



ANNUAL REPORT 2016/17

THE **ESSENTIAL** MEMBERSHIP FOR THE LEGAL PROFESSION

The Law Society of Western Australia

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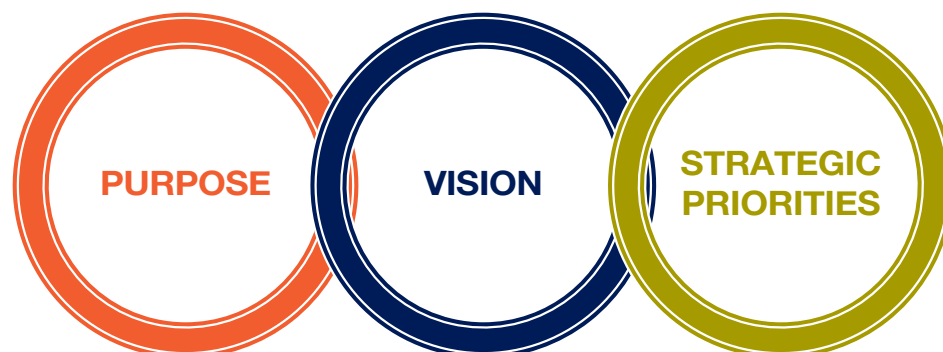
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Strategic Plan 2014/2018



Purpose

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

Vision

The **essential** membership for the legal profession

Strategic Priorities

- Strong Advocacy
- High Value Services
- Organisational Excellence

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, the 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, media statements, 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 January 2017, 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. 265 members participated.

Organisational Excellence (% satisfied; % agree)	2017 Score	Trend	Target
Member satisfaction	83%	⊖	●
Member Advocacy	80%	⊖	●
Provides good value membership	65%	⊖	
Strong Advocacy (% agree)	2017 Score	Trend	Target
Has a good understanding of members' needs	78%	⊖	●
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	84%	⊖	●

High Value Services (% satisfied)	2017 Score	Trend	Target
E-newsletters	87%	⊖	●
Brief journal	84%	⊖	●
Regular email information alerts	81%	⊖	●
Continuing Professional Development	74%	⬇️	●
Community services to celebrate the profession / promote access to justice	73%	⬇️	●
The Law Society's website	65%	⬇️	●
Advocacy Training	63%	⊖	●
Senior Advisors' Panel and Practitioner Advice Referral Service	61%	⊖	●
LawCare WA	60%	⬆️	●
Networking and social events	60%	⬇️	●
Mentoring programmes	51%	⬇️	●
Member Privileges	50%	⊖	●
Find a Lawyer	48%	⬇️	●
Grad-Match	33%	⊖	●

● Target achieved ● Target not achieved



Alain Musikanth

Alain Musikanth
President

2017 marks the Law Society's 90th anniversary. Since its humble beginnings in the old Supreme Court library, where a group of around 30 legal practitioners gathered nine decades ago to form a new association for lawyers in Western Australia, the Law Society has evolved as the leading, and by far the largest, organisation for members of the legal profession in this State, with a record membership of over 3,800 in 2016/17.

90th anniversary of the Law Society

The celebration of the Law Society's 90th anniversary was a major undertaking during 2016/17, with planning for the milestone having begun in 2016.

The highlight of the celebrations was the 90th Anniversary Cocktail Party, held on Thursday, 15 June 2017, exactly 90 years to the day since the Law Society was formed. More than 300 members and other special guests attended Perth Town Hall to participate in the festivities.

A number of story boards showing a selection of significant historical milestones, and screens depicting a series of photos relevant to the Law Society's 90 year history, were on display at the event. None of the achievements presented would have been possible without the support of the Law Society's members, the dedication of its councillors, committee members and staff, and the dogged determination of some of my predecessors.

Future of the legal profession

In February 2017, the Law Society's Council adopted a new Strategic Directions Plan, following consultation with members. Under the new Plan the strategic objectives of the Society include: (a) contributing to the discussion, and providing leadership, on the future of the legal profession; and (b) providing resources and information to members on issues relevant to the future of the profession and legal practice.

Consistent with those objectives, Council resolved

to adopt the Future of the Legal Profession as a strategic campaign which commenced during the year under review.

As was noted at the Law Society's Law Week breakfast in May 2017, 'disruption, 'big data' and 'artificial intelligence' are among the many buzz words and catchphrases which have in recent times increasingly punctuated debate about where the future of vast parts of the workforce – including the professions – might be headed. As with the rest of society, the legal profession is not immune from these challenges.

In keeping with its strategic focus, a Futures Reference Group, comprising both internal and external members, was established to guide the Law Society's work in this area.

The first two elements of the campaign manifested themselves during Law Week 2017. The first was a presentation at the Law Week breakfast, chaired by the Hon Chief Justice Wayne Martin AC and delivered by Katie Miller, 2015 President of the Law Institute of Victoria, entitled "Legal traditions in an age of disruption: How do lawyers decide what to keep and what to relinquish?" The second was a forum of managing partners and other key stakeholders hosted by the Law Society to discuss artificial intelligence.

As part of this ongoing campaign, members may expect to see an increasing number of discussion papers and guidelines, CPD seminars and *Brief* articles, focusing on a smorgasbord of future-themed topics such as artificial intelligence, cybercrime, commoditisation of legal work, multi-disciplinary practices, diversification, in-sourcing, out-sourcing and unbundling of legal services – to name but a few.

Legal Profession Uniform Law

National harmonisation of key aspects relating to regulation of the legal profession remained high on the Law Society's agenda during the year under review.

It will be recalled that in 2014, the Law Society resolved to recommend to the Attorney General

the adoption of the Legal Profession Uniform Law 2014 relating to the regulation of the legal profession which subsequently, on 1 July 2015, came into force in New South Wales and Victoria.

Following the election of a new State Government in March 2017, the Law Society commenced steps to progress its recommendation.

Towards the end of 2016/17, the Law Society was actively engaged with both State Government and other stakeholders in an effort to achieve an outcome consistent with its position. It is hoped that further progress will be made in 2017/18.

Legal assistance funding campaign

During 2016/17 the Law Society worked closely with the Law Council of Australia, other Australian law societies and bar associations, Legal Aid and community legal centres on a campaign to draw public attention to the nationwide crisis in legal assistance funding.

The Law Society has continued this campaign at State level to encourage local politicians to adequately fund the legal assistance sector. The State campaign was overseen by the WA Legal Assistance Campaign Working Group, which included representatives from the Law Society, the Western Australian Bar Association, Legal Aid WA, the Aboriginal Legal Service of WA, Community Legal Centres WA Inc and Mental Health Law Centres WA Inc.

Over a period of two decades, successive Governments have cut the Commonwealth's share of legal aid from 50% to just 35%. In recent years, Legal Aid WA has had to absorb budget cuts of over \$4 million. In the 2015 State Budget, the then-Government announced the non-renewal of funding to the Employment Law Centre and cuts across the board to funding for community legal centres.

These funding cuts have resulted in a system that has left vulnerable people in our community without legal representation.

In the lead-up to the Western Australian

parliamentary election in March 2017, the Law Society called upon all candidates to make a public pledge to adequately fund legal assistance. Candidates were sent personalised letters and emails, together with a campaign flyer asking them to commit an additional \$8 million in funding and to introduce a sustainable, long-term funding model. 21 candidates from across the political spectrum signed pledges. The opportunity to pledge support was also extended to the profession and the community. Thank you to everyone who pledged their support.

The Law Society spread its campaign message to the public through a number of media articles, including a feature story in *Business News* and stories in community newspapers serving marginal electorates.

The Federal Government announced in April 2017 that it would reverse proposed cuts of approximately \$35 million to community legal centres, which would have come into effect in July 2017. This was a major accomplishment for the campaign and will avert more serious damage to the community legal sector.

At State level, the Law Society welcomed the announcement in April 2017 that the Attorney General, the Hon John Quigley MLA, would take action to provide community legal centres with almost \$1.2 million to compensate for a loss of funding from the Legal Contribution Trust.

There was additional good news in June 2017, as the State Government announced that \$990,000, or \$330,000 a year in funding will be provided to the Employment Law Centre of WA over the next three financial years. The Employment Law Centre plays an important role in advising its clients in matters such as dismissal, discrimination and workplace bullying. The Law Society is delighted that the Employment Law Centre can now get on with its vital work without fear of losing funding.

The Law Society will continue to work to secure a long-term, sustainable funding model for the legal assistance sector.

Law Society response to the Women Lawyers of Western Australia 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Review

In 2016/17 the Law Society delivered a Directions Paper in response to the Women Lawyers of Western Australia 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Review (WLWA Review).

The Directions Paper identifies where there are opportunities between what the Law Society is currently doing and the recommendations in the WLWA Review. The Directions Paper makes practical proposals for the Law Society to satisfy these recommendations.

Some of the key recommendations in the Directions Paper include:

- the development of a Gender Action Plan to timetable and focus the Law Society's efforts to address gender diversity in the legal profession;
- adding further resources to the Law Society's webpages on 'Women Lawyers' and 'Gender Diversity' to assist both members and others to progress gender diversity initiatives;
- hosting a summit or day-long forum to raise awareness and promote discussion within the legal profession of key features of the campaign; and
- the Law Society, subject to financial assistance from the Western Australian Bar Association and WLWA, give consideration to commissioning and publishing by 2019 a new retention study similar to the 1999 Report on the Retention of Legal Practitioners.

Law Society policy papers

During 2016/17 the Law Society developed and published a number of policy papers, which outline its positions on a range of issues concerning the legal profession and the wider community, including:

- *Amendment to the Administration Act 1903 (WA)*;
- Expunging Historical Homosexual Convictions;
- Family violence;
- Legal assistance funding;
- Mentally impaired accused;
- Royal Commission into institutionalised responses to child sexual abuse;
- Bail;
- Death penalty;
- Imprisonment of fine defaulters;
- Mandatory sentencing;
- Presumption against bail;
- Closing the gap;

- Justice reinvestment;
- Access to justice issues faced by Aboriginal and Torres Strait Islander peoples of Western Australia;
- Deaths in custody and incarceration of Aboriginal and Torres Strait Islander peoples;
- Issues that contribute to the incarceration of Aboriginal and Torres Strait Islander women in Western Australia;
- Issues affecting incarceration rates of Aboriginal and Torres Strait Islander children;
- Mandatory sentencing and how it contributes to the incarceration of Aboriginal and Torres Strait Islander peoples in Western Australia;
- Diversity and equality;
- Judicial resources; and
- Legal profession uniform law.

The policy papers are accessible on the Law Society's website and provide a useful summary of the Law Society's views on these issues.

Gala Dinner to mark 10 years of service by the Chief Justice

A highlight of 2016/17 was the Gala Dinner held by the Law Society, in association with the Western Australian Bar Association, to celebrate 10 years of service by the Hon Chief Justice Wayne Martin AC. On Friday, 9 September 2016, almost 500 guests attended the Perth Convention and Exhibition Centre for a fantastic evening of reflection, entertainment, socialising and dancing.

The Gala Dinner was one of the largest social gatherings the Western Australian legal profession has seen in many years. The event was well received by attendees, with a number of guests remarking upon the very high quality of the event. The Gala Dinner also coincided with a number of special guests visiting Perth for the Law Council of Australia Directors' meeting hosted by the Law Society.

A silent auction was held on the evening for the Chief Justice's Law Week Youth Appeal Trust. Members of the legal profession were exceptionally generous in their support. Through the Trust, a donation of \$15,000 was made to Holyoake, a leading provider of drug and alcohol counselling and support services. The donation will help support young people to engage positively in education, employment and the community through specialised programmes.



David

David Price
Chief Executive Officer

2017 marked the 90th anniversary since the Law Society was established in 1927. On 15 June 1927, a group of about 30 practitioners gathered in the old library of the Supreme Court of Western Australia. The meeting was convened by former Premier and Attorney General of Western Australia Sir Walter James KC.

The Law Society has undergone significant changes over the past 90 years. However, its core objects, and its commitment to those objects, remain unaltered: advancing the interests of the legal profession; promoting good practice and curbing malpractice; advancing legal education; promoting the administration of justice and the development and improvement of the law; and encouraging collegiality.

This past year has seen the Law Society continue its good work and achieve a number of positive results in line with its core objects. These are addressed throughout the report under the reports from the general managers within the Law Society and our valued committees.

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

Looking back to look forward

2017/18 will be another challenging but exciting year for the Law Society as we commence implementing a new strategic plan. The plan was developed after an extensive review of the 2014-2018 strategic plan and as a result of widespread member consultation, as well as strategic analysis and discussions among the Chief Executive Officer, general managers and the Law Society's Council. Following this review, a revised *Strategic Directions 2017* –

2020 plan was developed and adopted.

This review was undertaken to ensure the Law Society's strategic direction remains aligned with members' needs and priorities. The first stage of consultation involved six focus groups and was completed in late 2016. The focus groups represented a wide cross-section of members, non-members and past members as well as a range of in-house and government lawyers, sole practitioners, and members who are employed in small, medium and large size firms.

Overall the feedback received from the groups was very positive. Participants felt that the Law Society is moving in the right strategic direction and they want the Law Society to continue to be the voice of the legal profession in Western Australia.

The groups were also informative by providing insight for the development of the Law Society's strategy going forward. The challenges facing the profession in Western Australia at present, as reported by the focus group participants, were:

- **a perfect storm** – members are concerned about the effects of a slowing economy, increasing competition, technological disruption and downward fee pressure;
- **where is the profession heading?** – members are looking to the Law Society to have a vision for the future;
- **declining loyalty and goodwill** – there is pressure on the value equation. Practitioners are under pressure, working longer hours, with less financial return; graduates find it difficult to find employment – the





value of the Law Society needs to be clearly understood by all;

- **little perceived clout with Federal and State Government** – the Law Society should continue to strive for 100% membership among the profession; members want to see the Law Society have a higher profile among the levels of influence;
- **high entry costs to practice law** – the cost of running a firm can be a real disadvantage against new and disruptive entrants;
- **attracting practitioners into regional areas** – can the medical model be replicated for our profession;
- **health and wellbeing** – a key issue for the profession;
- **growing the pro bono pool** – there is a growing demand for volunteer legal services;
- **excessive supply of legal graduates** – what is the Law Society doing in regards to advocacy, communication and education; and
- **poor public image** – a PR strategy is required to improve public perceptions.

