

# ANNUAL REPORT 2014/15

## THE **ESSENTIAL** MEMBERSHIP FOR THE LEGAL PROFESSION

Prepared by the Law Society of Western Australia  
[lawsocietywa.asn.au](http://lawsocietywa.asn.au)





**The Law Society of Western Australia**

Level 4, 160 St Georges Tce,  
Perth Western Australia 6000

**Postal address:** PO Box Z5345, Perth WA 6831  
or DX 173 Perth

**Phone:** (08) 9324 8600 **Fax:** (08) 9324 8699

**Email:** [info@lawsocietywa.asn.au](mailto:info@lawsocietywa.asn.au)

**Website:** [lawsocietywa.asn.au](http://lawsocietywa.asn.au)



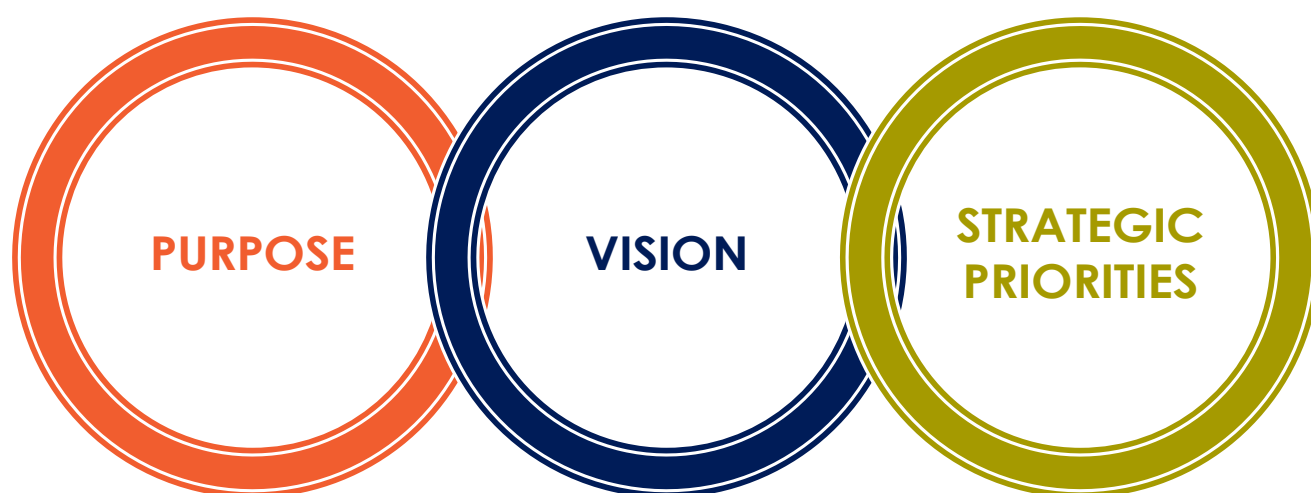
# Contents

<b>Strategic Plan 2014/2018</b>	<b>4</b>	Human Rights and Equal Opportunity Committee	42
<b>Council 2014</b>	<b>6</b>	Indigenous Legal Issues Committee	43
<b>Council 2015</b>	<b>7</b>	In-house/Government Lawyers Committee	44
<b>President's Report</b>	<b>8</b>	Insolvency and Reconstruction Law Committee	45
<b>Executive Director's Report</b>	<b>10</b>	Intellectual Property Law Committee	46
<b>Membership survey</b>	<b>12</b>	Joint Law Society/Women Lawyers Committee	47
<b>Governance</b>	<b>13</b>	Mental Health and Wellbeing Committee	48
<b>Executive Meetings</b>	<b>14</b>	Personal Injuries and Workers' Compensation Committee	49
<b>Team Reports</b>	<b>15</b>	Professional Indemnity Insurance Management Committee	50
Corporate Services Team Report	16	Professional Standards Scheme Committee	51
Programmes Team Report	18	Property Law Committee	52
Law Society Events	20	Quality Practice Standard Committee	53
Advocacy Team Report	21	Taxation Committee	54
Law Mutual Team Report	22	Young Lawyers Committee	55
Law Access Team Report	23	<b>Governance</b>	<b>56</b>
<b>Committee Reports</b>	<b>24</b>	<b>Submissions 2014</b>	<b>58</b>
Access to Justice Committee	25	<b>Submissions 2015</b>	<b>59</b>
Accreditation Committee	26	<b>Nominations to External Boards</b>	<b>60</b>
Administrative, Constitutional and Migration Law Committee	27	<b>Sponsors</b>	<b>60</b>
Alternative Dispute Resolution Committee	28	<b>Life Members</b>	<b>61</b>
Brief Editorial Committee	29	<b>National Profile of Solicitors in Australia</b>	<b>62</b>
Commercial Law Committee	30	<b>Financial Statements</b>	<b>64</b>
Costs Committee	31	Statement of Profit or Loss and Other Comprehensive Income	65
Country Practitioners Committee	32	Statement of Financial Position	66
Courts Committee	33	Statement of Changes in Equity	67
Criminal Law Committee	34	Statement of Cash Flows	68
Education Committee	35	Notes to the Financial Statements	69
Elder Law and Succession Planning Committee	36	Statement by Council	80
Employee Relations Committee	37	Independent Auditor's Report	81
Environment, Town Planning and Local Government Committee	38		
Ethics Committee	39		
Francis Burt Law Education Programme and Old Court House Law Museum Advisory Committee	40		
General Conditions for the Sale of Land	41		





# Strategic Plan 2014/2018



## Strong Advocacy

The Law Society of Western Australia is respected as the voice of the legal profession. It proactively engages key stakeholders on key issues and facilitates rational analysis to adopt sensible positions that are sought after by members, Law Council of Australia, government and media representatives. The Law Society's views are considered to be well researched, measured, reasonable and representative. Members are highly engaged in committees and working groups. The Law Society is not afraid to speak on controversial issues, but it 'picks its battles'. It is transparent about why and how decisions have been made. Opinions are easy to access and well promoted via spokespeople, press releases, the website and electronic communications.

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

## High Value Services

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

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

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

## Organisational Excellence

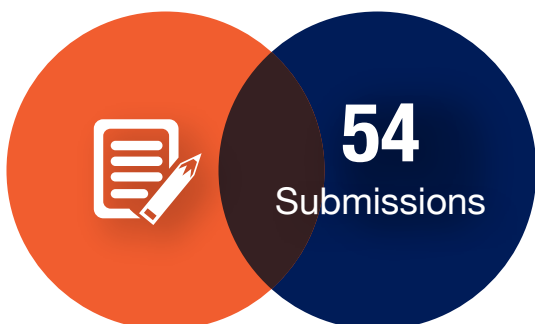
The Law Society is considered to be forward thinking and financially sustainable with effective systems. The Council offers strong, representative and collaborative leadership. Priorities are aligned across the organisation with resources allocated to areas of greatest need.

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

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

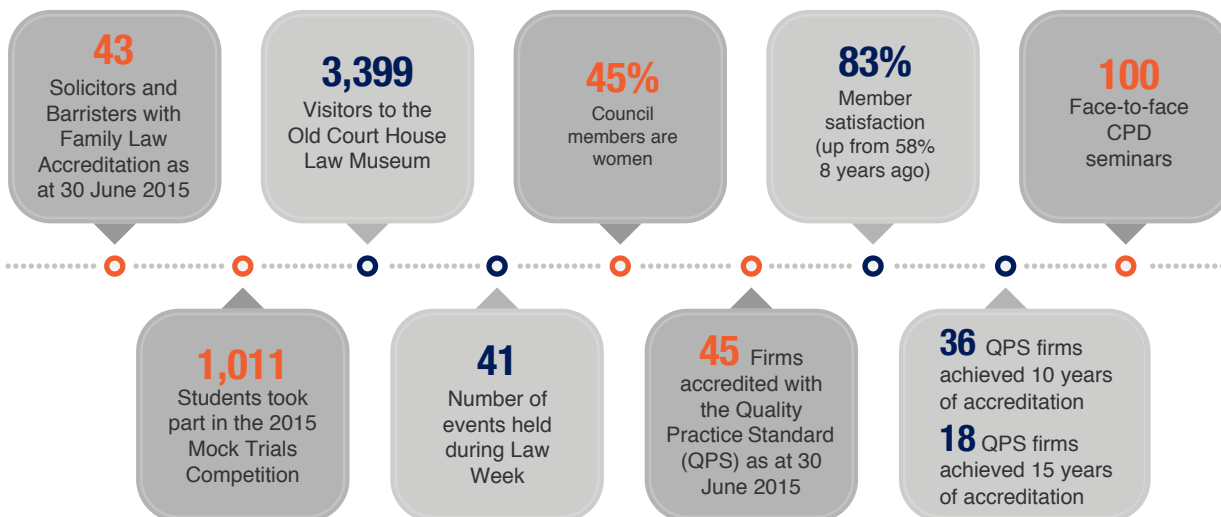


**3,626**  
**Record**  
Membership



**108**

Schools participated  
in the 2015 Mock  
Trials Competition



**3,709**

Face to Face Participants  
in CPD seminars

**\$2,192,859**

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



# Council 2014

The Council of the Law Society of  
Western Australia for 2014

---

## Executive

---



**Konrad de Kerloy**  
President  
(Herbert Smith Freehills)



**Matthew Keogh**  
Senior Vice President  
(Herbert Smith Freehills)



**Elizabeth Needham**  
Vice President  
(Francis Burt Chambers)



**Alain Musikanth**  
Treasurer  
(Francis Burt Chambers)

---

## Ordinary Members

**Brendan Ashdown** (John Toohey Chambers)  
**Marie Botsis** (DLA Piper)  
**Hayley Cormann** (Clayton Utz)  
**Brahma Dharmananda SC** (Francis Burt Chambers)  
**Nathan Ebbs** (Bennett + Co)  
**Adam Ebell** (Office of the Director of Public Prosecutions)  
**Pamela Hass** (Department of State Development)  
**Nicholas van Hattem** (State Solicitor's Office)  
**Greg McIntyre SC** (John Toohey Chambers)  
**Denis McLeod** (McLeods)  
**Clinton Russell** (Francis Burt Chambers)

## Country Member

**Cameron Syme** (Latro Lawyers)

## Junior Members

**Emma Cavanagh** (Minter Ellison)  
**Hayley Ellison** (Culshaw Miller)  
**Rosie Hill** (State Solicitor's Office)

## Immediate Past President

**Craig Slater** (Francis Burt Chambers)



# Council 2015

The Council of the Law Society of  
Western Australia for 2015

---

## Executive

---



**Matthew Keogh**  
President  
(Herbert Smith Freehills)



**Elizabeth Needham**  
Senior Vice President  
(Francis Burt Chambers)



**Alain Musikanth**  
Vice President  
(Francis Burt Chambers)



**Hayley Cormann**  
Treasurer  
(Clayton Utz)

---

## Ordinary Members

**Alison Aldrich** (Alison & Associates)

**Marie Botsis** (DLA Piper)

**Tara Connolly** (Valenti Lawyers)

**Brahma Dharmananda SC** (Francis Burt Chambers)

**Nathan Ebbs** (Bennett + Co)

**Adam Ebell** (Office of the Director of Public Prosecutions)

**Nicholas Ellery** (Corrs Chambers Westgarth)

**Catherine Fletcher** (Office of the Director of Public Prosecutions)

**Greg McIntyre SC** (John Toohey Chambers)

**Marshall McKenna** (Allens)

**Denis McLeod** (McLeods)

## Country Member

**Georgia Pickering** (Bunbury Community Legal Centre)

## Junior Members

**Emma Cavanagh** (Minter Ellison)

**Ray Christensen** (Zilkins)

**Rosie Hill** (State Solicitor's Office)

## Immediate Past President

**Konrad de Kerloy** (Herbert Smith Freehills)



# President's Report

**Matthew Keogh**  
President

The 2014/15 year has been a busy one for the Law Society, laying good foundations and building upon them to increase the Law Society's profile within the profession and the wider community in relation to its key activities.

## Organisational Review of the Law Society

2014/15 was the first financial year of our new strategic plan, *Delivering the vision: strategic direction 2014-18*. As part of developing this plan, the Council reviewed the outcomes and findings from the 2013 Member Survey. The findings identified that members believed there were opportunities for the Law Society to strengthen its leadership, lobbying and advocacy role, demonstrate a greater understanding of member needs and foster a greater sense of belonging within the legal community.

The Law Society responded to this feedback by engaging a consultant to undertake a organisational review. The final report, approved by Council at the December 2014 meeting, contained a number of recommendations and a proposed new structure for the Law Society. This restructuring has now taken place, leaving the Law Society well positioned to meet the goals presented in the report, including:

- more targeted communication;
- better communication of the Law Society's advocacy for the profession;
- better communication with members of information relevant to them;
- being more efficient in our work; and
- working across internal teams to ensure enhanced value to members from our work.

## Strategic Campaigns

At the Council and senior management

strategic planning workshop in February 2015, two strategic campaigns were chosen for 2015/16:

- supporting the practice of law – being about professional practice; and
- supporting lawyers – dealing with wellbeing and mental health, gender bias and retention of women in the legal profession.

### **Supporting the practice of law**

This campaign aims for the Law Society to provide support and best practice guidance to legal practices of all sizes in the management and running of their practices, as well as guidance to practitioners on navigating their career progression.

Part of this work has included, and will continue to include:

- new website in development – with access to the vast range of valuable resources and practice toolkits;
- best practice guides on supervision, healthy work practices, bullying, harassment, discrimination, and flexible working arrangements and other guides, to provide more useful information to the profession;
- member MyPage – providing access to better manage your membership, CPD needs and find relevant information;
- promotion of the Quality Practice Standard, for firms to develop and adhere to documented internal systems and processes, designed to improve client satisfaction by clearly establishing and refining internal working procedures and

avoiding wastage; and

- a CPD programme that not only delivers training in black letter law and ethics, but in practice management, and soft skills and the things that can make a difference in legal practices.

### **Supporting lawyers**

This campaign aims to ensure the Law Society:

- has appropriate initiatives to limit harm to mental health and wellbeing for lawyers, as well as to support those requiring it;
- work towards eradicating gender bias; and
- work towards a profession that retains women in its ranks and increases the proportion of women in its leadership.

During the last financial year, the Law Society has implemented or actioned a number of recommendations from the Women Lawyers of Western Australia's *2014 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report*. Chapter two of this Review is focused on the career paths for women in the legal profession and contained 18 recommendations directed towards the Law Society. The Law Society implemented or actioned 12 of these immediately, and convened a working group to develop initiatives in response to the remaining six, as well as to support the profession in meeting the recommendations made for it.

The Law Society has also commenced its review of the recommendations from its 2011 *Report on Psychological Distress and Depression in the Legal Profession*, to assess the success in implementing the



recommendations and what further steps should now be taken.

## National Attrition and Retention Survey (NARS)

Related to the work in the supporting lawyers' initiative, in 2015 the Law Society worked with the Law Council of Australia on the national action plan in response to its National Attrition and Retention Survey of the profession. The NARS was undertaken by the Law Council in 2013 and involved current and former legal practitioners, both men and women, to obtain a whole-of-profession snapshot to act as a baseline from which to measure progress in this area.

The Executive Director David Price and I attended a NARS Roundtable arranged by Law Council in March 2015. The purpose of the Roundtable, attended by law societies and bar associations, as well as members of the Large Law Firm Group (now known as Law Firms Australia), was for different legal sectors to share information about which gender diversity initiatives have worked, which were not as effective and what further issues had arisen in implementing programmes to tackle the issues identified in the NARS report.

A follow-up event took place in May 2015, where attendees adopted a Diversity and Equality Charter. The Charter states that the "Australian legal profession is committed to promoting diversity, equality, respect and inclusion consistent with the principles of justice, integrity, equity and the pursuit of excellence".

The Charter was formally adopted by the Law Council of Australia Directors at a meeting in June 2015. It was subsequently adopted by the Law Society as it applies to members of the legal profession in Western Australia. Council endorsed and provided its support for the Charter.

The Law Council has also adopted a Diversity & Equality Action Plan to deal with:

- parental leave, return to work and flexible work practices;
- equitable briefing policies;
- unconscious bias training;
- workplace culture & policies; and
- a follow up symposium.

## Law Access

The Law Access 2014 – 2017 Business Plan was endorsed by Council at its meeting on 26 August 2014. As a result Law Access Pro Bono Referral Scheme was re-established as Law Access Limited, a wholly owned subsidiary of the Law Society of Western Australia.

The transfer of funding and staff from the Law Society to Law Access Limited has now

been finalised and the Board of Law Access now draws upon the experience of Council members, a former President of the Law Society and the Executive Director of the Community Legal Centres Association of WA.

Law Access Limited now operates from rooms at University of Western Australia. This has provided more space to accommodate a number of lawyers on placement from various firms who assist with in-house processing and merit assessment of applications for pro-bono assistance. This has allowed for much faster processing of applications (as compared to when merit assessments were conducted by external volunteer lawyers), along with the processing of more applications.

Law Access has established a permanent Stakeholder Advisory Committee comprising representatives from community legal centres, Legal Aid, the Aboriginal Legal Service, the Bar, law firms, the Law Society, the courts, and others in the legal assistance sector, to provide guidance in the provision of the Law Access service and a mechanism for better co-ordination of referrals of pro bono work.

## National Legal Profession Reform

The Legal Profession Uniform Law (LPUL) commenced operation in New South Wales and Victoria on 1 July 2015, replacing the *Legal Profession Act* in both jurisdictions. In 2014, the Law Society considered whether the uniform scheme would be appropriate for Western Australia, producing a detailed report entitled *Review of the Legal Profession Uniform Law*.

At its meeting on 26 August 2014, Council unanimously resolved to adopt the report and to accept the recommendation contained in it which is in the following terms:

- *That the Law Society of Western Australia recommends to the Attorney General of Western Australia the adoption of the Uniform Law as a law of Western Australia with the following variations:*
  - *the entrenchment of a Western Australian representative on the national Legal Services Council;*
  - *the continuation of a local regulatory body that is run by representatives of the legal profession and that is independent of government; and*
  - *maintenance of the following aspects Western Australian legal costs regime:*
    - *a legal costs committee with the power to determine costs scales;*
    - *the power of courts to make special costs orders; and*
    - *that costs agreements that are not compliant with disclosure*

*obligations are voidable but not automatically void.*

The Attorney General has advised that he wishes to observe the "national" scheme in NSW and Victoria in operation for a period before reaching a view as to whether Western Australia should join the national scheme. The Law Society is monitoring developments in the new "Uniform Jurisdictions" as well as looking for opportunities to autonomously harmonise WA's current regime where appropriate to do so in the near term.

