

NSW Young Lawyers
Constitution

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TABLE OF CONTENTS

1. NAME	6
2. OBJECTS	6
2.1. Activities	6
2.2. Powers.....	7
2.3. Incorporation.....	7
3. MEMBERSHIP	7
3.1. Eligibility for general Membership.....	7
3.2. Effect of Membership	8
3.3. Members of Young Lawyers Not Necessarily Lawyers	8
4. OFFICE BEARERS	8
4.1. Office Bearers	8
4.2. Date of appointment and term.....	8
4.3. Vice-President's term	8
4.4. Treasurer's term	8
4.5. Removal, resignation etc of Office Bearers	9
4.6. Delegation	10
5. ADMINISTRATION OFFICERS	10
5.1. Officers.....	10
5.2. Policy Register	10
6. DUTIES OF OFFICE BEARERS	10
6.1. Duties of the President	10
6.2. Duties of the Vice-President	11
6.3. Duties of the Secretary	11
6.4. Duties of the Treasurer.....	12
6.5. Duties of the Immediate Past President	12
7. EXECUTIVE COUNCILLORS	13
7.1. Executive numbers	13
7.2. Term.....	13
7.3. Vacancies	13
7.4. Removal, resignation etc of Executive Councillors.....	13
7.5. Duties of Executive Councillors	14
8. THE YOUNG LAWYERS COUNCIL	14
8.1. Composition	14
8.2. Powers.....	14
8.3. No power to rescind	14
8.4. Meetings.....	15
8.5. Extraordinary meetings	15
8.6. Quorum	15
8.7. Proxies.....	15
8.8. Procedure	15
9. COMMITTEES	15
9.1. Committees	15
9.2. Committee Members.....	16
9.3. Chair.....	16
9.4. Duties of the Chair	16
9.5. Vice-Chair.....	16
9.6. Duties of the Vice-Chair	16
9.7. Committee Secretary.....	17
9.8. Duties of the Committee Secretary	17
9.9. CLE Representatives.....	17

9.10.	Duties of the CLE Representatives	17
9.11.	Suggested Committee Officers	17
9.12.	Dissolution of Committees	18
10.	REGIONAL DELEGATES	18
10.1.	Appointment	18
10.2.	Qualifications	18
10.3.	Alternate.....	18
10.4.	Duties of Regional Delegates.....	18
11.	PRESIDENTIAL NOMINEES	18
11.1.	Appointment	18
11.2.	Method of appointment	19
11.3.	Entitlement	19
11.4.	Duties of Presidential Nominees.....	19
12.	ASSEMBLIES	19
12.1.	Assemblies	19
12.2.	Assembly Delegates.....	19
12.3.	Meetings.....	20
12.4.	Convening extraordinary meetings	20
12.5.	Notice	20
12.6.	Shorter Notice	20
12.7.	General business	21
12.8.	Quorum	21
12.9.	Procedural matters.....	21
12.10.	Voting	21
12.11.	Method of voting.....	21
12.12.	Observers	22
12.13.	Procedure at meetings	22
12.14.	Rules and procedures	22
13.	THE ANNUAL ASSEMBLY	22
13.1.	The business of the Annual Assembly.....	22
14.	ELECTIONS	22
14.1.	Notice of election.....	22
14.2.	Elections.....	23
14.3.	Timing.....	23
14.4.	Role of the Returning Officer	23
14.5.	Nominees	23
14.6.	Nominations	24
14.7.	Voting	24
14.8.	Order of elections.....	24
14.9.	Number of votes.....	24
14.10.	Majority vote.....	25
14.11.	President's vote.....	25
14.12.	Voting Records	25
14.13.	Casual vacancies	25
15.	FINANCE AND AUDIT	25
15.1.	Authority to incur liabilities.....	25
15.2.	Treasurer	25
15.3.	Audit	25
16.	ALTERATIONS TO CONSTITUTION	26
16.1.	Alteration	26
16.2.	Amendments to resolutions.....	26
17.	MISCELLANEOUS	26

17.1.	Resolutions.....	26
17.2.	Entrenched Young Lawyer positions on Law Society Committees	26
17.3.	Law Society and Bar Association Observers.....	27
18.	DEFINITIONS AND INTERPRETATION	27
18.1.	Definitions.....	27
	SCHEDULE 1 - Professional Associations and Institutions	28
	SCHEDULE 2 - Student Associations	29

NSW YOUNG LAWYERS CONSTITUTION

1. NAME

The name of this body shall be the NSW Young Lawyers (*Young Lawyers*).

2. OBJECTS

The objects of Young Lawyers shall be:

- (a) to further the interests and objectives of lawyers generally, and in particular, Members;
- (b) to contribute to public discussion on matters of relevance to its Members;
- (c) to promote the proper administration of justice;
- (d) to offer personal and professional development opportunities that inspire and challenge its Members to achieve excellence;
- (e) to eliminate barriers for law students and young lawyers in our profession that hinder them from having fulfilling careers;
- (f) to eliminate barriers faced by women and minorities from achieving equal status in our profession;
- (g) to design and deliver exceptional CLE programs and services;
- (h) to produce high quality submissions to government and law reform bodies on various issues that will be respected as fresh, judicious and helpful;
- (i) to enrich the collegiate nature of our profession by creating opportunities for lawyers, barristers and law students to interact and build lasting relationships of rapport, respect, and mentoring;
- (j) to constantly question and challenge the views of the day by having regard to the interests and rights of young persons;
- (k) to develop and constantly review policies on all matters of relevance to its Members;
- (l) to stimulate the interest and promote the participation of its Members in the activities of lawyers in general;
- (m) to engender respect for the rule of law and improve access to justice by undertaking and encouraging pro bono service by all; and
- (n) to provide opportunities for its Members to have fun.

