

The Law
Society
OF TASMANIA

ANNUAL REPORT

2012 – 2013

**To be Presented at the
Annual General Meeting
of the
Law Society of Tasmania
on
18 October 2013**

The Law Society Council

2012 – 2013

President

G P Geason

Vice-President

A P Mihal

Hon Treasurer

D J Barclay

Council

K L Baumeler (S), D J Barclay* (S), R J Foon(N), C Garwood (N-W), G P Geason*(S), W M Griffiths* (N), A J Hall* (N), A L Hay(S), C L Hawkins(S), G L Jones (N), A R McKee (S), A P Mihal*(N-W), F V Moore*(N), S A Nicholson (S)[part-year], B Paterson, (S), S Stranger (S) [part-year]M J Verney* (N-W)

(*Executive Committee Member)

Executive Director

M Hagan [part-year] L O Rheinberger [part-year]

Deputy Executive Director

L O Rheinberger [part-year] F Saturno [part-year]

Law Council of Australia Director

W M Griffiths

Committees 2012 – 2013

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, B R Doolan, C J Foon, J M French, G L Jones, J C Kitto, W F Lester, S B McElwaine, F V Moore, R M Murray, C L Schuh, K J Stanton, A Trezise, G Tucker, P A Welch, T J Whyte

Southern Regional Committee

G P Geason (Chairman), K L Baumeler, D Barclay, A L Hay, C L Hawkins, A McKee, S A Nicholson (part-year), B Paterson, S Stranger(part-year)

North-West Regional Committee

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

Litigious Issues Committee

P L Jackson [Convenor]

Litigious Costs Standing Committee

W M Griffiths [Convenor]

Mediation & Arbitration

J B Walker [Chairman], W J Friend, C J Gunson, P R Theobald

Criminal Law Committee

K L Baumeler [Chair], J Crotty (part-year), A J Hall, J Hartnett, C D Mackie, R Mainwaring, A Mignot, H Pill (party-year), G W Stevens

Litigation Committee

E Hughes [Chairman], F Cangelosi, D R Fairley, C J Gunson, R Mainwaring, K Hodgson, M C Rapley, M A Ryan, A B Walker

Property & Commercial Law Committee

G B Bradfield [Chairman], A Bobbi, P A Bowen (part-year), R Fay, W Justo, D Kelsall, M J Keeling, A Laning, P J Lebski, J P McMullen, R C Manning, F Natoli, R Patmore, J Ramsay, J G Samec, K Sarten, T J Tierney, J Watson, T J Whyte, A L Wiss

Employment & Equal Opportunities Committee

A R Mills [Chair], C Garwood, C A Green, J Luck, K A E Mollard, S C Sealey, A Wells

Solicitors' Accounts Rules Committee

P V Manser [Chairman], R Byrne, M J Crisp, R Foon (part-year), E James (party-year), S Law (part-year), M Maddock (part-year), A N Morgan

Public Relations Committee

C A Cunningham [Chairman], P A Bowen, P Fitzgerald, M Furmage, W F Lester, C F McKenzie, N R Readett

Continuing Profession Development

G P Geason [Chairman], K L Baumeler, C Gregg, T Cox, C Hawkins, Professor M Otlowski, M J C Pawson, M J Verney, D F M Zeeman

Young Lawyers' Southern Committee

S Stranger, R Poke [Co-Presidents], S Latham [Secretary], M Furmage [Treasurer], L Brooks, J Cason, A Eiszele, B Garth, A Gregory, M Jones, S Kimber, Z Lippis, K Martin, R Meredith, H Mitchell, J Mullavey, A Norton, M Purtell, L Rankin, K Starkey, K Stewart, A Thompson, P van Adrichem, C White, E White

Young Lawyers' Northern Committee

A Lydon [President], F Radin [Vice-President], S Alcock [Secretary], R Hegarty [Treasurer], L Brett [CLE Co-Ordinator], J Oxley [Sponsorship and Fundraising], J Brown [Part Year], S House, F Lester, J Mitchell [Part Year], H Phillips [Part Year], C Pryor

Young Lawyers' North-West Committee

A Brown (President), M Wyatt (Vice-President), J Watson (Treasurer), J Walshe (Secretary), L Brett, H Hughes, O Robinson (Social convenors), K Abercromby, J Kerr

Representative on the National Young Lawyers' Committee

A Norton

Elder & Succession Law Committee

A J Smith, [Chair], B E Davies, K E Hanslow, P J Lebski, S C McCulloch, H Mitchell, K E McLagan, K A Moss, B F E Rheinberger, R Rumbold, C Schokman, T Stewart, T J Tierney, J B Walker, A Wiss

The Society's Nominees on Other Bodies

Board of Legal Education

L Mason(part-year), S A Nicholson(part-year), M E O'Farrell,
M Hagan [Secretary](part-year), L O Rheinberger [Secretary] (part-year)

