

PROPOSED (Sectioned) AMENDMENTS TO
ACT Law Society CONSTITUTION

SECTION A MEMBERSHIP

CLAUSE 3 - DEFINITIONS

1

Delete -

“Membership Policy has the meaning given by clause 12.”

CLAUSE 12 – MEMBERSHIP POLICY

2

Delete the whole of Clause 12

CLAUSE 13.1 – ELIGIBILITY TO BECOME A FULL MEMBER

3

Delete – “may on acceptance of their application to the Society”

Insert in its place – “is entitled to”

4

Delete – “the Membership Policy” and insert in its place – “this constitution”.

CLAUSE 15 – RESPONSIBILITIES OF MEMBERS

5

Delete from subclause (a) – “and the Membership Policy”.

6

Delete the whole of subclause (b).

7

Delete the whole of subclause (d).

CLAUSE 17.1 – ANNUAL SUBSCRIPTION

8

Delete from subclause (a) – “and any Membership Policy”

9

Delete from subclause (b) – “in accordance with the Membership Policy” and insert in its place “annually”.

SECTION B COUNCIL COMPOSITION

CLAUSE 3 - DEFINITIONS

10

Add new definition -

“**Immediate Past President** means the person last in the position of President who is not otherwise a Councillor, and who is willing to be appointed to the position of Immediate Past President.”

CLAUSE 28.1 – NUMBER OF COUNCILLORS

11

Delete the whole of 28.1, and insert in its stead

“(a) The management of the affairs of the Society shall be vested in the Council which shall consist of:

- (i) a President;
- (ii) a Vice-President;

- (iii) the Immediate Past President;
- (iv) a Secretary;
- (v) a Treasurer; and
- (vi) eleven more Society Full Members.

12

- (b) (i) All Councillors (apart from the Immediate Past President) shall retire annually and each retiring Councillor shall be eligible for re-election.
- (ii) No Society member shall be eligible to hold the office of President for more than three consecutive terms.”

CLAUSE 28.2 – OFFICEHOLDERS

13

Delete from subclause (a) “and the” and

14

Insert after Vice President “Treasurer and Secretary”.

15

Delete the whole of subclauses (b) to (g)

CLAUSE 28.3 – RESPONSIBILITIES OF OFFICEHOLDERS

16

Add, after sub-clause (a) “which includes any matter raised by a Councillor in writing to the President for consideration at a meeting”.

CLAUSE 31 – CASUAL VACANCIES

17

From subclause (a) delete all the words in brackets after “vacancy”

CLAUSE 33 – TERM OF OFFICE

18

From subclause (a) delete “three years” and insert in its place “one year”

19

From subclause (c) delete all the words starting with “of three years” to the end of that subclause.

20

Delete the whole of subclause (d)

CLAUSE 34 – RETIRING COUNCILLORS MAY BE RE-ELECTED

21

Delete the whole clause

CLAUSE 3 - DEFINITIONS

President

22

Delete – “appointed by the Council under clause 28.2”

Secretary

23

Delete - “appointed by the Council under clause 50”

Vice-President

24

Delete – “appointed by the Council under clause 28.2”

CLAUSE 50 – APPOINTMENT OF SECRETARY

25

Delete the whole clause.

SECTION C - NOMINATIONS FOR COUNCIL

CLAUSE 30.1 – NOMINATIONS AND ELECTION POLICY

26

Delete the whole of 30.1

CLAUSE 30.3 – NOMINATIONS FORM

27

Delete – “(and subject to the requirements set out in)”

28

Delete – “and in accordance with any Policy”.

CLAUSE 30.4 – NOMINATIONS PROCESS

29

After “The nominations process” delete - “shall be in accordance with any Policy approved by the Council from time to time and”

30

Delete – the whole of subclause (a).

31

From subclause (b) delete – “or such other date as is fixed by the Council”

Clauses 67.1 to 67.4 – TRANSITIONAL PROVISIONS

32

Delete the whole of sub-clauses 67.1 to 67.4

Insert in their place

“In the event that, at the time clause 28 is amended and comes into effect, there is a deficiency of Councillors or officeholders, then the Society will, within 2

months, seek nominations and arrange elections to fill the vacant positions according to the applicable clauses of this constitution.”

