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**MINUTES OF THE  
ANNUAL GENERAL MEETING  
OF THE LAW SOCIETY OF WESTERN AUSTRALIA  
TUESDAY, 27 OCTOBER 2015 COMMENCING AT 5.20PM  
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

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**PRESENT:**

|                        |                    |                                     |
|------------------------|--------------------|-------------------------------------|
| Elizabeth Needham      | Christopher Hicks  | Matthew Keogh                       |
| Stewart Forbes         | Ronald Bower       | Aaron McDonald                      |
| Anna Casellas          | Nathan Ebbs        | Katherine O'Driscoll **             |
| Patrick Wong           | James Clyne        | Geoffrey Kerrigan                   |
| Rebecca Magee          | Stephen Neale      | Panashi Devchand                    |
| Andrew Davies          | Jay Capell         | Vlada Lemaic                        |
| Shane Murphy           | Donna Charlesworth | Konrad de Kerloy                    |
| Marie Botis            | Denis McLeod       | Natasha Blycha                      |
| Derreck Goh            | Clare Thompson     | Olivia Walton                       |
| Fiona Schmedje         | Elspeth Hensler    | Rob O'Connor                        |
| Daniella Spencer-Laitt | Ray Christensen    | Steven Penglis                      |
| Nicholas van Hattem    | Kathleen McNally   | Kate Bower                          |
| Adam Ebell             | Hayley Cormann     | Rob Scealess                        |
| Tom Sippe              | Tim Donisi         | Sophie Mony de Kerloy               |
| Craig Slater           | Tim Owen           |                                     |
| Courtney Furner        | Alain Musikanth    | ** Observer (Ineligible to<br>vote) |
| Marshall McKenna       | John Butler        |                                     |
| Caroline Di Russo      | Ted Sharp          |                                     |
| Peter Lochore          | David Bruns        |                                     |
| Elizabeth Macknay      | Emma Cavanagh      |                                     |

**IN ATTENDANCE:**

David Price – Executive Director  
Leanne Follows – General Manager Corporate Services  
Andrea Lace - General Manager Advocacy  
Aine Whelan – General Manager Programmes  
John Rogers – General Manager Law Mutual  
Eleanor Jackson – Manager Business Development  
Moiria McKechnie – Manager Marketing and Communications  
Sue Langmair – Personal Assistant to Executive Director and President  
Francesca Giglia – Administration Officer

**1. APOLOGIES:**

The following apologies were noted:

|                   |                    |
|-------------------|--------------------|
| Joel Yeldon       | Gray Porter        |
| Elizabeth Heenan  | Catherine Fletcher |
| Georgia Pickering | Tara Connelly      |

## **CHAIR:**

Elizabeth Needham, 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.

Members were informed that the Annual General Meeting is recorded by the minute Secretary for the purposes of taking minutes. The recording of the meeting is deleted by the Minute Secretary from their work computer once the Minutes have been confirmed.

## **2. CONFIRMATION OF MINUTES**

**Motion 1:** The Minutes of the Annual General Meeting of the Law Society of Western Australia held on Tuesday, 28 October 2014 be confirmed as a true and correct record of that meeting.

*Moved: Marshall McKenna*

*Seconded: Matthew Keogh*

*Carried Unanimously*

## **3. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 28 OCTOBER 2014**

There were no matters arising from the minutes.

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

The President summarised the highlights from the Annual Report:

- It has been an incredibly busy year to the year ending 30 June 2015, the pace continues into the first part of the 2015-2016 year.
- Council has commented on the effect of the organisational review. We are beginning to see some really good effects and progress as a result of that review with a pleasing result.
- CPD had an offering of a face to face 100 seminars and 20 on-line seminars. The flagship CPD being the Law Summer School was again very successful with excellent feedback from participants.
- 54 Advocacy submissions were prepared– these are in addition to the letters that are sent from the Society on a variety of issues.
- This year has been the start of two strategic campaigns – Council identified two areas that needed to be addressed in which the Law Society could play a significant role. They are Professional Standards and Retention, Wellness, Gender Bias and Diversity in the profession. The second of those ties in with what is happening with the Gender Bias review that was done by Women Lawyers WA and the Law Council of Australia NARS Report. We are tying in what we are doing at the State level with what is happening in the federal level. Those strategic campaigns are going to take an enormous amount of work and not a one year campaign. In effect this year has been a year for the start of each of those two campaigns that we can see lasting for up to five years to give effect to what Council wanted to achieve on behalf of its members.
- We gave a record number of members.

