

## **Committee Bylaws 2025**

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## 1. Background

These Committee Bylaws are made under section 66 of the Law Society Constitution.

Committees are integral to the Law Society achieving its objectives as set out in the Strategic Plan and provide an important source of specialist assistance to the work of the Council. The voluntary contribution of Committee members is highly valued and greatly appreciated by the Law Society.

Law Society Committees are governed by the Law Society Constitution, Governance Manual (2025), Committee Bylaws (2025) and respective Terms of Reference as amended from time to time.

Law Society Committees:

- (a) Provide a forum for considering information for the purpose of promoting and reviewing practices and development of law reform initiatives, government policies and other relevant items.
- (b) Provide expertise to the Council on issues specific to the Committee.
- (c) Are representative of and provide support to Law Society members in Western Australia.
- (d) Engage and connect with Law Society members.
- (e) Make recommendations on continuous professional development seminars and events for legal practitioners.

Committees work across a range of issues and can be broadly divided into six categories:

- 1. Governance
- 2. Policy
- 3. Cohort
- 4. Accreditation
- 5. Advisory
- 6. Statutory

The Bylaws do not apply to Statutory Committees. Statutory Committees are governed by the relevant Act or legal instrument.

Committee members and persons appointed as Ex-Officio members agree to abide by and uphold the Bylaws throughout their term as a Committee member.



#### 2. Definitions

The following meanings shall apply to the terms unless the context requires otherwise:

Act means the Legal Profession Uniform Law Application Act 2022;

**Ad-hoc Committee** means a committee established by the Council for a fixed term for the purpose of referring an issue that is not within the jurisdiction of a Committee;

**Advisory Body** means a person appointed by the Council to undertake specialist work for and on behalf of a Committee;

**Biennial Committee Appointment Process** means the process of reviewing Committee membership every alternate year from 2025, including seeking expressions of interest and renewal of Committee membership;

**Bylaws** means the Law Society of Western Australia Committee Bylaws 2025 as amended from time to time, regulating the terms and conditions for Committees established by the Council:

**Chair** means the person appointed as the presiding member of a Committee or Working Group:

Chief Executive Officer (CEO) means the Chief Executive Officer of the Law Society appointed in accordance with the Constitution from time to time and includes an acting Chief Executive Officer:

**Committee** means a committee established by Council under Rule 66 of the Constitution, excluding Statutory Committees;

**Committee member/s** means a member or members of a Committee, Sub-Committee or Working Group and includes an Ex-Officio member unless otherwise stated;

**Constitution** means the Constitution of the Law Society of Western Australia Incorporated as amended on 21 November 2023;

**Council** means the Council of the Law Society of Western Australia established under Rule 55 of the Constitution:

**Director** means the director or such other employee of the Law Society responsible for the administration of the relevant Committee, Sub-Committee or Working Group;

**EOI Form** means the expression of interest form approved by the Chief Executive Officer for a Law Society Member to apply for appointment to a Committee, Sub-Committee or Working Group;

**Executive** means the Executive of the Council established by Rule 57 of the Constitution.

**Ex-Officio member** means a person who is appointed to a Committee, Sub-Committee or Working Group as the representative of an office they hold. An Ex-Officio member is not eligible to vote and is not required to be a Law Society member;



**Governance Manual** means the Governance Manual adopted by Council and in effect from May 2025;

**Guest** means a person who represents an important stakeholder group or otherwise brings relevant perspectives and expertise to a Committee. A Guest is not eligible to vote and is not required to be a Law Society member;

Law Society means the Law Society of Western Australia Incorporated;

**Law Society member** means a person who is a member of the Law Society under Rule 8 of the Constitution;

**President** means the President of the Law Society as elected from time to time in accordance with the Constitution and includes any acting President;

Rule means a rule of the Constitution;

**Statutory Committee** means a committee established under an Act of Parliament or other legislative instrument, and includes:

- the Professional Indemnity Insurance Management Committee established under section 184 of the Act; and
- the Public Purposes Trust Allocations Committee established under the Public Purposes
  Trust Deed dated 22 August 1985 as amended;

Strategic Plan means the Strategic Plan adopted by Council for a specified period;

**Sub-Committee** means a sub-committee of members from a Committee or a sub-committee of Committee members with expertise in the area under consideration;

