



# **ANNUAL REPORT 2014 – 2015**

**To be Presented at the  
Annual General Meeting  
of the  
Law Society of Tasmania  
on  
16 October 2015**

# **The Law Society Council**

## **2014 – 2015**

### **President**

M J Verney

### **Vice-President**

D J Barclay

### **Hon Treasurer**

R J Foon

### **Council**

L Bartlett (N), D J Barclay\* (S), J F Crotty\* (S), R J Foon\*(N), A Grant (S), C Garwood (N-W), W M Griffiths\* (N), C Higgins (S), E Hughes\* (N), W C Justo\* (S), F Lester (N), A R McKee (S)[part-year], T J McKenna (S) [part-year], A P Mihal\*(N-W),], K Mooney\* (S), B Paterson, (S), M J Verney\*(N-W),

(\*Executive Committee Member)

### **Executive Director**

L O Rheinberger

### **Deputy Executive Director**

F Saturno

### **Law Council of Australia Director**

W M Griffiths

## **Committees 2014 – 2015**

The President is an *ex officio* member of all Law Society Committees

### **Northern Regional Committee**

W M Griffiths [Chairman], P J Lebski [Secretary], S P Bishop, R J Brown, J L Byrne, D P Cordell, C N Dockray, C J Foon, B Frake, J M French, C Gibson, D Grey, G L Jones, J C Kitto, W F Lester, S B McElwaine, F V Moore, R M Murray, S Pratt, C L Schuh, B Sproal, K J Stanton, A Trezise, G Tucker, P A Welch, T J Whyte

### **Southern Regional Committee**

D J Barclay [Chairman], J F Crotty, A Grant, C Higgins, W C Justo, A McKee [part-year], T J McKenna [part-year], K Mooney, B Paterson,

### **North-West Regional Committee**

M J Verney [Chair], L Topfer [Secretary], A Mihal

### **Mediation & Arbitration**

C J Gunson [Chairman], J Downie, M Essex, W J Friend, A Mead, M Rapley, P R Theobald

### **Criminal Law Committee**

K Cuthbertson [Chair], J Crotty, J Hartnett, J McCarthy, F McCracken, A McKenzie [part-year], R Mainwaring, C Rainbird

### **Litigation Committee**

E Hughes [Chairman], A Beeson, C J Gunson, R Hudson, S J Knott, N Munting, R Phillips, M A Ryan, A B Walker

### **Property & Commercial Law Committee**

T Tierney [Chairman], A Bobbi, G Bradfield, R Gretton, C Higgins, W C Justo, A Laning, A Logan, R Manning, C Wootton

### **Employment & Equal Opportunities Committee**

A R Mills [Chair], W Ash, C Garwood, C A Green, R Heyward, Y Healy, E Lester, S C Sealy, K Tongs, A Wells

### **Solicitors' Accounts Rules Committee**

P V Manser [Chairman], R Byrne, M J Crisp, R Foon, E James, S Law, M Maddock, A N Morgan

### **Continuing Professional Development Committee**

C Higgins [Chairperson], L Connelly, K Hanslow, A Mead, Professor M Otlowski, E White, D Zeeman

### **Elder & Succession Law Committee**

A Wiss, [Chair], J Harrington, L Johnston, F Lester, S C McCulloch, K E McLagan, Z Nicholson, B F E Rheinberger, C Schokman, J B Walker

### **Pro Bono Clearing House**

R Manning, [Chair], K Cuthbertson, M Essex, C Higgins, J Hutchison, A Kaitinis, C Mackie, A Mead, S Piggott, K Starkey

### **Family Law Committee**

R Blissenden, L Connelly, F Di Giovanni, A Grant, D Lewis, T McKenna, L Mollross, M A Ryan, P Theobald, A Trezise

### **Young Lawyers' Southern Committee**

A Higgs, A Thompson (Co-Presidents), S Kimber (Treasurer), L Brooks (Secretary)

Members:

S Stranger, B Walsh, B Garth, B Keo, C White, H Mitchell, J Sabapathy, L Rankin, L Lester, M Jones, M Bird, R Meredith, A McKenzie, S Karpinskyj, K Heap, C Ransley, M Sheehan, R Fletcher, H Frost, L Kelly, H Gill, T Kapodistrias, E Stenlund, V Veldhuizen, K Williams, M Sakaris

Reps

SLS (J Skierka)

TULS (V Dawkins)

TLPC (A Hilly)

### **Young Lawyers' Northern Committee**

L Brett [President], F Radin [Vice President], B Ashman [Treasurer],

J Oxley [Secretary], C Flockhart [CPD Coordinator],

S Pearce, Sam Claessens [Sponsorship Coordinators], R Hegarty, C Pryor, L Tolputt

### **Young Lawyers' North-West Committee**

A Brown [President], J Hall [Treasurer] O Hinss [Social Convenor], K Abercromby [Social Convenor], K Gauden, A Walsh, E Kilpatrick

### **Representative on the National Young Lawyers' Committee**

H Mitchell (part-year), A Thompson (part-year)

## **The Society's Nominees on Other Bodies**

### **Board of Legal Education**

L Mason, M E O'Farrell SC,  
L O Rheinberger [Secretary]

### **Law Council of Australia Access to Justice Committee**

W F Lester

### **Law Council of Australia – LPS Australian Law Management Group – Executive Committee**

F Saturno

### **Law Council of Australia – LPS Australian Property Law Group – National Committee**

W Justo [part-year]

### **Law Council of Australia Environment and Planning Law Group**

J Feehely

### **Legal Aid Commission**

G Barns, D Zeeman

### **Council of Law Reporting**

M J Crisp

### **Law Foundation of Tasmania**

M Verney [Chairman], D Barclay, N R Readett, L O Rheinberger [Secretary]

### **Centre for Legal Studies**

T G Bugg [Chairman], P A Bowen, G L Jones, L O Rheinberger [Secretary]

### **Solicitors' Trust**

M J Crisp [Chairman], P Kuzis

### **University of Tasmania Law Faculty Teaching and Learning Committee**

D F M Zeeman, J Dewar

## **Associate Bodies**

### **Family Law Practitioners' Association of Tasmania**

T M Eaton [Chair], J K Petersen [Vice-Chair N], M Turnbull [Vice-Chair S],  
A M Brunacci [Public Officer and Secretary], K Starkey [Treasurer], S Alcock, R  
Murray, A Graham, L Mollross, K Mussared, M Foster, J Higgins, M Torney, S  
Hunt, P Fitzgerald

### **Tasmanian Women Lawyers**

B F E Rheinberger [President], A Chrysler [Vice-President], A Cutler [Secretary], I  
Dineen, C Wootton [Treasurers], T Hodgman [Membership Officer], B Frake, M  
Nettlefold, A Davies

## **President's Report**

As this year draws to a close, I realise just how quickly it has passed. At the start of the year I thought about what the year would involve and how I would apply myself to the role of President. I don't mind admitting that it was with a degree of nervousness that I started last October. However, I came to the conclusion that the only way I could do it and be happy with it was to throw myself into the role "boots and all". That is what I tried to do from day one. The speed with which it has passed reflects I think what has become the fast pace of the role and the volume of matters that have arisen and been dealt with.