In addition to the focus groups, in early 2017 all members were sent an invitation to participate in an online survey, the 2017 KPI scorecard, undertaken by Catalyse. This confidential survey's purpose was to evaluate the Law Society's performance against key performance indicators in the strategic plan. In total, 20 items were included in the survey, focusing on satisfaction levels and beliefs on the Law Society's performance against the Plan's outcomes of organisational excellence, strong advocacy and high value services. A complete report of 2017 KPI scorecard survey results are included on page 3.

Given the types of issues that were raised as concerns for the profession overall, four key areas have been identified to enhance member value –

namely:

- develop a vision for the legal profession in Western Australia and help members future-proof their practices;
- strengthen the Law Society's profile and member awareness of services and benefits;
- shift the focus from activity-based reporting to achievements or outcome-based reporting; and
- make the perceived intangible tangible.

Each of these has been incorporated in the revised *Strategic Directions 2017 – 2020* plan, while the three key pillars of organisational excellence, strong advocacy and high value services remain from the *2014-2018 Strategic Directions Plan*.

The Law Society believes that the implementation of this plan will ensure a committed and continued focus on being the voice of the legal profession in Western Australia and the essential membership for the legal profession.

Thank you

My thanks and sincere appreciation is extended to the Immediate Past President Elizabeth Needham, current President Alain Musikanth and the Law Society's Executive members of 2016 and 2017 for their support and commitment which they have provided to the Law Society, our members, the staff and myself.

Thank you also to the Law Society Council members of 2016 and 2017 and the many committee members, all of whom volunteer many hours of their time to enable the Law Society to do the very important work that it does.

Finally I would like to acknowledge and thank all of the Law Society staff who have again worked tirelessly in 2016/17 to deliver a very positive and successful year for all of our members.



3,870
members

The Year in Numbers 2016/17



348

members shaped the Law Society's advocacy by sitting on **32 committees** contributing to **39 Submissions** to Council

48

firms accredited through the Quality Practice Standard

41

members accredited through the Family Law Specialist Accreditation programme



21 Policy Briefing Papers

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

4,530

registrations for the Law Society's
continual professional
development offering

2,793

registrations for Law Society events

1,285

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

15,690

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



Successfully lobbied for the
partial reversal of funding cuts
to the legal aid assistance of
Federal and State
Governments



15 junior practitioner
mentees and two Aboriginal
and Torres Strait Islanders
successfully completed the
Law Society mentoring
programme



Reconciliation Action Plan
Reflect is completed and
Innovate receives
conditional approval

Council 2016

The Council of the Law Society of Western Australia for 2016

1 July 2016 to 31 December 2016



Executive



Elizabeth Needham
President
(Francis Burt Chambers)



Hayley Cormann
Vice President
(Clayton Utz)



Alain Musikanth
Senior Vice President
(Francis Burt Chambers)



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)

Council 2017

The Council of the Law Society of Western Australia for 2017

1 January 2017 to 30 June 2017



Ordinary Members

Brahma Dharmananda SC (Quayside Chambers)

Nathan Ebbs (Bennett + Co)

Adam Ebell (Office of the Director of Public Prosecutions)

Elisabeth Edwards (Multiplex Constructions)

Catherine Fletcher (Office of the Director of Public Prosecutions)

Rebecca Lee (Francis Burt Chambers)

Marshall McKenna (Gilbert + Tobin)

Denis McLeod (McLeods)

Stefan Sudweeks (Jackson McDonald)

Nicholas van Hattem (State Solicitor's Office)

Paula Wilkinson (Kim Wilson & Co)

Country Member

Brooke Sojan (Legal Aid WA)

Junior Members

Jodie Moffat (Bennett + Co)

Noella Silby (MDC Legal)

Immediate Past President

Elizabeth Needham (Francis Burt Chambers)

Executive



Alain Musikanth
President
(Francis Burt Chambers)



Greg McIntyre SC
Vice President
(John Toohey Chambers)



Hayley Cormann
Senior Vice President
(Clayton Utz)



Jocelyne Boujos
Treasurer
(Sceales & Company)

Governance

The Law Society's Annual General Meeting was held on Tuesday, 25 October 2016.

Councillor Meeting Attendance

1 July 2016 to 31 December 2016

Member	Council (Total 4)	Trustee of Law Mutual Fund (Total 3)	Trustee of the Public Purposes Trust (Total 3)	Trustee of the Chief Justice's Youth Appeal Trust (Total 1)
Elizabeth Needham	4	3	3	1
Alain Musikanth	3	3	2	-
Hayley Cormann	3	2	2	1
Nathan Ebbs	3	1	3	1
Alison Aldrich (resigned November 2016)	2	1	2	1
Marie Botsis (resigned August 2016)	-	-	-	-
Jocelyne Boujos	4	3	3	1
Tara Connolly	3	3	2	-
Adam Ebell	2	1	1	1
Nicholas Ellery	1	1	1	-
Catherine Fletcher	4	3	3	1
Rebecca Lee	4	3	3	1
Greg McIntyre SC	4	3	3	1
Marshall McKenna	3	1	2	1
Denis McLeod	3	1	2	1
Brooke Sojan	3	2	2	1
Saran Bavich	1	1	1	-
Sophie Ecker	2	2	2	-
Jodie Moffat	4	3	3	1
Matthew Keogh (resigned July 2016)	-	-	-	-

Councillor Meeting Attendance

1 January 2017 to 30 June 2017

Member	Council (Total 5)	Trustee of Law Mutual Fund (Total 5)	Trustee of the Public Purposes Trust (Total 3)	Trustee of the Chief Justice's Youth Appeal Trust (Total 2)
Alain Musikanth	5	5	3	2
Hayley Cormann	5	5	3	2
Greg McIntyre SC	5	5	3	2
Jocelyne Boujos	5	5	3	2
Brahma Dharmananda SC	3	3	1	1
Nathan Ebbs	4	4	2	2
Adam Ebell	3	3	1	1
Elisabeth Edwards	5	5	3	2
Catherine Fletcher	5	5	3	2
Rebecca Lee	4	4	3	2
Marshall McKenna	4	4	3	1
Denis McLeod	5	5	3	2
Stefan Sudweeks	4	4	2	2
Nicholas van Hattem	5	4	2	1
Paula Wilkinson	5	5	3	2
Brooke Sojan	3	2	1	2
Deblina Mitra (resigned May 2017)	4	4	2	2
Jodie Moffat	4	4	3	2
Noella Silby	5	5	3	2
Elizabeth Needham	2	2	2	1

Executive

The Executive, consisting of the President, Senior Vice President, Vice President, Treasurer and Co-opted Council members met seven (7) times during the year.

Co-opted Councillors 2016/17

- Marshall McKenna – May to August 2016
- Catherine Fletcher – September to December 2016
- Rebecca Lee – February to April 2017
- Brahma Dharmananda SC – May to August 2017

Executive Meetings

Eight Executive meetings held over the financial year

Executive Meetings 2016

Legal Practice Board of WA and Legal Profession Complaints Committee

Solicitor General

Leader of the Opposition and the Shadow Attorney General

Attorney General

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

Executive Meetings 2017

Attorney General and Director General, Department of the Attorney General

Western Australian Bar Association

Chief Judge of the District Court of Western Australia and Principal Registrar of the District Court of Western Australia



Legal Practice Board of WA and Legal Profession Complaints Committee (2016)



Solicitor General (2016)



Leader of the Opposition and the Shadow Attorney General (2016)



Federal Attorney General (2016)



Chief Justice of Western Australia and the President of the Court of Appeal (2016)



State Attorney General (2017)



Western Australian Bar Association (2017)



Chief Judge of the District Court of Western Australia and Principal Registrar of the District Court of Western Australia (2017)

Submissions

Submissions 2016

Australian National Standards for Working with Interpreters in Courts and Tribunals
The Australian Law Reform Commission's Inquiry into Elder Abuse
<i>Strata Titles Amendment Bill 2016</i>
Joint Standing Committee on the Corruption and Crime Commission
Different Valuation Dates for the Taking of Land under the <i>Land Administration Act 1997</i>
Warden's Court – Proposal to introduce a Scale of Costs
<i>Misuse of Drugs Amendment (Search Powers) Bill 2016</i>
Proposal to amend undertakings given to the District Court in relation to the inspection and copying of documents produced to the Court under Subpoena
Solicitors' Applications for Death Certificates
Correct Procedure when a Defendant in a Family Provision claim seeks to become a Plaintiff
State Administrative Tribunal Decision: White City Investments Pty Ltd
District Court (Fees) Regulations 2002
Corporations Agreement
State Planning Policy 3.6 Development Contributions for Infrastructure
Australian Consumer Law Review Issues Paper
Commercial Tenancy (Retail Shops) Agreements Regulations 1985
Mandatory eLodgement
Review the Australian Young Lawyers Committee Position Paper on Workplace Standards – Recommendation 2.4 of the Final Directions – The Law Society of Western Australia Response to the <i>Women Lawyers of Western Australia's 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Review</i>
Cabinet Subcommittee on Civil Litigation on Child Sexual Abuse

Submissions 2017

Mandatory eLodgement
Family Court of Western Australia – Scale of Costs
WA Legal Assistance Campaign
Australian Law Reform Commission Inquiry into the Incarceration Rate of Indigenous Australians – Terms of Reference
Draft Rulings: 'Farm-in-Agreements' and 'Excluded Chattels'
<i>Strata Titles Amendment Bill 2017</i> – Management of Schemes
District Court of Western Australia eCourt in the Court's Civil Jurisdiction
Magistrates Court Online Lists and Additional court Signage
Legal Costs Committee 2017 Review of Legal Practitioner Determination 2015
Late Vacating of Hearings at the State Administrative Tribunal due to member conflict
Supreme Court eLodgment Search Facility for Probate Matters
Law Council of Australia – Cyber Precedent Website
Office of State Revenue – Draft Rulings DA 19 Applying for a Connected Entities Exemption
Murray Enquiry on Security of Payment Laws
<i>Strata Titles Amendment Bill 2016 (Seller Disclosures)</i>
<i>Strata Titles Amendment Bill 2017 (Dispute Resolution and Staged Strata Developments)</i>
Restricted Practice in WA Government Agencies
Planning as a Special Administrative Law Jurisdiction at the State Administrative Tribunal
National Model Gender Equitable Briefing Policy: Reporting Template and Guidelines

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, Matthew Keogh, Adam Ebell, Elizabeth Needham, Marshall McKenna, Paula Wilkinson
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

Life Members

2016

Susan Fielding

The Hon Kevin Parker AC RFD QC

Chris Zelestis QC

2015

The Hon Justice Carmel McLure

Steven Penglis

Clare Thompson

2014

Dudley Stow

2013

Her Hon Antoinette Kennedy AO

The Hon Robert Nicholson AO

2012

His Excellency Malcolm McCusker
AC CVO QC, Governor of WA

The Hon Chief Justice Wayne Martin AC

The Hon Michael Murray QC

The Hon Daryl Williams AM QC

2010

John Fiocco

2009

Elizabeth Heenan

2008

John Gillett

David Garnsworthy

2007

Michal Lewi

2005

The Hon Judge John Chaney

Rick Cullen

2003

The Hon Sir John Lavan

2002

Gregory Boyle

Judy Eckert

The Hon Robert French

The Hon Chief Justice David Malcolm AC

Robert Meadows QC

Her Hon Judge Kate O'Brien

John Syminton

1998

The Hon Sir Francis Burt AC

The Hon P Durack QC

The Hon John Toohey AC

The Hon Ian Medcalf AO

1996

The Hon Barry Rowland QC

The Hon John Wickham QC

Rory Argyle



▲ Past Presidents Photo, 90th anniversary lunch, 30 March 2017, the Western Australian Club.

Back: Ian Weldon (2004), Elizabeth Heenan (2003), Clare Thompson (2002), The Hon Justice Kenneth Martin (2001), John Ley (1999), Her Hon Kate O'Brien (1998), John Syminton (1997), Michael McPhee (1994), Ted Sharp (1993)

Middle: Maria Saraceni (2006-2007), The Hon Chief Justice Wayne Martin AC (2006), The Hon Justice John Chaney (1991), The Hon Michael Murray QC (1988), Robert Meadows QC (1986-1987)

Front: Dudley Stow (2008-2009), Konrad de Kerloy (2014), Alain Musikanth (2017), The Hon Barry Rowland QC (1973-1975), The Hon Geoffrey Miller QC (1979-1981), The Hon Daryl Williams AM QC (1984), His Hon Hal Jackson (1985)

Lawyer of the Year Awards

Practitioner with more than five years' experience

2017

Simon Creek

Nicholas van Hattem

2016

Claire Rossi

Glen McLeod

2015

John Fiocco

2014

Melanie Cave

2013

Thomas Percy QC

2012

Denis McLeod

Clare Thompson

2011

Shayla Strapps

Amanda Goodier

2009

Steven Penglis

2008

Dr Johannes Schoombbee

Practitioner with less than five years' experience

2017

Krista McMeeken

2016

Michael Geelhoed

2015

Callum Hair

2014

Jessica Bowman

Stephanie Puris

2013

Gary Mack

2012

Tammy Solonec

2011

Breony Allen

2009

Toni Emmanuel

2008

Anna Rakoczy



▲ Alain Musikanth, Law Society President with Lawyer of the Year Award winners; Nicholas van Hattem, State Solicitor's Office; Krista McMeeken, Policy Lawyer at Commissioner for Children and Young People; and Simon Creek, HHG Legal Group.





GENERAL MANAGER

REPORTS



Mary Woodford
General Manager
– Advocacy

Advocacy

This report sets out the advocacy work undertaken by the Law Society's committees and the major outcomes that have been achieved in programmes, policy and legislative reform since July 2016.

Committees

There are a number of committees and working groups that are established by the Law Society's Council that have the important role of developing the Law Society's policy positions on behalf of members. They also provide the expertise for the Law Society to source informed comments in relation to major legislative reform.

In addition this year, a new initiative was taken to publish policy briefing papers outlining the positions of the Law Society in key public policy areas. In early 2017 the papers were provided to the Attorney General and Opposition leader with their responses published in the March issue of *Brief* before the State Election.

The individual committee reports appearing in this Annual Report highlight the range of issues and outcomes over the year.