Road Safety Consultative Committee

W M Griffiths

Law Council of Australia Access to Justice Committee

S J N Brown(part-year), W F Lester (part-year)

Legal Aid Commission

G Barns (part-year), S P Estcourt QC(part-year), L O Rheinberger

Council of Law Reporting

M J Crisp

Law Council of Australia Criminal Law Committee

K L Baumeler

Law Foundation of Tasmania

G Geason [Chairman], A Mihal, N R Readett, M Hagan [Secretary](part-year), LO Rheinberger[Secretary](part-year)

Centre for Legal Studies

T G Bugg [Chairman], P A Bowen, G L Jones, M Hagan [Secretary](part-year), L O Rheinberger [Secretary](part-year)

Solicitors' Trust

M J Crisp [Chairman], P Kuzis

University of Tasmania Law Faculty Teaching and Learning Committee

G P Geason, D F M Zeeman

Associate Bodies

Family Law Practitioners' Association of Tasmania

J K Petersen [Chair], T M Eaton [Vice-Chair N], A F Fitzgerald [Vice-Chair S], A M Brunacci [Public Officer], M L Torney [Treasurer], P Fitzgerald, M G Foster, C J Gregg, L E Peacock, A Chrysler, J Cason, K Foale, S Alcock, C Tesoriero

Tasmanian Women Lawyers

B F E Rheinberger [President], [Secretary], [Treasurer], S Taglieri, M Ryan, M Nettlefold, K Layne, N Billett, A Cutler, T Stewart, M Wyatt, A Chrysler, I Dineen

Presidents Report

I enjoyed the considerable benefit of assuming the role of President from Frank Moore. The result was that I had the benefit of Frank's successes, and enjoyed the legacy of his considerable achievements. Frank's efforts focused on improving the delivery of Legal Aid services to the community, the wider availability of access to library services and law reports and improving engagement with our Attorney-General, court administrators, the Chief Justice and the Chief Magistrate. It has been considerably easier for me to discharge my responsibilities as President having the benefit of those achievements to build upon. I record my appreciation to Frank for that.

As well I have been assisted by a competent, diligent and enthusiastic Council. The job of the President is at times extremely demanding. Those demands are numerous and arise frequently. I have benefited from the support of Council, appreciated its contribution to the performance of my role as President and acknowledge I could not have done that without their support. To adapt a comment typical of forewords, the achievements in the last year are down to the efforts and support of the Council and any shortcomings are entirely down to me.

The staff of the Law Society provides considerable support to the Executive Director but also to the President. I record my appreciation. To the Executive Directors with whom I have worked, Mr Martyn Hagan, and Mr Luke Rheinberger, thank you. The role of the Executive Director is an important one. Each of you has discharged that function on behalf of the profession with considerable diligence and aplomb. Martyn Hagan is now Secretary-General of the Law Council of Australia, an achievement of which he can be proud, and testament to his considerable skills the benefit of which accrued to us all during his many years as our Executive Director. Luke Rheinberger has carried on where Martyn left, and we are impressed and grateful.

The last year has seen the retirement of a number of judicial officers, and the appointment of their replacements. The Society has continued its role of welcoming and farewelling our judicial officers and I record my appreciation to all of those members of Council who assisted in that respect this year.

The Society has maintained regular meetings with the Attorney-General. I record our appreciation for the Attorney's willingness to engage with us, his generosity with his time and his willingness to listen to the profession. I similarly record my appreciation to the Chief Justice and the Chief Magistrate for their willingness to meet regularly with us to discuss issues with respect to the way in which the profession engages with the courts. The benefits of such engagement are mutual and the interaction is welcomed.

In the last year the Society has continued to meet with the Legal Aid Commission. The Society remains concerned about Legal Aid arrangements generally. The Society is committed to legal aid. It remains committed to the principle that the provision of legal aid is a cooperative effort between the profession and the Commission and is concerned that the Commission has morphed into the principal provider of legal aid services to the detriment of the profession at large. The idea of partnership between the profession and the Commission seems to have been replaced with a Government-funded firm, and the private profession shut out wherever possible. The consequences will be felt for years to come, as the criminal bar shrinks, perhaps to oblivion. What then?

The Society has continued its role of commenting on legislation and through its various committees, has made numerous and valuable contributions to policy development in this State. I record my appreciation to all of the committees for their considerable efforts. The Young Lawyers' Committees deserve a special mention for their enthusiastic efforts on behalf of their members, for their wonderful CPD offering to the profession and organization

of regular social events. These efforts are essential to the retention of young lawyers within our profession.

In my address to the dinner to mark the opening of the legal year I emphasized the need to look outwards. A small State cannot afford to isolate itself from the profession in other States. Whilst our involvement in the Conference of Law Societies and on the Law Council is a positive in this respect we must continue to embrace the opportunities which closer cooperation with other States will bring. None of this need involve our profession compromising its control over its destiny, but in the face of change we must make certain that we do more than simply say “No”.