Throughout the year, once again the Society has had to focus on its very important role as an advocate for the Rule of Law and access to justice. It has felt that at almost every turn those important principles have been under threat whether that be in the form of a Government relentless in its attempts to introduce mandatory sentencing (even as other jurisdictions around the world turn away from it), abandon suspended sentencing, in the form of cutbacks which result in diminished access to Legal Aid or efforts to break away from the successful partnership that forms the basis of our library services. These are of course only a few examples.

Just as these issues are relentless in arising, so too has been the Society in responding to them with as much vigour as can be mustered. The interests of the Rule of Law, justice and of our members demands nothing less.

In addition, the Society has continued to advocate for reforms where it has been seen to be warranted, and provided submissions and advice to the Legislature wherever possible.

As I consider what has been achieved this year, some of the highlights that stick in my mind include:-

1. The Society's part in successfully advocating against mandatory sentencing in the anti protest and firearms legislation;
2. Ongoing efforts to secure appropriate library services for the profession;
3. Vigorously participating in the review of the Legal Aid Commission;
4. The continued engagement of the Society with the Law Council of Australia and the Conference of Law Societies;
5. The raised profile of the Society to its members and the broader community;
6. The establishment of the Society's new Family Law Committee.

This last point is particularly pleasing because within about a month of the Council identifying the need for a Family Law Committee, expressions of interest were called for, received, members selected, and the Committee formed. The Council acted quickly and decisively once the need was realised. It is particularly pleasing when noting that some of the most senior Family Law practitioners in the State sought to be involved in the Committee. I would like to express my gratitude to them.

Throughout the year, the Society has continued to discharge its Regulatory role with skill and efficiency. That role is fundamental to our Society and our profession. It is one that the Society has discharged now for many years and done so without criticism. However that has not meant that the Society's role has been without challenge. If that challenge had been successful then the very future of the Society would have been in some peril. However, the Society stood firm, argued its case to the Attorney General, Dr Goodwin, and its position has

been secured. Through that process, it made me realise two important things. Firstly, that we cannot take the Society for granted; and second, that the Attorney General has great regard for the role of the Society. Even though there have been a number of occasions where the Society and the Attorney have had differences of opinion, it is clear that she, and I therefore assume the Government, has regard and respect for our organisation and the important role that it serves.

Throughout my term as President, I have wanted to make the Society the automatic “go to” body for comment about matters legal whether that be by the Government, the community, or the media. For this reason I have tried to be as available as possible to make comment, and as active as possible in doing so. I think the Society has had some success in this regard. However I am very mindful of and grateful to the members of the Society and of the Council who have provided counsel to me for this purpose during the year.

One of the things I have enjoyed about this year has been the extent to which the role has taken me out of my normal areas of practice. Because of this, being able to seek advice about matters before launching into the public domain has been vital and to those who have provided that counsel and support I express my gratitude.

There are some things that I would have liked to have done this year. For example, it had been my desire last October to more regularly report to the profession about the Society’s and my activities. The year has slipped past without me doing so and I am sorry about that. However one thing we have done is launch the Society into the era of social media with a Twitter account. The tag is @LSTPresident and we are gradually gaining followers. As time goes by, it will be a good means of the members following what the President is up to, and a good means of the Society pressing its case.

In conclusion, I would like to express my thanks to the following:-

1. The Council – the Society is fortunate to have an energetic and capable Council. Without exception all the Council have “pulled their weight”. They have had to make at times difficult decisions about sensitive matters sometimes whilst juggling a diversity of views. The Council has done so and they deserve the gratitude of the profession;
2. The Society’s staff – I am very grateful to the staff. They really are the unsung heroes of the Society without whom the business of the Society simply would not occur. On a personal note, they have been of marvellous help to me in my role as President and for that I am very grateful indeed;
3. The Deputy Executive Director, Francesca Saturno – Francesca is a tireless worker for the Society. Amongst her numerous duties, she oversees the CPD programme (a programme which stands up very well to any comparison to our interstate counterparts). She has taken control of our IT and audio visual developments, an at times exceptionally difficult aspect, and has done a great job. She has also been a sounding board for me for which I am grateful.
4. The Executive Director, Luke Rheinberger – can I say that our Society is extremely lucky to have Luke. He manages and guides the Society with great thought, care and consideration. I know that not only is he highly respected by our Council and members, but also by his professional counterparts in the other Australian Law Societies. He has been an exceptionally valuable sounding board for the President and hasn’t been shy to gently redirect (or at least suggest it) when needed. He has a



judgment for the affairs of the Society and I can confidently say that the Society is all the better for him occupying the front office at Murray Street.

Finally, I would like to thank the Society's members for the support and advice through the year. You have given me the opportunity of serving the Society as its President, a role that I have thrown myself into, and a role that I have thoroughly enjoyed. Thank you.

**Matthew Verney**  
**President**

## **Treasurer's Report**

Attached are the financial statements for The Law Society of Tasmania ("the Society") for the financial year ending 30 June 2015.

The Society is a Prescribed Authority under the Legal Profession Act (Prescribed Authorities) Regulations 2008, those regulations being made under the Legal Profession Act 2007.

The financial reports disclose a loss of \$78,459 following a modest surplus of \$23,025 in the 2013/2014 financial year.

Revenue for the financial year in fact increased from \$1,010,691 to \$1,076,024. However there was a significant increase of expenses from ordinary activities. That increase is in large part attributable to the extensive renovations to the courtyard and associated improvements at the building at 28 Murray Street. All members were no doubt aware of the poor quality of the facilities, and the renovations are a necessary and vast improvement for all members.

The Society is very fortunate to own 28 Murray Street as well as Staffordshire House in Launceston. However the age of those buildings and the maintenance that will be required is likely to result in further increases in costs overtime.

2014/2015 saw a reduction in interest received by the Society. Members will be aware the Society holds a not insignificant cash reserve which is ordinarily invested conservatively in fixed term deposits. The extremely low interest rates available have led the Society to form a sub-committee to investigate and report on whether or not it should consider a change to that investment strategy. The Society would be pleased to hear from its members about this issue and how best the Society can use its funds for the betterment of its members.

There was a substantial reduction in cash flow. However the cash flow differences predominately relate to the much lower PII premium in advance held by the Law Society. It is not a concern for the Society given its cash reserve. The much lower PII premium held in advance is also the predominate reason why the Society's current liabilities are significantly down on the 2013/2014 financial year.

Practising certificate fees are once again the major source of income for the Society. The amount of funds received was slightly increased. However, there has been no real movement in the number of practitioners in Tasmania. For the time being the income is relatively certain. The Society is however conscious of the changing nature of legal practice and the aging of the profession. Because of the sensible and prudent financial management of the Society over many years it is well placed should there be any significant variation in the coming years.

There was again an increase in revenue from continuing professional development to \$133,210 from \$118,419. That increase was not withstanding the fact there is significant competition in that area. Continuing professional development is critical, and the Society is

working hard to ensure that it continues to provide legal education relevant to legal practice in Tasmania at a reasonable cost.

I would like to record my appreciation for the efforts and assistance of the Law Society's accountant, Peter Rowe as well as the staff of the Society in the performance of my duties as Treasurer and to acknowledge the help of the Executive Director and Deputy Executive Director during this financial year.