**Working Group** means a group of Law Society members or non-members appointed by the Council or a Committee for a fixed term and/or purpose;

**YLC** means the Young Lawyers Committee appointed by the Council.

# 3. Establishment of Committees, Sub-Committees and Working Groups

- 3.1 The Bylaws apply to all Committees, Sub-Committees and Working Groups and their Committee members.
- 3.2 The Bylaws do not apply to Statutory Committees and their members.
- 3.3 The Council may establish a Committee under Rule 66 of the Constitution.
- 3.4 The Council or a Committee may establish a Sub-Committee or Working Group.
- 3.5 A Committee may appoint Committee members to that Committee in accordance with the Committee's Terms of Reference and the Bylaws.



- 3.6 A Committee or Sub-Committee may appoint Committee members to that Sub-Committee in accordance with the Sub-Committee's Terms of Reference and the Bylaws.
- 3.7 A Committee or Working Group may appoint members to that Working Group in accordance with the Working Group's Terms of Reference and the Bylaws.
- 3.8 The Council retains oversight of the management of all Committees, Sub-Committees and Working Groups. The day-to-day management of all Committees, Sub-Committees and Working Groups subject to these Bylaws is delated to the relevant Director and Law Society staff.
- 3.9 The Council may dissolve a Committee, Sub-Committee or Working Group.
- 3.10 The Council may revoke the appointment of a Committee member, Sub-Committee member or Working Group member by resolution at a Council meeting.
- 3.11 Each Committee, Sub-Committee and Working Group will have Terms of Reference approved by Council. Terms of Reference will be reviewed at least every three years.
- 3.12 The Terms of Reference for a Committee, Sub-Committee or Working Group will include the following terms:
  - (a) Objectives
  - (b) Purpose and Scope
  - (c) Powers and Duties
  - (d) Membership
  - (e) Budget
  - (f) Meeting Frequency
  - (g) Key Performance Indicators.

## 4. Strategy

4.1 An annual Chair's roundtable forum will be convened at the start of each year between the Chairs of Committees, Sub-Committees and Working Groups, with the President and/or the Chief Executive Officer, to establish strategic priorities for all Committees, Sub-Committees and Working Groups.



- 4.2 The Chief Executive Officer and/or the President may set a directive to assist Committees, Sub-Committees and Working Groups with their priorities and to align the work of Committees, Sub-Committees and Working Groups with the Law Society's Strategic Plan.
- 4.3 If a Chair is unable to attend the Chair's forum, the Chair is requested to arrange a proxy to attend on the Chair's behalf.

#### 5. Induction

The Law Society will provide an induction to all new Committee members and new Chairs/Deputy Chairs. The induction will include an explanation of each role in a Committee, Sub-Committee or Working Group and the responsibilities and current strategic priorities of the relevant Committee, Sub-Committee or Working Group.

## 6. Biennial Committee Appointment Process

- 6.1 To ensure an appropriate level of continuity, Committee members will have staggered terms, such that an entire Committee or Sub-Committee membership will not be subject to a Biennial Committee Appointment Process at the same time.
- 6.2 A Law Society member wishing to be appointed to a Committee or Sub-Committee, or a Committee member seeking reappointment during a Biennial Committee Appointment Process, must submit an EOI Form.
- 6.3 During the last six months in the calendar year of the Biennial Committee Appointment Process, the Law Society will invite Law Society members to apply for appointment or reappointment to a Committee or Sub-Committee.
- 6.4 A Chair or Deputy Chair is not exempt from the Biennial Committee Appointment process and is required to complete an EOI Form.
- 6.5 The Director will coordinate the EOI Forms received by the Law Society. The Director will liaise with the relevant Committee or Sub-Committee Chair before making a recommendation to Council in relation to the appointment or reappointment of Committee members.
- 6.6 The Council will approve or refuse the appointment of Committee members by resolution at the Council meeting.



6.7 All Law Society members who submit an EOI Form will be advised whether or not they have been appointed to a Committee or Sub-Committee.

## 7. Voting Committee Members

#### 7.1 Eligibility and Membership

- 7.1.1 A Committee member must be a Law Society member at the time of appointment and for the duration of their term to be eligible to vote.
- 7.1.2 A Committee member's appointment will cease at the expiration of three months from the date they cease to be a Law Society member. Any reappointment must be approved by the Council if the member subsequently renews their Law Society membership.