- It has been a year of records including: the outcomes from the organisational review, commencement of the implementation of the strategic campaigns, the record number of teams in the Mock Trial competition, and the record number of members participating that programme, the creation of Law Access Limited, so that all the work that has been done in creating that pro bono service over the years has now turned into a limited company that is running efficiently. The President thanked all of those who are involved with the work of the Society. It has been a great year of highs.
- The pace has continued since Matthew Keogh stepped down as President.

**Motion 2** The financial accounts of the Law Society of Western Australia Inc for the year ending 30 June 2015 are adopted.

*Moved: Denis McLeod*

*Seconded: Clare Thompson*

*Carried Unanimously*

**Motion 3** The Annual Report of the Law Society of Western Australia Inc for the year ending 30 June 2015 is adopted.

*Moved: Denis McLeod*

*Seconded: Clare Thompson*

*Carried Unanimously*

## **5. NEW BUSINESS**

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

The President referred to the amendments to the Constitution of the Law Society of Western Australia Inc. are recommended by the Council for the following reasons.

#### **5.1.1 Change to “Chief Executive Officer” all references to “Executive Director”**

An Executive Director and a Chief Executive Officer perform identical roles with responsibility for an organisation’s overall operations and performance and serving as primary liaison with an organisation’s board of management.

The title Chief Executive Officer is more widely used than Executive Director to recognise the responsibilities of the role. The Law Societies of New South Wales and Queensland and the Law Institute of Victoria have moved away from Executive Director to Chief Executive Officer. The Council considers it timely for the Law Society to do the same.

Recommended deletions to the rules of the Constitution of the Law Society of Western Australia Inc. are lined through and recommended insertions are underlined.

**5.1.1 Change to “Chief Executive Officer” all references to “Executive Director”.**

**5.1.2 Rule 76(c) Delete reference to “Accountant”**

“Society’s Accountant” is one of a number of responsibilities of the Law Society’s General Manager Corporate Services. To avoid confusion it is recommended that “Society’s Accountant” in rule 76(c) be deleted and “senior officer responsible for the Society’s accounts” be inserted. This amendment has no effect on the operation of the Society and retains acknowledgement of a senior person with operational responsibility for the Society’s accounts.

**5.1.2 Rule 76(c) - Accountant to Senior Officer**

The auditor must be given access to all books of account kept by the Society and is entitled to make the enquiries the auditor may think fit from the President and other members of the Council, the ~~Executive Director~~ Chief Executive Officer and the senior officer responsible for the Society’s Accountant accounts.

**5.1.3 Rule 2 - Definition of “Disqualified Person”**

The definition of “disqualified person” is poorly drafted. While plainly it is not the intention, if a strictly literal interpretation were to be applied to the definition of “disqualified person” in rule 2, all members of the Law Society would be disqualified because they are, presumably, disqualified or otherwise prohibited from engaging in legal practice in the various jurisdictions around the world in which they are not admitted.

**5.1.3 Rule 2 - Definition of “Disqualified Person”**

‘Disqualified Person’ means a person who –

- (a) has been struck off the Roll of Practitioners or a roll kept outside the State of Western Australia that corresponds to the Roll of Practitioners (unless the person has been re-admitted); or
- (b) is suspended, disqualified or otherwise prohibited by order of any court or tribunal from engaging in legal practice in the State of Western Australia or in any other place (whether in or outside Australia).

**5.1.4 Rule 42(a) Returning officers**

The Constitution requires that the votes in Council elections must be counted by two returning officers (or their nominees), namely the

Executive Director and a Society member not standing as a candidate who is appointed by the President.

Since 2013 the votes in Council elections have been counted electronically by an external election service. The Executive Director, and the second returning officer appointed by the President have nominated the two directors of the election service as their nominees.

