

Constitution

of the Law Society of the
Australian Capital Territory

August 2025

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Amendment record

Amendment	Date of Issue
Erratum, page 6	September 1986
Nomination form	20 June 1994
Membership fees and levies	5 January 1996
Membership	6 December 1999
Interpretation	22 November 2005
By-laws	17 June 2013
Non profit	3 April 2014
Dissolution	3 April 2014
Definition	3 April 2014
Electronic voting	24 September 2015
Modernising language	24 September 2015
Poll recount	31 October 2017
By-law 2 (nominations)	19 July 2021
By-law 22 (COVID-19)	1 September 2021
By-laws	16 September 2024
By-laws	14 August 2025

Constitution

1. Name

The name of the Society shall be “The Law Society of the Australian Capital Territory”.

2. Interpretation

In this Constitution unless the contrary intention appears:

- (a) “**Barrister**” means a person whose name is on the Roll of Legal Practitioners kept in accordance with the Act who is practising on his or her own account as a barrister only.
- (b) “**By-laws**” means the by-laws of the Society made pursuant to clause 17.
- (c) “**Executive Committee**” means those members of the Society for the time being holding the respective offices of President, both the Vice Presidents, Secretary, Treasurer, Immediate Past President and a member of Council appointed by Council.
- (d) “**Legal Practitioner**” means an Australian lawyer who holds a local practising certificate or interstate practising certificate.
- (e) “**Member**” means a member of the Society admitted pursuant to clause 4(a), but does not include an Associate member of the Society pursuant to clause 4(c).
- (f) “**Act**” means the *Legal Profession Act 2006* (ACT).
- (g) “**Territory**” means the Australian Capital Territory.
- (h) “**Council**” means the Council of the Law Society of the Australian Capital Territory constituted pursuant to the provisions of clause 11.
- (i) “**Society**” means the Law Society of the Australian Capital Territory as incorporated under the Act.
- (e) To settle disputed points of practice and to decide all questions of professional usage or courtesy between or among Legal Practitioners.
- (f) To uphold the honour of the profession of the law and encourage cordial intercourse among members of the legal profession and to arrange social and sporting functions and gatherings among the legal profession, and also social and sporting functions in which the legal profession and other professions may participate.
- (g) To consider proposed changes in the law and to aid such amendments and reforms as are likely to benefit the public.
- (h) To consider all questions affecting the interest of the legal profession in the Territory and in that interest to initiate and watch over and if necessary to petition the Legislative Assembly or promote deputations in relation to general measures affecting the legal profession and to procure changes of law or practice and the promotion of improvements in the principles and administration of the law.
- (j) To represent the views and wishes of the legal profession in the Territory.
- (j) To promote information on legal subjects by lectures, discussions, books, correspondence with public bodies and individuals.
- (k) To seek, receive and disseminate information.
- (l) To do all such things as are incidental or conducive to the attainment of all or any of the objects set out in this clause 3.
- (m) To carry out those functions allotted to the Society under the Act.
- (n) Through the By-laws, to make rulings to regulate the professional practice and conduct of Members and of other legal practitioners who hold practising certificates issued pursuant to the provisions of the Act provided that no such ruling shall be made with respect to the practice and conduct of Barristers except with the consent of the Australian Capital Territory Bar Association.

3. Objects

The objects of the Society are:

- (a) To advance the study of jurisprudence.
- (b) To promote the administration of justice and development and improvement of law throughout the Territory.
- (c) To support and protect the character, status and interest of the legal profession and Legal Practitioners generally in the Territory.
- (d) To promote honourable practice, to suppress malpractice, professional misconduct or unprofessional conduct or practice on the part of Legal Practitioners.

4. Membership

- (a) A person whose name is on the Roll of Legal Practitioners or whose name is taken to be on the Roll of Legal Practitioners within the meaning of sub-section 4(9) of the Act is entitled, on application, subject to payment of such annual subscription and levies as may be determined by the Council from time to time, to be admitted to Membership of the Society.
- (b) The Council may confer the status of Honorary Member on a Member, former Member or person eligible for Membership who is considered by the Council to have rendered outstanding service to the Society or to the legal profession. Subject to the Act,

an Honorary Member shall not be liable to pay to the Society any annual subscription.