2.1. Activities

To assist in the pursuit of the Objects, Young Lawyers shall, without limitation:

- (a) co-ordinate its activities with the activities of other professional and student organisations in New South Wales as well as in other states and throughout the world;
- (b) promote discussion and debate on issues of relevance to the legal profession or future direction of the legal profession;
- (c) examine and review the legal system, the delivery of legal services and the legal profession in New South Wales;
- (d) enhance the competence and professional standards of young lawyers;
- (e) conduct continuing legal education seminars for its Members and the profession;
- (f) promote, support and create innovative opportunities for young lawyers to undertake pro bono and community services work;
- (g) conduct all matters incidental to and related to any of the above.

2.2. Powers

Young Lawyers may exercise all the powers of a natural person.

2.3. Incorporation

The Young Lawyers Council may, on the passing of a special resolution by the Annual Assembly, change the status of Young Lawyers to an incorporated body corporate or association.

3. MEMBERSHIP

3.1. Eligibility for general Membership

- (a) A person shall automatically become a Member of Young Lawyers upon being a person:
 - (i) enrolled in a NSW Law Course recognised by the Legal Practitioners Admission Board for their period of enrolment ;
 - (ii) enrolled in a New South Wales practical legal training course recognised by the Legal Practitioners Admission Board for the period of their enrolment;
 - (iii) who holds a current practicing certificate as a Solicitor, Solicitor and Barrister, or Barrister in New South Wales;
 - (iv) who is ordinarily resident or practising in NSW and is or is entitled to be a New South Wales legal practitioner under the Legal Profession Act 2004; or
 - (v) any other person involved in the practice, teaching or research of law by invitation by the Young Lawyers Council or a Committee.
- (b) Other than a person who ceases to be a Member by ceasing to fall within one of the categories in (a) above, a person shall cease to be a Member at the later of either the

adjournment of the Annual Assembly which is the Annual Assembly immediately following the person's 36th birthday or, alternatively at the adjournment of the Annual Assembly which is the fifth Annual Assembly following the Member's admission to practise in NSW.

- (c) A person may elect to cease to be a Member at any time.

3.2. Effect of Membership

All Members are bound by the Constitution.

3.3. Members of Young Lawyers Not Necessarily Lawyers

- (a) The *Legal Profession Act 2004* contains a definition of the term Lawyer and places restrictions of the use of the term Lawyer. Members of NSW Young Lawyers who, for example, are not admitted to the legal profession may not be able to call themselves "Lawyers" under the *Legal Profession Act 2004*. Members in this category will still be members of NSW Young Lawyers but in referring to themselves must comply with the *Legal Profession Act 2004* at all times.
- (b) This Constitution is to be read and construed subject to the *Legal Profession Act 2004*. If there is a construction of this Constitution that appears to be in conflict with the *Legal Profession Act 2004*, this Constitution is to be given the construction that does not give rise to such a conflict.

4. OFFICE BEARERS

4.1. Office Bearers

The Office Bearers of Young Lawyers shall be the President, Vice-President, Secretary and Treasurer and Immediate Past President.

4.2. Date of appointment and term

Each Office Bearer, except the Vice-President and Treasurer, shall, upon election, assume office on the date of the adjournment of the Annual Assembly at which they are elected, and ending with the adjournment of the Annual Assembly 1 year thereafter.

4.3. Vice-President's term

Upon election, the Vice-President shall assume a term of 2 years commencing on the date of the adjournment of the Annual Assembly at which they are elected, and ending with the adjournment of the Annual Assembly 2 years thereafter. During the first year of such term, the Vice-President shall assume the position of Vice-President. At the conclusion of the Annual Assembly, which is the first anniversary of their appointment as Vice-President, the Vice-President shall automatically become the President for 1 year.

4.4. Treasurer's term

The Treasurer's term begins from the date of the adjournment of the Annual Assembly at which they are elected and ends on the last day of the financial year starting after the Annual Assembly at which the Treasurer is elected.

- (a) Election at every Annual Assembly

A Treasurer is to be elected at every Annual Assembly.

- (b) The Overlap Period

The period starting on the date of the Annual Assembly at which a new Treasurer is elected and the last day of the financial year in which that Assembly is held, is to be known as the Overlap Period.

- (c) Two Treasurers

There are to be two Treasurers during the Overlap Period.

- (d) Role of the Immediate Past Treasurer

In addition to the duties of Treasurer as outlined in clause 6.4 below, the Immediate Past Treasurer shall take all reasonable steps to transmit the knowledge of the role of Treasurer to the new Treasurer.

- (e) Role of the new Treasurer

The new Treasurer is to carry out the duties of Treasurer as outlined in clause 6.4 below.

- (f) Attendance at Office Bearer's Meetings

During the Overlap Period, the Immediate Past Treasurer shall attend the meetings of the Office Bearers as an observer without a right to vote in that capacity. In the event that the Immediate Past Treasurer is elected to another Office Bearer position at the Annual Assembly at the beginning of the Overlap Period, the Immediate Past Treasurer shall nevertheless discharge their obligations under (d) above during the Overlap Period, but shall attend meetings of the Office Bearers with a right to vote in their non-Immediate Past Treasurer Office Bearer capacity.