#### 7.2 Term

- 7.2.1 Committee members are appointed for a term of four years commencing 1 January in the year following the Biennial Committee Appointment process.
- 7.2.2 There is no limit on the number of times a person can be reappointed to a Committee.
- 7.2.3 A YLC Committee member may be appointed for a term of up to four years (subject to that member's eligibility under the YLC Terms of Reference).

#### 7.3 Resignations, Vacancies and Termination

- 7.3.1 A Committee member may resign at any time upon written advice to the Chair and the relevant Director.
- 7.3.2 Where a vacancy arises on a Committee or Sub-Committee, subject to that Committee or Sub-Committee's Terms of Reference, the Committee or Sub-Committee may seek expressions of interest and appoint a new Committee member to fill the vacancy.
- 7.3.3 Where a vacancy arises on a Working Group, subject to that Working Group's Terms of Reference, the Working Group may seek expressions of interest and appoint a new Working Group member to fill the vacancy.



- 7.3.4 An appointment to fill a vacancy on a Committee or Sub-Committee is for a term ending on 31 December in the year of the next Biennial Committee Appointment Process.
- 7.3.5 A Chair, Deputy Chair or Committee member's appointment may be terminated by the President in consultation with the Chief Executive Officer and/or the relevant Director.
- 7.3.6 The relevant Director will provide an annual report to Council advising of the appointments, resignations and vacancies for each Committee, Sub-Committee and Working Group.

## 8. Ex-Officio Members, Sub-Committee Members and Ad-hoc Committee Members

#### 8.1 Eligibility and Membership

- 8.1.1 Where a Committee or Sub-Committee forms the view that the work of that Committee or Sub-Committee would be enhanced by the appointment of a person who is not a Law Society Member, the Committee or Sub-Committee may appoint that person as an Ex-Officio member.
- 8.1.2 Where possible, each Committee should include at least one member of the Council as an Ex-Officio Member.

#### 8.2 Term

- 8.2.1 An Ex-Officio member does not have a term of appointment.
- 8.2.2 A member of an Ad-hoc Committee, a Working Group or an Advisory Body does not have a term of appointment.

#### 8.3 Vacancies

If an Ex-Officio member ceases to hold the office as a representative of an organisation represented on the Committee or Sub-Committee, the Ex-Officio member position is deemed vacant, and another representative of that organisation will be invited to join the Committee or Sub-Committee.



#### 8.4 Resignation and Termination

When an Ex-Officio member resigns, the Director will request that the outgoing Ex-Officio member nominate a replacement for approval by the Committee or Sub-Committee.

## 9. Chair and Deputy Chair

- 9.1 A Committee, Sub-Committee or Working Group will appoint from its members the Chair and Deputy Chair for a term of four years (except the Chair of YLC who is appointed for a term of up to four years).
- 9.2 For the avoidance of doubt, the Chair or Deputy Chair holds that role until they are next required to reapply for Committee or Sub-Committee membership in a Biennial Committee Appointment Process.
- 9.3 In the absence of the Chair, the Deputy Chair assumes the role of the Chair.
- 9.4 Where there is no Chair or Deputy Chair present at a meeting, the Committee members will appoint an Acting Chair from amongst Committee members present at the meeting.
- 9.5 When a Chair or Deputy Chair resigns from the position of Chair or Deputy Chair, the Committee, Sub-Committee or Working Group must appoint from its members a replacement Chair or Deputy Chair to serve.
- 9.6 The replacement Chair or Deputy Chair of a Committee or Sub-Committee holds that role until they are next required to reapply for membership of that Committee or Sub-Committee in a Biennial Committee Appointment Process.

## 10. Meetings

- 10.1 Meetings will be scheduled by Law Society staff in consultation with the Chair.
- 10.2 Meetings will generally be held between 1pm and 2pm to accommodate the lunch recess of the courts, or at another time by arrangement with the Law Society.
- 10.3 Committee members may attend meetings in person at the Law Society or online using the meeting link provided by the Law Society or by teleconference.



