society's Council, consistent with the view of the Committee, resolved to support the Law Council of Australia's national legal aid funding campaign. It was assisted by the Productivity Commission Report on its Inquiry into Access to Justice Arrangements which had been presented late in 2015 and which the Law Society, through various committees, had reviewed and summarised.

The Committee Convenor represented the Law Society with the Law Council of Australia in relation to that campaign. A Law Society working group organised a panel forum with the theme *Be Afraid Without Legal Aid* on 28 April 2016 chaired by Law Society President, Elizabeth Needham. The panel included Appeal Justice the Hon Robert Mazza, Helen Creed, Executive Director of Community Legal Centres Inc and Matthew Howard, Chair of the Mental Health Law Centre. As part of the campaign the Law Week Breakfast on 6 May 2016 featured the Hon Fred Chaney AO as keynote speaker, addressing the campaign theme, following a briefing by the Committee Convenor on the campaign. That event coincided with the National Day of Action.

With thanks to:

- Greg McIntyre SC
- Matthew Keogh (Deputy Convenor)
- Rick Cullen (Convenor to 23 February 2016)
- Maryse Aranda
- David Blades
- Lara Gotti
- Dominique Hansen (Observer)
- Rachel Joseph
- Gary Mack
- Timothy Mason
- Aaron McDonald
- Marshall McKenna
- Jenny McKenzie
- Steven Penglis
- Yasmin Salleh
- Jonathan Slack-Smith
- Graeme Slattery
- Nicholas Snare
- George Turnbull (Observer)
- Nicholas van Hattem
- Heather Williams



Accreditation Committee

Trevor O'Sullivan
Convenor

The Accreditation Committee's role is to advise the Law Society's Council on the rules and regulations that govern the granting of accreditation by the Law Society. In a secondary role, the Committee acts in an advisory capacity for family law accreditation, a specialist practice in which Law Society members can be accredited.

The main tasks for the Committee this year were primarily:

- assessment of both standard and relevance of activities for which points might be allocated to accredited specialists;
- finalising the biennial assessment and examination process for candidates seeking to be accredited;
- discussing the national examination results and formalising guidelines on the marking process for 2017 assessment programme;
- undertaking the audit for reaccreditation of existing accredited practitioners;
- undertaking the application for reaccreditation of existing accredited practitioners; and
- examining the guidelines for the use of the term specialist in Western Australia and making submissions in relation to same.

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

The main issues the Committee took up with the National Family Law Steering Committee were:

- the examination and timetabling of the accreditation process and which is run nationally;
- uniformity/moderation of marking examination material;
- appeal processes;
- assistance to candidates contemplating undertaking the process; and
- the use of the term specialist in each state and the guidelines for the use of such terms in Western Australia.

This year the biennial family law accreditation assessment programme was completed and from the nine candidates who participated in the programme, the Committee would like to congratulate Denby Kerr of DCH Legal, Jane Johnson of Kim Wilson & Co and Julia Mansfield of Kennedy Partners on their successful completion of the programme and their appointment as Family Law Accredited Specialists.

The Law Society's accreditation programme provides family law practitioners the opportunity to be formally recognised as having a high level of competency in their field. Accredited specialists have the added benefit of being able to use the family accredited specialist logo and branding on their marketing material to promote their high standing in the area.

The next accreditation assessment programme will commence in March 2017.

The Law Society has currently 42 accredited family law specialists in Western Australia.

With thanks to:

- Trevor O'Sullivan (Convenor)
- Penelope Keeley (Deputy Convenor)
- Rodney Hooper SC
- Damien Bowen
- Eric Martino
- Samuel Fahey
- Paula Wilkinson
- Warren Elder



Administrative, Constitutional and Migration Law Committee

Greg McIntyre SC

Convenor

The Administrative, Constitutional and Migration Law Committee during 2015/16 met jointly with the Human Rights and Equal Opportunity Committee, and contributed to the development of the Law Society's policy papers with a mix of human rights and administrative law elements, including a proposal to establish a National Integrity Commission.

The Committee contributed to a Law Society submission to the Legislative Council supporting the demise of the Crown Statute.

The Committee maintained a liaison with the Administrative Appeals Tribunal, through membership of its Users' Group, and with the Department of Immigration and Citizenship (which became the Department of Immigration and Border Protection), through membership of its Reference Group.

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

With thanks to:

- Greg McIntyre SC (Convenor)
- Elmi Carlean
- Kendra Hagan
- Nathan Landis
- Peter Lochore
- Janet Woollard
- Peter Neil



Alternative Dispute Resolution Committee

Laurie James AM

Convenor

As a Recognised Mediator Accrediting Body under the National Mediator Accreditation System (NMAS), the Law Society's Council can approve applications for accreditation or reaccreditation. The Committee considers such applications and makes recommendations to the Council for that purpose.

A number of applications for accreditation were made during the year. For that purpose, the Committee reviewed and approved the checklist of items for the committee members to consider when receiving applications for accreditation or reaccreditation under the NMAS. Many thanks to Mark Blundell for his sterling efforts in preparing the checklist.

In addition, the Law Society maintains a panel of arbitrators and mediators. It was recommended by the Committee and approved by the Council that the panel should be separated into two lists, one of mediators and the other of arbitrators, should include areas of expertise for each mediator or arbitrator and be subject to a disclaimer.

During the year, the Law Council of Australia considered a paper prepared by Dr Gordon Hughes setting out a proposed Law Council policy position on the Investor State Dispute Settlements clause in Free Trade Agreements and International Investment Treaties. On the basis of a recommendation made by the Convenor, the Law Society's Council resolved to support the adoption by the Law Council of Australia of a policy position as set out in the paper from Dr Gordon Hughes.

The review of the *Construction Contracts Act 2004* was underway during the previous year. During the present year, the Committee was informed by the Convenor that the report had been provided by the Building Commissioner, Mr Peter Gow, to the Minister for consideration, but at present, unfortunately the report is not considered a priority by the State Government. Amongst the matters considered by the report was an amendment to the Act changing "calendar days" to "business days".

The Singapore International Arbitration Centre approached the Law Society with the proposal to hold a seminar on its organisation to Law Society members. That was approved and was presented by Mr Kevin Nash, the Deputy Registrar, to approximately 30 attendees. The Committee also noted the National Mediation Conference 2016 will take place on 11-15 September 2016 at Surfers Paradise on the Gold Coast with a theme of *Thought, Innovation, Creativity and the Next Decade*.

With thanks to:

- Laurie James AM (Convenor)
- Scott Ellis (Deputy Convenor)
- Mark Blundell
- Graham Castledine
- Nicoletta Ciffolilli
- Stanley Kawalsky
- Vidal Pinckney-Hockless
- His Honour Judge Stevenson
- Graeme Windsor
- Richard Lilly
- Marcus Pullen
- Evan Sylwestrzak
- Maha Chaar



Brief Editorial Committee

Jason MacLaurin

Convenor

Brief is the official journal of the Law Society and, as such, has to perform several different functions.

While the common thread to those functions is providing important information (of all types) to the legal profession, as the profession is a diverse one, *Brief* strives to ensure that its content for each monthly edition is not only of the highest quality, but also of interest to the profession at large.

The much-appreciated work by, and the diverse constitution of, the Brief Editorial Committee greatly assists in the achievement of these objectives.

The Committee meets monthly to discuss and make decisions upon the content of *Brief*, new ideas for future editions, the sourcing of material, and attending to editing and other measures that seek to maintain the quality of the publication.

Outside of the monthly meetings, committee members devote significant time and effort to these tasks.

Happily, the Committee is a diverse one, in that it reflects a broad range of areas of practice, experience, age, interests, and positions on matters of grammar and style (style in this regard not being confined to written expression).

11 monthly editions of *Brief* were published in the past financial year, and contained articles and cover-themes covering a wide range of topics. While there were on occasion editions focusing on a particular area of the law, such as the family law and commercial arbitration editions, these editions still contained articles and items of broader interest.

The Committee thanks all those who submitted articles or items for consideration, and encourages anyone who is interested in doing so to submit material. While *Brief* does source material from other places, it primarily depends upon material from local members of the profession.

The Committee also thanks members, or former members, of the judiciary who have contributed material or whose speeches have been the basis for items in *Brief*.

Thanks are also extended to those who make regular monthly contributions to *Brief* such as

by way of case notes, and also to Dean Alston for his regular Pam Sawyer Top Lawyer item.

It is important to note that the Committee's functions are just one part of a much broader effort in producing *Brief* and that the more considerable work in collating and sourcing material, obtaining photographs, putting the journal together generally and attending to the visual content, layout and presentation are performed by staff at the Law Society.

In that regard the Committee thanks all the staff at the Law Society involved in the production of *Brief* whose organisation and support is invaluable. The Committee also thanks our proof-readers Sonia Chee, David Garnsworthy and Ann Kay, who generously donate their time, as well as former proof-reader Michael Hardy, who provided many years of service to *Brief*.

The Committee would like to record again their appreciation for the outstanding work of the previous Convenor/Editor Julian Sher and for long-standing Brief Editorial Committee stalwarts (and previous Editors) Ronald Bower and Rebecca Lee, and also former Committee members Dr Eric Heenan and Lorilee Yu, who have departed those positions in the past financial year.

With thanks to:

- Jason MacLaurin (Convenor)
- Andrew Cameron (Deputy Convenor)
- Moira Taylor (Deputy Convenor)
- Gregory Boyle
- Dr Rebecca Collins
- Robert French
- Catherine Graville
- Melissa Koo
- Brigitte Monchouguy
- Alain Musikanth
- Maureen O'Connell
- Tom Porter
- Dr Pat Saraceni
- Robert Scealess
- Verginia Serdev-Patterson



Commercial Law Committee

Jenny Cutri

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 a number of liaison groups:

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

In 2015/16, 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 Productivity Commissions Draft Report on Business Set-Up, Transfer and Closure, Harper Review – Final Report of the Competition Policy Review, Capability Review of ASIC - recovery of investigation expenses and costs, *Directors' Liability Reform Bill 2015*, *Limited Partnerships Act 1909* (Rob McKenzie a member of the Committee and also in the Law Council's Limited Partnerships Working Group), the *Bell Group of Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015*, Personal Properties Securities Reform, the emergence of digital currency (bitcoin) and the interaction of business and human rights.