4.5. Removal, resignation etc of Office Bearers

An Office Bearer shall cease to hold office only:

- (a) after formal resignation from office;
- (b) upon death;
- (c) at the end of their term of office;
- (d) upon a resolution passed by a three-quarters majority at any Assembly; or

- (e) following the passing of a resolution by a three-quarters majority vote of the Young Lawyers Council who are present and entitled to vote provided:
 - (i) the Young Lawyers Council (including, where practicable, the Office Bearer who is the subject of the proposed resolution) have been provided with at least one week's written notice of the proposed resolution including the meeting time, date and location;
 - (ii) the Office Bearer is given the reasonable opportunity to be heard in his or her defence; and
 - (iii) the Young Lawyers Council determines that the Office Bearer has failed to reasonably fulfil the duties and responsibilities of their position.

4.6. Delegation

The Office Bearers may delegate their duties to, or share their duties with Executive Councillors where appropriate, and may call upon the Administration Officers and general Members for assistance.

5. ADMINISTRATION OFFICERS

5.1. Officers

The Administration Officers shall be responsible for the day-to day-administration of the Young Lawyers Office under the direction of the Office Bearers and the Young Lawyers Council, subject to any express direction to the contrary from the Law Society. Any additional powers and duties that are conferred upon the Administration Officers by the Young Lawyers Council or Assembly should be express and in writing.

5.2. Policy Register

The Administration Officers shall maintain an electronic register of all policy decisions which have been the subject of resolutions by

- (a) the Assembly;
- (b) the Council; and
- (c) the Office Bearers.

The Administration Officers shall circulate the Register, as updated from time to time, to the members of the Young Lawyers Council once every two months, or more frequently at the direction of the Office Bearers.

6. DUTIES OF OFFICE BEARERS

6.1. Duties of the President

The duties of the President shall be, without limitation:

- (a) to always act in the best interests of Young Lawyers;

- (b) to act as the official representative of Young Lawyers;
- (c) to further the Objects of Young Lawyers;
- (d) to chair meetings of the Office Bearers, the Young Lawyers Council and the Assemblies;
- (e) to raise the profile of Young Lawyers;
- (f) to assist the Vice-President and a standing committee on sponsorship to raise sponsorship for Young Lawyers;
- (g) to prepare a quarterly report of the activities of Young Lawyers during the President's term of office, for distribution to Members and to the Assemblies; and
- (h) to prepare a formal written report and oral report of his or her activities to the Mid-Year Assembly and Annual Assembly.

6.2. Duties of the Vice-President

The duties of the Vice-President shall be, without limitation:

- (a) to always act in the best interests of Young Lawyers;
- (b) to further the Objects of Young Lawyers;
- (c) to raise sponsorship for Young Lawyers and to that end, to convene regular meetings of a standing committee on sponsorship as appointed by the Young Lawyers Council from time to time;
- (d) to assist the Treasurer to prepare a budget for approval by the Young Lawyers Council or in default to be approved by the President at the first meeting after the election of the new Young Lawyers Council each year;
- (e) to perform any duties assigned to them by the President or the Assembly;
- (f) to convene a long range planning meeting of the Young Lawyers Council and Committee Chairs prior to, or as soon as practicable after, their term as President commences (the “Long Range Planning meeting”); and
- (g) to present a plan for Young Lawyers in relation to the Vice-President's term as President to the Annual Assembly immediately preceding their anticipated term as President.
- (h) to prepare monthly written and oral report of his or her activities to the Young Lawyers Council; and
- (i) to prepare a formal written and oral report of his or her activities to the Mid-Year Assembly and Annual Assembly.

6.3. Duties of the Secretary

The duties of the Secretary shall be, without limitation:

- (a) to always act in the best interests of Young Lawyers;
- (b) to maintain all minutes, records and correspondence as may reasonably be required by the Office Bearers or the Young Lawyers Council for the proper conduct of the affairs of Young Lawyers;
- (c) to ensure that all meetings, notices and other acts and things required by this Constitution are done-;
- (d) to circulate agendas for meetings of the Office Bearers and Young Lawyers Council;
- (e) to prepare a monthly written and oral report of his or her activities to the Young Lawyers Council; and
- (f) to prepare a formal written and oral report of his or her activities to the Mid-year Assembly and Annual Assembly.

6.4. Duties of the Treasurer

The duties of the Treasurer shall be, without limitation:

- (a) to always act in the best interests of Young Lawyers;
- (b) to take responsibility for the receipt and deposit of all moneys and income due to Young Lawyers in consultation with the Administration Officers;
- (c) to attend meetings of a standing committee on sponsorship together with the Vice-President and other members of that committee;
- (d) to keep records of receipts, deposits and payments in consultation with the Administration Officers;
- (e) in consultation with the Vice-President and the Administration Officers, to prepare a budget for approval by the Young Lawyers Council at the second last meeting of the Young Lawyers Council before the end of the financial year and do everything necessary to seek approval of the budget by the Law Society (where applicable);
- (f) in consultation with the Administration Officers, to ensure that the accounts of Young Lawyers are submitted to the Law Society for auditing-;
- (g) to prepare a monthly written and oral report of his or her activities to the Young Lawyers Council; and
- (h) to prepare a formal written and oral report of his or her activities to the Mid-Year Assembly and the Annual Assembly.

6.5. Duties of the Immediate Past President

The duties of the Immediate Past President shall be, without limitation:

- (a) to always act in the best interests of Young Lawyers; and
- (b) to be an Office Bearer, attend meetings of the Office Bearers and Young Lawyers Council and contribute to the meetings and discussion both at and between meetings; and
- (c) to sit as a Law Society Councillor.

7. EXECUTIVE COUNCILLORS

7.1. Executive numbers

There shall be at least 5 but no more than 10 Executive Councillors at any one time.

7.2. Term

Each Executive Councillor shall, upon election, assume office on the date of the adjournment of the Annual Assembly at which they are elected for a term ending with the adjournment of the Annual Assembly 2 years after their appointment.