- 10.4 Frequency of meetings for each Committee or Sub-Committee will be set out in their Terms of Reference.
- 10.5 An Ad-hoc Committee will meet as and when required.
- 10.6 A Working Group will meet as and when required.
- 10.7 Committees and Sub-Committees are encouraged to invite Guests and subject matter experts to make presentations to them on any issue of interest.
- 10.8 Committees and Sub-Committees may invite Law Society members to attend their meetings from time to time in order to share their activities with the broader membership.

## 11. Meeting Attendance and Quorum

- 11.1 The Law Society must keep a record of attendance of all Committee, Sub-Committee and Working Group meetings; however, it is the responsibility of individual Committee members to ensure their attendance or apology is recorded accurately.
- 11.2 Members are asked to provide apologies to the Chair and/or the Law Society in advance of a meeting if they are unable to attend.
- 11.3 Where personal circumstances require it, a Committee member may ask the Committee, Sub-Committee or Working Group for a leave of absence from meetings for a specified period. The Committee, Sub-Committee or Working Group must grant the leave of absence where the request is reasonable.
- 11.4 Unless a Committee member is granted a leave of absence by the relevant Committee, Sub-Committee or Working Group, if a Committee member is absent for three consecutive meetings, their position is deemed to be vacant. The Director will confirm the vacancy with the affected Committee member.
- 11.5 A Committee or Sub-Committee requires a minimum of three Committee members to be present at a meeting to form a quorum.
- 11.6 At a meeting of an Ad-hoc Committee, the quorum is determined by the Chair and in the absence of the Chair, the Director.



- 11.7 At a meeting of a Working Group, the quorum is determined by the Chair and in the absence of the Chair, the Deputy Chair.
- 11.8 If a quorum of Committee members is not present within 10 minutes after the time appointed for the holding of any meeting, the meeting and the business to be considered shall be held over until the next succeeding meeting. Urgent matters may be addressed out of session via email.
- 11.9 Committee members on leave from the Committee, Sub-Committee or Working Group are not included when determining whether guorum is reached at a meeting.

## 12. Voting

- 12.1 Resolutions arising at a meeting of a Committee, Sub-Committee or Working Group will be determined by a majority vote on a show of hands of present Committee members eligible to vote.
- 12.2 Each Committee member who is eligible to vote, including the Chair, is entitled to one vote.

#### 13. Committee Administration

- 13.1 The Director is responsible for the administrative arrangements for all Committee, Sub-Committee and Working Group meetings.
- 13.2 The Director will arrange for agendas and records of meetings to be prepared and retained.
- 13.3 Agenda papers will usually be distributed at least two working days before a meeting, with an aim of five working days.
- 13.4 The Law Society will prepare minutes of meetings, including all actions and resolutions. A meeting may be recorded for the purpose of taking minutes and any recording made is to be deleted when the minutes are confirmed.
- 13.5 The Director will arrange for the maintenance of:
  - (a) The attendance registers for Committee, Sub-Committee and Working Group meetings; and
  - (b) The minutes of Committee, Sub-Committee and Working Group meetings.



- 13.6 The draft minutes will be settled by the Chair of the meeting within five working days of them receiving the draft minutes of a meeting.
- 13.7 Settled minutes will be circulated to the relevant Committee, Sub-Committee or Working Group prior to their next meeting.
- 13.8 At each Committee, Sub-Committee or Working Group meeting, the draft minutes of the preceding meeting must be confirmed as an accurate record.
- 13.9 If a Committee member is dissatisfied with the accuracy of the draft minutes, the Committee member must propose alternative wording and with the approval of the Committee, the amendment will be recorded.
- 13.10 Settled minutes of Committee, Sub-Committee and Working Group meetings will be referred to the office of the Chief Executive Officer as soon as practicable after being settled by the Chair.
- 13.11 Unconfirmed minutes of Committee, Sub-Committee and Working Group meetings will be referred to the office of the Chief Executive Officer as soon as practicable after being prepared.
- 13.12 If there is a subsequent amendment to minutes by the Committee, Sub-Committee or Working Group, the Director will notify the office of the Chief Executive Officer, who will provide the amended minutes to Council.
- 13.13 At any time, the Council may request that written records of meetings of any Committee, Sub-Committee or Working Group be referred to Council for such period of time as shall be specified by the Council.
- 13.14 The Law Society will maintain a register of Committee members for each Committee, Sub-Committee and Working Group.
- 13.15 A Committee member must advise the Director of any changes of contact details as soon as practicable.