- (c) The Council may permit a person who is not eligible for Membership of the Society to become an Associate member of the Society.
- (d) An Associate member of the Society shall not be entitled to vote in any election or other vote of the Society and shall not be entitled to hold any office of the Society other than as set out in this clause. An Associate member of the Society shall be entitled to receive all notices forwarded to Members, to attend and speak at all meetings of the Society and to serve on any committee of the Society other than the Executive Committee and the Council.
- (e) The Council may at any time and for such reason as in its absolute discretion it thinks appropriate terminate the Associate membership of any person with the Society.
- (f) The Council may prescribe a fee in such amount as it deems fit to be paid to the Society as a condition of the grant of Associate membership of the Society. If a fee is prescribed, payment of such fee shall be a condition precedent to the grant of Associate membership of the Society.
- (g) Every application for Membership or Associate membership of the Society shall be made in such form and accompanied by such proof of entitlement to Membership or Associate membership as the Council may from time to time determine.
- (h) Every application for Membership or Associate membership of the Society shall be dealt with by the Council at the meeting of the Council next after the date of receipt of such application. If the Council is satisfied that the applicant is entitled to become a Member or Associate member of the Society, it shall admit him or her to Membership or Associate membership, subject to the provisions of this Constitution.

5. Cessation of membership

- (a) Any Member may resign from the Society by notice in writing to the Council, and such resignation shall be effective from the date of the meeting of the Council next after the receipt of the resignation, unless the resignation is in the meantime withdrawn by the Member.
- (b) No person shall by reason of his or her having ceased to be a Member, be released from any liability for any subscription or other sums due to the Society.
- (c) If any Member neglects to pay his or her annual subscription or the amount from time to time fixed by the Society as the fee payable for a practising certificate of the type held by him or her or any other sums due to it within such time as the Council either generally or in a particular case determines after such

subscription or other sums become due, he or she shall cease to be a Member.

- (d) Upon late payment of any amounts referred to in paragraph (c) above the Council may re-admit a Member of the Society provided that in the case of non-payment of a practising certificate fee a Member shall not be re-admitted except pursuant to the provisions of the Act.
- (e) Upon the making of any court order or order of any appropriate body having the power to make same which debars a person from practising as a solicitor or barrister in the Territory then such Member shall ipso facto cease to be a Member of the Society.

6. Membership fees and levies

- (a) All Members and Associate members shall be required to pay such annual subscription and levies to the Society as may be determined by the Council from time to time.
- (b) Annual subscriptions shall become due and payable on the first day of July in each and every year.
- (c) Where an applicant is admitted to Membership of the Society after 1 July in any year and before the following 30 June, the applicant shall pay an amount that bears to the annual subscription the same proportion as the number of months in the period between the date of admission and the following 30 June bears to 12.

7. General Meetings

- (a) A General Meeting of the Society (in this Constitution referred to as the “Annual General Meeting”) shall be convened during the month of September in each year.
- (b) If for any reason it is found impracticable to convene the Annual General Meeting during that month, it shall be held as soon as possible thereafter.
- (c) At least fourteen days notice, specifying the place, the date and the hour of the Annual General Meeting, shall be given to all Members.
- (d) The business of the Annual General Meeting shall be:
 - (i) to receive the Annual Report and Statement of Account referred to in clause 16;
 - (ii) to elect the Council for the ensuing year;
 - (iii) to appoint an Auditor who shall not be a Member; and
 - (iv) to transact such other business, notice of which has been given in the notice calling the meeting.

8. Special General Meeting convened by Council

- (a) The Council may, whenever it thinks fit, convene a Special General Meeting of the Society.
- (b) Fourteen days notice at least, specifying the place, the date and the hour and the business to be conducted at a Special General Meeting shall be given to all Members.

9. Special General Meeting requested of members

- (a) The Council shall, upon the requisition in writing of not less than ten members, convene a Special General Meeting.
- (b) Any such requisition shall specify the object of the meeting required and shall be signed by the Members making the same and shall be deposited with the Secretary of the Society and may consist of several documents in like form, each signed by one or more of the requisitionists.
- (c) The meeting must be convened for the purposes specified in the requisition and, if convened otherwise than by the Council, for those purposes only.
- (d) If, in any case, the Council fails to convene a Special General Meeting to be held within one month after such deposit, the requisitionists (or any ten of them) may themselves, subject to compliance by them with clause 8(b), convene a meeting to be held within two months after such deposit.