7.3. Vacancies

- (a) Where an Executive Councillor position becomes vacant, the Secretary shall refer to the voting at the previous Annual Assembly and shall advise the President of the name of the person who received the next highest number of votes at the previous Annual Assembly and that person shall be offered the casual vacancy until the next Annual Assembly. If the person accepts the offer to fill the casual vacancy, the person shall become an Executive Councillor until the next Annual Assembly. If the person does not accept the offer, the relevant position may be offered to the person with the next highest number of votes (and so on until the offer is accepted). If no person wishes to accept the vote to fill the position, or details of votes cast at the previous Annual Assembly are unknown, the provisions of article 7.3(b) are to apply and the Young Lawyers Council may appoint a person to the position.
- (b) Where the Executive Councillor position becomes vacant, and is not filled under the provisions of article 7.3(a) the Young Lawyers Council may appoint a person to fill the casual vacancy until the next Annual Assembly.

7.4. Removal, resignation etc of Executive Councillors

An Executive Councillor shall cease to hold office only:

- (a) after formal resignation from office;
- (b) upon death;
- (c) at the end of their term of office;
- (d) upon a resolution passed by a three-quarters majority at any Assembly; or
- (e) by the passing of a resolution by a three-quarters majority vote of the Young Lawyers Council who are present and entitled to vote where:

(i) the Councillor fails to attend, without the approval of the President and without a formal apology to the Young Lawyers Council, any 2 regularly scheduled meetings of the Young Lawyers Council during their term; or

(ii) the Young Lawyers Council determines that a Member has failed to reasonably fulfil the duties and responsibilities of their position,

provided that,

(i) the Young Lawyers Council (including, where practicable, the Councillor who is the subject of the proposed resolution) have been provided with at least one week's written notice of the proposed resolution including the meeting time, date and location; and

(ii) the Councillor is given the reasonable opportunity to be heard in his or her defence.

7.5. Duties of Executive Councillors

The duties of the Executive Councillors shall be:

- (g) to always act in the best interests of Young Lawyers;
- (h) to attend all Young Lawyers Council meetings, the Long Range Planning meeting and, where practicable, meetings of the Chairs of Committees;
- (i) to provide reasonable assistance in the planning of the CLE program of Young Lawyers;
- (j) to participate in as many meetings as possible of at least one of the Committees of Young Lawyers during their term; and
- (k) to undertake such additional duties as may be assigned by the Office Bearers or as otherwise resolved by the Young Lawyers Council. For the avoidance of doubt, this includes assignment by the Office Bearers of any portfolio position.

8. THE YOUNG LAWYERS COUNCIL

8.1. Composition

The Young Lawyers Council is a body comprising of both the Office Bearers and the Executive Councillors.

8.2. Powers

The Young Lawyers Council shall have full power and authority at the intervals between Assemblies to do all acts and perform all functions which the Assembly could perform other than amend this Constitution, which must be done at an Assembly. Accordingly, the Young Lawyers Council shall have primary responsibility, at the intervals between Assemblies, for decision-making within Young Lawyers, and that responsibility be discharged in a timely and efficient manner.

8.3. No power to rescind

The Young Lawyers Council shall not rescind any resolution taken by the Assembly. For the avoidance of doubt, this clause does not limit the power of the Young Lawyers Council under clause 9.10.

8.4. Meetings

The Young Lawyers Council shall hold regular monthly meetings convened by the Secretary at a time and on a day suitable to a majority of the Young Lawyers Council.

8.5. Extraordinary meetings

- (a) Extraordinary meetings of the Young Lawyers Council may be called at any time by the President or at the written request of 5 members of the Young Lawyers Council and shall, in those circumstances, be convened by the Secretary.
- (b) Each member of the Young Lawyers Council must be given reasonable notice of any extraordinary meeting and the resolutions to be tabled and debated at that meeting.

8.6. Quorum

- (a) A majority of the Members of the Young Lawyers Council shall constitute a quorum for the transaction of business at any meeting of the Young Lawyers Council.
- (b) In the event that a quorum cannot be achieved at a meeting, the Young Lawyers Council is authorised to continue the meeting, but any decisions taken by the Young Lawyers Council at such a meeting do not have effect until ratified by a later meeting of the Young Lawyers Council at which quorum has been achieved.

8.7. Proxies

Other than a vote to create or dissolve a Committee or appoint or remove an officer of Young Lawyers (including Executive Councillor, Office Bearer, Committee Chair, Committee Vice-Chair or Committee member), where a matter is to be voted on at a meeting of the Young Lawyers' Council, those entitled to vote may lodge their vote using a proxy (being a member of the Young Lawyers Council) either stating the way their vote is to be cast or leaving it to the discretion of the proxy holder. Proxies must be in writing (including, but not limited to, email) and must be provided to the proxy holder prior to the meeting.

8.8. Procedure

The Young Lawyers Council shall adopt any rules of procedure in writing from time to time as it sees fit.

9. COMMITTEES

9.1. Committees

The Young Lawyers Council or a three-quarter majority vote by Assembly Delegates at an Assembly may appoint Committees and Subcommittees of Young Lawyers.

9.2. Committee Members

A Member is eligible to join one or more Committees and may be removed from a Committee by a resolution of the Young Lawyers Council.

9.3. Chair

The Chair of each Committee is to be elected by the Members of the Committee itself. If the Committee is unable to elect a Chair, then a Chair will be appointed by the Young Lawyers Council.

9.4. Duties of the Chair

The duties of the Chair shall be:

- (a) to always act in the best interests of Young Lawyers
- (b) to hold regular meetings of the Committee;
- (c) to attend all of the meetings of Committee Chairs and the Long Range Planning meeting;
- (d) in consultation with the Committee Members (and Committee Secretary) to keep an accurate record of the meetings of the Committee;
- (e) to report on a regular basis to the President and Young Lawyers Council;
- (f) to arrange seminars for either CLE or an Assembly;
- (g) to provide a written and oral report of the Committee's activities to the Assemblies; and
- (h) to do all other things reasonably required to promote the work and increase the Membership of the Committee.