**Rohan Foon**  
**Treasurer**

## **Committee Reports**

Following please find reports received from the Society's Committee's.

### **Continuing Professional Development Committee**

#### **Committee Members**

**Carey Higgins**

**Linda Connelly**

**Kate Hanslow**

**Andrew Mead**

**Margaret Otlowski**

**Emma White**

**Daniel Zeeman**

The Continuing Professional Development (CPD) Committee has seven members and meets every second month. The primary focus of the Committee in this year has been overseeing the CPD Program. The CPD Committee also relies on the good work of other Committees of the Law Society to assist in formulating content for CPD events and activities across practice areas which will appeal to its members and to have notice of those events issued to assist members in planning their CPD activities for the year. The attached list provides a summary of the extensive number of past CPD activities (from 1 July 2014) including likely upcoming events.

The CPD Committee has been mindful of managing a CPD program for the profession that offers topics that are of appropriate intellectual content and appealing to lawyers of different levels of experience. The CPD Committee has ensured, where possible, that the CPD program has included presentation in a range of different formats, such as half or full day conferences, shorter seminars, lunch time seminars or after work seminars, events have occurred both in the South and in the North of the State and events have made available by video link where possible to ensure that events are widely available. Members have been very fortunate to have had the benefit of hearing from some highly regarded and skilled practitioners and other professionals (both local and interstate) at various CPD events during the year.

The CPD Committee is also working on convening a CPD event in March 2016 with some speakers from the mental health profession to be invited to address issues in practice such as acting for clients with mental health issues, handling difficult situations and self care considerations.

The CPD Committee has ensured that its members are kept informed of upcoming events including through the weekly Wednesday updates and has encouraged interaction from members to contact the Law Society with their suggestions for topics and speakers and particularly encouraging members to offer their time to be involved at CPD events whether as a speaker, chair or a member of a panel discussion. The CPD Committee welcomes feedback from its members regarding the content and quality of CPD activities including via the Law Society's issue of survey sheets to capture feedback immediately following a CPD event.

This year the CPD Committee has also considered the issue of government lawyers and their CPD programs. While this matter has been referred to the Council of the Law Society of Tasmania for further response, the Committee would be keen to see a more collaborative approach and interaction between the differing CPD programs and obligations particularly given the suspected number of government lawyers in Tasmania.

While continuing professional development requirements are mandatory for lawyers holding practising certificates, the statistics available to the CPD Committee indicate that there were some instances of non-compliance in the 2014/2015 year (around 2.15% of the profession). This is an improvement on the previous year (3.28%). It is hoped that compliance will continue to improve in the future given the support provided by the Society in assisting members to understand the Scheme's requirements; the growth of the Society's Program (considerable time and thought have been invested in developing the Law Society of Tasmania CPD Program, particularly in relation to quality, relevance and affordability); and the wide range of other CPD activities that are available externally to this program.

The CPD Committee encourages practitioners to review the Continuing Professional Development Rules and to contact the Law Society if they have any queries about the definition of CPD activities that may be included towards their CPD requirements.

The CPD Committee is keen to hear from practitioners with their thoughts on CPD events and activities that they would benefit from. The CPD Committee is grateful to staff of the Law Society for their assistance, particularly to Francesca Saturno for her very considerable work and assistance in preparation of papers for meetings, arranging speakers and organising CPD events. The CPD Committee also thanks and is indebted to all volunteer speakers for their invaluable contributions to the Law Society CPD Program.

**Carey Higgins**  
**Chair**

## **LAW SOCIETY OF TASMANIA CPD EVENTS**

### **1 July 2014 – Present**

- LOVING LIST - List Website Usage Training
- Business in Distress - Insight from the Regulators
- Conference: Employment Law Update
  - Managing Employees' Mental Health, Stress and Long Term Injury or Illness
  - Managing Claims: Adverse Action and Unfair Dismissal
  - Panel Discussion - Current Issues and Trends In Employment Law
  - The New Anti-Bullying Jurisdiction
- Tax and Deceased Estates - the Fundamentals
- Suicide Prevention Program
- Obtaining Documents from the ATO
- Care & Capacity: Substitute Decision Making and Advanced Care Plans
- Statutory Demands
- Taxation of Costs
- Workplace Relations - A Year in Review
- Conference: Advocacy Skills Training - 3 Day Course - Advocacy Convention
- Granny Flats Forum
- Conference: Criminal Law
  - Criminal Law Legal Update & Trending Issues
  - Practical Implications of the recent changes to the *Evidence (Children & Special Witnesses Act)*
  - Forensics - Motor Vehicle Crash Investigations
  - Forensics - Advances in DNA Testing
  - Recent Developments in Proceeds of Crime Litigation
  - Cross-Examination of Forensic Experts

- Ethics Hypothetical
- Understanding Financial Statements
- Conducting Effective Financial Investigations
- Conference: Property & Commercial Law
  - Issues and Trends in Planning Law
  - Sale of Shares v Sale of Business Assets
  - Leases, Forfeiture and Unconscionable Conduct
  - The ABC of IP in the Purchase of a New Business
  - Risk Management for Property & Commercial Lawyers
  - Title Insurance Update (practical case study/risk management session)
  - E-Conveyancing Update
  - Legal Update - Contract for Sale of Real Estate
  - Ethics for Private & Government Lawyers
- Rock Star Lawyer - Fluff is for Pillows
- Rock Star Lawyer – Technethics
- Rock Star Lawyer - Life Management
- Employment Law Update - Fair Work Act Seminar
- Competition & Consumer Act - Recent Developments of Interest to You and Your Clients
- Property Valuations
- Evening of Ethics & Eating (NW)
- Conference: Business Law Update
  - Professional Standards Limitation of Liability Schemes
  - Electronic Evidence & Record Retention
  - Current Issues in Corporations Law
  - Taxation Law Update
  - PPSA in the Insolvency Law Context
  - Changing Legal Landscape: The Next Five Years
  - Contract Law Update
- Conference: Elder & Succession Law
  - Building the Profitability and Financial Success of your Elder & Succession Law Practice
  - International Wills - New Legal Developments
  - Testamentary Capacity - When things go Wrong
  - Acting for Several Generations of One Family - Some Ethical & Professional Standard Considerations (panel session)
- Capital Gains Tax & Real Estate
- Conference: E&EO Workplace Relations
  - Negotiation Strategies/Interest Based Bargaining
  - Unconscious Bias in the Workplace/Recent Decisions of the Anti-Discrimination Tribunal
  - Effective Witness Statements
  - Ethics Hypothetical - Panel Session
- Contract(Sale of Real Estate) Forum
- Conference: Risk Management Afternoon
  - How to Perform CPR on your Practice
  - Professional Indemnity Claims Session
  - Tarzan-Grabbing for the Oxygen Mask
  - Ethical Conundrums (panel session)