Strategic campaigns

The committees continued 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. In particular the Law Society assisted the Law Council of Australia with promoting the national *Legal Aid Matters* campaign and launched the WA legal assistance funding campaign leading up to and continuing after the WA State Election. The Law Society also contributed to the Law Council's response to the Federal Government's proposal to regulate lawyers under the anti-money laundering and counter terrorism financial regime.

Another strategic campaign during this reporting period was the Law Society's adoption of a Final Directions Paper for the implementation of the recommendations from the *20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report*. This work will continue through 2017/18 by the Advancement of Women in the Legal Profession Working Group which will guide the Law Society's implementation of the Final Directions Paper and provide regular reports to Council on the achievement of:

- setting voluntary gender targets;
- encouraging the Western Australian Government to adopt an equitable briefing policy for State agencies;
- collecting data in relation to gender balance in the legal profession;
- encouraging courts to accommodate practitioners with family responsibilities

so they are not required to appear in court outside normal court sitting times;

- promoting gender diversity resources and CPD programmes including the Law Council of Australia's unconscious bias training;
- encouraging women to apply for appointment as Senior Counsel; and
- promoting the Finer Details Concierge and Organiser Service and LawCare WA services to Law Society members.

Major reviews

Two major reviews undertaken in 2016/17 were:

- the review of the Joint Form of General Conditions for the Sale of Land; and
- amendments to the Constitution of the Law Society to ensure compliance with the *Associations Incorporation Act 2015* (WA).

It is anticipated a new Joint Form and the amendments to the Constitution will be published by December 2017.

LawCare WA

Advocacy in the area of mental health and wellbeing for our profession is a key priority for the Law Society. Our LawCare WA services are directed at assisting members to manage career, finances and health and



◀ The Law Society's adopts a Final Directions Paper for the implementation of the recommendations from the 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report.

▶ March edition of *Brief* which published the policy briefing papers outlining the positions of the Law Society in key public policy areas.



wellbeing issues. The Member Assistance Programme provides members with up to three free counselling sessions per year. Through the Senior Advisors Panel and the Western Australian Bar Association Referral Service, members can access experienced practitioners for advice on ethical issues or complaints.

In January 2017, the Law Society introduced a new LawCare WA service, the Employee Relations Advice Line, in response to one of the recommendations in the Final Directions Paper concerning the availability of career support. The Employee Relations Advice Line allows members to obtain advice from industry experts from the Chamber of Commerce and Industry of Western Australia in relation to human resources and employee relations issues.

Mentoring

The Law Society continued to conduct a mentoring programme for practitioners admitted less than five years, five years or more post admission and Indigenous law students. This year the programme was coordinated by a trained external facilitator who conducted information sessions for both mentors and mentees and oversaw the programme to ensure that the mentors and mentees were supported throughout the duration.

In 2016/17, 19 junior practitioner mentees participated, with 15 completing the programme, and three Aboriginal and Torres Strait Islander law student mentees participated, with two completing the programme.

Professional Standards Scheme

The Law Society's Limitation of Liability Scheme that commenced on 1 July 2014 continued to grow this year. As of 30 June the Scheme had 1,285 participating members, nearly 180 more than the number of participating members at 30 June 2016. A more detailed report on the Scheme appears under the Professional Standards Scheme Committee report.

During this reporting period the management of risk across the Law Society was reviewed and Council agreed that the Professional Standards Scheme would move into a centralised risk management portfolio within the Law Society and come under a new risk management position. This will enable the Law Society to deliver opportunities to the profession to improve its professional standards in a more holistic way.

Reconciliation Action Plan

On 1 July 2016, the *Reflect* Reconciliation Action Plan (RAP) implementation period was finalised and work

commenced on the next Plan – *Innovate*. At the end of 2016/17 the *Innovate* RAP was conditionally endorsed by Reconciliation Australia and likely to be fully endorsed in the second half of 2017. In the meantime the actions initiated by the *Reflect* RAP have included promoting and participating in National Reconciliation Week and NAIDOC Week activities, building a business case for ongoing cultural awareness training for staff and promoting the RAP and its undertakings to staff.

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

Thank you to committee members

Finally, the depth and breadth of the advocacy work undertaken would not be possible without the commitment and contribution from the committee convenors and over 200 committee members. The Law Society thanks you all for this very worthwhile contribution to its advocacy.



Leanne Follows
General Manager
– Corporate Services

Corporate Services

Corporate Services delivers marketing, communications and business development for the Law Society and Law Mutual (WA). Corporate Services is responsible for the financial, IT and administrative support to the Law Society, Law Access Ltd, the Legal Contribution Trust and the Public Purposes Trust.

Financial position

The 2016/17 financial year result was a surplus of \$315,803 due to growth in membership. The 3% growth in ordinary members has resulted in the Law Society being able to retain membership fees in 2017/18.

The Law Society ended the year with accumulated net assets of \$3,235,281 and cash reserves of \$2,919,934.

A breakdown of the Law Society's income and expenditure is shown at the end of this report.

The Law Society undertook a review of its insurance arrangements; this resulted in an increase in cover and reduction in premiums for the Law Society and Law Mutual (WA).

Workplace health and safety

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

(WHS) in accordance with the WHS Management Plan. During the year, the WHS Management Plan was reviewed and adopted for the period 2016-2020.

Strategic IT Plan

With the assistance of the Law Society's external IT provider, the Strategic IT Plan was actioned, including the annual desktop refresh, installation of BDSL and new security cameras at the Old Court House Law Museum, an upgrade of the Law Society's BDSL link and an improved Wi-Fi system. Work continues on reporting for the Professional Standards Scheme in the CRM.

The Law Society brought the IT help desk function in-house on 1 January 2017 and employed a new IT Officer to assist with technical support and Law Mutual (WA)'s claims system.

Marketing and communications

The Law Society continued to refine, focus and improve its communication channels including the website, member's dashboard, email communications and social media to provide relevant and useful information that is user-friendly and easy to find.

The Marketing and Communications Plan continues to be implemented with the overall objectives of improving

communication effectiveness, increasing media engagement and improving members' knowledge of the Law Society's services.

The Law Society delivered member communications through various mediums including:

- 11 issues of *Brief*; and
- email communications comprising of 50 *Friday Facts*, 26 *CPD News*, 12 *YLC News*, four *Law Mutual (WA) News* and nine *Updates from the President*.

Media engagement

In 2016/17 the Law Society produced 31 media releases that resulted in 71 media mentions. The media releases covered a broad range of topics including appointments and retirements within government and the judiciary, the legal assistance funding crisis, mandatory sentencing, Law Week 2017, and Law Society events.

In conjunction with the media engagement strategy, the Law Society wrote to all candidates in the lead up to State Election in March 2017 to seek support for the reverse of cuts to legal assistance funding and commitment of an additional \$8 million in funding per year.

The result of this targeted campaign included media articles, and pledges of

support from electoral candidates and the profession. As mentioned in the President's Report, both Federal and State Governments have reversed planned funding cuts and allocated funding to community legal centres.

Social Media

The Law Society's Facebook, Twitter and LinkedIn communities continue to grow steadily in numbers and engagement. In 2016/17 the communities grew by 44% on Facebook, 81% on Twitter and 25% on LinkedIn. In January 2017, the Law Society introduced a new Twitter channel for the President which has attracted 66 followers.

The social media channels update members and potential members with Law Society news, events and discussion topics related to the legal profession.

Law Access Ltd

The Law Society continues to provide significant in-kind support to Law Access for finance, payroll, marketing

and communications, insurance and IT functions. The Law Society's reception continues to field calls and visits from members of the public seeking to apply to the Law Access Pro Bono Referral Scheme.

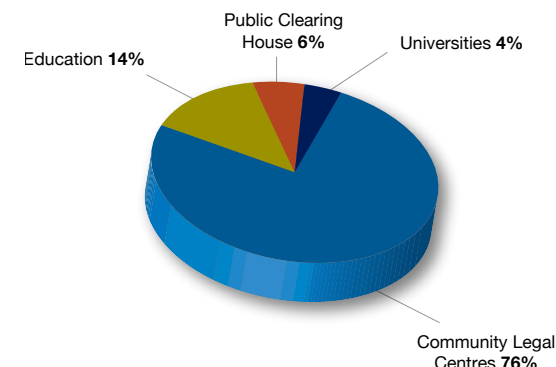
Public Purposes Trust

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

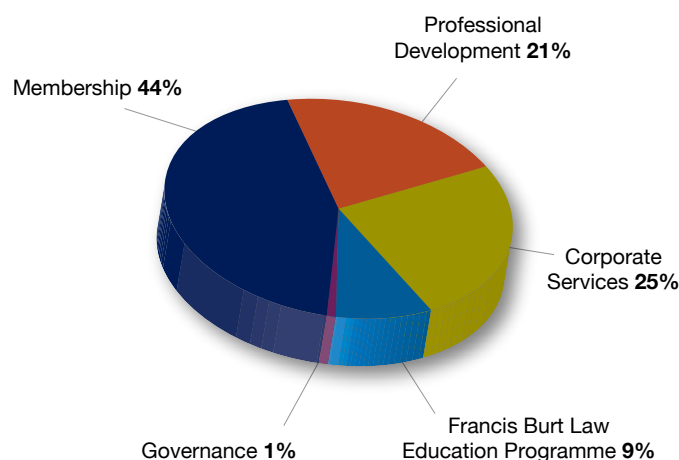
The Trust's financial and administrative functions are undertaken by the Law Society with \$2,093,029 being paid out in grants by the Attorney General in the 2016/17 financial year. Grants totalling \$2,294,989 have been approved for payment in 2017/18.

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.

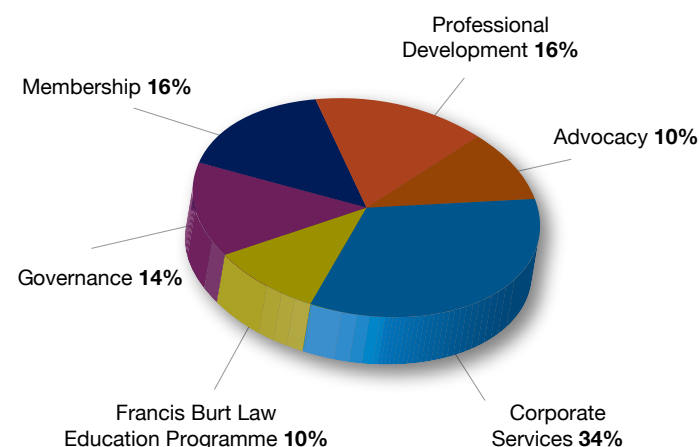
Public Purposes Trust Grants 2016/17



Law Society Income 2016/17



Law Society Expenditure 2016/17





John Rogers
General Manager
– Law Mutual (WA)

Law Mutual (WA)

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

The basic contribution rate for the 2017/18 professional indemnity insurance arrangements remained the same as the previous year. This was due to ongoing prudent capital management. The number of claims and notifications of circumstances increased in 2016/2017. The numbers are estimated to be 67 and 141 respectively against a five year average of 62 (claims) and 122 (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 2016/17 resulted in an increase in risk management initiatives and further improvement in 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 is not covered and the calculation of contributions. The booklet for 2017/18 insurance year has been distributed to all insured firms and is available at lawmutualwa.com.au. For the

2017/18 insurance year, Law Mutual (WA) again placed the underwritten component of the professional indemnity insurance arrangements with the following underwriters:

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

A successful risk management seminar programme was implemented in 2016/17 covering a range of topics that targeted different groups of practitioners and firms. In addition, in-house seminars were conducted at a number of larger firms. The seminars were well-attended and 103 insured firms were able to claim a 5% discount on the 2017/2018 annual contribution for having met risk management training requirements.

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 again been utilised in determining the risk management seminar programme for the 2017/18 insurance year.

Law Mutual (WA) has continued to develop the 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 the Committee.

Committee member	Meetings attended (Total 9)
Dudley Stow	9
Denis McLeod	6
Nathan Ebbs	7
Laurie Shervington	8
Hayley Cormann	7
Ian Williams	9
Jocelyne Boujos	9



Áine Whelan
General Manager
– Programmes

Programmes

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

In 2016/17 the Law Society continued to deliver essential membership services that resulted in positive member engagement and growth including:

- stable membership base with 92% retention and a 2.9% growth in members;
- leader in CPD with a 10% growth in attendance;
- strong loyalty in CPD Active membership with a 13% growth;
- 16% growth in the Law Society's eLearning; and
- 16% increase in members of the profession that attended Law Society social and major events.

Membership services

The Law Society's vision to be the essential membership of the legal profession has ensured a strong focus on providing value for members and has resulted in membership growth including:

- 3,870 members in 2016/17, compared to 3,785 in 2015/16 demonstrating 2.9% increase in overall membership numbers

which has enabled the membership fees to be retained for 2017/18; and

- increase in market share of 3% (members with practicing certificates and section 36) with the Law Society recording 3,028 ordinary members in 2016/17 compared to 2,942 in 2015/16 and in line with the strategic target 2% to 5% growth per annum.

This success is a reflection of the Law Society's strong culture providing good customer service, listening to members' needs and continually striving to provide better value for members. In 2016/17 a number of initiatives contributed to this including:

- continuation of pro-rata membership rates for new members;
- engagement with members and potential members through presentations, student expos, visits to firms and delivering high-quality events;
- increased value of CPD Active membership, offering of a further 10% discount to membership events;
- greater communication and engagement of the Law Society's programmes, resources and benefits through the website and social media channels;
- new events including the Young Lawyer Inter Profession Networking, Gala Dinner for the Profession, the 90th Anniversary Cocktail Party and the 180th Anniversary

Celebration of the Old Court House; and

- the introduction of new services for members including the Employee Relations Advice Line.

In 2016/17 the Law Society delivered 27 social, sporting, networking and informational events including regular Sole Practitioner and Small Firm Forums, Society Clubs, and the Young Lawyer Inter Profession Networking events. The Sole Practitioner and Small Firm Forums in particular have continued to experience strong growth, with consistent attendance by a loyal cohort. The Young Lawyer Inter Profession Networking Series also grew in strength with two events held in 2016/17. These events incorporated a presentation on a relevant professional development topic, including business etiquette and how to join a board, and the opportunity to network cross-industry. The Law Society partnered with professional bodies including: ANZ Young Professional Network, KordaMentha, Ernst & Young and engineering groups IEEE and IET.