- 13.16 As soon as practicable, the Director will arrange for the removal from the Law Society's register of the name of any person who:
  - (a) Has resigned;
  - (b) Does not possess, or has ceased to possess, any qualification or prerequisite for appointment to the Committee, Sub-Committee or Working Group;
  - (c) Is disqualified under the Act; or
  - (d) Has died.

## 14. Reports, Submissions and Policy Positions

- 14.1 Committee members accept that any contributions made to the work of a Committee, Sub-Committee or Working Group and the Law Society, including intellectual property, remains with the Law Society for the benefit of the Law Society and its members.
- 14.2 A Law Society Director, with approval of the Chief Executive Officer, may release draft submissions or correspondence prepared by a Committee, Sub-Committee or Working Group to other practitioner bodies for the purpose of preparing a joint submission or to adopt a unified position on a matter for the profession.
- 14.3 Any report, submission, draft policy position or other communication prepared by a Committee, Sub-Committee or Working Group must be approved by the Chief Executive Officer or Council in accordance with the provisions of the Governance Manual.
- 14.4 A Chair who is also a member of the Council cannot dissent from the position taken by the majority of the Committee, Sub-Committee or Working Group of which that person is the Chair when a matter comes before Council.
- 14.5 If a matter is urgent and it is impracticable to obtain the Council's approval in time, the matter may be referred to the Chief Executive Officer who will determine the best course of action to obtain the required approval.
- 14.6 Unless the item is confidential or the Council resolves otherwise, reports, submissions and policy positions approved or adopted by the Council are available to all Society members.
- 14.7 Items may be circulated to Committee members for the opportunity to provide feedback if there is a deadline due before the next Committee meeting. These items will be recorded in the minutes of the next Committee meeting.



14.8 The Law Society will make final decisions on any submissions, reports and policy positions.

## 15. Communication with External Organisations

- 15.1 Where a Committee, Sub-Committee or Working Group wishes to communicate with an external organisation or person, the correspondence must be referred to the Chief Executive Officer for approval.
- 15.2 All formal correspondence must be signed by the President or the Chief Executive Officer and cannot be signed by a Chair or a Committee member.
- 15.3 A public comment on behalf of the Law Society must not be made by a Committee, Sub-Committee or Working Group unless requested to do so by the President or the Chief Executive Officer.

#### 16. Conflict of Interest

- 16.1 In accordance with the Governance Manual, Committee members are required immediately upon appointment to disclose to the Committee, Sub-Committee or Working Group any conflicts or material personal interests which have the potential to lead to a conflict of interest relating to the Law Society.
- 16.2 Committee members are also required to disclose all conflicts or material personal interests in a matter being considered at a Committee, Sub-Committee or Working Group meeting, the nature and extent of any material personal interest, and the relation of any material personal interest to the activities of the Law Society, as soon as the Committee member becomes aware of the interest.
- 16.3 Committee members are not required to disclose a material personal interest that exists only because the member belongs to a class of persons for whose benefit the Law Society is established, or a material personal interest that the member has in common with all, or a substantial proportion of, the members of the Law Society.
- 16.4 A Committee member is also not required to disclose a material personal interest that exists only because the member is an employee of the Law Society.



16.5 The Law Society keeps a record of all disclosed interests, including the nature and extent of the interest and the relation of the interest to the affairs of the Law Society, as part of Committee, Sub-Committee or Working Group meeting minutes or general meeting minutes at which the disclosure is made.

#### 17. Code of Conduct

- 17.1 The Law Society's Code of Conduct establishes the minimum appropriate standards for honest and ethical behaviours.
- 17.2 The purpose of the Code is not to restrict a person's rights, but rather to be certain that they understand what conduct is expected and necessary as a Committee member.
- 17.3 The Law Society recognises that the Code is not a replacement for any act or regulation. If there is a conflict between the Code and the provisions of any Act, the latter provisions prevail.
- 17.4 A Chair of a Committee, Sub-Committee or Working Group will ensure that the Code is brought to the notice of all Committee members. Committee members must observe the Code and behave in accordance with its provisions.
- 17.5 In view of the open and accountable environment within which the Law Society operates, the Code occupies an important role in promoting good governance.