**CPD Events Coming Up (October 2015 – March 2016) include\*:**

- Professional Negligence - Will Drafting and the Scope of Retainer - The Current State of the Law (jointly hosted by STEP and LST)
- Use of Social Media in Litigation (panel session)
- How to Brief a Forensic Accountant
- Water Rights Seminar
- Conference of Regulatory Officers
- Conference: Litigation
  - Sun Tzu and the Art of Litigation
  - Concurrent Stream Session: Settlement Techniques in Civil Litigation & Avenues of Administrative Appeal
  - The Emotionally Intelligent Lawyer
  - Expert Reports and Cross-examination on expert reports
  - Concurrent Stream Session: Structuring Commercial Litigation Claims & The Civil Liability Act in Review
  - Pondering Pro Bono
  - Speed Ethics
  - Litigation Legal Update
  - Expert Management - Victorian Bushfire Litigation
  - Concurrent Stream Session: Identification of Legal Error in Judicial Review & Confidence in the Courtroom
  - Risk Management Session
- Compulsory Acquisitions
- Legal Profession Board of Tasmania
  - Part 1: Lessons from the LPBT files (practice management for lawyers – common areas of complaint and how to avoid them) plus case studies
  - Part 2: Facing a Complaint (procedure) + Q&A
- Irreconcilable Differences: Tax Relationship Breakdowns and the Family Businesses
- Removal and Modification of Overriding Interests
- Criminal Law Conference February 2016
- Property & Commercial Law Conference March 2016
- Trust Accounting - Tips from the Files March 2016

***\*Please continue to check the weekly updates for regular additions***

**Young Lawyer Lecture Series (2015 seminars)**

Prosecution and the ICC in Family Violence

Some Ethical Issues in Court

Information Session: Legal Application, Selection Criteria and CV writing

Including Conditions in Enduring Guardianships & Advising Attorneys about their powers in light of the changes to the Power of Attorney Act

TFM – Claims in Tasmania and Solicitors duties when drafting wills

*Griffiths v Kerkemeyer*

The Ethics of Re-Examination and when Privilege is waived

The Role of the Court Consultant in Family Law Proceedings

Professional Ethics and Criminal Law

Anatomy of a Workers Compensation Claim & Damages

Trials and Hearings – Overview

Kenny and the Lost Toilets (*Personal Property Securities Act*)

Advocacy Etiquette and Survival Skills – Plea Making and Other Basic Skills

Aboriginal Children – Specific Considerations in Family Law and Child Protection Matters

Legal FDR and Conferencing Update and Developments  
Fast Tracking Applications in Federal Court  
Ethical Limits of Ceasing to Act (coming up, October 2015)  
Pleas & Bail Applications in the Magistrates Court (coming up, October 2015)  
Building a Practice (coming up, November 2015)  
Conflicts of Interest (coming up, November 2015)

The Young Lawyer Lecture series is also acknowledged as a critical and valuable component of/contribution to the Law Society CPD Program.

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## **Elder and Succession Law Committee**

### **Committee Members**

**Alison Wiss**

**Jenice Harrington**

**Fred Lester**

**Sam McCullough**

**Kristen McLagan**

**Bridget Rheinberger**

**Christine Schokman**

**James Walker**

**Zac Nicholson**

**Linda Johnston**

The Elder and Succession Law Committee currently has 10 members. The Committee has held 6 general meetings and one special meeting. The Chair person in the reporting year has been Alison Wiss.

### **Law Reform Issues:**

In response to the Law Society's request for a review of s.39 of the Land Tax Act 2000 (and its implications for practitioners dealing with the transfer of properties in the administration of deceased estates) the Commissioner of State Revenue agreed to review the provisions of the Act as part of its annual review of taxation legislation in 2015.

The Committee received the proposed draft Probate Rules from the Supreme Court and held a special meeting on 31 October to discuss the amendments. A lengthy submission was submitted to the Probate Registry in November 2014.

The Committee made a submission to the Department of Justice in November 2014 on the Guardianship and Administration Amendment Bill 2014. This Bill proposed amendments to the Guardianship and Administration Act to allow for a "person responsible" to consent to the carrying out of forensic procedures on incapacitated people suspected of being the victim of a crime. The amendments also proposed the introduction of a medical consent hearing. The Committee was satisfied with the changes made subsequent to its submissions.

The Committee made a submission to the Department of Justice regarding the draft Justice and Related Legislation (Miscellaneous) Act and in particular the amendments to the definition of "stepchildren" under the Testator's Family Maintenance Act. The Committee's proposed amendments to protect step-children who remain in the testator's household after separation were not adopted.



**Practice Issues:**

A register of wills, WillPoint, is under consideration. A sub committee of Sam McCullough, Zac Nicholson and Robyn Jack (Rumbold) have reviewed all submissions made by the profession to the Law Society and are in the process of preparing recommendations which will then be circulated to the committee for its consideration.

A sub committee consisting of Alison Wiss and Sam McCullough has been working with Dr Stewart Gardner to develop a Standard Testamentary Capacity Report for Wills and Powers of Attorney that can be useful to both professions. The draft report has been circulated to the committee for comment and will then be sent to Dr Gardner for comment.

On the 13th August, Andrew Cameron, Senior Governance and Reviews Analyst from Retirement Benefits Fund attended a meeting to discuss its policy regarding the restrictions on death benefit nominations, the trustee's discretion and whether the proposed merger with Tasplan and Quadrant in November 2015 would change the current policy.

**Continuing Professional Development:**

The Committee organised a seminar on Granny Flat Agreements on 20th February 2015 with David Davis and Glen Penno. The seminar covered property arrangements between children and their elderly parents and substitute decision making and advanced care plans.

The Committee held a successful half day seminar on the 19th June in Hobart. Topics included Using the rule in Saunders v Vautier on behalf of a trust beneficiary by Richard Williams; Marketing Elder & Succession Law Services offered by Tasmanian Lawyers; International Wills with Peter Worrall and Brendan McManus; Drafting and evidence assisting with proving testamentary capacity if a dispute arises by Lindsay Ellison; Panel discussion on some ethical and professional standard considerations in acting for several generations of the one family. The seminar was well attended and received positive feedback.

The Committee organised a seminar by Emma Woolley on Using Testamentary Discretionary Trusts to Protect Against Family Provision, Family Law and Bankruptcy Claims. The seminar was well attended for a Friday afternoon and Emma provided some useful insight into the topic.

**Work with Related Organisations:**

Sam McCulloch is the Society's representative on the Law Council of Australia Elder and Succession Law committee and regularly reports on the activities of the committee.

Anita Smith, President of the Guardianship & Administration Board (GAB) was invited to attend a meeting of the committee on the 11 June 2015. The committee raised several cases of standard of care issues regarding the Roy Fagan Centre. Ms Smith commented that the centre was a state facility which meant it was probably more risk averse than other care facilities. Ms Smith reported that human resources at GAB has been an issue due to government cut backs.

**Legal Education:**

In line with the Committee Charter, Law Society committees are amongst other things a forum for consideration of practical issues and resolution of problems affecting the profession. The Committee now publishes a notice in the weekly electronic newsletter inviting members of the profession to submit to it for consideration any concerns or suggestions they may have relevant to this area of practice and law.

**Acknowledgement:**

The Committee is grateful to the staff of the Law Society, particularly Francesca Saturno for her assistance in preparation of agendas, minutes and correspondence and organisation of CPD Seminars.

**Alison Wiss**

**Chair**

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**Property and Commercial Law Committee****Committee Members**

**Tim Tierney**

**Graeme Bradfield**

**Rodney Gretton**

**Carey Higgins**

**Will Justo**

**Anthony Laning**

**Antony Logan**

**Robert Manning**

**Clare Wootton**

**Alex Bobbi**

The success of the Committee is founded on the great support it receives from the staff of the Society and in particular, Deputy Executive Director, Francesca Saturno.

