

**MINUTES OF THE**  
ANNUAL GENERAL MEETING  
**OF THE LAW SOCIETY OF WESTERN AUSTRALIA**  
MONDAY, 27 OCTOBER 2008 COMMENCING AT 5.15 PM  
**LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

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**PRESENT:**

Jane Atkinson	Graeme Geldart	Maria Saraceni
Arthur Auguste	David Germain	Robert Scealess
Ronald Bower	John Gillett	Jeremy Sher
Gregory Boyle	Patrick Hughes	Shane Sirett
David Bruns	Christopher Kendall	Craig Slater
Michael Cashman	Matthew Keogh	William Sloan
Peter Cassidy	Paul Meyer	Elisabeth Sobon
Michael Cole	Nova Oldfield	Dudley Stow
Carol Conley	Rebecca O'Brien	Jennifer Thornton
Marnie Costello	Drew Pearson	George Turnbull
Felicity Davis	Steven Penglis	Simon Watters
Anne Durack	John Prior	Julia Windsor
Kevin Edwards	Hylton Quail	Loh Wann Yuan
Judith Fordham	Michelle Quigley	Grahame Young
Leo Gallop	Clinton Russell	John Young

**IN ATTENDANCE:**

David Price – Executive Director  
Kelly Hick – Executive Manager Membership and Professional Development  
Andrea Lace - Executive Manager Policy and Professional Services  
Maxina Martellotta – Executive Manager Community Services  
Andrew Mawby – Executive Manager Finance and Administration (Law Mutual)  
Sue Langmair – Personal Assistant to Executive Director and President  
Kerrin Simmonds – Membership Services Officer  
Zoe Cornish – Membership Services Officer

**APOLOGIES:**

The following apologies were noted:

The Hon Christian Porter, MLA, Attorney General	Ian Viner AO QC
Senator Chris Ellison	Alison Baxter
His Hon Judge John Chaney	Susan Fielding
Her Hon Judge Judy Eckert	David Garnsworthy
The Hon Justice Neil McKerracher	Pamela Hass
His Honour Judge Christopher Stevenson	Nuala Keating
Professor David K Malcolm AC QD KCSJ	Paul Masten
Peter Jooste QC	Gray Porter
Malcolm McCusker QC	John Poulsen
	Louise Shelton
	Joel Yeldon
	Ken Bates

**CHAIR:**

Mr Dudley Stow, as President of the Society, chaired the meeting pursuant to Rule 43 of the Society's Constitution.

The President made a special note of welcoming Mr John Gillett to the meeting.

**1. CONFIRMATION OF MINUTES**

**Motion 1:** The Minutes of the Annual General Meeting held on Monday 26 November 2007 are confirmed as a true and correct record of that meeting with the amendment of removing Ken Bates as an apology as he was in attendance.

*Moved: Hylton Quail*  
*Seconded: Judith Fordham*

*Carried*

**2. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 26 NOVEMBER 2007**

There were no matters arising from the minutes.

**3. PRESIDENT'S REPORT, FINANCIAL ACCOUNT AND ANNUAL REPORT**

The President's Report is incorporated in the Society's Annual Report for the year ending 30 June 2008 which was distributed to the meeting. The President mentioned that it was again an extremely busy year for the Society and that he did not anticipate that 2009 would be any less busy.

The President advised that the Society's Annual Report contained the Society's financial accounts for the year ending 30 June 2008. The Treasurer, Ms Judith Fordham, briefed the meeting on the financial accounts and invited questions.

**Motion 3.1:** The financial accounts of the Law Society for the year ending 30 June 2008 are adopted.

*Moved: Judith Fordham*  
*Seconded: Hylton Quail*

*Carried*

The President referred to the Committee reports contained within the Annual Report and advised that there was a lot more detail for each of the Committees as their reports were quite extensive but due to space limitations in printing the annual report each committee was given very limited space. The President urged members to review the full reports on the Society's website. The President thanked the members of the committee and in particular their chairpersons for their work during the year.

