
**MINUTES OF THE
ANNUAL GENERAL MEETING
OF THE LAW SOCIETY OF WESTERN AUSTRALIA
THURSDAY, 21 NOVEMBER 2019 COMMENCING AT 5.29PM
LEVEL 36, QV1 BUILDING, 250 ST GEORGES TERRACE, PERTH**

(Note: Quorum = 25 members)

PRESENT:

Gregory McIntyre SC	Ante Golem	Scott Ivey
Ian Warner	Hayley Cormann	Benjamin Davis
Peter Keeves	Rebecca Lee	Long Pham
Mary-Rose Bright	Demi Swain	Ansel Rens
Ena Catovic	Robert Sceales	Thea Lendich
Stephen Weddington	Joseph Longo	Shayla Strapps
Matthew Howard SC	Justine Grace	Nicholas van Hattem
Konrad de Kerloy	Chris Hicks	Alex Ward-Noonan
Marin Zubonja	David Bruns	John Ley SC
Kaiwern Sun	Kate Bower	
Brooke Sojan	Grace Tate	

IN ATTENDANCE:

David Price – Chief Executive Officer
Vernon Thompson – General Manager Corporate Services
John Rogers – General Manager Law Mutual
Aine Whelan – General Manager Programmes
Sue Langmair – Personal Assistant to Chief Executive Officer and President

1. APOLOGIES:

The following apologies were noted:

Hon Michael Mischin MLC	Mark Hemery
Alain Musikanth SC	Gary Mack
Craig Slater	Jodie Moffat
Gregory Boyle	Paula Wilkinson
Nathan Ebbs	

CHAIR:

Greg McIntyre SC, as President of the Society, Chaired the meeting pursuant to Rule 42 of the Society's Constitution.

The President opened the meeting at 5.29pm with Welcome to Country.

The President welcomed members to the AGM.

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 22 November 2018 be confirmed as a true and correct record of that meeting.

Moved: Ante Golem

Seconded: Shayla Strapps

Carried Unanimously

3. MATTERS ARISING FROM MINUTES OF THE MEETING HELD 22 NOVEMBER 2018

There were no matters arising from the minutes.

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

The President tabled the Annual Report.

The President advised that we have had a record membership of over 4,000 members; 5,000 registrations for the Society's CPD offering; 2,500 registrations for the Society's events; 9,000 members of the community who are educated through the Francis Burt Law Education Programme. We are pleased to advise that the programme has received funding and is now performing its functions to a maximum.

In January the Society and Law Council jointly released a statement calling on the WA Government to repeal laws that have led to members of our community being incarcerated due to non-payment of fines. We were pleased to note that the Society's advocacy early in the year was taken up in the media, including articles in the West Australian newspaper and the Australian newspaper. The President said he gave an interview on state-wide ABC radio on 9 January. That advocacy together with the will of the government and the Attorney General's support of the concept has led to, in September, the Fines, Penalties and Infringement Notices Enforcement and Amendment Bill being introduced to the parliament, with the aim of making imprisonment for non-payment of fines restricted. The Society's advocacy has had some impact, together with the will of the current government.

In February, the Professional Standards Council approved the Society's new Professional Standards Scheme which commenced on 1 July 2019. It allows practices to limit their liability and reflects the commitment of the Society and its members to stand as a professional excellence. As of June 2019 there were 1,609 participating members in that scheme, which is an increase of 16% over the previous year.

This year the WA Government made significant strides towards adopting the Legal Profession Uniform Law. The Society has been advocating for a uniform

set of professional conduct rules on the basis that it believes that legal practitioners and clients will benefit from this. It is anticipated that WA will join that scheme by 1 July 2020 – as is understood to be the aspiration of the Attorney General. In the past week the Society has received a draft of the Legal Professional Uniform Law Application Bill and the staff and committee members have been looking at what might need to be tidied up in relation to the Bill.

Law Week was highly successful, with 40 events across the state.

The Society was proud to support Reconciliation Week, it sponsored a banner for the State Street Banner Project. It also supported WA's biggest ever Reconciliation Week breakfast held at the Crown. There were over 1,000 in attendance.

On 7 August, the Society presented the Sir Ronald Wilson Lecture and chose the topic "Climate Change: Political and Legal Accountability". The format changed from a single lecture to a panel discussion format which the President was pleased to chair. It was well attended and was of interest to members of the public and students who traditionally attend that event.

The Society has approved a new 2020-2023 Strategic Plan and is in the process of finalising an organisational review with the view to maintaining a strong and respected voice and vital support to members which is sustainable into the future.

The Society started off at the beginning of the year, being the "voice of the legal profession" by being present and giving evidence to the Senate and Legal Constitutional Affairs Committee in relation to the Commonwealth's proposed amendments to the Family Law Courts, both the Circuit Court and the Family Court of Australia. The President was pleased to accompany the President of the Family Law Practitioners Association in strongly advocating as to the merits of the Family Court of Western Australia in a way that Court functions and also expressing concern about any change to the way in which appeals are dealt with at the Federal level of the Family Law jurisdiction. That legislation is still being considered, the Attorney does not seem to have changed his view on it but the advocacy will continue in conjunction with the Law Council of Australia.

