
**MINUTES OF THE
ANNUAL GENERAL MEETING
OF THE LAW SOCIETY OF WESTERN AUSTRALIA
TUESDAY, 25 OCTOBER 2016 COMMENCING AT 5.27PM
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

PRESENT:

Elizabeth Needham	Craig McKie	Timothy Goyder
Olivia Walton	Alexander Butler	Sally Bruce
Thomas Sippe	Jarred Lockhart	Greg McIntyre SC
Katie O'Driscoll	Konrad de Kerloy	Alain Musikanth
Patrick Hughes	Sophie Ecker	Craig Slater
Clinton Russell	Gray Porter	Hayley Cormann
Richard Lilly	Hannah Atkins	Nathan Ebbs
Ante Golem	Emma Tormey	Steven Penglis
Rebecca Hing	Matthew Stone	Greg Boland
Natasha Blycha	Jamie O'Donnell	Rebecca Lee (from 5.36pm)
John Gillett	Rob Sceales	Jodie Moffatt (from 5.52pm)
Alyce Lynch	David Bruns	
Sophie Mony de Kerloy	Laura Clarke	
Geoff Kerrigan	Denis McLeod	
Mitchell Tatam	Jocelyne Boujos	
Ray Christensen	Long Pham	

IN ATTENDANCE:

Susan Fielding – Associate Member

David Price – Chief Executive Officer
Leanne Follows – General Manager Corporate Services
Mary Woodford - General Manager Advocacy
Aine Whelan – General Manager Programmes
John Rogers – General Manager Law Mutual
Sue Langmaid – Personal Assistant to Chief Executive Officer and President
Joanna Blackley – Lawyer Policy and Advocacy
Priya Pillay – Lawyer Professional Standards Scheme and Policy
Emily Tan – Lawyer Policy and Advocacy

1. APOLOGIES:

The following apologies were noted:

The Hon Michael Mischin MLC	Laurie Shervington
Peter Lochore	Kassem Seedat
Catherine Fletcher	Ted Sharp
Adam Ebell	Mark Fatherly
Elizabeth Heenan	Michael Simms

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

Resolution 1:

The Minutes of the Annual General Meeting of the Law Society of Western Australia Inc held on Tuesday, 27 October 2015 be confirmed as a true and correct record of that meeting.

Moved: David Bruns

Seconded: Craig Slater

Carried Unanimously

3. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 27 OCTOBER 2015

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 a very busy year with increasing membership numbers which is a record and equates well against the number of practicing certificates and practicing members of the profession;
- A large number of submissions are prepared on behalf of the legal profession by the Society – to Government, statutory bodies. These cover matters relevant not only to the interests of the profession but also the law reform agenda at large.
- There has been a healthy delivery of CPD for members and non-members. The CPD programme has gone from strength to strength, with a great satisfaction with the presentations, the range and presentation of topics and ability of the speakers. This has been important to the Society – it keeps people up to date, makes people think outside the square, and helps with our advocacy. A large portion of the funds raised go to our advocacy.
- The Society has worked hard during this reporting period to position the Law Society to be the first port of call for the media and interest groups for providing a balanced position on issues the effect the community at large in relation to the law. A lot of enquiries relate to social justice, access to justice, criminal law etc, but they are not limited to those things.
- The Society advised the State and Federal Government on the Society's positions, and lobbied both sides of politics, in respect of a range of issues.

- Two strategic campaigns, Professional Standards, which has become core business and Equity and Diversity, which continues, with work being done on the Equitable Briefing Policy from Law Council (LCA). The President encouraged anybody that has not signed up to this policy (which may be found on the LCA website) to do so.
- It was noted that a strategic planning day is held by Council at the beginning of each year, and that this year it was decided to run two campaigns - Equity and Diversity (continued from the previous year) and Closing the Gap – dealing with the Indigenous issues.

Nathan Ebbs, Treasurer, spoke to the financial accounts. He highlighted the revaluation of property and noted both the state of the market in Western Australia and that values have dropped for leasing office space in the Perth CBD.