With the introduction of electronic voting there are no invalid votes. If a voter does not vote correctly the attempt to vote is automatically rejected. It is considered that there is now no need for a second returning officer.

#### **5.1.4 Rule 42(a) – Returning Officers**

Delete:

~~The votes must be counted by two returning officers and/or their nominees one of whom shall be the Executive Director and the other of whom must be a member of the Society appointed by the President not being a person standing as a candidate in the election.~~

Insert:

The Chief Executive Officer shall be the returning officer and the votes may be counted by the Chief Executive Officer or his or her nominee.

#### **5.1.5 Rule 43(f) – Immediate Past President (IPP)**

Rule 43 lists the composition and eligibility of the members of Council.

Rule 43(f): *“The immediate past President of the Society for a term of one year following retirement from the office of President.”*

Rule 43(f) contemplates each President serving a one year term but this is not always the case.

There is no constitutional limit on the number of terms a member may be elected as President and it is not always possible or the wish of a retiring President to fill the position of IPP for more than one year.

A President may resign or die during his or her presidency.

It is recommended that rule 43(f) be amended to clarify that the term of the IPP is for one year commencing on 1 January in the year immediately following his or her retirement or resignation from the office of President.

### 5.1.5 Rule 43(f) – Immediate Past President

The immediate past President of the Society for a term of one year commencing on 1 January in the year immediately following retirement or resignation from the office of President.

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

*Moved: Ray Christensen*

*Seconded: Elspeth Hensler*

*Carried Unanimously*

## 5.2 Nominations for Life Membership

### 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 President advised that Council have endorsed three new Honorary Life Members.

The Council recommends that Steven Penglis, be elected for Life Membership due to his outstanding achievements and contributions to the law and to the Law Society, as follows:

### Steven Penglis

- Admitted 1982 (NSW), 1984 (WA). Joined Law Society 1987
- Admitted to partnership of Herbert Smith Freehills 1987
- 1991 instrumental in establishing Law Society's Pro Bono Committee which led to the establishment of Law Access.
- Herbert Smith Freehills Pro Bono Partner 1991-2012
- 1996 presented by Law Society with certificate of appreciation for outstanding dedication to Law Society objectives and activities
- Convenor Law Society reference group, Law Reform Commission WA reference on the criminal and civil justice systems
- Member Litigation Assistance Fund Advisory Board
- Convenor Law Society Courts Committee totalling 15 years until 2012

- Law Society representative on numerous external committees and member of numerous Law Society standing and ad hoc committees
- Member Law Society Council 2002-2012
- Member Legal Practice Board, 1996-2011 and Chair 2002-2007
- Member Legal Profession Complaints Committee 2010-2011
- 2009 Law Society Lawyer of the Year Award
- Elected to WA Bar Association October 2012
- Part time Senior Member Administrative Appeals Tribunal 2005 and continuing
- Director and former Chair of the ASX listed ThinkSmart Limited
- Active contributor to assessment of matters for Law Access, Access to Justice Committee.

**Motion 5** Elected as a Life Member of the Law Society of Western Australia Inc is Steven Penglis.

*Moved: Elizabeth Macknay*

*Seconded: Matthew Keogh*

*Carried Unanimously*

The Council recommends that The Hon Justice Carmel Joy McLure be elected for Life Membership due to her outstanding achievements and contributions to the law and to the Law Society, as follows:

**The Hon Justice Carmel Joy McLure**

- B. Juris with Honours UWA 1976
- Admitted to the Supreme Court of Western Australia 1980 and joined Law Society 1980
- Assistant Private Secretary (1977-1978) and Private Secretary (1981-1982) to then Attorney General, the late Senator Peter Durack QC (Law Society Life Member 1998)
- 1981-1983 post graduate degree, Bachelor of Civil Law, Oxford, and lecturer in law at the North Western University, Chicago as nominee of Law Faculty, Oxford
- 1984 joined Corrs Chambers Westgarth and admitted to partnership 1987
- Elected to the WA Bar Association 1995 and appointed Queens Counsel 1997
- Appointed Justice of the Supreme Court of Western Australia 2001
- Appointed Justice of Court of Appeal 2004
- Appointed President of Court of Appeal 2009 and continuing
- Her Honour is *“highly regarded for her quick and brilliant mind, legal acumen, capacity for hard work and sound judgment”*. (former State Attorney General, Hon Christian Porter MP).