Chairs may delegate their duties to the Vice-Chair and Members of their Committee as they see fit.

9.5. Vice-Chair

Each Committee shall have a Vice-Chair. The Vice-Chair of each Committee is to be elected by the Members of the Committee itself. If the Committee is unable to elect a Vice-Chair, then a Vice-Chair may be appointed by the Young Lawyers Council.

9.6. Duties of the Vice-Chair

Where a Vice Chair is appointed his or her duties shall be:

- (a) to always act in the best interests of Young Lawyers;

- (b) to attend all meetings of the Committee Chairs and the Long Range Planning meeting.
- (c) to perform tasks delegated to the Vice-Chair by the Chair; and
- (d) in the absence of the Chair, chair the meetings of the Committee.

9.7. Committee Secretary

Each Committee shall have a Committee Secretary. The Committee Secretary of a Committee is to be elected by the Members of that Committee. If the Committee is unable to elect a Vice-Chair, then a Vice-Chair may be appointed by the Young Lawyers Council.

9.8. Duties of the Committee Secretary

The duties of the Committee Secretary shall be:

- (a) to always act in the best interests of Young Lawyers;
- (b) to assist the Chair in preparing the Agenda and minutes of all meetings of the Committee; and
- (c) to maintain all minutes, records and correspondence as may reasonably be required by the Chair and Vice-Chair for the proper conduct of the Committee's activities.

9.9. CLE Representatives

One or more CLE Representatives of each Committee are to be elected by the Members of the Committee itself. The Committee may choose not to elect a CLE Representative, in which case the duties of the CLE Representative are to be performed by the Vice-Chair or Chair.

9.10. Duties of the CLE Representatives

The duties of each Committee's CLE Representative(s) shall be:

- (a) to always act in the best interests of Young Lawyers;
- (b) to join the CLE Committee and attend all of its meetings; and
- (c) as directed by the Chair of the CLE Committee from time to time, to arrange and organise CLE seminars for Young Lawyers.

9.11. Suggested Committee Officers

Each Committee may also decide to elect certain other non-executive Committee Officers. In this regard, it is suggested that each Committee appoint the following non-executive Committee Officers:

- (a) Bushweb Representative;

- (b) Debrief Representative;
- (c) Website Representative; and
- (d) Student Liaison Officer.

As is indicated by the title of each of the above roles in (a)-(d), the portfolio and duties of each non-executive Committee Officer relate to discrete areas. Without limiting the precise duties and functions of each non-executive Committee Officer, the relevant Committee may assign them with certain duties and functions as determined by the relevant Committee.

9.12. Dissolution of Committees

A Committee may be dissolved by the Young Lawyers Council following the passing of a resolution by a three-quarters majority vote of Assembly Delegates at an Assembly who are present and entitled to vote or by a three-quarters vote of the Young Lawyers Council.

10. REGIONAL DELEGATES

10.1. Appointment

Each Regional Law Society shall elect or appoint one Regional Delegate.

10.2. Qualifications

Each Regional Delegate must be a Young Lawyer in practice or employment in the region and must be a Member of the respective Regional Law Society.

10.3. Alternate

If the Regional Delegate is unable to attend an Assembly, the Regional Delegate may, with the approval of the Regional Law Society, appoint an alternate to attend and vote in their place. The alternates shall have the same right to vote as the Regional Delegate.

10.4. Duties of Regional Delegates

The duties of Regional Delegates shall be to:

- (a) attend Assemblies;
- (b) report to the Assemblies on issues or developments affecting their region;
- (c) promote the objects of Young Lawyers in their region and encourage new Members to participate in Young Lawyers;
- (d) to organise or assist in the organisation of CLE seminars in their region; and
- (e) undertake any other activities as requested by the Young Lawyers Council.

11. PRESIDENTIAL NOMINEES

11.1. Appointment

Presidential Nominees shall be appointed by the President with the approval of a majority of the Office Bearers and shall not exceed 15 in number.

11.2. Method of appointment

- (a) At least 2 calendar months before any Mid-Year Assembly, the Secretary shall give (through the Young Lawyers publication *Debrief*, the *Law Society Journal*, and/or some other such publication) written notice to all Members of the convening of the Mid-Year Assembly and call for nominations for the position of Presidential Nominee.
- (b) Nominations are to be lodged with the Secretary at least 1 calendar month before the convening of the Mid-Year Assembly and shall be sent to the Office Bearers.

11.3. Entitlement

Presidential Nominees shall be entitled to attend the Assemblies held in the calendar year of their appointment. For the avoidance of doubt, the term of each Presidential Nominee shall expire at the end of the calendar year in which they are appointed.

11.4. Duties of Presidential Nominees

The duties of the Presidential Nominees shall be to:

- (a) attend Assemblies;
- (b) contribute to Assemblies their views and opinions on matters for discussion;
- (c) be willing to participate in at least one or more of the Committees in the calendar year; and
- (d) be willing to undertake such duties as may be assigned to them by the Young Lawyers Council or the Assembly.

12. ASSEMBLIES

12.1. Assemblies

The Annual Assembly is to be held in any of the months of October, November or December of each year and the Mid-Year Assembly is to be held in the months of April, May or June.

