

**MINUTES OF THE
ANNUAL GENERAL MEETING
OF THE LAW SOCIETY OF WESTERN AUSTRALIA
MONDAY, 29 NOVEMBER 2010 COMMENCING AT 5.24 PM
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

PRESENT:

Hylton Quail	Ben Gauntlett	Shane Murphy
Louise Horwood	Robert O'Connor	Deborah Bradley
Anthony Kay	Sukhwant Singh	David Bruns
John Gillett	Pamela Hass	George Turnbull
Theodore Sharp	Brian Lauri	Nicholas van Hattem
Helen Weatherley	Robert Sceales	Elizabeth Heenan
Peter Lochore	Craig Slater	Ian McLennan
Gray Porter	John Fiocco	Jo Deligeorges
Cathryn Greville	Gregory Boyle	Belinda Lonsdale
Graham Goerke	Dr Eric Heenan	Derrek Goh
Marc Dornbierer	Justice Ken Martin	Charlette Wallace
Laurie Shervington	Elaine Wambeck	Sam Dundas
Samantha Billini	Steven Penglis	Lana Paxman
Jeremy Quan-Sing	Michael Hawkins	
Nicola Petit	Matthew Keogh	

IN ATTENDANCE:

David Price – Executive Director
Vilma Ierace-Preen – Executive Manager Business Support
Kelly Hick – Executive Manager Member Relations and Business Development
Andrea Lace - Executive Manager Policy and Professional Services
Sue Langmair – Personal Assistant to Executive Director and President
Francesca Giglia – Executive Support Officer/QPS Coordinator
Rachel Rogan – Membership Services Officer
Sim Lim – Assistant Accountant

APOLOGIES:

The following apologies were noted:

Robert Meadows QC	Judy Seif
Hon Professor David Malcolm AC QC	Dudley Stow
His Honour Judge Christopher Stevenson	John Syminton
Arthur Auguste	Clare Thompson
Konrad de Kerloy	Dr Michael Underdown
Susan Fielding	Joel Yeldon
John Healy	Simon Watters
Dr Christopher Kendall	John Young
Maria Saraceni	Emily Mills

CHAIR:

Mr Hylton Quail, 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.

1. CONFIRMATION OF MINUTES

Motion 1: The Minutes of the Annual General Meeting of the Law Society of Western Australia held on Monday 26 October 2009 were confirmed as a true and correct record of that meeting.

Moved: Graham Georke

Seconded: Matthew Keogh

Carried

2. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 27 OCTOBER

There were no matters arising from the minutes.

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

The President advised that the 2010 Financial Accounts and the Annual Report have been distributed and that the Annual Report is available to members on the Law Society's website.

Motion 2 The financial accounts of the Law Society for the year ending 30 June 2010 be adopted.

Moved: Elaine Wambeck

Seconded: Dr Eric Heenan

Carried

Motion 3 The Annual Report of the Law Society for the year ending 30 June 2010 be adopted.

Moved: Graham Georke

Seconded: Pamela Hass

Carried

4. GENERAL BUSINESS

4.1 Nominations for Life Membership

The President spoke to the nomination of Laurie Shervington who graduated with an LLB from the University of Western Australia in 1966. He joined the Law Society following his admission to the Supreme Court of Western Australia in March 1968. Mr Shervington is currently Special Counsel at Minter Ellison having been a partner of Minter Ellison and its predecessor, initially Northmore Hale Davy and Leake, for some three decades. He has more than 35 years' experience with corporate issues, particularly capital raising, reconstruction, mergers and acquisitions, directors' duties and corporate governance advice, due diligence and risk management issues, and Australian Securities and Investments Commission licensing and investigations.

Mr Shervington was the inaugural Regional General Counsel of the Western Australian Regional Office of the Australian Securities and Investments Commission (ASIC). Between 1993 and 2008 he was a member of the Legal Sub-Committee of the Corporations and Markets Advisory Committee. He is a Fellow Member, Australian Institute of Company Directors and a Senior Fellow, Financial Services Institute of Australasia, West Australian Divisional Council. He was named in the Australian Financial Review's 2009 Best Lawyers list for his mergers and acquisitions experience and was the only Western Australian appointee to the Australian Government Takeovers Panel in 2010.

Mr Shervington is an active member of the Law Society and the Law Council of Australia. He was a longstanding member of the Law Society's Commercial Law Committee including as Convenor between 1986 and 1991. He is a member of the Law Council's Business Law Section Corporations Committee (Chair 1994 to 1996) and since 1992 has represented the Law Society as a member of the ASIC Corporate Finance Liaison Committee. Since 1996 Mr Shervington has chaired the Legal Contribution Trust and in that role has done a sterling job, our fidelity fund is probably in the best financial health of any of the fidelity funds around the country and he can vouch for the fact Mr Shervington's time commitment to that position is enormous. He also recently joined the Law Society's Professional Indemnity Insurance Management Committee and provides much assistance to the committee for the benefit of the profession. For 6 years, between 1986 and 1991, Mr Shervington was a member of the Law Society's Council. He frequently lectures in professional education programs in Western Australia with specific emphasis on the *Corporations Act*, *ASIC Act* and corporate governance issues. For three decades, Mr Shervington has been a regular presenter as part of the Law Society's CPD program.

MOTION 4

That Laurence (Laurie) James Shervington be elected as a Life Member of the Law Society of Western Australia.