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

- 2016 Corporations Agreement Working Group;
- proposals to modernise processes for publishing WA legislation;
- Australian Consumer Law Review; and
- *Limited Partnerships Act 1909*.

Members of the Committee attended meetings in order to obtain information and to provide feedback on behalf of the Law Society on various topics including State revenue and ASIC Regional Liaison Group Meetings.

With thanks to:

- Jenny Cutri (Convenor)
- Rachel Webber (Convenor til Dec 2015)
- Bruce Meredith (Deputy Convenor)
- Bruno Camarri AM
- Nathan Collins
- David Davidson
- Paul Evans
- Robert French
- Bennett Greenhalgh
- Matthew Keogh
- John Lightowlers
- Robert McKenzie
- Adam Santa Maria
- Tamra Seaton
- Sonia Sie-Yee Chee
- Antionette Smit
- Shane Stewart
- Linda Widdup
- Grahame Young



Construction and Infrastructure Committee

Michael Hollingdale

Convenor

The Law Society's Council approved the establishment of the Construction and Infrastructure Committee in August 2015. The Council also approved the Committee's meetings being 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.

The rationale for the establishment of the committee was to ensure the Law Society had the benefit of receiving the views of a specialist group of practitioners on matters of local relevance. There was ample precedent for holding Law Society committee meetings with meetings of the Law Council counterpart committees and groups. Almost invariably topics for discussion by the Law Council's WA Group have related to local jurisdictional issues. The deliberations of the Group may now be shared more directly with the Law Society through this Committee.

As Chair of the Law Council of Australia's Construction and Infrastructure Committee and its WA Group, I was appointed the Committee's inaugural Convenor.

There is considerable overlap of members of the Law Society's Committee and members of the Law Council's Committee.

The Committee meets quarterly. The Committee's requirements for secretarial support has been minimal.

The Committee's activities for 2015/16 included the following:

- monitoring the review of the *Construction Contracts Act 2004* by Professor P Evans and discussion on the benefits of national harmonisation of the security of payment legislation throughout the States and Territories;
- monitoring the preparation by Standards Australia of a replacement standard general conditions of contract for standards AS2124 and AS4000, to be known as AS11000;
- consideration of 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 the Resolutions Institute (formerly The Institute of Arbitrators & Mediators Australia), the Society of Construction Law Australia and the Chartered Institute of Arbitrators on 26 November 2015 with function host Jackson McDonald.

With thanks to:

- Michael Hollingdale (Convenor)
- Stephen Boyle
- Melanie Cave
- Elizabeth Cubitt
- Scott Ellis
- Basil Georgiou
- James Healy
- Laurie James
- Nathan Landis
- Katja Levy
- Richard Lilly
- Chris Ryder
- Robert Shaw
- Greg Steinepreis



Costs Committee

Stewart Forbes and Fraser Robertson
Convenors

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

In 2015/16, the Law Society made detailed submissions in relation to reviews of the scales of costs for litigious matters.

The Law Society also made a submission on the proposal by the LCC to introduce an additional level category of practitioner other than 'junior practitioner' and 'senior practitioner'. Despite the Law Society opposing the change, on 1 July 2016 the LCC introduced a 'restricted practitioner' category into the scales.

Other matters considered by the Committee in 2015/2016 included:

- contacting the Attorney General in relation to reform of the Suitors' Fund;
- costs law reform, and particularly alternatives to time billing and investigating costs budgeting;
- the costs charged for bailiff services in the Magistrates Court by Baycorp and associated levels of service;
- the Productivity Commission Report on Access to Justice and the proposal for contingency fees;
- ongoing revisions to the Law Society's standard costs agreement and explanatory notes in the light of court decisions;
- the date from which interest runs on taxed costs;
- amendments to the Supreme Court fee regulations and standard costs orders for interlocutory matters; and
- billing issues identified by Ms P Rezos who kindly attends our meetings on behalf of the Legal Practice Complaints Committee and educating members in this regard, including but not limited to credit card surcharges and travelling costs.

The Committee has been strengthened by the addition of new members this year, Richard Graham and Amy Pascoe.

The Committee could not function properly without the considerable efforts of all of its members and secretary.

The Committee thanks the Law Society staff and all members of the Committee for their efforts over the past year.

In particular thank you to the outgoing Convenor, Stewart Forbes. Stewart has been the Convenor since 2005 and has decided to step down from that role – however will remain a valuable member of the Committee. Stewart has been responsible for much the success of the Committee during his tenure as Convenor.

With thanks to:

- Stewart Forbes (Convenor until June 16)
- Fraser Robertson (Convenor since June 16)
- Matthew Curwood (Deputy Convenor)
- Brendan Ashdown
- Maria-Luisa Coulson
- David Davidson
- Justin Edwards
- David Garnsworthy
- Richard Graham
- Stanley Kawalsky
- Allan Newton
- Lachlan Palmos
- Amy Pascoe
- Philippa Rezos
- Milos Supljeglav



Country Practitioners Committee

Brooke Sojan

Convenor

The Country Practitioners Committee is representative of practitioners working in regional and remote Western Australia. Last year the Committee drafted and ratified Terms of Reference and set goals for 2016/17.

The current focus of the Committee is in strategic planning and the best way to practically implement the goals set by the Committee. The Committee is focused on ensuring they are representing, engaging, connecting, supporting and advocating for all members of the profession in regional areas.

The Committee has looked at new ways to engage and communicate with country practitioners and how best to ensure there is representation in all of the regional hubs. In particular compiling a list of practitioners in each regional area so that a more targeted engagement can be considered.

The Committee has also examined avenues for the Continuing Professional Development (CPD) programme to be delivered to regional areas and ensuring that mental health and wellbeing seminars are available to all country practitioners. The Committee looked to existing providers such as Law Mutual (WA) and what regions are currently being offered face-to-face CPD seminars and provided feedback to the Law Society on this issue.

The Committee discussed ongoing issues facing regional areas such as recruitment and retention of lawyers, the use of technology, networking and mental health initiatives. The Committee has representation at the Rural Regional and Remote working group of the Law Council of Australia, to engage in a national discussion on issues facing country practitioners.

Georgia Pickering resigned as Convenor of the Committee in December 2015 and the Committee would like to thank her for her contribution.

With thanks to:

- Brooke Sojan (Convenor) - South Hedland
- Ryan Arndt - Geraldton
- Julia Barber - Broome
- Peter Brindal - Langford
- Kylie Kerin - Kununurra
- Alexander Payne - Perth
- Helen St-Jack - Albany



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. One of the keys to the open dialogue that the Committee enjoys with these Courts and the State Administrative Tribunal is the generous contribution made by District Registrar Martin Jan, Principal Registrar Michael Gething (as he then was), Acting Principal Registrar Simon Dixon, Registrar Danielle Davies, The Hon Justice Simon Moncrieff, Deputy Chief Magistrate Elizabeth Woods, Registrar George Kingsley and Tim Carey of the State Administrative Tribunal. The Committee and the Law Society is very grateful for the engagement of these representatives and the investment that they make in the work of the Committee.

The Committee is also fortunate to have a diversity of practitioners as members which ensures that issues are considered from the perspective of all stakeholders. The Committee also enjoys support from other members of the profession when their special expertise or experience in an area is required and the Committee is grateful to those practitioners for their contributions.

In 2015/16, the Committee has commented upon various reforms and Rule changes needed or proposed by the Federal Court, Supreme Court, District Court, Magistrates Court, State Administrative Tribunal, Law Council of Australia, the Legal Costs Committee and the State Government including:

- advance copies of reasons for decision;
- mortgagee repossession actions;
- legal costs (2016 scale);
- enforcement of judgments;
- security screening of practitioners by the courts;
- percentage contingency fees;
- Magistrate Court procedural reforms;
- Suitors' Fund Act reform;
- Model Litigant Guidelines for government bodies; and
- fine default imprisonment.

Finally, grateful thanks and recognition must be given to John Fiocco Convenor of the Courts Committee from 2013 to 2015. The Committee is indebted to him for his excellent stewardship.

With thanks to:

- Clinton Russell (Convenor)
- Geoffrey Bourhill
- David Bruns
- Tim Carey
- Raymond Christensen
- Rick Cullen
- David Davidson
- Acting Principal Registrar Simon Dixon
- Karen Farley SC
- Stewart Forbes
- Richard Graham
- Edward Greaves
- Jennifer Hill
- District Registrar Martin Jan
- Principal Registrar George Kingsley
- Ashley Macknay
- Aaron McDonald
- Marshall McKenna
- Hon Justice Simon Moncrieff
- Martyn Plummer
- Dr Pat Saraceni
- Peter van der Zanden
- Fiona Vernon
- Deputy Chief Magistrate Elizabeth Woods



Criminal Law Committee

David Davidson

Convenor

The 2015/16 financial year was once again a very busy year for the members of the Criminal Law Committee.

The Committee has a balanced representation of prosecutors, defence, WA Bar and sole practitioners with a commitment to seek representation from the Aboriginal Legal Service (ALS) in the next 12 months.

The primary achievement of the Committee for this reporting period includes the monitoring the mandatory provisions under the recently amended burglary offences of the Criminal Code and mandatory sentencing for reckless driving under the *Road Traffic Act* to ensure that any unjust sentences for offenders are identified. This is being undertaken in the context of the Law Society's continued opposition to mandatory sentencing.

The Committee has been in regular contact with the Commissioner, Department of Custodial Services during the year highlighting a number of issues within the prison environment that create a difficulties for lawyers dealing with clients who are incarcerated. This included confirming the electronic devices that lawyers can take into prisons when meeting with clients and that this be consistent across all prisons, safeguards for ensuring confidential communication between clients and lawyers and the availability of video conferencing facilities and the compatability of such technology across corrective services.