The Law Society had 2,700 registered attendees at events, which represents an increase of 13% on the previous year. Non-members accounted for approximately 20% of all attendees. The social highlights of the year included a successful Gala Dinner marking 10 years of service by the Hon Wayne Martin AC as Chief Justice of Western Australia and the 90th Anniversary Cocktail Party.

The Law Society's member privileges programme continued to provide significant discounts and value-adds across a range of home, lifestyle and corporate organisations. New member privilege partners included Finer Details Concierge and Organiser Service, Capital Partners, Bayswater Mazda and Gillies Group.

The Law Society's accreditation programmes Quality Practice Standard and Family Law Accreditation provided members with the opportunity to achieve recognition, enhance their competitiveness, mitigate risk and ensure excellence in service. The biennial Family Law Accreditation exams have commenced, with an increase of 25% in candidate numbers registered in 2017. The Law Society congratulated two new Quality Practice Standard firms, making a total of 48 firms currently accredited. Two yearly accreditation workshops were held.

Law Week 2017

Law Week 2017, one of the most successful to date, supported over 50 events across Western Australia for the legal profession, community, schools and radio stations. This included 30 events in metropolitan suburbs and 20 events in country. Highlights of Law Week were:

- Law Week Breakfast and the Attorney General's Community Service Law Awards with keynote address by Katie Miller, Executive Director Legal Practice, Victoria Legal Aid;
- Law Week Awards Night including the announcement of the 2017 Lawyer of the Year Awards and recognition of practitioners who have held a practising certificate for more than 50 and 60 years;
- Youth Civics Leadership Day bringing together 32 year 10 students from 16 different schools who had demonstrated leadership potential and civic awareness within their school and community;
- CPD seminar YLC: Mental Health Hypothetical;
- Law Access Walk for Justice which attracted over 350 supporters who raised over \$27,500 for the Law Access Pro Bono Referral Service;

- Elder Law and Succession Committee's talk on Enduring Powers of Attorney;
- Old Court House Law Museum Law Week talk entitled *Henry Willey Reveley: Western Australia's First Engineer and Architect*; and
- Law Society's Young Lawyers Committee's Law Week Panel Presentation at the Supreme Court on Access to Justice for Refugees and Asylum Seekers.

Continuing Professional Development (CPD)

Through partnerships with experienced legal practitioners from all branches of the profession, the Law Society develops and delivers an annual CPD programme tailored for the profession.

Guided by the Law Society's Education Committee and developed in consultation with subject experts from other Law Society committees, the Law Society's CPD programme has continued to attract high calibre speakers who are generously willing to partner with the Law Society when they present seminars and share a range of professional opinions and perspectives. To prepare and deliver a seminar involves a substantial commitment of time and skill, for which the Law Society is very grateful. In 2016/17, seminars have been delivered by 242 speakers, an increase of 6.6% from the previous year. The Law Society also provided opportunities for emerging leaders and rising stars to deliver peer-to-peer training and grow their personal brand.

To meet the needs of the profession, the Law Society has continued to refine the format of its seminars and ensure that they are delivered across multiple channels to maximise its reach State-wide. The Law Society delivered 85 face-to-face seminars, 10 more than the previous year and as part of the Law Society's commitment to flexible work practices seminars were scheduled at different times of the day to assist practitioners with work and family commitments. Seminars used a mix of formats including lecture style, workshops, Q&A forums and panel discussions to accommodate different learning styles. A diverse range of topics drew on contemporary issues such as surrogacy and parentage, guardianship, anti-bribery and



corruption, the impact of poor work culture, and marketing in a downturn as well as addressing important themes such as mental health and wellbeing and unconscious bias.

CPD Active continues to be a popular membership benefit for practitioners and firms to access a suite of CPD while managing their budgets. CPD Active members account for more than 50% of total attendances at seminars.

The eLearning platform has facilitated a closer engagement with country, overseas and interstate practitioners as well as busy lawyers in the metropolitan area requiring flexibility in CPD. A total of 724 participants undertook an eLearning seminar. The number of seminars available increased by more than 40%, with 47 eLearning seminars now providing 62 hours of content across all four CPD competency areas.

The Essential Legal Assistant course was for the first time delivered as a virtual classroom, to allow delegates to access the course from anywhere with an internet

connection. The use of webinars has also expanded to CPD seminars to meet the needs of legal practitioners.

In 2016/17 on behalf of Law Mutual (WA), the Law Society delivered 20 risk management seminars across five topics including two seminars in Bunbury for country practitioners to Law Mutual (WA) insureds and other members of the profession. The Law Society will continue to deliver Law Mutual (WA)'s risk management programme in 2017/18 with an increase in the number of seminars.

The Law Society thanks and acknowledges its Education Committee members for sharing their networks and skills, speakers, and all sponsors who supported the programme. The Law Society especially appreciates the ongoing support of legalsuper, the partner for the CPD programme.

Law Summer School

Law Summer School 2017 maintained its reputation for excellence as the State's premier legal education conference when it was held at the University Club on Friday, 17 February 2017. The theme was the pertinent topic of *Australia's Place in the World* and 25 top legal minds from around the country and the world discussed implications for the Australian justice system and legal practice in Western Australia to 160 delegates.

Law Summer School explored topics of federal jurisdiction, conflict of laws, resources and reform, property law and estate planning amongst others. Of particular note, presentations from The Hon Marilyn Warren AC, Chief Justice of the Supreme Court of Victoria, Sarah Green, Associate Professor of Law, University of Oxford, and the Hon Kim Beazley AC, former Ambassador to the United States, were well regarded by delegates.

The high calibre of speakers at Law Summer School each year demonstrates the Law Society's ongoing commitment to bring the profession high quality CPD. Law Summer School complements the Law Society's year-round CPD programme.

The Law Society thanks and acknowledges its Education Committee Law Summer School Sub Committee members for the work that they again did in presenting a successful

2017 Law Summer School.

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.

15,690 visitors and participants engaged with the Law Society's education and community services including:

- 9,092 total participants in the Francis Burt Law Education Programme, representing a 13% increase;
- 1,339 student participants in the Mock Trial Competition (2017 calendar year) a 11% increase; and
- 5,259 visitors to the Old Court House Law Museum.

Old Court House Law Museum

The Museum welcomed 5,259 visitors in 2016/17, a decrease of 20% partly due to the Museum being closed in January 2017 to facilitate the install of the last stage of the redesign which was completed in March. The install completed the permanent exhibition *From Past to Present: The Changing Face of the Law* which provides an overview of how the law has evolved in Western Australia. The Law Society acknowledges the support of Lotterywest throughout the redesign of the Museum.

The Museum had temporary exhibitions *Eliza Tracey: Soapbox Orator and Litigant* and the *History of the Law Society of Western Australia* throughout 2016/17 as well as public programmes including a talk by Dr Leigh Straw on Perth's Criminal Women as part of the Heritage Weekend and school holiday programmes developed and implemented with support from Heritage Perth. The Museum's Oral Histories Project focused on Women in the Law with interviewees including Kate George, the Hon Christine Wheeler AO QC and Karen Farley SC.

Mock Trial Competition

In October 2016, Carey Baptist College and Chisholm Catholic College competed in the Grand Final of the

Mock Trial Competition with Chisholm Catholic College winning the 2016 Competition. Daniel Morey from Shenton College was awarded the 2016 Murdoch University Most Outstanding Mock Trial Student Scholarship and 44 students and two teachers attended Murdoch University's Moot Court Bench Mock Trial Competition training seminar and workshop.

In the 2017 Competition, 1,339 students participated from 55 schools in 126 teams which represent an increase of 11%. 707 students achieved WACE accreditation towards their high school graduation. This number is expected to rise during the final stages of the 2017 Competition as students complete more rounds.

The Competition wouldn't be the success it is without 77 judges and 61 coaches who volunteer. The Law Society is also grateful to the many teachers who managed the teams.

Francis Burt Law Education Programme

The Programme engaged with 7,600 daily visitors of which 81% were 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 Pack, the total number of participants reached 9,092. Major projects included:

- The review and expansion of the Year 7-10 online pre- and post-visit student and teacher resources mapped to the WA curricula;
- Hypothetical event (co-presented with Legal Aid);
- Subsidised School Visits Programme;
- 2016 Sir Ronald Wilson Lecture presented by Greg McIntyre SC; and
- The Lore Law Project: a culturally inclusive collaboration to develop tools and digital resources for Aboriginal youth to strengthen and grow awareness of their rights and their experience of the legal system in Western Australia and traditional Aboriginal lore.





COMMITTEE

REPORTS

Access to Justice Committee

Greg McIntyre SC

Convenor



Law Access Limited has gone from strength to strength in the past year, having now been running for two and a half years. The Committee receives reports from Law Access Limited, including in relation to its Stakeholder Advisory Committee and Lawyers for Refugees Network. Law Access again organised a very successful Walk for Justice during Law Week, which raised much-needed funds for Law Access.

The Convenor represented the Law Society on the Law Council of Australia Access to Justice Committee, coordinating the policy positions taken at a State and National level on relevant issues.

The Committee continued to support the Law Council of Australia's *Legal Aid Matters* campaign as it moved into phases two and three, related to candidates for election, as well as the State-based campaign related to the WA election and the threatened de-funding of Community

Legal Centres. 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 Convenor represented the Law Society with the Law Council Australia in relation to that campaign.

The Convenor attended the National Access to Justice and Pro Bono conference in Adelaide in March 2017 and provided a briefing to United Nations Special Rapporteur on the Rights of Indigenous People on the McGlade Full Federal Court decision on Indigenous Land Use Agreements.

The Law Society acknowledges and thanks:

- Greg McIntyre SC (Convenor)
- Maryse Aranda
- Alexandria Bishop
- Greg Boland
- David Blades
- Mark Cox
- Lara Gotti
- Dominique Hansen (Observer)
- Aaron McDonald
- Marshall McKenna
- Jenny McKenzie
- Gary Mack
- Steven Penglis
- Jonathon Slack-Smith
- Nicholas Snare
- Mari Takla
- George Turnbull (Observer)
- Heather Williams

Accreditation Committee

Trevor O'Sullivan
Convenor



The Accreditation Committee advises the Law Society's Council on the rules and regulations that govern the granting of accreditation by the Law Society. In a secondary capacity the Committee acts as the advisory board for family law accreditation. Accredited family law specialists must be members of the Law Society, and there are currently 41 family law specialists accredited in Western Australia.

The Committee's achievements in 2016/17 include:

- assessment of professional development activities submitted by accredited specialists, for which professional development points may be allocated;
- delivery of the biennial specialist accreditation assessment programme, this being a year in which the accreditation assessment has commenced;
- re-accreditation and auditing of accredited specialists; and
- the mutual recognition of interstate accredited specialists, in accordance with the national programme.

The current accreditation assessment programme commenced in April 2017 with detailed information sessions for candidates. 12 candidates are participating this year, a 33% increase on the previous programme. That number reflects the esteem in which specialist accreditation is held. Specialist accreditation provides formal recognition of a legal practitioner's high degree of technical competency in the area of family law. The

privilege of formally applying the accredited family law specialist designation, and distinctive logo, is reserved exclusively for accredited specialists. Appointment as a specialist is a significant milestone in the career of a family law practitioner, and the Committee congratulates those admitted as candidates and wishes them well for the assessment tasks ahead.

The Law Society also actively participates in the Family Law Specialist Accreditation National Steering Committee. This ensures that all states and territories share information to facilitate a consistent approach to assessment and credentialing. In an assessment year, the National Steering Committee works to promote consistency and uniformity of approach. That has included the Committee working with representatives of the other law societies and institutes to review and settle the assessment tasks and marking guides for assessment.

Western Australia is the only state in which accredited practitioners are required to submit requests to the Committee for the approval and allocation of professional development points. This task represents a significant commitment of time for the Committee.

The Law Society acknowledges and thanks:

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

Administrative, Constitutional and Migration Law Committee

Greg McIntyre SC

Convenor



The Administrative, Constitutional and Migration Law Committee during 2016/17 met jointly with the Human Rights and Equal Opportunity Committee.

An issue of concern which it confronted, and continues to be engaged with, is the suspension of regional certification body applications under the Regional Sponsored Migration Scheme.

The Convenor had input into the Law Council of Australia's Regional Processing Policy Statement relating to Asylum Seekers.

The Committee maintained a liaison with the Administrative Appeals Tribunal through membership of its Users' Group.

The Committee has conferred with the Migration Institute of Australia and the Community Legal Centres Association (WA) Inc with a view to re-establishing regular liaison with the Department of Immigration and Border Protection.

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

The Law Society acknowledges and thanks:

- Greg McIntyre SC (Convenor)
- Maryse Aranda (former Committee member)
- Elmi Carlean
- Kendra Hagan
- Nathan Landis (former Committee member)
- Peter Lochore
- Janette McCahon
- Peter Neil
- Janet Woollard
- Crawford Yorke

Alternative Dispute Resolution Committee

Laurie James AM
Convenor



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

In 2016/17 the Committee resolved to recommend to the Law Society's Council that applications for accreditation and re-accreditation under the NMAS be on standard forms as settled by the Committee. These were approved by the Law Society's Council and are now available on the Law Society's website. Many thanks to Nicoletta Ciffolilli, who prepared the draft documents.

In addition, the Law Society maintains a panel of accredited arbitrators and mediators. While there is a significant discretion as to whether to approve an application for an arbitrator to be included in the panel, it would be an advantage to be accredited by recognised bodies such as the Chartered Institute of Arbitrators or the Singapore International Arbitration Centre.

The Committee received four applications for inclusion in the panel as arbitrators. While three of those had general arbitration qualifications, one was an accredited Family Law Arbitrator, since the panel is open to the inclusion of specialist arbitrators with suitable qualifications. It will be a matter for the President, if called upon to nominate an arbitrator, to consider the extent of the necessary qualifications required for the appointment.

The Committee also recommended the inclusion of three people for inclusion in the panel of mediators. The Committee would consider it desirable for applicants to have NMAS accreditation, although suitable accreditation to another standard equivalent would be considered.

The President of the Law Society spoke to the Convenor regarding the desirability of having more women on the panel if suitably qualified and also wrote to the Western Australian Bar Association drawing the matter to its attention. Subsequently, a female applicant for inclusion on both panels was recommended by the Committee for approval.