10. Proceedings at General Meetings

- (a)
 - (i) Ten Members personally present shall be a quorum for a General Meeting to:
 - (1) elect a Chair;
 - (2) receive any report of the Council or any statement by the Treasurer; and
 - (3) adjourn the meeting.
 - (ii) For all other purposes the quorum of a General Meeting shall be twenty.
 - (iii) No business shall be transacted at any General Meeting unless the requisite quorum is present at the commencement of the business.
- (b) If, within half an hour of the time appointed for the meeting, a quorum is not present, a meeting convened upon a requisition of Members shall be dissolved, and any meeting not so convened shall stand adjourned until the same day of the next week at the same time and place or until such other later day and time and place as the Council may determine

and if at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting the Members present shall constitute a quorum. The Council shall give notice to all Members of any determination made by it pursuant to this sub-clause and shall give to all Members at least seven days notice of the meeting referred to in such determination.

- (c) The President, or in his or her absence, one of the Vice-Presidents, shall be entitled to take the chair at every General Meeting and if neither the President nor the Vice-President is present within fifteen minutes after the time appointed for the holding of the meeting, the Members present shall choose one of their number to be Chair.
- (d) At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded, either by the Chair or by at least three Members present.
- (e) Unless a poll is so demanded a declaration by the Chair that a resolution has on a show of hands been carried unanimously or carried by a particular majority or lost or not carried by a particular majority and an entry being made to that effect in the book containing the minutes of the proceedings of the Society, shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.
- (f) In the case of an equality of votes on a show of hands or on a poll, the Chair of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.
- (g) At any General Meeting of the Society each Member present at the meeting shall have one vote.
- (h) No Member shall be entitled to vote at any General Meeting unless his or her annual subscription and all other sums presently payable by him or her to the Society have been paid.
- (i) No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is given or tendered, and every vote not disallowed at a meeting shall be allowed for all purposes. Any such objections made in due time shall be referred to the Chair of the meeting and his or her decision shall be final and conclusive.
- (j) The Chair of any General Meeting may, with the consent of the meeting, adjourn the same from time to time and from place to place, but no business shall be transacted for any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (k) An Associate member is not entitled to vote.

11. The Council

- (a) The management of the affairs of the Society shall be vested in the Council which shall consist of:
 - (i) the President;
 - (ii) two Vice-Presidents;
 - (iii) the Immediate Past President;
 - (iv) a Secretary;
 - (v) a Treasurer; and
 - (vi) ten Members.
- (b)
 - (i) All members of the Council shall retire annually and each retiring Member shall be eligible for re-election.
 - (ii) No Member shall be eligible to hold the office of President for more than three consecutive terms.
- (c) The Council shall have power at any time and from time to time to appoint any Member to be a member of the Council to fill a vacancy. Any Member so appointed shall hold office until the next Annual General Meeting.
- (d) The Society may resolve to remove any member of the Council before the expiration of his or her period of office and may resolve to appoint another Member in his or her stead. A Member so appointed shall hold office until the next Annual General Meeting.
- (e) A member of the Council shall be deemed to have vacated his or her office if he or she:
 - (i) becomes bankrupt or makes any arrangement of composition with his or her creditors generally;
 - (ii) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
 - (iii) resigns his or her office by notice in writing to the Council;
 - (iv) for more than three months is absent without permission of the Council from meetings of the Council held during that period;
 - (v) ceases to be a Member; or
 - (vi) upon the happening of any event which disentitles him or her to practise his or her profession.

12. Election of members of Council

- (a) The results of the election of the Council shall be announced at the Annual General Meeting.
- (b) Candidates for membership of the Council shall be proposed and seconded in writing by Members and the nomination forms shall not be valid unless they bear the written assent of the candidates to their nomination.

- (c) The closing of nominations for election to the Council, the manner of conducting elections and the determination of the results of the elections and any other matters relating to such elections shall be provided for in the By-laws. Such By-laws may make provision for postal voting, electronic voting and for voting by use of the service or delivery of documents through recognised document exchanges.