## Reconciliation Action Plan

The Law Society was pleased to launch its first Reconciliation Action Plan, Reflect. In 2014/15 the Law Society is grateful for the ongoing support and guidance provided by its Aboriginal Lawyers Committee and Reconciliation Australia in gaining endorsement and registration of the Reflect plan.

The Reflect plan outlines the actions the Law Society will undertake to achieve its vision of:

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

As the peak body of the legal profession in Western Australia, the Law Society recognises that it has the opportunity to affect real change through raising awareness of its commitment to reconciliation, resulting in the profession considering ways in which they can contribute to reconciliation.

## Thank you

2014/15 has been a key year in the Law Society's development as the voice of the legal profession in Western Australia for the 21<sup>st</sup> century. This could not have been achieved without the tireless work of the Law Society's Executive Director, David Price, its General Managers and its entire staff, as well as our former President, Konrad de Kerloy and the Councillors of 2014 and 2015, who have contributed their time and expertise on this journey.

Finally, thank you to all of the Law Society's Committee Convenors, Committee members and members at large for all of your contributions to the Law Society, through feedback, policy development, law reform submissions, event organising and careful guidance of the Councillors in the work of the Law Society on behalf of the legal profession in Western Australia.



# Executive Director's Report

**David Price**  
Executive Director

The Law Society has again continued to work hard in its role as the peak representative body for the legal profession in Western Australia based on the three pillars of **'Strong Advocacy'**, **'High Value Services'** and **'Organisational Excellence'**.

Sitting across all these pillars is effective communication which is essential if the Law Society is to best position itself for growth in the future. This means keeping members informed in a way which helps them do their job, and is relevant to them. It means leveraging knowledge and insight from across the entire organisation. It means leveraging online and digital communication, which is tailored to segments and facilitating engagement.

Therefore in accordance with the *Delivering the vision: strategic direction 2014-18*, adopted by Council in 2014, and as reported in my report in the *2013/14 Annual Report*, an organisational review was undertaken in the first half of 2014/15 using an external consultant. The process involved benchmarking other membership-based organisations, both within and external to the legal sector. An internal review was also undertaken to identify key areas for improvement or change. Interviews were completed with all staff and representatives of Council, as well as reviewing a number of key internal documents such as the Strategic Directions paper, Member Perceptions survey and individual Business Plans.

The benchmarking phase included other law societies, other professional membership organisations and a world leading advocacy organisation. It concluded that the range of offerings delivered by the Law Society is very similar to that of other organisations,

which given its substantially smaller membership size is something of which the Law Society should be proud.

Overall, key points to note were:

- the Law Society compared very well to its counterparts in other states, as well as internationally.
- the services offered were on a par, which is a significant finding given the Law Society is substantially smaller than the other organisations reviewed as part of this process.
- other organisations have a slightly wider spread of income generating activities primarily through commercial partnerships and accreditation. Accreditation is not considered a strong opportunity for the Law Society as, on average, these programs fail to deliver positive returns. The impact of a smaller membership base must also be taken into consideration when looking at the potential of new initiatives. Clearly the benefit of issuing Practising Certificates is significant in gaining a much higher share of the market in other jurisdictions.
- others are doing better in their use of online technology and communication to members – they are better at “selling” their strengths and focusing on their successes, impact and influence.

On the basis of the work undertaken, the

key conclusions reached was that overall, the Law Society is actually performing very well, the value proposition offered is largely appropriate, and that the issue is not about needing to change the offering, but rather that the Law Society needs to get much better at *communicating* its offering to its members.

## Overall Performance of the Law Society

This financial year was the first year that the Law Society has surveyed members to measure the success of the implementation of the Strategic Plan. Whilst members will read about the achievements of the various teams within the Law Society in the Annual Report the following provides a summary of the overall results from the survey.

## Law Society

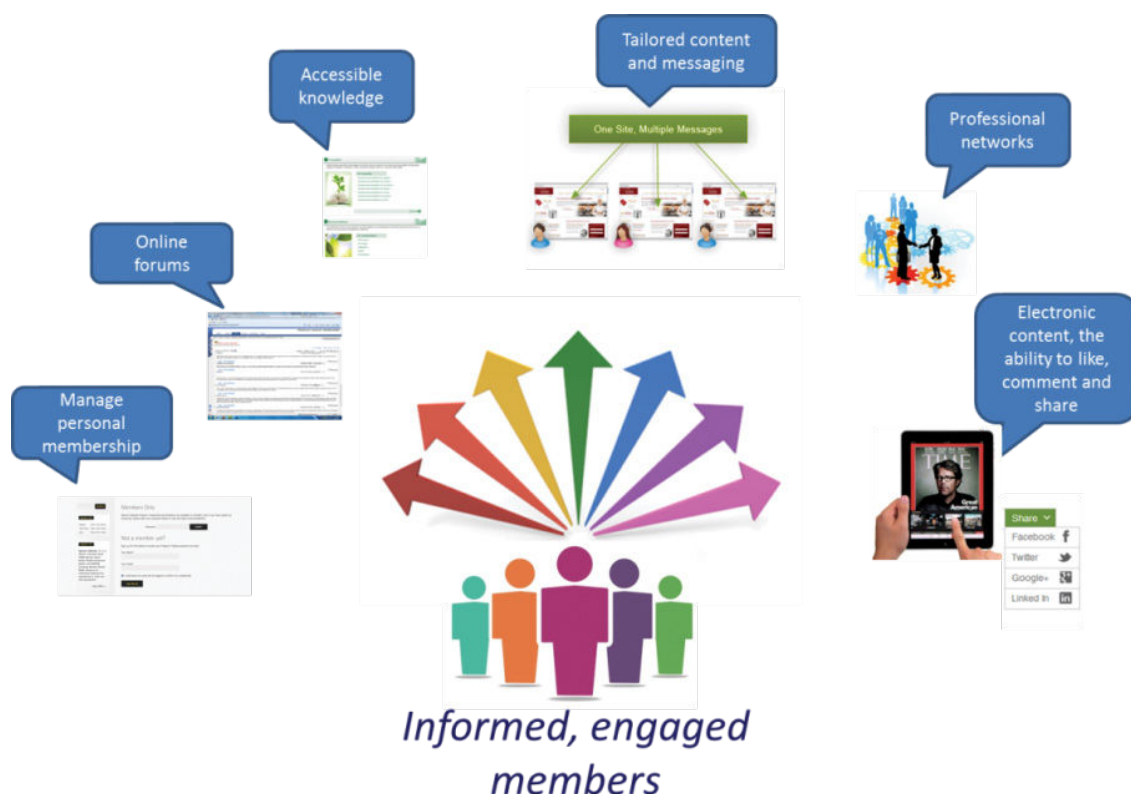
I am pleased to report to members that the Law Society is on track. Overall membership continues to climb. The Law Society has come a long way over the past eight years, from 58% satisfaction in 2007 to 83% satisfaction in 2015.

Organisational Excellence	2015 Score	Trend	Target
Member satisfaction - % satisfied	83%	↗	☑

Organisational Excellence	2015 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	89%		☑
Is the voice of the legal profession in Western Australia	88%		☑
Effectively promotes access to justice	80%	↗	☑

A complete report of the results is included in the Annual Report at page 12.

☑ Target achieved      ↗ Making progress



Having a strong and representative voice is important to members. In the latest survey, a majority agreed that the Law Society has a good understanding of members' needs, keeps members well informed about changes in legislation and key issues affecting the profession, effectively promotes access to justice and is the voice of the legal profession in Western Australia.

The Law Society is making noticeable improvements in providing strong advocacy. Effectively promoting access to justice improved from 67% to 80% in the past two years, and demonstrating a good understanding of members' needs steadily increased from 58% in 2007 to 78% this year.

## Looking Forward

Looking forward, 2015/16 will be another challenging but exciting year as the Law Society strives to achieve its 'vision' to be *the essential membership for the legal profession* by implementing further recommendations of the organisational review including improving communications, making better use of technology and, most importantly, focusing efforts on delivering meaningful content to members in a way which is convenient to them.

## Thank you

I would like to record my sincere appreciation to the Immediate Past President, Konrad de Kerloy, President,

Matthew Keogh, and their Executive teams in 2014/15. Their support and commitment to the Law Society, members, staff and myself has been exceptional.

Thank you also to the Law Society Council members' of 2014 and 2015 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 particularly acknowledge and thank all of the Law Society staff who have again worked tirelessly in 2014/15 to deliver a very successful year.



## Membership survey

In April, members were invited to evaluate the Law Society's performance against a series of key performance indicators (KPIs) in the Strategic Plan. 309 members participated.

The results indicated that the Law Society is on track.

Overall membership continues to climb, the Law Society has increased satisfaction from 58% satisfaction in 2007 to 83% satisfaction in 2015.

This year, the Law Society introduced a new measure to evaluate member advocacy. The Net Promoter Score (NPS®) is used by many leading organisations globally. When members were asked how likely they are to recommend the Law Society to others, 53% provided a score of 6, 7, or 8 out of 10 and 29% provided a score of 9 or 10 out of 10. In the NPS® model the members who scored 9 or 10 out of 10 are called 'promoters'. The Law Society hopes to improve on the promoter score over the months ahead by demonstrating increasing value for members. The Law Society wants to earn a reputation for being the **essential** membership for the legal profession.

Organisational Excellence	2015 Score	Trend	Target
Member satisfaction – % satisfied	83%	↗	☑
Member Advocacy – % promoters	29%	→	☑
Employee Advocacy – % promoters	30%		☑

Strong Advocacy – % agree	2015 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	89%		☑
Is the <b>voice</b> of the legal profession in Western Australia	88%		☑
Effectively promotes access to justice	80%	↗	☑

The Law Society is dedicated to delivering high value services. Since launching the new Strategic Plan, the Law Society is meeting or bettering 8 of the 15 targets and 12 out of the 15

measures have improved since 2013. Service areas on target include *Brief Journal*, newsletters, regular email information alerts, continuing professional development, free networking and social events, community services, Senior Advisors' Panel, and advocacy training.

There is continued room to improve the Law Society's website, committees and working groups, Find a Lawyer, LawCare WA, mentoring programmes and Grad-Match.

These areas will be a key focus for the Law Society moving forward.

High Value Services – % satisfied	2015 Score	Trend	Target
The Law Society's website	66%		→
<i>Brief journal</i>	87%		☑
E-newsletters	87%		☑
Regular email information alerts	82%		☑
Continuing Professional Development	82%	↗	☑
Committees and Working Groups	68%	↗	→
Free networking and social events	67%	↗	☑
Find a Lawyer	51%		→
Member Privileges	52%		→
Community Services	78%		☑
LawCare (WA)	50%	↘	→
Senior Advisors' Panel	70%	↗	☑
Advocacy Training	67%		☑
Mentoring programmes	56%	↘	→
Grad-Match	43%		→

☑ Target achieved

→ Making progress

If you have ideas about how the Law Society could improve, or to discuss these results further, please contact the Law Society's Executive Director on (08) 9324 8605.





# Governance

## Annual General Meeting

The Annual General Meeting was held on  
Tuesday, 28 October 2014

### Council

Councillor Meeting Attendance  
1 July 2014 to 31 December 2014

Member	Total Council meetings (Total 4)
Konrad de Kerloy	4
Matthew Keogh	4
Elizabeth Needham	2
Alain Musikanth	4
Brendan Ashdown	3
Marie Botsis	4
Hayley Cormann	4
Brahma Dharmananda SC	4
Nathan Ebbs	3
Adam Ebell	3
Pamela Hass	2
Greg McIntyre SC	4
Denis McLeod	4
Clinton Russell	4
Craig Slater	4
Nicholas van Hattem	1
Cameron Syme	1
Emma Cavanagh	3
Hayley Ellison	2
Rosie Hill	4

### Executive

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

### Council

Councillor Meeting Attendance  
1 January 2015 to 30 June 2015

Member	Total Council meetings (Total 5)
Matthew Keogh	5
Elizabeth Needham	5
Alain Musikanth	5
Hayley Cormann	4
Alison Aldrich	4
Marie Botsis	3
Tara Connolly	4
Brahma Dharmananda SC	3
Nathan Ebbs	4
Adam Ebell	4
Nicholas Ellery	3
Catherine Fletcher	3
Greg McIntyre SC	5
Marshall McKenna	4
Denis McLeod	4
Konrad de Kerloy	4
Georgia Pickering	4
Emma Cavanagh	3
Ray Christensen	5
Rosie Hill	4

### Co-opted Councillors 2014/15

Denis McLeod - May to August 2014  
Greg McIntyre SC - September to December 2014  
Emma Cavanagh – January to April 2015  
Marie Botsis – May to August 2015



# Executive Meetings

Ten Executive meetings held over the financial year.

## Executive Meetings

WA Bar Association and Joint Society/Women Lawyers of WA  
Attorney General and Aboriginal Lawyers Committee

Leader of the Opposition; Shadow Attorney General and  
Shadow Minister for Police

Country Practitioners Committee and Convenor of the South  
West and Great Southern Law Society Inc

Solicitor General

Law Council of Australia Executive

Legal Profession Complaints Committee

Large Law Firm Forum with Law Council of Australia

Government and In House Lawyers Committee

Deans of Law Schools



Attorney General and Aboriginal Lawyers Committee



Leader of the Opposition; Shadow Attorney General and  
Shadow Minister for Police



Country Practitioners Committee and Convenor of the South West  
and Great Southern Law Society Inc



Legal Profession Complaints Committee



Government and In House Lawyers Committee



Deans of Law Schools

# Team Reports



# Corporate Services Team Report

**Leanne Follows**

General Manager - Corporate Services

The Corporate Services team provides marketing, communications and business development support to all Law Society teams, including Law Mutual. Corporate Services also provide financial, IT and administrative support to all Law Society teams, the Legal Contribution Trust and the Public Purposes Trust.

Achievements for 2014/15 included:

## Financial Position

The 2014/15 financial year result was a surplus of \$155,876.

The Law Society ended the year with accumulated net assets of \$3,486,749 and cash reserves of \$2,436,638.

Note: A breakdown of the Law Society's income and expenditure is shown at the end of this report. Changes were made to the financial management system, purchasing workflow module and payroll system to implement the revised structure of the Law Society from 1 January 2015. The 2015/16 budget process involved a significant team effort to re-align the budget and was adopted by Council on 26 May 2015. This included a new financial model for the Limitation of Liability Scheme.

## Training

A dedicated training resource was introduced to ensure that all staff are adequately trained in the Law Society's Customer Relationship Management (CRM) and records management systems. Training sessions have been successfully running every month since April 2015 on various components of the CRM system. Training manuals and flow charts are being developed to assist with the training and provide on-going support.

## Law Access Ltd

With the establishment of Law Access Ltd during the year, Corporate Services was

involved in the co-ordination of the payroll and financial management systems. The Law Society will provide financial, IT and marketing and communications support to Law Access Ltd at no charge from 1 July 2015.

## CRM Improvements

The maintenance and improvement of the Law Society's CRM has continued to be a focus during 2014/15. Significant efforts have been put in to:

- test and improve the Limitation of Liability Scheme screens;
- test and improve the new member portal - Member Mypage;
- update the online join pages to include a Member Agreement and a check for duplicate records at the point of entry;
- develop and implement functionality to allow for CPD promotional codes;
- test functionality following a change of host for data and processing by the CRM provider. This change resulted in significantly faster processing times for users; and
- data cleansing to remove a substantial number of duplicate records.

## Strategic IT Plan

With the assistance of the Law Society's IT provider, Corporate Services was involved in implementing the 2014/15 Strategic IT Plan, working on projects such as the:

- desktop refresh;
- infrastructure refresh;
- switch of telecommunications provider;
- implementation and testing of a Managed Recovery Service allowing hourly back-ups and nightly data replication at an off-premise location. This provides an effective disaster recovery solution; and
- cable testing at the Old Court House Law Museum.

## Marketing and Communications

The Marketing and Communications team has been working on implementing the Law Society's new Marketing and Communication Plan with the objectives of improving communication effectiveness, increase media engagement and improve member's knowledge of the Law Society's services. Examples of what has been achieved over the last year include:

- the Law Society published 11 issues of *Brief*, 50 *Friday Facts*, 20 *CPD News*, 11 *YLC News*, three *Law Mutual News* and two *Updates from the President* during the 2014/15 year; and
- the Law Society's email newsletters including *Friday Facts*, *CPD News* and *YLC News* have been refreshed and refocused to ensure they remain relevant to members' needs. The Law Society has also introduced *Update from the President* to inform members of Council and key Law Society activities.

The Law Society wishes to thank all the advertisers for their support and advertising during 2014/15.

## Media Engagement

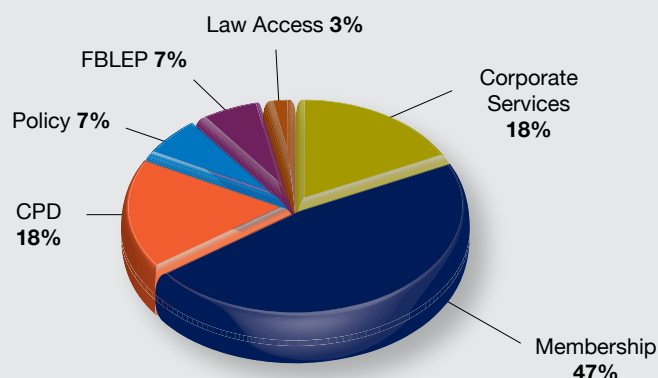
In 2014/15 the Law Society produced 29 media releases which resulted in 49 media mentions. The media releases covered a broad range of topics including promotion of events, congratulations on new appointments in courts and government positions, eulogies, and advocacy on topics of mandatory sentencing, opposing the death penalty, strata management licensing, protest laws and no fault insurance.

