
**MINUTES OF THE
ANNUAL GENERAL MEETING
OF THE LAW SOCIETY OF WESTERN AUSTRALIA
TUESDAY, 28 OCTOBER 2014 COMMENCING AT 5.16PM
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

PRESENT:

Konrad de Kerloy	Shane Murphy	Nathan Ebbs
Giacomo Giorgi	Emma Bright	Samuel Peace
John Gillett	Scott Ivey	Stewart McWilliam
Christopher Hicks	Sam Dundas	Emily Clarke
Greg Boland	Edward Greaves	Craig Slater
Alain Musikanth	Catherine Russo	Timothy Mason
Natasja Pollemans	Kirsty Chan	Adam Ebell
Yvette Fenton	Rosie Hill	Elizabeth Needham
Hayley Cormann	Jonathan Heath	John Young
Patrick Hughes	Tom Sippe	Caroline Woo
Rob Sceales	Claire McGowan	Geoffrey Kerrigan
Ray Christensen	Monika Mecevic	Marshall McKenna
Peter Neil	Kate Layman	David Rowan
Katherine O'Driscoll	Matthew Keogh	Catherine Fletcher
Caroline Di Russo	Claire Martin	Anita de Villiers
Derreck Goh	Marie Botsis	

IN ATTENDANCE:

David Price – Executive Director
Leanne Follows – Executive Manager Corporate Services
Dominique Hansen – Executive Manager Community Services
Andrea Lace - Executive Manager Policy and Professional Services
Aine Whelan – Executive Manager Professional Development
Jo-Anne Munro – General Manager Law Mutual
Sue Langmair – Personal Assistant to Executive Director and President
Francesca Giglia – Executive Support Officer/QPS Coordinator

1. APOLOGIES:

The following apologies were noted:

The Hon Michael Mischin MLC	Gray Porter
Clinton Russell	William Sloan
Brendan Ashdown	Dudley Stow
Gregory Boyle	Elizabeth Heenan
Cathryn Greville	Steven Penglis
Pamela Hass	

CHAIR:

Konrad de Kerloy, as President of the Society, Chaired the meeting pursuant to Rule 43 of the Society's Constitution.

The President welcomed members and staff to the Annual General Meeting.

2. CONFIRMATION OF MINUTES

Motion 1: The Minutes of the Annual General Meeting of the Law Society of Western Australia held on Tuesday, 29 October 2013 were confirmed as a true and correct record of that meeting.

Moved: Matthew Keogh

Seconded: Alain Musikanth

Carried

3. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 29 OCTOBER 2014

There were no matters arising from the minutes.

4. PRESIDENT'S REPORT, FINANCIAL ACCOUNT AND ANNUAL REPORT

The President advised that the Annual Report with financials is available to members on the Law Society's website together with the President's report.

The President summarised the main issues that the Society has dealt with over the year. Some have been projects of the Society that have been ongoing for many years, some have commenced in his term as President and will continue and some are new initiatives that the Society has been involved in.

National Legal Profession Reform – The President advised that the Society has been involved in this project for some time.

The objectives of National Legal Profession Reform are worthy. The NSW and Victorian Governments signed an agreement to advance the project but in a way which ensured that the local legal regulatory bodies and Supreme Courts remained supreme in their own jurisdictions administering an agreed national regulatory framework. Both governments have now enacted legislation and there is a model National Legal Profession in those two states.

The current model, establishes the national regulatory regime but leaves regulation to external parties. As a consequence regulation of practitioners in each State is left in the hands of the local State regulatory bodies, like the Legal Practice Board and the Supreme Court of Western Australia.

The President advised that a very detailed report which reviewed the Legal Profession Uniform Law and regulations was prepared by the Society. A discussion draft was first circulated and the Society ensured that it went to all practitioners, not just members of the Law Society. This was in line with the wishes of the current government which wanted to ensure that the National Scheme had broad support amongst the WA profession. Responses to the discussion draft were overwhelmingly favourable.

The other fundamental which the current government insisted upon was that the government remained able to control any legislation which joined Western Australia to the National Scheme. The government indicated it would not refer its powers; it was however prepared to look at the model which involved

the enactment of mirror legislation. The Society's report came to the conclusion that it was possible to join the scheme on the basis of mirror legislation.

In the final report the Society recommended that the government enact mirror legislation to join the WA profession to the national scheme. The Society also recommended the government should insist on a seat at "the top table" so that a WA representative was enshrined on the body which ultimately set the regulations for the whole of Australia.

The President advised that the report has gone to the Government and they are considering it but to date the Society has not had a response. A further meeting has been arranged with the Attorney General in December to see where at the government is at. The Society is hoping for a positive indication from the Attorney General. From the positive indications we have had from all sections of the legal profession including the Supreme Court (where the Chief Justice has indicated that he is in favour of this model), the Society is hopeful that it will be able to persuade the government to move in the direction of National Legal Profession Reform. It will no doubt be in the hands of the President-elect to take this matter forward.

