
**MINUTES OF THE
ANNUAL GENERAL MEETING
OF THE LAW SOCIETY OF WESTERN AUSTRALIA
TUESDAY, 9 NOVEMBER 2017 COMMENCING AT 5.29PM
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

PRESENT:

Alain Musikanth	Mark Atkinson	Natasha Graham
Hayley Cormann	Jocelyne Boujos	Timothy Nelson
Ebony Creek	Cassandra Musulin	Megan Arrowsmith
Alexis Hall	Elizabeth Needham	Rob Sceales
Konrad de Kerloy	Susan Fielding	Noella Silby
Robert Kronberger	Greg McIntyre SC	Trina Storm
Thomas Sippe	Sarah O'Brien-Smith	Yannis Vrodos
Simon Vidovich	Craig Slater	Nick Cooper
Taylor Wright	Alexander Noonan	David Davidson
Ante Golem	Anne Wood	
Andrew Ryan	Kassem Seedat	David Suttner *
Matthew Di Marco	Daisy Oman	
Matthew Carmody	Gregory Boyle	*-registered but did not stay for meeting.
Oliver Tod	Ashley Macknay	
Nicholas van Hattem	Shonelle Duthie	
Henry Johnston	Zoe Bush	

IN ATTENDANCE:

David Price – Chief Executive Officer
Vernon Thompson – General Manager Corporate Services
Mary Woodford - General Manager Advocacy
Aine Whelan – General Manager Programmes
Sue Langmaid – Personal Assistant to Chief Executive Officer and President
Dr Andrew Lu OAM - Manager Professional Development
Claire Eslinger – Membership Executive
Maryka Mensink – Programmes Executive
Francesca Giglia – Administration Officer Programmes

1. APOLOGIES:

The following apologies were noted:

Su Lloyd	Elizabeth Heenan
Peter Lochore	Adam Ebell
Laurie Shervington	Jullian Sher
Lisa Ward	David Bruns
Denis McLeod	

CHAIR:

Alain Musikanth, 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, 25 October 2016 be confirmed as a true and correct record of that meeting.

Moved: Konrad de Kerloy

Seconded: Greg McIntyre SC

Carried Unanimously

3. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 25 OCTOBER 2016

There were no matters arising from the minutes.

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

Resolution 2:

The financial accounts of the Law Society of Western Australia Inc for the year ending 30 June 2017 are adopted.

Moved: Elizabeth Needham

Seconded: Gregory Boyle

Carried Unanimously

The President summarised some of the highlights for the year under review from the President's Report within the Annual Report. These included:

- Celebration of the Society's 90th Anniversary: This was a major undertaking. The highlight of the celebrations was a cocktail party held on 15 June 2017, precisely 90 years to the day on which the Society was founded in the Old Supreme Court Library. More than 300 members of the Society were present which was more than 10 times the number of members of the profession who attended the Society's very first meeting on 15 June 1927. At the time of the Society's inception there were 96 foundation members. In the year of review the Society achieved its record membership of over 3870. The year will close with the electronic launch of the history of the Law Society which has been written by Dr Catherine May.
- The Future of the Legal Profession: this was a strategic focus of the Society from early 2017.

- Legal Profession Uniform Law in relation to the regulation of the profession: this was progressed through active engagement by the Society with State Government and other stakeholders following the election of a new State Government in the first quarter of 2017. Further progress is expected.
- Legal Assistance Funding Campaign: the Society was pleased to see both Commonwealth and State Governments made some efforts to this significant ongoing issue.

Resolution 3

The Annual Report of the Law Society of Western Australia Inc for the year ending 30 June 2017 is adopted.

Moved: Hayley Cormann

Seconded: Nicholas van Hattem

Carried Unanimously

5. NEW BUSINESS

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

The Law Society of Western Australia Inc. (**Society**) is required to amend its Constitution (**Constitution**) in accordance with the requirements set out in the *Associations Incorporation Act 2015 (WA)* (**Act**) and the *Associations Incorporations Regulations 2016 (WA)* (**Regulations**). Draft amendments to the Constitution were referred to members of the Society for their information and comment in Friday Facts between 25 August 2017 and 11 September 2017.