## Social Media

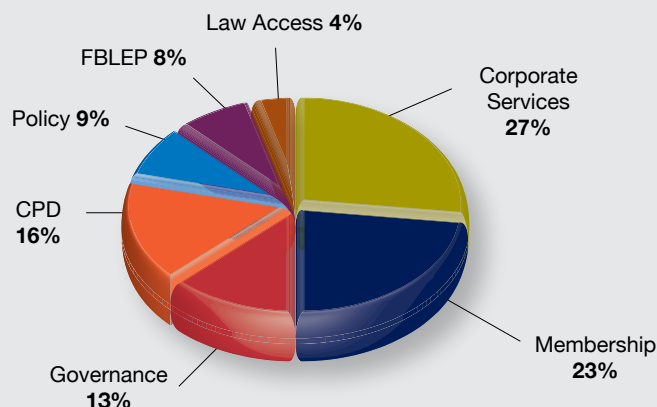
In 2015, the Law Society established official Facebook and Twitter presences to complement the LinkedIn presence. In the first few months, these pages have seen a steady increase in likes and followers. The social media channels



## Law Society Income 2014/15



## Law Society Expenditure 2014/15



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

### Public Purposes Trust

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

#### Objects of the Trust

For a proposal to be eligible for funding it must fall within the "Objects" of the Trust:

1. advance the education of the community and any section of it with respect to the law;
2. advance the collection, assessment and dissemination to the community and any section of it, of information relating to the law; and
3. improve the access of the community and any section of it to legal services.

Without limiting the generality of the foregoing, the objects shall include, to the extent that they are in aid of any of the principal objects, any of the following:

- a. advance the education with respect to the law of persons desiring to study law, law students, law graduates, legal practitioners, and persons having responsibility for legal education and for the administration of the law and the legal system;
- b. establish and advance law libraries and legal information services, including computerised legal information retrieval services;
- c. advance the examination of the law, the legal system, the legal profession, legal education, legal services and the effect of any of them on the community, or any section of it;
- d. promote and establish any body having objects altogether or in part similar to any of the objects set out

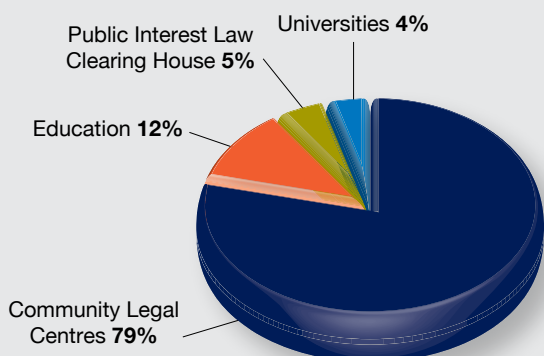
above and to sponsor or otherwise support activities of any such body insofar as the same shall be incidental or conducive to any of the objects set out above; and

- e. carry out, encourage and support any act, matter or thing which is or may be incidental or conducive to any of the above objects or which may be conveniently done in connection therewith.

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

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

## Public Purposes Trust Grants 2014/15





# Programmes Team Report

**Aine Whelan**

General Manager - Programmes

## Continuing Professional Development

The Law Society delivered a very productive professional development year offering 100 face-to-face seminars plus 20 interactive online seminars. This resulted in a 23% increase in face-to-face attendances and 32% increase in practitioners accessing education on the Law Society's online learning platform. As a result, the Law Society achieved some very important outcomes:

- providing flexible access to updated legal knowledge and relevant updates through CPD;
- improved access to CPD for metropolitan and regional practitioners via provision of online learning and a focused regional roadshow of CPD;
- providing access to knowledge from international and national presenters; and
- facilitating networking opportunities for practitioners through cross industry seminars and events.

This year saw the collaboration with new partners in an aim to provide high quality information and learning. The Academic and the Practitioner Conversation was an initiative with the Law School UWA, whereby an academic and a legal practitioner came together to deliver on topics from both theoretical and practical perspectives. Audience reaction to this initiative was extremely positive. Likewise an initiative with the Australian Labour Law Association brought together expert speakers and senior members of the profession to discuss practitioner conduct in industrial disputes. Another with Landgate enabled the delivery of an extensive series of seminars on eConveyancing and its impacts on property settlements into the future.

A highlight of the year was the development of the Law Society's first WA Public Private Partnerships Conference held in March 2015. The conference was opened with a keynote address from the Treasurer, the Hon Mike Nahan MLA and had 25 speakers from state government, building and infrastructure, legal, project management and financial organisations. The conference was attended by industry experts and was a great forum for

discussion and networking.

Continuing to reach out to country practitioners was an important strategy this year. Teaming up with Law Mutual, the Legal Practice Board of Western Australia and the Legal Profession Complaints Committee, the Law Society presented seminars as well as Society Club networking functions in Bunbury, Albany, Kalgoorlie and Geraldton. Training was also provided to legal secretaries as well as practitioners in areas such as time management, eConveyancing and managing trust accounts.

Law Summer School 2015 upheld the tradition of being another standout event. Speakers such as Professor Paul Craig and Professor Robert Stevens both from Oxford University captivated the audience. The final plenary speaker Brian Stevenson from the Equal Justice Initiative earned a standing ovation from the audience and ended the day on a great note.

CPD Active was revised to provide even greater value with 79 out of 100 seminars offered free for CPD Active members.

This year's process of working with the Education Committee has been especially interesting. A new collaborative process with the Committee to engage external stakeholders has resulted in raising the quality of programming, content development and the provision of legal education. The Law Society thanks all those who supported the work throughout the year including the Law Society's committees, presenters who generously give their time, sponsor legalsuper and our valued members.

## Membership Services

From 1 January the membership team became part of the Programmes team to enhance membership value and service delivery following the organisational review.

### **Member Engagement and Support**

In continuation of the Law Society's commitment to the priorities outlined in the National Attrition and Re-engagement Study and its strategic initiatives as mentioned in the Presidents report, two key areas were identified as the focus of work for 2015 – one

in particular being wellbeing and mental health. Through its partnership with HBF, the Law Society was able to provide members with informative workshops on positive psychology, how to navigate through life's challenges and managing mental energy. In addition, a competition was held for firms to receive healthy heart checks by HBF for employees, and ten complimentary sessions of yoga and pilates were also offered.

To support members in the development of professional networks and collegiality, the Law Society hosted 26 social, sporting or forum events with registered attendance over 2,700. Included in these events was the Law Society's biennial Lawyers for a Cause charity sporting event. The event had 165 participants and raised over \$14,400 for the Chief Justice's Law Week Youth Appeal. This year saw the extension of popular Society Club events to the regions as a strategy for engaging with country members.

### Member Value

One of Strategic Plans three pillars, 'High Value Services'

Offering member value is always central to the Law Society's work. With the increase in university law programmes and a rise in competitiveness within the job market, offering the Law Society's Grad-Match programme was seen as an important resource. A review of the programme was undertaken to provide greater access for graduates and also to match firms with graduates in the future. 50 graduates took advantage of this resource.

A review was also undertaken of our lawyer referral database. This member benefit, provided to firms with 50% or more of their legal staff being members of the Law Society, resulted in 12,500 referrals this past year. The Law Society continues to expand and improve the service, including providing access to the database on the Law Society website.

A review of the calendar of events was also commenced to determine where and how events could better meet member and potential member needs. An outcome of the initial review was a refresh of Law Week to include two new events; the Law Week Breakfast and the Law Week Cocktail Evening. Both events were well received by a wide spectrum of attendees from the law profession and strongly promoted Law Week's theme of "Law and Justice in Your Community". The Lawyer of the Year Awards were presented at the Law Week Cocktail Evening increasing recognition of lawyers awarded for their work in the profession and the community.

### Quality Practice Standard

It was another busy year for the Law Society's Quality Practice Standard programme (QPS). This is an important initiative which recognises firms that have developed and adhered to documented internal systems and processes designed to improve client satisfaction. A survey of QPS firms demonstrated high to very high satisfaction levels with the programme including topics addressed, administrative support and audit performance. There are 45 firms currently accredited with the Quality Practice Standard.

### Education and Community Services

This year the Law Society continued to engage with members of the public and members of the profession through our suite of services.

The total number of attendances for 2014/15 was 11,041 including:

- 6,631 participants in the Francis Burt Law Education Programme;
- 3,399 visitors to the Old Court House Law Museum; and
- 1,011 student participants in the Mock trial competition (2015 calendar year).

The 2014 Mock Trial grand finalists were the Perth Modern School "Beazley" team (Prosecution) and the Mount Lawley Senior High School "Year 11" team (Defence) with the Mount Lawley Senior High School team winning the Competition for the second successive year.

The Law Society is grateful to the more than 100 volunteer coaches and judges from the profession whose voluntary contribution enables the success of the Competition.

*NB: the Mock Trial Competition figures do not include teachers or volunteers from the legal profession taking the role of coaches or judges.*

### Francis Burt Law Education Programme

The Programme engaged with 6,027 daily visitors with 69% of those groups being primary and secondary school groups. When combined with Remote and Regional Loan Box programme, the Lawyer Visits to Schools Network and the Clued up Kids Competition the total number of participants reached 6,631.

Major projects included:

- Know Your Rights (a project to better engage with Aboriginal youth and Aboriginal communities): consulted with 252 Aboriginal

Peoples and finalised a report with recommendations and outcomes from the consultations which will guide the next stage in the development of the project;

- Clued up Kids Competition: participant numbers increased over 300% in comparison to 2014 with 324 students from 41 schools (51 teams) registered and 34 final submissions received;
- mapping the Programme's primary and secondary programmes and resources to the Australian Curriculum for Years 3, 4, 5, 6 and 9; and
- Sir Ronald Wilson Lecture: presented by Ms Tammy Solonec, the Indigenous Peoples' Rights Manager at Amnesty International entitled *Justice Reinvestment: What difference could it make in WA?*

### Old Court House Law Museum

The Old Court House Law Museum welcomed 3,399 visitors.

The last stage of the redesign, *From Past to Present: The changing face of the law* was completed as well as the entrance to the Museum.

Two temporary exhibitions were presented: *Lawyers of the Lighthouse* and *Immigrant Scot: John Nicholson, Lawyer and Legislator*.

The Museum's Oral Histories Project completed the oral history of Mr Rob Meadows in 2014/15. Additionally, 12 oral histories, taken in the late 80s and early 90s by interviewer Jane Fleming, were donated to the collection and have been digitised and transcribed.

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

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





# Law Society Events

The Law Society held a range of events throughout 2014/15.







# Advocacy Team Report

**Andrea Lace**

General Manager - Advocacy

Advocacy is the former Policy and Professional Services Team. Advocacy plays a significant role in having the Law Society's voice heard supporting twenty four standing committees that report and make recommendations to Council on law reform, practice and procedure and professional and ethical issues. Advocacy also supports the committees representing the interests of women in the legal profession, in-house and government lawyers and the Law Society's mental health and wellbeing initiatives.

The Law Society works constructively with the courts, government and government agencies, the Law Council of Australia, the regulator, professional associations, the community and other stakeholders using its voice to address proposals for change, laws and procedures in need of change, and in promoting justice and equality before the law and in the legal profession.

A substantial amount of the work of the committees supported by Advocacy in 2014/15 is demonstrated by the list of submissions and individual Committee reports in this Annual Report.

Advocacy also supports ad hoc committees and working groups established for special projects.

A Working Group was established in 2014 to progress the Law Society's Reconciliation Action Plan (RAP). The good work of the Working Group culminated in the RAP launch held at the Old Supreme Court Building in July 2015. The Working Group will continue its work to implement the goals of the RAP.

In early 2015, a National Legal Profession Ad Hoc Committee met to review and respond to consultation on the then proposed Legal Profession Uniform Rules. Western Australia is not a participating jurisdiction under the Legal Profession

Uniform Law but has recommended to the Western Australian Attorney General that Western Australia become a participating member (subject to certain conditions). The Law Society made submissions on proposed uniform general rules, admission rules and solicitors conduct rules towards facilitating Western Australia becoming a participating jurisdiction in the future.

Another Working Group, formed in early 2015, has reviewed recommendations in the Women Lawyers of Western Australia 20<sup>th</sup> Anniversary Review of the 1994 *Chief Justice's Gender Bias Taskforce Report* (Report). In particular the Working Group has reviewed Chapter 2 which recommends actions by the Law Society towards greater flexibility, recognition and equality of opportunity for women in the profession. Many recommendations relate to existing Law Society initiatives. The Working Group will be reporting to Council in relation to the Report. The Criminal Law Committee is reviewing recommendations in the Report dealing with Victims of Crime, Restraining Orders, Women and Criminal Laws and Women and Punishment.

The Law Society's Clear Writing Committee which conducted the annual Plain English Drafting Competition for Law Students was abolished in December 2014. The Committee was established in 1996, conducted the first students' competition in 1997 and the last in 2014. When the Committee was established, plain English drafting was just starting to gain acceptance. Today, there is an abundance of literature on plain English and clear writing principles, plain English drafting is taught at law schools and in graduate training courses and law practices have updated their precedents into plain English. After careful deliberation the Committee formed the view that a competition for law students is no longer relevant.

The Law Society thanks the outgoing members of the Clear Writing Committee, Professor Neil McLeod (Convenor), Gary Thomas (Deputy Convenor), Michael

Evans, Alison O'Dwyer, Elisabeth Sobon, Professor Mark Stoney, Alexandra Turner and Susan Thick. Mr Thomas was a founding member and Professor McLeod chaired for some 15 years.

A new member service, the Law Society Limitation of Liability Scheme (Scheme) commenced on 1 July 2014. The Scheme and the newly established Professional Standards Committee are supported by Advocacy. In its first year of operation, the Scheme had 818 participating members including 92 incorporated legal practices.

In October 2014 the Law Society hosted a conference attended by representatives from the Law Societies of New South Wales, South Australia and Queensland and in the afternoon session by the Chief Executive Officer of the Professional Standards Council.

The Law Society continues to conduct two structured mentoring programmes each year. The first is for practitioners admitted less than five years and the second is for Indigenous law students.

The two programmes are coordinated by a trained external facilitator who conducts information sessions for both mentors and mentees and oversees the programmes to ensure that matches are working satisfactorily.

Both programmes are generously sponsored by the members of the Corporate Law Firms Association of Perth and would not be possible without this generous sponsorship and the voluntary contribution of the mentors who give of their time, knowledge and experience.



# Law Mutual Team Report

**John Rogers**

General Manager - Law Mutual (WA)

Law Mutual makes the arrangements to provide 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 2015/16 professional indemnity insurance arrangements approved in April 2015 increased 11% over the previous year. This was due to higher premiums required by Underwriters resulting from claims experience. The number of claims and notifications of circumstances has remained reasonably constant, the numbers estimated for 2014/15 to be 60 and 151 respectively against a five year average of 63 (claims) and 133 (notifications). However, the total cost of claims impacting on the Underwriters layers of insurance has increased over time.

Jo-Anne Munro, General Manager of Law Mutual, resigned in May 2015 and was replaced by John Rogers, a former WA practitioner who has spent several years in the insurance and risk management industries. The Law Society thanks Ms Munro for her service.

Law Mutual has dedicated personnel for each of the core functional areas in insurance services, finance, risk management and claims to address customer service and the needs of the business. The work carried out in 2014/15 should allow us to increase our risk management initiatives and streamline our business processes. This will result in better claims outcomes and improved customer service.

Each year, Law Mutual publishes an information booklet which details the insurance arrangements. This also includes general information on claims, what is and isn't covered and the calculation of contributions. For the 2014/15 insurance year, Law Mutual placed the underwritten part of the PI insurance arrangements with the same underwriters as the previous three years:

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

A successful risk management seminar programme was implemented for all practitioners covered under the professional indemnity insurance arrangements and for the first time, the seminar was made available online. This proved popular and overall, was successful. Law Mutual has taken some learning out of the process and will implement some changes for the upcoming 2015/16 online seminar. A total of 3,021 practitioners attended the seminars.

Part of the work of Law Mutual is to monitor the cause, type, nature and size of claims. This allows Law Mutual to develop and implement appropriate risk management responses for the benefit of the legal profession. A new insurance and claims system (PIMS) was developed and launched in March 2015. This will enable Law Mutual to better capture and report on claims experience. It also allows the streamlining of processes associated with the annual expiry and "renewal" of the professional indemnity insurance arrangements. Development of PIMS is continuing with plans to add a risk management module within 12 to 18 months.

The Professional Indemnity Insurance Management Committee oversees the operations of Law Mutual, providing guidance and advice as required. It has created two sub committees (Claims & Risk Management and Finance & Audit) to undertake more detailed reviews and oversight in their areas of expertise. There is a close working relationship between these sub committees and the staff of Law Mutual.



# Law Access Team Report

**Dominique Hansen**  
Manager

**In 2014/15 Law Access received \$109,872 from the Public Purposes Trust and \$45,000 in seed funding from the Law Society of Western Australia.**

Implementation of the business plan adopted by the Law Society to enhance Law Access commenced in 2014/15. From 1 July 2014 to 31 October 2014 the Access to Justice Committee continued to undertake merit assessments of applications for pro bono assistance.

From 1 November 2014 a Principal Lawyer, who commenced in October, was engaged for 15 hours a week to undertake the merit assessments in-house as well as providing reasons to unsuccessful applicants. This approach was designed to dissuade unmeritorious applicants who may otherwise self-represent in Court or else waste scarce pro bono resources by seeking pro bono assistance from multiple law firms.

A Manager of Law Access commenced on 1 January 2015 working 25 hours per week.

Law Access relocated in February 2015 to new premises provided by the Faculty of Law at the University of Western Australia. This enabled Law Access to maximise direct in kind support to further enhance the delivery of the service.

Law Access received in kind support amounting to a combined total of 0.8 full-time equivalent of a lawyer undertaking triage and assessment provided by The Australian Government Solicitor, DLA Piper and Minter Ellison. This was in addition to 1.6 full-time equivalent of paralegal support provided by an Edith Cowan University law student intern and seven UWA law student volunteers.

The result of these enhancements aimed to significantly increase pro bono referrals made by Law Access. In 2014/15 Law Access received 310 applications for pro bono assistance, compared to 207 applications the previous year. Law Access made 108 pro bono referrals compared to 78 pro bono referrals the previous year, an increase of nearly 40%. Only eight matters assessed as meritorious were unable to be placed and closed compared to 24 the previous year.