The Law Society acknowledges and thanks:

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

Brief Editorial Committee

Jason MacLaurin

Convenor



Brief is the official journal of the Law Society. Its purpose is to keep members informed about what the Law Society is doing, as well as publishing articles of interest to the Western Australian legal profession. *Brief* has been published by the Law Society since 1974.

11 monthly editions of *Brief* were published in the past financial year, featuring articles covering a wide range of topics and issues, a selection of which are described below.

The July 2016 issue included an article by the Hon Chief Justice Wayne Martin AC, giving a behind the scenes look at the new David Malcolm Justice Centre. In September, *Brief* published the text of the 2016 Sir Ronald Wilson Lecture, *The High Court: legal answers to contemporary political, social and administrative issues* presented by Greg McIntyre SC.

October's issue focused on health and wellbeing, while also including a review of the Law Society's Gala Dinner. November was a legal education edition, posing the question 'what makes a good lawyer?' and examining the changing nature of legal education.

In the run-up to the State election in March, *Brief* published responses to the Law Society's policy positions from both the then-Government and Opposition. June's *Brief* was a special edition celebrating the Law Society's 90th anniversary.

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 articles from other places, it primarily depends upon material from local members of the profession.

Thank you also to those who make regular monthly contributions to *Brief*, including Dean Alston for his Pam Sawyer cartoon, Robert Glade-Wright with family law case notes and Gino Dal Pont for his ethics column.

The Committee thanks all of the Law Society staff involved in the production of *Brief*, whose organisation and support is invaluable. The Committee also thanks our proof-readers Sonia Chee and David Garnsworthy who generously donate their time, as well as former proof-reader Ann Kay.

The Law Society acknowledges and thanks:

- Jason MacLaurin (Convenor)
- Moira Taylor (Deputy Convenor)
- Gregory Boyle
- Andrew Cameron (former Committee member)
- Tom Camp
- Dr Rebecca Collins
- Robert French
- Catherine Graville (former Committee member)
- Melissa Koo
- The Hon John McKechnie QC
- Brigitte Monchouguy (former Committee member)
- Alain Musikanth
- Maureen O'Connell (former Committee member)
- Fiona Poh
- Tom Porter (former Committee member)
- Dr Pat Saraceni
- Robert Sceales
- Verginia Serdev-Patterson
- Eu-Min Teng

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 the following liaison groups:

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

Members of the Committee attended meetings in order to obtain information and to provide feedback on behalf of the Law Society on various topics. For example, in August 2016, the Director of Legislation and Policy from the Department of Commerce, Penny Lipscombe, attended a Committee meeting to provide a comprehensive legislative and policy update to the Committee.

In 2016/17 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:

- ASIC consultations and amendments to ASX Listing Rules regarding admission criteria for backdoor listings, forward looking statements, resource statements and compliance with the JORC Code;
- review of corporate tax and whistle blower protections;

- the proposed ASIC industry funding model;
- amendments to the *Privacy Act 1988*;
- amendments to Australia's bankruptcy and insolvency laws including the new regime for administrators and official liquidators, safe harbour provisions protecting directors from liability for insolvent trading while restructuring a company, limitations to ipso facto clauses giving a party to a contract the right to terminate on the basis that the counterparty is in external administration; and
- increasing the transparency of beneficial ownership of companies.

The Committee contributed to submissions or papers approved by the Law Society in relation to the following:

- the Australian Consumer Law Review;
- remote signing protocols for financial transactions;
- unqualified people engaging in legal practice; and
- draft revenue ruling DA19.

The Law Society acknowledges and thanks:

- Jenny Cutri (Convenor)
- Bruce Meredith (Deputy Convenor)
- Bruno Camarri AM
- Sonia Chee
- David Davidson
- Paul Evans
- Robert French
- John Lightowlers (former Committee member)
- Robert McKenzie
- Adam Santa Maria
- Tamra Seaton (former Committee member)
- Antoinette Smit
- Shane Stewart
- Rachel Webber
- Linda Widdup
- Grahame Young (former Committee member)

Construction and Infrastructure Committee

Greg Steinepreis
Convenor



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

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

Greg Steinepreis was appointed the Committee's Convenor in October 2016, succeeding the inaugural Convenor, Michael Hollingdale.

The Committee's activities for 2016/17 include:

- monitoring the amendment bill of the *Construction Contracts Act* arising out of a statutory review of the Act and the Government's response, including discussion on the benefits of national harmonisation of the security of payment legislation throughout the States and Territories;
- monitoring the Federal Government's initiative in setting up an enquiry into security of payment legislation (John Murray Enquiry on Security of Payment Laws);
- preparing a submission on behalf of the Law Society to the John Murray Enquiry, which was incorporated into a submission to the Enquiry by the Law Council of Australia;
- 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 Resolution Institute (formerly the Institute of Arbitrators & Mediations Australia), the Society of Construction Law Australia and the Chartered Institute of Arbitrators in November 2016.

The Law Society acknowledges and thanks:

- Greg Steinepreis (Convenor)
- Michael Hollingdale (Immediate Past Convenor)
- Stephen Boyle
- Melanie Cave
- Elizabeth Cubitt
- Elisabeth Edwards
- Scott Ellis
- Basil Georgiou
- James Healy
- Stephen McComish
- Laurie James
- Nathan Landis
- Richard Lilly
- Phil Loots
- Chris Ryder
- Robert Shaw

Costs Committee

Fraser Robertson
Convenor



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

In 2016/17, the Law Society made detailed submissions in relation to reviews of the scales of costs for solicitors' costs, public notaries and non-contentious probate scales.

The Law Society made a submission in relation to the scales of costs applicable to work undertaken before Family Law Magistrates at 150 Terrace Road.

The Law Society also updated the Family Law Costs Kit to better ensure that members can comply with their obligations under the *Legal Profession Act 2008* (WA).

Other matters considered by the Committee in 2016/2017 include:

- continuing to monitor the costs charged for bailiff services in the Magistrates Court by Baycorp and associated levels of service;
- whether a separate scale of costs for the Warden's Court ought be implemented;

- the processes and procedures in dealing with taxations in the Federal Court of Australia, which included meeting with the Registrars for that Court; and
- costs law reform, and particularly alternatives to time billing and investigating costs budgeting.

The Committee was sad to see Allan Newton retire from the Committee. However, the Committee has been buoyed by the addition of Daniel Yazdani to the Committee. Welcome Daniel.

The Law Society acknowledges and thanks:

- Fraser Robertson (Convenor)
- Matthew Curwood (Deputy Convenor)
- Brendan Ashdown
- Maria-Luisa Coulson
- David Davidson
- Justin Edwards
- Stewart Forbes
- David Garnsworthy
- Richard Graham
- Stanley Kawalsky
- Allan Newton (former Committee member)
- Lachlan Palmos
- Amy Pascoe
- Phillipa Rezos
- Milos Supljegla
- Daniel Yazdani

Country Practitioners Committee

Brooke Sojan
Convenor



The Country Practitioners Committee is representative of practitioners working in regional and remote Western Australia.

The current focus of the Committee has been on strategic planning and the best way to practically implement the goals set by the Committee. The Committee aims to ensure the Law Society is representing, engaging, connecting, supporting and advocating for all members of the profession in regional areas.

The Committee has compiled a list of practitioners in each regional area so that it can consider a more targeted approach to engagement. The Committee continues to engage with country practitioners and find ways to ensure that all areas of regional and remote Western Australia are represented.

The Committee continues to look at CPD providers that offer CPD in the regions to ensure that face-to-face CPD is available in the regions. The Committee also discusses ongoing issues facing regional areas through engagement, such as recruitment and retention of lawyers, the use of technology, networking and mental health initiatives. These issues are often brought to the Committee's attention through other committees working on these individual issues.

The Committee also has representation on the Law Council of Australia's Rural, Regional and Remote Lawyers Committee to engage in a national discussion on issues facing country practitioners and to ensure the Committee is informed of issues facing practitioners on a national platform.

The Law Society acknowledges and thanks:

- Brooke Sojan (Convenor)
- Ryan Arndt
- Peter Brindal
- Julia Barber
- Amelia Englert
- Kylie Kerin
- Alexander Payne
- Helen St Jack
(former Committee member)

Courts Committee

Clinton Russell
Convenor



The Courts Committee this year has assisted the Law Society with productive dealings with the Supreme Court, the District Court, the Attorney General, the Legal Practice Board, the Legal Costs Committee and the State Administrative Tribunal, amongst others:

- to the Supreme Court, the Law Society made submissions in relation to mortgage repossession rules, the scope of the undertaking on subpoenas and electronic filing;
- with the District Court, there has been discussion about electronic filing and the mechanics of arranging for payment of reduced fees;
- to the Attorney General, there have been representations in relation to the increases in court fees and reform of the *Suitors' Fund Act*;
- the Law Society has written to the Legal Practice Board in relation to unqualified persons doing legal work in the Liquor Commission and in relation to guidelines for use of 'SC' or 'Special Counsel' in a non-misleading way;
- the Law Society responded to the Legal Costs Committee in relation to a costs scale for the Warden's Court; and
- the Law Society corresponded with State Administrative Tribunal in relation to delays caused by members of the Tribunal encountering conflicts.

In addition, the Committee helped settle the Law Society's policy paper on *People Unlawfully Engaging in Legal Work*. Members of the Committee have also met with Baycorp to discuss appropriate standards of service for bailiffs.

The Law Society acknowledges and thanks:

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

Criminal Law Committee

David Davidson
Convenor



The 2016/17 financial year was once again a very busy year for the members of the Criminal Law Committee.

The Committee is well balanced with prosecutors, defence, the Western Australian Bar Association and sole practitioners but still lacks a voice from the Aboriginal Legal Service. A representative from the Aboriginal Legal Service would be a welcome addition to the Committee membership.

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

The Committee has continued to liaise with the Department of Corrective Services regarding issues within the prison environment and its non-workability for lawyers dealing with clients who are incarcerated. The Law Society has recently written to the Minister on these issues and the change of Government will hopefully bring a positive outcome to this matter. The problems that legal practitioners experience using the prisons to see clients on a daily basis has not improved, especially in the women's prison. The Convenor has been active in moving this agenda along.

The Committee has also been busy contributing to a number of Bills relating to criminal law and procedure over the past 12 months, and was recently consulted in relation to the statutory review of the *Criminal Investigation Act 2006*. The Committee also provided a submission to the Law Society's Council for the Law Council of Australia on the Terms of Reference for the Australian Law Reform Commission's Inquiry into the Incarceration Rate of Indigenous Australians.

The Committee maintains liaison with other relevant committees: Mara Barone is a member of the Stirling Gardens Magistrates Court Committee and Sam Vandongen SC is on the Supreme Court Chief Justice Disclosure Sub-Committee. The Committee has also contributed to the Aboriginal Incarceration and Justice Reinvestment Working Group and monitors the Disability Justice Centre through Karen Farley SC.

The Committee has been supportive of the Law Society finding ways to reduce time delays in the District and Supreme Courts with the ever-decreasing budgets but with greater workloads.

The Law Society acknowledges and thanks:

- David Davidson (Convenor)
- Karen Farley SC (Deputy Convenor)
- Ryan Arndt
- Mara Barone
- Avril Bartlett
- Stephen Butcher
- Kate Gregory
- Kylie Kerin (former Committee member)
- Lana Paxman
- Lex Payne
- Carly Price
- Kirsten Scott
- Antoinette Smit (former Committee member)
- Nicholas Snare
- Sam Vandongen SC
- Registrar Whitbread

Education Committee

Elizabeth Needham
Co-Convenor

Alain Musikanth
Co-Convenor



The Education Committee is the driving force behind the Law Society's Continuing Professional Development (CPD) programme. Committee members generously share their expertise and networks to ensure that the Law Society's CPD programme is relevant and engaging. The Co-Convenors are supported by a hardworking committee and Law Society staff. Through their work, the Law Society ensures that practitioners across the State may confidently look to the Law Society to meet their legal education and professional development needs. A comprehensive CPD programme connects the profession by drawing together speakers from the judiciary, the Bar, private law firms, in-house and government practice, and from academia. The high calibre of our presenters and session chairs, and the quality of our topics, ensure that the CPD Programme is tailored to meet practitioners' professional development needs.

As ever, the Committee is grateful for the sustained level of support from delegates and speakers for the Law Society's CPD Programme; including flagship seminars such as Law Summer School, Essentials of Advocacy, and the Practical Advocacy Weekend. In 2017 the Law Society partnered with the ECU Security Research Institute to develop and deliver bespoke training on cyber security issues identified by the local legal profession. This training

will be delivered during the second half of 2017 and in 2018. Through the eLearning platform, this year the Law Society offered a record number of online seminars across all four competency areas ensuring that country, interstate and overseas practitioners receive the same rigorous and high quality training opportunities as their counterparts based in the Perth metropolitan area. In 2016/17 webinars were introduced to enhance the reach of the CPD programme. These have been integrated into seminars offered to legal practitioners and legal support staff. For the first time, webinars were also used to deliver training, such as to legal support staff enrolled in the Law Society's The Essential Legal Assistant course. The Ethics on Friday speaker series also continues to be well subscribed. Seminars programmed in 2017 have included two dealing with mental health awareness, diversity and inclusion, and unconscious bias.

The Law Society acknowledges and thanks:

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

Elder Law and Succession Planning Committee

Elizabeth Heenan

Convenor



The Elder Law and Succession Planning 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 Law Society has made submissions to the Supreme Court Probate Committee in relation to the following:

- querying the correct procedure for when a defendant in a family provision claim seeks to become a plaintiff; and
- requesting the reinstatement of the probate elodgment search facility due to its capacity to track applications and whether the Grant of Probate has been made.

The Committee drafted a policy position paper advocating for amendments to the *Administration Act 1903* (WA) to increase the statutory legacy for widowed spouses whose partners die intestate. The paper was used by the Law Society for advocacy on legal issues being faced by Western Australian community in the lead up to the State election in March 2017. The Hon John Quigley MLA, Attorney General of Western Australia, invited the Convenor to attend on him to discuss the matters raised in that submission and he is now proceeding to progress the intestacy bill which had been submitted to the former Attorney General.

The Committee contributed to the Law Council of Australia's submission to the Australian Law Reform Commission's Elder Abuse Inquiry discussion paper. The Law Society's submission was noted by the Law Council of Australia in its submission.