Francesca's hard work and efficiency has been supported by her sound counsel.

It is Francesca who should receive the accolades for the substantial and successful CPD program in the property and commercial law area. The contribution of those delivering seminars is deeply valued. Nearly all seminars are delivered by volunteers. The volunteer contribution is the basis upon which the Society delivers comprehensive and cost effective CPD.

The Society and the profession is indebted to the volunteer contributors and their commitment to the best of what it is to be a professional.

The current major project of the Committee is work on the Standard Form Contract For Sale Of Real Estate. The Committee is addressing, vendor disclosure, vendor warranties and cooling off periods issues which have befuddled two decades of government review and ineffective action. With the recent closing of submissions on draft documents and a supporting White Paper, adoption of the new contract is expected in early 2016

The Committee has established a broad agenda to advance issues for review and has began liaison with the Recorder of Titles to begin work on advancing that agenda.

The committee has provided Tasmanian representatives for :

- the Australian Property Law Group, the Committee of the practice section of law council which constitutes the professional body for property lawyers in Australia.
- the Law Council's Electronic Conveyancing Working Group.

The members of the Committee have resumed regular consultations meetings with the State Revenue Office. Those meetings have been less frequent in the last few years but were successful prior to that in dramatically improving the communication and relationship

between the profession and the State Revenue Office and assisting in significant improvements in the practice of the State Revenue Office, its governing legislation and in the way it dealt with the profession.

**Tim Tierney**  
**Chair**

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## **Pro Bono Legal Assistance Committee**

### **Committee Members**

**Robert Manning**  
**Kate Cuthbertson**  
**Carey Higgins**  
**Jane Hutchison**  
**Annett Kaitinis**  
**Craig Mackie**  
**Andrew Mead**  
**Kirsten Starkey**  
**Sarah Piggott**  
**Meegan Essex**

### **Committee Membership and Committee Meeting**

The Pro Bono Legal Assistance Committee has ten (10) members and meets every second month. The Chair of the Committee throughout the reporting year was Robert Manning.

### **Applications for Pro Bono Legal Assistance**

It is a commonly held view that there should be universal access to justice for all members of our society. Unfortunately, financial constraints mean that such access is denied to many. The Committee's role is to facilitate the access to justice denied to many by matching people and organisations that are in genuine need of legal assistance with legal practitioners who are able and prepared to assist. In particular, the purpose of the Committee is to arrange suitable assistance where no other form of assistance is available.

Legal practitioners have, of course, always provided pro bono legal assistance. The function of the Committee is to provide a formalised structure to facilitate the provision of pro bono legal assistance, and in doing so, to enable due recognition to be given to the profession, and to firms and practitioners for doing so.

In the calendar year 2014, forty (40) applications for pro bono legal assistance were received and considered by the Committee. To date, twenty one (21) applications have been received in the calendar year 2015.

Of course, it is not known whether the needs of all are being addressed. It may well be that those in need of legal assistance, but who cannot afford it, are being denied justice because they do not have an awareness of the existence of the Society's pro bono legal assistance scheme. Raising the profile of the scheme may well be give rise to a greater demand for the scheme, and the Committee needs to be mindful at all times of the capacity of the scheme to provide assistance, being entirely dependent upon volunteer practitioners to give freely of their time and expertise.

While the Committee is extremely grateful to firms and practitioners who have been prepared to provide legal services free of charge to approved applicants, it is regrettable that on two occasions in this past year there have been matters in respect of which pro bono legal assistance was approved, but where it was not possible to obtain a suitably experienced practitioner to take on the matter within the required timeframe.

The Committee is therefore always interested and grateful to receive expressions of interest from firms and practitioners prepared to provide pro bono legal assistance to those approved through the Committee's scheme.

The Committee enjoys the benefit of the placement of David Wilson by the Australian Government Solicitor's Office one day a week at the Society to assist with the operation of the scheme, and in particular, with the assessment of applications. David's contribution results in the Committee being able to consider and determine applications for assistance at its meetings relying on David's summary of all the relevant information. Without David's assistance, the Committee would need to revert to a previously established procedure of referring new applications to volunteer lawyers for assessment.

Doctor Tina Riveros is a Queensland legal practitioner who has offered to assist with the activities of the scheme. However, as she is not in private practice, Doctor Riveros cannot provide direct legal advice, and so has agreed to conduct assessments of family law related matters.

The Committee is extremely grateful for the good work of David Wilson and Doctor Tina Riveros.

### **Pro Bono Access Australia –Adelaide Forum**

Pro Bono access Australia is a loose affiliation of pro bono Clearing Houses comprising:

- Justice Connect operating in NSW and Victoria;
- Justice Net operating in Qld;
- QPILCH operating in Qld;
- NT Law Society;
- WA Law Society;
- Tasmanian Law Society;
- ACT Law Society; and
- National Pro Bono Resource Centre.

The Chair of the Pro Bono Legal Assistance Committee attended a Pro Bono Access Australian Forum in Adelaide in November 2014. Matters of interest included the following:

- A different approach to pro bono assistance that is used by Justice Connect in Victoria and NSW. The merits test applied is simply whether there is a legal issue for which there is no other legal assistance available. If that is the case, the matter is referred to a practitioner who then looks at matters of merit of the issues.
- Strategies for interaction with the private profession. These include, for larger matters, having a "project group" which may comprise a number of practitioners from a number of firms.
- Arranging a deferred fee basis with the granting of pro bono assistance. (For example, in the case of victims of domestic violence who are likely to have a property settlement).
- Granting recognition of those involved in giving pro bono assistance including general publicity, seeking feedback from those practitioners, awards, and noting in the Society's website and journal.

- A self-represented litigation program.
- The advantage of having a patron.
- The Committee / Society supporting an aspirational target and having firms sign on to that.
- A walk for justice / national pro bono day to increase awareness.

All of these proposals are under consideration.

### **Engagement with the Profession**

Arrangements are being made to obtain feedback from firms which have undertaken pro bono work in the past twelve months. The feedback obtained will inform future operation of the scheme and steps to be taken to encourage increased participation in the scheme.

### **Supreme Court Referral Service**

Expressions of interest have been received from senior practitioners to participate in a referral service directly from the Supreme Court. Steps are being taken to implement such a scheme.

In short, the need for pro bono legal assistance will always be there, and the Committee will continue not only to furnish that need, but to constantly consider improved ways of doing so.

### **Robert Manning (Chair)**

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### **Northern Young Lawyers**

2015 has been another successful year for the Northern Young Lawyers Committee. We have maintained a focus on promoting the interests of junior members of our profession by organising an exciting and informative CPD program. We have also continued to host some well attended social events.

### **CPD Seminars**

This year the Committee have been lucky enough to have the following speakers kindly volunteer their time to participate in the 2015 lecture series:-

Nick Reaburn (Rae & Partners) – ‘Kenny And His Lost Toilets - What The PPSR Means To You’

Magistrate Simon Brown - ‘Advocacy - Etiquette and Survival Skills - Plea Making and Other Basic Skills’.