12.2. Assembly Delegates

The following persons shall be entitled to attend and vote at an Assembly (*Assembly Delegates*):

- (a) the Young Lawyers Council;
- (b) all Regional Delegates;

- (c) a law student representative (who shall be the current president of the relevant law student's association or a nominee of such person) from each university or any other institution in NSW which leads to admission as a legal practitioner as set out in Schedule 2;
- (d) a representative from each association set out in Part A of Schedule 1 who is also a Member;
- (e) each of the persons described in Part B of Schedule 1;
- (f) two representatives from each Young Lawyers' Committee (who shall be the Chair and the Vice-Chair, or, where the Chair or Vice-Chair (as applicable) is already entitled to attend in another capacity (or is not able to attend), a nominee of such person. The Chair shall notify the President and Administration Officers of any person who has been nominated to attend the Assembly in accordance with this paragraph at least 1 month before the date of the Assembly);
- (g) all Members who have been appointed by the Office Bearers to an entrenched Young Lawyer position on each of the Law Society Committees;
- (h) all Presidential Nominees appointed for the year in which the Assembly is held; and
- (i) Observers, who may be invited pursuant to clauses 12.12 and/or 17.3, shall be entitled to attend Assemblies but shall not be entitled to cast a vote.

12.3. Meetings

The Assembly Delegates shall meet at least twice each year at the Mid Year Assembly and the Annual Assembly.

12.4. Convening extraordinary meetings

Extraordinary meetings of the Assembly may be called by:

- (a) the President with the approval of a two-thirds majority of the Young Lawyers Council; or
- (b) otherwise, where 30 current Assembly Delegates request such a meeting in writing, such request to be delivered to the Secretary.

The Secretary shall convene any extraordinary meeting of the Assembly.

12.5. Notice

The Secretary shall provide to all Assembly Delegates and, where relevant, Observers written notice of the Assembly at least 21 days in advance including an agenda setting out all matters of business to be dealt with at the meeting and, where available, copies of all papers and resolutions to be put at the Assembly.

12.6. Shorter Notice

The Assembly may, with the approval of a two-thirds majority, agree to consider matters at shorter than usual notice.

12.7. General business

The business of the Assembly is to include, amongst other things:

- (a) establishing policies;
- (b) the adoption and discussion of the reports of the Office Bearers and Committee Chairs;
- (c) receiving all reports from the Young Lawyers Council, Committee Chairs, regional delegates, and any other delegate;
- (d) passing resolutions and authorising any person to act on matters which pertain to the activities of Young Lawyers; and
- (e) holding seminars and workshops and inviting speakers to discuss issues which pertain to the Objects and activities of Young Lawyers.

12.8. Quorum

The Assembly may conduct the business of Young Lawyers in a meeting so long as the lesser of:

- (a) a simple majority of all of those entitled to vote at an Assembly; or
- (b) 25 Delegates,

are in attendance.

12.9. Procedural matters

The President or the President's delegate shall chair the Assembly and any disputes regarding proceedings, fairness or voting shall be resolved by the President in the President's absolute discretion in accordance with the terms of article 12.13.

12.10. Voting

Only Assembly Delegates are entitled to vote at an Assembly. For the avoidance of doubt, no Observer shall be entitled to vote.

12.11. Method of voting

- (a) All votes, unless otherwise specified, shall be resolved by simple majority with the Chair having a casting vote if there is a tie.
- (b) The President and the Returning Officer shall ensure, by the adoption of any method that they consider appropriate, that only Assembly Delegates (and not Observers) engage in voting.

12.12. Observers

The President, with the approval of a majority of the Office Bearers, may invite Observers to attend any Assembly. Any Member may request to attend an Assembly as an Observer. An Observer shall have no right to vote but may contribute to any debate or discussion.

12.13. Procedure at meetings

Any dispute as to procedure at any Assembly or Young Lawyers Council meeting is to be determined by the chairperson in accordance with the procedures of this Constitution or in accordance with the laws of company meetings in Australia.

12.14. Rules and procedures

The Assembly may adopt by-laws, rules or procedures to govern the proceedings of the Assembly, the Young Lawyers Council and the Committees of Young Lawyers. Such rules and procedures are to have the same force and effect as this Constitution except that in the case of a conflict, this Constitution shall prevail. The by-laws, rules or procedures may be amended by the Assembly in the same manner as provided for amendment of this Constitution except that no amendment is to be effective if it is in conflict with this Constitution, the memorandum and articles of association of the Law Society, or any act of Parliament and the or other laws of Australia.

13. THE ANNUAL ASSEMBLY

13.1. The business of the Annual Assembly

The business of the Annual Assembly is to include:

- (a) the business of an Assembly;
- (b) the election of Office Bearers and Executive Councillors; and
- (c) the tabling of the Vice-President's plan for Young Lawyers for their term as President.

14. ELECTIONS

14.1. Notice of election

After the Mid-Year Assembly, and before the Annual Assembly, the Secretary and/or the Returning Officer shall cause a notice to be published in the Law Society Journal, Debrief or equivalent publication, setting forth:

- (a) details of positions of the Office Bearers, and Young Lawyers Councillors (and if necessary the position of President in the event of the operation of article 14.2(c)) which must be filled by election at the next Annual Assembly;
- (b) the eligibility requirements for each such position; and
- (c) the nomination and election procedure.

14.2. Elections

- (a) The election of all Office Bearers, except the President, is to take place at the Annual Assembly.
- (b) The Vice-President shall automatically become President upon the retirement or removal of the President and where the President is removed prior to the expiration of their term, the Vice-President shall automatically succeed the President and shall serve the remainder of the President's term and then a further 12-month term.
- (c) If the Vice-President is unwilling or unable to become President as outlined in article 14.2(b), then an election for the position of President shall be held in accordance with the procedures of election for Office Bearers at the next Assembly and in the meantime, the Young Lawyers Council shall meet to elect one of their Members to fill the vacancy prior to the election.