The Committee continues to be consulted by the Law Society's Costs Committee with regard to the Legal Costs Committee review of the Legal Practitioners (Non-Contentious Probate Costs) Determinations when reviews are conducted.

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. At the Convenor's meeting with the Attorney General, the question of amending the *Guardianship and Administration Act 1990* to include specific provisions relating to ademption was raised and the Attorney General has advised that he will be putting that position forward to his Succession Law Working Group for review; and
- a review to extend Statutory Wills to minors.

The Committee also consulted with the Law Society's Education Committee for CPD seminars on *Estate Planning masterclass*, *Will drafting masterclass* and *Urgent wills and assessing a client's mental capacity*.

The Law Society acknowledges and thanks:

- Elizabeth Heenan (Convenor)
- Michael Bowyer
- Sally Bruce
- Tara Connolly
- Rob Durey
- Susan Fielding
- Dr John Hockley
- Patrick Hughes
- Craig James
- Janette McCahon
- Nova Oldfield
- Michaela Speering
- Michelle Wilkes
- Matthew Wallis
- Daniel Yazdani

Employment Relations Committee

Daniel White
Convenor



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

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

The Committee consulted with other Law Society committees for a number of events in 2016/17 as well as an employment feature for *Brief*. In March 2017, the Law Society hosted a joint event with the Australian Labour Lawyers Association in Perth with Justice Barker, Deputy President Binet and Commissioner Emmanuel.

The Committee also had a dinner with Deputy President Binet (the former Deputy Convenor of the Committee) towards the end of 2016 to formally congratulate her on her appointment to the Fair Work Commission.

A focus of considerable debate and thought for the Committee this year was around non-lawyers performing legal work. The Committee contributed to the Law Society's paper concerning unqualified people engaging in legal practice which investigated a number of areas of law, including workplace relations, where non-lawyers are likely to engage in legal work.

The Law Society acknowledges and thanks:

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

Environment, Town Planning and Local Government Committee

Denis McLeod

Convenor



The Environment, Town Planning and Local Government Committee has had a busy 2016/17 with outcomes including:

- the Committee has again attempted but been unable to interest major political parties in the transfer of environmental appeals to independent adjudication in the State Administration Tribunal. The Committee is committed to continuing its efforts to deprive Western Australia of the distinction of being the only State where planning appeals are not dealt with by an independent tribunal;
- recommendations and contributions were made to the Law Society's Education Committee for CPD seminar topics and speakers including a seminar on compulsory taking of land and compensation has seeking to correct a perceived anomaly in the compensation provisions of the LA Act;
- contribution to the Law Society's discussion paper on unqualified people engaging in legal work, particularly focusing on non-lawyer advocates charging for their advocacy services in State Administration Tribunal matters; and

- monitoring of:
 - o the review of the *Contaminated Sites Act 2003* (WA);
 - o State Planning Policy 2.8, and the impact on landowners of its provisions for uncompensated setting aside of land for conservation purposes; and
 - o the possibility of Third Party planning appeals.

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

The major project of the Committee has been to focus and inform the Law Society's Council's efforts to assist in dealing with the apparent depletion of the planning law specialist adjudicating membership at the State Administration Tribunal. That is a work in progress.

The Law Society acknowledges and thanks:

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

Ethics Committee

Julian Sher
Convenor



The Ethics Committee had an active year, with sub-committees reporting on a range of issues, culminating in the publication of the Law Society's new guidelines on both Information Barriers and Client Capacity, and soon to be published guidelines on Unbundling of Legal Services. The Committee continues its work in advocating for the adoption of the Uniform Law in Western Australia. The Committee has also contributed to the Law Society's paper concerning unqualified people engaging in legal practice and will continue to contribute to the Law Society's new Futures Reference Group to address the future of the legal profession.

The Convenor has contributed to the Law Society's Anti-Money Laundering and Counter-Terrorism legislation Working Group and is occasionally asked to provide ethical advice to members of the Law Society.

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.

The Committee acknowledges the considerable contribution to the Committee's activities of Joseph McGrath SC (now the Honourable Justice Joseph McGrath) and extends to him the Committee's congratulations on his elevation to the Supreme Court bench. At the time of writing this, the Honourable Justice Gail Archer has also been elevated to the Supreme Court bench. The Committee congratulates her and acknowledges her invaluable role as a past Deputy Convenor of the Ethics Committee.

The Law Society acknowledges and thanks:

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

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 Francis Burt Law Education Programme and Old Court House Law Museum Advisory Committee continued to oversee the activities of the Francis Burt Law Education Programme, including the Mock Trial Competition, and the Old Court House Law Museum.

In March 2017, 87 guests attended an event at the Old Court House to celebrate the 180th anniversary of the Old Court House, the 30th anniversary of the Francis Burt Law Education Programme and Mock Trial Competition and the launch of the last stage of the redesign of the Museum: *From Past to Present*.

During the year under review, more than 9,000 participants received the benefit of programmes and services provided by the Programme. The Cluedunnit Kids competition continued to grow in 2017 with 939 year 5/6 students from metropolitan and regional schools taking part. The winning team was from St Brigid's School in Collie.

62 students and teachers took part in the 2017 Hypothetical event, the *Young and the Reckless*, and more than 100 people attended the 2016 Sir Ronald Wilson Lecture presented by Greg McIntyre SC.

Progress has been made in the development of a two-way learning resource for Aboriginal youth and Aboriginal communities: the Lore Law Project. Two days of training with the Indigenous Youth Leadership Team took place in December and the project team is currently working with youth at Sevenoaks College and Gosnells PCYC to create a pilot film on the consequences of fare evasion.

The winners of the 2016 Mock Trial Competition were the Chisholm Challengers from Chisholm Catholic College. The 2017 Competition saw a record number of participants again – over 1,300 students from 55 schools in 126 teams. The support and assistance of volunteers from the legal profession, who take on the role of either a team coach or a judge, is invaluable to the success of the Competition.

The number of visitors to the Old Court House Law Museum in the reporting period was 5,259. The install of the last stage of the redesign of the Museum was completed in March. The North-East Gallery permanent exhibition is entitled *From Past to Present* and provides an overview of how the law has evolved in Western Australia. Sub-themes include women and the law, children and the law and the imposition of European law on Aboriginal communities. Temporary exhibitions during the reporting period included *Eliza Tracey: Soapbox Orator and Litigant* and the *History of the Law Society of Western Australia*. The Museum's Oral Histories Project focused on Women in the Law. Interviewees who have contributed include Kate George, the Hon Christine Wheeler AO and Karen Farley SC.

The Law Society acknowledges and thanks:

- The Hon Wayne Martin AC (Convenor)
- Professor Jürgen Brohmer
- Rob Christie
- Professor Paul Fairall
- Emeritus Professor Peter Handford
- Professor Doug Hodgson
- Rupert Johnson
- Katja Levy
- Marshall McKenna
- Stephen Powell
- Associate Professor Natalie Skead
- Dr Adam Tomison

General Conditions for the Sale of Land

Frank Poeta
Convenor



The main focus of the General Conditions for the Sale of Land Committee's work in 2016/17 was the full review of the Joint Form of General Conditions for the Sale of Land (Joint Form). The aim of the Committee is to produce a revised version of the Joint Form to be published by December 2017. The main amendments are related to:

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

The only amendment to the Joint Form during the reporting period related to the Federal Government's announcement of changes to the foreign resident capital gains withholding regime. The changes now mean that the regime applies to contracts entered into on or after 1 July 2017 for real property disposals where the contract price is \$750,000 and above (previously \$2 million) and that the withhold tax rates is now 12.5% of the purchase price (previously 10%). The amendments were approved by the Law Society and the Real Estate Institute of Western Australia in June 2017.

The Law Society acknowledges and thanks:

- Frank Poeta (Convenor)
- Gary Thomas (Deputy Convenor)
- Christopher Booth
- Meagan Johnston
- Robert Kronberger (former Committee member)
- John Prevost
- Susan Thick (former Committee member)
- Peta Whyte

REIWA

- 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 met jointly with the Administrative, Constitutional and Migration Law Committee during the past year.

The Committee monitored the work of the Law Council of Australia in developing policy positions on:

- the Royal Commission into Institutional Responses to Child Sexual Abuse and the National Redress Principles for Survivors of Sexual Abuse;
- the National Model Gender Equitable Briefing Policy;
- migration bills relating to regional processing, visa revalidation and procedure harmonisation;
- disability discrimination; and
- a *Modern Slavery Act*.

The Convenor and Emma Cavanagh represent the Law Society on the Law Council of Australia's National Human Rights Committee. The Law Society contributed to the Law Council's submission to the Inquiry into Freedom of Speech in Australia, and the Convenor appeared on behalf of the Law Council at the Senate Community Affairs References Committee on Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia.

The Convenor and committee member Emma Cavanagh represented the Committee on the Law Society's Aboriginal Incarceration and Justice Reinvestment Working Group which developed 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 assisted the President of the Law Society in preparing a position on the *Misuse of Drugs Amendment (Search Powers) Bill 2016*.

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.

The Committee is preparing a position paper for the Law Society on the Exposure Draft of the *Marriage Amendment (Same-Sex Marriage) Bill*.

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

- National Elder Law and Succession Committee;
- Equal Opportunity Committee; and
- Elder Abuse Inquiry Working Group.

The Law Society acknowledges and thanks:

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

Indigenous Legal Issues Committee

Krista McMeekan
Convenor



The Indigenous Legal Issues Committee joined with representatives from the Law Society's Human Rights and Equal Opportunity Committee and Access to Justice Committee to lead a strategic campaign in relation to justice reinvestment and incarceration rates, publishing a number of policy resources available on the Law Society's website and distributed to key stakeholders. The Committee is also keeping abreast of developments in the Constitutional Recognition campaign.

The Committee continues to support the implementation of a Reconciliation Action Plan for the Law Society and is excited about the development of the next phase of the Reconciliation Action Plan, which will see the Law Society expand its commitments after completing an environmental scan of its knowledge and relationships in this area.

The Law Society's Mentoring Programme for Indigenous law students completed its seventh year. The Law Society has worked to develop its relationships with each of the universities to ensure the success of this valuable programme and has reviewed the best methods by which to target students to ensure that they are properly supported.

The Committee hosted a Law Society social function this year to provide a networking platform for Indigenous law students and members of the profession as well as share the work of the Committee.

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

The Committee has also maintained its commitment to communicating on issues of importance to Aboriginal and Torres Strait Islander peoples and is close to recommending to the Law Society's Council a set of cultural protocols and guidelines for practitioners representing Aboriginal and Torres Strait Islander peoples in Western Australia.

The Law Society acknowledges and thanks:

- Krista McMeeken (Convenor)
- Tammy Solonec (Observer)
- Micah Kickett (on leave)
- Tegan Harrington
- Marree Hart
- June Kenny
- Marshall McKenna
- Jenny McKenzie
- Sara Pearson
- Caroline Tan (former Committee member)
- Mel Thomas

In-house/Government Lawyers Committee

Pamela Hass

Convenor



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

Committee members have contributed articles on issues of specific concern to this sector of the profession for *Brief*.

The Committee continues to support the Law Society's CPD programme with suggestions for seminars and participation in seminars which not only engage the in-house sector but also inform and educate the private profession on the particular challenges facing in-house practitioners. To this end, a successful panel seminar, chaired by the Convenor, *Tips for Engaging with In-House Counsel* was delivered by the Law Society and included a presentation on the topic by the Deputy Convenor.

The Committee hosted a Law Society social function for members from other in-house organisations to discuss in-house practice with each other and more generally socialise with other likeminded members of the Law Society.

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

The Law Society acknowledges and thanks:

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

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 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 insolvency and reconstruction industry has seen an enormous amount of reform within the last 12 months. The Committee made a number of submissions to the Law Society's Council including:

- response to Treasury's consultation on the proposed Insolvency Practice Rules;
- response to ASIC's consultation on the Insolvency Practice Rules;
- submission in response to 'Reforms to address corporate misuse of the Fair Entitlements Guarantee Scheme'; and
- submission in response to the Treasury's 'National Innovation and Science Agenda – Improving Corporate Insolvency Law' 2017.

In August 2016, Committee members attended the Federal Court of Australia's annual workshop and in October 2016, Committee members attended the Insolvency and Reconstruction annual workshop with members of the Insolvency and Reconstruction Law Committees of the other States.

The Committee thanks Adrian Saggars of ASIC and Paul Devellerez of AFSA who regularly attend its meetings and provide invaluable insights.

The Law Society acknowledges and thanks:

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

Intellectual Property and Technology Committee

Nick Stamatiou

Convenor



The Intellectual Property and Technology 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.

As part of the expanded Terms of Reference to focus more broadly on technology and intellectual property issues, the Committee recently provided detailed submissions to the Law Society's Council in relation to the Review of the Law Council of Australia Cyber Precedent website. The Committee also liaised with the WA Committee of IPSANZ in early 2017 to promote a trade mark law update presented by Victorian Barrister, Ed Heerey.

The Law Society acknowledges and thanks:

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

Joint Law Society/Women Lawyers Committee

Catherine Fletcher
Convenor



The Joint Law Society/Women Lawyers Committee is a liaison group between Women Lawyers of Western Australia (Inc) and the Law Society.

In April 2015, the Law Society established a Working Group to respond to Chapter 2 of the Women Lawyers of Western Australia's 2014 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report which dealt with career issues facing women lawyers. This work continued over the course of 2015 and 2016 and concluded with the preparation of a report which identified the gaps between what the Law Society was then doing and the recommendations in Chapter 2. It made practical proposals for the Law Society to address those recommendations. A Final Directions Paper was finalised in mid-2016 and endorsed by the Law Society's Council on 23 August 2016. The timeframes for implementation by the Law Society of the various Chapter 2 recommendations was later approved by Council in December 2016. Those timeframes operate over 2016/17 and 2017/18.

One of the first recommendations arising out of the Final Directions Paper, which has been recently implemented by the Law Society, was the establishment of a new 'Advancement of Women in the Legal Profession Working Group'. The new Working Group now meets bi-monthly to support the work of the Law Society in implementing the other recommendations of the Final Directions Paper.