Law Access placement rates improved due to improved staffing as well as due to the work with stakeholders to recruit new pro bono lawyers to take referrals in areas of unmet need. For example, Law Access established the *Law Access Lawyers for Refugees Network* in July 2014 in response to a high level of unmet legal need for asylum seekers seeking judicial review of their matters. The network aimed to expand the numbers of available barristers and instructors taking on immigration matters for Law Access by pairing experienced counsel with less experienced instructors. This built expertise and interest in this area of law resulting in 29 pro bono referrals in immigration matters in 2014/15 compared to seven referrals in 2013/14.

Law Access Limited, a wholly owned subsidiary of the Law Society of Western Australia was established in December 2014. The Board of Law Access now draws upon the experience of Council members, a former President of the Law Society and the Executive Director of the Community Legal Centres Association of WA.

The transfer of funding and staff from the Law Society to Law Access Limited was finalised by 30 June 2015.



# Committee Reports





# Access to Justice Committee

**Rick Cullen**

Convenor

Law Access is a service of last resort for those with meritorious cases and limited means unable to be assisted by Legal Aid or community legal centres. The Access to Justice Committee has performed two roles. The first has been to assess the merit of applications to the Law Access Pro Bono Clearing House. The second is a policy role contributing to Law Society submissions.

Until November 2014 the Access to Justice Committee continued to undertake merit assessments of applications for pro bono assistance. Pursuant to a business plan adopted by the Law Society, on 11 December 2014 Law Access Limited was established to enhance the coordination of pro bono services.

In 2014, the Committee contributed to the Law Society's submission to the review of the *Criminal Law (Mentally Impaired Accused Accused) Act 1996* conducted by the Policy and Aboriginal Services Directorate, Department of the Attorney General.

In 2015, the Committee contributed to the Law Society's submission to the Senate Finance and Public Administration Committee's Inquiry into access to legal assistance services.

A focus in 2015 has been funding for Legal Aid and community legal services. The Law Society has urged the State Government to maintain funding for each of the community legal centres currently providing legal assistance services throughout the State of Western Australia. It is well recognised that legal advice and representation from the private sector is beyond the means of large sections of the community. It is only through Legal Aid and community legal centres that there is any opportunity for many to have access to justice or equality before the law, which is a fundamental role of government to provide.

With thanks to:

- Rick Cullen (Convenor)
- Maryse Aranda
- David Blades
- Hayley Ellison
- Rachel Joseph
- Matthew Keogh
- Maria Lamattina
- Gary Mack
- Catriona MacLeod
- Timothy Mason
- Aaron McDonald
- Gregory McIntyre SC
- Marshall McKenna
- Steven Penglis
- Yasmin Salleh
- Graeme Slattery
- Nicholas Snare
- Nicholas van Hattem
- Andrea Lace (Secretary)



## Accreditation Committee

**Trevor O'Sullivan**  
Convenor

The Accreditation Committee's role is to advise the Council of the Law Society 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, the only area of specialist practice in which Law Society members can currently be accredited.

Every second year the Accreditation Committee oversees the conduct of an examination process and 2015 was such a year. Considerable thanks must go to the Law Society staff who this year coordinated and supervised the process and to those Accredited Specialists who assisted in some aspects of the marking process.

The other tasks for the Committee this year were primarily:

- considering and allocating points for the various CPD events considered to be of a sufficient standard to attract points for the purpose of specialist accreditation;
- undertaking the audit for reaccreditation of existing accredited practitioners; and
- discussing the benefits of accreditation mindful of the published views as to the right of practitioners who described themselves as a 'specialist'.

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

The Law Society has currently 43 accredited family law specialists in Western Australia.

With thanks to:

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



# Administrative, Constitutional and Migration Law Committee

**Greg McIntyre SC**

Convenor

The Administrative, Constitutional and Migration Law Committee's activities during 2014/15 included:

- attending meetings of the Migration Review Tribunal-Refugee Review Tribunal (now a division of the Administrative Appeals Tribunal);
- contributing to the Law Council of Australia's Asylum Seeker Policy;
- contributing to the Law Society's submission to the Legislative Council in relation to its inquiry into a Demise of the Crown Statute;
- suggesting topics for Law Society CPD seminars in the administrative, constitutional and migration law areas;
- liaising with the Federal Circuit Court in relation to delays in delivering decisions in the Federal Circuit Court; and
- liaising with other Law Society committees regarding the proposal for mandatory pre-litigation dispute resolution procedure in Western Australia to ensure that parties undertake genuine/reasonable steps to resolve a matter.

Reviewing the following Bills:

- *Constitution Amendment (Recognition of Aboriginal People) Bill 2014*;
- *Inquiry into Succession to the Crown Bill 2014*;
- *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014*; and
- *Migration Amendment (Character and General Visa Cancellation) Bill 2014*.

With thanks to:

- Greg McIntyre SC (Convenor)
- Maryse Aranda
- Paul Evans
- Nathan Landis
- Janette McCahon
- Peter Neil
- Emily Tan (Secretary)



# Alternative Dispute Resolution Committee

**Laurie James AM**

Convenor

The Law Society is recognised as a body entitled to accredit and reaccredit mediators under the National Mediator Accreditation System (NMAS). During the year, applications from a number of mediators were considered and nine mediators were accredited or reaccredited.

The Law Society maintains a panel of accredited alternative dispute resolution (ADR) providers in addition to its functions under the NMAS. The Committee considered an application for accreditation as an arbitrator and recommended the applicant to be included in the panel as an arbitrator.

The Committee provided a report in relation to discussions initiated by the Law Council in regard to the accreditation of lawyers as ADR professionals. For the purpose of that report, consideration was given to qualifications, training and CPD requirements suitable for lawyers seeking to become accredited as mediators.

Currently a review is underway of the *Construction Contracts Act 2004*, with Dr Philip Evans of Curtin University engaged in preparing a report to the Building Commissioner, Mr Peter Gow. In connection with this report, submissions were invited. Submissions for the Law Society were prepared in draft by Mr Scott Ellis, Deputy Convenor, based on extensive discussion in the Committee. This draft was endorsed by the Committee and went forward as the submissions on behalf of the Law Society.

The Committee congratulated the Convenor upon his becoming a Member of the Order of Australia, the award recognising the significance of alternative dispute resolution in the system of law.

With thanks to:

- Laurie James AM (Convenor)
- Scott Ellis (Deputy Convenor)
- Mark Blundell
- Graham Castledine
- Nicoletta Ciffolilli
- Stanley Kawalsky
- Vidal Pinckney-Hockless
- John Reynolds
- His Honour Judge Stevenson
- Graeme Windsor
- Emily Tan (Secretary)





## Brief Editorial Committee

**Julian Sher**  
Convenor

The Brief Editorial Committee is responsible for the editorial content of the Law Society's *Brief* journal. The Committee meets once a month to review article submissions and decide whether to publish on its merits, generate article ideas and edit articles to ensure they meet style and consistency standards. The Committee strives to source and publish the highest quality articles that are relevant to the numerous demographics and interests within our legal profession.

Editorial content is sourced from members of the legal profession in Western Australia but also, where relevant, from interstate and international authors. The Committee would like to thank all authors who submitted articles this year. *Brief* published a number of high-calibre articles throughout the year on a range of topics including ethics, indigenous incarceration, negotiations, case management, contracts and changes affecting the profession.

Feature article highlights included; *Justice Reinvestment – What difference could it make in WA?* by Tammy Solonec, *Vale David Kinglsey Malcolm, AC QC CitWA, National eConveyancing – removing the mystique* by Michele Lancaster, *Human Rights Protection in Australia and the United Kingdom* and *John Toohey AC Eulogy* both by the Hon Chief Justice French AC, High Court of Australia, *Judicial Case Management and the Problem of Costs* by Chief Justice James Allsop, and *Surrounding Circumstances Evidence: Construing Contracts and Submissions about Proper Construction: the Return of the Jedi (sic) JUDII* by the Hon Justice Kenneth Martin.

During the past financial year, 11 issues of *Brief* were published. Producing a well-respected local legal journal is an intensive experience requiring countless hours from Committee members, authors, proof readers and as well as the Law Society employees who design and create the publication artwork in-house.

The committee members represent the legal profession demographics including junior practitioners, barristers, in-house lawyers and small to large firms. The Committee was pleased to welcome Julian Sher as Convenor in 2015.

The Committee would also like to acknowledge and thank long term and trusted proof reader, Michael Hardy, who has volunteered his services since March 2003. The Committee welcomed David Garnsworthy, Sonia Chee and Ann Kay as *Brief's* new proof readers.

With thanks to:

- Julian Sher (Convenor)
- Gregory Boyle
- Ronald Bower
- Andrew Cameron
- Dr Rebecca Collins
- Robert French
- Dr Eric Heenan
- Rebecca Lee
- Jason MacLaurin
- Brigitte Monchouguy
- Alain Musikanth
- Maureen O'Connell
- Tom Porter
- Dr Pat Saraceni
- Moira Taylor
- Moira McKechnie (Secretary)



## Commercial Law Committee

**Rachel Webber**

Convenor

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

The Committee has representatives on a number of liaison groups:

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

In 2014/15, the Committee considered a wide range of commercial issues and monitored legal developments and the progress of new legislation and reports in relation to a number of different subject areas, including the *Directors' Liability Reform Bill 2015*, the proposed abolition of the Corporations and Markets Advisory Committee (CAMAC), the *Bell Group of Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015*, the emergence of digital currency (bitcoin) and the Law Reform Commission of Western Australia's Report on Representative Proceedings.

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

- the proposed abolition of CAMAC;
- the *Associations Incorporation Act* - Draft Model Rules Consultation; and
- ASIC Deregulatory Initiatives.

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

With thanks to:

- Rachel Webber (Convenor)
- Bruce Meredith (Deputy Convenor)
- Bruno Camarri AM
- Nathan Collins
- David Davidson
- Paul Evans
- Robert French
- Bennett Greenhalgh
- Matthew Keogh
- John Lightowlers
- Robert McKenzie
- Adam Santa Maria
- Tamra Seaton
- Grahame Young
- Andrea Lace (Secretary)



## Costs Committee

**Stewart Forbes**

Convenor

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

In 2014/15, the Law Society made detailed submissions in relation to reviews of the scales of costs in relation to non-litigious matters.

Most of the submissions made by the Law Society were accepted by the Legal Costs Committee in the new scales which came into effect on 1 July 2015.

Other matters considered by the Committee in 2014/15 included:

- attempting to progress reform of the Suitors' Fund;
- costs law reform, and particularly alternatives to time billing and investigating costs budgeting;
- the effects of the *Legal Profession Act* on solicitor/client costs and keeping members informed about important case law in this regard;
- ongoing revisions to the Law Society's standard costs agreement and explanatory notes in the light of court decisions;
- revisions to federal scales of costs;
- amendments to the Supreme Court fee regulations and standard costs orders for interlocutory matters;
- billing issues identified by Philippa Rezos who kindly attends our meetings on behalf of the Legal Profession Complaints Committee and educating members in this regard; and
- consideration of the legislative and regulatory changes in New South Wales and Victoria.

The Costs Committee could not function properly without the considerable efforts of all of its members over and above their attendance at the monthly meetings.

The Committee was strengthened by the addition of several new members in 2014 providing a wider diversity of skills and views.

With thanks to:

- Stewart Forbes (Convenor)
- Matthew Curwood (Deputy Convenor)
- Brendan Ashdown
- Maria-Luisa Coulson
- Eugenia Cutri
- David Davidson
- Justin Edwards
- David Garnsworthy
- Stanley Kawalsky
- Allan Newton
- Lachlan Palmos
- Philippa Rezos
- Mr Phillip Richardson
- Fraser Robertson
- Milos Supljeglav
- Andrea Lace (Secretary)



# Country Practitioners Committee

**Georgia Pickering**

Convenor

In 2014/15 the Country Practitioners Committee focused on strategic direction to ensure the Committee is best positioned to engage and represent country practitioners on issues relevant to them.

Cameron Syme, Convenor of the Committee for 2014, resigned in December and the Law Society thanks him for his service to country practitioners in Western Australia.

The Committee drafted and ratified terms of reference and these were made available on the Law Society website. From these terms of reference, the Committee also set goals and targets to work toward.

The Committee provided feedback to the Law Society on CPD and risk management events available to country practitioners and gained agreement from the Law Society's Executive for the promotion of country-based CPD training on the Law Society website.

The Committee looked at new ways to engage and communicate with country practitioners including reviewing country practitioners' presence on the Law Society website.

The Committee also reflected on some of the issues of particular importance in the country, including recruitment and retention of lawyers, the availability and effective use of videolink technology and the particular effects of aspects of country life and practice, such as isolation, and practitioner mental health. The Committee had representation at the Rural Regional and Remote (RRR) working group of the Law Council of Australia, to engage in a national discussion on these issues.

With thanks to:

- Georgia Pickering (Convenor)
- Julia Barber
- Peter Brindal
- Emma Cavanagh
- Richard Hickson
- Helen St Jack
- Kylie Kerin
- Kerrigan Mercer
- Alison Muller
- Alexander Payne
- Carmen Maughan (Secretary)





## Courts Committee

**John Fiocco**  
Convenor

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

In this regard, as in prior years, the contributions of The Hon Justice Simon Moncrieff, Deputy Chief Magistrate Elizabeth Woods, District Registrar Martin Jan, Principal Registrar Michael Gething, Registrar George Kingsley and Tim Carey of the State Administrative Tribunal are acknowledged and much appreciated.

In 2014/15, the Committee commented upon various reforms and Rule changes proposed by the Federal Court, Supreme Court, District Court, Magistrates Court, State Administrative Tribunal and Law Council of Australia, as well as many other matters relating to the practice and procedure of Courts and Tribunals exercising jurisdiction in Western Australia.

With thanks to:

- John Fiocco (Convenor)
- Katja Levy (Deputy Convenor)
- Geoffrey Bourhill
- David Bruns
- Timothy Carey
- Richard Cullen
- David Davidson
- Karen Farley SC
- Richard Graham
- Principal Registrar Michael Gething
- Edward Greaves
- Jennifer Hill
- Registrar Martin Jan
- Registrar George Kingsley
- Melvyn Levitan
- Aaron McDonald
- Marshall McKenna
- The Hon Justice Simon Moncrieff
- Martyn Plummer
- Clinton Russell
- Dr Pat Saraceni
- Fiona Vernon
- Deputy Chief Magistrate Elizabeth Woods
- Peter van der Zanden
- Joanna Blackley (Secretary)



# Criminal Law Committee

**David Davidson**

Convenor

The 2014/15 year had its challenges and was once again a very busy year for the members of the Criminal Law Committee.

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

The *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014* has fortunately not progressed through the Parliament. The Committee and the Law Society's Presidents in 2014 and 2015 were strenuous in their opposition to this Bill. The Law Society remains committed to its opposition to mandatory sentencing.

This year James McMahon, Commissioner for the Department of Custodial Services, attended a meeting with the Committee. It was a very candid and productive meeting. The issue identified at the meeting was the balancing act between ensuring checks and balances for visitors and practitioners entering prisons to see clients and witnesses and accessibility and workability for the practitioner with those in the prison system. The reality is that for some practitioners the prisons are part of their working environment. The Commissioner explained why certain procedures are in place but gained an insight from the lawyers' perspective of the problems that they experience with many of the rules and regulations. The Law Society is following up with a letter to the Commissioner with the aim of improving access to clients and witnesses for practitioners, whilst ensuring safeguards for all.

The Committee has been busy with contributions to a number of Bills relating to criminal law and procedure over the past 12 months and will be represented on a Law Society newly formed Aboriginal Incarceration and Justice Reinvestment Working Party the Committee members represent the Law Society on a number of external committees. Mara Barone is a member of the Stirling Gardens Magistrates Court Committee and Sam Vandongen SC was this year appointed to

the Supreme Court Chief Justice Committee, Disclosure Subcommittee.

The Convenor, participated in an interview with WA Police on disclosure at both summary and indictable matters and how the police can improve this service. The meeting was productive and it is hoped that the constructive discussions will result in some amended procedures for improved service delivery of disclosure. During the course of the year, Committee members participated in CPD seminars and submitted topics to the Education Committee for the Law Society's CPD programme.

With thanks to:

- David Davidson (Convenor)
- Mara Barone
- Kenneth Bates
- Stephen Butcher
- Karen Farley SC
- Principal Registrar Michael Gething
- Rosie Hill
- Kylie Kerin
- Hannah Milligan
- Lana Paxman
- Alexander Payne
- Martyn Plummer
- Kirsten Scott
- Ryan Torabi
- Sam Vandongen SC
- Nicholas van Hattem
- Andrea Lace (Secretary)



## Education Committee

**Matthew Keogh and Elizabeth Needham**

Co-Convenors

In 2014/15 the Law Society continued to provide a comprehensive CPD education programme of short seminars and full day conferences. Highlights of the year were the very successful Ethics on Friday lunch-time series and the Law Society's first Public Private Partnerships conference, attracting expert speakers and delegates from diverse backgrounds.

A highlight for the Education Committee was to see the growth in numbers of practitioners using the eLearning platform to obtain CPD online. Online learning continues to grow with more seminars being made available to provide greater access for members including regional, national and international practitioners. Another standout this year was the Law Society's reach into regional WA including Bunbury, Albany, Kalgoorlie and Geraldton. A CPD Roadshow saw CPD, risk management seminars and Society Club networking events in these country areas which brought people together in both a learning and social environment. It was especially rewarding for the Law Society to meet with country members and to discuss matters relevant to their practice.

The Committee thanks previous Co-Convenors Paul Tottle and Dr Christopher Kendall for the complementing skills and focus they brought to the work of the Education Committee. Both stepped down during the year due to work commitments and were thanked for expertly guiding the development of two substantial CPD Education Programmes. Matthew Keogh and Elizabeth Needham were appointed joint convenors in February to continue their excellent work. Finally the committee members must be applauded for their commitment, hard work and enthusiasm for always striving for best practice in education and learning.

With thanks to:

- Elizabeth Needham (Convenor)
- Matthew Keogh (Convenor)
- Ronald Bower
- Adam Ebell
- Principal Registrar Michael Gething
- Fiona Grgich
- Darren Jackson
- Rachel Joseph
- Adam Levine
- Su Lloyd
- Fiona Low
- Clinton Russell
- Dr Pat Saraceni
- John Vaughan
- Melissa Watts
- Carmen Maughan (Secretary)



# 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, Elizabeth Heenan, is also the Convenor, and with the Supreme Court of Western Australia Probate Committee on which committee members represent the Law Society.