SECTION D - COUNCIL ELECTIONS

CLAUSE 29 – WHO CAN BE A COUNCILLOR

33

Add in subclause (d) “and after 28 November 2025” after “in the past 5 years”

34

Delete the whole of subclause (e)

35

Add in subclause (f) “and after 28 November 2025” after “in the past 5 years”

36

Delete from subclause (g) “by the Council”.

37

Delete the whole of sub-clauses (j) and (k)

CLAUSE 30 – ELECTION OF COUNCILLORS

38

Add after “Councillors” where both occurring “and officeholders”

CLAUSE 30.5 – VOTING PROCESS

39

From the first paragraph delete – “shall be in accordance with any Policy approved by the Council and”

40

After “Councillors” where six times occurring add – “or office holders”

SECTION E - CALLING GENERAL MEETING OF MEMBERS

CLAUSE 19.2 – FULL MEMBERS CAN REQUEST A GENERAL MEETING

41

Delete from subclause (b) “5% of” and insert in its place “20”

CLAUSE 21.2 – WHAT THE NOTICE MUST INCLUDE

42

Delete from subclause (a) – “or virtually”.

SECTION F - CONDUCT OF GENERAL MEETING

CLAUSE 3 - DEFINITIONS

Full Members Present

43

Add – “, provided such members are able to fully, actively and personally participate.”

Special Resolution

44

Delete – “75%” and insert in its place – “66%”

Virtual Meeting Platform

45

Delete – “verbally” and insert – “orally” in its place

CLAUSE 20.1 – A VIRTUAL MEETING PLATFORM MAY BE USED

46

Delete – “or virtual only”.

CLAUSE 22.3 – IF THERE IS NO QUORUM

47

Add after subclause (c) “and

(d) notice of the adjourned meeting must be given in accordance with clause 21”

CLAUSE 27.3 – WHEN A RESOLUTION IS PASSED

48

Delete from subclause (b) “conclusive” and insert in its place “prima facie”

49

Delete from subclause (b) – “do not need to” and insert in its place “must”.

SECTION G - COUNCIL RESPONSIBILITY

CLAUSE 39.1 – COUNCIL MAY DELEGATE POWERS

50

Add at the end of that clause:

“However, the Council must not delegate the making of policies of the Society on matters of law and practice of law outside the Society, the making of policies of the Society , or matters affecting the rights of a member or members, all of which shall be dealt with only by the Council.”

CLAUSE 8 - POLICIES

51

Add –

- “(d) in their application to members, shall not mean or be construed as rules of conduct Pursuant to the Act, unless specifically included in the Legal Profession (Solicitors Conduct) Rules, and
- (e) shall be forthwith notified to members, and remain published on the website of the Society.”

CLAUSE 39.2 – RECORD-KEEPING

52

Add at the end of that clause:

“and all such delegations shall be notified to members, and while current, shall be displayed on the web-site of the Society available to members”.

CLAUSE 43 – DUTIES OF COUNCILLORS

53

Add a further subclause:

“(h) to maintain an overview of the operational and other affairs of the Society.”

CLAUSE 44 – CONFLICTS OF INTEREST

54

Delete the whole of subclause (f).

SECTION H - DISCIPLINE OF COUNCILLORS

CLAUSE 36.1 – REMOVAL BY COUNCIL

55

Delete the whole clause

CLAUSE 36.2 – REMOVAL BY MEMBERS

56

In subclause (a) delete “5%” and insert “20” in its place.

CLAUSE 45.2 - COUNCIL CONDUCT MATTERS

57

Delete “designated” from the first line of the clause.

58

Add to subclause (b) “independent” before “investigating committee”.

59

Add to subclause (b) “and will not include any Society staff” in the brackets after “one or more Councillors”

60

Add to subclause (c) “referred to a general meeting of Full Members for consideration as to whether the Councillor should be” before “removed as a Councillor”..

CLAUSE 45.4 – PROCEEDINGS AT DISCIPLINARY MEETING

61

Add, at the end of sub-clause (a) “and shall be entitled to legal representation”

62

Add in sub-clause (b) “two thirds” after “passed by a majority of”.

CLAUSE 45.6 – NO REQUIREMENT TO GIVE REASONS

63

Delete “is not required to” and insert in its place “must”.

SECTION I - OBJECTS OF THE SOCIETY

CLAUSE 6 - OBJECTS OF THE SOCIETY

64

In subclause (c), after the word “confidence” add “in the legal profession”

65

At the end of subclause (d) add “including the arranging of social and sporting functions and gatherings in which the legal profession and other professions may participate”