Finally, and importantly, the Law Society must continue engage with its membership, and its members with it, and one another. This must always be our focus, because it is fundamental for our relevance. CPD has proved a boon for greater professional interaction. That is a positive thing. Indeed there are many positive things going on: I have mentioned the Young Lawyers’ efforts and offerings; CPD has grown and continues to broaden its content; the bar continues to refine its functions and relationship with the Society; the Committees continue to thrive. Thank you all.

Gregory Geason
President

Treasurer's Report

Attached are the financial statements for the year ended 30 June 2013.

The Law Society of Tasmania is a Prescribed Authority under the *Legal Profession Act (Prescribed Authorities) Regulations* 2008, made under the *Legal Profession Act* 2007. It carries out its obligations in that respect, and more generally to its members in the provision of services, representation and the provision of further education.

The role of the Society as educator is, as predicted in the Treasurer's Report for last financial year, now firmly entrenched as a prominent feature of the Society's activities. In the last financial year revenue for Continuing Professional Development increased from \$73,097 in 2012 to \$101,996 in 2013, an increase of over 30%. No doubt this has been facilitated by the appointment of a Deputy Director whose main role is the facilitation of Continuing Legal Education. The costs of providing the Continuing Legal Education Scheme remain at 72% of income which was the same as last financial year.

An examination of this year's accounts shows an increase in revenue of some \$175,609. In the main this has been contributed to by the inclusion of \$141,207 being the Professional Indemnity Insurance Reserve. In previous years the annual amount of the surplus had been small and was not included in the accounts as income. Over the years however the sum has grown to such an extent that the Surplus Fund must now, on the advice of the Society's auditors, be included in the accounts as income. The Fund is accumulated against the occasion where premiums may be significantly increased putting the Society in the position to effectively subsidize some or all of the premium increase. Such an occasion may occur in a year where, for example the number of claims on the professional indemnity insurance is such that there is an increase in the premiums which was either not anticipated or anticipated to the extent sought to be levied.

The Society has also been considering a co-operative insurance scheme in association with a number of smaller Law Society's. Such a scheme would result in the Society effectively being self-insurers of the first part of each claim. The Surplus is now large enough to enable the Society to incur the costs of investigating the viability of such a scheme which may lead to reduced premiums for practitioners.

Taking into account the Professional Indemnity Reserve the Society incurred a small operating loss of \$15,972. This loss is however offset by the requirement to depreciate the buildings. The depreciation of the buildings was \$28,875. Additionally there was a one off write off of \$5800 for the publication "Lawless Harvest".

It is anticipated that with increasing Continuing Legal Education revenue and there being no other irregular expenses foreshadowed during the next financial year that the Society will succeed in its aim of attaining a break even financial result in 2013/2014.

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

David Barclay
Treasurer

Committee Reports

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

EEO Committee

The major issue for the Committee this year has been the survey of the Profession regarding salaries paid to lawyers.

The results of the survey showed a discrepancy in salaries paid to lawyers based on their gender. The discrepancy commenced from the first year of practice following admission. The discrepancy increased in favour of male lawyers significantly at the second year of practice and continued throughout the five years of practice covered by the survey.

The average salary paid to first year admitted male lawyers was \$45,333.30 and to female lawyers \$44,033.60. In year four of practice the discrepancy was highest at almost \$20,000.00 per annum difference.

These salary figures related to full time lawyers with the survey covering participants State wide with 70% in the south, 16% in the north and 15% in the northwest. 52% of surveyed participants were male and 48% were female.

A report was forwarded to the Council and the profession was advised of the results through the Law Society Newsletter.

Council has requested that further interpretation of the survey data be considered. Further investigation of the data unfortunately confirms the initial results that there is a significant discrepancy by virtue of gender for male and female lawyers in the Profession. These results indicate a need for the Profession to address specifically discrepancies to salaries paid to female lawyers.

The Committee will again recommend to the Council that this issue be highlighted with practitioners and that employers undertake an audit of their salaries to ensure that there is no unconscious bias occurring.

The Committee has also engaged with the Riawunna Centre (UTAS Centre for Indigenous Students) to discuss what support can be offered to indigenous students undertaking a law degree. Work experience is an issue for such students and it is hoped that a scheme may be able to be organized with the Profession.

The Committee is represented on the National EOL Committee of the Law Council of Australia and has provided feedback and input into a number of their initiatives including National Attrition and Re-engagement Survey, Model Conduct Rules including Anti-Discrimination and Harassment and National Diversity Charter.

The Committee has also been engaged with providing continuing legal education and hopes to have a seminar for the Profession on employment issues before the end of this year.

The Committee welcomes members' feedback.

Audrey Mills
Chair

Elder and Succession Law Committee

The Elder and Succession Law Committee currently has 17 members and meets quarterly. The Chair persons in the reporting year have been Bridget Rheinberger and Anita Smith.