Mark Doyle (Clarke & Gee) – ‘Aboriginal Children - Specific Considerations in Family Law and Child Protection Matters’

Steve Bishop (Bishops) – ‘TFM claims in Tasmania and solicitors duties when drafting wills’

Magistrate Michael Brett ‘Aspects of Advocacy in the Magistrates Court’

Ken Stanton (Barrister) – ‘Conflicts of Interest’

Claire Flockhart, our CPD Coordinator has done a fantastic job with the organisation of the Northern program. Attendance has been strong throughout thanks to the efforts of her and the Committee generally.

## **Social Events**

The Committee has hosted a range of events this year with more to come. Barefoot Bowls and a BBQ for young lawyers was held in March. A fantastic night of food, drinks and fierce competition was had by all.

Our annual Trivia Night was attended by over 120 people. After a highly competitive evening defending champions, Archer Bushby were knocked off their perch with Douglas & Collins taking out the top prize.

Our annual winter cocktail party was held recently at the stunning Josef Chromy Winery and was enjoyed by all in attendance.

The annual 'Meet and Greet' will be held at Staffordshire House on 25 September and promises to be a great night. Five new practitioners will be introduced and warmly welcomed to the Launceston Profession.

The remainder of the year will see the Committee host our annual long lunch, and wrap up with the much loved Christmas drinks.

Once again participation has been above par in relation to all of these events. This year we have opened up the events to include more senior members of the profession, as well as support staff.

## **The 2015 Golden Gavel**

The NYLC were lucky to be given the opportunity to host this years Golden Gavel. The event was held on 7 August. Four young lawyers took to the floor to showcase their advocacy skills and test their comedic genius.

The brave lawyers who took to the floor were:-

Hannah Phillips (Legal Aid Commission) who delivered a highly entertaining take on **"Innocent till proven guilty: things you should never admit to"**.

Fabiano Cangelosi (Simmons Wolfhagen) who did not disappoint with his topic **"Marriage Equality: I'm not a bigot, but lawyers shouldn't be allowed to marry other lawyers"**

Bridget Dunn (Judges Associate)- with her intellectual take on **"At least I'm not a parking inspector – explaining your legal career choice to others"**

Dexter Marcenko – with his hilarious take on **"Why women lawyers do it better"**.

After extensive deliberations between the judges Dexter was announced the winner of this years Gavel and will be competing in the National Golden Gavel to be held in Melbourne on 22 October.

The Northern Young Lawyers Committee continues to remain an important force in ensuring that the interests of young lawyers in Launceston are identified and protected, as well as organising events that promote a sense of community within the Launceston profession.

**Luke Brett**  
**President**

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## **Southern Young Lawyers**

The Young Lawyers Committee (Southern) started the year with the annual Summer Long Lunch and Quiz Night, which were both sold out events and offered a great opportunity for lawyers to network and mingle in a relaxed environment. Every year, with the support of the Law Society of Tasmania, the Committee offers an extensive program of CPD seminars. Our CPD program for 2015 has been particularly successful, with a variety of distinguished guest speakers and topics. This year's program continues with an ethics seminar on 1 October on "Ethical Limits of Ceasing to Act" with guest speaker John Upcher, and will conclude on 5 November with "Building a Practice" with speakers Tom Cox and Alexandra Darcey.

Each year the Committee works closely with the Tasmania Legal Practice Course to run a mentoring program with the trainees and young lawyers. This year was another success with 17 young lawyers paired up in groups of 3 to 4 students. A sub-committee of our group dedicated significant time and effort to the drafting of a response to the Tasmanian Law Reform Institute's latest issues paper on Bullying. In conjunction with the Law Society and the Equal Opportunity and Employment Committee, we authored a comprehensive paper in respect of what our members felt was an important and timely discussion.

In July we held our Winter Long Lunch which was another popular event with 60 members of the profession attending. We will conclude the year with our annual Christmas Cocktail party on 27 November. This year we thought we would try something a little out of the ordinary. The event will be held at the University Club with a DJ and return bus to the city on offer.

A major project for the Committee in 2015 was our formal proposal to host the Australian Young Lawyers Committee 2016 National Golden Gavel and Conference. If successful, the YLC will be responsible for planning and hosting this large-scale event, which will allow us to showcase the very best of Tasmania's legal talent at both the competition and the conference. Early indications from the AYLC are promising, and we hope to receive a formal response to our proposal before the year is out. We welcome expressions of interest from practitioners who would like to offer their time as judges, conference speakers, sponsors, or organisers.

**Amanda Thompson/Amelia Higgs**

**The Private Legal Profession in Tasmania  
as at 22 September 2015**

<b>Solicitors</b>	<b>South</b>	<b>North</b>	<b>North West</b>	<b>Total</b>
Sole Principals	54	17	19	90
Partners/ 2	6	5	8	19
Directors 3	2	2	0	4
4	2	0	0	2
5	1	1	0	2
6	1	0	0	1
7	1	0	0	1
10	1	0	0	1
11	1	0	0	1
<b>Total firms</b>	<b>69</b>	<b>25</b>	<b>27</b>	<b>121</b>
Principal practitioner	119	38	35	192
Employed practitioner	203	39	26	268
Community legal practitioners	24	5	3	32
Corporate practitioners	26	2	1	29
Locum practitioners	4	0	0	4
<b>*Total practitioners</b>	<b>375</b>	<b>84</b>	<b>65</b>	<b>525</b>

\*Practitioners include Senior Counsel - one principal and one employee

<b>Barristers</b>				
Queen's and Senior Counsel	11	1	-	12
Junior Counsel	36	5	4	45
<b>Total barristers</b>	<b>47</b>	<b>6</b>	<b>4</b>	<b>57</b>

<b>Total Practitioners</b>	<b>582</b>
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<b>Associate members</b>	<b>114</b>
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<b>Firms</b>				
Sole principals	49	15	18	82
Partnerships	10	6	6	22
Incorporated legal practices	13	5	4	22
<b>*Total firms</b>	<b>72</b>	<b>26</b>	<b>28</b>	<b>126</b>

\*Included are firms without a principal who is based in Tasmania.



**The Law Society of Tasmania  
INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2015**

	<b>Notes</b>	<b>2015</b>	<b>2014</b>
		<b>\$</b>	<b>\$</b>
Revenue	10	1,076,024	1,010,691
Expenses from Ordinary Activities	11	(1,154,483)	(987,666)
<b>NET PROFIT / (LOSS)</b>		<u><b>(78,459)</b></u>	<u><b>23,025</b></u>
<b>TOTAL CHANGES IN EQUITY</b>		<u><b>(78,459)</b></u>	<u><b>23,025</b></u>