In the past year the Committee made submissions in relation to the following:

- delays in processing the registration of transmission applications at Landgate;
- delays being experienced with regard to the Probate Registry of the Supreme Court of Western Australia issuing Grants of Probate;
- the Supreme Court's Probate Online Application Form, suggesting an improvement to this important facility regarding the oath applicants are taking to administer the estate according to law; and
- contributing to the Law Society's submission on the *Legal Practitioners (Solicitors Costs) Determination 2013* and *Legal Practitioners (Non-Contentious Probate Costs) Determination 2013*.

With thanks to:

- Elizabeth Heenan (Convenor)
- Michael Bowyer
- Robert Durey
- Susan Fielding
- Dr John Hockley
- Patrick Hughes
- Craig James
- Janette McCahon
- Allan Newton
- Joanna Blackley (Secretary)





# Employee Relations Committee

**Daniel White**

Convenor

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

The Committee draws together lawyers from a range of different backgrounds including employer and union, government, employee and in-house counsel. The Committee is representative of large, small and regional law firms along with those sole-in-practice and currently at the bar.

The fields of law dealt with by the Committee are subject to considerable legislative change from time to time depending on the government of the day. As a result, the Committee remains committed to its bipartisan cause and largely refrains from making submissions on proposed legislative changes in order to maintain its neutrality.

In 2014/15 the following seminars were arranged by the Committee in conjunction with the Law Society:

- *Contemporary issues in workplace relations laws*: Allan Drake-Brockman (DLA Piper) and Craig Boyle (Allion Legal);
- *Contemporary issues in employment contract law*: Mark Cox (MDC Legal) and Kathy Reid (Allion Legal); and
- *At the coalface: reflections on practitioner conduct in industrial disputes*: The Hon Justice Siopis, Judge Lucev and Commissioner Cloghan.

The Law Society, in conjunction with the Australian Labour Law Association, hosted an inaugural joint event on 11 February 2015. The event drew upon a panel comprising the Hon Justice Siopis, Judge Lucev and Commissioner Cloghan to hear of their personal reflections of practitioner conduct in industrial disputes. The event was highly successful with over 60 attendees who gave very positive feedback on the content of the panel discussion. Attendees were invited to stay and join the panellists and representatives from the Law Society and the Australia Labour Lawyers Association for refreshments. This event is proposed to become a regular feature in the Law Society annual calendar.

With thanks to:

- Daniel White (Convenor)
- Melanie Binet (Deputy Convenor)
- Philip Brunner
- Joseph Burke
- Stephen Butcher
- Robert French
- Kendra Hagan
- Renae Harding
- Dominique Hartfield
- Michael Jensen
- Stephen Kemp
- Vincent Pelligra
- Clifford Pettit
- Lorilee Yu
- Emily Tan (Secretary)



# Environment, Town Planning and Local Government Committee

**Denis McLeod**

Convenor

The Environment, Town Planning and Local Government Committee continued its ongoing interest in the regularisation of environmental appeals, and prepared a representation on behalf of the Law Society to the State Government supporting the transfer of environmental appeals to the State Administrative Tribunal (SAT) jurisdiction.

A meeting was arranged with SAT judicial members to discuss issues of concern in regard to the SAT procedures.

The Committee prepared recommendations for relevant topics for the 2015 Law Summer School, and for CPD seminars.

The Committee continued its monitoring of:

- the review of the *Contaminated Sites Act 2003* (WA);
- State Planning Policy 2.8 and the impact on landowners of its provisions for conservation areas;
- the possibility of Third Party planning appeals; and
- the review of the *Planning and Development Act 2005* (WA), which the Committee had previously prepared submissions for the Law Society.

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

The Committee prepared a submission to the Department of Planning on behalf of the Law Society on the *Planning and Development (Local Planning Scheme) Regulations 2014*. The Committee also prepared a submission on behalf of the Law Society to the Parliamentary Committee inquiring into the *Planning and Development (Development Assessment Panels) Regulations 2011*, and subsequently the Convenor gave evidence on behalf of the Law Society to the Parliamentary Committee public hearing.

The Committee noted with respectful approval the appointment of its long-standing Committee member Robert Mitchell SC to the Supreme Court bench, while regretting the loss of his valued participation.

With thanks to:

- Denis McLeod (Convenor)
- Andrew Carr
- Graham Castledine
- Martin Flint
- Alexander McGlue
- Glen McLeod
- Linda Rowley
- Julius Skinner
- Craig Slarke
- Elisabeth Stevenson
- Chris Wark
- Dr Stephen Willey
- Bradley Wylynko
- Joanna Blackley (Secretary)



## Ethics Committee

**Julian Sher**  
Convenor

The Ethics Committee's principal terms of reference are to prepare, for the Council's consideration, guidelines pertaining to practice, ethical and professional conduct issues and to assist in the education of the Western Australian legal profession with respect to practice, ethical and professional conduct issues.

The Law Society's *Ethical & Practice Guidelines* are designed to serve as a practical guide to practitioners on ethical and proper conduct in their day to day practices. The Ethics Committee has continually reviewed the *Ethical & Practice Guidelines* since the introduction of the *Legal Profession Conduct Rules 2010*.

The use of social media is now the norm and many practices are now using cloud computing. The literature on both is voluminous. The Committee has prepared simple guides to alert practitioners to the issues of which they should be aware and which they may wish to investigate. These guides will be added to the *Ethical & Practice Guidelines*.

In 2014/15 the Committee reviewed and updated the sections of the *Ethical & Practice Guidelines* on advertising, termination of engagement and document handover, and closing, storage and destruction of files.

The latest Privacy Principles were also considered. Reference to the Privacy Principles is to be added to the *Explanatory Notes for Law Practices* available to practitioners as part of the Law Society's Costs Kit.

During the course of the year, committee members submitted topics for the Law Society's CPD programme and participated in CPD activity concerning ethical practice including the 'Ethics on Friday' lunch-time series.

With thanks to:

- Julian Sher (Convenor)
- Katrina Banks-Smith SC
- Justin Edwards
- Dorothy Guerini
- James Healy
- Registrar George Kingsley
- Angelina Gomez
- Ashley Macknay
- Timothy Mason
- Joseph McGrath SC
- Alain Musikanth
- Alison O'Dwyer
- Nova Oldfield
- Craig Slater
- Fiona Stanton
- Sam Vandongen SC
- Fiona Vernon
- Andrea Lace (Secretary)



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

During the 2014/15 year, the Programme was delivered to 6,631 participants - an increase of approximately 500 over the previous year. Of those participants, 69% were school groups, the majority of those being school groups in Years 8-10.

Visitor feedback for the programme continues to be extremely positive with 85%-100% of respondents rating the service as highly satisfactory or very highly satisfactory.

The Programme was also responsible for running the Clued up Kids Competition during Law Week, and this year participants increased by over 300% - involving 324 students in 51 teams from 41 schools.

The 2014 Sir Ronald Wilson Lecture was presented by Tammy Solonec, the Manager of Indigenous Peoples' Rights at Amnesty International, and was entitled *Justice Reinvestment: What difference could it make in WA?* This was extremely well received by the capacity audience.

The Committee is very pleased to report that the Programme has adopted a project to better engage with Aboriginal youth and Aboriginal communities under the working title of the Know Your Rights Project. A steering group has been created to work towards the development of a culturally appropriate, constructive, smartphone-friendly social media programme targeted at Aboriginal youth, providing basic information with respect to civil rights in user-friendly terms. Between November 2014 and June 2015, 252 Aboriginal youth, Elders and/or adults were consulted in relation to the project. The outcomes and recommendations from that round of consultations will inform the development of a trial platform which will then be subjected to a subsequent round of consultation with the same groups where possible. Subject to the outcome of that process of consultation, the trial platform will be finalised and published.

The Mock Trial Competition continues to go from strength to strength. In 2015 team

registrations totalled 108, the biggest number ever recorded and an increase of 16 teams over 2014. The total number of students participating in the 2015 competition has risen to 1,011, an increase of more than 8% over the previous year.

The winners of the Grand Final in 2014, for the second year in a row, were the Mount Lawley Senior High School Year 11 team.

During the 2014/15 year, 3,399 people visited the Old Court House Law Museum. The Museum carried out the installation of the exhibition *People and the Law*. This completed stage three of the four stage Museum redesign plan, which commenced during 2009.

In 2014/15, another oral history of a senior practitioner was completed. In addition, 12 oral histories taken in the late '80s and early '90s by interviewer Jane Fleming were donated to the collection and have been digitised and transcribed.

With thanks to:

- The Hon Chief Justice Wayne Martin AC (Convenor)
- The Hon Robert Nicholson AO KCSJ FAAL (Deputy Convenor)
- Rob Christie
- Professor William Ford
- Cheryl Gwilliam
- Dr Peter Handford
- Frank Italiano
- Professor Mark Stoney
- Marshall McKenna
- Associate Professor J M Power
- David Price (Executive Director)
- Brian Rogers
- Professor Anne Wallace
- Aine Whelan (General Manager Programmes)
- Dean Curtis (Secretary)





# General Conditions for the Sale of Land

**Frank Poeta**

Convenor

The General Conditions for the Sale of Land Committee reviewed the most recent revision of the General Conditions that was in 2011. To accommodate e-conveyancing, in April 2015 an Addendum to the General Conditions was approved by the Law Society and the Real Estate Institute of Western Australia.

In the lead up to e-conveyancing, the Law Council of Australia E-Conveyancing Working Group and Property Exchange Australia (PEXA) encouraged each jurisdiction to confer and to make the same appropriate accommodation for e-conveyancing in their equivalent to the General Conditions. This did not occur. The first states to experience e-conveyancing were Victoria and New South Wales. The Law Society of New South Wales added a new proscriptive condition to the General Conditions. The Law Institute of Victoria introduced an addendum to the General Conditions which could be updated following experience with the operation of e-conveyancing. The Committee carefully considered both of these approaches and determined to follow the Victorian example.

In Western Australia, from late 2014 financial institutions had the functionality to electronically undertake new mortgages, discharges and refinancing transactions. From 25 May 2015 e-conveyancing went 'live' enabling the lodgement of transfers, caveats and withdrawal of caveats.

The Committee will consider observations from the legal profession and conveyancers about the practical application of the 2011 revision and the Addendum which will be reviewed as e-conveyancing becomes more widely used.

In 2014, Frank Poeta was appointed Convenor following the resignation of Gregory Boyle. Mr Boyle deserves recognition and high praise for his contribution to the evolution of the Joint Form of General Conditions for the Sale of Land (General Conditions). Mr Boyle, a member of the inaugural Committee, was a member for close to four decades and Convenor for much of that time.

With thanks to:

- Frank Poeta (Convenor)
- Robert Kronberger
- John Prevost
- Dudley Stow
- John Syminton
- Gary Thomas
- Andrea Lace (Secretary)



# Human Rights and Equal Opportunity Committee

**Greg McIntyre SC**

Convenor

The Human Rights and Equal Opportunity Committee's activities for the period 2014/15 included:

- contributing to the Law Council of Australia's Asylum Seeker Policy;
- contributing to the Law Society's submission in relation to amendments to the *Aboriginal Heritage Amendment Bill 2014*;
- suggesting topics for Law Society CPD seminars related to human rights and equal opportunity matters;
- supporting the creation and implementation of the Law Society's Reconciliation Action Plan; and
- reviewing the following Bills:
  - *Guardian for Unaccompanied Children Bill 2014*;
  - *Counter-terrorism Legislation Amendment (Foreign Fighters) Bill 2014*;
  - *National Inquiry into Children in Immigration Detention 2014*;
  - *Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014*;
  - *Custodial Legislation (Officers Discipline) Amendment Bill 2013*; and
  - *Mental Health Bill 2013*.

The Convenor was nominated as the Law Society representative for the Law Council of Australia's Freedoms Inquiry Working Group, which would review the Commonwealth legislation and identify any provisions that unreasonably impinge upon traditional rights, freedoms and privileges.

The Convenor, and committee member Emma Cavanagh, are the Law Society representatives on the Law Council of Australia National Human Rights Committee. Both participate in regular teleconference with the Law Council and other Law Societies. This year, the National Human Rights Committee focused on important issues such as the Universal Periodic Review Shadow Report. The issues that were identified related to equality, freedom from arbitrary detention (liberty) and judicial process.

Committee member Elizabeth Heenan, is a member of the Law Council of Australia's Equal Opportunity Committee (formerly Equalising Opportunities in the Law Committee) the main focus of which in the reporting period was the National Attrition and Re-engagement Study and child care debate.

With thanks to:

- Gregory McIntyre SC (Convenor)
- Emma Cavanagh
- Neha Dubey
- Kendra Hagan
- Elizabeth Heenan
- Joelle Hervic
- Michael Jensen
- Matthew Keogh
- Mathea McCubbing
- Hannah Milligan
- Elizabeth Needham
- Ilse Petersen
- Shzan Plandowski
- Rabia Siddique
- Dr Carolyn Tan
- Philip Vincent
- Emily Tan (Secretary)



# Indigenous Legal Issues Committee

**Krista McMeekan**

Convenor

The Indigenous Legal Issues Committee is currently comprised of three law graduates and three law students. The Committee has opened up membership to non-Indigenous members of the profession in order to better resource the Committee given the current prominence of Indigenous legal issues. The Committee has also 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.

The Committee supported the finalisation of a Reconciliation Action Plan for the Law Society which has now been launched.

The Committee held a networking function at the University of Western Australia with a professional panel including Ben Wyatt, Krista McMeekan and Douglas D'Antoine to discuss career pathways accessible with a law degree with law students from UWA and other universities.

The Law Society Mentoring Programme for Indigenous law students is currently in its fifth year since being resurrected. The Committee is working to develop its relationships with each of the universities in order to ensure the success of this valuable program. The Mentoring Programme includes Aboriginal and Torres Strait Islander students in any year of their law degree.

The Committee continues to work closely with the Francis Burt Legal Education Programme to provide input and advice in relation to programmes and initiatives being developed. This includes the Know Your Rights educational campaign targeting Aboriginal youth in both metropolitan and regional Western Australia and providing education about legal rights and responsibilities to school and community groups. The programme is likely to involve the development of a series of culturally appropriate short films targeting Aboriginal youth contact with the Police, as well as a social media programme and two-way learning model between the target audience and WA Police. The programme is currently seeking funding to support its further development.

The Committee is continuing to develop its relationships with key stakeholders and has met with the Attorney General to discuss issues relating to the high incarceration rates of Indigenous peoples, mandatory sentencing and justice reinvestment; and the leader of the Opposition, Mark McGowan, to discuss these same issues. The Committee met with Ken Wyatt AM MP to discuss constitutional recognition and Indigenous peoples and the law more broadly.

The Committee has maintained its commitment to communicating on issues of importance to Aboriginal and Torres Strait Islander peoples by providing submissions to:

- the Law Council of Australia in relation to the proposed amendments to the *Racial Discrimination Act*;
- the Joint Select Committee on Aboriginal Constitutional Recognition;
- the United Nations Universal Periodic Review Shadow Report 2015 Indigenous Specific Responses; and
- consulting on Senate Inquiry – Access to Legal Assistance Services, the submission regarding the *Aboriginal Heritage Amendment Bill 2014* and the review of the *Native Title Act 1993*.

With thanks to:

- Krista McMeekan (Convenor)
- Nikki Forrest
- Micah Kickett
- Lucinda Robinson
- Tammy Solonec
- Laura Vincent
- Joanna Blackley (Secretary)



# In-house/Government Lawyers Committee

**Pamela Hass**

Convenor

The In-house/Government Lawyers Committee was established in late 2012 to promote and support the specific needs of in-house and government lawyers. The Committee meets on a monthly basis.

In September 2013, the Committee hosted its first Society Club networking event for in-house and government lawyers. It was followed by a second such event in July 2015. Both events were a huge success with over 80 attendees at each, ranging from senior and junior practitioners working in Federal and State Government and private corporations as well as law firms. During the events, the attendees raised interesting matters with Committee members, which were then further explored and discussed at the Committee meetings.

The Committee is represented by a wide range of lawyers including members from Local, State and Federal Government; the university sector; the not-for-profit sector, resources and construction companies as well as Legal Aid, Office of the Director of Public Prosecutions and State Solicitor's Office.

The Committee continued to work to improve the situation in relation to the supervision of restricted practitioners by a non-prescribed agency under the *Legal Profession Act 2008*. Correspondence has been sent to the Legal Practice Board by the Law Society seeking a solution to the fact that such practitioners do not receive advance approval of proposed restricted practice arrangements in non-prescribed agencies.

The Committee has provided suggestions to the Law Society's CPD programme targeting in-house and government lawyers. The Public Private Partnerships conference attracted a diverse range of practitioners and was seen as a success. The Convenor chaired the morning session introducing the Treasurer Dr Mike Nahan.

Committee members have contributed articles on issues of specific concern to in-house and government lawyers for *Brief* e.g. legal professional privilege as it applies in-house. The Committee is also pursuing ways to form ties with other similar organisations with the general aim of servicing and promoting the unique needs of the in-house practitioner.

With thanks to:

- Pamela Hass (Convenor)
- Graeme Windsor (Deputy Convenor)
- David Davidson
- Elisabeth Edwards
- Rosie Hill
- Maureen O'Connell
- Lynette Magro
- Alexander Payne
- Ilse Petersen
- Joanne Quinn
- Adam Santa Maria
- Miriam Sauley
- Rabia Siddique
- Rubini Ventouras
- Zoran Vukojevic
- Felicity Waters
- John Woodhouse
- Emily Tan (Secretary)





# Insolvency and Reconstruction Law Committee

**Victoria Butler**

Convenor

The Insolvency and Reconstruction Committee, currently convened by Victoria Butler, is a joint committee of the Law Society and the Business Law Section of the Law Council of Australia.

For most of the last financial year and, prior to his recent departure to Melbourne, Sam Dundas convened the Committee. The Committee acknowledges and thanks Sam for all his work as Convenor.