Law Reform Issues:

The Committee was active in promoting change to the *Powers of Attorney Act 2000* with a view to clarifying the responsibilities of attorneys. The result has been two amendment Bills to that Act and the *Guardianship and Administration Act 1995* which will significantly update the legislation relating to substitute decision making.

The Committee has also drafted a detailed proposal which the Society has submitted to the Attorney General with regard to the rights of step-children in claims under the *Testator's Family Maintenance Act 1915*.

In addition, we have written to the Supreme Court Rules Committee asking to be consulted with respect to any consideration of the *Administration and Probate Rules* which are particularly outdated.

Practice Issues:

The following practice issues are under development by the Committee:

- A suite of template letters seeking reports from medical practitioners about a variety of capacity issues (e.g. capacity to execute a will or enduring power of attorney). These templates will be available to the profession once developed.
- Guidelines for solicitors in the drafting and operation of enduring powers of attorney. A draft has been produced but will be reviewed in light of the amendments to the Act.
- A register of wills, *Willpoint*, is under consideration. The Society will canvass the level of interest that exists among firms for participation in a *Willpoint* program.
- A template for "Granny Flat Agreements" (where an older person invests money in the property of a younger relative in exchange for a promise to provide care for the older person)
- The rebadging of interstate "Client Capacity Guidelines" is a future project of the Committee.
- Precedent wills for sole practitioners.

A letter was sent by the Society to the Justice Department and the Supreme Court with respect to delays in processing of grants of probate or administration that issue having been raised by the Committee.

Continuing Professional Development:

The Committee, in conjunction with the Medico Legal Society, convened a successful seminar to examine Advance Care Directives on 24 May 2013. The seminar was well attended and feedback from the session was very positive.

The next seminar will likely be about the implications of the decision in *Fischer v Howe* [2013] NSWSC 642 which considered the responsibilities of solicitors in circumstances where instructions have been taken for a will, but the will is not executed before the purported testator dies.

Work with Related Organisations:

The Committee acknowledges that the Society of Trust and Estate Practitioners (STEP) is also very active in this field and produces professional development seminars of interest to

Committee members. We have discussed whether there should be any merger of the two groups, but concluded that STEP has a different focus and constituency to the Committee. However we would be happy to collaborate on the mutual presentation of seminars in the future.

Members of the Committee, Anita Smith and Sam McCulloch have consecutively been the Society's representative on the Law Council of Australia Elder and Succession Law Committee.

Acknowledgement:

The Committee is grateful to the staff of the Law Society, particularly Martyn Hagan and Luke Rheinberger for their assistance in preparation of agendas, minutes and correspondence and their organisation of CPD seminars.

Anita Smith
Chair

Litigation Committee

The Litigation Committee was pleased to be actively involved in the Societies CPD programme for the last financial year providing an opportunity for continuing professional development through several seminars presented. These included dealing with Fairwork Australia, developments in forensic science and techniques for more effectively briefing barristers.

The committee has scheduled a convention to take place in November this year with speakers, including from the judiciary and magistracy, making themselves available to provide talks on a variety of subjects relevant to litigation practitioners.

Issues with respect to law reform have been raised and discussed and then forwarded to Council for consideration. We continue to have an active role in the review of proposed legislative amendment.

The committee has also worked closely with northern members of the Justices Association to improve the availability of continuing legal education for its members after the issue was raised directly with the committee.

We have successfully argued for a change in the policy in relation to fees payable by litigants for mediation where the crown is a party and therefore exempt.

We have also sought to improve access to information from the Magistrates court for litigation lawyers particularly in relation to criminal matters.

We look forward to continuing in this work for the year to come.

Evan Hughes
Chair

Property and Commercial Law Committee

I have pleasure in reporting of the activities for the last financial year which has seen some positive developments brought about by the committee and its actions during the year.

Firstly, it is pleasing to note that the committee, in general, has taken on a more youthful appearance with several younger members joining which has led to a more lively and interactive approach being taken in respect to the issues in general.

Over the last couple of years the committee has taken a more positive approach to improving the relationship with the Real Estate Institute and this has been brought about by actively arranging social events, new contract briefings and regular attendance at our meetings. It is keenly recognised that, in the current economic climate, it is worthwhile that similar discipline such as ours need to work together to bring about positive outcomes.

The committee has also been actively promoting continuing professional development by way of seminars on topical subjects. These have included of course, not only the new contract, but also steering subjects in a more positive direction such as State Revenue assessing, self-managed superannuation fund purchasers and electronic conveyancing.

The committee has also actively promoted the attendance of other synergistic departments such as attendances by the Recorder of Titles, Water and Sewerage, State Revenue Office and other departments.

The committee has continued to monitor several new legislative developments including the proposal for a uniform Torrens Title, licence conveyancers, residential property transactions bill and Duties Act amendments.