Towards the end of the year the Voluntary Assisted Dying Bill has been a large part of what the State Parliament has been engaged in debating and will do through to the end of this Parliamentary year. The Society has been working on a submission to the members of Parliament on that Bill. It proved to be a very controversial topic among our members. It is still the subject of some consideration by the Council. The Council recognises that it is rather late in the piece to be adding our voice to this topic but we took the view that it was important that we did form a view and that we formed a view that was consistent with the usual role of the Society which is to ensure that if any legislation is to go through the Parliament that it is in the best possible form consistent with the rule of law and the rights of all, but avoiding any particular political or policy position in relation to the legislation.

The President said he had hoped when becoming President at the beginning of the year to be representing the voice of the legal profession and to become a household name. This did not seem to happen. He noted the highlights: thanks to the initiative of Nicholas van Hattem he took on the concept of getting

involved in a debate about payroll tax, following discussion with the Chamber of Commerce and Industry. Engaging in that debate verged on adopting a policy position. That was discussed at Council and it was decided to take a view as it was of interest of our members. There was a justifiable argument for increase in the thresholds which would possibly improve the employment opportunities for persons coming into the profession and may also allow for more *pro bono* work to be done. There was a press release issued supporting that position. The President noted a text exchange with the State Treasurer on the subject.

The President also referred to the President's Twitter account and followers. Some of the highlights of engagement in that medium were on the topic of Indigenous Constitutional Recognition and the Uluru Statement and raising the age of criminal responsibility, a position that the Law Council of Australia has adopted and which the President hopes the Society will do also.

Resolution 2:

The financial accounts of the Law Society of Western Australia Inc for the year ending 30 June 2019 are adopted.

Moved: Ante Golem

Seconded: Matthew Howard SC

Carried Unanimously

Resolution 3

The Annual Report of the Law Society of Western Australia Inc (which includes the disclosures of material personal interests as required under 42(2) of the Associations Incorporations Act 2015) for the year ending 30 June 2019 is adopted.

Moved: Greg McIntyre SC

Seconded: Matthew Howard SC

Carried Unanimously

5. NEW BUSINESS

5.1 Amendments to the Constitution

Amendments to the Law Society of Western Australia Inc. (**Society**) Constitution (**Constitution**) are to be made in accordance with the requirements set out in the *Associations Incorporation Act 2015* (WA) (**Act**) and the *Associations Incorporations Regulations 2016* (WA) (**Regulations**) and must be approved by a **Special Resolution**. A resolution is a **Special Resolution** if it is passed —

- (a) at a general meeting of an incorporated association; and
- (b) by the votes of not less than three-fourths of the members of the association who cast a vote at the meeting.

Attached to the agenda at **Attachment 4** is a clean final version of the Constitution which members will be required to approve by a **Special Resolution** (Motion 4) and attached at **Attachment 5** is a marked up version reflecting the proposed changes for ease of reference.

5.2 Explanation of Proposed Amendments to the Constitution.

5.2.1 Rule 2 - Country Member definition

At present the Constitution describes a Country Member as follows:

‘**Country Member**’ means an Ordinary Member who ordinarily practises outside a radius of 50 kilometres from the Central Office of the Supreme Court of Western Australia, Perth.

It is recommended that the radius be increased from 50 kilometres to 80 kilometres. The 80 kilometres radius would exclude the City of Mandurah but still include places such as the towns of City of Bunbury, Collie, Gingin, Narrogin and Northam within the definition of a Country Member.

5.2.2 Introduction of payment plan for membership subscriptions

The amendments as set out in the meeting agenda to give effect to a Payment Plan Option for the 2020-2021 membership renewal.

The following Rules in the Constitution which are proposed to be amended to enable the Council to design and implement the Payment Plan Option.

Rule 17

Rules 17(a) and (f) have been amended so that a member is allowed to pay subscriptions by instalments.

Rule 18

A new subrule 18(c) has been inserted to allow the payment of subscriptions by instalments in such sums or proportions over such periods as the Council thinks fit.

Rule 21A

A new Rule 21A has been inserted to provide that a member’s subscription will not be in arrears by virtue of the payment of a subscription by instalments.

Rule 34(a)(v)

Rule 34(a)(v) has been amended to provide that the Chief Executive Office must keep and maintain on behalf of the Society the date to which the subscription is paid by instalments and the proportion of the annual subscription for the specified year which has been paid.

Special Resolution 4

The members of the Law Society of Western Australia Inc. (Society) resolve that the Constitution of the Society be altered (as marked at Attachment 5) and agrees to accept the Constitution of the Society at Attachment 4 dated 21 November 2019.