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

In 2014/15, the Committee contributed to submissions in relation to:

- the *Bell Group of Companies (Finalisation of Matters and Distributions of Proceeds) Bill 2015* (WA);
- the responsiveness of financial institutions to notices issued under section 77C of the *Bankruptcy Act 1966* (Cth);
- the Productivity Commission's Issues Paper on Business Set Up, Transfer and Closure;
- the statutory review of the *Personal Property Securities Act 2009* (Cth);
- ASIC Consultation Paper 223 (Relief for externally administered companies and registered schemes being wound up);
- proposed amendments to the *Federal Court (Bankruptcy) Rules 2005* and *Federal Circuit Court (Bankruptcy Rules) 2006*;
- the interaction between the genuine steps requirement under the *Civil Dispute Resolute Act 2011* and the statutory demand procedure under the *Corporations Act 2001*; and
- automatic stays in the event of corporate insolvency events.

In August 2014, committee members attended the annual workshop with members of the Insolvency and Reconstruction Law Committees of the other States.

The Committee acknowledges the invaluable contributions made by Adrian Saggars of ASIC and Paul Devellerez of AFSA.

With thanks to:

- Victoria Butler (Convenor)
- Philip Blaxill
- James Healy
- David John
- Richard Johnson
- Robert McKenzie
- Christopher McLeod
- Nino Odorisio
- Gavin Rakoczy
- Adrian Saggars
- John Vaughan SC
- Joanna Blackley (Secretary)



# Intellectual Property Law Committee

**Nick Stamatiou**

Convenor

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

The Committee also 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 seminars held in Perth. The seminars in the Federal Court of Australia form part of the long-running and well attended Intellectual Property Twilight Symposia programme.

The Committee ran a very successful CPD seminar focusing on computer app businesses and, moving into 2015/16, will be looking to expand its terms of reference to focus more broadly on technology and intellectual property issues.

The Committee welcomes opportunities to inform the public on matters relating to intellectual property.

With thanks to:

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



# Joint Law Society/Women Lawyers Committee

**Elizabeth Needham**

Convenor

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

The Committee's activities for 2014/15 included:

- the Convenor attended the Law Council of Australia National Attrition and Re-engagement Study (NARS) workshop in Sydney in early 2015. It was acknowledged that there is a lack of diversity and equity in the legal profession and the workshop focused on how those issues can be addressed across the country. The Law Council of Australia adopted a Diversity and Equality Charter and all constituent bodies were encouraged to endorse and support the Charter. The Law Society has endorsed the Charter, which can be found on the Law Society's website;
- Committee member, Elizabeth Heenan, is a member of the Law Council of Australia's Equal Opportunity Committee (formerly Equalising Opportunities in the Law Committee), the main focus of which in the reporting period was the NARSI, the National Diversity Code and the child care debate;
- in early 2015 the Law Society established a Working Group to review the Women Lawyers WA Anniversary Review of 1994 *Chief Justice's Gender Bias Taskforce Report* and consider, in particular, the recommendations in Chapter 2 (recommendations for action by the Law Society). The Committee is preparing a response to a preliminary report prepared by the Working Group;
- the Committee has reviewed the Law Society's current Flexibility Protocol Guide for Flexible Workplace Arrangements by comparison with other jurisdictions and will make recommendations to the Council for an updated Flexibility Protocol;

- the Women Lawyers High Tea was held on Friday, 6 March 2015 at the Parmelia Hilton in recognition of 2015 International Women's Day. The theme for 2015 International Women's Day was *Let's not wait another 20 years for gender equality*, set by UN Women. Guest speakers at the High Tea were the Honourable Justice Janine Pritchard and Allanah Lucas, Commissioner for Equal Opportunity Western Australia who were well received;
- the Committee supported the successful nomination of the Hon Christine Wheeler AO QC for introduction to the 2015 WA Women's Hall of Fame Award; and
- the Committee has recommended topics for Law Society CPD seminars.

With thanks to:

- Elizabeth Needham (Convenor)
- Tara Connolly
- Susan Diamond
- Hayley Dodson
- Catherine Fletcher
- Elizabeth Heenan
- Jennifer Hill
- Tina McAulay
- Janette McCahon
- Kate Pedersen
- Joanne Quinn
- Anne Wood
- Emily Tan (Secretary)



# Mental Health and Wellbeing Committee

**David Davidson**

Convenor

The Mental Health and Wellbeing Committee has a diverse range of practitioners from Government departments, large and small law firms, WA Bar, University, Legal Practice Board and the Legal Profession Complaints Committee. This enables a great collective of thoughts and ideas.

The legal profession is an adversarial environment. This is at odds with other professions or trades, where the aim is to work together to achieve a common goal. In medicine the goal is to save lives or to find a cure and in engineering it is to design and create great structures.

The legal environment can be a toxic one, due to the nature of the work (people usually coming to see you when they are in trouble or need help), the significant demands on the practitioner to produce excellent work, to bill extensively, recruit clients and the common trait that most legal practitioners have which is to strive for perfectionism and excellence.

Committee members have been actively involved in presenting seminars and undertaking activities for *Brief* this year. The Convenor, David Davidson, published an article in *Brief* titled *Keeping your head above legal water*, a light hearted look at what you can do to maintain good mental health and wellbeing.

The Committee recommended that the Law Society host a seminar this financial year on mental health in general and a perspective for legal practitioners, which featured the following presenters:

- Dr Nathan Gibson, Chief Psychiatrist of Western Australia, who gave a very practical seminar on signs of mental illness and what to look for;
- Timothy Marney, Mental Health Commissioner, who gave a candid account of his own battle with depression and strategies to keep positive; and
- Peter Quinlan SC, Barrister, on why practitioners have a tendency to develop mental health issues (we are paid to be professional worriers for our clients) and his advice on how to deal with this.

The Committee has been actively involved this year in reviewing all 29 recommendations in the *Report on psychological distress and depression in the legal profession 2011*. This task has required a review of each recommendation five years on and whether each recommendation is still necessary, whether it has been achieved and what can be done if the recommendation has not been reached. All committee members have contributed to a draft report to be submitted to the Council.

With thanks to:

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



# Personal Injuries and Workers' Compensation Committee

**Gray Porter**  
Convenor

The No-fault Catastrophic Injuries Green Paper has been a particular focus of the Personal Injuries and Workers' Compensation Committee during the last year. Other activities included:

- correspondence with the Attorney General regarding amending the current cap on Criminal Injuries Compensation claims;
- assisting the Law Council of Australia regarding changes to ComCare, the introduction of the National Disability Insurance Scheme, and Workers' Compensation harmonisation; and
- commenting on proposed amendments to the *Workers' Compensation and Rehabilitation Act*.

The Committee's members successfully lobbied the Western Australian Government to adopt the Law Society's preferred option with respect to the No-fault Catastrophic Injuries amendments. This prevented those on the previous scheme from losing any of their entitlements. The Committee also worked with the Law Council of Australia to support its submissions.

The Committee also:

- considered proposed amendments to WorkCover Conciliation and Arbitration medical capacity forms;
- corresponded with the Attorney General regarding changes to the *Limitation Act* with reference to claims by victims of paedophilia;
- considered accreditation for personal injury practitioners;
- discussed medical costs recovery protocols for hospitals and the consequences for injury claims with a view to suggesting a practice to be adopted;
- considered the justification for WorkCover's literature supporting the assertion as to the benefits of work; and
- provided comment on the use of a trial bundle of papers for judges and changes to O24A offers of compromise.

In the coming year the Committee will make submissions to WorkCover in relation to substantial changes to the *Workers' Compensation & Injury Management Act*.

The Committee's Deputy Convenor, David Bruns, remains a member of the Law Council of Australia Personal Injuries Committee and a member of the WorkCover WA Costs Committee.

With thanks to:

- Gray Porter (Convenor)
- David Bruns (Deputy Convenor)
- Michelle Antunovich
- Geoffrey Bourhill
- Mark Civitella
- Daniel Connor
- John Fiocco
- Prudence Griffin
- Asanka Gunasekera
- Karina Hafford
- Michael Lourey
- Vidal Pinckney-Hockless
- Andrew Ponnambalam
- Gayann Walker
- Kerry Wood
- Emily Tan (Secretary)





# Professional Indemnity Insurance Management Committee

**Dudley Stow**

Convenor

The Professional Indemnity Insurance Management Committee has, as required by the *Legal Profession Act*, put in place the professional indemnity insurance arrangements for the 2015/16 financial year.

This was a lengthy and involved process utilising the resources of the insurance broker, actuary and Law Mutual staff and the industry knowledge of committee members.

Ultimately, the annual contribution rate rose by an average of 11%, primarily due to the trend for greater claims costs in the underwriters' layers leading to increased premiums. This outcome was foreshadowed in last year's report.

In response, the Committee has increased its focus on risk management initiatives that will, over time, lower the incidence and cost of claims leading to more stable contributions. While the most visible sign of this was the successful risk management seminar programme, the Committee have increased the risk management resources available to Law Mutual. The Committee expect to see the approval and commencement of a comprehensive risk management programme strategy early in the current insurance year.

The employment of both a new General Manager with legal, insurance and risk management experience and a dedicated Portfolio Manager will enable the Committee to fully analyse the PI insurance arrangements to ensure they are fair and equitable to practitioners and their clients while maintaining a very broad coverage at a reasonable cost.

Further, to provide regular and ongoing reporting to the Committee on the various tasks at hand, the Committee has created two sub committees, Claims & Risk Management and Finance & Audit to oversee and review the work of Law Mutual staff in these important areas.

Financially, Law Mutual is in a very sound position and both the annual audit report and actuarial report for 2014/15 were not qualified.

Finally the Committee wishes to thank committee members and Law Mutual staff for their diligence and contribution.

With thanks to:

- Dudley Stow (Convenor)
- Hayley Cormann
- Nathan Ebbs
- Denis McLeod
- Laurie Shervington
- Ian Robert Williams
- Jodi Fear (Secretary)



# Professional Standards Scheme Committee

**Alain Musikanth**

Convenor

The Law Society's Limitation of Liability Scheme commenced on 1 July 2014.

The Scheme caps occupational liability of participating members at \$1.5 million, \$5 million or \$10 million depending on the insurance policies and total annual fee income of the law practice.

Following the introduction of the Scheme, the Law Society Council established a Professional Standards Scheme Committee to:

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

During 2014/15 the Committee developed policies for assessing applications for exemption and for discretionary caps or 'higher maximum amounts' (HMAs), considered a number of applications for HMAs and made recommendations to Council. Six applications for HMAs were approved by Council during the course of the year. The Committee also oversaw the finalisation of the Law Society's Scheme guide, the development of a number of different forms for use in conjunction with the Scheme and the preparation of the Law Society's first annual report to the Professional Standards Council.

The Society played host, in late October 2014, to a useful meeting with representatives of the Law Societies of New South Wales, South Australia and Queensland which also administer professional standards schemes. The meeting, which lasted an entire day, afforded an excellent opportunity for the Law Society to compare notes with its interstate counterparts on a myriad of practical, operational and compliance issues.

Enthusiasm for the Scheme in its first year of operation is reflected in the level of participation. The Committee is pleased to report that in its first year of operation, the Scheme had no less than 818 participating members (with 92 being incorporated legal practices).

With thanks to:

- Alain Musikanth (Convenor)
- Brendan Ashdown
- Nathan Ebbs
- Michael Lishman
- Greg Pynt
- Craig Slater
- Emma Gerber (Secretary)



# Property Law Committee

**Gary Thomas**

Convenor

Members of the Property Law Committee represent the Law Society on a number of Landgate committees, the Law Council of Australia Legal Practice Section Australian Property Law Group and the Law Council of Australia e-conveyancing Working Group. The e-conveyancing Working Group liaises with the Australian Institute of Conveyancers, the Australian Bankers Association and other law societies.

E-conveyancing was introduced to Western Australia in 2014/15. Financial institutions had the functionality to undertake new mortgages, discharges and refinancing transactions from late 2014 with Western Australia going 'live' from 25 May 2015, enabling the lodgement of transfers, caveats and withdrawal of caveats electronically. The Law Society's Education Committee liaised with Landgate, Australian Institute of Conveyancers WA Division, Property Exchange Australia and other stakeholders and conducted a series of CPD seminars on e-conveyancing in the CBD and regional centres.

In April 2015 the Law Society made a submission in response to Landgate's Consultation Paper, *Sale of Land Act: Proposals for Changes to Section 13*, arising from the 2014 decision of the Court of Appeal in *Barker v Midstyle Nominees Pty Ltd*. Landgate will make recommendations to the Minister for amendments to the *Sale of Land Act 1970*.

The Minister has requested Landgate to undertake a review of the strata titles legislation. During the reporting period, Landgate representatives met with the Committee on four occasions to discuss aspects of the review. The Law Society made written submissions to Landgate on tenure reform, leasehold strata schemes, staged strata development, vendor disclosure, and regulation of strata managers, dispute resolution and termination of strata schemes.

The Committee submitted several topics for the Law Society's CPD programme and members participated in Law Society CPD seminars 'Registration of Leases: Cases and Consequences', 'Strata Titles off the plan' and 'Caveats Front End and Back'.

With thanks to:

- Gary Thomas (Convenor)
- Mark Atkinson
- Keith Bales
- Peter Beekink
- Marie Botsis
- Susan Dukes
- Malerie Durham
- Marcus Easthope
- Craig James
- Jarred Johnstone
- Christopher Martin
- Allan Newton
- John Prevost
- Michael Reedy
- Douglas Solomon
- Gary Thomas
- Gabriel Wong
- Andrea Lace (Secretary)



# Quality Practice Standard Committee

**Craig Slater**

Convenor

The Quality Practice Standard Committee was pleased to note the arrival of new firms taking up accreditation.

The Committee engaged with the CPD programme to promote the scheme and its benefits to members by presenting at seminars. The Committee is grateful for the work of the auditors in preparing notes for *Brief* magazine on topics relevant to QPS but also general practice management.

The Committee is grateful to those committee members who worked with Law Mutual in a review of the operation of the QPS scheme and how it may integrate with Law Mutual's goal of reducing risks for firms insured by Law Mutual. An increased participation in the QPS scheme through support from Law Mutual will assist the profession generally address risks and therefore reduce claims and premiums.

Exit surveys were introduced for firms on the completion of an audit. The surveys reported excellent feedback on the process of the audit and the assistance that the audit provided.

The results of the 2014 QPS Survey were published in November 2014 *Brief* and uploaded in the QPS section of the Law Society's website. The Committee was pleased with that feedback too. Thank you to the 21 QPS firms who participated in the survey.

The Committee continues to review changes to practice management. Examples include anti-money laundering regulation and the effect of new technology and social media.

With thanks to:

- Craig Slater (Convenor)
- Kevin David Chalklin
- Dorothy Guerini
- Peter Liron
- Andrew McGuinness
- Ian McLennan
- Julie Ots
- Christine Slattery
- Murray Thornhill
- David Vilensky
- Francesca Giglia (Secretary)



# Taxation Committee

**Dr John Hockley**

Convenor

The Taxation Committee is a joint Committee of the Law Society and the Law Council of Australia. The Committee is an active one, meeting monthly at the offices of the Law Society.

In 2014/15 the Committee made submissions on various State and Commonwealth taxation issues. This work involved considerable effort by members resulting in an improvement in the taxation laws.

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

The Committee is represented on the Tax Round Table, a practitioner's forum to assist practitioners' access to the Australian Tax Office.

Members of the Committee have been involved in presenting CPD seminars for the Law Society.

Committee members have published articles of interest to the legal profession in *Brief* and other journals.

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

The Committee would like to thank the Deputy Convenor, Humphrey Faas, for his assistance throughout the year.

With thanks to:

- Dr John Hockley (Convenor)
- Humphry Faas (Deputy Convenor)
- Jocelyne Boujos
- John Fickling
- Fiona Halsey
- Elizabeth Heenan
- Thomas Henn
- Jonathan Ilbery
- Jonathon Leek
- Adam Levin
- John Pickering
- Lorraine Price
- Sam Radici
- Rob Scealess
- Clare Thompson
- Zoran Vukojevic
- Grahame Young
- Joanna Blackley (Secretary)





# Young Lawyers Committee

**Emma Cavanagh**  
Convenor

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

Following the review of the Law Society Strategic Plan, the Committee developed a strategy to reflect how the Committee aims to assist the greater Law Society in improving its services to members. The Committee's purpose is to represent, support and engage young and emerging members of the profession through two key priorities, being to ensure members are, first, developing as professionals; and second, connecting with their legal community. More details can be found on the Law Society website.

The Committee hosts and coordinates a significant number of events and initiatives through each calendar year. A number of these are annual occurrences, including:

- inter-firm sporting events;
- advocacy programme, which includes preparatory seminars as well as the practical weekend of coaching sessions;
- awareness raising about social justice issues through public debates including Law Week panel discussion and fundraising for the Chief Justice's Law Week Youth Appeal;
- wellbeing initiatives including Geoffrey Robertson QC- style mental health hypothetical;
- law student mentoring programme (which has almost doubled in size annually for the past 5 years);

- social events to promote collegiality such as a welcome to the profession breakfast, quiz night, ball and Golden Gavel;
- panel discussions ('careers uncut' and 'social justice opportunities evening') at which the YLC hosts discussions about the diversity of the legal profession and career evolution;
- six specialised CPD's focused on the questions of most relevance to young lawyers (this year we focused on rules of evidence and civil procedure); and
- providing opportunities for young practitioners to meet and talk to senior members of the profession through events like A View from the Bench, practical advocacy weekend and our collaboration with the Society for end of year drinks.

In 2014/15, the Committee introduced new initiatives to address important issues for young and emerging lawyers. For example, the Committee:

- created a new working group to focus on practice management and wellbeing;
- arranged for monthly case notes and other regular pieces to be authored for *Brief* magazine; and
- created a small firms list, which comprises a group of practitioners who work in smaller firms. Through this network, the Committee assists in coordinating practitioners from small firms to join volleyball teams, quiz night tables, and otherwise generally endeavours to ensure that young and emerging practitioners from smaller firms are specifically included in and are able to participate in team-based Law Society events.

The Young Lawyers Committee Facebook page also reached 1000 likes.