Moved: Gregory Boyle

Seconded: Pamela Hass

Carried Unanimously

The President then spoke to the nomination of John Fiocco who graduated with an LLB from the University of Western (UWA) Australia in 1971. He joined the Law Society following his admission to the Supreme Court of Western Australia in December 1973. Mr Fiocco tutored part-time at the UWA between 1973 and 1974 in the Department of Commerce, was Senior Tutor in Law, Department of Commerce, 1974 to July 1976, obtained a Master of Laws from the University of Virginia, USA, in 1977, was Senior Tutor/Lecturer in Law, Department of Management in 1978, Lecturer in Law and Coordinator of Legal Studies, Department of Management in 1979, and Lecturer at the Law School, 1980 to 1988, from 1991 and continuing Mr Fiocco is now an Associate Professor, Law School, UWA. He has had many articles and published was co-author of 'Civil Procedure in Western Australia: A Practice Manual', Law School, UWA.

In 1996 Mr Fiocco was Curriculum Consultant, University of Notre Dame Australia. Between 1982 and 1984 he practised as a barrister at Western Australian Bar Chambers. He was senior partner of Fiocco Hopkins Nash between 1995 and 2000 and a partner of Hammond Worthington 2000-2001. He has since practised at Fiocco's Lawyers in general litigation, personal injuries, workers' compensation and employment law. He has been a member of the Law Society's Council in 1994 and 1995. Past appointments and Committee memberships include the Law Council of Australia (LCA) Personal Injury Litigation Committee, Law Reporting Advisory Board, Convenor Torts Advisory Committee, Deputy Chairman, ScreenWest Inc, Chairman of Directors, Film and Television Institute (Inc) Fremantle, Chairman, Legislative Review and Advisory Committee (1983-1988), member, National Advisory Committee on Skills Recognition in Australia 1990-1993, (Author of 'Report on Constitutional Limitations relating to National Skills Recognition'), Commissioner, Western Australian Gaming Commission (1992-1994), Board Member, Fremantle Hospital (1991-1994), Commissioner, LotteryWest (1992-1994), Board of Directors, Fremantle Football Club Limited (1998-2002). Positions held include Acting Director and Coordinator, Research Project, Examining the interaction between Aborigines and Criminal Courts of Summary Jurisdiction in Western Australia (commissioned by ALSWA), Consultant, Magistrates Court Reform Project (2005) and Consultant, Law Reform Commission, Review of Criminal and Civil Justice System (1999). Mr Fiocco was a witness on behalf of the Law Society before a Legislative Council Committee's Inquiry into Workers' Compensation System (29 November 1994) and in 2009 he represented the Law Society with respect to the review of the *Workers Compensation and Injury Management Act 1981*.

Mr Fiocco's current appointments and Committee memberships include Dean's Advisory Committee, Law School, Murdoch University, Honorary Chairman, Board of Trustees, Fremantle Football Club Limited, elected member of the Legal Practice Board, member Legal Profession Complaints Committee, member LCA Consumer Law Committee, member Law Society's Education, Courts, Personal Injuries and Workers Compensation (Convenor 1991-1994), Summer School and Employee Relations Committees and Senior Advisors Panel.

The President noted that Mr Fiocco has been a long term member of the Society's Personal Injuries and Workers Compensation Committee and along with other members of the Committee recently met with ministerial representatives to recommend changes to the *Workers Compensation and Injury Management Act*.

The President said that Mr Shervington and Mr Fiocco always make themselves available, often at short notice, to assist the Society with their experience when matters in the areas which they specialise arise.

MOTION 5

That John Gaetano Mario Fiocco be elected as a Life Member of the Law Society of Western Australia.

Moved: David Bruns

Seconded: Steven Penglis

Carried Unanimously

4.2 Amendments to the Constitution of the Law Society of Western Australia (Inc.) (“Constitution”)

The President referred to the amendments which he said were self-explanatory. There were no questions from the meeting.

MOTION 6

That amendments to the Constitution of the Law Society of Western Australia as set out below, be approved.

That rule 14(c) of the Constitution of The Law Society of Western Australia Inc. is amended by adding the words “and for such period” as indicated below:

Honorary Members

14. *The following persons are Honorary Members of the Society:*

(a) *The Chief Justice of Western Australia*

(b) *The Deans of Western Australian university law schools offering a degree in law specified in the Rules of the Legal Practice Board*

(c) *Such other persons as the Council may from time to time and for such period determined determine.*

Moved: Elaine Wambeck

Seconded: Sukhwant Singh

Carried

5. VOTE OF THANKS

2011 Election Results for 2012 Council

The President advised that he had been re-elected to the position of President for one year; Dr Christopher Kendall had been elected unopposed as Senior Vice-President for one year; Craig Slater had been elected unopposed as Vice-President for one year; and that Greg McIntyre SC, Steven Penglis, Judith Fordham, Pamela Hass, Anthony Kay and Matthew Keogh had been elected as Ordinary Members for a term of two years. Cameron Syme has been elected unopposed as Country Member for one year. Junior Members elected for one year were Dr Eric Heenan, Nicholas van Hattem and Lana Paxman. Dudley Stow would continue as Immediate Past President for another year.

The President congratulated all those who had been elected and who will serve the Society in 2012.

The President gave a special vote of thanks to those who would leave the Council in 2011 and in particular to Simon Watters, Senior Vice President in 2010. The President advised that Mr Watters would not serve as a member of the Council in 2011, but would continue to serve the Society on the many Committees of which he had been a member for many years.

The President also thanked Dr Christopher Kendall who served as Vice-President in 2010, Craig Slater as Treasurer in 2010 and all members of the Council and Executive for 2010. He then thanked those Council members who finish their terms on 31 December 2010 and who did not re-nominate for election, Shane Sirett, Carmel McKenzie and Elaine Wambeck.

The President thanked the Law Society staff for their support and thanked Freehills for providing the venue for the Annual General Meeting and the refreshments following the meeting.

There being no further business the President closed the meeting at 5.40pm.