Resolution 2:
The financial accounts of the Law Society of Western Australia Inc for the year ending 30 June 2016 are adopted.
Moved: Denis McLeod
Seconded: Greg McIntyre SC *Carried Unanimously*

Resolution 3
The Annual Report of the Law Society of Western Australia Inc for the year ending 30 June 2016 is adopted.
Moved: Denis McLeod
Seconded: Greg McIntyre SC *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. set out in the agenda and recommended by the Council for the following reasons.

Rule 9 – Ordinary Membership Commonwealth DPP Employees

The current provisions of the Constitution do not permit practitioner employees of the Commonwealth DPP (and other Commonwealth practitioners who do not hold practising certificates) to be Ordinary Members of the Society or members of Council because they are not Australian Legal Practitioners under the Constitution, although they are entitled to be Associate Members of the Society. An amendment to the Constitution is required to remedy the situation.

Rule 26 – Holding of Annual General Meeting

Under the new Associations Incorporation Act 2015, Division 4 — Annual general meeting and special resolutions Rule 50 (3) Associations are able to

hold their annual general meeting (AGM) within 6 months of the end of the association's financial year.

50. Annual general meeting

- (1) Except as allowed under subsection (2), an incorporated association must in each calendar year hold an annual general meeting.
Penalty: a fine of \$5 000.
- (2) An incorporated association may hold its first annual general meeting at any time within 18 months after incorporation.
- (3) Except as allowed under subsection (2), an incorporated association must hold its annual general meeting —
 - (a) within 6 months after the end of the association's financial year; or
 - (b) within such longer period as may in a particular case be allowed by the Commissioner.

It is recommended that Rule 26 of the Constitution be amended to a) make it consistent with the new Associations Incorporation Act 2015 and b) provide more flexibility as to when Council holds its Annual General meetings.

Rules 40 and 48 – Findings of Professional Misconduct:

Given the Law Society is a professional member organisation for legal practitioners, it is considered appropriate that a person should not be eligible to be a member of Council where there has been a finding against that person of professional misconduct under the *Legal Profession Act 2008* (WA) or corresponding legislation.

Amendments to the Constitution are necessary to reflect that position as, otherwise, such a finding would not render the person ineligible to serve as a member of Council.

To give effect to this proposed change, amendments are required to Rules 40 and 48 of the Constitution. Rule 40 specifies a circumstance in which a person is ineligible to give notice of an intention to seek election to Council, and Rule 48 specifies the circumstances in which the office of a Council member becomes vacant. As such, both deal with circumstances of ineligibility.

Given that section 39(2) of the *Associations Incorporation Act 2015* (WA) (**AI Act**), which is referred to below, applies to the conviction for an offence within the last 5 years, or release from custody within that period, the proposed amendments to Rules 40 and 48 will apply to a finding of professional misconduct, or the cessation of orders arising from such a finding, within a similar period.

Rules 40 and 48 – Persons prohibited from Membership of Council

Section 39(2) of the AI Act creates an offence of accepting an appointment or acting as a member of a management committee (in the case of the Law Society, the Council), where the person is bankrupt or has been convicted of various offences (as specified under section 39(1) of the AI Act).

Given the creation of this offence, it is also desirable to amend the Constitution to prohibit a person who falls within section 39(2) of the AI Act from standing for election as a member of Council, and to provide that the

person's office as a member of Council is vacated upon any of the circumstances under section 39(1) of the AI Act arising.

The necessary amendments would be best dealt with in conjunction with the amendments relating to a finding of professional misconduct, as they all relate to ineligibility for membership of Council.

New Rule 54 – Remedy any Irregularity Which Might Arise as a Result of the Deficiency in an Appointment

It is recommended that a new Rule 54 is included in the Constitution, largely based on model Rule 39 under the *Associations Incorporation Regulations 2016* (WA), to remedy any irregularity that might have arisen by virtue of a deficiency in an appointment to Council.

Special Resolution 4

- a) The recommended amendments to the Constitution of the Law Society of Western Australia Inc. as marked in the agenda are approved.
- b) That all past acts undertaken by or in the name of the Council or of any Committee, or by any person declared elected or appointed to the Council or to any Committee, of the Society are valid despite any defect in the election, appointment or qualification of any such person whatever those acts were and that the same be ratified and affirmed.

Moved: Rebecca Lee

Seconded: Konrad de Kerloy

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.*

The Council recommends that Mrs Susan Fielding; The Hon Kevin Parker AC RFD QC; Mr Chris Zelestis QC be elected as Life Members due to their outstanding achievements and contributions to the law and to the Law Society.

