

LIV Council Elections 2020

NOMINATION FORM FOR COUNCIL



**LAW
INSTITUTE
VICTORIA**

This form must be received at the Law Institute of Victoria
by no later than 5pm Wednesday, 7 October 2020

Please return this form via email:

secretariat@liv.asn.au

Alternatively, return via post:

Returning Officers, Law Institute of Victoria
c/o Xian Volkmer
Level 13, 140 William Street, Melbourne VIC 3000
or GPO Box 263, Melbourne VIC 3001
or DX 350 Melbourne

DETAILS

- Seven (7) vacancies exist for members holding a current PC to be elected to the LIV Council. Of these, six (6) vacancies carry three year terms, and one (1) vacancy carries a one year term. We are also seeking to fill three entrenched category positions, which are:
 - Corporate Legal Practitioner (cl. 1.1(13))
 - Government Lawyer (cl.1.1(22))
 - Law Firms Australia Principal (cl.1.1(25))
- Council members have a unique opportunity to shape and set the LIV's strategic direction and leverage its influence and resources to strengthen the community's understanding of and confidence in the legal profession.
- Candidates must be financial members of the LIV and be proposed and seconded by two members.
- Please sign and date the nomination form and return by email or by post with either or both of the following, if you choose:
 - a passport-type photograph/digital image, and
 - a nomination statement of no more than 150 words (should you choose to supply one) in accordance with cl 47.3.
- Please return the completed nomination form and supplementary material by **5pm Wednesday, 7 October 2020**:
By email: secretariat@liv.asn.au
Or by post:
Returning Officers, Law Institute of Victoria
c/o Xian Volkmer
Level 13, 140 William Street, Melbourne VIC 3000
- Please contact Xian Volkmer, Company Secretary on (03) 9607 9513 or by email at secretariat@liv.asn.au if you have any queries.

CANDIDATE'S DETAILS

Full name of Candidate

Firm or corporate name of practice

Employer (if candidate is an employee)

Street address

Postcode

DX address

Contact Tel

Mobile

E-mail

Residential address if not in practice in Victoria

Year first admitted as an Australian Lawyer

CATEGORY FOR ELECTION (See overleaf for definitions)

- City Suburban Country Corporate Legal Assistance Sector Government Lawyers
 Law Firms Australia Principal New Legal Practitioner

PROPOSER*

Full name

Firm or corporate name of practice

Address of practice

SECONDER*

Full name

Firm or corporate name of practice

Address of practice

*Details of the proposer and seconder (who must also be members of the LIV) are included on ballot materials***NOMINATION STATEMENT** (Optional: 150 words or less – may use separate page. Please type or print clearly.) Candidate acknowledges that:

1. I am not disqualified from being a director.
2. I acknowledge the statutory and fiduciary responsibilities imposed as directors.
3. I am a member of the LIV, eligible under the constitution to nominate for election.
4. Candidates will be requested, prior to appointment as a director of the LIV, to make a declaration relating to Conflict of Interest and any other matter the LIV may see fit from time to time.

*** Once completed please print this form before signing.**

Signature of Candidate

Date

Signature of Proposer

Signature of Seconder

LIV CONSTITUTION EXTRACTS

The Law Institute of Victoria Ltd is incorporated under the *Corporations Act 2001* and is a public company limited by guarantee.

90. DISCLOSURE OF INTEREST

90.1 A Council member who has an interest that, under clause 88.1, prevents the Council member from voting on a matter must disclose the nature of the interest:

- (1) before or at the meeting of the Council at which the question of entering into the contract or arrangement is first taken into consideration, if the interest then exists; or
- (2) in any other case, at the first meeting of the Council after the Council member becomes interested.

90.2 A Council member who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the company must immediately advise the Council and the Chief Executive Officer in writing of the nature of the Council member's interest in accordance with the provisions of the Corporations Act.

90.3 A Council member who holds any office or owns any property which might reasonably give rise, whether directly or indirectly, to duties or interests in conflict with his or her duties or interests as a Council member must immediately advise the Council and the Chief Executive Officer in writing of the fact, nature, character and extent of the conflict in accordance with the provisions of the Corporations Act.