The accompanying notes form part of these financial statements

**The Law Society of Tasmania  
BALANCE SHEET  
AS AT 30 JUNE 2015**

	Notes	2015 \$	2014 \$
<b>Current Assets</b>			
Cash assets	2	2,676,550	1,050,418
Receivables	3	133,492	107,197
Other	4	1,477,968	3,749,441
<b>TOTAL CURRENT ASSETS</b>		<b>4,288,010</b>	<b>4,907,056</b>
<b>Non Current Assets</b>			
Property, plant and equipment	5	2,027,974	1,930,753
Website	5	20,918	31,310
<b>TOTAL NON-CURRENT ASSETS</b>		<b>2,048,892</b>	<b>1,962,063</b>
<b>TOTAL ASSETS</b>		<b>6,336,902</b>	<b>6,869,119</b>
<b>Current Liabilities</b>			
Payables	6	150,290	27,535
Current tax liabilities		136,463	175,255
Provisions	7	527,799	504,467
Other	8	1,772,317	2,333,370
<b>TOTAL CURRENT LIABILITIES</b>		<b>2,586,869</b>	<b>3,040,627</b>
<b>TOTAL LIABILITIES</b>		<b>2,586,869</b>	<b>3,040,627</b>
<b>NET ASSETS</b>		<b>3,750,033</b>	<b>3,828,492</b>
<b>Members' Funds</b>			
Capital Profits Reserve		43,843	43,843
PII Reserve		228,804	185,006
Asset Revaluation Reserve		445,187	445,187
Accumulated Society Funds		3,032,199	3,154,456
<b>TOTAL MEMBERS' FUND</b>		<b>3,750,033</b>	<b>3,828,492</b>

The accompanying notes form part of these financial statements

**The Law Society of Tasmania  
STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2015**

	Notes	2015 \$	2014 \$
<b>Cash Flow from Operating Activities</b>			
Receipts		932,037	994,998
Payments to suppliers and employees		(1,542,178)	(822,171)
Interest received		95,378	108,406
Interest and other costs of finance		(5,310)	(3,938)
Net cash provided by (used in) Operating Activities (Note 9)		<b>(520,073)</b>	<b>277,295</b>
<b>Cash Flow from Investing Activities</b>			
Payment for Property, Plant and Equipment		(147,582)	(65,338)
Net cash provided by (used in) Investing activities		<b>(147,582)</b>	<b>(65,338)</b>
Net increase/(decrease) in cash held		(667,655)	211,957
Cash at the beginning of the year		4,794,641	4,582,684
<b>Cash at the end of the year (Note 9)</b>		<b>4,126,986</b>	<b>4,794,641</b>

The accompanying notes form part of these financial statements

**The Law Society of Tasmania**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30 JUNE 2015**

	Accumulated Society Funds	PII Reserve	Asset Revaluation Reserve	Capital Profits Reserve	Total
	\$	\$	\$		\$
<b>At 30 June 2013</b>	<b>3,175,230</b>	<b>141,207</b>	<b>616,312</b>	<b>43,843</b>	<b>3,976,592</b>
Surplus for the year	23,025	-	-	-	23,025
Transfer to PII Reserve	(43,799)	43,799	-	-	-
Movement in Asset Revaluation Reserve	-	-	(171,125)	-	(171,125)
<b>At 30 June 2014</b>	<b>3,154,456</b>	<b>185,006</b>	<b>445,187</b>	<b>43,843</b>	<b>3,828,492</b>
Surplus for the year	(78,459)	-	-	-	(78,459)
Transfer to PII Reserve	(43,798)	43,798	-	-	-
<b>At 30 June 2015</b>	<b>3,032,199</b>	<b>228,804</b>	<b>445,187</b>	<b>43,843</b>	<b>3,750,033</b>

The accompanying notes form part of these financial statements

**The Law Society of Tasmania**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2015**

**NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

**(a) Basis of Preparation**

This financial report is a special purpose financial report prepared specifically for distribution to members in accordance with The Law Society By-Laws 1994 made under the *Legal Professional Act 1993*. The Council has determined that the Society is not a reporting entity.

The financial report has been prepared in accordance with the requirements of the following Australian Accounting Standards:

AASB 1031:	Materiality
AASB 110:	Events after the Balance Sheet Date

The Financial Report has been prepared on an accruals basis from the records of the Society. It is based on historical costs and does not take into account changing money values, or except where specifically stated, current values of non-current assets.

**(b) Property, Furniture and Equipment**

*Property*

Properties are included at valuation less provision for depreciation (excluding land content). The fair value of land and buildings have been determined by reference to independent valuations as at 30/06/2014. The property at 28 Murray Street Hobart was deemed to have a market value of \$1,215,000 by Independent property valuers Saunders & Pitt, while 'Staffordshire House' at 56 Charles Street Launceston was deemed to have a market value of \$610,000 by National valuers Brothers & Newton Opteon. These revaluations take no account of potential capital gains tax.

*Furniture and Equipment*

Furniture and equipment and improvements are included at cost. Assets are depreciated over their estimated useful lives commencing from the time the asset is ready for use.

*Depreciation*

The depreciable amount of all fixed assets, including buildings, is depreciated on a straight line basis over the asset's useful life to the society commencing from the time the asset is ready for use.

**(c) Comparative Figures**

When required by accounting standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

**(d) Income Tax**

The provision for income tax is not necessary as the Society is exempt from income tax.

**The Law Society of Tasmania**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2015**

**NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CON'D)**

**(d) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST except:

- Where the GST incurred on a purchase of goods and services is not recoverable from the taxation authority, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item as applicable; and
- Receivables and payables are stated with the amount of GST included

The Net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables in the Balance Sheet.

**(f) Employee Benefits**

Provision is made for the society's liability for employee benefits arising from services rendered by employees to balance date.

**(g) Rural Employee Scheme**

Funds were received from the Solicitors Guarantee Fund for the purpose of setting up a Regional Lawyer Supplementation Scheme.

**The Law Society of Tasmania  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2015**

<b>NOTE 2: CASH</b>	<b>2015</b>	<b>2014</b>
	<b>\$</b>	<b>\$</b>
Bank accounts:		
- Westpac cheque account	111,255	588,269
- Westpac maxi direct account	2,128,470	308,047
- ANZ Library Fund	-	153,802
- Westpac Library Fund	206,150	-
- Westpac Renovations	230,375	-
Other cash items:		
- Cash on hand	300	300
	<hr/> <b>2,676,550</b> <hr/>	<hr/> <b>1,050,418</b> <hr/>
 <b>NOTE 3: RECEIVABLES</b>		
 Sundry debtors	 133,492	 107,197
	<hr/> <b>133,492</b> <hr/>	<hr/> <b>107,197</b> <hr/>
 <b>NOTE 4: OTHER ASSETS</b>		
 Short term deposits - Westpac	 1,150,436	 3,214,223
Short term deposits - ANZ	300,000	530,000
Prepaid expenses	27,532	5,218
	<hr/> <b>1,477,968</b> <hr/>	<hr/> <b>3,749,441</b> <hr/>