## 18. Confidentiality and Access to Information

- 18.1 All Committee members are expected to observe strict rules of confidentiality with respect to Committee, Sub-Committee or Working Group business.
- 18.2 Access to information by Committee members is in accordance with Commonwealth privacy laws, the Constitution and the relevant Law Society policies as amended from time to time.
- 18.3 Members of the Council may be granted access to information held by the Law Society to facilitate the performance of the Council member's duty and that carries with it, a right to make copies, subject to the relevant Law Society policies as amended from time to time.



- 18.4 Any right of access to information does not entitle Council members to make confidential matters public.
- 18.5 Any request by a Committee member for information should be made in writing to the Chief Executive Officer.
- 18.6 If the Chief Executive Officer determines that any request should be refused, then the relevant Committee member may request that the matter be referred to the Executive for a determination.

## 19. Complaints Procedure

- 19.1 A complaint from a Committee member may be in relation to a Committee, Sub-Committee or Working Group, another Committee member, a Chair, Law Society staff or relating to Committee, Sub-Committee or Working Group dealings with an external stakeholder on behalf of the Law Society.
- 19.2 The complaints escalation pathway is:
  - (a) A Committee member will first raise their complaint with the Chair of the relevant Committee, Sub-Committee or Working Group. If the complaint is not resolved or if it is not practical to raise the complaint with the Chair, the Committee member may raise the complaint to the relevant Director.
  - (b) The Director may refer the matter to the President or Chief Executive Officer for resolution.
  - (c) If a resolution is not reached, the President or Chief Executive Officer may refer the matter to the Council.
- 19.3 Complaints raised under Bylaws 19.1 and 19.2 must be conducted in a manner that maintains a culture of respect and integrity between Committee members, Law Society staff and within the legal profession.
- 19.4 When a complaint is resolved, the Chief Executive Officer or President must report the matter and resolution reached to Council at the next Council meeting.



## 20. Legal Opinions

If a Committee, Sub-Committee or Working Group identifies a matter requiring legal advice, it must be referred to the Chief Executive Officer. The Chief Executive Officer will determine whether legal advice is necessary and, if so, decide on the appropriate course of action.

## 21. Use of Law Society Resources

A Committee, Sub-Committee or Working Group cannot bind the Law Society to expenditure of money or the use of Law Society resources including the use of premises, staff, publications and mail-outs.

#### 22. Committee Evaluation

- 22.1 A Committee evaluation will be conducted every two years or as determined by the Chief Executive Officer. All Committee members (including Chairs) will be invited to provide feedback to ensure Committees, Sub-Committees and Working Groups remain effective in meeting the goals of the Law Society and emerging needs of the legal profession.
- 22.2 The effectiveness of Committees, Sub-Committees and Working Groups will also be monitored by the Law Society assessing compliance with Key Performance Indicators as set out in the Terms of Reference for each Committee, Sub-Committee and Working Group.



## **Appendix A: Committees, Sub-Committees and Working Groups**

Committees, Sub-Committees and Working Groups governed by the Bylaws at 1 September 2025:

- (a) Governance
  - Executive
  - o Finance and Audit
  - Professional Standards Scheme
- (b) Policy
  - o Access to Justice
  - Administrative and Migration Law
  - o Alternative Dispute Resolution
  - Commercial Law
  - Construction and Infrastructure
  - o Costs
  - o Courts
  - o Criminal Law
  - Education
  - Elder Law and Succession
  - Employee Relations
  - o Environment, Town Planning and Local Government
  - Ethics
  - Joint Form for the General Conditions for the Sale of Land
  - Human Rights and Equal Opportunity
  - Indigenous Legal Issues
  - o Insolvency and Restructuring
  - o Personal Injuries and Workers' Compensation
  - Property Law
  - Taxation
  - Technology and Law
- (c) Cohort
  - Country Practitioners
  - o In-House/Government Lawyers
  - Young Lawyers
- (d) Accreditation
  - Accreditation
  - Family Law Accreditation Advisory Sub-Committee
  - Wills and Estate Accreditation Advisory Sub-Committee
- (e) Advisory
  - Brief Editorial
  - Honours Nominating

#### Working Groups:

(a) Anti-Money Laundering and Counter-Terrorism Financing