13. Power and duties of the Council

- (a) The Council shall have the sole management of the Society and of its affairs and concerns and its income and property for the purposes and benefit of the Society and may exercise all powers conferred by this Constitution on the Society and do all such acts and things as are directed or authorised to be done by this Constitution by the Society.
- (b) Notwithstanding anything contained in this Constitution, either the President or the Council may establish such committees as he, she or it deems desirable from time to time and may delegate any of its power to such committees which may consist of one or more Members.
- (c) The Council may engage all such officers and servants as it may consider necessary and may regulate their duties and fix their salaries.
- (d)
 - (i) The Council shall cause minutes to be made:
 - (1) of all appointments of officers;
 - (2) of all proceedings at all meetings of the Society and of the Council.
 - (ii) Such minutes shall be signed by the Chair of the meeting at the time when the meeting was held or by the Chair of the next succeeding meeting.

14. Proceedings of the Council

- (a) The Council shall meet at such times and places as it shall determine or if no such determination has been made at such times and places as the Secretary on the instructions of the President shall notify to members of the Council.
- (b) At the first meeting of the Council after the election of office-bearers the Council shall elect one of the Vice-Presidents to be the Chair of the Council and he or she shall preside at all the meetings of the Council at which he or she is present and willing to act. In the event of his or her absence or unwillingness to act the other Vice-President shall preside at all such meetings at which he or she is present and willing to act. In the event that both the Vice-Presidents are absent or unwilling to act, the Members present shall elect a Chair for the particular meeting.
- (c) Every member of the Council shall have one vote except the Chair or the person presiding at any of

the meetings who shall have a deliberate as well as a casting vote.

- (d) Six members of the Council present at the time the meeting commences shall form a quorum.
- (e) All acts done by any meeting of the Council or by any person acting as a member of the Council shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such member of the Council or person so acting, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Council.
- (f) The Council may from time to time delegate to the Executive Committee such of its function as it determines provided that matters of policy or matters affecting the rights of a Member shall be dealt with only by the Council.

15. Funds

- (a) All funds belonging to or received by the Society shall be placed or invested in any investment authorised by law for the investment of trust funds.
- (b) Any cheques drawn by the Society shall be signed by any two members of the Executive Committee, or by any one member of the Executive Committee and by any other person approved by the Council for such purposes.
- (c) Any electronic financial transactions by the Society shall be approved by any two members of the Executive Committee, or by any one member of the Executive Committee and by any other person approved by the Council for such purposes.

16. Accounts

- (a) The financial year of the Society shall conclude on the 30th day of June in each year.
- (b) The Council shall cause proper books of account to be kept in respect of:
 - (i) all sums of money received and expended by the Society;
 - (ii) all sales and purchases of goods by the Society; and
 - (iii) the assets and liabilities of the Society.
- (c) The books of account shall be kept at such place or places as the Council thinks fit within the Territory and shall be open to the inspection of members of the Council.
- (d) Subject to any restriction that may be imposed by the Council from time to time as to the time and manner of inspecting same, all the books of account of the Society shall be open to the inspection of any Member on every week day.

- (e) The Council shall at least annually cause to be prepared and lodged before the Society in general meeting, profit and loss accounts, balance sheets and reports of the Council and Auditor's report as are from time to time necessary.
- (f) A copy of every balance sheet which is to be lodged before the Society in general meeting shall together with a copy of the Auditor's report not less than seven days before the date of the meeting be sent to all Members.
- (g) The Treasurer shall present a statement of moneys received and disbursed and investments held by or on behalf of the Society to the Council on a quarterly basis at each Council meeting in such form as is prescribed from time to time by the Council.

17. By-laws

The Council may from time to time by resolution make, amend and repeal By-laws not inconsistent with this Constitution in relation to any of the following matters:

- (i) voting at and conduct of meetings of the Council or the Society;
- (ii) election of Members or of the Council;
- (iii) regulation of proceedings of committees of the Council;
- (iv) for carrying into effect any function given to the Society under the Act; and
- (v) for carrying into effect any of the matters referred to in clause 3(n).

18. Notices

- (a) A notice pursuant to this Constitution must be given in writing and may be given to the addressee by:
 - (i) mail;
 - (ii) document exchange; or
 - (iii) electronic mailto the appropriate address of the addressee.
- (b) A notice (other than a notice convening a meeting) is to be regarded as given, served, received and as having come to the attention of the addressee:
 - (i) if delivered to the home address of the addressee, at the time of delivery;
 - (ii) if it is sent by post to the home address or postal address or if it is sent by way of document exchange to the document exchange address of the addressee, on the third (or fifth if outside Australia) business day after sending; or
 - (iii) if sent by electronic mail to the electronic mail address, at the time transmission is completed.