Due to the fact that all of the members are active practitioners, there is no shortage of subjects that require action of one sort or another. However, the committee is always keen to learn of other problems or areas where it feels there needs to be more active involvement from Law Society members.

Graeme Bradfield
Chair

Northern Young Lawyers Committee

2013 Committee

The Committee for 2013 is as follows:

<i>President:</i>	Anna Lydon (Bishops)
<i>Vic-President:</i>	Felicity Radin (Bishops)
<i>Treasurer:</i>	Robert Hegarty (Douglas & Collins)
<i>Secretary:</i>	Stephanie Alcock (Legal Solutions)
<i>CPD Co-ordinator:</i>	Luke Brett (Legal Aid)
<i>Sponsorship & Fundraising</i>	James Oxley (Legal Aid)
<i>General Members:</i>	Courtney Pryor (Rae & Partners)
	Fred Lester (Clarke & Gee)
	Sarah House (Launceston Community Legal Centre).

Jessica Brown, Jade Mitchell, Hannah Phillips and Emma Turner also contributed to the Committee in 2013.

CPD Program

The Northern Young Lawyers ran a very successful program in 2012, which provided young practitioners with the opportunity to develop their knowledge and skills in a variety of topics and areas of law.

In 2013 the Northern young Lawyers organised several seminars as part of the new combined state-wide CPD program. These seminars include:

- 'A Snapshot into Mental Health' presented by Allan Johnson (trainer in mental health first aid);
- 'The Art of Client Interviewing' presented by Evan Hughes of Rae & Partners;
- 'Testators Family Maintenance', presented by Philip Welch;
- 'Drafting Pleadings' presented by Ken Stanton; and
- 'The Sentencing Act', presented by Magistrate Simon Brown.

These lectures have been well attended by practitioners of all level of experience and from around the state via video-link.

Social Events

The Committee organised a number of exciting social events for 2013, many of which invitations were extended to practitioners of all ages. These events include:

- Barefoot Bowls and BBQ
- Trivia Night
- Winter Cocktail Party;
- Meet and Greet;
- Annual long lunch;
- Christmas drinks.

Financial Report

The Committee continues to obtain income from the CPD program.

In 2013 the Committee created a new position of sponsorship and fundraising and a number of Launceston firms have been generous in sponsoring Northern Young Lawyers events. The Committee would like to thank Douglas & Collins, Rae & Partners, Clarke & Gee and Legal Solutions for their support this year.

The Law Society has continued to provide administrative support to the Committee by issuing invitations, taking RSVPs, receiving money on our behalf and payment of accounts on our behalf. We thank the Law society for their ongoing support.

Anna Lydon
President

North-West Young Lawyers Committee

Committee Members:

The members of the North-West Young Lawyer Committee members for 2012-2013 were:

- Georgina Rhodes (President)
- Aaron Brown (Vice-President)
- Jessica Walshe (Secretary)
- Melanie Wyatt & Jillian Watson (Social Convenors)
- Judith Larin (Treasurer)

President Georgina Rhodes left the committee in March/April 2013, and Aaron Brown has been promoted to President.

Aims and activities:

Throughout 2012-2013 the Committee continued its goal of encouraging professional development by organising and hosting CPD seminars for practitioners. Between July 2012 and June 2013, the Committee scheduled approximately 12 seminars, with a number of presenters covering a broad range of topics and areas of law. All seminars have been well attended by practitioners from all parts of the state with use of the video-link facilities.

Another goal of the Committee is to promote the North-West coast as an area for legal practice. Towards the end of May 2013, the Committee hosted some social events in Devonport for the Tasmanian Legal Practice Course students on work experience placement in the North-West. This was an opportunity for the students to socialise with other members of the profession and to gain of sense of practise in the North-West of the state.

The committee has also continued to organise and host a number of social events and activities for practitioners and young lawyers on the North-West coast, including a trivia night as well as the annual dinner in Burnie.

Aaron Brown
President

Southern Young Lawyers' Committee

We have had a very productive year to date, hosting the usual social events and CPD program, researching and providing information to the profession on mental health amongst practitioners, networking with other young professional groups, and networking with law students both on a social and educational basis.

We are very pleased to welcome into the Young Lawyers Committee a number of new faces who have recently been admitted to practice.

AYLC annual face to face meeting

The Australian Young Lawyer's Committee meeting was held in Brisbane on 20 September 2013. Sally Stranger attended the meeting as the Tasmanian representative and has brought back ideas from the other States initiatives. At the meeting there was a particular focus on mental health within the profession.

National Golden Gavel

Zoe Lippis represented Tasmania at the National Golden Gavel in Brisbane on the evening of 20 September 2013. Zoe was incredibly witty and delivered an intelligent speech to the masses. We commend Zoe on her grand effort. Not surprisingly the winner was the representative from the host State. We are very proud to have had Zoe represent Tasmania at this prestigious annual event.