In November 2016, the Convenor chaired a Law Society CPD seminar as part of the Law Society's Diversity and Inclusion strategic campaign entitled *Gender equality – a business issue*. The headline for the seminar was that "Gender equality in the workplace is not just a women's issue – it also makes hard economic sense for employers with further benefits to the profession and the community generally."

During 2016/17, the Committee recommended to the Law Society's Honours Committee practitioners for:

- candidates for interview for the Old Court House Law Museum's oral histories project, the theme of which for 2016/17 was 'Women in law'; and
- candidates for the 2017 WA Women's Hall of Fame, Women Lawyers of Western Australia and other awards.

The Committee compared the Law Council of Australia's National Model Gender Equitable Briefing Policy and the Law Society's Equality of Opportunity Briefing Policy and considered the reporting template and guidelines for the Law Council's policy and made recommendations to the Law Council for amendment of those documents. The Committee endorsed the Law Society publicising the availability of unconscious bias training by the Law Council.

The Law Society acknowledges and thanks:

- Catherine Fletcher (Convenor since Jan 2017)
- Rebecca Lee (Convenor until Jan 2017)
- Fiona Poh
- Nicola Ashford (former Committee member)
- Nikita Barsby
- Rebecca Davey (former Committee member)
- Susan Diamond
- Hayley Dodson
- Cinzia Donald
- Elizabeth Heenan
- Jennifer Hill
- Daniela Ion
- Janette McCahon
- Kate Pedersen (former Committee member)
- Joanne Quinn
- Jasmine Sims
- Anne Wood

Mental Health and Wellbeing Committee

David Davidson

Convenor



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

An example of this was the review of Recommendation 6, which involved the preparation of a proposal for a Graduate Advisory Service.

The Convenor and Libby Fulham were both proactive in attending seminars and events delivered by the Law Society over the past 12 months for small firms and sole practitioners. At these events, Ms Fulham provided a great insight into commercial business techniques and how practitioners need to comply with the *Legal Profession Conduct Rules*. The Convenor advocated the use and access of the Law Society's LawCare WA programme provided to members.

The Committee monitored the use of LawCare WA in particular the Member Assistance Programme (counselling service) and promotion of this service. The Committee promoted the use of the Locum Register and outlined the benefits especially to small firms and sole practitioners of taking leave and allowing another practitioner to operate their business.

The Committee also advocates the need to self-disclose mental illness when running a practice in the event that the practitioner is struggling to cope.

The Law Society acknowledges and thanks:

- David Davidson (Convenor)
- Ryan Arndt
- David Blades
- Libby Fulham
- Justine Howard
- Sasha Johnson
- Alyce Lynch
- Marshall McKenna
- Alexandra Pieniazek (former Committee member)
- Philippa Rezos
- Linda Richardson
- Nicholas Snare
- Matthew Wallis
- Sam Witton
- Kirsten Young (former Committee member)

Personal Injuries and Workers' Compensation Committee

Gray Porter
Convenor



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

The Committee made submissions adopted by the Law Society's Council in relation to the District Court's fees and conciliation and arbitration fees and noted the probable increase in fees at the 2017/18 review period. The Committee also participated in a review of the *Health Services Act 2016* (Cth) and regulations and commented on and continues to monitor the issue of public hospitals' claims for recovery of medical expenses from compensable patients post-settlement. The issue of access to hospital and medical practitioner files pre-litigation continues to be an issue of consideration by the Committee.

A sub-committee participated in an external consultant's review of WorkCover WA's Conciliation and Arbitration Services. Members of the Committee continued to participate in WorkCover WA's Conciliation and Arbitration Service Users' Group and Costs Committee. The Deputy Convenor continued to serve on the Law Council of Australia's Personal Injuries and Compensation Committee which met to discuss the compensation systems in the various States.

Other matters discussed by the Committee this year included the *Limitation Act* amendment for child abuse, the problems associated with increased use of electronic filing in the courts and taxation of redemption payments.

The long awaited legislative review of the *Workers' Compensation and Rehabilitation Act 1981* is expected to occupy the Committee in 2018.

The Law Society acknowledges and thanks:

- Gray Porter (Convenor)
- David Bruns (Deputy Convenor)
- Michelle Antunovich
- Geoffrey Bourhill
- Dan Connor
- Mark Civitella
- 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 Management Committee, as required by the *Legal Profession Act*, put in place the Professional Indemnity insurance arrangements for the 2017/18 financial year. The negotiations were similar to previous years and after a review the same panel of insurers as last year was retained.

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

Ultimately, the annual contribution rate was unchanged, primarily due to ongoing prudent capital management and a relatively stable claims environment. The Committee hopes to be in a position to continue with stable rates in future years. However, this, as always, depends on claims outcomes and underwriting market conditions. Claims numbers in the last year have shown a slight increase on the previous five year average. The historical average claim size has also continued to increase.

The Committee continued its focus on risk management initiatives that will, over time, lower the incidence and cost of claims leading to more stable contributions, subject of course to the underwriting market. The 2016/17 risk management seminar programme introduced a number of different topics targeted at the diverse groups of firms and practitioners that are covered by the arrangements. The seminars were well-attended and 103 insured firms were able to claim a 5% discount on the 2017/2018 annual contribution for having met risk management training requirements. The Committee continued to increase the risk management resources available to Law Mutual (WA). A Manager, Risk was appointed and a Risk & Administration Officer will commence early in the 2017/18 year.

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

The Law Society acknowledges and thanks:

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

Professional Standards Scheme Committee

Alain Musikanth
Convenor



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

The Professional Standards Scheme Committee's focus is 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 Law Society's Council regarding the administration of the Scheme; and
- review the Scheme from time to time.

During 2016/17, the Committee considered a number of applications for higher discretionary caps and made recommendations to the Law Society's Council. Six applications for discretionary caps were approved by the Law Society during the course of the year. The Committee also oversaw the preparation and submission of the Law Society's third annual compliance report to the PSCs and the first year of implementation of the Scheme's new risk management and compliance framework.

The name of the Scheme was changed from the Limitation of Liability Scheme to the Professional Standards Scheme in October 2016 to create consistency with the language of the Professional Standards legislation and to emphasise the Scheme's role in delivering ongoing improvements to professional standards and consumer protection.

The Committee is pleased to report that as at 30 June 2017, the Scheme had 1,285 participating members; nearly 180 more than the number of participating members in the previous year.

The Law Society acknowledges and thanks:

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

Property Law Committee

Gary Thomas
Convenor



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

The Committee had a considerable amount of work in considering the large number of reforms that were drafted amending the *Strata Titles Act 1985*. At the time of this report the draft Bills considered included:

- *Strata Titles Amendment Bill 2016 (Management of Schemes)*;
- *Strata Titles Amendment Bill 2017 (information and Seller Disclosures)*; and
- *Strata Titles Amendments Bill 2017 (Disputes)*.

Additional submissions will be prepared in the next reporting period when further draft Bills are scheduled for release for consultation. A notable piece of draft legislation will be the new *Community Titles Bill* that the State Government has confirmed will be introduced later this year or in 2018.

The Committee continued to support the Law Society in its advocacy work with the State Government on the proposal to mandate electronic lodgement commencing 1 August 2017 for the following documents:

- discharge of mortgage;
- mortgage transactions;
- caveats and withdrawal of caveat; and
- transfers.

Other initiatives included reviewing the amendments to the *Sale of Land Act* and the updating of the considering the amendments to the *Joint Form of General Conditions for the Sale of Land 2011* which is being reviewed by the Law Society's General Conditions for Sale Committee.

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

The Law Society acknowledges and thanks:

- 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 (former Committee member)
- Peta Whyte
- Gabriel Wong
- Joel Yeldon

Quality Practice Standard Committee

Craig Slater
Convenor



The Quality Practice Standard Committee observed that many firms now claim 20 years of operations as accredited firms and congratulates those firms on this significant milestone.

The Committee contributed to the Law Society's Education Committee for CPD seminars and assisted other CPD training events including a Legal Aid WA seminar on Best Practice File Management. The Committee facilitated the publication of an article on practice management.

The Committee worked with Law Mutual (WA) to review the Scheme and how it may integrate with Law Mutual (WA)'s goal of reducing risks for firms insured by Law Mutual (WA). The Committee continued to consider other means for risk management to be addressed in the Scheme and the means by which the Scheme could be more attractive to potential participants.

The Committee noted the Commonwealth Government's concerns to increase the scope of the operation of the *Anti-Money Laundering and Counter Terrorism Finance Act* and regulations to address perceived gaps in the legislation with particular reference to lawyers. The Committee contributed to Law Council of Australia's work on the proposed legislation and how it could be incorporated with the numerous ways that the profession is already regulated.

The Committee agreed to a plan by the Law Society to integrate internally those areas where practice management risk is a common theme. The Committee looks forward to working with Law Mutual (WA) who will now coordinate both the Committee and the Professional Standards Scheme Committee.

The Committee submitted recommendations to the Law Society on the proposals of Law Mutual (WA) to vary the means and basis on which Law Mutual (WA) offers discounts for its premiums for compulsory professional indemnity insurance. The Committee will continue to monitor these changes to ensure that the Scheme attracts an appropriate discount to reflect the commitment to risk management and the integrity that external independent auditing delivers.

At the end of the financial year the Law Society's Council proposed a strategic review of the Quality Practice Standard Scheme. The Committee responded to that review and assisted the review to document how the Scheme operated and the ways that it could improve to better integrate with other Law Society committees and remain attractive to law firms participating and considering participation.

The Law Society acknowledges and thanks:

- Craig Slater (Convenor)
- Kevin Chalklin (former Committee member)
- Dorothy Guerini
- Peter Liron
- Andrew McGuinness
- Julie Ots
- John Rogers
- Christine Slattery (former Committee member)
- 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 2016/17 the Committee welcomed new members to the Committee. Their willingness to join the Committee and contribute at the meeting is commendable. The Committee is actively seeking new members.

In 2016/17 the Committee made submissions to the Law Society's Council on various State and Commonwealth taxation issues. This work involved considerable effort by members resulting in an improvement in the taxation laws.

There have been several additional procedural requirements added to the Resident Capital Gains Withholding Tax that came into effect from 1 July 2016.

Committee members were 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. Debts owed to the ATO by Western Australians are a matter of interest in the present state of the economy in Western Australia. A member with experience in this developing area, Mr John Fickling has volunteered to join future discussions with the ATO and other state practitioners via the Legal Profession Roundtable telephone link-up.

Any member having problems communicating with the ATO can contact the Committee and their problem can be raised at the next meeting of the Tax Round Table, a practitioner's forum to assist practitioners' access to the ATO.

Committee members have also contributed to the Law Society's Education Committee for CPD seminars and presented at seminars on current tax issues. 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 Humphry Faas for keeping the Committee informed of recent developments in taxation raised by the Law Council of Australia's Taxation Committee. The Committee presents a monthly report at the meetings of the developments in taxation across Australia.

The Committee had a very successful year.

The Law Society acknowledges and thanks:

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

Young Lawyers Committee

Sarah O'Brien-Smith
Convenor



The Young Lawyers Committee assists the Law Society in coordinating a significant number of events and initiatives including:

- social events to promote collegiality such as the Welcome to the Profession breakfast, inter-firm sporting events (volleyball and netball) and Golden Gavel;
- the Practical Advocacy Weekend, which includes a preparatory seminar as well as a weekend of coaching sessions by judges and other senior members of the profession;
- raising awareness about social justice issues through panel events, including the Law Week panel discussion (on the topic of access to justice for refugees and asylum seekers in 2016/2017) and the Social Justice Opportunities Evening;
- mental health and wellbeing initiatives including a Geoffrey Robertson QC-style mental health hypothetical panel discussion;
- small firm networking evenings; and
- the Law Student Mentoring Programme.

The 2017 Law Student Mentoring Programme expanded to include law students from Curtin University and the University of Western Australia, in addition to the University of Notre Dame Australia and Edith Cowan University, who were involved in previous years. This increased participation in the Programme to 50 students, compared to 25 in 2015/16.

In recognition of the changing legal landscape, the Committee increased its focus on giving young and emerging lawyers the opportunity to build their professional networks with young professional bodies from other industries, including accounting, consulting and engineering. The Law Society hosted two Inter Profession Networking events, both of which gave young professionals the opportunity to develop 'soft' skills and network with professionals from other industries. The first seminar was on business etiquette and corporate interpersonal communication and the second seminar was the panel discussion 'Jump on Board', on how young professionals can position themselves for board roles in not-for-profit, governmental and corporate organisations.

The Committee further considered the Law Council of Australia's Australian Young Lawyers Committee 2013 Position Paper on Workplace Standards and submitted the Committee's proposed amendments to the Position Paper for the Law Society's Council to submit to the Law Council of Australia, with a view to obtaining endorsement of the Workplace Standards at a national level. The proposed amendments are currently being considered for endorsement by the Law Council of Australia's constituent bodies.