With thanks to:

- Emma Cavanagh (Convenor)
- Rosie Hill (Deputy Convenor)
- Courtney Furner (Deputy Convenor)
- Cheyne Beetham
- Alexander Biddulph
- Ilona Anna Celliers
- Ray Christensen
- Gemma Cronin
- Hayley Ellison
- Sam Fahey
- James Graham
- Bennett Greenhalgh
- Hannah Milligan
- Gemma Mitchell
- Brigitte Monchouguy
- Lyndsay O'Brien
- Michael O'Shea
- Katrina Palmer
- Alexandra Pieniazek
- Brooke Sojan
- Nick Stamatou
- Curtis Ward
- Matthew Woodall
- Claire Eslinger (Secretary)

# Governance

## Council as Trustee of Law Mutual Fund

### Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 July 2014 to 31 December 2014

Member	Total Council meetings (Total 3)
Konrad de Kerloy	3
Matthew Keogh	3
Elizabeth Needham	1
Alain Musikanth	3
Brendan Ashdown	3
Marie Botsis	3
Hayley Cormann	3
Brahma Dharmananda SC	3
Nathan Ebbs	3
Adam Ebell	3
Pamela Hass	2
Greg McIntyre SC	3
Denis McLeod	3
Clinton Russell	3
Craig Slater	2
Nicholas van Hattem	1
Cameron Syme	1
Emma Cavanagh	2
Hayley Ellison	2
Rosie Hill	3

### Councillor Meeting Attendance as Trustee of the Law Mutual Fund 1 January 2015 to 30 June 2015

Member	Total Council meetings (Total 1)
Matthew Keogh	1
Elizabeth Needham	1
Alain Musikanth	1
Hayley Cormann	0
Alison Aldrich	0
Marie Botsis	1
Tara Connolly	1
Brahma Dharmananda SC	1
Nathan Ebbs	1
Adam Ebell	1
Nicholas Ellery	0
Catherine Fletcher	1
Greg McIntyre SC	1
Marshall McKenna	1
Denis McLeod	1
Konrad de Kerloy	0
Georgia Pickering	1
Emma Cavanagh	0
Ray Christensen	1
Rosie Hill	1

## Council Attendance as Trustee of the Public Purposes Trust

### Councillor Meeting Attendance as Trustee of the Public Purposes Trust 1 July 2014 to 31 December 2014

Member	Total Council meetings (Total 2)
Konrad de Kerloy	2
Matthew Keogh	2
Elizabeth Needham	2
Alain Musikanth	2
Brendan Ashdown	1
Marie Botsis	2
Hayley Cormann	2
Brahma Dharmananda SC	2
Nathan Ebbs	1
Adam Ebell	1
Pamela Hass	0
Greg McIntyre SC	2
Denis McLeod	2
Clinton Russell	2
Craig Slater	2
Nicholas van Hattem	0
Cameron Syme	0
Emma Cavanagh	2
Hayley Ellison	0
Rosie Hill	2

### Councillor Meeting Attendance as Trustee of the Public Purposes Trust 1 January 2015 to 30 June 2015

Member	Total Council meetings (Total 1)
Matthew Keogh	1
Elizabeth Needham	1
Alain Musikanth	1
Hayley Cormann	1
Alison Aldrich	1
Marie Botsis	0
Tara Connolly	1
Brahma Dharmananda SC	1
Nathan Ebbs	1
Adam Ebell	1
Nicholas Ellery	0
Catherine Fletcher	0
Greg McIntyre SC	1
Marshall McKenna	1
Denis McLeod	1
Konrad de Kerloy	1
Georgia Pickering	0
Emma Cavanagh	*
Ray Christensen	1
Rosie Hill	0

**\*Note:** Councillors conflicted in items on the Public Purposes Trust Agenda and therefore did not attend the meeting.

## Council Attendance as Trustee of the Chief Justice's Youth Appeal Trust

### Councillor Meeting Attendance as Trustee of the Chief Justice's Youth Appeal Trust 1 July 2014 to 31 December 2014

Member	Total Council meetings (Total 1)
Konrad de Kerloy	1
Matthew Keogh	1
Elizabeth Needham	1
Alain Musikanth	1
Brendan Ashdown	1
Marie Botsis	1
Hayley Cormann	1
Brahma Dharmananda SC	1
Nathan Ebbs	1

Adam Ebell	1
Pamela Hass	0
Greg McIntyre SC	1
Denis McLeod	1
Clinton Russell	1
Craig Slater	1
Nicholas van Hattem	0
Cameron Syme	0
Emma Cavanagh	1
Hayley Ellison	0
Rosie Hill	1

# Submissions 2014

Submission
Public Access to Court Information – Chief Justice
Review Of <i>The Aboriginal Heritage Act 1972</i> (WA) – Department of Aboriginal Affairs
Review of <i>Workers' Compensation and Injury Management Act 1981</i> -Final Report July 2014 – WorkCover WA
Royal Commission Into Institutional Responses to Child Sexual Abuse – Issues Paper 7 – Law Council of Australia
<i>Landgate Strata Titles Act</i> Reform – Tenure – Landgate
Transfer of Part V Appeals to the State Administrative Tribunal – Minister for the Environment
Review - Legal Practitioners (State Administrative Tribunal) Determination 2012; Legal Practitioners (Family Court Of Western Australia) Determination 2012; Legal Practitioners (Official Prosecutions) (Accuseds Costs) Determination 2012 – Legal Costs Committee
Request for Practice Note in Relation to Assessment of Costs – State Administrative Tribunal
Amendment to Item 9 Schedule 1 Supreme Court (Fees) Regulations 2002 – Acceptance Of Provisional Assessments – Supreme Court of Western Australia
Mandatory Sentencing – <i>Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014</i> – Attorney General
Australian Securities and Investments Commission Deregulatory Initiatives – Commission of ASIC
<i>Associations Incorporation Act</i> – Department of Commerce
National Attrition and Re-Engagement Study Report – Law Council of Australia
Proposed Practice Management Regulations – Legal Practice Board of Western Australia
<i>Legal Profession Uniform Law Application Bill 2013</i> – Attorney General
Commonwealth Government's Decision to Abolish Corporations and Markets Advisory Committee – Attorney General; Senators of Western Australia (Federal) and Treasury (Federal)
Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples – Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples
Probate Registry of the Supreme Court of Western Australia – Attorney General
Restricted Practice in WA Government Agency – Legal Practice Board of Western Australia
Reform of Entry for Trial Procedures – Chief Justice
<i>Custodial Legislation (Officers Discipline) Amendment Bill 2013</i> – Standing Committee on Legislation
Supreme Court Probate On-line Application – Hon Justice Eric Heenan
<i>Landgate Strata Titles Reform</i> – Regulation of Strata Managers – Landgate
<i>Guardian for Unaccompanied Children Bill 2014</i> – Law Council of Australia
<i>Taxation Legislation Amendment Bill 2014</i> – Legislation Council Standing Committee
Statutory Review of the <i>Construction Contracts Act 2004</i> (WA) – Department of Commerce
Associations Draft Model Rules Consultation – Department of Commerce
Legal Practice Board Review of CPD to include Mental Health and Wellbeing Seminars – Legal Practice Board of Western Australia
Review of the <i>Native Title Act 1993</i> - Australian Law Reform Commission
Office of the Inspector of Custodial Services Report: Recidivism Rates and the Impact of Treatment Programs – Attorney General
Judgment Interest Rate – Attorney General
Compulsory Third Party Motor Vehicle Personal Injury Insurance Scheme – Insurance Commission of Western Australia
<i>Criminal Law (Mentally Impaired Accused) Act 1996</i> – Department of the Attorney General

# Submissions 2015

Submission
Proposal for Mandatory Provisional Assessment of Bills of Costs – Supreme Court of Western Australia
Review of O 36B – Subpoenas, Rules of the Supreme Court 1971 – Supreme Court of Western Australia
Constitutional Recognition of Aboriginal Peoples in the Western Australian Constitution – Joint Select Committee on Aboriginal Constitution
Legal Profession Uniform Law – Consultation on Draft Legal Profession Uniform Rules – Legal Services Council; Law Council of Australia
Landgate Strata Titles Reform – Combined Discussion Paper – Landgate
Inquiry into Planning and Development (Development Assessment Panels) Regulations 2011 – Legislative Council Standing Committee on Uniform Legislation and Statutes Review
Draft Planning and Development (Local Planning Schemes) Regulations 2014 – Minister for Planning
United Nations Universal Periodic Review Shadow Report of Australia's Human Rights Obligations: Indigenous Specific Responses – Law Council of Australia
Review – Legal Practitioners (Solicitors Costs) Determination 2013 and Legal Practitioners (Solicitors Non-Contentious Probate Costs) Determination 2013 – Legal Costs Committee
Inquiry into <i>Australian Securities and Investment Commission Amendment (Corporations and Markets Advisory Committee Abolition) Bill 2014</i> – Senate Economics Legislation Committee
Bundles of Trial Materials in the District Court of Western Australia – District Court of Western Australia
Inquiry into the Transport of Persons in Custody in WA – Legislative Council Standing Committee on Public Administration
Delay by Landgate in processing registration of transmission applications – Landgate
Officer of Compromise – Proposal for amendment to Order 24A Rule 10 Rules of the Supreme Court – Chief Justice
Inquiry – Access to Legal Assistance Services – Senate Finance and Public Administration References Committee
Consultation Paper – <i>Sale of Land Act</i> : Proposals for changes to Section 13 – Landgate
Review of Schedule 4.7.1.1 of the Supreme Court Consolidated Practice Directions – Schedule of Standard Costs Orders for Interlocutory Applications – Supreme Court of Western Australia
Proposed Amendments to the Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2015 – WorkCoverWA
Inquiry into the Demise of the Crown Statute – Standing Committee on Legislation
Delay with processing of Assessments – Office of State Revenue
<i>Bell Group of Companies (Finalisation of Matters and Distribution Proceeds) Bill 2015</i> – Treasurer



# Nominations to External Boards

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

Nominations to External Boards
State Records Advisory Committee (State Records Commission) – Deputy Representative
Legal Aid Committee (Legal Aid WA)
Legal Aid Commission
Chief Justice’s Criminal Justice Forum Disclosure Sub Committee
Law Library Advisory Committee
Law Council of Australia – Rural Regional and Remote Lawyers’ Advisory Committee
Law Council of Australia – Access to Justice Inquiry Response Working Group
Law Council of Australia – Legal Assistance Funding Working Group
Law Council of Australia – Productivity Commission Inquiry Response Working Group

## Sponsors

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

Key Partners	Sponsors
legalsuper – CPD Partner	Allens
BankWest – Financial Services Partner	Ashurst
	Bellanhouse Legal
	Bradley Bayly Legal
	Centia Private Financial Office
	Clayton Utz
	Corrs Chambers Westgarth
	Curtin University
	DLA Piper
	Edith Cowan University
	GlobalX Legal Solutions
	Herbert Smith Freehills
	Jackson McDonald
	John Toohey Chambers
	King & Wood Mallesons
	Lavan Legal
	Marsh
	Murdoch University
	Norton Rose Fulbright
	Office Information Australia
	Practice Management Professionals
	TFS Corporation
	University of Melbourne
	University of Notre Dame
	University of Western Australia

# Life Members

## 1996

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

## 1998

The Hon Sir Francis Burt AC  
The Hon P Durack QC  
The Hon John Toohey AC  
The Hon Ian Medcalf AO

## 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

## 2003

The Hon Sir John Lavan

## 2005

The Hon Judge John Chaney  
Rick Cullen

## 2007

Michal Lewi

## 2008

John Gillett  
David Garnsworthy

## 2009

Elizabeth Heenan  
The Hon Justice Ken Martin

## 2010

John Fiocco  
Laurie Shervington

## 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

## 2013

Her Hon Antoinette Kennedy AO  
The Hon Robert Nicholson AO

## 2014

Dudley Stow

# National Profile of Solicitors in Australia

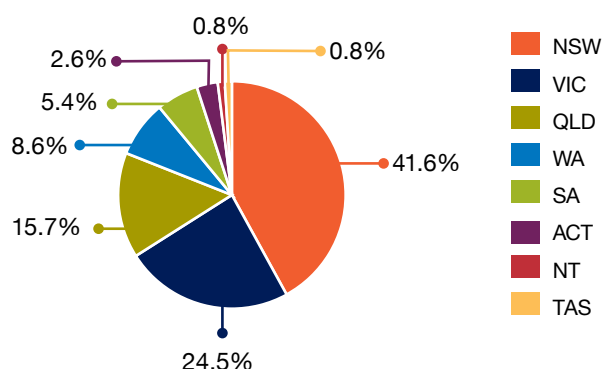
This information sheet provides a snapshot of the national profile of practising solicitors in Australia in 2014. The national profile is coordinated by the Law Society of New South Wales and is the second national study following a similar project in 2011. This snapshot accompanies the National Profile Report which can be accessed at the following link [www.lawsociety.com.au/resources/surveysandstatistics](http://www.lawsociety.com.au/resources/surveysandstatistics)

Profile prepared by Urbis for The Law Society of New South Wales



## SIZE OF PROFESSION

There are **66,211** practising solicitors in Australia, a **+12% increase** since 2011.



## GENDER

The gender split of solicitors in Australia is **close to even**.



The gender profile is becoming more even. **Three fifths (60.2%)** of all solicitors admitted in the past year are female, and more females are entering the profession **(+19.3%)\*** compared to males **(+5.4%)\***

*\*Percentage increases since 2011*

## ABORIGINAL AND TORRES STRAIT ISLANDER SOLICITORS

There are **559** Aboriginal or Torres Strait Islander solicitors in Australia, or **0.8%** of the profession.\*

*\*Number of solicitors that recorded Aboriginal or Torres Strait Islanders status*

## AGE

The mean age of Australian solicitors is **41.9 years**.



Australian solicitors are continuing to work later in life – there has been a **+38%** increase in the number of solicitors aged over **65 years** since 2011.

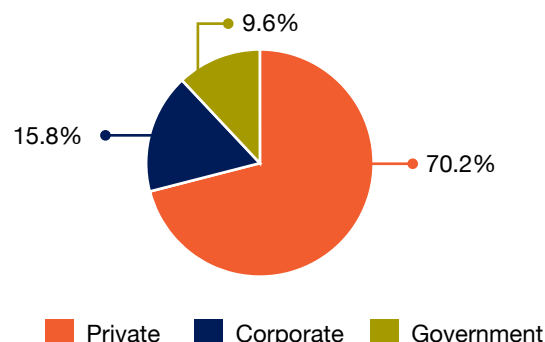
## YEARS SINCE ADMISSION

**One third** of the profession has been admitted for **15 years or more**.



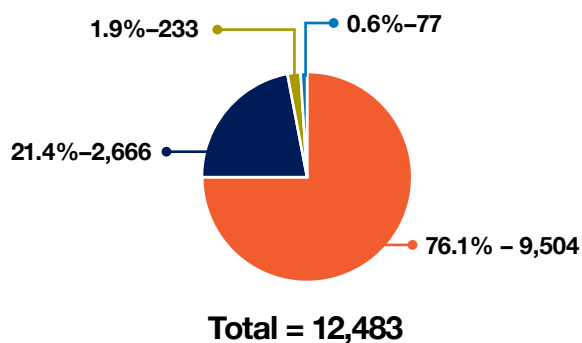
## EMPLOYMENT SECTORS

More than two thirds of solicitors are private practitioners.



Since 2011 the corporate **(+21.8%)\*** and government **(+18.6%)\*** and private **(+19.9%)\*** sectors have grown.

*\*By number of solicitors*



## SIZE OF PRIVATE FIRMS

There are **12,483** private law firms operating in Australia, a **+9%** increase since **2011**.

- Sole Practitioner firms
- Firms with 2 to 10 partners
- Firms with 11 to 39 partners
- Firms with 40 or more partners

## STATE AND TERRITORY SNAPSHOTS

The following provides a snapshot of each state/territory including total number of solicitors and private firms and a breakdown by gender and location.



**Solicitors 5,666**  
**Firms 422**

### WA

City: 67.8%  
Suburban: 24.7%  
Country/Rural: 4.8%



**Solicitors 3,588**  
**Firms 876**

### SA

City: 70.2%  
Suburban: 24.7%  
Country/Rural: 4.2%



**Solicitors 503**  
**Firms 119**

### TAS

City: 87.3%  
Suburban: 0.0%  
Country/Rural: 12.7%



**Solicitors 10,380**  
**Firms 1,767**

### QLD

City: 57.5%  
Suburban: 9.7%  
Country/Rural: 29.9%



**Solicitors 27,575**  
**Firms 5,569**

### NSW

City: 49.9%  
Suburban: 33.1%  
Country/Rural: 12.4%



**Solicitors 1,752**  
**Firms 182**

### ACT

City: 41.2%  
Suburban: 53.7%  
Country/Rural: 0.0%



**Solicitors 16,214**  
**Firms 3,479**

### VIC

City: 48.5%  
Suburban: 40.9%  
Country/Rural: 7.9%

*\*Proportion of solicitors not firms*

# Financial Statements



# Statement of Profit or Loss and Other Comprehensive Income

FOR THE YEAR ENDED 30 JUNE 2015

	NOTES	2015 \$	2014 \$
Revenue	5	5,102,360	4,691,304
Investment Income		72,311	61,048
Other gains and losses	6	(45,533)	(78,841)
Governance expenses		(671,433)	(632,902)
Member services expenses		(1,955,662)	(1,821,931)
Advocacy and community programmes expenses		(1,025,478)	(876,934)
Finance and administration expenses		(1,320,689)	(1,282,792)
<b>Surplus /(deficit)</b>		<b>155,876</b>	<b>58,953</b>

## Other comprehensive income

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

Gain on revaluation of property	-	897,592
<b>Other comprehensive income for the year</b>	-	<b>897,592</b>
<b>Total comprehensive income for the year</b>	<b>155,876</b>	<b>956,545</b>

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 2015

	NOTES	2015 \$	2014 \$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	16	2,436,638	2,011,373
Trade and other receivables	7	141,795	148,827
Other assets		71,439	69,831
<b>Total current assets</b>		<b>2,649,872</b>	<b>2,230,031</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	8	5,846,219	5,976,985
Intangible assets	9	21,304	26,172
<b>Total non-current assets</b>		<b>5,867,523</b>	<b>6,003,157</b>
<b>Total assets</b>		<b>8,517,395</b>	<b>8,233,188</b>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	10	446,529	358,432
Provisions	11	282,851	260,421
Borrowings	12	-	3,542,232
Income received in advance		809,504	687,798
<b>Total current liabilities</b>		<b>1,538,885</b>	<b>4,848,883</b>
<b>NON-CURRENT LIABILITIES</b>			
Borrowings	12	3,431,250	-
Other financial liabilities	13	-	10,528
Provisions	11	60,512	42,903
<b>Total non-current liabilities</b>		<b>3,491,762</b>	<b>53,431</b>
<b>Total liabilities</b>		<b>5,030,646</b>	<b>4,902,314</b>
<b>Net assets</b>		<b>3,486,749</b>	<b>3,330,873</b>
<b>MEMBERS' FUNDS</b>			
Reserves	14	897,592	897,592
Retained surplus	15	2,589,157	2,433,281
<b>Total members' funds</b>		<b>3,486,749</b>	<b>3,330,873</b>