Mixing it with other professions

The Presidents of the committee recently met with Matt Hawkins from the Young Financial Advisors and John Cooper and Hannah Atkins from the Young Professionals Network, the purpose of which was twofold. The committees are firstly looking to combine in order to hold a large annual social event in the spirit of networking. John and Matt attended our monthly meeting in August and it was agreed that the event should be held early next year. We will keep the profession posted on details. Secondly, we want to be able to start cross-promoting one another's events, whether they be educational or social. We have already received invites to events from both the Young Professionals Network and the Young

Financial Advisors since the August meeting. Hopefully this is the start of an effective networking strategy for young professionals in Hobart and a step towards fostering a level of collegiality amongst the professions more broadly.

Mental health and the profession

The committee has discussed future strategies for dealing with mental health amongst members of the profession. We are currently waiting on guidelines to be released from the Tristan Jepson Memorial Foundation with regard to harassment and bullying within the profession. The committee will be appointing a member to research other States' initiatives in dealing with bullying and harassment within the profession. We intend to hold a seminar on mental health each year as part of our CPD program and will also promote the services that Law Care provides to members of the profession.

Review of recent events

In July the Winter Long Lunch was held at the Brunswick Hotel. There were close to 50 attendees, which included representation from senior practitioners. We are always very grateful for attendance from the senior practitioners. Alison Hay was the guest speaker and gave an entertaining and candid account of her career to date. The event proved to be an enjoyable afternoon.

Despite the quiz night attracting one CPD point for ethics, it did not reel in a large attendance. Butler McIntyre & Butler + James O'Shannessy took out first place on the night. In the future we are looking at holding the ethics quiz as a separate event to our annual Quiz Night.

Future Events

In support of Anti-Poverty Week - 13 October to 19 October 2013 - Rob Meredith and Adam Gregory are organizing a "Legal Facts Sheet" to send out to particular organizations.

We are looking at holding a poker night in early October which will be open to all members of the profession. Further details will be provided in the Law Society Update.

The CPD seminars for the second half of the year have been released and so far feedback and attendance have been good. We encourage attendees to RSVP at their earliest convenience to ensure we can accommodate everyone.

We have a couple of committee members organising the Christmas Function this year and we hope to get further details to everyone via the Law Society Update shortly. If previous years are anything to go by it will be a very merry evening.

Elections

Elections will be held shortly with regard to the Executive body for 2014.

Sally Stranger and Rebecca Poke
Co-President's

**The Private Legal Profession in Tasmania
as at 18 September 2013**

Solicitors	South	North	North West	Total
Sole Principals	54	16	20	90
Partners/ 2	10	6	5	42
Directors 3	1	1	0	6
4	0	1	0	4
5	1	0	0	5
6	3	0	0	18
8	1	0	0	8
11	1	0	0	11
13	1	0	0	13
Total principals (includes 2 Senior Counsel)	132	35	30	197
Employed practitioner	169	36	31	236
Community legal practitioners	20	5	2	27
Corporate practitioners	14	1	1	16
Locum practitioners	5	0	2	7
Total solicitors	340	77	66	483

Barristers				
Queen's and Senior Counsel	8	-	-	8
Junior Counsel	32	5	3	40
Total barristers	40	5	3	48

Total Practitioners	531
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Associate members	102
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Firms				
Sole principals	50	14	19	83
Partnerships	13	6	4	23
Incorporated legal practices	11	4	2	17
Total firms	74	24	25	123

**THE LAW SOCIETY OF TASMANIA
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2013**

	Notes	2013 \$	2012 \$
Revenue	11	1,160,463	984,854
Expenses from Ordinary Activities	11	(1,035,228)	(1,017,201)
NET PROFIT/(LOSS)		<u>125,235</u>	<u>(32,347)</u>
TOTAL CHANGES IN EQUITY		<u><u>125,235</u></u>	<u><u>(32,347)</u></u>

The accompanying notes form part of these financial statements

**THE LAW SOCIETY OF TASMANIA
BALANCE SHEET
AS AT 30 JUNE 2013**

	Notes	2013 \$	2012 \$
Current Assets			
Cash assets	2	2,352,428	1,904,504
Receivables	3	199,507	201,185
Inventories	4	-	5,800
Other	5	2,235,877	2,545,195
TOTAL CURRENT ASSETS		4,787,812	4,656,684
Non Current Assets			
Property, plant and equipment	6	2,081,947	2,163,101
Website	6	26,501	23,943
TOTAL NON-CURRENT ASSETS		2,108,448	2,187,044
TOTAL ASSETS		6,896,260	6,843,728
Current Liabilities			
Payables	7	21,646	45,035
Current tax liabilities		178,127	190,387
Provisions	8	463,624	467,591
Other	9	2,256,322	2,289,409
TOTAL CURRENT LIABILITIES		2,919,719	2,992,422
TOTAL LIABILITIES		2,919,719	2,992,422
NET ASSETS		3,976,541	3,851,306
Members' Funds			
Capital Profits Reserve		43,843	43,843
PII Reserve		141,207	-
Asset Revaluation Reserve		616,312	616,312
Accumulated Society Funds		3,175,179	3,191,151
TOTAL MEMBERS' FUND		3,976,541	3,851,306