- (c) Notice of every General Meeting shall be given in any manner authorised in this clause 18 to every Member and in the case of the Annual General Meeting also to the Auditor for the time being of the Society.

19. Amendment to Constitution and rules

- (a) This Constitution may subject to the Act be amended at a General Meeting of the Society provided that notice of the proposed amendment is included in the Notice calling the meeting.
- (b) No amendment to this Constitution shall be of any effect whatsoever unless it is passed by a majority of two-thirds of Members present and voting in favour of the amendment.

20. Non profit

The income and property of the Society shall be applied solely in furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to the Members except as bona fide compensation for services rendered or expenses incurred on behalf of the Society.

21. Dissolution

In the event of the Society being wound up or dissolved, the amount that remains after such winding up or dissolution and the satisfaction of all debts and liabilities must not be paid to or distributed among the Members but shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

By-laws

Election of Council

1. There shall be an election for the fifteen members of Council for each Annual General Meeting. At the first meeting of the Council after each Annual General Meeting, the Council shall elect, from the members of Council, the following officers:
 - (a) President
 - (b) Two Vice-Presidents
 - (c) Secretary
 - (d) Treasurer.
2. Each Council member so elected to such office shall hold that office until the next Annual General Meeting.
3. Nominations for election as a member of the Council shall be in or to the effect of (and be subject to the requirements set out in) the form approved by the Council from time to time. For the avoidance of doubt, Council has determined that nominations may be submitted by electronic means and, where Council makes such a determination:
 - (a) the Chief Executive Officer shall ensure the provision of an interactive form to the effect of the nomination form in the schedule in a secure online system to facilitate nominations by electronic means and make available to Members all information reasonably necessary to facilitate nomination by electronic means;
 - (b) the interactive nomination form must ensure that the consent of the candidate and the proposer and seconder to the nomination is securely recorded in the system; and
 - (c) in these circumstances the nomination form submitted by electronic means shall be taken to be made in writing and bear the written assent of the candidate for the purposes of Clause 12(b) of the Constitution.
4. Nominations shall close twenty-eight days prior to the date fixed for the Annual General Meeting, or such other date as is fixed by the Council. The Chief Executive Officer shall cause a nomination form to be sent to each Member. Should there be insufficient nominations for the members of the Council by that date, the Executive Committee may extend the time for nominations to a date no later than the date of the Annual General Meeting.
5. Immediately after the close of nominations as a member of the Council, the Chief Executive Officer shall cause a list of candidates and a ballot to be forwarded to all Members as provided in clause 18 of the Constitution.
6. Where the number of candidates for election as members of Council is equal to or less than the number of positions to be filled, then no election

shall take place and the candidates will be taken to be elected to fill the available positions. Where there are more nominations for election as members of the Council than there are positions to be filled, a ballot for election of the members of the Council shall be held. An election of members of Council may be held by postal vote, via an electronic voting system or a combination of both.

7. Each Member may vote in the ballot for up to the number of candidates for members of the Council as there are vacancies, and the candidates who receive the highest number of votes will be elected as the members of the Council.
8. The Council shall appoint two Members as Returning Officers and if required, an election service company to act as election administrators.

Voting by post

9. A Member shall record their vote for a candidate by placing an 'x' in the square opposite the name of the candidate for whom they vote. Where there is more than one vacancy, a Member may record their vote for up to the number of candidates as there are vacancies. They shall then return the list of candidates to the Chief Executive Officer in a sealed envelope marked "Ballot Paper". The sealed envelope shall be enclosed in a separate envelope on which the Member so voting shall both print and sign their name. The vote shall not be valid unless it reaches the Chief Executive Officer two clear days before the date fixed for the Annual General Meeting, or such other date as is fixed by the Council of the Society.
10. It shall be the duty of the Returning Officers to place each sealed envelope marked "Ballot Paper" which has been validly received pursuant to By-law 9 in a ballot box in such a manner as to ensure that the Member recording each vote cannot be identified. When all ballot papers have been received, the Returning Officers shall open the ballot and remove each ballot paper from its sealed envelope.