The Committee has made a number of submissions on draft Bills and reviews of procedural matters in the last 12 months including:

- prohibition on synthetic cannabis (*Misuse of Drugs Amendment (Psychoactive Substances) Bill 2015*)
- *Criminal Code Amendment (Infringement Notices) Act 2011* On the Spot Fines
- amendments to the *Sentencing Act and Sentencing Administration Act 2003* Persons sentenced to life imprisonment prior to 1996; and
- Magistrates Court Report June 2016.

The Committee is also represented on other Law Society working groups or committees including:

- the Women Lawyers of WA 20th

Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias;

- the Aboriginal Incarceration and Justice Reinvestment Working Party;
- the review of the Magistrates' Court;
- the Stirling Gardens Magistrates Court Committee; and
- the Supreme Court Chief Justice Committee, Disclosure Subcommittee.

Finally thank you to all Committee members for their commitment and support during the year and particularly acknowledge the contribution of the former Principal Registrar of the Supreme Court of WA Michael Gething who resigned from the Committee following his appointment to the District Court of Western Australia and welcome Registrar Jan Whitbread from the Supreme Court of Western Australia. The continuity of these appointments to the Committee is of significant value to the Committee's deliberations.

With thanks to:

- David Davidson (Convenor)
- Ryan Arndt
- Mara Barone
- Avril Bartlett
- Stephen Butcher
- Karen Farley SC
- Katherine Gregory
- Rosie Hill
- Kylie Kerin
- Lana Paxman
- Alexander Payne
- Carly Price
- Kirsten Scott
- Nicholas Snare
- Antoinette Smit
- Sam Vandongen SC
- Nicholas van Hattem
- Principal Registrar Jan Whitbread



Education Committee

Elizabeth Needham

Convenor

The Education Committee plays a vital role in establishing the Law Society's Continuing Professional Development (CPD) programme with a diverse offering in content, speakers and learning formats to appeal to the whole profession.

The CPD programme is the result of close engagement between the Law Society and the profession: it has been designed by practitioners for practitioners following extensive consultation. It delivers content that is relevant and responsive to developments in the law and practice in Western Australia.

Responsibility for the CPD programme rests with the Law Society's Programmes team which collaborates with all of the committees of the Law Society on behalf of the Education Committee.

Highlights for the year include:

- Law Summer School 2016
- Ethics on Friday: Rake – Lawyers behaving badly
- Country Roadshow (Albany & Geraldton)
- Costs including alternative models and best practice
- Criminal practice in rush hour: advocacy in the Magistrates Court
- The use of trusts in effective estate planning

The Law Society has sought to demonstrate the relevance of law across other professions. An example was our seminar topic 'An exploration of current issues in the medico-legal world', which had Dr Michael Gannon, President of the Australian Medical Association (AMA), presenting together with senior members of the legal profession in a well-received hypothetical panel discussion. This seminar was also attended by a number of medical practitioners which provided for great cross-industry networking.

During 2015/16 the Law Society increased and broadened the seminar delivery via the eLearning platform by 40%, which provides greater access to CPD for members including regional, national and international practitioners.

The Law Society acknowledges and is grateful for the support provided by the judiciary, academia and members of the profession who chair and speak at our seminars. Such high level support helps to ensure the programme offers content that is of the highest quality.

The Law Society also thanks committee members for their commitment, hard work and enthusiasm for always striving for best practice in education and learning.

With thanks to:

- Elizabeth Needham (Convenor)
- Ronald Bower
- Shonelle Duthie
- Angelina Gomez
- Fiona Grgich
- Darren Jackson
- Rachel Joseph
- Adam Levine
- Su Lloyd
- Fiona Low
- Alex Noonan
- Dr. Pat Saraceni



Elder Law and Succession Planning Committee

Elizabeth Heenan

Convenor

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

- power of attorney reform, including interstate mutual recognition;
- legislative progress in succession law;
- probate practice; and
- 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 the national Chair, 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 has made submissions to the Supreme Court Probate Committee in relation to the following:

- delays being experienced with regard to the Probate Registry of the Supreme Court of Western Australia issuing Grants of Probate. As a consequence Justice Chaney has reinstituted the procedure under which a firm may on filing applications request email confirmation of a grant being made and then collect the grant in person;
- difficulties regarding scanning and emailing certified copies of grants produced by the Court required for overseas financial transactions as the embossed seal was not apparent, resulting in queries from recipients. The Supreme Court Probate Committee resolved that the standard black Court stamp would be applied to the certified copy instead of the embossed seal; and
- the request for clarification regarding applications for probate where the date of death on the death certificate is given as 'found on' in relation to the details required for requisitions. The Supreme Court Probate Committee provided guidance on death certificates providing 'found on' and 'on or about' dates.

The profession was advised of these developments via *Friday Facts*.

The Committee is conducting the following reviews:

- a review of the Report of the Statutory Review of the Guardianship and Administration Act 1990, Department of the Attorney General, with a view on making further submissions on the recommendations in the Report; and
- a review to extend Statutory Wills to minors.

The Committee's contribution to the Law Society's CPD programme included:

- 'Family Provision Act and wills disputes' which incorporated discussion of the *Mead v Lemon* decision and how the risk of family provision might be minimised through careful estate planning; and
- 'Nature of evidence and presumptions in probate actions' which examined presumptions or doctrines encountered in contentious and non-contentious succession cases.

With thanks to:

- Elizabeth Heenan (Convenor)
- Serena Billing
- Michael Bowyer
- Sally Bruce
- Rob Durey
- Susan Fielding
- Dr John Hockley
- Patrick Hughes
- Craig James
- Janette McCahon
- Allan Newton
- Nova Oldfield
- Michaela Speering
- Matthew Wallis
- Daniel Yazdani



Employment Relations Committee

Daniel White

Convenor

The Employment Relations Committee is a strong and vibrant group of lawyers in Western Australia who practice in the fields of employment, industrial relations and diversity (including discrimination and harassment).

The Committee is a bi-partisan committee which draws together lawyers from a range of different backgrounds including both employer and union as well as government, employee and in-house counsel. The Committee is representative of large, small and regional law firms along with those sole practitioners and currently at the Bar.

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 on proposed legislative changes in order to maintain its neutrality.

On 13 January 2016 the Committee received a resignation from long-standing committee member and Deputy Convenor Melanie Binet who informed us that she had been appointed a Deputy President of the Fair Work Commission in Perth. The Committee were elated to hear of Ms Binet's appointment and wish her all the very best in her new role.

The Committee has arranged for a number of speaker events to occur in September 2016 as well as an employment feature for *Brief*. The Committee also look to host a joint event with the Australian Labour Lawyers Association in Perth later this year. A major focus of discussion in 2015/16 has been investigating the possibility of an employment law specialist accreditation system. Further discussion around the utility of this accreditation system will continue into 2017.

With thanks to:

- Daniel White (Convenor)
- Philip Brunner (Deputy Convenor)
- Joseph Burke
- Stephen Butcher
- Mark Cox
- Anna Creegan
- Ben Dawkins
- Robert French
- Kendra Hagan
- Renae Harding
- Dominique Hartfield
- Michael Jensen
- Stephen Kemp
- Vincent Pelligra
- Alex Weston
- Lorilee Yu



Environment, Town Planning and Local Government Committee

Denis McLeod

Convenor

The Environment, Town Planning and Local Government Committee increased its membership to 14 members during 2015/16, the majority of whom participated to a greater or less extent in the six meetings which the Committee held during the year.

The Committee continued its ongoing interest in the regularisation of environmental appeals, involving contact through the Executive when possible with Government and opposition representatives. There appears no present appetite at a political level for the transfer of any environmental appeals to the State Administrative Tribunal, but the matter is considered significantly important to justify review at each meeting.

The Committee contributed to the Education Committee for Law Summer School and the CPD programme. The Committee examined possible ways to improve liaison with the Education Committee and the formulation of appropriate seminar topics within the Committee's areas of special interest, and in the selection of seminar participants.

The Committee continued its monitoring of:

- The review of the *Contaminated Sites Act 2003 (WA)*;
- State Planning Policy 2.8, and the impact on landowners of its provisions for conservation areas. This was the subject of a meeting with Department of Planning (DoP) representatives and the establishment of a continuing dialogue with DoP on Policy 2.8 and related matters;
- the possibility of Third Party planning appeals; and
- the review of the *Planning and Development Act 2005 (WA)*.

Following on from the submission the Committee prepared on behalf of the Law Society in 2014 on the then proposed new Planning Regulations, the Committee examined

the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*, which came into operation on 19 October 2015. The Committee provided a speaker and chairperson for a seminar on the Regulations in March 2016.

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

The Committee has considered aspects of the law relating to land acquisition and compensation.

Finally, the Committee again gratefully recognises the contribution of Law Society staff for their assistance in the running of the Committee's business.

With thanks to:

- Denis McLeod (Convenor)
- Andrew Carr
- Graham Castledine
- Martin Flint
- Clare Gleeson
- Eve Lynch
- Alexander McGlue
- Glen McLeod
- Belinda Moharich
- Linda Rowley
- Julius Skinner
- Craig Slarke
- Elisabeth Stevenson
- Chris Wark
- Dr Stephen Willey
- Brad Wylynko



Ethics Committee

Julian Sher
Convenor

It has once again been a privilege to serve as Convenor of the Ethics Committee for the past year. The task has been made immeasurably easier by the support received from the Law Society staff. Without their professionalism and dedication, the task would have been virtually insuperable. Equally, I am grateful for the enthusiasm and support of all committee members, especially Deputy Convenor, Fiona Vernon, who has occasionally stood in for me.

The Committee has had an active year, with subcommittees reporting on a range of issues including information barriers, unbundling of legal services, privacy, solicitors professional conduct rules, client capacity and dealing with self-represented litigants, percentage based contingency fees, social media (cloud computing) and consideration of the Productivity Commission Report "Inquiry into Access to Justices Arrangements".

The Committee also 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.