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 2015

	RESERVES \$	RETAINED EARNINGS \$	TOTAL \$
<b>Balance as at 1 July 2013</b>	-	<b>2,374,328</b>	<b>2,374,328</b>
Surplus for the year	-	58,953	58,953
Gain from revaluation of building	897,592	-	897,592
Total comprehensive income for the year	897,592	58,953	956,545
<b>Balance as at 1 July 2014</b>	<b>897,592</b>	<b>2,433,281</b>	<b>3,330,873</b>
Surplus for the year	-	155,876	155,876
Total comprehensive income for the year	-	155,876	155,876
<b>Balance as at 30 June 2015</b>	<b>897,592</b>	<b>2,589,157</b>	<b>3,486,749</b>

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 2015

	NOTES	2015 \$	2014 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Member subscriptions		2,188,366	2,210,690
Interest received		69,122	63,445
Receipts from other operating activities		3,685,151	3,213,945
Payments to suppliers and employees		(5,300,989)	(4,880,531)
<b>Net cash generated by operating activities</b>	<b>16</b>	<b>641,650</b>	<b>607,549</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for property, plant and equipment		(105,402)	(69,080)
Payments for intangible assets		-	(5,160)
<b>Net cash used in investing activities</b>		<b>(105,402)</b>	<b>(74,240)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Repayment of borrowings		(110,983)	(90,000)
<b>Net cash used in financing activities</b>		<b>(110,983)</b>	<b>(90,000)</b>
<b>Net increase in cash and cash equivalents</b>		<b>425,265</b>	<b>443,309</b>
<b>Cash and cash equivalents at the beginning of the year</b>		<b>2,011,373</b>	<b>1,568,064</b>
<b>Cash and cash equivalents at the end of the year</b>	<b>16</b>	<b>2,436,638</b>	<b>2,011,373</b>

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 2015

## 1. General Information

The Law Society of Western Australia is an incorporated association and domiciled in Australia. Its registered office and principal place of business is:

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

## 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.

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' and AASB 2014-5 'Amendments to Australian Accounting Standards arising from AASB 15'	1 January 2017	30 June 2018
AASB 2014-4 'Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation'	1 January 2016	30 June 2017
AASB 2015-1 'Amendments to Australian Accounting Standards – Annual Improvements to Australian Accounting Standards 2012-2014 Cycle'	1 January 2016	30 June 2017
AASB 2015-2 'Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101'	1 January 2016	30 June 2017
AASB 2015-3 'Amendments to Australian Accounting Standards arising from the Withdrawal of AASB 101 Materiality'	1 July 2015	30 June 2016

## 3. Significant accounting policies

### 3.1 Financial reporting framework

The Law Society of Western Australia is not a reporting entity because in the opinion of the Council there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, these special purpose financial statements have been prepared to satisfy the Council's accountability requirements under sections 71 to 76 of the Constitution of the Law Society of Western Australia.

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

### 3.2 Statement of compliance

The financial statements have been prepared in accordance with the recognition and measurement requirements



specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101 'Presentation of Financial Statements', AASB 107 'Statements of Cash Flows', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors' and AASB 1054 'Australian Additional Disclosures.'

### **3.3 Basis of preparation**

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

### **3.4 Revenue recognition**

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

#### **Membership fees and subscriptions**

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

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

#### **Interest**

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

#### **Grants**

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

#### **Other revenue**

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

### **3.5 Borrowing costs**

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

### **3.6 Employee benefits**

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

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

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

### **3.7 Taxation**

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

### **3.8 Property, plant and equipment**

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

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

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

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

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

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

### 3.9 Intangible assets

#### Intangible assets acquired separately

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

#### Derecognition of intangible assets

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

### 3.10 Leases

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

### 3.11 Inventories

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

### 3.12 Provisions

Provisions are recognised when the Law Society of Western Australia has a present obligation (legal or constructive) as a result of a past event, it is probable that the Law Society of Western Australia will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the end of the reporting period, taking into account the risks and uncertainties surrounding the obligation. When a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows (where the effect of the time value of money is material).

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, a receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

### 3.13 Financial instruments

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

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

The financial assets of the Law Society of Western Australia are classified into the following specified categories: financial assets 'at fair value through profit or loss' (FVTPL), 'held-to-maturity' investments, 'available-for-sale' (AFS) financial assets and 'loans and receivables.' The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

#### Financial assets at fair value through profit or loss

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

- such designation eliminates or significantly reduces a measurement or recognition inconsistency that would otherwise arise; or
- the financial asset forms part of a group of financial assets or financial liabilities or both, which is managed and

its performance is evaluated on a fair value basis, in accordance with the Law Society of Western Australia's documented risk management or investment strategy, and information about the grouping is provided internally on that basis; or

- it forms part of a contract containing one or more embedded derivatives, and AASB 139 'Financial Instruments: Recognition and Measurement' permits the entire combined contract to be designated as at FVTPL.

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

#### **Held-to-maturity investments**

Non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the Law Society of Western Australia has the positive intent and ability to hold to maturity are classified as held-to-maturity investments. Held-to-maturity investments are measured at amortised cost using the effective interest method less any impairment.

#### **Loans and receivables**

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

#### **Impairment of financial assets**

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

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

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

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

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

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

#### **Derecognition of financial assets**

The Law Society of Western Australia derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or when it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another party. If the Law Society of Western Australia neither transfers nor retains substantially all the risks and rewards of ownership and continues to control the transferred asset, the Law Society of Western Australia recognises its retained interest in the asset and an associated liability for amounts it may have to pay. If the Law Society of Western Australia retains substantially all the risks and rewards of ownership of a transferred financial asset, the Law Society of Western Australia continues to recognise the financial asset and also recognises a collateralised borrowing for the proceeds received.

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

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

received for the part no longer recognised and any cumulative gain or loss allocated to it that had been recognised in other comprehensive income is recognised in profit or loss. A cumulative gain or loss that had been recognised in other comprehensive income is allocated between the part that continues to be recognised and the part that is no longer recognised on the basis of the relative fair values of those parts.

### 3.14 Financial liabilities

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

#### Financial liabilities at FVTPL

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

A financial liability is classified as held for trading if:

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

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

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

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

#### Other financial liabilities

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

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

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

#### Derecognition of financial liabilities

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

### 3.15 Derivative financial instruments

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

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

### 3.16 Fair value measurement

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

value in use in AASB 136.

In addition, for financial reporting purposes, fair value measurements are categorised into Level 1,

2 or 3 based on the degree to which the inputs to the fair value measurements are observable and the significance of the inputs to the fair value measurement in its entirety, which are described as follows:

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

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

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

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

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of 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 of Western Australia's accounting policies and that have the most significant effect of the amounts recognised in the financial statements.

### **4.2 Key sources of estimation uncertainty**

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

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

As described at 3.8 above, management reviews the estimated useful lives of property, plant and equipment at the end of each reporting period. There has been no change to the estimated useful lives of property, plant and equipment in the current financial year.

#### **Useful lives of intangible assets**

As described at 3.9 above, management reviews the estimated useful lives of intangible assets at the end of each reporting period. There has been no change to the estimated useful lives of intangible assets in the current financial year.



## 5. Revenue

	2015 \$	2014 \$
Member subscriptions	1,966,260	1,743,170
Membership services and activities	251,324	257,010
CPD programme and education	874,364	850,657
Grants and distributions	656,687	652,780
Marketing and promotion	422,282	304,883
Finance and administration services	577,772	523,108
Other revenue	353,671	359,696
<b>Total Revenue</b>	<b>5,102,360</b>	<b>4,691,304</b>

## 6. Other gains and losses

	2015 \$	2014 \$
Gain/(loss) on disposal of property, plant and equipment	-	(8)
Net gain/(loss) arising on financial assets designated as held for trading <sup>(1)</sup>	(45,533)	(78,833)
<b>Net gain/(loss)</b>	<b>(45,533)</b>	<b>(78,841)</b>

(1.) Includes a gain/(loss) arising on an interest rate swap that has been designated as held for trading. The gain/(loss) on the interest rate swap comprises a disposal of the swap of \$10,528. Interest of \$56,061 was paid during the year on the interest rate swap. In the previous financial year, the net gain/(loss) on the interest rate swap comprises an increase in the fair value of the swap of \$24,496 and includes interest of \$103,329 paid during the year.

## 7. Trade and other receivables

	2015 \$	2014 \$
<b>Current</b>		
Trade debtors	102,244	79,114
Accrued income	34,379	34,077
Other receivables	5,172	35,636
	<b>141,795</b>	<b>148,827</b>

## 8. Property, plant and equipment

	2015 \$	2014 \$
<b>Carrying amounts of:</b>		
Building	5,675,000	5,675,000
Plant and equipment	171,219	301,985
	<b>5,846,219</b>	<b>5,976,985</b>

	Building at fair value	Plant and equipment at cost	Total
<b>Balance at 30 June 2014</b>			
Cost or valuation	5,675,000	1,400,085	7,075,085
Accumulated depreciation and impairment	-	(1,098,100)	(1,098,100)
	<b>5,675,000</b>	<b>301,985</b>	<b>5,976,985</b>

	Building at fair value	Plant and equipment at cost	Total
<b>Balance at 30 June 2015</b>			
Cost or valuation	5,675,000	1,505,485	7,180,485
Accumulated depreciation and impairment	-	(1,334,266)	(1,334,266)
	<b>5,675,000</b>	<b>171,219</b>	<b>5,846,219</b>

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

- Leasehold improvements                      the lesser of 10 years or the lease term
- Plant & Equipment                              4-11 years
- Buildings    40 years

## 8.1 Measurement techniques of revalued amounts

The fair value of the premises on 160 St Georges Terrace was determined by adopting a midpoint market value from values obtained from the below methodologies:

- Direct comparison approach that reflects comparable sales on a strata building area rate per square metre basis; and
- Capitalisation of income approach that reflects the fair market rent for the property evidenced by market activity.

The independent valuation of 160 St Georges Terrace was last completed in the 2014.

## 9. Intangibles

	2015 \$	2014 \$
<b>Carrying amounts of:</b>		
Trademark	21,304	26,172
	<b>21,304</b>	<b>26,172</b>

	Trademark
<b>Balance at 30 June 2014</b>	
Cost	47,422
Accumulated amortisation	(21,250)
	<b>26,172</b>

	Trademark
<b>Balance at 30 June 2015</b>	
Cost	47,422
Accumulated amortisation	(26,118)
	<b>21,304</b>

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

## 10. Trade and other payables

	2015 \$	2014 \$
<b>Current</b>		
Trade creditors	53,180	15,726
Accrued expenses	130,988	93,108
Other payables	262,362	249,598
	<b>446,529</b>	<b>358,432</b>

## 11. Provisions

	2015 \$	2014 \$
<b>Current</b>		
Employee benefits	282,851	260,421
<b>Non-current</b>		
Employee benefits	60,512	42,903
	<b>343,363</b>	<b>303,324</b>

## 12. Borrowings

	2015 \$	2014 \$
<b>Current</b>		
Bank loan secured at amortised cost	-	3,542,232
<b>Non-current</b>		
Bank loan secured at amortised cost	3,431,250	-
	<b>3,431,250</b>	<b>3,542,232</b>

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. Other Financial Liabilities

	2015 \$	2014 \$
<b>Financial liabilities carried at fair value through profit or loss (FVTPL)</b>		
Held for trading derivatives not designated in hedge accounting relationship	-	10,528
	<b>-</b>	<b>10,528</b>

## 14. Property revaluation reserve

	2015 \$	2014 \$
Balance at beginning of year	897,592	-
Increase arising on revaluation of properties	-	897,592
<b>Balance at end of year</b>	<b>897,592</b>	<b>897,592</b>

Valuations of the premises on 160 St Georges Tce are obtained as required to meet the conditions set out in the loan agreement, the last valuation was completed in 2014.

## 15. Retained earnings

	2015 \$	2014 \$
Balance at the beginning of the year	2,433,281	2,374,328
Surplus/(deficit) for the year	155,876	58,953
<b>Balance at the end of year</b>	<b>2,589,157</b>	<b>2,433,281</b>

## 16. 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.

	2015 \$	2014 \$
Cash at bank and on hand	1,093,083	729,879
Short-term deposits	1,343,555	1,281,494
	<b>2,436,638</b>	<b>2,011,373</b>

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

	2015 \$	2014 \$
Surplus for the year	155,876	58,953
Loss on disposal of property, plant and equipment	-	437
Net gain arising on financial liabilities designated as held for trading	(10,528)	(24,496)
Depreciation and amortisation of non-current assets	241,035	320,604
	<b>386,383</b>	<b>355,498</b>
Movements in working capital		
(Increase)/decrease in trade receivables	(26,581)	(55,670)
Increase in other assets	(1,608)	20,581
Increase/(decrease) in trade and other payables	121,711	52,140
Increase/(decrease) in provisions	40,039	47,932
Increase in income in advance	121,706	187,068
<b>Cash generated from operations</b>	<b>255,267</b>	<b>252,051</b>
<b>Net cash generated by operating activities</b>	<b>641,650</b>	<b>607,549</b>

## 17. Related parties disclosures

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

Members who served 1 January 2015 to June 2015	Members who served 1 July 2014 to 31 December 2014
Matthew Keogh	Konrad de Kerloy
Elizabeth Needham	Matthew Keogh
Alain Musikanth	Elizabeth Needham
Hayley Cormann	Alain Musikanth
Alison Aldrich	Brendan Ashdown
Marie Botsis	Marie Botsis
Tara Connolly	Hayley Cormann
Brahma Dharmananda SC	Brahma Dharmananda SC
Nathan Ebbs	Nathan Ebbs
Adam Ebell	Adam Ebell
Nicholas Ellery	Pamela Hass
Catherine Fletcher	Nicholas van Hattem
Greg McIntyre SC	Greg McIntyre SC
Marshall McKenna	Denis McLeod
Denis McLeod	Clinton Russell
Georgia Pickering	Cameron Syme
Emma Cavanagh	Emma Cavanagh
Ray Christensen	Hayley Ellison
Rosie Hill	Rosie Hill
Konrad de Kerloy	Craig Slater

### 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 2015 was \$122,626 inclusive of 9.50% superannuation. (2014: \$118,637).

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

There were no amounts paid to firms of which Councillors were partners during the reporting period. The Society also received fees from firms of which Council members are partners, employees and consultants. The fees were received

from all parties under the same terms and conditions, as follows:

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

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

During the current financial year, the Law Society of Western Australia received fees from Law Mutual WA for administration, consulting and management services on normal commercial terms and conditions amounting to \$288,273 (2014: \$233,608).

At 30 June 2015, Law Mutual WA owed the Law Society of Western Australia \$102,244 (2014: \$79,114).

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

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

	2015 \$	2014 \$
Francis Burt Law Education Programme	175,000	170,000
Francis Burt Law Education Programme - Oral History Project	10,300	5,150
Law Access	110,428	112,009
Law Week	16,000	10,000
	<b>311,728</b>	<b>297,159</b>

At 30 June 2015, the Law Society Public Purposes Trust did not owe monies to the Law Society of Western Australia (2014: \$nil).

The Law Society of Western Australia received fees from the Law Society Public Purposes Trust for administration, consulting and management services on normal commercial terms and conditions amounting to \$146,546 (2014: \$146,548).

## 18. Commitments

### (a) Operating Leases

	2015 Minimum Future Lease Payments \$	2014 Minimum Future Lease Payments \$
No later than 1 year	11,711	12,776
Longer than 1 year and not longer than five years	-	11,711
Longer than 5 years	-	-
	<b>11,711</b>	<b>24,487</b>

### (b) Secured Bank Loans

	2015 Minimum Future Lease Payments \$	2014 Minimum Future Lease Payments \$
No later than 1 year	-	3,542,232
Longer than 1 year and not longer than five years	3,431,250	-
Longer than 5 years	-	-
	<b>3,431,250</b>	<b>3,542,232</b>

## 19. Remuneration of auditor

	2015 \$	2014 \$
Audit of the financial statements	23,150	24,100
	<b>23,150</b>	<b>24,100</b>

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

## Statement by Council

As detailed in Note 3 to the financial statements, the Law Society of Western Australia is not a reporting entity because in the opinion of the Council there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this 'special purpose financial report' has been prepared to satisfy the Council's accountability requirements under sections 71 to 76 of the Law Society's Constitution.

The Council declares that:

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

Signed in accordance with a resolution of the Council.

On behalf of the Council.

X 

---

Elizabeth Needham  
President

X 

---

Marie Botsis  
Treasurer

Date: 20/10/15



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

We have audited the accompanying financial report, being a special purpose financial report, of The Law Society of Western Australia, which comprises the statement of financial position as at 30 June 2015, the statement of profit or loss and other comprehensive income, the statement of cash flows and the statement of changes in equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Council as set out on pages 2 to 20.

## *The Council's Responsibility for the Financial Report*

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

## *Auditor's Responsibility*

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

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

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

## *Opinion*

In our opinion, the financial report presents fairly, in all material respects, the financial position of The Law Society of Western Australia as at 30 June 2015 and its financial performance for the year then ended in accordance with the financial reporting requirements of The Law Society of Western Australia's Constitution as described in Note 3.

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

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



DELOITTE TOUCHE TOHMATSU



**Neil Smith**  
Partner  
Chartered Accountants  
Perth, 21 October 2015



**The Law Society of Western Australia**

Level 4, 160 St Georges Tce, Perth Western Australia 6000

**Postal address:** PO Box Z5345, Perth WA 6831 or DX 173 Perth

**Phone:** (08) 9324 8600 **Fax:** (08) 9324 8699

**Email:** [info@lawsocietywa.asn.au](mailto:info@lawsocietywa.asn.au) **Website:** [lawsocietywa.asn.au](http://lawsocietywa.asn.au)

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