Electronic voting

11. The Council has determined that Members may record their votes using an electronic voting system.
12. In accordance with this determination:
 - (a) Members may vote by post or by electronic means, but may vote only once;
 - (b) the Chief Executive Officer shall ensure the provision of an interactive copy of the ballot paper in a secure online system to facilitate voting by electronic means and make available to Members all information reasonably necessary to facilitate voting by electronic means;

- (c) the online system must ensure that a Member cannot vote by electronic means more than once in the election;
- (d) a Member who votes by electronic means must ensure that their vote is submitted to the Returning Officer in accordance with any instructions given for voting by electronic means;
- (e) the Returning Officer must cause all votes received by electronic means to be recorded in such a way that they cannot subsequently be identified with any particular Member;
- (f) if a Member lodges both a vote by post and a vote by electronic means, then the Returning Officer must:
 - (i) if one of the votes is informal, accept the formal vote; and
 - (ii) if both votes are formal, accept the vote received first.

Vote counting

- 13. For the election of a candidate as a member of the Council where there are multiple vacancies:
 - (a) The Returning Officers must rank the candidates for election by the highest to the lowest number of votes received.
 - (b) The candidates who receive the highest number of votes cast by Members in the ballot shall each be declared elected as a member of the Council.
- 14. Should the ballot result in there being an equal number of votes in favour of two or more candidates for the last vacancy to be filled, then lots shall be drawn between these candidates in such a manner as the Returning Officers shall determine.

Declaration of results

- 15. At the conclusion of the election, the Returning Officers shall record the names of all candidates declared to be elected as the members of the Council and shall return the record to the Chief Executive Officer of the Society together with the ballot papers and electronic voting data.
- 16. The result of the ballot shall be declared at the Annual General Meeting. The declaration of the poll by the Returning Officers shall include the following information:
 - (a) the number of Members eligible to vote;
 - (b) the number of votes received;
 - (c) the number of votes declared valid.

In the event of a re-count of the poll for any reason, the result of the ballot shall be declared by the

Returning Officers and announced at a duly convened Special General Meeting or at the discretion of Council by giving notice to members in accordance with clause 18 of the Constitution.

- 17. Any person who is a candidate for election as a member of the Council may, within seven days of the declaration of the poll, request from the Chief Executive Officer of the Society the number of votes cast in their favour.
- 18. All ballot papers and electronic voting data for the annual elections are to be destroyed 30 days after the declaration of the poll.
- 19. For the purposes of these By-laws, the “Chief Executive Officer” means the person engaged by the Council as the Society’s Chief Executive Officer.
- 20. Scrutineers
 - (a) Where practicable, a candidate may appoint a scrutineer. This appointment shall be in writing signed by the candidate and the scrutineer and given to the Returning Officer prior to the close of the ballot.
 - (b) A scrutineer may be present at the count and observe the conduct of the count but shall not handle ballot papers or otherwise interfere with the conduct of the count.

Proceedings at General Meetings — Attendance by Technology

- 22. For the purposes of Clause 10 of the Constitution, a member is taken to be personally present at a meeting where the member is able to actively participate in the meeting, whether by way of:
 - (a) being physically present; and/or
 - (b) using one or more technologies that give all persons entitled to attend a reasonable opportunity to personally participate without being physically present in the same place.

Proceedings at meetings of the Council — breaches by Council members of Council policies

- 23. The Council is responsible for approving and monitoring compliance with the Society’s code of conduct and roles and responsibilities policy (which are applicable to all members of the Council) and other policies of the Society.