Despite members' busy professional engagements, they have always found the time to make a valuable contribution to the activities of the Committee.

With thanks to:

- Julian Sher (Convenor)
- Fiona Vernon (Deputy Convenor)
- Katrina Banks-Smith SC
- David Cox
- Cinzia Donald
- Justin Edwards
- Paul Evans
- Angelina Gomez
- Dorothy Guerini
- James Healy
- George Kingsley Registrar
- Joe McGrath SC
- Ashley Macknay
- Tim Mason
- Alain Musikanth
- Alison O'Dwyer
- Nova Oldfield
- Craig Slater
- Fiona Stanton
- Sam Vandongen SC



Francis Burt Law Education Programme and Old Court House Law Museum Advisory Committee

The Hon Wayne Martin AC, Chief Justice of Western Australia
Convenor

The Committee has continued to oversee the activities of the Francis Burt Law Education Programme and the Old Court House Law Museum. The Committee is pleased to report that significant increases in participation in both programmes were recorded during the year under report.

During the year under review, more than 8,000 participants received the benefit of programmes and services provided by the Education Programme, including very significant increases in lawyers' visits to schools, and in the utilisation of the remote and regional Loan Box Programme. The year also saw the commencement of the newly named Cluedunnit Kids competition in Western Australia with the invaluable assistance of Ms Claire Rossi, Legal Aid WA and Sergeant Garry Corker, WA Police. The winning team was Wanneroo Primary School.

119 students and teachers took part in this year's hypothetical event and more than 100 people attended the 2015 Sir Ronald Wilson lecture presented by Winthrop Professor Stephen Smith.

The Committee is particularly pleased to report that significant progress has been made in the development of a two-way learning resource for Aboriginal youth through extensive consultation with key stakeholders and significant numbers of Aboriginal young people. The Committee continues to explore funding options to further develop this important project.

The Mock Trial Competition continues to grow, and record numbers of participants (over 1,200 students from 55 schools in 130 teams) were again recorded. The competition manual was revised and reformatted, a new rubric for judges created, and a panel of volunteers has been formed to review and to write new case material.

The number of visitors to the Old Court House Law Museum also increased significantly over the previous financial year, in part attributable to the visitors to the Museum on Perth Heritage Day, and by the significant increase in the

museum's opening hours (by 78%). The Museum was successful in its application to Lotterywest for a grant of almost \$70,000 to enable it to install the last stage of the redesign of the exhibitions on display. Temporary exhibitions marking the centenary of significant events during the first world war also attracted significant interest – *Brothers at War: the Parker men and A Voice from the Front*.

The Old Court House also hosted interactive theatre performances over five nights during May.

With thanks to:

- The Hon Chief Justice Wayne Martin AC (Convenor)
- Professor Jürgen Brohmer
- Rob Christie
- Professor Paul Fairall
- Pauline Bagdonavicius
- Dr Peter Handford
- Professor Doug Hodgson
- Rupert Johnson
- Katja Levy
- Marshall McKenna
- Greg Parry
- Professor Mark Stoney
- Lorraine Scorer
- Professor Erika Techera



General Conditions for the Sale of Land

Frank Poeta

Convenor

The General Conditions for the Sale of Land Committee reviewed the most recent revision of the General Conditions that was in 2011.

Key actions for 2015/16 have been:

- foreign resident withholding tax - with the introduction of the foreign resident withholding tax regime, the Committee, following consultation with the Australian Taxation Office, developed an Addendum to the General Conditions. This Addendum was approved by the Law Society and the Real Estate Institute of Western Australia in April 2015;
- econveyancing - in the lead up to econveyancing, the Committee established an Addendum to the General Conditions in April 2015. This Addendum was a broad based approach to econveyancing in that it provided the mechanics for the parties to agree to settle transactions electronically using the PEXA platform. It was prepared on the basis of a 'wait and see' approach as to how electronic conveyancing would operate in Western Australia. Since then, and with the benefit of econveyancing now being used in Western Australia, the Committee has developed an updated version of the Addendum which will be implemented in the later part of 2016; and
- updated revision of the General Conditions - the Committee has commenced a full review of the General Conditions with the aim to produce a fully updated 2017 revision of the General Conditions. This will be the focus of the Committee in the coming year.

The Committee acknowledges the resignation of John Syminton from the Committee in March 2016. He has been a long standing committee member and the Committee thanks him for the significant contribution he made in the drafting of the General Conditions (and the various versions of these terms and conditions) during his tenure.

With thanks to:

- Frank Poeta (Convenor)
- Gary Thomas (Deputy Convenor)
- Christopher Booth
- Meagan Johnston
- Robert Kronberger
- John Prevost
- John Syminton (Deputy Convenor until March 2016)
- Susan Thick
- Peta Whyte
- Craig Bradley (REIWA)
- Hayden Groves (REIWA)
- Ross McCallum (representing REIWA)



Human Rights and Equal Opportunity Committee

Greg McIntyre SC

Convenor

The Human Rights and Equal Opportunity Committee monitored the work of the Law Council of Australia in developing policy positions on National Redress Principles for Survivors of Sexual Abuse, the Extradition Treaty between Australia and China, establishment of a National Integrity Commission.

The Committee supported the *Fair Work Amendment (Gender Pay Gap) Bill 2016* and noted the *Fair Work (Protecting Australian Workers) Bill 2016*.

The Convenor and Emma Cavanagh represent the Law Society on the Law Council's National Human Rights Committee. The Committee, through the Convenor and Emma Cavanagh, contributed to the Law Council's submission to the Australian Law Reform Commission Inquiry into Traditional Rights and Freedoms, the Law Council's development of a Human Rights Policy and made a contribution to the United Nations Human Rights Council Universal Periodic Review of the performance of Australia, development of a seminar proposal on the abolition of the death penalty and positions of asylum seekers and counter terrorism.

The Committee considered proposed amendments to and supported at the Law Society's Council a submission prepared by the Young Lawyers Committee Human Rights Working Group on Expunging Historical Homosexual Convictions.

The Convenor and Emma Cavanagh represented the Committee on the Aboriginal Incarceration and Justice Reinvestment Working Group which is developing policy papers for the Law Society on legal issues contributing to the incarceration of Aboriginal and Torres Strait Islander peoples in Western Australia.

The Committee reviewed the Law Society's policy position papers on the death penalty, mandatory sentencing and the presumption of bail and the adoption of the Law Society's Reconciliation Action Plan.

Committee member Elizabeth Heenan is the Law Society representative on the following Law Council's committees and working group:

- Convenor of the National Elder and Succession Committee;
- Member of the Equal Opportunity Committee; and
- Member of the Elder Abuse Inquiry Working Group.

With thanks to:

- Greg McIntyre SC (Convenor)
- Nicola Ashford
- Alexandria Bishop
- Emma Cavanagh
- Rebecca Dennison
- Alexander Griffiths
- Kendra Hagan
- Elizabeth Heenan
- Joelle Hervic
- Michael Jensen
- Matthew Keogh
- Mathea McCubbing
- Elizabeth Needham
- Ilse Petersen
- Rabia Siddique
- Mari Takla
- Carolyn Tan
- Curtis Ward



Indigenous Legal Issues Committee

Krista McMeekan

Convenor

The Indigenous Legal Issues Committee is currently comprised of nine law graduates and one law student. This has better resourced the Committee in order to be able to actively address the wide range of significant legal issues impacting Aboriginal and Torres Strait Islander peoples. The Committee has also joined with representatives from the Law Society's Human Rights and Equal Opportunity Committee, Access to Justice Committee and Criminal Law Committee to lead a strategic campaign in relation to justice reinvestment and incarceration rates within the Law Society which is progressing well with a number of policy papers sitting with Law Society's Council for approval.

The Committee supported the implementation of a Reconciliation Action Plan (RAP) for the Law Society and will continue to assist in the development of the next phase of the RAP.

The Law Society Mentoring Programme for Indigenous law students is currently in its sixth year since being resurrected. The Committee is working to develop its relationships with each of the universities in order to ensure the success of this valuable programme and we now have participants from a range of universities. The Mentoring Programme includes Aboriginal and Torres Strait Islander students in any year of their law degree.

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 'Let's Put Our Heads Together' 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 programme is likely to involve the development of a series of culturally appropriate short films targeting Aboriginal youth contact with the Police as well as a social media campaign and two-way learning model between the target audience and WA Police. The programme is currently seeking funding to support its further

development.

The Committee has also maintained its commitment to communicating on issues of importance to Aboriginal and Torres Strait Islander peoples and is currently working on developing a set of cultural protocols and guidelines for practitioners representing Aboriginal and Torres Strait Islander peoples in Western Australia.

With thanks to:

- Krista McMeekan (Convenor)
- Tammy Solonec
- Micah Kickett
- Tegan Harrington
- June Kenny
- Marshall McKenna
- Jenny McKenzie
- Sara Pearson
- Caroline Tan
- Mel Thomas



In-house/Government Lawyers Committee

Pamela Hass

Convenor

The In-house/Government Lawyers Committee was established in 2012 to promote and support the specific needs of in-house and government lawyers.

The Committee is made up of members from Federal, State and Local Government, the private sector, Legal Aid, Director of Public Prosecutions, State Solicitor's Office and not-for-profits including universities.

Committee members have contributed articles on issues of specific concern to this sector of the profession for *Brief* journal e.g. Tips for Private Practitioners Engaging with In-house Counsel.

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

A key focus this year has been building relationships with other organisations which represent particular sectors of the in-house profession.

The Committee continues 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 continues to pursue solutions to the fact that such practitioners do not receive advance approval of proposed restricted practice arrangements in non-prescribed agencies.

The Convenor wishes to thank Mr Graeme Windsor for his support as Deputy Convenor from the Committee's infancy until 2016 when he resigned as Deputy Convenor and welcome Elisabeth Edwards as the new Deputy Convenor.