The accompanying notes form part of these financial statements

**THE LAW SOCIETY OF TASMANIA
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2013**

	Notes	2013 \$	2012 \$
Cash Flow from Operating Activities			
Receipts from customers		1,027,921	839,144
Payments to suppliers and employees		(1,028,081)	(1,016,005)
Interest received		149,595	157,253
Interest and other costs of finance		(3,420)	(2,326)
Net cash provided by (used in) Operating Activities (Note 10)		<u>146,015</u>	<u>(21,934)</u>
 Cash Flow from Investing Activities			
Payment for Property, Plant and Equipment			
Gain on Disposal		-	-
Net cash provided by (used in) Investing activities		<u> </u>	<u> </u>
Net increase/(decrease) in cash held		148,185	(44,342)
Cash at the beginning of the year		4,434,499	4,478,846
Cash at the end of the year (Note 10)		<u><u>4,582,684</u></u>	<u><u>4,434,499</u></u>

**THE LAW SOCIETY OF TASMANIA
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2013**

	Accumulated Society Funds	PII Reserve	Asset Revaluatio n Reserve	Capital Profits Reserve	Total
	\$	\$	\$		\$
At 30 June 2011	3,223,498	-	658,051	43,843	(3,925,392)
Surplus/(deficit) for the year	(32,347)	-	(41,739)	-	(74,086)
At 30 June 2012	3,191,151	-	616,312	43,843	3,851,306
Surplus/(deficit) for the year	125,235	-	-	-	125,235
Transfer to PII Reserve	(141,207)	141,207	-	-	-
At 30 June 2013	3,175,179	141,207	616,312	43,843	3,976,541

**THE LAW SOCIETY OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

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). Valuations have been determined from independent advice. These revaluations take no account of potential capital gains tax. Net revaluations increments, which arise, are transferred to the asset revaluation reserve, apart from those reversing previous decrements, which were charged to operating profit. Net revaluation decrements, apart from those reversing previous increments are charged to operating profit.

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 2013**

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 2013**

NOTE 2: CASH	2013	2012
	\$	\$
Bank accounts:		
- Westpac cheque account	234,050	212,284
- Westpac maxi direct account	2,014,946	1,624,691
- ANZ Library Fund	103,000	64,423
Other cash items:		
- Cash on hand	432	3,106
	<u>2,352,428</u>	<u>1,904,504</u>

NOTE 3: RECEIVABLES

Sundry debtors	199,507	201,185
	<u>199,507</u>	<u>201,185</u>

NOTE 4: INVENTORIES

Book stock at cost – Lawless Harvest	-	5,800
	<u>-</u>	<u>5,800</u>

NOTE 5: OTHER ASSETS

Short term deposits - Westpac	700,256	1,000,000
Short term deposits - ANZ	1,530,000	1,530,000
Prepaid insurance	5,621	15,195
	<u>2,235,877</u>	<u>2,545,195</u>

**THE LAW SOCIETY OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

NOTE 6: PROPERTY PLANT AND EQUIPMENT	2013	2012
	\$	\$
Plant and equipment:		
- At cost	587,767	577,165
- (Less) accumulated depreciation	(501,945)	(469,985)
	<u>85,822</u>	<u>107,180</u>
 Land and Buildings – At fair value:		
28 Murray Street, Hobart (Land)	530,000	530,000
28 Murray Street Hobart (Building)	845,000	845,000
56A Charles Street, Launceston (Land)	300,000	300,000
56A Charles Street, Launceston (Building)	350,000	350,000
(Less) Accumulated depreciation	(28,875)	-
	<u>1,996,125</u>	<u>2,025,000</u>
 Motor vehicles:		
- At cost	-	49,587
- (Less) Accumulated depreciation	-	(18,666)
	<u>-</u>	<u>30,921</u>
 Total Property Plant and Equipment	<u>2,081,947</u>	<u>2,163,101</u>
 Website:		
- At cost	37,707	26,120
- (Less) Accumulated depreciation	(11,206)	(2,177)
Total Website	<u>26,501</u>	<u>23,943</u>

Valuations – The fair value of land and buildings have been determined by reference to independent valuations as at 30/06/2012. The property at 28 Murray Street Hobart was deemed to have a market value of \$1,375,000 by Independent property valuers Saunders & Pitt, while 'Staffordshire House' at 56 Charles Street Launceston was deemed to have a market value of \$650,000 by National valuers Brothers & Newton Opteon.