EXTRACTS OF THE CORPORATIONS ACT 2001 (CTH)**EXTRACTS OF THE CORPORATIONS ACT 2001 (CTH) PART 2D.3—
APPOINTMENT, REMUNERATION AND CESSATION OF APPOINTMENT
OF DIRECTORS****201B WHO CAN BE A DIRECTOR**

- (1) Only an individual who is at least 18 may be appointed as a director of a company.
- (2) A person who is disqualified from managing corporations under Part 2D.6 may only be appointed as a director of a company if the appointment is made with permission granted by ASIC under section 206F or leave granted by the Court under section 206G.

206B AUTOMATIC DISQUALIFICATION**Convictions**

- (1) A person becomes disqualified from managing corporations if the person:
 - (a) is convicted on indictment of an offence that:
 - (i) concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the corporation; or
 - (ii) concerns an act that has the capacity to affect significantly the corporation's financial standing; or
 - (b) is convicted of an offence that:
 - (i) is a contravention of this Act and is punishable by imprisonment for a period greater than 12 months; or
 - (ii) involves dishonesty and is punishable by imprisonment for at least 3 months; or
 - (c) is convicted of an offence against the law of a foreign country that is punishable by imprisonment for a period greater than 12 months.

The offences covered by paragraph (a) and subparagraph (b)(ii) include offences against the law of a foreign country.

- (2) The period of disqualification under subsection (1) starts on the day the person is convicted and lasts for:
 - (a) if the person does not serve a term of imprisonment—5 years after the day on which they are convicted; or
 - (b) if the person serves a term of imprisonment—5 years after the day on which they are released from prison.

BANKRUPTCY, DEED OF ARRANGEMENT OR COMPOSITION WITH CREDITORS

- (3) A person is disqualified from managing corporations if the person is an undischarged bankrupt under the law of Australia, its external territories or another country.
- (4) A person is disqualified from managing corporations if:
 - (a) the person has executed a personal insolvency agreement under:
 - (i) Part X of the Bankruptcy Act 1966; or
 - (ii) a similar law of an external Territory or a foreign country; and
 - (b) the terms of the agreement have not been fully complied with.
- (5) A person is disqualified from managing corporations at a particular time if the person is, at that time, disqualified from managing Aboriginal and Torres Strait Islander corporations under Part 6.5 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

FOREIGN COURT ORDERS

- (6) A person is disqualified from managing corporations if the person is disqualified, under an order made by a court of a foreign jurisdiction that is in force, from:
 - (a) being a director of a foreign company; or
 - (b) being concerned in the management of a foreign company.

CONSTITUTIONAL DEFINITIONS AND INTERPRETATIONS

- (8) "City Legal Practitioner" means an Australian Legal Practitioner whose Principal Place of Practice is situated within the City Area;
- (13) "Corporate Legal Practitioner" means an Australian Legal Practitioner who engages in legal practice only in the capacity of an in-house lawyer for his or her employer or a related entity, but does not include a government legal practitioner;
- (17) "Country Legal Practitioner" means an Australian Legal Practitioner whose Principal Place of Practice is situated within the Country Areas of Victoria;
- (22) "Government Lawyer" means a person who engages in legal practice only as an officer or employee of a government authority or as the holder of a statutory office of the Commonwealth or of a jurisdiction; or in another category specified in the Legal Profession Uniform General Rules 2015;
- (25) "Law Firms Australia Principal" means an Australian Legal Practitioner who is a partner of or a legal practitioner director employed by a law practice that is a member of Law Firms Australia Limited (ACN 123 865 707) and whose principal place of practice is within Victoria.
- (26) "Legal Assistance Sector Practitioner" means an Australian Legal Practitioner whose principal practice is as an employee of:
 - a) Victoria Legal Aid; or
 - b) a community legal centre; or
 - c) a not-for-profit organisation that provides, arranges, or facilitates the provision of legal services to persons or organisations that:
 - (i) lack the financial means to obtain privately funded legal services;
 or
 - (ii) have a special need arising from their location or the nature of the legal work undertaken; or
 - (iii) have a significant physical or social disability.
- (28) "New Legal Practitioner" means an Australian Legal Practitioner who has not less than one and no more than five years post-admission experience in the legal profession as at the date of nomination of that person as a candidate for election as set out in clause 47.4"
- (35) "Suburban Legal Practitioner" means an Australian Legal Practitioner whose Principal Place of Practice is situated within the Suburban Area.