Mrs Susan Fielding

Achievements/Events and Contributions:

- Bachelor of Laws, University of Adelaide – 1967;
- Admitted to the Supreme Court of Western Australia -1970 and Practitioner of the High Court of Australia 1983;
- Joined the Law Society -1970;
- Member, Law Society Probate Computerisation Consultation Committee – 1994;
- Member and Convenor, Law Society of Western Australia Conveyancing Sub- Committee – 1997 to 2010;
- Member, Law Society Property Law Committee - 1998 to 2006;
- Member, Law Society Education Committee- 1999 to 2010;

- Society representative on Supreme Court Probate Committee – 2010;
- Member, Law Society Committee to Review the Family Court Amendment Bill – 2001;
- Member, Law Society Public Purposes Trust Investment Committee - 2007 to present;
- Convenor, Law Society Sub-Committee of the Property Law Committee to review the Equality of Status Bill – 2003;
- Member, Law Society Ad Hoc Committee for Medical Treatment of the Dying – 2006;
- Member, Law Society Costs Determination Sub-Committee (Probate Costs)- 2001 to 2007;
- Member. Law Society Elder Law and Succession Committee – 2010 to present;
- Member, Law Council National Elder Law and Succession Committee;
- Lecturer for The Law Society of Western Australia in its Young Lawyers Basics Programme on Wills - 1997,1998 and 1999;
- Numerous presentations in The Law Society of Western Australia's Continuing Professional Development Programme including presentation on the Wills Amendment Act at the Summer School 2009;
- Women Lawyers Association Senior Women Lawyer of the Year -2015 (nominated by the Law Society).

Publications for the Law Society

- Law Society of Western Australia – Probate and Letters of Administration. Taking instructions and Preparing Applications, 1998;
- Law Society of Western Australia – Enduring Powers of Attorney and Guardianship Board, The Guardianship and Administration Bill1999, 1999;
- Law Society of Western Australia-Who Buries the Body?, 2002;
- Law Society of Western Australia – Maintenance not Inheritance, 2005.

Resolution 5

Elected as a Life Member of the Law Society of Western Australia Inc is Mrs Susan Fielding.

Moved: Rebecca Lee

Seconded: Jocelyne Boujos

Carried Unanimously

The Hon. Kevin Parker AC RFD QC

Achievements/Events and Contributions:

- Admitted 1960;
- Member of the Law Society - December 1960 to present;
- Member of the Law Society Council 1972-1979;
- Convenor of Law Society Ethics Committee;
- Convenor of the Law Society Privacy Committee;
- Served on the Law Society Museum Committee;
- Senior Assistant Crown Prosecutor for Western Australia 1967 – 1971;
- Chief Crown Prosecutor for Western Australia 1972 – 1974;
- Solicitor-General for Western Australia 1979-1994;
- Member of the Barristers Board 1977-1992;

- Chair of the Barristers Board 1979-1973;
- Appointed Queens Counsel 1977;
- Member, Council of the Australian Institute of Judicial Administration 1982 – 1988;
- Appointed an Officer of the Order of Australia (AO) 1989;
- Member, Law Admissions Consultative Committee 1992-2003;
- Chairman of the Legal Practitioners Disciplinary Committee 1992-1995;
- Justice of the Supreme Court of Western Australia 1994-2003;
- Judge of the International Criminal Tribunal for the former Yugoslavia 2003-2011;
- Vice-President of the International Criminal Tribunal 2005-2008;
- Appointed a Companion of the Order of Australia (AC) 2008 for service to International Law;
- Judge Law Society Mock Trials competition 2014 – ongoing.