Depreciation - Assets are depreciated over their estimated useful lives commencing from the time the asset is ready for use.

**THE LAW SOCIETY OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

NOTE 7: PAYABLES

	2013	2012
	\$	\$
Unsecured:		
- Sundry creditors	21,646	45,035
	<u>21,646</u>	<u>45,035</u>

NOTE 8: PROVISIONS

Current

Employee entitlements – annual and long service leave	64,787	91,299
Provision for library services	398,837	376,292
	<u>463,624</u>	<u>467,591</u>

NOTE 9: OTHER LIABILITIES

Current

Practicing certificates in advance	366,090	392,030
Pll premium in advance	1,615,879	1,776,372
Pll mutual fund	-	64,996
Prepaid CPD	-	9,842
Rural Employee Scheme	200,256	-
Sundry	74,097	46,169
	<u>2,256,322</u>	<u>2,289,409</u>

**THE LAW SOCIETY OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

NOTE 10: 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.

	2013	2012
	\$	\$
Westpac cheque account	234,050	212,284
Westpac maxi direct account	2,014,946	1,624,691
ANZ Library Fund	103,000	64,423
Cash on hand	432	3,101
Short term deposits - Westpac	1,700,256	1,000,000
Short term deposits – ANZ	530,000	1,530,000
	4,582,684	4,434,499

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

Operating profit/(loss)	(15,972)	(32,347)
Depreciation	76,821	73,476
(Increase)/decrease in trade and term debtors	1,679	11,560
(Increase)/decrease in finished goods	5,800	-
(Increase)/decrease in other receivables	9,574	(19)
Increase/(decrease) in trade creditors	(23,389)	16,590
Increase/(decrease) in other creditors and accruals	95,468	(81,880)
Increase/(decrease) in sundry provisions	(3,966)	(9,314)
Net cash provided by operating activities	146,015	(21,934)

**THE LAW SOCIETY OF TASMANIA
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2013**

NOTE 11:

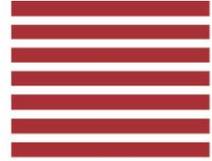
	2013	2012
	\$	\$
Revenue		
Interest received	149,595	157,253
Administration fees	114,814	99,200
Advertising	19,319	14,683
Certificate of fitness	2,400	2,000
Continuing Professional Development	101,996	73,097
Dinners and functions	14,388	21,085
Disciplinary action – costs recovered	33,033	46,318
Hire of council rooms	2,985	8,582
Membership benefits	1,881	3,256
Practising certificate fees	452,401	440,300
Sales	1,422	1,954
Sponsorship	47,955	42,400
Subscriptions	12,447	11,281
Sundry income	-	2,270
PII Mutual Fund Surplus	141,207	-
Rent received	64,620	61,175
TOTAL	1,160,463	984,854

**THE LAW SOCIETY OF TASMANIA
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2013**

	2013	2012
	\$	\$
Expenses		
Accountancy fees	16,345	24,722
Audit fees	6,180	6,000
Advertising	1,457	-
Bank fees and charges	3,420	2,326
Computer supplies and services	14,602	14,691
Consultants	-	11,500
Continuing Professional Development	74,137	53,124
Council Room Hire	-	1,902
Debts & Other Write Offs	5,800	-
Depreciation	76,821	73,476
Donations and Grants	2,800	12,607
Events	51,121	39,351
Honorarium	75,844	77,068
Insurance	14,478	14,331
Law Letter	18,972	14,067
Lease Payments	-	-
Legal Expense	-	4,300
Light and Power	18,460	18,605
Meetings	40,231	41,268
Member Counselling & Legal Service	5,690	5,610
Membership Benefits	2,322	5,306
Printing and Stationery	17,691	16,266
Professional Fees – Disciplinary Action	34,908	59,696
Property Valuations	-	2,182
Public Relations	2,415	23,938
Rates and Taxes	28,261	28,293
Repairs and Cleaning	18,397	19,993
Salaries and Remuneration	423,575	373,457

The accompanying notes form part of these financial statements

Security and Fire Alarms	13,221	11,589
Staff Training	-	977
Subscriptions	2,175	2,400
Sundry Expenses	8,122	4,392
Superannuation	34,239	30,768
Telephone, Video Conferencing & Web Expenses	23,544	22,996
TOTAL EXPENSES	1,035,228	1,017,201



Wise Lord & Ferguson
Chartered Accountants
advice to advantage

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 2013, 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 2013 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 'D J McCarthy', with a long horizontal stroke extending to the right.

D J McCARTHY
PARTNER
WISE LORD & FERGUSON

Date: 24 September 2013

The Law Society of
Tasmania

Statement by Honorary
Treasurer

For the year ended
30 June 2013

The Society is not a reporting entity and this purpose report is prepared in accordance with the accounting policies outlined in Note 1 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 2013 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 then they fall due.



David Barclay
Honorary Treasurer

Dated: 27 September 2013