Other matters for noting are that the Society reviewed its Strategic Plan at the start of the year and during the course of the year implemented a new Strategic Plan. It also implemented an organisational review with some professional assistance. That review is in its final stages and will, by the end of this year, have fully reviewed the organisation and restructured it in a small way. The President observed that as the Society does not have compulsory membership, it is important that the Society works hard to ensure that as a member organisation it is relevant to and responds to the needs of its members so that it continues to have their support.

The President said that the fourth important issue that arose in his term was two very important reports that dealt with the retention and re-engagement of women in the legal profession. He said that 30 years after Law Schools were graduating more women than men we have the situation where less than 20% of women are in senior positions within the legal profession. Both the National Attrition and Re-engagement Study (NARS) Report and the 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Review report prepared by Women Lawyers of Western Australia indicated that the profession is still not doing enough to engage and retain women in the legal profession. Law firms have recognised that women are a very important part of the whole organisation and that diversity is key to their success.

The President then mentioned the Society's lobbying. He said one feedback the Society received was that lobbying was important, but it is the style of lobbying that he drew particular attention to. He said that the Society's approach is "quiet" lobbying" which often involved behind the scenes lobbying of the government about the Society's causes. The Society pick its battles; it continues to have very good relations with the government. We don't have asymmetrical battles with government to the extent that we had that open battles. Rather the Society's approach is to allow both sides of the debate to be put forward to the legal profession and others so that members can judge for themselves the respective merits of the arguments. It has been a policy where the Society and its Presidents have implemented it over a number of

years – quiet advocacy for the benefit of our members and the community in general.

Motion 2 The financial accounts of the Law Society of Western Australia Inc for the year ending 30 June 2014 are adopted.

Moved: Sam Dundas

Seconded: Craig Slater

Carried

Motion 3 The Annual Report of the Law Society of Western Australia Inc for the year ending 30 June 2014 is adopted.

Moved: Elizabeth Needham

Seconded: Craig Slater

Carried

5. NEW BUSINESS

5.1 Amendment to the Constitution of the Law Society of Western Australia Inc.

Rule 14A – Incorporated Legal Practice Members

Rule 9 of the Constitution states that Australian Legal Practitioners are entitled to become Ordinary Members of the Society.

In section 5 of the *Legal Profession Act 2008* an *Australian legal practitioner* means an Australian lawyer who holds a current local practising certificate or a current interstate practising certificate.

For an Incorporated Legal Practice (ILP) to become a member of the Society all directors of an ILP who are Australian legal practitioners must become members of the Society. Many ILPs have offices in more than one jurisdiction. The Australian legal practitioner directors of ILPs are generally members of the Law Society in the jurisdiction in which they usually live and work.

To enable an ILP to become a member of the Society without the requirement for all directors nationally to become Ordinary members of the Society, it is recommended by the Council that rule 14A of the Constitution be amended to require only directors usually carrying on practice in Western Australia to become Ordinary Members of the Society.

Recommended amendments to the rule 14A of the Constitution of the Law Society of Western Australia Inc. are set out below. Recommended insertions are underlined.

(i) Rule 14A – Incorporated Legal Practice Members

An Incorporated Legal Practice each of whose Legal Practitioner Directors usually carrying on practice in Western Australia ~~are~~ is an Ordinary Members of the Society is entitled to become an Incorporated Legal Practice Member of the Society.

Motion 4 The recommended amendments to the Constitution of the Law society of Western Australia Inc are approved.

Moved: Matthew Keogh

Seconded: Craig Slater

Carried

Note: three members abstained from voting, all other attendees voted in favour.

5.2 Nominations for Life Membership

The President advised that Council have endorsed one new Honorary Life Member.

Constitution (Rule 13)

(a) A Life Member is a person who is elected as Life Member at a general meeting of the Society upon the recommendation of the Council.

(b) Life Members are entitled to all rights and privileges of Society membership.

Eligibility criteria (Council Policy Procedure CP20.07)

Contribution to the Law Society and positions held; Leadership in the legal profession; Contribution to the administration of justice from those on the bench or who have served on boards and tribunals; Duration of membership of the Society (at least 10 years of membership) with extra weighting for presidential duties and administration; offices held, contribution to work of committees; and contribution to the Society's governance, policy development or administration.

The Council of the Law Society of Western Australia recommends the election of **Dudley Randolph Stow** as Life Member. It is the Council's view that Mr Stow exemplifies the eligibility criteria. His many achievements are summarised for the information of members.

After graduating from the University of Western Australia, Mr Stow was admitted to the Supreme Court of Western Australia in 1968. He has been a member of the Society since admission.

In 1972 Mr Stow was appointed a partner of Parker and Parker. In 1996 Mr Stow was elected by his partners to replace Rory Argyle as Chairman of Partners. In 1997 Parker and Parker merged with Freehill Hollingdale & Page; now Herbert Smith Freehills. Mr Stow remained as a Senior Partner until 2004 when he took on a consultancy role.

Mr Stow has had a varied practice in the commercial area with particular expertise in the area of property development, commercial agreements, reconstructions, joint ventures, building developments, building contracts, leases, trusts and family dispute/reconstructions and resolutions.