**Motion 6** Elected as a Life Member of the Law Society of Western Australia Inc is The Hon Justice Carmel Joy McLure.

*Moved: Konrad de Kerloy*

*Seconded: Denis McLeod*

*Carried Unanimously*

The Council recommends Clare Helen Thompson be elected for Life Membership due to her outstanding achievements and contributions to the law and to the Law Society, as follows:

**Clare Helen Thompson**

- Qualifications B.Bus SAIT 1984, G.Dip Mgt Curtin University 1989, LLB (Hons) University of Tasmania 1994, LLM (Hons) University of Melbourne 2004
- Admitted to the Supreme Court of Western Australia 1994 and joined Law Society 1994
- Herbert Smith Freehills 1994-2004 (Associate 1997, Senior Associate 2000)
- Elected as member of WA Bar Association March 2004
- Member of Law Society Council 1997-2002, served as Treasurer and Senior Vice-President prior to election as President in 2002
- Member of numerous Law Society Committees including Ethics 2000-2007, CPD and Education 1998-2007, Accreditation 1997-1998, Joint Law Society/Women Lawyers 1997-2001 and numerous ad hoc and organising committees including mandatory continuing legal education.
- Represented Law Society on Law Council of Australia (LCA) Legal Education Committee, LCA Equalising Opportunities in the Law Committee, LCA National Model Laws committee, Solicitor General's Committee leading to introduction of *Legal Profession Act 2008* and Legal Practice Board mandatory continuing legal education committee.
- Member Women Lawyers WA since 1994 and Committee member 1994-2001, representative on committee leading to formation of Australian Women Lawyers (AWL) 1997-2001, Director AWL 1997-2001 and Vice-President AWL 2000-2001.
- Legal and quasi-legal appointments including: Member Legal Costs Committee 2002-present, Patron Women's Legal Centre WA 2002-2012, Senior Sessional Member State Administrative Tribunal 2006-2007, Lecturer ATP 2006-2008, Legal Practice Board Committees 2004-2009, various Boards including ECU Legal Studies and Law Education Consultative Committees.
- Founder, Director and Trustee, Aboriginal Women's Legal Education Trust, providing scholarships to Indigenous Women to study law 2011 – present.
- Awards 2012: Law Society Lawyer of the Year, Women Lawyers WA Women of the Year Awards, named one of inaugural 100 Women of Influence *Financial Review & Westpac*, Finalist *Lawyers Weekly* Woman in the Law Awards and nominee Western Australian of the Year (Business and Professions).

**Motion 7** Elected as a Life Member of the Law Society of Western Australia Inc is Clare Helen Thompson.

*Moved: Steven Penglis*

*Seconded: Ray Christensen*

*Carried Unanimously*



**Note: Clare Thompson abstained from voting.**

The President congratulated the three well deserved Life Members.

6. GENERAL BUSINESS

There were no items of General Business.

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.

7. VOTE OF THANKS

The President noted thank you to:

- Outgoing as at 31 December 2015 Immediate Past President (IPP) Konrad de Kerloy. The President thanked Mr de Kerloy for his guidance of the Society and continuing support in 2015 to both Matthew Keogh and herself, Council and Executive, which has been much appreciated.
- Matthew Keogh in his role as President for the second half of the year to which the Annual Report relates and his continuing support as IPP. For his hard work and commitment behind the scenes.
- As a result of Matthew Keogh resigning as President, Alain Musikanth stepped up as Senior Vice-President; Hayley Cormann was the Treasurer in the first half of this calendar year and stepped up to Vice President in the second half of the year; Marie Botsis stepped up from Council to fill the role as Treasurer for the second half of the year – the President thanked them all and said that this progression has meant there has been stability, continuation of corporate knowledge and that has been important to continue the vision that each of the President's present have been following and to ensure it continues in the future.
- All members of Council and Executive for their work over the 2014/2015, this has been appreciated by the members of the Society and each of the Presidents under which it has served.
- A special thank you to Brahma Dharmananda SC, Georgia Pickering, Emma Cavanagh and Rosie Hill who have not re-nominated for Council,
- Nominations for the election of the 2016 Council – Elizabeth Needham has been elected unopposed as President for 2016; Brooke Sojan has been elected unopposed as Country Member for a two year term.
- None of what you see despite a supportive Council would happen without our now CEO of the Society and the team, the staff behind that front and the enormous amount of work that this team does. On behalf of Council and the Executive they thanked each of that team.
- A special thank you and acknowledgement of the General Manager Advocacy, Andrea Lace who has announced she will be retiring from the Society at the end of March 2016 after 17 years of committed service. This will be Ms Lace's last AGM. The President acknowledged the enormous amount of work that Ms Lace has put into the Society and its committees through supporting the committies, drafting submissions, and making sure we have the information that is needed for preparing submissions.
- Thank you to Herbert Smith Freehills for use of rooms and refreshments.