With thanks to:

- Pamela Hass (Convenor)
- Elisabeth Edwards (Deputy Convenor)
- Avril Bartlett
- David Davidson
- Paul Evans
- Joelle Hervic
- Rosanna Hill
- Lyn Magro
- Lex Payne
- Ilse Petersen
- Joanne Quinn
- Miriam Sauley
- Adam Santa Maria
- Rubini Ventouras
- Zoran Vukojevic
- Graeme Windsor
- John Woodhouse



Insolvency and Reconstruction Law Committee

Victoria Butler

Convenor

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

The Committee has continued its role in liaising with the Australian Securities and Investments Commission, the Australian Financial Security Authority and the Australian Restructuring Insolvency & Turnaround Association.

The major piece of work in the last financial year was the Committee's participation in, and response to, the Government's proposal to reform insolvency and bankruptcy laws, as set out in The Treasury's paper titled *National Innovation and Science Agenda Improving Bankruptcy and Insolvency Laws*.

In 2015/16, the Committee also:

- responded to the working group of Judges and Court Registrars on the Harmonisation of Court Rules – Corporate and Personal Insolvency and Remuneration of Insolvency; and
- contributed to the Law Council's submission on the inquiry into *Bell Group of Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* and appeared before the Standing Committee on Legislation.

In October 2015, Committee members attended the annual workshop with members of the Insolvency and Reconstruction Law Committees of the other States.

The Committee thanks Law Society staff for their excellent administration of the Committee. The Committee also appreciates the invaluable contributions made by Adrian Saggars of ASIC and Paul Devellerez of AFSA.

With thanks to:

- Victoria Butler (Convenor)
- Philip Blaxill
- James Healy
- David John
- Richard Johnson
- Chris Pearce
- Robert McKenzie
- Chris McLeod
- Nino Odorisio
- Gavin Rakoczy
- John Vaughan SC



Intellectual Property Law Committee

Nick Stamatiou

Convenor

The Intellectual Property Law Committee liaises regularly with IP Australia, the statutory body that administers Intellectual Property laws in Australia, in relation to legislative proposals to amend intellectual property practice and procedure.

The Committee liaises with the Intellectual Property Society of Australia and New Zealand (IPSANZ), the Institute of Patent and Trade Mark Attorneys (IPTA), and the Federal Court of Australia regarding various educational seminars held in Perth. More specifically, the Committee liaised with the WA Committee of IPSANZ in late 2015 to coordinate an event at which the Honourable Justice Robert French AC presented on the topic *The Unbearable Lightness of being an Intellectual Property Lawyer*.

The Committee successfully expanded its Terms of Reference to focus more broadly on technology and intellectual property issues, and has contributed to a number of Law Society's CPD seminars to address issues relevant to practitioners practising in these fields.

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

With thanks to:

- Nick Stamatiou (Convenor)
- Brendan Ashdown
- Dr David Cox
- Professor Philip Evans
- Associate Professor Jani McCutcheon
- Ian McLennan
- Michael Paterson
- Richard Plummer
- Madeleen Rousseau
- Stephanie Rowland
- Tamra Seaton
- David Stewart
- Alexandra Turner



Joint Law Society/Women Lawyers Committee

Rebecca Lee

Convenor

The Committee is a liaison group between Women Lawyers of Western Australia (Inc.) (WLWA) and the Law Society. Members include representatives from the Law Society's Young Lawyers Committee, the Western Australian Bar Association and the Law Council of Australia's Equal Opportunity Committee, all of whom report on local and national issues.

In April 2015, the Law Society established a working group to respond to the WLWA 2014 20th Anniversary Review of the 1994 *Chief Justice's Gender Bias Taskforce Report*. This work continued between 2015/16 with the preparation of a report which identified the gaps between what the Law Society is currently doing and the recommendations in Chapter 2 (Career Paths for Women in the Legal Profession) and the practical proposals for the Law Society to address those recommendations. The preparation of this report has been the Committee's priority and primary task. The report has recently been finalised and the Committee looks forward to the implementation of its recommendations in the next financial year.

The Committee hosted the International Women's Day Keynote Address and Luncheon to celebrate International Women's Day. A special thanks to the Honourable Chief Justice Wayne Martin AC and Dr Ros Worthington OAM as the speakers for this successful event.

In April 2015, Victorian Women Lawyer's launched its new Flexibility Protocols. The Committee reviewed the new protocols and in September 2015 recommended that the Law Society adopt the protocols as a best practice guide for productive and engaged legal workplaces. The protocols are available on the Law Society's website.

The Committee had the opportunity to review the Law Council of Australia's National Model Briefing Policy. The Committee expressed its support for the policy, as it encouraged the briefing of female barristers and established reporting requirements to assist with monitoring gender equality at the Bar.

The Committee conducted the scheduled review of the Law Society's 'on leave' membership. The review showed that the

initiative was working well with a good uptake by members who need to take unpaid leave, for example, maternity/parental/carer's/study leave, from their employment for a period between six and 12 months.

The Committee recognises the contribution of past Convenor, Elizabeth Needham and its members who resigned from the committee during the financial year.

With thanks to:

- Rebecca Lee (Convenor)
- Catherine Fletcher (Deputy Convenor)
- Nicola Ashford
- Nikita Barsby
- Hayley Dodson
- Rebecca Davey
- Susan Diamond
- Elizabeth Heenan
- Jennifer Hill
- Daniela Ion
- Janette McCahon
- Cinzia Donald
- Kate Pedersen
- Joanne Quinn
- Anne Wood



Mental Health and Wellbeing Committee

David Davidson

Convenor

The Mental Health and Wellbeing Committee has a diverse range of practitioners from the country, Government, large and small law firms, WA Bar, university, Legal Practice Board and the Legal Profession Complaints Committee. This enables a great collective of thoughts and ideas to try and improve the mental health and wellbeing in the profession.

In December 2015 the Committee completed its review of the 29 recommendations in the Report on the Psychological Distress and Depression in the Legal Profession and welcomed the release of the Review of the 2011 Report on the Psychological Distress and Depression in the Legal Profession (Review Report).

The Convenor and Libby Fulham from the Legal Practice Board WA and committee member, during Law Week in May 2016, presented a topic on a Review Report and the 13 recommendations that come from that report after a five year review. The Convenor went into some detail in this presentation on what the 13 recommendations mean and what people can expect from the implementations of these recommendations in the future. Ms Fulham provided practical advice to practitioners who are or know of lawyers who are struggling mentally or otherwise and how the Legal Profession Complaints Committee (LPCC) can assist with early intervention. Ms Fulham also provided a number of examples of what practitioners should not do and what early intervention could do resolve these matters. The focus on the presentation was to acknowledge that while working in the legal profession it is stressful they are techniques and avenues to assist practitioners to have a positive work life balance and to reduce mental stress to a minimum.

As part of Law Week 2016, committee members Philippa Rezos and Marshall McKenna joined members of the Intellectual Property and Technology Committee in presenting the Technology and its Effects in the Practice of Law.

The Convenor, Libby Fulham and Phillipa Rezos have jointly attended a number of the Small and Sole Practitioner's Forums to support and promote the services that are available to this sector. This is not only for psychological assistance, but LPCC complaints, ethical issues

and best practice. This is done in a positive way through brief presentations or liaising with attendees at the pre and post functions. These events have been held and attended by all three individuals not only in the City but also in Fremantle and Joondalup.

The Committee has also been monitoring the use of Law Society's Employee Assistance Programme (counseling service), LawCare WA, for its members and promoting this service. The Committee has also been monitoring and promoting the use of the Locum Registry and outlining the benefits especially to small and sole practitioners of taking leave and allowing another practitioner to operate your business.

The Committee is progressing with the development and implementation of the 13 recommendations in the Review Report. This will be the focus for this Committee's work for the next 12 months.

With thanks to:

- David Davidson (Convenor)
- Ryan Arndt
- David Blades
- Libby Fulham
- Justine Howard
- Marshall McKenna
- Alexandra Pieniazek
- Philippa Rezos
- Linda Richardson
- Matthew Wallis
- Sam Witton



Personal Injuries and Workers' Compensation Committee

Gray Porter
Convenor

The Personal Injuries and Workers' Compensation Committee members are a combination of plaintiff and insurer firms' representatives. The Committee convenes on a monthly basis. In the past year the Committee was involved in a variety of matters which affect compensation and damages.

The Committee participated in a review of WorkCover WA's evaluation of the Conciliation and Arbitration Services. The review was led Professor Tania Sourdin of the Australian Centre for Justice Innovation at Monash University. The Committee provided feedback to WorkCover on the new Standard Orders and Practice Directions and other practice related issues through its two representatives on WorkCover's Conciliation and Arbitration Users' Group. The Committee continues to exchange information on the WorkCover services and procedures.

The Committee was pleased to consider the *Limitation Amendment (Child Sexual Abuse Actions) Bill 2015* which seeks to remove the limitation period for person injury claims by victims of child sexual abuse. The Committee had previously lobbied the Western Australian Government to amend the *Limitation Act 2005 (WA)* to follow our New South Wales and Victoria counterparts. Both States amended their legislation in late 2015 and early 2016 to abolish the limitation period for personal injury claims.

The Committee made a submission to the Minister for Health in relation to the procedures by which public hospitals seek to recover monies from compensable patients. The Committee will review the *Health Services Act 2016 (WA)* to determine whether the new legislation clarifies their concerns raised in its submissions.

Other activities include:

- submissions to the Law Reform Commission of WA in relation to the Provisional damages and damages for gratuitous services – Project 106 Discussion Paper;

- meeting with Commissioner for Victims of Crime, with a view to establishing a relationship between the legal profession and the Victims of Crime Reference Group;
- reviewing the Insurance Council of Australia's 'A Best Practice Workers Compensation Scheme' Report;
- considering the proposal by the Parliamentary Counsel's Office to modernise certain aspects of the processes for publishing WA legislation; and
- considering percentage based contingency fees proposal.

With thanks to:

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



Professional Indemnity Insurance Management Committee

Dudley Stow

Convenor

The Professional Indemnity Insurance Committee has, as required by the Legal Profession Act, put in place the PI insurance arrangements for the 2016/17 financial year. The negotiations were similar to previous years, but more complicated with QBE being replaced as lead underwriter due to price considerations.