**The Law Society of Tasmania**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2015**

<b>NOTE 5: PROPERTY PLANT AND EQUIPMENT</b>	<b>2015</b>	<b>2014</b>
	<b>\$</b>	<b>\$</b>
<b>Plant and equipment:</b>		
- At cost	606,636	596,861
- (Less) accumulated depreciation	(543,566)	(524,577)
	<b>63,070</b>	<b>72,284</b>
 <b>Land and Buildings – At fair value:</b>		
28 Murray Street, Hobart (Land)	600,000	600,000
28 Murray Street Hobart (Building)	615,000	615,000
28 Murray Street, Hobart (Improvements)	36,940	2,762
28 Murray Street, Hobart (Courtyard Renovation)	103,629	-
56A Charles Street, Launceston (Land)	300,000	300,000
56A Charles Street, Launceston (Building)	310,000	310,000
(Less) Accumulated building write-down	(24,462)	-
	<b>1,941,107</b>	<b>1,827,762</b>
 <b>Motor vehicles:</b>		
- At cost	39,464	39,464
- (Less) Accumulated depreciation	(15,667)	(8,757)
	<b>23,797</b>	<b>30,707</b>
 <b>Total Property Plant and Equipment</b>	<b>2,027,974</b>	<b>1,930,753</b>
 <b>Website:</b>		
- At cost	51,725	51,725
- (Less) Accumulated depreciation	(30,807)	(20,415)
<b>Total Website</b>	<b>20,918</b>	<b>31,310</b>

The accompanying notes form part of these financial statements



**The Law Society of Tasmania  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2015**

<b>NOTE 6: PAYABLES</b>	<b>2015</b>	<b>2014</b>
	<b>\$</b>	<b>\$</b>
Unsecured:		
- Sundry creditors	150,290	27,535
	<u>150,290</u>	<u>27,535</u>
 <b>NOTE 7: PROVISIONS</b>		
<b>Current</b>		
Employee entitlements – annual and long service leave	65,541	51,018
Provision for library services	462,258	453,449
	<u>527,799</u>	<u>504,467</u>
 <b>NOTE 8: OTHER LIABILITIES</b>		
<b>Current</b>		
Practicing certificates in advance	302,296	398,392
PII premium in advance	1,252,671	1,668,335
Rural Employee Scheme	55,389	123,191
Law Library Grant	86,518	84,781
Sundry	75,443	58,671
	<u>1,772,317</u>	<u>2,333,370</u>

**The Law Society of Tasmania**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2015**

**NOTE 9: CASH FLOW INFORMATION**

**(a) Reconciliation of Cash**

For the purposes of the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts.

	<b>2015</b>	<b>2014</b>
	<b>\$</b>	<b>\$</b>
Westpac cheque account	111,255	588,269
Westpac maxi direct account	2,128,470	308,047
ANZ Library Fund	-	153,802
Westpac Library Fund	206,150	-
Westpac Renovations	230,375	-
Cash on hand	300	300
Short term deposits - Westpac	1,150,436	3,214,223
Short term deposits – ANZ	300,000	530,000
	<b>4,126,986</b>	<b>4,794,641</b>

**(b) Reconciliation of Cash Flow from Operations with Net Profit**

Operating profit	(78,459)	23,025
Depreciation	60,753	40,598
(Increase)/decrease in trade and term debtors	(26,295)	92,310
(Increase)/decrease in other receivables	(22,314)	403
Increase/(decrease) in trade creditors	122,755	5,889
Increase/(decrease) in other creditors and accruals	(601,582)	125,624
Increase/(decrease) in sundry provisions	25,069	(10,554)
<b>Net cash provided by operating activities</b>	<b>(520,073)</b>	<b>277,295</b>

**The Law Society of Tasmania  
INCOME AND EXPENDITURE STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2015**

**NOTE 10:**

	<b>2015</b>	<b>2014</b>
	<b>\$</b>	<b>\$</b>
<b>Revenue</b>		
Administration fees	120,975	111,780
Advertising	13,121	17,162
Certificate of fitness	2,700	1,914
Continuing Professional Development	133,210	118,419
Disciplinary action – costs recovered	18,233	3,809
Events and functions	18,906	15,992
Hire of council rooms	1,854	2,797
Interest received	95,378	108,406
PII Mutual Fund Surplus	73,355	43,799
Membership Benefits	29	163
Practising certificate fees	491,340	460,561
Rent received	49,000	52,885
Sales	2,139	1,927
Sponsorship	43,000	57,500
Subscriptions	12,456	13,577
Sundry Income	328	-
<b>TOTAL</b>	<b>1,076,024</b>	<b>1,010,691</b>

The accompanying notes form part of these financial statements

**The Law Society of Tasmania**  
**INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2015**

	2015 \$	2014 \$
<b>Expenses</b>		
Accountancy fees	15,742	16,450
Audit fees	6,500	6,300
Advertising	521	1,900
Bank fees and charges	5,310	3,938
Computer supplies and services	17,905	18,710
Consultants	11,870	5,000
Continuing Professional Development	65,675	67,250
Depreciation and write-downs	60,753	40,598
Donations and Grants	11,306	11,927
Events	52,228	51,727
Honorarium	106,049	71,108
Insurance	15,598	15,835
Law Letter	18,678	16,346
Light and Power	14,946	17,398
Meetings	65,637	38,604
Member Counselling & Legal Service	4,038	1,825
Membership Benefits	4,765	4,902
Photography	400	-
Printing and Stationery	17,969	19,007
Professional Fees – Disciplinary Action	28,680	49,411
Property Valuations	500	2,700
Public Relations	-	1,718
Rates and Taxes	30,034	28,586
Repairs and Cleaning	41,387	15,974
Salaries and Remuneration	470,394	401,549
Security and Fire Alarms	13,264	12,742
Staff Training	-	907
Subscriptions	2,079	1,848
Sundry Expenses	5,384	3,547
Superannuation	40,332	35,267
Telephone, Video Conferencing & Web Expenses	26,539	24,592
<b>TOTAL EXPENSES</b>	<b>1,154,483</b>	<b>987,666</b>

The accompanying notes form part of these financial statements



## **Independent auditor's report to**

### **The members of the Law Society of Tasmania**

We have audited the accompanying special purpose financial report of the Law Society of Tasmania, which comprises the Balance Sheet as at 30 June 2015, and the Income Statement, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies and other explanatory notes

The Law Society of Tasmania is responsible for the preparation and fair presentation of the financial report and has determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are appropriate to meet the financial reporting requirements of the *Law Society of Tasmania By-Laws* and are appropriate to meet the needs of the members. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used are appropriate to the needs of the members.

We conducted our audit in accordance with Australian Auditing Standards. These Auditing 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 our judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, we consider internal controls 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 controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Law Society of Tasmania, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to the members for the purpose of fulfilling the Law Society of Tasmania's financial reporting requirements under the *Law Society of Tasmania By-Laws*. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

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

### **Independence**

In conducting our audit we have met the independence requirements of the Australian professional accounting bodies.

**Auditor's Opinion**

In our opinion the financial report presents fairly, in all material respects, the financial position of the Law Society of Tasmania as of 30 June 2015 and of its financial performance and its cash flows for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements.

A handwritten signature in black ink, appearing to be 'DJM', with a long horizontal line extending to the right.

**D J McCARTHY**  
PARTNER  
WISE LORD & FERGUSON

Date: 14 September 2015


The Law Society of Tasmania

Statement by Honorary Treasurer For the year  
ended 30 June 2015

The Society is not a reporting entity and this purpose report is prepared in accordance with the accounting policies outlined in Note I to the financial statements.

In my opinion the Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Notes to the Financial Statements;

1. Present fairly the financial position of the Law Society of Tasmania as at 30 June 2015 and its performance for the year on that date; and
2. At the date of this statement, there are reasonable grounds to believe that the Society will be able to pay its debts as and when they fall due.



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Honorary Treasurer

Dated: 14 September 2015