## 8. Updates in current financial year

### 8.1 Implementation of organisational review

The President said that last year the Society undertook an organisational review. That review was intended to identify potential new areas of activity that the Society should offer, and to also detect activities that are no longer valued by members.

The process involved benchmarking with other organisations similar to ourselves, both in and outside the legal sector. An internal review was also undertaken to identify key areas of improvement. Interviews were completed with all staff and representatives of Council, as well as reviewing a number of key internal documents such as our Strategic Directions paper, Member Perceptions surveys and individual Business Plans. For anyone who took part in those, we have listened.

On the basis of the work undertaken, the key conclusions reached were that overall, the Society is actually performing very well, and the value proposition offered is largely appropriate. That the issue is not about needing to change the offering, but rather that the Society needs to become much better at *communicating* its offering to its members.

The vision that was adopted in the final report was to have an informed and engaged membership. To achieve this required the Society to improve the way we communicate with you, and make better use of technology, most importantly, focus efforts on delivering meaningful content to membership in a way which is convenient to them. She noted that some of us are not comfortable with the technology, some of us are but we need to be up to date in addressing that and that is what our opening session in Law Summer School will be about - Social Media and how bad we are at using it and how we need to be better at using it.

### 8.2 Communication with members

Over the past 10 months the Society has undertaken a number of significant changes. Tonight I am briefly going to talk about the changes we are making to the way we communicate with our members. Examples of what changes have already been made include the creation and appointment of a new position, Manager Communication and Marketing to lead our communications team, a new and more informative Friday Facts, the new monthly email to members from the President, the style and format of Brief journal has been refreshed under the guidance of the current Editor - Julian Sher, and we now have an expanded Social media and have a presence there. The President encouraged members to go and have a look at our twitter and facebook.

I am pleased to be able to introduce another significant change to the way we communicate with our valued members by announcing that the Society has launched a new and exciting website.

In closing I would like to acknowledge say thank you for the work that has been done on the new website by all of the staff at the Society, this has been an enormous task a great team effort.

Now I have given you a teaser by showing you the new home page at the AGM tonight I invite you to visit the website and have a good look at it for yourself at [www.lawsocietywa.asn.au](http://www.lawsocietywa.asn.au)

The President invited the Senior Vice-President to say a few words.

Alain Musikanth, Senior Vice-President proposed a vote of thanks on behalf of the Executive and the Council to Elizabeth Needham for very kindly taking up the reins as President earlier than expected. The role of President is not an easy one, particularly when you are a sole practitioner and he wished Ms Needham the very best of luck and looked forward to continuing to work with her in 2016.

Mr Musikanth said in relation to the Society communicating better with its members and one of the ways in which we are hoping to achieve that is via the new website. He encouraged members to communicate with the Society and in particular direct communication between members and the Executive and Council on any issues of whatever nature that concern the members. He referred to the three key priority strategic objectives – strong advocacy; high value services and organisational excellence. He said it was vital that if on those rare occasions members have a perception that we are not getting things right or could be doing things better or doing things that we shouldn't be doing at all – to contact the Executive either through direct details or via the Society.

The President invited members to drinks following the meeting.

There being no further business the President closed the meeting at 6.00pm.