The insurance placement includes consideration of the actuarial report prepared by our actuary, advice of our broker and Law Mutual (WA) staff.

Ultimately, the annual contribution rate decreased by an average of more than 10%, primarily due to improved claims experience and prudent capital management. The Committee 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. Claims numbers in the last two years have shown a slight decrease on the five year average.

The Committee 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. While the most visible sign of this was the successful 2015/16 risk management seminar programme. The Committee have continued to increase the risk management resources available to Law Mutual (WA). A comprehensive risk management programme strategy has been approved that includes:

- the appointment of a Manager, Risk;
- the development of risk advisory services; and
- a targeted risk management seminar programme.

Law Mutual (WA) has highly experienced insurance capabilities that enabled the Committee to fully analyse the professional indemnity insurance arrangements to ensure they are fair and equitable to practitioners and their clients while maintaining a very broad coverage at a reasonable cost.

The first results of this have already been seen in the lowering of rates for the 2016/17 insurance year. The analysis will be ongoing.

Financially, Law Mutual (WA) is in a very sound position and neither the annual audit nor actuarial reports for 2015/16 were qualified.

Finally thank you to all committee members, Law Mutual (WA) and Law Society staff for their diligence and contribution for what has been another challenging but rewarding year.

With thanks to:

- Dudley Stow (Convenor)
- Jocelyne Boujos
- Hayley Cormann
- Nathan Ebbs
- Denis McLeod
- Laurie Shervington
- Ian Robert Williams



Professional Standards Scheme Committee

Alain Musikanth

Convenor

The Law Society's Limitation of Liability 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 the Law Society's 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.

Prior to the beginning of the 2015/16 year, the Committee had developed new member agreements for ordinary, associate and incorporate legal practice members setting out the obligations of Law Society members. During the year under review, the Committee considered a number of applications for higher discretionary caps and made recommendations to Council. Five applications for discretionary caps were approved by Council during the course of the year. In February 2016, Law Society staff involved in the administration of the Scheme also attended a workshop with representatives from the PSCs. In March 2016, Law Society representatives attended a day-long meeting at the Law Society of New South Wales with representatives of the Law Societies of New South Wales, South Australia, Tasmania and Queensland, and the Law Institute of Victoria. As had been the case with a similar meeting held in Perth the previous year, this meeting too afforded a valuable opportunity to

the Law Society to explore a range of practical, operational and compliance issues relating to the administration of a professional standards scheme with its interstate counterparts.

The Committee also oversaw the development and adoption of a new Professional Standards Scheme Five Year Risk Management Plan, Integrated Risk and Compliance Framework and Risk and Compliance Policy. These were approved by Council in April 2016 along with the Law Society's second annual compliance report to the PSCs.

The Committee is pleased to report that as at 30 June 2016 the Scheme had 1,112 participating members; nearly 300 more than the number of participating members a year earlier.

With thanks to:

- Alain Musikanth (Convenor)
- Brendan Ashdown
- Nathan Ebbs
- Greg Pynt
- Verginia Serdev-Patterson
- Craig Slater



Property Law Committee

Gary Thomas

Convenor

Members of the Property Law Committee represent the Law Society on a number of Landgate committees, the Law Council of Australia Legal Practice Section Australian Property Law Group and the Law Council of Australia E-conveyancing Working Group.

During the reporting period the Committee considered a number of reforms including the Strata Titles Act Reform amendments, duty on conditional contracts of sale, the *Sale of Land Act* and the proposal to amend section 13(1), settled various submissions made by practitioners concerning the registration of leases, verification of identity processes and monitored a number of decisions of the State Administrative Tribunal including *Arise Joondalup P/L [2015] WASAT 92*.

The Committee in conjunction with the Joint Form of General Conditions for the Sale of Land Committee, assisted in the drafting of annexures to the General Conditions concerning:

- the foreign resident's withholding tax regime; and
- e-conveyancing.

The Committee also made submissions to Government on the draft Licensed Valuers' Code of Conduct 2015 and the Settlement Agents Code of Conduct 2016.

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

The Building and Construction subcommittee and the Probate and Guardianship subcommittee became stand-alone Committees of the Law Society at the end of 2015.

Thank you to all committee members for their valued contribution and participation in the Committee's deliberations during the year.

The Committee would also like to thank the Law Society staff for their invaluable support of the committee's activities.

With thanks to:

- Gary Thomas (Convenor)
- Marcus Easthope (Deputy Convenor)
- Mark Atkinson
- Keith Bales
- Peter Beekink
- Christopher Booth
- Marie Botsis
- Susan Dukes
- Craig James
- Meagan Johnston
- Jarred Johnstone
- Allan Newton
- John Prevost
- Doug Solomon
- Susan Thick
- Gabriel Wong
- Joel Yeldon



Quality Practice Standard Committee

Craig Slater
Convenor

The Quality Practice Standard Committee noted the cities where accredited firms operate expanded significantly from the established Perth, Albany and Geraldton to Sydney with the successful accreditation of Squire Patton Boggs (AU) for both its Perth and Sydney offices.

The Committee is extremely grateful for the work of the Auditor in providing articles for publication in the Law Society's *Brief* journal on areas as diverse as client identity, *Financial Transactions Act* reporting and on internal audits.

The Committee contributed to the Law Society's CPD programme and delivered seminars on the Quality Practice Standard Scheme.

The Committee observed the increasing number of firms with either 10-year accreditation or 15-year accreditation as a sign that participation in the Scheme is an component to longevity. The Scheme will soon claim 20-years of operations and the Committee looks forward to acknowledging firms as they pass this significant milestone.

To increase the support for new firms considering the Scheme the Committee was pleased to introduce a new consultant to the list of consultants who can provide assistance to firms setting up their practice systems. Consultants can provide useful practical experience to firms considering the Scheme and needing some external advice on systems that work for others.

The Committee held informal discussions with the Strata Community Australia (WA) section considering their own accreditation scheme with a view to assisting that Scheme.

The Committee worked with Law Mutual (WA) in a review of the operation of the Scheme and how it may integrate with Law Mutual (WA)'s goals of reducing risks for firms insured by Law Mutual (WA). The Committee provided members to the working group and looks

forward to considering its recommendations.

The Committee will maintain its watch on developments with *Anti Money Laundering and Counter Terrorism Finance Act* and regulations for obligations that may have an impact on the work of lawyers.

Finally, the Committee commenced planning a suitable commemoration of the 20th anniversary of the Scheme. The Committee hopes to welcome firms to that event during the next year.

With thanks to:

- Craig Slater (Convenor)
- Kevin David Chalklin
- Dorothy Guerini
- Andrew McGuinness
- Ian McLennan
- Julie Ots
- John Rogers (Law Mutual (WA) Representative)
- Christine Slattery
- Murray Thornhill
- David Vilensky



Taxation Committee

Dr John Hockley

Convenor

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

In 2016 the Committee welcomed new members to the Committee. Their willingness to join the Committee and contribute at the meeting is commendable.

The prestigious Forsyth-Pose Prize is awarded annually by the Law Council of Australia. This year the winner was Joel Emery for a learned discourse on the possible tax treatment of Bitcoin. The Committee also welcomed Joel as a new member of the Committee.

In 2015/16 the 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.

The Committee made submissions regarding changes to the Foreign Resident Capital Gains Withholding Tax. From 1 July 2016 Australian residents selling real estate with a market value of \$2million or more need to apply for a clearance certificate from the Australian Tax Office (ATO) to ensure that amounts are not withheld from the sale proceeds. If a valid Clearance Certificate is not provided by settlement, the purchaser is required to withhold 10% of the purchase price and pay this to the ATO.

In addition, a Law Society CPD seminar was organised on this topic that affects all sellers of properties of \$2 million or more.

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

The Committee have also contributed to the Continuing Professional Development programme for the Law Society.

Members of the Committee published articles of interest to the legal profession in the Law Society's *Brief* journal and other journals.

The Committee would like to thank Humphrey Faas and Jonathon Ilbery for keeping the Committee informed of recent developments in taxation raised by the Taxation Committee of the Law Council of Australia. The Committee presents a monthly report at the meetings of the developments in taxation across Australia.

Thank you to all members of the Committee for their support during the year. In particular, thank you to the Deputy Convenor, Humphrey Faas and Grahame Young for their assistance and acting as Convenor when required.

The Committee had a very successful year.

With thanks to:

- Dr John Hockley (Convenor)
- Humphry Faas (Deputy Convenor)
- Jocelyne Boujos
- Joel Emery
- John Fickling
- Fiona Halsey
- Elizabeth Heenan
- Thomas Henn
- Jonathan Ilbery
- Jonathon Leek
- Adam Levin
- David Murphy
- Sarah Ozanne
- Sam Radici
- Robert Sceales
- Matthew Sunits
- Clare Thompson
- Zoran Vukojevic
- Grahame Young



Young Lawyers Committee

Alex Biddulph
Convenor

The Young Lawyers Committee is representative of practitioners with less than five years' post-admission experience or less than 35 years of age, whichever is the later. This demographic encompasses a large proportion of the profession. The Committee includes practitioners from big, small and mid-sized firms, as well as government lawyers from offices in the CBD, suburban and regional locations.

The Committee hosts and assists the Law Society in coordinating a significant number of events and initiatives through each calendar year. A number of these are annual occurrences, including:

- inter-firm sporting events (Volleyball and Netball);
- the advocacy programme, which includes preparatory seminars as well as the practical weekend of coaching sessions;
- awareness raising about social justice issues through public debates including Law Week panel discussion and fundraising for the Chief Justice's Law Week Youth Appeal;
- wellbeing initiatives including a Geoffrey Robertson QC - style mental health hypothetical;
- small firm networking evenings; and
- the Law Student Mentoring Programme.