14.3. Timing

The election is to be held on the final day of the Annual Assembly.

14.4. Role of the Returning Officer

The person responsible for conducting the elections (*Returning Officer*) shall:

- (a) be the Immediate Past President or, in their absence, an Administration Officer;
- (b) supervise the proper conduct of all elections; and
- (c) not be entitled to vote in any election.

14.5. Nominees

A nominee for the position of either or both an Office Bearer and an Executive Councillor must:

- (a) be a Member of Young Lawyers at the time of nomination and:
 - (i) in the case of a position of Officer Bearer, have been a Chair or Vice-Chair of a Young Lawyers Committee or an Executive Councillor and have been a Member of Young Lawyers for at least 12 months preceding the final day of the Annual Assembly at which the election will take place; or
 - (ii) in the case of a position of Executive Councillor, have been a Member of Young Lawyers for at least 12 months preceding the final day of the Annual Assembly at which the election will take place;

- (b) have attended as a delegate at least 1 Assembly out of the 4 Assemblies immediately preceding the meeting at which the nominee is nominated for election; and
- (c) be eligible to be a Member of Young Lawyers for the entire term of their proposed appointment.

14.6. Nominations

- (a) A valid nomination must be in writing and signed by Assembly Delegates.
- (b) A Member eligible for nomination in accordance with article 14.5 may nominate for more than one position.
- (c) Nominations for positions of Office Bearers are to be lodged before 2:00pm on the day preceding the election at the Annual Assembly.
- (d) Nominations for positions of Executive Councillors are to be lodged before 5:00pm on the day preceding the election at the Annual Assembly.
- (e) All nominations are to be lodged with the Returning Officer or an Administrative Officer of Young Lawyers.
- (f) If the number of nominations equals the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (g) If more than 1 nomination is received for an Office Bearer position or the number of nominations for Young Lawyers Council exceeds the number of vacancies to be filled the Returning Officer shall conduct an election in accordance with the provisions of clauses 14.7 and 14.11 (inclusive).

14.7. Voting

Elections are to be by secret ballot under the optional first past the post system.

14.8. Order of elections

Elections for vacant positions are to commence with the election (if necessary) of President, then are to proceed with the election of the Vice-President, Secretary, Treasurer and Executive Councillors.

14.9. Number of votes

Each delegate eligible to vote shall have the following number of votes:-

- (a) in respect of the positions of Vice President, Secretary, Treasurer and if necessary President, one vote for each position; and
- (b) in respect of Young Lawyers Councillors, up to the number of vacancies on the Executive Council provided that delegates may not cast more than one vote for any single nominee.

14.10. Majority vote

- (a) For the positions of Vice President, Secretary, Treasurer and, if necessary, President, the nominee receiving the highest number of votes shall be elected to the relevant position provided that if 2 or more nominees tie for 1 position, then a second vote is to be taken between the nominees so tied.
- (b) The nominee for positions as Executive Councillors receiving the highest number of votes shall be elected provided that where 2 or more nominees tie for such a position (and where it is not possible for each of them to take a position on the Young Lawyers Council), a second vote is to be taken between those nominees receiving the highest number of votes.

14.11. President's vote

- (c) The President shall have a deliberative vote and, if a tied vote occurs, the President shall have a casting vote in addition to a deliberative vote.
- (d) If, after a second vote is taken in circumstances envisaged in article 14.10, two or more nominees tie for the position being contested at such second vote, the President shall have a casting vote in addition to a deliberative vote.

14.12. Voting Records

The details of the votes cast at the Annual Assembly shall remain secret but shall be retained for the succeeding year (ending at the commencement of the next Annual Assembly) by the Administration Officers.

14.13. Casual vacancies

If the position of any Office Bearer, other than that of President, becomes vacant during the period between Assemblies, such office or position is to be filled by one of the Young Lawyers Council elected by a majority vote of the Young Lawyers Council for the portion of the term remaining until the next Annual Assembly.

15. FINANCE AND AUDIT

15.1. Authority to incur liabilities

Only the President (or, if the President is incapacitated or otherwise unavailable, the Vice-President), or any such person(s) expressly designated by the President (or Vice-President, where appropriate) in writing, shall have the authority to incur any liability in the name of Young Lawyers.

15.2. Treasurer

The Treasurer, in consultation with the Administration Officers, shall be the custodian of all funds and shall keep or cause to be kept all cheque and bank books and records of account of Young Lawyers.

15.3. Audit

The income and expenditure of Young Lawyers is to be audited as soon as practicable after the Mid-Year Assembly in accordance with the policies of the Law Society.

16. ALTERATIONS TO CONSTITUTION

16.1. Alteration

- (a) This Constitution may be amended or repealed at the Annual Assembly or Extraordinary Meeting of the Assembly by a resolution to that effect passed by a three-quarters majority of the Annual Assembly Delegates present and entitled to vote at the Annual Assembly or Extraordinary Meeting of the Assembly provided that at least 21 days notice of motion has been given of any proposed amendment or repeal to the Secretary and the Secretary has given all Assembly Delegates at least 24 hours written notice of the text of any such resolution.
- (b) Without limiting the ability of this Constitution to be reviewed and amended at any time by an Annual Assembly or Extraordinary Meeting of the Assembly in accordance with clause 15.1(a), the Office Bearers and Young Lawyers Council are to give consideration to conducting a review of this Constitution at least every three years.
- (c) Any amendments to this Constitution shall come into effect on the day on which they are passed by a three-quarters majority in accordance with clause 16.1(a) above.