The following paragraphs set out an explanation in relation to the main amendments that are proposed to the Constitution as per Motion 4.

Rule 6

Section 22(2) of the Act requires the Constitution to have a Rule in substantially the terms as proposed in amended Rule 6.

Rule 7

Section 22(3) of the Act, read with Schedule 1, Division 2, clause 1, provides that any payment to a member of the Council out of the funds of the Society, other than for out of pocket travel and accommodation expenses, must be approved by a resolution of the Society. The amendments proposed to Rule 7 provide for this; resolutions to be passed by the Society have also been prepared to authorise, amongst other things, the stipend to the President and the payment to members of the Council who provide professional services to the Society, for example where a Council member is a partner of a firm which does legal work for the Society.

Rules 25 – 33

The Constitution does not currently allow the Council to terminate a person's membership for behaviour against the Society's interests or which might affect the Society's reputation. A new section 'Suspension or Expulsion' has therefore been inserted.

Rule 39

Section 22(3) of the Act, read with Schedule 1, Division 1, clause 10, sets out that the number of members who can call a general meeting of the association must be expressed as a percentage of membership. Draft Rule 39 provides that the percentage be 5%.

Rule 41

Due to difficulties experienced each year with attendance at the Annual General Meeting, the quorum for a general meeting has been reduced from 40 members to 25 members.

Rules 55(a) and (b)

To ensure that members of Executive have appropriate background knowledge of the Society's current issues and interests, and sufficient familiarity with the Society's financial affairs should they advance within Executive, it is proposed that:

- (a) the President must have served, for at least one year in the three years preceding his or her appointment, as Vice-President, as a member of the Executive or as an ordinary member of the Council (if possible);
- (b) the Vice-Presidents must have served, for at least one year in the three years preceding his or her appointment, as members of the Executive or as ordinary members of the Council (if possible); and
- (c) the Junior Vice-President also be the Treasurer of the Society.

Rules 55(c) and (d)

Rules 55(c) and (d) have been amended so that a member who is eligible to nominate for election as a junior member of the Council is not eligible to nominate as an ordinary member of the Council or as a country member of the Council.

Rule 57

Consistent with the practice of Law Societies in almost every other Australian jurisdiction, it is proposed that the Immediate Past President also be a member of the Executive.

It is also proposed that the current co-opted Executive member arrangement be replaced so that an ordinary Council member is appointed to serve on the Executive for a term of up to six-months in each calendar year with full voting rights on the Executive. This will provide better training for and exposure to Executive positions.

Rules 80 – 81

To aid Council meetings where items are discussed which are outside the expertise of Council members, Model Rule 43 (5) and (6) (Schedule 2 to the

Regulations) has been included as draft Rules 80 and 81 in the Constitution to give the Council discretion to invite external advisors in a non-voting capacity to attend meetings of Council.

Rules 91 – 109

Section 22(3) of the Act, read with Schedule 1, Division 1, clause 18, requires the rules of an association to include a procedure for dealing with any dispute under or relating to the rules between members, or between members and the association. Boilerplate dispute rules based on the Model Rules (Schedule 2 to the Regulations) have therefore been inserted.

Rule 119

Section 56(1) of the Act states that a member of an association may request a copy of the register of members of that association. Section 56(2) provides that the rules of an association may require a member who requests a copy of the register to provide a statutory declaration setting out the purpose for which the request is made and declaring that the purpose is connected with the affairs of the association. The Council may also determine a reasonable charge for the cost of complying with such a request: section 56(4). Draft Rule 119 provides for these matters.

Special Resolution 4

Rule 46(a):

The members of the Law Society of Western Australia Inc. (Society) resolve that the Constitution of the Society be altered in accordance with the draft amended Constitution of the Society attached as Attachment 4 to the Notice circulated to members on 1 November 2017 giving notice of the general meeting on 9 November 2017.