In 2015/16, the Committee renewed its focus on giving young members of the legal profession the ability to develop longstanding networks among their peers and members of other peak industry bodies. This included a number of new initiatives such as

- the introduction of the Inter Profession Networking seminars which combines young lawyers, accountants and other young professionals and gives them an opportunity to learn important soft skills, the series comprised of two seminars at EY and will be expanding in 2016/17;
- the inaugural YLC Assembly, which was a forum held at the Law Society and open to all young lawyers with the intent on having an open discussion of issues facing young legal professionals; and
- for the first time, the Committee also opened its doors to any Law Society members (who fall under the young lawyers definition) to attend its monthly meetings.

In addition to these new initiatives the Committee also:

- completed submissions relating to the expunging of homosexual criminal convictions;
- continued to arrange monthly case notes and provide various articles for *Brief* journal;
- continued to considering the Australian Young Lawyers Report in to workplace standards; and
- continued to connect with the Tristan Jepson Memorial Foundation, the five West Australian Law Student Faculty Societies and the Australian Young Lawyers Committee.

With thanks to:

- Emma Cavanagh (former Convenor)
- Alex Noonan (Deputy Convenor)
- Sarah O'Brien Smith (Deputy Convenor)
- Alexandra Pieniazek (former Deputy Convenor)
- Nicola Ashford
- Ilona Anna Celliers
- Ray Christensen (resigned)
- Gemma Cronin (resigned)
- Courtney Furner (resigned)
- Catherine Graville
- Rosie Hill (resigned)
- Shea Lukey
- James Marzec
- Marc McCaughey
- Gemma Mitchell (resigned)
- Brigitte Monchouguy (resigned)
- Michael O'Shea (resigned)
- Sarah Ozanne
- Katrina Palmer (resigned)
- Brooke Sojan
- Michelle Taylor
- Curtis Ward (resigned)
- Matthew Woodall (resigned)
- Kirsten Young

Financial Statements



Statement of Profit or Loss and Other Comprehensive Income

FOR THE YEAR ENDED 30 JUNE 2016

	NOTES	2016 \$	2015 \$
Revenue	5	4,787,628	5,102,360
Investment income		58,517	72,311
Other gains and losses	6	2,424	(45,533)
Governance expenses		(652,034)	(671,433)
Member services expenses		(1,636,583)	(1,955,662)
Advocacy and community programmes expenses		(875,631)	(1,025,478)
Finance and administration expenses		(1,476,592)	(1,320,689)
Profit for the year		207,729	155,876

Other comprehensive income

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

Loss on revaluation of property	(775,000)	-
Other comprehensive loss for the year	(775,000)	-
Total comprehensive (loss)/income for the year	(567,271)	155,876

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 2016

	NOTES	2016 \$	2015 \$
CURRENT ASSETS			
Cash and cash equivalents	15	1,714,786	2,436,638
Trade and other receivables	7	200,581	141,795
Other assets		86,853	71,439
Total current assets		2,002,220	2,649,872
NON-CURRENT ASSETS			
Property, plant and equipment	8	5,086,519	5,846,219
Intangible assets	9	17,615	21,304
Total non-current assets		5,104,134	5,867,523
Total assets		7,106,354	8,517,395
CURRENT LIABILITIES			
Trade and other payables	10	460,427	446,529
Provisions	11	238,417	282,851
Income received in advance		1,111,007	809,504
Total current liabilities		1,807,851	1,538,884
NON-CURRENT LIABILITIES			
Borrowings	12	2,287,500	3,431,250
Provisions	11	91,525	60,512
Total non-current liabilities		2,379,025	3,491,762
Total liabilities		4,186,876	5,030,646
Net assets		2,919,478	3,486,749
MEMBERS' FUNDS			
Reserves	13	122,592	897,592
Retained surplus	14	2,796,886	2,589,157
Total members' funds		2,919,478	3,486,749

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 2016

	NOTE	RESERVES	RETAINED EARNINGS	TOTAL
		\$	\$	\$
Balance as at 1 July 2014		897,592	2,433,281	3,330,873
Surplus for the year		-	155,876	155,876
Total comprehensive income for the year		-	155,876	155,876
Balance as at 1 July 2015		897,592	2,589,157	3,486,749
Surplus for the year		-	207,729	207,729
Loss from revaluation of building	13	(775,000)	-	(775,000)
Total comprehensive income for the year		(775,000)	207,729	(567,271)
Balance as at 30 June 2016		122,592	2,796,886	2,919,478

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 2016

	NOTES	2016 \$	2015 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Member subscriptions		2,356,989	2,188,366
Interest received		62,905	69,122
Receipts from other operating activities		3,331,729	3,685,151
Payments to suppliers and employees		(5,238,623)	(5,300,989)
Net cash generated by operating activities	15	513,000	641,650
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, plant and equipment		(90,172)	(105,402)
Payments for intangible assets		(930)	-
Net cash used in investing activities		(91,102)	(105,402)
CASH FLOWS FROM FINANCING ACTIVITIES			
Repayment of borrowings		(1,143,750)	(110,983)
Net cash used in financing activities		(1,143,750)	(110,983)
Net (decrease)/increase in cash and cash equivalents		(721,852)	425,265
Cash and cash equivalents at the beginning of the year		2,436,638	2,011,373
Cash and cash equivalents at the end of the year	15	1,714,786	2,436,638

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

Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2016

1. General Information

The Law Society of Western Australia is an incorporated association and domiciled in Australia. Its registered office and principal place of business is Level 4, 160 St Georges Terrace, PERTH WA 6000.

2. Application of New and Revised Accounting Standards

The Law Society of Western Australia has applied all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that are relevant to its operations and effective for the current reporting period.

The application of the new and revised Standards and Interpretations did not have any effect on the financial position or performance of the Society.

2.1 Standards and Interpretations in issue not yet adopted

At the date of authorisation of the financial statements, the Standards and Interpretations that were issued but not yet effective are listed below. The potential effect of these standards and statements has not yet been determined.

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 1057 'Application of Australian Accounting Standards' and AASB 2015-9 'Amendments to Australian Accounting Standards – Scope and Application Paragraphs'	1 January 2016	30 June 2017
AASB 2014-4 'Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation'	1 January 2016	30 June 2017
AASB 2015-2 'Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101'	1 January 2016	30 June 2017
AASB 2015-6 'Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Non-for-Profit Public Sector Entities'	1 July 2016	30 June 2017
AASB 2015-7 'Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities'	1 July 2017	30 June 2017
AASB 2016-2 'Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107'	1 January 2017	30 June 2018

3. Significant accounting policies

3.1 Financial reporting framework

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, these special purpose financial statements have been prepared to satisfy the Council's accountability requirements under sections 71 to 76 of the Constitution of the Law Society of Western Australia.

For the purposes of preparing the financial statements, the Law Society of Western Australia is a not-for-profit entity.

3.2 Statement of compliance

The financial statements have been prepared in accordance with the recognition and measurement requirements specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101 'Presentation of Financial Statements', AASB 107 'Statements of Cash Flows', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors' and AASB 1054 'Australian Additional Disclosures.'

3.3 Basis of preparation

The financial statements have been prepared on the basis of historical cost, except for certain properties and financial instruments that are measured at revalued amounts or fair values at the end of each reporting period, as explained in the accounting policies below. Historical cost is generally based on the fair values of the consideration given in exchange for goods and services. All amounts are presented in Australian dollars, unless otherwise noted.

3.4 Revenue recognition

Revenue is recognised to the extent that it is probable that the economic benefits will flow to the Society and the amount can be reliably measured.

Membership fees and subscriptions

The subscription year is 1 July to 30 June. Subscriptions are payable annually in advance. Only those membership fees and subscriptions that are attributable to the current financial year are recognised as revenue.

Fees and subscription receipts relating to periods beyond the current financial year have been included in the Statement of Financial Position as income in advance under the heading of Current Liabilities.

Interest

Interest revenue is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

Grants

Revenue is recognised when control of the contribution or right to receive the contribution is received.

Other revenue

Other revenue is recognised when the right to receive the revenue has been established.

3.5 Borrowing costs

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

3.6 Employee benefits

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

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

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

3.7 Taxation

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

3.8 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.

Depreciation on revalued buildings is recognised in profit or loss. 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.

3.9 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.

3.10 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.

3.11 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.

3.12 Financial instruments

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

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

The financial assets of the Law Society of Western Australia are classified into the following specified categories: financial assets 'at fair value through profit or loss' (FVTPL), '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. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

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, other than those at FVTPL, 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 Company'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 Australia neither 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.

3.13 Financial liabilities

The financial liabilities of the Law Society of Western Australia are classified as either financial liabilities 'at FVTPL' or 'other financial liabilities'.

Financial liabilities at FVTPL

Financial liabilities are classified as at FVTPL when the financial liability is either held for trading or it is designated as at FVTPL.

A financial liability is classified as held for trading if:

- it has been incurred principally for the purpose of repurchasing it in the near term; or
- on initial recognition it is part of a portfolio of identified financial instruments that the Law Society of Western Australia manages together and has a recent actual pattern of short-term profit-taking; or
- it is a derivative that is not designated and effective as a hedging instrument.

A financial liability other than a financial liability held for trading may be designated as at FVTPL upon initial recognition if:

- such designation eliminates or significantly reduces a measurement or recognition inconsistency that would otherwise arise; or
- the financial liability forms part of a group of financial assets or financial liabilities or both, which is managed and its performance is evaluated on a fair value basis, in accordance with the Law Society of Western Australia's investment strategy, and information about the grouping is provided internally on that basis; or
- it forms part of a contract containing one or more embedded derivatives, and AASB 139 'Financial Instruments: Recognition and Measurement' permits the entire combined contract to be designated as at FVTPL.

Financial liabilities at FVTPL are stated at fair value, with any gains or losses arising on remeasurement recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability and is included in the 'other gains and losses' line item. Fair value is determined in the manner described in 3.16 below.

Other financial liabilities

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

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

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

Derecognition of financial liabilities

The 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.

3.14 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 entity 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.

3.15 Goods and services tax

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

- I. where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- II. for receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or 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 taxation authority is classified within operating cash flows.