Mr Stow has worked on projects such as major office sites, subdivisions and shopping centre developments, and advised a number of banks, insurance and superannuation companies, receivers and liquidators and Port Authorities.

Mr Stow served as Society President and Law Council Director for two years in 2008 and 2009 and as Immediate Past President in 2010 and 2011. Prior to his election as President, Mr Stow served as Ordinary Member of Council between 1995 and 1999, as Vice President in 2000 (following which Mr Stow moved to Freehills' Melbourne office for four years), as Treasurer in 2005 and as Senior Vice President in 2006 and 2007.

Mr Stow has played a significant role in the management of Law Mutual for almost a decade as a member of the Law Mutual (WA) Strategic Management Committee from 2005 and the Law Mutual (WA) PII Management Committee since 2011, of which he is Chair.

In 2010/2011 Mr Stow played an important role on behalf of the Society and the profession as a member of the National Legal Profession Consultative Group.

Mr Stow is a longstanding member of the Joint Form of General Conditions for the Sale of Land Committee and former member of the Property Law Committee, the Commercial Tenancy Retail Shops Committee and the Costs Committee. He has been a member of a number of Council committees including the Chief Justices Law Week Youth Appeal Trust Allocations Committee, the Audit Committee and the Honours Nominating Committee. Mr Stow has been a member of the Public Purposes Trust Investment Committee since 2001 and continuing. Mr Stow was a member of the Law Reform Commission Act Ad Hoc Committee (1972) and the National Competition Policy Taskforce (2000).

Other positions held by Mr Stow include:

- Director of Wilson Parking Australia Pty Ltd 1992 – present
- Former Deputy Chair and continuing Board member of Serpentine Jarrahdale Grammar School
- Former Chair and continuing member of Public Notaries Committee
- Former Chair and member of Council of St Hilda's Anglican School for Girls
- Former member of Brightwater Inc. Board
- Former member of Salvation Army WA Advisory Board
- Former member of REIWA Board
- Former member of Statewide Building Society Board.

Motion 5 Dudley Randolph Stow is elected as a Life Member of the Law Society of Western Australia Inc.

Moved: Matthew Keogh

Seconded: Craig Slater

Carried

6. GENERAL BUSINESS

The President advised that as a result of the nominations received for the 2015 Council, Matthew Keogh was elected unopposed for a one year term as President; Elizabeth Needham was elected unopposed for a one year term as Senior Vice President and Alain Musikanth was elected unopposed for a one year term as Junior Vice President.

Elected unopposed for a one year term as Junior members were Emma Cavanagh, Ray Christensen and Rosie Hill.

The President advised that for ordinary members there is going to be an election. There are eleven nominees, which demonstrates the health of the Law Society including nominees from the senior end of the profession. He advised that those who have nominated were Nicholas Ellery; Marshall McKenna; Tara Connelly, Clinton Russell, Edward Greaves, Brendan Ashdown, Dylan McKimmie, Alison Aldrich, Geoff Hancy, Catherine Fletcher and Greg McIntyre SC. The President wished them the best of luck in the forthcoming election. On behalf of the Society he thanked them for nominating. He said it is very important that we have a healthy interest in the Society and these nominations demonstrate this.

7. VOTE OF THANKS

The President moved a vote of thanks to his Executive Committee. As indicated Matthew Keogh was Senior Vice President, Elizabeth Needham was Junior Vice President and Alain Musikanth was the Treasurer this year. He said that a President cannot function unless there is a collegial atmosphere within the Society. He said that one of the good things about the Society and how a small group can achieve things is because we have a very collegial working environment.

The President thanked the Executive Director, David Price for his guidance and his great support. He also thanked the staff of the Society. He thanked his Personal Assistant, Sue Langmair for her assistance and support. He said that all the employees at the Society have been helpful and do a great job on a limited budget which allows the Society to punch above its weight.

The President thanked the Council who have also been very supportive and have acted in a collegial way.

The President advised that Pamela Hass and Nicholas van Hattem are retiring from Council as well as Craig Slater as Immediate Past President – he said he has enjoyed his time on the Council and particularly his time as Society President and thanked the members for the opportunity for being allowed to do that job.

Matthew Keogh as President Elect and as the Senior Vice President this year extended a vote of thanks to Konrad de Kerloy for his great leadership this year as President of the Law Society. He noted that Konrad outlined a number of the things that were dealt with this year which have been the most prominent matters. There have been so many things that we as a Society and Konrad as President have dealt with quietly behind the scenes on behalf of the profession as a whole and as members of the Society which does not get seen and therefore Presidents are not thanked for. He said that Konrad has been very successful in putting the case for the profession to government and others behind the scenes and has been a very strong supporter and advocate for things that the profession are after and in particular the issue of attrition and retention of women in the profession. Mr Keogh said it has been a pleasure to work with Konrad as an Executive member and as a Council

member, he has shown great leadership and great insight when we have struggled on a number of issues, he thanked Konrad for that.

The President thanked Herbert Smith Freehills for the use of the rooms, ensuring that we have a quorum and for the light refreshments following the AGM.

There being no further business the President closed the meeting at 5.44pm.