The Law Society acknowledges and thanks:

- Sarah O'Brien-Smith (Convenor)
- Alex Biddulph (former Convenor)
- Nicola Ashford (Deputy Convenor)
- Alyce Lynch (Deputy Convenor)
- Alex Noonan (Deputy Convenor)
- Alexandra Pieniazek (former Deputy Convenor)
- Kirsten Young (former Deputy Convenor)
- Anna Celliers (former Committee member)
- Jack Carroll
- Alison Cooper
- Nic Coveney
- Catherine Graville
- Michelle Leach
- Shea Lukey (former Committee member)
- James Marzec
- Marc McCaughey
- Sarah Ozanne
- Fiona Poh
- Hague Skinner
- Brooke Sojan
- Curtis Ward (former Committee member)

Law Society of Western Australia
Financial Statements
for the Year Ended 30 June 2017

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Statement of Profit or Loss and Other Comprehensive Income

For the Year Ended 30 June 2017

	NOTES	2017 \$	2016 \$
Revenue	5	5,076,861	4,787,628
Investment income		38,937	58,517
Other gains and losses	6	2,459	2,424
Governance expenses		(640,930)	(652,034)
Member services expenses		(1,778,646)	(1,636,583)
Advocacy and community programmes expenses		(977,923)	(875,631)
Finance and administration expenses		(1,404,955)	(1,476,592)
Surplus for the year		315,803	207,729
Other comprehensive income			
<i>Items that will not be reclassified subsequently to surplus or deficit:</i>			
Loss on revaluation of property		-	(775,000)
Other comprehensive loss for the year		-	(775,000)
Total comprehensive income/(loss) for the year		315,803	(567,271)

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 2017

	NOTES	2017 \$	2016 \$
CURRENT ASSETS			
Cash and cash equivalents	15	2,919,934	1,714,786
Trade and other receivables	7	221,675	200,581
Other assets		76,909	86,853
Total current assets		3,218,518	2,002,220
NON-CURRENT ASSETS			
Property, plant and equipment	8	5,084,524	5,086,519
Intangible assets	9	12,996	17,615
Total non-current assets		5,097,520	5,104,134
Total assets		8,316,038	7,106,354
CURRENT LIABILITIES			
Trade and other payables	10	615,536	460,427
Borrowings	12	2,287,500	-
Provisions	11	313,976	236,417
Income received in advance		1,817,168	1,111,007
Total current liabilities		5,034,180	1,807,851
NON-CURRENT LIABILITIES			
Borrowings	12	-	2,287,500
Provisions	11	46,577	91,525
Total non-current liabilities		46,577	2,379,025
Total liabilities		5,080,757	4,186,876
Net assets		3,235,281	2,919,478
MEMBERS' FUNDS			
Reserves	13	122,592	122,592
Retained surplus	14	3,112,689	2,796,886
Total members' funds		3,235,281	2,919,478

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 2017

	NOTE	RESERVES \$	RETAINED EARNINGS \$	TOTAL \$
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 (loss)/income for the year		(775,000)	207,729	(567,271)
Balance as at 1 July 2016		122,592	2,796,886	2,919,478
Surplus for the year		-	315,803	315,803
Total comprehensive income for the year		-	315,803	315,803
Balance as at 30 June 2017		122,592	3,112,689	3,235,281

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 2017

	NOTES	2017 \$	2016 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Member subscriptions		2,916,778	2,356,989
Interest received		36,575	62,905
Receipts from other operating activities		3,560,807	3,331,729
Payments to suppliers and employees		(5,236,021)	(5,238,623)
Net cash generated by operating activities	15	1,278,138	513,000
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, plant and equipment		(72,990)	(90,172)
Payments for intangible assets		-	(930)
Net cash used in investing activities		(72,990)	(91,102)
CASH FLOWS FROM FINANCING ACTIVITIES			
Repayment of borrowings		-	(1,143,750)
Net cash used in financing activities		-	(1,143,750)
Net increase/(decrease) in cash and cash equivalents		1,205,148	(721,852)
Cash and cash equivalents at the beginning of the year		1,714,786	2,436,638
Cash and cash equivalents at the end of the year	15	2,919,934	1,714,786

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 2017

1. General Information

The Law Society of Western Australia is an incorporated association (registered under the Associations Incorporation Act 2015) 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 16 Leases	1 January 2019	30 June 2020
AASB 1058 <i>Income of Not-for-Profit Entities</i> , AASB 1058 <i>Income for Not-for-Profit Entities (Appendix D)</i> , AASB 2016-8 <i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i>	1 January 2019	30 June 2020

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 the Associations Incorporation Act 2015 and sections 72 to 77 of the Law Society's Constitution.

For the purposes of preparing the financial statements, the Law Society 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.

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

For the year ended 30 June 2017, the Society has a working capital deficiency of \$1,817,327. The working capital deficiency includes current borrowings of \$2,287,500, relating to Commercial Advance Facilities ("the Facility").

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

1. At the time of entering into the Facility the Society and the Financier had an understanding that the Facility would be reviewed annually for the purpose of its rollover;
2. The Council believes it is reasonable to expect that they will be granted a rollover of the Facility within the next 12 months based on the following facts:
 - a. The Society has met all of its repayment commitments and expects to continue to do so; and
 - b. The Society has met all of the covenants contained within the Facility and assuming that the covenants remain the same, expects to continue to do so; and
 - c. The Society has paid 1/3 of the loan and has equity in the premises.

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

3.4 Revenue recognition

Revenue is recognised to the extent that it is probable that the economic benefits will flow to the entity 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 entity in respect of services provided by employees up to the reporting date.

3.7 Taxation

The Law Society 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 entity has a present obligation (legal or constructive) as a result of a past event, it is probable that the entity 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 entity 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 entity are classified into the following specified categories: 'held-to-maturity' investments, 'available-for-sale' (AFS) financial assets and 'loans and receivables.' The classification depends on the nature and purpose of the financial assets and is determined at the time

of initial recognition. 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 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 entity'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 entity 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 entity neither transfers nor retains substantially all the risks and rewards of ownership and continues to control the transferred asset, the entity recognises its retained interest in the asset and an associated liability for amounts it may have to pay. If the entity retains substantially all the risks and rewards of ownership of a transferred financial asset, the entity 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 entity retains an option to repurchase part of a transferred asset), the entity 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 entity 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 entity derecognises financial liabilities when, and only when, the entity'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 entity 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.

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'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 Law Society's premises on 160 St Georges Terrace is measured at fair value for financial reporting purposes. The Society engaged MMJ Real Estate (WA) Pty Ltd to determine the appropriate valuation techniques and fair value measurements in December 2015.

5. Revenue

	2017	2016
	\$	\$
Member subscriptions	2,005,199	1,923,920
Membership services and activities	236,283	206,523
CPD programme and education	886,878	855,143
Grants and distributions	394,099	430,441
Marketing and promotion	454,858	414,241
Finance and administration services	611,249	593,795
Other revenue	488,295	363,565
Total Revenue	5,076,861	4,787,628

6. Other gains and losses

Gain on disposal of property, plant and equipment	2,459	2,424
Net gain	2,459	2,424

7. Trade and other receivables

Current		
Trade debtors	189,483	178,173
Accrued income	29,046	21,695
Other receivables	3,146	713
	221,675	200,581

8. Property, plant and equipment

Carrying amounts of:		
Building	4,900,000	4,900,000
Plant and equipment	184,524	186,519
	5,084,524	5,086,519

9. Property, plant and equipment (cont'd)

	Building at fair value	Plant and equipment at cost	Total
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
Balance at 30 June 2017			
Cost or valuation	4,900,000	1,668,647	6,568,647
Accumulated depreciation and impairment	-	(1,484,123)	(1,484,123)
	4,900,000	184,524	5,084,524

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 Law Society's office premises was determined by MMJ Real Estate (WA) Pty Ltd using the direct comparison approach.

9. Intangibles

	2017 \$	2016 \$
Carrying amounts of:		
Trademark	12,996	17,615
	12,996	17,615

	Trademark
Balance at 30 June 2016	
Cost	48,353
Accumulated amortisation	(30,738)
	17,615
Balance at 30 June 2017	
Cost	48,353
Accumulated amortisation	(35,357)
	12,996

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

10. Trade and other payables

	2017	2016
	\$	\$
Current		
Trade creditors	83,061	76,850
Accrued expenses	41,027	55,758
Other payables	491,448	327,819
	615,536	460,427

11. Provisions

Current		
Employee benefits	315,641	236,417
Non-current		
Employee benefits	39,892	91,525
	355,533	327,942

12. Borrowings

Current		
Bank loan secured at amortised cost	2,287,500	-
Non-current		
Bank loan secured at amortised cost	-	2,287,500
	2,287,500	2,287,500

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

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

The Law Society engaged MMJ Real Estate (WA) Pty Ltd, as part its loan agreement, to perform valuation on its premises on 160 St Georges Terrace. This valuation was completed in December 2015.

14. Retained earnings

Balance at the beginning of the year	2,796,886	2,589,157
Profit for the year	315,803	207,729
Balance at the end of year	3,112,689	2,796,886

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.

	2017	2016
	\$	\$
Cash at bank and on hand	994,704	714,621
Short-term deposits	1,925,230	1,000,166
	2,919,934	1,714,786

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

Surplus for the year	315,803	207,729
Depreciation and amortisation of non-current assets	79,603	79,492
	395,406	287,221
Movements in working capital		
(Increase)/decrease in trade receivables	(21,093)	(60,246)
Increase in other assets	9,944	(15,415)
Increase/(decrease) in trade and other payables	155,109	15,358
(decrease)/increase in provisions	32,611	(15,422)
Increase in income in advance	706,161	301,504
Cash generated from operations	882,732	225,779
Net cash generated by operating activities	1,278,138	513,000

16. Related parties disclosures

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

Members who served 1 January 2017 to June 2017	Members who served 1 July 2016 to 31 December 2016
Alain Musikanth	Elizabeth Needham
Hayley Cormann	Alain Musikanth
Greg McIntyre SC	Hayley Cormann
Jocelyne Boujos	Alison Aldrich
Elizabeth Needham	Marie Botsis (<i>resigned August 2016</i>)
Brahma Dharmananda SC	Jocelyne Boujos
Nathan Ebbs	Tara Connolly
Adam Ebell	Nathan Ebbs
Elisabeth Edwards	Adam Ebell
Catherine Fletcher	Nicholas Ellery
Rebecca Lee	Catherine Fletcher
Marshall McKenna	Rebecca Lee
Denis McLeod	Greg McIntyre SC
Stefan Sudweeks	Marshall McKenna
Nicholas van Hattem	Denis McLeod
Paula Wilkinson	Brooke Sojan
Deblina Mittra (<i>resigned 1 June 2017</i>)	Saran Bavich
Jodie Moffat	Sophie Ecker
Noella Silby	Jodie Moffat
Brooke Sojan	Matthew Keogh (<i>returned 1 January 2016 as Immediate Past President</i>)

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 2017 was \$125,418. (2016: \$129,888).

During the current financial year, transactions primarily for legal services were undertaken between the Law Society 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.

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

- membership fees;
- registration fees for Continuing Professional Development and social events; and
- merchandises

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

During the current financial year, Law Mutual (WA) paid the Law Society administration, consulting and management services amounting to \$450,479 (2016: \$304,297).

At 30 June 2017, Law Mutual (WA) owed the Law Society \$76,518 (2016: \$178,173).

16. Related parties disclosures (continued)

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

During the current financial year, the Law Society was paid grants from the PPT for the following activities:

	2017	2016
	\$	\$
Francis Burt Law Education Programme	200,000	200,000
Francis Burt Law Education Programme - Oral History Project	10,504	-
Law Week	10,000	10,000
	220,504	210,000

PPT also paid the Law Society for administration, consulting and management services on normal commercial terms and conditions amounting to \$146,546 (2016: \$146,546).

At 30 June 2017, the PPT owed \$2,244 to the Law Society (2016: \$nil).

17. Commitments

(a) Operating Leases

	2017 Minimum Future Lease Payments \$	2016 Minimum Future Lease Payments \$
No later than 1 year	7,992	5,324
Longer than 1 year and not longer than five years	14,652	22,644
Longer than 5 years	-	-
	22,644	27,968

(b) Secured Bank Loans

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

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

	2017 \$	2016 \$
Audit of the financial statements	25,200	24,150
	25,200	24,150

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

Statement by Council

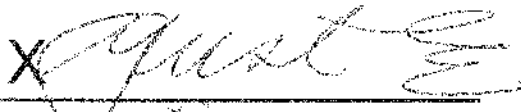
As detailed in Note 3 to the financial statements, the Law Society of Western Australia is not a reporting entity because in the opinion of the Council there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this 'special purpose financial report' has been prepared to satisfy the Council's accountability requirements under sections 72 to 77 of the Law Society's Constitution.

The Council declares that:

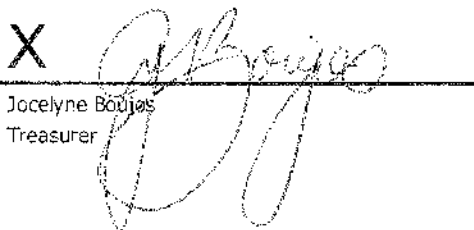
- (a) in the Council's opinion, there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable; and
- (b) in the Council's opinion, the attached financial statements and notes thereto are in accordance with the Law Society's Constitution, 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 

Alain Musikanth
President

X 

Jocelyne Bourges
Treasurer

Date: 19/10/2017

The Council
Law Society of WA
Level 4
160 St Georges Terrace
PERTH, WA 6000

20 October 2017

Dear Council Members

Law Society of WA

In accordance with Part 5, Division 5, s80 (1) of the *Associations Incorporation Act 2015*, I am pleased to provide the following declaration of independence to the council of Law Society of WA.

As lead audit partner for the audit of the financial statements of Law Society of WA for the financial year ended 30 June 2017, I declare that to the best of my knowledge and belief, there have been no contraventions of:

- (i) the auditor independence requirements of the *Associations Incorporation Act 2015* in relation to the audit; and
- (ii) any applicable code of professional conduct in relation to the audit.

Yours sincerely

DELOITTE TOUCHE TOHMATSU

Peter Rupp
Partner
Chartered Accountant

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

Opinion

We have audited the financial report, being a special purpose financial report, of the Law Society of Western Australia (the "Entity") which comprises the statement of financial position as at 30 June 2017, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and other explanatory information, and the Statement by Council as set out on pages 2 to 19.

In our opinion, the accompanying financial report presents fairly, in all material respects, the Entity's financial position as at 30 June 2017 and of its financial performance and its cash flows for the year then ended in accordance with the financial reporting requirements of the Associations Incorporation Act 2015 and sections 72 to 77 of the Constitution of the Law Society of Western Australia, and the accounting policies described in Note 3.

Basis for Opinion

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

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

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

We draw attention to Note 3 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Entity to meet the financial reporting requirements of the Associations Incorporation Act 2015 and sections 72 to 77 of the Constitution of the Law Society of Western Australia. 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. Our opinion is not modified in respect of this matter.

Responsibilities of the Council for the Financial Report

Management of the Entity is responsible for the preparation and fair presentation of the financial report and has determined that the basis of preparation and accounting policies described in Note 3 to the financial report is appropriate to meet the requirements of the Associations Incorporation Act 2015 and sections 72 to 77 of the Constitution of the Law Society of Western Australia and is appropriate to meet the needs of the members. Management's responsibility also includes such internal control as management determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

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

Auditor's Responsibilities for the Audit of the Financial Report

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

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

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the report, or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's

report. However, future events or conditions may cause the recipient to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU

A handwritten signature in blue ink, appearing to read 'Peter Rupp', with a stylized flourish underneath.

Peter Rupp
Partner
Chartered Accountants
Perth, 20 October 2017

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