

3 March 2026

Dear Member,

Federal Court of Australia – WAD 455 of 2025 Lesley Ugle & Ors vs South West Aboriginal Medical Service Limited

We write to inform you of recent orders made by the Federal Court of Australia concerning the South West Aboriginal Medical Service Limited (SWAMS).

On 26 February 2026, the Federal Court made orders relating to matters concerning SWAMS and its members. In accordance with the Court's orders, SWAMS is required to provide written notice to members setting out the terms of the Court's orders.

Accordingly, a copy of the Court Orders dated 26 February 2026 is enclosed with this letter.

The orders specify certain matters relating to the holding of the 2025 Annual General Meeting on 23 April 2026, changes to the process for and of election Member Directors, and related matters.

You will receive a revised Notice of Annual General Meeting in due course.

The attached orders are provided by way of information and do not require any action from you.

Yours sincerely,



Ernie Hill
Board Member and Corporate Secretary
South West Aboriginal Medical Service Limited

Enc: Federal Court Orders dated 26 February 2026



Federal Court of Australia

District Registry: Western Australia Registry

Division: General

No: WAD455/2025

LESLEY ANNE UGLE and others named in the schedule
Plaintiff

SOUTH WEST ABORIGINAL MEDICAL SERVICE LIMITED ACN 673 658 636
Defendant

ORDER

JUDGE: Justice Colvin

DATE OF ORDER: 26 February 2026

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. There be a declaration that the expulsion notices issued to the plaintiffs on 19 September 2025, pursuant to resolutions of the Board of the defendant passed on 18 September 2025, are invalid and of no effect.
2. Liberty is reserved to any member of the defendant, other than the plaintiffs, who received an expulsion notice issued on 19 September 2025, to apply for declaratory relief in the same terms as the relief granted to the plaintiffs.
3. The defendant is to hold an annual general meeting (the **2025 AGM**) on 23 April 2026.
4. The Constitution of the defendant, as it applies to the 2025 AGM, is modified so that at the 2025 AGM:
 - (a) All Member Director positions will become vacant and an election will be conducted by poll to fill the six Member Director positions.
 - (b) The process of selecting nominees for election, set out in section 29 of the Constitution, will not apply.
 - (c) The defendant is to engage the Western Australian Electoral Commission, another independent person agreed upon by the plaintiffs and the defendant, or



another independent person ordered by the Court (the **Independent Person**),

to:

- (i) call for nominations for the election of Member Directors;
 - (ii) confirm the eligibility of the nominees;
 - (iii) confirm receipt and validity of proxies; and
 - (iv) conduct the poll for election of six Member Directors.
- (d) Member Directors will be elected at the 2025 AGM, on the following basis:
- (i) The two candidates obtaining the highest numbers of votes will be elected for terms ending at the third annual general meeting after the 2025 AGM.
 - (ii) The two candidates obtaining the next highest numbers of votes will be elected for terms ending at the second annual general meeting after the 2025 AGM.
 - (iii) The two candidates obtaining the next highest numbers of votes will be elected for terms ending at the next AGM after the 2025 AGM.

Where necessary to enable the operation of this order in the case of an equality of votes, lots are to be drawn and the successful candidate or candidates will be deemed to have obtained a higher number of votes.

- (e) The 2025 AGM is to be chaired by an independent chair, Mr Craig Sanderson. In the event that Mr Sanderson is unavailable, the defendant is to request the Independent Person to identify and appoint an alternative independent chair.
 - (f) Minutes of the 2025 AGM are to be taken by an independent person appointed by the chair of the meeting.
5. By 3 March 2026, the defendant is to:
- (a) request the Independent Person's assistance for the purposes of orders 4(c) and (d); and
 - (b) provide the Independent Person with a copy of these orders and a copy of the defendant's register of members current as at 3 March 2026 including the name, address, email and phone number of each current Member.
6. To give effect to these orders the defendant will provide the Independent Person:



- (a) within 1 business day of any change being made to the register of members, an updated copy of the register; and
 - (b) within 2 business days of request, any other document requested by the Independent Person
7. By 1 April 2026, the defendant is to issue a notice to all Members convening the 2025 AGM, which must:
 - (a) include as an item of business, the election of six Member Directors;
 - (b) set out the names of all eligible candidates who have nominated for election as a Member Director; and
 - (c) be accompanied by a proxy form approved by the Independent Person, which must contain appropriate voting instructions and in particular, must permit members appointing a proxy to vote for up to six candidates for election as a Member Director.
8. The Constitution of the defendant is further modified, with immediate effect, by deleting rule 22.3.
9. The defendant is to pay the reasonable costs of the Independent Person, the independent chair and the independent minute-taker, in carrying out the functions referred to in these orders.
10. On or before 3 March, the defendant will send written notice to the members setting out the terms of these orders.
11. On or before 27 March 2026, any member of the defendant may apply to vary or discharge these orders.
12. There be liberty to apply as to the orders for convening the 2025 AGM, the identity of the Independent Person pursuant to order 4(c) and the calling of nominations for the election of Members Directors.
13. There be no order as to costs of the proceeding.

Date orders authenticated: 26 February 2026


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: WAD455/2025

Federal Court of Australia

District Registry: Western Australia Registry

Division: General

Second Plaintiff MICHELLE RAYE MUNNS

Third Plaintiff DONNA LEANNE TURVEY

Fourth Plaintiff GAVIN FLYN MCGUIRE