Moved Konrad de Kerloy

Seconded Elizabeth Needham

Carried Unanimously

Resolution 5

Rule 7(a):

President's stipend

The members of the Law Society of Western Australia Inc. (Society) resolve that a stipend in the sum approved by the Council be paid to the President of the Society under Rule 7(a) of the Constitution of the Society for the period during which the President holds that office.

Moved Nicholas van Hattem

Seconded Gregory Boyle

Carried Unanimously

Note: Hayley Cormann abstained from voting.

Resolution 6

Rule 7(a):

President's expenses

The members of the Law Society of Western Australia Inc. (Society) resolve under Rule 7(a) of the Constitution of the Society that any travel and related expenses, and any other expenses, incurred in connection with the performance of the President's functions, that are approved by Council or its delegate, be paid to the President.

Moved Nicholas van Hattem

Seconded Robert Scealess

Carried Unanimously

Note: Hayley Cormann abstained from voting.

Resolution 7

Rule 7(c):

The members of the Law Society of Western Australia Inc. (Society) resolve under Rule 7(c) of the Constitution of the Society that 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, that is approved by Council or its delegate, be paid to that Council member.

Moved Gregory Boyle

Seconded Robert Scealess

Carried Unanimously

Note: Jocelyne Boujos abstained from voting.

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 Mr Robert Kronberger be elected as Life Members due to his outstanding achievements and contributions to the law and to the Law Society.

Mr Robert Kronberger

Achievements/Events and Contributions:

- Member of the Law Society for 54 years;
- 1961 Graduated from the Law School at the University of Western Australia;
- 1962-1963 Articled Clerk to Morris Crawcour and Solomon;
- 1963 Admitted to practice in the Supreme Court of WA;
- 1979 Admitted to practice in the High Court and Federal Courts;

- 1964-1976 Partner/Principal at Ball and Co, Harvey;
- 1976 Participant in the Law Society's "Flying Legal Aid" programme to the Pilbara, North West and Kimberleys;
- 1976-1996 Partner in Northmore Hale Davy and Leake (later Minter Ellison Northmore Hale);
- 1983 Appointed to the Barristers' Board;
- 1984 Member of Law Society's committee assisting Departmental review of the Transfer of Land Act;
- 1984-1995 Visiting Lecturer to Law School, University of Western Australia;
- 1984-1996 Member of the Law Society's Property Law Committee;
- 1984-2016 Member of the Law Society's General Conditions Committee;
- 1991-1997 Member of State Government's Strata Titles Consultative Committee;
- 1994-1996 Preparing new land tenure proposals for and documenting Torrens-titling of Cocos Keeling Islands;
- 1997 Course Co-ordinator, Lecturer and Tutor of Final Year Property Law courses at both University of Western Australia and Murdoch University Law Schools;
- For several years Lecturer on Strata Titles in Legal Practice Board's Articles Training Programme;
- 1997-2004 The State's Strata Titles Referee and Retirement Villages Referee;
- Founding Convenor of a national body of Strata Titles Referees, Adjudicators and Commissioners;
- 1998-2004 Member of the State Government's Community Titles Advisory Committee;
- 2002-2003 Member of Department of Consumer and Employment Protection's Retirement Villages Reference Group to revise Code of Fair Practice for Retirement Villages;
- 2004 Panelist, speaker and review participant in Victorian Government's Strata Titles "Future Directions" Programme;
- 2005-present – Consultant to Atkinson Legal;
- 2007 Admitted as Fellow of The Australian College of Community Association Lawyers;
- Published many reports and presented many papers to State and National bodies at professional, industry and academic levels, including many times for the Law Society's CPD programmes, as well as articles in Brief and contributions to national legal publications

Resolution 8

Elected as a Life Member of the Law Society of Western Australia Inc is Mr Robert Kronberger.