24. In accordance with those policies and the code of conduct, designated persons on Council may receive a referral or allegation about, or otherwise may become aware of, conduct of a member of the Council that may be a breach of the code of conduct or other policies of the Society (“Improper Conduct”). The Council may consider the alleged Improper Conduct at a meeting of the Council and determine:
- (a) that the matter is without substance or otherwise does not warrant any censure or penalty;
 - (b) that the matter should be investigated further to determine whether the Improper Conduct actually occurred and to identify the nature and extent of the Improper Conduct (and whether there are any extenuating circumstances that would mitigate or excuse the Improper Conduct), in which case the Council may form an investigating committee (which may but need not include one or more members of the Council) to make further enquiries in respect of the Improper Conduct; or
 - (c) that the Improper Conduct occurred and constituted a substantial breach of the Society’s code of conduct or other policies, in which case the Council may convene a further meeting of the Council (“**Disciplinary Meeting**”), to take place no earlier than 10 business days after the meeting at which the Council determined that the Improper Conduct had occurred, to consider whether the member of the Council who engaged in the Improper Conduct should be censured, suspended as a member of the Council for any period as determined by Council or removed as a member of the Council (in accordance with clauses 11(d) and 13(a) of the Constitution), (“**disciplinary motion**”).
25. At least 8 business days before the Disciplinary Meeting, the Council must give the member of the Council who is the subject of the Disciplinary Meeting notice of:
- (a) the date, time and place of the Disciplinary Meeting;
 - (b) the Improper Conduct that is alleged against them;
 - (c) the disciplinary motion to be considered by the Council at the Disciplinary Meeting; and
 - (d) their right to give the Council an oral or written explanation or defence.
26. At the Disciplinary Meeting, before the Council votes on the disciplinary motion, the member of Council (as applicable) must be given an opportunity to provide an oral or written explanation or defence in respect of the alleged Improper Conduct. If at the Disciplinary Meeting the disciplinary motion is passed by a majority of the members of Council present (not counting the member of Council who is the subject of the disciplinary motion), the member of the Council will be disciplined in accordance with the disciplinary motion.
27. For the purposes of any vote on the disciplinary motion being considered pursuant to the preceding paragraph:
- (a) the member of Council the subject of the disciplinary motion is not to be present when the vote is conducted;
 - (b) all members present who have not excluded themselves from the vote, must vote in favor or against the disciplinary motion; and
 - (c) a member of Council who does not cast a vote in favor or against the disciplinary motion is deemed to have not been present.
28. In exercising its powers under clause 24(c), to censure, suspend, or remove a member of Council, Council is not required to give reasons for its decision.

Nomination form for the election of Council

[as approved by the Council as at 18 August 2025]

We, [proposer],

and [secondor],

being financial Members of the Law Society of the Australian Capital Territory, hereby nominate:

..... [nominee],

a financial Member of the Society, as a member of the Council.

.....
Proposer's signature
.....
Dated

I consent to the above nomination and confirm that I am a Member of the Law Society and am otherwise eligible for nomination.

.....
Nominee's signature
.....
Dated

Candidate biogrpahical details (up to 250 words in total):

Year of admission				
Name of firm				
Area/s of practice				
Positions held within the Law Society				
Governance experience (if any)				
Regulatory experience (if any)				
Any other relevant information				
Please confirm that you comply with all the eligibility criteria in note 3 (please check box)	Yes		No	

Please consider the notes to this form before completing and submit to the Society as specified in the call for nominations

Notes to the Nomination Form for the election of Council

1. This form may be provided to Members in an electronic format to the effect of the form.
2. Brief biographical details of all candidates together with a recent photograph of each candidate will be circulated to Members of the Society with the voting papers using the information submitted with this Form. Details should include:

- year of admission
- name of firm and areas of practice
- positions held within the Law Society, eg any committee memberships
- any experience in governance (including board appointments, board committees such as Audit and Risk, and recognised governance qualifications such as Australian Institute of Company Directors and Governance Institute of Australia).
- any experience in regulatory compliance, administrative decision-making or ethics and integrity, including any relevant qualifications in these areas.
- Confirmation whether the candidate complies with all the eligibility criteria in note 3.

3. A Member is eligible to be nominated for election as a member of the Council only if the Member:

- has not been found by any regulatory authority to have engaged in professional misconduct
- has not been found by any regulatory authority in the past 5 years to have engaged in unsatisfactory professional conduct
- has not been listed on the Society's register of disciplinary action
- has not been found at any time in the past 5 years not to be fit and proper to hold a practicing certificate in the ACT or any other jurisdiction or otherwise has not been disbarred from the practice of law
- has not been removed by Council as a member of the Council, or their membership in the Society terminated, at any time in the past five years
- has not been disqualified from being a director of an Australian or foreign company in the past five years
- has not at any time been convicted of a criminal offence or that contravenes the Corporations Act 2001 (Cth), that is punishable by imprisonment for a period greater than 12 months or that involves dishonesty and is punishable by imprisonment for at least 3 months; and
- has not for the past five years been involved in the investigation or handling of disciplinary matters or the supervision of employees undertaking such roles on behalf of the Society, other than as a member of the Council.