**Motion 3.2:** The Annual Report of the Law Society for the year ending 30 June 2008 be adopted.

*Moved: Hylton Quail*  
*Seconded: Simon Watters*

*Carried*

#### 4. GENERAL BUSINESS

##### 4.1 Nominations for Life Membership

Mr Kevin Edwards advised it was a great pleasure and privilege to be able to move the nomination of John Gillett that he be elected as a Life Member of the Law Society. He gave a brief background of John Gillett's extraordinary contribution to the legal profession, the practice of law and other institutions such as the University of Western Australia. Mr Gillett has been an extraordinarily prominent lawyer, the most thorough and well versed person in many aspects of law and he has also been a magnificent contributor to this Society. He has served on nearly every committee at the Society and noted in particular his knowledge of public notaries. He is the driving force behind the Public Notaries Committee to this day.

##### **Motion 4**

John Gillett is elected as a Life Member of the Law Society.

*Moved: Kevin Edwards*

*Seconded: Hylton Quail*

*Carried*

*Unanimously and with acclamation*

Maria Saraceni provided a brief background on David Garnsworthy. Mr Garnsworthy was with Legal Aid for twenty years, he has done a lot of work in Papua New Guinea before he came back to WA. He has been admitted for about forty one years and it was when he was at Legal Aid that he developed a expertise in legal costs and since then he has done a lot for the Law Society in relation to advancing the costs and legal costs. For more than ten years Mr Garnsworthy has been on the Law Society Costs Committee and has been involved in writing the Cost Agreement for the Society and the text book. Mr Garnsworthy runs Costs Schools for the Society, he established the Costs newsletter established. Mr Garnsworthy is a Barrister and he deals with costs..

##### **Motion 5**

David Garnsworthy is elected as a Life Member of the Law Society.

*Moved: Maria Saraceni*

*Seconded: Judith Fordham*

*Carried*

*Unanimously and with acclamation*

##### 4.2 Amendments to the Constitution of the Law Society of Western Australia (Inc.) ("Society's Constitution")

The President referred members to the detailed paper that has been circulated and attached to the notice of the meeting. The paper sets out the detail and background and the reasons for making the amendment. As part of the new Act the Society sought the advice of Minter Ellison in respect to Law Mutual and its governance and structure. It is with their recommendation and views that we are putting this motion.

## MOTION 6

That rule 7 of the Society's Constitution be amended by inserting a new sub-rule 7(d) in the terms as underlined below.

### PAYMENT TO COUNCIL MEMBERS

7 *There must be no payment to Council members other than:*

- (a) *a stipend to the President as determined from time to time by the Council;*
- (b) *all reasonable travelling and related expenses incurred by the Country Member in attending and returning from meetings of Council and general meetings of the Society;*
- (c) *a payment for any service rendered to the Society by a Council member in a professional or technical capacity, other than in the capacity as a member of the Council, but only if the Council has agreed to engage the professional services of the Council member and the fee is not more than would be reasonable as a payment for this service.*
- (d) payment to those Council Members who also sit on the PII Management Committee in relation to their role as a member of the PII Management Committee as determined from time to time by the Council.

*Moved: Hylton Quail*

*Seconded: Simon Watters*

*Carried*

## MOTION 7

That a new rule 52A be inserted in the Society's Constitution in the terms as underlined below.

### POWERS AND DUTIES OF THE COUNCIL

52. *Without in any way limiting or affecting the general powers of the Council, the Council has specifically conferred upon it the following powers:*

- (a) *to control the finances of the Society and the expenditure of its funds for such purposes as the Council may think fit; and*
- (b) *to borrow money, and to charge any property or business of the Society.*

52A. Without in any way limiting or affecting the general duties of the Council, the Council has specifically imposed upon it the following duty:

The members of the Council must keep all information gained by virtue of their position as member of the Council confidential except where the Council's standing orders expressly state that access is granted.

*Moved: Simon Watters*

*Seconded: Hylton Quail*

*Carried*

## **5. VOTE OF THANKS**

The President thanked the Executive Director and his staff at the Society for working extremely hard. He referred members to the President and Executive Director reports in the annual report.

The President then read out the nominations for Council for 2009.

The President gave special thanks to Maria Saraceni, Immediate Past President, Hylton Quail, Senior Vice-President, Simon Watters, Vice-President and Judith Fordham, Treasurer.

The President thanked the 2008 Councillors who finish on 31 December 2008 and who have not nominated for Council in 2009; Nuala Keating, Belinda Lonsdale, Rebecca O'Brien, Elizabeth Seggie.

The President thanked Freehills for again making a room available for the meeting and for providing refreshments after the meeting.

There being no further business the meeting closed at 5.46 pm