Resolution 6

**Elected as a Life Member of the Law Society of Western Australia Inc is
The Hon Kevin Parker AC RFD QC**

Moved: Denis McLeod

Seconded: Greg McIntyre SC

Carried Unanimously

Mr Chris Zelestis QC

Achievements/Events and Contributions:

- 1969 LLB (Hons 1st Class) (UWA);
- Admitted 1971 (WA);
- Member of the Law Society of Western Australia since December 1971;
- Elected to Western Australian Bar Association 1973;
- Appointed Queen's Counsel 1987;
- Law Society representative on Law Reporting Advisory Board (1987-2003);
- Member of Council of Law Reporting of Western Australia from 1984 and, thereafter, from about 2010, a member of the editorial committee of the WA Law Reports;
- Member of Council of WA Bar Association 1978-1980, 1983-1991;
- Vice-President of WA Bar Association 1991-1992;
- President of WA Bar Association 1992-1994;
- President of WA Bar Library Association Inc. 1993-2002;
- Chair of Legal Profession Complaints Committee 2003-2015 (and member from 2002), having during his tenure supported and promoted internal changes to the operations of the Committee and the establishment of the Rapid Resolution Team in late 2010;
- Appointed as Acting Parliamentary Inspector of the Corruption and Crime Commission in December 2009;
- Member of sub-committee for Chapter 3 (judiciary) of the 2014 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report (WLWA);
- Member of the board of the Western Australian Youth Jazz Orchestra.

In addition to being widely recognised for his significant contribution to the legal profession and the administration of justice in Western Australia, including fostering the growth and development of an independent bar for the benefit of the legal profession as a whole, Mr Zelestis has for decades also

been, and remains, a strong supporter of the Law Society. He has been a member of the Law Society of Western Australia for close on half a century, has over the years presented at Society seminars, written articles for Brief and been retained to provide many legal opinions for the Society. As noted above, he has served as the Society's representative on the Law Reporting Advisory Board for 16 years. Significantly, he has also been consistently active in encouraging both membership of the Law Society, and participation in its governance and affairs, by fellow members of the bar.

Resolution 7

Elected as a Life Member of the Law Society of Western Australia Inc is Mr Chris Zelestis QC.

Moved: Gray Porter

Seconded: Sophie Ecker

Carried Unanimously

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 special thanks to:

- The Executive:
 - Senior Vice-President Alain Musikanth for 2016.
 - Vice President Hayley Cormann for 2016
 - Nathan Ebbs for Treasurer 2016
 - Marie Botsis who was Treasurer prior to Nathan Ebbs taking over the role.
- All members of Council and Executive for 2015/2016.
- Matthew Keogh who was President for the first month of the financial year.
- Thank you to Alison Aldrich, Tara Connolly, Nicholas Ellery, Saran Bavich and Sophie Ecker who have not re-nominated for Council in 2017.
- 2017 Council – Alain Musikanth has been elected unopposed as President for 2017; Hayley Cormann and Greg McIntyre SC have been elected unopposed as Vice-Presidents for 2017.
The President advised that there will be a contest for Ordinary Members on Council and Junior Members on Council and advised the nominees.
- Law Society staff for their support.
 - The President acknowledged the support and assistance of the Chief Executive Officer and the CEO/President's Personal Assistant.
 - The President acknowledged the support of the General Managers and their teams and the work they do for Council/the Society.
- Thank you to Herbert Smith Freehills for use of rooms and refreshments.

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

Alain Musikanth, Senior Vice-President thanked Elizabeth Needham for her good wishes. He said he is looking forward to next year with much enthusiasm and embracing any challenges as they emerge.

Mr Musikanth noted that 2017 is a historic year for the Law Society as it marks the 90th anniversary of the Society's founding in the Old Supreme Court Library in June 1927. Next year will therefore not only be a time to confront challenges of the future but also a time to reflect on the Society's rich history, to celebrate its many achievements and to also recognise the significant contribution the Society has made both for the benefit of the profession and for the wider community. Further announcements as to next year's milestones and the various events that will be associated with it will be made in due course.

Mr Musikanth noted that at last year's AGM he mentioned that Mrs Needham had graciously agreed to take on the Presidency when Matthew Keogh resigned. He did not think it was an easy task to lead an organisation consisting of several thousand lawyers, particularly when operating as a sole practitioner. Mrs Needham has done so with good grace, dedication, diplomacy and enthusiasm.

Mr Musikanth said on behalf of everyone in attendance thank you to Mrs Needham for everything that she has done for the Society during her tenure as Acting President and President.

Mrs Needham thanked Mr Musikanth and noted it has been a great pleasure and she has learnt and will take away so much.

The President invited members to drinks following the meeting.

There being no further business the President closed the meeting at 6.02pm.