Moved: Mark Atkinson

Seconded: Greg McIntyre SC

Carried Unanimously

6. GENERAL BUSINESS

There were no items of General Business.

7. VOTE OF THANKS

The President noted special thanks to:

- The Members and for having confidence in him;
- Support of the Law Society's Council and especially those who will not continue on in 2018 who include: Elizabeth Needham (Immediate Past President); Nathan Ebbs (2016 Treasurer); Adam Ebell and Rebecca Lee whose terms on Council expire at the end of 2017;
- Significant contribution by the Convenors of the various Committees and the committee members and the staff who support these committees;
- General Managers and their respective teams for their support;
- Particular thanks to the CEO, David Price and joint PA Sue Langmair;
- Executive, Greg McIntyre SC and Jocelyne Boujos for their ongoing support and congratulations on their election as Vice President's for 2018;
- Hayley Cormann for her continued support and sound judgment and advice and congratulations on being elected as President for 2018;
- Herbert Smith Freehills for hosting the Society's AGM.

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

Ms Cormann said she was delighted to have the opportunity on behalf of our membership and staff, to pay tribute to the outgoing President Alain Musikanth.

Alain has been a dedicated member of the Law Society for some 16 years, and been a valuable member of Council since 2013.

Ms Cormann has had the benefit of working closely with Alain in the past few years, and she has seen no one with a more dedicated, calm and responsive approach than his. Alain is a committed team member, he is a problem solver, and has an outstanding ability to take account of a diverse range of alternative views, distil them, and come up with solutions for the team that are practical, robust and widely acceptable.

There is no doubt that taking the leadership of an organisation as large as this comes at a great professional and personal compromise, and it is one which Alain has accepted and wholly committed to, notwithstanding the costs to his personal life and professional practice.

Alain has had an excellent year as President, in our year that was the 90th Anniversary celebrations, and Alain hosted a number of events already referred to by Alain. The membership 9 decades ago composed just 75 town and 21 country members. In 2017, we lead a membership of nearly 4,000, and growing, with many of our organisation's core objectives having remained consistent over that period. It is those core objectives that Alain has demonstrated distinguished commitment to through his time in the profession, and while on Council.

Alain finishes his term having achieved for the Society in all of those areas, in better advancing the interests of our profession, promoting good and ethical practice, in continuing legal education and in promoting developments and improvements in the law.

During the year Alain has had a particularly sharp and well-placed focus on the new challenges we face, including in artificial intelligence, and he hosted an invaluable round table around these issues as part of Law Week, and as part of the Society's Future of the Legal Profession Strategic Campaign.

Tonight's meeting alone represents the culmination of a huge amount of work that Alain has worked through supported by others, having steered and overseen the proposals for change to our Constitution. This process took huge investment over a near two year period and in the end result, involved the careful coordination of diverse views from around the Council table and the recent consultation process engaged in with our members.

Throughout the year Alain has worked regularly and constructively with the States Attorney General and Solicitor General, the WA Legal Practice Board and Bar Association, and all of the relevant court jurisdictions. He's worked towards the inclusion of WA in a truly national and uniform legal profession, and Alain remains a very strong advocate in this area, where there is still more to be done.

The list of Alain's achievements is long, the time is short.

As mentioned, Ms Cormann said she has been one of the beneficiaries of Alain's time and dedication, can observe and learn from his style of leadership and engagement; and hope she can bring a small part of what she has learned through Alain's dedication and success to this role, in her term as President.

Alain, we wish you all the best, you are not going anywhere yet, but your time as President at least is nearly done, and you can get back to your practice and to your family. Ms Cormann asked everyone to join with her in thanking Alain.

The President thanked Ms Cormann for her kind words.

The President also thanked Ashley Macknay and Shonelle Duthie for the considerable amount of work which they had devoted in relation to the proposed changes to the Constitution.

The President invited members to drinks following the meeting.

There being no further business the President closed the meeting at 5.53pm.