16.2. Amendments to resolutions

The President or such other person who is acting as chairperson may, in their sole discretion, amend the terms of any resolution to amend the Constitution that are made from the floor during an Assembly, provided that the person who moved the original resolution is present and agrees with the text of the amendment.

17. MISCELLANEOUS

17.1. Resolutions

Any resolutions adopted, or action taken by the Assembly or the Young Lawyers Council, may, on request of the Assembly or Young Lawyers Council, be reported to the President of the Law Society.

17.2. Entrenched Young Lawyer positions on Law Society Committees

- (a) The President, on the recommendation of the appropriate Young Lawyers Committee and with the approval of a majority of the Office Bearers, may appoint liaison officers to be entrenched Young Lawyer representatives on Committees of the Law Society for a term of 1 year.
- (b) Such appointees are to be recommended to the President by each Committee by using the same procedure that is used for electing the Chair of the Committee and must be Members at the time their respective terms as Young Lawyer representatives commence.

17.3. Law Society and Bar Association Observers

- (a) Young Lawyers may invite the Council of the Law Society to appoint from time to time an Observer being a Councillor of the Law Society, who shall be given notice of and shall be entitled to be present at any meeting of the Assembly or Young Lawyers Council, but who shall have no voting rights.
- (b) Young Lawyers may invite the Council of the Bar Association of New South Wales to appoint from time to time an Observer being a Councillor of the Bar Association, who shall be given notice of and shall be entitled to be present at any meeting of the Assembly, but who shall have no voting rights.

18. DEFINITIONS AND INTERPRETATION

18.1. Definitions

In this Constitution:

The Act means the Legal Profession Act 2004, as amended from time to time.

Administration Officer means an employed officer of Young Lawyers.

Admitted to the legal profession has the same meaning as it does in the Act

Annual Assembly means the Assembly occurring once each year at which elections for positions of Office Bearers and Executive Councillors take place.

Assembly or Assemblies means either or either the Annual Assembly or the Mid Year Assembly.

Assembly Delegates means those persons described in clauses 12.2(a).

CLE means the continuing legal education program of Young Lawyers.

Committee means a Committee appointed by either the Young Lawyers Council or three-quarters majority vote of the Assembly Delegates at an Assembly

Constitution means this document and any by-laws adopted under this document (as amended from time to time).

Email Lists means all email lists administered on behalf of Young Lawyers.

Executive Councillors means all persons elected as Executive Councillors under the terms of article 14 with the duties as set out in article 7.

Immediate Past President means the person who was the president of Young Lawyers in the term immediately preceding the current President.

Law Society means the Law Society of New South Wales or its successor.

Legal Practitioners Admission Board means the relevant government body responsible for determining the criteria to be satisfied to enable a person to be admitted as a legal practitioner in New South Wales.

Local Legal Practitioner has the same meaning it does in the Act

Member has the meaning given to that term in clause 3.1.

Mid Year Assembly means an Assembly which is held in either the month of April, May or June.

Objects has the meaning given to it in clause 2.1.

Observers means those persons invited to attend an Assembly pursuant to clauses 12.12 and 17.3.

Office Bearers means, collectively, the President, the Vice-President, the Secretary and the Treasurer.

President means the President of Young Lawyers.

Presidential Nominees means the persons appointed by the President of Young Lawyers under article 11.1.

Regional Delegate means a Member of Young Lawyers appointed by a Regional Law Society to attend the Assemblies.

Regional Law Society means those law societies listed as such by the Law Society of New South Wales.

Returning Officer means a person appointed by the President to oversee the election procedures at Annual Assemblies who is usually, unless otherwise unavailable, to be the Immediate Past President.

Secretary means the Secretary of Young Lawyers elected in accordance with the terms of this Constitution.

Sub-Committee means a sub-committee appointed by the Young Lawyers Council or Chair of a Committee

Treasurer means the Treasurer of Young Lawyers elected in accordance with the terms of this constitution

Vice-President means the Vice-President of Young Lawyers.

Young Lawyers means New South Wales Young Lawyers.

Young Lawyers Council means the Young Lawyers as duly appointed or elected in accordance with this Constitution consisting of the Executive Councillors and the Office Bearers.

SCHEDULE 1 - Professional Associations and Institutions

Part A. Professional Associations and Institutions

- Aboriginal and Torres Strait Islander Legal Services (NSW)
- Amnesty International Lawyers Group (NSW)
- Attorney General's Department of NSW
- Australian Corporate Lawyers Association NSW Chapter
- Combined Community Legal Centres of NSW
- Government Lawyers Group
- Legal Aid Commission of NSW
- New South Wales Women Lawyers Association
- Law Society of New South Wales
- NSW Bar Association
- Office of NSW Director of Public Prosecution

Part B. Court Representatives

- Federal Court of Australia (to be the current Associate to the most senior Federal Court Judge ordinarily sitting in Sydney, or that Associate's nominee, who must also be an Associate of the Federal Court)
- Supreme Court of New South Wales (to be the current Tipstaff to the Chief Justice of New South Wales, or that Tipstaff's nominee, who must also be a Tipstaff of the Supreme Court)
- High Court of Australia (to be the current Associate to the most senior High Court Judge ordinarily sitting in Sydney, or that Associate's nominee, who must also be an Associate of the High Court)

- District Court of New South Wales (to be the current Associate to the Chief Judge of the District Court of New South Wales, or that Associate's nominee, who must also be an Associate of the District Court)

SCHEDULE 2 - Student Associations

- University of Sydney
- University of New South Wales
- Macquarie University
- University of Technology, Sydney
- Legal Practitioners Admission Board
- College of Law
- University of New England
- University of Wollongong
- University of Newcastle
- Southern Cross University
- University of Western Sydney
- ALSA
- Any new law school established in New South Wales