Commitments

Commitments are disclosed net of the amount of GST recoverable from, or payable to, the taxation authority.

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. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

4. Critical accounting judgments and key sources of estimation uncertainty (continued)

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 Critical judgements in applying accounting policies

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

4.2 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 at 3.8 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 at 3.9 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 Society's premises on 160 St Georges Terrace is measured at fair value for financial reporting purposes. The Society has engaged MMJ Real Estate (WA) Pty Ltd to determine the appropriate valuation techniques and fair value measurements.

5. Revenue

	2016	2015
	\$	\$
Member subscriptions	1,923,920	1,966,260
Membership services and activities	206,523	251,324
CPD programme and education	855,143	874,364
Grants and distributions	430,441	656,687
Marketing and promotion	414,241	422,282
Finance and administration services	593,795	577,772
Other revenue	363,565	353,671
Total Revenue	4,787,628	5,102,360

6. Other gains and losses

	2016	2015
	\$	\$
Gain/(loss) on disposal of property, plant and equipment	2,424	-
Net gain/(loss) arising on financial assets designated as held for trading ⁽¹⁾	-	(45,533)
Net gain/(loss)	2,424	(45,533)

(1) Includes a gain/(loss) arising on an interest rate swap that has been designated as held for trading. The gain/(loss) on the interest rate comprises of the disposal of the swap of \$10,528 and interest of \$56,061 that was paid on the interest rate swap in the previous year.

7. Trade and other receivables

Current		
Trade debtors	178,173	102,244
Accrued income	21,695	34,379
Other receivables	713	5,172
	200,581	141,795

8. Property, plant and equipment

Carrying amounts of:		
Building	4,900,000	5,675,000
Plant and equipment	186,519	171,219
	5,086,519	5,846,219

	Building at fair value	Plant and equipment at cost	Total
Balance at 30 June 2015			
Cost or valuation	5,675,000	1,505,485	7,180,485
Accumulated depreciation and impairment	-	(1,334,266)	(1,334,266)
	5,675,000	171,219	5,846,219
Balance at 30 June 2016			
Cost or valuation	4,900,000	1,595,657	6,495,657
Accumulated depreciation and impairment	-	(1,409,138)	(1,409,138)
	4,900,000	186,519	5,086,519

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

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

8.1 Measurement techniques of revalued amounts

The fair value of the premises on 160 St Georges Terrace was determined by MMJ Real Estate (WA) Pty Ltd using the direct comparison approach that reflects comparable sales on a strata building area rate per square metre basis.

9. Intangibles

	2016	2015
	\$	\$
Carrying amounts of:		
Trademark	17,615	21,304
	17,615	21,304
	Trademark	
Balance at 30 June 2015		
Cost	47,422	
Accumulated amortisation	(26,118)	
	21,304	
Balance at 30 June 2016		
Cost	48,353	
Accumulated amortisation	(30,738)	
	17,615	

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

10. Trade and other payables

Current		
Trade creditors	76,850	53,180
Accrued expenses	55,758	130,988
Other payables	327,819	262,361
	460,427	446,529

11. Provisions

Current		
Employee benefits	236,417	282,851
Non-current		
Employee benefits	91,525	60,512
	327,942	343,363

12. Borrowings

Non-current		
Bank loan secured at amortised cost	2,287,500	3,431,250
	2,287,500	3,431,250

The bank loan is secured by level 4 and part of level 5, 160 St Georges Terrace, PERTH WA 6000. This loan facility matures on 31 December 2017.

13. Property revaluation reserve

	2016	2015
	\$	\$
Balance at beginning of year	897,592	897,592
Decrease arising on revaluation of properties	(775,000)	-
Balance at end of year	122,592	897,592

Valuations of the premises on 160 St Georges Tce are obtained from MMJ Real Estate (WA) Pty Ltd as required to meet the conditions set out in the loan agreement, the last valuation was completed in December 2015.

14. Retained earnings

Balance at the beginning of the year	2,589,157	2,433,281
Profit for the year	207,729	155,876
Balance at the end of year	2,796,886	2,589,157

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.

Cash at bank and on hand	714,621	1,093,083
Short-term deposits	1,000,166	1,343,555
	1,714,786	2,436,638

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

Surplus for the year	207,729	155,876
held for trading	-	(10,528)
Depreciation and amortisation of non-current assets	79,492	241,035
	287,221	386,383
Movements in working capital		
(Increase)/decrease in trade receivables	(60,246)	(26,581)
Increase in other assets	(15,415)	(1,608)
Increase/(decrease) in trade and other payables	15,358	121,711
(decrease)/increase in provisions	(15,422)	40,039
Increase in income in advance	301,504	121,706
Cash generated from operations	225,779	255,267
Net cash generated by operating activities	513,000	641,650

16. Related parties disclosures

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

Members who served 1 January 2016 to June 2016	Members who served 1 July 2015 to 31 December 2015
Elizabeth Needham	Matthew Keogh (resigned August 2015)
Alain Musikanth	Elizabeth Needham
Hayley Cormann	Alain Musikanth
Alison Aldrich	Hayley Cormann
Marie Botsis	Alison Aldrich
Jocelyne Boujos	Marie Botsis
Tara Connolly	Tara Connolly
Nathan Ebbs	Brahma Dharmananda SC
Adam Ebell	Nathan Ebbs
Nicholas Ellery	Adam Ebell
Catherine Fletcher	Nicholas Ellery
Rebecca Lee	Catherine Fletcher
Greg McIntyre SC	Greg McIntyre SC
Marshall McKenna	Marshall McKenna
Denis McLeod	Denis McLeod
Brooke Sojan	Konrad de Kerloy
Saran Bavich	Georgia Pickering
Sophie Ecker	Emma Cavanagh
Jodie Moffat	Ray Christensen
Matthew Keogh (returned 1 January 2016 as Immediate Past President)	Rosie Hill

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 2016 was \$129,888 inclusive of 9.50% superannuation. (2015: \$122,626).

During the current financial year transactions primarily for legal services were undertaken between the Law Society of Western Australia and firms of which Councillors are partners, consultants or employees. Such transactions were undertaken in the normal course of business, however no payments were made due to the work being completed pro bono.

During the reporting period, a total of \$1,020 was paid to firms of which Councillors were partners.

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

- membership fees;
- registration fees for CPD programmes;
- merchandises; and
- registration fees for social events.

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

During the current financial year, the Law Society of Western Australia received fees from Law Mutual WA for administration, consulting and management services on normal commercial terms and conditions amounting to \$304,297 (2015: \$288,273).

At 30 June 2016, Law Mutual WA owed the Law Society of Western Australia \$178,173 (2015: \$102,244).

16. Related parties disclosures (continued)

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

During the current financial year, the Law Society of Western Australia was paid grants from the Law Society Public Purposes Trust for the following purposes:

	2016 \$	2015 \$
Francis Burt Law Education Programme	200,000	175,000
Francis Burt Law Education Programme - Oral History Project	-	10,300
Law Access	-	110,428
Law Week	10,000	16,000
	210,000	311,728

At 30 June 2016, the Law Society Public Purposes Trust did not owe monies to the Law Society of Western Australia (2015: \$nil).

The Law Society of Western Australia received fees from the Law Society Public Purposes Trust for administration, consulting and management services on normal commercial terms and conditions amounting to \$146,546 (2015: \$146,546).

17. Commitments

(a) Operating Leases

	2016 Minimum Future Lease Payments \$	2015 Minimum Future Lease Payments \$
No later than 1 year	5,324	11,711
Longer than 1 year and not longer than five years	22,644	-
Longer than 5 years	-	-
	27,968	11,711

(b) Secured Bank Loans

No later than 1 year	-	-
Longer than 1 year and not longer than five years	2,287,500	3,431,250
Longer than 5 years	-	-
	2,287,500	3,431,250

The Law Society of Western Australia secured a variation to its existing bank loan facility in January 2015 for its premises on 160 St Georges Terrace. The loan is a variable rate loan that will expire in 2017.

18. Remuneration of auditor

	2016 \$	2015 \$
Audit of the financial statements	24,150	23,150
	24,150	23,150

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

Statement by Council

As detailed in Note 3 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 requirements under sections 71 to 76 of the Law Society's Constitution.

The Council declares that:

- (a) in the Council's opinion, there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable; and
- (b) in the Council's opinion, the attached financial statements and notes thereto are in accordance with the Law Society's Constitution, including compliance with accounting standards and giving a true and fair view of the financial position and performance of the Law Society.

Signed in accordance with a resolution of the Council.

On behalf of the Council.

X 

Elizabeth Needham
President

X 

Nathan Ebbs
Treasurer

Date: 20/10/16

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

We have audited the accompanying financial report, being a special purpose financial report, of The Law Society of Western Australia, which comprises the statement of financial position as at 30 June 2016, the statement of profit or loss and other comprehensive income, the statement of cash flows and the statement of changes in equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Council as set out on pages 2 to 19.

The Council's Responsibility for the Financial Report

The Council is responsible for the preparation and fair presentation of the financial report and have determined that the basis of preparation described in Note 3, is appropriate to meet the financial reporting requirements of The Law Society of Western Australia's Constitution and is appropriate to meet the needs of the members. The Council's responsibility also includes such internal control as the Council determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

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

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

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

Opinion

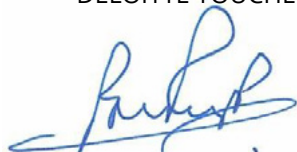
In our opinion, the financial report presents fairly, in all material respects, the financial position of The Law Society of Western Australia as at 30 June 2016 and its financial performance for the year then ended in accordance with the financial reporting requirements of The Law Society of Western Australia's Constitution as described in Note 3.

Basis of Accounting and Restriction on Distribution and Use

Without modifying our opinion, we draw attention to Note 3 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist The Law Society of Western Australia to meet the financial reporting requirements of The Law Society of Western Australia's Constitution. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the members and should not be distributed to or used by parties other than the members.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU



Peter Rupp

Partner

Chartered Accountants

Perth, 20 October 2016



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