Moved: Hayley Cormann

Seconded: Brooke Sojan

Carried Unanimously

5.3 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 Ordinary Members, including the right to vote under Rule 53(b).*

The Council recommends that Mr John Ley SC be elected as a Life Member to the Law Society, as listed below (refer Attachment 6).

The President outlined Mr Ley's roles and achievements:

John was born in Kalgoorlie but grew up in Attadale. He attended Attadale Primary School and Christ Church Grammar School.

John graduated from UWA with a Bachelor of Laws in 1973 and was admitted in Western Australia in 1975. He did his articles at Freehill Hollingdale and Page (then known as Muir, Williams, Nicholson & Co).

He was admitted to practice in 1975 and worked for Freehills as a solicitor until 1979 when he was admitted to partnership. John practised as a partner of Freehills from 1979 - 1996, during which time he was, at different times, Managing Partner and Chairman of Partners.

In 1996 John joined the independent bar, practising at Francis Burt Chambers and was appointed Senior Counsel in 2018.

John has been an active member of the Society since he was admitted and joined in 1975.

From 1987 to 1997 he was a member of the Society's Ethics committee, which he chaired from 1990. John has been a member of Council since 1992, was the Treasurer of the Society in 1997 and Senior Vice President in 1998.

Roles and achievements:

The Law Society of Western Australia

2000	Immediate Past President
1999	President
1998	Senior Vice President
1997	Treasurer
1992 to 1996	Council Member

Participated in the following Law Society of Western Australia Committees

1990 - 1997	Convenor, Ethics Committee
1987 to 1997	Member, Ethics committee

Positions held at Law Council of Australia

1999	Director – Law Council of Australia.
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Positions held at the Legal Practice Board Western Australia

2006 to present	Member of the Legal Profession Complaints Committee.
2010 to 2014	Deputy Chair of the Legal Profession Complaints Committee.

- 2014 to present Chair of the Legal Profession Complaints Committee.
- 2006 to present Member of the Legal Practice Board of Western Australia.
- 2006 to present Member of the Admissions and Registrations Committee of the Legal Practice Board of Western Australia.
- 2010 to present Member of the Management Committee of the Legal Practice Board of Western Australia.

Positions held at the Western Australian Bar Association

- 2014 to present Member of the Disciplinary Committee.

The President noted that Mr Ley SC has provided a great service to the profession and including the long service to the Society.

Resolution 5
Elected as a Life Member of the Law Society of Western Australia Inc is Mr John Ley SC.
Moved: Matthew Howard SC
Seconded: Konrad de Kerloy *Carried Unanimously*

- 6. GENERAL BUSINESS
 There were no items of General Business.

- 7. VOTE OF THANKS

The President:

- Congratulated and thanked members of Council and particularly the Executive who served this year: Senior Vice President, Nicholas van Hattem who has been elected unopposed as President for 2020; congratulations to Jocelyne Boujos who will become Senior Vice President for 2020 and Rebecca Lee who will be the Junior Vice President and Treasurer for 2020 and congratulated all the other members of Council who were elected; noting that he was pleased to continue as Immediate Past President and work with the Executive and Council in that role in 2020.
- Congratulated the General Managers and their staff who have supported him throughout the year.
- Congratulated and thanked the Chief Executive Officer, David Price for his good counsel and support throughout the year; his experience in this role and in local government having made him adept at ensuring the organisation runs well; and thanked Sue Langmair for her assistance to the CEO and himself.
- Noting that Society members are a significant contributor to what the Society is able to do; contributing to 30+ committees, all volunteers who contribute significant amounts of intellectual energy and time to ensuring the Society is able to speak with an authoritative voice in relation to the range of issues that come up during the year, thanked all volunteers on the committees who have done all that work.
- Thanked Herbert Smith Freehills for providing the venue and the opportunity for some refreshments when the AGM concludes.

Response from the Senior Vice President

The Senior Vice-President, Nicholas van Hattem noted a vote of thanks and echoed the words of the President. The President's acknowledgement to country which he has proudly acknowledged throughout the year where he has spoken proudly and strongly for Aboriginal people, as he has throughout his career and he is very grateful for his efforts. He noted that there is so much to celebrate: record numbers of membership which is important. The biggest strength of the Society is its membership. He referred to the fact that he has personally gained so much from the membership of the Society and that it is "the membership of the doers and the joiners".

Mr van Hattem acknowledged the President has finished the year strongly, particularly in relation to Aboriginal people and indigenous legal issues. He has acknowledged that he would like to continue with his work with the Hon Michael Barker who is the Chair of the Indigenous Legal Issues Committee in 2020.

Mr van Hattem acknowledged the contribution of the Immediate Past President, Hayley Cormann.

Mr van Hattem acknowledged all the staff at the Society and in particular the Senior staff and looked forward to working with them in 2020.

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

The President invited members to refreshments following the meeting.

The President reminded members of the end of year celebration on 5 December at the Westin and looked forward to having members come along and celebrate the end of the year.